

TELEVISION Can children get more educational programming without help from the F.C.C.?

WHEN Disney offered \$19 billion for Capital Cities/ABC, a major asset cited was the outlet that ABC could provide for Disney's children's programming.

The Fox Children's Network, a fixture on weekday afternoons and Saturday mornings, pulls in more than \$200 million a year in advertising revenue for its cartoons and action-adventure series.

And last week Nickelodeon — the cable network already viewed as an industry marvel for the way it milks money from toys, theme parks, traveling shows, magazines and other merchandise based on its shows — announced a deal to install Nickelodeon "Toy Factory" sales departments in every Toys "R" Us store.

Meanwhile, PBS will introduce only one new children's series this fall. Moreover, the Children's Television Workshop stopped producing new episodes of the inventive, educational and highly popular PBS show "Ghostwriter" for lack of financing.

Is there something wrong with this picture?

Reed E. Hundt thinks so. The chairman of the Federal Communications Commission has been speaking out more stridently than ever recently in favor of specific F.C.C. regulations requiring broadcasters to produce a certain number of hours of educational programming for children as a condition for keeping their licenses.

"It's time to abandon the fiction that asking the broadcasters to do better on a volunteer basis has any chance of producing the desired results," he said in a speech on Thursday, his third speech on the subject in a week.

Mr. Hundt is not suggesting that the Government tell Fox it cannot show "Mighty Morphin Power Rangers" and must instead underwrite "Ghostwriter." Nor is he necessarily saying that Fox, ABC, CBS or NBC individually must produce a certain number of educational shows, much as he might love to see them do so.

But he says his office has been flooded with letters and E-mail from parents concerned about the vulgarity and violence on television, especially in the daytime talk shows and in the earlier hours of prime time. Mr. Hundt says that the law requires broadcasters to insure that alternatives exist for those families and that someone out there, whether at a network, at PBS or independently, gets the financing to produce quality programs for children.

The legal obligation is twofold. As a condition of their licenses to use the public airwaves, television and radio stations are supposed to serve "the public interest, convenience and necessity." Also, the Children's Television Act of 1990 specifically directed the F.C.C. to make sure broadcasters increased the amount of children's "educational and informational" programming.

But the act did not define "educational and informational" programming, nor did it specify the number of hours that constituted an increase. Congress and the F.C.C. left this to the industry. Making a mockery of self-regulation, many stations counted ordinary cartoon shows or sitcoms toward their obligation, or did not bother reporting to the F.C.C. at all.



Paul Hasefros/The New York Times

Reed E. Hundt of the F.C.C.

So Mr. Hundt now proposes requiring each station to provide a minimum of three hours a week of such programming — either on its own, or by financing programming on other stations.

At least two of the F.C.C.'s five commissioners oppose setting a specific hour target, saying it would violate broadcasters' First Amendment rights. Mr. Hundt, a lawyer, calls that "a red herring." He and Susan Ness, a commissioner, favor such a quantitative requirement. Another commissioner, Rachelle Chong, is undecided.

In four speeches in the last month, Mr. Hundt used harsh language to castigate broadcasters and his own agency alike.

He bemoaned the F.C.C.'s "long and undistinguished history of failing to apply responsibly its mandate to make sure broadcasters use the airwaves to serve the public." He also criticized ABC for canceling one of its two educational programs, a show called "Cro," which actually got good ratings, and replacing it with a cartoon adaptation of the Jim Carrey movie "Dumb & Dumber."

Mr. Hundt said he sympathized with the broadcasters' argument that "it takes serious time, money and commitment to program children's educational television" and that "it's easier and more profitable to do almost anything else."

That is why he wants the F.C.C. to play the heavy. "As long as the F.C.C. does not ask all broadcasters to deliver concrete, specific, public-interest services," he said Thursday, "in the heat of competition no single broadcaster can afford to do anything less commercial than the next broadcaster."

Miss Chong, a Republican commissioner who apparently will cast the deciding vote, said in an interview last Thursday that she had received more mail on children's television than on any other topic, adding that parents were especially upset that there are not more children's programs available after school, between 3 and 6 P.M.

Ms. Chong said she shared the concern, but still leans toward encouraging broadcasters to increase educational programming voluntarily. "I do believe broadcasters are getting the message," she said.

The deadline for comment on the F.C.C.'s proposed rules had been Sept. 15, but on Friday the F.C.C. extended it to Oct. 15 — at the request of ABC, CBS and NBC. It will be interesting to see if the networks come up with something new in those extra 30 days.

Philip Morris Revels in Rare ABC News Apology for Report on Nicotine

By MARK LANDLER

Executives at Philip Morris were trying hard not to appear smug last week. But as three of the company's top public-relations officers relaxed with Marlboros on a sunny Thursday morning, they were clearly reveling in the rare public apology they extracted from ABC News three days earlier for a report it aired on the tobacco industry.

"I don't think vindication is the right word," said Steve Parrish, the senior vice president of corporate affairs at the Philip Morris Companies Inc. "But I do feel that our message is finally starting to get through."

Simply put, that message is: Us cigarette makers would rather fight than quit. Philip Morris and other giant tobacco companies have served notice that they will draw on their formidable legal resources to combat any news media report that they deem unfair or inaccurate.

At a time when the tobacco industry is under fierce attack and President Clinton wants to further curtail cigarette advertising, Philip Morris and other tobacco companies are training their sights on the news media. With fewer and fewer effective ways to get their message across, cigarette manufacturers are trying to influence the news itself.

Such a strategy is not unique to the tobacco industry. But Philip Morris has already been uniquely successful at it. In the case of ABC News, a unit of Capital Cities/ABC, the network opted to apologize for its report rather than fight a \$10 billion libel lawsuit brought by Philip Morris, even though the network's own lawyers felt they had a 65 percent chance of winning the case.

"This is called the pay-the-\$5-fine syndrome," said Reuven Frank, a former television news producer and president of NBC News, which is owned by the General Elec-

tric Company. "Philip Morris could have tied up ABC in court for months."

Mr. Parrish, a former tobacco litigator and the architect of the company's new aggressive public stance, said that Philip Morris was not seeking to muffle aggressive coverage of the industry.

"We're not asking people not to write stories about tobacco; we recognize that we make a controversial product," he said. "We're just asking the press to apply the same skepticism to our critics as they do to us."

Mr. Parrish noted that just one report — in this case, ABC's assertion on its "Day One" program that tobacco companies add

The company says it's asking the press to apply skepticism to its critics, too.

extra nicotine to their cigarettes — prompted a chorus of calls for stricter government regulation of the tobacco industry.

Immediately after the report aired on Feb. 28, 1994, Congress held hearings, in which lawmakers interrogated tobacco executives about whether they had done research that proved cigarettes were addictive. The Food and Drug Administration, which had begun its own investigation, released its finding earlier this month that cigarettes should be regulated as a drug.

By forcing ABC News to back down from its broadcast — and then trumpeting that retreat in a series of full-page ads in newspapers like The Washington Post, The Wall Street Journal and The New York Times —

Philip Morris has accomplished what no amount of ordinary advertising could have done.

"At a point where the regulatory environment has become extremely difficult for Philip Morris, rebutting ABC's charges was absolutely critical to them," said Burt Neuborne, a professor of law and a specialist in First Amendment cases at New York University.

It is no accident that Philip Morris responded to ABC in legal terms. The president and chief executive of Philip Morris, Geoffrey C. Bible, has turned over responsibility for public relations to the company's lawyers.

Mr. Parrish, who has defended Philip Morris on the "MacNeill-Lehrer News Hour" and other news programs, used to be a lawyer at Shook, Hardy & Bacon, a Kansas law firm that has represented the company in numerous tobacco liability cases. As an in-house lawyer for Philip Morris, he worked on the Rose Cipollone case, a landmark liability case that the cigarette companies lost, but later won on appeal.

Philip Morris has tried an aggressive approach to public relations before, but it tended to rely heavily on advertising. That backfired, according to one former Philip Morris public relations executive who asked not to be identified.

In 1987, the executive said, Philip Morris paid for ads taken out by third parties friendly to the industry. One ad, which appeared in The New York Times, promoted the rights of smokers on commuter trains. When Philip Morris support of that ad became public, Philip Morris was embarrassed into retreating from the strategy.

Under Mr. Bible's predecessor, Michael A. Miles, Philip Morris emphasized Federal and state lobbying rather than high-profile advertising. The company named Craig L. Fuller, a former top aide to President George Bush, as its senior vice president of

corporate affairs.

As the drumbeat of criticism against the tobacco industry picked up, though, Philip Morris decided it needed to take a harder line. Mr. Fuller was replaced by Mr. Parrish and the company's focus shifted to the news media, which was starting to turn up previously undisclosed information about how companies made cigarettes.

The information emerged from internal documents from Philip Morris, the Brown & Williamson Corporation, and other tobacco companies, including some documents that the tobacco companies were required to file in product liability cases. The Times and other news organizations have published numerous articles based on the material in those documents.

Mr. Parrish said the documents had become a powerful new weapon in the arsenal of anti-smoking advocates. He said that news organization often gave Philip Morris little time to respond to the material in the documents. Mr. Parrish said Philip Morris had asked news organizations only to delay publication of the documents until the company could respond to them.

Critics of the tobacco companies said the industry should be prepared to respond because it owned the documents involved. Representative Henry A. Waxman, Democrat of California, who has cited Philip Morris documents in Congressional debate, sent a letter to Mr. Bible on Thursday, asking Philip Morris to make public documents it had filed in the ABC case. The company declined to say how it would respond to Mr. Waxman's request.

In one case last year, ABC News delayed broadcasting a report based on the documents from Brown & Williamson until after other news organizations had done so. At the time, ABC was fighting the Philip Morris lawsuit.

A spokeswoman for Capital Cities/ABC, Julie Hoover, acknowledged that the report

Tobacco companies say they will fight what they call unfair media reports.

was delayed. But she said, "The Philip Morris suit didn't have anything to do with the broadcast of the Brown & Williamson documents." Paul Friedman, the executive vice president of ABC News, said that the Philip Morris lawsuit had not chilled the network's approach to investigative stories — about tobacco or anything else. He noted that ABC News was currently at work on 33 investigative stories.

Mr. Friedman said ABC was also the only network that interrupted its programming on Aug. 10 to broadcast the news conference at which President Clinton announced his intention to seek tougher regulations on tobacco. "If we were running scared, we wouldn't have done that," he said.

As for Mr. Parrish's charge that lawyers and anti-smoking activists have mounted a far more aggressive assault on the tobacco industry, one prominent plaintiffs' attorney, John P. Coale, said he was flattered.

"That's the best compliment I've had in months," said Mr. Coale, one of nearly 60 lawyers who are bringing the largest class-action suit in history against Philip Morris and other cigarette manufacturers. "The thing is, we learned it from the tobacco industry."

February 13, 1995

*Shake down
on Gingrich
people.*

To: President Carlson and CPB Board
From: Diane Blair
Re: Novak's column in today's Post

I have just been faxed a copy of this column, and I am furious at its numerous inaccuracies and innuendoes.

Attached is a copy of the memo which I presented to Dick, Henry and Carolyn the second morning of our Board meeting, outlining my objections to the contract. Note that it does not contain one word about Mr. Weber's relationship with Speaker Gingrich, because that was not the basis of my concern.

Those who attended the Board dinner Monday night know that I was deeply distressed about the day's events because I felt so strongly that the Board, in letting the contract go forward, was failing in its fiduciary responsibilities. I absolutely never said anything about, "We're going to give it to Gingrich." I wasn't thinking that way nor do I talk that way. (Could someone, second or third hand, have heard my concerns that we were being much too compliant with the wishes of those who wished to abolish or privatize us, i.e. that we were just "giving in" instead of fighting, and twisted it into this?)

At the conclusion of the Board's business on Monday I returned a phone call from the Office of the First Lady asking if I would be available for dinner, and I said that I would not because I was dining with the Board. So much for the First Lady's involvement. (The fact that someone on staff at the CPB is monitoring Board member's phone messages and reporting them to the press is repulsive and should be of grave concern to us all).

That I am trying "to spread the story around" about the contract is the most absurd untruth of all. I declined to talk to George Archibald of the Washington Times. I did not return Robert Novak's call. I did speak to the Washington Post when the reporter called because I wanted to refute the untrue story that my actions were somehow designed to "get Gingrich," and I repeated the real basis for my opposition to Karen Bedford of Current when she called ~~doing a follow-up story to the Post article.~~ I do not know who is ~~trying to fan the flames of this story,~~ but it is not me.

January 24, 1995

To: Richard Carlson, President, CPB
From: Diane Blair

The more I consider the decision made yesterday by CPB staff to hire Clark & Weinstock and Wasserstein Perella, the more distressed I have become. Therefore, I want to register, to you, this internal dissent to the "consulting" contract with which we were presented yesterday as a fait accompli, for the following reasons:

1. A contract of such cost and consequence should have been discussed, in advance, with the Board, and at minimum with the Chair and Vice-Chair of the Board. Given the fact that the contract was signed yesterday morning, with the Board assembled in town, there was certainly time to do so.

2. I think the strategy behind this contract was misguided. Contrary to the assessment offered to us yesterday, I think we are beginning to win the battle for survival in substantially our existing form, albeit with some reductions in funding. The outpouring of editorial support, the very strong independent public opinion polls, the mail and calls to Capitol Hill are, I think, beginning to have an impact. This action on our part can and I fear will be construed as a signal of resignation just at the time when a show of strength was called for.

3. At the very time when questions are circulating throughout Washington about the role of telephone and cable companies in hastening our demise, we have asked consultants, who have friends and clients among those private interests, for strategic advice.

I profoundly hope that my misgivings are misplaced, and that you will be proven correct. However, I fear otherwise.

cc: Henry Cauthen, Chairman of the Board
Carolyn Bacon, Vice-Chairman of the Board

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To: Melann Verveer
From: Diane Blair

Melanukover:

Please review this memo
which I want to send
to CPB Board (knowing
that it will be leaked)
Is there any reason I
shouldn't send it? Call
me ASAP.

Diane Blair
501-575-3356

First Lady Warns Against Cutting Nation's Cultural Life

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By FREIDA RATLIFF FRISARO= Associated Press Writer=

PALM BEACH, Fla. (AP) Hillary Rodham Clinton just wants her Sesame Street.

"I have said I don't care what the new Speaker of the House says about me, but I wish he would leave Big Bird alone," the first lady told a group of 750 at an Israel support group's dinner Sunday night.

House Speaker Newt Gingrich, who has criticized the first lady in the past, has proposed making deep cuts in funding for the Public Broadcasting System, which produces Sesame Street with Big Bird and all his friends.

"We need to try to make sure our cultural life stays alive by seeing that programs aimed at children and education are not sacrificed," Mrs. Clinton said.

The first lady, accompanied by brothers Hugh and Tony Rodham and mother Dorothy, spoke at a dinner of the Israel Bonds International Club at the Ritz-Carlton Hotel.

The group included Itamar Rabinovich, Israeli ambassador to the United States, and Nathan Sharony, the president and chief executive for the State of Israel Bonds. The bonds are sold to help pay for basic services and utilities in Israel.

In addition to the educational value of PBS, Mrs. Clinton said tax cuts should act as an incentive to provide for future generations.

"We need (a tax cut) tied to whether or not people will invest in education," she said. "Those are the kinds of commitments to the future that need to be rewarded."

"We are a society that is largely consumer-driven," she said. "All of us are consumers, but too few of us are citizens anymore."

Earlier, she met with a group of South Florida women and physicians to raise awareness of mammography screening's benefits for older women.

"One of the things I have become aware of is that a number of women on Medicare who are eligible for financial assistance to pay for mammograms are not taking advantage of that," Clinton told a crowd of 250 people at the Joseph Meyerhoff Senior Center in Hollywood.

"I hope to launch a public campaign this spring so every woman will hear and know why a mammogram is so important."

Phyllis Fellner, a local representative of the American Association of Retired Persons, said: "Fear is the number one excuse I hear for not having a mammogram."

The first lady, who lost mother-in-law Virginia Kelley to breast cancer last year, will participate in similar focus groups in Texas and California later this week.

Medicare pays for diagnostic and screening mammograms once every two years or as ordered by a physician. In 1992-93, 45 percent of women over 65 and eligible for the mammogram benefit in Florida received the screening.

**** filed by:APE-(FL) on 01/23/95 at 02:13EST ****

**** printed by:WHPR(JEL) on 01/23/95 at 08:43EST ****

First lady touts Bill, Big Bird

Hillary Clinton speaks at the Ritz-Carlton, hosts a seminar and visits family in a busy South Florida day.

By BRIAN E. CROWLEY
Palm Beach Post Political Editor

MANALAPAN — First lady Hillary Rodham Clinton bragged about her husband, spoke about peace in the Middle East and defended Big Bird during a dinner speech Sunday at the Ritz-Carlton Hotel.

It was a busy South Florida day for Clinton, who also hosted a breast cancer awareness seminar in Hollywood and spent some time with her mother and brothers at the Ritz-Carlton before changing into an evening gown to attend a dinner for investors in Israel bonds.

Reflecting on a terrorist attack that killed 19 Israeli soldiers Sunday, Clinton condemned the killers, saying "evil is once again working" to prevent peace in the Middle East.

Clinton said that after her visit to Israel last year, she was moved by the country's "spirit of confidence and optimism about the future" and wished that same spirit could be found here.

While the United States and Israel are confronted with increasing threats of international terrorism, Clinton said, "Thousands of people are killed in the senseless terrorism on the streets here every day."

Violence in our communities must be ended, she said.

"And finally," she said, "we have a president who is not afraid to take a stand against the NRA." President Clinton has opposed efforts by the National Rifle Association to keep assault weapons legal.

With Republicans in Congress, led by Speaker Newt Gingrich of Georgia, looking at the possibility of cutting money for the Corporation for Public Broadcasting, there is a "real threat" to the future of children's programming, Clinton said.

"I really don't care what the speaker says about me," said Clinton, referring to a remark repeated by Gingrich's mother in which he once called her a "bitch." "I just wish he would leave Big Bird alone. We must make sure our cultural life stays alive and that programming for children is not sacrificed."

Earlier in the day, in Hollywood, Clinton spoke to about 250 people about the need for older women to have regular breast exams.

'I really don't care what the Speaker (Newt Gingrich) says about me. I just wish he would leave Big Bird alone.'

HILLARY CLINTON

*The Palm Beach Post , B1
Mon, Jan. 23, 1995*

"One of the things I have become aware of is that a number of women on Medicare who are eligible for financial assistance to pay for mammograms are not taking advantage of that," Clinton said at the Joseph Meyerhoff Senior Center. "I hope to launch a public campaign this spring so every woman will hear and know why a mammogram is so important."

Clinton asked 13 panelists why they believe women over age 65 are not taking advantage of the mammogram assistance program.

"We have got to educate older women that this is not a stigma and is not a sentence of death," said Alice Von Suskill, a volunteer with the American Cancer Society.

Medicare pays for diagnostic and screening mammograms once every two years or as ordered by a physician. In 1992-93, 45 percent of women older than 65 and eligible for the mammogram benefit in Florida received the screening. Nationally, only 37 percent take advantage of the Medicare benefit.

The first lady, who lost mother-in-law Virginia Kelley to breast cancer last year, said she wants to start using Mother's Day as an occasion for children and loved ones to ask their mothers and grandmother to get a mammogram.

Fla.

Public Stations Going Private?

Bell Atlantic Explores Taking Over CPB Role

By Mike Mills and John Maynard
Washington Post Staff Writers

Bell Atlantic Corp. is interested in buying public television stations within its telephone service region and taking over the Corporation for Public Broadcasting's role as a funding source for programming, company officials said yesterday.

On the CBS News program "Face the Nation" yesterday, Senate Commerce Committee Chairman Larry Pressler (R-S.D.) revealed that he has held discussions with Bell Atlantic and several other telecommunication companies about how they would go about becoming a primary funding source for production of such PBS shows as "Frontline," "Sesame Street" and "Nova." CPB currently provides \$285.6 million in federal funds to public radio and television, accounting for 14 percent of the total public broadcasting budget.

Bell Atlantic Chairman Raymond W. Smith confirmed he met with Pressler early last week for "very preliminary" talks regarding the matter, according to Bell Atlantic spokeswoman Shannon Fioravanti. Much would depend, she said, on whether Congress strips CPB of its funding and lifts the prohibition against profit-making companies owning public broadcasting stations.

"If Congress decides to privatize public broadcasting, we would be interested in either exploring partnering arrangements or possibly purchasing stations within the Bell Atlantic region," Bell Atlantic President James G. Cullen said in a statement yesterday. "We would want to continue the public broadcasting emphasis on educational and quality community programming."

Pressler said it would be possible to write legislation that, through a private corporation, would maintain CPB's goals of reaching every area of the nation with educational programming. "It could be done with a provision that they

See CPB, B8, Col. 1

Fox TV, Reuter Join News Forces

Bloomberg Business News

LAS VEGAS, Jan. 22—The Reuter news agency and Fox Television Group said today that they will create a "television news service" to help Fox provide its affiliates with footage and news reports.

Terms of the agreement weren't disclosed. The service is to begin March 1, offering three separate broadcast news packages a day with expanded coverage expected later this year, the companies said.

The service will be based in the Washington bureau of Reuter, which will provide "news-gathering expertise" and the technical services and equipment for Fox to transmit the reports, the companies said. Fox will control the reports' editorial content.

Fox, a subsidiary of News Corp., based in Sydney, Australia, has said it has no immediate

plans to create a national news broadcast to compete with those of the other national networks. Fox's majority stockholder, Rupert Murdoch, has said the company plans to focus its efforts on its local affiliates' news broadcasts.

"This will help our affiliates that carry news to maintain their news presence in their market as well as make it possible for affiliates not carrying news to do so," said David Evans, Fox Television Group's president.

Reuter, operated by Reuter Holdings Plc., of London, will provide the international reports for the service, while Fox will have reporter and camera crews in Washington and New York to oversee coverage of national news events.

Fox and Reuter officials announced the project at a meeting in Las Vegas of Fox's affiliate stations.

Bell Atlantic Eyeing CPB

CPB, From B1

would continue children's programming and rural broadcasting. They could do this without spending any federal money," he said on "Face the Nation."

Public broadcasting lobbyists immediately attacked Pressler's comments.

"Sen. Pressler pretty clearly, for the first time, made the real agenda clear in terms of the supposed privatization of public television," said one public broadcasting official who requested anonymity. "That agenda being cutting deals with huge communications companies whose goals aren't to preserve public TV but to carve it up and turn it into another commercial network. PBS is a sitting duck for a communications company that badly needs a television outlet."

CPB President Richard Carlson, who appeared on the show with Pressler, said he was "totally taken by surprise" regarding Pressler's statement. "I don't want to reject anything out of hand, [but] some things are being said here that aren't necessarily in touch with reality."

For example, it's not clear whether Bell Atlantic or any other communications company would "purchase" CPB from the federal government, because CPB has few assets aside from its staff and its annual appropriation from Congress. There are some 650 public radio stations and 351 public television stations in the United States.

Bell Atlantic needs video programming as it prepares to compete against cable television systems by offering television over its phone



BY MARY NOBLE OURS

CPB President Richard Carlson: "Some things are being said here that aren't necessarily in touch with reality."

lines. It recently won federal approval to begin test-marketing its video system in Fairfax County, where it plans to offer more than 200 movies that viewers can choose at any time. Other programmers also will be able to use the network, which Bell Atlantic plans to expand to its entire seven-state mid-Atlantic service region by the end of the decade.

Late last year, Bell Atlantic joined with two other regional Bell companies, Nynex Corp. and Pacific Telesis Group, and Hollywood superagent Michael Ovitz to look for opportunities to purchase and create new programs. Any efforts to finance public broadcasting programs would be done "in concert with our other programming partners," spokeswoman Fioravanti said.

U.S. Mediator Optimistic After Serb Talks

By Joel Brand
Special to The Washington Post

SARAJEVO, Bosnia, Jan. 22—A U.S. mediator met with Bosnian Serbs in Pale today and afterwards was cautiously optimistic that the five-nation negotiating "contact group" could soon restart peace talks between the rebels and the Bosnian government.

The envoy, Charles Thomas, told Bosnian Serb leader Radovan Karadzic that the group would like to see more Serb cooperation with a cease-fire agreement that went into effect Jan. 1, a U.S. official said. Thomas asked that the Serbs make good on their pledge to allow civilian traffic into Sarajevo, the official said.

"It is very hard to see how the negotiating process can

really move much ahead unless we have satisfactory implementation of the cessation of hostilities agreement," the official said on condition of anonymity.

Haris Silajdzic, the Bosnian prime minister, said Thomas's trip to Pale had yielded nothing in the way of progress. "There is still no 'yes.' They go there [to Pale] and get 'no' in different shapes and wrappings each time."

The other representatives of the contact group—from Britain, France, Germany and Russia—are due to arrive in Sarajevo on Monday for talks on restarting peace negotiations.

The peace process has been stalled since the Serbs met with Thomas and the other contact group representatives 10 days ago in talks that produced no tangible results.

Heavy Rains Add Misery in Quake Area

By Paul Blustein
Washington Post Foreign Service

KYOTO, Japan, Jan. 22—Cold, driving rain fell on western Japan today for the first time since last Tuesday's earthquake, hampering relief efforts and adding to the misery of the 300,000 people huddled in emergency shelters.

As the death toll from the quake neared 5,000, efforts continued in the rain to rescue survivors, bring food and water to the homeless and restore essential services. Officials in Kobe, a city of 1.4 million where the quake hit hardest, said electricity and phone service has been restored in nearly all of the city and water in almost half of it.

But the heavy rain raised fears of landslides. Police and military personnel evacuated 2,200 families from 46 hilly areas deemed to be in danger and brought them to the already crowded shelters. U.S. Marines based on the Japanese island of Okinawa helped members of Japan's Self-Defense Forces erect tents for the evacuees.

Some helicopters ferrying in food were grounded and rescuers looking for 30 missing people in the city of Nishinomiya had to suspend operations because of the danger of landslides, according to Kyodo News Service. Relief workers distributed 200,000 plastic sheets to cover damaged roofs as well as free umbrellas and rainwear.

The weather also intensified concerns about disease spreading among the shelter residents, who are living in cramped conditions—mostly in unheated school gymnasiums, auditoriums and other public buildings.

"While I've heard reports saying that we've got enough medical personnel, it's not true," one doctor working at a shelter told a local TV station. "Influenza is starting to spread. Among the shelters only a few have medical personnel, and there's no heat. If we don't get some help we're going to have to deal with hundreds of people with influenza

Private Investment to Poor Nations Hits a Record High at World Bank

Associated Press

Private investment in Third World development has reached an all-time high and is more than triple the aid coming from governments, the World Bank reported yesterday.

The investments, up 50 percent in 1993, rose another 9 percent last year to \$179.9 billion.

Government aid, including \$23 billion in loans from the World Bank, totaled \$54.5 billion in 1994, relatively unchanged from 1993.

The U.S. government, which has been pressured by the new Republican majority in Congress to reduce foreign aid, contributes about a fifth of government-sponsored development aid worldwide. Some U.S. aid is funneled through the World Bank, which is owned by 178 governments and is the world's largest source of credit, but the bulk goes directly to Israel and Egypt.

More than half the worldwide government assistance—\$30.5 billion last

year—came in the form of grants that do not have to be repaid. The remainder is in low-interest loans.

From 1990 to 1993, creditor countries forgave more than \$25 billion of their loans, led by the United States, which forgave about \$7.4 billion.

Private investments, including money to build plants, take over businesses and buy stocks and bonds, has gone largely to what the World Bank calls "middle-income countries," such as Mexico and Brazil, and to poorer countries with bigger potential markets, such as China and India.

Government loans and bonds bought by foreign investors both add to poor countries' debt which continues to rise. Third World debt in 1994 was about \$1.945 trillion, up from \$1.812 trillion in 1993.

Brazil was the biggest overall debtor, owing \$132.7 billion in 1993. The nation was supposed to pay \$16.3 billion in interest and principal that year, but paid \$10.7 billion.

THE WASHINGTON POST MONDAY, JANUARY 23, 1995

and other diseases."

A 24-person medical team today from California, including doctors and nurses who worked in year's Los Angeles quake, landed at Kansai International Airport and headed for Kobe.

A French search-and-rescue team with dogs also arrived, as did 2,000 blankets and 600 cashmere gloves from Mongolia, an impoverished country that receives Japanese development aid. The Japanese government so far has accepted assistance from 11 countries of the 40 that have offered help of some kind.

Although the rain compounded the overwhelming problems of the rescue and reconstruction, policemen and soldiers as well as individual volunteers slogged on as best they could, and continued the grim work of sifting through rubble for bodies. The pas-

sage of time dimmed hopes for finding anyone still buried alive, however.

The death toll reached 4,936 this evening, with 171 people still missing. That makes the quake the deadliest natural disaster in Japan's postwar history, surpassing a 1959 typhoon that killed 4,697 in central Japan.

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Another Bidder for Public TV

PBS, From E1

Cable Company Eyes PBS

Foes of Privatization Decry 'Vultures'

By Ellen Edwards and Mike Mills
Washington Post Staff Writers

A second media company expressed interest yesterday in taking over the Public Broadcasting Service, as supporters of the system expressed outrage at the possibility that it could be "sold off for scrap to the highest commercial bidder."

Glenn Jones, president of Englewood, Colo.-based Jones Intercable Inc., the nation's eighth-largest operator of cable systems, said his company is interested in getting in on the "privatizing" of public broadcasting. His interest was piqued, he said, after hearing of Bell Atlantic's similar interest Sunday when Sen. Larry Pressler (R-S.D.) announced it on CBS's "Face the Nation."

"We didn't realize that it was being considered that deeply," Jones said yesterday. "If they proceed with privatization, then we would want to be in a position to plead our case and be involved in the process." Jones wrote to Pressler yesterday expressing the company's interest.

"I think it's the true agenda coming out of this," Jones said.

See PBS, E8, Col. 1

ing out," said Rep. Eliot Engel (D-N.Y.), an increasingly vocal critic of Republican moves to cut off federal funding for public broadcasting. "This is not simply a way to improve public television. This is a scheme to enrich corporate friends. . . . This is the first week they have really exposed their hand. . . . [The companies would] like nothing more than getting a piece of the action and making a bundle on it."

"The two companies 'can call in any time and make a pledge if they want to help public television,'" said Sen. Ernest Hollings (D-S.C.), in reference to the firms' expressed desire to help the system. "We've got the mechanism in place now without commercializing the license."

Public broadcasting officials sought to make clear that the system is made up of roughly 1,000 radio and television stations, each individually licensed by the Federal Communications Commission to a municipality or educational institution for noncommercial, educational programming. As such, the officials said, the stations cannot be sold to any for-profit organization.

An FCC spokesman, asked later for comment on the legalities, said it would be premature to say such sales were impossible.

In this area, WETA, Channel 26, is licensed to the Greater Washington Community with a board in part determined by the station's membership; Maryland Public Television, Channel 22, is licensed to the state, and WHMM, Channel 32, to Howard University.

Raymond K.K. Ho, president and CEO of Maryland Public Television, said yesterday that he was wary of any telecommunications company interested in purchasing public television stations, calling them "vultures . . . circling over the endangered species of public television."

At the same time, a number of other large telecommunications companies sought to distance themselves, at least publicly, from the fray, though insiders said that if all of the nation's public TV stations and the programming they air were placed on the open market, the attraction could prove irresistible.

Both Warner Bros. and Paramount are trying to put together national television networks and are having difficulty lining up stations—the frequencies are not available. Many public broadcasting stations were licensed in the '50s and are on the most desirable low-number VHF channels, 2 through 13.

Similarly, cable operators are hungry for quality programming, and many would be happy to get hold of the high-quality productions aired by PBS, especially in the children's arena.

Earlier this month the FCC approved a "video dial-tone" trial for Bell Atlantic, which would enable it to carry its own video programming over its phone lines.

Jones said a lot of current PBS offerings would be at home on Jones Education Networks, which includes Mind Extension University, a college course taught over cable systems that reaches 26 million households nationwide. A Jones company official testified by invitation last Thursday in a congressional hearing on public television's future.

"Privatization could be considered on a socially conscious basis," Jones said. "Our thought would be to bend it more in an educational direction. . . ."

Jones added, however, that PBS programs would not receive identical treatment. "Sesame Street" and "Barney" would be candidates for syndication on commercial broadcast stations, he said. Other shows, such as "Reading Rainbow" and "The Mechanical Universe and Beyond," would fit in with Jones's education network.

"We would look at the syndication process in terms of Big Bird and Barney and see what could be done to bring funds into the organization so it wouldn't require government funds," Jones said.

In fact, "Sesame Street" and "Barney" are not owned by the system but by individual independent producers who sell limited rights to air them to PBS. As such, the producers would have syndication rights.

Jones added that the company would "stay away from political programming more than PBS does. We wouldn't see that as part of what we do."

He said the company would also be interested in eventually buying local public stations.

PBS President Ervin Duggan said yesterday that if the anti-public broadcasting forces have their way, the system could be "sold off for scrap to the highest commercial bidder." He issued a statement saying he believed there were "three distinct sources of pressure to defund and break up public television."

The first, he said, is a "determined group of electronic book burners—special interest groups who, seeing books that they don't like on the shelves of the public broadcasting library, wish to close it down."

The second "is a pay-television industry, which may wish to remove free, high-quality television from its path—or, failing that, control it." The third, he said, "is a set of would-be commercial broadcasting operators who seem to want to snap up the broken remains of public television for money-making purposes."

Of Sunday's announcement of Bell Atlantic's interest in public broadcasting, Eddie Fritts, president of the National Association of Broadcasters, commented, "It's understandable why Bell Atlantic . . . would want to buy their way into a wireless communications network reaching 99 percent of the population. But it's not at all clear why this would serve the public interest."

Some speculated that Bell Atlantic and Jones may be motivated by a desire to please Pressler, who chairs the Senate Commerce panel that now is rewriting the nation's telecommunications laws.

"It would seem to me that the commercial interest would be looking at the telecom legislation and want to be very cooperative," said Delano Lewis, president of National Public Radio for the last year and before that president of C&P Telephone, owned by Bell Atlantic.

"The question is, what's of value? The stations, the licenses, the spectrum allocation—that's what's of value. All of that has some relation to the telecom legislation," Lewis said.

The country's largest cable operator, Denver-based Tele-Communications Inc., late last year acquired a two-thirds share of MacNeil-Lehrer Productions, which produces the PBS "MacNeil-Lehrer NewsHour" along with public station WNET in New York and WETA. TCI Senior Vice President Bob Thomson said the company is not interested in buying public stations or taking over CPB and has no position on the privatization debate.

Two cable networks that most rival PBS in content said they too are not interested in taking over public broadcasting's programs or stations. Spokesmen for A&E Networks and Discovery Communications Inc. said the cable networks have close relationships with the public broadcasting community and do not want to see public broadcasting privatized.

But Jim Boyle, a spokesman for the Bethesda-based Discovery Channel, said the company is interested in striking a new coproduction arrangement with PBS in which the two would share production costs. Shows would be aired first on Discovery, then on the over-the-air PBS stations. "We don't want to get in the middle of the privatization debate," Boyle said. "But ideas like this are a creative offer we can bring to the table to help out."

Special correspondent John Maynard also contributed to this article.

Christine Whitman, Born to Run

The New Jersey Governor's
Political Future Lies in Her Past

By Elisabeth Bumiller
Washington Post Staff Writer

Gov. Christine Todd Whitman, the woman on every Republican's short list for vice president, is taking a break to shoot baskets with her husband, her brother and state troopers as controlled chaos reigns inside Drumthwacket, the 18-room Greek Revival hulk that serves as her official home.

It's early Sunday afternoon, a day before she will present her annual budget message to the state of New Jersey, and two days before she is to deliver tonight's live, nationally televised Republican response to the president's State of the Union speech. Drumthwacket has a campaignlike buzz. CBS has just finished an interview in the parlor, and Whitman's political adviser arrived moments ago from Washington.

Whitman admits she is not sleeping well, waking at 2:30 a.m. with phrases for speeches that she always forgets by morning. Her budget message announcing another 15 percent income tax cut, her most important state speech of the year, was ripped up and rewritten on Friday; the State of the Union response, composed by a speech writer at the Republican National Committee, is still in rough draft. Her chief of staff, her policy planner and her deputy press secretary, three of "the girls" who cause grumbles from the boys in Trenton, are waiting inside, ready with the Tele-Prompter set up for speech practice in the library. All of them know that the Republican response has the potential to be a make-or-break event, the kind that can catapult Whitman, America's famous tax-cutting governor—or tax-cutting fraud, if you talk to her critics—further into the national spotlight, where she is already a star for defeating Democratic governor Jim Florio in 1993.

But Whitman is still on the court. It should come as no surprise that she is competitive and aggressive, and grabs the ball and charges in hard. Her husband, John, plays a good game—"Great shot!" they all shout to him—but a few moments later he is injured. "Your knee!" his wife says with alarm. "This is not good for your knee." John Whitman limps off the court, leaving his wife with the troopers. She is in fact the athlete in the family, a 48-year-old former tomboy who rides mountain bikes, plays football, trapshoots—and once fox-hunted, which is something House Speaker Newt Gingrich may not want you to know.

Because the woman Gingrich and the Republican Party have chosen to represent tonight is an East Coast blue blood, a woman who grew up in the horse country of New Jersey and at-

See WHITMAN, E2, Col. 1

WHITMAN, From E1

tended some of the nation's most exclusive private schools. At a time when the party's base has moved to the South, the West, the working class and the religious right, Whitman is a throwback with roots in the patrician Republican politics of three and four decades ago.

Unlike George Bush, whose party forced him to move to the right on social issues, Whitman freely calls herself a pro-choice, Rockefeller Republican. "We're an endangered species," she says. In fact, her grandfather built Colonial Williamsburg for John D. Rockefeller; her father, Webster Todd, the chairman of the New Jersey Republican Party in the 1960s and '70s, built Rockefeller Center and Radio City Music Hall. Her mother's family, the Schleys, were the first New Yorkers to arrive in what was to become a rarefied pocket of New Jersey's Somerset County. As the story has it, the area was to be named Schleyville until Mrs. Schley looked out her window at the Watchung Mountains one day in the late 1880s and suggested instead that it be called Far Hills.

Over the succeeding generations, Far Hills became both a magnet and a breeding ground for moderate and very rich Republicans, a place of serious old money where no one made fun of noblesse oblige. The young Christie Todd grew up with a roll call of America's elite: C. Douglas Dillon, a friend of her parents who lived down the road, was ambassador to France under Dwight Eisenhower and treasury secretary under John Kennedy and Lyndon Johnson. Nicholas Brady, whose estate Dogpatch was five minutes away, became treasury secretary under George Bush. The late Malcolm Forbes, the founder of Forbes magazine, was also a neighbor; he ran for governor of New Jersey at the same time his son Steve went with Whitman to Far Hills Country Day. Millicent Fenwick, the late congresswoman, lived in nearby Bernardsville, and other neighbors, the Breckinryses, have sent six family members to Congress. Whitman's own mother, Eleanor Todd, was a Republican national committee woman, and Whitman's grandmother was too. "It was a pretty big matriarchy," says John Whitman. "These are very strong women."

"My mother and grandmother were very much my role models," says Christine Whitman. "In fact I came across a clipping from a paper in 1956 or '57 that said, 'Is New Jersey ready for a woman governor?' And it listed Mother as one of the six potentials who were out there. Dad was always pushing her to run for office, because he never would, but she didn't think she could do it with her family obligations."

The matriarchy has now captured the governorship, something that seemed as unimaginable one or two generations ago—as Whitman insists the vice presidency seems to her now. And even though Whitman's political advisers are actively discussing her potential as a vice presidential candidate, political etiquette requires that Whitman say she is not thinking about it at all.

"I mean I think about it in the sense that people keep bringing it up," she says. "And it does make other people mad at me. . . . There are others who are just sort of jealous, who really plan these things, and want these things. And I haven't planned it, and I

don't plan to make for here."

But as she

day to the CBS

"I learned long ago

to anything."

The Word on Whitman

Three views on Christine

■ "She turns out to be as good a candidate as I've run into since Reagan," says Lyn Notziger, a former Reagan adviser who now works for Whitman. "Some women tend to get strident, but she does not. Some women tend to cry sometimes, but she does not. She's tall, which helps. She's handsome. She is certainly not sexy, which is a good thing. And she's got a husband and a couple of kids. It would be hard not to talk about her as a vice president."

■ "She's a very good salesperson," says Thomas Byrne, the chairman of the New Jersey state Democratic Committee, speaking of Whitman's proposed 30 percent tax cut. "Where I have problems with her is the substance. Whitmanomics is Reaganomics brought to the state level. The parallels are pretty striking. Reagan transferred fiscal burdens to the states, and when that ran out, he borrowed from the next generation by tapping the Social Security fund. Whitman is transferring fiscal burdens to municipalities, and when that game runs out, she borrows from the next generation by tapping into the state pension fund. The bottom line is, she paid for her whole first year with her pension gimmick."

("We didn't touch a penny of the pension fund," Whitman says. "We just stopped paying in at such an inflated amount.")

■ "She'd certainly be on anybody's short list [for vice president]," says Sen. Robert Dole, who says he is a few months away from his formal announcement for president. "She's smart, she doesn't threaten people, she's got a nice way about her." As far as her more moderate politics, adds Dole, "we're saying come on in—the party's big. We don't have to march in lock step." Is he ready to run with a woman? "In my view, it's going to happen soon. Or maybe it'll be a woman running with a man. Maybe Christie will pick some man. Who knows what's going to happen this early."

What Suits Her Best

When she is not playing basketball, Whitman has the look of a woman who could be any civic-minded volunteer from the Somerset County, dressed for meetings of the hospital and museum boards in crisp, conservative suits that hit just below the knee. Although her and her husband's income in 1992 was \$3.7 million, she orders clothes from Herbert Grossman, a small New York manufacturer whose suits sell at retail for around \$300 to \$400. Old-line WASP that she is, she ignores designer clothes, at least for now; certainly it is safe to say that no one will see the governor of New Jersey in Armani anytime soon. "Too much money," she says, talking on a sun porch of Drumthwacket. "I mean I get stuff off the rack and I like it."

One on one, Whitman is direct, engaging, focused and funny. (At a charity golf tournament last year, she ran into a state senator who opposed her tax cut. "Governor, what would you like to shoot today?" he asked, as reported in Vogue. "You," she replied.) If she's not an intellectual like Sen. Bill

At the White House, Radio Free America

No. 1 Fan Toasts NPR on Its 25th

By Roxanne Roberts
Washington Post Staff Writer

National Public Radio doesn't have commercials as such. Instead, it raises millions of dollars through pledge weeks and challenge grants and 12 million devoted fans. Including one very important one.

"What can I tell you?" said Bill Clinton last night. "I'm just an NPR kind of president."

What that means exactly is subject to interpretation, but Clinton likes NPR so much that he played host to a star-studded black-tie performance in the East Room launching the network's 25th anniversary year.

Not only are the president and first lady members of both local NPR affiliates in Washington, but back in Arkansas they used to set their clock radio to the local NPR station. "Some days it was so soothing we didn't

See NPR, C9, Col. 1

Stars Come Out for NPR

NPR, From C1

wake up," he told the 200 invited guests. "But still, it was a lot better than talk radio. And on those days when we did wake up, we were able to eat breakfast."

That tasteful, moderate, oh-so-gentle tone was center stage as the NPR Playhouse presented "The Sound of the White House." Jason Robards, Kathleen Turner, Michael Feinstein, Martin Sheen, Charles Dutton, Taj Mahal and Bette Midler joined NPR's on-air stars for a collection of one-liners, history, aphorisms and observations about presidential life.

Tom and Ray Magliozzi, the "Car Talk" guys, injected a breath of life into the radio play, which proceeded with good humor despite the loose familiarity with the script. Partisan politics, especially that liberal elite kind, didn't rear its head until the end of the program when Buck Henry, Jane Curtin, and Robert Krulwich presented "Backfire," a spoof of the pundit round table. A rundown on 200 years of White



BY KEITH JENKINS—THE WASHINGTON POST
Clinton: "What can I tell you? I'm just an NPR kind of president."

House trivia was followed by a look at what would happen to the mansion in 2000.

Henry predicted it would be privatized. "If the NRA can be convinced not to use it for target practice," he said, "I suppose it could become a very beautiful, electrified orphanage."

Even Midler, who ended the show with a charming, irreverent song and dance, couldn't resist tiny jabs at Dan Quayle and Newt Gingrich.

"But I'm not going to get political," she teased. "We don't come to the

White House for that. We come hoping that there will be embossed towels that we can take home to our family and friends. And there are! What a nation!"

Actually, they all came to the White House to throw a spotlight on NPR. "I think it serves a function that is really, really vital in this country," said Midler. "I came, in a funny way, looking for a little pulpit because I hear some people would like to cut the funding for NPR and I really don't think it's a good idea. [It really is] another voice in the wilderness that I think is so necessary."

Last night's performance was part of a whirlwind weekend of schmoozing, lobbying and rainmaking for the NPR Foundation, the fund-raising arm of the nonprofit network. Contributors who had pledged at least \$10,000 to the foundation were treated yesterday morning to a congressional breakfast hosted by Rep. Henry Hyde (R-Ill.) in the Rayburn House Office Building, the White House performance and buffet supper, breakfast this morning at the NPR studio, lunch at the National Press Club and a reception at the Embassy of Finland.

This was the Clinton administration's second public boost this week in support of public broadcasting.

In a speech at American University Thursday, Vice President Gore attacked the "mean-spirited" Republican attempt to privatize public broadcast-

ing. The Corporation for Public Broadcasting, which distributes federal funds to local television and radio stations around the country, gave NPR \$1.5 million in 1994, about 3 percent of its annual operating revenue. NPR also receives federal money indirectly from member stations who pay for its programming.

Last night, Clinton said that NPR costs about 29 cents a year per citizen.

"I know it's fashionable today to condemn everything public, but it seems to me that public radio has been a good deal for America," he said.

Most of NPR's personalities were on hand, but "Weekend Edition" host Scott Simon stayed away out of fear that a White House event could create a perception problem for NPR in the midst of the current battle for funding.

"I said I didn't think it was a good idea," Simon said earlier this week. "I don't think there was anything wrong with it ethically, but I didn't want there to be—at this particular point—any possibility of an appearance that I was participating in a partisan political event."

But Supreme Court reporter Nina Totenberg had no qualms.

"I went to the Republican event this morning and the Democratic event tonight," she said. "Anything to help NPR raise its visibility and raise money, I'm willing to do."

No More Smoke Screens

Cancer, Then Remorse, Strikes an Ex-Tobacco Lobbyist

By Jason Vest
Special to The Washington Post

It was November 1992. Victor Crawford—former Maryland state senator, trial lawyer and lobbyist—was lying on a gurney at Georgetown University Medical Center, wondering if he'd live to see Christmas.

The cancerous lymph nodes and muscles from the left side of his neck had been carved out; for the time being, he couldn't talk and he breathed through a hole in his chest. He was emaciated and the pain was relentless. A state-of-the-art radiation implant embedded in his neck offered a chance of survival, but it also left him very much alone, separated from even the nurses by a phalanx of lead shields.

Like millions of other Americans, Victor Crawford had cancer—"a textbook case," his doctor told him, "caused by smoking," a habit he began at age 13.

A fitting fate, Crawford ruefully thought, for a Tobacco Institute lobbyist.

As he lay there, wondering if death would be preferable to the intense pain, he fleetingly recalled all the times he'd attacked those who wanted to limit smoking in public places as "health Nazis." He remembered the pieces of legislation he'd neutralized in the name of "smokers' rights." He considered the money he'd made doing it, and how little it now meant.

"I did this to myself," he thought, "and no one else should have to go through this."

Today, Crawford, 62, is a cancer statistic. Until recently his disease was in remission, but he doesn't know how much longer he has. While he's around, he believes he owes the public an act of contrition.

While it may not come as a revelation to some, Crawford believes that the people who used to sign his checks couldn't care less about public health.

"They're in it for the money, I was in it for the money, and I was never concerned if people were dying," he says. "I knew what I was doing—my job was to kill bills that would discourage smoking, and encourage bills that would encourage smoking and make them money. I did whatever it would take to win, and a lot of times, I won." He pauses. "Now I'm just trying to make amends, to stop people from smoking so they won't suffer like I have."

A shrewd liberal who earned the moniker "Riverboat Gambler" in the Maryland Senate for his personal and political style, Crawford is something of a legend on the state's legal

and legislative scenes. He served first in the House of Delegates and then in the Senate from the mid-'60s until 1982. He was, say friends and colleagues, one of the most ostentatious yet effective legislators to serve in Annapolis.

"He had cigars, pinkie rings, pricey three-piece suits—a New Dealer in cowboy boots," recalls a state-house colleague. "And he had a gregarious personality and sharp wit to go with his look. . . . It was hard not to like the guy, and even harder not to go his way on a vote after spending a night on the town with him. And he loved to tell these hilarious stories about his experiences."

But now, the stories Crawford's telling aren't so funny.

In the past year, Crawford has been

See CRAWFORD, C7, Col. 1

CRAWFORD, From C1

breaking that cardinal rule of lobbying loosely known as "don't bite the hand that feeds you." In public service ads with former surgeon general C. Everett Koop, before state legislative committees and in Monday's Ann Landers column, the debonair Crawford (who, with his own hair sacrificed to chemotherapy, still looks sharp in a wig) has been skewering the tobacco industry, in the process becoming what one anti-smoking crusader calls the "holy grail for tobacco control." On Thursday, he appeared with Gov. Parris Glendening to endorse the Maryland governor's hard-line anti-smoking position.

"What's so fascinating," says one reporter on the tobacco beat, "is here's a guy, a master manipulator, a guy who was a hired gun in the worst sense of the term, who's now using all his skills to do the right thing."

Says Michael Pertschuk, an anti-smoking crusader with the Advocacy Institute and former chairman of the Federal Trade Commission: "There's been nobody else like him, someone who would come clean, talk straight and tell the truth. He's provided valuable insights about how the industry is disingenuous."

While the tobacco industry bases its arguments on reasonable-sounding calls for "accommodation" of smokers and "the right to choose," Crawford says, the industry's refusal to admit that cigarettes are addictive amounts to a genuinely grave public health threat.

"Are they lying? If someone tells you smoking is nonaddictive, they're either lying or they have a double-digit IQ," he says. "Once you're hooked, choosing to stop gets hard."

Not surprisingly, the Tobacco Institute is trying to play down Crawford's message, as well as his relationship with the industry association. "He really didn't do that much for us," says Tobacco Institute spokeswoman Brennan Dawson. "And we have said that smoking is a risk factor for a number of health outcomes."

"I don't blame her for saying that—if I were in her position, I'd be doing the same thing," says Crawford. He says he spent six years in the late '80s as a contract lobbyist for the institute, collecting about \$20,000 in fees. "They have a lot of people working for them, a lot who were more important than me. But it's like if you're a hit man from the mob. Does it matter if you've killed five people or 50? You're still a killer."

Crawford sits on a couch in his home just north of Chevy Chase Circle, where he lives with Linda, his wife of 12 years. He's very matter of fact about "what an ass I was."

"I used the oldest trick in the book—when there's no way you can attack the message, attack the messenger," he says simply. "There was no way I could attack anything advocates said about health and addiction and win. It wasn't even an option. So I'd always say, 'Well, the jury's still out on the health stuff, but that's not the real issue. The real issue is freedom of choice, freedom of choice, and these health Nazis want to take it away!' I could make a hell of an argument. And I was smooth."

Lobbying for the Tobacco Institute, Crawford could make up to \$200 an hour for chatting up state and local legislators in Maryland. He did everything from fighting a proposed Takoma Park ordinance to ban cigarette vending machines to help water down anti-smoking measures in the state-house.

"The funnest of them all was a bill in the Senate a few years ago, a bill to ban smoking in elevators," he recalls. "It was going to pass. But it could be amended. I got it amended so . . . the law could only be enforced by the Department of Labor and Industry, and the only way a person could be fined \$25 was if they were caught smoking in the presence of a uniformed police officer. And I was able to convince the sponsor that this was good for her." He mirthlessly chuckles. "That was funny. She still had her anti-smoking bill for her campaign brochure, and my clients were happy."

The tobacco companies, he says, realize any measure that might make smoking look socially unacceptable will hurt their market. "Especially younger people, their future market, so it's essential they fight everything, even smoking in elevators," he continues. "And I never had any moral qualms about doing it."

'Black Hat' Clients

By the time he retired from the state Senate in 1982, Victor Crawford had at his disposal a tight network of everyone who was anyone in Maryland politics. And he was never afraid to get his hands dirty, especially when he really wanted to win, colleagues say.

JACK ANDERSON and MICHAEL BINSTEIN

Pressler and the 'Barney' Backlash

Sen. Larry Pressler (R-S.D.) finds himself bruised and battered in his battle with Big Bird and Barney.

As the new chairman of the Senate Commerce Committee, Pressler holds legislative sway over some of the most powerful corporate executives in America. But he can't seem to get his arms around the cuddly children's characters who have come to symbolize the opposition to his plan to cut taxpayer support for public broadcasting.

"My message isn't getting through very well," a clearly frustrated Pressler told us. "All they say is I want to cut or kill Barney. That's not true at all."

Pressler apparently underestimated the willingness of the Public Broadcasting Service—and the Corporation for Public Broadcasting—to engage in trench warfare in defense of the \$285 million it receives from the taxpayers each year. Although the subsidy represents a mere 14 percent of public broadcasting's revenue—and 0.02 percent of the federal budget—the battle of Barney vs. Pressler has become an unwelcome imbroglio for GOP budget-cutters.

PBS fans, officials and employees at some of the 1,000 television and radio stations that depend on the subsidy are not taking Pressler's assault lying down. The "Swan Lake" set is not intending Pressler's attack to be any swan song.

"Pressler is trying to treat a case of a little dandruff here and there with decapitation," one PBS official told our associate Dale Van Atta.

Responding to his critics, Pressler says he's simply been misunderstood. His plan would not kill public broadcasting, he says, simply remove the taxpayer subsidy in favor of new revenue sources.

"They [PBS] have a treasure trove of profits that the taxpayers could get relief by getting a percentage of," Pressler says. Among other things, Pressler wants public broadcasting to recoup some of the profits generated by the marketing and merchandising of PBS characters such as Barney, the popular purple dinosaur. "The point I'm making is there's some creative ways of having it be self-supporting."

With polls showing PBS enjoying 70 percent public support, Pressler has his work cut out for him. Some of his critics believe he is playing fast and loose with the truth as he tries to make his case.

PBS officials predict that Pressler will find some

of the stiffest criticism coming from his own back yard—his constituents in South Dakota. Support for public broadcasting is strong there, and federal funding is a vital lifeline for the tiny radio and television stations there. As one PBS official put it: "The scorpion's own tail is going to come around and sting him." Not so, says Pressler, who believes South Dakota stations will get more funding under his plan.

While Pressler gripes about the lavish programming budgets of some of the big-market public stations, public broadcasting officials say such complaints are shortsighted. Ninety percent of PBS funds go directly to the 1,000 television and radio stations, most of which are rural. Big-city stations may get less than 4 percent of their budget from the feds, while rural ones may get up to 40 percent of their revenue from the government. If Pressler succeeds, the first to black out may be the small stations.

"We've got four of the poorest counties in the nation here, and one of the highest percentages of working mothers in the nation," a television executive in South Dakota told a top PBS official. "They depend on 'Sesame Street' to train day-care workers and give those kids in day care a chance to learn to read, give them a little bit of a head start."

The state official maintained that many rural areas in South Dakota, including isolated Indian reservations, depend on PBS for much of their programming. Partly because of affordability, the percentage of homes in South Dakota with cable television is among the lowest in the country.

Pressler's core concept, that PBS can be privatized without losing its identity, also erodes with a glance at Barney's history. Commercial television rejected the purple dino-star because its target audience was 1- to 5-year-olds, who don't buy much. "Barney and Friends" is now public broadcasting's most popular program.

"A complete cut in the federal contribution," one top PBS official warns, "will make public TV consumer-driven, not education driven, and it will be just another competing network running reruns of 'I Love Lucy' and selling imitation diamond bracelets."

Abroad at Home

ANTHONY LEWIS

Dumb And Dumber

We are told that we are moving to a knowledge-based society. The future will belong to the individual and the country that can best make the transition from brawn to brain.

No one is more committed to that vision of the future, or more convincing in expounding it, than Newt Gingrich. So it is a puzzle when he also says that he wants to wipe out the most effective instrument we have for spreading knowledge of ourselves and our world. That is public broadcasting.

Destruction of public television and radio has been made a cause by many voices on the right. Over recent weeks the arguments have been heard with increasing intensity. They seem to me to miss the point.

It is said, for example, that we no longer need public broadcasting because there are so many commercial broadcast and cable outlets. The market will work best, giving the customers what they need.

Market theory has, happily, triumphed in economics around the world. But it is hard to believe that those who say it can work in broadcasting, giving us all we now get from public stations, really mean what they say.

What commercial network or channel would conceivably make the investment that public television did to create and broadcast nine hours on the Civil War? Yet those Ken Burns programs told more Americans more about a formative chapter in the nation's history than anything else has.

Then there is the strictly educational role of public television. On WNET, the New York-New Jersey public station, 60 percent of all programs are for schools or for children at home. WNET has 100,000 viewers a day who are learning to read or earning high school equivalency diplomas.

Commercial broadcasting at its best cannot be expected to perform such functions. They fill a public need, one especially compelling in

The attack
on public
broadcasting.

a knowledge-based society.

But it is not just programs designated as educational that matter in public broadcasting. Bringing large audiences to Trollope or Dickens also does. And anyone who thinks commercial television in this country will undertake such ventures cannot have watched a great deal of it lately, with its Gresham's law of violence and greed and tabloid tittle-tattle.

To that kind of rationale for public broadcasting, the critics respond with cries of "elitism!" Why, they ask, should the public pay for programs watched only by a well-to-do elite in New York and Boston and San Francisco?

What condescension toward the American people that argument reveals. Eighty percent of all Americans watch public television at least once a month. It may be more widely used by the public than anything the Federal Government supports except interstate highways.

The point is that public broadcasting offers, or can offer, higher values to everyone, rich or poor, on the coasts or in Iowa (which has exceptional public stations). It is the very opposite of elitism.

In today's terms — and tomorrow's — public broadcasting is the equivalent of Andrew Carnegie's public libraries. It is open to all and offers all a chance to expand their minds and enrich their lives. And the Federal contribution costs each of us about \$1 a year: one of the greatest bargains around.

The comparison with public libraries was made in a thoughtful column on the public broadcasting controversy by David Warsh of The Boston Globe. He went on to another intriguing point.

Conservatives like to talk about reviving Victorian values, Mr. Warsh said: morality, industry and the like. But it was also a Victorian project to spread culture and learning to the masses through libraries, museums, public education. Why would those who profess to admire the Victorians want to suppress today's great mechanism toward those ends? Why would they want to dumb the society down?

Of course public broadcasting does not reach the ideal. But it does some things well. National Public Radio provides the only in-depth news in this country that compares with the BBC. In any event, if public broadcasting is less than it could be, improve it, don't kill it.

Underneath the critics' arguments, I think, is a premise that everything in America should be commercial. If that is the value the voices of the right are really asserting, they should say so. But somehow I do not think it is Speaker Gingrich's vision. Let us see what he does, in the end, about public broadcasting. □

THE NEW YORK TIMES

MONDAY, FEBRUARY 13, 1995

Public broadcasting 'not for sale,' official says as interest grows

By George Archibald
and Rod Dreher
THE WASHINGTON TIMES

A third private firm yesterday expressed interest in acquiring part of the public broadcasting establishment as executives of the federally funded Corporation for Public Broadcasting said they would fight commercial sale of PBS and National Public Radio.

The Public Radio Service, a nonprofit public broadcasting company in Baltimore launched to compete with NPR, has drafted a plan to offer five different public affairs and cultural formats to NPR affiliates and other nonprofit radio stations, said L. Edwin Graham, president of Supporters of Public Broadcasting Inc.

"We've been planning to do a privatized public radio and put our network on the air within the next three months. . . . We will give the

U.S. government \$1 to acquire NPR and will run it on \$10 million a year . . . and the government would never have to give CPB another penny for radio," Mr. Graham told The Washington Times.

Bell Atlantic Corp., a regional telephone company, and Jones Intercable Inc., which has 26 million cable TV subscribers, previously expressed interest in taking over the Public Broadcasting Service, which distributes "Sesame Street" and other programs to 351 public TV stations.

The Corporation for Public Broadcasting (CPB), which will give \$286.5 million in federal funds this year to about 1,000 public TV and radio stations, has been told by congressional leaders that funding will be cut or ended as part of the effort to balance the federal budget.

On Monday, Ervin S. Duggan, PBS president and chief executive

officer, said Bell Atlantic's announced interest "now make[s] clear that 'privatization,' in the eyes of those commercial operators, has precisely this meaning: selling off the assets of public television for scrap, to the highest commercial bidder."

But Ken McGee, a media analyst at the Gartner Group in Greenwich, Conn., said he is not inclined to take seriously reports that Bell Atlantic might take over public broadcasting. "This has wonderful PR value: Big Bell saves Big Bird," he said.

CPB President Richard W. Carlson told reporters yesterday that he had not yet spoken to a Bell Atlantic official who had tried to reach him by telephone. "Of course we're interested in talking about any new sources of revenue for public broadcasting," he said.

Yet Mr. Carlson said the CPB is "totally committed to the preser-

vation of public broadcasting as it is."

"Public broadcasting . . . is not for sale in this country," he added.

Henry J. Cauthen, CPB chairman and president of the South Carolina Educational Television Commission, expressed doubts about the Jones Intercable proposal. "I'm very skeptical whether their interest is in serving American education or building a stronger Jones system," he told reporters at CPB headquarters.

Glenn Jones, chairman of the cable company, said he foresees syndicating PBS programs such as "Sesame Street" and "Nova" to commercial outlets.

Jones Education Networks (JEN), part of the Englewood, Colo.-based cable operation, also would use the nationwide PBS network for its educational programming, he said.

JEN produces Mind Extension University, a system of televised for-credit college courses. Under Jones' ownership, PBS would continue to produce programs as it does now but their content would be almost strictly educational, Mr. Jones said.

Mr. Graham said the Public Radio Service intends to buy space on NPR's satellite interconnect system regardless of whether his offer to acquire NPR is accepted. He said the company will offer public radio stations five formats: news and information; classical music; jazz; African-American; and multicultural arts programs.

Currently, public radio stations pay NPR \$150,000 to \$350,000 a year for programs, including "Morning Edition" and "All Things Considered." "We'll be available to stations that can't afford NPR," Mr. Graham said.

By Nancy E. Roman
THE WASHINGTON TIMES

Republicans will likely give states more flexibility in deciding whether to deny welfare benefits to legal immigrants, House Speaker Newt Gingrich said yesterday.

But Rep. E. Clay Shaw Jr., Florida Republican and chairman of the Ways and Means subcommittee with jurisdiction over welfare reform, said "narrow flexibility" will allow states to make exceptions only for noncitizens who need extra help.

Mr. Shaw noted that the welfare bill outlined in the GOP's "Contract With America" would cut off benefits after two years but would allow states to make exceptions in certain circumstances, such as when a mother cares for a disabled child.

GOP adds flexibility on immigrants Legal residents in need would be eligible for state aid

"I suggested that we put into that category noncitizen immigrants who states believe need extra help," he said.

The compromise is aimed at staving off a feud between Republicans who say it is unconstitutional to deny welfare benefits to legal immigrants awaiting citizenship and those who say doing so is necessary to get the savings needed to pay for other parts of the Contract.

Under the Contract, \$22 billion would be saved by cutting off benefits to legal immigrants.

The compromise emerged in a

Monday afternoon GOP meeting involving Mr. Gingrich, Mr. Shaw and Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen, both Florida Republicans who refused to sign the Contract because it denies benefits to legal immigrants. Also attending were Majority Leader Dick Armey of Texas, Ways and Means Committee Chairman Bill Archer of Texas, and Lamar Smith of Texas, chairman of the House Judiciary immigration and claims subcommittee.

Mrs. Ros-Lehtinen described the meeting as a step in the right direction.

"It was not a meeting to decide as much as it was to discuss how their needs can be addressed in this legislation," she said.

She said that because cutting off benefits to immigrants is so lucrative, members have become attached to the idea.

"It is the financial motor driving so many aspects of the Contract," she said, adding that the debate over whether it is good policy has become secondary.

Mr. Diaz-Balart said he is glad Mr. Shaw and Mr. Gingrich are considering some flexibility for states. But he said he opposes the

general mandate that states not provide benefits to legal immigrants.

"What I tried to emphasize is that we should not be mandating excessively to the states," he said. "We should be moving away from mandates and not imposing new ones."

But he said he is not too concerned about the House bill because he expects the Senate to pass legislation that provides welfare to immigrants awaiting citizenship.

While they are trying to keep welfare reform on a fast track, members said it isn't easy.

"There are a myriad of programs that directly impact people's lives," Mrs. Ros-Lehtinen said. "Everyone knows that when you have a heavy-impact bill, you have to move slower."

GOP hit by temblor in Calif. Assembly Delegate ousted; Brown is speaker

By Steven A. Capps
SAN FRANCISCO EXAMINER

SACRAMENTO, Calif. — In a startling move that Republicans called an abuse of power, California Assembly Democrats elected Willie Brown to an eighth term as speaker early yesterday after securing the majority vote they needed by removing a GOP legislator from the house.

It was a remarkable victory for Mr. Brown, San Francisco Democrat, whose 14-year run as speaker was the longest in state history but whose party suffered such serious losses in the November election that many had already written his political obituary.

By a 40-39 vote Monday night — with all Assembly Republicans in



the minority — the lower house ruled that Assemblyman Richard Mountjoy, Arcadia Republican, was not qualified to serve in the body because he had also been elected to the state Senate in the November election.

Mr. Brown, who remained in control of the floor as the Assembly's senior member, ruled that Mr. Mountjoy couldn't vote on his removal.

Mr. Mountjoy called his ouster "the most corrupt power play in the history of the Assembly."

That paved the way for the Assembly to re-elect Mr. Brown by a 40-38 vote in a session that extended into yesterday morning. One Republican, Assemblyman Trice Harvey of Bakersfield, did not vote.

Democrats also were preparing to adopt a new set of operating rules they said would lead to bipartisan operation of the house. As part of the new arrangement, some of the power now enjoyed by the speaker would be transferred to a more powerful Rules Committee, which would have an equal number of Republicans and Democrats.

Also, committee makeups would be split down the middle between Democrats and Republicans, and committee leaderships would be evenly divided — 13 for each party.

The Democrats said they had been forced to act to end the seven-

week deadlock over who would become the new speaker of the Assembly. But Republicans considered the election of Mr. Brown a declaration of war.

Quoting from the Bible, Assemblyman Ross Johnson, La Habra Republican, warned Democrats; "If you do this, ye shall reap the whirlwind."

"None of you will have a place to hide," he said. "Everyone in the state of California is going to know what you did and why."

What the Democrats did was break a 40-40 tie vote for speaker by voting to remove Mr. Mountjoy. That gave them a 40-39 edge, enough to elect whomever they wished as speaker.

Democrats produced pages of legal opinions saying Mr. Mountjoy was unfit to serve in the Assembly because he had been elected to the Senate in a special election Nov. 8, the same day of the general election in which he was re-elected to the Assembly.

The legal scholars quoted by the Democrats said Mr. Mountjoy's election to the Senate took precedence over his re-election to the Assembly. But Mr. Johnson said that both the attorney general and legislative counsel had issued opinions saying it should take more than 40 votes to remove a sitting legislator.

Mr. Mountjoy had remained in the Assembly since Nov. 8, freely admitting he was doing so to prevent Mr. Brown from being re-elected as speaker.

"The two offices are incompatible," said Assemblyman Byron Sher, Palo Alto Democrat, who made the motion to disqualify Mr. Mountjoy. "Mr. Mountjoy cannot faithfully serve two different constituencies."

The two sides had engaged in negotiations to work out a power-sharing agreement since Dec. 5 but remained apart on crucial points. The Republicans, hoping to win a few more seats in recall or special elections this year, wanted to end the arrangement when one party could muster a 41-vote majority. Democrats held out for a deal that would stay in effect for the entire two-year session.

Republicans charged Monday that the Democrats had never been serious about negotiating.

• Distributed by Scripps Howard.

FEDERAL REPORT

Housing secretary agrees local control would save billions

By Ruth Larson
THE WASHINGTON TIMES

Henry Cisneros, secretary of housing and urban development, yesterday told a House Appropriations subcommittee that giving local communities control of housing funds would save billions of dollars but still would require a federal department to oversee the programs.

Mr. Cisneros said those who call for dismantling his department ignore the government's contractual duties to the American people. "There's no way you can just wave a magic wand and dismiss our obligations," he said.

He said consolidating 60 programs into three and creating a Federal Housing Administration corporation would save about \$13 billion in current budget outlays, with an additional \$51 billion in savings over the next five years.

Mr. Cisneros had come under fire in recent weeks for what some congressional Republicans called superficial reforms, trimming about 4,400 employees to save just \$800 million over five years. Now the department has expanded its package of promised savings to appeal to the budget cutters on Capitol Hill.

Rep. Jerry Lewis, California Republican and subcommittee chairman, outlined the panel's marching orders for the session: "We're going to attempt to put the federal government on a new glidepath — reducing the deficit and having the government's priorities reflect those of the American people."

The subcommittee oversees about \$90 billion in funding for HUD, the Department of Veterans Affairs and about 20 other government agencies, all of which will come under scrutiny in coming weeks. Yesterday, HUD got most of the attention.

Some witnesses told the panel

HUD should be abolished outright, with its responsibilities turned over to private companies or state and local governments.

"HUD's biggest expenses involve taxing Americans, running the money through the bureaucracy and then returning the money to state and local governments based on its determination of where the money should be spent," said Bryan Riley, an economist with Citizens for a Sound Economy Foundation.

He added: "Rather than taxing Americans' money in order to divvy it up to earn political Brownie points, Congress should let Americans keep their money."

But even some subcommittee members were skeptical of local communities' ability to handle housing responsibilities.

Rep. James T. Walsh, New York Republican and chairman of the Appropriations subcommittee on the District, noted the continuing pattern of waste and mismanagement by D.C. housing officials. For example, he noted there were more uninhabitable housing units in the District than there were homeless people, and he questioned local officials' ability to properly manage housing dollars.

Mr. Cisneros said he believes the District's problems were the exception, not the rule, among the nation's housing programs. In general, though, he said it is preferable to invest money in states and local communities ("the government closest to the people") than having the funds be absorbed into an ever-larger bureaucracy. "It's a leap of trust," he said.

Nevertheless, the president still needs a Cabinet-level officer to focus on housing issues and serve as "a clearinghouse for good ideas," he said. "You need someone to speak for the cities, someone to speak for the force of these economic engines."

EWT national:WA
Democrats line up at their national committee meeting to throw barbs at Gingrich

By Angie Cannon

Knight-Ridder Newspapers

WASHINGTON A day after House Speaker Newt Gingrich lobbed another grenade at Democrats, his high-profile targets took a few shots of their own.

From the president to the first lady to the party's new general chairman, it was their time to roast their political nemesis Saturday during the annual winter meeting of the Democratic National Committee. ``I thought on the way over maybe I shouldn't say anything,'' first lady Hillary Rodham Clinton told the gathering, noticeably anxious for her to speak her mind. ``You know, maybe I should just learn to sit quietly by.

``But then, I thought I don't really care what the Speaker says about me, but I do have this to say: I wish he would leave Big Bird alone,'' she said, sparking the crowd to thunderous cheers and applause.

The first lady was referring to Gingrich's attack Friday on the Corporation for Public Broadcasting as a propaganda tool for the elite. In the assault he depicted PBS children's program character Big Bird as a millionaire and character Barney as ``richer than Jay Rockefeller.''

Turning to the controversy over Gingrich's handling of his book contract, in which he accepted a \$4.5 million advance for writing two books then gave it back after a public outcry, the first lady offered no sympathy.

``I love watching the Republicans squirm when the tables are turned,'' she said. ``They are great at dishing it out, but they really can't take it.''

President Clinton was a bit gentler.

``It's a funny world, that world they are sketching, a world in which Big Bird is an elitist and right-wing media magnates are populists,'' Clinton said, in an apparent reference to publisher Rupert Murdoch, whose company offered Gingrich the book deal.

The crowd was also fired up with barbs about giraffe-hunting.

While teaching a history class at Reinhardt College in Georgia, Gingrich went on a rambling lecture about the differences between men and women in military combat. Among other things, he called men ``little piglets,'' and said men are ``biologically driven to go out and hunt giraffes.''

Seizing those comments and squaring off with Gingrich over any attempt to repeal last year's assault weapons ban, Clinton delighted the crowd when he declared: ``You may need assault weapons to hunt giraffes, but you can go at ducks just fine with an ordinary shotgun.''

Tipper Gore, wife of the Vice President, also weighed in: ``Hillary, isn't it nice to be in the same room with both the president and the vice president? The reason I say that is that usually one of them is out hunting giraffes.''

The new DNC general chairman, Sen. Christopher Dodd, D-Conn., continued the pummeling in more strident tones.

``I want to give a little advice to our friend Newt because he's seems upset these days. He's blaming the media. He's blaming the Democrats. He's blaming Republicans. ... These folks think they're going to get a contract passed in 100 days. If Newt doesn't cool down, I don't think he's going to be around for 100 days.''

**** filed by:KR-F(--) on 01/21/95 at 16:50EST ****

**** printed by:WHPR(JEL) on 01/23/95 at 08:45EST ****

Let's free Big Bird from his gilded cage

By Sen. Larry Pressler

Every time a reform initiative comes along to halt public broadcasting's dependence on federal subsidies, caricaturists can't resist portraying Big Bird as a lovable sitting duck threatened by some ruffian with a shotgun.

That's cute, but it distorts the real picture.

Free market reformers don't want to harm a feather on Big Bird. Instead, they want to liberate him from his \$300 million gilded cage.

Federal subsidies always arrive with strings attached. For public television and radio, this means the costly yoke of bureaucratic management and the strain of partisan tug-of-war.

In 1967, the heyday of the Great Society expansion of federal power and spending, President Johnson and the Democratic Congress created the mechanism for federal subsidies for broadcasting, the Corporation for Public Broadcasting.

The Great Society architects of the CPB built their program on a theory called "market failure." Because TV then was dominated by the Big Three commercial networks, with their middle-brow programming, the theorists believed educational and cultural fare would never make it on the air without government support.

As the years went by, the market failure theory crumbled. Technological advances and loosened regulations have encouraged the increase of broadcast TV stations from 769 in 1967 to 1,688 today. The number of broadcast radio stations also has more than doubled to 11,725. What's more, the percentage of homes subscribing to cable TV has grown from three percent to 65 percent, with cable now accessible to 96 percent of homes with TV.

Cable TV offers CNN, C-SPAN, Arts & Entertainment, Discovery Channel, The Learning Channel, Bravo, Nickelodeon and many other channels offering programming comparable to public television, but without the government subsidy. The free market also has made a wealth of cultural programming available for VCR's and on personal com-

**Barney the dinosaur
is the 3rd richest
entertainer in the U.S.**

puters, products that did not exist in 1967.

And this is just the beginning of a new era of information plenty. As chairman of the Senate Commerce Committee, I will work to pass as soon as possible a deregulation bill for the telecommunications industry. This reform will give Americans an explosion of new media outlets as telephone companies, electric utilities and other new plays enter the media field.

In this new age of market freedom and innovation for the overall telecommunications industry, the system of "public" radio and television broadcasting will become less and less relevant unless we set it free from its dependence on government.

That's why I am developing legislation to reinvent public broadcasting. Federal subsidies now amount to 14 percent of public broadcasting spending. I aim to wean the system from all of this middle class warfare within three to five years.

Like so many other relics of the Great Society, public broadcasting today is mired in waste and duplication. CPB estimates that one quarter of the 400 PBS stations are redundant, that is, they cover the same territory as other PBS stations.

A study by the Twentieth Century Fund recently found that 75 cents of every dollar spent on public television went to overhead. Much of this goes to cushy salaries for CPB and station executives insulated from the rigors of market competition. And not to be overlooked are the expensive lobbyists hired at taxpayers' expense to make sure the taxpayers keep spending.

To make matters worse, public broadcasting managers have failed to negotiate contracts to return to the CPB and the stations a reasonable share of profits from the spinoff products of their popular shows.

Forbes magazine recently listed Barney the dinosaur as the third richest entertainer after Steven Spielberg and Oprah Winfrey. Through spinoff products and promotions, the purple reptile is estimated to gross almost \$1 billion a year. Sesame Street is not far behind with \$800 million.

Lest we be so inured to the federal government's habit of spending in the hundreds of billions, a billion dollars is still a lot of money in the private sector. To have just one perspective, Sesame Street's \$800 million in annual revenues exceeds all the annual revenues of the National Hockey League.

Still, the CPB system and the American taxpayer who make all this possible do not participate in such marketing windfalls as enjoyed by Barney and Sesame Street.

If there is anything that managers with such a record of squandering resources and opportunities deserve, it's not an annual federal subsidy of \$300 million. The taxpayers should send these failed managers back to the drawing board. That's what my legislation to reinvent public broadcasting and cut it loose from federal subsidies will do.

Both the viewing public and the creative people who seek to serve them with quality programming deserve freedom from the political pressures that go hand in hand with the federal dole.

With freedom from politics and bureaucracy, both quality programming and quality management will earn their due reward. Not only will good programming have a chance to thrive, but also the stations that launch and carry popular programs will be given the right incentives to get a fair share of profits. This is the surest way to send aloft more popular and critical successes like Big Bird.

Sen. Larry Pressler (R-S.D.) is chairman of the Senate Commerce Committee.

Big Bird: meet Beavis and Butt-head

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Big Bird: meet Beavis and Butt-head

By Kitty Eisele

St. Paul, Minn. — It's five a.m. and forty below zero and I'm late for work. Alistair Cooke on the BBC Overnight urges me from sleep, explaining Congress with eloquent insight. Waiting at my office are tapes to edit, newscasts to write, and more Arctic weather to monitor.

When I finish work, Minnesota Public Radio will have given its listeners eight hours of quality programming, including a call-in on how to pay for college; a feature on sacred music; an analysis of farm subsidies; a poem about the flu; a program on investing your money wisely; and the always popular Weekend Edition from Washington.

Just for comparison, I scan the Twin Cities television stations: They lead with a deer stuck on a freeway, and another unlucky snowmobiler drowned in a lake. Grozny didn't even make the cut.

In a state where it takes eight hours to drive from Canada to the Iowa border, our broadcasts reach 98 percent of Minnesota's four million citizens. Not bad for an enterprise that receives only 13 cents on the dollar from Washington. Like government, all our corporate, foundation and individual supports are under pressure to give where the hurt is the greatest. There's no shortage of need in America.

But I don't think that's reason to abandon a service that in its own way heals and enlightens by bringing people and ideas together in civilized discourse. I don't find much of that nowadays on Rush Limbaugh or Howard Stern.

I've worked in public broadcasting for a decade, including the years I spent sleeping on friends' couches while we shot "The Civil War" on a shoestring. During that time, the same Ken Burns team also produced a documentary film history of Congress for its 1989 bicentennial. That film reached a national audience, and mil-

Public Television engages, inspires, makes us care

lions of high school and college students; it also came complete with teaching materials. I doubt you would have seen anything similar about the first branch of government on say, ABC. Congress just isn't that sexy.

Public broadcasting isn't owned by the U.S. government. But we were created by it, as President Johnson explained, because "our security depends on the enlightenment of our people ... our freedom ... on the communication of many ideas through many channels." So here are some of the voices that found expression on our channels this year. They're not notorious or newsmakers: They're just the unheralded people who make up our state and region.

Begin with the Hmong teenager, a Laotian emigre to St. Paul who spent her high school years determined to learn fluent English and escape a strict family. She ended up at Harvard, where, with no familiar language or friends, she became lonesome for the things she had despised before. Her meditation on her experience gave us all insight into the way immigrant children must straddle cultures to fit in.

And from a hamlet near the Canadian border we spoke with the "winningest coach" in high school basketball about the gifts team sports have given his kids: discipline, self-esteem and the chance to work together for something larger than themselves.

Compare them to the pot-smoking eighth graders from Edina, bored suburban kids who shocked our listeners with their apathy and their disdain for parents and teachers not savvy enough to catch them.

There was the Butterfly Lady, who harvests Monarchs in chrysalis from milkweed stems along the highways. She gave us a biology lesson that morning and a deeper respect for the natural world so many of us overlook.

Or take the Radio Friends program we inaugurated. From Belgrade — the one in the Balkans, not the one in Minnesota — Nena, an English professor, talks about what makes for a fun Saturday night in a war zone. Or Hannu, our Finnish fan, who catches our programs on his shortwave and calls to tell us about the annual reindeer migration passing by his window.

Then there's the eight-year-old who came in last month, the youngest participant in a writers-in-the-school program. We asked this budding artist to tell us what poetry was. His instant response: "Well, poetry is the boss of the imagination!"

Well, public broadcasting is the boss of my imagination. It engages me, inspires me, makes me care. At its best, it connects me with the rest of the world. I can't find anything that does that on commercial radio or television.

Why will the market suddenly sprout a garden of "Civil Wars," "Sesame Streets," "Great Performances," and future "All Things Considereds?" It certainly hasn't so far. If you think America's children will be better served by commercial broadcasters, let me introduce you to Beavis and Butt-head.

I don't want to see Big Bird put on an IV drip. Strengthen us, or kill us, but don't leave us hanging.

Kitty Eisele is arts producer for Minnesota Public Radio, and an Emmy Award-winning producer of the PBS series, "The Civil War."

Fame is a fleeting and painful thing for fired House historian Jeffrey



JAKE MCGUIRE/THE HILL

Christina Jeffrey, with daughter Marjorie, lost House historian's job in dispute over Holocaust history course.

By Sarah Pekkanen

As her 15 minutes of fame draws to a close, Christina Jeffrey moves closer to joining a select club.

Like Zoe Baird and Kimba Wood of Nannygate fame, Bernie Nussbaum's alleged cover-up following Vince Foster's suicide, and John Tower's personal problems, Jeffrey's career will forever be summed up by her brief moment in the national limelight.

The firestorm erupted two weeks ago when reporters learned that Jeffrey, Speaker Newt Gingrich's choice for

gotten speech to club memberships.

And in an age when Foster's suicide becomes fodder for a Halloween skit at a Republican party, many political observers contend the old Washington game is being played by new rules — or no rules at all.

"More and more," said Lichtman, "you're likely to have the intimate details of your personal life spread around."

There's even a new word to describe it: "Borked." It came into vogue after Democrats derailed Judge Robert Bork's appointment to the U.S. Supreme Court by characterizing him as a judicial extrem-

ing back reporters and opening her home to them.

"It's not too much to go through because it'll come up again. And I don't ever want to go through it again," she said. She also believes she was used as a pawn to sully Gingrich, and hopes her redemption campaign will clear his name along with hers.

"The attack on me was designed to embarrass him," she said. "It would be nice if for once, it isn't quite as effective as it has been."

As one who knows all too well what it is like to be swept up in a political hurricane, Nussbaum recently indicated that

PESO

Hispanic Caucus hedges bets on Mexican loan guarantees

By Craig Karmin

Smoothing over differences that divided their members during the Nafta vote, most members of the Hispanic Caucus are offering tentative support for the Clinton Administration's request for a \$40 billion loan guarantee to Mexico.

After meeting last Thursday to discuss the loan guarantee, 12 of the 18 caucus members expressed a desire to aid Mexico but were hesitant to pledge full support until the details of the loan guarantee were revealed, according to an aide.

The meeting came at the request of the Democrat House leadership at a time when the Republican leadership has indicated it would not back the loan guarantee until the Democrats showed more support. The caucus split over the North American Free Trade Agreement, but those who favored the trade pact — particularly members who represent border states — were instrumental in helping rally Democrat votes in support of the trade pact.

If this time around everyone seems open to the idea of supporting a Mexican loan guarantee, energy and enthusiasm — even among some of the most vociferous advocates — is down from the Nafta vote a year ago. "We'll vote for it, but I don't think we'll campaign for it. At least not me," Rep. Bill Richardson (D-N.M.) said. It will be a tough sell to his constituents, he added.

Rep. Esteban Torres (D-Calif.), one of the caucus's leaders in the push to enact

PHOTOCOPY PRESERVATION

As her 15 minutes of fame draws to a close, Christina Jeffrey moves closer to joining a select club.

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The firestorm erupted two weeks ago when reporters learned that Jeffrey, Speaker Newt Gingrich's choice for House historian, had in 1986 criticized a junior-high school Holocaust course for not including the views of the Nazis and the Ku Klux Klan.

She is, she says, the victim of a colossal misunderstanding. Some people believe her. Some don't.

Whatever the intent of Jeffrey's words, her removal, and the recent histories of other would-be appointees or office holders, is raising questions about the implications of the new ferocity of the old Washington game of personal attack.

Former presidential aide Tom Korologos once summed it up this way: "Washington is Salem. If we're not lynching somebody 24 hours a day in this wretched town, we're not happy."

As the level of political discourse sinks ever lower, day-to-day political attacks are quickly forgotten on Capitol Hill. But some believe they are creating permanent damage.

"People are going to shy away from highly visible appointments," said Allan J. Lichtman, a history professor at American University. "They're going to shy away from running for office because they don't want every aspect of their lives to be subject to this scrutiny."

It is for this reason, Lichtman believes, that Colin Powell is agonizing over whether to embark on a political career. Technological advances will now allow his enemies to touch a computer keyboard and call up his personal history — from tastes in reading material to an old, for-

gotten speech to club memberships.

And in an age when Foster's suicide becomes fodder for a Halloween skit at a Republican party, many political observers contend the old Washington game is being played by new rules — or no rules at all.

"More and more," said Lichtman, "you're likely to have the intimate details of your personal life spread around."

There's even a new word to describe it: "Borked." It came into vogue after Democrats derailed Judge Robert Bork's appointment to the U.S. Supreme Court by characterizing him as a judicial extremist. Ironically, the woman some consider the latest "Borking" victim met her husband at an American Political Science Association retrospective on Bork in 1988.

Jeffrey's saga began on Jan. 9, when a media frenzy exploded around her after reporters learned about her critique. Her phone rang so frequently that in the few minutes it took her to remove messages from her answering machine, the tape filled up again. Today, her story is rapidly fading.

Unlike other failed nominees who did not respond to interview requests for this story, Jeffrey wants to keep her name in the nation's consciousness. She is weeding through hundreds of messages, call-

ing gossip reporters and opening her home to them.

"It's not too much to go through because it'll come up again. And I don't ever want to go through it again," she said. She also believes she was used as a pawn to sully Gingrich, and hopes her redemption campaign will clear his name along with hers.

"The attack on me was designed to embarrass him," she said. "It would be nice if for once, it isn't quite as effective as it has been."

As one who knows all too well what it is like to be swept up in a political hurricane, Nussbaum recently indicated that the present climate in Washington made him fear for its future.

In a speech before the New York Bar Association last month, Nussbaum, who maintains he did nothing improper as counsel to President Clinton, said his experience taught him that appearance is everything in Washington.

"For too many of us," Nussbaum said, "the resulting lesson is to shy away from doing anything which someone may later claim looks improper — regardless of whether or not it is improper. Fear of appearing to do wrong prevents too many in Washington from doing what is right. That is a prescription for weakness and paralysis."

Jeffrey was controversial in '88

In 1989, Sen. Richard Shelby (R-Ala.) wrote to the Department of Education on behalf of recently removed House historian Christina Jeffrey, who was then known as Christina Price.

It is unclear what is in his letter, which Shelby's staff is trying to retrieve from off-site storage.

On Tuesday, Shelby's office released the following statement: "Sen. Shelby does not approve or condone the views represented by Dr. Jeffrey in her report. In 1988, a member of his staff met with Dr. Jeffrey. As a matter of constituent service, Sen. Shelby's staffer contacted the Department of

Education at Dr. Jeffrey's request."

In response to Shelby's letter, Patricia Hines, then-assistant secretary for educational research and improvement, wrote: "In the event that this controversy continues, you may rest assured that I will do everything possible to ensure that no further confusion arises, and that no one in this Department casts aspersions on the character of Dr. Price."

A Department of Education spokesperson said that in any case, Hines' letter would not carry any weight today.

— SARAH PEKKANEN

states — were instrumental in helping rally Democrat votes in support of the trade pact.

If this time around everyone seems open to the idea of supporting a Mexican loan guarantee, energy and enthusiasm — even among some of the most vociferous advocates — is down from the NAFTA vote a year ago. "We'll vote for it, but I don't think we'll campaign for it. At least not me," Rep. Bill Richardson (D-N.M.) said. It will be a tough sell to his constituents, he added.

Rep. Esteban Torres (D-Calif.), one of the caucus's leaders in the push to enact NAFTA, says he will talk to other House members outside the caucus to drum up support for the loan guarantee, but it's a different situation than NAFTA.

"There is unanimity that we need to seriously consider any proposal," Torres said. "But members aren't holding press conferences. We're taking a more reserved position."

John C. White funeral services set in Texas, D.C.

Funeral services for former Democratic national chairman John C. White will be held in the Texas state capitol in Austin on Friday, followed by a memorial service in Washington next week, his family announced Tuesday.

White, 70, died at Georgetown University hospital on Jan. 20 of a heart ailment.

White, who operated a lobbying firm in Washington after serving as DNC chairman from 1978-81, previously served as deputy secretary of agriculture in the Carter administration and commissioner of the Texas department of agriculture.

A Texas native, White was known for his political savvy, his ability to successfully mediate political fights, and his self-effacing humor. He once said he accepted his party's chairmanship not because it was a prestigious post but because "it was the only bone in the yard."

The Living Tree of Public Broadcasting

Remarks of
Ervin S. Duggan
President and Chief Executive Officer
Public Broadcasting Service
Before the
National Press Club
Washington, D.C.

January 17, 1995

Investing Well

The little town where I grew up—Manning, South Carolina—was small enough that we could walk to church on Sunday. My Sunday School teacher was a Southern matriarch named Virginia Richards Sauls, one of nine daughters of a South Carolina governor. Miss Virginia, as we called her, never tired of telling us the great stories of the Bible. Her favorite was the Parable of the Talents.

In that parable, a rich man leaving on a journey entrusts his property—measured in what were called talents—to his three servants for safekeeping. He returns to find that two servants have invested their talents well—so well, in fact, that their worth has doubled. The other, foolishly, has buried his talent in the ground. The master scolds and punishes the foolish, hoarding servant, but says to the wise and fruitful ones: "Well done, thou good and faithful servants; you have been faithful over a little; I will set over you much."

That story, of course, is about the generous, productive use of gifts; about sharing, building and creating. I mention it because I am convinced that the people of public broadcasting—the local volunteers, trustees, producers, professionals and supporters who make up this enterprise—are good and faithful servants who are living out a modern reenactment of the Parable of the Talents. They do not eat tax dollars; they plant them and grow others. They are faithful over a little; they turn it into much.

I'm concerned, however, that everything those good and faithful servants have built over two generations is suddenly, seriously at risk.

For the next few minutes I'd like to talk about four things:

- I want to talk first about a genuine crisis that faces the nation we love. I call it the triple crisis.
- Second, I want to describe the remarkable local and national partnership that constitutes public broadcasting—a treasure not unlike our national parks, or The Smithsonian Institution. I want to sketch its true nature, because too many people seem not to understand it.

- Third, I'd like to say a few words about the dangers of loose talk, of careless rhetoric, about "privatizing" public broadcasting. If privatizing turns out to be only a euphemism for defunding public broadcasting in a way that would commercialize it; if privatizing, in the end, leads to breaking it into pieces to be sold for salvage, much could be lost, never to be regained.
- Fourth and finally, I want to suggest that there are better, more creative possibilities for this great national asset, this living tree called public broadcasting: possibilities far more hopeful and constructive than merely zeroing it out, or hacking the tree down to a stump.

The Triple Crisis

Consider, first, the triple crisis that we face.

First there is the crisis of education: Can we send all our children to school ready to learn? Once they're there, can we give them an education good enough to help them become productive, responsible citizens and workers in a competitive global economy?

We face, second, a crisis in our popular culture—a steadily coarsening, ever-more-tawdry, popular culture, driven by marketplace imperatives to be increasingly violent and exploitative. Today's electronic culture of gangsta rap and kick-boxing superheroes not only makes it harder to be a parent; except for a few honorable exceptions, our media coldly abandon parents who yearn to give their children decent values to live by. Telling those parents simply to turn off the set if they don't like the violence and tawdriness that they see is like telling people to wear gas masks if they don't like pollution.

We face, third, a crisis of citizenship. Can we still speak with civility to one another? Can we approach our mutual problems in an atmosphere of shared purpose? We citizens in the center wonder—and we wince as our elected leaders vilify one another in an atmosphere of gridlock. We wince to hear commercial talk shows disintegrate into shouting matches and peep shows for the lurid and bizarre. Can we create what Father Richard John Neuhaus calls a civil public square?

The Populist Broadcasting Service?

That triple crisis points me to my second topic: I know of one institution that can constructively address every aspect of that triple crisis. It is an imperfect institution, yet one with many virtues. Its entire mission is education, culture and citizenship. It is called public broadcasting.

We could substitute, for that word "public" in public broadcasting, the more elaborate words of Abraham Lincoln: "of the people, for the people, by the people." For public broadcasting stations are not owned or controlled by monolithic bureaucracies a thousand miles away. They're owned by local boards, by universities, by school systems, by nonprofit civic organizations.

What could be more populist, more Jeffersonian? I can almost see Thomas Jefferson in his study, watching Bill Buckley's "Firing Line" debates. Jefferson, a child of the Enlightenment, would have loved the enlightening mission of public broadcasting. Jefferson the small-d democrat would have loved its universal reach. Jefferson the inventor would have wanted to meet the pioneers who brought the world closed captioning for the deaf and an audio channel for the blind. It is not far-fetched to say that public broadcasting is Mr. Jefferson's other memorial: a temple of minds and voices; a temple not built of stone.

That word "public" means something else: free and universally available to all. To enjoy its riches, no one has to pay thousands of dollars for a computer and software and a modem. If you do have a modem, however, we have a great new service called PBS ONLINE. And you'll find many public stations on the Internet, along with PBS, NPR, and the Corporation for Public Broadcasting. To enjoy the riches of public broadcasting, moreover, you don't have to plug in a cable, or rent a converter, or pay hundreds of dollars a year in subscriber fees or pay-per-view charges.

That word "public" in public broadcasting refers to something else, as well: a mission that cannot be replaced by commercial operators any more than your public library can be duplicated by Crown Books, a public school replaced by a New England prep school, or a national seashore duplicated by a commercial theme park.

Our unique mission is service to teachers, students and schools. This year, hundreds of thousands of Americans will earn their high school or college degrees through courses screened by local public television stations. Millions of teachers will use classroom versions of our most famous programs; my ninth-grade son, right now, is learning about the Civil War from his teacher—and from a laserdisc version of Ken Burns's masterpiece. As I speak to you, teachers across the nation are learning the new Goals 2000 math standards through a service called PBS MATHLINE. At 60 colleges—60 and growing—students can earn a two-year degree totally through PBS telecourses, without going to campus.

That is a side of public television many viewers, and many members of Congress, don't know enough about. That mission, however, sets us apart from every other broadcast and cable service in America. For us, you see, education isn't an afterthought, or window dressing or a sideline. It is in our institutional genes. It is central to our purpose.

Then there's our funding, public in the broadest sense of that word. Public television, for example, has between five and six million contributing members—five million householders who give generously to something they could get for free.

Locally and nationally, hundreds of public-spirited corporations underwrite programs—Mobil, General Motors, Archer Daniels Midland and AT&T. They can buy commercials elsewhere. Here, they care about another mission.

Generous and visionary foundations like Olin, MacArthur, the Pew Charitable Trusts, and Bradley also give.

And then, joining all these stakeholders in our enterprise, there's Congress. How much does Congress contribute each year to public broadcasting? Roughly 14 percent of the budget for this public-private enterprise. Fourteen percent. To put the question another way, how much of the Federal budget does the Corporation for Public Broadcasting account for? One fiftieth of one percent; two hundredths of the Federal budget. In decimal form, point zero two.

That's \$1.09 per person, 80 cents of it for television. If you bought just about any newspaper in the country last Sunday, you paid more for that paper than you pay for public broadcasting for an entire year. Think of it: Sesame Street, MacNeil/Lehrer, NOVA, All Things Considered, Morning Edition—all this, all year, for less than the cost of a cup of coffee in Chicago. All of public television's buildings, facilities, stations, programs, all year—*everything*—for a dollar a year. We could operate PBS for ten years for what Fox paid for just one program: NFL Football.

Suppose we paid for interstate highways through such a public-private partnership, with Congress appropriating only 14 percent of the total. Suppose we used this model to pay for battleships or Capitol Hill offices and staffs? Government leaders of both parties, who rightly care about frugality and efficiency, about stretching every dollar, would, I'm sure, hold parades in the streets to celebrate such feats.

Well, public broadcasting *IS* funded through such a frugal, efficient partnership. Those who are taking aim at it, in my judgment, should instead be saying, like the master in that biblical parable, "Well done, thou good and faithful servant. Enter into the reward laid up for thee."

Cut Down the Living Tree, or Save It?

Some of our leaders, however, are speaking in a different way. They have targeted public broadcasting for a quick, sidelong choke that could mean its eventual extinction. They intend, they say, to "privatize" public broadcasting by stripping it of federal funding. The professional political term, inside the Beltway, is "zeroing-out."

So let me turn now to my third topic—privatizing, which at this point in the debate cannot be distinguished from another word: commercializing.

The opponents of public television deny that their opposition is ideological; they deny they want to censor or silence voices they don't like. After much complaint about that issue, they now say they have other, more innocuous reasons. Let us take them at their word.

They argue that the federal government has "no mandate" to keep funding public broadcasting; that noncommercial educational broadcasting is "not essential" to the nation. Surely, then, they plan to zero out, as well, The Smithsonian Institution? The National Gallery? The Kennedy Center? Federal support for the Internet? For these, too, are public institutions of education and culture, like public broadcasting. And these too, are not essential; not necessary to life. They are simply among the things that make life worth living, for rich and poor alike. Why single out public broadcasting? I wonder why.

Another complaint is that public broadcasting is elitist, a "sandbox for the rich." All the factual evidence, all the research, all the data suggest the opposite: that the people who love public broadcasting are the very same people who make up America. The majority of viewers who watch opera on public television, for example, don't have a college degree, and their household incomes are less than forty thousand dollars a year.

What about the contention that public broadcasting is too expensive? The numbers you have heard poke big holes in that argument—especially when you add, to the numbers, the matching efforts that expand and multiply the federal contribution. To defund this enterprise for that reason—suddenly, unilaterally, and without consulting the millions of other stakeholders who produce far more of its support—would be pound-foolish, not economical. To people outside the Beltway, to thousands of local board members and volunteers, such talk doesn't sound like reform. It sounds like assisted suicide—a mask pressed down upon a patient who wants no such assistance, and whose family isn't allowed into the room.

Told how frugal we are, some of these detractors about-face, awkwardly, to yet another explanation: It's such a tiny amount, they say, it could easily be made up from "other sources"—from toy sales, for example, tied to our programming. The numbers don't add up, but who's counting?

We need to be clear on one important point: In our economy, there is no such thing as nonprofit venture capital. That relatively small amount of federal funding—that 14 percent of public broadcasting's budget—is our seed money, our risk capital. If "privatize" means to "zero out" (and we're told it does); and if no clear plan exists for replacing that seed capital (and none has emerged), then to "privatize," means, perforce, to commercialize. Take away public broadcasting's seed funding, starve it financially of its only venture capital, however small—and you force it headlong into the alien world of ad agencies and costs-per-thousand and merchandising, rather than the world of teachers and historians and community volunteers.

Surely those who speak of a quick, unilateral "privatizing" don't intend that to be the final destination. Or do they?

Finally, we hear that cable can do everything public television can do. Why not let a cable network, or several cable networks, program PBS—as a sort of re-run channel? Leave aside for the moment the implication here: the whiff of trickle-down TV. Ask some other questions: Is this in the public interest, or a commercial parody of the public interest? Would America like to lose what would be lost? Would America's

existing commercial networks like such an outcome? What would such a scheme do public television's historic role as fount and wellspring of innovative program ideas?

What, exactly, is the vision of those who would "privatize" public broadcasting? Is it a vision that preserves the original dream, or does it torch and destroy that dream? They don't say. Is it a vision worthy of those public-spirited Republicans and Democrats of the Carnegie Commission, who created a new model called public broadcasting 25 years ago? They don't say. Is it a vision for a new and better future? Or is it, in fact, a death warrant disguised as a new charter?

What the People Say

Perhaps our leaders on Capitol Hill need to listen to what the people say. A national poll conducted by Opinion Research Corporation was released today. It suggests that most Americans—84 percent—want that small but vital federal stake in the partnership maintained or increased. Support for federal funding totals 80 percent among Republicans; 86 percent among independents; 90 percent among Democrats.

What do these numbers tell us? They suggest that the parents and teachers and grandparents of this nation—the people who live in homes with cable, and in the 32 million homes that don't subscribe—may want a better plan. They seem to want something more than vengeful zeroes, or "privatization" schemes that threaten to commercialize or kill.

Fortunately, the people of public broadcasting, and the people who cherish public broadcasting all over the nation, have lots of good ideas. All over the country, local stations are becoming educational teleplexes. They're planting the flag of education on new technologies. They're turning the existing infrastructure of public broadcasting into a free educational launching pad into cyberspace.

People within the world of public television have good ideas, as well, about renewing and refreshing public television: ideas, for example, about insulating its governance and financing from the political vagaries of each appropriations season. The original Carnegie Commission, made up largely of Republican business leaders, called for a national endowment, raised from a few pennies on the sale of each TV set and radio. That's one idea. A reserve of spectrum auction money is another. Tax credits and "education technology grants" are another.

The local leaders of public broadcasting are forward-looking. They are highly capable of planning the future of their enterprise. Before changes are hatched that might be ill-considered, we need some decent ground rules. Let me suggest three:

- First, all of the stakeholders who support this local enterprise ought to be invited to the table. Otherwise, any outcome is likely to be imposed, not democratic.
- Second, the process should be orderly, not precipitous; careful, not headlong. Public broadcasting has taken 40 years to achieve its

present excellence. Why all this haste to dispatch it in 100 days, by a quick, sidelong fiscal choking?

- Third, we need to be candid about the real motives underlying proposals for change. What are we to think about would-be surgeons who seem to despise their patient?

Do They Hear Us?

It was Edmund Burke who pointed out that the true conservatism lops off dead branches, in order to preserve the living tree. Public broadcasting, however imperfect it may be, is part of the living tree: the tree of education, culture and citizenship. To chop up that tree and sell it off as cordwood would be violent and extreme, not conservative.

The volunteers, professionals and board members of America's public broadcasting stations are eager to tell their leaders about the worth and potential of that living tree. They see a historian and educator as the House Speaker and they say, "History: that's what we're about." They hear Speaker Gingrich discuss our need to nurture and care for our young and say, "Education: that's what we're about." They hear Speaker Gingrich's speeches about futurism and technology and the Third Wave—about laptops for the poor—and they say, in so many words, "Technology for humane ends: that's what we're about. Is he listening? Does he know we're here?"

Those same leaders look at the biography of Senator Pressler and see a son of Harvard; a Rhodes Scholar, a Senator whose constituents, many of them, live in rural places or are too poor to afford a monthly bill for cable, great as cable is. They say, "We have a great deal to say to him. Will he listen?"

The people of public broadcasting—thousands of them, who have created jobs and educational services and community outreach projects out of their local stations, are ready to join in a discussion about its renewal and its future. But they will also fight the reflex to destroy what they have built. Today they know that millions of Americans agree with them.

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FACT SHEET: ORC POLL ON TELEVISION PROGRAMMING AND PBS

The Opinion Research Corporation (ORC) of Princeton, N.J., conducted a survey of 1,005 adults (age 18+) from Jan. 5-8, 1995, regarding their views on television programming and on public television specifically.

The poll reveals the public's concerns over a perceived deterioration in the overall quality of television, and broad support for noncommercial public television as a standard-bearer for quality programming that is educational, informative, family-oriented, and appealing to a wide range of viewers. Among the specific findings:

- Most Americans support federal funding for public television. When asked, "As far as federal funding for public television is concerned, which would you like to see Congress do in 1995?" more than 8 in 10 (84%) advocated either "increase funding" or "maintain funding at current levels," with a plurality (49%) supporting an increase.
- Support is strong across all party lines: 80% among Republicans, 86% among independent voters, 90% among Democrats.
- Eighty-two percent agree that public TV "has a higher standard of program quality than commercial TV or cable," and 76% feel that without PBS "it would be very difficult to maintain and improve the quality of television programming in the future."
- A large majority of Americans (86%) feel that PBS continues to be an important resource to the nation, with a plurality of 45% calling PBS "more important ... than ever before," and 41% calling it "as important today... as in the past."
- Nearly all believe PBS "provides more educational and informative benefits to its viewers than most other television" (92%) and "is more suitable for the whole family" (91%).
- Nine in 10 feel PBS "offers something for just about everyone from all walks of life, regardless of education or income" (90%).
- More than eight in 10 (82%) feel that PBS is "reasonably balanced in the content of its programming — neither too conservative nor too liberal." Agreement was high among all political groups: Republicans 79%, independent voters 83%, Democrats 87%.

(over)



Press Release

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**NATIONAL POLL: EIGHT IN TEN AMERICANS
SUPPORT FEDERAL FUNDING FOR PUBLIC TV****—Public sees television in general decline; cites PBS as essential leader
in quality, educational programming for the family—**

(Washington, DC, Jan. 17, 1995)—An overwhelming majority of Americans see public television as a champion of quality television, and advocate continued—or even increased—federal support, according to a nationwide opinion poll released today.

The survey of more than 1,000 adults was conducted by Opinion Research Corporation (ORC) of Princeton, New Jersey, during the first week of January. Among its findings:

- Most Americans (84 percent) would like to see Congress either maintain public television's funding at current levels or increase it, with nearly half advocating an increase.
- Support for federal funding was strongly nonpartisan, totalling 80 percent or more among voters who identified themselves as Republicans, Democrats, and independents.
- More than eight in 10 people say PBS is as important, or more so, than it has been in the past, with 45 percent saying it is more important than ever before.

The poll sheds light on why the public so strongly believes in the importance of non-commercial public television:

- More than half (55 percent) feel the quality of television overall is deteriorating, including an increasing amount of violence and a shortage of family programming, and the vast majority (82 percent) believe television violence has a negative impact on children.

(more)

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- Eight in 10 (82 percent) say PBS has a higher standard of quality than commercial television or cable, and more than three out of four (76 percent) believe that without PBS it would be very difficult to maintain and improve the quality of TV programming.
- Nearly all said PBS is more educational and informative than most other television (92 percent), is more suitable for the whole family (91 percent), and offers something for viewers of all walks of life (90 percent).

The telephone survey of 1,005 adults 18 years or older was conducted during the period Jan. 5-8, 1995. Opinion Research Corporation was founded in 1938 by Claude Robinson, the original associate of polling pioneer George Gallup. It provides research for some of the world's largest corporations and other organizations.

PBS is a private, non-profit corporation owned and operated by the nation's public television stations. A trusted community resource, PBS uses the power of non-commercial television to enrich the lives of all Americans through quality programs and educational services that inform, entertain and inspire.

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- With regard to today's television programming overall, more than half (55%) feel the quality of television is "not as good these days as it was a few years ago," 25% say it's "about the same" and 18% feel it is "improving."
- Compared to past years, a majority feel they are seeing more programs on television that are not suitable for children (78%) or are too violent (76%), and more political commentary that leans too heavily toward one political party (51%).
- A majority feel there are fewer television performers or characters who serve as good role models for young viewers (54%), and programs the whole family can watch together (51%).
- Eighty-two percent believe that "the amount of violence children see on television has an effect on their likelihood of being aggressive and committing crimes."

The margin of error for the survey is $\pm 3\%$. Opinion Research Corporation is an international corporation founded in 1938 by Claude Robinson, the original associate of polling pioneer George Gallup.

For further information about the findings, contact Judy Lescher (ORC), 800/999-0213, or Dara Goldberg (PBS), 703/739-5031.

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Issued: Jan. 23, 1995

CONTACT: Karen Doyne 703/739-5074
Robb Deigh 703/739-5392

STATEMENT OF
ERVIN S. DUGGAN
PRESIDENT AND CHIEF EXECUTIVE OFFICER
PUBLIC BROADCASTING SERVICE

I have warned several times in recent days that the present discussion of "privatizing" public broadcasting cannot be interpreted as anything other than an attempt to commercialize or kill the enterprise. I have said that those who speak about privatization have put public broadcasting, wittingly or unwittingly, into play for a hostile takeover and breakup attempt by commercial operators.

Statements over the weekend now make clear that "privatization," in the eyes of those commercial operators, has precisely this meaning: selling off the assets of public television for scrap, to the highest commercial bidder.

Careful observers should be able to discern three distinct sources of pressure to defund and break up public television:

The first is a determined group of electronic book-burners—special-interest groups who, seeing books that they don't like on the shelves of the public broadcasting library, wish to close it down.

The second is a pay-television industry which may wish to remove free, high-quality public television from its path—or, failing that, control it. If this impulse succeeds, Americans may wonder in the aftermath whether paying \$300 to \$600 a year for commercial programming that purports to "duplicate" public television is a good substitute for what exists today. Roughly 90 million citizens are not hooked up to cable. Who will speak for them?

The third source of pressure is a set of would-be commercial broadcasting operators who seem to want to snap up the broken remains of public television for money-making purposes. If public television is picked clean in such a hostile takeover, will these commercial operators be interested in delivering the full range of educational and informative programming that defines public television—much less the education services and technologies that are serving teachers, students and communities nationwide, such as our college telecourses, PBS Mathline, and the Sesame Street Parent Education Project? There is a fundamental difference in the day-to-day decision-making process for an institution dedicated to the public interest and serving citizens, and one dedicated to profit, serving shareholders.

(more)

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The nation's public television stations are private, non-profit, locally-owned service institutions. They raise 86 percent of the system's total budget from sources other than the Congressional appropriation of 14 percent—returning to the American taxpayer, in the process, a four- or five-to-one return on investment. They are already, one might say, substantially "privatized." They certainly do not need brokers or transfer agents on Capitol Hill to do their negotiating for them, against their will and without their participation.

It is particularly ironic that these proposals surface on the heels of national polls that show unequivocal public support for PBS and its continued federal funding. Will the American people be happy with the transmogrification of non-profit, noncommercial educational television into just another TV channel, driven by ratings, the lowest common denominator of public taste, and the appetites of advertisers? With Ken Burns's "The Civil War" interrupted every few minutes by aspirin commercials?

Public television has no political action committees. It has no "soft money" to offer in political campaigns. It has no strength with which to fight except the strength of its mission, the power of a dream, and the loyalty of millions of Americans. Those are frail weapons, unfortunately, against the powers now moving to destroy it, or at the very least, to alter it beyond all recognition.

I greatly admire Senator Larry Pressler. I worked collaboratively and productively with him and his able staff when I was a commissioner of the Federal Communications Commission. Senator Pressler has the opportunity now to be the savior and protector of this imperfect but hopeful educational and cultural institution, which happens to use technology as its medium. Can we persuade him to allow the local licensees of public television—many of them universities, school boards and state education networks—a voice in their own fate?

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The Washington Post, 1/23/95

Bell Atlantic Wants PBS Stations

Phone Company Would Also Fund Programming

By Mike Mills and John Maynard
Washington Post Staff Writers

Bell Atlantic Corp. is interested in buying public television stations within its telephone service region and taking over the Corporation for Public Broadcasting's role as a funding source for programming, company officials said yesterday.

Bell Atlantic serves a seven-state area including the District, Maryland, Virginia and the Philadelphia area.

On CBS's "Face the Nation" yesterday, Senate Commerce Committee Chairman Larry Pressler (R-S.D.) revealed that he had held discussions with Bell Atlantic and several other telecommunications companies about how they could become primary funding sources for production of such PBS shows as "Frontline," "Sesame Street" and "Nova." CPB currently provides \$285.6 million in federal funds to public radio and TV, accounting for 14 percent of the total public broadcasting budget.

Bell Atlantic Chairman Raymond W. Smith met with Pressler early last week for "very preliminary" talks regarding the matter, according to Bell Atlantic spokeswoman Shannon Fioravanti. Much would depend, she said, on whether Congress strips CPB of its funding and lifts the prohibition against profit-making companies owning public broadcasting stations. She said she had no details about which stations would be involved. The public television outlets in the Washington area are WETA (Channel 26), WHMM (Channel 32) and the Maryland Public Television system.

"If Congress decides to privatize public broadcasting, we would be interested in either exploring partnering ar-

rangements or possibly purchasing stations within the Bell Atlantic region." Bell Atlantic President James G. Cullen said in a statement yesterday. "We would want to continue the public broadcasting emphasis on educational and quality community programming."

Pressler said it would be possible to write legislation that, through a private corporation, would maintain CPB's goals of reaching every area of the nation with educational programming. "It could be done with a provision that they would continue children's programming and rural broadcasting. They could do this without spending any federal money," he said on "Face the Nation."

Public broadcasting lobbyists immediately attacked Pressler's comments.

"Senator Pressler pretty clearly, for the first time, made the real agenda clear in terms of the supposed privatization of public television," said one public broadcasting official who requested anonymity. "That agenda being cutting deals with huge communications companies whose goals aren't to preserve public TV but to carve it up and turn it into another commercial network. PBS is a sitting duck for a communications company that badly needs a television outlet."

CPB President Richard Carlson, who appeared on the show with Pressler, said he was "totally taken by surprise" regarding Pressler's statement. "I don't want to reject anything out of hand, [but] some things are being said here that aren't necessarily in touch with reality."

For example, he said, it's not clear how Bell Atlantic or any other communications company would take over CPB from the federal government, because CPB has few assets aside from its staff and its annual appropriation from Congress. There are about 650 public radio stations and 351 public TV stations in the United States.

Bell Atlantic needs video programming as it prepares to compete against cable television systems by offering television over its phone lines. It recently won federal approval to test-market its video system in Fairfax County, where it plans to offer more than 200 movies that viewers can choose at any time. But company officials emphasized that they would also make public broadcasting programs available over the air. They added that no decisions had been made on whether to include commercials during the programming.

Late last year, Bell Atlantic joined with two other regional Bell companies, Nynex Corp. and Pacific Telesis Group, and Hollywood superagent Michael Ovitz to look for opportunities to purchase and create programs.

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LARRY PRESSER, SOUTH DAKOTA, CHAIRMAN
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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

January 27, 1994

The Honorable Bill Clinton
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington D.C. 20005

Dear Mr. President:

I write to congratulate you and your Administration on your numerous suggestions for privatization. There were proposals in Vice-President Gore's report for the National Performance Review, Creating A Government That Works Better And Costs Less. Suggestions to privatize functions of the General Services Administration, Government Printing Office, Job Corp civilian Conservation Centers, National Oceanic and Atmospheric Administration, Naval Petroleum Reserve, Department of Defense, and the United States Enrichment Corporation are compelling.

As you are well aware, we in America continue to face a severe fiscal crisis. With an annual budget deficit projected at \$ 175 billion and a national debt of over \$4.8 trillion, we simply cannot afford to pay for all the good and worthy sounding projects which vie for American's tax dollars.

As Chairman of the Senate Commerce, Science and Transportation Committee, I anticipate significant cuts and privatization will be required for the many areas within the Commerce Committee's jurisdiction. Among the proposals I have already publicly articulated is the privatization of the Corporation For Public Broadcasting (CPB).

I would very much like to work with you, Vice-President Gore and the Administration on this privatization proposal. I am anxious to hear your views and plans for the Corporation For Public Broadcasting. I want to work in a bi-partisan fashion to craft such a plan.

FROM

01.30.1995 12:26

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01/29/95 13:40

0003

I look forward to hearing from you on your proposal. I appreciate your attention to this important matter.

Sincerely,


Larry Pressler

LP/dma

February 13, 1995

To: President Carlson and CPB Board
From: Diane Blair
Re: Novak's column in today's Post

I am deeply disturbed by the numerous inaccuracies and innuendoes in this column.

Attached is a copy of the memo which I presented to Dick, Henry and Carolyn the second morning of our Board meeting, outlining my objections to the contract. Note that it does not contain one word about Mr. Weber's relationship with Speaker Gingrich, because that was not the basis of my concern.

Those who attended the Board dinner Monday night know that I was deeply distressed about the day's events because I felt so strongly that the Board, in letting the contract go forward, was failing in its fiduciary responsibilities. I absolutely never said anything about, "We're going to give it to Gingrich." I wasn't thinking that way nor do I talk that way. (Could someone, second or third hand, have heard my concerns that we were being much too compliant with the wishes of those who wished to abolish or privatize us, i.e. that we were just "giving in" instead of fighting, and twisted it into this?)

At the conclusion of the Board's business on Monday I returned a phone call from the Office of the First Lady asking if I would be available for dinner, and I said that I would not because I was dining with the Board. So much for the First Lady's involvement. (The fact that someone on staff at the CPB is monitoring Board member's phone messages and reporting them to the press should be of grave concern to us all).

I would be amazed if the transcript of the January 24 Board meeting shows me saying, "This thing stinks." What I do recall is saying to several Board members in a pre-meeting conference in the library, "This just doesn't pass the smell test."

That I am trying "to spread the story around" about the contract is the most absurd untruth of all. I declined to talk to George Archibald of the Washington Times. I did not return Robert Novak's call. I did speak to the Washington Post when the reporter called because she wanted to know whether my opposition was designed to "get Gingrich" and I wanted to refute those allegations. I repeated the real reasons for my opposition to Karen Bedford of Current when she called doing a follow-up story to the Post article.

I do not know who is trying to fan the flames of this story, but it certainly is not me. I wish we could concentrate on the real business of saving public broadcasting.

January 24, 1995

To: Richard Carlson, President, CPB
From: Diane Blair

The more I consider the decision made yesterday by CPB staff to hire Clark & Weinstock and Wasserstein Perella, the more distressed I have become. Therefore, I want to register, to you, this internal dissent to the "consulting" contract with which we were presented yesterday as a fait accompli, for the following reasons:

1. A contract of such cost and consequence should have been discussed, in advance, with the Board, and at minimum with the Chair and Vice-Chair of the Board. Given the fact that the contract was signed yesterday morning, with the Board assembled in town, there was certainly time to do so.

2. I think the strategy behind this contract was misguided. Contrary to the assessment offered to us yesterday, I think we are beginning to win the battle for survival in substantially our existing form, albeit with some reductions in funding. The outpouring of editorial support, the very strong independent public opinion polls, the mail and calls to Capitol Hill are, I think, beginning to have an impact. This action on our part can and I fear will be construed as a signal of resignation just at the time when a show of strength was called for.

3. At the very time when questions are circulating throughout Washington about the role of telephone and cable companies in hastening our demise, we have asked consultants, who have friends and clients among those private interests, for strategic advice.

I profoundly hope that my misgivings are misplaced, and that you will be proven correct. However, I fear otherwise.

cc: Henry Cauthen, Chairman of the Board
Carolyn Bacon, Vice-Chairman of the Board

Robert D. Novak

With Friends Like These ...

When Vin Weber was called into a closed board meeting of the Corporation for Public Broadcasting (CPB) Jan. 21 for consideration of a \$250,000 contract, the first thing he said was: "I had dinner with the speaker last night."

It was an unfortunate choice of words. To conservatives on the board, it seemed former congressman Weber was going to lobby his friend and ally, Rep. Newt Gingrich, to save public broadcasting. Liberals on the board close to President Clinton saw an opportunity to embarrass the hated Republican House speaker.

This is Washington 1995: a Republican revolution, backstage maneuvering and the color green, as in money. It is also the story of Newt and Vin, a 15-year-old political partnership that forged the Republican takeover of Congress and now is becoming a mutual embarrassment.

No element of big government is so clearly threatened by the Republican revolution as public broadcasting. Its leaders are split between those like Public Broadcasting Service President Ervin Duggan, who want to circle the wagons, and those like CPB President Richard Carlson, who seek survival through a new structure. The CPB's 10 board members are evenly and bitterly divided, with some privately congenial to defunding.

At that Jan. 21 meeting, Carlson—a Republican—proposed a "restructuring" plan by two New York firms. The contract specified \$100,000 for Clark & Weinstock, strategic communications advisers, and \$150,000 for Wasserstein-Perella, investment bankers.

Vin Weber was called into the room as the representative of Clark & Weinstock. At the prior urging of CPB officials, he described to board members Gingrich's determination to defund public broadcasting.

When Weber mentioned his dinner with Gingrich, alarm bells sounded for several board members—including Vic Gold, a conservative journalist and speech writer named to the CPB by his friend, President George Bush.

"I've been in this town 35 years, and I know lobbying when I see it," Gold said, responding to my query. "This was lobbying by Vin Weber." Both Carlson and Weber denied that, and lobbying by CPB is prohibited by law. Weber is identified as a lobbyist on his weekly National Public Radio commentaries, but he told me that he has no lobbying clients at present.

A different-sounding alarm bell was heard by CPB member Diane Blair of Fayetteville, Ark., wife of James Blair, the Tyson Foods lawyer behind Hillary Rodham Clinton's \$100,000 killing in the commodity market. She left the room, according to CPB sources, and called the First Lady at the White House.

Mrs. Clinton was not available, but no

matter. Blair was staying at the White House for her two-day Washington visit. Blair has publicly denied any interest in the speaker. But over dinner with fellow CPB board members Jan. 21, according to a colleague, she said: "We're going to give it to Gingrich."

At the board's Jan. 22 session, Blair said: "This thing stinks." New Jersey Democratic campaign contributor Alan Sagner, an absent member, phoned in to also say no, on grounds that an "outsider" is not needed. That put five of 10 board members in opposition to Weber's contract.

Consequently, they were surprised by a Jan. 27 letter from Carlson indicating the scheme was still alive. He told of meeting that day with a rare congressional Republican who supports public broadcasting: Rep. John Porter of Illinois, chairman of the relevant appropriations subcommittee. Carlson said he had "explained the idea of strategic evaluation" to be conducted

by Weber's firm, adding that Porter "said he thought it was both smart and useful."

In a subsequent conference call, Carlson made a last try. The \$250,000 for the project would come from the Annenberg Foundation. No tax money would be involved. But enough CPB members to kill the project still said no. Shortly thereafter, according to other board members, Diane Blair began trying to undercut Gingrich by spreading the story around.

"If I've learned anything, the ideological and cultural gap in this country is bigger than I thought," Weber told me, citing "the commitment of certain people" to government-financed broadcasting. But a broader lesson might be that with the wolves in full cry for the speaker's scalp, his associates should be more careful. Gingrich was not pleased with his friend's performance, and with good reason.

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William Raspberry

Outrage Vs. Self-Interest

Let's get it straight from the beginning: Francis L. Lawrence's remarks—however off-hand or innocently meant—were awful, unwarranted and hurtful.

You wouldn't expect an unskilled laborer to raise the old canard of racial inferiority these days—not unless he wanted to pick a fight. To hear it from the president of Rutgers University (who surely was well aware of the flap over the Murray/Herrnstein book "The Bell Curve") is beyond belief.

Nor did it appear to be just the slip of the tongue he has tried to make it out to be. The transcript of his remarks, made during a November faculty meeting, shows that he uttered these words:

"The average SAT for African Americans is 750. Do we set standards in the future so we don't admit anybody with the national test? Or do we deal with a disadvantaged population that doesn't have the genetic, hereditary background to have a higher average?"

Two things about these words. First, they clearly suggest what Lawrence has vigorously denied: that he believes blacks are not merely intellectually inferior but that the inferiority is something they're born with. What else can "genetic, hereditary background" mean? The other thing is that he made his statement as a part of his argument that the Scholastic Aptitude Test (and other such meas-

up the ante and force Lawrence's resignation.

Should they?

I'm reminded of an Ann Landers column of several years ago in which a reader posed a similar question. It seems a woman had caught her husband fooling around and that he had confessed the infidelity. But he was remorseful and didn't want to break up his marriage. Should she accept his apology and let him stay, or should she throw the unfaithful bum out? What did Ann Landers think?

Her classic response was something like this: It depends on whether you think you'd be better off with him or without him; that's something only you can answer.

It's a bit of wisdom I commended to the black students at Rutgers.

Lawrence came to Rutgers five years ago from Tulane University where, as provost, he had overseen a significant increase in minority enrollment. His reputation was as a champion of diversity.

But what was his reputation among the protesting students—before they learned of his "genetic" remark? I find it interesting that none of the stories I've read on the matter quotes any student as raising any other instance of racism—or even insensitivity—on Lawrence's part. Is it also instructive that the meeting where the remarks were uttered was attended by black faculty who made no protest? Did they understand the statement as a slip of the tongue? Did they, like Paul Robeson Jr. (the 67-year-old son of perhaps Rutgers' most famous graduate), who showed up at a campus news conference in support of the embattled president, think Lawrence had proven his bona fides to the point that they could forgive his faux pas?

On the other hand, the black students—at least those quoted in the press—saw the offense as unforgivable. "I know he's helped minorities in the past," Denise Troope, a black senior, was quoted as saying. "But this changes everything he's done."

Remarks
by
Vice President Al Gore
at
The American University
Washington, DC
March 2, 1995

(ACKNOWLEDGEMENTS FROM ADVANCE)

Most of us think of Thomas Jefferson as our third President, but of course, on Jefferson's own list of accomplishments, the Presidency finished far down the list. His tombstone doesn't even mention it. The inscription he wrote for it, reads, "Here was buried Thomas Jefferson, author of the Declaration of American independence, of the Statute of Virginia for religious freedom, and father of the University of Virginia."

He was passionately committed to the University. During the first year of its existence, there was an incident in which students rioted, then, armed with bricks and canes, attacked the professors trying to restore order.

Jefferson was devastated. The next day, at a meeting between the students and the University Board, he began to speak, then burst into tears. At which point the students were so penitent that each of the guilty ones confessed, one of them saying, later, "It was not Mr. Jefferson's words but his tears."

It is not surprising that Jefferson cared so deeply about education -- this voracious reader with 12,000 books in his personal library that later became the foundation of the Library of Congress.

"If a nation expects to be ignorant and free, in a state of civilization," he wrote, "it expects what never was, and never will be."

Why talk of Jefferson today? Because at this moment, an all out attack is being waged against an institution born of the principles that governed his life.

It is an institution that has done much to enrich the educational and intellectual life of America -- and that can do a lot more.

That institution is public broadcasting.

I want to talk today about public broadcasting. I want to describe for you the many ways in which it serves as a full partner in carrying out this nation's commitment to public education -- particularly for children.

Next, I want to take head-on the arguments propounded by some that public broadcasting is a frill this nation can no longer afford -- or a luxury that could be (quote) "privatized."

And, then, I want to suggest some principles that should guide those of us who care deeply about education and want to help reshape it for the future.

Finally, I want to point out that the attack on PBS has not occurred in isolation. It is part of a broad assault on programs that enrich the lives of American children, offer them hope of a brighter future, and care for them when no one else can or will.

The Contract presently being rushed through the House of Representatives will deprive children of programs that can teach them to read. It will deprive them of the healthy lunches they get in the school cafeteria. It will deprive them of inoculations against polio or measles. It will deprive them of the programs which help them steer clear of drugs -- or get a summer job. It is mean-spirited. And it is wrong.

And there is nothing that's more wrong than the attacks the Republican leadership is now waging against public broadcasting.

Frankly, when I talk to people around the country about this attack, they are absolutely mystified. People tell me they understand some of the of the proposed cuts, but "why would anyone want to threaten public broadcasting?"

It's a mystery to me, too.

I know you heard from Fred Rogers earlier -- and I'd like to thank him for being here. But allow me to paraphrase Mister Rogers when I ask those who want to gut public broadcasting:

Can you say "children?"

Can you say "education?"

Let me give you some facts about public broadcasting as an instrument of education. And keep in mind that I'm going to skip over many of the crown jewels of public broadcasting like the "MacNeil/Lehrer NewsHour," Bill Buckley's "Firing Line," "Scientific American Frontiers," and "Talk of the Nation." They are all great programs. But children rarely watch or listen to them.

Close to 90 percent of the 70 million children in this country, though -- from all areas, ethnic groups, and socioeconomic strata -- were reported to have regular exposure to at least one of the many PBS programs. Those numbers are so big even The Count from "Sesame Street" would have trouble explaining them.

The fact is, public television is often the first exposure many young children get to numbers and letters -- the joy of counting to ten for the first time, or spelling their name. And for older children there are programs like "Nova." Stanley Johnson -- a local Jr. High teacher whose with us today -- has been using "Nova" to teach his students for years. And there are, as you all know, countless other programs which have transformed our living rooms in classrooms.

There's also a side to public television for children that many of us never see. But it's a side that is well-known to day-care providers, to classroom teachers, and to hundreds of thousands of Americans trying to prepare themselves for the future.

For instance, PBS and dozens of public television stations around the country have launched a service called "Ready to Learn" -- a program designed to ensure that our children are, in fact, "ready to learn" when they start school. "Ready to Learn" combines an energetic outreach program with the best pre-school programming in the business -- featuring the great icons of educational television like Fred Rogers and Bert and Ernie.

The result?

Parents, day-care providers and teachers who know how to use these programs to help children learn through television -- and to keep learning once the TV is turned off. Public television's a learning tool once a child is in school as well. Public television reaches about 70,000 elementary and secondary schools throughout the United States. It's the number one resource for instructional classroom programming.

And that's just television.

National Public Radio has been indispensable to its local listeners across this country. Each station across this country tailors its programming to meet local needs. For instance, when school funding for classical music training was cut, it was KUER in Salt Lake City that produced a series introducing elementary school students to classical music.

In Kodiak, Alaska, on KMXT, children learn about life and earth sciences by tuning in to "My Green Earth" -- a program hosted by a local science teacher.

On "Tree House Radio," kids in Urbana, Illinois have the opportunity to read their own poetry and play music on WILL-AM/FM.

WCBE's "Kids Sundae" allows children in Columbus, Ohio to take part in all aspects of production from sound effects to news reporting. And it sheds light on yet another way public broadcasting influences and teaches children (and adults)... even when it is not seen and heard. The backbone to public broadcasting is community involvement.

Who knows that more than people on this campus? WAMU, a public radio station, provides forums for students to talk about violence in local schools and volunteer recruitment drives -- in addition to all the wonderful programming it makes available for the entire greater Washington area.

Yet there are some who argue that public broadcasting is somehow elitist.

That's absurd.

Ask Daniel Castro, the host of "The Sancho Show" in Pasadena, California if public broadcasting is elitist. His radio show, which has been running for over ten years, teaches kids in poor, minority communities the value of staying in school. That doesn't sound elitist.

Ask the 40% of all Americans who do not have cable -- many because they can't afford it, or because they live in rural areas where they don't have access... ask those who depend on public broadcasting as their lifeline to news and culture if it's elitist. 60 percent of public television viewers live in families that make less than \$40,000 a year. That doesn't sound elitist.

Ask Wanda Cromer (CROW-MER) if public broadcasting is elitist. She's also here, today. She has a job, a husband, and two children. And soon she'll have an Associate of Arts degree earned through "Distance Learning" telecourses -- classes offered over television. She's one of 2.8 million people who have jobs, children, and who've earned credits in telecourses. That doesn't sound elitist.

And ask the parents and teachers of our young children if "Sesame Street" or Mister Rogers are elitist. Public broadcasting is the only source of educational programming available to every American. That doesn't sound elitist.

What does sound elitist is trying to take away a valuable resource from the people who need it the most. What sounds elitist is a small group of ideologues in Washington telling the American people that public broadcasting isn't good for them.

Could such programming exist without government support?

The Administration's record on this issue is clear. President Clinton and I believe in federal funding for public broadcasting. We view it as crucial to the enterprise. We see it as sound investment and a sound federal policy.

And a great value.

The fact is all of public broadcasting -- all of the programs, all the stations, all of the marvelous educational services that help our children -- all of that costs each American just \$1.09 a year.

About a dollar. That might be something worth complaining about if you're Oscar the Grouch. But if you're not a little green furry guy who lives in a garbage can (or the Speaker of the House), you realize what a great deal this is. As the President of PBS, Ervin Duggin, points out: a Sunday newspaper in any city in America will cost you more than public television costs in a year.

Our federal investment may be the most highly leveraged dollar the government puts into any educational effort: Public TV and radio stations raise five or six dollars from private sources for every public dollar they receive.

They are, in short, doing exactly what the federal government has expected them to do for more than 25 years: taking a small share of public money, leveraging it into generous private support, and producing excellent, diverse and universally available services that all Americans can use every day.

So why continue federal funding at current levels?

Why not require even more leverage of public broadcasting?

Because the small amount of seed capital that the government provides -- about 14 percent of the total public broadcasting budget -- the seed capital is what makes the rest possible. Without it, many radio and television stations would fall immediately, and the entire superstructure of public broadcasting would begin to crumble.

It's like baking bread... yeast makes up a very small percent of the total ingredients. But if you don't sprinkle that little packet of yeast into the bowl, the bread will never rise.

That's why I must disagree with those Republicans on Capitol Hill who want to kill off public broadcasting, or to throw it into the marketplace as just another commercial alternative.

Republicans have suggested that we "privatize" the funding arm of public broadcasting -- the Corporation for Public Broadcasting.

This idea simply would not work.

"Privatizing" CPB would mean selling off its assets in the open market. CPB, however, has no assets, as its President, Richard Carlson, pointed out in his testimony before Congress.

CPB is merely the instrument through which federal funding passes on its way to nearly 1,000 public radio and television stations across the country. For that reason, privatization is just a codeword for stopping the flow of federal dollars to small and local stations -- the small-town, rural stations who need this money most, and who will die if this money is taken away.

As for PBS and NPR... they are already private.

Those who propose "privatization" really mean commercialization. We all know that commercial broadcasting is vastly different than public broadcasting.

Recently, I heard a humorist suggest a new schedule for a commercialized PBS:

SESAME STREET: Jerry Falwell teaches Big Bird to be more judgmental.

WHERE IN THE WORLD IS CARMEN SAN DIEGO? Guest detective Pat Buchanan helps kids build a wall around the U.S.

MISTER ROGERS SEGREGATED NEIGHBORHOOD

Republican leaders argue that privatizing public broadcasting would be a good example of reinventing government. The marketplace, they say, should determine what our families watch on television.

There's nobody more interested in streamlining government than President Bill Clinton and me. We want to increase efficiency. Introduce market forces. Privatize where it's appropriate.

After all, it was the Clinton Administration that has cut the federal bureaucracy by 100,000 positions... and there are more cuts to come. It was the Clinton Administration that has cut the deficit by 700 billion dollars. And it was the Clinton Administration that reduced the deficit for three years in a row... something not seen in this country since Harry Truman was President.

But there's a big difference between cutting government and killing it. I'm reminded of the veterinarian and the taxidermist who went into business together. Their slogan was: Either way you get your dog back.

We don't want to kill government... stuff it and put in on the wall. We want to fix government so that it works better and costs less.

And nothing works better and costs less than public broadcasting.

Some say, "Sure public broadcasting does some good things. But, why do we need government involvement when we have an alternative in the private sector?"

Well, what about libraries? There are bookstores all over Washington. But because there are Dalton's and Borders does that mean we no longer need libraries? Of course we need libraries. That's why we have made a commitment as a nation to supporting these institutions that provide all citizens, regardless of income, with access to books.

And that's not the only example. We have no turnstiles or ticket booths at the Smithsonian. Art in the National Gallery isn't pay-per-view.

Public broadcasting fills a similar role as part of our system of universal education. It's a national treasure... and one that is increasingly important as we enter the Information Age.

Are there ways to make it better? Sure. But first you have to believe in it. And we will make it better. But we can't if the extremists win in their crusade to scrap it.

And let me say this without mincing words.

When I said the attack on public television was no isolated event, I meant what I said.

How could anyone who picked up a newspaper this week -- or watched MacNeil/Lehrer -- feel otherwise? [NOTE: YOU MAY WANT TO AD-LIB A REMARK ABOUT THE ARTICLE IN TODAY'S STYLE SECTION ANNOUNCING THAT ABC IS DROPPING A KIDS' EDUCATIONAL SHOW... AND ADDING A CARTOON VERSION OF "DUMB AND DUMBER."]

The Republican attack on public broadcasting -- an attack on our children -- is part of a pattern that makes my blood boil. You've seen it when they go after everything from school lunches to national service to summer jobs.

Of course, public broadcasting isn't and shouldn't be a political issue. It was founded and has been maintained through bi-partisan support.

But, because the attacks on it are political, please allow me a partisan note.

Public broadcasting is a part of our culture. People have grown up with it. We rely on it. It has educated millions of American children at a yearly cost to families of what we spend on two candy bars. And if you try to kill it... we'll fight you every step of the way. And if you do kill it, the American people will not forgive or forget.

You know, if you make a million dollars a year and belong to a country club, you might not think that you will ever need any help. You may not think that you have to depend on your neighbors.

But, whether you make a million or the minimum wage, if you have children, you sometimes face problems money alone can't solve -- problems that can only be solved by working together. You're going to need help... from your neighbors, from your community, from the federal government.

One of these problems is finding positive, high-quality, educational television.

For over 25 years public broadcasting has been there. And they want to take it away?

I can tell you... if it didn't exist, we'd be trying very hard to create something like it. But you just can't create "Sesame Street" or "Mister Rogers Neighborhood." We are lucky enough to have something very special, something very dear to so many families. And they want to take it away!

Now...

To stand for this institution is not to ignore the need for change. We must begin to think about principles that might guide public broadcasting in the future. I believe any reform of public broadcasting -- and I mean reform, not extinction -- should be mindful of the following:

First : public broadcasting must retain its noncommercial character. Trying to combine commercial imperatives with the educational and instructional mission of public broadcasting is a recipe for failure.

Second: public broadcasting -- and particularly public television -- should go back to its educational roots, and further improve its services for children, for adult learners, and for teachers.

Third: We need to ensure that public broadcasting is operating with maximum efficiency. The federal government is right to ask how its seed capital is invested, and whether it is being used wisely. Public broadcasting's 1000 TV and radio stations have maximized their reach. Now they must maximize their service by eliminating duplication.

Fourth: and finally, I believe we need to find a stable, permanent source of public seed funding for public broadcasting -- a stream apart from annual federal appropriations, and insulated from politics.

So far, I've talked as an elected official.

Let me talk for just a minute, as a parent.

When Tipper and I had no children, we had many theories about how to raise them.

Now we have many children -- and no theories.

But we do have some observations. And one of the things we've observed is how children learn.

In our culture, much of learning comes from television. For some children that means an endless diet of robot superheroes flattening people with punches and kicks, punctuated by ads for plastic toys or cereals with a sugar content higher than sugar itself.

That's why I'm so grateful for public broadcasting.

I've known Fred Rogers for some time. About ten years ago, Tipper and I and our children had our picture taken with him. That picture means a lot to me.

For one, it hangs on the wall in my daughter Karenn's bedroom. But more than that, it reminds me of all the times I watched Mister Rogers... with Karenn, then with Kristen, then with Sarah, and finally with Albert.

If you ask me where Oscar the Grouch lives, or what the Count sounds like, or who lives in Mr. Roger's neighborhood, I don't have to do any research. It's all in my head, the result of twenty years of watching these programs with my children -- and watching the effect it has had on them.

Of course, my children don't watch Sesame Street or Mister Rogers any more. But as they have developed, so has their taste in programming. And so we watch together and discuss programs on the Civil War, or Joseph Campbell or the five senses.

And what I hope is that in the future, they'll be sitting down to watch Oscar and Big Bird once again, watching the next generation learning to count to ten in Spanish.

When Thomas Jefferson offered his library to Congress he talked about the educational tool of his age: books. "I cannot live without books," he wrote. And as soon as the last wagon-load of them left Monticello bound for Washington, he began collecting again.

In our age, one in which whole libraries can be entered from thousands of miles away by pushing a few buttons, the tools are different, but the thirst for knowledge remains the same. Let us preserve a system that has worked so well for so many. Let us use government to stimulate education in the Jeffersonian tradition.

Let us remember that if we take away a tool our children use to learn, we lessen their ability to achieve. But if we enhance it, whether through Bill Buckley or Big Bird, there's no limit to what they will get done.

We Need Your Help!

“The nation’s well-being depends on a certain level of literacy and common culture in the population. ... When the government makes its small contribution to public broadcasting, these are the social benefits it provides; the cost is not irrational or disproportionate.”

Leonard Garment,
Counsel to President Nixon
in *The New York Times*, Dec. 19, 1994

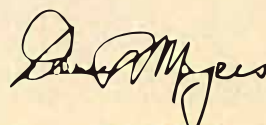
Some members of the new Congress regard public radio and television as a frill that the United States cannot afford. They have expressed their intention to “zero budget” public broadcasting as a means of getting America’s financial house in order.

In fact, the United States cannot afford to cut off this vital communications link. The Corporation for Public Broadcasting supports the only free electronic educational media available to all Americans. There are many millions of Americans out of the reach of cable television. There are millions more who cannot afford to pay the \$240 average annual bill for programs on cable or satellite. There are many millions who cannot attend live performances of concerts, opera, dance or theatre. And, above all, there are millions in this country who find that the quality of programming on public stations is unmatched in the commercial sector. Because it is the concerns of listeners and viewers that influence public broadcasting rather than the concerns of advertisers, we can dedicate ourselves to a biography of Frederick Douglass, to a children’s series on geography or to in-depth radio news coverage. Our covenant with the American people is to keep them informed, entertained and enlivened.

Like public libraries and public schools, public television and radio perform a service for all Americans. We reach across the country with an educational resource available to all. We celebrate the richness of the nation’s cultural life, determined that this celebration should include everyone, not just those who could spend hundreds of dollars for tickets to the three tenors’ concert, but the many millions who watched it as it happened. We strive for balanced news reporting. Sometimes that means an individual program may offend, but that is a risk we must take. We endeavor to explore the difficult issues of our times instead of covering the latest tabloid sensation.

There are many things this country cannot afford. One of them is denying the power of telecommunications to some 40 per cent of its citizens who cannot pay to see programming on cable. Another is to abandon the children of America — who will watch television anyway — to hours of programs created to satisfy advertisers instead of nurturing young minds.

The money WETA receives from the division of federal funds amounts to about 15 per cent of our unrestricted budget. It serves as a crucial investment, the seed money to attract production funds from individuals and corporations. We then, as you well know, turn to our members and business and community partners as our main support. Curtailing an already-lean budget will mean curtailing our programs. I know these programs and services are important to you and to our whole community. Please join me by writing to members of Congress, asking them to support public broadcasting in America.

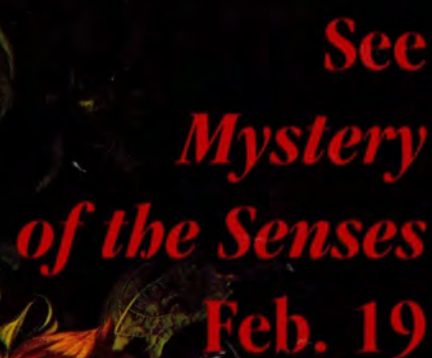


Daniel K. Mayers
Chairman, WETA Board of Trustees

FEBRUARY 1995



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See
*Mystery
of the Senses*
Feb. 19

Important Message to Our Members

See inside cover

CPB Funding Battle

CPB, From D1

Gingrich and Pressler are part of a vocal, newly empowered group in Congress that has long opposed funding CPB. But until now, the group had little impact. Now in control of Congress, the group's members are saying they want to eliminate public broadcasting or privatize it, because it is liberal and elitist.

PBS President Ervin Duggan objects. "The real elitism here is what they are saying: 'Let them pay for it,' " he said. " 'Let them eat cable' is elitism. We're the populist service."

CPB currently receives \$285.6 million, from which it then funds PBS and National Public Radio. Both have other sources of private funding; PBS derives 86 percent of its income from nonfederal sources such as corporate sponsorships, foundation grants and individual contributions. But Duggan said the 14 percent from the government "is the seed corn you plant to start everything else."

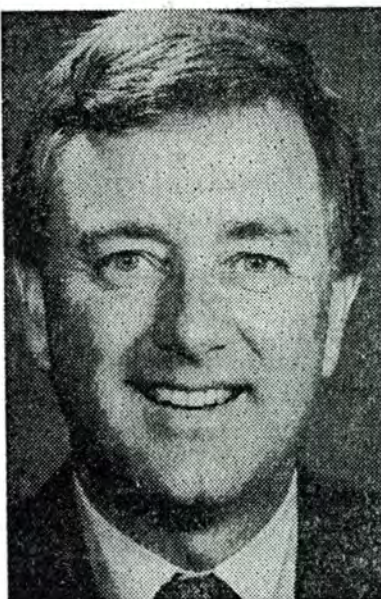
Rep. Edward Markey (D-Mass.), a longtime supporter of federal funding for public broadcasting, said: "I think there's a major battle about to unfold, and I think that both sides are going to have a full opportunity to explain to the American people what PBS represents."

In the middle—used by both sides to bolster their arguments—is the children's programming on PBS. Some are calling this the Battle of Big Bird.

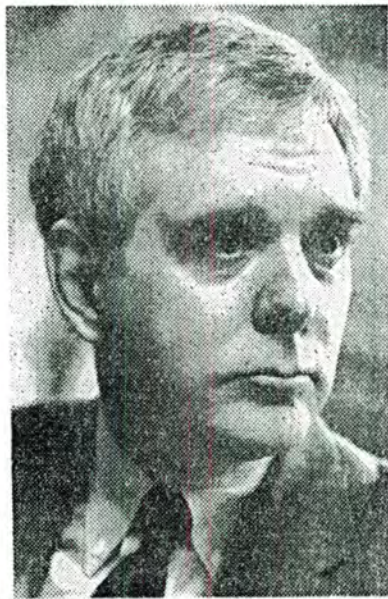
Supporters of funding PBS, such as Markey, argue that "PBS is the channel of choice for every parent of young children," offering a full day of commercial-free programming for preschoolers.

Opponents, such as Rep. Philip Crane (R-Ill.), call public broadcasting "an irrelevancy." Crane and many other Hill conservatives have lumped CPB with the National Endowments for the Arts and the Humanities, saying that while all three budgets together may be "nickel-and-dime stuff," they are all unnecessary and the savings would add up.

And Crane believes that popular programs such as "Sesame Street" could always find a home on commercial television. Crane asserts that the program grosses \$1 billion a year in merchandising revenue, assuring that



Sen. Larry Pressler, left, and PBS President Ervin Duggan are on opposite sides of the fight to end funding for the Corporation for Public Broadcasting.



it could support itself wherever it aired.

Gary Knell, senior vice president for corporate affairs of Children's Television Workshop, which produces "Sesame Street," calls that number "completely disingenuous and inaccurate." He said CTW ends up with about \$26 million as a result of licensing fees for the show, all of which goes back into the educational programming of the nonprofit organization. Half of that money goes back to "Sesame Street."

Knell also said that "the thought that the syndicators or commercial networks would put 'Sesame Street' on, on a noncommercial basis, is not believable. . . . We don't feel that educational preschool programs should be interrupted by commercials."

CTW's relationship with PBS has been unusual. Most of PBS's successful children's programs that have merchandising spinoffs—such as "Barney and Friends," "Lamb Chop's Play-Along" and "Shining Time Station"—are produced independently, and the revenues have not been shared by public broadcasting.

That is changing, said PBS's Duggan. Contracts for the next season of "Barney," for example, return some revenue from products and ancillary rights to PBS. And for "Wishbone," a children's series premiering in the fall, PBS is an equity partner with the producer, a subsidiary of the company that produces "Barney."

Most observers expect that when the new Congress convenes, the debate will first be played out in the House Appropriations subcommittee on labor, health and education, chaired by Rep. John Porter (R-Ill.), and then move to the Senate Commerce Committee, which must decide whether to extend CPB's existence through 1999.

Robert Coonrod, CPB's executive

vice president, said he thinks the debate in Appropriations will focus strictly on numbers—"where can we cut?"—but that the Senate panel is more likely to debate the organization's merits.

"What we would like to see happen," said Coonrod, "is a serious discussion of the fundamentals—the importance of local stations, our educational activities. We'd like a decision based on assessment of what the money goes for. To a lot of people in this country, public broadcasting is important."

Among the unknowns in the debate is what the White House will have to say. Any support for cuts from the administration might lend momentum to Gingrich's plan. Another unknown is the view of the public—which includes many people who support public broadcasting with their own funds. Some Republicans, such as Sens. Ted Stevens (Alaska) and Mark Hatfield (Ore.), have been supporters of public broadcasting in part because of the large rural populations of their states served by public television and radio systems.

Finally, many of the board members of public broadcasting operations around the country are members of the traditionally Republican business establishment. It's unclear whether they would support such a radical change as withdrawal of all federal funding.

Laurence Jarvik, director of the Center for the Study of Popular Culture and a persistent opponent of federal funding for CPB, thinks things are finally going his way. But he added: "This is Washington, so you never know."



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Book World: 'Killing Custer,'
a history of Little Bighorn

2

Reliable Source: Clinton,
off to Renaissance Weekend

3

Style

Pearl Jam Dodges Ticketmaster Prices

D.C. Benefit Set for January

By Chuck Philips
Special to The Washington Post

Pearl Jam, whose touring plans were derailed last summer by a battle with Ticketmaster over service fees, will return to the stage next month for the first of what is expected to be a series of concerts sidestepping the ticket giant. The Seattle rock group will headline shows Jan. 14 and 15 at the 3,500-seat Constitution Hall to benefit Voters for Choice, the D.C.-based political action committee that for 15 years has worked to elect candidates who support abortion rights.

Tickets to the shows, which are expected to raise \$100,000, will be sold without a surcharge through a mail order lottery system designed in part to accommodate the band's anti-Ticketmaster stance. Sources say the band is exploring a similar mail order approach for selling tickets to its planned U.S. summer tour at venues not affiliated with Ticketmaster.

"Pearl Jam doesn't just sing about issues they care about. These guys walk it like they talk it," said Gloria Steinem, co-founder and president of Voters for Choice.

Steinem, who supports the band's crusade for lower

See TICKETS, D9, Col. 1

District, Virginia Slash Arts Budgets

Current Grants Are in Jeopardy

By Jacqueline Trescott
Washington Post Staff Writer

Arts groups in Virginia and the District received news this week that their public funds are about to be decimated.

The D.C. Council yesterday slashed the budget of the city's Commission on the Arts and Humanities by \$900,000 beyond the cuts made earlier this month. Since the beginning of the fiscal year, the council has eliminated 55 percent of the city's primary source of support for arts and humanities, leaving \$1.4 million for the remaining nine months of fiscal 1995. Grants that had been approved are in jeopardy, along with arts-related summer jobs.



The St. Paul's choir rehearses, without longtime director Fran McDaniel.

UNHCO

The Preacher and the

PHOTOCOPY
PRESERVATION

*Diane D. Blair
1011 Tanglebriar
Fayetteville, Arkansas 72701*

April 6, 1995

Dear Melanne,

Hate to welcome you home with such "un-glad" tidings, but when Big Bird is at stake, of course I think of you.

First: The CPB folks advised me this morning that in the very tough negotiations underway in the Senate on a rescission package, the choice is restoring House-cut funds to either Radio Free Europe or CPB; and they further advised that OMB was weighing in for Radio Free Europe. I didn't think you were back yet, so called Greg Simon, who was out and not back 'til Wednesday; so I called Mack McLarty. He checked on it, (with Steve Broschetti (sp.???)), called back, and said to the contrary, the Administration was favoring CPB over Radio Free Europe. The whole deal went down anyway, but I am very, very nervous about where "we" really are. Could you please check it out as negotiations are continuing. (While you were gone, the Senate Appropriations Committee voted out a package which would have pretty much restored to CPB what the House cut, but it's being hacked up on the floor).

Second, I wanted you to see the attached memo which Sharon Rockefeller sent to Dick Carlson yesterday. All of these outrageous threats were reiterated by Rep. Fields to a public broadcasting group that went to see him yesterday. So, the folks in the House have become even more coercive and hostile (under pressure from the Speaker? the cable folks??) We are going to have to give Fields some kind of plan by April 30. But then what?

Call when you catch your breath.

Diane

(o) 501-578-3356
(w) 501-521-1066

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CPB GEN COUNSEL +++ DIANE BLAIR

002/004

WETA TV26/PM91 - (703)996-7559 - Created: Wednesday, April 5, 1995 3:36 PM - Page 1 of 3

MEMORANDUM

TO: Dick Carlson, Erv Duggan, David Brugger, Del Lewis

CSRG Station Managers:

Bill Baker	Henry Becton
Mary Bitterman	Rick Breitenfeld
Burnie Clark	Jeff Clarke
George Dooley	Mike Hardgrove
Bill Kobin	Bob Larson
Bill McCarter	Richie Meyer
George Miles	Jack Willis

Maynard Orme, Chairman, OSBE
(Maynard: Please distribute to the OSBE group)

FR: Sharon Percy Rockefeller

DT: April 5, 1995

IMPORTANT

This morning I attended a very small breakfast meeting given by the American Women for Radio & Television for Congressman Jack Fields, Chairman of the House Telecommunications Subcommittee. He is a very polite, intelligent, self-described "baby boomer" with a five year old daughter who watches public television. He speaks in a polite, courtly and dead serious tone about what he intends to do.

He made the following points:

- (1) He is for public broadcasting but does not favor one federal cent going into it.
- (2) He defended CPB against the Crane Amendment on the Floor but is infuriated by reports that the system is in denial about current realities. He and Porter have taken a lot of heat for not supporting the Crane Amendment (which I think doubled the 15% and 30% cuts).

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CPB GEN COUNSEL +++ DIANE BLAIR

003/004

WETA TV26/FM91 - (703)996-7559 - Created: Wednesday, April 5, 1995 3:36 PM - Page 2 of 3

Page Two

- (3) He is disturbed that we have not already presented a short, specific plan to him and says the deadline is April 30th. If there is no agreement, he will take another look at the Crane Amendment.
- (4) He and the Speaker have a "home run" (a win-win for them and for us) planned for May. He will lead the fight and work rapidly to impose a plan on us if we have not come up with an acceptable one.
- (5) The plan that he and the Speaker propose will not be stand-alone legislation but will be combined with other bills so that it is veto-proof.
- (6) He does not understand why CPB (the system to him) has not found a commercial partner to help create a "home run."

Why has the system not embraced this concept of the six megahertz of spectrum sitting there? Why can't we get more financial value from what is out there now? He will be "bent out of shape" if public broadcasting does not deliver even more to children and education. (Sorry for the confusion; I don't get all of this but he considers it doable.)

- (7) He could pre-empt the states' laws on advertising with a federal statute to allow advertising after 6 p.m. which would help support the children's services.
- (8) Anything considered a tax or fee is a non-starter. They are willing to look for regulatory or legal changes.
- (9) The Speaker wants a solution on a very fast track. They see this as a "good news" opportunity for us.

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CPB GEN COUNSEL ->>> DIANE BLAIR

004/004

WETA TV26/FM91 - (703)996-7559 - Created: Wednesday, April 5, 1995 3:36 PM - Page 3 of 3

Page Three

- (10) The role of the Budget Committee and Congressman Klug will also be critical because they plan for us to be off of federal funding in 3-4 years. Klug is head of the Privatization Committee for the Speaker.

Obviously, we must come together and act quickly. So much for yet another light Washington breakfast.

file



CORPORATION FOR PUBLIC BROADCASTING

A Quarter Century of Quality Programming

Richard W. Carlson
President and Chief Executive Officer

April 20, 1995

BY FACSIMILE
(703)739-7500

Mr. Ervin S. Duggan
President
Public Broadcasting Service
1320 Braddock Place
Alexandria, VA 22314

Dear Ervin:

Our current plan is to get together at CPB on the afternoon of April 25 at 2:00 p.m., in the Rock Creek Room, to refine and focus the elements of a plan we will submit to Congress. This meeting will also give us the opportunity to discuss CPB's FY 98 appropriation request. If we need more time for discussion, I propose we reconvene at 11:00 a.m. on April 26, in the Rock Creek Room. Lunch will be provided. While each of you ought to bring the staff you consider necessary, I strongly urge you to limit the size of your delegation. If you would like to have additional staff standing by, but not in the room with us, we will be happy to provide space for them in the Anacostia Room.

In preparation for that meeting -- and before we review the analysis Lehman Brothers and others will provide us -- I thought I might outline some of CPB's thinking for you.

What's On and What's Off the Table

We have said repeatedly that anything which could enable public broadcasters to maintain or improve their commitment to provide high quality, non-commercial, informational, cultural and educational programs and services for the entire nation is on the table. Anything which compromises that basic mission is not.

These points are unassailable, but we've not yet had to make them concrete. I sense that when we talk next week we will find broad agreement on principles. We will differ on the degree to which we are prepared to push certain approaches. Because our discussion next week will inevitably focus on the difference among us, I think it is useful at the outset to remind ourselves of how firm is the common ground on which we stand.

What We Tell the Congress

There is a notion that we should deal only with what the Congress has already raised and with what we want. This is neither fair to the Congress, nor to the public, nor to the system they have built. Put another way, this notion says our plan should firmly dismiss Congressional concerns that are considered wrong or misguided (e.g., graduation, the lease of ATV spectrum) and it should emphasize what the stations want: substitution of off-budget federal sources to totally replace any reduction in appropriated funds.

This notion further holds that we focus on the structures to accomplish this: how to establish a trust fund, how to generate the revenues, and how to allocate the revenues to stations. This is an intelligent and sophisticated extension of the status quo argument. It is a legitimate option to consider. It is one for which we would get substantial rhetorical support. It is also one that has next to no chance of being enacted into legislation. The gamble is we'll take a hit -- probably a substantial hit -- but we'll continue to get some appropriated funds and over time we can restore the loss.

We should discuss this approach. Then, we should dismiss it in favor of a more comprehensive one that recognizes the need and the opportunity to move beyond the status quo. We should take the House leadership at its word (it's not out to kill public broadcasting), be prepared to demonstrate how -- specifically -- we are willing to change and to become more efficient; and, demonstrate that we are willing to look at different ways of doing business. Ultimately, it means that we would argue for a continued -- but reduced -- federal appropriation on the basis of how much federal revenue public broadcasters need to execute their mission efficiently.

This approach also has little possibility of being enacted into legislation. But, it has the benefit of strengthening our ultimate argument for continued Congressional support, and it increases the possibility that if Congress takes any significant action (as has been promised), that action will be in the best long term interests of public broadcasting. The gamble here is that we must admit systemic weaknesses or inefficiencies.

Implications

Our reasoning leads to a greater emphasis on identifying and realizing efficiencies. It is a service-based model. It recognizes the essential role of stations. They deliver the service. But it begins by asking how to sustain (and improve) service to the American people. It does not begin by asking how to protect the current service providers. We need to determine how we can do business in a way that makes us less dependent upon federal funding.

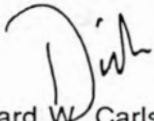
At this juncture, I don't think we can prescribe precisely how we will achieve the necessary systemic efficiencies. I do know that the forced efficiency of simply cutting the annual appropriation in half is not likely to achieve the optimal result. We need to talk about a plan that will gather necessary bi-partisan support, and that Members from both parties feel they have a hand in formulating. Our effort should also involve the principles of the President's Reinventing Government initiative so that we can look to the Administration for support as well. We need to talk about how to do this. We need to talk about how to encourage stations to do it. CPB has to put specific incentives and disincentives in its grant programs.

In our discussions next week I plan to work from the following ideas:

- - There is no "substitute" for federal funds. (None of the other sources actually or potentially available to us can compensate for the elimination of the annual appropriation. There are a number of ways we can and should increase our non-federal revenues.)
- - Public broadcasting can operate with significantly fewer federal dollars and we must be forthright and direct in admitting it. (A focus on service leads inevitably to the conclusion that public broadcasting can operate more efficiently than it currently does.)
- - Those dollars can come in the form of an annual appropriation or through a trust fund. (A trust which is funded with tax-related revenues is a workable alternative, but it's likely to face insurmountable opposition in the Congress.)
- - We must honestly and accurately describe the consequences of eliminating all federal support for public broadcasting. (There is a legitimate public policy debate which the nation has yet to have. Do we want public broadcasting, as people have come to know it, to be available to the citizens of the U.S. in the 21st century? Is there a private, non-commercial form of telecommunications that should supplant it?)

I look forward to our meeting on Tuesday.

Best Regards,



Richard W. Carlson
President and Chief Executive Officer



CORPORATION FOR PUBLIC BROADCASTING

A Quarter Century of Quality Programming

cc: BO
JH
PJ

Richard W. Carlson
President and Chief Executive Officer

JUN 26 1995

June 23, 1995

Ervin Duggan
President and CEO
Public Broadcasting Service
1320 Braddock Place
Alexandria, Virginia 22314

Dear Ervin:

During these many months of Congressional debate about the future of public broadcasting, CPB has labored long and hard to identify the issues and tasks which are central to a smooth and productive reorganization of our industry. With no certainty in sight as to CPB's future appropriations, we have begun in earnest the process of streamlining our own organization and operations. As part of this continuing process we have been forced to examine and evaluate all of our pending and future business and financial arrangements. Naturally, the television program fund could not remain exempt from such scrutiny.

It should come as no surprise that -- after careful consideration of all the issues involved -- we must inform you that CPB cannot agree to extend the current national programming contract between CPB and PBS beyond its September 30, 1996 expiration date. Earlier in the legislative upheaval, candid discussions between CPB and PBS management concerning the funding crisis, PBS' reorganization and the restructuring of PBS' program distribution system, led to the conclusion that any commitments beyond CPB's fiscal year 1996 must await further clarification of such matters. We have watched and waited, but with no definitive legislative answers on the horizon and no further word from PBS, we could not delay in notifying you that we must let the national programming contract expire on the date agreed to in the contract amendment. Having not heard otherwise from PBS, we assume that you share our reluctance to incur future financial obligations which CPB, PBS and/or the stations quite likely will not be able to fulfill.

The purpose of the underlying legislation, our joint proposal, the funding allocation plan, the report to Congress and the contract itself was to develop and maintain a sound program planning and funding process as the means for improving the quality of national public television service to the American people. In addition to implementing the plan, CPB is responsible for continuing to examine the plan and recommending ways to further improve CPB's ability to meet its mandate in serving the public. At the same time, CPB must meet its continuing obligation to be accountable

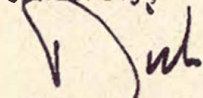
901 E Street, NW
Washington, DC 20004-2037
(202) 879-9800
FAX: (202) 783-1020

to Congress for any and all funds distributed. In order to fulfill these responsibilities, CPB must maintain sufficient flexibility to reallocate limited financial resources in a manner that best serves the Nation. In the current environment, it is impossible to predict the extent to which CPB's resources ultimately will be limited. Accordingly, we cannot prospectively evaluate whether the current arrangement will be the most efficient and effective way to further CPB's mission. Without a more definitive outlook as to our appropriations and any possible rescission, we cannot responsibly commit the Corporation to a financial arrangement that CPB may not be able to fulfill. Faced, as we are, with a real risk that we may not be able to live up to the contract commitments, it simply would not be prudent to proceed.

CPB is well aware of the advance planning process in which PBS must engage in order to implement the production and distribution required by our current funding arrangement. Being sensitive to this need, we are giving you as much advance notice as reasonably possible under the circumstances so that you will have the opportunity to plan accordingly. We are providing substantially more than two years notice with respect to fiscal year 1998. As to fiscal year 1997, two years advance notice was impossible since our funding crisis did not unravel until after the November 1994 election. In any event, the mechanical two year notice schedule in the contract is expressly limited to terminations and funding reductions which are based on CPB's and PBS' annual evaluations, and thus is not applicable in this instance. Furthermore, we are concerned that waiting for explicit or implicit directions from Congress, or for the triggering of a reduced funding equation, will unfairly delay and hamper your planning activities. The bottom line is that final Congressional action may come too late to allow for advance warning.

Once the Congressional debate has been settled and the final numbers are clear, we will be in a position to determine whether it would be feasible to reinstate the contract through fiscal year 1997, and/or worthwhile to negotiate a new national programming agreement for fiscal year 1998 and beyond. In the meantime, we have a written commitment through CPB's fiscal year 1996 which we will try to fulfill to the extent we are able -- barring any unforeseen financial blows (e.g., sequestration, rescission or the like). It is our intention to stand by our legal obligations to the full extent possible. In addition, in order to avoid any hardship, we are willing to discuss the possibility of CPB contributing some portion of the funding commitments already made to producers by PBS through PBS' fiscal year 1997 (through June 30, 1997).

Sincerely,



Richard W. Carlson
President and Chief Executive Officer



June 27, 1995

Ervin S. Duggan
President &
Chief Executive Officer

Ambassador Richard W. Carlson
President and CEO
Corporation for Public Broadcasting
901 E Street, N.W.
Washington, DC 20004

Dear Dick:

I must tell you how surprised PBS was to receive your June 23 letter indicating CPB's intention to terminate the agreement with PBS to provide funding for the National Program Service — the core of public television's national programming. As we collectively plan the financial future of public broadcasting, all of us within the national organizations must walk a fine line: a line between making prudent plans, on the one hand, and taking unilateral actions that may carry damaging and unintended consequences.

Your letter was unexpected for several reasons. First, as you know, the purpose of the agreement between CPB and PBS is to implement the public television Funding Allocation Plan prepared by CPB as directed by Congress under the Public Telecommunications Act of 1988. This agreement was reached after extensive discussions among CPB, PBS, APTS and all public television licensees and represents a renewed commitment on the part of all public television to strengthen PBS's national schedule. We would have expected any decision to shatter such a carefully crafted relationship to be preceded by equally systematic discussions. Ample time exists, of course, for such discussions to take place, although I fear that the dynamic created by CPB's sudden and unilateral actions will fundamentally change future conversations.

Your actions are unexpected for a second reason: While there is indeed considerable uncertainty as to the status of funding for public broadcasting in Congress, we are unaware of any precipitating event that would give rise to your letter. As you will recall, I briefed

Ambassador Richard W. Carlson
June 27, 1995
Page two

your senior staff and your board last fall on PBS's goals for realignment of our organization and the creation of new programming ventures through PBS Plus and PBS Select. Indeed, members of your senior staff attended every planning session of the task force that led to those programming changes, and our staffs talk regularly about programming issues. Until I received your letter, I was completely unaware that you were awaiting "further word" on any of these issues and certainly had no expectation that this important funding agreement was contingent on any such discussions.

Third, even if we had been told to expect such a unilateral move on your part, your letter is not an effective means, legally or practically, of terminating the agreement between our two institutions. The agreement specifically addresses the possibility of a change in Congressional funding. At a minimum, the agreement requires that, in the event of such a change, CPB and PBS will negotiate an amendment to account for such change, while still achieving the purposes of the agreement. These discussions have not yet occurred. The two-year notification provision you refer to was intentionally devised to prevent just the sudden action your letter presents and is a key provision of the agreement.

Finally, Dick, I fear that the member stations of PBS and our PBS Board will be incredulous about your moving in this way at this time. While the restructuring of relationships within public broadcasting may be appropriate in the current climate—and the need for such planning will surely grow in importance in the coming months—the stability and reliability of funding for the National Program Service should surely be one of the last items to put in jeopardy. Every study of public television in recent years demonstrates that a strong, vital NPS is critical to generating funding for our other efforts. As you know, although CPB contributes only 14 percent of our total programming budget, that percentage is "seed capital" for our member stations and for national programming. This is a time when we should be demonstrating maximum stability and unity. We at

Ambassador Richard W. Carlson

June 27, 1995

Page three

PBS have every desire to achieve this unity, to reduce uncertainty in the system, and to prevent sudden, unpleasant and highly destabilizing surprises.

I would therefore like to suggest, Dick, that the staffs of CPB and PBS arrange to sit down and discuss CPB's continued commitment to the National Program Service, including the dire consequences for our member stations and producers, and the prospects for maintaining the excellence of our national schedule, if this sudden, unilateral action were to stand. We share your desire to plan prudently for change, and we want to work cooperatively.

Sincerely,



Ervin S. Duggan

President and Chief Executive Officer

cc: PBS Board of Directors



Perspective

PBS: A child's best friend

By Peggy Charren

The new leadership of the House of Representatives is jeopardizing the future of one of the best friends our children ever had.

They claim that public broadcasting doesn't deserve the federal government's support. So they threaten to "zero out" funding for the Corporation for Public Broadcasting, thereby pulling the plug on one of the most cost-efficient and effective educational resources available today.

For Congress' investment of less than \$300 million a year — about \$1 per citizen — the United States gets an educational resource that reaches every American. Public television and public radio are available in even the most rural pockets of the country, and they're free.

What family hasn't benefited from public TV's innovative children's programs? PBS programs pique curiosity. They lead children to want to learn more. Commercial television only makes children want to buy more.

Even PBS programs not specifically created for young viewers open their eyes to new ways of seeing: the science of "NOVA," the history of "The Civil War" and "The American Experience" and "Masterpiece Theater." Informative, thought-provoking and uninterrupted by messages to buy, buy, buy.

Beyond the programs, there's public broadcasting's outreach to classrooms. Teachers' guides, student newspapers and interactive multimedia software based on public TV and radio broadcasts multiply their educational value many times over. At a time when teachers are subject to increasing demands but shrinking budgets, public broadcasting remains a true partner to educators.

Public broadcasting also has led the way in serving our most under-served populations. It was public television — Boston's own WGBH — that pioneered captioning for deaf and hard-of-hearing Americans back in 1972. It was public television — again, WGBH — that introduced television for blind and visually impaired viewers with the 1990 launch of Descriptive Video Service. Public broadcasting provides access to people isolated from mainstream society by economics, location, language or disability.

Every dollar the federal government invests in public broadcasting pays off. Every dollar,

moreover, leads to five more in viewer and listener contributions and grants from private foundations and corporations. That crucial seed money is vital. Without it, programs such as "Sesame Street," "The MacNeil-Lehrer News Hour," and "All Things Considered" could never have been created.

Opponents of federal funding insist that the media landscape has changed since public broadcasting's 1967 creation. Television, they say, is no longer a vast wasteland.

Those of us who worry about children might agree that cable TV gives us more options. But most of the programs children see on commercial television, cable or not, are as empty of substance, and as full of violence and ads for unhealthy foods and unimaginative toys, as they ever were. And for the 40 percent of U.S. homes — 90 million Americans — not hooked up to cable, public television remains the oasis.

In the 27 years since I founded Action for Children's Television, commercial broadcasters have had two words for me: public television. Let PBS be the place where the bottom line is quality, not advertising revenue. Let public broadcasting worry about the different needs of different age groups, about exposing children to arts and culture, science and math, biography and public affairs. Let PBS be television of substance.

Even when the federal government laid down the law, with the Children's Television Act of 1990, commercial broadcasters said let PBS be the place for truly educational fare. Our brand of education is cartoons such as "The Jetsons"; after all, doesn't it teach children what life will be like in the 21st century?

We're not far away from the 21st century, and the prospects are looking gloomy where children are concerned. Schools with no money ... parents who are increasingly less available for parenting ... widening gap between haves and have-nots. And, if we don't act fast, television dictated by popularity, not purpose.

But not if we do something. Not if we let Congress know that public broadcasting deserves support. Not if we send the message, loud and clear, that public broadcasting isn't a problem — it's a solution.

Peggy Charren is the founder of Action for Children's Television.

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THE NEW YORK TIMES, SUNDAY, JUNE 4, 1995

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Unpopular Culture

In the Race Against Depravity

By ELIZABETH KILBERT

It looks like Murphy Brown is going to be getting some company.

Three years have passed since Vice President Dan Quayle, struggling to get re-elected, denounced the single, pregnant and fictional television character, accusing her of undermining family values. Now, as a new election cycle begins, open season on popular culture has again been declared.

Last week, Senator Rob Dole took on Hollywood, charging the entertainment media with marketing evil to American children. His attack was the most strident so far, but the Kansas Republican was not the first Presidential candidate this year to issue a broadside against the industry that brings the world songs like "Cop Killer" and movies like "Die Hard With a Vengeance." Nor is he likely to be the last.

Politicians from both parties have discovered that condemning the entertainment industry is the nearly perfect campaign cause. Mr. Quayle's experience notwithstanding, Americans largely agree that what Mr. Dole termed the "casual violence and even more casual sex" of television, movies and popular music help breed antisocial behavior. And as long as you don't kv after a beloved character like Ms. Brown by name, there is almost no downside risk to the attack. Unlike advocating say, gun control, criticizing the producers of "nightmares of depravity," as Mr. Dole put it, is unlikely to offend any interest groups except the producers.

"People believe a lot of our problems stem from a decline in values," Mark Mellman, a Democratic pollster, said. "And they see the entertainment media contributing directly to that decline in values."

The first Presidential contender to sound the alarm this year was the President him-

self. In his State of the Union address, Mr. Clinton told the entertainment industry that it should consider "damage that comes from the incessant, repetitive, mindless violence and irresponsible conduct that permeate our media all the time." The appeal of the argument was immediately apparent; in public opinion testing, the line received the highest score of any in the speech.

Since then, Vice President Al Gore has met with children's advocates and entertainment industry executives to discuss media violence. Next month, Mr. Gore and his wife, Tipper, an early crusader against graphic song lyrics, will be the hosts of a conference on the topic in Nashville.

Maybe It's True

Of course, just because violence and vulgarity in the media are an attractive target for politicians doesn't mean that they are not legitimate cause for concern. Scores of studies have attempted to assess the effect of media images on children's development, and many social scientists say the results are consistent enough to indicate that media violence does encourage, if not actually cause, real-life violence.

Hollywood has a hard time refuting the argument, although it has gone to some lengths to try. Recently, the California State Senate took up a resolution condemning promiscuity and violence in the entertainment media in an effort — ultimately successful — to get the resolution watered down. A lobbyist for the Motion Picture Association of America wrote to the sponsor saying that there was no evidence that depictions of sex or violence lead to their real-life counterparts.

"In fact," the lobbyist, Vans Stevenson, wrote, "the opposite may be true. The first generation of children television viewers that grew up in the 1950's and 1960's with a

healthy dose of the family values of 'Captain Kangaroo,' 'Father Knows Best,' 'The Howdy Doody Show' and 'Ozzie and Harriet' is the same generation that caused the sexual revolution of the late 1960's and early 1970's." (John Keeshan, who played Captain Kangaroo, was quoted as calling the latter "absolute drivel.")

To the extent that media images foster social ills, they would certainly seem an appropriate topic for a Presidential candidate. But after Mr. Dole's speech, even many critics of the media accused him of using the issue simply for political mileage.

"I think that Dole is talking out of both sides of his mouth," said Peggy Charren, an advocate for children's television and a critic of the entertainment industry. "The way to deal with speech you don't like in a democracy is to make sure there's room for other speech. Dole is working to do in public broadcasting. He is leading the effort to do in the Children's Television Act."

Amos in Mr. Dole's rivals were also skeptical of his motives, even though their candidates have made similar arguments.

"It is hard for me to imagine that Senator Dole was listening to WOLK this morning and said, 'You know, I like rap, but this 2 Live Crew goes too far,'" said Alex Castellanos, media advisor to Senator Phil Gramm of Texas. "It certainly seems a coincidence that this has become such a concern now that he's a candidate for President."

In a more-in-sorrow-than-in-anger tone, Jack Valenti, president of the Motion Picture Association of America, said he understood why a political candidate would suddenly decide to attack movies and record labels. "The problems that infect the land — poverty, too many drugs, children having children, guns — you can't fix those over night," he said. "But I'm going to get rid of this film — that has a nice ring."

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THE GREAT SPECTRUM GIVEAWAY OF 1995: ISSUES AND OPTIONS



*Prepared by Gigi B. Sohn and Andrew Jay Schwartzman
Media Access Project*

May 17, 1995

Congress and the Federal Communications Commission are engaged in a policy debate that will change the face of broadcast television as we have known it. Television station owners are asking the FCC and the Congress to give them vast quantities of additional space on the valuable public airwaves without having to make any significant corresponding financial or public interest contributions in exchange. This "spectrum grab" would limit diversity in the marketplace of ideas and permit broadcasters to use publicly-owned spectrum for their own exclusive political and pecuniary gain.

SUMMARY

The broadcasting industry is asking Congress for a huge gift - enormous amounts of additional, valuable, publicly-owned spectrum. However, unlike spectrum allocated to broadcasters under the Communications Act of 1934, the public is to receive *nothing* in return. This "spectrum giveaway" must be stopped, and broadcasters made to compensate the public for use of its airwaves.

In the early 1990's, the FCC reserved an extra chunk of public spectrum for the exclusive use of each existing television station owner to convert from "analog" to "digital" television technology. The express purpose of this action was to enable broadcasters to provide High Definition Television (HDTV), which doubles the clarity of today's television picture. The understanding was that once this conversion was made, the broadcasters would return their original channel to the FCC.

As technology changed, however, so did broadcasters' business plans. They determined that it would be far more lucrative to provide non-HDTV pay-TV, paging and data services over the new spectrum. Thus, they are demanding what they euphemistically call "spectrum flexibility," a scheme which permits TV stations to provide one "advanced" television channel to the public, while leaving broadcasters latitude to use the remainder of their transmissions for other program and non-program services as they wish. This version of "spectrum flexibility" contemplates that no significant financial or public interest contribution would be expected in exchange.

Pending legislation would essentially require the FCC to award the spectrum to existing television licensees, and would deny it the discretion to allow any other applicants to compete or bid for these rights. The Senate version, S.652, would permit the licensees to keep both the old and the new spectrum, and would impose public interest obligations (e.g., equal time, lowest unit rate, children's educational and informational programming) on only one channel. The House bill, H.R. 1555, requires that broadcasters give back the old spectrum at an undefined point in the future. It also requires that any fees broadcasters pay for the right to deliver non-program services be designated for the U.S. Treasury, and not for any public interest purpose.

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With or without legislation, the FCC will take up the issue this summer. FCC Chairman Hundt has wavered a bit in formulating his position. He has alternated between advocating enhanced public interest obligations (e.g., free time for candidates, increased children's programming) as a *quid pro quo* for the new spectrum and being receptive to broadcasters' wishes to avoid incurring such new responsibilities.

The public interest community intends to participate in the FCC proceedings. There are several options for action that could be proposed to the Commission, and they depend largely on whether legislation is passed and the degree of discretion left to the FCC. However, consideration of these options should begin without further delay. The options are:

- Permit broadcasters to program one or two channels on the new spectrum, and require them to lease the remaining channels to *unaffiliated* programmers and services.
- Allocate the spectrum to broadcasters in exchange for increased public interest obligations, including, but not limited to, free time for candidates, children's programming or community interest programming. A one or two channel reservation for public, educational and governmental could be included in this option.
- Require that any fees paid by broadcasters to provide non-program services be put in a trust fund for public broadcasting and/or the production of children's informational and educational programming.
- Adopt the FCC's prior decisions in this area, and allocate the spectrum to broadcasters only to provide HDTV. This option gives little back to the public.
- Allocate the new spectrum in the same manner that the FCC has allocated all available broadcast spectrum in the past, by comparative hearing. This option is perhaps the most unlikely to be adopted.

INTRODUCTION

Between 1987 and 1992, the FCC held a series of proceedings to determine whether and how broadcasters might convert from "analog" to "digital" television technology. The original expectation was that broadcasters would use new digital systems to provide High Definition Television (HDTV). HDTV provides a television picture that is twice as clear as ordinary analog systems. HDTV picture quality approaches that of 35mm film and its audio quality is equal to that of compact disks.

To implement the proposed conversion, the FCC set aside a huge chunk of extra broadcast spectrum (six megahertz or 6 MHz) for each licensee, enough to carry literally thousands of voice conversations.* The spectrum was set aside with the understanding that it would be used for the sole purpose of converting to HDTV. The FCC also concluded that broadcasters would have to return their existing channels 15 years after the FCC adopted a standard for HDTV. This time period was chosen to ensure that broadcasters had fully completed their conversion to digital and that members of the public were not left without televisions that could receive the new HDTV

*Broadcasters' existing channels are also 6 MHz.

service.

Since then, video technologies have progressed far more quickly, and beyond the expectations of the FCC and most experts. Digital compression technology now makes it possible to transmit many more voice, video and data messages using much less spectrum.* Where at one time it was thought that broadcasters could only provide HDTV over the extra spectrum, it is now possible to do much more. Indeed, broadcasters could split up the bit stream into six or seven different "channels," which could be used to provide, among other things, multiple TV channels, as well as non-program services like paging and data transmission.

As the technology changed, so did the broadcasters' business plans. Their zeal for HDTV lessened as it became increasingly obvious that consumer interest in HDTV would not reach expected levels, and as the cost of providing HDTV programming became more clearly understood.

Thus, in early 1994, the National Association of Broadcasters (NAB) began to demand what it euphemistically calls "spectrum flexibility." "Spectrum flexibility" would not limit broadcasters to using the extra spectrum solely for HDTV. Under this scheme, broadcasters would provide one "advanced" television service** to the public, while using the rest of the transmission space for other program and non-program services as they saw fit. Just as the Commission had originally contemplated, the broadcasters, at first, promised to return their existing channel once the conversion was completed.

THE SENATE LEGISLATION

S. 652, the "Telecommunications Competition and Deregulation Act of 1995," was reported out of the Senate Committee on Commerce, Science and Transportation on March 30, 1995. It is expected that the bill will go to the floor of the Senate sometime in May. Section 207 is the spectrum flexibility provision of the bill.

Section 207 (a)(1) gives the Federal Communications Commission discretion as to whether it should give the new spectrum to existing broadcast licensees. If it does so, however, it is required to adopt regulations that allow licensees to make use of the extra spectrum for the transmission of "ancillary and supplementary services" (i.e., non-program services), if the licensee provides at least one free advanced television program service. Importantly, Section 207 commands the Commission that it "shall apply similar rules to use of existing television spectrum." This is a clear indication that the broadcasters would not have to give up their existing channel,

*Digital compression converts voice, video and data into ones and zeros, commonly known as "bits." The bits are delivered, in a stream, to a converter box inside the television. The converter box sorts out the bits and presents them as pictures to the viewer. The 6 MHz of spectrum can hold 20 million bits per second of any kind of voice, video and data. In comparison, a digital signal with the quality of today's analog television signal requires just 4 million bits per second. HDTV requires between 6-18 million bits, depending upon how much action is in the picture.

**"Advanced" television service is commonly recognized as one that provides a clearer television picture than the current analog system, but not as clear as HDTV.

as was originally contemplated by the FCC. In other words, this Section permits a broadcaster to keep both its original and its new spectrum, permits it to provide digital service on both the old and the new spectrum, and requires only that it provide one free program service on each.

Section 207(a)(2) states that if a broadcaster charges a subscription fee for any of its services over existing or extra spectrum, the Commission may collect a fee from the broadcaster. The section instructs the Commission, in setting these fees, to take into account the portion of the spectrum which is used for such services and the amount of time such services are provided. In any event, the fee amount cannot exceed the amount paid by bidders in the recent auctions for cellular telephone- like personal communications services (PCS) licenses.*

Finally, Section 207(a)(3) requires that new and existing spectrum be operated in the "public interest, convenience and necessity." However, the section imposes the public interest standard only upon the one advanced television program service (on the existing and/or new spectrum) that is provided for free to the general public. This means that any other program service, whether or not it is a subscription service, would be exempt from public interest obligations. These obligations include, but are not limited to, equal time, lowest unit rate, children's television and community programming obligations.** The section states further that the Commission may consider, at license renewal time, any violation of the Commission rules "applicable to ancillary or supplementary services." This could be read to mean that any violation of the Commission's broadcasting rules, or any violation of a law of the United States, would be irrelevant to obtaining or keeping a license.***

Ironically, the NAB is not satisfied with Section 207. They are unhappy that it gives the FCC discretion whether or not to grant them the extra spectrum. They want to be assured that

*Some have argued that this fee is equivalent to an auction of the spectrum, because it permits the amount of fees to be, at a maximum, the equivalent of what was paid for spectrum that will be used to provide PCS services. However, under Section 207(a)(2), the FCC is tasked with apportioning the fees according to the amount of spectrum and amount of time that is devoted only to subscription services. Therefore, the less time and space a broadcaster provides for subscription services, the lower the fees. Moreover, setting the fee limit at the auction value for *non-broadcast* spectrum automatically undervalues the broadcast spectrum. It is commonly understood that *broadcast* spectrum, which heretofore has been exempt from auctions, is far more valuable than non-broadcast spectrum.

**For example, officials at the Rupert Murdoch-owned Fox television network have proposed providing an all news channel on the extra spectrum. Under the broadcasters' plan, this station could promote candidates for public office without having any corresponding duty to give access or the lowest rate to opposing candidates. Another possibility would be a continuous infomercial channel, featuring products intended primarily for children. The scheme contemplated by the broadcasters would have no limits on commercialization, program length commercials or "host selling."

***For example, FCC rules that require broadcast licensees to be of good character would not be relevant under this section.

they will automatically get the spectrum. Senate Majority Whip Trent Lott (R-MS) is expected to introduce an amendment on the Senate floor on behalf of the broadcasters to change this language. This amendment must be defeated on the floor if there is to be any possibility of obtaining public benefits from the allocation of this new spectrum.

THE HOUSE LEGISLATION

H.R. 1555, the "Communications Act of 1995," was introduced on May 2, 1995. The Subcommittee on Telecommunications and Finance is expected to act on the bill imminently. Section 301 is the spectrum flexibility provision of the bill.

Section 301 compels the FCC to give the extra spectrum to incumbent broadcasters. The Section requires the Commission to set certain standards to ensure that some minimum amount of advanced television service is provided on the new spectrum. It also permits the Commission discretion to "prescribe such other regulations as may be necessary for the protection of the public interest, convenience and necessity."

Unlike the Senate legislation, H.R. 1555 requires broadcasters to surrender one of the two licenses in the future. The Commission is tasked with determining the surrender date on a market-to-market basis, and must consider whether 1) "the substantial majority of the public" have television sets that are capable of receiving digital transmissions and 2) whether the cessation of analog broadcasting would "render the television receivers of a substantial portion of the public useless or otherwise cause undue burdens on the owners of such television receivers...."

H.R. 1555 sets fees for subscription services in the same manner as S. 652. However, the House bill requires these fees to be deposited in the U.S. Treasury after the costs to the FCC of implementing these policies have been recovered.

THE FCC

The FCC's role in this debate depends largely on whether telecommunications legislation is passed in this Congress, and if it is, how much discretion the legislation gives the agency to allocate this new spectrum. In any event, the Commission is expected to begin a series of proceedings this summer to determine how the new spectrum should be allocated.

FCC Chairman Hundt has spoken a great deal on this issue, and believes it to be among the most important the agency will face in the near future. As he has formulated his position on the issue, the Chairman has changed direction on several occasions. Earlier this year, he told broadcasters that they shouldn't automatically expect to receive this spectrum, and has also talked about broadcasters giving a *quid pro quo* for the spectrum in the form of free time for candidates and increased children's educational and informational programming. Then, in an April speech at the NAB convention, Mr. Hundt appeared to backtrack from his earlier statements - he promised to "help" the broadcasters, and backed off from the suggestion that there should be any increased responsibilities attendant to the new spectrum. Instead, he said that he was "wary of the wisdom of government mandating how [broadcasters] should take advantage of the business opportunities that the digital revolution creates..." In more recent public statements, however, the Chairman appears to embrace his original expectation that the public would receive enhanced public interest obligations in return for broadcasters' use of the new spectrum.

ISSUES RAISED

The bottom line is that the broadcasters are seeking an extra channel of scarce public spectrum without accepting any significant financial or public interest obligations in exchange. This raises a number of important issues:

- Should the broadcasters simply be given this extra spectrum for free? Should somebody else get it, or at least get to use some of it?
- If the broadcasters do get the spectrum for free, should there be some *quid pro quo*, i.e., free time for candidates, a quantifiable amount of educational and informational children's programming?
- Should program services provided over the extra (and existing) spectrum be free from public interest obligations such as equal time, lowest unit rate, children's educational and informational programming?
- Once broadcasters have made the conversion to digital, should they be required to return their original channel?
- If fees for subscription services are collected, should those monies go towards public television, children's television or some other public interest goal?

OPTIONS

The broadcasters' proposal is unacceptable. It is nothing more than a "spectrum grab" by the broadcasters that leaves nothing but crumbs for the public. There are opportunities here to increase diversity in the marketplace of ideas; increase public discourse; and finance educational, informational and children's programming. They should not be squandered.

There are several alternative options, not all of which are mutually exclusive. The options depend, in part, upon whether legislation restricts the FCC's discretion.

Option 1: "Condominium"

As mentioned previously, digital compression technology permits a broadcaster to split up a stream of bits into five, six or more "channels." It is not necessary, however, for a broadcaster to use every one of those channels.

Under this option, a broadcaster would be given new spectrum to convert to digital. Once the conversion is completed, however, the broadcaster would be able to program one or two of the channels, at least one of which would be devoted to free program service. The broadcaster would then lease the remaining channels to other *unaffiliated* program and service providers. This is similar to the "leased access" concept of cable television. Of course, the broadcaster would have to return its original channel to the FCC.

The difficulty in this option lies in the details. Who would be eligible for carriage? Would carriage on a digital channel count for purposes of the multiple ownership rules? Would there be preferential rates for nonprofits and other noncommercial information providers?

Option 2: Allocate Spectrum in Exchange for Enhanced Public Interest Obligations.

This option would give broadcasters new spectrum, but would impose, as a *quid pro quo*, special public interest obligations. For example, broadcasters could be required, on their free channel, to give one hour of time every day for the sixty days prior to a federal election for use by candidates. The Commission could set quantitative guidelines for news, public affairs and/or children's programming, or it could reserve one entire channel for the provision of that programming. Another possibility might be a channel or two set aside for public use, similar to PEG access channels provided by cable operators.

Option 3: Require that Fees to Engage in Non-Program Services be Placed in a Trust Fund for Public Broadcasting and/or the Production of Children's Informational and Educational Programming.

If spectrum fees are imposed on broadcasters for providing subscription services, some of the money could be set aside to provide funding for public broadcasting and/or noncommercial children's television. Public broadcasters have made a similar suggestion in their recent report to Congress on alternative funding for public broadcasting.

This option is not exclusive of the others listed here. For example, the Commission could require enhanced public interest obligations on a number of the digital channels, and still permit broadcasters to engage in subscription services on others. In such a case, some or all of the fees could still be set aside for public interest purposes.

This option will raise opposition from a number of competing interests. First, as reflected in the House bill, there are many in Congress who simply want to apply this money to pay down the national debt. Also, many Congressional Republicans will be disinclined to give the money to public broadcasting, which they are trying to defund. Another factor is the FCC, which might want the money to fund itself.

Option 4: Adopt the FCC's Prior Decisions and Allocate the Spectrum to Broadcasters to Provide HDTV Only.

One option is for the FCC to adopt its prior decisions giving broadcasters new spectrum, but only for the purpose of providing HDTV. These decisions also mandate that the broadcasters give back the existing spectrum within 15 years. This option is being promoted by the creators of the current HDTV standard, as well as the Association for Maximum Service Television.

This option gives little back to the public, and ignores the fact that even if the broadcasters are required to provide HDTV, there will still be room on the spectrum to provide other services. This raises the question of whether broadcasters should only get as much spectrum as they need to provide digital HDTV. Or whether, if they do get the full 6 MHz, others should be entitled to use the extra space.

Option 5: Allocate Spectrum to Others via Comparative Hearing

Perhaps the most unlikely option is for the Commission to decide to allocate the new spec-

trum to parties other than existing broadcast licensees much as they would any other broadcast license, *i.e.*, by comparative hearing. This option would, like the "condominium" option, promote diversity, provided that the multiple ownership rules remain somewhat intact.

Some would argue that the Commission is bound to this option by the Supreme Court's decision in *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945). *Ashbacker* held that the Communications Act requires the Commission to hold a comparative hearing for new broadcast licenses if there are two or more applicants for that license. However, legislation mandating the Commission to give the new spectrum to the broadcasters would effectively overrule *Ashbacker*.

CONCLUSION

Led by the NAB, broadcasters are trying to obtain large amounts of a scarce, extremely valuable public resource in exchange for absolutely nothing. Unfortunately, Congress, and perhaps even the FCC, appear ready to comply. The allocation of this new spectrum could lead to increased diversity, true public access and/or increased funding for noncommercial public interest programming. Those who still care deeply about these goals must act now to see that this golden opportunity is not wasted.



OFFICE OF THE VICE PRESIDENT
WASHINGTON

July 7, 1995

Melanne
Venner
Rm. 100

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM:

GREG SIMON, OVP *GS*
KRISTAN VAN HOOK, NTIA *KVH*

SUBJECT:

FAMILY CONFERENCE: V-CHIP

I. SUMMARY

You requested information on how the V-chip works and how it would be implemented.

More homes have televisions than telephones. Few parents are willing to get rid of their TVs and few are able to monitor everything their children watch. The V-chip uses existing television technology in association with a rating system to allow parents to block objectionable programs from entering their homes.

The Senate adopted the Conrad amendment to require all television receivers to include the V-chip and to create a television ratings commission comprised of industry representatives and parents one year after enactment if the industry does not adopt a voluntary rating scheme. It does not require cable operators to include the chip in either existing or future set-top boxes.

The Administration strongly supported the Conrad amendment which passed 73-26; Senator Dole opposed the amendment. Representatives Markey and Moran will try to offer a similar amendment to the House telecommunications bill, but Gingrich may not allow them to since he opposes the V-chip, in league with the broadcasters.

II. DISCUSSION

The V-chip builds on the technology for closed captioning for the deaf. As of July 1993, every television set larger than 13 inches sold in the U.S. has had a microprocessing chip to read and display closed captioning. Captions are sent in the vertical blanking interval, the black bar that separates each frame of video. Viewers normally do not see this bar.

Since they have been required to include these chips in new sets, manufacturers have been looking for ways to provide additional features using the chip. In 1993, TV set manufacturers received permission from the FCC to send additional information including program information, movie ratings, emergency alerts, weather advisories and promotional messages in the vertical blanking interval. This data is referred to as Extended Data Services (EDS).

Last fall, television manufacturers earmarked part of the vertical blanking interval used for EDS for the transmission of rating codes for violence, nudity/sexual content, and profane language. This proposal passed over the objections of broadcasters. Building the blocking capability into sets is currently voluntary but would be mandatory under the Conrad amendment. Sending the ratings would be voluntary unless legislation or regulations were adopted to require broadcasters and cable programmers to send the ratings.

Television networks, individual broadcasters or cable programmers could include a rating for violence, nudity or language in the program signal. Inserting the rating would require the same equipment that is used to insert closed captions.

If a parent had activated the blocking feature of the television set, then any program carrying a rating from the broadcaster or cable programmer would be blocked out. Technically, this would be accomplished by expanding the closed captioning box to fill the entire screen. A message would appear on the screen stating that the program was blocked out. The audio would also be blocked.

The blocking feature has three categories: (V) Violence, (N) Nudity/Sexual Content, (L) Profane Language. Each category has four levels -- for example, graphic violence, violence, mild violence, no violence. A parent could block all programs with a rating, or fine tune the blocking feature to block only programs with a rating for graphic violence, or graphic sexual content.

To activate the blocking feature, the parent would push the MENU button, select parental control, and enter a secret code. Once the blocking feature has been set, it can only be deactivated by a parent with the code (similar to a PIN number you would use for the bank cash machine). This would make it very difficult for children to deactivate.

Programs would not be blocked by this feature unless they carried a rating from the broadcaster or cable programmer.

Broadcasters oppose the V-chip due to fears that they will lose advertising revenue if they rate their programs. They are also worried about how to implement a ratings system given the volume of new shows and the short production-to-broadcast window for many shows.

TV set makers oppose a mandate for including the V-chip, but they have created a standard to govern its use, and each manufacturer has committed to building it into one model this year.

Cable programmers supported the V-chip as a "parental empowerment device" in their Voices against Violence initiative in February 1994. HBO and SHOWTIME are committed to sending ratings for all of their programs.

Satellite broadcasters (Direct TV and USSB) offer subscribers the ability to block programs based on a movie rating and are committed to allowing subscribers to block programs based on advisories and ratings sent by cable programmers and broadcasters.

The **cost** of modifying the closed captioning chip in TV sets is estimated to be less than one dollar a set.

III. CONCLUSION

The V-chip empowers families to help navigate the media culture. There are questions about how to implement ratings systems and how to make the technology simple, effective and targeted. But we should not let those solvable problems blur our message: Families need all the help we can give them to reduce the sex and violence that come into their homes via television. Those who rail against Hollywood and TV sex and violence but oppose using technology to empower families to express their values are part of the problem, not part of the solution.

Clashing Over Obscenity in Cyberspace

When the Senate proposed to crack down on computer-network obscenity and indecency, the convergence of moral and regulatory issues triggered an intraparty struggle among House Republicans.

On the one hand were allies of Silicon Valley and the Internet computer networks, including Speaker Newt Gingrich, R-Ga., who view the unregulated computer industry as one of the great American success stories.

On the other were social conservatives such as Jim Bunning, R-Ky., and John J. "Jimmy" Duncan Jr., R-Tenn., who are shocked by reports of deviant sexual material in cyberspace. "Nobody likes [censorship]," Duncan said, "but we've always protected children from hard-core pornography."

The battle is being waged on legislation to promote competition and deregulation in the telecommunications industry. The Senate-passed bill (S 652) includes a provision that outlaws obscene communications over computer networks while requiring those networks to keep indecent material away from minors.

By contrast, the bill approved by the House Commerce Committee (HR 1555) calls for the Justice Department to study ways to shield minors from objectionable material on computer networks.

A number of conservative social policy activists, such as the Christian Coalition and the Family Research Council, have been lobbying Gingrich and other House members in favor of the Senate provision, written by Jim Exon, D-Neb., and Daniel R. Coats, R-Ind. A few groups, most notably the American Family Association and Morality in Media, want even stronger language barring the distribution of indecent or pornographic material on the Internet.

Opposing them are civil libertarians, the computer industry and a broad array of computer users, who argue that the Exon-Coats provision is an unconstitutional restriction on speech. They picked up a critical endorsement June 20 from Gingrich, who envisions the Internet playing a key role in America's political and economic future.

On a cable television program, Gingrich said the Exon-Coats provision was "clearly a violation of free speech, and . . . a violation of the right of adults to communicate with each other." Gingrich said he did not consider it "a serious way to discuss a serious issue, which is, How do you maintain the right of free speech for adults while also protecting children in a medium which is available to both?"



Exon



Coats

In May, a New York state judge ruled that the computer network Prodigy Service Co. may be liable for a potentially libelous message that a user posted anonymously on one of its electronic bulletin boards. The judge held that Prodigy exercised editorial control over messages because it systematically screened them for offensive language.

Rep. Christopher Cox, R-Calif., said at a Commerce Committee hearing June 19 that a better way to combat computer indecency than the Exon-Coats approach would be to let computer networks such as Prodigy screen messages without fear of liability in other arenas. He and Ron Wyden, D-Ore., introduced a bill (HR 1978) June 30 to do just that.

Bruce A. Taylor of the National Law Center for Children and Families, a conservative advocacy group that supports the Exon-Coats provision, said Gingrich's and Cox's criticisms seem to be aimed at an earlier version, not the one adopted by the Senate. With other supporters of the amendment, Taylor is trying to convince Gingrich that those problems have been addressed and that the Exon-Coats approach is the most reasonable alternative.

Bunning and Duncan are considering offering the Exon-Coats provision as an amendment to the House telecommunications bill when it reaches the floor, probably in mid-July. They may modify the Senate language, Duncan said, "to alleviate some of the fears of Internet users concerning censorship."

Rep. Cliff Stearns, R-Fla., may move in the opposite direction, trying to add a tougher version of the Exon-Coats provision to the House bill. Stearns would remove a section that would shield companies that provide access to unaffiliated computer networks over which they have no control. Therefore, companies that provide gateways to the Internet would not be prosecuted if users navigated their way to caches of obscenity or, in the case of minors, indecency.

Patrick A. Trueman, head of the American Family Association's Washington office, said those companies profit from the time their users spend viewing pornography on-line and need to be deterred from making it accessible.

The Electronic Frontier Foundation, an advocacy group for computer users, said in a recent Internet posting that the best solution would be to develop the technology to help parents exercise more control over what children encounter on the Internet.

—Jon Healey

alternative that encouraged the entertainment industry to limit violent programming. A motion to kill the Conrad-Lieberman package was defeated, however, as a number of conservative Republicans — including Daniel R. Coats of Indiana, Phil Gramm of Texas, and Robert C. Smith of New Hampshire — teamed with most

Democrats in defense of the measure. (*Vote 256, Weekly Report, p. 1785*)

The Senate then adopted both the v-chip proposal and the Dole-Simon amendment.

Easier Said Than Done?

The broadcasters strongly oppose the v-chip provision on constitutional

and pragmatic grounds.

Edward O. Fritts, president of the National Association of Broadcasters, argued in a June 12 letter to Republican Sen. John McCain of Arizona, "Government involvement in monitoring programming content is a 'slippery slope' that Congress should not start down." Richard Cotton, general coun-

sel for NBC Inc., made a related argument in a letter to Dole, saying, "The amendment creates the role of 'Big Brother' for the federal government, empowering bureaucrats to make subjective judgments about what is objectionable and what is not."

To illustrate the subjectivity of ratings, network officials often cite the Oscar-winning historical drama "Schindler's List," about the Holocaust. The movie would probably be rated violent, and the v-chip would treat it the same way that it would treat slasher movies such as "The Texas Chainsaw Massacre."

The task of rating all programs is daunting, too. A single network's prime-time schedule covers about 1,100 hours each year, although much is repeated during that period. By comparison, all the movies rated by the Motion Picture Association of America in the course of a year amount to 1,000 to 1,200 hours of programming.

Finally, networks and cable companies say the government does not need to intervene because they are responding to the issue of violence on their own. Networks tout the parental advisories they provide and the study they commissioned in 1994 on media violence; the cable companies point to similar efforts on their part, as well as programs to help parents educate their children about television violence.

Conrad defended his amendment, saying, "Parents are increasingly unhappy that they have limited ability to control what their children watch on television." That control is critical, Conrad said, because "study after study has shown that violence in the media is a contributing factor to violence on our streets."

Markey noted that broadcasters received their rights to the airwaves for free, in exchange for acting in the public's interest. As part of that responsibility toward the public, he said, they should be required to transmit their own program ratings electronically.

Both Markey and Reed Hundt, chairman of the FCC, said market forces often steer broadcasters toward programming that clashes with the values parents want to instill in their children. Parents need help to filter out those programs, Hundt said, adding that it is not realistic to expect them to review every show on television.

Clinton administration officials

also backed the v-chip as a way to increase parental control. Noting the self-imposed ratings in the movie and software industries, Larry Irving, the administration's top telecommunications official, asked, "When we ask the broadcasters to do the same thing, why is it a bad idea?"

In the House

The first test of the v-chip came on May 25, 1995, as the House Commerce



SCOTT J. FERRELL

Broadcasters say the v-chip could turn advertisers away by limiting the TV audience.

Committee was considering this year's version of the telecommunications overhaul bill (HR 1555). When Rep. Cliff Stearns, R-Fla., proposed to ease the ownership limits on broadcasters and allow companies to own multiple media outlets in a single city, Markey proposed to require any local media conglomerate to broadcast electronic ratings and provide at least four hours per week of children's educational television.

The amendment was defeated, 15-32. Still, Markey says the chip proposal will be harder to defeat on the House floor, where the broadcasting industry holds less sway.

Moran introduced his version of the v-chip legislation (HR 1807) on June 8, as Dole's first attack on Time Warner was still reverberating around Capitol Hill. Its 37 cosponsors include only four Republicans, but aides to Moran said there is growing interest in the proposal from both sides of the aisle.

Following Conrad's lead, Moran plans to offer a scaled-back version of his bill that would match the Senate's language on the House floor as an amendment to the telecommunications bill. His original legislation proposes to allow programs rated for violence or other content inappropriate

for children to be telecast only after 9 p.m.

Jill Lesser of People for the American Way, a liberal advocacy group in Washington, said the change removes one of the most objectionable elements of the proposal: the attempt to restrict what kinds of programs can be shown during much of the day. She still objected, though, to the mandate to rate programs.

Because the proposal is not pure censorship, Lesser said, it is harder for lawmakers to explain a vote against the v-chip than one for it. "The easiest thing to say is, 'I am not voting to restrict speech, I am voting to give viewers a choice,'" she said.

Two recent surveys suggest that the public wants to do something about violence in the entertainment media, but it is not sure that the government should be involved.

USA Weekend recently published a non-scientific survey in which 90 percent of the respondents favored v-chips and 83 percent favored a rating system for TV programs similar to that used for movies.

A separate poll for Time magazine and Cable News Network, done scientifically, found that two-thirds of those surveyed favored more restrictions on TV broadcasts as a way to improve the country's moral climate. Almost 70 percent, however, opposed government censorship to reduce sex and violence in the media; instead, more than 80 percent favored parental supervision and voluntary self-restraint.

Broadcasters argue that the v-chip proposal would hurt advertising revenue, which is their sole means of support. For fear of reaching fewer viewers, advertisers may shy away from programs that the v-chip could block, broadcasters say.

"If viewers block out whole categories of programs," NBC's Cotton wrote to Dole, "then the government censors who place programs into these categories will have life-and-death authority over what programs would survive on advertiser-supported television. . . . This possibility could seriously damage the free television system."

The networks and Simon argue that the real problem with violent programming is on cable television, not the broadcast stations. Yet cable franchises would not be affected much by the v-chip, network officials say, because most of their money comes from subscription fees, not advertisers. ■

TELECOMMUNICATIONS

Proposed Electronic 'V-Chip' Complicates the View

Hailed by supporters as a useful monitoring tool, device is seen as an intrusion by TV industry

For television broadcasters, the Senate's proposed "choice chip" is like the Terminator — a high-tech enemy that they cannot seem to kill.

The chip, also called a "v-chip," is an electronic device that parents could use to keep violent or offensive programs off their televisions. Installed inside the set, it could be used to screen out programs carrying undesirable ratings.

The technology is available, but the ratings are not. Therein lies one of the central controversies surrounding the v-chip: Who will decide which programs are violent and offensive?

The proposal to require television manufacturers to include a v-chip in sets is part of a bill to promote competition and deregulation in telecommunications (S 652), which the Senate passed 81-18 on June 15.

Broadcasters and cable TV companies say the Senate proposal amounts to government-imposed ratings, which they contend would be unconstitutional. The proposal's sponsors — Kent Conrad, D-N.D., and Joseph I. Lieberman, D-Conn. — respond that they are simply trying to give parents more control over what their children watch.

Conrad's allies in the House, led by Democrat James P. Moran of Virginia, plan to offer an identical amendment when the House Commerce Committee's telecommunications bill (HR 1555) reaches the House floor.

The battle over the v-chip illustrates one of the conflicts within the new Republican majority. The mandate to rate programs amounts to a new regulatory burden on broadcasters and cable companies, which runs counter to the deregulatory drive of business-friendly lawmakers. Some social conservatives see the chip as a way



SCOTT J. FERRELL

Lieberman, right, and Conrad announce the v-chip at a June 14 news conference. They say it would help parents monitor what their children watch.

to help parents keep their homes free of offensive material. And if they team with Democrats to support the v-chip, as they did in the Senate, the proposal will be hard to beat.

A similar intraparty battle is occurring on a provision of the Senate telecommunications bill by Jim Exon, D-Neb., and Daniel R. Coats, R-Ind., to regulate indecency on computer networks. While some House Republicans are preparing their own version of the Exon measure, House Speaker Newt Gingrich, R-Ga., has blasted the provision as "a clear violation of free speech." (*Box*, p. 1995)

'V' Is for Violence

The idea of a v-chip emerged more than two years ago from a group of TV manufacturers, broadcasters and cable representatives who were developing a new set of standards for television sets and signals. Circuitry was being developed that, in combination with new signals from broadcasters, could provide a host of new features, such as on-screen menus and program guides.

The proposed new signals include three rating codes that would identify programs that had a certain kind of violence, potentially offensive language and nudity. The new circuitry could be used by viewers to read the codes and block out any program that carried an undesirable rating.

The circuitry found a patron in Rep. Edward J. Markey, D-Mass., who then chaired the House Energy and Commerce Subcommittee on Telecommunications and Finance. Joined by several leading committee members from both parties, Markey introduced a bill in August 1993 that would have required all television sets imported into or sold in the United States to be equipped with the new circuitry, which Markey dubbed the violence chip or "v-chip."

Sen. Byron L. Dorgan, D-N.D., introduced a similar bill in the Senate early in 1994, but neither measure advanced that year.

The criticism of media violence intensified this year as Senate Majority Leader Bob Dole, R-Kan., entered the rhetorical fray with a stinging attack on communications giant Time Warner Inc. Although Dole said he wanted to see corporate self-restraint, not government regulation, his comments sounded like a call to action for v-chip advocates.

On June 13, during the Senate debate over S 652, Conrad and Lieberman offered a pair of v-chip amendments based on a bill (S 332) that Conrad had introduced in February. Their package would require all new TV sets sold or imported in the United States to contain a v-chip, and it would give the broadcast and cable TV industries one year to set rules for rating programs. If they failed to set those rules, a five-member commission appointed by the president would take over the task.

Dole and Paul Simon, D-Ill., tried to defeat the Conrad-Lieberman amendment, offering a non-binding

By Jon Healey

want to visit these problems on Chile?" asked 349 labor and environmental groups in a June 30 letter to President Clinton and the leaders of Canada and Mexico. The groups are correct in thinking that if fast track is renewed, the next trade negotiations would add Chile to NAFTA. Preliminary negotiations between Chile and the other NAFTA partners started earlier this year. Over the long term, free-trade proponents hope to see NAFTA extended throughout Latin America.

"I waver between being very optimistic and very pessimistic about doing any fast track at all this year," said Rep. Jim Kolbe, R-Ariz., an ardent proponent of free trade who rallied votes for NAFTA and is working to win support for adding Chile. "By far the biggest issue is workers' rights and the environment," he added.

Democratic free-trade proponents agree. "It comes down to the environment and labor provisions," said Rep. Robert T. Matsui, D-Calif., who is gathering support for fast track. "Democrats want a statement on environment and labor to be part of fast track, and Republicans want fast track to be silent on it; it's not certain you're going to see fast track this year."

The legislation that Ways and Means is crafting would extend fast track for four or five years and would allow the administration to negotiate any trade agreement it wants. Though it would include no directive to the administration to consider labor and environmental issues in negotiating trade pacts, it also would have no impact technically on the administration's ability to negotiate such agreements on its own, according to trade law experts.

"As long as environmental and labor side agreements don't require changes in U.S. law, and the current ones do not, there is no need for congressional approval to extend similar agreements to Chile or to any other country," said Stephan E. Becker, a trade law specialist at Keller and Heckman, a Washington law firm, who worked on NAFTA.

However, unless fast track covers environmental and labor concerns, it could weaken the United States' negotiating position on those issues and hurt the administration's ability to win congressional approval of a pact.

Administration Position

While Clinton administration officials have been careful to avoid mak-



"Democrats want a statement on environment and labor to be part of fast track, and Republicans want fast track to be silent on it; it's not certain you're going to see fast track this year."

—Rep. Robert T. Matsui, D-Calif.

ing any direct declaration of their position on including environmental and labor provisions in fast-track renewal, they may be on a collision course with House Republicans.

In a hearing before Ways and Means on June 21, Deputy U.S. Trade Representative Charlene Barshefsky said the administration views labor and environmental provisions as "trade related," adding that many countries have "stressed the importance" of labor and environmental considerations in trade pacts, and said that the administration expected to continue to include them in trade negotiations.

However, because administration officials have not declared definitively whether they want environmental and labor provisions in a fast-track renewal, Republicans and Democrats have different impressions of where the administration stands.

"I don't think they will push the environmental and labor provisions at the risk of derailing fast-track extension," said Crane.

Quite the opposite, said Rep. Sander M. Levin, D-Mich., a Ways and Means Committee member. "I certainly don't think the administration wants fast track at any price," he said.

Congressional Troubles

Past experience suggests that if the administration fails to push hard for the passage of fast track, it will be difficult to muster the votes for it in Congress. In 1991 when President George Bush sought to extend fast track in order to continue GATT negotiations and begin the NAFTA negotiations, it took a three-month lobbying blitz of Congress by administration officials to win support for renewal. (1991 Almanac, p. 118)

This year, little has changed except that there may be even less support in Congress than there was four years ago. Now, in addition to the Democrats who are set to oppose trade agreements because of environmental and labor concerns, there are a number of conservative Republicans who oppose free-trade pacts, arguing that trade agreements often put American industry at a disadvantage, resulting in a loss of jobs.

They also say that by entering into trade agreements, the United States obligates itself to abide by international standards and loses some of its sovereign power.

There has been no official count yet of how many of the 73 Republican freshmen are likely to support fast-track legislation, but Kolbe and others worry that a number of them may oppose it.

"I confess we haven't done what we should have done and what needs to be done in terms of doing broader education on trade issues with our new members," said Kolbe.

For both the Republican leadership, which supports free trade, and for Clinton, the uncertain congressional environment for trade makes pushing through any agreement an uphill battle and one that may not be worth the political capital it will take to win.

The House Republican leadership has said it supports extending fast track but has not committed itself to pushing through the legislation.

"The reticence you're seeing in Congress this year is first and foremost that domestic issues have priority," says Jeffrey J. Schott, a senior fellow at the Institute for International Economics, a Washington think tank that supports free trade.

Adds Matsui, "Fast track is a priority for the administration, but not a high priority. There's a lot going on already, and if they don't get fast track this year, I don't think anybody is going to lose any sleep over it." ■



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

September 19, 1995

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Hundt:

I am writing to express my strong support for clear, specific rules implementing the Children's Television Act of 1990. Five years after passage of this landmark legislation, parents still cannot find educational programming for their children on many commercial broadcast stations. Clear guidelines and tough enforcement are needed to give children and parents the educational programming choices this law was intended to provide.

One of the strongest influences on a child growing up in America is the electronic media. The average child in America watches about 25 to 30 hours of television every week. Many of these hours are filled with violence and adult sexual material.

Broadcasters, unlike other businesses including cable television, use the public airwaves free of charge. In return, they are supposed to serve the public interest. But over the years, the public has received less and less in this bargain. Programming covering local communities and local issues, as well as programming that serves children in the community, has been steadily reduced in favor of more lucrative commercial programming. Children's educational programming has been reduced to less than half an hour a week on many commercial stations.

Recent studies, including one conducted by researchers at the University of Kansas, have confirmed the positive influence television can have on children's learning. The study found that viewing as little as a half hour per day of educational programming improved children's test scores on a variety of subjects. Perhaps more important, television has the power to capture children's attention and inspire them to learn about the world around them.

Yet most commercial television stations choose not to use their power to inspire or to educate our nation's children. Because of the highly competitive nature of the commercial advertising market, it is very difficult for a broadcaster to air an educational children's program that does not attract the top advertising dollar if his competitors decide not to air any educational children's programs. The result is very little service for children in that community.

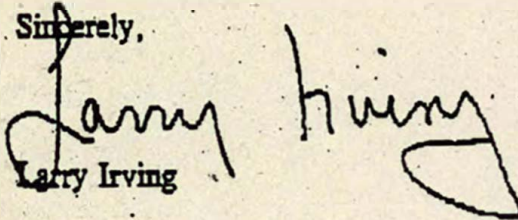
Page 2

The 1990 law was passed to address exactly this problem. It was designed to give broadcasters broad discretion to decide how to serve children in their communities. At the same time, it created a level playing field by requiring all broadcasters to provide some minimal level of educational service to children. However, the flexibility of this law has been stretched too far, allowing many broadcasters to virtually ignore its requirements. Some broadcasters actually redefined programs such as the Flintstones and Yo Yogi as educational in order to meet their obligations to children. While these programs are certainly unobjectionable as entertainment, they are not specifically designed to serve the educational needs of children.

Clearly, the current regulations are not working. For this reason, I urge you to establish clear guidelines requiring broadcasters to air at least three hours, and preferably more, of children's educational programming each week during hours when children are in the audience. I also urge you to consult with industry, educators and parents, to develop more specific guidelines for broadcasters on the types of programming that serve the educational or informational needs of children.

It is time for strong enforcement of children's educational programming laws by the FCC in order to ensure that all citizens, including the youngest, are served by broadcasters who use the public airwaves. I look forward to action by the FCC on your pending rulemaking to more fully enforce this important public law.

Sincerely,


Larry Irving

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness

THE WHITE HOUSE

WASHINGTON

September 18, 1995

The Honorable Reed Hundt
Chair
Federal Communications Commission
8th Floor
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Hundt:

The Children's Television Act of 1990 recognizes the power and value of television's influence on our nation's children. The Act sets forth a reasonable exchange -- it requires commercial broadcasters to honor their public trust by offering programming that enhances children's learning. The dissemination of true educational programming across the public airwaves is a priceless gift to our children.

The American public had every reason to believe that when the Children's Television Act was signed into law, programming specifically designed to benefit children would become an important part of the choices on every broadcast channel. The American public has been disappointed, and American children have lost countless opportunities to learn and to be challenged intellectually.

I urge you again to review the purpose of the Children's Television Act and the broadcast programming our children are offered today. To paraphrase former FCC Commissioner Newton Minow, if we can't figure out how the public interest standard relates to children, the youngest of whom can't read or write, and all of whom are dependent in every way on adults, then we will never figure out the meaning of the public interest standard.

I believe the public interest should require broadcasters to air at least three hours per week, and preferably more, of quality children's programming at reasonable times of the day. The FCC and the broadcast industry have an unequalled opportunity to redefine how television can serve the public interest, especially with respect to our children. I urge you to do so.

Sincerely,

Tom Clinton

CBB

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 29, 1995

REMARKS BY THE PRESIDENT IN
PRESENTATION OF THE PRESIDENTIAL MEDAL OF FREEDOM

The East Room

9:45 A.M. EDT

THE PRESIDENT: Good morning and welcome to all of you, especially to the honorees, their family members, their friends, distinguished members of Congress. The Presidential Medal of Freedom is the highest honor given to civilians in the United States. It has a special history, established 50 years ago by President Truman, to honor noble service in time of war.

In 1963, President Kennedy expanded its purpose, making it an honor for distinguished civilian service in peacetime. The 12 Americans we honor today embody the best qualities in our national character. All have committed themselves, both publicly and privately, to expanding the circle of freedom and the opportunities the responsible exercise of freedom brings at home and around the world.

In this time of change, where people's living patterns and working patterns are undergoing such dramatic transformation, it is necessary and fashionable to focus on new ideas and new visions of the future. We are here today to celebrate people who have always been for change, and who have changed America for the better, but who have done it based on the enduring values that make this country great -- the belief that we have to give all of our citizens the chance to live up to the fullest of their God-given capacities; the conviction that we have to do everything we can to strengthen our families and our communities; the certainty that when the chips are down, we have to do what is good and right, even if it is unpopular in the short run; the understanding that we have the obligation to honor those who came before us by passing better lives and brighter opportunities on to those who come after.

This medal commemorates the remarkable service and indelible spirit of individual Americans. But it also serves as a beacon to all Americans, and especially to our children. For our children, especially now when so many of their lives have been darkened by violence and irresponsible or absent role models, the robbers of innocence, of poverty and drug abuse and gang life, the excesses of our modern commercial media culture and other forces that are undermining the fabric of good lives.

All of these things require more and more people to live by the values and measure up to the example of the winners of the Presidential Medal of Freedom. They represent in so many ways the true face of American heroism today.

Let me begin now by introducing each of them in turn.

As a young mother 27 years ago, Peggy Charren took a good look at her children's frequent companion: television. And she did not like what she saw. But unlike others who simply bemoan the problem, she actually did something about it. She took a stand against entrenched and powerful institutions in government and in

MORE

business and she made them listen. She started Action for Children's Television. As a result, she uplifted the quality of what comes into our homes and inspired a whole generation of citizen activists.

In 1990, the campaign that began in front of Peggy Charren's television set reached Capitol Hill when Congress passed the Children's Television Act. And, for the first time, the television industry was challenged to fulfill its responsibility to educate our children, not just to entertain them. Peggy Charren, mother and now grandmother, leader and reformer in the best American tradition, has put all of our children first, and we thank her for it. (Applause.)

Now, I'm going to change the order here a minute -- just a little -- and go to Joan Ganz Cooney. While Peggy Charren forced television to change its ways from the outside, Joan Ganz Cooney did the same thing from the inside. In 1968, she launched the Children's Television Workshop and a whole new landscape of joyful education opened up before our children's eyes. Out of this effort came "Sesame Street," "The Electric Company," "3-2-1 Contact," and other programs that enlighten not only our youngsters, but older people as well. With a host of loveable characters like the Cookie Monster and Big Bird, who became as familiar to me at one point in our family life as the people I grew up with -- (laughter) -- these shows have helped teach a generation of children to count and to read and to think. They also teach us more about how we should live together. We all know that Grover and Kermit reinforce rather than undermine the values we work so hard to teach our children, showing kids every day what it means to share, to respect differences and to recognize that it's not easy being green. (Laughter.)

Joan Ganz Cooney has proven in living color that the powerful medium of television can be a tool to build reason, not reaction, for growth, not stifling, to help build young lives up rather than tear them down. We all know that T.V. is here to stay. Most of us, frankly, love it even when we curse it. But we also know that there are clear, damaging effects to excessive exposure to destructive patterns of television. As the Vice President and Mrs. Gore have pointed out on so many occasions and as their recent family conference on media and the family demonstrated, the numbing effects of violence or the numbing inability to concentrate that comes from overexposure to mindless, repetitive programming are things that we have to fight against.

Peggy Charren sounded the alarm; Joan Ganz Cooney developed an alternative. And even today as we grapple with this challenge -- how to get the best and repress the worst -- we know that we would be nowhere near where we are, were it not for these two remarkable American heroes. We thank them. Thank you so much. (Applause.)

William T. Coleman, Jr.'s, first public act to advance equal opportunity came early in his life. He tried out for his high school swim team, and in response, the school disbanded the team. (Laughter.) For four decades -- in the courtroom, the boardroom, the halls of power -- Bill Coleman has put his brilliant legal intellect in service to our country. He was the first African American accepted on the Harvard Law Review; the first to serve as a clerk on the United States Supreme Court; the first to serve in the President's Cabinet -- the second to serve in the President's Cabinet; and the first to reach the pinnacle of the corporate bar.

As Secretary of Transportation to President Ford, he helped to open the doors of opportunity to thousands of black entrepreneurs. As a corporate director, he broke the color barrier in the nation's executive suites. Today, as Chairman of the Board of the NAACP Legal Defense and Education Fund, he continues the fight.

TELEVISION

Westinghouse bends on children's programming, but was is it voluntary?

SAY Congress is considering a bill, or a Federal agency is debating a proposed regulation. Lobbyists descend, like pigeons to bread crumbs, on the corridors of Government. Their job is to persuade Congressional members, or regulators, to vote in favor of their sponsors.

But last month, after a group of lobbyists got what they wanted, their success provoked an outcry worthy of some heinous scandal. Powerful senators and representatives were outraged. Accusations of "green-mail" and coercion flew. The subcommittee on oversight and investigation of the House Commerce Committee ordered an inquiry.

Were vital matters of public policy at stake? Critical conflicts of interest? Shadowy ethical violations? No. At issue was whether one more hour a week of educational programming for children should be added to CBS's television schedule.

The network has agreed to be bought by the Westinghouse Electric Corporation, which needs waivers of some Federal Communications Commission rules to take over the licenses of some CBS stations. Several public-interest groups had filed a petition urging the F.C.C. to deny Westinghouse's application, saying that the stations did not provide enough children's educational programming to meet requirements.

On Sept. 20, Westinghouse announced that it would voluntarily increase educational programming for children from one hour a week to two in 1996, and to three in 1997.

There was an immediate fuss about how voluntary this pledge was. Some Republicans attacked Reed E. Hundt, the F.C.C. chairman, who is a Democrat. They said that Westinghouse had conveniently satisfied the public-policy desires of Mr. Hundt. Senator Larry Pressler, Republican of South Dakota and chairman of the Senate Commerce Committee, and Representative Jack Fields, Republican of Texas and chairman of the House Subcommittee on Telecommunications, accused the advocacy groups and Mr. Hundt of "legalized extortion," of twisting Westinghouse's arm for the three hours of programming as a quid pro quo for the needed waivers.

Then the chairman of the House Commerce Committee, Representative Thomas J. Bliley Jr., Republican of Virginia, and Representative Fields directed the investigations subcommittee to review the matter.

In response, Mr. Hundt said that his position on children's educational programming was no secret to Westinghouse; he has been trumpeting it in speeches for months. And while he said he doubted that Westinghouse's

pledge was "intended as a quid," he added, "If it was, there was no quo."

And even if Westinghouse, which is still awaiting an F.C.C. decision, made its pledge to appease the advocacy groups, the groups say Republicans have no business attacking their lobbying success.

"Is this part of their Contract With America, this intimidation tactic?" said Kathryn Montgomery, whose organization, the Center for Media Education, is one of the groups petitioning the F.C.C. to deny Westinghouse's requests. "We did what we have every right to do, which is participate in the public debate on this. Haven't these men got something better to do?"

Representative Edward J. Markey, Democrat of Massachusetts, was a key sponsor of the Children's Television Act of 1990, which requires broadcasters to carry programs that educate children, but

The F.C.C. could set a quota for educational children's programs.

does not specify how many hours. "How mangled have the morals of this town become when only special interests seeking profits are allowed to participate in the license renewal and transfer process?" he asked.

But the Republican critics had a larger concern. In a letter to Mr. Hundt, Representative Fields said he was bothered by the notion that the chairman might have used Westinghouse's eagerness for F.C.C. approval to achieve something that should have been part of the commission's rule-making process.

THE NEW YORK TIMES, MONDAY, OCTOBER 9, 1995

The five-member F.C.C. will vote by early next year on a proposed rule to require broadcasters to carry three hours a week of children's educational programs, or to pay for their three hours to be carried on another station. At least two commissioners said setting such standards was beyond their mandate and would violate the First Amendment.

Mr. Hundt considers it a minimum fulfillment of the Children's Television Act, which directs the F.C.C. to insure that broadcasters provide educational children's programs. And he argues that it would actually make it easier for broadcasters because each one would have to meet the same quota. If that means lower ratings for one, it will mean lower ratings for all.

Meanwhile, Congress appears to have gutted a provision of the Children's Television Act: a small endowment set up to distribute about \$2 million a year in seed money to groups developing new educational programs for children. The current House and Senate versions of the budget bill for next year provide no money for the program.

A poll conducted by the Opinion Research Corporation of Princeton, N.J., and released Thursday by the Center for Media Education, found that 82 percent of Americans think there is "not enough" educational programming on broadcast television now, and that 60 percent believe broadcasters should be required to show one hour or more of such programs a day.

Next on the merger agenda is the proposed Disney acquisition of Capital Cities/ABC. The same coalition of public-interest groups has already filed a petition to deny Disney the waivers it needs unless the company demonstrates a stronger commitment to children's educational programs.

Will Disney, like Westinghouse, take the pledge?

Advertising | Stuart Elliott

At a national get-together of advertisers, talk quickly turns to the 1996 Presidential campaign.

THE 1996 Presidential election is still more than a year away. But political affairs are much on the minds of those attending the 86th annual meeting and business conference of the Association of National Advertisers.

The conference, which began on Saturday with about 500 people attending at the Boca Raton Resort and Club here, has the theme "Leaders and Leadership." That, of course, includes sessions on subjects like building brands and corporate re-engineering that are of intrinsic interest to members of the association, who are the nation's largest marketers and advertisers of consumer products.

Yet assessments of the political landscape, particularly Presidential politics, ran like a thread through all the deliberations of the conference, which is scheduled to conclude this afternoon. That was underscored by the reading of a letter from President Clinton that was a paean to the "freemarket system" and the role advertising plays in it.

One speaker yesterday, Richard B. Wirthlin, chairman and chief executive of the Wirthlin Group in McLean, Va., a strategic opinion research company, likened advertising to political campaigns in a presentation titled "Leadership: Building Brands and Pursuing the Presidency," which examined what he described as the "complex decisions" Americans make "about Presidents, pastas and pesticides."

Whether promoting a brand or a politician, an advertising campaign is most effective, Mr. Wirthlin said, when it "persuades by reason and motivates by emotion." Both types of advertising work best, he added, when they focus on traits like trust, caring, consistency, "delivering on promises" and "creating a positive vision for the future."

One significant difference between them, Mr. Wirthlin said, is that "unfortunately, in the political arena, the negative message seems to stick more than the positive message."

Presidential politics was the focus of a live version of "Crossfire" by Michael Kinsley, the co-host of the popular CNN program. Lou Dobbs, the host of CNN's "Moneyline" and the executive vice president of the CNN America unit of Turner Broadcasting System, filled in for one of Mr. Kinsley's conservative counterparts. At one point, Mr. Dobbs referred to Mr. Clinton's popularity problems as his "decline in brand loyalty."

There was also a re-creation of another popular political television program, "The McLaughlin Group," during a session on Saturday.

One of the liveliest aspects of the conference so far has been the debate over a decision to exclude reporters from covering the activities on Saturday, when the conference

opened with a "members day" that included the types of events usually featured in the sessions open to all attendees. Among the closed events Saturday were the McLaughlin presentation, a panel on agency-client relations and a dinner speech by Ted Turner, head of Turner Broadcasting.

The grumbling among the dozen reporters covering the rest of the conference was echoed by some non-members who participated in the panel on Saturday but were then excluded from the dinner.

"We had the best members day we've ever had," John J. Sarsen Jr., president and chief executive of the association, told reporters at a breakfast yesterday. "Our members are thrilled with it and want to do it again in the future."

However, after some reporters said they would consider not attending the conference next year if panels and similar functions were closed to the media again, Mr. Sarsen and other executives of the association said they would reconsider the matter.

Farrakhan Says He Invited Powell to Black Rally

By NEIL A. LEWIS

WASHINGTON, Oct. 8 — Louis Farrakhan, who is organizing a massive demonstration of black men in Washington next week, said today that he had invited Gen. Colin L. Powell to attend and was hopeful that he might do so.

Mr. Farrakhan, speaking on the ABC News program "This Week," said that General Powell had recently spoken with him by telephone and that they had discussed the event, which has come to be called the Million Man March because organizers are hoping to attract a million black men to the event, a blend of prayer and protest scheduled for Oct. 16.

Mr. Farrakhan said he had invited the retired Army general to speak at the event. Asked how he had responded, Mr. Farrakhan replied, "That he would see whether he could make it."

Bill Smullen, General Powell's spokesman, did not return telephone

messages left at his home.

Pressed about who placed the telephone call, Mr. Farrakhan suggested that they had been trading calls in an effort to speak with each other. "Well, I think we've been missing each other," he said. "We've called him and he got back to us."

Leon E. Panetta, the White House chief of staff, said today on the NBC News program "Meet the Press" that he did not believe that black men employed by the White House would be given the day off to attend the march.

President Clinton, he noted, had expressed support of the event's goals of emphasizing responsibility to the family, but was "very concerned" with the participation of Mr. Farrakhan, the leader of the Nation of Islam, Mr. Panetta said.

Newsweek magazine reported today that O. J. Simpson and the former chief lawyer of his defense team, Johnnie L. Cochran Jr., planned to attend the event.



Louis Farrakhan, organizer of the Million Man March, spoke to reporters yesterday on the ABC News program "This Week."

Liberties

MAUREEN DOWD

Return to Gender

WASHINGTON

Is Hillary Rodham Clinton playing the gender card — from the bottom of the deck?

On a Latin American trip, she told reporters that the criticism of her lead role on health care, politics and policy was not really about performance. As Ann Devroy reported in *The Washington Post*, Mrs. Clinton sees the criticism more as an attack on her 20-year partnership with her husband because some Americans find it "threatening."

"The criticism is clearly meant to try to demean and divide men and women," she said. "You know, 'Know your place, know where you are supposed to be,' that is something I wish we could overcome. I mean, judge people on their merits. You don't like my health-care plan, criticize my health plan. But don't turn it into some huge attack on the role."

Mrs. Clinton made the same argument after "her" health-care plan died. "A friend told me I've turned into a gender Rorschach test," she told *The Wall Street Journal* last year. "If somebody has a female boss for the first time, and they've never experienced that — well, maybe they can't take out their hostility against her so they turn it on me."

If Mrs. Clinton wishes to play a prominent role in the political life of the country, then she must be willing to take the scrutiny that goes along with it. She is too sophisticated to argue that criticism comes simply because she is a woman.

It is true that female ambition still elicits irrational fears, and that women in public life are trapped by

Do we fear the power partners?

an exacting set of expectations. And it is also true that the right has tried to turn Hillary into Evita. (Don't cry for me, Arkansas.)

Nevertheless, it is hard to believe that most Americans have a problem with Mrs. Clinton because she is a strong woman. Her health-care plan was not rejected to send a message about her relationship with the President. The plan was judged on its merits. And so was she: Her performance as an unelected co-President was spectacularly maladroit.

President Clinton bears responsibility. He ceded a lot of domestic policy and personnel turf to his wife and she reinforced the stereotype haunting the Democrats — the big-government tax-and-spenders, beholden to special interests.

At the heart of the Administration is the unstated bargain of the Clinton marriage. As brainy and articulate as her husband, Hillary Rodham sacrificed a high-powered career to hitch her star to an Arkansas comer.

She chafed at the material sacrifices, according to David Maraniss's Clinton biography, "First in His Class." When Dick Morris, the Governor's political consultant, told her that voters would be angry if she built a swimming pool at the governor's mansion, she blew up. "Why

can't we lead the lives of normal people?" she asked angrily.

Her sense of what was due her also seemed to dull her sensitivity to conflicts of interest.

When she came to Washington, Mrs. Clinton appeared to willfully ignore the political dangers of assigning herself so much power with no accountability.

Although everyone knew it was folly to put the First Lady out front to formulate and sell the Administration's principal initiative, the President acted like a husband in debt to his wife. He was. She had stood by him through the humiliating phantoms of rumors that threatened his campaign. So he did not interfere even when it became clear that her health-care plan — developed in high-handed secrecy — was ballooning into a Great Society nightmare.

The First Lady was never willing to acknowledge the tensions and problems caused within the Administration by the "two for one" deal, as she once called it. Everyone tiptoes around any President's wife. But when the boss's wife is also a boss, aides are even more afraid to say "I don't think this works."

Mrs. Clinton seems to feel that if she occasionally plays Pat Nixon — giving interviews to food writers, inviting gossip columnists to lunch, watching children dance — she might allay angst about her power.

She thinks Americans fear the partnership with her husband. What they really fear is a bargain that ignores accountability. It's not about being a woman. It's about not being elected. □

A Cure for Kids' TV

By Reed E. Hundt
and Newton N. Minow

WASHINGTON

Suppose you run a successful business, but 80 percent of Americans think the product you sell harms children. You have three choices: claim that 80 percent of America is wrong, say that 80 percent of America is hypocritical because it consumes the product anyhow or recognize the problem and take steps to solve it.

We are not referring to tobacco products or alcohol. We are talking about television aimed at children. Under laws dating from the 1930's, broadcasters use scarce publicly owned airwaves without charge and in return promise to operate as trustees for "the public interest" — a term never clearly defined.

Reed E. Hundt is the chairman of the Federal Communications Commission. Newton N. Minow was chairman from 1961 to 1963.

Broadcasters once accepted that nurturing children is part of the public interest. In 1951, when TV was still new and broadcasters wanted to convince adults that buying a TV set would enrich their children's lives, 27 hours of children's programming aired each week, much of it high quality. But over the years, commercial TV has virtually abandoned its responsibility to kids. Increasingly, children's programs — at least on commercial TV — have become less about education and enrichment and more about merchandising. Today, broadcasters too often see children simply as consumers.

In 1990, finding that there was "disturbingly little" educational and informational children's programming on commercial TV and that market forces would not create more, Congress passed the Children's Television Act. It requires broadcasters to provide some "educational and informational" programming that "serves the special needs of children." But it left to the Federal Communications Commission the task of defining such programming and writing rules to implement the law.

The F.C.C. is now seeking to define the public-interest standard and to adopt rules to carry out the mandate of the Children's Television Act, including a unambiguous definition of educational programming and requirements that TV stations air a certain amount of it each week — we propose at least three hours — at times when children will to see it.

Some broadcasters argue that the First Amendment bars the Government from imposing specific requirements for children's programming. But the courts have consistently upheld reasonable rules protecting children; the F.C.C.'s rule against broadcasting indecent material before 10 p.m., for example, has been upheld by the courts. What else would guarantee that all broadcasters meet their responsibilities to children? We would require each broadcaster in each community to say at the beginning of its licensing period what it intends to do for the kids it serves. Then in license-renewal proceedings the F.C.C. could consider whether the broadcaster kept its promises. These rules would help make broadcasters genuine trustees of the public interest. □

Clinton Urges TV Carry at Least 3 Hours Weekly for Kids

WASHINGTON (AP) TV broadcasters should have to air at least three hours of educational shows a week for children, President Clinton said Tuesday.

"I believe the public interest should require broadcasters to air at least three hours per week, and preferably more," Clinton wrote in a letter to Federal Communications Commission Chairman Reed Hundt.

Hundt has proposed a three-hour minimum, something that hasn't gained much support from the agency's four other commissioners. It also is opposed by the broadcasting industry.

Clinton's endorsement for TV quotas "should put more pressure on the FCC and the industry to do something for children by putting on more programs," said children's TV advocate Peggy Charren, head of the watchdog group Action for Children's Television.

A 1990 law requires TV broadcasters to air shows meeting the educational and informational needs of children as one of the conditions for license renewal.

But some broadcasters have put on "The Jetsons" and "Leave It to Beaver" reruns and have counted them as fulfilling their educational requirements.

The FCC is considering a number of proposals to make sure broadcasters fulfill their obligations under the law, including the TV quotas. The commission plans to take final action this year.

APNP-09-19-95 1745EDT

Violence Floods Children's TV, New Study Says

By ELIZABETH JENSEN

Staff Reporter of THE WALL STREET JOURNAL

An exhaustive examination of the broadcast networks' programming during the 1994-95 television season has concluded that "sinister combat violence" pervades a significant number of Saturday-morning children's cartoons.

The 180-page, network-funded study, released yesterday by the Center for Communication Policy at the University of California at Los Angeles, also deemed 42% of the theatrical movies aired on ABC, CBS, NBC and Fox inappropriately violent. Meanwhile, though, the researchers found that regular network series and made-for-TV movies carry little violence.

Overall, "the world of television, from broadcast networks to syndication, to cable, to home video, is not as violent as we had feared and not as wholesome as we might have hoped," the study said. While cautioning that there "is room for substantial improvement," the researchers noted that the networks, in particular, "have begun to get the message about television violence."

The report comes at a time when the entertainment industry — including the networks — is under fire for showing too much violence and sex, particularly in programs aimed at children.

The UCLA study was funded by the four major broadcast networks. It was intended to be more comprehensive than past studies of television violence, assessing nearly 3,000 hours of network programming as well as a sampling of cable, syndication and home video. The networks agreed in early 1994 to pay for the appraisal, which will be repeated in each of the next two seasons, in hopes of forestalling federal legislation to control televised violence.

Nonetheless, both House and Senate versions of pending telecommunications legislation require television-set makers to include a "v-chip" device that would allow parents to block shows that are rated as violent.

Martin Franks, CBS Inc.'s senior vice president in Washington, said he hoped the study would "begin to refute the cocktail-party logic" that network series and made-for-TV movies are too violent. In statements, Capital Cities/ABC Inc.'s ABC, News Corp.'s Fox and General Electric Co.'s NBC said they were pleased with the study's findings regarding prime-time series and would take into consideration the report's suggestions for improvement. CBS Broadcast Group President Peter Lund added that the network regrets that Congress "recently chose to legislate in this area without even waiting for UCLA's findings."

But Rep. Edward J. Markey, one of the chief proponents of v-chip technology, wasn't backing down yesterday. The Massachusetts Democrat praised the UCLA study, saying it would "contribute enormously to our understanding of how to label television shows so that parents can make intelligent decisions to protect their children" using the v-chip.

Unlike previous quantitative TV violence studies that simply totaled the number of violent acts in a program, UCLA's methodology was designed to be more qualitative, focusing on "whether the violence raises concerns within the context of the show."

UCLA students trained as monitors were randomly assigned to watch various series, and they filled out a separate form for each act of violence they observed. These reports were then followed up with group discussions and reviewing of the acts deemed violent.

Among the criteria used in evaluating the context: the time the violence aired, whether the show contained a parental advisory, whether the violence was integral to the story, the duration and explicitness of a violent act, what portion of a program was devoted to violence, whether violence was glorified and the consequences of the violence.

Still, as with many previous studies on TV violence, the UCLA report drew conclusions that are sure to be controversial.

Though it had previously been assailed by some critics, CBS's airing of "The Silence of the Lambs," about a cannibalistic serial killer, didn't bother the UCLA researchers because the most graphic scenes were deleted for television. Yet the series "America's Funniest Home Videos," which airs on ABC, was cited for viewer-recorded video clips that are "merely decontextualized violence as humor." The researchers conceded that their criticism of "Videos" "is the finding most likely to produce a loud 'Oh, come on!' from readers of the report."

Seven Saturday-morning network shows for children were singled out for "sinister combat violence," or containing "violence for the sake of violence." While such programs aren't new, the study found that "the dark overtones and unrelenting combat in these shows constitute a fairly recent trend which appears to be on the rise."

Three of the shows — "Mighty Morphin Power Rangers," "X-Men" and "Batman and Robin" — air on Fox. Of three CBS shows cited — "Teenage Mutant Ninja Turtles," "Skeleton Warriors" and "Wild C.A.T.S." — only "Turtles" is returning to the schedule this season. ABC's "Super Samurai Syber Squad" aired only briefly on the network last season, although some local stations carry the program. "Mega Man," the eighth show cited by the study, is a syndicated program.

Jeff Cole, director of the center and author of the study, called such shows "a worrisome trend." As for children's shows generally, the study found few that "deal with intense violence."

Of the 121 network prime-time series monitored, the study found 10 — including one on the upstart United Paramount Network — that "raise frequent concerns about the manner in which they deal with violence." Of these, five have already been canceled.

Among those cited was CBS's "Walker, Texas Ranger," of which the study noted: "Violence is completely integral to this series."

Dr. Cole said one surprise was the level of violence in on-air promotions, even for shows that otherwise handle violence well. Often promos contain scenes "back to back to back of violence," he said.

While the study criticized the networks' airing of theatrical films, only 14% of the 161 that were broadcast last season "raised concerns" about violence. "It is clear," the researchers said, "the networks are using their power to make some improvements in this area."

House Panel Clears Measure On Thrifts

By ALAN YONAN JR.

Dow Jones Capital Markets Report

WASHINGTON — A bill that would merge the thrift and commercial-banking industries and ease community lending rules passed the House Banking Committee on a 26-20 straight party-line vote.

The bill, which would force federally chartered thrifts to get national bank or state thrift charters, now goes to the House Budget Committee for consideration.

The Banking Committee also voted to eliminate a number of federal housing programs to reduce the budget deficit \$2.39 billion over seven years. Much of the savings would come from a \$6 billion recapitalization of the Savings Association Insurance Fund. Included in the recapitalization effort is the proposed merger of the thrift and commercial banking industries.

The Senate Banking Committee today is expected to vote on its own budget bill with provisions that address the thrift insurance fund recapitalization.

In the House, the concepts behind the insurance-fund recapitalization and the changes in the Community Reinvestment Act—the key community lending law—were borrowed from separate bills and added to the budget-reconciliation legislation at the last minute.

The SAIF provision, similar to a bill introduced by Rep. Marge Roukema (R., N.J.), would merge the thrift-insurance fund with the Bank Insurance Fund after the recapitalization. The federal charter for thrifts would then be eliminated, forcing the institutions to adopt either a national bank charter or a state thrift charter. Federal thrifts would no longer have to specialize in mortgage financing, as the thrift charter requires.

To ease the conversion process, the bill gives thrifts a break: It exempts them from the current requirement that they pay back tax breaks received on their bad debt reserves when they switch to a bank charter.

As for the community-lending rules, banks and thrifts with assets of \$100 million or less would be exempt from most reporting requirements, while those with assets of as much as \$250 million would be able to self-certify that they are in compliance with community-lending rules.

Committee Democrats, who voted against rolling back the lending rules when the changes were considered as part of a separate deregulation bill, said that adding it to the reconciliation legislation was a "back door" maneuver to ram the proposal through Congress.

Treasury Secretary Robert Rubin said the Community Reinvestment Act provision "represents a step backward for America's communities."

Mining Interests Win Key Concession By Conferees, Boosting Business Gains

By DAVID ROGERS

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON—House and Senate negotiators, in a major concession to Western mining interests, narrowly agreed to renew the government practice of letting companies take title to federal lands where they have staked mineral claims.

The sudden reversal capped a series of victories for business interests competing for provisions in spending bills even as lawmakers make cuts elsewhere in domestic programs for the new fiscal year beginning Oct. 1.

Having conceded ground to mining companies, negotiators last evening agreed to allow federal timber sales of as much as 418 million board feet annually in the Tongass National Forest in Alaska. Southern poultry producers and agribusiness exporters triumphed in Senate votes on a separate \$63.7 billion agriculture bill scheduled to clear the chamber today. And even vodka manufacturers have jumped into the fray, winning language to block a new labeling rule regarding the purity of their product.

In the case of the mining claims, both the White House and an activist bloc of younger House Republicans have criticized the so-called patenting process as outdated and a giveaway to the industry. Yesterday's action, together with the timber provision on Tongass, could provoke a veto confrontation with President Clinton on the underlying \$12 billion bill funding the Interior Department.

Only two months ago, the House voted 271-153 to continue a ban on the processing of patent applications through the new fiscal year. Among those supporting the ban then was Rep. Norman Dicks (D., Wash.), a veteran member of the House Appropriations Committee. But in the talks yesterday, the Northwest lawmaker surprised many of his colleagues by casting the deciding vote on a 7-5 roll call to allow the ban to expire Sept. 30.

"No deals. I don't make deals on big issues like this," said Mr. Dicks, brushing aside any suggestion that he was swapping votes to gain support in separate negotiations on the Pentagon budget now underway across the Capitol.

As a Westerner, with his own home-state timber interests, Mr. Dicks said he was responding to arguments made by mining-state lawmakers. And he gave his vote after being promised that the House would move ahead on a 3.5% net royalty on the industry as part of the budget process this fall.

In fact, such a bill began moving through the House Resources Committee yesterday but was roundly attacked by Interior Secretary Bruce Babbitt. The measure promises far smaller revenues than alternative proposals considered by the last Congress. "The mining law 'reform' provision basically perpetuates . . . the egregious shortcomings of the current law," Mr. Babbitt wrote to Rep. Don Young (R., Alaska), chairman of the House Resources panel. The secretary said the

royalty provision—cited by Mr. Dicks—was a "token" and "so riddled with exemptions and deductions . . . that it will likely cost more to administer than it will collect."

The industry-backed Mineral Resources Alliance hailed the reversal yesterday. But having made concessions already this summer on salvage-timber operations in the West, the White House is likely to resist any further compromise now.

Mindful of these concerns, negotiators agreed to restore an estimated \$86 million to the underlying bill to soften Senate cuts from the Bureau of Indian Affairs. In addition, while the National Endowment for the Arts would be reduced by almost 40% from current levels, the final compromise drops any requirement that an authorization bill first pass the House before the money may become available.

Elsewhere, the measure would phase out the Bureau of Mines, though its major functions would be continued elsewhere in the government. Similarly, the National Biological Service — a prime target for

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Western Republicans — would be transferred from the Fish and Wildlife Service to the U.S. Geological Service, where core natural-resource research activities would continue with a reduced budget of \$137 million.

In floor debate yesterday, the full Senate voted 61-38 to uphold an amendment to block a proposed Agriculture Department rule setting tougher standards for the labeling of frozen poultry. And on a 58-42 vote, senators rejected efforts to kill funding for the government's market-promotion program to advertise American products overseas.

The poultry-labeling rule has met strong opposition from Southern producers, who argue it is inflexible and will impede their ability to transport chicken to the West Coast market. Many California poultry producers favor the new standard which gives them a marketing edge as the unfrozen "fresh" product. But the state's senators were frustrated in their efforts to appeal to senators on the grounds that the fight was a consumer issue, not a regional one.

"They ought to know if a product has been frozen and defrosted," said Sen. Barbara Boxer (D., Calif.). "This is really all about money. It's all about dollars . . . What's a little lie? I say it's wrong."

Housing Starts Increased 0.6% During August

By CHRISTINA DUFF

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Continuing a four-month revival, housing starts rose 0.6% in August, spurred by favorable mortgage rates and an uptick in new-housing sales.

The Commerce Department also revised July's big housing-start gain to 7.1% from 6.7%. After that surprisingly large increase, analysts had expected the August rate to fall a bit. But buyers again took advantage of low mortgage rates, pushing up housing starts to an annual rate of 1,398,000. Long-term interest rates are still well below the 9.15% rate in January, though they crept up a bit recently to 7.85% in August.

Also, analysts noted, housing starts are taking their cue from a boost in new-home sales that began in the spring. In July, new-home sales rose to their highest annual rate in more than a year. Builders apparently have pared the inventories they built up earlier this year when demand for housing fell, and are ready to put up homes again.

Pointing to recent strong productivity and employment numbers, economist Michael Carliner of the National Association of Home Builders said the continued housing starts surge might also reflect the economy's apparent acceleration. Housing starts last month rose in every region of the country except the South, which posted a decline of 3.2%. The South's annual rate of 644,000 in August was still its highest since December 1994, the government said.

Single-family starts, which are particularly sensitive to interest-rate changes and make up about 80% of total starts, rose 1.4% in August, while construction of new apartments and condominiums, a volatile sector, fell 2.4%.

Analysts noted that housing starts probably have completed their comeback after a weak winter. "We're probably pretty close to the peak of this little housing cycle," said David Berson, an economist at Federal National Mortgage Association. The Mortgage Bankers Association's weekly index of mortgage applications — a good barometer for future housing activity — has been trending flat for several weeks. And in the National Association of Home Builders' latest housing market index, members weren't optimistic about sales for the next six months.

All figures are seasonally adjusted.

Drawing a Bead On TV Violence

Study Finds Prime-Time Shows Improve;
Movies, Kids' Programs Still a Concern

By Paul Farhi
Washington Post Staff Writer

When it comes to violence on prime-time series, the networks "have begun to get the message," an extensive new survey of programming concluded yesterday. But gratuitous or inappropriate violence continues to be a serious concern in many children's programs, theatrical movies and on-air promos.

The independent study, paid for by the networks but conducted by researchers at the University of California at Los Angeles, included a review of more than 3,000 hours of programs aired nationally by ABC, CBS, NBC and Fox during the 1994-95 television season. Under prodding from Sen. Paul Simon (D-Ill.), the networks agreed to undertake the study in early 1994 in the face of congressional efforts to legislate against violence on TV.

"Today we see few programs with violence as their central theme," the study said. "More programming uses violence well or does not use it at all. . . . It is possible to create popular programs that do not resort to inappropriate use of violence."

Of 121 TV series that aired last season on the four networks, only 10 were found by the UCLA panel to raise "frequent concerns" about violence. These included CBS's "Walker, Texas Ranger" ("fight scenes are excessively long and graphic"), ABC's "Lois & Clark" ("surprisingly frequent use of intense violence"), and Fox's "The X-Files" (whose suggestions of violence were criticized mainly because

See VIOLENCE, F2, Col. 1

VIOLENCE, From F1

the program briefly aired at 7 p.m. on Sundays).

The 190-page study praised gritty urban dramas such as "Homicide" and "NYPD Blue" as "models for how to deal with violence in an intelligent and responsible manner."

It added: "Violent images that might have routinely been shown years ago, such as bullets entering the body, are in little evidence in 1995."

Unlike previous studies that have counted the number of acts of violence on TV—and found a rising or steady diet of violent acts—the UCLA study attempted to put TV violence in context, assessing, for example, the time period in which a violent act occurred or whether violence was "necessary" to advance the plot of a show.

The promos, for instance, were sharply criticized for taking short, violent scenes out of context and repeating them to build audience interest in an upcoming show.

The UCLA report drew a distinction between made-for-TV movies and theatrical movies that are shown on TV. While only 15 percent of the

TV movies had violent themes or "inappropriately graphic scenes," more than 40 percent of the theatrical releases shown on TV fell into this category.

These included such action movies as "Under Siege" (which aired on ABC), "Black Rain" (CBS), "Last Boy Scout" (CBS) and "Hard to Kill" (NBC). It also rapped NBC for airing the comedy "Home Alone" ("filled with extremely sadistic and mean-spirited acts of violence"), particularly because it began at 8 p.m. without a parental advisory.

It also found that eight popular Saturday-morning children's shows used heavy doses of "sinister combat violence," in which characters are defined by their ability to fight enemies and battle scenes are the main plot element. These included Fox's "Mighty Morphin Power Rangers," "Mega Man" and "X-Men," as well as CBS's "Teenage Mutant Ninja Turtles" and "Skeleton Warriors."

The report, which will be followed up annually for the next two years, recommended that the networks schedule violence-laden shows after 9 p.m.; reexamine policies regarding promotional announcements; "rethink" the airing of violent theatrical movies; reduce the amount of fighting on kids' shows; and apply advisories more consistently.

The four networks issued statements endorsing the report's findings, and ABC, CBS and NBC each said they were "pleased" that it acknowledged progress in dealing with the issue.

However, Robert Peters, president of the advocacy group Morality in Media, said this progress is relative. "There may be less violence on television and they may be handling it better, but the fact of the matter is there's still too much of it," he said. "There is a lot more to life than [TV depictions of] the underside of it."

Another TV violence researcher, Robert Lichter, questioned the study's comparisons with earlier years, given that the UCLA panel

sampled only a few programs in previous years.

Lichter, co-director of the Washington-based Center for Media and Public Affairs, found in a study last year that the number of violent acts depicted during one hour of network programming had risen from 25 per hour in 1992 to 43 per hour in 1994.

TV violence research is inevitably controversial because few academics agree on what precisely constitutes an act of violence. Jeff Cole, who directed the UCLA project, said his group was less interested in counting specific instances of violence than in gauging how all kinds of violence—whether intentionally inflicted, slapstick or even verbal—fit into the overall plot of a program. "It raised concerns for us if it was more graphic than it needed to be, or if it was shown without also showing consequences," he said.

Simon called the UCLA report "solid," but he added that its findings are nevertheless unlikely to persuade lawmakers to curtail their ardor for the so-called "V-chip." Congress this summer approved the V-chip legislation, which will require TV manufacturers to add special circuitry that enables viewers to automatically block programs with objectionable material. Final details will be worked out in the House-Senate conference of the telecommunications bill in the coming weeks.

Simon continues to oppose the V-chip idea, agreeing with broadcasters that it raises First Amendment con-

cerns. President Clinton has endorsed the idea.

[In another foray into the television issue this week, Clinton also urged the Federal Communications Commission to press the networks to provide at least three hours a week of quality children's programming. In a

"There may be less violence on television and they may be handling it better, but the fact of the matter is there's still too much of it."

—Robert Peters,
president of Morality in Media

letter to FCC Commissioner Reed Hundt, Clinton noted that provisions of the Children's Television Act of 1990 had not been implemented, and, as a result, "children have lost countless opportunities to learn and to be challenged intellectually."

[Next month the FCC will consider rules designed to strengthen the act. The broadcasting industry has opposed children's programming requirements.]



BY JOHN McDONNELL—THE WASHINGTON POST

D'Souza, distressing colleagues.

2 Quit Over Book on Racism

Two prominent black members of the conservative American Enterprise Institute quit yesterday over what they consider a racist book—"The End of Racism: Principles for a Multiracial Society"—by an AEI research fellow.

Robert L. Woodson Sr. and **Glenn Loury** said they disagreed with several of the book's assertions—by Bombay-born **Dinesh D'Souza**—concerning the origins and motives of slavery and the evolution of racism, the Associated Press reported.

Woodson, who heads the National Center for Neighborhood Enterprise here and who became an AEI research fellow in 1977, said in a statement that the book "fans the flames of racial animosity." Loury, a Boston University economics professor and a member of the think tank's council of academic advisers, could not be reached for comment.

AEI President **Christopher DeMuth** said he was "saddened and puzzled" by the resignations, which he said he regretted.

The Reliable Source

By Annie Groer and Ann Gerhart

I now know how Abbott felt when Costello left, how Brinkley felt . . . when Huntley left, how Sears felt when Roebuck left and, of course—[long pause] how Dan Rather felt when Connie left.

—**Jim Lehrer**, at Monday night's gala retirement dinner for his longtime "MacNeil/Lehrer NewsHour" co-anchor, **Robert MacNeil**. It was held at the home of Sen. **Jay Rockefeller** (D-W.Va.), whose wife, **Sharon**, is president of WETA.



DEAR DIARY . . .

In which the senator from Oregon meditates on traffic patterns . . .

March 20, 1992

"When we were in New York the other day, we did a fair amount of driving north and south on the avenues. I've come to the conclusion that the way New York does their signals is better than the way most cities do them, where you

attempt to synchronize them, and you can drive for a long distance. That assumes you hit all the signals. But of course as the traffic starts out and goes up to the next signal a street away, that traffic doesn't start until almost the other traffic has gotten up to it.

"Whereas in New York as you watched down the avenues, the signals will all turn green simultaneously, for eight or 10 blocks. And of course they all turn red simultaneously. But that means the traffic at each street starts at the same time. And you can normally do five or six or seven signals before it turns to red again."

Tomorrow: Little girls and cookies.

Left, Right Pitch Inn

■ Last night's \$1,000-a-head fund-raiser for the NIH Children's Inn was a bipartisan lovefest. **Susan O'Neill**, daughter of the late House speaker **Tip O'Neill**, that mega-Democrat, waxed rhapsodic about event emcee **Marianne Gingrich**, whose ultra-Republican husband now runs the House.

Although the spotlight-shy Mrs. Gingrich does not share the speaker's oratorical gifts,

O'Neill praised her "genuine and generous" efforts to help the facility for families of young NIH patients. "This was very hard for her, but the inn is very special to her."

Newt Gingrich huddled briefly with House Minority Leader **Dick Gephardt** at the event, held at the Andrew W. Mellon Auditorium downtown, and then declared "in the spirit of this bipartisan evening, we're going to try to [adjourn] by Thanksgiving—or sometime between then and the night before the State of the Union."



Carter, collaborating; Helmsley, flying solo.

■ Go-go guy of the week: **Dan Silva**, 34, father of 9-month-old twins, husband of (commuting) "Today" show reporter **Jamie Gangel** and the producer of "Crossfire" as well as several other CNN weekend shows, has just sold his first novel (and a second one forthcoming) to Villard Books—for more than \$1 million. The two-book deal is for hard- and soft-cover rights. The first novel is a WWII thriller called "The Unlikely Spy." As of last night, he hadn't quit his day job.

■ "The Little Baby Snoogle-Fleejer" is the new book by former president **Jimmy Carter** and his daughter, **Amy**. He wrote, she illustrated. The snoogle-fleejer is a sea monster that Carter made up when telling stories to his four children years ago.

"My father and I have had a pleasant relationship, but meeting the ambitious publisher's deadline has been quite difficult for me," Amy Carter told the Associated Press. Times Books brings it out in November.

■ As the first National Symphony Orchestra season planned by conductor **Leonard Slatkin** gets underway, the group's instrumental leadership is shaping up as well. Slatkin, turned to the NSO's own Rostropovich-trained cello section for the new principal cellist, **David Hardy**, and assistant principal, **Glenn Garlick**. Slatkin also selected the new principal violist, **Daniel Foster**, from within the orchestra.

Yesterday the group named the Milwaukee Symphony Orchestra's **Jean P. Hamilton** its general manager. Hamilton managed the Baltimore Symphony for four years.

■ Let's update our community service report: **Paul Fleiss**, pediatrician (but not patrician) daddy of **Heidi**, has to do 625 hours for his role in laundering his daughter's prostitution profits. And **Leona Helmsley**, that Queen of Mean, has to do an additional 150. And it has to be meaningful—none of that clerical work.

Paul Fleiss must serve a day in jail and pay a fine of \$50,000, as well as surrender \$375,187, proceeds from the sale of a Beverly Hills estate bought with hooker cash, reported the Associated Press.

Some Helmsley employees alleged that they performed the original community service that their boss was sentenced to—"like field hands shucking peas," one said—after her 1989 conviction for tax evasion, according to wire reports. A Manhattan federal judge has now ruled that Helmsley, 74, must perform more community service in New York, where she can be closely supervised.

Study Of TV's Violence Points To Films

By LAWRIE MIFFLIN

Television networks are showing "positive signs" of reducing violence in their own prime-time series and in made-for-television movies, but serious problems persist in the theatrical movies they broadcast, in some children's shows and in promotional spots, according to a study released yesterday.

The study, by the Center for Communication Policy at the University of California at Los Angeles, was commissioned by the four major broadcast networks in June 1994 in response to public pressure, the threat of legislative restrictions and the networks' own complaint that the study had sought to analyze television violence in context and from a neutral perspective.

The cable television industry has commissioned its own separate study, which is due in January.

"We couldn't exactly say we see improvement, because this is the first year of our study," said Jeffrey Cole, director of the U.C.L.A. Center, which has contracted to study three seasons at a cost, he said, of about \$450,000 a year. "Next year we will say we see improvement or worsening, and we'll have a base line for saying so."

Most of the violence on television in the most recent season, Mr. Cole said, "especially the most extreme violence," was in films previously shown in theaters.

"We found 42 percent of the violence raised a great deal of concern," he said. "The networks can edit out the worst parts, but with films like 'Terminator 2' or 'Under Siege,' if you take the worst parts out, you run the risk of having very little left."

The report also raised warnings about the increasing use in children's programming of what it calls "sinister combat violence," characters fighting at the slightest provocation. And it criticized networks for on-air promotions using the most violent scenes, often out of context, to advertise a forthcoming film or show. It also said networks were inconsistent in placing advisories on the air at the start of shows that include violence.

Continued on Page C1

The four networks — ABC, CBS, NBC and Fox — agreed to finance the U.C.L.A. study as pressure increased for legislation that would limit the amount of violence on television, institute a ratings system or require that television sets be equipped with a V-chip that parents could use to block individual shows from their sets.

Particular pressure has come from Senator Paul Simon, Democrat of Illinois, who urged the networks in August 1993 to better monitor their own programming as a means of avoiding Government regulation.

"It's a very solid report," Senator Simon said in a telephone interview yesterday. "It acknowledges the progress that has been made but also says we still have some problems. And it makes the point that this sort of independent audit should be an ongoing thing, as a way to avoid Government intervention in the content of programs. I totally agree."

Martin D. Franks, a senior vice president of CBS, said he hoped the report marked "Day 1 of an informed, legitimate debate on the subject of television violence, because we haven't had that so far."

He praised the report for being "written in English" and for presenting a "qualitative rather than quantitative analysis" that "finally sets up the potential for a debate of some intellectual rigor."

Mr. Cole said he designed the report "for the public," and that the contract allowed U.C.L.A. to study and recommend whatever it wanted. Although the networks paid for it, "they had not an ounce of control over it," he said. "Nor did they try to influence it, I must add."

The report studied all network entertainment programming in prime time and on Saturday mornings during the 1994-95 season, including specials, television movies, theatrical movies and children's shows. For comparison purposes, it also examined violence on local and syndicated shows, public television, cable television, in rental videos and in home video games.

Each of 121 television series was reviewed at least four times. If issues of violence arose, the series was reviewed longer, often for the entire season. The study reviewed 161 made-for-television movies and 118 theatrical films.

Reviewers who noted an act of violence filled out "scene sheets" noting why and how the act took place, its relevance to plot or character development, whether it was pro-

voked, what its consequences were, whether it was more gory than necessary, the time period in which the violence occurred and whether the show carried a violence advisory.

"All these contextual criteria were applied to every scene, which was a lot of work," Mr. Cole said. "But I think it was worth it."

He cited the example of a doctor slicing open an abdomen on one of the hospital dramas, like "E.R." or "Chicago Hope," as a scene that might be bloody and graphic but would not be considered violent. The same action committed by a murderer, however, would be.

Representative Edward J. Markey, the Massachusetts Democrat who is a principal sponsor of V-chip legislation, said the U.C.L.A. report confirmed that such a device is needed. He said the report would promote "a better understanding of how to label television shows so that parents can make intelligent decisions" about the shows they want to block from their sets.

Giuliani, at U.N. Opening Ceremony, Assails New Isolationist Mood in Congress

By CHRISTOPHER S. WREN

UNITED NATIONS, N.Y., Sept. 19 — In a strongly-worded attack on the isolationist mood swelling in a Congress dominated by his fellow Republicans, Mayor Rudolph W. Giuliani helped kick off the 50th session of the United Nations General Assembly today, criticizing the "potent strain of isolationism that once again is infecting our political discourse."

The Mayor did not mention the Republican Party by name and said in an interview later that he was not singling out his party or fellow politicians. Still, his defense of the United Nations' achievements and of immigrants' contribution to the nation marked the latest in a series of attempts by Mr. Giuliani to set himself apart from the newly dominant conservative wing of the Republican majority. Many of those Republicans want to end or cut back financing to the U.N. and favor severe immigration restrictions.

"Sometimes, leadership means taking unpopular positions, rejecting harmful political fads," Mr. Giuliani said today. "Sometimes, leadership requires challenging myths. That's the kind of leadership we need in defining our relationship with the U.N. and also on the issue of immigration."

Mayor Giuliani's speech echoed his criticism last month of immigration restrictions proposed by a panel named by the Speaker of the House, Newt Gingrich, which recommended cracking down on benefits for illegal aliens. At the time, Mr. Giuliani said such restrictions not only violated basic decency but could also have "catastrophic social effects" on New York and other large cities.

Today's speech marked the first such appearance by a mayor of New York City in nearly half a century. The last mayor to address the General Assembly was William O'Dwyer, who welcomed the delegates at their temporary quarters in Flushing Meadows Park in 1947.

Mr. Giuliani spoke to delegates from 185 member states who convened in the General Assembly chamber for the opening of three months of speeches and debate.

While the United Nations invited Mr. Giuliani to attend the Assembly's opening session, the United States representative, Madeleine K. Albright, gave her spot on the list of speakers to the Mayor.

The Mayor's kind words about the United Nations came at a time when it is beset by an array of problems, ranging from a rocky peacekeeping mission in the Balkans to a financial crisis caused by the failure of member states like the United States to pay their full assessments.

"The U.N. provides a crucial forum for international debate and cooperation," the Mayor said.

Mayor Giuliani described the drive on Capitol Hill to cut back support and funds for the United Nations as "an ill-conceived proposition that would achieve only symbolic savings in the Federal budget, while greatly impeding the operations of the United Nations and hurting the economy of the United Nations' host country, the United States," as well as that of New York City.

The case he made for immigration was even more spirited. "You can't be a New Yorker — you can't be part of this city — and deny the contributions of immigrants," said Mr. Giuliani, whose grandparents immigrated from Italy.

"Our nation owes its existence to the hard work, determination and vision of immigrants," he said, "and in the end I am confident that support for immigration will prevail over this latest advent of suspicion."

The Mayor hailed New York as "not only the world's most diverse

The Mayor again sets himself apart from G.O.P.'s conservative wing.

city but also the world's most cosmopolitan and tolerant city."

The Mayor also has an economic incentive to be supportive of the U.N. A recent study for the city's Commission for the United Nations, Consular Corps and International Business found that the United Nations, its agencies and accredited diplomatic missions spend \$3.3 billion a year in New York City and create 30,000 local jobs, according to Jane R. Steiner, a deputy commissioner. She said this includes \$10 million for parking tickets.

Mr. Giuliani joked that he wanted the delegates to visit every part of the city "and spend money." But he also stressed that New Yorkers welcomed their presence.

"We want to say to all of you that wherever you come from and however long you are here, you are New Yorkers," Mr. Giuliani said.

The General Assembly will open its general debate next Monday and wind up in mid-December. More than 150 foreign leaders are expected to attend a special session commemorating the U.N.'s 50th anniversary, which will take place from Oct. 22 to 24.

THE NEW YORK TIMES, WEDNESDAY, SEPTEMBER 20, 1995

ANALYSIS

Heeding Congress' Call on Kids' TV

In proposing quantitative requirements to implement the Children's Television Act of 1990, the FCC is simply enforcing the constitutional judgment of Congress. And that constitutional judgment is sound.

BY WILLIAM E. KENNARD AND JONATHAN E. NUECHTERLEIN

Five years ago, Congress decided that broadcasters, having realized television's possibilities as a source of entertainment, should do more to exploit television's potential to educate the nation's children. In the Children's Television Act of 1990, Congress required TV stations, in exchange for their free use of the public airwaves, to serve "the educational and informational needs of children" through, among other means, "programming specifically designed to serve such needs." Congress did not spell out precisely what broadcasters must do; that task it left to the Federal Communications Commission.

This past April, the FCC invited public comment on a number of proposals designed to give effect to the act. Under one proposal, favored by many broadcasters, the commission would monitor the amount of educational children's programming aired over the next three years before deciding whether to take further regulatory action. Under another, more controversial proposal, the commission would require broadcasters to air a minimum quantity—for example, three hours—of educational children's television per week. A variant of this proposal would make the broadcast of a certain amount of educational programming a sufficient, but not in all cases necessary, condition for compliance with the act.

Although praised by groups representing millions of parents and teachers, the proposal for quantitative programming requirements has drawn a fairly hostile reaction from much of the broadcast industry. Many broadcasters have contended that this proposal, whatever its policy merits, violates the First Amendment.

Reasonable people can and do disagree about whether (as Congress believed) a market failure is responsible for the current paucity of educational children's programming and how, as a policy matter, the FCC should enforce that congressional judgment. So far, however, these issues have received too little attention, largely because opponents of quantitative standards have raised the First Amendment as a shield to fend off further discussion about the underlying merits of such standards.

In our view, that tactic is misguided. If the Children's Television Act is to have any concrete effect on educational programming—an outcome that Congress surely intended—the First Amendment itself requires the FCC to give the act effect by means of clearly defined standards. The proposed quantitative requirement is an exceptionally mild, viewpoint-neutral effort to address a serious societal problem in a medium—broadcast television—that has always been subject to a greater range of constitutional regulation

than almost any other form of mass communication. Accordingly, we believe the courts would likely vindicate the proposal's constitutionality.

THE QUESTION OF SCARCITY

Independently and in concert, three features of the broadcast spectrum define the First Amendment rights of television broadcasters and, consequently, the constitutional debate over the proposed three-hour-per-week requirement for educational children's programming.

- First, the airwaves over which stations broadcast are, by congressional choice and

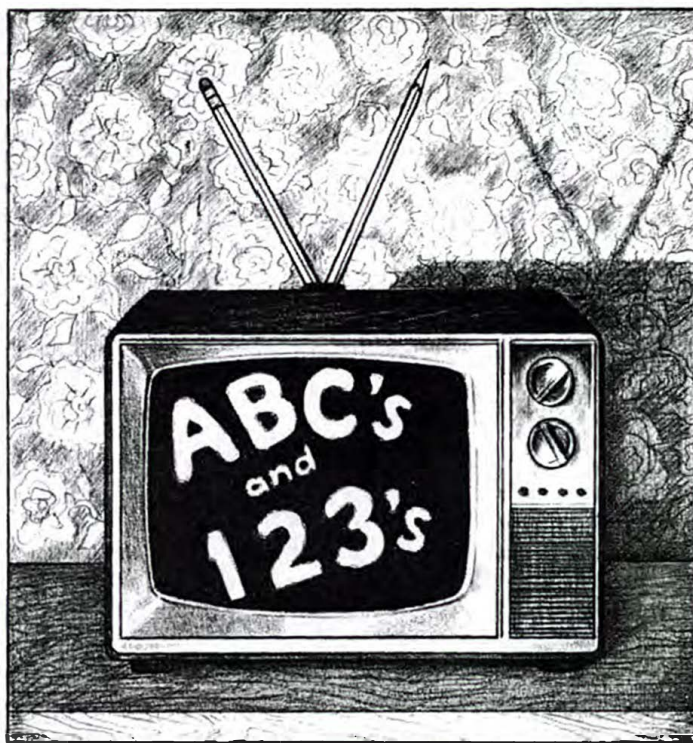
government subsidy than there are frequencies that can feasibly be allocated.

It was this last consideration that led Justice Felix Frankfurter to conclude in 1943 that "[u]nlike other modes of expression, [broadcasting] is subject to governmental regulation." The Supreme Court unanimously reaffirmed this principle in its landmark 1969 decision in *Red Lion Broadcasting Co. v. FCC*. *Red Lion* concerned the FCC's "fairness doctrine," under which any broadcaster that aired one side of a public issue was required to air opposing views on the issue. As the Court made clear in 1974 in *Miami Herald Publishing Co. v.*

are frequencies to allocate, it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish. . . . There is nothing in the First Amendment which prevents the Government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves.

Twenty-seven years later, this position remains the law. As recently as 1994, in *Turner Broadcasting System v. FCC*, the Supreme Court reaffirmed that television broadcast stations remain subject to a broader range of speech restrictions than, for example, cable operators, who do not use the public airwaves, or the print media. The difference in constitutional standards is significant. Under the traditional First Amendment test applicable to newspapers, the government is virtually never permitted to regulate speech based on viewpoint or subject matter. Under the *Red Lion* standard applicable to broadcasters, however, the government may regulate speech based on subject matter, so long as the regulation is neither an attempt to foreclose speech on controversial topics nor a subterfuge for favoring one viewpoint over others.

As the Supreme Court held in *Red Lion* itself, the fairness doctrine, a content-based regulation of a broadcaster's "speech," satisfied these requirements. Indeed, the Court not only upheld the requirement that stations air opposing viewpoints, but also ruled that if this obligation ever induced broadcasters to avoid controversial topics altogether, the FCC could "insist that they give adequate and fair attention to public issues. It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern." That authority to order "suitable time and attention to matters of great public concern"—reaffirmed in the Court's 1981 political access decision in *CBS Inc. v. FCC*—would certainly seem to include the authority to require a few hours of educational children's programming per week.



long-standing judicial interpretation, public property.

- Second, broadcasters lease these airwaves from the government for free. Free use of the electromagnetic spectrum confers on broadcasters, in effect, a massive government subsidy that is denied to many other users of the spectrum—including, for example, providers of some forms of cellular telephone service, who must bid for specific frequencies at public auctions. Those licensees recently paid the U.S. Treasury some \$9 billion for the right to use the airwaves.

- Third, it remains true today, just as it was at the advent of broadcasting, that there are many more willing recipients of this

form, any analogous regulation of newspapers would be flatly unconstitutional: The government could not, for example, force *The Washington Post* to devote space to competing views on controversial topics.

In *Red Lion*, however, the Court determined that television broadcasting is fundamentally different from newspaper publishing, and, as a result, it upheld the content regulation inherent in the fairness doctrine. The unique properties of the broadcast spectrum, the Court held, make it more susceptible to constitutional regulation than more traditional forms of communication:

Where there are substantially more individuals who want to broadcast than there

William E. Kennard is general counsel and Jonathan E. Nuechterlein is special counsel at the Federal Communications Commission. The opinions expressed in this article do not necessarily reflect opinions adopted by the FCC.

SEE KIDS' TV, PAGE 30

KIDS' TV FROM PAGE 29

Over the years, many commentators, including the FCC itself, have contended that technological developments have weakened the scarcity rationale underlying *Red Lion*. In this view, the proliferation of cable channels has greatly enhanced the diversity of television programming—at least for those who subscribe to cable. As programming diversity increases (the argument goes), the need for government regulation of broadcast content decreases, and so does the constitutional basis for such regulation. Thus, conclude the critics of *Red Lion*, the time has come to place TV broadcasters on a constitutional par with newspaper publishers and soapbox orators.

While not entirely without force, this argument is misplaced. First, although the Supreme Court has had several opportunities in the past 20 years to overturn *Red Lion*, it has deliberately refused to do so.

Some opponents of the *Red Lion* principle contend that in 1994, in several passages of *Turner Broadcasting*, the Supreme Court eviscerated the commission's constitutional authority to regulate broadcast content in the public interest. But this claim is untenable. The underlying dispute in *Turner Broadcasting* concerned the constitutional limits of cable regulation, not broadcast regulation; and the passages at issue, read in context, turned on the extent to which Congress and the FCC have in fact regulated the airwaves, not on their legal authority to do so.

Indeed, the Court used *Turner Broadcasting* as another opportunity to reiterate that its decisions since *Red Lion* "have permitted more intrusive regulation of broadcast speakers than of speakers in other media," a distinction based on "the unique physical limitations of the broadcast medium."

The Court's abiding reluctance to overrule these decisions is well-justified. Although cable has done much to alleviate the scarcity problem, one-third of America still relies exclusively on the airwaves for television programming. Even as it becomes possible to carve up the electromagnetic spectrum more narrowly to accommodate more signals, the number of stations that can broadcast to the same communities without interference remains finite, and the number of applicants for such stations still dwarfs the number of frequencies available.

THE AIRWAVES AS PUBLIC FORUM

Although reasonable people can and do disagree about the validity of the scarcity rationale underlying *Red Lion*, that disagreement is, in our view, somewhat beside the point. Allocational scarcity is a sufficient condition for treating broadcasters and newspaper publishers differently for First Amendment purposes, but it is not a necessary condition. An independent and more general principle underlies the Supreme Court's broadcasting decisions: a principle of payment in kind. As the Court observed in *CBS Inc. v. FCC*, "a licensed broadcaster is 'granted the free and exclusive use of a limited and valuable part of the public domain;

when he accepts that franchise it is burdened by enforceable public obligations.'"

In the major communications legislation of the 1920s and 1930s, which remains in effect today, Congress elected to preserve the broadcast spectrum as a public resource and to lease it for free to private licensees for limited periods. Congress could have chosen a different course. For example, it could have authorized the FCC to auction off specific frequencies to the highest bidders and to grant them absolute, freely transferrable ownership interests. Instead, Congress kept ownership of the airwaves in government hands and, subject to regulation, let broadcasters use the airwaves without paying a fee to the public fisc—a massive subsidy that broadcasters, for obvious reasons, have been loath to challenge.

Whether or not it makes sense as a policy matter for the government to retain ownership of the airwaves, the fact of that ownership carries important First Amendment

"public interest, convenience, and necessity."

The constitutional significance of this point is narrow but, for the purpose of judging the constitutionality of the children's programming proposal, quite crucial. Federal ownership of the airwaves does not entitle the government to censor disfavored speech or to transform private broadcasters into mouthpieces for the government's official views on controversial issues; even in limited public forums, the core of the First Amendment—a prohibition on censorship and discrimination among competing viewpoints—retains its vitality.

But, as the Supreme Court reaffirmed last term in *Rosenberger v. Rector and Visitors of the University of Virginia*, the government may regulate speech in a limited public forum on the basis of subject matter (as distinguished from viewpoint) so long as the regulation is reasonably calculated to preserve the forum's public character or purpose. Under this standard—similar in substance to

Although critics of quantitative standards have tended to obscure the issue, any constitutional challenge to such standards is necessarily also an attack on the Children's Television Act itself.

consequences. Here, as in all other contexts, the government may preserve the character of its property by imposing reasonable restrictions on how that property is used. Thus, speech conveyed through a public medium is often subject to greater regulation than speech conveyed through privately owned media like newspapers.

The Supreme Court has addressed this distinction through what is known as "public forum" analysis. This analysis assigns less exacting standards of First Amendment protection to speech in "limited" public or "nonpublic" forums (i.e., government property not historically associated with unbridled speech) than to speech in "traditional" public forums (exemplified by public parks and sidewalks). The publicly owned broadcast spectrum is neither a traditional public forum like a New England town square, where speech has historically escaped all content regulation, nor a nonpublic forum like the interior corridors of federal office buildings. Instead, the spectrum is best characterized as a limited public forum that has been subject, almost since its first commercial use, to federal regulation to preserve the

the *Red Lion* test, but not dependent on the scarcity rationale—the FCC's proposed quantitative requirement for children's programming would, as we discuss below, quite likely survive constitutional scrutiny.

The Court's public forum doctrine is related to its more general principle, applied in several recent decisions, that the recipient of a government subsidy has no absolute right to use that subsidy however it wishes. When the government creates a limited public forum, it confers a subsidy on those who use that forum to propagate their views. So long as it does not target disfavored viewpoints, the government may constitutionally deny this subsidy to private parties whose use of the forum would be inconsistent with its intended purpose. More specifically, the FCC constitutionally may, and by statute must, ensure that broadcasters respect the intended purpose of the forum that Congress lets them use without charge—a purpose that, by congressional prescription, includes education as well as entertainment.

FOLLOWING CONGRESS' LEAD

Although critics of quantitative standards have tended to obscure the issue, any constitutional challenge to such standards is necessarily also an attack on the Children's Television Act itself. The act requires the FCC, when deciding whether to renew a TV station's license, to "consider the extent" to which the station has "served the educational and informational needs of children" through "programming specifically designed to serve such needs." This language leaves the commission with three basic choices.

First, the FCC could decide that under no circumstances will it ever deny a license renewal on the ground that the licensee had failed to air enough educational children's programming. But this is not a legitimate option for a regulatory commission charged with executing the will of Congress. The FCC is bound to assume that Congress meant the Children's Television Act to have a discernible, concrete effect on programming. That presupposes at least the possibility that, all other things being equal, a station's contribution to educational programming could fall so low as to warrant denial of a renewal application.

Second, the FCC could muddle along without a meaningful standard for determining how much children's programming is enough—denying some license renewals here, granting others there, and never fully explaining why. But that course, quite apart from its unfairness to broadcasters, would place the FCC in obvious tension with the principle, reaffirmed in one Supreme Court decision after another, that the standardless regulation of speech is unconstitutional because it invites (and conceals) the surreptitious censorship of disfavored messages.

Thus, the only clearly constitutional interpretation of the Children's Television Act requires the FCC, at some point, to impose well-defined standards on broadcasters: to specify, for example, how much children's programming is enough. But it is the very clarity of the commission's proposed quantitative standard—its three-hour-per-week requirement—that forms the central subject of the broadcast industry's constitutional challenge. In reality, the broadcasters' quarrel is not with the FCC, but with Congress, whose constitutional judgment the FCC must respect.

And Congress has, in fact, directed the FCC down a constitutional path. If adopted, the commission's present quantitative proposal would require broadcasters to devote just three hours weekly to a government objective that virtually any court would deem important, if not compelling: the education of America's children. The other 165 hours in any given week would be left untouched.

Nothing in this proposal would censor or foreclose any speech of any kind. Nothing in the proposal would require broadcasters to adopt or avoid any point of view on any subject. The proposal is a narrowly tailored, noncensorial, viewpoint-neutral means of preserving the public interest character of the public airwaves. That is the only showing that the government need make to justify regulation of the airwaves under *Red Lion* or, more broadly, of any speech in any limited public forum.

Indeed (although this point is unnecessary to sustain the regulation), the FCC's quantitative proposal is also neutral as to subject matter—except, perhaps, at the most rarified level of abstraction. The proposal would not require broadcasters to educate children about any subject in particular; it would simply require them to educate children about something.

To be sure, the FCC could not remain true to the Children's Television Act if it gave broadcasters free rein to characterize patently noneducational entertainment shows as educational programming. But distinguishing entertainment from education is simply a question of implementation, and it need not involve the commission itself in ad hoc judgments concerning a program's subject matter, much less its viewpoint. For example, under one approach now under study, the FCC would leave the identification of educational programs to a private board appointed by the broadcast community.

Notably, few who oppose the commission's proposal for quantitative standards would suggest that there is anything undemocratic or intuitively troubling about the proposal itself. Most critics fear the slippery slope: the notion that if the law permits this regulation, it will necessarily permit a range of truly objectionable restrictions on the free speech of broadcasters.

But while the First Amendment does serve a valuable prophylactic role in a variety of other contexts, there is no need for it to perform that role here, for existing constitutional doctrine is more than adequate to prevent the government from regulating the broadcast spectrum in ways that violate the core of the First Amendment. As either a conceptual or a practical matter, permitting the government to enforce broadcasters' public interest obligations through mild, viewpoint-neutral, non-censorial regulations does not open the door to government censorship of the airwaves or compulsion of specific viewpoints. Reasonable people may disagree on policy grounds about the best way to implement the Children's Television Act, but the First Amendment itself is no basis for shutting off that debate altogether. ■

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Clinton to Pursue Advisories for TV

Ratings Would Be Similar To Those Used for Movies

By Paul Farhi

Washington Post Staff Writer

President Clinton will ask leaders of the television industry to offer voluntary ratings for TV programs and to publish those ratings in daily newspapers and program guides, a top White House adviser said yesterday.

As part of a meeting tentatively scheduled for the end of February and first mentioned in his State of the Union speech, Clinton will seek an agreement to create a uniform advisory system that would warn viewers when a program contains excessive violence or other potentially objectionable content, said White House domestic policy adviser Greg Simon.

Clinton wants such an advisory system in place before the so-called V-chip comes into wide use, said Simon. The V-chip is an electronic device that would be embedded in new TV sets, under legislation that is close to approval in Congress. The circuitry would enable viewers to automatically screen out programs assigned an electronic rating encoded in the program by broadcasters.

See RATINGS, D6, Col. 1

RATINGS, From D1

Clinton has endorsed the V-chip legislation, but broadcasters have vowed to fight it in court. They dislike the idea primarily because they fear advertisers will withdraw their sponsorship of any program that would be automatically blocked in millions of households.

Assuming it survives a court challenge, the V-chip won't be in many households for years because viewers would have to replace their TVs with sets equipped with the blocking circuitry.

"With or without the V-chip, we need a way to let parents know what their kids are watching," said Simon. "We need something that provides families information about a program in a readable way that tells them the age-appropriateness of a program."

Clinton will ask the TV industry to come up with its own system, which would be applied uniformly to cable and broadcast programs, Simon said. TV listings could carry a symbol or a one-letter rating indicating a program's content, much as

movie ads carry the Motion Picture Association of America's voluntary letter ratings, he suggested.

Broadcasters and cable programmers now offer warnings or parental advisories on some shows, mainly made-for-TV movies and theatrical releases that contain acts of violence or sexual situations. The use of these warnings was part of a 1993 agreement between broadcasters and congressional leaders to forestall legislation addressing violence on TV.

However, Simon said these advisories don't appear often enough, and are applied inconsistently. "You might get the same [advisory] for violence on 'Hot Shots, Part Deux' as you get on a Clint Eastwood movie," he said.

Several industry representatives were surprised by the White House's idea yesterday. But one network official said, "It's something that we'll seriously consider."

This official, who asked not to be named, said the industry might look on such a plan favorably if Clinton were amenable to modifying or eliminating the V-chip. "We might do some negotiating on this one," he said. But, Simon said, "this is not about a quid pro quo."

At the February meeting, Simon said, Clinton will also reiterate his support for a proposal to require broadcast stations to air at least three hours of "educational" programs each week for children. The chairman of the Federal Communications Commission, Reed Hundt, has been campaigning for such a regulation for months in the face of stiff opposition from broadcasters. A majority of the five-member FCC appears to oppose Hundt as well.

THE WASHINGTON POST
WEDNESDAY, JANUARY 31, 1996

Examiner Describes 'Sham' Dealings at Madison S&L

By Susan Schmidt
Washington Post Staff Writer

A federal bank examiner told the Senate Whitewater committee yesterday that the Arkansas savings and loan at the center of the scandal was heavily involved in fraudulent real estate deals that amounted to a "pyramid scheme."

James Clark, whose 1986 examination led to a federal takeover of Madison Guaranty Savings & Loan, described "sham" dealings that he said enriched Madison executives, focusing on the 1,050-acre Castle Grande real estate project south of Little Rock, which cost taxpayers close to \$4 million.

The committee and other investigators, including independent counsel Kenneth W. Starr, are looking into what role the Rose Law Firm and then-partner Hillary Rodham Clinton may have had in Castle Grande transactions. Newly discovered records, including legal bills found at the White House early this month, show that Hillary Clinton did some work on the project. She has said she has little recollection of her work.

The Federal Deposit Insurance Corp. said Monday that it has obtained an extension of the statute of limitations until March 1 for bringing civil claims against the Rose firm. Outside lawyers hired by the agency to evaluate a claim want more time to examine the billing records and other Castle Grande documents.

Democrats on the panel yesterday mounted a new offensive to try to contain the long-running Senate Whitewater investigation, insisting that the inquiry could be completed by the end of February and that the committee does not need more time, as its chairman has proposed.

And Senate Minority Leader Thomas A. Daschle (D-S.D.) said committee Chairman Alfonse M. D'Amato (R-N.Y.) should not head up the Whitewater committee at a time when he is running Senate Majority Leader Robert J. Dole's New York presidential campaign committee and the National Republican Senatorial Committee.

"I can't think of a more outrageous demonstration of conflict of interest dealing with one of the most sensitive issues we've had to confront in this Congress than that," Daschle said.

D'Amato brushed aside the criticism yesterday, saying his hearings have been fair. "No amount of bullying is going to dissuade this senator from going forward," he said.

In his testimony, Clark described how Madison principals, including James B. and Susan McDougal, the Clintons' Whitewater business partners, "obtain[ed] cash in what amounted to a pyramid scheme." They would buy land, then sell parcels at inflated prices to "straw" buyers who received full financing from Madison. The S&L would thus appear to have more valuable loans on its books, increasing its net worth and allowing it to raise its depositor interest rates.

The growing deposit base provided more cash for real estate investments, Clark said, keeping the cycle going.

Also yesterday, the Whitewater grand jury here failed to reach a quorum and could not meet. The first lady's lawyer, David E. Kendall, and White House special counsel Jane Sherburne showed up to testify about the sudden discovery of Hillary Clinton's legal billing records Jan. 4, only to be sent away.

The grand jury's failure to draw enough members was not unusual, but was unexpected, especially since the panel spent four hours with Hillary Clinton only last Friday. Sherburne said she was disappointed. "I'm anxious to talk to these folks and tell them what I know," she said, adding that she does not know when she will be asked to return to testify.

Kendall said he was not surprised. "This is the way the legal process often happens," he said. "You come to expect delays." He said he does not know when he will be called back to testify.

Staff writer Toni Locy contributed to this report.

THE WASHINGTON POST
WEDNESDAY, JANUARY 31, 1996

THOMAS KEAN (R-NJ): Former Governor of New Jersey... President of Drew University... Sent word during last year's political crisis that he would like to be helpful in supporting public television and wrote op-eds, etc. ... Moderate Republican, but probably easily confirmable.

GERALD OR VIVENNE WARREN (R-CAL): He, former Nixon speechwriter, editorial page editor of San Diego Union, and frequent guest on MaNeil/Lehrer... She, civic and arts volunteer and member of APTS Board of Directors... Both active friends and volunteers of public television locally and nationally.

HENRY KRAVIS (R-NY): Billionaire conglomerateur... Republican (and perhaps Dole) fundraiser... Board Chairman of WNET Channel 13, New York, and heavy contributor to that public television station... owner of broadcast properties, which could create a perceived conflict... Oklahoma native... Member of 20th Century Fund Task Force on Future of Public Television.

JAMES G. MARTIN (R-NC): Former Republican governor of NC... Chemist and college professor before entering politics... moderate, relatively non-ideological Southern Republican... native of South

Carolina... would be favorably disposed to public television... [college acquaintance of ESD].

RICHARD ROGERS (R-TEX): Dallas business executive and heavy fundraiser for Dallas public station KERA... Son of Ralph Rogers, famous Dallas millionaire and "savior" of public television when Nixon Administration threatened the enterprise... Richard has just won major PBS Award for national leadership in fundraising for public television.

JOAN GANZ COONEY (R?D?-NY): Founder of Children's Television Workshop and longtime friend of public television... Wife of Peter G. Peterson, former Nixon Secretary of Commerce.

TERESA HEINZ (R?D?-PA): Widow of multimillionaire Pennsylvania Senator John Heinz, now married to Democrat John Kerry of Massachusetts... Philanthropist and advocate of arts and social causes.

AL SWIFT (R-WASH): Former member of Congress from Pacific Northwest state with history of support for public broadcasting... Education-oriented, moderate and eminently confirmable.

OLIVIA JONES (D-OKLA): Attorney and businesswoman... wife of former Oklahoma Congressman and American Stock Exchange President Jim Jones, now US Ambassador to Mexico... Very intelligent, forthright and independent of mind... a versatile and creative thinker.

JAMES HUNT (D-NC): Governor of North Carolina... very education-minded Southern governor... Former Chairman, Education Commission of the States... strong supporter of public and educational broadcasting.

ANN BRADFORD MATHIAS (R-MD): Wife of former Maryland US Senator Charles Mathias... salty New Englander, reputedly descended from John and Priscilla Alden... very independent of mind, of decidedly moderate-liberal bent... friendly to arts, education and public broadcasting.

DAVID O. MAXWELL OR JOAN MAXWELL (R-PA/VA): He, former Chairman and CEO of Fannie Mae who turned the institution around in early 80s, invented the mortgage-backed security and was awarded a \$28 million bonus by a grateful board (funds were put into a charitable

foundation now run by the Maxwells)...Former board chairman of WETA, Washington's public TV station... Scholarly, independent-minded moderate-to-liberal Republican, extremely well-read and cultivated, with Philadelphia Main Line polish... He would be friendly and extremely supportive... She, businesswoman and civic volunteer (a bit abrasive)l.

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III. CURRENT MEMBERS OF THE BOARD

	<u>Name</u>	<u>Appointment Date</u>	<u>Expiration Date</u>	
	Leslee Alexander (R-TN)	11/25/91 R	3/26/96 ✓	
	Carolyn Bacon (R-TX)	6/26/91 R	3/26/96 ✓	
1.	Diane Blair (D-AR)	10/18/93 D	1/31/98	
	Martha Buchanan (D-TX)	6/26/91 - O	3/26/96 ✓	Carth
radio	Ritajeane Butterworth (R-WA)	7/6/92	1/31/98	Blair
TV	Henry Cauthen (I-SC)	9/15/94	1/31/00	Sagner
2.	Frank Cruz (D-CA)	9/15/94	1/31/00	Bacon
	Victor Gold (R-VA)	11/25/91 R	3/26/96 ✓	
3.	Alan Sagner (D-NJ)	10/5/94	1/31/98	
	Shelia Tate (R-VA)	6/26/91 R	3/26/96	Cruz

IV. TERMS AND HOLDOVERS

Each member of the board serves a six year term. The following members terms will expire on March 26, 1996: Buchanan, Tate, Bacon, Gold and Alexander. In order to comply with the Congressional mandate to reduce the board by one member, the President will abolish one position by January 31, 1996.

It should be noted that there is a limited holdover provision, should a vacancy occur.

V. SALARY

Members of the board, while engaging in related board duties, are entitled to receive compensation of \$150/day, including travel time, not to exceed \$10,000.

VI. ISSUE

In March, 1996, the President will have the opportunity to name four new persons to the CPB. With these new appointments, President Clinton will have the opportunity to truly influence the direction of the board for the next six years.

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Ratner

October 17, 1995

MEMORANDUM TO BOB J. NASH

FROM: LIZ MONTOYA

RE: CORPORATION FOR PUBLIC BROADCASTING (PAS)

I. BACKGROUND

The Corporation for Public Broadcasting (CPB) is a private, nonprofit entity, authorized by the Public Broadcasting Act of 1967, in order to provide high-quality, educational, informational, and cultural programming for all Americans. The Board of Directors of the CPB sets policies and establishes programming priorities for the Corporation. To fulfill this mission, CPB distributes direct grants for operations and programming to approximately 340 CPB-supported public radio stations and approximately 200 public television grantees operating 355 stations in the United States and its territories.

II. STATUTORY DIRECTIVES

- Members of the board are appointed by the President with the advice and consent of the Senate.
- The board is comprised of ⁹~~10~~ members (reduced to NINE effective 1/31/96) who are eminent in such fields as education, cultural and civic affairs, the arts. The board must be geographically diverse. It is recommended that board members represent various professions and occupations, and various kinds of talents and experience appropriate to the functions and responsibilities of the Corporation. Of the Presidents appointees, one must be selected who represents the licensees and permittees of public television stations and one who represents the licensees and permittees of public radio stations.
- Not more than 6 (5 effective 1/31/96) members appointed by the President may be of the same political party.



ONE OF THESE THINGS IS NOT LIKE THE OTHER

Big Bird and the dumb frog

by James M. Wall

BIG BIRD entertains and educates. So, unfortunately, does everything else on television—in one way or another. Which is why it is so amazing that Big Bird and the rest of the Public Broadcasting System are targets of congressional budget-cutters. Market forces drive virtually everything that reaches us through television, from the daytime talk shows with their pathetic discussions of perverted topics to advertising which celebrates stupid frogs that use their sticky tongues to attach themselves to beer trucks.

If Congress deprives PBS of public funding, it will threaten the creative independence of programs like *Sesame Street*, which for 26 years has utilized Big Bird and his friends to serve rather than exploit young viewers. Commercial programs for children tend to have a heavy emphasis on violence, and are designed to sell program-related toys.

What Newton Minow so aptly named “the vast wasteland” is even more toxic now than it was during Minow’s reign as chair of the Federal Communications Commission in the 1960s. Television is increasingly shaped in the interest of profits, with little concern for its impact on developing minds. Preschool teachers and parents know that children use the tactics they see on television to resolve playground and classroom differences. They have “learned” from television that kicking and punching is the way to solve problems.

The national trend toward deregulation over the past 20 years has seriously eroded the power of the FCC to object to content that is clearly detrimental to children. Current FCC chairman Reed E. Hundt, who is struggling to regain some of the authority behind the FCC, recently told a Chicago audience, “As a matter of law and as a matter of good policy for the country, broadcasters cannot be merely commercial exploiters of the airwaves. They must be guardians

of the public trust.” Hundt compared the crisis of “violence and indecency” on television to the crisis about safety that challenged car makers in the 1960s:

There was then for the car companies and there is now for television a fork in the road: one way is the path of denial and confrontation. The other way is the route to opportunity and renewal. Nonviolent, decent, family-friendly and even educational shows can be for broadcasters what safety now is for the car companies: broadcasters can take it as an opportunity to win again the trust of their public. It can be a chance to redefine TV programming product so that it more perfectly mirrors the values of our country.

Through programs like *Sesame Street*, public broadcasting provides a model for how commercial television can use the medium to benefit rather than exploit children. Rather than look for ways to sell products to children, programmers could emulate the Children’s Television Workshop, which had produced *Sesame Street* for PBS since 1969.

Ralph Blumenthal reported recently in the *New York Times* (November 19) that the creative team behind *Sesame Street* is alert to the latest insights into how children learn. The new season will present

programs designed to reach children “whose learning may be more closely tied to musical or mathematical abilities than linguistic ones.” *Sesame Street* has used “music, dancing and shape-sorting” before, but upcoming programs will more deliberately focus on a wider range of learning skills.

The makers of the show also pay attention to the impact that characters like Big Bird and Oscar the Grouch have on children. According to Blumenthal, Big Bird gets the highest approval rating from children (90 percent) because of his willingness to try again and correct his mistakes. Oscar the Grouch is out of favor with children because they “realize that people on the show are supposed to be ‘nice to each other.’” While Big Bird conveys the virtues of perseverance, commercial programs, according to Hundt, bring “so much unwanted violence into . . . homes.” Television violence, said Hundt, is the “uninvited guest” in American homes.

In addition to this deliberate exploitation of children with little concern for the results, commercial television ignores the way children pick up on messages sent to adults. Sports teams capture the interest of children, and they become intensely loyal to their teams. When they watch the games on television, they are subjected to slick advertising that devotes considerable time to scantily clad young

women, beaches and beer. The ads tell us that a preoccupation with these features of life is essential to maturity. Though the ads are designed for adults, children are watching, and they are learning from what they see.

Big Bird is teaching children numbers, letters and some wisdom. Congressional budget-cutters think that public television, which supplies such an important part of children’s education, does not deserve funding. Given the choice between Big Bird and that beer-loving frog, Congress is prepared to choose the frog. Bad choice. ■

Television violence is the “uninvited guest” in a great many American homes.

Religious learning

by Richard R. Crocker

SINCE THE END of communist rule in Hungary, religion has been restored to a place more commensurate with its historical role in the country's culture. During the communist years (1947-89), church property was confiscated and religious schools were curtailed or closed. Since 1989, however, the government has made an effort to compensate for the years of oppression, resulting in a new atmosphere of freedom and opportunity for the historical religions.

By "historical religions" Hungarians mean Roman Catholicism, Calvinism (the Hungarian Reformed Church), Lutheranism (the Evangelical Church) and Judaism. Hungary is unusual among East Central European nations in having a substantial number of Protestants. Jews, who numbered nearly 1 million prior to World War II, now claim fewer than 100,000 out of a population of over 10 million. Although Islam has some title to being a historical religion, having been the established religion during Turkish rule in the 16th century, only a handful of mosques remain. Although Methodists, Baptists, Hare Krishnas, Mormons, Seventh-day Adventists, Pentecostal groups and others operate in Hungary, their roots in the culture are shallow.

In Hungary as elsewhere, religion gave birth to higher education. The oldest universities, Janus Pannonius University (now located in Pecs) and Lorand Eotvos University in Budapest, were founded by the Roman Catholic Church. The University at Debrecen, now Lajos Kossuth University, was a product of the Calvinist Reformation. Under communism the secularity of these universities was dramatically asserted when their theo-

logical faculties were removed and placed in self-contained seminaries.

Other professional schools such as law and medicine also became separate universities. Socialist higher education emphasized technical institutions while denigrating traditional university education. As a result, Hungary now has 25 state universities, ranging from the three mentioned above to the Budapest University of Economics (formerly Karl Marx University), the Hungarian University of Physical Education and the University of Horticulture and Food Industry.

Though poised to provide leadership, seminaries lack resources and qualified teachers.

In addition to these, the government now also recognizes five religious universities: the Reformed Theological Academy of Debrecen, the Budapest Lutheran Theological Academy, the Karoli Gaspar University of the Reformed Church, the Jewish Theological Seminary of Budapest and Peter Pazmany Catholic University. Together, they enroll approximately 2,700 students (78,000 are enrolled in state universities), ranging from eight students at the rabbinical university to 800 at the Catholic university. Since other institutions of theological education are also free to operate in Hungary, various Catholic and Protestant groups sponsor universities offering numerous certificates and diplomas.

Partly in compensation for the communist oppression of religious institutions, Hungary has committed itself not only to allowing religious groups to exist, but also to supporting religious institutions that perform a service to the country. Thus, religious schools are entitled by law to the same per capita support as nonreligious schools (approximately \$500 per student per year). In addi-

tion, the country has tried to return to religious bodies some of the property seized in 1948, though much of this property has been destroyed or converted to other uses.

In addition, the law on religious liberty guarantees the right to voluntary religious instruction in schools. Small village schools are often affiliated with a religion. This is deemed appropriate if it is the wish of a majority of the parents in a particular district, in which case the nonreligious students are guaranteed that their right not to believe will be respected by the school authorities. How all of this will work out in practice remains to be seen. Sometimes the property returned to religious bodies is in disrepair. Further, religious groups often lack the resources to carry out educational tasks that are expected of them by the government as a condition of recovering property.

The major problem for higher education is the increasing cost of maintaining a high-quality program with dwindling resources. The inflation rate over the past few years has been 30 percent, while state allocations to higher education have decreased. To gain new resources, the parliament has ordered universities to begin charging modest tuition fees, amounting to about \$20 per month. Though student protests have delayed the implementation of this decision, the days of totally free higher education are numbered. Some of the church universities, such as Peter Pazmany, have already begun charging tuition.

In all Hungarian universities, the lack of resources has created a crisis for faculty. Professors are paid very little (an average of \$250 per month). Those with skills that are in demand can earn several times that amount in the private sector; consequently, some of the best teachers have left the profession. The socialist system took most basic research away from universities

Richard R. Crocker, dean of college life and associate professor of religious studies at Elizabethtown College in Elizabethtown, Pennsylvania, was a recent Eisenhower exchange fellow in Hungary.

THE WHITE HOUSE
WASHINGTON

April 2, 1996

Shelia Tate
President
Powell Tate
700 Thirteenth Street, N.W.
Suite 1000
Washington, D.C. 20005

Dear Ms. Tate:

Your appointment to the Board expired March 26, 1996. The White House Office of Presidential Personnel is currently working on the appointment of individuals to replace members of the Board of Directors of the Corporation for Public Broadcasting whose terms are expiring.

As you are aware, by law, any member of the Board of Directors for the Corporation for Public Broadcasting whose term has expired may serve until a successor has taken office or until the end of the calendar year in which the member's term has expired, whichever is earlier. Please notify us if you plan on terminating your service prior to the time your replacement being named.

On behalf of the President, I thank you for your time and efforts on the behalf of public broadcasting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bob J. Nash", with a long horizontal flourish extending to the right.

Bob J. Nash
Assistant to the President and
Director of Presidential Personnel

cc: Richard Carlson,
President and Chief Executive Officer, CPB

THE WHITE HOUSE
WASHINGTON

April 2, 1996

Carolyn R. Bacon
Executive Director
O'Donnell Foundation
100 Crescent Court, Suite 1660
Dallas, Texas 75201-1884

Dear Ms. Bacon:

Your appointment to the Board expired March 26, 1996. The White House Office of Presidential Personnel is currently working on the appointment of individuals to replace members of the Board of Directors of the Corporation for Public Broadcasting whose terms are expiring.

As you are aware, by law, any member of the Board of Directors for the Corporation for Public Broadcasting whose term has expired may serve until a successor has taken office or until the end of the calendar year in which the member's term has expired, whichever is earlier. Please notify us if you plan on terminating your service prior to the time your replacement being named.

On behalf of the President, I thank you for your time and efforts on the behalf of public broadcasting.

Sincerely,



Bob J. Nash
Assistant to the President and
Director of Presidential Personnel

cc: Richard Carlson,
President and Chief Executive Officer, CPB

THE WHITE HOUSE
WASHINGTON

April 2, 1996

Leslee B. Alexander
208 Craighead Avenue
Nashville, Tennessee 37205

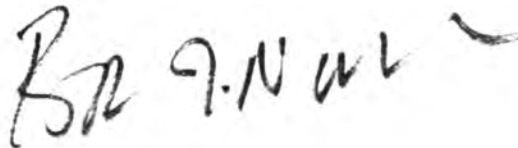
Dear Ms. Alexander:

Your appointment to the Board expired March 26, 1996. The White House Office of Presidential Personnel is currently working on the appointment of individuals to replace members of the Board of Directors of the Corporation for Public Broadcasting whose terms are expiring.

As you are aware, by law, any member of the Board of Directors for the Corporation for Public Broadcasting whose term has expired may serve until a successor has taken office or until the end of the calendar year in which the member's term has expired, whichever is earlier. Please notify us if you plan on terminating your service prior to the time your replacement being named.

On behalf of the President, I thank you for your time and efforts on the behalf of public broadcasting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bob J. Nash", with a stylized flourish at the end.

Bob J. Nash
Assistant to the President and
Director of Presidential Personnel

cc: Richard Carlson,
President and Chief Executive Officer, CPB

Commentary

How broadcasters misuse the 1st Amendment

CHICAGO—In 1961, Chicago attorney Newton Minow, even then impassioned about the carnage in one of America's greatest promises, became famous for his watershed speech calling television a "vast wasteland." These days, he is even more impassioned about the shabby intellectual corruption of still another of Americans' greatest blessings: the 1st Amendment to the Constitution.

Indeed, as we recently discussed the subject of today's television, Minow, who was alternately depressed and angry, kept returning with an almost compulsive moral concern to that part of the 1st Amendment that guarantees Americans the rights of freedom of speech and of the press. Finally, he summed up: "The minute broadcasters say '1st Amendment,' that means you're supposed to shut up."

And, precisely there, for at least the second time in 35 years, he put his finger on the underlying problem facing the growing body of angry Americans who are trying to deal with the culture of vulgarity overwhelming our society today.

In a brilliant new book, "Abandoned in the Wasteland: Children, Television and the 1st Amendment," he and co-author Craig Lamay perform a valuable service to America. Tracing developments step by formative step, they show how television became a modern American version of the cruel and decadent Roman circuses.

I have long feared that one of the major challenges to the republic is that our supposed "elites" have deliberately left us with the idea that there are no reasons behind the de-civilizing problems of America today. Everything is "accidental;" you're left adrift in a fearful and purposeless anomie. It is hardly surprising that, with no rock to stand on, even capable people are left with the anxiety that nothing can ever really be done.

But Minow is having none of that social chaos theory that so debilitates us. He shows how, year by quantifiable and qualifiable year, leaders in television who originally saw television as a kind of treasured "public interest" utility came to think of it simply as a tool of the market to be employed with puerile disconcert for the nation and with concern, in truth, for their own profit alone.

Georgie Anne Geyer



From Albert Einstein at the splitting of the atom, worrying that this scientific "wonder" exceeded mankind's capacity for moral calculation, we ended up with "Television is just another appliance . . . It's a toaster with pictures" (in the words of the Reagan administration's Federal Communications Commissioner Mark Fowler).

But these cynical corrupters, of course, thinking of themselves as good family people and upstanding citizens, men and women who don't want their own children to have to see the junk they put out, surely never want to be thought of in, say, the way decent citizens used to look at pornographers. And so, they bring up the 1st Amendment—indeed, they with a straight face.

And that is where Minow, former head of the FCC, becomes notably concerned, for he sees how so many Americans on so many levels are seeking to excuse their own excesses and greed by claiming the "right" to "freedom of speech" when the amendment does not remotely apply to their cases.

"If I stopped someone on the street today," he told me, "they surely wouldn't know that the 1st Amendment applies only to government. It does not restrict producers, editors or publishers. Broadcasters say the 'V-Chip' violates the 1st Amendment—how can putting power in the hands of parents violate the 1st Amendment? In board meetings, I've been told that television networks have the '1st Amendment right' to broadcast early electoral returns from the West Coast. I asked them if it were not more true to say that they would simply gain from broadcasting the returns?"

He paused, then said, "We have confused the right to do something with whether it's the right thing to do."

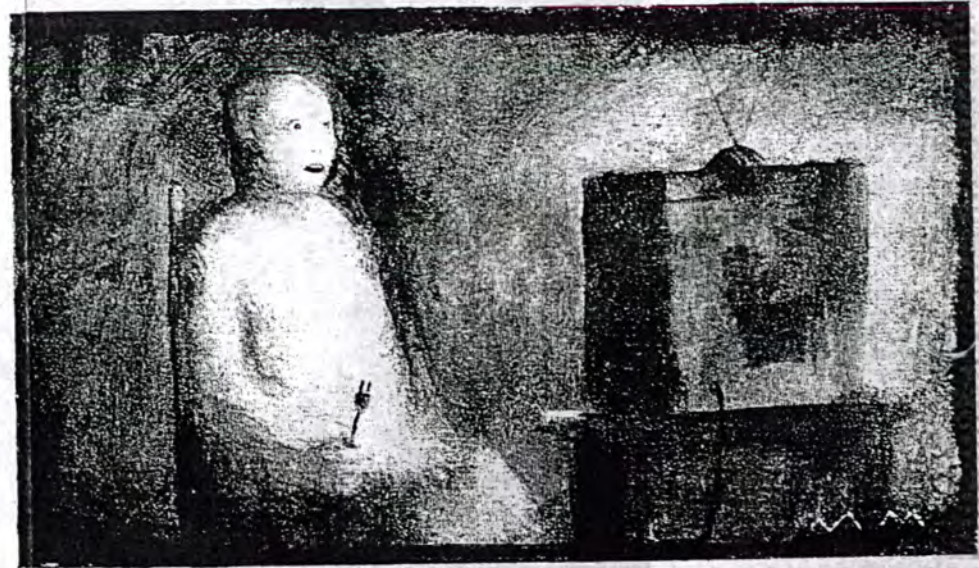


Illustration by Matt Mahurin

If Minow were just unrelievedly pessimistic about America's capacity to change, his words would be interesting, but little more. To the contrary, he seems hopeful about restructuring the governmental and public institutions that oversee and have the right to regulate television, not to speak of so many other organs of influence.

Until now a lifelong and active Democrat, Minow is filled with praise these days for Sen. Bob Dole's recent actions, little noticed in the press until now, in blocking the proposed telecommunications bill because, as Minow explains, "it is far too generous in giving advanced television spectrum to broadcasters for free." Minow wrote this winter of this new development: "Sen. Dole called the deal a 'giveaway' of public property. History shows the senator is right

about insisting on either an auction or a commitment to public service."

He sees a new opportunity to act, to readopt standards in television, to defeat "the jungle" that has grown for 35 years. Indeed, he compares the possibilities at this moment to the 1862 land-grant act, which built so many universities in America. As Minow told me: "I take my hat off to Sen. Dole. If not for him, the issue wouldn't be coming up. Now the whole issue will be debated."

Meanwhile, we might do well to look at Minow as one of a growing band of Americans who are trying to get us to rethink our first principles, to see if we are where we want to be and, above all, to know that we can change our national life—if we still wish to.

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PRESERVATION