$1.95

The
Alfred I. duPont-
Columbia University

SURVEY OF BROADCAST JOURNALISM 1969-1970

YEAR OF CHALLENGE, YEAR OF CRISIS

edited by Marvin Barrett

How broadcast journalism covered the environmental crisis, the dissent of youth, the plight of cities the war in Indochina, and responded to the events in Washington, the consumer revolution, and the controversy surrounding the attacks on broadcasting by Vice President Spiro T. Agnew

With special reports:
Newscasting on Earth Day
The FCC and the Future of Broadcast Journalism
Subpoenas: Should Reporters Be Forced to Tell What They Know?

The
Alfred I. duPont-
Columbia
University

SURVEY OF BROADCAST JOURNALISM 1969-1970

Year of Challenge, Year of Crisis

Edited by Marvin Barrett

GROSSET & DUNLAP, INC.
A NATIONAL GENERAL COMPANY
PUBLISHERS NEW YORK

Library Of Congress Catalogue Card Number: 70-106377

Manufactured In The United States Of America
Published Simultaneously In Canada

Contents

	Introduction	3
1	The Year in Broadcast Journalism	8
2	Agnew and the Tiny Fraternity of Privileged Men	31
3	Television and the Presidency	46
4	Television and Political Campaigning	57
5	Government and Broadcast Journalism	67
6	The Environment, the Consumer, and the Broadcaster	81
	One Juror's Observations *by Edward W. Barrett*	92
	The Alfred I. duPont-Columbia University Awards	97
	They Bear Witness *by Michael Arlen*	98

THE REPORTS:

I.	Newscasting on Earth Day—A Monitoring Project *by William F. Seifert*	103
II.	The FCC and the Future of Broadcast Journalism *by Kenneth A. Cox*	112
III.	Subpoenas: Should Reporters Be Forced to Tell What They Know? *by Marcus Cohn*	122

THE APPENDICES

A.	Transcript of the Address by Vice President Spiro T. Agnew, Des Moines, Iowa, November 13, 1969	131
B.	Two Excerpts from Broadcasts Carried by the CBS Television Network	140

Some Information about the Alfred I. duPont-Columbia University Awards for 1970-1971	147
Acknowledgments	149
Index	151

SURVEY OF BROADCAST JOURNALISM 1969-1970

Introduction

IN THE DARK SPRING AND SUMMER OF 1968 AMERICAN broadcast journalism entered a disquieting new phase. Two assassinations, a frightening series of riots in the nation's cities, and the disorders surrounding the Democratic National Convention in Chicago brought a painful self-awareness to an industry often oblivious to its real responsibilities and power. The entertainment function of the broadcast media, so long assumed to be primary, became a little less important, even to the least demanding viewer and the most "realistic" station manager. Concern for what radio and television had done, were doing, and might yet do, became perceptibly stronger in the minds of intelligent Americans on both sides of the tube.

The early stages of this reappraisal of broadcasting by the public, by its elected representatives, and by broadcasters themselves were described in the first annual DuPont-Columbia Survey of Broadcast Journalism, which appeared just a year ago.

In this award year (July 1, 1969, to June 30, 1970), the discussion of broadcast journalism and its responsibilities was not left to practitioners and experts alone. It became everybody's second favorite topic of conversation. Broadcasters were watching themselves, and being watched, as never before.

Only two major news stories (in reality one) seemed to completely escape this alternation of uneasy self-consciousness and suspicious surveillance. The first was the moon landing in July. The second was the aborted flight of Apollo 13 the next spring. Half the miracle of the moon-landing was that the world could lean back in an easy chair and watch man's first perilous steps on an alien planet 250,000 miles away. The flight of Apollo 13 was the first great interplanetary cliff-hanger.

Both stories gave the broadcast journalist an opportunity to follow a scenario in which the need for individual choice and emphasis was at an absolute minimum. Again. as in other moments of national excitement and crisis, broadcasters demonstrated their eagerness and mastery in handling an immensely difficult journalistic chore superbly, sparing neither time nor talent nor expense.

There were those who found the cost to both the nation and the networks exorbitant, who pointed out the ugly and frequently ignored facts of life on the planet that the astronauts had left behind. These critics may have had justice and logic on their side. But the orthicon tube put adventure, fantasy, and suspense against them, and as usual won out.

Once again the Apollo flights demonstrated that television is the foremost instant chronicler of the rituals and actions of our time. No

future historian is likely to improve upon those images which, on certain great occasions, it brings into the world's living rooms.

Staggering though these particular accomplishments were, much more immediately important to broadcasting's present and future was a blast detonated in a midwestern capital, midway between the two flights, by the Vice President of the United States. The speech, in terms of conventional etiquette, was rude, to say the least. The Vice President attacked the three commercial networks after they, with full knowledge of what was to come, had turned over to him the time usually allotted to their evening newscasts, along with an audience of tens of millions.

In thirty-two minutes Agnew impugned his hosts' honesty and news judgment and rattled their regulatory chains. Although political expediency might have been his primary purpose, the Vice President prodded a variety of broadcasting's principal sore spots and called to mind, as had the Chicago convention fifteen months before, the burdensome responsibilities, recognized or not, that accompany camera and microphone wherever they go.

Suddenly middle America, roused by the man who had appointed himself its spokesman, announced its concern for such abstractions as news objectivity and journalistic balance. The arcane mechanics of network news departments became the talk of men and women in the street. Never before had so many people become so curious about who stood behind a favorite television anchorman or so suspicious of his motives.

The broadcasters, challenged openly and stubbornly in such apparent strength, were emphatic in their rebuttals. Although the skeptics rushed in to claim that it was only a paper dragon being confronted by a St. George on strings, all the huffing and puffing were in the end gratifying to anyone who cared about the news. Both sides were making essentially the same imperative point: whether it fulfilled its duties or not, broadcast journalism was a prodigious force, and it must not be manipulated or used for dishonest and unworthy ends.

An awareness of the double nature of the medium and of its enormous power accompanied broadcast journalists on all the principal stories of the year. Broadcasting everywhere seemed to play the dual role of villain and hero, explainer and deluder, corrupter and savior. A vertigo, equal to that induced in many by the Vice President's words (how could a man be so right and so wrong at one and the same time?), rose from television's coverage of the year's crucial issues.

The environmental crisis, which before had received only perfunctory attention from most broadcasters, became the medium's most frequently and thoroughly covered story. But considering the sources of pollution and the sources of broadcasting's revenue, the juxtaposition of sponsor's message and journalistic subject matter was bound to be disturbing. This was equally so in broadcasting's less dedicated coverage of the consumer revolution.

Dissent, blending as it did the threads of several compelling stories—youth and education, civil rights and poverty, the cities and the war—gave broadcasters some of the season's hardest choices.

And the boundaries between cause and effect, observer and participant, always blurred, became increasingly indistinct. On more than one battlefield, foreign and native, broadcast journalism had its fallen heroes.

Political broadcasting, although it should have had a comparatively serene year, became a matter of momentous controversy. In a mid-term election year, broadcasting expenses for candidates reached new heights, and Congress moved to correct the unfair advantage that ready cash was obviously giving to some aspirants to public office. Even more important, the President's right to preempt television was challenged from many quarters, and a formula was sought to equalize the political power that the Chief Executive's access to the nation's home screens undoubtedly gave. In the ensuing arguments, party and conservative-liberal lines were crossed and fractured in an unpredictable way.

As always, there was the ambivalent relationship between government as the regulator and broadcasters as the regulated. Under the leadership of a new chairman, the Federal Communications Commission became increasingly active. Broadcasters, ready for a pro-industry boost from a hoped-for Republican predominance on the Commission, received several surprises. At the same time rulings put forward supposedly in the public interest threatened to have an opposite effect.

Meanwhile, CATV, encouraged by the Commission, moved slowly toward what might be a totally different dispensation for broadcasting—one that could divide the industry's power and the public's attention into unimaginable new shapes.

And above all this clamor the harrassed journalist had still to tell the day-to-day story of people and events as clearly as he was able.

In observing and reporting on this troubled scene, the jurors were helped this year as before by a national network of DuPont Correspondents, grown from forty to sixty in the months since the last report. Exchanges with more than four hundred individual broadcasters contributed greatly to our knowledge of what was going on across the country. In addition, a large group of volunteer monitors was enlisted from the membership of the American Association of University Women.

From these sources we were able to get some idea of the best the industry was producing as well as of its more conspicuous lapses. We read scripts, listened to tapes, and stared at monitoring screens, taking in the broadcasters' observations on man's humanity and inhumanity to man. The best—and we have no doubt that broadcasting's best lies in the area which is our particular responsibility—was very good indeed. It seemed to us that this year many stories were more deeply humane, told by men increasingly able and willing to penetrate the subtleties of life in America in the last half of the twentieth century. Reporting skills and resources had grown impressively, particularly on the local level.

Although frequently the picture presented was appalling, the courage of broadcasters in showing it to us lifted our spirits in some mysterious way. For in the process of exposing suffering and degra-

dation, violence and stupidity, the men who wrote, filmed, and broadcast these programs seemed to be saying that something must and can be done, that Americans are still capable of improvement and correction. At its most devastating, broadcast journalism was its most hopeful.

However, when the report was over and the credits run, questions as always remained unanswered. Why did the networks with their enormous wealth and skill so frequently let a less affluent associate outstrip them? Why, when they *did* something admirable, did they so often give it low visibility, limit its circulation, or place it in direct competition with the principal ornament of a rival's schedule? Why on at least two occasions had they abandoned in mid-career series that bore great promise? Why, with essential programming fighting for air time, was the schedule left wide open to projects which—although superficially innocuous—could be justly described in the useful parlance of pornography as "totally without redeeming social value"? Why did so many local stations with towering incomes plough so little of them back into activities that would serve the public—a public to whom they were indebted not only for their profits, but for the airwaves they used to gain them? Why, finally, whenever broadcasting sustained heavy criticism or saw a possible decline in revenues, was its first response to threaten to lobotomize itself—to cut off what it did best and what was most vital to American society?

The need for television to cleave to its better part (still no more than 10 per cent of its schedule and frequently much less) became more apparent at every cluttered station break. There was a growing sense among the more public-spirited broadcasters that as all over America the sun and the electric lights grew dimmer, the television screen had to become brighter and sharper. It was no longer a question of *his* opinion against *mine*, as the Vice President unfortunately implied, but of *all of us* against *that*, of light against darkness, truth against the lie (or half-lie), knowledge against ignorance, life against a creeping, choking death: a question of whether we would have a country and world in which life was worth living (and television worth viewing), or no world at all.

The Survey, in addition to an account of the events and issues of the broadcast year, contains a section beginning on page 101 made up of reports on subjects of special concern to broadcast journalism. In an appendix, Vice President Agnew's history-making Des Moines speech is reprinted in its entirety, along with the responses made by the presidents of the three commercial television networks.

The awards chosen as the result of the research reported in this volume are announced on page 97. This year again each DuPont winner will receive a special silver sculpture designed by the eminent American architect Louis Kahn and his associate, sculptress Stephanie Scuris.

On the day this Survey was completed, we received word of the death of Mrs. Jessie Ball duPont whose generosity has made possible this volume and the awards announced in it. Mrs. duPont, eighty-six years old at the time of her death, began the Alfred I. duPont Foundation in 1942 and followed its continuing activities throughout the years with interest and enthusiasm. For our part, we are determined that the Survey and Awards established in honor of Mrs. duPont's late husband, Alfred I. duPont, will continue to fulfill the purpose for which she intended them—to encourage the best in broadcasting.

The Jurors:

ELIE ABEL, Chairman
MICHAEL ARLEN
RICHARD T. BAKER
EDWARD W. BARRETT
MARYA MANNES
SIG MICKELSON

MARVIN BARRETT, Director
Alfred I. duPont-Columbia University
Survey and Awards

1 • The Year in Broadcast Journalism

ON JULY 1, 1969, THE INVESTITURE OF CHARLES, PRINCE OF WALES, took place at Caernarvon Castle near Cardiff in the British Isles.

On July 20, somewhere in the Sea of Tranquillity, astronaut Neil Armstrong stepped out of his space craft onto the surface of the moon.

On July 25, in Hyannisport, Massachusetts, Senator Edward Kennedy explained as best he could in ten minutes what had happened on the night of July 19 at the bridge in Chappaquiddick.

These three events, viewed on television by an aggregate of nearly a billion people, opened the year 1969-1970 in U.S. broadcast journalism, wide angle and full volume. They also demonstrated some of the medium's manifold uses and a few of its strengths and weaknesses.

The rituals of British royalty were obviously conceived long before television, but with a very few modifications the pomp and circumstance at Caernarvon Castle came across clearly to the viewer, along with a foreboding that this might indeed be the last chance to witness such a display. It was one of those heretofore inaccessible occasions in which, in the early days of television, network presidents dreamed of inviting viewers to participate on an everyday basis. Whether television's presence enhanced or diminished such events was arguable.* But the fact remained that several thousand times more people witnessed an ancient ceremony one morning in July 1969 than had done so in all the seven centuries before. For that day at least, the interest and quality of television in the United States was considerably higher than on the usual weekday.

As for the moon landing, on which the networks spent 150 hours and $6.5 million, a primitive atmosphere—"Wynken, Blynken and Nod," as staged by Samuel Beckett—hung over its final stages. The buglike module, the stiffened flag with its permanent wave and the television camera planted in the dusty moonscape, the astronauts

* Before the year was out Pope Paul VI, who occasionally said Mass on television, made it clear by official pronouncement that the televised Mass was no substitute for the real thing. On the other hand, millions of sports fans had come, thanks to television, to quite the opposite conclusion, particularly during the 1970 World Cup matches in Mexico, when an international audience of some 300 million people watched the Brazilians defeat the Italians.

bobbling about in their fat white space suits, had the playwright's bleak understatement, as did the remarks of the man who acted as television's principal usher into the new space age.

Walter Cronkite: Man on the moon! . . . Oh boy! . . . whew! . . . boy!

Still, to anyone who cared to take the raw materials and relate them to mankind's great adventures (the *Santa Maria* was only ninety feet long; Robert Peary arrived at the North Pole by dog sled), it was a mind-expanding experience.

Chappaquiddick was something else again. Television had given its proportion and pace to the Kennedy myth—the instant dynasty. Accident had placed television cameras at exactly the right time and place to record that dynasty's hasty passage in a series of indelible vignettes. Television would no doubt have been happy to attend at a third incarnation. Instead, it sat mute as the glory faded away. For Chappaquiddick was not proper broadcast fare. The story depended too much on ambiguities, nuances, ironies. The endless simplistic repetitions of modern radio, the time pressures of television, brutalized the story. Senator Kennedy's tardy appearance to explain the incident, with no questions, no commentary, more nearly resembled a paid political appearance than legitimate journalism. Chappaquiddick demonstrated that, though television could do more with an investiture and a moon landing than the other media could hope to do, there were still stories where print could do a far better job.

There were other less splendid rituals (notably Nixon's rapid progress through Europe and Asia in August 1969, which provided the first live satellite transmission to the United States from Eastern Europe) and less drastic political turning points (see Chapter Four) recorded by radio and television throughout the rest of the year.

The space coverage continued, but boredom, a recurring nightmare of broadcast journalists, set in. Audience and hours committed dropped drastically for the second moon landing, in November 1969. And the failure of the color television camera on the moon's surface eliminated the trip's most conspicuous novelty. Apollo 13, in April 1970, begun in the same mood of anticlimax, became headline news when imminent catastrophe, spotted early by ABC's alert Jules Bergman, broke television contact and the long watch—or long listen—began. Apollo 13's precarious return to earth generated almost as much suspense and excitement as had Apollo 11's trip out. The recovery, brilliantly caught by television, occurred out of prime time, but approximately seventy-five million Americans still witnessed it.

Meanwhile, the most important story of the year had turned out to be, not the moon, but Earth and what man was doing to it. It was a story that, unlike space, the rituals of state, or the vagaries of national politics, not only the networks but the smallest local station could grasp and put on the air. Its manifestations and implications

were so far-reaching that a special chapter has been devoted to it in this survey (see page 81).

As for the other important stories, Vietnam and race, stories without apparent beginning or end, the ones that the environmental crisis supposedly superseded, they remained, as before, challenges to the vision and ingenuity of all broadcast journalists. The response was uneven, but occasional distinguished treatment demonstrated that, given will and skill, the complicated journalistic—if not the human—problems they presented could be solved.

In April CBS correspondent John Laurence sent his network six segments devoted to the activities of one infantry company—Company C, 2nd Battalion of the 7th Cavalry, 1st Air Cavalry Division—on patrol in Vietnam.* A captain departs—he is well-liked; a new one arrives—he is disliked; a soldier collapses from the heat and overwork; mail is delivered; GI's talk about their hopes and fears; there is a near-mutiny. The narration and camera work were exact and spare.

At the end of the sixth segment, Laurence and his crew were recalled. Said Laurence, "What happens in the weeks ahead to the men of Charlie Company can no longer be reported by the CBS News camera team of Keith Kay, Jim Clevenger, and me. High military officials have decided that this series must stop. The explanation given is that our reports are no longer believed to be in the best interest of the company or its commander." But by then the human dimensions of a small interminable war had already been shown to anyone who happened to tune in the "CBS Evening News." It was perhaps the finest example to date of the serial documentary that had been steadily growing in popularity on both network and local stations.

"Grunt's Little War,"* filmed by WCCO-TV Minneapolis, was a half-hour documentary in a more traditional style. Starting with the apparent purpose of showing the folks back home how and what their boys were doing in Vietnam, a reporter and a cameraman succeeded in catching in a month a surprisingly complete view of what the war was really like and just what ordinary GI's (particularly Minnesota boys) thought of it. At the same time it demonstrated what an enterprising station, even without a sponsor, could achieve in an area few of them thought they had any obligation to explore.

The WCCO news director's comment might well have been the theme for distinguished television newsmen throughout the year: "The question is how long can or will stations provide this type of coverage if they can't break even. On the other hand, there is a ready supply of sponsors for such illuminating topics as 'Polka Days at New Ulm.' "

* See the list of DuPont-Columbia Awards, page 97.

Nevertheless, a growing number of stations* showed a willingness to go overseas for news and public affairs footage during the year, not always with results comparable to those the WCCO team brought back.

The DuPont correspondent in Dallas, commenting on coverage of the activities of four Dallas-Fort Worth area wives who went to Paris to get information about their husbands missing in Vietnam, said:

> The story could have been handled in the best traditions of crusading journalism, but it was not. A WFAA newsman traveled with the women, not as a reporter, but as their spokesman. The station used the trip to good advantage as a promotion of the news department, but in so doing left the impression that the women were being used. The newsman later left the station to join Ross Perot's "United We Stand" organization.

And from Providence:

> A newsman and commentator on WPRI visited the Middle East. Result: a film report on—of all things in the Middle East today—holy shrines. Now there are innumerable topics of far greater importance there today than holy shrines. If that station didn't waste its time on trivial documentaries a third of the way around the world and concentrated instead on local problems . . .

With the invasion of Cambodia at the beginning of May, day-to-day coverage of what was now called the Indochina War increased and sharpened. The networks, accused of bias by both affiliates and politicians, were commendably determined to get at what was sometimes an elusive truth. Some gauge of their earnestness was the high casualty rate among correspondents; twenty-four were killed or missing† in the first three weeks of the action, the majority associated with television. Among them were veteran television correspondents George Syvertsen of CBS and Welles Hangen of NBC.

War-related developments at home were handled with particular distinction by three reporters. In August and September 1969 NBC's

* Those reporting overseas trips to the Survey resulting in news and public affairs programming:
WTAE-TV Pittsburgh: Israel and Africa
WCKT-TV Miami: Israel
WTOL-TV Toledo: Israel
WJBK-TV Detroit: Rome
KCRA-TV Sacramento: Greece, Holland, the South Pacific, Australia and New Zealand (for segments for evening newscasts). And newsmen from forty five television and radio stations accompanied H. Ross Perot on his highly publicized junket to Vietnam.
And newsmen from forty-five television and radio stations accompanied H. Ross Perot on his highly publicized junket to Vietnam.

† By late summer a few had found their way back.

Robert Goralski kept opening out new and dank vistas on the alleged murder of a Vietnamese double or triple agent by the Green Berets, and the print media were hard-pressed to keep up with him. It was an example of reportorial persistence too rarely seen on television. Nine months later his associate, Sander Vanocur, capped the story with a startling interview with the Green Beret's alleged triggerman, Robert Marasco, now selling insurance in New Jersey, who admitted on the air that a murder had been committed and gave a new reason—to keep CIA activities in Cambodia secret.

Mike Wallace's pitiless interrogation of former Army Private Paul Meadlo—the better part of one edition of the "CBS Evening News" in November—was given credit for finally convincing the public that something terrible had happened in the small Vietnamese village of My Lai and that Americans were responsible. Another typically surgical Wallace interview of Captain Ernest Medina, the commanding officer, was equally revelatory of the grim military psychology involved in the killings.

These two interviews, along with encounters with Secretary of the Interior Walter Hickel and Black Panther Eldridge Cleaver, made it an impressive year for Wallace.

Although network shows devoted exclusively to the black predicament were fewer this year, two remarkable programs showed highly significant encounters of blacks and whites. NET's "Trial: The City and County of Denver vs. Lauren R. Watson" was just what its title implied, six hours in court with Watson, a Black Panther charged with resisting arrest, interfering with a police officer, and "causing a disturbance." Very little was left out or added, but the result, in four ninety-minute installments, was fascinating and highly dramatic television. The final minutes of the program had the impact of a fist in the stomach, with Watson saying calmly and firmly to the television cameras after his acquittal:

> The system does not work, because I'm still the victim. What has happened to the officers who brutalized me, surrounded my home . . . dragged me off to jail? They haven't been penalized for this trial. They get paid while they're sitting there, trying to get their lie together. It's a just system for white people . . . for some white people. For middle class and upper . . . it's a just system. For poor people, for black people, it's an unjust system . . . . I should have resisted arrest. I should have killed both of them, you know, when they came in the door. And that would have been justice . . . to me.

More hopeful in its conclusion was "The Battle of East St. Louis," reported by CBS correspondent Hughes Rudd. Focusing on a sensitivity group that comprised extremists from both sides in a potentially explosive urban situation, it showed the participants as they were before, during, and after their claustrophobic sessions. Re-

markable things happened, and the camera caught them without self-consciousness or oversimplification.

Black faces figured prominently in other documentaries of top quality, notably:

"The View from Riverview" (WHYN-TV Springfield), the ninety-minute story of the creation of an instant slum out of a new $6 million housing development on the outskirts of Massachusetts' third largest city.

"The Negro in Indianapolis" (WFBM-TV Indianapolis), a four-part prime-time special—the station's big public affairs effort of the year.

"Overbrook" (WFIL-TV Philadelphia), two hours devoted to the problems of a huge inner-city high school.

"What's So Special About Warrendale?" (WIIC-TV Pittsburgh), a prime-time documentary which was given credit for convincing the Pennsylvania State Legislature to reverse immediately an earlier decision not to appropriate the $1.9 million to continue operation of Warrendale, a training school for delinquents.

"Oakland: A Tale of Two Cities," produced by the Urban America Unit of Group W, which resulted in some bitter conclusions growing out of the circumstances of the filming of the show as much as out of the subject matter contained in it. The hour pitted an old-line Oakland conservative, former Senator William Knowland, against equally hard-nosed members of a local black organization. Most of the blacks refused to cooperate unless the producers gave them full rights of editorial review and assisted them in developing a community media center, a community newspaper, a scholarship fund, and a cable television system run for and by blacks. Westinghouse said no. Commentator Rod MacLeish wound up the hour with these words:

> The inescapable reality is that black and white are wrenching farther and farther away from each other. De facto apartheid is going to be the new fact of life. If it isn't already.
>
> In their guts, the white majority of this country doesn't want to associate with black people on any basis that even remotely resembles real equality. And now, blacks are feeling exactly the same way about whites.
>
> Despite the endless words, pictures and exhortations poured out in recent years, we haven't displayed any real will to save our rotting cities. We pledge a great allegiance to the flag and talk a good belief in equality and brotherhood but show a bleak disinterest in turning equality and brotherhood into reality. These truths can be found in Oakland and almost anywhere else in urban America.
>
> So this is America—a tale of two countries.

A little more encouraging for broadcasters, although not much,

was the estimate of the situation by the organizers of The Storefront Studio, a novel approach to minority news coverage tried at public television station WHA-TV Madison, Wisconsin. A proposal submitted to the Ford Foundation early in 1969 requested support as follows:

> Something over a year ago television in the United States made what was considered a significant transition. The day of public affairs producers turning their cameras on the disadvantaged segment of the community in an expression of their concern and curiosity (and that of their audience) ended. Led by public television, the industry gave the disadvantaged themselves (predominantly blacks because the need was clear and they could most easily be targeted) the cameras to turn upon the circumstances of their brothers.
>
> . . . How Neanderthal this seems just a year later, that broadcasters chose, initially, to equip minorities for the business of broadcasting not because they deserved, for being people, a crack at the gravy—but because they could best portray their situation and "tell it like it is"—which translates as giving credibility to the situation of degradation by themselves speaking a visual *tsk tsk* on film.
>
> . . . What is needed clearly, is an expanded sense of community. The project is based on an educated gamble that Madison, Wisconsin, is now ready to step beyond the self-indulgent orgy of separatist communication to that expanded sense of community . . . . there is news in the way people see, or fail to see, their world.

On February 9 The Storefront Studio's nightly news show went on the air. After covering a total of 450 stories, it closed shop on May 17 for lack of local support.

The most hopeful aspect of these black-white programs, despite MacLeish's sour words, was the sense of color blindness and common humanity that pervaded them even when the subject matter was highly explosive. The best example of this, and perhaps the finest documentary of the year, was Frederick Wiseman's "Hospital,"* made for NET with a grant from the Corporation for Public Broadcasting. Wiseman and his cameraman spent a month in the wards, corridors, and waiting rooms of Metropolitan Hospital, a public institution ministering to the poor of New York City. The result was not, as one might have expected, an insufferable invasion of privacy, but a chronicle of human pain and bewilderment answered by endless kindness and reassurance. Stereotype after stereotype was shattered. What remained was a heartening example of what might be done by men of good will and by television.

It was a year of demonstrations and disorders, and the coverage

* See the list of DuPont-Columbia Awards, page 97.

by networks and local stations was as controversial as the issues the demonstrations were meant to dramatize. Rendered self-conscious by the knowledge that frequently these events would not take place if it were not for the cameras and microphones and that their presence could have a negative effect on the events themselves, broadcasters swung from extremes of rigid inattention to hypnotic concentration on detail. They often missed legitimate stories in the process.

The most frequent complaint from DuPont correspondents in communities where incidents had occurred was not that the violence went uncovered, but that the stories behind it had been consistently ignored when early attention might have helped avoid a confrontation. Again, "The Battle of East St. Louis" stood as an example of the sort of inquiry that was required. Another was "Hour of Decision," a ninety-minute special on WHEC-TV Rochester, New York, a conscientious attempt to explain a drastic plan for integrating the city's public schools, an attempt unfortunately that did not succeed in reconciling the community's widely divergent views.

The nation's capital experienced more and bigger rallies during the year than at any time in American history. At some, the television cameras were as conspicuous by their absence as their presence. The coverage of anti-war demonstrations, beginning with the October 15 Vietnam Moratorium, gave vivid evidence of television's uncertainty as to just how to cope with this modern American phenomenon. Although the October demonstration had been planned months in advance and had counterparts all across the United States, no network covered it live. Both CBS and NBC, however, replaced their profitable late-night talk shows with ninety-minute roundups of the event.

Outstanding coverage of parallel local observations was given by WCCO-TV Minneapolis, which put together a half-hour prime-time documentary called "Voices of October," emphasizing the peacefulness of the demonstration and including comments by local boys in Vietnam. Again the thirty minutes went unsponsored.

Other local stations which offered unusual coverage included WWJ-TV Detroit, WOR-TV New York (which was on for almost nine hours covering activities in the city) and two educational stations, WGBH-TV Boston and KQED-TV San Francisco.

Although coverage could have been more thorough, there were no widespread complaints that television was trying to blank out the event. These awaited the November 15 Moratorium, the largest single political demonstration in the Republic's history.

Former Attorney General Ramsey Clark, who had organized a task force of three hundred lawyers to observe the event, reported later:

> That a demonstration on so emotionally volatile a public issue and on such a massive scale could take place without sig-

nificant violence can only be attributable to the good-will of the vast majority of demonstrators, to careful planning by their leadership, and to the generally high professional performance of Washington's police force . . . .

Even though a small number of confrontation-seeking demonstrators were able to provoke clashes at DuPont Circle and at the Justice Department, they did not succeed in stamping the entire weekend with their handiwork . . . .

After the event, and contrary to plain fact, official and unofficial spokesmen for the Administration sought to portray the weekend as one characterized generally by violence. Even the spectre of the Russian Revolution* was raised to describe what happened here. At the very least, this was a failure of leadership, of understanding. At worst, it was a calculated effort to mislead the public, to stifle dissent and to deny constitutional rights.

The news media did little to counter the mistaken impression thus created. Although the Saturday march was the largest single demonstration in our Nation's history, the broadcast networks for reasons of their own chose to provide no live coverage, and not much of any other kind. Only one month earlier, they had given extensive coverage to pro-war demonstrations involving a few thousand persons. When questioned about their performance during the Moratorium, the networks denied having been intimidated by Vice President Agnew's recent attacks. The fact remains that the story was not told in the most effective way we have—by television. Americans in Columbus, Dubuque, Duluth, and Spokane, for example, saw news accounts which focused almost exclusively upon events at DuPont Circle and the Justice Department, neither of which was part of the events sponsored by the New Mobilization . . . . Only a minute fraction of the Nation was able to witness the Moratorium in person, and few if any were given adequate accounts by the news media. Many Americans formed their impressions of what happened from misleading statements by Administration spokesmen. To the extent that those impressions were erroneous, and based on misleading accounts as to the nature of the assembly and the level of violence, the viability of the First Amendment in our society has been weakened.

On the other hand, Lawrence Laurent of the Washington *Post*, watching the extensive local coverage, headlined his report "Sense of Restraint Noted in Coverage" and pointed out that the Washington broadcasters at least had stressed that the demonstration was peaceful and the evening violence minor.

The April 15 Moratorium got negligible coverage for obvious reasons, including the implemention of Nixon's Vietnamization pro-

* This characterization of the events was attributed to Attorney General John Mitchell by his wife, Martha, in the course of a now-famous, free-wheeling interview with Marya McLaughlin of CBS.

gram, comparatively low attendance, and the imminence of the national Earth Day celebration the next week. Correspondents, queried about coverage across the country, reported only two instances outside of Washington where any amount of attention was paid, both involving local violence.

The hastily organized May 9 demonstrations following the invasion of Cambodia and the shootings at Kent State brought coverage back to a high level. The networks devoted five hours of special and live coverage to it over the weekend. In Washington, WTOP-TV carried a total of six hours live, delaying the start of a baseball telecast to do so. WRC-TV was detailed and lengthy, "in sharp contrast with the almost nonexistent live coverage of the November Moratorium," wrote Laurent. The one-hour follow-up on CBS during prime time that evening was of high quality, and the network managed to clear 170 out of 200 affiliated stations on the following afternoon for its important 5:30 interview with three univeristy presidents, Kingman Brewster of Yale, Theodore Hesburgh of Notre Dame, and Robben Fleming of the University of Michigan. On May 13 San Francisco's KQED gave most of its broadcasting day over to an "audio-visual canvass" of reactions in the Bay Area.

The coverage of Honor America Day, July 4, 1970, which capped the Washington demonstration year and was watched with particular attention by both sides, brought out everyone, local and network alike. With roughly the same number of people in attendance as on November 15, the three commercial networks between them devoted five and one-half hours to the day's events. The Public Broadcasting Service (PBS) provided four hours for public stations across the country.

Any marginal disruptions—bottle throwing, nude bathing in the reflecting pools—were stolidly ignored by most television cameras, which kept their lenses fixed unblinkingly on the Reverend Billy Graham in the morning and Bob Hope and his fellow entertainers in the evening.

There were rumors of last-minute government pressure to insure the widest possible coverage. Nevertheless, the event turned out to be essentially an overblown version of the traditional July 4 picnic.

With the incidence of disorders and violence predicted to rise and spread, the Washington experience was important to the rest of the country. Since most of these incidents were likely to occur in and around schools, the reports from DuPont correspondents on coverage of the concerns of young people, which might help relieve pressure in advance, were particularly disheartening. Local reporting of stories involving youth and education was described as minimal by 42 per cent. Another 42 per cent found it adequate, while 15 per cent thought they had good coverage in their communities. One correspondent (in Pittsburgh) thought local coverage of youth prob-

lems in his community was outstanding. Some of the comments were instructive:

Dallas: Local stations have a tendency to cover the high school and college scene in much the same way as the networks cover Latin America. If there is violence on campus, a reported drug problem, a racial issue, a scheduled news conference or some announced demonstration, the story is reported.

Jacksonville: Most coverage of students has been through "College Bowl" type programs, which present the very top students in competitive recall of facts, thus effectively distracting attention from education's problems.

Chicago: Youth, despite television's yearning to have them as an audience, has been one of Chicago's worst-covered groups.

San Francisco: I fault television for not knowing what is happening on the campuses *before* there is trouble. One rock-thrower empties the newsroom. The warnings of men desiring peaceful change are rarely aired.

Asked to comment on the outbursts after the invasion of Cambodia and the killings at Kent State, the response was more specific:

Phoenix: Student demonstrations in the state were very minor in universities, non-existent in high schools and junior colleges, but the coverage was very pro-governor, pro-board of regents, and right-wing legislators who damned the students without facts and refused to permit flags to fly at half mast.

Salt Lake City: University of Utah administrators criticized publicly TV's handling of the disorders, and especially of a sit-in at the administration building; my own feeling is that the disorders were handled with great restraint and perception by all three stations.

San Diego: KOGO-TV displayed hostility toward demonstrators with one newsman using words like "commies, creeps and little warts" in regard to participants. KOGO's coverage was blatantly biased against students, against protest, against anyone in favor of peace. The other stations were generally unsympathetic, but KOGO was excessive.

I am a hawk myself, but not to the point that I can condone news coverage that makes dissenters look like traitors when they are showing their concern differently than I would.

Next to Washington, Chicago was undoubtedly the scene of more potential disorder than any other city in the nation. Fifteen months after the disturbances at the Democratic National Convention, the

alleged instigators, the "Chicago 8," later the "7," went on trial. Coverage presented peculiar difficulties to television. Not only was the courtroom out of bounds to cameras, William J. Campbell, Chief Judge of the U.S. District Court, ordered them off seventeen floors of the Federal Building and "the plaza and sidewalks surrounding the court house" as well, a ruling appealed by reporters, journalists' organizations, and the American Civil Liberties Union, but not by stations or networks.

The trial lasted five months and was rich in incident, genuine and manufactured. Norman Mark, the radio-television critic of the Chicago *Daily News*, reported to the Survey:

> Time was what was most needed for the Chicago Conspiracy 7 trial. For almost five months, each day the trial provided enough courtroom pyrotechnics to fill a dozen 10 P.M. TV reports. Yet each wild bit of testimony, each goofy press conference, each off-beat demonstration took the reporters farther from the essence of the trial, which was more a testing of the law than a confrontation between heavy-handed guards and defendants. Each night the home TV heard who said what to whom, but little about what it all meant.

Bill Kurtis of WBBM was an exception. A lawyer as well as newsman, he gave his station's viewers just such a sober analysis of each day's events. At the trial's end, Kurtis did a concise wrap-up in prime time. When the verdict was delivered, he presided over a sixty-minute program recapitulating the case with the chief counsel from both sides present. For many reasons the trial was a highly significant one. For broadcasters, trial coverage underscored several problems, including excessive pre-trial publicity and deliberate attempts to affect courtroom events by outside manipulation during the trial. When the trial was over, both the cause of access by dissidents to television, and of access by television to the courts and to other government chambers now closed to them, had lost substantial ground. The lengthy trial also demonstrated that television news had a growing need for reporters with special knowledge and expertise.

Another Chicago story, the police raid that resulted in the deaths of Black Panthers Fred Hampton and Mark Clark, again put broadcasters in a tight corner. WMAQ-TV came on the air December 4, a few hours after the shootings, with a live interview with the Panthers, during which they accused the State's Attorney Edward Hanrahan and Mayor Richard Daley of sending out police with "orders to kill." On December 11, WBBM-TV ran Hanrahan's exclusive re-enactment of the incident purporting to show the real story of what happened—which, according to reports, had been offered to at least two other television stations and turned down because of demands that it be run in its entirety with no questions asked. In justifying his decision to accept such conditions, WBBM's news director,

Bob Ferrante, who had offered equal time to the Panthers, called the re-enactment "the first clean, clinical, unemotional presentation" of the shooting. He labeled it a "community service." Later the re-enactment proved to be false and misleading in many of its details.

In terms of news interest, both programs appeared justified. Both implicated broadcast journalists in choices and decisions having deep significance. Involved were questions of fairness, objectivity, pre-trial judgments, and publicity, as well as the flagrant attempts by both sides to use the media to sway public opinion.

Violence and the effort to control news remained a prime concern of television newsmen. Many local stations had set forth fairly clear guidelines for the coverage of potentially explosive situations in previous years and only 35 of the 156 television stations reporting to the DuPont Survey indicated any change in their rules for approaching these stories.

KATU-TV Portland, Oregon, expressed the sentiment of some cities where violence had not been common in the past. "Our concern for the safety of our news teams has increased immensely. We are being threatened by demonstrators because of [their] fear of subpoena* and [their] fear of law enforcement officials who are filming sometimes without proper identification."

Suspicion of reporters and cameramen had undoubtedly grown from both the right and the left. Incidents of violence directed toward television representatives were reported in many communities, including Pittsburgh, New York, Newark, Albuquerque, and Washington. Equipment was destroyed and personnel were injured. The incidents ranged from the anger of disappointed partisans of former Newark Mayor Hugh Addonizio at what they considered unfair television coverage (newsmen roughed up, cameras knocked over) to the stabbing of a television reporter by a member of the National Guard at an anti-war disturbance in Albuquerque, New Mexico.

Attempts to commandeer news coverage grew. President Robben Fleming of the University of Michigan, testifying before the President's Commission on Campus Unrest in July, labeled it "confrontation by appointment." He cited one example of a student sit-in on his campus that was kept going two extra days—until the national networks could get there. The "instant communication" that was blamed last year for the spread of ghetto disorders was this year blamed for the spread of campus rioting. "The news-hungry media," said University of Michigan psychologist Donald Brown, "tend to fan the sparks of unrest by massive and immediate publicity . . . . There is bound to be a generalization and spread of effect from campus to campus."

* See pages 122-28.

In the field of documentaries it was not a year of dazzling enterprise or innovation by the three commercial networks. They were consistently outpaced by public television, which, despite continuing threats of imminent bankruptcy, shifting authority, and government intrusion, managed an outstanding season.

In addition to "Hospital" and "Trial: The City and County of Denver vs. Lauren R. Watson," there were:

"Who Speaks for Man?"—a long, level look at the United Nations on the approach of its twenty-fifth birthday (there was no such summing up planned by any of the three networks).

"Hard Times in the Country"—a serious analysis of the formidable agricultural problems of the United States little attended elsewhere on television.

"Staggerlee"—KQED's revealing sixty-minute interview with Black Panther Bobby Seale, which let him speak for himself. Unfortunately, it was seen by a limited audience. Of 104 educational stations reporting to the Public Broadcasting Service 63 chose not to put the program on the air.

"Who Invited US?"—a takeout on U.S. foreign policy, which presented one producer's (Al Levin's) highly personal convictions on a highly controversial subject. Such expressions were conspicuously absent from network documentaries throughout a year when the demand for "balance" became more and more insistent.

"The Advocates"—the year's only experiment in prime-time public affairs programming—sixty-minute debates on important issues dressed up with considerable gimmickry by its alternate producers at KCET Los Angeles and WGBH Boston.

And this did not, of course, count the two big entertainment hits of the year, "The Forsyte Saga" and "Sesame Street," which outclassed all networks in their respective categories.

The usual explanations prevailed at the commercial networks. Staff cutbacks, reluctant sponsors, too few viewers, had led to deletions of controversial projects from the television schedules. This year these explanations gained additional substance from the threat of a full-scale economic recession, the prospective loss of cigarette advertising, and the atmosphere of dogged boosterism abroad in the land.

There were cancellations and disappearances, the specifics of which were sometimes hard to come by. Jay McMullen, a top investigative reporter for CBS, had two projects shot out from under him. One, a documentary on corruption in South Vietnam, in the works for months, disappeared, apparently without trace. The other was a one hour study of the pharmaceutical business intended as the third installment of the excellent "Health in America" series. After canvassing nearly every major pharmaceutical house in the country for cooperation, and receiving none, the broadcast was delayed for "at least a year."

Promising projects that disappeared from the schedules of the other networks included:

NBC's "In Which We Live," an excellent series on ecology launched with great fanfare in May. It vanished in June without a formal announcement after nine appearances at the dying end of Sunday afternoon. Its cancellation was attributed to lack of sponsors, lack of viewers, lack of critical attention, and a sudden lack of network money for such a project. The producer, Robert J. Northshield, commented bitterly: "I guess they noticed that all the ecological problems have been solved, so there's no need for the show."

ABC's "Now," the third network's only regular prime-time public affairs offering, which faded away with the approach of the professional football season.

Such disappearances would be less serious if the programs had been replaced by series of equal moment. This was not the case.

Most of the top television reporting was channeled into the two magazine programs—"60 Minutes" and "First Tuesday," experiments of the previous year that managed to survive and apparently prosper. An examination of the list of topics they covered, however, did not indicate a significant growth in hard features. Good as many of the programs were, the viewer was left with the uneasy feeling that management might be using them as an excuse for not pursuing at full documentary length subjects that cried for such thorough coverage. "60 Minutes" had an advantage over "First Tuesday" in that, besides appearing on alternate Tuesdays, it shared the time slot with "CBS Reports." The two programs, with a weekly hour between them, could move on hard news with some degree of maneuverability.

"First Tuesday," with two hours at its disposal, could assimilate segments of full documentary length. However, if the show were preempted, as it had been, viewers could go without it for a full two months.

On "60 Minutes" Mike Wallace did a superior investigative job on the cost overrun of the M-48 submarine torpedo, a story with a much broader application than the one item covered. It got on the air despite strong Pentagon resistance.

On "First Tuesday" Tom Pettit delivered outstanding reports on the nuclear establishment and on the plight of the American Indian.

Sponsor interest in controversial public affairs programming undoubtedly had fallen off. "First Tuesday" and "60 Minutes" held up in ratings and ads but some of the big-budget backers of earlier years had departed. Gulf's open-ended sponsorship had been curtailed. Xerox was transferring substantial amounts of money to the underwriting of quality programming on public television. Prudential's "21st Century," successor to its long-running "20th

Century," had gone. And AT&T and its subsidiaries, which had paid for NBC's three-part White Paper on the "Ordeal of the American City" last year, was featuring big-budget entertainment instead.

The Long Lines division of AT&T put on a theme documentary called "It Couldn't Be Done," which, in its effort to boost the U.S.A. and its technological accomplishments, came close to being an open invitation to ecological disaster. It was hailed by USIA director Frank Shakespeare as "outstanding" and "upbeat" and was selected for USIA distribution—ads included—to television and theatrical outlets abroad.* "It's time," said Shakespeare, "to concentrate on getting the very best of TV on what the U.S. is doing distributed throughout the world."

The year was rich in shows on geography and the sea, if not in controversy. Nostalgia was also high on the list: football, railroads, and the automobile were given hour-long historical takeouts. In some of the escapist fare, however, the grim ecological facts kept cropping up, and their presence frequently gave the shows an unintentionally serious cast.

Along with declining sponsor support, there was little indication that the American viewer was getting more serious in his interests. Of 176 prime-time specials rated by Nielsen from September 1969 to April 1970, 103 could be classified as entertainment and 37 concerned nature, travel, history, or other feature material. There were 18 sports specials, which left another 18 shows that could be considered news documentaries. (And 8 of these concerned the Apollo flights.) The highest-rated non-entertainment, non-sports shows on the list were "The Lions Are Free" and "The World of the Beaver," rated 29th and 35th respectively. The highest rated news special was one concerning the draft lottery, on CBS, which was 55th. A well-intentioned ABC show, "A Matter of Conscience—Ethics in Government," rated 176th out of 176.

One innovation that bore promise for the future was the CBS decision to shape John Laurence's series on Charlie Company (page 10) into a prime-time documentary. The idea of building sixty-minute documentaries out of material screened on earlier newscasts could lead to improvement in quality at both ends, as well as a larger audience for important footage heretofore consigned to network storerooms after a single showing.

As the year ended, there were indications of a further decline in the number of public affairs specials. By midsummer neither CBS nor NBC had any long-term major projects in the field to announce.

* Another USIA film, thirty minutes in color on Spiro Agnew, created a minor scandal by costing nearly three times as much to produce as similar features on Eisenhower and Kennedy. It was also the occasion for a complaint by the commercial networks growing out of the fact that four USIA film crews were permitted to cover Agnew during his stopover in Saigon in January, while the three networks were permitted one pooled crew.

Again, the threat of declining profits was blamed, although as late as the second quarter of 1970 there was little indication of a drop. This excuse, a familiar one, raises serious questions about network bookkeeping in relation to news and public affairs programming.

Some of them are: Is a fair percentage of network overhead charged to news? For instance, what percentage of the cost of network pre-emptions for special events, such as political coverage, presidential speeches. Apollo flights, is charged against the news division's accounts? What is a legitimate profit for a network? Must profits increase every year? And must news and public affairs be penalized if they do not? Are corporations with a variety of holdings bleeding their broadcasting enterprises to balance losses in other sectors, with news and public affairs programming suffering as a consequence? All these questions could be asked as well of local station operations, where even larger profits prevail.

The continual "poormouthing" of the networks where news and public affairs broadcasting is concerned is even more puzzling in view of the 1969 profit figures given by the FCC. According to the report, the television broadcasting industry profits before taxes were up 11 per cent in 1969 over 1968. The FCC noted that the three networks reported 1969 profits (again before taxes) on network operations increased 64.5 per cent (to $93 million) over 1968, while the profits of the fifteen owned-and-operated stations rose 9 per cent (to $133 million). All the other stations combined showed a profit increase of 3.6 per cent (to $328 million). The FCC also noted that the three networks reported total 1969 expenditures of $118 million on news and public affairs, approximately one tenth of their budgets.

Nevertheless, both networks and local stations continued to assign second-class status to their public affairs programming. Beyond the Sunday afternoon "ghettos" there were the other dead spots in the schedules where they tended to drop programs of great import, but of uncertain appeal to the public. This included off-viewing hours, hours when the competition seemed hopeless, or times such as Tuesday night, when the networks seemed willing to split the difference. All this program jockeying inevitably had to do with ratings.* So did the jamming of specials and documentary fare into the so-called "black weeks" each year when Nielsen does not take national ratings. Although at first glance this practice might seem benign, since it allows time for quality programs that otherwise would not be available to audiences, at second look it is anything but beneficial. Not only does such a glut produce intellectual indigestion in even the most deprived television viewer, thus reducing viewership among those who might cherish such programming during the

*Networks have been rumored to turn down sponsors for documentaries in order to avoid ratings which are not reported on unsponsored shows— thus keeping their averages higher.

barren weeks of the year, it also sets up unresolvable night-to-night conflicts.*

Such an embarrassment of riches poses a question to the person concerned with increasing the hours and circulation of quality television; What is the optimum amount and the ideal scheduling for such fare?

Reports from DuPont correspondents and questionnaires filled out by 261 radio and television news directors across the country showed the continued growth in time devoted to daily newscasts. Of the correspondents reporting, 35 per cent noted increases in their communities and 58 per cent of the news directors mentioned increased allotments on their stations. The average weekday allotment among television stations was approximately an hour and a half. Increased sponsorship for newscasts was reported by 43 per cent, with many of the respondents indicating that they had already been sold out the previous year.

More surprising than the growth in newscasting, which had become a profitable aspect of local broadcasting and a useful means of building station ratings, was the reversal of the downward trend in documentaries reported in last year's Survey. An upswing in public affairs and documentary programming was reported by 52 per cent of the correspondents. Of the news directors, 65 per cent claimed that their individual stations had increased programming in this area. At the same time, only 22 per cent reported any corresponding increase in sponsorship to support the trend.

The report from Salt Lake City was characteristic of the optimistic view of many of the correspondents:

> The increase has been dramatic on all three stations. KUTV added a two-member team to study and produce documentaries on social problems. KSL does a weekly half-hour documentary, and KCPX a weekly magazine-type show.

St. Louis, notably downbeat last year, reported:

*Documentaries crowded into Nielsen's spring black week in 1970 included, in addition to appearances by President Nixon and the astronauts and the special coverage of Earth Day on all three networks:

CBS' "Health in America," one hour on two successive nights.

NBC's hour on veneral disease.

Jacques Cousteau's one-hour "Return of the Sea Elephants" on ABC opposite NBC's one-hour science special, "The Whale Hunters of Fayal."

"Cry Help!" NBC's 90-minute White Paper on Mental Health.

"Mission Possible: They Care for the Land," the second installment of a three-part ABC series on the environment.

This did not take into consideration the non-rated offerings of public television, which added another twelve to twenty hours of quality documentaries to the schedules, depending on your local station.

Most of this programming was of superior quality, but no viewer was likely to have the stomach to supplement several hours of viewing on environmental deterioration with a total of five sixty-to-ninety-minute documentaries on health, not to mention the insoluble conflict for all lovers of sea mammals.

> A substantial increase is to be noted in the instance of KSD-TV. The station has been broadcasting either its "St. Louis Forum" panel discussion with persons in the news or its "Perspective" series on current issues each Sunday from 6 to 6:30 P.M. for the last year. The moderator of "St. Louis Forum" is Howard B. Woods, a black newspaper editor. "Perspective" includes specials on such subjects as local fiscal problems, housing needs and drug abuse.

The correspondent in Louisville ascribed the increase to the fact that it was license-renewal year. "The impact was rather small, considering." Syracuse, apparently jogged by the Johnson-Cox programming performance study at New York license renewal time in 1968* had "rumblings about getting more public service specials on the air, especially relating to black-white issues and ecology, but so far there's been no substantial increase in quality and quantity of these programs."

The report from Denver was also negative:

> Although local television stations give the impression that they are increasing their public affairs coverage from time to time, it does not seem to me that any significant gains have been made in the last year. The tendency is to drop one program or series and add another, rather than to add to the over-all total of such programming.

However, unlike last year, there were no instances of drastic cutbacks in documentary programming reported, conceivably because they had started the season from an all-time low.

Investigative reporting continued to grow, with 25 per cent of the correspondents and 48 per cent of the news directors mentioning increased investigative activities. Still, 15 per cent of the correspondents commented that there were no investigative activities in their communities at all.

The investigative teams were closely associated with the growth of newscasts and the popularity of the mini-documentary and three- to five-part segmented series, which were often the only in-depth reporting that stations undertook. Local stations had some outstanding scoops to their credit during the year.

Paul Friedman, a member of a new "Probe" unit at WRC-TV Washington, D.C., broke open the cyclamate story on that unit's first assignment. His scoop was the big consumer story of the year. It forced a dilatory Food and Drug Administration to take one of the most drastic actions in its history—the banning of cyclamates.

Ed Roeder, a student and part-time staffer for WJXT-TV Jacksonville dug out Judge Harrold Carswell's 1948 "white supremacy"

**Survey of Braodcast Journalism 1968—1969*, pp. 42-43.

speech in back files of Carswell's hometown paper stored in the county archives in Irwinton, Georgia. The story started a string of events that cost Carswell his appointment to the Supreme Court.

KTAR-TV Phoenix produced "Was Warren Hudson Murdered?", which investigated the disappearance of a former Navy pilot and uncovered a story that involved narcotics, smuggling, and violent death. The report led to a Riverside, California, grand jury probe that resulted in the indictment of four men for murder.

WMC-TV Memphis presented "Timetable for Disaster," a local investigation of railroad decay and neglect and the resulting hazards of possible derailment, a story having national ramifications. Ironically, it ran just two days after an ABC nostalgic special, "The Ballad of the Iron Horse."

A trend noted in reports from correspondents and individual news directors, and one that promised much for the improvement in quality of local documentaries, was the use of research resources outside the station.

Most ambitious perhaps was WFBM Indianapolis, which hired the Magid research organization to do the background work for its series, "The Negro in Indianapolis."

KVOS-TV, in the small city of Bellingham, Washington, worked with the Continuing Studies Department of Western Washington State College to produce an impressive series, "Our Northwest Environment." The commercial station and the college financed part of the project through a federal Title I grant.

KUTV Salt Lake City commissioned Dr. Dan E. Jones of Utah State to poll public opinion for a series of shows on subjects of particular interest to the community, including environment and population control.

Another innovation in the same city was KCPX-TV's News Advisory Board, which along with station personnel contributed ideas for a weekly series, "Camera 4 Reports." The board, which has met each month since April 1969, consists of fourteen members selected from seven segments of the community—agriculture, minorities, government, the aged, youth, business, and religion. Members serve for one year, and half the board is replaced at six-month intervals. The board, in addition to suggesting ideas for programs, criticizes what has already appeared on the air, although the station management retains full responsibility.

Editorializing might have been expected to undergo conspicuous changes during the year under question because of increased attention to areas of news comment and analysis. An over-all increase in editorializing in their community and on individual stations was reported by 30 per cent of the DuPont correspondents and station news directors. No one reported a decline in the number of stations editorializing or in the frequency of editorials.

One of the most significant breakthroughs in this field came when, in January 1970, NBC reversed a long-standing policy and permitted its five owned-and-operated stations to editorialize. CBS had given its owned-and-operated stations the option over a decade ago. ABC stations began on-the-air editorializing in 1962.

WMAQ-TV, the NBC outlet in Chicago, immediately launched a highly aggressive series of editorials that, among other things, demanded the immediate withdrawal of American troops from Vietnam and called for the resignation of Illinois State's Attorney Edward Hanrahan for his actions relating to the Fred Hampton shooting. An editorial backing the Hatfield-McGovern "amendment to end the war in Vietnam" drew 11,094 responses, with 10,425 favoring, 669 opposed. Encouraged by the vigor of the reactions to the first editorials aired, the station sent camera crews to three previously announced locations and collected footage of viewers who wanted to comment or answer back. The next month, two ninety-minute programs were aired on successive Sunday afternoons. The results were not only good public relations, but surprisingly interesting viewing.

The Vox Pop idea, a radio standard for decades, seemed to be spreading in television. KQED San Francisco had used it effectively as a balancing factor in its coverage of demonstrations and moratoriums. WNDT New York announced two such programs to be aired in the prime-time slot vacated by its nightly "Newsfront." One, "Free Time," would emanate from its studios. The other, "Here and Now," would be filmed by a mobile unit.

In the spring of 1970 Avco, a multimedia owner, announced in full-page ads placed in major newspapers across the country, "If you have something important to tell America, we'll put you on national television to say it." Its plan was to take the network space usually purchased for Avco ads and turn it over to those responding. Twelve thousand did and the first statements went on the air August 22.

In another effort to stimulate viewer participation, KCRG-TV Iowa City, Iowa, went to "community opinion leaders" with copies of its editorials and invited on-the-air responses. Although it broadcasts at the seat of the State University of Iowa and thus ostensibly would have a fair number of opinionated and articulate people, the effort met with only a modest success.

Some editorials cost stations sponsors, KABC Radio in Los Angeles affirmed the right of Communist Angela Davis to teach at the University of California at Los Angeles and condemned the California Regents for "acting illegally" in trying to prevent her. KABC, which claims the highest rate of broadcast rebuttals to editorials in the country (75 per cent), ran three challenges to their original editorial and then three more editorials reaffirming its stand

on Miss Davis.* Listener response ran five to one against the editorial and the station sustained "considerable loss of revenue."

Editorial comment of a special and important sort was initiated by WTOP Washington when it hired Edwin Diamond, former senior editor of *Newsweek*, to comment on the media on a regular basis. The Diamond pronouncements, carried on the evening news, covered all forms of journalism, but concentrated in the broadcast area, where self-criticism and evaluation were long overdue.

WNYC, the municipally owned New York City station, started a worthwhile series called "All About TV," which invited experts to discuss such important topics as Public Interest and Access.

There was no question that competition between local news departments continued to grow. A noticeable increase in competitive behavior among the stations in their communities was reported by 58 per cent of the correspondents. Of the television news directors, 71 per cent admitted to being a part of a competitive struggle.

Although it was an unmistakable sign of vitality, such competition did not always mean an improvement in the quality of the news. In many localities competition meant shortening the length of news items and concentrating more than ever on visual stories at the expense of equally important but more complicated non-visual stories. The on-the-air promotions and newspaper and billboard ads increased in number, but they seldom emphasized the more solid features of the news.

In cities where all three networks had affiliates, it was the ABC outlet that most frequently played up the sensational and popular aspects of its operation. In New York WABC, the flagship station, claimed to have lured 400,000 viewers away from the competition. In market where ABC owned and operated stations, its outlets underlined the light-heartedness of their approach with the theme song "Let the Sun Shine In" and a particularly offensive ad that compared the competition to "Chicken Little," the scatterbrained alarmist barnyard fowl familiar to every nursery schooler. The Eyewitness News concept, originated by the Westinghouse stations and embraced by ABC, was reported in use by at least fifty different stations across the country affiliated with all three networks.

Al Primo, the news director of WABC-TV New York and the Eyewitness concept's foremost proponent, described it as follows: "Eyewitness News is without a doubt the best method of covering a story. It revolves around people. Every other news operation has reporters, cameramen, editors, producers, writers, and anchormen. By the time that an anchorman reads a story on the air, it has gone through the hands of about eight people. We send a reporter out, and he (or

*All editorials related to Miss Davis' constitutional rights and preceded her alleged involvement in the kidnapping and killing of Superior Court Judge Harold J. Haley in San Rafael, California, in August 1970.

she) does everything—reports it, edits it, writes it, and delivers it on the air. You get a purer report." The aspirations were admirable, but performance did not always live up to them. Primo had a special set designed to accommodate his shuttling staff and increased the use of graphics. His reporters joked with and needled each other, frequently at the expense of the news. However, his freewheeling technique emphasizing local news won him second place in the highly competitive 6 P.M. period in New York City, despite the fact that his companion, ABC network news, rated a weak third.

Similar competition featuring the visual, the jaunty, the off-beat, and the off-color was having an effect on the form of local news in other big cities.

Los Angeles reported "KABC-TV is going the tabloid route." Chicago: "There has been a trend toward yuk-it-up happy-talk news in Chicago . . . . Sometimes important stories are glossed over to get a laugh."

In many markets this shift was not based on any sudden inspiration, or a desire to emulate success, but on extremely detailed, expensive, and highly confidential research that told management how the news should be run for maximum ratings and profits. In most instances it added up to shorter stories, more stories, happier stories.

Observers with long memories may recall the closing days of "the golden age" of television entertainment. The end of that era was heralded by a chillingly similar call for "stories about happy people with happy problems." In those days ABC, a slow third in the ratings, introduced its pot-boiling action-adventure-detective-westerns. If this noisy infusion did not win the network first place, it helped to make it impossible for anything but mediocre programs to thrive elsewhere.

It is chilling to reflect, now that news has been proven profitable, that it also could fall victim to Gresham's Law.

2 • Agnew and the Tiny Fraternity of Privileged Men

> . . . Every elected leader in the United States depends on these men of the media. Whether what I have said to you tonight will be heard and seen at all by the nation is not my decision; it's not your decision; it's *their* decision.

ON THE AFTERNOON OF NOVEMBER 13, 1969, THE NEWS departments of the three commercial networks made their decision. At 7 P.M. E.S.T. the networks went on the air, and millions of surprised Americans heard not their favorite newscaster but the Vice President of the United States.

However painful and expensive the decision may have been to the network brass, their news judgment was immediately vindicated. The Vice President's address, before a small regional party meeting in Des Moines, Iowa, was the most discussed speech from any source on any subject during the year under consideration.* For broadcast journalism it was unquestionably the year's most significant event.

The apparent cause of the Vice President's attack was the network commentary following President Nixon's November 3 speech on Vietnam, which the Vice President labeled "instant analysis and querulous criticism." Accompanying this complaint were accusations of bias, exclusivity, and a general misuse of what he termed the networks' "vast power."

The burden of Agnew's message came in a few brief passages:

> The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but, more importantly, wield a free hand in selecting, presenting and interpreting the great issues in our nation . . . .
>
> The American people would rightly not tolerate this concentration of power in government.
>
> Is it not fair and relevant to question its concentration in the hands of a tiny, enclosed fraternity of privileged men elected by no one and enjoying a monopoly sanctioned and

* The speech is reprinted in its entirety, with the networks' first responses to it, on pages 131-39.

licensed by government? . . .

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

With one clever thrust the Vice President had shifted the credibility gap, the bane of the previous and now the current administration, from the White House to the Manhattan offices of the television networks. Eight months later, issues raised by the Vice President, some of them perhaps unintentionally, were still unresolved, and the long-term impact of his attack could not be precisely measured.

The heads of the networks came to the defense of their news departments at once. Frank Stanton, president of CBS, the only network to follow the Vice President's remarks on the air by reading these rebuttals, struck the dominant tone: "We do not believe . . . that this unprecedented attempt by the Vice President of the United States to intimidate a news medium which depends for its existence upon government licenses represents legitimate criticism."

But Stanton and his fellow network executives were soon proved to be in the minority. Before the Vice President was off the air, the network switchboards began to light up. When all the phone calls, telegrams, and letters were in and counted (over 150,000 for the three networks), the tally was two to one in favor of Agnew. A month later Agnew's office reported receiving 73,938 favorable letters, 3,784 against.

Stations across the country got the same instantaneous reaction with calls backed up far into the night.

On the local level the reaction was even more conspicuously in favor of the Vice President than at network headquarters. WFAA, the ABC affiliate in Dallas, received 231 calls for Agnew, 2 against. WKY-TV Oklahoma City reported: "We got 350 calls, all praising Agnew to the sky . . . . There were two against him." WTTV Indianapolis said that by the next day telephone calls and telegrams received were "running eighty-four per cent in favor of Vice President Agnew's position." WTEN-TV Albany, which ran an editorial gently admonishing Agnew ("To borrow a line from Aeschylus, 'the man whose authority is recent is always stern.' ") got 850 letters, five-to-one pro-Agnew. In Honolulu written comments favored Agnew three to two, phone calls six to one.

To put the matter in perspective, NBC reported that the anti-network mail was still only a quarter of what they got when they announced the imminent departure of "Star Trek." But the totals far exceeded those of the last great public outcry against network news at the time of the Democratic Convention.

There was, however, an element in these communications which had not been so conspicuous earlier. The networks (not counting the

cards and letters received by individual newsmen) tallied 2,500 individual pieces of "hate mail." An analysis of a group of such mail received by one network through December 1969 was made at the Columbia Graduate School of Journalism. It found that 25 per cent of these letters accused the networks of some sort of communist affiliation or sympathy. Eleven per cent were anti-Semitic (". . . he [Agnew] got his pound of flesh off you Jew boy," "V.P. Agnew expressed my views 100 per cent. We are tired of the news being presented to us from a *Jewish point of view.* Replace some of the Jewish reporters with good Americans.") Ten per cent were anti-black ("We are tired of the Niggers having all the time they want. I understand you have a nigger news man. You liberals in the East just can't be trusted with the news." "You damn Jews have been getting away with a lot of crap, and it took the Vice President to stop it . . . . All we see are *Niggers* and *Jews.*")

Of the mail analyzed, 15 per cent contained some sort of threat, ranging from writing to the FCC (the FCC's mail doubled in November) to phrases like "Come down here and I'll blow your guts out," or "Maybe you need a bombing."

Broadcasting Magazine reported that an important network affiliate in the Southwest, which had presented a program supporting the networks' position, was visited by two separate pairs of men for the avowed purpose of beating up anti-Agnew newsmen. Other stations "in sensitive areas" were adopting a locked-door policy after office hours.

Agnew had obviously, as Julian Goodman, president of NBC, claimed, made a strong "appeal to prejudice," and to the lunatic fringe. But he had also struck a strong responsive chord among more reasonable segments of American opinion. A poll conducted by the American Broadcasting Company shortly after his speech indicated that 88 per cent of the public knew about the Vice President's attack—an amazingly high number of Americans to be informed about any single personality or event. Of the 559 adult men and women interviewed, 51 per cent agreed with Agnew that television presented the news in a biased fashion, 33 per cent disagreed, 16 per cent did not know or had no opinion. More than average support for Agnew's criticisms came from "better educated people, higher income people, older people, those residing in the South and Midwest and those in medium and smaller sized communities." Despite this weight in favor of Agnew, only one quarter felt that the news media had been unfair to the administration, while three fifths felt they had *not* been unfair and should *not* ease up. Sixty-seven per cent wanted commentators to continue their prompt analysis and comment after presidential speeches.

Politicians, traditionally cautious in their handling of broadcasters, spoke out, usually along party lines. (One Missouri Republican leader, who asked to remain anonymous, commented,

"You don't throw bricks at the man who owns the brickyard.") However, a poll of senators and representatives conducted by the Freedom of Information Center in Columbia, Missouri, reported that out of 85 valid answers, 39 agreed with Agnew, 9 disagreed, 4 were mixed, and 33 had no comment. Eleven Democrats agreed with Agnew, nine disagreed. Twenty-eight Republicans agreed and none disagreed.

Former Vice President Hubert Humphrey, who was invoked by Agnew as a critic of the media because of his bitterness over the coverage of the Democratic Convention fifteen months earlier ("As to whether or not the networks have abused the power they enjoy let us call as our first witness former Vice President Humphrey"), quickly dissociated himself from the speech. He told reporters that he felt the administration had mounted "a calculated attack on the right of dissent and on the news media." He and other leading Democrats, he said, were "shocked and grieved" by Agnew's words.

There were those who felt that Vice President had not gone nearly far enough. Governor Lester Maddox said in Atlanta:

> The handful of men with this dreadful power of opinion-making also come from areas other than the TV networks. This unprecedented concentration of power also comes from the White House, some members of the Supreme Court, the Department of Health, Education and Welfare, other news media, some members of Congress and some big-shot leaders in education and religion.

Even among broadcasters, other than the network personnel who had been directly attacked, there was a wide divergence of opinion. At network affiliate meetings throughout the year, attended by management rather than news staff, the pro-Agnew contingent seemed to outnumber those supporting the networks. In May a CBS meeting in Los Angeles gave Walter Cronkite a bad time after they witnessed, in studio, a session of his evening news program which contained some controversial footage of soldiers about to be air-lifted into Cambodia. That same month *Variety* reported that participants at a meeting of NBC-TV affiliates in New York voted 60 per cent to 40 per cent that network coverage of Vietnam was biased.

Whatever their convictions, outside the confines of trade meetings the great majority of local stations remained mute.

In a special canvass of local broadcasters, which included more than 200 stations in forty-one states, only 30 carried on-the-air editorial comments on Agnew's criticism of television news. Of these, 7 were pro-Agnew, 23 anti. Those stations, however, which supported their fellow television newsmen against Agnew often found little public sympathy for their position. WNEM-TV (TV-5) Saginaw, Michigan, came forward with a high-minded editorial:

> TV 5 subscribes to the theory that the truth of what is happening must be told, and it cannot be hidden from the public. It is not the job of TV 5 to be loved, to keep everybody happy and to preach sunshine all day. We are not the servile tool of governments and the people in power. Nor are we the cause of the events we have to report. We throw light in dark places. We dispel ignorance and reduce prejudice. We attempt to widen horizons and thus enable changes to be made less painfully. Television provides government with information of the effects of policies so that mistakes can quickly be put right.
>
> Most important of all, it aids the people to express their views to those in power and so influence the course of events. If we do our job fearlessly, we constantly probe, stimulate, and ask awkward questions.

Three days later WNEM was back on the air with a second editorial that said, ". . . Television news coverage is perhaps too real for the average person . . . ."

In Honolulu, KHVH broadcast a fighting editorial that began, "Do you want the government to choose your news for you?" and ended "Intimidation is implicit in this situation, and the current administration seems willing to take advantage of it. This is a situation that Americans should not tolerate, not at the hands of any administration, be it national or municipal. We want your support. Let us know."

Five days later the station followed up with an editorial beginning: "We have just found out that we don't know our audience . . . and our audience doesn't know us—that's a shock for any medium."

The networks and their news staffs closed ranks. "I hesitate to get into the gutter with this guy," said NBC's Chet Huntley, paraphrasing Dwight Eisenhower; "this is a concentrated drive on the part of the Administration. It could get very vicious and very bloody." Edward P. Morgan of ABC commented, "That was one of the most significant and one of the most sinister speeches I have ever heard made by a public figure." Eric Sevareid of CBS said, "I feel as though a pail of garbage has been thrown at me."

NBC and CBS circulated substantial memos to their news personnel warning against intimidation by the Vice President. Reuven Frank, president of NBC News, began his four-page directive with the words, "The most important thing I know is that the National Broadcasting Company, which considers the speeches implied threats, is determined to resist those threats . . . . No one is asking you to change because more people than ever before are looking over your shoulder."

ABC's ranking television commentator, Howard K. Smith, appeared to stand alone in giving comfort to the Vice President. In

the February 28, 1970, issue of *TV Guide*, he was quoted as saying:

> . . . quite literally, what Mr. Agnew suggests is all right . . . . The networks have ignored this situation despite years of protest because they have power. And you know what Lord Acton says about power. It subtly corrupts. Power unaccountably has that effect on people. This situation should not continue. But I wouldn't do anything about it. I would let public opinion and the utterances of the alleged silent majority bring about a corrective. The corrective? Just a simple attempt to be fair—which many people have thrown aside over the last few years.

Elsewhere he had said more moderately, "Mr. Agnew, having overstated his case, and the network executives, some of them, having dutifully overreacted, let us admit what we knew before Mr. Agnew said it: There's a problem."

As one voice after another spoke out in rebuttal or development of themes struck by Agnew, some of the refinements of what Smith called "the problem," not pursued by the Vice President, emerged. What actually was the extent of this power that television had over the public? Stanton, speaking to the International Radio and Television Society on November 25, pointed out:

> The President [on Nov. 3] spoke for 32 minutes on all four nationwide television networks, four nationwide radio networks and scores of independent stations. Some 88 million people heard his words as they were conveyed, uninterrupted and in a place and under conditions of his own choosing. Following the President's address, each of the television networks provided comments by professionals analyzing the content of the speech. Participating were experienced newsmen, most of whom have performed similar functions for many years following the live broadcast of special events of outstanding significance. Since the participants were different on the four television networks, the comments of none of them were heard by the same huge audience that heard the President . . . In all this, nothing unprecedented happened . . . Two days later, the Gallup Survey reported that nearly four out of every five of those who heard it, approved the President's speech and the course that it advocated with regard to Vietnam.

The delicate relationship between broadcasters and their regulating agency, the Federal Communications Commission, was also reassessed in the light of Agnew's attack. Dean Burch, whose advent as chairman of the FCC had been greeted with enthusiasm by broadcasters when he was confirmed two weeks before Agnew went on the air, obviously required another look. He had personally called the network heads for transcripts of the remarks which followed

the President's November 3 speech, a breach of precedent that was generally considered far from friendly to the broadcasting establishment.

Other phone calls were brought to light by Dan Rather of CBS. White House aides Herbert Klein and Ronald Ziegler had asked for details of future editorial responses to presidential speeches. There were also calls by Paul O'Neil, a member of the Subversive Activities Control Board, and his wife, asking about plans for editorial coverage of administration news. What did all this mean? Were the White House queries simply intended to get a cross-section of editorial opinion to present to the President, or did they hope to sway it?

"Because a federally licensed medium is involved," said Dr. Stanton, "no more serious episode has occurred in government-press relationships since the dark days in the fumbling infancy of this Republic when the ill-fated Alien and Sedition Acts forbade criticism of the government and its policies on pain of exile or imprisonment."

The question of licenses was an equally delicate one. In the past thirty-six years, only one broadcast license had been removed by the FCC for reasons of bad programming of any kind. Recently, however, the threat of non-renewal had been used in a series of actions, including accusations of racial bigotry, misleading advertising, unfair business practices, badly balanced programming, and distortion of the news. The possibility that this weapon might suddenly be used to intimidate for political purposes was alarming. However, the supposition that in anticipation of such pressure a broadcast journalist might suppress, pre-censor, or ignore a valid news story—a speculation made by the broadcasters' own partisans—was a greater insult than any Agnew was capable of delivering.

The concept of "responsiveness" to public pressures, which Agnew also invoked, had long been a technique recommended by activists like FCC Commissioner Nicholas Johnson, who wanted individual station and network performance in the public interest improved. Now that it was associated with a powerful man whose motives and thinking were profoundly mistrusted by Commissioner Johnson's supporters, nightmare memories of broadcasters' susceptibility in the past were summoned up. In any honest catalogue, public and private pressures had resulted more often in bland, non-committal broadcast fare than in increased controversy, whether it came from advertisers, stockholders, rating services, or from the public itself—as in the dark years of "Red Channels" and network blacklisting (Senator Joseph McCarthy was frequently alluded to in connection with Agnew). "Not only do majority moods change," Eric Sevareid commented, "but the public mood of the moment is not necessarily in the long-range public interest."

"We're not defending a precious right of our own freedom of speech and freedom of press," Walter Cronkite could say, "what we're defending is the people's right to know and we have to be in the front line of that battle at all times." What was becoming distressingly clear was that people sometimes not only did not value their right to know, they frequently deeply resented being told the unpleasant truth.

Mike Wallace, during a television discussion of Agnew's attack on "60 Minutes" in late November, told the following depressing tale:

> Last night on the "CBS Evening News" I interviewed a young man who fought in Vietnam. He told me he had taken part in the alleged slaughter at Song My. He said he had shot old men, women, children and babies in cold blood. Since that broadcast we've received hundreds of messages about it. The overwhelming majority condemn CBS News for putting the interview on the air.
>
> Let me read from a telegram, typical of many that we received today: "Mike Wallace's performance this evening with the soldier who killed Vietnamese civilians on orders, polarized me to Agnew's position almost instantaneously.
>
> "Either Wallace is a massively unsophisticated reporter or is simply pimping for our anti-war feelings to his own purposes. Perhaps what Agnew means by 'effete Eastern snobs' is the contempt Wallace shows for the public and its sensitivities."

An exchange with a taxi driver, reported by Reuven Frank, president of NBC News, was amusing and disheartening at the same time.

> "That George Wallace is right," he said.
>
> "Right about what?" I asked.
>
> "He said the media never tell what he says. They keep him away from the people. They don't report his speeches."
>
> "When did he say that?" I asked.
>
> "Last night."
>
> Since I had not known Governor Wallace was in the New York area that week, I asked, "Were you there?"
>
> "No," he said. "I saw the speech on Huntley-Brinkley."

A report of a poll of a random national telephone sample of 1,136 adults, conducted by the CBS News Election Unit in March, said:

> The majority of adults in America seem willing to restrict some of the basic freedoms constitutionally guaranteed by the Bill of Rights. Specifically, about three-fourths (76%) of the 1,136 people interviewed in the nationwide CBS News telephone survey believe extremist groups should not be permitted to organize *demonstrations* against the government,

even if there appeared to be no clear danger of violence. Moreover, well over one-half of the people (54%) would not give everyone the right to *criticize* the government, if the criticism were thought to be damaging to our national interest; and a comparable number (55%) feel newspapers, radio and television should not be permitted to *report* some stories considered by the government to be harmful to our national interests (wartime censorship was excluded in the question).

In all the discussion, truth and honesty were seldom mentioned. Because one or two commentators had admitted the psychological impossibility of being truly "objective," "balance" and "fairness" were put forward as substitutes for patiently accumulated facts. It was seriously suggested that the only way to get the right kind of news on any subject was somehow for the news fraternity to choose up sides, conservative versus liberal, Republician versus Democrat, Eastern versus Western, rich versus poor, black versus white, and present each of their viewpoints to the public. Where the public would get the knowledge that would permit them to sift the wheat from the chaff was not indicated. Their own prejudices ostensibly would be their guide. It occurred to very few on either side of the argument that possibly the reason the three networks so often appeared to be in agreement was not some Eastern liberal conspiracy, but that conscientious newsmen researching and reporting the same story frequently reach similar conclusions. As John Chancellor put it, at a meeting of the American Civil Liberties Union, convened to honor Walter Cronkite, a man who during the year had repeatedly demonstrated his refusal to be intimidated by anyone: "Most reporters are members of the extreme center . . . and it's a difficult place to be, these days."

The Vice President's initial blast on November 13 had been directed against television, but he had not stopped there. A week later, in Montgomery, Alabama, Agnew had widened his attack, this time including newspapers and magazines in his broadside. After quoting his critics at some length and assuring them that "I'm opposed to censorship of television or the press in any form," he added: "I don't care whether censorship is imposed by government or whether it results from management in the choice and presentation of the news by a little fraternity having similar social and political views." He also addressed himself in an ambiguous way to a problem that again concerned most serious students of the press, "the trend toward the monopolization of the great public information vehicles and the concentration of more and more power in fewer and fewer hands." Unfortunately, the objectivity and good faith of his concern was immediately called into question by his choice of the Washington *Post* and New York *Times* as examples of such multi-media owners. In an age of media barons, even the *Post*, with three television stations, two radio stations, and a news magazine,

was fairly small potatoes. The *Times*, with an AM-FM radio station then to its credit, wasn't in the running. Both organizations, though, were noted for outspoken anti-administration editorial policies.

Although the major part of the Montgomery speech had to do with an attack on the *Times* and youthful dissenters, Agnew closed on a belligerent note. "The day when the network commentators and even the gentlemen of the New York *Times* enjoyed a form of diplomatic immunity from comment and criticism of what they said is over . . . . I don't seek to intimidate the press, or the networks or anyone else from speaking out. But the time for blind acceptance of their opinions is past. And the time for naive belief in their neutrality is gone." This time Agnew's speech was not picked up live by the commercial television networks, although the Washington Post Company's WTOP, one of the Vice President's principal targets, broadcast it in Washington and offered it to any takers. NET, ABC, and twelve other radio and television stations carried it in full. The Montgomery speech convinced the press that Agnew's original blast was no whim, but part of a continuing campaign.

A rash of discussion and panel shows devoted to broadcast journalism, some in prime time, followed. There were rumors that the Vice President was being muzzled, but in his December 8 press conference, President Nixon denied that he had any control over the Vice President's utterances and then added: "I . . . will have no complaints just as long as the news media allows—as it does tonight—an opportunity for me to be heard, directly by the people, and then the television commentators to follow me. I'll take my chances."*

At a closed meeting with eighteen representatives of the Radio-Television News Directors Association on December 18, the Vice President was genial but adamant. Against a muted cry of "First Amendment" he still insisted on one of his most alarming tenets, that news coverage ought to be a matter of consensus: whatever the majority desired, should be the rule.

Through the remainder of the year the Vice President, although he picked up other targets along the way, returned time and again to the media. In May in Houston he added this conclusion to a scathing rebuttal of newspaper criticism: "Finally a word about a third group that has received some attention in my speeches—the electronic news media. . . . I realize I have left out many who are in the business of second-guessing the President and who should have been included. I hope we can get around to them later." In June he was reported displeased that Emmies should have been awarded the network news chiefs, saying the awards were "unjustified" in view of

* Nixon had expressed even more confidence in broadcasting on an earlier occasion when, in his November 1962 "last press conference," he said: "I think that it's time that our great newspapers have at least the same objectivity, the same fullness of coverage, that television has. I can only say thank God for television and radio for keeping the newspapers a little more honest."

the networks' lack of "objectivity."

It has not been possible to assess the long-term effects of Agnew's (and presumably the administration's) hostility. Throughout the year critics and observers tried to gauge the immediate impact. Network commentary following presidential broadcasts did seem to drop immediately after Agnew's Des Moines blast. Network newsmen were also at pains to indicate that they had received the texts of the televised statements an hour or more before they began their own remarks. In short, they were not shooting from the hip. But the harshness or gentleness of network analysis and opinion was difficult to measure.

Although there were persistent industry rumors that specific network documentaries in sensitive areas had been canceled after Agnew's Des Moines speech, the mortality rate for documentaries was in any case so high it would have been difficult to show that Agnew-induced cowardice was a prime cause. Much was made of the spotty network coverage of the November 15 Moratorium. However, the decision not to cover that event live was apparently made before Agnew delivered his Des Moines speech. By contrast, the elaborate coverage of Honor America Day eight months later for some was endowed with a sinister significance. But that discrepancy, too, was possible for broadcasters to rationalize.

One program, "The Sixties," a fifteen-minute capsulized special bought by CBS for "60 Minutes" and allegedly dropped just before airtime, finally got on NBC in June in a modified version. Its creator, Chuck Braverman, claimed that it was considered too provocative after Agnew's speeches, but both networks denied that this was so.

The reporting of Agnew's Asian trip, shortly after his outburst, appeared to be gentler and more reverent than the Agnew coverage that had preceded it, but that could be explained by a newfound respect as well as fear. Two of the year-end roundups by the networks seemed blander and more spiritless than usual, but then the other, NBC's, seemed considerably livelier. In May NET ran a five-part series entitled "The Conservative Viewpoint." There were no plans for extending it.

One of the most conspicuous effects on network news was the generosity with which ABC labeled every possible expression of opinion on screen with the word "commentary."

Frank Mankiewicz, former press aide to Robert Kennedy, now a commentator on WTOP-TV in Washington, said: "I think things are being covered that were not being covered; I think things are being said that were not being said; and I think things are not being said that used to be said."

In May Walter Cronkite said that affiliates had asked the network to keep analysis and criticism to a minimum. When it occurred, some affiliates (no numbers were given) put a slide on the screen saying "CBS News Network Analysis," or "This does not represent the

view of this station."

The impact was traced as far as the difficulty which Martin Carr, the producer of NBC's "Migrant" (a program which went on the air in July) had experienced in putting together his material. "I'm alarmed," said Carr, "at the way the growing criticism of television news makes it increasingly difficult to gather a story and thereby threatens the public's right to know."*

However, the most convincing confirmation of these suspicions came from the other side. On the occasion of her twenty-fourth birthday, in February, the President's daughter Tricia was quoted as saying, "The Vice President is incredible. I feel I should write him a letter. He's amazing what he has done to the media . . . helping to reform itself. I'm a close watcher of newspapers and TV and I think they've taken a second look. You can't underestimate the power of fear. They're afraid if they don't shape up. . . . " Another close media watcher, Herb Klein, Nixon's communications director, told the National Association of Broadcasters convention in April that he felt the networks were generally "more fair" post-Agnew than pre-Agnew. As proof he cited their treatment of Carswell as compared to Haynsworth and the increased labeling of editorial comment and interpretation.

The effects of the Agnew-media confrontation on local newscasting seemed to be comparatively slight. In a survey of 238 broadcast news directors, 34 reported some change in the amount of interpretation, analysis, or commentary after speeches by government officials, 26 increasing, 8 decreasing time allotments. Thirty-two news directors said they were more inclined to accept network commentary after Agnew's speech, 24 indicated they were less inclined to do so. However, a surprising 115 stations reported that they had begun a conscious search for "good news" items to balance downbeat coverage, a movement that could be directly attributed to the Vice President's call for a more upbeat approach to the nation's problems. The areas most frequently mentioned as being canvassed in this search included youth and the schools, the black community, and what the silent majority was "thinking" and "doing."

Community reports from DuPont correspondents in the nation's major broadcast markets confirmed the individual stations' answers. Only twelve could find any evidence of impact on news handling traceable to Agnew's pronouncements, and most of that was marginal. WFAA Dallas-Fort Worth announced that it would start carrying "Support Your President" station breaks. And for a time WFAA anchormen wore small American flag replicas pinned to their lapels.

In Memphis the correspondent reported that although "Agnew's

* According to *Advertising Age*, even entertainment programming was affected. After Agnew's attack AT&T withdrew its sponsorship of a possibly anti-establishment Simon & Garfunkel show.

sensitivities would *never* have been offended by local news programs, before or after his speeches began, lately there seems to be a sudden interest in 'patriotic' stories, dull ones though they may be."

Of the correspondents in the twelve communities reporting an impact, over half recorded favorable results. The St. Louis correspondent quoted the news director at KMOX-TV as saying: "They [the Agnew speeches] made us examine ourselves to see whether we were getting sloppy." WBIR Knoxville became more "vigilant."

Seattle reported, "KOMO-TV's coverage has become a bit sharper—a better effort to ferret out both sides in dealing with controversial stories." In contrast, another Seattle station tried to turn Agnew's phrases to competitive advantage. KIRO-TV made much of its "fairness" in promotion advertising and began an ad campaign calling itself the "good news" station, featuring the claim that KIRO "tells your side of the story."

In six communities the correspondents volunteered that there was nothing in the local newscasting that Agnew could possibly take exception to. The New Mexico correspondent wrote, "Albuquerque has an element that is more conservative than Barry Goldwater. To them, Agnew is a radical."

Ironically, the one instance reported of the blacking out of network commentary after presidential speeches came from Scranton, Pennsylvania. There WDAU-TV, the CBS outlet, failed to carry the original commentary on November 3 that caused all the trouble.

An increase in local commentary was reported in twelve communities. But whether this was of the sort recommended by Agnew partisans as a possible corrective to an Eastern establishment liberal bias on the part of the networks was questionable. The five NBC owned-and-operated stations had begun their new policy of station editorializing during this period. At least one of the editorials by the Chicago station, WMAQ-TV, which called for immediate withdrawal of U.S. troops from Indochina, was hardly what the Vice President had in mind. In Dallas there was an increase reported, but the comment dealt with local, not national, issues. KOMO Seattle added local news commentary, the news director reporting that they had wanted it for some time, and "Agnew's critique finally persuaded management to budget for the additional man."

J. W. Roberts, president of the Radio-Television News Directors Association, which had established a clearing house for members to register complaints about pressures growing out of Agnew's attacks, had nothing to report six months later.

The original rash of viewer criticism stimulated station managers to take various significant actions. KHVH Honolulu instituted a Citizens Editorial Board to discuss and evaluate the handling of the news. The station did not, it was quick to explain, "intend to accept policy from this board, but merely criticism. Hopefully this criticism

will bridge the gap of understanding between us." Eight months later the board had yet to meet. According to DuPont's Honolulu correspondent, "Lawrence S. Berger, president of KHVH, was unable to find the right kind of balance of people to serve on this board. Only right-wing activists were eager to serve. Left-wing activists would have nothing to do with it. And as for the middle-of-the-roaders—they didn't even want to be heard from."

KWTV Oklahoma City, which had received over two hundred phone calls about the speech in the first twenty-four hours—ten to one in favor of Agnew—invited viewers to visit its newsroom and "decide for themselves whether our editors and reporters are distorting the news." They suggested that civic clubs, the PTA, and other groups send representatives. Nobody came.

WMAL Washington, D.C., broadcast for the benefit of disturbed viewers "the rules under which WMAL news is prepared and presented."

After receiving three-to-one pro-Agnew communications from its viewers, KDKA-TV, the CBS affiliate in Pittsburgh, put together a half-hour program for prime-time viewing, "Eyewitness to Eyewitness News," which showed how the station covered a major story of high local concern (the Yablonski murders). It contained a statement by Richard Salant, president of CBS News, who had been particularly eloquent in his response to Agnew's charges.

> It is, and always has been, a cornerstone of CBS News policy to try to achieve the goals of accuracy, fairness, balance, and above all, objectivity. Every man worth his salt feels strongly about the great issues of the day. But the true journalist, the only journalist who does real honor to this honorable profession, is the one who applies the same skepticism or the same credulity to those whom he likes as to those whom he dislikes, to those viewpoints he detests as to those with which he sympathizes. He must be just as ready to report a fact that runs counter to his personal predilections, as he is to report a fact that advances those predilections. It isn't easy to persuade our passionate society that we are trying to be objective; whether a batter is safe or out at first base depends on whom you are rooting for. And an editorial with which one agrees is hailed as a fact; a fact which one finds disagreeable is condemned as an editorial. And hardest of all is achieving objectivity and impartiality. The Holy Grail, though, attests to the fact that a goal is no less desirable because it is elusive.

The program made fascinating viewing and got a gratifying response.

H. K. Simon Company of Hastings-on-Hudson, New York, announced a commentary series, "Both Sides," to answer objections of bias made by Agnew. By the end of June, there were seven subscriber stations and twenty-two air tapes had been sent out.

WCCO-AM Minneapolis, after President Nixon's December 8 press conference, permitted listeners to phone in questions to George Herman, one of CBS's Washington correspondents. They did the same thing after other presidential appearances, calling in correspondents Dan Rather and Robert Pierpoint.

On the other hand, stations in Syracuse and Salt Lake City simply pointed out that Agnew's criticisms were meant for the networks, not for them.

Summing up the interchange between local viewer and station, the DuPont correspondent in Denver commented on his community's reaction: "Agnew's criticisms obviously made viewers more aware of television news content and presentation, but their reactions seem to result from their own biases and frustrations rather than have any meaningful objective assessment of the performance of television stations' news staffs."

Agnew had obviously embarrassed and confused some serious critics of television news who found themselves siding on many details with a man whose motives and specific cases were by his own admission partisan. Such a shaking-up would not do them any harm. But he had also placed in the hands of broadcasting cynics and cowards a formidable excuse for not covering the crises that most thinking Americans acknowledged the country faced. Although he sensitized America as it never had been before to the enormous importance of electronic news, this awareness was linked in too many minds to a denial of the industry's most impressive accomplishment, the awakening of Americans to the social and political issues of the day.

Long before the end of the television season the Agnew-media controversy modulated into one that promised to be even more important and far-reaching in its results.

On February 1, on "Meet The Press," Senator Edmund Muskie, the Vice President's Democratic counterpart in the 1968 election, said he felt President Nixon was "being very skillful in his use of television . . . and as a result he can build momentum on an issue or on a confrontation with Congress . . . that's very difficult to offset . . . . And it may be that this will create an imbalance of forces in the political system which will be cause for real concern."

Senator Harold Hughes of Iowa at the Vietnam hearings in February foreshadowed the future storm when he described the technique a little more harshly. "First you pistol-whip the mass media, and then you commandeer it for political purposes."

If that had been Agnew's intention, his success was only temporary. In the following months a new struggle among politicians for access to the media began. The networks, in this encounter, frequently found themselves standing on the sidelines.

3 • Television and the Presidency

ON JANUARY 26, 1970, THE NETWORKS HONORED PRESIDENT Nixon's request for prime television time. Going on the air at 9 P. M. E.S.T., the President spoke for ten minutes on the Health, Education and Welfare Appropriations Bill, then took up his pen and with a flourish vetoed the measure—on camera.

It was a highly dramatic gesture and, as the President is always pleased to point out, another historic first. Never before had a President vetoed a bill live on four television networks. It was the shortest of the President's scheduled television appearances to date, and the highest rated, with a 60.1 per cent share of audience. Also, it was the first time Nixon had used television to by-pass Congress and take a piece of legislation directly to the people.

The next day Congress was bombarded with 55,000 telegrams supporting the President's action. Mail shifted to five to one in favor of the President's stand when, before the broadcast, it was running ten to one against it. The veto was sustained.*

But the President's dramatic pen stroke helped to write finis to something much more important than a single bill. With it went the automatic acceptance by broadcasters and politicians alike of a long-unchallenged presidential prerogative—the right to ask for and get network time whenever he wanted it.

In the declining days of 1969, administration spokesmen, notably Vice President Agnew, had been loud in their criticisms of the television networks' treatment of the President. In the rising months of 1970 the "loyal opposition" began to express its growing conviction that television's relationship with the President was far from disadvantageous. Acknowledging the fact of television's enor-

*There were other instances of such television-induced switches, usually registered in public opinion polls rather than Congressional roll calls. Louis Harris Surveys recorded the following:

	Favorable before	Favorable after
Johnson's television speech on the Tonkin Gulf Resolution	42%	72%
Nixon's television speech on phased withdrawal from Vietnam	49%	69%
Nixon's television speech on the Cambodian incursion	7%	50%

mous power, which the Vice President had made so much of, they pointed out that even if individual newsman seemed occasionally critical of the President or skeptical of his policies, this weighed as little against the use of the medium which was permitted the President.

In an effort to balance the impact of the President's on-the-air veto, Representative Carl Albert had asked the networks for time to answer. Julian Goodman, president of NBC, gave what for the moment seemed a reasonable response. He mentioned that the morning after the President's appearance, "Today" had featured interviews with Senators Cranston and Saxbe, both hostile to the Nixon stand. Huntley and Brinkley, he assured Representative Albert, would cover both sides. NBC would also report on the House debate following the veto. Senator Birch Bayh had appeared a week earlier on "Tonight" and expressed approval of the bill. Goodman concluded:

> It is our feeling that NBC has presented and continues to present the significant arguments on both sides of this important issue in an even-handed manner and in keeping with our journalistic responsibility.
>
> I certainly understand the interest and concern that prompted your request for an opportunity to respond directly to the President's talk last night, but in view of the attention we are giving to both sides of this issue, we do not believe such an appearance is indicated.

It might be the last time such a simple answer would be made to such a request.

Prompted by the President's on-the-air-veto, the *Wall Street Journal*'s Alan L. Otten commented in his February 6 column, "An Emmy for Dick":

> The Democrats have just begun awakening to a crucial fact of political life: In Richard Nixon they face a President who, thus far at least, has proven remarkably adroit and effective in using the mighty medium of television . . . .
>
> Might not a President use the medium to manipulate the nation in dark and devious ways?
>
> There's really been no President yet with the chance or talent. Television hadn't arrived under Truman. Ike was a television natural, but rarely tried to use it as a political weapon. Kennedy wasn't around long enough, and Johnson came across as a television heavy.

The veto announcement had been one of three major television pre-emptions by the President in nine days. On January 22 Nixon delivered his State of the Union message on all three networks. On

January 30 at 6:30 P.M. he was on again for a thirty-minute press conference. Ratings indicated that at least 100 million Americans had seen one or more of the appearances. Although complaints like those of Senators Hughes and Muskie, quoted in the previous chapter, multiplied, presidential pre-emptions did not decline. Nixon was on the air seven more times in the next five months.

A superficial examination seemed to indicate that Nixon was well within the range of his predecessors. In a comparable eighteen-month period, according to NBC's tabulation,* President Kennedy had made forty-seven appearances for a total of twenty-seven hours and twelve minutes. President Johnson's forty appearances totaled seventeen hours and twenty-nine minutes. President Nixon's score was twenty-eight appearances for sixteen hours and seventeen minutes. The dramatic difference lay in the time Nixon chose for his appearances. Fifteen of them had been in prime evening hours between 6 and 11 P.M. for a total of eight hours and thirty-three minutes, while only seven of Kennedy's, totaling four hours and fifteen minutes, had come in those evening hours, and eleven of Johnson's for three hours and forty-seven minutes.† Another changing fact of television life was apparent in the ratings. Kennedy's first press conference, five days after his inauguration, captured 33.8 per cent of the possible television audience. Nine years later, with the potential television audience up by 12.3 million households, Nixon was averaging 55 per cent of audience for his prime-time appearances. The costs to the networks for pre-emptions since Kennedy's time have gone up steeply. For pre-empting Nixon the estimated cost to a network for a prime-time hour, at the height of the season, could go as high as $350,000 in lost revenue.

After some early disastrous experiences with television, Nixon had during the 1968 campaign and after his election treated the medium with enormous respect. He assigned to television many of the functions which had heretofore been equally distributed among the media, and he accommodated the White House premises and his press conferences to cameras in preference to pencil and pad. He used no notes and was thought by many to be the most effective President to date before the cameras. Apart from being the first to veto a bill on television, he was the first to use film clips to illustrate his statements and the first to have a "Conversation" with journalists, as opposed to a mass press conference, go on the air live.

In his "Conversation" with three network correspondents, as in his press conferences, he demonstrated his expertise in the art of the live television interview, using the questions as an occasion for talk-

* Excluding regularly scheduled news programs and ceremonial occasions, such as the Apollo appearances and charity appeals.

† Johnson was still commanding prime time. During the 1969 and 1970 season the first three hours of his television memoirs appeared on CBS, with a possible fourteen additional installments to come.

ing over the questioners' shoulders to the television audience.* This new format ("live and unedited, the first of such in history," the Republican National Committee said), launched on July 1, 1970, possibly to inhibit the rising chorus of "unfairs," only served to increase them.

Already Congress, the FCC, the networks, individual politicians, and the general public were in the act. Endless briefs had been filed, laws proposed, hearings set, testimony prepared. Equal-time demands had been made and granted and had stimulated still other demands to equalize the supposed equality. The programs intended to improve the situation and re-establish the balance had made matters worse. This once-predictable hall of mirrors was playing nasty psychedelic tricks, and what at one time had seemed a minor political adjustment was becoming a major constitutional challenge.

Television's alleged bias against administration policy on the Vietnam war had originally drawn Vice President Agnew's fire. It was in the same sector that fire aimed at the controversial use of presidential privilege was returned. What particularly stirred up the opposition was the fact that in eight months Nixon had made five prime-time speeches to justify his Vietnam policies. The man who voiced the complaint most eloquently was a principal foe of the administration, Senator William Fulbright, and it was immediately apparent that his concern went deeper than a desire for equal time to express his anti-war views. What troubled him was the possible unbalancing of the government as it was originally envisioned in the Constitution. In a statement entitled, "Equal Time for Equal Partners," presented to the Senate on June 2, he said:

> Unfortunately, Congress is at a great disadvantage in the war powers debate, as it is in discussing most issues, because the Executive has a near monopoly on effective access to the public attention. The President can command a national television audience to hear his views on controversial matters at prime time, on short notice, at whatever length he chooses, and at no expense to the federal government or to his party. Other constitutional office-holders are compelled to rely on highly selective newspaper articles and television news spots, which at most will convey bits and snatches of their points of view, usually selected in such a way as to create an impression of cranky carping at an heroic and beleaguered President . . . .
>
> The only reliable way of getting the media to swallow an idea is by candy coating it with a prediction or accusation.

*Nixon's sensitivity to the convenience of television viewers (if not the networks) was demonstrated by his willingness to delay one press conference (May 8, 1970) from his favored 9 P.M. time to 10 P.M. in order not to conflict with a basketball game on ABC between the Los Angeles Lakers and the New York Knicks. This, despite the fact that the network had volunteered to fit his appearance into the half-time period.

> . . . Communication is power and exclusive access to it is a dangerous unchecked power. Television has done as much to expose the powers of the President as would a constitutional amendment formally abolishing the co-equality of the three branches of government.

A month later Senator Harold Hughes of Iowa said:

> The system of checks and balances is, in point of fact, checkmated unless the legislature is afforded equivalent opportunity to present its point of view to the American people. In these times, there could be no more potent influence working toward centralization of power in the executive branch and the dilution of the constitutional prerogatives of the legislative branch than such an imbalance in access to the mass media.

Fulbright recommended legislation that "might require the networks to provide broadcast time to the President whenever he wishes it and might give the same right to Congress, perhaps to be divided equally between the two houses and the two parties." Hearings were set. Meanwhile, a host of proposals had been made and solutions tried, all with ambiguous or negative results.

In an early attempt to restore balance between the President and the anti-war faction, NBC had allowed five dove senators from both parties to buy half an hour of prime time at a bargain rate ($70,000) to state their case. The program, which got a 9.1 per cent rating, did little to equalize matters, but a plea for money contained in it brought back seven dollars for every one expended. Not only did the broadcast provoke immediate demands from administration partisans for equal time to respond, it opened to the networks a nightmare prospect of endless dissenting minorities buying network time in search of a similar bonanza for their cause. Said CBS:

> Bidding for time for broadcasts among partisan groups would inevitably distort our over-all coverage of the issues of the day . . . .
>
> It has been proved again and again, over a period of years, that—presidential broadcasts apart—broadcasts relating to controversial issues which are prepared by professional journalists achieve far greater audiences than those prepared by fervent partisans. The latter tend to reach only the already converted and repel the very audience which should be exposed to divergent views. Particularly is this the case when such broadcasts are mounted by professional politicians. In those cases intraparty political concerns, and matters of prestige and status, too often outweigh considerations relating to organization, cogency and choice of appropriate spokesmen.

CBS objected to "substituting partisan program control for professional news responsibility." This concern was temporarily laid to

rest by an FCC ruling (promptly appealed and upheld) that permitted networks to sell time to political parties for fund-raising purposes, but said no to selling time to discuss "issues."

An even larger fuss was caused by CBS. Its surprising solution was a series of programs to be called "The Loyal Opposition," half hours in prime time four times a year allotted to whomever might be selected by the party out of the White House. Lawrence O'Brien, chairman of the Democratic National Committee, was the first choice. He went on the air on July 7, ostensibly to answer President Nixon's "Conversation" of July 1. For twenty-four minutes he gave what was unmistakably a partisan political speech, and he was followed in fifteen major markets by a party commercial soliciting funds and on the network by a brief non-partisan commentary by Roger Mudd and Eric Sevareid. Incensed, the Republican National Committee demanded equal time, and a month later was granted it by the FCC. The decision was immediately appealed by CBS and the Democrats. Again they lost.

Other serious complications arose for the network when affiliates demanded the right in the future to prescreen all such programs and decide whether they wished to run them. Dr. Stanton announced that, for the moment at least, "The Loyal Opposition" would be suspended.*

To further complicate matters, on June 22 the Democratic National Committee filed a brief with the FCC that stated:

> When a network or licensee broadcasts a presentation by the President of the United States of a viewpoint on a controversial issue of public importance, that network or licensee has an affirmative obligation to seek out responsible persons or entities with significant contrasting viewpoints on the controversial issue and afford them equal opportunities to present their views.
>
> In the case of any broadcast of a presidential address or press conference, it shall be presumed that the President has presented a viewpoint on a controversial issue of public importance, and in the event of any complaint of non-compliance filed with the Commission the burden shall be upon the network or licensee to establish compliance with this rule.

The brief plus an accumulation of other complaints from a variety of other sources, including a demand from fourteen anti-war senators for equal time to answer President Nixon's five Vietnam

*The matter of clearances obviously had to be taken into consideration in any attempt to equalize. The dove senators appeared on 193 out of a possible 224 NBC stations, 11 on a delayed basis. O'Brien commandeered all but 13 of CBS's 194 affiliates, although 20 chose to carry it on a delayed basis. Most conspicuously, CBS's Washington outlet, WTOP, stuck with a ball game until 11:25 P.M. and then put O'Brien on. An earlier O'Brien speech (May 9) carried live as a news event on ABC was accepted by only 45 of the network's 160 affiliates, plus the 5 ABC owned-and-operated stations, for an estimated audience of 2.5 million people.

speeches, got an unexpected reply from the FCC. The Commission recognized the right of the opposition to answer the President, instructing each network to devote at least one prime-time half-hour to this purpose.

> We believe that in such circumstances there must also be a reasonable opportunity for the other side geared specifically to the five [presidential] addresses . . . (i. e. the selection of some suitable spokesman or spokesmen by the networks to broadcast an address giving the contrasting viewpoint) . . . .
>
> We wish to stress that we are not holding that such obligation arises from a single speech—that where an uninterrupted address is afforded one side, the Fairness Doctrine demands that the other side be presented in the same format. Rather, our holding here is based upon the unusual facts of this case—five addresses by the outstanding spokesman by one side of an issue.

The assurances contained in this ruling apparently were not enough for the administration and the networks. FCC Chairman Burch returned with a clarification, "We have expressly rejected any principle embodying right of reply or rebuttal to the President." Nor did the solutions put forward by the FCC satisfy "the other side." The Democrats and anti-war senators were anything but happy with the five-to-one ratio or with the networks' plan to offer the time, not simultaneously, but on different days so that viewers would be given entertainment alternatives.

As for arranging equal exposure for Congress, as Fulbright had proposed, the Democrats felt that the time should be given to the party rather than to a congressional spokesman and used to answer Nixon's charges concerning such matters as obstruction of legislation and excessive spending. A flurry of additional complaints and briefs descended on the FCC.

In testimony on the Fulbright proposal the broadcasters, who a year before had challenged the Fairness Doctrine in court, now invoked it as some sort of protection against the pre-emption of their time by Congress. The ABC comment was that "the freedom and flexibility afforded the broadcaster under the "Fairness Doctrine" to select in good faith the spokesmen for the representative viewpoints seems the best means yet devised for insuring that the public is exposed to all significant points of view on important public issues."

Fulbright's own testimony included strong criticism of the networks. "Television news," he said, "is obsessed with trivia. Even the interview programs are too full of artificial conflict to permit the development of ideas. Left to its own devices, television will never find it in its business interest to give Congress the attention it deserves."

Discussion of Senator Fulbright's proposals almost immediately widened beyond the limits of his original statement. How indeed could a body like the Congress of the United States be personified? The question, once considered, seemed insoluble. For many the only answer appeared to lie in the opening of the entire processes of Congress to the public via television. "Perhaps," Tom Wicker wrote in his New York *Times* column, "the answer lies in greatly increased television showings of the two houses and their committees at work and that could have the useful side effect of forcing Congress at last to adopt an organization and procedures that could stand the harsh exposure of the tube." Senator Hugh Scott, the minority leader, proposed legislation which would do just that, requiring the networks to televise special evening sessions of the Senate and the House on a regular basis. The House moved closer to this day by voting reforms which for the first time would allow television coverage of House committee hearings.

Although most of the controversy dealt with the presidential right of pre-emption, a less clearly defined area around the presidency was frequently mentioned in the arguments. In addition to the presidential pre-emptions there were, as both Julian Goodman and Senator Fulbright pointed out, endless appearances by other politicians. Although they were all presumed somehow to balance matters, examination (again prompted by Agnew's attack) indicated that, on the contrary, they were more likely to reinforce rather than neutralize the presidential impact.

On the Sunday afternoon network news panel shows, meticulous scorekeeping gave only a narrow margin to the Republicans.* Elsewhere, however, an inescapable weight in favor of the party in power was shown. In an analysis of 103 hours and 44 minutes of ABC newscasts in 1969, Professor Irving E. Fang of the University of Minnesota School of Journalism and Mass Communication, concentrating on sixteen major news categories, found that news which tended to support the administration viewpoint totaled 14 hours and 35 minutes. News tending not to support totaled 9 hours and 35 minutes. Neutral news totaled 13 hours and 37 minutes. As for exposure of faces and words of administration spokesmen, they had a four-to-one margin over the opponents. "Any sitting administration enjoys such an advantage," said Elmer Lower, president of ABC News, who had commissioned the study.

Added to the pre-emptions were a growing number of excursions into the entertainment areas of television. President Nixon, a veteran of "Laugh In," appeared with Art Linkletter and on

*The count from September 1969 to May 1970:
"Face The Nation": 35 programs, 10 Democrats, 11 Republicans
"Meet the Press": 33 programs, 10 Democrats, 10 Republicans
"Issues And Answers": 36 programs, 8 Democrats, 12 Republicans

"Today." And he was only the leader of a large and active phalanx of politician-entertainers. The Vice President was indefatigible in these politically nebulous middle regions. He took a starring role in Bob Hope's Palm Springs golf classic, appeared twice on the Johnny Carson Show, and was the lone guest for the ninety minutes of the high-rated "David Frost Show." Network appearances on both interview and entertainment shows were only the tip of the iceberg. A group of administration spokesmen—Nixon's Cabinet, Nixon's appointees, Nixon's friends in Congress—was continually on the move, making contact with local press and broadcasters across the nation.*

The administration also had at its disposal the enormous press resources of the federal government. The personal staff employed by Nixon at the White House was twice that of his predecessor. In Dale Minor's *The Information War* the public information operations of the executive branch of the government were said to cost the taxpayer $400 million annually, or more than double the combined costs of newsgathering by the two major U.S. wire services, the three major television networks, and the ten largest U.S. newspapers.

To buttress him on the most controversial issue of his first two years in office, the Vietnam war, Nixon had the prodigious publicity resources of the military, possibly the most lavish public relations operation in the world. These budgets, amounting to $40.5 million, were up from $2.75 million just a decade ago.

Unmeasured were the dozens of films from government agencies and industry directly or indirectly backing various administration policies and furnished free to local television for presentation on the air.

In addition to government and network spokesmen, working newsmen from both broadcasting and print had recommendations relating to presidential television appearances which evoked a whole new series of possibilities.

Don Hewitt, executive producer of CBS's "60 Minutes" and one of television's more astute journalists, suggested that the President, except on occasions of dire emergency, should be telecast by a single network on a revolving basis with equal time given to opposing viewpoints immediately thereafter. The other networks would billboard his appearances, but offer alternate programming when he was on the air.

On the occasion of the President's unfortunate remarks concerning the Charles Manson trial during a news conference on August 5, James Reston of the New York *Times*, had his own

*Not all White House requests for time were automatically honored. In November 1969 all three networks turned down a proposal by Herb Klein for a series of conversations between cabinet members and students because the producers of the program were free lance.

recommendations for special television treatment of the President:

> The incident raises the old question of how to protect the President of the United States in these days of instant news from unintended and potentially damaging blunders during extemporaneous news conferences . . . .
>
> With the advent of television, news conferences were first taped in advance for release later, but Mr. Nixon has insisted on addressing the reporters "live" on TV and without notes.
>
> He is a master of the art and the political advantages are obvious. He conveys the impression of controlling a wide range of complicated subjects and of facing his critics manfully under difficult and often dangerous conditions . . . .
>
> It is not quite clear why these Presidential news conferences cannot always be taped and checked for bloopers before they are released. After all, even the football games have instant replay, and even Congressmen have the right to revise and extend their remarks in the Congressional Record.

Both of these suggestions raised serious questions. Hewitt's solution would reduce the investment of time by two parties to the controversy—the public and the networks—whose involvement should certainly be maintained. Reston's proposal would add one more layer insulating the President from his constituents.*

Hewitt's suggestion could have had its origins in fear for his own best interests. The first of "The Loyal Opposition" programs had been slipped into the "CBS News Hour" slot (occupied by "60 Minutes"on alternate weeks), giving over to partisan politics one of the few prime periods regularly allotted to serious journalism. Furthermore, his employer, CBS, had commented:

> If broadcasters must sell program time to partisans, they will have correspondingly less time for other news, sports, and entertainment programs and each broadcaster's ability to provide a fair presentation of public issues in his over-all broadcast schedule will be adversely affected.

In this instance it was not sports or entertainment that had been pre-empted.

From all these suggestions, contradictions, and counter-suggestions emerged a deep challenge to the whole character of tele-

* The danger of what Reston recommended was vividly described in "Voters' Time," a report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era:

"Advances in broadcasting technology have made it possible to present a candidate in the best possible light, with all inept answers to hard questions edited out of the tape, with false starts and all uncertainties and human failings eliminated, all warts and blemishes removed, a single smooth image alone remaining. It is no criticism of television or radio to say that some day it may be possible to offer a wholly plausible and wholly false impression of a candidate. Broadcasting would become an impenetrable shield for a candidate, would not open a window on him through which the public could see him clearly."

vision journalism. Beyond the question of television use by President and Congress, Republican and Democrat lay the deepest problem of all—access to the media. Jack Gould wrote in the New York *Times*:

> The way out of the increasing governmental interference in broadcasting is for the stations to face the fact that the power of television is no longer their private property. The power must be shared liberally and imaginatively or they stand to watch it slip slowly away.

The choice was not a particularly happy one for broadcasters who for years had been fighting for their right to dispose of the public airwaves as they saw fit.

After a year of turmoil and multiple threats to their hegemony from elevated quarters, the networks might well consider a different disposition of their time. Whether the solution was to turn programming over to others to use (or misuse), to increase the staff, budgets, and time allotments of their own news and public affairs operations, or to discover some totally new technique for handling the problem was not so easy to decide.

In any case it was imperative that broadcasters provide the reassurance that their journalistic functions were not susceptible to any irrelevant inside or outside pressures—political, economic, or social.

The day-to-day performance of the networks and individual broadcasters had not always given this reassurance. But if their schedules were not to become totally misappropriated by partisans and special pleaders, some sort of guarantee of objectivity and commitment was required. So far they seemed more inclined to put forward excuses or inadequate alternatives.

The brief filed with the FCC by the Democratic National Committee on June 22 would relieve the networks of any responsibility for presenting "highly extreme or irresponsible positions." It gave no indication, however, of how one might define extremity or irresponsibility. The dangers implicit in such an attitude are obvious, especially in a period when last year's crackpot can become this year's expert and when just about 100 per cent of the population (including the silent majority) belongs to some dissatisfied minority.

4 • Television and Political Campaigning

HOW POLITICIANS USE TELEVISION IN THEIR CAMPAIGNS OUGHT to be of no less concern to broadcast journalists, who report their activities, than to broadcast management, which must furnish them time. It has been the privilege and duty of the journalist in the United States to inquire into the qualifications and observe the behavior of the nation's officials, particularly at election time. This privilege and duty showed serious signs of erosion in the elections of 1968, and the erosion deepened in the primaries and general elections of 1970.

The blame was not all on one side.

Long before the days of television, it took a certain amount of money (yours and your "friends' ") to run for high political office in the United States. And more money (the taxpayers') to keep it. It was left to television, however, to demonstrate just how intolerable to a democracy such a simple formula could become.

In September 1969 Representative Torbert MacDonald of Massachusetts introduced legislation designed to control the use of television by his fellow politicians. In his accompanying remarks he said that if the country permitted the "television blitz" to continue unrestrained, it would be "tantamount to saying, at worst, that we condone the purchase of political office." MacDonald got three dozen other Congressmen to join him in sponsoring the measure. Legislation was later introduced in the Senate by Senator John Pastore of Rhode Island.

Data about the magnitude and manner of broadcast campaigning in 1968 had been accumulating ever since the polls closed.

In its March 1970 issue, *Fortune* magazine reported that "spending in campaigns for all offices at stake in 1968, from county commissioner to the presidency, totaled at least $300 million. That was a 50 percent increase over the $200 million spent in 1964, which was itself a record breaker." *

The payments to broadcasters out of this total were $58.9 million,

* "A Financial Landslide for the G.O.P.," by Herbert E. Alexander and Harold B. Meyers. The figures used came from the non-partisan, non-profit Citizens' Research Foundation of Princeton, New Jersey.

about 70 per cent more than it had cost politicians to put their messages on radio and television in 1964.

In the post-convention presidential campaign, Nixon spent over $12 million on broadcasting. The Humphrey forces spent a little more than half that amount.

Prices being what they are in modern America, it might still have been possible to overlook these staggering numbers—had Nixon not won the election and done it with all expenses paid. Eighteen months later the Democratic National Committee was still $9.3 million in debt. After the deluge of 1968, important studies on the rising cost of electronic politics were begun in an effort to find some equalizing solution.* Before their recommendations could be made, *The Selling of the President* by Joe McGinniss, a short, sour story of the behind-the-scenes action in the Republican presidential campaign of 1968, gave more reasons for concern.

"It is not surprising," wrote McGinniss, "that politicians and advertising men should have discovered one another. And, once they recognized that the citizen did not so much vote for a candidate as make a psychological purchase of him, it is not surprising that they began to work together." None of the activity described in McGinniss's book was illegal. In terms of current mores nothing could be described as out of the ordinary, and yet an uneasy sense of manipulation and misrepresentation grew out of the account. Nixon had refused any of the free exposure offered him on television news interview shows. He gave no press conferences and stuck with his own time, controllable and paid for in cash, until the last Sunday before the election. Such behavior had to be disturbing to television journalists. Equally distracting was the success of his advisors in controlling the day-to-day coverage of his campaign and in making sponsored programs appear as though they were legitimate news events. McGinniss labeled the use of broadcasting in 1968 as electronic exaggeration and exploitation and obviously found it deplorable.

The book was on the best-seller lists for thirty-one weeks and some 200,000 copies were sold in the first twelve months. Its author was one of the first witnesses called to testify in Senate hearings on the proposed legislation.

Meanwhile, evidence was accumulating across the country that the Nixon approach to electronic politics had not stopped with the 1968 campaigns, nor was it limited to one party.†

* Notably those of the National Committee for an Effective Congress and the Twentieth Century Fund's Commission on Campaign Costs in the Electronic Era, which played an important role in the hearings held later on Congressman MacDonald's proposed legislation.

† The *Congressional Quarterly* followed a political survey made in the summer of 1970 with the comment, "The outstanding political upsets of 1970 have been made by men of great wealth, presenting their politics to the voters on television and spending their way from obscurity to success in a matter of weeks."

One of the first instances in point of time was the campaign of John Lindsay, who lost the New York mayoralty primary to a conservative Republican, John Marchi, in June 1969. He re-entered the race as an independent, and in November was re-elected. In the interim he had spent roughly $1,800,000—more than four times what any of his opponents had spent—almost half of it for radio and television spots produced by David Garth, the liberal counterpart of the new breed of electronic image-makers portrayed in McGinniss's book.

After Lindsay there were many even more dramatic examples of just what could be done to win votes with television and money.

In the Democratic primary for U.S. Senator in Ohio, Howard Metzenbaum, a millionaire Cleveland labor lawyer and parking-lot owner, won out over John Glenn, former astronaut and more recently a businessman. Metzenbaum had been in Ohio Democratic politics for many years. However, he started his campaign with a recognition factor among Ohio voters of less than 15 per cent. Glenn—the first American to orbit the earth—was recognized by 97 per cent of all Ohioans. As to issues, there was little to choose between the two men, both liberal Democrats. The differences were Glenn's overwhelming reputation, Metzenbaum's comparative obscurity, and the amount of money apparently available to each of them.

Metzenbaum hired the Washington political consulting firm of Joseph Napolitan Associates, and also Charles Guggenheim, a political filmmaker who had to his credit two Academy Awards for documentary films and thirty campaigns (twenty successful, including George McGovern, Abraham Ribicoff, Robert Kennedy). Fourteen television spots ranging up to five minutes in length were produced, and for four months heavily covered the state at a reported total cost of $385,000.*

Glenn spent most of his original television funds—$26,000—in a brief two-market electronic splurge (Cleveland and Youngstown) in March 1970. At first Glenn refused offers of free air time for debates and other appearances on the logical assumption that it was Metzenbaum, not he, who needed exposure. Given such circumstances, a shut-down on legitimate journalistic exploration of political issues and personalities had worked before. But this time the balance was disrupted. With clever packaging and wide distribution of Metzenbaum's spots, and without the corrective of real-life confrontation, the campaign moved into the realm of pure merchandising.

When Glenn's forces saw an almost incredible possibility that

* Example: Film of grocer talking to Metzenbaum:
Grocer says: "He should stick to astronauting. I'm a salesman. You're a Senator."
Metzenbaum: "Well, I'm not yet. I hope to be."
Grocer: "You will be. Believe me—you will be."

Metzenbaum might win, they began scrambling after the free time they had earlier rejected and went into debt at the last minute to buy a thirty-minute television film. Lack of money still kept them from showing it anywhere but in Cleveland, where Metzenbaum had already bought sixty-three television spots for the final week. Glenn lost by 14,000 votes. Metzenbaum justified his blitz with the comment, "You know, Glenn had a three-and-a-half billion dollar television spectacular when he orbited the earth." Glenn's personal judgment was that Metzenbaum's victory proved that "you can buy an election" in America. Whoever was right, neither man had advanced the cause of political journalism.

An ironic footnote lay in the fact that Metzenbaum, now facing Republican candidate Robert Taft, who had at least as much money at his disposal, immediately negotiated a ceiling on television spending.

A much more flagrant effort to stampede the electorate by an electronic onslaught was undertaken in California by Norton Simon, the multimillionaire collector of corporations (Hunt Foods, McCall's, Canada Dry) and art (Rembrandt, Goya, Picasso). Simon, with a recognition factor close to zero, entered the senatorial race on the last possible day against incumbent Senator, and former movie star, George Murphy. Simon poured $1,900,000 into his two-month campaign, only $100,000 of it from sources other than himself and his family. ("It's my money. I earned it and I can spend it any way I choose.") At the same time, he avoided the sort of political activity—speeches, rallies, panels, walking tours, debates—that a journalist might legitimately cover. By buying time on twenty-five television stations and thirty-five radio stations and space in fifteen key newspapers—"Norton Simon, a capitalist for the United States Senate"—he brought his recognition factor, an essential statistic in all electronic campaigning, up to 55 per cent a week before the election. It wasn't enough for him to defeat Murphy, but it was one more awesome display of what money could buy. Of the Republican vote in the country's most populous state, 33 per cent had gone to a man who, two months earlier, was a virtual political unknown.

The same advantage helped Representative John V. Tunney win over George Brown in the California Democratic senatorial primary.* Television would be an important factor in the gubernatorial race, where Governor Reagan bought time to announce his candidacy and was rumored to have $1 million earmarked for television, the medium which was his former employer and natural element. His opponent, Democrat Jesse Unruh, notably untelegenic and short of funds, chose to dramatize his handicap by saying he was boycotting television advertising entirely. Columnist Marquis

* Tunney, facing Murphy in the fall, earmarked $1,300,000 to blitz the top ten California television markets and retained David Garth as his television adviser.

Childs commented after viewing the California primaries: "Here in the Golden West you don't run for office, you pose for office. Image is all important and television is supreme."

In Texas, a conservative Democrat and millionaire insurance man, Lloyd M. Bentsen, Jr., eliminated the incumbent liberal Senator Ralph Yarborough in the primary with an intensive campaign of television spots. Here, unlike the other cases cited, there was some question of misrepresentation of his opponent's real position via the television commercials, which flooded the airwaves at the last minute. Even if Yarborough had had the funds, he could not have commandeered the time to answer.

In Michigan, Lenore Romney, whose husband is a millionaire as well as Secretary of Housing and Urban Development, called in some of the President's 1968 image-makers to help her in her race against incumbent Democratic Senator Philip Hart. The result was a $50,000 twenty-eight-minute film called "Lenore." According to the *Wall Street Journal*, although a charming portrait of a personable grandmother, it had "no more substance than a blob of cotton candy."

In Tennessee, liberal Senator Albert Gore, fighting for his political life, survived the primaries thanks to one of the most artful television advertisements of the season. Again the work of Charles Guggenheim, it cost $70,000 to produce and showed the sixty-seven-year-old Senator, healthy and pink, riding across the family acreage on a white horse in the company of his son. Off-camera a narrator said:

> The pace and direction a man sets for his life can tell you a lot about his inner spirit . . . . The people of Tennessee have learned to take the measure of Albert Gore by the battles he's fought for them along the way—for TVA, tax reform, Medicare, interstate highways, Social Security and education . . . . I may have run ahead of the pack sometimes, he says, but I'm usually headed in the right direction.

"It's going to backfire," said Gore's opponent Hudley Crockett, who had spent ten years as a television newscaster in Tennessee* and had one-third Gore's television budget. "Mark my words. The people of Tennessee know it's packaged by an out-of-state man

* The radio-television journalist and personality-turned-politician (and the equal-time problems he presented) were growing more common across the country. The employer of Barry Farber, radio interviewer on WOR in New York City, had to offer Mrs. Bella Abzug, his opponent for Congress, her own talk show. Mrs. Abzug, claiming she knew nothing about talk shows, held out for spots and was turned down by the FCC. Farber stayed on the air.

WMT in Cedar Rapids, Iowa, had two newsmen who left to run for office. Their employer said he would not employ them again even if they lost, since he felt their "credibility" had been damaged by their political activities. Ten more instances of television newsmen turned politicians were cited in a New York *Times* article of September 6, 1970.

and paid for by out-of-state funds." It didn't backfire. Gore won with a 32,000-vote margin, and the widespread use of the "white horse" commercial undoubtedly helped.

In Florida where a television blitz by Senator Edward Gurney was given credit for defeating Governor LeRoy Collins in the senatorial race two years ago, the legislature had passed a law setting the total campaign spending ceiling at $350,000 per candidate for primaries, $350,000 for the general election. Expected to benefit Governor Kirk as the incumbent, it did little to inhibit a millionaire druggist John Eckerd, who managed to dispose of $801,000 before the law took effect on July 1, 1970. He also continued to advertise his 166 drugstores on television with the slogan, "Eckerd . . . a name you can trust," a bit of subliminal campaigning that did not have to be counted. In charge of Eckerd's television schedule was Roger Ailes, President Nixon's television producer in 1968 and current television consultant. Although he did not win, Eckerd collected enough votes to force Governor Kirk into a run-off.

In adjoining Alabama, incumbent Governor Albert Brewer lost to George Wallace in what Brewer called "the dirtiest campaign I've ever observed in Alabama." Wallace employed radio and television to outflank unfriendly newspapers and put across some fairly unpleasant messages. One radio spot, aimed at a black action group's demand for integrated state troopers, said, "Suppose your wife is driving home at eleven o'clock at night. She is stopped by a highway patrolman. He turns out to be black. Think about it . . . elect George C. Wallace."

Network television was useful to Wallace in an unexpected way. Because of the national political implications of his comeback, network newsmen were out in force to cover his appearances, a fact he never neglected to point out to his audiences, thus arousing both their dander and their sympathy.

Virginia, usually considered a low-cost state for political campaigning, in 1970 suddenly became very expensive thanks to television. Costs for primary and general election for Republicans and Democrats totaled $2.5 million.

In New York, the state with the most money, the distorting pressures of available cash were evident in every major race, and television was the principal ogre. The situation was deplored, but nothing was done about it. Westchester Representative Richard Ottinger, who had three terms in the House of Representatives but was known to less than one third of New York Democrats four months before the Democratic senatorial primary, won against an equally little-known Congressman, Buffalo's Representative Richard McCarthy, and lawyers Paul O'Dwyer and Theodore Sorensen—both high on political credentials and low on cash.

Ottinger, the heir to a plywood fortune, was criticized throughout the campaign for his heavy expenditure of personal funds on tele-

vision time. "Ideally," said Ottinger, "we ought to have free television, free radio and free newspaper space. But in this campaign I've got to reach sixteen million people and even though I start at six A.M. and campaign until midnight, I can only see a fraction of them personally. I have to use television." Ottinger reported expenses of $1,841,750, while those of his three opponents together totaled $233,000. Political impresario David Garth, who prepared the Ottinger television and radio commercials, admitted that he had had at least a million to play around with.

But Ottinger's expenditures were, if not peanuts, at least modest in comparison to what Nelson Rockefeller was planning to lay out to stay in the Governor's mansion in Albany. Rockefeller faced a prestigious, if hard up, Arthur Goldberg (who had broken through the advantage of a very expensive television primary campaign—$60,000 per week on television commercials—served up by plastics millionaire Howard Samuels). The Governor refused to send a representative to a conference held by Goldberg and candidates for governor and senator in hopes of scaling down expenses to a reasonable level. Estimates of Rockefeller's total campaign budget went as high as $12.6 million, with as much as $2 million for the big television and radio push. His television attack began several weeks before the traditional Labor Day starting point. Polls were to be taken and the most effective advertisement—mainly sixty-second spots—would be increased until Election Day.* Arthur Goldberg, hard-pressed for campaign money, had established a broadcast budget of under one-half million dollars for his big effort.

Unedifying as was this emphasis on money and packaging over issues and qualifications, the most disturbing fact was that at least two of the more credible Democratic candidates for New York Governor, Robert Morgenthau, the former U.S. Attorney, and Eugene Nickerson, the top official in New York's populous Nassau County, dropped out before anyone had a chance to vote for them—both for the announced reason that they could not afford the tab. Another disturbing fact was that for all the hulabaloo on television, three out of four of the registered Democrats in New York State failed to vote in the June primary.

In a last-minute plea Goldberg had suggested that he and Rockefeller voluntarily impose the same limitation (in New York approximately $460,000) on themselves as that required by the legislation which during the summer had moved slowly through the Congress. Rockefeller replied by comparing radio and television to "the town meeting" and "the village green" as a means of communication between candidate and voter. He added that, of

* Polls had become a standard expense in television electioneering. In the well-run campaign, the polls (the political equivalent of ratings and market research) would be run on an average of once a week and the use of television ads adjusted on the basis of the results.

course, if the legislation passed, he would abide by it. Goldberg answered wryly, "Television may be 'the modern village green,' but the green stuff involved in getting on television is not grass."*

A few days later in Washington, the House was so depleted by premature departures for the late-summer politicking recess, that the bill was not presented for a vote and thus missed the chance of being applied in the fall general elections.

The measure, a compromise between the proposals of Representative MacDonald's bill and those of Senator Pastore, would:

- Limit the amount each candidate for President and Vice President, the Congress, Governor, and Lieutenant Governor could spend on broadcast time to seven cents for each vote cast for the same office in the previous general election. The limit included spending in behalf of the candidate by others. This would mean less than $6 million for each major party in the 1972 presidential race, $460,000 for each candidate in the New York State gubernatorial election, $497,000 in California. For sparsely populated states there was a $20,000 minimum.
- Permanently repeal the equal-time requirement for presidential and vice presidential campaign broadcasts, thus allowing stations to give time to the major candidates without having to give equal time to fringe candidates.
- Require broadcasters to charge all candidates—federal and state—the lowest unit cost for the time they purchase, thus assuring them the low rates usually obtained by commercial advertisers who buy large blocks of time over long periods. This could reduce charges by 25 per cent to 50 per cent, with 35 per cent expected to be the average reduction. No candidate could buy time unless he first stated in writing to the station that his purchase would not boost his spending over the prescribed limit. Violation could mean two years in jail or the loss of his seat if he won.
- Allow states to extend the bill's provisions to other elections.
- Limit spending on primaries (except for President and Vice President) to half that for general election campaigns starting in 1971.

The bill was finally passed on September 23 by large majorities in both the House and the Senate. Two weeks later it was vetoed by President Nixon who said that although its motives were laudable, it was partial and imperfect.

There were other possible reasons for the veto. If it had passed, the Republicans would not be able to take advantage of the

* At the opposite extreme, in the Union's most sparsely settled state, Alaska, with its seven television stations and vast distances, G.O.P. Senator Mike Gravel said a single half-hour television movie about himself got him elected in 1968. (Gravel had the help of Mike Rowan, a Napolitan associate.) "My opponent thought it was immoral, but I'm in the United States Senate today and he's not. If it hadn't been for the film, he'd still be in the Senate and I'd be relegated to oblivion, still selling real estate in Alaska."

money which they unquestionably had in much greater abundance than the Democrats. Nixon's distaste for debates might prejudice him against the equal-time repeal. Politicians from both sides grumbled about the unfair advantage the bill would give to incumbents, thus making it almost impossible for unknowns to break through. This argument ignored the fact that economic considerations had heretofore prevented highly qualified men from even considering running for office.

The station owners and the National Association of Broadcasters made the identical complaint they had made about the prohibition of cigarette advertising, due to go off the air January 2, 1971. The legislation, they said, singled them out for special punitive treatment while permitting the other media to go on the same as before. There were also murmurs about "the government's going into the business of setting television rates" and "forcing broadcasters to subsidize politicians."

Many of the advertising men and "political consultants" were sympathetic to the legislation, although they might lose large fees and commissions (their share was usually 15 per cent of the total broadcast charges). In April, veteran ad man Carl Ally remarked that the proposed legislation had not gone far enough, that all private funds should be eliminated and the government should subsidize all campaigning. "Money should be removed as a factor and so should the theatrics, but television should be used because it is the closest thing to the stump."

Of all the provisions of the bill, perhaps the one greeted with most enthusiasm by proponents of full television coverage of politics was the elimination of the equal-time requirement of the Communications Act for presidential and vice presidential campaigns. This section has long given an excuse to unwilling politicians who thought it to their advantage to remain silent and to networks and individual stations which objected to giving lesser or minor candidates too much free time.*

Whether the House and the Senate overrode President Nixon's veto or not, the problem would not be finally solved probably short of the complete elimination of political advertising. Then the television journalists' role in the political campaigns might take on

* There was no guarantee that the stations or the politicos would take advantage of it. In a special study made in 1968 devoted to races where only two candidates ran for office, there was no evidence of increase in free time offered by the broadcasters.

On the other hand, WSB Atlanta, abiding by the equal time rule and offering regular prime-time exposure to all political candidates in the mayoralty race, found itselves with twelve legitimate contenders. All of them got on the air.

WTOP-TV Washington, doing the same for gubernatorial and congressional candidates in its area of Maryland and Virginia during a four-week period before both the primaries and general elections, scheduling prime-time debates and permitting qualified political candidates to buy fixed position announcements at one-half the current base rate, estimated the cost to the station at a minimum of $56,000 for free time alone.

some of the importance it has in Great Britain. There, campaigns are severely limited in length and procedure, no political advertising is permitted on television and radio, and parties are allotted equal time for their leaders to present their positions. There the politician's real impact depends not so much on money or clever packaging, but rather on his exploration of the issues and his eloquence in presenting them in press conferences, speeches, and television interviews. There the professional skill and news judgment of the broadcaster can be crucial.

Because of geographical expanse, the hundreds of thousands of U.S. office-seekers, and the generally impacted character of U.S. television, such a free flow of political fact and comment might have to await the advent of CATV and its multiple channels and capacity for selecting and dividing audiences.

5 • Government and Broadcast Journalism

BETWEEN BROADCASTING AND GOVERNMENT the customary game of hide and seek continued. Government this time meant Congress (as critic and lawmaker), the regulatory agencies, the Department of Defense, and, for brief but highly significant appearances, the Department of Justice and the Internal Revenue Service.

In the encounters described in the preceding three chapters, broadcasting was treated as at least an equal and sometimes as a superior. In its encounters with Washington's inquirers and regulators it was more likely to be approached as a target, a victim, or a patient.

In Congressional hearings broadcast journalism came up frequently and often in a not very flattering way. Already mentioned were the comments made at hearings of the President's commission looking into the causes of campus unrest (the Scranton Commission) in the summer of 1970.* A few months earlier the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) had finally released that section of its report which dealt with broadcast journalism as a cause of and possible cure for the nation's increasingly disorderly behavior.

The recommendations to both the government and the industry were an anthology of familiar schemes for the improvement of news and public affairs broadcasting.

Among those for government: more money for Public Broadcasting; the breaking up of media concentrations: the careful supervision of cable television's growth; clarification of the Fairness Doctrine; and the development of stricter standards governing the renewal of broadcasting licenses.

For the news media: the avoidance of overstatement in the coverage of violence; expansion of newscasts, if necessary at the expense of documentaries; assurance of access to the media for minority groups; increased exchanges and suggestions between the news media and concerned members of the community.

*See page 20.

Dr. Walter Menninger, a member of the Eisenhower panel, personally recommended that it might be a good idea to test and license journalists as if they were doctors or lawyers.

In the Eisenhower Commission's report, as in so many examinations of broadcast journalism during the year, there was an inclination to draw away from the commercial networks as they existed and to seek solutions elsewhere. This tendency to write off as hopeless all possibility that commercial broadcasting will ever really serve the public interest adequately in the matter of news and public affairs was bound to depress the many dedicated and highly accomplished journalists who staffed the network news departments, no matter how seductive this idea might be to some in management.

As usual the broadcasters reacted quickly and vividly to the suggestions of outsiders. Howard K. Smith called the report an "amorphous amount of ignorance," and David Brinkley found it "in my opinion absurd."

In any case, many of the recommendations were on their way to accomplishment.

The delicate relations between journalists and the military in time of undeclared war were a matter of increasing concern to the government and to broadcasters.

Senator William Fulbright, chairman of the Senate Foreign Relations Committee, noted the $40.5 million the Department of Defense spent annually on public relations. Much of this went toward material intended for radio and television use. One weekly show—"Big Picture"—furnished without expense to three hundred commercial and educational stations across the country, had an annual budget of about $1 million, which did not include the free talent the military had at its disposal to help put it together.

Fulbright also called for the abolition of Army television teams which he claimed, on the basis of sworn testimony by an Army sergeant, staged combat incidents by South Vietnamese troops for distribution to U.S. television networks and stations.

On the same day, May 22, that Fulbright accused the military of faking war footage, Washington columnist Jack Anderson carried a story in which he said a White House memo had accused CBS of similar practices. Word of this memo led to a dramatic on-the-air refutation by CBS, one of several instances during the year in which Richard Salant, president of CBS News, stood up to formidable government pressures. The segment on the "CBS Evening News" of May 21 included the original footage and a point-by-point examination of the purported misrepresentations. It set a high standard for journalistic probity, enterprise, and indignation (see pages 140-44).

Nor, if these guarded attacks were meant to influence future CBS war coverage, did they succeed. On June 27 Morley Safer, an old

and accomplished Southeast Asia hand, filed a brief report on the U.S. withdrawal from Cambodia. The report was a prime example of how to outflank a prettified public relations set-up and bring back the sweaty story behind it (see pages 145-46).

Another incident bearing on broadcast journalism and the military was the infiltration of the press corps in Vietnam by four government agents whose presence was later acknowledged and apologized for by the U.S. command. The disciplining of Army Specialist 5 Robert Lawrence for putting news unacceptable to his commanding officers on the Armed Forces Vietnam Network caused considerable noise. Lawrence called on his audience "to help stop censorship at AFVN and any station under military rule." Shortly thereafter he was transferred to a non-broadcasting assignment. There was also the case of Major James Rowe, a Vietnam hero home after five years as a P.O.W. In two weeks of leave Rowe recorded twenty television and six radio interviews with members of Congress, attacking the anti-Vietnam position of such dove Senators as Fulbright, McGovern, and Majority Leader Mansfield. The interviews, conducted in congressional studios on Capitol Hill, were distributed to broadcasters back home.

A special hearing was held in the House on several alleged incidents of news-rigging by CBS. The most serious, connected with an abortive invasion of Haiti, supposedly financed by the network, led to inconclusive results. Testimony unearthed more evidence on how not to undertake a television investigative report than on how to stage news events. The network allegedly paid $6400 to a gunrunner and supposed Caribbean political authority who turned out to be a CIA informer. It dropped about $150,000 in all and thought it had tacit U.S. government approval for the project.

Other congressional inquiries included one on the firing of William Woestendiek by WETA, the public television station in Washington. The case, which made newspaper headlines, involved possible political influence and conflict of interest (Mrs. Woestendiek had taken a job as press secretary for Mrs. John Mitchell), accusations of outside pressures and news management, as well as much dimmer issues. After emphatic denials by the station management and its board of directors, the inquiry was terminated.

There was another, earlier flurry when WETA delayed showing Al Levin's "Who Invited US?" allegedly because of interference from the more conservative trustees of the station. Both these incidents demonstrated that few believed the problems of insulating public television from outside pressures were solved.

Hearings that brought out the industry's biggest guns were those held in November and December of 1969 concerning Senator Pastore's controversial bill S. 2004. The bill, enthusiastically backed by broadcasters, would have ensured virtually automatic license re-

newals.

All three network presidents, the president of the National Association of Broadcasters, and Dr. Everett Parker of the United Church of Christ testified, as did FCC Commissioner Nicholas Johnson, whose fifty-page statement worked up to this climax:

> The broadcaster in America today is, without question, the single most powerful man civilization has ever permitted to roam wild. We have used a very long thread to tether a dinosaur. He finds it restricting and asks that it be removed.

In the end the bill never came up for a vote, thanks to a policy ruling by the FCC in January 1970.

This first major ruling by the Commission under its new chairman, Dean Burch, did not go as far as Senator Pastore's bill toward protecting station owners from license challenges, but it gave more weight to the broadcaster's past performance than to promises for the future by any challenger. Those who had "substantially" met the needs of their communities need not fear. Some viewed it as a sop to station owners angered or panicked by Vice President Agnew's dark allusions to licenses in his November 13 speech.

Nicholas Johnson, who had helped draw up the policy statement and yet dissented from it, obviously had mixed feelings. His main concern was the fact that the ruling might further diminish the slim possibility of minorities getting licenses in the future. In his dissent he wrote:

> There is no question but that the American people have been deprived of substantial rights by our action today. There is also no question that the results could be much worse—given the commitment of the broadcasting industry on this issue, and the introduction of legislation (such as S. 2004) by 22 Senators and 118 Representatives . . . .
>
> The Commission has made it clear that it will not permit chaos to reign, that the better broadcasters have nothing to fear and that all can get back to the task of programming their stations in ways that serve the awesome needs of the American people for quality entertainment, cultural enrichment, continuing education, and information and analysis about life in the communities and world in which they live. The more responsible broadcasters now know they will be protected from harassment from audience or FCC.
>
> On the other hand, the public now clearly understands that a new day has dawned; licenses will not be automatically renewed; those licenses not offering "substantial" services are open to challenge.
>
> The below-average broadcasters should respond to this new state of affairs by upgrading their programming from a "minimal" to a "substantial" performance. They now have

a very real incentive to purchase this "renewal insurance" against the possibility of a challenge.

Despite the ruling, license challenges continued throughout the year. Cases reported in last year's Survey were still in the midst of continued hearings and court appeals.*

Station WHDH-TV Boston, whose loss of license after a decade of litigation was responsible for the broadcasters' concern about challenges in the first place, appealed its case in the light of the new ruling. Meanwhile, hearings on KRON-TV San Francisco and WPIX New York, both involving questionable journalistic practices, dragged on with no resolution in sight.

A year after the removal of the license of WLBT-TV Jackson, Mississippi, the operation of the station was turned over to a special local committee until a new licensee was chosen.

Radio station WXUR Media, Pennsylvania, the outlet for the right-wing Rev. Carl McIntire, finally lost its license four years after the first charges of "highly racist, anti-Semitic, anti-Negro and anti-Roman Catholic" programming were launched against it. The unanimous FCC decision was based on findings that the station had failed to present contrasting views on controversial issues and had ignored the Commission regulation that people subject to personal attack on the air must be notified and given a chance to reply.

Similar charges against KAYE Tacoma still had to be resolved more than a year after they were first entered by angry citizens.

Inspired by the success of John Banzhaf III, the Washington lawyer who had successfully challenged cigarette commercials on the grounds of "fairness," anti-war and conservation groups entered similar challenges against stations in San Francisco, Los Angeles. New York, and Washington. The anti-war group pointed out that by official estimate the Department of Defense spent $229,000 in one year to produce 1000 radio and 260 television recruitment spots—promoting such controversial issues as the Vietnam war, the draft, and the desirability of military service. They cited one radio station in San Francisco which aired 405 minutes of this material between January 26 and March 3, 1970, and said fourteen other radio and television outlets had refused to give them air time to answer. Their complaints were rejected by the FCC, as were similar ones from the Friends of Earth involving requests for air time to reply to automobile and gasoline ads which they claimed, in view of growing pollution, were highly controversial.

More successful were community actions in Atlanta, Georgia; Rochester, New York; and Memphis, Tennessee, where threats of license challenges for reason of bias, employment policies, and failure to serve the black community led, as they had a year earlier in Texarkana, Texas, to corrective measures by stations in these

**Survey of Broadcast Journalism 1968—1969, p. 30 ff.*

cities.

The license challenges and the community actions in most instances involved the Fairness Doctrine, which the Commission stiffened further in a May 1970 policy statement which said that "the licensee—either when presenting a series of broadcasts on controversial issues or when editorializing—must specifically notify spokesmen of the opportunity to present a contrasting viewpoint. The licensee may not rely solely on general broadcast announcements that offer the opportunity to present contrasting views except for the first presentation of a series . . . ." If no spokesmen comes forward, the station is required to go out and look for a rebuttal. If responsible spokesmen decline, the station is under no obligation to present the other side itself. The Fairness Doctrine, also invoked in the matter of the President's prime-time Vietnam speeches, was again a focal point of industry apprehensions.*

One of the most controversial policies announced by the FCC during the year was that which would limit network prime-time programming to three hours, a half-hour cutback, effective September 1, 1971. Applicable only to stations in the top fifty television markets, it was intended to encourage outside sources of quality programming. The ruling was immediately attacked from all sides.

Broadcasting Magazine reported the networks' fear that the rule would have the effect "of inhibiting news programming and could force networks to discontinue some of the news and public affairs shows they now offer, especially specials that pre-empt regular schedules."

Eric Sevareid stated in his Elmer Davis Address at Columbia University in April:

> I do not quite see how we are to do a markedly better job of it, how to get better balance, unless these programs [the evening news] go to an hour's length. Many of us have wanted and worked for this. In that hour, we could do what we should always be doing, in my long-sustained opinion: we could provide room for rebuttals . . . from ordinary listeners; letters to the editor, if you wish. For years the situation has cried out for this and had we been doing it for these years, perhaps much of the accumulating gas of resentment would have escaped from the boiler in a normal fashion . . . . The federal government apparently is about to make a full hour of network evening news a practical impossibility with a new rule removing a half hour of evening time from network usage.

FCC Chairman Burch, joined by Commissioner Robert Wells, said in a dissenting opinion:

* To complicate matters, lame-duck Representative Leonard Farbstein of New York introduced legislation in August 1970 to extend the Fairness Doctrine to newspapers.

> I disagree . . . with the majority's failure to exempt news interviews and most importantly, the news documentary and the newscast which are, after all, the chief means of informing the public on events and issues. When the question of exemption from the present rule came before the Commission, the majority, aware that the networks could avoid the impact of the rule by extending the thirty-minute evening news show into a one-hour news show, determined not to exempt the newscast. In my opinion, if this rule had resulted in additional prime time news programming—the thing which network television can and does do best—that would have been a benefit to the entire country. Because of its stated concern over the syndication market, the majority forecloses this possibility. The majority also forecloses the possibility of an enhanced number of news documentaries, and indeed may be inducing a cut-back in such programming. I strongly believe that the Commission cannot properly adopt a policy of subordinating news programming, which informs the public and is surely not in over-supply, to entertainment programming, which exists in far greater amounts and seeks but to amuse. So on tnis ground . . . I believe that the rule is seriously defective . . . .

The associated problems of multimedia ownership and conglomerates rated high on the list of FCC concerns during the year.

In March the Commission announced after two years of study that it would block any new combination of radio and television control in the same urban market area. It also proposed a new rule specifying that within five years the present station owners would be required to reduce their holdings within a single community to one mass-communication medium—a television station, an AM-FM radio combination, or a newspaper. The ruling and the proposal were "designed to prevent undue influence on local public opinion by relatively few persons or groups."

The same concern had motivated the FCC in its study of conglomerate ownership of broadcast properties announced in February 1969, and finally launched by a narrow margin (four to three of the Commission membership) in December of the same year. Expected to fade away with the growing strength of Republicans within the agency, the study got a new lease on life when two of the six original respondents furnished information of concern to the investigators.

Avco, the nation's 120th largest industrial firm, was one. It owned, besides aerospace, sports, entertainment, and other businesses, five television stations, five AM and two FM radio stations. Its broadcasting subsidiary was found to be recommending to its consumer finance subsidiaries the preferential use of Avco's broadcasting outlets for advertising purposes. There was also some evidence that Avco stations might give preference to coverage of

sporting events involving Avco-owned hockey teams.

E. W. Scripps Co., parent company of Scripps-Howard Broadcasting, was the second multimedia giant whose responses raised serious questions to the FCC staff. The company is the owner of United Press International, newspapers in fourteen cities, four television stations, three radio stations, and several cable television systems. Scripps-Howard was shown to have arranged a free exchange of advertising between WEWS-TV, its Cleveland station, and the Cleveland *Press* (another Scripps property), apparently to improve the paper's competitive position in a circulation war with the Cleveland *Plain Dealer.*

There was evidence that in most instances the profits of conglomerate-owned stations exceeded those of most other elements within the conglomerate, thus disproving the contention that financial benefits accrued to radio and television operations from such ownership. Considering that there were hundreds of conglomerates or multimedia owners with broadcast holdings in the United States, the implications of these findings were considered serious enough for the Commission to expand the original study to cover fifty additional firms.

In January New Hampshire's Democratic Senator Thomas McIntyre had addressed himself to the same problem. He introduced a bill in the Senate to require divestiture of broadcasting stations by newspapers published in the same area and to limit chain ownership of newspapers to five.

Some point was made of the fact that the two dissenters to the expanded FCC study of conglomerates were the new Republican appointees, Chairman Burch and Commissioner Wells. The changing composition of the Commission, however, had not yet had any conspicuous impact on Commission decisions. The most damaging departure was that of Commissioner Kenneth Cox, who before his seven-year stint as Commissioner had served as chief of the agency's Broadcasting Bureau. Cox was probably the best-informed Commission member in recent years and the most dedicated to the public interest. Suggestions that a woman or a black man take his place went unheeded.

The FCC, under pressure from the Bureau of the Budget, increased its licensing fees to a total more than five times their current annual amount. This would give the FCC an income equal to its budget, which has already been labeled woefully inadequate. The NAB hinted in its April 20 comments to the FCC that such a fee increase might have a negative effect on the production of news and public affairs programs by broadcasters.

One FCC action, seemingly of little immediate import, may have the most far-reaching effect of all. In June it ordered all cable television systems with more than 3,500 subscribers, approximately 320 out of the nation's 2,500 to begin program originations on or before

April 1, 1971. It also forbade the ownership of CATV systems by the three commercial television networks (allowing three years for divestiture), prohibited the joint ownership of cable television operations and over-the-air television stations within the same community, and proposed rules that would bar joint ownership of cable television and radio stations or newspapers, while setting a limit on the total number of cable systems one owner could hold.

A 5 per cent tax on gross revenues was also proposed. This would be paid by the CATV system into a fund for the benefit of public broadcasting. It was estimated, this should result in the not-too-distant future in $30 million annually from each ten million cable television subscribers. Public television would thus gain a regular income without having to appeal to Congress for an annual appropriation.

Although there were still impediments, notably an untangling of the copyright situation and problems of local-versus-federal authority, the prospects for cable television suddenly seemed extremely bright. Ninety new cable systems were started in 1969, and seventy were expected before the end of 1970.

As to CATV-originated broadcasts, 329 out of 1,048 systems responding to an industry-wide poll reported in September 1969 that they originated programming for their systems. In September 1970 the estimate was 600.

Although the quality of most local CATV programming was still pathetically primitive, there were scattered indications of better things to come. At a national CATV programming meeting in June 1970, local news, high school sports, and local election coverage were recommended as the best magnets for advertising revenue and thus the most likely areas for CATV to cover. Cable televisers were advised to think of themselves as more closely allied to local newspapers and radio than to television in their operations.

There were already numerous news services operating on cable television stations across the country, varying from handwritten items held up to the camera to small independent news operations. Great Barrington, Massachusetts, which had two daily fifteen-minute news shows and competed with eleven channels in its area, claimed 52 per cent of its subscribers watched its early evening news show and 58 per cent at 11:15 P.M.

Irving Kahn of TelePrompTer, the industry's biggest operator, with more than a hundred systems, was awarded half the valuable Manhattan franchise in June 1970. At the nineteenth annual National Cable Television Association Convention in the same month, he said:

> At the moment, our greatest opportunity—or perhaps our greatest pitfall—is in the area of program origination. I think you can take it for granted that the FCC's search for "diversity" does not mean just more of the same, but new and

different and worthwhile programs and services. We cannot dish up "crud TV" or "pap from a different spoon" and get away with it . . . .

You will not be able to plead inexperience or indigence. You cannot ignore your responsibility or abdicate it in favor of what I have called in the past such pernicious placebos as ancient movies, tired old TV series, or even brand new "especially for CATV" shows tailored to the same old TV formats . . . .

We cannot avoid being in the forefront of the social revolution. We must face up to the realities of ghetto programming, ethnic programming, controversial 'hot potato' programming . . . .

So far, TelePrompTer, whose franchise includes large ghetto areas, had taken only the most elementary steps to implement its leader's words.

The future of cable television was considered crucial enough for the Sloan Foundation to set aside $500,000 for a blue-ribbon commission of private citizens to take a quick look at its "potential role in the provision of Health, Welfare and Employment services, in community development, and improving quality of life."

The rise of CATV was also cited as one reason for the delayed establishment by President Nixon in February 1970 of the Office of Telecommunications Policy, recommended in 1968 by President Johnson's Task Force on Communications Policy. So far its functions have not been clearly defined, although observers expected it to exert considerable influence in the formulation of future communications policy.

The Justice Department was responsible for another important confrontation, concerning subpoenas. Here again, television, as in the matter of political campaigns, served as an amplifier, magnifying problems that in more subtle and less expensive media had existed unresolved for many years. The Attorney General and local law enforcement agencies, in their eagerness to get supporting evidence from the press in cases involving civil disorders and militant minorities, went too far, in the opinion of the broadcasters.

Smarting under what they considered onerous and questionable demands upon privileged information, the networks and individual stations, joined by news magazines and newspapers, refused to cooperate, threatened not to cooperate, cooperated by mistake or with great ill-humor.

For television newsmen a great deal more was at stake than the inconvenience of digging out thousands of feet of unused film on demand. Walter Cronkite cited two cases where officials refused to talk off the record for fear that their remarks might be subpoenaed. "A news source is going to be very careful about talking to a reporter when he thinks it may end up in a court of law," Cronkite

said. "What official is going to talk off the record when a reporter's notebook can be laid open in court? Our people cannot be informed if we have to work under those conditions."*

After several months of bickering and negotiation, the Attorney General made a speech to the American Bar Association in St. Louis, in August 1970, in which he offered token comfort to newsmen in the form of new Justice Department guidelines. The speech also contained some rather startling admission:

> Editorially, more and more news organizations are giving coverage to the type of controversial events which tend to come under government scrutiny.
>
> And their news coverage of these developments has become more intense and more sophisticated. Because of their healthy economic conditions, news organizations today are willing to detach a reporter for weeks, or even months, to study one issue.
>
> The result is that the American public is not only told about the surface news event, which may itself entail a violation of law, but the public is also told about the planning of the event, the personalities of the major players and the alleged motives of the group involved . . . all factors of some consequence in an investigation.
>
> Thus occasionally we have newsmen and photographers who are experts in a case we are investigating and who may have more information than the government has—factual information and photographs which the government finds difficult, if not impossible, to obtain through its own investigatory agencies.

What the Attorney General seemed to be saying was something of which broadcast news directors had become painfully aware—that is, the better their coverage, the more likely the subpoena. Their fear was that not only might this inhibit the reporter, but also cut off his sources of information. There was some suspicion that this was exactly what the law enforcement agencies were after. There was no question that minority access to the media had already been affected by the knowledge that such use might be made of the coverage. The radical, already suspicious of reporters as representatives of an establishment press, became even more suspicious. His frustration was aggravated by the knowledge that not infrequently law

* One of the principal ironies of the situation was that not only were television's reporters of use to the prosecution, they were being invoked with equal enthusiasm, if they had done their job well, by the defense.

For example, Mike Wallace's footage on the Black Panthers was subpoenaed by the Department of Justice, and his talk with former Army Private Paul Meadlo, an outstanding effort by Wallace, was cited by the defense of those court-martialed after My Lai (Song My) as a particularly intolerable example of pre-trial publicity.

officers posed as reporters to get film records of demonstrations and other potentially explosive events.*

A provision in the tax law, prohibiting tax-exempt foundations from spending any significant amount of their time or money on activities which might affect legislation, had uncomfortable ramifications in the broadcasting field during the year. Most notable was a visit by representatives of the Internal Revenue Service to the offices of National Education Television. They screened several programs, including "Your Dollar's Worth," a long-running series on consumer problems that seemed to call for stricter legislation. Although the program had been canceled already, the report of the visit of the revenue men sent a chill through the ranks of foundation-backed public television programmers who might be considering coverage of other sensitive subjects.

Meanwhile, the official funding of public television took another step forward when the House in September 1970 authorized up to $30 million, plus $5 million contingent upon matching private funds, for the Corporation of Public Broadcasting. How much actually would be appropriated was still undecided as the fall 1970 television season got underway.

The corporation set up its Public Broadcasting Service, a coast-to-coast network for public television program distribution in October 1969. The following June, plans were announced to dissolve NET and merge it with WNDT, the public television station. in New York. (WNDT got FCC permission to change its call letter to WNET on October 1, 1970, when its restyled scheduling began.) James Day, president of NET, was designated head of the new endeavor, which would be known as the Educational Broadcasting Corporation. EBC had ambitious plans for both regional and national programming to be heavily subsidized by the Ford Foundation.

There was further growth in the funding of public broadcasting by industry, notably Xerox, which was underwriting Sir Kenneth Clark's BBC hit, "Civilisation," for thirteen weeks (plus re-runs) on the full Public Broadcasting Service network. The Public Broadcasting Service was also scanning commercial schedules and using counter-programming techniques in an attempt to increase its audiences.

There were dark spots in public television's record of the year. A report on minority employment in public television, delivered at its annual convention in May, revealed low figures for public television stations. In July 1970 the FCC, by a four-to-three vote, permitted the eight stations of the Alabama educational television system to refuse any programming they felt inappropriate. That

* For a discussion of the problem of subpoenas as they affect broadcasters, see page 122.

included most of those programs offered to it by PBS featuring blacks as well as coverage of the Vietnam Moratorium. "Sesame Street" was not allowed on educational television in Mississippi, and there were the usual clearance problems with most of the outstanding shows of the year failing to get a full network.

Yet, with increasing frequency, public television was put forward as the only sure way of serving the public interest. In a speech to the National Press Club in January, John Macy, president of the Corporation for Public Broadcasting, gave his views:

> Let me say right now, that none of this should be interpreted as criticism of the commercial networks or stations. By and large, they are doing—and doing very well indeed—what they must do under a system which measures survival and success in terms of mass audience ratings that respond more to the stimulus of entertainment and excitement than to information. Coverage of a moon shot or any other momentous event is appropriate and appealing under this system and even the most severe critic cannot deny the networks high marks for magnificent, understandable, and in-depth coverage. But to expect them to provide sustained coverage of many sides of complicated public issues such as hunger, environmental destruction, or even a local school bond controversy; to expect them to provide air time for citizens to become involved in these controversies, is to expect too much.
>
> Frankly, I am a little tired of the chronic and persistent negativism that fills so much of the conversation concerning television these days. I am not here today to develop that theme any further, but to offer a positive, upbeat alternative: public broadcasting should be the vehicle used to return to the concept that through rational debate and discussion reasonable men can work to solve public issues; the vehicle to give the citizen some opportunity to make his own judgments known on these issues.

FCC Chairman Burch spoke to a Los Angeles meeting of the American Political Science Association as his first year on the Commission was drawing to its close. The New York *Times* quoted him as saying, "I favor going in the direction of laissez-faire regulation." He continued, "There are serious limitations inherent in commercial broadcasting . . . the available spectrum and number of outlets is limited. As a practical matter there are a limited number of prime time hours in which maximum exposure to information is feasible." Burch felt these factors added to economic pressure meant that commercial television could never provide an exceptionally wide range of programming. Diversity would have to come from CATV and educational and ultra-high frequency stations.

Singly and in concert these two highly knowledgeable and concerned men seemed to be saying that the medium, which wielded more power of persuasion than any in history, had been almost

totally appropropriated to the uses of entertainment and distraction and that it was no longer capable of properly informing its vast audience about the incredibly pressing issues it faced. Furthermore, they seemed to believe that the only thing to do was to set aside a magnificent instrument already in operation and wait until the day after tomorrow when, just possibly, the currently handicapped UHF stations, the scantily watched public television, and the infant CATV industry might be healthy, popular, and mature enough to do the job.

Commercial broadcasters might consider carefully before they agreed with such "understanding" suggestions. News and public affairs, expensive and unprofitable as the networks and individual stations frequently claimed them to be, could become their principal justification for continued attention in a future filled with competitive technological wonders—home video recording, television cassettes, domestic satellites, and cable interconnects.

On the other hand, for men of substance and seriousness to tell networks and local stations that it is too much to expect them to entertain, make money, and at the same time adequately serve the public interest was not only patronizing but insulting to those many broadcasters who have tried and succeeded.

Such expressions of premature sympathy could of course waken the laggard operator to his unrealized potential in the field of news and public affairs and to the mysterious symbiotic connection between the public and the private interest. To the broadcaster who was already aware and faithfully going about his business it could only bring exasperation and a shiver of apprehension.

6 • The Environment, the Consumer, and the Broadcaster

AMONG THE PRINCIPAL ADDRESSES DELIVERED AT THE FORTY-EIGHTH Annual Convention of the National Association of Broadcasters in April 1970 was one by Dr. Barry Commoner entitled "Our Polluted Environment: The Facts of Life."

After a straightforward explanation of the basic causes of pollution and a description of their disastrous effects, Dr. Commoner concluded with the following statement:

> The enormously serious problem of surviving the environmental crisis depends on a three-part alliance.
>
> The scientists have to produce the information, and make it publicly available.
>
> The media have to get the information to the public.
>
> The public has to use the information to decide what economic, social, political actions should be taken.
>
> This is the alliance that must save the world from destruction.

Thus the nation's newest preoccupation—the environmental crisis—put the broadcasters squarely on the spot, as it did most American manufacturers.

They had already done much to meet Dr. Commoner's challenge. Some of the year's best and toughest reporting, network and local, concerned the environmental crisis and the consumer revolution which attended it.

Broadcasters had been among the first to recognize and give publicity to many aspects of environmental decay. As early as "Bulldozed America," a documentary that appeared on CBS in September 1965, electronic journalists had looked unblinkingly at the havoc caused by indiscriminate highway building, strip mining, logging, housing developments, and other assaults on the environment.

Last year "The Slow Guillotine," a DuPont award winner on KNBC-TV Los Angeles, and "A Dirty Shame," on WTVJ Miami, dealing respectively with air and water pollution, set a high standard for the countless locally produced shows on these subjects that were to follow.

The networks' task, to cover the subject nationwide, was formidable. There were numerous impressive tries. NBC opened its fall season with "Who Killed Lake Erie?", produced by Fred Freed. But the documentary most successful in conveying the magnitude of the problem was "Pollution Is A Matter of Choice," an NBC White paper also produced by Freed.* Broadcast in April 1970, the one-hour program explored the environmental problems of three locations—Machiasport, Maine; Gary, Indiana; and Florida's Everglades. In the process, the physical conflict between nature and an expanding technology, and the clash between the needs of the poor and the affluent, were caught in expert camera work and a literate script. The program ended with a series of harsh questions:

> What quality of life is possible in an industrialized society? Do our institutions, created for simple times, have the vision, the power to control technology?
>
> What are we willing to give up to clean up our environment? Are we willing to drive fewer or smaller cars? Have fewer television sets fewer air conditioners? Have fewer comforts?
>
> Are we willing to pay for the cost of cleaning up our air and water? Are we consumers willing to pay higher prices for cleaner engines and those who produce them, to take lower profits? Are we willing to have fewer babies, accept more rigid government controls? Would we dare set limits on our scientific and technological development?
>
> We know that a species survives only as it adapts to its environment.
>
> We know that unless we adapt, we may disappear from this earth like the dinosaurs before us.

Another outstanding program was "The Time of Man," produced by Marshall Flaum in association with the American Museum of Natural History and aired by CBS-TV. It brilliantly presented the historical view, beginning with Roy Chapman Andrews's discovery of dinosaur eggs in the Gobi Desert (the dinosaur's predicament was frequently used as a metaphor for man's own) and ending with the bleak observation that man, like many of earth's other creatures, could consider himself "an endangered species." In between was a series of vivid and threatening anthropological analogies. The most striking of these was the environmentally deprived Ik tribe of Northern Uganda. Forced to farm a barren land, the tribe's obsession with physical survival led to a moral starvation. No member of the tribe could remember a time when man had loved woman, mother had loved child, or anyone had performed a simple act of kindness.

*See the list of DuPont-Columbia Awards, p. 97.

Television viewers were not permitted to forget these gloomy prognoses throughout the year. In May 1969 ABC became the first network to schedule regular coverage of the crisis on its evening newscast. Its recurring feature, "Man and His Environment," dealt with problems of air and water pollution, waste disposal, radiation. A particularly striking segment concerned the plight of the small community of Globe, Arizona, where local residents believed malformations in domestic animals and unexplained illnesses in human beings had been caused by massive doses of herbicides used in weed control by the United States Forest Service. The pictures of limping goats and ducks, the accounts of genetic malfunctioning in humans disturbed viewers and led to a Department of Agriculture investigation.

In February 1970 the "CBS Evening News" started its "Can the World Be Saved?" series, scheduled to run until "air gave out." It opened with dark words from the usually reassuring Walter Cronkite:

> Again and again we see a frightening pattern— a science so far behind technology that it can't even predict which of two opposite catastrophes will occur. Yet our society, obsessed with short term gains and gross national products, continues on course. The scientists I spoke with disagree about the schedule of disaster but we found not one scientist who disagreed that some disaster portends.

Although NBC did not give its environmental coverage a regular label, night after night substantial time was devoted by network news to the subject. One particularly painful sequence reported by John Chancellor dealt with the poisoning of the Huckleby family in New Mexico. The family was stricken after eating pork from a hog that had been fed grain treated with a mercury fungicide. Two days after the report was broadcast, the Department of Agriculture ordered mercury fungicides off the market immediately.

On the "Today" show an average of one major segment a week was given over to environmental issues. "In Which We Live" delivered nine half-hour segments before it was taken off the air in late June 1970.

The leading broadcast groups also presented major documentaries on pollution.

Group W broadcast a television series entitled "Give Earth A Chance." Three one-hour programs began with an environmental teach-in at the University of Michigan, included an ecological roundup, and ended with an examination of the relationship between middle-class living and the environmental crisis.

Cox Broadcasting Corporation called on the news staffs of each of its five stations to produce a fifteen-minute segment for "The Rotten Smell of Success," a ninety-minute special. It was followed in each

community with an hour-long report on local environmental problems.

Probably the most unusual of the group efforts was Metromedia's "1985," which presented the subject in highly dramatic form by projecting current problems fifteen years forward in time. The hour program employed personnel from the group's newsrooms across the country. Again the local Metromedia stations followed this alarming look into a dying future with a sixty-minute examination of community problems and solutions.

Even more significant, however, than network and group programs were the efforts of those local stations that took on the subject single-handed.

After six months of research and preparation, WOOD-TV Grand Rapids, Michigan, pre-empted five prime-time half hours in January and February 1970 for the series "Our Poisoned World,"* The programs, sponsored by a local bank, examined all aspects of the environmental crisis as it applied to their city and the Michigan communities adjacent to it. The station volunteered to act as middleman for viewers who wished to make their concern known to legislators. The series ended with an editorial stressing the importance of individual interest and effort and promising to continue environmental coverage on a day-to-day basis. Letters were received from more than two thousand viewers. The station during the spring and summer continued to air an average of four environmental reports a week on its evening news.

The quality and quantity of local documentaries on environment were remarkably high throughout the year. Dozens more were reported to the Survey by DuPont correspondents, by individual stations and by members of the American Association of University Women, which conducted a special study project on the subject.

Outstanding among those reported were:

"Alone in the Midst of the Land"—WMAQ-TV Chicago, notable for the clear and persuasive way it treated in thirty minutes the vastly complex subject of ecology and brought it to bear on local environmental concerns. It drew more than 22,000 letters in response to an editorial volunteering to forward protests to Illinois officials.

"Up in Smoke"—WTTW Chicago, working in conjunction with the Better Government Association, the public television station sent four men out on the same beat covered by twenty-five official pollution investigators. They found seventy-five violations in the same period in which the city employees uncovered ten. The resulting show, a devastating view of the inadequacies of the local pollution monitoring system, was useful to viewer and municipality alike.

*See the list of DuPont-Columbia Awards, p. 97.

"Polluted Paradise"—WMAR-TV Baltimore, an imaginative study of the complicated and severe environmental problems in the Chesapeake Bay area.

"Taconite and the Lake"—WDIO-TV Duluth, a highly technical and fiercely contested local pollution problem thoroughly researched and presented in a lucid and objective manner.

There were also excellent programs dealing with pollution, singly and in series, produced by KVOS-TV Bellingham, Washington; KCPX and KUTV Salt Lake City, Utah; WKYC-TV Cleveland, Ohio; WISH-TV Indianapolis; and KMOX-TV St. Louis.

The broadcasters' eagerness and ability to serve the public was as consistently demonstrated by this year's coverage of the environmental crisis as by anything in their fifty-year history. This was even more impressive when one took into account the possibility that such coverage, if it remained honest and achieved its avowed ends, could weaken the broadcasters' financial base. This possibility, of course, derived from the fact that among the nation's principal polluters were many of broadcasting's biggest advertisers. On virtually every serious environmental program names were named; not infrequently the culprits were the broadcasters' own clients.

Near the top of the network list were the automobile manufacturers and soap companies, which between them bore a large share of the blame for polluting the country's air and water. Procter & Gamble, Colgate-Palmolive, and General Motors were among television's top ten spenders in 1969, with billings totaling over $215 million. Pressing behind them was an endless list of products and services that contributed in varying degrees to the deterioration of the environment.

On the other hand, if one were looking for examples of the successful insulation of news from commerce in broadcasting, the year was rich in them. These insoluble and frequently unacknowledged conflicts extended from the client whose products were promoted at one spot in the broadcast schedule and denounced a few moments or hours or days later, to the personality whose commitment to conservation of the environment came into direct conflict with the products he was hired to sell.

KDKA-TV Pittsburgh, in "The Rising Racket," an excellent documentary on noise pollution, pointed an accusing finger at the increasing number of household appliances as one of the contributing factors. KDKA is owned by Westinghouse, one of the nation's top producers of home appliances.

WTTG, Metromedia's Washington outlet, sold the big anti-pollution show, "1985," to the Potomac Electric Power Company, which used the commercial breaks to admit its contribution to pollution in Washington, D.C.; to report it was correcting the situation; and, with refreshing frankness, to add that the viewer would undoutedly have to pick up the tab.

Louis H. Roddis Jr., president of New York's Consolidated Edison, one of the largest polluters in the largest city of the nation as well as a television advertiser of considerable magnitude, capped this paradox by warning an environmental conference in Washington, "Let us be on guard that when the media's attention flags, when dire warnings are repeated so often they echo revival tent descriptions of hell—with as little effect on life style—that, in short, we don't get bored."

Manufacturers of high-phosphate detergents for some inexplicable reason chose the network news, where the detergent story had been prominent since December, to plug their products. In the first half of 1970 Salvo and All Dishwater Detergent, near the top of the list among the nation's detergent polluters, put 100 per cent of their network television advertising on CBS and NBC news programs.

Arthur Godfrey, a long-time conservationist, had given up cigarettes and canceled a $2.5 million-a-year contract with Chesterfield seventeen years before because of a tender conscience. (It wasn't until six laters later that he developed lung cancer.). He threatened to do the same with Colgate-Palmolive's Axion when to his horror he found that it had been named the number one washday polluter in the nation. The news reached him while he was at work on "Arthur Godfrey's America: The Ocean Frontier," the first of six ecological specials for the same sponsor. Godfrey stayed on when Colgate permitted him to point out to his viewers the ecological hazards of Axion and to add, "I'm proud to say that the makers of Axion are well aware of this and are trying to fix it."

But in September 1970 Colgate confirmed that Godfrey was ending his association with the detergent. A company official stated, "Mr. Godfrey has been on Axion for a long time, and you can't stay on the same thing forever." Godfrey added his own postscript: "I can't sell a product for which I have to spend time in a thirty-second commercial apologizing for its shortcomings. It's still a good detergent, but like its competitors it is in some degree a pollutant."

Another enthusiastic show business conservationist, movie star Eddie Albert, who had appeared on Group W's "Give Earth a Chance" lamenting the imminent extinction of the bald eagle and the brown pelican, thanks to DDT, kept right on plugging Procter & Gamble's Biz, neck and neck with Axion at the top of the phosphate list. Albert's comment when he heard of Godfrey's fastidiousness: "Anyone in the field knows the research these companies are doing to halt pollution."

One network spokesman, quoted in *Newsweek* in connection with the detergent hassle, said, "If we took every commercial off the air which advertised a potential pollutant we wouldn't have any commercials left at all."

This was perhaps an overstatement, but when the advertising of potential polluters was joined by those accused of misrepresenting

products or promoting ones that might be either useless or dangerous, it seemed more than just.

The list of such products grew to alarming proportions during the year, and again broadcasters were there to report and sell simultaneously.

The case of the cyclamates, fingered on television by NBC's Paul Friedman (see page 26) and removed from the market shortly thereafter, was the most clean-cut example. The $1.4 billion annual diet-drink business apparently bore no grudge and simply rewrote its ads to reassure customers that cyclamates were gone.

Less clean-cut was the case of monosodium glutamate (MSG), a food additive used to enhance taste in, among other things, baby foods. Thanks in large part to the hammering of network reporters it was eliminated from baby foods. But it remained in other products that were still sold air time.

Toothpastes, mouthwashes, cereals, pain relievers, sleeping pills, tranquilizers, lawn mowers, canned soup, sunburn lotions, tires, razor blades, automobiles, and auto repairs, instant breakfasts—all were accused of being useless, misrepresented, or worse. "Nothing advertised today doesn't have some small shred of deception, from apple juice to autos. We only try to take action with the worst offender." said William Kelly of the Federal Trade Commission.

Many of the same detergents denounced as polluters were called to account twice again; first because they were were allegedly misrepresenting their cleansing abilities, and next because certain of their ingredients were suspected of causing skin and lung disorders.

Breakfast foods were first challenged for high prices and misleading packaging. Sometime later an anti-hunger crusader, Robert Choate, presented evidence to a congressional committee which seemed to indicate that most dry cereals have little or no nutritional value. A few days after that, the Food and Drug Administration announced that those few cereals Choate allowed to be nutritionally worthwhile might be subject to removal from the market because they contained excessive concentrations of certain nutrient additives that could endanger health.

There was little sign of a cutback on the advertising of products and services whose efficacy and honesty had been called into question. Still, a moral question seemed to be asked of broadcast journalists with increasing frequency and urgency. Particularly in the matter of drugs.

Not only was the individual effectiveness of many pills advertised on television challenged, the over-all impact of $289 million worth of annual drug advertising on television became the subject of great concern.

In introducing a resolution to Congress for a study of the effects of this advertising on the nation's young people, Senator Frank Moss of Utah said:

> The drug culture finds its fullest flowering in the portrait of American society which can be pieced together out of hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria, solve problems, dispel doubt.
>
> Not just pills; cigarette and cigar ads; soft drink, coffee, tea and beer ads—all portray the key to happiness as things to swallow, inhale, chew, drink and eat.

Representative Paul G. Rogers of Florida asked drug manufacturers and networks to voluntarily phase out commercials promoting mood changing drugs. "Young people's sensitivity toward taking pills is being numbed."

No less an advocate than Vice President Agnew was heard on the subject. In the May 16, 1970, *TV Guide* he wrote:

> Overton Taylor, emeritus professor at Harvard, has written of television commercials that they have filled the minds of the young: ". . .with pictures of fatuous, silly, blithely unconcerned well-to-do Americans as consumers, interested only in acquiring and enjoying trivial luxuries and pleasures, and oblivious to all the serious troubles of most people of their country and the world."
>
> S. I. Hayakawa, addressing students in a similar vein, declares:
>
> "The world makes all sorts of demands the television set never told you about, such as study, patience, hard work, and a long apprenticeship in a trade or profession before you may enjoy what the world has to offer."
>
> How much of the terrible impatience of so many young people—evident in the virulence of their protests—can be traced to the disparity between the real world and that Epicurean world inside the television set, where the proper combination of pills and cars and cigarettes and deodorants can bring relief from suffering and instant gratification of all their material wants and desires?

Nevertheless, throughout the year the second most popular subject for local and netword television documentaries—after environment—had been the drug crisis among the nation's youth. *

As for over-all coverage of consumer news on television, the record was much less impressive than in the environmental field. Although broadcasting had broken the year's major consumer story and frequently got its consumer items earlier and featured them more prominently than its print equivalents, there was remarkably

* In September 1970 the NAB Code Authority announced that it would issue new guidelines for drug advertising which it hoped would tone down commercials for stimulants, depressants, and sleeping aids.

little documentary coverage of a subject that was of enormous interest and consequence to the average viewer.

The only documentary-length regular consumer feature anywhere on network television, NET's "Your Dollar's Worth," went off the air at the very time when consumer challenges had reached an all-time high.

The broadcasters did not always have an easy chore in covering the environment and consumer stories. The slipperiness was indicated on page 35 of the September 22, 1970, issue of the New York *Times*.

In the lower left-hand corner, under a headline reading "Scientific Panel Discounts Peril of Herbicide Spraying," was the follow-up on ABC's earlier story on affairs in Globe, Arizona.

> A panel of government scientists issued a report today discounting widely publicized contentions that spraying with weed control chemicals caused heavy damage to people, animals and plants last year near Globe, Ariz. . . .
>
> The report, released by the Department of Agriculture, said that the herbicides used near Globe might have been associated with a minor case of eye irritation and skin rash, but were not responsible for any injury to animals and were not linked to most plant injury in the area. The panel also asserted that deformities found in a goat and a duck in the Globe area had nothing to do with herbicides.

In the upper right-hand corner of the same page of the *Times* was another larger story headlined "Doctors Warn Against Aspirin Late in Pregnancy." It reported that two doctors in Chicago had found "that the babies of mothers who took this household drug were more apt to develop bleeding problems than those of mothers who did not take it . . . [The doctors] noted that 'studies in normal adults have demonstrated that a single small dose of aspirin' can cause blood-clotting abnormalities for as long as seven days after it is taken." What does a news director do with such an item concerning a long-accepted product with tens of millions of television billings per year and a substantial portion likely to be in and around his own nightly newscasts?

Even the cigarette commercials, scheduled to disappear at the beginning of 1971, were promising to leave behind them more disorder than silence.

Henry Geller, then general counsel of the Federal Communications Commission, said that though the cigarette commercials would be gone, the anti-smoking spots must linger on past the January 2, 1971, cut-off date. The commission's Fairness Doctrine might no longer apply, but the spots should remain "under the general public interest standard." The broadcaster, Geller suggested, could rationalize this by saying that the subject was no longer con-

troversial and therefore the Fairness Doctrine did not apply. "He has a duty to inform the public," said Geller. "If cigarettes continue to cause death, that can't be ignored. It could be through public service announcements or he might do it by network coverage, documentaries, one-minute spots—he would have discretion. But it will no longer be geared to cigarette commercials."

Meanwhile, as the final days of radio and television cigarette commercials approached, their incidence on broadcasting schedules, particularly in the vicinity of news programs, multiplied. In September, on one hour-long local newscast, ads for five different brands were seen between sign on and sign off, and there were over three months to go.

One could only imagine and sympathize with the feelings of anchormen who had to sit by while the screen carried advertisements for products they had told their viewers might be useless. worthless, or downright lethal a week, a month, or years before. Take Geritol. It had been cited for misleading advertising eight years ago, and the case was still in the courts. In the first six months of 1970 advertisements for Geritol (revamped after an FTC complaint and a series of cease and desist orders) appeared 210 times on night-time network television. More than half of these ads were on the evening newscasts; 34 on Cronkite; 79 on Huntley-Brinkley, 4 on Smith-Reynolds.

Why, indeed, should the broadcasters be more conscientious than anyone else? The government continued to follow a policy of too little and too late in both the pollution and the consumer fields. Industry, faced with the imminence of an ecological catastrophe, still negotiated to protect its profits at the expense of the environment. In December 1969, at the Harvard Business School, Henry Ford II told the young industrialists of the future that they would have to think less about the gross national product and more about "the quality of life." The next summer at Ford's annual sales meeting in Las Vegas, the talk was about higher prices and the impossibility of meeting government deadlines for safer, cleaner cars. The public itself, as the broadcaster knew from bitter experience, had a certain indifference to quality, at least in television programming.

And yet, in a single year, television had brilliantly conveyed to the average viewer the marvels and the horrors of the world he lived in. The moon walk, and even more memorable, those glimpses of the earth hanging like some medieval monarch's jeweled orb against the vastness of space, gave anyone who cared to tune in some inkling of the wonder the diety had created and what man, his surrogate, was capable of achieving. At other times, moving across the nation's screens in endless repetition were the sickening images of lakes and streams roiled with filth, smoke stacks belching deathly gloom over

cities, lines upon lines of cars snaking through Himalayas of junk—close-ups of that same jeweled sphere—and what man had done to it.

It was a prodigious leap, and a medium called upon and capable of making it deserved not only our sympathy but our admiration and our praise.

One Juror's Observations

by Edward W. Barrett

IN BROAD PERSPECTIVE, A VARIETY OF POINTS STOOD OUT IN THE 1970 broadcast panorama. Among the salient features, many of them noted elsewhere in this report, were these:

- New demonstrations that presidential broadcasts in prime time constitute a powerful political weapon.
- The Vice President's politically astute capitalizing on popular discontent with news broadcasting—reflecting in part the public's tendency to blame the messenger who brings bad news.
- The emergence at the state and local level of prepackaged candidates, usually men with great resources spending their way to success through paid-for filmed presentations while also avoiding genuine interviews or debates.
- Congressional action to limit television expenditures on behalf of any one candidate and effort in Congress and the FCC to extend the Fairness Doctrine to permit presentations counterbalancing presidential broadcasts.
- A healthy and substantial increase in television news at the local level, including an impressive array of local investigative reporting and an upswing in local documentaries ranging from poor to excellent.
- A continuing decline, at the same time, in both the quantity and courage of network documentaries and their replacement, in part only, by mini-documentaries fitted into news broadcasts and into "magazine" shows (CBS's "60 Minutes" and NBC's "First Tuesday").
- The new pre-eminence of public television in national documentaries as represented notably by NET's "Hospital" and its Denver "Trial" series.
- Isolated experiments with "Vox Pop" broadcasts and comparable formats to provide the public and holders of unorthodox views with some access to broadcast outlets.
- Continuation of the syndicated radio "hate" shows and the low-budget, vacuous, open-line broadcasts; of the excessive fragmentation of many news shows, both television and radio, to fit around excessive commercials; and occasional downright fakery (as this year

emerged in the case of WPIX-TV New York).

- An upsurge of cable television activity, leading some to predict that within a decade nearly half of American homes will be served by cables providing twelve, twenty-four, or even more channels.
- FCC moves toward limiting network programming in station prime time; a clarification of FCC policy permitting challenges to license renewals *except* where the station can demonstrate a clear record of public service.

Any such survey as this would be incomplete without an effort to assay the trends, their causes and possible remedies where appropriate.

Obviously the extraordinary swings in opinion following certain presidential broadcasts attested not only to the President's persuasive talents but also to the enormous potential of television. It more than justified congressional and FCC efforts to rectify the balance without risking creation of new imbalances. Similarly the obvious risk of the prepackaged television candidate justified Congress's voting of a new limit on television political advertising—and calls for continued close watching. Mr. Nixon's veto of the new limit was disappointing, to say the least.

It seems fair to appraise Spiro Agnew's attacks on network newscasters as more a symptom than a cause of popular discontent. The discontent doubtless reflected some real and imaginary shortcomings in television news but it also indicated that millions prefer not to "hear it like it is" but like they wish it were. It is only just to record here the belief that network news broadcasters, despite occasional shortcomings, deserve high marks on the whole for their efforts to achieve reasonable fairness and balance. In seeking to occupy middle ground they are prey to easy assault from either extreme.

Certain operational shortcomings in news broadcasting nonetheless deserve attention. An example is the fee system in network news, under which a correspondent is paid extra for appearances on sponsored news broadcasts. This can clearly tempt the newsman to concentrate on the sensational. The networks are now seeking to phase out the practice or to minimize it through new contracts, but it still exists.

The FCC's refined policy of accepting new applications for the licenses of stations whose public service is not demonstrable seems to have headed off threatened legislation that would excessively protect existing licenses. It should prove workable and reasonably effective—if toughly administered. The FCC's plan to reduce the amount of network programming in station prime time seems more debatable, given the fact that network programming generally rates higher in quality than does the *average* local station's.

Most of the other trends of the year were traceable in whole or in

part to the inordinate pressures and temptations of broadcast economics.

The stirrings of local stations to offer more news reflected the fact that news broadcasting had gradually become a highly saleable vehicle for regional advertisers. The rise in effective investigatory reporting and documentaries on individual stations clearly grew in some instances from challenges to license renewals. The FCC policy favoring the station with a demonstrable record of public service should further encourage such programming in the future. Where nobler motives were involved, as doubtless was often the case, they were certainly not weakened by the new license-renewal policies.

At the national level, the decline in network documentaries undoubtedly was caused in part by the new closeness and intensity of the rating war. Even the best public affairs documentary today rarely achieves a general audience rating rivaling those of popular entertainment shows. Hence even two prime-time documentaries a month can endanger a network's over-all rating. As an example of the effect, the networks last spring crowded an array of public affairs presentations into the Nielsen ratings' so-called "black week," the week when full ratings are not taken.

In appraising American broadcasting, it is too easy to indulge in demonology, ascribing all faults to the low tastes and scruples of those in control. This is an oversimplification. Broadcasting has about it its share of the greedy, the shoddy, and the public-spirited. Its news directors, on the whole, are men of social conscience. Top management contains many an executive frustrated by the disparity between performance and ideals.

The root trouble lies in the system that developed almost by happenstance—the system under which all commercial broadcasting is supported almost entirely by advertising. This, of course, means that broadcasters are selling audience-mass, which leads in turn to a sort of tyranny of the majority. The effect is aggravated by the acute shortage of channels in most communities.

Programs which are deplored as pap by these jurors and their peers are not so deplored by a majority of citizens. Indeed, they have won out in a continuous popularity contest. Examples abound of managers who tried "worthwhile programming," saw profits fall below projected peaks, heard from owners or stockholders, then turned to froth and made very large profits. Those who seek to lead, rather than trail, public tastes to gradually higher levels exist in broadcasting in fair numbers, but if they lead too far they may reduce profits and, equally important, lose standing in a competitive system where the "able" manager is he who shows higher earnings each year. Of course, many seem all too ready to stick to the low road rather than risk imaginative pioneering.

The trouble is not that the mass of the American people are getting something less than they really want. It is that few, and sometimes no, options are provided to important minorities with different tastes—minorities often running into millions of viewers. Many a thoughtful viewer faces long hours when no existing broadcast offers him opportunity to stretch his mind, to face up to some of the issues of the day, or just to enjoy quality music or drama.

In some ways it is remarkable that there are as many oases as there are in the "vast wasteland," given the system that exists. A careful reader of broadcast schedules, for example, can find occasional gems on commercial as well as public television. And it is indisputable that the American people are better informed about their world because of radio and television news and public affairs programming. The picture seems bleak mainly when compared with the potential.

In many ways, the next two years may prove crucial. The patterns for multi-channel cable television are now being evolved, and there is danger of getting frozen into a system that reflects little or no elevation of standards. The long-term pattern for financing and controlling public broadcasting is still being evolved. The federal courts have begun getting into the overseeing of regulation and have shown possibilities of being more farsighted than the FCC majority, which too often is dominated by Congressmen beholden to broadcasters. Accordingly, observations going well beyond an annual review seem warranted:

1. Cannot American society somehow provide better means for strengthening the hand of those in commerical broadcasting whose sense of business is balanced by a sense of taste, quality and public responsibility? This might involve public recognition of those who balance the profitable with the informative and tasteful. It calls for citizen organizations that are prepared to press vigorously for that which is designed to inform as well as to entertain. It requires the presence on the FCC of occasional commissioners who are primarily advocates—even gadflies—for the public interest, men like Johnson and Cox who, though they may sometimes seem to oversimplify issues like the unmitigated virtues of local ownership (which sometimes provides the shabbiest of broadcasting), continually force the issue of responsible use of the nation's frequencies. Commercial broadcasting cannot fairly be expected to provide any vast array of unprofitable programs. It can be expected, however, to provide a generous sprinkling of informative and imaginative programming, even in advance of mass tastes, and it is up to articulate citizen groups to lend support to broadcasters who would do so.

2. Effective means of depriving the provably shabby operators of their public franchises are clearly in order. Opening the way for truly effective community protest should help. So should opening the way for new applications for licenses that have been abused, recognizing that the cost of such applications will deter frivolous use of the privilege.

3. Is it not high time for the Administration, the Congress and powerful citizen lobbies to face up to the need for substantial public television to supplement commercial broadcasting. The new Corporation for Public Broadcasting, despite noble efforts by its officers, is now little more than the shell of what is possible. The time is at hand for Washington to recognize an obligation to provide substantial funds and freedom from immediate political pressures, as proposed by the Carnegie Commission on Broadcasting. The Commission rightly stressed the need for a dedicated tax (as in Japan and England), as opposed to annual appropriations, to support public broadcasting. Independent, forthright television journalism can hardly be expected from those who must go before Congressional committees each year for their funds. In many respects Japan offers a model for effective commercial broadcasting and public broadcasting existing alongside each other to serve a broad spectrum of public tastes and public interest.

4. Perhaps most immediately important is the paramount need for foresight in those local authorities granting the large number of pending CATV franchises. Giving licenses without reserving certain channels for public service would be folly. But providing public-service channels without a means to finance the programming on those channels may well prove an empty gesture. There is urgent need for a model plan to finance public-service programming on CATV through an appropriate franchise tax or through encouraging appropriate non-profit institutions or even public television stations to seek the franchises (as was successfully done in Vincennes, Indiana). The latter would require FCC policy revision. The new study by a commission supported by the Alfred P. Sloan Foundation is a move in the right direction. Parallel attention to the problem by the Congress, by the FCC, and by public-spirited organizations deserves highest priority. Tomorrow could be too late.

THE ALFRED I. DUPONT-COLUMBIA UNIVERSITY AWARDS 1969-1970

For services to broadcasting in the public interest
while Federal Communications Commissioner 1963-1970
KENNETH A. COX

•

For outstanding news and documentary reporting
FREDERICK WISEMAN AND
NATIONAL EDUCATIONAL TELEVISION
for
"Hospital"

•

JOHN LAURENCE AND
THE CBS EVENING NEWS
for
A series of reports on "Charlie Company"

•

WCCO-TV, MINNEAPOLIS, MINNESOTA
for
"Grunt's Little War"

•

FRED FREED AND
THE NATIONAL BROADCASTING COMPANY
for
"Pollution Is A Matter Of Choice"

•

WOOD-TV, GRAND RAPIDS, MICHIGAN
for
"Our Poisoned World"

They Bear Witness

Editor's Note: Recent years have been dangerous ones for all journalists. In the sudden uncertain invasion of Cambodia in May 1970, twenty-four disappeared. Others have fallen before and since—not all on foreign battlefields.

The combat cameraman, with his conspicuous and bulky equipment, stands as a symbol for the embattled journalist of today, caught, wherever he may be, in the eternal crossfire of two seemingly irreconcilable camps, whose only agreement sometimes seems their hostility to the man in the middle.

This year, five network cameramen have been killed or reported missing in Southeast Asia. From CBS: Ramnik Lekhi and Tomoharu Ishii. From NBC: Peter Bellendorf, Roger Colne and Yoshihiko Waku.

One of the DuPont Jurors felt he would like to say something in behalf of these little-sung heroes.

WITH ALL THE TALK THESE DAYS OF THE POLITICS OF TELEVISION broadcasting, of slanting the news, or of not slanting the news, of bias, and commentators, and Dr. Stanton, and the autonomy of news departments, of being fair to the President, of McLuhan, of Agnew, of the "average viewer," and all the rest of it—it seems that maybe some indefinite words are in order on the subject of some of the people who have most made television happen. I'm talking about cameramen, combat cameramen, the best of the combat cameramen now working for American television. I don't say all of them. One has only to look at one's television screen to realize that far too many cameras are still held in the hands (or on the shoulders) of the merely competent, the routinely professional. Although much of the technological craftsmanship of this country rests in some kind of placid celebration of the routinely professional, increasingly, perhaps, one is discovering that there is more, even to craftsmanship, than that. It would be hard to say, in other words, that the imaginative creative skills of American television cameramen have been writ hugely large. Whether this is the fault of the managers or of the players it makes not a great deal of difference. These words, accordingly, are simply a fleeting acknowledgment of some of the few people in broadcast journalism who, it seems to this observer, have done truly well by their clients—us.

Combat photography has always seemed to be the product of a curious equation having to do with varying amounts of skill and courage. The skill, to some degree, is measurable. The courage is

usually too interior, derives from too many strange sources, to be usefully appraised. The measurement doesn't really matter a hell of a lot. What matters most in combat photography is to get there, to be there somehow, and to bring something back which will show us what it was like. This may be some General's battle, some diplomat's *Realpolitik*, but these are our men on the ground, our cognates, us. Much of television journalism has as its highest aim the bearing witness to the events around us, the reflecting back to us a picture of actuality, reality, how things were and are—and it seems to me that in this respect the best of the combat cameramen have done very well for us indeed.

Somebody once said to me, on the subject of the evening news filmstrips from Vietnam, "It's all the same, it's all so boring."

I beg to disagree, although one recognizes the boredom there—standing in the sixth day of a desert wind is boring, and so is reading Dante when one doesn't want to, and so is swimming twenty miles. Much of the Vietnam footage has been indeed boring, but boring in another sense, in the worst sense, in that much of it has been shunted to us at third hand. Army handouts. Marine Corps PR. (In this regard it might be worth mentioning that, such is the apparent authority of mass communications, of television in particular, such is the apparent deference of the audience to this ritual of seeing actuality only in terms of what is presented to them on the screen, that it seems widely believed that the television cameras go *everywhere*, there is no part of the world, no nook, no cranny, nowhere safe, etc. In actual fact, the possibility of a three-man television crew loaded with equipment being kept out of, say, an unfavorable battle—is, and has been, very considerable.)

American television has produced its share of handout stuff from Vietnam. But it has also, on occasion, produced something else. I am thinking now of a whole variety of sequences, of feet of film. I am thinking of individual scenes that I've seen on the television screen, that little screen, sandwiched in between film clips of the Pope, and baseball, hijackers, labor leaders, politics, riots, Bobby Orr. I remember one, for example, a brief accounting of a patrol—the men walking into the wood, that sense of the motion of men on a patrol, the men's faces, some small-arms fire, an ambush it seemed, one never really knew. Men suddenly ran this way and that. There was a marvelous, almost detached, close-up of a young lieutenant calling in air support. Then the sound of a man screaming, an American. You could hear the screaming off in the distance, while you were looking at the young lieutenant—and the camera moved, and there was a soldier being carried through the trees. He was still screaming, something about his leg. You could see the leg, but not too clearly. Then the camera moved back. The young lieutenant and the sergeant were talking into the field phone. A man a few feet away from the sergeant was hit. All this was in a few minutes on

Cronkite one evening, and it was taken by a young Vietnamese cameraman called Ah Thuc Chan. Ah Thuc Chan, Vo Huynh, Keith Kay . . . I don't know if individual frames from their films would be the artistic equal of the great still photographs of World War II—Margaret Bourke-White, Ralph Morse, Bob Capa (and later in Korea, David Douglas Duncan). It seems to me though that the television cameramen share this with the best of them: that they bear witness for us, bear witness for us straightly too, in one of the most confusing times in our history. I think one shouldn't take that for granted. The motives behind a cameraman being in combat are varied, I grant you. I don't claim to know what they are. I think what some of our combat cameramen have done has been very, very good, and has taken great skill, and nerve, and on certain occasions much more, and I think that that's worth taking note of.

—Michael Arlen

THE REPORTS

Report I

Newscasting on Earth Day—A Monitoring Project

by William F. Seifert

OF THE 875 TELEVISION STATIONS IN THE UNITED STATES, MORE THAN 700 have operating news departments. In the fifty largest television markets of the country, 75 per cent of the news viewed is locally produced news programs.* Across the country Americans, on the average, view or listen to twice as much locally produced news as they do that originated by the networks. Minute-for-minute many local television news shows outrate their network equivalents in their own markets. Local television news obviously plays a major role in informing the people of the United States and molding their opinions. On any given night, local news might be expected to vary widely both in form and content from station to station. It would also be likely to contain striking similarities.

To examine in detail the form and content of one evening's local news programming nationwide, the DuPont-Columbia Survey called upon 94 monitors in 67 towns and cities to log the main newscasts of 171 local stations—a total of 110 hours. These monitors included regular DuPont correspondents assisted by colleagues they enlisted for the purpose. All monitors were assumed to have some familiarity with the local stations which they monitored. This material was augmented in some instances by reports received directly from radio and television stations.

Of the stations logged, 149 were network affiliated—55 with CBS, 52 with NBC, and 42 with ABC. Thirteen of the fifteen network owned-and-operated stations were monitored. Sixteen stations were commercial independents, and six were educational or municipal stations. Of those monitored, 145 were VHF and 26 were UHF. The low percentage of educational and UHF stations monitored arose

*Testimony by Dr. Frank Stanton of CBS, before the Senate Commerce Committee, August 4, 1970.

from the fact that stations in these two categories frequently cannot afford the full-scale news operations necessary for daily newscasting. Independent stations were much less frequently monitored than network affiliates for similar reasons.

The cities in which monitoring took place varied in size from New York City to Temple, Texas (population 30,419). The greatest concentration, however, fell in the 100,000 to 500,000 range. Population figures of individual cities frequently gave no indication of the potential television audience. That depended also on population density within the whole reception area and the number of cable television hook-ups.

The weighting of the sample in favor of the larger population was obviously due to the fact that the DuPont correspondents are located in the centers which, for the most part, are in the top one hundred television markets. Geographical representation of the stations monitored was evenly distributed across the country with an insignificant weighting in favor of the Middle West. Because of the larger size of the communities reported on, the corresponding prosperity of stations serving them, and their larger news staffs and budgets, it is assumed that the DuPont sample represents a more sophisticated and ambitious television news operation than the national average.

The evening of April 22, 1970, Earth Day, was chosen for the study because the day's events and the ecology theme provided an opportunity for journalistic initiative and innovation at the local level. Since Earth Day activities were reported in every market monitored, a unique nationwide basis of comparison of local coverage of a single story presented itself.*

The Survey asked the correspondents to record information that would answer a number of questions of interest. Was national or local news emphasized? How much time was devoted to hard news, as opposed to features, sports, and weather? How many stories were presented in a half hour and what percentage was on tape or film? Were there examples of mini-documentaries in the monitored newscasts or instances of non-local stories covered by local film crews? Were any important local stories conspicuously absent? Did the station editorialize? What kind of stories were likely to open and close the newscasts?

Many of the questions concerned the relation of commercials to the news. How much time was devoted to commercials? How many commerical messages were there, and what were their individual lengths? How many commerical breaks were there, and where did they occur in the program? Did newscasters make pitches for com-

*Local circumstances sometimes affected the extent of the activity, as in Los Angeles, where the teachers' strike resulted in the cancellation of most school-centered demonstrations, and Honolulu, where an "Ecological Circus" held earlier in the year took some of the bloom off Earth Day manifestations.

mercial products? Did commercial messages clash with news stories through either juxtaposition or content?

Correspondents were asked how many other local newscasts the station produced and, if there were local weekend news broadcasts; also, if there had been any live coverage of Earth Day activities and if the evening's newscast was unusual in any way because of Earth Day.

Although the focus of the study was on local news, the three networks were also monitored, in New York and in San Francisco, as was National Educational Television's six and one-half hours of Earth Day coverage.

In keeping with an increase in recent years in the number of newscasts presented daily, the large majority of stations monitored presented at least one other daily newscast in addition to the one monitored. Of a total of 145 stations for which information was given, only 9 stations (6 per cent) had no other newscast. 51 stations (35 per cent) had one, 44 (30 per cent) had two, 23 (16 per cent) had three, 10 (7 per cent) had four, and 8 (5.5 per cent) had five other newscasts. Though five or six daily newscasts may appear to be a substantial commitment to news, several of the broadcasts mentioned were only five minutes long, including those that filled the local slots in the NBC "Today" show and the "CBS Morning News," or merely the sign-off headlines many stations use following the late movie.

On an average weekday, the local news commitment for the stations monitored was one hour and thirty minutes. The largest allotment to local news reported was three hours and thirty minutes (KDKA Pittsburgh). Thirty stations were reported to have over two hours per day, thirty-five one hour or less.

The newscast selected by correspondents as the most important of the day was most often the early evening news preceding or following the network newscast (81 per cent of those covered). Another 10.5 per cent of the stations, mainly independents in the Midwest, were reported offering their main local news show between 9 and 10:30 P.M., while 8.5 per cent favored a late evening slot.

One station under competitive pressure, KGO-TV San Francisco, dropped its main local show "News Beat" back to 4:30, put in an afternoon movie at 6 P.M.—its former news slot—cut back on personnel, and increased women-oriented features in the process.

Eighty per cent of the correspondents said that the half-hour late evening newscasts were mainly repetitions of earlier programs. "The late news is less of the same," one correspondent wrote. Another said that the only updated news appearing on the late program, barring a catastrophe, was the late sports scores.

Some efforts to avoid repetition might be considered a mixed blessing. KSD-TV St. Louis, which had four half-hour newscasts every evening, reported to the Survey: "Where some of the same news stories are used in more than one newscast, entirely different

video material is used wherever possible. For example, different excerpts from the same interview or speech are used in successive newscasts. The result is that each newscast adds to the knowledge the viewer has of the event at the end of the day. We feel that mere repetition of the same material in several newscasts fails to take full advantage of the news time available."

The Iowa correspondent reported that WMT-TV Cedar Rapids "is a leader in this matter of getting fresh news and fresh film as well as fresh leads for their late evening shows." All five of the Iowa stations monitored "at times hold back a softer piece from the early evening so as to give additional visual variety to the late evening show."

Local weekend newscasts seem to have become the rule since the networks have expanded their evening coverage to seven nights a week. Ninety per cent of the stations were reported to have local newscasts on both Saturday and Sunday. Three per cent presented news on one weekend evening and seven per cent of the stations had no local weekend newscast whatsoever.

Figures on program length for the 171 newscasts the correspondents judged to be the main news broadcasts of the day broke down into 113 half-hour programs, 51 one-hour programs; 5 fifteen-minute programs; 1 forty-minute program and 1 twenty-minute program. Generally speaking, the hour programs were in the large-market urban centers.

The figures on the average allotment of time to news, weather, sports, and commercials revealed that just over half (16 minutes 35 seconds, or 55 per cent) of each half-hour of newscast time is, in fact, news. "News" in this case being loosely defined to include features such as "Action" reports, commentaries, and editorials. What is defined as "hard news" made up even less of the news time. On the average, two minutes thirty seconds was spent on the weather, three minutes seven seconds on sports and seven minutes forty-eight seconds on commercials.

An average of 14.3 news stories was carried during the average half-hour newscast on the stations monitored, with the highest number of items reported for a single station standing at an incredible 43 and the fewest number carried standing at 6. The longest news items were likely to occur on the four educational stations which employed "Newsroom" formats. WETA Washington, D.C., which had begun its Newsroom in March 1970, reported "the hour-long format, uninterrupted, permits total flexibility of timing for each story, with some stories being treated in less than a minute; the average receiving at least six minutes; and in some instances the entire hour being devoted to one story. An average of twelve stories will be dealt with in an hour."

In the thirteen owned-and-operated stations which were monitored, all high in news resources, the average number of items was

27.7 for a full-hour program, 14.7 for the half-hour program. Of these items, 64.9 per cent on the hour program were one minute or less in length, 35.1 per cent longer than one minute. On the half-hour program, 76.5 per cent were less than one minute in length, 23.5 per cent longer than one minute.

The average number of commercial messages for a half hour was fourteen, almost the identical number as news stories. There were, on the average, 6.1 interruptions for commercials every half hour. By far the largest number of commercials were thirty seconds long. The following chart gives the frequency (as a percentage of the total number of commercials monitored, of varying lengths):

Frequency of Commercials By Length

5 seconds	14%
15 "	4%
20 "	3%
30 "	48%
40 "	1%
60 "	30%

There was a tendency in the programs monitored to cluster commercials around the sports and weather segments of the broadcasts. Forty-two percent of the commercials were so placed, though weather and sports usually comprised one third of the non-commercial time. This could be a gratifying development for those who objected to distracting commercial interruptions during the more serious news, as long as it did not represent an expansion of light news at the expense of serious items.*

Of all news stories, 46 per cent were illustrated with either film or tape, an obvious increase which, depending on one's philosophy of television news, might be considered an improvement (in liveliness and appropriateness to the media) or threat (to balance and diversity of items included). WPIX New York reported that of its forty-eight-minute nightly news program, an average of approximately thirty-one minutes of newsfilm was shown. KSD-TV St. Louis claimed seventy-five per cent of its typical newscast was on newsfilm or videotape. Several stations were reported to have film interviews on the sports segments, a growing trend across the country. Sports news was given unique attention on at least two stations, (WJAC Johnstown-Altoona, Pennsylvania, and KWGN Denver) where the newscast began with the sports. The weather report was given the lead position on Rochester's WOKR and Louisville's WAVE.

*One explanation for this concentration might grow out of the fact that sportscasters and weathermen were still reading commercials in many markets, whereas newscasters were doing so more and more rarely.

Charlotte's WSOC began its local news program with Paul Harvey, the nationally syndicated commentator.

Some critics have been concerned that local television broadcasters are not doing the job they are uniquely qualified to do, namely reporting thoroughly on local events, rather than concentrating on national events by padding local newscasts with network features and wire service copy. On April 22, 43 per cent of the stations covered exclusively local news in their major local newscast. Another 44 per cent emphasized local coverage but did include national stories even though they had been or would be reported on the network news. Only 13 per cent emphasized national news over local coverage. Four monitors specifically pointed out that stations which ordinarily gave a large play to national news items in their local newscasts had eliminated them entirely on the evening reported in favor of extensive coverage of local Earth Day events. This seemed an indication that their dependence on network feeds and wire services could derive in part at least from a paucity of worthwhile local items.

One frequent criticism of past years—that stations too often "rip and read"—figured in only one monitor's report, and this was excused by the fact that the station, a UHF outlet, had just begun its news operations a few weeks before.

On the other hand, one fifth of the correspondents reported that major local stories were conspicuously absent from television newscasts in their area. WHDH and WBZ in Boston failed to report that the Massachusetts Legislature took initial steps to amend the state constitution to include an environmental bill of rights. Peoria's WMBD missed an important story about the formation of a new bus district. WFBM omitted a story about rezoning a five-block downtown area of Indianapolis. In St. Louis no station reported the appointment of an acting superintendant of schools. KOB Albuquerque overlooked an Earth Day demonstration by Mexican-Americans against a sewage plant in their neighborhood. San Francisco's KGO failed to report San Francisco State College President S.I. Hayakawa's threat to abolish the college's student government.

Only 14 per cent of the stations had sent film crews out of their immediate community to cover regional stories of importance on the day in question. An even smaller percentage of stations (9 per cent) broadcast any item that could be described as investigative on the evening of April 22. Three stations did, however, present particularly enterprising stories not all having to do with Earth Day: KTAR Phoenix produced an investigative report on welfare; WTOL Toledo studied bail bonds and preventive detention; and KCEN Temple, Texas, the smallest community monitored, did a film story on the polluting of a local creek. Four other stations were reported as having done "mini-docs" on the subject of pollution for their newscasts, and five had interviews of particular interest in the same field. It was

significant that even with several weeks' advance warning of Earth Day, so few local stations took the opportunity to do anything but record the events of the day for their local newscast.

Padding programs with routine accident and fire footage has been a frequent criticism of local newscasting in the past. On the night in question, 14 per cent of the stations reported automobile accidents; 17 per cent reported fires. One squeamish correspondent complained that the station he was monitoring (WJAC-TV Johnstown, Pennsylvania) "occasionally shows the bodies of the dead and injuried in traffic accidents—in color," but on the whole indications were that reliance on this kind of news item was declining.

As a result of Vice President Agnew's call for more good news, a fair number of light or humorous features was anticipated, particularly in the last spot, a mannerism made fashionable by network newscasters. Actually, the percentage of such upbeat endings was surprisingly low, only 17 per cent of the stations monitored reported light endings. However, newscasters were not necessarily using this important spot, which is more heavily viewed because of the imminent arrival of the network news, for any particularly serious purpose. The averages of the various types of endings employed are contained in the chart below:

Light feature	17.0%
Weather	18.5%
Sports	12.0%
Recapitulation of the news	13.5%
Stock Market Report	7.0%
Editorials	15.0%
Other news	17.0%

Another technique that was particularly mentioned in connection with three large-market television stations, WABC New York, WRC Washington, and WLS Chicago was the continuing humorous interchange between newscaster, sportscaster and weatherman. Two stations, WNBC New York and KNBC Los Angeles, were cited for their light-hearted approach to the subject of the day, ecology.

Every station monitored, save one, WRAL (the "Voice of Free Enterprise in Raleigh-Durham"), covered Earth Day. Total time devoted to the coverage extended from one minute five seconds to twenty-seven minutes forty-five seconds, with the national average of local Earth Day coverage on thirty-minute newscasts standing at five minutes. As indicated above, there were few innovative or investigative features in the reports. However, a station in Albany was able to tie its weather report in with the pollution theme.

The correspondents reported that on 84 per cent of the stations monitored, no special locally produced programs, documentaries, or

discussion programs appeared on Earth Day. There was no live coverage of events on 92 per cent. About one third of the stations altered their newscasts for Earth Day coverage. In most instances, the change consisted of moving commercials out of the ecology coverage or running film footage over mood music. There were several instances of oversights in connection with the coverage.

In New York non-commercial WNDT-TV and WBAI Radio carried a Union Square speech by Thomas Hoving, director of New York's Metropolitan Museum of Art and former Parks' Commissioner, in the course of which he urged the assembled crowd to "go to the stinking, lousy Procter & Gamble plant on Staten Island" to make their grievances known (a harsh judgment by a prominent public figure). No monitor reported any reference to Mr. Hoving's remarks on any of the New York commercial outlets.

In Shreveport, Louisiana, a local ecology group elected the oil industry "polluter of the month." The story ran in the newspapers but not on the air.

On Earth Day, perhaps more than on a normal news day, commercial content frequently clashed or tied in with the news in both flagrant and subtle ways.

In Tucson KOLD carried a tape of Eric Sevareid's commentary from the "CBS Evening News": "Americans have a world reputation as a people with a reverence for the facts and figures, the people of the know-how, if not the know-why. This [ecological crisis] is the big test of know-how and this time we do know why." Shortly afterward came an ad for Shell No-Pest Strip, containing a pesticide of the sort attacked by ecologists.

In Albuquerque KOB began the news on Earth Day with an ad for Cheer, a Procter & Gamble detergent containing 36.3 per cent phosphates. In the body of the same newscast the station ran a story on local retailers who favored the lifting of a ban on a certain pesticide.

KLZ Denver ran an STP gasoline-additive commercial before its Earth Day wrap-up. KFMB San Diego preceded its news with a Phillips 66 ad. Viewers of KPIX San Francisco saw a Shell "good mileage" ad after the station's Earth Day segment.

On NBC's network news, "It's a good time for a Kent" followed Earth Day coverage. During the same network's noon coverage, Esso made ecological mileage with their "We've gone clean crazy" ad. On WQXI Atlanta an Ajax detergent ad and an Atlanta Gas and Light commercial introduced an Earth Day tease.

Seattle's KING-TV presented a story about Tacoma's deputy mayor protesting oil exploration in Puget Sound. It was followed by an American Oil Dealers' ad, followed by a car ad.

On Durham's WTVD a spokesman for the Duke Power Company commented on pollution as part of the Earth Day news story. The company had an ad appearing later in the same program.

In Providence an advertisement for Amoco's unleaded gas was immediately preceded by Earth Day coverage. On WFBM Indianapolis a news item about detergents as prime water pollutants was followed by an ad for Cheer. WICD Champaign/Urbana, Illinois, had six commercials related to the automotive industry on its principal newscast on Earth Day.

In instances unrelated to Earth Day, the line between commercials and the news frequently became blurred so that it was difficult to tell which was which. When television's "Dodge Sheriff" visited Rockford, Illinois, on April 22, WCEE ran the visit as a news story on the evening newscast. Later in the show the station ran a "Dodge City" ad. Milwaukee's WITI followed a commercial for a sporting goods store with a sports item about the same store sponsoring a fishing event featuring the sports announcer himself as guest celebrity. On WLCY Tampa the stock brokerage firm sponsoring the market report also provided a staff member to deliver the business news.

Competing ads frequently showed up in half-hour news segments monitored. The record for Earth Day seemed to be four ads for different lawnmowers on one hour of news on WISH-TV Indianapolis.

Several correspondents commented on Chevron Oil's (Standard Oil of California) use of former astronaut Scott Carpenter to sell its F-310 gasoline.*

Research by the Survey on programming before and after Earth Day indicated widespread documentary as well as feature and news coverage of ecological matters. Some especially interesting programs are mentioned in Chapter Six. Editorial comment, perhaps the most significant indication of a station's commitment to environmental concerns since it represents the management's point of view rather than that of the usually more public-spirited news department, was less encouraging. Despite the high incidence of Earth Day coverage and the latest *Broadcasting Year Book* figures reporting 48.8 per cent of the nation's television stations editorialize, out of the thirty-nine stations reported as having editorials on Earth Day, only fifteen dealt with environmental issues (less than 8 per cent of our sample).

*The commercial, questionable both in terms of Earth Day and advertising deception, showed a huge plastic bag attached to the exhaust pipe of a car running on "Brand X." The air inside the transparent bag was black with what Carpenter called "dirty exhaust." The scene dissolved to the same car, "six tankfuls of Chevron formula F-310 later," and the air inside the bag was clear and "clean."

As of late summer, F-310 commercials were still on the air, but on September 29, 1970, the Federal Trade Commission stepped into the picture and accused Standard Oil and Chevron of false advertising. Its complaint noted that the dirty black smoke was caused by "a specially formulated gasoline that produced an atypically dirty engine." It added, "The clear motor vehicle exhaust pictured is not relatively free of air pollutants; it contains large amounts of hydrocarbons, carbon monoxide, oxides of nitrogen and lead particulates, all of which are major pollutants."

Report II

The FCC and the Future of Broadcast Journalism

by Kenneth A. Cox

MANY BROADCASTERS HAVE LONG REGARDED THE FCC AS A MAJOR threat to the free exercise of broadcast journalism. They contended for twenty years that our Fairness Doctrine violated the First Amendment. They insisted that Commission inquiries into charges of news-staging discouraged investigative reporting and hard-hitting documentaries. They even suggest that the request in our application forms for information concerning their news and public affairs programming is an unwarranted intrusion into areas with which a licensing agency should not concern itself. In short, they have resisted any Commission action which concerns programming in general and news and commentary in particular.

But it appears to me that in recent months the Commission has been displaced as the principal target for the concerns of the broadcast industry. It still watches the agency warily, but now also finds itself under attack from the Executive Branch. Beginning last November, Vice President Agnew has carried on a continuing campaign of criticism of broadcast news, and particularly the news service provided by the networks. More recently, broadcasters and print journalists as well were disturbed by increased aggressiveness in the use by government attorneys—state as well as federal—of subpoenas seeking information as to confidential sources of published news, as well as unpublished notes, films, and tapes incidental to news stories involving alleged crimes. The Vice President's charges, despite his disavowal of any such purpose, have had the effect, I think, of undercutting popular confidence in broadcast

journalism—just at a time when the public needs news and analysis as never before if it is to understand and resolve the critical problems of our day.[1] The position of the Attorney General—though recently modified—and of other law enforcement officials strikes at the ability of the media to gather news on a confidential basis, since many valuable sources of information will be unwilling to cooperate with the press if there is a substantial risk that their identity may be disclosed as the result of enforced surrender of the reporter's working materials. In my judgment, these two developments pose a more serious threat to the freedom and effectiveness of broadcast journalism than anything the FCC has ever done.

Indeed, broadcasters may find the FCC a useful ally in dealing with the first of these two matters. In a letter written to respond to those who had indicated their agreement with the Vice President and asked what we proposed to do about their allegations of bias in network news, a unanimous Commission stated that the agency is "not the national arbiter of the 'truth' of a news event and cannot properly investigate to determine whether an account or analysis of a news commentator is 'biased' or 'true.'[2] This reaffirmed our ruling in response to complaints about the networks' handling of the 1968 Democratic National Convention,[3] stating again that our only proper concerns in connection with news broadcasts are whether (1) reasonable opportunity is provided for the presentation of opposing views on the issues covered (i.e. compliance with the Fairness Doctrine) or (2) there are substantial allegations of staging or rigging the news. As will be indicated below, I do not believe our activities in either of these areas can interfere with broadcasters' discharge of their journalistic function.

However, I think that broadcasters should take heart from the Commission's prompt rejection of the suggestion of the Vice President's adherents that we should be doing something about charges of news bias, whether by conducting a detailed review of the content of network newscasts and requiring correction of any "errors" discovered or by somehow forcing changes in the personnel employed to edit, write, and present the news. This indication that the agency which reviews licensee performance and passes upon applications for the renewal of licenses is not going to concern itself with charges that a stations's news service is

[1] The Roper Reports compiled for the Television Information Office have indicated that more and more people each year look to television and radio as their primary sources of information about public affairs. It will be interesting to see if this trend is affected. The Vice President's speeches have clearly struck a response in what he calls the silent majority, who share his dislike for what they hear and see over the air and translate this into a conviction that the reportage must be biased. His repeated attacks, apparently acquiesced in by President Nixon, have lent respectability to this modern "know-nothingism" and have reinforced suspicions which make the broadcaster's job of informing the public just that much more difficult.

[2] *Letter to Mrs. J. R. Paul*, FCC 69-1288

[3] *Letter to ABC, CBS, NBC*, FCC 69-192

biased, distorted, or unfair[4] should reassure the broadcasting industry that the recent rash of criticism of its news service has not increased their peril at renewal time. The Vice President cannot revoke or deny renewal of licenses, nor can anyone else in the Executive Branch. This important but sensitive function is lodged solely in the FCC, acting under the statutory system and standards prescribed by Congress. The Commission has indicated unequivocally that it has no intention of using its re-licensing power to punish licensees simply because their efforts to present the news have displeased or offended substantial segments of the public.[5] In view of the importance of the news function, the statutory and constitutional protections which it enjoys, and the Commission's consistent rulings in this area, I do not think this position is likely to change.

None of this is meant to imply that broadcasters in general, and the networks in particular, should ignore the complaints which have been leveled against broadcast news. While I think it is dangerous for high federal officials to engage in broad, continuing attacks on the media, it is entirely appropriate for professional critics, the schools of journalism and communications, and the general public to register their opinions as to the quality of broadcast performance in news as well as other areas of programming.[6] Broadcasters would be well advised to give careful consideration to such criticisms and, where found to be valid, to move to improve their practices. This would involve no governmental coercion, but would

[4] I do not mean to suggest that the Commission would not consider detailed and documented allegations that a particular station's news service was inadequate or otherwise unsatisfactory. However, resolution of such charges would turn on the amount of time devoted to news, the staff, facilities and other resources committed to the news operation, the reputation of the station's news programming in the industry (including awards won, if any), and similar matters going to the scope and professionalism of the entire news function. It would not turn on the subjective opinions of members of the audience or on review of the content of the newscasts themselves for bias.

[5] Any effort to respond to such complaints would be self-defeating. *If* the Commission were somehow to compel the networks to present news in a manner which would satisfy those who support the Vice President's charges, the resulting service would presumably be offensive to other large portions of the public. This would require further correction, it having been assumed, in my hypothetical situation, that such substantial complaint is grounds for action by the Commission—a proposition which I do not, or course, accept. Thus we could never expect stable, professional news service. The press—both print and broadcast—performs a crucially important function of monitoring the party in power and reporting its failures as well as its successes, thereby supplementing the role of the opposition party. As a consequence, it is almost inevitable that the partisans of an incumbent President will be displeased by much the press does. However, any action to curtail this critical process would deprive the public of a check on the power of government which is quite as important as those contained in the constitution.

[6] A special source of concern to the networks would seem to be the reported criticism of their performance by some of their own affiliates. To the degree that this simply reflects the personal or partisan prejudices of the owners or managers of the affiliated stations, no change is required. But to the extent that it indicates dissatisfaction on the part of competent professionals with the networks' news operations, they should certainly give the most careful attention to their affiliates' views as to possible improvement in their handling of the news.

simply reflect common-sense measures to improve their service and enhance their acceptance by the public. While in my strictly personal opinion, the networks do a commendable job in their news, I am sure that mistakes are made and that there is room for improvement. But that should come in response to constructive criticism, and cannot properly be achieved by governmental decree.

As indicated above, I do not believe our limited activity in the news area over recent years has impaired or impeded the practice of broadcast journalism. The Fairness Doctrine, stated in simplest terms, requires (1) that a broadcaster must devote a substantial part of his time to public issues and (2) that his coverage of these issues must be fair, allowing reasonable opportunity for the presentation of opposing views with respect to matter. Certainly the first of these encourages the expansion of broadcast news activities and cannot be said to hamper them in any way. It seems to me that the same must be true of the requirement of fair treatment.

The only arguments I have ever heard to the contrary are (1) that some licensees will not present controversial matters at all if they must present both sides—either because they find one point of view offensive or because it is too much trouble to arrange for a hearing for the opposing views—and (2) that the doctrine discriminates against broadcasters because the print media are free to present only one side if they choose. Neither explanation for the first position is credible or compatible with the responsibility required of a licensee. As a trustee for the public, a broadcaster must use his facilities to enlighten the public about the critical issues which it faces, and this obviously requires substantial effort and may involve presenting some viewpoints with which the licensee totally disagrees. But so long as he is permitted to express his own view editorially with respect to the matters discussed and is allowed to choose the formats to be employed and the spokesmen for the respective positions, he cannot, it seems to me, claim that his freedom to report and analyze the news has been impaired. He is free to present whatever hard news he wishes, and is simply required to maintain a reasonable balance when he gets into analysis, commentary, and documentaries. I think there is still the fullest possible freedom for him to do all that he wishes to in the area of news and public affairs programming, and that the Fairness Doctrine simply requires him to round out his presentation if he has not fully informed his audience.

Nor am I impressed by the broadcaster's concern that he is treated differently than the newspaper or magazine publisher. His situation is different from theirs in many ways, so that no complete comparability is to be expected. While we have been well served by our print media, I think the best of the press have usually comported themselves in ways pretty much like those required by our Fairness

Doctrine. They reflect both sides in their news accounts dealing with public controversy, and they carry columnists spanning a substantial range of opinion. In my view the tradition of the willful press lord who never countenanced any views with which he disagreed and who practiced a highly personal journalism is a romantic but hardly useful standard for today. While there is no doubt still room for journals of opinion, most of us are not well served by congenial publications which confirm our prejudices and never tell us what others think about things. I think we would be better off if our newspapers gave us a more rounded account of the events of the day and of the principal proposals for dealing with them. So I do not believe we should model broadcasting more closely on the press in this regard. Indeed, I think quite the contrary may be true.

The Commission in a recent series of major rulings in the fairness field reaffirmed two aspects of our policy which emphasize the journalistic role of the broadcaster. First, we held that licensees cannot be compelled to sell time for programs or spot announcements dealing with controversial issues.[7] And second, we ruled that there is no individual right of reply under the Fairness Doctrine, in the absence of a personal attack, but only an obligation on the licensee to provide reasonable opportunity for spokesmen for opposing points of view on issues treated on his station.[8]

The former decision was based on the fact that the Communications Act specifies that a broadcaster is not a common carrier, so that he must make good faith choices among the various programs available to him in devising a schedule which will serve the public interest. Furthermore, if licensees were required to sell time for controversial programming, the public's agenda for consideration of its business might be set by the affluent, who could monopolize the limited time available for discussion of matters of concern to them, but by the same token would be barring the discussion of other, perhaps more important issues. We therefore concluded that it is better to leave the selection of issues and the allocation of time for their consideration to the journalistic judgment of licensees. However, in so ruling we reiterated the basic proposition that licensees are public trustees who are bound to devote a reasonable percentage of their broadcast time to news and the discussion of public issues.

A licensee's willingness to forego payment[9] does not reduce this

[7] *Letter to Business Executives Move for Vietnam Peace*. FCC 70-860; *Democratic National Committee*, FCC 70-861.

[8] *Ibid.*, Footnote 7; *Committee for Fair Broadcasting of Controversial Issues*, FCC 70-881

[9] We made it clear that our ruling does not prevent a licensee from selling time for the discussion of public issues if he wishes to do so. However, we pointed out that he might be obliged to make time available free of charge to those with opposing views, citing *Cullman Broadcasting Co.*, 40 FCC 516 (1963).

obligation in any way—it simply maximizes his freedom to select the issues and the spokesmen to discuss them, to the end that the public may be as well informed as possible on the most critical issues facing it.

Similarly, we reaffirmed the corollary principle that—except for personal attacks—no particular person, whether by virtue of prominence or official position, is entitled to time to speak to an issue which is being discussed over a station. This, again, emphasizes the right of the licensee to select appropriate spokesmen for the respective points of views—a right which, of course, he must discharge in good faith in an effort to provide the best possible statement of the conflicting cases for the public's consideration.

It seems to me, therefore, that the Commission, in resolving a series of very difficult cases, has again stressed the importance of the role of the broadcaster in the handling of public affairs programming. I do not think our ruling in the *Committee for Fair Broadcasting* matter, requiring the networks to provide opportunity for opponents of the Vietnam War to present their views in prime time and without interruption, in any way impairs their journalistic role. In the exercise of their journalistic judgment, they have been presenting both sides with respect to that issue. But in less than nine months, the President has addressed the public in prime time over the facilities of all the networks on five occasions. It seems clear to me that if the public is to be truly well informed, some comparable opportunity should be given one or more spokesmen for those opposed to the war to state their case. I am afraid that the networks have, in large measure, refrained from providing such opportunity because of the heavy losses which they and their affiliates suffer in the case of such prime time pre-emption of normal programming. I think our ruling was necessary to overcome their reluctance and to restore better balance to the dialogue about the war. I do not see how this can interfere with their freedom of speech in news and public affairs programming.

The matter of alleged staging or rigging of television news—the other area of concern referred to in our ruling as to coverage of the Democratic National Convention—has come to the fore only rather recently. In the late 1940s the Commission considered charges that a licensee had directed station personnel never to report any matter favorable to President Roosevelt[10] and had otherwise distorted the news presented over the air. A hearing on the renewals of the stations was rendered moot by the death of the principal of the licensee, the Commission permitting his widow to transfer the stations he had owned. Within the last five or six years, there have been a number of cases in which staging has been charged,

[10] *KMPC, The Station of the Stars, Inc.*, 7 R R 313, 788.

leading to investigation by the Commission or Congress.[11]

The Commission and the Congress both conducted inquiries into reports that WBBM-TV in Chicago had staged a marijuana party at Northwestern University and broadcast film taken in connection therewith, failing to report the matter to the police although it allegedly involved violation of Illinois law. The Commission concluded that the licensee should have exercised better supervision over the young reporter who covered the incident and had not properly investigated the matter, but took no punitive action against the station. The agency held that in some cases of investigative reporting—where there is no imminent threat to life or property—a broadcaster can cover incidents involving criminal offenses without reporting to the police in advance.[12]

The Commission—and Congress to a lesser degree—investigated charges that the CBS documentary "Hunger in America" showed a baby purportedly dying of malnutrition in a San Antonio hospital, when in fact its death was due to other causes, and contained other footage showing incidents which had been staged for filming. The Commission found no intentional misrepresentation, and in disposing of the case set forth its basic policy in such matters. It recognized that some degree of prearrangement is necessary in much photographic coverage of news events and stated that because of the dangers incident to government inquiry into news coverage the agency would only investigate complaints which involved extrinsic evidence of intentional staging of pseudo-events. It announced, further, that even in such cases the broadcaster's license would not be placed in question unless the licensee himself or his top management were implicated.[13]

Most recently, the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce has published a report of its investigation into the activities of CBS in connection with preparations for an abortive invasion of Haiti which the network planned to use in a documentary. The project was abandoned, however, and none of the film footage obtained was

[11] Some of these involved allegations (1) that newsmen covering a student debate on the Vietnam War brought prepared signs reflecting the contending positions; (2) that cameramen covering attendance at a reception by President and Mrs. Johnson tried to get some young people to obstruct the entrance; (3) that a policeman in Marks, Mississippi, was offered a bribe by a reporter covering the Poor Peoples March in an effort to get him to make a false statement about local conditions; and (4) that a CBS camera crew in Vietnam staged an incident in which a Vietcong prisoner was apparently stabbed by a Vietnamese soldier. The White House was charged with leaking this last allegation to the press—another reflection of increased surveillance of broadcast operations by the Executive Branch. It was dramatically refuted on the air by CBS [Editor's note: See page 140.] Three major cases are discussed in this essay.

[12] *Columbia Broadcasting System (WBBM-TV)*, 18 FCC 2d 124. See also, Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce, *Deceptive Programming Practices—Staging of Marijuana Broadcast, "Pot Party at a University,"* House Report No. 91-108.

[13] *Columbia Broadcasting System*, 20 FCC 2d 143.

ever broadcast. Nonetheless, the Committee was quite critical of CBS's conduct and recommended legislation which would "(a) protect the public against falsification and deception in the preparation and presentation of purportedly bona fide news programming, and (b) prohibit the practice of news media involvement in criminal activities."[14] The Commission has thus far taken no action with respect to the matter.

I do not believe that the Commission's activities in these cases should impair the freedom of broadcast journalists. I think the agency has an obligation to investigate substantial allegations that the facilities it licenses have been used to present as actual events incidents which have been fabricated by station personnel, with the result that their audiences are misled and may, therefore, make erroneous judgments about the problems facing them. I think both the conduct of these inquiries and the decisions reached by the Commission have been careful and fair. It would seem to me that broadcast journalists would conclude, on the basis of these cases, that they are free to investigate and report as they wish, that their judgments as to what is newsworthy will not be questioned, that they will not be penalized for unintentional mistakes, and that the only way in which they can get into trouble with the Commission is by creating pseudo-events and representing them as actual occurrences. Since they, above all others, are concerned with honest reporting, I do not see how the Commission's concern over possible fraudulent practices can interfere with the practice of their profession. Indeed, I think its rulings serve as protection against legislative action which might take a more restrictive course.

One possible development in the area of broadcast journalism involves public or educational broadcasting. More and more noncommercial stations are coming on the air. They not only have the same rights as commercial broadcasters in news and public affairs, but are subject to the same responsibilities. They, too, must ascertain and serve the needs and interests of their local communities. This necessarily involves dealing with local problems, presentation of local candidates, and other similar journalistic functions. While they have different problems of their own, they are free of some of the concerns which may impair the performance of commercial broadcasters in these vital areas. For example, they are not under the same pressures to maximize audiences at all times and need not be concerned about offending advertisers. Their critical problem is developing dependable long-range financial support. Much of this must come from local sources, but with the creation of the Corporation for Public Broadcasting they can expect it to serve as a significant supplier of funds and programming.

[14] *Network News Documentary Practices—CBS "Project Nassau,"* House Report No. 91-1319, July 20, 1970.

Congress has not yet devised a permanent method of financing the Corporation, and the level of funding now being provided is clearly inadequate. Perhaps the best approach would be for Congress to approve permanent appropriations from general funds in an amount each year equal to all of the non-federal funds channeled into public broadcasting during the preceding year. This would immediately provide matching grants of some $85,000,000, which much more nearly approximates the level of federal financing now required. It would give an incentive for local people, state agencies, and foundations to increase their support, and would thus produce increased federal funding as general support for public broadcasting develops. Above all, the continuing nature of the appropriations would insulate program content from Congressional surveillance. The Ford Foundation has made a number of grants to stations to spread a form of broadcast news pioneered by KQED in San Francisco. Other new approaches are needed, along with an over-all escalation of news and public affairs programming, if educational broadcasting is to play its proper journalistic role.

The FCC's impact on the future of broadcast journalism will depend, of course, on whether it continues to exist in its present form. There have been suggestions that the Commission's basic allocations functions be transferred to the Department of Commerce or to a new agency, that the entire Commission be abolished and its responsibilities distributed to a number of new entities, and that all its duties be assigned to a new Department of Communications. Perhaps these proposals simply reflect normal criticism of a governmental agency charged with important and difficult responsibilities, or maybe the FCC has fallen so far below acceptable performance that basic reorganization is necessary. I do not believe the latter to be true, and doubt that Congress will make any fundamental change in organization which would affect the FCC's present responsibilities in the field of broadcast journalism.

However, here again there has been activity in the Executive Branch. The President has recently reconstituted the Office of Telecommunications Policy, indicating a desire to take a more active part in shaping policy in this vital and growing area. No one can quarrel with this as a general proposition, but I think that the possibilities for the exercise of concentrated power with respect to the sensitive field of news and commentary make it essential that both the Congress and the Commission stay on the alert for possible efforts to compromise the latter's independence. Indeed, I think that if for no other reason than its responsibilities to broadcast journalism, the FCC should be continued as an independent agency, standing midway between the Congress and the President.

There is only one area in which the Commission—aided and encouraged by some members of the Congress—seems to me to have

changed its course in a way which could interfere with broadcast journalism. This involves the FCC's sudden concern over four letter words, which led it to impose sanctions on two small, subscriber-supported FM stations.[15] As I have pointed out in dissents in those cases, I am afraid that this will cause licensees, who wish to avoid any trouble with the Commission, to shy away from news coverage or documentary treatment of issues which would require the participation of blacks, the young, and other disaffected groups who tend to use such language. To many station managers, it will seem the better part of valor to avoid situations in which these words may slip through. But that will mean that the public will be deprived of news of the activities, and information as to the views, of the leaders of these important elements of society, thus impairing its ability to act soundly with respect to the demands and actions of these dissident groups. I therefore think the FCC should forego further pursuit of language which offends many, but which seems to be becoming a part of today's lexicon for many people active in public affairs.

Aside from this one recent development, however, I think that the FCC has confined itself to its historic role of supervising licensees' handling of political candidates and of controversial issues of public importance. These are very important functions, but do not, in my judgment, interfere with the full and free practice of the journalistic art in broadcasting. The way is therefore clear for broadcasters to expand their news and public affairs programming so as to discharge their obligation to the public which looks to them for help in resolving the critical issues of our times.

[15] *Jack Straw Memorial Foundation*, 21 FCC 2d 833; *WUHY-FM*, FCC 70-346 (April 3, 1970) and Mimeo. No. 47653 (April 13, 1970).

Report III

Subpoenas: Should Reporters Be Forced to Tell What They Know?

by Marcus Cohn

NEWSPAPER PUBLISHERS, EDITORS, AND REPORTERS ARE UNDERstandably schizophrenic about recent constitutional law developments. They loved the Supreme Court when it expanded the parameters of the First Amendment—and almost eliminated libel suits—in *New York Times* v. *Sullivan* and a number of cases that followed. They grumbled when the Court held that their conduct (along with that of television cameramen) had made it impossible for Dr. Sam Sheppard to receive the kind of trial guaranteed to him by the Constitution and commented that "unfair and prejudicial news" coverage of criminal trials had "become increasingly prevalent."

But broadcasters and their reporters haven't even had the pleasure of ambivalence. They were downright distraught when, in the *Billie Sol Estes* case, the Court held that television cameras in the courtroom violated a defendant's Sixth Amendment rights to have a fair trial and then last year held in the *Red Lion* case, which sustained the FCC's Fairness Doctrine, that the First Amendment right was that "of the viewers and listeners, [and] not the right of the broadcasters."

At the very time that these developments in constitutional law—one protecting and one spanking the media—were taking place, newspapers and television stations were becoming more and more caught up in society's current convulsively volatile social problems. Their aggressive involvement was accentuated by the fact that a new breed of reporters—young, bright, sensitive, and personally involved in social issues—had entrées and relationships with the social activists of our time, which the old establishment did not seem to have.

Today's big social issue stories do not deal with the graft and corruption of government officials, but with social movements involving large numbers of people who, in their collectivity and joint action, cause news to occur: the 1968 Democratic Convention in Chicago, the several recent mass rallies in Washington, the Woodstocks, and the frequent political and social protest marches around the country. The very nature of what the participants do in those events lends itself to pictorial reporting. Indeed, what any one of them *says* becomes comparatively unimportant. What they *do* becomes the important event and, thus, the television camera becomes a more meaningful messenger of the news than do the notebook and pencil.

Every lawyer knows that, given a choice of oral testimony, on the one hand, or photographic evidence, on the other, the latter is always more persuasive to a jury. Consequently, it was quite logical, as more and more television cameramen showed up at the scenes of social protest, for prosecuting attorneys later to want to secure and present to grand juries the photographs and the motion pictures that they had made of the alleged crime. These films had two functions. In the first place, they were able vividly to portray the *act* itself and, secondly, they could positively identify the person involved in the act. The work product of the television reporter became, in a real sense, the best evidence of what had occurred and certainly far better than the notes of the newspaper reporter or the oral testimony of one of the participants in the event.

And if the number and frequency of "political crimes" increases, it will only be natural for the prosecutor to want to see and be even more dependent upon the films shot by television cameramen.

Although during the past seventy-four years, seventeen state legislatures have dealt with and attempted to resolve by various types of legislation the limits to which a state grand jury could subpoena newspaper reporters (and in a few instances broadcasting reporters), federal grand juries have had no comparable legislative guidance. Moreover, the Supreme Court has never had the occasion either to discuss or decide the issue.

Most of the recent prosecutions for activities arising from the social stresses of our time have been in federal courts. Thus, who appears and what notes, photographs, tapes, and films he is required to bring with him are questions decided by the United States Attorney.

The prosecutor normally has very little difficulty in securing that portion of television tapes which were actually telecast or that portion of the news reporter's story which was published. The problem arises when he desires to have the television "out-take" (the portion of the film which was not televised, generally constituting the bulk of what was actually recorded) and the notes or tapes of the newspaper reporter.

Until recently, reporters in most cases were able to negotiate suc-

cessfully with the prosecutor and narrow the scope of the subpoena.

However, during the past several years, the attitude of prosecuting attorneys has toughened. They have taken to subpoenaing reporters more often; the desired testimony has dealt with information given in confidence and never published or exhibited; and the information has come from reporters' peers who have been protesting against the establishments. Reporters were being asked to betray friends. They began to resist these command performances and to raise a number of questions.

If, indeed, it is true that the First Amendment protects reporters not only against direct interference by the government, but also—to use the Supreme Court's words in the *Dombrowski* case—any act which would have a "chilling effect" upon the opportunity to gather and publish news, then *any* subpoena which required the revelation of *any* information given in confidence was unconstitutional. To give it would not only drop the informer's temperature, but would freeze him into complete silence. Earl Caldwell, the reporter of the New York *Times* who has covered the Black Panther movement extensively, has refused even to appear before a grand jury, pursuant to a subpoena, even though a federal district judge has told him that he may have the advice of counsel throughout the proceedings and come back to the Court for protection in the event the jury's questions require him to reveal confidential sources of information. Caldwell replied that once he sets foot in the grand jury room, he has cracked the cement of confidentiality and his informants will no longer trust him. This, in turn, will make it impossible for him to exercise his First Amendment right to gather news.

When the subpoena proponents argue that total truth in the "market place" is as important in the judicial as it is in the political process, the media reply that society has historically recognized that individual liberties and rights sometimes take precedence over the jury's or the judge's right to know. A number of these barriers to the revelation of all the facts are constitutionally protected in the Fifth and other constitutional amendments. Moreover, society made a decision a long time ago to protect the communications between a lawyer and his client, a doctor and his patient, and the clergyman and his parishioner.*

If a reporter does not have this constitutional protection, then, in order to protect his own dignity and to be certain that confidential communications remain confidential, he will destroy all memoranda, photos, and films once his story has been written and his photograph or film exhibited. Because normally the television reporter shoots far more footage than he will ever use and stores most

*Of course, in these cases the "informant" (the client, patient or parishioner) is seeking personal help and guidance—he wants to save his own skin or soul—and, at least for the time being, is totally unconcerned with what relationship, if any, his problem has to any major social issue.

of the rest for future use and reference, the net result will be that broadcasters may be driven to destroy large libraries of current events and deprive society of historical documentation they would otherwise have.

And then, lastly, reporters point out that if it is common knowledge that their notes and their films are always subject to examination by a grand jury, they will be subject to harassment by their normal sources because, in the eyes of the disadvantaged, they have become spies for the police and the very notes, photographs, and films, become symbols of oppression and, thus, should be destroyed.

The prosecutor's reply to these arguments is basically quite simple: I've got a job to do. I want to give the grand jury all the information available. As long as a reporter does not have the protection of a statute which gives him the right to refuse to testify, then he has an obligation to give the grand jury any information which may have a bearing on its investigation.

Putting aside the prosecuting attorney's desire to justify his pay check, there are basic and fundamental issues posed to society if newsmen may decide for themselves whether they should testify before a grand jury. If newsmen may successfully resist grand jury subpoenas on the ground of confidentiality, then what is to preclude them from invoking the same privilege when a *defendant* in a criminal case subpoenas them in order to establish his innocence under *his* guaranteed Sixth Amendment right to a fair trial? The civil libertarians who now cry for the protection of the reporter, because his confidants have been society's social critics, may find themselves denying justice to those very same social critics seeking the testimony of the reporter who stands on his constitutional rights.

Moreover, the Fifth Amendment explicitly recognizes the function and purpose of the grand jury. It was placed there for the protection of people who are suspected of crimes. Its existence has made it mandatory that indictments be issued by a legally constituted body whose members reside in the area where the crime occurred. The jury members hear and sift all the available evidence before issuing an indictment rather than, as in pre-Constitution days, a single magistrate issued the indictment merely because the prosecutor requested him to do it. Any interpretation of the First Amendment which would give reporters the right to decide whether they wish to testify before a grand jury weakens that system and could result in the indictment of innocent people.

On February 5, 1970, Attorney General Mitchell issued a two-and-a-half page double-spaced statement in which he announced that henceforth the Justice Department would be willing to negotiate the scope of subpoenas to the press prior to their issuance and be willing

to discuss modifications afterward. It referred to the "press" eleven different times. Neither radio, television, nor broadcasting was mentioned once. It ended with the prayer that "this policy of caution, negotiation and attempted compromise will continue to prove as workable in the future as it has in the past." Putting aside the question of its past workability, obviously the Attorney General's prayer for the future went unanswered. Six months later (August 10) he delivered a twenty-six-page address on the same subject to the American Bar Association, in which he referred to all the media. In it he indicated a far greater concern over the issue, set forth a detailed series of guidelines for those responsible for the issuance of subpoenas, and adopted a procedure where subpoenaed reporters could appeal their cases directly to him.

In essence, the guidelines require the United States Attorney to attempt to obtain the desired information from non-press sources before subpoenaing the press. Failing this, the prosecutor is now required to confer ahead of time with the reporter whom he proposes to subpoena and attempt to negotiate a mutually satisfactory scope for the subpoena. If the negotiations fail, then the prosecutor must request the Attorney General's approval before issuing the subpoena.

The principles which will guide the Attorney General's decision on whether or not to issue the subpoena are: that there is reason to believe that a crime has been committed; that the information requested is "essential" to a successful investigation; that the government tried unsuccessfully to get the information from non-press sources; and that, "wherever possible," the subpoena should be directed at "material information regarding a reasonably limited subject matter." The subpoena should cover only a "reasonably limited time period" and should avoid the requirement of producing "a large volume" of unpublished material. "Normally," the subpoena should be limited to verification of published information and circumstances relating to its accuracy.

These vague and amorphous expressions of concern are extended even further in the penultimate standard. The Attorney General promises to exercise "great caution" in subpoenaing unpublished information where an "orthodox" First Amendment defense is raised or where a "serious claim" is made that the information was received on a confidential basis.

"Great," "orthodox," and "serious" allow for tremendous latitude of non-appealable interpretations. Indeed, they may vary dramatically from time to time, and the intensity of the "sensitivity" with which they are to be administered will, of course, depend upon *who* is the Attorney General.

The intensity with which broadcasters and their news reporters will assert First Amendment rights when subpoenaed by grand juries—despite the Mitchell statement—must be viewed in the con-

text of the total present political climate. Vice President Agnew has repeatedly warned the federally licensed broadcasters that their behavior was less than desirable because they overexposed socially disruptive movements and personalities. FCC Chairman Burch has endorsed what the Vice President said. Although there is no hard evidence that broadcasters have been intimidated by what Mr. Agnew said, nevertheless, there can be little doubt that they will want to give thought to the question of whether they should compound the administration's antagonism toward them by now defying grand jury subpoenas.

The ominous character of the Vice President's scolding of the television industry takes on added significance in light of the fact that the Attorney General, in his recent twenty-six-page peace-making guidelines which established the criteria under which newspapermen might be subpoenaed before grand juries, specifically limited the guidelines to the "press." Indeed, in his speech he asked the question whether there shouldn't be "a distinction among different categories of media." He did not explain why radio and television might be treated any differently than the press, but obviously he also had been reading the Vice President's speeches. He knew of one distinction: newspapers are not licensed by the federal government, whereas broadcasting stations are. Merely by raising the question, there is an intimation that broadcasters would be more intimidatable than newspapers.

In the spring of this year—just after the Attorney General issued his two-and-a-half-page statement on the subject—legislation was introduced in the House (Congressman Ottinger and twenty-one co-sponsors) and in the Senate (Senator McIntyre and nine co-sponsors) which would drastically limit the subpoenaing of reporters from *any* of the media. It refers specifically to radio and television. It would prohibit all such subpoenas (whether issued by a grand jury, a court, an agency or department of the federal government, or Congress itself) except under very limited and precisely defined circumstances: when the confidential *information* itself had been made public by the person who had the right to claim the privilege; where the disclosure of the *source* of an alleged slander or libel was needed by a defendant in order to assert a defense in a civil suit; and when the details of secret sessions, such as that of a grand jury, are published. The privilege would not apply to either the source or the information, when the inquiring body deals with a question involving a "threat of foreign aggression." However, in such a situation there must first be a determination by a federal district court that the exception is applicable.

There is a question whether Congress can constitutionally include broadcast reporters in such legislation. If *Red Lion* really means what it says and it is the public, rather than the broadcaster (a mere licensee of the federal government), who has First Amendment

rights, then one of the constitutional issues which must ultimately arise is whether the broadcast reporter can claim any kind of First Amendment protection when he is subpoenaed by a grand jury—whether or not he is included in the proposed legislation.

Hearings on these pending bills may provide the very kind of study which is urgently needed. There has never been a national formalized discussion of the issue. The results of the hearings may also have the effect of stimulating the thirty-three states which have not, as yet, adopted any legislation on the matter to face up to the problem and to do something about it.

In his August 1970 ABA speech, the Attorney General made a point of saying that he would not oppose legislative guidelines. That is understandable. Legislation would take him and the administration off the hot seat.

THE APPENDICES

Appendix A

Transcript of the Address by Vice President Spiro T. Agnew Des Moines, Iowa, November 13, 1969

TONIGHT I WANT TO DISCUSS THE IMPORTANCE OF THE TELEVISION news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power. So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is, Are we demanding enough of our television news presentations? And are the men of this medium demanding enough of themselves?

Monday night a week ago, President Nixon delivered the most important address of his Administration, one of the most important of our decade. His subject was Vietnam. His hope was to rally the American people to see the conflict through to a lasting and just peace in the Pacific. For thirty-two minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

When the President completed his address—an address, incidentally, that he spent weeks in the preparation of—his words and policies were subjected to instant analysis and querulous criticism. The audience of seventy million Americans gathered to hear the President of the United States was inherited by a small band of network commentators and self-appointed analysts, the majority of whom expressed, in one way or another, their hostility to what he had to say.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic disclosure of his intention not to seek another

term have seen these men in a genuine state of non-preparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was "following a Pentagon line." Others, by the expression on their faces, the tone of their questions and the sarcasm of their responses, made clear their sharp disapproval.

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's message, he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Theiu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again; he stated his belief that the Vietcong or North Vietnamese did not really want a military takeover of South Vietnam; and he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

All in all, Mr. Harriman offered a broad range of gratuitous advice, challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

A word about Mr. Harriman. For ten months he was American's chief negotiator at the Paris peace talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of the bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman seems to be under some heavy compulsion to justify his failure to anyone who will listen. And the networks have shown themselves willing to give him all the air time he desires.

Now every American has a right to disagree with the President of the United States, and to express publicly that disagreement. But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having a President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he didn't have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through.

When President Kennedy rallied the nation in the Cuban missile

crisis, his address to the people was not chewed over by a round-table of critics who disparaged the course of action he'd asked American to follow.

The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but, more importantly, wield a free hand in selecting, presenting and interpreting the great issues in our nation.

First, let's define that power. At least forty million Americans every night, it's estimated, watch the network news. Seven million of them view ABC, the remainder being divided between NBC and CBS.

According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news. In Will Rogers's observation, what you knew was what you read in the newspaper. Today for growing millions of Americans, it's what they see and hear on their television sets.

Now how is this network news determined? A small group of men, numbering perhaps no more than a dozen anchormen, commentators and executive producers, settle upon the 20 minutes or so of film and commentary that's to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad.

They decide what 40 to 50 million Americans will learn of the day's events in the nation and the world.

We cannot measure this power and influence by the traditional democratic standards, for these men can create national issues overnight.

They can make or break by their coverage and commentary, a Moratorium on the war.

They can elevate men from obsecurity to national prominence within a week. They can reward some politicians with national exposure and ignore others.

For millions of Americans the network reporter who covers a continuing issue—like the ABM or civil rights—becomes, in effect, the presiding judge in a national trial by jury.

It must be recognized that the networks have made important contributions to the national knowledge—through news, documentaries and specials they have often used their power constructively and creatively to awaken the public conscience to critical problems. The networks made "hunger" and "black lung disease" national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and an immediacy that's the gift of their medium. They focus the nation's attention on its environmental abuses—on pollution in the Great Lakes and the threatened ecology of the Ever-

glades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence.

Nor is their power confined to the substantive. A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.

One Federal Communications Commissioner considers the powers of the networks equal to that of local, state, and federal governments all combined. Certainly it represents a concentration of power over American public opinion unknown in history.

Now what do Americans know of the men who wield this power? Of the men who produce and direct the network news, the nation known practically nothing. Of the commentators, most Americans know little other than that they reflect an urbane and assured presence seemingly well-informed on every important matter.

We do know that to a man these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C., or New York City, the latter of which James Reston terms the "most unrepresentative community in the entire United States".

Both communities bask in their own provincialism, their own parochialism.

We can deduce that these men read the same newspapers. They draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states "objectively is impossible to normal human behavior." Rather, he says, we should strive for "fairness".

Another anchorman on a network news show contends, and I quote: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you. I think your program has to reflect what your basic feelings are. I'll plead guilty to that."

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for the fear of hostile reactions, Richard Nixon would be giving into, and I quote him exactly, "his natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been dismissed by most commentators as a partisan attack. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this concentration of power in government.

Is it not fair and relevant to question its concentration in the hands of a tiny, enclosed fraternity of privileged men elected by no one and enjoying a monopoly sanctioned and licensed by government?

The views of the majority of this fraternity do not—and I repeat, not—represent the views of America.

That is why such a great gulf existed between how the nation received the President's address and how the networks reviewed it.

Not only did the country receive the President's address more warmly than the networks, but so also did the Congress of the United States.

Yesterday, the President was notified that 300 individual Congressmen and 50 Senators of both parties had endorsed his efforts for peace.

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

Now I want to make myself perfectly clear. I'm not asking for government censorship or any other kind of censorship. I'm asking whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men responsible only to their corporate employers and is filtered through a handful of commentators who admit to their own set of biases.

The questions I'm raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility.

They should have been raised by those Americans who share the view of the late Justice Learned Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection."

Advocates for the networks have claimed a First Amendment right to the same unlimited freedoms held by the great newspapers of America.

But the situations are not identical. Where the New York *Times* reaches 800,000 people, NBC reaches 20 times that number on its evening news. Nor can the tremendous impact of seeing television film and hearing commentary be compared with reading the printed page.

A decade ago, before the network news acquired such dominance over public opinion, Walter Lippmann spoke to the issue. He said: "there's an essential and radical difference between television and printing. The three or four competing television stations control

virtually all that can be received over the air by ordinary television sets. But besides the mass circulation dailies, there are weeklies, monthlies, out-of-town newspapers and books. If a man doesn't like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal, but it is infinitely better than the situation in television. There, if a man does not like what the networks offer him, all he can do is turn them off, and listen to a phonograph." "Networks," he stated,"which are few in number, have a virtual monopoly of a whole medium of communication." The newspapers of mass circulation have no monopoly on the medium of print.

Now a "virtual monopoly of a whole medium of communication" is not something that a democratic people should blindly ignore. And we are not going to cut off our television sets and listen to the phonograph just because the airwaves belong to the networks. They don't. They belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, "it's the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

Now it's argued that this power presents no danger in the hands of those who have used it responsibly. But, as to whether or not the networks have abused the power they enjoy, let us call as our first witness former Vice President Humphrey and the city of Chicago. According to Theodore White, television's intercutting of the film from the streets of Chicago with the "current proceedings on the floor of the convention created the most striking and false political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police."

If we are to believe a recent report of the House of Representatives Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police. According to the committee findings, one network in particular presented, and I quote, "a one-sided picture which in large measure exonerates the demonstrators and protesters." Film of provocations of police that was available never saw the light of day, while the film of a police response which the protesters provoked was shown to millions.

Another network showed virtually the same scene of violence from three separate angles without making clear it was the same scene. And, while the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

Our knowledge of the impact of network news on the national mind is far from complete, but some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society. Several years ago Fred Friendly, one of the pioneers of network news, wrote that its missing

ingredients were "conviction, controversy and a point of view." The networks have compensated with a vengeance.

And in the networks' endless pursuit of controversy, we should ask: What is the end value—to enlighten or to profit? What is the end result—to inform or to confuse? How does the ongoing exploration for more action, more excitement, more drama serve our national search for internal peace and stability?

Gresham's Law seems to be operating in the network news. Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent.

One minute of Eldridge Cleaver is worth ten minutes of Roy Wilkins. The labor crisis settled at the negotiating table is nothing compared to the confrontation that results in a strike—or better yet, violence along the picket lines. Normality has become the nemesis of the network news.

Now the upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news. A single, dramatic piece of the mosaic becomes, in the minds of millions, the entire picture. And the American who relies upon television for his news might conclude that the majority of American students are embittered radicals. That the majority of black Americans feel no regard for their country. That violence and lawlessness are the rule rather than the exception on the American campus. We know that none of these conclusions is true.

Perhaps the place to start looking for a credibility gap is not in the offices of the government in Washington but in the studios of the networks in New York.

Television may have destroyed the old stereotypes, but has it not created new ones in their places?

What has this passionate pursuit of "controversy" done to the politics of progress through local compromise essential to the functioning of a democratic society?

The members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans, while the loudest and most extreme dissenters on every issue are known to every man in the street.

How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show?

We've heard demands that Senators and Congressmen and judges make known all their financial connections so that the public will know who and what influences their decisions and their votes. Strong arguments can be made for that view.

But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear, should he not first disclose his personal views on the issues as well?

In this search for excitement and controversy, has more than equal time gone to the minority of Americans who specialize in attacking the United States—its institutions and its citizens?

Tonight I've raised questions. I've made no attempt to suggest the answers. The answers must come from the media men. They are challenged to turn their critical powers on themselves, to direct their energy, their talent and their conviction toward improving the quality and objectivity of news presentation.

They are challenged to structure their own civic ethics to relate their great freedom to the great responsibilities they hold.

And the people of America are challenged, too, challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations. This is one case where the people must defend themselves; where the citizen, not the government, must be the reformer; where the consumer can be the most effective crusader.

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I've said to you tonight will be heard and seen at all by the nation is not my decision, it's not your decision, it's their decision.

In tomorrow's edition of the Des Moines *Register*, you'll be able to read a news story detailing what I've said tonight. Editorial comment will be reserved for the editorial page, where it belongs.

Should not the same wall of separation exist between news and comment on the nation's networks?

Now, my friends, we'd never trust such power, as I've described, over public opinion in the hands of an elected government. It's time we questioned it in the hands of a small and unelected elite.

The great networks have dominated America's airways for decades. The people are entitled to a full accounting of their stewardship.

The following are the statements of the presidents of the three major television networks answering Vice President Agnew's speech, as carried in the New York *Times* of November 14, 1970.

ABC: **Leonard H. Goldenson**

In our judgment, the performance of ABC news has always been and will continue to be fair and objective. In the final analysis, it is always the public who decides on the reliability of any individual or organization. We will continue to report the news accurately and fully, confident in the ultimate judgment of the American public.

CBS: **Dr. Frank Stanton**

No American institution, including network news organizations, should be immune to public criticism or to public discussion of its performance. In a democracy this is entirely proper. We do not believe, however, that this unprecedented attempt by the Vice President of the United States to intimidate a news medium which depends for its existence upon government licenses represents legitimate criticism. The public, according to opinion polls, has indicated again and again that it has more confidence in the credibility of television news than in that of any other news medium.

Our newsmen have many times earned commendations for their enterprise and for their adherence to the highest professional standards. Since human beings are not infallible, there are bound to be occasions when their judgment is questioned.

Whatever their deficiencies, they are minor compared to those of a press which would be subservient to the executive power of government.

NBC: **Julian Goodman**

Vice President Agnew's attack on television news is an appeal to prejudice. More importantly, Mr. Agnew uses the influence of his high office to criticize the way a government-licensed news medium covers the activities of government itself. Any fair-minded viewer knows that the television networks are not devoted to putting across a single point of view but present all significant views on issues of importance.

It is regrettable that the Vice President of the United States would deny to television freedom of the press.

Evidently, he would prefer a different kind of television reporting—one that would be subservient to whatever political group was in authority at the time.

Those who might feel momentary agreement with his remarks should think carefully whether that kind of television news is what they want.

Appendix B

Two Excerpts from Broadcasts Carried by the CBS Television Network:

"CBS Evening News with Walter Cronkite"
Thursday, May 21, 1970
6:30-7:00 P.M., E.D.T.

"CBS Evening News with Roger Mudd"
Saturday, June 27, 1970
6:30-7:00 P.M., E.D.T.

CBS Evening News with Walter Cronkite (Excerpt)*

Thursday, May 21, 1970
6:30-7:00 P.M., E.D.T.

Cronkite: What follows is unusual for the "CBS Evening News." It's the story of a story first broadcast here about six months ago. That film story, from Vietnam, showed an atrocity such as occurs, from time to time, on both sides in any war. For reasons not entirely clear, the White House has engaged in an undercover campaign to discredit CBS News by alleging the story was faked. This has been done by prompting receptive reporters and columnists to publish White House and Pentagon suspicions about the authenticity of the report. Clark Mollenhoff, Special Counsel to the President, confirms that he has investigated the CBS News Vietnam story, but refuses to say who ordered the investigation. He acknowledges he talked to several reporters and columnists regarding

* Produced by CBS News and broadcast over CBS Television Network.

it. Richard Wilson, whose column appears in 60 newspapers, has printed those charges. And tomorrow, in 620 newspapers, columnist Jack Anderson will repeat the substance of a White House memo containing the charges.

The film six months ago, and the information about the incident, came from a Vietnamese photographer employed by CBS News. It was narrated by CBS News Correspondent Don Webster, who was not on the scene when the atrocity occurred. Columnist Wilson suggests that CBS News authenticate the original report. Columnist Anderson says there can be no defense for faking the news. We agree. And so tonight, Don Webster reports further on the savagery at Bau Me.

Webster: Last fall, CBS News showed this film of a combat assault. At the time, we reported that both the helicopters and the pilots were American, but the combat troops were South Vietnamese, with only a few U.S. advisers along. This fire fight would not have been unusual except for what happened to one wounded North Vietnamese prisoner. We saw him first with a knife already in his body. The knife was then withdrawn with some difficulty, and plunged downward again. The soldiers then continued on their way.

Since that time, the Pentagon has been investigating the charges. Recently, some Pentagon experts have suggested our report was a fraud, that our facts were wrong, or even that the film was a fake. For one thing, they say, the helicopters shown appear to be Australian, not American. One of them even has a marking on the nose suggesting it's a Medevac, never used for making combat assaults. Also, says the Pentagon, the so-called fire fight may have been nothing more than a South Vietnamese training exercise. And finally, there's the stabbing. It's suggested the enemy soldier may already have been dead, although mutilating corpses is not exactly encouraged, either. So we are going to answer the Pentagon's charges, point by point.

First, there's the question of the helicopters—were they Australian or American? The confusion in the Pentagon apparently stems from this picture, showing a round insignia midway down the tail. It does resemble the red, white and blue bullseye mark of the Royal Australian Air Force. However, the Australian insignia has a white center with a red kangaroo here. Instead, here's the insignia shot close-up recently. It's the mark of the 187th Assault Helicopter Squadron, based in Tay Ninh.

The same is true of the mark on the front of the helicopter. In this not too clear shot it may resemble the Medevac mark, but in fact it is a red cruciform painted on a white shield, also the insignia of the 187th. It is similar to this mark of the Medevacs, but far from identical.

The second question concerns the fire fight with the North Vietnamese, the suggestion being made that it may have been nothing more than training maneuvers. The reason is the white flag on the pole you see in the background. South Vietnamese troops sometimes use these during practice as targets for hand grenade tossing.

But the fact is, in Vietnam, you see these in the countryside everywhere. They might be called the poor man's scarecrow. The flapping of the white flag or cloth is used to drive birds away. The Vietnamese cameraman who filmed this battle last fall reports the flags in the picture were, indeed, scarecrows. There were rice-growing areas nearby. The battle took place in early October near the village of Bau Me, four miles north of the district town of Trang Bang in Hau Nghia Province. It was a battle, not a training exercise.

There's also the question of advisers. Were they or were they not Americans? Well, if you look closely, this is the patch of the U.S. First Air Cavalry Division. It is worn on the right shoulder, meaning the adviser formerly served in a war zone with the First Cav. That makes him an American.

But the most important questions are these: who did the stabbing, and why? We are now able to name the man with the knife.

This is the man. His name is Nguyen Van Mot, Sergeant First Class, Headquarters Company, Group 21, South Vietnamese Regional Forces, serial number 178-704. Not only is Sergeant Mot still on duty, but he was named Soldier of the Year for 1969 for all regional forces in III Corps. On this sweep recently, Sergeant Mot stood out as being clearly a leader among men.

To find out about Sergeant Mot, we spoke with the present day ranking adviser of the group, First Lieutenant Richard Showalter. He's been with this unit only since February. He's heard rumors about the knifing incident, but was not here when it happened.

What kind of a soldier is Sergeant Mot?

Showalter: Sergeant Mot typifies, I think, the hard-nosed, hard-core —what you might say—Vietnamese soldier. If I had a company of Sergeant Mots, I think everybody could go home over here in —within the next year, without a doubt.

Webster: Among his own troops he has a reputation of being very tough, a killer. Is he really tough?

Showalter: Definitely so. If he finds a prisoner or anything in a bunker or anything, if we can get some first-hand information from him, Sergeant Mot's the man to find him and the man to get the information.

Webster: What does Sergeant Mot do when you do take a prisoner?

Showalter: Well, Sergeant Mot, as you know, is a short, kind of a husky character, in comparison to his Vietnamese counterparts, and he is forceful to a degree, but this is necessary since the information we can gain out here first hand is most important to us, and he can definitely get his point across to the prisoner.

Webster: Through an interpreter we spoke at considerable length with Sergeant Mot. If he is fierce, one reason may be that one of his children was murdered by the Viet Cong in his home. He's been in the armed forces for six years and during that time estimates he has been in 500 fire fights with enemy troops. He estimates he has personally killed 39 enemy, most of them, of course, through the conventional ways of warfare, with rifle or grenades. As to the knifing, he remembers it, says flatly he did it, and remembers our cameraman being on the scene when he did it. When asked why, he says the enemy soldier was reaching for a rifle, an AK-47.

He knows the VC or NVA was alive because he reached for a rifle; is that correct?

Interpreter: (Speaks in Vietnamese)

Mot: (Speaks in Vietnamese)

Interpreter: He said that those people are very stubborn, whether they are VC or NVA, and they're very stubborn, even if they were wounded, and they try to grab, you know, whatever around them, weapons or anything they can reach, you know. They just try to do—the last thing they try before they die.

Webster: Yes. They're very stubborn, you say, Is that correct?

Interpreter: That's what he said. He said they are very stubborn.

Webster: Sergeant Mot claims he killed the prisoner in self defense. We have no way of proving or disproving that story, but there is some supporting evidence. Let's look at the film again, very carefully.

During this sequence, another soldier dashes in from the left, picks up an object in the foreground and reappears a moment later to display a weapon. That rifle is indeed an AK-47. Our cameraman does not know if the prisoner was reaching for the weapon at the time of the first stabbing before our film began rolling. But these frames of film do indicate there was a weapon nearby.

They also show that Sergeant Mot stabbed the prisoner a second time, when the prisoner did not appear to be resisting or threatening his captors. We do not know if he was alive at that time. And, after the stabbing, a picture we did not show before. The body of the prisoner was slit open. We do not know why.

It has been suggested the advisers were Australians, not Americans. That is untrue.

It has been suggested the combat assault was really a training exercise. That is untrue.

It has been suggested the enemy was dead when he was stabbed. But the man who stabbed him concedes the prisoner was alive when knifed for the first time, before our film scene began. Sergeant Mot claims self defense. That may be true, although we did not know of that possibility when we first broadcast the story last fall, and the Pentagon, despite its own investigation, has not alleged that as a fact. It is clear the prisoner was stabbed a second time and his body then was mutilated.

The Pentagon may wish to believe this story never happened. But it did.

Don Webster, CBS News, near Trang Bang, South Vietnam.

Cronkite: After the original broadcast, CBS News furnished the text to the Pentagon, which had made its own videotape recording of the story. But in keeping with CBS News policy, we declined a request for outtakes—that is, film which was not broadcast—and refused to name the Vietnamese cameraman on grounds his life could be endangered by private reprisals. CBS News further felt the Army had ample resources to investigate this incident without reliance on an independent news agency as its informer. What followed was the campaign to discredit the report.

We broadcast the original story in the belief it told something about the nature of the war in Vietnam. What has happened since then tells something about the government and its relations with news media which carry stories the government finds disagreeable.

CBS Evening News with Roger Mudd (Exerpt)*

Saturday, June 27, 1970
6:30-7:00 P.M. E.D.T.

Mudd: Tuesday is President Nixon's deadline for withdrawal of all U.S. troops from Cambodia, and more left today to return to their bases in South Vietnam. The withdrawals are being carried out with much hoopla as Morely Safer reports.

Safer: The information office of the 25th Infantry Division practically pressganged the Siagon foreign press television corps into covering their withdrawal from Cambodia. The last troops of the Division to leave were the men and machines of the Third Squadron, Fourth Cavalry, and for the last two miles out of Cambodia the cameramen and reporters swarmed over the tanks and personnel carriers like busloads of Japanese tourists. They photographed everything, every last bit of American memorabilia left in Cambodia. The last American latrine goes up in flames and is duly recorded for millions of newspapers and television viewers the world over.

The men of Bravo Company are exhausted. They were in the field for almost three consecutive months. They were to take a rest when the Cambodian invasion was launched, but now they are looking forward to going home. Home to Vietnam. The road to Katum on the Vietnam side of the frontier and the measure of safety for the first time in two months. The Division's band is out, as are the Red Cross doughnut dollies with cold beer. Cold beer, music and the world's press are the day's reward. Television in Vietnam and elsewhere has been accused of staging events. This little extravaganza for a few troops and almost as many cameras is as false a picture of the end of the Cambodian invasion as one the Communists themselves might devise. Only the group with the photographers get the treatment. The others wait nearby in the sun, thirsty, waiting for the show to end. One young man is especially bitter. He's a tanker who spent 90 days in the field.

Soldier: Lot of people left behind, a lot of people dead. Nobody's drinking beer for them, nobody's partying.

Safer: What was the morale like in the field among the men?

Soldier: It was pretty bad. These clothes, I've had these clothes on for about 40 days now. We can't get clothes. We can't—mail is slow, it's pretty bad. There were a lot of people killed, and

* Produced by CBS News and broadcast over CBS Television Network.

a lot of people were sad. Why this at the end, you know? We're supposed to forget about it, something like that.

Safer: A lot of men smoking marijuana. Was that common in your outfit?

Soldier: Pretty common, I'd say. Just about everybody I know smokes marijuana in my outfit. There is nothing else to do.

Safer: But the beer flows on and the band plays on and the girls are sympathetic and cheerful in that sweet, hometown way. And the cameras, mostly of Japanese, Korean and British newspapers and television, grind on recording the happy scenes of returning soldiers at play. This attempt by the Army to put a nice neat World War II finish to the war in Cambodia makes for very good, very appealing propaganda pictures, but as one tanker asked me as we arrived here back at Katum, who's paying for all those ghosts we left behind?

Morely Safer, CBS News, at Katum on the Cambodian border.

SOME INFORMATION ABOUT THE ALFRED I. DUPONT-COLUMBIA UNIVERSITY AWARDS FOR 1970-1971

Each year the awards are based upon research done in conjunction with the annual DuPont-Columbia Survey of Broadcast Journalism. There is no set number of awards or permanent categories for the awards, which will vary according to evidences of outstanding performance in news and public affairs during the year. Local and network radio, local and network television, as well as syndicated material, will be surveyed.

Although categories for the awards will not be set in advance, concerned parties are encouraged to suggest to the jurors examples of broadcast journalism which they feel are particularly worthy of attention. They are also invited to suggest subjects for research.

Suggestions for those wishing to participate:

(1) Any concerned person, group, organization, or broadcast station may bring to the DuPont jury's attention material dealing with performance in broadcast news and public affairs.

(2) If such information concerns a specific program, it should include the following particulars: (a) the time, the date, and the station carrying the program, (b) the subject of the program, (c) the reason the program is being singled out. If possible, there should be notification enough in advance of air time to permit jurors to view or hear the program at the time of the original broadcast. In any event, supporting material such as tapes, films, or scripts should be retained as documentation. *However, supporting material should not be submitted unless expressly asked for by the Director.*

(3) If information submitted concerns long-term performance of an individual, a station, or other institution, names or call letters should be given, as well as a full statement of the reasons for the submission.

(4) The Director will also welcome suggestions of subjects for investigation or research to be dealt with in the Survey.

(5) Nominations may be made throughout the year for programs aired between July 1, 1970, and June 30, 1971. Nominations must be postmarked no later than midnight, July 2, 1971. Final awards will be announced in the fall of 1971 in conjunction with the publication of the Survey.

(6) All materials submitted will become the property of Columbia University.

(7) All inquiries and correspondence should be addressed to:

Director
The Alfred I. duPont-Columbia University
Survey and Awards
Graduate School of Journalism
Columbia University
New York, N.Y. 10027

ACKNOWLEDGMENTS

During the past year the jurors and the Survey received generous assistance from a great number of individuals and organizations. Although it is not possible to list all those who have helped in the selection of the awards and the putting together of the Survey, we would particularly like to express our gratitude to Miss Alice Beeman, Dr. Eleanor Malmberg, Mrs. Mary Boyette, and Mrs. Rita Johnston of the American Association of University Women as well as the many local chapters of their organization that furnished the Survey and Awards with information throughout the year; also to the staff members of the Federal Communications Commission, the Federal Trade Commission, the National Association of Broadcasters, the National Cable Television Association, and the Subcommittees on Communications of the House and Senate Commerce Committees; the research and publicity departments of ABC, CBS, NBC, and NET; the faculty of the Columbia University Graduate School of Journalism, particularly Professor W. Phillips Davison and Mr. Alfred W. Balk; also Mr. Alfred Warren, Mr. Lawrence Laurent, John Banzhaf III, Dr. Herbert Alexander and Mr. Paul Laskin; as well as the many news directors and newsmen from the networks and individual stations who answered questionnaires, furnished tapes and films, and did the real work on which this volume is based. Mrs. Ruth Lieban, in charge of our Washington office, was responsible for gathering much of the material used in Chapters 2 through 5.

Staff assistants Mr. Michael Hanson and Miss Susan Hecker played a large role in the gathering and shaping of the material in this report. Miss Pamela Wood did supplementary research, and the preparation of the final manuscript was supervised by Miss Judith Friedberg.

Mr. Louis Cowan, Director of Special Projects for the Columbia University Graduate School of Journalism, made invaluable contributions to both the Survey and the broader activities of the program upon which it is based.

Again special mention should be made of the continuing coverage of broadcast journalism by *Variety*, *Broadcasting Magazine*, and the New York *Times*, which furnished the editor and jurors with an invaluable record of the subject throughout the year.

Facilities for screening were provided by television stations WNDT and WNYE and by the Television Center of Brooklyn College.

As a reading of the text will indicate, much of the most interesting material came from the correspondents now located in sixty of the major broadcast markets across the country. Their faithful attention to the news activities of their local stations and the resulting comments and recommendations are of great importance to the continuing success of the Survey and Awards.

Index

ABC, 22, 23, 27, 28, 30, 32, 33, 35, 40, 41, 52, 53, 83, 89, 103
"Advocates, The," 21
Agnew, Spiro T., 4, 6, 31-45, 54, 70, 88, 93, 98, 127
Albert, Carl, 47
Albert, Eddie, 86
"All About TV," 29
"Alone in the Midst of the Land," 84
American Association of University Women, 5, 84
American Broadcasting Company, *see* ABC
American Civil Liberties Union, 19, 39
Anderson, Jack, 69
Apollo flights, 3-4, 8-9
Armed Forces Vietnam Network, 69
"Arthur Godfrey's America: The Ocean Frontier," 86
Armstrong, Neil, 8
Avco, 28, 73, 74
"Ballad of the Iron Horse, The," 27
Banzhaf, John, III, 71
"Battle of East St. Louis, The," 12-13, 15
Bayh, Birch, 47
Bellendorf, Peter, 98
Bentsen, Lloyd M., Jr., 61
Berger, Lawrence S., 43
Bergman, Jules, 9
Black Panthers, 19-21, 124
Black programming, 12
Bourke-White, Margaret, 100
Brewer, Albert, 62
Brewster, Kingman, 17
Brinkley, David, 47, 68, 90
Broadcasting Magazine, 33, 72
Broadcast stations:
KABC, 28, 30
KATU, 20
KAYE, 71
KCET, 21
KCPX, 25, 27, 85
KCEN, 108
KCRG, 28
KDKA, 44, 85, 105
KFMB, 110
KGO, 105
KHVH, 35, 43
KING, 110
KIRO, 43
KLZ, 110
KMOX, 43, 85
KNBC, 81, 109
KOB, 108, 110
KOGO, 18
KOLD, 110
KOMO, 43
KPIX, 110
KQED, 15, 17, 21, 28, 120
KRON, 71
KSD, 26, 105
KSL, 25
KTAR, 27, 108
KUTV, 25, 27, 85
KVOS, 27, 85
KWGN, 107
KWTV, 44
WABC, 109

WAVE, 107
WBAI, 110
WBBM, 19
WBIR, 43
WBZ, 108
WCCO, 10, 11, 15, 45, 97
WCEE, 111
WDAU, 43
WDIO, 85
WETA, 69, 106
WEWS, 74
WFAA, 11, 32, 42
WFBM, 13, 27, 108, 111
WFIL, 13
WGBH, 15, 21
WHA, 14
WHDH, 71, 108
WHEC, 15
WHYN, 13
WICD, 111
WIIC, 13
WISH, 85, 111
WITI, 111
WJAC, 107, 109
WJXT, 26
WKY, 32
WKYC, 85
WLBT, 71
WLCY, 111
WLS, 109
WMAL, 44
WMAQ, 19, 28, 43, 84
WMAR, 85
WMBD, 108
WMC, 27
WMT, 106
WNDT, 110
WNEM, 34, 35
WNYC, 29
WOKR, 107
WOOD, 84; 97
WPIX, 71, 93, 107
WPRI, 11
WQXI, 110
WRAL, 109
WRC, 17, 26
WSOC, 108
WTEN, 32
WTOL, 108
WTOP, 17, 29, 40
WTTG, 85
WTTV, 32
WTTW, 84
WTVD, 110
WTVJ, 81
WWJ, 15
WXUR, 71
Brown, Donald, 20
"Bulldozed America," 81
Burch, Dean, 36, 52, 70, 73, 74, 127
Cable television, 66, 75-76, 79, 80, 96
Caldwell, Earl, 124
Cambodian invasion, 11, 17, 34, 98; withdrawal, 69
"Camera 4 Reports," 27
Campbell, Judge William J., 19
"Can the World Be Saved," 83
Capa, Bob, 100
Carpenter, Scott, 111
Carr, Martin, 41, 42
Carson, Johnny, 54
Carswell, Judge Harrold, 26-27
CATV *see* Cable television
CBS, 15, 17, 21, 22, 23-24, 28, 32, 34-35, 41, 43, 50, 81-83, 86, 97, 98, 103, 105, 110
"CBS Evening News," 10, 12, 38, 69, 83, 97, 110
"CBS Morning News," 105
"CBS Reports," 22
Chan, Ah Thuc, 100
Chancellor, John, 39, 83
Charles, Prince of Wales, 8
"Chicago 7" Trial, 19

Childs, Marquis, 61
Choate, Robert, 87
"Civilisation," 78
Clark, Sir Kenneth, 78
Clark, Ransey, 15-16
Clevenger, Jim, 10
Colgate-Palmolive, 85
Collins, LeRoy, 62
Colne, Roger, 98
Columbia Broadcasting System, *see* CBS
Commoner, Dr. Barry, 81
"Conservative Viewpoint, The," 41
Corporation for Public Broadcasting, 96, 119
Cox, Kenneth, 74, 95, 97, 112-121
Crockett, Hudley, 61
Cronkite, Walter, 9, 34, 39, 76, 83, 90, 100
"David Frost Show," 54
Davis, Angela, 28
Democratic National Committee, 51, 56, 58
Democratic National Convention, 3, 18, 32, 34, 123
Diamond, Edwin, 29
"Dirty Shame, A," 81
documentaries, 21-24
Duncan, David Douglas, 100
duPont, Mrs. Jessie Ball, 6-7
Earth Day, 10, 104-111
Eisenhower Commission, *see* National Commission on the Causes and Preventions of Violence
"Eyewitness to Eyewitness News," 44
Fairness Doctrine, 72, 92
Fang, Irving E., 53
Eisenhower, Dwight, D., 35
FCC, *see* Federal Communications Commission
Federal Communications Commission, 5, 24, 33, 36, 37, 49-52, 56, 73, 75, 92-93, 112-121
Federal Trade Commission, 87
Ferrante, Bob, 20
First Amendment, 123-126
"First Tuesday," 22
Flaum, Marshall, 82
Fleming, Robben, 17, 20
Food and Drug Administration, 87
Ford Foundation, 120
Ford, Henry II, 90
"Forsythe Saga, The,"
Fortune, 57
Frank, Reuven, 35, 38
"Free Time," 28
Freed, Fred, 82, 97
Freedom of Information Center, 34
Friedman, Paul, 26
Frost, David, 54
Fulbright, William, 49-50, 52, 53, 68
Garth, David, 59, 63
Geller, Henry, 89
General Motors, 85
Glenn, John, 59
Godrey, Arthur, 86
Goldberg, Arthur, 63-64
"Give Earth A Chance," 83
Goodman, Julian, 33, 47, 53
Gore, Albert, 61-62
Goralski, Robert, 12
Gould, Jack, 56
Graham. Reverend Billy, 17
"Grunt's Little War," 10, 97
Guggenheim, Charles, 59, 61
Gurney, Edward, 62
Hangen, Welles, 11
Hart, Philip, 61
Harvey, Paul, 108

"Hard Times in the Country," 21
Hatfield-McGovern amendment, 28
Hayakawa, S.I., 108
Health, Education and Welfare Appropriations Bill, 46
"Here and Now," 28
Herman, George, 45
Hesburgh, Theodore, 17
Hewitt, Don, 54-55
Honor American Day, 41
Hope, Bob, 17
"Hospital," 14, 21, 92
Hughes, Harold, 45, 48, 59
Humphrey, Hubert, 34
Huntley, Chet, 35, 38, 47, 90
Huynh, Vo, 100
"In Which We Live," 22
International Radio and Television Society, 36
Ishii, Tomoharu, 98
"It Couldn't Be Done," 23
Jackson State shooting, 17
Johnson, Lyndon B., 48
Johnson, Nicholas, 37, 70, 95
Joseph Napolitan Associates, 59
Jones, Dr. Dan E., 27
Kahn, Irving, 75
Kahn, Louis, 6
Kay, Keith, 10, 100
Kelly, William, 87
Kennedy, Edward, 8-9
Kennedy, John F., 48
Kennedy, Robert, 59
Kent State shooting, 17, 18
Klein, Herbert, 37, 42
Kurtis, Bill, 19
Laurence, John, 10, 23, 97
Laurent, Lawrence, 16
Lekhi, Ramnik, 98
Levin, Al, 21, 69
Lindsay, John V., 59
Linkletter, Art, 53
"Lions Are Free, The," 23
Lower, Elmer, 53
McCarthy, Richard, 62
MacDonald, Torbert, 57
McGinniss, Joe, 58
McGovern, George, 59
McIntire, Rev. Carl, 71
McIntyre, Thomas, 74
MacLeish, Rod, 13
McMullen, Jay, 21
Macy, John, 79
Maddox, Lester, 34
"Man and His Environment," 83
Manson, Charles, 54
Mankiewicz, Frank, 41
Marchi, John, 59
Mark, Norman, 19
"Matter of Conscience-Ethics in Government, A," 23
Menninger, Dr. Walter, 68
Metromedia, 84
Metzenbaum, Howard, 59, 60
Mitchell, Mrs. John, 69
Mitchell, John, 125-128
Morgan, Edward P., 35
Morgenthau, Robert, 63
Morse, Ralph, 100
Moss, Frank, 87-88
Mudd, Roger, 51
Murphy, George, 60
Muskie, Senator Edmund, 45, 48
My Lai Massacre, 12
National Association of Broadcasters, 42, 65, 70, 81
National Broadcasting System, *see* NBC
National Cable Television Association Convention, 75
National Commission on the Causes and Preventions of

Violence, 67-68
National Education Television, *see* NET
NBC, 15, 22, 24, 28, 32, 33, 34, 35, 41, 43, 50, 81-83, 86, 97, 98, 103, 105, 110
New York Times, 39, 40, 53, 54, 56, 79, 89, 124
"News Beat," 105
Newsweek, 86
NET, 14, 40-41, 78, 89, 92, 97, 105
Nickerson, Eugene, 63
Nielson rating, 23, 24
Nixon, Richard M., 9, 31, 40, 45, 46-56, 65, 93
Nixon, Tricia, 42
"Now," 22
Northshield, Robert J., 22
O'Brien, Lawrence, 51
O'Dwyer, Paul, 63
Office of Telecommunications Policy, 76, 120
"Our Northwest Environment," 27
"Our Poisoned World," 84, 97
Otten, Alan L., 47
Ottinger, Richard, 62, 63
Parker, Dr. Everett, 70
Pastore, John, 57, 70
"Perspective," 26
Pettit, Tom, 22
Pierpoint, Robert, 45
"Polluted Paradise," 85
pollution coverage, 81-91
"Pollution Is A Matter of Choice," 82, 97
President's Commission on Campus Unrest, 20, 67
Primo, Al, 29-30
Proctor & Gamble, 85, 110
PBS, *see* Public Broadcasting Service, 79
Public Broadcasting Service, 17, 21, 78
Radio-Television News Directors Association, 40, 43
Rather, Dan, 37, 45
Reagan, Ronald, 60
Republican National Committee, 49, 51
Reston, James, 54-55
Ribicoff, Abraham, 59
"Rising Racket, The," 85
Roberts, J.W., 43
Rockefeller, Nelson, 63-64
Roddis, Louis H., Jr., 86
Roeder, Ed, 26
Rogers, Paul G., 88
Romney, Lenore, 61
"Rotten Smell of Success, The," 83
Safer, Morley, 68
Salant, Richard, 44, 69
Scott, Hugh, 53
Samuels, Howard, 63
Scranton Commission, *see* President's Commission on Campus Unrest
Scripps-Howard Broadcasting, 74
Scuris, Stephanie, 6
Seale, Bobby, 21
Selling of the President, The, 58-59
"Sesame Street," 21
Sevareid, Eric, 35, 37, 51, 72, 110
Shakespeare, Frank, 23
Simon, Norton, 60
"Sixties, The," 41
"60 Minutes," 22, 38, 41, 54, 55, 92
"Slow Guillotine, The," 81
Smith, Howard K., 35, 68

Sorensen, Theodore, 62
"St. Louis Forum," 26
"Staggerlee," 21
Stanton, Dr. Frank, 32, 36, 37, 51, 98
"Star Trek," 32
Storefront Studio, 14
Subversive Activities Control Board, 37
Supreme Court of the United States of America, 123
Syvertsen, George, 11
"Taconite and the Lake," 85
Taft, Robert, 60
TelePrompTer, 75-76
"Time of Man, The," 82
"Timetable for Disaster," 27
"Today," 53, 83, 105
"Trial: The City and County of Denver vs. Lauren R. Watson," 12, 21, 92
Tunny, John V., 60
TV Guide, 35, 88
United Nations, 21
Unruh, Jesse, 60
"Up in Smoke," 84
United States Information Agency, 23
USIA, *see* United States Information Agency
Vanocur, Sander, 12
Variety, 34
Vietnam Moritorium, 15, 16, 41
Vietnam War, 34, 45, 49, 54, 69, 71, 99
"Voices of October," 15
Waku, Yoshihiko, 98
Wall Street Journal, 47, 61
Wallace, George, 62
Wallace, Mike, 12, 22, 38
"Was Warren Hudson Murdered," 27
Washington Post, 39-40
Wells, Robert, 72-74
"Who Invited US?," 21, 69
Wicker, Tom, 53
Wiseman, Frederick, 14
"Who Killed Lake Erie?," 82
"Who Speaks for Man?," 21
Woods, Howard B., 26
"World of the Beaver, The," 23
Yarborough, Ralph, 61
"Your Dollar's Worth," 89

SURVEY OF BROADCAST JOURNALISM 1969-1970

The dominant role that broadcast journalism plays in the lives of today's Americans has never been so dramatically demonstrated as in the year just past. Though there might be some disagreement as to whether this role is a positive or a negative one, everyone from President Nixon and Vice President Agnew to the man in the street seems in accord about the medium's growing, all-pervading influence. For the year 1969–1970 the *Survey of Broadcast Journalism* reports on twelve months that could be the most crucial in the history of broadcasting.

Repeatedly challenged by men of power, the electronic journalists and the networks found themselves caught in the crossfire of almost every major conflict which characterized a nation in crisis. Their motives were impugned by the Vice President at the same time their facilities were commandeered by the President. Extremists of the right and of the left hectored them. Congress and the Federal Communications Commission questioned their prerogatives and their performance. Politics, civil rights, campus unrest, the war in Indochina, the environmental crisis, the consumer revolution—the broadcasters not only reported the year's major stories, they participated in them. The Department of Justice and other representatives of the law served them with subpoenas in alarming numbers. The Internal Revenue Service showed an increasing interest in their activities. And yet in the midst of all this turmoil a greater number of electronic journalists than ever before performed their chores with distinction.

The jurors for the 1969–1970 Survey are Elie Abel, Dean of the Columbia University Graduate School of Journalism; Michael Arlen, author and critic; Richard T. Baker, professor of journalism; Edward W. Barrett, former Dean of the Columbia University Graduate School of Journalism (1956–1968); Marya Mannes, journalist, critic, and television commentator; and Sig Mickelson, former president of CBS News. Marvin Barrett is director of the DuPont-Columbia Survey and Awards.

Grosset & Dunlap, Inc.
51 Madison Avenue, New York, N.Y. 10010