TELEVISION

VOLUME VIII NUMBER 1 WINTER 1969

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THE JOURNAL OF
THE NATIONAL ACADEMY OF
TELEVISION ARTS
AND SCIENCES

Published by The National Academy of Television Arts and Sciences in cooperation with the School of Public Communication, Boston University

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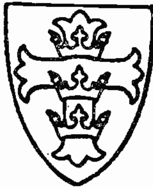

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> *"Criticism is properly the rod of divination; a hazel switch for the discovery of buried treasures, not a birch-twig for the castigation of offenders."*
>
> —ARTHUR SYMONS

Although the Editor's chair has moved from Syracuse to Boston University, the aims of the *Television Quarterly* remain essentially the same: to provide a continuing, penetrating, and provocative evaluation of television. In all of its ramifications, as an art, science, industry, and social force, television merits serious, persevering examination. Such was the credo of this journal under the stimulating and creative editorship of Dr. A. William Bluem.

We shall continue to explore television's many-faceted relationships with contemporary American mores and manners. We seek diverse articles written with the critical thrust and lively style that will enhance our readers' understanding of the medium. This Editor does not live atop an ivory transmitter. He gratefully welcomes comments and suggestions from *Television Quarterly's* raison d'etre —its readers.

D. M. W.

TODAY'S LAUGHTER

In "The Artillery Of The Press," James Reston makes clear the need for unceasing skeptical concern about those who enjoy the public trust. The press has never shirked its responsibilities on this front as far as television is concerned. And the ranks of "Viewers-With-Alarm" seem to grow with each season. The range and nature of their indictments keep pace with the times.

To be 100 percent American in 1969, it is almost as important to have hard words for television as to have reverent ones for mother, the flag, and apple pie.

Two recent articulators, marking out specific areas of electronic guilt, are Mr. Stewart Alsop and Miss Julie Wilson. Mr. Alsop finds television responsible for the demise of the Saturday Evening Post. Miss Wilson's penetrating analysis of the end-of-the-line for the Copacobana chorus names television as the culprit.

It seems reasonable to conclude that everyone not suffering from a severe case of lock-jaw has a few thousand words to say about television, most of them corrosive. As of this day and date, no one has established an irrefutable cause and effect case between television and the Hong Kong flu—but don't bet against it.

Amid this welter of *Sturm and Drang* it is comforting to confront the Grumbletonians with the saucy posture of two current television hits, "The Smothers Brothers Show" and Rowan and Martin's "Laugh-In."

These two productions surely represent the most relevant, concerned, adroit effort of our time to make satire serve not only as a rib-tickler but as a mind-tweaker. It has served that purpose well ever since Aristophanes made war a woman's thing to protect his farmlands. In our television times, its weaponry has seemed blunted by disuse; or it has undergone subtle corruption at the hands of those whose understanding of it was flawed, their execution bumbling.

When James Agee, that most perceptive critic, predicted, in the early 1950's, "Those who watch the current trickle of comedy are going to have to make a very little laughter go an awfully long way.", he was uncomfortably accurate.

When Mark Twain warned readers of his day, "You are eating too much sugar; you will bring on Bright's Disease of the brain," he spoke to the viewers of our time.

In the section that follows, three practitioners of the new comedy discuss its origins, patterns, pitfalls, its future.

Steve Allen has been dredging sense out of nonsense since the early days of television. Novelist, essayist, political activist, Allen is, by modern standards, almost Jeffersonian in the range of his talents. His humour bears out the wisdom of Charles Lamb's "irreverence for things held sacred by

more commonplace people." Allen was developing his social attitudes, tuning the strings of his bow when "My Friend Irma" was the apogee of sophisticated television comedy. Like J. B. Priestley, he has always known instinctively that "irony is the whiskey of the mind."

The life and times of Dan Rowan and Richard Martin are almost as familiar as their show's catch-phrase, "Sock It To Me". Their story has been told and retold, sentimentalized, ritualized until they can almost take their place with *The Three Bears*. Less familiar is how their show happened, the philosophy from which it springs and prospers. That is what Dan Rowan talks about here.

George Carlin is an emerging wit, a comic philosopher who served a grueling apprenticeship as a disc jockey and in night clubs, good, bad, and terrible. He is a frequent comedy and variety show guest. If you've seen him, you'll understand his success. It's all as it should be.

In reading the Allen, Rowan, Carlin commentary on television the most significant strain, common to all, is the intellectual exercise, the mode of thinking that has shaped their theories. In each case their ratiocinative capacity was given full employment. They have analyzed, skepticized, debated, and reached conclusions in accordance with classical patterns of logic. To each thesis one could write Q.E.D. As a result their conclusions rise from a reasoned base. They are not haphazard. And their chances of survival are proportionately higher because of it. Like Jack Benny, they must cope with the "grim business of humour." It would appear they have found the means of coping in great style.

It would be stretching far too long a bow to herald these shrewd manipulators of the comedy art as modern counterparts of Juvenal, Voltaire, Swift, and Shaw. But they are sui generis. They are drawers above their contemporaries. They are deft, sure-footed, tough-minded. They deserve our attention.

H.R.

"THE REVOLUTION IN HUMOR"

STEVE ALLEN

1. QUESTION: Does the fact that topical satire is presently enjoying a sizeable TV audience indicate a significant change in the nature of the American people?

ANSWER: Since I feel that the fundamental nature of man changes extremely slowly—if at all—I do not believe the present popularity of TV satire suggests a psychological change on so basic a level. The phenomenon we are considering can best be understood if placed in the larger context of which it is organically a part, which is to say the context of the social revolution through which the human race and the American people are presently suffering.

The keyword here, I feel, is "freedom." Even behind the Iron Curtain and in Fascist countries it is being demanded, if not substantially achieved. In the United States it is actively sought by the Black and the young. As regards television, therefore, it is only to be expected that more freedom is being granted to Negro comedians and to those white comedians who appeal particularly to a youthful audience.

To move from the abstract to the concrete we are talking mostly about *The Smothers Brothers Show* and *Laugh-In.* Dick and Tom Smothers fit neatly into the logical category, I suggest. Rowan and Martin probably can, too, although it takes a bit of pushing, shoving and qualifying to get them into the same box. The reason is that they are essentially a night-club comedy act, and a good one, but, nevertheless, a team that for many years appealed solely to the same sort of gamblers, rounders, boozers and swingers who enjoy Danny Thomas, Frank Sinatra, Dean Martin, Sammy Davis, Jr.,

Buddy Hackett and the rest of the Las Vegas crowd. Only within the context of the *Laugh-In* show can it be said that Rowan and Martin have a special appeal to the chronological or psychological young.

2. QUESTION: How is the new freedom being used?

ANSWER: Chiefly in two ways: (1) to do material about political or social issues, material of a type long considered taboo on television, and (2) to do dirty jokes.

Functioning in the second category is not nearly so meritorious as functioning in the first; it will always be vastly easier to be dirty than to be witty. On one level this is simply a matter of personal qualification; almost anybody can deal in off-color material, but there are few comedians clever enough to create jokes or sketches that honestly confront political and social realities.

3. QUESTION: Do you believe that the *Smothers Brothers* and the *Laugh-In* shows have created their own audience and defined its tastes?

ANSWER: No, I don't. I have the feeling rather that there was an audience wating for this sort of material and that whoever happened to come to bat with such an approach at this particular time would enjoy an almost inevitable success.

Consider again, for a moment, the Smothers Brothers. Dick and Tom were regular members of my TV family years ago when they were unknown to the public, are still my good friends, and I enjoy their show enormously. But essentiallly they do *not* do political or social satire. It is more correct to say that political and social satire are presented on their show. Basically the Smothers Brothers' bag is the marvelous routine they do standing alone on a stage working out of a musical context, with Tom singing his dumb songs and making his dumb faces, and Dick trying to talk some sense into him. I love it, but, as I say, it has nothing whatever to do with political satire. Nevertheless, both Dick and Tom have a strong social conscience, a sense of obligation to employ the power of television so as to affect society in the ways their political prejudices suggest to them that it ought to be affected, and a smooth working-relationship with their writers, who share their political orientation. Consequently some wonderfully entertaining and pithy things get said on the program, things that seem daring in terms of what television humor has generally been during the past 18 years.

4. QUESTION: Have the new forms of television comedy grown out of the night-club world or are they original and peculiar to television?

ANSWER: The part of the new TV humor that is off-color comes essentially from night-clubs. The part of it that includes social comment has roots in the hip-beat-swinger-coffeehouse world of Lenny Bruce and Mort Sahl, circa 1955–60. Some would trace the roots to earlier points via Bob Hope's opening-monologue jokes, or Will Rogers' commentaries of the 20's and 30's, but I disagree. Sahl and Bruce blazed a new trail. Many of Bob Hope's jokes were wonderfully funny, but they rarely had a philosophical point of view. Bob himself is a millionaire Republican who owns the Flag in the way that Danny Thomas owns the Cross, so naturally we could never have looked to him for pithy political satire.

As for Will Rogers, he was witty and lovable, but even his best jokes were a matter of a country-boy gently joshing the big-city politicians. He never used his humor to strike to the bone-level touched by his contemporaries Mencken, Darrow and Ingersoll.

I know what I'm talking about in discussing Bruce and Sahl because I was the only one ever to hire Lenny Bruce for national TV (he appeared on my shows three times over the years) and was the first to introduce Mort Sahl to the national audience that he merited. Both men deserve great credit for their courage and originality.

There is some risk of exaggerating the purely satirical element in both the *Smothers Brothers Show* and *Laugh-In*. Both are funny, well-polished programs but there really isn't all that much satire to them. To do a joke *about* George Wallace is not necessarily to have created *satire*.

There was one television show, and only one, so far as I can recall, that went in heavily for satire: *That Was The Week That Was*. Some of the scripts and sketches were brilliant. The show failed for two reasons. First, too many people got on camera who weren't funny on a professional level (after American audiences had become accustomed to laughing at really gifted supporting comics like Louie Nye, Don Knotts, Tim Conway, Bill Dana, Pat Harrington and the rest of my old gang, for instance). Secondly, the program was put on the air about five years before the American people were ready for it.

5. QUESTION: Don't you feel you deserve credit, too, as a pioneer TV satirist?

ANSWER: Not very much. Much of my satire has been directed against the medium itself, in making fun of various ridiculous programs. Although I am a politically-oriented person in my private life, I have—oddly enough—rarely employed humor as a political weapon on television. Oh, I'll do jokes about Ronald Reagan, George Wallace, the John Birch Society or the Ku Klux Klan, but those are easy targets. What I did bring to early television humor, perhaps, was a sort of plain-spoken, no-phoney-awe approach to things I discussed in a humorous vein.

The only other show that ever did much satire was Sid Caesar's, but very little, if any, of the subject-matter involved important social questions. Sid's brilliant satires were usually put-ons of old movie classics.

6. QUESTION: How far is the revolution in television comedy likely to go?

ANSWER: Like all revolutions, it will almost certainly go too far. Already there are individual jokes I hear—even occasionally on my own show—to which I personally object. I concede, however, that my objections are based primarily on a concern for the tender sensibilities of small children, old ladies, young virgins, the clergy, and others whose tastes are less sophisticated than my own.

7. QUESTION: What should be the nature of the restraint based upon such comedy—self restraint, network standards and practices? Or should there be *any* restraint?

ANSWER: Of course there should be restraint. I concede the pure beauty of the ideal of anarchism, but it is a philosophical system remarkably unsuited for the human race as it presently behaves or is likely to in the foreseeable future.

Comedians who work chiefly in night-clubs eventually develop—it seems to me—a certain insensitivity to standards of taste appropriate to television. This is particularly true for those night-club comics whose biggest laughs come from their dirtiest material. It's a rare entertainer who will willingly eliminate the funniest parts of his act when working a television show, if instructed only by his own conscience. Those of us who have a background of radio—all other things being equal (which they never are)—are more sensitive to the tastes of the national viewing audience. There have been exceptions to this, of course, the first of which was Arthur Godfrey.

Speaking of Godfrey reminds me of an extremely important point, one so obvious that it is frequently overlooked. To put the matter bluntly, you can get away with almost anything on television if you have a big rating. Network executives may wince, but because they make no pretense of being seriously interested in anything much except ratings, they would much rather have a vulgar or politically-offensive show with a 30 Nielsen than a tasteful, inoffensive program with a 15.

A healthy rating is an invisible protective shield that keeps network censors at bay. But let the rating points drop and the censors and vice-presidents swarm all over you. In the early 50's Arthur Godfrey said almost any damned thing that came into his mind when he was on the air. The CBS program people were powerless to control him since they knew that he brought in many millions of dollars in billings each year. Something like the same point applies presently to the *Smothers Brothers* and the *Laugh-In* shows.

8. QUESTION: What does the receptivity on the part of the audience to these new forms in comedy suggest? Do they reflect a greater sophistication on the part of the audience, a greater commitment, a deeper involvement in their life and times?

ANSWER: To some slight extent, yes. But the extent ought not to be exaggerated. I'm not sure that "sophistication" is the proper word to describe a phenomenon that seems to me more a matter of letting down formerly rigid bars. This sort of thing can happen while a man, or a people, is becoming *less* rather than more sophisticated. There undoubtedly is greater popular commitment and involvement today than there was, say, ten years ago, and I believe this fact does relate, to a degree, to the new directions in which humor is moving.

It is important to understand, however, that humor is moving to the political left and that the audience that is pleased by this is generally the youthful audience, which traditionally has always been more liberal, more progressive or radical than the old-guard establishment. But in countermovement to the leftward swing of the political pendulum, there is also building up in the country—as the millions of presidential votes cast for George Wallace make clear—a reactionary groundswell. The Wallace-Goldwater-Reagan crowd, which probably numbers somewhere around twenty million, absolutely loathes the new humor. The political amalgam of redneck-reactionary-conservative forces can never have its own equivalent

of a Lenny Bruce, a Mort Sahl, or even a *Laugh-In,* simply because there ain't no such animal.

The reasons for this are not specifically American or political; they are ancient, historic, and related to the essential mystery of human nature. Creative, artistic people—in most if not all times and places—have generally been left of political center. The sensitive eye of the artist perceives certain hard realities behind the facade that political figures erect long before they are apparent to the masses. Even the ancient court-jester made his living by making fun of the king and the members of his court, although he naturally had to be careful not to go too far. The artist is often not so interested in a purely political program as he is concerned about freedom. It follows, therefore, not only in the West but also in a totalitarian Communist state, that the artists will almost always be in conflict with the central authorities, though their opposition is almost never of the purely reactionary sort. The Pasternaks and Yevtushenkos of the Soviet Union, for example, are absolutely correct in their criticisms of Russian leaders and policies. But they are equally critical of the materialism of the capitalist West.

To get back to the area of American humor, the overwhelming majority of American entertainers are affiliated with the Democratic Party and their sympathies lie generally towards the left rather than the right. American Conservatives—whether they be of the respectable sort or, as Richard Nixon calls them, the nut-and-kook fringe—can enjoy the good-clean-fun sort of humor they find on an *Andy Griffith Show, The Beverly Hillbillies, Gomer Pyle,* or what-have-you, but when it comes to political humor, they can't get their kicks from anybody but William F. Buckley, Jr.

9. QUESTION: Where are the new comedians to come from, and how are they to test their material and their capacity "to tell it like it is?"

ANSWER: I was rather worried about this question a few years ago, but apparently my fears were groundless. It used to be said, for example, that in the old days a comedian had 20 or so years of training in vaudeville, burlesque or night-clubs to fall back on when he moved into radio or TV. Since scores of American clubs have closed in the last dozen years or so, it was, therefore, feared that the new young comedians would have nowhere to go for their basic training. Obviously they have found somewhere to go, since they are coming along, and in greater numbers than ever before.

If a young man really has the comic gift, the spotlight of public interest will eventually be turned on him as a result of whatever sort of exposure he is able to arrange for himself. This process does require a certain number of years of apprenticeship, of course. When the public identifies someone as a "new young comedian" he is usually—strictly speaking—neither new nor young. Offhand I can't think of any successful comedian who was really very funny at the age of 20 or 22. Most comics are at least 30 before they begin to attract favorable attention. I'm an exception to this rule in that I was doing my own coast-to-coast radio show on the Mutual radio network when I was 25, but the rule holds good for comedians generally.

10. Question: Do you think there is any difference between the audiences for the *Smothers Brothers* and *Laugh-In* shows?

Answer: Yes. The Smothers Brothers' audience is a bit closer, I would think, to what we might loosely describe as the hippy world. By this I don't mean to indicate only the actual, full-time hippies, but the whole spectrum of those young people who are either part-time hippies, have let their hair grow somewhat longer, have rebellious feelings toward their parents, perhaps smoke marijuana, that sort of thing. I think these kids perceive that the *Smothers Brothers Show* speaks their language a bit more directly than does *Laugh-In*.

What is utterly fascinating about the youthful rebels, however, is that whatever else they are, they are not purposely funny. The hippy world has produced some lively journalism, some interesting art, a great deal of vigorous music, some fascinating wardrobe, and some approaches to social problems that are at least innovative. But it seems to have little interest in humor in any formal sense. Perhaps the rest of us require the services of *professional* humorists because our lives are so essentially serious, if not indeed tragic. It may be that when you spend so much time wandering through strawberry fields, smoking pot, attending love-ins, dropping out, and goofing off, you do not have the emotional need for the escape-valve that humor apparently represents to the generally more Puritanical human race.

There are a few young comedians around who are *pretending* to be hippy comics, but in my view they are merely people who weren't funny enough to make it along the traditional routes and therefore have let their hair grow and forsaken their old tuxedos

for Nehru jackets and granny glasses. I find them no funnier in the new clothes than they were in the old.

Of course the fact that there are no authentic hippy comedians at present does not entitle us logically to conclude that there never will be. You will recall my earlier observation to the effect that people don't seem to get very funny until they're past 30 anyway. This being the case, some comedians with long hair and Attila-the-Hun mustaches may eventually emerge.

11. Question: You wrote an article some years ago in which you pointed out that our society would not then permit the emergence of Negro comedians who were the equivalent of Bob Hope, much less any that were the equivalent of Lenny Bruce or Mort Sahl.

Answer: Yes, I observed that, while there were a number of funny Negro performers, they generally portrayed eccentric servants, Pullman-car porters, butlers, stable-hands, or something of the sort. I did not mean to suggest that somewhere out behind a barn there were youthful Dick Gregorys, or Bill Cosbys, doing witty monologues for underground Negro audiences. My point was that the Negroes in America had not come yet to the point of social evolution from which the development of comedians could be expected of their culture. What produced the present rich crop of Negro comics was nothing less than the Negro social revolution.

One of the reasons we have struck such a rich vein of Negro humor at present is that humor has often arisen from a climate of revolution or rebellion. Most professional funny people are Jewish; another group well-represented in the field is the Irish. Both cultures have a tradition of restless submission to dominant authorities. The yearning for freedom and at least relative control of one's own destiny can be a powerful mainspring supplying energy to those who have the mysterious comic gift. It is no wonder, therefore, that we see so many Negro comedians in America today.

White America for years salved its guilty conscience to a certain extent by its adulation of gifted Negro entertainers. Somehow a man felt less like a bigot if he could say—and mean it—"I sure love to see Bill Robinson dance," or "That Lena Horne really is beautiful," or "Nobody writes prettier music than Duke Ellington." It is important to understand that the Negro is not living out his revolution in a vacuum—an obvious impossibility.

White America is also a participant in the same drama, and our sophistication as regards the confrontation between the races is—it

seems to me—keeping pace with that of the Negro. So Whites have now become civilized enough to grant the Negro freedom to indulge in biting social commentary. This is much to the good because Negro comedians can accelerate the education of American Whites that is necessary to our advancement toward social justice, for everyone.

12. QUESTION: Your earlier remarks about dirty humor suggest that you strongly disapprove of it.

ANSWER: Whenever people write a letter objecting about some off-color story, they almost invariably start the letter by saying, "Now I'm no prude, but..." I realize that I *am* at least a bit of a prude, but I am not looking down my nose at those comedians who indulge in a great deal of vulgar humor. I can understand the psychological function of vulgarity and obscenity in a society. Where do you find the most vulgar and obscene humor? Precisely in those social contexts characterized by sexual inhibition or deprivation: in prisons, military barracks, boarding-schools, fraternity houses, wherever people are unable to have free access to those of the opposite sex. This, as I say, is understandable and even forgivable.

What puzzles me about the present situation, however, is that vulgarity seems to be more common precisely at the time when freedom is on the increase. Which suggests, therefore, that the traditional psychological justification for obscenity is perhaps irrelevant to a correct understanding of today's situation.

The question is somehow related to one of the points of origin of formal comedy, which was in the theatre of ancient Greece, when the art grew out of religious exercises celebrating the swinging god, Dionysus.

The mystery to which I allude here is, of course, illustrative of the extreme difficulty in attempting to be scientific or logical about so ephemeral a subject as humor. Humor is a uniquely mysterious form of beauty and no philosopher, in my view, has ever advanced a purely satisfactory definition or explanation of it. While it is possible to make some "rules" about humor, to do so is to find oneself immediately surrounded by a sea of exceptions.

Almost everyone is illogical about humor. Consider the example of the *Readers Digest,* a generally conservative and definitely Establishment-oriented magazine, which nevertheless has for many years published all sorts of naughty jokes about brassieres, girdles, toilets, breasts, and other things, the joking about which would seem

clearly inconsistent with that magazine's basic philosophical direction.

The careful reader may imagine he has discovered an inconsistency here in my speaking critically of obscene material on the one hand while on the other praising Lenny Bruce. Was not Lenny habitually obscene? The question is not an easy one to answer. For one thing, obscenity is partly in the eye of the beholder; for another, there was a great difference between the vulgarity which Bruce employed and that to which the average night-club comic will resort. Your Las Vegas man will use dirty material simply to make an audience laugh. Lenny didn't do that at all. When he entered the area of sex or scatology, it was always to make a philosophical point.

Lenny once introduced the possibility, for example, of standing on a chair and urinating on those in the front row of the audience that had come to see him. Now that is certainly a shocking-enough subject matter. Lenny admitted that any audience subjected to such treatment would be immediately and rightly up-in-arms. But then, he suggested, a strange process would begin. People would go home and tell others of the remarkable spectacle they had witnessed. This would greatly increase business at the club since many people would insist on seeing such an exhibition themselves, however they might disapprove of it. The accelerating process of interesting a wider public in such a disgusting spectacle would continue, Lenny said, until one night when it would occur to him to *withhold* this particular routine. At this point, he shrewdly observed, people who had paid good money for a front-row seat would leap to their feet and bitterly complain, "I want my money back! He refused to - - - - on us!"

Now this is undoubtedly vulgar scatology, but Lenny has employed it to make a penetrating observation about human nature. The same can almost certainly not be said of whatever off-color joke you might have heard on one of last night's late talk shows.

13. Question: What would you say is the distinguishing characteristic of today's TV humor?

Answer: Lack of originality. I don't see a great deal being done today that isn't derived—occasionally openly stolen—from ideas introduced in the early 50's on either the *Sid Caesar Show*, the *Ernie Kovacs Show*, my own programs, or other early shows. On the old *Tonight* program (1954, '55, '56), to give but one example, I created

a routine we called "Crazy Shots." It consisted of a string of eight or ten quick sight-gags, based on jokes of a type theretofore found only in magazine cartoons. I used the routine for three years on *Tonight,* five years on my NBC weekly show, one season on ABC, and for three years on a late-night show with Westinghouse. Then suddenly it somehow became considered public property. Now there's scarcely a comedy-variety show on the air that doesn't employ it, sometimes even using the actual original gags. I'm not talking about *performers,* you understand. Each comic has his own style. Personality and character, thank God, can't successfully be stolen. But production people must be submitting a lot of ideas and hoping their employers won't remember the original source.

I've always been especially appreciative of originality, and not greatly impressed by carbon copies, perhaps because I grew up around vaudeville theatres (my mother and father were a vaudeville comedy team). But the original talents are the *real* talents or stars. There was only one W. C. Fields, one Marie Dressler, one Mae West, one Chaplin, one Stan Laurel, one Groucho, one Fred Allen, one Jolson. It was always stand-back-folks time when Gable, or Bogart, or Tracy, or Hepburn appeared on the screen. In our day there's only one Sid Caesar, one Gleason, one Sinatra, one Barbra Streisand. But the imitators, God, they number in the thousands. I saw a special the other evening in which a lady comedienne quite probably unwittingly borrowed from Jerry Lewis, Imogene Coca, Martha Raye, Joan Davis and Mitzi Gaynor.

WHAT REVOLUTION IN COMEDY?

DAN ROWAN

Any serious student of humor, and if you know of one, don't point him out to *me,* knows that what passes for new today is really not new at all, but has been done somewhere else and a long time ago. There are no new jokes, and I don't really believe there is any *new* humor.

A more permissive society here in the United States? Very true. A broadening of the range over which American TV humorists can wander? Definitely. That is a change, but not a revolution, not a radical pervasive change. We are still laughing at the same things, simply said in a different way.

On Rowan and Martin's Laugh-In (you probably thought I wouldn't even mention our show) we have managed to bring off a comedy TV show that many experts say couldn't have been done a few years ago. No, it probably couldn't, because Rowan and Martin and George Schlatter hadn't gotten together and dreamed it up then.

Oh, it was time and past time for somebody to change the "look", the feel and pace for comedy on TV. Don't you people realize that nobody really gave it a good try?

R and M's Laugh-In, it is said, is TW3 out of Hellzapoppin by way of Ernie Kovacs. Hell, it has stolen from more sources than *that.* And, since it is true, I believe, that you can read the future from the past, that certainly would argue the present is derivative as well.

That is no *revolution.* Every other season or so there is a "new wave" of humor. A new wave to us is a Navy broad we haven't met

yet. What's new about topicality? Slapstick? Sex? Violence? The human idiot? These are the stuff and substance of most of our humor, and the items I have left out are only obvious. There is no revolution here.

There have certainly been some remarkably gratifying *changes* in TV comedy, however. And all of us on Laugh-In are delighted to be bringing some of these changes to the TV tube. To set a new trend, especially one of which you can be proud, is a truly satisfying experience.

And the way the whole thing happened for us is a clue to the way it will and *must* happen for you, or for those others waiting in the wings.

We didn't sit down and say, "Let's do a show that will set a trend. Let's do something that everyone will want to copy, and say things which will become national catch-phrases." We also didn't sit down and say, "Let's take a piece of *this* show and something from *that* show and then change the characters around, and move it out West." That really ain't the way to go, gang.

Dick (Martin) and I had for a long time felt uneasy about some of the comedy shows we had been working as guests. We also felt that the people "out there" came to see us because they knew we were comedians and wanted to laugh. We thought, further, that since they came to see comedy, why give them singers or dancers on the bill? The old variety format using acrobats, magicians, etc., etc. is fine, but that is not a *comedy* show.

So we had a date at the Riviera in Las Vegas some years ago and booked as an opening act another comic. "What the hell you doing?" the fellas yelled. Well, of course, it worked.

We made an ill-fated pilot for a across-the-board night time show for ABC. In it, to the extent possible for that type show, we tried many of the things we now do on Laugh-In.

We had some friends in for cameos. Lucy, Milton Berle, David Janssen, etc. popped in and out. We started with a "Hellzapoppin" sort of philosophy and made it *visual.* Repeat *VISUAL.*

Keeping in mind that, first of all, *comedy* is where it's at, we avoided as much as possible any deviation from that form. No singers, no dancers, *COMEDY*. That means not only comedy writers, but funny people. A *company* of funny people.

So we assembled a funny people company for the ABC pilot, and we tried some variations of this on the Dean Martin Summer Show, when we replaced him. Greg Garrison, producer, wanted a variety

show, but even so, we tried some new approaches there that were effective.

Then we met George Schlatter. Although we had all known each other for a long time, George and Dick and I had aroused interest at NBC about the same time. We found that George had similar ideas to ours and some damn funny ones of his own. He had been going his route parallel to ours, and we met at the right time.

The Rowan and Martin Laugh-In Special was the result of that meeting. We had a few iron-clad rules. It had to be *short.* Why? Dick and I knew from night clubs and personals that attention span of the audience is less than many people think. George wanted pace and frenetic activity. Why? That's the sort of man he is. Tremendous energy. Great and happy enthusiasm. Not at all the sort of man you would want to produce Othello (although it would be interesting to see him do that) but just precisely the man for the "new" show we all wanted. Another "rule". It had to be *funny.* Don't dismiss that too quickly by thinking that is a natural sort or rule. It's not.

Many, many good funny ideas have been discarded because someone thought the public wouldn't understand them. We don't care if they understand them or not; if they're funny, *do them.* Some ideas haven't seen film because they were thought to be too "tradey." If they're funny, *do them.* That's what I meant when I said the rule for funny applied.

We didn't then, nor do we now, start a show and plan it for a slap at the National Rifle Association, for instance. But if one of the writers come in with an idea for a gun-control legislation piece and it's funny, we do it. Not because it's against the indiscriminate sale of guns, but *because it's funny.*

We think sex is funny and war is dirty. Shows that reflect the violence of the times shouldn't be prevented from dramatizing that violence, in my opinion. Action and adventure shows without the threat or fact of violence are like comedy shows without jokes. This isn't the sort of thing that lends itself easily to legislation. But we do think it's ridiculous for parents to object to their children seeing a couple make love, and ask them instead to watch a man killing another man in senseless violence. But we don't like soapboxes on Laugh-In.

There is the big difference between our show and TW3, or in a large measure, the Smothers Brothers Show. Those shows have a definite direction and philosophy and are simply using comedy as a

platform for a doctrine. Whether or not we agree with the Smothers (and we generally do) we aren't doing *that thing.*

We have writers who range in political color from hard rock reactionaries to far left liberals. Our players represent a broad spectrum of political opinion. But that's for another time, another place. When we get out on Stage Four in Beautiful Downtown Burbank these Tuesdays and Wednesdays, it's for FUN, and laugh-time. And we have a ball.

Our show starts with a script in excess of 200 pages. The people doing the material find more business to do when they're on their feet. There is a marvellous, happy family feeling on our show, and we all contribute whenever we think of something funny to do.

The results of this kind of thinking have been wonderful. Ratings are swell, sponsors products are selling, other shows coming out are copying us, and critics and pundits are calling the show many extravagantly wonderful things.

Some people have spoken of a "loosening" of censorship. I think there has been a loosening of many restrictions, but not all of them have anything to do with the NBC Standards and Practices policies.

The *sponsors* have loosened up. Partly because the participation show has come into its own. There are not as many opportunities for restrictive directives to come down from the sponsor's booth when there are several sponsors participating. And this has been a big help. In the past the networks haven't been as tough as the sponsors on performers and writers.

You all remember when sponsors had no sense of humor at all about their products. Now they look for someone with a *funny* commercial idea.

Sponsors realize, too, that our black community is winning the fight for sanity and reason. That has changed the comedy picture even more. But that is another article, isn't it?

As a result of less pressure from sponsor, censor, pressure groups, etc. we have found a new sort of freedom in this medium. Not enough of you brothers are using it, though. In drama, not a single subject taboo several years ago has been neglected lately. In comedy, others than Bob Hope can do political humor now, and if you step on a sacrosanct toe or two, you are likely to be encouraged rather than canceled.

"And so, Mr. Rowan, you are saying finally that there *has* been a revolution in humor?" No. I'm just answering the questions.

One of the reasons our kind of fun is succeeding is because today's audience is aware that life around them is not the way they were told it was when they were in school or at the Klan meeting. When they see enough news shows and documentaries showing and telling it like it is and not as they would like to think it is, the American nature adapts and understands. That's what's going on. The audience is not only aware of the change, they are affecting it.

And I think it is important to recognize that this comedy evolution was generated by TV. The best television shows in this vein are essentially visual. Night club humor is not. It could be done on radio, if continuity acceptance would pass it.

And that brings us to the matter of restraint and taste. They are, I suppose, highly personal evaluations. Any writer or producer, naturally, resents being told his taste is flawed. But most important to me is to realize that it's childish and unreal to wrap audiences in cotton batten, to think they are not as aware of what is happening in the world as we are. The very use of the satiric form supposes respect for audience awareness. That's the base from which Laugh-In starts. It's worked for us. I see no reason to believe it won't continue to.

MADE FOR EACH OTHER: TV AND SATIRE

GEORGE CARLIN

The recent success of weekly topical satire on television as witnessed by the ratings of the Smothers Brothers Comedy Hour and Rowan and Martin's Laugh-In is probably the result of several factors and trends working at once rather than any single, sudden dramatic shift in audience preferences. The answer would seem to include general truths about us as a people, and specific factors present in the two shows mentioned above. The three most important factors I can see are:

1. Today's rich pool of talent and the way it's used.
2. The impact of television's role in our lives.
3. The youth revolution.

The order is arbitrary. Certainly social comment in humor has long been a part of American literature and theater. Broadcasting itself has played a part, however small, and however watered down the finished product may have emerged. Will Rogers, Fred Allen, Henry Morgan, Steve Allen and TW3 are names that come quickly to mind. Even Bob Hope, after a fashion. But that is precisely the problem. For a long time Bob Hope's mild ribbing was the closest thing to topical comment television would offer. Ike's golfing, foreign aid jokes, and gags about the newest celebrities, Elvis, Twiggy, Tiny Tim, hardly qualify as meaningful satire.

Then suddenly we were offered That Was The Week That Was. It was the opposite extreme. TW 3 was so interested in being meaningful the comedy sometimes suffered. It substituted the sledgehammer for the rapier. Overall, it was most welcome to anarchists

such as I, but I don't think it succeeded in making heavy satire popular. Some groundwork, in that direction, has been going on unnoticed for a long time. The afternoon and late night talk shows with their insatiable appetite for guests have used hundreds of people whose message, whether presented lightly or seriously, has been one of complaint about some part of society. Comics just emerging, authors, lecturers, "personalities", kooks, even the hosts themselves have been seen and heard for years directing a constant stream of zingers at our culture. Thanks to them, we now take for granted the fact that there's plenty to satirize.

I think pointed satire has its best chance of acceptance when it is cloaked in something which, for want of a better word, I'll call personality. It can be a character, a voice, an attitude, a costume or even a whole form, for example the protest song. It is something which takes the raw edge off the thrust. Smothers and Laugh-In have it. In the case of the Smothers Bros. it is *their* personalities, and the choice of music and guests. With Laugh-In it's the form and feeling of the show and the identifiability of the regulars. Given these involvements and adornments for a diffusing effect, some strong (for TV) satire has been thriving on Sunday and Monday nights.

The talent for creating and performing this comedy is more plentiful than ever before. Coffee houses and improvisational groups for years have been graduating countless talented people with a knack for pungent, to-the-point social comedy. Their increasing exposure on TV proves the public likes them and what they have to say. Generally what they have to say is relevant, but they are also talented actors and truly funny people. They cloak their satire in true entertainment.

The personality again. The stand-up comics have changed. Previously the really successful comics were surrounded by writers, and the semi-successful all used the same pool of stock material and attitudes with variations. For many years now, there has been a trend toward creator-comics who develop their own unique approach, write their own material and are truly creators. Not necessarily topical or socially satirical, but contemporary in feel and approach. If television didn't create these writer-comics, it certainly helped them arrive. There are even performer writers of this type who have been satisfied to have TV comedy be only a part of their careers. Mel Brooks, Jack Douglas, Allan Sherman, Bill Dana all fit this description.

Even the emergence of Negro comedians on TV has followed this same pattern. The most successful of them, Dick Gregory, Bill Cosby, Godfrey Cambridge, Flip Wilson and Richard Pryor each possesses his own unique style and develops his own material, whether racially oriented or not. Given all these creative people practicing comedy, newer and bolder directions were almost inevitable. And given TV's appetite for people and material it was inevitable that these new directions would land on the tube.

Another important factor in TV satire's new acceptance is the increasingly influential role of television itself in our lives, and its effects on our society. Anyone watching TV with any regularity has an input of words, ideas and images that no previous generation could even conceive. Television brings us a far greater percentage of our news than newspapers, and adds the impact of being nearly instantaneous. Politicians from assemblymen and mayors on up to President cannot hope to be elected unless they come across well on TV or at least utilize it cleverly.

Goods and services aimed at the mass market can't succeed without a TV budget. It is a constant house-guest to millions, and as such an educator, no matter the quality of the curriculum. The impact can't and won't be measured for some time to come, but it must be enormous. Would that the non-commercial sector of TV could be financially stronger, and the commercial sector bolder in leading and educating. I think it's heading that way, however slowly. But again it's the public leading the way and the networks then willing to supply what's in demand. If truth and candor are proved to be hot items in the rating game the networks will jump all over them.

The viewing public is readier than ever for topical satire on TV, because they are finally realizing that television *is* an eye on the rest of the world. It *can* pump raw reality into the home night after night and give us a feeling of being part of something larger. It *can* make us more aware of our fellow man. The first TV generation is in college now and some are calling it the most concerned generation of our history. Is it a coincidence? I think not.

But it has happened without our noticing. Now perhaps we are starting to notice. The extended coverage of recent assassinations and their aftermaths, the daily Viet Nam battle film, campus rebellion, the extraordinary political year 1968, including Chicago's

police riots...all of these events documented nightly on the home screen have served to convince the viewer that the little box is more than a vehicle for escape with countless domestic situations and laugh tracks. It is truly a window on the whole of society.

What better place to satirize that society than on the very medium which provides our yardstick of the norm? During a comedy sketch about integration, the audience is seated, for the most part, in the same chairs and couches they sit in to watch news stories *about* integration. The result is that they can accept social satire as a logical extension of the absurd reality viewed on news and information programs. The frame of reference is perfect.

I'm sure that another one of the reasons for social satire's broader acceptance on television lately is the increasing percentage of our population represented by the young people. Satire has always found its greatest acceptance among the young and young in spirit. Those in whom the irreverent and rebellious fires still burn! Fires so often extinguished by age and establishment thinking. But it's not merely that greater numbers of young people are among the viewers, it's that young people's ideas and attitudes have affected far more than them alone.

The youthful affection for truth and telling it like it is has helped create a general atmosphere healthful to pointed, anti-establishment humor. We all know that everyone has a mental folder full of gripes, legitimate and otherwise. Now, with the mood created by youth, people of all ages can blow off steam a little stronger and not feel as guilty. They can sound off against "The Man" secure in the knowledge it's in vogue. The whole feeling of candor, dissent and questioning which pervades the youth revolution has spilled over into society at large. Everyone is P.O.'d. It creates a much more receptive atmosphere for criticism of any kind, and probably sets everyone up perfectly for comedic and musical criticism on TV. We're so fed up hearing everyone's complaints all week, it's a relief to have someone present his complaints in song and satire.

Young people's music has probably also played a small part in advancing socially relevant comedy on TV. For several years now, young people's music has drawn heavily on social themes and had great success with it. When the artists appeared on TV, naturally they sang their latest hits. Beachhead! The next stop was obvious. Add significant comedy and you have an all-relevant variety show.

Another aspect of this recent success which derives from the youth culture is the visual aspect. The new effects and art-work are obviously first-cousins to the light shows, lighting techniques and psychedelic artwork of the rock clubs and dances which cater to the young. The use of posters, slogans, op effects, quick film cuts and speeded up film all contribute to these shows' feeling of nowness and today. Wham! Bam! Keep moving. Just like urban 1969. It's a young feeling. And why not? Whether you view them as an audience or a market, they're smarter and more involved than ever before and they're getting younger. And they're increasingly able to articulate and implement their new ideas and thereby change the society in their own image. If American life is somewhat richer in 1969 because of the presence of so many young people with conscience, and I think it is, then surely topical satire on television is healthier than ever because of them. I feel all parties in the complex, the public, the writers and the performers, are all ready for meaningful satire on Television. The networks lag behind because they worry about restraint. They fear a line on this or that subject will alienate a religion, a state, a club or all the people of one height. It never has. I doubt it ever will.

The question of restraint in topical satire could easily be solved by utilizing one of Broadcasting's oldest concepts and most cherished phrases. "The opinions expressed on the preceding program are not necessarily those of the network or the sponsors." Why not let satirical programs censor themselves, with legal advice, and be responsible for their viewpoints and forms of expression? It's merely another form of editorializing, so why not label it as such and let up a little?

Almost as soon as television became the dominant entertainment factor in American life major American institutions began worrying about its possible harmful effects. The print institution usually seized eagerly on the findings of commissions, Congressional committees and private study groups that pondered, with appropriately gruesome anecdotal horror tales, the great damage that television's fiction might do to the immature or ingenuous minds. The broadcasting industry, which quite properly pleads for maximum artistic freedom, has usually responded to such charges with two main arguments. The first has been carefully researched comparisons showing that similar charges and fears have previously been directed at the dime novel, legitimate theater, comic books and motion pictures. The second response has been the total absence of adequate scholarly research that might establish—or disprove—a harmful, causal relationship between television and anti-social activity.

Organizations that claim to represent "the audience" or "the public" periodically monitor programs and count the number of "violent acts" in a day or a week of television entertainment. The totals are always huge, if only because the weekly television schedule in a major community has huge totals of 700 or 800 hours of programming.

Leaders of the television industry, in appearances before Senator Hendrickson, Senator Kefauver, Senator Dodd and Congressman Harris—fended off such charges by noting that conflict, intellectual and physical, is the woof and the warp of all drama. Fairy tales, particularly those by the Brothers Grimm, are notably gory and dramatic classics, whether by Sophocles, Euripides or Shakespeare, are filled with the taking of human life. (And how long, sir, has it been since you counted the number of violent deaths in Act V, scene II of *Hamlet*?).[1]

Added to this argument, usually, was the honest disagreement among reputable psychologists over whether viewing of violent acts is more likely to stimulate emulation of the acts or to provide a cleansing cathartic.

For 18 years the debate continued as a standoff and became stylized and ritualistic—point and counterpoint; charge and refutation—as a ceremonial event. Players on either side knew the proper lines and the proper cues.

The debate might have continued along those lines except for the events of 1968, the year of national agony, immense grief and, at times, unbearable shock. One cannot pretend to understand just why so many made such an immediate interconnection or interface between tragic acts of homicide and television as the cause of the acts. One can only note that such a connection was made and made at an angered pitch that caused television leaders to look in haste for new defenses.

The views—the charges and defenses—were sounded recently at a public meeting of a Presidentially appointed National Commission on

[1]According to the Signet Classics edition of "Hamlet," published in paperback (CD169) by The New American Library, Inc., the answer is: five violent deaths.

the Causes and Prevention of Violence. *The Television Quarterly,* as a scholarly journal, declines to make charges or to join the members of the defense. The view of members of the Editorial Board are individual and differ greatly. We are united only in agreement that the public needs greater information about this argument than has been provided. Accordingly, we offer portions of the testimony delivered by a member of the Federal Communications Commission and opposite points of view that were offered by television network executives.

LAWRENCE LAURENT

Commissioner ***NICHOLAS JOHNSON*** of the Federal Communications Commission grew up in Iowa City, Iowa. His father, the late Wendell Johnson, was a professor at the University of Iowa who became well-known for his pioneering work in the fields of speech correction and semantics. Nicholas Johnson holds undergraduate and law degrees from the University of Texas and was a clerk to Associate Justice of the Supreme Court Hugo L. Black. He taught at the University of California law school, worked briefly in private law practice in Washington and was appointed Federal Maritime Administrator. President Johnson (who is not a relative) appointed Mr. Johnson to the FCC in 1966.

He appeared before the National Commission on the Causes and Prevention of Violence as an individual, presenting his own views, which might—or might not—be held by the other six Commissioners of the FCC.

TELEVISION AND VIOLENCE—PERSPECTIVES AND PROPOSALS

NICHOLAS JOHNSON

Portions of a statement of FCC Commissioner Nicholas Johnson, prepared at the invitation of the National Commission on the Causes and Prevention of Violence.

INTRODUCTION: GOVERNMENT BY CRISIS

John Gardner has characterized as perceptively as anyone the process of which this Commission on Violence is a part. With your permission I would like to read a brief passage from his little book called *Self-Renewal:*

> The Paul Revere story is a very inadequate guide to action in a complex modern society. It was all too wonderfully simple. He saw danger, he sounded the alarm, and people really did wake up. In a big, busy society the modern Paul Revere is not even heard in the hubbub of voices. When he sounds the alarm no one answers. If he persists, people put him down as a controversial character. Then someday an incident occurs that confirms his warnings. The citizen who had refused to listen to the warnings now rushes to the window, puts his head out, nightcap and all, and cries, "Why doesn't somebody tell me these things?"
>
> At that point the citizen is ready to support some new solutions, and wise innovators will take advantage of that fact. A man working on a new air-traffic control technique said recently, "I

haven't perfected it yet, but it wouldn't be accepted today anyway because people aren't worried enough. Within the next two years there will be another spectacular air disaster that will focus the public mind on this problem. That will be my deadline and my opportunity."

The same thing can be said, of course, for the "air disaster" represented by the chemicals and soot that fill the air—and our lungs. It also applies to the air pollution problem which is ours today: radio and television.

The academicians, research scientists and critics have been telling us for years of television's impact upon the attitudes and behavior of those who watch it. They cite very persuasive statistics to indicate that television's influence has affected, in one way or another, virtually every phenomenon in our present day society.

There are 60 million homes in the United States and over 95% of them are equipped with a television set. (More than 25% have two or more sets.) In the average home that set is turned on some five hours and forty-five minutes a day. The average male viewer, between his second and sixty-fifth year, will watch television for over 3,000 entire days—roughly nine full years of his life. During the average weekday winter evening nearly half of the American people are to be found silently seated with fixed gaze upon a phosphorescent screen, experiencing the sensation of its radiation upon the retina of the eye.

Americans receive decidedly more of their "education" from television than from the 19th century institutions we call elementary and high schools. By the time the average child enters kindergarten he has already spent more hours learning about his world from television than the hours he would spend in a college classroom earning a B. A. degree.

So the problem is not that the modern-day Paul Reveres have not warned us, or even that they have not told us what to do. The problem is similar to that described by John Gardner's air-traffic controller: "Today even the most potent innovator is unlikely to be effective unless his work coincides with a crisis or series of crises which puts people in a mood to accept innovation."

We have by now experienced television's own form of "air disaster" in a series of crises.

During 1966 and 1967 there was a dramatic upsurge in the amount of rioting and demonstrations in our cities. As Pat Moyni-

han reminded us all in the NBC Special, *Summer 1967: What We Learned,* "We have no business acting surprised at all this. The signs that it was coming were unmistakable." The signs had been reported by those who had been observing, studying and writing about the plight of black Americans. But these modern-day Paul Reveres were either not heard or were put down as "controversial characters." So the crises came, captured our attention, and put us in a mood to listen. The Kerner Commission was established, conducted a thorough-going investigation, and wrote a thoughtful and persuasive report. In this report the Commissioners found it necessary to devote an entire chapter to the mass media. They found themselves confronted at every turn with evidence of the implications of the mass media in a nation wracked with civil disorders. There was not only the matter of the relationship between the reporting of incidents and subsequent action. They also discovered a shocking lack of communication and understanding between blacks and whites in this country. As they put it, "the communications media, ironically, have failed to communicate." But Dr. Martin Luther King had told us very much the same thing: "Lacking sufficient access to television, publications and broad forums, Negroes have had to write their most persuasive essays with the blunt pen of marching ranks."

The Kerner Commission report had no more than found its way to the coffee tables of white suburbia before this nation was torn apart once again—this time with the agonizing, heartwrenching sorrow accompanying the assassinations of two beloved, and controversial leaders, Dr. Martin Luther King and Senator Robert F. Kennedy. Once again a crisis, once again national attention, once again a commission—this time yours. And as you have searched about for the causes of violence in our land you, too have inevitably had to confront the evidence of the implications of the mass media. And you have discovered in the literature, as Dr. Albert Bandura, Professor of Psychology at Stanford University, has recently said, that

> It has been shown that if people are exposed to televised aggression they not only learn aggressive patterns of behavior, but they also retain them over a long period of time. There is no longer any need to equivocate about whether televised stimulation produces learning effects. It can serve as an effective tutor.

But it has taken another crisis to make us listen.

A National Commission was not even permitted to conclude its deliberations and issue a report before the third in this recent series of crises hit the American people. It was, of course, the confrontation at Chicago and the Democratic National Convention. This has been the subject of the report submitted to you by Daniel Walker, *Rights in Conflict.* In this instance the mass media were not only implicated in the confrontation, they were an active party. (In the words of the Walker Report, "What 'the whole world was watching,' after all, was not a confrontation but the picture of a confrontation, to some extent directed by a generation that has grown up with television and learned how to use it.") Subsequently television was the target for an outpouring of public criticism. But once again we find that we have not been without forewarnings of the impact of corporate television upon the process of politics and the subject matter and method of news reporting—to cite but two books from this year, Harry Skornia's *Television and the News,* and Robert MacNeil's *The People Machine* (a study that gives special attention to the involvement of television in the American political process).

How many more crises must we undergo before we begin to understand the impact of television upon *all* the attitudes and events in our society? How many more such crises can America withstand and survive as a nation united? Are we going to have to wait for dramatic upturns in the number and rates of high school dropouts, broken families, disintegrating universities, illegitimate children, mental illness, crime, alienated blacks and young people, alcoholism, suicide rates and drug consumption? Must we blindly go on establishing national commissions to study each new crisis of social behavior as if it were a unique symptom unrelated to the cause of the last? I hope not.

Of course, no one would suggest that television is the *only* influence in our society. But I hope that this Commission will possess both the perception and the courage to say what is by now so obvious to many of the best students of American society in the 1960's. There is a common ingredient in a great many of the social ills that are troubling Americans so deeply today—the impact of television upon our attitudes and behavior as a people—and we ought to know much more about it than we do. One cannot understand violence in America without understanding the impact of television programming upon that violence. But one cannot understand the impact of television programming upon violence

without coming to grips with the ways in which television influences virtually all of our attitudes and behavior.

When we speak of television's influence we may be referring to any one of four factors. (1) The impact of television watching (without regard to program content) upon the way we spend our time, and so forth. (2) The impact of television programming upon our attitudes and behavior. (3) The ways in which television is "used" by groups seeking "news" coverage; its creation of and effect upon events actually or potentially portrayed on television. (4) The results of abuses by television: serving economic self-interests, self-censorship, staging of events, and so forth. With these directions in mind let's examine the industry's arguments.

TELEVISION'S IMPACT AND THE INDUSTRY'S BIG MYTH TECHNIQUE

Whenever the question arises of the impact of television programming upon the attitudes and behavior of the audience, industry spokesmen are likely to respond with variants of three big myths. (1) We just give the people what they want. The "public interest" is what interests the public. The viewer must be selective, just as he would be in selecting magazines. He gets to choose from the great variety of television programming we offer. He can always turn off the set. (2) Entertainment programming doesn't have "any impact" upon people. It's just entertainment. We can't be educational all the time. (3) We report the news. If it's news we put it on; if it's not we don't. It's as simple as that. We can't be deciding what to put on the news or not based upon its impact upon public opinion or national values. We can't be held responsible if someone sees something on television and goes out and does the same thing.

1. The Myth of Serving Public Taste.

Regulation of broadcasting was begun at the Federal level under two basic premises. One was that without regulation users could not allocate frequencies among themselves. The other premise was that the spectrum was a limited resource, owned by the public, and that its use was to be permitted under license to private users. These private users, given the right to use a public resource that was valuable, were expected to return public benefits—their use of the resource was to be in the "public interest." When faced with competing applicants for use of the spectrum the FCC,

an arm of the Congress, was to choose the one who would best serve the public interest.

We have come a long way since those days. It is useful to remember the hopes and ideals expressed at the beginnings of this industry. But it should be clear that the performance of the broadcasting industry is quite different from what the drafters of the Communications Act might have expected.

By and large broadcasting today is run by corporations which have a virtual lease in perpetuity on the right to broadcast. These corporations are like all other businesses, they are interested in maximizing their profits. The value of their business, including the right to broadcast, is directly related to the profits the business returns. And this value is realizable in a virtually free market for the sale of established stations. This is not to be viewed as a hostile judgment of these men and corporations. America has been served well by the profit motive in a competitive system. It does suggest, however, that the system today is different from that envisioned by those who molded the present regulatory framework.

But we must examine the economic incentives as well. Broadcasters act to gain as large an audience as possible—and the audience is attracted by the broadcasters' programming. Programming is chosen for the number of people it can command. Its selection need not reflect the intensity of the audience's approval, or what the audience would be willing to pay for the programming. In fact, the incentive to get the largest audience regardless of good taste has on occasion driven the networks to arrogant indifference to "what the public wants." The Dodd Committee Report refers to an incident in which an independent testing organization conducted an advance audience reaction test of an episode of a series show for a network. Of the men, women and children tested, 97 percent believed there was too much emphasis on sex, and 75 percent felt the show was unsuitable for children. The network ignored the findings, and televised the episode.

The concentrated ownership of the national television market and its effect on programming is clear. The dominant impact of the three networks on programming is apparent for first-run programming and syndication alike, since much of syndication is network reruns. Roughly 85% of the prime time audience watches the networks. Each network is trying for its slice of that 85%, and for most purposes that audience is viewed as homogenous—one person

counts the same as another in the ratings. Thus no programming will be shown by the networks unless aimed at the whole audience, and each network strives to gain no less than one-third of the audience.

This is not to suggest that stations and networks engage exclusively in profit-maximizing behavior—only that this is the predominant component of their business motivation. And, I repeat, I am not now passing moral judgment on this behavior. I am simply pointing out that this is the system we have created, and that it is significantly different from the one that was envisioned thirty years ago.

Stations and networks sometimes do engage in programming that is not the most profitable available to them. Thus, Justice Hugo L. Black was permitted to speak to some 10 million Americans in December 1968 on CBS. The concern of CBS was not only whether its relatively low programming costs were covered by the commercial revenue from that program (there were eight products or services advertised), but the "opportunity cost" in the form of *additional* return CBS might have obtained from regular programming aimed at a larger audience. (It is also concerned about losing audience on the shows to follow, since there is some viewer carry-over from program to program—another force that has precluded advertisers from sponsoring public service shows of their own choosing, even when they are willing to pay handsomely for the opportunity.) Of course, there are many responsible individuals, associated with stations and networks alike, who realize the great power of this medium for good and who try to use it. The point is simply that each of them is limited by the functioning of the system—a system that doesn't allow significant deviation from the goal of profit maximizing. Some have left commercial broadcasting because of that constraint.

It should be clear why attempts to affect the quality of programming have often focused on changing the rules of the system. Shouting exhortations at an edifice is a poor substitute for some structural changes. Proposals have been designed to open up the program procurement process, to restructure the affiliate-network relationship, to increase the number of TV stations, and to make rules concerning the types of programming to be presented. Educational broadcasting—as well as the potential of subscription television and cable television—are fundamental responses to the functioning of the present commercial system.

2. The Myth of Lack of Impact.

When Dean George Gerbner of the Annenberg School of Communications testified before you he said:

> In only two decades of massive national existence television has transformed the political life of the nation, has changed the daily habits of our people, has moulded the style of the generation, made overnight global phenomena out of local happenings, redirected the flow of information and values from traditional channels into centralized networks reaching into every home. In other words it has profoundly affected what we call the process of socialization, the process by which members of our species become human.

He continued:

> The analysis of mass media is the study of the curriculum of new schooling. As with any curriculum study, it will not necessarily tell you what people do with what they learn, but it will tell you what assumptions, what issues, what items of information, what aspects of life, what values, goals, and means occupy their time and animate their imagination.

I share Dean Gerbner's sense of television's impact upon our society. Many spokesmen for the broadcasting establishment, however, do not. And so I would like to anticipate their rebuttal with a little more discussion of the matter.

The argument that television entertainment programming has no impact upon the audience is one of the most difficult for the broadcasting industry to advance. In the first place, it is internally self-contradictory. Television is sustained by advertising. It is able to attract something like $2.5 billion annually from advertisers on the assertion that it is the advertising medium with the greatest impact. And it has, in large measure, delivered on this assertion. At least there are merchandisers, like the president of Alberto Culver —who has relied almost exclusively on television advertising and has seen his sales climb from $1.5 million in 1956 to $80 million in 1964—who are willing to say that "the investment will virtually always return a disproportionately large profit." The manufacturer of the bottled liquid cleaner, "Lestoil", undertook a $9 million television advertising program and watched his sales go from 150,000 bottles annually to 100 million in three years—in competition with Procter and Gamble, Lever Brothers, Colgate, and others The Dreyfus Fund went from assets of $95 million in 1959 to $1.1 billion in 1965 and concluded, "TV works for us." Amer-

ican industry generally has supported such a philosophy with investments in television advertising increasing from $300 million in 1952 to $900 million in 1956 to $1.8 billion in 1964 to on the order of $2.5 billion this year. Professor John Kenneth Galbraith, in the course of creating and surveying *The New Industrial State,* observes that, "The industrial system is profoundly dependent upon commercial television and could not exist in its present form without it.... [Radio and television are] the prime instruments for the management of consumer demand."

The point of all this was well made by the sociologist Dr. Peter P. Lejins. He describes four studies of the impact upon adult buying of advertising directed at children. Most showed that on the order of 90% of the adults surveyed were asked by children to buy products, and that the child influenced the buying decision in 60 to 75% of those instances. He observes, "If the advertising content has prompted the children to this much action, could it be that the crime and violence content, directly interspersed with this advertising material, did not influence their motivation at all?" There is, of course, much stronger evidence than this of the influence of violence in television programming upon the aggressive behavior of children which I will discuss later. My point for now, however, is that television's salesmen cannot have it both ways. They cannot point with pride to the power of their medium to affect the attitudes and behavior associated with product selection and consumption, and then take the position that everything else on television has no impact whatsoever upon attitudes and behavior.

The evidence of the impact of television advertising upon human attitudes and behavior tends to be confirmed by the growing reliance upon visual materials in education and propaganda. Films and television material are being ever more widely used throughout our schools and colleges, and in industrial and military training. Studies tend to support assertions of their effectiveness. We appropriate on the order of $200 million annually for the United States Information Agency on the theory that its activities do have an impact upon the attitudes of the people of the world about the United States. Presumably those who go to the expense and effort to "jam" the programming of the Voice of America and Radio Free Europe share this view.

Nor is our evidence of commercial television's influence limited to the advertising. Whatever one may understand Marshall McLuhan to be saying by the expression "the medium is the message," it

is clear that television has affected our lives in ways unrelated to its program content. Brooklyn College sociologist Dr. Clara T. Appell reports that of the families she has studied 60 percent have changed their sleep patterns because of television, 55 percent have changed their eating schedules, and 78 percent report they use television as an "electronic babysitter." Water system engineers must build city water supply systems to accommodate the drop in water pressure occasioned by the toilet flushing during television commercials. Medical doctors are encountering what they call "TV spine" and "TV eyes." Psychiatrist Dr. Eugene D. Glynn expresses concern about television's "...schizoid-fostering aspects," and the fact that "it smothers contact, really inhibiting inter-personal exchange." General semanticist and San Francisco State President, Dr. S. I. Hayakawa asks, "Is there any connection between this fact [television's snatching children from their parents for 22,000 hours before they are 18, giving them little "experience in influencing behavior and being influenced in return"] and the sudden appearance...of an enormous number of young people...who find it difficult or impossible to relate to anybody—and therefore drop out?"

A casual mention on television can affect viewers' attitudes and behavior. After *Rowan and Martin's Laugh-In* used the expression, "Look that up in your Funk and Wagnalls," the dictionary had to go into extra printings to satisfy a 20 percent rise in sales. When television's *Daniel Boone,* Fess Parker, started wearing coonskin caps, so did millions of American boys. The sales of Batman capes and accessories are another example. Television establishes national speech patterns and eliminates dialects, not only in this country but around the world—"Tokyo Japanese" is now becoming the standard throughout Japan. New words and expressions are firmly implanted in our national vocabulary from television programs—such as Rowan and Martin's "Sock it to me," or Don Adams' "Sorry about that, Chief." Television can also be used to encourage reading. The morning after Alexander King appeared on the late-night Jack Paar show his new book, *Mine Enemy Grows Older,* was sold out all over the country. When the overtly "educational" Continental Classroom atomic age physics course began on network television 13,000 textbooks were sold the first week.

Politicians evidently think television is influential. Most spend over half of their campaign budgets on radio and television time, and some advertising agencies advise that virtually all expenditures should go into television time. When Sig Mickelson was President

of CBS News he commented on "television's ability to create national figures almost overnight..."—a phenomenon which by now we have all witnessed.

The soap operas have been found to be especially influential. Harry F. Waters recently did a piece in *Newsweek* on the soap operas. He estimates they have a loyal following of about 18 million viewers, and contribute much of the networks' $325 million daytime revenue.

> Judging from the mail, the intensity of the audience's involvement with the soap folk easily equals anything recorded in radio days. ...It may even provide an educational experience. Agnes Nixon, a refreshingly thoughtful writer who has been manufacturing soaps for fourteen years, likes to point out that episodes concerning alcoholism, adoption and breast cancer have drawn many grateful letters from those with similar problems.

Seizing upon this fact, educators in Denver and Los Angeles have used the soap opera format to beam hard, factual information about jobs, education, health care, and so forth, into the ghetto areas of their cities. The Denver educators' soap received one of the highest daytime ratings in the market. There is, of course, no reason to believe the prime-time evening series shows have any less impact.

Indeed, as Bradley S. Greenberg of Michigan State reported, "40 percent of the poor black children and 30 percent of the poor white children (compared with 15 percent of the middle-class white youngsters) were ardent believers of the true-to-life nature of the television content." And he went on to underline further the "educational" impact of all television.

> Eleven of the reasons for watching television dealt with the ways in which TV was used to learn things—about one's self and about the outside world. This was easy learning. This is the school-of-life notion—watching TV to learn a lot without working hard, to get to know all about people in all walks of life, because the programs give lessons for life, because TV shows what life is really like, to learn from the mistakes of others, etc. The lower-class children are more dependent on television than any other mass medium to teach these things. They have fewer alternative sources of information about middle-class society, for example, and therefore no competing or contradictory information. My only caveat here is that we do not know what information is obtained through informal sources. Research is practically non-existent on the question of interpersonal communication systems of the poor. Thus, the young people learn about the society that

> they do not regularly observe or come in direct contact with through television programs—and they believe that this is what life is all about.

Knowing these things, as by now all television executives must, society is going to hold them to extremely high standards of responsibility.

What do we learn about life from television? Watch it for yourself, and draw your own conclusions. Here are some of my own. We learn from commercials that gainful employment is not necessary to high income. How rare it is to see a character in a commercial who appears to be employed. We learn that the single measure of happiness and personal satisfaction is consumption—conspicuous when possible. Few characters in televisionland seem to derive much pleasure from the use of finely developed skills in the pursuit of excellence, or from service to others. "Success" comes from the purchase of a product—a mouthwash or deoderant, say—not from years of rigorous study and training. How do you resolve conflicts? By force, by violence, by destroying "the enemy." Not by being a good listener, by understanding or cooperation and compromise, by attempting to evolve a community consensus. Who are television's leaders, its heroes, its stars? Not educators, representatives of minority groups, the physically handicapped, the humble and the modest, or those who give their lives to the service of others. They are the physically attractive, glib, and wealthy. What is to be derived from a relationship between man and woman? The self-gratification of sexual intercourse and little else—whatever the marital bonds may or may not be. What do you do when life throws other than roses in your hedonistic path? You get "fast, fast, fast" relief from a pill—a headache remedy, a stomach settler, a tranquilizer, a pep pill, or "the pill." You smoke a cigarette, have a drink, or get high on pot or more potent drugs. You get a divorce or run away from home. Or you "chew your little troubles away." But try to "work at" a solution, assume part of the fault lies with yourself, or attempt to improve your capacity to deal with life's problems? Never.

3. The Myth of "News."

News and public affairs is, by common agreement, American television's finest contribution. The men who run it are generally professional, able, honorable and hard-working. To the extent the American people know what's going on in the world much of the credit must go to the networks' news teams. It's a tough and often

thankless job. Eric Sevareid has said of trying to do network news that the ultimate sensation is that of being eaten to death by ducks. These men have fought a good many battles for all of us—with network management, advertisers, government officials, and news sources generally. We are thankful. And, by and large, I think we ought to stay out of their business—with the exception, perhaps, of providing them protection from physical assault. I would not for a moment suggest that either your Commission, or mine, ought to be providing standards for what is reported as "news." At the same time, I think that neither of us need feel under compulsion to avoid any comment whatsoever on the subject. And the point of my particular observation is simple, and its explanation brief.

Whenever one begins discussing the violence quotient in televised news the broadcasting establishment (far more often than the thoughtful newsmen themselves) is apt to come out with something about the First Amendment and journalistic integrity. The suggestion is made that there is a socially desirable, professionally agreed-upon definition of "news"—known only to those who manage television stations and networks—which is automatically applied, and that any efforts to be reflective about it might contribute to the collapse of the Republic.

My view is simply that this is nonsense, and that the slightest investigation of the product of journalism will demonstrate it to be such. As Robert Kintner once wrote, "But every reporter knows that when you write the first word you make an editorial judgment." "Education" does not become news until the *New York Times* sets up a special Sunday section on it. Whether and how "television" is reported as news in *Newsweek* depends in part upon what they call the sections of the magazine—and those headings change. The same is true of "science" or "medicine." We do not get much meaningful reporting about the federal budget, the choices it represents and the processes by which they were made. We could get more simply because an editor or a newsman took an interest in the matter.

I would agree with Reuven Frank's statement in the Dec. 16, 1968, *T.V. Guide* that we benefit from living in a nation with "free journalism," which he defines as "the system under which the reporter demands access to facts and events for no other reason than that he is who he is, and his argument is always accepted." I want the check of the news media upon government officials—including myself. But I do not believe—and he does not suggest—that free journalism need function as irresponsible journalism, completely

free of check, comment or criticism from professional critics, a concerned public and responsible officials. Journalists can alter what subjects they report and how they report them—and they do. They can do this in response to a sense of professional responsibility. They often have. I ask no more; we should expect no less.

THE IMPACT OF TELEVISION PROGRAMMING ON VIOLENCE

The principal thrust of my position is that television programming—commercials, entertainment, and public affairs—is one of the most important influences on all attitudes and behavior throughout our society. To the extent that television "reflects" society, it is but a reflection of an image that has earlier appeared upon its screen. This is a perspective that I believe necessary to an understanding of the impact of television upon violence. It is an understanding that prompts one to reevaluate the most appropriate mission and focus of this Commission, and those that inevitably will follow.

There is not much point in my simply repeating the evidence that has accumulated in the literature and been brought to your attention. It is, after all, the findings and assertions of the scientific community on this point—not mine—that are most relevant to your inquiry.

The Interim Report of the Dodd Committee in 1965 concluded:

> [I]t is clear that television, whose impact on the public mind is equal to or greater than that of any other medium, is a factor in molding the character, attitudes, and behavior patterns of America's young people. Further, it is the subcommittee's view that the excessive amount of televised crime, violence, and brutality can and does contribute to the development of attitudes and actions in many young people which pave the way for delinquent behavior.

This was back in the days when we investigated "juvenile delinquency." And the subcommittee bearing that name had been brought to the need to study the amount of violence in television programming as early as 1954. Subsequently, it concluded, "If the 1954 findings suggested the need for...a closer look at television programming as it relates to delinquency, the 1961 monitoring reports were shocking by comparison." By 1964 it concluded, "the extent to which violence and related activities are depicted on television today has not changed substantially from what it was in 1961...."

Nor have things changed much today. *The Christian Science Monitor* reported in October 1968:

> Staff members of this newspaper watched 74½ hours of evening programs during the first week of the new season, and during that time recorded 254 incidents of violence including threats, and 71 murders, killings, and suicides.
>
> The results were almost unchanged from a survey conducted by this newspaper last July which counted 210 incidents and 81 killings in 78½ hours of television.

Throughout the years network officials have been quick to promise reform, but slow to deliver. After the 1954 hearings they acknowledged the programming ought to be improved, and promised it would be. Ten years later the Dodd Committee found it was worse. A study was promised in 1954 by the NAB. It was referred to again in 1961 by CBS. It was finally produced—nine years late—in 1963, but contained little or nothing about the impact of violent programming on children. In spite of renewed promises, nothing more has been heard from the industry. Violence continues.

In spite of the industry's protestations that they do not use violence for its own sake, the Dodd investigation turned up some rather revealing memoranda to the contrary. An independent producer was asked to "inject an 'adequate' diet of violence into scripts" (overriding a sponsor's objections to excessive violence). Another network official wrote, "I like the idea of sadism." Still another was advised by memorandum: "In accordance with your request, spectacular accidents and violence scenes of the 1930–36 years have been requested from all known sources of stock footages. You will be advised as material arrives." "Give me sex and action," demanded one executive. Several shows were criticized as being "a far cry" from top management's order to deliver "broads, bosoms, and fun." A producer testified, "I was told to put sex and violence in my show." No wonder the Committee concluded that the networks "clearly pursued a deliberate policy of emphasizing sex, violence and brutality on [their] dramatic shows."

Dr. Wilbur Schramm of Stanford University has written:

> [W]e are taking a needless chance with our children's welfare by permitting them to see such a parade of violence across our picture tubes. It is a chance we need not take. It is a danger to which we need not expose our children any more than we need expose them to tetanus, or bacteria from unpasteurized milk.

CENSORSHIP

We have heard a great deal from the broadcasting establishment about "censorship." Because the issue is an important one, however, I should like to attempt a restatement.

The First Amendment expressly provides that "Congress shall make no law...abridging the freedom of speech...." And Congress provided in 1934 in section 326 of the Communications Act (the Act establishing the Federal Communications Commission) that "Nothing...shall be understood or construed to give the Commission the power of censorship...." (Although the same section went on to give the Commission authority to prohibit any "obscene, indecent, or profane language.") The commitment to freedom of speech runs deep in our history and our law. It is a commitment I personally hold with a fervor molded by years of study and a year as law clerk to Justice Hugo L. Black. As a public official, I welcome the mass media as a check upon government. And should the occasion arise when I felt the FCC was granting or withholding access to broadcasting licenses based upon the political, economic or social ideology of the licensee (or the content of his programming) I would help lead the broadcasters' parade of protest.

But I do not believe it is "censorship" for Congress to provide that a broadcast licensee must accord "equal opportunities" to all competing candidates for public office once one is allowed the use of his station (the "equal time" rule), or to require that "broadcasters...afford reasonable opportunity for the discussion of conflicting views on issues of public importance" (the "fairness doctrine"). Nor is it censorship for the Commission to conclude that the Congressional mandate that licensees operate in the "public interest" (Section 307) requires that they "take the necessary steps to inform themselves of the real needs and interests of the areas they serve and to provide programming which in fact constitutes a diligent effort, in good faith, to provide for those needs and interests" (as it did in its Programming Policy Statement of July 29, 1960). Nor do I believe Congress violated the constitutional prohibitions against censorship when it authorized the FCC to require stations to keep "records of programs" (Section 303(j)), or that the FCC did so when it required all broadcasters to announce publicly the source of payment for paid messages and programming.

The examples could be multiplied, almost without end—regulation of lotteries, false and misleading advertising, and so forth. But

the point has been made. There are many court decisions, statutes and government regulations that affect speech in ways designed to serve other desirable social ends that are, appropriately, not held to violate the letter or the spirit of the First Amendment. Like the young boy who cried "Wolf!" the broadcasting establishment has shouted so loudly and so often that any statutes or regulations relating to their industry violate the First Amendment that they are not likely to be believed if, someday, a real threat does come along.

I think my own position is fairly clear. Suppose the FCC was about to order a national network to produce news film that was taken by its cameramen but not used over the air—what are called "out takes" in the trade. I would urge my colleagues that we not do so as a matter of propriety. A small point perhaps, but I am pleased the Commission has not voted to pursue such a request. In an opinion involving the indifference to a newsman's conflict of interest by the management of another national network, I wrote, "I enthusiastically join the statements [of my colleagues of the majority] insofar as they urge that this Commission should constantly be on guard against actions of government—especially this agency—that might impede 'robust, wide-open debate' or 'aggressive news coverage and commentary.'"

I share Arthur Schlesinger, Jr.'s judgment that the people retain "a certain right of self defense" from the mass media. And if corporate arrogance and intransigence become intolerable I am prepared to reassess the issue. But in general, and for now, I would prefer occasional abuses by a responsible broadcasting industry, capable of reform, to license revocations for irresponsibility.

I think investigation and public disclosure quite useful and appropriate. But I do not believe that the FCC should revoke the license of a television station because of its coverage of a political convention, a war, a riot, or a government official. With all the admiration I have for Secretary Orville Freeman, I do not believe he —or I—should be able to prevent CBS' showing of "Hunger in America." I do believe that some independent expert entity should be making program evaluations, and that they should be expert, candid, hard hitting, and generally available to the American people. I do not believe the FCC should deny license renewals to network-owned stations because those networks used excessive violence in action dramas, children's cartoons, and other programming in an effort to secure greater audiences. Nor do I believe the FCC should take action against stations which show movies that large segments

of the populace find objectionable—movies that have been cleared by the courts for showing in theaters. But I believe some independent entity should investigate and report the impact of radio and television entertainment programming, should criticize what the broadcasting establishment is doing, and should make its views known to the American people.

I am prepared to reevaluate my present position. But I now believe that networks do not tighten fraud procedures on game shows out of fear of the FCC; it is from the fear of adverse public opinion and the economic impact of that opinion. The same is probably true when networks attempt to control the conflicts of interest of their commentators. Broadcasters made reforms after the quiz show scandals, and the revelations concerning payola and plugola, not out of fear of Congress or the FCC but from the realization that the economic health of their industry depends upon public trust. If the public receives believable information that news is deliberately slanted, or programming has deleterious effects, I hope and believe that broadcasters will necessarily move to correct it.

This is not to say the FCC is without power to act in the area of broadcaster conduct and program content. We require stations to announce if they have received money or other consideration for the presentation of programming. A station must make available equal facilities and opportunities to opposing candidates. We have taken action against stations for sponsoring fraudulent contests over the air. The Federal Trade Commission acts against false and misleading advertising. The Communications Act prohibits obscenity, although this is a matter I believe we might be hard pressed to defend in court. We have held that licensees must make known any corporate conflicts of interest in their handling of programming matters. It is less clear whether we could take positive punitive action against a station for fraud in the presentation of news. That does not mean we should not investigate such a matter—and in public hearings. I would see nothing wrong with the FCC using its powers of compelling disclosure to insure that the public learns about fraud, corporate censorship, or falsehood in media practices that are protected by the First Amendment. The penalty would be the same as when any private figure criticizes the media: the effect of public opinion. No institution in our society should be immune from that kind of criticism.

But governmental power is not the only—or even the most important—threat to the freedom of speech of the broadcasting indus-

try. Economic, corporate power over free speech is today, in my opinion, an even greater limitation than those feared by the drafters of the Bill of Rights. All Americans have felt the oppression of corporate censorship.

There are many forms of actual and potential censorship in broadcasting. A good many of them are self-imposed. I deplore them all. The problem is serious. But I do believe that any fair, impartial evaluation would have to conclude that your Commission and mine are not the principal threats to free speech in America today.

PROPOSALS

There have been efforts to "investigate" and "study" television and radio since their beginnings. There have been uncounted words written in books, articles and speeches about broadcasting's ills. The question, as always, is "What do we *do* about it?"

What we propose depends in great part upon what we think will alter men's behavior. My own view is that a meaningful reform must be premised upon its capacity to be carried out by self-serving men of average intelligence. To dream schemes of institutions that will only function when men are angels is futile. This is not to say that the world is not populated with a significant number of very decent guys who are willing to risk future and fortune to do "the right thing"; only that you cannot count on one of them being in all the right places at all the necessary times. Indeed, there are even some who question whether one can pass moral judgment on a man who simply finds himself carried along by the system of incentives—rewards and punishments—of his institutional environment. To some extent, that's what Fred Friendly's book, *Due to Circumstances Beyond Our Control,* is all about. It is not enough to wish that networks were being run by men who would televise Senate hearings instead of a rerun of *I Love Lucy.* For such a wish requires them to refund pocketed profits to advertisers and giveaway for free time already sold—in an institutional environment in which their performance, their "success," is measured almost exclusively in terms of how much they can increase profits.

The history of industrial safety is illustrative. There were efforts at moral suasion throughout the Nineteenth and early Twentieth Centuries—all to little effect. The real turning point in industrial safety came when plaintiffs' awards in lawsuits, workmen's compensation schemes, and insurance premiums, rose to a level that made it more profitable to protect human arms, legs and eyes than to

continue to pay for the quantity consumed in the manufacturing process.

It is in this sense that I concluded, early in my term as an FCC Commissioner, that speeches by me about the "vast wasteland" would not have much lasting effect upon the contribution of radio and television to the quality of American life. What is needed are institutional realignments.

Let me make abundantly clear that the kind of realignments I am talking about are evolutionary rather than revolutionary. Indeed, the process of adaptation and self-renewal is, in my view, the essence of conservatism. There are forces of revolution and alienation abroad in our land. There are those who preach that our system cannot work, that it cannot adapt fast enough, and that our institutions must be destroyed—government, universities, corporations, and so forth.

I am not among them. I want to conserve our institutions. But I believe they can only be conserved by evolution and adaptation to changed conditions and needs. Those who practice corporate arrogance and preach the haughty disdain of legitimate demands for popular participation are the real handmaidens of revolution in this country today.

In my view, government regulation of business seeks to make the free private enterprise system work better, not to stifle it. It seeks a relationship between government and business such that legitimate public demands and needs and interests will be met by institutional adaptation within the private sector—not by nationalization. As McGeorge Bundy has said, "more effective government, at every level, is the friend and not the enemy of the strength and freedom of our economic system as a whole." The American industrial system was strengthened, not stifled, when corporations began paying a fair market price for the human beings consumed in the manufacturing process. The very purpose of the antitrust laws is to encourage competition, and establish some ground rules for its perpetuation. The food and drug industry is made more profitable, and popularly acceptable, by laws that prohibit profiting from products that produce disease and death. Laws requiring fair employment opportunities for Americans of all races do not hamper big business—they produce more potential customers and reduce the corporate tax burden to sustain the unemployed. We can argue about the details of such proposals in this country—and we do—but I think we can all agree that what we are trying to do is make the

American system work better. In the process, we also make it competitively possible for basically decent men to do the right thing. Shareholders may expect corporate officials to maximize profits, but they do not expect them to violate the law.

Let us, in this light, examine some of the proposals that have been made to alter slightly the system of institutional pressures within the broadcasting industry in ways designed to improve its total contribution to our society.

1. Public broadcasting.

There are a number of sources of public broadcasting today: National Educational Television's programming and occasional networking service, National Educational Radio, the Public Broadcasting Laboratory's Sunday evening show, the Eastern Educational Network, the programming of now some 150 stations throughout the country, and so forth. The Public Broadcasting Corporation is just beginning. The National Foundations on the Arts and Humanities have provided some financial support already. The Ford Foundation has, of course, been by all odds the most significant source of support for public broadcasting over the years. This programming is significant in a number of ways. It is, first of all, an available alternative when and where it is available. A few people listen, and watch, and are enriched. In view of the relatively small audiences, however, public broadcasting's principal value must be measured today in terms of its impact upon commercial television. This has been significant. It is a professional training ground for all of the various jobs in commercial broadcasting. It is a source of programming ideas, public affairs issues, and technical innovations. It is commercial broadcasting's graduate school, its farm club, its underground press, its research and development laboratory.

It is a $90 million tail (or, perhaps I should say, head) on the $3 billion dog of commercial broadcasting that, when it can move the animal, can have a tremendous impact upon our nation with very little investment. As McGeorge Bundy has said, "Twenty years of experience have made it very plain indeed that commercial TV alone cannot do for the American public what mixed systems—public and private—are offering to other countries, notably Great Britain and Japan." The Japanese people have chosen to fund their equivalent of our Public Broadcasting Corporation (NHK) at a proportion of their gross national product that would be equivalent to $2 billion a year in this country. They are richer for it. The

United States is now on the threshold of finding out whether it can muster the national will to do as well. I think that it is crucial that the Public Broadcasting Corporation be adequately funded, and, in line with the Carnegie study, in such a manner as to be independent of the government. Such an effort would be a classic example of an institutional change that could benefit everyone affected by broadcasting far more than its costs—and harm no one.

2. *Citizen participation.*

A statesman has been defined as a man who stands upright, due to equal pressure on all sides. It is, in this sense, that the Federal Communications Commission is made up of statesmen. Mr. Bundy has said of the FCC that, "its weakness is a national scandal. . . ." But it is not true that the Commission just responds to pressure from the broadcasting industry. It responds to pressure from anybody. Increasingly, citizens all around the country are learning that the FCC's adversary process will only work if they will make it work. For you can only make an adversary process work if you have adversaries.

The typical station's license renewal proceeding goes like this. The FCC gathers at ringside and offers to referee. At the sound of the bell the licensee jumps in the ring and begins shadow boxing. At the end of three minutes he is proclaimed the winner by the FCC majority, found to have been serving the public interest in his community, and given a three-year license renewal.

Members of the public are learning how to make this a more meaningful contest. In Seattle, a voluntary citizens-media council has brought interested parties together to improve coverage of the black community. (The general concept of local broadcasting councils has worked in other countries and might well be tried here.) Negroes in Jackson, Mississippi, along with the United Church of Christ, are challenging in court the FCC's renewal of the license of station WLBT. John Banzhaf, who established the "fairness doctrine" requirement that broadcasters inform their audiences about the harmful effects of cigarette smoking, is contesting the license renewals of stations which have not complied. Labor unions are contesting the license renewals of stations which do not fairly present labor's story. Citizens in Chicago, Seattle and Atlanta are, independently, protesting changes in the programming format of their favorite local stations from classical music to something more popular—and profitable. A number of organizations are fighting the

renewal of license for a station that broadcasts a surfeit of what they consider right-wing hate programming. Other groups are protesting children's programming, violence on television, and the absence of meaningful local service programming. (As one group of young blacks' picket signs put it, "Soul Music is Not Enough.") Needless to say, I am not expressing a view on the merits of these cases. But I believe this trend is going to continue. And I think that it is, in most cases, basically healthy for listeners and viewers to be able to participate in the Commission's proceedings. It creates the reality, as well as the illusion, that it is possible to "do something" to make our seemingly intractable institutions respond to popular will, that you *can* fight city hall. It removes the pressure for revolutionary action that otherwise heats up without escape like infection in a boil. Finally, it should be welcomed by the vast majority of American broadcasters who are responsible, involved with their community, and who are already making efforts to obtain more audience interest in their stations' programming.

3. Public service time.

Businessmen who would like to perform a public service that does not maximize immediate profits often have difficulty convincing their shareholders they should do so unless their competition undertakes a similar burden. Take the safety record of commercial aviation, for example. It would be competitively difficult for a single airline to establish and follow the kind of maintenance and safety standards imposed by the FAA and CAB. There would always be a competitor who, by taking a few more risks, could cut costs, reduce rates and attract customers.

By having industry-wide standards enforced by a government agency, however, everyone is competitively equal—and everyone benefits from an industry-wide reputation that builds confidence in airline transportation. Because of the almost total absence of programming standards from the FCC, the broadcasting industry is at a substantial disadvantage. It becomes competitively difficult for a single network to put very much news and public affairs in prime time, to increase its financial commitment to public service, or to broadcast programming without commercial sponsorship—so long as the other two can continue to maximize profits. Competitive position as well as profits are involved. The FCC owes the industry—and the public—the assist that only government, with its antitrust

immunity, can provide: the establishment of standards that will create for the industry the opportunity to more often do its best.

Such standards could take a number of forms. We could require that a given proportion of gross income be invested in programming. We could require that each network provide a given proportion of its prime time, each evening or each week, to public service programming; stations could have similar standards, especially for local programming. (For example, each of the three networks could be required to provide a single hour of such programming Monday through Saturday between 7:00 and 10:00 p.m. on a staggered basis. Thus, at any moment of this segment of prime time, viewers would have a choice of something other than advertiser-supported, lowest-common-denominator programming.) We could require that, for some programs, there be no commercial interruption. We could set standards for the size of the news staff, or news budget, as a proportion of gross income. Such standards could, of course, be worked out with the networks and station owners, for—as with the commercial airlines' safety record—it is the responsible, professional elements in the industry that ultimately have the most to gain from such proposals.

4. Program diversity and ownership standards.

Many of the FCC's policies in the broadcasting field are premised upon the assumption that the more independently owned broadcasting outlets the better. That is, minority tastes will be better served, and programming quality improved, by increasing the number of sources of broadcast programming. There has never been a thorough-going effort to find out if this theory has worked out in fact, and thus each of us must judge for himself. But today's 7,350 operating radio and television stations do represent about a tenfold increase over the number of broadcast outlets in the 1920's and 1930's. This has come about through the addition of relatively lower-power, day-time-only, local AM radio stations, the wholly new FM radio service, and television—first VHF and then UHF. Cable television—which now serves some two million homes—has the potential of bringing 20 or more television signals into the home (compared with the four or five signals in most major markets today). Additional individual choice is provided by services that do not involve broadcasting. Music can be obtained from phonograph records and audio tapes. The sale of tape recorders is up markedly, including stereo tape players for automobiles, and there is wide-

spread taping of music from radio stations for subsequent personal use. Films have always been available, but have been expensive and difficult to operate; now the prospect of video cameras, tape recorders, and video disc and tape recordings opens up a whole new consumer market.

Diversity in broadcast programming is also affected by FCC rules regarding programming practices. In the largest 100 markets the FCC requires that jointly-owned AM-FM stations not duplicate programming more than 50% of the time. The Commission has under consideration a proposal that would limit a network's ownership interest to a maximum of 50% of the networked programming. We have put out for comments the Westinghouse proposal to limit the amount of prime time programming that any station affiliate can take from one network. Of course, the mere joint ownership of broadcast properties in the same market decreases the likelihood of diversity in programming. And the FCC has also proposed a rule that no single owner can hold a license to more than one full-time facility in a single market—which the Justice Department believes should be expanded to take account of newspaper ownership. (The limits now are five VHF, two UHF, seven AM, and seven FM stations for a single owner. No commonly owned TV signals may overlap, nor AM nor FM, but a TV plus AM plus FM may be commonly owned in a single community.) To the extent that diversity of signals, programming, and ownership has led to greater audience choice, service to minority tastes, and improved quality, such efforts are to be encouraged.

5. *Professionalism.*

Members of the radio and television industry like to think of themselves as members of a profession. No one would question that there are, within the industry, individuals with impressive records of academic training, and participation in programming that represents a high sense of responsibility, creativity, and technical standards. The fact remains, however, that most of the ingredients one associates with a profession are not to be found in broadcasting. There are no academic standards. There are no professional qualifying examinations. There are no moral or character standards. There are no professional associations. There is no procedure for processing public grievances addressed to one of the members. A lawyer, by contrast, must hold college and law degrees from accredited institutions. He also must be found to be academically qualified by

examiners from the legal profession. He must meet character qualifications. The courts before which he appears must first "admit" him to practice—after satisfying themselves as to his qualifications. He belongs to a "bar association" which may be a requirement to practice. Grievances filed against him are evaluated by a "grievance committee" against the standards of professional "canons of ethics" and prior decisions interpreting those canons. Similar qualities are associated with doctors, dentists, engineers, architects, accountants, and so forth.

Or consider for a moment the rigors of qualifying as a third grade teacher. The applicant must have a college degree from a school of education. She must be qualified under standards established by the state for a teachers' certificate. She must meet the standards of the local school board. She must have spent some time as a practice teacher. She may continue to take in-service training. She must meet these standards because she is going to spend time with a group of perhaps 25 children for a few hours a day for a few months out of the year. She will be giving them ideas, information, opinions, attitudes, and behavior patterns that must hold them in good stead throughout life. We don't want to trust their minds to any but the most skillful and responsible of hands. Contrast these concerns and standards, if you will, with those we associate with broadcasters, with their access to *millions* of young minds for far more hours every week. As Harry Skornia has said, "Although broadcasting is one of the most powerful forces shaping social values and behavior, broadcast staffs and management in the United States generally have no specific professional standards to meet...." There are exceptions. But of the NAB Code Skornia says, "A document so vaguely worded, so defensive, and so flagrantly violated, can hardly be seriously considered a real code of either ethics or practices." He believes that the mass media "should be entrusted only to professionals, who study their effects as carefully as new drug manufacturers are expected to test new drugs before putting them on the market." News is, of course, a special concern: "It must be recognized that news, like medicine or education, is too important to be entrusted to people without proper qualifications." Let me hasten to make clear that I do not urge that the FCC is the most appropriate agency to establish such professional standards, or to engage in licensing. But I do urge that the American people have the right to expect professional standards from those who instruct millions of young people Saturday morning that are at least as high as those it

imposes upon the teachers who instruct a classroom of 25 on Monday morning.

6. Programming liability.

Legal liability for a monetary damage award has often proven to be an effective spur to reform. Manufacturers' concern for the safety and suitability of their products has undoubtedly been enhanced by the "product liability" standards that have been laid down by the courts. It is simply too expensive to try to run a manufacturing business with the threat of suits from injured customers. The same principle has applied to industrial safety practices. Safety procedures and equipment that once seemed "too expensive" appear much more reasonable when balanced against adequate plaintiffs' awards for injuries and death. Perhaps the networks concern about the quality and impact of their programming could be intensified in this way, either by principles of liability found in the common law or from new legislation. I appreciate that this is a provocative suggestion, that it could sometimes raise First Amendment problems, and that proof of causation would be difficult.

7. Public's access to television.

We are living in an age in which television has become confused in a crazy way with reality. If it's not on the tube it hasn't happened. And if you—or those with whom you can identify—are not on the tube, you don't exist. A poll by Louis Harris found that a sense of alienation is growing among many Americans—principally, it seems to me, those who are excluded from participation in television. The right to petition one's government, guaranteed in the First Amendment of the Bill of Rights, has become the need to petition one's media—usually television. That's how you change things. That's how you communicate with your fellow citizens. We've discovered that a riot is a form of communication.

We might as well face up to the fact that television *is* responsible for violence to the extent it insists upon action from those with legitimate grievances to share with their fellow citizens. People with something they must say will do whatever is necessary to be heard. What is necessary is what the gatekeepers of our television channels define as necessary.

Another conclusion is that we probably ought to be giving more thought to principles of public right of access to television. The

FCC's "fairness doctrine" is, of course, designed and administered in ways which seek to serve this need in part. But it is inadequate. Professor Barron has argued in the Harvard Law Review that in order to breathe life into First Amendment freedoms today they must mean something more than the right to establish one's own multi-million-dollar TV station, network or newspaper—there must be a public "right" of access to the mass media. Television networks and stations today retain a very tight control over who uses their facilities—even to the point of causing a company such as Xerox to set up its own "network" to show some of its more creative documentaries. The only public access comes during news programs and interview shows when, of course, the outsiders are carefully screened.

It is in part this control which has required the necessity of establishing the rather expensive duplicate facilities represented by 150 educational television stations. Corporations have made contributions to help sustain educational broadcasting. But some have also used commercial television to bring the same kind of programming to the American people—Xerox, Hallmark, AT&T, Union Carbide, to name but a few. It is the means chosen by the National Geographic Society. If we are to limit the surfeit of advertiser-supported, network entertainment programming during prime-time, perhaps we should consider a rule making a proportion of this time available for non-commercial programming of an educational, scientific, or cultural nature paid for by foundations or similar institutions. Such time would then be available to them as a matter of right, rather than as a matter of sufferance from the networks. The FCC has recently proposed a similar principle with regard to cable television systems—that extra channels be made available on a common carrier basis for lease to those who wish to distribute programming, the costs for which may be relatively low.

8. Citizens Commission on Broadcasting.

Twenty-two years ago, with the leadership of Robert M. Hutchins and the funding of Henry R. Luce, the "Commission on the Freedom of the Press" took a look at our mass media at that time and recommended "the establishment of a new and independent agency to appraise and report annually upon the performance of the press."

The National Advisory Commission on Civil Disorders (the Kerner Commission) recommended, among other things, the establish-

ment of an "Institute of Urban Communication on a private, non-profit basis" with the responsibility to "review press and television coverage of riot and racial news and publicly award praise and blame."

In between, similar suggestions have come from such distinguished citizens and students of the mass media as Professor Harold Lasswell, former Senator William Benton (who proposed a National Citizens Advisory Board for Radio and Television to the Senate, along with Senators John W. Bricker, Leverett Saltonstall, and Lester C. Hunt in 1951), Jack Gould of *The New York Times,* Harry S. Ashmore (now of the Center for the Study of Democratic Institutions), and Professor William Rivers of the Institute of Communication Research at Stanford. Representative Oren Harris, when Chairman of the House Committee on Interstate and Foreign Commerce, proposed a similar idea—as did CBS President Frank Stanton (although his proposal was for industry funding). Dr. Otto Larson called for an "institute" to conduct "continuing, systematic, objective comparative surveillance of mass media contents. . . ." The National Citizens Committee for Broadcasting could develop in this direction. (Even former FCC Commissioner (Lee) Loevinger has recently urged the industry to establish its own "American Broadcasting Council on Fairness and Accuracy in Reporting.")

What form should such a citizens' commission or institute take? Others have spoken to the details and I will not attempt to repeat all of the proposals here. A few general characteristics, however, seem to run throughout.

Although there may be some appropriate ways to funnel some federal or industry funds to such an institute, I believe that most proponents would agree that the organization ought to be completely free from any suggestion of government or industry influence. It may already be impossible, in this day and age, to isolate any institution from the overpowering political pressures of Big Television. But the institute should, at least, not draw its membership or employees from either government or broadcasting.

Funding should come from foundation and other private sources and would probably have to be in the $1 to $10 million a year range. There is a certain "critical mass" of individuals necessary to undertake an effort of this kind in terms of the quality and range of professionals, and sheer quantity of work involved. This is somewhere between 50 and 200 professional people. To the extent

projects are contracted out to others; or training programs are undertaken, that would, of course, require additional funding. Federal funding might be possible through the National Science Foundation, the National Institutes of Health and of Mental Health, the National Foundations on the Arts and Humanities, the Public Broadcasting Corporation, or the Department of Health, Education and Welfare. But I would assume that government and industry funding combined should not exceed, say, 30 percent of the annual operating budget and that it would be far more desirable, if possible, to do without it altogether.

What would such a citizens commission or institute do? There would be, of course, a wide range of potential activities that would evolve with the interests of the participants. But the following may be illustrative:

1. The Analysis and Evaluation of Broadcasting Standards.
2. The Creation and Evaluation of Programming Standards.
3. The Monitoring and Evaluation of Broadcasting.
4. The Evaluation of Media Grievance Machinery.
5. Analysis of the Economic Structure of the Media.
6. Analysis of Media Employment Practices.
7. The Evaluation of the Effectiveness of Government Agencies Charged with Media Related Responsibilities.
8. Development of Standards and Programs for Improving Community-Broadcaster Relations.
9. The Provision of Training in Areas of Critical Social Significance.
10. Research Contracts, and the Stimulation of Public Interest Programming Through Grants and Awards.

Now, what powers should an Institute have to carry out such a formidable array of functions? Certain minimal powers seem apparent.

1. Authority to Publicize its Findings and Conclusions.

The Institute would be expected to seek the widest possible dissemination of its statements and reports. While the Institute should be authorized, if the occasion necessitates, to purchase media time or space for the publication of its findings, the media would normally be expected to provide adequate coverage for Institute releases.

2. Authority to Request Data and Reports through Government Agencies.

The Institute should be able to obtain, through FCC processes, broadcast information which it deems relevant to its tasks, but which it cannot obtain voluntarily. Similarly, the Institute should have access to relevant economic data. The Institute could cooperate with the Equal Employment Opportunities Commission in obtaining information on hiring and task assignment practices.

3. Authority to Appear as Advocate for the Public Interest.

While the Institute would have no regulatory authority, it is essential that its findings be widely circulated—not only through publicity, but also through advocacy in all appropriate forums.

4. Annual Report.

Finally, to provide a check on its own activities, as well as a formalized occasion for evaluation of the overall performance and trends within broadcasting, the Institute should annually prepare and present to the public—and the President, and the Congress—a comprehensive report detailing its activities and rendering its judgment.

The American people are calling for some meaningful response to the corporate arrogance that posts a high wood fence around the television business with "Keep Out!" written on one side and "First Amendment" on the other. As Arthur Schlesinger, Jr., has observed in his book on *Violence:*

> No rational person wants to reestablish a reign of censorship or mobilize new Legions of Decency.... Yet society retains a certain right of self-defense.

We do retain a right of self-defense. The people are looking to you to exercise it. One useful way in which you could do so would be to recommend the creation of a non-governmental, non-industry Citizens Commission on Broadcasting.

In contrast with Commissioner Johnson's views and proposals, FCC Chairman Rosel Hyde briefly outlined to the National Commission on the Causes and Prevention of Violence a few of the key policies of the Federal Communications Commission:

...the FCC is concerned about the issue raised that the continuous depiction of violence in television programming—as well as in other media—has contributed to a popular acceptance of violence as a more or less normal part of our life. However, as to the FCC's authority to impose sanctions to eliminate portrayals of violence in entertainment programs, any sanction imposed by the FCC upon the basis that particular program content was likely to have harmful effects would raise, as a general matter, serious questions under the Constitution and Section 326 of the Communications Act, which prohibits censorship of broadcast matter by the Commission. We have also stressed that the licensee should be aware of the problem posed by his portrayal of violence, that he should take it into account in his programming judgments, and that continuing study efforts in this area are clearly appropriate.

...I believe that the two key concepts to our regulating policies are access and diversity...we seek to promote access by the public to the broadcast medium through such policies as local contacts and surveys and the fairness doctrine. The latter, for example, constitutes a long established and clear effort to maintain radio and television as media of free speech.

As to diversity...we have evolved and are still evolving multiple ownership and allied diversification policies. More important, we have sought to increase both the number and type of "broadcast" outlets serving the public. Here I would cite particularly the following:

—the Commission's UHF policies, designed to obtain scores of new broadcast outlets.

—the Commission's support of non-commercial educational television with, for example, reservations of channels for non-commercial educational TV and assistance in securing free interconnection benefits to the Public Broadcasting Corporation. We vigorously supported the creation of the Corporation and now urge appropriate permanent financing of the Corporation. In this area of non-commercial TV, we would stress not only the additional outlets to be gained, but the difference in type—the greater freedom of the non-commercial broadcaster to experiment.

—the Commission's authorization of over-the-air pay TV, in an effort to obtain further diversity.

—the Commission's cable television proposals, also issued last Friday. I would point particularly to the proposed requirement that CATV systems serve as an additional local outlet by originating, on its own, by allocating channels to governmental entities such as the educational system, or on a common carrier basis to interested persons or institutions. The CATV system can here contribute uniquely in two respects—one, because it has the potential of so many channels into the home—18 to 24 in the large cities, and two, because it can be established in areas which do not have sufficient population to support a TV station. Further, even in large cities, there is the potential of cable television programming directed to specific areas such as a particular ghetto area.

We seek to create, by policies such as listed above, a communications environment where the American people can be both richly and diversely entertained and informed—particularly as to the problems confronting the nation and the possible choices to meet those problems. I do not, of course, say that our plan has been as successful as we might wish or that it is certain of complete success. But it is, I believe, reasonably and effectively directed to the achievement of the goal.

SOME OTHER VIEWS ON VIOLENCE AND THE PROPER JOURNALISTIC FUNCTION OF TELEVISION

Commissioner Johnson's views of television's proper functions in a free society must be considered in light of other views, made by leaders of television and others. The journalistic function, in particular, has been under heavy attack.

Responses that are particularly impressive have been made by Leonard H. Goldenson and Elmer W. Lower of the American Broadcasting Company. Another view that commands consideration was voiced by former Federal Communications Commissioner Lee Loevinger at a meeting of the Indiana Broadcasters Association. Still another eloquent appraisal was written by Reuven Frank, President of NBC News. Mr. Frank wrote his views in the form of a staff memorandum and they have been edited for publication in this journal.

Finally, the official view of the National Broadcasting Company concerning coverage of the 1968 Democratic National Convention in Chicago was written by Howard Monderer, Washington counsel for NBC.

The Television Quarterly offers the views with the hope that all will stimulate a dialogue among fair-minded men that will lead us nearer to valid conclusions about television's proper role in American society.

Statement of LEONARD H. GOLDENSON

President, American Broadcasting Companies, Inc.

I understand from the Commission's staff memorandum that this hearing focuses primarily on the news functions of the networks. Therefore, I will direct my remarks to the general function we perceive for our News Department, and Mr. Elmer Lower, President of ABC News, will describe in further detail how our News Department fulfills that function.

The primary role of a broadcast News Department is to report significant domestic and foreign events as they occur and as they are. Its secondary role is to interpret those events and place them in their proper historical and social perspectives. Both of these roles include the obligation to tell it "like it is," to report and interpret events accurately and objectively, candidly and fearlessly.

I am sure that ABC's News Department will continue to meet these obligations and responsibilities with the same professional competence it has consistently demonstrated in the past. It appears that some individuals (though certainly not on this Commission) would welcome the opportunity to substitute their judgment for ours in relation to the content of controversial news stories. A small minority even suggests that governmental agencies should have the right and duty to regulate the flow of information from the broadcasting media.

In my opinion, we are presently reaping the harvest of having laid it on the line at a time when many Americans are reluctant to accept the images reflected by the mirror we have held up to our society. Many facets of our society are presently in turmoil. Racial discord, urban stagnation, political assassinations, student rebellion, a war unpopular with a significant proportion of the population, are all facts of contemporary life whether some amongst us choose to recognize them or not.

The fabric of our society today is subject to unrelenting stress. Challenge to the existing order is constant. Changes are rapid in our electronic era. Yet, many refuse to face the unpleasant realities concerning many aspects of life in America today. They would prefer to nurture and perpetuate the illusion that all is well.

The television networks have received the brunt of the criticism being directed against news media, which may be understandable

when we realize that television journalism has reached maturity at a most difficult time in the nation's and world's history. Some critics have claimed that by continually emphasizing the war in Vietnam, television news departments "conditioned" the American people to accept war and bloodshed as part of our modern way of life. Others contend that broadcasters are over-exposing the militants and extremists, thus encouraging those who seek to foment racial and civil strife. Still others argue that we should emphasize the "good things" and play down developments and events which, on occasion, place our society, or a high public official, or a particular city, a region or even our nation in an unfavorable light.

I for one am convinced that we have acquitted ourselves with distinction. I am also convinced, for example, that television, with its incisive visual portrayal of events, has contributed immeasurably to public understanding and knowledge of the great issues of our times. In my judgment, television news reports have been principally responsible for the increasing public understanding of the morality involved in the civil rights struggle and of the nature of the dissent against past Vietnam policy. Without television, without our deliberate presentation of all points of view on these two major issues, I am sure that civil rights and the Vietnam issue, to name only two, would never have been able to achieve such widespread public discussion.

When controversial events occur, when events are inherently inflammatory and when people identify passionately with one side of an issue or the other, there will inevitably be criticism of news coverage. This has always been the case, for invariably people bring their own preconceptions to reports of these events and, quite naturally, reach their own conclusions with respect to them. This means to me that the criticism being directed against television journalism is a testimonial to the fact that we have come of age—we have stimulated the public to consider the implications of controversial events. This is a noteworthy achievement even if some ultimately reject these implications because they are unpleasant, or difficult to resolve, or inconsistent with their own basic attitudes or conclusions.

The responsibility for news presentation can not be delegated and we can not yield to intimidation from any quarter, even though as broadcasters we are a licensed industry. Freedom of the press and the First Amendment are not empty phrases. In these days of unrest they are basic principles which bear constant repe-

tition. A free press is a necessary and vital protection for the public; not merely for those who disseminate the news. It is inconceivable to me that there could be one set of ground rules for the print media and another for broadcast journalism. The same historical and philosophical imperatives which dictated a free and constitutionally protected press in this country must apply with equal force to broadcast journalism.

We are not infallible and we do not claim perfection in our news presentation—though we strive hard for it. The right of free speech which must be preserved for all news media includes the right to be wrong on occasion. That is the price we must pay to preserve a free press and free speech in America. And, in my opinion, that price for that bulwark is cheap indeed.

In short, so long as we at ABC gather, report and interpret the news, we have a continuing obligation to reflect accurately and impartially the world around us. We can do no less. We must tell it—we must show it—like it is—despite the admonitions of some critics who wish us to do otherwise. To close our eyes to the realities of our time and attempt to substitute a bland and Pollyanna point of view in our news and public affairs programming would be the greatest disservice we could render to the American public, to ourselves and to our democratic form of government.

Statement of Elmer W. Lower

President, ABC News, Special Events and Public Affairs

As President of ABC News, I have the responsibility for supervising the operation of a world-wide news organization that provides a comprehensive news service to ABC's television network and our four radio network services. Our daily dissemination of news consists of eighty radio reports, the half-hour Monday-through-Friday television report, and a 15-minute late night newscast on Saturday and Sunday. Our newscasts are carried by approximately 1,000 radio affiliates and 128 television affiliates. Further, we provide a daily electronic news syndication service to our television affiliates which enables them to include in their own news programs coverage of international and national stories.

In addition to our staff for the daily newscasts, we have a Special Events unit whose responsibility it is to cover the fast-breaking, unanticipated major stories such as a national tragedy, and also

to prepare for and cover the major scheduled events of the day such as space shots, political conventions, and elections.

In this electronic era, we must have the ability to react instantaneously to fast-breaking news stories wherever they occur. To insure this capability, ABC maintains eight bureaus abroad as well as seven domestic offices. We have a regularly employed staff in this country and around the world of over 550 people which includes our correspondents, film cameramen, editors, soundmen, technicians and executives who furnish the back-up and support necessary to keep this operation going.

In addition to coverage of hard news, we also prepare a wide range of in-depth documentary programs for which ABC News has won many major awards. Important social issues must be explored and a cross-section of responsible opinion presented. For example, this past summer we broadcast "Time for Americans", a series of searching programs devoted to the subject of race relations.

We have also tried to expose our viewers to other peoples and other nations in our documentary offerings. Our four-hour composite study of the continent of Africa, which was originally presented in September 1967 and subsequently rerun on our network, was an unprecedented television undertaking. This program was also offered over the facilities of educational television and is currently, in circulation in serialized form in schools and universities throughout the country.

In my career of 36 years in various fields of journalism, I've been associated with many different kinds of stories. I've covered wars, economic chaos, moments of great happiness and all the other incidents which one expects to read or hear about daily and which is called news. My job—or I should say the job of my organization—is to cover all the news: the good and the bad, the daily problems and developments of life in our times, the unusual and the out of the ordinary. Admittedly, even in today's hectic world, we assume that tranquility is the norm. When this tranquility is disturbed, our responsibility is to report that disturbance. It is how, not whether, the disturbance is reported that tests our skill as journalists. Not to report a legitimate story—controversial or not—is an abdication of responsibility.

Part of the journalist's skill is giving the appropriate amount of space or time to a story. We have heard recently that too much emphasis is given in the news to violence. Therefore, I had our

staff prepare a study of an entire year's news coverage, from September 1, 1967 to August 30, 1968, in order to determine just what it was that we were broadcasting on ABC News. Ninety-one percent of the material which we broadcast dealt with various subjects which had nothing whatever to do with violence. Only nine percent of all news we broadcast consisted of stories which were even remotely associated with violence. Even within the nine percent, the actual presentation of violent acts on the air was very rare. I should like also to point to our coverage of the Democratic Convention and the surrounding events. Only one and one-tenth percent of our total coverage was devoted to film or tape of the disorders involving the police and dissenters.

Achieving and maintaining fairness and balance is the continuing responsibility of the television journalist whatever the story. Violence is only one of the ways in which conflict manifests itself. Conflict is not just the clash on the street; it is the clash of ideas and emotions. I don't think anyone seriously questions the fairness of our coverage of the clash of ideas in Chicago. What is disputed about our coverage of Chicago is whether the facts about the violence in the streets were accurately reported to the American public—the facts about the provocation and the facts about the police reaction to the provocation. Having now rescreened all of our coverage of Chicago, I am convinced that, viewing our whole report, there is no question that it was fair and balanced.

One may ask what steps do we take to insure that violence, such as the violence in Chicago, is covered accurately and in perspective. The answer is that we hire competent experienced newsmen to report and we hire competent editors to review the material before it is broadcast. We instruct both as to the standards which we expect to be applied to stories involving violence. Let me quote from a July 10, 1967 memo of William Sheehan—a veteran newsman himself and presently our Vice President and Director of Television News—directed to the staff of ABC News:

> "Describe the nature and extent of the problem with precision. We don't want to give the impression a whole city is aflame just because someone has started a bonfire.
>
> "We must know the reasons for the trouble insofar as they are discernible. This requires some follow-up reporting after the initial trouble. Talk to civil rights leaders, merchants and residents in the area who were not directly involved in the dis-

turbance. If the issue that triggered the problem is not clear, let's say so.

"The police are not the sole source in stories of this kind. Neither are those on the street leading in the demonstration."

"It may be stating the obvious, but I feel it's worth repeating: ABC News wants nothing to do with staged stories. If you miss an element, don't ask for a repeat."

We have also instructed our film cameramen to be judicious in their use of lights at night; and we have used unmarked cars where we have felt it best not to advertise the presence of our mobile crews in a particular neighborhood. Also, we don't send live electronic units into riot areas.

It has been suggested that the very presence of newsmen at the scene of a riot either disrupts police efforts to control the rioters or influences the rioters or the police to act differently than if newsmen were not there. This much is true about the charge: In many instances the police have treated newsmen as if they were troublemakers. We are not on the scene to disrupt, we are only there to cover the story. In a sense, we are an extension of the public, exercising on its behalf its right to be informed. If the police would recognize this fact, and take into account the presence of newsmen in their riot control planning, there might be fewer incidents. It should be noted that in many instances there have been discussions by local authorities and mass media in anticipation of public disturbances. These have resulted in an understanding of mutual problems and therefore less friction.

Since it is now a recognized fact that more people in the country receive their diet of news from television than from newspapers, we would be, in effect, depriving the public of information if we arbitrarily deleted stories. There should not be a dual standard of what is permissible in newspapers and on television.

We know that our news coverage goes into millions of homes during the dinner hour. But as professional electronic journalists these factors are taken into consideration in *how* the news is presented, not *what* stories should be reported.

THE JOURNALISTIC RESPONSIBILITY OF BROADCASTING

LEE LOEVINGER

Five years ago I made my first formal speech as a member of the FCC. It was entitled "Broadcasting and the Journalistic Function", and it began with a quotation from John Stuart Mill, written in 1859, saying:

> "The time, it is to be hoped, is gone by, when any defence would be necessary of the 'liberty of the press' as one of the securities against corrupt or tyrannical government."

The speech was long, somewhat pedantic, as seemed suited to a pedagogical audience, and exhibited most of what I had then learned about broadcasting. It fully endorsed Mill's libertarian principles going on to say that similar principles should apply to broadcasting, and that government efforts to control, influence or set authoritative standards for broadcasting content were not only

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He called this article "The Journalistic Responsibility of Broadcasting" and we commend it for Mr. Loevinger's compilation of published complaints about television news and for the commendable suggestion with which he ends the article.

This article is based on a speech by Mr. Loevinger, Counsel, Hogan and Hartson, Washington, D.C. to the Indiana Broadcasters Association.

wrong but futile. The reasoning was explicit that broadcasting is entitled to First Amendment protection as part of "the press" because of its performance of the journalistic function of disseminating information and ideas.

In 1963, as in 1859, it seemed that the time was past when it was necessary to defend "freedom of the press" as a necessary condition of a free and honest government. Now, five years later, the able, fair and distinguished President of the National Association of Broadcasters, says:

> "It is dismaying to find some lawyers—when discussing TV—advocating censorship, suppression of views and increased government control." (Television Digest, Sept. 16, 1968, p. 7)

The President of CBS News says that a question which currently:

> "looms ominously larger and larger. . .which is still unresolved and most desperately in need of resolution [is] how free is, how free should be, our part of the free press? * * * a frightening number of people—not kooks, but good citizens—are demanding that the government step in and do something about our reporting. Even more alarming, some government officials are responding to—or are they leading?—this cry to diminish our freedom." (Broadcasting, Sept. 30, 1968, p. 46–47) "Senator after Senator, congressman after congressman, are calling for investigations, hearings, guidelines, legislation. . .And the FCC. . .may well be the most troublesome threat to our role as part of the free press that has yet been devised." (Television Digest, Sept. 30, 1968, p. 3)

The matter which, after all these years, is crystallizing the issue of the degree to which broadcasting is entitled to free press protection is broadcasting coverage of the Chicago Democratic Convention, according to CBS News President Richard Salant. (Id.) This surely warrants examination and analysis.

At this point it would be currently appropriate to promise—or threaten—to "tell it like it is"—that is, to give you klunks the ineffable benefits of the words stimulated in my own personal cranium by my own personal sensations in my own personal eyeballs. This I shall refuse to do—for three reasons. To begin with, this kind of talk is not my natural idiom. Speakers who attempt to use the speech patterns of social groups to which they don't belong usually sound as phony as old style vaudeville blackface comedians. I refuse to imitate them. Second, the phrase has been so overworked it has become intolerably banal even for a cliche. Third, and most

important, the phrase implies an offensive self-righteousness. It says that there is an "it"—presumably reality—which is known to the speaker, which is unknown to the audience, and which the speaker will graciously, and somewhat condescendingly, reveal to the audience. It is one point of this speech that all these implications are false. There is no special social truth known only to a select few, and there are no annointed spokesmen for the true reality—whatever that may be. What we do have is a complex and confusing social order and a vast variety of viewpoints concerning it. The best any of us can do is to make every effort to see things as clearly and objectively as possible and to speak clearly and candidly. So, in plain old-fashioned terms, I shall tell clearly and candidly what it has been possible to learn about this matter with the limited resources of a single interested and moderately literate inquiring mind.

Unfortunately broadcast journalism, like the spoken word, cannot readily be recaptured and reviewed. So a review of broadcast performance in reporting the Chicago Convention will, almost of necessity, be based largely on printed reports. These are the reports from a variety of sources and viewpoints.

Newsweek says of the convention: "Actually, with the exception of some gallery-packing by Mayor Daley, some questionable rulings by permanent chairman Carl Albert and some up-tight security excesses by nervous guards in the hall, the real business of the convention was carried out with free-swinging openness." (*Newsweek,* Sept. 9, 1968, p. 29)

Commentator Kenneth Crawford says: "But beneath the surface there was also a conscious, systematic effort to disrupt the convention and the party. The floor fairly crawled with busy agents... Television, perhaps without meaning to, constantly abetted the disrupters by playing up their activities. In its search for interest and sensation, TV naturally concentrated on the angry minorities. Even during the extraordinary debate on Vietnam, well worth the nation's attention, the cameras were not constantly on the podium. The result was a distortion that did the Democrats and their convention something less than full justice. One especially of the antenna-sprouting floor prowlers often seemed to be more provocateur than reporter. TV coverage of the downtown riots was spectacular but also unbalanced. Bad as the cops were, they looked worse on the screen, as one who saw both can attest. The police permitted themselves to be goaded into a kind of violence which

at times seemed downright sadistic. What wasn't apparent in the electronic reports was that they were not just taunted but attacked on occasion and that the rioteers were led by skillful organizers who were determined to make martyrs with, as they chanted, 'the whole world watching.'" (*Newsweek,* Sept. 9, 1968, p. 50)

In the words of Jenkin Lloyd Jones: "It should by now be obvious that television, as it is now used, is the enemy, not the servant, of the political convention. It has become so, not out of malice, but because TV is a medium that prefers drama to uplift, and where both are present it will go for drama every time. Even in real life, a dog-fight will always draw more attention than a sunset. So we have seen TV networks pay less and less attention to the podium and more and more attention to the squabbles in the aisles. The 'Cross of Gold' speech might be rolling through the microphones and 90 percent of the audience might be giving it spellbound attention, but let two exhibitionists get into a shoving match and every TV camera zeros in. The net effect is one of utter chaos and misbehavior. It is as though every reporter in town were covering the bawdy houses or interviewing the residents of the drunk tank." (Washington *Star,* Sept. 7, 1968, p. A 4)

Broadcasting magazine, which has a reputation for complete and fair coverage of the industry, said that TV and radio commentators gave the impression "of a police state with TV reporters slugged and pushed inside the hall and defiant young demonstrators and attendant reporters being indiscriminately clubbed by police in other parts of the city." (*Broadcasting,* Sept. 2, 1968, p. 18)

Newsweek reported police faced "a chanting mob of 5,000 in Grant Park, across the street from the Hilton. 'F--- you, LBJ,' cried the crowd, 'Dump the Hump,' 'Sieg Heil!', 'Disarm the Pigs'—the demonstrators' dehumanizing epithet for the police." (*Newsweek,* Sept. 9, 1968, p. 24)

Stewart Alsop reported that "wandering about Grant Park, I heard a lot of youthful orators denounce 'the pigs'—the Chicago police—and make much use of a four-letter transitive verb, in such brief declarative sentences as '(verb) Johnson,' '(verb) Franklin D. Roosevelt,' and even '(verb) America.'...Tom Hayden, a brilliant young leader of the New Left, defined the Chicago objective—that 'this whole city be so disrupted it begins to charge around like a dog gone mad'." (*Newsweek,* Sept. 16, 1968, p. 108)

David Lawrence reported, "In Chicago, a deliberate effort—carefully planned—was made last week to disrupt traffic in the streets

and to prevent citizens, including visitors and delegates to the convention, from moving back and forth freely between the hotels and the amphitheater...The bearded, dirty, lawless rabble...used every sort of provocation against police and National Guardsmen—vile taunts, lye solutions, bricks and rubble. They blocked street intersections, disrupted traffic in Michigan Avenue, and tried to charge into hotels." (Washington *Star,* Sept. 2, 1968, p. A 15) "Rocks were thrown at police, acid was sprayed into their faces, and other acts of violence were committed which provoked the policemen. When they tried to arrest the demonstrators who engaged in such tactics, clubs had to be used. The television cameras caught the latter action but not what had preceded." (Washington *Star,* Sept. 6, 1968, p. A 13)

James J. Kilpatrick said: "I spent most of four days at Chicago mingling with the hippies and yippies...Let us abandon the addle-headed notion that these youths are innocent idealists, dedicated solely to protesting the war in Vietnam....They are at bottom simply nihilists, dedicated to destruction for the sake of destruction. In their disregard for the rights of other Americans, they are as ugly and evil as any gangster mob....Hour after insolent hour, they stood in the parks shouting obscenities at the police a few feet away. They had a chant going: 'Pig, pig, fascist pig!' They cried, 'oink, oink,' and 'soo-ee!' The taunting never ceased: 'Whyn't ya hit me, ya bastard? Go on, hit me!' Grant Park is—or was—a pleasant little park on Michigan Avenue. They made it a shambles. They tumbled into blankets just off the walkways, making love not war; they urinated against the park's back wall....They scrawled their favorite four-letter words on benches, lamp-posts, and barricades. Their one purpose was to provoke violence....If the police and troops had not done their job, these plug-ugly scavengers would have torn the Hilton Hotel to the ground. As it was, they set off stink bombs that made the lower lobbies smell like vomit.... Almost no one has said thanks to the mayor and thanks to the cops. I do." (Washington *Star,* Sept. 1, 1968, p. D 4)

Nicholas von Hoffman said of the demonstrators, "At one point several thousand of them in front of the Hilton began chanting, 'f--- you, LBJ, f--- you, LBJ.' Time and again you could run up against young people singing out even worse obscenities....Abby Hoffman, one of the chief yippies and top socio-political needlers, walked around with an obscenity painted on his forehead." (Washington *Post,* Sept. 1, 1968, p. A 4)

Ralph McGill said: "For days the convention scene about the Hilton Hotel....was that of perhaps 1,500 to 2,000 hippies or yippies, assembled...directly across from the hotel...During much of the day there would be peace between them and the police. But at other seemingly organized periods there were taunting and cursing of police. On Wednesday evening police prevented a march of perhaps 10,000 such young demonstrators on the Amphitheater. There was then a break and an attempt to occupy the Hilton Hotel. It should be again emphasized that this and other plans were known in advance. It can be argued that the police and guardsmen were over-zealous. But it is also true that they had been subjected to barrages of rocks, bottles and other missiles also. When law forces are charged by very active and muscular young men, it is difficult not to respond." (Washington *Star*, Sept. 3, 1968, p. A 13)

U. S. News & World Report said: "Marchers by the thousands massed in Grant Park. Then, shouting taunts and obscenities, the youths—many of them bearded, dressed for 'shock effect' in tattered dungarees, brandishing antiwar signs—surged in flying wedges against police lines. From the mob came barrages of bottles and stones. Lye was thrown and cleaning fluid was squirted at the police. The police counterattacked and the fray was on." (*U. S. News & World Report*, Sept. 9, 1968, p. 43)

The Vice President reported that "We had intelligence of planned assassinations...the mayor...[was] told openly and knowingly through the best intelligence information that we have that a hard core of agitators and anarchists are going to stampede an auditorium, break up a meeting...charge through the halls...I saw a policeman get stabbed in the face with a broken beer bottle, cutting his eyes, his face, for no reason at all. I saw people come into the Conrad Hilton Hotel and spread filth and manure on the rugs..." (Washington *Star*, Sept. 1, 1968, p. A 15)

Joseph Alsop said of the demonstrators, "When they wave Vietcong and North Vietnamese flags, they mean they actually want this country to lose the first war in its history." (Washington *Post*, Sept. 2, 1968, p. A 21)

Crosby S. Noyes said, "The hard-core demonstrators went to Chicago determined to provoke the police into using force under conditions that would ensure the widest publicity. In the end, they succeeded brilliantly....The Chicago police, in fact, were no more nor less brutal than police that this reporter has seen in action at

various times against unruly crowds in Washington, New York, London, Brussels, Algiers, Rabat, Tokyo, Hong Kong, Saigon and New Delhi." (Washington *Star,* Sept. 12, 1968, p. A 13)

Carl T. Rowan, whom I know personally as a sensitive and responsible journalist, said: "As repulsive as the police behavior was, I must say that 'the cops' came out looking worse than they deserved and the war protesters better than they deserved. I saw the fringe element of the protest groups, the provocateurs, harangue, curse, spit, and make physical forays into the police ranks until they produced the violence they wanted.... Television reported episodes that I had seen with my own eyes, and I felt that TV was misleading—in a way that made the cops look beastly and the beaten and bleeding young people look like harmless and helpless victims of a Nazi storm trooper brigade." (Washington *Star,* Sept. 4, 1968, p. A 15)

Robert Montgomery, a communications adviser to Republicans, called the television network coverage of the Democratic National Convention "an absolutely ridiculous performance." He said, "The crowds were rehearsed two or three weeks before the convention. Anyone in the business knows the networks set out to build a story of this kind." (Washington *Star,* Sept. 24, 1968, p. B 9)

Broadcasting, the news magazine of the industry, said in its editorial columns that on balance the networks did a good job, but also said, "The collective viewing of this publication's editors led to the consensus that too little was reported of provocations by the demonstrators." In the same editorial, *Broadcasting* suggested another conclusion: "The impression persists that one or two roving correspondents acted more like performers hoping for stardom to strike than like reporters searching for illumination of the story." (*Broadcasting,* Sept. 9, 1968, p. 84) In its news summary of the convention coverage, *Broadcasting* said, "involvement of television in political conventions...reached such awesome proportions last week that the politicians involved must be genuinely scared of it. Time and again it was TV reporters talking to delegates talking about TV.... When it wasn't this, or coverage of podium or delegate activity, it was television talking about its troubles with the city or with authorities running the convention." (*Broadcasting,* Sept. 2, 1968, p. 18–19)

Jack Gould said that the "extent to which TV originates news rather than covers it" was illustrated by "the Columbia Broadcasting System's over-emphasis on the abortive boom for Senator Ed-

ward M. Kennedy....the C. B. S. network and its anchor man, Walter Cronkite, relentlessly stressed...the possibility of a last-minute draft of Senator Kennedy. To show the influence of TV on the delegates, hastily-made placards endorsing a draft suddenly made their appearance. Interestingly enough, Eric Sevareid, the C. B. S. commentator of great poise, remarked that it was perhaps the medium of television that was stimulating the Kennedy boom and that such a report should be judged at an arm's length. Mr. Sevareid inadvertently erred in only one particular. It was C. B. S. that generated the talk in a moment of over-zealous excitement.... (New York *Times*, Aug. 29, 1968, p. 71)

The Washington *Star* concurred in this judgment, saying editorially the "Kennedy boom...was not the natural upwelling of delegate opinion some convention commentators had pictured it to be. It was in part at least, a product of television's insatiable appetite for breaking news." (Washington *Star*, Aug. 28, 1968, p. A 28)

Following the convention, the FCC received hundreds of letters complaining that the network coverage of the convention was unfair to the officials and the police. (*Broadcasting*, Sept. 30, 1968, p. 5) J. Edgar Hoover testified that television carried distorted coverage of the demonstrations in Chicago. (*Broadcasting*, Sept. 23, 1968, p. 48) Mr. Wasilewski said, "There is still the question of whether the convention was covered fairly." (*Broadcasting*, Sept. 16, 1968, p. 59) A publication entitled "New York" (which circulates at least as far as Dallas where I purchased a copy) did a summary story on television coverage that was epitomized by the headline occupying the magazine cover which asked: "If You Saw It on TV Is It Really What Happened?"

Following the convention, Mayor Daley of Chicago asked for network time to present his version of what really happened in Chicago during the convention, and was summarily refused. Subsequently, Metromedia, WGN and a number of stations acting independently provided time for a show which Mayor Daley did present. (Washington *Star*, Sept. 6, 1968, p. A 2; etc.)

The reaction has been predictable. *Broadcasting* says that there is "a climate of almost unanimous congressional disapproval of the Chicago coverage....no voices were raised in outright defense of the networks and many were raised in attack." (*Broadcasting*, Sept. 9, 1968, p. 44–45)

Television Digest said in September: "We've been covering Washington for many years and never have we observed such a mass of congressional vehemence against broadcasting....Our observations are borne out by veteran broadcasting liaison men covering Congress. Here's way one of them expressed the mood late last week: 'I just dread talking to a member now. Regardless of what subject you open with, he turns it to Chicago. Where formerly the conservatives charged the network news operations were favorable to the liberal Democrat viewpoint, even the liberal Democrats now are convinced that the networks deliberately slanted their coverage and provoked situations both on the floor and around Chicago. (*Television Dig.,* Sept. 9, 1968, p. 1) A month later Television Digest quoted a "veteran Senate employee" as saying: "It doesn't make any difference who wins the Presidency, television is in for one hell of a rough time when Congress comes back in January. Your industry just couldn't be in worse shape, despite the fact there'll be many new faces in Congress. The networks' 'holier than thou' attitude is wearing thin on many of their friends." (*Television Dig.,* Oct. 7, 1968, p. 1)

William S. White summarizes the views of many others in writing: "The refusal of major television to allow unqualified air time to Mayor Richard Daley to rebut its unexampled attacks upon his conduct in the Chicago riots...is gravely unwise and profoundly unfortunate....the Chicago tragedy will not go quietly away; millions of Americans are deeply troubled as to whether they got the full story from the TV screen. A second and important reality is that so are some of the most powerful (and most responsible and temperate) members of Congress, in both parties. After careful and dispassionate checking around, a process deliberately deferred until the heat on all sides had died down a little, this columnist finds that an overwhelming majority of those Senators and Representatives concerned with the regulation of communications feels the industry, whether right or not on the single issue of its reportage, is exhibiting an undue arrogance of power here." (Washington *Post,* Sept. 9, 1968, p. A 21)

Max Lerner, a columnist who differs much from William S. White in viewpoint, states one similar idea when he says that there is "social dynamite" in "the spreading belief that the wells of communication are poisoned. Strangely," says Lerner, "both the far-out right and far-out left are coming to believe this." (Washington *Star,* Sept. 7, 1968, p. A 5)

To complete this sampling of the spectrum, let me quote Gilbert Cranberg, an editorial writer for the Des Moines *Register and Tribune,* who calls attention to the fact that the "American Civil Liberties Union, that most vigorous defender of First Amendment rights, is poised to do battle in the courts to establish...that the government has a right to dictate what must be printed in a newspaper." This, Mr. Cranberg reads as a "message to the press that those in the newspaper fraternity who abuse press freedom and stifle debate rather than contribute to a 'free marketplace of ideas' are causing even long-time foes of government press controls to consider extreme solutions. The warning implicit in the message is that unless the press keeps its own house in order, the pressure will grow for public intervention." (*Saturday Review,* Sept. 14, 1968, p. 136–7)

Please note that up to this point I have only quoted others, have stated no observations and expressed no opinions of my own. If it is claimed that the section of reports and opinions to quote surely indicates some viewpoint, that is a point which will not and cannot be denied. I am acting as a reporters' reporter, telling the news media, especially broadcasting, what others have said and are saying about the quality of their performance. If the process demonstrates that reporters inescapably shape the quality of news by what they choose to report and to omit, that, too, is part of the message.

Now, however, I shall stop being a reporter and become a commentator, perhaps an advocate. It is not enough to note the public mood of disaffection with broadcast journalism and resolve to do better. It is not enough even to proclaim loudly and publicly that broadcasting will do better. For one thing, such resolve or proclamation at least implies that there has been some dereliction in past performance—a confession that many broadcasters are not prepared to make. Yet, as Joseph Kraft points out in discussing this topic, there's an "element of privilege" in the work of the press. "It is done on the sufferance of the great majority"—and the First Amendment is the expression of this. (Washington *Post,* Sept. 3, 1968, p. A 11) This is no less, and probably more, true of broadcast journalism than of print journalism. But journalism can ignore public doubts of its fairness and accuracy and of its right to a privileged position only at the peril of losing its position, and of endangering not only itself but the whole democratic process.

Therefore, I think that some positive step is necessary to restore public confidence in the integrity of broadcast journalism and to

indicate the good faith of its practitioners and the social validity of their claim to a constitutionally privileged position. This requires the establishment by the broadcasters themselves of some institution to hear grievances and pass judgment on claims of breach of fairness and accuracy in reporting. It simply will not do to say that the only ones to whom a complaint can be made are the ones against whom it is made—those who are claimed to have been at fault. On the other hand, if there is no professional, or industry, institution to hear grievances, they will necessarily be directed to government agencies—the most obvious one being the FCC. Whatever legal merit there may be in saying that the quality of reporting is no business of the FCC, as a practical matter it's futile to decry the fact that it functions as the forum for complaints when it is the only forum available.

The obvious course for the broadcasting profession or industry (choose your own word), is to establish an American Broadcasting Council on Fairness and Accuracy in Reporting, which will function in the same manner as the grievance committee of any professional association. All established professions have such groups. They are well known in the Bar Associations and the Medical Associations. Not so well known is the fact that in the securities business there is a similar association—the NASD—which has a grievance committee with power to impose substantial and severe sanctions on securities dealers. Further, every accredited hospital has its "tissue committee" which passes judgment on the quality of surgical practice of the surgeons who operate in that hospital. There is ample precedent for the operation of professional grievance committees in fields of the highest professional skills and areas of the greatest confidentiality and personal privilege.

Suggestions of this kind are invariably met by the objection of some that they infringe on complete freedom of the press. In partial response, let me quote an editor of The Quill, the publication of Sigma Delta Chi, the professional journalism society. Edmund C. Arnold, of Syracuse University, urges the newspaper industry to establish a Press Council to serve as grievance committee and "Action Line" for unhappy readers. He answers the infringement-on-freedom-of-the-press-argument in these words: "How ridiculous! The proposed Council would be a voluntary one, endowed with no legal status and entirely divorced from government. It would have no power of punishment other than that granted willingly by newspapers themselves. Its sole tool would be public disclosure with

censure for the errant, vindication for the innocent. This no more infringes on freedom than do the grievance committees of bar or medical associations. Indeed, the Council might well protect freedom. It is usually those industries which fail to police themselves that are saddled by legislation. . . ." (The Quill, September 1968, p. 15)

Today broadcasting stands in greater peril of attack and restraint, and in greater need of such an institution, than the media of print journalism. The peril and need of broadcast journalism, are also the peril and need of the American people, for the broadcast media perform the journalistic function for a majority of the American people. So the most immediate task of American broadcasting in discharge of its journalistic responsibility is the establishment of some institution other than the government that can look at the quality of broadcast journalism, listen to grievances, and reach judgments as to the fairness and accuracy in the reporting of broadcast journalism. The details are secondary and can be worked out within the N. A. B., or in whatever fashion broadcasting leaders may find most appropriate. But on this point I am clear. The need for action is great. The time is now. Both broadcasting and the public will benefit from the establishment of a broadcasting Council on Fairness and Accuracy in Reporting, whatever it may be called.

THE UGLY MIRROR

REUVEN FRANK

If television would go away, race troubles would go away; the Vietnam war would go away; long-haired foul-mouthed young people would go away. If television would go away, the well-meaning Scarsdale householder, for twenty years vocal on the moral side of every public issue, would worry less about his teen-age daughter, about her travelling on the New York subways, about pot. If television would go away, the construction worker would be sure of selling his house for more than he paid for it, the policeman's wife would be sure of his safe return.

But the damned television won't go away! Kick it.

Kick it, that is, but don't damage it, because it fills evenings with Dean Martin and Bob Hope and free movies, which is why you bought it.

REUVEN FRANK has spent almost 20 years in the news business, in activities ranging from reporting police news to winning an "Emmy" Award for "The Tunnel" to his present position as President of NBC News.

Mr. Frank has taken a view of television, in general, and television news, in particular, as seen in the broad panoply of the social unrest and uncertainty that afflicts our own maddeningly-paced century. His views may disturb further those persons who conceive television's journalistic function to be solely one of comforting and soothing the population.

A new love-hate relationship has suddenly burst forth between television and its audience. Not between television and the intellectuals and upper-middlebrows, the ones who talk about boob tubes and finally break down and buy one for the kids, the ones who up to 1960 bemoaned the passing of conversation in America, as though they ever listened, the ones who watched only in motels when they were out of town for academic conferences, the ones who at cocktail parties were always importuning you to do subjects no one would watch including them. But between television and the basic American audience, the most middle-class majority in the history of man.

They don't watch any less, but after several years of telling polltakers they trust television above other media of news and information, they are now telling the networks that era of trust is over. Network mail has reached surprising volume, and the letters which approve are treasured and hoarded, they are so few. Politicians hint at punitive actions. In the season between the Conventions and Election Day, government officials and big-name Washington newspaper writers participated in a swelling chorus of rejection, conspiracy-hunting and abuse.

The one crystallizing event which brought this about was Chicago; specifically what television showed of peace demonstrators meeting Chicago policemen during the Democratic National Convention. The Federal Communications Commission itself has received enough letters on this one event to prompt it to take the ominous step of directing the networks to evaluate the Commission's mail for it, and in effect to justify their journalistic practices. The networks have been caught between principle—refusing to participate in what seems to be a clear violation of the First Amendment by the F.C.C.—and practicality—the need to get on the record somewhere with what really happened.

> (Among ourselves, we generally agreed that the worst thing for television would be a sound well-considered television presentation of its "side." It would look too defensive, and we are dealing with attitudes not facts. The massive power of television used in its own behalf would look like bullying. [We are, after all, very good at what we do well.] Television generally is less well covered by television than by other news media, partly for this reason, partly because people in it find it hard to imagine that the public would be interested by the mundane, repetitive details of the way they earn their living.)

The details of what happened in Chicago are already fading into memory, but the impressions are apparently still vivid, and when the impressions leave, the memory of the emotions will remain. What happened in Chicago seems to be this: Several thousand people, mostly but not all young, came there to make their anti-war protest heard. The City of Chicago tried in every possible way to assure that they got no attention. They therefore got more attention, in the country and around the world, than they deserved or dared expect.

The reason was television. Not what anybody in television did but the *fact* of television, the existence of television. It demonstrated the shortsightedness of planning any public event these days without taking television truly into account, because it is just plain there, and its absence would be even more obvious than its presence.

Another thing happened in Chicago that almost disappeared from public discussion the day the Convention ended. The Convention was a disunited one, and its disunity was patent. Controls imposed on delegates and others entitled to be there may or may not have been unusual but they seemed harsh to the delegates themselves and to the people watching at home. At the center of this storm, also, was Mayor Richard J. Daley of Chicago, delaying and then ordering adjournments, cueing and cutting off band music. As chief of the host delegation he sat by his own desire where everybody could see him, down front and center, within the range of more television cameras than any other single person in the hall. He was entitled to choose his own seat and this is the seat he chose. The fuss over the peace demonstrators and their meeting with the police has driven the troubles of the Convention itself from memory. The debate over what the Chicago police did on Michigan Avenue is still alive. But there has been precious little discussion of four blue-helmeted policemen ejecting a duly elected delegate after his State delegation chairman had vouched for him.

The letters networks received make almost no mention of what happened inside the convention hall, and the polls, which at first showed 70 or 60 or 50 per cent of Americans siding with the Chicago police against the demonstrators have not even bothered to poll the country about what they thought of the Convention and its processes.

Immediately following the Convention, the criticism seemed to be concentrated on charges that we in television had spent undue time in showing the demonstrations and the police actions in sup-

pressing them, and that our reporters and commentators had made statements about the police action which directly or indirectly criticized the police. This was easy to answer because it was simply not true. The charges stemmed from statements by prominent people, Mayor Daley among them, who had been too busy taking part in the Convention to know what had appeared on television.

The time devoted to direct network coverage of the Convention totaled more than 35 hours. The time devoted to the pictures of the demonstrations was 65 minutes, less than three per cent of the total time. Of these 65 minutes, 30 were in prime time. (The consideration of prime time is important because Mayor Daley raised it when he demanded network time for his "reply.") Also of these 65 minutes, 12 were a resume of scenes already shown, a late-night summary of events, and clearly labelled as such. (These figures and other direct citations apply to NBC only. It is my understanding that the parallel experience of the other networks may differ in details but points the same way.)

I have reviewed the NBC transcript of the 65 minutes in question. To me, it is notable among other reasons for its brevity. The transcript is unusually short for 65 minutes of pictures. It shows no statement critical of the police; it showed almost no value judgments at all. It was simple descriptive material accompanying pictures. Most of the time, our reporters said nothing at all, merely letting the pictures be shown. The regularly scheduled programs which NBC News produces, reused some of these pictures; and the reporters gave their analysis, as they often do with news events whether the events have been covered live or not. Hugh Downs and others carried on a long discussion during the *Today* program.

From implying that we had showed too much, the criticism shifted in the week after Labor Day to the implication that we had not shown enough. This is a reduction to absurdity of what the mail indicates. The new and larger wave of letters, stimulated at least in part by Mayor Daley's public statements, were to the point that we did not show the provocation of the police which led to the action we did show; and then, to a lesser degree, that we did not describe adequately the organization and history of the demonstrations as they were developed over the months preceding the Conventions. It was criticism of too little rather than too much coverage.

The question of immediate provocation is a very difficult one and could take a book-sized answer. It is important, first of all, to point

out that we have only the word of official Chicago police spokesmen as to the degree of provocation. No one denies that there was some. The transcript of our own 65 minutes mentions it prominently. Was it prominent enough? How much would be enough? The removal of the American flag and the attempt to replace it was shown earlier in the day; the organization was shown in previous days, including interviews with the leaders actually preparing for the conflict with police. Incidentally, these scenes, supplied by NBC News on request, were used in Mayor Daley's own program. Most action film in that program was from network sources, film one or other of them had already shown. Yet the point of the program was they had not shown it. The word "provocation" was fastened on as a symbol, and arguing its true sense was pointless. For example, would it have been useful to point out that other police departments in the country have faced what seemed to be similar levels of provocation but managed to divert and control the demonstrations? To accept uncritically the evaluations of various Chicago officials about the high degree of provocation is not more justified than accepting uncritically the statements of various people in relatively high public position that there was no provocation at all. I refer particularly to a telegram received by NBC and other networks from Blair Clark and Richard Goodwin in behalf of Senator McCarthy's campaign organization asking to answer Daley if he were given time on television. In this telegram, Clark and Goodwin detail at some length what they consider and state was the entirely unprovoked attack by Chicago policemen on young McCarthy workers after Thursday midnight of the week of the Convention. They reject the stated excuse about objects being hurled from the windows, citing among other things that rooms not facing Michigan Avenue were cleared of these young people in a manner described as harsh. They also state that Senator McCarthy delayed his scheduled departure from Chicago when tipped off that his young workers would be victimized by police as soon as he himself had left the scene. I have no knowledge of the truth of this statement by Clark and Goodwin. But the point of all this is that the statements about the extent to which the demonstrators provoked the police cannot be accepted without much more information and documentation.

How far back does explanation of provocation go? A true explanation of the causes culminating in any human event must begin with the Descent of Man. There was an interesting confrontation between demonstrators and police in Lincoln Park on Sunday night

before the Convention. It was used only in the regularly scheduled programs. There was the training of some groups of demonstrators expecting the confrontation. That was adequately shown the preceding week during regularly scheduled programs.

Up until the serious violence, it was our conscious policy to avoid covering too much of the activities of demonstrators lest we fall into the trap of doing their advertising for them. Months of "underground newspaper" ads organizing two streams of the demonstrators were known to everyone in the news field, and little was done about it for this reason. During the actual convention coverage, little attention was paid to the demonstrations Monday and Tuesday night for the same reason. When open clashes occurred within range of our cameras, which were relatively stationary, there was no longer any responsible reason for withholding coverage. As a matter of judgment we agreed it would have been irresponsible to withhold them. Accepting the premise of the critics that the demonstrators sought to provoke the police into violent action in order to make Chicago police and Chicago and the United States, for that matter, look bad by having all this seen on television, then they succeeded. If we should have known this in advance, then Chicago officials and police should have known it in advance. They now say they knew it in advance. If they had known it in advance then despite provocation as extreme as they say it was, or even more outrageous, it might be argued it was their duty to resist such provocation. By failure to withstand such provocation they made it possible for Chicago police and Chicago itself, etc., to look bad. In logic, you cannot represent yourself as supporting both sides of an argument in conflict. Unfortunately, this is not a logical situation.

And it was true that it was not physically possible to show the provocation if it existed, or to the extent it took place. We were under certain prohibitions by the city of Chicago regarding the movement of our live mobile units. This could have enabled the demonstrators to provoke out of camera range and have the provocation responded to within camera range. I do not know that this took place. It could have happened. Any physical restrictions on a news medium must limit the access of that medium to some of the news.

But all this begs much more important questions. The tone of the criticism is a lack or loss of faith in television reporting itself. There is implication after implication, in the letters, in certain newspaper accounts and comments, that all this came about because

of intent, because the networks wanted it this way as a sort of revenge. Revenge that the two national conventions were in different cities, revenge that floor credentials were allotted below what we considered minimum needs, revenge against a catalogue of greedy motives and mythic presences. And if the answer is No, why haven't we stopped beating our wives?

What did this? The nature of the coverage was not substantially different from the nature of the coverage in 1964, 1960, and 1956. Nor for that matter from the nature of the coverage of the Republican convention this year. There was some criticism of what we did that week, but of manageable and expectable volume. It was more than counterbalanced by open expressions of approval and appreciation.

But in Chicago, the event itself was different, and the coverage is blamed for that. There is no logical answer available other than this one. Since 1956 it has been our pattern to rely on four floor reporters for reporting events inside Convention Hall. By interviews and by statements they explain proceedings, expected developments and also currents of thought and action which otherwise would not reach the public. It is our position that the official proceedings of a convention are only a part of the journalistic record of that convention, and this has been the best method we could devise of fulfilling journalistic responsibility to find and report the rest of the story. These four floor men are augmented by reporters and mobile electronic equipment at many locations away from the convention hall, at the convention headquarters hotel, at candidates' headquarters, at other locations where news is expected.

Our equipment has improved over the years and our men have grown more experienced. But the basic structure has not changed since 1956.

A third element in that basic structure, the least known element, is a body of reporters covering each principal candidate and as many as forty of the principal delegations, full-time, feeding what they find into our own central news organization which rewrites and condenses it for use over an internal teletype system whose terminals are at each principal broadcasting location, the Huntley-Brinkley booth, the radio booth, the headquarters hotel newsroom, etc.; each principal production control location, the central television control complex, the radio control complex, the control rooms of our television facilities at the principal hotels, etc.; and certain subsidiary locations. (In Chicago, because of the strike of telephone equipment

installers this teletype network had no terminuses outside the Convention Hall itself.)

The degree to which this system was called on to present news material other than the official proceedings was not substantially different from 1964. Many of the letters express criticism of it in a tone which implies 1968 was something brand-new. This is just one more instance where the criticism cannot be taken to mean what its words say. There is no doubt the critics are disaffected or hostile. But they give reasons which were just as valid in previous situations which they did not see fit to criticize. (A lady in San Diego objects that we did not show Miss Mahalia Jackson entertaining the Convention instead of leaving that for reports by the floor reporters. Even concerts would have been preferable to the news there was!)

How does one evaluate an event that had no lasting value? Like the dissident delegations, New York, California, Wisconsin, some others, singing the refrain from The Battle Hymn of the Republic after the film memoralizing Senator Robert F. Kennedy. At first it was a strange and apparently spontaneous act of reverence. Then it refused to die; it became an act of defiance. The band was playing, I seem to remember, God Bless America. The gavel pounded in vain. If it had not been for the radio-microphones of our floor reporters—not their reports, only their microphones—no one would have heard Glory, Glory, Hallelujah. The podium microphones, the official microphones, carried only God Bless America and the pounding of the gavel. No newspaper reporter lives who could have captured what television captured of that moment. For better or for worse.

The terminology, the frame of reference, of television journalism is not identical with those of printed journalism. They are similar; they seek the same aims. But they are not identical. This incident is one example of their difference. The managers of the Convention have not yet learned well enough to realize what it means that television is there. They know it as a fact, but they do not appreciate it. Television is there and will always be there. Individuals working in television organizations do not make the decisive difference; the fact that television is there makes the difference. Television has been invented and developed and it exists. The politician tends to see this as giving him access to the public. Now the public has access to him. It may be, as has been said, that there were conventions in the past which were even more rigidly managed. But not when people could watch it as it happened, feel that it was they being managed.

I want to return to the point I made earlier, that the coverage is blamed for the event. I have no competence as a social scientist and the explanation I suggest necessarily impinges on those disciplines. I shall keep making unverified assumptions in the manner of the Soviet UN delegate who keeps saying "as is well known" about things which are not well known at all.

Between 1964, the last Convention year, and 1968, the average middle class American has gone through many wrenching experiences. His tranquillity has been shattered. He has been exposed to realities of war in a way no previous generation of Americans has had to face its war; he has seen the ghetto riots in his living room; he has watched with horror young people of good background expressing contempt for his dearest values in the way they dress and act and what they say. Berkeley and Hough and Hue; Columbia and Newark and Tet; what he has seen on television has shaken him physically and morally, made him fear for his safety, his savings, his children, his status. The world as reported by television threatens him. It is a short and understandable step for him to conclude that television threatens him. Television has become the object of what psychoanalysts call transference.

This, not any event, anything any or all of us working in television organizations did, accounts for the extent and depth of feeling which followed the Chicago convention coverage. Nowhere is this clearer than in the case of the demonstrators who clashed with the police. Since unlike black demonstrators their protest is not against being excluded from the fruits of current America but against the very premises of current America, they are particularly hated. They are verbal and symbolic. They don't throw rocks at trains, they lie down in front of cars. They don't carry firearms but Vietcong flags. They know the words that shock and the words that anger and how and when to use them. They know what cleanliness is considered next to, and some of them intentionally remain dirty. (There is no doubt in my mind that a handful among them came to Chicago actively hoping for the kind of police treatment they got. Again, was it up to television to deny them the fruition of this aim, or up to the police?)

This unease, this frustrated hankering for tranquillity, this complex of fears and hates greater than any within living memory underlies this political year, the campaigns, the polls, the emphasis on repression. Minorities who are willing to disrupt can be very disruptive. Our society and our law are supposedly dedicated to the

protection of minorities, but the price of disruption of the majority seems too high. This frustration keeps bursting forth and will until there is some solution. Repression is in most cases the conditioned answer, but that seems to too many to be going too far, especially if it happens where they can see it.

If such young protesters are as unpopular as I think in the United States today, it seems to me worth suggesting that by showing their confrontation with the police without at the same time denouncing them we may have appeared, to those who loathed them, as supporting them. This was made worse by showing them being beaten. The normal reaction of most Americans is sympathy with victims, any victims in any situations. (We might get analogous reactions—and the image comes easily after a week among the Chicago stockyards—if we were to put live cameras in a slaughtering shed.) People who hated the victims were revolted by their own sympathetic reactions. This revulsion was transferred to the medium, television. Knowingly or instinctively, Democratic politicians who felt their cause damaged by what happened in Chicago and because it was seen, used this revulsion as justification.

How else does one explain Mayor Daley's unrelenting demands for vindication, for national television time to explain his side, when every available index from public opinion polls to our own mail shows that what he did is popular and what we did is not? How else does one explain this volume of criticism based on facts easily refuted and the uncritical acceptance of other critics? How else does one explain that the criticism is led by those who had no way of knowing what we did because they were too busy at the Convention at the time to watch television, and it is they who are quoted against us by people who did watch what we did? It is a situation in which the facts make no sense.

Among the torrent of words about this year's Democratic National Convention, I have seen none about its startling ineptitudes. The most dramatic of these was the use of a very bad film about Vice President Humphrey on the second-last night. The networks were provided with their own prints to show while another print was shown in the hall. CBS elected to use a film biography of equal length which it had prepared itself. We showed the whole official film as a proper part of the Convention proceedings. (Those who criticize us for interrupting the proceedings have never credited us for running this.)

We showed the whole film. The Convention didn't. It was such a

bore that the delegates started streaming out of the hall. The film was about half-way through when the hall was empty and someone was wise enough to stop it. But we bravely rolled through to the end on a full network, stretching from the rockbound coast of Maine to all those other places. The closing benediction was given to an empty hall. The Negro minister was advised by the chairman that his kind offices could be dispensed with, but he said that some mention of God was needed in the circumstances and he bravely invoked blessing and divine guidance while the sweepers swept up the debris.

So much for Chicago, and it's too much. But the details of this individual event and the understanding they may present for general consideration are too intertwined to be easily separated. Besides, Chicago was the precipitating event. If there is a change, even temporary, in the attitude of the American public towards journalism by television, this is when it happened.

What is even more interesting is that so many of the letters about Chicago went on to all the other underlying concerns of contemporary America. Many, even most, Americans considered themselves individually threatened these days. There are three sources of threat, racial conflict, the Vietnam war, and dirty young people with long hair. (It is very often pointed out that many of this last group are not young. No letter I have read points out that many of them are not dirty, or that many of them have short hair.) All three threats run through the letters, and therefore presumably through public attitudes, as a single refrain. And yet only the last one is relevant to the event itself. All three are relevant to current attitudes, and especially to the real world as seen on the face of a television set.

Television allows no respite, no selectivity. The newspaper reader's eye can skip what bores him, ignore what disturbs him. If he has had enough of black militants, he need go no farther than the headline. If he has special distaste for stories about child molesters or Biafran starvation he can turn to the ball scores without forcing the editor to give up what he thinks are his responsibilities. Not on television.

If the Huntley-Brinkley Report shows the Vietnam war five days one week and the viewer always watches the Huntley-Brinkley Report he will see the Vietnam war five days that week. He can't skip it or ignore it. So why don't you show some good news? Why don't you say some nice things? Why must we always be faced with aggressive minorities, riots, looting, killing? The fact is we do show good news and say nice things, but not enough to erase the after-

image of the inescapable. The only other answer must be a new kind of journalism.

It's the kind of journalism the French have on their television. And when the crowds went into the streets last May the television reporting was one of the bigger targets. It had betrayed them and fooled them and lied about them, and everybody knew it. Even that might not be so bad. But if you don't believe a medium of journalism, can you believe when it gives good news?

As for the news we put out, we put it out because we think it ought to be put out. We are the current stage in the centuries of evolution of our kind of free journalism, governed by tastes and ethics passed on through what is essentially oral tradition, reacting to conditioned criteria of importance and public interest, hemmed in by some law but not much, consciously or subconsciously always responding to the need to be current, relevant and involving. Relevant to what? To the public and what it cares about. Entertainment is a part of all journalism in all media at all times of history. Being interesting is very much a part of why journalists do what they do.

But American journalism as an institution is never venal. (Specific exceptions prove nothing.) It never does things purely for its own gains. Although it is always the product of the sum of many subjective decisions, these are made according to some image of what the public wants and the conditioned impulses of journalists of how they should act and conduct themselves. They do not act from self-interest.

This, which is true of newspapers in this country, is just as true of journalism on television. It is in the nature of American network television today that even its most economically successful activity in news could be easily replaced with something outside journalism which could make more money. And the biggest, most difficult, most controversial activities, like covering national political conventions and space launchings go on at huge money losses. All this talk you hear from big and little newspaper reporters that this or that outrage was committed to please "beer and cigarette sponsors" —the writers are almost all smokers and beer-drinkers, but a value word is a value word—is cheap nonsense. Or—conditioned by newsstand sale—they think somehow it's "ratings." Even if it were "ratings" it can hardly be thought totally evil against the background of American competitive journalism for one news organization in a field to try to prove it is better and more attractive than the others.

This system of journalism being impelled by internal needs and supervised by internal controls is what we call free journalism. It exists in very few countries. It exists as the structure of journalism by television in even fewer countries. It is the system under which the reporter demands access to facts and events for no other reason than that he is who he is, and his argument is always accepted. The days are full of managers of public events, custodians of information, officials and private men whose daily work affects more than themselves trying to deny access to the information. But they are defensive and build elaborate structures. In the United States, they do not dispute that the reporter has the right, although they often try to put practical obstacles in the way of his work.

In the United States nobody says to a reporter, "It's none of your business." They try other ways. Lately some of them have taken to punching him.

That is our system. It is so ingrained nobody thinks about it very much, and it takes more words to describe than merely to sense. We grew up with it and that's the way it is. It moved over to television journalism automatically, without conscious decision or open debate, although it's full of debatable propositions. These are the propositions being debated most these days although so far the challengers are mostly emotional and the rational shape of useful debate is not yet evident.

In most countries in the world today, in most societies, at most times of history, this journalism without a social purpose is abhorrent. The social purpose varies with the time and place but none at all seems like one of those vacuums that we are told Nature always somehow fills. In Spain journalists are expected to advance established religion and government; in China, to rally the people; in the Soviet Union, to avoid the frivolous and contribute to the progress of Socialism. These purposes exist in constitutions and Organic Press Laws promulgated by people who believe them intensely and unselfishly. Our rationalizations about a public entitled to information freely obtained, about a press which checks on government, about the right of journalists to be free even when outrageous run counter, in those countries, to moral fundamentals.

And here, today, in the United States, facing a frightening jigsaw of crises for which we are unprepared, many people seem to think that American journalism, and above all American television journalism, should be governed by ennobling purposes. We are castigated for not promoting unity, for not opening channels of

interracial communication, for not building an edifice of support for our fighting men, for not ignoring dissent, for not showing good news.

Television is an institution, but its functions are performed by people, by individuals, by citizens, by mature men and women, by parents, by householders and mortgage-payers, by wage-earners, by patriots. Each of these as each of those may support the purposes people urge on us. I think most do. We try to keep them out of our work as well as we can, being only mortal, frail and otherwise human. Because, as one of my colleagues puts it, the choice is between the truth imperfectly perceived and the social good dogmatically formulated.

Working toward social good cannot be achieved unless it is imposed. It must be built into our structure. It is not built in now. Somebody would have to decide how to do it, who would do it, what he would do about it. Let us even postulate that there is a unanimously agreed on social good which television journalism should set itself to achieve or promote. And the decisions would be made by five Albert Schweitzers sitting around a table. Whoever put them in could in time—perhaps far, far off in the future—replace the five Albert Schweitzers with five Joseph Goebbelses, or Kosygins, or Rockwells. It's a cheap and easy image and there's not much fun playing with it. It's just that the important part of it is not the five Albert Schweitzers, but the table.

Among politicians especially, the fear is often expressed that television networks have "too much power" and that is why they should be curtailed, or somehow controlled. Even when it is not part of the initial proposition, a little conversation and a few questions bring out that it is not the power of television itself which is feared so much as the power of television journalism. That is theoretically potentially true and it would be foolish to debate it. But potential power to be fearsome must be exercised. An automobile has power to kill people and if driven by a man who seeks to use it as a weapon it is indeed a weapon rather than a tool of locomotion. The only safeguard against the use of television journalism as an instrument of power is free journalism, journalism without directed purpose. It's that table which represents power being used. It's the table itself which is evil.

So, when people write to say there should be more good news, you understand how they are responding to the terrible problems they face, the tranquillity which has gone from their lives, the

personal security systems which lie shattered, and you answer sympathetically and without heat. You write little homilies about journalism and the interest inherent in the unusual. You say fires are sometimes covered but never all those houses which are not on fire. When they write you lie, you write back you never lie although you sometimes make mistakes; not this time, however, and you cite chapter and verse. When they accuse your truth of not being the whole truth, you thank them for their interest. But you don't say what you ought to say: that in their own interest and for the good of the country, television journalism must never become the conscious instrumentality of social control for even the noblest purposes. And that's what all those letters are about.

And always the threat, stated or implied, angrily or more in sorrow, "We're going to stop you; we're going to control you; we're going to make you change." The reason is always a good reason, order or tranquillity or responsibility. Letter-writers say it in writing. Politicians hint at it at cocktail parties. Important newspaper writers intone it. The number of newspaper writers solemnifying their glee at this attack and adding to the chorus is shocking. It seems obvious to us but not to them—and who can prove it either way?—that this kind of control would hit television journalism not exclusively but merely first.

But if you believe anything at all you must believe that the real sufferers would be the public. Whatever you call it, censorship is censorship, and all censorship is aimed not at the transmitter but at the receiver.

RESPONSE TO AN FCC INQUIRY

HOWARD MONDERER

The National Broadcasting Company's objective in covering the Democratic national convention was to report the issues and developments that go into the selection of a Presidential nominee, including all significant events, inside and outside the convention hall, that are part of the selection process.

NBC's preparation for the 1968 Democratic convention had its roots in NBC News' comprehensive coverage of the 1956 national

Some members of the public did write complaints about television's coverage of events at the Democratic National Convention in Chicago to the Federal Communications Commission. Such letters go to the Complaints and Compliance Division of the Broadcast Bureau and the Division is under William B. Ray. Following standard FCC procedures, Mr. Ray informed each network of the complaints and requested a response.

We have chosen the response written to Mr. Ray by ***HOWARD MONDERER,*** Washington attorney for the National Broadcasting Co. In some ways, it duplicates the statistical data set forth by Mr. Frank, but the thrust of the two is entirely different. Mr. Monderer has taken a more narrow view, ending with citations of what he believes to be the current legal standing of broadcast journalism under the Communications Act, the First Amendment to the Constitution and recent judicial decisions.

Mr. Monderer took a degree in social studies at the City College of New York in 1946 and an LL. B. degree at Harvard in 1949. He joined NBC in 1952 and has been in its Washington office since 1958.

conventions and its subsequent experience in 1960 and 1964. In reporting those events, NBC developed the co-ordinated use of anchormen, floor reporters, newsmen assigned to important delegations and personnel stationed at sites outside the convention hall. To report the 1968 Democratic convention, NBC dispatched a staff of more than 750 persons to Chicago. Our coverage plans called for extensive telecasting both inside and outside the auditorium.

In planning our coverage, we were aware that the 1968 Democratic convention was not expected to be a cut-and-dried political gathering. The convention was faced with problems, internal and external, which in all likelihood would serve to make the selection of the candidates and television's coverage of that process complicated, highly-charged and controversial.

Among the most obvious problems were the strike by the International Brotherhood of Electrical Workers against the Illinois Bell Telephone Company and the Chicago transportation strikes. Because of the former, lines between NBC's facilities, and the equipment necessary for live transmissions from remote units, could not be installed, and thus NBC was not to have the system of instantaneous communications employed in covering previous national conventions. It became apparent that television would have to rely on film and videotape in reporting developments outside the convention hall, and that intra-city transport of these materials, as well as of personnel and equipment, would be hampered by the cab and bus strikes.

Another complication was the presence in Chicago of various groups of demonstrators, many of whom had the professed purpose of disrupting the Convention. The presence of demonstrators and the threats of disruption posed special problems of coverage. We were aware that, if and when a story developed, it was our responsibility to report it. We also recognized that many demonstrators had come to Chicago to seek the publicity of a confrontation with authorities and that it was our parallel responsibility to avoid creating a story where one did not exist. In line with special directives issued to NBC personnel, no demonstrations were to be telecast live, no mobile units were to be dispatched until an event had actually occurred, and demonstrations or violent confrontations were not to be telecast until properly evaluated.

The final complication was the unsettled condition of Democratic politics itself and the strongly-held, emotional issues dividing the delegates. A full review of these issues is unnecessary, for the mention

of the Vietnam plank, the Czech crisis, the Paris peace talks, the possibility of a Kennedy draft, the McCarthy candidacy, the unit rule, the seating of contested delegations and the security precautions at the auditorium, are sufficient to recreate the atmosphere.

The divisions within the Democratic party; the presence of demonstrators in Chicago; the turbulent political climate across the country; all made it likely, if not inevitable, that charges of bias and distortion would be raised against news media in general and against television in particular because of television's greater impact.

By Saturday, August 24, the NBC staff was in Chicago, together with the necessary equipment and facilities. Although NBC's requirements for coverage had been presented to convention officials over a year and a half before, the network had not yet learned of decisions which were to impose additional restrictions. These restrictions soon became evident.

Permission to place cameras outside the hotels to cover the comings and goings of candidates, delegates and others associated with the convention was withdrawn. Permission was limited to the use of a platform on Michigan Avenue outside the main entrance of the Hilton Hotel, and a small camera on the hotel-restaurant marquee on Balboa Street, near the corner of Michigan Avenue. Neither of these was able to provide views of the hotel itself or any of its windows.

Although city officials assisted the networks in finding off-street parking locations, permission to park the semimobile vans on the streets was denied. No camera locations were permitted in Lincoln Park or on any city streets. Permission to park mobile units on any street was denied and NBC was told that their movement would be severely limited.

NBC's request to place cameras on the roof of the auditorium, across the street from the front entrance and on an approach road, were all denied, the decisions generally being attributed to "security." We do not dispute the fact that unusual security precautions may have been required but make the point only to emphasize that customary television convention coverage was precluded or made more difficult by the security arrangements.

As for coverage within the convention hall itself, instead of the 28 floor passes given NBC at the Democratic convention in 1964, the network was allotted only 13.

As indicated above, the instant, reliable connections on which telephone communications depend were drastically curtailed. Most

important with respect to coverage outside the auditorium, no microwave transmissions were permitted by the striking telephone installers. Anything videotaped at the Hilton Hotel, or by any mobile unit, had to be taken off the tape machine, labeled and physically transported to either the WMAQ-TV facilities at Merchandise Mart or to the auditorium. In some cases, the resultant delay diminished the newsworthiness of scenes. If the tape was broadcast, it was also necessary to explain each time that scenes had taken place earlier and did not represent live coverage.

The restrictions on NBC's operations were instrumental in limiting the coverage of demonstrations. The fact that NBC was not allowed to place cameras across from the Hilton Hotel precluded coverage of the hotel itself or of any missiles reported thrown from hotel windows. The camera locations across from Grant Park were behind police lines, and thus about the length of a football field from the front row of demonstrators. From this distance, cameras were clearly unable to penetrate the darkness into the middle and rear ranks of the demonstrators, from where, it was later said, missiles were being thrown at police. Moreover, it was apparent that the cameras would be handicapped if, as in fact happened, the demonstrations took place at night, for it is difficult to distinguish clearly bottles, bricks and other missiles in films taken at night.

With its facilities thus restricted, and with the additional technical burdens imposed by the telephone workers' strike, NBC proceeded to telecast the Democratic national convention together with all relevant and newsworthy events that occurred outside the convention hall. It is our belief, shared by a great many observers, that NBC did an exceptional, well-balanced job of covering the Democratic convention, and the demonstrations and violent confrontations in other parts of the city, in spite of the difficult restrictions imposed.

We have received letters of both criticism and praise expressing a variety of views on our coverage. We have reviewed them, along with the letters in the Commission's files pertaining to television's coverage.

Few of the letter writers give evidence of having attended closely to all our convention coverage, before, during or after the events, and, as often happens, writers have frequently omitted or forgotten instances of reporting which contradict their conclusions, while recalling only selectively or inaccurately to suit an argument. Letter writers who waited days or weeks after the convention to register

complaints seem often to have had their opinions formed for them by what was written about the coverage—in many cases accounts written by people who were reporting or participating in the convention and were not in a position to see what was broadcast. A relatively small number of the letters relates specifically to telecasts by NBC.

Our review of our own letters and those in the Commission's files indicates that the criticism which they express falls, generally, into one or more of the following categories:

1. Claims of bias against Mayor Daley.
2. Claims of bias against Administration Vietnam policy.
3. Claims that NBC presented a distorted account of the convention proceedings; stimulated rumors, created controversy and gave undue coverage of minority views.

Following the Commission's request for our comments, we have reviewed all film and video tape transmitted by NBC News during its coverage of the Democratic convention and, in addition, have reviewed a written transcript of that coverage which was obtained from an independent commercial service. We have also reviewed programming pertinent to this coverage both before and after the convention itself. We have organized our comments in response to the three principal areas of complaint listed above.

1. *Claims of bias against Mayor Daley.*

The charge that NBC's coverage was biased against Mayor Richard Daley appears to involve basically two claims. First, that NBC showed pictures of the demonstrations in such a way as to be unfair to the Chicago police and failed to report the violent intentions and actions of the demonstrators. Second, that Mayor Daley and other Chicago officials were denied an opportunity to present their views.

In the weeks preceding the convention, NBC reported the demonstrators' plans to force a confrontation with the police and National Guard, together with the statements of various Federal, State and local officials, including Mayor Daley, who were analyzing the problem and planning measures to control it. Broadcasts on which these developments were reported included *The Huntley-Brinkley Report* of August 23; *The Frank McGee Report* of August 24 and 25; NBC's pre-Convention Special of August 25; and the *Today* show of August

26. On this last program, demonstrators were shown training in Lincoln Park, Chicago, for confrontation with the police.

Many of the letters charge that "brutality" by the police was depicted or police conduct exaggerated or provocation of the police was not depicted, a description of the NBC coverage of the demonstrations on each day of the convention is set forth in footnote 1. This description includes both what was shown by means of video tape and what was said by reporters.[1]

NBC reported the activities of the demonstrators, including the throwing of missiles, the tearing down of an American flag and the taunting of police.

It is evident from these accounts that NBC exercised both responsibility and restraint in reporting the demonstrations and confrontations, and that any allegation that NBC failed to show the demonstrators' provocative conduct is based on a lack of knowledge about what was actually broadcast. It should also be noted that although NBC, in accordance with the Commission's rules, did not broadcast the obscenities spoken and exhibited by the demonstrators, their use was reported.

Finally, we should note that in the course of the preparation of a television program by Mayor Daley's office to present the views of officials of the city of Chicago upon these events, the Mayor's Office requested an opportunity to view the films and tapes used by NBC and then selected copies of certain of them. Much of the material used in the Mayor's program to show provocation of the police was NBC coverage.

This brings us to the second claim of bias against Mayor Daley, which is that NBC did not give the Mayor a chance to present his views. This charge, too, is untrue.

Liaison attempts with the Mayor's office and the police department during and after the confrontations were unsuccessful, and aside from two morning news conferences at police headquarters, which NBC reported, at no time during the convention was information about the confrontations made available to NBC News by city officials or by the Chicago police.

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[1]During the four days of the convention, NBC convention coverage totalled over thirty-five hours. During these hours, NBC coverage of the demonstrations totalled approximately thirty-six minutes while the convention was in session; demonstration coverage when the convention was not in session totalled approximately twenty-eight minutes. Demonstration scenes were also shown in programming outside of our convention coverage, such as our regularly scheduled news programs and the *Today* program.

Before and during the convention, Mayor Daley was interviewed by NBC News. Mayor Daley was invited to appear on *"Today"* several weeks prior to the convention. The offer was not acknowledged by the Mayor. The Mayor's welcoming speech to the convention was carried in full and without interruption. On the evening of August 29, Mayor Daley was interviewed on the convention floor by one of NBC's reporters. On the preceding evening, after the outbreak of disorders, the Mayor was offered a floor interview with another NBC reporter, which he declined.

On September 8, from 7:30 to 8 PM, NBC presented in full a tape of a news conference held earlier that day by Mayor Daley in which he defended the Chicago police department against charges of brutality in handling the demonstrators and accused the television networks of one-sided coverage. Excerpts of this conference were shown on "The Huntley-Brinkley Report" of the same date. Mayor Daley had already been invited to appear on a special one-hour edition of "Meet The Press," to be broadcast on Friday, September 13, in prime evening time, but the Mayor had refused.

2. *Claims of bias against Administration Vietnam policy.*

The second general complaint made in the letters was that NBC, in its selection of delegates to be interviewed and in the comments of its reporters, exhibited bias against the Administration's position on Vietnam. This charge, also, is without foundation.

It will be recalled that Vietnam was the major issue dividing the convention, that roughly 40% of the delegates voted for the minority plank on Vietnam, and that two of the three principal candidates for the nomination had taken positions against Administration policy. Thus, it was to be expected that a representative number of interviews would be held with supporters of what turned out to be the minority viewpoint on Vietnam. NBC provided for full expression of support for the majority position or a position of reconciliation. NBC interviewed persons known to be in favor of the Administration position who expressed the majority's view, viz.: David Ginsberg, liaison man for Vice President Humphrey; Sen. Walter Mondale (Minnesota), co-chairman of the Humphrey campaign; John Gronouski, of the Humphrey campaign organization; and Sen. Birch Bayh. These persons were well-equipped to present the Administration point of view; our reporters, newsmen of skill and long experience, conducted the interviews referred to with fairness and objectivity. During the period of podium debate on

Vietnam, NBC presented substantially all of the speeches for both positions, including those of Messrs. Muskie, McGee, Moss, Davis, Edmundson and Wyatt and Mrs. Joseph for the majority plank.

3. *Claims that NBC presented a distorted account of the convention proceedings, stimulated rumors, created controversy and gave undue coverage of minority views.*

The third general complaint against NBC's coverage was that NBC attempted to influence the course of the proceedings, spreading rumors—especially concerning the possibility of a Kennedy draft—stirring controversy where none existed, and giving priority to the views of dissident or dissatisfied delegates. A corollary to this charge is the complaint that NBC devoted too much time to floor coverage at the expense of coverage at the podium.

Interviews on the possibility of a Kennedy draft reflected activity and interest within the Democratic Party. Many stories had been circulating throughout Chicago prior to the convention concerning the availability of Sen. Edward Kennedy as a possible choice for President. At the convention, NBC coverage of this story fell for the most part on Monday, and consisted of isolated statements of support for Sen. Kennedy, plus speculations as to the likelihood of a draft. The number of interviewees who expressed skepticism about this possibility outnumbered those who thought the draft movement was still alive.

Similarly, reports of dissatisfaction among some of the delegates with the conduct of the convention and the actions of police in quelling demonstrations were no more than a reflection of the fact that there was such dissatisfaction. Where disturbances within the convention reached the proportions of an incident, as in the case of delegate Hoeh's arrest, NBC sought out and presented the views of all parties involved, including the views of the arresting officers. At no time did NBC attempt to create an incident or foment controversy. No interview was presented without the prior consent of the interviewee.

Finally, it is untrue that NBC cut away unnecessarily from significant activity at the podium. NBC's coverage included substantially all of the statements on the majority and minority Vietnam planks, as well as all nominating speeches. Since the process of selecting a Presidential nominee clearly involves more than the activity at the rostrum, NBC presented supplementary coverage from the floor of the convention hall and outside the auditorium, in an

effort to inform its audience more fully on such subjects as the credentials fight; the unit rule; loyalty oaths for Southern delegates; convention security; the Vietnam plank; and the events in downtown Chicago. Without such supplementary coverage, a broadcasting organization would be serving merely as a passive conduit for approved information. This is not the function of the broadcast or any other journalistic medium.

Much of the broadcast time devoted to events other than podium activity consisted of interviews with delegates, party leaders, and spokesmen for candidates. Of those interviewed one or more times, 11 were Chairmen of Delegations, 10 were Governors, 18 were Senators and 6 were Congressmen. We do not believe that the news value of interviews with persons of this responsibility can be seriously doubted. We believe our coverage accurately represented the deep divisions manifest in the membership of the convention.

Finally, we note that the Commission's action in asking for a response to its letter of September 13 raises serious questions under the Communications Act and the First Amendment. Both the Act and the First Amendment bar the Commission from any form of regulation which might constitute censorship of the broadcast press.

We believe that there is no area of regulation more clearly precluded to the Commission than the surveillance of the accuracy or alleged bias of broadcast coverage of controversial issues and public events. The mere transmission to a broadcaster of a formal inquiry by the Commission with respect to such matters implies that the Commission may take action of some kind, or impose some sanction, if it deems the response in some way unsatisfactory. Nothing could be more deleterious to the journalistic function of the broadcaster than to compel him to be guided, not by the professional, experienced judgment of reporters, editors, and news executives, but by an attempt to anticipate what would please the Commission or those who might complain to the Commission. If the broadcast press is to discharge its responsibilities to the public, the cameraman or reporter or editor must be free to make his judgments without testing them against his prediction of what the Commission might do or say. Few spectres can be more frightening to a person concerned with the vitality of a free press than the vision of a television cameraman turning his camera to one aspect of a public event rather than another because of concern that a governmental agency might want him to do so, or fear of government sanction if he did not.

The United States Court of Appeals for the Seventh Circuit, in its recent decision in *Radio Television News Directors Association* v. *United States,* September 10, 1968, has demonstrated the impropriety of any Commission rule or policy which operates "to discourage a licensee from engaging in the broadcast of controversial issues" (Slip Op., p. 17) or which gives the Commission the power "to effectively preclude the expression of views, whether by a licensee or a respondent, with which it does not agree" (Slip Op., p. 18). The United States Supreme Court in its recent decision in *St. Amant* v. *Thompson,* 390 U. S. 727 (1968) noted that rules or regulations must be avoided which would, to any degree, impede "the ascertainment or publication of the truth about public affairs..." (390 U.S. at 732).

If broadcasters are discouraged from covering issues or events which might require them to justify themselves to the Commission, the aims of a free press are not served. If their judgment as to what they will cover, or how they will cover it, is affected by the views of the Commission expressed in decisions, or rules, or intimations of disapproval, the broadcast press is, to that extent, no longer free.

EDITORIAL

The snail's pace at which the Corporation for Public Broadcasting has been conducting the business of making non-commercial broadcasting a viable, vital entity in American mass communication has been distressing even to its well-wishers. Even the national interconnection test, announced with appropriate ruffles and flourishes, began operating with the largest and most significant group, the Eastern Educational Network, cooperating less than half of the announced ten hours a week. Even more distressing has been the inch-a-month pace of approaching the funding and production of programs that would make non-commercial schedules more attractive to more of the people.

Almost a year elapsed between the passage of the Corporation for Public Broadcasting Act and the appointment of persons to key staff positions. The appointment of Ward B. Chamberlin Jr. as vice president; Robert D. Swezey as secretary-treasurer; Robert D. B. Carlisle as Director of Program Development; David C. Stewart as director of Special Projects; of Donald R. Quayle for a four-month term as general consultant; of J. C. Dine as information consultant; William J. Colihan Jr. as a consultant in promotion and research and Richard J. Clavell as business manager, gives the corporation—at last—a working nucleus of executive talent.

What has been lacking and what is beginning to look like a fatal flaw is the disinclination to put forth a statement of policy, of aspirations, of long term plans. Even the most enthusiastic supporter of non-commercial broadcasting cannot continue quoting forever from the magnificent letter that E. B. White wrote to the Carnegie Commission on Public Television. Inspiring words of determination have certainly not come from Mr. Pace, whose public utterances seem more calculated to avoid criticism than to rally the faithful or even to refresh the believers.

The Corporation, as Dr. Louis Wright once noted about non-commercial television in another context, has a bear by the tail. If it really assumes command or leadership of non-commercial broadcasting, it will have to contend with the jealously autonomous station managers, many of whom have enjoyed the long and drowsy period of educational television's first 15 years. If the Corporation cannot show some good effects—and soon—it will have to face a Congress that looks in vain for an impact upon taxpayers that has resulted from appropriating tax dollars.

The alternatives are difficult but surely, Mr. Pace, the time is near for a decision on which path to take.

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