

**Gavel to gavel on NATPE:  
Television's alternative has come of age**

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# **NATPE session forecasts increase in license fights**

**Holtz, Bonk and Marshall note increased sophistication of citizen groups, urge stations not to be caught off guard**

An upsurge in petitions to deny station renewals was predicted last week by Ed Holtz, president of the Federal Communications Bar Association, in remarks to a session on that subject during the NATPE conference in Los Angeles last Tuesday. There had been about 70 a year from 1970 through 1975, he said, but the number fell off as the license renewal process "moved through mid-America," where public agitation with broadcasters has been less acute. "Now it's on the rise again," Mr. Holtz advised.

Moreover, he said, this time around the petitioners are more skilled and sophisticated than ever. He advised broadcasters to be equally able on their side of the bargaining process.

Mr. Holtz got no argument from his two fellow panelists, Kathy Bonk of the National Media Task Force of the National Organization for Women and Pluria Marshall of the National Black Media Coalition. That is, not to the suggestion that broadcasters have reason for continued concern over threats to their licenses. Both, however, noted they had other weapons in their arsenal. Ms. Bonk

noted, with favor, the informal complaint route, which doesn't require a lawyer on the petitioner's side of things. And Mr. Marshall, expressing impatience with the fact that most petitions to deny are themselves denied, said his organization and others representing minority groups would increasingly avail themselves of economic boycotts as a means of getting their messages through to broadcasters. "It was one of the best weapons blacks used in the turbulent 60's," he said. "It's perfectly legal." Added the minority activist: "We're not going to use the things that lawyers can get you out of."

Ms. Bonk indicated that NOW would be looking at stations' editorial-programming performance on the Equal Rights Amendment as an indicator of whether to file petitions against them. She emphasized that the question would not be whether stations support NOW's position in favor of the amendment, but whether they had done an adequate job of studying the issue and its legislative history, and of advising audiences. Particularly subject to such NOW scrutiny, she said: stations coming up for renewal this year in states that have not ratified ERA, or where earlier ratifications must be extended.

For Mr. Marshall's NBMC, too, the major issue is programming. He said that current portrayals of blacks on television "fall short of the mark. Our life is not a joke and a junk man. But our life can be put forth by black writers who haven't had a chance."

Petitions to deny, he said, are often filed just to force stations to agreements. "A handshake and 'Take my word, buddy,'

just isn't good enough."

Mr. Marshall urged broadcasters to talk with minorities without the intermediary services of "high-priced interpreters"—the FCBA members represented on the panel by Mr. Holtz. "We're trying to get the lawyers out of your business," Mr. Marshall said.

Mr. Holtz agreed with part of Mr. Marshall's statement, but differed on a station's ability to avoid legal assistance. Yes, he said, "it is time to accept certain truths. You should listen to what [minorities and public interest groups] have to say. Too many broadcasters have stood on principle alone . . . I view that [approach] very skeptically." He remarked later that Mr. Marshall's wanting to avoid lawyers "is the best reason you need one—often, just to tell you to talk to [the protesters]. They have learned a lot and we have learned a lot."

Mr. Holtz described the typical reaction of a station hit with a petition to deny:

1) Shock, anger and amazement.

2) Introspection, wondering how it could have been avoided. If a broadcaster is totally surprised, "it means you haven't been doing your job [in terms of ascertainment and other community contact]." If a station had been, he suggested, "you should have gotten the vibrations."

The change in character of petitions to deny he described in this fashion: "The days of rhetoric and emotion are no longer with us. Today they're dealing with facts. You've educated them." The station's first line of defense: "Know yourself and your own product," Mr. Holtz advised.

Mr. Holtz said that the demands made by protestors fall into three categories: programming, employment and economic. Keep an open mind on the first two on that list, he advised, but on the third, "I say 'no way.'" Mr. Holtz said he hoped the FCC would some day "get the backbone or courage" to tell broadcasters not to yield to economic demands (such as putting their deposits in black banks, or dealing with minority advertising agencies). But he didn't expect such a message soon, and said broadcasters in the meantime must say no on their own.

Ms. Bonk told the broadcaster audience that another of NOW's projects would be to look for misclassification of job categories

filed with the FCC as part of the renewal requirements.

The NOW representative suggested that broadcasters considering holding "access days" in which various leaders of community groups meet with station personnel—not just once, but every six months or a year, "when your staff turns over"—so that each may get to know the other. She suggested stations maintain files on community leaders who might be contacted for comment on issues in their field of interest or expertise.

One delegate asked Mr. Marshall if he could expect support on the matter of dismissing minority employees who prove incompetent. The response was a qualified yes: "If your act is together"—that is, if the station's over-all employment posture regarding minorities has been comprehensive and thorough. Both he and Ms. Bonk stressed they would back reasonable handling of such personnel problems: "The women's movement can't afford many more Sally Quinns either," she said (a reference to the *Washington Post* reporter who failed to make the grade as a morning news commentator for CBS after a virtually overnight transfer to that medium).

Mr. Holtz was emphatic in his opinion on that issue. "That person can be fired if he's incompetent," he said. But he advised that records be maintained to document such job nonperformance.

Mr. Marshall, who the week before had attacked National Association of Broadcasters President Vincent Wasilewski as "racist" (BROADCASTING, March 6), avoided that word but returned to the attack last week when he said that "Many of you pay your dues to the NAB. You should encourage them to stop sounding the alarm about revolutionaries." Mr. Marshall thanked NATPE for inviting him and Ms. Bonk to participate in the annual conference, and contrasted that action with what he considered the NAB's inhospitable attitude. Ms. Bonk seconded the notion: "You're really between a rock and a hard place when you talk to them . . . They're really out of it," she said.

(Bob Sutton of wwj-TV Detroit, the panel's moderator, interjected that "We invited NAB and only one person came. This is going to be the convention from now on, not the NAB.")

## Katz sidebar at NATPE looks to future of TV programming

**New media are going to compete for software and drive up prices of programming, says one panelist; others direct themselves to access time, news consulting**

"Do not be misled into assuming that program prices are coming down. They will continue to go up because as time goes by, the competition will not be just between a few top shows, or between stations in the local market, but between your stations and other [video] media."

That advice was offered last week by Mike Gould, vice president of Taft/H-B Program Sales, during Katz Television's annual programming seminar, held independently of but during last week's National Association of Television Program Executives conference.

Sharing the stage with Mr. Gould were Robert Peyton, Katz programming vice president, who discussed trends in access programming; J. Philip Oldham, Katz associate director, programming, who talked about afternoon schedules, and George Skinner, vice president, Katz News Service, who spoke on TV news.

The basis of any program director's buying choices, Mr. Gould said, should be "know who your suppliers are and what motivates them." MCA, he noted, is developing video disks; among the other examples he gave was Warner's heavy involvement in cable. "Basically you folks are in the arena business, and they are in the business of providing Christians and lions," he said. He said that to make more money, suppliers would turn to other arenas for some programming.

Mr. Gould noted that 20th Century-Fox is the first studio to sell movies on video cassettes for home use, and cited a report quoting Robert Vandergrift, manager for entertainment products of Fox-licensed Magnetic Video Corp., as saying that cassettes may now be third in line for films after theaters and television but "I think that within two years, video cassettes will be the second most profitable way for studios to show films."

Mr. Gould said that Mr. Vandergrift's statement was "self-serving from the gentleman" but gives "an indication as to where the other media may come from." On the optimistic side, however, he said he doesn't foresee the "immediacy" of media shifts and when they occur "I simply cannot accept the possibility of a programming vacuum." But, he added, "the entire nature of programming and its costs will be definitively altered."

Mr. Gould said there will be a "greater flow of advertising agency, barter and cash programs"; more local production; major station group combines for programming,



**Message for the medium.** The fact that petitions to deny not only are not things of the past but are likely to be even more evident in the immediate future was carried forcefully to NATPE at this panel. L to r: Kathy Bonk of NOW, Pluria Marshall of the National Black Media Coalition, moderator Bob Sutton of wwj-TV Detroit and Washington attorney Edgar Holtz of Hogan & Hartson (and president of the Federal Communications Bar Association).