

■ VAN DEERLIN, ROUND 2

Johnson and Meyer Continue Their TV Dispute

NICHOLAS JOHNSON

Karl Meyer and I have had our debate, and rebuttal, over the proposed new Communications Act (*The Nation*, September 30). I'm prepared to refer readers to that exchange, and stand by it. Mr. Meyer wants another round. Can't say as I blame him. It really was his burden to make the case for this bill. He couldn't do it. In fact, he hasn't even addressed the fundamentals with which I opened.

We haven't seen each other's further statements in this issue. For all I know he's saved his only valid arguments for last. But I doubt it. Failing that miracle, it seemed most appropriate to summarize the case.

Reps. Lionel Van Deerlin and Louis Frey, and advocate Karl Meyer believe that radio and television should not be subject to public accountability—neither directly (through currently existing public legal rights) nor indirectly (through FCC regulation). They would give stations licenses in perpetuity, and repeal virtually all public rights (including FCC enforcement of equal employment opportunity for minorities and women).

They argue that (1) abolishing government regulation is a good in its own right; (2) government regulation of broadcasting has been at best ineffective and at worst a First Amendment threat; (3) the "marketplace" will serve adequately any legitimate "public interest" in broadcasting, and (4) fees to be paid by broadcasters will more than make up for lost public rights.

Opponents of the Van Deerlin Bill (H.R. 13015) argue that the bill is, at best, an ill-considered, naive, balancing act involving the most politically powerful vested interests. At worst it is a fraudulent, virtually secret giveaway of public rights essential to the functioning of our democratic society.

For fifty years Presidents, Supreme Court Justices, Senators and Members of Congress, academics, members of the audience, and even some broadcasters, have urged that broadcasting carries special obligations and responsibilities. They have been joined in this view by their counterparts around the world.

Those of us who oppose the Van Deerlin Bill side with that half-century of human judgment. We do

Nicholas Johnson, who chairs the National Citizens Communications Lobby in Washington, served as an FCC Commissioner from 1966 to 1973.

not argue that the 1934 Communications Act cannot be improved. It can. We have endorsed the Ottinger Bill (H.R. 11951) to that end. We do not argue that the FCC's regulation cannot be made less onerous. It can. We do not oppose innovation in broadcast regulation. We encourage it. We do not oppose marketplace mechanisms where they work. We have argued for fewer restraints on cable and pay broadcasting (over broadcasters' successful opposition).

We answer the proponents' four arguments by saying (1) government regulation is neither good nor ill in its own right. It depends on why and how it is done. (2) However ineffective the FCC has been, it has many commendable decisions to its credit. Moreover, the existence of a regulatory scheme has given pause to irresponsible broadcasters and power to the concerned public in negotiating its own settlements with them. Genuine First Amendment threats from the FCC are few, and easily redressed by the courts. Without regulation, threats by broadcasters to the public's First Amendment rights (which the Supreme Court has said are "paramount") are seriously jeopardized. (3) There is no "marketplace" in broadcasting. Congress and broadcasters oppose creating one. Even if it existed it wouldn't be adequate to provide programming diversity. (4) The proposed "fees" are so grossly inadequate as to be either laughable or fraudulent.

Any one of the following would be grounds for some regulation of broadcasting: (1) its creation and protection from competition by government; (2) the monopoly status each broadcaster enjoys on the occupied frequency; (3) its pervasive presence in our lives; (4) the limited number of available frequencies, and (5) its impact upon the values and functioning of a democratic society—in politics and government, education, religion, economics, art and culture, the perception of the elderly, minorities, women and a thousand other ways.

Not just one, but *all* are present here.

Nonetheless, the arguments of Meyer and the broadcasters are being heard by Van Deerlin and others in Congress. The public has not even been informed, let alone heard from. The threat is real.

We need to hear from you if this outrageous bill is not to become law. Please write: National Citizens Communications Lobby, 1028 Connecticut Ave., Washington, D.C. 20036. □

KARL E. MEYER

On rereading my exchange with Nicholas Johnson on the merits, or lack of them, of the Van Deerlin Bill, I felt we were firing compressed pellets at very different targets. Since the matter is of importance, I ask indulgence for this attempt to raise the sights by restating what I believe to be at issue.

Karl Meyer is television critic for the Saturday Review.