

CHANNELS

O F C O M M U N I C A T I O N S

1985 MARCH-APRIL \$2.50

THE CRITICAL REVIEW
OF THE ELECTRONIC MEDIA

Intrigues of the Story Trade

How Mega-Books Become Mini-Series

BY JAMES TRAUB

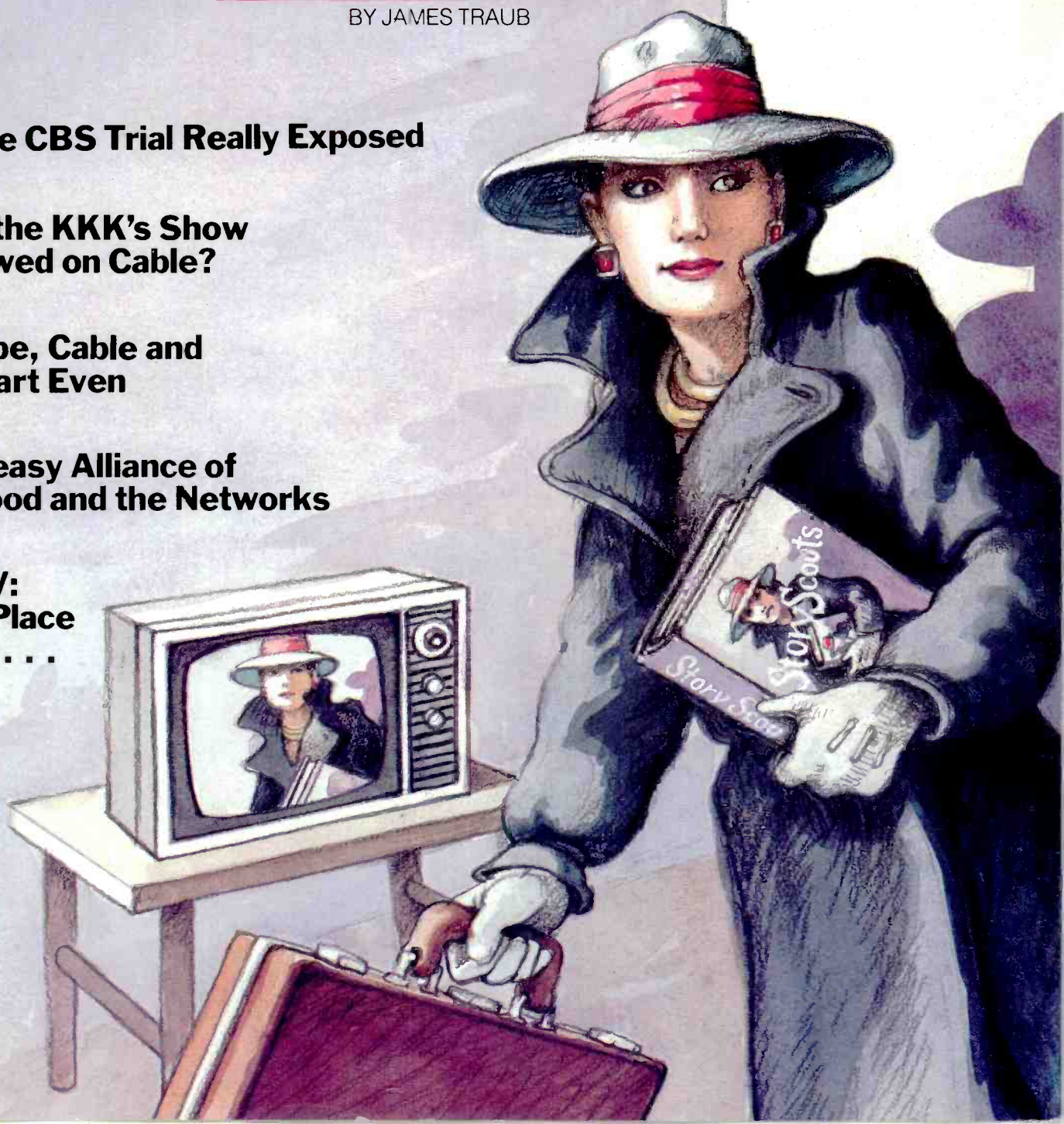
What the CBS Trial Really Exposed

Should the KKK's Show
Be Allowed on Cable?

In Europe, Cable and
DBS Start Even

The Uneasy Alliance of
Hollywood and the Networks

Yank TV:
A Nice Place
To Visit . . .



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Intrigues of the Story Trade

How story scouts, agents, and other operatives turn bestselling books into "colossal" television mini-series.

BY JAMES TRAUB

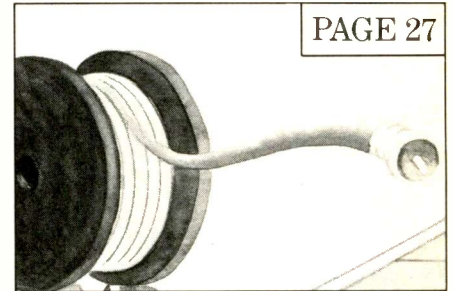


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In Europe, Cable and DBS Start Even

Each new medium has its appeal, but both threaten public broadcasting in Britain and on the Continent.

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'Passion Is Not on the Network Agenda'

A forum of Hollywood producers.



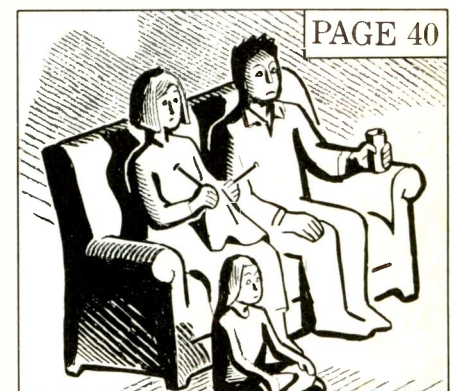
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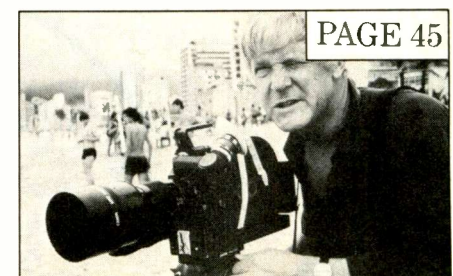


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Yank TV: A Nice Place to Visit

... but a veteran British producer fears that its ways will come to dominate the medium worldwide.

BY LESLIE WOODHEAD



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SIN News. Bringing the world into focus for Spanish USA.



The U.S., Latin America, Europe. War, elections, famine. Events that hardly wait for a news crew to arrive. **SIN News** covers it all, transforming complex issues into a nightly newscast.

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SIN TELEVISION NETWORK

Now We Are Four (and For-Profit)

THIS ISSUE marks both the fourth anniversary of *Channels* and its emergence from the nursery of not-for-profit seedlings. Well on our way now to self-sufficiency, with a loyal readership and a growing advertising base, we are at this writing in passage to the true private sector, where we intend to flourish as a full-fledged commercial venture with our independent spirit intact.

So the start of *Channels*' fifth year is a new beginning of sorts, and a fitting time to assess what this publication has achieved so far and where it stands in the universe of magazines.

Channels was founded on the idea that television is one of the most important news topics in the world today, too important to be judged and analyzed by a hostile press that views television as the competition. Our aim was to create a magazine that respects television as a technology and treats the various video industries with the same detached scrutiny that journalism accords the institutions of government. With funding from the John and Mary R. Markle Foundation, which helped nurture the concept, we began publishing in April 1981, confident that there would be a niche for a magazine that sought to explain the processes and practices of this marvelous medium rather than exploit its gossip and celebrity values. So was born a magazine for people who recognize that they live in an environment of electronic media that will affect their lives whether or not they are regular viewers of television.

Here we are four years later, having established ourselves as the only media magazine read by insiders and outsiders alike, and doing quite well. The magazine's contents are syndicated to newspa-

pers around the country and the *Channels Field Guide to the Electronic Media*, published at the end of each year, is the authoritative annual report on cable, satellites, MDS, DBS, and the like. It's an indispensable aid to media buffs and practitioners, as well as to the financial community.

Forgive me for seeming boastful, but what we've established above all is a channel of communication among business, government, and the citizenry on issues concerning the electronic media. I think it's fair to say that *Channels* has not only elevated the level of writing about television but has raised awareness of television as an aspect of public affairs.

We think of *Channels* as a different kind of service magazine on the modern media, dedicated not to dispensing editorial advice on what to watch or what equipment to buy but to serving the reader's need to understand the social, business, and cultural implications of the ever-expanding electronic environment.

In the current issue we take a close look at how the television and book publishing industries have become allied in the feverish quest for the big bucks from miniseries and, in another article, examine the uneasy alliance between the Hollywood production industry and the networks. We report also on the tensions raised by the new technologies in Europe, and on the unresolved First Amendment problems posed by cable television here.

If you are a first-time reader of *Channels*, this birthday issue fairly typifies what the magazine is all about. If you're a longtime reader, be assured that in its new for-profit life the magazine will remain as feisty, as clear-eyed, as ever.

LES BROWN

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INTERNSHIP PROGRAM

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Richard Barbieri
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Our unique capacity as a television station is helping to bridge the gap between problem and solution for the "homeless" in our own hometown by bringing the issue to the attention of viewers, corporations and community organizations who also want to help.

And we'd like to believe that one of these nights, everyone will sleep tight because of it.

KYW-TV 3 ^{GROUP} **W**
PHILADELPHIA, PENNSYLVANIA



CROSS CURRENTS

The Rockefellers' Mediocre Little Secret

They own a broadcast chain, but it doesn't reflect the family's standards.

THE ROCKEFELLERS were never much with media. The Hearsts, Cowleses, and Pulitzers got into newspaper and broadcast ownership a long time ago, but the grandsons of John D. Rockefeller, and their children as well, stayed with the arts, oil, banking, politics, education, and philanthropy. The Rockefellers are exemplars of the rich dedicating themselves to good works and the betterment of the human condition.

There was, of course, that brief flirtation with media a few years ago when the Rockefeller Center Corporation invested heavily in The Entertainment Channel, the short-lived pay-cable network that sewed up exclusive rights to BBC programming and produced television adaptations of Broadway musicals. But that was looked upon as an extension of the Rockefellers' interest in the arts rather than as a serious plunge into media.

Not long after pulling out of the founding cable network, however, the family investment corporation rather quietly bought a large broadcast group, Outlet Communications, with television stations in Providence, Orlando, San Antonio, Sacramento, and Columbus, and ra-

dio stations in four other large cities. The Federal Communications Commission approved the purchase in 1983, and Outlet now operates as a subsidiary of the Rockefeller Group. With the Rockefeller resources behind it, Outlet Communications began moving aggressively to acquire more stations, first an Atlanta UHF and then one in Indianapolis. And when the FCC raised the limits on television ownership to 12, Outlet made a high nine-figure bid for the Gulf Broadcasting properties. Apparently that fell a mite short because Gulf was sold to another buyer. But if there had been a deal the Rockefellers would have had the country's first 12-station television group. Clearly they are serious players in broadcasting today, but they maintain a low profile as owners and continue to use the Outlet name rather than their own.

Some observers of the media scene have a theory about this. They believe the Rockefellers are hiding behind the Outlet name because the stations are decidedly not in the Rockefeller image. The Outlet group, founded by the Outlet department store chain operating in the Northeast, has been a very good money machine but never famous for distin-

guished broadcasting. While no worse than most broadcast groups in its approach to programming, it also has been no better than most. The Outlet stations have none of the high standards and public service spirit of the Group W or Post-Newsweek stations; none of the programming moxie of the Metromedia, Tribune, Gannett, and Taft groups, and none of the polished professionalism of the Capital Cities and Cox stations. Bluntly, the Outlet stations are a drab band that will safeguard the Rockefeller investment in television and radio but add nothing to the family escutcheon.

Yet if ever the Rockefellers had an opportunity to serve the people and enrich their lives, they have it now. Broadcasting is the most direct line to the people we have. As potentially one of the largest operators of radio and TV stations, the Rockefellers could, if they wished, assume a position of leadership in the industry, and by their example—with all their idealism—elevate the standards of broadcasting in America.

This suggests a way to improve the quality of television in America. Simply call the Rockefeller stations by their right name.

LES BROWN

How U.S. TV Covers the Globe

The Third World, being out of sight, is out of mind.

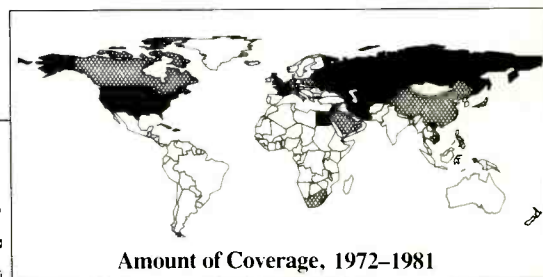
ETHIOPIA ILLUSTRATES James F. Larson's point: "Except for major crises, the U.S. television networks have paid minimal attention to Latin America, Africa, Asia, and Eastern Europe if the USSR is excluded." Ethiopia's famine began more than a decade ago, but has only been covered on the network evening news since last October, when a BBC reporter brought back dramatic video tape from Africa. From 1972 through 1981 Ethiopia was mentioned in less than seven-tenths of 1 percent of the networks' overseas coverage, according to

Larson, a communications professor at the University of Washington who studied more than 7,000 international news reports from that period.

Larson's recent book, *Television's Window on the World*, reports that three nations—the United States (in foreign affairs), the Soviet Union, and Israel—turned up in about 90 percent of the inter-

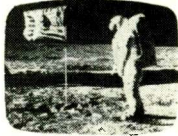
national stories presented on each network's evening news. "This lack of network news attention to the ongoing struggle for social change and development in the Third World gives U.S. policymakers broad leeway to ignore, minimize, or postpone consideration of such problems," he writes.

RICHARD BARBIERI



TELEVISION

A 13-part series on the history of a revolution



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The Daily Telegraph, February 12, 1985

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Government TV Is Alive and Insecure in the U.S.

At one-third of the PBS stations, the managers have 'one gigantic apple to polish.'

YOU DON'T have to look overseas to find state-run television stations whose managers must please politicians to keep their jobs and secure their annual budgets. We have them in America—at least one station, and sometimes a state-wide net-

stances—rarely publicized—government higher-ups tell the manager what to broadcast or cancel.

That occurred in the spring of 1980 when state-owned public television stations, including one in Houston and Alabama's state network, canceled showings



*The stations' independence was cast into greater doubt by a court ruling involving the docudrama, *Death of a Princess*.*

work, in almost every state. Nearly one-third of the nation's public television stations are licensed to state universities or other agencies of state or local government.

They are an important but peculiarly self-conscious breed of broadcaster, worried that they are misunderstood and sometimes misused. And recently they were disturbed to hear that they may lack the free-speech protection afforded private stations.

Most of their stations went on the air in the 1950s and '60s as "educational television," and remain closely related to school systems or colleges. "They were so meager, so mild, so unnoticed, that the issue of who controlled them was secondary," says Frederick Breitenfeld Jr., who ran the Maryland state television network for 17 years. "Now public television has emerged as a powerful tool, a political football. We have government-owned television in this country. How about that?"

Breitenfeld says state television managers quickly learn the rules: "You *must* make political supporters. You *cannot* make political enemies." In some in-

stances of a PBS-distributed docudrama about the execution of a Saudi Arabian princess. *Death of a Princess* deeply offended the Saudi royal family, causing hesitation among broadcasters wherever oil was burned. Some of the PBS affiliates that actually canceled the program explained that they didn't want to damage relations with the Saudis. At one of these, the station run by the University of Houston, the decision came down from a

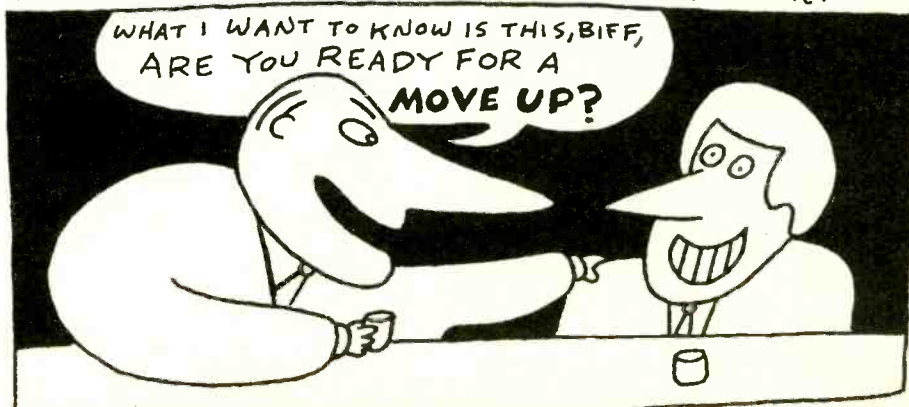
university vice president. Critics noted that the university held consulting contracts with the Saudi government.

Smelling censorship, some PBS fans were outraged. Small groups in Alabama and Houston filed suits, claiming that state agencies had violated their First Amendment rights as viewers. But the final federal appeals court verdict that they got, two years later, protected the stations, not from state officials, but from the demands of angry viewers like themselves. Most public broadcasters at the time were relieved that viewers didn't have the right to give orders about programming. It seemed a victory for state-run stations.

Then, last year, lawyers began alerting their public television clients to a troubling aspect of the appeals court ruling: "... as state instrumentalities, these public licensees are without the protection of the First Amendment." As one of the lawyers, Nicholas Miller, put it, "The First Amendment offers protection *against* the state, not *for* the state." The broadcaster was deemed to be the state, and couldn't be protected from its own higher officials.

State-employed broadcasters already knew that their independence was precarious, but were unsettled to find a court confirming it so bluntly. Last November delegates from 32 states met privately in Racine, Wisconsin to plan a defense. This year they'll try "educating" public officials to accept certain principles protecting station independence. (In many states the particular officials are members of a board that directly oversees the state network.) A draft of the group's creed asserts that state-run stations exist to serve the public, that their management should not be disrupted, and that their credibility

INTERVIEWING AN ANCHOR FOR A MIDDLE SIZE MARKET



must be protected.

Henry Geller, gadfly of the Washington Center for Public Policy Research, told the public broadcasters in Racine that he will petition the Federal Communications Commission to act on the problem. Geller notes that a 1984 law requires the few city-owned cable systems to let a separate body make program decisions. He'll ask the FCC to require government-owned broadcast stations to take the same step. "I'm not naive enough to think this would solve the problem, but we need to create a new mood," he says.

Sometimes influence by state officials is perfectly proper, says Virginia Fox, president of the Southern Educational Communications Association, sponsor of the Racine meeting. "The governor doesn't lose his right to an opinion," she says. But the influence becomes improper when the governor leans hard. Not many officials grasp such distinctions, Fox admits. "The majority of cases of interference have occurred out of ignorance, not out of malevolence." The issue seems to come up whenever new politicians take office. They assume the station is a state agency like any other—a tool to be used. "The governor and his press secretary decide you're an outlet, and then you begin educating them," says Fox.

Public broadcasters want to make people aware of the problem, but understandably balk at revealing specific clashes in states where they still work. At the recent meeting in Racine, for instance, the hottest story going around concerned Martin Busch, who had been executive director of the South Dakota Educational Television Network.

Busch had objected last year when Governor William Janklow suggested firmly that the state network cover, on short notice, three policy-oriented conferences. They were covered: two concerning agricultural issues, and a third, moderated by Janklow himself, about nuclear waste dumping. There had also been friction over the network's funding and purpose—the governor favoring educational programs and rejecting cultural ones. Busch says he was harassed into quitting by his board, which was dominated by Janklow appointees. He doesn't believe, however, that the governor applied improper political pressure. Colleagues in other states suspect the worst.

Observers have also noted a pattern of political favoritism at the New Jersey

Network. When Gordon MacInnes was hired to run the network in 1979, the governor was a Democrat and MacInnes had been a Democratic legislator. When MacInnes quit in 1983, the governor then in office, Thomas Kean, was a Republican, and had publicly criticized the network's coverage of state news. (Both Kean's spokesman and MacInnes, however, deny that the governor pressured the network director to resign.)

The sad result of situations like those in Texas and New Jersey is that some state networks stay away from news interpretation that would help viewers understand how state politics works. At one network based at a state university the news producers once dared to show film of lobbyists drinking with tipsy state legislators. By the next morning the university president had heard from the state capital, and within a week the state news program had changed its format to no-frills legislative "highlights."

There's always a potential for conflict because the broadcaster's objective, and obligation under federal law, is to air all viewpoints on important issues, while the

politician's objectives are to get things done, and to get reelected. Fortunately, the potential is not always realized.

Breitenfeld says he worked for five Maryland governors, and none interfered with the public television network. They did, however, make suggestions. "A governor urged us to put on a friend of his who was a flower arranger," Breitenfeld recalls. "The result was a 30-part series on flower arranging, which was so successful it was syndicated nationally! I told someone then, 'There's a line there somewhere that we should never cross, but I won't know where it is until I get there.'"

Drawing that line, of course, is a concern of every broadcaster with funders, underwriters, subscribers, or advertisers to satisfy. Breitenfeld, who now runs the Philadelphia public TV station owned by a nonprofit community organization, advises, "If you're licensed to a state, you have one gigantic apple to polish. But if you're licensed to a community organization, you have to polish lots of little apples. Which is not nearly so dangerous."

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CHANNELS OF COMMUNICATIONS

THE MAGAZINE THAT COVERS THE REVOLUTION

The explosion of electronic media has ushered in the dazzling second age of television. A new order of video communications is taking shape with cable, satellites, videotex, computers, and home video sweeping across the electronic landscape still dominated by broadcast television. Everything is on fast-forward today—technology, business, policy-making.

This means that our world is changing even more dramatically than it did with the arrival of television.

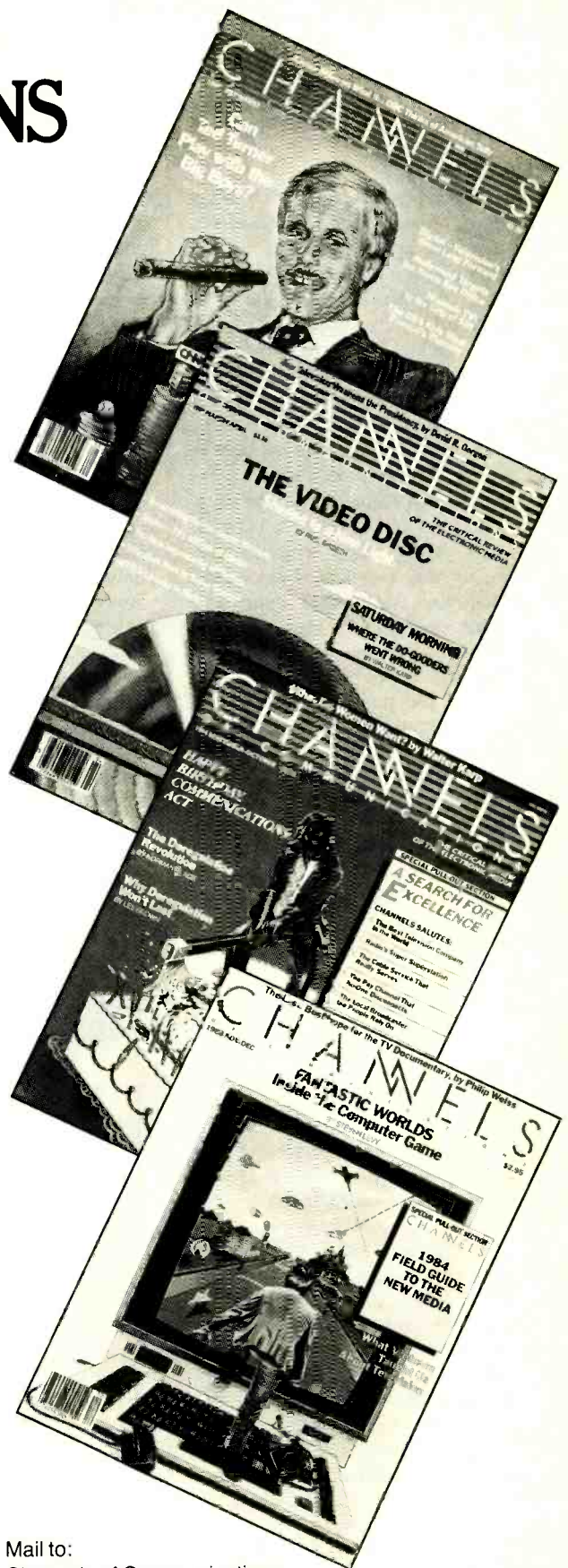
Only one magazine, CHANNELS OF COMMUNICATIONS, covers these exciting times incisively and authoritatively. Edited by Les Brown, formerly of The New York Times and author of numerous books on television, CHANNELS gives you more than vital information in a clear and lively manner—it is the guidance you need in a perplexing new world of media.

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Dishing the News

Frank Ogden pulls it from the air before it vanishes.

FRANK OGDEN sweeps the skies for a living. For about seven years now, this Canadian entrepreneur has been mining the ether for information and recording what he finds on videotape. His satellite monitoring operation is probably the world's largest, outside of military intelligence. Ogden's company, 21st Century Media Communications, provides a kind of electronic clipping service, catching and preserving informational broadcasts that otherwise would vanish in the atmosphere. He does this for a roster of regular clients, ranging from government officials to wealthy investors, who pay \$1,000 a month for the service.

While the operation's scope is large—covering some 150 satellite channels in this hemisphere, as well as the networks and numerous local television stations in the United States and Canada, and scores of foreign shortwave radio stations—the operation itself is quite small. Ogden runs it from the houseboat he lives in, moored just outside Vancouver harbor. On board is a robot named Nabu, which assists Ogden in a variety of ways, including taking phone messages; on shore is Ogden's satellite dish. With five employees working from their homes in Vancouver but interconnected by computers, 21st Century records every newscast, public affairs program, and talk show it can receive. From these, Ogden's associates cull items of specific interest to individual clients. A computer catalogues every news clip and retrieves all those related to a specific topic at the push of a button.

"In any business you name," Ogden says, "knowledge is power. My clients buy this service because the information gives them an edge on their competitors." He says his Canadian and American clients sometimes sag under the weight of information he provides but his Japanese clients can never get enough.

Ogden's clients receive daily phone calls from a tape recorder that delivers the audio portions of all pertinent news clips gathered in the previous 24 hours, and every two weeks they get a video cassette, often running as long as two and a half hours, with all the clips relating to their special concern.

Actually Ogden doesn't *sell* copied programming to a client, he *lends* the cassette to him, getting around a legal point.



"These tapes remain our property," Ogden says. "The client has the use of them for re-

search and information. That keeps us on the legal side of the Copyright Act." Ogden's service is licensed by the British Columbia Utilities Commission as an electronic library. It has 300 million frames of video information.

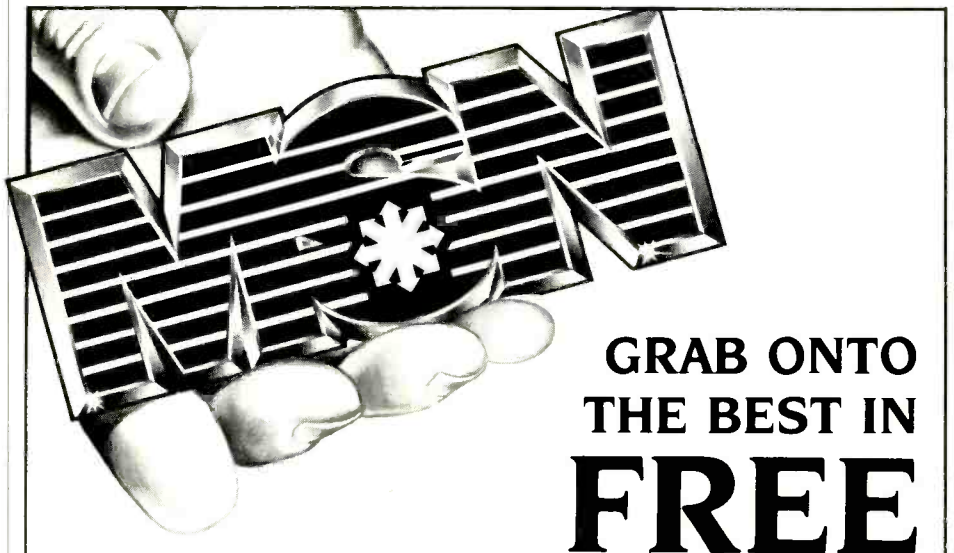
Ogden is such an information freak that he subscribes to every computer data bank in this hemisphere, from Info Globe in Toronto to CompuServe in Columbus. The Source in Virginia, Dialog in Palo Alto, and Nexis in Akron. From these, he provides "extras" for his clients, on request, for additional fees. A client involved in a hamburger competition

wanted to learn everything he could about bakery buns. Nexis alone produced 48,786 articles on the subject. Too many. So they cut down the topic to hamburger buns and got 4,000 stories.

One of Ogden's clients is a member of British Columbia's provincial government who wants to know everything happening that might affect the province and everything the political opposition is doing. Another is an entertainment distributor who wants a broader picture of the field than can be pieced together from trade publications.

Ogden is also one of his own best customers. He travels about in the role of a futurist, doing radio broadcasts, lecturing, and writing columns under the name of Dr. Tomorrow. He keeps abreast of developments by sweeping the skies daily. He collects everything he can about advances in technology and often follows up on the leads he gets from television with phone interviews or visits. This pursuit has made him an expert on Japanese high technology, qualifying him to lead two tours to Expo '85 in Tsukuba, Japan this year. Prices begin at \$3,285 per person.

L.B.



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Who Came Out Ahead in the Cable Act?

by Michael Botein

MOST onlookers and even some businesses vitally affected by the new cable television law are still trying to figure out who gained and who lost. Cable industry leaders usually hail the Cable Communications Policy Act of 1984 as a major victory, particularly in their battles with local governments. City officials, meanwhile, are less effusive. Some view the law as a massive giveaway; others see it as a necessary compromise.

Necessary or not, it was a compromise, and a last-minute one at that—emerging from feverish negotiations last autumn between the cable and municipal lobbies. As is typical with such compromises, it's not clear who came out ahead. The new law, which became effective December 29, is riddled with inconsistencies, ambiguities, and just plain glitches. Nevertheless, some conventional wisdoms are circulating, as reflected in questions like these below:

Q Doesn't the new law give cable operators virtually automatic renewal of their franchises?

A That certainly was Congress's intent, but it may not be the result. The act allows a city to deny a franchise renewal on several rather broadly stated grounds: If, for example, an operator has not "substantially complied with the material terms of the existing franchise," or if the firm's renewal proposal is not "reasonable to meet the future cable-related community needs and interests." Because the language is so loose, a city with the backbone and the money to defend its action in court probably will be able to evict any recalcitrant cable operator.

The act also requires a city to go through a set of formal procedures—public hearings, reports, testimony, and the like—before it can deny a renewal. Although some cable operators think the burden of these procedures will tend to discourage cities from denying renewals,

Michael Botein, a professor at New York Law School, works with the Washington, D.C. law firm of Verner, Liipfert, Bernhard, McPherson, and Hand.

the stir created by the procedures actually may cause a surge of new pressure on city officials to deny. Publicizing franchise-renewal proceedings is likely to provoke complaints from subscribers who otherwise would pay little attention. Considering that only a handful of renewals have been rejected each year under past rules, it's hard to see why cable operators were eager for such a potentially counterproductive new provision.

Q Doesn't the new law's 5 percent ceiling on franchise fees restrict the amount cities charge cable operators?

A Oddly enough, most cities will find the new franchise-fee provision considerably more generous than the FCC rules they replace. Under the old rules, a city ordinarily could collect a fee of no more than 3 percent of the cable system's gross annual revenues, or up to 5 percent if the FCC granted a waiver, which it had been loath to do.

Moreover, the new law no longer allows a cable operator to deduct certain expenditures, for example the cost of public-access equipment, from the fee he has to pay the city.

In the past, cities have been able to extract an average fee of just over 3 percent, but under the new law the average may nudge the 5 percent mark. Although the wording seems to restrict the cities, it actually gave them an advantage.

Q Doesn't the law prevent cities from regulating cable-TV subscriber rates after 1986?

A Yes, usually. When a two-year grace period for existing franchises ends on December 29, 1986, cities will be able to regulate "basic" cable rates only if they can demonstrate that the cable operator "is not subject to effective competition." That's a big "if," because the FCC is likely to rule that cable almost everywhere in the country is "subject to effective competition," judging from the highly inclusive standards discussed by agency staffers. (One such standard would prohibit local-rate regulation wherever the three major television net-

works and a fourth station can be received—that is, where more than 90 percent of the population lives. Another standard would rule out rate regulation where signals from direct-broadcast satellites can be received—presumably the whole country in the future.)

But this may not be an important loss of authority for cities. Unlike the FCC or a state public-utilities commission, cities have not developed effective methods for judging rate-hike proposals. Their efforts at rate regulation so far seem to have had little effect on rates; comparisons between cable rates in regulated and unregulated cities show virtually no difference. Cities lost power they generally weren't using anyway.

Q Doesn't the new law preserve cities' authority to require provision of public, educational, and governmental access channels?

A Yes, but with a very big escape clause for cable operators. A local government may demand a specific number of access channels in its "request for proposals." (There's no real limit on the number of access channels that can be required except that the law sensibly allows operators to use them for other purposes if they're not used for access.)

But the statute also permits a cable operator to disregard any franchise provision that is "commercially impracticable," including demands for access facilities. If a city won't let a cable operator renege on its public-access promises, the operator may sue in either state or federal court. That is a rather threatening possibility for most cities, given their modest legal resources. In the long run, franchise commitments to access channels may be worth only as much as the franchisee cares to give. On the access issue, cities may have retained comparatively little of their former power.

So who won cable's 1984 battle in Congress? Maybe the cities. Maybe the cable operators. The only safe generalization is that a lot of cases will go to court to flesh out the law's meaning. As one cynic commented, the new law could easily be called the "Communication Lawyers' Full Employment Act of 1984." ■

Thank you
Mr. President...



THE WHITE HOUSE
WASHINGTON

January 28, 1985

Nancy and I are pleased to send our warm greetings to those gathered to celebrate television station KTLA's 37 years of service to Southern California.

As one who has hosted programs from time to time, I can attest to the outstanding contribution to broadcasting excellence KTLA has always been known for. My own experience while governor of California afforded me the opportunity to learn firsthand the dedication and commitment of the staff and management to present quality entertainment as well as important community information to their viewing audience.

You have our best wishes for what we know will be a memorable and successful salute to station KTLA.

Ronald Reagan

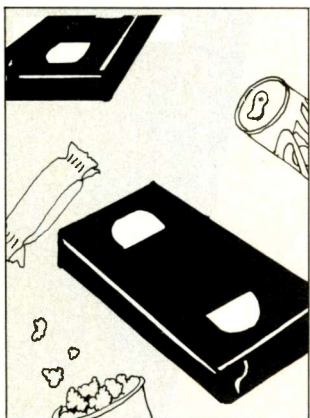
Thank you
Museum of Broadcasting...

... for saluting us with your current exhibition, *KTLA: West Coast Pioneer*, featuring more than 40 hours of programming from our past 37 years.

KTLA 5
LOS ANGELES

QUOVIDE

SHORT TAKES ON NEW TECH



Exact change only. What may be the world's first videocassette vending machine, sort of a cross between a jukebox and a soda dispenser, stands ready to rent any of 168 videotapes to a consumer with a credit card. The machine's computer runs a fast credit check before dispensing the tape, then bills the customer \$3 a day when it is returned. Called Creditron Video Center, it's being marketed by Bruce Merrill, who spent 30 years in the cable business as a part-owner of American Cable Television. He hopes to place the machines in hotel lobbies, supermarkets, malls, pizza parlors, and the like.

Starting on campus. Workers have begun laying a fiberoptic cable that will carry videotex, teleconferences, and electronic mail between the more than 250 buildings on Stanford University's campus. This 1.8-mile line is the first step in Pacific Bell's plans to rewire California's Silicon Valley with the fiber. When completed, the network will interconnect businesses, schools, and government offices.

Video stringers. Six Kansas television stations are recruiting viewers who own portable video cameras to create a "home-video stringers" team, people who can cover breaking stories that happen nearby. Stringers so far have covered a propane explosion, an air-show plane crash, and a traffic accident. NBC picked up the tape of the explosion for national broadcast.

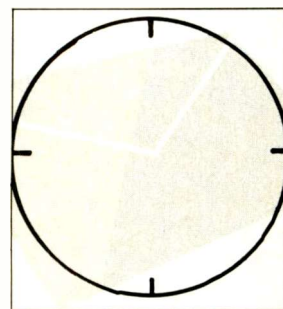
The play's the thing. NBC has devised a way of airing a sufficient number of commercials during telecasts of soccer, a sport rarely broadcast on commercial TV because it is played continuously, without timeouts. The network will use "shared screen" technology: Three-quarters of the screen will carry the commercial while the game continues in the lower-right corner. NBC plans to debut the technique during its 1986 World Cup coverage.



Guide to the city. The world's largest public-access videotex network so far is Infomart's "Teleguide to Toronto," according to Link Resources, market analysts. Every month more than 500,000 residents and visitors use Teleguide's 466 videotex terminals for information about the city. The terminals are located in shopping malls, airports, and other public places.

Bird calls. Essaness Theaters of Chicago is testing a satellite distribution system for feature films. Movies are converted to video, relayed by satellite to theaters equipped with satellite dishes, and recorded on tape by the theaters for later screenings. Scrambling the satellite transmissions guarantees that only dishes with special decoders could receive the movies. Distributors could save as much as \$1,000 per theater on each film, according to Essaness. It is demonstrating the system by sending cable programs and movies to more than 100 colleges around the country.

Hybrid mail. Over the next three years, the fastest-growing electronic mail services will be hybrids, according to market analysts Link Resources. These services—Federal Express's ZapMail, for example—transmit messages electronically over long distances to local offices, from which couriers deliver printed copies, often within two hours.



Achtung! Radio stations can now broadcast crucial traffic and weather reports to drivers even if they're not listening to their radios. Using Automatic Radio Information (ARI), a technology developed by the German company Blaupunkt, stations can override a cassette player or increase the volume of a radio tuned to the right frequency. Blaupunkt is trying to create a demand by giving the \$8,000 equipment to selected stations. The company hopes eventually to sell the technology to car-radio manufacturers. One station already using ARI, WASH-FM in Washington, D.C., has hooked the system to a computer so that the bulletins are broadcast automatically.

Cable count. Latest A.C. Nielsen figures show that 43.7 percent of American television households now subscribe to cable, an increase of 8 percent over last year.

Dialing for Dallas. Southwestern Bell Telephone has begun reading its Dallas customers' water meters over telephone lines. A device called the meter-interface unit connects the water meters to phone lines that, upon command, send water-usage readings to a computer at a telephone switching office, where the water company reads the data. In other cities some bottling companies are using phone lines to record vending-machine sales.

Orientation. A joint venture between Japanese, American, and British film producers and cable companies will launch Japan's first pay-cable television channel early next year. The "Premiere" channel, offering feature films and live concerts, will initially reach four million households. It is the first step in an expected rapid expansion of Japanese cable television.

RICHARD BARBIERI AND C. BLAIR PALESE

Katz American Television
representing major market affiliates

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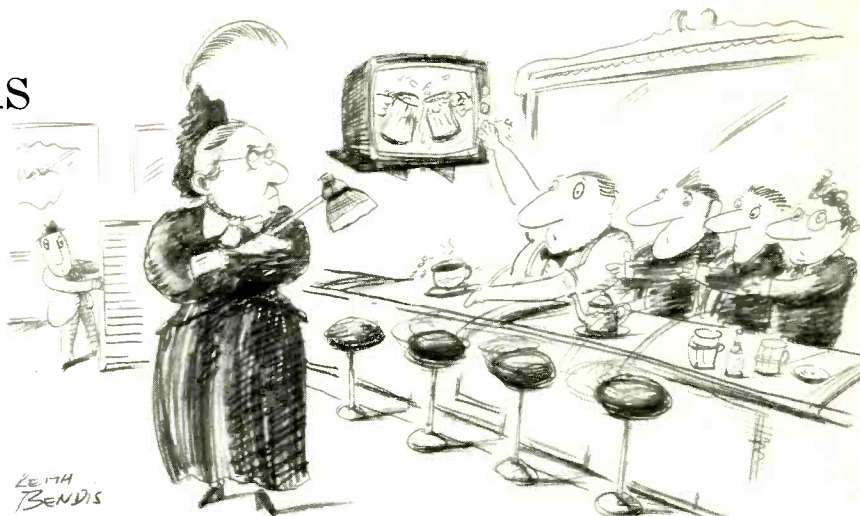
Katz Independent Television
representing independent stations exclusively



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The best.

If Beer Commercials Are Banned

by Les Brown



AT A TIME when the Federal Communications Commission only yawns at people who come around with complaints against broadcasting, a grass-roots movement calling itself Project SMART is making the biggest waves on the public-interest front since the late '60s. That was when a lone citizen, John Banzhaf III, invoked the Fairness Doctrine in forcing TV and radio to answer cigarette advertising with counter-commercials.

The smartest thing about SMART is that it went around the FCC and straight to Congress and other elected officials. Now the group's political base is growing because there's interest at every government level in what SMART stands for: Stop Marketing Alcohol on Radio and Television. Started by the Center for Science in the Public Interest, it has become a coalition of about two dozen organizations, among them the National PTA, the Consumer Federation of America, the United Methodist Church, and Action for Children's Television.

The coalition's aim is simply to drive beer and wine commercials off radio, television, and cable as an antidote to rising teenage alcoholism and the alarmingly high incidence of drunk driving in traffic fatalities. A congressman recently advised the broadcast industry that it is facing a "motherhood and apple pie issue" almost no one can oppose.

Meanwhile, on the broadcast industry front, a mammoth campaign against alcohol abuse is underway, orchestrated by the networks and the National Association of Broadcasters, with the participation of virtually every local station and the collaboration of Mothers Against Drunk Driving (MADD). For the rest of the year, and probably well beyond, no American will escape the bombardment of messages encouraging sober driving and warning against the hazards of alcoholism.

Though this may seem a revival of the venerable public service tradition in broadcasting, which went into mothballs with deregulation, it really isn't. The campaign is a strategy to head off the legislation SMART is seeking. Broadcasters are quite up front about it: The campaign wasn't created primarily to save lives but to save some \$750 million in annual billings. With their intensive nationwide drive to alert everyone to the problems of excessive drinking, broadcasters hope to show Congress that the problem

is in good hands and that no legislation is needed.

The threat of a law banning alcohol commercials might not be taken seriously if there hadn't been the ban on cigarette commercials in 1971. Not long after Banzhaf established that cigarette smoking was a controversial issue, making the Fairness Doctrine applicable to commercials for the first time, the Surgeon General's report on smoking produced the conclusive finding that cigarettes are a health hazard. Since it was clear then that

**The smartest thing about
SMART is that it went around
the FCC, straight to
elected officials.**

the promotion of smoking was not in the public interest, it followed that media licensed to serve the public interest shouldn't be carrying cigarette advertising. The SMART forces argue that the same principle applies today.

The broadcast lobby cites a difference between the cigarette and alcohol issues: Cigarettes are bad, period. But it's the *abuse* of wine and beer that is bad, not wine and beer themselves. Broadcasters believe they have been made the scapegoat for a problem society doesn't know how to deal with.

Last year, Congress demonstrated its concern with the teenage drinking problem when it easily passed the uniform drinking-age law, setting the age at 21. Several states have already taken action banning or restricting alcohol advertising, among them Mississippi, Utah, Massachusetts, Florida, and Oklahoma. The political fever is rising. "If it ever gets to the floor [of Congress]," warned Representative Al Swift (D.-Wash.) at a recent

Keith Bendis

TOM BROKAW

Off Camera

On being an anchorman:

"I love what I'm doing - who wouldn't? There's no heavy lifting, the hours are good, the pay is excellent. But the truth is, of my three titles - Anchorman, Managing Editor of NBC Nightly News, and Reporter - the one that means the most to me is Reporter. You can't be effective as an anchor unless you get out from behind the desk.

"I didn't get into journalism to put on make up and read out loud. If television hadn't been invented I'd be working as a newspaperman. I like being a reporter. I'm still excited when I get on to a good story. I like going face to face with people trying to smoke something past the public. I want to see events first hand, get the smell and feel of what's happening. There's nothing quite like it. And if you bring those same instincts to the anchor job, well, I think it shows."

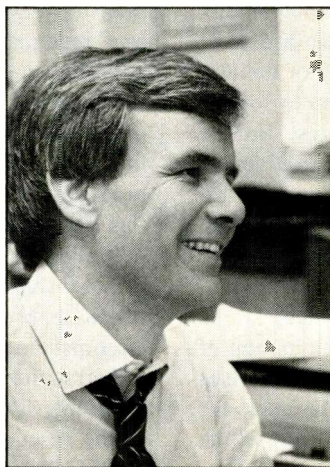
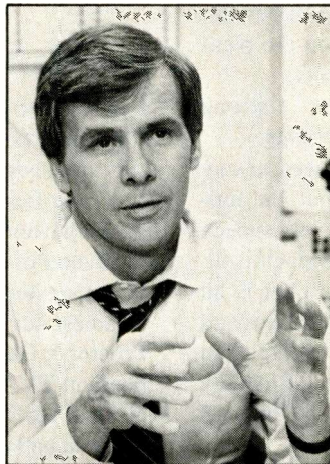
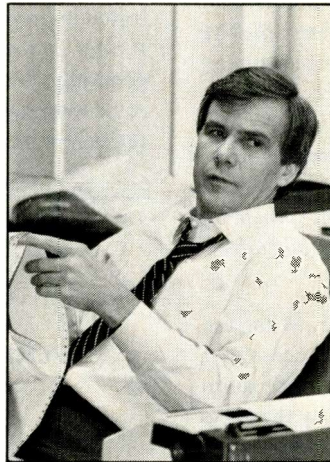
On television news:

"I know of no more patriotic group than television journalists. But we're not mindless cheerleaders. One of the great strengths of this country is its ability to acknowledge and deal with its errors, its mistakes. Our role is to tell the truth about what, in fact, is going on. Sometimes the truth is elusive. Sometimes truth, like beauty, is in the eye of the beholder. So we work hard, very hard, to know all the facts before we go on the air.

"At the same time, people can't get all they need to know in this complicated world from television alone. They must read books, good newspapers and quality magazines, listen to the radio, talk to their neighbors, go beyond what information is easily available. That's the best check on any potential abuse of power."

On deciding what's news:

"People often ask, 'How do you decide what to put on?' Take Ethiopia. When we took the satellite feed, the room came to a standstill. People could hardly take a breath. A lot of people began to cry. I knew it had to go on that night, no matter what it replaced. NBC News



has been given a lot of credit for first broadcasting that story. The fact is, that story put itself on the air.

"And we're staying with it. The response is overwhelming - relief organizations write to thank us for the flood of contributions. That's a payoff for a journalist. We're not in this business to close up shop at the end of the day and forget about it. We like to feel we make a difference in people's lives."

On "bad news" and "good news":

"Sometimes what we report is painful and people say 'You guys only tell us the bad news.' Well, check any totalitarian country. You hear only 'good news.' Our great strength is the courage to hear all sides. Sure, we want people to be excited by achievement - space shots or triumphs of justice or medical breakthroughs. But shouldn't they also hear about malnutrition in America? Shouldn't they be outraged by what big money can get done in Washington?"

Personal notes:

"A friend of mine refers to the Brokaw Lucky Star. It's always up there, he says. He's right. I am very lucky. I was raised by hard working, honest parents who shared with me the traditional values of this society. They believed in the American dream but they believed it would be realized only if you worked hard and played fair. And, boy, nothing bothered them more than someone faking it or trying to be a big shot.

"Twenty-three years ago I found one way to guarantee that would never happen to me. I married Meredith - smart, independent, talented and she even laughs at my jokes. She keeps me focused on what's really important in this life.

"You know what I wish could happen to every man in America? An experience like mine - living with four women like Meredith and our three teenage daughters. That's the most instructive part of any man's life. Don't talk to me about what women can't do. They can do anything. Yeah, I've been lucky. And I am very grateful."



NBC NIGHTLY NEWS
WITH TOM BROKAW

television convention, "you're dead."

So along with accelerating its nationwide public-service campaign, the broadcast industry is tightening its standards for commercials to ensure that they don't glamorize drink by making it appear to be the essence of a prosperous and carefree lifestyle.

In addition, the industry is unleashing a barrage of arguments that might be summarized this way:

Beer and wine commercials don't aim at promoting greater consumption of the products or enlisting new drinkers; they're merely concerned with influencing brand preferences among current drinkers. It's also wrong to say the ads are geared to teenagers; you never see teenagers in the commercials. No single scientific study has identified beer and wine commercials as a cause of drunk driving or alcohol abuse in America. If you're going to outlaw alcohol commercials because the abuse of drinking is dangerous, then next you'll outlaw automobile advertising because careless driving is dangerous.

Some of the arguments are assailable, of course. What the broadcasters are saying is that public-service spots successfully drive their message home, but the paid commercials are quite innocuous—even when they celebrate camaraderie by the glass or exhort the listener to rush out and buy a six-pack. You have to be some kind of simp to believe that large corporations, spending millions of dollars through agencies that are masters of persuasion, aren't trying to sell a whole new generation on the pleasures of drink, while planting the seeds of brand loyalty.

Still, despite SMART's powerful moral argument, a strong practical case can be made for retaining beer commercials:

Overall, there is more to be gained if they are allowed to stay on the air. When cigarette commercials were driven out, the anti-smoking spots vanished also. There was, as a result, less speech on the issue rather than more speech—and more speech is always preferable, that being what the First Amendment is all about. Television and radio, because of their pervasiveness and appeal to youth, are surely the most effective media to employ in any national education campaign on alcohol abuse. But they would probably not be employed for that purpose if Congress imposed the harsh punishment of an advertising ban.

Advocates of the ban appear to have little grasp of how dire the consequences for broadcasting might be. For media that handily survived the loss of cigarette advertising more than a decade ago, and whose annual earnings are in the billions of dollars, giving up another category of advertising must seem to some a fairly reasonable sacrifice to make in the public interest. But it's not that simple. The world was different when cigarette advertising was eliminated. There were fewer radio and television stations on the air, no pay-television to speak of, and not enough cable to be concerned about. When cigarette billings were lost, the networks and their affiliates went about finding new categories of advertising, and in a few years the void was filled.

Circumstances are quite different today. The elimination of such a large source of advertising would set off a chain of crises that could lead to catastrophe for the industry and hardship for certain viewers. The loss of beer and wine spots would upset the lovely economic imbalance that has made television, in particular, such a prosperous business. For several years now, the advertisers' demand for national television time has exceeded the available supply of network minutes, allowing the networks to raise their rates year after year. The advertising spillover en-

riched the local stations, and the robust broadcast economy encouraged operators to start new stations on the UHF band.

If wine and beer advertising were driven off the air, the trend would be reversed. Overnight, what had been a firm seller's market would turn into a buyer's market, driving ad rates down. So in actual dollars, the loss to television and radio would be far greater than the face value of the beer and wine billings.

Moreover, beer and wine commercials tend to be concentrated in programs of high male appeal, notably sporting events. If beer and wine represent 11 percent of television advertising generally, they probably account for as much as 30 or 40 percent of ad support for local and syndicated sports. This means that television and radio would take a severe beating on the expen-

Outlawing beer spots would set off a chain of crises that would lead to catastrophe in the industry.

sive long-term contracts they've made for collegiate and professional sports rights. There's a finite number of advertisers for big-time sporting events; after automobiles, razor blades, and beer, the field grows sparse. The absence of beer advertising would hasten the switch of certain events to pay television.

Several of the struggling ad-supported cable networks would be devastated because beer companies are among the largest and steadiest advertisers in cable (Anheuser-Busch is to cable what Procter & Gamble is to daytime television). And the young independent TV stations might be forced out of business. On top of all this, stock prices for broadcast companies would go into a tailspin, and the market value of stations would dive.

Broadcasting has so much to lose from an alcohol ban that the industry might do well to embrace an idea it has always considered repugnant: Let the Fairness Doctrine once again apply to advertising. In 1970 the FCC decided to exempt advertising from the doctrine because Banzhaf's victory set off a wave of demands for counter-commercials to answer ads for leaded gasoline and other consumer hazards. Now, however, it seems a practical solution to the problem and, in fact, is an alternative that SMART proposed—although calling it equal time.

If the choice comes down to losing the advertising entirely or finding ways to accommodate counter-commercials in the schedule, broadcasters will surely choose the latter. Under the circumstances, it's an option they can't refuse.

And so the Fairness Doctrine, which the industry has despised for its interference with business, actually in this instance comes to the rescue. Anti-alcohol messages will likely coexist with those for beer and wine, and in this less than perfect world everyone will benefit. American society is already better off for the citizens groups' action, and broadcasters will be better off, because they'll be doing the right and responsible thing as public trustees—and saving their own arses in the process. ■

What did the critics pick as the year's Outstanding Television? Only the best!



JOHN CORRY, NEW YORK TIMES
The Constitution: That Delicate Balance
The Brain

Heritage: Civilization and the Jews
A Walk Through The Twentieth Century
With Bill Moyers

"Rich, plummy and intelligent series... 'The Brain' just possibly (is) the best series of its kind ever done on television."

HOWARD ROSENBERG, LOS ANGELES TIMES

An Englishman Abroad
Concealed Enemies
The Jewel in the Crown
Reilly: Ace of Spies

"'An Englishman Abroad' was perhaps the best single hour of TV this year."

JERRY KRUPNICK, NEWARK STAR-LEDGER

Heritage: Civilization and the Jews
The Brain • Wonderworks
The Constitution: That Delicate Balance
Innovation • American Playhouse
Great Performances

"The finest season in the history of public television... magnificent series produced right here!"

TIME MAGAZINE

Concealed Enemies
The Jewel in the Crown

JOHN J. O'CONNOR, NEW YORK TIMES

The Jewel in the Crown
American Playhouse
Masterpiece Theatre
Wonderworks

"Served as a barometer of quality for all of television."

LEE WINFREY, PHILADELPHIA INQUIRER

Heritage: Civilization and the Jews
The Barchester Chronicles
Reilly: Ace of Spies

MARVIN KITMAN, NEWSDAY

Hizzoner!

"A real achievement!"

KAY GARDELLA, NEW YORK DAILY NEWS

Concealed Enemies • The Brain
Heritage: Civilization and the Jews
Lena Horne: The Lady and Her Music
Luciano Pavarotti at Madison Square Garden
The Jewel in the Crown
Reilly: Ace of Spies



We're looking forward to the challenge of '85. With your continued support, we pledge to keep bringing you Only The Best!



Intrigues of the Story Trade

How Mega-Books Become Mini-Series

Story scouts working for mini-series producers routinely 'sneak' a bestseller when it's still in manuscript, while agents create colossal expectations with an all-consuming multi-media spiral of publicity.

PEOPLE WHO SPEND their workdays with intrigue, glamour, and melodrama seem to get covered with the stuff, just as surely as a house painter comes home with his overalls spattered. The business of publishing best-selling books has the furious pace, the nervy confrontations, of a real page-turner. And the business of making hit TV shows—that's practically a lifestyle of the rich and famous, a world where hyperbole is the stuff of daily life. But the most melodramatic of all, the most *hot*, is the swiftly expanding business of making hit books into hit television shows—specifically, mini-series. The process radiates a heat so intense that conventional rules of behavior simply melt away. Conning and even stealing are taken quite for granted; nobody can afford to be nice.

Owen Laster, a big literary agent at the very big William Morris Agency, takes precautions when he sends out an important manuscript to be copied. He gives it a dummy title page to thwart would-be

By James Traub

thieves. In the past, he believes, his manuscripts have been illicitly copied at the behest of story scouts, generally well-bred young women (and a few men) who dredge the literary swamps in search of raw material for TV and movie producers.

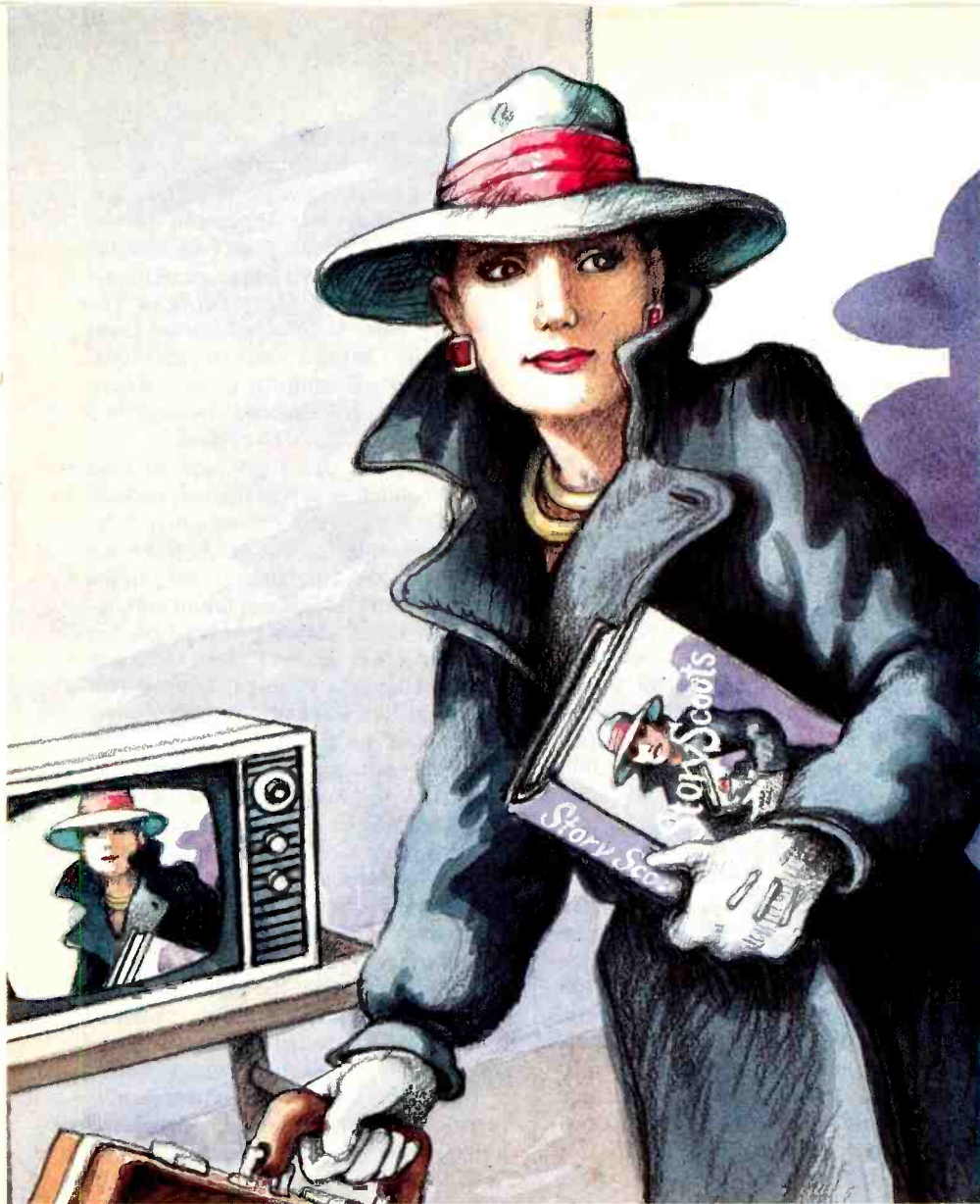
Laster recalls he once had an especially hot property, which he decided to let no one see, just to build up the tension surrounding it. Nevertheless, maybe half a dozen story scouts had managed to finagle copies of the manuscript. One scout, who hadn't, begged him desperately to let her see it. Her job, she said, was at stake. Laster refused; he wasn't ready to show it. The story scout, he believes, soon quit her job, probably under duress.

Along the feverish frontier between books and television, tales like that are told with casual resignation. Only a newcomer with an antiquated reverence for books is shocked. Publishing used to be a

modest, noble sort of affair, in which rich and cultivated men and women printed, almost as a public service, the literary fruit of poor and cultivated men and women. There were best-sellers, of course, but book publishing was no place to go if you were hell-bent on profit. In this introspective world, television was no more welcome than a drum major in a symphony orchestra.

But all that has changed. Broadcasting and publishing are now a pair of giant entertainment businesses (often under the same corporate roof) that have less and less trouble finding a common vocabulary and opportunities for common profit. Publishing has awakened, as it were, to the values on which television was built—all-out competition, a ready submission to the judgments of the marketplace, and above all, a fixation on the hit. Publishers have become comfortable with the mechanisms of mass appeal—and that, in part, means television.

In a less drastic change, television executives have discovered the assets of the



When a hot manuscript comes along, frenzy crowds out judgment. 'There's no end to what people will do to get it first,' says one story scout.

printed page. Their own obsession with the hit has led them to the mini-series, an electronic version of the best-seller in which millions of dollars are staked on the possibility of exorbitant success. (Over the last five years the average mini-series has attracted half again the audience of the average prime-time show.) And the mini-series depends almost entirely on books. Few television scripts have the immense wealth of character, action, and detail needed to supply five or 10 hours of television. The made-for-TV movie, in contrast, is usually inspired by newspaper articles on fatal diseases, wife-beating, vigilantism, or the like.

Unlike the traditional series, which builds up an audience over time, the mini-series is a spectacular event requiring an equally spectacular carnival of publicity—a staged hit. Thus it needs not just a book but a hot book. It capitalizes on publicity the book has already earned, and returns it with interest. Paperbacks issued in synchrony with a mini-series have sold a million copies, or more.

Roger Roth

Immense though it is, the mini-series occupies only one place in a larger process whose very substance is publicity. From a single manuscript climbs a vast, giddy spiral fueled by hype: book club selection, foreign publication, paperbacks, mini-series, "novelizations" of the mini-series, and hardcover sequels, which start the whole whirl again. "Everything," says literary agent Morton Janklow, "feeds on everything else."

IN THE BEGINNING is the book, the thick best-seller stacked all by itself near every bookstore cash register. "A book that's 500 pages long, has a very complex plot spanning 20 years, and is written by a big-name author with a big audience—that," says Ellen Cotler, who ferrets out manuscripts for the Leonard Goldberg company, "is a mini-series." The characteristic ambiance of these colossi is one of incessant activity, most of it sexual, spreading across vast reaches of space and time, as if the authors were too rest-

less and energetic to stop and reflect. Much of this action takes the form of competition and conquest—in space, in war and, above all, in bed. Authors of contemporary "high" literature generally identify with the misfit, the loser, the anti-hero. Mega-book writers, though, have the practical sense to focus on the successful.

Not every mini-series, of course, has featured the intrigues and cat-fights of the rich, the powerful, and the attractive. One has only to think of *Holocaust*, *Roots*, or the recent *Fatal Vision*—all of which depend on the melodrama arising from a dangerous or frightening situation—or the historical epics like last year's *George Washington*. Critics have praised some of these more "serious" mini-series, though not, by and large, very enthusiastically. Perhaps more representative of the mini-series climate was NBC's sexed-up, heavy-handed version of Ernest Hemingway's *The Sun Also Rises*, which aired last December, one of the great critical and popular disasters the

form has suffered.

Owing perhaps to the limited stock of sagas with proven mass appeal, mini-series productions tend to have a distinct family resemblance. A remarkable number of them concern no-longer-young women, the group comprising the largest bloc of television viewers. (Young men, on the other hand, dominate the movie-going audience. Thus science-fiction and teenage themes do well in theaters, while *Dynasty* succeeds on TV.) The plot of Shirley Conran's *Lace*, for example, sprinted through Gstaad, Paris, London, Manhattan, and an oil sheikdom detailing the erotic and professional adventures of five extraordinary women. Leonard Goldberg is preparing to adapt Joseph Amiel's *Birth Right*, "a revenge story," according to Ellen Cotler, about a woman adopted into a Rothschild-like family who later gets chiseled out of her inheritance. And Crown Publishers is selling the rights, for what is expected to be a large sum, to Shirley Lord's *One of My Very Best Friends*. The story, according to Phyllis Fleiss, head of Crown subsidiary rights, is "a saga of two women—a gossip columnist and a cosmetic tycoon. One's a charmer, and the other's a bitch. The two women have been friendly for years, and then they both fall in love with the same man, and the cosmetic executive betrays her best friend. What could be better for a mini-series?"

The atmosphere of pressure and power, the lightning action, the women intriguing against one another—it's reminiscent of Owen Laster's story of desperate competition and deceit. Sometimes it appears as if the worlds of high-powered publishing and broadcasting are modeling themselves after their own products, or their products after themselves. The authors, after all, often dwell in the same empyrean as the big agents and executives. Judith Krantz's *Mistral's Daughter*, which was made into what the paperback cover blurb calls "an enthralling

Lace's first chapter closed with 'the sentence that launched a thousand deals.'

CBS-TV mini-series," opens with the beautiful young heroine stepping into an elevator full of other attractive young women "gripped in silent, fierce, and frightened concentration." CBS would barely have to modify the scene in order to insert it in an enthralling mini-series about New York story scouts. Call it *Story Girls*, crank up the hype machine, and you've got a major, major hit.

The story scout is a sort of intelligence agent for Hollywood in Manhattan's publishing world. CBS, ABC, and most of the studios each employ two or three of them to read, or know about, every book manuscript or magazine article that might conceivably make it onto the big or little screen. For most scouts it is a humble occupation, one whose existence is almost unknown within the networks. Joe Smith at ABC calls himself simply a "forward research service," or a "fielder." If he sees anything good, he calls it to his superior's attention, and then the book vanishes up the hierarchy.

It doesn't take great powers of discrimination to figure out which scripts will appeal to a TV executive. A scout knows that his or her boss wants a good story; the particular texture, the sensibility, even the setting of a book are almost irrelevant. And the story has to be "high-concept"—capable of being expressed in a

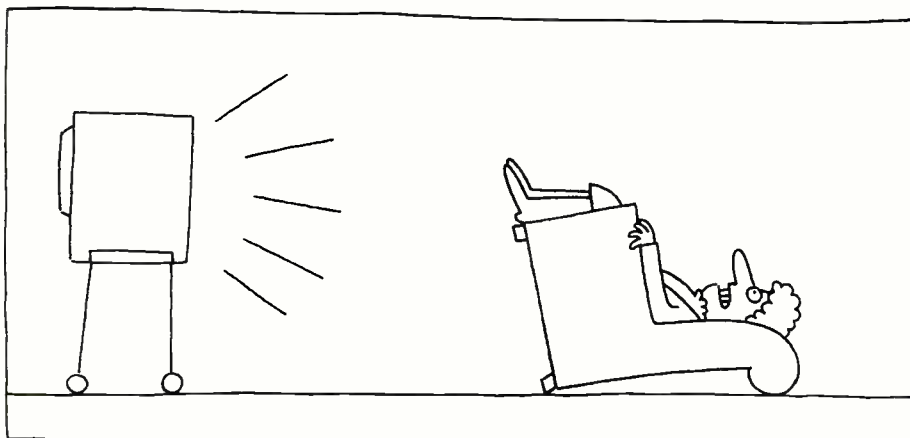
17-second promotional spot. "There's a rule at ABC," says Smith. "It has to hit you in the heart or the groin." And it has to score a direct hit. Apparently on the lookout for a TV deal, money-minded authors are creating a virtual genre of books that read like *The Thorn Birds* or *The Winds of War*. As former Lorimar scout Jayne Pliner says, it's gotten ridiculous. "You've got generational sagas of a family of shoemakers, generational sagas of a family of skiers," and on and on.

Story scouts don't get paid to read books so much as to find them as early as possible. A good story scout can feel the heat emanating from a book when it's only a title on a publisher's list, and—here's the part that makes for an enthralling mini-series—knows how to get her hands on it first. Karen Everett (who was then at Highgate Pictures) learned that columnist Rex Reed was writing a novel the moment he signed a book contract. Reed's agent was a friend, and so, "as a kind of favor," he let her see Reed's outline. That was enough. It was a big, racy story by a big name. When Reed finishes the novel, Highgate will turn it into a mini-series for NBC. And that's how Everett works. "There are certain people I talk to every week," she says, "people who are the hottest, the best, who have the hottest material." She "tracks" books, she says, sounding vaguely like an officer in the Pentagon's Situation Room.

The story scout is a hypersensitive thermometer thrust into the publishing atmosphere to measure incipient heat. This heat comes from a hot book, of course, but a book can't produce the necessary excitement all by itself. Even before a manuscript appears, the atmosphere of the hit is, to use Morton Janklow's word, orchestrated. The orchestration begins with the author's agent and the head of subsidiary rights at the publishing house. Their goal is to pyramid a simple book contract into a vast multi-part deal by selling various rights to the networks, studios, book clubs, magazines, foreign publishers, and so on. (Powerful authors may retain virtually all these rights, leaving the publisher out of the picture at this point.)

Normally, representatives of film and TV producers and other suitors are allowed to see a manuscript as soon as an editor has it in final form. But not always. A climate of mystery and nervous anticipation may be preferable. Sometimes the manuscript is withheld until the moment of publication, as happened with Bob Woodward's *Wired*. Sometimes an agent will give an advance peek—an outline or a chapter or even a whole work—to a few select friends. "Sometimes," says Owen Laster, "you can use that to build anxi-

HDTV



ety"—play desperate scouts against one another, and thus heighten the frenzy surrounding the book.

The book may be the utmost dud, but at this point nobody notices; frenzy crowds out judgment. All anyone knows is that the book is hot. Jobs, reputations, and deals are on the line, or they seem to be, anyway. That's when the story scout starts stealing, or "sneaking," to use the professional jargon. The greatest potential victim of sneaking is the author, whose manuscript may make the rounds and be rejected before it's even finished, as Jenny Tripp of Telcom Entertainment points out. Unlike the outright thief, the sneak doesn't swipe the hot goods herself; she has it copied by a contact, maybe a low-level chum at the publishing house. A few years ago, one story scout was believed to be bribing the copy-machine operator at a major publishing house. "There is no end to what people will do," says Tripp, "to be the first one on the block."

Almost any scout will admit to sneaking, but not to enjoying it. "I don't like being devious," says Ellen Cotler, "but it's my job to get that book, and if the only way I can get the book is by sneaking it, then I'll sneak it." She concedes that she and her colleagues get a majority of hot manuscripts from "confidential sources." It's her job to get that book. But why? Very few manuscripts are sold to the first bidder. Getting there first, says Karen Everett, gives "a psychological advantage." But the narrow advantage hardly seems to justify the chicanery, and scouts themselves recognize something silly in their mad scramble. They are reacting, after all, to one another; to their bosses; to book clubs and magazines and foreign publishers; to the atmosphere of the hit, an atmosphere that feeds on itself and everything else.

Like all the other mega-book buyers, TV producers feed on the hit, and it feeds on them. Take Michael Korda's *Queenie*, for example. Korda's autobiographical *Charmed Lives* had sold quite well, and when Karen Everett got word that he was writing a fictionalized account of the life of his aunt, the actress Merle Oberon, who enjoyed many lovers on many continents, she began "tracking" Korda's progress. So did, over time, practically everyone else in the business. To get the television rights to *Queenie*, Highgate had to write a check for \$175,000 and promise to deliver another \$750,000 when the shooting began—"pick-up money," as it's called. When Highgate bought *Queenie*, the book was already a hit.

From there "the reverberations went out," said Marcella Burger, head of Simon & Schuster subsidiary rights. Tele-



Agent Morton Janklow (left) "orchestrated," as he would say, the deals that led to the creation of *Lace II* (above) for ABC

vision had turned up the heat. Everyone had heard that Highgate paid a giant sum for the book, which provided further reassurance that it was going to be a hit. The Book of the Month Club made *Queenie* a selection, though officials there deny that the TV deal influenced their decision. Warner Books bought the paperback rights for a startling \$1.2 million, though Warner also denies that it reacted to the TV deal. "I had never seen anything go that crazy," says Burger. Everything was feeding off everything else. Foreign-rights prices went through the roof. The British bought *Queenie* for almost \$190,000, the French for \$60,000. Burger recently met the Dutch publisher who paid \$15,000 for the rights. "He said to me," Burger recalls, "'My God, what have I done?'" He had been overcome by the atmosphere of the hit, like a man walking into a casino and forgetting his resolution of a moment before.

The variations are endless. Sometimes a story seems to bounce back and forth so quickly between book and television show that the line between the two begins to blur, and one is aware only of a non-stop process of adaptation. The era of the blockbuster commercial mini-series dates back, not to *Roots* in 1977, but to a 12-hour adaptation of Irwin Shaw's *Rich Man, Poor Man* in 1976. The show was such a smashing success that Universal itself dreamed up and produced a weekly series titled *Rich Man, Poor Man—Book II*, which ran from 1976 to 1977. Shaw himself then took over the job, writing his own sequel, *Beggar Man, Thief*, which begat yet another mini-series in 1977. Before ABC aired Jackie Collins's *Hollywood Wives* this past February, Morton Janklow predicted it was "going to be colossal"—so colossal, as it turned out, that *Hollywood Wives II* and *Hollywood Wives III* are already in the works, and the producer, the colossal Aaron Spelling, may spin the whole thing off into a regular series.

Janklow is the five-star general, the

Zen-master, of the orchestration of rights. Janklow is pretty colossal himself, the equivalent in power to a studio head or a publishing mogul. He uses the word "control" almost as often as he uses the word "colossal." He controls, to name only a very few best-selling authors, Jackie Collins, Sidney Sheldon, Judith Krantz, and Shirley Conran. He also controls, he says, a breathtaking 100 hours of network time, a figure he derives by counting all the mini-series adapted from his authors' books and either shown in the last year, soon to be shown, or in production. His shows, he claims, have controlled "the last three or four ratings sweeps, and will control the next two or three."

One of Janklow's most impressive displays of virtuosity began when British journalist Shirley Conran sent him an outline of *Lace*. Janklow immediately recognized a colossal hit, told Conran to stick to her outline, and began kindling the fire. As soon as Conran sent him a first draft, and he saw that it was good, Janklow gathered together "four or five" major publishers to bid for the book rights. Simon & Schuster finally won the bidding at \$750,000, a remarkable figure for a virtually unknown author. It was a "hard/soft deal," meaning that Simon & Schuster's subsidiary, Pocket Books, got the paperback rights.

Meanwhile, a story scout at Lorimar (the manufacturers of *Dallas*) had already snuck—or as Janklow says, "purloined"—the manuscript. Studio executives gazed upon The Sentence That Launched a Thousand Deals. This is the last line of the novel's first chapter, wherein a profoundly unpleasant but supremely famous starlet majestically de-

mands of the four older, more-powerful-but-not-so-famous women whom she has lured into her gigantic hotel suite. "Which one of you bitches is my mother?" That sentence sold *Lace* all over Europe, according to Marcella Burger. Lorimar's Jayne Pliner calls it "the hook, if ever there was one."

Morton Janklow doesn't have to deal with story scouts. Ignoring the fact that Lorimar already had the manuscript, he called Lee Rich, the studio's president, and said, as he recalls, "Lee, I've got a gigantic mini-series for you." He sent the manuscript to Los Angeles, and two days later Rich called back to option the book.

That was only the beginning. In the spring of 1983 *Lace* appeared in paperback. By February 1984, when ABC ran the mini-series, *Lace* had sold a million copies in paperback and was what you might call a household word. Despite, or perhaps because of, the casting of a pouting, posturing, chubby adolescent, Phoebe Cates, as the gorgeous monomaniacal starlet, combined with the show's weakness for eyeball-rolling innuendo, *Lace* turned out to be the highest-rated mini-series of the year. "All anybody was

Hollywood Wives II and III are already in the works; the book may become a series.

saying," according to Pliner, "was 'I want another *Lace*.'" Morton Janklow, of course, was already working on one. "After the overnight ratings for the first show," he recalls, "I got on the phone to London and said, 'Shirley, we ought to be prepared to come back with a continuation of the story.'" Conran was prepared: She wrote a treatment of a script, Lorimar accepted it, and ABC will broadcast *Lace II* during "sweeps week" in May. Pocket Books meanwhile purchased rights to Conran's novelization of

her own script, so that a paperback version of *Lace II* will appear several weeks before the show. The hype will be coordinated: Ads for the show will help sell the book, and the book jacket will display scenes from the mini-series and admonish readers to watch it.

It doesn't stop there; it never stops. Conran has already worked up an outline for her next novel, *The Legend*. Janklow has already sold it to Simon & Schuster and to Warner Books, and optioned it to Lorimar. Shirley Conran has joined Sidney Sheldon, Judith Krantz, and Danielle Steele, a privileged class not of mere scribblers but of blue-chip stocks, their value rising and falling with each new set of sales figures. No doubt they sit alone in their rooms, like other writers, and murmur to themselves. Yet their books set in motion a huge machine involving hundreds of people and millions of dollars. It's pointless, of course, to wish it otherwise, to wish that books be counterweights of decorum to the shouting market-mad world. Books *are* commodities. One can only be thankful that some of the people who write them refuse to see them that way. ■

A PBS Picture Is Worth 1,000 Books

PUBLIC TELEVISION puts more books on the air than the networks do, but it doesn't employ scouts to root out the hot sellers. More often than not its producers adapt books that have been around for decades, if not centuries. Nor does big money change hands in the negotiations between producers, underwriters, and publishers as it does in commercial television. If someone pays \$10,000 for reprint or TV rights, that's considered a lot.

Over the past 17 years, publishers have turned out 34 books in connection with programs presented by Boston station WGBH. The person in charge, Karen Johnson, who deals with publishers for the stations, explains that books "extend the life of a transitory television event," that they "supplement the content of the show, and they help promote the shows." But, she concludes, "We also do it because books are nice."

Publishers do not take the PBS audience lightly. Though not as many people watch public television as watch the networks, those who do tend to be readers. A popular PBS mini-series, especially on *Masterpiece Theatre*,



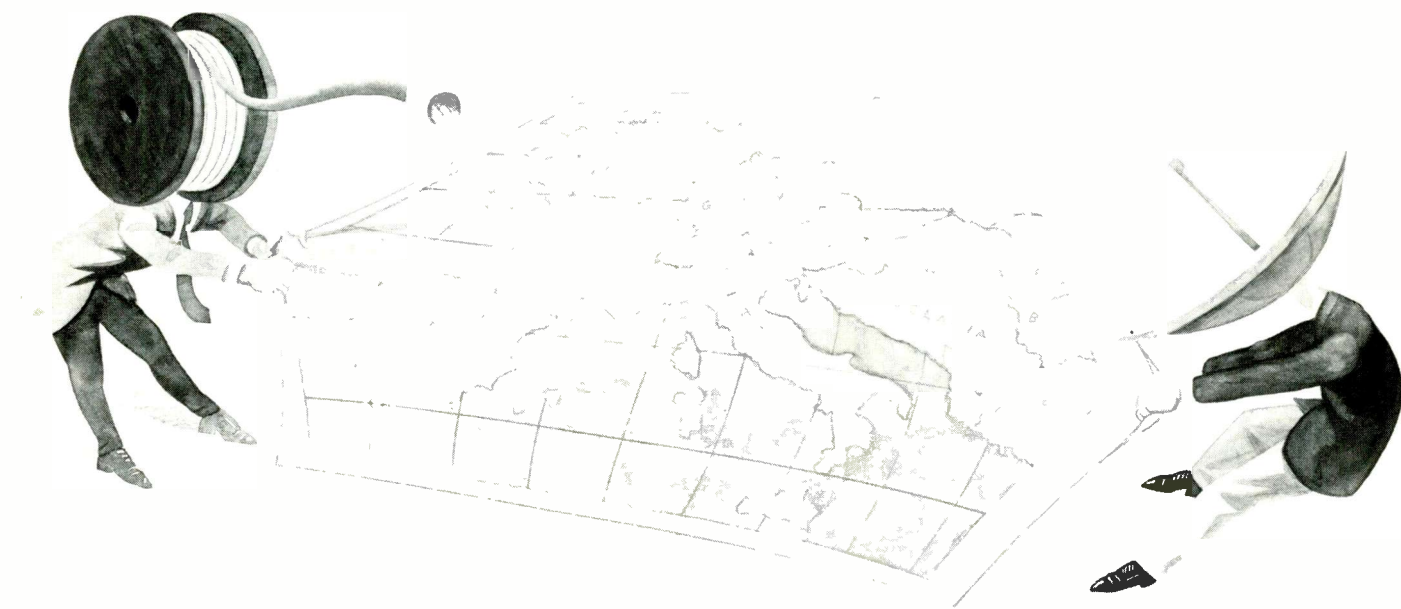
can lift a classic book from plodding respectability to minor cult status. In the months during and following the airing of *Brideshead Revisited*, Little, Brown & Co., the Boston publishing firm, sold more copies of Evelyn Waugh's novel than it had in the book's first 40 years. Random House sold 100,000 copies of Robert Graves's *I, Claudius* in the first week or so after the series began. From 1979 to last fall Avon Books printed 127,000 copies of Paul Scott's novel, *The Jewel in the Crown*, the first volume of *The Raj Quartet*. Since last fall, when Avon began gearing up for the mini-series based on the Scott tetralogy, it has printed 220,000 copies of *The Jewel in the Crown*.

The PBS mini-series often has an effect that lingers beyond its time. *Brideshead* has continued to sell extraordinarily well in the three years since the mini-series appeared. A.J. Cronin's forgotten novel of the 1930s, *The Citadel*, was "discovered by a whole new generation of readers" after the 1983 PBS broadcasts, according to David Goehring of Little, Brown. The book sold so well that the publisher decided to reissue other Cronin titles.

But some books riding on PBS coattails are brand new efforts of a distinctly commercial type. Last October St. Martin's Press published a volume entitled *The Making of 'The Jewel in the Crown.'* J.T.

In Europe, Cable and DBS Start Even

by Richard Spandler



Each new medium has its appeal, but both threaten public broadcasting in Britain and on the Continent.

WHEN THE Bouncing Czech takes on the Dirty Digger the struggle has all the makings of a good fairground punch-up. The nicknames belong to British newspaper publishers Robert Maxwell and Rupert Murdoch, competitors in a bitter London tabloid war. Now they're extending their rivalry from the brash headlines, bingo games, and bosomy pinups of Fleet Street into the high-tech universe of cable television and direct broadcast satellites.

Richard Spandler covers the media for Marketing magazine in Britain.

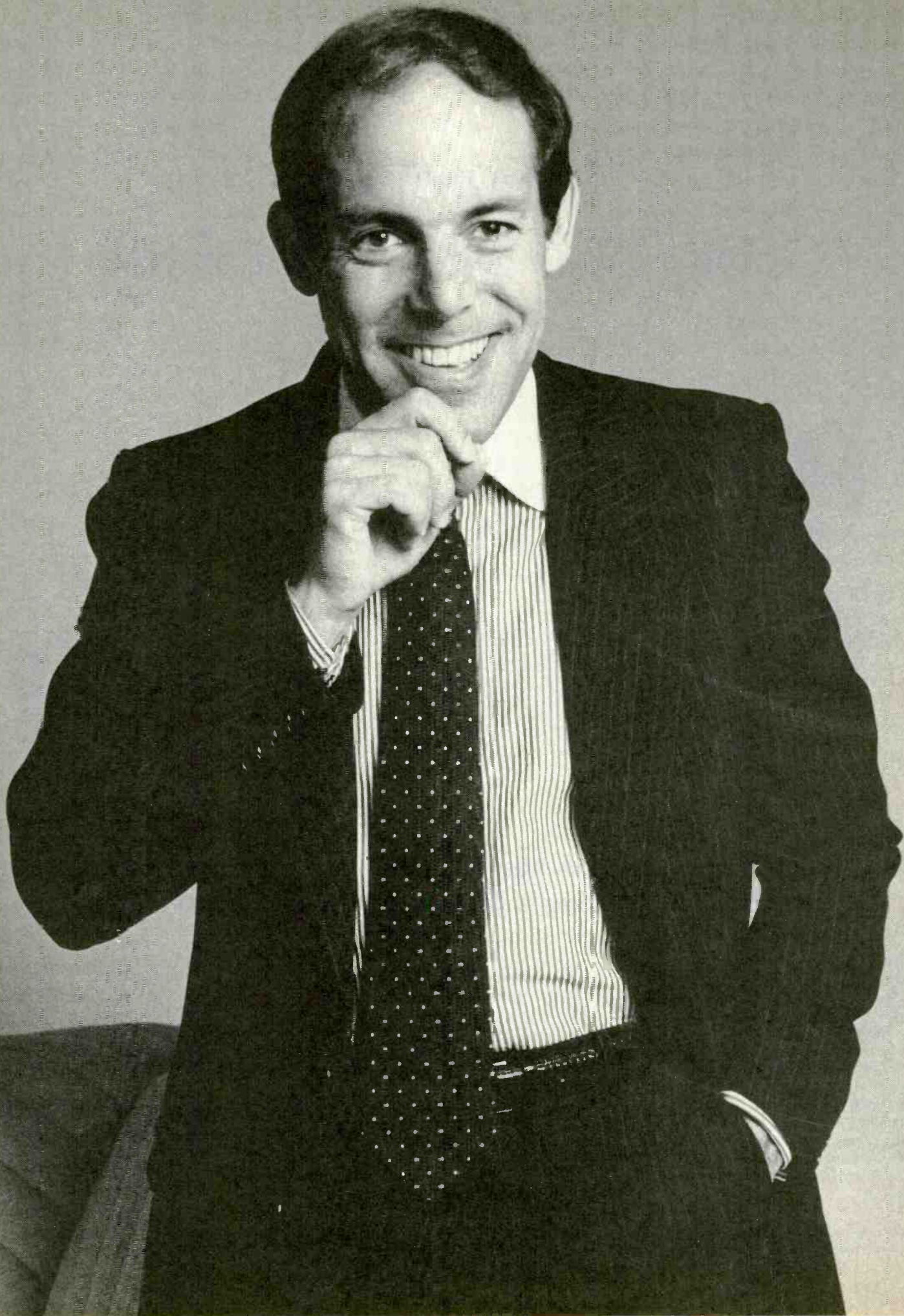
In their bids to take dominant positions in British and European television, Maxwell and Murdoch pose threats not only to each other and to other businesses, but also to the established public broadcasting organizations throughout the Old World. With their scant regard for editorial quality, and their preoccupation with the bottom line, the two represent the type of entrepreneur most likely to upset Europe's traditional systems of public broadcasting in the new electronic age.

Their approaches to the new media are as different as their politics. Maxwell, the son of a Czechoslovakian peasant, is an avowed socialist and former Labor member of Parliament. He was dubbed the

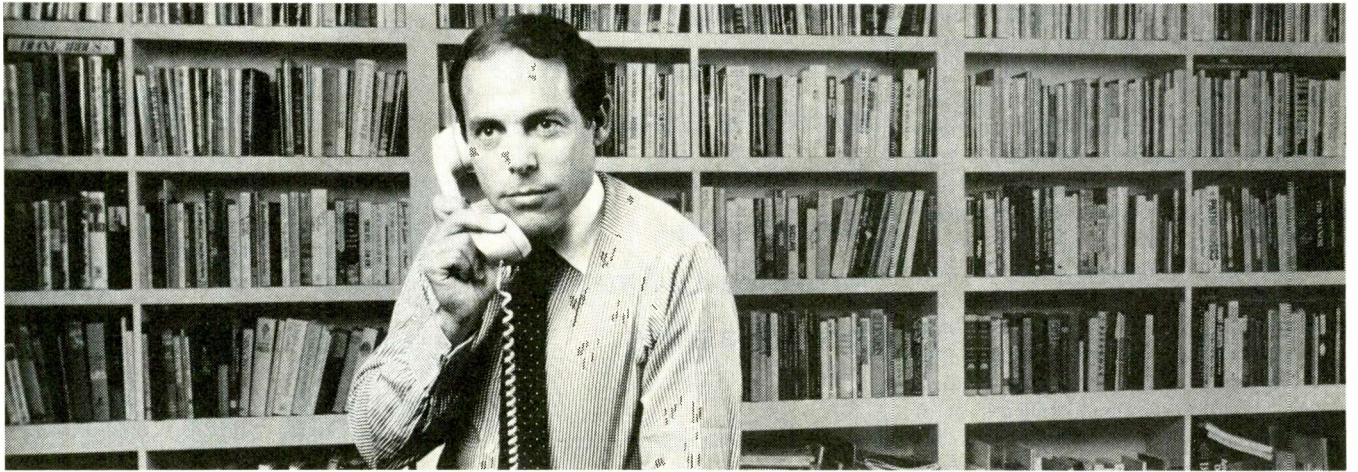
Bouncing Czech for his ability to rebound from business setbacks. Now he has become Britain's largest cable operator. In keeping with his fiercely patriotic views—his flagship paper, *The Daily Mirror*, carries the tag, "Forward with Britain"—Maxwell intends to confine his cable interests to his home country.

Murdoch is better known in America, where the Australian bought up major papers and magazines in New York, Chicago, and Boston. In politics he backs Margaret Thatcher's New Right, and in television, direct broadcast satellites (DBS). His goal is to support a multinational DBS network with advertising for the much-touted coming generation of

Gil Eisner



LIEBERTHAL



"For visual scope, the look demands film."

Gary Lieberthal is president of Embassy Telecommunications. He is also a former member of the Board of Directors of the National Association of Television Program Executives and is a founder of the Association of Program Distributors.

"Syndication has changed dramatically over the years. Its evolution directly correlated to the decline of usable product from the network. Historically, half-hour comedy has been the backbone of our business, with as many as five series available each season for off-network play. The probability of any series surviving on the network long enough to have a syndication afterlife has decreased so enormously that, today, if two comedies a year can be offered to the stations, it's considered a bumper crop. The residual effect of this trend is that prices for comedies have escalated exponentially, turning a good business into a sensational business—if you have comedies to offer. Fortunately, we currently have seven in syndication.

"First-run syndication is also in a transitional period. The success rate is not great. Talk and game show strips are still the mainstay of first-run because viewers can turn them on anytime without thinking they've missed something. But, there is a strong movement afoot to try to re-create the

results brought about by our introduction of *Mary Hartman, Mary Hartman* into the marketplace. *MH, MH*, hailed as true 'breakthrough programming,' not only proved that entertainment could survive in first-run, but also helped create the viability of UHF television. These stations had never done better than a 2 or 3 rating anywhere in their schedule, and suddenly they were doing a 12 at 10:30 p.m. *MH, MH* did for UHF what *Happy Days* and *Laverne & Shirley* did for ABC. No one has been able to duplicate the success in this genre in first-run syndication since, but the industry is looking to change all that.

"Theatrical motion pictures have also affected the syndication business. Independent stations have successfully used films to counter-program the networks. A 12 rating in early fringe and an 8 in prime time is not uncommon. Stations are taking advantage of the viewer acceptability mind-set being created by pay television and are being more creative and more aggressive than the networks in promoting films. To attain this success, they are looking to distributors for 'fresh' movie packages such as our *Embassy Night at the Movies*.

"Comedies recorded on video tape have been an Embassy hallmark, but as the public's thirst for diversification becomes more and more insatiable, we look to broaden our horizons. We are now producers of mini-series, dramatic series, movies for television and feature films—all of which are, or will be, done on film. Film has a whole different

look and feel to it. It lends the work a sense of scope, a more intense depth perception and a feeling of texture that just isn't found on tape. Our motion picture company is currently shooting *A Chorus Line* on Eastman color high-speed negative film 5294 because it allows more range in lighting the set. Director Richard Attenborough is looking to maintain the feeling of a Broadway theatre without sacrificing the all-important dance numbers to lights that are too hot or to shadows that are too deep. For visual scope, the look demands film."

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**Eastman film:
Images from
Innovation.**

multinational brands. Until the time is ripe for DBS, Murdoch is delivering his Sky Channel by cable to some three million homes across Europe. The London-based service has caused nervous shudders among European broadcasters with its program diet of music videos, sports, movies, and American reruns such as *The Untouchables* and *Charlie's Angels*.

The rivalry between the two men began in the late 1960s when Maxwell was experiencing business difficulties and Murdoch was assembling the kind of media empire Maxwell coveted. Murdoch outmaneuvered Maxwell in a series of newspaper deals beginning with the purchase of *The Sun* in 1969, and later the *London Times*. But with the purchase last year of the Mirror Group newspapers, Maxwell was positioned to grab public attention—even to the extent of splashing his own likeness across his newspapers. He'd like his expansion into the new media to prove once and for all that he's a savvier operator than Murdoch.

Some Britons would say the similarities between the business styles of these media lords arise in part from their being foreigners in British society. Insiders describe Maxwell as a bully whose behavior, like his politics, reflects his peasant origins. Murdoch, although more the international wheeler-dealer, also has his rough edges and is not afraid to fight. Murdoch's and, to a lesser extent, Maxwell's business successes have been based mainly on doing the unexpected—seeing and taking opportunities that others would shy away from. That quality will be put to the test as the rivals gamble on divergent predictions for Europe's new media.

In America, cable networks have a decade's lead over DBS, but in Europe the two television delivery media are starting about even, from a standstill. Until recently most cable, including Maxwell's large Rediffusion holdings, was limited by law to merely distributing the few broadcast channels to areas where normal TV reception is poor. Today a number of program services are operating in Europe, and most countries have begun developing some sort of cable system. The first of the DBS services is scheduled to begin operation next year. (But the real head start in Europe belongs to the video cassette recorder, whose rapid spread may have already cut into the enormous pent-up demand for additional television that Europeans are pre-

Rupert Murdoch, whose Sky Channel already serves cable systems throughout Europe, now has designs on satellite-to-home broadcasting.



sumed to have.)

Maxwell's and Murdoch's initiatives symbolize the onset of a new European television order. It threatens to topple the dominant public broadcasters, but because no nation wants to be left behind, governments are gambling on cable, DBS, or some combination of the two.

In Britain the Tory government is assigning cable franchises to private companies at the rate of 15 a year, and at the same time is pushing existing broadcasters to finance a three-channel DBS service scheduled for launching late in the decade. In France, François Mitterand's Socialist government itself is cabling the country, and a French DBS satellite is scheduled to go up by July 1986. Last fall the government also introduced an over-the-air subscription television channel, Canal Plus. In West Germany the postal and telephone ministry has allocated \$380 million annually to build cable systems, and a DBS service is expected to begin during the next year or so.

Throughout Europe governments have recognized the potential of the new television media to create jobs and economic growth, even as they threaten national cultural sovereignty. By all accounts, however, no country has a realistic strategy for reconciling new multi-channel capacities with the government desire to retain control over both the delivery and content of television programming. The Europeans can't really look across the Atlantic for guidance: the American media haven't had to cope with such distinct national languages and cultures among

their audiences, or the politics of so many governments.

The Americans, in fact, are widely perceived to be part of the problem. Europe seems to be delaying deregulation to keep up its barriers against U.S. intrusion in hardware and software.

Programming is a soft spot. A recent report by the Commission of European Communities estimates that Europe will need about 250,000 hours of first-run programming annually, assuming the widespread availability of 30-channel cable television. But the Continent's movie and television industries produce only 1 percent of that—2,500 hours per year. Many observers believe that only the Americans have programming at the right price and in the right quantities to fill the gap.

This has revived warnings against the dangers of American "cultural imperialism," particularly in Continental Europe, and has led to the postulation of a variant of Gresham's law: bad programming will drive out the good. State-run broadcast services fear they will have to descend to lowest-common-denominator programming to compete with the influx of American programs delivered by cable or DBS. In Britain, as the theory goes, the new channels will damage both the public BBC channels and the commercial networks, taking advertising from the commercial ITV network and viewers from both. The outcome would be a decline of programming standards at some of the world's best-established broadcasting institutions.

Barriers to U.S. programming are al-



**Rival press lord
Robert Maxwell,
who's become
Britain's leading
cable operator, is
upping his bet on
television-by-wire.**

ready being erected. France, for instance, has restricted foreign programming to a maximum of one-third of the schedules on any given local cable system. The French have also introduced the principle of reciprocity in programming: A channel can be imported only if a French channel is taken in exchange.

Programming issues, however, have taken a back seat to the debate over the choice between cable and DBS technologies. As BBC chairman Stuart Young recently remarked, "Good programs are the last areas to be explored in the new era." Instead, politicians and their consultants have been worrying over political implications of the technological choice. The usual theory has been that DBS would threaten to make national boundaries irrelevant, while cable could be more tightly regulated, and would enable governments to filter programs more carefully. European planners are also attracted by the promise of two-way interactive cable to serve many functions in a "wired nation." Those considerations led most Western European governments to firmly embrace cable.

So far, however, cable development has been hampered by the high costs of wiring a nation, which are driven higher where the government insists on cable installation in the "switched star" formation, which facilitates electronic mail, videotext, and other two-way interactive services. "Multichannel cable television, far from being an irresistible force for social change, seems in danger of being killed at the outset," observed London-

based CIT Research in a recent report. "The enthusiasm for high technology at almost any price and the lack of realism about subscription services, programming, and the investment context leads us to take a cautious view of cable prospects," says CIT managing director Patrick Whitten. "For cable, ends and means are proving very hard to reconcile," says a cable executive.

The British awarded 11 cable franchises in November 1983, yet only one (in Swindon) is up and running, and only a handful of others are expected to be built as things stand now. The government, which is relying on private sources to invest the \$3.6 billion necessary to wire the country, is showing signs that it recognizes the fragility of cable economics, and may reduce its demands for advanced cable technology, much as the American cable industry has pulled back from expensive two-way cable installations.

Wiring proceeds more slowly than expected, so the country's two operating pay channels and four basic cable channels have had to rely on the limited distribution available through the old Rediffusion cable systems now owned by Maxwell, which reach 1.3 million homes. Maxwell is expanding his systems, which previously carried only the four over-the-air channels, to carry four more channels—available at a monthly premium of \$15. So far about 100,000 homes have subscribed, which is generally reckoned to indicate that a market for cable services does exist in the U.K. despite the

popularity of video cassette recorders, now in 30 percent of British homes.

The demand for programming may exist, but there aren't enough cable systems to deliver it. Some program providers such as the Disney Channel are reluctant to enter European markets until cable reaches more homes, while others, including the Cable News Network, are going ahead. Advertising-supported services in particular are expected to need distribution throughout Europe before they can become profitable, but it could be years before they have even a chance of being carried widely on cable systems. Understandably, program providers have looked to DBS, which is now regarded as a formidable competitor to cable. Some experts believe DBS could satisfy any remaining European demand for additional television, severely stunting cable's growth.

Recent speculation also pictures DBS as less threatening to the status quo than previously thought. The Mitterand administration, for instance, seems to have realized that it may be harder to keep tabs on many competing cable services than on a few DBS operators. As a result governments are encouraging their broadcasting organizations to jump into DBS.

The British have created a rather unholy alliance of the BBC and ITV networks and five independent production companies, and have encouraged this consortium to launch a eight-channel DBS service by 1987. But the up-front investment to start DBS service is enormous; some estimates go as high as \$650 million. To sweeten the deal, the government extended by eight years the licenses of the commercial stations that make up the ITV network. And it reduced the risk somewhat by guaranteeing that the British DBS channels would be carried on British cable systems.

In return the government expects the established broadcasters to buy British satellite equipment when they outfit their DBS systems. Like the other major European nations, Britain hopes to use DBS to help its aerospace contractors, which lag behind American competitors. At stake is the burgeoning market for communications satellites worldwide. But by insisting on domestically made equipment, the British will have to pay much more than the cost of an American satellite off the shelf. The French and West Germans are hoping to cut costs by collaborating on satellite design and fabrication.

These national DBS systems, how-

ever, face potential competition from Coronet, a satellite project that intends to use the less expensive American equipment. Europeans call Coronet the "Coca-Cola satellite" because of its American backing. (In fact, Coca-Cola has an interest through its ownership of Columbia Pictures, one of the backers.) Coronet's moving spirit is Clay Whitehead, former communications policy-maker in the Nixon Administration and erstwhile president of the Hughes Satellite Corporation. Coronet's multi-channel service to cable systems as well as to individual homes with receiver dishes could undermine the various national DBS systems as well as plans to wire Europe.

"Coronet incorporates all those things that informed observers know are bound to happen in Europe, which public opinion eagerly wants, and which the people who have a say want to delay as long as possible," boasts Coronet's chief Mario Hirsch.

However, Coronet's plans to launch service in mid-1986 aren't unfolding smoothly. The group had planned to use satellite frequencies allotted to Luxembourg, but the tiny country has turned a cold shoulder. Governments are likely to drag their heels over deregulation until their own satellite projects are ready to

Cable could consume 100 times more programming than Europe now produces. It's feared U.S. shows will fill the gap.

launch. Public broadcasters may also go on the counterattack; the European Broadcasting Union plans to begin operating a pan-European DBS channel in 1987. Some countries, especially Holland, Ireland, West Germany, and Belgium, want to launch a pan-European channel this year. The satellite would simultaneously transmit dubbed soundtracks in as many as nine languages. If they don't act now, some European public broadcasters fear, they won't be strong enough in a few years to respond to the competition of Murdoch, Coronet, or others.

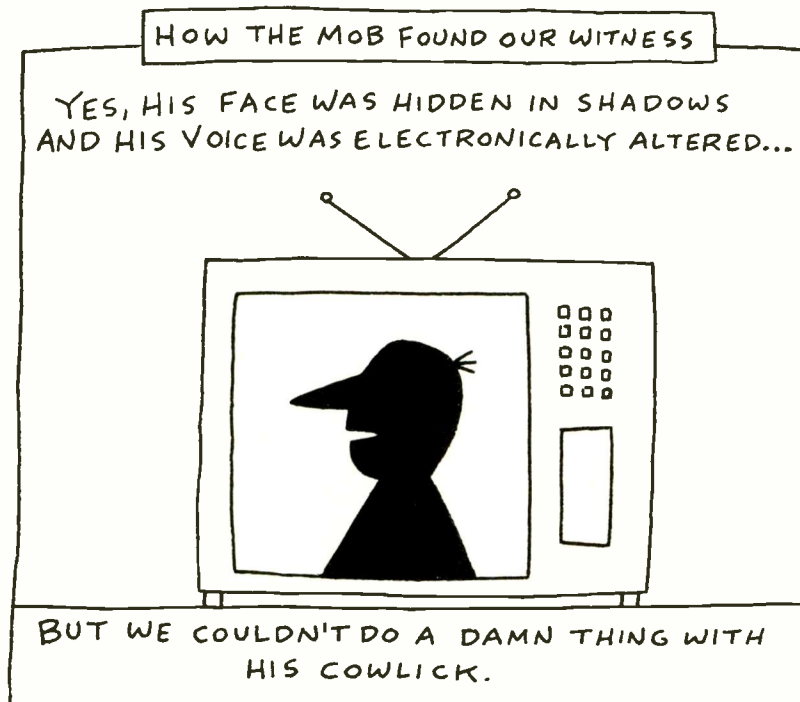
The influential Commission of European Communities has urged in a "green paper" that Common Market governments standardize regulations, moving

toward a "common market for broadcasting." This would help establish a home market for European companies large enough to create economies of scale competitive with those of American companies. The growth of cable and satellite networks would stimulate the domestic telecommunications industry, new private uses of the networks, and domestic equipment manufacturing.

But much of this "open skies" approach espoused in the European Communities' green paper remains largely wishful thinking. Public broadcasters, postal ministries, and governments in general are reluctant to encourage any rapid change. They remain understandably reluctant to hand over broadcasting to the likes of Murdoch and Maxwell, whose tabloids would make the basest American programming seem like civic blessings.

Entrepreneurs believe government delays—in granting cable franchises, setting DBS specifications, and the like—are strangling the infant video distribution systems in the crib. "It is axiomatic that the new developments of cable and satellite can only succeed if given more freedom," says Coronet's Hirsch. "But due to the political nature of broadcasting the respective European governments are not yet prepared to loosen controls. However, with 12 pay-TV services having pan-European capability already lined up, the pressure from the marketplace is now so strong that something has to give."

Within that highly tentative marketplace, entrepreneurs like the traditional rivals Murdoch and Maxwell have not yet declared all-out war. When Maxwell took over Rediffusion, Britain's major cable operator, last fall, there was speculation that he would boot Murdoch's Sky Channel off his systems. But he didn't, apparently realizing that it might be best at least for the time being to make common cause with Murdoch against the established broadcasters. ■



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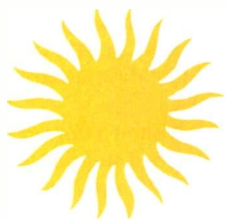
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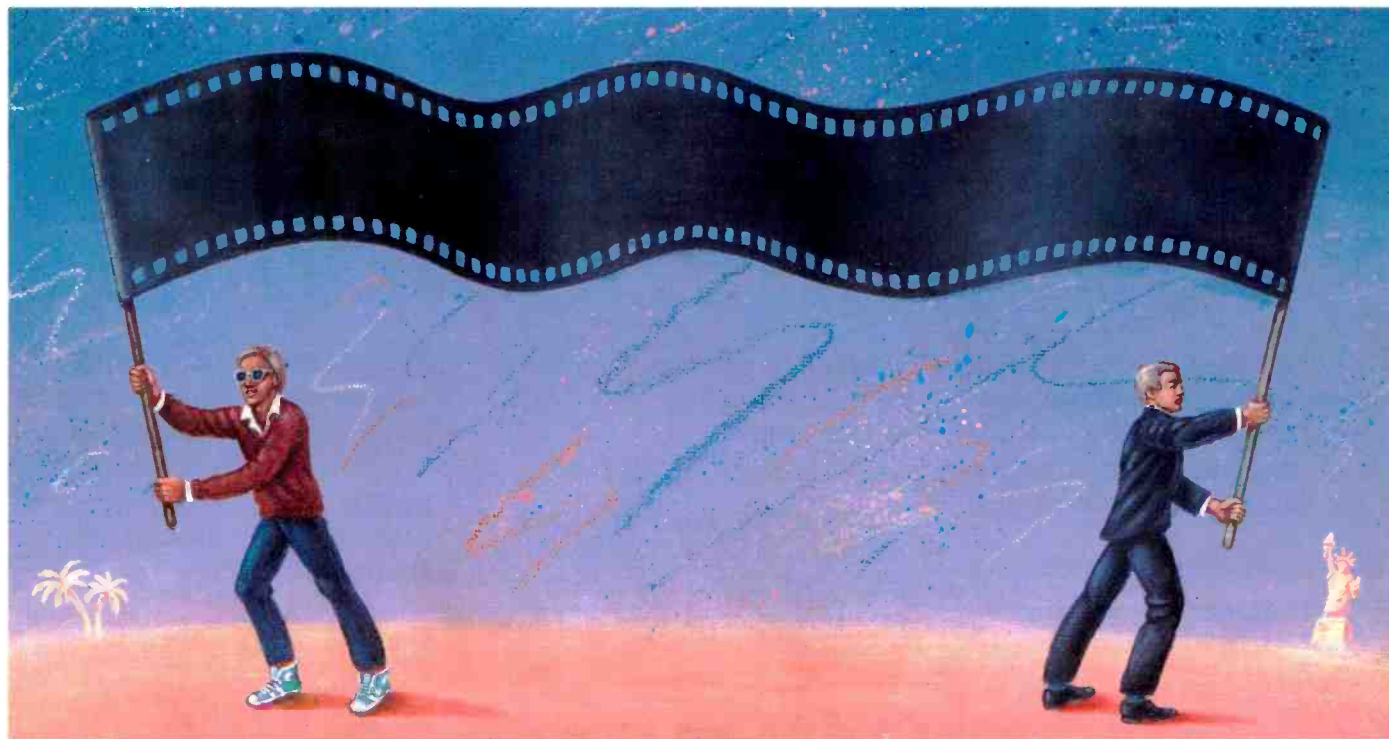


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THE UNEASY ALLIANCE OF HOLLYWOOD AND THE NETWORKS

by Lee Margulies



THEIRS was like a forced marriage of European royalty, initially resisted but eventually agreed to for their families' mutual benefit. Now, after 30 years, an uneasy comfort and security has developed in the relationship, for it has indeed benefited both parties beyond their wildest expectations.

But occasionally the strain erupts into a royal feud—as it did recently in two fierce disputes regarding the division of the partners' wealth.

The television networks and the Hollywood studios, partners that together control television entertainment, were mixing it up again.

First, in 1983, the producers defended their syndication revenues in what they regarded as a life-or-death battle over the Federal Communications Commission's

Lee Margulies writes about television for the Los Angeles Times.

financial interest and syndication (fin/syn) rules. Then last year they counterattacked with surprising vehemence by jumping into an FCC fracas over how many television and radio stations any one company (especially, any network) should be allowed to own.

The Hollywood forces portrayed ABC, CBS, and NBC as tyrannical giants who, if unshackled by the government, would squash the studios and enslave their artisans. The networks, in turn, anointed themselves as keepers of the public trust, frustrated by outdated government regulations in their holy mission to save free television.

When the dust and hyperbole had settled, the marriage continued intact, seemingly unaffected. The studios and independent production companies went on pitching their wares to the networks. ABC, CBS, and NBC went on buying shows from them. Producers and writers went on griping about what happened to

their work in the process.

"It's like it never happened," Lawrence Gershman, president of the television division at MGM/UA, said of the financial interest/syndication controversy several months later.

The networks and their suppliers had squared off on matters of self-interest before—in numerous FCC proceedings, in the Justice Department's 1970s antitrust investigation, at Congressional hearings, even in court for the Family Viewing Hour lawsuit in 1976. In each case, the partners jockeyed for advantage, but stayed partners. "We are adversary only when it comes to the setting of the rules, not in the playing of the game," explained Grant Tinker, chairman of NBC and a former production company president. "There is an unbreakable bond between the creative community and the networks," says Gene Jankowski, president of the CBS Broadcast Group. Unbreakable, perhaps, but it bends.

Rafal Olbinski

Intimately bound together by business, the studios and the networks have a love-hate relationship. Occasionally the strain erupts with surprising vehemence, as it did over two recent FCC decisions.

For several years the network/studio relationship has been changing, slowly and subtly, and Hollywood's victories in the battles over station ownership and syndication rules served to insure that those changes will continue to intensify.

It has been a love-hate relationship from the start. In the beginning was hate. During television's infancy, the motion picture studios wanted nothing to do with it. Television was the enemy, luring away the movie-going audience by giving them free entertainment at home. The studios figured they would be contributing to their own demise if they produced for the small screen; they even withheld their old films from broadcast.

Not until 1953 did Warner Brothers break ranks and agree to produce series for ABC—and those didn't debut until 1955. That was also the year that major U.S. studios began leasing their pre-1948 movies to television. MCA-Universal, MGM, Twentieth Century Fox, and Paramount followed Warner into TV production over the next five years. The romance had begun.

The partners today are bound together as intimately as any spouses. Television, in all its various forms, has become the cornerstone of most studio operations. More than 58 percent of MGM/UA's revenues of \$706.9 million last year were related to television. Even at Paramount, recently the most successful in the theaters, more than 50 percent of revenues last year came from television.

It is through sales to television—for video cassette, pay, network, and syndication—that most films today earn their profit, not in theatrical distribution. Television promises them life everlasting. And weekly series produced directly for the networks—largely with the networks' money—can earn the studios tens of millions of dollars when the reruns are syndicated.

Yet despite that bounty, Hollywood has never been content with its basic deal with the networks. Two factors have infused the studio/network relationship with tension. First there was the matter of control—both financial and artistic. The networks have it on both counts, and that has never sat well with the studios, which are accustomed to calling the shots when they make movies. Given their track record of producing entertainment for the masses, the studios have some reason to believe they know what they're doing.

Along came the three networks, though, and declared a new order. They would choose which shows would be made. They would set the terms. They would determine how many episodes of a series would be ordered, and whether a show would remain on the air long

enough to have value in syndication.

If the producers didn't like it, there was little they could do. That has been the second point of stress. If a project was too controversial, too highbrow, too unconventional, or too narrowly focused for the networks' mass-medium requirements—or if there simply wasn't room for it on the schedule—there rarely was anywhere else to take it.

Over the last decade, however, the networks have learned to live with infidelity on a daily basis. The studios' heads have been turned by the appearance of new partners—home video, cable networks, and independent TV stations. Paramount, for instance, has been very busy. Besides supplying the networks with such series as *Cheers* and *Family Ties*, the studio produces first-run programming for syndication (*Entertainment Tonight*, *Solid Gold*), for pay-TV (Showtime's *Brothers* series), for basic cable (*Radio 1990* for the USA Network), and for video cassette (*Strong Kids*, *Safe Kids*).

It was the affair with the syndication market that Hollywood was most eager to protect in the two recent altercations with the networks at the FCC. In both quarrels, the producers' side won. President Reagan and Congress persuaded the FCC to drop proposed changes in the fin/syn rules that Hollywood feared would give the networks control over syndication. And the FCC increased only modestly the number of stations a network can own, preserving the independent stations that make up the syndication market.

That spelled good news in terms of economic stability. "We went into business with the idea of providing programming to the networks, but there's no way you can survive with just three customers," said Lorimar president Lee Rich.

The victories in Washington also preserved a new kind of leverage the studios can use to keep the networks from casually killing off their shows. NBC thought it was sending *Fame* to its grave in April 1983, but the series came back to haunt the network when MGM/UA offered new episodes in syndication the following fall and some NBC affiliates bought them. The affiliates scheduled *Fame* in place of the network's *First Camera* news-magazine show—depriving the show of potential audience and helping doom it to the ratings cellar even before it aired.

With the life-after-network success of *Fame* (as well as *Too Close for Comfort*) as its inspiration, Paramount took the unprecedented step last year of offering stations syndication rights to its two-year-old *Cheers* series on the understanding that if NBC canceled the series before there were enough episodes for a full re-

run package (usually five seasons' worth), the studio and the purchasing stations would keep it going themselves.

Given NBC's earlier experience with *Fame*, Paramount's move "virtually guaranteed" that NBC would pick up *Cheers* for additional seasons, observed Glenn Padnick, president of Embassy Television, which produces *The Jeffersons* and other series. Ratings for *Cheers* remained strong this season, making NBC's renewal decision easy, but the point wasn't lost. "I think the networks will have to think long and hard about canceling a show with marginal ratings," Padnick said. Paramount's strategy "is not lost on any of us. We'd be foolish not to consider it." After all, he said, "We're interested in building a body of work that has an afterlife value. That's what sup-

ports our company. We make no profit on our network run."

Despite new opportunities to sell programs, however, the networks "are still the primary marketplace," observes MGM/UA's Gershman. "There's no way a guy would go to pay-TV or syndication if he had a shot at one of the networks. Let's not kid ourselves. It's still a network game and will continue to be." Network executives don't dispute that. "We're not the only game in town anymore but we're still the biggest game in town," says Lewis Erlicht, president of ABC Entertainment.

As a result, the issue of control remains a thorn in the studio/network relationship. In fact, protests Robert Harris, president of the television division at Universal Studios, "as the stakes get

higher, it's getting more bothersome."

Harris didn't have to look far for an example of what irks him about the networks. Last fall, Universal and ABC haggled about the conception and direction of *Hawaiian Heat*, a new series about two policemen in the Islands. "They took a pretty good pilot and pretty much told us to increase the 'T and A' and action in it, and not to deal too much with the characters," recalled executive producer James D. Parriott. He and the studio bowed to ABC's dictates, then saw the network cancel the series anyway after 11 episodes because of low ratings. "We lost millions of dollars on that show; it was staggering," Harris said.

That's because the networks don't pay 100 percent of a program's production costs. Since they are barred by the FCC

'PASSION IS NOT ON THE NETWORK AGENDA'

In a free-wheeling discussion, Hollywood producers tell what it's like to do business with the networks.

Following are some highlights of a free-wheeling three-hour discussion among leading Hollywood figures who were brought together by Harper's Magazine. The participants quoted here are B. Donald (Bud) Grant, president of CBS Entertainment, the network's programming arm; Norman Lear, producer, writer, and an owner of Embassy Communications; Steven Bochco, independent producer and co-creator of *Hill Street Blues*; Esther Shapiro, co-creator of *Dynasty* and former ABC program executive; Leonard Goldberg, producer of various series and television movies, who was once ABC's programming chief, and Todd Gitlin, director of the mass communications program at the University of California at Berkeley and author of *Inside Prime Time*. The forum was moderated by Les Brown, editor-in-chief of Channels.

An edited text of the full discussion is featured in the March issue of Harper's Magazine.

L EONARD GOLDBERG: When I got the job as head of programming at ABC in 1966, I got a very simple order. I worked for a profit-making organization, and I was supposed to deliver the largest possible audience for the lowest possible amount of money. And if in the process I could get quality, that would be great, but that was not necessarily part of my job. I don't think there's a doubt in anyone's mind at the networks now what the job is. It's to get the largest rating. It's why Bud Grant is up at six o'clock in the morning getting the overnight nationals.

I find it increasingly discouraging to talk to the networks about programs. As their audiences dwindle because of the competition from cable and all the other alternatives, the networks have gotten more and more conservative—frightened is another way to say it. Now they all have rules. You tell them about a show, and they say, "But it doesn't meet Lew Erlicht's rules" or "Harvey Shephard's



BOCHCO



GITLIN

ROSEN

rules" or "Brandon Tartikoff's rules."

LES BROWN: What rules?

GOLDBERG: If you're doing an action show on ABC, you need a piece of action every eight and a half minutes. Forget what the show is about or who the characters are. At CBS I was told that *Hart to Hart*, which was a nice commercially successful show, would never have been bought, "because it's not a 'franchise' show, and Harvey Shephard doesn't buy shows that are not franchise shows."

BROWN: What's a franchise show?

GOLDBERG: You have to be a cop, a lawyer, a detective—you have to have a *job* where people come and get into and out of trouble.

I also think it's very dangerous that the networks are now engaging in their own production, because this means that in addition to being able to say yes or no to a producer's idea, they're well on the way to eliminating the producer in favor of their own stuff.

Recently I wanted to buy a book that I thought would be a good mini-series. I was told that a network was interested in buying the book rights, so I called them. They said they were interested in doing it

from acquiring an interest in programs they do not produce themselves, and thus cannot share in any post-network revenue, they have taken the position that the producer should bear some of the initial cost. That was a hot issue during the mid-'70s, and it flared again last season. The studios complain they're bearing more and more of the costs.

A typical hour-long action series costs from \$1 million to \$1.1 million to produce each week, of which the network pays, on average, about \$800,000. The studio is left to put up between \$200,000 and \$300,000 per episode—which amounts to an imposing sum over a full 22-episode season. If the series is canceled before there are enough episodes to make a syndication package, the production company must eat the deficit.

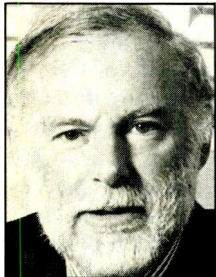
"I don't think ABC lost a dime on *Hawaiian Heat*," Harris complained. "They certainly were able to place advertisements in the show. So who should have the creative control? I think the networks should recognize that we have at least as much interest, and probably more, in seeing that our product succeeds."

But the networks retain creative control. "Everything on the air," producer George Eckstein maintains, "reflects network taste." The network doesn't write the script, but it doesn't have to. It approves the story idea and the writer before the script is even begun. Then, as the work proceeds, not one but two separate network departments oversee it—the programming department, whose job is to deliver high ratings, and the standards department, whose job is to delete "of-

fensive" words and brand names, to keep sex and violence within "appropriate" bounds, and to see that controversial or sensitive topics are handled "fairly" and "tastefully."

"What's so tough about producing is that you've got to satisfy so many people," says Fred Fox Jr., a producer and writer on NBC's *It's Your Move*. "The network thinks it's their show, the studio thinks it's their show, the writers and producers think it's their show, and the cast thinks it's their show. You've got to compromise."

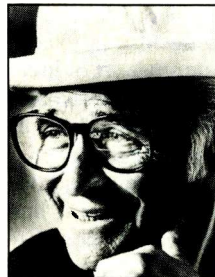
Network executives generally cite four reasons why they believe they have both an obligation and a right (as well as a financial incentive) to collaborate in the development and production of the shows they commission:



GOLDBERG



GRANT



LEAR



SHAPIRO

themselves, in-house. I said, "Well, I may buy the book." They said, "Well, we may not be interested in it." I can't afford to spend \$250,000 and have a network say to me, "Well, since you bought it I'm no longer interested." So I dropped out of the bidding, they bought the book, and they're doing it themselves.

BUD GRANT: I would hate to blur any of these issues by the facts, but the fact is, CBS has had the right for some time to produce a certain number of our own shows—and we haven't. There are no CBS-owned shows on the air at the moment. Now, about rules: I honestly don't know of any rules that I would tell a producer a show must have.

NORMAN LEAR: The young executives at the networks are the people in charge today. Story lines are passed to them by producers. They say yes, they say no, they say they'd like to see another character added, they'd like more action here or there, and so on. And what those network executives want, the producers meekly do.

GRANT: I don't think very highly of any producer or writer who just gives a network exactly what the network thinks it

wants. I mean, I think you ought to fight a little bit for it. The young network executives you're talking about are tomorrow's producers, because that's generally what happens: People in the network program department, most of the time, end up becoming producers or writers.

LEAR: That's sad. That's very sad.

GRANT: Well, Leonard doesn't think so. He was a network executive and is currently a producer.

GOLDBERG: It's true—but I have found, over the years, that it's become increasingly difficult to have anybody at a network listen to anything.

ESTHER SHAPIRO: That's the key word: "Listen."

GOLDBERG: If you happen to hit that nerve that they've already thought about, then they listen. Otherwise, I see their eyes, and their minds are miles away.

STEVEN BOCHCO: You know, *Hill Street Blues* came about because Fred Silverman wanted to make a series out of *Fort Apache, The Bronx*. So Michael [Kozoll] and I, in a sense, were responsive to a network's need. I don't see anything fundamentally wrong with finding out what it is they're looking to buy. Then

it becomes your creative responsibility, if you choose to supply the product, to find a way to make it your own.

GOLDBERG: But don't you think that *Hill Street Blues* is the exception rather than the rule?

BOCHCO: Absolutely. But it can be done.

BROWN: Are there clear differences among the networks? When you get an idea for a program, do you say, "This is an ABC idea" or "This is a CBS idea"?

SHAPIRO: They're very different in their styles of operating and in their temperament.

GOLDBERG: And in their corporate philosophies.

BROWN: What are the philosophies?

GRANT (Chuckling): CBS is the nicest.

SHAPIRO: CBS is very nice to work with.

LEAR: Well, you all have to do business with Bud, so . . .

GOLDBERG: I've never done business with Bud, incidentally.

GRANT: Hey, I'll leave the room, and you can discuss the networks.

BOCHCO: You know, over the years I've worked at all three networks, and I think most successfully with NBC.

BROWN: Because they're more responsive to the kind of program you do?

BOCHCO: I don't know why, I've just enjoyed my association with NBC the most. I have found them generally the most responsive to me and vice versa. But I had a pretty nice experience with CBS, doing a show that failed some years back. But I found CBS to be not forgiving of failure—to a lesser extent, say, than ABC, which I think is genuinely unforgiving of failure.

BROWN: You mean, you do a show for them, it fails, and they—

(Continued on page 55)

- They are accountable to the FCC, their affiliated stations, their advertisers, and their stockholders for what they put on the air.

- They are putting up most of the money.

- They are better equipped than a producer to determine what will or won't work for them in a particular time period, taking into consideration what's scheduled before, after, and opposite the show.

- They are more in tune with what audiences in all parts of the country will accept on the tube.

Accordingly, network representatives go over every draft of a script, often observe production on the set, watch the "dailies" as they come in from the previous day's filming, and must approve both a "rough cut" and the finished product before it is allowed to air. Their purview extends, as the producers of ABC's short-lived *Jessie* discovered last fall, from dictating how many "action" sequences are required in each episode to making suggestions about the star's wardrobe and hairstyle. The networks have also long held veto power over a show's director and actors. In recent years, that power has been extended to include the cinematographer, film editor, casting director, and composer.

"Sometimes it feels like they've relegated the role of producers to errand boys," says Eckstein, a longtime producer of television movies such as *Duel*, *Tail Gunner Joe*, and this season's remake of *The Bad Seed*. "We're just here to carry out the network's instructions."

Eckstein readily concedes that there are capable network executives who do make worthwhile contributions to the creative process, but, like other producers, he says they are the exception. Too often, he maintains, the employees assigned to supervise the productions are young, have little or no experience in producing or writing, and are inclined to stick with safe formulas in an effort to

Fame's success in first-run syndication gave the producers new leverage.

keep from upsetting their bosses.

On top of that, Eckstein continues, the bosses often are not much older. "So many of the young executives, in their middle to late 20s, have no frame of reference other than television," he says. "Their body of knowledge doesn't seem to come from real life or any sort of literary sources or anything other than what's been said on television in the last 10 years." The upshot, he contends, is programming that is drearily similar and devoid of individual vision because it has been run through the same small committee of network officials.

"When a very few people have that much creative control, it tends to lead to sameness. They tend to go with programming that is safe and very familiar," says Universal's Harris. "Yet the whole future of network television—of entertainment—depends on coming up with ideas that excite and entice, that are fresh and different. If you keep going back to the same well, you're not going to get that."

This ongoing and deeply felt frustration with the networks' rules and regulations helps assuage any guilt the studios might have in seeking new outlets for their programs—for in doing so, ironically, they are competing against the very network system that has helped them flourish fi-

nancially.

"In a sense, perhaps we are undermining the networks," says Padnick. "But realistically, the existence of many more television choices is a fact of life that will only grow in the years ahead. For us to continue to sell only to the three networks is somewhat analogous to a Detroit automaker continuing to produce only cars with big fins when smaller, more cost-efficient cars are being produced by foreign manufacturers." Lorimar's Lee Rich is more pragmatic. "I don't care where they show it," he says. "We do programming for anyone who wants to buy it."

In any case, the studios and other production companies such as Rich's can hardly be held accountable for doing what the networks themselves are doing—by involving themselves in cable and video cassettes. "I can't blame anyone for trying to find new markets for their product," says NBC's Tinker.

Neither he nor Jankowski of CBS is worried that the search will turn up a utopia for the production companies. They note—and the studio chiefs echo—that cable has not turned out to be the bonanza that many people had predicted, and that it's even more difficult to establish a hit in first-run syndication than on the network.

Even the concept of a production company taking a hit show such as *Dallas* or *The Jeffersons* off the network and syndicating it by satellite to an ad-hoc lineup of stations draws skepticism from the studio executives. "The aggregate amount of money available would not begin to come close to what the networks pay—particularly on a long-running show like *The Jeffersons*," Padnick says. "The star salaries alone exceed the cost of doing many first-year shows."

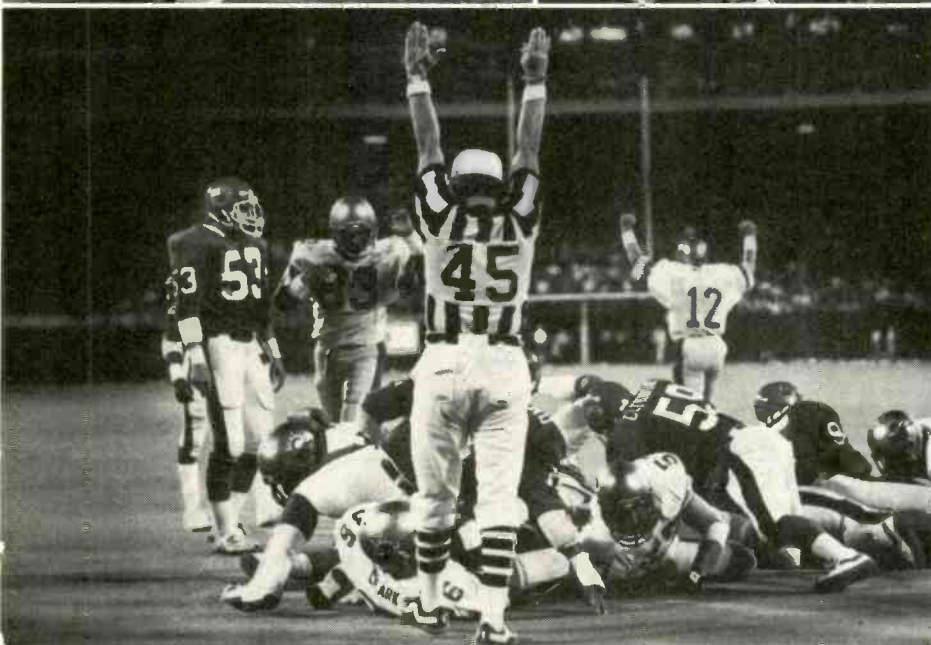
The fact is that the networks, whatever their faults, still have the most deals to offer—and the prospect of the biggest payoff. That's the sort of glue that holds relationships together in Hollywood.

For their part, the networks will have to make some accommodations to Hollywood. Already they seem to have relaxed some of their standards regarding sex and violence. In the future, they may not be able to cancel a marginal show as quickly. They may have to sweeten their financial deals to keep certain producers and writers from jumping to cable. They may have to loosen their grip on the creative process to stem audience erosion.

Both partners will do what needs to be done. Except, perhaps, stop arguing. Like a mismatched royal couple, feuding through the night, their marriage endures, with many contentious anniversaries to come. ■



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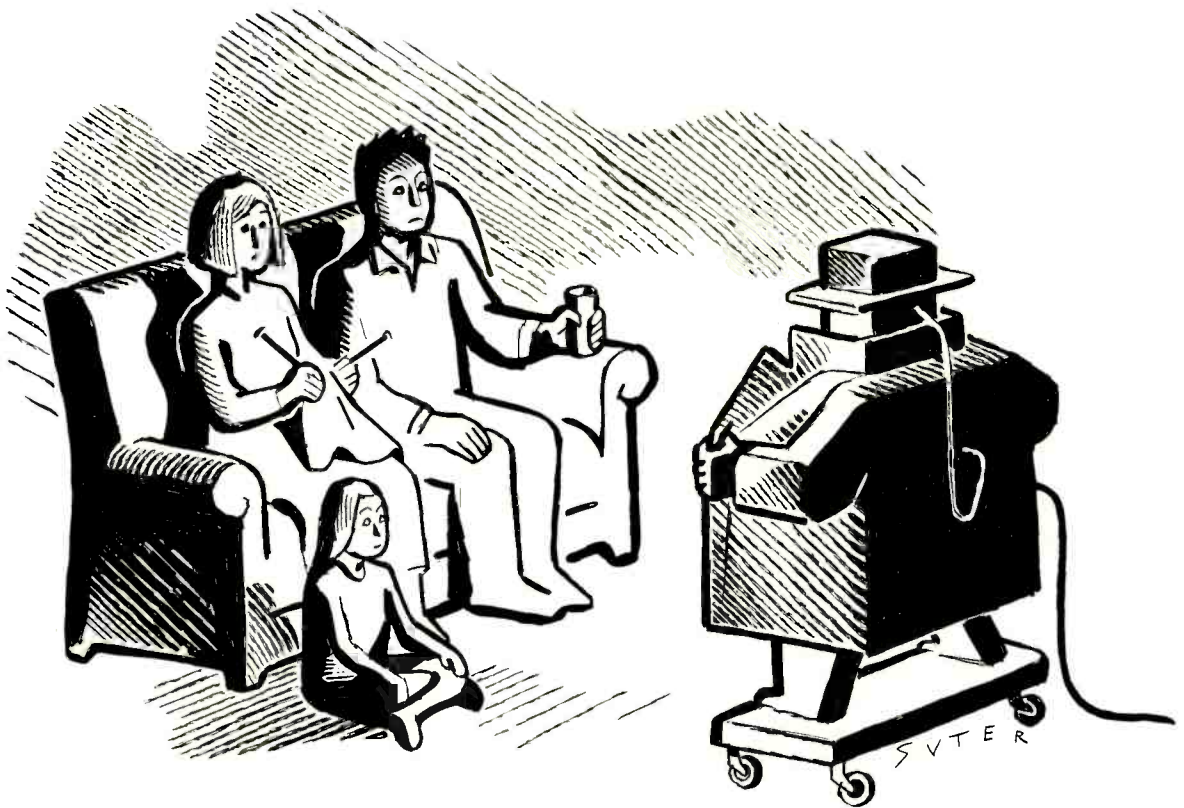
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Cable's 'New Obnoxiousness' Tests the First Amendment



by Michael I. Meyerson

THROW the deadbolt! Pull down the blinds! Bad words and dirty pictures are invading the American home . . . thanks to cable television.

There's plenty to enjoy on cable, to be sure. But there's also enough to offend everyone you know: sex acts (which may or may not be simulated), foul language, militant harangues from the left and right,

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and all other manner of provocation.

Until recently television has been quite tame. The sexual innuendo on the average sitcom and the worst treacheries of Joan Collins aren't likely to upset many viewers. The strongest commentaries by George Will or Bill Moyers won't provoke rage throughout a community. Both government and private forces have labored to ensure that offensive or even particularly controversial programming is not sent into viewers' living rooms.

Now, however, coaxial cable is bringing into the home troublesome kinds of programs never before seen on televi-

sion. On one cable channel, the film *Wanda Whips Wall Street* presents a view of the world of stocks and bondage you're not likely to get from Louis Rukeyser. On a public access channel, spokesmen for the Ku Klux Klan glorify the white race. Suddenly that old 19-inch family friend is showing salacious pictures and espousing hateful ideology.

The result: public outcry in many communities. In Memphis more than 6,000 demonstrated to force the local cable operator to drop the Playboy Channel. In Austin black and white people alike are agitating to get the Klan off the public

David Suiter

access channel. Anti-cableporn laws were enacted (only to be ruled unconstitutional) in Utah and Miami.

THE BATTLES over the new obnoxiousness on cable television mark the end of a First Amendment standoff, established by the courts, between the forces of free speech and those of censorship. While broadcasting has been protected from indecency, the courts have allowed Americans to voluntarily bring books, magazines, and video cassettes of unprecedented sexual explicitness into their own homes. What has been forbidden over the airwaves has been permitted in print and other media. The question now in heated dispute is what will be permitted over cable.

The Supreme Court has protected the interests of both the want-to-sees and the don't-want-to-sees in recent years through the application of a basic principle: the "ancient concept that a man's home is his castle," as the Court put it.

For the don't-want-to-sees, the Court defended people's right "to be let alone." In 1970 it upheld a law enabling individuals to prevent advertisers from mailing them unsolicited sexually provocative material. The Court said that every American, at least in the home, has "the right to be free from sights, sounds, and tangible material" he does not want.

For the want-to-sees, the court ruled the previous year that the mere possession of obscene material in a home could not be made illegal. That issue arose in an unusual manner. In Georgia the police were investigating one Robert Stanley on suspicion of bookmaking. They obtained a search warrant, went through Stanley's house, and failed to find evidence of gambling—but did find three reels of 8mm film. He was arrested and tried, not for bookmaking but for knowingly possessing obscene material. The court found the films obscene and convicted Stanley.

On appeal the Supreme Court reversed the conviction. Citing Stanley's right to receive information and ideas "regardless of their social worth," the Court ruled that criminalizing the possession of such material would be akin to giving the government the power to control the moral content of a person's thoughts. "If the First Amendment means anything," the Court held, "it means that a state has no business telling a man, sitting alone in his own house, what books he may read, or what films he may watch." Once you get the material past your front door you are, so to speak, home free.

But the government can still try to keep you from obtaining "obscene" material by outlawing its sale, importation, and

A person's right to buy a soft-porn channel may clash with the town's right to exclude it.

mailing.

That leaves the courts with the vexing responsibility of defining obscenity, a task that has, in the words of one Supreme Court justice, "produced a variety of views among the members of the Court unmatched in any other course of Constitutional adjudication."

In 1973 Warren Burger established the definition that stands today. In a case titled *Miller v. California*, the chief justice laid out a three-part test for obscenity:

- The material, taken as a whole and applying contemporary community standards, appeals to the prurient interest (that is, to a "shameful or morbid interest in nudity or sex");
- the material depicts sexual conduct in a patently offensive way, and
- the work lacks serious literary, artistic, political, or scientific value.

If it meets this definition, it's "Miller-obscene," in legal parlance, and can be prohibited. As you can imagine, the Miller definition hardly clarified matters for lower courts, much less for the general public. Within a year after Chief Justice Burger minted the definition, the Supreme Court justices themselves were sitting through a screening of the movie *Carnal Knowledge* to determine firsthand whether it was Miller-obscene, as the Georgia State Supreme Court had thought. (They ruled it wasn't, since the movie's sexual activity wasn't patently offensive.)

But the Miller-obscene standard that applies to books and movies does not apply to broadcasting. Radio and television are ruled by a more restrictive standard. The Federal Communications Commission has the power to ban material that is not Miller-obscene but merely "indecent." A case in point involved *Femme Forum*, one of the 1970s' midday "topless radio" call-in shows that lingered on sexual topics. The FCC was particularly rankled by the segment on keeping your sex life alive. (One listener called in to suggest non-nutritive uses of peanut butter.) The commission found *Femme Fo-*

rum to be "titillating and pandering" and fined the guilty station \$2,000.

A few years later, in 1979, the Supreme Court endorsed the FCC's authority to regulate "indecent" material on the air. The Court upheld a ban on the radio broadcast of comedian George Carlin's monologue discussing (quite presciently, as it turned out) seven dirty words that "you couldn't say on the public airwaves." The words were not Miller-obscene, but they could still be banned from broadcasting for two reasons, the Court said. First: The broadcast media are "a uniquely pervasive presence in the life of all Americans." By "pervasive," the Court apparently meant that the radio is located in the "privacy of the home." (Ironically, the case was pressed by a man who heard the monologue while riding in his car with his son.) Radio is also considered pervasive because listeners frequently tune in and out of programming—those who want to avoid George Carlin's language cannot be completely protected by prior warnings.

Second: The seven dirty words could be suppressed because broadcasting is "uniquely accessible to children." There's no way to prevent children from listening in. A decade earlier, in a case involving the sale of "girlie magazines," as the justices repeatedly called them, the Court had ruled that the magazines, even if not obscene, could not be sold to children. When children are involved, a lesser offense is offense enough.

So it is with offensive sexuality in broadcasting. The FCC decides what's indecent, subject to appeal to the federal courts. When the material is politically offensive, however, the commission stands aside. Those matters are left to individual broadcasters. With the Supreme Court's backing, the FCC has upheld the broadcasters' right to decide who can buy air-time. As Justice William Brennan noted in dissenting from this decision, leaving this power with the broadcaster means that only moderate and established views are heard on the airwaves: "Indeed, in light of the strong interest of broadcasters in maximizing their audience, and therefore their profits, it seems almost naive to expect the majority of broadcasters to produce the variety and controversiality of material necessary to reflect a full spectrum of viewpoints. Simply stated, angry customers are not good customers, and in the commercial world of mass communications it is simply 'bad business' to espouse—or even to allow others to espouse—the heterodox or the controversial."

Justice Brennan's dissent notwithstanding, the line was drawn: The airwaves were to be sanitized to protect the

unwilling viewer and listener. Those so inclined could acquire indecent material on their own and partake in private.

That was the simple truce that cable television has irrevocably upset. With a large number of channels to fill, cable companies had to find programming to differentiate the channels, each of which would pull in a different audience. And because the individual subscriber was not only selecting but paying for programs, cable operators felt at liberty to run those too "indecent" to appear on broadcast television. The new offerings ranged from mild R-rated movies to "adult" programming, consisting in large part of X-rated movies that had been edited into "soft-core" versions.

The second remarkable change in programming was brought on, not by commercial motives, but by a desire to serve the First Amendment. Public access channels were set aside, usually at the city's demand, to allow residents to speak freely on television without censorship, first-come, first-served. This has resulted in a host of innovative programs serving diverse segments of the population and covering issues that the mass media customarily ignored. Reflecting a community's diversity, however, some of this free speech often affronts the tastes and beliefs of the majority.

SOME VIEWERS, and the politicians representing them, were not only outraged but baffled that television could be allowed to change so radically. As the City of Miami's lawyer said in defense of the city's law against indecent cable programming: "I don't see any fundamental difference between cable and broadcasting. In both situations people are watching the same instrument—television."

But courts have found fundamental differences, and so far have struck down the anti-cableporn laws that came before them in Miami and Utah. One difference found between broadcasting and cable is that cable is not as "pervasive" as broadcasting—not because cable enters fewer homes, but because viewers can more readily avoid offensive programming on cable. They can simply elect not to take a pay service such as HBO or the Playboy Channel, while still receiving the other channels cable has to offer. People don't have this same freedom with broadcasting, according to the courts. (Of course they could elect not to have a television set at all, but there is an implicit assumption at work that broadcast TV is a necessity of life.)

The courts also noted one of the most pertinent technological differences be-

tween cable and broadcasting: Cable's viewers themselves have the ability to censor programming. In fact, federal law requires that, as of the end of this coming June, all cable television operators must provide "lock boxes" to subscribers who request them. These devices will permit parents, for example, to keep certain potentially offensive channels off their television screens. This technological fix seems to be an ideal solution to a First Amendment dilemma. Don't-want-to-sees can keep their homes free of offensive television without interfering with the rights of want-to-sees.

But, alas, no free-speech issue is ever that simple to resolve. The don't-want-to-sees demand protection not only for their families, but for their communities as well. They know a lock box on their set at home won't prevent their children from seeing morally offensive programs at a friend's house. They fear the Klan's racial hatred will be legitimized by television appearances, and violence encouraged among their neighbors. They call upon the government to use its inherent police powers to safeguard the community's quality of life.

The other side opposes any censorship, arguing that any individual's right to speak is paramount over the community's right to suppress it. It may be a knee-jerk response, but it's a necessary one where factions are claiming rights that are irreconcilable.

Assuming that First Amendment protections survive on cable television, sooner or later there will be programs to appall every taste. Former Justice Potter Stewart has acknowledged that "the consequences of rigorously enforcing the guarantees of the First Amendment are frequently unpleasant. Much speech that seems to be of little or no value will enter the marketplace of ideas, threatening the quality of our social discourse and, more generally, the serenity of our lives. But that is the price to be paid for constitutional freedom."

The price is greatest, however, for those who are most offended. The damage they feel, and the community's interests, shouldn't be ignored or dismissed. The First Amendment's most effective defenders may be the civil libertarian who urges that cable operators voluntarily delay sexually explicit programs until after children's bedtimes, or the political activist who produces access programs to counter the other side's. The oncoming battles over cable's new obnoxiousness will be less bitter, divisive, and dangerous if the advocates of free speech recognize what a high price they are asking from some of their neighbors. ■

A BROKEN crucifix twitches across the screen. In front of the crucifix, a man in a Charles Manson mask dances and chants incoherently about sex and religion. It's 10:30 P.M., and *Hymns for Heathens*, a program produced by a construction worker who likes punk music, erupts on Channel 10 in Austin, Texas.

A few nights later on the same channel, a Ku Klux Klan leader interviews a man who was imprisoned in 1973 for fire-bombing school buses during Detroit's busing controversy. An Austin man submitted the program, *Race and Reason*, for cablecasting, but a former Klan official in southern California produced it.

What hath public access wrought?

Not everyone in town wanted these programs to appear on an Austin Cable Vision public access channel. The opposition was roused last fall when a local television reporter interviewed offended Austinites. Other local media followed suit, and soon callers to the city cable commission demanded that the shows be banned. The city manager authorized a study to "set up community standards that, if violated, would pave the way to bar access." And the cable commission extended access hours; the next time *Hymns for Heathens* appeared, it was at 1 A.M. instead of 10:30 P.M.

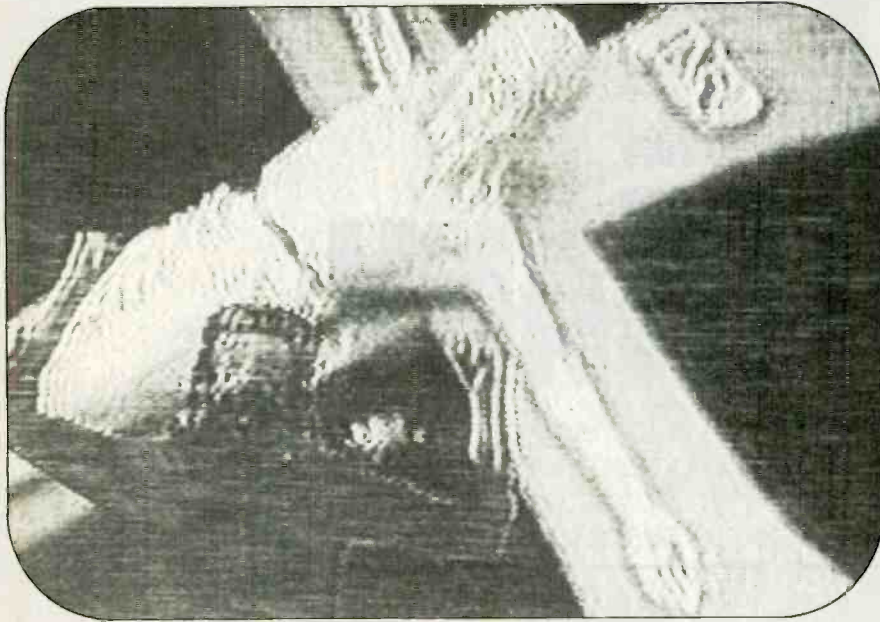
Two channels on the city's cable system, and half the time on a third channel, are devoted to public access. Controversial topics are featured often but don't dominate the schedule. One of the access channels is filled entirely with religious programs. The Jaycees and the bar association produce shows for the access channels, which also provide city council coverage and such programs as *Access for Youth*, a series that preteens produce; *Stretch and Shine*, a daily bout of gentle exercise for older folks, and *Color-sounds*, a music-video series with superimposed lyrics to help teach reading.

Before last fall's controversy, the biggest uproar for Austin Community Television (ACTV), which manages the access channels under contract with the city, had occurred on Halloween 1982. An access program was interrupted with reports that a "slime monster" had come out of nearby Lake Travis and was killing everyone in its path. Nearly 200 calls poured

John Schwartz is a freelance writer and attorney who lives in Austin.

Austin Gets an Eyeful: Sacrililege and the Klan

Offended by some public-access programs, viewers use the free-speech channel to fight back.



Hymns for Heathens, a locally produced series of satire, seems intent on offending everyone.

into emergency switchboards. ACTV program director Paula Manley is still surprised that the report alarmed so many people. "The slime monster was wearing tennis shoes," she says. "I mean, come on!" To ACTV, the response was good news: it meant people were watching.

Hymns for Heathens and *Race and Reason* caused a different reaction last October, stirring talk that Austin should abandon its liberal access policy. But Austin was bound by its cable franchise, and ACTV maintained its policy toward people who submit programs. "Our position is that all the shows they turn in will be run eventually," says Manley. The only restriction is that producers must promise that their programs aren't libelous, obscene, or commercial in nature. According to ACTV policy, it must schedule a local resident's program,

even if it was produced in another city, as were *Race and Reason* and another Klan talk show.

Mark G. Yudof, dean of the University of Texas Law School, led the criticism of access. "I think many of the access people have the legal question backward," he says. "It's not whether access is constitutionally required, rather it is whether it is unconstitutional for a city to require access programming." That requirement violates the cable operator's First Amendment rights as an electronic publisher, Yudof says. He believes the amendment doesn't require the government to give anyone a soapbox.

Yudof also objects to the cost of access, which all cable subscribers bear indirectly. Last year Austin's cable operator paid the city \$450,000 to subsidize access, and most of that went to ACTV. In addition to its \$380,000

budget—unusually large for an access center—the Austin access group has a \$1 million equipment fund and a new studio in the works. (Yudof does admit that the money appears to have helped improve dramatically the quality of access programming.)

When City Manager Jorge Carrasco expressed interest in setting standards barring certain producers from the access channels, the Texas Civil Liberties Union fired off a letter in defense of access. "The fact is, there are legal standards," says executive director Gara LaMarche. "Nobody in this debate is arguing that the couple of programs in question are obscene, or even really indecent, whatever indecent might mean. They were simply offensive to people. . . . But offensiveness is not a legitimate ground for restricting freedom of expression." That view seems to have penetrated city hall because Carrasco's study has been all but dropped. "I'm not sure when we'll get back to it," says an attorney for the city.

Other people in Austin are trying to keep the debate alive, arguing that some of the matters at stake are far more vital than strict observance of the First Amendment. Trella Loughlin, a college teacher and frequent producer for the access channels, wants the Ku Klux Klan programs off the cable. "I would not have put Hitler on in 1937, and I would not put the Klan on today." She notes that attacks on local blacks increased after recent Klan marches in Austin, and says that seeing the Klan march or appear on television brings out violence in nonmembers who make up a "closet Klan." She suspects Klan involvement in 10 unsolved murders in Texas.

Loughlin flatly refuses to discuss free speech in connection with the Klan. That is a "red herring" issue in her mind. "Some of that thinking is what made people end up in the gas chamber."

Loughlin hasn't had to picket ACTV's offices or wave signs in her campaign to get the Klan off cable because she can address the issue on her own regular access show. Others are doing the same. On a panel show that volunteers put together, Austinites of all colors related their experiences with racism. Appropriately enough, the debate over public access has continued in the electronic forum of public access.

JOHN SCHWARTZ

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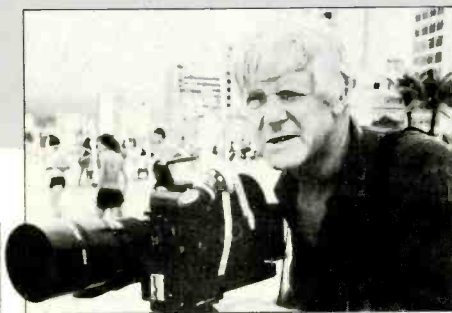
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A NICE PLACE TO VISIT, BUT...

After crisscrossing the planet in search of television's past, a British producer worries that the future may be in America's deregulated, satellite-interconnected present.



by Leslie Woodhead

FOR TWO YEARS I've wandered the planet with film crews and fellow producers on an improbable venture. Our mission: to boldly go where no man has been crazy enough to go before—into the archives and memories of television to make a 13-hour documentary history of the medium worldwide. Granada Television calls the series *Television*, and aired it this winter in Britain. In the United States, public television is raising money to show the series later on.

The assignment appeared to be redeemed only by the dotty grandeur of its pretension. From Novosibirsk to Rio, television people smirked when they heard what we were attempting. My American friends in particular knew from the outset what I've since discovered about the fatal labyrinths of copyright clearances, the profound hoarding instincts of slow-moving film archivists wherever they may be, and the life-consuming longueurs of a telex dialogue with broadcasters in Lagos or Manila. But for all the frustrations, it's been fun.

It has also given me a rare chance to reexamine my outsider's notions about American television, both from viewpoints out in the world, and from up close. In visits to America as a documen-

Leslie Woodhead, an executive producer with Granada TV in Great Britain, has worked on documentaries and docudramas for more than 20 years.

tary producer over the last 20 years, I've always watched American television in a distracted kind of way in overheated motel rooms and with busy American television people in busy offices. Nevertheless, like most Brits passing through, I've been hypnotized, seduced, and worried, in equal measure, by what I saw.

For what it's worth, my closer acquaintance with American television has, on the whole, greatly increased my respect and admiration for some of the programs it makes. At the same time, I feel an ever-deepening alarm about the context in which those programs have to be produced. As a producer working within the protection of British television, with its still-surviving public-service ethic, I don't envy my American counterparts. I suspect we have seen our future in their deregulated, satellite-interconnected present, and I worry.

IN A REMOTE village in India, in a context that couldn't be farther from the American, we watched the making of an extraordinary and fiercely relevant drama, written and acted by villagers, and recorded on new Japanese video gear by a

local TV station. The subject was wife-burning, the terrifying practice of murdering by fire a young bride who failed to bring sufficient dowry to her new family. The peasant girl who played the bride told us she believed the program would help educate villagers to change their ways.

At last it seems that cheap production using new lightweight equipment is breaking the economic equation that long dictated a diet of *Bonanza* and *I Love Lucy* instead of domestic productions in the Third World.

We discovered repeatedly that audiences prefer programs made in their own countries, when they can get them. Japan was once a mass-importer of American television, but now makes 95 percent of the programs it airs. The domestically made *Underground Executioner*—a samurai drama about a humble policeman who disposed of 1,500 evildoers in an ingenious orgy of vigilante exterminations—wows the Japanese audience, while *Dallas* trails far behind.

But despite this new twist, we found the familiar story of the American television empire elsewhere. In the Philippines, which still imports some 80 percent of its prime-time schedule from the United States, we found ourselves watching *The Incredible Hulk* alongside people living in cardboard houses. "It's escapism," said an American Jesuit priest who's been involved for 30 years in Philippine broadcasting. And the regime likes it that way: "They don't want any-

thing that will get people thinking about the way things are here right now. If the drama comes from New York or Hollywood, it's just far enough away that it's not going to rock the boat."

Dallas, the same soap opera that flops in Japan, is a big hit with viewers in East Germany, if not with government officials there. It comes over the Berlin Wall from the West. The drama chief of East German television doesn't mince words: "It's a very perfect, conventional, businesslike, propagandistic, cleverly made series which is unfortunately very much capable of affecting a manipulation of the consciousness of viewers to the advantage of the imperialists. So it is immensely dangerous." The East German counterattack is pitiless: They schedule Robert Redford movies against the West German nightly news.

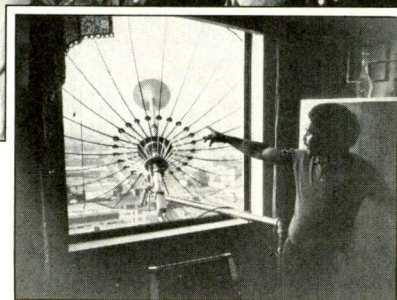
In West Germany, we talked with an independent producer who has kinder words for American drama. Peter Marthesheimer, the man who brought the American mini-series *Holocaust* to the German audience, says it had a profound impact, unleashing a national debate about the Nazi horror in a way nothing else had done. He told us he'd seen many programs about the Holocaust on German television that had "more accuracy, more brain, and more delicacy." But he said, "This was the first time I was moved in my stomach; the other times I had been moved in my head."

The reason he gave was, for me, striking: "I don't care whether the methods are cheap or highbrow or lowbrow. They're the traditional Hollywood means of telling a story. You don't look from the outside at other people going into the gas chamber. You go for yourself." As a fellow European I hear what the man says. Unashamed enthusiasm for telling a harrowing human story that is rooted in strong but simple characters—which is the Hollywood way—still works for a

Cheap equipment is making it easier for more people to get into the act.



Southern hemisphere to South Bronx: (above) An Indian drama, written and acted by villagers, being recorded on Japanese video gear. (right) Mark Gordon's satellite antenna enables him to receive 300 TV channels.



mass audience. British critics may have derided *The Thorn Birds* but a BBC audience of tens of millions tuned in to watch it. There's an American ease with sentiment and melodrama that would disturb a European program-maker, but wins the attention of a European viewer.

Over the course of two years we observed at close hand the paradox of American television, the greed machine that makes some of the world's best programs. We relished the making of the *Astro Hypnotists*, a public-access show on Manhattan Cable; we filmed the

*M*A*S*H* exhibit at the Smithsonian Institution in Washington, where perishable popular drama lives on as some kind of television icon, and we watched a big team at ABC make a marvelously sophisticated documentary about John F. Kennedy.

It's the sheer pace of most American television that assaults a British viewer. One executive told us that Americans have "the attention span of a pregnant gerbil." (In Japan, a producer told us that television rhythms have so saturated Japanese schoolchildren that teachers must introduce a joke into the lessons every 15 minutes to hold their students' attention.) But my initial distaste for American fast-food television was modified by two experiences during our research.

One occurred on a Saturday evening in October 1983 as we watched the final editing stages of the *ABC News Special Presentation* documentary on President Kennedy. Executive producer Pamela Hill had pulled together four teams of producers and editors, a much larger group than we'd be accustomed to using in Britain, for a film quite unlike anything we make. Its pace must have been three times as fast, but at the same time the teams' precise attention to details of image and sound gave the whole thing a genuine lyrical energy. It was my first





Unlike anything British: (above) a scene from *JFK*, an ABC documentary that aired in November 1983. (left) Meryl Streep in *Holocaust*, the mini-series that "unleashed a national debate" in West Germany.

There's a style and pace that is authentically American, and very powerful.

real awakening to an American way of television, a style and pace that is, I think, authentically American and very powerful, owing little to the more leisurely expositions of European factual TV.

Our time spent with *Hill Street Blues'* impressive production team was the other telling contradiction of the cozy and widespread British assumption that American television is often simply more frantic and less complex. The moon was still out when I had breakfast with *Hill Street's* senior writer, David Milch. I was reminded that Americans work harder than we do, and made abruptly aware how intelligent and committed to good work a team producing popular action telly-films can still be. "Appealing to a broad audience and maintaining quality need not be mutually exclusive ambitions," he told me, "if you tell good stories that identify drama in the rhythms and processes of people's lives." A few days later I sat in on a lecture Milch gave to student writers at UCLA. He rolled and twitched through torrents of talk like a cross between rock singer Joe Cocker and polymath Jonathan Miller. He was genuinely affecting as he urged students to "make vital the formula" and to "gain access to your own imaginations" while "abandoning the pleasures of virtuos-

ity." To a British eye, *Hill Street* itself is another vivid demonstration of an American way of television quite without European parallels, full of pace and allusive energy. The series also demonstrates how rapidly a mass audience of alleged "pregnant gerbils" can become accustomed to decoding a very sophisticated set of television messages.

OF COURSE, *Hill Street* is not typical of the American network schedule. No one who has spent time in the splendid Museum of Broadcasting in New York reviewing, for example, the live drama of the 1950s, can fail to experience a sharp sense of loss. The best of those dramas from America's Golden Age of Television still rank among the best work ever done on television. It's the variety and original flavor that impresses the most.

And it's the blurring and loss of that flavor that seems all too evident in today's nightly brawl to win the ratings. Even David Wolper, who produced the landmark mini-series *Roots*, admitted disarmingly, "I thought the subject would make money." Fred Friendly explained: "The problem with television in this country is that commercial television makes so much money doing its worst

that it can't afford to do its best."

What alarms me, as a producer for British commercial television, is that I can detect signs that our television institutions may be moving towards an alignment of forces more like the American. Granada and the other regional broadcasters that comprise Britain's ITV network have had a monopoly on television advertising for almost 30 years. The prospect of competition for advertising is our ultimate fear, and not solely for parochial corporate reasons. Most of us are convinced that whatever quality British television has achieved has been derived in large measure from the fact that neither the BBC nor ITV has had to adjust program standards to fight for the biggest audience and advertising revenue. We have never had to select and schedule programs in the knowledge that the loss of a single ratings point could cost our network \$50 million per year. As a result, Granada can make *Brideshead Revisited*, *The Jewel in the Crown*, and *Television*, without regard to getting the maximum audience.

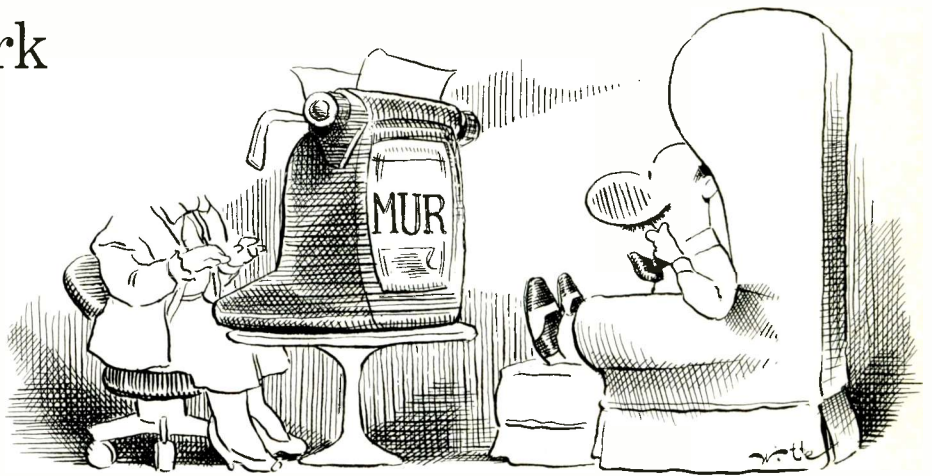
The American experience has special relevance for us today because Prime Minister Thatcher recently declared an interest in the possibility of partially funding the BBC through advertising. All of us in British commercial television wish the BBC success in its lobbying instead for an increase in the viewers' license fee that supports it. This is not just because we admire the BBC or wish our friends there a prosperous 1985.

In our filming we also sighted illustrations of the proliferation of satellites that is bringing America nearly unregulated competition for audiences. A young man named Mark Gordon has built a receiving dish from a kit and hung it out the window of his 23rd-floor apartment in the South Bronx. He doesn't regard his antenna as a threat to broadcasting quality, but as a way to liberate his viewing. Feeding directly from satellites in orbit 22,300 miles out in space, the antenna allows Gordon to bypass traditional broadcasting, ignore national boundaries, and receive as many as 300 channels of television from all over the world. "I wanted to prove to the industry," he told us, "that I can do something like this, and anybody else can do something like this." Point taken, Mark—although as far as I could see most of your channels seemed to be offering that old familiar diet.

We also talked with Alma, widow of Philo T. Farnsworth, one of the inventors of television. She recalls an early meeting with one of his backers, who demanded, "When are we gonna see some dollars in this thing, Farnsworth?" So the first picture he showed them was one of a dollar sign. ■

Sunday in the Dark with Angela

by William A. Henry III



I DO NOT KNOW if it is true, as one of the characters remarks in the movie *Sleuth*, that mystery stories are the natural pursuit of noble minds. Wallowing in other people's gore and greed seems pretty ignoble to me. But I like a story with a body in it. To me, a novel isn't literature if there isn't a corpse by page 32. When there is, I have been known to walk down the streets of big cities, bouncing unawares off lampposts and muggers, blissfully absorbed in my book. I have read everything by Agatha Christie (and nothing by Geoffrey Chaucer), everything by Ruth Rendell, everything by P.D. James. I pounce on the sly works of Donald Westlake and am ever willing to go a round or two with the combative thrillers of Robert Parker. I have favorite mystery writers by the dozen, both celebrated and obscure, and am always looking for yet another. This year, my passion is for J.B. Fletcher.

I have not read any more of Ms. Fletcher's work than of Mr. Chaucer's, although I have at least seen her at the typewriter. I find myself a little perplexed at how such a nice matron, so perfectly suited to the polite English village mystery, gets herself involved in brutal American goings-on. I marvel at the multiplicity of her nieces and nephews, and the extraordinary variety of their scenically located residences. Above all, I envy her apparent freedom to rove the world week after week, often without so much as a pencil or notepad in hand. Given her accumulation of best-sellers, I guess she has solved the biggest mystery of all: how to get a book to write itself.

Jessica Fletcher, whose *oeuvre* will not be found on any bookshelf in the land—but who appears from time to time holding bound volumes of her own work—is the title character in the wittiest and most mannerly new series of the 1984-85 television season, CBS's *Murder, She Wrote*. The show features genuine mysteries, unraveled simultaneously by the detective and the audience, rather than television's more customary suspense, in which who dunnit is known from the opening sequence. As played with great charm and no nonsense by Angela Lansbury, the inspired amateur clue-spotter breaks almost all the wear-

some rules of series TV: She is unapologetically intelligent, yet still utterly normal in her everyday life; she is soft and feminine, yet she makes no attempt to hide the marks of middle age; she seems genuinely fearless, yet she is far from foolhardy; she relentlessly hunts down crime, yet in the age of Reagan she views most villains with compassion. Above all, in a medium that too often relies on an oddball catchphrase or trademark eccentricity to make a character memorable, Jessica Fletcher is endearingly

Mystery works best on Sunday night, the psychologically correct moment.

ordinary. Save, perhaps, for a disinclination to drive a car, there is not much to distinguish this sharp-witted authoress from your own pants-suited, bridge-partying Aunt Mildred.

The lady lives in Cabot Cove, Maine, a seafaring town that combines unyielding quaintness with resort-spa chic (and somehow looks more like Sausalito than New England). On the seemingly rare occasions when true small-town peace and quiet reign there, she almost compulsively jets off to some more turbulent spot. She has made it to the Southeast's hunt country, to a transvestite night club, a brand-new amusement park, the rehearsal stage of a Broadway musical, and even to the hallowed halls of Congress, to which she was appointed to fill the unexpired term of perhaps the program's only character to die of natural causes. No matter where she goes, she remains unflappably herself, and she invariably finds people ready to fall all over her. Probably this vision of nearly universal affection for a mystery novelist—not your typical celebrity—is wish-fulfillment for the scriptwriters. In the real-life Tinseltown, scenarists are held in such low esteem that there's an old joke about a starlet so stupid that she tried to sleep her way up with writers.

Jessica is often compared to Christie's Miss Jane Marple, also a busybody village lady, but one of far lesser means, simpler

William A. Henry III is an associate editor of Time magazine. His book, Visions of America, will be published this year.

ways, and more modest temperament. Their minds *do* work alike: Both rely on intuition to decide that a suspect is innocent, and only then set about amassing details that suddenly unite into a pattern proving someone else's guilt. In both Miss Marple's world and Ms. Fletcher's, crime is far too circumspect to have to do with sex or obsession. The motive, almost always, is money, and that limits the possibilities for surprises in the plots. Private kinks can be undetectable, but it is usually apparent just who stands to gain financially by a death. The major difference between the two characters is that Miss Marple's intelligence goes unnoticed; she is thus an ego-boosting surrogate for the reader, who may feel that his or her own sagacity is undervalued. But at the end of a J.B. Fletcher escapade, the immediate world is always in awe of her acuity. She may not boast about her little gray cells, but like Hercule Poirot or Sherlock Holmes, she does not hesitate to let the world know she has them.

The show has other praiseworthy antecedents. The central character's Maine household and down-home style bring to mind the abruptly popular Virginia Rich, author of *The Cooking School Murders*. The casting, with out-of-work former series stars appearing in high-style cameos, recalls the movie version of Christie's *Murder on the Orient Express* and its imitators. Fletcher's nonviolence, and the way the show discreetly draws a curtain over most bloodshed, reflect the sedate gentility of CBS's longtime suspense series *Barnaby Jones*. But in contrast to Buddy Ebsen's *Barnaby*, Peter Falk's *Columbo*, Telly Savalas's *Kojak*, and other TV crime-chasers, Lansbury is not merely engaged in a race against time with a villain whose identity the audience already knows. Because the story is a mystery, it can move in any direction, toward any sort of ending.

The potential exists for more intricate plotting, more devilish misdirection than the show has attempted, and as the audiences grow more alert with experience, they will become ready for, perhaps insistent on, slicker tricks. Thus far, the series has tended to confuse such ingenuity with mere complexity, albeit well-managed. Already, the producers have brought off an adroit locked-room conundrum, several ploys involving disguise or mistaken identity, the death of a man already pronounced dead, and a daring if excessively intricate business involving a dog, a closed-circuit TV system, an electronic-eye gate, and a cross-sex impersonation. Not to mention the old reliable climactic confrontation with the killer while someone listens from behind a curtain or over a conveniently open phone line. Although I have always believed a mystery film is in trouble when the explanation of the crime takes more than 30 to 60 seconds, Lansbury brings off her complicated reconstructions beguilingly. And to the show's everlasting good fortune, some smart producer got rid of the idea of having Lansbury turn to the viewers and challenge them to join in solving the mystery. Breaking character that way, and reducing an hour of human drama to some dry brain-teaser, would kill the series.

Instead, the producers have succeeded in keeping the focus on people, not puzzles. That is more than usually difficult in *Murder, She Wrote* because Jessica has no steady sidekicks. When she is in Maine, the village constabulary usually wind up involved in the case, typically with as little aptitude as Sherlock Holmes's perpetual laughingstock, Scotland Yard Inspector Lestrade. When she is on the road, there is some other police-

man, usually broadly comic and as wackily eccentric as she is sane. The nieces, nephews, and other young people who need her help disappear as soon as they are rescued, seemingly never to be glimpsed again. In time, audiences may begin to wonder if this seemingly self-possessed but ever-drifting woman may not be failing to deal with some deep insecurity or loneliness.

For the moment, however, *Murder, She Wrote* is the most popular new hour-long series of the season, and is matched

Endearingly ordinary, Ms. Fletcher breaks the tired rules of series TV.

among half-hours only by Bill Cosby's family sitcom (a "black" show so thoroughly mainstream that even George Will faithfully watches it). Although TV audiences of the dim and recent past have humiliated many a major star who condescended to make a series—Henry Fonda, Jimmy Stewart, James Earl Jones are just a few examples—the daffy, high-intensity Lansbury of the Broadway stage has winningly muted herself into the lovable, low-key matron of the Magnavox. Part of the success is surely hers. Yet much must belong to the genre itself. It is a TV truism that mystery works best on Sunday night, a cozy, by-the-fireside time, and thus the psychologically correct moment. Mysteries remain a specialized taste; Edmund Wilson, one of the nobler minds of them all, asked contemptuously in an essay, "Who Cares Who Killed Roger Ackroyd?" Perhaps only on Sunday nights, when the total audience is the highest of the week, are we loyal aficionados sure to be adequately represented.

Critics of television—by which I mean people who protest it, not people who somewhat grouchy review it for a living—often attack the medium for its shootouts and car chases, its apparent glorying in violence. They complain bitterly about shows such as *The A-Team*, in which characters tell jokes while spraying the terrain, willy-nilly, with bullets. They are bound to take more kindly to such efforts as *Murder, She Wrote*, in which the humor is just as prevalent but subtler, and the emphasis is on cerebration rather than tumult. But for all their differences, these shows, and such intermediate examples as *Kojak*, *Columbo*, and *Barnaby Jones*, share a value that the likes of Wilson belittle all too easily. The mystery, thriller, or suspense story is motivated by a deep sense of justice, a yearning that crime never go unpunished, and that disorder always be dispelled. The sinful side of our nature may revel in wantonness and catastrophe, in the certainty of bodies appearing by page 32 or scene three. Yet by the end of the story, when the kinder half of ourselves is cheering for the good to win out, we have experienced internally the same kind of moral purgative that we have witnessed on the page or on the screen. Plump, matronly J.B. Fletcher is more than an amiable presence. Like all her kind, she is an avenging angel in a world where angels too often fear to tread. ■



Facts in Profusion

AN ENORMOUS body of fact has grown up around television over the last 35 years, extending from the sphere of technology to that of public policy. Every time the medium broadcasts a new program, it adds to this store of data; meanwhile the new electronic media make contributions of their own.

Facts in profusion make for reference books, and these are being published in profusion today. Following are some of the more useful recently published "fact-books" covering the field.

Movies Made for Television: The Telefeature and the Mini-Series

By Alvin H. Marill. New York Zoetrope, 452 pages, \$29.95

Marill lists in chronological order every made-for-television movie and mini-series that aired between October 1964 and July 1984. Each of the outsized book's 1,700 entries contains plot summary, credits, premiere date, production company, and network. A cross-referenced index makes the book user-friendly.

Who's Who in Television and Cable

By Steven H. Scheuer and the staff of TV Key. Facts On File Publications, 579 pages, \$49.95

Scheuer et al. have put between hard covers a giant compilation of biographi-

cal sketches on some 2,500 people who hold significant positions in the television and cable industries. Ranging from executives to on-screen personalities, the galaxy includes casting directors, editors, agents, lawyers, writers, directors, and critics. It amounts to a collective vita of the business. Some glaring omissions (the president of MTV, for example) and a number of curious inclusions (such as local anchorpersons) make the selection at times seem arbitrary, but in such a large and rapidly changing field, it's impossible to get everyone to stand still for the photograph.

1985 Telecom Factbook

Television Digest Inc., 220 pages, \$59

Television Digest's newest reference book—a companion to its *Television and Cable Factbook*—describes the organizations and companies in the expanding field of telecommunications. They are grouped in sections headed Communications Carriers, Satellites, Electronic Mail and Videotex, Regulatory Agencies, Associations, and International. Each entry contains an address and phone number and a roster of its officers.

Broadcasting/Cablecasting Yearbook

Broadcasting Publications Inc., 1288 pages, \$70

Broadcasting magazine's annual is the "everything book" on the industry, a volume jam-packed with information on ra-

dio, television, and cable—from the descriptions of local markets to the key details on every station and cable system operating in the U.S. and Canada. Also listed are the principal program distributors, advertising agencies, broadcast groups, multiple-system cable operators, station brokers, associations, attorneys, networks—even colleges that offer degrees in broadcasting. All include the essential contact information.

Electronic Media: A Guide to Trends in Broadcasting and Newer Technologies, 1920-1983

By Christopher H. Sterling. Praeger Publishers, 337 pages, \$17.95 in paperback

Sterling, a professor at George Washington University, provides a useful historical perspective on television, complete with statistics on stations and cable systems, their ownership, finances, staffing, and audiences, as well as on program content trends and broadcast regulation. More than 150 tables and charts track television's development through newer forms such as pay cable, STV, and MDS. The rise of television networking is seen in statistics: In 1954, only half of station air-time came from a network; by 1970, it was two-thirds.

International TV and Video Guide: 1985

Edited by Richard Paterson. New York Zoetrope, 256 pages, \$12.95

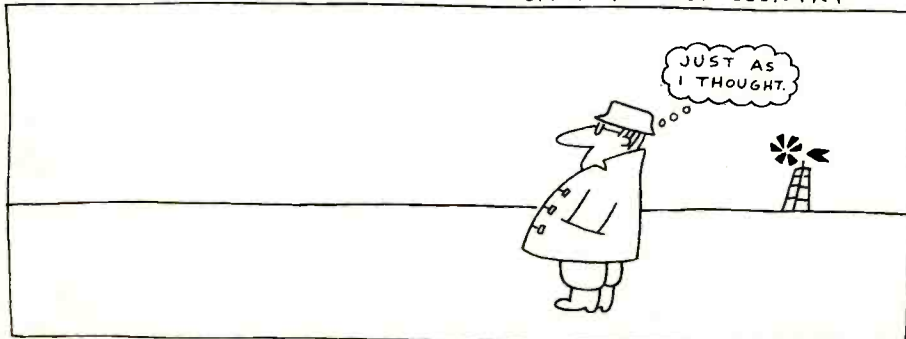
Paterson compiles reports on television's status in more than 30 countries, primarily with regard to programs, programmers, and programming trends. The entries review last year's top shows in each country and provide distributor information.

The Video Tape and Disc Guide to Home Entertainment

By the staff of the National Video Clearinghouse. National Video Clearinghouse Inc., 761 pages, \$12.95

The guide's fifth edition presents information on more than 7,000 home-video tapes and discs, including classic movies,

A TV EXEC STOPS TO TAKE A CLOSE LOOK AT FLYOVER COUNTRY



concerts, documentaries, and how-to videos. Its directory of distributors' addresses is valuable for those seeking a hard-to-find tape. New in this edition are a list of video cassettes closed-captioned for the hearing-impaired and a guide to optical video-disc programs.

Legal Guide to FCC Broadcast Regulations

By the National Association of Broadcasters. NAB. 380 pages, \$95 for NAB members, \$200 for non-members

The trade association's comprehensive guide to the legal maze summarizes and interprets hundreds of rules governing TV and radio operations—including deadlines for FCC reports, applications, and audits; explanations of FCC investigatory procedures; program and commercial logging policies; fairness rules, and cable television rules that affect broadcasters.

The Interactive Cable TV Handbook

Phillips Publishing Inc., 360 pages, \$97

The two-way capabilities of more than 100 cable television systems in the U.S. are scrutinized here, along with the phone companies planning to start interactive-cable systems and the firms that provide the equipment. Much of the information may be too technical for the layman.

THE CBS EVENING NEWS
WITH JERRY FALWELL



Talking Back

By the staff of Public Media Center. Public Media Center, 158 pages, \$12

In easily understood terms, this Washington-based public-interest law firm explains how citizens can use the Fairness Doctrine. It offers concise interpretations of the law, summarizing all the landmark fairness decisions since 1928. The authors urge would-be complainants to pay attention to precedents. One chapter provides letters to TV stations written by groups that successfully gained air-time.

Cable for Information Delivery: A Guide for Librarians, Educators and Cable Professionals

Edited by Brigitte L. Kenney. Knowledge Industries Publications Inc., 172 pages, \$27.50 in paperback

This market research firm shows how cable can be used to interconnect classrooms in neighboring schools, bring information databases to libraries, teach community members about television, and solve other educational problems. For example, when Oregon State University was faced with a classroom shortage, it was able to transmit some classes on the local cable system so that students could "attend" at home. The final chapter, written by Kenney, offers guidelines to libraries expanding their role as community information providers.

Televised Higher Education: A Catalog of Resources

By Mollie McGill and Jo Ann Green. Western Interstate Commission for Higher Education, 349 pages, \$65

This valuable collection abstracts some 1,100 video courses available to high-school and college teachers. Bringing order to a growing and somewhat chaotic field, the catalogue groups the offerings into about 60 different programs in business, the arts and humanities, law, science, and vocational topics. Teachers who have been reluctant to use video in their classrooms may reconsider after reading the abstracts.

RICHARD BARBIERI

"Required reading..."*

THE PRODUCER'S MEDIUM

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Horace Newcomb and Robert S. Alley

This pathbreaking book combines interviews and critical commentary to explore the genuine creativity that exists within the television industry, focusing on the figure who exercises that artistic control: the producer.

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Without any obvious reason, you are turned down for an apartment. Then you learn that you're listed in a computer data bank as an undesirable tenant, and every landlord in the city has access to that information.

National Public Radio's Robert Krulwich examines data banks and privacy issues in a *Frontline* report produced by WGBY-Springfield, Mass., in association with *Channels* magazine.

FRONTLINE

What the Libel Trial Really Exposed

by Walter Karp



CBS News revealed its weakness by turning a blind eye to what should have been a larger story.

WHEN GENERAL William C. Westmoreland brought a \$120 million libel suit against CBS, those who profess to fear the excessive power of the media hailed him as a public benefactor. Punitive law suits, they claimed, are just what the country needs to curb the media's overweening arrogance. As the Westmoreland suit wended its way, however, a funny thing happened to the case. Instead of revealing the power and arrogance of a mighty network, it revealed something of the network's weakness and timidity. CBS had blamed a general for deceiving a President because it shrank from blaming a President for deceiving the American people.

This misplacement of blame came out at the trial. In a 1982 *CBS Reports* documentary called "The Uncounted Enemy: A Vietnam Deception," the network contended that President Lyndon Johnson

Walter Karp, a contributing editor of Channels, is working on a study of the Korean War, The Empire and the Mob.

had been deliberately kept in the dark about the enemy's true military strength. The chief deceiver, CBS reported, was General Westmoreland, commander of U.S. forces in Vietnam, who "chose not to inform the Congress, the President, not even the Joint Chiefs of Staff, of the evidence collected by his intelligence chief, evidence which indicated a far larger army" than Johnson knew about.

That any subordinate like Westmoreland would dare to deceive a commander in chief as ferocious as Johnson seems pretty dubious on the face of it. Testimony at the trial seemed to turn the proposition on its head: If Westmoreland had fiddled with certain estimates of enemy strength, it appears he had done so under pressure from the White House.

The fiddling involved the number of Vietnamese "irregulars" who supplemented the enemy's uniformed forces. Early in the war Westmoreland had counted 112,000 irregulars in the enemy "order of battle"—an official assessment of enemy strength that was given to the press each month. In late 1966, however, CIA analysts concluded that U.S. forces

faced twice that many. Publishing the doubled figure would have been a "political bombshell," as CBS rightly reported. It would have nullified Johnson's efforts to persuade an impatient electorate that America was winning "hearts and minds" in Vietnam. In May 1967 the CIA warned Secretary of Defense Robert McNamara that the enemy's true strength was double the military's estimate.

Had the CBS producers been looking for the real culprit, they might have followed the trail directly from Westmoreland to McNamara to Johnson. It was not until Johnson's right-hand men had heard from the CIA, in fact, that the real fiddling with figures began in Saigon. By September 1967 Richard Helms, the director of the Central Intelligence Agency, who takes orders *only* from the President, had agreed to shut up about larger estimates of irregulars. Under the watchful eye of General Earle Wheeler, the chairman of the Joint Chiefs of Staff, who personally advises the President, Westmoreland stopped listing *all* irregulars in the order of battle. This automatically excluded their strength from public knowl-

David G. Klein

'Passion Is Not on the Network Agenda'

(Continued from page 37)

edge, which served nobody's interest more fully than that of a President struggling desperately to shore up support for his war. Despite the clues pointing to Johnson, CBS chose to conclude that one of the most domineering figures ever to occupy the Presidency was sitting at the White House twiddling his thumbs.

CBS had not made a blunder; it had turned a blind eye. This too came out during the trial. According to the sworn deposition of Ira Klein, the documentary's main film editor, the program's paid consultant had emphatically warned producer George Crile that he had gotten the story wrong. Klein said the consultant, a former CIA official named Samuel A. Adams, "repeatedly informed" Crile that "the premise of the show is inaccurate" because "LBJ had to know." The show, Adams testified, "did not tell the whole story." He said the show had a "major problem" because it "seems to pin the rap on General Westmoreland when it probably belongs higher than that." Adams said he suspected Westmoreland was being pressured to produce "legitimate good news" about the war. Adams believed the White House had probably organized the entire deception, said Klein, and "talked endlessly" of this to Crile. The CBS producer later testified that Adams was a man of "great competence and even brilliance" and a person of "extraordinary integrity," but Crile ignored him just the same.

It is easy to see why. In political circles the one truly unpardonable sin is to tell the people at large a disillusioning truth about those who rule them. That is why cautious men of old took care to blame the evil deeds of kings on the influence of their evil advisers. In that same cautious and deferential spirit CBS blamed a general for the misdeeds his commander in chief must surely have inspired.

So Westmoreland is a public benefactor after all. Thanks to his libel suit, the notorious "power of the media" stands exposed as a bogey. What truly endangers the country is not the media's power and arrogance but their timidity and weakness, which makes them loath to enlighten the many at the risk of offending the powerful few. Thanks to Westmoreland's suit, his well-wishers stand exposed as well. They profess to fear the power of the media. What they really fear is the power of the people. That is why they brandish the media bogey. They want to make our news media even more reluctant to enlighten the people than they already are. If CBS really had some power and self-assurance, we might be a little better off. ■

BOCHCO: You get blamed. You know, there seems to be an unwillingness to accept responsibility for the fact that the vast majority of anything that gets made in television fails. For an infinite variety of reasons. But the day-to-day working relationship I had with CBS was very cordial and very respectful.

I think in the aggregate that pushing at the boundaries of the medium is absolutely the thing that makes a show different, better. And in order to do that you really have to take on broadcast standards. And that really is trench warfare. Norman knows that better than anyone at this table.

BROWN: You're talking about standards people rather than program people?

BOCHCO: Yes, but in your day-to-day life with a network those are arbitrary distinctions. You deal with the programming people, but you deal with your broadcast standards people even more. They potentially have a more profound impact on what you get to put on the screen every week. So that has great significance in terms of dealing with the different networks. I find NBC to be by far the best, in terms of their willingness to hear what you have to say. ABC is by far the worst. And CBS I find just to be more conservative than NBC.

SHAPIRO: I've worked for all three. The first network I worked for was CBS, and I worked for them quite a lot until I did *Minstrel Man*, which they didn't put on the air until after *Roots* was on. They kept it on the shelf for seven or eight months. It won a lot of awards afterwards, and I was sort of mad at them. I didn't work for them for a few years because of that. Then I did a movie for NBC, and I liked working for them. I came back to CBS and did *Emerald Point*, a series that didn't work, and they were all very nice, very professional—very unemotional after working at NBC. And I appreciated that.

I moved on to ABC, did some movies, and became an executive there. But ABC's a very emotional network. Sometimes I wish it were more positive passion and less negative panic.

They like to do your job for you. There are more notes there than at the other networks, more hysteria. Every time you want to do something—you want to put a gay or a black in it—they groan and you just have to go ahead and do it anyway. And sometimes that comes from programming as well as program practices. It's like corporate fear or something there, but it's emotional. It's negative emotion. ■

GOLDBERG: The one thing I miss, and Esther touched on it, is "passion." I don't feel any passion; I don't feel any excitement. I send scripts there—and I'm supposed to be a powerful producer, I guess—and I don't hear from them for two weeks. They're bored to see it. It's just another script for them to read. "We'll get back to you in two weeks," and then I go on vacation, and then they go on vacation, and one thing and another—

BOCHCO: Boy, am I depressed!

TODD GITLIN: Well, why should they feel passion? I mean, they think they've seen it all. If you have the attitude that there are only six or 12 program concepts, and if you think TV is dandy as it is and it's just reeking with quality, then why get worked up? It's just the next brand of toothpaste coming.

BOCHCO: I must say, I've never heard a network executive express that sentiment. I mean, I'm no lover of the networks, but gee, I've never heard anybody in a network be so smug about what television was that they could afford to be that lackadaisical.

SHAPIRO: No, I think most of them really just don't know the difference. I honestly think they're trying. I just don't think they're equipped and they just don't know. If you say, "This can be fixed," or "This can be done," and they really can't envision it, then—they're frightened.

GRANT: Well it's just the reverse. When I read the first script of *Dallas*, I didn't know it was going to be one of the biggest hit series of all time; I just thought it was a well-written script with interesting characters. We didn't bother to do a pilot; we just put it on the air. But I don't know what *passion* you're looking for.

LEAR: I know what passion he's looking for. A writer falls in love with a piece of material. He comes in just aching to convey this, to get it going, to cast it, to do it. I mean, he could not talk about it without being passionate. Just responding to this conversation, I find I cannot talk about it without feeling some passion, and some passion, I think, is not on the network agenda.

GOLDBERG: Bud, I wish you could be a fly on the wall in the offices of your lesser executives and listen. I've got to tell you, it's hard not to fall asleep sitting listening in those offices. People are scared to say what they feel.

BOCHCO: My experience is that there are very few network executives who are really committed to being network executives. ■

The Curse of the VCR



by Jack Mingo

IF YOU ARE ONE of the 47 *Channels* subscribers who have yet to buy a VCR, perhaps I can save you from making a serious mistake. The rest of you are probably reading this only to pass time while rewinding *Airplane II*, so nothing I say will make much difference.

I know what I'm talking about: I have owned a VCR for several months, and was even delighted with it for a while. But I've since come to realize there are serious drawbacks to all of its alleged benefits.

In all the articles I've run across, few actually talk about the dark side of owning a VCR. At least, I assume that's true: I haven't actually *read* any of the articles, I just clip them out and put them in a file to be read sometime in the indeterminate future when I can give them the attention they deserve. I call this technique Time-Shift Reading. Which brings us to the first liability of owning a VCR:

It is easy to record shows; the difficulty is in finding time to watch them.

A Nielsen poll of VCR owners found them admitting they never watched 20 percent of the shows they recorded. *Video Guilt*—a pathological shame about watching television—has been joined in psychological annals by two new but related syndromes: *Video Retention* and *Duty Taping*.

Video Retentives take grim satisfaction in accumulating mounds of unwatched video cassettes. Their perverse pride is in ownership. Some vaguely dread being punished

Jack Mingo's latest book, The Couch Potato Guide to Life (Avon Press), will be published later this year.

somehow if they take time away from their busy lives to view for pleasure.

Like Video Retentives, Duty Tapers pile up dozens of unwatched cassettes, but there the similarity ends. Duty Tapers actually *do* watch television for pleasure, but they feel guilty about it. So, while they watch *Monday Night Football*, *The A-Team*, or *Falcon Crest*, they tape the ballets, operas, and Shakespearean plays they feel they *should* be watching on public television. Those tapes are never watched, however, and eventually are erased and reused after much agonizing. Psychologists say most VCR owners are afflicted to some degree with one or the other syndrome.

Zapping commercials actually makes you more vulnerable to them.

Ironically, nobody watches a commercial more attentively than a VCR owner about to pounce on the "RECORD" button, waiting for the show to begin again. He may never have to see that commercial again, but the message has already been implanted.

Still, that's nothing compared to what happens when we fast-scan commercials on

tape. What happens is that we unwittingly do to ourselves what broadcasters' codes forbid advertisers to do: show us commercial messages so rapidly that they are picked up only by our unconscious mind, unfiltered by consciousness. No doubt advertisers know this and design commercials to accentuate the "subliminal advertising." If you are a vegetarian suddenly feeling a craving for brand-name double-patty burgers, this may very well be the reason.

When we are deprived of standard-length commercial breaks, the quality of life declines.

Since the first television commercial (Bulova watches, WNBT-TV New York, 1941, cost: \$9), the breaks in television programming have served important familial, social, and physiological functions. During one you can read a dozen paragraphs, discuss a child's transgressions and appropriate retribution, go to the bathroom, mix drinks, have a quick sexual encounter, or do a minor household repair.

Over the years it has become a game, almost a Household Olympics, to accomplish one of these tasks and plop back into the easy chair before

your show comes back on. VCR owners all too often miss this fun, leaving books unread, spouses unsatisfied, pets and family unfed, and households in disrepair—not to mention risking the chronic urinary and intestinal difficulties that can result from long nights of viewing without frequent breaks in the programming.

The dream of being able to rent the movies you want to see pales when you find out what is actually available.

If you bought a VCR because you think network television programming is moronic bilge, wait'll your kids talk you into renting *Purple Rain* or *Porky's II*.

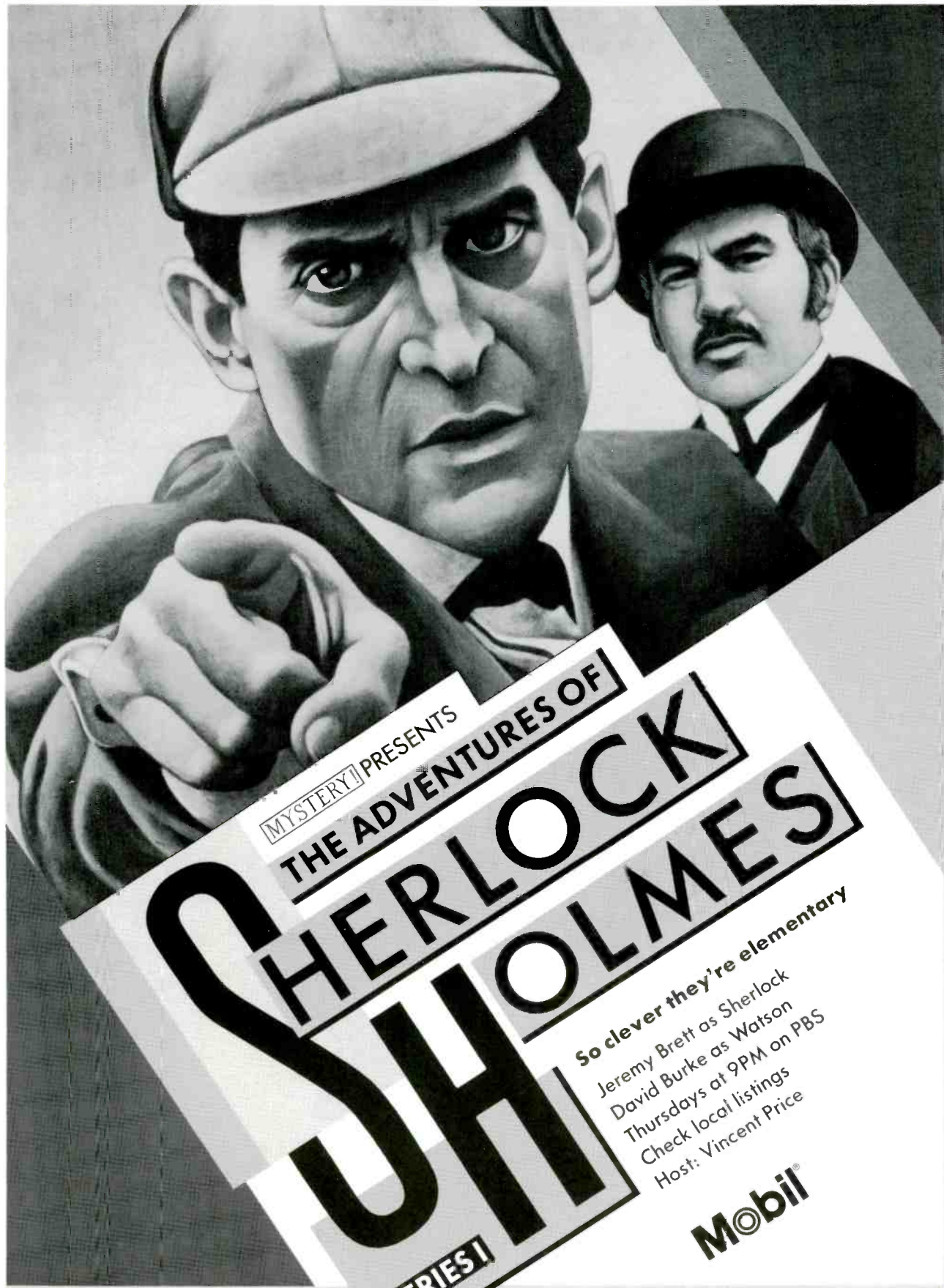
Home movies, insufferable in three-minute reels, become cruel and unusual punishment on six-hour video cassettes with sound.

Home movies in their heyday averaged 4.5 on the Painful Tedium Scale (comparable to being snowed in at O'Hare International Airport during the Christmas rush). Now home videos are registering as high as 8.2 (the equivalent of root-canal work done without anesthesia while a Van Halen album is played at half-speed).

VCRs threaten the "Global Village"—the sense of shared experience with people across vast areas watching the same thing at the same time.

Broadcast television has long been the only regular activity shared by nearly all of us whether we are rich or poor, black or white, Jew or Gentile—whether we prefer our burgers fried or flame-broiled.

I am not saying that widespread VCR usage will rip the social fabric and cause rioting in the streets. But if it does, many hard-core VCR owners won't find out about it until several days later.



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MYSTERY II PRESENTS

THE ADVENTURES OF

SHERLOCK HOLMES


SERIES I

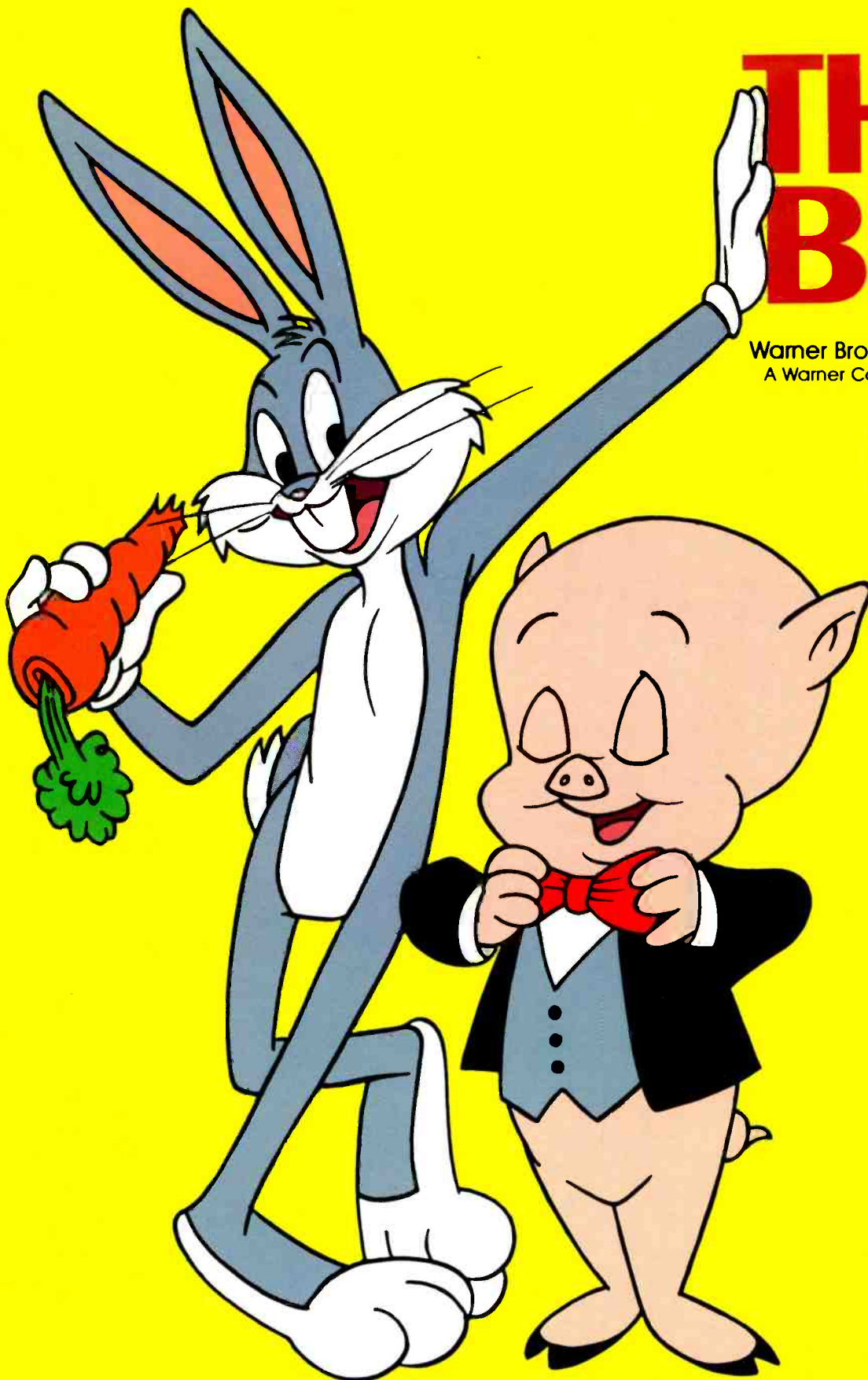
So clever they're elementary

Jeremy Brett as Sherlock
David Burke as Watson
Thursdays at 9PM on PBS
Check local listings
Host: Vincent Price

Mobil[®]

An independent production prepared solely by Granada Television and faithfully adapted for television from the original, public domain Conan Doyle story.

 Closed captioned for hearing impaired viewers. The Adventures of Sherlock Holmes, published by Dell books, available in local bookstores.



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