

their local broadcast and, in some cases, pay-cable television rights.

"It's a very severe problem that's facing baseball," said Jim Winters, director of broadcasting for the Cincinnati Reds. "There is no rhyme nor reason for an Atlanta Braves-San Diego Padres game to be coming into the Cincinnati market."

To ameliorate the situation, Ueberroth has been trying to persuade the teams that are carried by superstations—the Atlanta Braves, New York Mets, Chicago Cubs, New York Yankees and Texas Rangers—to compensate the other 21 clubs for the alleged damages.

Brian Burns, MLB's director of broadcasting, was reluctant to discuss the status of negotiations with any of the superstation teams. MLB has struck a deal with at least one of the teams, he said. "Beyond that I will

remain silent as to who and why and so on and so forth until everything is done."

Burns said he was "fairly confident" that all the deals would be wrapped up by the start of the season in April. "I wish they were now."

The Yankees, Cubs and Mets acknowledge that they are talking, but little more. Chuck Morgan, director of sales and broadcasting for the Texas Rangers, said their negotiations with the commissioner have been deferred until the other team owners decide whether to allow Gaylord Broadcasting to buy a minority interest in the Rangers. The American League owners have already rejected Gaylord's proposal once.

According to one source, the Yankees, which are televised by superstation WPIX(TV) New York, have also come to terms on an agreement similar to TBS's. On the other

hand, the source said, the Cubs, which are carried by superstation WGN-TV have been recalcitrant.

"We are in the discussion stage," said Jim Dowdle, president of Tribune Broadcasting Co., owner of the Cubs and WGN-TV, "and hope to conclude something in 30 to 60 days."

But Dowdle made clear that he doesn't like the idea of Tribune's being lumped in with TBS. "The difference between WGN-TV and WTBS is tremendous," he said. "I don't think all the people in baseball are aware of that difference." Unlike WTBS's, he said, WGN-TV's advertising rates do not take into account its national cable audience. "We do not sell that audience and that is a big, big difference."

Nobody seems to think that Ueberroth's compensation plan is the perfect solution

## The way we were

As fate would have it, the senior counsel of the Senate Commerce Committee, Ward White, and the chief counsel of the House Telecommunications Subcommittee, David Aylward, resigned with the beginning of the 99th Congress. BROADCASTING seized the occasion to talk with these two major players behind the legislative scene and to divine their reflections on the battles they fought, the victories they won and the great gray areas in between.

### Ward White: the view from the Senate

As senior counsel to the Senate Commerce Committee for the past 13 years Ward White has played an instrumental role in shaping U.S. telecommunications legislation. Last week, White left Capitol Hill to enter the private sector as vice president for government and public affairs at the U.S. Telephone Association. In parting, he shared with BROADCASTING some of the legislative high and lows of the last decade-plus, as well as some thoughts about the Fifth Estate and its relationship with the Congress.

In White's view, the tenor of congressional interest in communications issues began to change in 1976. The impetus, he said, occurred when AT&T and the telephone industry went to the Hill in defense of their turf against new competition. Members began talking about how to respond to the "changing environment brought about partly by the courts and partly by the FCC and as a result of the changing technologies." It was a turning point, he said.

For the most part, White continued, Congress has been occupied primarily with oversight activities, although it placed some emphasis on children's programming and the effect of violence on television. In 1979, communications issues came to the forefront largely because of the interests of the chairman of the Senate Commerce Committee—at that time Ernest Hollings (D-S.C.)—as

well as the emergence of Arizona Senator Barry Goldwater as ranking Republican on the Communications Subcommittee and Oregon Senator Packwood as ranking Republican on the full committee.

That year, Goldwater, in conjunction with former Senator Harrison Schmitt (R-N.M.), began focusing on a rewrite of the 1934 Communications Act. White cited the introduction by the Commerce Committee Republicans of S. 621 and Hollings's version of the bill, S. 622. Hearings with over 150 witnesses were held on those omnibus measures, which included common carrier, broadcast and cable deregulation. Toward the end of the 96th Congress both sides basically concurred on a compromise proposal, but a markup was never held—primarily because of differences over common carrier provisions, White explained.

Then, in 1981, the Republicans gained control of the Senate and a different tack was taken, White said. They abandoned the omnibus approach to legislation and instead introduced a series of deregulatory measures. This is when things really began to pick up. White, who had previously been counsel to the minority, was fast becoming an influential voice among staffers on communications policy. And the first major piece of broadcasting legislation in years was adopted by the Congress when Packwood and others attached the legislation to a budget reconciliation package in an effort to expedite its passage. "After a rather difficult conference with the House we were able to obtaining longer broadcast license terms [increased from three years to five for television and from three to seven for radio]

and provided the FCC with the authority to hold lotteries," he said. For White, passage of the reconciliation bill was a high point in his career. "It was an important step, because there hadn't been any broad changes in the broadcast law for so many years."

Another milestone was passage of the Cable Communications Policy Act of 1984. The final product, however, was markedly different from S. 66, the bill passed by the Senate.

"I am sorry it departed from some of the deregulatory provisions in the Senate bill," White said. He believed the bill "became in the legislative process, much more complicated and will be more difficult to implement. The general approach of the Senate is to write broader legislation and the House tends to be more narrow in its focus of the issues; it therefore was a compromise."

But despite the absence of some Senate provisions, the bill was a "real win" for the cable industry, he said. "The importance of the cable bill is in having an established policy. The issues that have been fought in isolated cases, in the past, will be better answered by this legislation than if they had not passed a bill. It gives them more certainty, not only in renewals but in just the way they deal with the cities, franchise authorities and the FCC." He credits passage of the cable bill to the combined efforts of Packwood, Goldwater, House Telecommunications Chairman Tim Wirth (D-Colo.), Energy and Commerce Committee Chairman John Dingell (D-Mich.), Senator Orrin Hatch (R-Utah) and Representative Mickey Leland (D-Tex.).

White also revealed his view of the rela-