

# FCC readies historic thousand-dollar fine

## Georgia AM is faced with first forfeiture based on personal-attack rule

For the first time since it was adopted in July 1967, the FCC's personal-attack rule was cited in a commission order notifying a station it faced a forfeiture—\$1,000, in this case.

The station is WYNN(AM) Rome, Ga., and the commission's action, last week, was in response to a complaint filed by Charles R. Baker, executive director of the Institute for American Democracy (IAD).

The personal attack rule requires licensees whose stations broadcast a

personal attack—"on one's honesty, character, integrity or like personal qualities"—to send the person or group singled out notification of the time of the broadcast, script or tape of the program, and an offer of an opportunity to respond. The notification and offer must be made within one week of the broadcast.

Mr. Baker alleged that WYNN, on its April 23 *Comment* program, had broadcast a personal attack on the honesty and integrity of IAD and its newsletter, *Homefront*, and had failed to notify IAD within the seven-day period. The program's moderator had referred to the organization and the publication as "subversive" and to "its head," apparently a reference to Dr. Franklin H. Littel, until recently, chairman of IAD as "an avowed communist."

WYNN, in responding to the complaint,

denied that the program contained personal attacks and said that the moderator's remarks were made in response to a caller's remarks and were based on identified publications.

But the commission said that, since the reply indicated that "the general topic of the political and social views of various organizations has been discussed a number of times on WYNN and from varying and diverse points of view" and since IAD, a nationally known organization, was labeled "communist," the attack concerned a controversial issue of public importance. The commission also noted that the station did not offer time to Mr. Baker for response until after it had received the commission's letter and 27 days had elapsed.

The licensee, WYNN, has 30 days in which to pay or contest the proposed forfeiture.

arguments or by-play between counsel which all too often distract or influence jurors." This procedure would leave only the opening statements, closing arguments and jury instructions to be filed live before a jury. According to the judge, actual trial time would be greatly reduced, and one judge could preside over more than one trial at a time.

"Where would the video tape trial differ essentially," Judge McCrystal asked, "from a trial conducted solely by deposition or [an] appeal from an administrative agency where the original transcript of the hearing is read to the jury? This type of trial can be structured to satisfy the demands of due process. Actual trial time would no longer be a serious factor in assigning cases for trial."

The judge recommended that a few pilot trials be conducted under this system, and shown to lawyers and judges for their criticism.

## ABC-TV rallying cry: Wait 'til this year

### At regional meetings top network officials predict best-ever season

Key executives of some 35 ABC-TV affiliates got bullish reports on the 1971-72 season last week in the first of five regional meetings being held by ABC-TV officials.

For ABC, 1971-72 will be "the year of parity" with the other networks, president James E. Duffy told the group assembled in New York on Tuesday (July 27). The theme was echoed in meetings with another group of affiliates

in Chicago on Wednesday and still another group in Atlanta on Thursday. It will be heard again this week in meeting in Phoenix tomorrow (Aug. 3) and Los Angeles Thursday (Aug. 5).

In support of the claim to imminent parity with its rivals, ABC officials said that for the six months since the second-season program changes were made in January, ABC-TV is number one in prime-time ratings in Nielsen's 70-market multi-network areas (MNA) ratings—markets where all three networks compete. They said ABC's average MNA prime-time rating for the six months was 17.4, as against 17.2 for CBS, 16.5 for NBC.

Not only does this record "give us the base for 1971-72," the affiliates were told, but it enabled ABC to schedule for the upcoming season fewer new programs than either of the other networks "for the first time in history."

All in all, the affiliates were told by Martin Starger, vice president in charge of programming, the 1971-72 line-up "is the best fall schedule ABC has ever put on."

They also were told of gains for ABC Evening News (average homes audience up 22% from a year ago), for daytime programs (second-quarter audience share up 19% from a year ago) and for the *Dick Cavett Show* (up 31% in homes from a year ago despite no improvement in station clearances), and heard upbeat reports on sports-coverage plans including the Olympics and the prime-time National Football League schedule.

Officials also reported, in response to questions, that returns from a recent poll of affiliates were running about four to one in favor of ABC-TV's introducing a Saturday-evening newscast. They said they would make a careful analysis of

the full returns before reaching a decision.

## Metromedia acquires Minneapolis TV

### \$18-million price tag gives group owner four, leaves Chris-Craft with two

Acquisition of group-owner Christ-Craft Industries' WTCN-TV Minneapolis by group-owner Metromedia for \$18 million cash was announced Thursday (July 29), subject to FCC approval. The announcement also said that in addition to the cash price, WTCN-TV's outstanding indebtedness to Chris-Craft, amounting to about \$1.7 million, would be paid at or before the closing.

Herbert J. Siegel, Chris-Craft president and chairman, said his company "is currently negotiating for another VHF station in one of the nation's largest markets." He also said Chris-Craft would use net proceeds from the WTCN-TV sale "to discount long-term debt which will result in additional non-recurring income of \$1 million."

Mr. Kluge said acquisition of the channel-11 independent reflected Metromedia's commitment to "the future of independent television" and marked another step in the company's plans to provide major American cities with quality program service.

WTCN-TV will be Metromedia's fifth TV station. It now owns WNEW-TV New York, WTTG(TV) Washington and KTTV(TV) Los Angeles, all independents, and KMBC-TV Kansas City, an ABC affiliate. Chris-Craft also owns KCOP-TV Los Angeles and KPVT-TV Portland, Me., both independents.