

mate responsibility for it, and I am personally embarrassed by the errors of omission. . .").

■ Mr. Wussler, in a memorandum to the CBS Sports Division, last Nov. 11, said that the congressional hearings "must teach us all a lesson. Many of the criticisms directed at us were justified."

Then, after the commission's letter to the network, Mr. Jankowski wrote a memorandum to the staff, which was released to the press, expressing his "personal disappointment and chagrin at the negligence in the handling of [the matches] that resulted in the public being misled."

And, in an unprecedented use of a network's resources, Mr. Jankowski taped a public acknowledgement of error that was broadcast by CBS on April 9 and 16 (BROADCASTING, April 10).

Then, too, Mr. Backe's letter noted, CBS's confession of error "was widely reported in the press."

Mr. Backe also reviewed the actions CBS has taken to prevent a recurrence. He noted that CBS in August adopted procedures aimed at insuring "the accurate presentation of information in the advertising, promotion and reporting of sports events." And he said two structural changes had been made in February—the transformation of CBS Sports from a department into a full division, to bring programing, promotional and business matters under one management and thus cure the separation of functions criticized in CBS's in-house report, and the creation of a new position, director of program practices-sports post, "to bring to sports broadcasting the special scrutiny it deserves."

Mr. Backe also pointed out that new management has assumed responsibility for sports programing: Frank Smith is president of the division, Mr. Jankowski is president of the broadcast group, James Rosenfield heads the television network and Robert Daley is the head of CBS Entertainment.

The 27-page letter did not answer all of the commission's questions. The FCC had sent a second letter on April 6 that dealt with CBS's compliance with the sponsorship identification law. CBS will respond to those questions, as well as to others on the same subject that were contained in the March 16 letter, next week (BROADCASTING, April 17).

---

## Fox makes a move

**TV series, movie producer says it's expanding into other areas of production, including sports, and hopes to carve out pay territory**

Twentieth Century-Fox Television, already a strong factor in network prime-time programing, specials and made-for-TV movies here and abroad, is branching out—with a kitty in the millions of dollars.

Sy Salkowitz, president of Fox Televi-

sion, last week announced a \$5-million project to expand company interests in the presentation of sporting events, pay-cable programing, acquisition, films for foreign theatrical release and marketing of its Movietone newsreel library.

Handed the responsibility for planning and organization was Fox Television Executive Vice President Ron Beckman.

In terms of the sports push, Mr. Salkowitz said: "We will begin the development and programing of original sporting events not currently covered by the networks, and often including pregame shows." (A spokesman for the division declined to specify what sports Fox has in mind.)

Mr. Salkowitz, also said the foreign theatrical release program "will engage material specifically designed for foreign markets which is also approved for U.S. network leasing." The upshot, he continued, "will give the networks a break up front in the form of higher budget productions while we draw upon the resources of [Fox's] feature films division."

Mr. Salkowitz also said the expansion is "to develop an early base in the emerging pay-cable software market."

He said a "vigorous acquisition program" would be under way to buy independent production companies to build up Fox Television product and personnel. Close cooperation also is planned with Fox Telecommunications, another division that made its own news last week as it explained its plans, along with Holiday Inns, Bell & Howell and Southern Satellite Systems to go after the hotel/motel pay-TV market (see story this page).

---

## CBS and NAB side with NBC on 'Born Innocent'

**They ask high court review of California ruling that network is subject to viewer's suit**

The National Association of Broadcasters and CBS have gone to the aid of NBC and KRON-TV San Francisco in their effort to persuade the Supreme Court to review a state court's opinion that, "despite First Amendment protections," a viewer can sue for damages allegedly resulting from the presentation of a television program.

At issue is the decision of the California Court of Appeals directing a lower court to hold a jury trial in the case of a mother who filed an \$11 million suit against NBC and KRON-TV, its affiliate, as a result of the airing of *Born Innocent*. The mother said her daughter, 9 at the time of the broadcast (Sept. 10, 1974), had been attacked by girls wielding a Coca-Cola bottle in an assault allegedly patterned after a scene in the movie in which inmates of a women's detention home use a broomstick to rape a young girl.

As did NBC and KRON-TV, in their petition for review, NAB and CBS argued in their briefs last week that permitting broadcasters to be sued under such cir-

cumstances cannot be squared with First Amendment principles.

"Under the tort [wrong] theory" advanced in the California case, CBS said, "broadcasters would operate under the fear that their broadcasts would result in massive damage actions by individuals alleging they were injured by third parties committing acts identical or merely 'similar' in significant respects to acts portrayed on television."

Unless reviewed by the Supreme Court, NAB said, the California court's "rejection of First Amendment principles will pose a real and substantial threat to the vitality of all broadcast programing."

---

## Four-way venture aims at pay TV link-up for hotels, motels

**Holiday Inns chain, 20th Century, Bell & Howell, Southern Satellite pool efforts; HBO meanwhile, ups its efforts to market in same arena**

Holiday Inns Inc., Twentieth Century-Fox Telecommunications Inc., Bell & Howell and Southern Satellite Systems last week announced plans to move forward with satellite-transmitted feature films directed to hotels and motels.

The goal is to "become the HBO of the hotel/motel industry," according to Ed Taylor, principal owner of Southern Satellite Systems, whose alliance with Holiday Inns had been announced earlier in preliminary plans (BROADCASTING, Feb. 27). Home Box Office, however, has ideas of its own: Last week it announced that its cable system affiliates are authorized to hook up hotels and motels in their service areas.

Both the HBO and the yet-unnamed four-company venture will operate on a free-to-the-guest basis. Payment will come from the hotels.

For the joint project, Holiday Inns (which has more than 280,000 rooms) will provide hotel/motel rooms and expertise; Twentieth Century-Fox Telecommunications, films and film-buying; Bell & Howell, the maintenance and installation of equipment; Southern Satellite Systems, transmission know-how.

The venture gives a 30% interest to each venturer except Southern Satellite Systems, which takes the remaining 10%.

The service, via RCA satellite, is to be available to the entire hotel industry and will not be limited to Fox feature product. Robert Pfannkuch, president of Bell & Howell's video division, estimated that up to 500 earth stations could be in place within two years. (Bell & Howell won't be making the hardware.) "Once this satellite network is in place, a number of other uses such as video conferences may become feasible," he added.

Launch date is expected to come by the