REMARKS OF

Clay T. Whitehead, Director

Office of Telecommunications Policy
Executive Office of the President

before the

Colorado Broadcasters Association
1972 Legislative Dinner

Denver, Colorado

February 17, 1972

From all the reports I've seen, last year was not a great financial success for broadcasting, but it was not as bad as some expected when a future without cigarette billings seemed to be a very bleak future indeed. That's the business side; nothing very exciting in 1971, but the economic prospects look good for the coming year. On the government, or regulatory side, broadcasters were beset by threatening developments at the FCC and in the courts: license renewals, fairness and access, cable television, spectrum reallocations, and children's programming among other issues. But serious as these developments are, they are being over-shadowed by a new problem.

The problem I refer to is the regulation of broadcast advertising and the conditions the advertiser finds when he chooses the broadcast media for his messages. Try this list of issues: advertising and the Fairness Doctrine; mandatory access for editorial ads; advertising in children's programs; licensee responsibility as to false and misleading advertising; campaign spending limits on broadcast ads and political advertising in general; ads for certain types of products; and counter advertising. The nature of commercial broadcasting depends heavily on how these and other similar issues are resolved. What is commonly called "free" broadcasting is actually advertiser-supported broadcasting, and the regulatory

framework for broadcast advertising deals with the economic core of our private enterprise broadcast system. Similarly, advertising is now so dependent on broadcasting that the issues faced by the advertising industry have been transformed into broadcast-advertising issues.

Of course, there were ads before there was broadcasting and, of course, many of the ads in the pre-broadcasting days were crude deceptions. Deceptive and misleading advertising is still an important issue, but now the overall issue is much broader than the traditional concerns about questionable advertising. If it were only a case of advertising taste or excessive "puffery," I think most people would take advertising with the proverbial grain of salt that one relied upon in listening to the "medicine men" at country fairs or reading the back pages of comic books and other popular literature. But now broadcasting, especially TV, has raised the advertisement to a popular art form. TV advertising is not only pervasive, it is unavoidable. That special impact that characterizes the television medium provides a natural attraction for the techniques usually associated with advertising. It seems that the TV advertising spot is the most innovative and almost inevitably appealing use of the television medium.

In these circumstances, it seems that advertising itself has become an issue. Some people tend to view it as the means by which an insidious business-advertising complex manipulates the consumer and leads public opinion to goals that are broader than

simply purchasing the products being advertised. Some feel that what is being sold the American people is a consumption-oriented way of life. This becomes a political issue that is a fit subject for government redress--a remedy in addition to the traditional controls on false and misleading advertising.

I think that some of these broader concerns about TV advertising are now motivating the Federal Trade Commission. The FTC filed comments in the FCC's Fairness Doctrine inquiry, proposing that there be compulsory counter advertising for almost all broadcast ads. The FTC's counter advertising proposal would provide an opportunity for any person or group to present views contrary to those raised explicitly and implicitly by product ads. In the Trade Commission's own words, counter advertising "would be an appropriate means of overcoming some of the shortcomings of the FTC's regulatory tools, and a suitable approach to some of the present failings of advertising which are now beyond the FTC's capacity." The Trade Commission wants to shape the Fairness Doctrine into a new tool of advertising regulation and thereby expand the Doctrine's already chaotic enforcement mechanism far beyond what was originally intended and what is now appropriate.

The Trade Commission would have the FCC require responses for four types of ads:

(1) Those that explicitly raise controversial issues, such as an ad claiming that the Alaska pipeline would be good for caribou;

(2) Those stressing broad, recurring themes that implicitly raise controversial issues, for example, food ads that could be taken as encouraging poor eating habits;

(3) Those ads that are supported by scientific premises that are disputed within the scientific community, such as an ad saying that a household cleanser is capable of handling different kinds of cleaning problems; and

(4) Those ads that are silent about the negative aspects of the products, so that an ad claiming that orange juice is a good source of vitamin C may be countered by a message stating that some people think rose hips are a superior source of that vitamin.

The Trade Commission also suggested that broadcasters should have an affirmative obligation to provide a substantial amount of free air time for anyone wishing to respond to product ads. This goes beyond the requirement in the BEM case that broadcasters must allow persons or groups to purchase time. In a business sense, that is not too intrusive on the broadcasters' operations, and some right to purchase time for the expression of views on issues would serve an important purpose. But a requirement to provide "free" time

in response to paid advertising time would have all the undesirable features of any market in which some people pay and some do not. It is, in any event, misleading to call this free time. There would be a hidden subsidy and the public would end up paying for both advertising and counter advertising messages.

Even if there were no problems with a broad free time requirement, we would be critical of the FTC for suggesting that "Fairness" responses be required for ads involving disputes within the scientific community and ads that are silent as to the negative aspects of products.

We all know that, if an advertiser falsely implied that a scientific claim was well established or failed to disclose a material negative aspect of his product, the FTC could use its own procedures to deal with this type of deceptive advertising. The Trade Commission could even use its new corrective advertising weapon, and require the advertiser to clear up misleading claims in past advertising. This is now being done in the Profile Bread ads.

The FTC, however, doesn't think that these regulatory tools are effective enough or thinks that they are too troublesome to apply. It is disturbing, however, that the agency charged with overseeing the content of advertising in all media has stated that the FCC is better able to achieve the Trade Commission's regulatory goals for the broadcast media. Of course, the Trade Commission would like to bring the FCC into the process and by-pass the difficult job

of making factual determinations concerning advertising deception. The FTC is constrained by all sorts of procedures which safeguard the rights of advertisers accused of deception. It is much easier to subject the suspect advertiser to a verbal stoning in the public square, but is it responsible for a government agency to urge this type of approach? This Administration thinks not.

Perhaps private, self-styled spokesmen for the public interest cannot be faulted for advocating compulsory counter advertising without coming to grips with all the complexities and consequences involved. But a regulatory agency cannot afford the private litigant's luxury of dismissing the enormous practical difficulties of its proposal by simply asserting without support that it would be workable. Nor can an agency ignore or dismiss difficult and sensitive First Amendment problems, the underlying economic structure of the industries it is dealing with, or the detailed balancing of competing public interest considerations.

If you have any doubts as to the workability of the FTC's proposals, listen to some typical examples of the type of "negative aspect" counter ads the FTC had in mind.

> "In response to advertising for small automobiles, emphasizing the factor of low cost and economy, the public could be informed of the views of some people that such cars are considerably less safe than larger cars. On the other hand, ads for big cars, emphasizing the factors of safety and comfort, could be answered by counter-ads concerning the greater pollution arguably generated by such cars. In response to advertising for some foods, emphasizing various nutritional values and benefits, the public might be informed of the views

> of some people that consumption of some other food may be a superior source of the same nutritional values and benefits. In response to advertising for whole life insurance, emphasizing the factor of being a sound 'investment,' the public could be informed of the views of some people that whole life insurance is an unwise expenditure. In response to advertising for some drug products, emphasizing efficacy in curing various ailments, the public could be informed of the views of some people that competing drug products with equivalent efficacy are available in the market at substantially lower prices."

The FTC capped this list of examples--which related to products that alone account for 40 per cent of all TV advertising--by asserting that "the list could go on indefinitely"! Can the FTC be oblivious to the fact that this is precisely the problem with compulsory counter advertising? Without doubt our overriding goal in this area should be to provide consumers with information that will enable them to make intelligent choices among products. But <u>any</u> broadcast advertisement could start an endless round of debate and disputation based on opinions regarding the products being advertised. This isn't the kind of information that is most helpful to consumers. Although it may seem that the Trade Commission's counter advertising proposal serves consumers' interests, the public would be done a disservice if all that counter advertising achieves is a bewildering clutter of personal opinions thrust before consumers every time they turn on their radios and TVs. And who is supposed to protect the public from false and misleading material in the counter-ads?

The advertisers will still have the content of their presentations regulated by the Trade Commission to weed out deception, but who is to guard against the excesses of counter advertising by irresponsible or uninformed groups? When this question was raised, the FTC's Director of Consumer Protection indicated that the agency might have to "monitor" counter-ads, but this may become "ticklish" since a First Amendment problem may be involved. Ticklish indeed! One would have hoped that a Federal agency would have been more sensitive to this problem before proposing a requirement of counter advertising.

It is also disturbing to see that the counter advertising position is not unique to the FTC. Others in government seem to be advocating an end to the broadcast ban on cigarette ads just to bring back anti-smoking spots!

The figures show that per capita cigarette consumption in the U. S. decreased when anti-smoking spots were aired in large numbers and increased in 1971, when there were no cigarette ads and a lower level of anti-smoking spots. Bigger increases are predicted for 1972. The Department of Agriculture has attributed the increased consumption to a decrease in anti-smoking spots. This may indicate that advertisers are better off not using the broadcast media when there is a counter advertising requirement. If the cigarette advertising ban were lifted, the advertisers might well choose not to buy time and, thereby, underwrite the anti-smoking campaign.

Naturally, there would be some who would respond to this public interest crisis by requiring cigarette companies to advertise on radio and TV. Broadcasters wouldn't mind this at all, but if the FTC had its way you would have to require all advertisers to use TV and even the NAB couldn't pull that one off.

This wouldn't be a very constructive approach to advertising's problems, but one is sorely needed. The public expects to see actual and substantial progress made by the advertising industry's belated efforts at self-regulation. Advertising has made significant contributions to our economic well-being and our material worth. But if advertising is to continue to make these contributions it must reassess its role in our society.

We do not want to see advertisers respond to these problems by fleeing the broadcast media either voluntarily or involuntarily. Advertisers might be able to survive without broadcasting, but broadcasting could not survive without advertising. Advertising revenues make possible all of the public service, news, information, and entertainment programs. I do not agree with those who believe that commercial broadcasting is impervious to the adverse economic affects of regulation. You really can kill the goose that lays the golden egg; and it doesn't matter that it's killed by well-intentioned people.

This does not mean that the abuses and excesses of broadcast advertising should not and cannot be prevented. Broadcasters themselves are moving to correct problems in children's advertising and problems with deceptive and offensive ads. The advertising industry itself is following the broadcasters in the essential route of self-regulation. The record of self-regulation has not always been free of problems; and it never will be. Public vigilence is needed too, and the FCC and the Trade Commission have proper roles in seeing to it that that vigilence is maintained effectively.

The FCC has taken an approach that I strongly support. The FCC believes that advertising should be regulated as a business practice by the Trade Commission and this is not the FCC's job. Product ads should not be regulated, TV or not, as expressions of ideological, philosophical or political viewpoints. On the whole the FCC has recognized this and has implemented its regulatory power over broadcast advertising in a reasonable and responsible manner.

In its area of responsibility, the Trade Commission must use its regulatory tools to preclude false and deceptive advertising. The public is entitled to protection from the unethical business practices and from the occasionally misleading hyperbole of advertising agencies. But the FTC's responsibilities should not be expanded to include the responsibility for finding a solution to the philosophical problem that

advertising in general poses for some consumer advocates. I think the FTC realizes that this would be beyond the scope of its regulatory authority; and it should be kept that way. Government agencies must realize that they cannot solve all of society's problems, that the Fairness Doctrine is not a panacea for fairness, much less all of our ills, and that when they go too far with social engineering they do more damage than good.

This Administration does not believe that advertising is inherently evil. We do not believe that advertiser support of commercial broadcasting is polluting the minds of America. This Administration believes in a strong and free private enterprise system of broadcasting for our country and in effective but responsible government. We intend to work to keep it that way.

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REMARKS OF

Clay T. Whitehead, Director

Office of Telecommunications Policy
Executive Office of the President

before the

California Community
Television Association

Anaheim, California

November 16, 1972

I am always glad to have the opportunity to return to California. It may be true what they say about Maine in regard to our national elections. But in many phases of our national life, we have to look to California to see the future trends.

I have read of the accomplishments of the cable industry here in California and have also kept in touch with some of your future plans. The development of the potential of cable communications is a challenging task, and I commend your efforts at meeting this challenge.

However, the development of the cable television industry cannot proceed much further until it is put on a solid structural foundation. Right now cable television is suffering from an identity problem. What type of business are you? Are you a public utility? Are you an adjunct to the broadcasting business? Are you merely in the business of laying copper and stringing wires? Are you in the pay television business? Are you multi-channel broadcasters? Is this one business or many separate businesses?

It is important that the cable industry's identity crisis be cured. The public wants to know what services the

cable industry will provide; the Government needs to know what kind of industry it is going to regulate; and the financial community wants to know in what kind of business it is going to invest.

In order to answer these questions, a number of thorny policy issues must be resolved. Both the Office of Telecommunications Policy (OTP) and the Cabinet committee on cable television have exhaustively studied these issues and have sought solutions which will result in a more up-to-date regulatory framework for both cable and over-the-air broadcasting.

These policy issues cannot be postponed. And it is important that resolution come in the form of legislation from Congress. If there was ever any doubt as to the necessity for Congressional legislation in this area, it was dispelled by Supreme Court Chief Justice Burger. The Chief Justice recognized the immediacy of the problem and the need for Congressional resolution when he stated in the Midwest Video case: "The almost explosive development of CATV suggests the need of a comprehensive reexamination of the statutory scheme as it relates to this new development, so that the basic policies are considered by Congress and not left entirely to the Commission and the courts."

In enacting this legislation, Congress should bear in mind two important principles that have been distilled from past experience with legislation in the regulatory areas.

First, it is dangerous enough to give vague mandates to the regulatory agencies when drafting legislation dealing with fixed technologies. And when you have to deal with a rapidly expanding technology like cable, the problem becomes even more complicated.

The legislation, therefore, should not be cast in any permanent mold but rather should allow for the evolving status of cable. This could best be done by Congress defining specifically what the public interest is in this area and also the scope and limits of the FCC's jurisdiction. Thus the FCC would have clearly defined regulatory standards to follow. Moreover, the statute would be flexible enough to accomodate itself to the changing face of broadband communications technologies.

Second, the legislation should come in one comprehensive legislative package and not be done on a detail-by-detail, "as need arises" basis. If Congress were to adopt this piecemeal approach, the cable field would be replete with

a number of very specific bills dealing with particular problems at particular points of time. The result would be a complicated set of rules and regulations and the total absence of any comprehensive policy standards and goals to guide the FCC.

Along with the development of a legislative framework for cable itself, the copyright issue is of immediate importance. This problem stands squarely in the way of any long-range development of the cable industry and must be resolved in the near future. The Administration is firmly committed to a regulatory structure for cable and over-the-air broadcasting that is posited on free and open competition. But this competition must be fair; and until this copyright issue is resolved, the possibility--and the appearance--of unfair competition by cable operators remains. An equitable solution to this copyright problem must be found.

In legislation dealing with the cable medium in its own right, two of the most important issues are access, and the division of regulatory responsibilities.

The access issue must be resolved. Everyone agrees that no private entity should be allowed to control all the

cable channels in a given community. The problem is in developing a flexible means for preventing such potential concentrations of power.

There are three major policy options available to the Cabinet committee and OTP for dealing with cable monopoly problems. One option would be for cable companies to be regulated from the beginning as public utilities; the problems of monopoly abuse, thus need never arise. However, cable television is a dynamic, evolving business and to subject it at the outset to the whole panoply of public utility rules and regulations would very likely have the effect of inhibiting its growth and viability to the point of denying its usefulness.

A second option would be simply to leave the industry as it presently exists under FCC regulation. But this approach also raises problems. It may only postpone the inevitable transition to public utility regulation. Cable television systems are natural monopolies in specific geographic areas and as their penetrations into the markets increased under this policy so would their monopoly power. The Government would have to gradually tighten its regulatory control. And to protect the public from the monopoly

power it sanctioned, the Government would have to bind the cable system owner so tightly in Government red tape that he would be unable to use his monopoly power. The end result--public utility regulation--would be the same as the first policy option.

A third option would be for the Government to recognize the several different businesses involved in cable communications--program creation, origination, supply, and program transmission--and to separate those aspects that are tied to the technical or transmission monopoly from those, such as program supply, that are characterized by free and open competition. Only the former would be subject to the strict type of regulation in order to avoid monopoly power.

This last option places primary reliance on an effective structuring of the cable television industry and on our free market incentives. It is also more consistent with the private enterprise system and our traditional Government-business relationships.

The second issue is the division of regulatory responsibility between Federal, State, and local authorities over cable television. As you well know, the cable television

industry inevitably will be subject to Federal and local, and probably State, regulation. The potential of cable television is so great that effective regulations may be needed at all levels; but these regulations need not be overlapping and duplicative. The goal should be a balance among Federal, State, and local regulation--not a confusing balance of power but sensible, clearly delineated responsibilities and functions. And to avoid any possible conflicts, the functions granted at one level should be denied at the other levels.

The cable policy will also have to determine under what conditions the public will be allowed to buy and the industry to sell programming. This is not the old pay television siphoning problem.

It is clear that advertisers are not likely to be allocating much more than present amounts for television coverage. The search for new revenues, therefore, must go elsewhere and what could be a better source than the television viewer?

Why not allow a mixed system of funding program costs? Such a system--tapping advertisers and subscribers--

would provide the sort of incentive needed for expansion of consumer program choice. Since mass appeal program revenues are limited, television would have to turn to the more specialized viewing audience. And these specialized audiences would be willing to pay only if the programming presented something above and beyond the current mass appeal offerings. This type of programming--dependent as it would be on its attractiveness to a specialized audience--would thus represent a net addition to, rather than a replacement of, our mass appeal programming. Moreover, advertising revenues would still continue for these mass appeal programs. The mixed system would simply provide a whole new source of funding. And the benefits from this funding would be evident in an increased diversity in programming.

The important thing is for the public's interest to prevail in the area of pay cable television. The viewing public should have the opportunity to decide whether it wants to pay for the kind of specialized programming above and beyond current offerings that pay cable television can provide. The television consumer should be able to vote with his dollars on the issue of pay cable television.

The Administration's interest in cable television is the public's interest. And we believe that the public's interest can be best served by properly structuring the cable industry in the free enterprise mold. Cable television ought to be allowed to grow as a business proposition. With the proper checks and balances, the public is best served by businesses growing and developing as businesses.

I should stress, however, that cable television's impact stretches beyond its everyday business operations. Cable television is becoming an important new public medium as well as a big business. Thus although we support cable television, we cannot simply support everything that is good for the cable business in the short-run. We also have to focus necessarily on the long-run and on the checks and balances that should be established for you.

Cable television is on the verge of becoming a very important industry. It is no longer the "poor relation" in the family of communications industries. Rather it has the potential to become a full-fledged member of the family and even give birth to some new offspring of its own. If it wishes to become such an adult, it must accept the

long-term public interest responsibilities that come with such status.

The Administration wants the long-term resolution of these cable policies to result in a regulatory framework that is favorable to the growth and development of the cable industry. We hope you recognize this fact and work with us in developing these policies for the cable industry.

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For Release 10:00 a.m.
Monday, December 18, 1972

Remarks of

Clay T. Whitehead, Director

Office of Telecommunications Policy
Executive Office of the President

at the

Sigma Delta Chi Luncheon
Indianapolis Chapter

Indiana State Teachers Association Building
Indianapolis, Indiana

December 18, 1972

In this calm during the holidays, we in Washington are thinking ahead to 1973; among other things, planning our testimony before Congressional committees. For my part, I am particularly concerned about testimony on broadcast license renewal legislation. Broadcasters are making a determined push for some reasonable measure of license renewal security. Right now they are living over a trap door the FCC can spring at the drop of a competing application or other renewal challenge. That is a tough position to be in, and, considering all the fuss about so-called "intimidation," you would think that there wouldn't be much opposition to giving broadcasters a little more insulation from government's hand on that trap door.

But there <u>is</u> opposition. Some tough questions will be asked--even by those who are sympathetic to broadcasters. Questions about minority groups' needs and interests. Questions about violence. Questions about children's programming; about reruns; about commercials; about objectivity in news and public affairs programming--in short, all questions about broadcasters' performance in fulfilling their public trust. These are questions the public is asking. Congress is asking the questions, too; Senatore Pastore on violence; Senator Moss on drug ads; Representative Staggers on news misrepresentations.

In this calm during the holidays, we in Washington are thinking ahead to 1973; among other things, planning our testimony before Congressional committees. For my part, I am particularly concerned about testimony on broadcast license renewal legislation. Broadcasters are making a determined push for some reasonable measure of license renewal security. Right now they are living over a trap door the FCC can spring at the drop of a competing application or other renewal challenge. That is a tough position to be in, and, considering all the fuss about so-called "intimidation," you would think that there wouldn't be much opposition to giving broadcasters a little more insulation from government's hand on that trap door.

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their audiences to a network at the going rate for affiliate compensation.

The ease of passing the buck to make a buck is reflected in the steady increase in the amount of network programs carried by affiliates between 1960 and 1970. It took the FCC's prime time rule to reverse this trend, but even so, the average affiliate still devotes over 61% of his schedule to network programs. This wouldn't be so bad if the stations really exercised some responsibility for the programs and commercials that come down the network pipe. But all that many affiliates do is flip the switch in the control room to "network," throw the "switch" in the mailroom to forward viewer complaints to the network, sit back, and enjoy the fruits of a very profitable business.

Please don't misunderstand me when I stress the need for more local responsibility. I'm not talking about locally-produced programs, important though they are. I'm talking now about licensee responsibility for all programming, including the programs that come from the network.

This kind of local responsibility is the keystone of our private enterprise broadcast system operating under the First Amendment protections. But excessive concentration of control over broadcasting is as bad

when exercised from New York as when exercised from Washington. When affiliates consistently pass the buck, to the networks, they're frustrating the fundamental purposes of the First Amendment's free press provision.

The press isn't guaranteed protection because it's guaranteed to be balanced and objective--to the contrary, the Constitutition recognizes that balance and objectivity exist only in the eye of the beholder. The press is protected because a free flow of information and giving each "beholder" the opportunity to inform himself is central to our system of government. In essence, it's the right to learn instead of the right to be taught. The broadcast press has an obligation to serve this free flow of information goal by giving the audience the chance to pick and choose among a wide range of diverse and competing views on public issues.

This may all seem rather philosophical. Cynics may argue that all television, even the news, is entertainment programming. But in this age when television is the most relied upon and, surprisingly, the most credible of our media, we must accept this harsh truth: the First Amendment is meaningless if it does not apply fully to broadcasting. For too long we have been interpreting the First Amendment to fit

the 1934 Communications Act. As many of you know, a little over a year ago I suggested ways to correct this inversion of values. One way is to eliminate the FCC's Fairness Doctrine as a means of enforcing the broadcasters' fairness obligation to provide reasonable opportunity for discussion of contrasting views on public issues.

Virtually everyone agrees that the Fairness Doctrine enforcement is a mess. Detailed and frequent court decisions and FCC supervision of broadcasters' journalistic judgment are unsatisfactory means of achieving the First Amendment goal for a free press. The FCC has shown signs of making improvements in what has become a chaotic scheme of Fairness Doctrine enforcement. These improvements are needed. But the basic Fairness Doctrine approach for all its problems, was, is and for the time being will remain a necessity; albeit an unfortunate necessity. So, while our long range goal should be a broadcast media structure just as free of government intrusion, just as competitive just as diverse as the print media, there are three harsh realities that make it impossible to do away with the Fairness Doctrine in the short run.

First, there is a scarcity of broadcasting outlets. Second, there is a substantial concentration of economic and social power in the networks and their affiliated TV stations. Third, there is a tendency for broadcasters and the networks to be self-indulgent and myopic in viewing the First Amendment as protecting only their rights as speakers. They forget that its primary purpose is to assure a free flow and wide range of information to the public. So we have license renewal requirements and the Fairness Doctrine as added requirements--to make sure that the networks and stations don't ignore the needs of those 200 million people sitting out there dependant on TV.

But this doesn't mean that we can forget about the broader mandates of the First Amendment, as it applies to broadcasting. We ought to begin where we can to change the Communications Act to fit the First Amendment. That has always been and continues to be the aim and intent of this Administration. We've got to make a start and we've got to do it now.

This brings me to an important first step the Administration is taking to increase freedom and responsibility in broadcasting.

OTP has submitted a license renewal bill for clearance through the Executive Branch, so the bill can be introduced in the Congress early next year. Our bill doesn't simply add a couple of years to the license term and guarantee profits as long as broadcasters follow the FCC's rules to the letter. Following rules isn't an exercise of responsibility; it's an abdication of responsibility. The Administration bill requires broadcasters to exercise their responsibility without the convenient crutch of FCC program categories or percentages.

The way we've done this is to establish two criteria the station must meet ~~before~~ the FCC will grant renewal. First, the broadcaster must demonstrate he has been substantially attuned to the needs and interests of the communities he serves. He must also make a good faith effort to respond to those needs and interests in all his programs, irrespective of whether those programs are created by the station, purchased from program suppliers, or obtained from a network. The idea is to have the broadcaster's performance evaluated from the perspective of the people in his community and not the bureaucrat in Washington.

Second, the broadcaster must show that he has afforded reasonable, realistic, and practical opportunities for the presentation and discussion of conflicting views on controversial issues.

I should add that these requirements have teeth. If a station can't demonstrate meaningful service to all elements of his community, the license should be taken away by the FCC. The standard should be applied with particular force to the large TV stations in our major cities, including the 15 stations owned by the TV networks and the stations that are owned by other large broadcast groups. These broadcasters, especially, have the resources to devote to community development, community service, and programs that reflect a commitment to excellence.

The community accountability standard will have special meaning for all network affiliates. They should be held accountable to their local audiences for the 61% of their schedules that are network programs, as well as for the programs they purchase or create for local origination.

For four years, broadcasters have been telling this Administration that, if they had more freedom and stability, they would use it to carry out their responsibilities. We have to believe this, for if broadcasters were simply masking their greed and actually seeking a so-called "license to steal," the country would have to give up on the idea of private enterprise broadcasting. Some are urging just that; but this

Administration remains unshaken in its support of the principles of freedom and responsibility in a private enterprise broadcasting system.

But we are equally unshaken in our belief that broadcasters must do more to exercise the responsibility of private enterprise that is the prerequisite of freedom. Since broadcasters' success in meeting their responsibility will be measured at license renewal time, they must demonstrate it across the board. They can no longer accept network standards of taste, violence, and decency in programming. If the programs or commercials glorify the use of drugs; if the programs are violent or sadistic; if the commercials are false or misleading, or simply intrusive and obnoxious; the stations must jump on the networks rather than wince as the Congress and the FCC are forced to do so.

There is no area where management responsibility is more important than news. The station owners and managers cannot abdicate responsibility for news judgments. When a reporter or disc jockey slips in or passes over information in order to line his pocket, that's plugola, and management would take quick corrective action. But men also stress or suppress information in accordance with their beliefs. Will station licensees or network executives also take action against this ideological plugola?

Just as a newspaper publisher has responsibility for the wire service copy that appears in his newspaper--so television station owners and managers must have full responsibility for what goes out over the public's airwaves--no matter what the origin of the program. There should be no place in broadcasting for the "rip and read" ethic of journalism.

Just as publishers and editors have professional responsibility for the news they print, station licensees have final responsibility for news balance--whether the information comes from their own newsroom or from a distant network. The old refrain that, quote, "We had nothing to do with that report, and could do nothing about it," is an evasion of responsibility and unacceptable as a defense.

Broadcasters and networks took decisive action to insulate their news departments from the sales departments, when charges were made that news coverage was biased by commercial considerations. But insulating station and network news departments from management oversight and supervision has <u>never</u> been responsible and <u>never</u> will be. The First Amendment's guarantee of a free press was not supposed to create a privileged class of men called journalists, who are immune from criticism by government or restraint by publishers and

editors. To the contrary, the working journalist, if he follows a professional code of ethics, gives up the right to present his personal point of view when he is on the job. He takes on a higher responsibility to the institution of a free press, and he cannot be insulated from the management of that institution.

The truly professional journalist recognizes his responsibility to the institution of a free press. He realizes that he has no monopoly on the truth; that a pet view of reality can't be insinuated into the news. Who else but management, however, can assure that the audience is being served by journalists dedicated to the highest professional standards? Who else but management can or should correct so-called professionals who confuse sensationalism with sense and who dispense elitist gossip in the guise of news analysis?

Where there are only a few sources of national news on television, as we now have, editorial responsibility must be exercised more effectively by local broadcasters and by network management. If they do not provide the checks and balances in the system, who will?

Station managers and network officials who fail to act to correct imbalance or consistent bias from the networks--or who acquiesce by silence--can only be considered willing participants, to be held fully accountable by the broadcaster's community at license renewal time.

Over a year ago, I concluded a speech to an audience of broadcasters and network officials by stating that:

> "There is a world of difference between the professional responsibility of a free press and the legal responsibility of a regulated press. . . . Which will you be--private business or government agent?--a responsible free press or a regulated press? You cannot have it both ways--neither can government nor your critics."

I think that my remarks today leave no doubt that this Administration comes out on the side of a responsible free press.

...ging Robin Strasser	Lucy Show (R)	NFL Action Highlights Movie: "Happens Every Spring"			

Penny C... te Lenya and ... WETA-FM ...y. Options. William Simon is interviewed.

...c" and ...olovetzi... Dances."

10 p.m.—WEAM (13... Album Spotlight. Featur... is the "Worst of Jeffers... Airplane."

South Africa and Full-Time TV: A Fascinating Study

JOHANNESBURG—South Africans will be switching on television sets for the first time next January—and their reaction to "the box" is likely to provide some fascinating data for modern sociologists.

The belated introduction of a full-time television service—to mention the anti-social office—South Africa is the last developed country to do so—will give scientists the opportunity to study the effects of TV from the grassroots stage.

Many South Africans fear television may lead to a degeneration of moral standards. They say there is solid evidence from overseas that it is harmful, and the country's radio stations and newspapers have been quick to report its dangers.

Too much violence and sex on television is plaguing other nations, they say, not fect it has by keeping people in their homes glued to the screen for hours on end.

To monitor these effects, particularly on children, the South African Human Sciences Research Council has set up a special experimental project in association with the Rand Afrikaans University and the University of Siellenbusch.

"We are interested in television's possible effect on people's attitudes and opinions, the effect on stereotypes concerning other people and their effect on the other mass media," says Dr. D. P. Conradie, a senior research officer on the project.

"We will also be watching for possible changes in the way people utilize their leisure hours and their motives in doing so."

Even before last May, when the first test programs started in South Africa, the research project was busy gathering as much information as possible about the conditions prevailing before the introduction of television.

South Africa's many different language and population groups have been involved in the data gathering in samples of 3,000 people at a time.

"Using these results as base-line data, we hope it will be possible to draw more meaningful conclusions later on," says Dr. Conradie.

"Say, for example, we find that after a few years those children with television at home tend to act in a certain 'why. Knowing how widespread this behavior was before television came into the picture should help to put the reported changes into better perspective.

"What is needed is not speculation but rather scientific research, criticism based on isolated incidents is unfortunate, since it can detract from the real value that television may have," says Dr. Conradie.

In other countries a great deal of time and money has been put into research of this nature, but subjects who are "television naive" have been lacking.

As Dr. Conradie says: "An experiment has to comply with certain strict scientific requirements, and in terms of these requirements it is much better to use people with no exposure to the medium.

Considering a color television set in South Africa sells for the equivalent of around $1,365 and that the test programs consist of a nightly hour of dubious-quality viewing, it seems that South Africans are already "hooked."

Reactions to the Sunglasses Controversy

By Dr. T. R. Van Dellen

A column in which I was critical of wearing sunglasses at night brought an avalanche of mail. Here are a few of the letters:

E. W. from Passaic, N.J., writes: "You wrote that wearing sunglasses at night was a silly practice and that psychiatrists contend that people who do are 'neurotics who are trying to hide or escape from the public.'

"Well, Dr. Van Dellen, I wear dark glasses at night and I am not silly and certainly am not ready for a 'shrink'! Ever since I underwent cataract surgery on both eyes two years ago, any bright lights, including street lamps and auto headlights, practically blind me. A diabetic friend of mine also finds it necessary to protect her eyes in this way."

Health

Another rebuttal came from a Chicagoan, who wrote: "Your answer made me see red! Since 1937, I have had chronic eye infections. As a result, one eye hurts whenever exposed to light. I also wear dark glasses, even at night, to hide my unsightly, damaged eye."

And from a reader in Alexandria, Va., came this letter: "People who wear colored glasses at night are not necessarily neurotic—just vain. I wear contact lenses and think nothing of wearing tinted glasses ... night if it is windy and dusty. These glasses act as a shield, and I can remove them when I go indoors."

To all, let me say I have no objection to someone's wearing tinted glasses to protect eyes that are inflamed or sensitive to strong light. As for other reasons, including vanity, let me say, to each his own. Regardless of opinions, likes and dislikes, wearing dark glasses when driving a car ... night can ... and