

missioner Fogarty said.

However, the commission staff member who made the principal presentation at the meeting, Jerald Fritz, said the agreement is "ambiguous" on the matter of whether notice is required. In any event, he noted that minority groups had "constructive notice"—in the form of published reports—of the agreement in principle three and a half months before the contract was signed, and made no offers.

Those arguments carried the day.

Still to be heard from, however, are the petitioning groups on whether they will appeal. Nolan Bowie, of the Citizens Communications Center, their counsel, said a decision would not be made until after they had a chance to read the order, which has not yet been published.

Smooth sailing to Puerto Rico

NAB board faces no major problems at winter meeting; budget approval and short-term goals top agenda

There are no divisive issues besetting the National Association of Broadcasters board, association leaders said last week as they prepared for the annual winter board meeting, scheduled Tuesday through Friday this week in Puerto Rico. There is the Communications Act rewrite, but after an exchange of letters with House Communications Subcommittee Chairman Lionel Van Deerlin (D-Calif.) explaining its stance on the issue (BROADCASTING, Jan. 9), NAB appears content to wait quietly for the subcommittee's next move. It's not a big issue for the Puerto Rico gathering this week.

In the fall last year there had been signs that NAB TV code guidelines on sex—over which the TV board and code board fought long and hard last year—might be challenged again. But NAB leaders weren't so sure last week. Last October, board members A. James Ebel (KOLN-TV Lincoln, Neb.), Les Arries (WBEN-TV Buffalo, N.Y.) and Bill Bengtson (KOAM-TV Pittsburg, Kan.) had urged that the board "reaffirm" its position on cleaning up TV sex, underscoring the network's responsibility in the matter. Last week, TV board Chairman Kathryn Broman of Springfield Television Broadcasting, Springfield, Mass., said she assumed the issue will come up this week, but she has not heard from the three members since their letters in October ("Closed Circuit," Oct. 31, 1977). Neither has NAB President Vincent Wasilewski.

Major agenda items for the four-day board meeting include approval of the proposed \$5.5 million budget for fiscal 1978 ("In Brief," Jan. 9), and of a set of NAB goals for 1978-79.

In the goals draft, written by Mr. Wasilewski and John Summers, NAB executive vice president and general manager, the House Communications Sub-

Jacobs jabs. Herb Jacobs, president of Telcom Associates, last week blamed lack of foresight and insight by the programming staffs of CBS-TV and NBC-TV for those networks' decline in ratings. Conversely, Mr. Jacobs attributed ABC-TV's recent successes to a programming staff attuned to changes in society. His critique was given last Tuesday (Jan. 10) before a meeting of the California Broadcasters Association in Palm Springs. He assailed by name top corporate and programming executives at both CBS-TV and NBC-TV for leading their networks downhill, and charged that these officials had scant knowledge of entertainment values.

Mr. Jacobs, who heads a company that serves as a program buying and counseling organization to stations and annually makes forecasts on network programming, made this evaluation of the future:

"Time and change caught up with CBS and NBC without their being aware. Success came so easy it convinced them that they were infallible in all phases of broadcasting, especially programming. To spread the blame if anything went wrong or hoard the accolades of success, they programmed by committees made up of business administrators, bankers, station managers, sales managers, researchers who all relied on computers instead of programmers and showmen.

"As I see it, NBC has the rockiest road back. Its program development has been largely nil, its nonscheduled event programming policy is doomed to failure, and, in turn, will damage its image with the viewers. CBS professes it never will be content until it regains king-of-the-hill status. But [its executives'] actions belie their words. They seem to be pursuing NBC instead of ABC and their fall and new spring schedules show that they are unsure of themselves despite what they say. CBS also has a lot of losers in addition to some good product that has aged. It lacks a programmer, a showman and dynamic leadership, and CBS is having a tough time choosing between expediency and tradition. John Backe, the new corporate head, has already backed some losers and can't afford many more without beginning to fight back.

"At this point in time, ABC has too many big guns for CBS to be more than a runner-up. Which leaves ABC in the cat-bird seat. The only thing that could change would be for ABC to believe its press notices, or if Fred Silverman began to take the wizard label seriously. And there are unconfirmed rumors (or wishful thinking) that come June, when his contract ends, he will set up his own production company backed by ABC. But even should it happen, ABC is so loaded with programming talent, they would have no trouble staying on top for the next three to five years."

committee's rewrite is addressed twice in the top four concerns. The number-two goal is: "Communications Act rewrite and involvement. Number four is: "defeat of any proposed legislation to impose a special tax on commercial broadcasting.

The number-one goal is "defeat of the performer's royalty bill" (legislation that would require broadcasters and other users of recorded music to pay royalties to record manufacturers and performers). Number three is: "refund of FCC fees." Others among the 17: (5) "Pursue all avenues for securing widescale AM-FM all-channel reception capability"; (6) "Continue strengthening and streamlining nationwide grassroots organization, particularly in major markets"; (7) "Sponsorship of and hearings on cable siphoning bills"; (8) "Passage of legislation containing provision for cable forfeitures"; (9) "Preserve the integrity of spectrum allocated to broadcast use"; (10) "Oppose any and all proposed restrictions on broadcast advertising of legally sold products"; (14) "Broader press relations on behalf of an improved industry image, continuation of the public meeting format, and the planning and implementation of additional means to inform the public of how free broadcasting works and its importance in our society," and (15) "Continue positive activities in the area of minority affairs."

Another issue before the joint NAB board, which meets Tuesday and Friday this week (the radio board meets Wednesday and the TV board meets Thursday), is delineation of duties between boards and code boards. Both code boards were over-

ruled by association boards last year—the radio code board on the issue of time standards, the TV code board on the issue of amending the TV code with stronger sex guidelines. One proposed modification in the bylaws would insure that the code boards have sole responsibility for proposing code changes, while the radio and TV boards could only ratify code board proposals.

Still on the subject of codes, the radio board will consider combining NAB radio member dues and radio code dues, now separate, into one payment, with the station retaining the option not to join the code. With radio code membership at about 40% of NAB membership currently, NAB officials are hoping the move will boost code membership.

The joint board will also hear a report from Arch Madsen of Bonneville International, NAB's delegate to the Inter-American Association of Broadcasters, who reportedly has urged that NAB host that association's next convention.

The joint board will also receive a pep talk from Donald Zeifang, senior vice president for government relations, on raising funds for the Television and Radio Political Action Committee for contributions to representatives and senators in 1978. TARPAC's goal is to raise \$100,000, or about \$30,000 more than it doled out to candidates in the two years culminating with the 1976 congressional elections. TARPAC already has \$26,000 in its coffers, and wants to enlist a 50-man task force, including half the NAB board members, to raise the remainder.