crossownerships would be unduly disruptive—to a degree that would outweigh any public interest benefits that might be realized.

But in presenting its argument in support of the rule it did adopt, the commission said, "It was unrealistic to expect true diversity from a commonly owned station-newspaper combination. The divergency of their viewpoints cannot be expected to be the same as if they were antagonistically run."

Under the new rule, newspaper-television acquisitions will be barred if the television station puts a Grade A signal over the community in which the newspaper is published. And the rule requires divestiture by Jan. 1, 1980, if the only daily newspaper and only television station placing a city-grade signal over the community are commonly owned. The stations affected are WHMA-TV Anniston, Ala.; WALB-TV Albany, Ga.; KGLO-TV Mason City, Iowa; WTOK-TV Meridian, Miss.; WWNY-TV Watertown, N.Y.; KTAL-TV Texarkana, Tex.; and WHIS-TV Bluefield, W. Va.

As for radio, the rule prohibits newspaper-radio acquisition if an AM station puts a 2mV/m contour, an FM a 1mV/m contour over the community involved. Divestiture is required in those situations where the only newspaper and the only station putting a city-grade signal over the community in the daytime are under common ownership. The stations affected by the divestiture rule are KXAR(AM) Hope, Ark.; WCRA-AM-FM Effingham and WKAI-AM-FM Macomb, both Illinois; KSOK(AM) Arkansas City, Kan.; WOAP-AM-FM Owosso, Mich.; WJAG-AM-FM Norfolk, Neb.; WFIN-AM-FM Findlay, Ohio.; WCED-AM-FM DuBois, Pa., and WCLO(AM) and WJVL(FM), both Janesville, Wis.

Owners of the newspaper-radio combination may satisfy the divestiture requirement by selling any part of it.

The commission indicated it was not determined to break up even those situations it felt constituted media monopolies. It invited petitions for waivers, and suggested the grounds it would consider, including a contention that it was not economically feasible to operate the station involved and the newspaper separately.

One question not quite nailed down even at the time that the commission issued its announcement of the action was the effective date of the prospective rules. However, it seemed certain that the rule would affect all transfers and assignments and new applications not yet approved by the time it becomes effective. That would mean that the proposed transfer of the *Washington Star-News* to Texas banker Joe L. Albritton—which includes WMAL-AM-FM-TV Washington—would be affected. However, the applicants have already asked for a waiver of the new rule if that were necessary.

Even though the rules did not go as far as the commission had originally proposed—or perhaps because they did not—the commission's order was accompanied by a flock of separate opinions, some of which were still being prepared at midweek. The only member sufficiently satisfied with the result of the commission's labor to let it speak for him was Chairman Richard E. Wiley.

Commissioner Robinson was the only commissioner who supported across-the-board divestiture—and in the case of newspaper-radio as well as newspaper-television combinations. As a minimum, he said, in a 43 page statement, the commission should require divestiture in cases where the station and the newspaper together control 30% of their respective markets.

His concern is with what he says is the dominance of newspapers, radio and television in transmitting information to the public. "Such evidence as we have," he said, "corroborates the intuition that television, newspaper and radio are the dominant sources of information. On this conclusion, I believe we are amply justified in striving for diversification of control of these media within the same geographic market."

Commissioner Robinson found unacceptable the majority's unwillingness to accept as a standard for divestiture the same standard it uses in barring the creation of new newspaper-broadcast combinations. "If divestiture is warranted at all—and I think it is—I do not see how it can be confined to a bare handful of small markets in which there is a monopoly," he said.

Commissioner Robinson based his argument for divestiture on the argument the National Association of Broadcasters had made at the oral argument on the proceeding: "a prospective ban would be purely academic." "While I am loath to equate the term 'academic' with meaningless,' " the commissioner, a former law professor, said, "I agree with its conclusion."

Among those commissioners whose concurring opinions were ready for release by midweek, Abbott Washburn expressed concern about the divestitures involving newspaper-radio combinations in the nine small communities. "In my judgment," he said, "none of these situations amounts to an undue concentration of local 'opinion power' akin to the newspaper-television monopoly crossownerships." His chief concern, he added, "stems from the possible economic disruption which our action may inflict on the small communities involved, particularly on those seven with populations under 20,000"—all but Janesville, Wis., and Findlay, Ohio.

Commissioner James H. Quello issued a statement reflecting doubt as to whether the commission's action "goes far enough" in at least one respect—that part of the order dealing with the separation of activities of commonly owned broadcast and newspaper operations. The order endorses the suggestion that commonly owned media employ separate news, editorial and advertising staffs, but it stops far short of requiring such separation. Commissioner Quello said the language should be cast in the form of commission policy—as a rule "if First Amendment considerations permit it."

The primarily prospective nature of the rules enabled Commissioner Robert E. Lee to vote for them. He said in his statement that a breakup of newspaper-television combinations would result in "the demise of many newspapers throughout the United States." And he welcomed the support the order gives his view that newspaper ownership should not weigh heavily against a renewal applicant in a comparative hearing. "To permit restructuring at renewal time would enable to be done indirectly what the commission has refused to do directly," he said.

Commissioner Charlotte Reid said she concurred "only reluctantly" in the majority's decision to break up the 16 newspaper-television and newspaper-radio combinations. Many of the media involved could not have existed except for the crossownership, she said.

However, she noted that "the affected parties still have the opportunity to seek waivers of our divestiture requirement." And, she said, reflecting the views of many, inside the commission and out, "I am certain that this will not be the last that we hear of this issue, either before the commission or in the courts."

FCC will meet resistance on divestitures

What do you say when the FCC says you are a media monopolist and must give up your newspaper or your radio or television station?

If you're James Gray, president and chairman of the board of Gray Communications Inc., as well as mayor of Albany, Ga., you might call the commission's action "capricious and highly discriminatory." Or, if you're the owner of a combination that has already received nationwide publicity as a classic example of a media monopoly, you might button up and say you want to read the commission's order before you comment. But, more than likely, you will indicate that, if there is justice in the world, your petition for a waiver of the divestiture rule will be granted. At least, those were the kinds of response a check of most of those affected by the commission's new divestiture rules elicited last week.

Mr. Gray, whose Gray Communications Inc. owns both WALB-TV Albany and the *Albany Herald*, was the most bitter. His statement, published in the newspaper on Wednesday, did not stop at calling the order "capricious and highly discriminatory if not downright foolish." It said that "after 20 years of service, at the beginning of which newspapers were urged to undertake the development of television for the public good, the FCC now says that such investment of energy, money and time is of little account." It also said the order constitutes "an abridgment of constitutional rights as well as a punitive move against private business."

Maybe it's because the Daily Telegraph Printing Co. and its ownership of the only newspaper, the only television station and the only AM and FM stations (WHIS-AM-FM-TV) in Bluefield, W.Va., received national attention in the