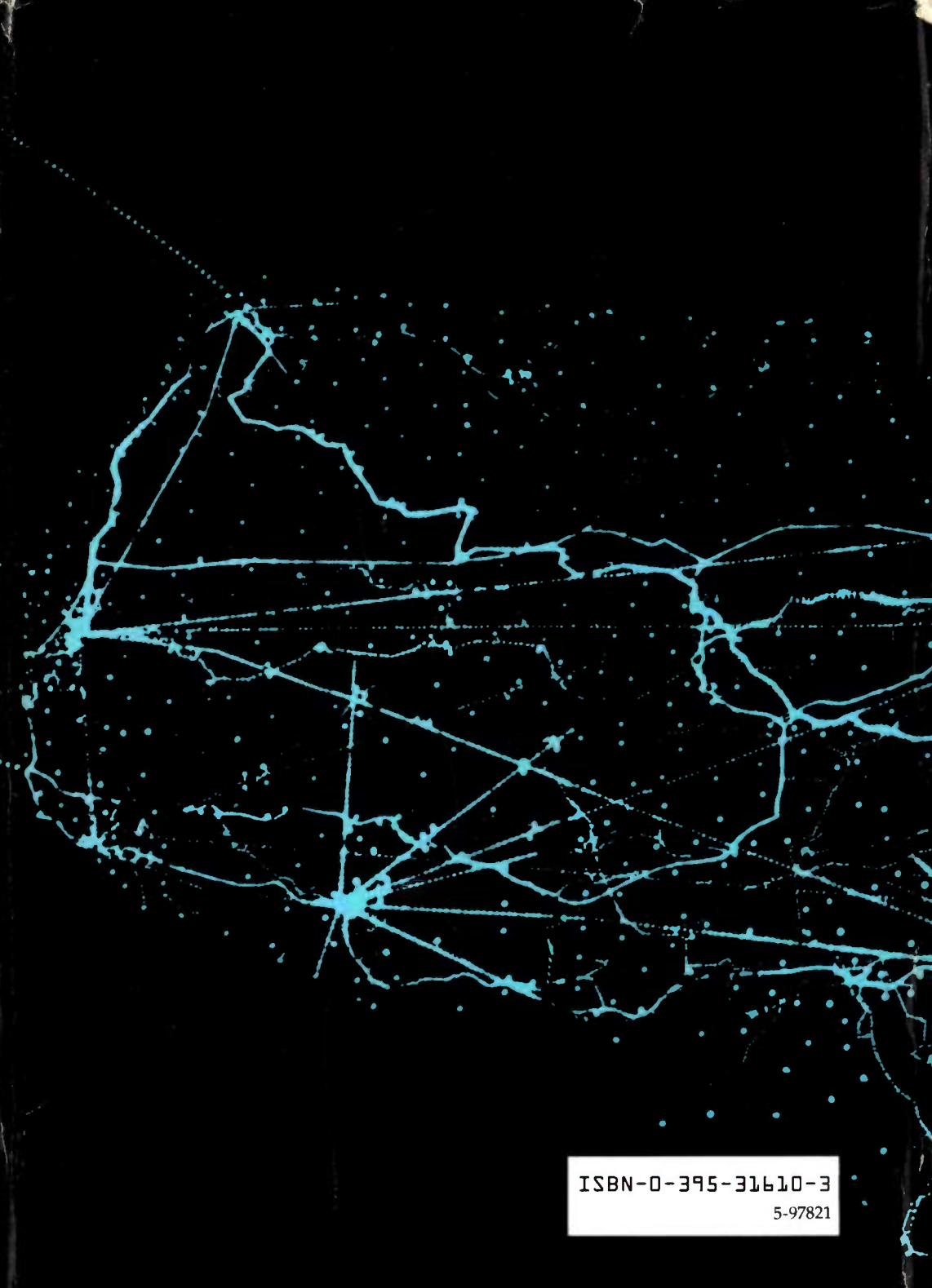


# Tune In, Tune Out

Broadcasting Regulation in the United States

Ann E. Weiss

Illustrated with photographs



ISBN-0-395-31610-3

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Who decides what we see and hear on television and radio? We say that the airwaves belong to all Americans and should be operated "in the public interest." But some argue that the broadcasting industry, despite its tremendous influence upon our daily lives, does not really serve the public's needs.

From the days when an amateur radio "ham" could build a set with some wire and an empty cereal box, and a sponsor could buy ten minutes of airtime for fifty dollars (today one minute can cost \$500,000), many forces have controlled and directed the industry. The networks and powerful corporations, the federal government and citizens' groups, all play a part in determining what we see and hear.

In this timely book, Ann Weiss clearly presents the arguments for and against various forms of regulation and considers the issues that have arisen over the years. How are broadcasting licenses assigned? Is there too much sex and violence on the air? Should cigarette manufacturers be forbidden to advertise?

Today new policies about government regulation and new technologies—among them cable TV, satellite broadcasting, and videodiscs—are changing the way we receive information. *Tune In, Tune Out* provides young citizens with valuable insights into the workings of an all-important element of their lives.

A member of the Society of Children's Book Writers, Ann E. Weiss has written over a dozen books and won several awards. *The School on Madison Avenue: Advertising and What It Teaches* was recently included on the CBC-NCSS Notable Children's Trade Books in the Field of Social Studies list.

*Tune In, Tune Out* reflects her belief that as the influence of radio and TV increases, regulation of broadcasting must change to ensure better and more wide-ranging programming. Children, as well as adults, ought to know why they hear and see what they do.

Ann E. Weiss lives with her husband and two children in North Whitefield, Maine.

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# Tune In, Tune Out

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# Why Regulate?

Meet Kenny Werner, student and part-time businessman.

Kenny lives in Clayton, Missouri, and he spends much of his time the way any other teenager does: going to school, reading, watching television, listening to radio, and getting together with friends.

Sometimes, though, Kenny's schedule is different. A day at school may be followed by an afternoon of filing invoices or an evening of working on billing statements. A weekend may be devoted to preparing and packing goods for shipment.

That's because Kenny is shipping manager for a company his family owns and operates. Through this company — its official name is the Kenny Company — the Werners market a plastic device they call the Plug-Lok. The Plug-Lok is a tool for regulating television.

It was Kenny's father who came up with the idea for

the Plug-Lok. Mr. Werner wanted to give families a way to control the amount of television they watch, and after some tinkering in the basement, he succeeded. His invention fits over the plug of a television set and keeps it from being put into an electrical socket. Once in place, the Plug-Lok cannot be released except by using a special key.

During its first year of operation, the Kenny Company sold about seven thousand Plug-Loks. New orders keep coming in — many of them, says Mrs. Werner, marked RUSH or URGENT. The Werners seem to have tapped a market of American parents eager to place the television set off limits — temporarily, at least.

But why? After all, there's plenty of evidence that watching television can benefit the entire family.

For example, teachers report that girls and boys entering kindergarten and first grade today are more familiar with letters and numbers than children used to be. Their vocabularies seem somewhat larger, too. Many educators believe that improvements like these are due to television, especially to programs like *Sesame Street* and *Mister Rogers' Neighborhood*. Older students also show positive effects from television viewing. They are knowledgeable about names, places, and events in the news. They are aware of recent scientific and technological developments. Many have been introduced to art, music, and dance through television programming.

Some television benefits are more emotional than intellectual. On *Mister Rogers' Neighborhood*, host Fred Rogers helps very young children explore their feelings about themselves and their families. Topics

discussed on the program have included birth and death, jealousy, fear, joy, and friendship. On *Feelings*, a program aimed at teenagers, adolescents air their reactions to matters from divorce to child abuse to falling in love. Similar subjects are examined on *Hot Hero Sandwich*, another show intended for a teen audience.

The benefits of television are not limited to young people. Viewers of all ages can enjoy the excellent dramas broadcast over the nation's 253 noncommercial public-television stations. And although critics agree that public television is generally superior in dramatic quality to commercial television, commercial television has known successes of its own. An example is *Roots*, a drama that traced the history of one American family from its native Africa through years of bondage in slavery to the dawn of emancipation and civil rights. First broadcast on eight successive nights in 1977, *Roots* remains one of commercial television's all-time biggest hits.

Television brings the wide world into everyone's home. More Americans learn about news events from television than from newspapers and magazines. In an election year, candidates for political office appear repeatedly on the air. Sports events, from baseball's World Series to a local high-school basketball tournament, are freely available.

Television introduces us to a variety of lifestyles. We can see women as homemakers and women as business executives and world leaders. People who live in towns with hardly a single black resident can watch black families who live, work, play, and think much as they do. City folk can view life on the farm, and farmers get a glimpse of city people. A Pope's arrival in the

United States is witnessed by Protestants and Jews as well as by Catholics. Americans can “meet” Russians, Mexicans, Indians, Western Europeans, Chinese, and South Americans — and perhaps come to understand them a little better — through television.

If television offers many benefits, so does its broadcasting sister, radio. In fact, radio has advantages television lacks. Tiny transistor sets can go anywhere, providing instant access to the latest in news, weather, and sports. Since radio can be enjoyed without being watched, it’s ideal for listening to while driving a car or sunbathing on the beach. Radio offers listeners more of a program choice than does network television. Rock fans, devotees of classical music, people who want constant news updates, amateur weather forecasters — all can find a spot on the radio band to call their own.

Yet with all broadcasting has to offer, it has its detractors. If it did not, the Kenny Company lock would not be selling the way it is.

Some people worry about the effects broadcast advertising may have on children. Critics charge that most ads are boring and tasteless, even offensive. Still worse, some think, is the fact that so many ads are designed to get youngsters to persuade their parents to buy particular products. Ads that try to convince toddlers they must immediately own this or that expensive mechanical toy are singled out for special criticism. So are ads that lead youngsters to believe that sugar is a necessary — and healthful — part of a normal diet.

Another kind of advertising that worries some people is advertising on behalf of political candidates. It’s

a rare office seeker indeed who comes on the air and says simply, “I think pollution is a problem. Here is what I will do about it if I’m elected,” and goes on to list three or four specific plans. Viewers are much more likely to see the candidate standing beside a polluted river while he talks in general terms about the horrors of environmental damage. Then the scene may shift to an unspoiled country landscape. “This is what America should be,” the candidate says.

Many modern candidates rely heavily on television and radio ads that are as vague and fuzzy as this hypothetical one. The result is campaigns full of fine-sounding words — and empty of solid, workable plans and programs. The emptiness means that voters lack the information they need to make wise decisions at the polling place. According to many political scientists, this lack of information threatens our democratic form of government.

Other people believe broadcasting threatens our democratic society in different ways. One concern is the “docu-drama,” a combination of documentary fact and dramatic story that adds up to a fictionalized account of historical events. In some docu-dramas, the main character’s personal life is emphasized over his or her public achievements. In others, the facts of history are changed in order to make the story more interesting or exciting. In either case, the history is inaccurate. This misleads viewers, and gives them false ideas about how events have been shaped in the past and how those events have affected people’s lives. Could that make it harder for people to understand the significance of certain current events? Some people fear the answer is yes.

Still another criticism is that broadcasters appear to ignore many of the serious issues our country is facing today. As an example, some people point to public television's dramatic programming. The dramas are beautifully produced and acted, they say, but few are relevant to life in the late twentieth century. Several have involved events of World War I — events that are nearly seventy years in the past. One was a serialized story of life in ancient Rome. Others have been set in the 1920s and 1930s.

The lack-of-relevance charge is leveled at commercial television, too. Commercial-television viewers can see programs that feature black families, or that include members of other minority groups as supporting actors. But the programs do not deal with the specific, and very real, problems of American minorities today. Unemployment, poor housing, and discrimination are largely ignored. The shows are “written white and cast black.” They depict dark-skinned people enjoying an affluent, white middle-class lifestyle.

Ironically, while some people are claiming that broadcasting is not relevant enough, others complain that it is all too relevant, all too true to life. They criticize the nightly news programs with their recurring images of burning buildings, airline crashes, terrorist bombings, and people dying in battle. They protest programs that involve abortion, divorce, and related subjects. They don't like the sexually suggestive jokes and situations that dominate much of evening television.

But perhaps the one aspect of broadcasting that has received the most criticism is television violence.

Late-night television is rife with violence. Criminals beat, kick, torture, strangle, shoot, knife, and mur-

der — and police and detectives murder, knife, shoot, strangle, torture, kick, and beat right back. Direct violence is getting to be common on daytime serials, too. It permeates cartoon shows.

Less direct violence is plentiful as well, especially during the evening hours. Car chases, complete with screeching tires and squealing brakes — and often culminating in flaming crashes — are a form of violence. So are natural disasters, like the floods, hurricanes, and tidal waves that play so large a part in television “entertainment.” Many people believe the United States government ought to step in and draw up new regulations to reduce the amount of violence shown on television.

Other people want stiffer broadcasting regulation for other reasons. Some would like to force off the air every show that deals with sex. Others hope to see rules to ensure more coverage of political affairs, and more public debate on controversial issues. Some want an end to political advertising in its present form. Many seek regulation to limit advertising aimed at children.

With so many people eager to regulate broadcasting, it's little wonder that Kenny Werner is busily filling orders for his family's product. But the Plug-Lok is a crude regulatory tool. It offers families only the simplest of choices: Ignore the television altogether or watch whatever happens to be on. The lock has no effect on what goes out over the airwaves. It regulates individual viewers, not broadcasting itself.

Other forms of regulation do affect broadcasting. The Federal Communications Commission (FCC) is the federal government agency primarily responsible

for making rules for the industry. The FCC's job is trying to make sure broadcasting is done in a way that benefits the American public. Every radio and television station in the United States must abide by FCC rules.

Besides the FCC, other groups play a role in regulating broadcasting. The Federal Trade Commission (FTC) keeps an eye on broadcasters to see that the ads they carry are not deliberately designed to deceive consumers. The United States Congress has passed laws to regulate the industry. Even consumer groups and private citizens can bring about changes in broadcasting rules.

Other major industry regulators are broadcasters themselves. A lot of the guidelines they follow were developed by people in radio and television. Self-regulation is central to American broadcasting.

In the future, it may be just about the only regulation in broadcasting. As the 1980s began, people in and out of government were urging an end to most outside regulation of the industry. To see why, and to see how regulation works in broadcasting today, we'll have to go back to the beginning, back to a time when broadcasting was new, and no rules had yet been written.



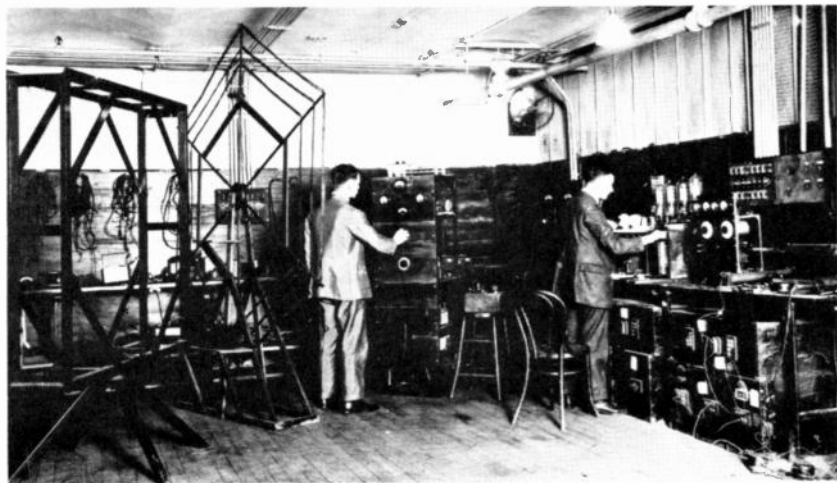
# Radio Pioneers

The world's first radio message was aired one day in 1895, over the hilly countryside not far from Bologna, Italy. The sender was twenty-one-year-old Guglielmo Marconi.

That first broadcast was a brief one. It went out from a transmitter Marconi had built himself, and was picked up 1700 meters away on a receiver, also home-made, operated by his older brother, Alfonso.

But although the message was hardly earthshaking, the fact that it had been sent and received at all was a triumph. The clicking sounds had traveled more than a full mile. They had gone through empty air, without benefit of wires, and not even the hills that separated Guglielmo and Alfonso were enough to interfere with their transmission.

Guglielmo Marconi is generally called the “father of radio,” but his invention was only one of many that led



An early radio laboratory. This photo shows the state of radio research about 25 years after Guglielmo Marconi sent his first wireless message over the Italian hills. (*Reproduced with permission of American Telephone & Telegraph Co.*)

to the development of radio and television. About thirty years earlier, the German physicist Heinrich Rudolf Hertz had discovered that waves of electrical energy could be made to pass through empty space. These waves — radio waves — travel at the speed of light. Hertz was able to generate radio waves on one piece of equipment, which he dubbed an “exciter,” and to detect them on another device, a “receiver.”

In the years that followed, other scientists made improvements on Hertz’s equipment. But not until Marconi came along did anyone manage to send radio waves over more than a few feet. In 1896, Marconi took out a patent on his invention. The patent made Marconi the only person with the legal right to manufacture and sell his “wireless.”

It wasn’t long, however, before other inventions

were being used to make radios with much greater sending and receiving power than Marconi's original wireless. Each advance was patented by its inventor.

One patent was taken out by an Englishman, John Fleming. In 1904, Fleming came up with the idea of the "vacuum tube," which made the detection of radio waves easier. Two years later, American Lee De Forest made a vacuum tube that could amplify radio waves as well as detect them. Such inventions made it possible to send wireless messages over tens, even hundreds, of miles.

Marconi himself made further important contributions to radio. One was the discovery that he could broadcast over radio waves of different lengths — or different frequencies. That discovery led, years later, to an AM radio band (and eventually to an FM band and a television band) with separate broadcasting spots for each station.

Another radio pioneer was a Canadian named Reginald Fessenden. Fessenden learned how to use radio waves to carry music and human voices. His first successful broadcast, aired from a coastal village in Massachusetts on December 24, 1906, was a "program" of Christmas carols. Fessenden's New Year's Eve broadcast, which came a week later, was picked up by ships as far away as the West Indies.

Fessenden, like De Forest, Fleming, and others who contributed to the growth of radio, started out as an amateur. Even Marconi had no real laboratory to work in. He built his first transmitter in the attic of his father's house.

Lacking proper laboratories, the early experimenters also lacked the ideal materials for building

radios. They constructed their sending and receiving equipment from just about anything they could get their hands on. One vital part of the apparatus could be made from a filed-down nickel. Wires could be twisted around almost any cylindrical object — Quaker Oats boxes and old baseball bats were favorites. For the amateurs, inventing new radio parts was more like fun than serious work.

However, some of the people who were using the equipment invented by amateurs were very serious about radio. Among them were United States Navy personnel. It did not take navy officers long to see how useful it would be to have ships linked to each other, and to shore, by wireless. Captains could get up-to-date weather reports and storm warnings. Whole fleets could be coordinated and ships could communicate easily during battle.

Other early radio users were business executives at the United Fruit Company. Radio-equipped company ships, their holds filled with perishable goods, no longer had to put in to port to pick up telegraph messages directing them to the best markets. Thanks to radio, they could receive that information while at sea. This gave them an edge over competitors, and helped boost United Fruit profits.

Business and government use of radio soon led to conflict with radio amateurs. Amateurs' messages filled the air. They interfered with official broadcasts, crowding out important business and naval communications. A few pranksters even posed as admirals, and issued bogus orders to navy vessels. Government officials soon made up their minds that such frivolous

uses of radio must be stopped, and in 1912 Congress passed the nation's first radio law.

The law said that anyone who wanted to broadcast over radio had to apply for a government license. Only American citizens could receive licenses, which were to be issued by the secretary of the United States Department of Commerce and Labor. (The next year, Commerce and Labor was divided into two departments and the radio-licensing authority given to the new Department of Commerce.)

The secretary of commerce also had the power to tell licensees at what time of day they could go on the air and which frequency — which spot on the radio band — they must broadcast over. In addition, he could divide up the band according to use. That is, he could assign one radio frequency to amateurs and a second to ships, while reserving a third one for the government.

The law was supposed to clear up the confusion on the airwaves, but it only partly succeeded. It did reduce the conflict between amateur and official broadcasting. But it did not do much to straighten out the conflict among amateurs, because under the law, any American who wanted a license automatically got one. Almost at once, the secretary of commerce issued a thousand licenses — all for the same frequency. Since licensees tended to ignore the rule that they could only go on the air at certain times, there was a tremendous amount of interference. One person would begin to broadcast, only to have someone with a stronger transmitter cut in and drown out his voice. Messages faded in and out. The confusion got worse as the years

passed. By 1917, nearly nine thousand Americans had broadcast licenses.

By then, the United States was about to enter World War I. According to the 1912 law, the federal government had the right to close down all amateur broadcasting equipment during wartime. In April 1917, the month the United States declared war on Germany, most radio stations came under the control of the army or navy.

At the same time, the United States Navy began directing the manufacture of radio sets. Navy officials asked various companies to produce radio parts and equipment. Many navy contracts went to the Westinghouse Corporation and to the General Electric Company. GE and Westinghouse were leading producers of electric light bulbs, which operate on a principle similar to that of radio vacuum tubes. Soon GE and Westinghouse were turning out thousands of vacuum tubes for military use. Other navy contracts went to the American Telephone & Telegraph Company. AT&T had earlier bought the patent rights to Lee De Forest's improved vacuum tube.

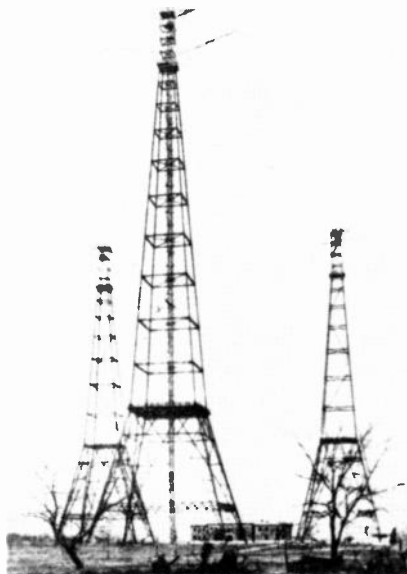
During the twenty months that America was at war, AT&T, Westinghouse, and GE supplied the government with thousands of radio sets and related equipment. The companies did not simply build the needed parts. They made one improvement after another, and produced sets that were powerful enough to broadcast clearly over many hundreds of miles. Each company took care to obtain a patent for every improvement.

The companies' care paid off. AT&T, GE, and Westinghouse (in addition to the United Fruit Company, which had been involved with radio for years) ended

up owning the patent rights to two thousand separate radio inventions. The patented inventions were absolutely essential to the manufacture of radios. No one could build an efficient transmitter or receiver without employing several of them. In order to use the patents to their best advantage, the four companies agreed to set up one supercompany. They called it the Radio Corporation of America — RCA.

By the early 1920s, RCA's patents made it virtually the only company in the United States with the legal right to produce and sell radio sets. Within a few years, RCA's near-monopoly was challenged and broken up by the federal government. But before that happened, radio was to undergo three great changes.

The first radio message to cross the Atlantic Ocean was broadcast on October 21, 1915. It was transmitted from an experimental station owned by the American Telephone and Telegraph Company in Arlington, Virginia (left), and picked up by an AT&T engineer at the Eiffel Tower in Paris (right). (*Reproduced with permission of American Telephone & Telegraph Co.*)



# Radio Boom

It was September 1920 and a Westinghouse Corporation executive named Harry P. Davis had just had an inspiration. As Davis knew, the end of World War I two years earlier had led to hard times for Westinghouse radios. Lacking government war contracts, the company had little market for its sets. But now, reading an advertisement in the *Pittsburgh Sun*, Davis suddenly saw a way to get thousands of ordinary men and women to begin buying Westinghouse radio receivers.

The ad had been placed by a local department store. It offered “amateur wireless sets” at \$10 and up. The chief selling point was that set owners could tune in to a local experimental station and hear occasional programs of recorded music.

Westinghouse could make sets as good as — or better than — the ones being advertised, Davis was sure. Among the companies holding radio patents, Westinghouse had one particular advantage — it held the



rights to a receiver that was extremely easy to use. Unlike other equipment, this receiver required no technical knowledge to operate. Anyone, even a person who knew nothing whatsoever about radio, could tune in a Westinghouse set and listen to other people broadcasting.

*Listening* was half of Davis's idea. The other half was even more revolutionary. Westinghouse *itself* would set up a station and broadcast regular programs of music, news, and informational talks. The schedules would be published ahead of time, perhaps in newspapers, and people could tune in and listen to whatever appealed to them. Radio would become a social event, a theater in the home.

As it happened, the experimental station referred to in the ad belonged to a radio enthusiast named Frank Conrad, who was already employed by Westinghouse. Davis got in touch with Conrad, and the two agreed that Conrad would build a new, powerful station as quickly as possible. When the station was ready, regular programs would be announced. Meanwhile, Westinghouse would begin promoting its easy-to-use sets. Harry Davis even dreamed up a special sales gimmick. The new station would make its debut with a minute-by-minute report of the results of the 1920 presidential election.

To get the new station ready in less than two months was a big order, but the people at Westinghouse worked hard. By the beginning of November, the station, licensed by the Department of Commerce as KDKA, was ready to go on the air.

KDKA's election-night broadcast, which detailed Republican Warren G. Harding's victory over Demo-

crat James M. Cox, made a sensation in Pittsburgh, and the station went ahead with scheduled programming. At first, its broadcast time was limited to sixty minutes a night — from 8:30 to 9:30 — but it wasn't long before the hours increased. The immensely successful KDKA experiment — the first great radio change of the 1920s — marked the beginning of a radio boom in the United States.

The boom sent the sale of radios soaring. In 1920, only a few thousand people owned sets. Two years later, Americans bought \$60 million worth of sets and parts. In 1924, they bought \$358 million worth.

The boom also sent the number of radio stations soaring. In 1921, the Department of Commerce designated a separate class of “broadcasting” licenses (as opposed to licenses for amateur operators) for people who wished to produce scheduled programming like KDKA's. Between January and November of that year, the secretary issued five “broadcast” licenses. In December, he granted 23. By the end of the next July, he had issued 430 more. Many of the new stations had transmitters so powerful their broadcasts could be heard in several cities, even from state to state. Others could only broadcast locally.

Around the country, radio programming filled the air. In Chicago, radio got off to a start by broadcasting live opera productions. Dance music and concerts of classical pieces were other staples of early radio. So were dramatic readings by well-known actors and actresses.

At first, the men and women who read, and the musicians who played and sang, were content to offer their talents free of charge. But gradually they began

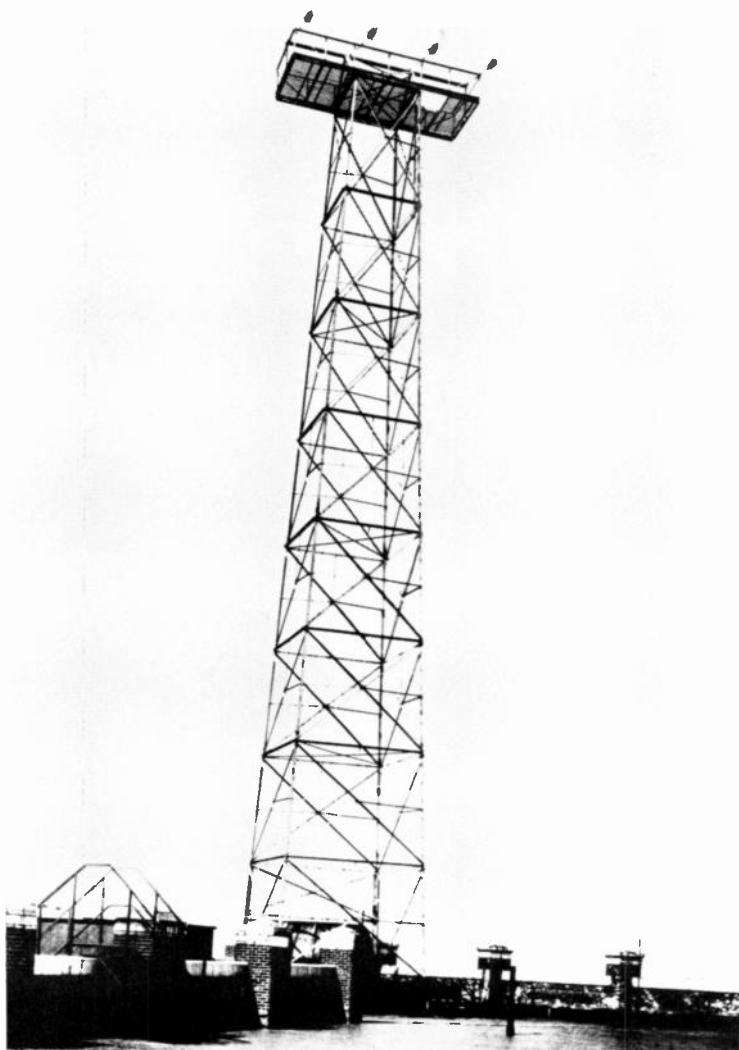
asking to be paid for their services. That raised a problem for station owners, particularly for owners who were not associated with giant corporations like Westinghouse. How could they afford to pay the prices their radio artists were demanding?

There were other financial problems for station owners. A few years before, it had been possible to set up a radio broadcasting station for \$3000 or \$4000. Now, equipment was getting more sophisticated — and more expensive. By 1925, the question of how to finance broadcasting was becoming critical.

People suggested a variety of possibilities. Perhaps wealthy individuals or foundations could pay radio costs. A town or city might buy equipment and run its own station at local taxpayers' expense. The public might even be willing to pay radio costs directly, by sending in regular contributions. Or the federal government might place a tax on each set sold and use the revenue to support broadcasting. The last plan, already in effect in England, had many supporters. In the end, though, none of these suggestions was adopted for American broadcasting as a whole. The financing debate had hardly begun before a solution was found, a solution that stemmed from the second change that came to radio in the early 1920s.

The American Telephone & Telegraph Company was responsible for this change. In 1922, AT&T executives unveiled a plan for a new kind of radio programming. They called it toll broadcasting.

Toll broadcasting, AT&T explained, was like long-distance telephoning. Anyone who wished to could step into an AT&T toll broadcasting "booth," and speak to the public — or at least to that part of the



How could radio be made to pay for itself? Executives at AT&T had an idea: toll broadcasting. From this tower atop a New York City building, radio station WEAf transmitted the nation's first commercial programs. (*Reproduced with permission of American Telephone & Telegraph Co.*)

public that was tuned in. A person could use the booth to send out his or her own musical or informational program. Possibly the information would concern some service or product that the person in the booth hoped the listening audience would want to use or buy. Well and good. AT&T would be delighted to accommodate such a use of its booth. Of course, whoever used the booth would have to pay for the privilege, just as people had to pay for the privilege of making long-distance telephone calls.

And so broadcast advertising was born.

It was no overnight success. Requests to use the toll booth came in so slowly that AT&T officials realized they needed a bait to lure renters. The bait they settled on was the same bait Westinghouse had used to sell its receivers — regular programs of music and entertainment. The programs would be broadcast over AT&T's New York City station, WEAF. They would bring in listeners, and the listeners would attract advertisers eager to sell products.

WEAF's first commercial sale came in August 1922. A New York City real-estate developer spent \$50 for ten minutes of airtime to tell people about the advantages of renting one of his Jackson Heights apartments. Then cosmetics manufacturers and department-store owners began purchasing advertising time. By 1925 WEAF was showing a yearly profit of \$150,000. AT&T had provided the commercial underpinnings for radio — and later television — broadcasting.

Simultaneously, AT&T launched the idea of the broadcasting network, the third change that came to radio in the 1920s. AT&T's plan was to link up stations



Regular entertainment programming was the bait that won both listeners and sponsors for early radio. In 1924, this pianist performed for WEAF. (*Reproduced with permission of American Telephone & Telegraph Co.*)

in different parts of the country via its long-distance telephone and telegraph wires. That way, identical programs and ads could be aired in two or more cities at the same time. The first regular AT&T hookup, between WEAF and a Washington, D.C., station, came in January 1923. After that, other stations were added to the network. Advertisers who used the WEAF broadcasting booth could reach a nationwide audience. They were willing to pay a steep price for that audience, which is one reason WEAF profits rose so rapidly.

AT&T did not remain active in broadcasting for

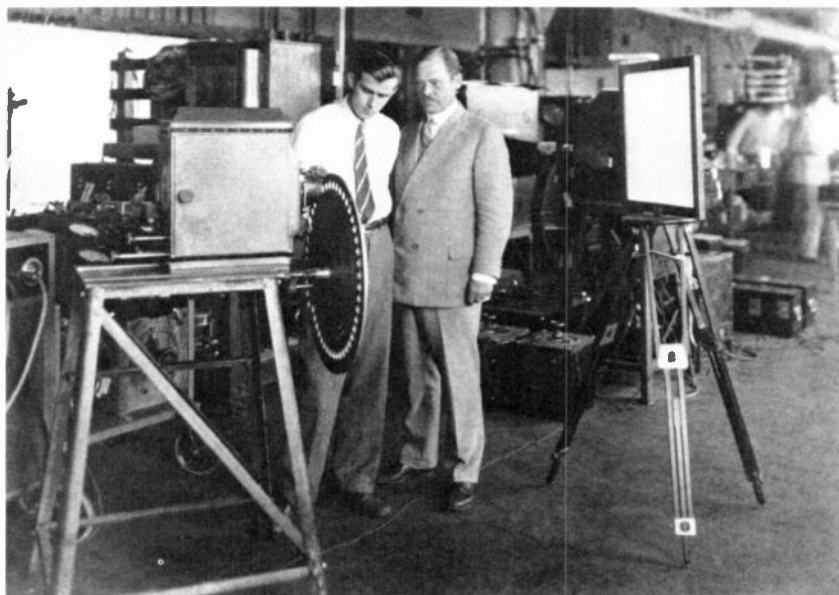
long. In 1924 the federal government became anxious to break up the RCA-AT&T-GE-Westinghouse-United Fruit radio monopoly. The government pressed AT&T to get out of broadcasting and AT&T agreed. From now on, company officials promised, their only connection with radio would be to rent their telephone and telegraph lines to radio stations that wanted to use them. The rental fee would be high, guaranteeing AT&T a tremendous profit.

In 1926 AT&T also agreed to sell WEAf. The buyer was a newly formed corporation, the National Broadcasting Company. NBC had been set up under a plan worked out by executives at RCA, GE, and Westinghouse. Other stations owned by those companies also affiliated (associated themselves) with NBC.

Eventually, NBC controlled so many stations that it separated them into two networks, NBC-red and NBC-blue. In 1943, again under United States government antimonopoly pressure, NBC sold its blue network. The purchaser was another new corporation, the American Broadcasting Company (ABC). The third major network with which we are familiar today, the Columbia Broadcasting System (CBS), was organized in 1927.

American radio had changed radically since the end of World War I. Then, it consisted of a few thousand amateur operators broadcasting among themselves. By 1923, radio had regular scheduled programming, mostly consisting of light music and dramatic readings. It had some paid advertising and a fledgling network. Researchers were even experimenting with the first television sets.

But in one way radio hadn't changed at all. It was



By the late 1920s, radio was booming and TV was on the way. At General Electric, Ernst F. W. Alexanderson (gray suit) and others used a rotating disk to produce a flickering picture. On April 7, 1927, an experimental station of the Bell Telephone Laboratories demonstrated television broadcasting. The station was licensed under the call letters 3XN. (3XN: *Reproduced with permission of American Telephone & Telegraph Co. Alexanderson: Courtesy General Electric*)





still operating under the 1912 radio law. That law was completely outdated, and broadcasters were demanding a new law to correct the flaws in the old one.

As broadcasters saw it, the 1912 law suffered from two major problems. First, every American who wanted a license could have one. Second, all civilian licensees were required to broadcast over the same frequency, the same spot on the dial.

These provisions made for chaos. To keep stations in the same city from interfering with one another's broadcasts, the secretary of commerce ordered the stations to share airtime. One station might broadcast from 10:00 A.M. until noon, a second from noon to 1:00 P.M., a third from 1:00 P.M. until late afternoon, and so on. Other area stations would be told to work out sharing patterns for the evening hours.

Not all station owners were willing to share. Some continued broadcasting right through another licensee's legal hours. The station with the strongest transmitter was the one most people wound up listening to.

Other station owners coped with the problem differently. They broadcast over frequencies just above or just below the assigned one. That only made the interference worse, and people found it more and more difficult to tune in to the station they wanted to hear.

Late in 1921 the broadcasters' complaints brought results. Secretary of Commerce Herbert Hoover (who was to be elected president of the United States seven years later) called for a national radio conference to be held in Washington, D.C. Its purpose would be to look into the problems created by what Hoover called the "astonishing development" of radio. Hoover added

that he wanted broadcasters *themselves* to tell him what they thought his regulatory powers ought to be.

The broadcasters who attended the first Washington Radio Conference did not hesitate to give Hoover the advice he sought. Chief among their suggestions was that he begin assigning different frequencies to stations operating in the same city or area.

Hoover followed this advice. That summer, the Department of Commerce set aside a second spot on the radio band for broadcast licensees.

Most of the stations that were granted licenses for the new spot belonged to the RCA-AT&T-GE-Westinghouse-United Fruit patent alliance. (This was before the alliance was broken up.) The owners of these stations soon found that they had gained an enormous advantage. Their interference was cut way down, so they had less need to share time. What's more, the licensees at the new spot were permitted to transmit at a higher power. That widened their listening area and got them larger audiences. Larger audiences made it easier for them to sell advertising time, and that raised their profits.

For the stations still at the old spot, the picture was less bright. These stations were relatively small and poor. Many were owned and operated by colleges and universities and did not accept paid advertising. Their programs were educational; some offered college credits to listeners. For these stations, interference and time sharing were still realities. Inevitably they slipped into the role of "poor relation" to the richer, more powerful stations at the new spot.

The nation's leading broadcasters — the patent allies — were pleased by Hoover's reassignments and

they responded enthusiastically when he called a second Washington Radio Conference for 1923. At this conference, the broadcasters convinced Hoover that he did not have to limit frequency assignments to one or two spots on the radio band. He could assign licenses to any spot he wished.

So in May 1923 Hoover announced a major reallocation of radio frequencies. He divided stations into three classes. In the first were the most powerful stations. They were allowed to broadcast over wide areas on various "clear channels." They had little interference and had to do almost no time sharing.

In the second class were less powerful stations. They broadcast to smaller areas, and had to share time and frequencies as necessary.

The third class included stations that served only small local areas. All were at the same spot on the dial, and all had to share time extensively. Many class-three stations were licensed to broadcast only during the daytime.

The broadcasters in the RCA-AT&T-GE-Westinghouse-United Fruit group approved of Hoover's plan. They approved of his class assignments, too. Every station associated with the patent group was put in class one. Stations that belonged to educational institutions, on the other hand, were designated class three.

Even worse was ahead for the class-three stations. At the third Radio Conference, in 1924, the class-one owners, annoyed by local interference from the country's eighty-six class-three stations, urged Hoover to abolish them. Hoover promptly began doing so.

The 1920s were good years for the increasingly powerful leaders of the broadcasting industry. Technical

advances were putting radio in most American homes. Scheduled programming, paid advertising, and the development of the network system were producing vast profits. And the regulatory actions taken by Secretary of Commerce Hoover — actions usually taken at the urging of broadcast leaders — promised to keep those profits flowing. Broadcasters seemed to be doing just fine, even without the new radio law they had wanted so badly. Then, suddenly, the picture changed.

In 1926 a United States federal court ruled that the 1912 law had *not* given the secretary of commerce the right to allocate radio frequencies. The court declared all of Hoover's new assignments invalid. At once, station owners began broadcasting wherever and whenever they pleased. The result was pandemonium, and Congress finally got to work on a new radio act. It became law in January 1927.

Throughout the 1920s, broadcasters jockeyed among themselves for profits, power, and position, while waiting for Congress to pass a much-needed radio law. Meantime, millions of Americans just enjoyed listening. (*Courtesy Westinghouse Electric Corporation*)



# A Law at Last

The radio law that took effect in 1927 remained the basic broadcasting law of the land for more than fifty years. Only now, in the 1980s, are people beginning to examine that law's fundamental assumptions. We'll take a look at some of the questions people are raising about the law in Chapter Eleven.

The 1927 law took radio-licensing power away from the Department of Commerce and gave it to a new five-member Federal Radio Commission (FRC). The law also gave the FRC the right to assign frequencies and to draw up regulations regarding broadcasting hours, time sharing, and general use of the airwaves.

Seven years later, Congress updated the 1927 law by passing the Communications Act of 1934. This act replaced the FRC with a seven-member Federal Communications Commission and added to its responsibilities the regulation of the telephone and telegraph industries. Today the FCC regulates television, too. Its



The invention of television meant new responsibilities for the FCC, which was established under the 1934 Communications Act. Here, TV researcher Ernst Alexanderson and his family watch the tiny, postcard-sized screen. (*Courtesy General Electric*)

members are nominated by the president of the United States and confirmed by a vote of the Senate. No more than four of them may belong to the same political party. In addition to its seven commissioners, the FCC has a full-time staff of about 2200 men and women.

Underlying the Communications Act is the philosophy that the airwaves are a public resource and belong to all Americans. According to this philosophy, the airwaves can never be the property of the broadcasters who use them. When the FCC grants a station license,

it is only allowing the station owner to *use* a particular broadcast frequency. The *ownership* of the frequency remains with the American public.

When a broadcaster's license expires (as it does every three years), he or she must apply to the FCC for a renewal. Renewal is usually automatic. But no matter how many times the license is renewed for the same frequency, the frequency does not become the property of the licensee.

What the licensee does own is the radio or television station itself — its building and equipment. That building and equipment can be sold or transferred as the owner wishes. But the owner cannot sell the station license. It's up to the FCC to decide whether to transfer a license to any new owner.

Before deciding to transfer or renew a license, or to grant a new one, FCC members are supposed to ask themselves if the license applicant will operate the station "in the public interest, convenience, or necessity." That phrase, "in the public interest," is basic to American broadcasting — in theory, at least. The idea is that since the airwaves belong to the American public, they must be used in ways that will best serve that public. Licensees who cannot satisfy the FCC that they are operating in the public interest may have their licenses taken away from them.

To see that broadcasters do operate in the public interest, the FCC has drawn up various rules and guidelines. One of the most important is the fairness doctrine.

Fairness, to the FCC, means broadcasters giving Americans an opportunity to see and hear conflicting opinions about the important issues of the day. Under

7. the fairness doctrine, whenever anyone uses a station's facilities to speak out about a public issue, the owner of that station must invite people with opposing points of view to go on the air to state their positions.

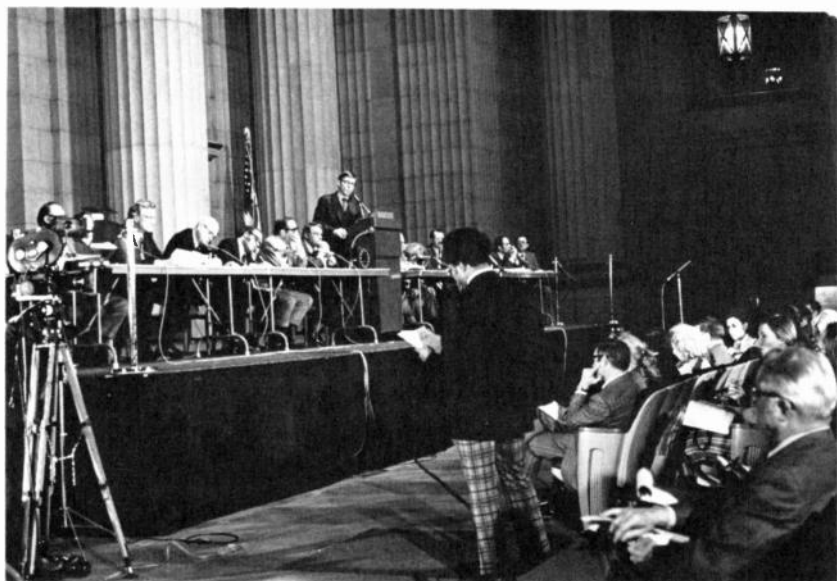
The fairness doctrine is unique to radio and television. No similar regulation exists for the print media, such as newspapers and magazines. That is because of the special nature of broadcasting.

The airwaves are a public resource, but a limited one. There are only a certain number of radio and television frequencies available for people to broadcast over. By contrast, there is no limit to the number of newspapers and magazines that can be published. People can write to any of the nation's papers or journals and have a fair chance of seeing their viewpoints in print. Or they can write books or pamphlets and have them published — or publish them on their own.

It's different in radio and television because only those who own stations have access to their broadcasting facilities. Without the fairness doctrine, any owner could hammer away at a single point of view day after day, year after year, refusing to allow any other opinions to be broadcast from the station.

7. Another important FCC rule is the equal-time requirement. Its purpose, too, is to make sure that listeners and viewers have an opportunity to hear many different opinions and to inform themselves fully. The equal-time requirement comes into play during election-year political campaigns. It says that if a station owner gives or sells airtime to one candidate for public office, he or she must give or sell the same amount of time to all major candidates for the same office. If the first candidate paid for the airtime, other candidates





Since 1934, the FCC has kept tabs on American broadcasting. Commissioners and FCC staff are supposed to respond to public concern about what goes out over the airwaves. Holding public hearings is one way to do that. (*Ankers Capitol Photographers/FCC*)

must be permitted to buy time at the same price. The equal-time requirement is supposed to keep radio and television stations from serving as soapboxes for one individual candidate or political party.

How does the FCC enforce its rules? One of the commission's weapons is its power to refuse a station a license to operate.

Naturally, station owners are anxious to keep the FCC from taking away their licenses, or refusing to renew them, and when the FCC invokes either punishment the affected owner usually changes his or her ways promptly. In fact, the mere hint that the FCC might hold hearings, or that it might hesitate to renew

a license, may be enough to induce a station owner to make changes.

At one time, for instance, the FCC was receiving complaints that New York City radio station WPIX was scheduling too few programs that related directly to its listeners, many of whom were black or Spanish-speaking. Community groups threatened to challenge WPIX's license. Even as the FCC began showing an interest in WPIX, the station's management was starting to cover important local issues in greater depth.

But the WPIX case was an unusual one because the FCC is usually reluctant to invoke its power of nonrenewal. As a weapon, nonrenewal is almost too powerful, too total. Is the FCC going to refuse to renew a license because the licensee ignored the fairness doctrine once or twice? Three times? Five? Over the years, the FCC has taken away very few licenses and station owners know that. This knowledge makes some of them rather casual about following FCC regulations.

There may be other reasons for FCC reluctance to act against station owners who break or bend the rules. Why? One reason is that many commissioners have worked in broadcasting or in fields related to broadcasting. Commissioners who have ties to the industry tend to sympathize with the problems of radio and television executives and may share their ideas on how to deal with those problems. Television critic Tony Schwartz writes that the relationship between the commission and the broadcasters it is supposed to regulate is "akin to that of a stern teacher and a favored pupil: sometimes sharply directive, but fundamentally

protective and encouraging.” Sometimes that relationship influences FCC decisions and rulings.

Other commissioners take jobs related to broadcasting after they leave the FCC. Could a commissioner who plans to go into broadcasting make decisions that tend to benefit the industry? It has happened.

FCC members face other problems as they try to carry out their jobs. For instance, FCC rules don’t always work the way they were intended to work. Critics point out that in some cases rules like the fairness doctrine and the equal-time requirement have actually reduced the amount of on-air debate and discussion. Why? Broadcasters don’t want to give away any more airtime than they have to. They’d rather sell the time to an advertiser because that is how they make their profits. So they try to refrain from airing any controversial opinions that are likely to inspire listeners or viewers to demand free time for a response.

Another problem for the FCC is that it is under the authority of Congress. New FCC members must be approved by the Senate. Furthermore, Congress votes on the FCC budget, which amounts to some \$65 million a year. If Congress does not like what the FCC is doing, it can refuse to give the commissioners the money to carry on their work.

To displease Congress, the FCC has only to displease broadcasters. Congress has close links with the industry. As elected officials, members of Congress depend upon people in broadcasting to give them favorable publicity. Winning such publicity means staying on broadcasting’s good side. And congressmen and congresswomen know they can do that by encour-

aging the FCC to make regulatory decisions that benefit broadcasters.

All this doesn't mean that the FCC is nothing more than a tool of the industry it is supposed to regulate. FCC members have made many rules and enforced many decisions that go against the wishes of broadcasters. Even Congress has passed some laws over broadcasters' objections. But through the years, congressional and FCC ties to the industry have made both vulnerable to industry pressure at times.

Pressure from the broadcasting industry was also responsible for some fundamental weaknesses in the Communications Act of 1934. After months of effort, broadcasters got Congress to pass a law that failed to deal with three vital aspects of broadcasting: educational broadcasting, advertising, and the network system.

From the start, commercial broadcasters opposed the creation of educational radio and television stations. The basis of their opposition was twofold: They did not want to lose potential audiences, nor did they want noncommercial stations to occupy valuable space on the broadcasting band. Back in 1924, the nation's leading commercial broadcasters were able to get Herbert Hoover to start getting rid of those educational stations that did exist. Ten years later, they convinced a majority of Congress to drop an amendment to the Communications Act that would have reserved a number of frequencies for educational use. Not until 1952 did FCC Commissioner Frieda B. Hennock persuade the FCC to set aside a group of television channels for educational stations. By then, most of the best frequencies had gone to commercial interests, and edu-

cators had to content themselves with less favorable allocations. Even so, commercial broadcasters condemned Commissioner Hennock's plan as "socialistic."

As far as broadcast advertising is concerned, the only reference to it in the 1934 law is the statement that if a program is sponsored, the sponsor's name must be announced on the air. Aside from that, the act does not acknowledge the existence of on-air advertising, and this omission affects the FCC's authority to regulate broadcasters' advertising practices.

Networks are not mentioned in the Communications Act. The law is written as if the American broadcasting industry were made up of hundreds of independent stations, and only gives the FCC the right to regulate those stations. As a result, the commercial networks, which lie at the heart of broadcasting, are largely outside government control. The FCC regulates the fringes of the industry; its powerful center is generally left to run itself.

## A Word from the Sponsor

If you are just turning on the television, the chances are good that when the picture appears, you'll find yourself looking at an ad. During evening prime time, television ads may amount to nine and a half minutes out of each hour. At other times of day, ads occupy sixteen minutes of every sixty — more than a quarter of total broadcasting time.

Who sets the limits? Not the FCC and not Congress. Television executives themselves have decided how much time to sell to advertisers. They also choose what periods of time to sell and to whom to sell each one. Radio broadcasters, too, decide what will be advertised, and when. The FCC does, however, impose a limit on the amount of time that can be used for commercials on radio. The FCC limit is a generous one, eighteen minutes per hour.

The large measure of control that broadcasters have over advertising goes back to the beginning, back to

1922, when AT&T invented toll broadcasting. At first, even some AT&T officials doubted the American public would ever be persuaded to accept radio advertising. One, Edgar Felix, wrote in 1927 that a listening audience “resents the slightest attempt at direct advertising.” Secretary of Commerce Herbert Hoover thought the same. He believed it “inconceivable that we should allow so great a possibility for service . . . to be drowned in advertising chatter.”

Yet Hoover and Felix were not really as much against advertising as their statements make them sound. What they opposed was “direct” or “pure” advertising, sales pitches that went on and on with a buy-buy-buy message. “Indirect” advertising was a different matter.

On-air commercials were controversial at first, but they caught on fast. One of the earliest commercial broadcasting personalities was Helen Hann, the first hostess of radio station WEAF. *(Reproduced with permission of American Telephone & Telegraph Co.)*



Indirect advertising simply meant brand-name publicity. For example, the owner of a company that manufactured cosmetics might hire an actress to go on radio to tell women about her favorite makeup techniques. At the beginning and end of the talk, listeners would hear the name of the company that was paying for the broadcast. In the case of musical programs, the sponsor's name became part of the program title: *The Cities Service Orchestra*, *The Maxwell House Hour*, *The General Motors Family Party*. Listeners always knew whom to thank for their entertainment.

At first, though, broadcasters hemmed in their sponsors' commercial messages with strict rules. At NBC, company policy kept advertisers from describing their products or announcing their prices. To do either would have been to indulge in direct advertising. Other limits were set by the National Association of Broadcasters (NAB), a group organized in 1923 to promote broadcasting interests. One portion of the NAB code said that commercials ought not to be broadcast between 7:00 and 11:00 P.M.

Furthermore, not all products could be advertised on the air. Certain patent medicines, such as laxatives, were not considered appropriate for radio mention. Cigars and cigarettes could be promoted, but only with care and discretion. Even toothpaste was a questionable subject. One toothpaste maker, eager to address listeners on the proper care of the teeth and gums, had to wait for airtime while broadcasters debated the suitability of such a talk for radio.

Eventually, the toothpaste manufacturer got his airtime, and as the months went by ads for other body-care products began to be heard. More changes were



to come. By the 1930s, CBS was allowing advertisers to reveal their prices. NBC quickly followed suit. The no-evening-advertising rule was soon forgotten, too, and ads were broadcast at all hours.

As they became more frequent, ads grew more tasteless. One quack urged listeners to submit to transplants of the glands of goats as a means of solving all sorts of medical problems. The Cremo Cigar Company's Cremo Military Band paused between numbers to permit an announcer to shout out the company slogan: "There's no spit in Cremo!"

Advertising standards were breaking down fast — and why not? The standards had been written by members of the broadcasting industry itself. They had no legal force. Most people outside the industry probably weren't even aware that the standards existed. Once broadcasters learned that radio listeners didn't mind hearing about spit and toothpaste, goat glands and cigarettes, they were happy to relax their rules.

The industry's self-imposed standards are still crumbling. Only a few years ago, the NAB code discouraged radio and television advertising for products such as Preparation H and for feminine deodorants and sprays. Today ads for these products are common. Among the NAB standards that do remain in effect are bans on advertising for astrological services, ads that promote gambling or betting (except for government-run lotteries), and commercials for hard liquor. Beer and wine may be advertised, but no one may be shown actually drinking either.

NAB guidelines about the amount of advertising that network executives and station owners can carry may be in danger of eroding too. Already stations ex-

ceed the NAB advertising limit during political campaigns. A few years ago the networks were scheduling about six minutes of advertising per prime-time hour — well below the NAB limit. Then, as advertisers showed themselves ready to pay higher and higher rates, the networks raised the amount of prime-time advertising to seven minutes an hour. Another recent change that has added to the “advertising chatter” is the sixty-second news break — fifty seconds of headlines and ten of commercial message. To the delight of network officials, advertisers snapped up the newly available time.

What if a local station owner refuses to abide by the NAB code and devotes more than sixteen minutes an hour to advertising? If the station is a member of the NAB (as roughly two-thirds of the nation’s television stations are), the association will forbid the owner to display its official seal at sign-on and sign-off time each day. That’s hardly a severe punishment. Few viewers bother to check to make sure their local stations are showing the NAB seal.

The control broadcasters have over advertising extends to entertainment and informational programming as well. Indeed, nearly everything Americans hear on radio or see on television is designed with an eye to advertisers and their needs. That’s the way it has been since the beginning of commercial broadcasting in the United States.

In the early days, programs belonged outright to the advertisers who paid for producing and airing them. It was the advertiser sponsoring a particular program who made all the decisions about that program.

Sponsors chose the subject of each show. If the pro-

gram was a drama or a comedy, the sponsor might appear at rehearsals to order changes in the script. He could fire actors and writers at will. He told the station or network just when to schedule his show. If the sponsor didn't like the final production, he simply refused to allow it to go on the air.

Sponsors used their power to tailor programs to suit their advertising needs. One early television show, *Men Against Crime*, belonged to the Camel cigarette company. From Camel's executive offices a memo went out to writers for the show: "Do not have the heavy or any disreputable person smoking a cigarette," the memo said. "Do not associate the smoking of cigarettes with undesirable scenes or situations plot-wise."

Camel had other requirements. Writers were told to avoid mentioning fires, since that might remind viewers of fires caused by careless smokers. No one was even allowed to *cough* on any episode of *Men Against Crime*.

Other sponsors came up with still more specific rules. At one time, two cigarette companies were sponsoring two separate, but similar, shows. One company made a filtered cigarette; the other, a nonfilter. On the program sponsored by the filter maker, writers were directed to have the villain smoke a nonfiltered cigarette. On the other program, villains had to puff away through filters.

That may seem absurd, but such instructions were taken seriously by writers and network executives. After all, it was the sponsor who was paying for the program and for putting the program on the air. It was advertising dollars that paid the salaries of scriptwrit-

ers and network executives alike. Neither wanted to do battle with sponsors, no matter how silly a sponsor's rule might seem.

Most people in broadcasting were equally reluctant to protest more sinister rules. In one instance, the CBS dramatic series *Playhouse 90* was scheduled to include a play about the war crimes committed by Germany's World War II Nazi leaders. Several times during the play, characters were supposed to refer to the gas chambers in which Nazis killed millions of men, women, and children.

In the final *Playhouse 90* production, however, there was no mention of gas chambers. One of the program's sponsors was a natural-gas company, and the idea that gas could be used for genocide was not one that the sponsor wanted publicized. CBS cooperated by removing allusions to this entire class of Nazi war crime.

Executives at the major commercial networks also gave in to sponsor pressure during the communist scare of the 1950s — the McCarthy era. Joseph R. McCarthy was a member of congress, a senator from Wisconsin. He, and others, convinced many Americans that communist sympathizers had infiltrated state and federal governments, schools and universities, labor unions, and the entertainment world of movies, radio, and television. McCarthy's charges were almost entirely untrue, but for several years people believed that American communists were getting ready to betray their country to Russia. Zealous anti-communists began a campaign to root out the so-called traitors from their jobs.

As it related to the broadcasting world, the zealots'

strategy was simple. They told radio and television advertisers to examine their programs and to fire any writer, director, producer, or actor who might possibly have communist ties. Sponsors were also told to make sure their programs contained no hint of communist propaganda, no slightest criticism of any aspect of American life.

The campaigners backed up their demand with a threat. If a sponsor did not cooperate, they would urge consumers to boycott — refuse to buy or use — that sponsor's products.

The boycott threat worked. Almost without exception, radio and television sponsors believed they would be financially ruined if they did not go along with the “witch hunt.” Sponsors fired thousands of talented — and, for the most part, completely innocent — men and women.

The firings might have been prevented if broadcasters had stood up to the frightened sponsors and to those who threatened boycotts. But network officials depend on advertising money and they did not dare anger their sponsors in any way. They went along with the anticommunist hysteria, firing hundreds of “communists” themselves. Only with the 1960s did the furor end.

The success of the witch hunt demonstrated a weakness in the way the American broadcasting industry was run, showing that the industry could easily be regulated through the advertising dollars that supported it. Threaten sponsors with the loss of sales and they would make changes to order. Since those sponsors owned their programs outright, there was little the networks could do to fight the changes.

That convinced some network people that the system had to change. Still, most hesitated to act. Then, in 1959, the great quiz-show scandal broke and network executives finally determined to take over control of programming.

Television quiz shows had grown out of the earlier radio quizzes. But while money prizes given away for correct answers on radio had been small, those awarded on television shows like *The \$64,000 Question* and *Twenty-One* were enormous. Week after week Americans watched in awe as apparently brilliant contestants walked away with hundreds of thousands of dollars in prizes.

Then viewers learned it had all been a fraud. Contestants had been told the answers ahead of time — by the quiz-show sponsors and their advertising agents. Contestants had also been coached on how to look as if they were struggling to come up with an obscure fact. They had even been instructed when to give a wrong answer. The sponsors had done the coaching to build up suspense and attract huge audiences for their advertising messages.

When the facts came out, viewers were outraged, and so were network officials. The next year the major commercial networks switched to an entirely new programming policy.

Under the new system, the networks assumed control of all programming. Today's sponsors do not own individual shows. The programs a network airs belong to the network. Network officials produce the shows themselves or buy them from outside production companies. The network people oversee the creation of

each episode. They order any script changes they think necessary and settle casting disputes. Each network also works out its own broadcasting schedule regardless of sponsors' wishes.

To go along with this new policy, network officials had to come up with a new system for selling advertising time. They developed what they call a "magazine concept."

The magazine concept calls for ads to be inserted into the schedule just as they are inserted into pages or parts of pages in a magazine or newspaper. Instead of buying a half-hour of time and presenting an entire program complete with ads, most of today's sponsors buy brief time periods — usually from ten to sixty seconds in length. Only those time slots belong to the advertiser. (There are a few exceptions to this policy. Some shows, notably daytime dramas, still belong to a sponsoring company.)

The magazine concept gives broadcasters a lot more freedom. They can choose their programs and set up their schedules, being careful to leave time for advertising breaks at regular intervals. Then the broadcasters give potential advertisers a list of "avails" — advertising time slots that are available for purchase.

Generally, advertisers buy a complete "package" of avails. One buys forty thirty-second afternoon spots, twenty sixty-second spots in prime time, and ten fifteen-second spots on Saturday morning. Another might take fifteen twenty-second afternoon spots, twenty thirty-second spots in the evening, and so on. But most important from the networks' point of view,

advertisers do not sponsor a particular program. They just buy time in whatever part of the schedule it is available.

That means network officials do not have to tailor programs to please a sponsor. A villain can smoke any kind of cigarette — and so can a hero. Fires are O.K. People are permitted to cough. Television characters can speak and act without regard for the products that will be advertised during the next commercial break. Programs can be developed apart from advertising considerations. Or can they?



## Regulation by Rating

*The Belle of Amherst* was all set for broadcast. It was brilliant television, as just about everyone who had seen it in previews agreed. Beautifully acted by Julie Harris, *The Belle of Amherst* was a one-character play about the reclusive poet Emily Dickinson. International Business Machines (IBM) was the sponsor.

There was only one hitch. None of the three major commercial networks would agree to air the show. The reason: Executives at each network feared fewer people would watch it than would tune in to a normal schedule of comedy and action. The network that carried the special might lose viewers to the other two networks. Worse, that loss might carry over into succeeding nights. No one at ABC, CBS, or NBC was prepared to take the risk. Eventually, *The Belle of Amherst* was aired on noncommercial television.

What does this tell us about broadcasting today? Although selling ad time under the magazine concept gives network officials greater programming choices, it

has not generally meant more listening and viewing choices for the public. No longer does any one program have to please any one sponsor, it is true. Instead, *all* of a network's programming must be generally acceptable to *all* sponsors. And to be acceptable, a program must do one thing above all — it must attract the largest possible audience. In broadcasting, that means getting the highest possible rating.

Ratings tell broadcasters and advertisers how many people are listening to or watching each program. The Arbitron company provides that information for radio. For television, it comes from the A. C. Nielsen company.

The Nielsen company gets much of its information from a sample of just under 1200 specially equipped television sets in homes across the country. The homes have been chosen at random; your home has exactly the same chance of being in the sample as every other American home. To each set in the Nielsen sample is attached a "black box." Equipment inside the box records whenever the set is turned on and notes which channel the set is tuned in to. That information is automatically relayed via phone lines to a Nielsen computer center.

Nielsen ratings are based on the assumption that the number of sets in its sample that are tuned in to the various channels accurately reflects the number of sets tuned in to the various channels nationwide. (This assumption is correct, according to the mathematical theory of probability.) Therefore, the data that come into the Nielsen computer tell almost exactly how many households are tuned to any given network at any given time. That makes it possible for broadcas-

ters and advertisers to learn which programs are the most popular ones.

But Nielsen ratings provide more than numbers. In addition to its 1200-home sample, Nielsen randomly selects another sample group. The people in this group receive printed "diaries" — one for each television set they own.

Each diary has space for those who receive it to provide information about themselves and their families: their age, sex, income, education, and whether they live in the city or the country. The respondents — the men and women who are in the sample — are also asked to indicate which television programs each member of the family watched during the week.

The diaries have a double purpose. They are a check on the information that comes from the 1200-household sample. At the same time, they reveal the exact makeup of each program's audience. They show which programs are watched by teenagers, which are watched by families with yearly incomes over \$25,000, which are popular with women, and so on. This information is more valuable to broadcasters than the simple fact of how many households are tuned in to a particular program.

That's because advertisers are eager not just to reach a large audience but to reach the right kind of audience. For the companies that manufacture soaps and detergents, the right audience consists of young mothers who watch television or listen to the radio while scrubbing the house and washing everything from babies to dishes to automobiles. For auto-company executives, the right audience is more likely to be made up of working men and women who can

afford to buy a new car every few years. For breakfast-food makers the right audience may be one that has not yet reached its teen years.

But of all viewers, the ones most desired by the greatest number of advertisers are aged eighteen to forty-nine. They are largely white and middle class, both male and female, and they live in cities or the suburbs. Research shows that Americans in this group are the ones who are most likely to buy the kinds of products advertised on radio and television. So broadcasters and advertisers use the ratings as a blueprint for designing shows to attract this target group.

Suppose the Nielsen ratings for a particular hour disclose that the CBS program had a rating of 25.5 (meaning that of the 1200 Nielsen homes, 25.5 percent were tuned in to CBS). NBC had a 23 rating and ABC had 20.5. In the remaining 31 percent of homes, people either weren't watching television or were tuned in to cable, independent, or noncommercial stations.

With a 25.5 rating, CBS seems to be the clear winner in the "ratings race" for our hypothetical hour. Being the winner is important. The network with the highest ratings can charge its advertisers the highest prices. On a very highly rated show such as a Super Bowl football game a network can get sponsors to pay more than \$250,000 for a single minute of advertising time. On one episode of the popular serial *Dallas*, sponsors are reported to have paid \$500,000 for sixty commercial seconds. So CBS, with a 2.5 lead over NBC, seems to be in an enviable position.

But now suppose an examination of the Nielsen diaries reveals that most of the CBS audience was age

fifty or older and that most of those older viewers lived in the country. And suppose the diaries show NBC's audience to have been mostly city dwellers, white, and middle class, aged eighteen to forty-nine. That's the target audience, and with it NBC may be able to lure advertisers away from CBS.

That means more than a loss of advertising revenue at CBS. It means CBS programming chiefs are going to take a long hard look at their program. Why do its viewers tend to be older country folk? Can the program be changed to attract younger urban viewers? Perhaps ordering the show's writers to put more youthful characters into the script will help. Or telling them to spice up a series with more violence and with scenes involving sex may do the trick. Years of ratings studies show that young urban audiences prefer programs peopled by glamorous actors and actresses and loaded with sex and action.

If CBS executives do tinker with the show, its audience may change. If it does not, network executives might decide to cancel the show. In that case they will probably replace it with a program that is more like NBC's.

That's how the ratings regulate network programming. According to Les Brown, who has written about broadcasting for the *New York Times* and other newspapers, "The ratings . . . are at the center of virtually every decision made in the television industry." If the ratings show that the eighteen-to-forty-nine-year-old target audience likes a particular new comedy on ABC, then executives at ABC, and at CBS and NBC as well, will rush to produce other comedies that resemble it as much as possible. The ratings explain why television

programs come and go in flocks or herds. One year, miniseries are winning the highest Nielsen numbers. The next year their ratings slip and it's police shows that are on top. The miniseries are canceled and new police shows go into production. After that, comedies become popular and the police shows go off the air.

The ratings system is also responsible for the shortage of "quality" shows — dramas, concerts, news documentaries, and the like — on commercial radio and television. Such programs generally come in a poor third in the ratings. Advertisers won't pay premium rates for spots on a third-ranked show, and broadcasters know that. They schedule very few quality programs. The quality shows that do make it onto the air have a good chance of appearing during the late-evening "fringe" hours when advertising rates are low anyway.

Those who criticize the ratings because they discriminate against high-quality or unusual programming are met with a quick response from Nielsen and Arbitron and from network executives. People in the industry vigorously defend the ratings as "cultural democracy," saying that they give Americans an opportunity to "vote" for the kinds of radio and television programs they want to hear and see. Broadcasters also maintain that the ratings help them operate in the public interest by telling them what interests the public — and by enabling them to give the public just that.

But heavily as network executives rely upon the ratings to design their programs, ratings are not their only guide. Even today many programming decisions are made as a direct result of pressure from sponsors.

## More Words from the Sponsor

“We must take into account the general objectives and desires of advertisers . . . An advertiser . . . is spending a very large sum of money — often many millions of dollars — to increase his sales, to strengthen his distribution and to win public favor. And so . . . it seems perfectly obvious that advertisers cannot and should not be forced into programs incompatible with their objectives.”

So says Frank Stanton, a former CBS president. Stanton was describing the relationship between networks and their sponsors, a relationship in which the sponsor, not the broadcaster, seems often to have the last word. The sponsor dominates broadcasting, even today.

Stanton speaks of the “general objectives and desires of advertisers.” What are they? To sell products, of course. Or rather, to get viewers and listeners into the mood to buy.

He mentions “programs incompatible with [advertisers’] objectives.” What is an incompatible program? One that doesn’t encourage a want-to-buy mood. One that distracts us from the ads that are to follow. One capable of convincing us that there are satisfactions that money can’t buy and problems that can’t be solved with a new brand of shampoo or a more minty mouthwash.

“Compatible” programs are just the opposite and they are the programs Americans see and hear most often. Compatible programs present a world of middle-class ease and comfort. The men and women who dwell in this world have every imaginable labor-saving electrical gadget. Their homes are neat and spotless and they look interior-decorated: Carpets, drapes, furniture, lamps, and accessories blend into a harmonious whole. Their clothes are beautiful — they fit perfectly and are in the latest fashion. Their hairstyles are smart, too. Even actors and actresses who are portraying poor people, or who belong to minority groups, inhabit an affluent white world. Everyone is shown benefiting from precisely those kinds of products that will be advertised during the next commercial break. Some products, cars are an example, are clearly identified during the program.

Compatibility does not stop with physical settings and props. Network executives also aim to produce programs that have an emotional atmosphere compatible with advertising objectives.

Basic to this atmosphere is the sense that things are fine just the way they are. There may be problems, but they are problems that can be brought under control



in the space of an hour-long show or even in a half-hour.

The police may have to rough up a suspect to get the truth, but in the end justice will triumph. A detective may be stymied by odd and violent events at first, but eventually everything is made clear and understandable. A fly-by-night financier may dream up a fraudulent scheme, but honest people will step in and see to it that the public does not suffer. A madman may steal a nuclear device capable of wiping out millions of people, but a hero of superhuman strength will dismantle the weapon seconds before it is scheduled to go off. Parents may suspect that their daughter has used drugs or spent an illicit weekend with her boyfriend, but the daughter can prove her innocence. A white bigot may scream abuse at a black or at a Spanish-American, but the bigot will be shown to have a heart of gold and the abuse will be forgotten in a gale of laughter.

Naturally we're in a mood to buy when the program ends. We've seen laughter and virtue triumphant. We've seen that nuclear technology is not really a threat to life or health, that business is honest, that mysteries are solved, and that the police protect the innocent. We feel comforted and reassured because we have seen and heard compatible programming.

Sponsors are keeping a close eye on network programming to make sure it stays compatible. Some companies instruct their advertising agencies to take an advance look at shows that are scheduled to carry their commercials. If a program is not "acceptable" a company may cancel its ads. Executives at one com-

pany published a memorandum that laid down the law regarding the content of programs to be associated with its advertising. "There will be no material that may give offense, either directly or by inference, to any commercial organization of any sort," the memo said.

But sometimes offense has to be given and problems examined. On news programs it cannot be denied that racial bigotry exists. On the news, tragedy is genuine and lasting. When real soldiers fight on television, real blood flows. Hostages despair and die. Business leaders admit to cheating and fraud. Politicians confess that they have lied to voters.

Occasionally, news documentaries delve deeply into matters like these and into other American social problems. CBS-TV looked at malnutrition and starvation in *Hunger in America*. NBC produced a horrifying documentary about United States government research into chemical and biological warfare. Another CBS program, *The Guns of Autumn*, depicted the cruelty and brutality that all too often accompany "sport" hunting.

The network news departments that produce programs like these operate separately from network entertainment divisions. Most radio and television news reporters claim they feel no sponsor pressure to change their stories or to slant them in certain ways.

Reporters may feel no pressure, but network executives definitely do. When the pro hunting National Rifle Association heard that *The Guns of Autumn* was about to go on the air, word went out to the show's scheduled sponsors: Withdraw your ads or we will organize a boycott of your products. Only one sponsor stuck by the program. The rest gave in and canceled

their advertising. CBS lost money on the program and that loss will be remembered at CBS and at the other commercial networks the next time someone suggests doing a news item that is antigun in any way.

Network executives seem to have advertisers' needs in mind as they design other news programs. The news may be grim at 5:30 or 6:30 each evening, but the men and women who tell us about it are charming. They, like the characters in television entertainment programming, are members of an affluent middle-class world. Their clothes are lovely, their hair gleaming. They, too, are part of a happy, reassuring world, a world in which bad news is preceded and followed by friendly smiles and lighthearted banter and chitchat. The reporters give us the news, but they generally manage to do it in a way that does not conflict deeply with the compatible world of advertising.

Not even noncommercial broadcasting is free of the drive for compatibility.

Noncommercial radio and television have always had to struggle to survive financially. Forbidden to accept paid advertising, noncommercial broadcasters must look to other sources for the money they need to buy or produce programs and to air them. Thus far, they have found four.

First are viewers and listeners themselves. As everyone who watches or listens to a noncommercial station knows, fund-raising drives are regular features. Periodically, noncommercial stations suspend their usual schedules and broadcast repeated appeals for viewer and listener contributions. People who send the station \$20 or \$30 become station "members." (Rates are lower for students.) A noncommercial radio or televi-



Fund raising is a vital activity at the nation's public radio and TV stations. Volunteers at Boston's WGBH-TV wait for the phones to ring as viewers pledge contributions. (WGBH)

sion station, especially one in a large city, can raise a good deal of cash through audience donations — but nowhere near the \$50 million or so it takes to finance a big-city noncommercial television station for a year.

So noncommercial stations have to look to a second funding source, cultural and educational foundations. When noncommercial broadcasters launched a nationwide television network — National Educational Television (NET) — in 1952, the Ford Foundation offered a grant of \$1.3 million. During the next twenty years, the Ford Foundation gave NET over \$275 million more. Other foundations have been generous, too. But in 1973, the Ford Foundation began reducing its grants to noncommercial broadcasting. Another source of money was needed.

This source turned out to be the taxpayer. In 1967, Congress agreed for the first time to use federal government money to help pay the costs of noncommercial broadcasting. That made noncommercial broadcasting *public* broadcasting, and Congress set up the Corporation for Public Broadcasting (CPB) to oversee noncommercial network programming. Congress gave CPB \$4.5 million for its first year of operation. This amount, noncommercial broadcasters estimated, was about one-twentieth of what was needed.

In the mid-1970s, NET was reorganized into the Public Broadcasting Service (PBS). Congress still grants money to PBS, but on a year-by-year basis, so public broadcasters can never be sure how much they will get. For 1981, Congress set aside \$162 million for public television, but the figure is expected to drop as the decade continues.

That's why PBS depends so heavily on a fourth source of income — corporate funds.

It's hard to turn on a public television station today without hearing that "this program has been made possible by a grant from the Mobil Corporation," or that "funding was provided by the Exxon Corporation." Oil companies like Exxon and Mobil are among the most prominent corporate donors to public broadcasting. Some people, in fact, say that PBS really ought to be called the Petroleum Broadcasting Service! Other frequent contributors include McDonald's restaurants, Boise Cascade, which makes pulp and paper products, and Martin Marietta, manufacturer of airplanes. On a local level, banks and other businesses fund programs produced at various PBS stations. In

each case, the name of the sponsoring business is announced before and after the program. That's the single provision related to advertising in the 1934 Communications Act.

Corporate funding of public broadcasting seems to work well for all concerned. For listeners and viewers it means some outstanding programming — *Zoom*, *3-2-1-Contact*, *Masterpiece Theatre*, *Austin City Limits*, *Live from the Grand Old Opry*, and much more. For PBS executives it means the opportunity to air such programs without having to fret over where next month's money is coming from. For the corporations it means not a chance to advertise directly but an opportunity to promote good will. It means a return to old-fashioned brand-name publicity.

The publicity is welcome, especially to oil companies and other large corporations. Big business has come in for some sharp criticism recently. Americans know, for instance, that business executives often try to influence federal lawmaking by donating heavily to the election campaigns of various congressmen and women. They know, too, that while average citizens are paying more and more for oil to heat their homes and gas to run their cars, oil company profits have been soaring. Mobil and Exxon profits have been rising at a rate of 100 percent or more a year. Understandably, officials at these and other companies hope to convince Americans that they are concerned with more than money and favorable legislation. Showing an interest in culture and education by underwriting the costs of a few public broadcasting series is a small price to pay for good publicity.

The real price, some people think, is paid by public

broadcasting itself and by its audience. That price lies in what is *not* being broadcast over noncommercial radio and television.

For instance, there are those who believe that PBS does not produce enough news and public-affairs programming. Of course, even public broadcasting's severest critics admit that compared to commercial radio and television, noncommercial broadcasting is rich in public-affairs programs. Public television has looked at issues such as police brutality, the deplorable conditions in juvenile prisons, the indignities of being on welfare, and so forth. Every weeknight, PBS viewers can watch reporters Robert MacNeil and Jim Lehrer examine one of the day's top news stories in depth. Public-radio listeners hear thorough news coverage seven nights a week on *All Things Considered*.

But critics point out that public broadcasting is reducing its news coverage and has cut several first-rate public affairs programs from its schedule. New York City's WNET cut most of its regularly scheduled local programs in 1980. The same year, San Francisco's KQED dropped *Evening Edition*, the oldest nightly news program on public television. The station also had to cut back on the amount of airtime offered to local community groups. Overall, the critics say, news shows that feature the opinions of blacks or members of other minorities, or of women, are the ones most likely to be eliminated from public broadcasting schedules.

A related criticism is that noncommercial stations do not devote enough airtime to plays and stories that show how young Americans — and especially youthful minority-group Americans — feel about the prob-

lems they face in the modern world. In a 1979 report about the overall performance of PBS, television writer David Rintels expressed this point of view: "We do not see . . . serious attempts made to serve minorities' cultural or political needs or to represent their educational or social values," he charged.

Why not? The giant corporations that bear so many of the costs of public broadcasting have little interest in exploring American social problems. They do not want to see their company names associated with information about racial tensions or police illegalities or huge corporate profits.

The corporations that underwrite public broadcasting are also looking for compatibility.

And noncommercial broadcasting executives, like executives at the commercial networks, see no other way than to give sponsors what they want. The nation's sponsors dominate radio and television today, as they have almost from the beginning. They are, in the words of broadcast historian Erik Barnouw, "remote and unseen, but omnipresent."



## Silence on the Air?

“Nothing in this act shall be understood . . . to give the licensing authority the power of censorship.” These words are from Section 326 of the Communications Act of 1934 and their meaning is clear. The FCC cannot tell broadcasters what to say or what not to say over radio and television. Only “obscene, indecent, or profane language” may be kept off the air.

Section 326 has its roots in the First Amendment to the United States Constitution. According to the First Amendment, “Congress shall make no law . . . abridging the freedom of speech, or of the press.”

The First Amendment is even more important to broadcasters than Section 326. Section 326 was passed by Congress and Congress could always decide to repeal it. But freedom of speech and the press are fundamental principles of American life. They cannot be taken away by an act of Congress.

Yet freedom of speech is not absolute in American

radio and television, nor has the First Amendment been an ironclad guarantee against attempts to censor the broadcasting industry.

One censorship attempt came from President Richard M. Nixon and several members of his administration. In the late 1960s and early 1970s, public television aired news programs that criticized the role the United States was playing in the war in Vietnam. American troops were fighting there to keep the people of South Vietnam from adopting a communist government. Eventually the United States effort failed, but not before more than 55,000 Americans and 1.3 million Vietnamese died.

Public television's antiwar programs infuriated many Americans, including the president, and when Congress passed its 1972 bill to fund the Corporation for Public Broadcasting, Nixon refused to sign it into law. Congress passed another funding bill, and again Nixon vetoed it. The president claimed he had vetoed the bills because public broadcasting was badly organized, but few believed him. Most Americans were sure Nixon was trying to silence his critics without appearing to impose censorship. Their belief was strengthened when presidential aides made it clear that CPB would not get funds unless it cut back on its news and public-affairs programming — especially on programming that was hostile to the president's policies.

Nixon's attempt to censor public broadcasting didn't work, partly because 1972 happened to be the year that several large corporations began seeking favorable publicity by sponsoring public television. Still,

the president's effort at censorship deeply alarmed many in the industry.

Broadcasters were even more disturbed by Nixon administration attacks on the commercial networks. The reason for the attacks was the same: Newscasters at ABC, CBS, and NBC were speaking out against the president's policies. But the threats the White House aimed at the commercial networks did not involve money. Instead, Vice President Spiro T. Agnew began hinting that stations carrying network criticisms of the president might have trouble getting their licenses renewed by the FCC.

The vice president's threat was not leveled at the networks directly. Networks don't have government licenses. Agnew hoped to get individual station owners to pressure network executives to drop news stories and commentaries that the president might find offensive.

Agnew did not succeed either. Network officials expressed anger at the idea that their affiliates might have their licenses endangered because of the news coverage they themselves were providing to their affiliates. Quoting Section 326 and the First Amendment, network people went on airing occasional criticisms of the government. Of course, under the fairness doctrine, broadcasters offered equal time to people who wished to defend government policies.

The network officials showed some courage in defying the White House threats but luck was on their side as well. By 1973, Americans were hearing that before becoming vice president, Agnew had taken bribes in return for getting government contracts for certain of

his friends. Bribery is a criminal offense, and on October 10, Agnew resigned from office. Within a year, President Nixon was gone, too. He resigned in August 1974, after admitting he had helped to cover up his part in the “Watergate crimes” of some of his associates.

With Nixon and Agnew out of office, and the Vietnam war drawing to a close, the attacks on radio and television lessened. “We who cherish a free press were lucky then,” says Richard Salant, a former CBS executive now at NBC. “If it does, Heaven forbid, happen again, will we be so lucky again?”

It’s a good question, because broadcasters know government pressure can come at any time. Not long ago, members of President Jimmy Carter’s administration pressed CBS to drop part of a *60 Minutes* news program. The half-hour segment concerned United States relations with the former ruler of Iran, who had been overturned in a revolution a year earlier. At the time the segment was scheduled to go on the air, revolutionaries were holding fifty-two American citizens hostage in the United States embassy in Teheran, the capital of Iran. Carter’s aides contended that airing the *60 Minutes* story might endanger the hostages. CBS went ahead with the broadcast in spite of repeated phone calls from the White House. The telecast had no apparent effect on the hostages.

Another recent censorship attempt came from outside the United States. It involved a PBS production entitled *Death of a Princess*. The program was a docudrama, a fictionalized account of a Saudi Arabian princess put to death in 1978 for committing adultery. Her young lover was also executed.



The execution of a Saudi Arabian princess and her lover was the subject of a controversial public television presentation, *Death of a Princess*. (WGBH)

When the Saudi Arabian government learned that the docu-drama was about to be broadcast, it protested. The film did not give a fair picture of Saudi life, government spokesmen said. They asked United States officials to “convey our concerns” to PBS.

Many in the United States interpreted the Saudis’ words as a hint that the federal government ought to step in and stop PBS from airing *Death of a Princess*. Mindful of the fact that Saudi Arabia is the largest single supplier of oil to the United States, some Americans were prepared to go along with such a request.

They feared that if they did not, Saudi Arabia might cut off petroleum exports to this country. The United States Department of State asked PBS to “give appropriate consideration” to showing the film. At least two members of Congress suggested they would vote against PBS funding if the show were not canceled.

The Mobil Corporation and Exxon brought pressure to bear, too. The two companies give PBS about \$8 million a year and PBS needs that money. In ads in some of the nation’s leading newspapers, Mobil asked PBS to “review its decision” to telecast the film. The company was acting in response to the Saudis. Together with two other American oil companies, Mobil and Exxon were partners in a company that produces 75 percent of Saudi Arabia’s oil.

PBS faced a dilemma. On the one hand was its First Amendment right to broadcast without fear of censorship. On the other were United States congressmen and oil-company executives threatening funding cut-offs if the broadcast were permitted.

Despite the threats, *Death of a Princess* went on the air — in most parts of the country. Only in South Carolina, Texas, and California did local PBS stations decide not to carry the docu-drama. In those states, broadcasters allowed themselves to be censored.

The story of the effort to suppress *Death of a Princess* was reported on radio and television throughout the United States. Articles and editorials appeared in newspapers and magazines. Indignant citizens sent letters to the editor — some criticizing the Saudis for attempting to dictate what Americans should be allowed to see and hear, others scolding PBS for showing the film. Most Americans were aware of the contro-

versy, just as most were aware of what Nixon and Agnew were doing almost ten years earlier.

But what few Americans realize is that such highly publicized efforts to censor broadcasting are only the tip of the iceberg. Behind the scenes, people are constantly telling other people what they can say and do on radio and television. Whether this is censorship depends on a person's point of view.

## Controlling Commercials

*Listerine mouthwash cures colds by killing germs.*

For years, Americans heard this claim on radio and television. Was it true? The United States Federal Trade Commission doubted it and began investigating. The investigation showed that the germ-killing claim was false, and the FTC forbade any more advertising that included it.

A case of censorship? Few thought so. Most Americans agree that the FTC has an obligation to protect consumers against advertising that is plainly deceptive.

However, deliberate deception is fairly rare in advertising. Much more common is the promoting of products that may cost a lot but are of little or no use — or may even be harmful. Advertising for tobacco products is an example.

For a long time, cigarettes were among the most frequently advertised products on radio and television.



At one point, tobacco advertising was bringing in 8 percent of total broadcasting revenues.

Unfortunately for the cigarette makers, and for the broadcasters who aired their ads, the news about cigarettes was not uniformly good. Medical studies proved that smoking can lead to lung cancer, heart disease, and other illnesses. Every year, studies show, smoking is the direct cause of nearly 100,000 American deaths. It's the indirect cause of 225,000 more.

The studies prompted some people to ask whether such a dangerous product ought to be advertised over radio and television. One man who thought the answer had to be *no* was a young New York lawyer named John Banzhaf. Banzhaf wrote to the FCC asking it to invoke the fairness doctrine in the matter of cigarette advertising.

Banzhaf's reasoning was simple. The FCC uses the fairness doctrine to make sure that broadcasters offer a variety of points of view about controversial subjects. And cigarettes certainly are controversial, as Banzhaf pointed out. They may be pleasant to smoke and they may give smokers, especially young ones, a feeling of glamour and sophistication, but they can also be deadly. If cigarette companies could present the pleasurable, glamorous, and sophisticated side of the story, Banzhaf said, antismoking groups ought to be able to tell listeners and viewers about the dangers of smoking. He appealed to the FCC to force broadcasters to offer equal time for antismoking messages. The FCC agreed to do so and antismoking "ads" began countering cigarette ads on radio and television.

Broadcasters reacted to the FCC decision as sharply as they reacted to Nixon and Agnew's political attacks.



Antismoking “commercials” began going on the air after lawyer John Banzhaf won FCC agreement to order equal time for messages from the Lung Association and other groups. (*Courtesy Lung Association*)

The commissioners didn’t have the power to force them to broadcast countercommercials, they said, and they carried their argument all the way to the Supreme Court, the nation’s highest court of law. There the broadcasters lost their case. The Court ruled that the FCC did have the right to invoke the fairness doctrine in cigarette advertising.

It wasn’t long before cigarette and cigar ads were taken off the air altogether. Congress passed a law

banning radio and television ads for tobacco products as of January 2, 1971. Many in the country condemned Congress's action as censorship.

Was it? Your answer will depend on whether you think urging people to use a harmful product comes under the heading of "freedom of speech."

The same question can be asked about advertising aimed at children. In 1978, the FTC proposed severe limits on such advertising. Under the FTC plan, no advertising at all would be permitted to children aged seven and younger. Ads for heavily sugared products, such as some breakfast cereals, would not be aimed at children under twelve years of age. Finally, ads that did promote sugary foods would have to be balanced by ads promoting good health and nutrition. These "counterads" would be like the antismoking ads that went on the air after John Banzhaf's successful appeal to the FCC.

The FTC proposals reflected the feeling of many doctors, educators, and others who work with children that youngsters do not understand advertising in the same way that teenagers and adults do. Scientific studies show that very young children really believe the actors and actresses they see and hear in commercials. They look upon them as friends — friends who can be trusted to speak the truth. When a television "friend" says a particular toy is lots of fun and exciting to use the child does not question the claim. The claim is helped along by tricky camera shots that make the toy look bigger or better than it really is. Many of the expensive toys advertised to children in this way are shoddy or defective. Some are just plain dangerous. How can a five-year-old tell?

Even elementary-school-age children may not be very discriminating about the ads they see and hear. If a cereal looks good and if the child actors munching it seem happy, millions of youthful viewers are going to nag their mothers to buy it. They don't know that eating nutritious, well-balanced meals will give them more vitamins than they can get in a whole boxful of some cereals. A balanced meal isn't overloaded with sugar, either. Sugar is a proven cause of health problems ranging from tooth decay to heart disease to overweight. But ads don't tell children that some cereals consist of nearly 50 percent refined sugar.

Shouldn't children be given such information through countercommercials paid for by the same companies that profit from ads for cereals, candy, and snack foods? Shouldn't young children be protected from sales pitches for products that may harm them? The FTC thought so, and that is why it made its proposals.

Naturally, there were those who did not agree. Many Americans believe that businesses have an absolute right to try to sell their products to anyone who can possibly be persuaded to buy. That's a right protected by the First Amendment, they say, and the FTC proposals were an illegal attempt at censorship. Acting on this belief, Congress let the FTC know its plan to regulate television advertising for children was unacceptable. At once, the commission staff began trying to work out a new set of proposals, one that would at least partly satisfy groups like ACT (Action for Children's Television) without thoroughly upsetting broadcasters and advertisers.

But what kind of FTC plan would *not* upset men

and women with a heavy financial stake in broadcasting? William E. LaMothe, president of the Kellogg company, a big television advertiser to children, expressed his point of view in a speech to the Association of National Advertisers. "We must shout in defense of our right to communicate with our audience, be they children, the elderly, minorities, disadvantaged, rich, poor, black or white," he said.

LaMothe's point cannot be ignored. Already, broadcasters are kept from airing tobacco ads. Deny them the right to carry ads for certain kinds of food and what may be banned next? Ads for patent medicines, perhaps. Even aspirin can be dangerous if it's misused.

Regulation is necessary, and children and others should be protected from products that may be harmful to them. But where do you draw the line once you start trying to keep this or that kind of advertising off the air? As far as advertising to children is concerned, the FTC has decided not to try. In 1981, the agency abandoned any effort to regulate such advertising.

## Sex, Violence, and Self-censorship

A car careens down a narrow road. Suddenly it leaves the pavement, flips through the air, and lands in flames at the bottom of a ravine . . .

An obsessed woman brutally murders men she considers male chauvinists . . .

A made-for-television movie re-creates the nine-hundred-odd murders and suicides at the Jim Jones religious-cult headquarters in the Guyana jungle . . .

Television is a violent medium — and one that has become more violent over the years. The increase in violence is demonstrated by figures gathered by the Los Angeles-based National Association for Better Broadcasting. Between 1952 — when television was first making its way into American homes — and 1964, televised violence increased by 90 percent. In 1964, says the NABB, nearly two hundred television hours per week were devoted to violent acts. During those two hundred hours, viewers could see more than

five hundred killings. The violence continued to increase after 1964, as broadcasters' push for higher Nielsen ratings led to more and more police and detective shows and to spy thrillers.

At the same time, television was becoming more outspoken about sex. Once, subjects such as rape, birth control, and abortion were not mentioned on the air. By the 1970s, subjects like these had become the themes of several dramatic shows. They kept cropping up in situation comedies and daytime serials, too.

The trends disturbed many people. Parents didn't like to see their children learning about sex from watching television. They were worried about all the violence. Congressional studies of television violence were published in 1954, 1961, 1964, and 1970, and all condemned it. In 1972, the office of the United States Surgeon General issued a four-volume analysis of the effects of television violence upon viewers. Its summation: "There is one statement on which all would agree: that some kinds of TV violence have some kinds of adverse effect on some children and adults under some circumstances."

Other studies drew more specific conclusions. At hearings held by the National Parent-Teachers Association in Chicago, witnesses stressed the harmful effects upon children of television violence. A survey by a New York group, the Foundation for Child Development, shows that children who watch lots of television violence have exaggerated fears of the world by day and bad dreams by night. Dean George Gerbner of the Annenberg School of Communications in Pennsylvania finds that heavy viewers of violent action are more likely than light viewers to fear that they personally



Too much televised violence harms young children by exaggerating their fears and anxieties. That was one of the points made at hearings by the National PTA in Chicago in 1977. *(Courtesy National PTA)*

will be caught up in crime and violence. No wonder American parents worried about the effect television might be having on their children. Thousands of them wrote to members of Congress to express their concern.

Many members of Congress were also concerned. By the end of 1974, three separate committees of Congress were pressing the FCC to do something — anything — to get sex and violence off the home screen.

At the time, the FCC chairman was Richard E. Wiley. As Chairman Wiley tried to explain to Congress, the FCC really couldn't do much about television sex and violence. Section 326 kept the agency from censoring broadcasting, he said.



The congressmen brushed Wiley's objections aside. One made it clear that he was quite prepared to vote to repeal Section 326. "If we need legislative changes, let's hear about them," he said. Another urged his fellow committee members to think about getting rid of the FCC and establishing an agency that would be willing to censor broadcasting. "Maybe we ought not to appropriate any money [for the FCC] and tell the commission we will set up some new kind of organization," he proposed.

Impressed by the threats, Wiley spoke with top executives at ABC, CBS, and NBC. He warned them that Congress might be about to impose strict censorship on entertainment programming.

The broadcasters reacted quickly, and within a couple of months Wiley reported to Congress that the problem was solved. The NAB had amended its code by adding a Family Viewing Hour Policy.

Under the new policy, stations and networks would not air any overly violent or sex-oriented programs between 7:00 and 9:00 P.M. Eastern and Pacific time. (In the Midwest and Rocky Mountain states, the family hour would be from 6:00 to 8:00 at night.) Wiley emphasized that broadcasters were happy to impose this restriction upon themselves. Their action, he told Congress, "suggests that the broadcasting industry is prepared to regulate itself in a fashion that will obviate any need for government regulation in this sensitive area."

The Family Viewing Hour was a tremendous failure. Its most striking effect was to *increase* the amount of violence on television. Sponsors — always eager to reach that violence-loving eighteen-to-forty-

nine-year-old affluent urban audience — quickly displayed a reluctance to buy advertising spots during the family hour. Broadcasters, dismayed at the idea of a drop in profits, began scheduling more and more violent shows outside the family hour. Advertising spots on these programs sold smartly.

The result, in the words of *Variety*, the trade magazine of the entertainment industry, was “gore as before.” Now children could watch reruns of old police and spy series until the family hour began. Then they could take a two-hour “violence break,” and return to regular programming until bedtime.

The Family Viewing Hour Policy had another effect — that of enraging television’s “creative people” — its writers, producers, actors, and so on. Their complaint, of course, was censorship.

The problem, the creative people said, wasn’t so much that they couldn’t include sex and violence in television productions. The amount of sex and violence on television owed more to the ratings system than to their own imaginations anyway. Having to cut down on the number of fights a hero could get into was not very serious. Nor did the writers mind deeply when network executives began slashing their use of words like “damn” and “hell.”

What concerned the creative people was the censoring of their thoughts and ideas. During the family hour, people and events had to be portrayed in certain rigid ways. Often, those ways had little resemblance to real life. Policemen had to be shown as friendly, fatherly, or funny — not as bullying or rough. Women had to behave sedately, making their virtue crystal clear. Some situations could not be discussed at all

during the family hour. Homosexuals and prostitutes were almost entirely off limits. Whenever they made their way into a script, network officials protested, and such characters usually disappeared before the show went into production. In addition, network executives made it plain that subjects such as abortion, birth control, and atheism were taboo during the family hour.

Another problem, the creative people pointed out, was the difficulty of deciding what was violent and what was not. In a scene that one group described as violent, a nurse raised her hands and began struggling with a patient. But in the story, the nurse was trying to keep the patient from swallowing a lethal dose of sleeping pills. What was being condemned as “violent” was actually a life-saving act!

Almost a year to the day after FCC Chairman Wiley got the word from Congress to do something about television entertainment programming, a group of television writers, producers, and actors went to court in California to try to bring about an end to the Family Viewing Hour Policy. Through their lawyers, the group argued that the family hour was not self-censorship, as the networks insisted, but censorship enforced by threats from Congress. That made the policy a violation of the First Amendment, and therefore illegal. The court agreed with this argument and in November 1976, the Family Viewing Hour Policy was overturned.

That left much of television as violent as ever — and millions of Americans as upset as ever. Support gathered for a new effort to get violence off the airwaves once and for all. One leader of the effort was the National Parent-Teachers Association.

Armed with funds amounting to more than \$100,000, the National PTA held eight public hearings in different parts of the country. The hearings focused on the effects of televised violence on children. National PTA leaders also set up a series of local workshops for parents who wanted to keep tabs on television violence and learn the most effective ways of letting network people know how they felt about it. They presented awards to programs that met PTA standards of quality. The group also announced that if overall programming did not change, it would organize a boycott of the products of companies that bought airtime on violent programs. The National PTA was joined in its boycott threat by the American Medical Association. An AMA resolution urged doctors "to actively oppose" violent television programs and their sponsors.

Once again, the boycott threat worked. Suddenly, network executives found they could no longer get top prices for advertising spots on programs designated "violent" by the National PTA. They began canceling the offending shows. ABC alone dropped four police shows during the summer of 1977.

People at the AMA and the PTA were pleased. "There is a very decided change," said National PTA president Virginia Sparling. "We know there has been a significant decrease in gratuitous violence."

There had. But had there been an increase in the amount of good television programming? Many doubted it.

Much of the murder and mayhem was gone but in its place was a new kind of programming, one that relied on scantily clad women, off-color jokes, and suggestive situations to attract the target audience. By

the late 1970s, “sexploitation” shows — sometimes known as “jiggly comedy” or “eye candy” — were the television rage. The PTA noted the trend and deplored it. “Sex is not an appropriate or acceptable substitute for violence,” it warned.

Others agreed. Ministers from several conservative Christian churches have vowed to work together to eliminate “excessive and gratuitous sex” from television. The ministers’ plan is to inform advertisers which programs they find “objectionable.” If advertisers don’t remove their commercials from such programs, the ministers warn, their products will be the targets of a nationwide boycott by church members.

Sears, Roebuck & Company was one business that got a warning. Pressed by a Methodist-led group known as the National Federation for Decency to stop advertising on ABC’s *Charlie’s Angels*, the company did so. Yet *Charlie’s Angels* did not go off the air as a result; other businesses were eager to buy avails on the popular show. Immediately, those companies came under conservative pressure to switch their advertising spots.

Will they? It’s possible, because the boycott threat seems to be a surefire tool for anyone who wants to censor program content.

It can also be a dangerous tool because it gives a small minority the power to determine what the majority of us can see and hear on television and radio. The boycott threat is hard to fight, and in general, network officials don’t even try. There are exceptions, though. CBS aired *The Guns of Autumn* with just one sponsor. More recently, the same network scheduled a program called *Playing for Time*, a dramatization of the real-life

experiences of one Jewish survivor of a Nazi concentration camp. *Playing for Time* starred Vanessa Redgrave, an actress who supports the aims of the Palestine Liberation Organization, a group dedicated to taking over most or all of the Jewish nation of Israel.

Jewish groups objected to the idea of a critic of Israel playing the part of a Jewish heroine. Some threatened a boycott of the show's sponsors if CBS went ahead with the telecast.

CBS did go ahead, and the network protected its sponsors by keeping their identities secret until airtime. No boycott developed.

But network officials can't keep sponsors' names under wraps as a matter of course, especially since so many boycott-minded groups are monitoring television today. They, and their sponsors themselves, are going to have to make up their minds whether or not to go along with outside censorship of broadcasting. Network executives must decide how they really feel about attempts to censor their industry.

So far, their feelings appear confused. Most chose to oppose President Nixon's efforts to censor news programming. They fought the FCC ruling on antismoking advertising. They played a role in forcing the FTC to modify its proposals on television advertising to children. In rare cases, they have ignored boycott threats.

Yet network executives have been willing to impose censorship of their own. It was network officials who worked out the Family Viewing Hour Policy. And in general, the networks tailor their programming to produce the "compatible" shows that advertisers want.

Where *do* the networks stand on freedom of speech?

Former FCC commissioner Nicholas Johnson thinks he knows the answer. Since leaving the FCC, Johnson has worked to bring about improvements in American radio and television. “Many broadcasters,” Johnson wrote in his book, *How to Talk Back to Your Television Set*, “are fighting, not for *free* speech, but for *profitable* speech.”

If broadcasters were fighting for free speech, Johnson says, we would be hearing and seeing much more about United States business and the way it operates, about dangerous products on the market, about what political candidates really stand for, about white-collar crime, about the occupational hazards faced by workers in many industries — “the list goes on almost without end,” Johnson wrote.

But since broadcasters are more interested in profitable speech, United States radio and television audiences get different fare. We see and hear a minimum of news and quality programming and a maximum of repetitious ads and nearly identical entertainment programs. We watch and listen to media designed — and “censored” — by Nielsen and Arbitron ratings.

Nicholas Johnson isn’t alone in what he thinks about American broadcasting. An article in *TV Guide* quoted one high ABC executive. “There are many vital issues that we won’t go near,” he said. “We censor ourselves.”

Others in the industry don’t agree that what they do can be called censorship. NAB official Charles Tower wrote in a letter to the *New York Times*, “There is a world of difference between the deletion of program material by government command and the deletion by

a private party [such as a broadcaster] . . . Deletion by government command is censorship . . . Deletion of material by private parties . . . is not censorship.”

That’s a debatable point. Nicholas Johnson contends that censorship is censorship, no matter who’s imposing it. The effect on the audience is the same. He, and others, believe that the censorship that exists in American broadcasting today keeps us from getting the full picture of what is going on in our country and in the world.



## Move to Deregulation

FCC ENDS CURBS ON RADIO STATIONS, the headlines said. And the FCC had. In January, 1981, the commissioners voted in favor of radio deregulation and left station owners freer than ever to make their own rules.

The FCC plan abolishes the eighteen-minute-per-hour advertising limit, and permits a radio station to air as many commercials as its owner wishes. The plan also removes the requirement that AM stations devote 8 percent of airtime, and FM stations 6 percent, to news and public affairs programming. Furthermore, radio stations will no longer have to prove that they are serving their communities before the FCC will renew their licenses. The FCC will simply assume that local needs are being met. Finally, stations will not have to keep “logs” of their programming. In the past, the FCC used program logs to make sure stations were meeting their rules. The FCC radio deregulation plan does not affect the fairness doctrine nor the equal time

requirement, and stations will continue to operate on three-year licenses.

The FCC's move toward deregulation was in keeping with a growing deregulation sentiment among federal officials. A few months before the FCC voted for deregulation, the United States Department of Justice announced it was taking the National Association of Broadcasters to court. The department's aim: to overturn that portion of the NAB code that limits television advertising time to nine and a half minutes per hour in prime time and to sixteen minutes an hour at other times.

In the view of Justice Department lawyers, the NAB rules constitute an unfair business practice. According to them, broadcasters deliberately limit advertising time in order to drive up the price for the brief time that is available. Force broadcasters to make more time available for commercials, the argument goes, and the price per minute will plunge. That will mean a cut in the manufacturer's advertising budget and that, in turn, will mean the goods advertised on television will cost less in the store.

Deregulatory moves have come from the White House, too. While Jimmy Carter was president, members of his administration approached the FCC with specific suggestions for deregulation. Among their goals was relaxing — or even dropping — the fairness doctrine in order to give broadcasters freedom of speech equal to that of newspaper owners and editors. They also suggested ending the three-year limit on radio and television licenses and substituting government permits good for five or ten years at a time. Presi-

dent Ronald Reagan has expressed his interest in deregulation as well.

Congress is also thinking about deregulation. Bills introduced there would revise the 1934 Communications Act completely. One called for removing *all* time limits on radio and television station licenses. Station owners would hold their licenses indefinitely. Another proposal was to abolish the FCC and create a five-member Communications Regulatory Commission in its stead.

The most radical suggestion to come from Congress was to do away with the concept of broadcasting “in the public interest, convenience, or necessity.” No longer would station owners have any legal obligation to serve their listeners and viewers. At most, they might be asked to present some news and local programming daily. They would not be held accountable to any federal agency, nor to the American people.

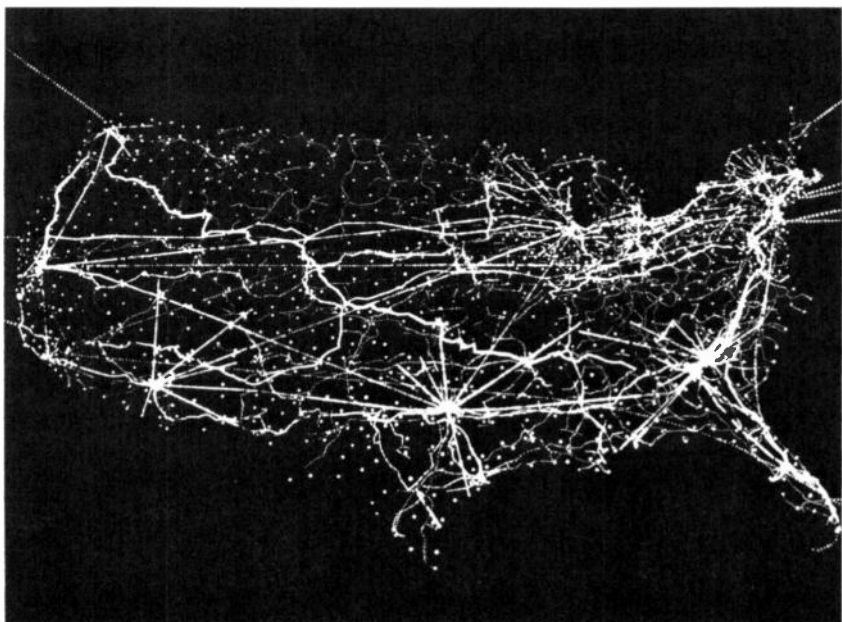
But that, according to the people who want to deregulate, does not mean broadcasting will stop serving the public. The public will be served, they claim, and served better than before, if deregulation begins. The “market forces” of free enterprise and competition will see to that.

To back up this contention, the deregulators point to what has happened in radio broadcasting. Back in 1934 there were just 583 radio stations in the entire country. With so few outlets, and with the kind of radio equipment available in those days, millions of people could only receive one or two stations. Thousands had no reception at all. Truly, radio was a scarce and limited commodity when the Communications Act

was written, and Congress was right to think of the airwaves as a rare public resource that must be held in trust for all Americans. FCC rules were needed to make sure that no license holder, or group of license holders, monopolized the radio band in any city, state, or region.

The situation is different in the 1980s. Now there are almost 9000 radio stations nationwide. Even in sparsely populated areas, people can choose among several stations. Some large cities boast twelve or fourteen stations and residents can tune in to one of them — or to any of the scores of other stations in their listening area. Radio frequencies cannot now be regarded as scarce or limited.

An electrified map dramatizes the communications networks that crisscross the United States today. The great number of broadcasting outlets now available makes the regulation of the past obsolete, say those who want to deregulate the industry. *(Reproduced with permission of American Telephone & Telegraph Co.)*



In future, they may be even less scarce. The FCC has suggested dropping a special class of clear-channel radio stations. Clear-channel stations, originally established by Herbert Hoover in 1923, are permitted to broadcast with extra-high power. Reducing their power would allow about 125 new AM stations to broadcast without interference. The commissioners say they hope many of the new stations will be operated by minority groups or by educational institutions. What's more, the FCC says the United States could have two hundred additional AM stations simply by decreasing the spacing between the frequencies currently in use. Closer spacing is already the rule outside the Western Hemisphere.

The large number of stations today — and the prospect of even more in the future — means that radio broadcasters must compete for listeners. Is it likely, the deregulators ask, that station owners will choose to compete by filling the air with nonstop commercials now that the eighteen-minute-per-hour limit has been lifted? Of course not! People will not listen to a station that broadcasts nothing but ads and station owners know that. To keep their audiences up they will have to keep their advertising down. Market forces will be their regulator. Many radio stations have always aired fewer advertising minutes than were allowable under FCC rules, the deregulators say, and many that have are located in large cities where there's lots of competition for listeners.

AM and FM stations have often devoted more than 8 percent or 6 percent of airtime to news and public affairs, and that is because of market forces as well, the deregulators claim. A good many Americans enjoy

such programming and station owners who want to build audiences are happy to oblige them. Some stations have all-news formats. A few offer extensive local programming — not because the FCC requires it (it does not) — but because listeners want it.

Radio serves listeners with other interests. The radio band offers a sort of on-air smorgasbord: classical music, talk shows, country & western music, mystery theater, disco, religious programming, and so on. The diversity can only grow with deregulation, or so the deregulatory argument goes.

Political diversity will also continue on the air, even if the fairness doctrine and the equal-time requirement are abandoned. Getting rid of the old rules may mean that listeners won't hear opposing points of view on the same station as they do now. But they will still have a choice of stations — and a choice of points of view. One very conservative station owner may broadcast with a constant right-wing bias. That will be an open invitation for another area station owner to try to capture the liberal audience by airing left-leaning editorials and commentaries. Political balance, a variety of entertainment, and a possible reduction in advertising — these are the promises held out by the deregulators.

The promises sound good, for radio anyway. What about television, though? Compared with radio frequencies, television frequencies are still a scarce and limited commodity. In 1979 there were only 990 television outlets in the United States. About 250 of them were educational and depended largely on PBS programming. Of the remaining 740-odd, most were affiliated with one of the three major commercial networks.

Even the country's few unaffiliated television stations offer network fare, since independent station owners generally purchase old network series and run them night and day. As we have seen, diversity is rare in network programming because of the way the ratings system works. So television, already limited by the comparative scarcity of channels, is further limited by network programming policies. Ban the NAB advertising code and take away rules like the fairness doctrine and what's going to be left? A mindless succession of copycat shows interspersed with more and more commercials — or so many Americans fear.

The fear is groundless, the deregulators assert, because television is on the brink of a revolution. It's a revolution that is going to transform broadcasting, leaving no room for regulation as we know it.

## The New Boom

The television revolution that is coming begins with ultrahigh frequency (UHF) broadcasting. Most television stations today broadcast on the VHF, or very high frequency, band, channels 2 through 13. Until recently, television sets could not receive UHF channels 14 to 83 unless they were equipped with special antennas and separate dials. Modern television technology has changed that, however, and sets produced today have push-button devices that make it easier to tune in to UHF.

The result has been a rush by broadcasters to acquire UHF stations. At the beginning of 1980, the FCC was considering 233 license applications for new stations on the UHF band. Will all 233 affiliate with one of the existing networks? Experts consider it unlikely and believe a brand-new network is a real possibility. "The fourth commercial network is now there, ready to go; all it takes is a prime mover," said one broadcast consultant.

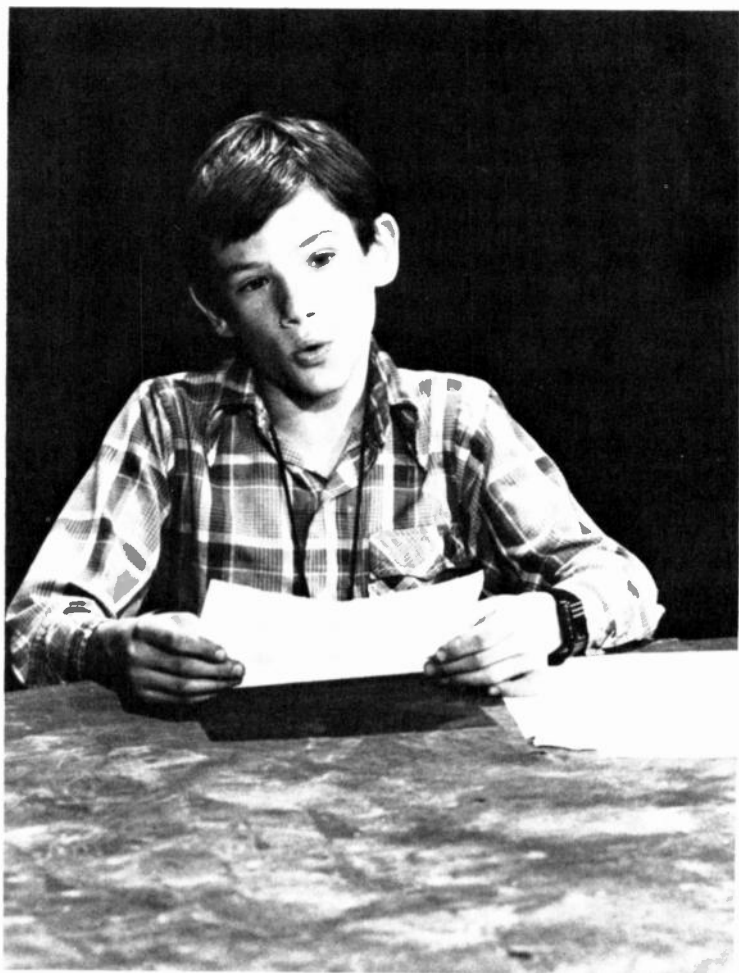


A fourth network would mean more television competition and, perhaps, improved programming. But it would be only a small part of the envisioned broadcasting revolution. A larger part involves Community Antenna TV — CATV or cable television — and pay television.

CATV is not new. In communities where a cable system operates, people can pay \$30 or \$40 to have their television sets linked by wires to the cable station. Then, for a monthly fee of \$10 or \$20, they receive CATV programs — full-length movies, foreign films and documentaries, stock market information, and more. An all-news cable network has begun reaching 2.5 million viewers nationwide. A Black Entertainment Network and the Spanish International Network are also operating coast to coast. The future may bring even more variety. Cable owners foresee an all-sports network, a network aimed at children, and one geared to people aged fifty and older.

Pay television isn't new, either, but it's less common than cable. Pay-television stations broadcast directly over the air, not over a wire. To keep nonpaying viewers from watching pay programs, the pay-television stations scramble their signals. Ordinary sets cannot pick them up. Only people who pay to subscribe to the system have special signal decoders in their televisions.

FCC rules discouraged the growth of pay television and CATV for years. Until 1979, FCC regulations forbade pay television in any city that did not already have four or more commercial-television stations. As for cable, the FCC originally banned it in all of the nation's top one hundred television markets — markets



Mark Schichtman reads the news on *Kid News*, a weekly cable TV offering in New York City. Mark, age 12, both produces and anchors the program. His staff of six includes a weather forecaster and a film critic. (Fred R. Conrad/*The New York Times*)

that serve 90 percent of the population. Only now that the FCC is easing up on its rules and stressing deregulation are CATV and pay television likely to begin thriving. One sign that this is happening were the recent announcements by ABC and CBS that they plan to produce cable programming. CBS has even applied to the FCC for permission to own a cable broadcasting system.

The networks are also becoming involved in the third facet of the television revolution: home video systems. Executives at ABC, CBS, and NBC have set up separate divisions to produce and sell video machines and programming.

The first video systems are already on the market. Video cassette recorders let viewers tape shows as they are broadcast and replay them later. Videodisc machines are different; they operate on a principle similar to that of a record player. All the viewer has to do is slip a disc into the machine and settle back to enjoy a movie, an opera, or a sports event. RCA Chairman Edgar H. Griffiths believes that videodiscs will be a \$7.5 billion market by 1990.

More revolutionary video systems are on the way. One will permit printed material to be sent into the home via telephone wires. Another, called Qube, which has been tested in Columbus, Ohio, ties home viewing systems into a central computer. Qube viewers can receive signals — and send them, too. Next the system is going into operation in Pittsburgh, and by 1990, it, or similar systems, may be in fifty percent of American homes. With such a system, we will be able to order exactly the programming we want. We will be able to do library research in our own living

rooms. Two-way video systems will permit us to shop, answer public-opinion-poll questions, and call up information from around the world — all without stirring from the television set.

But of all the aspects of the late-twentieth-century television revolution, the one that seems the most promising, and the most exciting, is the possibility of direct-to-home satellite broadcasting.

Even today, we get some of our television programs via satellite. Television signals from one corner of the globe can be bounced off an orbiting spacecraft and relayed to stations in another country or continent. Such transmissions are speeding up the telecasting of news stories from around the world. But so far in the United States satellites have only been used by the networks to transmit their own programs from station to station.

Satellite broadcasting will be different in the future. Programs will be beamed not at a television station, but directly into our homes. Signals from the satellites will be detected by rooftop antennas shaped rather like elongated saucers. Such antennas, which are expected to cost about \$500 apiece, may someday replace the familiar television aerial.

Two countries, Canada and Japan, are already experimenting with direct-to-home satellite broadcasting. In the United States, the Communications Satellite Corporation — Comsat — has filed an application with the FCC to begin producing and transmitting via satellite. Comsat was set up by an act of Congress twenty years ago to develop satellite communications. Its license application to the FCC is being handled by former FCC Chairman Richard Wiley. If



Huge curved antennas pick up signals from a Comsat satellite. This is an earth station in northern New England, but before long, direct-to-home satellite broadcasting may be a reality. (Comsat/photo by Bill Megna)

Comsat's application is approved quickly, Americans could be getting direct-to-home satellite broadcasts by the mid-1980s.

The men and women who want to deregulate American broadcasting hope that the approval will be quick. To them, direct-to-home satellite broadcasting — added to home video, CATV and pay television, and the increased use of UHF and radio frequencies — virtually guarantees that broadcasting will provide the country with the widest possible diversity of services and points of view. The notion of shackling the new technologies with legal restrictions, as the FCC did to CATV and pay television, dismays the deregulators. Representative Lionel Van Deerlin, Democrat of California, put it bluntly to FCC member Abbott Washburn. "There's no way the government is going to stand in the way of letting the public gain from these new technologies," Van Deerlin told the commissioner.

Washburn wasn't so sure. It's not that he is opposed to letting the public benefit from the television revolution. He's just not convinced that the benefit is a sure thing, especially if government regulations are removed from the broadcasting industry. Washburn's reservations about deregulation are shared by many others.

One big concern is that, unregulated, the new technologies will spell an end to local programming and to programming by and about minorities. "Local service has been at the very heart of broadcast policy in this country," Washburn reminded Van Deerlin. He worries that direct-to-home broadcasting, which by-passes the networks, will force local television stations out of



Comsat control center in Washington, D.C. Will the broadcasting of the future be highly centralized, or will there still be room for local programming to fill community needs? (Comsat/photo by Bill Megna)

business. If towns and cities no longer have television people on hand to cover events, local television news reporting will become a thing of the past. Programming for the whole country will be produced in just one or two cities, Washburn predicts. "The satellite-to-home signal is going to originate in New York and Los Angeles and is not going to do anything for local communities," he warned.

Other new technologies could have a similar effect. Videodiscs will be produced in a central location and sold nationwide. It is unlikely that they will reflect current local concerns. Cable and pay television will probably come from a few central sources as well.

Even if some CATV and pay stations start out as local enterprises in separate communities, they may not stay that way for long. It's a good bet that the larger, richer cable companies will begin buying up their smaller, weaker rivals. Eventually a few CATV companies could end up controlling the flow of news, information, and entertainment around most of the country. That's been the pattern in the newspaper industry, where small papers are being gobbled up at an alarming rate by large newspaper chains.

That has been a pattern in broadcasting also. When radio was new, in the 1920s, the country had hundreds of stations, and hundreds of individual station owners. Then the radio boom began and the companies in the RCA-AT&T-GE-Westinghouse-United Fruit patent alliance began buying up stations. Before long the allied companies evolved the commercial network system and still more independent stations affiliated with the networks. There was less diversity in the system, and executives at the three major commercial



networks gained an enormous degree of control over what is made available to Americans over radio and television.

Now another broadcasting boom is beginning and the same process could repeat itself. Even the names are the same. RCA is spending millions of dollars on video research and production. RCA operates television satellites, too. AT&T has just won FCC permission to enter the field of two-way computer communications. Westinghouse and GE are still big radio and television station owners. GE, RCA, and Westinghouse are involved in cable television. Comsat is operated by a business partnership that includes AT&T and RCA. What is to prevent these corporations from dominating the new broadcasting revolution?

The deregulators' answer, of course, is that free market forces will regulate the industry and protect the public. They argue that the history of American radio proves that the marketplace is a better regulator than the government.

The claim is a peculiar one because regulation by market forces has never even been tried in American radio, let alone proved to be successful. It's true that market forces have encouraged some radio station owners to air fewer than eighteen minutes of advertising per hour and to carry more than the FCC-mandated number of newscasts. The owners who have done so have acted in order to win listeners away from stations that air a maximum of ads and a minimum of news. But it's important to remember that they were acting in an atmosphere of regulation, knowing that the FCC was noticing — and approving — their public-spirited attitude.

What if there is no regulation and no FCC to keep track of performance? Stations that once carried eighteen advertising minutes an hour may now carry twenty-five or thirty — or more. They may devote only 1 or 2 percent of airtime to news. The station owner who hopes to build an audience can broadcast twenty-two or twenty-three minutes of advertising an hour and give 3 or 4 percent of airtime to news — and still look good by comparison. Market forces will operate, but they won't mean the public is being served.

Market forces will serve advertisers and broadcasters, though, and deregulation could mean a system that is more commercial and profit-oriented than ever. Advertising executive Richard Pinkham, for one, looks forward to just such a system. Speaking at an informal session of the Association of National Advertisers in 1976, Pinkham wondered what “opportunities [will be] . . . staring you in the face as CATV and satellite transmission emerge.” He envisioned “opportunities for your company to own its own programming, tailor-made to attract precisely your target audience.” Pinkham spoke enthusiastically of “the marketing potential of two-way communication.” He mentioned that one of his advertising agency's clients was studying two-way television-computer hookups and “already experimenting with techniques to exploit this kind of one-to-one contact with the consumer in her living room.” He foresaw other commercial possibilities. “Are sponsored videodiscs a possibility?” he wondered. He prodded his listeners. “How will you harness worldwide satellite-to-home transmission to your international marketing challenge? Will universal sponsorship become available?”

What if rules like the fairness doctrine no longer govern radio and television? Can market forces really take their place, balancing liberal owners with conservative ones, Democratic owners with Republicans, businessmen with environmentalists? Will market forces give a fair shake to the views of minority groups? Currently, black and Spanish-speaking Americans own just 1 percent of the nation's television and radio stations. Native Americans own one station; Asian-Americans, none. Without regulation, how will market forces protect them? Will women's groups be able to make their opinions heard on the air?

Other problems need to be discussed before we go ahead with more deregulation and with the new technologies. Two-way computer television systems, such as those that AT&T is developing, will allow us to order our television fare and to call up facts and information from central storage banks. But at the same time, the system will automatically record each order and each request for information, just as computers today keep a record of each of our long-distance telephone calls. Locked into a vast computer brain will be the fact that Jill watches X-rated movies, that Bob asked about security precautions at the nation's nuclear power plants, and that Mary responded to a poll question by admitting she uses illegal drugs.

It's frightening to think what it could mean to have such information permanently on file somewhere. Law-enforcement officers and government officials can get court orders entitling them to examine long-distance telephone records today. In the future they may be able to study our viewing choices, buying habits, informational requests, and poll responses.

Companies that operate two-way systems may sell certain facts about their customers, just as companies buy and sell mailing lists and other information today. Outsiders might tap into the system and spy upon the private lives of millions of men, women, and children.

Even deregulator Charles Ferris concedes a problem. "The invasion of privacy can be of a very personal nature," he declared. Desmond Smith, a producer for the Canadian Broadcasting Corporation, warns flatly that combining broadcasting deregulation with the new technologies is likely to lead to "computer surveillance."

An age of legalized spying? Centralized broadcasting that ignores local needs? New, stricter regulation "in the public interest"? An end to regulation altogether? Which will it be for the future? The American public is invited to help provide the answer.

## The Public Voice

The FCC vote to deregulate radio was met enthusiastically by broadcasters — and denounced by many religious, consumer, and public-interest groups. The head of a Washington, D.C., public-interest law firm said that the commission decision marked “a sad day for minorities, women, the poor, religious groups and other working people who have relied on the FCC to make sure that radio stations meet the needs of listeners they serve.” Several groups promised to challenge the FCC’s deregulation plan in court. According to some, American broadcasting needs more, not less, regulation. The FCC decision marked the start of a new, broader debate over broadcasting rules. Central to that debate is the question: How well has regulation worked in the American broadcasting industry?

Many people maintain that it has not worked well at all. Owing largely to weaknesses in the communications laws of 1927 and 1934, commercial television

has come to be dominated by three look-alike networks. Their offerings are shaped by the ratings race and by the demands of advertisers. Network executives strive to serve themselves, their affiliated stations, and their sponsors, but they are not so eager to meet the needs of their viewers and listeners. That's especially true if viewers and listeners happen to be poor or members of minority groups. Even noncommercial broadcasting, the critics note, is coming more and more under the influence of enormously wealthy and powerful corporations. For financial reasons, public stations are cutting back on minority and public-affairs programming.

There are other criticisms of regulation. Some rules have simply crumbled before the economic interests of broadcasters and sponsors. Examples are NAB guidelines regarding the type and amount of advertising permissible on the air.

Other rules, especially those formulated by the FCC, have not worked out as the commissioners intended. The fairness doctrine sometimes keeps controversy *off* the air. Another rule, the television "prime-time access rule," has also been a disappointment. The access rule took the period from 7:30 to 8:00 P.M. away from the networks and gave it back to local stations. The idea was that each station would fill that slot with programs about community affairs and problems. Instead, station owners found they could make more money by scheduling game shows and comedy reruns into the newly available time. Just check your television schedule.

As far as program content is concerned, criticisms abound. Many parents blame members of the FCC

and others in government for permitting the broadcasting of so much violence. Others are more worried about television's and radio's openness about sex. Advertisements, especially those aimed at youngsters, are another problem. Why can't commercials be controlled?

Because that would be censorship, other Americans answer. No government agency has the authority to tell a network executive, an advertiser, or a radio or television writer or producer what can or cannot go out over the airwaves. That applies to both commercials and entertainment features.

Even rules like the fairness doctrine are violations of the First Amendment, according to some. The government should adopt a "hands-off" attitude toward broadcasting. Regulation should give way to the forces of the marketplace. Commercial competition will protect the interests of the American viewing and listening audience.

On the other hand are those who argue that regulation has worked relatively well and that it should continue. Guidelines such as the fairness doctrine and the equal-time requirement may not be perfect, they say, but they do make it possible for Americans to hear a variety of opinions and points of view. No station owner can monopolize the airwaves for long. Rules that allow the FCC to lift a station's license are vital to ensure that broadcasting continues to serve Americans from all walks of life. Above all, the rules have — so far — kept broadcasters from ignoring their obligation to operate "in the public interest, convenience, or necessity."

What of the future? Controversial proposals to water

down or eliminate the fairness doctrine will doubtless be made anew. Officials are wondering about deregulating television. They will be deciding how — and whether — to regulate the new technologies. Another question is whether to retain the FCC in its present form or replace it with a different kind of agency.

The debate that's shaping up involves every individual who ever tunes in to American radio or television. Its outcome will determine what will be available to the nation's audiences in the years to come, and it's in our own interests to express our feelings about broadcasting rules.

Now is the time for listeners and viewers to tell the FCC their views on proposed rules changes for radio and television. The address of the FCC, and of other groups and organizations concerned with broadcasting, can be found on pages 115–16.

Americans can present their ideas about broadcasting regulation to other government officials. Members of the Federal Trade Commission need to know our thoughts about their efforts to limit some kinds of television advertising. We can write to members of Congress, too, and tell them how we feel about what Congress has done about FTC action to regulate advertising to children.

Members of Congress ought to hear their constituents' opinions on other broadcasting matters. Do you think Congress should pass a law to get violent programming off the air? To require networks to carry more news and documentaries? To abolish the equal-time requirement and the fairness doctrine? To mandate interesting programs for children and young people? To encourage the growth of the new commu-





Let someone know how you feel! (*Malcolm E. Weiss photo*)

nications technologies? Let the representatives and senators from your state know how you feel.

There are others you can write to. Top network executives probably don't see many letters from ordinary citizens, but their aides and assistants do. Be specific about what you like — and don't like — about radio and television and give your reasons. Suggest improvements. Write or call local stations in your city, town, or area. Individual stations are usually more responsive to FCC pressure, and to pressure from local residents, than are the networks. People at public radio and television stations are particularly glad to hear from their audiences.

Can one person writing a letter accomplish anything in broadcasting? John Banzhaf did, when he asked the FCC to order stations to offer equal time for antismoking messages.

People who don't like to write letters can find other

ways to make their views about broadcasting heard. They might, for instance, join a consumer group that concerns itself with radio and television.

One of the most effective of such groups is ACT — Action for Children's Television. It was members of ACT who petitioned the FTC to do something about what they considered unfair advertising to children. The controversial FTC proposals to restrict commercials aimed at children grew out of that petition. ACT has also succeeded in getting the manufacturers of some products, including vitamins and firecrackers, to stop advertising directly to children on television. Other interested groups include the National Citizens Committee for Broadcasting, the Office of Communication of the United Church of Christ, and the United States Catholic Conference. These are some of the groups likely to go to court to fight FCC deregulation orders.

Any court fight is sure to be long and complex. Even when it is over and the verdict — regulation or deregulation — is handed down, broadcasting's future will not be entirely clear. No one knows just what the new communications technologies will bring. They hold promises, and possible threats, that are difficult for us to imagine fully today.

One thing is clear, though. Present-day moves toward deregulation are bringing the public's historic right to ownership of the airwaves into question. Perhaps that doesn't matter. The new technologies, in addition to the increased number of stations and the growth of pay and cable television, may mean the public no longer *needs* to own the airwaves.

Should we, the public, surrender our airwaves to private interests? That's a matter for all of us to decide.

# For More Information

Action for Children's Television  
46 Austin Street  
Newtonville, Massachusetts 02160

American Broadcasting Companies, Inc.  
1330 Avenue of the Americas  
New York, New York 10019

Columbia Broadcasting System, Inc.  
51 West 52 Street  
New York, New York 10019

Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Federal Trade Commission  
Pennsylvania Avenue at 6th Street, N.W.  
Washington, D.C. 20580

National Association for Better Broadcasting  
373 Northwestern Avenue  
Los Angeles, California 90004

National Association of Broadcasters  
1771 N Street, N.W.  
Washington, D.C. 20036

National Broadcasting Company  
30 Rockefeller Plaza  
New York, New York 10020

National Citizens Committee for Broadcasting  
609 Fifth Avenue  
New York, New York 10017

National Parents Teachers Association  
700 North Rush Street  
Chicago, Illinois 60611

Office of Communication, United Church of Christ  
289 Park Avenue South  
New York, New York 10010

Public Broadcasting Service  
15 West 51 Street  
New York, New York 10020

United States Catholic Conference  
1312 Massachusetts Avenue, N.W.  
Washington, D.C. 20005

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