

Whitehead hits 'quagmire' of control

Broadcasters react cautiously to fairness, de-regulation proposals

NEW YORK, Oct. 7—Broadcast industry executives have reacted cautiously to proposals by Clay T. Whitehead, director of President Nixon's Office of Telecommunications Policy, that the fairness doctrine be "abandoned" and that commercial radio be "de-regulated."

Stressing these were simply proposals with no legislation pending or "tucked in my back pocket that we are about to introduce," Mr. Whitehead told the International Radio & Television Society to "think about them, talk about them," because "bureaucratic standards don't work; in fact, they can't work."

Following the speech an NBC spokesman said, "We would support most" of Mr. Whitehead's "bold, innovative" proposals. But, he added, "they include some points that need further study and clarification." He declined to specify which points they were. An ABC official, who said "we will carefully consider" his suggestions, stated, "We share his

stated objectives of preserving a free broadcasting system and minimizing government control."

■ Referring to the fairness doctrine and other access mechanisms as "a quagmire of government program control," Mr. Whitehead suggested to the IRTS audience of about 500 tv, radio, CATV, agency and advertising execs that the doctrine be replaced by "an act of Congress that meets both the claim of individuals to use the nation's most important mass media and the claim of the public at large to adequate coverage of public issues."

Observing that the courts and not the Federal Communications Commission should enforce the right of access, Mr. Whitehead said, "Tv time should be available on a first-come, first-served basis, at non-discriminatory rates—but there must be no rate regulation."

Individuals should have "the right to speak on any matter,

whether it's to sell razor blades or urge an end to the war" and licensees shouldn't be held accountable for ad content, "beyond the need to guard against illegal material." However, he added, "deceptive product ads should be controlled at the source by the Federal Trade Commission."

He added that the 37-year-old Communications Act "isn't sacrosanct" and that "something more than that" is needed in broadcasting today.

■ Regarding the de-regulation of radio, Mr. Whitehead said he wrote to FCC Chairman Dean (Continued on Page 82)

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Burch this week to propose the setting up of "one or more large cities as de-regulatory test markets," where renewals wouldn't be reviewed "for programming or commercial practices, and the fairness doctrine would be suspended." He felt that "for most purposes, we should ultimately treat radio as we now treat magazines."

The Nixon appointee also joined the list of tv critics when he said, "You have created a successful business out of the air,

but your success is taking its toll. It's giving you viewership but not viewer satisfaction, public visibility but not public support."

After having cited some surveys indicating there is "wide public dissatisfaction" with tv entertainment and that "kids and teen agers are developing an immunity to your commercials," he added that the Action for Children's Television petition before the FCC drew 80,000 letters from parents this year and then asked, "Do you doubt that advertisers are questioning the effectiveness of tv as a sales medium?"

The OTP director also focused on station license renewal policy, proposing that "there should be a longer tv license period, with the license revocable for cause. And the FCC would invite or entertain competing applications only when a license is not renewed or is revoked." Although "the government would still have to be involved" to some degree, he said, "there would be no place for government-conceived program categories, percentages or formats." =