

troverly sweepstakes, violence, BBDO cites another trend. "Rather than assassinate the popular action and adventure shows," the agency's report says, "the networks are shifting the focus of the programs and disguising violence with fantasy."

But the macho leading man does seem to have staged a comeback of sorts this year with the addition of such single hero shows as *Vegas*, *Sword of Justice*, *Kaz*, *The Eddie Capra Mysteries*, *Waverly Wonders* and, in a quite different context, even *Lifeline*. The expectation is, however, that their mayhem will remain of the more bloodless variety.

Other trends cited by BBDO and others are the increase of news programs as prime-time entertainment, more mini-series, more unconventional family units (such as in ABC's *Apple Pie* and *Taxi* and CBS's *WKRP in Cincinnati*), and a separation of made-for-TV movies into "major and minor" league material—comparable, on the one hand, to Hollywood's big-name blockbusters and, on the other, to its "B" movie quickies.

## At rewrite hearings, criticism continues to focus on deletion of 'public interest'

**Committee member Waxman is strongly against its removal**

Representative Henry Waxman (D-Calif.), a member of Lionel Van Deerlin's Communications Subcommittee, attacked his chairman's rewrite of the Communications Act last week for its "needless abandonment of the essence of broadcast law, all in return for the mere payment of money."

The congressman doesn't oppose the proposed license fee that broadcasters and other spectrum users would have to pay annually. In fact he urged that it be kept in the bill—but not as an exchange for repeal of the public interest standard now in law for the granting of broadcast licenses in perpetuity (radio license terms would be indefinite in the bill, TV license terms would be for 10 years, then become indefinite in 10 years).

Mr. Waxman urged retention of some form of regulation based on public interest.

Mr. Waxman's remarks were delivered last week, when there were two field hearings on the rewrite. Attacks on the bill from broadcasters and public interest groups alike continued, beginning last Tuesday in Chicago. There, Phil Boyer, vice president-general manager of ABC's WLS-TV there, defended the current Communications Act as having overseen the development of the "most technically perfect system of broadcasting in the world." He urged: "In developing new legislation,

we ask you to bear in mind that the radio and television industries have served and are serving their local audiences conscientiously and well. In our view their performance does not suggest a need for wholesale replacement of laws which have produced such a highly responsive and local broadcast service."

Mr. Boyer predicted that if the proposed license fee were enacted, local broadcasters would spend less money on public affairs and other local programming.

Bob Walsh, station manager at WMAQ-TV Chicago, devoted the bulk of his testimony to listing the programming at his station, to demonstrate a commitment to serve the diverse interests and needs of the city's population.

A radio broadcaster, William H. Hanson of WJOL(AM) Joliet, Ill., praised the major radio deregulation proposed in the bill, but objected to the proposed license fee. "While I personally have no serious objection to helping pay my share of the cost of regulation of our industry," he said, "I am disturbed at the thought that I might have to support other federal programs as well." Under the bill, the license fee money would be used for several purposes, one of them to support programming on public broadcasting. "I think it is unfair to expect a commercial broadcaster to be the major financial angel for his competition," Mr. Hanson said.

Representative Martin Russo (D-Ill.), who presided in Chicago took no position on specific portions of the rewrite. He called the bill a starting point and a "focus" for discussion and said it is a "significant distance from enactment."

A week earlier he had made broad statements to a meeting of citizen groups sponsored by the Church Federation and Columbia College in Chicago, saying he has "some problems" with the bill. He said Congress should seek neither total government involvement in broadcasting nor total abstinence from broadcast policy. "What we want to have is a system where we have a combination of the two," he said. "Let those who use our airwaves know that the government is ready to step in as we did in the violence area."

While disavowing support of the proposed license fee, the congressman told the citizen groups that if there is to be one, it should be high "because of the waste of space." The technology exists to permit more television stations in each market, he said, but broadcasters oppose attempts to make spectrum use more efficient because they don't want more competition.

Some of the strongest objections to the bill at the Friday hearing in Los Angeles came from the TV writers and producers.

Chester Migden of the Screen Actors Guild called the bill the "Communications Abdication Act of 1978," because it does away with the public interest standard. That the problems of diversity and minority input in broadcasting will somehow be resolved by a self-corrective marketplace mechanism is "too

much to swallow," Mr. Migden said. "It won't wash."

Among his specific objections were the proposed grant of indefinite terms for radio licenses and 10-year terms for television stations. To remove the current three-year limit on all terms, he predicted, would be to remove the motivation for quality broadcast performance.

The proposed random distribution of new licenses is also, to Mr. Migden, an abdication of the public's interest in a system where the prize is "better than the Irish Sweepstakes." And he objected to the proposed deregulation of cable. He said that subjecting that industry to regulation by hundreds of state and local jurisdictions would severely inhibit the growth of "one of our best hopes" for improving program diversity.

David Levy of the Caucus of Writers, Producers and Directors had similar complaints about the lack of a public-interest standard in the bill. Mr. Levy said in an interview prior to his testimony that his statement begins a campaign of more active involvement by the group in communications issues beyond those that directly affect writing and producing (BROADCASTING, Aug 2.). "The people in the creative end of the business feel a major commitment to the public," he said. "That's never been known."

Another rewrite critic in Los Angeles was Charles Firestone, director of the communications law program at the University of California at Los Angeles. Arguing for retention of a public interest standard, he said the bill's substitution of the marketplace for regulation does not recognize that there are noneconomic goals in broadcasting—such as civil rights, education and the First Amendment. Mr. Firestone said there is not a true marketplace in broadcasting because not everyone is free to enter the competition.

## Deal under way for the first black VHF TV

**Gannett to sell WHEC-TV Rochester to BEN for \$27 million, hoping to clear way for purchase of Combined's five TV outlets**

In a deal that would create the first black-owned VHF station in the continental U.S., Gannett Co. has agreed in principle to sell its only TV, WHEC-TV Rochester, N.Y., to Broadcast Enterprises Network Inc. for \$27 million ("Closed Circuit," Aug. 21). At the same time, BEN announced the first purchase under the FCC's newly established "distress sale" policy for minority buyers; it plans to acquire WMJX(FM) Miami from Charter Communications Inc. for \$1 million. Both sales are subject to FCC approval.

The WHEC-TV sale, which is contingent on successful completion of the \$370-