

of his colleagues watch television soap operas while the House is in session. "Every day you can go into the Democratic cloakroom and maybe the Republican cloakroom, too, and they'll be sitting there glassy-eyed watching *Search for Tomorrow* or *As the World Turns*," Representative Toby Moffet (D-Conn.) told a group of businessmen in Connecticut, according to UPI.

The report said Mr. Moffet added quickly that he does not want to fan the flames of "public pessimism" about Congress, but only to say that the behavior of a few members is disturbing. He complained that those few have what amounts to "tenure," much like a university professor, and that "there is no way these people get removed."

Phillies signed again

WPHL-TV Philadelphia has signed a new three-year contract with the Philadelphia Phillies at a yearly rights figure of more than \$1 million. The channel 17 outlet has covered the baseball club for the past five years. Under the new contract, the Phillies are responsible for the sale of some major sponsorships, according to Eugene McCurdy, WPHL-TV president and general manager, and Bill Gilles, executive vice president of the Phillies. In addition, telecasts will be increased from 70 to 75 games during each of the three years.

FCC's pay-cable rules get bird of unhappiness from both sides

CATV tells appeals court its First Amendment rights are being violated; broadcasters protest lack of protection

The FCC's new pay-cable television rules, defended by FCC Chairman Richard E. Wiley at the time of their adoption in March as striking "a fair balance" between free television's and pay cable's competing interests (BROADCASTING, March 10), were attacked by representatives of those interests, in briefs filed with the U.S. Court of Appeals in Washington last week, as doing nothing of the kind.

Those concerned with shaking pay-cable loose from the shackles of the commission's rules said the rules violated pay-cable's First Amendment rights and ran counter to national policy of stimulating competition. Broadcasters, on the other hand, say the commission has exceeded its authority in establishing pay cable as a national policy goal and has neglected its

responsibility to guard against pay-cable's siphoning of programing from free television.

Both groups urged the court to set aside the commission order incorporating the rules. But the broadcasters are seeking reimposition of the more restrictive rules adopted in 1970 that the 1975 order superseded.

The broadcasting industry appeals were filed by the National Association of Broadcasters, ABC, CBS, NBC and Metromedia Inc. Those contending the rules are unduly, even unconstitutionally, restrictive, are the companies that see pay-cable as a new market for their product services—Home Box Office Inc., American Television & Communications Corp., Manhattan Cable Television Inc., Teleprompter Corp., UA-Columbia Cablevision Inc., Viacom International Inc., and Warner Cable Corp., in one brief; United Artists and Metro-Goldwyn-Mayer Inc., in a second, and Columbia Pictures Industries Inc., MCA Inc., Paramount Pictures Corp., Twentieth Century-Fox Film Corp. and Warner Bros. Inc., in a third. The Motion Picture Association of American also appealed.

The court, in addition, received two friend-of-the-court briefs, one filed in behalf of 19 public interest organizations—from American Mothers Committee Inc. to Women World War Veterans Inc.—generally supported the broadcasters' position. The groups expressed concern about the possible loss of pro-



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