

even reduce the strong personal stamp of a powerful FCC chairman.<sup>35</sup>

Thus, in broadcast regulation, authority is distributed widely among several federal entities. The OTP, as discussed in Chapter II, was located in the executive branch and was expected to interact chiefly with Congress and the FCC in the formulation and execution of national telecommunications policy.

#### The Practice of Broadcast Regulation

Many observers agreed that broadcast regulation has failed to meet its policy objectives of diversity and access in radio and television. Tuchman has gone so far as to describe regulatory policies as resembling the terms of a "sweetheart contract" negotiated with an in-house union.<sup>36</sup> This failure is partly the result of weaknesses generally observable in the regulation of industry by administrative agencies like the FCC. But it may also be due to the particular significance of broadcast telecommunications and the history of power relations in its regulation. Owen and Braeutigam note that "the notion that agencies are in fact creatures of the interest group being regulated is now implicit in much of the political science literature."<sup>37</sup> It may be that these agencies' broad public-interest mandate, "a vague and open-ended license" that can be used to rationalize virtually any degree of intervention<sup>38</sup> into the operations of the regulated industry, is at the heart of the capture of regulators by the industries they supposedly regulate. The practical need to interpret this mandate in routine decision making leads the agency into intense "environmental interaction"<sup>39</sup> that favors vested interests. "A satisfactory criterion of the public interest," Leiserson points

out, "is the preponderant acceptance of administrative action by politically influential groups."<sup>40</sup> Powerful segments in the regulated industry play a regular and frequently dominant role in shaping "public" policy. Thus business regulation often reflects the fundamental "belief that regulators should reduce as much as possible the uncertainty faced by regulated firms."<sup>41</sup>

Federal regulation is attractive for the unique kinds of protection it offers to commercial industries. This was certainly apparent to early broadcasters, about whom Herbert Hoover said in 1920, "I think this is probably the only industry in the United States that is unanimously in favor of having itself regulated."<sup>42</sup> Part of regulation's desirability to business lies in its tendency to "attenuate the rates at which market and technological forces impose changes"<sup>43</sup> on regulated industries. Furthermore,

"federal regulation offers protection against competition from outsiders and from within the industry. It provides protection from antitrust attack. It provides a degree of protection from congressional investigation. Regulation greatly reduces the risk of bankruptcy from causes other than competition. And while regulation may make very high rates of return difficult to achieve, it does virtually guarantee a steady stream of adequate profits."<sup>44</sup>

Edelman has concluded that much regulatory activity is little more than symbolic politics, in which "the agency, the regulated groups and the ostensible beneficiaries become necessary instruments for each other while continuing to play the role of rivals and combatants."<sup>45</sup> He goes on to assert that the "administrative system, as symbol and ritual, thus serves as legitimizer of elite objectives, as reassurance against threats, and sometimes as catalyst of symbiotic ties between adversaries."<sup>46</sup>



Perhaps the greatest beneficiary of American broadcast regulation and the most powerful actor in the regulatory policy process has been the radio and television networks. Despite rhetoric about diversity, access and localism and reliance on individual station licensing as the primary regulatory saction, federal action (and inaction) have fostered and protected the three major national networks. From the earliest days of radio American broadcasting has been structured around networks. In 1937 nearly half the country's radio stations were network affiliates; ten years later 97 percent were affiliated.<sup>47</sup> In return for regulation that permitted steady profit making, the networks have provided the U.S. political-economic system with its only truly national, instantaneous media. Mass marketing of commodities, central to the high-level consumption of late capitalism, relies heavily on broadcast network advertising. Political campaigning, especially during the presidential elections, has come to be a mostly televised national event. Domestically, then, the broadcast networks function as the central nervous system of the nation-state.<sup>48</sup> Internationally, broadcast hardware and programming are a major source of income for communications conglomerates, which are often tied closely to the networks. It has even been suggested that the ideological messages of exported entertainment and news programs may conduct a kind of informal foreign relations between the U.S. and other nations, especially in the Third World.<sup>49</sup>

The regulatory relationship has tended to blur the conventional distinction between public and private sectors, or the federal govern-

ment and corporate enterprise. Galbraith claims that the bureaucratic form of organization, shared by government and industry, is another factor that promotes the breakdown of this historical dividing line. "Members of both public and private bureaucracies," he writes, "are served by growth and the consequent promotions, pay, requisits, prestige and power, and what expands one bureaucracy expands the other." Cooperation, mutuality, interdependence serve both interest groups, creating an operational unity between them.

"Even where there is presumptively adversary relations between a public and private bureaucracy as between the Federal Communications Commission and the television and broadcasting networks, reciprocal support is possible. This tendency for the public and private organizations to find and pursue a common purpose is of sufficient importance to justify a name. It may be called Bureaucratic Symbiosis."<sup>50</sup>

When dominant policy and regulatory actors, governmental and corporate, come to recognize themselves as a community, there is a need for collective defense against outside forces of unfavorable change.

This is the special value of bureaucratic symbiosis in regulation.

"Where public and private organizations react symbiotically with each other, there is power in the symbiosis - in the division of labor that allows of lobbying, deployment of political funds, encouragement of political action by means of national and local authorities, access to the legislature, management of intellectual information by whichever organization, public or private, is best equipped for the task."<sup>51</sup>

The historically predictable nature of regulatory rules and procedures provides "opportunities for strategic behavior in pursuit of economic objectives"<sup>52</sup> on the part of such regulated firms in the telecommunications industry. Owen and Braeutigam identify and describe



several such strategies that tend to undercut the fundamental public-interest mandate of federal regulation. They include the following.

The strategic use of information. This encompasses carefully selecting facts, withholding information, flooding the agency with more information than it can absorb, burying a specific item of information in a mountain of irrelevant material, providing information unofficially to selected personnel known to be sympathetic. Cole and Oettinger, in their Reluctant Regulators, note that the FCC staff is often "shockingly dependent" on sources outside the agency - often industry sources - for information used in making policy recommendations to the Commission.<sup>53</sup>

The strategic use of litigation. The complexities of FCC hearings on challenges to station licenses are an example of over-legalized procedures that often benefit established, wealthy elements of the industry. These procedures can benefit a challenged license holder, who at the very least keeps broadcasting and earning profits during extended legal maneuvering. And litigation benefits other members of the regulatory policy community. Cole and Oettinger report that when the Commission took action in 1976 to reduce the complexities of comparative license hearings, then Chairman Richard Wiley was reminded by broadcast lawyers of the particular utility of existing laws. "You're going to be out here practicing (law) yourself before too long, Dick. You ought to keep it in mind that these hearings can be mighty lucrative, and they last for years."<sup>54</sup>

A demonstration of willingness to strategically use adminis-

trative procedures "can prolong the status quo, and may even forestall efforts by outsiders to engage in the process."<sup>55</sup> The networks may be one beneficiary of this strategy. Reel observes that "since 1953...there have been continuous investigations by both branches of Congress, constant examination by the FCC's Special Network Study groups, and an ongoing probe by the antitrust division of the Department of Justice."<sup>56</sup> Recent FCC reports indicate that despite this administrative attention, the power of the networks has hardly lessened.<sup>57</sup>

Use of the regulatory agency as a cartel manager.

"One of the worst fears of a regulatory agency is the bankruptcy of the firm it supervises, resulting in 'instability' of service to the public...The ideal strategy is to get the agency to endorse 'self-regulation' by the industry to that the industry cartel can manage things under an umbrella of antitrust immunity."<sup>58</sup>

For years the National Association of Broadcasters (NAB), chief industry lobby group, has endorsed self-regulation of programming through its Code of Good Practices. Adherence to the Code is strictly voluntary and there exist no sanctions for the enforcement of its provisions. However, at times when authorities have pressed for closer regulatory scrutiny of broadcasting, the Code has allowed the NAB to announce that, in an industry affected by the First Amendment, responsible self-regulation is infinitely preferable to governmental intrusion.<sup>59</sup> More generally the NAB, through such activities as its annual convention, functions as a coordinating and organizing center for an industry otherwise composed of enterprises scattered across the continent.



Lobby the agency effectively. "Effective lobbying requires close personal contact between the lobbyists and government officials... The object is to establish long-term personal relationships transcending any particular issue."<sup>60</sup> Colē and Oettinger fill an entire chapter of their book on this practice in broadcast regulation.<sup>61</sup> Both they and Krasnow and Longley note the special significance of contacts between industry lobbyists and the middle-level staff at the FCC.<sup>62</sup>

Coopt the experts. "Regulatory policy is increasingly made with the participation of experts...A special case of cooptation applies to Washington law firms"<sup>63</sup> The central role of lawyers, and economists and engineers, and the regular flow of such expert personnel between the Commission staff (and indeed the Commission itself) and industry quarters has often been noted.<sup>64</sup>

These strategies and others have merged over the years into two predominant tendencies observable in policy relations and decision making for the regulation of broadcast telecommunications. The over-legalization of formal administrative procedures and ad-hoc decision making have, until very recently, made potent contributions to a regulatory environment that favors dominant interests. At about the time of the OTP's founding they had begun to lose some of their power.

An over-reliance on complicated administrative procedure has been termed the "legalism problem"<sup>65</sup> and "judicialization."<sup>66</sup> It grows out of the requirement that the Federal Communications Commission follow "judicial procedures in granting stand, collecting evidence,

and making decisions."<sup>67</sup> It has the consequence of reducing "the number of opinions the decision makers have to take into account."<sup>68</sup> Also, "decision making is, or can be, extensively delayed by the process of hearings and appeals."<sup>69</sup> Both "slow down the operation of market forces"<sup>70</sup> and decrease the "rate at which things change,"<sup>71</sup> resulting in conditions "beneficial to those who wish to preserve the status quo,"<sup>72</sup> such as the broadcast networks.- By playing on "broadcasters' fear of dealing directly with the Commission,"<sup>73</sup> legalism gives the distinct advantage to "parties with superior resources"<sup>74</sup> - i.e., those able to afford expensive legal counsel - seeking favorable regulatory rulings. At some point, however, burdensome administrative procedures may become inadequate to protect dominant interests. When a variety of forces presses for change at the same time, when legal resources become available to outsiders, when decision factors like economics and complex technology become essential information, legalism may actually obstruct dominant factors from the ability to move decisively and effectively in defense of their interests.

A second common tendency that may have out-lived its usefulness to dominant groups comes about from treating mostly short-term problems that create policy bottlenecks in a "never-ending process of successive steps in which continued nibbling is a substitute for a good bite."<sup>75</sup> By focusing in an ad-hoc manner on "short-range, sequential policies,"<sup>76</sup> the FCC has historically reduced threats to favorable status-quo conditions and acceptance of its policies has come more readily from powerful actors. More "reactive than innova-



tive,"<sup>77</sup> the Commission has thus steered a course beneficial to dominant interests. This "case-by-case or 'let's-wing-it' approach to making decisions"<sup>78</sup> leads to a somewhat arbitrary pattern of decision-making behavior that can even confuse its principal beneficiaries. "This determination to develop a body of regulatory law and policy on a case-by-case basis," write Melody,

"frequently has been attacked as failing to provide coherence and continuity to regulatory policy and as setting up guidelines so vague that they represent no real standards by which the industry can measure its own behavior."<sup>79</sup>

This is not surprising, since regulatory agencies themselves

"developed primarily as a series of ad-hoc responses to specific public policy problems. They are not the result of a clearly delineated theory of the role of government in business decisions, nor a coherent plan for extending government influence into private economic decisions."<sup>80</sup>

Ad-hoc decision making, mystified by over-legalized procedures, has been an historical constant in broadcast regulation. It is likely to be successful for dominant interests when individual cases can be treated as though they were discrete. With the potential emergence of entire new systems of technology, however, or the development of new industries, or the promise of novel social orders based upon new patterns of information usage, case-by-case obstructionism may lose its value to dominant interests.

Crucial to the past administration of these two predominant tendencies in broadcast regulation has been what Galbraith calls the "technostructure"<sup>81</sup> and what Cater and later Johnson refer to as the "subgovernment."<sup>82</sup> This group of "hired experts"<sup>83</sup> possesses

specialized technical knowledge necessary to government and industry alike. Some members of this group are in the direct employ of either public agencies and departments as civil servants, or corporate firms, while others maintain their own professional practices. Regular exchanges of these personnel occur between policy bodies and industry. Miliband writes that

"the interchangeability between government service of one kind or another and business is particularly characteristic of the new breed of 'technocrats' who have been spawned by the economic intervention of the 'neo-capitalist' state, and who wield considerable influence and power in a variety of departments, planning organisms (and) regulatory boards..."<sup>84</sup>

These technocrats, an administrative elite specializing in the development and articulation of policy options, include for broadcast telecommunications, attorneys, engineers and economists. Their prominence is, in Bernstein's terms, indicative of the later stages of regulation, when "lawyers, engineers and the economists vie with each other for dominance in the policy-making channels of the agency."<sup>85</sup> Lawyers have been especially noteworthy for their contribution to the over-legalization of telecommunications policy making. "Administrative procedures are the result of pressure from the legal fraternity," writes Noll, "to build certain safeguards that protect the property and independence of regulated firms. They do not protect the general public interest..."<sup>86</sup> Their contribution has not gone unrewarded financially, for as one remarked, "these procedures put the lawyers' children through college."<sup>87</sup> The activities of lawyers and others are hardly apt to be neutral in consequence. Rather, members of the technostucture or subgovernment,



"concerned with economic decision making, intervention and regulation, can ill afford to ignore the fact that attitudes and actions which are capable of being construed as 'anti-business' are bound to antagonize powerful and influential people and are not likely to be particularly popular with political office-holders..."<sup>88</sup>

As the efficacy of over-legalized procedures and ad-hoc regulatory policy activity has lessened in recent years, there has been a concomitant turn to another means of asserting stability and control. This means, systematic policy planning, not only maintains the significance of the experts' role, but enhances it. And, as the OTP demonstrated, this move has also shifted such experts into the executive branch of the federal government, thereby bestowing a new legitimacy on their work, and suggesting all the more forcefully that the public or national interest is their principal concern.

#### Responding to New Instabilities

There was evidence by 1970 that the deeply patterned, symbiotic relations among powerful, established actors in telecommunications regulation were being upset by conditions of increasing instability. This was apparent in at least three ways. First, the long-term tendency to stifle innovative telecommunications technology appeared to be losing its capacity to resist potentially threatening challenges to conventional broadcast-related hardware. Second, new actors, with interests different from and even hostile to established participants', were gaining influence in policy activities. Third, some established actors were behaving in a manner that occasionally challenged the self-interests of other powerful regulatory policy shapers. The widespread and growing nature of these instabilities prompted a desire

for a federal capability to reduce them by means of long-range planning in cooperation with the telecommunications industry. This section examines these three indicators of instability that occurred around the time of the founding of the OTP.

When confronted by new technology, regulatory decision making has typically reacted with timidity. Reviewing the fates of several technologies, some of which possessed particular threats to networking, Mosco suggests that FCC decision makers "stand to lose more if an innovation fails than they would gain if it succeeds."<sup>89</sup> This encourages decision makers to "respond to complexity by imposing on the multiplicity of potential future variables, a unifying simplicity rooted in preserving the status quo - a status quo generally supported by dominant interests."<sup>90</sup> The difficulty of assessing new technology and particularly the risk of unforeseen uncertainties posed by its introduction, have encouraged the Commission not to "use innovations as correctives to expressed problems." Instead "each innovation (FM radio, UHF television, cable-TV and subscription television) has developed into a role ancillary to the dominant commercial broadcasting system."<sup>91</sup> "The result: an exacerbation of those problems,"<sup>92</sup> say limited access and insufficient diversity, that the new technology might have ameliorated. As Krasnow and Longley write about the 1945 decision to move FM radio to a different frequency band,

"The FCC was able to prevail largely because its policies favored powerful, well-established broadcasting interests pushing the development of postwar television. The development of FM broadcasting posed a triple threat - to the dominance of established AM stations and networks, to RCA's hopes for quick postwar development of TV, and to RCA's patents.



Thus a delay in the expansion of FM, such as the one that resulted from the FM shift, may have seemed desirable to these interests."<sup>95</sup>

In recent years there have emerged several new telecommunications technologies - some of them potentially direct competitors to broadcasting, not just complementary services. Regulators and telecommunications policy planners have been confronted, in a relatively short period of time, by a surprisingly large number of these innovative, broadcast-related technologies and by groups with a special interest in their adoption. Pressure has been great to develop appropriate policies regarding such technologies as cable-TV (including 2-way interactive systems), pay or subscription television (offering selected programming at a price to individual consumers), so-called super stations (whose radio or television signal is picked up by satellite and fed to cable systems across the country), and direct-broadcast satellites (promising new means of program distribution direct from production source to the home). Taken together these and other technologies offer the prospect of basic changes in the existing structure of U.S. broadcasting. New services potentially in direct competition with broadcast networks will form around them. The historical dominance of the networks may erode, leaving a less centralized national telecommunications system, relying on alternative technologies and owned by a greater number of diverse interests. In addition, because these new technologies may offer greater program choice and local participation in production and because they may require less or at least different demands on the spectrum, the necessity

of traditional regulation may be lessened. This may result in equally fundamental change in regulation, policy planning and the many associated activities that involve the subgovernment. Whether such basic change will actually occur is difficult to know. What was apparent even in 1970 was the general direction of change of this kind. That is what concerned the networks and others, and what the OTP was intended to address.

Another element of instability was the presence of new policy actors attempting to assert their influence over broadcast-related telecommunications regulation. Krasnow and Longley observe that "the politics of broadcast regulation has shifted from a simple tripartite system of industry, Congress and Commission to a more complex set of interrelationships which include the White House, the Courts and citizens groups..."<sup>94</sup> The key new participant is organized groups of TV and radio users. Their participation is an historically recent phenomenon. "Primarily because of the indirect impact and complex nature of the broadcast regulatory issues, the general public has been apathetic and uninformed about them," Krasnow and Longley write. "Until the late 1960s the FCC had done little to promote greater participation by the public in its proceedings or to encourage a better understanding of the role citizens might play in broadcast regulation,"<sup>95</sup>

Today there are numerous national and local groups organized to monitor program content, to examine employment patterns of stations and networks, to assert rights of access, and ultimately, to challenge broadcast licenses. In addition some of the groups testify before the



Commission and congressional hearings and file briefs before the courts. One book identifies 10 such major organizations.<sup>96</sup> The National Citizens Committee for Broadcasting (NCCB) lists some 60 local groups concerned with broadcast reform.<sup>97</sup> There have been such victories as the successful challenge of a Southern television station's license on grounds that it discriminated against the substantial black plurality of its audience. The landmark WLBT case in 1969 "provided practical lessons on how pressure could be brought, in how the broadcast establishment could be challenged," in the words of Broadcasting magazine.<sup>98</sup> Later, citizens groups achieved similar objectives for the entire Alabama state public television system. Numerous other victories occurred with increasing regularity in the 1970s.<sup>99</sup> In response to these events the Commission opened a Consumer Assistance Office. Debates arose and continue over federal funding to cover costs incurred by public-interest challenges that seek to promote more responsible broadcaster behavior. The entire children's television issue is largely the making of organized citizens groups.<sup>100</sup>

While these new actors may not threaten fundamental structural changes in telecommunications as do novel technologies, they have nevertheless affected both substantive policy decisions and procedural elements of regulation.

A third source of uncertainty was actions by established policy participants that broke with past behavior. In 1966, for instance, two events occurred involving established actors in broadcast regulation that encouraged the nascent reform movement of organized

citizens groups. The U.S. Court of Appeals held that "responsible community organizations such as 'civic associations, professional societies, unions, churches, and educational institutions' have the right to contest license applications."<sup>101</sup> This decision gave formal legal standing - and therefore the opportunity to influence policy - to the radio and television audience. Also in 1966 Nicholas Johnson was appointed to the Federal Communications Commission. While on the Commission and later as head of the NCCB, Johnson was a tireless proponent of regulatory reform, including participation of the audience. While it may be that there is usually, as Edelman suggests, one "maverick" commissioner on independent agencies who functions (though not intentionally) to create the illusion of regulatory responsiveness,<sup>102</sup> Johnson in fact seems to have made substantive impact. In both these two cases, a federal court decision and an executive appointment, established actors, the judiciary and the FCC, set new courses with the potential to alter existing patterns of policy making power. Other events, occurring during the OTP's operation, were of similar nature.

Amidst challenges to beneficial regulatory relations between dominant broadcasters and federal authorities and the increasingly apparent inadequacy of certain past strategies discussed above to bolster those relations, the Office of Telecommunications Policy was founded. In addition to managing federal telecommunications facilities, the OTP's roles were to serve as presidential adviser and advocate and to help plan national policy options for telecommunications, including policies relevant to the regulation of broadcasting. As stated



in key documents that contributed to the founding of the organization, the Flanigan-Whitehead memorandum and the presidential message accompanying Reorganization Plan No. 1 of 1970, the OTP's official goals were as follows:

1. "Enable the executive branch to speak with a clear voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission."<sup>103</sup>
2. "Review of whole range of national telecommunications policies as expressed in legislation or in FCC positions."<sup>104</sup>
3. Provide "systematic economic and technical analysis" to deal with "the increasingly rapid rate of technological change and introduction of new services," a capacity possessed neither by the FCC nor the executive branch.<sup>105</sup>
4. "Address the fundamental economic and institutional problems of the communications industry and its regulation by the FCC, (and) the problems of the government's own telecommunications."<sup>106</sup>
5. Help "formulate government policies, concerning a wide range of domestic and international telecommunications issues" so as to "take full advantage of the nation's technological capabilities."<sup>107</sup>

These official goals clearly demonstrate that the Office of Telecommunications Policy represented a formal move toward closer cooperation between industry and authorities in developing U.S. telecommunications policy. This move, while significant in its own right, was predicated on the attributes of previous regulation discussed above. From an informal condition of bureaucratic symbiosis, the OTP officially accelerated "state intervention in economic life" in telecommunications, making, in Miliband's words, government and business "'partners' in the service of a 'national interest.'" This interest, now formally recognized in the OTP's mandate, was defined "in terms

congruent with the long-term interest of private capitalism."<sup>108</sup>

In addition the creation of the OTP marked the further ascent in importance of the administrative expert. Unlike members of the sub-government, however, experts at the OTP were to be housed under the auspices of the government and their autonomy would be tightly circumscribed. It remained the expert's role not to make but merely to influence policy decisions.<sup>109</sup> The power to decide, under the OTP, continued to be the prerogative of historically dominant groups.

The Office of Telecommunications Policy was an attempt to rationalize, through technocratic methods, the development, debate and implementation of national telecommunications policy. Rationalization, as a general phenomenon, asserts "the primacy of goal setting "<sup>110</sup> and goal achievement through the application of what Ellul terms "technique," or "standardized means for attaining a predetermined result."<sup>111</sup> The technique of OTP experts would be the systematic, disciplined methods of analytical fields. The application of such techniques is one way of coping with a situation fraught with growing uncertainty, as was the case in broadcast regulation at the time of the OTP's founding. The OTP's official goals declare technocratic efficiency as the principal measure of policy success. By relying on the "para-ideology of science and technology," policy planning by governmental experts makes the exercise of state power acceptable by seeming to depoliticize politics, Mueller suggests. The decision making process appears "detached from special interests."<sup>112</sup> The allocation of a scarce, public resource, like the electromagnetic spectrum, is made to seem free from values.<sup>113</sup> Mueller warns that



"when science and technological knowledge are invoked in formulating policies, it becomes more difficult for the population to examine the merits of a decision or to perceive alternatives."<sup>114</sup> Technocratic rationalization of national telecommunications policy through the establishment of the OTP bore the potential even more than past strategies of regulation to undercut the public interest mandate of the Federal Communications Act. People now wishing to participate in determining policy may simply lack "accurate or even approximate knowledge" of both the technical means or the obscured goals of the policy process. They may become, as a result, "content with appearances and with the assumption that these artificial things are ordered and controlled by specialists."<sup>115</sup> Beginning in 1970 such specialists in broadcast-related telecommunications would reside in the executive Office of Telecommunications Policy.

## Footnotes

1. Federal Communications Commission, Rules and Regulations, Vol. II Part 2 (Washington, D.C.: U.S. Government Printing Office, 1976), pp. 22-67.
2. John Howkins, "What is the World Administrative Radio Conference?" Journal of Communication 29 (Winter 1979): 145.
3. Ibid.
4. Lawrence Lessing, "Breaking TV out of its box," Fortune, September 1964; p. 178. U.S., Congress, Senate, Committee on Commerce, Space Communications and Allocation of the Radio Spectrum, Hearings before a subcommittee of the Committee on Commerce, 87th Cong., 1st Sess., 1961, p. 168.
5. John Howkins, "What is the World Administrative Radio Conference?": 145.
6. For a symposium of ten articles, see "U.S. faces WARC," Journal of Communication 29 (Winter 1979): 145-208. One report appeared immediately after WARC is "WARC is over; U.S. 'satisfied,'" says Robinson," Broadcasting, 10 December 1979, pp. 82 and 85-86.
7. Federal Communications Commission, 43rd Annual Report (Washington, D.C.: U.S. Government Printing Office, 1977), p. 20.
8. Ibid., p. 22.
9. See W. Erwin G. Krasnow and Lawrence D. Longley, The Politics of Broadcast Regulation, 2nd ed. (New York: St. Martin's, 1978), Chapter 5, "Smothering FM with kindness," pp. 107-117; and Vincent Mosco, Broadcasting in the United States (Norwood, N.J.: Ablex, 1979), Chapter 5, "FM:Radio's second chance," pp. 50-69.
10. Federal Communications Commission, 43rd Annual Report, p.20.
11. An increase in AM stations would come about through a reduction in clear channel stations, through permitting current daytime stations to broadcast at night, and through a lessening of the "space" between stations from 10 kHz to 9 kHz. See "FCC cuts back the clears," Broadcasting, 2 June 1980, pp. 28-29; "Region 2 won't buy 9kHz - yet," Broadcasting, 24 March 1980, pp. 25-26; and "U.S. decides all wasn't lost in Buenos Aires," Broadcasting, 31 March 1980, pp. 28-29. On the beginnings of FCC consideration to increase FM stations, see "FCC makes firm move to adding FM's," Broadcasting, 3 March 1980, p.30.
12. See Harry M. Trebing, "Government regulation and modern capitalism," Journal of Economic Issues 3 (March 1969): pp. 87-88.



13. See, for instance, Thomas I. Emerson, The System of Freedom of Expression (New York: Random House, 1970), p. 653; and Jerome A. Barron, "Access to the press - a new First Amendment right," Harvard Law Review 80 (June 1967): 1641-1648.

14. William H. Melody, "Mass media: The economics of access to the marketplace of ideas," an address delivered to a symposium on Business and the Media, Atlanta, 7 September 1977, p. 2.

15. For a full discussion of localism, see Roger G. Noll, Merton J. Peck and John J. McGowan, Economics Aspects of Television Regulation (Washington, D.C.: The Brookings Institution, 1973), pp. 99-120. On section 315 see Philip G. Loucks, "Section 315 (of the Communications Act of 1934), Federal Communications Bar Journal 18 (1963): 33-36; and G. Lane Ernest, "The 'equal time' provisions: Has broadcasting come to age?" University of Colorado Law Review 36 (Winter 1964): 257-268. The famous court decision that upheld the so-called Fairness Doctrine is known as the Red Lion case. See Donald M. Gilmore and Jerome A. Barron, Mass Communication Law (St. Paul: West, 1969), pp. 671-709 and pp. 787-804. Regarding ascertainment of community interests and issues by stations, see Federal Communications Commission, Primer on Ascertainment of Community Problems by Broadcast Applicants.

16. See, for example, Richard A. Peterson, ed., "The production of culture," American Behavioral Scientist 19 (July-August 1976); "Sociology and popular culture," Journal of Popular Culture 11 (Fall 1977): 379-526; and Paul A. Hirsch, ed., "Communication and Culture," Communication Research 5 (July 1978).

17. See Hans Magnus Enzenberger, "The industrialization of the mind," in The Consciousness Industry (New York: Seabury Press, 1974), pp. 3-15.

18. These characteristics of mass communication are derived from discussions in Charles R. Wright, Mass Communication: A Sociological Perspective, 2nd ed. (New York: Random House, 1974), pp. 4-8; and Denis McQuail, Towards a Sociology of Mass Communications (London: Collier-MacMillan, 1969), pp. 7-10.

19. Peter L. Berger and Thomas Luckmann, The Social Construction of Reality (New York: Doubleday, 1966).

20. The Scottish bard Andrew Fletcher noted that "if a man were permitted to write all the ballads, he need not care who should make the laws of the nation." Quoted in George Gerbner, "The individual in a mass culture," Saturday Review, 18 June 1960, p. 12. See also Max Horkheimer and Theodor W. Adorno, "The culture industry: Enlightenment or deception," in Dialectic of Enlightenment (New York: Seabury, 1972), pp. 120-167; and Raymond Williams, "Cultural theory," in Marxism and Literature (New York: Oxford University Press, 1977), pp. 75-144.

21. Report on Television 1981 (Northbrook, Ill.: A.C. Neilson Co., 1981).

22. On the fallacy that viewers have genuine choice in selecting TV programs, that a "cultural democracy" exists, see Les Brown, Television: The Business behind the Box (New York: Harcourt Brace Jovanovitch, 1971).

23. Leo Lowenthal made this connection in 1944. See "Triumph of mass idols," in Literature, Popular Culture and Society (Palo Alto: Pacific Books, 1961), pp. 109-140.

24. Erwin G. Krasnow and Lawrence D. Longley, The Politics of Broadcast Regulation, p. 70.

25. Ibid.

26. Ibid., pp. 72-73.

27. Barry Cole and Mal Oettinger, Reluctant Regulators, rev'd ed. (Reading: Addison-Wesley, 1978), p. 4.

28. Ibid., pp. 4-5.

29. See U.S. Commission on Civil Rights, Window Dressing on the Set (Washington, D.C.: U.S. Government Printing Office, 1977).

30. See "FTC takes deadaim at kid ads," Broadcasting, 27 February 1978, pp. 27-28.

31. Erwin G. Krasnow and Lawrence D. Longley, The Politics of Broadcast Regulation, p. 36.

32. Ibid., p. 58.

33. Ibid., p. 52.

34. Quoted in Erwin G. Krasnow and Lawrence D. Longley, The Politics of Broadcast Regulation, p. 53.

35. See, "Wiley's FCC: In danger of disappearing," Broadcasting, 11 April 1977, p. 27.

36. Gaye Tuchman, "Introduction," in Gaye Tuchman, ed., The TV Establishment (Engelwood Cliffs, N.J.: Prentice-Hall, 1974), p. 91.

37. Bruce M. Owen and Ronald Braeutigam, The Regulation Game. (Cambridge: Ballinger, 1978), p. 10.

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39. William H. Boyer, Bureaucracy on Trial (Indianapolis: Bobbs-Merrill, 1964), p. 68.

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59. When in 1962 the FCC considered adopting NAB Code guidelines on the number of commercial minutes a station may air per hour, the NAB itself lobbied successfully against the official use of these fairly stringent guidelines. See Barry Cole and Mal Oettinger, Reluctant Regulators, p. 161; and Erwin G. Krasnow and Lawrence D. Longley, The Politics of Broadcast Regulation, pp. 127-133.

60. Bruce M. Owen and Ronald Braeutigam, The Regulation Game, p. 7.

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## CHAPTER V

### CONSTRAINTS ON THE OTP: FACTORS LEADING TO CONTROVERSIALITY, INEFFECTIVENESS AND ABOLITION

It has been argued that the Office of Telecommunications Policy was founded largely as a response to recent instabilities in the regulation of telecommunications, especially broadcasting, that threatened historically dominant interests. As shown in Chapter II the widespread support for the OTP evident in 1970 had dissipated after the organization's first few years of operation. This chapter, drawing on the analytical perspective of Chapter IV, reviews the OTP's performance (documented in Chapter III) as executive policy advocate and adviser and as national planner. Through examination of the OTP's operative goals, or those objectives the organization sought for major broadcast-related issues, this chapter assesses the OTP's effectiveness and infers several significant constraints on its operation. Discussion of these constraints includes information taken from an interview with OTP founding director Clay T. Whitehead.

All bureaucratic organizations, including the OTP, set goals and strive to achieve them. Capacity to attain one kind of goal, operative goals, is a common measure of effectiveness.<sup>1</sup> In contrast to official goals, which are expressed formally, as in the OTP's mandate, operative goals arise out of an organization's actual daily behavior. Operative goals are often a response to the practical requirements of organizational life in an environment populated by other organizations which are themselves seeking effectiveness through goal



achievement. Environmental interaction is a very significant factor in the setting and pursuit of operative goals.<sup>2</sup> For the OTP operative goals are reflected in its positions on the major broadcast-related issues. To attain effectiveness the OTP needed to achieve these issue-specific objectives; in order to survive the OTP needed to contribute to the achievement of its official goals. Together these spelled a return to stability in policy planning and regulation favorable to dominant interests. In both cases the OTP, as would any organization, was required to negotiate a tacit understanding with more powerful, established organizations that defined its policy role in mutually agreeable terms. The degree to which such an understanding was successfully reached would, in turn, affect the supportive quality of the OTP's interorganizational relations. Failure to negotiate productively with its "task environment" or attain either operative or official goals would reduce the probability that the OTP would be effective or that it would survive as an organization.<sup>3</sup> Using achievement of the operative goals apparent in the major issues as a measure, how effective was the OTP? To what extent did the OTP's operative goals coincide with its official goals? This section addresses these questions.

TABLE 10  
POLICY POSITIONS ON DOMESTIC SATELLITES

<u>Regulated Entry</u>	<u>Limited Entry</u>	<u>Open Entry</u>
FCC Commissioners	FCC Common Carrier Bureau Staff New Firms	OTP TV Networks Established Common Carrier Firms

On the issue of satellite regulation the OTP first urged the Commission to take an "open skies" approach, permitting anyone to enter the satellite marketplace. Later the OTP changed its position to favor a "phased open entry" policy which was similar to that of the Commission's common carrier staff. They recommended a policy that would restrict entry by AT&T or COMSAT, the historic monopolists in satellite communications. The Commission eventually adopted a policy generally thought to be different from its original propensity toward regulated monopoly, accepting a middle-ground position close to the staff's and the OTP's second recommendation. By the time of the decision, however, domestic satellites were being discussed chiefly for their utility as common carriers, and not for their broadcast telecommunications implications.

TABLE 11

## POLICY POSITIONS ON PUBLIC BROADCASTING

<u>Long Range Funding With Operational Changes</u>	<u>Long Range Funding Without Operational Changes</u>
OTP	CPB
PBS	NPACT
H.R. Bill	H.R. Bills (2)
<u>Broadcasting</u>	Senate Bill
	FCC Commissioner Johnson
	Citizens Groups

The OTP sought long-term funding for the non-commercial system at a level higher than the short-duration allocations that had sustained it since its 1967 founding. In return for support of such legislation, the OTP made two demands. First the OTP urged public broadcasters to decentralize their program production activities,



involving more directly local stations and lessening the control exerted by New York-Washington network administrators. The OTP's second demand concerned the financial support of news programming, particularly those dealing with political analysis, by means of federal tax dollars. Specifically the OTP wanted public broadcasting to fire two well known television journalists who exhibited what the Nixon administration considered too "liberal" a political perspective, and to reduce - eventually to eliminate - interpretive, public affairs programs.

OTP criticism of the network-like practices of public television found favor with the commercial networks and their allies, who may have feared its potential competition. Congress, on the other hand, did not welcome the OTP's criticisms. The communications subcommittee chairman in the House was especially protective of public broadcasting, for he had sponsored its founding legislation. In addition the OTP argument against publicly supported news and public-affairs programming struck some in Congress and at the FCC as being merely the expression of narrow partisan self-interest on the part of the Nixon administration. By the time of Whitehead's departure from the OTP, the administration did support a long-term funding bill then wending its way through Congress. Some limited restructuring of program-related decision-making processes had taken place within CPB, though no fundamental alterations were made in the essentially network system and one of the offending journalists had gone on to co-host an award-winning nightly newscast on public television.

TABLE 12

## POLICY POSITIONS ON CABLE TELEVISION

<u>FCC</u>	<u>OTP</u>
Presented regulatory rules for congressional scrutiny	Negotiated question of copyright among NCTA, NAB, motion picture firms and others, forcing changes in FCC rules
Adopted revised rules based on OTP accord	Submitted long-range plan for comprehensive approach to cable television

OTP envisioned cable as nothing less than the principal competitor of over-the-air television, whose technological characteristics made it in some ways the preferable medium. The OTP sought and gained crucial compromises on the question of copyright differences between copyright holders and cable entrepreneurs, where the FCC could not. The OTP also persuaded the FCC to institute short-term regulatory rules different from those the Commission had already sent to Congress. And, with the announced intention of provoking discussion and legislation, Director Whitehead, in his capacity as chairman of a defunct Cabinet committee, issued a special report on long-range national cable policy. The OTP later submitted cable legislation based on the report, but it was not acted upon.

The OTP urged the Federal Communications Commission to institute an experiment in the deregulation of radio station licensing procedures. The OTP wished the Commission to try a period of automatic license renewals, applying only the most necessary engineering rules and purposely avoiding content-related Fairness Doctrine considerations. Such an experiment, the OTP claimed, would serve to



TABLE 13

## POLICY POSITIONS ON RADIO DEREGULATION

<u>Support Deregulation Moves</u>	<u>Cautious About or Against Deregulation</u>
OTP	FCC Chairman Dean Burch
NAB	Four FCC Commissioners
Broadcasting	Citizens Groups
FCC Commissioner	
Richard Wiley	

recognize broadcasting's closest approximation of an economic free market, one with comparative ease of entry and therefore diverse content matter. This position gained the immediate support of the chief industry lobby group, the networks and the editorial page of a major trade publication. There were also reports that the majority Republican members of the FCC, including the chairman, would vote in favor of such an experiment in deregulation. The Commission responded with a formal review and eventual reduction of certain superfluous and outmoded technical regulatory rules governing radio broadcasting. Whitehead's immediate successor, Acting Director John Eger, continued to press the Commission for genuine radio deregulation. FCC Chairperson Richard Wiley also tried to move the Commission to undertake such an experiment, though with little success. Aside from the reduction of the technical rules, the FCC failed to respond to the OTP's recommendations during the latter's existence.

The National Association of Broadcasters and the networks announced their support for the OTP's proposal to extend the period of station licenses, to do away from the Fairness Doctrine, to abolish requirements for the ascertainment of community interests and

TABLE 14

## POLICY POSITIONS ON LICENSE RENEWAL

<u>Favor Eased Renewal</u>	<u>Opposed to Eased Renewal</u>	<u>Critical of OTP Quid Pro Quo</u>
OTP NAB CBS <u>Broadcasting</u>	Citizens groups	<u>Broadcasting</u> Senator John Pastore Cong. Torbert Macdonald General Press

to give preference to present license-holders in the event of license challenge. The OTP also called for local affiliate stations to criticize news programming produced by the networks. So strongly did Congress oppose the latter proposal's implications of political censorship, that some observers speculated that the OTP had dramatically reduced the chance that any of the many other license renewal bills already before the legislature would become law. The OTP may have turned a strong potential alliance on this issue with the networks, the chief industry lobby group and many members of Congress into resentment and suspicion of the new policy actor by its linking policy changes popular with the industry with a quid pro quo obviously motivated by administration media politics.

TABLE 15

## POLICY POSITIONS ON NETWORK RERUNS

<u>In Favor of Action Limiting Reruns</u>	<u>Opposed to Action Limiting Reruns</u>
OTP 17-Union Committee SAG	FCC Staff Economist Networks Federal Communications Commission



The OTP sought voluntary network compliance with a scheme to reduce television reruns, that is, to limit the practice of commercial television networks of broadcasting prime-time entertainment programs more than once in a single "season." This was an apparent bid for the political support of Hollywood's Screen Actors Guild for Richard Nixon's presidential re-election. This also earned the OTP the powerful opposition of the networks themselves. The OTP did convince the FCC to open a formal inquiry into the matter, but after a 2-year investigation, the Commission decided to take no action. Similarly, no voluntary action was taken by the networks.

TABLE 16

## POLICY POSITIONS ON VHF DROP-INS

<u>In Favor of Drop-Ins</u>	<u>Opposed to Drop-Ins</u>
OTP	AMST
Citizens Groups	NAB
FCC Chairman	Commissioner Robert Lee
Richard Wiley	<u>Broadcasting</u>

The OTP's efforts to pressure the FCC into increasing the number of VHF-TV stations by as many as 60 nationwide did cause the Commission to institute an inquiry. By promoting the notion that new VHF outlets could be created on channels between existing stations, the OTP gained the support of two organized citizens' groups. They saw the possibility as a chance to increase minority ownership of stations. The OTP's move brought about the sustained opposition of established broadcasters. On the one hand, the Association for Maximum Service Telecasting (AMST), on behalf of VHF stations, claimed that new stations' signals would interfere with the integrity of

operating outlets' signals. UHF stations, on the other hand, worried that their already tenuous profit margins would be eroded by competition from the technologically superior VHF band. The FCC itself, which would have to decide on the matter, appeared hesitant to accept the OTP's proposal. At about the time of the OTP's abolition, the Commission announced a notice of rulemaking regarding the possibility of experimentally "dropping in" a couple of new stations between channels 2 and 13 in each of four specially designated markets. This experiment had not yet occurred at the time of the OTP's termination.

How well able, then, was the OTP, especially during the active 1970-1974 period, to achieve its operative goals for the major broadcast-related policy issues? In achieving these goals, to what extent can the OTP be said to have been an effective organization? The two issues for which the OTP most nearly achieved its operative goals were domestic satellite policy and cable television regulation. In the former instance, every bit as decisive as the OTP's persuasive influence on the Commission was the FCC's own common carrier bureau; also, at its 1971 resolution, this issue had hardly any relevance to broadcast telecommunications, the focus of the present study. For cable television the OTP achieved most of what it sought though (no legislation was passed by Congress). However, for the public broadcasting, radio-deregulation and VHF-TV issues, the OTP was able to attain only from a minor portion of its operative goals to none at all. The OTP may have effected some administrative changes in national



public television production practices, but it did not eliminate political programming or dismantle networking. In the eventually successful fight for long-range funding, more money was allocated than the OTP preferred, and the annual budget figure opposed by the OTP was accepted. In the case of radio deregulation, only the most superficial changes were made by the FCC in the rules that regulate commercial radio. And while the Commission did set in motion a process to consider the possibility of increasing VHF-TV stations, only four, not nearly the 60 the OTP had proposed, were likely at the OTP's termination. For license renewal and TV-rerun policy issues, the OTP achieved none of its operative goals.

Thus the only issue - save the common-carrier oriented domestic satellite question - for which the OTP substantially achieved its operative goals was cable television. By this analysis, the OTP was clearly an ineffective planner and advocate for broadcast-related telecommunications policy.

Did the OTP's operative goals contribute to its officials goals as interpreted by this study - that is were the OTP's objectives for the major issues a step toward reasserting stability favorable to dominant interests? In only two of the six issues (excluding domestic satellites) did the OTP's position offer solace to powerful actors, namely the issues of license renewal and radio deregulation. The deregulation of radio obtained the immediate and active support of the NAB. The abolition - even as an experiment limited in time and scope - of FCC consideration of programming in the regulation process

was and remains a most attractive option to the industry. The second issue, license renewal, was not such an unqualified benefit to the industry. The OTP's announced support for legislation (first its own bill and then another) lengthening the license term and making more favorable the conditions under which it was held, was compounded by the political nature of the OTP support. Broadcasters were torn over whether to respond negatively to the partisan rhetoric of Whitehead's speech or to accept the substantive legislative offer. Three of the remaining five OTP positions (again, excluding domestic satellites) threatened aspects of the broadcast industry status quo. The policy to increase VHF stations jeopardized the financially precarious UHF portion of the industry and held the potential to offer more direct competition to network-affiliated and independent VHF stations. The network rerun position could have altered fundamentally the economics of commercial television programming. Finally, the history of cable television policy is one of a curiously stunted technology whose fate some analysts attribute to broadcasters' fear of competition. By promoting cable's promises of program diversity, its easy accessibility to currently excluded producers, and its potential to replace over-the-air broadcasting, the OTP posed a grave risk to the entrenched and profitable broadcast system. In the case of public broadcasting, the OTP's policy activities were critical of a special congressional creation, one whose autonomy was a jealously guarded prerogative of the legislative branch. By challenging basic programming and operational structures in public broadcasting, the



OTP posed a risk in congressional eyes to that autonomy.

It is apparent, then, that the OTP did not follow a strategy of offering or endorsing policy positions for broadcast telecommunications that favored or were perceived to favor influential actors, such as the broadcast networks and Congress. Rather, the OTP adopted a strategy that, save the one issue of radio deregulation, promoted positions that in whole or part challenged crucial aspects of the broadcast policy status quo.

If, in general, the OTP was ineffective in operative goal achievement, what were the specific constraints that hindered its performance and contributed to its eventual abolition? They were at least five: the OTP's neglect of its mandate to plan national policy, the poor quality of its tactical relations with established actors, the controversiality of its presidential advocacy role, Nixon administration media politics, and Clay T. Whitehead's leadership of the organization.

#### Neglect of the Planning Mandate

The principal *raison d'être* for the OTP was its capability to undertake systematic, long-range planning for telecommunications issues. When the organization failed to meet this expectation - when the OTP appeared to have abandoned the task of developing a coherent, comprehensive set of national telecommunications policies - some influential actors became vocal critics of the OTP. The desire for an expert national planner never died, however, and may have helped extend the OTP's life at a time when its own actions seemed to

condemn it. The OTP's overall neglect of this planning role surely cost it the support necessary for achieving operative goals and, indeed, for surviving as an organizational entity.

Congress, perhaps most of all, held the expectation that OTP would bring order and stability to national telecommunications policy. John Pastore, chairman of the Senate communications subcommittee, noted during Clay T. Whitehead's nomination hearing that,

"This committee has urged the Federal Communications Commission and other interested government agencies to formulate an overall telecommunication policy... It is apparent to me that their failure to do so has contributed significantly to many of the problems and uncertainties that we now face in the field of communications."<sup>4</sup>

Pastore then went on to urge that OTP address this need. A few months later at nomination hearings for OTP Deputy Director George Mansur, Pastore underscored his earlier statement. "Again I cannot impress on your office and the other interested agencies of government strongly enough, the necessity and urgency of developing an overall communications policy for the U.S."<sup>5</sup> Director Whitehead himself put this policy-planning role into slightly different but compatible terms during a May 1971 interview with Newsweek magazine. Whitehead explained that "half of what we will do...is really the role of a Cabinet department of communications," and claimed that the OTP was preparing a policy proposal that would "'redo the whole legislative basis for communications regulation."<sup>6</sup>

In later private remarks Whitehead made it clear that he shared Pastore's recognition that national policy planning was quickly



becoming essential.

"When I told people that I wanted to see our national communications policy, I actually got two separate submissions. The executive branch came up with about two pages, double spaced, which said in essence that our national communications policy was to develop communications to the maximum possible benefit of mankind at the lowest possible cost, to the greater glory of the country. And the FCC delivered a stock of legal documents about six feet high with an incredible amount of detail, which is also not very useful as policy...What we do not have in this country, and what we need, is something intermediate between the glowing statements and the incredible, detailed nitty gritty that the FCC comes up with that is just impossible to comprehend."<sup>7</sup>

The OTP's leader, however, apparently concluded very early on that assembling such a national plan was well beyond the reach of the OTP. At his nomination hearings, in response to Senator Pastore's comments, Whitehead had observed that the OTP would not "come up with a piece of paper that says this is our policy. What we will be trying to do...is to spend...time developing a policy process that can respond to changes." (Emphasis added)<sup>8</sup> Two years later, in an interview with a trade publication, Whitehead was quoted as not believing that "such an effort would be 'fruitful.' The OTP's job, as he (saw) it, is to review the whole range of telecommunications activity, focus on problem areas that show up and devise policy proposals for them."<sup>9</sup> Later, Whitehead was blunt: "I began to come to grips with what such a policy would look like in detail, and came to the conclusion that it was essentially impossible, simply because of the complexity."<sup>10</sup> The OTP's policy-planning actions for broadcast-related issues tended, instead, to reflect a single issue strategy. Aside from occasional remarks in public speeches by Whitehead about

a general philosophy of free-marketplace economics and the concomitant desirability for lessened regulatory intervention in telecommunications industries, the OTP never set out anything resembling a grand plan for national policy.

While Whitehead may have lost the faith that a single telecommunications plan could be devised, or that the OTP was the appropriate actor to undertake such a task, others continued to believe it. For example, during the 1973 OTP oversight hearings conducted by the Senate, Chairman Pastore reminded Whitehead that,

"When the Office of Telecommunications Policy was created it appeared there was an agency of government which would develop an overall telecommunications policy for the country. At least many of us in Congress were under the impression that this was the issue with which OTP would be concerned...I would hope that Dr. Whitehead will tell us specifically when we may expect our policy recommendations and legislation to implement them."<sup>11</sup>

By September of that year Broadcasting magazine, in an article assessing the OTP's performance, said that "Senator Pastore, for instance, is known to feel virtually betrayed by OTP's failure to develop an over-all national policy on telecommunications...And FCC officials have expressed disappointment over what they say is the lack of technical support they receive from OTP."<sup>12</sup> It was at that point that Whitehead spoke publicly about the "unfruitfulness" of attempting to develop such a plan. About this time yet another voice was heard in support of the OTP's working up a national telecommunications plan. Rev. Everett Parker, a leading figure in citizens' activities before the FCC, told the Federal Communications Bar Association that "the creation of the Office of Telecommunicatio



Policy was a good idea in that it was designed to look at long-range problems of the electronic media, to engage in research and to advise the President, Congress and the FCC."<sup>13</sup>

A few months later, in the spring of 1974, and a year after his comments at the OTP oversight hearings, Pastore again stated that his expectation remained unfulfilled. At nomination hearings for OTP Deputy Director John Eger, Pastore reminded the official that at the time of the OTP's founding, he was "concerned with our failure as a government to develop an overall telecommunications policy."<sup>14</sup> Pastore made known once again his dual contention that such a plan was a necessity and that the OTP was committed to developing it. Restating his personal opinion that the OTP is a "very important agency," Pastore acknowledged "frustration on the part of this subcommittee" with regard to the master plan, because contrary to expectations, "we are getting everything piecemeal" from the OTP.<sup>15</sup>

Influential members of Congress continued to support the OTP, perhaps with the hope that it might develop a national telecommunications policy plan. Pastore himself opposed a bill introduced by Senators Lowell Weicker and Abraham Ribicoff to abolish the OTP, stating "nothing should be done to diminish the integrity and importance of this office."<sup>16</sup> When President Ford considered doing away with the OTP in January 1975, Senator Howard Baker, ranking Republican on the Senate communications subcommittee, Rep. Lionel Van Deerlin and Rep. Clarence Brown, Democratic and Republican members of the House communications subcommittee, and Rep. Jack Brooks of the House government operations committee all protested the move. Reportedly

they told the White House that any future of the OTP "should not be decided without congressional consultation."<sup>17</sup> In early 1977 word of President Carter's decision to eliminate the OTP prompted a letter from Senator Ernest Hollings, who was about to replace Pastore as communications chairman, and from Senator Baker, which made it clear "they would oppose any action they felt would weaken the government's ability to develop and implement telecommunications policy."<sup>18</sup>

During the summer of 1976 two additional events stressed the OTP's tie to a national telecommunications policy plan. One of Thomas Houser's first actions after being appointed OTP director was to announce that within a few months the OTP would release a comprehensive "national telecommunications policy document."<sup>19</sup> It was not released in November, as scheduled; President Ford's presidential election defeat was quickly followed by Houser's resignation in January. The second event was the circulation of a draft report from a consulting firm studying the OTP's possible future. One conclusion called for a "'significant reshaping' of the OTP's mission...to strengthen its analytical capabilities in policy planning."<sup>20</sup>

During the period of the OTP's existence events independent of the organization occurred which served to underscore the growing significance of long-range planning for national telecommunications policy. The Federal Communications Commission, at about the time of the OTP's founding, set up an Office of Plans and Policy, staffed,



as Dean Burch described it, "to give us a group of people who can hopefully consider long-range problems without any line authority, no responsibility to shuffle papers everyday."<sup>21</sup> In July 1975 that office sponsored a 2-day meeting of policy-planning specialists, intended to reduce "ad-hocery" in telecommunications policy formulation. FCC Chairman Richard Wiley "described the conference as the first of a continuing series, (and) called it a 'new beginning in relations between the FCC and the academic research community.'"<sup>22</sup> In the Congress, meanwhile, the House communications subcommittee held hearings prompted by a fear that the commercial prosperity of American telecommunications industries might be on the wane, and the political-economic dominance of the U.S. around the world might suffer from this loss. In the words of subcommittee chairman Torbert Macdonald,

"Our leadership in telecommunications technology and research is well known throughout the world, and the export of telecommunications equipment has played an important role in our international trade and obviously in our balance of payments. Of late, however, concerns have been raised...that this long-established lead is being whittled away, and it is suggested by some that the government might be actually holding back our continued technological leadership because of outdated regulations governing same, or because of a complete lack of interest and understanding of the needs of this highly complex industry."<sup>23</sup>

In its report on "telecommunications research and policy development," the subcommittee concluded that despite the increasing attention given over to long-term telecommunications policy, there existed "a failure on the part of OTP, OT (the Office of Telecommunications in the Department of Commerce), the Department of Commerce generally,

and the FCC to confront the problems and deal with the broad and far-reaching policy issues that face the telecommunications industry."<sup>24</sup>

In early 1976 the same committee, now under the chairmanship of Lionel Van Deerlin, and later its counterpart in the Senate under Ernest Hollings, embarked on a massive review and rewrite of the 1934 Federal Communications Act, the basic document for all U.S. telecommunications policy planning. As part of the information gathering stage, the House subcommittee staff released in May 1977 a set of option papers, which included one on the "Structural and Procedural Options for the Regulation of Telecommunications."<sup>25</sup> The next month a series of panels before the House subcommittee involved numerous policy-planning experts whose presentations "ranged from pleas for lofty research and policy planning to complaints about the attitudes of the present Commission, from proposals for radical surgery on the existing telecommunications regulatory system to suggestions for merely modifying it." Four former FCC commissioners "were in agreement on the need for long-range planning in telecommunications research and policy matters."<sup>26</sup> By early 1978, having failed to meet this need, the Office of Telecommunications Policy was abolished, and policy planning authority was redistributed to the Commerce Department and the White House staff.

#### Tactical Relations with Established Actors

The OTP conducted tactical relations with other policy participants on a daily basis. Frequently these relations were part of the larger public debate of specific broadcast telecommunications



policy issues, at other times they were simply a part of the OTP's continual contact with its task environment. Such day-to-day interaction, when handled fruitfully, contributes to any organization's "efficient and smooth operations."<sup>27</sup>

The OTP's structural and operational relationship with the Federal Communications Commission was a matter of concern from the outset. Initially the worry, as expressed by Congressman Clarence Brown at the OTP reorganization plan hearings, was that the OTP would come to dominate the FCC. FCC Chairman Dean Burch offered his assurances that this would not happen and within the OTP's first few months, Director Whitehead was moved to assure readers of a major newsweekly magazine that, "We're honestly not trying to kill the FCC."<sup>28</sup> In fact, far from dominating their relations, the OTP was soon judged to be faring badly in its dealings with the Commission. A trade publication in June 1971 assessed OTP relations with the federal communications authorities and noted that even the FCC, "which might have been expected to be partly complaisant, has been administering OTP some of the sharpest cuts of all."<sup>29</sup> In September 1973 the same magazine complained that, "Getting help from OTP is 'like pulling teeth,' according to one (FCC) official."<sup>30</sup> When John Eger, then FCC Chairman Burch's legal assistant for congressional relations, was nominated to be OTP deputy director, it was generally interpreted to be an attempt at "improved relations"<sup>31</sup> between the OTP and the FCC.

One source of the OTP's troubled relations with the FCC may have been Director Whitehead's own critical view of the agency. He

judged, for instance, that the FCC resented the OTP, since "every agency likes to have kind of maximum reign on what it can do and can't do." Although Whitehead considered that his relations with Chairman Burch were "quite good," and that "Burch always took the position that OTP was a net plus"<sup>32</sup> for the Commission, Whitehead tended to have a low opinion of FCC methods of dealing with policy.

The FCC, said Whitehead,

"loves to deal with regulatory issues on very narrow technical grounds in very technical language...To a very large extent it's a way of excluding the general public, because if the regulatory decisions are taken piecemeal, if they're couched in very technical, specialized jargon, then you have many fewer people looking over your shoulder."<sup>33</sup>

Earlier attempts to develop national telecommunications policy had been characterized, in Whitehead's opinion, by "the FCC screwing around with the broadcast industry...attract(ing) second-rate people."<sup>34</sup> At the end of his tenure, Whitehead noted publicly that "it doesn't do anybody any good if policy is made in a 212-page FCC document that no one can understand."<sup>35</sup> Acknowledging his frustrations with what he perceived to be the FCC's bureaucratized tendencies toward over-regulation, Whitehead remarked that the FCC finds "it very difficult to let something develop without their keen oversight."<sup>36</sup>

In recognition of poor OTP-FCC relations, the OTP's second full time director, Thomas Houser, stressed at the outset of his term that the "OTP is moving away from the role of critic of the FCC."<sup>37</sup> The interim director between Whitehead and Houser, John Eger, indicated in an interview that contrary to previous practices, he



himself had spent a large portion of his day cultivating regular and amiable relations with the Commission.<sup>38</sup>

Thus the OTP's relations, especially under Director Whitehead, with the Federal Communications Commission on matters of broadcast-related policy issues were often strained. Whitehead's good personal relations with Chairman Burch would not appear to have been shared by the two policy organizations.

In conducting relations with Congress, the OTP dealt mostly with two subcommittees. Aside from an annual presentation before House and Senate appropriations committees when seeking its budget, the OTP's main contacts were the communications subcommittees. During the period from the OTP's founding until about 1976, the subcommittees were chaired by Rep. Torbert Macdonald (D-Mass.) and Senator John Pastore (D-R.I.). Being senior members of Congress with long records of communications legislative work, Macdonald and Pastore were key figures in OTP-congressional relations, especially during the Whitehead years. Pastore was consistently an OTP supporter. His major expectations for the new organization, as discussed above, was that the OTP would devise a national telecommunications policy master plan, and he was disappointed when it failed to do so. In the four years between Whitehead's appearance before Pastore at his nomination hearings in June 1970 until his final testimony on behalf of license-renewal legislation, the OTP was publicly judged by Pastore a total of five times. The additional three were Mansur's and Eger's nomination hearings and Pastore's oversight of OTP activities in February 1973. On that occasion Pastore was his most critical of the

OTP, referring to it as the "strong arm of the White House,"<sup>39</sup> in light of the OTP's offer of longer term licenses to affiliate stations that might bring pressure on network news departments. At the other hearings, however, Pastore was supportive. He told nominee Whitehead he was "one of the most brilliant young persons who has come to government in a long, long time," and urged that "if you ever feel that you need the help of this committee... you are going to find us very willing and very obliging."<sup>40</sup> Pastore told George Mansur that "I want you and Dr. Whitehead at all times to feel free to communicate with any members of this committee." Should the OTP "come up with an affirmative program with recommendations that are good and begin to dramatize what you are trying to do... I don't think you will have... reluctance on the part of Congress to appropriate the money."<sup>41</sup> Pastore stressed to Eger that "nothing should be done to diminish the integrity and importance of this office,"<sup>42</sup> such as two of his senatorial colleagues were seeking to do by abolishing the OTP. On the eve of Whitehead's departure from the OTP, in June 1974, Pastore told him that "my relationship with you has been very friendly. You're honest. You've rendered a great service to the country. I think you're a credit to the office. You're a man of ideas. If (the White House) had left you alone, we'd be better off..."<sup>43</sup>

Whitehead himself remembers a fruitful relationship with this key senator. Pastore did not

"always agree with me - he gave me holy hell on a variety of occasions... I didn't expect him to agree with me, and he didn't expect me always to agree with him. We had our differences out in public.



Pastore saw me realistically: that I was the President's spokesman, that I was the head of a separate agency that he had some rather considerable bargaining leverage with, and over whose head in fact he felt he could go to the President if he thought anything was sufficiently important or important to him. I certainly saw it that same way...I think that on balance we got along fine."<sup>44</sup>

The OTP's relations with the House communications subcommittee, however, were particularly strained. When in November 1971 Director Whitehead had delivered his controversial speech on public broadcasting, Macdonald responded with a speech of his own to a meeting of broadcasters. Without naming Whitehead, Macdonald criticized, as a press report put it, "headline grabbers who use 'dramatic proposals and catch phrases' to win favor with one group and scare another." Doing so, Whitehead and others were "perpetrating 'a cruel hoax' on the public by suggesting that difficult problems have simple solutions."<sup>45</sup> Macdonald, a chief sponsor of the 1967 Public Broadcasting Act, was an especially sensitive guardian of the noncommercial system and congressional prerogatives toward it. In February 1972 Macdonald's subcommittee held hearings on several long-range funding bills, including one proposed by the OTP and represented by Whitehead. Macdonald's questioning of Whitehead was harsh, with little said about the OTP's bill.<sup>46</sup> Whitehead later acknowledged that

"Mr. Macdonald I never had a strong, constructive personal relationship. And Mr. Macdonald never really understood what OTP was or what its functions were...I don't know what he expected (of OTP in broadcast-related issues). I honestly don't know how Mr. Macdonald saw me."<sup>47</sup>

Soon after has angry exchange with Whitehead, Macdonald turned his hostility toward OTP into a more substantive form. Macdonald attempted to cut the FY 1973 OTP budget in half or more, from about

\$3 million to about \$1 million. That amendment to a larger appropriations bill was barely defeated in June 1972.<sup>48</sup>

The OTP had additional difficulties in its relations with Congress. The most serious of these were the Weicker-Ribicoff bill introduced in the Senate during November 1973 to abolish the OTP,<sup>49</sup> and the deep budget cuts actually carried out later.<sup>50</sup> These Whitehead characterized in an interview as "retribution."

The OTP's tactical relations with Congress, the chief U.S. telecommunications policy authority, were hardly beneficial to the new organization. With the exception of Senator Pastore, the OTP was hard pressed to find a member of Congress consistently sympathetic to the OTP's actions during the course of its 8-year life span.

#### The Advocacy Role

For broadcast telecommunications the OTP was expected to serve as the President's adviser and advocate, as well as chief planner for national policy. This meant that the OTP would propose and argue for the specific policy preferences of the leader of the executive branch. This advocate's role, and the exercise of presidential power that naturally accompanied it, was not always welcomed by other policy actors.

Informal or indirect presidential influence on broadcast policies and practices had, of course, been exerted previous to the OTP's inception. The President nominates FCC commissioners and the Chairman serves at his pleasure. And the President has traditionally approved of high-level staff appointments at the FCC which in turn have bearing on the identification and resolution of issues. Attempts



to intervene in Broadcast operations in other ways by Presidents Kennedy and Johnson have been reported elsewhere. The OTP, however, brought presidential participation into the realm of official authority, granting the President "partner" status with Congress and the FCC and others. But the President, through the OTP, could never be a full partner in broadcast-related policy activities: the OTP could neither regulate broadcasting nor adjudicate legal issues nor legislate policy, because the President never possessed the constitutional or statutory authority to do so. The executive orders that set up the OTP could only imbue it with planning, advising and advocacy functions.

The desire for a single organization that would be the focus of presidential telecommunications authority was nevertheless clearly articulated in a series of studies, reports and hearings conducted by Congress and the executive branch during the five years preceding the founding of the OTP. The FCC's desire for such an office, according to Clay T. Whitehead, was because

"they had been having a lot of trouble getting the executive branch to speak to them with one voice. It was quite common for them to ask the executive branch what its views were on certain matters and to get one opinion from the Justice Department, another from the State Department, and still other signals from the White House staff members who would make phone calls saying don't worry about what the Justice Department says, here's what we really think."<sup>51</sup>

As FCC Chairman Burch put it, "we have consistently favored a strong, centralized entity to deal with telecommunications issues within the executive branch."<sup>52</sup> There can be no doubt either that the OTP, as presidential advocate, was expected to become involved in

potentially controversial broadcast-related questions.

The OTP's role as presidential advocate was circumscribed into something akin to that played by special-interest groups, like broadcast-industry lobbyists or public-interest groups of organized citizens. OTP Director Whitehead recognized the limitations on OTP advocacy.

"OTP's only authority...is the authority to speak on behalf of the executive branch of the government and on behalf of the President for what the Congress and the FCC ought best be doing in the public interest in regulating broadcasting."<sup>53</sup>

Whitehead in fact saw that a strength of his organization came in making public forms of presidential influence that otherwise occur out of view.

"The fact that OTP exists, the fact that its director is confirmed by the Senate, and is answerable to the Senate and is thereby answerable to the press in a very open way, the fact that he is so visible means that what the administration is doing is forced out into the open. And that to my mind is very healthy...Now you cannot take the President of the United States out of the political policy debate about the future of communications and broadcasting in this country. The only question is whether he is going to do that through rather open and visible devices like OTP, where the issues are, and the positions are publicly aired...The Congress can call the director of OTP up. The Congress cannot call up the President's special assistants because of the presidential prerogatives on testifying, and that's why I think it is much healthier for those people who are concerned about the President's having undue influence - they should be very happy to see the President's influence exercised through something that is publicly visible and answerable to the Congress and the press and the courts."<sup>54</sup>

However enlightened any given policy position might be, its persuasiveness comes through the play of power. While the OTP lacked certain authority, it could draw upon presidential power to infuse



its role as policy advocate. Yet Spievack and others condemned any such use of presidential power for broadcast-related policy as inherently illegitimate. The three clearest examples in broadcast telecommunications are the license-renewal, network-reruns and public broadcasting policy issues. The OTP criticized television news judged unfriendly to the administration in power; called for a change in the economics of network entertainment programming practices; and demanded changes in the structure and operation of public broadcasting more in line with the political philosophy of the Nixon White House. The OTP's and the administration's actions in each case were denounced as inappropriate, particularly as they were seen as an encroachment on broadcasters' autonomy, network profitmaking and the noncommercial system. If the notion of a presidential advocate on telecommunications policy was less than welcomed, then the overtly partisan activities of the OTP on behalf of the Nixon administration's media politics were roundly rejected.

#### Nixon Media Politics

Another factor that constrained the OTP's effectiveness, one that perhaps instigated some OTP actions and mediated between other actions and their eventual policy consequences, was the political course pursued by the Nixon administration with regard to the press, especially towards network television news.

Richard Nixon's personal enmity towards the press had been public knowledge long before his election as President in 1968. Epitomized by his outburst, after losing the 1962 California gubernatorial

torial election, that the press "won't have Nixon to kick around anymore,"<sup>55</sup> Richard Nixon evidently harbored a suspicion that the working press was unable to report accurately and without malice his political activities. The style of Nixon's successful presidential campaign resulted from this belief. It was carefully tailored to reduce reliance on the press as primary vehicle for projecting a favorable image of the candidate as the "new Nixon."<sup>56</sup> The President's personal attitude and its formal expression in the election organization served as a fertile seedbed for the development of what has been characterized as an "offensive against the media" by the Nixon White House.<sup>57</sup>

At least two books, David Wise's The Politics of Lying<sup>58</sup> and William Porter's Assault on the Media, have documented the actions of the Nixon administration against its perceived enemies in the media of mass communication. These and other sources make a strong case that the intensity of concern in the Nixon White House for media coverage of the administration was unique among presidencies, and that the range of actions taken to rectify an unfavorable press grew beyond any previous administration's. This concern and the various actions it encouraged surely affected the operations of the President's own Office of Telecommunications Policy. Whether influenced directly by White House example or command, or through public perceptions of itself in light of White House actions, the policy-planning effectiveness of OTP was undoubtedly shaped in part by Nixon media politics.

A thorough-going analysis of ties between Nixon administration



media politics and OTP development, performance and abolition lies beyond the scope of this study. In fact such ties go intentionally unexplored in favor of presenting the OTP in larger historical and institutional contexts. These contexts de-emphasize the uniquenesses of the Nixon administration or the short-term political tactics of a single President. Any analysis, however, that attempts to assess constraints upon the OTP's effectiveness as a policy planner for broadcast-related national telecommunications issues ought not to ignore the fact of Nixon administration media politics. It is useful to review briefly their dimensions and suggest their possible bearing on the OTP.

Virtually all political action regarding the mass media occurred prior to 1973. As Porter put it, "the last twenty months of Richard Nixon's presidency were a time of increasingly feverish activity for him and for his staff, but no significant part of it was directed in any organized way toward harassing the media."<sup>59</sup> Most such activity went on during 1971 and 1972, and from it a strategy with apparently contradictory tendencies can be inferred. On the one hand, Nixon sought to insulate himself from regular contact with reporters and the products of their labor. To this end he reorganized the White House press office, establishing a communications director for the executive branch - a kind of super press secretary - to oversee outgoing news.<sup>60</sup> At the same time Nixon's staff devised an edited sampler, or briefing book, with selected items of political news.<sup>61</sup> This was to reduce the President's consumption of newspapers

and broadcast programs. Porter judges that as a result of these actions, "the movement of information in and out of this administration was more tightly controlled than in the past."<sup>62</sup>

Because of their backgrounds in advertising and corporate relations, Nixon's staff, Porter says, came to substitute in their dealing with the press a "corporate view of public relations for the traditional politician-journalist relationship."<sup>63</sup> More defensive against the probes of reporters, this changed attitude was part of the second element of Nixon strategy: close attention to the details of media coverage leading to hostile, often secret but frequently public attempts to silence critics in the press. Close attention to political media content would seem to be at odds with the strategy of removing the President from monitoring media; but one early memo by a high White House staff member identified, in its own words, "21 requests from the President in the last 30 days requesting specific actions relating to what could be considered unfair press coverage."<sup>64</sup> Clearly, Richard Nixon himself took an active role in following the portrayal of his administration in the nation's press, and instructed others to eliminate wherever possible unfavorable reporting.

Some of the more notable public attacks that arose from the White House's suspicious monitoring of news were Vice President Spiro Agnew's November 1969 speeches, one against a "small band of network commentators and self-appointed analysts: and another critical of the political news judgement of the New York Times and Washington Post;<sup>65</sup> action against the CBS broadcast, "Selling of the Pentagon" in February 1971;<sup>66</sup> attempts in court and elsewhere to block publication



of the so-called Pentagon Papers;<sup>67</sup> and filing of a Justice Department antitrust suit in April 1972 against the three broadcast networks.<sup>68</sup> This last move prompted the New York Times to ask editorially, whether, given the dubious conditions surrounding it, the suit's "origins may not lie as much in politics as in zeal of law enforcement."<sup>69</sup>

Less public moves included newly appointed FCC Chairman Dean Burch personally requesting transcripts from the networks of their commentators' remarks following a presidential speech in October 1969;<sup>70</sup> memos from White House chief of staff H.R. Haldeman early in 1970 regarding possible actions against NBC, judged to be especially unfriendly to the administration;<sup>71</sup> FBI investigation in late 1971 and early 1972 of CBS correspondent Daniel Schorr, on grounds that he would be offered some unspecified federal post.<sup>72</sup> Also in January 1970 a business associate of Richard Nixon's close friend Bebe Rebozo led a license challenge against one of Florida's most respected TV outlets, a Miami station owned the Washington Post-Newsweek corporation. Porter says this "was generally seen as an attempt to intimidate the Post."<sup>73</sup> Late, in September 1972, a taped Oval Office conversation between the President and Haldeman revealed a plan to challenge yet another Post station, this one in Jacksonville. That challenge was filed by persons with ties to Nixon associates shortly afterwards.<sup>74</sup> These and many other instances recorded by Wise and Porter demonstrate the great resources spent by a White House vigilant against a deeply distrusted press.

That certain OTP actions, in particular Director Whitehead's

speech-making, were perceived by influential members of the telecommunications policy community as part of the administration's media politics is indicated by the remarks by the House communications subcommittee chairman. Rep. Torbert Macdonald, in a speech of his own in October 1972, "unleashed a vitriolic attack in which he described the OTP as 'the most serious, continuing threat of the free broadcast system in this country.'"<sup>75</sup> Again in January 1973 Macdonald diagnosed the OTP as a symptom of "Nixon network neurosis," and said it was unfortunate that

"the administration's definition of OTP's role 'takes the form of dispatching Mr. Whitehead around the country making surprise speeches that have only one purpose - to control what goes on on the nation's TV screens, so that it will conform to the wishes of the Chief Executive.'"<sup>76</sup>

During the same month Broadcasting magazine assessed OTP actions as "the latest wrinkle in White House efforts to correct what the administration is convinced is a leftward tilt to network news."<sup>77</sup>

Documents later obtained through the Freedom of Information Act reveal that in November 1971 Director Whitehead wrote H. R. Haldeman about the OTP's contribution to White House concerns over the politics of public broadcasting. "Behind the scenes" the OTP "planted with the trade press the idea (of the) obvious liberal bias" of two public television journalists. Whitehead's speech-making, his memo claimed, had "widened the credibility gap" between stations and network and "acknowledged the liberal bias" of the network to the presumably more conservative local stations. In the near future the OTP promised to "quietly solicit critical articles" and "quietly encourage" station managers to complain to the public network



about the journalists and news practices generally.<sup>78</sup>

Thus the shadow of White House media politics fell across the OTP, its operation and its perceived objectives, and sometimes not without reason. In his defense, Whitehead claims that no one

"who's realistic about how government works would expect that an agency could exist in the executive branch, answerable directly to the President, that would not be political in some sense. And indeed my decision that OTP had to be involved in broadcasting was based on a recognition that the communications policy choices that the country faces are ultimately political issues...Now, I'm not talking 'political' necessarily in the partisan sense."<sup>79</sup>

While acknowledging that "I'm not pretending that I was standing on an Ivory Soap box only discussing lofty issues," Whitehead does believe that the President, "in spite of his obvious faults, felt very strongly that there ought not to be an extensive amount of control of government over the broadcast system...He also had a certain very narrow political streak that we've all read about a lot." Whitehead judges that conservative political positions, of the kind he believes were expressed by the OTP, were unfairly treated by policy participants and by the press.

"A lot of people who accused me of politicizing OTP were implicitly saying, we don't like the political judgements you're making. Nobody on the liberal side accused (former FCC Commissioner) Nick Johnson of politicizing the FCC because most of the liberals agreed with the kind of political goals that Nick Johnson was furthering. So you've got to be careful in talking about politics and politicization to make sure that you understand what is a legitimate political issue as opposed to whose political ox is being gored at the moment...You cannot take the President of the United States out of the political policy debate about the future of communications and broadcasting in this country."<sup>80</sup>

To what extent, in Whitehead's opinion, did Nixon media politics as pursued by the White House constrain the OTP? Wasn't it

likely that outsiders - fellow telecommunications policy planners, for example - would see more than mere coincidence to such OTP actions as Whitehead's Indianapolis speech against "ideological plugola" in network television news and the concurrent challenge of Washington Post broadcast licenses? Doesn't the subsequent revelation of tapes of the President and Haldeman planning such an assault confirm outsiders' judgements?

"I did not know at the time I gave that address that those conversations had taken place in the Oval Office. Now, with the benefit of hindsight, I wouldn't have done it...The White House was vociferously denying that they had any role in (the license challenge). They were lying - they were lying to me and they were lying to you... I believed them. Perhaps I was too naive."<sup>81</sup>

Did not Whitehead feel that the controversial actions of the OTP in criticizing the press and calling for a new telecommunications order in this country either was, or might be perceived as being part of the same cloth as White House media politics?

"I felt that it was perfectly proper and appropriate from time to time to remind the press that they have a social responsibility and that may be they're not doing the best job they could to live up to that. But that is a far different thing than using the legal processes of government to coerce the press - the FBI investigation of a correspondent, the phone call to the head of the FCC...that you ought to monitor the news of the networks...the conversation in the Oval Office about the harassment of the Washington Post stations..to try to challenge their licenses...those are the kinds of things that in my mind have no place in government of the United States, and if I had been...asked to be involved in any of it, I would have had no choice but to quit."<sup>82</sup>

The precise effect of Nixon administration politics toward media upon OTP policy activities remains uncertain and mostly beyond the scope of the present study. Yet it does appear to have



been a factor in both the operation of the OTP and in the interpretation of the OTP's actions by influential actors in national telecommunications policy planning. In this way Nixon media politics constitute a probably important intermediary constraint on OTP performance, one which arose directly from the particular circumstances of Richard Nixon's administration.

#### Whitehead and the OTP

A key element in the way the OTP carried out policy planning, conducted relations with more powerful actors and figured into Nixon administration politics was the manner in which the organization was run. This was largely the responsibility of Clay T. Whitehead. The OTP gained substantial notoriety during the Whitehead years, for example, from the nature of its involvement in broadcast-related issues. The organization could have been expected, therefore, to give over a substantial portion of its contracted studies to broadcast matters. A review of the record reveals otherwise.<sup>83</sup> Whitehead explains this imbalance between the OTP's public participation in broadcast-related telecommunications and its lack of broadcast-related research by saying that, "the common carrier issues require more money because there are lots of very complicated researchable details that have to be worked out on technology. Broadcast technology, cable technology are not very complicated,"<sup>84</sup> If broadcast-related problems were not so readily amendable to studies of hardware or to the use of certain methodologies, why did not the OTP contract out studies of a more philosophical or qualitative bent?

"Well, simply, because it was hard to...define those things in...a way to find good people who were interested in thinking about it." Constitutional law scholars were approached, says Whitehead, but their "reaction was that's awfully nitty gritty, that's awfully technical and I really don't think I'd be very interested in working on that." Academics in the field of communications were considered, "but by and large the quality was not that good." Who then, within the OTP, was responsible for developing courses of action for broadcast-related policy questions? In general, Whitehead said, ideas were generated by individual staff members, by group "brain storming" sessions, and from people outside the OTP, including persons at the White House. But "it was very heavily me and my general counsel...Scalia then Goldberg."<sup>85</sup>

Whitehead's personal commitment to broadcast-related issues was most evident publicly in his speech making. This expenditure of the director's time and energy in the publicity realm, one respondent claimed, came largely at the urging of Brian Lamb, OTP assistant director for congressional and media relations. The objective was to obtain, quickly and with little expenditure of resources, an organizational image as an aggressive, tough-questioning policy player. These addresses, however, seem to have had a rather different effect. Before the OTP was even a year old, in June 1971 Broadcasting magazine reported that "there are some who feel that Mr. Whitehead has exacerbated matters by his speeches... 'pontificating,' as one FCC official put it, 'suggesting he's the last word.'"<sup>86</sup> By



the time, in February 1973, when Whitehead appeared before Senator Pastore during the OTP's first oversight hearing, Pastore remarked, "we are getting all this razz-matazz, all this dazzle and dramatics... We are only making speeches and getting a lot of people excited."<sup>87</sup> Over half the pages of that hearing's transcript reprinted editorial reactions by the nation's newspapers to Whitehead's controversial November 1972 speech in Indianapolis on license renewal and network news.<sup>88</sup> While Pastore and others pressed the OTP for substantive legislative proposals, Whitehead made speeches. Even he later recognized the ultimate impotence of this tactic, when he told William F. Buckley, Jr., "Nobody paid much attention to me until I started introducing legislation."<sup>89</sup> Other participants in policy planning for broadcast-related issues were paying attention, of course. As Broadcasting magazine put it in a September 1973 analysis, "Whatever success Mr. Whitehead achieved in projecting the issues he was discussing into the arena of national debate, he managed to make an issue of himself."<sup>90</sup>

While Whitehead was projecting himself into policy debates, he was apparently failing to provide adequate internal management for the OTP. Two respondents who had served closely under Whitehead agreed privately with an anonymous FCC official quoted in Broadcasting as saying Whitehead is "a conspicuously unsuccessful administrator." On the one hand Whitehead's personal aloofness, his "deep-thinker" style kept him out of touch with the OTP executive staff members; that left the "staff wandering around the halls," leaderless, as one

put it. On the other hand, Whitehead was reportedly a "terrible procrastinator" who was difficult to get to make hard decisions. These qualities, plus his youth (just 31 at appointment) and his administrative inexperience may have contributed to the turn-over among high-level OTP executives. In 1972 Whitehead lost both his general counsel and deputy director; the latter position remained unfilled for many months afterward. In 1973 Brian Lamb, responsible for congressional and media relations, also departed.<sup>91</sup>

In August 1972 the OTP was said to be suffering from serious staff morale problems, partly because of persistent rumors that Director Whitehead himself would soon resign.<sup>92</sup> It was later reported that Whitehead would leave following Nixon's executive-branch reorganization after the 1972 election victory.<sup>93</sup> Such reports persisted until early 1974, when it had become clear that Whitehead would vacate his OTP post later that year.<sup>94</sup> Whitehead himself said, "It was my original view that I would stay until after the election in '72...Not that I had anything I particularly wanted to do, I just didn't want to spend a very long time in that job."<sup>95</sup> Other respondents agreed, saying that had he had a clear option to the OTP directorship, Whitehead might have resigned earlier. Whitehead stayed longer than planned, he said,

"because of the political turn of events, because of Watergate. There were some things I wanted to accomplish, and I felt that I ought to stay around to accomplish them. I very much wanted to get the long-range funding for public television worked out, and I very much wanted to get the Cabinet committee report on cable television done."<sup>96</sup>

Whitehead also played a key role in the transition to the Ford



administration.<sup>97</sup>

A further complication of OTP's management was its relationship to the President. The OTP's predecessor organizations had not fared well in their ability to maintain regular contact with the President. A previous director of telecommunications management never once met with President Lyndon Johnson after his appointment. Senator Pastore reminded both Whitehead and Mansur of this difficulty at their nomination hearings.<sup>98</sup> Whitehead, early in the OTP's history, stressed the OTP's proximity to the President.<sup>99</sup> However, by late 1973 he was publicly suggesting that OTP ought to be relocated structurally, as Broadcasting put it, separate

"from the White House, not only geographically and administratively...but in the mind of Congress, the press and the public. There are those who would say that Mr. Whitehead encouraged the notion of such a tie by his frequent assertions that he advised the President and spoke for him on telecommunications... But he said last week that the idea of a 'White House Office of Telecommunications Policy handicaps the agency in dealing with broadcasting matters.'"<sup>100</sup>

Questions regarding the extent and frequency of Whitehead's dealings with the President, and whether the OTP in fact represented the President, were partly behind Chairman Macdonald's insistent interrogation of Whitehead during the 1972 hearings on funding for public broadcasting.<sup>101</sup>

Three examples of instances that prompted doubt about the OTP's actual relationship with the President were the denial in 1971 by the deputy White House press secretary that the President was concerned about public broadcasting at the same moment when Whitehead was claiming the President's support for his criticism of CPB.<sup>102</sup>

Later, in 1974, Whitehead was forced to change his plans to obtain Richard Nixon's imprimatur on the cable television report, releasing the study to, not from, the President.<sup>103</sup> At about the same time Nixon hesitated to give his approval to OTP support for legislation to provide long-term public broadcasting funding.<sup>104</sup>

Whitehead feels that the OTP's relations with the Nixon White House were similar to those experienced by any other executive agencies.

"On the one hand I was trying to be the objective, faithful public servant, trying to do what I thought was in the best interests of the country. I was also part of an administration, and as head of an agency, just as the secretary of state or the secretary of the treasury is answerable to the President - had to get his approval for any major policy initiatives."<sup>105</sup>

What degree of independence did the OTP enjoy in participating in broadcast-related policy matters?

"I was on a relatively long leash. There were times when the leash got shortened drastically, and I fought back. And that, by the way, I think, is a very important point: the fact that I knew, and my general counsel knew and my assistant directors knew that we were all answerable to more people than just the White House. I think that stiffened our backbone in some things."<sup>106</sup>

Whitehead reports that the OTP's sense of its multiple constituencies - the press, Congress, industry, citizens' groups - and the autonomy such a situation permitted earned the President's disfavor. "A number of the White House staff people got very upset with me at various points because I would not be a team player." With the White House, there was "constant contact and constant tension...Part of the tension is that people outside (OTP) don't perceive what your problems (with the White House) are."<sup>107</sup>



Whitehead stresses that in its relations with Richard Nixon, the OTP did

"have leverage with the White House. To the extent they have things they want to accomplish, you are a vehicle for getting some of those things accomplished, some of which you may agree with. You are a tremendously powerful block to the accomplishment of certain things they want accomplished if you feel that they should not be accomplished. Because you can simply not go along, you can refuse to take public positions and testify on the things they want. And when a President gets cross-ways with one of his agency heads, it weakens the President as well as weakening the agency. So there are strong incentives for the White House and the head of an agency to reach mutual accommodations. The President is not as omnipotent as the civics books might suggest. Some way the President needs the kind of expertise that OTP can provide, so it's very much a two-way street."<sup>108</sup>

In contrast to Whitehead's claims, Porter writes that "Whitehead, during the later years lost, until the very last, all his visibility and apparently most of his clout inside the administration."<sup>109</sup>

And White House aid Charles Colson is quoted as asking, what regard to Whitehead and the OTP, "Why do you pay any attention to him? He doesn't know a damn thing and he speaks for nobody,"<sup>110</sup>

Clearly Clay T. Whitehead's leadership of the OTP was a constraining element upon the organization's effectiveness and a contributing factor to the controversiality that lead to its eventual abolition.

## Footnotes

1. Charles Perrow, "Goals in complex organizations," American Sociological Review 26 (December 1961): 854-866.
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3. James D. Thompson, Organizations in Action (New York: McGraw-Hill, 1967), pp. 27-29.
4. U.S., Congress, Senate, Committee on Commerce, Nominations - 1970, Hearings before the Committee on Commerce, 91st Cong., 2nd sess., 1970, pp. 26-27.
5. U.S., Congress, Senate, Committee on Commerce, Nominations - 1970, Hearings before a subcommittee of the Senate Committee on Commerce, 91st Cong., 2nd sess., 1971, p. 29.
6. "Who will make TV's new rules?" Newsweek (31 May 1971), p. 77.
7. Interview conducted with Dr. Clay T. Whitehead in Washington, D.C., May 1976. Hereafter referred to as Whitehead interview.
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9. "A beleaguered Whitehead and battered OTP," Broadcasting, (17 September 1973): 17.
10. Whitehead interview.
11. U.S., Congress, Senate, Committee on Commerce, Overview of the Office of Telecommunications Policy, Hearings before a subcommittee of the Committee on Commerce, 93rd Cong., 1st sess., 1973, p. 2.
12. "A beleaguered Whitehead and battered OTP," p. 17.
13. "Parker doesn't mince words with his hosts," Broadcasting, 17 December 1973, p. 22.
14. U.S., Congress, Senate, Committee on Commerce, Nominations February - May, Hearings before a subcommittee of the Committee on Commerce, 93rd Cong., 2nd sess., 1974, p. 27.
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18. "Senators want OTP to be saved," Broadcasting, 7 February 1977, p. 25.
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20. "McKinsey study urges reshaping of OTP's mission," Broadcasting, 2 August 1976, pp. 30-31.
21. U.S., Congress, House, Committee on Government Operations, Reorganization Plan No. 1 of 1970, Hearings before a subcommittee of the House Committee on Government Operations, 91st Cong., 2nd sess., 1970, p. 55.
22. "Futurists talk about planning FCC regulation," Broadcasting, 21 July 1975, p. 26.
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24. U.S. Congress, House, Committee on Interstate and Foreign Commerce, Interim Report and Recommended Courses of Action Resulting from the Hearings on Telecommunications Research and Policy Development, 94th Cong., 1st sess., 1975, p. 15.
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26. "Van Deerlin unit hears from inside, outside and in between on the future of regulation," Broadcasting, 13 June 1977, p. 34.
27. Alfred Chandler, Jr., Strategy and Structure (Cambridge: MIT Press, 1963), p. 13.
28. "Who will make TV's new rules?", p. 77.
29. "Whitehead: Czar without czardom," Broadcasting, 14 June 1971, p. 48.
30. "A beleaguered Whitehead and battered OTP," p. 17.
31. "Nixon makes it official, names Eger No. 2 at OTP," Broadcasting, 6 August 1973, p. 6.
32. Whitehead interview.

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34. Ibid.
35. "A sadder Whitehead leaves OTP," Broadcasting, 26 August 1974, p. 17.
36. Whitehead interview.
37. "OTP seeks less friction in its dealings with other agencies and broadcasters," p. 30.
38. Interview conducted with then OTP Acting Director John Eger in April 1976.
39. U.S., Congress, Senate, Committee on Commerce, Overview of the Office of Telecommunications Policy, p. 27.
40. U.S., Congress, Senate, Committee on Commerce, Nominations - 1970, 1970, p. 28.
41. U.S., Congress, Senate, Committee on Commerce, Nomination - 1970, 1971, p. 30.
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43. "Whitehead and Pastore part on friendly terms after Senate testimony," Broadcasting, 24 June 1974, p. 40.
44. Whitehead interview.
45. "Another feud: Macdonald vs. Whitehead," Broadcasting, 15 November 1971, p. 8.
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51. Whitehead interview.

52. U.S. Congress, House, Committee on Government Operations, Reorganization Plan No. 1 of 1970, Hearings, p. 50.

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55. The full quote is cited, among other places, in David Wise, The Politics of Lying (New York: Random House, 1973), p. 24. Nixon said, "You won't have Nixon to kick around anymore, because, gentlemen, this is my last press conference."

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57. William E. Porter, Assault on the Media, (Ann Arbor: University of Michigan Press, 1976), p. 197.

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60. Ibid., pp. 23-31.

61. Patrick Buchanan, a presidential speech writer who contributed to at least one of Whitehead's controversial addresses, headed the group that prepared this briefing. See *ibid.*, pp. 55-57.

62. Ibid., p. 40.

63. Ibid., p. 35.

64. Ibid., pp. 40-41.

65. The first speech was delivered in Des Moines on 13 November 1969, the second in Montgomery, Alabama, one week later. See *ibid.*, pp. 43-51.

66. Juergen Arthur Heise, Minimum Disclosure (New York: W. W. Norton, 1979), pp. 49-50. See also "CBS and Congress: The 'Selling of the Pentagon,'" Educational Broadcasting Review 5 (Winter 1971-1972).

67. See Sanford J. Ungar, The Papers and the Papers (New York: E. P. Dutton, 1972).
68. See William E. Porter, Assault on the Media, pp. 154-159.
69. The New York Times (18 April 1972).
70. William E. Porter, Assault on the Media, p. 45.
71. The key memo was written by Jeb Magruder and entitled, "Tentative plan for press objectivity." Date 17 July 1970, it was sent confidentially to Haldeman and Herbert Klein. See *ibid.*, pp. 270-273.
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73. *Ibid.*, p. 54.
74. *Ibid.*, pp. 168-169.
75. "Macdonald blasts OTP, says it's being used to put reins on radio-TV," Broadcasting, 2 October 1972, p. 6.
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77. "The push has come to shove in broadcast journalism," Broadcasting, 1 January 1973, pp. 35-38, 40 and 44.
78. "How Mr. Whitehead helped out," Broadcasting, 20 November 1978, p. 52.
79. Whitehead interview.
80. *Ibid.*
81. CBS News, Face the Nation, 15 September 1974, transcript pp. 13-14.
82. *Ibid.*, pp. 12-13.
83. Appendix D reveals proportionately little research commissioned by the OTP on broadcast-related issues, compared with common carrier.
84. Whitehead interview.
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90. "A beleaguered Whitehead and battered OTP," p. 16.

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92. "Standing pat," Broadcasting, 14 August 1972, p. 7.

93. "Out, maybe...", Broadcasting, 18 December 1972, p. 5.

94. "OTP will still be there," Broadcasting, 8 January 1973, p. 11.

95. Whitehead interview.

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98. U.S., Congress, Senate, Committee on Commerce, Nominations - 1970, p. 28; U.S., Congress, Senate, Committee on Commerce, Nominations February - May, p. 33.

99. "A hot new breath down FCC's neck," Broadcasting, 28 September 1970, pp. 23-24; "How Nixon administration plans to cut TV networks down to size," Broadcasting, 12 February 1973, pp. 24-26.

100. "A beleaguered Whitehead and battered OTP," p. 18.

101. U.S., Congress, House, Committee on Interstate and Foreign Commerce, Financing for Public Broadcasting - 1972, pp. 278-286.

102. "For all to see: The CPB-OTP dispute," Broadcasting, 15 November 1971, p. 36.

103. "Cable report: Will it live as legacy of Whitehead?" Broadcasting, 4 February 1974, p. 20.

104. "Whitehead, White House appear at loggerheads over CPB funds," Broadcasting, 17 June 1974, p. 24.

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## CHAPTER VI

### SUMMARY AND CONCLUSION

This chapter summarizes findings of previous data and analysis chapters, reviews briefly the post-OTP participation of the National Telecommunications and Information Administration (NTIA) in policy planning for broadcast telecommunications and offers three basic conclusions to the present study.

Chapter II presented information on the founding and the abolition of the Office of Telecommunications Policy. It traced the development of the OTP from earlier executive branch involvement in national telecommunications management and regulation, and followed the major events of the OTP's decline during the 1974-1978 period through its replacement by the NTIA in 1977-1978. The executive branch, it was shown, has long participated in telecommunications matters. The President, members of the Cabinet and various executive departments have possessed authority or exercised leadership over such disparate concerns as early radio regulation, spectrum management, planning for national telecommunications emergencies and international negotiations. In the late sixties a series of studies conducted by congressional committees, the White House, the Comptroller General and Bureau of the Budget recommended the creation of an organization that would combine executive branch authority to manage federal telecommunications, to advise and represent the President in the regulation of non-governmental telecommunications and to plan systematically national telecommunications policies. This new entity, it was understood, would

address issues affecting forms of telecommunications that are also media of mass communication, namely AM and FM radio, broadcast television and cable-TV.

In early 1970 President Richard Nixon proposed an Office of Telecommunications Policy to meet these demands, and there was widespread support among the FCC, Congress, telecommunications industries and others for it. Following an active, controversial 4-year period (the OTP's broadcast-related activities are documented in Chapter III and summarized below), founding director Clay T. Whitehead resigned. From September 1974 until the OTP's successor organization, the NTIA, was established in March 1978, the OTP languished. For about half a year only there was a fulltime OTP director. There was talk of disbanding the OTP as early as January 1975. And there was little or no public involvement in planning or advocacy by the OTP for broadcast telecommunications. Still there remained support, especially in Congress, for a single federal telecommunications office with the OTP's authority to manage, advise and advocate, and most of all to plan. In April 1977 President Jimmy Carter proposed a reorganization of the Executive Office of the President that included abolition of the OTP. An assistant secretary in the Department of Commerce would head the newly founded NTIA and become chief presidential adviser and spokesperson on telecommunications issues. The NTIA would also, like the OTP, develop policy and oversee governmental use of the spectrum. The White House Domestic Policy staff would review telecommunications policy options when necessary and pass them through the assistant for domestic affairs to the President when his personal intervention



was required. The Office of Management and Budget (OMB) would assume responsibility for procurement of government telecommunications equipment.

Events surrounding establishment of the NTIA made certain matters clear. First there was concern that the OTP's double function as a key actor in administration media politics and as the chief telecommunications policy adviser not be permitted in this new organization. Second, there was sentiment for a complete rewriting of the executive order founding the NTIA in order to give greater clarity and strength to executive telecommunications authority. (This initiative was unsuccessful, but not because anyone quibbled with the notion of executive telecommunications policy authority. Rather interdepartmental rivalries over the allocation of that authority blocked further centralization in the NTIA). Third, more than once it was remarked that there existed a shared corporate-federal interest ("the national interest") in treating information as an ever more significant commodity and telecommunications as a business with important implications for the U.S. economy. Housing the OTP's successor in the Commerce Department seemed to underscore the official acceptability of this position on telecommunications policy planning. NTIA was made all the more acceptable, in contrast to the OTP, by the appointment of a veteran Washington telecommunications policy figure, Henry Geller, as its head. From the outset Geller downplayed NTIA's probable future involvement in broadcast-related issues, which had produced such controversy for the OTP, in favor of common-carrier telecommunications.

From approximately late 1971 until mid-1974 the Office of

Telecommunications Policy, under Director Clay T. Whitehead, engaged in the policy debate for seven major broadcast-related issues.

These were development, by the FCC, of regulatory rules for owning and operating domestic satellites; long-range funding and program production activities, especially for news and public affairs, for public broadcasting; short-term FCC rules for cable television in top-100 markets, particularly the rules governing payment for broadcast programming carried on the cable; proposed changes in the terms and conditions for broadcast station licensing; the deregulation of commercial AM and FM radio; limits on prime-time, network television program reruns; and an increase in VHF television outlets around the country.

The first major broadcast-related issue that involved the OTP had, in the end, little immediate bearing on broadcast telecommunications. Questions pertaining to regulatory rules for satellites were raised before the FCC in 1965 by the American Broadcasting Companies (ABC). By 1971, when the OTP urged the Commission to adopt an open-entry policy, and 1972, when the Commission accepted a policy with restrictions on only AT&T and COMSAT, the existing satellite monopolists, the principal use of the the prospective satellites was common carrier telecommunications. However, the OTP's success, along with the FCC staff, in helping persuade the Commission to move from imposing its traditional preference for close regulation was a fairly dramatic way of announcing the OTP presence. The organization's second involvement in broadcast-related issues was far less successful and generated



a great deal of animosity toward the OTP. In late 1971 Director Whitehead criticized the Corporation for Public Broadcasting (CPB) for becoming increasingly like the commercial networks in its centralized program production and distribution practices. Whitehead also questioned the propriety of funding with tax dollars public affairs programs that addressed sensitive political matters. The OTP official suggested that before public broadcasting would get administration support in its quest for congressional legislation providing long-term financial support, these points would have to be resolved. Over the next few years both chambers of Congress held hearings on funding bills, President Nixon vetoed one 2-year plan, the CPB board chairman resigned citing undue White House meddling, and certain practices were altered to encourage more local station participation in program production decision making. In June 1976 President Ford signed a 5-year funding bill that, at the time, enjoyed only partial OTP support.

For cable television the OTP adopted a posture of general support, beginning as early as January 1971. The OTP seemed to perceive cable as a technology fundamentally distinct from over-the-air broadcasting, and as such, one requiring lessened federal regulatory oversight. To this end Whitehead chaired a special Cabinet Committee on Cable Communications, set up in June 1971. This committee issued a report in 1974 that laid out a general approach to national policy for cable. Earlier, in 1971 and 1972, the OTP successfully mediated between broadcasters, the motion picture industry and cable operators

over copyright protection of programming carried on the cable. This agreement in turn forced the FCC to revise proposed regulatory rules it had already submitted to Congress. Attempts by the OTP to draft legislation implementing key points of the Cabinet report came to naught in the organization's waning years.

The issue which perhaps brought the OTP its most publicity was station license renewal policies. In an October 1971 speech Director Clay T. Whitehead had suggested basic revisions, most of which commercial broadcasters had been trying to obtain for years. These included abolition of the Fairness Doctrine, consideration of competing applications only when the license had first been revoked, elimination of requirements to ascertain formally community interests and lengthened license periods to five years. Slightly over a year later Whitehead tied administration support for such changes to local station pressures on network news operations and to end what Whitehead termed "ideological plugola." The partisanship of these remarks and the obvious nature of the quid pro quo brought mostly negative response to the OTP. Seventy pages of a Senate hearing on these OTP actions were filled with nearly universal editorial condemnation by the country's press. Over the next three years Congress considered similar legislation, but none passed into law. Some observers believed that the OTP had fatally linked the issue of license renewal changes favorable to broadcast industry interests with the partisan media politics of the Nixon administration.

Another issue of interest to broadcasters that the OTP



championed was the deregulation of commercial radio. In October 1972 the OTP began urging the FCC to adopt an experiment in licensing radio stations that would follow only engineering criteria. The underlying justification was that the large number and diverse content of present-day radio stations made regulatory intervention redundant and, in light of the First Amendment, undesirable. The Commission responded by instituting a task force that reduced mostly obsolete technical rules. Commissioner Richard Wiley, who headed the task force and later became FCC chairman, pressed his colleagues for more thorough-going deregulation, but was not successful during either his tenure or the OTP's lifetime.

Finally, the OTP supported two broadcast-related issues that were steadfastly opposed by dominant sectors of the industry. In September 1972, shortly before the presidential election, Richard Nixon instructed the OTP to look into demands by the Screen Actors Guild (SAG) that reruns of network television prime-time programming be limited. The SAG's expressed goal was more work for its members. The OTP carried out an economic analysis, met with the networks seeking voluntary compliance and even publicly intimated that antitrust action as one remedy. Citizen groups and the entire California congressional delegation supported the SAG position, while the networks strenuously opposed it. The OTP urged an FCC inquiry, which was begun late in 1974 and terminated without action nearly two years later. The second issue that met with industry opposition was so-called VHF drop-ins. In an interview marking his third anniversary as the OTP director, Clay T. Whitehead noted that a recent study

suggested that VHF-TV assignments could be increased nationally by as many as 60 new stations. Over the next few years the OTP, the FCC and the Association of Maximum Service Telecasters (AMST), an industry lobby group, contested the engineering reasoning behind that claim. Eventually, at the time when the OTP was being disbanded, the Commission considered a possible increase of perhaps four stations, one each in four markets around the country.

This study identified five major constraints that inhibited the OTP's ability to attain both its operative goals associated with the above mentioned broadcast telecommunications issues and its official goals, reflected in the OTP's founding mandate. The essence of this mandate has been interpreted as a mission to re-establish stability in national telecommunications policy activities and to reassert the historical domination of such groups as the broadcast networks. These constraints were a significant factor in bringing about the OTP's controversiality and, later, its abolition. The first constraint was the OTP's neglect of planning for a comprehensive national telecommunications policy scheme. Both part of its formal mandate and an informal expectation widely shared among established telecommunications policy actors, the planning function was generally ignored by the OTP in preference to advocacy on behalf of the President for selected policy issues. The chairman of the Senate communications subcommittee, John Pastore, repeatedly reminded the OTP during its first few years of the importance of this responsibility. Citizen group leaders and a reform-minded FCC commissioner acknowledge the desirability of having the OTP in order to plan policy. Director Whitehead changed his personal



position on this function's feasibility, shifting from an announcement that the OTP would help create a policy process responsive to change to a later admission that it was an impractical expectation, too large a task, too complex an assignment. When, about 1975, abolition of the OTP was periodically being discussed in public, there was regular expression of support for retaining some executive branch telecommunications planning office, if not the OTP itself. Influential members of Congress, the second full-time director of the OTP, a consulting firm that studied the OTP and others shared this sentiment. Also there occurred other events that underscored the growing timeliness of policy planning. These included establishment of an FCC Office of Plans and Policy, an FCC-sponsored conference to examine ad hoc decision making in regulation and congressional attempts to rewrite the entire Federal Communications Act. Whatever the reasons behind the OTP's failure to take a long-range systematic view of national telecommunications policy questions and produce policy options for regulators and legislators to act on, this was a major disappointment to the very policy actors whose continued support was essential to the OTP's effectiveness and, indeed, its survival.

This unfulfilled expectation undoubtedly played a part in the second major constraint, the OTP's strained tactical relations with established policy actors. The OTP's dealings with the FCC and Congress were especially problematic. At first some observers feared that OTP prowess in policy planning would allow it to overwhelm the Commission. In fact the FCC staff complained that the OTP did not cooperate sufficiently. Whitehead himself claimed close personal

relations with Chairman Dean Burch, but felt a low regard for the Commission's approach to regulatory policy issues. Relations were strained enough that the second OTP deputy director was chosen from Burch's personal staff. And the second full-time OTP director, himself a former FCC commissioner, announced publicly that the OTP would no longer be critical of the regulatory body. Among members of Congress, the OTP had a single consistent ally in John Pastore. Though critical at times, Pastore generally defended both the idea of an Office of Telecommunications Policy and the actual organization. Pastore's counterpart in the House, Torbert Macdonald, was openly hostile to the OTP. Early on he attacked the OTP's more dramatic policy actions as being merely headline-grabbing affairs, and he sought to reduce the FY 1973 budget for the OTP. Later budget cuts and the Weicker-Ribicoff bill in 1973 to abolish the OTP were characterized by Whitehead as congressional "retribution."

A third constraint grew out of the OTP's pursuit of its role as presidential advocate. Though a presidential presence was hardly unprecedented in the regulation of broadcast telecommunications, it had never before been formal. Circumscribed by law, the OTP could neither regulate, legislate nor adjudicate, as could the FCC, Congress and federal courts. Thus the OTP could never enjoy full partner status with these other authorities. Rather, it depended to a great extent on the power of the President to make itself heard and to lend persuasiveness to its policy positions. While the FCC, at least, made clear its desire for a single executive branch voice in telecommunica-



tions, other actors judged the OTP's policy involvement to be at times illegitimate. This was especially evident in such issues as public broadcasting, license renewal and network program reruns. Whatever the merits of the OTP positions in these cases, the OTP was condemned mostly for introducing the President where others thought the executive presence to be improper.

In acting as advocate for a particular President, Richard Nixon, the OTP brought a fourth constraint upon itself. The OTP was seen to be a significant element in Nixon administration media politics. In the context of other administration actions against the electronic press - Vice President Agnew's 1969 speeches, a questionable antitrust suit in 1972 against the networks, license challenges by Nixon friends against stations owned by Post-Newsweek - the OTP appeared to be (and sometimes actually was) an instrument of narrow partisan politics. This was especially apparent in Whitehead's Indianapolis speech where he charged "ideological plugola" in the news and in the OTP's behind-the-scenes machinations in the public broadcasting issue. A final source of constraint on the OTP was the leadership qualities of Director Whitehead. Apparently in an effort to create an image of the OTP as an aggressive policy actor, Whitehead chose to make inflammatory speeches on broadcast-related issues. He failed, however, to allocate organizational resources in developing substantive positions on these issues. The result was that Whitehead himself became an issue and the organization's ability and motives were questioned. Some participants have also noted that Whitehead's

personal style of aloofness and procrastination may have prevented efficient delegation of authority among high-level OTP officials. Staff morale was frequently reported as low, due partly to rumors of Whitehead's imminent departure. Finally, at least one writer has observed that Whitehead's influence in the Nixon White House had virtually disappeared long before Whitehead and his President resigned their offices in 1974.

At the time of the OTP's abolition and the establishment of the NTIA, there were indications that the OTP's successor would refrain from participation in broadcast-related issues. However, the NTIA, under the Carter administration, was fairly active in such policy questions and the Domestic Council of the Carter White House spoke out on at least three broadcast telecommunications issues.

The NTIA activity can be divided into two general categories. First is the frequent testimony of NTIA chief Henry Geller before congressional committees attempting, in 1978 and 1979, to rewrite the Federal Communications Act. There he urged, among other things, the creation of a National Telecommunications Agency (NTA) which would have sole authority over U.S. management of the radio spectrum.<sup>1</sup> The second category comprises petitions and recommendations made to the FCC. These touched on the following broadcast-related issues: the use of program standards and the utility of comparative hearings in station license renewal; deregulation of radio; reducing to 9kHz the minimal distance between AM station frequency assignments; copyright problems in the importation of distant broadcast signals and



their retransmission by cable operators; an increase in FM stations; and development of appropriate regulatory policies for direct broadcast satellites.<sup>2</sup>

The major broadcast activity with which the Carter White House was directly involved concerned minority ownership of television and radio stations. The Minority Telecommunications Development Program, established in January 1978, was directed by the NTIA and involved the participation of FCC Chairman Charles Ferris, a Carter appointee. This program was publicized especially heavily in the months preceding the 1980 presidential election.<sup>3</sup> At about the same time there was publicity for letters written by the Domestic Council's Richard Neustadt. In them Neustadt urged that either the Congress or the FCC take action to relocate a New York City television channel to New Jersey, a state without a commercial VHF station, and the drafting, by the NTIA, of a privacy code meant to protect customers of the cable industry. Both positions brought criticism that the White House was playing election politics with complex and long-standing broadcast telecommunications issues.<sup>4</sup>

In summing up the first 1000 days of the Carter administration's telecommunications record, White House aide Steve Simmons and Assistant Secretary of Commerce for Communications and Information Henry Geller identified three areas of accomplishment and concern: so-called First Amendment rights of the broadcast industry, including opposition by the administration to the Fairness Doctrine, support for station editorializing by public broadcasters and a federal shield law to protect journalists from police and court investigation; program diversity, including

minority ownership, cable deregulation, reduced (9 kHz) spacing between AM stations and closed captioning of television programs for the deaf; and a general reduction of regulatory paperwork for government and industry.<sup>5</sup>

Thus, whatever the actual achievement of the OTP's successor, it was, contrary to early indications, moderately active in broadcast-related telecommunications issues.

There are three basic conclusions to this study that point to future patterns in national planning for telecommunications:

1. The founding of the Office of Telecommunications Policy should not be construed as an isolated event, nor should it be perceived as the creature of a single President and his administration. Rather, the OTP was the culmination of a lengthy series of actions that led to the eventual establishment of a capability within the executive branch of the federal government with authority and expertise to take the long view on national telecommunications policy questions. Most, if not all, major actors acquiesced in - if they did not actively support - the OTP's founding during a period of uncertainty in telecommunications regulation. The OTP was representative of larger tendencies toward economic cooperation between industry and government and indicative of the growing role of analytic and management experts in that cooperation. It was also a further assertion of the importance of the executive - called both the "steering center"<sup>6</sup> of advanced industrial society and, in the U.S., the "Imperial Presidency"<sup>7</sup> - in domestic planning and international negotiation for telecommunications. The U.S., Chisman says, is the "world's first



'information society.'" Yet neither the FCC nor the courts, both "reactive in nature," nor the Congress, for reasons of its awkward committee structure, can be expected to adopt a planning perspective on telecommunications issues.<sup>8</sup> It is the executive that must take the lead. The OTP, in this respect, was a significant first step; it may have been without precedent in the West. Homet writes that despite the formalized relationships between telecommunications media and state authorities in Western European countries, such executive "consolidation and coordination" for policy activities as were represented by the OTP and later by the NTIA are simply lacking there.<sup>9</sup> The U.S. may thus have been in the forefront of this tendency toward executive leadership for telecommunications policy planning.

2. The Office of Telecommunications Policy acted in such a way as to alienate its natural allies and bring on, first, its own powerlessness and, later, its termination as an organizational entity. By venturing into "program content issues that primarily reflected the views of the administration in power," the OTP, writes Mosco, "overshadowed and severely curtailed" its opportunity "to serve as a source of general questioning and long range planning for the Commission."<sup>10</sup> The OTP's controversiality, in fact, grew largely out of the volatile character of broadcast telecommunications. As media of mass communication, radio, television, cable-TV and other emerging telecommunications forms are fundamentally significant to the political-economic health of the United States. However, unlike other nations, the American broadcast media are not controlled directly by the state. They are, as journalistic enterprise especially, the inheritors of

First Amendment freedoms. Their operational autonomy from political officials, with whom they otherwise share a great deal, is a common attribute. This independence can lead to actions by broadcast media that actually threaten their own and the state's well being. As Gouldner points out with reference to the print media,

"Considerations of marketing and short-term profitability...generate internal contradictions leading publishers to tolerate (and promote) a counter-culture hostile to their own long-term property interests...The system's long-term interests are sold out for short-term profits."<sup>11</sup>

In the area of news, for instance, there may result disquieting gaps between official state accounts of social reality and those constructed by journalists.<sup>12</sup> Yet, as the OTP discovered, state response to media action can create further, and more serious, difficulties.

At the same time broadcasters have not hesitated to manipulate the regulatory process. Depending upon circumstances, they have sought the general protection offered by federal regulation or sought specific policies keeping established interests from competition or sought deregulation when the market power of regulated monopolists assured their continued domination of an unregulated marketplace.

Any cooperative industry-government venture in policy planning "in the national interest" for broadcast-related telecommunications is thus bound to be a delicate undertaking, easily a source of conflicting short- and long-term interests, practices and objectives.

3. Despite expectations to the contrary, the National Telecommunications and Information Administration did in fact involve itself in broadcast-related issues. This speaks partly to the lack, in the legislative branch, of analytical policy expertise required to



address such a monumental task as rewriting the nearly 50-year old Federal Communications Act. While the Carter White House did express views on relatively few broadcast matters, their timing and substance were obviously political in the partisan sense. However, apparently taking a lesson from the controversy stirred by the Nixon administration's regular use of the OTP for political ends, the NTIA seems to have operated fairly independently from the President. One knowledgeable observer described NTIA director Henry Geller as a "free-wheeler," identifying issues, taking positions and advocating policy options almost completely on his own. Such a condition, however, could only be a temporary one, given the social importance of telecommunications and the historical primacy of the President. This may have been a phenomenon of the transient Carter administration, as much as a reaction to the OTP experience.

The low-key activity of the NTIA, following the OTP's debacle, will be, in the near future, superseded by other attempts at telecommunications policy planning "in the national interest." International affairs is one source of pressure. Mosco notes that, "Among the most striking characteristics of the United States international communications system is the lack of unified policy-making structure."<sup>13</sup> Domestically, new technologies and new industrial opportunities demand greater attention to telecommunications. Yet the future is far from clear. Congress failed to pass a comprehensive rewrite of the Communications Act - one which included a proposed National Telecommunications Agency to administer governmental and nongovernmental spectrum usage and which enjoyed the expressed support of Geller and former OTP

officials Whitehead and Eger. Some observers discount the likelihood of a full-fledged Department of Communications.<sup>14</sup> Deregulation - in vogue under the Reagan administration - will surely require less of a federal presence. Indeed, the Federal Communications Commission may disband its Office of Plans and Policy,<sup>15</sup> originally set up in response to the founding of the OTP.

Nevertheless, as the U.S. and the world begin to shape "a new information order," there will be demands, similar to those in the early days of American broadcasting, from dominant interests who want to preserve or extend their wealth or political influence under the banner of "the public interest." The legitimacy afforded such interests, in and out of government, by an executive policy planner is simply unavailable in any other way. Thus, despite the many complexities and potential controversies so readily observable in the OTP case, it is reasonable to expect continuing attempts to establish and maintain an executive office with similar authority, organizational goals and operating characteristics as the Office of Telecommunications Policy. It would be, in Chisman's words, "irresponsible to argue against relationalizing" the already intimate and interdependent policy relationship between the American government and U.S. telecommunications industries.<sup>16</sup>



## Footnotes

1. See "Geller wants full authority over allocation of spectrum space," Broadcasting, 24 July 1978, p. 84; "Broadcasting's turn in rewrite arena; NTIA weighs in on side of change," Broadcasting, 11 September 1978, pp. 28-29; "Retransmission consent plan gets some amplification," Broadcasting, 16 April 1979, pp. 40 and 42; "Retransmission consent at top of the list at rewrite hearings," Broadcasting, 14 May 1979, p. 36; "Rewrite II: The jawboning begins in earnest," Broadcasting, 21 May 1979, pp. 32-33; "All this rewrite talk," Broadcasting, 28 May 1979, pp. 67-68.
2. See "Geller takes initiative on license renewal," Broadcasting, 6 November 1978, pp. 25-26; "NTIA endorses deregulation of radio," Broadcasting, 8 January 1979, p. 26; "NTIA gets some backing from broadcasters for its proposal on program standards," Broadcasting, 8 January 1979, p. 27; "NTIA weight thrown behind 9 kHz spacing," Broadcasting, 15 January 1979, pp. 29-30; "Can more FM's be wrung out of the spectrum?" Broadcasting, 22 January 1979, p. 28; "NTIA dips into discard pile to solve copyright problem caused by superstations," Broadcasting, 12 February 1979, p. 34; "Geller's new, old design for distant signals," Broadcasting, 19 February 1979, p. 27; "Geller flexes administration muscle on 9 kHz," Broadcasting, 5 March 1979, pp. 32-33; "NTIA adds to menu of ideas it's offering the FCC," Broadcasting, 16 April 1979, pp. 40 and 42; "NTIA's latest plan for more stations - this time its FM," Broadcasting, 23 April 1979, p. 65; "Geller tries to get things going on 9 kHz," Broadcasting, 4 June 1979, p. 32; "NTIA's Lyons suggests interim policy on DBS," Broadcasting, 18 August 1979, pp. 56 and 58; "Sizing up a 9 kHz switch," Broadcasting, 8 September 1980, p. 38.
3. "The White House showcases its minority push for broadcasting," Broadcasting, 15 September 1980, p. 32.
4. "White House shows interest in privacy, New Jersey VHF," Broadcasting, 3 November 1980, p. 58.
5. "Carter and telecommunications: The first 1,030 days," Broadcasting, 26 November 1980, pp. 26 and 28 and 30 and 34.
6. Claus Mueller, The Politics of Communication. (New York: Oxford University Press, 1973), p. 8.
7. Arthur Schlesinger, The Imperial Presidency. (Boston: Houghton Mufflin, 1973).
8. Forrest Chisman, "The executive branch," in Glen O. Robinson, ed., Communications for Tomorrow, (New York: Praeger, 1978), pp. 402-403.

9. Roland S. Homet, Jr., Politics, Cultures and Communication (New York: Aspen Institute, 1979), p.81.
10. Vincent Mosco, Broadcasting in the United States. (Norwood, N.J.: Ablex, 1978), p. 129.
11. Alvin W. Gouldner, The Dialectic of Ideology and Technology. (New York: Seabury, 1976), p. 157.
12. Ibid., p. 158.
13. Vincent Mosco, "Who makes U.S. government policy in world communications?" Journal of Communication 29, (Winter 1979): 158.
14. Forrest Chisman, "The executive branch," p. 412.
15. See "Surgery at FCC," Broadcasting, 18 May 1981, p. 7; "Up to it?" Broadcasting, 10 August 1981, p. 7.
16. Forrest Chisman, "The executive branch," pp. 408-409.



# INDEX

	Page
Abolition of OTP,	
1977 reorganization plan	43, 45-16
1978 executive order	49
OMB recommendation	37-39
Ad hoc decision making	147-148
Broadcast regulation,	
distribution of authority	135-140
instabilities in	150-156
rationale	131-132
utility to participants	140-144
Bureaucratic symbiosis	143
Cable television	
cabinet committee	78-79, 82-83
FCBA speech	78
OTP draft bills	85, 87-88
<u>Report</u>	84-85
rules compromise	80-81
summary	171-220
Effectiveness of OTP	167, 175-176
Electromagnetic spectrum	
management of	129-130
Executive branch and telecommunications	
history of	13-25
Founding of OTP	25-37
Goals, organization	
official	155-157
operative	168-175
Legalism	146-147
License renewal	
House hearings	96-97
"ideological plugola"	93
Indianapolis-Sigma Delta Chi speech	92-94
IRTS speech	90-92
Senate hearings	95
summary	173-221

	Page
Mass communication significance and characteristics	132-134
Network dominance	142
Network reruns	
Bernard Balmuth's FCC petition	105-107
OTP staff study	108
SAG involvement	107
summary	174, 222
NTIA founding	43-50
NTIA performance	227-229
Public broadcasting	
5-year funding bill	75
NAEB speech	67-69
Nixon veto	72
summary	169-170, 220
Torbert Macdonald	69, 70, 75
White House "meddling"	72-73
Radio deregulation	
FCC "reregulation" task force	103-104
IRTS speech	101
OTP staff report	102
summary	172, 222
Research on OTP	6-9
Roles of OTP	1, 156-158, 178-185, 191-202
Satellites	
limited entry policy	62
multiple entry policy	63
open entry policy	61
summary	168-169, 219
Significance of OTP	3, 218, 229-233
Studies recommending OTP	21-30
Study design	3-5
Subgovernment	148-150, 157



	Page
Technocratic rationalization	157-158
VHF drop-ins	
AMST study	113
APP interview	111
FCC petition	114
OTP staff study	112, 113
summary	174-175, 222-223

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## APPENDIX

- A. THE OTP: FORMAL STRUCTURES
- B. BIOGRAPHIES OF KEY OTP OFFICIALS
- C. OTP ANNUAL BUDGETS
- D. OTP RESEARCH: PUBLICATIONS, STUDIES, CONTRACTS
- E. CLAY T. WHITEHEAD: PUBLIC ADDRESSES ON BROADCAST RELATED ISSUES



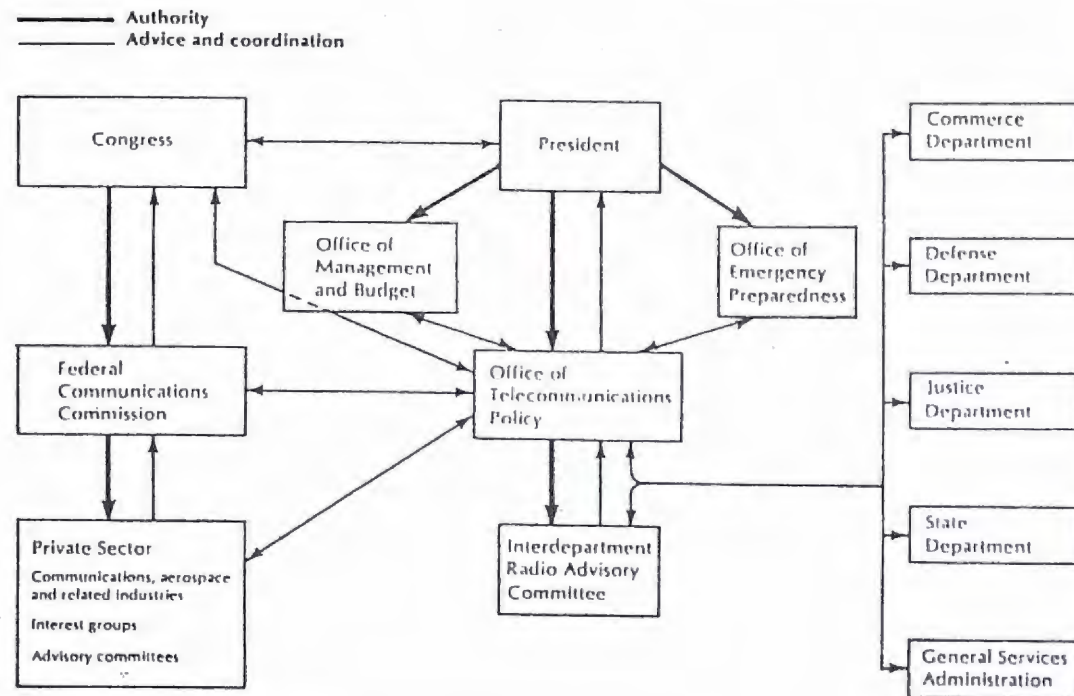
276

APPENDIX A

THE OTP: FORMAL STRUCTURES

FIGURE 1

OTP LOCATION IN THE TELECOMMUNICATIONS POLICY ARENA



(Source: National Journal, 13 February 1971.)



FIGURE 2

OTP ORGANIZATION CHART, 1973

(Based on chart dated 8 January 1973)

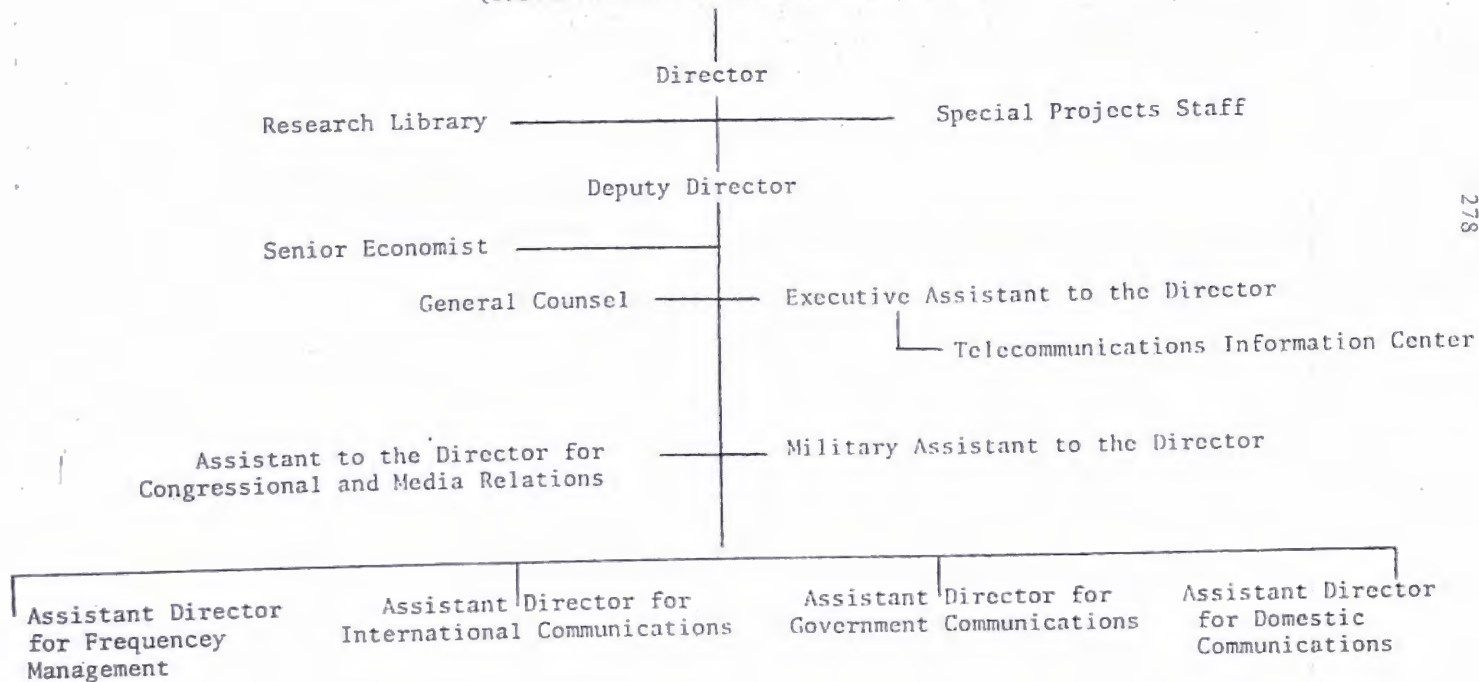
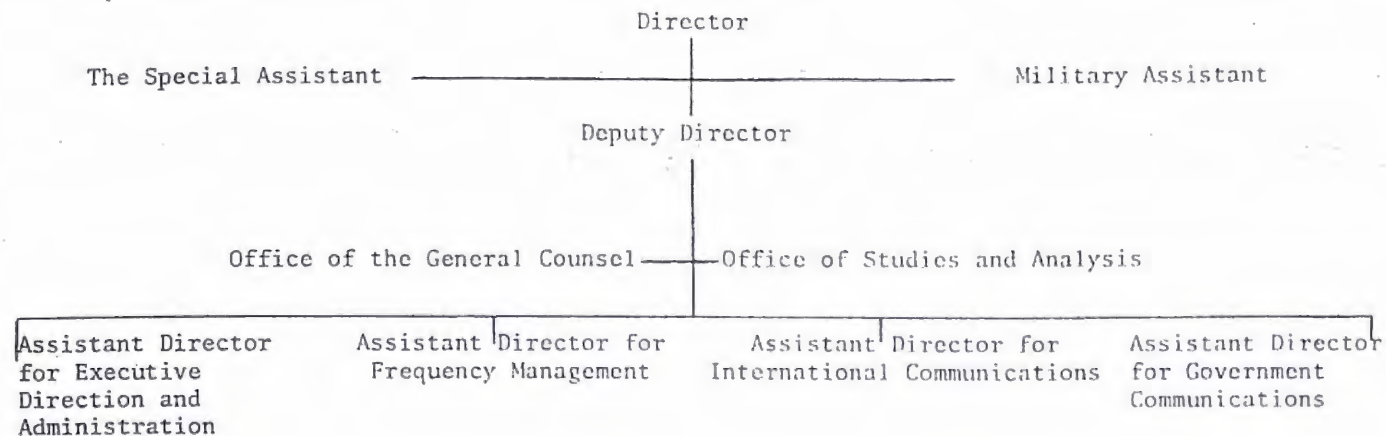


FIGURE 3

OTP ORGANIZATION CHART, 1975

(Based on a chart appearing in U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service and General Government Appropriations FY1976, Hearings before a subcommittee of the Committee on Appropriations, 94th Cong., 1st sess., p. 2003.)





## APPENDIX B

## BIOGRAPHIES OF KEY OTP OFFICIALS

Biographic information is taken mostly from OTP press releases, individuals' curricula vitae, and congressional publications; also from "OTP speaks for the President - And Hears Some Static," Bruce E. Thorp, National Journal, 13 February 1971: 156-181. Information on life after the OTP for Clay T. Whitehead and John Eger is summarized in, "Where are they now - the Nixon-Ford media team," Broadcasting, 8 August 1977, pp. 27-28 and 30 and 31 and 32.)

Clay T. Whitehead (Founding Director)

Born in northwest Kansas in 1938, Whitehead took BS and MS degrees in 1960 and 1961 from the Massachusetts Institute of Technology in electrical engineering, with a major emphasis in information theory and systems engineering. He earned the PhD from MIT in 1967, specializing in political analysis, economic and research and development. His association with MIT before joining OTP lasted from 1956 through 1967.

During his undergraduate studies, Whitehead spent about a year at the Bell Telephone Laboratories under an MIT-Bell co-operative program. Between 1961 and 1967 he taught courses in political science and electronics part-time at MIT, and worked as a consultant to the Rand Corporation in arms control, air defense and spacecraft engineering. He also consulted for the Bureau of the Budget.

From 1964-1965 Whitehead served in the army, working on biological and chemical warfare defense. He left the service as a captain.

After obtaining his PhD in 1967, he went to Rand full-time and planned and organized policy research on health services and other domestic issues. He approached the Nixon campaign in the summer of 1968 after Humphrey representatives had first spoken to him, and offered to conduct research on the use of the budget as a presidential instrument in national policy. He took a leave from Rand to do so that fall. After Nixon's election Whitehead joined the Task Force on Budget Policies, part of the formal transition between administrations. He came aboard the White House staff in January 1969 as a special assistant to the President, responsible for a gamut of policy areas, including space, atomic energy, maritime affairs, communications and federal regulation. He was appointed chairman on August 1969 of a presidential committee on domestic satellites, and co-drafted the December 1969 memorandum that recommended the creation of the OTP.

He was nominated and confirmed as OTP director during the summer of 1970 and sworn in at the end of September. Later, after planning and

assisting in the transition from the Nixon to Ford administrations, Whitehead resigned from the OTP effective September 1974. He then took a joint appointment with Harvard University's Kennedy School of Politics and MIT, and served on the board of the Washington-based American Enterprise Institute. Whitehead, at this writing, is president of Hughes Communications, which sells satellite transponders.

John Eger (Deputy Director and Acting-Director)

In August 1973 John Eger was nominated by the President to fill the vacant OTP deputy directorship. He came to the OTP from the Federal Communications Commission where he had worked for about two years as Chairman Dean Burch's legal assistant. During the five months prior to assuming that position, from January through June 1971, Eger had served under the Commission's general counsel.

Eger is a native Chicagoan, born there in 1940, and was educated at Virginia Military Academy, receiving the BA in 1962, and at Chicago's John Marshall Law School, where he earned the JD in 1970. He served from 1962-1965 as an infantry officer in the army, and from 1965-1970 worked for Illinois Bell Telephone Company in various management positions, including as a liason to Bell Labs. For a year after receiving his law degree, Eger was employed as a trial attorney in Chicago and also worked as assistant legal counsel to the Chicago Bar Association. At this writing Eger is vice president for strategic planning and international development at CBS.

Thomas J. Houser (Director)

Thomas J. Houser took his law degree from Northwestern University in 1959, spending the next several years as a railroad corporation attorney. He was then, in fairly rapid succession, legal counsel for the Chicago office of Senator Charles Percy (R-Ill.); in the private practice of law with former FCC Chairman Newton Minnow's Chicago firm; deputy director of the Peace Corps; and an FCC commissioner. He then returned to private law practice in Chicago. Keeping close ties with the Republican party, he headed the 1972 Nixon re-election committee in Illinois and maintained a personal relationship with Donald Rumsfeld, former Illinois congressman and later President Ford's White House chief of staff and secretary of defense. Houser joined the OTP in late 1976. He left in early 1977 to join a Washington, D.C. law firm.

George F. Mansur, Jr. (Deputy Director)

Mansur earned a BS in electrical engineering from the University of Missouri in 1949, and an MS in the same discipline from the school in 1956. He took the PhD from Iowa State University in 1963, also in electrical engineering.



Mansur's first reported employer was Emerson Electric, a major defense contractor in St. Louis. He served in the navy from 1951-1953, designing and testing radar. From 1953 through 1971 Mansur worked for Collins Radio, Inc., holding numerous positions including a project directorship for guidance-control equipment for surface-to-air missiles; a directorship for navy communication and data systems development; program manager for Collins' involvement in the Apollo space program; and finally, as director of Collins' large microwave and space system division. He reportedly holds several classified patents.

He joined the OTP immediately after Whitehead's appointment. He left in April 1972 to become a vice president of Martin-Marietta Corporation in Orlando, Florida.

Antonin Scalia (General Counsel)

Antonin Scalia joined the OTP as general counsel in March 1971 and left the organization a year and a half later in September 1972. After studying at Georgetown University and at the University of Fribourg in Switzerland, Scalia took his law degree from Harvard in 1960. He spent the next several years privately practicing law in Cleveland, and taught from 1967 at the University of Virginia Law School. Scalia left the OTP when President Nixon appointed him chairman of the Administrative Conference of the United States. He later served as assistant attorney general and taught at the University of Chicago Law School.

Henry Goldberg (General Counsel)

Henry Goldberg came to the Federal Communications Commission as a staff attorney in June 1971, was appointed acting-general counsel in September 1972 and the following March became the OTP's general counsel. Born in 1940 in Boston, he graduated from Boston University in 1961 and took an LLB from Columbia University Law School in 1964. From 1964-1966 he served as a captain at the army's intelligence school at Fort Holabird, Maryland, teaching legal principles. From 1966-1971 he worked for one of Washington's largest and most prestigious law firms, Covington and Burling. He is a member of the District of Columbia and New York State Bars. After leaving the OTP, Goldberg has been associated with a Washington, D.C. law firm.

Walter R. Hinchman (Assistant Director for Domestic Communication)

Born in West Virginia in 1934, Hinchman took a BS in physics from Ohio State University in 1955. From then until 1961 he worked on guided missiles for the Raytheon Co. and U.S. Naval Ordnance Laboratories. From 1961-1967 he was employed at the Commerce Department's spectrum lab in Boulder, Colorado, working on defense engineering

During 1968 he was a member of President Johnson's Task Force on

Telecommunications. The next two years he privately consulted, including among his clients Clay Whitehead, who at the time was a presidential assistant formulating an administration position on domestic satellites. Hinchman joined the OTP in November 1970 as a program manager, later became assistant director for domestic communications, and left in December 1972. He was next a special assistant to FCC Chairman Burch, headed FCC's Office of Plans and Policies and then became chief of the Commission's Common Carrier Bureau.

Bromley Smith (Assistant Director for International Communication)

Bromley Smith joined the OTP in October 1971 with a bachelor's degree from Stanford University, where he also did some graduate work, and training at the National War College. A career government employee, Smith brought with him a long list of diplomatic and high-level federal administrative experiences. Among other posts dating back to the post-World War II period, Smith worked as a U.S. Foreign Service officer in Canada and Bolivia, served as a member of the U.S. delegation to the UN conference in San Francisco, was special assistant to Secretary of State Dean Acheson. From 1961 until 1969 he was executive secretary of the National Security Council. At the OTP, Smith was assistant director for international communications.

Charles C. Joyce, Jr. (Assistant Director for Government Communication)

Charles C. Joyce, Jr. first joined the OTP in the fall of 1970 on loan from the Secretary of Defense, and in mid-March 1971 became a full-time program manager, later assistant director for government communication.

Joyce was born in Manhasset, N.Y. in 1935. He earned a BS in electrical engineering in 1956 from MIT and from the same university took an MS in electrical engineering in 1958 and in industrial management in 1963. From 1959-1966 he worked for the MITRE Corporation, mostly on military-related matters. He joined the Office of Secretary of Defense in 1966. In 1967 he was named Director for Command, Control and Communication under the Assistant Defense Secretary for Systems Analysis. In 1969 he became a staff member of the National Security Council.

Bryan M. Eagle (Executive Assistant to the Director)

Bryan M. Eagle came to the OTP in October 1971 as a program manager, later assuming the position of executive assistant to the director. His education includes degree in mathematics and physics from Southwestern University in Memphis and a Harvard Business School MBA, earned in 1962. About 1962 Eagle founded a Boston manufacturing company which made transistors and semiconductors. About 1967 he sold his firm and joined the Central Intelligence Agency as Special Assistant to the Director of Planning, Programming and Budgeting, working,



according to his biography, on "scientific and technical programs." Continuing his association with the CIA as a consultant, Eagle joined the Boston KENICS Corporation, as executive vice president and treasurer in 1970, soon after leaving to join the OTP.

Brian P. Lamb (Assistant to the Director for Congressional and Media Relations)

Brian P. Lamb came early to the OTP, in March 1971, with a background in the press and in conservative Republican politics. Born in Lafayette, Indiana in 1942, Lamb took a BA at Purdue University, spent 1964-1965 in the navy, working from 1966-1968 as a public relations officer at the Pentagon. In 1968 he joined the Nixon-Agnew campaign. He also had experience working for UPI and in a management position at a television station in his home town. From 1969-1971 he was Colorado Senator Peter Dominick's press secretary. He left the OTP in July 1973 to join with Kevin Phillips in the publication of a Washington newsletter devoted to media and politics.

Bruce M. Owen (Chief Economist)

From 1971-1972 Bruce M. Owen was the OTP's chief economist. With a 1965 bachelor's from Williams College and a 1970 PhD from Stanford University, Owen came directly from a one-year stint as a Brookings Economics Policy Fellow. After leaving the OTP for teaching at Stanford, he retained a consultant's tie with the organization and taught on the faculties of the Duke University Business and Law Schools.

# APPENDIX C

## OTP ANNUAL BUDGETS (In Millions of Dollars)

	FY1970 <sup>1</sup> <u>Actual</u>	FY1971 <sup>2</sup> <u>Actual</u>	FY1972 <sup>3</sup> <u>Actual</u>	FY1973 <sup>4</sup> <u>Actual</u>	FY1974 <sup>5</sup> <u>Actual</u>
Personnel compensation					
Permanent positions	\$0.903	\$0.749	\$0.817	\$1.134	\$1.002
Positions other than permanent	121	214	297	129	320
Other personnel compensation	15	15	19	15	20
Special personal services payments			13	--	--
Total personnel compensation	1.039	.977	1.146	1.278	1.342
Personnel benefits					
Civilian	85		87	108	96
Benefits for former personnel					
Travel and trans. of persons	23	52	71	79	74
Transportation of things	1	1	3	1	--
Rent, communications, utilities	57	66	89	109	97
Printing and reproduction	66	75	8	19	34
Other services	916	147	1,407	634	
Supplies and materials	11	16	31	36	39
Equipment	1	34	56	14	12
Total obligations	\$2.264	\$1.550	\$2.898	\$2,287	



## APPENDIX C cont.

OTP ANNUAL BUDGETS  
(In Millions of Dollars)

	FY1975 <sup>6</sup> <u>Actual</u>	FY1976 <sup>7</sup> <u>Actual</u>	FY1976TQ <sup>8</sup> <u>Actual #</u>	FY1977 <sup>9</sup> <u>Est.</u>	FY1978 <sup>10</sup> <u>Est.</u>
Personnel compensation					
Permanent positions	\$1.140	\$1.323	\$ 337	\$1.283	\$1.019
Positions other than permanent	289	98	57	291	154
Other personnel compensation	39	34	14	30	30
Special personal services payments	--	218	47	297	318
Total personnel compensation	1.468	1.673	455	1.901	1.512
Personnel benefits					
Civilian	112	135	36	141	125
Benefits for former personnel	20	23	6	20	25
Travel and trans. of persons	105	127	28	115	175
Transportation of things	--	2	--	2	2
Rent, communications, utilities	216	328	96	328	310
Printing and reproduction	20	47	10	40	40
Other services	6.487*	6.441	1,474	5.864	6.199
Supplies and materials	50	54	12	55	50
Equipment	14	17	--	10	10
Total obligations	\$8.492	\$8.847		\$8.476	\$8.447

## Footnotes

1. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1972, Hearings before a subcommittee of the Senate Committee on Appropriations, 92nd Cong., 1st sess., 1973, p. 830.
2. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1973, Hearings before a subcommittee of the Senate Appropriations Committee, 92nd Cong., 2nd sess., 1974, pp. 945-946.
3. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1974, Hearings before a subcommittee of the Senate Appropriations Committee, 93rd Cong., 1st sess., 1975, pp. 1870-1871.
4. U.S., Congress, House, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1975, Hearings before a subcommittee of the Senate Appropriations Committee, 93rd Cong., 2nd sess., 1976, p. 102.
5. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1975, Hearings before a subcommittee of the Senate Appropriations Committee, 93rd Cong., 2nd sess., 1976, p. 2001.
6. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1977, Hearings before a subcommittee of the Senate Appropriations Committee, 94th Cong., 2nd sess., 1978, p. 1709.
7. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1978, 95th Cong., 1st sess., 1979, p. 985.
8. Ibid.
9. Ibid.
10. Ibid.

\*For the first time the OTP budget included that of the Department of Commerce's Office of Telecommunications, which supplied OTP with technical research.

#Transitional period from 1 July-30 September 1976, when the federal government's fiscal year shifted from the period 1 July-30 June to 1 October-30 September.



## APPENDIX D

## OTP RESEARCH: PUBLICATIONS, STUDIES, CONTRACTS

## PUBLICATIONS AND STUDIES FY1971-FY1973

PublicationsFY1971

International Facilities Study (May 1971)

FY1972

Permanent Arrangements for the Commercial Communications Satellite System of INTELSAT (September 1971)

The Regulation of Commercial Radio Stations (December 1971)

Cable Television Bibliography (February 1972)

Spectrum Allocation: A Survey of Alternative Methodologies (April 1972)

Measuring Violence on Television: The Gerbner Index (June 1972)

Specialized Communications: A Conceptual Approach to Rates and Entry (June 1972)

FY1973

Station Connection Study (July 1972)

Diversity and Television (August 1972)

Toward Improving U.S.-Latin American Relations (October 1972)

Alternative Structures for Television (November 1972)

Conference on Communications Policy Research: 17, 18 November 1972  
Papers and Proceedings (November 1972)

The Radio Frequency Spectrum: United States Use and Management (January 1973)

Report of the Interdepartment Radio Advisory Committee (January-June 1973)

International Communications: Objectives and Policy (February 1973)

Information in this Appendix was compiled from presentations before congressional appropriations committees and from OTP press releases.

An Examination of the Burden Test (February 1973)

Analysis of the Causes and Effects of Increases in Same-Year Rerun Programming and Related Issues in Prime-Time Network Television (March 1973)

Report on Program for Control of Electromagnetic Pollution of the Environment: The Assessment of Biological Hazards of Non-Ionizing Electromagnetic Radiation (March 1973)

NINE-ONE-NINE: The Emergency Telephone Number: A Handbook for Community Planning (May 1973)

#### Studies

##### FY1971

Development of Technical Performance Standards for Radio-Communications-Electronic Systems (MELPAK, November 1970)

Identification of Information and Associated Analytical Techniques for the Solution of Frequency Management Problems (Vols. 1-4) (Sachs/Freeman, February 1971)

An Investigation Concerning Concise Measures of Electromagnetic Compatibility and the Application to a Decision Rule for Spectrum Management (Versar, May 1971)

A Spectrum Measurement/Monitoring Capability for the Federal Government (Stanford Research Institute, May 1971)

##### FY1972

Economic Viability of the Proposed U.S. Communications Satellite Systems (Stanford Research Institute, October 1971)

Pilot Projects for the Broadband Communications Distribution Systems (Malarky, Taylor and Associates, November 1971)

A General Analysis of Domestic Satellite Orbit-Spectrum Utilization (Dept. of Commerce, December 1971)

Technical Standards, Minimum Performance Requirements, and Design Objectives Applicable to Transmitters, Receivers, Antennas Used in U.S. Government Radio Stations (OTP, January 1972)

Analysis of Earth Station Sitting for the Proposed Domestic Satellite System (Ross Telecommunications, February 1972)



Cost Analysis of CATV Components (Resource Management Corp., June 1972)

ADDITIONAL PUBLICATIONS

Technical Analysis of VHF Television Broadcasting Frequency Assignment Criteria (October 1973)

Television Distribution in Rural Areas (February 1975)

A Summary of the Federal Government's Use of the Radio Frequency Spectrum (July 1975)

OTP CONTRACTS FY1970-FY1973

FY1970

Sachs/Freeman Associates, Inc. (\$89,000)

Analytical techniques for electronic communications compatibility problems.

Stanford Research Institute (\$103,000)

Devise program to oversee federal government spectrum use.

HRB-Singer (\$101,000)

Improve Office of Frequency Management operations.

General Electric (\$73,000)

Satellite spectrum use.

NASA (\$500,000)

Satellite earth station.

National Academy of Sciences (\$87,000)

Determine economic and social values of spectrum for management purposes.

FY1971

Versor, Inc. (\$29,000)

Spectrum management.

Quantum Science Corp. (\$39,000)

Data and computer communications policy issue identification.

HRB-Singer (\$54,000)

Improve Office of Frequency Management operations.

General Electric (\$53,000)

Satellite spectrum use.



FY1972

HRB-Singer (\$116,000)

Improve Office of Frequency Management operations.

Peat, Marwick, Mitchell and Co. (\$100,000)

Telephone regulation

General Electric (\$100,000)

Teleprocessing systems.

Mitre Corp. (\$100,000)

Improve government communications using Executive Office of the President as a model.

Dittberner Associates (\$95,000)

Common-carrier interconnection economics.

System Application Inc. (\$84,000)

Land mobile radio communications.

National Economics Research Association (\$69,000)

CATV programming costs.

Georgia Institute of Technology (\$66,100)

Information storage.

Malarky, Taylor and Associates (\$64,200)

Broadband communication networks.

Systems Application Inc. (\$50,000)

Common-carrier economics.

Gautney and Jones (\$38,800)

Emergency Broadcast System activation.

Teleconsult, Inc. (\$31,100)

Institutional analysis of U.S.-Latin American telecommunications arrangements.

Ross Telecommunications Engineering Co. (\$29,000)

Domestic satellite earth station.

Stanford Research Institute (\$28,300)

International telecommunications facilities mix.

Stanford Research Institute (\$25,000)

Domestic satellite applicants.

Jack Faucett Associates (\$24,900)

Common-carrier tariffs.

Resource Management Corp. (\$24,500)

Economics of CATV.

Arthur D. Little, Inc. (\$20,000)

International study of telecommunications industries in 35 countries.

Becker and Hayes (\$14,200)

OTF management.

Computer Sciences Corp. (\$7,800)

Development of computerized telecommunications management information system.

#### FY1973

Systems Application Inc. (\$65,000)

Economic study of domestic telecommunications industry.

System Application Inc. (\$62,000)

Forecasting in spectrum management.

International Association of Chiefs of Police, Inc. (\$52,500)

Technology and public-safety telecommunications.



University of Denver (\$51,700)

Broadband systems for rural areas.

Georgia Institute of Technology (\$35,000)

Information storage.

Systems Application Inc. (\$34,900)

Common-carrier communications economics.

Mitre Corp. (\$34,700)

Financial model for CATV systems.

Associated Public-Safety Communication Officers, Inc. (\$33,300)

Develop codes for safety and emergency services.

HRB-Singer (\$15,300)

Improve Office of Frequency Management operations.

Law Enforcement Assistance Administration (\$15,000)

Los Angeles Command Control Communications Project.

Massachusetts Institute of Technology (\$14,500)

Direct satellite broadcasting.

Courtesy Associates (\$13,700)

Plan conference on communications policy research.

Organizational Resources Inc. (\$9,000)

Advise director on telecommunications policy formulation.

Telecomm Engineering Inc. (\$9,000)

CATV information for municipal officials.

Peat, Marwick, Mitchell and Co. (\$8,300)

Telephone regulation.

Transcom Inc. (\$2,500)

Economic analysis of Pacific Basin telecommunications mix.

International Data Systems Corp. (\$2,500)

Teleprocessing systems.

CONTRACTS AND STUDIES BY PROGRAM AREA FY1974-FY1976

I. Mass Communications Media

FY1974<sup>1</sup> (\$250,000)

Demonstration Project Monitoring and Evaluation (\$200,000)

Design a pilot demonstration project in the uses of broadband distribution for urban areas.

Cost and Benefit Analysis of Alternative Approaches to Subscription Services (\$50,000)

This study will inquire into such questions as who might pay whom for what categories of sports and entertainment programs and with what potential effects on the broadband industry.

FY1975<sup>2</sup> (\$75,000)

Economic Analysis of Regulations for Subscription Services (\$75,000)

This study will continue the effort of the previous year's research by updating the data and analysis of current STV offerings and attempt to measure the impact, if any, on existing over-the-air services.

FY1976<sup>3</sup> (\$75,000)

Evaluation of Program Supply and Information Service Industry Prospects (\$75,000)

What trends are observable in the growth of ancillary services and program supply industries over the first four years of federal regulation of cable television?

II. Mobile Communications

FY1974 (\$50,000)

Continuation of Pilot Program Study of Innovative Public Uses of Land Mobile Radio Communications (\$50,000)



To establish a pilot program for testing government land-mobile radio programming and hardware.

FY1975

FY1976

III. Common Carrier Regulation and Specialized Services

FY1974 (\$175,000)

Structure and Operation of Communications Brokerage Markets (\$50,000)

Will study in detail price behavior, types of services sold and effects on existing carriers.

Networking of Broadband Communications Systems (\$75,000)

This study inquires into the economic and technical feasibility of networking local broadband systems.

Continuing Study of Areas Where New Technology Provides Opportunities for Economically Viable Competition in the Supply of Communications Services (\$50,000)

This study will investigate the demand for new services, and the costs of supply associated with new technologies, following the Common Carrier Economics Study completed in FY1973.

FY1975 (\$200,000)

Telephone Cost Separations Arrangements and Revenue Settlements (\$70,000)

Examine the subsidy built into the tariff structure for long-distance rates that supports local service.

Study of Resale and Brokerage of Common Carrier Facilities (\$60,000)

Investigate the current practice that makes the protected monopolist the sole provider of end-to-end services.

Study of Usage Sensitive Common Carrier Pricing (\$20,000)

Investigate whether a flat charge for local phone services fairly reflects economic costs.

Study of Foreign Equipment Suppliers Operating in the U.S. Domestic Telecommunications Market with Assessment of U.S. Industry's Capability to Compete (\$50,000)

This study will assess the proportion of the domestic telecommunications equipment supply market controlled by foreign firms, their strategies for entry, and their relationships with other U.S. domestic suppliers and operating communications companies.

FY1976 (\$185,000)

Alternatives and Supplements to Rate of Return Regulation (\$80,000)

Will study incentives to good management where regulated monopolies continue.

Market Structure and Evolving Competition (\$70,000)

Define the evolving market structure for telecommunications services and project the pattern for the ensuing ten-year period.

Domestic Satellite Industry Structure (\$35,000)

Document the status and plans of the satellite system participants.

IV. International Communications

FY1974 (\$35,000)

Improving U.S. International Trade Posture (\$35,000)

Since 1965 the U.S. trade balance in electronic products has fallen from a sizeable surplus to a deficit of \$570 million. This study will identify measures needed to reverse this trend.

FY1975 (\$120,000)

International Communications Facilities (\$35,000)

The purpose of this study is to identify measures which can be taken to improve the process by which new international transmission facilities are improved.



Competitive Trade Assessment and New Technology (\$50,000)

Identify specific factors that weaken the competitive performance of U.S. equipment manufacturers at home and overseas. Forecast new technology developments with special attention to the impact of technology transfer on the competitive posture of the U.S.

Direct Broadcast Satellite Communications (\$35,000)

Investigate the potential development in the field of direct broadcast satellite systems, building an FY1974 study.

Potential and Emerging International Communications Services and Markets (\$20,000)

Examine the demand for new services and markets arising from a greatly expanded and interconnected global communications network.

FY1976 (\$75,000)

Industry Performance (\$75,000)

Policy objectives are to enhance U.S. industry performance by insuring that plans for necessary facilities, such as undersea cables and satellite earth stations, will be approved in a timely manner.

V. International Conferences and Cooperative Programs

FY1974 (\$65,000)

Examination of Intergovernmental Coordination Techniques (\$65,000)

Examine existing formats by which U.S. government and private entities resolve differences and foster cooperation with foreign counterparts, and develop alternative approaches.

FY1975

FY1976 (\$30,000)

Furtherance of U.S. Interests at International Conferences (\$30,000)

Evaluate effectiveness with which U.S. interests are presented at international telecommunications conferences and make recommendations to increase U.S. influence at such meetings.

VI. New Technology

FY1974 (\$25,000)

Survey of Technological Advances (\$25,000)

Second annual survey to provide the government with the necessary information to assess the application and impact of advances in telecommunications.

FY1975

FY1976

VII. Spectrum Allocation Plans and Policy

FY1974 (\$75,000)

Determination of Spectrum Rights Transferability (\$75,000)

To develop a more flexible and responsive spectrum allocation mechanism that would permit occasional transfer of spectrum space from one use to another.

FY1975 (\$75,000)

Spectrum Management Economic Factors (\$75,000)

This study will analyze a significant set of market reports using the assessment procedures developed in FY1974 and produce an interim forecast and analysis of certain controlling technical, economic, regulatory and social factors.

FY1976 (\$225,000)

1979 World Administrative Radio Conference Preparation (\$100,000)

The purpose of this effort is to provide specialized expertise by leading authorities in the treatment of problems which arise on a case-by-case basis in connection with U.S. preparation for the 1979 ITU Conference.

Telecommunications Performance Characteristics in Spectrum Use Environments II (\$125,000)

This study will establish a method for systematically re-validating and updating telecommunications performance characteristics to insure that systems can operate as intended when employed in countermeasure, noise and other signal environments.



VIII. Federal Government Communications

FY1974 (\$225,000)

Evaluation of Government Communication Systems (\$125,000)

Study specific government organizations to determine the relationship between the use of certain telecommunications services and productivity.

Communications Facilities Replacement Policy Study (\$100,000)

To identify approaches for the federal government to phase out telecommunications equipment that is technically and economically obsolete.

FY1975 (\$150,000)

Evaluation of Federal Communications Programs (\$85,000)

This effort will apply more sophisticated analytical techniques to evaluation and management of federal telecommunications systems.

Telecommunications Research and Development Allocation Model (\$65,000)

To identify how and where federally sponsored telecommunications R&D programs will be most beneficial to the nation.

FY1976 (\$535,000)

Telecommunications Technology Transfer (\$100,000)

Determine how federally supported technical developments can be more widely used, especially at the state and local level.

Interconnection of Federal Telecommunications Systems (\$85,000)

Determine how and where federal telecommunications networks can be interconnected to achieve interoperability.

Impact of New Technology on Traffic Control and Positioning (\$145,000)

This study will investigate a variety of options for controlling traffic in the air, on land and sea, including the use of satellite technology.

Evaluation Techniques (\$95,000)

Develop techniques applicable to data communications systems in the federal government.

Electronic Funds Transfer (\$45,000)

Investigate the implications of various options for ownership and control of EFT communications, including aspects of privacy and security.

Implementation Monitoring and Evaluation of Executive Communications Development Program (\$65,000)

Study the enhancement of interagency communications by means of new technologies.

IX. Emergency Communications

FY1974

FY1975

FY1976

X. Federal-State Cooperation

FY1974

FY1975 (\$75,000)

Interconnection of Federal, State and Local Communications Systems (\$75,000)

Identify areas of present and future interconnection, and survey literature on the technical, economic, legal and social implications of such interconnection, especially regarding privacy and security aspects.

FY1976 (\$40,000)

Federal-State Interrelationships Required for Planning and Cooperative Implementation of Mutual Communications Systems (\$40,000)

Identify state and federal roles in national systems, areas and missions for which national systems would be desired, and develop a planning mechanism for national coordination.



XI. Spectrum Management

FY1974 (\$140,000)

Biological Side Effects Information Systems (\$50,000)

This study will define criteria and requirements for an information capability in support of the bioeffects program and OTP's role in it.

Survey of International Activities in the Area of Environmental Side Effects of Non-ionizing Radiation (\$30,000)

Identify and review the activities of major foreign countries concerning biological and non-biological effects.

Survey of Side Effects from Radio Frequency Radiation on the Physical Environment (\$60,000)

The purpose of this project is to investigate and define the scope of side effects of radio frequency radiation.

FY1975 (\$325,000)

Biological Side Effects Information System (\$50,000)

This study will define criteria and requirements for an information capability in support of the bioeffects program and OTP's role in it.

Telecommunications Performance Characteristics in Spectrum-Use Environments (\$125,000)

The objective is to locate, acquire and put into systematic form available data on the variations in actual performance characteristics of communication-electronic systems, when these systems are deployed and subjected to counter measures, noise and other signals in the environment.

Technology Assessment for Spectrum Management (\$150,000)

A one-time effort to establish a methodology to evaluate the impact of the "technology factor" in increasing the overall number of users of the radio spectrum.

XII. Data Communications

FY1974 (\$60,000)

Impact of Teleprocessing on the Communications Industry (\$60,000)

Technical and economic analysis of hybrid teleprocessing services for regulation.

FY1975

FY1976

XIII. Reducation of Government Control of Program Content; Facilitate Access to the Media; Public Broadcasting

FY1974

FY1975

FY1976

XIV. Privacy

FY1974

FY1975 (\$30,000)

Communications and Privacy (\$30,000)

An inventory of federally mandated data bases containing personal information, with details on the management of these bases, so as to recommend safeguards to protect the physical integrity of that information.

FY1976

XV. Special Projects

FY1974

FY1975

FY1976



## Footnotes

1. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1974, Hearings before a subcommittee of the Senate Committee on Appropriations, 93rd Cong., 1st sess., 1975, pp. 1859-1866.

2. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1975, Hearings before a subcommittee of the Senate Committee on Appropriations, 93rd Cong., 2nd sess., 1976, pp. 1616-1626.

3. U.S., Congress, Senate, Committee on Appropriations, Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1976, Hearings before a subcommittee of the Senate Appropriations Committee, 94th Cong., 1st sess., 1977, pp. 1982-1992.

## APPENDIX E

CLAY T. WHITEHEAD: PUBLIC ADDRESSES ON  
BROADCAST RELATED ISSUES

<u>Date</u>	<u>Location</u>	<u>Nature of Appearance</u>	<u>Event</u>
1970			
September	Washington, D.C.	Press Conference	OTP introduction
December	New York City	Speech	Alfred I. duPont-Columbia University Journalism Awards *
1971			
January	Washington, D.C.	Remarks	Federal Communications Bar Association Luncheon
February	Washington, D.C.	Speech	Workshop on Cable Television for Minority Municipal Officials at Howard Univ.
February	Houston	Speech	National Association of Television Executives
March	Washington, D.C.	Speech	Industrial Electronics Division, Electronic Industries Association
May	Missoula, Montana	Speech	Greater Montana Foundation, University of Montana Awards Banquet
June	Atlanta	Speech	International Communications Association
June	Paris		Society of Civil Engineers of France
July	Washington, D.C.	Speech	National Cable Television Association

Information in this Appendix is based on duplicated copies of Whitehead addresses obtained from the OTP and on press reports.



July	London	Speech	American Bar Association
September	Washington, D.C.	Interview	U.S. Chamber of Commerce Radio Program, "What's the Issue?" (Mutual Broad- casting System)
September	New York City	Speech	Cable Television Seminar Sponsored by United Church of Christ and National Council of Churches
September	Columbus, Ohio	Speech	Ohio Association of Broadcasters
October	New York City	Speech	International Radio and Television Society
October	Kansas State University	Speech	Kansas Broadcasters Association
October	Washington, D.C.	Interview	"The Newsmakers," WTOP-TV
October	Miami	Speech	National Association of Educational Broadcasters
November	Washington, D.C.	Speech	National Association of Manufacturers
November	Dallas	Speech	Regional Conference of the National Association of Broadcasters
November	Austin, Texas	Lecture	University of Texas School of Communications
December	Phoenix	Speech	Arizona Broadcasters Association
December	Hollywood	Speech	Hollywood Radio and Tele- vision Society
December	Washington, D. C.	Remarks	National Press Club
December	Washington, D. C.	Interview	"The Today Show," NBC Network

## 1972

February	Washington, D.C.	Interview	"This Week," Public Broadcasting Service
February	Denver		
April	Chicago	Speech	National Association of FM Broadcasters
April	New York City	Speech	American Newspaper Publishers Association
April			National Association of Broadcasters
May	Palm Beach, Fla.	Speech	Magazine Publishers Association
June	Las Vegas	Speech	American Women in Radio and Television
July	Paris	Speech	Ministry of Posts and Telecommunications
September	San Francisco	Speech	
December	Indianapolis	Speech	Indianapolis Chapter, Sigma Delta Chi
December	Washington, D.C.	Interview	"CBS Morning News with John Hart"

## 1973

January	New York City	Interview	"Behind the Lines," WNET-TV
January	New York City	Interview	<u>The New York Times</u>
January	New York City	Speech	National Academy of Television Arts & Sciences
February	Washington, D.C.	Interview	<u>Broadcasting Magazine</u>
June	New Orleans	Speech	Associated Press Broadcasters Association
June	Indianapolis	Speech	Indiana Broadcasters Association



September	Washington, D.C.	Remarks	Washington Journalism Center
1974			
February	Washington, D.C.	Remarks	Washington Press Club
February	New York City	Speech	New York Society of Security Analysts
April	Washington, D.C.	Remarks	Washington, D.C. chapter, Sigma Delta Chi
April	College Park, Md.	Speech	University of Maryland
June	Washington, D.C.	Remarks	Federal Communications Bar Association
August	Washington, D.C.	Interview	<u>Broadcasting Magazine</u>
September	Washington, D.C.	Interview	"Face the Nation," CBS Television Network