

Check holdings - partic media holdings - of nets
see e.g. Rucker p 157

Walter Lippmann quoted in Rucker (p 222)
on monopoly press & freedom.

Address to the Int'l Press Institute
London May 27, 1965.

Talks to several innov in TV & mass media future

e.g. Dun & Bradstreet?

M^c Graw-Hill

TPT

Paul Klein

Leonard Rernick.

payola, plugola

Rucker p 125

of Cong investigation

(financial & non-financial conflicts of int)

ratings

Rucker p 129 -

need to disting (as R. doesn't) 2 probs w/ ratings

1. errors so ratings \neq popularity
2. popularity (+ damage) vs other criteria

business rating viewer quote (typical)

Rucker p 139

also 145 also 223

confesses business greed w/ perverse intent of
TV adv mkt - implicitly assumes viewer is

the consumer rather than "consumed"

History of proposals to change FCC

Rucker p 224

Licensing networks as pub pol alt.

Rucker p 153

data on FCC complaints
trends over years?

Refs

early TV : The Golden Web: A History of Broadcasting in the US, Vol 2.
Erik Barnouw, Oxford U. Press 1968

History of TV

Bogdan (P. 1X)
1927

Phil T. Farnsworth in SF

1st transmission of TV image w/o wires
used # sign as test pattern

(P 169) TV export BC < 1927 UK
1928 US

RCA: began exports 1936
17 export stores by 1937

(P 170)

1st comml license 7/1/41

1945 5K TV sets in US at end of war

~~1948~~ Choice of VHF over UHF later?

1948 - 1 million TV sets / advert sale \$9 mil

1952 - 17 " " "

see p 237

153

(229)

230

sets in use 46-53

avg retail price of sets 46-53

(232)

coat cable growth NY - Chi - StL

& growth of live TV to west 1948-51

233-

public policy & hist of TV

236-238

240-242

VHF/UHF & freeze

channel scarcity & effects.

Bagdikian p 59

Apollo 11	54 mill homes / 96% of TV homes	1969
JFK ass & funeral	96% of TV homes	1963
RFK " "	53 mill / 93% of TV homes	1972

(1183) 185

stuff on TV & society in 50's
incl. Innis + McLuhan
books & test scores etc.

(191)

printing from Gutenberg & journals growth.

(215)

adv & TV in 40's & 50's
import of TV on other media.

(228)

broadcasting
growth depended on consumer for

(*)

1st time (~~radio??~~) direct investor in technical eqmt.

(232)

nat'l TV & programs, taste, etc.



Bulletin 9055B

MA-12C

MICROWAVE COMMUNICATION SYSTEM

DESCRIPTION

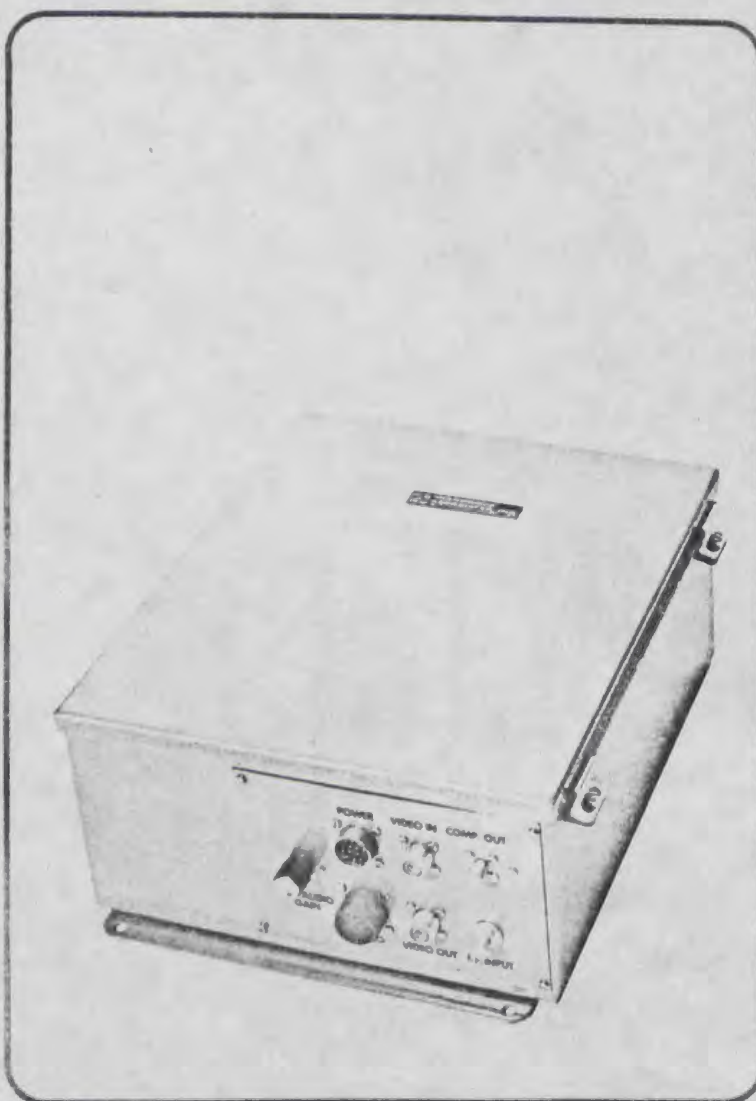
Microwave Associates' MA-12C Radio System provides one-way or two-way color or monochrome video and audio communications between two or more locations where economy is a major factor. The basic equipment operates over the frequency range of 10.70 to 13.25 GHz, at a power output of approximately 50 mW.

The equipment utilizes a solid-state RF power source comprised of transistors and varactor multipliers which eliminates the necessity for klystrons and their associated high voltage requirements. A Gunn diode local oscillator is incorporated in the receiver to provide direct dc to microwave operation with excellent FM noise characteristics without using intermediate amplifiers and multipliers.

All units operate on ac power. The power supply can receive relatively wide input variations and still deliver precisely regulated voltages to the transmitter and receiver subsystems. This capability insures component longevity and eliminates unnecessary maintenance costs.

The use of solid-state circuitry throughout the equipment provides the advantages of instantaneous and virtually trouble-free operation. These factors, coupled with the compactness of the MA-12C System, permit mounting of RF heads at the antenna . . . making it adaptable to a wide variety of applications.

The versatility of the MA-12C System may be further increased by an optional program audio channel which permits the transmission of broadcast quality audio or message directly with the video signal.



TRANSMITTER

VIDEO SIGNAL INPUT

The video signal input to the control unit is applied to a video attenuator. The video attenuator values are dependent on the 2 GHz cavity oscillator sensitivity and are selected to produce a 4 MHz transmitter deviation with a 1 volt peak-to-peak video signal input. The attenuated video signals are coupled via a flexible interconnection cable to the RF head where they are applied to a pre-emphasis network prior to application to the cavity oscillator. Pre-emphasis networks for video applications are available for either 525 or 625 lines.

RF GENERATION

The primary frequency generating source is a 2 GHz FM oscillator that delivers 800 mW of power at one-sixth the transmitter output frequency. This choice of high power level and frequency results in an optimum combination of transmission linearity, noise contribution and stability. The modulation information is applied to the transistor biasing network to frequency modulate the oscillator. A frequency control voltage is also applied to this network. The frequency modulated signal output of the cavity oscillator is applied through an isolator to the X6 varactor multiplier. The isolator prevents interaction between the multiplier and the oscillator to ensure stable frequency and transmission characteristics. A small portion of the oscillator output is coupled to a single-ended mixer for use in the AFC circuit.

AUTOMATIC FREQUENCY CONTROL

Automatic frequency control (AFC) is incorporated in the transmitter in order to increase the long term stability of the unit. The AFC system provides an error loop system referenced to a crystal-controlled source. The sampled portion of the cavity oscillator signal is applied to a single-ended mixer where it is mixed with a crystal-controlled reference source signal that is 50 MHz below the cavity oscillator frequency to develop a 50 MHz difference signal. This difference in signal is applied to the AFC discriminator module which produces a dc error voltage corresponding to the frequency difference between the crystal-controlled reference oscillator and the cavity oscillator. The AFC voltage regulator module processes the dc error voltage received from the AFC discriminator to produce a regulated, variable, negative voltage to control the cavity oscillator and maintain the transmitter within $\pm 0.005\%$ of the assigned frequency over the operating temperature range.

FREQUENCY MULTIPLICATION

Conversion of the cavity oscillator output to the final frequency of the transmitter is performed by a X6 varactor multiplier. A power monitor diode assembly in the multiplier detects a portion of the output signal and provides a relative indication of transmitter power to the meter located in the control unit.

RF OUTPUT

The output of the multiplier is coupled to the antenna through a waveguide. The power available at this point is approximately 50 mW at the transmitter operating frequency. A circulator is employed in duplex (transmitter/receiver) RF heads which provides unidirectional circulation of the RF signal to efficiently couple transmitter RF signals to the antenna and route returned signals to the receiving modules for processing.

RECEIVER

RF INPUT

The RF input signal from the antenna is coupled through waveguide to the RF head where the RF signal passes through a channel filter. The filter attenuates undesired signals to prevent their introduction into the mixer-preamplifier.

LOCAL OSCILLATOR SIGNAL

The local oscillator (LO) signal to the mixer-preamplifier is a stable, low noise signal which is 70 MHz below the frequency of the incoming RF signal. The LO signal is generated by a solid-state Gunn diode microwave source delivering a signal of approximately 3 mW. The use of a Gunn diode source assures close control of frequencies within the IF passband for the proper group delay equalization consistent with system requirements.

MIXER-PREAMPLIFIER

The LO signal is fed to the balanced mixer portion of the mixer-preamplifier where it is heterodyned with the RF input signal to produce a 70 MHz IF signal. The IF signal is applied to the preamplifier portion of the mixer-preamplifier. This is a three-stage IF preamplifier with approximately 25 dB of gain which ensures a low noise figure before application to the band shaping network located in the control unit.

RECEIVER IF SYSTEM

The IF signal is fed through a flexible interconnection cable to the control unit where it is applied to the IF bandpass filter portion of the IF filter and phase compensation module to limit the IF bandwidth. The signal is then amplified through seven stages of gain in the IF amplifier module which incorporates an automatic gain control (AGC) loop to maintain the IF amplifier output constant with variations in input signal. The IF amplifier output is routed to the phase compensating network portion of the IF filter and phase compensating module to compensate for the phase delay introduced by the IF and RF filters. The IF signal is then applied to the limiter stages of the limiter-discriminator module which removes the amplitude variation of the signal prior to supplying it to the discriminator portion of the circuit. The discriminator networks demodulate the FM signal, reproduce the baseband signal and apply it to the receiver video amplifier.

RECEIVER VIDEO SYSTEM

The baseband signals obtained from the limiter-discriminator module are processed by the video amplifier module to de-emphasize the video signal and amplify its level to 1 volt peak-to-peak. This provides a video output corresponding to the video signal introduced by the matching transmitter.

POWER SUPPLY

The power supply is of solid-state design and operates from a 115V ac primary power input to produce all of the necessary operating voltages for the transmitter and receiver subsystems. All power supply components are contained within the control unit housing. Secondary supply voltages are distributed internally to control unit modules and via flexible interconnection cabling to RF head modules.

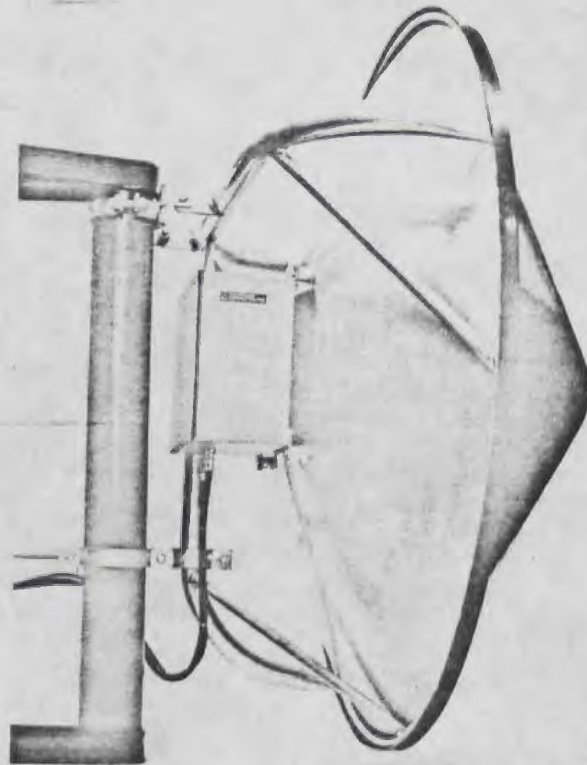
MECHANICAL

CONTROL UNIT

The control unit is housed in a weather-resistant, wall-mounted enclosure which measures 14" long by 12" wide by 6" deep. All cable connections are located on a control panel attached to a cutout in the unit enclosure. Loosening two screws and clips allows the hinged cover to swing open to permit immediate access to the internal modules. An on-off switch, fuses, test points, and RF power meter are positioned for quick accessibility.

RF HEAD

The RF head is housed in a weather-tight enclosure that is 13" long by 11" wide by 6" deep. Cable connections are located on the sides of the enclosure. The RF head is mounted on the rear of the antenna by four mounting lugs which accept the unit's mounting feet. Lock washers and nuts hold the enclosure in place. A WR-75 waveguide flange on the back of the RF head mates with the antenna feed horn.



ANTENNA

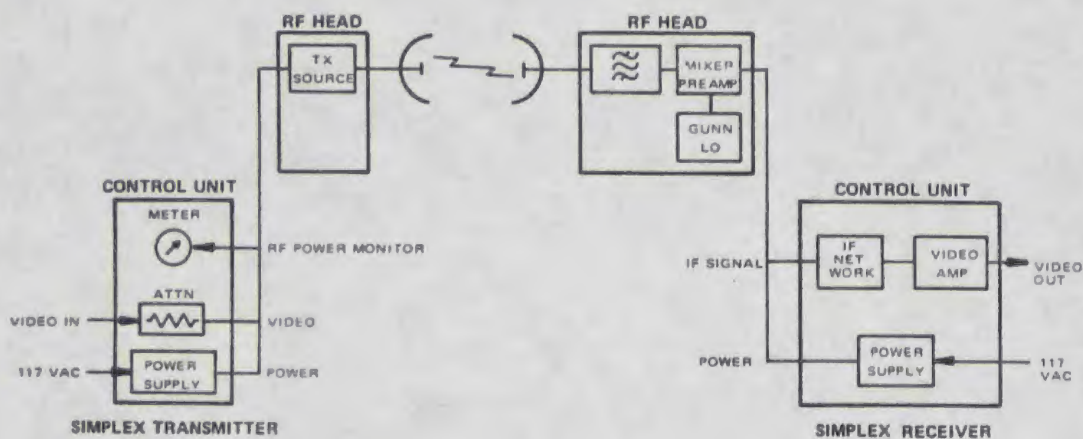
The MA-12C System is available with two- or four-foot parabolic antennas with radomes. The antennas are fitted with clamp mounts which allow installation to standard 4.5 inch (115 mm) diameter pipes in the vertical plane. The clamp mounts also provide azimuth and elevation adjustment for complete installation flexibility.

INTERCONNECTION CABLE

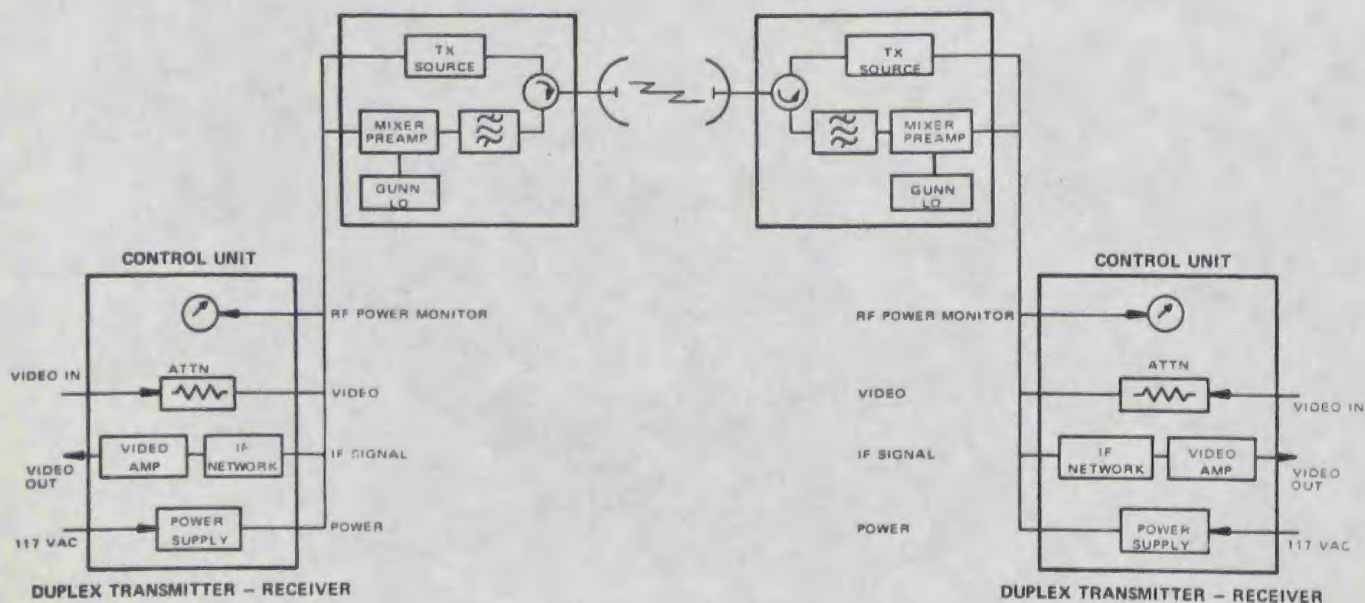
A 100-foot (maximum) flexible cable provides all the necessary interconnections between the control unit and the RF head.

SPECIFICATIONS

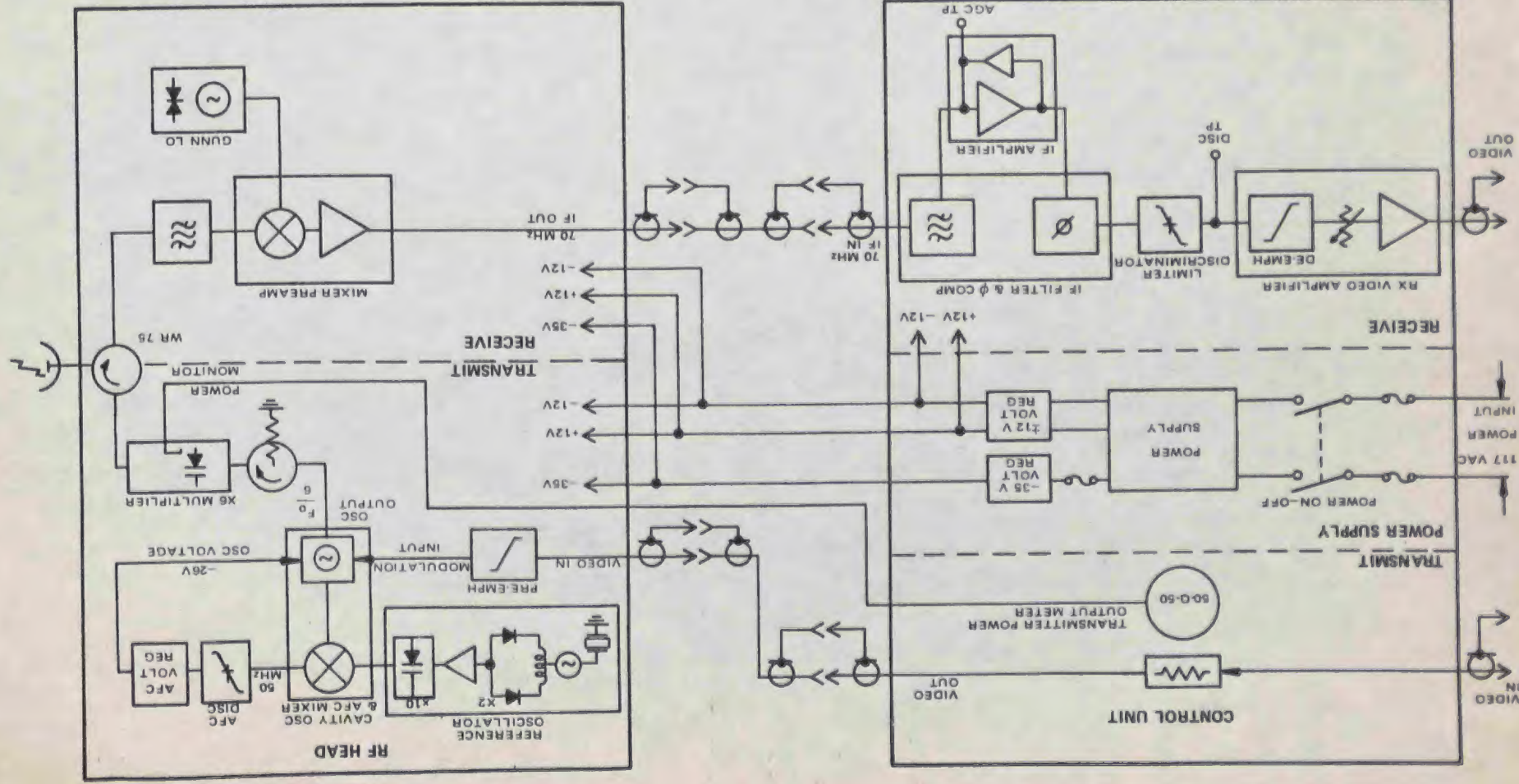
ENVIRONMENTAL CONDITIONS			
Ambient Temperature		-30 to +50°C (Operational); +10 to +40°C (Meets All Specs)	
Relative Humidity		0 to 95% in Temperature Range from +10 to +40°C	
Elevation		Up to 15,000 Ft. (Operational); up to 50,000 Ft. (Storage)	
PRIMARY POWER			
115 V ac		± 10% (50-60 Hz)	
RADIO FREQUENCY			
Range		10.70-13.25 GHz	
Stability		± 0.005% (-30 to +50°C); ± 0.002% (+10 to +40°C)	
Deviation			
Video		± 4.0 MHz	
RADIO CAPACITY			
Video		525/625 Line Video + 1 Subcarrier Program Channel @ 5.8 or 6.2 MHz	
TRANSMITTER		RECEIVER	
Input Level (B/B)	1 Volt P/P	Normal RX Carrier Level	-40 dBm
Output Level (RF)	+18 dBm (+17 dBm, Min.)	Noise Figure	11 dB
TX Osc. Freq. Stability	± 0.005% (-30 to +50°C); ± 0.002% (+10 to +40°C)	IF Bandwidth (3 dB Points)	30 MHz
B/B Impedance	75 ohms	B/B Output Level	1 Volt P/P
B/B Return Loss	26 dB (50 Hz to 4.5 MHz)	B/B Impedance	75 ohms
		B/B Return Loss	26 dB (50 Hz to 4.5 MHz)
CURRENT DRAINS		FCC DATA	
Transmitter (115 V ac)	0.8 A	Type Number	MA-12C
Receiver (115 V ac)	0.7 A	Frequency Tolerance	± 0.005%
		Emission Designator	25,000F9
		Power Output, Max.	0.1W
		Normal Power Output	0.05 W
		Modulating Frequency, Max.	6.2 MHz
PERFORMANCE		PHYSICAL CHARACTERISTICS	
Video (Per Hop, NTSC Color TV, Emphasis, CCIR Weighting, -40 dBm Receive Carrier, w/o RFI and Echo Distortion)		Size (Dimensions)	
Signal-to-Noise		RF Head	
4 KHz to 4.5 MHz (P-P/rms)		Control Unit	
65 dB (33 dB S/N Threshold @ -78 dBm)		Control Cable	
10 Hz to 4 KHz (P-P/P-P)		Weight	
46 dB		RF Head	
Signal-to-Discrete Tones		Simplex (TX or RX)	
50 dB		Duplex (TX and RX)	
Square Wave Tilt		Control Unit	
1.0%		Simplex (TX or RX)	
Differential Gain at 3.58 or 4.43 MHz		Duplex (TX and RX)	
50% APL		Control Cable (100 Ft.)	
± 0.5 dB		Antenna	
10-90% APL		(with Feed, Radome and Mount)	
± 0.5 dB		2-Foot Dia.	
Differential Phase at 3.58 or 4.43 MHz		4-Foot Dia.	
50% APL		25 lbs.	
± 0.5°		31 lbs.	
10-90% APL		32 lbs.	
± 0.5°		30 lbs.	
Frequency Response			
300 Hz to 10 KHz			
± 0.5 dB			
10 KHz to 4.5 MHz			
± 0.5 dB			
4.5 MHz to 6.2 MHz			
± 1.0 dB			
Gain Stability			
(30-Day Interval)			
± 0.5 dB			



MA-12C SIMPLEX SYSTEM BLOCK DIAGRAM



MA-12C DUPLEX SYSTEM BLOCK DIAGRAM



MA-12C TRANSMIT/RECEIVE FUNCTIONAL BLOCK DIAGRAM

DRAFT 12/17/75

*Media & political process
A little history.*

Within a relatively short time television has grown from insignificance to nearly total pervasiveness. Since the early 1950's we have become¹ accustomed to this new medium, using it more hours each day and increasingly relying upon it for advertising, entertainment, news, and political debate. Not surprisingly, the new medium and Presidents have found over the years a mutual attraction. Presidents need television to reach the electorate, and the TV medium finds presidential words and actions great "copy" (to stretch only slightly the newspaper term).

I

Unfortunately, the causes and the effects of the phenomenon called "presidential television" are often confused. The President's frequent television appearances are said by many to account for what is considered to be his undue power over public opinion in comparison with that of Congress and the opposition party. This conclusion is inaccurate in two respects. First, the present authority and prominence of the presidency result not from television but from the historical growth of the involvement of the federal government, and thus of the Executive, in national and international affairs. Second, the President does not have control over the total amount and nature of his coverage on television, and there is no assurance that he will benefit from the exposure he does receive.

edit down

As the nation and the federal government both grew, so also did the power of the presidency. For the first 160 years of our constitutional history, this growth was unaided by television. By the dawn of the era of presidential television in 1947, when President Truman made an address from the White House to launch the Food Conservation Program, the fears of

the Framers that the President would be an obscure and unnoticed figure had long been put to rest.

Because of the inherent nature of the office, a Chief Executive is able to supervise or control detailed administrative matters and to act quickly and decisively in circumstances where the pace of national and international events is too rapid for the more contemplative Congress. In both situations, the pragmatic approach of Congress has been to delegate increasing authority to the President in order to allow effective action. Congress has also deliberately accepted certain methods of conducting business which allow the President to set much of its agenda; a large portion of the congressional year is devoted to consideration of the President's budget and legislative proposals. Congress has an even lesser role in international relations, where the President has a constitutional primacy.² Not surprisingly, much of the coverage of the President on national television has focused on foreign affairs.³

The coverage of the President in all the mass media, including television, reflects his importance, prestige, and newsworthiness in national and foreign affairs. The President's central role is evidenced by the fact that he regularly gets headline coverage in the more than 60 million newspaper copies printed daily in the United States,⁴ as well as extensive coverage in the national news and opinion magazines. Most people recognize the fact that "almost anything the President does is news."⁵ If "the modern trend in American government is towards an increasingly powerful president and an increasingly weak Congress,"⁶ then television, like the other mass media, has only reflected that trend.

Furthermore, there is no evidence that the President's use of television confers any kind of political omnipotence. The political and social forces in this country are sufficiently diffuse to prevent presi-

dential control of public opinion, and therefore, despite his use of television, the President may be defeated on unpopular policies and programs. For example, most of President Nixon's first term television addresses dealt with his Vietnam policies, which nevertheless remained less popular than most of his other domestic and foreign policies.⁷ More powerful counter-vailing forces were acting concurrently to diminish any television advantage that the President might have enjoyed.

*compare
with
politics*

Despite the significant amount of attention he gets, the President does not control television coverage. He is covered by the networks and local stations at the discretion of their own independent news departments, and has no right to demand television time.⁸ Furthermore, congressman and other public figures frequently appear on television, and the views and activities of the President's opponents are regularly reported. In fact, if all programming is considered, senators and representatives appear on television much more frequently than the President.⁹

Even if the television news departments of the three national networks failed to provide such extensive coverage of Congress, and the local TV stations on their own news shows did not cover their local senators and representatives, the Federal Communications Commission's (FCC's) Fairness Doctrine would provide a regulatory check on presidential television.¹⁰ In 1970, the FCC recognized that the large number of presidential addresses presented an unusual situation triggering television fairness obligations even when all other programming was nearly balanced.¹¹

The impression left by many scholars^{and journalists} overstates the President's television advantage over Congress and the opposition party. If television under proper circumstances can be an electronic throne for the President, it can also be an electronic booby trap awaiting a chance slip or slur in an offhand remark, thereby causing an explosion of indignation or outrage

and a consequent drop in the public opinion polls.

No President has been uniformly effective in his television appearances. It is perhaps the unique intimacy conveyed by television that is responsible for its capacity to betray both the serious and the superficial weaknesses of a politician. The fall of Senator Joseph McCarthy in the mid-1950's has been attributed to this effect. On a more subtle level, Minow, Martin and Barrow suggest that President Johnson's continued inability to use television to bridge what became known as his credibility gap marked his failure to win support for his Vietnam policies and caused his political power to wane. Perhaps this was also due to extensive television coverage of the application and effects of those policies.

Finally, having more to lose than to gain, an incumbent President nearing election time may choose to avoid the risks of television appearances in the hope that his opponent will be discredited and undermined by using television. Such a practice is wholly inconsistent with the notion of television's invariably favorable influence on public opinion and political forces.

II

Some experts have proposed ending the imbalance in television exposure by having Congress permit television "on the floor of the House and Senate for the broadcast of specially scheduled prime-time evening sessions"

¹³ At least four times per year, these are to be carried live by the three major networks simultaneously. These broadcasts would be exempt from the "equal time" law and the fairness and political party doctrines. Staging special evening sessions for television coverage appears well within the power of Congress and, at least at the outset, sufficiently interesting to warrant the three-network, simultaneous, prime-time coverage. But the wisdom and propriety of such a congressional maneuver simply to counteract

article not in context of conflict as Minow book puts it

the President's use of television is doubtful.

In discussions of ways in which to give Congress access to the media, the question of how congressional television will counteract presidential television is rarely adequately addressed. Therefore, the notion that Congress needs television is without force. Since Congress is by nature pluralistic, many of the recent attempts of its members to present unified fronts have necessarily expressed only the least common denominator of their views and thus those efforts have lacked the impact of a singly-spoken presidential statement. It is hard to see how the prime-time congressional specials could be much better, unless carefully staged by the majority^y party leaders; yet if the specials were actually staged, both viewers and news c^mmentators might see them as contrived performances. These special congressional sessions are therefore unlikely to improve significantly the image of Congress or provide an effective means of expressing opposition to the President.

In practice, it is doubtful that a proposal of this sort would result in the long-run balance to presidential television that is sought. More often than not, Congress and the White House have been held by the same party, a situation that could give even greater exposure to the President's position and put the opposition party at a more serious television disadvantage when it is perhaps most dangerous to do so.

It has also been suggested that the congressional coverage under this proposal be exempt from the Fairness Doctrine. If the President and the congressional majority were of the same party, the President's opponents would not be adequately represented by the televised congressional sessions, and they would^{lose} the opportunity under the Fairness Doctrine to have these programs balanced by presentation of conflicting views. Moreover, if a broadcaster in this situation voluntarily attempted to balance the exempt

congressional coverage by giving time to opponents of the President, there would be a danger that supporters of the President's policies might try to apply the Fairness Doctrine to this nonexempt coverage, forcing the broadcaster to give still more time to the presidential position.

Furthermore, this proposal seems to require the networks to broadcast these congressional sessions. This raises the specter of government compelling its own coverage, a dangerous precedent. Currently, one of the checks on the political use of television is that the President and Congress can only request time, and the networks can therefore negotiate over the time of day and amount of time given. This protection would be removed if either the President or Congress were permitted to demand television time.

Proposals of this sort do not give sufficient weight to First Amendment interests. A better solution, if Congress wishes to be more
15
accessible to all of the media, would be to permit journalists to cover whatever congressional activities they consider newsworthy by means of print, radio, or television. Adequate television coverage of Congress could best be encouraged through improvement of congressional procedures. One proposal is to institute several reforms, including restructuring committees to remove overlapping jurisdictions, developing a more efficient method for reviewing the President's budget proposals, and coordinating the actions of the House and Senate, in the hope that such reforms would increase the visibility of Congress and make it easier for the press to
16
cover congressional activities. Constructive proposals of this nature might profitably be undertaken before Congress schedules its debut on live, prime-time television.

When Congress does something newsworthy, it invariably receives broad coverage. All that Congress needs to do is open its doors, if it decides that the public needs "congressional television." Journalists should be

left to take care of the rest. Congress has no need to demand or legislatively require television coverage.

IIII

Another major proposal is that:

(T)he national committee of the opposition party should be given by law an automatic right of response to any presidential radio or television address made during the ten months preceding a presidential election or within 90 days preceding a Congressional election in nonpresidential years.¹⁷

Suggesting amendment of § 315 of the Communications Act of 1934,¹⁸ this proposal would require that every broadcaster or cablecaster who carries a presidential appearance within the expanded response period provide "equal opportunities to the national committee of the political party whose nominee for President received the second highest number of . . . votes"¹⁹ in the most recent presidential election. The equal opportunities and fairness provisions are to be suspended for this reply by the opposition.

edit down

If such a proposal were implemented, the result would be the replacement of editorial judgement in campaign coverage by a mechanical rule. It is no doubt true that fairness and objectivity are often lacking in network coverage of political parties and candidates. It seems more likely, however, that even with the limited diversity of only three networks, day-to-day news selection based on a reasoned, professional judgement is superior to the mechanical application of a law which forces broadcasters automatically to present spokesmen selected by the opposition party.

One need not peer far into the past to find examples of the potential mischievousness of such a law. When President Johnson was pursuing his Vietnam policies, most of the effective opposition was in his own party, while Republicans were generally less critical of the war. Since the proposed law would not limit the other party to the issues discussed by the

President, the Republicans could have eschewed any related and perhaps less important issue. Ultimately, the war would have been opposed less effectively by the President's real opposition in the time remaining to the networks for coverage of other news topics.

On the whole, granting the party out of power a right of free reply will make political debate in America more partisan and institutional rather than philosophical and issue-oriented. ²⁰ Such a provision may lock the current political scene into law by narrowing the range of expression to established partisans. Similarly, this proposal could hurt insurgent candidates running independently of the backing of party regulars by giving each national committee the power to select party spokesmen. Television debate of political issues is not likely to be strengthened by giving so much television control to the party regulars on the national committees.

The "opposition" to the President's policies can come from many sources. Whether that opposition is the other party, a local official, or the heir apparent within the President's own party, the wiser choice is to seek conditions under which each such group can receive news coverage to the extent that it is newsworthy and can also have a right to buy television time for itself. This latter issue of access rights, which would in many ways help achieve the desired objectives, is explored in more detail below.

IV

Proposals for "National Debates" among spokesmen of the national political parties to be established on a voluntary basis for all concerned, with the stipulation that they be shown live during prime time with simultaneous major network coverage, have often been advanced. Designed to facilitate the development of party positions, a dubious goal in itself, the debates would more than likely lead to many of the same results as the

proposals for "opposition television" that were criticized above.

Political debates have always been voluntary for both participants and broadcasters. There has seldom been any hesitancy on the part of broadcasters to stage debates. The problem is that the incumbent, usually much better known, is often understandably reluctant to help provide an equal forum for his opponents. The National Debates would frequently meet the same obstacle. It is likely that they would never take place except when the strategies of all candidates coincide. Such debates therefore could never play a major role in balancing presidential television appearances.

If the national committees of each party are given the power to choose the spokesman who will participate in these debates, it is almost always assumed that the "most arresting personalities and best debaters will be chosen."²¹ More likely, the division within the national committees will often lead to compromise spokesmen noted only for their lack of further political ambition.²² Without the charismatic figures that television seems to require, the debates would probably languish very low in viewer popularity -- except for those few occasions when they would have been interesting enough to command coverage anyway.

V

The question of allowing a private right of access is, for the most part, ignored in considering the problem of television reply time for Congress and the opposition party.²³ Giving access to groups other than Congress and the opposition party would make it possible to provide exposure for a wider range of political opinions. When the access issue is considered in light of theories of broadcasting regulation and the requirements of the First Amendment, the recommendations for dealing with these problems might be far different.

Despite the demand for some form of access by private groups, the Supreme Court ruled in *Columbia Broadcasting System v. Democratic National Committee*²⁴ that broadcaster refusal to allow paid access to the airwaves in the form of "editorial advertisements" did not violate the First Amendment or the broadcasters' statutory duty²⁵ to act "in the public interest." The Court, in considering the possibility of creating such a private right of access, said that it was necessary to weigh the interests in free expression of the public, the broadcaster, and the individual seeking access. It then held that the Congress was not unjustified in concluding that the interests of the public would be best served by giving full journalistic discretion to broadcasters, with the only check on the exercise of that discretion being the FCC's public interest regulation of broadcasters. The majority opinion pointed out that choosing a method of providing access to individuals and private groups that relied on detailed oversight by a regulatory agency would simply increase government interference in program content, in view of the need to create regulations governing which persons or groups would have a limited right of access.²⁶ The Court stated, however, that the access question might be resolved differently in the future: "Conceivably at some future date Congress or the Commission -- or the broadcasters -- may devise some kind of limited right of access that is both practicable and desirable."²⁷

The growing role of broadcasting in American politics, together with the increasing clamor for some form of access, may justify legislative reexamination of whether the broadcaster should be required in selling his commercial time²⁸ to accept all paid announcements without discrimination as to the speaker or the subject matter.²⁹ In this way, paid editorial announcements would stand on an equal footing with paid commercials and paid campaign advertisements. The broadcaster would sell advertising time

exclusively on the basis of availability, the same way that newspapers and magazines sell advertising space. All persons able and willing to pay³⁰ would have an equal opportunity to present their views on television.

This kind of access right would be compatible with the policy concerns³¹ of the Supreme Court in Democratic National Committee. This proposal would require no additional government administration or interference. Exempting access announcements from the Fairness Doctrine would cause a³² minimum of dislocation to the broadcaster's regular programming. Moreover, broadcasters would not give up any significant control over substantive programming if the right of access were limited to commercial time. Both the journalistic freedom of the broadcaster and the interest of members of the public in obtaining television time are therefore protected by the crea-³³tion of this limited right of access.

By meeting some of the public demand for an electronic forum, developments in communications technology such as cable television will in the future almost surely reduce the hazards, real or imagined, from presidential³⁴ television. In the meantime, the more limited medium of broadcast television must be made more responsive to individuals and groups seeking to express their points of view. The method by which this is done is^S crucial. Access can either be given on an ad hoc basis to those groups powerful enough to command it legally (such as Congress and the opposition party), as many would suggest, or it can be sold on a nondiscriminatory basis. Only the latter proposal would be an improvement over the present system.

VI

The thrust of most proposals being advanced today is toward dictating to television viewers what they are to see, with paternalistic disregard for their actual desires. Those who do so have lost sight of the substantial

journalistic function that broadcasters share with publishers. Newspapers devote their space to those issues and events that the editors feel the readers will find most important. The more important the event, the more prominent is its position in more newspapers. No one tells a newspaper how many column-inches to devote to a certain topic, and certainly there is no law requiring the periodic coverage of specified events regardless of their newsworthiness.

To be sure, the "broadcasters' First Amendment" has come to be viewed³⁵ as an abridged version of the original one.³⁶ It is crucial, however, that intrusions on journalistic expression be severely limited. Too often, the experts are all too ready to impinge on free journalistic expression at a time when ways should be found to help preserve that expression. Indeed, the inevitable arbitrariness and complexity of such proposals provide the best arguments against legal controls over the use of television. The proposals go well beyond what is necessary to achieve many desirable goals and, unfortunately, fail to concentrate on the development of a general system of access that would be better designed to achieve those goals.

The major criticism of such proposals, though, is that they would impair rather than expand the ability of television to evolve into a medium reflecting a wide range of perspectives on the American social and political scene. With the extreme economic concentration of control over television programming by the three national networks³⁷ and the growing scope of FCC programming regulations,³⁸ we are already moving toward control of national television programming by a familiar coalition of big business and big government. Proposals such as those advocated by many scholars and journalists today serve only to entrench such a system and to constrain the diversity and free choice that should characterize American television.

FOOTNOTES

1. Total television viewing per home has been estimated to have reached 6 hours, 20 minutes per day in the over 60 million homes in the United States having television receivers. Broadcasting Mag., Broadcasting Yearbook 12 (1974).

2. See, e.g., United States v. Curtiss-Wright Export Corp., 299 U.S. 304 (1936).

3. For one illustration that coverage is predominantly on foreign affairs, see note 7 infra. In addition, there has been extensive coverage of presidential actions in areas where Congress has delegated authority to the President, for example, wage and price regulation during the Nixon Administration.

4. U.S. Department of Commerce, Pocket Data Book 296 (1973).

5. By virtue of his office, the President of the United States -- its constitutional leader, supreme military commander, chief diplomat and administrator, and preeminent social host -- obviously ranks higher in the scale of newsworthiness than anyone else -- defeated opposition candidate, national party chairman, governor, congressman, senator.

. . . .
A presidential press conference is clearly news. So is his television address; a report of it will be on page 1 in tomorrow's newspapers. A presidential speech broadcast only on radio will be reported in the television news.

Presidential Television, p. 21.

6. Presidential Television, p. 103.

7. As of April 30, 1972, President Nixon had preempted network programming a total of 19 times to make addresses to the nation. Ten of these addresses, more than half, dealt with Vietnam or Southeast Asia policy. This subject, to which he devoted by far the most attention, never received as much public support as many with the notion of the power of presidential television might predict.

8. At times, the President has had to bargain with the networks for a desired television time spot. The authors relate that an Eisenhower speech on the Quemoy-Matsu crisis was delayed until after prime time, while President Kennedy had to postpone a speech designed to prevent racial violence at the University of Mississippi from 8:00 p.m. to 10:00 p.m. (by which time rioting had already started). Presidential Television, p. 35.

9. In 1973 alone:

(W)ell over 150 different Congressional spokesmen appeared on the NBC Television Network in more than 1,000 separate appearances of varying lengths. By contrast, the President appeared approximately 148 times (of which about 20% were ceremonial occasions).

J. Goodman, President of NBC, Statement Before the Joint Committee on Congressional Operations, March 7, 1974 at 4.

The CBS Evening News broadcast six nights a week to 18 million people a night included 222 interviews with or appearances by members of Congress from June

1, 1973, to last week (the week prior to February 21, 1974) In addition there were hundreds of other reports of Congressional activity on the CBS Evening News during that period.

. . . .
In 1973, for example, there were 31 appearances by members of Congress on Face the Nation alone.

A. Taylor, President of CBS, Statement Before the Joint Committee on Congressional Operations, February 21, 1974, at 2. Since June 1973, CBS has also implemented a more expansive reply policy for leading opposition figures to reply to presidential messages.

10. The statutory basis for the Fairness Doctrine is the Communications Act, 47 U.S.C. 315 (1970), but in reality the doctrine is an administrative concept grounded in the "public interest" standard governing broadcast regulation. 47 U.S.C. 309 (1970). The doctrine requires that if a broadcaster gives time to present one side of a "controversial issue of public importance," he must provide a reasonable opportunity for the presentation of conflicting viewpoints. He must provide free time if paid sponsors are not available. There is no "equal time" requirement, and the broadcaster determines what time will be provided for the reply, the format to be used, and who the spokesmen for the other side will be. No individual or group has a right to time under the Fairness Doctrine, which is concerned only with the presentation of issues. See, e.g., Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 Fed. Reg. 10415 (1964); Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969) (Fairness Doctrine held constitutional).

11. Committee for the Fair Broadcasting of Controversial Issues, 19 P & F Radio Reg. 2d 1103 (1970).

12. See Presidential Television, p. 47.

13. See Presidential Television, pp. 122, 161.

14. Prime time is defined as the peak television viewing hours for evening entertainment, generally 7:00-11:00 p.m., eastern time. The suggested live sessions would have to begin late in the evening in Washington, D.C., to reach west coast viewers during prime time.

15. C. Edward Little, President of the Mutual Broadcasting System, points out that in 1972 congressional committees conducted 40 percent of hearings and other meetings behind closed doors. He notes encouragingly, however, that the trend towards closed meetings is being partially reversed in the recent past. C. Little, Statement Before the Joint Committee on Congressional Operations, February 21, 1974, citing 28 Congressional Quarterly Almanac 93 (1972).

16. Rep. J. Cleveland, Statement Before the Jt. Comm. on Cong. Operations, Feb. 20, 1974, at 5 (~~hearings to be published~~).

But the final passage of a bill or a successful investigation are only parts of the legislative drama. The rest of the performance must also be comprehensible--both to achieve quality and to communicate effectively.

. . . .
Reform can achieve this objective. The restructuring of committee, for example, can reduce overlapping jurisdictions, clarify responsibility, improve oversight, and encourage more rational planning--all of which would heighten the visibility of committee work and make it more accessible to the media, as well as produce a higher quality legislative product.

17. See Presidential Television, p. 161.

18. 47 U.S.C., section 315 (1970).

19. See Presidential Television, p. 161.

20. The present Fairness Doctrine, in contrast, requires a balance of issues, not personalities or parties.

21. See Presidential Television, p. 155.

22. Conversely, if each party chose several spokesmen to represent various wings of the party, the debates could become little more than intra-party quarrels.

23. "Private right of access" refers to the practice of allowing individuals and groups to purchase television time to broadcast their views on politics or other subjects.

24. 412 U.S. 94 (1973). The Court overturned a ruling by the court of appeals that a flat ban on paid editorial announcements violates the First Amendment, at least when other sorts of paid announcements are accepted. Business Executives Move for Vietnam Peace v. FCC, 450 f.2d 642 (D.C. Cir. 1971).

25. 47 U.S.C., section 309 (1970).

26. 412 U.S. at 126-27. The Supreme Court distinguished this type of "right of access" from enforcement of the Fairness Doctrine, which the Court described as involving only a review of the broadcaster's overall performance and "sustained good faith effort" to inform the public fully and fairly. However, the Court apparently was unaware of the gradual shift away from general enforcement of the Fairness Doctrine towards specific, case-by-case and issue-by-issue implementation. See Blake, Red Lion Broadcasting Co. v. FCC: Fairness and the Emperor's New Clothes, 23 Fed. Com. B.J. 75 (1969); Goldberg, A Proposal to Deregulate Broadcast Programming, 42 Geo. Wash. L. Rev. 73, 88 (1973); Robinson, The FCC and the First Amendment: Observations on Forty Years of Radio and Television Regulation, 52 Minn. L. Rev. 67 (1967); Scalia, Don't Go Near the Water, 25 Fed. Com. B.J. 111, 113 (1972), quoting Paul Porter from Hearings on the Fairness Doctrine Before the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce, 90th Cong., 2d Sess., at 153 (1968). In effect, this shift in the method of enforcement has made the Fairness Doctrine similar to the type of "right of access" mechanism that the Court in Democratic National Committee said would regiment broadcasters to the detriment of the First Amendment. 412 U.S. at 127.

27. 412 U.S. at 131.

28. This proposal is limited to time reserved for paid commercials, not program time. A broadcaster would not be compelled to preempt regular programming. Commercial time on television falls generally in the range of 9 to 16 minutes per hour. The voluntary code of the National Association of Broadcasters allows nine minutes per hour during prime time, Broadcasting Mag., supra note 1; the amount of commercial time is greater during other times of the day.

29. Under present government regulation, the broadcaster is legally responsible for his commercial time as well as his program material. In a system of paid access, it may be sufficient that individuals and groups are civilly liable for slander, obscenity, false or deceptive advertising, incitement to riot, or other offenses, and therefore the broadcaster should perhaps be relieved of liability for any infractions of law by users of the station's facilities.

30. This should not cause an unfair discrimination against groups which lack funds. Considering the amount of contributions which television appeals can attract, it is likely that any group with something important to say could raise money for the announcements by an on-the-air appeal. See, e.g., Presidential Television, p. 118 (an antiwar group paid \$60,000 for time, but received \$400,000 in contributions). Small, unpopular, or extremist groups might have trouble raising funds, but regrettably some of these groups probably would also be denied time under the present Fairness Doctrine. Poor groups whose views were not represented on programming time would be able to compel at least some coverage of their views through enforcement of the broadcaster's statutory responsibilities.

31. In fact, this would conflict less with Democratic National Committee than would the authors' proposals, which show little regard for the public interest or the journalistic freedom of the broadcaster. The authors would take from the broadcaster control over large blocks of time now devoted to program material, and give it to groups which the FCC could not hold accountable under the public interest standard. This was one reason the Court accepted the FCC's refusal to require public access in Democratic National Committee. 412 U.S. at 125.

32. If the Fairness Doctrine were applied to paid political advertisements, the broadcaster might be forced to provide free time for replies during regular programming time. 412 U.S. at 123-24 (the Court apparently did not decide whether the FCC would be permitted or required to extend the Fairness Doctrine to paid political advertisements). This possibility would be avoided by explicitly exempting these announcements from the Fairness Doctrine as part of the proposal. Such an exemption, of course, need not affect application of the Fairness Doctrine to product advertisements. Branzhaf v. FCC, 405 F.2d 1082 (D.C. Cir. 1968), cert. denied, 396 U.S. 842 (1969). In addition, this proposal would leave the license renewal process available as a recourse in cases of extreme program imbalance.

The Fairness Doctrine, moreover, is not the source of this right of access. To use the Fairness Doctrine to justify a private right of access is to give it a function for which it was never intended.

33. In contrast, giving an unlimited right of access during regular programming time could remove a large amount of time from the control of the broadcaster and give it to individuals or groups. Since even proponents of access agree that this would be undesirable, they recommend more "limited" rights of individual access. But then it would be necessary to have detailed FCC-enforced regulations and standards to determine who would be entitled to time and which time slots would be made available. A right of access so constrained would result in the same type of governmental control over program content that was condemned in Democratic National Committee, 412 U.S. at 126.

34. While ^{many would} ~~the authors~~ include cable systems in their suggestions, it is doubtful that anyone, including the President, should appear simultaneously on all of the potentially numerous networks in a medium of channel abundance like cable. It is also doubtful that all cable network organizations should be required to give free time to Congress or opposition parties, since there should be sufficient time for sale to accommodate everyone. Cable television, therefore, should be exempt from the programming requirements proposed by the authors.

35. See Red Lion Broadcasting Co. v. FCC, 395 U.S. 367, 388 (1969) (the right of the viewers and listeners is paramount to that of the broadcaster).

36. The First Amendment commands that "Congress shall make no law... abridging freedom of speech, or of the press...." U.S. Const. amend. I.

37. The three networks originate about 64 percent of all programming for affiliated stations. Broadcasting Mag., supra note 1, at 70. The percentage is higher during evening prime-time hours. Of the 700 commercial stations operating as of April 30, 1974, Broadcasting Mag., June 3, 1974, at 40, only about 80 are not affiliated with the networks. Station ownership is also highly concentrated:

Each of the networks owns the legal maximum of 5 VHF stations. Since these are in the largest cities, networks reach 25 to 35 percent of all TV homes with their own stations.

R. Noll, M. Peck & J. McGowan, Economic Aspects of Television Regulation 16 (1973).

38. See, e.g., Notice of Inquiry in Docket No. 19154, 27 FCC 2d 580 (1971) (recommended percentages of certain types of programming); Further Notice of Inquiry in Docket No. 19154, 31 FCC 2d 443 (1971) (same); Report and Order Docket No. 19622, 29 P & F Radio Reg. 2d 643 (1974) (prime-time access restrictions on network programming).

Intro

Access to see & hear

Access to show & tell

History to mail & magazines etc 1900-1910

April 13

#750

Robert

40 min + 10 min

500 people

TV is different

Radio Act & scarcity: not everyone can open a mag of the air
TV as radio's child

Networks

Threeness

Public TV etc.

Cable & future & desirability of consistent direction,

Fairness

Access for ideas

Right to hear

Red Lion

Who decides & how?

Unworkability

Fairness & Cable

Direct Access

General

Pay or free

Program time, ad time

Viewer choice (wanted & unwanted)

Privacy

First Amendment issues

Courts, FCC

Access to ad time

Pay or free

Viewer choice & schedules

Privacy, obscenity, taste, kids

First Amendment issues

vertical and structure

enforcement

rights of broadcast

Residual issues

licensee obligations & freedoms

changing standards

technologies to block commercials?

like

What will get on?

How will TV be different

Access to program time

Direct purchase & related issues

PTAR & related issues

Non-discrimination sale or affil?

Exclusive affiliations

Non-exclusive affil & consequences

Rule on max from one affil in pub int?

Rule on no excl affil contracts?

Access & cable

History & be models

~~Access~~ Separations

Access to channel time

Access to buy ads in programs?

Parallel to newspapers & magazines

Conclusion

→ Tech & econ of scale have changed considerably but not principles of desirability of multiplicity of ideas

→ Must choose principles or ind structure as a priori base.

→ Sed trend in Const and has been latter

→ Need former

→ Prob of legislature

→ FD Unconst & direct Congr to provide legal?

for access paper

1. Program penetration & "good" programs
as extension of FD philos into program area

2. Advertiser control over political aspects
of shows \Rightarrow product adv not ~~sure~~
free of editorial implications. (not
to mention direct adv effects)

[See adv sths, memos, etc in
Bannour & in Thomas: Listeners
Right to Hear in BC p 889.

~~Access to Mass Media~~

Access to Television

Principles
Historical
Technology
Economics
Social & individual
Political
Institutional

Integration & concentration
Economic for or press for

Voices

Structure

Constitutional conflicts

Anti-trust

Security

State Action, Public Interest, etc.

Equal of Outcome.

Access for ideas or people
gatekeepers

TV corp as business

Non-discrimination in sale of time

Taste, decency (apts for ads?)

Scheduling

Min of govt Detailed role

Papers, magazines, mail

(Where do you break in to reg non-discrimination)

Import on schedules

Network program sales?

Lawson & children

Notes on Barron

P4-5 : Our Constitutional free press guar is aimed at limiting govt censorship - but it's sort of says Barron to gaining access as tech & even have lot # of media outlets & make media more powerful.

P7-10 NYT v Sullivan was over an editorial ad. NYT argued Const protection & Sup Ct responded in kind.

Note on above : The trouble isn't in the F.A., but in our judicial interps of Const to solve what ought to be legisl issues that our legial won't deal with (in part bec no one is pointing it out!)

Read NYT v Sullivan

P. 11 No libel response on air for polit using equal time.

Farmers Educ & Coop Union v WDAY
360 U.S. 525 (1959)

Attempt to get judicial regmt of right to buy
space for newspaper ad (failed):

Chicago Joint Board v Chicago Tribune

307 F Supp. 422 (N.D. Ill 1969)

aff: 435 F 2d 470 (2d Cir 1970)

cert denied 402 US 973 (1971)

Judge hinted legisl might be OK

Barron Chap 2: p 17-21 for state action in newspapers
suff to reverse FA To limit
their power

Commercial newspaper ad rejected by paper
paper upheld; but see dissent by J. Adams
arguing oblig on non-discriminatory

Bloss v Faded Publications

380 Mich 485; 157 NW 2d 241 (1968)

Barron p. 48: He argues FA commands
affirmative access to open sections of the
daily press - letter-to-the-editor & advertising pages.
But this requires a gatekeeper for.

p 50 } He is concerned about those who can't pay.
p 51 } But he ignores problems of enforcement.

Access to campus press — key distinction in courts is state action. Two cases won by those seeking to buy ^{space} ~~ads~~ for polit ads:

① *Lee v Bd. of Regents* 306 F. Supp. 1077 (W.D. Wis 1969)

Lee v Bd of Regents 441 F.2d 1237 (7th Cir 1971)

② *Zucker v Parity* 299 F. Supp. 102 (SDNY 1969)

In ②, finding of state action in a privately owned paper is identified as difficult.

But how is this area of state action diff than access to restaurants, etc? Maybe those are based on equal protection; if so, can that be applied to media access? check.

~~Pb2~~ 2 bills

P. 55 A Bill to req sale of space for ed ads in papers and to req space for reply to editorial (presumably free) (Barrow)

Pb2 2 bills: ① FCC gets authority to revoke automatic exemption if paper ~~coverage~~ no doesn't cover divergent points of view

HR 18928, Aug 12, 1970

② FD to monop papers vis FCC & Cb.

HR 18927 Aug 12, 1970.

AA Berle in 1952 wrote on the level of an emerging principle that the corp as a creature of the state, should be subject to Const limits when it infringes a const guarantee, just as govt is (compare CBS v DNC) & CTW speech)
What if this applied to media? what would FA mean? See 1004 of Pa Law Rev 933 (1952)

Get Edith Efron's book on farmers ...

Don't forget the point about Bygren et al that govt leaders have a right / oblig to criticize the media. Robustness etc rather than privilege.

Barron p 90 quotes Ellul to say that people are so surrounded by ^{competing} propaganda that it is foolish to believe they can still choose as individuals
Ellul: Propaganda 1963. (p 254)
compare Tony Schwartz: The Responsive Chord

Can the theory of FA, marketplace of ideas, rationalism, civility, etc survive such editorial & advertising "propaganda"? Good question? Surely can't throw theory out because of bad result. Where can virtues come from for civility, reason, etc?

In access to transportation terminal & shopping centers,
a key test of courts has been that the commo not
disrupt the primary activities of the facility (Baron p 105)
How does this fit TV?

But Sup Ct held that the nature of the commo must
show a relationship to the facility. See also dissent.

Lloyd Corp v Tanner 92 SCt 2219 (1972)
reversing Fed Ct 446 F2d 545 (9th Cir 1971)

See also Sup Ct refusing to allow protest on jail grounds Baron p 115.

What abt the "right" of privacy, to be left alone, &
access to newspaper & magazine ads & to TV ads this?

① What if I want a magazine on photog free
of retailers ads, or a magazine of opinion free
of instl opinion ads?

② On TV, ~~what~~ does the genl entertainment
orientation or general audience orientation
mean polit ads are contrary to the purpose
of the channel? Does my right to turn
the set off or to another channel for 1-min
mean I have to protect my privacy
minute by minute?

Sup Ct has held people can't be communicated with
in their homes against their will (Baron p 112) (case?)
maybe total privacy case 397 US 728 (1970)

Byzants Ct held th NY Transit Authority couldn't
accept some pub serv announcements &
refuse others.

Kissinger v NYCTA 274 F.Supp 438
(SD NY 1967)

How about PSA's (esp govt-produced) on TV?
Govt requires them via FCC.

Does the lack of ownership in the license ~~constitute~~ lead to
a lessened private property argument re: access?
Red Lion relevant?

As in libel/damages, access/license revocation
is not the answer. Ex post retribution on ad hoc basis
is not the way to encourage open debate & civility.
This is the fault of FD & Red Lion. They take the
34 Act as given & construe Court around it giving
FCC too much punitive discretion rather than
striking at the Act (or lack of legial)

The virtue of the OTP license renewal bill is that
the license renewal process is focused on an obj std of
overall behavior. It's no wonder FCC hasn't
taken away licenses after over small (if blatant) ad hoc
violations of public interest - there was no prior std
for them to adhere to.

Free access: see Baylon argument (Barron p 154)
that fairness req free time since sometimes the
econ resources would be unbalanced. This is
fine as far as it goes. But to the LR
conseq of govt as editor of last resort that
cause the prob.

Wm S White calls demands for access to reply to
it "juvenile egalitarianism." (Barron p 168)

Barron p 169: apportion time to reply by # votes
cast!!

CTW: non-discrim sale adv time
could ~~be~~ apply to net purch of str time!

Barron p 177 quote is exactly the kind of
spongy thinking that leads nowhere.

For Barron moreover, any access is good access.

Obscenity: privacy etc
soln may be ① FCC remedies for str material
② court for process for access material
③ str edit for taste subj to court injunct

Access may defuse dramatic ~~pro~~ & symbolic protest, now
needed to get access. Social cost is now lighter
than econ cost of real access

The majority-minority fear

- ① Someone will buy up all the time; or will be beset by minor views
- ② Only majority points of view will be seen bec minorities don't have \$

Re: argument that $\frac{1}{2}$ & 1-min spots shouldn't be allowed
on bc for ed ads: "Only what govt believes effective
should be allowed."

Access as response or reply for fairness is a stark, decided

1

NOTES FROM ERIK BARNOW
A HISTORY OF BROADCASTING IN THE UNITED STATES

VOLUME I -to 1933

- 17 Marconi Wireless Company of America evolved policy of selling not ~~equipment~~ equipment but communication. Marconi "would install equipment on a ship and furnish a man to maintain and operate it. The equipment would remain Marconi property, and the man a Marconi employee. An annual fee to the Marconi company would cover ~~the~~ use of the equipment and the services of the operator." ... "Meanwhile Marconi shore stations would be maintained at various points to provide the Marconi-equipped ships with shore communication." "It became the policy of Marconi shore stations - except in emergencies - to communicate only with Marconi-equipped ships..."
- 18 "Now, with wireless a center of attention, there would be experimenters by hundreds and by thousands."
- 19 Funded by Weather Bureau of the US Dept of Agriculture, Reginald Aubrey Fessenden, a Canadian, experimented with wireless. In 1901 using a telephone microphone, he superimposed voice on a continuous radio wave and developed a more sensitive detector than that used for telegraphy.
- 20 With financial backing he went commercial and with a large General Electric transmitter on Christmas Eve, 1906, broadcast CQ in code ~~followed by~~ heard by ship operators over a wide area. After a moment, they heard "a human voice coming from their instruments - someone speaking! Then a woman's voice rose in song. It was uncanny! Many called their officers to come and listen; soon the wireless rooms were crowded. Next someone was heard reading a poem. Then there was a violin solo; then a man made a speech, and they could catch most of the words." ((xx quote from Harlow, Old Wires and New Waves, p. 455
- The violin solo was by Fessenden (Gounod's "O, Holy Night.")
- 21
- 22
- 23 After Marconi, experimenters sprang up everywhere. "In attics, barns, garages, woodsheds, apparatus took shape." School and college wireless clubs were formed. People were "filing down nickels to make coherers" and winding wires around "broken baseball bats or, later on, Quaker Oats boxes." "Most started with a receiver, with transmission as the next step. For each one who was already transmitting there were always many who had not yet reached this stage." "These experimenters, in city and country, were not only the beginning of what became the radio audience; they were also the cadre from which many broadcasters were to spring."

- 68 "The advertisement was seen by Harry P. Davis, Westinghouse vice president and Conrad's superior, and it gave him pause." "Since the turn of the century, receiving had been for those with technical knowledge. But during the war, Westinghouse had made receivers like the SCR-70, complete in one unit, easy to operate. What dawned on Mr. Davis was the vision of a ~~new~~ market, ~~xxx~~ not of electrical wizards but, simply, of everyone. 'Here was an idea,' Mr. Davis recounted later... 'of limitless opportunity.'"
- 69 The next day Davis met with Conrad and proposed a new and stronger transmitter at the Westinghouse point. "It would broadcast on a regular daily schedule, always advertised in advance, to give buyers of receivers assurance of continuing service. If the market for receivers was as 'limitless' as Mr. Davis thought, Westinghouse would get its return through the sale of sets as well as through ~~the~~ publicity for the Westinghouse name." "On October 27 the Department ((of Commerce)) assigned the letters KDKA - commercial shore-station ~~to~~ call letters - and authorized ~~the~~ use of 360 meters, a channel away from amateurs and comparatively free of interference."
- 72 "After Kdka, ~~the~~ ... the future of radio suddenly looked quite different." Westinghouse had acquired some relevant patents which the success of KDKA dramatized the value of. "On June 30, 1921, the epic of high radio diplomacy reached a fitting climax. The cross-licensing empire fashioned by Owen D. Young took in a new partner - Westinghouse. It became a GE-RCA-ATT-Westinghouse alliance; and additional company, United Fruit, had also been invited to join because it owned patents on crystal detectors and a loop antenna. Now about 2000 patents were in the pool." "Each of the partners acquired representation on the RCA board of directors."
- 73 Owen D. Young writing in the Saturday Evening Post, Nov 15, 1929: Of the American capitalist: "He works less for luxury than for power. His aim is primarily achievement. He will give away his money to universities and hospitals, but the power to embark on great enterprises he will not give away. And so I say to his critics, if this be materialism, make the most ~~use~~ of it."
- 78 Sarnoff had earlier in 1916 proposed development of a "Radio Music Box" that would make radio a "household utility." but the idea was rejected by RCA. He
- 79 Sarnoff re-proposed the plan in Jan 1920, the profits to come from sales of Radio Music Boxes and from advertisements in Wireless Age which would announce the monthly schedule of broadcasts. Again, RCA rejected the ~~plan~~ plan.

80 The success of KDKA showed that RCA had "missed the boat."
5 "Early in 1921, the reorientation within RCA was under way.
In April, David Sarnoff, aged thirty, became general manager ..."
"Production plans for home radios were being hurried
in the alliance group. Sarnoff felt that RCA ~~xxxx~~ must
at the same time put ~~xxx~~ itself dramatically into broadcasting."
Their first broadcast was the heavyweight championship fight
between Dempsey and Carpentier. As many as 300,000 heard the fight.

81 "The pot that KDKA had set cooking was kept boiling vigorously
by RCA. Tubes and other parts carrying the RCA trademark
were beginning to move into electrical stores; within a
few months radio sets would ~~xxx~~ follow. A demand was assured."

83 "We now come to a time when broadcasting talent - producer
and performer - began to develop as a separate entity.
Heretofore the inventor had been impresario and often chief
entertainer. Fessenden had played the violin, De Forest
had read election returns, Conrad had introduced the
records. As broadcasting became corporate enterprise,
specialization began."

91 "The year 1922 opened with exhilaration. Business was improving
and radio zooming." Radio stations licensed for broadcasting
a as a separate class of station grew, from a total of 5 prior
to December 1921 to 23/~~TH~~Dec. alone. Then an average of 59
new stations per month in the first 6 months of 1922. All
were on 360 meters (833kc) the wavelength allocated to
"news, lectures, entertainment, etc."

92 "The confusion must have been immense. The Department of
Commerce did not allocate time periods; it simply told each
station to work out a division with others in its area.
Unending local bargaining - or bickering - therefore followed."

93 "As the stations in each community multiplied, the division
of time became difficult and vexing. The schedule became
a checkerboard of short time patches. Some stations had
an hour or two during the week... New arrivals were increasingly
resented by earlier stations."

95 Sec. of Commerce Hoover: "He was painfully - and rightfully -
uncertain about his powers under the 1912 radio law, which
he was to call 'a very weak rudder to steer so powerful
a development.'"

96 Hoover still used the terminology "wireless telephone" for radio

During the second ~~radio~~ Washington Radio Conference, 1922,
the idea of ether advertising was mentioned with disfavor,
and Hoover said: "It is inconceivable that we should allow
so great a possibility for service to be drowned in
advertising chatter."

100

1922: Dept of Commerce established a new class of broadcasting stations, "Class B", that could broadcast on 400 meters rather than the congested 360. They had to use 500-1000 watts, could not use phonograph records. The rule "tended to create an aristocracy of well-financed stations at 400 and a hoi polloi aggregation at 360. The move was liked by listeners and by those who, like Westinghouse, GE, and RCA, favored the idea of a small group of powerful stations."

102

The first issue of Radio Broadcast prophesized: "... the government will be a living thing to its citizens instead of an abstract and unseen force..." and "... it will ~~elicit~~ elicit a new national loyalty and produce a more contented citizenry..." and "...at last we may have covenants literally openly arrived at..." and "...elected representatives will not be able to evade their responsibility to those who put them in office..." and "...the people's University of the Air will have a treater student body than all of our universities put together..."

106

"Meanwhile, at AT&T as elsewhere, there was earnest discussion about future possibilities." * Some at ATT wanted to revive the idea of disseminating entertainment through telephone wires, making possible a subscription system. ~~xx~~ An ATT memo in 1919 ~~xx~~ outlined such a system "permitting the subscriber to select at will his own type of amusement merely by pushing the proper button." ((CTW: This must have been an appealing prospect in view of the interference problems of radio at the time.))

When ATT finally decided on its course in 1922, it was for what they called "toll broadcasting." The decision was framed in ~~xxx~~ telephone terms: Lloyd Espenschied of ATT said: "We, the telephone company, were to provide no programs. The public was to come in. Anyone who had a message for the would or wished to entertain was to come in and pay their money as they would upon coming into a telephone booth, addresss the world, and go out.

((So: There was an early discussion and development of options to the radio scheme we finally ended up with))

A key reason for ATT's course of action was their patent position: "The debut of KDKA and events that followed seemed to obliterate the wire idea, but AT&T continued to be hesitann about radio. It did not have the same incentive as its allies to plunge into broadcastin, because it had no recelivers ~~xxx~~ to sell."

108/109 Western Electric had a flood of orders for transmitters, but sought to avoid the chaos of interference this would bring and to divert customers from one-time transmitter purchases to continuing time purchases on its tool station WEA. ATT refused to sell transmitters in some cases.

But ATT ran into a chicken/egg problem: "AT&T had at first been determined not to produce programs. It wanted no more responsibility over content than it had in the case ~~of~~ of phone calls. But sale of time to address the public was hardly feasible unless people were listening. ~~Sex~~ Reluctantly the company began to look for someone 'with experience in broadcasting and phonograph work.' A Mr. Samuel Ross was hired to supervise programs."

110 In 1922 WEA broadcast its first program, a ten minute message to the public from the Queensboro Corporation to promote the sale of their apartments in Jackson Heights. The cost for the ten minutes was \$50.

113 The first months were a struggle for WEA, but Christmas brought purchases of time from Macy, Gimbel, and Hearn department stores.

ATT began using its long-distance phone lines to bring into New York programs from outside the studio. The first was a football game between Princeton and the U. of Chicago. Other football games, opera, organ recitals, were also relayed to the studio via phone lines which ATT denied to other broadcasters.

114 WEA may have promoted the idea of selling commercial time as a major source of broadcasting revenue even though at the time, most stations existed to promote the sale of their radio sets.

121 In spite of doubts he had about his authority under the 1912 radio law, Hoover moved again to sort out the interference problems. He called a second Washington Radio Conference which went on record as believing Hoover had the authority "to regulate hours and wavelengths of operation of stations when such action is necessary to prevent interference detrimental to the public good."

The new allocation called for 3 classes of stations.

- 1) 500-1000 watt stations serving large areas and having no interference within those areas; ~~2)~~ these stations would be spread over various channels between 300 and 545 meters.
- 2) lower power stations serving smaller regions and having no interference located between 222 and 300 meters.
- 3) the conglomeration of low-powered stations left at 360 meters.

The patent allies were well represented among the favored channels, and they provided programs and clear strong signals. But almost all educational and religious broadcasters were squeezed into the 360 assignment class. They and others eyed "the trust" "with uneasiness and were wary of the course of events. The reallocation seemed to reflect a value judgment in which educational and religious interests were low on the scale."

- 126 Most of the music on radio in the 20's was conservatory music, dubbed "potted palm music." "It was the music played at tea time by hotel orchestras. It was recital music."
- 129 Within months of the start of the broadcast boom, the bottom dropped out of the phonograph business. "But 'race' records held their own. Millions of people were turning to the radio music box, but evidently the buyers of 'race' records were scarce among them."
- 133 As artists became difficult, stations began to rely heavily on another way of obtaining ~~native~~ talent. Businesses were encouraged for the publicity value to provide programs for which no time charge was made.
- 137 Radio drama began in 1924
- 138 Early newspaper owned stations were not news media, but devices to publicize the papers. Most stations used items from newspapers, and ~~magazines~~ by giving credit to the source rather than reimbursing them
- 145 ATT had envisaged a chain of stations they would own, but the frequency problem forced them to move in another direction. They began to license stations to be incorporated into the toll broadcasting plan. ATT could then offer sponsors a group of stations as a package, and ATT would pay the stations for carrying the programs. "The AT&T web of wires and the spectacular events they could bring to the broadcast station and its listeners were powerful elements in ~~favoring~~ furthering the AT&T plan." Started in 1923, by the end of 1924, there were 26 stations hooked up coast-to-coast.
- ((Note the parallels to "0&0" stations which ATT preferred and the necessity of "Affiliates"))
- 153 IN 1924 RCA was sending facsimile by radio, basically slow tv
- 154 In Dec 1923 Zworykin demonstrated a "partly electronic television system" at Westinghouse and patent application was filed.
- 154 "The question "how will broadcasting be financed?" had hardly been asked in 1921. During 1922 it became a conversational topic. In 1923 and 1924 it was asked with increasing urgency. In 1925 it ~~had~~ reached a crisis stage."
- 155 Radio Broadcast magazine in May 1922 mentioned several possible schemes for financing radio broadcasting.
- 1) endowment of a station by a public-spirited citizen.
 - 2) municipal financing, presumably on the educational model.
 - 3) "a common fund ... controlled by an elected ~~board~~ board."
- Not mentioned in the magazine was state financing which actually took shape in the form of support of educational radio stations at university campuses.

156

~~The~~ " It is worth noting that in its first discussion of economic alternatives, Radio Broadcast did not mention advertising as a possible ~~means~~ means of support. The WEAf experiment was still to come."

A variation of the BBC tax plan was urged by David Sarnoff who proposed a separate organization to carry on broadcasting as a national service, and that this be financed by a levy on the sale of equipment.

157

"but all such plans tended in any case to remain doctrinaire notions because toll broadcastin was surviving and gaining.

~~xxxxxxx~~ Every development at WEAf was watched and studied by the industry... Their own decisions depended on WEAf developments."

"For a time advertisers were ~~bxxx~~ baffled as to how to use this new access to public attention." "The ((broadcasting)) executives yearned for profits but also for total respectability and therefore kept devising k rules." Prices and colors o of packages were not to be mentioned, samples were not to be offered.

163

~~163~~

164

In early years, voices were anonymous personalities.. Management feared that performers, if identified, might become unmanageable celebrities. "This executive resistance was futile. Whether known by initials or merely by a voice, the elusive personality aroused ungovernable interest, admiration, affection, and passion."

170

Dr. John Brinkley and station KFKB in Milford Kansas. Brinkley was pretty clearly a medical charlatan in the spirit of the earlier travelling medicine shows. KFKB's high power entitled them to a preferred dial position, so KFKB was heard over a wide area. "On every night except Sunday a Brinkley lecture was heard; the rest of the schedule presented fundamentalist religion, guitar and banjo ensembles, accordionists, cowboy singers, yodelers, crooners, hymn-singers, story-tellers. The doctor's lectures held a vast audience spellbound."

~~Adm~~ " A daily KFKB feature , "Medical Question Box", quoted d letters from listeners describing their symptoms...Dr. Brinkley would tell them on the air what ~~medicines~~ medicines to use. A huge mail-order business was developed , which was to continue for thirteen years ~~and probably continued the~~ ~~business~~ ..."

171

"Dr. Brinkley was a genius in what came to be known as public service." k He gave money to churches, local baseball teams, put on a College of the Air which had enrollments from 39 states in conjunction with Kansas State College.

- 172 of Brinkley: "He had swept aside the ~~part~~ potted palms and spoken to a rural audience in its idiom. The radio ~~careers~~ careers of many a later figure, including that of Huey Long, were to follow a trail blazed by Dr. Brinkley." "With his drug business - built entirely by radio - he had made clear there was gold in the ~~kks~~ kilocycles. Many had caught the message and were descending on radio. They knew what was needed -- a wavelength and personality."
- 174 At the urging of industry through the 1925 Fourth Washington Radio Conference, Hoover stopped in 1925 giving new license and began telling applicants that "all wavelengths are in use." "Though a channel could not now be obtained by applying, it apparently could by purchase. A traffic in licenses quickly developed. The Department of Commerce, far from discouraging it, furthered it by a policy it adopted." Commerce stated: "We take the position that the license ran to the apparatus, and if there is no good reason to the contrary we will recognize that ~~next~~ sale and license the new owner of the apparatus."
- 177 The ATT network developed various compensation plans which allowed the stations to share the expanding toll broadcasting revenues. Sponsors could buy all or part of the multi-station hookup. "Throughout the ~~next~~ spread of the AT&T toll venture, there were protests." Century magazine: "The use of the radio for advertising is wholly undesirable and should be prohibited by legislation if necessary." H.V. Kaltenborn offered a lecture titled "Radio - Prophet or Profiteer?" Important stations were not selling time and many voiced opposition. Newspaper Publishers Assn urged papers not to publicize sponsored programs. "Attacks on advertising, however, were often ambiguously worded. They attacked, as Hoover had done, "direct advertising." Just what this permitted, and what it barred, was not defined."
- 178 Hoover was under pressure to support the preemption of channels as private property, to encourage investment in broadcasting. This in the light of private oil deals with govt. "The Secretary of Commerce, in proclaiming the air as a national resource to be guarded, may well have resisted strong undercurrents. Yet the policy adopted on the selling of stations did in fact treat channels as private property."
- 181 Apparently in 1925 arbitration began among the members of the "radio trust" under the agreements reached in 1920. ATT was ~~fighting~~ fighting against RCA, GE, and Westinghouse over rights to broadcasting under the agreement. The 1920 agreements, however, were made before the broadcasting era. "Broadcasting had existed in rudimentary form, and the world crept into the ~~agreements~~ documents, but in the main they had nothing to do with broadcasting, but concerned telephony (wired and wireless) and telegraphy (wired and wireless). Now each side claimed segments of the broadcasting world - of today - and tomorrow - on the basis of the 1920 language. "

181

The turbidity of the language of the 1920 agreements encouraged the dispute. ~~For~~ e.g., television. Many felt ~~the~~ television would soon be practical, but the agreements didn't mention television. GE argued it was telegraphy: ~~then~~ telegrams would be sent in facsimile.

The agreement, e.g., stated that ATT had no right to "make, lease, or sell wireless telephone receiving apparatus except as part of or for direct use in connection with transmitting apparatus made by it." ((today, this seems clearcut, but the language of 1920 was different and ATT claimed this gave them the right to make radiosets as wireless telephone receiving apparatus for use in listening to their toll broadcasts broadcast over transmitters they manufactured. The radio group argued the opposite, that the ATT could only make receivers for two-way ~~xxxx~~ telephones.))

((This is a prime example repeated over and over in communications regulation of the dividing up of authorities for doing business based on language that was not intended to and could not anticipate new technologies and new services.))

185/186

The upshot of all the maneuvering was that ATT sold out WPAF and got out of the broadcasting business. RCA, GE, and Westinghouse formed a new company (National Broadcasting Co.) to take up the toll broadcasting business and to lease under exclusive rights the ATT network of cables. "AT&T was stepping out of active broadcasting, but on terms that would secure it a lucrative and steadily ~~growing~~ mounting revenue, with freedom from editorial troubles. It had its toll as it wanted it." "The mantle of toll had fallen on NBC." "The term 'toll' would now be quietly dropped from the vocabulary of broadcasting." "A new division of empire had been made." ((Note: these quotes are out of order and do not reflect the sequence of Barnouw's account.))

189

In United States v. Zenith, decided by the us District Court for northern Illinois, decided in 1926, it was found that as Hoover had been saying, the Sec. Commerce did not have the ~~right~~ authority to establish channels and limit licenses as he had been doing. The Justice Department declined to appeal the case to the Supreme Court, agreeing with the Disdtrict Court. A new law clearly was needed, but Congress had adjourned. New stations began broadcasting, shifting hours and frequencies; bedlam mounted. By November as NBC approached its debut and Congress reconvened in Dec, the demand for a new law was shr~~ll~~l.

190/191

NBC premiered on 11/15/26 and by Jan 1927 had two nets, the red and the blue. Advertising was "brief, circumspect, and extremely well-mannered. In production, professionalism continued to develop. Everything was written and rehearsed.

195

The Radio Act of 1927 was passed in late January (9 months after the decision in US v. Zenith. "Burning issues of the day made their mark on it."

"One such issue was conservation." The oil scandals of Elk Hills and Teapot Dome came to light during the Coolidge administration (date?) "Conservationists of both parties, indignant over the oil plunder, were also getting agitated over private exploitation of other national resources." one such issues was rivers; the National Electric Light Association lobbied against public power projects, and had ~~xxx~~ as its president Merlin H. Aylesworth who left the NELA to become the first president of NBC. "...the parallel ((with hydroelectric power)) made the use of the air another crucial conservation issue.

197

The conservation issue left its mark on the law: the stated purpose of the law was "to maintain the control of the United States over all channels." and to provide for the use of such channels, "but not the ownership thereof."

Another issue was censorship. 1925 saw the Scopes trial and the Supreme court decision in Gitlow v. State of New York which extended First amendment protections against the states via the fourteenth amendment guarantees against state ~~infringement~~ ~~xxx~~ abridgment. The new law provided "Nothing in this ~~xxx~~ act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station...(or to) interfere with the right of free speech by means of radio communications." The licensee was not required to give time to candidates for office, but had to treat rival candidates equally and had no power of censorship over the material broadcast by the candidates.

199

~~xx~~ "Although it ((the 1927 act)) represented important advances over the 1912 ~~xxx~~ law and embodied significant principles, it was already obsolete when passed. Its general pattern was descended from the White bill of 1923, its direct ancestor. This was written when stations were separate entities. The law assumed that each station controlled its own programming." At the final moment, the provision for the commission to make special regulations to deal with chain broadcasting was inserted in one sentence. Radio advertising was mentioned almost peripherally, requiring that paid time be identified as such.

203

In the 1920's advertising grew rapidly. Smaller companies were consolidated into larger national ones for advertising trademark recognition. Advertising associations were formed and adopted codes to deal with protests. During this time the NAB was formed and in 1928 adopted a code recommending that member stations not advertise between 7 and 11 pm.

- 210 In early 1927 as the Radio Act passed, Philo Farnsworth patented a tube important to all-electronic television. Using a partly mechanical system, Ernst F.W. Alexanderson began experimental ~~the~~ telecasts in Schenectady. Vladimir Zworykin also experimented in Pittsburgh.
- 215/216 The early days of the Federal Radio Commission were dominated by efforts to get some allocation scheme working before they were seriously challenged in court. The possibility of court tests were a major factor in their actions. "Most decisions were explained by the FRC on several grounds, ~~always~~ always including 'the public interest, convenience, and necessity,' and often citing technical shortcomings." ((Note: what is the origin of this phrase????))
- 220 With the rise of radio, the phonograph business declined. The Victor Talking Machine Company was bought by RCA in 1927. The Columbia Phonograph ~~and~~ Record Co. joined a group of entrepreneurs to form the Columbia Phonograph Broadcasting System in April 1927 to form a new radio network to compete with NBC. Columbia Phonograph Record Co. pulled out, but new investors were found to keep the network going and it became CBS. The new investors put Wm Paley in as president and he got Paramount pictures became a 49% investor in the network . (It was Paramount-Publix in those days)
- 231 Throughout 1928, Alexanderson at GE did daily television tests over WZKAD, including the first television drama broadcast, a melodrama, "The Queen's Messenger," on Sep 11, 1928. Three cameras were used . Later came a sci-fi telecast of a guided missile attack on NYC. RCA was also using the same revolving scanning wheel for experimental broadcasts in NYC. Lionel Barrymore said the advent of television "would scrap theaters throughout the country."
- 232 Reports of progress by Zworykin in developing electronic rather than mechanical scanning led to the sense that mass acceptance of television was at hand. This was behind Paramount's investment in CBS.
- 239 When the nets were formed, nearly all programs were produced by the nets; by 1931, nearly all were produced by advertising agencies, and an hour over NBC cost the sponsor \$10,000 for about 50 stations.
- 247 American network practice barred use of recordings for later broadcast as a "sort of hoax ~~a~~ ... on the listener."
- Byx199
250 By 1931 NBC had made a net profit of \$2,325,229, and broadcast 28 appearances by the president, 37 by cabinet members, 71 by senators and representatives.
- 255 The value of the above appearances according to NBC was \$2,047,200 "at regular rates." ((CTW: 88% of profit))

- 254 To maintain their telegraph monopoly, Western Union fought a postal telegraph system, raising rates to newspapers that backed such legislation. They worked closely with AP to close out other wire services. They gave free service to Congressmen and to state legislators. ((Note parallel to radio nets giving free time to politicians.))
- 258 Ex-president Taft was Chief Justice of the Supreme court until 1930 and considered himself a bulwark against dangerous socialistic trends. ~~He~~ A key question after the 1927 Radio Act was whether radio was "commerce" in the meaning of the Constitution. The DC court of appeals upheld the FRC and the Sup Ct during this time declined to hear appeals.
- 258 With opposition from the AMA, the FRC did not renew the license for KFKE, Dr. Brinkley's station. He appealed. A major issue was censorship, and whether the FRC could base its nonrenewal on Brinkley's statements made on the air. The DC court of appeals held that the FRC could consider past program content without committing censorship. In fact the ct held that the FRC must consider "the nature of the program broadcast" in order to assess whether the public interest, conv, and nec. had been served.
- 259 In 1930, KFKE had won the award for being the most popular station in the country. "It seemed to be what the public wanted even if it was not what some men in Washington felt was good for the public." Brinkley came close to winning the gubernatorial race in Kans. in 1930 on a write-in campaign. He moved to Mexico and carried on his broadcasting. (see: Gerald Carson, The Roguish World of Doctor Brinkley, Holt Rinehart & Winston, 1960.)
- 265 James Rorty, a writer, "epitomized the intellectual anti-advertising animus of the time." Quotes from Rorty's Our Master's Voice: "The American apparatus of advertising ... is like ~~xx~~ a grotesque, smirking gargoyle set at the very top of America's skyscraping adventure in acquisition ad infinitum. ... The gargoyle's mouth is a loudspeaker, powered by the vested interest of a two-billion dollar industry, ... It is never silent, it drowns out all other voices, and it suffers no rebuke, for is it not the voice of America? ... For at least two generations of Americans ... have listened to that voice as to an oracle. It has taught them how to live, what to be afraid of, what to be proud of, how to be beautiful, how to be loved, how to be envied, how to be successful." "Is it any wonder that the American population tends increasingly to speak, think, feel in terms of this jabberwocky? That the stimuli of art, science, religion are progressively expelled to the periphery of American life to become marginal values, cultivated by marginal people on marginal time?"
- of "An evening spent twiddling the dials of a radio set is indeed a profoundly educational experience for any student of the culture. America is too big to see itself. But radio has enabled America to hear itself." (See James Rorty, Our Master's Voice, John Day, 1934.)

271 During early radio network days, scripts were sent from NYC to ~~k~~ SanFran to be reperformed becausef talent costs were lower than wire costs.

"One Man's Family which began in 1932 was based on John Galsworthy's Forsyte Saga.

272 In 1932, NBC began to operate a television station from the ~~top of the~~ Empire State Bldg.

273 Among the talents that got started on radio in the early days: Kate Smith, Bing Crosby, Eddie Cantor, Jack Benny.

279 "With detailed documantation it could be shown that commercial broadcasting was venal, boorish, corrupt, tiresome. This w was the picture that emerged from American Broadcasting, published ~~in~~ early in 1933 ~~by the Ventura~~ ... With Equally detailed documentation it could be shown that commercial broadcasting was varied, educational, cultural, magnanimous. This was the picture that emerged from Broadcasting in the United States, published in 1933 ... by the National Association of Broadcasters.

(by the
Ventura Free
Press.)

Material from The Golden Web: A history of Broadcasting in the United States, j Vol II - 1933 to 1953
by Erik Barnouw

- 3 "What is a network? In a way it is -- strangelyenough -- almost nothing, a phantom. It is mainly a tissue of contracts by which a number of stations are linked in operation. The linkage had been done largely through leased telephone cables which the ... "network" does not own. Each of the stations so linked uses an air channel ... which neither network nor station can own. Thus networks as businesses would seem to rest on the flimsiest foundations. Yet they have become a major power center..."
- 6 "The stale formulas of every field of entertainem were being tried on radio, and many were succeeding in winning audiences and, to an astonishing degree, boosting sales... Meanwhile they were winning for radio a loyalty that seemed almost irrational. According to social workers, destitute families that had to give up an icebox or bedding still clung to the radio as to a last link with humanity.""
(Note parallels with TV)
- 18/19 In Apr 1933, the ANPA resolved that program logs should be published only as paid-for advertising, and the AP and other wire services voted to provide no more news to the ~~net~~ nets. NBC set up a one-man news collection opera tion. Prompted by tips or newspaper stories, he would call all over the country to get first-hand news for broadcast and to maintai a log to prove it was all being gotten legitimately. In the process, "H discovered that virtually anyone except the President of the United States would accept a phone call 'from NBC' at almost any time under almost any circumstance."
- 20 CBS set up a larger new operation than NBC. Fapers began a CBS boycott; sponsors of CBS programs were blacked out ot of publisity. In a compromise, the networks and the ANPA and wireservices reached a compromise limiting radio news to two 5-min broadcasts daily--before 9:30 am and after 9pm. The wire services would provide the items, none to be more than 30 words, and the nets would disband their news operations.
- 21 Independent radio news bureaus sprang up and were subscribe to by many stations. "The newspaper forces..., forgetting for a ~~minute~~ moment their zeal for freedom of the press, pondered how to get rid of the 'outlaw' competition."
- 22 The demand for radio news grew, however, and ~~AP~~ UP began to sell news to radio; AP followed and the radio news ban fell apart. Newspaper owners began to seek radio licenses. "...they were joining the enemy."

28/29

Re the new FCC: "The tasks that faced the FCC in regare to broadcasting can be briefly summarized. Its powers were substantial, but limited. Its chief task was to act on applications for licenses and license renewals. It could say yes or no." "Thus the FCC's licensing power was essentially a life-or-death authority. Its grimness was its main difficulty. A weapon so total was hard to use. The tendency had been to renew licenses automatically, sometimes with ceremonial reprimands."

29

29

During the license term, the FCC ~~was not~~ "cannot censor programs. But it can consider the merit of programs in passing upon applications of stations for renewal of their licenses, just as it did in deleting the stations operated by Brinkley, Baker, and Shuler." ((quote from Broadcasting, Jan 15, 1934.

30

The new FCC required licensees to answer questionnaires. "It is not surprising that this device was ~~adopted~~ used; it seemed to offer some index of station performance, and had been adopted by the FCC in its first year. Stations were asked to fill out report forms, which had become a fixture. Under the incoming FCC the station had to report program time devoted to various categories, such as entertainment, 'educational,' religious, 'agricultural,' 'fraternal.' These presumably helped the commission ~~spot the presence~~ spot the presence or absence of public interest convenience, or necessity." "The questionnaires - even with truthful answers - produced deceptions and obfuscations. What did it all mean? An 'entertainment' ~~program~~ item could be a thing of genius or trash. Formsmanship apparently required items under 'educational', ~~fraternal~~ 'religious', 'agricultural.' 'fraternal', which were considered license insurance but could also be ~~works~~ works of substance or trash. The report forms tended to put commission-station relations on a make-believe basis."

30

From the early years, relations ~~with~~ between broadcasters and ~~radio~~ commissioners were on a first-name basis. "The commissioners knew the ~~men~~ men, not the programs."

32

"While the ultimate weapon was non-renewal of a license, the FCC had at its disposal a device for exerting influence that had evolved under the FCC." ((examples?? 00)) Example, the commission (FCC or FCC?) said it had no right to forbid lotteries, but doubting that "such broadcasts are in the public interest," announced that a hearing would be held for any station's license renewal if ~~there~~ there were a substantial number of complaints about lotteries. ((CTW: the following is even ~~more~~ more blatant, not even requiring complaints)) With the repeal of prohibition, whisky ads began to appear on stations. The FCC stated it could not forbid such ads, but noted that children heard such ads and there fore stated: "The commission will designate for hearing the renewal applications of all stations unwindful of their foregoing, and they will be required to make a showing that their continued operation will serve the public interest, convenience, and necessity."

- 33 Once more the announcement had effect. Broadcasters canceled the liquor ads. The technique became known as the raised eyebrow.
- 33 In reviewing public service claims to spell out its interpretation of the "Public interest, convenience, and necessity" the FCC was "concerning itself with sideshow, broadcast in fringe periods to handfuls of listeners."
- 33 "The Communications Act of 1934, re-enacting a 1927 law with only minor changes, was based on a premise that had been obsolete in 1927 and by 1934 was totally invalid: that American broadcasting was a local responsibility exercised by individual station licensees. The myth held attractions. It dovetailed with the cherished idea of local autonomy in such matters as education. But while the law went on pretending that the autonomy existed in broadcasting, control had been ceded to others-- executives at networks, advertising agencies, and sponsors, many of whom had no idea what was in a station license and did not think they had any reason to care. The main arena was scarcely touched by the licensing and renewal procedure."
((note parallels with current situation except the FCC is gradually slipping into more popular areas such as politics and entertainment with the FD, primetime rule, and family-viewing rule.))
- 39 Philo T. Farnsworth lived in Rigby, Idaho, and in 1922 proposed to his high school science teacher an electronic television system to replace the mechanical scanning wheels for television he had read about in electrical journals. Befriended and backed financially by a San Franciscan, he had his first success in 1927 by broadcasting graphic symbols including a dollar sign. In spite of a challenge by RCA, he got a patent in August 1930, age 24.
- 42 In 1936, a fight between Edwin Armstrong, inventor of FM, and RCA began over allocation of the higher frequencies. RCA wanted them for TV, regarding ~~radio as a mere adjunct to television~~ it as the wave of the future.
- 53 In his 1936 campaign, FDR spent the summer on non-political trips that while covered by radio news were not paid for and involved no right of reply under the law.
- 127 In May 1940, 23 television stations were on the air. The FCC authorized "limited" commercial ~~operation~~ operation juggling technical standards, and in 1941 it authorized full commercial operation. But the war intervened. Materials and assembly lines were needed for war, mainly for radar. All but 6 stations went off the air, and the manufacture of sets ceased with 10,000 having been sold.

- 130 There was another spectrum battle between IV and FM in 1939 and channel 1 was removed from tv and given to FM
- 137 A 1939 NAB code stated that: "Since the number of broadcasting channels is limited, news broadcasts shall not be editorial..." "Elucidation of the news should be free of bias..." "Time for the presentation of controversial views should not be sold, except for political broadcasts..."
- 136 In a joint policy statement, NBD, CBS, and MBS , adopted a kind of neutrality law for radio insofar as war coverage was concerned. The Mayflower Doctrined set by the FCC in 1941 stated: "A truly free radio cannot be used to advocate the causes of the licensee ... the broadcaster cannot be an advocate." Although later challenged by broadcasters, at the time this seemed a logical extension of thinking within the industry itself.
- 143 In 1940, both party campaign planks had "vague rhetorical" calls for a free radio. "...they meant little to voters but suggested the close ties already existing between the radio industry and party leaders."
- 170 Memo dated dec3,1940
Memorandum for Hon. James L. Fly
- Will you let me know when you propose to have a hearing on newspaper ownership of radio stations.
- F.D.R.
- 170 By 1940, more than 1/3 of all stations were owned or controlled by newspapers.
- 170 Fly was a lawyer who had before been gen counsel for TVA He opposed monopoly and was eager to tackle this issue, as well as super power stations and he gave top priority to completion of the chain broadcasting investigation. In the report on chain broadcasting, the FCC required NBC to sell its blue net by stating "No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network." It also limited the option provisions in network contracts which gave the nets, mainly cbs an option on all the affiliates time; the new rule limited the option to 3 of each 6 hour period during the day.
- 172 The networks fought the chain rules. "Nbc's special concern was the divorcement order; CBS's, its special option clause. Curiously, each network had a history that undermined the arguments of the other. CBS said it could not live without its option clause, but NBC had done so. NBC said amputation of one network would be fatal, but CBS had always lived as a single network." ((note how this parallels current cries of doom if rules are changed))

- 180 May 10, 1943: Sup Ct upheld FCC and NBC-blue was for sale.
- 189 The soon-to-be-President of new ABC in questioning by Fly tried to defend selling time to sponsors who sold goods, but not to others. Said ~~xxxx~~ Mark Woods: "We will not sell ~~from~~ them time because they have a particular philosophy to preach." (of the AFL) "We are in the advertising business, gentlement, and that business is the business of selling goods to the American people."
- 190 Fly adjourned the hearings on the transfer until the new company agreed to give advertising policy matters very intense thought. The transfer was approved with a statement by the Com of the bd, Edward J. Noble which said: "I propose to meet each request for time with an open mind and to consider such requests strictly on their individual merits and without arbitrary discriminations." He promised "all classes and groups shall have their requests, either for sponsored or sustaining time, seriously considered... in accordance with true democratic principles...." The new ABC adopted a policy of selling time to organized labor.
- 214 During ww2, the fraction of net programs commercially sponsored increased from 1/3 to 2/3. Sponsors were beginning to anticipate postwar sales and competition. There was a jockeying for ratings. The idea that cultural and public affairs programs could be commercially sponsored began to decline. Such programs began to be moved to fringe time periods and many were dropped. ((Note how this set the stage for the future character of television))
- 216 "Within days" after Jap surrender, Truman authorized mfr of radio receivers for home use, and RCA began retooling for tv set mfr. Because of war work and rationing, people
5 had money to spend. Sponsors, ad agencies, nets were already profitable.
- 217 Courts held in 1940 (RCA v Whiteman) that broadcasters could broadcast records without consent of artist or mfr. In 1941 ASCAP and Amer. Fed. of Musicians fought broadcast play of recorded music. BMI (which had been started in 1939 to provide an alternate pool of music controlled by broadcasters) provided the alternative when ASCAP music was taken off the air in a dispute.
The Pres of the AFM said when the AFM voted to halt making recordings that 500 radio stations were no longer employing any musicians ((ctw: ignoring the fact that they weren't doing so before 1920 either)). He said that disk-jockeys, jukeboxes, and sound films had thrown countless musicians "on the human scrapheap."
- 228 In comparing "promise and performance" in 1945, the FCC discovered startling variances for a number of stations scheduled for renewal. A report to outline future ~~xxxxx~~ standards of the public int, conv, and nec was prepared: "Public Service Responsibilities of Broadcast Licensees", called the "Blue Book."

230 In 1944 the broadcast industry as a whole earned a profit of 222.6% before taxes on tangible assets. In 1939, 67.1%.

231 Industry leaders had made eloquent statements about commercial excesses, balance, minority interests, needs of non-profit groups and the like. The FCC drew on these industry statements in adopting the Blue Book, ~~xxxx~~ and proposed to look in the future at renewal time at the time devoted by a stn to sustaining programs, local live programs, discussion of public issues, and the stn's ability to resist adv. excesses.

The NAB launched a campaign against the FCC. Any FCC decisions based on programming were in the view of the chm of the NAB censorship violating the First Amendment.

233 The FCC began slowly to erode the Blue Book's significance by the way they made decisions. ((Note that here the discrepancy between the letter and the practice of the law took another increase and in the direction to persist through the 60's and into the 70's.)) In the first test, the FCC gave a tv license to WBAL, the Hearst stn in Balt. even though it was a major "exhibit of horrors" in the blue book -- without a hearing. By the end of 1946, the FCC's hesitations and delays meant the blue book would not be a guide to action even though it might remain a statement of principle. Broadcasters were soon proceeding as if it ~~xxxx~~ didn't exist. ((Note how this failure to take away licenses led to the precedent of increasing inflation of the principle))

2

235 A Chicago stn before the bluebook had alternated records and commercials; afterwards, it alternated them in groups of 3: ~~the~~ each group of 3 records was a "sustaining program" and the commercials were "between programs". ((Example of the problems of enforcing rules and defns of programs))

236 Since 1935 the House Office Bldg was equipped with a Congressional Radio Room, where members could make transcriptions to send back to the stns in their state of district where they often got free time. This had been a private concession but after ww2 became a govt facility. Radio stns after ww2 were increasingly eager to give time, free except during campaigns. "All this meant that a regular relationship was established between congressmen and radio stations. The radio station manager -- the benefactor -- had ready access to the congressman."

242 Following ww2, RCA was forcing the pace on tv, constantly urging its affiliates to apply for ~~the~~ television licenses at the first chance.

242 In 1945 the FCC moved FM radio to a higher frequency band, making all postwar fm radio sets useless. RCA rejoiced, having fought fm, for this protected the NBC-CBS-ABC hegemony in the radio status quo, while providing spectrum space for tv expansion.

- 243 The post-war surge in tv began with the FCC issuing new licenses. Returning servicemen with radar experience were hired by many stns since their technical knowledge was readily converted to tv.
- 244 The general strategy at the nets was to try to make radio profits pay the tv development bill. A June 1946 NBC memo saw \$8 million loss from tv over 4 years. It said that by deducting the telecasting costs from radio profits, \$3.5 million could be saved in taxes compared with what would have to be paid if the two activities were incorporated separately.
- 245 RCA and CBS were antagonists in recording technology: Columbia Records pushed the 33 -1/3 rpm LP while RCA-Victor came out with the 45 rpm record
- 253 ((note radio and tv were affected by the blacklisting of suspected communists and cooperated))
- 277 Said one ad agency exec: "I don't have to be ashamed of what I'm doing! I am just here to protect the interests of our clients. Controversial people are bad for their business." Barnouw: "Blacklist administration became part of the built-in machinery of the industry."
- 283
283 RCA so badly needed the Farnsworth patents on television that it had settled with him on a royalty basis in spite of company policy in favor of cash settlements. RCA ~~hadn't~~ didn't have to settle on a similar basis with Edwin Armstrong for his fm patents ~~since~~ (tv used fm for the sound). They fought Armstrong until his health was so bad he finally authorized a settlement. He committed suicide shortly thereafter and RCA soon made a million dollar settlement with his estate.
- 284 By 1950, ~~broadcasting profits~~ radio net sales were \$183 million. "Just as impressive as the figures was the granite permanence of ~~the~~ much programming. The year 1950 bore a startling resemblance to the 1930's. Network schedules in 1950 contained 108 different series that had been on the air a decade or more. Twelve series had been on for two decades and were almost as old as network broadcasting."
- 285 In 1948 the fcc had frozen tv licenses with 108 stns operating. From '48 to '52, only 24 cities had 2 or more stns, but NYC and LA each had 7.
- 286 In 1951, almost all tv cities reported a 20-40% drop in movie attendance; but in non-tv cities, it held firm. Radio listening dropped sharply in all tv cities. Sponsors couldn't get national tv coverage, however, because of the spotty assignments. Most national sponsors hung onto a national radio net program while getting a foothold in local tv. Thus net radio had an artificial final fling.

- 290 NBC as the other nets tried alternately spectaculars and special-interest programs to keep audiences and profits for net radio. Mostly though there was corner-cutting and combining. Comedian personalities whose status no longer justified orchestras and writers became quiz-show hosts. Frank Sinatra, Paul Whiteman, Eddie Cantor became diskjockeys.
- 290-291 In 1948 came US v Paramount which broke the Hollywood studios' hold on distribution of films through their own theaters. ((compare to what might happen to the netw))
- 291-292 United Paramount Theaters, split off from Paramount, merged in 1951 with ABC. Paramount had capital and a business of doubtful future; ABC had scanty capital and a glowing future. Chm Fly approved the merger, still looking for more vigorous competition among the nets.
- 292 In the final Truman years, the broadcasters rode high. They
- defused the blue book
 - got the Mayflower decision reversed (1949)
 - got the AVCO rule calling for competitive bids in transfers revoked (1949)
 - got Congress to forbid the FCC to consider ~~xx~~ applicants in transfers other than the transferee. (1952)
- 292 "The last two steps tended to make a channel private property, in spite of the clear denial of such property rights by the Communications Act.
- 296
- 296 Early tv shows included in 1952
- | | |
|---------------------|----------------------------------|
| Texaco Star Theater | with Milton Berle |
| I Love Lucy | with Lucille Ball |
| Your Show of Shows | with Sid Caesar and Imogene Coca |
| Toast of the Town | with Ed Sullivan |
- Most were live, but Lucy was filmed and a great success. The ability to re-use films abroad was a factor.
- Christmas 1952: NBC put on Amahl and the Night Visitors by Gian-Carlo Minotti.
- 299 Stevenson was verbal, gave long speeches ~~which~~ which he read and often ran over. Ike had a campaign by BBDO. His programs were ½ hour long with three planned parts: 1) arrival of hero; 2) 20min speech; 3) departure of hero. Arrivals and departures were planned: Ike arriving at back door of auditorium, Ike greeting crowd, Ike looking over at smiling Mamie, etc. They also used a barrage of 30-sec spots all beginning with
- a an announcer saying: "Eisenhower answers the nation!"
- Such a campaign had been proposed and rejected in '48 ~~by~~ for Dewey.
- 300 Nixon: "Checkers" speech
- 302 "The twenty years of Democratic rule had also been the years that had made network broadcasting a force in American life. ~~There~~.....One conclusion widely ~~accepted~~ accepted was that it had created a national in place of a regional or local consciousness. Another conclusion was that it had strengthened the executive at the expense of other elements in the body politic."

Albert Speer ~~in~~ quoted in Schacht, Account Settled p. 240
((see if its in The Third Reich)): "The telephone, the
teleprinter and the wireless made it possible for orders
from the highest levels to be given direct to the lowest
levels where, on account of the absolute authority behind them
they were carried out uncritically... Former dictatorships needed collaborators
of high quality even in the lower levels of leadership, men
who ~~can~~ can think and act independently. In the era of modern
technique ~~technological~~ and authoritarian system can do without this."

Notes from Barnouw

Volume 3: 1953-1970

- 6 Hazel Bishop lipstick went from \$50,000 in 1950 to \$4,500,000 in 1952, solely from television advertising. ((Note: These early examples are important because they give before-and-after info. Today it is hard to tell what the impact of TV ads are on sales. However, note that tv was new back then and the newness may have given the ads more impact.
- 7-8 The early days of tv, around 1953, saw people coming from many different fields to attempt to get in on the perceived tv boom: Hollywood writers, directors, actors, cameramen, designers, etc.; Broadway (which had been experimenting with tv since the 30's; (including Richard Rodgers, Oscar Hammerstein II); animated film people; magazine and newspaper editors and writers; ministers; sports promoters; but few from radio which was replacing artists with records.
- 8 TV, however, did take over the business structure of radio: agencies, sponsors, time periods, and time-buying practices. Sponsors adapted radio successes to tv, including: the Artur Godfrey and Kate Smith variety shows, "You Bet Your Life", "Meet the Press", "suspense", and "The Aldrich Family," "Mr. and Mrs. North", and "My Friend Irma." (p.22)
- 10 President Eisenhower appointed in 1953 in his first year in office both John C. Doerfer, a "McCarthy protege," and Robert E. Lee, a former FBI agent who was said to have provided information to McCarthy on subversives in government. Doerfer set out to prove that stations not carrying McCarthy's campaign speeches might be motivated by Communist symptoms.
- 20 In 1954, the FCC, apparently ~~at the~~ at the instigation of Sen. McCarthy and Commissioner Doerfer, released a letter charging that Edward Lamb, a prominent Democrat, lawyer, and wealthy businessman, had perjured himself in swearing he had never been a Communist. Lamb had not carried McCarthy's campaign speeches. He had represented unions and handled civil liberties cases; he had visited the Soviet Union and written on its economic system. He seemed an easy target, but he fought back, using ~~full-page~~ ads in the NYTimes and offering a reward to anyone who could prove he had been a Communist. The FCC refused to release a bill of ~~particulars~~ particulars as premature, but began investigating Lamb's life. A woman was found to testify she had known Lamb as a Communist, but later retracted her testimony, saying she had been duped by the FCC lawyers into believing it was her duty to testify. The case collapsed, and Lamb's licenses were renewed.
- 21 The tv network shows were at first live, since this had been the pattern in radio networking. "I Love Lucy" was the one exception. By 1954, however, film became the established medium, because of the flexibility in performance and the possibility of sales to tv systems in other countries.
- o

- 23 ~~xxx~~ A typical early tv show, first live, then film, was "Man Against Crime" starring Ralph Bellamy, sponsored by Camel cigarettes and produced by an advertising agency. Among the instructions given the writers: "Do not have the heavy or any disreputable person smoking a cigarette. Do not associate the smoking of cigarettes with ~~undesirable~~ undesirable scenes or situations plot-wise." "It has been found that we retain audience interest best when our story is concerned with murder. Therefore, ~~ix~~ although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come." Cigarettes were to be smoked gracefully, never puffed nervously; no one could cough; and fires were not to be mentioned because they might remind a viewer of fires caused by cigarettes.
- 25 While the episodic series had developed from the radio tradition, the drama anthology series emerged from the theater tradition. The play, rather than the ~~xxx~~ actors, formulas, and settings, was the main thing.
- 27 Among those getting a start in anthology drama were: Paul Newman. Joanne Woodward, Kim Stanley, Sidney Poitier, Rod Steiger; Rod Serling, Paddy Chayefsky, Gore Vidal, Robert Anderson.
- 28 *Charlton Heston*
Among the programs were: Philco Television Playhouse, Goodyear Television Playhouse, Draft Television Theater, Studio One, Robert Montgomery Presents, U.S. Steel Hour, Matinee Theater, and Playhouse 90. The production problems of these live broadcasts influenced the kind of drama they explored. Indoor, rather than outdoor settings; compact, rather than panoramic stories; psychological, rather than physical, confrontations; close-ups; the feel of "real time" rather than "film time."
- 33 Advertisers found a conflict between the form of tv anthology drama and the effectiveness (either real or imagined): "Most advertisers were selling magic. Their commercials posed the same problems that Chayefsky drama dealt with: people who feared failure in love and in business. But in the commercials there was always a solution as ~~clear~~ clear-cut as the snap of a finger: ~~the~~ the problem could be solved by a new ~~pill~~ pill, deodorant, toothpaste, shampoo, shaving lotion, hair tonic, car, ~~ix~~ girdle, coffee, muffin recipe, or floor wax. The solution always had finality. Chayefsky and other anthology writers took these same problems and made them complicated." "It made the commercial seem fraudulent."
- "Commercials showed ~~xxx~~ cars, muffins, and women to make the mouth water. A dazzling decor - in drama or commercial - could show what it meant to rise in the world. But the 'marvelous world of the ordinary' ((Note: Chayefsky's phrase)) seemed to challenge everything that advertising stood for."

- 33 Letter from ad agency to Elmer Rice, playwright, ~~propose~~ in reply to his proposal to make a tv series of his Pulitzer Prize winning play "Street Scene": ~~XXXXX~~ "We know of no advertiser or advertising agency of any importance in this country who would knowingly allow the products which he is trying to advertise to the public to become associated with the squalor ... and general ~~down~~ character ... of Street Scene ... On the contrary, it is the general policy of advertisers to glamorize their ~~xxxx~~ products, the people who buy them, and the whole American social and economic scene ... The American consuming public as presented by the advertising ~~public~~ industry today is middle class, not lower class; happy in general, not miserable and frustrated..."
- 34 Reginald Rose's Thunder on Sycamore Street broadcast on
35 Westinghouse's Studio One series on CBS is an example of the conflict between ~~writers and~~ talent and business. The play was to show the evolution of vigilante activity by a group of white residents against a black family moving into the neighborhood; the play was based on a real incident in Cicero, Ill., which was covered in newsreels. The network, agency, and sponsor accepted the play provided the Negro family were changed to "something else." Rose changed the neighbor to an ex-convict; but he wrote the play so the audience throughout most of the play would not know why the new neighbor was unwanted. Comments indicated that viewers filled in the missing information according to ~~their~~ their own predilections. Some assumed he was a communist, an atheist, Jew, Catholic, or Puerto Rican; the information that he was an ex-convict was mentioned with great brevity in the final act and was accepted by the audience as a logical supplementary detail. ((Note: This is similar to Gene Roddenberry's comment to me in Aspen that he had used similar stratagems to get an anti-war theme across in some episodes of Star Trek - themes that the youth of the 60's got but the older people, presumably including the network and FCC officials did not.
- 35 A Rod Serling play, Noon on Doomsday, was based on the Emmet Till murder in the South. The black victim was changed by Serling to an old pawnbroker to avoid censorship. But when a reporter wrote that the play had been suggested by the Till case, the ~~Theatre~~ Theater Guild, BBDO, and US Steel began to make script changes. They worried about boycotts by White Citizens Councils. The southern location was changed to New England; a Coca-Cola bottle was removed from the set; missing g's were restored in participles.
- 36 General Motors canceled a script involving a Mexican peasant's refusal to mass-produce his baskets because he feared the artistic quality would be compromised -- it was construed as an attack on the capitalist system.
- 18 CBS ~~xx~~ objected to the use of a black-listed writer, not because of any allegations, but merely because he was on the list and his name on the program credits would bring protests. ((Note: The pattern of the tv networks and advertisers in avoiding controversy was set early. Contrast this simple avoidance of trouble with the commercial - almost political - objective of the letter to ~~Elmer~~ Elmer Rice.

- 36 The 1954-55 season saw the rapid decline of the anthology drama. ~~Many~~ writers, actors, directors returned to Broadway or Hollywood; sponsors ~~many~~ canceled programs.
- 36 1952: Sup Ct in ~~the~~ Burstyn v. Wilson, 343 US 495 reversed doctrine set in Mutual Film Company v. Industrial Commission of Ohio, 236 US 230 (1915) that film was a mere spectacle and not an organ of public opinion protected by the first amendment.
- 37 The death of the live anthology drama was Hollywood's and the sponsor's gain. Identification with a continuing attractive actor had advertising advantages and the series formula offered security - each program was a variation of an approved ritual. Solutions, as in commercials, could be clear-cut.
- 40-41 TV news drew its early traditions from radio news and from newsreels. Network news organizations had experience in news-gathering and on-the-air voices, but had to turn to newsreels for help in filming and editing.
- 41 In 1945, NBC hired Paul Alley of News of the Day newsreel experience to put together news ~~xx~~ telecasts.
- 42 By 1953, NBC had Camel News Caravan sponsored by Camel cigarettes and CBS had Television News with Douglas Edwards sponsored by Oldsmobile, both running in the early evening for 15 minutes, and relying heavily on ex-newsreel personnel and using many newsreel traditions. NBC also had Today.
- 42 A favorite pronouncement of the early 50's television newscast was the tv had added a "new dimension" to newscasting. It was less remarked that the camera curtailed the scope of the news to what lent itself to visual coverage and to where there was a camera. Footage shot at some expense was considered more valuable than lots of words. ((Note: Ask Ralph about his contention that this is still true with network news.))
- 44 In June 1953 the coverage of the coronation of Queen Elizabeth II was a major tv event. ((Note: another tv tradition started ~~very~~ early.))
- 45 Nov 1951: Edward R. Murrow and Fred Friendly started a tv series called See It Now to go into some depth behind news events.
- 52-53 After the McCarthy reply on ~~See It Now~~ See It Now, CBS commissioned a Roper poll which showed that of those seeing the show, 33% believed that McCarthy had raised doubts about Murrow or had proved him pro-communist. Friendly argued to Stanton that had the figures been even more pro-McCarthy they would have demonstrated even more compellingly the need for the original program. ((Note: Here we see the first big example of tv news facing a decision of whether to avoid upsetting or offending a sizeable minority of the viewing public or to put on program materials it considers "right". cf. Fairness et al.

- 54 "Coming at the same time as the finest of the anthology programs, the Murrow documentaries helped to make television an indispensable medium. Few ~~people~~ people now dared to be without a television set, and few major advertisers dared to be unrepresented on the home ~~screen~~ screen." ((Note: There is a conflict here. The networks and the sponsors didn't like controversy, but Barnouw is arguing as have others that the controversy and the quality was an important ingredient in building audience for the medium.))
- 56 Revlon, looking for a tv vehicle to combat the success of Hazel Bishop in advertising lipstick on tv (see p. 6), settled on The \$64,000 Question on CBS. The show opened in 1955 and by Sep(?) was drawing a Trendex rating of ~~49.6~~ 49.6 and a share of 84.8. The new Revlon product, "Living Lipstick" was sold out of stores and advertising was curtailed because of demand. That year Hazel Bishop had a loss, explained byboard chairman Raymond Spector by "a new television program sponsored by your company's principal competitor capture the imagination of the public."
- 59-60 Becoming president of NBC in Dec 1953, Sylvester L. ("Pat") Weaver introduced to tv the ideas of "spectaculars" and of the ~~magazine~~ magazine format inwhich sponsors bought insertions in programs that were produced and controlled by the network. The specials included Peter Pan with Mary Martin and Richard III with Laurence Olivier. Weaver was edged out by David Sarnoff in 1955 in favor of his son Robert.
- 62 Warner Brothers, seeing the success of tv, signed a contract with ABC to produce 40 one-hour programs for the 55-56 tv season at \$75,000 each with 12 to be rerun at payment of \$37,500 each. The series was initially called "Warner Brothers Presents" but came to be called "cheyenne" starring the hitherto unknown Clint Walker. The show wa s followed by other westerns by Warner - Maverick, Lawman, etc., which ~~made a profit~~ were made within cost and returned a profit on residual uses. Others rushed to copy the western formula: 55-56 saw: Wyatt Earp, Gunsmoke, Death Valley Days, etc.
- 64 After Warner's success with ~~Cheyenne~~ Warner Brothers Presents, other major studios came "condescendingly" to tv: MGM Parade, Twentieth Century-Fox Hour, Columbia Pictures through Screen Gems produced Rin Tin Tin and Father Knows Best. MCA was producing through Revue Productions and later bought Univeraal Pictures. Warner and Disney programmed on ABC; MCA on NBC; CBS drew on diverse sources, including Desilu, Warner, and 20th Cent-Fox.

- 64 In 1955, RKO was the only major not producing film for tv. It was bought by General Tire and Rubber Co. and immediately released 740 old RKO features for TV distribution. Within two years, Warner Brothers, 20th Cent Fox, Paramount, and Columbia features were in tv distribution. These were pre-1948 features owned outright by the studios and involving no obligation for residual payments to artists.
- 65 TV stations took up the old features rapidly to replace expensive local programming. WOR-TV had live drama every night in 1954, but none in 1956 when 88% of its fall schedule was film, mostly feature films. Most of the program production moved to Hollywood, while New York kept only news, quiz shows, and soaps.
- 65 By the 56-57 season, there were over 500 tv stations and 40 million tv homes (85%) watching 5 hours a day. Sponsors spent close to \$1 billion a year for tv.
- An Elmira, ~~NEW~~ N.Y. station reported it was in the black i in 30 days of operation. ~~It~~ (in 1953) In 1955 Westinghouse bought what became KDKA-TV for \$9,750,000, when its physical plant was worth perhaps \$1 million. ((Note: monopoly rent appeared early. Would be interesting to see trends in value over the years if the FCC has the records.))
- 66 Oral Roberts bought time on 125 tv stations and recouped the cost "many times over" by donations. There were complaints to the Fcc about "undocumented" miracles, but Roberts declared that if the Fcc evaluated miracles it would violate the first amendment. (Broadcasting, Oct 14, 57) ((Note: compare this to Dr. Brinckley's fate. Roberts wasn't a licensee and didn't sell anything, but if Brinkley had been smarter he might have gotten around the FRC on first amendment grounds.))
- 66 In 56-57, the largest sums for advertisign on tv were spent on headache tablets, stomach settlers, cigarettes.
- 67 The 56-57 tv ad boom sprouted new advertising theories. Dr. Ernest Dichter, e.g., was a consultant who analysed latent psychosexual factors involved in buying a car, cigar, or other product. Ad themes and program purchases began to be influenced by theories of subliminal association. Dichter wrote that psychological needs were being placed on the family which it cannot fulfill. The gap between human need and the capacity of the family institution to fill that need was in part being filled by the acquisition of consumer goods, he wrote. (See Motivations magazine, e.g., Sep 1957) ((Note: No doubt the advertisers were happy to meet this need, but it raises questions about their ability to blanket the media with a one-sided exploitation of it.))

68 TV and politics began to converge in the 56-57 boom. LBJ's tv station in Austin made Johnson a millionaire. In 57 it was revealed that Oren Harris, chmn of the House Commerce Committee had acquired 25% of a station in Arkansas for \$500 + a \$4500 promissory note which was never paid. The station was granted a power increase shortly after Harris became involved that had previously been denied. Harris was embarrassed into selling his interest in the station.

68-69 By 56-57 it was accepted practice for writers to receive payments for including product or brand-name items in the dialogue or scenes of tv shows. Radio disk jockeys regularly received "Payola" for promoting records, and some even received stock in the record companies. This was considered normal industry practice at the time.

70 Commissioner Doerfer and other commissioners at the FCC routinely accepted travel payments from industry groups and sometimes even duplicate reimbursements from the government. Licensees liked Doerfer who had proposed that licenses be made permanent, and in 1957, Eisenhower made him Chairman of the FCC.

71-73 The Ford Foundation in ¹⁹⁵⁷~~the early 50s~~ gave up its support of drama on commercial tv (Ford Television Workshop produced Omnibus) and put its efforts into educational non-commercial tv. Both efforts had been launched in 52. Ford funded both local stations and NET.

By 56, only 24 noncommercial stations were in operation ~~and only SF with KQED of the major cities had a VHF.~~ Commercial broadcasters demanded that the FCC release unused reserved channels for commercial use. Other broadcasters were happy that the channels were not available to competitors and that the reserved non-commercial channels allowed a lot of talk without much harm, deflecting criticism of their popular programming.

73 By 56, most network primetime was sold out and was not often used for controversial material. Most controversial programming was put into fringe time periods, specifically the "Sunday ghetto" "cultural ghetto." They took the form of panel discussions or interviews which were economical to produce. The form eliminated many potential viewers, such as the young, who did not identify with the format or the issues.

74 The fringe time periods with their lower audiences allowed more freedom in what was discussed. This was especially true with late night radio where a Tex McCrary discussion with Helen Gurley Brown about sex life on the campus and about diaphragms for coeds raised little furor. ((date?)) "The hierarchy of restraints made it always easy for industry leaders to cite their liberality, while at the same time keeping the peak hours as a world of refuge."

- 77 The Republican National Committee hired BBDO to handle campaign advertising. in 56 as 52. ~~They~~ They persuaded sponsors to give up the last five minutes of their programs for political spots. Unlike 52, these 5 minute spots along with station-break spots kept the campaign from disturbing tv in its boom. The Dems also used the 5 minute spots.
- 78 The Democratic Natl Convention presented part of its 56 keynote address on film, produced by Dore Schary and narrated by John Kennedy. CBS didn't carry the film portion, but the other nets did. Ed Murrow had suggested JFK as narrator. For report on tv coverage of the ~~next~~ conventions see The Reporter, Sep 6, 56.
- 79-80 "In the Coolidge days the press, overwhelmingly Republican, had been almost an arm of government. During the Eisenhower period the broadcasting industry was edging into a similar position. Prime-time programming, in particular, reflected the alliance - not only in its restraints and taboos, but also in ideas it ~~furthered~~ furthered. And "entertainment," rather than news programs, seemed to play the dominant role in this respect." "For the young, once upon a time, ~~movies were~~ a weekly gap in a learning schedule. But telefilms had become the learning schedule. Hours each day, they told of a larger world, and defined the good and great. Networks played down the influence. They made a point of proclaiming that news programs were done under their 'supervision and control,' suggesting that only those were crucial." "But if television was playing a formative role, it was scarcely through news, which operated on the fringes - seldom watched by the young - but through a rival form of journalism - telefilms."
- 80 The telefilms (Barnouw's phrase) almost all were Hollywood produced and most were of the episodic series type. They came from majors and independent studios. Signs appeared in film ~~processing~~ processing laboratories saying "Unless otherwise specified, all film will be processed for TV."
- 80-81 In 57 the family comedy series that had followed ~~I Love Lucy~~ ^U I Love Lucy gave way to action films based on varying themes of victory over evil people. Themes were crime, foreign intrigue, westerns, and animal dramas.
- 81 "Simplistic drama was probably fostered by the shortness of playing time - usually 24 or 48 minutes - and by the function of providing a setting for a commercial." Ernest Dichter ~~saw~~ saw in the western that "the good people are rewarded and the bad people are punished. There are no loose ends left ... The orderly completion of a ~~western~~ western gives the viewer a feeling of security that life itself cannot offer." The western seemed in his view to serve the same emotional needs as consumer goods, and their alliance was presumably logical. (see p. 67)

- 82 The Writers Guild of America was formed in 1954 to represent film, tv, and radio writers. ~~It represented from the~~ It took a trade union orientation, with emphasis on collective bargaining. It also tabulated announced needs of producers into a "market lists" that made it clear that hero-villain drama was about all that was wanted in 56-57. Producers, in turn, saw little network or sponsor interest in other kinds of drama.
- 83 the tv series lent itself to violence. Some voices of concern were raised, Estes Kefauver held hearings on the juvenile crime rate which was rising and wondered if tv violence contributed. Reader's Digest ran a story called "Let's Get Rid of Tele-Violence" that was called vicious by the NAB.
 "The only revolutionary element - one which did not involve them (writers) or their work - was its constant presence in the home, as the center of the home environment." "A writer was concerned with one script at a time - not with possible effects of a ceaseless barrage."
- 84 "If this (drama series/ action series) was livelier journalism than the Camel News Caravan, it must also have had more political impact, especially "for the kids.""
- 95 In 1955, Eisenhower admitted/^{news}film cameras to his press conferences.
- 96 The troubles of international affairs during the Dulles years were not easily covered by film because of the remote location of Vietnam, China, etc. In the 15 minute network newscasts, "a 90-second report on Southeast Asia by the Secretary of State himself seemed grand and took care of Southeast Asia nicely." ((Note: compare this to the 60's when the nets sent camera crews and reporters to Vietnam and other locations around the world; that film then became the news.)) "...a filmed press conference excerpt, or a newsmen's report ~~from~~ a reliable source, or a filmed statement by Dulles from a lectern at the edge of an airstrip, became the news."
- 108 The start of commercial television in Britain in 1955 opened a crucial market for American advertisers and makers of film series. Other nations followed Britain, all becoming purchasers of American programs. By 58, 26 countries had some commercial tv operations, some govt owned and some private. The overseas market became important to program sales and profits.
- 110 The expense and difficulty of dubbing shows heavy in dialogue produced a bias in favor ~~of~~ of action shows in which dialogue was not so important to success.

- 113 The expansion of tv abroad was a part of a larger expansion of US business into other nations in the late 50's.
- 114 The sales of tv programs ~~2~~ abroad were usually pure profit, the production costs having been already earned back through US tv sales. Programs were offered in other countries at a fraction of the cost ~~of~~ that would be involved in their production of their own series. E.g., Australia, where shows were priced ~~xx~~ at \$1000-1500 per half-hour episode and local production would be at least \$20,000. Sponsors couldn't see the economic benefit, especially when US produced shows were expensively made and had proven audience ratings and proven CPM far lower than what untried local product could offer. In Canada in the late 50's US product was being sold for \$2000 per half-hour episode and no Canadian film supplier could quote lower than \$20,000.
- Both Canada and Australia limited foreign programming with quotas, but the locally produced ~~quota~~ was largely sports, talk-shows, etc. rather than expensive-to-produce drama ~~that~~ had the biggest cultural consequences. ~~xxxxbiggest~~
- 115 "The vision of a country united by a television schoolroom was replaced by a different reality. Instead of scientific farming, a mythology of violent struggle riveted attention, followed by cola drinks, cigarettes, headache tablets, soaps, laxatives, hair tonics, deodorants."
- 122-124 Charles Van Doren's acceptance of help in his appearances on Twenty-One and his subsequent denials and confession illustrate some of the moral dilemmas of new ~~media~~ media, new times, and bear some parallels to Watergate. In retrospect, the morality of Van Doren's and the producer's actions is clear, but it obviously wasn't clear to Van Doren even though he thought about it a lot.
- 128 The quiz show scandals and the news manipulation of MBS raised questions about broadcasting and led to investigations by Congressional committees and the FCC network study committee. (1959) CBS and NBC launched new public affairs shows (CBS having just dropped See It Now just the year before); CBS announced that thenceforth, everything on CBS would be "what it purports to be." (Stanton) But the identification of canned laughter as such was dropped a few weeks later.

- 138-140 The U-2 incident in 1960 points up and is perhaps one of the earliest examples of ~~xxxx~~ an effect of rapid intl communication and particularly tv on govt. As it would and probably did in days past (and would again in the future), the govt first denied ~~xxxxxx~~ the Khrushchev announcement that a plane had been shot down. Then Khrushchev showed pictures of the planes wreckage and of its still-alive pilot, ~~xx~~ which, shown on American tv made it impossible for the govt to avoid that it had lied. The govt then made confusing and contradictory stmts by Eisenhower, Nixon, and the State Department; the communications was so fast relative to the unfolding of events that the confusion was obvious and appeared as obfuscation. This incident illustrates both the first major incident in most people's memory of the govt clearly lying; it also shows the impact of rapid mass communication on the govt's bureaucratic reporting and policy-making system. The govt was or felt forced by the pace of communications flow to react before a thoughtful response was possible.
- 141 Sep 60 saw a UN meeting to discuss Cuban charges of a planned us invasion and the admission of a number of new nations, including China. Castro stayed at the Hotel Theresa on 125th St in Harlem. This provided a good setting for tv coverage of Khrushchev's visit to him - not unlike the later manipulation of tv's ~~xxxxxx~~ susceptibility to visual events.
- 147 By 1960, tv series grew in audiences coming night after night after night into more and more homes. Critics were few as the print media generally ~~ignored~~ were dominated by the free publicity handouts of newsy items and personality photos.
- 148 By 60, tv was developing a split personality: the money-making entertainment series and the news divisions always preparing for the grandstand interruptions that were its specialty.
- 149 In ~~(or about, check dates)~~ ¹⁹⁵⁹ 1960, James Aubrey left ABC to become pres of CBS-TV; Robert Kintner left ABC to become ⁽¹⁹⁵⁸⁾ pres of NBC; Oliver Treyz rose to be pres of ABC-TV. Thus all three networks were headed by men who had helped ABC rise in the ratings on the popularity of action series such as The Untouchables, 77 Sunset Strip, Rifleman, & Hawaiian Eye. Although ABC was not represented in all cities around the country, it did well in those cities where it was up against the other two nets.

- 149-150 The rise of the episodic series, action or violence oriented was due to at least three factors: 1) ratings- the ABC formula was getting the audiences; 2) executive compensation - the nets promoted and fired based on ratings and salary and stock-options made executives sensitive to series success; 3) control- in the wake of the quiz scandals the nets moved to contract directly with producers instead of sponsors.
- 149 In 1959-60, the nets moved to control their own schedules. They reversed the practice ~~of~~ inherited from radio days when sponsors bought and controlled the programs and began contracting directly with the ~~maxim~~ film producers. Sponsors dealt with the network to buy advertising time. This was described as an exercise in network responsibility but it was more profitable and consolidated the three networks control over the television business. The film producers had to please the networks in order to get their material on the air. By May 1960, 4 of 5 prime time shows for the following season were licensed directly to the nets.
- With this control of their schedules and as the only buyers for producers output, the nets were able to insist on profit participations in the shows they ~~carried~~ bought. By paying for the pilot film, they had "up front" money that provided a justification for the profit position. Broadcasting reported that: "Going hand in hand with the increase in number of network-controlled shows is an increase in the number of shows in which networks have a profit participation." For the 60 fall season, the ~~%figures~~ figures for ABC, CBS, NBC, were 58%, 68%, and 60%.
- 151 When the nets controlled their own schedules and the ratings became an index for promotion and profit, the juggling of schedules, series, and counterprogramming began in earnest. "Action" series, a synonym for violence, were found to attract the biggest audiences against comedies, etc. ((Note: Need analysis of counterprogramming and other ratings optimization techniques; it may be that the actual audience for three ~~violent~~ action shows wasn't much less than for three quite different shows even though competitive ratings pressure drove them that way dynamically. Moreover, the total audience may be less with such similar programming.))
- 158-159 In March 1960, the three networks announced that it would as a matter of policy carry only news documentaries produced by the network itself. The policy was explained as a matter of responsibility. ABC: "The standards of production and presentation which apply to a professional network news department would not necessarily apply to, for instance, an independent Hollywood producer." ~~ABC~~ NBC: "objective, fair, and responsible presentation of news developments and public issues" required the policy; ~~NBC~~ ~~ABC~~ Barnouw: "The network action seemed a move toward a documentary monopoly of three producing companies. Since network exposure influenced use in all other markets, the decision had bearing on the whole documentary field."

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- 158 Each of the nets was developing its own documentary producing units, considered a govt-relations necessity ((What was going on in FD at this time?)) Yet each hoped to recapture costs through commercial sponsorship. Clearly, buying documentaries from outsided producers wouldn't help cover the overhead of their own units.
- 162-165 The Kennedy-Nixon debates were made possible by the ~~temporary~~ temporary repeal of §315. Critics stressed the superficiality of the debates; Henry Steele Commager said that the debates glorified traits having no relationship to the Presidency. But enthusiasts saw a relevance to leadership in an age of instant crisis and instant communication.
- 169 Watching a videotape of one of his own tv appearances, JFK remarked, "We wouldn't have had a prayer without that gadget."
- 175-176 In the 60-61 season, the advertising boom continued as schedules were nearly sold out and new advertisers came to ~~x~~ tv. Program costs were about \$2000/min but commercial production costs were \$10,000 - 20,000 and climbing.
- 178 JFK made the documentary and news staffs of the networks feel wanted and important: He said in interviews that he felt cameras could help keep the citizens informed about govt and should be allowed to do so. Murrow was appointed to head the USIA. The Inaugural address, Marian Anderson singing the Star Spangled Banner, Robert Frost, - the Kennedy aura clearly caught the imagination of the news departments. ((Was it because of political sympathy, class identification, or glamor that made their work important?)) He also opened up his press conferences to live coverage, no strings.
- 180 The rise of the documentary in the early 60's was stimulated also by the rivalry of the 3 nets. ~~News~~ New ideas were tried, new conventions developed, the power and capacity of the medium were tested and explored, reality ebbed and flowed. Footage of students picketing HUAC hearing in SF and being driven off by police was made into two separate films, one showing police brutality and the other showing violent students manipulated by a communist conspiracy. Technology ~~xx~~ in the form of smaller cameras, wireless mikes, and wireless sync made location filming easier.
- 186 By 1960, approx half of the public depended ~~on tv for~~ primarily on tv for their news.
- 186-194 The Bay of Pigs incident showed like the U-2 incident that the rapidity of communications in the private sector made govt fabrications hard to maintain. In spite of all the cover stories, rumors among Cuban exiles in the US led reporters to get wind of the real story which required official "denials" rather than just fabricated cover stories that could be attributed to other sources. Similarly, a reporter could track down and verify rumors that an exile had posed as a Cuban pilot escaping from Havana to Miami in a time span that was contemporaneous with the event rather than historical.

- 197-198 1961 NAB convention saw Newton Minow, new chm of FCC give his "vast wasteland" speech.
- 199-200 Minow manipulated the transfer of the channel 13 license in Newark to a noncommercial group, even though the law forbade the FCC to consider the relative merits of a transfer. This was by the device of holding hearings, promising lengthy delay, on the desirability of having vhf noncommercial service in LA and NYC. The licensees for all competing NY tv stations contributed to the purchase after receiving letters from the DOJ that this would not be considered a move in restraint of trade, even though each stood to profit from increased advertising revenues.
- 200 In 1963 the fcc at minow's leadership, banned network option clauses as improper surrender of licensee responsibility, reminiscent of the Sup Ct decision in USv. Paramount in 1948.
- 201 Kennedy urged Minow on. See Schlesinger, A Thousand Days, 736
- 202-204 Sen Thomas J. Dodd, D. Conn., as chm, Sen subcomm on juvenile delinquency held hearings on industry practices favoring violence. He later came to be friendly with broadcasters, particularly John Kluge of Metromedia, ~~when~~ As a result of the hearings, the nets took defensive steps in the form of more varied programming. Some was in fringe periods, but primetime 61-62 saw a number of new comedies (Dick Van Dyke Show, Hazel, Bob Cummings Show, etc) and medical drama (Dr. Kildare, Ben Casey). They were a ratings success, "to the apparent surprise of network officialdom."
- 177 Commentary on Klondike shows in 1960 that tv was concerned with superficial historical accuracy (cloths and furniture) but not with context or dialogue.
- 211 1963 Roper poll showed for the first time a majority of people saying ~~they~~ that tv rather than newspapers was their primary source of news - tv, 55%, papers, 52% (From what source do "you get most of your news about what's going on in the world today?" quote from Roper question, emphasis added.
- 218-219 Cbs paid a reported \$7500 to help build a tunnel from East Berlin to help escapees. They filmed the escape and ran the show on Dec 10, 62. Some of the ~~scenes~~ scenes ~~for~~ were reenactments. Jack Gould wrote of the stamp of commercialism. A similar incident happened in a film about arms smuggling, but CBS dropped the venture. ((This raises the issues of staging and the armslength relationship of tv to events later to receive more publicity in the CBS(?) pot party.

- 220 62-63 saw a rise in local documentaries on local social and political issues, attributed ~~to~~ by Barnouw to a new-found "courage" as result of the ending of the blacklist to cover more controversial topics. ((Might it not also have had something to do with the FD and FCC regulation?)) ((What was Minow saying about such coverage?))
- 224 In 1963, NBC-TV cancelled its coverage of the annual Blue-Gray football game because blacks were excluded; the sponsors concurred. ((In a time of political debate about civil rights legislation, what are the implications of licensed media making such a decision? Is it a moral or a political decision? What about the access issue?))
- 228-229 The JFK assassination:((What if LBJ had not been with JFK? when would he have learned of the real event?))
- 230 Dep Atty Gen Katzenbach called the US Atty in Dallas to express concern and dismay at the tv coverage of Oswald. He suggested the Sup Ct might even throw out an Oswald conviction because of the publicity and the impossibility of finding a fair jury.
- 235 Incident of coverage of JFK funeral shows how elaborately the network coverage of even unstaged events is managed.
- 236 The coverage of the assassination and related events meant different things to different people and pointed up the difficulty the country was having adjusting its principles and customs to the new presence of tv. Leonard Goldenson said it showed that tv had earned the right to be admitted to trials, etc. The ACLU said that the processes of justice had taken on "the quality of a theatrical production for the benefit of the television cameras." There was much concern over the atmosphere of violence on tv and how it might have contributed to the deaths of both JFK and Oswald.
- 243-246 Into 64 the profitability of tv continued to grow. Daytime became more and more profitable with the expansion of the soaps from the 15 min radio standard to 30 min. Saturday mornings became very profitable as toy and cereal manufacturers combined to support animated cartoons. Late night became more profitable and Johnny Carson became an institution. Weekends became profitable with football and the instant replay.
- 246 Pat Weaver and Matthew Fox organized Subscription TV, Inc. ~~to~~ to distribute movies, sports, opera, etc. via cable on an intrastate basis to escape fcc regulation.

- 250 Eric Sevareid in 1964: "The biggest business in America is not steel, automobiles or television. It is the manufacture, refinement and distribution of anxiety... Logically extended, this process can only terminate in a mass nervous breakdown or in a collective condition of resentment..." ((See Sevareid, This is Eric Sevareid, p71))
- 250-251 Note NAB code on violence specifying that violence was to be used only as necessary for plot .. as if plot were beyond writers' and executives' control. Also NAB code on advertising minutes, enforcement of which was voluntary
- 251 Broadcasters unite to oppose NAB commercial standard being made official by FCC. '64 House passes ~~HR 8316~~ HR 8316 forbidding fcc to limit commercials; fcc caves in. ((Note cries of doom by broadcasters as in overthrow of network option decision and later in reruns, cable, etc,
- 257 On the California ballot in 1964 was Proposition 15 which declared pay-TV to be against the public welfare. It passed substantially. Even though a judicial appeal was planned, Subscription TV, Inc. was forced to stop and dismantle.
- 259 Goldwater and his staff were prepared to cut the network cables in the convention center if the network coverage became too hostile. (1964)
- 261 64-66 saw th rise of spy series (The Man From U.N.C.L.E., Get Smart, I Spy, Mission: Impossible, The Man Who Never Was) AND OTHER SERIES LIKE ~~77~~ 77 Sunset Strip and Lucy took up spy themes. This occurred at the same time as a number of books were released on the activities of the ~~CIA~~ CIA and CIA activities began to appear in news stories. But whether the boom was due to the news or the success of the first series is obviously unclear. (Barnouw seems to imply the former.)
- 265 As in the case of violence, the spy stories found their detractors on the basis of social ~~to~~ good: Robert Lewis Shayon in the Saturday Review: "My candidate for this season's most harmful television program is Mission: Impossible ... ~~The business of~~ In the United States the program series tends to legitimatize unilateral force for solving international problems... It ~~pretends~~ pretends that individual Americans are morally impeccable when they break the laws of a foreign nation under the shield of our ideology..." But according to Barnouw such criticism was not common.
- 266 The Vietnam was brought no series about ~~that~~ that was, but did bring the rise of a number of series about WWII: McHale's Navy, Combat, Rat Patrol, Gomer Pyle, USMC, Mr. Roberts, Hogan's Heroes) Barnouw says the series of war series "probably" buttressed administration arguments linking ~~the~~ Vietnam with World War II, although ~~that~~ that was not the conscious intention of the producers.

- 269 Man from U.N.C.L.E. : examples of people thinking it was a real organization. Is this limited to TV? How widespread does this have to be to be a problem?
- 270 Entertainment series provide a framework of ~~xxxxxxxx~~ attitudes and emotions; news programs do not. ((At least not as explicitly. News on tv has been evolving conventions and themes and areas of coverage that tend to supply some of this necessary framework for holding audience night to night. Inevitably, this is seen as a form of bias -- see Novak in *New forms of TV criticism*, Aspen.))
- 277 The nets were slow to pick up on the mounting criticism of US ~~xxxxx~~ involvement in Vietnam that appeared in papers and magazines in 1965. Reporters wanted to cover more of the controversy, but net executives resisted, maintaining "objectivity." "Facts that might embarrass the administration were unwelcome. CBS president Frank Stanton and NBC president Robert Kintner were in frequent touch with President Johnson and seemed to identify his policies with the 'national interest.'" Recall p. 238 where Stanton was a friend of LBJ's and advised him on communications matters and seemed to have readier access than the Chairman of the FCC.
- 278 In 66 the surface consensus on Vietnam began to crack. CbsNews under Fred Friendly ran a 1/2 hour program on Sen. J. William Fulbright and his dissent from LBJ's war policy. Stanton called it "a dirty trick ~~xxxxxx~~ ~~xxxxxx~~ ...to play on the President of the United States." ((Thus even when there came to be debate within the US govt that was public, Stanton didn't think it should be carried. & A case could be made ~~that~~ for not carrying the dissent before, but contrast coverage of Nixon.))
- 279 Fred Friendly resigns over CBS decision to carry reruns of I Love Lucy and The Real McCoys instead of Senate hearings on Vietnam policy. NBC carried the hearings. ((No doubt more people at 10am on a weekday would have preferred to watch the series than the hearings; under the CBS decision they had a choice, it could be considered good counter-programming. Compare the simultaneous coverage of Presidential speeches where no choice is possible for many viewers. This is a more complicated decision ~~than~~ than most "black and white" treatments give - and this criticism comes from those like Barnouw who seem to bemoan the "black and white" ~~xxxxxxxx~~ simplifications of most tv series. It also shows the conflicts of tv forced by "threeness" and present industry structure. It also shows the conflict most of us have in favoring network hegemony when used for purposes we feel appropriate and opposing it when we ~~disagree~~ disagree. In a world of cable, pay, and separations, ~~this~~ this conflict simply wouldn't arise.

283 LBJ was often hostile to the reporters who were assigned ~~it~~ to cover him. He often called Cronkite or Rather after watching the evening news and had ~~three sets~~ his 3-set console so he could watch all three nets at once. ((This shows how closely in time Presidents and the WH staff can follow the news and the tight time-cycle the press and the WH can get into.))

~~xxxxxx~~ When NBC reported that Gen Maxwell Taylor had resigned, LBJ called NBC pres Kintner to deny it and demand a retraction, which was promptly broadcast. A few weeks later the WH released the text of Taylor's resignation, the date of which confirmed the original NBC report. ((Check the dates. It's possible that Taylor's letter was yet unknown to the President, in which case this is an example of the credibility problems of responsible government in the face of external rapid communications. Or it might be that LBJ did know and hoped to reverse Taylor's decision. Or maybe he was lying as the report given by Barnouw seems to imply.

284 White Hous Festival of the Arts: reference to WH use of word "scenario" which was used before.((Compare criticism, justified, of Nixon WH for use of "scenarios" and other jargon for manipulationg the press.))

285 On LBJ's trip around the Pacific, including Camranh Bay, in Oct66, a pickup truck ~~xxxx~~ preceded the presidential limo tossing paper american flags to the crowd so they could wave them. At Camranh Bay, a soldier in full field pack with ~~x~~ a grenade launcher on his back was sent to eat with the President at a mess hall table for the cameras. Apparently LBJ had already taped a radio speech for later release saying: "I went there to visit our men at our base in Camranh Bay. Many of them only recently had come from the battlefield. Some were in field dress, carrying their packs and rifles..." ((Barnouw had no documentation for this)) ((Good example of stage management for the cameras. How much of ~~xxxxxx~~ this is necessary to conform to the new demands of the electronic media? How much is unfamiliarity with how to handle the new media? How much can be said to have been real duplicitousness?))

290 The collapse of film censorship (new York in 1965 and Kansas in 66 and later the US sup ct) inevitably led to looser norms for tv, since even being conservative in matters of controversy , taste, and sex, tv couldn't be too far behind the ~~whattxxxx~~ standards of society as a whole.

- 292 Film of anti-personnel bombs being used on a church are taken by Barnouw to ~~be~~ have "belied Defense Department claims of being concerned only ~~at~~ with military targets." This, even though the US admitted the mistake and it is well known that anti-personnel bombs are the only effective way to get at VC troops dispersed in wooded terrain. Others saw the film as giving ~~strong~~ strenght to the enemy. ((It seems to me that what is going on here is a society adjusting to a new standard of openness in communications. Surely giving ~~comfort~~ comfort to the enemy in other US wars wouldn't have been accepted, but the rapidnational news media didn't exist then either, nor was the society so mobile or so affluent to have the time to organize ~~ks~~ such protest.))
- 303 In 1968 LBJ used tv to announce he would not seek another term of office. ((How quickly tv became the official medium of presidents. JFK used it to announce the Cuban quarantine - though he could have used the print media as well for ~~at~~ timing, his going on tv made it somehow more personal. And how natural and incredible at the same time that Nixon should have gone on tv to announce his resignation which almost certainly could have been done better on print.))
- 307 "Contempt for the needs of 'the market' was often ~~heer~~ heard, especially from writers, directors, and actors, although the rhetoric of denunciation seldom changed anything. The machin had its momentum; the stakes were huge." "Everything depended on ~~decisions~~ decisions of networks and beyond them, of advertisers and ~~their~~ their agencies. On the basis of ratings, fortunes rose and fell, and heads ~~rose~~ rolled with unnerving suddenness."" ((The creative type persist in seeing tv as television, rather than the ~~sale~~ sale of audiences to advertisers. That their asperations are not realized is attributed to commercialism rather than to the fact that advertising cannot support much if any of the kind of creative materia they want to produce and that most of the people most of the time at any given time don't want anything very creative.))
- 309 By 1968 there were 140 million tv sets abroad, almost twice as many as in the US. NBC listed 102 countries as customers. ~~(for xoxoxoxof~~
- 310 In 1968, the most popular 8-9 pm time slot on channel 10 in Lagos, Nigeria, were: mon-sun: The Big Valley; ~~Mannix~~ The Human Jungle; Mannix; Bronco; Bonanza; I Spy; and Mission: Impossible. All but the Human Jungle from BBC were US shows.

- 310-312 Few countries had much tv production outside the US and Great Britain.
- 321-323 The Chicago DNC convention in 1968 and the protests and the tv coverage. The use of tv for visual shock value by protesters and the rage of those who respected institutions to suppress the protests.
- 325 The National commission on the Causes and Prevention of violence was studying tv violence, Pastore planned hearings on violence and sex in tv, and the Surgeon General's office was studying mental health implications of tv violence. (1968) Violence on tv dropped. CBS announced a 30% reduction in the number of violent ~~acts~~ incidents in prime-time.
- 331 Robert Lewis Shayon in the Sat Review, Aug 9, 69 on the Apollo 11 landing : "Wherever explorers go in the future accompanied by television cameras, they will be actors, making their nebulous exits and entrances for the benefit of multi-planetary ~~audiences~~ audiences. Nowhere will there ever ~~be~~ again be pure events (if ~~it~~ ever there were); everything hereafter will be stage-managed for cosmic Nielsons, in the interest of national or universal establishments." ((Two points: 1)The first part of this observation is the inevitable consequence of the new technology. We do act differently when we are on stage, when we know people are watching, and it would be foolish not to acknowledge it as part of our new world. 2)Does Shayon think that previous explorers didn't have their little ceremonies in the interest of the church or country or even the Natl Geographic Society?

NETWORK POWER

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OVER NETWORK POWER
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SECTION I

NETWORK INFLUENCE

- 95.8% of all homes (62.1 million people) are reached by television (September, 1971)
- Television received is network television:
 - 66% of typical affiliate's total programming is network originated
 - 93% of prime time audience watches a network affiliate
 - 3 networks draw 94% of the audience in top-50 markets (65% of all television households)
 - CBS news reaches 14 million viewers nightly
 - NBC news, 13 million
 - TV most important news media; network news is the primary source of national and international news.
- TV is dominant advertising medium:
 - Total 1970 U.S. advertising expenditures were \$7 billion -- \$115 per family
 - Of this \$7 billion, \$3.6 billion (or \$60 per family) went to broadcast advertising
 - Of this \$3.6 billion, \$3.2 billion or \$52 per family went to television alone

(FTC Brief on Counter-Advertising, January, 1972, at pp. 4-5.)
- Networks get the lion's share of total television advertising revenues

	<u>1971</u>	<u>1972</u>
TV Networks	\$1.6 billion (27%)	\$1.8 billion (27%)
TV Spot*	1.5 billion (19.4%)	1.3 billion (19.6)
Radio Network	60 million (1%)	67 million (1%)
Radio Spot	395 million (6.7%)	378 million (5.8%)
TOTAL	54.1%	53.5%

SOURCE: Broadcasting, January 8, 1973

*roughly 25-30% of spot advertising revenues goes to network O&O's.

HOW INDEPENDENTS AND AFFILIATES SPLIT THE TREASURE*

<u>1970</u>	<u>#STATIONS</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>PROFIT*</u>
IND. VHF	31	\$167,431,000	\$148,165,000	19,265,000
IND. UHF	59	46,897,000	87,027,000	-40,130,000
TOTAL	90	\$214,192,000	\$235,192,000	-20,865,000
AFFIL VHF	475	1,371,669,000	941,635,000	429,935,000
AFFIL UHF	121	77,603,000	82,973,000	- 5,370,000
TOTAL	596	1,449,272,000	1,124,608,000	424,656,000
<u>1971</u>				
IND. VHF	33	168,881,000	156,215,000	5,665,000
IND. UHF	62	63,245,000	92,647,000	-29,402,000
TOTAL	95	225,126,000	248,862,000	-23,737,000
AFFIL VHF	473	1,346,220,000	983,685,000	362,535,000
AFFIL UHF	120	84,955,000	88,153,000	- 3,298,000
TOTAL	593	1,431,175,000	1,071,838,000	359,273,000

* Source: Broadcasting, January 8, 1973

The table shows that profit for station affiliated with networks is overwhelmingly larger than that of non-affiliated stations, indicating that networks may have substantial power by virtue of their ability to offer or refuse an affiliation.

- TV networks as a result are highly profitable.

Broadcast Revenues, Expenses and Income of TV Networks and Stations, 1970, 1971 (in millions of dollars)

BROADCAST REVENUES*

	<u>1971</u>	<u>1970</u>	<u>%Change</u>
3 networks	\$1,094.1	\$1,144.6	-4.4
15 O&O's	284.8	312.5	-8.9

BROADCAST EXPENSES

3 networks	1,040.5	1,094	-4.9
15 O&O's	193.6	195.1	-0.8

BROADCAST INCOME

3 networks	53.7	50.1	7.2
15 O&O's	91.2	117.3	-22.3

*Net, after commissions to agencies, representatives and after cost discounts.

SOURCE: Broadcasting, August 21, 1972

THREE NETWORK PRE-FEDERAL INCOME TAX PROFITS
1961 - 1971

(Millions of dollars)

BASED ON FCC DATA

<u>YEAR</u>	<u>PROFITS FROM NETWORKING</u>	<u>PROFITS FROM O&O'S</u>	<u>TOTAL PROFIT</u>
1961	24.7	62.3	87.0
1962	36.7	74.7	111.4
1963	56.4	79.8	136.2
1964	60.2	96.3	156.5
1965	59.4	102.2	161.6
1966	78.7	108.1	186.8
1967	55.8	104.3	160.1
1968	56.4	122.4	178.8
1969	92.7	133.4	226.1
1970	50.1	117.3	167.4
1971	53.7	91.2	144.9

NOTES

(1) Profits from networking v. O&O's are broken out, but only for convenience sake. Generally, the proper figure to consider is the one for total profits, since if only networking is taken into account, an erroneous impression of unprofitability may be obtained (e.g. ABC).

(2) Total profits are consistently high, except for last two years, where there was erosion due to loss of cigarette ads and to downturn in the economy generally. The question is, how much of total profits are attributable to the normal rate of return (i.e., the usual rate of return required to retain capital), and how much is excessive. The answer is not in yet, because of difficulty in determining network capital basis. However, implication is that some profit is excessive.

- The Prime Time Access Rule has further increased network revenues
 - PTAR reduces the number of network prime time hours available and increases the competition among advertisers for the source network time.
 - Since the passage of the rule, network charges to advertisers have increased by approximately 20%. The average cost per minute in network prime time has increased from approximately \$50,200 to \$59,600 between October 1970 and October 1972 according to data supplied by A.C. Nielsen, Co.
- Network profitability enhanced by present network rerun policies.
- Rerun Highlights*

During 1971-72 season network broadcast
3.225 hours in prime time

59% (1,904 hours) was first run

41% (1,321 hours) was reruns

Highest proportion of reruns was CBS, with
480 (44.8%) of its schedule

Lowest proportion was ABC, with 390 hours (36%)

NBC ran 451-1/2 hours (42.2%)

Average number of episodes of new, original
series programming for 45 series was 22.8

Average number of reruns for those series
was 22.7

For 27 of those 45 series, networks broadcast
more reruns than first runs

Approximately ten years ago weekly first
runs ran for 32 weeks

Increase in reruns diminishes range of choice
available to the viewer. This contributes to unem-
ployment in program production industry. It may be
a result of network exploitation of monopsony power,
i.e., monopoly over buying of program.

* SOURCE: Broadcasting, October 2, 1972

Network profits are fueling general network diversification into fields unrelated to broadcasting.

INDIVIDUAL CORPORATE TABLES

Compiled using Fortune, May, 1972, Listing of the 500 Largest U.S. Industrial Corporations; SEC Form 10k's for each firm, as filed in the SEC Public Reference Room */; Hearings of the Senate Commerce Committee and the House Select Committee on Small Business.

*/ SEC rules permit the filing of confidential Form 10k's. A current 10k for RCA Corporation was not in the public file on the date of survey (March 9, 1973). A 10k filed in 1971, for 1970, was used for the revenues/profits table for RCA. The parenthetical references to revenues by category derive from the firm's 1972 shareholder's report.

Report: Individual corporate interests of the three major television networks.

Summary:

- ° Of the three television networks, NBC is the most diversified, from being an important manufacturer of frozen convenience foods to the printing of elementary school textbooks to Hertz Rent-a-Car, "Number 1." NBC, as the "subsidiary" of RCA, in 1970 produced about one-half of the parent firm's profits.
- ° CBS continues aggressive diversification, primarily into service-related fields, such as vocational training schools, educational films and teaching aids, electronic products retailing, and the like.
- ° ABC, in a sense a conglomerate through historical accident, seems to concentrate company efforts and profits on broadcasting operations, to a greater extent than its network competitors.

FCC Actions

Despite the serious concerns that were raised during the course of the proposed ITT-ABC merger, 1966-68, the FCC has shown very little interest in the potential problems of broadcast ownership by conglomerates.

In February, 1969, the Commission initiated a study into the problems of conglomerates and broadcasting, three of the seven commissioners dissenting to the action, and Chairman Burch and Commissioner Houser concurring, and questioning the merit of the effort.

More than two years elapsed before the FCC issued questionnaires as part of the study. No other significant action has occurred in the docket (Docket 18449) since the questionnaires were issued. Copies of the questionnaires were sent to the three television networks, and to 28 other firms.

RCA Corporation -- Parent of National Broadcasting Company (NBC)

- ° 18th largest U.S. industrial corporation
- ° Ranked by House Small Business Committee as having 1970 sales (\$3.3 billion) slightly below gross national product of Morocco) (Hearings on the Role of Giant Corporations, House Small Business Monopoly Subcommittee, 92d Cong., 1st Sess., Part 2, at p. 1198)
- ° 1971 Sales of \$3.8 billion, Assets \$4 billion (Fortune, May, 1972, p. 190)
- ° 118,000 employees worldwide (subsidiaries in Argentina, Australia, Belgium, Brazil, England, France, Germany, Italy, Mexico, Puerto Rico, Spain, and Taiwan.)

	<u>Sales</u>				<u>Profits Before Taxes</u>			
	<u>1970</u>	<u>1969</u>	<u>1968</u>	<u>1967</u>	<u>1970</u>	<u>1969</u>	<u>1968</u>	<u>1967</u>
Home Products, etc. (\$1.8B)	47%	48%	48%	49%	29%	55%	59%	54%
Broadcasting, communications publishing, etc. (\$750 million)	23%	22%	22%	21%	50%	33%	29%	30%
Vehicle rent- ing, etc. (\$600 million)	17%	15%	14%	13%	17%	10%	9%	9%
Defense & Gov't contracting (\$400 million)	13%	15%	16%	17%	4%	2%	3%	7%

[SEC Form 10k, filed March, 1971 for 1970 and preceding years]
 Figures indicate that while the largest part of RCA's sales are unrelated to broadcasting, one-half of the corporations profits stem (1970) from activities that are regulated by the Government-- broadcasting.

Here are some of the interests and holdings of RCA, first in the broadcasting field, and in other unrelated areas:

Broadcasting

° Television

- ° Nationwide network of 215 affiliated VHF stations, capable of reaching about 98 percent of the Nation's population.
- ° 5 network owned and operated VHF television stations: in New York, Los Angeles, and Chicago-- the three largest markets-- and in Washington and Cleveland.
- ° Network O&O's capable of reaching about 25% of the population.

° Radio

- ° 6 AM-FM radio stations in New York, Chicago, Cleveland, Washington, Pittsburgh, and San Francisco.
- ° Nationwide radio network with 234 affiliates.

Common carrier communication

- ° RCA Global Communications-- largest U.S.international record carrier.
- ° RCA Alascom-- Alaska telephone company purchased from the Government in 1969 (\$28 million in 1971 revenues)

Publishing

- ° Random House, major U.S. publisher of general interest and other books (labels include Modern Library, Borzoi, Pantheon, Knopf)
- ° L.W. Singer Co.-- important publisher of elementary and highschool textbooks.

Home Products

- ° Leading producer of color television sets.
- ° Major producer of electronic consumer products (washing machines, phonographs, radios, etc.)
- ° Major distributor of household appliances, associated appliance repair services.

Electronics

- ° Major manufacturer of wide-range of business and industrial electronics equipment and hardwares.
- ° Major supplier of catv equipment.

Defense contracting

- ° Eighth largest NASA contractor, 21st largest DoD contractor.(1971)
- ° \$421 million in DoD contracts in 1971.

Car Rental

- ° Hertz Rent-a-Car, world's largest car rental system (about 4,000 locations, 150,000 cars and trucks)
- ° Meyers Brothers Parking Systems-- parking systems in Northeast.

Frozen Foods

- ° Banquet Frozen Foods (acquired, 1969 for \$141 million) Sells more than 500million units annually.

- ° Other convenience food items (e.g., cooking bags)

Records

- ° RCA records and record club.

Broadway Theatre

- ° Participates in the production of various Broadway productions.

Household Furnishings

- ° Coronet Industries-- formerly the 662d largest U.S. industrial (1969)-- acquired in 1971. Major producer of wall coverings, rugs, vinyl floor coverings, tile, etc. 1970 net sales of \$ 111 million.

Land Development

- ° Cushman & Wakefield, Inc.-- major Northeast business property manager; various Florida and other area land development operations.

RCA, in 1970, was the Nation's 14th largest advertiser , spending about \$76 million-- 2.3 % of its gross sales. (Hearings on the Establishment of a National Advertising Institute Before the Senate Commerce Committee, 92d Congress, 2d Sess., p. 146 (1972))

Columbia Broadcasting System (CBS)

- ° 102d largest U.S. industrial corporation in 1971; not listed in the Fortune 500 in 1970 (Fortune, May, 1972, p. 192)
- ° 1971 Sales of \$1.25 billion, Assets of \$830 million.
- ° Over 23,000 employees scattered throughout the globe. (Subsidiaries in Argentina, Australia, Canada, England, Mexico, and Spain.)

	<u>Sales</u>				<u>Income Before Taxes</u>			
	<u>1971</u>	<u>1970</u>	<u>1969</u>	<u>1968</u>	<u>1971</u>	<u>1970</u>	<u>1969</u>	<u>1968</u>
Broadcasting (\$603 million)	48%	54%	58%	60%	65%	74%	83%	81%
Music & Recrea- tion (\$500M)	40%	36%	32%	28%	29%	25%	14%	12%
Education & Publishing (\$131M)	11%	9%	10%	10%	11%	9%	8%	11%
Other (\$15M)	1%	1%	1%	2%	(5%)	(8%)	(5%)	(4)
	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

[1972 Form 10k]

These figures indicate, for example, that in 1971, broadcasting sales represented less than half corporate sales, but accounted for almost two-thirds of the company's profits.

These are some of CBS's interests, both in the broadcasting and in unrelated fields:

BROADCASTING

- A nationwide TV network with 192 affiliated, capable of reaching 98% of the population.
- 5 VHF television stations, in New York, Los Angeles, and Chicago-- the three largest markets-- and in Philadelphia and St. Louis.
- Nationwide radio network of 243 affiliated stations.
- 7 AM-FM radio stations, in New York, Chicago, Los Angeles, Philadelphia, St. Louis, San Francisco, and Boston.

Publishing

- Holt, Rinehart & Winston, major publisher of general interest and textbooks, used primarily at the elementary and college levels
 - Dryden Press Division-- specializes in publishing college textbooks on behavioral and social sciences.
- W. B. Saunders Co.-- world's largest publisher of medical textbooks; also publishes physics and mathematics texts.
 - London division, with separate editorial and publishing units.

- ° Field & Stream, Road & Track, and Cycle World magazines.

Vocational Training Schools

- ° Franklin School of Science and the Arts (paramedical training); Business Methods Institute (data processing); Vale Technical Institute (automotive repair); Thompson Institute (various business skills).

Films and Movies

- ° Cinema Center Films, major producer of full-length feature movies (e.g., Dustin Hoffman's "Little Big Man;" John Wayne's "Big Jake;" Gene Hackman's "Prime Cut.")
- ° BFA Educational Media, major producer and distributor of educational films and related services.

Records

- ° CBS Records-- world's largest producer of records, stereo tapes, etc.

Retailing

- ° Columbia House--distributor of various items including cosmetics.
- ° Pacific Electronics, a chain of audio and related equipment stores serving the West coast.

Musical Instruments

- ° Fender Guitars, Rogers Drums, Leslie Organs.
- ° Option to buy Steinway & Sons, piano manufacturers.

Toys and Games

- ° Creative Playthings.

Land Development and Management

- ° Klingbeil Company-- a major real estate developer with

various construction subsidiaries; also engaged in property management.

Defense Contracting

- ° Computer systems applications and design (e.g., for the Air Force Logistics Command, Wright-Patterson Air Force Base)

Mr. William S. Paley is reported as the "parent" of CBS, under applicable SEC rules. He holds 5.73 % of CBS's voting stock.

CBS was the 43d largest advertiser in the country in 1970, expending about \$40.99 million.

American Broadcasting Companies (ABC)

- 163d largest U.S. industrial corporation in 1971; not listed among the Fortune 500 in 1970.
- 1971 Sales of \$756 million, Assets of \$1.25 million (Fortune, May, 1972, p. 194)
- 14,000 employees worldwide.
- Controlling interests in sixteen foreign companies operating television stations in sixteen countries, principally in Latin America and the Far East (also Australia, Canada, Lebanon, Japan, the Netherlands, Okinawa, and the Philippines).
- ABC was literally born of the FCC's concern for "the fuller use of radio as a mechanism for free speech" and for diminishing the excessive control by networks over radio broadcasting during the thirties. (See Radio Corp. of America, 10 FCC2d 212, 213 (1943)). RCA was required to divest itself of one of its two radio networks. The Blue Network Company became ABC, which merged with Paramount Theatres in 1953.
- ABC was the object of a celebrated merger attempt by the International Telephone and Telegraph Company in 1966. The merger was dropped because of intense public and official concern over the objectivity of news and commercial practices that could follow, if one of the Nation's television networks were to become a subsidiary of a large, multinational, diversified corporation.

[illegible]

Here are some of ABC's interests and holdings.

Broadcasting

° Television

- ° A nationwide TV network of 171 affiliates, capable of reaching about 96% of the population-- 2% less than either CBS or NBC.
- ° 5 VHF television stations, in New York, Chicago, and Los Angeles-- the three largest markets-- and in Detroit and San Francisco.

° Radio

- ° 7 AM-FM stations, in the top eight markets-- New York, Pittsburgh, Detroit, Chicago, San Francisco, Houston, and Los Angeles.
- ° These O&O radio stations have the largest AM radio audience in the country; each station is the number 1 network owned radio station in its market.
- ° Four radio network services, to 1, 334 stations. (affords 'demographic' targeting)
- ° 1,254 ABC radio affiliates.

Theatres

- ° 431 theatres, operating in 32 States.

Movie Production

- ° ABC Picture Holdings (not affiliated with Paramount Pictures).

Worldwide Programming

- ° Leading tv programming distributor abroad.

Publishing

- ° Three major agricultural newspapers in the Midwest, with a combined circulation of about 800,000.

Records

- ° ABC Records.

Tourist Attractions

- ° Florida tourist attractions, including Silver Springs, near Ocala, and Weeki Wachee Spring, St. Petersburg.

I. Problems raised by network diversification

The problems raised by network diversification into fields unrelated to television broadcasting include:

- ° Enhanced potential for reciprocal dealing--
 - ° Major auto manufacturers may be persuaded to buy television time on NBC in order to influence the fleet buying decisions of Hertz Rent-a-Car. Or tire manufacturers may purchase time on NBC similarly to influence Hertz's tire purchases.
- ° Adverse impact upon small business --
 - ° Network subsidiaries in industries where television advertising is essential to success may enjoy rates and preferential treatment superior to those of competitors not affiliated with a broadcast conglomerate.
- ° Increased barriers to entry--
 - ° A subcommittee of the House Select Committee on Small Business recently reported as follows:

"In the last 25 years, concentration in the consumer goods sector of manufacturing has increased sharply, while concentration in producer goods has declined to a similar degree. Economists agree that concentration (the trend toward oligopoly) will be related to high profits and a lack of performance in the public interest. The subcommittee finds that the corresponding development of television and of huge expenditures in broadcasting advertising is undeniably significant in this move toward increased concentration.

There is no doubt in the subcommittee's mind whatsoever that advertising does, in many industries, constitute an insurmountable entry barrier to small firms. There appears to be general consensus that once a company becomes large enough to expend sums on national advertising campaigns [that] this ability, without even making continual use of the power in and of itself contributes to increased concentration.

Hearings on Advertising and Small Business Before the Subcommittee on Activities of Regulatory Agencies Relating to Small Business of the House Select Committee on Small Business, 92d Cong., 1st Sess., p. 15 (1971).

It should be noted that there is little reason to question the ability of a firm owned by a television network to pay network advertising rates, however high-- payment represents in some senses merely an intracorporate fund transfer.

- ° News slanting, and diminished interest in licensee responsibility.
- ° The following material, quoted from Commissioner Bartley's dissent to FCC approval of the ITT-ABC merger clearly sets forth the problem--

"Whatever may be the stated intention of the present executives of ABC and ITT, it seems apparent to me that the 13-percent ITT as an electronic journalist and cultural agent could not escape or withstand the pressures to favor or protect individuals or governments with whom the 87-percent ITT might desire or require as customers. No deliberate intent on the applicant's part to avoid its public responsibility is suggested. Premeditated falsification of news or distortion of fact is not suggested. I am suggesting-- as a dangerous possibility -- selectivity in subject matter and scheduling (in the interests of corporate harmony) a more subtle yet effective means of opinion manipulation and "image-making." There appears to be on the face of these applications natural conflicting temptations in the mesh of economic and practical circumstance in which ITT as a broadcast-trustee would find itself. It would seem axiomatic that the greater the variety of interests which might be the natural objects of the licensee's bounty, the greater the potential conflict of private with public interests." (7 F.C.C.2d 245, 265)

"[The proposed merger poses the danger that] the broadcasting operations [will] become a public relations tool of and image builder for the corporate conglomerate and little attention given to the local needs of the public which the broadcast operations are charged with serving." (7 F.C.C.2d 245, 263-64)

The present corporate holdings and interests of the two largest television networks are such that these comments are directly relevant to the situation today.

SECTION II

RECURRING GOVERNMENT CONCERN OVER NETWORK POWER

FCC concern over network power

- 1938 Investigation into the problems of chain broadcasting and domination of radio broadcasting by two networks-- NBC and CBS.
- FCC Chairman Fly, testifying before the Senate Commerce Committee (FCC Mimeo No. 50718, p. 22a (1941):

" So long as the more than 800 station managements all over the country are free to make their own decisions, no great harm can result if one or two or three of them make mistakes. But if power is concentrated in the hands of two or three networks, an error of judgment on the part of any one of them may seriously affect the whole nation."
- 1943 FCC promulgates rule forcing NBC to divest itself of one of its radio networks. On appeal Supreme Court emphasizes that the 1934 Act does not "relegate the Commission to the role of a policeman mechanistically processing licenses." (United States v. NBC, 1943)
- 1957- Barrow Committee established to study possible abuses of "option time" and other provisions of network affiliation contracts.
- 1958-- FCC voices concern over NBC-Westinghouse transfer.
- 1964- FCC concern over domination of top markets by handful of multiple owners; concern over network owned and operated stations.
- 1962- All-Channel Broadcasting Act: one of grounds for act was need to develop UHF broadcasting as a competitive option to network affiliates and owned and operated stations.
- 1966- FCC voices concern that networks are dominating the program production industry, proposes some limitation be placed upon prime time programming.
- 1969- FCC initiates investigation into conglomerate control of broadcasting, including unrelated business interests of television networks.
- 1972- Chairman Burch criticizes the prime time rule as failure to break network control over programming.

Justice Department and Executive Branch concern over network dominance

- 1956: Assistant Attorney General Rogers affirms coverage of antitrust laws extends to domination of news and ideas, not just economic dominance.
- 1957-58 antitrust action brought against NBC-RCA for forcing Westinghouse to exchange Philadelphia television station for Cleveland station, on pain of loss of NBC affiliation for other Westinghouse stations. Consent decree entered.
- Justice support private antitrust action brought against CBS by businessman unreasonably denied renewal of affiliation agreement (Poller v. CBS)
- 1967-68 Justice strongly opposes proposed ITT-ABC merger.
- 1968 Justice points out great strength of network owned and operated stations in the top television markets, in connection with comments on newspaper ownership of TV stations.
- Antitrust action brought against television networks for monopolization of entertainment programming.

Other Official concern

- In enacting the 1934 Communications Act "Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." FCC v. Pottsville Broadcasting Co., 309 U.S. 134, 137 (1940).
- "Congress can hardly be deemed to have limited the concept of 'public interest' so as to exclude all considerations relating to monopoly and unreasonable restraints upon commerce." NBC v. United States, 319 U.S. 190, 223 (1943)
- "Monopoly in the mass communication of news and advertising is contrary to the public interest, even if not in terms proscribed by the antitrust laws." Mansfield Journal Co. v. FCC, 180 F.2d 28, 33 (D.C. Cir. 1950)
- In enacting the 1934 Act Congress "rejected government ownership of broadcast stations, believing that the power inherent in control over broadcasting is too great and too dangerous to to the maintenance of free institutions to permit its exercise by one body, even though elected by or responsible to the whole people. But in avoiding the concentration of power over radio broadcasting in the hands of the government, we must not fall into an even more dangerous pitfall: the concentration of that

Past Government efforts however:

- Have seen greater FCC power and increased Federal presence in broadcasting as only executive counterbalance to network power.
- Have centered upon treating particular problems deriving from the exercise of network power -- e.g., option time.
- Have failed adequately to deal with the underlying and continuing problem of network dominance
- Have increasingly involved Government in sensitive First Amendment areas

Fairness Doctrine
Program Categories
Prime-Time Waivers

- Ad-hoc Government intervention has yielded stop-gap solutions -- e.g., prime time -- which fail to decrease network power and control.

power in the hands of self-perpetuating management groups." FCC staff, Report on Chain Broadcasting 72 (1941)

- 1969: Chairman Staggers introduced legislation to license the networks directly.
- Action for Children's Television files petition with the FCC urging action be taken to force networks to remove violence and hucksterism from children's programming.
- 1971-72 Criticism of staged news events by CBS (e.g., staged "pot" party, "Say Good Bye" (deceptive nature filming), "Selling of the Pentagon."
- House Small Business Committee determines that television advertising practices tend to increase concentration in consumer goods industry, operate contrary to the interests of small business.
- 1972: Hearings on sports blackouts critical of television networks.
- 1972 Senate hearings on violence and children's television critical of failure of networks to reform.

Section III: Questions

Q: Mr. Burch, you've recently said that the prime time rule has been a failure, but that the FCC should still be seeking other ways to cut back on network dominance of the TV programming schedule?

How else do you think the power of the networks can be checked?

More FCC rules, legislation, what?

More antitrust action?

Q: What about the Fairness Doctrine?

Does the FCC have the authority to enforce the doctrine directly against the networks or only because they each have five television stations?

Is the present method of enforcing the fairness doctrine -- on a case-by-case, issue-by-issue basis -- consistent with the purpose of the 1934 Act?

Can fairness instead be ensured by review of a licensee's overall performance at renewal time?

Q: What do you think is the best way of decreasing the level of violence on children's TV?

Should it be the primary responsibility of the FCC, the networks, or the local licensee?

Q: Do you think that program categories and quotas and percentages are the best way to ensure that a local licensee performs in the public interest?

Q: How about network drug advertising? Or advertising on children's television?

Who should bear the responsibility for enforcing the public interest in this area -- the FCC, the networks, or the local licensee's?

Q: What do you see as the local licensee's proper role with regard to controversial network programs, like Maude -- that one episode where her friend has an abortion -- or "Sticks and Bones?"

Where does the local licensee's primary responsibility lie -- in pleasing the network, the FCC, or his local community?

Q: Does the FCC require licensees' programs to meet certain quantitative standards -- so many hours of public service broadcasting, and so forth?

Didn't the FCC say though in a recent decision (Docket 19154) that they would not be ruled by quantitative standards in passing on license renewals?

So isn't this illusory?

Don't you think the OTP bill is the better approach? That we shouldn't have specific program categories or percentages but just rely upon the licensee's good faith efforts to ascertain community needs and meet them fairly?

Q: Should questions regarding the structure of the broadcast industry be considered at the renewal period?

Or should we use general rulemaking?

Q: Don't you feel, Mr. Burch, that in the past 15 years, that the FCC has moved away from the basic principle of local licensee responsibility?

I feel this Mr. Chairman. I see two problems here. On the one hand we have increased Government involvement in broadcasting. On the other hand, increased network power. The man caught in the middle is the local licensee.

How are we going to deal with the problem?

How can we guard against network dominance, and the heavy-handed Government?

Q: Don't you think the OTP license renewal bill would help reduce networks' monopoly power over national programming and decrease Government involvement in our private enterprise broadcasting system?

Q: Do we know enough about the real basis for network power to be able to deal with it?

Q: Mr. Chairman, don't you think that the FCC should take steps to fully inform this subcommittee about the real basis for network dominance, and what's being done about it?

Q: Is an inquiry by the FCC possible?

Q: Have you undertaken other inquiries like this in the past?

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NETWORK NEWS

Q. Regarding Network news, it is my feeling that what the American viewer watches each evening is not a true reflection of the events of the day. This is a complicated business involving selectivity, cutting and splicing. This is a tremendous responsibility of the networks, and if you are to judge from the polls, alot of people are unhappy. May I have your opinion?

Q. Mr. Edward Jay Epstein in a recent article in the New Yorker carefully examines this issue. Have you read it?

I have, and I would like to ask you some question about it.

Q. Mr. Epstein says that executives and newsmen argue that T.V. news is shaped not by men but by events. That T. V. news mirrors reality. Yet practical economic realities and time limitations obviously present the viewer with a compressed picture. There can be abuses here, don't you think?

Q. Mr. Epstein points out that because of economic realities, the networks have to place their camera crews in our major metropolitan areas. This, then, lends itself to a constricted view of the events of the day, as if all events are generated in a handful of cities? I don't agree with this and I believe the networks have been deficient in covering other important issues. Their cameras simply aren't there. What do you think about this, do you agree?

Q. Not so long ago, the Chairman of the full Committee held hearings on news staging: This is a serious matter. It happens. What is there to prevent such occurences. Who is to ensure that this won't happen again. The network? The Government? Just who?

Q. Mr. Epstein cited an incident where ABC instructed the Saigon bureau to portray American disengagement from Vietnam, despite heavy combat activity in the field. This is a subjective decision don't you think? It's not so unusual is it?

Q. Newsmen tend to be generalists, Mr. Epstein says. As a result, don't you think that a story suffers when the reporter does not have adequate knowledge about his subject?

Q. Most network news stories are assigned by an assignment editor in New York. That's a great responsibility, perhaps too much for one man removed from the events themselves.

Q. Don't you think it curious that the networks cover identical stories. Surely, there are other events which warrant attention. What do you think?

Q. Newsmen say that action stories are the best news. Thus we see one side of a story, all too often the worst side of the story. We saw this in Chicago in 1968. What's your opinion?

Q. Networks are in the business of attracting audiences. Network news, therefore, seeks optimal audiences. Now there are three important criteria to achieve this end. One, is affiliate acceptance, i.e., cleared programming. Two, scheduling, i.e., best possible attraction time. Three, audience flow, i.e., what programs precede or follow the news in order to attract audiences to the news program. Because of this, do you think that the quality of the news program suffers because of these primary economic considerations.