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BROADCAST DAILY ARTICLE

Much has already been said about the year, 1984, and about George Orwell's dire warnings of what could happen if government were permitted to run rampant. Those who view Orwell's book as prediction instead of warning can afford to breathe a sigh of relief, at least in the Western World. Government, while often more intrusive than necessary, is hardly pervasive in every waking moment of our lives.

It is ironic that the current administration is philosophically about as far removed from the Orwellian scenario as can be imagined and that it has declared its mission to remove the heavy hand of government from our lives. Much has already been done, of course, in removing regulation from various industries, including broadcasting.

The irony would be complete if 1984 were to be the year that would see repeal of statutes which have imposed second-class First Amendment status on the electronic media for many years. Repeal of Section 315 and Section 312 (a)(7) of the Communications Act of 1934 would signal that Orwell's warnings have been heeded and that the First Amendment is alive and well in the media most Americans say they rely upon most in keeping themselves informed about the world around them.

I am the last to say there will be no abuses by the electronic media (as with print media) should content regulation be removed. In fact, I believe there are serious abuses under the current scheme. For example, I don't believe that this country, or any country for that matter, can fight "living room" wars. I also believe that some actions of government, particularly in dealing with other nations, are not subject to full disclosure and media analysis during sensitive negotiations. I believe that the press, including the electronic "press," has often abused its privileged position in our society. An open society invites such abuse, however, and I believe that such a society is infinitely superior to any alternative. And, an important part of an open society is a free press.

Much has been written over the past several years about the large and growing number of delivery systems for video programming. In addition to the long-established systems of broadcasting and cable, video tape and video disc are now being joined by multi-channel Multipoint Distribution Systems (MDS) and by Direct Broadcast Satellites, both the high-power and lower-power versions. Techniques are being perfected which promise to provide up to four simultaneous video programs per 6 MHz channel. Increasingly, the question raised by those who would undertake these newer video delivery systems is: "Where will I get programming that will generate sufficient interest to support a quality service and produce a profit?"

While established broadcasters and cable operators might look upon these new delivery systems with some trepidation, they should also look upon them as an opportunity. With all of these new competitors, potential competitors, and expanding technologies, the time is ripe for a successful push to achieve full First Amendment rights for all video delivery systems. It would naturally follow, in my opinion, that such rights for all electronic media be quickly granted.

Second-class status for the electronic media has been grounded upon the argument that a "scarcity" of available channels for video delivery required that the government insist upon balance, fairness, equal opportunity and access. No such government oversight has been imposed upon newspapers and magazines because, it is argued, there is no limit on the numbers of such printed publications. This argument was specious from the beginning, but at no time has it been more ludicrous than now. While many major metropolitan areas are fighting to save a second daily newspaper, no such area is without many terrestrial television stations. And, with the advent of the new technologies, including low-power television, much more video service will be available to virtually everyone.

Those who press for more and continued regulation often attempt to shift their argument to note that mere numbers of broadcasting stations versus newspapers are not important. The point, they say, is that not every citizen who wants to operate a broadcasting station can have one. In fact, not everyone who wants to publish a newspaper or magazine can do so. Someone without adequate resources, talent and expertise is unlikely to launch a successful publishing venture although he has every "right" to try. With the proliferation of electronic media, he also has that right to launch a video service with a similar chance to succeed or to fail based upon the entrepreneurial talents he brings to the venture.

The fact is, as it has always been, the electronic media find themselves subject to various oversight and restrictions not because of "scarcity" but simply because a long time ago a regulatory mechanism was established that was necessary for other purposes. The need to allocate and police spectrum assignments opened the way for all kinds of mischief not visited upon the print media.

Senator Bob Packwood is leading an effort on Capitol Hill to eliminate the discriminatory treatment afforded the electronic media. Chairman Mark Fowler of the FCC has been an active proponent of First Amendment freedom for the electronic media on the "print model." I have long been an advocate of removing the requirements imposed upon the broadcasting industry by Sections 315 and 312 (a)(7) and the "Fairness Doctrine." But, it's vitally important that Senator Packwood have the support of both the broadcasting industry as it now exists and as it will exist with the introduction of the new delivery systems. It is also gratifying to acknowledge that the newspaper industry has begun to realize that Freedom of the Press is ultimately not divisible. It's not something that newspapers have and that the electronic media want, so much as a concept which will ultimately be viable for all media...or for none.

Satellite distribution, computerized typesetting and transmission, and a whole host of electronic technology which is being introduced in the newspaper business threaten the easy distinctions between print and electronic media. With the advent of teletext or similar technology, there may remain no reasonable way to maintain any regulatory distinction at all. Thus, thoughtful newspaper people have already joined their electronic counterparts in urging full First Amendment freedom for all.

Full freedom of the press and of speech is not being urged only for the benefit of the electronic media. Such freedom was contemplated by our founding fathers as a benefit to the nation at large. The principal architect of the First Amendment, Thomas Jefferson, was not unaware of abuses which could result from granting press freedom. The victim of many scurrilous attacks by newspapers, he wrote in 1807: "Perhaps an editor might begin a reformation in such a way as this. Divide his paper into four chapters, heading the 1st, Truths. 2nd, Probabilities. 3rd, Possibilities. 4th, Lies. The first chapter would be very short." Yet, sixteen years later, he wrote to Marquis de Lafayette: "The only security at all is in a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary to keep the waters pure."

Jefferson even anticipated those who would argue that government requirements of fairness, access, etcetera only enhance the goals of the Constitution and thus do not detract from press freedom. He said: "It is error alone which needs the support of government. Truth can stand by itself."