

plication. (The application was filed 10 months ago.) Noting that with the WTCN-TV purchase, Metromedia will increase its potential coverage to 27% of the nation's TV homes, Mr. Johnson claimed that, although the commission "has always been able in the past to find the 'compelling showing' that the public interest would be served in the 'top-50' market situation, never have the grounds for accepting such a showing been so weak." Pointing out that, in response to threats of court challenge by citizen groups, McGraw-Hill was recently prompted to drop its plans to acquire wood-TV Grand Rapids, Mich., along with the other four Time Inc. TV stations it did buy (BROADCASTING, May 15), the commissioner commented: "Here there are no community groups spurring the commission and the parties, and there is no enforcement [of the top-50 policy]."

Metromedia also has on file at the commission an application to purchase WXIX-TV Cincinnati (Newport, Ky.) from U.S. Communications Corp. It would pay \$3 million for that channel-19 facility. The firm also owns KLAC(AM) Los Angeles, KNEW(AM) Oakland, WCBM(AM) Baltimore, WHK(AM) Cleveland, WIP(AM) Philadelphia, and WNEW(AM) New York, as well as FM stations KMET Los Angeles, KSNR San Francisco, WASH Washington, WMMR Philadelphia, WNEW-FM New York and WMMS Cleveland. The firm is selling the Cleveland stations to Malrite Broadcasting Co. for \$3.5 million, and is purchasing WOMC(FM) Detroit from Sparks Broadcasting Co. for \$1.5 million.

John W. Kluge is Metromedia's chief executive officer and largest stockholder, with 7.83% of the firm's stock. Metromedia, a diversified communications firm, is publicly owned and traded on the New York Stock Exchange.

Chris Craft retains KCOP-TV Los Angeles and KPTV-TV Portland, Ore.

Senate clears propaganda funds

RFE, Radio Liberty money OK'd, House bill on same due soon

The Senate has approved the administration's legislation authorizing \$38.5-million for Radio Free Europe and Radio Liberty through fiscal 1973.

The bill cleared the Senate Foreign Relations Committee several weeks ago over the objections of Chairman J. W. Fulbright (D-Ark.) and Senators Mike Mansfield (D-Mont.) and Stuart Symington (D-Mo.) (BROADCASTING, June 12).

The vote on the Senate floor, on June 16, was 59-to-2 with Senators Mansfield and Symington voting against continued funding. Senator Fulbright did not vote.

An identical bill is pending in the House Foreign Affairs Committee and Chairman Thomas E. Morgan (D-Pa.), sponsor of the measure, has promised to report it out "as expeditiously as possible," a spokesman said.

Funding for the stations has been continued at its current \$35-million-a-year level until June 30.

FCC opts for looser rein on political fairness

Policy statement indicates desire to leave more to broadcasters' discretion; it's the first phase of the commission's over-all evaluation of fairness doctrine

In its first effort at unraveling the tangled skein of rulings that is the fairness doctrine, the FCC has indicated a reluctance to add to the detailed regulations that now make it up, a willingness to let broadcasters exercise their journalistic discretion—and a feeling that if basic changes are to be made, Congress must make them.

"We believe that increasingly detailed commission regulation militates against robust, wide-open debate," the commission said at one point in a policy statement issued last week. "The genius of the fairness doctrine has been precisely the leeway and discretion it affords the licensee to discharge his obligation to contribute to an informed electorate."

Because the so-called Zapple ruling "reflects simply a common-sense distillation of the public interest in certain political broadcast situations," the statement says at another point, "there is no need to try to codify it or engraft new corollaries onto it. On the contrary, we have concluded that, generally, traditional fairness works better by setting out broad principles and permitting the licensee to exercise good faith reasonable discretion in applying those broad principles."

The statement constitutes the commission's first report on the massive, detailed inquiry it has undertaken into the fairness doctrine, and deals with the doctrine's application to political broadcasts. Other—and more complicated and controversial—issues to be resolved deal with access to the media in response to product commercials, access for the discussion of public issues and the fairness doctrine generally. The commission hopes to dispose of these in a single report by fall; it broke out the political broadcast issue because the political season has arrived, and because of a commitment to the U.S. Court of Appeals in Washington to finish it by early summer.

The commission initiated the inquiry—its first "overview" of the doctrine since it was adopted in 1949—because of its concern over the way it was being shaped by ad hoc commission actions and, particularly, court decisions that were having the effect of extending the reach of the doctrine and limiting broadcaster discretion. Chairman Dean Burch has said the commission faced "a chaotic mess" in the fairness issue.

In disposing of the political broadcast aspect of the question, the commission,

as expected, left the doctrine where it found it ("Closed Circuit," June 19). It acted on a vote of 6 to 1, with Commissioner Nicholas Johnson dissenting and Commissioner H. Rex Lee concurring in the result.

In a preliminary matter, the commission denied the Democratic National Committee's request that Chairman Burch be disqualified from participating in the first phase of the inquiry. Joseph A. Califano Jr., the committee's general counsel, had said that the chairman's past service as chairman of the Republican National Committee (1964 to 1965) would impair his objectivity. But the commission—in a 5-to-0 vote, with the chairman abstaining and Commissioner Johnson absent—held that it knew of no requirement that past political activity of a commissioner be considered disqualifying in proceedings in which his and other political parties may participate.

A key issue in the commission's deliberations—and the factor that triggered the DNC's request—was the DNC proposal that the party out of power be given an automatic right of response whenever the President makes a broadcast appearance—a right of response that would include the kind of control over format, time and content that the President exercises. Without such a rule, the DNC contends, the President has an advantage over his opponents in the discussion of controversial issues.

The commission rejected this argument last year, when it was made in a specific complaint, and was upheld by the U.S. Court of Appeals in Washington (although the DNC is now seeking Supreme Court review of that decision). So its position in the policy statement was no surprise. But the language employed serves to emphasize what has been evident in commission rejection of fairness doctrine complaints by both major parties, as well as others—a determination not to be pushed into transforming of the fairness doctrine into an access doctrine.

In rejecting the proposal advanced by the DNC as well as a similar one put forward by the American Civil Liberties Union, the commission makes some mechanistic arguments regarding its relationship to Congress in regulating in the area of the equal-time law. "There is a substantial question" whether it is not Congress's responsibility to take the presidential discussion of public issues out of the fairness area and place it within the equal-time requirement, just as it was Congress's responsibility in 1960 to suspend the equal-time law for appearances by presidential and vice presidential candidates and place them under the fairness doctrine.

Similarly, the commission asked how it could adopt a special fairness rule for presidential reports but then hold that a report by a Governor Reagan or a Mayor Lindsay need only be dealt with under fairness. Such distinctions, the commission said, are more appropriately made by Congress.

But the commission also moved beyond mechanical arguments to state the view that "increasingly detailed regula-