

FM, KOIL-AM-FM Omaha and KISN Vancouver.

The applications had been set for hearing on Dec. 15, 1970, on issues that involved allegations of violations of the equal-time and fairness-doctrine obligations, of a contribution to Senator (then Governor) Mark Hatfield of Oregon, in violation of the Corrupt Practices Act, of efforts to harass witnesses, and of misleading the public regarding broadcast contests, among others.

Judge Naumowicz concluded that, in addition to the matters involving Senator Hartke, two of WIFE's contests were rigged, and a witness was harassed by a Star vice president.

But on most issues, he said, "the ultimate conclusion has been that the charge has been unsubstantiated. Conjecture, suspicion and speculation have been substituted for fact." He added that the commission's Broadcast Bureau was "forced to rely on certain witnesses who were confused or plainly deceitful. The substantial lapse of time between events and the hearing thereon has blurred the memories of honest witnesses to the point that their testimony was too vague or too much in conflict with that of other equally sincere witnesses to permit any firm finding."

The allegation that Mr. Burden donated \$1,000 to Senator Hatfield in 1966 was based entirely on the testimony of Dorothy Storz, then the bookkeeper of the Star stations. Judge Naumowicz said Senator Hatfield and the staff aide who signed for the envelope supposedly containing the cash in corporate funds denied the receipt of such a transaction, as Mr. Burden giving it.

In evaluating the competing applications of WIFE and Indianapolis Broadcasting Inc., Judge Naumowicz said the choice between them would be close but for WIFE's performance in the 1964 election. IBI, he said, deserves "a clear" but "not substantial preference" on the diversification-of-ownership-of-mass-media issue; none of the IBI principals has any meaningful interest in other media. And while IBI's showing as to the kind of service it would provide "is no better than adequate," WIFE's past broadcast record "cannot be characterized as other than average."

Aim of re-regulation: freeing broadcasters to do better jobs

FCC Commissioner Richard E. Wiley, who for months has been giving broadcasters the good news about the commission's re-regulation policy, last week dispensed some bad—or at least sobering.

The commission's policy, he told the South Carolina Broadcasters Association, meeting in Columbia, is designed to assist broadcasters to meet the legitimate needs of the nation's citizens. But if broadcasters regard it as "an invitation to sloth, greed and consuming self-interest," they will be inviting trouble.

"If re-regulation, and concomitantly

greater freedom of action for the individual licensee, brings about poorer service to your listening and viewing public," he said, "the result inevitably will be—some day—a different commission, a different administrative attitude and, as sure as night follows day, a different and far more restrictive scheme of regulation.

"And frankly, you would deserve it."

The commissioner, who heads the commission's re-regulation task force, expressed confidence that broadcasters will act responsibly. "My belief in this regard begins with the premise that, despite all of its alleged faults and imperfections and despite all of current rhetoric to the contrary, our system of broadcasting is still far and away the best in the world. And I would suggest that the genius of that system lies not in government dictation and control but in private ownership and private initiative."

Coal miners, vegetarians, AIM and Martin-Trigona all lose fairness cases

In separate rulings, FCC rejects their appeals for reply time

A Charleston, W. Va., public-interest law firm's fairness-doctrine complaint against a state-operated radio network's presentation of institutional advertising for the coal-mining industry has been denied by the FCC. The commission's action highlighted a busy week for the agency in passing judgment on several unrelated fairness cases.

The commission's action on the coal-mining spots affirmed a December 1971 Broadcast Bureau ruling dismissing a complaint by the Appalachian Research and Defense Fund Inc. against the Mountaineer Sports Network, an arm of the state-owned University of West Virginia, Morgantown. The complaint alleged that spots placed on the network, which feeds university sports events coverage to 25 radio stations, by the West Virginia Coal Association presented only the mine owners' side of the controversial issue of mine safety. The complaint was filed on behalf of four mine workers' organizations. It sought free time on the network to offer rebuttal to the spots' contention that coal, West Virginia's economy, and safety are inseparable.

The commission refused to accept the law firm's argument that its complaint should be accepted on the basis of a 1968 FCC decision, which declared that networks are responsible for fairness obligations incurred in the programming they feed to their affiliates. The commission said the immediate case does not fall under this precedent because the 1968 decision applied to the three commercial TV networks, which own and operate affiliated stations that carry their programming. The commission agreed with the Broadcast Bureau's conclusion that a forced presentation of response time on the Mountaineer network would place an undue burden on the network's limited commercial time.

In another action, FCC Complaints

and Compliance Division Chief William B. Ray dismissed two separate fairness complaints by Accuracy in Media Inc. against public broadcasting's treatment of Southeast Asia issues—one directed against the National Public Affairs Center for Television and the Public Broadcasting Service, and the other against non-commercial WNET-TV New York. AIM claimed that the NPACT-produced program, *Special Report: The President in Vietnam*, which was carried by PBS last April, presented a biased, antiadministration viewpoint of the Vietnam conflict that was not balanced out by countering commentary. It asked that NPACT be required to produce another program embodying the administration's position on the issue. The complaint against WNET-TV concerned the May 1972 program, *Free Time*, which AIM claimed presented a "completely unbalanced and violent assault" on the President's Vietnam policies. A second WNET-TV program, also broadcast in May, featuring antiwar activists Jane Fonda and Tom Hayden was also named in the complaint.

Responding to both complaints, Mr. Ray concluded that PBS and WNET-TV had given balanced commentary on the Vietnam issue in their general programming. He noted that the fairness doctrine does not require that a particular issue be balanced equally within a given program.

Mr. Ray also referred to a commission action last month, in which it asked for comments on its authority to enforce congressional standards for objectivity on the Corporation for Public Broadcasting (BROADCASTING, Jan. 29). In that action the commission said it could not determine Congress's intent in writing the objectivity standards into the Public Broadcasting Act. Mr. Ray emphasized that action in rejecting AIM's request

More bills. A total of 63 license-renewal bills have now been introduced in the 93d Congress. The latest additions to the list are: H.R. 4148 by Gus Yatron (D-Pa.), S. 822 by Clifford Hansen (R-Wyo.) and Gale McGee (D-Wyo.), S. 844 by William Scott (R-Va.) and S. 849 by Ernest Hollings (D-S.C.).

There also have been additional newsmen's-privilege bills offered in the House. The measures are: H.R. 3964 by Paul Findley (R-Ill.), H.R. 3975 by Robert Glaimo (D-Conn.), H.R. 4020 by Dawson Mathis (D-Ga.), H.R. 4035 by Donald Mitchell (R-N.Y.), H.R. 4135 by Charles Whalen Jr. (R-Ohio) and five co-sponsors and H.R. 4275 by Edward Patten (D-N.J.).

In other broadcast-related legislation, H.R. 4065, introduced by Benjamin Rosenthal (D-N.Y.), Robert Roe (D-N.J.) and Patricia Schroeder (D-Colo.), would establish an Office of Consumer Affairs in the Executive branch and an independent Consumer Protection Agency to represent interests of consumer before government agencies.