Singled out. There were 16 combinations ordered broken up in the FCC crossownership rules that were issued in January 1975.

The television stations affected: WHMA-TV Anniston, Ala. *(Anniston Star);* WALB-TV Albany, Ga. *(Albany Herald);* KIMT(TV) Mason City, Iowa *(Mason City Globe-Gazette);* WTOK-TV Meridian, Miss. *(Meridian Star);* WWNY-TV Watertown, N.Y. *(Watertown Daily Times);* KTAL-TV Texarkana, Tex. *(Texarkana Gazette-News),* and WHIS-TV Bluefield, W.Va. *(Bluefield Daily Telegraph).*

The radio stations: KXAR(AM) Hope, Ark. *(Hope Star);* WCRA-AM-FM Effingham Ill. *(Effingham News);* WKAI-AM-FM Macomb, Ill. *(Macomb Daily Journal),* ; KSOK(AM) Arkansas City, Kan. *(Arkansas City Traveler);* WOAP-AM-FM Owosso, Mich. *(Owosso Argus Press);* WJAG-AM-FM Norfolk, Neb. (*Norfolk Daily News*); WFIN(AM)-WHMO(FM) Findlay, Ohio *(Findlay Courier);* WCED-AM-FM DuBois, Pa. *(DuBois Courier Express),* and WCLO(AM)-WJVL(FM) Janesville, Wis. *(Janesville Gazette).*

Over the past three years, the list was reduced to 13, as the *Hope Star* sold KXAR(AM) and new radio stations began operating in or near Janesville and DuBois. Pending before the commission are pleadings alleging changes in circumstances that would also remove KTAL-TV, WFIN(AM)-WHMO(FM) and WTOK-TV.

still believe that those owners in the smaller markets with multiple holdings that now must presumably divest are being treated unfairly."

The American Newspaper Publishers Association expressed a similar view. Jerry W. Friedheim, ANPA general manager, issued a statement expressing pleasure over the reversal of the appellate court's order that would have required the breakup of all co-located newspaper-broadcast combinations, and "distress" over the decision to let stand the commission's order regarding the "egregrious" cases. He also said ANPA is deeply disappointed by the decision to affirm the propsective ban.

Although lawyers for the newspaper and broadcasting industries saw their efforts fall short of their stated goals, none seemed particularly disappointed over the outcome. Lee Loevinger, the former FCC commissioner who represented the NAB in the proceeding, said that while the opinion was a letdown in some respects, he thought it was "rational," and one that was "significant" for the court's apparent effort "to deal with the problems in a calm manner." He said this was in contrast to the appeals court's decision, which he said was marked by a "strident" tone.

However, Mr. Loevinger noted that while this particular case is settled, the issue posed by crossownership is not. "We're just moving back to normal confusion," he said.

And Nicholas Johnson, the former FCC commissioner who heads NCCB, said last week that citizen groups will resort to the petition to deny. They will, he said, engage in a kind of "guerrilla warfare" against commonly owned broadcast properties. An across-the-board ruling would have been preferable, he said. "But if the court says we have to do it this way, we will." And in what seemed an effort to underline his warning, he said "If I were counseling common owners, I'd counsel them to swap."

But if the owners of crossowned stations can look forward to the future with somewhat more confidence than they could in the 15 months since the appeals court's decision, broadcast industry representatives see the opinion as a defeat in efforts to obtain greater First Amendment status for broadcasting. This is one of the disappointments to which Mr. Loevinger referred.

Justice Marshall distinguished broadcasting from the print media in stating: "Efforts to enhance the volume and quality of coverage of public issues through regulation of broadcasting may be permissible where similar efforts to regulate the print media would not be." Furthermore, Justice Marshall said, the commission's rules do not require a newspaper owner to "forfeit anything in order to acquire a license for a station located in another community."

But if those passages troubled media lawyers, they provided encouragement for Mr. Johnson. He also drew support from a section of the opinion in which the court distinguished newspapers and television from magazines and television from radio in terms of their influence as sources of local news.

Van Deerlin-Frey togetherness stops short of license fee

While that proposed rewrite of Communications Act was joint venture, they differ on purpose to be served by levy; Mr. Frey would allot only leftovers, not main fund, to public broadcasting

The Communications Act rewrite was a 50-50 proposition between House Communications Subcommittee Chairman Lionel Van Deerlin (D-Calif.) and subcommittee ranking Republican Lou Frey (Fla.), but although they agreed on the final working of the bill, on at least one major provision they have not found the middle ground.

Mr. Frey, in a conversation last week, made it clear that his view of the proposed license fee is not as expansive as Mr. Van Deerlin's. The latter looks at the fee as a way to fully fund the proposed Communications Regulatory Commission, the government's share for public broadcasting programing, and loans to stimulate minority ownership in broadcasting and the expansion of rural telecommunications.

But Mr. Frey said last week he sees it as a way to pay the commission's bills. And he stopped at that. If there is money left to spend on the other programs, "fine."

Mr. Van Deerlin has estimated that if the fee were in effect now, about $350 million would go to the programs he envisions: about $50 million for the CRC, $200 million for the proposed Public Telecommunications Programing Endowment, and roughly $100 million together for the minority ownership and rural telecommunications funds (the total assumes that all fee payers would be paying the entire fee, whereas in practice the bill provides fees be phased in gradually over 10 years). Mr. Van Deerlin added last week that in setting the fee scales for broadcasters, consideration will be given to the amount of proceeds they are intended to produce.

Mr. Frey, who is not a great fan of public broadcasting, said on the other hand that the fee will not be based on the needs of the programs that will receive it. "We're not going to look at the requirements for public TV . . . and then adjust the formula to it," he said.

The congressman said he does not "feel as strongly about [the fee] as other people," and continues to have misgivings about using the money for public broadcasting. Part of this misgiving is his concern that people will perceive the measure as taking money from the rich commercial broadcasters and giving it to the poor public broadcasters—a sort of Robin Hood principle. "I wouldn't support a bill that had that," and this one does not, he said. He took credit for seeing that the bill goes no further than to promise the other programs the "remaining" fees after the CRC's bills are paid.

An early draft of the rewrite went as far as to include a fee schedule for broadcasters and other spectrum users. But that section was deleted, Mr. Frey said, also at his urging. "We haven't had testimony on this, and I think we need it," he said.

Mr. Frey was anxious to convey that the rewrite was a joint project, the result of vigorous interplay of ideas between him and Mr. Van Deerlin and between their respective staff members. The staff members refer to the give-and-take as "an emotionally draining" process, akin to "being in the trenches" or sitting through a poker game that went on for weeks. "It wasn't just the staff under [subcommittee counsel] Chip Shooshan doing it," Mr. Frey said.

At certain times Mr. Frey and Mr. Van Deerlin butted heads, he said, while at others, he and Mr. Van Deerlin were together but the staff couldn't agree. The result, in Mr. Frey's opinion, is a balanced bill.

Are broadcasters justified in sus-