

tions aimed at opening the door to the corporate and labor union contributions that would finance the forums will become effective.

The FEC regulations, sent to Capitol Hill last month, must survive 30 legislative days without a veto by either house of Congress. (That period will expire next month.)

And at least two organizations, the Radio-Television News Directors Association and the National Association of Broadcasters, have expressed opposition to the proposals on the ground the FEC appears to be asserting a jurisdiction over broadcasters and newspapers that those organizations say it lacks. In September, such criticism resulted in a Senate veto of an earlier set of proposed regulations.

However, the league is said to be determined to press ahead with the forums, regardless of the outcome of the FEC proceeding. "The plans are to sponsor the debates, whatever happens," said Gutman.

## Trespass convictions in Oklahoma set up precedential case

**Newspeople follow protestors onto power-plant property and are arrested and convicted; some are expected to appeal**

Nine journalists, including three from Oklahoma City television stations, who followed a crowd of protestors onto the construction site of a nuclear power plant in Inola, Okla., last June, were convicted last week of trespass. The case could become another in a series that sets national guides for the degree of latitude reporters have in pursuing stories if appeals expected from one or more of the defendants ultimately reach the Supreme Court.

The case, however, is not one in which the media in the area involved are united. KTVY(TV) Tulsa, a *Detroit Evening News* station, represented by a reporter and cameraman who were also arrested, had them plead guilty. "We decided they'd broken the law," said Ernie Schultz, public affairs and information manager and former president of the Radio-Television News Directors Association. "It was made quite clear that if they crossed the company fence they'd be arrested." And KTOK(AM) Oklahoma City's Bob Durgin editorialized that the reporters had no right to break the law.

But for Ron Stahl of Gannett Co.'s KOCO-TV, the question he faced when he reached the fence surrounding the property of the Public Service Co. of Oklahoma was whether to stop or to proceed with the demonstrators and face possible arrest. Along with his cameraman, Bill Collard, he was arrested. So was Vicki Jean Monks, of KWTV(TV), who has since left the station, and KTVY's Tom Newcomb and Susie Wesh. Stahl, Collard and Monks were among the nine fined \$25 last week.

Stahl said he and Collard could have

hiked back more than two miles through rainy weather over rough terrain to a road where they could drive around to a company gate and then to a site set aside by the company for viewing the demonstrators' arrests. Stahl said they felt they would not make it back in time.

Judge David Allen Box, who heard the case without a jury, agreed with the defense on one key point—that the power company is so closely regulated and/or subsidized by local, state and federal governments, and had worked so closely with the sheriff's office in preparing to meet the demonstrators, that its activities were public and therefore subject to news

coverage. The trespass charges, he said, raised a First Amendment issue.

But he also said that the media's right of access was limited and that the company had provided sufficient access in setting aside a viewing area, even though, he added, it had the "ignoble" intention of controlling the news by limiting reporters' movement.

Members of the journalists' defense team who met last week said appeals are a virtual certainty. But some lawyers pointed out that further litigation carries the risk of losing what they consider one of their victories in Box's decision—the holding that the company's activities are public.

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