

## Out of the Blue (Book)

THE extent to which program control is on the minds of members of the FCC is reflected in two events last week—one an address by Comr. Robert T. Bartley in California, and the other the “dissenting” opinion of Comr. John C. Doerfer in the case involving the sale of WQAM Miami to Todd Storz’ Mid-Continent group.

These men, representing two-sevenths of the Commission, do not see eye-to-eye on the extent to which the FCC should go in reviewing program content. We are not disposed to go along all the way with either.

For example, Comr. Bartley accepts as legal gospel the dictum in the Frankfurter opinion in the Supreme Court’s Chain Broadcasting Case of a dozen years ago, that the FCC is not merely the supervisor of the traffic on the air but has the burden of determining “the composition of that traffic.” He is satisfied to reconcile that off-hand observation by one Supreme Court Justice with the anti-censorship provision of the law itself, on the ground that censorship is day-to-day control “in advance” of program content.

While there is much in Comr. Bartley’s speech with which most broadcasters will agree, there’s just enough bite in it to cause real concern. Would he vote for another “Blue Book” today? He indicates he might. His is a learned dissertation, covering virtually every example in which the courts and Congress appeared to delegate some degree of control over program content. But there are many notable examples of “hands off” expressions adhering tenaciously to the anti-censorship injunction of Congress.

Comr. Doerfer is “from Missouri.” He wants to be shown. He wants his colleagues to make up their minds. We concur in his view that the FCC should clear up the confusion. But to have ordered a hearing in the WQAM case would have been tantamount to denial of the sale since there was an Aug. 15 cut-off date.

Before the FCC recessed on July 19, there was heated discussion about its program jurisdiction. The case which prompted it—transfer of WQAM—because of the programming pattern of the Storz stations, was decided in favor of Storz 4-3. Mr. Bartley voted for the transfer; Mr. Doerfer against. The question of a possible “general investigation” of its authority was left for determination when the FCC reconvenes after its month’s vacation.

Mr. Bartley suggests that in the light of some “misunderstanding” as to the extent and nature of program control, the whole question of policy should be presented to Congress. Here we agree, particularly since the FCC seems to be split at least 4-3 and since Comr. Bartley, in the light of his speech, could well be the fourth vote the wrong way.

But this should be no superficial, spur-of-the-moment presentation to Congress. Fundamental national policy, vital to the welfare of radio and tv as free media, would be at stake. There should be careful, judicial preparation and consideration. And it should come in the relative calm of an off-election year.

## Moment of Silence

THE advocates of subscription television have been unusually quiet lately.

Maybe it’s because they have less and less to say.

Most of their old arguments are being weakened if not demolished by the evolution of commercial tv.

When NBC bought rights to the World Series for the next five years, one of the biggest talking points of the toll tv interests evaporated. The toll tv people had been saying they would tie up the World Series and other big sports events for their proposed box-office system.

The subscription people also used to say that only their system could provide enough money to obtain the release of good Hollywood movie product to tv. In the past year, hundreds of good feature films have been put on the commercial television market. One great film, “Richard III,” was given its first showing on commercial tv. It’s beginning to look as though the hard money of commercial television appeals more to Hollywood than the promissory notes of subscription television.

The general quality and quantity of commercial television programming this past season have been so remarkably good that it



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“J. P., I think we’ve got a commercial they won’t tune out!”

would be difficult for any toll tv spokesman to find a field of entertainment in which he could hope to promise better things than are now offered on free television. Indeed there is evidence that the public is overwhelmingly in favor of keeping the present system. The polls and public sampling reported in the NARTB’s new pamphlet, “Americans Speak Out for Free Tv,” show how little headway subscription advocates have made in advancing their proposal before the people.

So there is relative silence lately from the subscription camp.

But there is no guarantee of prolonged silence. We may expect the old arguments to be polished up and new ones to be invented. The fight to keep television free is not won, even though the chance of winning it is improving all the time.

## At Home: Politics

THERE are two sure bets about the political convention doings of the next three weeks—neither of them political.

One is that the work of nominating candidates for President, starting with the Democratic convention in Chicago next week and continuing with the Republican sessions in San Francisco a week later, will be witnessed and heard by more millions than ever before (some nose-counters with a mathematical bent say it’ll be more than have seen all other nominating conventions down to this time).

The other is that the networks which present these quadrennial dramas will lose money in doing it.

The mechanics of tv-radio coverage, like the tv-radio audience, are vast almost beyond description. Preparations have been under way for more than a year; in some cases almost two years. In all, more than 1,000 network people will be employed at the scene—and most of them will have to make the quick switch, along with equipment of fantastic tonnage, from Chicago to San Francisco virtually overnight. And scores of stations, as well as tv newsreel organizations and radio wire services, will have their own men on hand to provide independent or supplementary coverage.

What will be the result? American viewers and listeners—millions of them for the first time—will get an insight into fundamental political affairs of state such as would be impossible by any other means, including personal attendance. They will know more about candidates and party positions on basic issues than they could possibly learn in any other fashion. They will be equipped to go to the polls in November better informed than ever before. The networks will have taken a beating financially (their news and technical men, physically), but they will have put on one of the most mammoth “educational public service” programs conceivable—a thought which detractors of “commercial” programming would do well to keep in mind.