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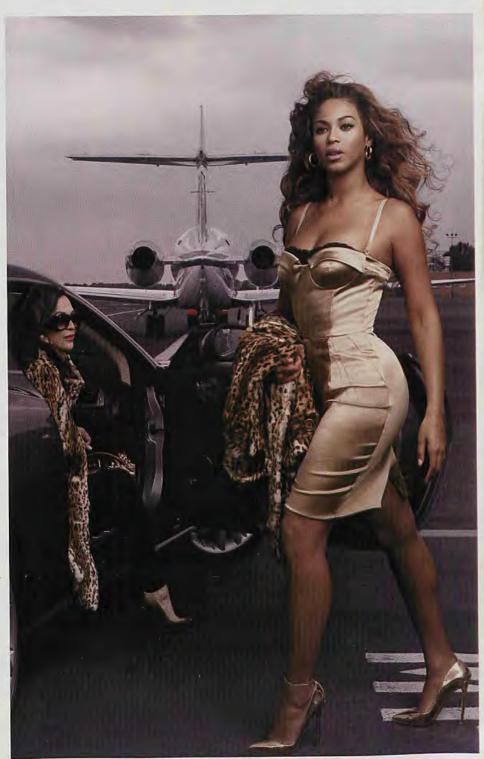
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### ON THE AISLE

#### Railing and Rallying: Fathers & Sons, Brothers & Sisters

hat's The Homecoming without an Ian on board? HAROLD PINTER's darkly cryptic rewrite of "My Three Sons"-with-a-woman-inthe-house won Tonys for PAUL ROGERS as the seedy patriarch, Max, and IAN HOLM as the most sinister sibling, Lenny; Sir Ian Holm doubled back 34 years later and did Dad to IAN HART's Lenny for a Lincoln Center Festival run. TERENCE RIGBY, Holm's hulking bro Joey in the original production, could handily play Pop for the play's 40th anniversary Broadway revival, but producers went with another Ian. "Lenny's the role you want," admitted IAN McSHANE, "then you look in the mirror and go, 'Omigod! It's Max!'" ITRACY LETTS avers his domestic portrait, August: Osage County, isn't autobiographical-yet his own dad, DENNIS LETTS, heads this dysfunctioning-on-all-cylinders clan. Father, 73, and son, 42, are making their Broadway bows together. Letts fils made his New York acting debut Off-Broadway in '05, via Orson's Shadow as critic Kenneth





Tynan, trying to put on a 1960 London premiere of Rhinoceros with Orson Welles directing Laurence Olivier. (Naturally, it never came off.) TRACY TYNAN asked RICHARD NELSON to turn her dad's diaries into a one-man show, and the result—Tynan, edited by JOHN LAHR and adapted by Nelson and COLIN CHAMBERS-got a critically-acclaimed performance from CORIN REDGRAVE—till his near-fatal heart attack. Two years later, doctors deemed him fit to be Tynan, so he returned to the stage in that role for a one-night Broadway Cares/Equity Fights AIDS benefit at The Public. Sisters LYNN and VANESSA cheered him on. Can Broadway be far away? "This," said Nelson, "was Step One." Leo Blooms have flowered into musical Frankensteins: ROGER BART is the Young one, HUNTER FOSTER the somber one (in the MARK BARON/ **JEFFREY JACKSON** version at 37 Arts). Why didn't Hunter make the cut for the comedy? His love interest would have been sister SUTTON FOSTER, and MEL BROOKS wasn't telling that kind of horror story.



(clockwise from left): Playwright Tracy Letts and his dad Dennis. The sisters Redgrave— Vanessa (left) and Lynn (right)—and brother Colin before a screening of The Charge of the Light Brigade. They also were on hand to cheer him on at his performance of Tynan at The Public. Hunter Foster in a scene from Frankenstein at 37 Arts.



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## THEATRE QUIZ

#### **JUDY AT THE BROADHURST**

Three-time Tony nominee Judy Kuhn, who possesses one of the more thrilling voices in the musical theatre, is back on Broadway in the revival of the epic musical *Les Misérables* at the Broadhurst Theatre. Kuhn, who created the role of Cosette in the original run of the musical based on Victor Hugo's novel, is now playing the part of Fantine, Cosette's ill-fated mother (pictured in two scenes at right). Below are photos from some of Kuhn's many other stage outings. Can you identify each show?











- 1 Kuhn was Amalia Balash to Boyd Gaines's Georg Nowack in the Roundabout's revival of this Harnick and Bock musical.
- **2** In the pre-Broadway, Los Angeles company of this Andrew Lloyd Webber musical, Kuhn played aspiring screenwriter Betty Schaefer.
- **3** Kuhn, pictured with Lonny Price, co-starred in this short-lived musical that featured a score by Stephen Schwartz and Charles Strouse.
- 4 This British import featured Kuhn and the late David Carroll and such tunes as "I Know Him So Well" and "One Night in Bangkok."
  5 Kuhn (l.) appeared in this Richard Nelson
- play about life backstage in the theatre.



Answers: 7 She Loves Me 2 Sunset Boulevard 3 Rags 4 Chess 5 Two Shakespearean Actors

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bubble gum or grape flavors. Mucinex in. Mucus out.



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#### A Mermaid for Mr. Menken Disney's beloved The Little Mermaid arrives on Broadway by Harry Haun lan Menken, in an uncharacteristically demonstrative mood, entered my consciousness one December night in 1989-a short but surefooted silhouette charging up the aisle of a screening room right into the projection booth, shouting "Stop!" every step of the way. That turned out to be a good thing: He was reeling in a skipped reel from The Little Mermaid, a Disney-animated feature he and his lyricist, Howard Ashman, had just musicalized, and the retrieved footage contained the song that won them their first Oscar, "Under the Sea." Sierra Boggess as Ariel in The Little Mermaid www.playbill.com

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#### A Mermaid for Mr. Menken

"I heard about that," Ashman said when the three of us converged at the Russian Tea Room for an interview a few days later. "I'm very proud of you," he said, throwing a smile to Menken. Then, shaking his head, he assured me, "Alan's really not like that."

There has been a lot of water under the bridge in the past 18 years. Some things changed for Menken (in the screaming extreme), and some other things have stayed the same.



Above: Sierra Boggess as Ariel, Sherie Rene Scott (rear r.) as Ursula, Derrick Baskin (rear l.) as Jetsam and Tyler Maynard (front, r.) as Flotsam in a scene from *The Little Mermaid*; Right: Alan Menken (center) is flanked by musical director Michael Kosarin (l.) and lyricist Glenn Slater (r.) during *Mermaid* rehearsals

Thomas Schumacher, whose Disney Theatrical Productions is installing the Broadway musical version of *The Little Mermaid* December 6 at the Lunt-Fontanne Theatre, recently pointed up the sameness when he introduced Menken to the press.

"I get to work with a lot of flashy people," Schumacher said. "When we go out, people say, 'Omigod! It's Elton John!' or 'It's Sting!,' but I have never worked with anyone whose catalog is as profound, and whose music is as deeply embedded in the soul of multiple generations because of its emotional contact with the audience, than Alan Menken.

"Startlingly, you'll be in the same room with him and not realize you're in the room with Alan Menken. Then, you find out there are eight Oscars behind him at any one time."

Life-size, accessible, inconspicuous and

melodically blessed, the meek Menken has won more Oscars than any other living person, and one suspects eight won't be nearly enough.

Half his haul came for writing original scores for *The Little Mermaid, Beauty and the Beast, Aladdin* and *Pocahontas*—a quarter that spawned Best Song winners. Ashman did lyrics for the first two and was replaced on *Aladdin* by Tim Rice, who won for "A Whole New World"; Stephen Schwartz shared Oscars for *Pocahontas*'s score and song ("Colors of the Wind"). (By the way, the front-runner for most Oscars, fittingly, is Menken's late boss, Walt Disney, who, counting himself as his studio, amassed 32 little gold men.)

All in all, the 58-year-old composer estimates that he has run through a good dozen



lyricists in his professional life—among them Lynn Ahrens (*A Christmas Carol*), David Zippel (*Hercules*), David Spencer (*Weird Romance*) and Jack Feldman (*Newsies*).

His current partnership with Glenn Slater started with the 2004 animated feature *Home on the Range*, produced ten new songs for Broadway's *Mermaid* and completed all the songs for two more Broadway-bound entries: *Leap of Faith*, which director Taylor Hackford will deliver to Broadway next season (probably with—now that Hugh Jackman is out of the picture—Raúl Esparza), and *Sister Act*, which lifts off in London next fall.

But for now—for the record—the only lyricist who got Menken to Broadway was the one he started with via the 1979 Off-Broadway musical *God Bless You, Mr. Rosewater.* The fast fold of that show sent



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#### A Mermaid for Mr. Menken

them into the big-budgeted world of animated musicals. This maneuver of going West to go East ironically got them the stage success they craved—first with the 13-year run of *Beauty and the Beast*, then with the Broadway revival of their *Little Shop of Horrors*, which ran five years Off-Broadway, and now *The Little Mermaid*.

Howard Ashman would have loved it, but he barely made it to the Oscar podium the first time. "Literally, we were at the Academy Awards," recalls Menken, "and Howard said, 'When we get back to New York, we have to talk.' We got the Oscar on Sunday and met on Tuesday. I was on pins and needles, and for some reason—it was a mental block—I didn't anticipate what he'd say. Then, I came into his living room and he said he had AIDS."

Ashman died between Oscars, at 40, on March 14, nine days before *Beauty and the Beast* returned him to the winner's circle. His Oscar was received by his partner, Bill Lauch.

What the past 16 years would have been like with Ashman is a thought that nags at Menken. Ashman was usually the one in the driver's seat, picking the material and even the medium—("Howard was the one who said that animation is one of the last bastions of musical theatre")—but even he wouldn't have guessed their movie work would double up on them and boomerang them back to

Broadway. In the interim, they made lazy circles in the sky, writing an eclectic scorecard of scores that rubbed shoulders with the works of Kurt Vonnegut, Roger Corman, Hans Christian Andersen, Jean Cocteau, Maria Montez...

Can Damon Runyon be far away? Actually, no: They wanted to musicalize *The Big Street*, a 1942 "dramedy" that starred Henry Fonda as a milquetoast Mindy's busboy named, like the Runyon short story, "Little Pinks," and Lucille Ball, in what was her favorite film performance, as his wheel-chair-ridden doll. "I spent years after he died, working on it because he'd wanted to start that before he died. He really wanted to do it."

Of course, there's no assurance they'd have remained a team. "After Little Shop, we were both in demand by other people—and we, by chance, worked with them: He did Smile with Marvin Hamlisch on Broadway, I did that 'great, unheard' Kicks: The Showgirl Musical with Tom Eyen. We rebelled at being an exclusive collaboration, but I think we'd have written incredible work and gone places I've never imagined. I'm happy with the way my career went, but there's a loss in where it might have gone with Howard."



For more about Disney's *The* Little Mermaid, listen to our podcast at **PlaybillRadio.com** 



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#### HAPPILY EVER AFTER

Good trumps evil in Cymbeline, one of Shakespeare's least performed and most optimistic works

by Mervyn Rothstein

It's a Shakespeare play about healing," the director Mark Lamos says. "It's about goodness triumphing over evil. It has a completely happy ending—the good are better than they were before, the bad are vanguished and disappear, people who were doing bad things and are redeemable are redeemed. There's a reunion of parents and children, brothers and sisters. It's as if the play ends on an almost heavenly note of Michael Cerveris, with a Tony for Assassins and three other nominations; and John Cullum, who has two Tonys (On the Twentieth Century and Shenandoah) and three nominations. And then there's Lamos himself, a nominee for Our Country's Good in 1991.

Cymbeline is one of Shakespeare's late romances, perhaps best categorized as a tragicomedy, in which enough terrible things happen to augur a body-strewn Hamlet- or



his side, greets Posthumus (Michael Cerveris) in a scene from Cymbeline

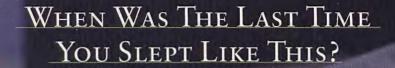
perfect peace and harmony—as if for a couple of hours, Shakespeare is letting us dream that possibility."

Lamos is talking about Cymbeline, which he is directing at the Vivian Beaumont Theater for Lincoln Center Theater with a stellar cast whose collective middle name might as well be Tony.

There's Martha Plimpton, who got a Tony nomination last season for Tom Stoppard's The Coast of Utopia, also at Lincoln Center; Phylicia Rashad, who has a Tony for A Raisin in the Sun and a nomination for Gem of the Ocean; Lear-like finale, but in which, as Lamos notes, everyone lives happily ever after.

In the play, King Cymbeline of Britain (Cullum) is unhappy that his daughter, Imogen (Plimpton), has refused to marry the man he has chosen and has secretly wed the one she truly loves. He banishes her new husband, Posthumus (Cerveris), who is tricked by an Iago-ish villain, Iachimo (Jonathan Cake), into a wager about Imogen's fidelity. When Iachimo deceives Posthumus into

continued on page 20



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know how you'll react to Lunesta, you should not drive or operate machinery. Do not take Lunesta with alcohol. Call your doctor right away if after taking Lunesta you walk, drive, eat or engage in other activities while asleep. In rare cases severe allergic reactions can occur. Most sleep medicines carry some risk of dependency. Side effects may include unpleasant taste, headache, drowsiness and dizziness. See important patient information on the next page.



Please read this summary of information about LUNESTA before you talk to your doctor or start using LUNESTA. It is not meant to take the place of your doctor's instructions. If you have any questions about LUNESTA tablets, be sure to ask your doctor or pharmacist.

LUNESTA is used to treat different types of sleep problems, such as difficulty in falling asleep, difficulty in maintaining sleep during the night, and waking up too early in the morning. Most people with insomnia have more than one of these problems. You should take LUNESTA immediately before going to bed because of the risk of falling.

LUNESTA belongs to a group of medicines known as "hypnotics" or, simply, sleep medicines. There are many different sleep medicines available to help people sleep better. Insomnia is often transient and intermittent. It usually requires treatment for only a short time, usually 7 to 10 days up to 2 weeks. If your insomnia does not improve after 7 to 10 days of treatment, see your doctor, because it may be a sign of an underlying condition. Some people have chronic sleep problems that may require more prolonged use of sleep medicine. However, you should not use these medicines for long periods without talking with your doctor about the risks and benefits of prolonged use.

#### Side Effects

All medicines have side effects. The most common side effects of sleep medicines are:

- Drowsiness
- Dizziness
- · Lightheadedness
- · Difficulty with coordination

Sleep medicines can make you sleepy during the day. How drowsy you feel depends upon how your body reacts to the medicine, which sleep medicine you are taking, and how large a dose your doctor has prescribed. Daytime drowsiness is best avoided by taking the lowest dose possible that will still help you sleep at night. Your doctor will work with you to find the dose of LUNESTA that is best for you. Some people taking LUNESTA have reported next-day sleepiness.

To manage these side effects while you are taking this medicine:

- When you first start taking LUNESTA or any other sleep medicine, until you know whether the medicine will still have some effect on you the next day, use extreme care while doing anything that requires complete alertness, such as driving a car, operating machinery, or piloting an aircraft.
- Do not drink alcohol when you are taking LUNESTA or any sleep medicine. Alcohol can increase the side effects of LUNESTA or any other sleep medicine.
- Do not take any other medicines without asking your doctor first. This includes medicines you can buy

without a prescription. Some medicines can cause drowsiness and are best avoided while taking LUNESTA.

 Always take the exact dose of LUNESTA prescribed by your doctor. Never change your dose without talking to your doctor first.

#### Special Concerns

There are some special problems that may occur while taking sleep medicines.

#### Memory Problems

Sleep medicines may cause a special type of memory loss or "amnesia." When this occurs, a person may not remember what has happened for several hours after taking the medicine. This is usually not a problem since most people fall asleep after taking the medicine. Memory loss can be a problem, however, when sleep medicines are taken while traveling, such as during an airplane flight and the person wakes up before the effect of the medicine is gone. This has been called "traveler's amnesia." Memory problems have been reported rarely by patients taking LUNESTA in clinical studies. In most cases, memory problems can be avoided if you take LUNESTA only when you are able to get a full night of sleep before you need to be active again. Be sure to talk to your doctor if you think you are having memory problems.

#### Tolerance

When sleep medicines are used every night for more than a few weeks, they may lose their effectiveness in helping you sleep. This is known as "tolerance." Development of tolerance to LUNESTA was not observed in a clinical study of 6 months' duration. Insomnia is often transient and intermittent, and prolonged use of sleep medicines is generally not necessary. Some people, though, have chronic sleep problems that may require more prolonged use of sleep medicine. If your sleep problems continue, consult your doctor, who will determine whether other measures are needed to overcome your sleep problems.

#### Dependence

Sleep medicines can cause dependence in some people, especially when these medicines are used regularly for longer than a few weeks or at high doses. Dependence is the need to continue taking a medicine because stopping it is unpleasant.

When people develop dependence, stopping the medicine suddenly may cause unpleasant symptoms (see *Withdrawal* below). They may find they have to keep taking the medicine either at the prescribed dose or at increasing doses just to avoid withdrawal symptoms.

All people taking sleep medicines have some risk of becoming dependent on the medicine. However, people who have been dependent on alcohol or other drugs in the past may have a higher chance of becoming addicted to sleep medicines. This possibility must be considered before using these medicines for more than a few weeks. If you have been addicted to alcohol or drugs in the past, it is important to tell your doctor before starting LUNESTA or any sleep medicine.

#### Withdrawa

Withdrawal symptoms may occur when sleep medicines are stopped suddenly after being used daily for a long time. In some cases, these symptoms can occur even if the medicine has been used for only a week or two. In mild cases, withdrawal symptoms may include unpleasant feelings. In more severe cases, abdominal and muscle cramps, vomiting, sweating, shakiness, and, rarely, seizures may occur. These more severe withdrawal symptoms are very uncommon. Although withdrawal symptoms have not been observed in the relatively limited controlled trials experience with LUNESTA, there is, nevertheless, the risk of such events in association with the use of any sleep medicine.

Another problem that may occur when sleep medicines are stopped is known as "rebound insomnia." This means that a person may have more trouble sleeping the first few nights after the medicine is stopped than before starting the medicine. If you should experience rebound insomnia, do not get discouraged. This problem usually goes away on its own after 1 or 2 nights.

If you have been taking LUNESTA or any other sleep medicine for more than 1 or 2 weeks, do not stop taking it on your own. Always follow your doctor's directions.

#### Changes In Behavior And Thinking

Some people using sleep medicines have experienced unusual changes in their thinking and/or behavior. These effects are not common. However, they have included:

- · More outgoing or aggressive behavior than normal
- · Confusion
- · Strange behavior
- Agitation
- Hallucinations
- · Worsening of depression
- · Suicidal thoughts

How often these effects occur depends on several factors, such as a person's general health, the use of other medicines, and which sleep medicine is being used. Clinical experience with LUNESTA suggests that it is rarely associated with these behavior changes.

It is also important to realize it is rarely clear whether these behavior changes are caused by the medicine, are caused by an illness, or have occurred on their own. In fact, sleep problems that do not improve may be due to illnesses that were present before the medicine was used. If you or your family notice any changes in your behavior, or if you have any unusual or disturbing thoughts, call your doctor immediately.

#### Pregnancy And Breastfeeding

Sleep medicines may cause sedation or other potential effects in the unborn baby when used during the last weeks of pregnancy. Be sure to tell your doctor if you are pregnant, if you are planning to become pregnant, or if you become pregnant while taking LUNESTA.

In addition, a very small amount of LUNESTA may be present in breast milk after use of the medication. The effects of very small amounts of LUNESTA on an infant are not known; therefore, as with all other prescription sleep medicines, it is recommended that you not take LUNESTA if you are breast-feeding a baby.

#### Safe Use Of Sleep Medicines

To ensure the safe and effective use of LUNESTA or any other sleep medicine, you should observe the following cautions:

- LUNESTA is a prescription medicine and should be used ONLY as directed by your doctor. Follow your doctor's instructions about how to take, when to take, and how long to take LUNESTA.
- Never use LÜNESTA or any other sleep medicine for longer than directed by your doctor.
- If you notice any unusual and/or disturbing thoughts or behavior during treatment with LUNESTA or any other sleep medicine, contact your doctor.
- Tell your doctor about any medicines you may be taking, including medicines you may buy without a prescription and herbal preparations. You should also tell your doctor if you drink alcohol. DO NOT use alcohol while taking LUNESTA or any other sleep medicine.
- Do not take LUNESTA unless you are able to get 8 or more hours of sleep before you must be active again.
- Do not increase the prescribed dose of LUNESTA or any other sleep medicine unless instructed by your doctor.
- 7. When you first start taking LUNESTA or any other sleep medicine, until you know whether the medicine will still have some effect on you the next day, use extreme care while doing anything that requires complete alertness, such as driving a car, operating machinery, or piloting an aircraft.
- Be aware that you may have more sleeping problems the first night or two after stopping any sleep medicine.
- Be sure to tell your doctor if you are pregnant, if you are planning to become pregnant, if you become pregnant, or if you are breastfeeding a baby while taking LUNESTA.
- 10. As with all prescription medicines, never share LUNESTA or any other sleep medicine with anyone else. Always store LUNESTA or any other sleep medicine in the original container and out of reach of children.
- Be sure to tell your doctor if you suffer from depression.
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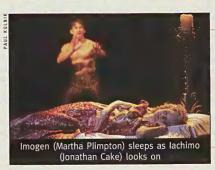
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#### **Happily Ever After**

continued from page 16

thinking that Imogen has betrayed him, Posthumus orders her slain, and Imogen winds up having to pretend to be dead, disguising herself as a young man.

There's also an evil and plotting queen— Cymbeline's new wife (Rashad)—and enough plot complications, coincidences and inconsistencies to make "Desperate Housewives" look like "Leave It to Beaver." And, in the middle of it all, war breaks out between Britain and Rome.



"I love that the play treats coincidence and inconsistency as part of the grand design of life, if there is a grand design," says Lamos, former head of Hartford Stage and director of Lincoln Center Theater's recent revival of Edward Albee's Seascape. "It's as if Shakespeare is celebrating coincidence, celebrating strange mistakes and mishaps."

The last four plays, the romances, Lamos says, "are really Shakespeare's greatest and most daring experiments. He was always experimenting, but in *Cymbeline* he was actually reliving almost his whole canon. He brings into the play so many elements that he dealt with separately and constantly in his tragedies, comedies and histories. It's sort of a culmination of his art. We have a villain named Iachimo who has all the traits of Iago. The hero, Posthumus, has many of the traits of Othello. The ancient king and his daughter remind us of Lear and Cordelia."

Plimpton says her character, Imogen, "is not your typical Shakespeare heroine. She's rebellious, but not for the sake of being rebellious. She marries for love, but she's unromantic. Her love for Posthumus is not blind. It's enduring, but it's based on a trueness of her heart that may or may not have anything to do with Posthumus. Ultimately, she is not defined by that love. She's faithful and true, but I asked myself, is it because of him or because of her character that she is so loyal?"

Rashad is known more for playing good-hearted women, from Bill Cosby's wife on "The Cosby Show" to her characters in *A Raisin in the Sun* and *Gem of the Ocean.* But

"I love that the play treats coincidence and inconsistency as part of the grand design of life . . ."—Mark Lamos

she says that "being wicked can be fun. The queen is driven by a desire for power. She's extremely selfish, and yet she's charming and alluring. She can be harsh, but she's feminine."

Cerveris says that Posthumus is "a flawed but very decent and noble man who makes very bad choices and pays for them dearly." But "over the course of the play he learns to be an even more noble and worthy person."

Cerveris played Kent opposite Kevin Kline's King Lear earlier this year but is more known for his musical roles in shows like *Sweeney Todd, LoveMusik* and *The Who's Tommy* as well as *Assassins*. But early on, he did Shakespeare "Off-Off-Off-Off-Foradway."

Shakespeare and musicals, he says, "are not really as different as people might imagine. There is such music and rhythm running through Shakespeare. The emotions and stakes are on a scale similar to the scale you achieve singing songs in musicals. In real life, people don't really burst into song, and people don't burst into iambic pentameter either. And with both, you have to create a world in which that makes perfect sense."

LOVELY ON THE INSIDE



LOVELY

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#### The Sunjata Also Rises

Daniel Sunjata has triumphed over the lean years, battled blazes on TV's "Rescue Me" and bared it all in the Tony-winning *Take Me Out*. Now he's facing off with Kevin Kline's nose-protruding poet in the classic *Cyrano de Bergerac*.

by Christopher Wallenberg

aniel Sunjata is currently jousting with Kevin Kline's Cyrano for the heart of Jennifer Garner's Roxane in the Broadway revival of Edmond Rostand's 19th-century French classic *Cyrano de Bergerac*. But it was less than a decade ago that the rising young star was fighting a very different sort of battle—struggling to pay the rent and eating only once a day to save money while trying to keep the self-doubt about his acting career at bay.

Fresh from the MFA program at NYU's Tisch School of the Arts, Sunjata says, he went through a dark period of about six or seven months when he received no phone calls about work and no auditions. "My father had paid my rent for about three months straight. And I was counting out change from my little piggy bank so I could order fried chicken wings and white rice from the Chinese food place on the corner," recalls Sunjata without a whiff of nostalgia. "I probably should have taken another job, but I was doing everything possible to avoid that so I would be available for auditions."

Just as Sunjata was questioning whether or not he had the resolve to be a starving artist, he landed a blink-and-you'll-miss-him recurring role as a lab tech on "Law & Order: SVU," which gave him an infusion of cash and some much-needed visibility. "It allowed me to continue pursuing my dreams and enabled me to continue acting without having to supplement that with other forms of work. Every time I have been in most desperate need, the universe seems to come through with something."

His stint on "Law & Order" led to a memorable part on the fifth season of "Sex and the City" as a Fleet Week Navy stud who nearly steals Carrie Bradshaw's heart. Around the same time, Sunjata landed his breakthrough

role—and a Tony Award nomination—in Richard Greenberg's *Take Me Out*. He played Darren Lemming, a major league baseball megastar who publicly announces to the world that he's gay, setting off a firestorm of homophobia in the locker room. The drama, which



Daniel Sunjata as Christian de Neuvillette in *Cyrano* de Bergerac at the Richard Rodgers Theatre

went on to capture the Tony Award for Best Play, made waves for its provocative shower scenes, for which the strapping Sunjata had to strip bare.

"There were two or three things that I had acted in, all of which seemed to come out of nowhere, and suddenly people were seeing a little bit of me here, a little bit of me there, and all of me on Broadway," he says with a laugh.

Today, Sunjata is light-years away from having to scrounge up pocket change to feed himself. Not only has the 35-year-old actor continued on page 26



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#### The Sunjata Also Rises

continued from page 22

become one of Broadway's most talented—and hunkiest—young stars, but he's burning up TV screens as the roguish, firefighting lothario Franco Rivera on the acclaimed FX cable drama "Rescue Me" opposite Denis Leary, and as another baseball great, Reggie Jackson, in the ESPN miniseries "The Bronx is Burning." And a few years back, Sunjata landed on *People* magazine's roster of the "50 Most Beautiful People."

With his return to Broadway in *Cyrano*, Sunjata's once again playing the handsome devil. Tongue-tied, loyal and love-struck, Christian falls head over heels for the gorgeous



and brainy Roxane. To win her heart, he forms an unlikely alliance with Cyrano, the brash and eloquent duelist with the protruding proboscis. Cyrano himself harbors deep feelings for Roxane but thinks she could never love him. The two pass off Cyrano's love letters and speeches as Christian's own and create the ultimate romantic hero—a man with both brains and good looks.

"Christian has historically been a very difficult character to play. It's a beast of a play, and it's very easy for his storyline to get lost in the magnitude of the rest of the drama. So to perform him in a memorable way and that also serves the telling of the story has been a challenge," admits Sunjata.

While the play stands as an epic tragedy of the prideful, arrogant yet self-loathing Cyrano and his unrequited love for the beautiful Roxane, it also explores Christian's own ill-fated story amidst the larger drama. "It's tragic in a certain sense, but in another sense it's kind of heroic in that Christian goes fearlessly after something that he wants and overcomes obstacles to get there," observes Sunjata. "Ultimately, I think his arrival as a hero is in the moment of letting Roxane go."

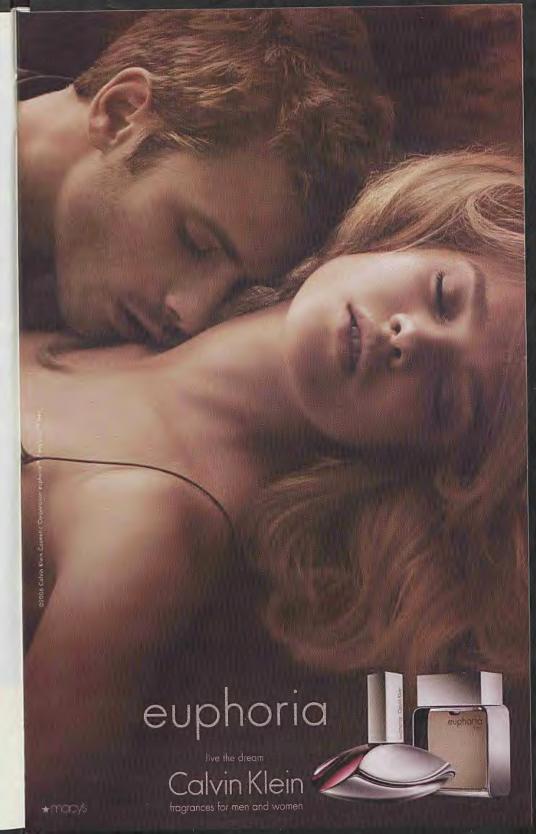
Sunjata admits that he's been trying to get into Rostand's head and reconcile the meaning of his own character's storyline within the larger context of Cyrano's. "I feel like he's talking about the mind and the heart and the relationship between those two things and how both are incomplete without the other. The cerebral quality of Cyrano's

"Christian goes fearlessly after something he wants and overcomes obstacles to get there . . . His arrival as a hero is in the moment of letting Roxane go."

character seems to be hollow without the heart space of Christian. And Christian's heart space seems ineffectual without the cerebral quality of Cyrano."

While Sunjata relished the challenge that the role presented, he was also inspired by the opportunity to work with TV and film star Jennifer Garner ("Alias"), director David Leveaux (Nine) and the inimitable Kevin Kline. "[Kevin's] accomplishments speak for themselves. I wrote him a little love letter on the night of our first preview, telling him that every time I look at him, I have this vision of that door opening in Sophie's Choice, and him standing there pretending to direct the symphony, and nobody's there, and he's just doing his thing," say Sunjata. "Every night, I look at him and think, 'Wow, I can't believe I'm on stage with Kevin Kline.' I'm just very fortunate."

It's likely that a young actor will someday be saying the same thing about him.



#### SOUL MATES

Gospel and R&B titans BeBe Winans and Chaka Khan join the cast of *The Color Purple* next month

by Bryan Reesman

BeBe Winans and Chaka Khan

28

he musical adaptation of Alice Walker's harrowing yet life-affirming novel *The Color Purple* has enraptured Broadway audiences for two years, triumphantly bringing the emotionally wrenching work to the stage and showcasing powerful lead performances by the Tonywinning LaChanze and now "American Idol" winner Fantasia Barrino. In January, the show

is getting a vigorous new injection into the roles of quarreling couple Harpo and Sofia with gospel/R&B legends BeBe Winans and Chaka Khan, who have collectively won enough Grammys to line the stage.

The fortuitous pairing of Winans and Khan underscores many parallels in their lives. Both have just released new CDs: His is *Cherch*, hers is *Funk This* (her first recording of original music in ten years). The soulful singers have been friends for years and have shared the same stage for separate performances at various events, but have never sung together until now.

Both speak about conquering the fear of tackling roles that are quite different from their real-life personas, and both love the book by Alice Walker and the 1985 film adaptation directed by Steven Spielberg.

directed by Steven Spielberg. In fact, Khan and Winans's late brother Ronald had ties to the movie.

"I was supposed to play [singer] Shug Avery," reveals Khan, speaking on the phone from a train en route to Washington, D.C. "Steven Spielberg came to me and wanted me for the part. I was scared to death. 'No, I can't do it! I can't speak in a Southern drawl.' He said he would get linguistics people. I met with him three or four times, and he finally just said, 'I don't think you want to do it, huh?' I just didn't. I was scared."

The R&B diva says she did not regret the decision; at the time her pop career was taking on new life with her 1984 recording *I Feel For You*. But by the time she did

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#### GEOFFREY BEENE

DRESS SHIRTS

Mama, I Want To Sing in London's West End in 1995—a performance for which she won a Capitol Radio Listener's Award—she was primed for the stage.

Winans and his brother were avid fans of the book, and movie casting director Reuben Cannon actually asked Ronald to audition for the role of Harpo. But the film's working

"There are sayings [in *The Color Purple*], especially in the African American world, that will stay with you the rest of your days."

-BeBe Winans

"It's empowering. It's a beautiful story about how you just never know what life holds for you."

—Chaka Khan

title was different and the original source material not revealed, so Ronald turned him down. When the Winans brothers met up again with Cannon after having seen Spielberg's film seven times, they learned what had transpired.

"My brother just gasped," recalls the tenor at his Nashville home. "He pinched himself for the rest of his life that he didn't take that opportunity. So for me to be offered the role of Harpo in the *Color Purple* stage play, I looked up towards heaven and said, 'There's one person smiling down who says, "You have to do this."

Winans and Khan are no strangers to acting. He had a small part in the recent movie remake of *The Manchurian Candidate*, appeared on Broadway in the 1987 musical

Don't Get God Started and in the national tours of What's On the Hearts of Men and Broadway's The Civil War. She had a cameo in the Blues Brothers movie and started onstage in Mama, I Want To Sing. While Winans was buoyed by his past stage experiences, Khan was not so thrilled by her own.

"There were some aspects that were very [much like the] Dark Ages," she recalls of her time in the West End. "They weren't insured. I was looking for Shakespeare around there." She adds that her employers weren't particularly nice to their cast and crew, and the experience left a bad taste. But friends, family and Broadway veterans allayed her fears, and she is honored to be part of *The Color Purple*, adding, "It's perfect for me."

As a songwriter, Winans likes a good story that takes people on a journey, and he believes *The Color Purple* succeeds unquestionably. "There are just sayings, especially in the African American world, that will stay with you the rest of your days," he elaborates. "When I met Oprah, one of the first things that came out of me was Harpo. It really is amazing. I can pick up the phone and call any one of my friends and start a line from *The Color Purple*, and they will finish it because it became a part of our core. That is what drew me over and over again to the piece. It's been a great journey for so long."

"It's empowering," declares Khan of Celie's heartbreaking journey through hardship and struggle. "It's a beautiful story about how you just never know what life holds for you. All you have to do is stay alive and stay honest and good, and you don't even have to do that. You have to be open to be honest and be open to the love in order to become loving and honest. Everyone has the power and the wherewithal to do whatever one wishes in life. God gives blessings, but they're incomplete blessings. He gives half, and you have to work the other half yourself."

Winans and Khan will undoubtedly be doing their share of that work onstage as their careers travel down this exciting new path.



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## Welcome tothe

1967: It was a very good year for Betty Buckley and, now, an even better one for her fans, as Betty Buckley 1967, her debut solo recording, finally arrives in stores

by Andrew Gans



hen Tony Award-winning Cats star Betty Buckley was in her late teens in Fort Worth, Texas, listening to the songs of Joni Mitchell and Janis Joplin, the young performer hoped she would someday release her own solo album.

"I had great aspirations to be a recording artist," Buckley recently said, "but I wanted to be a relevant recording artist. I was a child of the 60s, and the music in the 60s was just so fantastic. . . . And then there were the great lady jazz singers. That was what I wanted to do. I had no real appreciation for my own voice except that I knew that I could sing, but I wanted to sing better."

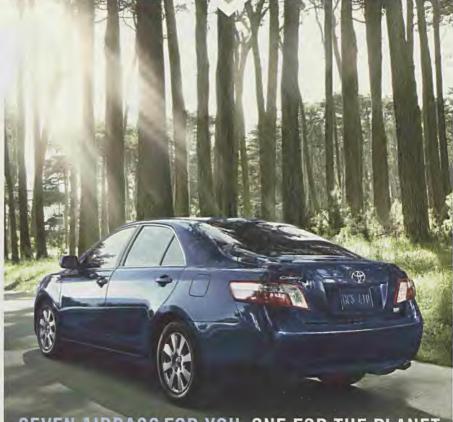
Nearly four decades later, Buckley's neverbefore-released solo debut album, Betty Buckley 1967—recorded by the celebrated singing actress toward the end of that tumultuous decade—has arrived in stores on the Playbill Records/Sony BMG Masterworks Broadway label. Buckley-known for her powerful Broadway belt, with its seemingly endless range, as well as her ethereal upper register that is as emotionally potent as her biggest belt-recently spoke to PlayBILL about the recording's 40-year iourney.

In 1967, Buckley-who would go on to earn accolades and an Olivier nomination for her thrilling and heartbreaking performance as Norma Desmond in the London and Broadway productions of Sunset Boulevardhad just finished a year as Miss Fort Worth. She was also the head cheerleader at Texas Christian University and "the girl singer around town," who, from time to time, displayed her vocal gifts at the Fort Worth jazz club Casa Del Sol.

"I would go and do a late night set," remembers Buckley. "I would yell at the football game as loud as I could to make my voice really husky because I thought my voice sounded too pure. . . . All the singers that I loved had darker sounds to their voices." Her inspirations at the time included Judy Garland, Ella Fitzgerald, Nancy Wilson and Della Reese.

continued on page 62





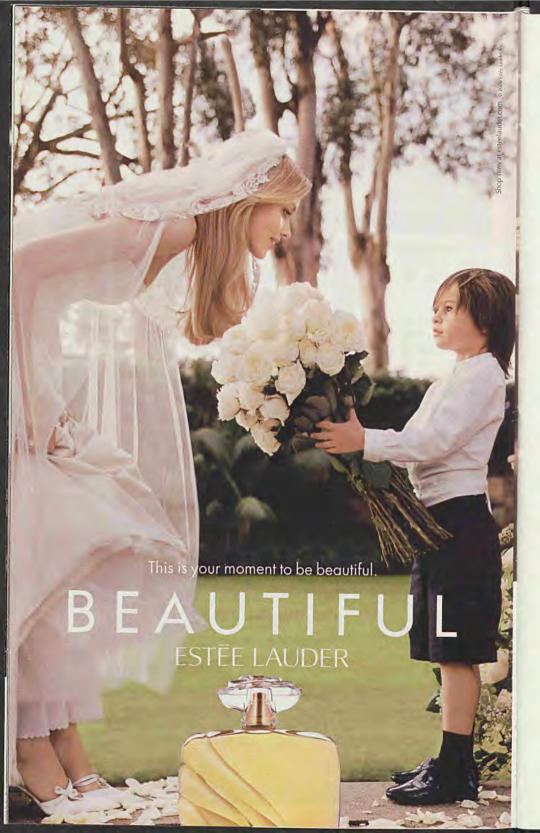
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Hair and Wig Design Mark Adam Rampmeyer

East Coast Casting
Tara Rubin Casting

Associate Producer

Costume Design

David C. Woolard

Movement Lisa Shriver

West Coast Casting Sharon Bialy C.S.A. Sherry Thomas C.S.A.

Executive Producer
Sally Campbell Morse

Lighting Design Howell Binkley

Fight Direction
Steve Rankin

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Company Manager Jennifer Hindman Kemp

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Original Music by Andrew Lippa

Directed by

Des McAnuff

Originally presented in the "Page To Stage" Program by La Jolla Playhouse, La Jolla, CA Christopher Ashley, Artistic Director & Steven Libman, Managing Director

The producers wish to thank Theatre Development Fund for its support of this production.



Hank Azaria



Jimmi Simpson



Nadia Bowers



Kyle Fabel



Maurice Godin



Christian M.
Johansen



Aaron Krohn



Kate MacCluggage



Bruce McKenzie



Malcolm Morano



Spencer Moses



Michael Mulheren



Jim Ortlieb



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(in alphabetical order)	
David Sarnoff	HANK AZARIA
Lizette Sarnoff, Mary Pickford and others	NADIA BOWERS
Pem's Father, Cliff Gardner and others	KYLE FABEL
Atkins, Walter Gifford, Douglas Fairbanks and others	MAURICE GODIN
Young Philo T. Farnsworth and others	CHRISTIAN M. JOHANSEN
Wilkins, Analyst and others	AARON KROHN
George Everson, Vladimir Zworykin and others	BRUCE McKENZIE
Young David Sarnoff and others	MALCOLM MORANO
Stan Willis and others	SPENCER MOSES
Leslie Gorrell and others	MICHAEL MULHEREN
Justin Tolman, Jim Harbord, Doctor and others	JIM ORTLIEB
Sarnoff's Father, Simms, Lippincott,	
Houston Control and others	MICHAEL PEMBERTON
Betty and others	KATHARINE POWELL
Harlan Honn, Radio Announcer, Lennox and others	STEVE ROSEN
Philo T. Farnsworth	JIMMI SIMPSON
Russian Officer, William Crocker and others	JAMES SUTORIUS
Sarnoff's Mother, Pem's Mother, Agnes Farnsworth,	
Mina Edison and others	MARGOT WHITE
Pem Farnsworth and others	ALEXANDRA WILSON
Wachtel and others	WILLIAM YOUMANS

#### **UNDERSTUDIES**

Understudies never substitute for listed performers unless a specific announcement is made at the time of performance.

For David Sarnoff: STEVE ROSEN; for Philo T. Farnsworth: SPENCER MOSES; for the roles played by Aaron Krohn, Michael Mulheren, Jim Ortlieb, Michael Pemberton and James Sutorius: BRIAN RUSSELL; for the roles played by Maurice Godin, Bruce McKenzie and Steve Rosen: AARON KROHN; for the roles played by Kyle Fabel and William Youmans: SPENCER MOSES; for the roles played by Christian M. Johansen, Malcolm Morano and Spencer Moses: JAVIER PICAYO; for the roles played by Nadia Bowers, Katharine Powell, Margot White and Alexandra Wilson: KATE MacCLUGGAGE.

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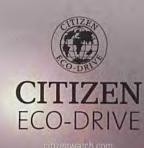
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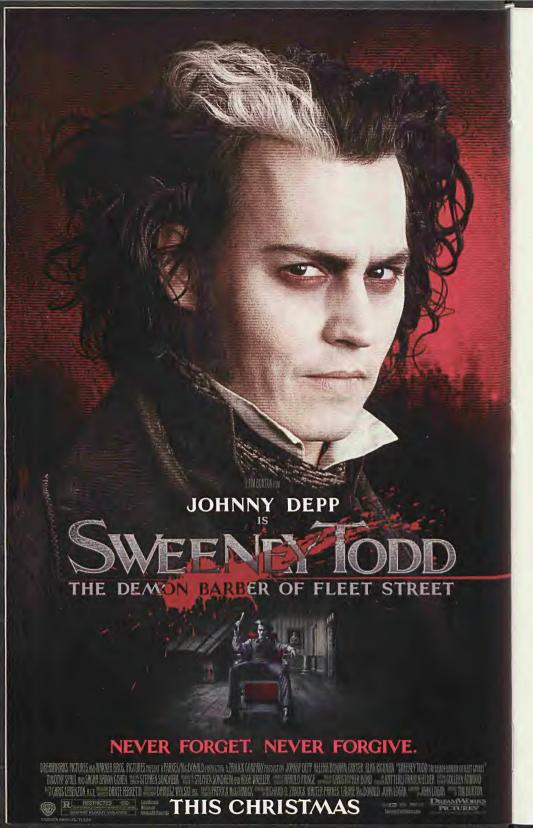
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MACY'S



HANK AZARIA (David Sarnoff) is a confirmed television junky and is happy to honor both of the men in this play, who worked so hard and fought so fiercely just to make his lifelong addiction possible. He last appeared on Broadway in the Tony Awardwinning musical Spamalot (Tony Award nomination). He also appeared on stage in Sexual Perversity in Chicago (West End, London). Azaria's film credits include Eulogy; Along Came Polly; Shattered Glass; America's Sweethearts; Cradle Will Rock; Mystery Men; Mystery, Alaska; Godzilla: Great Expectations; Celebrity; The Birdcage; Heat; Grosse Pointe Blank; Now and Then: Quiz Show: and Pretty Woman. His television credits include "Huff," "Uprising," "Tuesdays With Morrie" (Emmy Award) and "Fail Safe." He played guest-starring roles on "Friends" (Emmy nomination) and "Mad About You" (Emmy nomination), and he lends his voice to numerous characters on "The Simpsons" (three Emmy Awards). Azaria directed the short film Nobody's Perfect, which debuted at Sundance 2004. Recent films include The Simpsons movie and Run, Fat Boy, Run.

JIMMI SIMPSON (Philo T. Farnsworth). The Farnsworth Invention marks Mr. Simpson's third time working with Mr. McAnuff. Theatre: The Rainmaker (Broadway), Camino Real, The Winter's Tale, The Blue Demon, Mud, Olive Nightingale Sings (WTF). Television: Recurring roles on "24," "It's Always Sunny in Philadelphia," "My Name Is Earl" and "Carnivàle." Guest starred on "Cold Case," "NYPD Blue," "Stephen King's Rose Red"

and others. Film: Zodiac, Seraphim Falls, Stay Alive, Herbie Fully Loaded, D.E.B.S., Loser and others. Upcoming: Patriotville, Good Intentions, A Quiet Little Marriage. Special thanks to Carolyn and Bill Scurato.

NADIA BOWERS (Lizette Sarnoff, Mary Pickford and others). Broadway: Doubt, Metamorphoses. NYC: Julius Caesar (NYSF); Romania, Kiss Me!; Not Waving; Eyes of the Heart and others. Numerous regional theatres: Guthrie; La Jolla Playhouse, Tartuffe, with Des McAnuff. Various film and TV. Webseries: www.yearofsublets.com. BA: Dartmouth College. MFA: NYU's Graduate Acting Program. AEA. For my parents, Malcolm and Natasha.

KYLE FABEL (Pem's Father, Cliff Gardner and others). Broadway debut. New York: English Made Simple (Primary Stages). World premieres: The Farnsworth Invention and Private Fittings (La Jolla); The Triangle Factory Project and Coward's Long Island Sound (TACT); The Dead Eye Boy (Cincinnati Playhouse); Kushner's Hydriotaphia (Alley); and Rich Hall's Best Western (Edinburgh). NYU Grad Acting, '95. For Katie.

MAURICE GODIN (Russian Officer, Atkins, Walter Gifford, Douglas Fairbanks and others). Theatre: Romeo and Juliet, The Three Musketeers, The Seagull, Jane Eyre, Cabaret, Godspell, Pal Joey. At Stratford: The Resistible Rise of Arturo Ui, King Lear. TV guest star: "The Practice," "Ally



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Rock from the Sun," "Spin City,"
"Threshold." TV series regular: "Cafe
Americain," "Life With Roger," "Working."
Film: White Room, Salt Water Moose,
Double Take, Chestnut, Bizet's Dream,
Boat Trip.

CHRISTIAN M. JOHANSEN (Young Philo T. Farnsworth and others). Favorite credits: An Officer and a Gentleman (AMAS); The Full Monty (NSMT); The Sound of Music; Cats, Big River, Music Man, Annie, Oliver! (Northern Stage); Cronin/Fullarton's A Christmas Carol; the title role opposite Beth Leavel in That's Andy. To Mom, Dad, Jennica, Caitlin. Huge thanks, family, friends, Abrams. AEA member, avid lacrosse player. "Country music makes you a better person."

AARON KROHN (Wilkins, Analyst and others). Broadway: The Coast of Utopia, The Invention of Love, Henry IV, Julius Caesar. NY/regional includes Echoes of the War (Mint Theatre), Philoktetes by John Jesurun (La MaMa), Old Globe Theatre, Alley Theatre, TUTS, Alabama Shakespeare Festival, Ireland tour of The Complete Works of William Shakespeare (Abridged). MFA: Old Globe Theatre. AEA.

KATE MacCLUGGAGE (Understudy). Broadway and professional debut! Recent graduate from NYU's Graduate Acting MFA Program, where favorite roles included Kate in Dancing at Lughnasa and the title role in Major Barbara. Proud new member of Actors' Equity. BA: Wesleyan University, MFA: NYU.

BRUCE McKENZIE (George Everson, Vladimir Zworykin and others). New York credits include Big Love (BAM Next Wave Festival) and the role of Stanley in A Streetcar Named Desire (New York Theatre Workshop). He has performed in theatres across the country for 19 years, including La Jolla Playhouse, Goodman Theatre, Huntington Theatre, Berkeley Rep, Dallas Theater Center and Actors Theatre of Louisville, where he played the title role in

Hamlet. His band Maquiladora has toured Japan and Europe and released records in five countries.

MALCOLM MORANO (Young David Sarnoff and others). B'way: How the Grinch..., Chitty Chitty.... Off-B'way/reg'l: Three Seconds in the Key (Baruch Perf. Arts), Falsettos (George Street), All Is Not (Adirondack Theatre Fest.). Workshops/readings: Bar Mitzvah Boy, Please Don't Eat the Daisies, Cry-Baby. Film: The Education of Charlie Banks, Oy Vey. TV: Not "Law & Order." Love to Mom, Dad, Nicole and my agents at Abrams.

SPENCER MOSES (Stan Willis and others). Broadway debut. World premieres: The Farnsworth Invention, Zhivago, Palm Beach (La Jolla Playhouse). Regional: How the Grinch Stole Christmas (Old Globe), Company, Joseph..., Into the Woods, Smoke on the Mountain, Pump Boys and Dinettes, The Game of Love and Chance. spencermoses.com. Love to Mom, Dad, El, Ty and Ash.

MICHAEL MULHEREN (Leslie Gorrell and others). B'way: Deuce; La Cage; Kiss Me, Kate (Tony nom.), The Boy From Oz; Titanic; On the Waterfront. Off-B'way: Floyd Collins, Cocoanuts, The Fantasticks. TV: "Law & Order" (Judge Taylor) and "Rescue Me" (Chief Perroli). Films: Invincible, Bringing Out the Dead (dir. Martin Scorsese), Curse of the Jade Scorpion (dir. Woody Allen) and upcoming Pride and Glory and Fool's Gold. AEA member since 1984. Thanks Izzy, John and Johnny, Love to Amanda. Conor and Fiona.

JIM ORTLIEB (Justin Tolman, Jim Harbord, Doctor and others). Broadway debut. Reg'l: Farnsworth (La Jolla); Picasso at the Lapin Agile (Steppenwolf); Grapes of Wrath (Ford's Theatre, DC); The Homecoming, Hughie, M (Gare St. Lazare, France/Ireland/Chicago); Only Kidding (Wisdom Bridge; Joseph Jefferson Award nominee); Scapin (American Theatre Company); Candide, The Mikado and Tartuffe (Weston Playhouse); Wasps (Getty Villa). TV: "The Closer," "Roswell," "Felicity," "The Shield," "The Watch." Film: Drunkboat, Magnolia, Home Alone, A

Mighty Wind. Graduate: Mason Gross School of the Arts at Rutgers.

MICHAEL PEMBERTON (Sarnoff's Father, Simms, Schenck, Lippincott, Houston Control and others). Broadway: I'm Not Rappaport, Not About Nightingales, Picnic and Hedda Gabler, Off-Broadway: Outward Bound (Drama Desk nom.), Dinner With Friends, Saturday Night. Regional theatre: La Jolla Playhouse, Wilma Theater, Cincinnati Playhouse, Williamstown Theatre Festival, O'Neill Festival, Portland Center Stage, Geva Theatre, Alabama Shakespeare, George Street Playhouse. Television: "Damages," "New Amsterdam," "Kidnapped," "The Sopranos," "Law & Order," "Oz," "Law & Order: SVU," "All My Children" and "Guiding Light." Film: The Family Stone, The Devil You Know, Mo, The Pack, Gasline.

JAVIER PICAYO (Understudy). Hailing from NYC, Javier is making his Broadway debut in *The Farnsworth Invention!* He was most recently seen in Blair Brown's production of Lovely Day. Film credits include Mulberry Street, Little Fugitive. TV credits: "CSI: NY." Thanks to family, friends, Innovative Artists, untitled and the cast and crew of Farnsworth.

KATHARINE POWELL (Betty and others). Broadway debut. Off-B'way: Election Day, The Water's Edge (Second Stage), The Voysey Inheritance (Atlantic), Smashing (Play Company). Regional: The Farnsworth Invention (La Jolla), A Midsummer Night's Dream (American Repertory Theatre), Three Sisters (ACT). Film: The Girl in the Park, Oranges, The Baxter. TV: "Guiding Light," "Out of Practice," "Without a Trace." Education: NYU, MFA; Brown University, BA.

STEVE ROSEN (Harlan Honn, Radio Announcer, Lennox and others). Broadway: Monty Python's Spamalot (original cast; Sir Bedevere, et. al.), directed by Mike Nichols. Off-Broadway: The Golem, The Castle. Regional: The Farnsworth Invention (La Jolla Playhouse), Enter Laughing (Berkshire Theatre Festival). TV: "Ed." Film: Storytelling, Heavy Petting. Co-creator and host: Don't Quit Your Night

Job, an after-hours, improv-comedy based variety show starring Broadway actors. Thanks: Mr. Sorkin, Mr. McAnuff, Ms. Rubin and this wonderful cast and crew. BFA: NYU/Tisch. For: Dave Ormont.

BRIAN RUSSELL (Understudy). Broadway: The Caine Mutiny Court-Martial. National tour: Laughter on the 23rd Floor, The Graduate, On Golden Pond. Regional theatre: Actors Theatre of Louisville, George Street Playhouse, Syracuse Stage, Delaware Theatre Company and others. Television: "30 Rock," "Rescue Me," "Law & Order." MFA: Academy for Classical Acting at the George Washington University.

JAMES SUTORIUS (Russian Officer, William Crocker and others). Broadway: Conversations With My Father, The Changing Room, Hamlet. Off-Broadway: Sexual Perversity in Chicago. Regional: Who's Afraid of Virginia Woolf?, Lincolnesque (Old Globe), The Farnsworth Invention (La Jolla), Hamlet (Cleveland Play House), The Crucible (South Coast Rep.), 2 Lives (George Street Playhouse), A Perfect Wedding (Kirk Douglas Theatre), The Seagull (Matrix). TV movies: "Skokie," "Wings of Eagles," "Perfect Tribute." TV: "The Andros Targets," "CSI," "X-Files," "Ally McBeal," "The Unit" and scores of others.

MARGOT WHITE (Sarnoff's Mother, Pem's Mother, Agnes Farnsworth, Mina Edison and others). B'way: Performance debut, Bobbi Boland (u/s). Off-B'way: The Traveling Lady (EST; Drama Desk nom.), Return of the Prodigal (Mint), When They Speak of Rita (Primary Stages), The Seagull (Pearl Theatre), Pericles (Red Bull). Regional: A.C.T., Great Lakes, Pioneer, Studio (DC), DE Theatre Co. TV/film: "AMC," "Guiding Light," "Good Night Kiss," "Sibling."

ALEXANDRA WILSON (Pem Farnsworth and others) originated the role of Pem Farnsworth in the La Jolla Playhouse production of The Farnsworth Invention. She is a recent graduate of the American Conservatory Theater's MFA program. This is her Broadway debut. AEA.

WILLIAM YOUMANS (Wachtel and others). Broadway original casts: Wicked (Dr. Dillamond), Baz Luhrmann's La Bohème, The Pirate Oueen, Titanic, Big River, Little Foxes (with Elizabeth Taylor). Off-Broadway: Tony Kushner's Brundibar, Horton Foote's The Widow Claire, Orphan of Zhao (Lincoln Center), Flux (Public Theater). Henry V (NYSF), 12345 (MTC). Weird Romance (Alan Menken musical). Film: Mrs. Soffel, Compromising Positions, Nadine, Fresh Horses, A League of Their Own. TV: "The Little Match Girl," "Separate but Equal," "Private History" (Peabody Award), many cop dramas. Actors' Equity member.

AARON SORKIN (Playwright) graduated from Syracuse University with a BFA in theatre and made his Broadway playwriting debut at the age of 28 with the military courtroom drama, A Few Good Men, for which he received the John Gassner Award as Outstanding New American Playwright. His subsequent film adaptation was nominated for four Academy Awards and five Golden Globes, including Best Picture and Best Screenplay. He followed with the screenplays for Malice, starring Alec Baldwin and Nicole Kidman, and The American President, starring Michael Douglas and Annette Bening, Mr. Sorkin produced and wrote the television series "Sports Night" for ABC for two years, winning the Humanitas Prize and the Television Critics Association Award. He spent the next four years writing and producing the NBC series "The West Wing," winning the Emmy Award for Outstanding Drama Series all four years. For his work on "The West Wing," Mr. Sorkin also twice received the Peabody Award, the Humanitas Prize and the Television Critics Association Award and the Golden Globe, Writers Guild and Producers Guild Awards. Most recently, he wrote and produced the NBC television series "Studio 60 on the Sunset Strip," and his latest film, Charlie Wilson's War (directed by Mike Nichols and starring Tom Hanks, Philip Seymour Hoffman and Julia Roberts), will be released at Christmas, Mr. Sorkin lives in Los Angeles with his daughter. Roxanne.

DES McANUFF (Director) is a two-time Tony Award-winning director and was recently named co-artistic director of the Stratford Shakespeare Festival. He is director emeritus of La Jolla Playhouse, which he headed for much of the past 25 years. Broadway credits (developed at the Playhouse): Jersey Boys (2006, four Tony Awards including Best Musical), Billy Crystal's 700 Sundays (2004, Tony Award), Dracula: The Musical (2004), How to Succeed... (1995). The Who's Tommy (director/co-author with Pete Townshend, 1993 Tony Award Best Director of a Musical: 1997 London Olivier Awards Best Director/Best Musical). A Walk in the Woods (1988) and Big River (1985, seven Tonys including Best Director of a Musical and Best Musical). Recent productions directed at the Playhouse: The Wiz (2006), Zhivago (2005), Palm Beach (2005), Private Fittings (2005), Tom Donaghy's Eden Lane (2003), Tartuffe (2002), Michael Ondaatje's The Collected Works of Billy the Kid (2001). Film credits: Cousin Bette and The Adventures of Rocky and Bullwinkle (director), Iron Giant (producer), Quills (executive producer). Upcoming: Caesar and Cleopatra (with Christopher Plummer and Anika Noni Rose) and Romeo and Juliet in Stratford; adapting Yoshimi Battles the Pink Robots for the stage with Wayne Coyne of the Flaming Lips and Aaron Sorkin.

ANDREW LIPPA (Original Music). New York theatre credits include john & jen (cowritten with Tom Greenwald), The Wild Party (MTC) and new songs and arrangements for You're a Good Man, Charlie Brown (Broadway), all of which are recorded. Other recordings: Julia Murney's I'm Not Waiting (producer), Bat Boy (producer) and the forthcoming A Little Princess (cowritten with Brian Crawley). Recipient of a 2000 Grammy nomination and winner of Drama Desk, Outer Critics Circle, ASCAP/Richard Rodgers and Gilman/ Gonzalez-Falla Theatre Foundation Awards. As Kristin Chenoweth's music director he has conducted at Carnegie Hall, the Metropolitan Opera House, San Francisco Symphony, among others. Next up: music/lyrics for Jules Feiffer's The Man in the Ceiling (Disney Theatrical) and The Addams Family (Elephant Eye). Andrew is a

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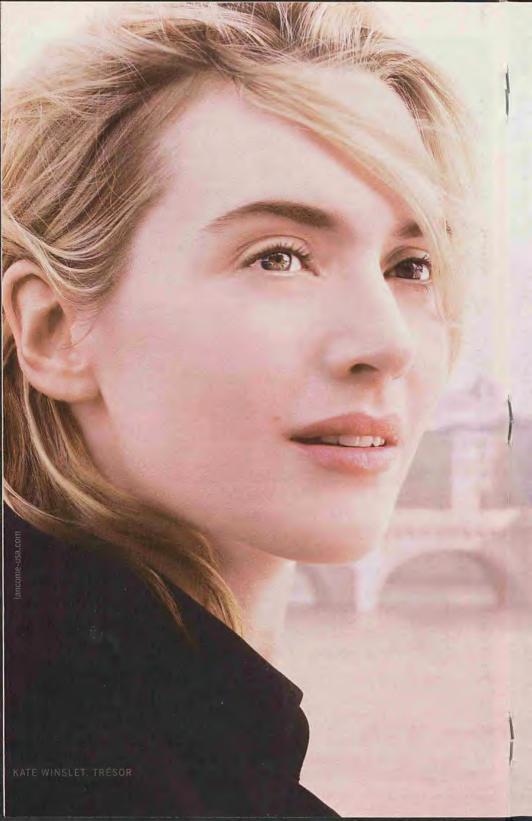


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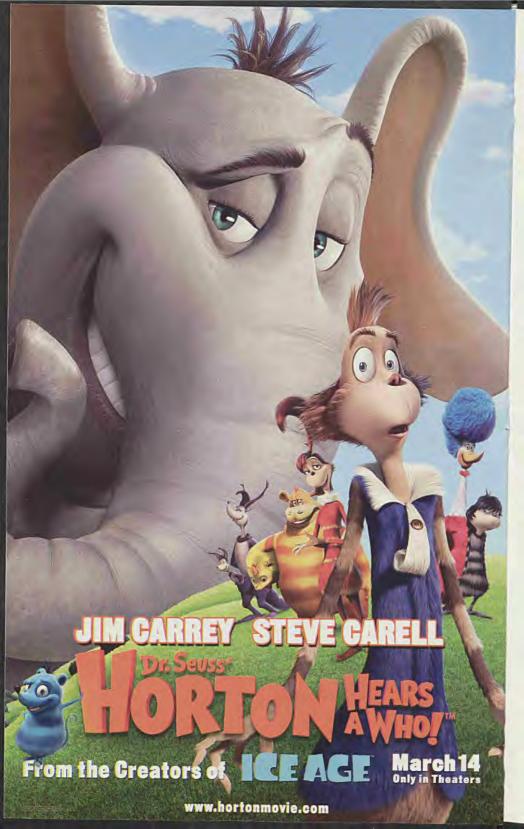


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KLARA ZIEGLEROVA (Scenic Design). Broadway: Jersey Boys (Tony nomination), The Search for Signs of Intelligent Life in the Universe, Off-Broadway: Wrecks, Controversy (Public Theater): Yellowman (Manhattan Theatre Club): First Love: What You Get and What You Expect (New York Theatre Workshop): Irish Repertory Theatre and others, Regional: La Jolla Playhouse, Cincinnati Playhouse, Dallas Theater Center, Portland Center Stage, Seattle Rep. Florida Stage, McCarter Theater, Wilma Theater, Old Globe Theatre and Yale Repertory Theatre, among many others. Awards: 2005 Lumen Award (Dodger Stages), 2003 Drammy Award for Best Set Design, the 2000 Carbonell Award for Best Set Design, Best Touring Production of 2003 L.A. Ovation Award. Graduate of Yale School of Drama

DAVID C. WOOLARD (Costume Design). Broadway credits include Old Acquaintance, Ring of Fire, All Shook Up, 700 Sundays, The Smell of the Kill, The Rocky Horror Show (2001 Tony Award nominations). Voices in the Dark, The Who's Tommy (1993 Tony and Olivier Award nominations), Bells Are Ringing, Marlene, Wait Until Dark, Horton Foote's The Young Man From Atlanta, Damn Yankees, A Few Good Men. Recent credits include Dividing the Estate and Beyond Glory both Off-Broadway, Happy Days (Paper Mill Playhouse), Così fan Tutti (Santa Fe Opera). Gloriana (St. Louis Opera) and L'Italiana in Algeri (San Francisco Opera). With his partner Gary Field he has started Career Gear, a national nonprofit organization that provides work-appropriate clothing and follow-up support to men graduating from job retraining programs.

HOWELL BINKLEY (Lighting Design). B'way works include Xanadu, Jersey Boys, Avenue Q, LoveMusik, Bridge & Tunnel, Steel Magnolias, Golda's Balcony, Hollywood Arms, Gore Vidal's The Best Man, Minnelli on Minnelli, The Full Monty, Parade, Kiss of the Spider Woman,

Sacrilege, Taking Sides, How to Succeed..., High Society and Grease. Off-B'way: Patti LuPone in Gypsy directed by Arthur Laurents at City Center, Landscape of the Body, Sinatra at Radio City, Batboy: The Musical and Radiant Baby. Other credits include the Kennedy Center's Sondheim Celebration, Parsons Dance (co-founder), Alvin Ailey, ABT, MoMix, the Joffrey Ballet (Billboards). Five-time Helen Hayes Award recipient, 1993 Sir Laurence Olivier Award and Canadian Dora for Spider Woman, 2006 Henry Hewes Design Award, 2006 Outer Critics Circle Award and 2006 Tony Award for Jersey Boys.

WALTER TRARBACH (Sound Design). Credits include Measure for Pleasure and Satellites at the Public Theater: Sandra Bernhard's Everything Bad & Beautiful at the Daryl Roth Theater; I Love You Because at the Village Theater: Zhivago (Page to Stage workshop), Private Fittings, Paris Commune (La Jolla Playhouse); The Lady in Ouestion at Bay Street Theatre: Mr. Marmalade for the Roundabout, Associate sound designer on Billy Crystal's 700 Sundays, assistant sound designer for the Jersey Boys national tours. He has a degree in sound design from Boston University and is a founding member of the design group Sixty Cycle Sound. Walter is married to photographer Kimberly Witham.

MARK ADAM RAMPMEYER (Hair & Wig Design). Mark is very excited to be continuing his work on this amazing project, having designed the workshop production at La Jolla Playhouse. La Jolla credits include The Deception, The Adding Machine and Carmen the Musical (world premiere). His work has also been seen at Paper Mill Playhouse in A Wonderful Life and most recently Happy Days. Other credits include the Off-Broadway production of Tall Grass and the New York Philharmonic production of My Fair Lady. Mark would like to thank all who have supported him on this journey and especially David H. Lawrence for his continued guidance and support. This one is for my Mom! \*peep\*

LISA SHRIVER (Movement). Broadway: Ring of Fire. Others: The Farnsworth

Invention (La Jolla), Ring of Fire (Studio Arena), After the Ball (Irish Rep), The 60's Project, Where's Charley? (Goodspeed), The Oldest Profession (Signature) and Stephen Sondheim's 75th Birthday Celebration. Other Broadway credits (as assistant choreographer): The Producers, Oklahoma!, Titanic, Into the Woods. Directed and choreographed An Evening of Guys and Dolls Music with Tony Bennett, Marisa Tomei, Vanessa Williams, Film choreography: A Beautiful Mind, Hysterical Blindness, Tony 'n' Tina's Wedding, House of D. Upcoming: A Christmas Carol (Robert Zemeckis). Love and thanks to Des McAnuff, Aaron Sorkin, Pamela Cooper and Brian.

STEVE RANKIN (Fight Direction) received wide critical praise, as both fight director and actor, in the Tony Award-winning Lincoln Center Theater production of Henry IV directed by Jack O'Brien. Other Broadway: Jersey Boys, Dracula: The Musical, Twelfth Night, Two Shakespearean Actors, Anna Christie, The Real Inspector Hound, Getting Away With Murder and The Who's Tommy. Off-Broadway: Pig Farm, The Night Hank Williams Died and Below the Belt. Opera: Iphigenie en Tauride and Rodelinda at the Metropolitan Opera. As an actor Mr. Rankin can be seen as Alvin Green on the new series "Saving Grace" starring Holly Hunter on TNT.

FRANK HARTENSTEIN (Production Stage Manager). Broadway credits include Dracula: The Musical, Baz Luhrmann's La Bohème, 42nd Street (revival), Honour, The King and I (revival), How to Succeed in Business... (revival), The Who's Tommy, Peter Pan, Into the Woods, Starlight Express, Big River, Mame (revival), A Little Family Business, Hide and Seek, A Chorus Line (original company), The Secret Affairs of Mildred Wild and Night Watch. Lincoln Center Theater: Ivanov and Ring Round the Moon. Radio City Music Hall: Sinatra: His Voice. His World. His Way directed by Des McAnuff. Off-Broadway: A Chorus Line, A Life in the Theatre and Lone Star Love.

KELLY A. MARTINDALE (Stage Manager). Broadway: Dracula: The Musical, Baz Luhrmann's production of Puccini's La Bohème, 42nd Street (revival), The King and I (revival), The Who's Tommy. Radio City: Sinatra: His Voice. His World. His Way. Off-Broadway: Hedwig and the Angry Inch (Jane Street), The Cider House Rules (Atlantic Theater Company). Regional: The Wiz, Zhivago, Much Ado About Nothing, The Who's Tommy, The Glass Menagerie, Elmer Gantry, The Heliotrope Bouquet, Three Sisters (LJP). AEA.

STEPHANIE ATLAN (Assistant Stage Manager). Broadway: Butley (Booth Theatre). Off-Broadway: Romeo and Juliet (Public Theater); All This Intimacy, Getting Home, Show People, The Little Dog Laughed, A Soldier's Play and Privilege (Second Stage). Regional: The Farnsworth Invention (La Jolla Playhouse); Oh, the Innocence! (Theatre J), Fringe: Go-Go Kitty, GO! (Lucille Lortel).

TARA RUBIN CASTING (East Coast Casting). Broadway/tours: Young Frankenstein, The Little Mermaid, Jersey Boys, Mary Poppins, My Fair Lady, The Pirate Oueen, Les Misérables, Rock 'n' Roll and The History Boys (U.S. casting), Spamalot, ... Spelling Bee, The Producers, Mamma Mia!. Phantom.... Good Vibrations, Bombay Dreams, Oklahoma!, Flower Drum Song, Imaginary Friends, Metamorphoses, Disney's On the Record, The Frogs, Contact, Thou Shalt Not, A Man of No Importance, Off-Broadway: Second Stage Theatre. Regional: Williamstown, Yale Rep, Kennedy Center, La Jolla (NY casting). Film: The Producers. Member: Casting Society of America.

#### SHARON BIALY/SHERRY THOMAS

(West Coast Casting). Broadway: Jersey Boys, A Walk in the Woods. Regional: La Jolla Playhouse (1985-1990, 2002-2007 with Des McAnuff), Geffen, the Globe, Berkeley Rep, Hartford Stage, Lincoln Center and Guthrie. Film: Redbelt (David Mamet, 2008); Forever Strong (2008); Reign O'er Me; Mr. Holland's Opus; Drugstore Cowboy; Rock Star; Gas, Food Lodging; Indian Summer; Rudy; Point Break; Fire in the Sky. Television: "The Unit," "Jericho," "Breaking Bad" (AMC, 2008), "The Mind of the Married Man" (HBO), "Picket Fences," "The Pretender," "Positively True Adventures" (HBO), "The James Brady

Story" (HBO). Artios Award (Best Casting) for *Jersey Boys* and *Tartuffe* (LJP).

PETER FULBRIGHT/TECH PRODUC-TION SERVICES (Technical Supervisor). Recent Broadway productions/national tours: Jersey Boys, Hairspray, Curtains, Bombay Dreams, 42nd Street, Urinetown, Into the Woods, ... Vampires, Inherit the Wind, Dame Edna, Sixteen Wounded, Anna...Tropics, Enchanted April, Frog & Toad, Life (x) 3, Ma Rainey's..., Elephant Man, Topdog/Underdog and Blast! Peter has supervised more than 70 Broadway productions and national tours. Favorites include Aspects of Love, Rocky Horror, The Real Thing, Swing!, Amadeus, The Sound of Music, On the Town, Scarlet Pimpernel, Triumph of Love, Footloose, ... Mattress, ... Forum, Smokey Joe's Cafe, Moon Over Buffalo, Crazy for You, Guys and Dolls, Joseph..., The Secret Garden, Starlight Express, Drood, Singin' in the Rain, Foxfire.

STEPHEN GABIS (Dialect Coach). Recent credits: 39 Steps, Sive (Irish Rep). Broadway and Off-Broadway: 110 in the Shade, Coram Boy, Butley, Legally Blonde, Heartbreak House, The Lieutenant of Inishmore, The Prime of Miss Jean Brodie, Jersey Boys, The Voysey Inheritance, Frozen, Stuff Happens, The Field. Misc. venues: Roundabout, Manhattan Theatre Club, Playwrights Horizons, MCC, the New Group, Yale Rep., Hartford Stage, McCarter, Houston Alley, Signature Theatre, Public Theater, Atlantic Theater Co. Film: The Savages, Across the Universe, Bernard and Doris (for Ralph Fiennes). Dark Matter, The Notorious Bettie Page, Confessions of a Dangerous Mind, Boys Don't Cry (for Chloë Sevigny).

DODGER PROPERTIES (Producer). A producing partnership made up of Michael David, Edward Strong, Rocco Landesman and Des McAnuff, it originated at BAM in 1978, migrated to NY Shakespeare Festival, then off and on Broadway, where they've shared in a host of Tony and Obie Awards. Current Broadway: Jersey Boys. Other Broadway: 42nd Street, Urinetown, Dracula, Into the Woods (original and '02), Good Vibrations, The Music Man, Blast!,

Titanic, Wrong Mountain, Footloose, Mandy Patinkin, High Society, 1776, ...Forum, The King and I, The Who's Tommy, Ralph Fiennes' Hamlet, Guys and Dolls, Once Upon a Mattress, How to Succeed in Business..., Jelly's Last Jam, The Secret Garden, Prelude to a Kiss, Gospel at Colonus, Big River, Pump Boys and Dinettes. Off-Broadway: Drumstruck, Symphonie Fantastique, Bare, Barbra's Wedding, Duet, Savion Glover Downtown.

STEVEN SPIELBERG FOR RABBIT EARS, LLC (Producer). One of the industry's most successful and influential filmmakers, Steven Spielberg has directed, produced and executive produced some of the top-grossing films of all time, including Jurassic Park and E.T.: The Extra-Terrestrial. He is a three-time Academy Award® winner, earning Oscars® for Best Director and Best Picture for Schindler's List and an Oscar® for Best Director for Saving Private Ryan. He has been nominated six times as a director and six times as a producer. Spielberg is a three-time DGA Award winner for his work on The Color Purple, Schindler's List and Saving Private Ryan and has been nominated a record ten times. He is a recipient of the DGA's Lifetime Achievement Award, the American Film Institute's Lifetime Achievement Award, the prestigious Irving G. Thalberg Award from the Academy of Motion Picture Arts and Sciences and the Kennedy Center Honor. He is one of the founders of DreamWorks Studios and has now organized Rabbit Ears, LLC, to seek out and participate in the presentation of stage productions.

FREDERICK ZOLLO (Producer). Broadway productions include Butley; Chitty Chitty Bang Bang (also West End); Frozen; Caroline, or Change; Ma Rainey's Black Bottom; Private Lives; The Goat; King Hedley II; Buried Child; Angels in America: Perestroika and Millennium Approaches; Death and the Maiden; Our Country's Good; Ma Rainey's Black Bottom; Hurlyburly; 'night, Mother; Almost an Eagle; On Golden Pond. London productions include Les Liaisons Dangereuses, Glengarry Glen Ross. Off-Broadway productions include Aven U Boys, Talk Radio

#### At This Theatre

#### THE MUSIC BOX

2 uilt in 1921 by Irving Berlin and Sam Harris, the lovely Music Box is now co-owned by the Berlin estate and the Shubert Organization. In 1994 arrived in 1978 when Ira Levin's Deathtrap opened, starring John Wood, Marian Seldes and Victor Garber. This thriller played for 1,609 performances,

and Ms. Seldes never missed one.

Other hits of the 1970's included the witty tribute to Stephen Sondheim's songs called Sondheim: a revival Virginia Woolf?. starring Ben Gazzara and Colleen Dewhurst: the British import

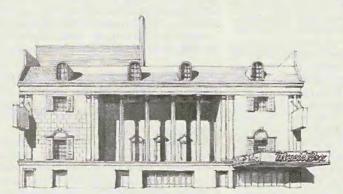
Side by Side by of Who's Afraid of

Comedians, with Jonathan Pryce winning a Tony; Alan Ayckbourn's lunatic comedy Absurd Person Singular; and Anthony Shaffer's Sleuth, which ran from 1970 until late 1973.

Interesting shows in the 1960's included Bert Lahr in S.J. Perelman's wacky The Beauty Part and the enormous hit, Any Wednesday, with Sandy Dennis and Gene Hackman, which ran for 982 performances. In 1967 Pinter's The Homecoming won four Tonys.

In the 1950's William Inge had three great successes here: Picnic, Bus Stop and The Dark at the Top of the Stairs. Jessica Tandy and Brian Bedford scored in Five Finger Exercise.

Highlights of the past: Marlon Brando made his debut here in 1944 in / Remember Mama; George S. Kaufman had many hits at this theatre, including (with Moss Hart) Once in a Lifetime and The Man Who Came to Dinner; Moss Hart and Irving Berlin created the revue As Thousands Cheer: Of Thee I Sing (Pulitzer Prize); Clifton Webb, Fred Allen and Libby Holman starred in The Little Show.



Berlin's daughters unveiled a plaque and wall exhibit (located in the outer lobby), chronicling their father's history at this house.

The most recent tenants of this theatre have been Fortune's Fool, Neil Simon's The Dinner Party, Amadeus; Closer; The Diary of Anne Frank; Christopher Plummer (Tony Award) in Barrymore; State Fair; Swinging on a Star; Blood Brothers; A Small Family Business; Park Your Car in Harvard Yard: Julie Harris in Lucifer's Child: the military thriller A Few Good Men; the Cy Coleman musical Welcome to the Club; the British import Spoils of War; the musical Mail: the British hit Les Liaisons Dangereuses; A.R. Gurney's Sweet Sue, starring Mary Tyler Moore; a revival of Joe Orton's Loot; a revival of Noël Coward's Hay Fever; The Octette Bridge Club; Alone Together; Arthur Kopit's End of the World; Open Admissions; and Carroll O'Connor in Brothers.

In 1982 Agnes of God, starring Geraldine Page, Elizabeth Ashley and Amanda Plummer, played 599 performances.

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Andy Warhol. Gold Marilya Monroe (detail). 1962. Silkscreen ink on synthetic polymer paint on convas. The Museum of Modern Art. Gift of Philip Johnson. © 2007 Andy Warhol Foundation for the Visual Arts / Artists Rights Society (ARS), New York

(which he directed), Oleanna, The Cryptogram (also West End). Films include Mississippi Burning, Quiz Show (both best picture nominees), The Paper, Naked in New York, Ghosts of Mississippi. TV: Emmy nominees "In the Gloaming," "Lansky."

JEFFREY A. SINE (Producer). Recent Broadway producing credits include Spring Awakening (Tony Award), Butley, Martin Short's Fame Becomes Me, The Odd Couple, Chitty Chitty Bang Bang and Lennon as well as the Tony nominated Frozen; Caroline, or Change; and La Bohème and the Tony Award-winning The Goat, or Who is Sylvia? and Private Lives. Previous producing credits include Oleanna; Sex, Drugs, Rock & Roll; and A Clockwork Orange. Mr. Sine is a board member of the Manhattan Theatre Club and the Play Company in New York and is an owner of the Hibernia Theatre in Prague, Czech Republic.

AUBREY DAN, DANCAP PRODUC-TIONS (Producer). Aubrev Dan is president of Dancap Productions Inc. (www.dancaptickets.com), a company dedicated to presenting and producing the best of Broadway-style theatre created in collaboration with acclaimed performers and awardwinning creative teams to entertain and engage theatre lovers in Toronto and throughout Canada. Dan began producing theatre in Toronto working with CanStage on Urinetown: The Musical, Ain't Misbehavin' and Hair. His Broadway producing credits include The Wedding Singer and The Pirate Oueen and currently The Farnsworth Invention and Rock 'n' Roll. Aubrey is a seasoned businessman who invests his own funds in diverse businesses around the globe.

LATITUDE LINK (Producer). A La Jolla, California-based production group and licensing company. Other projects include the Broadway and national tours of Jersey Boys (2006 Tony Award). Thanks to Aaron Sorkin and Des McAnuff for their commitment to The Farnsworth Invention, an important American story. The principals of Latitude Link actively support and applaud La Jolla Playhouse for its 25-year mission of giving theatre artists a safe place to create unsafe work.

THE PELICAN GROUP (Producer). A theatrical production partnership managed by Ivor Royston, it received the Tony Award for the 2006 Best Musical, Jersey Boys, and is an associate producer of the national tour of Camelot, Current Pelican development projects include the new musical Zhivago and the revival of the musical The Wiz. The Pelican partners supporting The Farnsworth Invention are Richard and Rita Atkinson. Todd and Debby Buchholz, Pauline Foster, Cam and Wanda Garner, Hal and Debby Jacobs, Irwin and Joan Jacobs, Jeffrey and Deni Jacobs, Paul and Stacy Jacobs, Warren and Karen Kessler, Nevins and Margret McBride and Colette Carson Royston.

LAUREN MITCHELL (Associate Producer). As producer, on Broadway: Jersey Boys, Urinetown, Into the Woods ('02 revival), Wrong Mountain, High Society. Off-Broadway: Bare, Barbra's Wedding. As actress, on Broadway: The Boys From Syracuse, Me and My Girl, Nine, Annie, City of Angels (L.A.), Into the Woods (original cast and PBS American Playhouse) and numerous Off-Broadway, regional, television and concert appearances.

LA JOLLA PLAYHOUSE (Page To Stage Producer) has received more than 300 awards for theatre excellence, including the 1993 Tony Award as America's Outstanding Regional Theatre. Located in La Jolla, California, the Playhouse is nationally acclaimed for its innovative productions of classics, new plays and musicals. Led by Christopher Ashley, artistic director; Steven B. Libman, managing director; and Des McAnuff, director emeritus, the Playhouse was founded in 1947 by Gregory Peck. Dorothy McGuire and Mel Ferrer, More than 30 Playhouse productions have moved to Broadway, garnering 23 Tony Awards, including Big River, The Who's Tommy, How to Succeed in Business..., Thoroughly Modern Millie, Jersey Boys and Billy Crystal's 700 Sundays and the Pulitzer Prize-winning I Am My Own Wife, both fostered as part of the Playhouse's Page to Stage New Play Development Program. Visit www.lajollaplayhouse.org.

Information in "Who's Who in the Cast" is provided by the production. Where opinions are expressed, they are those of the players, not necessarily those of PLAYBILL Magazine.

#### Opening Night: November 14, 2007

#### STAFF FOR THE FARNSWORTH INVENTION

#### GENERAL MANAGEMENT DODGER MANAGEMENT GROUP

#### GENERAL PRESS REPRESENTATION

BONEAU/BRYAN-BROWN

Adrian Bryan-Brown Susanne Tighe Heath Schwartz

#### COMPANY MANAGER

Jennifer Hindman Kemp
Production Stage Manager . . . . . . Frank Hartenstein

Stage Manager	Kelly A. Martindale
Assistant Stage Manager	Stephanie Atlan
Associate General Manager	Jennifer F. Vaughan
Assistant General Manager .	Dean A. Carpenter
Technical Supervision	Tech Production Services/
reclifical Supervision	eter Fulbright, Mary Duffe
Called	n Houlehen, Robert Spink
Collee	noutenen, Robert Spink
Assistant Director	Daisy walker
Dialect Coach	Stephen Gabis
Associate Scenic Designer .	Robert John Andrusko
Associate Costume Designer	Matthew Pachtman
Assistant Costume Designer	Sarah Sophia Turner
Associate Lighting Designer .	
Assistant Lighting Designer	Amanda Zieve
Co-Sound Designer	Tony Smolenski
Associate Sound Designer	
Casting Directors	Tara Rubin, CSA.
	Laura Schutzel, CSA
Casting Associates	Fric Woodall, CSA
	M 10 004
Casting Assistants	Pehecca Carfagna
Casting Assistants	ige Blansfield, Dale Brown
Set Model Builder	IIIII WICINALII
Costume Shopper	Jessica Pabsi
Production Carpenter	Erik Hansen
Head Carpenter	Ray Harold
Production Electrician	Brian GH McGarity
Head Electrician	Pete Donovan
Production Sound	Jim Bay
Production Props	Emiliano Pares
Head Props	John H. Paull III
Wardrobe Supervisor	Scott Westervelt
Dressers	
Anthony	Hoffman, Teresia Larsen,
	skie, Virginia T. Neininger,
Delivii	Jane S. Rottenbach
Hair Supervisor	
Hair Department	Cov Beacker Bot Marque
Child's Guardian	. Gay boseker, rat Marcus
Child's Guardian	Ctarbaria Calvetta
Production Assistants	
Rya	an Mekenian, Sally Sibson,
	Alissa Zulvergold
Directing Intern	
Production Dramaturg	Adam Greenfield
Advertising	Serino Coyne, Inc./
Sa	andy Block, Scott Johnson,
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THE MUSIC USED IN THIS PRODUCTION WAS		

#### THE MUSIC USED IN THIS PRODUCTION WAS RECORDED BY

Piano & Conductor	Andrew Lippa
Music Coordinator	Howard Joines
Trumpet	Matthew Peterson
Woodwinds	
Violins	
	Christopher Cardona
Viola	
Cello	Anja Wood
Bass	William Ellison

#### DODGERS

**Dodger Theatricals** 

Michael Bolgar, Sandra Carlson, Dean A. Carpenter, Michael David, John L. Haber, Gordon Kelly, Jennifer Hindman Kemp, Pamela Lloyd, James Elliot Love, Jessica Ludwig, Paula Maldonado, Lauren Mitchell, Sally Campbell Morse, Samuel Rivera, R. Doug Rodgers, Maureen Rooney, Bill Schaeffer, Andrew Serna, Bridget Stegall, Edward Strong, Tim Sulka, Jennifer F. Vaughan, Nefertiti Warren, Laurinda Wilson, Ashley Zimmerman

#### www.FarnsworthOnBroadway.com

#### LA JOLLA PLAYHOUSE

ER COLLAI	
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Associate Artistic Director	Shirley Fishman
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Director of Education	
and Outreach	Steve McCormick

Production Manager Associate Production Manager Technical Director	Brian Busch
Associate Technical Directors	Chris Borreson,
	Chris Kennedy
Costume Shop Manager	Susan Makkoo
Sound Supervisor	Peter Hashagen
Lighting Supervisor	
Prop Master	Debra Hatch
Charge Scenic Artist	
Theatre Operations Manager	

#### CREDITS

Scenery fabrication, show control and scenic motion control by Scenic Technologies, a division of PRG, LLC, New Windsor, NY. Lighting equipment from PRG Lighting. Costumes by Eric Winterling, Inc.; Giliberto Designs, Inc.; Maria Ficalora Knitwear Ltd.; Tricorne, Inc. Millinery by Arnold S. Levine, Inc. Custom footwear by Worldtone. Props provided and executed by The Spoon Group. Sound equipment by Sound Associates, Inc. Special effects equipment by Jauchem & Meeh Inc. Autopilot system provided by TOP DOG Spotlighting. Natural herb cough drops courtesy of Ricola USA, Inc. Rehearsed at New 42nd Street Studios. PLAYBILL® cover photo by Chris Callis.

#### IN MEMORY

It is difficult to imagine producing anything without the presence of beloved Dodger producing associate James Elliot Love. Friend to everyone he met, James stood at the heart of all that is good about the theatrical community. He will be missed, but his spirit abides.



THE ACTORS AND STAGE MANAGERS EMPLOYED IN THIS PRODUCTION ARE MEMBERS OF ACTORS' EQUITY ASSOCIATION, THE UNION OF PROFESSIONAL ACTORS AND STAGE MANAGERS IN THE UNITED STATES.



Backstage and Front of the House Employees are represented by the International Alliance of Theatrical Stage Employees (or I.A.T.S.E.).



United Scenic Artists - Local USA 829 of the IATSE represents the Designers & Scenic Artists for the American Theatre

The Press Agents, Company and House Managers employed in this production are represented by the Association of Theatrical Press Agents & Managers.



The Director is a member of the Society of Stage Directors and Choreographers, Inc., an independent national labor union.



Dramatists Guild of America the professional association of playwrights, composers & lyricists

This production is produced by a member of the League of American Theatres and Producers in collaboration with our professional union-represented employees.



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EMERGENCY RESUSCITATION EQUIPMENT Resuscitation masks and latex gloves are located at the ticket taker's stand in the theatre lobby.

LEARN CPR. For information contact the American Red Cross and the American Heart Association.

#### WARNING

The photographing or sound recording of any performance or the possession of any device for such photographing or sound recording inside this theatre, without the written permission of the management, is prohibited by law. Violators may be punished by ejection and violations may render the offender liable for money damages.

FIRE NOTICE: The exit indicated by a red light and sign nearest to the seat you occupy is the shortest route to the street. In the event of fire or other emergency please do not run - WALK TO THAT EXIT.

Thoughtless persons annoy patrons and endanger the safety of others by lighting matches or smoking in prohibited areas during the performance and intermissions. This violates a City ordinance and is punishable by law.

FIRE COMMISSIONER

#### MAMMA MIA!

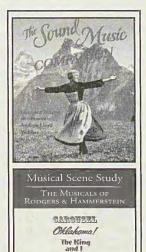
Mamma Mia!, the hit ABBA musical at the Winter Garden Theatre, continues to celebrate its success. On Oct. 20, it played its 2,500th performance, sliding past The Producers to become the 18th longest-running show in Broadway history, and the greatest-hits album GOLD recently celebrated 581 weeks on the Billboard Top Pop Catalog Chart with sales of over 6 million in the U.S. alone. In Las Vegas, the musical recently played its 1,800th performance, making it the longest-running full-length Broadway production to ever play the Strip. And let's not forget that in 1983, the Swedish Post Office issued an ABBA commemorative stamp, making it the first time that a

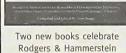
pop group had appeared on a Swedish stamp.

Mamma Mia! deserves that exclamation point.

#### ON THE HOUSE

This month, John Guare's delightful comedy *The House of Blue Leaves* is being performed by actors in their fourth and final year in Juilliard's Drama Division. Directed by Will Pomerantz, performances will take place Dec. 13–17 in the





"SOUND OF MUSIC

SOUTH PACIFIC

evening and on Sat., Dec. 15 at 2 P.M. For more information, call 212-769-7406.

#### **RODGERS & HAMMERSTEIN**

The Sound of Music Companion is a spectacular new coffee table book with more than 170 color and black-and-white illustrations of the beloved musical. This splendid book by Laurence Maslon (with a foreword by Andrew Lloyd Webber) documents the incredible life of Maria Von Trapp and the development of the musical version of her story. The book contains such delights as never-beforeseen storyboards from the film and the complete lyrics to all the memorable songs. (Fireside/ Simon & Schuster, Inc., \$40/ cloth)

Musical Scene Study: The Musicals of Rodgers & Hammerstein, compiled and edited by Tom Briggs, is the first comprehensive musical scene study guide of its kind. It includes dialogue, stage directions and vocal scores from award-winning shows like The King and I, South Pacific and Oklahoma! (Applause Theatre and Cinema Books, \$29.95, paperback with 20 black-and-white photos)



**HONORED** On the very day she arrived in New York City, Shirley Jones was discovered by Rodgers and Hammerstein. She so impressed them at her audition that they cast her as a replacement in *South Pacific*, then in the national tour of *Me and Juliet* and later in leading parts in their film adaptations of *Oklahoma!* and *Carousel*. She has also appeared in stage productions of *The Sound of Music* and *The King and I*. In June, the Oscar-winning actress was awarded the ninth Richard Rodgers Award for Excellence in Musical Theater, given by Pittsburgh CLO, the families of Richard Rodgers and Oscar Hammerstein II and The Rodgers & Hammerstein Organization. The award was, appropriately, presented by

Rodgers's daughter Mary, who composed the music for the hit show *Once Upon A Mattress*. Jones is in good company. Among other stars who have been awarded the Richard Rodgers Award are Gwen Verdon, Julie Andrews, Bernadette Peters and Stephen Sondheim.



AMBIEN CR is indicated for the treatment of insomnia.

#### IMPORTANT SAFETY INFORMATION

AMBIEN CR is a treatment option you and your healthcare provider can consider along with lifestyle changes and can be taken for as long as your provider recommends. Until you know how AMBIEN CR will affect you, you shouldn't drive or operate machinery. Be sure you're able to devote 7 to 8 hours to sleep before being active again. Sleepwalking, and eating or driving while not fully awake, with amnesia for the event, have been teported. If you experience any of these behaviors contact your provider immediately. In rare cases, sleep medicines may cause allergic reactions such as swelling of your tongue or throat, shortness of breath or more severe results. If you have an altergic reaction while using AMBIEN CR, contact your doctor immediately. Side effects may include next-day drowsiness, dizziness, and headache. It's non-narcotic; however, like most sleep medicines, if has some risk of dependency. Don't take if with alcohol.

A good night's sleep from start to finish.™



www.AmbienCR.com • 1-800-581-5608



Please see Important Patient Information on adjoining page.

#### INFORMATION FOR PATIENTS Ambien CR® € (zolpidem tartrate extended-release) tablets



#### **INFORMATION FOR PATIENTS TAKING AMBIEN CR**

Your doctor has prescribed Ambien CR to help you sleep. The following information is intended to guide you in the safe use of this medicine. It is not meant to take the place of your doctor's instructions. If you have any questions about Ambien CR tablets be sure to ask your doctor or pharmacist.

Ambien CR is used to treat different types of sleep problems, such as:

- · trouble falling asleep
- · waking up often during the night

Some people may have more than one of these problems.

Ambien CR belongs to a group of medicines known as the "sedative/hypnotics", or simply, sleep medicines. There are many different sleep medicines available to help people sleep better. Sleep problems are usually temporary, requiring treatment for only a short time, usually 1 or 2 days up to 1 or 2 weeks. Some people have chronic sleep problems that may require more prolonged use of sleep medicine. However, you should not use these medicines for long periods without talking with your doctor about the risks and benefits of prolonged use.

#### SIDE EFFECTS

#### Most common side effects:

- · headache
- · somnolence (sleepiness)
- dizziness

You may find that these medicines make you sleepy during the day. How drowsy you feel depends upon how your body reacts to the medicine, which sleep medicine you are taking, and how large a dose your doctor has prescribed. Daytime drowsiness is best avoided by taking the lowest dose possible that will still help you sleep at night. Your doctor will work with you to find the dose of Ambien CR that is best for you.

To manage these side effects while you are taking this medicine:

- · When you first start taking Ambien CR or any other sleep medicine until you know whether the medicine will still have some carryover effect in you the next day, use extreme care while doing anything that requires complete alertness, such as driving a car, operating machinery, or piloting an aircraft.
- NEVER drink alcohol while you are being treated with Ambien CR or any sleep medicine. Alcohol can increase the side effects of Ambien CR or any other sleen medicine.
- · Do not take any other medicines without asking your doctor first. This includes medicines you can buy without a prescription. Some medicines can cause drowsiness and are best avoided while taking Ambien CR.
- Always take the exact dose of Ambien CR prescribed by your doctor. Never change your dose without talking to your doctor first.

#### SPECIAL CONCERNS

There are some special problems that may occur while taking sleep medicines.

"Sleep-Driving" and other complex behaviors: There have been reports of people getting out of bed after taking a sleep medicine and driving their cars while not fully awake, often with no memory of the event. If you experience such an event, it should be reported to your doctor immediately, since "sleep-driving" can be dangerous. This behavior is more likely to occur when Ambien CR is taken with alcohol or other drugs such as those for the treatment of depression or anxiety. Other complex behaviors such as preparing and eating food, making phone calls, or having sex have been reported in people who are not fully awake after taking a sleep medicine. As with "sleep-driving", people usually do not remember these events.

Memory problems: Sleep medicines may cause a special type of memory loss or "amnesia." When this occurs, a person may not remember what has happened for several hours after taking the medicine. This is usually not a problem since most people fall asleep after taking the medicine.

Memory loss can be a problem, however, when sleep medicines are taken while traveling, such as during an airplane flight and the person wakes up before the effect of the medicine is gone. This has been called "traveler's amnesia."

Be sure to talk to your doctor if you think you are having memory problems. Although memory problems are not very common while taking Ambien CR, in most instances, they can be avoided if you take Ambien CR only when you are able to get a full night's sleep (7 to 8 hours) before you need to be active again.

Tolerance: When sleep medicines are used every night for more than a few weeks, they may lose their effectiveness to help you sleep. This is known as "tolerance". Sleep medicines should, in most cases, be used only for short periods of time, such as 1 or 2 days and generally no longer than 1 or 2 weeks. If your sleep problems continue, consult your doctor, who will determine whether other measures are needed to overcome your sleep problems.

Dependence: Sleep medicines can cause dependence, especially when these medicines are used regularly for longer than a few weeks or at high doses. Some people develop a need to continue taking their medicines. This is known as dependence or "addiction."

When people develop dependence, they may have difficulty stopping the sleep medicine. If the medicine is suddenly stopped, the body is not able to function normally and unpleasant symptoms may occur (see Withdrawal). They may find that they have to keep taking the medicines either at the prescribed dose or at increasing doses just to avoid withdrawal symptoms.

All people taking sleep medicines have some risk of becoming dependent on the medicine. However, people who have been dependent on alcohol or other drugs in the past may have a higher chance of becoming addicted to sleep medicines. This possibility must be considered before using these medicines for more than a few weeks.

If you have been addicted to alcohol or drugs in the past, it is important to tell your doctor before starting Ambien CR or any sleep medicine.

Withdrawal: Withdrawal symptoms may occur when sleep medicines are stopped suddenly after being used daily for a long time. In some cases, these symptoms can occur even if the medicine has been used for only a week or two.

In mild cases, withdrawal symptoms may include unpleasant feelings. In more severe cases, abdominal and muscle cramps, vomiting, sweating, shakiness, and rarely, seizures may occur. These more severe withdrawal symptoms are very uncommon.

Another problem that may occur when sleep medicines are stopped is known as "rebound insomnia." This means that a person may have more trouble sleeping the first few nights after the medicine is stopped than before starting the medicine. If you should experience rebound insomnia, do not get discouraged. This problem usually goes away on its own after 1 or 2 nights.

If you have been taking Ambien CR or any other sleep medicine for more than 1 or 2 weeks, do not stop taking it on your own. Always follow your doctor's directions

Changes in behavior and thinking: Some people using sleep medicines have experienced unusual changes in their thinking and/or behavior. These effects are not common. However, they have included:

- · more outgoing or aggressive behavior than normal · confusion
- · strange behavior
- · agitation
- hallucinations worsening of depression
- · suicidal thoughts

How often these effects occur depends on several factors, such as a person's general health, the use of other medicines, and which sleep medicine is being used.

It is also important to realize that it is rarely clear whether these behavior changes are caused by the medicine, an illness, or occur on their own. In fact, sleep problems that do not improve may be due to illnesses that were present before the medicine was used. If you or your family notice any changes in your behavior, or if you have any unusual or disturbing thoughts, call your doctor immediately.

**Pregnancy:** Sleep medicines may cause sedation of the unborn baby when used during the last weeks of pregnancy.

Be sure to tell your doctor if you are pregnant, if you are planning to become pregnant, or if you become pregnant while taking Ambien CR.

#### SAFE USE OF SLEEPING MEDICINES

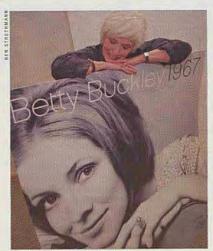
To ensure the safe and effective use of Ambien CR or any other sleep medicine, you should observe the following cautions:

- Ambien CR is a prescription medicine and should be used ONLY as directed by your doctor. Follow your doctor's instructions about how to take, when to take, and how long to take Ambien CR. Ambien CR tablets should not be divided, crushed, or chewed, and must be swallowed whole.
- Never use Ambien CR or any other sleep medicine for longer than directed by your doctor.
- If you develop an allergic reaction such as rash, hives, shortness of breath or swelling of your tongue or throat when using Ambien CR or any other sleep medicine, discontinue Ambien CR or other sleep medicine immediately and contact your doctor.
- If you notice any unusual and/or disturbing thoughts or behavior during treatment with Ambien CR or any other sleep medicine, contact your doctor.
- Tell your doctor about any medicines you may be taking, including medicines you may buy without a prescription. You should also tell your doctor if you drink alcohol. DO NOT use alcohol while taking Ambien CR or any other sleep medicine.

- Do not take Ambien CR unless you are able to get a full night's sleep before
  you must be active again. For example, Ambien CR should not be taken
  on an overnight airplane flight of less than 7 to 8 hours since "traveler's
  amnesia" may occur.
- Do not increase the prescribed dose of Ambien CR or any other sleep medicine unless instructed by your doctor.
- When you first start taking Ambien CR or any other sleep medicine, until
  you know whether the medicine will still have some carryover effect in you
  the next day, use extreme care while doing anything that requires complete
  alertness, such as driving a car, operating machinery, or piloting an aircraft.
- 9. Be aware that you may have more sleeping problems the first night after stopping Ambien CR or any other sleep medicine.
- Be sure to tell your doctor if you are pregnant, if you are planning to become pregnant, or if you become pregnant while taking Ambien CR or any other sleep medicine.
- 11. As with all prescription medicines, never share Ambien CR or any other sleep medicine with anyone else. Always store Ambien CR or any other sleep medicine in the original container that you received it in and store it out of reach of children.
- 12. Ambien CR works very quickly. You should only take Ambien CR right before going to bed and are ready to go to sleep.

#### Ambien CR® €

(zolpidem tartrate extended-release tablets)





Buckley now (top, with an enlarged photo of her new CD) and then (above)

Her mother, Betty Bob Buckley, had once had her own singing aspirations and thought her daughter should make a recording, since Betty Lynn was receiving more and more offers to entertain. "My mother is thrilled that this [record] is out there," Buckley laughs, "because she promptly took responsibility for 80% of the songs. She picked 'C'est Magnifique' and 'Quando Caliente El Sol' and 'They Can't Take That Away From Me.' She had been a singer–dancer, and she had taught me [that song, which was] one of the early standards that I learned. 'They Were You' was one of the songs that I picked because I loved the

musical The Fantasticks. She picked 'Call Me'; I picked 'One Boy' from Bye Bye Birdie because I also loved Bye Bye Birdie. I was a teenager, and I was so excited that there were kids on Broadway. I thought, 'I can go to New York and be on Broadway!' I also picked 'I Want to Be Free' and 'Where Is Love?' and 'Who Can I Turn To?' My mother pointed out 'My Funny Valentine,' and 'When I Fall In Love' was my choice. The songs that I picked reflected my enthusiasm for Broadway. Some were reflective of the moment of having fallen in love for the first time and having it not work out like the way they tell you it's supposed to. My mother's songs are really of that moment, pop tunes of the era and some of the great standards."

The album, which was recorded in one day—mostly in single takes—was engineered by T Bone Burnett, who has gone on to enjoy his own legendary career as a record producer. "His mother, Hazel Vernon," Buckley explains, "knew my mother. My mom said, 'You know, we really need to record this, Betty Lynn.' She called Hazel, and Hazel called T Bone, and T Bone called us to come on in, and he engineered it. I had been working with this little jazz trio at a jazz club, so we had sung these songs in performance a lot."

When the recording was finished, Buckley sent one copy to her then-boyfriend ("I wonder if he kept it," she muses) and later a second to Rodger Hess, the former ICM agent who convinced her to try her talents in the Big Apple (she scored her first Broadway show, 1776, at her first audition on her very first day in Manhattan). Hess, knowing a good thing when he heard it, kept that vintage recording and years later loaned it to the Bravo network when they produced the documentary "Betty Buckley in Concert and in Person." It was this PLAYBILL writer and longtime Buckley admirer who, upon hearing snippets of that beautiful recording on the Bravo broadcast, first suggested to Buckley that she release the 1967 recording on CD.

"I was always very charmed by the fact that you liked it," Buckley told me, "but, to me, it was just this fledgling endeavor. The voice sounds too young, too pure, and I just dismissed it. If you hadn't persisted as well as [PLAYBILL Publisher and President] Phil Birsh and [PLAYBILL Records Executive Producer] Richard Jay-Alexander, I never would have attended to it."

Buckley says her opinion of the '67 recording changed when she listened to it again one evening with her mom. "I kind of heard it for the first time through her delight in listening to it," Buckley says. "I started hearing things about my essential young girl self and my approach to music and how effortlessly I sang and with such abandon and such joy. I thought, 'Oh, my God, I'd forgotten about her!' It's been an enormous life lesson for me, and I feel that I'm embracing this part of myself in a way that I really wasn't aware of. It's been a growth experience and a spiritual experience ... kind of an epiphany about life and a singer's journey."

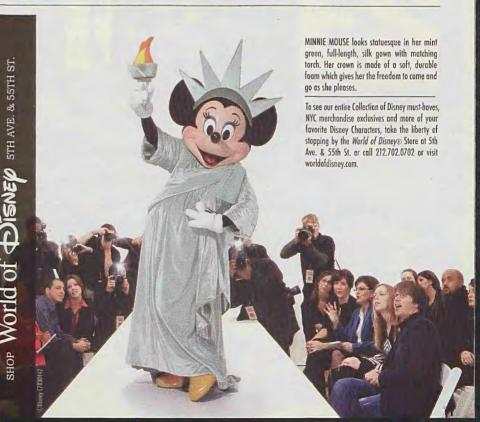
Buckley is equally thrilled with the reception the recording has received. In fact, *Betty Buckley* 1967 is the first of her solo albums to have placed on the Billboard charts. Its first week in release, the CD was #2 on the Top Heatseekers (Middle Atlantic) Chart, #19 on the Top Internet Albums Chart and #33 on the Top Heatseekers Chart.

"I am blown away! I cannot believe this," was Buckley's reaction to hearing the Billboard news. "When Richard Jay-Alexander kept saying, 'We're gonna chart,' I honestly thought it was some major positive thinking, but pie in the sky. I am amazed. But, honestly, this was Andrew [Gans's] idea, and Phil's and Richard's vision. I am just along for the ride and totally shocked and so grateful. What a trip!"

Buckley fans have another treat in store: On Valentine's Day 2008, Playbill Records will release the actress's latest solo recording, *Quintessence*, which celebrates her 18-year working relationship with musical director and pianist Kenny Werner.



For more with Betty Buckley, listen to our podcast at PlaybillRadio.com



### The Baddest Man in Town

Whether he's playing a ruthless town boss in "Deadwood" or the brutish Max in *The Homecoming*, when Ian McShane is bad, he's very, very good

by Jerry Tallmer

wo fluttery birds, leaving a coffee shop in the East 30s, stopped by a table near the door and asked the husky, saturnine man sitting there: "Are you Ian McShane?" When he acknowledged he was, they giggled and scurried out. "Brits," said McShane dryly, "taking advantage of the dollar."

He himself is a Scot, or mostly Scot, even if, he says, "the 'Mc' in the name means there must be Irish way back," The genealogy of Max, the coarse, tyrannical paterfamilias McShane plays in Harold Pinter's The Homecoming at the Cort Theatre, is of no consequence. What counts is the lip-licking avidity with which the old guy agrees to put his daughter-in-law from America "on the game" as a Greek

Street whore (". . . that's a stroke of genius, that's a marvelous idea"). Her earnings will support Max and two of his sons—a third son is the young woman's husband—in their desolate North London quarters. Pure evil.

Well, not altogether evil, says McShane, who is most familiar to Americans as the unscrupulous saloonkeeper Al Swearengen in HBO's "Deadwood." "Max has more than one dimension," said McShane in the wake of the departing birds. "Like Swearengen, who came off in the beginning as the baddest man in the world, but there was more to it than that. Max and Lenny"—the son who's had that marvelous idea of putting his sister-in-law to work on her back—"share the same sharp, tough,

brutish, Hobbesian view of the world." [Philosopher Thomas Hobbes, 1588–1679: "The life of man, solitary, poor, nasty, brutish and short."]

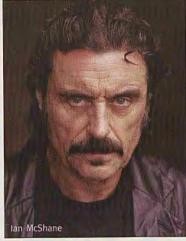
"Harold shares that, too," said McShane. He has known Harold Pinter since he, McShane, played brash, aggressive Mick in a

two-hour British TV production of Pinter's The Caretaker in 1966. "Harold is not the dark Darth Vader presence people think he is. People put that aura on him. 'It's Pinter! It's Beckett! Ohhhh!'" the actor squealed in his best baritone. "Enigmatic' is the word I would use for Harold."

McShane's arrival on Broadway in *The Homecoming* invokes a certain symmetry, for himself and for the show.

In 1967, one year after he'd done that televised *Caretaker*, the 25-year-old actor made his first and until now only appearance on Broadway, as a young survivor of the siege of Leningrad in a play by Alexei Arbuzov called *The Promise*. The other two young actors—it was a two-men-and-a-girl love story—were Ian McKellen and Eileen Atkins. "The trouble with that," McShane said now, "was that Eileen has never been 17 in her life." But that isn't what closed the show—a hit in London—after 35 NYC performances. "I don't think the U.S. was ready for the Russians. Last night I received an e-mail from Ian: 'Hope you last longer than we did.'"

If all goes well, the limited engagement at the Cort will run into mid-April. Co-starring



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#### The Baddest Man in Town

with McShane are Raúl Esparza, Eve Best, Michael McKean, James Frain and Gareth Saxe. The director is Daniel Sullivan. It's a 40th Broadway anniversary for *The Homecoming*, too. In that same year of 1967—the year covered, McShane notes, in William Goldman's diaristic book *The Season*—Pinter's classic-to-be made its American bow with Paul Rogers, Ian Holm and Vivien Merchant (the then-Mrs. Harold Pinter). Another link: In 1962, two years after his graduation from RADA—the Royal Academy of Dramatic Art—McShane was in

The actor's parents, Harry McShane and Irene Cowley McShane ("my mother is English") are in their 80s now and still going strong. They met at age 16 when Harry McShane came down from Scotland to Blackburn, England—where their son Ian would be born, September 29, 1942—to apprentice as a footballer (soccer, to us) with the Blackburn Rovers. Harry soon found a career as "what was then called a No. 11—a small, speedy, Scottish left-winger" on the great Manchester United team. (In 1958, two years after he called it a career, around half



(l.-r.) Jeffrey Jones as A.W. Merrick, Powers Boothe as Cy Tolliver, Ian McShane as Al Swearengen, Timothy Olyphant as Seth Bullock and William Sanderson as E.B. Farnum in HBO's "Deadwood"

a film called *The Wild and the Willing* as a student who has an affair with his professor's wife. The professor was played by Paul Rogers—"a sweet man"—who was so terrifying as old Max in *The Homecoming*. "Paul was actually a young man then." Two beats. "People were older then."

McShane is asked if he's ever known anyone like Max in what's called real life. "No. Oh no. I don't think anyone has known a Max. It's very difficult to cross Dick Cheney with George Carlin, you know."

Was doing "Deadwood" fun? "Fantastic. Like doing a film, a workshop and a play all at the same time. David Milch [creator and executive producer] knew what the scenes were, and gave them to you day to day. Nothing improvised. And all this on a ranch north of Los Angeles. So you were totally in that world. You went in, held your balls—and jumped."

that team died in a plane crash at Munich.)

How come you didn't go into football? "Didn't have the talent."

But another kind of talent was quickly spotted by Leslie Ryder, a teacher at Stretford Grammar School. "He came and said, 'You're going to play this part" in what turned out to be Jean-Paul Sartre's *Nekrassov*. "After that I did *Cyrano*, at 16, and then I joined the National Youth Theatre, the first member not to come from London, and then RADA and that's it. My last time as a civilian. Been an actor ever since."

And he is married to an actress, Gwen Humble, whom he met when they were both in a 1980 movie called *Cheaper to Keep Her*. "She's from Detroit, so I have to be a Red Wings and Tigers fan." His two grown children from an earlier marriage are not in theatre. "Very smart of them." Pinter's Max would put it another, and less polite, way.

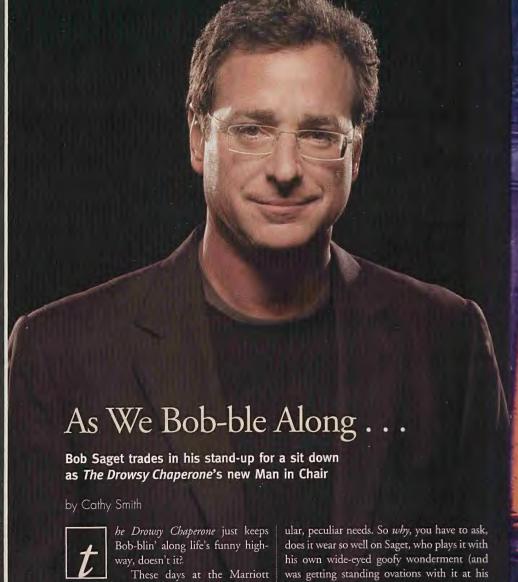
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Marquis, you'll find TV's Bob Saget doing his stand-up as Man in Chair—your erudite, eccentric, sedentary tour guide through musical-theatre minutiae of the '20s. It's a part created on page and on stage by Bob Martin, who Tony-contended on both counts, winning for musical-book co-author and also-running for the portrayal itself.

Actually, Martin didn't "create" the character as much as he fastidiously crocheted it and then custom-tailored it to his own particsecond-ever performance on Broadway)?

Simple, says Saget-although he didn't initially think it would be, after seeing Martin do the role recently up in Toronto. They went out to dinner afterwards, and Martin stopped Saget's trepidation in its tracks: "'No,' he said, 'you're perfect-you're a monologist. The comfort level of the audience is already there. Basically, this is a giant monologue, with asides.' I love asides—those little roads you go down—it's how I do my comedy anyway."

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#### As We Bob-ble Along . . .

There are lots of back roads in this role—riffs and tangents that Man in Chair takes to teach You in Audience as fully as possible about *The Drowsy Chaperone*, some forgotten Broadway fluff so dear to his heart he insists on sharing it, sparing you nothing in his love offering. Given the seating capacity of the Marquis, that's a one-on-1,586 relationship, and you are all crammed into his seedy, nostalgia-stacked cold-water flat, where the



Saget as Man in Chair with Beth Leavel in a scene from *The Drowsy Chaperone* 

show going on in his head suddenly materializes when he puts the phonograph needle to his two-disc set.

Had this rickety old relic *really* opened on Broadway—at the Morosco at 217 W. 45th St., where the Marriott now stands—it would, come next September 18, be 80 years old. But the now-wizened original cast—12 principals, plus an ensemble of eight—returns younger than springtime, as Man in Chair imagines them, to illustrate his points without ever interacting with them.

"I don't get anything back from anybody," Saget points out. "Early on, a couple of cast members came up to me and, essentially, said, 'We can't look at you. We can't touch you. We can't speak to you or acknowledge you in any way, but we're totally there for you."

This is when it comes in handy, having been a monologist who plays to an audience and no one else. Another thing that serves him well is his history on television. He headed "Full House" for eight years, and also put in eight years as the host of "America's Funniest Home Videos," providing comic lead-ins to the submitted film clips. Last year he resumed hosting duties on network TV via "1 vs. 100," a trivia-style game show. It did well enough to come back for seconds. He filmed eight new episodes before heading for Broadway and will "sneak away" to lens more if needed before his run ends in February.

Man in Chair couldn't be a more perfect host, twisting himself into a pretzel to please you (possibly even to convert you to his point of view). Some of his flash-forward footnotes are quirky, if not downright queasy—but Martin and co-writer Don McKellar are shrewdly echoing real-life references. Just for instance: Percy Hyman (Troy Britton Johnson), who plays the altar-bound hero, hit Saget close to home:

"You know where Man in Chair says they wheel [Hyman] in and he has that wide-eyed expression of pain and suffering that God reserves for the very, very old on their birth-day—the one that goes 'Who are you? Who am I? And why is this cake on fire?' Bob Martin told me 'The Cake on Fire' was the name of a video on 'America's Funniest Home Videos.' He was thinking of that video when he wrote it and when he says it. I remember it, too. There were too many candles, and the icing caught fire, and this old man was trying to blow it out. Bob said, 'You are already in the show.'"

Saget made his first appearance on a New York stage at Second Stage in spring of 2005 in *Privilege*, playing a prison-bound inside trader—and family man. At his last performance, Bob Boyett bopped by. "He was an exec producer of 'Full House,' and he's since become Mr. Broadway. It's what he always wanted to do. He's the one who invited me aboard."

Now, Saget's sitting pretty between two sitcom worlds, "Full House" and "Empty Nest"—all by his lonesome as Man in Chair but able to conjure up a house full of fantasy figures.

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## PAGEING THE GRINCH

Patrick Page returns to Broadway as Dr. Seuss's green grouch an event that is becoming an annual holiday-time treat

by Ellis Nassour

f ever an actor was destined to play a role, it's Patrick Page, returning this season to his acclaimed portrayal of the Grinch in Dr. Seuss' How the Grinch Stole Christmas! The Musical at the St. James Theatre. "It's the realization of a lifelong dream," says the 44-year-old actor. "That sounds like such a cliché, but it is."

Page has had the book memorized since he was eight. "I loved the Grinch. I'd perform the entire thing for anyone who'd listen, complete with facial expressions, characters, voices, everything. That went on well into my twenties."

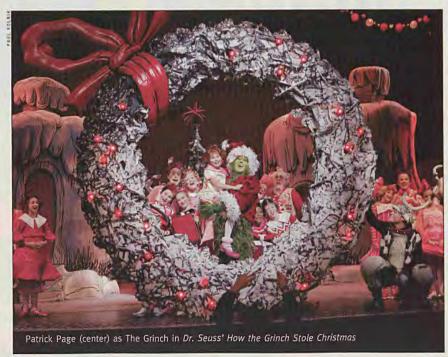
As a good luck omen, he has his childhood book displayed in his dressing room.

When the actor auditioned, the script was a hair off from the way the book opens. "It was just enough to throw me," he says. "I asked if I

could do it as in the book. I started and kept going: 'Every Who down in Whoville liked Christmas a lot, but the Grinch, who lived just north of Whoville, did not!' They were astonished someone knew the whole book."

Page was cast as the Grinch and took several weeks' leave from playing Scar in *The Lion King* to play his dream role. "But there was a catch," he explains. "The Dr. Seuss Estate had final approval and sent a representative to see me as Scar."

Afterward, says Page, "he was polite, but kept his cards close to his chest. He didn't give me even a hint he approved, and would pass along his opinion to Mrs. Geisel [Seuss's widow and one of the producers]." They had said good-bye when it hit Page that he'd never told the man the reason he should play the part.



"I ran down the street, pushing theatregoers aside, until I caught him. I said, 'I need you to know that this material is important to me. I'm sure you can find someone who can sell more tickets, but you won't find anyone who'll love and protect this material the way I will."

Page didn't know it, but he had the part. "Thankfully, I didn't blow it."

Since college, Page has been adept at Shakespeare, and many of the Bard's characters have prepared him for his Scar and Grinch portrayals. "They're left-out people. Before Shakespeare, villains were just evil. Audiences never had an explanation why. Richard III changed that. Here was a character who said, 'I'm evil because my body is mis-

shapen—because I've been cursed by the heavens—because my mother didn't love me."

He points to Claudius in *Hamlet*, who kills his brother to gain the throne; Aaron the Moor in *Titus Andronicus*, "a black man in a racist

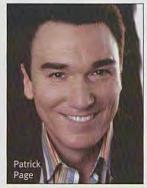
society"; and *The Merchant of Venice*'s Shylock, "who behaves badly because he's been spat on."

Page notes that *The Lion King's* screenwriters and stage adaptors picked up on that when they created Scar, "who's based on the Scottish king whose name I can't say in my dressing room, but

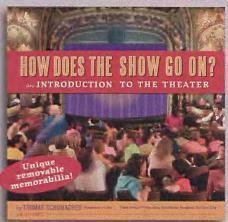
whom I've played three times. Scar's brother Mufasa is the strong one, while he's looking at the happy people below. The Grinch desires to be accepted, but would never admit that. The sad fact is that he doesn't think he can be."

Page connects with this. Growing up in Oregon, where his father acted and taught theatre, he was shy and not interested in sports. "At recess, my third grade teacher would say, 'I have two lemon drops. One's for Patrick if

he will play rather than sit here reading. The other is for whoever will play with Patrick.' I still have a strong image that when my classmates chose teams, I was the last choice. That's sort of my image for the Grinch."



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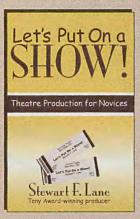


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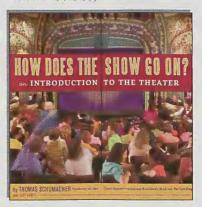
"It is truly remarkable to finally see this album be released after 40 years," said Buckley. "To listen to this recording, I remember a girl who loved to sing for the pure joy of it." [See page 32 for an interview with Betty Buckley.]



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#### ELEBRITY CHOICE



Jonathan Hadary (King Arthur in Monty Python's Spamalot at the Shubert Theatre) chooses RUTH'S CHRIS STEAK

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On one such week in early fall, executive chef Peter Menard provided a choice of three appetizers (oysters Rockefeller, coconut shrimp, seafood tower) and four entrées (wild salmon, Kobe style rib eye, bone-in NY strip, or Chilean sea bass with banana curry butter—topped with julienned sweet potatoes). Or you could go for live Maine lobster or Australian 8-oz. lobster tail.

Elsewhere in the main menu, New Orleansinfluenced dishes (barbecued shrimp, ahi tuna stack) are titled in red. This past August, at the old restored Prince George Hotel on East 28th Street, the restaurant that was born in New Orleans joined Absolut Vodka in a benefit for survivors of Hurricane Katrina.

"We have a very busy pre-theatre business, and reservations are strongly recommended," says new general manager James Henry Gordon, who used to come down, with his mother, from Rhinebeck, New York, to take in Saturday matiness. "And don't forget our jazz piano duo, Wednesdays through Saturdays, 6 to 10 P.M."

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Tshidi Manye
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If you tell us you've got to make the theatre, we can cook really fast," says Ratanaporn Thaisuriya (Tina for short), a waitress at Pongsri Thai Restaurant, "but don't order lobster or fish; they take longer." Both she and Madame Pongsri, "the lady boss" of this and three other Thai restaurants in Manhattan, are from Thailand.

Whatever the geography, "we can do spicy up or spicy down, as you prefer," says general manager Bo Techa. "All typical authentic Thai, fresh herbs, fresh vegetables, chili, no substitutes." A wide range of luncheons come in at \$5.95 or \$6.95, among them pad key mao (stir-fried noodles with herbs and chili paste), pad see-ew (stir-fried noodles with Chinese broccoli, soy sauce, beef, chicken, or pork) and pineapple fried rice (with cashews, egg and chicken fried rice). Then there's green curry, a Japanese dish with green beans, carrots, bamboo shoots, coconut milk, beef, chicken, or pork, and a tempting pad gra-prow of chicken, pork, beef, or seafood with onion, basil and not chili paste.

There's a service bar—beer, wine, cocktails—as well as an array of non-alcoholic, milk-based Thai drinks. "We deliver," says Bo, "but you have to call in. No online. And if you come out of the theatre, remember that we're open until 11:30 but the kitchen closes at 11." We haven't even talked about the duck, mussels, salmon and lobster specials. Ask Tina.

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### HE THEATRE

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effrey Richards was born on Broadway -his mother, Helen Stern Richards, was a press agent, company manager and general manager whose credits included West Side Story. "The first show she took me to might have been Peter Pan," he recalls. "Watching Mary Martin fly is pretty special

when you're very young."

Richards has spent most of his life in the theatre-a total of 34 years, first as a press agent, and since the 1990s as a producer. His press-agent credits read like a list of the best of the American stage, including a passel of Pulitzer Prize winners: David Mamet's Glengarry Glen Ross, August Wilson's The Piano Lesson, Robert Schenkkan's Kentucky Cycle, Lanford Wilson's

Talley's Folly, Horton Foote's The Young Man From Atlanta. And then there's On Your Toes, Me and My Girl, Ma Rainey's Black Bottom, I'm Not Rappaport and Joe Turner's Come and Gone.

His résumé as a co-producer includes last season's Tony-winning Spring Awakening; the Tony-winning revival of Glengarry Glen Ross; the revival of Eric Bogosian's Talk Radio; Radio Golf; and, this season, David Mamet's November, Harold Pinter's The Homecoming and Tracy Letts's August: Osage County.

In college, his plans to become a journalist ended when he was offered a job in public relations, working on the 1973 revival of The Pajama Game. "Then, in 1976," Richards recalls, "I decided to open my own office. I had a show I felt couldn't miss. It had a score by Richard Rodgers, lyrics by Sheldon Harnick, and it starred Nicol Williamson, Penny Fuller and Glenn Close." The musical, Rex, closed after 48 performances.

Richards didn't give up. The next year he

landed Mummenschanz, "which was supposed to run three weeks and ran three years." And then, in 1977, he got what he terms his biggest break.

"Alfred De Liagre-he was called The Last Gentleman Producer'-asked me to look at a script. He said if I liked it he would take a chance on me." The play-Deathtrap by Ira Levin-

> opened in February 1978. Richards represented it for its

1,793 performances.

Richards's decision become a producer came in London in 1992 when, after seeing a show, he found himself wandering down "a block that changed my life." He noticed a group of young people near a theatre. "I had not seen so many young people outside a theatre in a long time.

. . . They were seeing The Complete Works of William Shakespeare (Abridged)."

After checking it out himself, Richards returned home and talked to producers, "but nobody seemed very interested." Then, in 1993, the play was being done at Princeton, so he went down with two producers. He fell in love again, but his colleagues passed on it saying, "Why don't you do it? You love it so much." He did. It opened Off-Broadway in 1995 with Richards and college friend Richard Gross as co-producers.

Over the last dozen years, Richards has co-produced 20 shows-almost all of them plays, not musicals-often with many partners; his "main producing partner," Jerry Frankel, has been with him on the last eight.

"I love the language and the ideas of straight plays. And I want to keep on doing them."



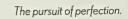
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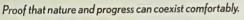
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#### THE FARNSWORTH INVENTION

Dramaturgy Notebooks Table Of Contents (Act One)

\*\*\* denotes the segments that have been included in actor-packets. Notebooks contain fuller versions of all segments.

#### 1. Pre-history

- "A Note from the General," from <u>Tube</u>. \*\*\*

  A brief account of the birth of radio, and of Sarnoff's control over this medium
- Brief Overview of Radio. History, Invention, Uses
- How Radio Works
- "The Dream," from <u>Tube</u>. \*\*\*

  Early dreams of television; discovery of selenium's photosensitivity; Nipkow's spinning disks.
- "Puir Johnnie," from <u>Tube</u>. John Logie Baird invents Medranical Television
- "The Three Lessons of Invention" and "They All Laughed..." from <u>Tube</u>. \*\*\*

  Baird, Campbell Swinton, Charles F. Jenkins, and the short-lived success of medianical television.
- "Slumbering Giants," from <u>Tube</u>.

  A merica catches up: Herbert I we and E met A lexanderson.
- Images: Early schemes and sketches; portraits of the inventors; spinning disks; cathode ray tubes.

#### 2. Pages 1-7 in script

- "Fields of Vision," from <u>The Last Lone Inventor</u>, by Evan Schwartz \*\*\*

  The early years of Philo Farrs worth; Philo's introduction to electronics; Justin Tolman
- "Philo, the Boy," from <u>Distant Vision</u>, by Pem Farnsworth A more informal insider's view into the early life of Philo Farnsworth.
- from The Story of Television, by George Everson \*\*\*

  A slightly more detailed account of Farnsworth's revelation to Tolman.
- How Electric Television works
- Overview of Rigby, Idaho
- Overview of Mormonism
- Images: Young Farnsworth and his family; Farnsworth's home; Idaho; early electronic sketches; diagrams of how TV works.

#### 3. Page 7-14 in script:

- Jews in Tsarist Russia \*\*\*

- "The Russian Jews Arrive," from <u>Jews in America</u> by Arthur Hertzberg. \*\*\*

  This drapter discusses who the Russian Jewish immigrants were and what brought them to America.

  We also see see the hopes, fears and realities of this massive migration.
- "Invention of the Jewish Mother," from <u>Jews in America</u> by Arthur Hertzberg \*\*\* Secular Jews in an alien land
- from <u>David Sarnoff: A Biography</u>, by Eugene Lyons \*\*\*
  Sarnoff's drildhood in Uzlian, his family's more to New York, and his fascination with electronics.
- from <u>The Last Lone Inventor</u> by Evan Schwartz \*\*\*

  The Titanic and the Samoff Myth
- from The Vanishing American Jew by Alan Dershowitz
  Thoughts on the success of secular Jews in America
- 4. Pages 14-30 in script
  - "Dame Fortune Smiles" from <u>Distant Vision</u> by Pem Farnsworth \*\*\*

    Pem's accounts of Everson's and Gorrell's growing support and her wedding day.
  - from The Story of Television by George Everson \*\*\*

    Everson's account of his growing partnership with Farmsworth
  - "The Other Woman," from <u>Distant Vision</u> by Pem Farnsworth \*\*\* Alone on her wedding night, Pem remembers falling in low with Philo.
  - from The Last Lone Inventor by Evan Schwartz \*\*\*

    A particularly romantic night out with young Pen and Philo
  - from The Boy Genius and the Mogul by Daniel Stashauer \*\*\* A brief description of Farns worth's first (failed) experiments in Los Angeles.
  - from <u>The Last Lone Inventor</u> by Evan Schwartz \*\*\*

    Enter Crocker National Bank
  - from <u>Distant Vision</u> by Pem Farnsworth Pem's account of Philo's pitch to Crocker
  - from <u>Tube</u>, by David E. and Marshall J. Fisher The parallel path of Vladmir Zworykin
  - Images: Young Pem, and Philo; Everson and Gorrell.
- 5. Pages 30-35 in script
  - from The Boy Genius and the Mogul by Daniel Stashauer \*\*\*

    Dempsey vs. Carpentier, the rise of Samoff, and Samoff's vision for TV
  - from <u>The Last Lone Inventor</u> by Evan Schwartz \*\*\*

    Enter Harbord; Sarnoff's patent plans

- from <u>David Sarnoff: A Biography</u> by Eugene Lyons \*\*\*

  Enter Lizette
- from Empire of the Air by Tom Lewis \*\*\*
  Walter Gifford and the birth of radio advertising
- 6. Pages 35-49 in script
  - "Life On Green Street" from The Last Lone Inventor by Evan Schwartz \*\*\*

    This drapter describes Philo's lab on Green Street, Cliff Gardner's glassblowing training, the filing of Patent 1-773-980, the use of cesium oxide, and the general hooplah surrounding Farrsworth's success at advieting an image. Schwartz also includes a somewhat extended comparison between Farrsworth and Albert Einstein.
  - from <u>Distant Vision</u> by Pem Farnsworth

    Pem's account of Farnsworth's success at advieuing a image. Includes her anecdote about seeing cigarette smoke on the television receiver.
  - Farnsworth's Patent 1-773-980
  - Images: Cliff and Agnes; The Green Street lab; components used to invent electronic television; press and publicity.
- 7. Pages 49-62 in script
  - "Networking," from The Last Lone Inventor by Evan Schwartz \*\*\*

    This drapter discusses Sarnoff's vision for the future of radio programming, his battle with Walter Gifford, Harbord's temporary departure, the formation of NBC, and RCA's acquisition of Victor Talking Madrines Company
  - "Prophet with Honor," from <u>David Sarnoff: A Biography</u> by Eugene Lyons \*\*\* Samoff's vision for the future of broadcasting and his strength as a public speaker.
  - An Overview of anti-semitism in the United States \*\*\*
  - Images: Sarnoff
- 8. Pages 62-68 in script
  - from The Last Lone Inventor \*\*\*

Various selections from this book which describe, in order:

- 1) Samoff's agreement with Zworykin;
- 2) rearning signs of the stock market crash;
- 3) the first anti-trust lawsuit against RCA, and how it necessitated RCA's ownership of television; creation of the "Get Around Farnsworth" department
- 4) a lovely passage about the changing identity of inventors;
- 5) the threat Farnsworth posed to Sarnoff
- 6) the threat Farnsworth posed to RCA
- 7) RCA's paltry offer to Farms worth
- Causes of the stock market crash

#### THE FARNSWORTH INVENTION

Dramaturgy
Table Of Contents (Act Two + Appendices)

#### Act Two

- 9. Pages 1-6 in script
  - Introduction to How Stocks and the Stock Market Work \*\*\*
  - Wall Street Crash of 1929 \*\*\*
  - from The Great Depression and the New Deal
    - 1. Beginnings of the stock market crash and the Great Depression.
    - 2. The depression becomes a catastrophe
    - 3. Theories about the depression.
  - from The Boy Genius and the Mogul \*\*\*\*

    RCA and the stock market crash
- 10. Pages 6-9 in script
  - "The Foremost Problem of Television," from <u>Televisionaries</u> by Richard Webb \*\*\*

    This drapter describes what Samoff casually calls "the light problem" in the play, and how the problem was solved. The author, Richard Webb, was an engineer at RCA from 1939-1954, so his writing reflects an insider's knowledge of the people, places and events. However, because he was so dosely tied to Zworykin and RCA, he is not always a trustworthy narrator. It is interesting to note how easily he dismisses Fameworth's contributions.
  - Images: Farnsworth in a nicer suit and a moustache
- 11. Pages 9-19 in script
  - from The Boy Genius and the Mogul \*\*\*\*

    E verson and Gorrell lose faith
  - from <u>Tube \*\*\*</u> *E verson, Gorrell, and Crocker try to sell Farrs worth's lab*
  - Introduction to United Artists
  - from The Last Lone Inventor \*\*\*\*
    United Artists visits the lab
- 12. Pages 20-24 in script
  - Introduction to Vladimir Zworykin
  - from <u>Tube</u> Zworykin and David Samoff
  - "A Beautiful Instrument," from <u>The Boy Genius and the Mogul</u> \*\*\*

    Zwoykin visits the lab
  - brief excerpt from <u>The Last Lone Inventor</u> David Samoff's intentions for Zwonykin's visit

- "A Beautiful Instrument" (cont'd)
  Zwoykin's use of his visit to the lab
- Images: Zworykin, iconoscope, kinescope
- 13. Pages 24-26 in script
  - from The Last Lone Inventor \*\*\*

    Kenny Farrs worth's death
  - from <u>Distant Vision</u> \*\*\* *Kenny Farnsworth's death*
- 14. Pages 26-36 in script
  - Brief excerpt from <u>The Last Lone Inventor</u> \*\*\*\*

    On RCA sending employees out on spy missions
  - "All's Fair, World's Fair" from <u>The Last Lone Inventor</u> \*\*\*

    Samoff becomes Father of Television
  - "Post-War," from <u>The Last Lone Inventor</u> \*\*\*
    Zwonkin becomes Inventor of Television
  - Images: Sarnoff as emperor; Zworykin as Father of Television; Farnsworth struggles on.
- 15. Pages 36-46 in script
  - "Who Owns What?" from The Last Lone Inventor \*\*\*

    A play-by-play of the first RCA/Farrsworth legal battle; meanwhile Philo and Pemstruggle in their relationship.
  - "Dashing of Hopes" from <u>Distant Vision</u> by Pem Farnsworth *Philo's breakdown and dedine*
  - Another brief excerpt from The Last Lone Inventor A few more notes on Farnsworth's dedine.
- 16. Pages 46-54 in script
  - "The Lawyer Wept," from <u>The Boy Genius and the Mogul</u> \*\*\*

    A quick overview of the rest of Farrsworth's and Sarnoff's lives.
  - "The Electromagnetic Spectrum Blues: An Elegy for Dr. Philo Taylor Farnsworth II," by Max Crosley

    A free-wese poem by written a family friend on the occasion of Philo's death
  - "Teen Creates Nuclear Fusion in his Michigan Basement" from the <u>Detroit Free Press</u>
    Thiago Olson, a Detroit teenager, is being called a young Farrs worth these days.
  - Images: Sarnoff and Farnsworth in their later years

**Appendices** 

- A. Glossary of terms
- B. Glossary of people
- C. Chronology of Television's Invention, Technology, and the Play in general history

- D.
- Money equivalents An overview of RCA, NBC, CBS, and AT&T Patent law E.
- F.
- G. H.
- I.
- Quotations about television Sarrnoff's public speeches NY Times articles Images of early televisions Bibliography
- J. K.

# TIMELINE: World events, Technology milestones, Events in The Farns worth Invention

1752	Benjamin Franklin's electricity experiments lead to application of the lightning rod; when placed at the apex of barn or church steeple, conducts lightening bolts harmlessly into the ground.
1790	William Pollard of Philadelphia is issued US patent for his machine that roves and spins cotton.
1844	Samuel F.B. Morse demonstrates telegraph.
1872	Joseph May discovers selenium's conductance of electricity is enhanced by light.
1876	Alexander Graham Bell patents telephone built with assistance of Thomas A. Watson.
1877	Thomas Alva Edison perfects system of sound recording and transmission Menlo Park, New Jersey laboratories.
1878	Senelq proposes facsimile transmission using selenium scanner and telegraphy.
1879	Thomas Edison perfects an incandescent light bulb with \$30,000 of research funds provided by J.P. Morgan.
1880	First articles in Nature, English Medianic and Scientific American are published about early television models.
1884	Paul Nipkov patents first television scanning disk.
1885	William Le Baron Jenny is first to use steel-grinder in construction and completes first sky scraper; the 10-story Home Insurance Company Building in Chicago.
1887	Emile Berliner, German immigrant living in Washington, invents process for recording sound on a horizontal disk. The "platter record" is born.
1888	George Eastman introduces a hand-held box camera with 100 exposures, for portable use.
1890	Victorian Trade Card predicts a device that can transmit picture and sound.
1891	David Sarnoff Born in Uzlian
	William Dickson and Thomas Edison, perfect the kinetoscope. It is the forerunner of the movie projector.
1892	Frank and Charles Duryea fabricate the first gasoline-powered automobile built in the U.S.
1900	Max Planck Formulates Quantum Theory

Sigmund Freud Publishes The Interpretation of Dreams

Sarnoff Family arrives in New York

First use of term "television" by Perskyi at International Electricity Congress; part of 1900 Paris Exhibition.

1901 First Nobel Prizes Awarded

First Trans-Atlantic Radio Signal

Queen Victoria Dies

U.S. President McKinley Assassinated

1902 Mount Pelée Erupts

The Teddy Bear is Introduced

U.S. Passes the Chinese Exclusion Act

1903 First Flight at Kitty Hawk

First Message to Travel Around the World

First Silent Movie, The Great Train Robbery

First World Series

Orville and Wilbur Wright break the powered flight barrier by piloting "Flyer I" for 12 seconds.

1904 First Popular American Film

Ground Broken on Panama Canal

New York City Subway Opens

Trans-Siberian Railway Completed

1905 Einstein Proposes His Theory of Relativity

Freud Publishes His Theory of Sexuality

1906 Finland First European Country to Give Women the Right to Vote

Kellogg's Starts Selling Corn Flakes

Birth of Philo T. Farnsworth

San Francisco Earthquake

Upton Sinclair Writes The Jungle

David Sarnoff lands a job at Commercial Cable Company

Max Dieckmann builds rudimentary fax machine using cathode-ray tube

1907 First Electric Washing Machine

Picasso Introduces Cubism

Boris Rosing designs mechanical scanner with cathode-ray-tube receiver.

1908 Ford Introduces the Model-T

Allan A. Campbell Swinton proposes cathode-ray tube for both scanning and receiving.

1909 NAACP Is Founded

Plastic Is Invented

Robert Peary Becomes the First to Reach the North Pole

1910 Boy Scouts Established in U.S.

Halley's Comet Makes an Appearance

The Tango Catches On

1911 The Chinese Revolution

Ernest Rutherford Discovers the Structure of an Atom

Greenwich Mean Time Adopted

The Incan City of Machu Picchu Discovered

Roald Amundsen Reaches the South Pole

Charles F. Kettering sells his automobile starters to Cadillac and increases popularity of gasoline-powered cars over hand-crank model cars.

Boris Rosing receives patent for synchronization and achieves first distant transmission of images with assistant Zworykin.

Scientific American article discusses future uses of television; entertainment is not mentioned.

1912 Oreo Cookies First Introduced

Parachutes Invented

The Titanic Sinks

1913 First Crossword Puzzle

Henry Ford Creates Assembly Line

Personal Income Tax Introduced in U.S.

1914 Charlie Chaplin First Appeared as the Little Tramp

First Traffic Light

Panama Canal Officially Opened

World War I Begins

1915 D.W. Griffith's The Birth of a Nation Released

1917 First Pulitzer Prizes Awarded

Russian Revolution

David Sarnoff marries Lizette Hermant

U.S. Enters World War I

1918 Daylight Saving Time Introduced

Influenza Epidemic

1919 Prohibition Begins in the U.S.

David Sarnoff joins RCA

Treaty of Versailles Ends World War I

RCA becomes subsidiary of GE. A 28 year old David Sarnoff is named manager.

1920 Bubonic Plague in India

First Commercial Radio Broadcast Aired

Harlem Renaissance Begins

League of Nations Established

Women Granted the Right to Vote in U.S.

First radio station broadcast begin with AM station KDKA of Pittsburg covering Harding-Cox election.

1921 "Fatty" Arbuckle Scandal

Lie Detector Invented

Heavyweight boxing match between Jack Dempsey and Georges Carpentier

First electronically transmitted photograph (wire photo) sent by Western Union.

Philo T. Farnsworth, at age 14, has a vision of electronic TV scanning while plowing hay.

1922 Mussolini Marches on Rome

Farnsworth explains his electronic TV system to his high school teacher.

C. Francis Jenkins transmits still pictures by wireless with a mechanical system.

1923 Charleston Dance Becomes Popular

Talking Movies Invented

Time Magazine Founded

As Westinghouse employee, Zworykin files patent application for all-electronic system. He is not able to build or demonstrate it at this time.

1924 First Olympic Winter Games

Kenjiro Takayanagi starts his television work in Japan.

1925 Flapper Dresses in Style

Hitler Publishes Mein Kampf

The Scopes (Monkey) Trial

Baird demonstrates his mechanical television system at Selfridge's Store in London

Jenkins transmits "moving objects" -- (a windmill) in Washington, D.C.

Zworykin demonstrates a working system to his bosses at Westinghouse.

1926 A.A. Milne Publishes Winnie the Pooh

Robert Goddard Fires His First Liquid-Fuel Rocket

Baird gets his first license to transmit television in London.

Farnsworth gets \$6000 advance from George Everson in Salt Lake City.

Philo Farnsworth marries Elma Gardner, and moves to San Francisco.

Alexanderson is proclaimed the "Inventor of Television" by the press in St. Louis.

1927 Babe Ruth Makes Home-Run Record

**BBC**Founded

The First Talking Movie, The Jazz Singer

Lindbergh Flies Solo Across the Atlantic

January: Alexanderson demonstrates mechanical TV to Radio Engineers.

April: AT&T demos mechanical system - Herbert Hoover televised.

September. Philo Farnsworth transmits a straight line via his electronic TV system; later, he demonstrates first electronic television for potential investors by broadcasting image of a dollar sign.

The New York World newspaper exclaims "Television Now Fact!"

1928 Bubble Gum Invented

First Mickey Mouse Cartoon

First Oxford English Dictionary Published

Penicillin Discovered

Baird transmits from London to New York, using his mechanical system.

Takayanagi gives a demonstration of his CRT system in Japan.

Farnsworth demonstrates his CRT system to the press in San Francisco.

Station WLEX, Lexington, Mass., (about 15 miles NW of Boston) begins broadcasting via mechanical system.

1929 Byrd and Bennett Fly Over South Pole

Car Radio Invented

First Academy Awards

New York Stock Market Crashes

January: Zworykin meets with Sarnoff at RCA in NY. Predicts 2 years and 100K to produce electronic television. Sarnoff agrees to fund his work.

April: W1WX (which would eventually become W1XAV), the Shortwave and Television mechanical station, goes on the air.

Summer. Farnsworth team replaces motor generator with vacuum tube generator, generating the first all-electric system with no moving parts.

November. Zworykin announces development of the Kinescope, his cathode-ray receiver.

1930 Gandhi's Salt March

Pluto Discovered

United Artists visits Farnsworth's lab in San Francisco

Sliced Bread Available

Baird begins telecasting three nights a week on BBC in London, Berlin, Paris and Stockholm.

January: David Sarnoff becomes RCA president at age 38.

April: Zworykin visits Farnsworth's San Francisco lab and praises the Image Dissector camera tube. In Camden laboratories, Zworykin tries to develop a camera tube as good as Farnsworth to go with Kinescope.

1931 Empire State Building Completed

U.S. Officially Gets National Anthem

Thomas Edison dies

Karl Guthe Jansky of Bell Laboratories, accidentally discovers radio waves emanating from stars in outer space.

April: Sarnoff visits Farnsworth lab, makes \$100,000 offer, which is rejected.

May: Zworykin turns toward using one-sided camera tubes.

Summer: Sanford Essig bakes photoelectric mosaic too long, accidentally creating mosaic of insulated globules - the "final key"

June: Farnsworth signs contract with Philco and moves lab to Philadelphia.

August: Berlin Radio Exhibition features Manfred von Ardenne's cathode-ray system; called "the world premiere of electronic television"

October: Zworykin names his new tube the Iconoscope.

November 9. First successful Iconoscope tested. In theory, Zworykin has first all-electronic system.

1932 Air Conditioning Invented

Scientists Split the Atom

Zippo Lighters Introduced

Kenny Farnsworth dies

Sarnoff demonstrates RCA system in New York, then drapes curtain of secrecy over lab. It is the last RCA demo for 4 years.

March: Philco denies Farnsworth time to travel to Utah to bury his young son Kenny.

1933 Adolf Hitler Becomes Chancellor of Germany

FDR Launches New Deal

First Nazi Concentration Camp Established

Loch Ness Monster First Spotted

Prohibition Ends in the U.S.

Wiley Post Flies Around the World in 8 1/2 Days

Radio City is built.

Philco drops Farnsworth due to pressure from RCA. Farnsworth sets up own lab in Philadelphia.

April: Farnsworth applies for patent on first low-velocity storage camera tube.

June 26: Zworykin announces his Iconoscope (without demonstration) and finally perfects his all-electronic system performance in the lab.

1934 Cheeseburger Created

The Dust Bowl

Mao Zedong Begins the Long March

Parker Brothers Sells the Game "Monopoly"

Zworykin is requarded the Morris Liebmann Memorial Prize for his pioneering work

August: Farnsworth demonstrates at the Franklin Institute's new museum in Philadelphia.

1935 Alcoholics Anonymous Founded

Germany Issues the Anti-Jewish Nuremberg Laws

Social Security Enacted in U.S.

Patent interference between Zworykin and Farnsworth declared in 1932, finally ruled in favor of Farnsworth; decision prevents RCA from gaining total patent control of television.

June: Pressured by EMI's success in London, Sarnoff announces million-dollar research and testing plan for television; evicting Armstrong from the Empire State building for lab space.

March - Germany begins what they call the "first television broadcasting service in the world". Low resolution, few receivers.

Carnegie Publishes How to Win Friends and Influence People

Hoover Dam Completed

Nazi Olympics in Berlin

Spanish Civil War Begins

April: First RCA demonstration in 4 years using all electronic system; they transmit pictures of 343 lines at 30 frames per second.

Farnsworth transmits entertainment programs from Wyndmoor, Pennsylvania, station, also at 343 lines at 30 frames per second.

Summer: Berlin Olympics televised by Telefunken and Fernseh, using RCA and Farnsworth equipment, respectively.

1937 Amelia Earhart Vanishes

1936

Golden Gate Bridge Opened

The Hindenberg Disaster

Japan Invades China

Philo and wife take an unsuccessful trip to Germany to collect royalties on his television technology used during the Berlin, Olympics in a meeting with Paul Görz, the president of Fernseh; one of two main television companies in Germany at the time.

18 Experimental Television Stations are operating in the United States.

1938 Radio broadcast of "The War of the Worlds" causes panic

Chamberlain Announces "Peace in Our Time"

Hitler Annexes Austria

The Night of Broken Glass (Kristallnacht)

The Farnsworth's buy farm in Maine to ease Philo's growing depressions and alcoholism.

June: RCA announces Images Iconoscope; a camera 6 to 10 times more sensitive than Iconoscope.

The RMA (Radio Manufacturer's Association) recommends to the FCC that commercial television be launched with standards of 441 lines and 30 frames per second (RCA's standards). Philco and Zenith argue against it.

October: Sarnoff announces RCA will inaugurate regular broadcasting at the World's Fair next April.

1939 First Commercial Flight Over the Atlantic

German-Soviet Non-Aggression Pact Signed

Helicopter Invented

Refugees on the St. Louis Refused Entry Everywhere

World War II Begins

John Atanasoff and Clifford Berry complete the prototype for the first digital computer.

Farnsworth sells his television patents to RCA Victor for \$1 million

March 31: Farnsworth Television and Radio is incorporated; operations begin in Fort Wayne, Indiana.

April 20: In broadcast from the World's Fair in Flushing, Queens, Sarnoff announces "Now we add sight to sound" 10 days later, FDR is first president to be televised. Television sets go on sale the next day. RCA (NBC) begins regular broadcasts.

June 7: RCA announces its Orthicon low-velocity camera tube; 10 to 20 times more sensitive model.

October 2: Farnsworth signs patent-licensing agreement with RCA. First time RCA agreed to pay royalties to another company.

1940 Hitler invades Norway, Denmark, the Netherlands, Belgium, Luxembourg, and France

Churchill becomes Britain's prime minister.

Trotsky assassinated in Mexico

Estonia, Latvia, and Lithuania annexed by USSR

The first official network television broadcast is put out by NBC.

June: RCA and Philco televise the Republican convention from Philadelphia.

There were 23 experimental television broadcasting stations operating in the United States.

1941 Germany attacks the Balkans and Russia.

Japanese surprise attack on U.S. fleet at Pearl Harbor brings U.S. into World War II;

U.S. and Britain declare war on Japan.

Orson Welles's Citizen Kane.

Manhattan Project (atomic bomb research) begins.

March: The NTSC announces recommendation standards for USA of 525 lines and 30 fps

FCC authorizes commercial broadcasting to begin July 1.

December 7: Pearl Harbor is attacked.

1942 Declaration of United Nations signed in Washington.

Enrico Fermi achieves nuclear chain reaction.

Japanese Internment

Coconut Grove nightclub fire in Boston kills 492.

Enrico Fermi manages team who produces the first controlled, self-sustaining nuclear chain reaction at University of Chicago.

Commercial production of TV equipment banned for duration of war.

NBC's commercial TV is cancelled.

1943 Mussolini deposed.

1944 Allies invade Normandy on D-Day

U.S., British Commonwealth, and USSR propose establishment of United Nations.

Battle of the Bulge

1945 Yalta Conference (Roosevelt, Churchill, Stalin) plans final defeat of Germany

FDR dies

Hitler commits suicide

Germany surrenders

U.S. drops atomic bombs on Japanese cities of Hiroshima and Nagasaki

United Nations established

First electronic computer, ENIAC, built.

1946 First meeting of UN General Assembly opens in London

Winston Churchill's "Iron Curtain" speech warns of Soviet expansion

Juan Perón becomes president of Argentina.

Benjamin Spock's childcare classic published.

CBS holds color demonstration to the FCC at Nyack, New York.

CBS is publicity praised as having "reached the perfection of black and white" in television quality images

1947 Air Force pilot Chuck Yeager becomes first person to break the sound barrier

Jackie Robinson the Brooklyn Dodgers.

Anne Frank's The Diary of a Young Girl published.

1948 Gandhi assassinated in New Delhi by Hindu fanatic

Burma and Ceylon granted independence by Britain.

Communists seize power in Czechoslovakia

Nation of Israel proclaimed.

Independent Republic of Korea is proclaimed

Alger Hiss, former U.S. State Department official, indicted on perjury charges.

Truman ends racial segregation in military.

Alfred Kinsey publishes Sexual Behavior in the American Male.

Tennessee Williams's A Streetcar Named Desire wins Pulitzer.

1949 Cease-fire in Palestine

Start of North Atlantic Treaty Organization (NATO).

Federal Republic of Germany (West Germany) established

First successful Soviet atomic test

Communist People's Republic of China formally proclaimed by Chairman Mao Zedong

German Democratic Republic (East Germany) established under Soviet rule

South Africa institutionalizes apartheid.

	RCA steps up development of all-electronic color system.
	Farnsworth Radio and Television sold to ITT.
	Philo Farnsworth leaves television and radio business at age 43; continues to suffer from depression and alcoholism.
1951	RCA demonstrates its new electronic color system.
1954	Zworykin retires as Vice President from RCA at age 65 to became director of Rockefeller University's Medical Electronics Center in New York, where he developed the "endosonde," an FM radio transmitter-in-a-pill that, once swallowed, broadcasts data from the remoter regions of the patient's gastrointestinal tract
1960	Theodore H. Maiman creates first laser.
	After more than \$130 million spent in development and marketing, RCA records first profit from color television. Profits jump to a million dollars the following year.
1964	IBM rolls out OS/360m first mass-produced operating system.
1965	RCA profits surpass 100 million from color television.
1969	NASA's Apollo 11 spacecraft and Neil Armstrong touches down on the moon's surface.
1970	Coring Glass announces creation of glass fiber so clear; it can communicate pulses of light.
1971	Philo Farnsworth dies at 64 in Salt Lake City, Utah.
	The New York Times obituary gives Philo sole credit for television's invention; scores of other sources either ignore or give him second or co-billing with Zworykin.
1972	First video game Pong invented by Nolan Bushnell, is the rage.
1977	September: Philo III, supervises the enormous task of recreating the exact experiment that his father's "lab gang" had demonstrated in 1927 for the Sept. 7 celebration at Foothill Electronics Museum near Palo Alto. Displays included the first tube had been blown 50 years earlier, to manufacture the image dissector. Crowd of nearly 100 that included Pem, Cliff, Tobe Rutherford and TV crews from NBC, CBS, and local San Francisco TV stations. Ironically, the NBC Nightly News aired Philo as inventor of TV, with the network built by RCA's David Sarnoff.
1982	Zworykin dies at age 93 with multi-national recognition and founder of television. Once shared his thoughts on television in later years: "I hate what they've done to my child I would never let my own children watch it."

## Susan Burgess

From:

Adam Greenfield [AGreenfield@playwrightshorizons.org]

Sent:

Tuesday, January 08, 2008 10:31 AM

To:

Susan Burgess

Subject:

RE: question for Adam Greenfield

Attachments: Table of Contents.doc; TIMELINE OF WORLD EVENTS (FINAL!).doc

Hi Susan-

As far as a bibliography goes, I never created one large all-encompassing document—rather, I assembled a rather extensive notebook geared specifically towards the content of the play. I have attached to this email a copy of the Table of Contents that accompanied the two large notebooks of research I compiled for the production at La Jolla Playhouse, and then again for Broadway. Each section of the notebook corresponds to a section of the play, wherein I included sections of various books that helped unpack the (rather dense amount of) personal, cultural, and business histories the play references. On the Table of Contents you'll find the book titles and authors I used, as well as a brief description of what each of these passages includes.

I also included a timeline I compiled which really came in handy for us, and which I hope is helpful to you and Tom.

In addition to the books listed on the Table of Contents, the following were helpful in my understanding of the greater story...

Abramson, Albert; The History of Television 1880-1941

Cook, Curtis; Patents, Profits and Power (2002) Dershowitz, Alan; The Vanishing American Jew

Ellmore, Terry R; The Illustrated Dictionary of Broadcast-CATV-Telecommunications

Himmelberg, Robert F.; The Great Depression and the New Deal (2001)

Lewis, Tom; Empire of the Air

McElvaine, Robert S.; The Great Depression: America 1929-1941 (1993)

Niz, Ellen Sturn and Keith Tucker (illus.); Philo Farnsworth and The Television (2007)

Ritchie, Michael; Please Stand By: A Pre-History of Television (1994)

Schatzkin, Paul; The Boy Who Invented Television (2002)

Sobel, Robert; RCA (1986)

Waldrop and Borkin; <u>History of Broadcasting: Radio and Television</u> (1971) Webb, Richard; Televisionaries: The People Behind the Invention of Television

If there's anything you see in my table of contents that you'd like a copy of, please don't hesitate to ask. Happy to help however I can.

All the best, Adam Greenfield

From: Adam Greenfield

Sent: Monday, January 07, 2008 1:16 PM

To: susan@cwx.com Cc: Adam Greenfield

Subject: RE: question for Adam Greenfield

Hi Susan-

Thanks for your email, which was forwarded along to me. I will send the bibliography along to you as soon as I can. It's on my laptop computer, which is (of course) currently on the fritz and in repairs... I'll get it back in a few days, however, and am happy to send along as much info as you and/or Tom would like.

All best, Adam Greenfield

From: Literary Resident

Sent: Monday, January 07, 2008 12:27 PM

To: Adam Greenfield

Subject: FW: question for Adam Greenfield

From: Susan Burgess [mailto:susan@cwx.com]
Posted At: Monday, January 07, 2008 11:44 AM

Posted To: Literary

**Conversation:** question for Adam Greenfield **Subject:** question for Adam Greenfield

To Whom It May Concern:

First, my apologies if this email is misdirected. I am writing to contact Literary Manager Adam Greenfield in hopes that this is the same Adam Greenfield who worked as Production Dramaturg on The Farnsworth Invention. If so, I'm writing to ask Mr. Greenfield if he would consider sharing his bibliography of sources for Farnsworth. I am assisting Tom Whitehead write a book on the history of telecommunications in the 21st century, and the creation of radio and television is one piece of this history. My professional background is academic - I have absolutely no experience with the world of dramaturgy - so please forgive me if this seems to be an unusual or unthinkable request in your professional circles. My boss, however, urged me to contact you after he saw the play in New York a few weeks ago and was impressed with the accuracy of the story line.

Many thanks in advance, Susan Burgess

Susan K. Burgess Researcher for Clay T. Whitehead P.O. Box 8090 McLean VA 22106

susan@cwx.com 703-761-2807

Clay T. Whitehead

## INTRODUCTION

The idea of access to television--easily our most accessible, if not totally unavoidable, medium of communications--may seem redundant.

But it is in fact a difficult, complex, and intriguing subject. Consider first the viewer's access to television—the access to see and hear. On one level there is no problem to speak of; 97 percent of American households have one or more TV sets (almost half have more than one). Some people perhaps can't afford to buy even a used black and white TV set; but more than likely, those 3 percent who don't have a TV for the most part don't want one. Once the purchase of the TV set is made, TV is essentially free. The electricity cost is minor, probably less than the cost of lighting the room to read. The extra cost of products purchased attributable to TV advertising is more substantial—perhaps \$5 per month per household—but that gets paid whether you watch TV or not. So access to see and hear TV has very, very few barriers. Indeed, it is safe to say that more emotional energy is devoted in the United States to how to avoid the TV set rather than how to get to it.

On the other hand, there is the question of access to see and hear what? Here we get to the topic of most debate and criticism of television in America. Why are the shows of the three commercial networks so similar; why is there so little choice in prime time? Why is there so much violence? Why is the quality of TV programming so low? Why are there so many commercials? Why did they cancel a

popular series? Why is the news so superficial? Why did they pre-empt a popular show for a news documentary? Why do all three networks have sports on Saturday afternoons? There are some interesting and important issues in this aspect of the viewer's access to TV.

Then there is the question of access to TV to show and tell. Surely what viewers have access to see and hear depends on who has access to show and tell. It is this aspect of television access that is the subject of this paper.

## TELEVISION IS DIFFERENT

Most people never think about getting in front of the TV cameras to convey some message or to put on their own TV show. No doubt many youngsters daydream of becoming star personalities on TV entertainment or news, just as in earlier days they dreamed of being in movies, theater, or radio. But even though most of us don't think of going on TV ourselves, we take it more or less for granted that what does go on TV is somehow reflective of the talents and knowledge of people around the country who do feel they have something to show and tell that others of us would like to see and hear.

Yet there are reasons why that implicit assumption is not true for TV. The reason cited in most legal and economic texts is simply that there are not enough channels for everyone who wants to start up their own TV station the way newspapers or magazines or community theater groups can be started. And that is a true enough reason. The government has set aside a certain range of frequencies for TV broadcasting, represented by channels 2-84, and decides how many stations can broadcast on what channels in any given community. 1/While it is possible with new technology to allow broadcasting on some of the channels now empty in many communities without creating interference with existing stations, the limitations of frequencies and interference remain so tight that the number of allowable TV broadcast stations will remain relatively low. 2/

Another reason why not everyone with something to show and tell can get access to television has to do with the structure of the TV industry. While few can afford to build their own TV station and

number might be able to finance the production of a TV series or a single program or a few spots. 3/ But under current law, 4/ the broadcaster who receives the license from the government to broadcast on a particular channel in a community has complete discretion as to what programs and spots he puts on his station. 5/ Thus, would-be producers of television programs or short spot messages must first have the approval of a broadcast licensee in order to get on the air to have access to the TV medium and in order for the viewers in the community to have the choice of whether to watch or switch to another program.

As a practical matter, most television broadcasters are very selective about what they allow on the air. Their main criteria in being selective are money and controversy. The commercial broadcaster is a businessman-he operates his TV station to make a profit, and most commercial TV stations are profitable indeed.6/ Contrary to popular opinion, however, the broadcaster is not in the business of selling entertainment to the viewer. Rather, the broadcaster is in the business of packaging audiences which he then sells to advertisers for so many dollars per thousand. 7/ Since the costs of operating a TV station are basically fixed, the broadcaster naturally favors putting on programs that will attract the largest possible audience at any given time so that his receipts from the advertisers who pay by the head, and therefore his profits, will be as large as possible. Simply put, the commercial broadcaster profits most from and therefore favors the shows with the highest ratings. Moreover, the broadcaster wants to make as much as possible from all the time he can sell, so he favors shows that keep the largest possible audience tuned to his channel hour-byhour, day-in, day-out. By getting the largest possible number of viewers for each time period, his weekly, monthly, and yearly profits are increased. 8/ The broadcaster, therefore, not only expects to be paid for the shows he puts on, but he will be adverse to putting on any show that tends to cause many viewers to be bored or unhappy enough to switch to another channel and thereby reduce his audience, advertising revenues, and profits.

The TV broadcaster is motivated to avoid controversy in the shows he puts on his station mainly because controversy can reduce his profits, if not put him out of business entirely. Programs may be controversial for a variety of reasons, ranging from the expression of political or moral opinions to being very violent or very dull. The cost to the broadcaster can take the form of reduced viewing audiences (with attendant reduction in revenues and profits), a Federal government order that opposing points of view must be aired at the broadcaster's expense (again probably taking up time that could be filled with more profitable programming), or expensive proceedings before the FCC justifying that the public interest has been served by the controversial material.9/

One way of looking at the economics of commercial television is that the broadcaster sells access to his audience; that is perhaps a nicer way of saying that he sells the audience to the advertisers. But either way we choose to look at the situation, the economic structure of the broadcast industry does provide access to the television medium to two classes of people: (1) those who sell the broadcaster programming that will attract large viewing audiences which the broadcaster can then sell to, and (2) those who can pay the broadcaster the

going market rate per thousand for the opportunity to present their message to the viewing audience. This system has some obvious advantages to the general public. Program producers have incentives to produce programs that large numbers of people will watch. Broadcasters have incentives to select and schedule programs that will please most of the people most of the time. Advertisers, by spreading their costs over large audiences, get the maximum consumer awareness for their products with the least cost possible passed on to the consumer. 10/ In spite of the advantages, however, this system has some drawbacks. For one thing, the broadcaster may decide the purposes for which he will sell time for spot announcements. Most TV broadcasters have a policy of selling such time only for advertising commercial products or for political campaigns by a candidate for public office immediately preceeding an election. They mostly refuse to carry advertising presenting political, moral, or other editorial points of view or seeking to raise funds.11/ Most importantly, the three television networks have adopted this policy.

And of course, the broadcaster can decide what he will buy in the way of program material, so that the broadcaster has essentially complete discretion in the scheduling of his programming and advertising. Since most advertisers want to reach potential consumers, the broadcaster heavily weights his prime time schedule toward middle-class men and women in the 18-49 age group; toward women in the same age group during weekdays; toward children on Saturday mornings; and toward 18-49 year-old men on weekend afternoons. Those who are not members of a consuming statistical group don't figure in the selection of programming. 12/

The access issue is complicated by the way in which the three commercial television networks have chosen to structure their business. Each network is in two different, but intertwined, businesses. Each owns five television stations in five of the largest cities, and each supplies a nationwide distribution of television programming to TV stations in most cities in the country.13/ The networks produce some of their own programs, 14/ but mostly buy the TV rights to series produced by major or independent film producers, most of which are located in Hollywood. These programs are then combined with advertising spots and program promotional spots to make up the daily network schedule which is supplied over the network's microwave lines to its own stations 15/ and to other stations with which it has affiliation contracts. Each network supplies about fifteen(?) hours per day of programming.

The network's own stations, naturally, use most of the network-supplied programs, as do the affiliates, although they are free not to do so.16/ Each affiliate station, as specified in the affiliation contract, agrees to carry on his station a substantial majority of the network programs and advertising spots, in return for which he is paid by the network. The network then sells national advertisers access to the audiences watching its shows on its own and affiliated stations all over the country. Thus, the networks policies on access to their schedule have a tremendous impact on the character of television programming—on the entertainment we see, the news we see, the advertising we see, and perhaps even more importantly, the entertainment, news, and advertising we don't see.17/

Perhaps the most noteworthy feature of this networking arrangement is its "threeness."18/ There are only three national commercial TV networks, and the prospects of having any more are slim until cable is nationally available with the larger number of channels it makes possible.19/ The number three arises because enough cities are assigned three or more VHF TV stations to cover most of the national population; cities with four or more VHF stations are so few that a fourth network would reach a substantially smaller potential audience.20/ Thus a fourth network would have to incur essentially the same expenses as each of the three present networks in order to put on equally attractive and competitive programs, but would be seriously limited in revenue and profit because it would have a smaller audience to sell to the advertisers. If there were more national TV networks, there presumably would be more competition and therefore more diversity in programming and in policies on access than with only three.21/ But in fact, we have only three, and they all have essentially the same access and programming policies.

The situation today regarding access to commercial television then can be summarized as follows: Each individual TV station prefers programming that attracts as large an audience as possible at each hour, and for the most part the station gets such programming from one of the three TV networks. Individual stations mostly will not sell time either for programs or for advertising that is editorial in nature or is otherwise controversial. The networks will not buy programs for their schedule that do not fit their objectives and will not sell national advertising time for editorial, controversial, or fund-raising purposes.

We cannot, of course, ignore public television in discussing access to TV. It does provide different programming than that available on commercial TV, but the access to the stations for presentation of programming or messages is at least as limited as on commercial TV. Public TV is prohibited by law from selling time, so that form of access is not available to anyone. 22/ It is the policy of the Public Broadcasting System to fund and carry principally programming produced by public television stations or purchased from the BBC. Although some public stations have local programs that provide free time to local groups for discussion of issues important to them, this is limited in scope and is not available nationwide. Public TV therefore increases somewhat the diversity of entertainment and educational matter available to the TV viewer, but provides no substantial expansion of opportunities for access to TV.

avoiding the use of the limited frequencies available for broadcast

TV, the limit on the number of channels that can be brought into the
home will be essentially eliminated along with the associated "threeness"
of the national commercial TV networks. By permitting the viewer to
pay directly for individual programs or to subscribe to "video magazine
series" in addition to the free advertiser-supported fare, more programming
will be available than what mass advertisers find it economical to support,
and viewer preferences will have more sway. If cable is structured as
a common carrier, so that the cable system owner in a community must
lease his channels to all who wish to use them, much as the Postal Service
or trucking companies are required to carry the magazines and packages
of anyone, then the problem of access to television will be reduced to

be at least as small as the problems of access to print media. 23/
The growth of cable as a medium for distributing television programs in abundance, in contrast to the scarcity of today's broadcast TV, is a most promising hope. It is opposed only by the broadcast industry and motion picture theater owners. 24/

From the point of view of access, the great benefits of cable will be that those who operate the television distribution pipeline will not be able to act as gatekeepers, deciding who will and will not have the opportunity to present programming or other messages for the public to decide if they want to watch it. The ease of access for those with something to show and tell will be much greater, and the range of access the rest of us have to what we may choose to see and hear will be greatly expanded. Moreover, the expansion of the number of channels available from the present limited number means that the costs of access will be reduced below the present artificially high level. And the opportunity for viewers to pay for programming that the advertising markets won't support means more funds will be available to produce high quality or special interest programs than at present with only advertising funds available.

It is desirable then that whatever changes are made in the present laws and regulations and policies regarding access be made with the ultimate availability of cable in mind so that the medium of abundance is not unduly constrained with access policies that are left over from the medium of scarcity.

## FAIRNESS

Communications law at present provides only two routes for access to television to present ideas and programming: (1) the broadcaster's obligation under the FCC's interpretation of the statutory "public interest" standard to provide opportunities for contrasting points of view in the discussion of controversial issues of public importance, popularly known as the Fairness Doctrine, and (2) the obligation on the broadcaster under section 315 of the Communications Act to make available equal time at equal rates for all candidates for a public office if he makes available time for any one candidate, better known as the "equal time" requirement. While these two provisions of "fairness" and "equal time" are often equated in the public eye, they are in fact quite different. Fairness provides access for ideas, 25/ not for people or groups; the station retains the discretion to decide who is a legitimate spokesman for an idea and indeed may use its own personnel to present the idea. The equal time provision does provide access for individual people, but only that limited group who are at any given time declared candidates for public office.26/

With the statutory proviso that broadcasters are not to be considered to be common carriers 27/ both the FCC and the broadcast industry have steadfastly opposed any suggestion that broadcasters be required to provide time either for free or for pay except on their own terms or as directed by the Commission in individual Fairness Doctrine disputes.28/ The sole exception to this is the generalized obligation imposed on the broadcaster under the FCC's interpretation of the "public interest" standard "...that licensees devote a reasonable percentage of their broadcasting time to the discussion of public issues of

interest in the community served by their stations and that such programs be designed so that the public has a reasonable opportunity to hear different opposing positions on the public issues of interest and importance in the community."29/ This was later restated by the Congress in recognizing the FCC's construction of the principle of fairness which has become the accepted definition of the broadcaster's obligation under the Fairness Doctrine -- "to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."30/ The two-fold requirements of the Fairness Doctrine, then, are: first, to provide coverage of controversial public issues; and second, to seek out all responsible viewpoints and to afford opportunities for those viewpoints to be seen and heard.31/ It is the broadcast licensee who is responsible for taking the initiative in carrying out this fairness two-step; but of course the FCC stands in the wings as the arbiter of whether the licensee has succeeded, and it is the FCC's determinations of what constitutes a controversial issue of public importance and what are responsible viewpoints that inevitably guide the licensee who wishes to have his license renewed when it next comes up for renewal.

It may be useful here to trace the logic 32/ of the FCC's evolution of the Fairness. (1) There are not enough frequencies to permit everyone who wants to establish a radio or televison broadcasting station to do so. (2) Not everyone may be licensed to operate a TV station. (3) Requests for time on licensed radio or TV stations may far exceed the amount of time reasonably available, so the broadcaster should not be a common carrier. (4) Issues of public importance must be seen and heard on TV. (5) The licensee therefore must allocate

part of his time to such issues. (6) The licensee may not allocate the time according to his own views or interests, but must do so fairly and objectively. (7) This may conflict with the broadcaster's First Amendment rights, but the public's right to be informed is so much more important that the government may require (5) and (6) of the broadcaster as a part of the public interest standard for determining if his license should be renewed. There are several weak points in this chain of reasoning which we will deal with later.

The philosophical basis for the Fairness Doctrine 33/ is that there is a "right" of the public as a whole to be informed and that it is the duty of the FCC and its licensees affirmatively to effectuate that right. Thus, the FCC says: "It is this right of the public to be informed, rather than any right on the part of the government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting."34/ And the Supreme Court in an opinion written by Justice White has more recently stated this philosophy in these words: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here."35/

Two points need to be made about this philosophical underpinning of the Fairness Doctrine. First, the substitution of the goal of the First Amendment for the Amendment itself creates a subtle but powerful distinction. It is one thing to believe that protection of freedom of speech for each individual under the First Amendment was intended "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail..."36/ and another entirely for the government to argue that "full effect can only be given to the concept of freedom of speech on the radio by giving precedence to the right of the American public to be informed on all sides of public questions over any...individual exploitation for private purposes," 37/ or that the government should affirmatively enforce the people's "collective right to have the medium faction consistently with the ends and purposes of the First Amendment."38/

The purposes and benefits of free expression in an open society have been the subject of debate since Milton, continuing on to Blackstone and Mill.39/ Three basic principles, however stand out. Through the test of challenge and survival, good ideas or "truth" will emerge, and such a process is essential to good government. Free expression is a powerful bar to the emergence of a tyrannical government. And the right to free expression of views is a valuable individual right that contributes to human dignity.

The FCC and the Supreme Court have focused principally on the first two of these purposes of free expression, and indeed most of the traditional legal and political thinking on the subject has been along those lines. This approach caused no particular problems so long as the issues involved the print media, 40/ where the tradition of media diversity and competition fitted well with a governmental policy of laissez faire. In such an environment, there was a near-continuum of opportunities for expression, ranging from handbills to newscheets to magazines and newspapers. The major issues for government policy were the permissible limits of free expression, including

libel, clear and present danger, and obscenity. There was no concept of the government having a responsibility for deciding who would be allowed to use a particular medium or whether the public was adequately informed on specific issues.

In broadcasting, however, a quite different approach has arisen. The idea that the public interest standard for licensing must be applied to the content of the broadcaster's programming has led to increasing governmental specification of what programming is and is not in the public interest. While maintaining the fiction that the FCC does not censor broadcasting, 41/ the courts have steadily allowed the FCC to enlarge the public trustee concept of the broadcaster's role--with the FCC and the courts as the final overseers of whether the broadcaster has in fact adequately executed his trusteeship. Thus there is in broadcasting the contention that there is no censorship and that there is no "state action" in the broadcasters' programming decisions, while the FCC with great frequency second-guesses the broadcaster's decisions. The constitutional thinking on this issue has been fuzzy at best and borders on the dangerous. The Congress in passing the 1927 Radio Act was reacting to a proliferation of private broadcasting operations and a political climate of corporate exploitation of natural resources; 42/ the "public trustee" role of the broadcaster fitted well the political temper of the times, even though it may not have been thought through very deeply, and we can believe that the authors of the Act saw no conflict between this concept and the contention that there would be no censorship.

What they perhaps could not have foreseen was the FCC's steady intrusion into detailed arbitration of what programming was in the

public interest and therefore required of the public trustee. first, the rationale for this role for the government was that there was something "different" or "unique" about broadcasting--principally that the airwaves "belonged" to the public and that not everyone could set up their own broadcast station.43/ Today, however, the concept has changed so that the "difference" is that the broadcaster is a public trustee and must adequately provide the benefits of free expression. It is not that the broadcaster or anyone else is "free" to express anything, but that the public shall receive the benefits of free expression that is important in the calculus of the FCC and the ' courts. Thus we find the FCC saying that "We fully recognize that freedom of the radio is included among the freedoms protected against governmental abridgement by the First Amendment. But this does not mean that the freedom of the people as a whole to enjoy the maximum possible utilization of this medium of mass communication may be subordinated to the freedom of any single person to exploit the medium for his own private interest."44/ In broadcasting at least, the modern First Amendment seems to provide that "Congress shall make no law abridging the freedom of speech or of the press except in the public interest." And the public interest seems in the view of the Supreme Court in these matters to be the receipt of a suitable mix of things they ought to see and hear: "It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here."45/

This substitution of a <u>public</u> right for the rights of the <u>individual</u> who wishes to speak changes the government's role from one of protecting free speech to one of enforcing the provision of a suitable

assortment of social, political, esthetic, moral, and other ideas and experiences. It is inevitable in such a scheme that the government will become involved in balancing the content of the expression we may see and hear on television, not just the conditions under which it is produced and selected. It invites a paternalistic prescription of what we as viewers and listeners should see and hear, what we should be informed about, rather than what we as a citizenry choose to show and tell each other. The "right to be informed" can be little more than the right to see and hear what the government decides we should see and hear. 46/

It is no answer to say that the government can and will enforce such balance of ideas and messages only neutrally and only without censorship, nor that the government enforces such balance only to counteract the greater imbalance that would otherwise ensue because of the monopoly power of the television broadcast licensees and the national TV networks. The enforcement of balance likely to be achieved by the FCC is heavily influenced by the nature of that agency. The FCC is highly political at the top and highly bureaucratic at the working level. Although the Fairness Doctrine is applied to television programming nominally only upon complaint, 47/ the FCC has moved to establish rules for how complaints will be resolved that act very obviously to influence the initial coverage of any matter that might invoke a Fairness Doctrine complaint. Like the rules of any administrative regulatory agency, the Fairness Doctrine rules have grown more and more complex; at some point, they mean whatever the bureaucrats of the Commissioners say they mean. The "neutral" balancing of the programming mix in the first instance then is likely to be biased in

the direction of what is bureaucratically safe. The responsiveness of the Commissioners, however, to the Congress, the White House, and to politically influential special interest groups means that some ideas and messages will be decided to be more "equal" than others. 48/
Those who have enough political organization to put effective political pressure on the FCC directly or through the Congress are more likely to get a Fairness Doctrine ruling in their favor. And it is inevitable that the personal philosophy of the Commissioners along with the prevailing political philosophy of the Congress and the media will play a large role in deciding what appears balanced. 49/

Similarly, there is little merit in the argument that the government in applying the new concept of the First Amendment to enforce a balance in what we see and hear is only counterbalancing the abridgement of the people's right of free expression by the broadcasters and networks who monopolize the available channels. If indeed the Constitution requires relief from such monopoly restraints to free speech, the proper remedy is to remove the monopoly power directly rather than placing the government in the role of prescribing what the monopoly power may be used to present for the citizenry to see and hear. Unfortunately, the argument that monopoly requires a governmental counterbalance reinforces the perpetuation of the monopoly: The government acquires an interest in excluding competition with the existing media or with the officially prescribed balance of ideas and messages precisely so that it can continue to assure that the "proper" balance is not disturbed.

One of the more widely remarked implications of the Fairness

Doctrine is its "chilling effect" 50/ on vigorous journalism on tele-

vision. Certainly no broadcaster can be expected to provide very much programming that will entail costly legal proceedings that may in the end require that he present additional coverage to balance the overall coverage. Nor can he simply agree to balance the coverage whenever presented with a complaint. It is common knowledge that one of the services provided by broadcasting attorneys in Washington is informal checking with the FCC on various kinds of coverage before the material is put on the air in order to minimize the broadcaster's vulnerability to complaints. Whether the broadcaster is deterred in the first instance from covering a controversial issue or event, or whether he is' influenced by the FCC's informal reaction to his lawyer's query, it is clear that this balancing interpretation of the First Amendment is bound to reduce the amount of discussion of controversial issues on TV, to render such presentations rather more bland and less incisive, and to narrow the range of the view given on TV of what is important and real in our society.

Beyond the philosophical and constitutional objections to the foundations of the Fairness Doctrine are questions as to its workability. Clearly if the Doctrine is to have any meaning, it must be enforced, and equally clearly, the enforcement will be done by the government. Although the FCC and the courts have consistently cited the prohibition in the 1934 Act against censorship, the fact is that it is the government that is ultimately the arbiter of what we see and hear on controversial issues under the approach of the Fairness Doctrine, for the government may require what shall be presented even if it may not prescribe what shall not be presented. The primary enforcement mechanism chosen by the FCC for the Fairness Doctrine has been the

arbitration of complaints. Each complaint that a licensee has not been fair in his coverage of events is considered against past decisions and the facts of the case, and either the complaint is rejected or the licensee is ordered to provide coverage to balance the overall discussion of the issue. As with all case law, cases pass into precedent and rules evolve as to what the FCC will and will not consider fair.

Old precedents are stretched to fit new circumstances, or new situations are considered de novo depending on the point of view of the FCC staff or the Commissioners.51/

It is clear that the FCC intends the past Fairness rulings to be followed by broadcasters, so the precedents of past decisions will have the effect of a rule for the broadcasters to follow. In 1964 the Commission issued a digest of past rulings which it stated would be revised at appropriate intervals to reflect new rulings in the fairness area in order "to keep the broadcaster and the public informed of pertinent Commission determinations on the fairness doctrine, and thus reduce the number of these cases required to be referred to the Commission for resolution."52/ The Commission goes on to state that in passing on complaints brought under the fairness doctrine "the Commission's role is not to substitute its judgment for that of the licensee as to any of the above programming decisions, but rather to determine whether the licensee can be said to have acted reasonably and in good faith."53/

The FCC and the Supreme Court have put great emphasis on the nature of the enforcement mechanism as avoiding traditional First Amendment problems associated with government censorship. In fact, however, the two-fold approach of the Fairness Doctrine, requiring not only that the discussion of any particular issue be fair, but also that

there <u>be</u> discussion of controversial issues, <u>54</u>/ invites complaints that broadcasters have ignored important issues <u>55</u>/ and would seem to require the Commission under its rationale for the Fairness Doctrine to be prepared to decide when the broadcaster must cover various issues. The Commission in its enforcement of the Fairness Doctrine not only must decide what is fair in broadcast journalism, it also must decide what is sufficiently controversial and of sufficient public importance that it must be on the agenda of broadcast coverage. <u>56</u>/ Indeed, the Supreme Court in <u>Red Lion</u> has stated that "if present licensees should suddenly prove timorous, the Commission is not powerless to insist that they give adequate and fair attention to public issues."<u>57</u>/

The principal problem in the workability of enforcing the Fairness Doctrine is the drawing of distinctions. Consider first the enforcement of fairness once an issue is conceded to be controversial and of public importance and is to be covered by a licensee. One problem is the determination of how many sides there are to the issue that should reasonably be carried as "contrasting points of view." Consider, for example, the proposed condemnation of land for a new city park. The broadcaster presents a documentary program reasonably balanced between the views of the proponents and opponents of the new park. A group of citizens then complains that there is a third alternative of building a smaller park in a different location that achieves most of the goals of the proponents and meets most of the objections of the opponents and that this alternative unfairly received only passing mention in the broadcaster's program. Assuming the broadcaster does not wish to provide any more coverage at this time (or that he does not want to be forced into it), he rejects the complaint which is taken to the FCC.

The broadcaster now has several arguments open to him: 58/ He may say that the "issue" was the construction of the park at any location and the program was therefore adequately balanced. He may say that the citizens now complaining are a small minority, and their views are not sufficiently important or relevant to compel additional coverage. He may say that the "issue" was the construction of the park at a particular site and the program was therefore adequately balanced. He may say that the views of the complaining group do not contrast very strongly with the "views" stated by various opponents and proponents on the program so that the issues were adequately covered even though the particular alternative offered by the group wasn't mentioned. The complainants have obvious counterarguments. The FCC must decide, using its tests of reasonableness and good faith.

It seems apparent that the FCC could not adjudicate such a complaint without delving in rather considerable detail into the particular facts and circumstances of the case. It would not be surprising therefore for the FCC to deal with the matter on grounds other than fairness per se. If it were found that the licensee owned land in the area of the alternative park site which would lose value if condemned, the Commission would almost certainly seize on this fact to decide the case against the licensee. 59/ There is no need to go into the details of such a fairness dispute to realize that (1) it could be argued endlessly, there being no objective standard for disposing of the matter and, (2) no matter how it is disposed of, the Federal government is an integral part of not only presentation of the issue but the debate itself. Let us say that the station's arguments are not accepted by the Commission; then the Commission must somehow measure the reasonableness

of the broadcasters judgment that the point of view that the park should be built in the second location deserved only passing mention rather than full coverage as a contrasting point of view.

Is it implicit in the Fairness Doctrine that all points of view are entitled to equal time, to equal emphasis? If not (and the Commission has said not), then should the number of words, the expressions of the reporters, the fraction of the time, or what be taken into account? Should views be given time and emphasis in accordance with their merits, the estimated number of their adherents, the respectability or importance of the organizations backing them, the need for the audience to be aware of them, their familiarity to the audience, or what? Studies of network news coverage 60/ on various issues to determine their balance or fairness have dealt with such indicia as frequency of coverage of one point of view or another, use of "positive" adjectives, duration of coverage given to one or another point of view, use of "stopframe" or graphics to focus the viewers' attention, and so forth. Is it fair to give more time and emphasis to one contrasting point of view because it is more complex and requires more time to be explained? Or to give it less time because most viewers won't focus in enough depth to really understand it?

When the government undertakes to become the arbiter of fairness in the presentation of ideas or other kinds of expression 61/ rather than the remover of barriers to freedom of individual speakers, it is inevitable that such considerations must come into play, or else the government's Fairness Doctrine responsibility is a sham to be applied only on occasion.

Let us go on for a moment to consider what might happen if the Commission upheld the complainants in the above example, and the station provided a report on its evening news show about the arguments for the second location. The station is then open to another Fairness Doctrine complaint that the total coverage of the park issue has now become biased in favor of park construction and that more coverage of the opposition to any new park must receive additional time in order to leave the matter in overall balance. Assuming the second complaint is not transparently frivolous, the Commission must reconsider the matter and arrive at some new balance, reraising all the amorphous criteria just cited. Or the Commission could hold that the new coverage was on a "bona fide news program" and therefore exempt from challenge under the Fairness Doctrine -- which would immediately raise the question of whether a Fairness Doctrine obligation can be met on a bona fide news program or must be met in other program time that is subject to the doctrine.

One further aspect of the practicality of the Fairness Doctrine 62/
is its requirement that each station must individually meet the requirements of the doctrine. Thus the Commission will not take into account
that another TV station in the same community has provided frequent and
full coverage of a contrasting point of view that was given short treatment by a licensee against whom a complaint has been filed. Nor that
local newspapers, radio stations, and town meetings have dealt on particular issues.63/ Thus the argumentation for the Fairness Doctrine that
the public's right to know, to be informed, or to hear are at stake
seems rather inflated. If it were indeed the case that these essential
"rights" were at stake in a particular case, it would seem necessary for

the Commission to consider whether the licensee's coverage actually unbalanced the <u>overall</u> availability of various points of view for the public's consideration.64/ Or if we consider that there is something inherently different or more powerful about TV so that only TV coverage were important (at least to a certain and significant class of the population) then the Commission should measure the Fairness Doctrine against the totality of TV coverage of the issue in a community.65/

We are forced to conclude that the Fairness Doctrine, both in its concept and in the workability of its enforcement, is a most unsatisfactory approach to the regulation of television. It puts the Federal government into the editorial process for both local and national issues as a kind of "editor-of-last-resort." It redefines the First Amendment in a way that makes the government the paternalistic overseer of what we should see and hear rather than the protector of competitive opportunities for free expression. It holds up an illusion of fairness in the use of television that is based on the a posteriori evaluation of the content of the debate on issues where agreement on fairness is hard to obtain; it retards the discussion of a priori conditions of access where reasonable agreement might be reached. It accepts the statutory language of the 1927 and 1934 legislation with regard to common carrier status for broadcast licensees and the subsequent FCC evolution of license renewal standards was to require the First Amendment to be bent around the legislation rather than vice-versa. It forces the discussion of controversial issues on TV toward simplified "packets" and favors those with the power or faddish political influence to get a favorable FCC ruling. It encourages bureaucratic finesse over force of argument in debate. And it advances the expectations on the

part of the individual TV viewer that one or a few "balanced" TV channels are all he needs to be informed.

## Direct Access

Direct access refers to some provision for individuals to gain the use of a TV channel for a limited time to present a message to the viewing public. This is in contrast to the Fairness Doctrine where there is no right of access by any individual 66/ but rather a right on the part of the public to have the licensee inform him adequately with a range of contrasting points of view on controversial issues of public importance. The most important thing to be said about direct access is that no one has any such right under today's system of broadcasting except the licensee during the term of his license. 67/

The history of access to the airwaves has often been recounted. 68/
The most noteworthy aspect is the dramatic shift of national policy in
the enacting of the 1927 Radio Act. From a situation where anyone who
wanted could turn on a radio transmitter and have his say, the Congress
went to the other extreme of allowing only a limited number of licensees
to transmit and declaring at the same time that those licensees were not
to be considered common carriers. 69/ Although the history has been
covered elsewhere, it is useful to review selected aspects as an introduction to a discussion of the changes that might be made now that we
have had some fifty years experience with the regulatory structure of
the 1927 Act.

The 1927 Act was passed at a time when totally unrestricted radio broadcasting 70/ meant that neither the broadcaster nor the public received much benefit from broadcasting and at a time when the sale of

advertising time was a minor phenomenon. Clearly it is the nature of the radio frequency spectrum that not everyone can enjoy unrestricted use thereof.71/ And the inability to limit radio signals to state (or national) boundaries makes the Federal government the natural and probably inevitable place to decide on their use. The licensing authority of the 1927 Act derived from a series of National Radio Conferences held between 1922 and 1925 and on the scheme for limiting licenses that was evolved by Commerce Secretary Hoover under the 1912 statute that required a license to operate a radio transmitter. It seems likely that the emphasis on the service aspects of radio broadcasting embodied in the "public interest" standard of the 1927 Act were in reaction to the lack of service and the absence of any public interest being served by the chaos of 1926-27.

While the rationale for the limited number of licenses that may be granted is obvious, the choice of the process for deciding who would get to use the communications channels does not necessarily follow. Many economists point out, for example, that the initial assignments of operating rights could have been done at auction (as was done with mineral and forestry rights for example) and the ownership of the operating rights left to normal private market mechanisms. 72/ That this was not the course chosen by the Congress in a crisis atmosphere in dealing with a new technology is understandable, and is certainly in any event behind us for the foreseeable future.

What is more relevant is the decision of the Congress to not make the licensees common carriers. The Senate Committee on Interstate Commerce, preparing what was to be the 1927 Radio Act, initially reported to the Senate a bill with the provision that any licensee permitting his

station to be used "for the discussion of any question affecting the public...shall make no discrimination as to the use of such broadcasting station, and with respect to such matters the licensee shall be deemed a common carrier in interstate commerce."73/ The argument made on the Senate floor for rejecting this approach 74/ was rather vague, citing the voluntary (and perhaps even eleemosynary) nature of broadcasting, its availability to the listener free of charge, and its purpose for the broadcaster of "building up his reputation."75/ It is unclear just how this rendered it "unwise to put the broadcaster under the hampering control of being a common carrier and compelled to accept anything and everything that was offered him so long as the price was paid. "76/ Certainly the reasoning could not have foreseen the pervasive use of commercial advertisements to turn the "voluntary" broadcasting service into a most profitable use of the airwaves. One can only speculate about the lobbying efforts of the broadcasters who feared that common carrier status might entail regulation of advertising rates.77/ The common carrier provision failed on the Senate floor, 78/ and the stage was set for the FCC's evolution of the Fairness Doctrine out of the twin statutory concepts of the licensee's responsibility to serve the public interest and the denial of common carrier status as a regulatory alternative.

Two things stand out from this brief and selective history of the debate over common carrier status for broadcasters. First, the choice was statutory and not constitutional.79/ Second, the choice was made before television existed 80/ and before the broadcast medium had developed its present character of profitable commercial advertising, national network programming, and serious journalistic purpose. We are

free then to reconsider the statutory appropriateness of the various alternative ways access might be provided to television.

There are today four types of access to television: (1) time purchased for commercial advertisements; (2) time purchased or given for political campaigns under Section 315(a) of the Communications Act; (3) persons invited to appear on television programs or covered in news programs; and (4) program time purchased from the station and/or programs given or sold to the station. Different policy considerations apply to each because of their nature and because of viewing expectations.

Time purchased from the station for the presentation of commercial advertisements is the closest thing we have to a free market in the use of television. Each TV station retains, however, the right to decide which advertisements it will or will not carry and the right to schedule the time at which the advertisements will be shown. Indeed, under the current public trustee concept of the licensee the broadcaster must exercise discretion over and accept responsibility for all of his programming time including commercials.81/ As a practical matter, most broadcasters will accept any commercial advertisement for a product or service that is in good taste and will not give cause for a complaint to the FCC on grounds of obscenity or the Fairness Doctrine.82/ In general, the FCC and the Courts have maintained that the congressional intent in disallowing common carrier status was to permit broadcasting licensees a wide degree of journalistic freedom.83/ Thus, just as the editor of a newspaper or magazine may decide what articles and advertisements he will carry, so may a broadcast licensee--subject of course to the constant oversight of the FCC under the Fairness Doctrine.84/ Thus the broadcaster may be a "journalistic 'free agent," but must present

issues "fairly and impartially informing the listening and viewing public;" and the FCC must be the "ultimate arbiter and guardian of the public interest" and must "oversee without censoring." 85/

The courts have held that newpapers may refuse to carry advertisements, 86/ the Supreme Court held that under the Communications Act broadcasters may adopt a general policy of not selling advertising time to individuals or groups to speak out on issues they consider important. The latter case is both interesting and important. The FCC had ruled that under the Communications Act a broadcaster may not be required to sell advertising time to individuals or groups to comment on public issues. 87/ The D.C. Court of Appeals reversed to FCC and held that a "flat ban on paid public issue announcements is in violation of the First Amendment, at least when other sorts of paid announcements are accepted." 88/ The court went on to state that a broadcaster's policy of carrying commercial advertisements, but not paid messages on controversial issues, was constitutionally discriminatory. The Court of Appeals also found that broadcasters, as licensees and public trustees, were instrumentalities of the government for purposes of the First Amendment and therefore had no right to discriminate in the sale of advertising time.89/

The Supreme Court reversed the Court of Appeals, and its reasoning in doing so is important. The Court was divided on the issue and in such a way that makes analysis rather complicated. It is perhaps sufficient for our purposes here to say that the Court rejected (or at least did not decide) the question of whether the licensee was a government agent for First Amendment purposes. Instead the Court ruled that the FCC was correct in its interpretation of the Communications Act;

that indeed the Congress had not intended the Communications Act to require broadcasters to sell time to any and all who wished to purchase it. The Court did not find that broadcasters had a constitutional protection from a determination by the Commission or the Congress that the public interest required them to sell some time for expression, 90/ and as in Red Lion the Court did not deny that the Congress might change the prohibition on common carrier status for broadcasters.91/

## NOTES TO TEXT

- More channels could be assigned for TV broadcasting, but there are strong competing uses for those frequencies for two-way radio, mobile telephones, microwave relays, satellite communications, navigation, etc. Each TV channel takes up the frequency space of about 2000 voice channels and covers a very large geographical area within which each voice channel might be used several times over, so that the reassignment of frequencies to create even a few new TV channels (say channels 85-99) would require massive dislocations of radio communications.
- 2/ The FCC's table of TV assignments, designating what channels can be used in what communities, was drawn up in 1952. Recent studies suggest that as many as 100 new stations might be authorized around the country in VHF channels 2-13. See " ," U.S. Office of Telecommunications Policy, May 1974. Similar expansions in UHF channels, 14-84, are also possible. Moreover, if the power and studio equipment requirements placed on UHF TV broadcasting were reduced, even more channels would be possible.
- 3/ A spot is a video production lasting typically thirty seconds or one minute. A program typically is produced in multiples of one-half hour with time out for spots, which of course are usually commercial or advertisements for upcoming programs. Five and fifteen minute productions are occasionally used, especially during political campaigns.
- 4/ The Communications Act of 1934.
- 5/ The FCC in making its license renewal decisions every three years has evolved a considerable and complex body of requirements for the broadcaster's overall programming as a test of whether he has met the

- 5/ (continued) statutory "public interest, convenience, and necessity" test for renewal of his license to broadcast. Some of these FCC-imposed requirements do require the broadcaster to provide access to his station in certain circumstances, such as the Fairness Doctrine to be discussed later. Also, the Congress has imposed requirements that the broadcaster must sell time to all political candidates or give them free time on an equal-time basis.
- 6/ Include data on investment, sales price, revenues, and profits.
- 7/ It might be said that the broadcaster sells his programming fare to the audience indirectly through the prices they pay for the goods' advertised on TV; or it might be said that he sells time on his station. But neither of these explanations account for the incentives or economic imperatives of the TV business. Prices for consumer goods are the same to those who watch TV as for those who don't; and TV viewing is free to those who buy the products heavily advertised on TV as well as to those who don't. Moreover, the price of a minute on a TV station is usually calculated in "cost per thousand" viewers in the audience rather than simply cost per minute; the price of a minute may vary considerably with the time of day, the day of the week, and the show's ratings; the cost to an advertiser of a minute during a popular prime-time nationwide network entertainment show will be considerably more than a minute during a Sunday afternoon show on public affairs. And although a broadcaster is licensed to serve a "community," the language of TV geography is always "markets" except when applying for license renewal.

- Most broadcasters put on occasional special shows of particular local interest, or in the case of the networks, shows of particular national interest, that may be exceptionally costly to produce or may not attract a large audience. It is safe to say, however, that most such examples are calculated to attract overall attention to the station or network to keep viewers favorably disposed toward watching that channel or to keep the Federal government placated so there will be no trouble getting the license renewed.
- 9/ Of course, the <a href="lack">lack</a> of controversial material may be an even greater disservice to the public interest. While most complaints about TV deal with controversy, most serious challenges to the broadcaster's license renewal have been over the failure to present controversial material that some group believes important for the community to have the opportunity to see and hear; complaints about the lack of controversy, then, are in reality complaints about the broadcaster's limitations on access. Also, there may be a fine line between controversy and attention. The wave of sexually-oriented talk shows on radio in 1973(?) for a while created much more attention and audience than controversy and complaint. Only when the Chairman of the FCC "raised his eyebrow" in a speech expressing concern that such programs were not in the public interest did the broadcasters find the attention-getting programs dangerously controversial.
- 10/ There are some problems with this scheme that go beyond the scope of this paper. For example, this process takes little account of the intensity of potential viewers' preferences; it provides what the maximum number of people will watch rather than what they want to watch. Thus even though almost everyone might like at some time to watch a show on how to deal with automobile repair shops, relatively

- 10/ (continued) more would rather watch an entertainment program at any one hour of the day. Also, only those advertisers who wish to reach the large general audience that the broadcaster attracts can afford to advertise on TV. Some relatively specialized products, like diapers, can be advertised economically on those shows that are aired during the time of day that potential consumers are relatively heavily represented, but advertisers of hobby supplies would have to pay the same amount as soap advertisers even though the audience contained far fewer potential hobbyists than potential soap users. Again with the exception of candidates for public office during ' campaigns. 12/ This accounts for ABC-TV's cancellation of The Lawrence Welk Show at the height of its popularity. Most of the audience was in the older age group, many of whom were retired and had little potential as consumers of mass-advertised products and services. See Broadcasting magazine, 13/ Each also sells television programs for which it owns the rights in
- many countries around the world.
- 14/ Especially news.
- "Owned-and-operated" or "O-and-O" in the trade jargon. 15/
- An affiliate who regularly did not air a large number of the network 16/ shows would, however, be subject to network pressure to do so and might even find the network shifting its affiliation in his community to another station. See Media Report, Broadcasting,
- The arrangement has evolved from the old radio networks which became 17/ the TV networks. The economics are attractive to broadcasters and

- over large numbers of viewers. A TV show seen in a relatively smaller number of cities can attract only a relatively small audience to be sold to advertisers, and so brings in less total revenue than a similar program aired nationwide. A network show can be very expensively produced and yet have a cost per viewer considerably less than that of a less expensive show seen in only one or a few cities.
- 18/ I am indebted to Professor Bruce M. Owen of Stanford University for this terminology.
- 19/ This is due to the limited number of channels available for broadcast
  TV as discussed earlier.
- 20/ Include data; See Rolla E. Park,
- 21/ As with radio, however, we might expect that the diversity would be limited to "more of the same" so long as advertising were the sole form of economic support. This is not to say that more choice of which sitcom to watch or when to watch the news wouldn't be worthwhile.
- Large corporations, foundations, and the Federal government, however, have enough money to subsidize the production of programs by public TV stations for use on the public TV network. It is obvious that they have considerable say in what they will pay to produce.
- 23/ See the report of the Cabinet Committee on Cable Communications, 1974, for a discussion and recommendations on this direction for public policy toward the development of cable. See also the report of the Committee for Economic Development entitled "\_\_\_\_\_\_

" 1975 for a similar discussion from an industry

- 23/ (continued) point of view. And see

  and \_\_\_\_\_\_ for a discussion of the services cable might
  make possible.
- 24/ The reasons for this opposition are transparent, although it is interesting to note some of the reasons they stress. Broadcasters profess to be worried that people will have to pay for what they now get for free, as though people will pay for what they now already get for free and as though people don't now pay for TV in each time they buy an advertised product, with less choice in the matter than in their purchase of magazines and newspapers. Theater owners stress the social benefits of getting out of the home and the deterrent effect of theater lights on crime.
- 25/ Actually for "sides" of a controversial issue of public importance.

  If the issue involved is decided by the FCC to be not of public importance, or if the "side" of the issue seeking access is deemed well represented by the station's past programming, there is no access.

  Even if the FCC decides more coverage of a particular point of view is required, the broadcaster may decide who will present that coverage and may well elect to do so with his own staff.
- 26/ Even here, the law requires only "equal" time on equal terms; the station may decide not to allow any candidates for a particular office to have time and may also decide not to allow any time to be bought for any campaign use.
- 27/ Section 3(h) of the Communications Act.
- 28/ The origin of this section of the Act is unclear. It may well have been inserted to clarify that in the combining of the 1927 Radio Act with the common carrier statutes in 1934, the Congress did not intend

- 28/ (continued) to extend the common carrier type regulation as it
  evolved under the ICC into broadcasting. However, it was specifically
  considered and rejected. See Robinson P\_\_\_\_\_\_ and
  note \_\_\_\_\_infra.
- 29/ FCC Report on Editorializing by Licensees.
- Section 315(a) of the Communications Act. The legislative history 30/ of this section of the Act, passed in 1959, indicates that the Congress in adopting this language was only clarifying that the remainder of the section (dealing with equal-time requirements and news shows) was not intended to alter the FCC's evolution under the public interest standard of the fairness obligation. The FCC from time to time construes this language as statutory enactment of the Fairness Doctrine. However, whether the Fairness Doctrine rests on Section 315(a) or on the more general public interest standard of the Act is immaterial for purposes of a discussion of access. The history of the evolution of the Fairness Doctrine by the FCC goes back to 1929 when the Federal Radio Commission stated that the "public interest requires ample play for the free and fair competition of opposing views, and the Commission believes that the principle applies not only to addresses of political candidates but to discussion of issues of importance to the public." 1929 FRC Annual Report 33. In 1940 the FCC banned broadcast editorials on the assumption that this would aid the presentation "of all sides of important public questions, fairly, objectively and without bias." 8 FCC 333 (1940). This was reversed by the 1949 Report on Editorializing by Broadcasting Licensees.
- 31/ In this and in other formulations of the legal issues involved in broadcasting regulation I am indebted to Glen Robinson's seminal article: "The FCC and the First Amendment: Observations on 40 Years of Radio

- 31/ (continued) and Television Regulation," Minnesota Law Review,
  Vol. 52, p. 67 (1967).
- 32/ It is not clear that all of the steps of the Fairness Doctrine's evolution deserve to be called logic, but the FCC's legal discourse style seems to suggest that it wants to be thought to be logical in reaching its conclusions.
- 33/ Indeed, of most of the FCC's regulation of broadcast programming.
- Report on Editorializing by Licensees, 91 P&F 204 (1949). Also, 34/ this concept goes back to the conceptual basis for the 1927 Radio Act. Reacting to the confusion of the situation when anyone could broadcast on any frequency, with no regulation or coordination, the Congress saw a dichotomy between the "private" rights of broadcasters under the old scheme and the "public" interest responsibilities of those licensed to use the frequencies owned by the public. Thus, Congressman White whose 1923 bill served as a major basis for the 1927 Act said (67 Cong. Rec. 5479, March 12, 1926): "We have reached the definite : conclusion that the right of all our people to enjoy this means of communication can be preserved only by the repudiation of the idea underlying the 1912 law that anyone who will, may transmit and by the assertion in its stead of the doctrine that the right of the public to service is superior to the right of any individual to use the other ...."
- 35/ 395 U.S. 390 (1968). We need not address here the broader question of FCC regulation of broadcast programming and the constitutional issues surrounding such regulation. Only a fundamental revision of the broadcasting licensing structure to deny the government the authority to take away a license (except perhaps for criminal use)

- 35/ (continued) would eliminate the need for some governmental oversight judgement of whether the broadcaster in his programming was serving the public interest. For a thorough discussion of issues surrounding FCC program regulation and the First Amendment, see Robinson, supra note \_\_\_\_.
- 36/ Red Lion, 395 U.S. 390.
- 37/ FCC Report on Editorializing by Licensees, supra at 91:211.
- 38/ Red Lion, at 390.
- 39/ John Milton, Areopagitica (1644); Blackstone, ;

  John Stuart Mill, On Liberty.
- 40/ With some exceptions in the case of state sponsored media such as school newspapers or public places. See for example, Barron, Freedom of the Press for Whom, pp. \_\_\_\_\_ for a discussion of variations on the traditional First Amendment issues when state action is involved.
- 41/ As indeed the Communication Act states it may not, Section\_\_\_\_\_.
- 42/ Teapot Dome, etc.
- 43/ This concept that not everyone could broadcast because of the frequency limitations sounds strange today when the cost of setting up and operating a TV station (or even a standard radio broadcast station) is so large. But in the 1920's many of the broadcasters had homemade transmitters and stations that cost a few hundred dollars or less and many people broadcast just for the fun of it. Today, a decent quality AM or FM radio transmitter powerful enough to cover a small community would cost no more than a thousand dollars and could be programmed with several hundred dollars worth of tape equipment. Amateur radio operators are putting on their own TV shows on the air in the UHF amateur band with equipment that costs no more than a few thousand dollars. And

- 43/ (continued) of course the rapid growth of Citizen's Band radio which
  the FCC originally sought to license only for limited two-way communication has become in some communities a party-line that borders on
  "broadcasting"; and its use on highways is hardly more than "everyone"
  broadcasting to a "community" several miles long that moves along the
  road at something more than the speed limit. The idea that "not every
  one can broadcast" is true mainly because the FCC has structured the
  use of radio frequencies and requirements on licenses so that is so.
  The technology and the frequencies do not inherently make it so.
- 44/ Report on Editorializing by Licensees, 91 P&F 211.
- 45/ Red Lion Broadcasting Co. v. FCC, 395 U.S. 390 (1969), emphasis added.
- 46/ If indeed the nature of electronic communications technology means that we have no other recourse, then we can simply accept this new interpretation of the First Amendment and turn our attention to the design of government processes that make the best of the situation. Indeed that seems to be what the Supreme Court has done in <a href="Red Lion">Red Lion</a> and <a href="Democratic National Committee v. CBS">Democratic National Committee v. CBS</a>. It remains to be seen, however, to what extent we truly have no other recourse and whether the Supreme Court has not been a victim of a lack of analysis of alternatives to the legislation of 1927 and 1934 and the FCC's interpretation thereof.
- 47/ The personal attack rules require, however, that if a person is personally attacked on a TV station, then the station must notify the person of the attack and offer comparable time for reply. See Cullman and see Robinson, supra.
- 48/ The FCC has avowedly favored programs designed to serve racial minorities, religious institutions, farmers, and children. It has not done so for women, old people, atheists, deaf people, or shop keepers.

- 49/ Even the opportunity for review by the courts can limit this effect only so much. The discretion the courts have allowed the FCC in applying the public interest standard and in enforcing the Fairness Doctrine show that the FCC will be limited only in the case of flagrant abuse of its own procedures.
- 50/ This phrase, which defenders of the media often apply indiscriminately to any and every limitation on their actions originated in \_\_\_\_\_\_\_.

  In spite of its overuse, it remains a valid consideration in any nation that values free expression.
- 51/ Thus we find the FCC declaring cigarette advertising subject to the Fairness Doctrine, and then straining to avoid applying the precedent to other product commercials.
- 52/ Applicability of the Fairness Doctrine in the Handling of Controversial

  Issues of Public Importance, FCC 64-611, July 6, 1964.
- 53/ Ibid.
- 54/ At least of "representative" controversial issues.
- 55/ e.g. There have been such complaints in the case of \_\_\_\_\_.

  And broadcasters have for the most part ignored coverage of their own industry--certainly a "controversial issue of public importance."
- 56/ To be sure, the theory of the Fairness Doctrine approach is the other way around. That is, the Commission is set up to decide when the broadcaster has been <u>unfair</u> and when he has <u>failed</u> to cover an important issue. But while we certainly can be convinced to feel more comfortable with this formulation than that just given in the text, for reasons discussed above and below, it appears to be a distinction without a difference.
- 57/ Red Lion Broadcasting Co. v. FCC, 395 U.S. 393 (1969).

- 58/ His first argument is probably that the issue is not of public importance, but we are assuming here that has already been acknowledged.
- 59/ Indeed, one of the valid and important stated purposes of the Fairness

  Doctrine is to ameliorate the possibilities for a licensee to use his

  position of control over one of the few channels in a community to

  promote his own private interests by excluding certain information

  from his channel. This is not to say that the Fairness Doctrine is

  the required or preferable way of dealing with this problem.
- 60/ Which is exempt from the Fairness Doctrine by virtue of the Commission's rule excluding "bona fide newscasts."
- 61/ And recall the dicta (or could it become a holding?) in the Supreme Court's decision on Red Lion that it is not just political matters, but "the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here." 395 U.S. 390.
- 62/ Especially in relation to the lofty rhetoric developed for its support by the Commission and the Courts.
- 63/ Except perhaps in trying to determine whether the broadcaster's chosen scope of the issue was or was not unreasonably narrowed or widened.
- 64/ In a community with only one newspaper and one TV station, for example, how would the public right to be informed be balanced best if the newspaper presented only one side of the controversial issue?
- or predominately one favored channel and true fairness can be obtained only by channel by channel fairness, we would have to acknowledge that the First Amendment was somehow secondary to the energy required to change channels.

- 66/ Except in the case of personal attack. See note \_\_\_\_.
- 67/ The licensee's right of access is of course a responsibility as much as a right under the public trustee concept of the licensee's status.
- 68/ See, e.g., Barnouw, A History of Broadcasting in the United States,

  Volume I, A Tower in Babel, Oxford University Press, 1966.
- 69/ See appropriate legislative history, \_\_\_\_\_. See also the decision of the Supreme Court in CBS v. Democratic Committee U.S. \_\_\_\_\_(1973).
- 70/ Provoked by a decision on the unconstitutionality of then Secretary of Commerce Herbert Hoover's limitation on licenses.
- 71/ Even in rather simple uses such as radio and television broadcasting, specifications of frequencies and power levels is necessary to avoid interference that otherwise might render much of the broadcasting useless; careful specification of signal characteristics is even more critical where the spectrum is used for satellite transmission or for navigation.
- The usual counter-argument is that this would leave broadcasting only to the rich, but in fact as amateur operations over the years have shown, there were for several decades many frequencies that were unused and could have been claimed by a simple first come, first served licensing process (with perhaps a proviso that the frequencies must actually be used to prevent hoarding). This latter process is not unlike the way the FCC has in fact assigned new frequencies as technology developed to permit their use. See e.g., The Radio Spectrum:

  Its Use and Regulation, proceedings of a conference sponsored by the Brookings Institution and Resources for the Future, 1968.
- 73/ 67 Congressional Record (1926), cited in CBS v. DNC.

- 74/ And limiting the provision of reply opportunities to candidates for public office.
- 75/ Ibid.
- 76/ Ibid. Note: read the full text before leaving this stand!
- 77/ This can be only speculative since it is unlikely that the press reported any of this if it did exist. Moreover, in 1926 advertising did not have anywhere near the importance or pervasiveness it now has, and it is not entirely fair to presume that the broadcasters intervened on this point, even though it would not seem to have been surprising in view of the efforts of the bigger commercial broadcasters in seeking the regulation of licenses over the 1920's that favored their commercial position.
- 78/ And failed again in modified form in re-enacting the 1927 Act into the 1934 Communications Act.
- 79/ See Red Lion, 395 U.S. 389. "...as far as the First Amendment is concerned those who are licensed stand no better than those to whom licenses are refused. A license permits broadcasting, but the licensee has no constitutional right to be the one who holds the license or to monopolize a radio frequency to the exclusion of his fellow citizens. There is nothing in the First Amendment which prevents the Government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves."

80/	All-electronic	television	was	invented	bу	Philo	T.	Farnsworth	in	1927

81/ See \_\_\_\_\_

- B2/ The FCC has held that commercial advertisements are subject to the Fairness Doctrine only to the extent that they contain explicit reference to a controversial issue under the meaning of the Fairness Doctrine. This was in the wake of the Commission's decision that cigarette advertising should be balanced under the Fairness Doctrine by anti-smoking public service announcements when it was suggested that other product advertising raised politically controversial issues (e.g., gasoline and air pollution, toothpaste and flouridation, detergents and water pollution). The congressional action to outlaw cigarette advertising on TV provided the FCC the excuse it needed to exempt product advertising generally from the Fairness Doctrine.
- 83/ See CBS v. DNC, 27 RR 2d 917.
- 84/ And subject to Section 315(a) for candidates for public office and
  (?) political parties.
- 85/ CBS v. DNC, 27 RR 2d 922.
- 86/ See Chicago Joint Board, Amalgamated Clothing Workers v. Chicago

  Tribune Co., 307 F. Supp. 422 (N.D. III, 1969); affirmed 435 F.

  2d 470 (2d Cir. 1970); cert. den. 402 U.S. 973 (1971) and in CBS v.

  DNC (27 RR 2d 909 (1971).
- 87/ 25 FCC 2d 216, 242.
- 88/ 450 F 2d 646.
- 89/ 450 F 2d 652.
- 90/ Although the FCC is very unlikely to reverse 50 years of precedent.
- 91/ "Conceivably at some future date Congress or the Commission--or the broadcasters--may devise some kind of limited right of access that is both practicable and desirable." CBS v. DNC, 27 RR 2d 930.

  "Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose

91/4 (continued) views should be expressed on this unique medium."

"...the First Amendment confers no right on licensees to prevent
others from broadcasting on 'their' frequencies and no right to an
unconditional monopoly of a scarce resource which the Government
has denied others the right to use." Red Lion, 395 U.S. 390, 391.

Tom Harlett - Law school
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