

USER AGREEMENT

Firing Line videos, transcripts, photographs, and other materials copyright Stanford University. May not be published or reproduced in whole or in part without the express written permission of the Director of Hoover Library and Archives. Send requests for permission to Director of Hoover Library and Archives, Hoover Institution, Stanford, CA 94305-6010."



Hoover Institution Archives

Firing Line with William F. Buckley, Jr.

The White House and the Media

Episode number: S0081

Total running time: 60 minutes

Original tape date: February 1, 1973

Mr. Whitehead had just given a widely noticed speech in which he had accused television stations of "ideological plugola" and "elitist gossip," and the question before the house is, as Mr. Buckley phrases it, "how does one, in fact, draw up a standard by which to ensure the fairness of individual stations in presenting points of view?" It turns out that there really isn't a standard – not one, at any rate, that Mr. Whitehead or Mr. Buckley can come up with – that doesn't have an element of subjectivity. But along the way we learn a lot about how the Federal Communications Commission actually interprets the Fairness Doctrine, how the new technologies make it easier to infringe on copyrights, and whether reruns are in the public interest. Buckley: "Just what does 'elitist gossip' mean?" Whitehead: "It, in my book, means just what it says. It's the trading of more or less unsubstantiated tales among people who think that they're a little better than other people.... For instance, the network reporter who comes on the air and says, without doing much checking of his own, that, 'It is being said in Washington that,' or 'It is widely believed that.'"

Guest: **Clay Thomas Whitehead**, economist, formerly with the Rand Corporation; currently Director of the White House Office of Telecommunications Policy

Filmed in New York City, N.Y.



Hoover Institution Archives
Audiovisual Services
650-723-3563

Please attach this form to your photocopies for future reference.

Researchers are responsible for recording the location of documents.
Citations and footnotes should include the following information:

HOOVER INSTITUTION ARCHIVES

* Collection title: *FIRING LINE*

* Outcard number:

* Box number: *61 (218)*

* Folder ID: *50081*

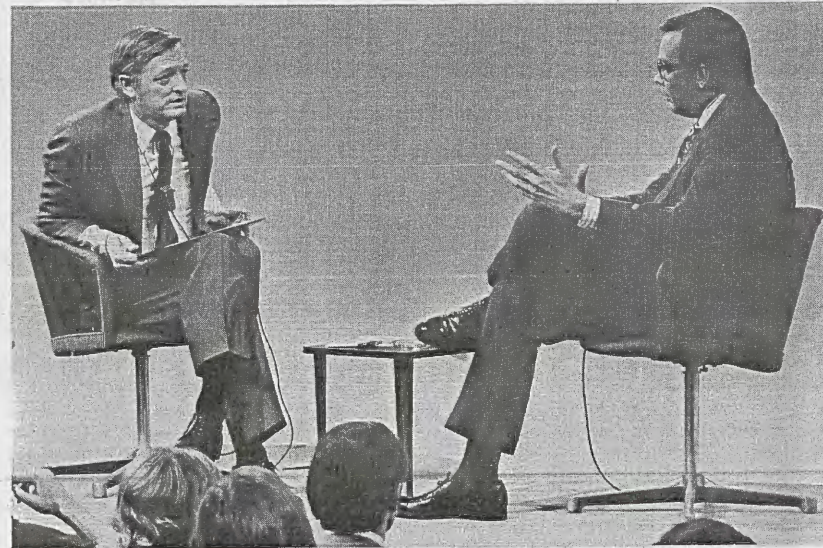
NB This material may be protected by copyright law (Title 17 U.S. Code).
These photocopies may not be further reproduced and distributed without
specific authorization of the Hoover Institution.

The Hoover Institution would appreciate being notified about the
publication of any documents in its custody. The title of the publi-
cation or a copy should be sent to the Hoover Institution Archives,
Stanford, CA 94305.



SECA PRESENTS

FIRING LINE



Host: WILLIAM F. BUCKLEY, JR.

Guest: Clay T. Whitehead, director, White House Office of
Telecommunications Policy

Subject: "THE WHITE HOUSE AND THE MEDIA"

Panel: Richard W. Mansbach, assistant professor of political science,
Rutgers University
Ross K. Baker, associate professor of political science,
Rutgers University
Allen Mendelowitz, assistant professor of economics,
Rutgers University

FIRING LINE is produced and directed by WARREN STEIBEL

This is a transcript of the FIRING LINE program taped in New York
City on February 1, 1973, and originally telecast on PBS on February 18, 1973.

SOUTHERN EDUCATIONAL COMMUNICATIONS ASSOCIATION

The FIRING LINE television series is a production of the Southern Educational Communications Association, 928 Woodrow St., P.O. Box 5966, Columbia, S.C., 29250 and is transmitted through the facilities of the Public Broadcasting Service. Production of these programs is made possible through a grant from the Corporation for Public Broadcasting. FIRING LINE can be seen and heard each week through public television and radio stations throughout the country. Check your local newspapers for channel and time in your area.

NOTICE: THIS MATERIAL MAY
BE PROTECTED BY COPYRIGHT
LAW (TITLE 17, U.S. CODE)



HOOPER INSTITUTION
ON WAR, REVOLUTION AND PEACE
Stanford, California 94305 6000

photocopy may not be further reproduced
distributed without the specific authori-
zation of the Hoover Institution Archives.



WILLIAM F. BUCKLEY JR.

FIRING LINE

Guest: Clay T. Whitehead, director, White House Office of
Telecommunications Policy

Subject: "THE WHITE HOUSE AND THE MEDIA"

~~322~~

PBS # ~~82~~

SOUTHERN EDUCATIONAL COMMUNICATIONS ASSOCIATION

photocopy may not be further reproduced
attributed without the specific authori-
zation of the Hoover Institution Archives.

HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE
Stanford, California 94305-5080



NOTICE: THIS MATERIAL MAY
BE PROTECTED BY COPYRIGHT
LAW (TITLE 17, U.S. CODE)

© 1973 SOUTHERN EDUCATIONAL
COMMUNICATIONS ASSOCIATION

MR. BUCKLEY: Mr. Clay Thomas Whitehead is the director of the White House's Office of Telecommunications Policy, mercifully referred to as OTP. It is a new post, the purpose of which is to advise the President and, in turn, the Congress on what is desirable policy governing radio and television, other forms of telecommunication, the use of the airwaves by the President, and so on.

To this post was appointed Mr. Whitehead, who is much in the news as a result of provocative proposals and his indirect sponsorship of a bill which would greatly affect the radio and television industry.

Mr. Whitehead, who is from Kansas, went to the Massachusetts Institute of Technology to study electrical engineering. He gravitated instead toward economics and took his Ph.D. degree in 1967 and went to work for the Rand Corporation. He was invited to work for Senator Hubert Humphrey during the campaign, but astonished the academic community by stating his atavistic preference for the Republican candidate. He served as assistant to President Nixon before becoming Director of OTP.

In his celebrated speech in Indiana, Mr. Whitehead made several charges and several proposals. Among the charges is that television stations regularly engage in what he called "ideological plugola" — a fun phrase, by the way — and that news analysts regularly engage in "elitist gossip" — a phrase that edges over toward obscurity.

He then made his proposals; two of them got the headlines. And I should like to begin by discussing them with him. First, how does one, in fact, draw up a standard by which to measure the fairness of individual stations in presenting points of view?

MR. WHITEHEAD: Nobody knows. I think that's one of the reasons we have been driven to the kinds of proposals that I recently made. The FCC and the courts and, to some extent, the Congress have grappled with this problem for some time. The idea that a broadcaster should be fair is hardly astounding, and it would be very hard to work up much national debate about that general concept.

The problem arises when you try to be specific, when you try to define or draw a definition that will apply in all circumstances or when you try to set up a legal system of appeals through the FCC and the courts that can cope with all the

disagreements about what's fair.

The problem is that ultimately fairness is a subjective thing. It only exists in the eye of each and every citizen who is the beholder.

MR. BUCKLEY: Well, how do you codify it then?

MR. WHITEHEAD: And the courts and the FCC have not been able to deal with it. So we have —

MR. BUCKLEY: Maybe you can't deal with it.

MR. WHITEHEAD: You have to deal with it, you can't ignore it. The question is: Where do you put the principal effort in trying to deal with it?

For many years that effort has been focused in the courts and the FCC. We think that that's a dead-end street. To the extent it does work, it results in the government setting the terms of debate in the country. We would prefer to turn our efforts to try to make it work with the focus of attention being the individual station.

MR. BUCKLEY: But isn't that implicitly intimidating? If there are no objective standards on the basis of which a person can understand whether he is "being fair," but there is objective punishment if somebody decides that he isn't being fair, doesn't this result in a considerable schizophrenia, the results as far as a viewer is concerned leading most likely to a kind of a psychological paralysis in venturesome programming?

MR. WHITEHEAD: I hardly think that's the case. You know, we have this ebb and flow of responsibility versus individual freedom in all aspects of our society. All we're saying is that the individual broadcaster should try to make a conscientious judgment as best he can —

MR. BUCKLEY: You mean if he says it's conscientious, you'll accept it, you'll take his word for it?

MR. WHITEHEAD: Well, I certainly think we ought to give him the benefit of the doubt.

MR. BUCKLEY: Well, suppose somebody conscientiously thinks that a society is better off turning on — having, let's say, listened to Tim Leary — and, under the



circumstances, insists that every time narcotics are denounced somebody ought to go on and proclaim the virtues of narcotics. And suppose he rendered that judgment conscientiously. Would you listen patiently to a broadcasting company that gave equal time to heroin use?

MR. WHITEHEAD: Of course I wouldn't. I doubt that many people would. That's why —

MR. BUCKLEY: Well, I didn't think you would.

(laughter)

MR. WHITEHEAD: That's why we have to —

MR. BUCKLEY: I want you to figure out, if you will, a nonautocratic way of saying it.

MR. WHITEHEAD: I simply have enough confidence in the diversity of the American viewing public that if a station tries to do that kind of thing, there will be ample people in the community who say, "That's a legitimate point of view if you want to get it across, but you're ignoring all of the other important points of view. And if you won't voluntarily exercise more responsibility to recognize those equally valid points of view, then we want some recourse against you in the government processes."

MR. BUCKLEY: But in terms of due process, if what the law says is, "John Jones, who owns television station X, must conscientiously apply the Fairness Doctrine," then isn't the law attempting to focus on that which is conscientious rather than on that which is fair? Because you said a moment ago that fairness is only subjectively definable.

MR. WHITEHEAD: Well, I think I would prefer to have the government's processes directed at asking whether people have made efforts to be fair than to have the Government of the United States trying to define what *is* fair.

MR. BUCKLEY: Well, but concerning certain points of view, one does not acknowledge, does one, the equality of contradicting points of view, right? You wouldn't allow someone to say, "Yes, Hitler should have killed the Jews," right? There is only a *single* point of view. You don't want

to be fair about Hitler, do you?

MR. WHITEHEAD: Well, I think the Constitution wants to be, and that's —

MR. BUCKLEY: You do?

MR. WHITEHEAD: — what we're trying to do. The point is —

MR. BUCKLEY: Didn't we participate in the Genocide Convention?

MR. WHITEHEAD: Of course we did.

MR. BUCKLEY: Then the Constitution is irrelevant.

MR. WHITEHEAD: Hardly. I think —

MR. BUCKLEY: Because the treaty overrides the Constitution. Mr. Baker will tell you that.

MR. WHITEHEAD: But that doesn't mean that individual citizens shouldn't be free to express their dissent.

MR. BUCKLEY: But we're not talking about individual citizens. We're talking about radio stations that are governed by you.

MR. WHITEHEAD: They're regulated by the FCC, not by me.

MR. BUCKLEY: Well, your alter ego.

MR. WHITEHEAD: Hardly (laughter). Hardly. And in any event, that point aside, I think it's very important that the government exercise as sparing a hand as possible in all this. We can't get out of it completely because we made a decision some many years ago that we would, in effect, nationalize the airwaves and make them the public's property. Well, that means the public has some interest in how it's used and the public has no other way of handling it, except through the government. So there we are. The question is: How are we going to do it? And I don't think —

MR. BUCKLEY: Yes. Well, I acknowledge this, but I think that you simply haven't faced certain philosophical dilemmas.

Let me give you an example. I happen to be a Catholic. Suppose I owned a television station — as a matter of fact, I do

(laughter). Not exactly, but sort of. And suppose I was absolutely convinced, as a moral point, that abortion — or feticide, let's call it — is a form of murder. And, therefore, I'm no more inclined to permit the cultivation of the opposite point of view than I would be to permit the cultivation that genocide is all right. Therefore, I say, as a matter of conscience, I simply decline to be fair to people who want to promote abortion. Do you take my station away from me?

MR. WHITEHEAD: Assuming there's a public complaint — now the FCC isn't going to move in and just take it away.

MR. BUCKLEY: Well, I assume there will be a public complaint.

MR. WHITEHEAD: Assuming there's a public complaint and there is a challenge to your license, the FCC is simply going to have to judge whether that kind of attitude in that particular situation warrants its being taken away.

MR. BUCKLEY: So it is discretionary?

MR. WHITEHEAD: It's discretionary.

MR. BUCKLEY: But we don't like that, do we? I mean, the law shouldn't be that discretionary, should it?

MR. WHITEHEAD: Well, there must be some discretion.

MR. BUCKLEY: No, but in punishment —

MR. WHITEHEAD: You can't put this thing into a computer. It ultimately comes down to a man-making decision. The question is: What are the criteria? I would think that if you're judging a licensee over a period of three years or five years, you should judge him over a range of issues. We can't expect the licensee to be perfect. We can't expect him to be nonhuman.

MR. BUCKLEY: You allow him to be idiosyncratic?

MR. WHITEHEAD: Of course. But the question is: What are the permissible ranges of idiosyncratic behavior? And to what extent can he abuse the power that he has by holding that license?

MR. BUCKLEY: Well, now Congress, for

instance, forbids television and radio stations to carry advertisements from cigarette companies. Suppose, as I happen to believe, that you believe that to refuse to carry advertisements for cigarette companies is, in fact, to discourage research into anti-cancer cigarettes, which the marketplace encourages. Nevertheless the law says, "You cannot carry cigarette commercials." Can you carry pro-cigarette editorials based on that reasoning?

MR. WHITEHEAD: Well, presumably you can.

MR. BUCKLEY: You can.

MR. WHITEHEAD: The law doesn't address itself to editorials.

MR. BUCKLEY: Well, without making available anti-cigarette space or air time?

MR. WHITEHEAD: Under the Fairness Doctrine, as it's currently interpreted, you would be expected, if people presented themselves, to carry the opposite point of view. In other words, the idea is basically that you can't abuse the power that you have as the man who sits astride that television channel or that radio frequency. You have to program it in some reasonable way in consonance with the interests and the needs of the community you're holding yourself out to serve.

The question the government has to ask is: How much abuse can be tolerated? And at what point do we take this very heavy hand of government and say, "What you are doing is no longer in the public interest and we take away your right to broadcast"?

MR. BUCKLEY: Well, that's different — what's in the public interest and a violation of the Fairness Doctrine — isn't it? I mean, you might decide they're fair as hell, but they're not serving the public interest. Correct?

MR. WHITEHEAD: That's a possibility, I suppose.

MR. BUCKLEY: Can you think of an historical example?

MR. WHITEHEAD: No.

MR. BUCKLEY: You mean, everybody who's lost his license has, in fact, lost it



because he violated the Fairness Doctrine?

MR. WHITEHEAD: There has been only one case that I recall of a license challenge based on the Fairness Doctrine and, as I recall, that is currently being adjudicated.

MR. BUCKLEY: May I ask you this? A lot of people proceed on the assumption, not unreasonable, that the rights of the First Amendment extend *mutatis mutandis* to radio and television; i.e., if radio and television had been around, Thomas Jefferson and the whole gang would have reached for a more generic term. They would have said media or something.

Now, you are most often criticized because people understand you to be saying that an affiliate of a network is itself responsible for any bias that is received in a network program. Now, if you carry that on over to a newspaper, if a newspaper publishes, say, an AP story, and somebody sues, the courts accept the fact that it came in over AP as what they call grounds of information and sources of belief. And, therefore, they, in effect, immunize that newspaper — post-*New York Times v. Sullivan* — against any damage.

Now I understand you to be proposing that the individual station accept co-responsibility with the network for bias, even though it is hardly in a practical position, as a result of time or as a result of resources, itself to inquire into the validity of something that comes in by Eric Sevareid or Walter Cronkite or somebody.

MR. WHITEHEAD: Certainly he doesn't have the same practical opportunity and his responsibility is different in a qualitative way. But the law and the Federal Communications Commission's rulings and rules, as they now exist, state that the broadcast licensee *is* responsible for everything that goes out over his airwaves.

The alternative is that we make the government responsible. And no one wants, you know, a broadcasting system that is just an arm of the Federal Government. We've got to have a private enterprise system. If the First Amendment or the separation between government and the people is going to mean anything, we have to put the responsibility somewhere. And the Congress decided a long time ago that that place is the licensee.

Now the question is not whether he is or is not responsible. The question is: How should he go about exercising that

responsibility and, as a practical matter, how can he?

MR. BUCKLEY: Yes, and what do you propose?

MR. WHITEHEAD: Well, I haven't made any specific proposals because I don't think that we want the White House telling the broadcasting business how to do its business.

What I have done is to say that there are problems and that the broadcasting licensee ought to pay more attention to what his network is feeding him; he ought to be more attuned to that; he ought to make more efforts to try to get the networks to change where he thinks that that's appropriate. And conversely, the networks, who — Remember, no one asked these people to become a network. They're involved in a very profitable business because they want to be. They —

MR. BUCKLEY: And you don't control them, do you?

MR. WHITEHEAD: Of course not. Now, they have a responsibility in feeding sometimes as much as 60 percent of the daily schedule. They pay that licensee to carry their program. Now, I think it's not too much for the public to ask that those network officials make it as easy as practicable for that licensee to reflect the needs and concerns of people in his community back up the line, who the network can accommodate as much as possible.

Now, we have a highly concentrated, economically, television business in this country. Most of the programming comes out over the network and most of what doesn't is reruns of stuff that used to be on the network. So if you want to affect the nature of television in this country, you ultimately have to affect three rather large, highly profitable corporations that are headquartered in New York City.

Now, we can apply the principle of countervailing government power to offset that tremendous amount of private power, or we can ask that the people who hold that power make it a little easier for the people around the country, for the licensees whom they pay to carry their programming to have an influence on it, so that wider points of view are represented.

MR. BUCKLEY: I'm totally sympathetic with your objectives, but I continue to

wonder how you would propose handling the situation if people said, "Look, we're no more at the mercy of CBS and NBC and ABC than we are at the mercy of UPI and AP. There are at least three of them and only two of the others."

Now, the typical guy who reads the typical newspaper story has it come in over AP, headquarters New York City, or UPI, headquarters New York City.

Now, what is the indicated countervailing power that ought to be stimulated by the government that would guard people from slow and perhaps not easily distinguishable brainwashing by AP and UPI?

MR. WHITEHEAD: I think the situation there is quite similar to what it is in television.

MR. BUCKLEY: Well, but then you have a real First Amendment problem, don't you?

MR. WHITEHEAD: Certainly we do.

MR. BUCKLEY: In one case and not the other?

MR. WHITEHEAD: And we have the same problem in broadcasting, because I happen to be one of those people who feels that the First Amendment ought to apply to broadcasting.

MR. BUCKLEY: Well, therefore, you're saying that you can't do anything more to affect the networks than you could to affect a newspaper for relying on AP and UPI? But you can't take away the guy's newspaper, but you can take away his radio station.

MR. WHITEHEAD: That's a very unfortunate fact. And, again, I come back to that decision that was made in the 1920s, 1930s, that we were going to nationalize the airwaves. Now, if we had it to do over again, if we did what Milton Friedman has suggested and simply auction off those frequencies to the highest bidders, then they would become private property, just like a printing press or a piece of land. The government has no license; the government has no cause to intrude itself in the broadcasting media any more than it does in the print media.

But we didn't do that. We said the airwaves belong to the public. And the government has to act on behalf of the public. The whole debate is around the

question of how do we exercise that responsibility on behalf of the public and still live up to the basic objectives of the First Amendment? And there is a tension there that is inescapable.

MR. BUCKLEY: I understand your point, and it's well made. You, therefore, really say that when the government decided that it would continue to own the airwaves, it invited a dilemma which is really impenetrable as regards, on the one hand, what they feel they ought to protect people against and, on the other hand, what they are restricted from doing by the First Amendment.

MR. WHITEHEAD: That's correct.

MR. BUCKLEY: Aha. Okay. Now, therefore, we acknowledge there's nothing you can do to the networks except scare them by a little saber rattling where the licensees are concerned, right? Now, could you give me an example — I know you don't like to do this, but I'm going to ask you anyway. Could you give me an example of the kind of thing that you would find obviously objectionable? We're not talking about scarecrows, are we?

MR. WHITEHEAD: No.

MR. BUCKLEY: Could you give me an example? If you can't, I will. But I mean, the —

MR. WHITEHEAD: I'd prefer to work with yours.

MR. BUCKLEY: Well, suppose you had absolute proof, let's say, on a statistical basis that a particular guy who was running for president was given consistently by a particular network approximately twice as much attention and three times as much adulation as the guy running against him. Now, you can't do anything to the network. We agreed. But do you then say to the Muncie, Indiana, CBS affiliate, "Because you carried the network programs that so heavily favored a particular candidate, we are going to reconsider whether to permit you to continue to hold down this license"?

MR. WHITEHEAD: There are two levels for dealing with that. One is the Fairness Doctrine level, which is a more or less issue-by-issue, case-by-case application. And the FCC has held that that can be applied



HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE
Stanford, California 94305

Photocopy may not be further reproduced
attributed without the specific authori-
zation of the Hoover Institution Archives.

NOTICE: THIS MATERIAL MAY
BE PROTECTED BY COPYRIGHT
LAW (TITLE 17, U.S. CODE)

directly against a network.

MR. BUCKLEY: It has?

MR. WHITEHEAD: Yes.

MR. BUCKLEY: What is your sanction against the network?

MR. WHITEHEAD: You simply require that they make available time for the opposing point of view.

MR. BUCKLEY: Is that statutory?

MR. WHITEHEAD: That's the FCC's interpretation of the so-called fairness obligation, which says that —

MR. BUCKLEY: In the '34 act?

MR. WHITEHEAD: Yes, as amended. It was written in at the same time we had the equal time amendment. It says the broadcaster has an obligation to afford reasonable opportunity for the expression of competing points of view. A very simple phrase

MR. BUCKLEY: I'm way behind. I thought you couldn't affect them any more than you could AP.

MR. WHITEHEAD: Oh, yes. The Fairness Doctrine has been upheld repeatedly by the courts, including the Supreme Court, and its application to the networks is pretty routine. You can't take away a network's license. Networks are not licensed. So you don't have that very final sanction that the FCC has against a local broadcaster —

MR. BUCKLEY: But what is the proximate sanction?

MR. WHITEHEAD: — requiring that time be made available for the opposing point of view.

MR. BUCKLEY: You mean you can actually go to Frank Stanton and require him to put somebody up opposite Walter Cronkite to disagree with Cronkite?

MR. WHITEHEAD: I cannot.

MR. BUCKLEY: I mean FCC.

MR. WHITEHEAD: The FCC, on an issue-by-issue basis.

MR. BUCKLEY: And if they say they won't,

what does the FCC do as a matter of formality?

MR. WHITEHEAD: I don't think it's ever been contested as a practical matter.

MR. BUCKLEY: They would have to invoke a judge at some point, right?

MR. WHITEHEAD: Correct.

MR. BUCKLEY: And he would hold them in contempt?

MR. WHITEHEAD: I'm not a lawyer, so I don't know what the details are; but I think, as a practical matter, the networks follow what the FCC has to say.

MR. BUCKLEY: Yes, that's kind of unhealthy, isn't it?

MR. WHITEHEAD: Of course it is.

MR. BUCKLEY: Yes, as a practical matter one should know what the range of one's freedom is.

MR. WHITEHEAD: That's correct, and that's one of the biggest problems with the Fairness Doctrine today — not the concept that broadcasters should be fair, but the question of how is the FCC going to enforce it. And it has become, in part because of the FCC, in part because of pressures from communities, in part because of the courts, an awfully detailed and almost day-by-day, issue-by-issue question: What is a controversial issue? What is a reasonable point of view? What's a reasonable opportunity for opposing points of view? Who's a legitimate spokesman?

Now, those are not the kinds of decisions you want made in Washington.

MR. BUCKLEY: Yes.

MR. WHITEHEAD: But that's what it has come to. That's why we are working so hard to try to find an alternative approach that moves broadcasting back in the direction of being more nearly a private enterprise endeavor, as best we can, consistent with that original decision to nationalize the airwaves.

MR. BUCKLEY: So you would really like to give a citizen legal standing to go to the courts and object to the balance of the programming of his local station?

MR. WHITEHEAD: A citizen has that standing right now.

MR. BUCKLEY: To go to the courts or to go to the FCC?

MR. WHITEHEAD: To the FCC. That's the way that all this Fairness Doctrine stuff arises. Someone sees something he doesn't like. He says there's not an adequate opportunity for another point of view.

Remember, essentially all of these cases are decided in terms of "something was left out," not that what you said ought to be cut out. No one's talking about negative censorship. The question is whether there was a wide enough range of point of view.

So, people come and say, "Here is a reasonable point of view that was not covered in this discussion. I think the broadcaster is abusing his power unless he puts it on. He has refused to put it on; therefore, I come to my government to get my rights enforced."

Now, the First Amendment obviously goes deeper than just the words. And the First Amendment has to apply to the free speech rights of people who don't own radio and television stations. They have a right to have their points of view heard. So we have to consider their First Amendment rights as well as the First Amendment rights of the broadcaster. That's where we get into the problem.

MR. BUCKLEY: But isn't there an exact analogy as regards newspaper buyers?

MR. WHITEHEAD: Of course there is.

MR. BUCKLEY: Why can't somebody say, "I, as a resident of New York, desire an afternoon newspaper that will give me points of view that the New York Post doesn't give me"? He has no appeal, does he?

MR. WHITEHEAD: He has no convenient appeal because there is no federal license involved. There's no state action, so to speak. And in the broadcasting business there is.

MR. BUCKLEY: Why don't you break down —

MR. WHITEHEAD: And you can bring an antitrust suit against print media.

MR. BUCKLEY: Well, yes —

MR. WHITEHEAD: You have no convenient way of dealing directly with their content.

MR. BUCKLEY: Yes, if you can persuade the courts that a particular newspaper is using unfair means to restrain trade.

MR. WHITEHEAD: That's correct.

MR. BUCKLEY: Why don't you break down and encourage pay-TV? Wouldn't that solve a lot of these problems?

MR. WHITEHEAD: Pay-TV would do a tremendous amount to solve the problem. The problem is that pay-TV has not shown itself to be very practicable, given the limited number of channels that we have today. In most communities, there are only three or four television channels. If you make one or two of those pay, you take away a substantial amount of advertiser-supported television that people are used to having for nothing.

Pay-television, to the extent it comes, will almost certainly come with cable television, where there is no practical limit to the number of channels. You can have as much or more advertiser-supported television as you have today, but let people pay directly for things above and beyond that that they would like to have.

MR. BUCKLEY: Why has the FCC made it so hard for cable to get off the ground? The technology, as we know, is here. But it takes lawyers half a lifetime to understand what you can and what you can't do in cable TV. Is this, as is so often charged, the result of successful lobbying by television owners and radio owners to make it hard for cable?

MR. WHITEHEAD: It's in part that. It's in part the cable television industry as a whole. I wouldn't want to make a comment about any particular individual, but as a whole it hasn't been one of the most forward-looking industries in the country. There's been a great temptation to try to make money at the expense of the broadcaster — that is to say, carry broadcaster's programming, but not pay the broadcaster for that program. That's hardly fair competition. And I think the FCC is quite right in being concerned about the growth of an industry that is basically a parasite of the broadcasting industry. On the other hand —

MR. BUCKLEY: Don't they have copyright laws that protect —



MR. WHITEHEAD: Unfortunately, no. The Copyright Act hasn't been amended since 1909, and —

MR. BUCKLEY: When are you going to get around to that?

MR. WHITEHEAD: Hopefully, this year. Cable, by the way, has been the thing that has, I think, been most responsible for holding it up. We feel very strongly that there ought to be a copyright bill. I know Senator McClellan has been working very hard for it for years. We think that copyright ought to apply to cable. The cable industry doesn't exactly see it that way.

The other problem, of course, is —

MR. BUCKLEY: Excuse me. You mean as things now stand somebody could, let's say, run a tape of *Laugh-In* and simply shoot it on through a cable business without paying any royalties to the producer?

MR. WHITEHEAD: They can't run a tape, but they can pick up *Laugh-In*, say, here in New York City as it's broadcast, run it by microwave to Dubuque, show it in Dubuque and pay no copyright. Or they could do it the other way around, which, obviously, creates problems for the people who produce the program because they expect to be reimbursed for the expense and so forth.

MR. BUCKLEY: Yes.

MR. WHITEHEAD: The other reason that cable has been so slow, quite frankly, is what you were suggesting. No businessman really likes more competition, and cable will mean a very large number of channels — 20, 30, 50, 100. It's really a supply-and-demand situation. So much of the money that broadcasters make today is based on the fact that there are very limited numbers of channels, a limited amount of time to be sold to advertisers.

Cable will mean competition, and the broadcasting industry, particularly the networks, have been very upset at the threat to their profitability that cable represents. Like most regulatory agencies, the FCC pays quite a bit of attention to protecting the industry that it already regulates.

MR. BUCKLEY: Well, if you did pass a law that granted copyright privileges to people who originated the program, would you then be 100 percent sympathetic to anybody who wanted to start to program by cable? What's

wrong with that?

MR. WHITEHEAD: I don't see anything wrong with it.

MR. BUCKLEY: I don't either. Let's do it.

MR. WHITEHEAD: It's good old free enterprise. You catch me at a bit of a disadvantage here because we are right at this moment putting the finishing touches on a Cabinet committee report to the President on cable television. Hopefully he will accept our recommendations. Obviously, I can't discuss them here before we discuss them with him, but I would hope that if he approves that and we can send it up to the Congress that we will begin to see cable growing more rapidly and there will be this opportunity for all manner of people to produce programming and make it available to the public.

MR. BUCKLEY: Terrific. Very good news. Well, what about the criticism that — Oh, before I get to that, just what does "elitist gossip" mean?

MR. WHITEHEAD: It, in my book, means just what it says. It's the trading of more or less unsubstantiated tales among people who think that they're a little better than other people.

MR. BUCKLEY: What would be the —

MR. WHITEHEAD: Or know better than other people.

MR. BUCKLEY: — journalistic equivalent of that?

MR. WHITEHEAD: Well, I would say, for instance, the network reporter who comes on the air and says, without doing much checking of his own, that, "It is being said in Washington *that*," or "It is widely believed *that*."

MR. BUCKLEY: Kissinger and Nixon have split.

(laughter)

MR. WHITEHEAD: Right. And that's basically based on the press community and the people they talk to trading information and saying, "Gee, everyone kind of says it's so, so it must be so." For "everyone" is presumably other people who are so-called

professionals, and that's elitist gossip.

MR. BUCKLEY: What would be sort of proletarian gossip? (laughter) No, I'm genuinely curious why you use the word "elitist."

MR. WHITEHEAD: Well, that's the gossip that goes on every day around the country that the elitists frown on. You know, if you're an elitist and you do it, it's not gossip. If you're a housewife and you do it across the back fence, then it's gossip.

MR. BUCKLEY: Well, "elitist" refers to the people who are gossiped about or to the gossipers?

MR. WHITEHEAD: To the gossipier.

MR. BUCKLEY: Oh! Well, suppose a proletarian engages in gossip about an elite, what's that?

(laughter)

MR. WHITEHEAD: That's proletarian gossip about elitists.

MR. BUCKLEY: I see. Well, the —

MR. WHITEHEAD: By the way, I would like to clarify just one thing. You, in your opening remarks, suggested that I had used those words to describe what *regularly* happens on television. That's not precisely what I said. It was very clear that we think that kind of thing does happen, but my remarks were addressed to a more precise question. That question is: Where those kinds of things do occur, who is going to make the correction? Who makes the judgment that something is ideological plugola? Who takes the action to correct it?

Now, it's our feeling that that should not be the government. The principal responsibility, the primary responsibility, rests with the people in the profession. To the extent they can't discipline themselves, it becomes the responsibility of the people who head the press institutions — which means the newspaper publisher, the local station owner, the network president. We think it's far healthier that those people act to correct these abuses rather than let everyone come running to Washington and ask us to police it.

MR. BUCKLEY: You know, that's a little sophistical. It seems to me if you say the

speed limit is 50 miles an hour, then you therefore expect people to regulate their speed to 50 miles an hour. But if they don't, you zing them. Right? Now if you say, "We don't think that you should countenance elitist gossip," are you acting as moralists or are you acting as potential disciplinarians? It would seem to me the latter because you say, "What's more, if you don't do as we say, we'll take away your station."

MR. WHITEHEAD: No, I think we're acting more as conscience. We're saying that we are prepared to move in the direction of lessening the powers that government has over you as a broadcast industry. We are proposing to take away some of the processes whereby your public has recourse against you. And we can in good conscience do that only if you, as broadcast station owner, as network president, pay more attention on a voluntary basis to what's going on in this country, to what's going on in your profession.

And I think it is not too much at all to ask someone, who holds himself out as a community leader, or a national leader, who holds himself out to be responsible for the programming of one of the major outlets of expression in the community or nationally, to take some responsibility for what is said over that media.

MR. BUCKLEY: Do you mean moral responsibility or legal responsibility?

MR. WHITEHEAD: I mean moral responsibility and legal responsibility.

MR. BUCKLEY: Well, but with all due respect, and I assure you I have lots of respect for you, people haven't been brought up to take moral injunctions from the Office of Telecommunications.

MR. WHITEHEAD: I should hope not.

MR. BUCKLEY: And, therefore, they probably are only going to listen to your moral advice insofar as it has potential disciplinary impact.

MR. WHITEHEAD: I don't agree with that. I really don't. I think that —

MR. BUCKLEY: This is really an evangelical sally of yours.

MR. WHITEHEAD: It is a very strongly felt sally about what responsible individuals,



HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE
Stanford, California 94305 6000

Photocopy may not be further reproduced
attributed without the specific authori-
zation of the Hoover Institution Archives.

NOTICE: THIS MATERIAL MAY
BE PROTECTED BY COPYRIGHT
LAW (TITLE 17, U.S. CODE)

who sit astride some very powerful media, ought to do on their own hook.

MR. BUCKLEY: That's funny, because I've been saying the same kinds of things you've been saying for years and nobody's paid much attention to them.

(laughter)

MR. WHITEHEAD: Nobody paid much attention to me until I started introducing legislation.

MR. BUCKLEY: Aha! I thought so. The notion, by the way, that — Oh, yes, before I forget, why do you tell networks that they shouldn't have reruns? Why is that (a) your concern and (b) your business?

(laughter)

MR. WHITEHEAD: I have great respect for you, also, and that's the kind of question I would expect to come from you. It's a good question.

The reason we're concerned with it is that the Hollywood programming industry, people who work in Hollywood, are upset that the growing trend toward more and more reruns is going to mean serious harm to their business. They asked the President of the United States what he thought about it.

MR. BUCKLEY: God, suppose somebody told me that I couldn't play the Emperor Concerto more than five times?

(laughter)

MR. WHITEHEAD: Ah! Now, wait a while. What we're talking about here is a problem. Over the period of the last 10 years, the number of reruns has been steadily increasing. Now, let's be clear what we're talking about here is not —

MR. BUCKLEY: There must be a demand, right?

MR. WHITEHEAD: No.

MR. BUCKLEY: People want to see *I Love Lucy* and they want to see it again and they want to see it again.

(laughter)

MR. WHITEHEAD: *I Love Lucy* is, presumably, becoming a classic. I'm not

talking about showing old Humphrey Bogart movies or *I Love Lucy* and that kind of thing that is repeated several years after it's been on the network. What we're talking about is the growing industry practice to make, say, only 13 episodes of a particular series in one television season and then immediately reshow every one of those 13 come the spring. We're talking about prime-time, network television reruns in the same period. This has a big employment impact in Hollywood.

Also, because we only have the three television networks, it means that when you've seen a show, come the spring, your choices are reduced to two-thirds what they were. Now that's a pretty big reduction.

Now, we have not yet —

MR. BUCKLEY: Why won't the market take care of that?

MR. WHITEHEAD: We have not come out against reruns. We have said that Hollywood employment people say that there's a problem; a number of viewers feel that they would like to have fewer reruns. The President asked us to look into the problem and see what could be done. Now, I am just as concerned, as I'm sure you are, about the government trying to pass by fiat restriction on reruns; but, nonetheless, it is a problem. The question is: What can be done about it now? We're still in the middle of our study, but it's becoming very clear that one reason you have reruns is the tremendous economic power of the three networks and the way they do their business in dealing with Hollywood.

MR. BUCKLEY: This really has got to be as frightening an insight as has issued from the Nixon Administration — the notion that we ought to have hyper-planned obsolescence so as to stimulate the economy. A logical extension of this is that the people in Detroit suffer every time somebody decides to keep his car for more than two years. Does that mean that a logical extension of this would be that the FTC would say at some point, "You can't have a car for more than two years"?

MR. WHITEHEAD: Now, I think you're mixing some circumstances here. We're not saying that there should be no reruns. We're not trying to do anything by decree. We're simply saying —

MR. BUCKLEY: You're trying to discourage

it.

MR. WHITEHEAD: — there is a problem there. It seems to be arising because of the rather peculiar economics of a highly concentrated industry. We're asking: Can something be done about this?

MR. BUCKLEY: But it's also a highly competitive industry, isn't it?

MR. WHITEHEAD: Well —

MR. BUCKLEY: If 20 million people have to see *All In The Family* a second time and don't want to, they can, in fact, turn on to something else. Isn't the market built to adjudicate that kind of problem?

MR. WHITEHEAD: Well, if —

MR. BUCKLEY: It evens out the ebb and flow of demand and supply.

MR. WHITEHEAD: If they had some real choice, we would feel much more sanguine about it. But when all three networks follow the same pattern, when they all begin their reruns at the same time, you really begin to wonder how much competition there is. You know, you mentioned the automobile industry. How much real competition was there in the automobile industry dominated by, say, three companies?

MR. BUCKLEY: Tremendous. You know why? Used cars.

MR. WHITEHEAD: Used cars, and also foreign cars. The trend toward smaller cars was brought about not so much because the industry decided that they ought to do it but because of competition. There is no effective competition with the three television networks. There is no opportunity because of the very limited number of channels.

MR. BUCKLEY: Well —

MR. WHITEHEAD: And that is a fact of life that we have to deal with.

MR. BUCKLEY: You may say there's no effective competition because, in point of fact, there probably has never been a situation in which ABC, NBC, and CBS were all three of them at the same time running old material.

MR. WHITEHEAD: That happens every spring.

MR. BUCKLEY: Does it? Does it really, in fact? You mean at a given hour next spring every single thing running on ABC, NBC, and CBS will have been previously aired?

MR. WHITEHEAD: I would be willing to wager that we will find a number of such hours.

MR. BUCKLEY: Well, we can at least have that three times, so that people who were watching ABC in the fall can now catch NBC in the spring, right?

(laughter)

MR. WHITEHEAD: That's quite correct.

MR. BUCKLEY: So it's the fourth time you're worried about?

MR. WHITEHEAD: You know, if that's the kind of diversity and choice you want to condemn the American people to, then I suppose you're entitled to that point of view. We're just —

MR. BUCKLEY: No, no, no.

MR. WHITEHEAD: We're just wondering —

MR. BUCKLEY: I want cable and pay-TV. I want as much choice as possible.

MR. WHITEHEAD: Well, we're just wondering out loud, if you will, as to whether there shouldn't be a little more competition and whether that wouldn't work to the public's benefit.

I share your concern, Bill, about the principle of the government involving itself in the programming practices of the broadcasting industry. It's a very dangerous precedent.

MR. BUCKLEY: Very Of course, every time you wonder out loud, the market plummets.

(laughter)

MR. WHITEHEAD: Well, the announcements that I have seen about network profits have been like 25 percent, 29 percent up. It's kind of interesting that, you know, in January and February the earnings reports come out from the networks showing nice, healthy increases in



profits. And it's about at that time that the reruns start.

MR. BUCKLEY: Yes, but, Mr. Whitehead, as I understand it, the multiple for broadcast stock is up around 20-25. So people who buy into the broadcasting business are making a terrific gamble on the strategic security of the business. And, therefore, it isn't surprising that simultaneously a company might have very big profits but be grievously affected as a result of somebody worrying about a situation three years from now or five years from now. Which reminds me, why are you disposed to allow licensees to put in for a fresh license every five years instead of every three years?

MR. WHITEHEAD: Because we think it would contribute a deserved measure of stability to the licensing process. It really doesn't —

MR. BUCKLEY: Stabilize y i i, stabilize —

MR. WHITEHEAD: Yes. It's a yin and yang concept. There really is no discernible need for doing it every three years. The three-year period was decided very early in the life of broadcasting. All other telecommunications licenses are issued for five years — you know, microwaves, satellites, two-way radios, amateur radios, all five. We think that a five-year period would give the broadcaster a little more breathing room to do what he's presumably supposed to do, which is program to serve his community. It might give the FCC a chance to reduce their backlog a little bit and actually read some of the applications.

MR. BUCKLEY: They're usually boiler plate, are they?

MR. WHITEHEAD: Frequently.

MR. BUCKLEY: Dr. Ross Baker, associate professor of political science from Rutgers. Dr. Baker.

MR. BAKER: Yes. Mr. Whitehead, as I understand the proposals from the Office of Telecommunications, the disciplinary authority in order to enforce these standards of community acceptability for programming is, in a sense, the local stations themselves used as leverage against the networks. Isn't this, in fact, putting the responsibility for policing on the least able,

least well-endowed in terms of resources, component of the whole broadcasting system? And isn't there, in fact, a kind of history, based on the experience of the prime-time access rule, indicating that the local stations, in fact, can't handle this kind of responsibility without falling back on the expedient of reruns and so on?

MR. WHITEHEAD: Well, isn't that kind of an elitist point of view, that —

MR. BAKER: Well, you can stigmatize it, but, you know, I —

MR. WHITEHEAD: Well, yes, I think it deserves a little stigmatism because this country is founded on the principle that out there in the country, there's a certain basic strength, a certain basic responsibility, a certain basic goodness. And we choose to build a society based on that.

Now, I don't look at it as policing. I look at it as a question of where the principal responsibility is. Where in the first instance are the decisions made? Where are the first corrections made? And I think it's far better that that be made in a diverse way, in a decentralized way, and that we not think about all of this in terms of getting it done in Washington, which is presumably the place that knows best.

MR. BUCKLEY: You damned Socialist.

(laughter)

MR. BAKER: Can I follow that up? I understand one of the challenges for renewal for a television station has been in Jackson, Mississippi. I don't know whether this is currently being adjudicated, but there was a case in which a local television station did not give fair coverage, or it was presumed, to the civil rights movement locally. In that case, it was the network which was the fair party, the one that was giving balanced treatment.

It seems that in these proposals, there's a presumption that somehow the local stations are going to be fairer than the networks. I don't accept that presumption because I think it certainly does not apply in all cases. It may apply in some cases, but I think that the presumption that somehow the local stations are going to better police or better monitor network programming is not necessarily an accurate one.

MR. WHITEHEAD: It's not a question so

much of better, but it's a question of check and balance.

Now, obviously, there are going to be some stations in the country that will be more unbalanced than the network. You expect a much wider range. But the principle of putting the first instance of responsibility on individual stations still is a good one. It means that you only have to force yourself to police, in a legal sense, from Washington those few who abuse or ignore that responsibility to an extent that they have to be policed, that can't be handled within normal procedures.

So, the alternative to something like that is to have the government constantly policing, which is the direction we have been trending in, or simply to give up and say that we're going to allow this business, dealing with the free flow of ideas and information and points of view and environment and attitudes and values, we're going to let that be dominated completely without any check or balance from the government or from the country by three companies in New York City.

Now, I don't think that that's the kind of power we want. We don't want it to come from Washington, and if you can find a better place than in each community around the country, then I'm perfectly open to that suggestion.

MR. BUCKLEY: Dr. Allen Mendelowitz, assistant professor of economics at Rutgers.

MR. MENDELOWITZ: I find it very difficult to believe that the present system of free-TV will ever successfully serve community needs. Those who pay are not those who view and those who view are not those who pay. If only 50 million people enjoy a program, it gets cut. This is a community under the present system that doesn't get served, and I would hardly call it an insubstantial community.

If you consider all the potential UHF and VHF channels, it seems there is a large number of airwaves for any local community. And if you are generally interested in, say, promoting the local interest rather than censoring the New York news programs, I think that the thrust of your office and this Administration would be toward expanding the potential and the techniques of pay-TV where those who pay are those who view and where, say, an audience of a million, paying a quarter for a show, would be equivalent in terms of support to an audience of 30 million watching a free network show.

MR. BUCKLEY: Hear, hear!

MR. WHITEHEAD: Hear, hear! This administration hasn't been arguing vehemently against pay-television. It's been the broadcasting industry; it's been the movie industry.

This Administration is not concerned with censoring the news in New York. This Administration is concerned that there ought to be the opportunity for a wider range of point of view than is afforded by simply three organizations there. This Administration is concerned that the people in those organizations ought to be responsible to the heads of their institutions.

The whole thrust of what we're trying to do is to get more opportunity for more points of view. I quite agree that it's going to be very difficult to do that until people are free to go out and buy their programming. That's quite right. You know, no one who watches television buys it. You sit down and you take what's there. It's sort of like the medicine show that comes through town. The show is just a come-on for the advertising.

MR. BUCKLEY: Yes, but the Administration —

MR. WHITEHEAD: Until that is corrected, you're never going to fulfill the richness and the variety of the potential of television in this country. But until cable comes, until we do have the opportunity for enough channels, we've got an awful lot of people who watch an awful lot of television. We think that we have a responsibility to make that system as best we can until maybe a new system comes along.

MR. BUCKLEY: But aren't you letting the Nixon Administration off too lightly? Because, after all, Dr. Mendelowitz quite rightly points out that unless you have structural reforms, a lot of people aren't going to have access to the kind of news and entertainment programs that they want.

A moment ago you were willing to act as an echo chamber for the unemployed people in Hollywood, with whom I'm sure I would sympathize. But doesn't that lead us to suspect that you might also act as an echo chamber for unemployed television industry executives? Under the circumstances, I don't think history is going to point to Nixon as the guy who revived the idea of pay-TV, do you? Unless you want to do it right now.



MR. WHITEHEAD: I'll bide my time. I think if we became convinced that the pool of television executives was in danger of being seriously depleted and that would somehow be a threat to the creativity and vitality of television, we would become concerned with it.

MR. BUCKLEY: It's a matter of —

MR. WHITEHEAD: But that case hasn't been made very effectively.

MR. BUCKLEY: It's a matter of unemploying the right TV executives, eh?

MR. WHITEHEAD: No, it's not that at all. It's a question of whether or not in Hollywood — and remember, by Hollywood, we really mean the program production industry. Most of it's in Hollywood, but a lot of it isn't. We think that it's in the public interest that there be a strong, vital industry. If those people aren't making money, if they're not being employed, then that means that there are programs not being made, that people aren't seeing. That's a legitimate concern. If people could buy it directly, I'd feel a lot more comfortable about saying, "That's none of government's business." But there is no opportunity for the public, until we get cable, until we get cassettes, or something, for them to go out and buy it. So the government has to be concerned.

MR. BUCKLEY: Dr. Richard Mansbach is assistant professor of political science at Rutgers.

MR. MANSBACH: Mr. Whitehead, I'm struck by the clarity of the solutions which you offer but also the obscurity of the problem which generates the solution. Something is upsetting the Administration. Something is upsetting you. And at no point either in the interview which you gave *The New York Times* some weeks ago or here have you been prepared to suggest what this is. You've made occasional references to New York, which suggests to me that perhaps with the exception of this program, there's a somewhat liberal trend which offends the Nixon Administration, but you won't talk about that.

Now, we all know that Nixon in his past years has not had the friendliest relationship with the press. We also know that really what you mean by elitist gossip is leaks from within the Administration (laughter), leaks both to the journals and

leaks to the television people.

Now, I wish that you might tell us, in some more detail, just what it is that has agitated you, because we've always agreed that fairness is necessary. Nobody has ever disagreed with that.

(laughter)

MR. WHITEHEAD: I wish I had your ability, and the ability you seem to ascribe to the press, to know what people mean by the words they use beyond what they say.

MR. MANSBACH: Well, the problem is to go beyond.

MR. WHITEHEAD: It's a great ability to tell the American people what things mean beyond what the people who mean them have to say about them. But nonetheless I think it is quite clear that there is a rather narrow range of point of view on television. That applies to television networks, it applies to television network news. It's no secret that we think that there is a wider point of view, wider range of points of view. There is a greater diversity in this country than is suggested by what we see on the three television networks.

MR. MANSBACH: Is this fundamentally criticism of the Administration that is a concern to you?

MR. WHITEHEAD: No, it's not that at all. Everyone says, you know, we know that he means by ideological plugola anything that the Nixon Administration doesn't agree with. Well, that's not it at all.

MR. MANSBACH: What do you mean?

MR. WHITEHEAD: The President has said many times over that he expects criticism. I expect criticism. I'm trying to balance competing interests, and I fully expect that people on both sides of that balance will be unhappy with how I strike it.

The problem is that there ought to be an opportunity for a very wide range of points of view to get across. If we had the confidence that that were the case, then we wouldn't have any problem with television. It's a question of whether the public has a right to know what three companies tell them they ought to know or whether they ought to have a wider range of point of view. Now, my unhappiness is certainly not with New York City. To the extent I mention

New York City, I only do it because here on Sixth Avenue we have the headquarters of the three television network companies. If you moved them to Peoria or Kansas City, I would use those as my geographical nexus.

MR. MANSBACH: Can I just pursue this briefly and ask you if it's not the case, though, that the single most formidable news monopoly in the country is the government itself, in that what is carried in large measure over both networks is precisely what the government and its agencies wish us to hear?

MR. WHITEHEAD: I —

MR. MANSBACH: And indeed, if balance is necessary, that balance is a very different one than the sort you describe?

MR. WHITEHEAD: I think that's more or less balderdash. The government is probably the largest and the most centralized source of information. I can't quarrel with that, you know.

MR. BUCKLEY: Newsmakers.

MR. WHITEHEAD: Pardon?

MR. BUCKLEY: Newsmakers.

MR. WHITEHEAD: Yes.

MR. BUCKLEY: The government is composed of newsmakers.

MR. WHITEHEAD: Creators of information, creators of statement. And to the extent that that's because government is big, that's not exactly the thrust of this Administration to make it bigger and bigger so that it becomes a bigger and bigger source of information. The President is trying to turn it around and get some more news sources created out in the country.

But we are not the final arbiter of what is news. That's the news media. They decide whether they're going to cover what I have to say or what Richard Nixon has to say. They decide who else they're going to put on. They attempt to hold forth with what it means. There are a lot of things happening in this country that don't happen in Washington. There really are.

MR. BUCKLEY: And in any event, it's also true that the newspapers are not necessarily anti-Establishmentarian. They very often

receive the news from the government and enthuse over it.

MR. WHITEHEAD: That's quite true.

MR. BUCKLEY: So there isn't even a natural posture of skepticism. We have about 10 seconds, if you want to ask a question.

MR. BAKER: Don't you think that advertising is considerably more untruthful, biased, and misinforming than anything else on the networks?

MR. BUCKLEY: Not than politicians.

(laughter)

MR. BAKER: Certainly more than the news.

MR. WHITEHEAD: I think that there is a great problem with the clarity and the basic forthrightness of advertising. And I would point out that in my speech in Indianapolis I cited that as an equal example of where the broadcaster ought to exercise responsibility.

MR. BUCKLEY: Thank you very much, Mr. Whitehead. Thank you, gentlemen, ladies and gentlemen of Rutgers.

