



HOW TO TALK BACK TO YOUR TELEVISION SET



by Nicholas Johnson

The trade union movement shares a stake in the whopping \$20 billion which this nation has invested in television and radio receiving equipment. Perhaps more than most Americans, union members are concerned with the opinions about economic, social and political problems which are fostered by this medium. Television daily reaches almost every home in America for five hours, 45 minutes every day—over 100 billion viewing hours per year.

Like all Americans, and perhaps more than most, union members have it within their power to influence the programming which radio and television stations beam to their families and neighbors. They can do this by participating in the decisions made by the Federal Communications Commission.

Thomas Jefferson believed that if the people were not enlightened enough to control society with appropriate discretion, "the remedy is not to take it from them, but to inform their discretion." It is in that spirit that I want to discuss some basic facts about the public's rights, and responsibilities, for the state of our country's broadcasting.

I do not believe the FCC should be determining, from Washington, the content of the programs in your community. But the FCC can and should provide mechanisms for serious communication between the citizens of each community and the broadcast licensees which serve them and often reap a handsome profit in return. These mechanisms exist. It remains for trade union members to set them to work.

All businessmen are responsive, to some degree, to

the requests and complaints of their customers. So are broadcasters. The size of their income is determined by the size of their audience and they have every incentive to program accordingly. To some extent, therefore, consumers can influence the design and quality of broadcast programming the same way they do any other product—by accepting or rejecting it when it is offered to them.

Letters to station owners or managers, network presidents and advertisers can have even more direct impact. They are worth writing. And don't forget that it's just as important to support with your praise what you do like as to criticize what you don't. Phone your local station managers; set up meetings with them. If they are responsible, they'll welcome the opportunity to hear from you and the local groups you represent. You'll be surprised how often such a meeting will solve a conflict to your satisfaction or at least give you a much fuller understanding of the broadcaster's problems and reasons.

But the time may come when channel switching, letters and conferences don't produce satisfactory results. What then? What are your rights?

At the outset, it is important to understand that the station owners in your community are, in effect, elected public officials. When their FCC licenses expire, every three years, they must "run on their record," as one U. S. Court of Appeals has put it. (All FCC licenses in a state expire on the same day. For example, California broadcasters must file by September 1 for a license renewal term beginning December 1, 1968.) You not only have a right, but a responsibility, to make yourself heard on that occasion, to "go to the polls and vote." The labor movement has taken the lead in encouraging citizen participation in other elections and can be proud of labor's turnout. But how do you participate in a

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"broadcaster election"? Write the FCC, give your views about your local stations by call letters and ask that your views be considered at renewal time.

And you can go further. Courts have recently ruled that community groups (unions, churches, civic groups and so forth) made up of listeners and viewers have "standing." That is, they are legal "persons" who can appear as "parties" in a license renewal proceeding

What to Do

1. Inform yourself about your rights in broadcasting. Write for literature to the FCC and to public-spirited organizations working in this area. Get the public library to buy the major reference works you'll need. Visit your stations (or the FCC) and examine the stations' application forms and other public files.

2. Take notes when you listen to radio or watch television. Record what you like and don't like. Organize others to do the same.

3. Express your views. Write the stations, the networks, advertisers, the FCC. Visit with your station managers.

4. Join others. Let the national organizations know you support their efforts. Find out if chapters or activities already exist in your community. Form Television and Radio Committees in your union, church and the civic organizations to which you belong.

5. Use the FCC. When warranted you should not hesitate to file fairness complaints, ask for equal time for candidates, or ask to reply to personal attacks. Prepare and file reports with the FCC on the performance of your local stations when their licenses come up for renewal. Consider intervening as a party in the renewal of any whose record is especially bad. Urge the FCC to hold local hearings if warranted. See if others are interested in starting a station that might compete for the license of a present station at renewal time.

This is not an easy road. All of us lead busy lives and have other things to do. You won't win any popularity contests with broadcasters, advertisers, some public officials and powerful local citizens. But labor's proud history contains many instances of members' willingness to pay such a price to improve the lot of all Americans. You may not be warmly received by the FCC. You may have to appeal to court. You may lose. But there is little that touches our lives as consumers more than the ever-present radio and television that fills our eyes and ears—and the minds of our children. It is subject to our democratic control. But only if we know our rights and are prepared to fight for them. Besides, whoever said democracy—or consumer sovereignty—was going to be easy?

for a station in your community. Your organization can appear without a lawyer. But you must comply with the commission's rules of procedure and you would probably find the assistance of some public-spirited lawyer useful. A license revocation proceeding can, of course, be brought at any time, but the license renewal procedure is the most logical time for citizen participation and puts less burden of proof on the citizens who are involved.

It may be possible to have the FCC hold hearings in your community. Hearings were held in Omaha and Chicago in the early 1960s and have recently been held in Media, Pennsylvania. But it is a rare occurrence and requires considerable local demand.

Perhaps most of the valid complaints reaching the FCC involve the so-called fairness doctrine. This doctrine comes from the Communications Act, FCC regulations and decisions. The fairness doctrine provides that when broadcasters have programs about "controversial issues of public importance," they must treat those issues "fairly," providing an opportunity for the presentation of all points of view over their station. This does not, however, generally impose upon the broadcaster the obligation to give air time to any specific individual who requests it. (The "equal time" doctrine is limited to candidates for office and is described in another FCC pamphlet. The "personal attack" rules govern, as the name suggests, the obligations imposed upon a broadcaster who launches a personal attack upon an individual.)

The fairness doctrine was recently extended to cigarette commercials through the single-handed efforts of a young lawyer in New York, John Banzhaf. He has now brought a license revocation proceeding against NBC-owned WNBC-TV on the ground it has not complied with the FCC's order to balance cigarette commercials with warnings against cigarette smoking. A citizens' group in Madison, Wisconsin, has taken similar action and the American Cancer Society is pressing complaints about the excessive number of on-camera personalities who smoke.

Sometimes complaints allege a disproportionate amount of "right-wing" programming. The Pennsylvania AFL-CIO and some 18 other local groups in Media, Pennsylvania, are contesting the license renewal of WXUR on this ground, among others. The case which established the "standing" of local groups involved charges of racially-biased programming by WLBT in Jackson, Mississippi. The United Church of Christ was the principal party in that case. The Anti-Defamation League has brought complaints about anti-Semitic programming.

Bear in mind the difference between what is now law and what may become law. The United Church of Christ changed the law to provide that local organizations do have standing. John Banzhaf extended the fairness doctrine to cover cigarette commercials.

Indeed, a labor union is, at the time of this writing, engaged in just such an attempt to expand the reach of the fairness doctrine. Local 880 of the Retail Store

Employee's Union is prosecuting a petition to deny renewal of the licenses of four radio stations in north-eastern Ohio because the stations have declined to carry the local's paid advertisements urging people not to shop at a department store currently involved in a strike. The local's lawyers have asked the FCC to rule that fairness requires the stations to carry the union's boycott messages, as long as the stations carry the department store's routine advertisements. Local 880 may or may not convince the Commission or the courts to accept this imaginative interpretation of the fairness doctrine. But the case is, in any event, an excellent example of how local and national organizations can use the law of the airwaves to better help radio and television serve their interests.

Another common area of complaints involves stations' local surveys and their community service. When a station applies for its license renewal, it must submit evidence of (1) its survey of local needs, and (2) its programming proposals in response to those needs. You may question the adequacy of that survey—or proposed programming. You may believe its proposed community service, and what is called "local live" (locally originated) programming fall below the requirements of your community. Again, it is important to remember that the FCC has not ruled that any particular individual has the right to air time on any issue he chooses. But if one or more organizations were to complain of a consistent pattern of

Local Information

Local stations are required to maintain in your community and make available to you in their "station file for local public inspection": all applications made to the Commission since May 13, 1965, including exhibits, letters, documents and amendments; all correspondence between applicant and Commission concerning the applications; ownership reports filed since May 13, 1965; and records of all requests for political broadcast time.

Check your local library for these materials:

—Annual Report of FCC to Congress (75 cents); can be ordered from Supt. of Documents, U.S. Gov't. Printing Office, Washington, D. C. 20402.

—"How to Combat Air Pollution," (50 cents); can be ordered from Institute for American Democracy, 1330 Mass. Ave., N.W., Washington, D. C. 20005.

—"Broadcasting Yearbook," (\$10, one volume, published annually), Broadcasting Publications, Inc., 1735 De Sales St., N.W., Washington, D. C. 20036.

—"Television Factbook," (\$25, 2 volumes, published annually), Television Digest, Inc., 2025 Eye St., N.W., Washington, D. C. 20006.

Free Materials

● "Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance," Public Notice of July 1, 1964;

● "Use of Broadcast Facilities by Candidates for Public Office," Public Notice of April 27, 1966; and

● "Personal Attack Rules," FCC 67-795, adopted July 5, 1967; all may be ordered from FCC, Washington, D. C. 20554.

● "How to Protect Citizen Rights in Television and Radio," available from Office of Communication, United Church of Christ, 289 Park Avenue South, New York, N. Y. 10010.

● The National Association of Broadcasters, an industry group formed by the broadcasters, is temporarily located at 1812 K Street, N.W., Washington, D. C. 20006. The NAB has established programming and advertising codes for the industry and can provide information about them upon request. The agreement to comply with the codes is voluntary on the part of each broadcast licensee.

rejection of legitimate spot announcements, news items and program ideas, it would raise a significant question of service of community needs.

At the present time, ultimate programming choices are left to the broadcast licensee—so long as he is reflecting the needs of your community, doing so fairly and otherwise complying with FCC regulations. There is, for example, no requirement that he carry network documentaries. The time for scheduling shows is up to him. Matters of taste, in movies or series shows, are of no present concern to the FCC—they are covered by industry codes and influenced by your letters to broadcasters and advertisers. (A new national group, the Television Improvement Society of America, has undertaken a project to write the FCC about violence in stations' programming in hopes of having an impact on license renewals.)

The "quality" (or existence) of children's programming is likewise a subject beyond the FCC's power or your presently-recognized legal rights. Of course, if there were petitions or other evidence of massive public dissatisfaction with a licensee's programming, that might be of some weight in evaluating a licensee's "record" at renewal time along with other violations that are covered by statute, regulations or the license renewal form.

Whatever the complaint, the more precise the evidence about it the better. Few of us have facilities for filming or videotaping objectionable television programming. But tape recorders are increasingly plentiful and make possible the best record of radio or even television programming when properly identified as to station, date and time. The preparation of

written "monitoring" analyses of programming is another common technique. When properly prepared, such records are evidence of such things as the carriage of a program, the number of commercials and public service announcements, the amount of local live programming and so forth.

There is no set form of monitoring reports and the amount of monitoring that must be done and its use as evidence are still being contested at the FCC by the United Church of Christ and other groups.

The commonsense rule is: The more information you have about the programming in question, the more likely you are to succeed. Monitoring takes a lot of manpower, but is little additional trouble for people who are watching or listening anyway and a valuable educational experience for anyone. It is an ideal project for students, committees of civic organizations or others of any age who are free to listen to radio and watch television.

General reports on broadcasting are hard to come by. Commissioner Cox and I prepared one as an illustrative case study at the time of the Oklahoma renewals: Cox and Johnson, "Broadcasting in America and the FCC's License Renewal Process: An Oklahoma Case Study" (June 1, 1968). "Philadelphia" (the

License Renewals

License renewals must be filed 90 days prior to expiration. Public comments or opposition should also be filed at that time, although they can be considered at any time prior to license renewal. All licenses expire on the same date within a given state. Forthcoming expiration dates include:

October 1, 1968: Arizona, Idaho, Nevada, New Mexico, Utah, Wyoming.

December 1, 1968: California.

February 1, 1969: Alaska, Guam, Hawaii, Oregon, Washington.

April 1, 1969: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

June 1, 1969: New Jersey, New York.

August 1, 1969: Delaware, Pennsylvania.

Where To Write

American Broadcasting Companies, Inc.
1330 Avenue of Americas, N. Y. C. 10019

Columbia Broadcasting System, Inc.
51 West 52nd St., N. Y. C. 10019

National Broadcasting Co.
30 Rockefeller Plaza, N. Y. C. 10020

Mutual Broadcasting Co.
135 West 50th St., N. Y. C. 10019

American Council for Better Broadcasts with
TACT, 17 West Main, Madison, Wis. 53703.

Anti-Defamation League
1640 Rhode Island Ave. N.W., Wash. D.C.,
20036

Institute for American Democracy, Inc.
1330 Mass. Ave. N. W., Wash. D.C. 20005

Television, Radio & Film Commission
The Methodist Church
475 Riverside Drive, N. Y. C. 10027

National Assn. for Better Broadcasting
373 Northwestern Ave., Los Angeles, Cal. 90004

National Audience Board, Inc.
152 East End Ave., N. Y. C. 10028

Television Improvement Society of America
1500 Mass. Ave., N. W., Wash. D.C. 20005

Office of Communication
United Church of Christ
289 Park Ave. South, N. Y. C. 10010

"cities magazine" for that city) ran an article (Greg Walter, "The Bonanza Machine") in its March 1968 issue summarizing the state of broadcast programming in the nation's fourth largest city. Others may do the same. Many citizens don't even know who owns their "local" stations—and are shocked when they find out. Much of this basic information can be put together from the reference books. Obviously, the preparation of such a city or statewide general factbook report would be a logical first project for any group seeking to participate in the FCC license renewal process.

If it is true that Americans get the kind of government they deserve, the same thing can be said for broadcast programming. The difference, of course, is that most of us know of our responsibility to vote for public officials. We don't know that we also have an obligation to express ourselves about programming and to participate in the license renewal process every three years.

I believe that everyone benefits from information about, and involvement in, this process—the station owner, who will gain more appreciative audiences; the federal government, which always gains from greater public participation in its processes; and, most important, you and your children, whose lives could be enriched beyond measure if broadcasting could be inched closer to its full potential.

UPI TV critic Rick DuBrow recently summed it up in a column reporting on current FCC cases involving the public:

"... [T]he public, aided by the inevitability of history, and rallying around issues that seem certain to require action, is learning to fight its own battles, even if accidentally so. It hardly seems planned. There is a fine irony of inevitable moral direction in all this because, after all, the airwaves belong, under the law, to the public."