## AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION 750 Third Avenue • New York, New York 10017 • (212) 986-8200

February 23, 1972

Dr. Clay T. Whitehead Director Office of Telecommunications Policy Executive Office of the President Washington, D.C. 20504

Dear Tom:

On behalf of our officers, directors and our entire membership, I am writing to confirm our invitation for you to address the ANPA Annual Convention at the Waldorf-Astoria Hotel in New York City on Thursday morning, April 27, at 10:30 a.m.

The audience will be top executives of daily newspapers. Membership in ANPA is held by more than 1,000 daily newspapers having more than 90% of total U.S. daily newspaper circulation. Members of the audience will be the top policy-making officials of the principal daily newspapers.

As I told Hank Goldberg, we leave it entirely to you the subject matter of your speech, including the extent to which you might choose to refer to the direct interest of many daily newspapers in currently pending telecommunications policy matters.

We suggest a speech of about 20 minutes. It is not necessary to give us any specific title in advance, nor is it necessary that we have the text in advance. Our convention sessions are rather well covered by the press.

We are pleased to get the word from Hank Goldberg that you can accept this invitation. I am personally delighted. Please give me an acceptance which I can relay to our officers.

Best wishes.

Sincerely yours

Stanford Smith

President and General Manager



#### REMARKS OF

Clay T. Whitehead, Director

Office of Telecommunications Policy Executive Office of the President

at the

American Newspaper Publishers Association Convention

Waldorf Astoria Hotel New York, N.Y.

April 27, 1972

As was intended to be conveyed by the somewhat awkward name of the Office of Telecommunications Policy, I really have nothing directly to do with your business of newspaper journalism. My proper province is the field of electronic communications — radio and television, telephones, undersea cables, and communications satellites. There are, however, a number of areas in which my concerns overlap with yours, and I would like to discuss a few of them with you today.

First of all, there is the area of cable television. As you know, this new technology today enables enormous electronic communications capacity—20, 40 or even more television channels—to be brought into the home. The end of last month, following a compromise agreement among broadcasters, cable owners, and copyright holders which OTP had something to do with, the Federal Communications Commission adopted new rules which have the effect of permitting significant growth of cable television in major cities in the near future. Present predictions are that 40 to 60 per cent of the nation's homes will be wired for cable by 1980.

The significance of cable for you newspapermen is varied.

First of all, I suppose you must look upon it as a new competitor for the advertising dollar. And perhaps a competitor more formidable than over-the-air television, because its production costs (and therefore advertising rates) can be lower and also because its enormous channel capacity enables it to carry specialized programs targeted for relatively narrow audience groups.

But I think you should also regard cable as an opportunity-providing the possibility, in the not-too-distant future, of

significantly improving the process of printed news preparation and distribution. I refer, of course, to the potential for facsimile reproduction and delivery of your product. Processes which are now technologically feasible will enable the permanence, convenience and completeness of the print media to be combined with the promptness of electronic news-at least for those specialized users willing to pay a premium for the service -- and perhaps even for the public at large. But aside from its ability to assist your present business, I think you should regard cable in and of itself as a new field for the application of your peculiar talents and experience. For cable television is above all a local communications medium. In the area covered by a single broadcast signal, there may be scores of separate cable systems, each with production facilities to serve the particular needs and interests of its own community. Good newspapermen have always been experts on the subject of local needs and interests. You can use that experience to assure that the new medium achieves its full potential for diversity and for community service. You can use it, that is, if you are permitted to do so.

Which leads me to the crucial question of whether our regulatory system will enforce an artificial segregation between newspapers and cable television, based upon the differences in their present technology and ignoring the substantial similarity in their functions and needs. As you know, there have been pressures in recent years to exclude newspaper acquisition of interests in radio and television broadcast stations—and even

to undo newspaper ownership where it already exists. Whether prohibition of joint ownership will be created in this field is a serious issue, especially in these early days of cable television. To my mind such a prohibition would be a great mistake—and there are means of structuring cable ownership and development so as to avoid its necessity, even in the eyes of the most zealous opponent of "media concentration." The President's Cabinet committee on cable television is currently examining this issue, among others. We are seeking to develop options which will enable you to share the benefits of this new technology—and the public to enjoy the fruits of your participation.

I want to turn now from discussing your relationship with the new technology to discussing your relationship with the old--if anything as new as over-the-air television can be called old. I hope to convince you that some of television's major problems are your problems as well--and that you should be concerned with the search for the correct solutions. first of these problems is the so-called "Fairness Doctrine." As originally stated, this principle requires the broadcaster to present various sides of controversial issues of public importance. As recently applied by the courts, however, it has been held to require free counter-time when controversial issues are even implicitly raised by advertisements (for example, ads for automobiles, which are said automatically to raise the controversial issue of automobile use as a source of air pollution). And most recently, the Federal Trade Commission has suggested that the Fairness Doctrine should require all advertisements to be

subject to counter-ads which point out the omitted "negative aspects" of the products. (These "negative aspects" would even include the fact that a competing product which does substantially the same job costs less!)

I do not recall reading in the press many blistering editorials concerning the absurdity of such proposals. Perhaps it is too much to expect you to spring to the defense of your prime competitors for the advertising dollar; but I hope you will set aside the erroneous notion that what is bad for your competitors is necessarily good for you. For the "Fairness Doctrine" is a runaway theory that may trample you next. In the famous case which upheld the constitutionality of the Fairness Doctrine, the Supreme Court accepted, as the essential justification for permitting Government specification of broadcast content, the scarcity of broadcasting outlets. Surely that reasoning should cause your industry some alarm, because there are four times as many commerical broadcasters as newspapers; barriers to entry in the newspaper field are higher; and the industry is generally characterized by higher concentration of ownership than broadcasting. Do you think it fanciful that the Government could impose upon newspapers the obligation to print certain material? Then read the Red Lion case -- see how "reasonable" its simple prescriptions are: The object of the First Amendment, you see, is to enable the people to hear all sides, and a rule such as the Fairness Doctrine furthers rather than inhibits that purpose. If you have not heard it seriously suggested that the Fairness Doctrine be extended to newspapers, I have; this is urged repeatedly by some of the more ardent supporters of the Fairness

Doctrine in broadcasting. In 1970 a bill to this effect was introduced in the House of Representatives.

Let me mention another instance of Government intervention, more recent than the Fairness Doctrine and more fearful to your colleagues in the broadcasting industry. Last summer, the United States Court of Appeals for the District of Columbia held that broadcasters could not refuse to sell advertising time for the presentation of politically controversial material. The justification for this severe restriction upon the editorial freedom of a private broadcaster? The justification was that he was no longer a private broadcaster but a "public trustee" -virtually an arm of the Government, and therefore subject to the same Constitutional constraints as the Government itself. And how did he become a "public trustee"? Surely not by waiting in line. He seems to have become so quite by accident, through the combination of two factors: (1) his importance as a medium for the communication of ideas, and (2) the high degree of Government involvement in his activities.

I am sure you see the possibility of applying similar reasoning to your industry. The first of these two factors unquestionably exists. As to the second (extensive Government involvement in the industry) that is easy enough to find--or, if we can not find it, to create. Consider the Newspaper Preservation Act of 1970; the special second-class postage rates; the FCC cross-ownership rules; the special protection from libel actions accorded to the press; and the governmental provision of special facilities such as press rooms, news briefings, press passes to areas where the citizenry at large is denied access.

Surely these are all examples of Government "involvement" in the print media. In fact, by a queer twist of logic it might be said that the First Amendment itself is a sort of special Government privilege accorded to the press, thereby justifying a governmental requirement of "fair access" in exchange.

As I am sure you know, several states have already passed laws requiring newspapers to print replies to personal attacks. This is just the thin edge of the wedge. A number of commentators have urged more extensive <a href="#">Federal</a> regulation of newspapers, in reliance upon various provisions of the Federal Constitution. The signs indicate that we have taken the first steps down a road which is long, difficult to retrace, and extremely dark at the end.

The point of these last comments is to urge your support in recalling our citizens to a proper understanding of what the relationship between the Government and the mass communications media should be in a free society. Of course regulation always seems like a quick and ready solution to the inequities and the inadequacies that we see about us. I have a file drawer full of letters from citizens—many of whom purport to be ardent devotees of private initiative, limited government, and a free society—complaining about this or that "slanted" program on television and requesting Government intervention to set it right. It is difficult to be against balance; it is difficult to be against fairness; it is difficult to be against the proposition that no one should arbitrarily be denied access to the media. But being

in favor of these principles does not necessarily mean being in favor of their implementation by the Government. No society that ever adopted a system of censorship did so for reasons which it thought were any less noble than balance, and fairness, and access. But the nobility of the purpose does not alter the ultimate intellectual desolation to which the system leads.

There are those who argue that the Fairness Doctrine and a requirement of access are congenial to a free society because they represent a sort of "affirmative censorship" -- that is, they do not exclude any idea from the marketplace, but to the contrary give the widest possible circulation to all opinions. It seems to me this approach misses the point of the First Amendment. The reason our Constitution prohibits censorship of the press is not because all ideas are equally worthy of being expressed. Some are quite obviously not worth a nickel; you would not publish them in your newspaper, nor would any responsible man publish them in his. The purpose of the Constitution is not to dispense with the exercise of this editorial judgment and responsibility -- for that would mean not only social chaos but also a genuine diminution rather than an increase of personal freedom. What if the British could have compelled Tom Paine to devote half of each of his pamphlets to "the other side" about the Revolution? Or if the anti-Federalists could have compelled Madison and Hamilton to give equal time to the opposing view in their Federalist Papers? Such compulsory inclusion would be as tyrannical as the more traditional, exclusory form of

censorship--and at least as foolish. Despite the rationalization of the advocates of "affirmative censorship," it ultimately harms rather than furthers the true goals of the Constitution. The First Amendment was meant to take the Government out of the editing business--whether the editing consists of deletions or insertions.

I believe strongly that obligations of journalistic balance, fairness and reasonable access do exist. But they are obligations which our society has wisely removed from the power of the State to enforce. When, as sometimes happens, you fail to measure up to your calling, you deserve open and public criticism, for a responsible press is essential to our free society. Government regulation, however, cannot force you to exercise your responsibility properly; in the guise of doing so, it can in fact only relieve you of responsibility.

I do not mean to suggest that the issues are that clearcut, or the solutions that simple, with respect to the actual
application of the Fairness Doctrine to the broadcasting industry
by the FCC. The Government has to make <u>some</u> evaluation of the
journalistic responsibility of broadcasters, because under our
existing system the FCC must determine who among competing
applicants is the best qualified to broadcast. As you may know,
the Commission is currently reexamining its Fairness Doctrine
procedures and I am sure it will do as much as possible to perform
its duty of licensee evaluation with the least possible intrusion
upon First Amendment rights. But I am concerned, and I think
you should be concerned, that this involvement has come to be

regarded in some quarters as not a necessary evil attending the peculiar nature of the broadcast licensing process, but rather as a positive good which should be extended to all segments of our mass communications media. As that philosophy spreads, the freedom of your industry is endangered.

There is without question no nation in the world that has a longer or more vibrant tradition of press freedom than the United States. And I think it is no accident that the most rapid growth of journalism has likewise occurred here--providing for the American people the most complete and current information on international, national and local affairs. As I indicated at the beginning of this talk, your industry now stands to benefit from a new technology which can increase still further your ability to educate and inform. I have discussed the new technology together with the old freedoms -- cable television together with Tom Paine--because without the freedoms, the technology is not worth the trouble it takes to turn it off. This Administration intends to implement policies that will give full scope to both the technology and the freedom, in order that your industry may continue its responsible role so vital to an open, democratic society.

## AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION 750 Third Avenue • New York, New York 10017 • (212) 986-8200

May 1, 1972

Dr. Clay T. Whitehead Director Office of Telecommunications Policy Executive Office of the President Washington, D. C. 20504

Dear Tom:

Your speech to the ANPA membership last week was an outstanding contribution to the success of the convention.

We are most grateful to you for your time and for such a thoughtful and important message.

Personal best wishes.

Sincerely yours,

Stanford Smith

President and General Manager

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OFFICE OF TELECOMMUNICATIONS: POLICY

## THE BULLETIN

OF THE AMERICAN SOCIETY OF NEWSPAPER EDITORS

EDITORIAL BOARD CHAIRMAN JAMES BELLOWS LOS ANGELES TIMES LOS ANGELES, CALIF, 90053

May 31, 1972

MANAGING EDITOR

GENE GIANCARLO
ASNE HEADQUARTERS
750 THIRD AVE. (17TH FL.)
NEW YORK, N. Y. 10017

Mr. Byron Lamb Telecommunications Policy White House Washington, D. C.

Dear Byron:

We're counting on your CATV article in our hands by Tuesday, June 6 at the latest. And, to help us out, I would appreciate it if you could send a copy at the same time to Gene Giancarlo, executive secretary of American Socity of Newspaper Editors, at 750 Third Avenue (17th floor), New York, New York 10017.

Also, we need a brief bio and a mug photo --- both to be sent to Giancarlo in New York.

Can't thank you enough for the article. We plan to use it on the cover of the July-August issue.

With best regards.

Sincerely,

Jim Bellows

JB:dn

cc: Gene Giancarlo

## Censors Gain, A Nixon Aide **Warns Papers**

By\_RICHARD MATHIEU Clay T. Whitehead, director of the White House Office of Telecommunications Policy, warned yesterday that the freedom of expression is threatened in the

nwspaper industry by potential government censorship, as it is in radio and television.

He said, "The 'Fairness Doctrine' is a runaway theory that may trample you next . . . This may trample you next . . . This involvement has come to be regarded in some quarters as not a necessary evil attending the peculiar nature of the broadcast licensing process, but rather a positive good which should be extended to all segments of our mass communications media."

No Names Mentioned Whitehead, who spoke to members of the American Newspaper Publishers Association on the last day of their annual meeting, said he was "personally" against government involvement with the

The fairness doctrine requires broadcasters to present all sides

of issues of public importance.
Whitiehead did not name any
official who might be likely to want to see the press handcuffed

to such bureaucratic whims.

In a "news conference in reverse," the publishers listened to Reps. Philip Crane (R-Ill.) and Rep. Ogden Reid (D-N.Y.) quiz four publishers. Questions about search stellen decuments obtains secret stolen documents, obtaining covereage of news events, and subpena powers of the courts were some of the matter's discussed.

Taylor Named Chairman

Crane said that last August he tried to organize a discussion about the nation's deteriorating defense posture and got a "news blackout" for his efforts.

He asked whether it was nec-essary to try some "bizarre act"

to get coverage.

In another session, H. Bruce Palmer, president of the Council Better Business Bureaus, called on the newspapers and advertisers to join in a battle against misleading advertise.

The last business of the meeting was the election of William Davis Taylor, publisher of the Boston Globe and chairman of the Globe Newspaper Co., as the new chairman of the ANPA. He suc-ceeded Richard H. Blacklidge, publisher of the Kokomo (Ind.) Tribune.

### MAY 1 5 1972

Mr. R. H. Blacklidge Publisher The Kokomo Tribune 300 North Union Street Kokomo, Indiana 46901

Dear Mr. Blacklidge:

Thank you for your letter of May 2 and for the kind remarks about my comments to the ANPA. I appreciate them both very much, especially in light of your long experience in publishing.

I hope we can continue to stay in touch.

Sincerely,

Clay T. Whitehead

LKSmith:jem 5/11/72 cc: DO Records DO Chron Mr. Whitehead Judy — Eva LKS Subject LKS Chron



### THE KOKOMO TRIBUNE

300 NORTH UNION STREET . KOKOMO, INDIANA 46901

TEL (317) 459 3121

R H BLACKLIDGE

May 2, 1972

Dr. Clay T. Whitehead Director Office of Telecommunications Policy Executive Office of the President Washington, D.C. 20504

Dear Dr. Whitehead:

I thoroughly enjoyed your presentation to the ANPA publishers last Thursday morning. It was well done, well stated and I believe it was well received.

Sincerely,

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## OFFICE OF TELECOMMUNICATIONS POLICY WASHINGTON

5/10/72

To: Linda

From: Judy

Tom said things like this should get a brief reply -- either from you or Mr. Whitehead.

If you reply to them, please make me a copy for our speech file (with the original incoming) and a copy for Eva.

Thanks much.

Log In No.

April 28, 1972

INFORMATION MEMORANDUM

To: Mr. Whitehead

From: Walter Hinchman WKK

Brief Summary of the Material:

Memorandum on ANPA Speech

Why it is worthwhile to read:

You should be aware of my thoughts on the subject.

SENSITIVE

# OFFICE OF TELECOMMUNICATIONS POLICY EXECUTIVE OFFICE OF THE PRESIDENT WASHINGTON, D.C. 20504

April 28, 1972

To: Mr. Whitehead

From: Walter Hinchman

Subject: ANPA Speech

You will undoubtedly receive compliments from some segments of the staff on your recent ANPA address. I would like to reflect a different point of view:

- 1. Address is poorly organized and structured, i.e., doesn't hang together well.
- 2. As with other recent addresses, is increasingly opinionated and devoid of factual basis.
- 3. Goes much too far in supporting joint ownership of cable and newspaper operations, thus undermining earlier statements and Cabinet committee recommendations for separating programming and facilities ownership.
- 4. Belabors "Fairness Doctrine" to the point of boredom, and attempts to all the world's evils and threats to this single issue.
- 5. Injects the highly personal biases of our General Counsel with respect to his legal adversaries into the OTP's views on national communications policy matters.

In short, I find the entire concept, tone, and general thrust of this address to be a far cry from the reasoned and intellectually honest presentations I would have expected from this Office. I am fully

SENSITIVE

aware of the need, on occasion, to sensationalize some important issue for political impact. But this smacks of the worst type of sensationalism and pandering to vested interests, and can hardly be supported when it further undermines the honest efforts which some of us are making to achieve needed reforms in government and industry structure and operation.

These may be harsh statements, but I feel it is long past time that someone brought these views to your attention. They are widely held among the staff, and I suspect on the outside as well. I would suggest that you give some more consideration to the overall effect of your remarks on both long-term policy and staff morale, and perhaps seek alternative or at least additional input to the speechwriting activities than those which now prevail.

Walter Hinchman

Walt

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# OFFICE OF TELECOMMUNICATIONS POLICY EXECUTIVE OFFICE OF THE PRESIDENT WASHINGTON, D.C. 20504

April 28, 1972

Tom Whitehead

From: Bruce Owen

Subject ANPA Speech

You already know my feelings on the joint ownership question.

I simply do not understand what there is to be gained by continuing this line. No newspaper publisher (much less editor or reporter) is going to be brought around to support the Administration politically because of our position on this question.

In my opinion we are pursuing a policy which is just plain wrong, not in the public interest, and indefensible on any other grounds, including political advantage.

I dissent.

B.

### ANPA CONVENTION

Hotel Waldorf - Astoria, New York, N.Y.

April 26, 1972

### ADVANCE REPORT ON Convention Membership Luncheon:

Always one of the highlights during Convention week, this year's Convention Luncheon program will prove to be no exception. This luncheon presents the only opportunity during the Convention for all members of ANPA and their families and guests to gather together on a pleasant social occasion. The event takes place in the Grand Ballroom of the Hotel on Wednesday, April 26 from 12:30 p.m. to 2:30 p.m.



Richard C. Gerstenberg

Our guest speaker this year is Richard C. Gerstenberg, the eighth chairman of the Board of Directors of General Motors and its chief executive officer. A career General Motors' man, Mr. Gerstenberg began with the company as a timekeeper with its Frioidaire Division in 1932. He got his big break with the company during World War II by helping to justify the company's price increases in hearings before the Office of Price Administration.

The National Anthems of both Canada and the United States will be sung by Marcia Baldwin, one of the most promising young mezzo-sopranos of the Metropolitan Opera Association. Music will be provided by the U.S. Marine Drum and Bugle Corps.



Marcia Baldwin Mezzo-Soprano



The United States Marine Drum and Bugle Corps has become nationally famous for its intricate marching and outstanding musical capabilities. Formed in 1934 to augment the United States Marine Band and to perform independently at parades and other ceremonies, the musical group today serves as a paragon for many similar organizations throughout the nation. Under the direction of Chief Warrant Officer Gary L. Losey, the Drum and Bugle Corps will present a musical interlude during the Convention Luncheon.

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ITINERARY FOR CLAY T. WHITEHEAD NEW YORK, NEW YORK APRIL 26-27, 1972

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6:30 p.m.

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(212) 247-2700

(212) EL5-3000

(212)765-4321

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THURSDAY, April 27, 1972:

10:30 a.m.

Address the American Newspaper

Publishers Associations annual

convention:

Waldorf-Astoria Hotel

Park Ave. bet. 49th & 50th Sts.

Empire Room

12:30 p.m.

Lv LaGuardia Airport, via

AA #395.463

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Coyt will pick you up.

### STANDARD FORM 1012 August 1970 Title 7, GAO Manual

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<sup>\*</sup> Abbreviations for Pullman accommodations: MR, master room; DR, drawing room; CP, compartment: BR, bedroom; DSR, duplex single room, RM, roomette; DRM, duplex roomette; SOS, single occupancy section; LB, lower berth; UB, upper berth, LB-UB, lower and upper berth, S, seat.

\* FRAUDULENT CLAIM—Faisincation of an item in an expense account works a forfeiture of the claim (28 U.S.C. 2514) and may result in a fine of not more than \$10,000 or imprisonment for not more than 5 years or both (18 U.S.C. 287; ad 1001).

\*\*\*It long distance telephone calls are included, the approving other must have been authorized in writing by the head of the department or agency to so certify (31 U.S.C. 680a).

#### SCHEDULE OF EXPENSES AND AMOUNTS CLAIMED

PREVIOUS TEMPORARY DUTY (Complete these blocks only if in travel status immediately prior to period covered by this coucher and if administratively required)

DEPARTU (DATE)	TEMPORARY DUTY (LOCATION)	STATI	ON LAST	DAY OF		ING VOU FARRIVAL		PERIOD
DATE	NATURE OF EXPENSE*		AUTHORI MILEAC RATE	ZED GE		AMOUNT C	CLAIME	D
19-72-		S	PEEDOMETER READINGS	No. of Miles	MILEAGE	Subsist	ENCE	OTHER
4/26	Lv Wash., D.C., via AA# 514 7:30 Ar LaGuardia Aprt, New York 8:21	p.m p.m	•					
4/27	Lv LaGuardia Aprt, via AA# 463 12:30							
•	PER DIEM:							
	3/4 day @ \$25.00 per day					18	75	
	NOTE:							
	Late evening meeting held in New York 4/26.							
	Flight Numbers will differ on tickets as the reservations were changed after tickets were picked up.							
	-		727n. 30					
-	Grand total to face of voucher		7.75					
	(Subtotals, to be carried forward if necessary)	\$18	8.75			18	75	

# U.S. GOVERNMENT PRINTING OFFICE 1970 OF-430-454 (4A)

<sup>\*</sup>If per diem allowances for members of employee's immediate family are included, give members' names, their relationship to employee, and ages and masteal status of children (unless this information is shown on the travel authorization).

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OTP has strod for founding information and the for flow of mountained news. We deplove Such milateral evenuserebig of important international broadcasty voices. I mention of p printin I The ITU WARC Space Communications Conference in Geneva .

The Sent Faring Relation Committee within to Cut the operating funds of the U.S. Information Agency would will, if contined, result in substanting cut-backs the Voice of America boundants thoughout the world. The Committee her ordered the VOA and other USIA radio activity (michily the very effective RIAS --Ratio in the Awrican Sector of Berlino) reduced 4 30% -- for 52 million a year to 36 million. (See attached sheet for effect of this on VOA Red Chinese out to the terms of thous vis-a-vin Smit to A Red Chinese

He you have a small group in the U.S. Small who the bediety of the Fullings peoples of earth Engle - Radio Free Europe (to Poland, Romania, Bulgaria, Churcherhin & Hugary) of to Radio Liberty ( to the U.S.S.R.). Then too stating, Which have been a gover of memored news for the gent two decades, reach 30 million listenes in the five satellite countries and a many willing ( sent figure unhann) - The Soviet Minn. nobel Page Wine Alexander SolzHENITSYN, i a recent interview in mosen, smil: "If we low lear amything about events in this country (Russia), the Though then (Rubin Loty browdensts). The evolutioning process and ferrent is The MSSR, which Senter Fullings himself so much lessing, is dependent upon the free flow of mecensored information into Russia, at especially to the intellectuals and governmet people som me know vely upon it. In the total scope important prement expenses, the cost of this waterly is miniscale: 37 Thin muelly.