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Broadcasting Aug 10

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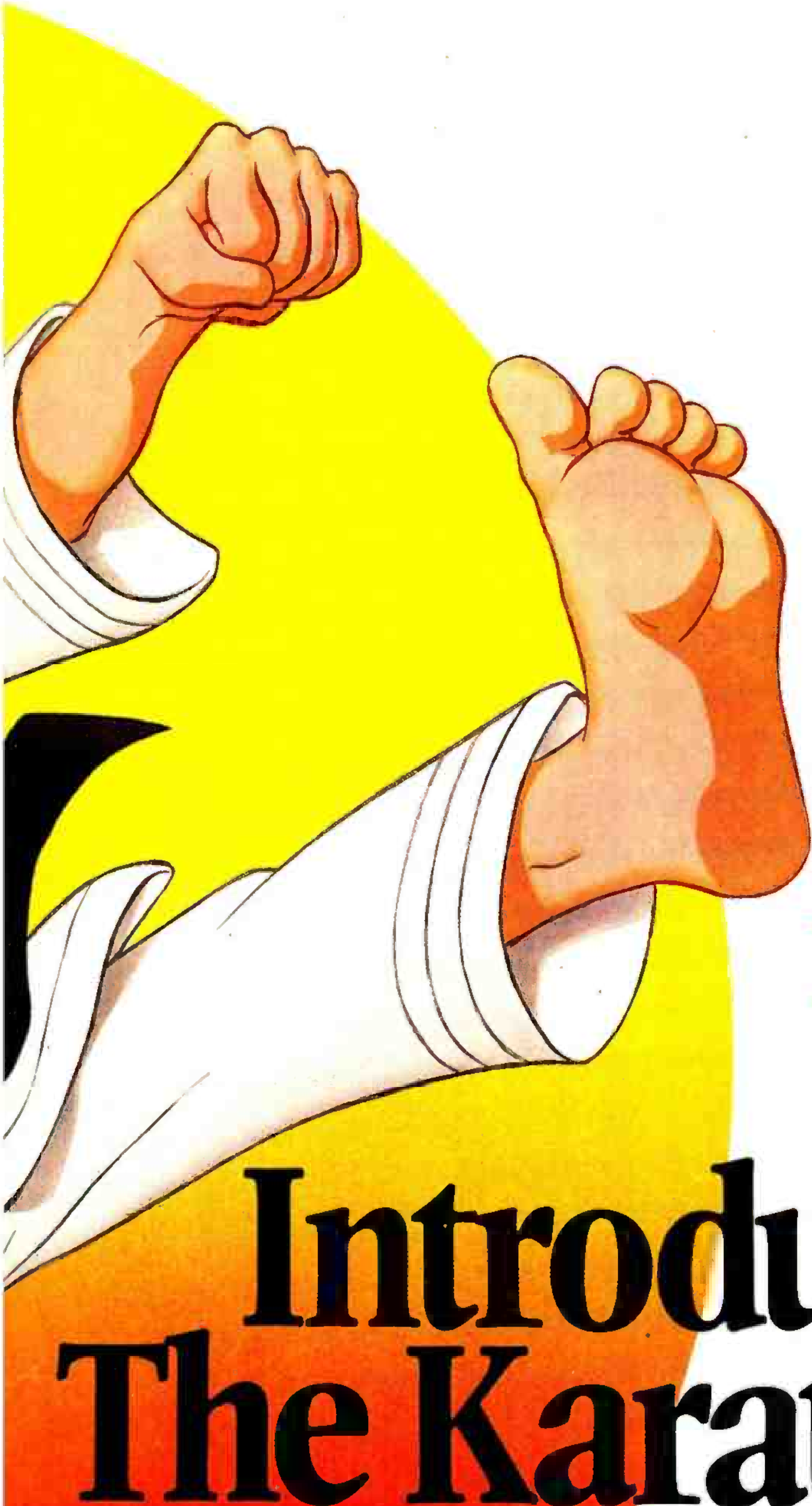

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FROM NBC RADIO

Vol. 113 No. 6

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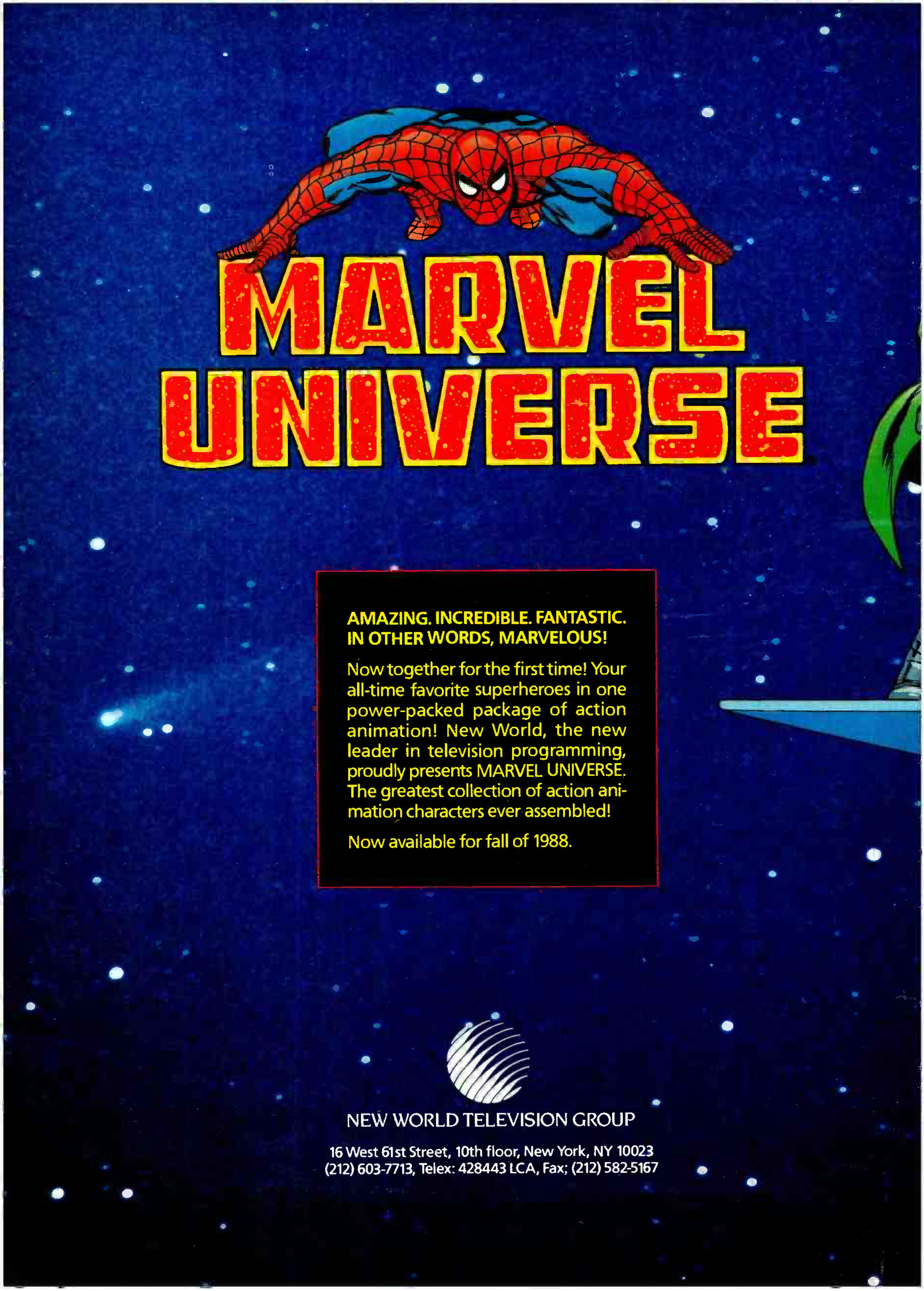
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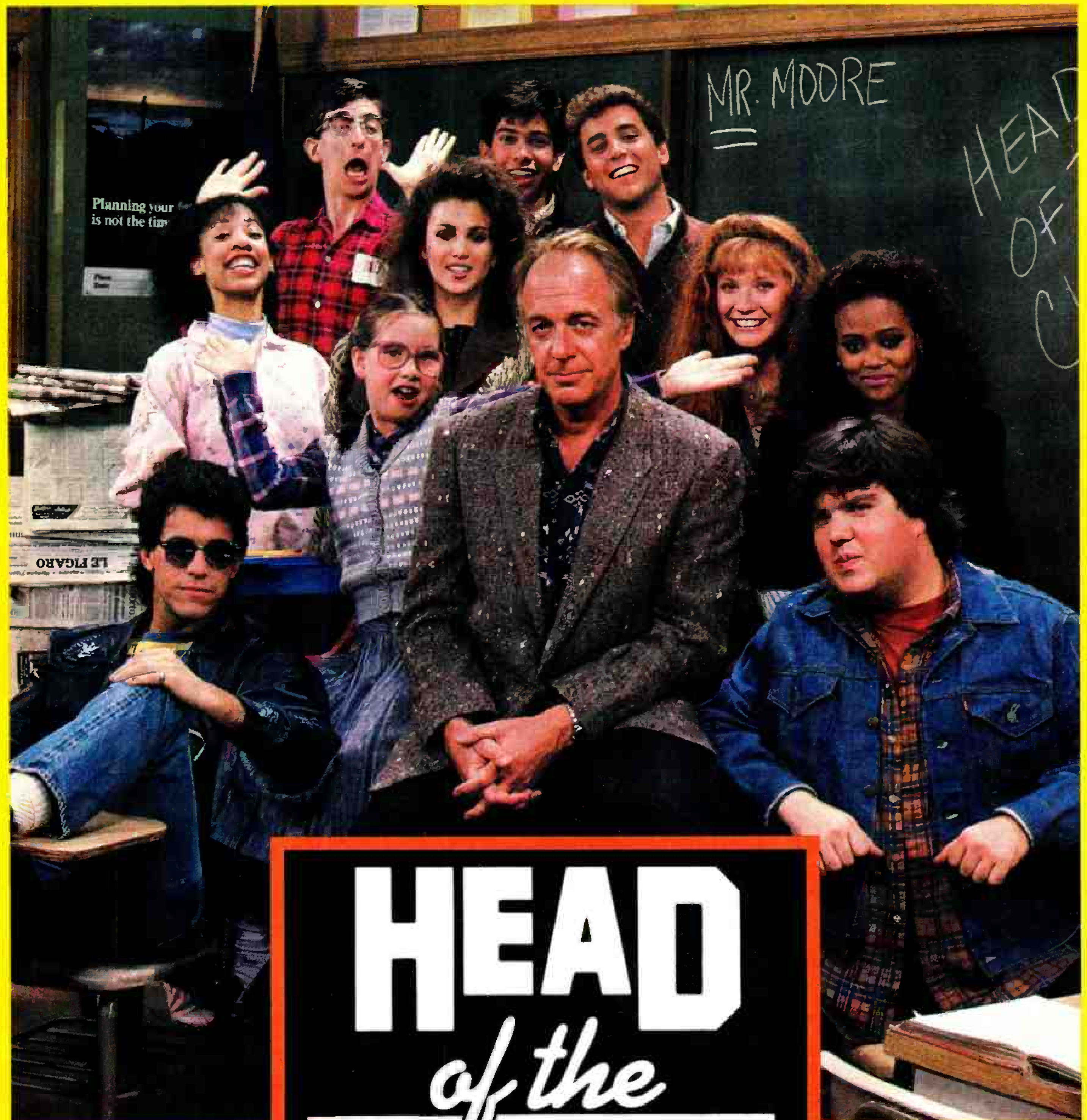
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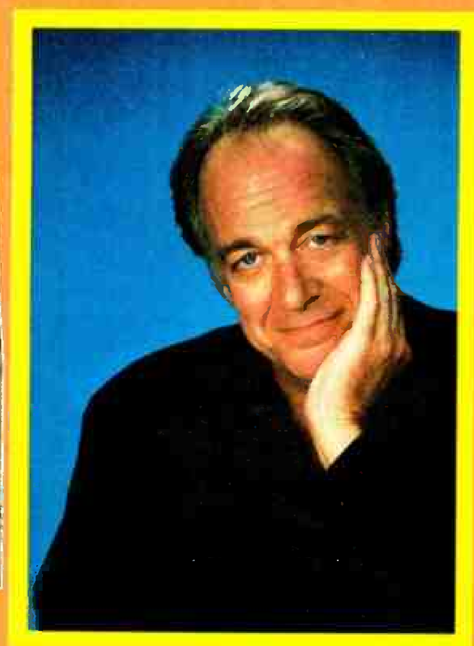

Closed Circuit

Unmended fences

Following historic Meredith decision last week, FCC Chairman Dennis Patrick, whose leadership on fairness doctrine issue has gotten him in deep and hot water with Congress, sought to stem part of tide with personal visits to Senator Fritz Hollings and Representatives John Dingell and Ed Markey. Overtures were rebuffed, no meetings were held.

Inside track

Making cut for final round of bidding on Forward Communications TV stations (BROADCASTING, July 27) are said to be Meredith Corp., Adams Communications, Beam Communications and Outlet Communications. Last company could have edge. According to latest SEC filing, 35% of Outlet stock was owned by executives of Wesray Capital Corp., which also owns seller, Forward.

Back to earth

Apparently attractive alternative to broadcasters' satellite interconnection systems—digital broadcast networks using dedicated fiber optics landlines—is being actively explored by Bell Communications Research. Bellcore is examining feasibility of interconnecting networks and affiliates with fiber links, standardizing digital transmission rate to that used by ABC-TV in experimental fiber system tying New York and Washington. Eight-city trial of technology is reportedly in planning by Bellcore, with possible participation of ABC and Fox Broadcasting. Details are to be announced at Los Angeles conference on subject next month.

What if...

Question asked by some is not whether CBS will sell CBS/Records, but rather what would company want with additional cash? To accomplish stated goal of buying more TV, CBS could comfortably take current $1.5 billion in cash/liquid assets—including $475 million post-tax proceeds from pending CBS magazines sale—and purchase stations up to limit of FCC's 25% TV household coverage. Currently with 19.5% coverage, CBS could hypothetically add, for instance, A.H. Belo's three largest stations, in Dallas, Houston and Sacramento—two of which are CBS affiliates—at price estimated by one security analyst at roughly $950 million. Such theoretical purchase would bring CBS almost to coverage limit.

With at least several hundred million dollars left over after purchase, how much would be added by CBS/Records sale? No security analyst wants to put name on estimate of post-tax proceeds, but assuming $1.6 billion price, 34% corporate rate on gain plus "recapture" tax might let CBS keep $1.1 billion. Following through with hypothetical scenario, CBS could, after station purchase and records sale, pay off existing billion-dollar long-term debt and still have $500 million. If company neither buys stations nor pays off debt, it would have about $2.6 billion cash, or $110 per share, raising many other interesting possibilities. More specifics on company's exact financial position should be known this week, when it is expected to file second-quarter statement with Securities and Exchange Commission.

Talking shop

Home shopping phenomenon is coming to radio, due to deal between Public Interest Affiliates (PIA), Chicago-based radio program supplier, and Hanover Companies, subsidiary of Horn & Hardart, publicly held direct marketing firm. Program, which will be offered as overnight service, will include talk elements, such as celebrity interviews.

Kelly girl

Sarah Purcell, former co-host of Paramount's *America*, much-vaunted one-hour talk show that failed to make it in syndication in 1985, is set to reappear in weekly one-hour talk show to be sold for fall 1988 by Kelly Entertainment, syndication division of Kelly Broadcasting, owner of two TV stations. Purcell's show will be first for recently formed Kelly Entertainment.

Out of bounds

As of last week Viacom had yet to offer *Cosby* show in any markets where company itself owns stations. Those still waiting for chance to bid on show include stations in St. Louis (18th largest market); Hartford-New Haven, Conn. (24), and Albany, N.Y. (51). Reason for delay is lawsuit filed by *Cosby* producer, Carsey-Warner (see "In Brief," March 16), claiming that producer's split of syndication money may become hostage to banks holding heavily leveraged Viacom debt resulting from recent merger. Sale of *Cosby* to owned station, Viacom management feels, would provide legal ammunition, justified or not, for plaintiff to claim Viacom was "self dealing" and not getting best price. On other hand, opening those markets for bids without permitting own stations to compete might put them at competitive disadvantage.

Whole issue could be mooted if, as one Viacom executive suggested, new company management is more conciliatory than old and disposed to resolve case. Attorney for Carsey-Warner declined to say whether out-of-court discussions were taking place.

Bird songs

Satellite Music Network (SMN), Dallas-based network radio company offering 24-hour, satellite-delivered format services, is said to be close to launching "new age" format. Sources said project would likely involve co-venture with new age/jazz KTWV(FM) Los Angeles. Reports have circulated that station is considering national distribution of format. SMN presently distributes seven full-time formats to approximately 700 stations.

Late arrivals

FCC is still receiving minority ownership questionnaires (see Minority preference, "Where Things Stand")—several hundred in past week—although due date for returning forms was July 31. Commission source said forms will continue to be processed, although latecomers—technically all those filing after due date—still face possibility of penalty for tardiness.

Early bird

News of fairness doctrine's demise was of particular interest to one former White House staffer. Over 15 years ago, Clay (Tom) Whitehead, then director of Nixon administration's Office of Telecommunications Policy, recommended abolition of doctrine. (Whitehead is now president of National Exchange, business communications network.) His suggestion "brought down the wrath" of many in White House. Whitehead would not identify his critics, but said they were "angry" because it was their perception fairness could be used as "club" to get better media coverage. Only person favoring his proposal was then President Richard Nixon.

Where Things Stand

A weekly status report on major issues in the Fifth Estate

AM-FM allocations. National Association of Broadcasters filed comments two weeks ago supporting FCC's proposal to allow most daytimers (1,600 of between 1,800 and 1,900) to provide nighttime service at full power. However, NAB said FCC should authorize new nighttime service on interim basis until it completes comprehensive review of AM interference standards in separate proceeding launched last month. Others said FCC should defer any action until review is completed and new interference standards are adopted. Reply comments are due Aug. 10. FCC hopes to have final order by fall.

Commission has extended comment and reply comment deadlines to Aug. 31 and Sept. 15, respectively, on its notice of inquiry on proposed rules change to authorize FM directional antenna systems, which would allow for reducing distance separations between FM's. In commission's announcement of that extension, however, it tried to narrow focus of proceeding, saying that it would be "premature to consider extension of the use of directional antennas to the channel allotment process," and defining "immediate" scope of inquiry as providing existing licensees with "greater flexibility in the selection of transmitter sites, some of which may be short-spaced."

FCC has processed 29 of about 80 windows for new FM allocations created by docket 80-90 proceeding. Commission's goal is to have processed 40 windows by year's end. Commission has also received about 800 petitions for new allotments and facility upgrades.

□

AM stereo. Following five-month inquiry, National Telecommunications and Information Administration concluded last February that AM stereo marketplace has "stagnated" and that multisystem radios are only way to get marketplace moving and insure AM stereo's future. Multisystem radios receive signals generated by two incompatible systems battling to be de facto standard—Motorola's C-Quam and Kahn Communications' single-sideband. To confirm its faith in technology, NTIA's laboratories in Boulder, Colo., tested multisystem radios and integrated circuits. NTIA final report is due this week.

Motorola has wide support among broadcasters and receiver manufacturers. About 500 AM stations broadcast in stereo with Motorola's system as compared to fewer than 100 with Kahn's. But Kahn Communications, backed by several major group broadcasters, has proved tenacious. Since no one is making radio to receive Kahn signal only, Kahn is counting on proliferation of multisystem radios.

□

Antitrafficking. Congressional interest in reinstating FCC's antitrafficking rule is building. Legislation is pending in House and Senate that would restore rules requiring broadcast stations to be owned three years before sale. Although Hill action on any broadcast legislation has been put on hold until fate of fairness doctrine is settled (see "Fairness doctrine," below), signs indicate antitrafficking could move on its own (BROADCASTING, June 29). There has been some speculation that trafficking provision could be attached to FCC authorization that Congress is expected to move before end of year. House measure (H.R. 1187), offered by Representative Al Swift (D-Wash.), was focus of Telecommunications Subcommittee hearing last month. In Senate, broadcast renewal bill (S. 1277) contains provision that would reimpose rule (see "License renewal," below). Issue was raised during Senate hearings on bill July 17 and 20, where there was strong indication broadcasters are divided. NAB said it opposed reimposition of rule as stand-alone legislation, but takes no position on matter when it is part of "otherwise acceptable license renewal reform bill." Other witnesses from broadcast industry also refrained from taking stand on trafficking, another sign industry can't reach consensus.

□

Cable regulation. FCC's implementation of Cable Communications Policy Act of 1984, and particularly its deregulation of basic cable rates effective Dec. 19, 1986, received report card from panel of the U.S. Court of Appeals in Washington several weeks ago. Panel upheld FCC standard for "effective competition"—where three off-air broadcast signals were available in cable community—calling it "for the most part neither arbitrary, capricious nor otherwise contrary to law." Court also agreed to FCC's determination of when it would intervene in disputes under Cable Act's franchise fee provision, which was when those disputes "directly impinge" on national policy involving cable and implicate the agency's expertise. Among the commission rules overturned: FCC's redefinition of basic cable service; automatic pass-through of certain identifiable costs of providing basic service, and FCC's signal availability standard.

On Capitol Hill, the House Telecommunications Subcommittee plans to convene oversight hearings in fall on status of cable industry three years after deregulation.

□

Children's television. On Capitol Hill, Senator Frank Lautenberg (D-N.J.) introduced children's programing bill that would require each commercial television network to air seven hours per week of educational programing designed for children, and would require FCC to hold inquiries into "program-length commercials" and programs featuring interactive toys. Also, House Telecommunications Subcommittee will hold hearing this fall on children's TV.

U.S. Court of Appeals in Washington has remanded FCC action eliminating commercial guidelines for children's programing on grounds commission had failed to justify its deregulatory action. Commission had maintained marketplace regulation would be sufficient to serve public interest; court said commission had offered neither facts nor analysis to support that position.

Association of Independent Television Stations, concerned about what it says is decline in TV viewing by children, has authorized lifestyles study by M/E Marketing and Research, Boston, to find out where younger viewers have gone, and, by extension, how to get them back. Results will be announced at INTV convention in Los Angeles in January.

University of California, Santa Barbara, study released in July, asserted that commission's argument that marketplace would take care of commercialism in children's programing was faulty (see story, page 66).

□

Compulsory license. FCC received comments last week in inquiry into whether compulsory license should be preserved. Cable operators argued for preservation, while most broadcasters and program producers argued against it. Inquiry could form basis for legislative recommendation to Congress. Replies are due Sept. 21.

Meanwhile, cable and motion picture industries have discussed possibilities for reaching accommodation on compulsory copyright license. But new wrinkle has developed due to efforts on part of Association of Independent Television Stations to use those discussions as forum to reopen debate on must carry (BROADCASTING, June 29, July 20). National Cable Television Association is said to be staunchly resistant to effort and views INTV's initiative as violation of must-carry agreement that broadcast (INTV is signatory) and cable industries reached last year. If discussions are fruitful, talks could lead to legislation overhauling license. Reform would likely include simplified "flat-fee" formula (so much per subscriber per distant signal) for calculating license fees, replacing existing complicated formula (varying percentages of gross basic revenues per signal). Some cable operators have also indicated willingness to give up license under certain conditions after transitional period of five or 10 years, but all feel it's important to preserve license for carriage of local signals and for distant signals by cable systems in "underserved markets."

□

Crossownership. FCC has opened inquiry into telco-cable crossownership that could lead to recommendation that Congress drop Cable Act's prohibition (BROADCASTING, July 20).

On telco-cable front, as part of first triennial reassessment of modified final judgment that resulted in breakup of AT&T, District Court Judge Harold Greene is considering whether to lift prohibitions against Bell operating companies' providing "information services," which include everything from electronic mail to videotex to cable television.

Even if Greene decides to lift prohibitions, the BOC's still wouldn't be free to provide cable ser-

There's only one "Boss" in New York...

vice wherever they wanted. The Cable Communications Act of 1984 codified FCC rules banning all local telcos, except those serving strictly defined "rural areas," from operating cable systems within their service areas.

□

Direct broadcast satellites. High-power DBS, which would use Ku-band spectrum set aside for it, has foundered because of high start-up costs and programing dearth, but low-power C-band variety resulting from scrambling of cable programing on C-band satellites has emerged from home satellite market.

Latter got started in January 1986, when Home Box Office scrambled feeds of HBO and Cinemax and began selling subscriptions to owners of backyard earth stations (TVRO's), which now number more than 1.7 million. Number of TVRO homes subscribing to cable programing has grown as more cable programers have scrambled feeds and begun selling subscriptions directly or as packages through other programers or cable operators.

HBO now wants other major cable programers to join it in stepping up from C-band to medium-power Ku-band satellites that can beam signals to much smaller dishes.

□

Equal employment opportunity. FCC has amended its broadcast equal employment opportunity rules and reporting requirements. Stations with four or more employes are covered under rules and part-time and full-time employes must be reported separately. Every station's EEO program will be subject to review at renewal time regardless of employment profile, but FCC said review will focus more on EEO efforts than numbers (BROADCASTING, April 27).

For cable, FCC has adopted rules implementing EEO aspects of Cable Communications Policy Act of 1984 (BROADCASTING, Sept. 23, 1985).

□

Fairness doctrine. On Aug. 4, FCC, unanimously declared fairness doctrine "unconstitutional," vacating 1984 order determining that Meredith Corp.'s WTVH(TV) Syracuse, N.Y., had violated doctrine.

FCC said it will no longer enforce 46-year-old doctrine (see "Top of the Week"). Action, however, created uproar in Congress, which most observers predict will retaliate (BROADCASTING, Aug. 3). Senate Commerce Committee Chairman Ernest Hollings (D-S.C.) and House Energy and Commerce Committee Chairman John Dingell (D-Mich.) have vowed to codify doctrine and are expected to attach fairness bill to first "veto proof" measure Congress considers when it returns in September from August recess. President Reagan vetoed bill codifying fairness doctrine last June, and doctrine proponents lacked votes to override.

Same day it tossed out fairness doctrine, FCC adopted report containing several "less objectionable" variations of doctrine including applying doctrine to television only or to small markets only, imposing an experimental moratorium on enforcement of doctrine or eliminating such aspect of the doctrine as Cullman doctrine or personal attack rule. Congress ordered the report in October 1986.

□

Federal Trade Commission. FTC has begun antitrust investigation of National Football League television rights contracts, issuing subpoenas to ABC, CBS, NBC, Fox Broadcasting and NFL. Under investigation is possible network collusion in pressuring NFL to retain basic TV rights structure in recently negotiated three-year, $1.4-billion package or otherwise blocking FBC, HBO and other cable entities from gaining television rights. As part of NFL deal, some games will be shown for first time on cable by ESPN, cable channel 80% owned by ABC. FY 1988-90 authorization of FTC cleared Senate in March (BROADCASTING, March 16). House Commerce Committee adopted its own version of FTC authorization on July 14. Both bills authorize FTC at $69.85 million for FY '88, $71.9 million in 1989 and $72.9 million in 1990. Senate version calls for permanent prohibition against FTC regulating ad industry based on "unfairness" standard, controversial provision that is not included in House bill.

□

High-definition television. On July 16, FCC launched inquiry into what it has dubbed advanced television (ATV) systems and their impact on current television services, and ordered formation of ATV industry-government advisory committee (BROADCASTING, July 20). Standards body, Advanced Television Systems Committee, at July 28 meeting, planned tests, to begin before end of year, for possible ghosting and fading problems while transmitting high-resolution, wide-screen signal on terrestrial TV bands. Major testing effort will begin in early 1988.

National Association of Broadcasters has announced it will finance two-year HDTV project (costs are estimated at $700,000) to help determine feasibility of HDTV broadcasting compatible with today's standard NTSC (525 scanning line) television receivers. Most advanced HDTV system, Japan's Hi-Vision (with 1,125 scanning lines), although not compatible with NTSC, is already gaining experimental use for high-end video production, while bandwidth-reduced TV receivers and other home video gear are expected to reach market in time for launching of Japan's HDTV direct-broadcasting satellite system in 1990.

□

International Telecommunications Satellite Organization. In dramatic end to investigation by U.S. attorney for District of Columbia, former Intelsat director general, Richard Colino, and business associates pleaded guilty in U.S. district court last month to criminal fraud and conspiracy charges growing out of $4.8 million said to have been siphoned from Intelsat during construction of its headquarters building. Colino, along with Deputy Director General Jose L. Alegrett, was fired by board in December after outside lawyers and auditors submitted report indicating their possible involvement in financial irregularities. Intelsat in May filed civil suit against Colino, claiming his activities resulted in damage to organization of up to $11.5 million (BROADCASTING, May 25). His attorneys filed response contending that court lacks jurisdiction over suit.

Intelsat's members, meeting in Extraordinary Assembly of Parties April 1-3, confirmed Board of Governors selection of Dean Burch as director general, succeeding Colino.

□

Land-mobile. National Association of Broadcasters and Association of Maximum Service Telecasters are optimistic that FCC, in response to their petition, will delay decision on reallocation of UHF channels to land-mobile radio service until completion of its study on advanced television systems and local broadcasting (see "High-definition television). Broadcasters believe UHF spectrum that would be lost in reallocation may be important to their being able to implement ATV systems.

□

License renewal reform. Bills to reform comparative renewal process are pending in House and Senate, but fate of proposed measures is unclear. Hearings were held July 17 and July 20, by Senate Communications Subcommittee on license renewal reform (BROADCASTING, July 20), where FCC Chairman Dennis Patrick and Commissioner James Quello stated reservations about bill's renewal standard. National Association of Broadcasters stated strong opposition to measure while public interest, minority and women's groups backed certain aspects of measure. However, Hill leadership has indicated that no broadcast legislation (at least any measure the industry wants) will move until outcome of fairness doctrine is determined. Most of broadcast industry's attention has been focused on draft of bill in House, where Representative Al Swift (D-Wash.) has been working with NAB and public interest groups to devise compromise package that would eliminate comparative renewal in exchange for public service obligations. Draft of bill, however, was rejected by NAB board last month and association says it wants to renegotiate (BROADCASTING, June 29). Swift has since said he will introduce bill with or without broadcaster support (BROADCASTING, July 13). Swift has been trying to iron out differences

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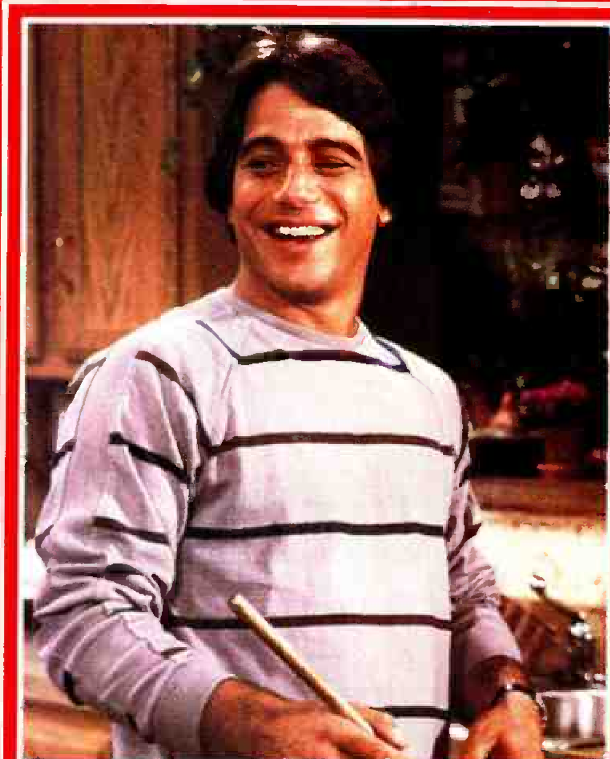
MCA Broadcasting



with Representative Tom Tauke (R-Iowa), author of H.R. 1140, broadcast bill that NAB is backing. Last week Swift indicated he and Tauke were close to final decision on whether they would go forward together.

In Senate, S. 1277 would set up two-step process, but there are number of other provisions broadcasters find objectionable.

□

Low-power television. Next lottery to determine "tentative winners" among LPTV applicants was scheduled for July 31 in Washington.

FCC's freeze on low-power applications and major changes—in effect since 1983—thawed, with new window opened June 22-July 2. Estimated 1,200 applications were received, far fewer than FCC officials had expected, giving hope applications will be processed well before year's end. Keith Larson, chief of FCC's LPTV branch, would go no further than to say "preprocessing"—placement of applications on public notice and input of their data into computers—would be completed in few weeks.

Important new buyer may soon emerge in syndicated programing marketplace. Community Broadcasters Association, which represents budding LPTV industry, is considering forming cooperative to buy and distribute syndicated programing for 160 or so LPTV stations that are now originating programing. CBA is awaiting go-ahead from antitrust lawyers before proceeding further with plans.

□

Mergers. Cablevision Systems has proposed to purchase Adams-Russell for roughly $301 million cash and assumption of $174 million in liabilities. By time purchase is expected to close, sometime before Jan. 15, Adams-Russell will have roughly 230,000 subscribers. □ SCI Holdings has retained three investment banking firms to explore sale of Storer cable systems, serving 1.4 million basic subscribers. No offering documents are expected for at least four weeks. □ Taft Broadcasting Co.'s $157 per share buyout by joint venture composed of leading shareholders was approved by Taft board June 5 and will be voted on at special meeting of shareholders scheduled for Sept. 29 in Cincinnati. Buyout filing with FCC is subject of two protests seeking to block transfer. □ At least three applications have been filed seeking review of Spanish International Communications Corp. sale of five television stations to joint venture of Hallmark Cards and First Chicago Investment Corp. for $301.5 million. Sale had previously been approved by commission. □ Still pending before commission is proposed $320-million settlement of KHJ(TV) Los Angeles license challenge, in which Walt Disney Co. would end up owning station. □ Almost complete is initial review before FCC's television transfer branch of proposed $270-million sale of WTVJ(TV) Miami by Wometco Broadcasting to joint venture of NBC and General Electric Property Management. □ Mass Media Bureau is expected to rule soon on sale to Gillett Holdings for approximately $650 million of 50.1% holding in six TV stations currently owned and run by SCI Holdings. Sale is contingent on commission's approving long-form application to transfer five other Gillett Group stations to trust whose beneficiaries are children of George Gillett. No petitions to deny latter sale have been filed.

□

Minority preference. FCC deadline for returning minority ownership questionnaires was July 31. At last count—some two weeks ago—about 70% of broadcasters had returned questionnaires, according to commission, with "steady" stream of responses since then.

OMB had ruled that broadcast licensees need not return special FCC questionnaire targeted to generate data for its pending reexamination of constitutionality and advisability of preferences for minorities and women (BROADCASTING, April 13), but FCC overruled veto and held that participation is mandatory. (FCC rules require that broadcasters respond to written requests for statement of fact from commission.) Although no decision has been made, FCC source says commission plans to take some enforcement action against those who do not comply. FCC received comments on proceeding in June (BROADCASTING, June 8). Reply comment deadline has been extended to Aug. 20.

In Congress, interest in legislative action on minority issues appears to be gaining ground. Legislation is pending in Senate that would codify FCC's women and minority preferences and tax certificate and distress sale policies. In House, draft of broadcast bill includes same provisions. Telecommunications Subcommittee Chairman Ed Markey (D-Mass.) plans to hold hearings on subject and is commited to action on matter either as part of omnibus broadcast bill or as separate legislation (BROADCASTING, July 27).

□

Multiple ownership. FCC received comments on proposals to relax its duopoly rules for radio and to loosen strictures of its one-to-a-market rule for broadcast ownership (BROADCASTING, June 22). Reply comments in proceeding (Docket 87-7) were due July 15. Comments were due July 31, and reply comments Aug. 31, in FCC proceeding re-examining cross-interest policy (Docket 87-154), dealing with elimination of prohibitions on "key" employes holding "nonattributable" ownership interests in competing stations (see page 58).

□

Must carry. Group of cable operators, including United Cable and Daniels & Associates, have asked U.S. court of appeals in Washington to find FCC's new must-carry rules unconstitutional—violation of cable operators' First Amendment rights—just as it did old rules in summer of 1985. New rules, which are less onerous for operators than were old rules, are product of compromise between cable and broadcasting industries. Not appealing rules was Turner Broadcasting System, whose First Amendment suit was one of two that led to court outlawing old must-carry rules two years ago. In light of limited scope and duration of new rules—they're set to expire after five years—TBS said it was "unnecessary" to pursue further judicial challenge.

In House, Representative Edward Markey (D-Mass.) has introduced bill to repeal five-year sunset provision of rules that set guidelines for cable carriage of broadcast stations. But measure is on hold, and won't move until Congress deals with fairness doctrine.

□

People meters. NBC became first network to announce it would sign three-year contract with A.C. Nielsen for people meter service. Both ABC and CBS have formally indicated to Nielsen their intention not to renew three-year contracts with ratings service this September, when A.C. Nielsen and AGB Television Research Co. are scheduled to launch people meter TV viewing measurement services. First on-line people meter—launched in late April in Denver—was Arbitron and SAMI-Burke's ScanAmerica. Arbitron announced several weeks ago it was postponing national launch of service, previously scheduled for September of 1988, and is buying out SAMI-Burke, Time Inc. subsidiary. Another local service is being launched in New York in September by Seattle-based R.D. Percy & Co., which will monitor both program and commercial ratings.

Nielsen has not signed any broadcast clients exclusively for its people meter service. CBS and NBC claim service's sample base is unreliable and have requested conventional (NTI) ratings service for another season. Nielsen vice president, John Dimling, has confirmed that Nielsen has not ruled out retaining current NTI audimeter household panel next season (at least through fourth quarter) to cross check people meter ratings.

ABC wants Nielsen to proceed with people meter, but has asked for sampling performance guarantees. Nielsen has agreed and is negotiating money it will pay networks if it falls short of guarantees.

As of July 1, 1987, according to Nielsen, people meters had been installed in 2,000 households, with 4,000 anticipated by September 1988. ■ ScanAmerica has signed one station in Denver market so far: KDVR-TV. All advertising agencies that buy in Denver on Arbitron are being supplied ScanAmerica numbers. ■ Percy now has about 400 homes installed in New York (out of 1,200) and has signed three stations

There's only one "Boss" in Los Angeles...

there: WCBS-TV, WNBC-TV and WNYW-TV.

□

Public broadcasting. American Public Radio President Al Hulsen will leave his post in September to return to Hawaii, where he will "pursue a variety of personal, family and professional activities" (BROADCASTING, July 20). House subcommittee marked up Corporation for Public Broadcasting's FY 1990 appropriation on July 14, sending bill to full committee, but would not release figure it adopted. CPB had been asking for $254 million. Donald Ledwig was unanimously elected permanent president of CPB after serving as acting president for seven months (BROADCASTING, July 6). Size of CPB board increased to eight with addition of three new members—Archie Purvis, Marshall Turner and Sheila Tate—and return of former chairman, William Lee Hanley (BROADCASTING, June 29). At his request, nomination of former board member Harry O'Connor for second term was withdrawn. Confirmation of Charles Lichenstein for one of two remaining openings has been controversial: Lichenstein has been faulted by noncommercial system for reputedly believing that funding to CPB should be cut, but Senate source expects nomination to go through ("Closed Circuit," June 29).

□

Scrambling. Congressional debate over home satellite marketplace is heating up. Bills are pending in House and Senate that would regulate home satellite marketplace. Senate Communications Subcommittee took up issue at hearing two weeks ago (BROADCASTING, Aug. 3) at which Subcommittee Chairman Ernest Hollings (D-S.C.) joined other subcommittee members in sponsoring legislation that would require cable programers to allow qualified third parties to distribute programing to 1.7 million owners of backyard earth stations. Following hearing, Commerce's ranking Republican John Danforth of Missouri, announced he too would back bill.

There has also been realignment of industry groups interested in TVRO legislation, with Motion Picture Association of America expressing its support for Senate dish bill, S.889 (BROADCASTING, July 27, Aug. 3). House Telecommunications Subcommittee hearing on scrambling last month (BROADCASTING, July 6) also indicated that congressional concern over home satellite marketplace is building. Many members of House subcommittee expressed skepticism over conclusions by FCC, NTIA and Justice Department that TVRO marketplace is competitive, particularly when dish industry continues to complain about access to programing and pricing.

□

Space WARC. U.S. expressed qualified optimism in September 1985, following first session of two-session conference to develop plan for use of space services. However, controversy between developed and developing countries in first session prevented delegates from completing work in orderly way, with result that countries are concerned about planning for second session, in 1988.

□

Syndex. In comments to FCC last month, cable operators expressed opposition, while broadcasters and program producers expressed support for FCC's proposal to reimpose rules requiring cable systems to black out syndicated programing on distant signals if it appears on local stations.

The cable industry argued that FCC lacks jurisdiction to reimpose syndex, that absence of rules has not harmed broadcasting and motion picture industries and that rules would violate cable operators' First Amendment rights.

Most broadcasters and program producers contended that the rules are needed to protect sanctity of their "exclusive" programing contracts. And, contrary to what cable industry says, they have been harmed economically by cable importation of distant signals with programs that duplicate those of local stations. Reply comments are due Sept. 8.

□

TV stereo. Maintaining lead in transmission of stereo programing is NBC-TV, which will broadcast majority of its new prime time schedule in stereo. Five of network's fall additions to prime time lineup will be in stereo, bringing totals to 22 programs representing 16½ hours. With hours from late-night shows, NBC will broadcast 29½ hours in stereo weekly. Nearest competitor is PBS, which carries 35 to 45 hours in stereo per month. By end of 1987, NBC projects that 152 affiliates will have stereo capability, representing 92% coverage of U.S.

Stereo sound television receivers sold to dealers for year to date, as of July 24, total 1,760,628, up 25.5% from 1,402,420 sold in same period in 1986. Seven percent of U.S. TV households have multichannel sound TV's, although vast majority of homes are within reach of broadcast stereo station. Receiver penetration is expected to increase, with 37% of all TV sets and 22% of all VCR's sold to dealers and distributors this year featuring stereo, according to Electronic Industries Association. In 1988, stereo TV's will represent 43% of color sets sold, and 24% of VCR's will have stereo, EIA projects. Some 400 stations will be broadcasting TV stereo by year's end.

□

Unions. Negotiators for 2,800 technicians and others now in seventh week of strike against NBC last week confirmed decision not to bring network contract offer before union membership for vote. Decision by leadership of National Association of Broadcast Employes and Technicians (NABET) followed vote by union members in Burbank and Chicago to bring NBC offer before full membership, presumably to voice clearly rejection of pact. Last set of talks between NABET and NBC broke off on July 23 with both sides still far apart. No new talks are scheduled. Dispute centers on network's proposed increase in use of temporary employes and term of new contract.

Directors Guild of America members have overwhelmingly approved new freelance contract by vote of 2,005 to 65, representing 97% approval margin. Results of mail-in ratification vote were released two weeks ago. Meanwhile, DGA is scheduled to resume staff talks with ABC and CBS within next two weeks.

Five-week strike by Screen Actors Guild against Disney, Marvel, Filmation and DIC animation studios has been settled. New three-year pact gives voice-over actors 10% pay raise, reduction in recording sessions from eight to four hours in most cases and 10% bonus when they must provide voices for three characters in one session.

The Fifth Estate

Broadcasting

Founder and Editor
Sol Taishoff *(1904-1982)*

1705 DeSales Street, N.W., Washington 20036
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□

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KHJ

Datebook

■ Indicates new entry

This week

Aug. 9-11—*Arkansas Broadcasters Association* meeting. Royale Vista hotel, Hot Springs, Ark.

Aug. 9-14—*National Association of Broadcasters* management development seminar for television. University of Notre Dame, Notre Dame, Ind. Information: (202) 429-5366.

Aug. 12—Fall program preview for ABC, sponsored by *National Academy of Television Arts and Sciences, New York chapter*. Host: Stephen Nenno, director, program administration, ABC Entertainment. Magno screening room, 1600 Broadway, New York. Information: (212) 765-2450.

Aug. 13—Deadline for reply comments in *FCC* proceeding (MM 87-9) requiring noncommercial FM stations to provide radio reading services use of subcarrier capacity.

Aug. 13-14—*Alaska Broadcasters Association* annual convention, engineering conference and awards banquet. Hotel Captain Cook, Anchorage. Information: (907) 258-2424.

Aug. 13-16—*Tennessee Association of Broadcasters* annual convention. Hyatt Regency, Knoxville, Tenn.

Aug. 14-15—*Utah Broadcasters Association* convention. Prospector Square, Park City, Utah.

Aug. 15—Deadline for nominations for Women at Work Broadcast Awards, sponsored by *National Commission on Working Women*. Information: (202) 737-5764.

Aug. 15—Deadline for entries in Media Awards, for "accurate, realistic and meaningful" portrayal of critical care nursing, sponsored by *American Association of Critical Care Nurses*. Information: (213) 385-5271.

Also in August

Aug. 16-19—*Cable Television Administration and Marketing Society* 14th annual meeting. Fairmont hotel, San Francisco. Information: (202) 371-0800.

Aug. 18—CBS fall program preview, sponsored by *National Academy of Television Arts and Sciences, New York chapter*. CBS, New York. Information: (212) 765-2450.

Aug. 18-23—*National Association of Black Journalists* 12th annual convention. Theme: "Words, Pictures and Sound: Paving the Road to Parity." Intercontinental hotel, Miami. Information: (703) 648-1270.

Aug. 19—*Ohio Association of Broadcasters* news directors workshop. Holiday Inn, Columbus, Ohio.

Aug. 20—Reply comments due in *FCC* proceeding (Docket 86-484) reexamining constitutionality and advisability of its practice of granting preferences to females and minorities in broadcast licensing and its distress sales and tax certificate policies. FCC, Washington.

Aug. 20-22—*West Virginia Broadcasters Association* 41st annual fall meeting. Greenbrier, White Sulphur Springs, W. Va.

Aug. 26—NBC fall program preview, sponsored by *National Academy of Television Arts and Sciences, New York chapter*. NBC, New York. Information: (212) 765-2450.

Aug. 26—*Ohio Association of Broadcasters* news directors workshop. Embassy Suites hotel, Columbus, Ohio.

Aug. 28—Deadline for entries in CAPE Awards (Cable Awards for Programing Excellence), sponsored by *Cable Television Network of New Jersey*. Information: CTN, 128 West State Street, Trenton, N.J. 08608.

Aug. 30-Sept. 1—Eastern Show, sponsored by *Southern Cable Television Association*. Merchandise Mart, Atlanta. Information: (404) 252-2454.

Aug. 31—Reply comments due on *FCC* proposal (MM Docket 87-154) to eliminate cross-interest policy.

September

Sept. 1-4—*Radio-Television News Directors Association* international conference. Orange County Convention Center, Orlando, Fla.

Sept. 2—PBS fall program preview, sponsored by *National Academy of Television Arts and Sciences, New York chapter*. PBS, New York. Information: (212) 765-2450.

Sept. 4—Deadline for entries in *Midwest Radio Theater Workshop*. Information: Julie Youmans, MRTW director, KOPN (FM), 915 East Broadway, Columbia, Mo., 65201.

Sept. 4—*Ohio Association of Broadcasters* small market radio exchange. Westbrook, Mansfield, Ohio.

Sept. 5—*Florida AP Broadcasters* 39th annual meeting and awards luncheon. The Peabody, Orlando, Fla.

Sept. 7-9—*Satellite Broadcasting and Communication Association-Satellite Television Technology International* trade show. Opryland hotel, Nashville. Information: Margaret Parone, (703) 549-6990.

Sept. 8—Deadline for reply comments due in *FCC* proceeding (Gen. Docket 87-24) considering reinstitution of syndicated exclusivity rules.

Sept. 9—*Virginia Public Radio Association* meeting. James Madison University, Harrisonburg, Va. Information: (703) 568-6221.

Sept. 9-12—Radio '87 Management, Programing, Sales and Engineering Convention, sponsored by *National Association of Broadcasters*. Anaheim Convention Center, Anaheim, Calif.

■ **Sept. 10**—*TV Guide-American Women in Radio and Television* fall preview gala. Filmland Corporate Center, Culver City, Calif. Information: Nancy Logan, (213) 276-0676.

Sept. 10-11—Third annual *Rocky Mountain Film & Video Expo*. Regency hotel, Denver. Information: (303) 691-4600.

Sept. 11-13—*Maine Association of Broadcasters* annual convention and election of officers. Sugarloaf USA, Kingfield, Maine.

Sept. 11-13—*Radio Advertising Bureau's* Radio Sales University. Portland, Ore. Information: 1-800-232-3131.

Sept. 12—39th annual prime time Emmy Awards (non-televised), primarily for creative arts categories, sponsored by *Academy of Television Arts and Sciences*. Pasadena Civic Auditorium, Pasadena, Calif.

Sept. 13-15—*Nebraska Association of Broadcasters* annual convention. Kearney, Neb.

Major Meetings

Aug. 16-19—*Cable Television Administration and Marketing Society* 14th annual meeting. Fairmont hotel, San Francisco.

Aug. 30-Sept. 1—Eastern Cable Show, sponsored by *Southern Cable Television Association*. Merchandise Mart, Atlanta. Future meeting: Sept. 7-9, 1988.

Sept. 1-4—*Radio-Television News Directors Association* international conference. Orange County Convention Center, Orlando, Fla.

Sept. 9-12—Radio '87, sponsored by the *National Association of Broadcasters*. Anaheim Convention Center, Anaheim, Calif. Future meetings: Sept. 14-17, 1988, Washington; Sept. 13-16, 1989, New Orleans; Sept. 12-15, 1990, Boston, and Sept. 11-14 (tentative), 1991, San Francisco.

Oct. 6-8—*Atlantic Cable Show*. Atlantic City Convention Center, Atlantic City, N.J. Information: (609) 848-1000.

Oct. 18-21—*Association of National Advertisers* 78th annual convention. Hotel del Coronado, Coronado, Calif.

Oct. 31-Nov. 4—*Society of Motion Picture and Television Engineers* 129th technical conference and equipment exhibit. Los Angeles Convention Center, Los Angeles. Future conferences: Oct. 14-19, 1988, Jacob K. Javits Convention Center, New York, and Oct. 22-27, 1989, Los Angeles Convention Center.

[illegible]13—*Television Bureau of Advertising* 33d [illegible]ing. Atlanta Marriott.

[illegible]ern Cable Show, sponsored by [illegible]*le Television Association*. Anaheim Convention Center, Anaheim, Calif.

Jan. 6-10, 1988—*Association of Independent Television Stations* annual convention. Century Plaza, Los Angeles. Future convention: Jan. 4-8, 1989, Century Plaza, Los Angeles.

Jan. 23-25, 1988—*Radio Advertising Bureau's* Managing Sales Conference. Hyatt Regency, Atlanta.

Jan. 29-30, 1988—*Society of Motion Picture and Television Engineers* 22d annual television conference. Opryland hotel, Nashville. Future meeting: Feb. 3-4, 1989, St. Francis hotel, San Francisco.

Jan. 30-Feb. 3, 1988—*National Religious Broadcasters* 44th annual convention. Sheraton Washington and Omni Shoreham hotels, Washington. Future meetings: Jan. 28-Feb. 1, 1989, and Jan. 27-31, 1990, both Sheraton Washington and Omni Shoreham, Washington.

Feb. 17-19, 1988—Texas Cable Show, sponsored by *Texas Cable Television Association*. Convention Center, San Antonio, Tex.

Feb. 26-29, 1988—*NATPE International* 25th annual convention. George Brown Convention Center, Houston.

April 9-12, 1988—*National Association of Broadcasters* 66th annual convention. Las Vegas Convention Center, Las Vegas. Future conventions: Las Vegas, April 29-May 2, 1989; Atlanta, March 31-April 3, 1990; Las Vegas, April 13-16, 1991; Las Vegas, April 11-14, 1992, and Las Vegas, May 1-4 (tentative), 1993.

April 10-12, 1988—*Cabletelevision Advertising Bureau* seventh annual conference. Waldorf-Astoria, New York.

April 17-20, 1988—*Broadcast Financial Management Association* annual meeting. Hyatt Regency, New Orleans. Future meeting: April 9-12, 1989, Loews Anatole, Dallas.

April 28-May 3, 1988—24th annual *MIP-TV, Marches des International Programes des Television*, international television program market. Palais des Festivals, Cannes, France.

April 30-May 3, 1988—*National Cable Television Association* annual convention. Los Angeles Convention Center.

May 18-21, 1988—*American Association of Advertising Agencies* 70th annual convention. Greenbrier, White Sulphur Springs, W. Va.

June 8-11, 1988—*American Women in Radio and Television* 37th annual convention. Westin William Penn, Pittsburgh.

June 8-12, 1988—*Broadcast Promotion and Marketing Executives/Broadcast Designers Association* 32nd annual seminar. Bonaventure, Los Angeles. Future meeting: June 21-25, 1989, Renaissance Center, Detroit.

Sept. 23-27, 1988—*International Broadcasting Convention*. Metropole Conference and Exhibition Center, Grand hotel and Brighton Center, Brighton, England.

June 17-23, 1989—16th International Television Symposium. Montreux, Switzerland.

There's only one "Boss" in Chicago...

Open Mike

Other side of the music coin

EDITOR: BROADCASTING's Aug 3 "Monday Memo" contained a commentary from Mr. W. Robert Thompson, a former SESAC president, in which he criticized broadcasters for seeking reform of the current system of blanket licensing for music used by local TV stations.

Contrary to the assertions of Mr. Thompson, I know of no broadcaster who opposes "composers' rights." I know of no broadcaster who opposes the idea of copyright.

The current effort to achieve meaningful reform in Congress and the courts of an outdated system is being fueled not by any "evangelical fervor" on the part of any single group of broadcasters, as Mr. Thompson suggests—but by the unfairness of the current system. Under that system, payment for music has no relationship to the value of music in a syndicated TV show.

Under the current system we pay music license fees based on revenues from shows that don't even use music—our news, weather, sports and talk shows.

Under the current system composers don't even receive most of the money we pay for music. Composers who write for TV receive only 40 cents of every dollar we pay to the American Society of Composers, Authors and Publishers and Broadcast Music Inc. These two middlemen, however, take 20 cents of every dollar we pay for so-called "administrative fees." Imagine the public outcry if the IRS charged a 20% fee for administering the income tax system.

The real outrage, however, is that the Hollywood studios that sell us syndicated shows in the first place and who own the music in nearly all cases, take 40 cents on every dollar we pay ASCAP and BMI for so-called "publishing" fees.

Source licensing reform would do no more than require studios to justify these "publishing" fees in face-to-face negotiations when we buy a show. Source licensing would also eliminate the ridiculous 20% charge by ASCAP/BMI bureaucracies for brokering a product we could easily get directly from the studio/syndicator.

Last year stations paid nearly $3 billion to Hollywood for syndicated shows. These fees generated ample revenue to pay for creative talent such as directors, actors and musicians. Surely the same marketplace could produce ample reward for composers and their copyright interests in shows.

Unfortunately, ASCAP, BMI, and, yes, SESAC, have a vested interest in keeping local broadcasters tied to an archaic blanket license system developed originally for the live music era of dance halls and vaudeville shows.

Local television owners and operators lately have become aware of the unjustified nature of fees charged by ASCAP, BMI and SESAC and of the inability of existing legislation to prevent this unfairness.

The volunteer broadcasters involved in the fight for reform are committed to securing legislation that will bring about payment for music performance rights based on the real value of music in a program, not as an artificial formula that perpetuates a long-standing inequity.—*M.N. (Buddy) Bostick, president and general manager, KWTX-TV Waco, Tex.*

Happy returns

EDITOR: This organization is very grateful to you for bringing back your excellent section, "Where Things Stand," on a more frequent basis.

The Caucus has a committee dealing with Washington matters and you save them a great deal of research by keeping them abreast.

I'm sure that that section is one that is useful to many of your professional readers as well as to members of academia, and even to members of Congress.

We appreciate your publishing it.—*David Levy, executive director, The Caucus for Producers, Writers & Directors, Los Angeles.*

PTAR proponents

EDITOR: In BROADCASTING's July 27 issue ("In Brief") I note that your writers are quick and thorough to list all of the opponents of our petition to repeal the "off-network" provision of the prime time access rule.

There *are* some proponents of this issue, namely Capitol Broadcasting Co.; WRAL-TV Raleigh, N.C.; Bonneville International Corp.; WCPX-TV Orlando, Fla.; WIVB(TV) Buffalo, N.Y., and KARK(TV) Little Rock, Ark. Some of the above have filed with the FCC. In addition there is mounting support from other stations and groups that have not filed as of this date.—*Jerry P. Colvin, executive vice president, general manager, WUHQ-TV Battle Creek, Mich.*

Marino man

EDITOR: A word of appreciation for your "Fifth Estater" of FCC Review Board Chairman Joseph Marino in the July 20 BROADCASTING.

It is about time. This splendid gentleman of great common sense and judicial acumen merits the respect of the entire industry.—*Cecil Lynch, radio engineering consultant, Modesto, Calif.*

Errata

Robert Kipperman is vice president and general manager of CBS Radio Networks, not president, as stated in July 27 radio special story on networks. Also, CBS dropped **three-hour,** not two-hour, weekly top 40 series in past year. In programing story, CBS's "new age" series is called *The New Era* and is aired over CBS RadioRadio, not the CBS Radio Network.

□

July 13 story on presidential debate schedule for 1988 referred to three **Kennedy-Nixon debates** in 1960 that were not sponsored by League of Women Voters. **There were four** such debates.

□

KGO(AM) San Francisco holds rights to San Francisco 49ers games, not KCBS(AM) as printed in NFL chart on page 53 in Aug. 3 issue. KGO distributes to regional network of 30. **Also,** in chart of local radio coverage, KABC(AM) Los Angeles was listed as lead station for **Los Angeles Raiders.** As correctly stated in story, **lead station is KRLA(AM) Los Angeles** with network of 38 stations in 14 states.

WBBM

CBS Broadcast Group

Monday Memo

A commentary on network television coverage of West Beirut from Joann Lee, Columbia University, New York

Beirut coverage by remote control

Since the kidnapping of Terry Anderson more than two years ago, the number of foreign journalists based in West Beirut has dwindled from 50 to six. No American is permanently left on the scene. It is not the violence or anarchy in that city but the fear of kidnapping that has driven many news organizations to pull their journalists out.

Despite the growing dangers, American television news organizations have managed to cover the breaking stories in Lebanon with the use of correspondents and crews of other nationalities. The snatching of a former ABC News correspondent, Charles Glass, in Lebanon in June once again underscored for American television news organizations the danger that comes with the West Beirut beat.

There have been other such incidents—the kidnapping of Cable News Network's Jerry Levin for 11 months, in 1985, and the explosion in February at CBS's West Beirut office, when a rocket-propelled grenade crashed through the window, destroying much of the office.

CBS News's foreign editor at the time, Sam Roberts, believes the bureau was not the target of attack and that the incident was random. "Rubble in Beirut is like cockroaches in New York," says Roberts. "It is all over the place."

Even with the risks, CBS has no plans to leave West Beirut. Since the incident, it has repaired the bureau and replaced damaged equipment. The office is in operation with several local crews continuing to freelance for CBS. It has even survived the cutbacks that have ripped through other parts of the CBS News division.

NBC also maintains a bureau in the city. ABC shut down its bureau this spring because of budget cutbacks, and CNN's office is also closed.

All three television networks and CNN pulled their American personnel out of West Beirut over a year ago because of the growing sense of risk. "It's a place where we feel under definite threat," said CNN's vice president of foreign news, Jeanne von Essen.

CBS's bureau chief in West Beirut is a Bolivian journalist who previously worked in Lebanon for the Associated Press. As a Bolivian citizen, Juan Carlos Gumucio said, he feels he is not a target for kidnappers. "I probably would have been kidnapped a long time ago if they wanted me. I move about freely, but am more careful since the Glass incident.

Of the six foreign journalists remaining in West Beirut, two are British, one Swedish, one Swiss, one Spanish and himself, said Gumucio. What is unclear, he said, is

Joann Lee is an assistant professor at Columbia University's graduate school of journalism in New York. Before joining Columbia in 1982, she was a reporter at the Cable News Network, WNEW-TV New York (now WNYW), WCAU-TV Philadelphia, WLS-TV Chicago and KXTV(TV) Sacramento, Calif.

whether the various groups within Lebanon want to get rid of all foreigners, or just certain people from certain countries.

ABC and CNN are without bureaus in West Beirut, but they say they cover breaking stories there by using stringers and have working arrangements with Worldwide Television News (WTN) to shoot video.

ABC still has a correspondent in neighboring Damascus. Its last correspondent in West Beirut was Charles Glass.

CNN's closest Mideast bureau is in Cairo. "When we left West Beirut," said von Essen, "we thought we would be back soon. But it has been nearly two years, and we've had to learn to manage coverage of the area without a bureau there."

How much news tape comes out of the city often depends on how safe it is for crews to go out into the streets to shoot; or the conditions of the moment, such as whether or not the airport has been shut down because of bomb threats.

When shipping a tape by air is not possible, it may be taken by car to a feed point in Damascus. This involves a three-hour drive in good weather, 10 in poor weather, over mountains, along a road heavily patrolled by different groups. "It is not unusual to be stopped by the Druse, Amahls or Syrians," said former NBC News foreign assignment editor, Bob Duncan.

Jerry Lamprecht, NBC's vice president of news coverage, put it this way: "Every time they leave Beirut, there's a 50-50 chance the tape will be delayed or won't get to Damascus in time for our show."

According to ABC's vice president of news coverage, Bob Murphy, "Someone stops you at gunpoint. If they like what they see, they might let you through. So travel time is a factor of how many groups stop you, and how ornery they are about letting you through." ABC has also sent tapes by ferry to Cyprus, a one-hour trip.

CNN's executive vice president, Ed Turner, was in West Beirut to negotiate for the release of Jerry Levin. "It's cowboys, renegades, outlaws, gunmen. . .anarchy and chaos," Turner recalled. "There is no way for the Western mind to comprehend what is going on there."

CNN was warned through several phone calls right after Levin's escape in 1985 "not to show up in West Beirut again," said Turner. To this day, he said, CNN is still not sure whether Levin was released or allowed to escape. No direct demands were ever made to CNN, even up to the day of Levin's reappearance. No money was ever paid for his freedom. CNN never knew who the kidnappers were, because all the negotiations took place through second and third parties.

A news executive at one of the networks said his organization had received a call advising it to "be very, very careful. They want to kidnap an American crew, and the bait will be an interview with the hostages. When you get a call like that, you have to evaluate the source. Do you want to risk a crew being chained to a radiator in the Bekka valley for the next three years?"

Even for the Lebanese, being linked with American television news operations has its risks. Last year (while the bureau was still operational), ABC's office manager in West Beirut, a Lebanese national, was kidnapped for several days. He was freed after ABC appealed to the leaders of various factions and held for help. "One of the local leaders took it upon himself to help us, because he knew the individual," said Murphy. ABC now has a stringer who lives in the region, doing mostly radio reports.

NBC's reporter in West Beirut—a Lebanese who worked as a researcher for 10 years in the bureau—chooses to keep a low profile. She does not want her picture used on the screen during phone beepers in the evening news which can be seen on Armed Forces TV in parts of Lebanon.

Another problem in covering West Beirut is not knowing whom to trust, who speaks for what factions, and who controls what groups. "There are no certainties," said Duncan. "There is the Syrian influence, the Christian Lebanese influence, the various Shiite influences. You don't know the players unless you have a program, and the program changes every day. How do you cover anarchy?"

Posters plastered all over the city by the Board of Foreign Investment in Lebanon show an aerial view of Beirut, with the slogan: "The City That Won't Surrender." Neither so far has journalism given up.

RADIO TELEVISION CABLE SATELLITE

Broadcasting Aug 10

Vol. 113 No. 6

TOP OF THE WEEK

"Our action today should be cause for celebration, because by it we introduce the First Amendment into the 20th century. Because we believe it will serve the public interest, we seek to extend to the electronic press the same First Amendment guarantees that the print media have enjoyed since our country's inception. . . . the First Amendment does not guarantee a fair press, only a free *press. . . . the record in this proceeding leads one inescapably to conclude that the fairness doctrine chills free speech, is not narrowly tailored to achieve any substantial government interest, and therefore contravenes the First Amendment and the public interest. As a consequence, we can no longer impose fairness doctrine obligations on broadcasters and simultaneously honor our oath of office. By this action, we honor that oath, and, we believe, we promote the public interest."*

—Chairman Dennis Patrick

DECLINE AND FALL OF THE FAIRNESS DOCTRINE

Fairness held unfair

The FCC shattered last week the symbol of broadcasting's second-class First Amendment status, declaring unconstitutional its 38-year-old fairness doctrine requiring broadcasters to air all sides of controversial public issues.

The end of the doctrine came quickly. The 76-page order abolishing the doctrine, adopted by unanimous vote on Tuesday and released on Thursday, went into effect on Friday (Aug. 7).

But broadcasters' freedom from the obligations of the doctrine may be short-lived. Defenders of the doctrine in Congress have vowed to write it into law this fall, and they seem to have the votes to do it. The federal courts could overturn the FCC action. All agreed that, one way or another, the fate of the doctrine would ultimately be resolved by the Supreme Court.

"Our action today should be cause for celebration because, by it, we introduce the First Amendment into the 20th century," said FCC Chairman Dennis Patrick during the open meeting that was witnessed by a standing-room-only crowd and an array of television cameras. "Because we believe it will serve the public interest, we seek to extend to the electronic press the same First Amendment guarantees that the print media have enjoyed since our country's inception."

"What the commission now concludes is that the framers [of the First Amendment] had it right," said FCC General Counsel Diane Killory, who presented the fairness doctrine item. "No matter how good the intention, there is no way for government to restrict freedom of speech of the press and foster a robust and unfettered exchange of ideas."

Despite the prospects of reimposition by Congress or the courts, broadcasters throughout the country lauded the action. CBS Chairman William S. Paley saw the action as a victory in a battle he has been waging for decades. Any government regulation of programing is "dangerous," he said. "I didn't ever want the government in any way to be a last resort or final voice on anything that went on the air."

Paley's longtime ally in asserting broadcasters' First Amendment rights, former CBS President Frank Stanton, said, "It is a welcome turn in the long road toward freedom for broadcast journalism and our rights under the First Amendment." The doctrine, he said, has "cast a shadow over the freedom of journalists to do their job."

"We are now much closer to enjoying the same freedom to serve the American public's news and information needs as the printed press," said the National Association of Broadcasters president, Eddie Fritts in a prepared statement.

Bill McReynolds, president of Meredith Corp.'s broadcasting group, whose appeal of a 1984 fairness doctrine finding against its WTVH(TV) Syracuse, N.Y., led to last week's action, said Meredith is "extremely pleased....I think the commission...acted with real courage," he said. "They met the issue head-on...The commission's action removes an unconstitutional millsone from around the neck of broadcasters.

"If the decision holds, it will be a great thing for broadcasting and the American public," McReynolds said. "It's a matter of principle," he said. "It strikes at the very heart of what broadcasting is about, at the very heart of what journalism is about."

What impact the absence of the rules would have on the day-to-day operations of stations is still unclear. Some broadcasters contacted last week indicated that it would have little practical effect; they believe they have presented balanced coverage of controversial issues and would continue to do so with or without the rules. "As journalists, we have always felt we shouldn't be regulated as a matter of principle," said ABC News President Roone Arledge. "But as a practical matter, it's never been a problem." (ABC, along with Westinghouse Broadcasting, has generally supported the fairness doctrine.) Arledge's counterpart at NBC News, Larry Grossman, concurred. "In all my years at PBS and NBC, I don't know one circumstance where we have felt restricted or inhibited by the fairness doctrine.... But small stations do tend to shy away from controver-

Story continues on page 62.

A question of priorities

Critics of the FCC action scrapping the fairness doctrine say the timing of last Tuesday's decision raises a serious question of propriety: Did the FCC violate an understanding that it would report to Congress before taking any action on *Meredith?*

Among those quick to challenge the commission's procedures was Representative John Dingell (D-Mich.).

"Last year, Congress required the FCC to study alternative ways of enforcing the fairness doctrine. In February of this year the commission promised Congress it would not act on the *Meredith* case before issuing the report to Congress," he said.

"By acting on the *Meredith* case now and issuing the fairness doctrine enforcement report at the same time, the FCC has failed to keep its word. It is hard to see how Congress or the public can have confidence in any future assurances the commission might make," he said.

Members of Congress insist that former FCC Chairman Mark S. Fowler promised on Feb. 18, at a Senate appropriations subcommittee hearing, that the commission would not act on the fairness doctrine before submitting its report by the Sept. 30 deadline. However, the FCC maintains that it had no choice but to proceed in tandem because of the January decision of the U.S. Court of Appeals in Washington. The court had remanded *Meredith* to the commission to consider the constitutional arguments raised in the case. Without any specific statutory language ordering the FCC to delay action (the Congress tried to pass such a law, but it was vetoed by President Reagan; [BROADCASTING, June 29]), the FCC says it was legally bound to move ahead with the adjudicatory proceeding. (The verdict might have been different in a rulemaking action, in which no litigant's specific interest is at issue.)

The FCC believes the congressional report language urging commission delay did not amount to a statutory directive. And FCC officials say the only statutory requirement from Congress was the alternatives report and its Sept. 30 deadline.

The FCC's decision on the fairness doctrine last Tuesday was fully supported by Fowler, who told BROADCASTING he saw no incongruity in the FCC's action and his past statements to Congress. "I don't see any conflict," Fowler said. "I think what they did was consistent with the representation I made to Congress that we would not act on *Meredith* before we issued our report to Congress."

At the FCC, officials maintain that the appeals court, in its January ruling, rejected earlier commission arguments to delay action on fairness because of congressional concern, citing the court's admonition that (a) the commission was bound only by statute and (b) that it was "aware of no precedent that permits a federal agency to ignore a constitutional challenge to the application of its own policy merely because the resolution would be politically awkward."

"Federal officials are not only bound by the Constitution, they must also take a specific oath to support and defend it," the court said. "To enforce a commission-generated policy that the commission itself believes is unconstitutional may well constitute a violation of that oath, but in any event, the commission must discharge its constitutional obligations by explicitly considering *Meredith's* claim that the FCC's enforcement of the fairness doctrine against *Meredith* deprives it of its constitutional rights.

"The commission's failure to do so seems to us the very paradigm of arbitrary and capricious administrative action," the appeals court concluded.

With this mandate, the FCC insists that it could not delay acting on the constitutional challenge. The commission felt the only proper course of action was to take up *Meredith* when the issue was ready for commission consideration—and that happened to be last Tuesday's meeting.

The commission has also cited other legal precedents requiring independent agency actions.

One is the so-called Pillsbury doctrine, which concerns the relationship of Congress to commissioners and heads of agencies who wear two hats—as policymakers who respond to questions from Congress and who also act as adjudicators.

In 1966, in the case of *Pillsbury Co. vs. the Federal Trade Commission*, the Fifth Circuit U.S. Appeals Court vacated an FTC order on the grounds that Senate Judiciary Subcommitee hearings deprived Pillsbury of procedural due process. The court cited subcommittee hearings at which FTC commissioners and staff were extensively questioned in divestiture policies while a divestiture case against Pillsbury was pending before the FTC.

In effect, the court held that the commission's adjudicatory role had been compromised by the congressional hearing.

In April 1978, the U.S. Appeals Court for the District of Columbia addressed a related issue of congressional interference in a case (the so-called *Koniag* decision) challenging a finding by the Secretary of Interior that certain native Alaskan villages were ineligible to take land and revenues under the Alaska native claims settlement act. The court's written decision referred to a "serious matter" that involved a letter that Representative Dingell sent to the interior secretary two days before the agency head determined that several of these villages were ineligible. Dingell had requested the secretary to delay his decision pending a review by the comptroller general. "The letter did not specify any particular villages, but we think it compromised the appearance of the secretary's impartiality," the court held, citing Pillsbury.

Technically speaking, the FCC *did* forward its alternatives report to Congress before acting on *Meredith*, if only by minutes (and Fowler had said the commission might act on both the same day). And most observers felt the procedural debate would sooner or later give way to a discussion of the merits. But at both the FCC and on Capitol Hill last week, splitting hairs was the order of the day.

"What this commission now concludes is that the framers had it right. No matter how good the intention, there is no way for government to restrict freedom of speech or the press and foster a robust and unfettered exchange of ideas. . . . If we must choose whether editorial decisions are to be made in the free judgment of individual broadcasters or imposed by bureaucratic fiat, the choice must be for freedom."

—General Counsel Diane Killory

The morning had begun inauspiciously enough, with Commissioner Patricia Diaz Dennis bidding a "fond and sad farewell" to a departing legal intern and saying happy birthday to a trade press reporter*. The eighth floor meeting room at FCC headquarters was unusually full and the dais was flanked by two rows of television cameras, in anticipation of the journalistic history that was to be made that day. Many in the crowd were there because of a major common carrier item that, in any other week, would probably have attracted the greatest attention.

Chairman Dennis Patrick began the proceedings with a quip. "I didn't realize there was this much interest in this [private radio] item," he said as the commission took up amendment of Part 90 of the rules concerning eligibility of commercial enterprises to be licensed in the Special Emergency Radio Service. That took three minutes. Then he called up a notice of proposed rulemaking to examine alternatives to rate-of-return regulation for dominant carriers, an item whose resolution could affect billions of dollars in telephone company profits and consumer phone bills. That took another 33 minutes.

The room emptied noticeably after that. Finally, the Mass Media team took over, with three items to present. First came consideration of a congressionally ordered report examining alternatives to enforcement of the fairness doctrine (story page 56). Because of a procedural concern (see box, page 28), it was important that this item be dealt with before the *pièce de résistance* that most had come to witness—repeal of the fairness doctrine itself. That took 11 minutes more.

The crowd had long since grown fidgety, but there was more to sit through. Next up was Mass Media Item Number Two—still another matter of important concern to broadcasters—beginning an NPRM intended to deter abuses of the petition to deny and allocation counterproposal processes (story page 57). Another 17 minutes passed.

Finally, at approximately 10:45, Chairman Patrick called up Mass Media Item Number Three, the fairness complaint against Meredith Broadcasting's WTVH(TV) Syracuse, N. Y., on remand from the U. S. Court of Appeals for the District of Columbia Circuit. Forty-one minutes later, 38 years after it had been woven into the fabric of the Fifth Estate, the fairness doctrine was no more. This is how it went:

□

Patrick: Next on the agenda—and last—is Mass Media Item Number Three in the matter of Syracuse Peace Council against television station WTVH Syracuse, N.Y. And for this item we call again upon our acting chief, Bill Johnson, as well as our general counsel, Diane Killory.

Johnson: Diane Killory, I believe, is going to present.

Killory: Thank you. Before I start this, Mr. Chairman and commissioners, I'd like to recognize some of the people who have worked on this item because it's probably fair to say that this was written by committee. It was a joint effort between the Mass Media Bureau, first of all, and the General Counsel's Office, and the Mass Media Bureau under the direction of Bill Johnson and Renee Licht, Laurel Bergold. We also borrowed some of the externs from the eighth floor, and I want to thank Peter Vestal and Paul Feldman for putting in some hard work before leaving the commission this Friday [Aug 7].

I'd also like to recognize Richard Bozzelli on my right, my special assistant, who has spent a lot of hours on this item, and has contributed greatly to it. Finally, I'd like to thank each of the commissioner's offices because each of you has contributed to this item with the edits and input that you've given us.

The decision before you today is indeed a historic one. Because of its importance, let me start by giving you some background of how we got to where we are today.

Starting in the 1940's, the commission adopted—through a series of adjudications and policy statements—a policy it named the fairness doctrine. The doctrine, you see, requires that broadcasters cover contrasting viewpoints on controversial issues of public importance. The commission thus thought it was insuring "fairness," and thereby furthering the purpose of the First Amendment by assuring the widest possible dissemination of information from diverse and antagonistic sources.

Administering the doctrine requires the commission to second-guess the editorial judgment of broadcasters. First, as to whether a controversial issue of public importance was involved, and second, as to whether the broadcaster reasonably aired contrasting views. Failure to comply can result in an order to the broadcaster to air the contrasting viewpoint or, under some circumstances, to provide free air time—as well as a range of sanctions, with the most severe being license revocation.

In 1969, the Supreme Court upheld the constitutionality of the doctrine in the *Red Lion* decision. I will discuss this and subsequent Supreme Court cases in a moment, but first I want to focus on the commission's actions with respect to the doctrine.

The commission has reexamined the doctrine from time to time over the years; the most recent and the most extensive inquiry began in 1983. One of the specific questions asked in that inquiry was whether the doctrine has chilled speech, and therefore, not served its intended purpose.

After receiving over 100 written comments and holding two days of hearings, the commission issued a lengthy, comprehensive report in 1985. That report concluded that the doctrine did not serve the public interest because the doctrine did in fact chill broadcasters.

The report also found that there were now a multiplicity of broadcast voices available to the public. Accordingly, it found that the doctrine was not necessary to assure the public's access to diverse viewpoints. It therefore found the scarcity rationale no longer valid. For the same reasons, it questioned the constitutionality of the doctrine, but did not resolve that issue.

The commission did not take action to eliminate the doctrine in

* *Respectively, Laury Bobbish (returning to the American University law school), and Dawson B. Nail of* Television Digest, *who had just turned 59.*

1985, however. Instead, because of intense congressional interest in the doctrine and some uncertainty as to whether the doctrine was codified, the commission merely certified the record to Congress and terminated the proceeding. In doing so, the commission stated that we would continue to enforce the doctrine, and we were true to our word.

During the pendency of the inquiry, the commission found a violation of the doctrine by the Meredith Corp., licensee of television station WTVH in Syracuse, N.Y. In response to a complaint filed by the Syracuse Peace Council, the commission concluded that the airing of a series of editorial advertisements advocating the construction of a nuclear power plant as a sound investment for New York presented a controversial issue of public importance. It further found that, because contrastng viewpoints had not been aired, Meredith had violated the doctrine.

Shortly after issuing the 1985 report, the commission denied Meredith's petition for reconsideration. The commission concluded that it had, at the time, properly found a violation, even though newly submitted evidence showed that Meredith had met its obligations by giving free ad time to Syracuse Peace Council. The commission refused to consider Meredith's argument that the doctrine was unconstitutional, citing its finding in the '85 report [that] this question was better left to the courts and Congress.

Meredith appealed to the D.C. Circuit. At oral argument, the commission defended its avoidance of the constitutional issue by pointing to congressional intent that we not act, as evidenced in committee report language and other legislative history. The court was, in a word, unimpressed.

In January 1987, the court issued its decision, finding the commission's refusal to consider the constitutional argument to be reversible error. First, it noted the intervening *TRAC* court decision that definitively resolved the codification issue, by finding that the doctrine had not been codified by Congress. Second, the court made clear that anything less than codification could not prevent the commission from reaching the constitutional issue. To the contrary, the court found that the commission *must* reach that issue. The court found that avoiding the issue may well constitute a violation of the oath to support the Constitution that every federal official takes. Further, it found the commission's failure to consider the constitutional argument to constitute the very paradigm of arbitrary and capricious administrative action.

The court remanded the case to the commission with explicit instructions to consider the constitutional argument. It stated that the only way to avoid that issue would be for the commission to conclude that the doctrine would no longer be enforced because it was found to be contrary to the public interest. That was in January. Subsequently, the commission invited comments from all interested parties and Congress tried to codify the doctrine, but was unsuccessful.

That being the case, it is time to heed the court's remand order and turn to the merits of this case. We can no longer duck it.

The item before you addresses head-on the constitutional argument raised by petitioner. We find that we are unable to analyze the doctrine from a pure policy perspective, because the very purpose of the doctrine in the first place was to promote First Amendment values. We find, therefore, that any policy justifications are so intertwined with constitutional implications that we cannot separate the two.

Accordingly, the issue we address is whether the doctrine is constitutional. The answer is no. We conclude that under the principles established by the Supreme Court, the doctrine fails to meet the test for constitutionality.

In the *Red Lion* case and subsequently in *League of Women Voters*, the Supreme Court stated that a finding that the doctrine chills speech, and therefore defeats its intended purpose, would cause it to revisit its finding of constitutionality.

The commission has found that just such a chilling has resulted. Over 60 specific examples of chilling were presented in our recent inquiry, in contrast to only two broadcasters' claims that they were not chilled by the doctrine. Many of the examples go beyond individual instances of chill, and set forth broadcasters' policies under which they have shied away from covering controversial issues in news, documentaries and editorial advertisements.

It can easily be seen that policies like these completely frustrate the goal of the doctrine to foster robust debate and diversity of views. It thus results in a net loss—not an enhancement—of speech.

What this means is that the so-called fairness doctrine is a misnomer. Although its goal is to achieve fairness, it has in fact resulted in blandness and nothingness, by chilling the very speech it was designed to foster.

The public interest has therefore been frustrated, not furthered, by the doctrine. What this also means is that, consistent with existing Supreme Court law, the doctrine is unconstitutional. That is the holding of this decision.

This holding is also based on the fact that the doctrine results in excessive and unnecessary government intervention into the editorial process of broadcast journalists. This intrusion violates the constitutional standard announced in *League of Women Voters*, that the regulation of broadcasters' speech be narrowly tailored to achieve a substantial governmental interest. In determining whether an issue is indeed controversial, whether it is of public importance, and whether contrasting viewpoints have been balanced, the government must necessarily intrude into and second-guess the broadcasters' editorial discretion.

But the commission determined in the fairness report that due to the explosive growth in the number of outlets, the doctrine is no longer necessary to achieve diversity of viewpoint. Hence any government intrusion into the editorial process to achieve diversity could not be narrowly tailored. Therefore, the item before you also finds the doctrine unconstitutional under this test.

Let me add what the decision does *not* do.

It does not extend beyond the doctrine to codified laws like equal time. It does not rule on the commission's other content rules such as issue responsive programing and prime time access. And it leaves intact the commission's ability to license and regulate in the public interest.

The item does go on, however, to respond to the Supreme Court's recent suggestion in *League* that perhaps it's time for the court to revisit the *Red Lion* scarcity rationale. It has been used to justify a different First Amendment analysis for broadcasters. We agree that it is time to revisit and revise that standard, and the item urges the Supreme Court to do so. We believe that a traditional First Amendment analysis should apply to broadcasters, and we explain why in the remainder of the item.

I will very briefly summarize:

First, we reaffirm our finding in the 1985 report that scarcity is not a valid distinguishing justification. There would seem to be three different kinds of scarcity. First, there is numerical scarcity in the number of outlets available to listeners and viewers. This is what the court referred to in *League*. But there are now over 1,300 television stations and more than 10,000 radio stations. By contrast, there are approximately only 1,700 daily newspapers in the country. Ninety-five percent of viewers receive five or more television signals, listeners in the top 25 markets receive an average of 59 radio signals, while those in even the smallest market have access to an average of six radio stations. By contrast, only 125 cities in this country have two or more newspapers published locally. The one-newspaper town is becoming increasingly common.

In short, the public has access to many more broadcast outlets than daily newspapers, so numerical scarcity simply cannot justify different First Amendment treatment.

Furthermore, we would question whether numerical scarcity should diminish First Amendment rights, even if it did exist; after all, at the time of the Constitution there were only eight daily newspapers in America.

The First Amendment, however, is unequivocal in guaranteeing freedom of the press.

Second, there's allocational scarcity; the notion that there are often more people who would like a broadcast license than there are available licenses. This is what the *Red Lion* decision seems to focus on.

But the question here is not whether allocational scarcity exists;

the question is whether it can justify an altered First Amendment analysis. It is our opinion that it cannot. Principally, because all goods are scarce. Indeed, it would appear that the fact the government grants and renews licenses is all the more reason to stay out of content regulation.

Finally, because something like 70% of all radio licenses and 50% of all television licenses have now been obtained through purchase and transfer, not from the commission itself, the real barrier to entry appears to be economic scarcity. But as Judge [Robert[Bork [of U.S. Court of Appeals in the District of Columbia] pointed out, economic scarcity is universal. All goods are ultimately scarce. So this cannot justify different treatment.

In short, the item reiterates the finding in the '85 report that the scarcity rationale is no longer valid.

Perhaps the most troubling aspect of all under the *Red Lion* approach is that the stated purpose for diminishing First Amendment rights of broadcasters is the exact same purpose behind the First Amendment's guarantee of free speech itself. That is, to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail. That is what our democracy is based on. But the mechanism relied on by earlier commissions to achieve this goal was the exact opposite of that relied on by the First Amendment and the framers of the Constitution.

The founding fathers sought to insure vigorous debate by guaranteeing free speech and free press, and by restraining the government from interfering. They had faith that the people could distinguish truth from fiction, that the peoples' interest would best be served by the unrestricted debate that would follow. The commission, by contrast, in adopting a policy to regulate fairness, evidently assumed that the people's interests would better be served by a restricted debate in which the government served as referee.

What this commission now concludes is that the framers had it right. No matter how good the intention, there is no way for government to restrict freedom of speech or the press and foster a robust and unfettered exchange of ideas.

In short, government restrictions on speakers' rights injures the public's interest. Our mandate under the Communications Act is to further the public interest. The FCC has tried over history to achieve that goal by limiting the First Amendment rights of broadcasters. Our experience and the evidence before us now demonstrate that the means chosen were counterproductive.

What we have come to realize is that the First Amendment was, to quote Justice [Potter] Stewart [of the Supreme Court], founded on a belief that "fairness was far too fragile to be left for a government bureaucracy to accomplish." If we must choose whether editorial decisions are to be made in the free judgment of indiviual broadcasters or imposed by bureaucratic fiat, the choice must be for freedom.

In the item before you, the commission expresses its opinion that, should the Supreme Court revisit the issue—and we hope it will—the commission's vote is for freedom, so that we can further the public interest.

Under a traditional First Amendment analysis, the so-called fairness doctrine would clearly be unconstitutional. But the holding of today's decision is that even under existing Supreme Court principles of First Amendment analysis, the so-called fairness doctrine is unconstitutional. Accordingly, the item before you reconsiders our prior decision against Meredith, and holds that the Constitution bars us from enforcing the doctrine. We urge you to adopt this item. Thank you.

Patrick: Thank you, Diane. Commissioners, I know that we each have a written statement that we would like to read, but first, are there any questions or comments with respect to the presentation of the item that we might take at this point?

Quello: I think you answered what I had in mind for a question. I think she answered everything; it was a very good presentation. The public interest concept remains intact, and the issue-responsive programing obligation remains intact?

Killory: Absolutely.

Quello: All right. Thank you.

Patrick: Commissioners?

Dawson: Gosh, that was wonderful. It's exactly what I think most of us up here were thinking about. Over my six years at the commission, I can think of few issues that I would consider watershed issues, and issues that one takes enormous pride in, and this is one of them.

I think as you began to read this document, you became more and more proud of what we are doing today. It is not an easy decision. It is not a decision that is going to cause us great comfort, as I find us in an awkward position, but I think it has been pointed out to us that our charter and our warrant signed by the President suggests that we are here to do what we believe is appropriate, and to uphold the Constitution. And I think we're doing that today, and we ought to be very proud of that.

I think that there are some watersheds in this decision. First and foremost among the old notions that we're laying to rest is that the fairness doctrine promotes diversity of viewpoint. It does not. The comments in this proceeding I think support the finding in the commission's '85 fairness report, as you pointed out. The fairness doctrine chills speech, and it's unconstitutional, even under a *Red Lion*

Dawson

test. Our record clearly shows the potential for chill exists any time government can intrude upon the who, what, where, when and how of content.

I once quoted Lord Devlin [as saying] that "freedom of the press, if it dies, will not die a quick but a lingering death, caused by a series of debilitating measures, each of which if examined singly, would have a great deal to be said for it."

I think that is what we are dealing with today.

Another notion that I think we've laid to rest is that numeric or allocational scarcity justifies lesser First Amendment rights for broadcast speakers, and makes paramount First Amendment rights for listeners. To the extent that there are rights for listeners, it seems to me that the greatest First Amendment protection that can be afforded to them is that they receive their information unfettered by government—and I think we have put that forward squarely today.

Perhaps most important, however, is that this item conclusively demonstrates that the chill that results from the fairness doctrine proves the correctness of traditional First Amendment analysis, that rights of listeners are furthered again by letting the government keep its nose out of that exchange.

As my colleague has mentioned, there may be some future issues that are raised. But I think those are issues for the future; I think the convergence of print and electronic technologies will raise further and further questions in this area. And believe me, I think those are questions left for another day.

I would like to suggest that one hates to be overly dramatic at a time like this, but I did feel that I began to feel the "Battle Hymn of the Republic" as I read through this item, into a chorus at the end.

But in conclusion, if I could say, in answer to the question—"Are radio and television somehow more than toasters with sound and video?"—we say clearly, yes they are. But in answer to the question—"Are radio and television speakers somehow less than print speakers because they communicate with sound and video?"—we say the answer is no.

And I think that's the most important thing we will accomplish in a long time at this commission. So to all of us, I say: Well done.

Patrick: Thank you, commissioner. I have a statement I'd like to read.

Our action today should be cause for celebration, because by it we introduce the First Amendment into the 20th century. Because we believe it will serve the public interest, we seek to extend to the electronic press the same First Amendment guarantees that the print media have enjoyed since our country's inception. That is a step of fundamental significance, and it's long overdue. Americans have long since come to rely upon the electronic media as a primary source of news and information.

As we celebrate the bicentennial of our Constitution, it is especially fitting that we reaffirm one of the Constitution's most fundamental principles—freedom of speech. Freedom of speech is democracy's

Patrick

crown jewel. Without it, government ceases to be a faithful instrument of the people's will and, all too often, becomes an instrument of oppression. As Justice [Benjamin Nathan] Cardozo [of the Supreme Court] observed, "freedom of thought and speech is the indispensable condition to nearly every other form of freedom."

Freedom of speech, unfettered by government oversight, is that single freedom which most clearly distinguishes our system of government from other systems of government around the world. We are, therefore, justifiably vigilant in its defense. Freedom is rarely lost in a single stroke; the danger lies in losing it—bit by bit.

There are those who argue that our founding fathers did not intend the First Amendment's guarantees to attach to the electronic press. This argument flies in the face of the First Amendment itself, which plainly states that Congress shall make *no* law which abridges freedom of speech or the press.

This argument would also deny the very characteristic of our Constitution that has insured its survival for 200 years. I refer of course to its capacity to adapt to changing conditions. Our Constitution remains a living document, as relevant today as it was 200 years ago, precisely because it focuses attention on fundamental principles of freedom, and not upon detailed proscriptions bounded by historical circumstance.

Some claim that the so-called fairness doctrine is needed to prevent broadcasters from abusing their freedom and slanting their coverage. Of course, the First Amendment does not guarantee a fair press, only a *free* press. We would also expect principles of sound journalism to preclude the abuse of freedom in the vast majority of cases. With over 11,000 broadcasters, the chance of bias not being countered is small, especially in comparison to the risk in 1791. In that year, when our founding fathers gambled the future of the republic on the First Amendment, there were only eight daily newspapers being published in the United States.

But the larger point is that every freedom carries with it a potential for abuse. A potential for misuse. The founding fathers, nevertheless, placed their faith in freedom. They understood that fairness and balance and truth were concepts too subjective and too important to be defined by government. They therefore crafted a First Amendment which protected the people and their press against government interference. They placed their faith in the people, upon the assumption that free men and women would be able to distinguish truth from falsehood, the authentic from the fraudulent, the statesman from the charlatan.

As Justice Learned Hand [of the U.S. Court of Appeals for the Second Circuit] observed, "The First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many, this is and always will be folly; but we have staked upon it our all." Faith in democracy entails a belief that political wisdom and virtue will sustain themselves in the free marketplace of ideas, without government intervention. As Jefferson put it: "It is error which needs the support of government. Truth can stand alone."

Today, we reaffirm our faith in the American people—our faith in their ability to distinguish between fact and fiction without any help from government. Yes, there are risks, but we as a people have elected to bear the risks of freedom rather than the greater risks which attend government control of the press. Today we reaffirm that election.

And finally, let me respond to those who suggest that the commission should continue to defer to Congress on this matter. To these, I answer: We have. We deferred when we issued our fairness report almost two years ago, and we deferred when the commission's petitioner first raised his constitutional challenge. But there comes a point at which one must engage the issue, no matter how politically awkward. Well, that day has arrived.

Each member of the commission has taken an oath to support and defend the Constitution of the United States. We believe that the evidence presented in our fairness inquiry and the record in this proceeding leads one inescapably to conclude that the fairness doctrine chills free speech, is not narrowly tailored to achieve any substantial government interest, and therefore contravenes the First Amendment and the public interest. As a consequence, we can no longer impose fairness doctrine obligations on broadcasters and simultaneously honor our oath of office. By this action, we honor that oath and, we believe, we promote the public interest.

Commissioner?

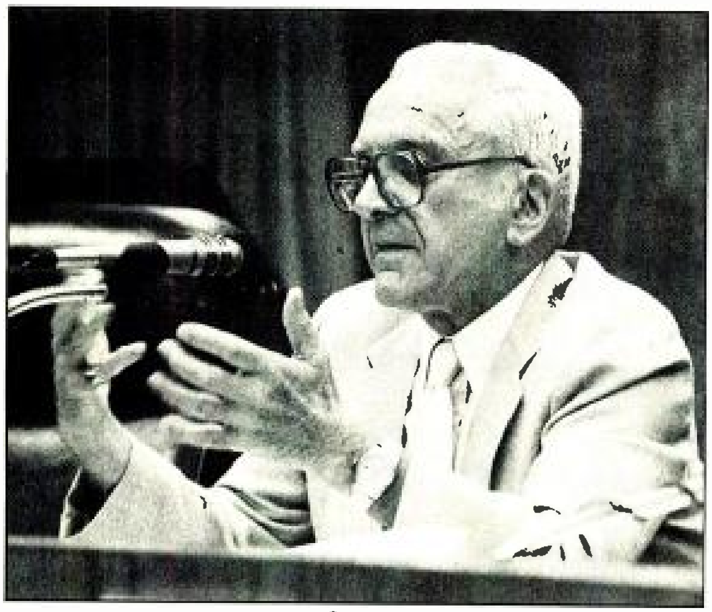
Quello: A very good statement, Mr. Chairman. Congratulations. I'm going to treat a practical matter here, and try to diffuse some of the political controversy that has been very evident lately on our actions here.

And I have to go back to history. Since 1974 when I was first appointed to the commission, I have been advocating full First Amendment rights for broadcast journalists. And in April of 1978 I made an appearance before both the Van Deerlin subcommittee—he was then chairman of the communications subcommittee in the House—and before the Senate committee.

Chairman [Lionel] Van Deerlin, a 20-year congressman, a liberal congressman, the chairman of the subcommittee, endorsed the repeal of the fairness doctrine. He happened to have been a former journalist, a Democrat. Senator Eugene McCarthy, a man that I respect and have a certain amount of personal affection for, was a witness, and we had him slated for the opposite side, and he was good enough to say that he was very glad that I went first because he now believed that freedom, true liberalism, will always err on the part of freedom. And he went on to say that he, too, favored full journalistic rights and First Amendment rights. So, I'm going to go ahead and mention what I stated at that time. This was April 5, 1978. I stated:

"As a former newsman, I've always hoped that some day broadcasting would be treated the same as other journalistic and advertising media. With a continuing debate in various court interpretations, I'm afraid it continues to be an ideal to be strived for, rather than a reality that can be achieved.

"However, in my opinion, the time has finally come to grant full constitutional rights of freedom of the press and freedom of speech to broadcasters. This would end years of discriminatory treatment



Quello

which is no longer justifiable in today's technological, economic and journalistic climate." I'm talking 1978, Mr. Chairman.

"There are many more TV and radio stations today than newspapers in every sizable market. The growth of cable, translators, UHF, FM and the development of satellites has provided more media availability than ever before.

"Future potential is practically unlimited. Then, too, broadcast journalism today is as mature, professional and objective as any other media. Regulatory restraints are no longer justified in today's era of competitiveness, numerous outlets and professional journalism.

"The fairness doctrine is the codification of good journalistic practice. Its goals are laudatory. However, I no longer believe government is the proper source for mandating good journalistic or program practice. I believe the practice of journalism is better governed by professional journalists, editors and news directors. Programing is best done by professional program directors, producers and talent. Even with programing deficiencies, a government "cure" with censorship overtones is much worse than an unproven industry disease.

"There is little doubt that if TV and radio had existed in 1776, our founding fathers would have included them as prime recipients of the constitutional guarantees of freedom of the press and freedom of speech. After all, they were guaranteeing citizen freedoms so that a well informed public and electorate could vote on issues and candidates free of any semblance of government interference or control. Today, and up to this time, we did have an America free of government control, but not totally free of government interference.

"But remember that, after all, the constitutional freedoms were instituted for the benefit of the citizenry—the total public—not for the media. It is the public that stands to gain from an all-media freedom of the press.

"Somehow, print journalism, with this guaranteed freedom of the press, has risen to the task of informing the electorate in uncovering illegal or unethical practices without government interference or regulation. I see no reason to assume broadcast journalists or executives are any less responsible or diligent. Broadcast journalists have earned, and rightfully deserve, all constitutional freedoms.

"I believe that removing the government restraints of the fairness doctrine would free broadcast journalism, foster more comprehensive and independent reporting and better serve the American people."

April 5, 1978. I just want to say that it's more true today than it was then. But I have to admit that my attitude recently has been, let the Congress and the courts decide it. And the courts did decide it; they decided it wasn't statutory and they decided that we should decide whether or not it was constitutional.

I've been making these arguments for a long time. As I say, it's more true today than it was then, and I believe our actions today to get rid of a government-imposed fairness that shouldn't be there in a country dedicated to freedom of the press and freedom of speech, and broadcast journalists around the country have reason to celebrate and support their new-found freedom.

Concomitant with this freedom is an increased responsibility; I would remind all licensees that our obligation to serve the public interest through programing remains. For me, local service obligations which still allow broadcasters full editorial discretion in programing remain the cornerstone of public interest standards. This decision did not remove the bedrock trustee obligation; in fact, it's implicitly stated in our document.

And I'm glad to see this. I didn't think I'd ever see this come about, and when it did, I supported it wholeheartedly—I had to with my background—and I just wanted to try to diffuse, and maybe it's a futile attempt, some of the political division that I saw in this thing, because in '78 we certainly had a good deal of Democratic support for our actions. I think we still do in some areas.

Patrick: Thank you, commissioner. Commissioner Dennis?

Dennis: It's difficult to go last, Mr. Chairman, especially since there are those who are exercising their First Amendment rights even as we speak [referring to demonstrators who had gathered at the back of the room holding up a sign saying "Save the Fairness Doctrine"].

Today's decision has been hailed by those who thought they were omniscient as the most important vote in the agency's history. (I must say, I don't have a written speech, I'm reading from some notes that I got up this morning very early and wrote down because inspiration hit then.)

But I realized that today is no more significant to this commissioner than it was in my first meeting where I voted on something called must carry a year ago. What we decided a year ago was that the First Amendment means the First Amendment—notwithstanding what technology we may be talking about. The First Amendment isn't limited just to broadcasting, not just to the press, not just to cable, not just to MDS. The technology should not be the basis for which we decide whether full First Amendment guarantees attach to that particular form of expression that gets news, entertainment and information programing into the American home. We are not focusing on that particular device any longer, and I'm glad to see that day.

We should not use technology to determine the level of First Amendment protection that that particular technology receives.

As has been stated earlier, the core of the First Amendment is grounded on political speech; that is what we are freeing today. And it shouldn't matter whether that political speech comes over cable, whether it comes over the air, et cetera, et cetera. So I think that what we've done today is to take, yes, an important step—a big step, a fundamental step, however you want to frame it—but we're going down a path that we began a year ago, when we decided that the First Amendment meant the First Amendment for cable.

Today, fortunately, I'm here so that we can extend it to broadcasting, as well. We are no longer going to attach the First Amendment differences in treatment based on what kind of technology delivers the information, the news, the entertainment to the American home.

I have said repeatedly over the last year that, as decision-makers, I think we need to have neutral principles, overarching principles which are our lodestars, to which we adhere in a consistent and evenhanded fashion. That is what we are doing today. We are saying that the First Amendment means what it says. We said it back in must carry, we're saying it today in the fairness doctrine item, in Meredith.

There are a couple of other points that I'd like to make, one of which the general counsel has pointed out and which Commissioner Quello has focused on. That is, the public interest.

The actual decision that we are reaching today must be understood to be a narrow one. If we were writing on a clean slate, we'd start afresh and apply the print model on all fronts. But we are not writing on a clean slate; this is an area where the FCC is going to have to work with Congress, and work out accommodations.

We're not flouting Congress. What we are bending to is the superior call of the First Amendment in this instance. We have to have a consistent analytical framework to apply the Constitution, and that is what we are adopting today in our item. We are going to have to make accommodations because there are going to be new technologies that develop, and there will be other issues ahead of us, where

Dennis

we will, if the print model is adopted, ultimately by the court, be confronted squarely with the print model, hopefully; that question is not in our hands, or the resolution of that issue is not.

But what I think most important, and that is what the second part of this item does—we are holding up the print model as our lodestar, as something we should strive for. I once heard Eddie Fritts [president of the National Association of Broadcasters] in a different context quote Casey Stengel, the great western philosopher, that "you've got to know where you're going, or you might end up someplace else." And what we've said is, we know where we're going, we're headed toward the print model. That is what we're giving as our lodestar, but we're only going so far. We're going as far as the statute allows.

As I said, we are in no way turning our back on the public interest obligations imposed by the act, and upon which we have to make our licensing decisions and many other decisions under the act. The public interest standard is still vital, and I believe that there will be further action by the lawmakers, the courts and the Congress, as to whether or not the decision to apply the print model is one that is best for the public and this country. We have said that it is.

What we are really doing is returning to a fundamental First Amendment analysis—that is, placing paramount the rights of the broadcaster, the right of the speaker, the right of the cable operator, the right of the satellite broadcaster, so as to enhance what it is that the American public hears, and in that manner we are enhancing the rights of the listeners.

So, one of the things that, in reading through this document, kept making me surer and surer as I approach this issue—for the first time, really, because I've not had to address it since I've been at the commission until this particular meeting—was that diversity of viewpoint is something that I have come to believe in very, very strongly. It is a significant and it is a fundamental bedrock principle. And how best do we achieve that? We achieve it by ending the reign of the fairness doctrine.

Now I recognize we're cutting through some choppy constitutional waters. I thought that the National Labor Relations Act was frought with a lot of difficulties, and then we dealt with must carry, and I started to realize there are a lot of difficulties in the First Amendment analysis, as well. And then we had preferences and we had [other] issues [concerning which] we don't have a consistent, clear cut analytical framework given to us by the courts, and I find yet again we are in an area where there are choppy waters because we have no clear, consistent guiding light through the courts as to exactly what the First Amendment means.

But I do fundamentally believe that the obligations of the broadcaster to serve the public interest will be met by ending the fairness doctrine, because after all, the First Amendment is in the public interest. And I have a quote, too, since we're having quotes, and this is something that I think makes a lot of sense, and it's from Walter Lippman. He said:

"Responsible journalism is journalism responsible in the last analysis to the editor's own conviction of what, whether interesting or only important, is in the public interest."

And that, fundamentally, is the question that we've answered today.

The second point is on indecency. I thought about where will we be criticized for being fundamentally inconsistent? Because if we are great believers in the First Amendment, be it for broadcasters, for cablecasters, or for those who use other sources to convey their messages to the American public, where will we have the most exposure in terms of consistency? And consistency and an even-handed approach of doctrine are very important for decision-making.

And there is nothing inconsistent with our treatment of indecency in broadcasting. The core of the First Amendment is to protect political speech. That is what we are protecting today. The Supreme Court has made carve-outs for other kinds of speech—commercial speech, defamation and libel, incitement to riot—and indecency is one of those. Sexually explicit material has always had a different status under the First Amendment, even with the print media. Now, of course, there are different considerations in that the print media can be channeled, if you will, can be restricted in different ways than broadcasting can be because of the nature of the medium. Therefore, you can put brown wrappers over magazines, you can refuse to allow minors to come into bookstores.

We can't do that with broadcasting, and therefore, what we have said [is that] those who wish to listen to indecent material can do so at a time of day when there is not a reasonable likelihood of children being in the audience. Because our federal interest in decency is the protection of minors.

So, I think we have done the right thing; I feel very comfortable with this decision. I'm glad I was here for the ride. I appreciate all the discussions with my colleagues as I was wrestling with this very fundamentally significant and important issue. And, again, thank you very, very much, Mr. Chairman.

Patrick: Thank you, commissioner.

If there are no other questions, comments or statements, we will vote the item.

All those in favor of this item say "aye."

All: Aye.

Patrick: All those opposed, nay. The ayes have it. So ordered.

Text of the 'Meredith' decision appears on pages 39-39K.
Additional coverage of last week's fairness doctrine action and reaction begins on page 59.

...Entertainment Tonight was one of them.

Among the five major first-run access programs, only Jeopardy and Paramount's Entertainment Tonight increased their national performance over 1986.*

These local market stories are the foundation of Entertainment Tonight's success.

MARKET	STATION	TIME PERIOD RANK 18–49	WOMEN 25–54	BEAT
San Francisco	KRON	#1	#1	EVENING MAGAZINE, HOLLYWOOD SQUARES—NSI, ARB
Dallas	WFAA	#1	#1	TONIGHT SHOW, MASH—NSI, ARB
Atlanta	WSB	#1	#1	WHEEL OF FORTUNE—NSI
Miami	WSVN	#1	#1	JEOPARDY—NSI, ARB
Phoenix	KTSP	#1	#1	TONIGHT SHOW, NIGHTLINE—ARB
Hartford	WFSB	#1	#1	TONIGHT SHOW, NIGHTLINE—ARB
Oklahoma City	KTVY	#1	#1	NIGHTLINE—NSI, ARB
Grand Rapids	WWMT	#1	#1	WHEEL OF FORTUNE, NEWLYWED GAME—NSI
Columbus	WTVN	#1	#1	EYEWITNESS NEWS—NSI, ARB
Harrisburg	WGAL	#1	#1	PEOPLE'S COURT—NSI, ARB
Louisville	WHAS	#2	#1	JEOPARDY—NSI
Tulsa	KTUL	#1	#1	TONIGHT SHOW, CBS LATE NIGHT—ARB
Dayton	WHIO	#1	#1	JEOPARDY—NSI
Little Rock	KATV	#1	#1	TONIGHT SHOW—NSI, ARB
Jacksonville	WJXT	#1	#1	TONIGHT SHOW—NSI

MARKET	STATION	TIME PERIOD RANK WOMEN 18–49	TIME PERIOD RANK WOMEN 25–54	BEAT
Boston	WNEV	#2	#2	CHRONICLE—ARB
Washington D.C.	WJLA	#2	#2	WHEEL OF FORTUNE, NEWLYWED GAME—NSI
Tampa	WTVT	#2	#2	HOLLYWOOD SQUARES—NSI, ARB
Seattle	KING	#2	#2	WHEEL OF FORTUNE, NEWLYWED GAME—NSI
Sacramento	KCRA	#2	#2	NEWLYWED GAME—NSI
Indianapolis	WRTV	#2	#2	CBS EVENING NEWS—NSI
Portland	KGW	#2	#2	$100,000 PYRAMID, THREE'S COMPANY—NSI, ARB
San Diego	KGTV	#2	#2	SAN DIEGO AT LARGE—ARB
Orlando	WESH	#2	#2	NEW DATING GAME—NSI
Kansas City	WDAF	#2	#2	NEWLYWED GAME—NSI, ARB
Charlotte	WSOC	#2	#2	NEWLYWED GAME—NSI, ARB
New Orleans	WDSU	#2	#2	NEWLYWED GAME—ARB
Greenville-Ashville Spartanburg	WSPA	#2	#2	NBC NIGHTLY NEWS—ARB
Buffalo	WGRZ	#2	#2	NEWLYWED GAME—NSI
Memphis	WREG	#2	#2	NEWLYWED GAME—NSI
San Antonio	KENS	#2	#2	HOLLYWOOD SQUARES—ARB
Mobile	WKRG	#2	#2	NEWLYWED GAME—NSI
Toledo	WTVG	#2	#2	NEWLYWED GAME—NSI
Syracuse	WTVH	#2	#2	NEWLYWED GAME—ARB

Source: Rating Service as indicated, May 1987
*Source: NTI May 1987 vs. May 1986 except Hollywood Squares vs. Oct. 1986

ENTERTAINMENT TONIGHT

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News Directors Had 3,000 Reasons To Call The NEWSFEED Network Last Year.

"It was a typical day in my newsroom until the sniper report came in. With a group of *our* senior citizens being held hostage a thousand miles away at a Florida resort hotel, we *had* to have coverage, and we needed it *fast*. With an hour and a half to go until news time I couldn't afford to wait. So I picked up the phone and dialed **1-800-922-NEWS.** That's the toll free request hotline for The NEWSFEED Network. With NEWSFEED on the job, I knew that I could relax. Sure enough, the video was there on the feed just like I had requested. Our viewers saw pictures of the incident, while folks watching the competition just got a copy story—that's all.

"Competition, eat my dust!

"I call The NEWSFEED Network because they get me what I want. In fact, last year they handled over 3,000 requests like mine. Whether it's breaking news, a sports interview, file footage or weather video, they *always* come through. The folks at NEWSFEED are an extension of our news team. They're part of our family, because they get us what we need to win! Group W set the standard for satellite news gathering when they started The NEWSFEED Network back in 1981. And they've been innovating ever since.

"They've helped me to show my viewers who's the best news station in town. So if you want to be tops in your market, you ought to call them on their toll free number, **1-800-922-NEWS.** They show you all the ways that their request service can help you beat your competition, too."

THE
NEWSFEED
NETWORK

PRODUCED BY
GROUP W TELEVISION

REPRESENTED BY
ALL AMERICAN TELEVISION

Editor's Note □ *This is the complete text of the* Meredith *decision, by which the FCC, after 38 years, repealed the so-called fairness doctrine. Because of space limitations, all but two of the 249 footnotes have been omitted in this version; those two (numbers 46 and 206 in the original, numbers one and two here) remain because they are essential to understanding the text.* BROADCASTING *will publish a full-text version of the decision this week. For information, call 202-659-2340.*

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In re Complaint of	)
	)
Syracuse Peace Council	)
	)
against	)
	)
Television Station WTVH	)
Syracuse, New York	)

Memorandum Opinion and Order

Adopted: August 4, 1987 Released: August 6, 1987

By the Commission:

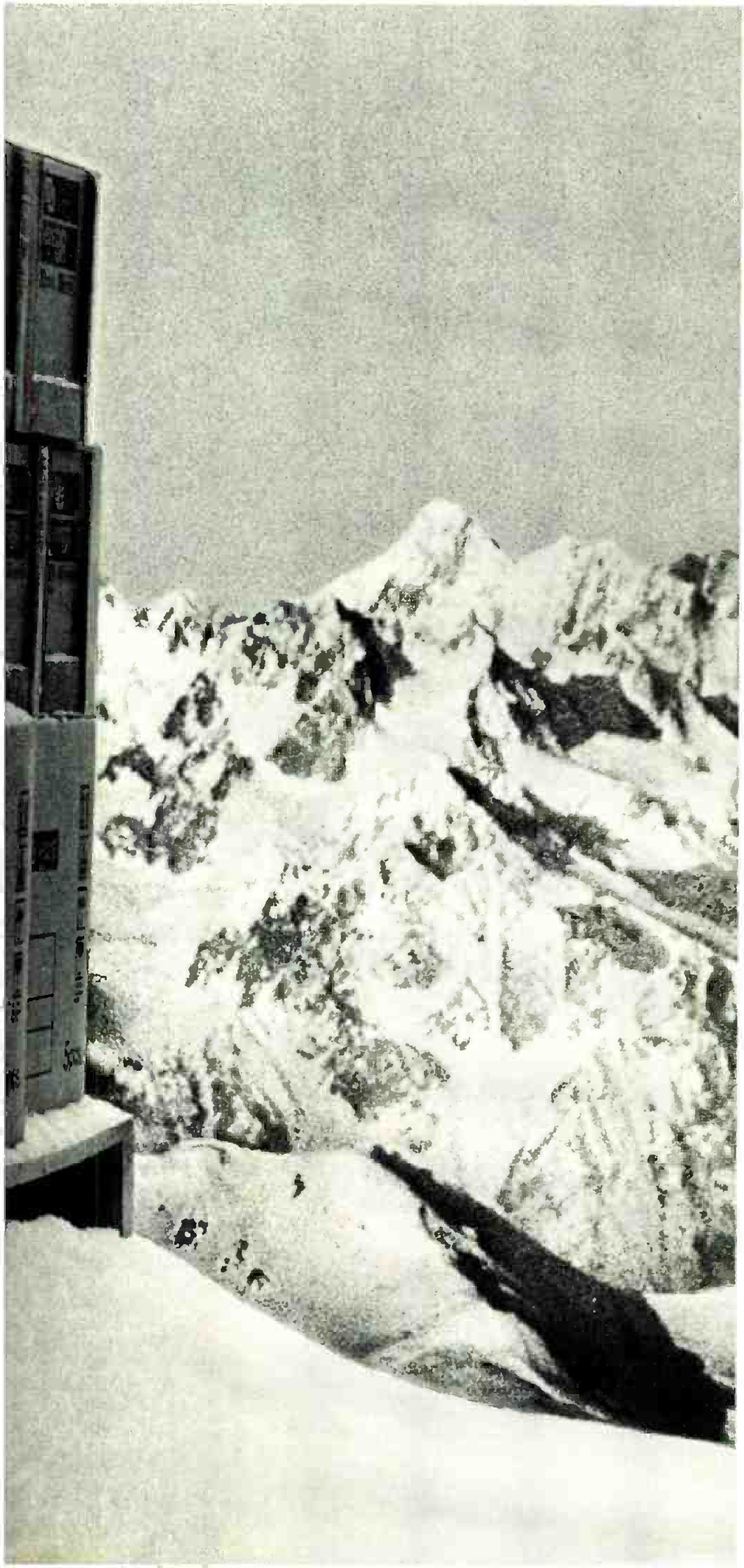
Table of Contents

I. Introduction

1. In Meredith Corp. v. FCC, the United States Court of Appeals remanded this case to the Commission for further consideration of our decision, in this adjudication, to enforce the fairness doctrine against station WTVH. The court found that the Commission, on the basis of the evidence of record, had properly concluded that the station failed to satisfy the requirements of the fairness doctrine. It determined, however, that the Commission had acted arbitrarily and capriciously in not considering WTVH's contentions that the enforcement of the doctrine deprived the station of its constitutional rights.

2. Pursuant to the court's Order, we reopened this proceeding in order to consider the constitutional and public interest issues raised by WTVH. In light of "the general importance of the issues in this particular case," we published a notice in the Federal Register inviting comment from interested members of the public as well as from the parties to this adjudication. As explained more fully below, based upon this record, our experience in administering the fairness doctrine, fundamental constitutional principles, and the findings contained in our comprehensive 1985 Fairness Report, we conclude that the fairness doctrine, on its face, violates the First Amendment and contravenes the public interest. Accordingly, we shall grant reconsideration of our earlier determinations in this proceeding, and our previous orders in this proceeding are hereby vacated. Any formal determination that WTVH failed to comply with the requirements of the fairness doctrine can no longer be used against WTVH in any

ONLY ONE COMPETITOR IS ENTERED IN EVERY EVENT IN THE '88 WINTER GAMES.



subsequent renewal proceedings or in any other context.

II. Background

A. 1985 FAIRNESS REPORT

3. As the Court noted in Meredith Corp. v. FCC, the Commission recently conducted "a comprehensive reexamination of the public policy and constitutional implications of the fairness doctrine." During the course of that proceeding, the Commission considered more than one hundred formal comments and reply comments, hundreds of informal submissions, and oral arguments presented in two full days of hearings. The inquiry culminated in the 1985 Fairness Report released by the Commission on August 23, 1985. Because we believe that the determinations made in the 1985 Fairness Report are directly relevant to the issues on remand, in this section we shall briefly summarize the major conclusions of that Report before describing the history of this proceeding.

4. Based upon compelling evidence of record, the Commission, in its 1985 Fairness Report, concluded that the fairness doctrine disserved the public interest. Evaluating the explosive growth in the number and types of information sources available in the marketplace, the Commission found that the public has "access to a multitude of viewpoints without the need or danger of regulatory intervention." The Commission also determined that the fairness doctrine "chills" speech, finding that "in stark contravention of its purpose, [the doctrine] operates as a pervasive and significant impediment to the broadcasting of controversial issues of public importance." In addition, the agency found that its enforcement of the doctrine acts to inhibit the expression of unpopular opinion; it places the government in the intrusive role of scrutinizing program content; it creates the opportunity for abuse for partisan political purposes; and it imposes unnecessary costs upon both broadcasters and the Commission.

5. While disclaiming any intention to "definitively resolve whether or not the fairness doctrine is constitutional," the Commission questioned whether the doctrine is consistent with the guarantees of the First Amendment. It stated that "were the balance ours alone to strike, the fairness doctrine would thus fall short of promoting those interests necessary to uphold its constitutionality." The Commission recognized that the Supreme Court in 1969 had upheld the doctrine in Red Lion Broadcasting Co. v. FCC ("Red Lion"), but determined that the factual predicates underlying that decision had been eroded.

6. In the 1985 Fairness Report, the Commission did not reach a definitive conclusion as to whether the doctrine was codified. In light of the "intense Congressional interest in the fairness doctrine ... the pendency of legislative proposals," as well as the uncertainty as to whether the doctrine was in fact codified, the Commission concluded that "it would be inappropriate at this time...to either eliminate or significantly restrict the scope of the doctrine." Expressing its intention to continue to enforce the fairness doctrine, the Commission forwarded its Report to Congress so that the legislature would have "an opportunity to review the fairness doctrine in light of the evidence [in that Report]."

B. HISTORY OF THIS PROCEEDING

1. Syracuse Peace Council v. Television Station WTVH

7. While the general inquiry on the fairness doctrine was still pending before the agency, the Commission in this adjudication held that television station WTVH in Syracuse, New York, had violated the doctrine. The Commission determined that WTVH, by broadcasting a series of editorial advertisements advocating the construction of the Nine Mile Point II nuclear plant as a sound investment for New York, presented a controversial issue of public importance. Finding at that time that the station had failed to air any contrasting viewpoints on the issue, the Commission concluded that WTVH had not met its obligations under the fairness doctrine.

8. The Meredith Corporation, the licensee of station WTVH, petitioned the Commission to reconsider its decision. Addressing the agency's administration of the doctrine, Meredith argued that the Commission had misapplied administrative precedent and had erred in determining that the station violated the fairness doctrine. Specifically, Meredith contended that the Commission had erred in determining that the issue was controversial at the time that the advertisements were broadcast. It also argued that the agency had acted incorrectly in framing the controversial issue of public importance. In addition, it asserted that the agency had improperly distinguished an earlier administrative decision -- Yes to Stop Calloway Committee -- which, in its view, was "controlling" in this case. Finally, providing new evidence of additional programming, Meredith asserted that it had in fact aired balanced programming on the issue involved in this case.

9. In a supplement attached to its Reply, Meredith advanced a number of legal arguments asserting that the fairness doctrine, as applied to the specific facts of the case sub judice and on its face, was unconstitutional. First, it contended that the Commission, by failing to follow the appropriate procedures governing the administration of the doctrine, applied the fairness doctrine in a manner which violated its constitutional rights. Second, proferring quantitative data relating to the availability of broadcast stations, cable systems and newer technologies in Syracuse, New York, Meredith asserted that the assumptions of scarcity underlying the Red Lion decision are not present in the specific market in which WTVH operates. Thus, while noting that "there may exist situations today wherein sufficient media outlets do not exist to ensure a multiplicity of both voices and viewpoints," Meredith asserted that the number and types of information sources in Syracuse, New York, demonstrate that the fairness doctrine is not constitutionally permissible in that market. Third, Meredith stated that "the application of the fairness doctrine to WTVH's editorial decision to air the commercials [in this case] has had a distinct and chilling effect on its freedom of speech." Fourth, Meredith contended that there was sufficient evidence in the Commission's pending fairness doctrine inquiry demonstrating that "the scarcity rationale of Red Lion no longer exists" for the agency "to reach the conclusion that, as a general matter, the Fairness Doctrine contravenes the First Amendment rights of broadcasters." Thus, apparently questioning the legal and factual basis upon which the constitutionality of the fairness doctrine was upheld in Red Lion, Meredith asserted that "the Fairness Doctrine as a whole lacks constitutional validity today."

10. In a Memorandum Opinion and Order, the Commission denied Meredith's petition for reconsideration. Addressing in detail the nonconstitutional contentions raised by Meredith, the Commission concluded that it had correctly found on the basis of the evidence before it that WTVH had violated the fairness doctrine. The agency, however, did not reach the merits of Meredith's constitutional arguments. Citing the 1985 Fairness Report, it stated that it had determined to continue to enforce the doctrine "irrespective of [its] view concerning the constitutionality of the Fairness Doctrine, [because] the question of its repeal or its constitutionality is best left to Congress and the courts."

2. Meredith Corp. v. FCC

11. Meredith sought judicial review of the Commission's order in the United States Court of Appeals for the District of Columbia Circuit. The Court on review rejected Meredith's contention that the Commission had misconstrued administrative precedent or erred in determining that WTVH's actions did not satisfy the requirements of the fairness doctrine. It asserted, however, that the Commission had acted improperly in holding that Meredith violated the doctrine without responding to the broadcaster's constitutional arguments. While noting that "[a]n agency is not required to reconsider the merits of a rule each time it seeks to apply it," the court stated that the Commission, in its 1985 Fairness Report:

> has already largely undermined the legitimacy of its own rule. The FCC has issued a formal report that eviscerates the rationale for its existing regulations. The agency has deliberately cast grave legal doubt on the fairness doctrine...[in] a formal fashion. [1]

12. In remanding the case to the Commission for further consider-

[1] The Court of Appeals concluded that, on remand, avoiding the constitutional issue in this case "appears clearly no longer available" to the agency. Meredith Corp. v. FCC, 809 F.2d at 873 n.11. The Court pointed out that it had recently determined, in TRAC v. FCC, supra note 2, that the fairness doctrine was not codified. In addition, the Court discussed the fact that Congress, subsequent to TRAC v. FCC, had enacted appropriations legislation which referred explicitly to the fairness doctrine both in the body of that statute and in its legislative history. Meredith Corp. v. FCC, 809 F.2d at 873 n.11. See Making Continuing Appropriations for Fiscal Year 1987, supra note 4, and H.R. Rep. No. 99-1005, 99th Cong., 2d Sess. 70-71 (1986). The court asserted that the actual language of the appropriations legislation "does not appear to mandate the fairness doctrine." Meredith Corp. v. FCC, 809 F.2d at 873 n.11. The court probed counsel for the Commission, at oral argument, as to whether the Commission

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Ag

1. M*A*S*H
2. Three's Company
3. THE FACTS OF LIFE
4. BENSON
5. DIFF'RENT STROKES

Source: NSI Cassandra, May 1987

ation of Meredith's constitutional claims, the Court provided the Commission with several options. It indicated that the Commission could address the constitutional issue broadly or "choose to decide the issue narrowly, resting on the particular circumstances of Meredith's case." As a further alternative, the Court stated that the Commission could determine, "in an adjudicatory context, that the doctrine cannot be enforced because it is contrary to the public interest and thereby avoid the constitutional issue." In any event, the court admonished the members of this Commission that the failure to consider Meredith's constitutional arguments in its defense was not only the "very paradigm of arbitrary and capricious administrative action," but may also have constituted a breach of the oath that each Commissioner took to support and defend the Constitution. This case was therefore remanded for rectification, and we now consider it, in light of that admonition.

3. Comments on Remand

13. In view of the importance and potentially far-ranging impact of our decision on remand, we invited interested persons, through publication of a notice in the Federal Register, to submit comments on "whether, in light of the 1985 Fairness Report, enforcement of the fairness doctrine is constitutional and whether enforcement of the doctrine is contrary to the public interest." On remand, approximately fifty comments were filed by individuals, broadcasters, advertisers, public interest groups, trade associations, governmental entities and others. The comments were approximately equally divided between those who support and those who oppose the fairness doctrine.

14. A number of fairness doctrine advocates argue that the Commission should not consider either the propriety or the constitutionality of the doctrine in this adjudication. For example, certain proponents, including the New York State Consumer Protection Board ("New York") and the Office of the United Church of Christ et al. ("UCC"), argue that the agency lacks the authority to abolish the fairness doctrine in an adjudicatory proceeding because, in their view, it is an agency rule which cannot be altered except through notice and comment rulemaking procedures. The Syracuse Peace Council ("SPC") contends that the agency, on remand, should find, as a factual matter, that Meredith Corporation did not violate the fairness doctrine, and thus the Commission could avoid resolution of any general policy or constitutional issues. In addition, certain commenters suggest alternative proceedings or approaches to the consideration of the issues on remand. For example, a number of parties request the Commission variously to institute a rulemaking on the fairness doctrine, to combine this adjudication with the proceeding addressing alternative enforcement policies for the fairness doctrine, or to defer consideration of this proceeding until after the alternatives proceeding is concluded or until the Supreme Court has disposed of the petitions for certiorari in TRAC v. FCC.

15. If the agency decides the case on the merits, some fairness doctrine proponents state that the Commission should limit its consideration to the narrow facts presented in this adjudication. Arguing that the facts of this case are different from the typical fairness doctrine case because, inter alia, the controversial issue was presented in the context of an editorial advertisement, SPC and others contend that this adjudication is an inappropriate vehicle for the Commission to undertake a comprehensive evaluation of the doctrine on its face. In addition, a number of fairness doctrine proponents assert, as a general matter, that the doctrine is necessary to assure access by the public to diverse viewpoints on controversial issues. On the constitutional issue, they contend that because there are more persons who wish to broadcast than there are frequencies available, the "scarcity rationale" underlying the Red Lion decision still exists. Relying upon Red Lion, they argue that the fairness doctrine is constitutional.

16. In contrast, many parties opposing the fairness doctrine, including the American Advertising Federation, the National Broadcasting Co., Inc. ("NBC"), and the National Association of Broadcasters ("NAB"), urge the Commission, in this adjudication, to decide expeditiously whether the doctrine furthers the public interest and comports with the First Amendment. Relying upon the findings contained in the 1985 Fairness Report, the American Association of Advertising Agencies, the Landmark Legal Foundation, the Freedom of Expression Foundation and others note that that there has been a substantial increase in the number and types of information services. They conclude that there is no scarcity of information sources justifying governmental intervention into the content of speech. NBC and others contend that fairness doctrine enforcement requires the government to make decisions concerning the content of programming that are fraught with judgmental uncertainty. Asserting that the effect of the doctrine is to inhibit the expression of views on controversial issues of public importance, a number of commenters state that there is no justification for the doctrine as a matter of policy. In addition, many commenters for the same reasons conclude that the doctrine violates the First Amendment rights of broadcasters. As a consequence, they state that it would be improper for the Commission to continue to enforce the doctrine and urge the agency to take whatever action is necessary to eliminate it.

III. Discussion

A. SCOPE OF THIS PROCEEDING-PROCEDURAL ISSUES

1. Discussion of Policy and Constitutional Issues

17. SPC asserts that the Commission should avoid considering the policy or constitutional issues on remand entirely by resolving this case on the narrow factual issue concerning whether Meredith had violated the fairness doctrine. Specifically, SPC urges us to grant Meredith's Petition for Reconsideration and to vacate our earlier decision upholding the validity of SPC's own complaint on the grounds Meredith had in fact complied with the fairness doctrine by providing responsive programming.

18. We reject SPC's request. The argument that Meredith had in fact satisfied its fairness doctrine obligations by presenting both sides of the controversial issue in question was presented to the court in Meredith Corp. v. FCC. Nonetheless, the court expressly affirmed our earlier finding that station WTVH had violated the doctrine. The affirmance of this aspect of the case is final, and we have no power to revisit this determination. It is well-established that:

> [t]he decision of a federal appellate court establishes the law binding further action in the litigation by another body subject to its authority. The latter 'is without power to do anything which is contrary to either the letter or spirit of the mandate construed in the light of the opinion of [the] court deciding the case...'

"The prior appellate review and determination of [a fairness doctrine violation]...foreclose the opportunity to redetermine th[at] issue[]." SPC would have the Commission on remand revisit issues definitively decided by the Court of Appeals for the apparent purpose of avoiding the policy and constitutional issues which the court specifically directed us to consider. Such an approach would contravene the court's decision in Meredith Corp. v. FCC, and we decline to adopt it.

19. Therefore, in this Memorandum Opinion and Order, we consider

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could be bound by legislative intent, as expressed in report language and other legislative history, but not in actual legislation. In its decision, the court noted that counsel admitted that legislative history was not legally binding. Despite the fact that the court had before it legislative history indicating that at least some members of Congress did not want the Commission to act on the fairness doctrine, see id., the court nevertheless remanded the proceedings and directed the Commission to consider the constitutional and public interest challenges to the fairness doctrine, demonstrating its determination that the various expressions of congressional intent did not codify the doctrine nor justify continued delay in resolving petitioner's claim.

Subsequent to the court's decision in Meredith Corp. v. FCC, efforts have been made to codify the fairness doctrine. S. 742, 100th Cong., 1st Sess. (1987); H.R. 1934 (1987). See S. Rep. 100-34, 100th Cong., 1st Sess. (1987); H.R. Rep. No. 100-108, 100th Cong. 1st Sess. (1987). S. 742 was passed by the Senate on April 21, 1987, and H.R. 1934 was passed by the House of Representatives on June 3, 1987. The legislation, however, was vetoed by the President on June 19, 1987. 23 Weekly Comp. Pres. Doc. 715 (June 29, 1987), and on June 23, 1987, the Senate voted to return the bill to committee without attempting to override the veto. 133 Cong. Rec. S8438 (daily ed. June 23, 1987). Thus, to date, these efforts have not resulted in codification, and thus the fairness doctrine is not mandated by statute. Hence, this case does not involve the authority of the Commission to question the constitutionality of a statute.

Nearly seven months have passed since the Court of Appeals decided Meredith Corp. v. FCC, and the Commission has had adequate time to assess comments and to analyze the constitutional and public interest challenges thoroughly. In light of these facts, and in light of the court's clear directions in remanding this case, we believe that we can no longer justifiably delay our response to WTVH's claims. Any further delay in deference to Congress' continuing interest in fairness legislation would be inconsistent with our adjudicatory responsibilities, Meredith Corp. v. FCC, 809 F.2d at 873-74, and proper administrative procedure, see Koniag, Inc. v. Village of Uyak, 580 F.2d 601 (D.C. Cir. 1978); Pillsbury v. FTC, 354 F.2d 952 (5th Cir. 1966).

whether the fairness doctrine is consistent with the guarantees of the First Amendment and whether it comports with the public interest. As noted above, the court ordered the Commission to consider Meredith's constitutional arguments unless it decided, on policy grounds, not to enforce the fairness doctrine. As we began to examine the policy issues, however, it became evident to us that the policy and constitutional considerations in this matter are inextricably intertwined and that it would be difficult, if not impossible, to isolate the policy considerations from the constitutional aspects underlying the doctrine. We believe, as a result, that it is appropriate and necessary to address the policy and constitutional issues together for a number of reasons.

20. First, in an analysis of any Commission regulation, it is well-established that First Amendment considerations are an integral component of the public interest standard. For example, in FCC v. National Citizens Committee for Broadcasting, the Supreme Court stated that

> the "'public interest' standard necessarily invites reference to First Amendment principles,'" Columbia Broadcasting System, Inc. v. Democratic National Committee, 412 U.S. 94, 122 (1973), and, in particular, to the First Admendment goal of achieving "the widest possible dissemination of information from diverse and antagonistic sources," Associated Press v. United States, 326 U.S. 1, 20 (1945).

A meaningful assessment of the propriety of the doctrine, therefore, necessarily includes an evaluation of its constitutionality. If the doctrine impedes the realization of First Amendment objectives—and, as explained more fully below, we believe that it does—a fortiori it disserves the public interest.

21. A second, but related, reason that the policy and constitutional issues are inextricably intertwined is that the promotion of First Amendment values was the Commission's core policy objective in establishing and maintaining the doctrine. The parameters defining the need and desirability of government intervention under the fairness doctrine are coextensive with those of the First Amendment. Therefore, if the doctrine fails to further First Amendment principles, or if it strays from those parameters established by the Constitution, it necessarily follows that the doctrine does not achieve the specific purpose for which it was intended and can no longer be sustained.

22. Third, this Commission was established by Congress as the expert agency in broadcast matters and possesses more than fifty years of experience with the day-to-day implementation of communications regulation. As a consequence, the courts, when considering the constitutionality of broadcast regulation, have found our perspective informative. For example, the Supreme Court has stated that "in evaluating. . .First Amendment claims. . .we must afford great weight to the decisions of Congress and the experience of the Commission." Further, the Court of Appeals, in remanding this case to the Commission, affirmatively stated that it "may well benefit—in the event of further review—from the Commission's analysis [of the constitutional issue]." Accordingly, we consider the constitutional and policy issues raised in this proceeding as being derived from the same set of principles.

23. We reject the contention of those parties who argue that we cannot address the broad policy and constitutional issues involving the fairness doctrine in this proceeding, but must issue an additional rulemaking notice to do so. In Meredith Corp. v. FCC, the Court explicitly stated that the Commission could decide this case on broad policy and constitutional grounds. The contention, then, that the Commission lacks authority to consider these issues in this adjudication is directly at odds with the directive of the Court of Appeals in remanding this case to the agency.

24. It is well-established, moreover, that "administrative agencies have wide leeway in choosing to announce rules and intepretations in the course of adjudications." The courts have duly recognized that "the choice whether to proceed by rulemaking or adjudication is primarily one for the agency regardless of whether the decision may affect agency policy and have general prospective application." While acknowledging this long established rule of administrative law, certain parties nonetheless contend that the Commission's discretion in selecting the type of proceeding in which to consider its policies would be abused were the Commission to address the broad constitutional and policy issues in this adjudication. We disagree. Even if this case only involved a situation in which the agency decided on its own motion to reevaluate in an adjudication the propriety and the constitutionality of the fairness doctrine, this course of action would be lawful. The courts permit the Commission to reassess administrative precedent in adjudications even where the regulatory policy is of long standing and has far reaching effect. In any event, the agency reopened this proceeding pursuant to an express judicial directive to consider the lawfulness of enforcing the fairness doctrine against station WTVH, provided explicit notice of the matters at issue, and solicited comment from all interested parties. It can hardly be an abuse of discretion for an agency to comply with an order of the Court of Appeals by addressing on remand the precise issues contemplated by that court.

25. We also reject the contention that we are barred from considering the propriety of the fairness doctrine because it is an agency rule which can not be modified or eliminated except through the notice and comment procedures prescribed in Section 4 of the Administrative Procedure Act ("APA"). The fairness doctrine was never promulgated as an agency regulation pursuant to a notice and comment rulemaking process. Rather, it was developed over a period of time through statements of policy (without notice and comment) and case-by-case adjudications. The first fairness doctrine obligations were imposed by the FCC and its predecessor, the Federal Radio Commission, in early adjudicatory proceedings. The policy was clarified and further developed in subsequent adjudications and in reports issued by the Commission in 1949 and 1974. The fairness doctrine was established, without notice and comment, and there is no requirement that it now be modified or eliminated through notice and comment rulemaking.

26. Contrary to the contentions of parties such as the Office of Communications of the United Church of Christ, the fact that the fairness doctrine is referred to in Section 73.1910 of our rules does not mean that it can be altered or eliminated only by means of a notice and comment rulemaking. The reference to the fairness doctrine was incorporated in the Code of Federal Regulations in 1978. The Commission, without extensive analysis, had concluded at that time that the doctrine was codified by Section 315 of the Communications Act. Section 73.1910, which was adopted without notice and comment as part of an omnibus procedural restructuring of the broadcast rules, is a simple statement setting forth what the Commission erroneously perceived to be required by Section 315. Specifically, in adopting Section 73.1910, the Commission stated that:

> The new rule simply states that the Fairness Doctrine is in Section 315(a) of the Communications Act, directs the rule user to the FCC public notice, "Fairness Doctrine and the Public Interest Standard." . . and includes information on obtaining copies of this document from the FCC.

Its adoption did not effectuate any change in broadcasters' obligations under the fairness doctrine. The Court of Appeals decision in TRAC v. FCC that the fairness doctrine is not codified in Section 315 renders Section 73.1910 of our rules meaningless, and it consequently has no relevance to the issues addressed in this proceeding.

2. Consideration of the Doctrine on its Face

27. After reviewing Meredith's several arguments in its defense, we are persuaded by its argument that the fairness doctrine is unconstitutional on its face. We, therefore, do not—and, as explained below, cannot—confine our determination of the issues involved here to the specific facts of this adjudication. We do not believe that the constitutionality or the propriety of our holding that WTVH violated the fairness doctrine turns narrowly upon either the specific manner in which we have enforced the doctrine in this instance or upon any unique circumstances in the particular geographic market in which we have applied it. Rather, we believe, as more fully discussed below, that the doctrine's infirmity of impermissibly chilling and reducing the discussion of controversial issues of public importance is not an infirmity resulting from the enforcement of the doctrine in this particular case or in particular markets, but is an infirmity that goes to the very heart of the enforcement of the fairness doctrine as a general matter. We believe that the relevant issue in this proceeding is whether the doctrine itself complies with the strictures of the First Amendment and thereby comports with sound public policy. Therefore, in order to resolve the issues that the Court directed us to consider, we conclude that we have no choice but to consider Meredith's challenge to the facial validity of the fairness doctrine itself.

28. We also believe that there are cogent reasons why we must consider the broad policy and constitutional issues in this adjudication. The particular broadcast at issue in this adjudication involved the broadcast of an editorial advertisement, which triggered our enforcement of the fairness doctrine as expressed more particularly through the Cullman doctrine. Although, at first blush, it appears that our decision could be limited to such announcements and to the continued vitality of the Cullman doctrine, closer scrutiny reveals that the policies involved cannot be segregated on any principled basis, so that such an approach is untenable.

29. The Cullman doctrine developed from a particular application of the fairness doctrine in Cullman Broadcasting Co. The Cullman case clarified that the fairness doctrine applies to a broadcaster's airing of an editorial advertisement that presents for the first time one side of a controversial issue of public importance, thereby requiring the broadcaster to afford a reasonable presentation of contrasting viewpoints on that issue. Under the Cullman doctrine, if a broadcaster does not intend to present contrasting viewpoints through its own programming and cannot obtain paid sponsorship for the presentation of such viewpoints, then it cannot refuse to broadcast a presentation of those viewpoints (otherwise suitable to the licensee) on the ground that it cannot obtain paid sponsorship for that presentation. The Cullman doctrine is, in reality, no more than a statement that the fairness doctrine must be complied with regardless of the availability of paying program sponsors, and, as explained more fully below, its infirmity stems from the very heart of the fairness doctrine -- i.e., its threat of government intrusion into the editorial process to ensure that broadcasters provide balanced programming in connection with their airing of editorial advertisements inhibits broadcasters from accepting such advertisements. Thus, the Cullman doctrine can neither be logically nor materially distinguished from the core of the fairness doctrine itself.

30. For example, the fact that the Cullman doctrine requires the broadcaster to broadcast unsponsored presentations of contrasting viewpoints if it cannot obtain sponsored presentations of such viewpoints does not distinguish it from its parent fairness doctrine. The presentation of one side of any controversial issue of public importance is generally financed either directly by the actual speaker, through an editorial advertisement (a Cullman scenario), or by the broadcaster, through the station's commercial advertisement revenues (a general fairness scenario). If the broadcaster cannot obtain financing for the presentation of contrasting viewpoints on a particular issue from the sale of another editorial advertisement to another speaker, then the broadcaster must finance the presentation of such viewpoints using its own commercial advertisement revenues. In either event, the regulatory and economic burdens on the broadcaster are the same; and nothing distinguishes the Cullman doctrine from the fairness doctrine in this context.

31. Finally, Cullman obligations arise, just as general fairness obligations arise, only when the editorial advertisement involves a controversial issue of public importance. Hence, just like other programming that does not involve such issues, an editorial advertisement that does not involve a controversial issue of public importance does not give rise to any obligation to present contrasting viewpoints. Consequently, it becomes clear that the Cullman doctrine derives its life blood from the fairness doctrine, and its continued vitality cannot be considered without a concomitant assessment of the underlying fairness doctrine. Therefore, we believe that, because the constitutional and public interest infirmity of the Cullman doctrine derives from the underlying fairness doctrine, it would be arbitrary and capricious for us to consider the Cullman doctrine in this proceeding, without also addressing the fairness doctrine that stands as its base.

32. In short, broadcasters are faced daily with editorial decisions concerning what types of commercial or noncommercial material on controversial public issues to present to their listeners and viewers. The fundamental issue embodied in this fairness doctrine litigation is the same as that presented in all other fairness doctrine cases: whether it is constitutional and thereby sound public policy for a government agency to oversee editorial decisions of broadcast journalists concerning the broadcast of controversial issues of public importance. Because the case before us is a product of the fairness doctrine itself, and because it raises important policy and constitutional issues common to all fairness doctrine litigation, we do not believe that the resolution of this proceeding turns on any specific facts that are unique to this adjudication.

33. Nor do we believe that it would be appropriate, in passing on the constitutional and policy issues raised by our enforcement of the fairness doctrine, to limit our consideration of such issues to the one part of the fairness doctrine that we determined had been violated in this case. The fairness doctrine, although consisting of two parts, is a unified doctrine; without both parts, the doctrine loses its identity. The litigants and courts in this and, indeed, the Red Lion case have all considered the validity of the doctrine as a whole, and not as two separate policies. They have considered the doctrine as such because neither part of the doctrine, standing separately, constitutes the fairness doctrine, for both parts of the doctrine are interdependent and integral to the overall regulatory scheme. Consequently, if the constitutional infirmity of the doctrine arises from the enforcement of one of its parts, we do not believe it appropriate to sever that part of the doctrine and to continue enforcing only the other part.

34. Yet even if we were to sever the two prongs of the doctrine and consider and invalidate only that prong which was violated in this case, we would be left with something very different from the fairness doctrine. The first part of the fairness doctrine, by itself, although subject to a different regulatory focus and enforcement mechanism, may be compared to the already existing obligation of broadcasters to cover issues of importance to their communities. Accordingly, retaining both obligations would be duplicative. There is thus no need to sever the two parts of the existing fairness doctrine in order to retain the obligation imposed by the first part.

35. In remanding this case to us, the Court of Appeals did not indicate that we were obligated to consider, or even that we should consider, the two parts of the doctrine separately, and, as stated above, we do not believe that we are otherwise obligated to do so. Our directive from the court was to consider the constitutionality and propriety of the fairness doctrine as it is currently administered. That doctrine, both on its face and as administered, contains two parts that, together, constitute the fairness doctrine. Accordingly, we consider the entire doctrine in this proceeding and decline to sever its parts from one another.

B. CONSTITUTIONAL CONSIDERATIONS UNDER RED LION

36. As more fully discussed below, the extraordinary technological advances that have been made in the electronic media since the 1969 Red Lion decision, together with a consideration of fundamental First Amendment principles, provide an ample basis for the Supreme Court to reconsider the premise or approach of its decision in Red Lion. Nevertheless, while we believe that the Court, after reexamining the issue, may well be persuaded that the transformation in the communications marketplace justifies alteration of the Red Lion approach to broadcast regulation, we recognize that to date the Court has determined that governmental regulation of broadcast speech is subject to a standard of review under the First Amendment that is more lenient than the standard generally applicable to the print media. Until the Supreme Court reevaluates that determination, therefore, we shall evaluate the constitutionality of the fairness doctrine under the standard enunciated in Red Lion and its progeny.

1. Red Lion Broadcasting Co. v. FCC

37. Eighteen years ago, the Supreme Court, in Red Lion Broadcasting Co. v. FCC, upheld the constitutionality of the fairness doctrine because it believed, at that time, that the doctrine promoted "the paramount [F]irst [A]mendment rights of viewers and listeners to receive 'suitable access to...ideas and experiences.'" In that decision, the Court clearly articulated a First Amendment standard for evaluating broadcast regulation which provided less protection to the speech of broadcast journalists than that accorded to journalists in other media. The Court held that, "[i]n view of the scarcity of broadcast frequencies, the Government's role in allocating those frequencies, and the legitimate claims of those unable without government assistance to gain access to those frequencies for expression of their views," the government could require persons who were granted a license to operate "as a proxy or fiduciary with obligations to present those views and voices which are representative of his community." The Court thus described what it subsequently characterized as "an unusual order of First Amendment values;" it determined that governmental restrictions on the speech of broadcasters could be justified if they furthered the interests of listeners and viewers.

38. Although the Court in Red Lion articulated this standard for broadcast regulation, in several respects its holding was narrow in scope. First, the Court, in explicit terms, disclaimed an intention of "approv[ing] every aspect of the fairness doctrine." Second, as the Court in

Meredith v. FCC noted, the Red Lion decision "was expressly premised on the scarcity of broadcast frequencies 'in the present state of commercially available technology' as of 1969." Third, and most importantly, the Court, in determining that the doctrine satisfied the requirements of the First Amendment, relied upon the Commission's express representation that there was no evidence that the doctrine "chills speech." The Court emphasized that if the fairness doctrine were found to inhibit broadcasters from covering controversial issues of public importance:

> Such a result would indeed be a serious matter for... the purposes of the of the doctrine would be stifled. At this point, however, as the Federal Communications Commission has indicated, that possibility is at best speculative...The fairness doctrine in the past has had no such overall effect.

The Court in Red Lion expressly stated that it would reconsider its holding "if experience with the administration of [the fairness doctrine] indicates that [it] ha[s] the net effect of reducing rather than enhancing the volume and quality of coverage [of controversial issues of public importance]."

2. Application of the Red Lion Standard

39. Under the standard enunciated by the Supreme Court for assessing the constitutionality of broadcast regulation, "it is the right of the viewers and listeners and not the broadcasters which are paramount." This standard permits the government to regulate the speech of broadcasters in order to promote the interest of the public in obtaining access to diverse viewpoints.

40. In subsequent cases applying the Red Lion standard, the Supreme Court also recognized expressly that broadcasters have substantial rights under the First Amendment. Indeed, the Court specified that in furthering the public's interest in viewpoint diversity, it "must necessarily rely in large part upon the editorial initiative and judgment of the broadcasters...." The Court has emphasized that "broadcasters are 'entitled under the First Amendment to exercise "the widest journalistic freedom consistent with their public [duties]".'" In addition, it has held that governmental restrictions on broadcasters' speech are permissible under the First Amendment only in situations in which those restrictions are "narrowly tailored to further a substantial governmental interest, such as ensuring adequate and balanced coverage of public issues."

41. An assessment of the constitutionality of the fairness doctrine under the standard established by Red Lion and its progeny, therefore, "requires a critical examination of the interests of the public and broadcasters." We shall thus consider the constitutionality of the fairness doctrine from the perspective both of the public and the broadcast licensees. In so doing, we shall examine the record developed in this case and in the 1985 Fairness Report to determine, in accordance with existing Supreme Court precedent, whether the enforcement of the fairness doctrine (1) chills speech and results in the net reduction of the presentation of controversial issues of public concern and (2) excessively infringes on the editorial discretion of broadcast journalists and involves unnecessary government intervention to the extent that it is no longer narrowly tailored to meet its objective.

(a) Chilling Effect of the Doctrine

42. In the 1985 Fairness Report, the Commission evaluated the efficacy of the fairness doctrine in achieving its regulatory objective. Based upon the compelling evidence of record, the Commission determined that the fairness doctrine, in operation, thwarts the purpose that it is designed to promote. Instead of enhancing the discussion of controversial issues of public importance, the Commission found that the fairness doctrine, in operation, "chills" speech.

43. The Commission documented that the fairness doctrine provides broadcasters with a powerful incentive not to air controversial issue programming above that minimal amount required by the first part of the doctrine. Each time a broadcaster presents what may be construed as a controversial issue of public importance, it runs the risk of a complaint being filed, resulting in litigation and penalties, including loss of license. This risk still exists even if a broadcaster has met its obligations by airing contrasting viewpoints, because the process necessarily involves a vague standard, the application and meaning of which is hard to predict. Therefore, by limiting the amount of controversial issue programming to that required by the first prong (i.e., its obligation to cover controversial issues of vital importance to the community), a licensee is able to lessen the substantial burdens associated with the second prong of the doctrine (i.e., its obligation to present contrasting viewpoints) while conforming to the strict letter of its regulatory obligations. The licensee, consistent with its fairness doctrine obligations, may forego coverage of other issues that, although important, do not rise to the level of being vital.

44. As the Commission demonstrated, the incentives involved in limiting the amount of controversial issue programming are substantial. A broadcaster may seek to lessen the possibility that an opponent may challenge the method in which it provided "balance" in a renewal proceeding. If it provides one side of a controversial issue, it may wish to avoid either a formal Commission determination that it violated agency policy or the financial costs of providing responsive programming. More important, however, even if it intends to or believes that it has presented balanced coverage of a controversial issue, it may be inhibited by the expenses of being second-guessed by the government in defending a fairness doctrine complaint at the Commission, and if the case is litigated in court, the costs of an appeal. Further, in view of its dependence upon the goodwill of its audience, a licensee may seek to avoid the possible tarnish to its reputation that even an allegation that it violated the governmental policy of "balanced" programming could entail.

45. Furthermore, the Commission determined that the doctrine inherently provides incentives that are more favorable to the expression of orthodox and well-established opinion with respect to controversial issues than to less established viewpoints. The Commission pointed out that a number of broadcasters who were denied or threatened with the denial of renewal of their licenses on fairness grounds had provided controversial issue programming far in excess of the typical broadcaster. Yet these broadcasters espoused provocative opinions that many found to be abhorrent and extreme, thereby increasing the probability that these broadcasters would be subject to fairness doctrine challenges. The Commission consequently expressed concern that the doctrine, in operation, may have penalized or impeded the expression of unorthodox or unpopular opinion, depriving the public of debates on issues of public opinion that are "uninhibited, robust, and wide-open." The doctrine's encouragement to cover only major or significant viewpoints, with which much of the public will be familiar, inhibits First Amendment goals of ensuring that the public has access to innovative and less popular viewpoints.

46. As noted above, these various incentives are not merely speculative. The record compiled in the fairness inquiry revealed over 60 reported instances in which the fairness doctrine inhibited broadcasters' coverage of controversial issues. Although some have sought to disparage or discount the significance of some of the specific examples cited, we have carefully reviewed these criticisms and continue to believe that those specific instances of broadcasters' conduct were broadly illustrative of a prevalent reaction to the doctrine and that the record from the inquiry overwhelmingly demonstrated that broadcasters act upon those incentives and limit the amount of controversial issue programming presented on the airwaves.

47. The Commission demonstrated in the 1985 Fairness Report that broadcasters -- from network television anchors to those in the smallest radio stations -- recounted that the fear of governmental sanction resulting from the doctrine creates a climate of timidity and fear, which deters the coverage of controversial issue programming. The record contained numerous instances in which the broadcasters decided that it was "safer" to avoid broadcasting specific controversial issue programming, such as series prepared for local news programs, than to incur the potentially burdensome administrative, legal, personnel, and reputational costs of either complying with the doctrine or defending their editorial decisions to governmental authorities. Indeed, in the 1985 Fairness Report, the Commission gave specific examples of instances in which broadcasters declined to air programming on such important controversial issues such as the nuclear arms race, religious cults, municipal salaries, and other significant matters of public concern. In each instance, the broadcaster identified the fairness doctrine as the cause for its decision.

48. The record in the fairness inquiry demonstrated that this self-censorship is not limited to individual programs. In order to avoid fairness doctrine burdens, the Commission found that stations have adopted company "policies" which have the direct effect of diminishing the amount of controversial material that is presented to the public on broadcast stations. For example, some stations refuse to present editorials; other stations will not accept political advertisements; still others decline to air public issue (or editorial) advertising; and others have policies to decline acceptance of nationally produced programming that discusses controversial subjects or to have their news staffs avoid controversial issues as a matter of routine. The Commission concluded, therefore, that the doctrine "inhibits the presentation of controversial issues of public importance to the detriment of the public and in degradation of the editorial prerogatives of broadcast journalists."

49. Further, we believe that enforcement actions such as the one in this proceeding provide substantial disincentives to broadcasters to cover controversial issues of importance in their community. As a direct result of the Commission second-guessing the editorial discretion of Meredith's station WTVH in its coverage of an important, controversial issue, Station WTVH became embroiled in a burdensome, regulatory quagmire. Even though it has, under today's decision, ultimately prevailed in this adjudication, the station has incurred substantial litigation expenses associated with the initial adjudication, the reconsideration proceeding, the case on appeal and the subsequent remand. Its reputation has been tarnished for nearly three years by a formal adjudication by this Commission that it was unfair in its programming and somehow did not live up to professional journalistic standards. In addition, its editorial judgment as a broadcast journalist has been subject to question by government authorities. Based upon this experience, we believe that, if we were to continue to impose the doctrine, some broadcasters would continue to seek to avoid the substantial burdens associated with the doctrine by limiting their coverage of controversial issues of public importance.

50. Several commenters in this adjudication challenge the Commission's determination in 1985 that the fairness doctrine in operation inhibits the expression of controversial issues of public importance. The arguments presented by these parties, however, are the same contentions which already have been carefully considered and rejected by the Commission in its 1985 Fairness Report. Therefore, for the reasons set forth in that Report, we do not find them persuasive, and we reaffirm the fundamental determinations contained in the 1985 Fairness Report.

51. Fisher Broadcasting Inc. was the sole broadcaster in this proceeding to assert to us that the fairness doctrine has not inhibited its stations' coverage of controversial issues of public importance. In the 1985 inquiry, Westinghouse Broadcasting & Cable Co. was the sole broadcaster to make a similar claim. We do not believe, however, that statements by these or other licensees demonstrate generally an absence of a "chilling effect" in the broadcasting industry. As we stated in the 1985 Fairness Report:

> [W]e do not believe that the isolated representations of some broadcasters to the effect that the doctrine does not have any effect on the type, frequency or duration of the controversial viewpoints they air are probative of an absence of chilling effect within the industry as a whole; the fact that some broadcasters may not be inhibited in the presentation of controversial isssues of public importance does not prove that broadcasters in general are similarly uninhibited.

The record in that Report demonstrates that many broadcasters are in fact inhibited by fairness doctrine burdens from covering controversial issues of public importance. No broadcaster indicated to us that its coverage of controversial issues has increased as a result of the fairness doctrine, and absent such evidence to offset the numerous instances of chill that we have identified, we can only conclude that the overall net effect of the doctrine is to reduce the coverage of controversial issues of public importance, in contravention of the standard announced in Red Lion.

(b) The Extent and Necessity of Government Intervention into Editorial Discretion

52. As explained above, the Supreme Court has held that restrictions on the content of broadcasters' speech must be narrowly tailored to achieve a substantial government interest in order to pass constitutional muster. As part of an analysis of such a requirement, we look to the 1985 Fairness Report, in which the Commission examined the appropriate role of government in regulating the expression of opinion. Historically, the Commission has taken the position that the agency had an affirmative obligation, derived from the First Amendment, to oversee the content of programming through enforcement of the fairness doctrine in order to ensure the availability of diverse viewpoints to the public. After careful reflection, however, the Commission, with respect to the fairness doctrine, repudiated the notion that it was proper for a governmental agency to intervene actively in the marketplace of ideas. The Commission found that the enforcement of the doctrine requires the "minute and subjective scrutiny of program content," which perilously treads upon the editorial prerogatives of broadcast journalists. The Commission further found that in administering the doctrine it is forced to undertake the dangerous task of evaluating particular viewpoints. The fairness doctrine thus indisputably represents an intrusion into a broadcaster's editorial discretion, both in its enforcement and in the threat of enforcement. It requires the government to second-guess broadcasters' judgment on the issues they cover, as well as on the manner and balance of coverage. The penalties for noncompliance range from being required to provide free air time, under some circumstances, to providing contrasting viewpoints, in others, to loss of license, in extreme cases. Even though an individual violation might not lead to license revocation, the court in Meredith noted that the mere finding of a violation "has its own coercive impact."

53. In this regard, the Commission noted that, under the fairness doctrine, a broadcaster is only required to air "major viewpoints and shades of opinion" to fulfill its balanced programming obligation under the second part of the doctrine. In administering the fairness doctrine, therefore, the Commission is obliged to differentiate between "significant" viewpoints which warrant presentation to fulfill the balanced programming obligation and those viewpoints that are not deemed "major" and thus need not be presented. The doctrine forces the government to make subjective and vague value judgments among various opinions on controversial issues to determine whether a licensee has complied with its regulatory obligations.

54. In addition, the Commission expressed concern that the fairness doctrine provides a dangerous vehicle -- which had been exercised in the past by unscrupulous officials -- for the intimidation of broadcasters who criticize governmental policy. It concluded that the inherently subjective evaluation of program content by the Commission in administering the doctrine contravenes fundamental First Amendment principles. We reaffirm these determinations and find that enforcement of the fairness doctrine necessarily injects the government into the editorial process of broadcast journalists.

55. In further analyzing whether the fairness doctrine is narrowly tailored to achieve a substantial government interest, we look again to our evaluation in the 1985 Fairness Report of whether this type of government regulation is in fact necessary to ensure the availability of diverse sources of information and viewpoints to the public. In that Report, the Commission undertook a comprehensive review of the information outlets currently available to the public. This review, as discussed in more detail below, revealed an explosive growth in both the number and types of such outlets in every market since the 1969 Red Lion decision. And this trend has continued unabated since 1985. For example, 96% of the public now has access to five or more television stations. Currently, listeners in the top 25 markets have access to an average of 59 radio stations, while those in even the smallest markets have access to an average of six radio stations. In contrast to that, only 125 cities have two or more daily newspapers published locally. Nationwide, there are 1,315 television and 10,128 radio stations, while recent evidence indicates that there are 1,657 daily newspapers. The number of television stations represents a 54% increase since the Red Lion decision, while the number of radio stations represents a 57% increase. Not only has the number of television and radio stations increased the public's access to a multiplicity of media outlets since 1969, but the advent and increased availability of such other technologies as cable and satellite television services have dramatically enhanced that access. As a result of its 1985 review, the Commission determined that "the interest of the public in viewpoint diversity is fully served by the multiplicity of voices in the marketplace today" and that the growth in both radio and television broadcasting alone provided "a reasonable assurance that a sufficient diversity of opinion on controversial issues of public importance [would] be provided in each broadcast market." It concluded, therefore, and we continue to believe, that government regulation such as the fairness doctrine is not necessary to ensure that the public has access to the marketplace of ideas.

56. None of the commenters in this proceeding has challenged the underlying data contained in the 1985 Fairness Report demonstrating the significant increase in the number and types of information services. In its Comments, however, the ACLU attempts to discount the importance of the Commission's findings. For example, disputing the significance of the substantial growth in the number of television stations, the ACLU argues that most of this increase has been in UHF independent stations which, it speculates, may not contribute to the diversity of viewpoints. We disagree. The ACLU has provided no meaningful basis for us to reconsider our conclusion that independent stations can contribute -- and do contribute -- significantly to the marketplace of ideas. Therefore, we continue to believe that the contributions of UHF stations must be considered in any meaningful assessment of the information services marketplace.

57. In its Comments, the ACLU also attempts to downplay the importance of our finding that the number of signals received by individual television viewers has increased substantially. In making its argument, the ACLU does not question the existence of the substantial growth in the number of signals available to individual television households. Rather, it argues that not all of the signals of these stations originate in the viewers' community of license. However, as we stated in our 1985 Fairness Report, in assessing viewpoint diversity in the context of the fairness doctrine, "the relevant inquiry is not what stations are licensed to a community, but rather what broadcast signals [an individual] can actually receive." Viewers can obtain information on controversial issues of public importance from stations which they can receive whether or not the signal happens to originate in their community. Similarly, citing the 1985 Fairness Report, the ACLU acknowledges that the number of radio stations has increased dramatically. It speculates, however, that "despite the dramatic growth of radio over the past three decades, viewpoint diversity on controversial issues of public importance may not have changed...." Specifically, it argues that most of the increase is in FM stations which, in its view, carry less controversial issue programming than their AM counterparts, and that public affairs programming on radio generally has decreased. We are not persuaded by these speculative contentions. To the contrary, we remain convinced that the dramatic growth in the number of both radio stations and television stations has in fact increased the amount of information, as well as the diversity of viewpoints, available to the public in both large and small broadcast markets. We therefore reaffirm our determination in the 1985 Fairness Report that the fairness doctrine is not necessary in any market to ensure that the public has access to diverse viewpoints from today's media outlets. Its intrusive means of interfering with broadcasters' editorial discretion, therefore, can no longer be characterized as narrowly tailored to meet a substantial government interest.

(c) Conclusion

58. As noted above, under the standard of review set forth in Red Lion, a governmental regulation such as the fairness doctrine is constitutional if it furthers the paramount interest of the public in receiving diverse and antagonistic sources of information. Under Red Lion, however, the constitutionality of the fairness doctrine becomes questionable if the chilling effect resulting from the doctrine thwarts its intended purpose. Applying this precedent, we conclude that the doctrine can no longer be sustained.

59. In the 1985 Fairness Report, we evaluated whether the fairness doctrine achieved its purpose of promoting access to diverse viewpoints. After compiling a comprehensive record, we concluded that, in operation, the fairness doctrine actually thwarts the purpose which it is designed to achieve. We found that the doctrine inhibits broadcasters, on balance, from covering controversial issues of public importance. As a result, instead of promoting access to diverse opinions on controversial issues of public importance, the actual effect of the doctrine is to "overall lessen[] the flow of diverse viewpoints to the public." Because the net effect of the fairness doctrine is to reduce rather than enhance the public's access to viewpoint diversity, it affirmatively disserves the First Amendment interests of the public. This fact alone demonstrates that the fairness doctrine is unconstitutional under the standard of review established in Red Lion.

60. Furthermore, almost two decades of Commission experience in enforcing the fairness doctrine since Red Lion convince us that the doctrine is also constitutionally infirm because it is not narrowly tailored to achieve a substantial government interest. Because the fairness doctrine imposes substantial burdens upon the editorial discretion of broadcast journalists and, because technological developments have rendered the doctrine unnecessary to ensure the public's access to viewpoint diversity, it is no longer narrowly tailored to meet a substantial government interest and therefore violates the standard set forth in League of Women Voters. The doctrine requires the government to second-guess broadcasters' judgment on such sensitive and subjective matters as the "controversiality" and "public importance" of a particular issue, whether a particular viewpoint is "major," and the "balance" of a particular presentation. The resultant overbreadth of the government's inquiry into these matters is demonstrated by the chill in speech that we have identified. The doctrine exacts a penalty, both from broadcasters and, ultimately, from the public, for the expression of opinion in the electronic press. As a result, broadcasters are denied the editorial discretion accorded to other journalists, and the public is deprived of a more vigorous marketplace of ideas, unencumbered by governmental regulation.

61. In sum, the fairness doctrine in operation disserves both the public's right to diverse sources of information and the broadcaster's interest in free expression. Its chilling effect thwarts its intended purpose, and it results in excessive and unnecessary government intervention into the editorial processes of broadcast journalists. We hold, therefore, that under the constitutional standard established by Red Lion and its progeny, the fairness doctrine contravenes the First Amendment and its enforcement is no longer in the public interest.

C. PREFERRED CONSTITUTIONAL APPROACH

62. Our review of the Supreme Court precedent in the application of First Amendment principles to the electronic media leads to an inescapable conclusion: throughout the development of these principles, the Supreme Court has repeatedly emphasized that its constitutional determinations in this area of the law are closely related to the technological changes in the telecommunications marketplace. For example, in the Red Lion decision itself, the Court indicated that advances in technology could have an effect on its analysis of the constitutional principles applicable to the electronic media. The Court of Appeals noted this in Meredith v. FCC, when it said that the Red Lion decision "was expressly premised on the scarcity of broadcast frequencies 'in the present state of commercially available technology' as of 1969." And in Columbia Broadcasting System, Inc. v. Democratic National Committee, the Supreme Court stated that:

> Balancing the various First Amendment interests involved in the broadcast media and determining what best serves the public's right to be informed is a task of great delicacy and difficulty....The problems of regulation are rendered more difficult because the broadcast industry is dynamic in terms of technological change; solutions adequate a decade ago are not necessarily so now, and those acceptable today may well be outmoded ten years hence.

63. The Court's most recent statement on this issue came in its decision in FCC v. League of Women Voters of California. Acknowledging that certain persons, including former Chairman Mark Fowler, "charge that with the advent of cable and satellite television technology, communities now have access to such a wide variey of stations that the scarcity doctrine is obsolete," the Court indicated that it may be willing to reassess its traditional reliance upon spectrum scarcity upon a "signal" from the Congress or this Commission "that technological developments have advanced so far that some revision of the system of broadcast regulation may be required."

64. That principles applicable to the government's regulation of a rapidly changing industry such as telecommunications should be revisited and revised in light of technological advances is not an unusual proposition. Indeed, the Commission, in its task of managing an ever-changing technological and economic marketplace, has the responsibility to consider new developments in reviewing existing, and in applying new, rationales in that marketplace. With respect to the fairness doctrine itself, a policy that the Commission defended before the Supreme Court in 1969, our comprehensive study of the telecommunications market in the 1985 Fairness Report has convinced us that a rationale that supported the doctrine in years past is no longer sustainable in the vastly transformed, diverse market that exists today. Consequently, we find ourselves today compelled to reach a conclusion regarding the constitutionality of the fairness doctrine that is very

different from the one we reached in 1969.

65. We believe that the 1985 Fairness Report, as reaffirmed and further elaborated on in today's action, provides the Supreme Court with the signal referred to in League of Women Voters. It also provides the basis on which to reconsider its application of constitutional principles that were developed for a telecommunications market that is markedly different from today's market. We further believe that the scarcity rationale developed in the Red Lion decision and successive cases no longer justifies a different standard of First Amendment review for the electronic press. Therefore, in response to the question raised by the Supreme Court in League of Women Voters, we believe that the standard applied in Red Lion should be reconsidered and that the constitutional principles applicable to the printed press should be equally applicable to the electronic press.

1. Basis for Reconsidering Red Lion

66. In the 1985 Fairness Report, the Commission examined, in a comprehensive manner, the number and types of outlets currently providing information to the public, including the traditional broadcast services, the new electronic sources, and the print media. The Commission found in recent years that there had been an explosive growth in both the number and types of outlets providing information to the public. Hence, the Supreme Court's apparent concern that listeners and viewers have access to diverse sources of information has now been allayed.

67. With respect to the number of radio stations, the Commission demonstrated that in 1985 there were 9,766 radio stations nationwide, a 48 percent increase in radio stations overall since the date of the Supreme Court's decision in Red Lion and a 30 percent increase in the number of radio stations since the 1974 Fairness Report. As stated above, that number now stands at 10,128 a 54% increase since the 1969 Red Lion decision. The Commission also concluded in the 1985 Fairness Report that the growth in FM stations, in particular, had been dramatic. Specifically, the Commission found that this service had increased by 113 percent since the Red Lion decision and by 60 percent since the 1974 Fairness Report. Further, the Commission found "of particular significance" the fact that the number of radio voices in each local market had grown. With continuing technological advances in spectrum efficiency, the Commission predicted that the number of radio outlets would continue to increase.

68. With respect to television stations, the Commission documented that in 1985 the number of television stations overall was 1,208, an increase of 44.3 percent since the Red Lion decision and 28 percent since the 1974 Fairness Report. And that number has increased to 1,315 today, a 57% increase since the 1969 Red Lion decision. The Commission also found in the 1985 Fairness Report the growth in UHF stations in particular to have been even more dramatic than the overall growth in television stations: the number of UHF stations increased by 113 percent since the Red Lion decison and 66.4 percent since the 1974 Fairness Report. The Commission found further that the growth in television broadcasting has directly resulted in a significant increase in the number of signals available to individual viewers in both the larger and smaller markets. Specifically, without the enhancing capability of cable television, the Commission determined that 96 percent of the television households receive five or more television signals. In 1964, only 59 percent of these households were able to receive five or more stations. With the growth of UHF television, the increase in the importance of independent television and the development of new program distribution systems among group owners, the Commission also found that the structure of the medium had become more competitive.

69. Although the Commission found that the number of radio and television outlets alone ensured that the public had access to diverse sources of information in each broadcast market (large and small), it also found that cable television, which had increased exponentially during the period from 1969 to 1985, had enhanced significantly the amount of information available to the public. Since the 1974 Fairness Report, the Commission demonstrated that the number of persons subscribing to cable television had increased by 345 percent and the number of cable systems had increased by 111 percent. Based upon its assessment of the marketplace, the Commission predicted that cable television would continue to expand in the future. It determined further that there had been a significant change in the nature of cable service, as the number of channels available to individual subscribers had increased dramatically. For example, in 1969 only 1 percent of all cable systems had the capability of carrying more than 12 channels; by 1987 69 percent of all cable systems (and 92% of cable subscribers) had this capacity. Thus, in addition to the substantial increases in the absolute number of cable systems and in the percentage of cable subscribers, the Commission concluded that the amount of information available to an individual viewer on a single cable system had increased. The statistical data contained in ACLU's comments actually support a reaffirmation of this determination. Characterizing cable as "the most dynamic video medium today," the ACLU states that "[a]pproximately 71 million television households -- 74.7 percent of all television households -- have access to cable television service." It also notes that 47 percent of all television households are actual subscribers of that service. It asserts further that both the availability and number of subscribers to cable television will continue to increase. Specifically, in three years it predicts that almost 90 percent of television households will have access to cable and that 54 percent will subscribe to it.

70. In addition, the Commission evaluated the contributions of a number of new electronic technologies unavailable at the time of the Red Lion decision, including low power television, MMDS, video cassette recorders ("VCRs"), and satellite master antenna systems ("SMATV"). It found that each of these new services also were contributing significantly to the diversity of information available to the public. Noting the development of a number of additional information technologies, the Commission determined that there were a number of other electronic services, such as direct home to satellite services, satellite news gathering, subscription television, FM radio subcarriers, teletext, videotext and home computers "have the potential of becoming substitute information sources in the marketplace of ideas." Some of these technologies, such as teletext and videotext, are beginning to merge characteristics of the electronic media with those of the print media, further complicating the choice of an appropriate constitutional standard to be applied to their regulation.

71. As noted above, none of the commenters in this proceeding has challenged the underlying data contained in the 1985 Fairness Report with respect to the dramatic increase in the number and types of alternative technologies available to the public. For instance, ACLU's own data demonstrate the soundness of our determination that the number of broadcast outlets has exploded and that cable television has evolved into a significant information source. In its Comments, the ACLU also asserts that in the short period of time since the 1985 Fairness Report, the number of low power television stations has increased by 12 percent from 341 stations to 383 stations.

72. We believe that the dramatic changes in the electronic media, together with the unacceptable chilling effect resulting from the implementation of such regulations as the fairness doctrine, form a compelling and convincing basis on which to reconsider First Amendment principles that were developed for another market. Today's telecommunications market offers individuals a plethora of information outlets to which they have access on a daily basis. Indeed, this market is strikingly different from even that offered by the daily print media. While there are 11,443 broadcast stations nationwide, recent evidence indicates that there are only 1,657 daily newspapers overall. On a local level, 96% of the public has access to five or more television stations, while only 125 cities have two or more local newspapers. The one-newspaper town is becoming an increasing phenomenon. Our review of the Supreme Court's statements on the relationship between constitutional principles and technological developments leads us to conclude that it would now be appropriate for the Supreme Court to reassess its Red Lion decision.

2. The Scarcity Rationale

73. Certain parties, taking the position that the basis underlying the scarcity rationale in Red Lion is either illogical or anachronistic, assert that the appropriate constitutional test to assess content-based regulations of the electronic media is the one enunciated for the print media. These commenters point to the explosive growth in the number and types of information sources in support of their assertion that the scarcity doctrine is no longer viable. Other commenters, in contrast, state that the general standards of First Amendment jurisprudence applied by the Court in cases not involving broadcast regulation are irrelevant in determining whether the fairness doctrine and other content-based regulations are constitutional. They assert that the increase in the number and types of information sources has nothing to do with the existence of scarcity in the constitutional sense, and emphasize that the appropriate standard of review is that applied by the Court in

Red Lion and its progeny specifically relating to broadcast regulation. These parties describe two different notions of scarcity -- numerical scarcity and spectrum (or allocational) scarcity. We do not believe that any scarcity rationale justifies differential First Amendment treatment of the print and broadcast media.

74. As stated above, we no longer believe that there is scarcity in the number of broadcast outlets available to the public. Regardless of this conclusion, however, we fail to see how the constitutional rights of broadcasters -- and indeed the rights of the public to receive information unencumbered by government intrusion -- can depend on the number of information outlets in particular markets. Surely, a requirement of multiple media outlets could not have formed the basis for the framers of the First Amendment to proscribe government interference with the editorial process. At the time the First Amendment was adopted, there were only eight daily newspapers, seventy weekly newspapers, ten semi-weekly newspapers and three tri-weekly newspapers published in America.

75. Because there is no longer a scarcity in the number of broadcast outlets, proponents of a scarcity rationale for the justification of diminished First Amendment rights applicable to the broadcast medium must rely on the concept of spectrum (or allocational) scarcity. This concept is based upon the physical limitations of the electromagnetic spectrum. Because only a limited number of persons can utilize broadcast frequencies at any particular point in time, spectrum scarcity is said to be present when the number of persons desiring to disseminate information on broadcast frequencies exceeds the number of available frequencies. Consequently, these frequencies, like all scarce resources, must be allocated among those who wish to use them.

76. In fact, spectrum scarcity was one of the bases articulated by the Court in Red Lion for the disparate treatment of the broadcast and the print media. Reliance on spectrum scarcity, however, "has come under increasing criticism in recent years." For example, the Court of Appeals has recently questioned the rationality of spectrum scarcity as the basis for differentiating between the print and broadcast media. In TRAC v. FCC, the Court asserted that:

> [T]he line drawn between the print media and the broadcast media, resting as it does on the physical scarcity of the latter, is a distinction without a difference. Employing the scarcity concept as an analytic[al] tool...inevitably leads to strained reasoning and artificial results.
>
> It is certainly true that broadcast frequencies are scarce but it is unclear why that fact justifies content regulation of broadcasting in a way that would be intolerable if applied to the editorial process of the print media. All economic goods are scarce, not least the newsprint, ink, delivery trucks, computers, and other resources that go into the production and dissemination of print journalism....Since scarcity is a universal fact, it can hardly explain regulation in one context and not another. The attempt to use a universal fact as a distinguishing principle necessarily leads to analytical confusion.

We agree with the court's analysis of the spectrum scarcity rationale, and we believe that it would be desirable for the Supreme Court to reconsider its use of a constitutional standard based upon spectrum scarcity in evaluating the intrusive type of content-based regulation at issue in this proceeding.

77. At the outset, we note that the limits on the number of persons who can use frequencies at any given time is not absolute, but is, in part, economic: greater expenditures on equipment and/or advances in technology could make it possible to utilize the spectrum more efficiently in order to permit a greater number of licensees. So the number of outlets in a market is potentially expandable, like the quantities of most other resources.

78. Nevertheless, we recognize that technological advancements and the transformation of the telecommunications market described above have not eliminated spectrum scarcity. All goods, however, are ultimately scarce, and there must be a system through which to allocate their use. Although a free enterprise system relies heavily on a system of property rights and voluntary exchange to allocate most of these goods, other methods of allocation, including first-come-first-served, administrative hearings, lotteries, and auctions, are or have been relied on for certain other goods. Whatever the method of allocation, there is not any logical connection between the method of allocation for a particular good and the level of constitutional protection afforded to the uses of that good.

79. In the allocation of broadcast frequencies, the government has relied, for the most part, on a licensing scheme based on administrative hearings to promote the most effective use of this resource. Congress has also authorized the allocation of frequencies through the use of lotteries. Moreover, although the government allocates broadcast frequencies to particular broadcast speakers in the initial licensing stage, approximately 71% of today's radio stations and 54% of today's television stations have been acquired by the current licensees on the open market. Hence, in the vast majority of cases, broadcast frequencies are "allocated" -- as are the resources necessary to disseminate printed speech -- through a functioning economic market. Therefore, after initial licensing, the only relevant barrier to acquiring a broadcast station is not governmental, but -- like the acquisition of a newspaper -- is economic.

80. Additionally, there is nothing inherent in the utilization of the licensing method of allocation that justifies the government acting in a manner that would be proscribed under a traditional First Amendment analysis. In contexts other than broadcasting, for example, the courts have indicated that, where licensing is permissible, the First Amendment proscribes the government from regulating the content of fully protected speech. There are those who argue that the acceptance by broadcasters of government's ability to regulate the content of their speech is simply a fair exchange for their ability to use the airwaves free of charge. To the extent, however, that such an exchange allows the government to engage in activity that would be proscribed by a traditional First Amendment analysis, we reject that argument. It is well-established that government may not condition the receipt of a public benefit on the relinquishment of a constitutional right. The evil of government intervention into the editorial process of the press (whether print or electronic) and the right of individuals to receive political viewpoints unfettered by government interference are not changed because the electromagnetic spectrum (or any other resource necessary to convey expression) is scarce or because the government (in conjunction with the marketplace) allocates that scarce resource. Indeed, the fact that government is involved in licensing is all the more reason why the First Amendment protects against government control of content.

81. On the other hand, the fact that government may not impose unconstitutional conditions on the receipt of a public benefit does not preclude the Commission's ability, and obligation, to license broadcasters in the public interest, convenience and necessity. The Commission may still impose certain conditions on licensees in furtherance of this public interest obligation. Nothing in this decision, therefore, is intended to call into question the validity of the public interest standard under the Communications Act.

82. Rather, we simply believe that, in analyzing the appropriate First Amendment standard to be applied to the electronic press, the concept of scarcity -- be it spectrum or numerical -- is irrelevant. As Judge Bork stated in TRAC v. FCC, "Since scarcity is a universal fact, it can hardly explain regulation in one context and not another. The attempt to use a universal fact as a distinguishing principle necessarily leads to analytical confusion." Consequently, we believe that an evaluation of First Amendment standards should not focus on the physical differences between the electronic press and the printed press, but on the functional similarities between these two media and upon the underlying values and goals of the First Amendment. We believe that the function of the electronic press in a free society is identical to that of the printed press and that, therefore, the constitutional analysis of government control of content should be no different. [2] With this in mind, we return to the Red Lion decision and consider its divergence from traditional First Amendment precepts protecting the role of the press in a democratic society.

3. Divergence of Red Lion from Traditional First Amendment Precepts

83. We believe that the articulation of lesser First Amendment rights

[2] There are those who argue that the content of broadcasters' speech may be regulated by the government because of the impact that broadcasters can have on listeners and viewers. These proponents contend that broadcasting is a far more powerful means of communication than the printed press, and, therefore, the public should be protected from those who use the broadcast medium. We will assume for the sake of argument that broadcasters have greater "impact" than their counterparts in the print media, but we nevertheless reject the impact argument. We do not

for broadcasters on the basis of the existence of scarcity, the licensing of broadcasters, and the paramount rights of listeners departs from traditional First Amendment jurisprudence in a number of respects. Specifically, the Court's decision that the listeners' rights justifies government intrusion appears to conflict with several fundamental principles underlying the constitutional guarantee of free speech.

84. First, this line of decisions diverges from Supreme Court pronouncements that "the First Amendment 'was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.'" The framers of that Amendment determined that the best means by which to protect the free exchange of ideas is to prohibit any governmental regulation which "abridg[es] the freedom of speech or of the press." They believed that the marketplace of ideas is too delicate and too fragile to be entrusted to governmental authorities.

85. In this regard, Justice Potter Stewart once stated that "[t]hose who wrote our First Amendment put their faith in the proposition that a free press is indispensable to a free society. They believed that 'fairness' was far too fragile to be left for a government bureaucracy to accomplish." In the same vein, Justice Byron White has stated that:

> Of course, the press is not always accurate, or even responsible, and may not present full and fair debate on important public issues. But the balance struck by the First Amendment with respect to the press is that society must take the risk that occasionally debate on vital matters will not be comprehensive and that all viewpoints may not be expressed....Any other accommodation -- any other system that would supplant private control of the press with the heavy hand of government intrusion -- would make the government the censor of what the people may read and know.

Indeed, the Supreme Court has often emphasized that:

> The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment.

Consequently, a cardinal tenet of the First Amendment is that governmental intervention in the marketplace of ideas of the sort involved in the enforcement of the fairness doctrine is not acceptable and should not be tolerated.

86. The fairness doctrine is at odds with this fundamental constitutional precept. While the objective underlying the fairness doctrine is that of the First Amendment itself -- the promotion of debate on important controversial issues -- the means employed to achieve this objective, government coercion, is the very one which the First Amendment is designed to prevent. As the Supreme Court has noted, "By protecting those who wish to enter the marketplace of ideas from governmental attack, the First Amendment protects the public's interest in receiving information." Yet the fairness doctrine uses government intervention in order to foster diversity of viewpoints, while the scheme established by the framers of our Constitution forbids government intervention for fear that it will stifle robust debate. In this sense, the underlying rationale of the fairness doctrine turns the First Amendment on its head.

87. Indeed, even when approving the doctrine in the 1974 Fairness Report, the Commission recognized the anomaly of a policy which purports to further First Amendment values by the very mechanism proscribed by that constitutional provision. In that Report, the Commission explained that:

> th[e] [doctrine's] affirmative use of government power to expand broadcast debate would seem to raise a striking paradox, for freedom of speech has traditionally implied an absence of governmental supervision or control. Throughout most of our history, the principal function of the First Amendment has been to protect the free marketplace of ideas by precluding governmental intrusion.

88. The Red Lion decision also is at odds with the well-established precept that First Amendment protections are especially elevated for speech relating to matters of public concern, such as political speech and other matters of public importance. Indeed, the Supreme Court, in the context of broadcast regulation, recently stated that the expression of opinion on matters of public concern is "entitled to the most exacting degree of First Amendment protection." The Court has recognized that this type of speech is "indispensible to decisionmaking in a democracy." As the Court has stated, "speech concerning public affairs is more than self-expression; it is the essence of self-government." Because it is the people in a democratic system who "are entrusted with the responsibility for judging and evaluating the relative merits of conflicting arguments," the "[g]overnment is forbidden to assume the task of ultimate judgment, lest the people lose their ability to govern themselves."

89. The type of speech regulated by the fairness doctrine involves opinions on controversial issues of public importance. This type of expression is "precisely that...which the Framers of the Bill of Rights were most anxious to protect -- speech that is 'indispensible to the discovery and spread of political truth'...." Yet, instead of safeguarding this type of speech from regulatory intervention, the doctrine anomalously singles it out for governmental scrutiny.

90. Further, the Red Lion decision cannot be reconciled with well-established constitutional precedent that governmental regulations directly affecting the content of speech are subjected to particularly strict scrutiny. The Supreme Court has emphasized that "[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose 'which issues are worth discussing or debating....'" As noted above, enforcement of the fairness doctrine not only forces the government to decide whether an issue is of "public importance," but also whether the broadcaster has presented "significant" contrasting viewpoints. Unorthodox minority viewpoints do not receive favored treatment as do their "significant" counterparts. As the Court recently asserted, "[r]egulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment."

91. The difference in the Red Lion approach becomes apparent when considering the validity of the fairness doctrine. The fairness doctrine indisputably regulates the content of speech. Like the statute invalidated in FCC v. League of Women Voters of California, "enforcement authorities must necessarily examine the content of the message that is conveyed to determine whether the views expressed concern 'controversial issues of public importance.'" Yet even in the League case, the Court applied a standard that the regulation be narrowly tailored to achieve a substantial government interest, a standard traditionally reserved for content-neutral regulations. In contrast, a traditional First Amendment analysis would require a content-based regulation, such as the fairness doctrine, to be a "precisely drawn means of serving a compelling state interest." Even under a traditional approach, therefore, content-based regulations are not necessarily invalid, but they are subject to a much higher standard of review than the one applicable to the broadcast media.

92. Because the dissemination of a particular viewpoint by a broadcaster can trigger the burdens associated with broadcasting responsive programming, the doctrine directly penalizes --through the prospect or reality of government intrusion -- the speaker for expressing his or her opinion on a matter of public concern. For even if the broadcaster has, in fact, presented contrasting viewpoints, the government, at the request of a complainant, may nevertheless question the broadcaster's presentation, which in and of itself is a penalty for simply covering an issue of public importance.

93. In this regard, we note that sound journalistic practice already encourages broadcasters to cover contrasting viewpoints on a topic of controversy. The problem is not with the goal of the fairness doctrine, it is with the use of government intrusion as the means to achieve that

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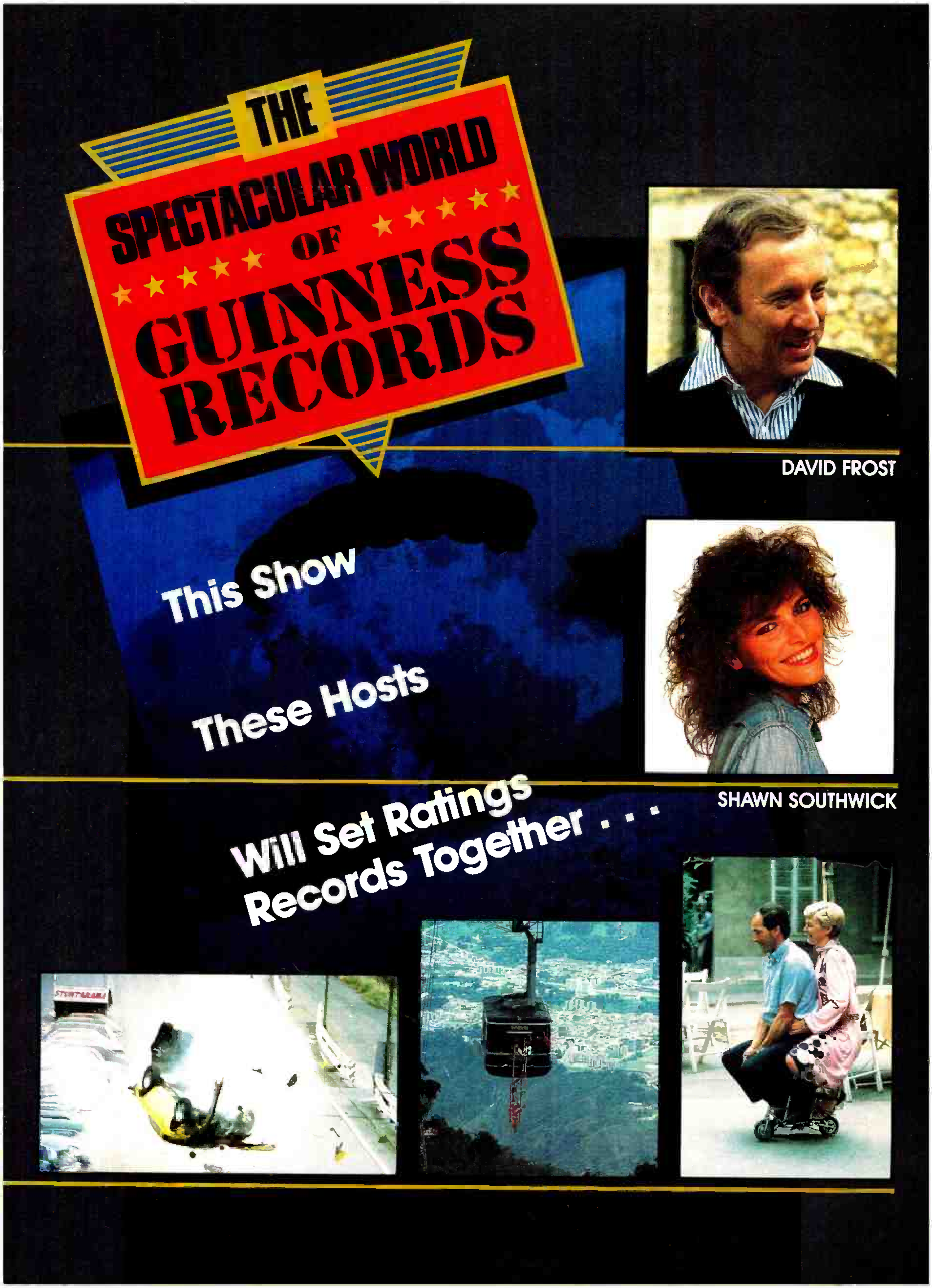
believe that the expression of speech may be regulated by government, consistent with the First Amendment, on the basis of the effectiveness of that expression. Cf. First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978); Buckley v. Valeo, 424 U.S. 1 (1975). In fact, the rationale of the First Amendment counsels the exact opposite conclusion: the greater the effectiveness of certain speech, the more reason, given the First Amendment's presumption against government control of the press, why government should be prohibited from interfering with the ideas conveyed by such speech.

This conclusion was supported by Justice William O. Douglas, who aptly stated in Columbia Broadcasting System, Inc. v. Democratic National Committee, 412 U.S. at 152 n.3:

> The implication that the people of the country—except the proponents of the theory—are mere unthinking automatons manipulated by the media, without interests, conflicts, or prejudices is an assumption which I find quite maddening. The development of constitutional doctrine should not be based on such hysterical overestimation of media power and underestimation of the good sense of the American public.

See also 1985 Fairness Doctrine, 102 FCC 2d at 221-25.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DAVID FROST
SHAWN SOUTHWICK

goal. With the existence of a fairness doctrine, broadcasters who intend to, and who do in fact, present contrasting viewpoints on controversial issues of public importance are nevertheless exposed to potential entanglement with the government over the exercise of their editorial discretion. Consequently, these broadcasters may shy away from extensive coverage of these issues. We believe that, in the absence of the doctrine, broadcasters will more readily cover controversial issues, which, when combined with sound journalistic practices, will result in more coverage and more diversity of viewpoint in the electronic media; that is, the goals of the First Amendment will be enhanced by employing the very means of the First Amendment: government restraint.

94. Finally, we believe that under the First Amendment, the right of viewers and listeners to receive diverse viewpoints is achieved by guaranteeing them the right to receive speech unencumbered by government intervention. The Red Lion decision, however, apparently views the notion that broadcasters should come within the free press and free speech protections of the First Amendment as antagonistic to the interest of the public in obtaining access to the marketplace of ideas. As a result, it is squarely at odds with the general philosophy underlying the First Amendment, i.e., that the individual's interest in free expression and the societal interest in access to viewpoint diversity are both furthered by proscribing governmental regulation of speech. The special broadcast standard applied by the Court in Red Lion, which sanctions restrictions on speakers in order to promote the interest of the viewers and listeners, contradicts this fundamental constitutional principle.

4. First Amendment Standard Applicable to the Press

95. Under a traditional First Amendment analysis, the type of governmental intrusion inherent in the fairness doctrine would not be tolerated if it were applied to the print media. Indeed, in Miami Herald Publishing Co. v. Tornillo, the Supreme Court struck down, on First Amendment grounds, a Florida statute that compelled a newspaper to print the response of a political candidate that it had criticized. Invoking a purpose strikingly similar to the fairness doctrine, the state had attempted to justify the statute on the grounds that the "government has an obligation to ensure that a wide variety of views reach the public." The Court reasoned that the mechanism employed by the state in implementing this objective, however, was "governmental coercion," and thus contravened "the express provisions of the First Amendment and the judicial gloss on that Amendment developed over the years." The Court also found that a governmentally imposed right of reply impermissibly "intrud[ed] into the function of editors." In addition, the Court stated that the inevitable result of compelling the press "to print that which it would not otherwise print" would be to reduce the amount of debate on governmental affairs:

> Faced with the penalties that would accrue to any newspaper that published news or commentary arguably within the reach of the right-of-access statute, editors might well conclude that the safe course is to avoid controversy. Therefore, under the operation of the Florida statute, political and electoral coverage would be blunted or reduced. Government-enforced right of access inescapably "'dampens the vigor and limits the variety of public debate.'"

Also, the fact that a newspaper could simply add to its length did not dissuade the Court from concluding that the access requirement would improperly intrude into the editorial discretion of the newspaper.

96. Relying on Tornillo, the Court, in Pacific Gas & Electric Co. v. Public Utilities Commission of California, recently determined that a state administrative order requiring a utility to place the newsletter of its opponents in its billing envelopes contravened the First Amendment. "[B]ecause access was awarded only to those who disagreed with [the utility's] views and who are hostile to [the utility's] interests," Justice Lewis Powell, in the plurality opinion, expressed concern that "whenever [the utility] speaks out on a given issue, it may be forced...to help disseminate hostile views." As a consequence, the regulation had the effect of reducing the free flow of information and ideas that the First Amendment seeks to promote. In evaluating the utility's First Amendment rights to be free from governmentally-coerced speech, the plurality expressly stated that it was irrelevant that the ratepayers, rather than the utility, owned the extra space in the billing envelopes. It asserted that the "forced association with potentially hostile views burdens the expression of views...and risks forcing [the utility] to speak where it would prefer to remain silent" irrespective of who is deemed to own this extra space.

97. We believe that the role of the electronic press in our society is the same as that of the printed press. Both are sources of information and viewpoint. Accordingly, the reasons for proscribing government intrusion into the editorial discretion of print journalists provide the same basis for proscribing such interference into the editorial discretion of broadcast journalists. The First Amendment was adopted to protect the people not from journalists, but from government. It gives the people the right to receive ideas that are unfettered by government interference. We fail to see how that right changes when individuals choose to receive ideas from the electronic media instead of the print media. There is no doubt that the electronic media is powerful and that broadcasters can abuse their freedom of speech. But the framers of the Constitution believed that the potential for abuse of private freedoms posed far less a threat to democracy than the potential for abuse by a government given the power to control the press. We concur. We therefore believe that full First Amendment protections against content regulation should apply equally to the electronic and the printed press.

IV. Conclusion

98. The court in Meredith Corp. v. FCC "remand[ed] the case to the FCC with instructions to consider [Meredith's] constitutional arguments." In response to the court's directive, we find that the fairness doctrine chills speech and is not narrowly tailored to achieve a substantial government interest. We therefore conclude, under existing Supreme Court precedent, as set forth in Red Lion and its progeny, that the fairness doctrine contravenes the First Amendment and thereby disserves the public interest. We have reached these determinations only after the most careful and searching deliberation. We believe, however, that the evidence presented in the recent fairness inquiry and the record in this proceeding leads inescapably to these conclusions. Each member of this Commission has taken an oath to support and defend the United States Constitution and, as the court in Meredith v. FCC stated, "to enforce a Commission-generated policy that the Commission itself believes is unconstitutional may well constitute a violation of that oath." As a consequence, we determine that the editorial decision of station WTVH to broadcast the editorial advertisements at issue in this adjudication is an action protected by the First Amendment from government interference. Accordingly, we reconsider our prior determinations in this matter and conclude that the Constitution bars us from enforcing the fairness doctrine against station WTVH.

99. We further believe, as the Supreme Court indicated in FCC v. League of Women Voters of California, that the dramatic transformation in the telecommunications marketplace provides a basis for the Court to reconsider its application of diminished First Amendment protection to the electronic media. Despite the physical differences between the electronic and print media, their roles in our society are identical, and we believe that the same First Amendment principles should be equally applicable to both. This is the method set forth in our Constitution for maximizing the public interest; and furthering the public interest is likewise our mandate under the Communications Act. It is, therefore, to advance the public interest that we advocate these rights for broadcasters.

100. ACCORDINGLY, IT IS ORDERED, that the Motion for Leave to File Comments Out-of-Time of the American Civil Liberties Union and the Motion to Submit Late-Filed Comments filed by the Safe Energy Communication Council ARE GRANTED.

101. IT IS FURTHER ORDERED, that the Motion for Leave to File Supplement of Meredith Corporation IS GRANTED and the supplement IS ACCEPTED.

102. IT IS FURTHER ORDERED, that the Petition for Reconsideration filed by Meredith Corporation IS GRANTED to the extent indicated herein, and the Order adopted October 26, 1984 IS VACATED.

103. IT IS FURTHER ORDERED, that the complaint of the Syracuse Peace Council IS DENIED.

104. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

RIDING GAIN
ON RADIO

Suit over false start

CBS Records has filed a lawsuit in Superior Court of Hudson County, N.J., against Malrite's top-rated, contemporary hit WHTZ(FM) New York (licensed to Newark, N.J.), after the station aired singer Michael Jackson's new single, "I Can't Stop Loving You," two days before its official release date. According to CBS Records, WHTZ played the Jackson song on July 20 when it was distributed to stations for airing on July 22. CBS is seeking compensatory and punitive damages from WHTZ (no amount was cited), claiming that, among other things, the station's move could hinder relations between the record company and other radio stations. (The Jackson single is on the Epic label, which is part of the CBS Records Group.)

"We feel we are being singled out because of our visibility in the industry," said WHTZ Vice President and General Manager Dean Thacker. "WHTZ is not the first station to play a record early or the only one to play this record [the new Jackson single] early," he said.

The short of it

Financial News Network (FNN), New York and Los Angeles, is planning a short-form, national business radio network to complement its existing cable channel, Michael Weaver, FNN senior vice president and general manager, said last week. Weaver added that FNN is considering proposals from other radio networks as partners in the new venture, but he declined to name the networks. The proposals primarily involved program distribution and station clearance arrangements.

Called *FNN's Business Headline News*, the proposed satellite-delivered radio network service would deliver two-minute business and financial news updates every hour from a.m. drive time on the East Coast through p.m. drive time on the West Coast (about 16 hours). It is being targeted for AM stations.

"The network could be launched by the beginning of 1988, once FNN's radio programing distribution is assured in most of the top 50 markets," Weaver said. "As the only business television network, we can generate an enormous quantity of business news from around the world every hour....We can easily repackage that news material for radio," he said.

Weaver told BROADCASTING that some additional staffers will be added to FNN for its new radio service. However, he said a determination on whether to use existing FNN anchors or new anchors for radio had not yet been made. The FNN radio service would compete with the already-established *Wall Street Journal Report* produced by Dow Jones & Co.

Taken to task

News/talk WGST(AM) Atlanta has come under fire from the Coalition for Fairness in Media over the station's controversial midday (1-4 p.m.) talk show host, Ed Tyll. The group said it was formed to protest "shock radio" programing.

The controversy began when Tyll referred to Representative John Lewis (D-Ga.) as a "moron" on the air last month after the congressman was interviewed by Tyll. After interviewing Senator Wyche Fowler (D-Ga.) the following day, and reportedly not letting him finish his comments, Tyll said: "I can't stand illiterates. I am not going to stand here and talk to a moron like John Lewis. I am not going to stand here and have Wyche Fowler or Ronald Reagan or John Lauer [the station's vice president and general manager] or anybody tell me how to do the show." Tyll later added that Lewis, who is black, sounded like "Buckwheat out of the *Little Rascals*." The talk show host was suspended without pay for 10 days (seven working days). He resumed his broadcast schedule after privately apologizing to CFM and publicly apologizing over the air.

The coalition, which includes the American Jewish Committee, the Atlanta Black/Jewish Coalition, the NAACP, and the Southern Christian Leadership Conference, issued a statement that said in part: "While we acknowledge the apology, it does not in and of itself absolve WGST's decision to return Tyll to the air almost immediately. By this act, what message is WGST sending out to the community? This style of broadcasting breeds racism, polarization and serves no positive community good....We hold WGST, its management and staff responsible for this diverse form of programing and invite WGST to join with this coalition and all people of good will to help build a 'city too busy to hate.'"

Said WGST's Lauer: "We felt our suspension [of Tyll] was the proper punishment for the deed. We look forward to working with the coalition...I think something very positive can come out of this situation." Lauer said that thus far, he has met with various members of the coalition on three occasions.

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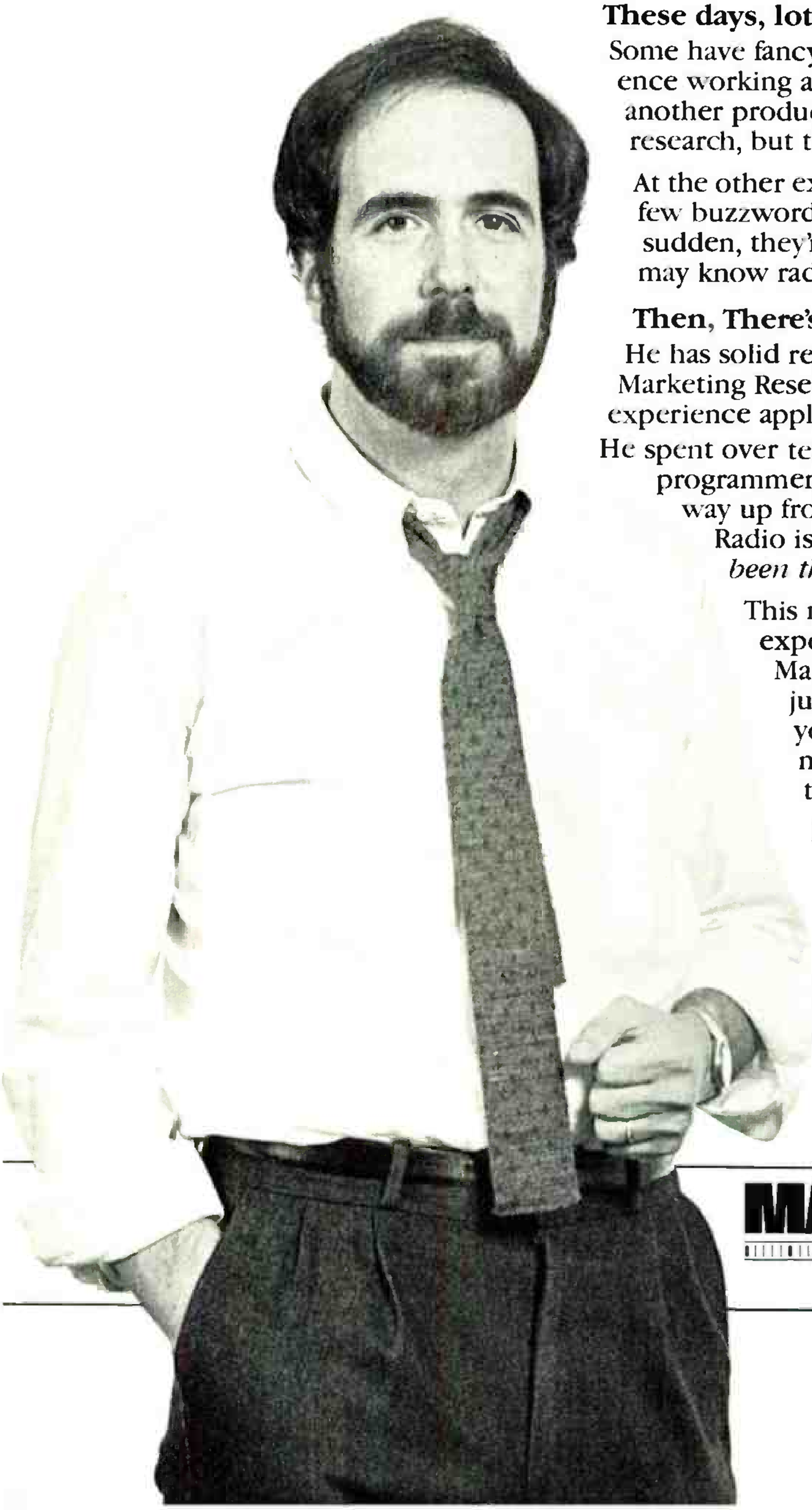

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CBS and ABC on tour in L.A.

Networks spell out news and programing plans for press

CBS President Laurence Tisch last week defended the layoffs of 215 CBS News staffers in March, saying "nobody was hurt in the process. That's the most important thing to understand, that people were treated very, very well in the process."

The network's chief executive officer, appearing at the press tour, said the layoffs were "overblown" by the press since the head count included "a lot of part time people." He noted CBS's pension plan and severance pay "are the finest in the country."

Both Tisch and Gene F. Jankowski, president of the CBS/Broadcast Group, proclaimed the massive layoffs at the network to be over. "I am satisfied with the level of personnel at CBS News," Tisch said, adding the cuts had nothing to do with the *CBS Evening News* ratings problems.

Jankowski labeled as unfair the heat Tisch took for the layoffs. The plan to trim $30 million from the news budget had been in the works since before Tisch's arrival and was due to the massive growth in the news budget—from $78 million in 1978 to $300 million in 1986. "Larry came in and gave us some muscle to get something done," he said.

Tisch said Dan Rather's editorial in the *New York Times* lamenting the cuts "should be taken with a grain of salt" because Rather was referring to what he thought might happen.

The executives also revealed that two studies should be completed in the next three months—one on the impact of audience erosion and another on the future of the CBS Broadcast Center in New York, which could lose two Procter & Gamble daytime serials.

Tisch addressed the network's plans to buy stations, saying CBS can buy three stations in top-20 markets and stay within the FCC's 25% coverage limit. Tisch said top-20 station prices are too high, but added that since there are no pending deals "that's usually a forerunner of a drop in prices."

CBS, along with ABC, came under criticism recently from NBC Entertainment President Brandon Tartikoff for putting on failed pilots in the summer months that have received less than a 10 rating. The practice, he said, could spill over into the fall and cause further audience erosion.

But CBS Entertainment President Bud Grant cited figures in an effort to show that NBC is not faultless in the audience erosion equation. For the summer season from April 20 to Aug. 2, he said CBS dropped from an 11.7 average last year to an 11.5 this year; CBS made no movement, with a 13.4 average both last summer and this summer, and ABC dropped from an 11.9 to a 10.2.

Jankowski and Tisch

Poltrack says NBC will get run for Thursday nights; says Fox numbers are 'unusually low'

NBC's Thursday night lineup will suffer a 20% drop-off in viewership this fall, said David Poltrack, vice president of research for CBS-TV, in remarks last week before the nation's television press.

Poltrack stopped short of saying CBS would overtake the number-one rated NBC, but predicted NBC's numbers would be down "considerably this season making for a much closer network race."

The CBS research chief also took on the Fox Broadcasting Co., saying its season-to-date averages are unusually low—3.7 on Saturdays and 3.6 on Sundays. "They do not have one single program showing any real growth, despite network rerun competition," he said.

"They have been selling a six rating guarantee for supposedly $40,000 for 30-second announcements," he said. "I don't believe it. If they are, they are significantly mortgaging their future. They will probably have to keep *The Late Show* on just to pay off advertiser make-goods."

Responding to the criticism, a Fox official, who asked not to be identified, said, "You would be hard pressed to find an affiliate or advertiser who is unhappy with Fox's competitive prospects for the future."

Stringer says fall facelift planned for 'CBS Evening News' but dismisses rumors of co-anchor for Rather

The *CBS Evening News*, which has been struggling in the ratings, will have a different look next month when the new fall season begins, CBS News President Howard Stringer said during last week's press tour.

"I'm damned if I'm going to roll over and play dead and say, 'Yes, it's all over,'" Stringer said. If he followed that thinking, he said, "it will be a self-fulfilling prophecy."

Stringer was reluctant to discuss any changes, other than to call some "substantial," others "cosmetic" and some still subject to negotiation. He said he did not want to tip off the competition since "television is the highest form of imitation."

The network's news chief dismissed rumors that he is searching for a co-anchor to work with Dan Rather, and denied speculation that negotiations are under way for *60 Minutes* correspondent Diane Sawyer to have some role on the *Evening News*.

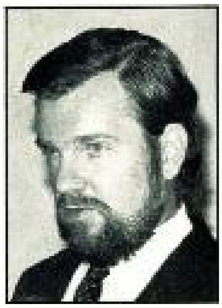
He said he is considering using *New York Times* columnist Bill Geist, who was hired last week as a commentator for the *Sunday Morning* program, to provide occasional commentary for the *CBS Evening News*. The CBS News brass reportedly want to see how Geist performs in his new role first.

Stringer likened the format changes to giving the program "a fresh coat of paint." He noted, however, that "we're not going to do anything silly.... You're not going to see a weatherman on the *Evening News*."

Stringer told the television writers there is no "quick fix" to improve the newscast's ratings. "We're somewhat confused by the ratings picture," he said. Nielsen's people meter sample data shows CBS in first place, according to Stringer. In addition, Nielsen's May sweeps book gives CBS News anchor Dan Rather a one-million-home lead over NBC, he added.

In the prime time daypart, Stringer said *West 57th* (which recently won a permanent spot on the fall schedule at 10 p.m. Saturdays) has consistently improved on its lead-in. "As long as it demonstrates growth, I think it will be fine," Stringer said. "It's an inexpensive show [and] has enormous profit

Stringer



Poltrack

potential."

At an earlier session with critics, *60 Minutes* executive producer Don Hewitt criticized NBC for not sticking with a prime time news magazine show. "I never understood how they could go to the well so many times and not come back with water," he said.

For *60 Minutes*, which celebrates its 20th anniversary next September, Hewitt said he would "seriously consider" having four correspondents if one of the current five retires. Harry Reasoner, who had a portion of a lung removed for a benign tumor, returns to work today, Hewitt said.

Midseason shows, fall schedules spelled out by ABC-TV and NBC-TV

ABC has committed to four midseason replacements so far while NBC has orders for two. Both of the networks have also broken with tradition and announced the rollout of their prime time schedules during the summer Television Critics Association press tour.

Last week, ABC Entertainment President Brandon Stoddard said the network has given commitments to *The Clinic* from Lorimar, a black comedy about the staff of a mental hospital. *The Clinic* is from Jay Presson Allen, the creator of *Family*. The second series is *Jon Sable* from Taft Entertainment, which is based on a comic book.

The network is negotiating for a third prime time dramatic midseason replacement series and plans to produce two or three other pilots.

ABC has backup orders for two sitcoms, *It Had to be You*, produced by Warner Bros. and starring Tim Matheson, and *The Pursuit of Happiness* from 20th Century Fox Television.

The first new ABC program of the season to debut will be *Hotel* at 10 p.m., Saturday, Sept. 12. It will be followed by *Spencer: For Hire*, 8 p.m., Sept. 13; *MacGyver*, 8 p.m., Monday, Sept. 21; *Perfect Strangers*, 8 p.m., Sept. 23 (followed the same night by the rollout of *Head of the Class*, 8:30 p.m.; *Hooperman*, 9 p.m.; *Slap Maxwell*, 9:30 p.m., and *Dynasty*, 10 p.m.)

On Sept. 24, the network will kick off its Thursday night movie at 9 p.m. with "Ghostbusters." The *Disney Sunday Movie* debuts at 7 p.m., Sept. 27, with the first of a two-part episode titled "Shaggy Dog." That same night, ABC will unveil its new Sunday lineup, with *Spencer* at 8 p.m., *Dolly* (Parton) at 9 p.m. and *Buck James* at 10 p.m.

Stoddard said the remainder of the schedule remains to be ironed out.

NBC, meanwhile, has given 13-series commitment orders to *The Days and Nights of Molly Dodd*, which had a trial run this summer, and *Day by Day*, a half-hour comedy from *Family Ties* creators Gary David Goldberg and Andy Borowitz. *Day by Day* is about a couple operating a day care center in their home. NBC Entertainment President Brandon Tartikoff called it a reversal of the *Family Ties* plot.

NBC became the first to announce the roll-out of its schedule two weeks ago. It looks like this: Sunday, Sept. 13, *Our House* (first of a two-parter), 7 p.m.; *Family Ties*, 8-9 p.m. (special hour debut in its new time slot against *Murder, She Wrote*); *Private Eye*, 9-11 p.m. (two-hour movie premiere). On Sept. 20, *My Two Dads* debuts at 8:30-9 p.m.

On Wednesday, Sept. 16, NBC will debut *Highway to Heaven*, 8 p.m.; *Year in the Life*, 9 p.m., and *St. Elsewhere*, 10 p.m.

The network's regular Thursday night lineup will be unveiled over several weeks. On Sept. 17, *Night Court* debuts at 9:30 p.m. (first of two parts). Then, on Sept. 24, *The Cosby Show* debuts at 8 p.m.; *A Different World*, 8:30 p.m.; *Cheers*, 9 p.m.; and the *Bronx Zoo*, 10 p.m. (the first in NBC's "designated hitter" block). The new season of *L.A. Law* premieres at 10 p.m. Oct. 15 and *Beverly Hills Buntz*, another "designated hitter," at 9:30 p.m. Oct. 29.

On Friday, Sept. 18, *Rags to Riches* has its two-hour premiere at 8-10 p.m., and *Private Eye* debuts in its regular time period at 10 p.m. The following Friday, *Miami Vice* debuts at 9 p.m.

Saturday, Sept. 19, *The Golden Girls* enters the fall schedule at 9 p.m. and *Mama's Boy* (a "designated hitter") debuts at 9:30 p.m. On Sept. 26, it's *Facts of Life*, 8 p.m.; *227*, 8:30 p.m., and *J.J. Starbuck*, 9:30-11 p.m. (a 90-minute preview). The rollout of the Saturday schedule concludes on Oct. 3 with *Amen* at 9:30 p.m. and *Hunter*, 10-11 p.m.

Monday, Sept. 21, will see the premieres of *ALF* at 8 p.m. and *Valerie* at 8:30 p.m.

The Tuesday schedule begins Sept. 22 with the rollout of *Matlock* at 8-10 p.m. (a special two-hour premiere) and *Crime Story* at 10 p.m. On Sept. 29, *J.J. Starbuck* debuts at 9 p.m. in its regular time period. □

ABC says number of World Series games will decide its sports success this year but adds 1988 is dicey

ABC Sports, which accumulated a deficit of more than $60 million in 1986, could rebound this year and turn a profit, according to division president Dennis Swanson.

Speaking to television writers Aug. 1 in Redondo Beach, Calif., Swanson said ABC Sports could wind up in the black this year if the World Series goes at least six games.

The encouraging forecast follows a disappointing year in which the sports division had only four profitable events. Swanson said 1986 was so bad that even the Pro Bowlers Tour, a stronghold for 25 years, operated at a deficit.

This coming season, however, the network has sold out its college football inventory, and expects to turn a profit on it as well as its *Monday Night Football* package, which is nearly sold out, he said.

But the length of the World Series will be the deciding factor. "We've had two seven-game series back to back, and that's not likely [again this year]," Swanson said. "But if we got a normal-range World Series [six games] ... ABC Sports would be in black ink by the end of the year."

Swanson attributed the upturn to a healthier sports marketplace, saying the strong prime time upfront sales season filtered down to other segments of the schedule. He also credited an aggressive network sales staff, the national economy and a cost-cutting internal reorganization for improving the division's financial performance.

But 1988 could prove tougher, Swanson admitted. ABC will have the baseball playoffs but no World Series, and the winter Olympics in Calgary — each of which is expected to run at a loss. Baseball has been a traditional money loser for ABC, and the winter Olympics is expected to fall flat even if the network can sell off the entire inventory. ABC's coverage will generate "significantly" higher production costs than the network had with the last winter Olympics in Sarajevo, Swanson said, adding the 1988 Calgary games will run 97 hours, about 30 hours longer than those in Sarajevo.

Despite the less than rosy outlook for next year, Swanson appeared upbeat about the overall prospects for network sports, saying "the future of our business is very good."

Having spent much of his time during his first 18 months as the network's sports president dealing with administrative matters, Swanson said he can now focus more on improving the production values of both college and pro football games. The division intends to add new graphic equipment to its mobile units. "And now with being in a sell-out position and knowing exactly what revenue we're dealing with, we also look to add to some of our advertising and promotion," Swanson said.

Swanson also announced the network will extend by a half-hour its Sept. 14 Monday night match-up between the New York Giants and Chicago Bears, beginning with a season-preview show at 8:30 p.m.

Tony Cox tapped for Showtime post

Biondi, new Viacom president/CEO, picks former HBO executive to be chairman/CEO of pay services

Frank Biondi, in his first major announcement as president and chief executive officer of Viacom, named a former colleague at HBO and Time Inc., Winston (Tony) Cox, to be chairman and chief executive officer of Showtime/The Movie Channel ("In Brief," Aug. 3).

"Throughout my career in cable television, I have always had a healthy respect for Showtime/The Movie Channel and admired the company's competitiveness and drive," Cox said. "In speaking of Viacom's future, [Viacom chairman] Sumner Redstone recently said that the company was 'on the threshold of greatness.' I would just like to add that Showtime/The Movie Channel will play more than its part in crossing that threshold," Cox said.

Cox, who had been vice president, corporate planning, at Time Inc., said his initial priorities will be "to meet the people," find out "what are our problems" and "what the heartbeat is over here [at Showtime]." He was bullish on the prospects for Showtime/The Movie Channel, suggesting the much-talked-about troubles in pay television were not that severe. "Showtime is very healthy,"

Cox

Cox said, and has added about 500,000 subscribers in the last 10 months. "All the pay services seem to be bouncing back a little bit." Cox acknowledged that The Movie Channel "has been slipping" and from his preliminary analysis he wasn't sure why. "I suspect the cable industry is not giving it the support it's giving other services," he said.

Cox had first been contacted about the Showtime position late last year by Viacom's then top executives to fill the position of the departed Neil Austrian. Discussions were placed on the back burner when the battle for control of Viacom was joined. The winner, Redstone, chairman of National Amusements, named Biondi to head Viacom three weeks ago (BROADCASTING, July 27), a move that Cox said "was the clincher" in his decision to join Showtime.

Cox said exclusivity will remain a cornerstone of Showtime's programing and marketing strategy. (Indeed, the company is rolling out a new weekend schedule for Showtime this month, see story at right). And he sees benefits from Showtime's foray into pay per view, with its Viewer's Choice service. At Time and HBO, Cox said, there was "a lot of genuine and legitimate skepticism about PPV," with questions surrounding the expense of addressability and adequate revenue streams. But to Cox, the time may now be ripe. "I think," Cox said, "if you're going to get into PPV, now is the right time. Finally, the cable industry is beginning to take a serious look at it. I'm delighted we have a very, very solid position in it and can build on it."

Cox said he would be involved in the day-to-day operations of the services, and didn't foresee naming a president of Showtime/TMC. "I tend to be a shirt-sleeve kind of manager anyway."

He described the morale at the company as good: "One thing I like about Showtime/TMC," Cox said, "is the real positive attitude that exists in this company . . . and the enormous amount of pride."

Cox will report to Biondi. The MTV Networks Group (MTV, VH-1, Nickelodeon/Nick at Nite), Viewer's Choice, plus the TVRO and hotel/motel marketing of Showtime/The Movie Channel will report to Jules Haimovitz, president of Viacom Networks Group.

Showtime plans Friday comedy lineup; exclusive and original programing on weekend to be built around American experiences

Showtime is conducting a major overhaul of its weekend programing, with exclusive programing dotting Friday night's new comedy lineup and Saturday's and Sunday's movie schedules.

The moves are a culmination of two years of research into subscriber viewing habits and preferences, and were set into motion, Showtime said, once there were enough theatricals under contract to run an exclusive movie each week for the next three years.

Showtime's research led it to concentrate on creating a weekend package of programing, setting it apart from other video services. Showtime will offer a combination of exclusive movies and original programing reflecting shared experiences in American culture. Fred Schneier, Showtime's executive vice president of programing, said that movies continue to be "the single most significant reason" customers subscribe to pay TV, but "original programing has a lot to do with retention." Schneier said that many major newspapers have special weekend sections geared to readers' leisure hours, but there is no such focus in video entertainment, a role Showtime aims to fulfill.

Showtime will begin Friday evening with a movie comedy at 8 p.m. and will air its original comedy series, *Brothers* and *It's Garry Shandling's Show*, at 10 p.m. and 11 p.m., respectively.

The pay service is building Saturday night around its "Exclusive Movie of the Week," at 8 p.m. At 10 p.m., Showtime plans a variety of exclusive programs, including *The Messiest of Gallagher*, *Don Rickles on the Loose* and *Showtime Coast to Coast*.

Saturday programing will also be part of the pay service's "White Hot Weekends" series, a special batch of original weekend programing planned around certain themes. The first will be this weekend (Aug. 14-16), with *Paris by Night with George Burns*, a concert by the Pointer Sisters in Paris and two boxing matches (cruiserweight and heavyweight championship bouts) from St. Tropez, highlighting the programs. The "White Hot Weekends" will also involve sweepstakes, contests and other audience promotions for subscribers and cable systems.

Sunday will feature Showtime's double feature, with the pay service running "two top-ranked movies" beginning at 8 p.m. The last Sunday in each month, Showtime will run 10 exclusive features back to back that were aired throughout the month.

The weekday schedule remains unaltered, but will include exclusive and original programing that will also be seen on the weekends, traditionally nights of television's heaviest viewing.

Showtime also will roll out new animation, promotion and interstitial programing to support its weekend progaming changes. The programing changes will be rolled out throughout August. □

'Late Show' gets 'Late Night's' Sand

After six months of negotiations, Fox Broadcasting Co. has signed an agreement with Barry Sand, producer of NBC-TV's *Late Night with David Letterman*, to FBC to reshape the service's foundering *The Late Show*. As part of the agreement, the program will be produced as a co-venture between FBC (the majority partner) and Sand's production company, HBS Productions. In addition to joint ownership of the program, Sand will receive a salary substantially higher than at *Late Night*, as well as bonuses based on ratings performance of *The Late Show*. He will move from New York to Los Angles, where FBC is based, and take over *The Late Show* reins in about two weeks. Sand replaces Kevin Wendle, who will move to an executive advertising and promotion position.

Although it will be an "evolutionary process," Sand said last week that by the time he's finished, the show will have a completely different format. The present format has failed to deliver the audience FBC had hoped for, although the company claims to be pleased with the younger demographics it has attracted. Rivers drew an average 2.0 rating, and the show has dropped into the one's since her departure in mid-May.

Robert Morton, segment producer of the Letterman show, was named last week by NBC as Sand's successor. Wendle, a programer by background, is stepping into a new role at FBC as senior vice president of advertising, publicity and promotion.

Sand confirmed that he had been talking with FBC President Jamie Kellner and Fox Chairman Barry Diller since last March about joining FBC to rework *The Late Show*.

"I didn't want to do another Joan Rivers show or more of the same," Sand said last week. "I had *the* show—*Letterman*. You aren't going to do better than that." Thus, the initial approach by FBC evolved into a long series of discussions, and Sand had to think long and hard about leaving *Letterman*, which he helped to create and which he has produced since the program debuted on NBC's daytime schedule in 1980.

But the challenge of turning around *The Late Show*, coupled with the deal FBC was offering, convinced Sand to take the offer. After a while, he said, a program like *Letterman* "starts to run itself." Also, at *Letterman*, Sand was an NBC employe, while in the deal with FBC he has an ownership position in the program as well as creative control. "That's really what everybody in this business wants," he said. "That's a hard deal to turn down." He said that he just signed a new three-year contract with NBC to continue producing *Letterman* but that NBC let him out of the pact when he informed the network two weeks ago of the opportunity that had arisen at FBC.

Sand declined to discuss in detail his plans for *The Late Show*, except to indicate that the host-with-band-and-guests format would be discarded in favor of something less traditional. "The biggest mistake would be to clone what's already being done very well by Carson and Letterman," he said. □

FCC poses some fairness options

In report ordered by Congress, FCC suggests ways to modify fairness enforcement—if there's a doctrine to enforce

If Congress resurrects the fairness doctrine, which the FCC declared unconstitutional—a violation of broadcasters' First Amendment rights—last week (see "Top of the Week"), the FCC hopes it will be one of the several "less objectionable" variations contained in an FCC staff report adopted and released by the commission last week.

The 85-page report, which was ordered by Congress in October 1986 and is based on comments received in an FCC inquiry, suggested several ways the doctrine could be modified to make it "less objectionable than the present scheme when measured against public interest and constitutional requirements."

Just before the unanimous FCC vote to adopt the report at last Tuesday's open meeting, FCC Chairman Dennis Patrick said the FCC has made clear that it believes the doctrine disserves the public interest and infringes on broadcasters' First Amendment rights. "We have nonetheless produced . . . a fair and thorough assessment of the alternatives," he said. "Where we believe a certain change could improve on the . . . application of the doctrine, we say so. Where we believe the alternative would make matters worse, we indicate that as well."

The report suggests limiting the application of the doctrine to TV or to small markets with few newspapers and broadcast stations. Such limits, said Steve Bailey, the principal author of the report, "could reduce the negative consequences of the doctrine significantly."

It also suggested narrowing the scope of the doctrine by eliminating such ancillary rules as the personal attack rule and the Cullman doctrine which requires broadcasters to provide free time for responses to paid advertisers if fairness is not achieved by other means. Other acceptable alternatives identified by the report: use of a "marketwide approach" in evaluating whether a station violated the doctrine and a moratorium on enforcement of the doctrine (partial or complete) to determine once and for all whether, as the FCC contends, the goals of the doctrine—public access to diverse ideas and the coverage of controversial issues—can be achieved more readily without it.

But the report makes clear that the best fairness requirements are no fairness requirements. "In sum, our analysis of these alternatives strengthens our belief that the fairness doctrine disserves the public interest and contravenes fundamental principles of free speech," it said.

The suggestions to Congress were framed as alternatives to elimination of the doctrine altogether. "This report generally assumes an environment in which the doctrine in some form continues to exist and seeks improved formulation of it or the way it is enforced," Bailey told the FCC at the Tuesday meeting. "While none of the alternatives successfully addresses all of the problems . . . [of the doctrine], it does appear that there are a number of measures that would constitute an improvement over the present administration."

According to the report, the idea of limiting application of the fairness doctrine to small markets is nothing new. In 1973, the late Senator Sam Ervin (D-N.C.) suggested legislation to restrict the doctrine to communities with a scarcity of broadcast signals. And a year later, then FCC Chairman Richard Wiley suggested an experimental suspension of the doctrine for radio in large markets. Neither of the suggestions went anywhere.

Among the problems with the small-market concept is defining a small market. NBC, which advocated the approach in its comments, said it should include any market that receives 20 or fewer television and radio signals. "As noted by NBC, a signal availability standard does not take into account the full diversity of other media outlets," the report said. "The standard, therefore, can only approximate the real nature of the market. However, it has the advantage of being . . . administratively manageable."

The report cites the large increase in radio stations that has put several signals in the smallest markets in suggesting that the doctrine be applied to TV only. "There is clearly no justification for government intervention into the content of radio broadcasting," it said. "Eliminating the fairness doctrine as it applies to radio licensees, while a limited step, would nonetheless represent significant progress in removing intrusive and unwarranted governmental intervention in the editorial functions of broadcasters."

According to the report, a moratorium on the enforcement of the doctrine would generate information that the FCC could use to "evaluate the efficacy and necessity of the doctrine, specifically, information as to what will occur without the doctrine and whether the public is better served, as the doctrine's opponents contend, or less well served, as the doctrine's proponents assert."

The report said there are "no serious detriments" to imposing a partial or total moratorium. "The suggestion that overseeing the experiment would subject broadcasters to close, and potentially stifling, scrutiny by the government reflects a legitimate concern," it said. "Nonetheless, we do not believe that unavoidable government involvement in overseeing a moratorium experiment either rises in the same level of intrusion that the alternative—continued application of the doctrine itself—poses or that our oversight could not be fashioned in such a way as to reduce its impact on broadcasters."

Under the marketwide approach, broadcasters would be permitted to cite coverage of an issue by other media in their market in demonstrating that both sides of an issue had been addressed. Although no commenters favored the approach, the report said, "we believe that it may be theoretically a preferable alternative to current enforcement. . . . It would take into account a more realistic view of today's diverse and ever expanding communications marketplace. [It] would be consistent with the fact that the listener or viewer does have access to views on other broadcast stations as well."

The report said that it is unclear how the personal attack rule, which gives individuals the right to respond to personal attacks against their character, furthers the discussion of controversial issues. "As commenters have pointed out . . . experience indicates that a reply spokesperson's energies in personal attack cases are more often focused on vindicating his or her personal reputation than on elucidating the public issue," it said. The personal attack rule "adds regulatory protection of persons' reputations to the other interests sought to be protected by the doctrine and, in so doing, raises an additional barrier that broadcast journalists must face in attempting to present controversial issues."

As to the Cullman doctrine, the report said: "Because any imposition of the Cullman obligations on broadcasters gives the government the opportunity to require that a schedule of free advertisements be aired, it gives government the opportunity to second-guess the journalistic decisions of licensees. The threat of governmentally imposed sanctions together with coercion tactics that are utilized by some groups to extract free advertising under the doctrine operate to produce a chilling effect that generally diminishes rather than enhances the amount of issue programing aired by broadcasters. Elimination of the Cullman application of the fairness doctrine may result in imbalanced coverage of an issue on a single station; we believe its elimination, given the multiplicity of media voices today, will actually result in a greater diversity of opinion on specific issues in the marketplace as a whole."

In lieu of eliminating the Cullman doctrine, the report said, Congress has two options. Broadcasters who sell time to one party to express a particular viewpoint would have to sell to another expressing an opposing viewpoint or certain types of advertising such as that by independent political committees or groups favoring or opposing ballot propositions would be exempt from Cullman obligations.

The report rejected some alternatives proposed in the inquiry, namely that the FCC review doctrine complaints at license renewal time rather than as they are received and that the FCC require broadcasters to set aside "access time" for the airing of controversial public issues.

"The chilling effects under a renewal-only approach would be significantly heightened, rather than decreased because...in many broadcasters' eyes, the stakes for a violation of the rules would be greatly raised—i.e. potential loss of license, or conceivably, a short-term renewal or substantial demerit in a comparative renewal proceeding, and at one of the most critical periods of licensee operation."

According to the report, access-time requirements do nothing but substitute one form of "government scrutiny" over broadcasters for another. Because they would deprive broadcasters of their discretion over the use of certain time, it said, they are "antithetical" to Congress's vision of broadcasting. "Not only would acceptance of these alternatives be a drastic step away from Congress's prohibitions in [the Communications] Act against treating broadcasters as common carriers, but a further step removed from according broadcasters the same journalistic freedoms under the First Amendment that are enjoyed by other private communications media." □

FCC proposes rules to limit payments for withdrawal of petitions to deny

Commission launches rulemaking that's intended to foreclose opportunities for shakedowns

Concerned about the abuse of its petition-to-deny process, the FCC last week proposed new rules limiting the money groups that file petitions to deny applications for the sale or license renewals of broadcast stations may receive to withdraw their petitions. The new rules would also prohibit any group from using the threat of such petitions to demand money from broadcasters.

Under the proposal, sale and license-renewal applicants would be allowed to pay petitioners no more than their "prudent and legitimate" costs in preparing and prosecuting their petitions. The petitioners would also be required to make full, detailed disclosures of payments they receive from applicants.

In the rulemaking proceeding, which was launched by a unanimous vote at last Tuesday's open meeting, the FCC also proposed limiting the money applicants for channels may receive from competing applicants to withdraw their applications. They, too, would be restricted to recovering only their "prudent and legitimate" costs.

In addition, the FCC also proposed to eliminate its review of agreements between broadcasters and "citizens groups" in which broadcasters make commitments to air certain types of programing in exchange for the groups' cooperation come renewal time. Under current policy, the FCC reviews such agreements to make sure the broadcaster isn't abdicating its responsibility for or control over the station's programing. Just how the proposal to eliminate review of the commitments would stem abuse of the renewal process is unclear.

"It is important that our processes not be abused and that the perception that such abuses will be tolerated not be allowed to go unchallenged," said acting Mass Media Bureau Chief Bill Johnson.

"The issue here is how we can avoid abuse of our processes which we know are taking place without precluding or hampering in any way the legitimate use of these vehicles," said FCC Chairman Dennis Patrick. "Making that discrimination is an enormously difficult task because it involves questions of intent and questions of good faith," he said.

FCC Commissioner Jim Quello said abuse of the petition-to-deny process has been a subject of his speeches since 1975. "I think there has been a lot of this abuse," he said. "This [rulemaking] is a long time coming."

"We seek neither to denigrate the importance of petitions to deny to the commission's overall regulatory structure nor to cast a chilling effect on the filing of legitimate petitions to deny," said FCC staffer Mark Solberg, who presented the proposed rules at the FCC meeting. "We are concerned about the potential of abuse of the...process....A petition to deny a renewal application could result in the loss of most or all of a licensee's substantial investment. With regard to assignment of license applications, even a brief delay may doom the transaction. Since there is no rule that limits the nature or amount of payments a petitioner may receive in exchange for agreeing to withdraw a petition...individuals or groups may file or threaten to file a petition not for the proper purpose of bringing factual information about the applicants' qualification to the commision's attention, but instead to extract some financial consideration from the applicants. Applicants may well decide that it is easier to cede to a petitioner's frivolous demand for payment than to oppose the petition."

According to Solberg, the FCC has no specific examples of groups using petitions to deny to exact payments from broadcasters, but it has plenty of general complaints about what is going on. Solberg said the FCC hopes that the rulemaking will elicit from broadcasters "concrete examples" of abuses to which they were a party. "The more concrete examples, the stronger the case" for the rules, he said. But, he said, "I think the commissioners may feel they have enough already."

The petition-to-deny rules seemed aimed at the National Black Media Coalition, a Washington-based group dedicated to increasing employment of blacks by the broadcasting industry that makes no secret of its practice of filing petition to deny sale and license renewal appplications and not withdrawing them until it has an agreement to find black employes for the affected broadcast stations.

Although FCC officials shied away from saying the petition-to-deny rules were aimed primarily at the NBMC, NBMC head Pluria Marshall didn't hesitate. "This is the NBMC item," he said. It was adopted because FCC Chairman Dennis Patrick feels "that broadcasters shouldn't have to answer to us."

"There is no abuse of process," Marshall said. If NBMC challenges a license renewal or transfer on the ground that the station has failed to hire a sufficient number of blacks, he said, "what's wrong with us serving as [paid] consultants to help them find black people....We are not going to withdraw our petition if they don't have a solution to the problem we have identified for them. We are talking about a pure service."

If the FCC were doing its job and enforcing its own equal employment opportunity standards, he said, the NBMC would not exist. "Why doesn't [Patrick] get off his little narrow butt and make his EEO unit work effectively," said Marshall.

Marshall said that in the late 1970's an NBMC employe on the West Coast was guilty of extorting money and favors from broadcasters. "But we kicked this guy out of our organization," he said.

Andrew Schwartzman, of the Media Access Project, a public interest group that has filed its share of petitions to deny, said he has "no problem" with the commission proposal."My position is that reimbursement of expenses legitimately incurred should be proved. I'm not at all sure that money need to change hands and I think there should be full disclosure in any kind of arrangement."

Like the petition-to-deny process, the channel allocation process can be used to extort money from legitimate broadcasters or would-be broadcasters, Solberg said. By proposing facilities to which the FCC would give preferences, competing applicants can block the original applicant from receiving a grant of a channel, he said. To withdraw its applications, the competing applicant can then demand some payment from the original applicant, he said.

Although the competing applicants would be restricted to receiving only the "prudent and legitimate" costs of filing their applications under the proposed rules, Solberg said, the FCC recognizes that such a rule might deter "good faith" competing applicants as well as the "coercive" ones. As a result, he said, the rulemaking invites suggestions for some alternative.

"When we look at the comments," said Johnson, "we are going to have to take a careful look to make sure we are not eliminating a dispute reconciliation mechanism where we shouldn't be." The rulemaking also seeks comment on whether its current rules prohibiting "misrepresentation" in FCC proceedings could be invoked to prevent parties from using the allocation process to extort money from legitimate applicants. If the FCC can prove that the real intent of a party of the allocation proceeding is to extort money from the other applicant and not to build and operate a broadcast station, Solberg said, the FCC may be able to impose fines for misrepresentation. □

Poll closing bill moves along in House

Some stumbling blocks remain for legislation that would lengthen daylight saving time in West, but bill enjoys strong support and is expected to move easily through subcommittee; ABC's Watson testifies in support of measure

Despite some resistance, a House bill (H.R. 435) that would set a uniform poll closing time for presidential elections is still on a fast track. Designed to counter the perceived effects of early election projections by the television networks in the East while the polls are still open elsewhere, the measure was the focus of a hearing by the House Subcommittee on Transportation, Tourism and Hazardous Materials last week. Its impact on transportation industries, however, has raised some concern since the legislation would extend daylight saving time for an additional two weeks in the Pacific time zone.

Regardless of those concerns, the bill enjoys considerable support and is expected to sail through the subcommittee shortly after Congress returns from its August recess. The subcommittee's chairman, Thomas A. Luken (D-Ohio), backs it. "This bill, in conjunction with the networks' commitment not to broadcast poll results until the polls in a state have closed, will go a long way to restoring full and equal voting opportunity to our citizens on the West Coast," said Luken in an opening statement. Last year Luken expressed some reservations with the measure.

During the 1986 midterm congressional election, all three networks (ABC, CBS and NBC) refrained from making early projections of election results (based on exit polls) until all the polls had closed in each state. That policy arose out of increasing pressure from Congress to quit releasing early results because the lawmakers feel such a practice contributes to a decline in voter turnout.

The networks supported the poll-closing bill in the last Congress because they felt it was the best solution to the problem. Furthermore, the networks' policy is based on the assumption that eventually the poll-closing measure will become law.

"Our policy restricting the use of exit polls will remain in effect at least through the election of 1988; if Congress succeeds in establishing a uniform closing time, our policy at that time will become permanently fixed," testified George Watson, vice president and Washington bureau chief of ABC News. Watson told the subcommittee it could count on ABC's "cooperation in the renewed effort to secure final passage and a lasting solution to this problem." CBS and NBC are also sticking with their decision not to make any projections.

Under the legislation—it is virtually identical to the bill adopted by the House in the previous Congress—the polls would close at 9 p.m. standard time in Eastern, central, mountain and Pacific time zones. (Alaska and Hawaii would be exempt from the measure.) Daylight saving time would be extended during a presidential election year for an additional two weeks in the Pacific time zone, so that the polls would close there at 7 p.m. instead of 6 p.m.

The bill passed the House Administration Committee last May, but instead of moving to the floor it was referred to the transportation subcommittee, which has jurisdiction over matters affecting daylight saving time.

A transportation department witness testified that a temporary readjustment of daylight saving time might have "possible adverse consequences."

The department argued that the change would create confusion. "If the bill were enacted, schedule publication, such as the Official Airline Guide, would have to deal with one time change affecting most of the country at the end of October, and another affecting the Pacific states one or two weeks later. Since the change would be in effect only every four years, many people are likely to be confused and inconvenienced in their travel plans and business dealings," stated transportation's testimony.

Further confusion would result for agriculture and the construction industries because of a "disparity between 'clock time' and the actual period of daylight," the agency contended. Plus, the department fears the proposed change will cause saftey problems in those Pacific time zone states for children traveling to school on "dark mornings."

Defending the bill against such criticisms were its chief sponsors, Al Swift (D-Wash.) and Bill Thomas (R-Calif.), who appeared before the subcommittee. The bill originated in the House Election Subcommittee, of which Swift is chairman and on which Thomas is ranking minority member. "This is not the network's fault. The fault is in the geography [of this country]. It's up to us to deal with that part of the problem," Swift said. □

Broadcasters favor elimination of FCC's cross-interest rules

NAB joined by Cox Enterprises, Group W and Morgan Stanley in supporting policy's elimination; CFA and TRAC strongly opposed

The National Association of Broadcasters, Cox Enterprises, Group W and Morgan Stanley & Co. urged the FCC to eliminate its cross-interest policy in response to a notice of inquiry.

The Consumer Federation of America and the Telecommunications Research and Action Center, however, vehemently opposed the proposal and questioned the FCC's reasoning and motives for eliminating the rules.

The commission is trying to determine whether the policy, which prohibits cross interests between key employes and principals at competing stations, should be eliminated. It feels the bulk of the prohibited "meaningful" relationships are now proscribed by the attribution and other provisions of the ownership rules. The availability of other legal remedies such as anti-trust laws, it feels, insures adequate competitive restraints.

The cross-interest policy was developed on a case-by-case basis as an adjunct to the duopoly rules, which originally only prohibited ownership of more than 50% of two competing stations or actual working control. The cross-interest policy has been applied most forcefully to individuals who have controlling interest in one station and a minority interest in another station in the same market or where a principal has attempted to become an officer in another competing station in the same market. The commission asked for a notice of inquiry because it felt the policy was uncertain and unpredictable. The ad hoc nature of the rule produced anomalous results, such as going beyond the reach of local ownership rules, permitting ownership of AM-FM combinations, but denying cross interest between separately owned AM and FM stations.

The NAB commented that the policy lacks the clarity provided in the multiple ownership rules. Group W concurred, saying affected parties are entitled to know in advance the basic ground rules and should not be subject to ad hoc determinations based upon "ill defined policies."

The FCC also felt the vagueness of the rules may prevent transactions that would raise any real concern with the commission and that concern creates unneccesary financial burden both on the commission and licensees.

Morgan Stanley's comments that the policy creates an uncertainty about the viability of certain transactions with the probability of delay and possibility of prohibition. It felt that uncertainty deters investment in the industry. NAB pointed out that many transactions are time sensitive and the delays caused by examination of compliance with the policy could preclude stations from attracting equity investment capital.

Cox Enterprises felt the policy disserves the public interest because it produces regulatory costs which are borne by the public. Joint Board Chairman, Wally Jorgenson said, "the policy, in its current form, does not further the public interest and is not justified in today's marketplace." The FCC also felt the policy may prevent qualified personnel with cross interest from employment that could be of real aid at other stations.

Originally intended to insure against threats to economic competition, the policy has more recently been expanded to include instances where a cross interest may affect diversity of viewpoint.

CFA and TRAC generally oppose the proposal, because it finds the dependence on attribution rules and ownership rules suspect and disingenuous. It contends that the repeal or relaxation of the ownership rules is imminent and says "this is not reasoned policy making; it is a cynical shell game." It contends the proposal to abandon the policy "defies logic" and may well reduce the number and kind of program options available to the public."

Reply comments are due August 31. □

Fairness doctrine coverage continues from page 39K.

OFFICIAL REACTION TO FAIRNESS DOCTRINE REPEAL

The good, the bad and the ugly

They took sides quickly after FCC's action eliminating fairness restraints; Congress wants Patrick's scalp; even industry falls short of unanimity on issue; nine FCC ex's oppose repeal; yet agency is on side of the angels for many

The FCC's abolition of the fairness doctrine unleashed a torrent of reaction in Washington last week. Public interest groups and the doctrine's Capitol Hill supporters were outraged by the agency's action. A group of nine former FCC commissioners (four of whom served as chairman) also felt the commission had gone too far. But the Fifth Estate, for the most part, thought the FCC's decision was cause for celebration.

"We applaud the FCC for erasing this blight on the First Amendment and we congratulate the commissioners for the serendipity of their timing during the 200th anniversary of the U.S. Constitution," said National Association of Broadcasters President Eddie Fritts.

Still, broadcasters were not claiming a final victory. Rather, they were readying for a major battle in Congress, where Senate Commerce Committee Chairman Ernest Hollings (D-S.C.) and House Energy and Commerce Committee Chairman John Dingell (D-Mich.) have vowed to turn the doctrine into law (BROADCASTING, Aug. 3).

"The FCC's action today was a major victory for free speech and a free and independent press. But it was not a final victory," said Ernie Schultz, president of the Radio-Television News Directors Association. "There is every reason to believe," Schultz said, "that Congress will redouble its efforts to codify the fairness doctrine despite the FCC's 1985 report, today's decision and the President's carefully reasoned veto of the codification bill in June."

Congress hoped to recess no later than last Saturday and will return after Labor Day; at that time Hollings and Dingell will begin searching for an appropriate legislative vehicle (an act the President can't veto) to which they could attach a fairness measure.

The lawmakers responded to the commission's action with a vengeance. Dingell, at an impromptu press briefing, called the commissioners "ignoramuses" and said the agency would "have cause to regret this." House Telecommunications Subcommittee Chairman Ed Markey (D-Mass.) said the commission's action was "unconscionable, but it will be short-lived." And Representative Al Swift (D-Wash), a key subcommittee member, said the FCC was "totally out of control. If we don't put them back in a box, shame on us."

Over in the Senate, Hollings said the decision was "wrongheaded, misguided and illogical." Daniel Inouye (D-Hawaii), chairman of the Senate Communications Subcommittee, also was disappointed with the agency. "I am deeply troubled by the commission's willingness to ignore clear congressional intent and disregard a standard that has served the public for 40 years," he said.

NAB is gearing up for a fight on the Hill. Fritts reported the association was laying the groundwork for a major grass-roots lobbying initiative. Broadcasters across the nation, Fritts said, would work with local newspapers to keep the doctrine from becoming law. They would be calling on legislators during the recess.

(Fritts was not in Washington when the FCC acted. He was speaking at a national leadership conference of a national fraternity, Sigma Alpha Epsilon. However, he and NAB's joint board chairman, Wallace Jorgenson of Jefferson Pilot Broadcasting, later called on FCC Chairman Dennis Patrick to "congratulate him for his courage and conviction on fairness.")

An indication that broadcasting can indeed count on its print brethren was evident from a statement issued by the American Newspaper Publishers Association. The ANPA "applauds" the FCC's declaration that the doctrine is unconstitutional, said its chairman and president, George Wilson of the *Concord* (N.H.) *Monitor*. "ANPA believes that the editorial freedom guaranteed by the First Amendment applies to broadcast and print media alike. The FCC's recognition of that principle by reconsidering the Meredith-WTVH case, and by affirming its 1985 fairness doctrine report, is soundly rooted in the First Amendment's prohibition of government intrusion into content," Wilson said.

The broadcasters' triumph was also noted by the cable industry. "This has primarily been the broadcasters' fight and the victory belongs to them," said National Cable Television Association President James P. Mooney. And what does the FCC's action mean for cable? "We've tended to be preoccupied with Nazis and Ku Kluxers forcing their way onto our access channels," said Mooney.

While the broadcast and print media were marshalling their troops, Dingell wasted no time in shoring up support for a fairness bill. He circulated a "Dear Colleague" letter late last week intended to build the case for codifying the doctrine. "The FCC's action threatens the very foundation of the public trustee concept enshrined in the 1934 Communications Act, which has governed broadcasting from the beginning," wrote the Commerce Committee chairman. "This FCC has shown disdain for the public trustee concept by stating it will no longer enforce the rules governing political editorializing and personal attacks. If the trend continues, and the FCC's radical constitutional analysis is pursued, we can anticipate the demise of candidate access to the airwaves and equal time requirements, as well," Dingell warned.

But the doctrine's congressional defenders weren't the only ones expressing indignation. "Quite a few of us are appalled by such a stupid thing," said former FCC Commissioner Abbott Washburn. Washburn was one of several previous FCC commissioners (both Democratic and Republican appointees) who wrote the two committee chairmen stating their view that "striking down the fairness doctrine undermines the very foundation of the Communications Act of 1934—the public trusteeship concept."

Dingell attached their correspondence to his "Dear Colleague" letter. (Hollings also was said to be planning a "Dear Colleague" letter.) Besides Washburn, the signatories included former Commissioners Tyrone Brown, Kenneth Cox, Joseph Fogarty and Nicholas Johnson, as well as former Chairmen Robert E. Lee, Charles D. Ferris, Rosel Hyde and Newton N. Minow.

"The fairness doctrine has served the public well. It should be kept for as long as monopoly licenses are granted by the government," the letter said. Furthermore, they all endorsed a *Washington Post* "letter to the editor" authored last month by Lee and Washburn. The pair (it was Washburn who organized the Hill letter) were responding to a *Post* editorial that attacked fairness. "Critics of the doctrine wrap themselves in the First Amendment. Yet the doctrine does not censor anything. On the contrary, in the words of the Supreme Court, it adds to 'the uninhibited marketplace of ideas. . . . It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount,' " the former FCC officials wrote.

Some broadcasters were sorry to see the doctrine dropped. Westinghouse Broadcasting has been a long-time champion of the doctrine. "I just wonder what the public interest standard means without the doctrine," said John Lane of Wilkes Artis Hedrick & Lane and Westinghouse's attorney. Lane said Westinghouse will continue to adhere to the principles of fairness.

One Westinghouse station, KDKA-TV Pittsburgh, broadcast an editorial supporting the doctrine and suggested viewers write in on the subject. The station said it would send the letters on to area congressmen. "We need a fairness doctrine to insure that we get the whole story about the issues that affect us all. Unless the FCC reconsiders, it's up to Congress to make this important policy into law," KDKA-TV stated.

To some former FCC chairmen an end to the doctrine was welcome news. "It's long overdue," said Mark Fowler, now with the Washington law firm of Latham & Watkins. Fowler, who has long favored repeal, called on broadcasters to "show a little backbone

Vox pop on the fairness doctrine: a

Alabama □ "[The fairness doctrine] may have been aimed in great part at the Southern states and the fact that there was segregation down here, and I think there was some concern that not all views were being represented when [the doctrine] first went into effect. Now I think all media are more responsive to everyone and all the views. So I really don't think it's going to have much of an impact."—*Frank Morock, news director,* WBMG(TV) *Birmingham, Ala.*

Alaska □ "Believe it or not, there still are communities in America that have only one radio station. In most cases, not having a fairness doctrine could cause residents of those communities to be limited in their access to all sides of a particular issue. What works in New York might not work in Nome, Alaska."—*Diane Kaplan, executive director, Alaska Public Radio Network.*

Arizona □ "[The decision] affects every broadcaster in that it gives us our First Amendment rights back. It inevitably will make us a little more aggressive in dealing with the controversial issues."—*Richard DeAngelis, vice president and general manager,* KPHO-TV *Phoenix.*

Arkansas □ "I greatly admire the courage of the FCC in doing what it had to do in light of the court action and the findings of its staff, and in the face of tremendous congressional criticism."—*Ted L. Snider,* KARN(AM)-KKYK(FM) *Little Rock (immediate past joint board chairman of the National Association of Broadcasters).*

California □ "I have no problem with the decision because we have always striven for balance in our reporting. I think this is very good in giving us the leeway to do things without a threat over our heads."—*Cecil Webb, owner and general manager,* KSUE-AM-FM *Susanville.*

Colorado □ "It begins the process of removing the artificial distinctions between the print and electronic media."—*Richard Holcomb, senior vice president, corporate affairs, American Television & Communications, Denver.*

Connecticut □ "Three cheers for the Patrick commission. The idea that the fairness doctrine is essential to our fiduciary status is far-fetched and flat wrong. Fairness chills. The next job, which the NAB now, at long last, may assist, will be to defend this good commission action in the Congress."—*Frank Altman, general manager,* WEBE(FM) *Westport.*

Delaware □ "I tend to straddle the fence on the issue. While I do believe that broadcasters, especially local radio, have a responsibility to present all sides of an issue, I don't think there has to be a law."—*Rob Phillips, news director,* WNRK(AM) *Newark.*

District of Columbia □ "That's good news. That ought to be a banner [headline]."—*Joe Sitrick, Blackburn & Co.*

Florida □ "We've never had any big problems with the fairness doctrine the way it was. We're still going to honor it and I think most broadcasters will continue to invoke it the way it was. But it's real good news because it's unnecessary. There's so much competition these days."—*Woody Sudbrink, owner, Sudbrink Broadcasting, West Palm Beach.*

Georgia □ "We, like others, have an ethical commitment to present both sides of every issue, and we'll be just as aggressive tomorrow as we were last week. I don't like the fairness doctrine. I didn't like it 30 years ago and I don't like it now because of the inequity between print and broadcasting. Today plurality speaks and with the great number of outlets and access to cable, even a small community like Macon can receive virtually every side of the issue."—*Tony Villasana, news director,* WMAZ-TV *Macon.*

Hawaii □ "I think it's an admirable act. It's about time we had an equal footing with the papers. We're the only station around that does editorials, and we only get about five rebuttals a year, and we're glad for them. I don't think it will get anyone else [here] to do editorials, though, because they're not interested. What are they going to do, bitch about the suntan oil?"—*Lawrence (Bob) Berger, owner and general manager,* KHVH(AM)-KHHH(FM) *Honolulu.*

Idaho □ "I didn't feel the fairness doctrine was terribly abused by advocacy groups, although it always bothered me that it didn't apply to print, and I've worked in both radio and print."—*Gary Stivers, news director,* KSKI-FM *Sun Valley.*

Illinois □ "The broadcasters surely have been given the short nickel for years, [but] on a practical level, it's not going to affect news departments. . .because our integrity is all we have to offer to the viewer."—*Paul Davis, news director,* WGN-TV *Chicago (past president, Radio-Television News Directors Association).*

Indiana □ "I'm delighted. I felt the fairness act was hurting the process. [The FCC's action] gives the quality radio stations freedom to cover the qualified public issues better, the issues the public is interested in hearing."—*Roy G. Cooper, vice president and general manager,* WIBC(AM) *Indianapolis.*

Iowa □ "Our policy is to provide the other side of the ledger. The issue is not dead. Special interest groups will pursue this, and we believe it will end up in the courts."—*Steve Shannon, general manager,* WHO(AM) *Des Moines.*

Kansas □ "The FCC has finally given broadcasters the same right that print has had for a long time and that's exemplary and only fair. This is a very bold step. I couldn't be happier. A lot of stations will continue to show both sides of the issues, but now we can endorse candidates and hold debates on issues without every sidebar person given equal time."—*Ron Collins, president and general manager,* KAKE-TV *Wichita.*

Kentucky □ "My personal reaction is it's about time. I don't think it's going to change a serious broadcaster's commitment to fairly present all issues. There will continue to be many facets of the issues that come before us, which we now can cover without fear of reprisal."—*Lyn P. Stoyer, vice president and general manager,* WLKY-TV *Louisville.*

Louisiana □ "Really I don't see the FCC's decision. . .affecting us that much because it's not something that has much application to our cable system. But we do occasional programing about local candidates or local issues and like most businesses, we think of less regulation as desirable. We consider ourselves First Amendment speakers and anything that would lessen our rights under the First Amendment, I would be happy to see go away."—*Mike Hugunin, president, Cablevision of Shreveport.*

Maine □ "I think that Maine broadcasters couldn't exist if they only represented one side on an issue. . .it's part of the 'Downeast ethic.' Maine broadcasters have to be fair. The way the fairness doctrine existed was onerous for broadcasters who would only present one side of an issue."—*Helen Sloane Dudman, president and general manager,* WDEA(AM)-WWMJ(FM) *Ellsworth (president of the Maine State Broadcasters Association).*

Maryland □ "I think it's like a lifting of a millstone around the necks of conscientious broadcasters. The doctrine has inhibited a lot of innovative reporting and broadcasting. I'm delighted to see it gone."—*Harry R. Shriver, president and general manager,* WFBR(AM) *Baltimore.*

Massachusetts □ "One problem is with the very phrase 'fairness.' What are we who oppose it, proponents of unfairness? If we weren't fair the market would punish us. The FCC removed the limit on the number of commercials we could air, yet we continue to reduce the number of commercials we have because the market dictates it."—*Woody Tanger, president, Marlin Ltd. Broadcasting, Boston.*

Michigan □ "Nobody here used to walk around quoting from the fairness doctrine. I don't mean to be flippant. . .but presenting balanced views has always been part of our job. Even where there is a political candidate who will be lucky to get 10 votes, we still do a piece on them."—*Chris Stout, news director,* WJBK-TV *Detroit.*

Minnesota □ "We do a half-hour of public affairs programing each week and I am not so sure that will be affected very much by the change. Still, it will be a big help to other stations, especially those with investigative news units."—*Robert Fransen, general manager,* KITN(TV) *Minneapolis.*

Mississippi □ "I don't think we will do anything differently because we have always tried to be responsive to the community and show, if not equal sides, at least both sides. But it will eliminate just one more layer of bureaucracy, something that people could threaten broadcast journalists with when they were doing a

50-state canvass of the Fifth Estate

good job anyway."—*David Vincent, vice president and news director, WLOX-TV Biloxi.*

Missouri □ "Some people think there may need to be a fairness doctrine for newspapers. It makes the front page when somebody is accused of sexual abuse. If the charges are not founded, that doesn't make the front page. But I am not advocating that the government step in: I guess the public has to recognize the biases and sources that news comes from. "—*John Falconer, general manager, American Cablevision of St. Louis.*

Montana □ "No one has ever approached me saying: 'Hey, that story didn't comply with the fairness doctrine.' But I have talked with people who felt that a story wasn't right and if I agreed with them, we would give those people an opportunity to respond."—*Dick Pompa, news director, KFBB-TV Great Falls.*

Nebraska □ "It will make us feel a little easier because we get a lot of network and syndicated programing over the satellite over which we don't have control and about which I am sometimes concerned about balanced views. For our own public affairs programing we have always felt we were doing a good job if we got equal complaints from liberals and conservatives."—*Wilson Perry, station manager, KIOS-FM Omaha.*

Nevada □ "It would appear that the FCC's move in tossing out the fairness doctrine is really just a little snub at Congress, and Congress is all set to codify legislation on some kind of similar law. So in some ways it may be a moot point."—*Jim Behling, vice president and general manager, KTNV-TV Las Vegas.*

New Hampshire □ "I'm glad to see broadcasting has achieved parity with newspapers."—*Ron Pulera, general manager, WNHT(TV) Concord.*

New Jersey □ "Additional freedom carries additional responsibility. This is not a license to do whatever one wants to do and not have standards one continues to uphold."—*Joseph Battaglia, general manager, WWDJ(AM) Hackensack.*

New Mexico □ "I think the decision is long overdue. The FCC did what the courts will have to do eventually."—*Joseph Carrière, executive vice president and general manager, KBIM-TV Roswell.*

New York □ "The NAB's refusal to enter the lists and do battle with the commission over obscenity/indecency is going to have a corollary effect on the fairness doctrine. My prediction is that the Congress is going to respond—unhappily, I feel rightfully—because broadcasters and specifically the NAB did not fight obscenity/indecency. Celebration of the disappearance of the fairness doctrine is very premature."—*Jerome Gillman, president and general manager, WDST(FM) Woodstock.*

North Carolina □ "Philosophically, I think it's fine. I just hope it doesn't bring down the wrath of Congress on the industry."—*Vassie Balkcum, president and general manager of WGBR(AM) Goldsboro (president of the North Carolina Broadcasters Association).*

North Dakota □ "I've always believed that Congress will never give up the fairness doctrine. The only way the fairness doctrine will ever be eliminated will be in the Supreme Court."—*Thomas G. Barr, general manager, KFYR-TV Bismarck.*

Ohio □ "I'm delighted, obviously. We'll be able to be more imaginative with our political programing than we were. We must be careful to be fair, but the market would not allow us to be otherwise."—*Steve Olscyk, news director, WDTN(TV) Dayton.*

Oklahoma □ "The elimination of the doctrine will relieve pressure on some of the smaller stations to seek out all sides of a story. But I firmly believe that the vast majority of stations will try to get all sides of a story, with or without the fairness doctrine."—*Ron Williams, news director, KLTE(FM) Oklahoma City.*

Oregon □ "I think it's great that we're now on the same footing as print. It won't have that great an effect on us and, consequently, we didn't give it a lot of play. But the newspapers around here sure did."—*Bruce Bennett, station manager, KCBY-TV Coos Bay.*

Pennsylvania □ "I am glad to see the First Amendment freedoms further extended to cable. . . . The fairness doctrine didn't seem to hinder us in taking an aggressive posture [in the past]. We've never been accused of not letting people come in and speak their piece."—*Joseph Connolly, president, Berks Cable Co., Reading.*

Rhode Island □ "It [the fairness doctrine] was a reminder that there was a separation of the broadcast and print media."—*John Sawhill, general manager, WJAR-TV Providence.*

South Carolina □ "[The repeal] does not change the way that we have been operating. We have always tried to cover both sides of an issue, and most of all, be fair to the viewing public."—*David Aiken, general manager, WOLO-TV Columbia.*

South Dakota □ "The doctrine has hindered First Amendment rights. Fairness is not a serious problem in the smaller markets where far-reaching issues are not likely to emerge."—*Jim Monk, news director, KGIM(AM) Aberdeen.*

Tennessee □ "Whether there's a fairness doctrine or not we'll still adhere to the rules, but we really think that [fairness decisions] ought to be handled by the stations. All of us are running journalistic news operations and I think . . . there are enough media outlets for people to get their news from."—*Deborah McDermott, station manager, WKRN-TV Nashville.*

Texas □ "I think it's one of the great days in the history of broadcasting. The broadcast industry is almost up to first-class citizenship now."—*Bev Brown, owner and general manager, KGAS(AM) Carthage (former NAB board member).*

Utah □ "In terms of cable, I don't think it will have much impact. If we do any kind of local news programing or local airing of the issues, I think we're going to cover them just as well [as before]."—*Jonathan Bullen, president, The Cable Co., Logan.*

Vermont □ "Mixed emotions. I think it's thrilling for the moment, but I have a hedged-bet kind of feeling. I can't believe how fast members of Congress, including our own senator, are talking about tacking the doctrine onto another bill. I'm delighted with the courage of this FCC . . . The First Amendment is a powerful thing and it's time broadcasters had an equal share in it. But I'm waiting with bated breath."—*Tom Pierce, senior vice president and general manager, WEZF(FM) Burlington (president, Vermont Association of Broadcasters).*

Virginia □ "I think it's a great step forward. It won't affect us directly, but it will free broadcasters and cable news organizations across the country to report news they wouldn't have for fear of the fairness doctrine."—*John Evans, president, MetroCable, Arlington.*

Washington □ "The doctrine has served to make people shy away from controversial issues and to stifle the expression of divergent opinions. Although fairness has had no effect on news at all, in respect to other programing, when looking at controversial issues, whenever any single program does not represent a perfectly balanced view—'fairness' isn't really as useful a word here as 'balance'—because of the doctrine, equal time and other regulation, people have ended up saying: 'Why is it worth [airing] it?' "—*Phil Wenstrand, news director, KREM-TV Spokane.*

West Virginia □ "I believe it is a very positive step. I think it will give us more flexibility in covering issues that affect our viewers."—*Brian Peterson, news director, WOWK-TV Huntington.*

Wisconsin □ "I suppose I'm a little disappointed . . . I kind of liked the fairness doctrine. It seemed to me that fairness is a reasonable standard for broadcasting, and I didn't have any difficulty in having that standard as a government-imposed standard. I am real sure the broadcast media are not going to rush out and become unfair. . . . I think where it did matter was in those instances where there was a question about coverage of issues. In those rare instances the government-imposed standard of fairness seems to be a more reasonable way to run broadcasting."—*Ronald Kuisis, vice president, corporate affairs, Warner Cable's WAVE Cable, Milwaukee.*

Wyoming □ "Giving equal opportunity to all candidates is the only right, proper way in the marketplace. I look at it as just the common sense doctrine. It doesn't bother me at all that the thing has been abolished because we'll operate the same with or without it."—*Tom Bauman, president and general manager, KRAE(AM) Cheyenne.*

Continues from page 59.

and back the commission on this." Said another former chairman, Richard Wiley of Wiley, Rein & Fielding, "The commission bit a very tough bullet. It's done everyone a service."

While there was considerable FCC bashing on Capitol Hill, some lawmakers hailed the commission's decision. "Bless their heart, they did exactly the right thing ....It's about time," said Senator William Proxmire (D-Wis.), who has introduced legislation to overturn fairness for more than a decade. Senator Bob Packwood (R-Ore.), the doctrine's chief opponent in the Senate, expressed his delight when learning of what the FCC would do (BROADCASTING, Aug. 3). And in the House, Representative Tom Tauke (R-Iowa), who fought against the initial codification bill, backed up the agency. "Obviously I think the FCC acted appropriately. The commission had little choice but to take this action, given what the court had to say," said Tauke.

Public interest groups were especially perturbed. "The FCC claims the fairness doctrine chills free speech and gives the government a big brother role in broadcasting. Both arguments are without merit. The only chill broadcasters experience from the fairness doctrine is in the pocketbook," said Dr. Beverly Chain, director of the Office of Communication for the United Church of Christ. The Media Access Project's Andrew Schwartzman said his organization would be "looking out to see if broadcasters are treating issues fairly."

Despite the general recognition that the FCC would not have the final word on fairness, there were still those who were encouraged. "I think it's a real plus and will contribute to a great deal of news and public affairs programing," said the National Telecommunications and Information Administration's Al Sikes, a former radio broadcaster.

Joel Chaseman, president of Post-Newsweek Stations and chairman of the Television Operators Caucus, said: "I think a lot of us are tired of the presumption of guilt...that broadcasters will be unfair unless there's a government regulation requiring us to be fair. We deserve an atmosphere free of regulation in which to function. If we screw up there will be plenty of opportunity for reregulation."

"We welcome the commission's action because broadcasters should be free of restrictive government supervision," said John Kompas, president of the Community Broadcasters Association. "But LPTV stations must be highly responsive to small, specific communities. So we will continue to present all sides of local issues affecting these communities.

Fairness doctrine politics have resulted in unusual alliances. "On this one, I am with Hollings, Dingell and Ralph Nader," said conservative columnist and media figure Patrick Buchanan. He thinks the FCC's action is an example of the "Republican party coming to the rescue of corporate America. I think it's a mistake for the Republican party."

While Buchanan thought Republicans were wrong, former California Democratic Congressman Lionel Van Deerlin was warning Democrats not to be identified as "those trying to take away First Amendment rights." Van Deerlin at one time chaired the House Communications Subcommittee and was the author of legislation that would have repealed the doctrine.

He was pleased by the commission's action. "People in the newsroom are hurt by this and they want parity," he told BROADCASTING. As to the commotion in Washington, Van Deerlin thought it was interesting that just when "things were calming down [at the FCC], then bingo, up comes the commission and spits in the eye of Congress." □

Fairness held unfair

(Continues from page 28)

sy because of it. We think journalism should not be the subject of federal regulation."

Along with the praise from broadcasting interests came criticism from congressional leaders and public interest groups of every stripe. In general, they felt that the FCC had forsaken its obligation under the Communications Act to protect the public interest by failing to preserve access to the public airwaves. "This opens the door for TV to be even more unfair than it already is at this point," said Phyllis Schlafly, the conservative head of the Eagle Forum.

Protests started even before the final vote was taken at the decisive FCC meeting. As FCC Commissioner Jim Quello set forth his reasons for abolishing the doctrine, mem-

Fairness decision opens up commercial speech

One freedom afforded the Fifth Estate by last week's fairness doctrine decision was the removal of requirements to balance controversial commercial speech by airing opposing viewpoints in such cases.

Most broadcasters, however, already run or at least consider running advocacy ads. And the minority that do not, including the three broadcast television networks—ABC, CBS and NBC—probably won't reconsider their positions, despite at least one prediction that issue advertising could ultimately become a $100-million-a-year business.

According to Television Bureau of Advertising research, more than 90% of television stations accept such ads or review them before making judgments, a tolerance recently exemplified by broadcasters' consensus to air contraceptive advertising. But no one really knows the revenue potential of advocacy advertising, said Richard Severance, senior vice president of national sales at the Television Bureau of Advertising.

Revenues from airing such controversial commercials could climb into the neighborhood of $100 million a year if fairness doctrine restrictions were lifted, former TVB President Roger Rice predicted several years ago, a figure Severance said still remains valid, although he cautioned such growth would take at least a couple of years to develop.

"Even without the fairness doctrine, we will not see a sudden surge, but an evolutionary increase in issue advertising," Severance said, as broadcasters gradually accept more such material and advertisers are increasingly encouraged to develop it.

ABC, CBS and NBC said last week they would keep their current policies againt carrying ads on controversial issues. Each argued that its position rests on factors other than the fairness doctrine. David Fuchs, senior vice president of corporate and broadcast affairs for the CBS/Broadcast Group, explained the CBS policy against accepting paid advertisements with viewpoints on controversial issues "was never a question of the fairness doctrine. It is a question of the purse; that is we always felt it was a mistake to accept [the ads] in television because it allows the fellow with the biggest pockets" to set the political agenda.

ABC's policy, in effect since shortly after its merger last year with Capital Cities, is also not to accept advocacy advertising, the principal reason said to the same as CBS's. NBC-TV's Robert Blackmore, senior vice president, sales, also confirmed that the network does not "see anything changing at the moment" in its policy against airing controversial ads.

Local broadcasters, whatever their present policy, are not likely to make immediate changes in it, if only because of the concern that Congress will try to legislate new fairness laws soon.

At WJLA-TV Washington, for instance, there has been a long-standing policy to accept issue advertising, according to Jane Cohen, vice president of station affairs, and it will be "business as usual," despite the FCC ruling. "There are no issues off-limits as long as [the station] follows the dictates of fairness, balance, good taste and reasonable access to all," said Cohen.

Stations that do not accept advocacy ads, such as WCIA(TV) Champaign, Ill., may review their policies only after the fairness doctrine remains repealed for some time. According to Dick Adams, manager of information programing at WCIA and also director of research and education for the Midwest Television broadcast group, the company will continue its policy not to sell time for the presentation of "controversial issues of public importance." Requests for time come "infrequently," he explained, and the financial impact of turning them away is not substantial.

bers of a group affiliated with Ralph Nader's Center for Study for Responsive Law lined up along one wall of the FCC's meeting room and held up placards spelling out "Save the Fairness Doctrine."

To the consternation of FCC officials, Nader plopped himself down in the middle of the room as soon as the meeting adjourned for an impromptu press conference, delaying the regular press briefing with FCC officials as he fired verbal salvos at the FCC and its action. "What we are seeing here is the ultimate transfer of monopoly power to the broadcasters who already have exclusive licenses to decide who says what on TV and now don't have to worry about fairness any more," Nader told the reporters who pressed in around him.

Aides of House Communications Subcommittee Chairman Edward Markey (D-Mass.) were also on hand at the meeting with a statement reflecting the thinking of many of his colleagues. The action, Markey said in the statement, reveals the FCC as "ideologically hide-bound. Their blind adherence to a rigid misconstruction of the First Amendment threatens to snuff out debate or discussion of important issues over the public's airwaves."

Much of the congressional ire rose over the FCC's taking the fairness action before it had submitted its congressionally mandated report on alternatives—a criticism the commission countered by citing its mandate from the courts in an adjudicatory case (see box, page 28).

The FCC's action, in the face of stiff congressional opposition, is likely to have repercussions for the FCC on matters having nothing to do with the fairness doctrine. "The political fallout will be tremendous," said one House source. "On the Hill, you don't tug at Superman's cape and you don't mess around with John Dingell and Fritz Hollings," he said. "Whatever Patrick wants from the Hill, he'll have to fight tooth and nail for," he said. House Commerce and Energy Committee Chairman John Dingell (D-Mich.) and Senate Commerce Committee Chairman Ernest (Fritz) Hollings (D-S.C.) are leading the effort to codify the fairness doctrine.

Possible congressional retribution heard last week includes holding up confirmation of any fifth FCC commissioner, dragging commissioners up to the Hill for weekly oversight hearings and insisting that the FCC release orders as quickly after adoption as it did the fairness doctrine case.

If, as another congressional source suggested, Congress makes "life miserable" for the FCC, the commissioners can take solace in the support of their action by the White House. President Reagan vetoed a fairness doctrine act passed by Congress last June, later telling BROADCASTING afterward that "we must rely on competition. . .to insure that all reasonable views are presented." Thomas C. Griscom, assistant to the President for communications and planning, said last week the President "stands firm on his views. He supports the FCC and their action."

□

After the FCC cited WTVH for violating the fairness doctrine in airing ads advocating the construction of a nuclear power plant without airing contrasting viewpoints, Meredith appealed to the U.S. Court of Appeals in Washington. Last January, the court remanded the case to the FCC with instructions to consider the constitutional arguments that Meredith had raised but that the agency had said were better left to Congress and the courts. The court said the commission "need not confront" the constitutional issue if it decided that, in light of the fairness report it issued in 1985, enforcement of the doctrine would not be in the public interest.

At the meeting, Killory said that "any policy justifications are so intertwined with constitutional implications that we cannot separate the two. Accordingly, the issue is whether the doctrine is constitutional. The answer is no."

The FCC based its decision on its finding that the doctrine is counterproductive, discouraging rather than encouraging coverage of controversial issues and airing of diverse viewpoints, and that it intrudes excessively and unnecessarily into the decision-making of broadcast journalists and editorialists.

Killory stressed that the scope of the FCC's action is narrow. "It does not extend beyond the doctrine to codified laws like equal time. It does not rule on the commission's other content rules such as issue-responsive programing and prime time access. And it leaves intact the commission's ability to license and regulate in the public interest."

(The fairness doctrine and the equal time law to which Killory referred are often confused. The equal time law, contained in Section 315 of the Communications Act, requires broadcasters to provide "equal opportunities" to legally qualified political candidates. Exempt from the requirement are candidates who appear on news programs of various kinds).

At the press briefing following the meeting, Killory said the FCC has not determined whether its ruling encompasses such "corollaries" of the fairness doctrine as the personal attack and political editorializing rules. To the extent that the rules depend on the doctrine, she said, "they would seem to suffer from the same constitutional invalidity." She said the FCC needs to address the question in "the near future."

The FCC believes the Supreme Court, in deciding First Amendment cases involving broadcasters, should use the same analysis it uses in deciding cases involving newspapers, Killory said. "That doesn't mean all content regulation for broadcasting. . .is necessarily invalid," she said. "You have to go through the same test as the print media would go through. You have to see if there is a compelling government interest and you have to determine that a ruling is the least restrictive means of it."

At the meeting, FCC Commissioner Patricia Diaz Dennis said abolishing the doctrine is consistent with the FCC's enforcement of prohibitions against broadcasters airing "indecent" programing. "There are different considerations in that the print media can be channeled, if you will, can be restricted in different ways than broadcasting can be because of the nature of the medium. Therefore, you can put brown wrappers over mag-

The protesters

Ralph Nader

Markey's aide Larry Irving

azines. You can refuse to allow minors to come into bookstores," she said. "We can't do that with broadcasting; and, therefore, what we have said [is that] those who wish to listen to indecent material can do so at a time of day when there is not a reasonable likelihood of children being in the audience."

Still smarting from Reagan's veto, congressional proponents of the doctrine said they will redouble their efforts to codify it. To avoid another veto that they were unable to override last June, they plan to attach the fairness law to a "must" piece of legislation that the President can't afford to veto.

□

In response to a congressional directive, the FCC assembled what it considers to be "less objectionable" variations of the fairness doctrine—for example, one that would apply only to television stations (see story, page 56). If the Congress feels it must impose fairness requirements on broadcasters, the FCC hopes it will opt for one of the alternatives laid out in the report.

The Syracuse Peace Council, which brought the fairness doctrine complaint against WTVH, is preparing to ask the appeals court to review the FCC action. Andrew Schwartzman, head of the Media Access Project, which has represented the SPC, said the group will argue that the doctrine was codified in 1959 and that the FCC lacks authority to abolish it. Although the appeals court may not take the argument "very seriously," he said, SPC needs to preserve it for an appeal to the Supreme Court if Congress fails to resurrect the doctrine.

John Pelkey, an attorney with Haley, Bader & Potts, which represents Meredith, expects the appeals court on review to uphold the FCC action on the constitutional question. To do otherwise, he said, the court would have to find that the FCC action is not supported by the record or, even more unlikely, that there "is some sort of constitutional right to the fairness doctrine." Also, he said, the way the FCC order is written, the court could agree that the doctrine is unconstitutional without contradicting the Supreme Court scarcity finding in *Red Lion*.

Floyd Abrams, the First Amendment attorney who represented Meredith in its fairness appeal, hailed last week's decision as "a giant step away from government control over content of what appears on television. I think it is the first step in far greater freedom for broadcasters than they have ever known."

Henry Geller, director of the Washington Center for Public Policy Research, Duke University, said he'll petition the FCC for reconsideration. He doesn't expect to change any minds, but he, too, wants to preserve arguments for later use in court.

As evidenced by the order and by the statements of the FCC commissioners, it's clear that the FCC's interest is to do more than just do away with a single rule. On a more fundamental level, it is trying to elevate broadcasting to the same First Amendment status enjoyed by newspapers and magazines. "In answer to the question—'Are radio and television somehow more than toasters with sound and video?'—we say clearly, 'Yes, they are,' " said FCC Commissioner Mimi Dawson. "But in answer to the question—'Are radio and television speakers somehow less than print speakers because they communicate with sound and video?—we say, 'The answer is no.' "

□

At the FCC last Friday, things were returning to normal; the dog days of August were approaching. Commissioner Quello was on vacation and his colleagues would join him shortly for the pre-Labor Day recess. One of the chairman's legal assistants, Lisa Hook, was working on the order for the abuse of processes item (story page 57) as the agency got back to "cranking out the regular work." Chairman Patrick was still fielding calls from Congress and elsewhere, but even they had begun to diminish.

But the fairness doctrine action would not for long be out of mind. Other cases would come up—in the personal attack and equal time areas, for example—that would invite application of the same First Amendment brush. Those could come on the commission's own motion, or in response to a petition for a declaratory ruling, or simply be handled on a case-by-case basis.

The bunker atmosphere that had characterized the FCC since its announcement of the fairness decision two weeks ago was disappearing. This battle was over, but the war had yet to be won. □

Fairness gets big play in media

For both the broadcast and print press, the commission's ruling on the fairness doctrine was major news. Stories about the controversial ruling appeared on all of the TV network evening newscasts, on radio reports and on the front pages of newspapers.

ABC, CBS, NBC, the Cable News Network and C-SPAN, which rarely cover FCC meetings, sent camera crews to last Tuesday's meeting. CNN included coverage of the FCC action during the afternoon and evening, but no special interviews were planned because CNN had covered the debate on several shows in the past month. For its coverage, C-SPAN taped the FCC meeting and subsequent commission press conference, as well as reaction from Representative Edward Markey (D-Mass.). C-SPAN aired the package—which totaled over three hours—at 9:20 p.m. Tuesday. The program also went out over C-SPAN II at 1:20 a.m. Wednesday.

National Public Radio's Mara Liasson did a one-minute piece for *All Things Considered* and a four-minute piece for *Morning Edition* on the decision.

The Public Broadcasting Service's *MacNeil/Lehrer NewsHour* addressed the issue in a 30-second news bulletin Tuesday

As for network radio coverage, Mutual Broadcasting began several of its hourly and half-hourly Tuesday newscasts with the fairness story, according to news editor and producer Doug Levy.

ABC Radio Networks led several of its newscasts with the fairness report, according to Bob Benson, VP, news, ABC Radio. "The first thing we had to do was explain to the public what the fairness doctrine was," said Benson. "We also had a lot of reaction tape," he said.

James Farley, vice president of radio news for NBC, said both the NBC Radio Network and the Source, NBC's young-adult network, had the fairness doctrine story as the second or third news item in many of their hourly newscasts last Tuesday.

The CBS Radio Network did not lead any of its newscasts with the story, but, according to Larry McCoy, executive editor for CBS News, radio, it was the second or third story, and was the lead in five, two-minute newscasts on RadioRadio, CBS' youth-oriented network.

As for major newspapers, the *New York Times* devoted the most space last Wednesday, with a lengthy front-page story, a separate reaction story and excerpts from an FCC policy statement. The *Los Angeles Times* and the *Washington Post* also gave the story front-page coverage.

On Wednesday, the *Post* also carried a column in its Style section by TV critic Tom Shales, who denounced the FCC decision: "The Federal Communications Commission proved it does know something about obscenity after all. It committed one," he said. The *Post's* editorial on Thursday had a far different flavor, saying the FCC "has done the right thing." □

Changing Hands

PROPOSED

KHAK-AM-FM Cedar Rapids and KSO(AM)-KGGO(FM) Des Moines, both Iowa; WAMX(FM) Ashland, Ky.; WBYU(FM) New Orleans; WNBF(AM)-WHWK(FM) Binghamton, WYRK(FM) Buffalo and WCMF(FM) Rochester, all New York; WDAO(AM)-WWSN(FM) Dayton, Ohio; WIMZ-AM-FM Knoxville, Tenn., and WGNT(AM) Huntington, W.Va. □ Sold by Stoner Broadcasting System to ML Media Partners for $52,700,000 ("Closed Circuit," July 20). **Seller** is principally owned by Thomas H. Stoner, who will have no other broadcast interests. **Buyer** is principally owned by M.L. Partners, headed by Martin Pompadur. It also owns KATC-TV Lafayette, La., and recently bought WREX-TV Rockford, Ill. ("Changing Hands,"June 22). Pompadur also has interest in Television Station Partners, New York-based group of four TV's. KHAK is daytimer on 1360 khz with 1 kw. KHAK-FM is on 98.1 mhz with 100 kw and antenna 485 feet above average terrain. KSO is on 1460 khz full time with 5 kw. KGGO is on 94.9 mhz with 100 kw and antenna 1,059 feet above average terrain. WAMX is on 93.7 mhz with 100 kw and antenna 741 feet above average terrain. WBYU is on 95.7 mhz with 100 kw and antenna 580 feet above average terrain. WNBF is on 1290 khz full time with 5 kw. WHWK is on 98.1 mhz with 10 kw and antenna 960 feet above average terrain. WYRK is on 106.5 mhz with 50 kw and antenna 390 feet above average terrain. WCMF is on 96.5 mhz with 50 kw and antenna 457 feet above average terrain. WDAO is daytimer on 1210 khz with 1 kw. WWSN is on 107.7 mhz with 50 kw and antenna 420 feet above average terrain. WIMZ is on 1240 khz full time with 1 kw. WIMZ-FM is on 103.5 mhz with 100 kw and antenna 1,723 feet above average terrain. WGNT is on 930 khz with 5 kw day and 1 kw night. *Broker: Cecil L. Richards Inc.*

KOAM-TV Pittsburg, Kan.-Joplin, Mo. □ Sold by Draper Communications to KOAM-TV Acquisition Limited Partnership for $15 million. **Seller** is Salisbury, Md.-based group of three TV's principally owned by Tom Draper. **Buyer** is company formed by David Croll, principal in TA Associates, Boston-based investment banking firm. KOAM-TV is CBS affiliate on channel 7 with 316 kw visual, 63.1 kw aural and antenna 1,090 feet above average terrain. *Broker: Sandler Capital Management.*

WFLN-FM Philadelphia □ Sold by Franklin Broadcasting Co. to Marlin Ltd. Broadcasting Inc. for about $15 million. **Seller** is owned by Raymond F. Green, who will remain as general manager; his father, Raymond S. Green, and Eleanor Smith and family. It has no other broadcast interests. **Buyer** is owned by Howard P. Tanger and family. It also owns WTMI-FM Miami and WQRS-FM Detroit. WFLN is on 95.7 mhz with 50 kw and antenna 500 feet above average terrain. *Broker: Blackburn & Co.*

WWWE(AM)-WDOK(FM) Cleveland □ Sold by Lake Erie Radio Co. to Erie Radio Co. for $13-$14 million. **Seller** is owned by Arthur Modell and Alfred Lerner who have no other broadcast interests. Modell is owner of Cleveland Browns, professional football team. It bought station for $9.5 million ("Changing Hands," March 4, 1985). **Buyer** is owned by Thomas Embrescia, Larry Pollock and Tom Wilson. It also owns WUPW(TV) Toledo, Ohio. WWWE is on 1100 khz full time with 50 kw. WDOK is on 102.1 mhz with 12 kw and antenna 1,000 feet above average terrain. *Broker: Wertheim Schroder & Co.*

WXDJ-FM Homestead, Fla. □ Sold by Radio Intermart Corp. to Family Group Broadcasting Operation L.P. for $8.1 million. **Seller** is owned by James E. Martin, Clifton G. Moor and William G. Brown. Martin also owns WQSC(FM) Andrews, S.C. Moor and Brown own WTIF(AM)-WJYF(FM) Tifton, Ga., and WZKS(FM) Jessup, Ga. **Buyer** is owned by Ian N. (Sandy) Wheeler and Charles S. Goldmark. Wheeler heads Family Group Broadcasting, Tampa, Fla.-based group of four AM's, four FM's and five TV's. Goldmark is general manager of WHQT-FM Miami. WXDJ-FM is on 95.7 mhz with 100 kw and antenna 982 feet above average terrain. *Broker: Chapman Associates.*

WVBM(FM) Springfield, Fla. □ Sold by V.B.M. Enterprises Inc. to Royal Palm Communications Inc. for $800,000. **Seller** is owned by Victor Battle and his brother, Michael, who have no other broadcast interests. **Buyer** is owned by Peter M. Bardach and James E. Normoyle, who also own WSUS(FM) Franklin, N.J. WVBM is on 95.9 mhz with 3 kw and antenna 327 feet above average terrain. *Broker: The Holt Corp.*

KKBH(FM) Victoria, Tex. □ Sold by Crossroads Broadcasting Inc. to Coastal Wireless Co. for $630,000. **Seller** is owned by John Sharp, who has no other broadcast interests. **Buyer** is owned by Dan Cutrer, who also owns KSTE(FM) Corpus Christi, Tex. KKBH is on 93.3 mhz with 100 kw and antenna 750 feet above average terrain. *Broker: Norman Fischer & Associates.*

WPGO(FM) Shallotte, N.C. □ Sold by Oceanside Broadcasting Co. to Beach Broadcasting of N.C. Inc. for $485,000. **Seller** is owned by A. Earl Milliken, who has no other broadcast interests. **Buyer** is owned by Stewart Freeman and Robert Simpkins, who also own WWBD(AM)-WWLT(FM) Bamberg Denmark, S.C., and WPFR-AM-FM Terre Haute, Ind. WPGO is on 106.3 mhz with 3 kw and antenna 328 feet above average terrain.

WATP(AM)-WKXS(FM) Marion, S.C. □ Sold by Winfas of South Carolina Inc. to Marion Christian Radio Inc. for $450,000. **Seller** is group of two AM's and four FM's principally owned by W.S. Foster. **Buyer** is Norfolk, Va.-based group of 14 AM's and five FM's owned by Levi E. Willis. WATP is daytimer on 1430 khz with 1 kw. WKXS is on 94.3 mhz with 3 kw and antenna 512 feet above average terrain.

System serving Woburn, Mass. □ Sold by Colony Communications to Continental Cablevision Inc. for estimated $35-$45 million. **Seller,** headed by Jack C. Clifford, is 34th largest cable MSO with 265,000 subscribers. It is owned by Providence Journal Co., publisher of *Providence* (R.I.) *Journal* and owner of three TV's. **Buyer** is third largest cable MSO with over 1.5 million subscribers; it is headed by Timothy P. Neher, president. Woburn system passes 41,000 homes with approximately 30,000 subscribers and 508 miles of plant.

System serving Framingham, Mass. □ Sold by Community Cablevision of Framingham Associates to Framingham Cable Television Limited Partnership for $12.8 million. **Seller** is headed by Elmer Goldman and has no other cable interests. **Buyer** is joint venture of Vento & Co. and CMS Investment Resources. Vento is Rosslyn, Va.-based real estate firm headed by Gerald T. Vento. CMS is Philadelphia-based investment banking firm. Framingham system passes 18,200 homes with 10,100 subscribers and 207 miles of plant.

System serving Hendricks County, Ind. □ Sold by Sinclair TeleCable Inc. to American Television & Communications Corp. for estimated $6.5-$8.5 million. **Seller** is owned by John Sinclair, who also owns system in West Yellowstone, Mont. **Buyer** is second largest cable MSO with almost three million subscribers. Based in Englewood, Colo., publicly owned ATC is headed by Trygve Myhren, chairman. System passes 8,400 homes with 5,500 subscribers and 210 miles of plant. *Broker: Daniels & Associates.*

System serving Chambers, Jefferson and Orange, all Texas □ Sold by N.E.T. Systems and Peninsula Cable Ltd. to Showcase Communications Inc. for estimated $2.8-$3.7 million. **Sellers** are owned by Dave Wood, who has no other cable interests. **Buyer,** headed by Richard Levinson, is Livingston, N.J.-based investor with no other cable interests. System passes 7,500 homes with 2,200 subscribers and 147 miles of plant. *Broker: Cable Investments Inc.*

System serving Avon, Ill. □ Sold by Nova Communications Inc. to Triax Development Co. for estimated $2.7-$3.4 million. **Seller** is headed by Robert G. Fischer. It has no other cable interests. **Buyer** is Barrington, Ill.-based MSO headed by James DeSorrento, chairman. It owns systems in Indiana, Michigan and Ohio serving approximately 25,000 subscribers. System passes 3,825 homes with 2,180 subscribers and 62 miles of plant. *Broker: Daniels & Associates.*

System serving Faulkner County, Greenbrier and Perryville, Ark. □ Sold by Greenbrier Cable TV Inc. and Perryville Cable TV Inc. for estimated $2-$3 million. **Seller** is owned by Roy L. Montgomery, John Hastings and Virgil Richardson. It has no other cable interests. **Buyer** is headed by Rick Snyder, president. It also owns system near Columbia, S.C. System passes 3,200 homes with 1,100 subscribers and 71 miles of plant. *Broker: Coaxial Capital.*

Systems serving Nauvoo, Ill.; Montrose and Bonaparte, Iowa, and Alexandria, Mo. □ Sold by Cass Cable TV Inc. to Triax Development Co. for estimated $1.5-$2.5 million. **Seller** is Virginia, Ill.-based MSO with systems in three states serving approximately 14,000 subscribers. It is owned by Gerald Gill and Russell Decker. **Buyer** is also buying system in Avon, Ill. (see above). Systems pass 2,935 homes with 1,220 subscribers and 41 miles of plant. *Broker: Daniels & Associates.*

Systems serving Mont Alto, St. Thomas and Quincy, all Pennsylvania □ Sold by Classic Cable Ltd. to Raystay Co. for estimated $1.5-$2 million. **Seller** is owned by Cable Com Inc., Littlestown, Pa.-based MSO headed by John Bambach, president. It owns eight systems in Maryland and Pennsylvania. It also sold system serving 360 subscribers in Funkstown, Md., to Antietam Cable TV. **Buyer** is owned by George Garder. It also owns six other systems in Pennsylvania. Systems serve 1,350 subscribers with 15 miles of plant. *Broker: Communications Equity Associates.*

For other proposed and approved sales see "For the Record," page 71.

NABET, NBC remain at odds. Union leaders representing NBC's 2,800 striking technical workers have reaffirmed their decision not to expose the network's new contract offer to a nationwide membership vote, despite requests to that effect by union locals in Burbank and Chicago.

Members of the two NBC locals, largest outside New York, argued that a membership vote rejecting the NBC package would force the network to reconsider what it has characterized as its "final offer." But the negotiating team for the National Association of Broadcast Employes and Technicians decided in a conference call last Wednesday that little could be gained by such a national mail tally, which could take several weeks to conduct.

The walkout of 2,800 engineers, newswriters and others began June 29 in disputes over the increased use of temporary employes and other jurisdictional issues.

In Burbank, NABET negotiator Carrie Biggs-Adams said a "sizable majority," in a voice vote at a meeting July 31, wanted the national membership to vote on the package. A later tally showed that 253 of the members present would vote to reject the NBC offer, with 80 voting to accept it.

According to NABET's Chicago local negotiator Richard Beidel, 92 local members agreed in a July 31 meeting to bring the contract to a membership vote, with 61 opposed. Another 51 members were not present at the meeting (NBC NABET membership in Chicago totals about 280 to 300). Beidell said local members were confident the package would be rejected by the national membership.

Telemundo stakes its future on Hispanic audience

Backed by public stock offering, Spanish network-station group is out to buy more stations

The remains of what Reliance Capital Group L.P. acquired when it successfully bid for John Blair & Co. one year ago are now being taken public again. Blair's two Spanish-language television stations have since been combined with two other Hispanic TV stations and a growing network operation under the corporate banner, Telemundo Group Inc.

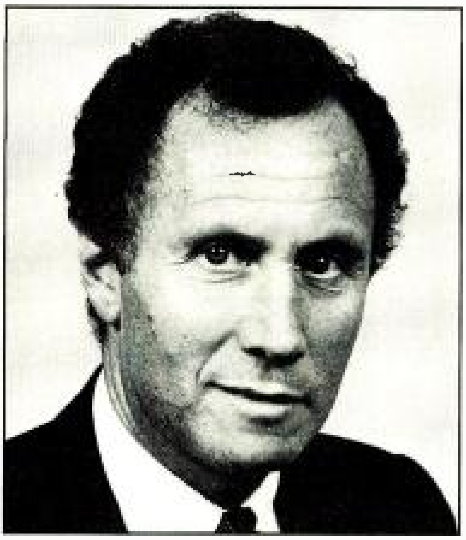
By going public, said Henry Silverman, Telemundo's chief executive officer, the stock can be more easily used as consideration to purchase additional TV stations. By the end of 1988, Silverman thinks, Telemundo may own perhaps "four or five," beyond those acquisitions already contemplated. Among the prospective Hispanic markets: Phoenix and Tucson, both Arizona, and Albuquerque, N.M.

The four stations Telemundo owns—WNJU-TV Newark, N.J. (New York); KVEA(TV) Los Angeles; WSCV(TV) Fort Lauderdale (Miami), Fla., and WKAQ-TV San Juan, P.R.—cover 47% of the Hispanic population in the U.S. and Puerto Rico. That will rise to 57% when the deal for KSTS(TV) San Jose, Calif., closes (scheduled for tomorrow); with the construction of channel 48 Galveston (Houston), Tex., a station Telemundo has an option to purchase, and with the coverage given by Chicago affiliate WCIU-TV.

Telemundo proposes an $11 to $13 per share price for the two million shares being offered—through Drexel Burnham Lambert & Co., and Bear Stearns & Co.—for public ownership, or roughly 15% of the 13.6 million shares outstanding. That would imply a company value of roughly $320 million—the $164-million stock market capitalization plus long-term debt minus liquid assets. That value is a hefty multiple of 1986 cash flow—40 times the $8 million after corporate expenses and 25 times the $12.9 million before corporate expenses—and suggests that the offering is being sold to investors on growth prospects rather than current earnings, of which there are none.

In the first three months of 1987, revenue was up 16%, to $14.5 million, and jumped 36% in the following two-month period, for a five-month total of $29.7 million, up 25%. Furthermore, as Silverman noted at an investors presentation last Wednesday in New York, Telemundo was not operating during the previous upfront selling season for Spanish television, which he said takes place in October.

Advertising dollars are also surging to the benefit of the incumbent Hispanic network, Univision, which a source familiar with that company said is experiencing similar gains. Silverman and Telemundo's chief operating officer, Donald G. Raider, the latter speaking before the New York Academy of Television Arts and Sciences, indicated it will be hard for the company to avoid above-ordinary revenue growth.


Silverman

The Hispanic population, which has more than doubled since 1970, will continue to grow rapidly, said Raider. "We believe the immigration rates are still quite high." Telemundo pegs the current Spanish-speaking population at 22.3 million, or 8.8% of the U.S. population, a percentage Raider said would rise to 11% to 12% if the census properly counted Hispanics.

Undermeasurement of the viewing audience is also a problem, said Raider. Telemundo and Univision would be willing to fund a better rating service, he added, and they have "been in constant conversation" with the rating services.

Increasing its coverage of Hispanic viewers and getting those viewers properly counted are only half of Telemundo's challenge, said its executives. The other half is getting advertisers interested in reaching the Hispanic population through television. There are hundreds of national advertisers who have not tried to do so, said Silverman, and as a result, Hispanic TV expenditures represented only 0.8% of television's $22-billion total revenue, significantly below Hispanic's 8.8% share of population. Telemundo's chief executive officer said: "We have to persuade the advertisers that our viewers are not just recent arrivals [immigrants] or very old people."

The underdeveloped state of Hispanic television advertising and the start-up phase of Telemundo result in half of its advertising inventory going unsold. And with smaller coverage and a start-up marketing operation, the network's rates are generally half those of Univision, Raider said.

In the individual markets, New York and San Juan are dominated by Telemundo's WNJU(TV) and WKAQ-TV, respectively, while in Miami and Los Angeles, Univision-owned stations are the clear leader. Univision's Mexican-produced programing may give it a permanent edge in the large Mexican community in Los Angeles, Silverman said, but Telemundo has a chance of overtaking the incumbent network in Miami.

The company expects to expand network programing from the current 25 hours per week to 40 hours per week by the end of 1987. Among its current program offerings are four hour-long "novellas" (soap operas) five days a week and, on Sunday evenings, a half-hour music/variety show, a half-hour Jacques Cousteau series from Turner Broadcasting System and a network movie. Raider said the company scaled down a planned five-day-a-week Hispanic home shopping show, but was "close to an agreement" on a weekly version.

Programing costs to date have not been a problem. The network pays $5,000 for the North American rights to a one-hour "novel-

Second-quarter television network revenues up slightly

The second-quarter results reported for the three television networks last week can only be said to be encouraging by comparison with the first-quarter numbers. Net revenue for ABC, CBS and NBC increased in the second quarter by 2.53%, to $1,745,873,000, compared to flat first-quarter results.

That small a percentage increase is not likely to have supported gains at all three networks, especially given the likely strength of NBC's advance. With ABC having also claimed an increase for the quarter, the implication suggests the CBS television network had declining revenue. The networks' revenue figures, which are unaudited, are compiled by Arthur Young & Co..

By dayparts, the trends evident in recent quarters largely repeated themselves, with gains in prime time and sports offset by a continuing fall in daytime and children's revenue. Prime time revenue was $932.8 million, up 4.1%, bringing the first-half total to $1.79 billion, up 3.2%.

For daytime, the continuing decline eased in the second quarter, with the $299.7 million total off 6.6% from last year's second quarter. The first-half total was $552.3 million, down 9.5%. A further decline is widely expected for the third quarter because a significant amount of ABC's inventory, if not of other networks as well, will be used for advertiser make-goods.

Sports revenue jumped 21.7% to $199.3 million, bringing the first-half total to $491.6 million, up 16.2%. News fell behind sports as the third largest daypart, with second-quarter revenue of $195 million, down 3%. First-half results showed news revenue of $342.9 million, down 6.9%. Late-night revenue of $82.4 million was flat from a year ago, while first-half numbers were up 1%, to $143.6 million.

The strong first-quarter gain in revenue from children's programing was not repeated in the second quarter, with the $36.6 million total off 4.8% from last year. First-half revenue in that daypart was $57.9 million, up 2.3%.

1987 versus 1986

(Add 000)

	Prime Time	Late Night	Daytime	Children	Sports	News	Total
Revenue from client-supplied programing							
Second quarter '86	$5,486	$0	$0	$0	$0	$0	$5,486
Second quarter '87	12,162	0	315	0	2,598	0	15,075
% increase (decrease)	121.69	0	315	0	2,598	0	174.79
All other gross revenue from time sales*							
Second quarter '86	1,050,749	98,756	377,324	45,194	192,629	232,428	1,997,080
Second quarter '87	1,084,999	96,983	351,862	42,960	230,874	229,325	2,037,003
% increase (decrease)	3.26	(1.80)	(6.75)	(4.94)	19.85	(1.34)	2.00
Total gross revenue from time sales							
Second quarter '86	1,056,235	98,756	377,324	45,194	192,629	232,428	2,002,566
Second quarter '87	1,097,161	96,983	352,177	42,960	233,472	229,325	2,052,078
% increase (decrease)	3.87	(1.80)	(6.66)	(4.94)	21.20	(1.34)	2.47
Less advertising agency commissions							
Second quarter '86	160,017	16,318	56,435	6,791	28,875	31,303	299,739
Second quarter '87	164,315	14,548	52,495	6,405	34,159	34,283	306,205
% increase (decrease)	2.69	(10.85)	(6.98)	(5.68)	18.30	9.52	2.16
Total net revenue from time sales							
Second quarter '86	896,218	82,438	320,889	38,403	163,754	201,125	1,702,827
Second quarter '87	932,846	82,435	299,682	36,555	199,313	195,042	1,745,873
% increase (decrease)	4.09	0	(6.61)	(4.81)	21.71	(3.02)	2.53

*Includes $18,558,000 in color insertion revenue reported by three networks for 1987 second quarter and $16,814,000 for 1986 second quarter.

la," compared to the roughly $800,000 to $1 million to produce a prime time soap opera on ABC, CBS and NBC. Some of Telemundo's cost savings are not of its choice. Raider said the network is not allowed to bid for a program's dubbed rights in a market where that same program's English-language version is already running.

In news, the network's week nightly half-hour *Noticiero Telemundo* costs roughly $3.4 million a year to produce (or $13,000 per newscast), while CBS spent roughly $190 million on "hard news" the previous year. But currently the company's 30-second spots sell at about the same discount to the three "Anglo" networks—30 seconds in *Noticiero Telemundo* sell for $1,000 compared to perhaps $60,000 for the same on the *CBS Evening News*.

It has been Silverman's bottom-line pitch to potential investors during the past two weeks that Telemundo can "leverage" the combination of controlled costs and advertising revenue increases into significant gains of cash flow. Specifically the Telemundo chief executive officer thinks that as measured audience and advertiser familiarity increase, advertising avails will become more scarce (they are now around 50%), and advertising rates will jump "geometrically, not just arithmetically."

That kind of mathematics is causing the company to project cash flow gains of roughly 60% for this year, according to an informed source. The roughly $20 million in cash flow expected in 1987 would easily cover the $12 million in cash interest expense and other cash fixed charges Telemundo faces following the public offerings.

In addition to the public stock offering, Reliance and other existing shareholders will be putting in close to $60 million of additional capital. The company is also refinancing some of its debt by issuing zero coupon notes at $106 million, present value. Five years from now those interest-deferred notes, depending on their interest rate, would represent a sum of $205 million to $225 million which Telemundo would have to repay, or refinance. But for the next few years at least, Telemundo may be able to wait for the Spanish-language TV business to catch up. □

Good marks for Gulf press pool

Pentagon, media generally pleased; one major snag in getting CNN film; regional pool for return voyage criticized for lack of radio

The Pentagon coordinated the first national press pool for a real military operation since reaching a 1984 agreement with the media after the press was excluded from the initial stages of the U.S. military operation in Grenada. The pool was organized in secret to facilitate coverage of a U.S. naval escort of Kuwaiti oil tankers through the Persian Gulf. Both the media and the Pentagon said last week that with the exception of one major glitch that delayed for several days delivery of CNN film footage of the convoy's activities, the pool ran smoothly.

There were 10 media representatives in the national pool: CNN reporter Carl Rochelle and his two-man camera crew; an Associated Press reporter and a UPI still photographer; reporters from Knight Ridder, *Time* magazine and the *Washington Times*; a reporter from ABC Radio, and a reporter for the Navy.

The one delay in getting footage out did not affect coverage of the oil tanker Bridgeton, which hit a mine on its third day at sea. That footage was delivered within hours to the tiny gulf country of Bahrain, where it was uplinked to the U.S.

The delay—of footage of the formal transfer of the tankers from Kuwaiti to U.S. flags—resulted from a missed connection with a naval courier who was to pick up the film from the U.S.S. Kidd, the guided missile destroyer where the CNN crew was stationed. Both Rochelle and a Pentagon spokesman confirmed that the Navy inadvertently scheduled the courier to pick up the footage a half-hour after the scheduled departure of the convoy through the Gulf on Wednesday morning (July 22).

While that experience proved frustrating, Rochelle gave the Defense Department and the Navy generally high marks for their cooperation, as well as for the access the CNN crew was given while aboard the Kidd, including interviews with key officers, and accesss to all aspects of the operation with the exception of secure communications.

The pool concept was designed to afford the media access to important military operations without compromising the security of such operations.

To insure secrecy, reporters were called Saturday night (July 18) and told to be at Andrews Air Force Base by midnight. They were flown via Frankfurt to a location in the Middle East they were barred from disclosing. "We hit the ground at 3 a.m. and it was 100 degrees," said Rochelle.

In the daylight, the temperature reached 120 degrees with 95% humidity on the deck of the ship. The CNN crew had to wait for about a half-hour after bringing their cameras out of the air-conditioned cabins to the deck before all the condensation had evaporated. Emissions from the ship's radar systems caused interference to both the video and audio signals, although that was largely remedied by wrapping the videocassette tapes in tinfoil.

The Pentagon seemed equally pleased with the way things went, if a bit embarrassed by the misscheduled courier. "Basically the Pentagon is very satisfied," said Commander Chris Baumann in the Pentagon's public affairs office. "The journalists were cooperative. They had the run of the ship and could talk to anybody they wanted to, and did."

One way to avoid delays such as the missed courier connection in the future would be to have a transportable uplink on the ship. The possibility has been discussed and, according to Baumann, the Pentagon would okay its use if the networks wanted to bring one along. CNN said last week it was exploring the possibility of using one in future pools.

While the national pool went well by most accounts, a second pool, arranged at the regional level by the Navy's Middle East command for the trip of the convoy back through the Gulf to Kuwait was said not to have gone so well. At deadline, those involved were still en route and couldn't be reach for comment, although access was said to be considerably restricted, compared to the national pool. The regional pool was arranged after the press asked for it so that they would not miss a possible story on the return trip.

One medium was not represented in that second pool—radio. ABC Radio, responsible for pool coverage in the current quarter protested loudly, as did others in the industry, including Ron Nessen, vice president, news, Mutual Radio. Nessen, in a complaint to the Pentagon, wrote to protest "in the strongest possible terms the exclusion of a radio reporter from the [second] media pool covering developments in the Persian Gulf." ABC Radio's Robin Sproul said she protested vigorously to no avail. The word she received was that "space was crucial; it was a scaled-down pool that couldn't serve everyone." A Pentagon spokesman said the issue was being addressed. □

Stock Index

	Closing Wed Aug 5	Closing Wed Jul 29	Net Change	Percent Change	P/E Ratio	Market Capitalization (000,000)
BROADCASTING						
N (CCB) Capital Cities/ABC	414 1/8	410	4 1/8	01.00	33	6,695
N (CBS) CBS	188 3/8	192 3/4	– 4 3/8	– 02.26	10	4,428
O (CLCH) Clear Channel	18	18		00.00	39	58
O (INFTA) Infinity Broadcasting	23 3/4	22 3/4	1	04.39	-182	199
O (JCOR) Jacor Commun.	7 3/4	8	– 1/4	– 03.12		44
O (LINB) LIN	47 3/8	47	3/8	00.79	38	2,525
O (MALR) Malrite	11	11 1/8	– 1/8	– 01.12	-15	150
O (MALRA) Malrite 'A'	11	11		00.00	-15	150
O (OBCCC) Olympic Broadcast	8	8		00.00		20
O (OCOMA) Outlet Commun.	19	18	1	05.55	-7	120
A (PR) Price Commun.	16	15 5/8	3/8	02.40	-8	137
O (SCRP) Scripps Howard	81	81		00.00	152	836
O (SUNN) SunGroup Inc.	1 3/4	1 1/2	1/4	16.66	-2	4
N (TFB) Taft	151 1/2	151 1/2		00.00	-23	1,388
O (TVXG) TVX Broadcast	9 1/2	9 1/2		00.00	-4	56
O (UTVI) United Television	31 7/8	32 1/4	– 3/8	– 01.16	42	349
BROADCASTING WITH OTHER MAJOR INTERESTS						
N (BLC) A.H. Belo	75	74	1	01.35	25	805
A (AAR) Adams Russell	40 3/8	40 3/8		00.00	807	269
A (AFP) Affiliated Pubs	79 1/2	75 1/2	4	05.29	41	2,810
O (ASTV) Amer. Comm. & TV	1/32	3/32	– 1/16	– 66.66		2
N (AFL) American Family	14 1/4	13 1/4	1	07.54	13	1,145
O (ACCMA) Assoc. Commun.	36	35 1/4	3/4	02.12		343
O (BMAC) Bus. Men's Assur.	42	39 3/4	2 1/4	05.66	-17	442
N (CCN) Chris-Craft	29	27 3/8	1 5/8	05.93	44	584
N (DNB) Dun & Bradstreet	64 7/8	65 3/8	– 1/2	– 00.76	27	9,862
O (DUCO) Durham Corp.	32 5/8	33	– 3/8	– 01.13	19	278
N (GCI) Gannett Co.	51 1/4	52 3/8	– 1 1/8	– 02.14	29	8,279
N (GY) GenCorp	111	109 1/8	1 7/8	01.71	19	2,479
N (GCN) General Cinema	60 1/2	61 1/4	– 3/4	– 01.22	17	2,210
O (GCOM) Gray Commun.	205	198	7	03.53	35	101
N (JP) Jefferson-Pilot	33 3/4	34 5/8	– 7/8	– 02.52	12	1,356
O (JSON) Josephson Intl.	14 3/8	14 1/2	– 1/8	– 00.86	3	64
N (KRI) Knight-Ridder	56 3/4	56 7/8	– 1/8	– 00.21	23	3,242
N (LEE) Lee Enterprises	27 1/2	27 1/8	3/8	01.38	16	684
N (LC) Liberty	44 5/8	45	– 3/8	– 00.83	16	426
N (MHP) McGraw-Hill	75	76 1/2	– 1 1/2	– 01.96	25	3,789
A (MEGA) Media General	46	48 1/4	– 2 1/4	– 04.66	71	1,297
N (MDP) Meredith Corp.	39 5/8	37 1/4	2 3/8	06.37	21	758
O (MMEDC) Multimedia	72 3/4	71 1/2	1 1/4	01.74	-66	800
A (NYTA) New York Times	46 5/8	47 1/2	– 7/8	– 01.84	27	3,823
O (NWS) News Corp. Ltd.	28 1/2	28 7/8	– 3/8	– 01.29	18	3,612
O (PARC) Park Commun.	33 3/4	33 1/2	1/4	00.74	30	465
O (PLTZ) Pulitzer Publishing	40 1/2	40 1/4	1/4	00.62	35	424
N (REL) Reliance Group Hold.	10 1/8	9 7/8	1/4	02.53	11	759
O (RTRSY) Reuters Ltd.	82 7/8	86 1/4	– 3 3/8	– 03.91	47	34,405
T (SKHQ) Selkirk	24 1/2	23	1 1/2	06.52	53	198
O (STAUF) Stauffer Commun.	162	165	– 3	– 01.81	26	162
A (TO) Tech/Ops Inc.	35 1/8	35 7/8	– 3/4	– 02.09	15	76
N (TMC) Times Mirror	100 3/4	102	– 1 1/4	– 01.22	15	6,497
O (TMCI) TM Communications	2 3/4	2 3/4		00.00	12	21
O (TPCC) TPC Commun.	5/8	7/8	– 1/4	– 28.57		6
N (TRB) Tribune	43 3/4	44 3/4	– 1	– 02.23	12	3,463
A (TBS) Turner Bcstg.	24 7/8	24 1/8	3/4	03.10	-2	542
A (WPOB) Washington Post	237	229	8	03.49	30	3,039
PROGRAMING						
O (SP) Aaron Spelling Prod.	9 1/2	9 1/4	1/4	02.70	7	176
O (ALLT) All American TV	3 3/4	3 3/4		00.00		4
O (BRRS) Barris Indus.	14 1/2	14 1/2		00.00	7	128
O (CMCO) C.O.M.B.	20 1/2	19 1/4	1 1/4	06.49	-60	371
N (KO) Coca-Cola	47 3/8	47 3/8		00.00	19	18,239
A (CLR) Color Systems	10 1/2	13	– 2 1/2	– 19.23	-6	53
A (DEG) De Laurentiis Ent.	4 7/8	4 7/8		00.00		54
O (dcpi) dick clark prod.	4 5/8	4 5/8		00.00	11	37
N (DIS) Disney	73 7/8	72 3/4	1 1/8	01.54	29	9,662
N (DJ) Dow Jones & Co.	50	51 3/4	– 1 3/4	– 03.38	25	4,837
O (FNNI) Financial News	10	9 7/8	1/8	01.26	52	117
A (FE) Fries Entertain.	3 7/8	3 7/8		00.00	16	20
N (GW) Gulf + Western	86 3/4	86 7/8	– 1/8	– 00.14	20	5,348
O (HRSI) Hal Roach	10 1/8	9 3/4	3/8	03.84		56
A (HHH) Heritage Entertain.	8	8 3/4	– 3/4	– 08.57	8	36
A (HSN) Home Shopping Net.	15 3/4	15	3/4	05.00	46	1,353
N (KWP) King World	29 1/4	28 1/4	1	03.53	32	901
O (LAUR) Laurel Entertainment	4 1/8	4 3/4	– 5/8	– 13.15	8	10
A (LT) Lorimar-Telepictures	15 3/8	15 1/4	1/8	00.81		703
N (MCA) MCA	61	61 5/8	– 5/8	– 01.01	30	4,621
N (MGM) MGM/UA Commun.	12 3/8	12 5/8	– 1/4	– 01.98		616
A (NWE) New World Pictures	10	10 1/4	– 1/4	– 02.43	7	108
N (OPC) Orion Pictures	14 1/8	14 1/4	– 1/8	– 00.87	32	242
O (MOVE) Peregrine Entertain.	6	5 3/4	1/4	04.34	85	14
N (PLA) Playboy Ent.	13 3/4	13 5/8	1/8	00.91	-9	129
O (QVCN) QVC Network	10	10 3/4	– 3/4	– 06.97		65
O (RVCC) Reeves Commun.	12 7/8	12 7/8		00.00	1287	161
O (RPICA) Republic Pic. 'A'	9 1/8	9 1/8		00.00	101	39
O (RPICB) Republic Pic. 'B'	9 3/4	9 3/4		00.00	69	7
A (RHI) Robert Halmi	3 5/8	3 3/4	– 1/8	– 03.33	14	81
O (SMNI) Sat. Music Net.	4 3/8	4 5/8	– 1/4	– 05.40	109	39
O (TRSP) Tri-Star Pictures	10 3/8	10 3/4	– 3/8	– 03.48	18	319
N (WCI) Warner	37 3/8	37 7/8	– 1/2	– 01.32	29	4,662
O (WWTV) Western World TV	1 1/2	1 1/2		00.00	9	1
O (WONE) Westwood One	30	29	1	03.44	69	367
SERVICE						
O (BSIM) Burnup & Sims	6 5/8	6 5/8		00.00	66	105
O (CVSI) Compact Video	4 3/8	4 5/8	– 1/4	– 05.40	-11	28
N (CQ) Comsat	31 3/4	30 3/4	1	03.25	10	582
N (FCB) Foote Cone & B.	59 3/8	59 1/8	1/4	00.42	18	247
O (GREY) Grey Advertising	114	115	– 1	– 00.86	17	138
O (IDBX) IDB Communications	14 1/4	13 1/2	3/4	05.55	57	57
N (IPG) Interpublic Group	36 7/8	36 7/8		00.00	19	817
N (JWT) JWT Group	55 1/4	55 1/4		00.00	394	533
A (MOV) Movielab	6 3/4	6 3/4		00.00		11
O (OGIL) Ogilvy Group	37 1/4	38 1/4	– 1	– 02.61	21	513
O (OMCM) Omnicom Group	24	23 3/8	5/8	02.67	-109	588
O (SACHY) Saatchi & Saatchi	31 1/8	32 3/8	– 1 1/4	– 03.86	18	2,141
O (TLMT) Telemation	3 1/8	2 7/8	1/4	08.69	12	14
A (TPO) TEMPO Enterprises	8 1/2	8 7/8	– 3/8	– 04.22	19	48
A (UNV) Unitel Video	11	11 1/2	– 1/2	– 04.34	32	23
CABLE						
A (ATN) Acton Corp.	19 3/4	18 3/8	1 3/8	07.48	24	23
A (ACN) American Cable	26 1/2	25 1/8	1 3/8	05.47	-56	249
A (CVC) Cablevision Sys. 'A'	31 3/4	30 3/8	1 3/8	04.52	-54	667
N (CNT) Centel Corp.	69 3/4	67 5/8	2 1/8	03.14	18	2,014
O (CCCOA) Century Commun.	20 1/2	19 1/4	1 1/4	06.49	2050	592
O (CMCSA) Comcast	26 1/8	26 1/2	– 3/8	– 01.41	55	997
O (ESSXA) Essex Commun.	22 7/8	22 3/4	1/8	00.54	-51	81
A (FAL) Falcon Cable Systems	19 1/4	19 1/4		00.00	-60	111
N (HCI) Heritage Commun.	33 5/8	33 5/8		00.00	-34	752
O (JOIN) Jones Intercable	15 3/4	15 1/2	1/4	01.61	49	200
T (MHP.Q) Maclean Hunter 'X'	23	22 1/2	1/2	02.22	31	847
O (RCCAA) Rogers Cable A.	17 3/4	18 5/8	– 7/8	– 04.69		91
O (TCAT) TCA Cable TV	26 1/8	26 3/4	– 5/8	– 02.33	50	282
O (TCOMA) Tele-Commun. *	26	38	– 12	– 31.57	28	2,515
N (TL) Time Inc.	110 1/2	110 3/8	1/8	00.11	18	6,889
O (UACI) United Art. Commun.	29 1/4	29 3/4	– 1/2	– 01.68	162	1,201
N (UCT) United Cable TV	38 3/4	38 1/2	1/4	00.64	553	943
N (VIA) Viacom	20	21 1/8	– 1 1/8	– 05.32	-76	704
N (WU) Western Union	4 1/4	4	1/4	06.25		103
ELECTRONICS/MANUFACTURING						
N (MMM) 3M	73 7/8	72 1/4	1 5/8	02.24	20	16,882
N (ALD) Allied-Signal	46 7/8	44 3/8	2 1/2	05.63	13	8,176
O (AMCI) AM Communications	1 3/8	1 3/8		00.00	-1	4
N (ARV) Arvin Industries	35 1/4	35 3/4	– 1/2	– 01.39	14	622
O (CCBL) C-Cor Electronics	10 1/2	10 7/8	– 3/8	– 03.44	29	21
O (CATV) Cable TV Indus.	2 5/8	2 7/8	– 1/4	– 08.69	-8	7
A (CEC) Cetec	6 3/8	6 1/4	1/8	02.00	212	12
N (CHY) Chyron	6 1/4	6 1/4		00.00	24	63
A (CXC) CMX Corp.	1 1/2	1 5/8	– 1/8	– 07.69	21	8
A (COH) Cohu	8 3/8	8 1/2	– 1/8	– 01.47	22	15
N (EK) Eastman Kodak	95 1/4	93 7/8	1 3/8	01.46	42	21,505
O (ECIN) Elec Mis & Comm.	2 1/8	1 7/8	1/4	13.33		8
N (GRL) Gen. Instrument	38 1/4	37	1 1/4	03.37	-15	1,245
N (GE) General Electric	59	58 5/8	3/8	00.63	23	53,799
O (GETE) Geotel Inc.	2 1/8	2 1/8		00.00	9	7
N (HRS) Harris Corp.	36 1/8	34 1/2	1 5/8	04.71	19	1,467
N (MAI) M/A Com. Inc.	15 7/8	15 5/8	1/4	01.60	7	677
O (MCDY) Microdyne	4 3/8	4 1/8	1/4	06.06	-3	19
N (MOT) Motorola	58 5/8	56 3/4	1 7/8	03.30	36	7,537
N (NPH) N.A. Philips	42 1/2	43 1/4	– 3/4	– 01.73	17	1,232
N (OAK) Oak Industries	1 3/4	1 3/4		00.00	2	126
A (PPI) Pico Products	6 1/2	6	1/2	08.33	-10	22
N (SFA) Sci-Atlanta	17 7/8	16 3/4	1 1/8	06.71	-55	415
N (SNE) Sony Corp.	33 1/4	31 1/8	2 1/8	06.82	39	7,688
N (TEK) Tektronix	38 3/4	37 1/2	1 1/4	03.33	25	1,493
N (VAR) Varian Assoc.	37 1/4	34 1/2	2 3/4	07.97	-90	803
N (WX) Westinghouse	69	68 7/8	1/8	00.18	15	9,829
N (ZE) Zenith	32 1/4	29 1/8	3 1/8	10.72	-75	752
Standard & Poor's 400	373.04	369.44		3.60		00.97

T-Toronto, A-American, N-N.Y., O-OTC. Bid prices and common A stock used unless otherwise noted. "O" in P/E ratio is deficit. P/E ratios are based on earnings per share for the previous 12 months as published by Standard & Poor's or as obtained by BROADCASTING's own research. **Notes:** * Three-for-two split, Aug. 3.

For the Record

As compiled by BROADCASTING, July 30 through Aug. 5, and based on filings, authorizations and other FCC actions.

Abbreviations: AFC—Antenna For Communications. ALJ—Administrative Law Judge. alt.—alternate. ann.—announced. ant.—antenna. aur.—aural. aux.—auxiliary. CH—critical hours. CP—construction permit. D—day. DA—directional antenna. Doc—Docket. ERP—effective radiated power. HAAT—height above average terrain. khz—kilohertz. kw—kilowatts. m—meters. MEOC—maximum expected operation value. mhz—megahertz. mod.—modification. N—night. PSA—presunrise service authority. RCL—remote control location. S-A—Scientific-Atlanta. SH—specified hours. SL—studio location. TL—transmitter location. trans.—transmitter. TPO—transmitter power output. U—unlimited hours. vis.—visual. w—watts. *—noncommercial.

Ownership Changes

Applications

■ WGEA-AM-FM Geneva, Ala. (AM: 1150 khz; 1 kw-D; FM: 93.5 mhz; 3 kw; HAAT: 225 ft.)—Seeks assignment of license from Geneva County Broadcasting Co. Inc. to Shelley Broadcasting Co. for $241,500. Seller has no other broadcast interests. Buyer is owned by Jack Mizell, who also owns WRJM-FM-TV, Troy, Ala. It recently filed app. to sell WRJM(FM) to New South Communications and to buy WCAJ-TV Birmingham, Ala. Filed July 23.

■ KFBK(AM)-KAER(FM) Sacramento (KFBK: 1530 khz; 50 kw-U; KAER: 92.5 mhz; 50 kw; HAAT: 449 ft.)—Seeks assignment of license from McClatchy Newspapers to Group W Inc. for $19,001,000. Seller is Sacramento, Calif.-based newspaper publisher owned by Eleanor McClatchy, son, C.K. McClatchy, and family. It has no other broadcast interests. Buyer is subsidiary of Westinghouse Electric Corp., publicly owned, New York-based diversified company and station group of seven AM's, six FM's and five TV's. It is headed by Burt Staniar. Filed July 24.

■ WVBM(FM) Springfield, Fla. (95.9 mhz; 3 kw; HAAT: 327 ft.)—Seeks assignment of license from V.B.M. Enterprises Inc. to Royal Palm Communications Inc. for $800,000. Seller is owned by Victor Battle, and his brother Michael, who have no other broadcast interests. Buyer is owned by Peter M. Bardach and James E. Normoyle, who also own WSUS(FM) Franklin, N.J. Filed July 21.

■ WSEL-AM-FM Pontotoc, Miss. (AM: 1440 khz; 1 kw-D; FM: 96.7 mhz; 3 kw; HAAT: 300 ft.)—Seeks assignment of license from Joseph Lowe to Steve McGowan and Jim Powell for assumption of liabilities. Seller has no other broadcast interests. Buyer, McGowan owns WORJ-FM Ozark, Ala. Filed July 29.

■ WZOZ(FM) Oneonta, N.Y. (103.1 mhz; 2 kw; HAAT: 360 ft.)—Seeks assignment of license from Corgi Communications Inc. to The Wireless Works Inc. for $650,000. Seller is owned by A.W. Lee, who has no other broadcast interests. Buyer owns WSLB(AM)-WPAC(FM) Ogdensburg and WVOS-AM-FM Liberty, N.Y. Filed July 23.

■ WPGO(FM) Shallotte, N.C. (106.3 mhz; 3 kw; HAAT: 328 ft.)—Seeks assignment of license from Oceanside Broadcasting Co. to Beach Broadcasting of N.C. Inc. for $485,000. Seller is owned by A. Earl Milliken, who has no other broadcast interests. Buyer is owned by Stewart Freeman and Robert Simpkins, who also own WWBD(AM)-WWLT(FM) Bamberg Denmark, S.C., and WPFR-AM-FM Terre Haute, Ind. Filed July 22.

■ WOMP-AM-FM Bellaire, Ohio (AM: 1290 khz; 1 kw-D, FM: 100.5 mhz; 14 kw; HAAT: 550 ft.)—Seeks assignment of license from First Valley Broadcasting Inc. to Heritage Broadcasting Co. for $4,360,000. Seller is owned by Robert Dodenhoff and Daniel Wachs, who also own WKLX(FM) Rochester, N.Y. It was sold last year to Justice Broadcasting for $4.5 million ("Changing Hands," Oct. 27, 1986) but deal fell through. Buyer is owned by Mario F. Iacobelli, who also owns WXXA(TV) Albany, N.Y., and is buying KEZB-AM-FM El Paso ("Changing Hands," June 22). Filed July 22.

■ WATP(AM)-WKXS(FM) Marion, S.C. (AM: 1430 khz; 1 kw-D; FM: 94.3 mhz; 3 kw; HAAT: 512 ft.)—Seeks assignment of license from Winfas of South Carolina Inc. to Marion Christian Radio Inc. for $450,000. Seller is group of two AM's and four FM's principally owned by W.S. Foster and six others. Buyer is Norfolk-based group of 14 AM's and five FM's owned by Levi E. Willis. Filed July 23.

■ WWEE(AM) Colliersville, Tenn. (1170 khz; 1 kw-D)—Seeks assignment of license from Albert L. Crain to Chancie L. Pylant and his son, Jeffrey, for $165,000. Seller also has interest in KDFT(AM) Ferris, Tex. Buyer has no other broadcast interests. Filed July 22.

■ KLMT(FM) Marlin, Tex. (96.7 mhz; 3 kw; HAAT: 300 ft.)—Seeks assignment of license from Midwestern Broadcasting Inc. to Crowder Broadcasting Inc. for $245,000. Seller is owned by Jerry Garrison, who has no other broadcast interests. Buyer is owned by Ronald E. Crowder, who has no other broadcast interests. Filed July 24.

Actions

■ WRBK(AM) Flomaton, Ala. (990 khz; 2.5 kw-D)—Seeks assignment of license from Gulf Communications of Ala. to Gulf Communications of Northwest Fla. for $34,000 and 20% of buyer stock. Seller is owned by Jerry Spencer and his wife, Jeannette. It has no other broadcast interests. Buyer is owned by Richard Lott and his wife, Patricia, Gordon Towne and seller, Jerry Spencer. It has no other broadcast interests. Action July 22.

■ WVLN(AM)-WSEI(FM) Olney, Ill. (AM: 740 khz; 250 w-D; FM: 92.9 mhz; 50 kw; HAAT: 500 ft.)—Granted assignment of license from McPherson Media Inc. to V.L.N. Broadcasting Inc. for $1,120,000. Seller is owned by Eugene V. McPherson. It has no other broadcast interests. Buyer is Corbin, Ky.-based group of six AM's and four FM's owned by Terry E. Forcht. Action July 21.

■ KMON-AM-FM Great Falls, Mont. (AM: 560 khz; 5 kw-U; FM: 94.5 mhz; 36 kw; HAAT: 470 ft.)—Granted assignment of license from Great Northern Communications Inc. to Great Falls Broadcasting Co. for $1.4 million. Seller is owned by Donald G. Bradley and Lyle A. Courtnage, who also own KTVH(TV) Helena, Mont. Buyer is principally owned by John D. Mattus. It also owns KLCY(AM)-KYSS(FM) East Missoula, Mont., and KLCI(FM) Nampa, Idaho. Action July 23.

■ WWNH(AM)-WCYT(FM) Rochester, N.H. (AM: 930 khz; 5 kw-U; FM: 96.7 mhz; 3 kw; HAAT: 280 ft.)—Granted assignment of license from Strafford Broadcasting Corp. to Salmanson Communications Partners I for $1.4 million. Seller is principally owned by Marcia Nescott. It has no other broadcast interests. Buyer is owned by James A. Salmanson and his wife, Eileen, and David Butterfield. Salmanson is former president of Boston-based Adams drug stores. Butterfield is sales consultant. It has no other broadcast interests. Action July 22.

■ KOLO(AM) Reno (920 khz; 5 kw-D; 1 kw-N)—Granted assignment of license from Donrey of Nevada Inc. to Constant Communications Co. for $800,000. Seller is Fort Smith, Ark.-based group of two AM's and one FM owned by Donald W. Reynolds. It publishes newspapers in 16 states and operates cable systems in four states. Buyer is Portland, Ore.-based group of two AM's and three FM's owned by Fred W. Constant. Action July 28.

■ WROW-AM-FM Albany, N.Y., and WLKW(FM) Providence, R.I. (WLKW: 101.5 mhz; 50 kw; HAAT: 500 ft. WROW: 590 khz; 5 kw-D; 1 kw-N; WROW-FM: 95.5 mhz; 8.3 kw; HAAT: 1,020 ft.)—Granted assignment of license from JAG Communications Inc. to Wilks/Schwartz Broadcasting for $15,390,000. Seller is owned by John A. Gambling and Morton Hamburg. It also owns WLIF(FM) Baltimore and WFOG(FM) Suffolk, Va. Buyer is Longmeadow, Mass.-based group of three AM's and four FM's owned by Donald Wilks and Mike Schwartz. Action July 24.

■ WUSV(TV) Schenectady, N.Y. (ch. 45; ERP vis. 5,000 kw, aur. 500 kw; HAAT: 875 ft.)—Granted assignment of license from Union Street Video Inc., Debtor in possession to Mohawk-Hudson Council on Educational Television for

$1.8 million. Seller is owned by U. Bertram Ellis, who has no other broadcast interests. Buyer is nonprofit corporation headed by Sara Catlin. It also owns WMHT(TV) Schenectady, N.Y. Action July 24.

■ WWNC(AM) Asheville, N.C. (570 khz; 5 kw-U)—Granted assignment of license from Multimedia Inc. to Pine Trails Broadcasting Co. for $7,250,000. Seller is publicly owned, Cincinnati-based group of four AM's, four FM's and five TV's, headed by James T. Lynaugh, president. Buyer is subsidiary of Heritage Broadcast Group, Tucker, Ga.-based group of four AM's and four FM's owned by James T. Cullen and Adam G. Polacek. Action July 23.

■ KCFO-FM Tulsa, Okla. (98.5 mhz; 100 kw; HAAT: 660 ft.)—Granted assignment of license from Inspiration Media Inc. to First Stuart Corp. for $2,700,000. Seller is owned by Stuart Epperson and Edward Atsinger, who own Salem Media. Buyer is owned by Harold C. Stuart and family, who also own KVOO(AM) Tulsa. Action July 21.

WGLU(FM) Johnstown, Pa. (92.1 mhz; 166 w; HAAT: 1,042 ft.)—Granted assignment of license from Conemaugh Communications Corp. to P.A.C. Media Inc. for $451,000. Seller is owned by Fred Glossner, who has no other broadcast interests. Buyer is owned by Warren Diggins and David Banks, who also own WFXX-AM-FM Williamsport, Pa. Action July 29.

■ KBWS-FM Sisseton, S.D. (102.9 mhz; 100 kw; HAAT: 496 ft.)—Granted assignment of license from Lake Region News Corp. to Elizabeth Thomas Broadcasting Inc. for $375,000. Seller is owned by Jack A. Adams, who has no other broadcast interests. Buyer is owned by Glen T. Mills and his wife, Diane. It has no other broadcast interests. Action July 28.

■ WSIX-AM-FM Nashville (AM: 980 khz; 5 kw-U, DA-N; FM: 97.9 mhz; 100 kw; HAAT: 1,140 ft.)—Granted assignment of license from Foster Management Co. to Steve and Tom Hicks for $8.5 million cash. Seller is New York-based venture capital firm principally owned by John Foster, president. It has no other broadcast interests. Buyer, Steve Hicks, is principal owner of Hicks Communications, Austin, Tex.-based group of two AM's and two FM's. Tom Hicks is partner in Hicks & Haas, Dallas-based leverage capital firm, and with his brother, Bill, owns WTAW(AM)-KTSR(FM) College Station, Tex. Action July 24.

■ KEZB-AM-FM El Paso (AM: 1150 khz; 1kw; 1kw-D; FM: 93.9 mhz; 100 kw; HAAT: 1,210 ft.)—Granted assignment of license from Pasa Del Norte Communications Inc. to Heritage Broadcasting Co. for $5.5 million. Seller is owned by Jack Rich, who has no other broadcast interests. Buyer is owned by Mario F. Iacobelli, who also owns WXXA-TV Albany, N.Y. Action July 22.

■ WSEY-FM Sauk City, Wis. (96.7 mhz; 1.78 kw; HAAT: 430 ft.)—Seeks assignment of license from Madison Radio Ltd. to Odon Madison Ltd. Partnership for $1.6 million. Seller is owned by Kimberly Gerber. It has interest in WWZZ(AM) Sarasota and WBGB(FM) Mount Dora, both Florida. Buyer is owned by William C. O'Connell and Donn E. Winther. Winther has interest in WHFB-AM-FM Benton Harbor, Mich.; WNFL(AM) Green Bay and WKFX(FM) Kaukauna, both Wisconsin. Action July 21.

New Stations

Applications

FM's

■ Hanford, Calif.—Hanford FM Radio seeks 94.5 mhz; 3 kw; HAAT: 328 ft. Address: 100 Robideaux Rd., Aptos, Calif. 95003. Principal is owned by Nayreth E. Wrathall and her husband, Lawrence. It has no other broadcast interests. Filed July 30.

■ Lafayette, Fla.—Stephen D. Tarkenton seeks 99.9 mhz; 3 kw; HAAT: 328 ft. Address: 100 Wexford Pl., Athens, Ga. 30606. Principal has no other broadcast interests. Filed July 20.

■ Folkston, Ga.—Jack R. Mays seeks 92.3 mhz; 3 kw; HAAT: 327.7 ft. Address: 205 Rose Ave., 31537. Principal has no other broadcast interests. Filed July 21.

■ Charlottesville, Va.—Virginia Tech Foundation Inc. seeks 89.3 mhz; 1.6 kw; HAAT: 1,178.5 ft. Address: 220 Buruss Hall, Blacksburg, Va. 24061. Principal is nonprofit corporation headed by C.A. Cutchins. Filed July 22.

TV's

■ New Orleans—Swan Broadcasting Ltd. seeks ch. 20; ERP vis. 5,000 kw; aur. 500 kw; HAAT: 951.2 ft. Address: 2609 St. Charles Ave., 70130. Principal is principally owned by Marian Vaccari. It has no other broadcast interests. Filed July 17.

Actions

FM's

■ Santa Cruz, Calif.—Granted app. of Santa Cruz Educational Broadcasting Foundation for 89.9 mhz; 200 w; HAAT: minus 316 ft. Action July 23.

■ Kentland, Ind.—Granted app. of Pennington Communications of Indiana for 101.7 mhz; 3 kw; HAAT: 259 ft. Action July 23.

■ Eureka, Ill.—Returned app. of Newwood Productions for 93.5 mhz; 3 kw; HAAT: 246.6 ft. Action July 28.

■ Mattoon, Ill.—Returned app. of Miller Communications Inc. for 101.3 mhz; 3 kw' HAAT: 328 ft. Action July 30.

■ East Lansing, Mich.—Granted app. of Board of Trustees of Michigan State University for 88.9 mhz; 2 kw; HAAT: 278.8 ft. Action July 23.

■ Muskegon, Mich.—Returned app. of Shoreline Broadcast Partnership seeks 107.9 mhz; 3 kw; HAAT: 328 ft. Action July 23.

■ Greenwood, Miss.—Returned app. of Minority Broadcasting of Greenwood for 104.3 mhz; 3 kw; HAAT: 210.4 ft. Action July 30.

■ Raleigh, N.C.—Returned app. of Nick Collias for 102.9 mhz; 3 kw; HAAT: 328 ft. Action Aug. 1.

■ Raleigh, N.C.—Returned app. of Sam Tsilimos for 102.9 mhz; 3 kw; HAAT: 328 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of LPNC Inc. for 102.9 mhz; 3 kw; HAAT: 328 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of Cofield Broadcasting Co. for 102.9 mhz; 3 kw; HAAT: 327 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of Black Rose Communications for 102.9 mhz; 2.2 kw; HAAT: 354.2 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of Walter Sturdivant for 102.9 mhz; 3 kw; HAAT: 328 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of FM Raleigh Limited Partnership for 102.9 mhz; 3 kw; HAAT: 320.1 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of Willowbrook Broadcasting Ltd. Partnership for 102.9 mhz; 3 kw; HAAT: 328 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of Southern Training Center for 102.9 mhz; 3 kw; HAAT: 325 ft. Action July 23.

■ Raleigh, N.C.—Returned app. of Special Markets Media Inc. for 102.9 mhz; 3 kw; HAAT: 324.7 ft. Action July 23.

■ Columbus, Ohio—Dismissed app. of Worthington Christian Schools for 91.5 mhz; 18.7 kw; HAAT: 300 ft. Action July 23.

■ Sturtevant, Wis.—Dismissed app. of James C. Anderson for 104.7 mhz; 3 kw; HAAT: 328 ft. Action July 23.

TV

■ Jellico, Tenn.—Granted app. of Pine Mountain Christian Broadcasting Inc. for ch. 54; ERP vis. 39 kw, aur. 3.9 kw; HAAT: 820 ft. Action July 29.

Professional Cards

Facilities Changes

Applications

AM's

Tendered

■ KXKS (1190 khz) Albuquerque, N.M.—Seeks CP to increase power to 10 kw. Filed July 29.

Accepted

■ WPCF (1290 khz) Panama City, Fla.—Seeks CP to reduce power to 270 w and make changes in antenna system. Filed July 29.

■ WNDZ (750 khz) Portage, Ind.—Seeks mod. of CP to operate trans. by remote control from main SL. Filed July 29.

FM's

Tendered

■ KHHH (98.5 mhz) Honolulu—Seeks mod. of CP to change TL and change HAAT to 295.2 ft. Filed July 29.

■ WRAJ-FM (92.7 mhz) Anna, Ill.—Seeks CP to change TL; change ERP to 800 w; change HAAT to 626.5 ft. Filed July 29.

■ WBKN (92.1 mhz) Brookhaven, Miss.—Seeks CP to change TL; change ERP to 2.5 kw and change HAAT to 351 ft. Filed Aug. 4.

■ WQMU (103.1 mhz) Indiana, Pa.—Seeks CP to change TL and change ERP to 2.4 kw. Filed Aug. 4.

■ WWHT-FM (94.3 mhz) Goose Creek, S.C.—Seeks mod. of CP to change ERP to 1.43 kw; change HAAT to 478.9 ft and make changes in antenna system. Filed Aug. 4.

■ KISJ-FM (104.1 mhz) Brownwood, Tex.—Seeks mod. of CP to change TL and change HAAT to 321.4 ft. Filed Aug. 4.

Accepted

■ KIOI (101.3 mhz) San Francisco—Seeks CP to change TL. Filed Aug. 4.

■ KYA (103.3 mhz) San Francisco—Seeks mod. of CP to make changes in antenna system. Filed Aug. 4.

■ KHIH (94.7 mhz) Boulder, Colo.—Seeks mod. of CP to make changes in antenna system. Filed Aug. 4.

■ KKMG (98.5 mhz) Pueblo, Colo.—Seeks mod. of CP to change TL; change ERP to 65.3 kw and change HAAT to 2,155 ft. Filed Aug. 4.

■ WZTA (94.9 mhz) Miami Beach—Seeks mod. of CP to change ERP to 100 kw. Filed Aug. 4.

■ WLKQ (102.3 mhz) Buford, Ga.—Seeks mod. of CP to change TL. Filed Aug. 4.

■ WXIR (98.3 mhz) Plainfield, Ind.—Seeks mod. of lic. to relocate main studio outside of community of license. Filed July 29.

■ WSJC-FM (107.5 mhz) Magee, Miss.—Seeks mod. of CP to change HAAT to 751.1 ft.; change TL and make changes in antenna system. Filed Aug. 4.

■ KLDZ (95.1 mhz) Lincoln, Neb.—Seeks CP to change freq. to 95.1 mhz and change ERP to 50 kw; change HAAT to 492 ft. Filed Aug. 4.

■ WCDO-FM (100.9 mhz) Sidney, N.Y.—Seeks CP to change ERP to 970 w. Filed Aug. 4.

■ WERT-FM (98.9 mhz) Van Wert, Ohio—Seeks CP to change TL and change HAAT to 492 ft. Filed Aug. 4.

■ KCMA (92.1 mhz) Broken Arrow, Okla.—Seeks CP to change ERP to 2.25 kw; change HAAT to 373.9 ft. and change TL. Filed Aug. 4.

■ KCPX-FM (98.7 mhz) Salt Lake City—Seeks CP to change ERP to 40 kw. Filed Aug. 4.

TV's

Tendered

■ New TV (ch. 45) Leesburg, Fla.—Seeks MP to change HAAT to 452.6 ft. and change TL. Filed Aug. 4.

Accepted

■ WBRC-TV (ch. 6) Birmingham, Ala.—Seeks CP to change HAAT to 1,377.6 ft. and change TL. Filed Aug. 4.

■ WHST (ch. 48) Cleveland—Seeks MP to change HAAT to 1,536 ft. and change TL. Filed Aug. 4.

Actions

AM's

■ KJDJ (1030 khz) San Luis Obispo, Calif.—Granted app. to reduce power to 2.5 kw-D; 700 w-N and change TL. Action July 23.

■ WNAQ (1380 khz) Naugatuck, Conn.—Granted app. to operate trans. by remote control from main SL. Action July 21.

■ WEXY (1520 khz) Wilton Manors, Fla.—Granted app. to operate trans. by remote control from main SL. Action July 21.

■ WKVI (1520 khz) Knox, Ind.—Returned app. to increase power to 2 kw. Action July 24.

■ WMRE (1510 khz) Boston—Granted app. to operate trans. by remote control from main SL. Action July 21.

■ WEHH (1590 khz) Elmira Heights, N.Y.—Granted app. to change hours of operation to unlimited by adding night service with 460 w and make changes in antenna system. Filed July 23.

FM's

■ WKYD-FM (98.1 mhz) Andalusia, Ala.—Granted app. to change ERP to 89 kw and change HAAT to 1,022.1 ft. Action July 24.

■ KCZP (91.9 mhz) Kenai, Alaska—Granted app. to change TL; change ERP to 4.9 kw and change HAAT to 72.2 ft. Action July 28.

■ KGCI (97.7 mhz) Grundy Center, Iowa—Granted app. to change TL and change HAAT to 328 ft. Action July 28.

■ WBYQ (96.7 mhz) Baltimore—Returned app. to change TL; change ERP to 192 w and change HAAT to 170.7 ft. Action July 28.

■ KIKV-FM (100.7 mhz) Alexandria, Minn.—Granted app. to change TL and change HAAT to 1,023.4 ft. Filed July 23.

■ WCKO (98.7 mhz) Vicksburg, Miss.—Dismissed app. to change HAAT to 1,057.5 ft. Action July 27.

■ WSJL (102.3 mhz) Cape May, N.J.—Dismissed app. to change TL and change HAAT to 328 ft. Action July 28.

■ KFGO-FM (101.9 mhz) Fargo, N.D.—Granted app. to change HAAT to 986 ft. Action July 23.

■ KBEZ (92.9 mhz) Tulsa, Okla.—Granted app. to change TL and change HAAT to 1,317.6 ft. Action July 27.

■ KBOO (90.7 mhz) Portland, Ore.—Granted app. to change HAAT to 911 ft. and decrease HAAT to 23.44 kw. Action June 3.

■ WAVF (96.1 mhz) Hanahan, S.C.—Granted app. to change TL and change HAAT to 1,445 ft. Action July 24.

■ KEXI (93.3 mhz) Walla Walla, Wash.—Granted app. to change TL; change ERP to 100 kw; change HAAT to 222.7 ft. and make changes in antenna system. Filed July 23.

TV's

■ KREQ (ch. 23) Arcata, Calif.—Granted app. to change ERP vis. to 195 kw; aur. 19 kw; change HAAT to 1,672.8 ft. and change TL. Action July 29.

■ KTLA-TV (ch. 5) Los Angeles—Granted app. to change ERP to 44.7 kw; change HAAT to 3,204.6 ft. and change TL. Action July 13.

■ KMNE-TV (ch. 7) Basett, Neb.—Granted app. to change HAAT to 1,487 ft. Action July 24.

■ WMGC-TV (ch. 34) Binghamton, N.Y.—Granted app. to change ERP to 1,490 kw and change HAAT to 922 ft. Action July 13.

■ KKTU (ch. 33) Cheyenne, Wyo.—Granted app. to change ERP to 253 kw; change HAAT to 488.7 ft. and change TL. Action July 24.

Summary of broadcasting
as of June 30, 1987

Service	On Air	CP's	Total *
Commercial AM	4,887	170	5,057
Commercial FM	3,969	418	4,387
Educational FM	1,272	173	1,445
Total Radio	10,128	761	10,889
FM translators	1,115	766	1,881
Commercial VHF TV	542	23	565
Commercial UHF TV	461	222	683
Educational VHF TV	114	3	117
Educational UHF TV	198	25	223
Total TV	1,315	273	1,588
VHF LPTV	247	74	321
UHF LPTV	162	136	298
Total LPTV	409	210	619
VHF translators	2,981	145	3,126
UHF translators	1,998	293	2,291
ITFS	250	114	364
Low-power auxiliary	824	0	824
TV auxiliaries	7,430	205	7,635
UHF translator/boosters	6	0	6
Experimental TV	3	5	8
Remote pickup	12,338	53	12,391
Aural STL & intercity relay	2,836	166	3,002

* Includes off-air licenses.

Call Letters

Applications

Call	Sought by
New FM	
WWDR	Jessup Broadcasting Ltd. Partnership, Hardeeville, S.C.
Existing AM's	
WAJL	WWLD Alleluia Ministries Inc., Pine Castle-Sky Lake, Fla.
WWLD	WAJL Metroplex Communications Inc., Winter Park, Fla.
Existing TV's	
KHSF	KPST-TV Silver King Broadcasting of Northern California Inc., Vallejo, Calif.
KHSP	KWVT Silver King Broadcasting of Oregon Inc., Salem, Ore.

Grants

Call	Sought by
New FM's	
WXYB	Echo Broadcasting Inc., Zeeland, Mich.
WKLM	Graphic Publications Inc., Millersburg, Ohio
KMIQ	Cotton Broadcasting, Robstown, Tex.
New TV's	
WKKT-TV	Green River Group Ltd., Hopkinsville, Ky.
WHTJ	Central Virginia Educational Television Corp., Charlottesville, Va.
Existing AM's	
WRRX	WRLX Target Communications of Alabama Inc., Tuscaloosa, Ala.
KMFI	KSVA Sierra Pacific Broadcasters Ltd., Sierra Vista, Ariz.
WXAM	WLCB Larue County Broadcasting Co., Buffalo, Ky.
KATQ	KHPN William S. Boswell, Plentywood, Mont.
WQMI	WAVI Windward Communications Group Inc., Portsmouth, N.H.
KIVA	KXAK Daytona Group of New Mexico Inc., Corrales, N.M.
WADV	WVLV KAPP Advertising Service Inc., Lebanon, Pa.
Existing AM's	
KKSF	KLOK-FM Hillcrest Motor Co., San Francisco
WQMI-FM	WQMI Mildam Communications Corp., York Center, Me.
KIVA-FM	KIVA Daytona Group of New Mexico Inc., Santa Fe, N.M.
WRNX	WRRX Keymarket of Charlotte Inc., Hickory, N.C.
KRTS	KRTS Inc., Seabrook, Tex.

Classified Advertising

See last page of Classified Section for rates, closing dates, box numbers and other details.

RADIO

HELP WANTED MANAGEMENT

KANZ/KZNA-FM, community licensed, seeks executive director responsible for all aspects of operating and expanding strong listener supported radio service for a five state region. System includes two 100,000 watt stations, 17 translators, $400,000 operating budget, 11 fulltime staff, and plans for capital drive to relocate studios. Responsible to board of directors. Strong finance, management skills required. Competitive salary and benefits. Deadline: September 4. Contact: Judy Seligson Keller, Kanza Society Inc., Pierceville, KS 67868. 316—335-5120

WNOE AM and FM, New Orleans' only country station and an EEO employer, seeks an experienced local sales manager. Resumes only: 529 Rue Bienville, New Orleans, LA 70130.

General manager and GSM for 110th market SE, exciting building opportunity with new group owned FM. Excellent sales and budgeting skills necessary. Send resume to Bob Manning, Guardian Broadcasting, P.O. Box 7397, Rocky Mount, NC 27804. EOE.

The University of Arizona is looking for an assistant general manager for educational telecommunications. This individual will have major management responsibility in the use of telecommunications technologies in support of education as well as other assigned functions for the general manager of KUAT-TV-AM-FM. This position will specifically manage the nineteen channel instructional television fixed service (ITFS) and operational fixed service (OFS) instructional television delivery system soon to be licensed to the University of Arizona. Qualifications include bachelor's degree in broadcasting, communications or related field. Masters degree preferred. Five years documented experience in public broadcasting or telecommunications management. Salary commensurate with experience. Please send letter of interest and resume to Sharon Stephenson, University of Arizona, 1325 East Speedway Blvd., Tucson, AZ 85719 by September 4, 1987. EEO/AA.

General manager - KUSC-FM. The University of Southern California invites nominations and applications for the position of general manager of KUSC, the arts and information public radio service of USC, which also owns and operates affiliated stations KCPB/Thousand Oaks, KSCA/Santa Barbara, and KPSH/Palm Springs. The GM has overall responsibility for: establishing artistic direction and maintaining stations' legal, regulatory, and fiscal well-being; leading the program staff in creation, production, and acquisition of classical music and news programs of preeminent artistic and journalistic quality; determining and serving needs of stations' listeners and subscribers; and continuing the development of KUSC as a major production center for radio programs of local, regional, and national interest. Requires demonstrated qualities of vision, leadership, and organizational management skills; thorough understanding of the nature and purpose of public broadcasting; ability to relate to varied constituencies and individuals in the many communities served by KUSC; ability to develop and implement successful fundraising strategies; and, preferably, proven track record in developing and/or managing nationally prominent broadcast facility. Address inquiries, nominations, and applications NLT August 21, 1987 to: John R. Curry, VP Budget/Planning; Chair, Search Committee; USC, ADM-150; Los Angeles, CA 90089-5012. USC is an equal opportunity/affirmative action employer.

Manager for AM regional strong on sales 303—738-1660.

Growth oriented South Florida FM radio station needs dynamic aggressive experienced general manager with strong sales ability. MOR experience preferred. Send resume and salary history to Box X-42.

Station manager: WBAZ-FM, Eastern L.I., N.Y. seeks successful GSM or LSM ready for next step. Integrity, intelligence, leadership, high energy level and solid management credentials are mandatory. Income includes opportunity for earned equity. EOE. Resumes to JS & A, 340 W. 57 St., NY, NY 10019.

Operations manager: WBAZ-FM, Eastern L.I., N.Y. seeks experienced production manager to be responsible for on-air sound of this Transtar Format 41 station. EOE. Resumes to JS & A, 340 W. 57 St., NY, NY 10019.

HELP WANTED SALES

General sales manager. FM in beautiful Missouri college town has opening for crackerjack general sales manager. Opportunity for advancement with budding chain. Send complete resume, references and salary information. Admiral Broadcasting Corporation, 8229 Maryland Avenue, St. Louis, MO 63105.

AM/FM combo 175+ market. Long established leader. Seeking highly motivated sales representative. Resume & narrative of sales philosophy to Box W-87.

Northeast group operator looking for experienced sales manager. Opportunity to move up to G.M. very quickly. Excellent opportunity for the right person. Box X-8.

Attention A/E winners! Tops on your staff, but seeking greater rewards? Join our growing group of California stations. Resumes to: President, P.O. Box 5600, Ventura, CA 93003.

Beautiful LaCrosse/Winona market, with hot formats. Needs hard working, self-motivated, experienced sales rep's. Send resume to Margie Neader, WKBH-AM/FM Radio, Box 510, Holmen, WI 54636

Sales managers needed. Class A FM in 100,000 population market, South Carolina/Virginia. Send resume,current salary to Box X-12

Atlanta. We're looking for a successful radio salesperson who knows Atlanta, is strong with concept selling, views numbers a "plus" not necessity, is excited about helping us build a new office. We offer challenge, opportunity, good income, benefits. Write President, Regional Reps Corp., One Playhouse Square, Cleveland, OH 44115.

Unlimited opportunity. Classical radio sales position available at Pittsburgh's only commercial classical station. Aggressive, articulate and tenacious people contact Jeffrey Warshaw, V.P., Universal Broadcasting Corp., 40 Roselle St., Mineola, NY 11501. 516—741-1200 EOE. M/F

Experienced, aggressive, enthusiastic sales pro who is looking to move up to FM sales management. Excellent compensation and future for right person in the Southwest Sunbelt at stable operation. Call GM 505—863-4444.

High rated, fastest growing, radio station in Charlotte, NC, wants experienced top-performing account executives. Resume to: Don Kidwell, WWMG Magic 96 FM, Voyager Communications V, Inc., 1437 East Morehead Street, Charlotte, NC 28204-2925.

Sales manager (search extended) for AM/FM in small but fast growing market in beautiful area. Unique opportunity with excellent terms and many incentives. Resume to General Manager, WDCR/WFRD, P.O. Box 957, Hanover, NH 03755.

Great Florida opportunity. General sales manager for only station in one of America's fastest growing cities. No newspaper either. The N.Y. Mets new Spring training center. WPSL 305—335-8800. Resume to: Ray Sherwood, 9334 S. U.S. 1, Port St. Lucie, FL 33452.

General sales manager for top rated AM-FM combo in top 65 market. Must have proven sales ability and be a great teacher, motivator and leader. This is a terrific opportunity in our growing corporation for the right person. EOE. Inquiries to Box X-47.

HELP WANTED ANNOUNCERS

Experienced morning personality for A.O.R. in world class resort community, send resume and air check to Operations Manager, 620 East Hopkins, Aspen, CO 81611.

CHR/A-C talent with personality. New Albany, NY FM. Excellent production required and liking for public appearances. Send tape and resume including past and present salary to: Lee Sommers, 3WD Radio, 433 State Street, Schenectady, NY 12305.

Announcer for evening/overnight air shift. Experience preferred. Call for appointment 9:30 a.m. - 12:00 noon M-F. 912—964-7794. EOE - M/F.

HELP WANTED TECHNICAL

Chief engineer wanted for small group in the upper Mid-West. Automation and directional experience a must. Call 715—588-3852.

Engineer wanted: WYNR/WPIQ (Class 3 & C), Brunswick, GA. Coastal Georgia. Main base Brunswick w/occassional travel among 3 other group properties (all AM/FM). Salary based on your ability and ours. Contact: Dick Boekeloo 912—264-6251.

Anaheim Broadcasting is seeking a chief engineer for our Southern California stations. Excellent opportunity for a bright, self-starter on the way up. SBE certificate helpful. Send resume and references to Jeff Salgo, VP Operations, 1190 E. Ball Road, Anaheim, CA 92805. EOE.

Chief engineer needed at KEGL (FM) Dallas. Applicants should have major market experience, SBE certification or equivalent. 214—869-9700. EOE.

Major NYC radio broadcasting company seeks a maintenance engineer. 3 years minimum broadcast experience, with all phases of studio, AM, FM transmitter maintenance; studio, transmitter plant wiring and construction. Good salary and benefits. EEO. Send resume with salary requirements to Box X-48.

HELP WANTED NEWS

News anchor. Akron's top rated news/talk WNIR-FM has opening for news person with our award winning news department. Call Bill Klaus 216—673-2323 EOE.

News reporter/producer. Highly-rated Florida public radio station seeks aggressive, experienced news professional. Must produce in-depth news reports, develop features of state and national interest and train students. Excellent on-air delivery essential. Requires a bachelor's degree in broadcast, communications and at least one year of experience in radio or television production work. Approx. starting salary, $17,000. Send resume and tape to Mr. Charles Koenig, CEC, 4th Floor Stadium, University of Florida, Gainesville, FL 32611 by August 28, 1987. Refer to position ID# 20079 in order to guarantee considerations. Equal employment opportunity/affirmative action employer.

KINK-FM, Portland's top station for 25-49 year olds, is seeking an experienced anchor/reporter to begin in January. Intelligent writer, conversational presenter, enterprising reporter. Tape and resume to Jacob Lewin, KINK-FM, 1501 SW Jefferson, Portland, OR 97201. A division of King Broadcasting Co. 503—226-5080. EOE.

Full-time afternoon anchor reporter for AM/FM in New York's Catskill Mountains. Must be dedicated, energetic. Degree or equivalent experience required. Good entry-level position. Send T & R to Mike Frezon, News Director, WVOS, PO Box 150, Liberty, NY, 12754. EOE, M/F.

Co-anchor for morning news at Baltimore's top-rated, full service FM. Stylish writer with bright, conversational sound should apply ASAP. Send overnite tape, resume and writing sample to Dave Humphrey, News Director, WLIF, 1570 Hart Road, Baltimore, MD 21204.

Top flight news organization - with mobile unit, airplane, first-class facilities, and impeccable reputation - looking for competent, professional newsperson, enthusiastic delivery, sound writing skills, journalistic credentials, and ND potential. Rush T/R to Mike Allen, ND, 940-WINE AM, Brookfield, CT 06804. EOE.

Bureau host/reporter. Wisconsin Public Radio seeks energetic idea-person for its Stevens Point news bureau. Will be responsible for live local segments of issue-oriented, morning-drive newsmagazine; supervision of interns; and production of reports for state network. Strong interview skills, personable delivery, and conversational writing style are musts. Women and minorities encourage to apply. Closing date: September 1. For details on how to apply, contact James Haney, Communication Arts Center, University of Wisconsin-Stevens Point, Stevens Point, WI 54481. Equal opportunity employer.

A Peoria FM leader needs the right person to anchor important morning drive news. Become part of our 28 person AM-FM-TV news department offering good pay, solid benefits and excellent facilities. We need a contemporary writer-/reporter/thinker. Send tapes, resume, writing samples to Duane Wallace, WKZW(FM), 3131 N. University, Peoria, IL 61604 EEO/M/F.

HELP WANTED PROGRAMING PRODUCTION & OTHERS

PD and air shift for full service AC/oldies and satellite FM in upper Midwest. EEO with great benefits. Experience helpful but not required. Box X-36.

SITUATIONS WANTED MANAGEMENT

Career broadcaster with programing, sales and management background. Major market experience. Team leader and trainer, 20 years experience. GM GSM position desired. Employed now. 513—242-6821.

Versatile, seasoned professional seeks a new challenge in combination on-air/management position. My experience includes news, news management and executive management. Prefer market of 100,000+. For tape and resume, write Box X-22.

Successful, professional wants return to broadcasting (radio, TV, cable). Former small market owner/GM. Built and sold for state radio and sports networks. Group sales/marketing and sales trainer for Midwest group of 13 stations. Most recently VP marketing/broadcasting, Minnesota Twins. Will relocate. Don Schiel 612—831-5074.

Career broadcaster with an impressive management record in major and medium markets, as well as group and ownership experience, desires a situation that provides challenge and opportunity. Prefer start-up or turnaround and the more competitive the better. Call Frank Ward 803—788-8461.

Promotions or marketing director. Lets build your station together..#1 ratings bring #1 income..from bottom to top success story. Box X-45.

Somewhere in the Rocky Mountain area or Pacific Northwest, a street selling, agency wise, enthusiastic GM/GSM is needed now. Call John. 315—539-8238.

SITUATIONS WANTED ANNOUNCERS

Jock needs change: same radio station three years, three ownerships. George Belmore, Ben Hur Stables, Crawfordsville, IN 317—364-1550.

Professional attitude and sound with three years experience anytime. call Bill, 308—534-1211.

Morning man, or any shift, professionally trained top 40 DJ. Contact: Timothy Osborn 414—452-0292, Resume and tape available upon request.

Experienced, funny communicator moving on up. Medium mkt. only. 413—443-3816.

Talented sportscaster seeks PBP position. 8 years experience. Football, basketball, misc. Doug Miles 516—354-5062.

Ten years experience: PD/all shifts-all formats. Play-by-play sports including professional hockey. News, remotes, copywriter and automation too. Call Bruce 517—792-4252 afternoons best.

Columbia Academy graduate with 6 months on-air experience. Done production, remotes, community oriented. Call John 604—420-2872.

Dallas/Fort Worth area position. Moving soon. Now evenings, medium market, 25 share. Brian 817—548-7626.

Energy + looking for position in announcing, programing, production. Mature, late 20's. Some p.t. exp: R.B. graduate. Call Pam at 319—326-2815 after 5 p.m. Willing to relocate.

Midwest and Mideast: Experienced small market announcer with professional sound, voice. Big on sports. Rudi 414—358-0319 after 4 Central.

SITUATIONS WANTED NEWS

Hard-working sports director, with 8 years experience behind the mike is looking to relocate immediately...Call Mike @ 618—654-4449.

Veteran sportscaster seeks anchoring and/or play-by-play job. Top 50 markets only. Box X-13.

Talk show host bursting with talent, energy and enthusiasm will be your find of the year. Can double as newsman. Call Pete at 213—395-0874.

Worked my tail off as radio reporter, announcer then ND. Past two years in retail PR management. National awards. BA. Articulate. No ego trip. Seeks long-term commitment. AZ, NM, CA or ? 818—709-1759 Doug.

Born to be a sportscaster. Sophisticated, exciting PBP and solid anchoring skills too big for small markets. Dedicated, knowledgeable pro with 4 years experience. Bob 201—546-5546.

SITUATIONS WANTED PROGRAMING PRODUCTION & OTHERS

P.D. - 15 year pro including majors. Expert top 40/AC programing, promotions, production, sales, people skills, voice. AD. Prefer Class C FM. Box X-54.

MISCELLANEOUS

Attention small market stations: Customized voice ID's and station promo's by a top ten market professional. Give your station the professional sound it deserves. Package prices start at $100.00. For sample tape and information write: Entertainment Communications of America, Inc., 450 Old Lake Alfred Road, Polk City, FL 33868. 813—956-3559.

Local broadcast French FM radio looking for musical program exchange. Contact Christophe Rastier, RAS BP 101 91240 St Michel France.

TELEVISION

HELP WANTED MANAGEMENT

General sales manager needed for medium market network affiliate. Must have 2-3 years prior television station sales management experience. Position calls for expertise in national sales. Must be strong manager and administrator. EOE. Box X-19.

General manager: For Texas border town. Excellent opportunity to join a growing aggressive broadcast group. Must be aggressive with minimum 4 years experience in broadcast sales. Compensation package includes salary + incentive plan. State present salary. Send resume Box X-14.

General manager: WCBB, Lewiston, Maine. WCBB is accepting applications for president and general manager. WCBB is owned and operated by the Colby-Bates-Bowdoin Educational Telecasting Corporation as a public television community licensee serving south central Maine. The station began broadcasting on channel 10 in 1961 and is a member of PBS and EEN. The president and general manager is responsible for the overall operation of the station; is a member of and reports directly to the Board of Trustees. Position available early fall. Salary negotiable and commensurate with experience. Deadline to apply is August 17, 1987. Send application to: WCBB-TV, Selection Committee, 1450 Lisbon St., Lewiston, ME 04240. WCBB in an affirmative action/equal opportunity employer.

Business manager: Top 50 sunbelt independent needs business manager with strong computer and accounting skills. Ideal position for experienced assistant ready to move up. Send resume and salary history to Box X-16.

Director of marketing: Northeast ABC affiliate seeks an aggressive manager to lead the marketing department. Job includes supervision of writers, producers, art department and outside services in providing total station marketing. Proven creative skills and two years of marketing management experience are a must. Send resume and tape to: Dow Smith, President/General Manager, WTEN-TV, 341 Northern Blvd., Albany, NY 12204. EOE.

Director of development - KPBS-TV/FM. Director of development is being sought by KPBS-TV/FM, San Diego's public broadcasting stations. This is an executive level position which reports directly to the general manager, and has responsibility for approximately $4 million of income producing activities at KPBS Television and KPBS Radio. Primary areas of responsibility include: membership; corporate underwriting and grants; auction; special events; volunteers; and supervising advertising representatives for the KPBS members magazine, On Air. Qualifications: Demonstrated success and extensive experience required in all areas of fundraising including annual and planned giving. Must have proven skills in the areas of capital campaign techniques, volunteer recruitment and management, leadership, proposal writing, solicitation, special events, and direct mail development. Management level experience in a non-profit organization, preferably public broadcasting, is desired. Must possess excellent writing and communication skills. College degree or equivalent preferred. Salary: Commensurate with experience. Excellent benefit package. Apply: Submit resume, salary requirements and request for employment application directly to: SDSU Foundation Personnel Office, San Diego State University, San Diego, CA 92182. Deadline for receipt of application has been extended to Monday, August 31, 1987. KPBS-TV/FM is an EEO/AA/Title IX employer and we welcome all applications.

Promotion manager: Highly creative individual needed to take charge of planning, development and execution of on-air and print. Minimum 3 years experience required. If you have proven creative skills in writing and producing with an emphasis on news promotion, send a resume and tape to Tom Foos, Director of Programing and Marketing, KOLD-TV, 115 W. Drachman, Tucson, AZ 85705. No phone calls, please. EOE.

Business manager: Leading Southeast NBC affiliate, 3 station market, seeks take-charge individual, experienced in all phases of television broadcast accounting and Columbine Traffic System. 2-3 years experience and degree in accounting preferred. Send resume to Box X-35. EOE.

Gifts planning officer: To initiate and conduct planned giving program, identify and contact prospective donors, conduct seminars, etc. BA or equivalent, writing skills, interest in PTV essential. Resume to: Channel 10/36 Friends, 1015 North 6th St., Milwaukee, WI 53203 by 8/14/87. EOE.

Studio supervisor: Responsible for set-up, lighting and strike of studios. Hire, train, schedule and supervise student crew. Construct sets and maintain studios and scene shop. Occasional directing. BA preferred. Must have demonstrable skills in basic carpentry and TV lighting with knowledge of current TV production technology. Minimum of 2 years current experience. Send resume by Sept. 1, 1987, to William Lewis, Wright State University, 102 TV Center, Dayton, OH 45435. Equal opportunity/affirmative action employer.

There's someone looking for just this opportunity. Station manager for small market television, indy. Strong operator committed to this market. Small, hardworking staff will welcome you, if you're committed and like to work. In a community of over 80,000, VHF, full power, tall tower, and good shop. Must have good sales background. Pay is good and opportunity to grow is boundless. Sunbelt. EOE. Respond Box X-33.

General manager: Small market affiliate seeks dynamic leader. We need a great personal salesperson who also has a flair for managing, including promotion and keeping expenses under control. We're located in a fine Western area with lots of media competition and an abundance of outdoor recreation. $40 thousand plus incentive based on cash flow. EOE. Box X-53.

Program manager. Major market UHF indy, part of solid profitable group. Looking for program manager, strong on movies. Reply P.O. Box 16707, Milwaukee, WI 53216-0707. EOE.

Local sales manager. KTVU—TV San Francisco. Outstanding career opportunity at one of the country's leading independent TV stations. Excellent compensation package and benefits. Contact General Sales Manager, KTVU, 2 Jack London Square, Oakland, CA 94623. A Cox Enterprises station.

Local sales manager: Top 10 UHF independent looking for that organized person who can deliver results. Must have independent sales management experience and be a motivator and innovator. Send a plan of action along with resume to Box X-51. EOE, M/F.

Promotion mgr.: Top 50 NE. Hands-on mgr. strong in on-air news, programing. Prod. b.g. a plus 2 yrs. exp. as mgr. or asst. Send salary history first letter. Box X-49.

Pensacola Jr. College in Pensacola, Florida is seeking applicants for the following: Director, TV services (television station manager - WSRE) - Job #0728. Salary: $30,500 - $40,250. Master's degree in journalism and communications and 5 yrs. fulltime professional television experience, two of which shall have been as a program or production manager required. Experience in public broadcasting preferred. Deadline: August 31, 1987. Do not send resume, for application materials call: 904—476-7790. PJC - an equal opportunity institution.

General manager - university television, University of Nebraska at Omaha. Urban university of 14,000 students in attractive midwestern city is seeking creative professional to manage its television operation and administer KYNE-TV, the Omaha affiliate of statewide public television network. Annual budget of $500,000; 18 FTE staff. Bachelor's degree in broadcast-related field required. Supervisory experience in public or commercial television necessary. Teaching experience preferred. Send cover letter and resume postmarked by Sept 1, 1987 to: Personnel Services, EAB 205, University of Nebraska at Omaha, Omaha, NE 68182. (An affirmative action/equal opportunity employer.)

Business manager: For Virginia group owned independent; excellent opportunity for a hands-on manager. Send resume to Controller, 5401 West Kennedy Blvd., Suite 1031, Tampa, FL 33609. EOE.

HELP WANTED SALES

Emerging Christian entertainment, sports, information and inspirational cable television network is looking for one good marketing professional to assume the responsibility of director of network sales and marketing. Must have previous cable network experience and/or seven to ten years commercial television experience. Serious inquiries will be given every consideration. Box W-63.

Emerging Christian entertainment, sports, information and inspirational cable television network is looking for three solid sales professionals to assume the responsibility of network affiliate and cable sales representatives. Must have previous cable network experience and/or seven to ten years commercial television experience. Serious inquiries will be given every consideration. Box W-64.

Sales pro needed to lead and manage AM/FM combo in Northern Wyoming. Send resume to: Dana Kehr, Drawer D, Hardin, MT 59034. EOE.

Sales manager: For Texas border town. Excellent opportunity to join a growing aggressive broadcast group. Must be aggressive with minimum 4 years experience in broadcast sales. Compensation package includes salary + incentive plan. State present salary. Send resume: Box X-15.

Television account executive: Local sales list available with significant earnings potential. Prior radio or television sales experience required. EOE. Write: Personnel, WILX-TV, P.O. Box 30380, Lansing, MI 48909.

Account executive: Advertising agency or broadcast background. Exceptional opportunity to join nationally recognized consulting firm. Must have strong presentation skills, weekly travel. Call 804—496-9421.

Local sales manager. WFSB, a Post-Newsweek station, seeking local sales manager whose responsibilities include: local budget delivery, staffing local account executives, managing major project selling, supervising market development, establishing and maintaining working relationships with the Hartford, New Haven, Springfield buying community, keeping general sales manager informed on pricing and selling strategies. College degree preferred, previous management experience as well as local and national sales experience required. Send resume to: Warren Anderson, General Sales Manager, WFSB-TV3, 3 Constitution Plaza, Hartford, CT 06115. EOE, M/F.

HELP WANTED TECHNICAL

Assistant chief engineer: Television maintenance opportunity in God's country. Can you contribute UHF transmitter experience and ¾" background? WXOW-TV, LaCross, WI, has the position for you. Forward resume to: WXOW-TV, P.O. Box C-4019, LaCross, WI 54602-4019 ATTN: Dale Scherbring, C.E. 507—895-9969.

Chief engineer. Hands-on position for talented and motivated individual with expertise in both television and radio Must be capable of RF and studio installations and maintenance as well as supervisory functions FCC general class license required. SBE certification desirable Send resume and salary requirements to Box W-113 EOE

Chief engineer for small market mountain states TV station Must have hands-on experience in both studio and transmitter with minimum of 7 years Latest technology. Excellent salary and benefits. EOE. Resume and references to Box W-112. Replies treated confidentially

Chief engineer for established New England ABC affiliate Prefer UHF transmitter experience and knowledge of studio and ENG maintenance. Resume to Tom Hansen, WVNY-TV, Box 22, Burlington, VT 05401, or call 802—658-8022 for futher information. EOE.

WHNS-TV21 is now accepting applications for studio maintenance engineers to perform routine and emergency maintenance of all studio equipment with emphasis on broadcast VTR's Should also have knowledge of digital electronics. Require minimum two years broadcast experience and FCC general class license. Send resume and salary requirements to Steve Crook, Chief Engineer, WHNS-TV, 21 Interstate Ct., Greenville, SC 29615 EOE, M/F/H.

Maintenance supervisor: A strong background in ENG/EFP Sony 3/4" and Sony & Ampex 1", live news, microwave, UHF transmitter Must be capable of repair of state-of-the-art broadcast equipment down to the component level Hardware/software knowledge of PC's a plus. West Coast Florida ABC net affiliate. Resume & salary requirements to Mike Burnham, Chief Engineer, WWSB, 5725 Lawton Dr., Sarasota, FL 34233 EOE

Maintenance technician: Installation and repair of studio and transmitter equipment Some design, planning, and training responsibilities Rotating shift including nights and weekends. Requires associate's degree in electrical technology or equivalent formal training, plus experience in electronic repair/troubleshooting. FCC license or SBE certification. Send resume Manager of Human Resources, WMHT-TV/FM, Box 17, Schenectady, NY 12301. EOE.

Master control operators: Rotating shift including nights and weekends Prior TV master control experience required Send resume Manager of Human Resources, WMHT-TV/FM, Box 17, Schenectady, NY 12301. EOE

Assistant chief engineer: 3 to 5 years experience in the maintenance of broadcast quality television and radio equipment. Must be able to troubleshoot to component level Experience in re-tubing cameras, rebuilding VTR's, etc FM transmitters, ITFS and microwave experience a plus. SBE certification required. Degree preferred. Excellent benefits, full medical, pension, etc. Salary $20,000 range. Send resume to: Personnel Dept. WG, Mercer County Community College, P.O. Box B, Trenton, NJ 08690. Affirmative action/equal opportunity employer, M/F.

Chief engineer: Charlotte's number 1 independent looking for experienced hands-on chief for purposes of expanding into live sports operation. Must be able to technically supervise live remotes, design and implement studio/control area renovation, have transmitter experience, strong managerial skills, equipment maintenance, and a desire to grow with a solid owner. Send resume to: Steven Soldinger, General Manager, WCCB-TV, One Television Place, Charlotte, NC 28205.

Supervisor-engineering field maintenance and operations. Duties: maintenance of all news and field production equipment including live units and microwave facilities. Technical supervision of remote telecasts and special events Qualifications: experience in ENG maintenance. FCC general class. Contact Albert Scheer, Vice President-Engineering, WLEX-TV Inc., P.O. Box 1457, Lexington, KY 40591. 606—255-4404. WLEX-TV is an affirmative action/equal opportunity employer.

Assistant chief engineer: Are you an experienced maintenance person looking to move up, or a small market asst. chief looking for a larger market? We are a northeastern TV station with an opening for an experienced person to move into an assistant chief's position. People skills are equally as important as maintenance skills. We have state-of-the-art equipment, both air and producton. Transmitter experience helpful. FCC general license required. Salary commensurate with experience. Part of multi-station group offering excellent growth potential. Send resume and salary requirements. Box X-46.

Broadcast operating technician: Send resume to Ken Ericson, WHO-TV, 1801 Grand Ave., Des Moines, IA 50308. Equal opportunity employer.

HELP WANTED NEWS

News director: ABC affiliate in the beautiful Colorado Rockies seeks an individual with solid news, production, and people skills. Background should include reporting, producing, and personnel management. Will consider a qualified individual looking to move up. Small market experience a plus. Send resume, references, and salary requirements to: Jan Hammer, KJCT-TV, P.O. Box 3788, Grand Junction, CO 81502. EOE.

Co-anchor: To work with our strong male anchor News is top priority at this New York Times group station Send resumes & tapes to John Riches, ND, WQAD-TV, 3003 Park 16th St., Moline, IL 61265. EOE.

News director: Major market independent TV station is seeking an experienced news director to head up strong news operation Competitive salary and benefits Please send resume and salary requirements to: Box X-2. EOE.

Producer for possible future opening. SW Florida's ABC affiliate is looking for experienced producers. Candidates must be top-notch writers who can make a newscast move. Send resumes only, along with salary requirements to: Duane Sulk, WEVU-TV, P.O. Box 06260, Ft Myers, FL 33906. Please, no calls. EOE, M/F

Foreign bureau: We still have an opening for a one person bureau on the island of Saipan, Commonwealth of the Northern Marianas Position requires a high level of investigative reporting into governmental activities. Responsible for ten minute daily newscast plus feed to main station. No beginners Tape and resume to John Morvant, News Director, Guam Cable TV, 530 W. O'Brien Dr., Agana, Guam 96910 or call collect 671—477-9484

Award-winning indy, large market, needs assignment editor. Must be able to motivate staff, generate creative stories, work phones and think visually. Also need weekend producer, excellent writer with good news instincts, visual mind, experience with live shots, will be technical producer handling Chyron, etc 3 nights Both positions require 1 year experience, ability to work well under pressure. Knowledge of upper Midwest helpful Salary low $20s. Letter, resume to Box X-40. EOE.

General assignment reporter: Join a number one news operation on the Gulf Coast. Applicant should have experience in TV news, be a good writer and a self-starter. Knowledge of editing videotape helpful. Please send resume, tape and salary requirements to Veronica Bilbo, KPLC-TV, P.O. Box 1488, Lake Charles, LA 70602.

Mid 80's top rated network affiliate seeking weatherperson. Good communication skills and strong personality a must. Send resume and photo to Box X-39. EOE.

Successful medium market newscast looking for bright co-anchor. Reporting skills a must. Send resume to Box X-41. EOE.

Immediate opening: Fulltime meteorologist. AMS seal preferred . Meteorology degree required. Send resume and non-returnable tapes to News Director, KFDA-TV, P.O. Box 1400, Amarillo, TX 79189. EOE.

Anchor. Strong on-air communicator and writer, and an experienced reporter for midday newscast. Send non-returnable tape, resume and references to Ken Middleton, News Director, WTSP-TV, Tampa/St. Petersburg, P.O Box 10,000, St. Petersburg, FL 33733. No telephone calls. EOE.

News media, WUAB-TV, Cleveland, Ohio, starting new 10 o'clock newscast, hiring entire staff of anchors, reporters, sports, weather, producers, photographer/editors, assignment editors, college degree, three years broadcast news experience preferred. Send letter and resume to: Daniel Acklen, News Director, WUAB-TV, 8443 Day Dr., Parma, OH 44129. No telephone calls! Equal opportunity employer.

Weekend anchor, reporter positions both open. Reporter should have internship, degree minimum. Anchor should have 1 year TV minimum. Tapes, resumes to: Bill Hoel, WXOW-TV, P.O Box C-4019, La Crosse, WI 54602-4019.

Reporter/anchor. Statewide public television network needs experienced broadcast journalist. Must possess demonstrated writing skill. Documentary production and political reporting experience preferred. Send resume to: Personnel, P.O. Box 20066, Tallahassee, FL 32316. EOE.

Sports anchor 6 & 11 p.m. Northeast network affiliate. Anchoring experience required. Resumes to Box X-52. EOE, M/F.

News photographer/editor. Must be familiar with all aspects of ENG shooting and editing. Send tape and resume to Chief Photographer, KOLO-TV, P.O. Box 10,000, Reno, NV 89510. EOE.

Assignment editor: Must be a leader who knows what makes a good story. Send resume to Brian Peterson, News Director, WOWK-TV, P.O. Box 13, Huntington, WV 25706. An equal opportunity employer.

Anchor. To work with male co-anchor at 10PM. Midwest CBS medium market. Good communicator. Excellent writing and reporting skills necessary. I'm looking for that special person who brings confidence and warmth to the set and isn't afraid to dig in and work. No beginners. Great professional environment. Tapes and resumes to John Altenbern, KGAN-TV, P.O. Box 3131, Cedar Rapids, IA 52406. No phone calls.

Photographer: For medium market, NBC affiliate, #1 in news. Experienced only with solid track record. Send resume and tape to: Pat Dowd, Chief Photographer, P.O. Box 1058, Portsmouth, VA 23705. We are AA/EOE.

Weekend weather anchor: Capital Cities/ABC owned station is looking for a weekend weather anchor. Successful applicant will be able to present accurate weather forecasts in appealing and professional manner. Weather news/feature reporting also required Send non-returnable tape and resume to Dave Davis, News Director, WTVD-TV, Box 2009, Durham, NC 27702. EOE.

HELP WANTED PROGRAMING PRODUCTION & OTHERS

Expanding Midwest teleproduction facility seeks experienced professionals for the following positions: videographers, lighting designers and video technicians. Resumes only, please. Box W-65.

Commercial director to direct live broadcasts and/or work as a film photographer/editor on film production. H.S. diploma or equivalent plus 3 years prior related experience. Tapes/resumes to P.O. Box 14159, Okla. City, OK 73113. EOE, M/F. Tapes returned.

Promotions director: WSLS-TV seeks production oriented promotions director to supervise two person department. Good opportunity for affiliate assistant or indie-person to move up. Send tapes and resumes to: James DeSchepper, General Manager, WSLS-TV, P.O. Box 2161, Roanoke, VA 24009. EOE, M/F.

Senior director: WSLS-TV is looking for experienced director to switch early and late news. Experience required. Rush resumes to Jim Dickey, Production Manager, WSLS-TV, P.O. Box 2161, Roanoke, VA 24009. EOE, M/F.

Post production editor/director: An experienced computer editor with strong creative directing background to work BetaCam component suite - CMX 3600A, GVG 100CV and Kaleidoscope - for Great Lakes area production facility/commercial television station. EOE. Send resume with salary requirements to Box X-37.

Promotion writer/producer needed for top 20 CBS affiliate station on West Coast. Looking for good writer with creative ideas for promoting entertainment shows and community affairs programing. Previous experience necessary. Send tape & resume to Marketing/Promotion Director, KXTV, P.O. Box 10, Sacramento, CA 95801. No telephone calls accepted. EOE.

Production manager/editor: Top ten Southern market has immediate opportunity for an experienced editor to supervise daily operations of independent TV station production department. Requirements include thorough knowledge of computer edit systems composed of Sony 5000 and GVG 300 switcher with ADO. Experience with Chyron graphics is a plus, and the ability to deal positively with other station departments and commercial clients is a must. This is a management/technical position and is very quality and deadline intensive. Send resume and sample reel to Vincent Barresi, VP/General Manager, KTXH-TV, 8950 Kirby Dr., Houston, TX 77054. No phone calls, please. EOE.

Public affairs producer, Alaska Public TV requires public affairs producer responsible for turning ideas into programs, researching, developing scripts, supervising editing and post-production, on-air delivery, interviewing, and developing promotions. Required: BA in television or related; two full years in public affairs production. Written resumes only to: Personnel, KAKM, Channel 7, 2677 Providence Dr., Anchorage, AK 99508.

Producer-director. This position is heavy on the video director. Requires excellent skills at the switcher, 4-camera studio, multi-camera remotes. No daily news. Must demonstrate good technical skills and be able to communicate with TV engineers. Candidates must have producer experience with ability to generate ideas, then produce and direct projects from inception through distribution. Production load includes EFP long form, performance, talk shows, fund raising events, membership drives, auctions. Must ba willing to direct for other producers as well as own projects. Send resume with salary requirements to Miriam Korshak, KUHT-TV, 4513 Cullen Blvd., Houston, TX 77004. Demo reel will be required later on.

Sr. director/arts & performance programs, KCTS/9. #1,934-$3,023/month plus liberal benefits. Sr. director/arts & performance programs plans, coordinates and acts as director for arts and multiple-camera performance productions produced for local, regional or national broadcast and distribution. Coordinates and supervises all technical and directoral aspects for arts and performance programs. Plans and coordinates with the sr. producer/arts and performance programs or independently. The minimum qualifications are: bachelor's degree in communications or related field or equivalent work training experience; 3 years fulltime experience in television production with varifiable credits as multiple-camera location director; proven ability in the production, direction and post-production of arts and performance programs. Applications must be postmarked by midnight, Sept. 1, 1987. Please send two copies of cover letter and two copies of resume to: KCTS/9 Screening Committee, Sr. Director/Arts & Performance Programs, 401 Mercer, Seattle, WA 98109. Do not send videotapes. KCTS/9 is an affirmative action equal opportunity employer. Women and minorities are encouraged to apply.

Sr. producer/arts & performance programs, KCTS/9. $1,934-$3,023/month plus liberal benefits. Sr. producer/arts & performance programs conceives, plans, produces and coordinates material from multiple-camera performance programs and arts documentaries. Produces, writes and edits off-line videos. Maintains overall content control in conjunction with the sr. director and the executive producer. Researches, writes, produces and edits other KCTS/9 production projects including arts and cultural documentaries for local, regional and national broadcast and distribution. Maintains functional and administrative supervision over performing and on-camera talent in conjunction with the sr. director. Minimum qualifications are: bechelor's degree or equivalent work training experience; 3 years experience in television production with credits as producer; proven ability in the planning, production and post-production of arts and performance programs. Applicantions must be postmarked by midnight, Sept. 1, 1987. Please send two copies of cover letter and two copies of resume to: KCTS/9 Screening Committee, Sr. Producer/Arts & Performance Programs, 401 Mercer, Seattle, WA 98109. Do not send videotapes. KCTS/9 is an affirmative action equal opportunity employer. Women and minorities are encouraged to apply.

Program mgr.: Strong, S.E. group-owned independent seeking an experienced, hardworking, enthusiastic programing professional. Must be creative and possess excellent orgnizational and managemnent skills. Please send resume and references to: Box X-43.

Research director: WPRI-TV, the Kight-Ridder Broadcasting station in Providence, Rhode Island, is seeking an individual to develop and present to client, research sales tools, and direct news, program and marketing research. Formal training, a thorough knowledge of research and PC experience required. Send resumes to: David Salinger, Director of Marketing, WPRI-TV, 25 Catamore Blvd., East Providence, RI 02914. An equal opportunity employer.

SITUATIONS WANTED NEWS

National award winning reporter. Eight years experience breaking big stories. Seek top 20 market position as general or investigative reporter with station that has a committment to news. If you're looking for a hard worker, I'm your reporter. Box X-26.

Mets, Giants, Oilers, Lakers. Great teams with great team players. Championship news teams need the same. I'm an 8 year veteran reporter/anchor who would fit in. Joe 219—295-1830.

Husband/wife anchors in top 40 sunbelt market want to share same anchor desk. Box X-34.

Attractive female seeks entry-level on-air position. Broadcast degree, radio/TV experience, can edit, write and work hard. Any market. Tape. Kay 316—269-0658.

Dedicated, enthusiastic assignment reporter seeks entry level position in small commercial TV market. Box X-44.

Sportscaster: Seeks station that covers not just scores, but people. Creative young anchor, reporter looking for the right place to work and live. Michael 305—488-9416.

SITUATIONS WANTED PROGRAMING PRODUCTION & OTHERS

Expert in health and fitness with programing experience is seeking position with commercial TV station to create, develop and manage public health programs, news segments, and other related television projects. Contact Jonathan 203—255-4514.

I do it right! Creative, freelance public relations representative seeks challenging industry position. Paul Anthony, 4319 Sunset, #221, Los Angeles, CA 90029; 213—664-3132. Relocatable.

Attention to detail, results oriented, MA, communication grad, seeks position in organization or corporation that requires knowledge of A/V, video, and communication principles. Hands-on experience in corporate and TV production. Russell 314—257-4977.

MISCELLANEOUS

Primo People has the answers to your questions. News directors and talent... find out what we can do for you... Call Steve Porricelli 203—637-3653 or send a tape and resume to Box 116, Old Greenwich, CT 06870-0116.

The Hot Sheet puts you in touch with hundreds of attractive employment opportunities every week! Television, radio, corporate communications. All areas, all levels. What's more, our popular CareerLine provides confidential referral on other exciting positions nationwide! No placement fees or contractual obligations. Media Marketing, P.O. Box 1476-PD, Palm Harbor, FL 34682-1476. 813—786-3603.

ALLIED FIELDS

HELP WANTED TECHNICAL

KLM Video, Inc.: maintenance engineer. Experienced in repair of GVG Equip., 1" Sony, 1" Ampex VPR-3, Ampex ESS-3, Sony BVU and Betacam recorders. Digital knowledge essential. Post production contact: Jerry Schwinger, C.E., KLM Video, 301—986-7944.

PROGRAMING

Radio & TV Bingo. Oldest promotion in the industry. Copyright 1962. World Wide Bingo, P.O. Box 2311, Littleton, CO 80122. 303—795-3288.

For Sale -- MDS transmission time. Single channel MDS stations in San Antonio, Killeen, Victoria & Austin, Texas. Any time slot available for video and/or data programs. For info call Judi at 512—223-6383.

Want to broadcast the American Legion baseball World Series, September 3 -7, 1987? Contact Kayla Satellite Broadcasting Network for broadcast rights in your area. Call 608—647-6387.

EMPLOYMENT SERVICES

Overseas jobs. Also cruiseships, travel, hotels. Listings. Now hiring. To 94K. 805—687-6000 Ext. OJ-7833.

Government jobs $16,040 - 59,230/yr. Now hiring. Call 805—687-6000 ext. R-7833 for current federal list.

"Breaking Into Broadcasting". For exclusive 20 page report mail $9.95 to Coastline Publications, PO Box 533, Somers Point, NJ 08244.

WANTED TO BUY EQUIPMENT

Wanting 250, 500, 1,000 and 5,000 watt AM-FM transmitters. Guarantee Radio Supply Corp., 1314 Iturbide Street, Laredo, TX 78040. Manuel Flores 512—723-3331.

Instant cash—highest prices. We buy TV transmitters and studio equipment. $1,000 reward for information leading to our purchase of a good UHF transmitter. Quality Media. 303—665-3767.

1" vidoetape. Looking for large quantities, 30 minutes or longer will pay shipping. Call 301—845-8888.

Field strength meter good condition. Charles Woodward, P.O. Box 2085, Brentwood, TN 37024.

Attn: Ted Turner/millionaires. Pro sports production company needs your extra 3/4 inch camera/editing equipment...to start. Attractive, intelligent all female staff. 301—542-7419, 804—355-6312, Stefany.

FOR SALE EQUIPMENT

AM and FM transmitter, used excellent condition. Guaranteed. Financing available. Transcom. 215—884-0888. Telex 910—240-3856.

25/20KW FM *Harris FM 25K (1986), Harris FM 25K (1983), *CSI 25000E (1979), *AEL 25KG (1977) **20 KW FM-CCA 20000DS (1972) * Transcom Corp. 215—884-0888, Telex 910—240-3856.

1KW AM **Harris MW1A (1983) *Continental 814-R1 (1983) both in mint condition **Bauer 701 (1983) *Gates BC-1G, 1T, 1J and BC500* Transcom Corp. 215—884-0888. Telex 910—240-3856.

50KW AM **Gates BC-50C (1966) on air w/many spares, in STEREO.* Transcom Corp. 215—884-0888, Telex 910—240-3856.

10KW AM **Harris BC-10H (1980) Mint condition, spares also *RCA BTA-10H 100% spares just taken off air.* Transcom Corp. 215—884-0888, Telex 910—240-3856.

FM transmitters **Harris FM-10H (1974) w/MS-15 RCA BTF-10D (1969) **RCA BTF-5B also 3B **Sparta 602A 2.5 FM **Gates FM-1C 1KW* Transcom Corp. 215—884-0888, Telex 910—240-3856.

New TV startups. Quality Media can save you money. Top quality equipment at lowest prices. Business Plans, financing available. Quality Media 303—665-3767.

Silverline UHF transmitters new, best price, latest technology, 30kw, 60kw, 120kw, 240kw. Bill Kitchen or Dirk Freeman. Television Technology 303—465-4141.

Excellent equipment! UHF-VHF transmitters: 110KW, 55KW, 30KW—used; 1 KW AM, 5 yrs old—perfect! Grass Valley 950/955 sync, 1400-12 switcher Laird 3615A; antennas-TX line; much more! Call Ray LaRue 813—685-2938.

Over 100 AM-FM trans. in stock All powers, all complete, all manufacturers, all spares, all inst. books. AM 1kw thru 50kw, FM 1kw thru 40kw. Besco International, 5946 Club Oaks Dr., Dallas, TX 75248, 214—630-3600. New # 214—276-9725.

Microwave systems. Brand names. Bought, sold, traded. Call for current availability. Maze Broadcast. 205—956-2227.

RCA TTU-50C 55KW UHF transmitter tuned in mid 40's. Currently on air. Avail late Oct. '87. First $75,000.00. Maze Broadcast. 205—956-2227.

RCA TTU-60 Sixty kilowatt UHF transmitter. Mid band. Stainless G-7 936' tower standing. 1100' 6 1/8" line, plus RCA UHF antenna on above tower. All can be inspected on air. $200,000.00 for entire package. Maze Broadcast. 205—956-2227.

Grass Valley 1600-7K production switcher. Just removed. Excellent condition. $28,500.00. Maze Broadcast. 205—956-2227.

Sony BVH-1100 1" VTR with 2000 TBC. Clean and ready. $19,500.00. Maze Broadcast. 205—956-2227.

CMX Edge A/B roll editor. Interfaces for Betacam and BVU-800. 2-1/2 years old. $5750. Call David 202—722-6101.

ITFS transmitting system: 2.5 GHz Repeater equipment for 3 separate 2 channel repeater sites, transmitting antenna, waveguide, transmitter/communications building, associated cables and connectors. Excellent condition. Paul Sedivy 216—696-6900.

Microtime Act 1 squeeze zoom for sale all up-grades, 3 mo. old $16K/offer, currently on-line. 303—698-1145.

Used broadcast & video equipment. We buy, sell, consign, service. Over 1200 units in stock. BCS-Broadcast Store - 818—845-7000.

Computer editor. Four serial interfaces, GPI, latest software, switcher interface convergence-104. $5,000.00. Excellent. 205—837-6659.

Sony Betacam BVW25 9 hours use, mint - $7,990. Many other items available. Center Video Industrial Co. 1—800—621-4354 (Illinois).

VITC and longitudinal time code generator-reader. EECO VIG-850. Like new. $1,000. 205—837-6659.

3/4" and 1" blank videotape. Evaluated tape, broadcast quality guaranteed. Sample prices UCA/KCA-5 minutes, $4.99 each; KCS-20 minutes $6.49; KCA-60 minutes, $10.99; 1" - 60 minutes, $37.99. Elcon evaluated, shrink wrapped, your choice of album or shipper and delivered free. Almost one million sold to professionals. For more info, call 1—800—238-4300; in Maryland, call 301—845-8888.

10KW FM transmitter: McMartin BF-10M 7KW to 15KW complete with exciter, tube set, manual, and some spares. Excellent condition - call 806—372-4518.

Eight channel audio board. Quantum 8 x 4, cue, L-R pan, separate monitor channels, RTS stereo TT preamp. Excellent. $1,000.00 205—837-6659.

Grass Valley 1600-1L only $6,500. RCA TK-46 only $6,900. RCA TK-45s only $4,900. Each. One inch VTR's as low as $7,500. Ikegami 77, 79s, 730 cameras. Several remote trucks available. BVH-2000 VTR. Several large production switchers available at small switcher prices. Call Marvin or Lynwood at Media Concepts 919—977-3600.

1984 35' video mobile unit: 2 TK-761, 1 TKP-45, 1 TK-76 cameras; 2 RCATH-200 1-inch with slo-mo; 2 BVU-800 3/4" decks; DL-series 8-channel Clearcom; Chyron RGU; 26' Gertenslager body; IHC F1954 chassis with less than 25,000 miles. Built for sports production. Jim Ohmstede. 319—291-1206.

ENG news van- Complete equipped with equipment per your specificiations. Available 4-5 weeks after order. Call Video Brokers 305—851-4595.

Sony BVU 820 - Like new, new heads. Sony BVU 800's, several in stock at time of placing ad. Call Video Brokers 305—851-4595.

One inch VTR's - Sony 1000, Sony 1100 & 1100 A's, Ampex VPR 2 & VPR 2B, VPR 6 w/Zeus. All VTR's with warranty, priced as low as $15K. All with TBC and some with full consoles. Call Video Brokers 305—851-4595.

Grass Valley routing switchers. GVG 400 - several to choose from up to 64 x 64 and dual audio. Call Video Brokers 305—851-4595.

Tektronix vectorscope 520 A - Like new, TEK 1480R's, 1740, 1750, sync gens, and test sets. Call Video Brokers 305—851-4595.

Ampex ACR-25B - Good condition with spares & carts. Get ACR back up while waiting for new generation equipment. Units also available with Ampex overhall and warranty. Call Video Brokers 305—851-4595.

Sony edit package - 5850, 5800, RM 440, with warranty, first class condition. Call Video Brokers 305—851-4595.

Ikegami 79D with Triax - Priced right with warranty. Call Video Brokers 305—851-4595.

Sony BVU 850 SP - Low hours. Sony BVP 330 cam in good condition. Sony PAL TBC-BVT 2000 P. Sony triple 5" color monitors. Call Video Brokers 305—851-4595.

Video Brokers - All equipment sold with full 30 day warranty. If you are not happy, we want it back. Call now for other items not in ads. 305—851-4595

RCA BTA 5-G transmitter. Functional/good condition Call Ed Sears at 812—944-7781 or 317—925-6494.

Grass Valley 1600-3G w/3M/E, DSK. plus many other features G P Enterprises. Inc 817—572-0132

RADIO

Help Wanted Sales

Experienced Professional Salesperson needed for local sales in Southern Connecticut. Excellent commission, growing list. HOT radio station. Contact Jefferson Ketcham 203—853-9108; Confidential. EEO

WEBE
108 FM

Situations Wanted Management

HERE I AM . . .

WITH ALMOST 20 YEARS OF RADIO SALES AND EXECUTIVE EXPERIENCE WITH BIG AND SMALL MARKETS. I KNOW WHAT BUDGETS AND PROFITS MEAN TO A SUCCESSFUL OPERATION. NYC AREA PREFERRED, BUT WILL LISTEN TO ALL OPPORTUNITIES. GREAT REFERENCES. RESUME ON REQUEST. REPLY BOX X-50.

TELEVISION

Help Wanted Technical

CNN

SATELLITE UPLINK ENGINEERS

Cable News Network, the leading news system in satellite communications, has career opportunities for engineers with earth station maintenance experience. These positions demand an extensive background in television and satellite uplink engineering. There will be some travel involved. Turner Broadcasting System offers an excellent benefit and compensation program. Send resume to:

Jim Brown, Engineering
Turner Broadcasting System, Inc.
One CNN Center, Box 105366
Atlanta, Georgia 30348-5366

TBS is an equal opportunity employer

Help Wanted Management

WFTX-TV, FT. MYERS - CAPE CORAL - NAPLES NEEDS AN AGGRESSIVE, PROFESSIONAL AND CARING GENERAL MANAGER.

Recent census figures show that our ADI contains the 1st (Naples) and 3rd (Ft. Myers) fastest growing population centers in the United States. Last year, we jumped from 107 to 101 ADI market and we believe that is just the beginning. The general manager we're looking for has broad knowledge of station operations including sales and programming. He may be a G.M. or a G.S.M. or a program director. We prefer independent experience but will consider a network affiliate background. We are the market's only independent so if you're interested in becoming part of a fast growing and well capitalized broadcast group, please send us your resume and if you qualify we'll set up an appointment within two weeks.

Those looking to retire in Southwest Florida need not apply.

Chris Duffy
President and Chief Executive Officer
Wabash Valley Broadcasting Corporation
9100 Keystone Crossing - Ste. 725
Indianapolis, IN 46240

Wabash Valley Broadcasting Corporation
WTHI-TV, AM, FM - Terre Haute, Indiana
WFTX-TV, Ft. Myers, Cape Coral, Naples, Florida
WOGX-TV, Ocala-Gainesville, Florida
TelX Entertainment, Indianapolis, Indiana

EEO, M/F

GENERAL SALES MANAGER

WCBD-TV, Charleston, SC is seeking a GSM with experience in all areas of TV sales; rep experience highly desirable. College degree or equivalent experience.

Company offers excellent benefits package and salary to be commensurate with experience and performance. No phone calls, please. Guaranteed confidentiality for replies and references to:

WCBD-TV, Channel 2
P.O. Box 879
Charleston, SC 29401
Attn: Personnel Dept.

EOE M/F

PROMOTION DIRECTOR

Want to work for a GM who thinks Promotion is one of the most important departments at the station? Creative, marketing-oriented person needed immediately at medium market network affiliate in Midwest. Strong background in on-air news promotion is essential Prefer previous department head experience. Will consider highly qualified writer/producer with top notch reel. Ready to move up. Very competitive salary. Send resume and salary history in confidence to John F. Carpenter, VP/GM. KETV Television, Inc. 27th & Douglas Streets. Omaha. NE 68131.

Help Wanted Programing, Production, Others

EVENT PRODUCER

East-coast sports arena seeks event producer to coordinate in-arena television system, lighting, score boards, music, and intermission activities; will work closely with television department. Candidates should have television and theater background. Strong interest in sports a necessity. Replies confidential. Box X-17.

GENERAL MANAGER WANTED BY WAGT-TV, Augusta, GA

Send resume, references, salary history and requirements by August 25, 1987 to President, Schurz Communications, Inc., 225 W. Colfax Ave., South Bend, IN 46626. No telephone calls. An equal opportunity employer.

CABLE TV PRODUCTION SPECIALIST

($2555 - $3154/mo, plus excellent benefits.) City of Santa Monica, CA seeks production professional with proven track record in video production (producing, directing, shooting, editing, writing, maintaining equipment); aesthetic talent; technical know-how; and ability to train and supervise volunteer staff. Bachelor's plus two years related experience. Apply Personnel, 1685 Main St., Santa Monica, CA 90401, 213—458-8246.

Situations Wanted Management

G.S.M. Position

TV Sales Manager in top market seeks G.S.M. spot in top 20 market. Years selling/management experience, affiliate and independent, national and local. Strong rep. background. Highly motivated self-starter. Excellent people skills. Box X-55.

Situations Wanted Programing, Production, Others

RENT A MAJOR MARKET VOICE FOR YOUR SMALL/MEDIUM MARKET STATION!

You can afford having a major market talent voice your station's promos, ID's, commercials, etc. You send copy, I'll send results! For info write: Voice, 2120 Miramar Blvd., Cleveland, OH 44121...just in time for the new season!

ALLIED FIELDS

Help Wanted Technical

MUZAK®

Sound Business Solutions℠

MUZAK® is a registered trademark of Muzak Limited Partnership.

ENGINEERING

A Director of Engineering is needed with satellite expertise and experience. This individual will be responsible for providing technical leadership to Muzak's Operating Divisions for all service transmitted by satellite to the Muzak markets.

Applicants should have a BA in Engineering, with 10 years experience in Audio and Radio frequency engineering, including a primary focus on satellite technology.

Send resume to:
Human Resources Department
MUZAK LIMITED PARTNERSHIP
915 Yale Ave., #300
Seattle, WA 98109
Equal opportunity employer

WANTED: VIDEO SYSTEMS ENGINEERS FOR

StellaCom, Inc.

Stellacom, Inc. provides engineering, maintenance and operational support for video systems and services used at the NASA Johnson Space Center, Houston, Texas.

To provide increased support to our customer, we are seeking additional engineers with the following qualifications:

- BSEE or MSEE with 5 or more years experience in video design.
- Experience with Image processing/enhancement techniques a plus.
- Excellent writing/presentation skills a must.

Excellent benefits
We are an equal opportunity employer

If qualified, send your resume to:
Stellacom, Inc.,
16441 Space Center Blvd., Bldg. A,
Houston, Texas 77058
Attention: Personnel Department
Principals only, please

Help Wanted Programing, Production, Others

PROFESSIONAL VIDEOGRAPHER
Industrial A/V Department

Candidate must be able to write video scripts and handle production, direction, recording and time code editing of videotaped programs as well as other audio/visual assignments. Position requires some travel. Candidate should have a degree in television production or equivalent, and at least four years experience in broadcast and/or industrial teleproduction. Salary commensurate with experience, excellent benefits. Interested applicants should send resume, letter including salary history and requirements, and videotaped sample of previous work to P.O. Box 1194, Roanoke, VA 24006.

EQUAL OPPORTUNITY EMPLOYER

BROADCAST/CABLE LENDING PROFESSIONAL

Greyhound Financial Corporation is building its Communications Finance Group and has an exciting opportunity for a communications finance professional currently involved in loan origination and structuring. Prefer 4-5 years industry experience with background in credit evaluations.

We offer an outstanding compensation and benefits package including an uncapped sales incentive plan.

If interested, send resume and salary history to:

Greyhound Financial Corporation
Greyhound Tower, #1050
Phoenix, AZ 85077
EOE/M/F/V/H

Employment Services

10,000 RADIO, TV JOBS

The most current and complete computer print-out of job listings published ever. Up to 300 weekly, over 10,000 yearly! Disc jockeys, news, programing, sales engineering. All market sizes, all formats. Complete money back guarantee! 1 week $7.00. Special: six weeks $15.95. You save $26.00.

American Radio/TV Job Market
Dept. F, 1553 N. Eastern
Las Vegas, NV 89101

ATTENTION

BLIND BOX RESPONDENTS

Advertisers using Blind Box Numbers cannot request tapes or transcripts to be forwarded to BROADCASTING Blind Box Numbers.
Such materials are not forwardable and are returned to the sender.

Employment Services Continued

JOB HUNTING?

If you need a job, you need MediaLine. We give you job listings in news, weather, sports, production, programming, promotion, and engineering. For $37.50 you get a daily report for 6 weeks. **1-800-237-8073** (In Missouri 314-442-3364). MediaLine, P. O. Box 10167, Columbia, MO 65205-4002.

MediaLine
THE BEST JOBS ARE ON THE LINE

GUARANTEED JOBS

300 listings in each **BROADCASTERS JOB WEEKLY. DOUBLE MONEY-BACK GUARANTEE** if annual subscription doesn't put YOU to work! Introductory offer 6 weeks $33.
BROADCASTERS JOB WEEKLY
2069 Zumbehl Rd., Suite 249,
St. Charles, MO 63303.

Miscellaneous

CHANNEL YOUR PROBLEM COLLECTIONS INTO PRIME PROFITS!

Our collection services are tailored to your industry's requirements.

- Personalized/Professional Service
- Nationwide representation
- Competitive rates
- RESULTS

AFS
ALLEN FINANCIAL SERVICES
7100 Hayvenhurst Ave.
Van Nuys, CA 91406.
818—785-5500

Consultants

SELLING A STATION?

Contact
BROADCAST MEDIA LEGAL SERVICES℠
a service of McCabe & Allen
FOR IMMEDIATE LEGAL ASSISTANCE CALL
1-800-433-2636
(In Virginia, call 703-361-6907)
QUALITY, FLAT FEE LEGAL SERVICES
AMEX MC VISA CHOICE

Blind Box Responses:

BOX ???
c/o Broadcasting Magazine
1705 DeSales St., NW
Washington, DC 20036
(No tapes accepted)

Business Opportunities

FM, LPTV, and TV APPLICATIONS

Call the "Advisors to the Communications Industry" D.B. Communications, Inc., 301—654-0777.

SELL OR TRADE CONSTRUCTION PERMIT, CLASS A FM RADIO STATION. 417—264-7266 M - TH.

Wanted to Buy Stations

ATTENTION NEW JERSEY

Investment group interested in FM or COMBO in top 150 markets. NJ, PA, FLA. preferred. Reply in confidence to Mr. Stephen Kayne, President, c/o Skyline Media, Inc., 1451 Hwy 88 W, Suite 3-B, Bricktown, NJ 08724. Brokers protected.

For Sale Stations

GREAT PLAINS

Class C FM located in small market. Asking $395,000 with terms. Contact:

BILL LYTLE
(816) 941-3733

CHAPMAN ASSOCIATES®
nationwide media brokers

Will You Sell Your AM Station?

There are Buyers! Our firm is involved in the Nationwide Brokerage of AM stations - only. We invite your inquiry.

SNOWDEN Associates

(Eastern Time)
919-355-0327

BOB KIMEL'S NEW ENGLAND MEDIA, INC.

EGO or ROI

If your EGO is such that you must be able to tell your fellow broadcasters you own a big FM or combo AM/FM - so be it. If you're interested in a good Return On Investment and would stoop so low as to buy an AM standalone...we can show you how to make money.

8 Driscoll Dr., St. Albans, VT 05478
802—524-5963

REDUCED!!

Profitable, Central Kentucky AM Stereo. MUST be sold. Owners other interests make sale necessary. TERMS.

The Shadburne Company
502—423-1059

Hogan - Feldmann, Inc
MEDIA BROKERS · CONSULTANTS
P.O. Box 146
Encino, California 91426
Area Code (818) 986-3201

GEORGIA

Fulltime AM, very profitable. Community Institution...near Atlanta. Model studios..Excellent equipment. Price less than 2X gross.

$1,225,000.00... $500,000.00 down. Owner financing. Steady revenue increase last 36 mons.

Contact
A.O. Healan, President
Sterling Business Brokers
Gainesville, GA 1—404—236-2242

- Fulltimer in Nashville. $560,000.
- 100,000 watts. Southern Nebraska. Includes real estate. $590,000. Terms.
- AM/FM. West Tenn. Only stations in county. $800,000. Terms

Business Brokers Associates
615—756-7635, 24 hours.

BILL - DAVID ASSOCIATES BROKERS-CONSULTANTS

303—636-1584
2508 Fair Mount St.
Colorado Springs, CO 80909

RADIO NETWORK

For Sale - Western group of 3 AM's and a Class C FM. $2.2 million. Forward inquiry to Box X-25. or call 503—643-4930.

TELEVISION STATION FOR SALE

INDEPENDENT TUCSON, ARIZONA 602—795-1050

CALIFORNIA

AM/FM, Central Coast, fastest growing county in state, #1 rated, #1 facility. $3.0mm.

Box X-32.

ESTATE LIQUIDATION

Only Class C in growing Northeast market - rank approximately 325th. One of the dominant stations in audience share with excellent potential to increase revenues. Good AM station included. Call Blackburn & Co., Inc. 202—331-9270.

ONE TIME GROSS

Medium Market Michigan AM, for sale at less than 7 X cash flow and one time gross. Asking $1,500,000 Qualified buyers only. Box 323 Bancroft, MI 48414.

MID MICHIGAN

Strong AM in Medium Market for sale. 1986 cash flow more than $250,000. Asking $1.5 million. Good owner/operator situation. Box 323 Bancroft, MI 48414.

For Fast Action Use BROADCASTING'S Classified Advertising

NEW YORK STATE

AM in major rated market. Only station licensed and physically located in county. Strong tourist attractions. Valuable real estate included. Asking $350,000 cash.

RON HICKMAN
(201) 579-5232

CHAPMAN ASSOCIATES
nationwide media brokers

BROADCAST MEDIA ASSOCIATES
RENO • 702-789-2700 • SEATTLE • 206-643-2116

FM'S & COMBOS
CA-WA-OR-UT-TX-HI-NV
$500,000 - $5,000,000
CLIFF HUNTER - MARK STEVENS

FOR SALE

Fulltime AM/FM combo in Ms. growth market with real estate. 10-49% or 100%. Terms.
Call Don Kern, 1—504—641-1560.

PORTLAND, OREGON
LPTV CONSTRUCTION PERMIT
FOR SALE

Contact Local Broadcasting - 4450 Echo Rd., Bloomfield Hills, Mich. 48013 or call 313—645-5967.

BROADCASTING'S CLASSIFIED RATES

All orders to place classified ads & all correspondence pertaining to this section should be sent to: BROADCASTING, Classified Department, 1705 DeSales St., N.W., Washington, DC 20036.

Payable in advance. Check, or money order only. Full & correct payment **MUST** accompany **ALL** orders.

When placing an ad, indicate the **EXACT** category desired: Television, Radio, Cable or Allied Fields; Help Wanted or Situations Wanted; Management, Sales, News, etc. If this information is omitted, we will determine the appropriate category according to the copy. **NO** make goods will be run if all information is not included.

The publisher is not responsible for errors in printing due to illegible copy—all copy must be clearly typed or printed. Any and all errors must be reported to the classified advertising department within 7 days of publication date. No credits or make goods will be made on errors which do not materially affect the advertisement.

Deadline is Monday at noon Eastern Time for the following Monday's issue. Earlier deadlines apply for issues published during a week containing a legal holiday, & a special notice announcing the earlier deadline will be published above this ratecard. Orders, changes, and/or cancellations must be submitted in writing. (**NO** telephone orders, changes, and/or cancellations will be accepted.)

Replies to ads with Blind Box numbers should be addressed to: (Box number), c/o BROADCASTING, 1705 DeSales St., N.W., Washington, DC 20036.

Advertisers using Blind Box numbers cannot request audio tapes, video tapes, transcriptions, films, or VTR's to be forwarded to BROADCASTING Blind Box numbers. Audio tapes, video tapes, transcriptions, films & VTR's are not forwardable, & are returned to the sender.

Publisher reserves the right to alter classified copy to conform with the provisions of Title VII of the Civil Rights Act of 1964, as amended. Publisher reserves the right to abbreviate, alter, or reject any copy. No personal ads.

Rates: Classified listings (non-display). Per issue: Help Wanted: $1.00 per word, $18 weekly minimum. Situations Wanted (personal ads): 60¢ per word, $9.00 weekly minimum. All other classifications: $1.10 per word, $18.00 weekly minimum. Blind Box numbers: $4.00 per issue.

Rates: Classified display (minimum 1 inch, upward in half inch increments), per issue: Help Wanted $80 per inch. Situations Wanted: (personal ads): $50 per inch. All other classifications: $100 per inch. For Sale Stations, Wanted To Buy Stations, Public Notice & Business Opportunities advertising require display space. Agency commission only on display space.

Word count: Count each abbreviation, initial, single figure or group of figures or letters as one word each. Symbols such as 35mm, COD, PD,etc., count as one word each. Phone number with area code or zip code counts as one word each.

Fates & Fortunes

Media

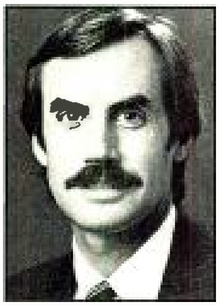
Joseph E. Candido, director, program and sports compliance, to VP, compliance and practices, West Coast, Los Angeles.

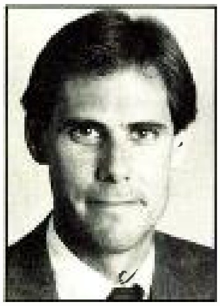
Appointments at Price Communications Corp.: **John T. (Jack) Mazzie,** VP and general manager, WEEK-TV Peoria, Ill., to VP and general manager, Price's WZZM-TV Grand Rapids, Mich., succeeding **John DeRoche,** resigned. **Patrick J. Devlin,** consultant, Price Communications Corp., New York, and former president, Blair Television, to VP and general manager, WEEK-TV; **John W. (Jack) West,** VP and general manager, WREX-TV Rockford, Ill., to same capacity, KFDX-TV Wichita Falls, Tex.; **John Hayes,** VP and general manager, WNBC(AM) New York, to same capacity, KIOI(FM) San Francisco; **Mark Vander Starre,** controller, WZZM-TV, adds controller, television, Price Communications Corp., to his responsibilities.

Andrew Ockerhausen, former executive VP, WMAL(AM)-WRQX(FM) Washington, joins WFTY(TV) there as general manager.

John Squyers, general sales manager, KROY(FM) Sacramento, Calif., named general manager.

John Gehron, operations director, WLS(AM) Chicago, joins WMRQ(FM) Boston, as VP and general manager.


Gehron


Handy

Peter Handy, general sales manager, Sconnix Broadcasting's WBOX(FM) Boston, to VP and general manager, Sconnix's WFLA(AM)-WPDS(FM) Tampa, Fla.

Robert L. Ballantine, VP and general manager, Faircom Inc.'s WSBH(FM) Southampton, N.Y., named VP and general manager Faircom's WTMA(AM)-WSSX-FM Charleston, S.C. **James C. McCaffrey,** director, sales, Southwest, NBC Radio Network, New York, succeeds Ballantine at WSBH(FM).

Morrie Beitch, general sales manager, TVX Broadcast Group Inc.'s KRRT(TV) Kerrville, Tex., named VP and general manager, TVX's WMKW-TV Memphis.

Dolores A. Drolette, controller, WCAX-TV Burlington, Vt., named VP and controller.

Pierre Racicot, assistant VP, human resources, Canadian Broadcasting Corp., Toronto, named VP, human resources.

Bob Surber, general manager, KUPK-TV Garden City, Kan., named general manager, Western division, Kansas Television Network, including KUPK-TV and KLBY-TV Colby, Kan.

Rick Feinblatt, general sales manager, WIOQ(FM) Philadelphia, joins WYSP(FM) there as station manager.

Craig R. Thompson, senior financial analyst, treasury department, Warner Cable Communications Inc., Dublin, Ohio, named general manager, Warner Cable Communications Inc.'s Claremont, N.H., cable system.

Terry South, operations manager, Centel Business Systems, Los Angeles, named manager, customer service, Centel Cable Television Companies, Oak Brook, Ill. **Patricia Simmons,** former legislative director, Representative Dan Coats (R-Ill.), joins Centel Corp., Washington, as general manager, governmental relations.

Appointments at TEMPO Cable Inc., Douglasville, Ga.: **John Lord,** systems manager, Sayre and Cordell, Okla., and Nocona, Tex., cable systems, named systems manager also of Canyon, Suburban, Rockwell and Dalhart, Tex., cable systems; **Bill Barnes,** systems manager DeQueen, Horatio, Murfreesboro, Wright City, Ark., and Valliant, Okla., named systems manager also of Huntington/Mansfield, Ark., and Stigler, Holdenville and Okemah, Okla., cable systems.

William Paul Morton, director, programing, Cablevision of Connecticut and Cablevision of Southern Connecticut, Norwalk, Conn., named assistant general manager of both cable systems.

Bob Mitchell, program director, WKSS(FM) Hartford-Meriden, Conn., named operations manager.

Rich Lewis, announcer, WEZF(FM) Burlington, Vt., named operations director.

Billy Stallcup, business manager, WLEX-TV Lexington, Ky., named controller.

Simuel R. Wilson, controller, WCOV-TV Montgomery, Ala., joins co-owned WLEX-TV Lexington, Ky., as manager, finance and administration.

Steve Clinehens, independent marketing consultant, joins noncommercial KSKA(FM) Anchorage as development director.

Paula Manning, receptionist, KFI(AM)-KOST(FM) Los Angeles, named assistant to station manager.

Marketing

Bob Kuperman, executive VP and executive creative director, Doyle Dane Bernbach/West, Los Angeles, joins Chiat/Day Inc. advertising there as executive VP and creative director. **Alan Campbell,** former president and CEO, Young & Rubicam/Zemp, Miami, joins Chiat/Day, San Francisco, as management supervisor.


Kuperman


Mosse

Sharon Mosse, senior VP and management representative, Backer Spielvogel Bates Inc., New York, named executive VP and management representative.

William L. Clayton, executive VP and general manager, D'Arcy Masius Benton & Bowles Inc./Worldwide Communications, Chicago, named senior VP and director, finance and human resources, New York.

Phil Roberts, senior VP, Masla Radio, New York, joins Roslin Radio Sales Inc. there as executive VP.

Bertrand Hopt and **Lori O'Rourke,** media supervisors, Calet, Hirsch & Spector Inc., New York, named VP's.

Jess Salafranca, former financial manager, KHOU-TV Houston, joins WESH-TV Daytona Beach, Fla., as VP and treasurer.

Carin Callisch, media buyer, Douglas, Rosewater & Brown, San Jose, Calif., joins Carter Callahan Advertising & Public Relations there as media director.

Debra E. Picker, research analyst, BBDO, Chicago, named senior research analyst.

Richard Kerstein, VP and senior art director, Arnold & Co., Boston, joins Girardini/Russell Inc., Watertown, Mass., as senior art director.

Bill Lage, general and national sales manager, WPCQ-TV Charlotte, N.C., joins Raycom Inc., TV program syndicator, there as director, sales, Southeast region.

Elizabeth Keller, account executive, W.B. Doner & Co., Detroit, named senior account executive.

Steve Ockerman, copywriter, Meldrum & Fewsmith, Southfield, Mich., joins R. J. Baker Advertising, Troy, Mich., in same capacity.

Bruce Werner, account executive, Torbet/Select Radio, New York, named account executive, Boston.

Angelica Martin, account executive, Select Radio, Chicago, and **Annie Zoller,** account executive, Tobet Radio, Chicago, join Hillier, Newmark, Wechsler & Howard, Chicago, as account executives.

Dan Wall, account supervisor, KSAS-TV Wich-

Philport to Nielsen. Joseph Philport, president, AGB Television Research, which is about to start a people-meter television service, resigned suddenly last week, and will join A.C. Nielsen as senior vice president, director of market development, effective Sept. 1. Philport will work with Nielsen clients to determine their needs for new research and related products and services, including people meters, syndicated program and cable measurement services, and local broadcast measurment services.

At AGB, the company's chief executive officer, Michael Poehner, has assumed the title of president, while, Barry Kaplan, vice president in charge of network sales, has assumed Philport's day-to-day marketing responsibilities. According to Poehner, Philport's role at AGB was largely in marketing and not development. AGB is also considering whether it has grounds to seek a legal injunction that would bar Philport from any people meter-related activity at Nielsen, given all the confidential information he was privy to at AGB. "That's an issue right now," Poehner said, although he stressed AGB had not yet determined if the company could take legal action. AGB also put out a statement saying it would launch its service as scheduled on Sept. 1.

For his part, Philport said his decision was a "personal business opportunity" he couldn't pass up. Philport will also explore the development of single-source research technology at Nielsen.

ita, Kan., named local sales manager.

Joseph Connor, local sales manager, WFSB(TV) Hartford, Conn., joins WTWS(TV) New London, Conn., as regional sales manager.

Leon Clark, regional sales manager, KFI(AM)-KOST(FM) Los Angeles, named national sales manager. **Richard Wolper,** from WWWM(FM) Sylania, Ohio, joins KFI-KOST as account executive.

Jane Guilfoyle, producer, WMGK(FM) Philadelphia, and **David Alan Resnick,** sales assistant, ABC National Television Sales, New York, join KYW(AM) Phildelphia as account executives.

Joe Oulvey, recent graduate, Western Illinois University, Macomb, joins WHOI(TV) Peoria, Ill., as account executive.

Malcolm Hudriede, general sales manager, KXUS(FM) Springfield, Mo., joins KOLR(TV) there as account executive.

Maureen S. Carson, from KSTP-TV Minneapolis, joins WTNH-TV New Haven, Conn., as account executive.

Vicki Jones, traffic assistant, KZKC(TV) Kansas City, Mo., named traffic manager.

Tim Greenier, account executive, WGBO-TV Joliet, Ill., named national sales manager.

Nancy Dodson, account executive, Blair Communications, Los Angeles, joins KSBY-TV San Luis Obispo, Calif., as national sales manager.

Steve Bishop, account executive, KLUV-FM Dallas, and **Susan Manning,** media buyer, Bloom Advertising, Dallas, join KDFW-TV Dallas as account executives.

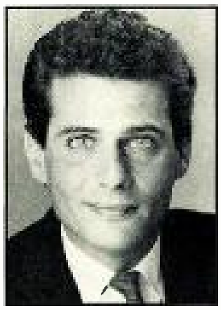
Programing

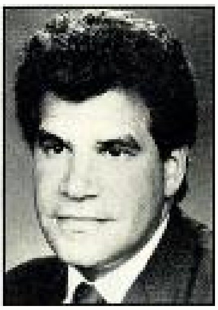
Robert M. Gutkowski, president, Madison Square Garden Network, New York, named executive VP, newly formed MSG Communications Group there. **Bruce Lucker,** president, Lucker & Co., entertainment consulting firm, New York, joins MSG Corp. as executive VP, MSG Entertainment Group, there.

Norman Stephens, VP, movies and mini-series, Warner Bros. Television, Burbank, Calif., named VP, drama series development.

Appointments at Laurel Entertainment, Los Angeles: **Virginia McGuire,** VP, finance, **Mitchell Galin,** VP, production, and **Michael G. Gornick,** VP, production, to senior VP's; **Diane Vilagi,** business affairs administrator and production controller, to VP, production administration.

Michael Lombardo, director, business affairs, West Coast, Home Box Office Inc., Los Angeles, named VP, business affairs, West coast.


Lombardo


Brenner

Appointments at USA Network, New York: **Stephen Brenner,** VP, business affairs and general counsel, to senior VP; **Ray Giacopelli,** research analyst, to senior research analyst.

Appointments at The Disney Channel: **George W. Leitner,** national accounts director, New York, to VP, national accounts, Burbank, Calif.; **Charles Nooney,** director, Western division, Burbank, to VP, affiliate operations, there.

Sandra Henry Morris, director, business affairs, Lorimar-Telepictures, Culver City, Calif., named VP, business affairs.

Dan Acree, director, marketing, KIIS-AM-FM Los Angeles, joins Wally Clark Co. radio syndicator and consultancy firm, Burbank, Calif., as VP, marketing.

Laurey J. Barnett, director, programing, United Television Inc., Los Angeles, named VP and director, programing, United's five TV stations and also Chris-Craft Industries' KCOP(TV) Los Angeles and KPTV(TV) Portland, Ore.

Leslie Glenn, research director, KBHK-TV San Francisco, joins Columbia/Embassy Television, Burbank, Calif., as director, television research.

Alyssa Padia, direct marketing supervisor, Walt Disney Music Co., Burbank, Calif., joins Hanna-Barbera Productions as director, home video marketing, there.

Leila Maw, manager, Granada Television International, New York, named director, Granada Television International.

Victoria del Rosario, feature booker, Orion Television Syndication, Los Angeles, named head booker.

Kathleen Mary Tucci, director, creative affairs, Fred Silver Co., Los Angeles, to VP, talent relations, NBC there. **Marianne Fischer,** production manager, NBC Sports, New York, named director, sports operations, advanced planning.

Appointments at ABC Television daytime drama, *One Life to Live*, staff, New York: **Paul Rauch,** producer, to executive producer; **Charlotte Weil,** coordinating producer, to producer; **Lisa Hesser,** associate director, to associate producer.

Karen S. Jarmon, director, marketing and programing, Connecticut systems, United Cable Television Corp., Denver, joins Bravo pay cable, New York, as Eastern regional sales manager.

Lisa A Gamboa, account executive, King World, Los Angeles, and **C. William DeWert,** program and operations manager, WHO-TV Des Moines, Iowa, join Buena Vista Television, Dallas, as, respectively, account executive, Southern division, and account executive, Midwest division.

John Frawley, operations director, WHAV(AM)-WLYT(FM) Haverhill, Mass., joins WBZ(AM) Boston as program manager.

Dick Lee, afternoon drive personality WDZD(FM) Shallotte, N.C., assumes additional responsibility as program director.

John Kongolo, supervisor, corporate accounting, Children's Television Workshop, New York, named accounting manager. **Mark Guarino,** staff accountant, named senior accountant.

Pamela K. Browne, producer, WNEV-TV Boston, joins WCAU-TV Philadelphia as executive producer, entertainment programs.

Cheryl Head, former executive assistant to president and general manager, noncommercial WTVS(TV) Detroit, rejoins station as director, production.

Kevin Weatherly, music director, KZZP-FM Mesa, Ariz., joins KMEL(FM) San Francisco in same capacity.

David Hop, from WCCO-AM-FM Minneapolis, joins WAYL-FM there as morning announcer.

Bob Rivers, from WAAF(FM) Worcester, Mass., joins WIYY(FM) Baltimore as morning announcer.

Grant Napear, weekend sports anchor, WAND(TV) Decatur, Ill., joins KRBK-TV Sacramento, Calif., as sports director.

Kevin Davenport, late night personality, KBTS-FM Austin, Tex., named midday personality and music coordinator.

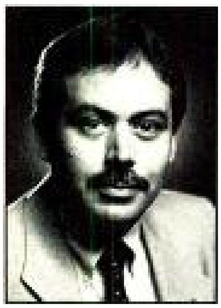
Robert Benjamin, announcer, WXRK(FM) New York, named music director.

Curt Lundgren, announcer, WCCO(AM) Minneapolis, named music director.

Yvonne Karlin, media buyer, Rubin Postaer & Associates, San Diego, joins KYXY(FM) there as evening announcer.

News and Public Affairs

Steve Wasserman, news director WCBS-TV, New York, joins WPLG(TV) Miami as VP, news.



Paolicelli

Paul Paolicelli, news director, WESH-TV Daytona Beach, Fla., joins KPRC-TV Houston, as VP and news director.

Ned Potter, correspondent, CBS News, Boston, joins ABC News as general assignment correspondent, Philadelphia.

Ken Murphy, political reporter, WIBW-TV Topeka, Kan., joins Chronicle Broadcasting, Washington bureau, as assignment manager.

Steve Boyer, news assignment editor, WSVN(TV) Miami, joins WCIX(TV) there in same capacity.

Jim Hill, sportscaster, KCBS-TV Los Angeles, joins KABC-TV there in same capacity; he will also host ABC-TV's *NCAA Scoreboard*, football feature.

Appointments at WBAL-TV Baltimore: **Tony Regusters,** news and public affairs producer, WTTG(TV) Washington, to producer, news at noon; **Joe DeFeo,** producer, news at noon, to producer, all weekend newscasts and special projects; **Brenda Teele,** student, Howard University, Washington, to production assistant.

Briscoe

Roy Briscoe, noon anchor for 16 years at WBNS-TV Columbus, Ohio, and anchor of various news programs since joining station in 1958, retires for health reasons.

Appointments at WTOP(AM) Washington: **Grant Winter,** writer-producer, morning news, WJLA-TV Washington, to AM drive editor; **Brian Morton,** news director, noncommercial WMUC-FM College Park, Md., to assistant editor; **Paul Sherry,** sports reporter, WJZ-TV Baltimore, and **Paul Greenberg,** WTOP(AM) intern, add duties as weekend sportcasters; **Kyle Johnson,** assistant editor, adds duties as on-air reporter.

M.J. Bear, producer, KCRG-TV Cedar Rapids, Iowa, and **Theresa Rossi,** managing editor, WWAY(TV) Wilmington, N.C., join WXII(TV) Winston-Salem, N.C., as news producers. **Jan Karyl,** reporter, KOSA-TV Odessa, Tex., joins WXII(TV) as Greesboro, N.C., bureau chief.

Jim Condelles, reporter and anchor, New York Times Broadcasting's WHNT-TV Huntsville, Ala., joins co-owned WREG-TV Memphis as reporter.

Daniel Dobrowolski, weather anchor, WEWS(TV) Cleveland, joins WFLD(TV) Chicago as meteorologist.

Roger Gray, from KHOU-TV Houston, joins KPRC(AM) there as morning talk show host.

Camilla Carr, weekend anchor and reporter, WCAU-TV Philadelphia, joins WBAL-TV Baltimore in same capacity.

Stuart Maddux, recent graduate, University of Missouri, Columbia, joins WHOI(TV) Peoria, Ill., as photographer.

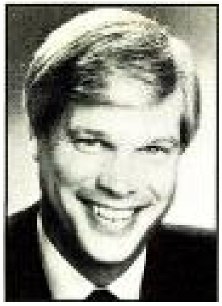
Appointments at WITN-TV Washington, N.C.: **Neil Fox,** producer, adds duties as morning anchor; **Audrey Kelsey,** weekend producer, to weeknight producer; **Mike McVey,** parttime producer, to weekend producer.

Giselle Fernandez, weekend anchor and reporter, KTLA(TV) Los Angeles, joins WBBM-TV Chicago as general assignment reporter.

Technology

Raymon A. Heaton, president, Atlanta Instrumentation Division, Scientific Atlanta Inc., Atlanta, joins Radiation Systems Inc., Sterling, Va., as VP, operations, SatCom Technologies Division.

Jim Guthrie, director, national sales, The Droid Works, Los Angeles, joins Mitsubishi Pro Audio Group, San Fernando, Calif., as U.S. national sales manager. **Joe Gorfinkle,** technical services manager, digital audio, Westlake Audio, Los Angeles, and **Michael May,** operations manager, Digital Dispatch, Los Angeles, join Mitsubishi Pro Audio Group, as regional sales managers. **Stuart Allyn,** applications engineer, Martin Audio/Video, New York, joins Mitsubishi Pro Audio Group there as regional sales manager.



Crispin

Jon Crispin, budget director, DeLaurentiis Entertainment Group Inc., Beverly Hills, Calif., joins Mediatech West television commercial distributor and videotape duplicator, Chicago, as VP, sales and marketing.

Dean Flygstad, VP, engineering, Telex Communications Inc., Minneapolis, named senior VP, science and technology. **Joseph Winebarger,** succeeds Flygstad as VP, engineering.

Ginnie Gardiner, director, sales, Charlex Productions Inc., New York, joins Post Perfect Inc., post production facility there, as director of sales.

Steve Little, sales and marketing executive, Research Technology International, Lincolnwood, Ill., manufacturer of videotape inspection and cleaning equipment, named director, broadcast sales.

Michael Wuellner, national sales coordinator, professional products, Nakamichi U.S.A. Corp., Torrance, Calif., joins Audio-Technica U.S. Inc., Stow, Ohio, manufacturer of microphones, as sales manager, professional products.

James D. Moldow, account executive, Video Dub Inc., New York, joins TPC/Channel One, Sewickley, Pa., post-production and tape duplication facility, as sales representa-

O'Reilly

Goldstein

Whitewater tragedy. Five advertising executives were killed on Saturday, Aug. 1, when they were thrown into the rapids of the Chilko River in British Columbia from their inflatable raft. Among the dead was Richard T. O'Reilly, 65, who had been a top executive with Wells, Rich, Greene and SSC&B before becoming a consultant in 1975 and handling President Reagan's 1980 advertising campaign. Recently he had been serving as the national director of the Media-Advertising Partnership a for a Drug-Free America. Also killed in the accident were Robert V. Goldstein, 50, vice president of advertising, Procter & Gamble; James Fasules, 63, former senior vice president of DDB Needham Worldwide, Chicago, and Stuart Sharpe, 37, and Gene Yovetich, 41, both senior vice presidents and account managers at DDB in Chicago. Survivors included Michael Miles, president and chief executive officer of Kraft Inc., and Al Wolfe, president of U.S. Division of DDB Needham.

tive.

Peter Fatovich Jr., director, marketing, Broadway Video, New York, joins VCA Teletronics Inc., New York, production facility, as account executive.

Sean Phillips, graphic artist, Creative Technologies, Troy, Mich., joins Grace & Wild Studios, Detroit, as computer graphic artist and operator.

Robert M. Gordon, manager, technical planning and former general manager, noncommercial KNME-TV Albuquerque, N.M., retires after 28 years with station.

Marvin Hite, transmitter supervisor, WBNS-TV Columbus, Ohio, named assistant chief engineer.

Larry Beavers, chief engineer, KGRO(AM)-KRAV(FM) Tulsa, Okla., joins noncommercial WEVO(FM) Concord, N.H., as engineering manager.

Promotion and PR

William J. Goodell, director, external communications, Ford Motor Co., Dearborn, Mich., named executive director, corporate public affairs; **Jerry L. Sloan,** VP, public relations, replaces Goodell as director.

Appointments at NBC: **Patricia Schultz,** manager, media relations, NBC Productions, to manager, corporate information, West Coast; **John Paul Rosas,** manager, media services, production, Burbank, Calif., to director there; **Iris Gelt,** VP, account operations, Bender, Goldman & Helper, to media representative.

Kit Simon, director, advertising sales, Midwest division, Buena Vista Television Inc., Burbank, Calif., named director, national advertising/promotion.

Laura Lambers, executive secretary, WHEC-TV Rochester, N.Y., named assistant promotion director.

James A. Thomas, promotion writer and producer, WTAE-TV Pittsburgh, joins WOTV(TV) Grand Rapids, Mich., as promotion manager.

Appointments at Prism Entertainment: **Amy Sexauer,** director of special projects, Congress Video, New York, to manager, advertising/public relations/special events; **Clay Baxter,** Western regional sales manager, Congress Video, New York, to same position at Prism, Los Angeles; **Diana Dearlin,** senior designer, creative services, Prism Entertainment, New York, to manager, Los Angeles; **Lynn Franks,** assistant, creative services, to project coordinator, L.A.; **Hiede Marie Cantor,** assistant to director, operations and production, L.A., to project coordinator, production there; **Sarah Mandell,** assistant, acquisition and development, to copy writer, creative group, L.A.

Allied Fields

Tim Duncan, president, Boston Media Consultants, and research consultant for Advertiser Syndicated Television Association, New York, named executive director, ASTA, succeeding **Warren Boorom,** retired.

Ted Turner, chairman and president, Turner Broadcasting System Inc., Atlanta, named 1987 recipient of Lowell Thomas Award for achievements in electronic journalism, presented by International Platform Association—156-year-old lecture circuit organization.

William S. Rubens, VP, research, NBC, New York, named president, Market Research Council, 1987-1988 term, following tenure as council's VP, 1986-1987.

Jeffry L. Hardin, attorney, Vinson & Elkins, Washington, joins Fleischman & Walsh there as attorney specializing in communications, corporate, transactional and securities matters.

Deaths

William A. Marsteller, 73, retired founder of Marsteller Inc. advertising agency, New York, and co-founder Burson-Marsteller public relations, New York, died Aug. 3 at his Palm Beach, Calif., home of causes family refused to identify. Author of corporate memoranda anthologies, "The Wonderful World of Words" and "Creative Management," and former VP, marketing, Rockwell Manufacturing Co., Chicago and Pittsburg, he was inducted into Advertising Hall of Fame in 1979—same year his companies were both acquired by Young & Rubicam, New York. Marsteller Inc. is now part of HDM Agency, owned jointly by Young & Rubicam, Havas Conceil of Japan and Dentsu of Japan. He is survived by wife, Gloria, two daughters and two grandchildren.

Floyd Hall, 79, radio engineer, died July 24 of heart failure at Loma Linda Community Hospital, Loma Linda, Calif. He established one of California's first radio stations in Long Beach in 1924 and was engineering and building consultant up until his death. He is survived by wife, Frances, a daughter and two grandchildren.

Eric Salline, 65, retired director, affiliate relations, CBS Radio, New York, died Aug. 4 of heart attack at Felps Memorial hospital, North Tarrytown, N.Y. Salline, 40-year employe of CBS Radio, joined company in 1940's in short wave department and later worked in sales service department before moving to affiliate relations. He retired in 1984. Salline is survived by his wife, Ruth, son and daughter.

Loren Bridges, 86, radio engineer, died July 25 of heart attack at Bonner General hospital, Sandpoint, Idaho. Beginning with KTIS-AM-FM Minneapolis, in 1949, he designed 25 Christian radio stations and served as radio consultant for Billy Graham Evangelistic Association. He is survived by wife, Martha, and son.

Carlton Fredericks, 76, host of nutrition advice call-in program, *Design for Living*, on WOR(AM) New York, died of heart failure July 28 at St. John's Hospital, Yonkers, N.Y. His advocacy of nutritional treatment for common medical disorders brought both Federal Food and Drug Administration and Federal Trade Commission attention to his work in 1960's. His program aired weekdays and Saturdays for past 30 years. He is survived by wife, Betty, and three children.

Kenny Price, 56, musician and television personality, died Aug. 4 of heart failure at Booth Memorial Hospital, Florence, Ky. He was featured on WLW(AM) Cincinnati radio show, *Midwestern Hayride*, from 1954 to 1972. Syndicated television program *Hee Haw* also featured him as singer and "Elrod the Sheriff" from 1973 until his death. He hosted Nashville Network's weekly travel program, *Wish You Were Here*, since spring, 1986. He is survived by wife, Donna, and three children.

Mary Alice Williams: delivering the great American newscast

Mary Alice Williams wanted to write the Great American Novel. "But," she says in her office with its expansive windows overlooking midtown Manhattan, "it didn't work out that way." Right now she hasn't the time to write much of anything besides directives and memos—the work of a Cable News Network vice president who doubles as network news anchor.

Williams runs the 24-hour cable network's second largest bureau and largest production facility outside CNN's Atlanta headquarters, overseeing six divisions and 200 people. It is a position requiring "a constant concentration on things and not people or events," she says, "clearing the obstacles away, so the people here can do journalism."

It also means taking a back seat in the journalism department. "Last night," she remarked, "I wrote for the first time in two weeks." As anchor for *Newswatch* at 5-6:30 p.m. (NYT) and *Prime News* at 8-9 p.m., Williams reads what is mostly the work of others every Monday through Friday. She wishes her administrative job gave her more time for hands-on work in news.

"My favorite room in all of American television is the edit room, the one I only wave at now," she says. "I don't get to do a lot of that, but I figure reporters do stories all day, every day, waiting for the big one. When the big one comes along, I think it would be terribly unfair for the principal anchor or a vice president to take that story away from those people."

Her current role "really keeps my hand in on both sides," and each part of her job supports the other, she says. "I think I'm a better anchor for understanding that these people do the work, and at the end of the day I sit down and represent them the way they deserve to be represented... And if I don't, they get to throw pencils at me," she says. "Would I be allowed to do this anywhere else? Probably not. In fact, most surely not."

Williams's inside perspective is one developed since before the network debuted on June 1, 1980. Hired as New York bureau chief, and part of a group made up mostly of reporters charged with designing the network, she has seen CNN grow from a staff of 250 into a global television network with 1,600 employes. CNN can now be seen in 54 countries and 41.1 million U.S. homes.

The path that led to CNN began in Minnesota, where she grew up in a family of five children and where an interest to "be in a position where I could see things firsthand and meet the people who make decisions" first developed.

Her career as a journalist began the day after her graduation from high school. She went to KSTP-TV Minneapolis and asked for a summer job as a producer. "Now imagine," the slim executive says today, "165 pounds, braids down to my waist, a high soprano voice, and 18."

MARY ALICE WILLIAMS—vice president, Cable News Network, New York, and anchor, CNN's *NewsWatch* and *Prime News*; b. March 12, 1949, Minneapolis, Minn.; BA, English and mass communications, Creighton University, Omaha, 1971; reporter, summers and school vacations, 1967-71, KSTP-TV Minneapolis; line producer and executive producer, KSTP-TV, 1971-1972; writer, executive producer and news manager, WPIX(TV) New York, 1973-1974; reporter and anchor, WNBC-TV New York, 1974-Dec. 31, 1979; New York bureau chief and anchor, CNN, January, 1980; present position since 1982; single.

The station had no producer availabilities, but she was hired as a reporter. At the time "the story, the trend in the country, was young people," Williams recalls. It was a time "when the baby boomers were sort of on the march at a number of different levels," participating in rock festivals, campus riots, antiwar protests, the women's movement. "They were my peers," she says.

She reported at KSTP-TV during summers and school vacations while attending Creighton University in Omaha. Upon graduation, in 1971, she became a producer for KSTP-TV's 6 p.m. newscast. She eventually became an executive producer.

In October 1972 she gave it all up, put on a backpack and headed for Europe with a girl friend. But by December she was "terribly homesick" and headed home for Christmas. As fate had it, a New York snowstorm delayed her connecting flight to Minnesota.

As she remembers, "I had $6.65 in my pocket. So I spent $2.50 on a bus and came into Manhattan because I had heard of it." Getting off on Madison Avenue, as a light snow fell on a city filled with holiday spirit, she started walking, passing city landmarks. It was Dec. 18, 1972, she recalls. "I decided this was it. I was going to stay."

But first she went home for Christmas, and for replenishment of the resources needed to seek a career in New York. She found one at WPIX(TV) New York as a writer. After about two months she became an executive producer and news manager. A year later, she joined WNBC-TV New York as a reporter and anchor for the morning and weekend news and worked there until joining CNN in 1980.

Of the cable network's early years, Williams says there were three objectives: to make a TV news operation that could succeed as a business, by itself with "no board of directors, flushed with entertainment profits, to which we could go begging"; to gain credibility within the industry, and to develop enough recognition that people would agree to be interviewed and "come to our cameras—like the other guys."

Additionally, CNN has earned its reputation for providing live coverage of major events. From the raid on Tripoli, to the Challenger, to Chernobyl, "people got used to tuning in to CNN... Now everybody is more willing to go live because that trademark of ours has, I think, forced a little competition." CNN at seven years old "has gotten, I think it's fair to say, a lot of prestige and a lot of credibility," she says. During the network's first year "we used to call ourselves Junior Network. It's not Junior Network anymore."

Asked where she sees herself 10 years hence, Williams replies: "I've never done that. All the way along, whatever I was doing, that's what I was doing now, and whenever anything came along, I just did it...It's hard to know what's going to happen in television now."

Nonetheless, she'd "love to break that glass ceiling," she says, referring to the jobs she says women have not been able to attain at the commercial broadcast networks, such as top level executive positions and the prime time evening news anchor desk. "If it's not me, it's going to be somebody else and I'll be cheering just as hard."

Asked if she hasn't already achieved that, she says: "There isn't a glass ceiling here. Well," she says as she looks at her glass-enclosed office, "there is, but I designed this glass ceiling." At CNN, she says, "we are constrained by the finite number of jobs there are at the top, as is true in any corporation. But I don't believe we're constrained by gender at all."

When she is not overseeing CNN's New York bureau or reporting on the people and events that shape the world, Williams spends her time visiting her family, now scattered throughout the U.S., or renovating "a very old and unstable apartment" on Manhattan's West side.

She says she has tended to keep "a long view" of things throughout her career, focusing on what she wanted to do, and turning any obstacles along the way into opportunities. "As long as you have your eye on that," she says, "so you trip on a curb every now and then."

In Brief

Bradley P. Holmes, former aide to FCC Chairman Dennis Patrick and now chief of Mass Media Bureau's policy and rules division, **is White House's choice for FCC's fifth commission seat.** According to sources, administration selected Holmes last Thursday to fill seat that's been vacant since former Chairman Mark Fowler departed in April. Formal announcement, however, won't happen until completion of FBI check, which takes up to 60 days. Pulling himself out of running for FCC slot earlier this week was Craig Smith, president of Freedom of Expression Foundation. Smith said he asked White House to withdraw his name. His chances were said to have decreased dramatically after FCC's *Meredith* decision last week. Smith's foundation is chief critic of fairness doctrine and it was felt his nomination would face stiff resistance from Senator Ernest Hollings (D-S.C.), whose committee must sanction FCC appointments.

□

Senator **John Danforth** (R-Mo.) last week **announced his support of S. 889,** legislation aimed at introducing more competition to home satellite marketplace. Danforth's decision to back bill was influenced by testimony at Senate Communications Subcommittee hearing on TVRO industry two weeks ago (BROADCASTING, Aug. 3). "As a result of the hearing, it is clear to me that the marketplace has not responded rapidly or effectively to protect the rights of home dish owners," said Danforth. "I have therefore decided to add my name as a co-sponsor," Danforth said.

□

Chiat/Day, Los Angeles, announced last week it had **landed Nissan Motor Corp. U.S.A. account,** with estimated billings of $150 million.

Compulsory comments. *The National Cable Television Association last week charged the Association of Independent Television Stations' comments in the FCC compulsory license inquiry violate the agreement between the broadcast and cable industries that led to the FCC's adoption of new must-carry rules in August 1986. In its comments, INTV suggested that Congress limit the application of the license to the carriage of local signals only and condition cable systems' use of it on their accepting "a reasonable local signal carriage obligation." For distant signals, it said, the license should be scrapped altogether. According to NCTA President Jim Mooney, INTV's comments violate its promise at the time the must-carry deal was struck not to seek legislation to repeal the compulsory license. "They've now clearly gone back on their word and have done it without benefit of any intervening event giving them an excuse to do so," said Mooney. "This saddens me; good faith is the glue that makes civilized politics possible; without it our industries have little chance of reaching voluntary solutions to their problems."*

INTV President Preston Padden, however, said INTV's comments, "which plainly contemplate the continuation of the compulsory license cannot be construed as a violation" of the interindustry agreement. Padden also suggested that NCTA and the Community Antenna Television Association have not adhered to the spirit of the agreement. Their expressions of concern about the constitutionality of the rules contributed to the FCC's adopting a five-year sunset for the rules, he said. In addition, he said, the cable industry embarked on a nationwide campaign of channel shifting and re-tiering. "Broadcasters' objections to these shifts were met with the admonition that we should have been more prescient in anticipating the cable industry's secret re-tiering plans and more vigilant and alert to the precise legal wording of the compromise."

The NCTA had no problem with the National Association of Broadcasters' comments. NAB urged the FCC to "refrain from making a recommendation to abolish the compulsory license at this time. Such a radical recommendation would be quite harmful to the sensitive interindustry relations in the marketplace, to the detriment of the public. A simple recommendation to abolish the compulsory license would be inconsistent with the commission's obligations under. . . the Communications Act."

Also in running were William Esty Co. and Tatham-Laird & Kudner. Esty landed account in 1977 when it billed $40 million.

□

WEWS(TV) Cleveland has been **awarded rights to Cleveland Browns game in ESPN's NFL package** by Ohlmeyer Communications. Cleveland was only city in which broadcast right remained unresolved since Ohlmeyer finished bidding of the games two weeks ago (BROADCASTING, Aug. 3). □

In **survey of top cable MSO executives, 67% believe that altering CNN Headline News to carry financial news** during day **would hurt their cable business.** Marquest Research, Beaufort, S.C, received reaction from 15 of top 23 MSO's, including seven of top 10. Of senior managers interviewed, 13% thought news shift would help their business, 13% said it would make no difference and 7% had no opinion.

□

Last Thursday **Hallmark Cards** and **First Chicago Venture Capital closed their $297-million purchase of five TV stations** and five low power TV stations from Spanish International Communications Corp. Transfer of stations, all of which carry Hispanic programing, was made with bridge financing provided by acquirors and despite fact that petitions have been filed asking FCC to reconsider approval of deal. Hallmark will own 75% of station group with First Chicago owning remaining 25%. Stations are KFTV(TV) Hanford (Fresno), Calif.; KMEX-TV Los Angeles; WLTV(TV) Miami; WXTV(TV) Paterson, N.J. (New York), and KWEX-TV San Antonio, Tex. Low power TV stations are located in Bakersfield, Calif.; Denver; Hartford, Conn.; Philadelphia, and Austin, Tex. Still pending is joint-venture's $24 million purchase of KDTV(TV) San Francisco.

□

New World Entertainment Ltd. said it would launch **$41-per-share hostile tender offer for Kenner Parker Toys** early this week. Target company on Thursday filed suit alleging that tender violated law in Massachusetts, where Kenner does business, preventing any 5% holder of company from taking it over until year's time has elapsed. New World also filed suit saying that Kenner directors violated fiduciary duty by refusing to discuss previous New World offer. Kenner stock was trading late Friday afternoon at 44¼, down 1⅜ from previous day's close. New World tender offer is contingent on financing.

□

FCC acted on two short-spacing proceedings involving New England FM stations. Waiver of short-spacing rule was granted to Sunshine Broadcast Group's WMGX(FM) Portland, Me., over objection of Tri-County Broadcasting Inc. Sunshine had applied for relocation of WMGX's transmitter to site 38.59 miles from transmitter of Tri-County's WOXO-FM Norway, Me., resulting in short spacing of 1.41 miles. Request was made in order to solve problem of interference between WMGX and WCSH-TV Portland. Commission agreed with Sunshine's claim that while any move by WMGX would result in some short spacing, its proposed conflict with WOXO-FM would be minimal. FCC, however, denied request by Fuller-Jeffrey Corp. of New England for its WOKQ(FM) Dover, N.H., which sought to move its transmitter site and increase antenna height. Waiver would have created short spacing of 1.4 miles with WINQ(FM) Winchendon, Mass., while eliminating 0.8-mile short spacing with WJBQ-FM Portland, Me. Commission found that Fuller-Jeffrey failed to meet basic requirement that stations seeking waivers must show site selected would result in least possible short-spacing.

□

Noncommercial **WNET(TV) New York plans to** bring ABC's canceled news series, ***Our World,* to public television,** pending completion of co-host Linda Ellerbee's contract negotiations with ABC. WNET would co-produce series with Ellerbee's newly formed Lucky Duck Productions, New York, offering 13 episodes to Public Broadcasting Service for national distribution. Production is dependent upon WNET's ability to raise $5 million from corporate sources and PBS member stations. Program would feature segments with Ellerbee as anchor. However, ABC Entertainment President Brandon Stoddard said ABC owns title and "probably the concept" of *Our*

World, and "it would be real unlikely that we'd give it up." ABC News could conceivably sell program to PBS, he said, but "it would be very unlikely that they would do that." Stoddard said ABC may decide to bring *Our World* back at some time.

Washington-based **Association of Maximum Service Telecasters Inc. chairman, Fred Paxton, announced** that AMST **president, Tom E. Paro, will retire in July 1988,** upon 65th birthday. Advance warning, said Paxton, "offers us a generous amount of time to complete the difficult task of filling his shoes." Former NBC vice president, and general manager of NBC's WRC-TV Washington, Paro joined AMST as executive vice president, in 1977. He became president following year. In recent years, Paro has been most active in pressing industry and FCC toward better enforcement of frequency assignment and technical standards (BROADCASTING July 27).

Valerie Harper, star of NBC comedy, *Valerie*, **returned to work last week** after one-week walkout in contract dispute over money. Word on street was Harper settled for approximately $70,000 per episode for next season.

Universal has **dispatched cardiologist to London to do further tests on Edward Woodward, star of CBS's *Equalizer*,** who suffered heart attack last week. Word from Universal (which produces show) last week was that if Woodward is not healthy enough to resume work in late August, show may introduce new character to be focus of episodes after first five (which Woodward completed before being stricken) have run course next season. Woodward's character would have lesser role, relegated to voice narration and clips inserted from earlier episodes.

Attempt to bring old CBS series, *Amos 'N' Andy*, to Broadway has been barred. U.S. District Court judge in New York has ruled CBS still holds rights to series, taken off air 23 years ago after protests from civil rights groups that show was demeaning to blacks. Producer Stephen Silverman had argued, unsuccessfully, that CBS lost rights to show through lack of use and failure to enforce rights. Since taking show off air in 1964, CBS has allowed use of characters and clips in historical or educational programs only.

CBS said last week it **reached out-of-court settlement** last week with **seven former *Nightwatch* staffers,** all women, who filed sexual harassment claim last year. Each plaintiff sought $2 million in damages, but terms of settlement were not disclosed.

NBC, in attempt to reduce commercial clutter on air, said last week it would **no longer permit promotional voice-overs at end of daytime game shows giving companies plugs for providing prizes.** Move will add to costs of prizes for NBC, although network said it would offset some of those costs by adding "limited number" of regular spots in daytime shows.

CBS confirmed it had acquired rights to **television movie script based on biography of Lieutenant Colonel Oliver North.** Deal was made with Mike Robe, who wrote and directed "Murder Ordained," made-for-TV-movie which previously aired on CBS. Biography on which script is to be based, "Guts and Glory," is being written by *Boston Globe* political reporter, Benjamin Bradlee Jr., and is scheduled for publication later this year.

Board of National Public Radio last week **sent to member stations "discussion paper" outlining alternatives to current service structure.** Paper includes six options—two of which are presented as not workable—to be discussed by NPR members in their pursuit of "unbundled" structure. Members voted at annual meeting last May to endorse concept of unbundling (giving members discretion in purchasing services rather than requiring single fee for access to all services), but asked board to come up with at least three plans (BROADCASTING, May 11).

American Public Radio has **formed four-member committee to search for successor to President Al Hulsen,** who will resign Sept. 1 (BROADCASTING, July 20). Committee is headed by public board member Bill Dietel, president of New York's Rockefeller Brothers Fund, and includes APR Chairman Ken Dayton, APR vice chairman and former president, Bill Kling, president of Minnesota Public Radio, and Susan Harmon of KERA(FM) Dallas, all of whom are board members. Committee will work with as-yet-unnamed search firm. APR has notified all public radio stations of search and has asked for recommendations and applications.

Associated Press Network News will air its **first long-form, music-oriented program** on Friday (Aug. 14), 24-minute music/narration special on singer Elvis Presley, marking 10th anniversary of his death. Special will be hosted by AP News Correspondent Sam Litzinger.

Fox tour. *Now that Fox Broadcasting will air the Emmy Awards ceremony, the Academy of Television Arts and Sciences is no longer prohibited by its three-network rotation contract from considering cable programs for awards.*

Speaking last Friday at the Fox portion of the TV critics press tour, academy president Richard Frank said that discussions are under way among academy members to possibly have cable awards in future shows. But there would be conditions. Cable program would have to reach a certain percentage of nation's television households, Frank said. He also would be opposed to making cable part of the awards show if the ACE awards continue, and other academy members have expressed similar opinions.

Don Ohlmeyer, exective producer of the September program, said it will contain no musical presentations and there will be no restrictions on how long winners can speak. However, special presentations will be made honoring the late Jackie Gleason, who never received an Emmy, and Hill Street Blues, *he said.*

Meanwhile, FBC President Jamie Kellner said he was angered Fox did not receive the rights to National Football League games, and said the Federal Trade Commission, as part of its investigation of the NFL pact with cable and networks, approached Fox officials two weeks ago asking if they could accommodate Monday Night Football. He said he assumed they were judging how fast to pace their investigation, but declined to say whether they indicated Fox could still get any of those games. Kellner claims Fox outbid other parties.

Also Friday, Garth Ancier, senior vice president of programing for FBC, said the next night of programing to be introduced will be either Friday or Monday. He announced that Fox, following ABC's lead with the Dolly Parton show, will add a second variety show around next January, titled The Nell Carter Show, *from producer Bernie Brillstein. Other pickup orders are for* Women in Prison, *the working title of a half-hour comedy from Ron Leavitt and Michael Moye, executive producers of Fox's* Married With Children, *and two untitled projects, one from Dennis Klein, writer/producer for* Buffalo Bill *and "Beverly Hills Cop" movies, with a one-hour comedic drama. The other is from Gloria Monte, former executive producer of* General Hospital, *a nighttime serial for Fox scheduled to air next spring. Two backup orders include the sitcom,* Family Man, *and the drama,* Second Chance.

The Late Show's *new executive producer, Barry Sand, who sources said made $900,000 a year with the David Letterman program, plans to have a co-host format for the show, which is to be more comedy than talk-oriented. The new format will be introduced in phases, he said.*

Editorials

The main event

Mark Aug. 4, 1987, as the day the FCC proclaimed the emancipation of the Fifth Estate. The decision adopted that day to strike down the misnamed fairness doctrine was also an eloquent declaration that the electronic and print media are entitled to equal First Amendment rights. No matter what happens from now on, the names of Dennis R. Patrick, James H. Quello, Mimi Weyforth Dawson and Patricia Diaz Dennis rate permanent inscription on the electronic honor roll.

Mark Aug. 4, 1987, also as the beginning of a confrontation that could be the most critical in the history of federal regulation of the Fifth Estate. If the names of Patrick, Quello, Dawson and Dennis belong on the honor roll, the names of Fritz Hollings, John Dingell, Ed Markey and such are suited to another repository. The reaction of the fairness doctrinaires on Capitol Hill to the FCC's carefully reasoned and masterfully argued order in the WTVH case was pure bile. If no vow were made to burn Patrick at the stake, it was through oversight.

There are, as explained elsewhere in this issue, several scenarios that may be played out before the dispute over the fairness doctrine and, of more importance, basic constitutional rights is ultimately settled. The one certainty is that the Hollingses, Dingells, Markeys et al, egged on by the Henry Gellers whose careers have been sustained by federal regulation of broadcasting, will do everything they can to prevent the FCC's decision from getting the undistracted scrutiny it deserves in court. Let the fairness order be affirmed on appellate review, and the proclamation of emancipation becomes emancipation.

What is wanted by the doctrine's advocates is an act of Congress, like the one adopted last June, that embeds fairness in the law and with it a set of congressional findings that accord the Fifth Estate a lower order of First Amendment protection than the Fourth Estate enjoys. The findings that accompanied the Fairness in Broadcasting Act of 1987 that the President vetoed were in direct contradiction of the conclusions that the FCC reached last week. Never mind that the findings were based on no evidence and were mouthings of obsolete theory, they were the words of Congress and, if the veto had been overridden, would be entitled to consideration by the courts in any constitutional challenge of the fairness act.

The National Association of Broadcasters bravely asserted last week that if Congress passes another fairness act, the NAB will go to court. The association would have two options: to wait for the FCC to find a fairness violation under the new law and support the victim in the appellate process or to challenge the new law directly in a federal district court. The latter is viewed as a chancy option by many First Amendment lawyers. District courts are of uneven competence and disinclined to rock the boat; to courts of appeal, by contrast, boat rocking is a way of life. Not only that, in a district court proceeding, lawyers say it wold be difficult to introduce the record of the FCC's 1985 fairness report and its decision of the last week. At issue would be an act of Congress and the legislative rationale for it—weighted heavily against the First Amendment rights of broadcasters.

There is a better option for the NAB and for all broadcasters who see at last a chance to rise above the second-class citizenship to which they have been consigned since the Radio Act of 1927. It is to keep another Fairness in Broadcasting Act of 1987 from adoption. No serious opposition was presented by the broadcasting establishment while the Congress was spitting on the First Amendment last June. The NAB feared reprisals against other legislation it wanted. If broadcasters allow another fairness act and its repressive findings to emerge in a form the President can't veto, they may have forfeited their future in the company of free media.

It is a given that the sentiment on Capitol Hill is running strongly toward a new fairness act, not to mention direct punishments of the FCC. But cooler heads are to be found, and an August recess has begun. While the legislators are away, it would be a mistake for lobbyists to play. The time should be spent in rigorous training for a nakedly political fight.

Never before have broadcasters been given an appellate court opinion (in *TRAC vs. FCC*) that found that the "line between the print media and the broadcasting media, resting as it does on the physical scarcity of the latter, is a distinction without a difference" and another opinion of the same court remanding the WTVH case to the FCC with instructions to judge the constitutionality of the fairness doctrine. Never has there been a better argument for First Amendment parity than the FCC presented last week, an argument clearly intended to persuade the Supreme Court to reverse its *Red Lion* decision of 1969, if the case can make its way to the Supreme Court without being sidetracked by legislation.

On Capitol Hill the nuances of constitutional law will be ignored or, worse, misunderstood. Among the Hollingses and Dingells and Markeys it's a question of putting the FCC in its place and so what to the public, broadcasters and the First Amendment. The only defense that will be understood will be politics in its rawest form. Is the broadcasting establishment ready?

Hit me again, Sam. *There came to the attention of this page last Friday a copy of an editorial broadcast on KDKA-AM-TV Pittsburgh. KDKA says, believe it or not: "We need a fairness doctrine to insure that we get the whole story about the issues that affect us all. Unless the FCC reconsiders, it's up to Congress to make this important policy into actual law." The editorial invites letters that it promises to forward to area congressmen. Westinghouse Broadcasting, which owns the Pittsburgh stations (and claims the AM to be the first with a regular schedule on the air), has supported the FCC's fairness doctrine for years. But a request now for codification, and a disavowal of First Amendment rights the FCC would confer? This is industry leadership?*

Drawn for BROADCASTING by Jack Schmidt

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