

Ronald Reagan Presidential Library
Digital Library Collections

This is a PDF of a folder from our textual collections.

WHORM Subject File Code: PR016-01
Casefile Number(s): 076001-085000

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

WITHDRAWAL SHEET

Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. case file (084310)	re alleged invitation to Farouk al-Kaddoumi by Senators Charles Percy & Congressman Lee Hamilton (5 pp)	5/25/82-6/3/82	B5 M3 11/2/01
COLLECTION: WHORM: Subject File			smf
FILE LOCATION: PR 016-01 Public Relations: Broadcasts-Telecasts (076001-085000)			4/29/92

RESTRICTION CODES

- | | |
|---|--|
| <p>A. National security classified information.</p> <p>B. Presidential Records Act</p> <p>B1. Release would violate a Federal statute.</p> <p>B2. Release would disclose trade secrets or confidential commercial or financial information.</p> <p>B3. Release would constitute a clearly unwarranted invasion of personal privacy.</p> <p>B4. Relating to appointment to Federal office.</p> <p>B5. Release would disclose confidential advice between the President and his advisors, or between such advisors.</p> | <p>B6. Release could disclose internal personnel rules and practices of an agency.</p> <p>B7. Release would disclose information compiled for law enforcement purposes.</p> <p>B8. Release would disclose information concerning the regulation of financial institutions.</p> <p>B9. Release would disclose geological or geophysical information concerning wells.</p> <p>C. Closed in accordance with restrictions contained in donor's deed of gift.</p> |
|---|--|

WITHDRAWAL SHEET

Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. case file (084310)	re alleged invitation to Farouk al-Kaddoumi by Senators Charles Percy & Congressman Lee Hamilton (5 pp)	5/25/82-6/3/82	B5
COLLECTION: WHORM: Subject File			smf
FILE LOCATION: PR 016-01 Public Relations: Broadcasts-Telecasts (076001-085000)			4/29/92

RESTRICTION CODES

- | | |
|--|---|
| <ul style="list-style-type: none"> A. National security classified information. B. Presidential Records Act <ul style="list-style-type: none"> B1. Release would violate a Federal statute. B2. Release would disclose trade secrets or confidential commercial or financial information. B3. Release would constitute a clearly unwarranted invasion of personal privacy. B4. Relating to appointment to Federal office. B5. Release would disclose confidential advice between the President and his advisors, or between such advisors. | <ul style="list-style-type: none"> B6. Release could disclose internal personnel rules and practices of an agency. B7. Release would disclose information compiled for law enforcement purposes. B8. Release would disclose information concerning the regulation of financial institutions. B9. Release would disclose geological or geophysical information concerning wells. C. Closed in accordance with restrictions contained in donor's deed of gift. |
|--|---|

PR016-01

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 82105104

Name of Correspondent: Phil Crane

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: In a three page letter, makes a number of suggestions on ways you can ^{use your} special ability as a persuasive, effective, and credible communicator to get public sentiment behind you. Comments cover: defense spending, federalism, tax cuts, inflation, interest rates, unemployment, and the budget.

ROUTE TO: ACTION DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>LA DUBE</u>	ORIGINATOR	<u>82105104</u>	<u>KD</u>	<u>A</u>	<u>8210506</u>
<u>SD GERG</u>	Referral Note: <u>A</u>	<u>8210510</u>	<u>WS</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

May 6, 1982

Dear Phil:

I was pleased to bring to the President's attention your very thoughtful letter of April 27. The President welcomes your advice and appreciates your suggestions for building a better public case for his proposals in the important areas you mention.

Just as he is committed to keeping the country on the right course for economic recovery, President Reagan is committed to communicating with the American people so that they will better understand the need for and strengths of his legislative package. In order to ensure that your specific suggestions are given every consideration, I will be sharing a copy of your letter with the appropriate staff, and please do not hesitate to keep us apprised of your ideas and recommendations in the crucial weeks ahead.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Philip M. Crane
House of Representatives
Washington, D.C. 20515

KMD:CMF:nap

cc: w/copy of inc, Dave Gergen - for appropriate action

bcc: The Honorable Paul Laxalt, United States Senate,
WASHDC 20510

WH RECORDS MANAGEMENT WILL RETAIN ORIGINAL INCOMING

United States Senate

MEMORANDUM

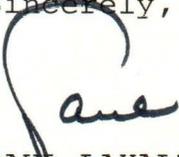
April 30, 1982

Ken:

I'd appreciate it if you could hand deliver the enclosed letter from Phil Crane personally to the President.

Thanks for your help on this.

Sincerely,


PAUL LAXALT
U. S. SENATOR

CP-
Ken doesn't want
to send in to P.
Pls do your usual
P has seen reply &
cc: Laxalt. TA-
NK

PHILIP M. CRANE

MEMBER OF CONGRESS
12TH DISTRICT OF ILLINOIS



WAYS AND MEANS
COMMITTEE

SUBCOMMITTEES:
OVERSIGHT
HEALTH
SOCIAL SECURITY

Congress of the United States
House of Representatives
Washington, D.C. 20515

OFFICES:
SUITE 1035
LONGWORTH BUILDING
WASHINGTON, D.C. 20515
202/225-3711

DAVID J. ALLEN
ADMINISTRATIVE ASSISTANT

SUITE 101
1450 SOUTH NEW WILKE ROAD
ARLINGTON HEIGHTS, ILLINOIS 60005
312/394-0790

April 27, 1982

076254

The Honorable Ronald W. Reagan
The White House
Washington, D.C. 20500

Dear Mr. President:

I have been on the road continuously this year speaking to a wide variety of audiences, a majority of which are neither conservative nor Republican. In these speeches I have steadfastly explained and defended your formula for getting our nation back on a sound footing.

* On defense spending: your rearrangement of budget priorities is supported, but more support can be generated than exists by reminding audiences (particularly on college campuses) about the percent of the budget spent on defense under Eisenhower, Kennedy, and Johnson in contrast to your rather modest increase over the appalling drop that culminated in Carter's last year. Moreover, most people don't realize that a majority of this is manpower cost to retain good people and guarantee them a decent standard of living as career professionals.

* On federalism: endless horror stories can be used to prove the point that Congress is legislating in the dark and that concentration of power is dangerous to liberty, balanced budgets, and compassion. Your call to redirect the flow of power to the grass roots is right and can be readily grasped by anyone who has had a run-in with the impersonal bureaucracy.

* On tax cuts: you're on the side of the angels. It's good economics and good politics. You can go further on this: e.g., elimination of taxation of interest and capital gains to reward the traditional virtues of hard work, thrift, and savings. Please hang tough on your existing tax bill and communicate your determination to some of our faint-hearted Republican colleagues.

President Reagan
April 27, 1982
Page Two

* On inflation: remind the voters that 90% defined this issue as our most serious domestic problem when you took office and properly so with three consecutive years of escalating double-digit inflation. Under your Administration it is down to 3% now - in just a little over a year.

* On interest rates: the prime rate hit 22% under Carter, was over 20% when you took office, and is down to 16% today. It is still worrisome, but the Wall Street Journal says this is as rapid a decline in interest rates as we've had coming out of a recession in the past 20 years.

* On unemployment: the Wall Street Journal has noted that the highest percentage of our labor force employed in the past 50 years was 59% in 1979. It's 57% today. We're all disturbed by this, but ending inflation, reducing interest rates, lowering taxes, reducing government spending and eliminating needless regulations will lay the foundation for growth and unprecedented employment. You inherited these structural problems, they were a generation in the making, and will take time to correct. But your programs have begun the turn around. Use your example of turning the Queen Elizabeth around at sea when she's moving full speed ahead.

* On the budget: making budgets is a legislative function, not an executive function. You can-and have-indicated your proposals to the Congress. It's the responsibility of the House to dispose of your recommendations and those from any other source. All money bills must originate in the House; hence, all policy originates in the House. Tip O'Neill has a 50 vote majority. He doesn't have to broker with you. You've told Tip what you think should be done. Now it's Tip's job to do what he thinks best. Your veto power dictates an accommodation with you unless Tip thinks he has the horses to override you. After the Congress votes to spend in given areas, your function is to execute the spending and policy decisions of Congress. But it is essential that you get this message to the people. Most Americans don't understand how their government works and the Democratic leadership (aided and abetted by the media) is attempting to portray you as intransigent and uncompromising. The burden of producing a budget is Tip's responsibility and that point needs to be stressed. And please, Mr. President, get this point across to our Republican leadership in the Senate. They have no business preparing an alternative to your budget proposals. They, too, should be harping away at the fact Tip is fiddling while Rome is burning, that he and his

President Reagan
April 27, 1982
Page Three

Democratic committee chairmen have the responsibility for preparing a budget and they're hurting the nation through their inactivity because it is causing jitters in the financial markets thus keeping interest rates abnormally high, killing businesses, and destroying jobs.

Finally, you are the greatest communicator on television in politics. Rather than the five minute radio broadcasts, could you not get on T.V. fifteen minutes, prime time, each week? Let the RNC raise the money for these broadcasts. And make abundant use of graphic visual aids so even the sixth grade mentalities can understand. And then repeat the fundamentals again, and again, and again until they become the conventional wisdom.

Abraham Lincoln correctly observed that with public sentiment behind you, anything is possible. Therefore, he said, he who influences public sentiment performs a vastly more significant act than he who simply enacts statutes. You alone are in the position to wield the kind of influence over public sentiment that can generate the heat at the grass roots. And no one before you—even FDR—has been so persuasive, effective, and credible a communicator. Further, you need not fear overexposure. Cronkite, sad to say, was the most believable man in America and he was on every night. You have an added advantage as President: the American people already like you as a person and they want to believe you as their President.

I have told many Republican audiences that you are our secret weapon because of this extraordinary talent that you have. But you must use it more to provide the counterpoise and corrective to a dangerously negative, biased, and destructive media doing their best to undermine confidence in all of your positive initiatives.

As a historian, I truly believe that you represent our last opportunity to turn this nation around in my lifetime. We must succeed. God bless you.

Warmest regards,



Philip M. Crane, M.C.

PMC/Ccg

10# 076312

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 1 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

mpo/



076353PD
PRO16-01
WE010

CORRECTED AIR COPY TO FOLLOW

Transcript of broadcast

CBS REPORTS

"PEOPLE LIKE US"

AS BROADCAST OVER THE

CBS TELEVISION NETWORK

WEDNESDAY, APRIL 21, 1982

8:00 - 9:00 PM, EDT

WITH CBS NEWS CORRESPONDENT BILL MOYERS

PRODUCED BY CBS NEWS

PRODUCER: JUDY REEMTSMA

EXECUTIVE PRODUCER: ANDREW LACK

THIS BROADCAST SUBJECT TO FURTHER EDITING PRIOR TO AIR.

©MCMXXXII CBS Inc.
ALL RIGHTS RESERVED

BILL MOYERS: I'm Bill Moyers. By the late 1970's there was widespread sentiment in America that government spending was out of control. Many voters were fed up with inflation and taxes and appalled by stories of waste and fraud in government programs for the poor. Their feelings helped to elect Ronald Reagan President. He said he would balance the budget, cut taxes, and get the economy moving again.

His first budget cut nearly in half the growth in Federal spending for the next two years. But neither the President nor the Congress would tackle popular spending programs which have strong constituencies, so the least popular programs have been cut the most. These are the programs on which the poorest Americans depend for help, the truly needy whom the President had said would not be hurt.

PRESIDENT RONALD REAGAN: We will continue to fulfill the obligations that spring from our national conscience. Those who through no fault of their own must depend upon the rest of us -- the poverty stricken, the disabled, the elderly, all those with true need -- can rest assured that the social safety net of programs they depend on are exempt from any cuts.

MOYERS: It has not worked out quite that way. Larry Ham, a victim of cerebral palsy, has just been cut off the Social Security Disability rolls.

LARRY HAM: Because of this, we could lose everything-- you know-- and I don't know what we would do. You know-- we've worked hard to put our kids in a good school, good neighborhood and everything -- to go and lose it all? You know-- if I was able, believe me I would go back out there. I would. I would go back out there and go to work.

MOYERS: Francis Dorta is trying to support three children at a low paying job. She has just been cut from the welfare rolls.

FRANCIS DORTA: Since I was cut off from Welfare, I couldn't pay for the rent. I am supposed to go Wednesday to see the judge. And they'll tell me whether I'm evicted or not.

MOYERS: Kathy Dixon's child is leaving home today because the government has changed some of the rules covering her home health care.

CATHY DIXON: If they tell me, "Mrs. Dixon, we will furnish you nurses," I would bring her home in a minute. Why can't I keep her at home? I'm just throwing her away.

MOYERS: Twice as many people than a year ago are coming to this church basement for a free meal. Hunger in America is back.

ST. BENEDICT'S VOLUNTEER: You go home and think about that. When you sleep, you think about all the people hungry like this. You can't sleep at night thinking about the people. They need help.

MOYERS: These are people who have slipped through the safety net and are falling away. In the great outcry about spending, some helpless people are getting hurt. No one knows exactly how many. This broadcast concerns only a few. Except for matters of chance, they are PEOPLE LIKE US.

This is an ordinary Sunday for Larry and Loretta Ham and their four children. They are attending Mass at their parish in Brooke Park, Ohio. But this is not an ordinary time in the life of the Ham family. Larry Ham, a victim of Cerebral Palsy, has just been cut off the Social Security Disability rolls.

MR. HAM: We get a lot of help from the Church. Thanksgiving, they sent a turkey. They sent canned food. Christmas, they sent two gift certificates for food. They've helped us a lot over the holidays.

MOYERS: The government estimates that as much as \$2 BILLION may go every year to people who are no longer disabled. So the Social Security Administration is trying to remove from the rolls everyone but the truly needy. Larry ham has been judged not to be truly needy.

MR. HAM: In October I received a letter stating that I was to go see a doctor...and...submit forms — medical forms that— uh, on my disability.

MOYERS: Was there any notice that you were going to receive this...examination? Did you have any advance warning?

MR. HAM: No...I didn't.

MOYERS: Did a doctor examine you to see if your condition had improved before you received this letter...before you were cut off?

MR. HAM: No...No.

MOYERS: No one contacted you from the Social Security Administration?

MR. HAM: Nobody.

MOYERS: The letter you received told you that you were supposed to work at a desk job...a sedentary job. How did that strike you?

MR. HAM: I really didn't understand... I took the letter, and I was really upset because I didn't know what I could do.

MOYERS: So what did you do then?

MR. HAM: I called a lawyer.

JAMES BROWN: The people coming in with terminations usually receive a notice telling them they have 7 to 10 days to get proof that they're still disabled. In this 7 to 10 days, it's virtually impossible to obtain a medical report and get it to the Administration. I have more clients coming in with no resources, the federal government's turning them down.

MOYERS: Attorney Jim Brown agreed to take Larry Ham's case.

BROWN: And people receiving Social Security Disability are working people. They've spent most of their life contributing to their government and supporting their government. The only place that they thought they could turn was to the United States government. And now the United States government has turned against them. My opinion is that there has to be some proof that the person's condition has improved if they are to be taken off of disability. The government right now is taking people off with no proof that it's improved and sometimes with proof that their condition is deteriorating. But to take

to help, and to cut him off the way they did is unconscionable.

MOYERS: Larry Ham, who today spends part of his time volunteering at the school his children attends, dropped out of school in the ninth grade.

Last year, the Reagan Administration proposed to limit qualifications for disability benefits to medical factors alone. Education, job skills and age would not be taken into consideration. The legislation DID NOT pass Congress.

But the letter Larry Ham got told him he should be able to get a job in a "sedentary occupation."

MR. HAM: I just kept reading the letter. I didn't understand what it said—and it—you know, what they meant.

MOYERS: At what sedentary occupation is?

MR. HAM: Right. Right. What kind of a desk job can I do, you know?

MOYERS: Have you tried to get a desk job?

MR. HAM: No. Because I don't have the ability. I—you know, I know this. I have trouble with things, you know.

MOYERS: Did you know just how ill Larry was when you met and married him, Loretta?

LORETTA HAM: I knew of his condition, physical condition, you know; I was quite aware of what his condition was.

MOYERS: You knew that it was difficult for him to work.

MRS. HAM: Right. Right. But, we could work together, you know. We've done it for 11 years, you know. We worked together, we worked hard and Lar worked hard at what he could do. You know, and I did my job on—you know on my end.

MOYERS: What were you doing Larry, when you married?

MR. HAM: I was working for a bakery. I worked there for about five or six years.

MOYERS: Doing what?

MR. HAM: Uh—I started off in what they call the crumb room... with bread crumbs, you know—you bake ... the bread gets cut up and it comes down and you brown it ... bake it ... make croutons...and make bread crumbs.

MOYERS: And what happened?

MR. HAM: Well, after a while, it just got so there was more work put on than I could handle. And I just told them I had another job, you know. And that was it. I—I just couldn't handle it anymore.

MOYERS: Did you have another job?

MR. HAM: no.

MOYERS: So, seven years ago, Loretta Ham had to go to work.

How did you feel about Loretta working? Did you want you wife working?

MR. HAM: I never wanted Loretta to work. Since, when we first got married, we talked, you know, we talked about different things and that...and I always said, honey, you know, you take care of the kids, and I'll take — you know, I'll take care of us because — my mother she did — she worked very hard for us. To raise us and and then — she worked cleaning schools... you know...and she worked too hard...and I never wanted Loretta to do this.

MOYERS: What did you say to him about that?

MRS. HAM: Well, you know, what can you say? You know, Lar has pride... you know, and — and he did his manly job...you know. If it meant working two jobs, this is what he felt he had to do...you know, to support his family. I was the first to go out there and be more than willing to help him work, you know, to carry the load.

MOYERS: Are you working now?

MRS. HAM: No. Things are cutting back at Ford so I am unemployed. It was kind of like we're just stripped of everything. You know, because it was boom, boom, one, two and that was it.

JIM BROWN: In the past couple of months, I have spent more and more nights thinking about people.

MOYERS: How?

MR. BROWN: You can go to sleep at night and you think about the person who may not have food tomorrow, whose kids don't have shoes for school, and you do worry about them.

One of the 'problems is the people who are the so-called cheats are the ones that are still getting it. They are the ones who know how the system works. They're the ones that know what the doctor's report should say, and they can find a doctor to say it. And they're the ones that aren't going to get subjected to what the people like Larry Ham get. The difficult part is to have somebody sit in your office and tell you how they're suffering, and how they're starving, and have to tell them that — well, we'll get you a hearing in ten months, and we'll probably win because you're entitled. But you're going to have to survive until then.

(sound on film)

MOYERS: Larry Ham was removed from the disability rolls without the chance to plead his case. He will have to live with no benefits until he can get a hearing before an Administrative Law Judge. But there is such a back-log of appeals, that Larry Ham still has not been given the date for a hearing — although he lost his benefits four months ago. In the meantime, the problem for the family is food...

ELIGIBILITY WORKER: Now with your unemployment benefits you'll be getting \$115.00 a month for the months, February through April.

MRS. HAM: That's not very much.

E.W.: I know it's not, but it's just enough to get you by not to make things comfortable.

MRS. HAM: Yes.

E.W.: You can come in and pick that up or we can mail it out to you. You'll get it in a few days. What would you like to do?

MRS. HAM: I think we should come pick it up. The fewer days we don't have to wait, the better.

E.W.: O.K. Fine.

MRS. HAM: But, like this month, O.K., I have not yet to receive an unemployment check, and these utilities are— you know, they desperately need to be paid. You know, like what would I do if someone comes to the door to cut the utilities off, you know. Do I tell them this form is in the mail? You know, it's in Columbus? Are we eligible to get onto welfare... you know for assistance there? You know, you go down there and you wait a day and then you come back three days later and in the meantime, these people are knocking at your door. You know. And you've got four small kids, you know, and you're saying my papers are waiting — they're at Welfare. They're waiting. These people don't want to hear this.

You know, this is something we're faced with and where do you go? This one says you just made enough money to qualify for food stamps and Welfare says you're making way too much to qualify for welfare. You know, so what do you do in the middle?

E.W.: I don't have all the answers. The best thing I can do is be honest with you. Do you have food in the house for the weekend?

MRS. HAM: We were basically running out between my mother and my sister-in-law...that's how we've had our food for the past four weeks.

E.W.: If you don't have food in the house for the weekend, I'm going to have to call to find the nearest hunger center, that's what we call them, near you. What it is, is that this is like private works of charity, O.K.? And the various churches and that, they only want to give to their little community, you know...

WOMAN FROM HUNGER CENTER: Hello.

E.W.: Hi. This is Mrs. Smith from County Welfare. I have a client and I was given your number to call.

WOMAN: Well, what seems to be the problem?

E.W.: The problem is that they need food for the weekend and they won't be able to pick up a food stamp card until Monday. The client, her husband and four children.

WOMAN: Four children? Gosh, what are their ages?

E.W.: They are like eight through twelve.

WOMAN: They need food through the weekend?

E.W.: Right.

WOMAN: Well, I would say that it probably... I wonder if they have anything at all for supper tonight?

The lady that called last week had a baby eight months old. I could hear him crying. I said, "What did you give him for supper?" And she said her neighbor gave him a can of carrots and that satisfied him. But she didn't have one solitary thing in the house.

E.W.: Right... So you will call them this evening and then someone will bring some food over...thank you very much.

MOYERS: Is there a chance that you could lose this house?

MR. HAM: There is a chance. But we are going to do everything we can to keep it. I mean, anything possible we are going to do because we can't lose it... we can't start over again. We got to do everything we can— try to get help somehow. Make somebody understand that— you know, this is wrong.

MOYERS: You're not going to lose your home?

MR. HAM: No. We're not going to lose our home. No matter what we have to do. We'll do it.

MOYERS: How is this affecting your children. What kind of holiday season did they have?

MR. HAM: I'm very proud, very proud of the children. They went out carolling for Christmas. They got about seven dollars apiece, and they took it to buy each other gifts. The boys went up to the corner and they carried groceries at the store. They took the money and bought each other Christmas.

MOYERS: Are you angry at the government?

MRS. HAM: Angry at the government? You're supposed to put trust in the government. The President of the United States is— you know, if you can't trust, you know, the top man, so you have to have confidence in what he's doing. That this is right. He is doing it for a reason. And, this is a hard way. It definitely is a hard way to go.

Sometimes things happen and you think, "Oh gosh. Why did that happen to me, you know?" But that doesn't make you lose faith, you know, in God. So the same thing with the President. You kind of can't just lose trust in him. This is the man that runs our nation. This is the man that is— you know, got the whole nation in his hands.

(singing in church)

MOYERS: In February, Loretta Ham went back to work for the Ford Motor Company.

TELEPHONE: Good Morning, Board of Social Services.

FRANCIS DORTA: I'm calling to find out if, you know, if I could get Medicaid for my son Gabriel.

MOYERS: Francis Dorta's husband abandoned her and their three children seven years ago. She went on welfare until last August when she took a low-paying job. Although she was working, she was still eligible for some help from the government, including Medicaid coverage for her children. But on October first, she was cut off both Welfare and Medicaid. Now she has no money for the operation her son Gabriel needs.

(sound on film)

ELIGIBILITY WORKER ON PHONE: Why were you terminated in the first place?

MRS. DORTA: Because I started a job.

E.W.: And your...

MOYERS: On October 1st, changes in the welfare rules caused over 600,000 working families with more than a million children to lose some...or all of their benefits.

E.W.: O.K.

MRS. DORTA: Bye.

MOYERS: Well, what did they say?

MRS. DORTA: No.

MOYERS: Why?

MRS. DORTA: Because my income, you know, is still the same as when I started working...hasn't changed.

MOYERS: So what do you do now?

MRS. DORTA: I don't know. I have no idea what to do.

MOYERS: What does Gabriel do now?

MRS. DORTA: I don't know either.

MOYERS: Gabriel suffers from an inherited condition that could develop into cancer unless he has major surgery. But Francis Dorta cannot afford medical insurance. And there's no way for her to get it unless she quits her job and goes back on welfare. The longer Gabriel must wait, the higher the risk.

GABRIEL DORTA: I get an operation maybe.

MOYERS: You think you might get an operation?

GABRIEL: Uh huh. She said.

MOYERS: But she said she didn't have money for it right now.

GABRIEL: Yes.

MOYERS: So do you think she'll get the money for it?

GABRIEL: I think so.

MOYERS: Would you be better off if your mother stopped working and went back on welfare?

GABRIEL: Nah-uh. No.

MOYERS: Why?

GABRIEL: Then she always...she-- she don't like welfare.

MOYERS: Why doesn't she like welfare?

GABRIEL: They don't treat her nice.

MOYERS: How did they treat her -- as you could see it?

GABRIEL: They treat her like poor.

MOYERS: But isn't it hard on her, working at midnight every night until 8 o'clock in the morning?

GABRIEL: Yes. In the morning, I wake up at 6 and clean up the house -- me, my brother and my sister help, too.

MOYERS: Let's go over to the steps and sit down before the bus comes.

Eight out of ten families on Welfare are headed by women. Only 10 percent of the absent fathers provide their families with any support. Most of the women and their children live in poverty.

Do you miss your father?

GABRIEL: Yes.

MOYERS: How long has it been since you've seen him?

GABRIEL: Within three years. He told me one night not to tell nobody that he was going away. And I told my mother the truth.

MOYERS; And what did she...what did you tell her?

MOYERS: What did...

GABRIEL: I told her that he went down to Puerto Rico.

MOYERS: What did she do?

GABRIEL: Hm ?

MOYERS: What did...

GABRIEL: She just started crying.

MOYERS: She didn't know it was going to happen.

GABRIEL: Uh uh. No.

MOYERS: Before the Administration's cuts went into effect, a New Jersey family of four earned about \$175 a month more than the average welfare family. After the cuts went into effect October 1st, the working poor family made just \$18 more a month. Next year, in New Jersey, it will not pay for people like Mrs. Dorta to work. The working poor will have 4 dollars LESS per month than the average welfare family. Mrs. Dorta works the midnight shift checking audio cassettes at a factory in New Jersey.

Something doesn't quite seem right to me. You are doing your best, right? You work hard, midnight to 8 o'clock, 5 days a week. You're trying to hold your family together: Gabriel, Robert, Mary Alice. Uh... there's no heat in this house. You may even lose the house because you can't pay the rent. Is there ever a time when you don't have food on the table for the kids?

MRS. DORTA: Yes...most of the time I don't.

MOYERS: You don't?

MRS. DORTA: No. And then sometimes I go borrow if I find anyone you know, my friends or someone, I borrow money from them. And you know, they help me.

There's two windows missing. Mr. Atardo was supposed to fix them. Both of them are in the kitchen.

MOYERS: But she has not been able to earn or borrow enough to keep up with her rent. She is in court because she is about to be evicted. Connie Pascale, her Legal Aide Attorney is trying to use the poor condition of the house as a bargaining tactic.

HON. EUGENE SERPENTELLI: Is there any other matter waiting to be heard other than McKay vs. Dorta?

MOYERS: Judge Eugene Serpentelli will talk to the lawyers behind closed doors.

CONNIE PASCALE: At this point I think we can keep you in there until the beginning part of January, then God help you find a place.

MOYERS: The lawyers have come to an agreement in the judge's chambers. Mrs. Dorta can stay in her house until January.

MRS. DORTA: At least that's something. Thank you.

MOYERS: What would Mrs. Dorta have done today if there had not been a legal services lawyer?

SERPENTESELLI: I think she very likely would have been dispossessed today, to put it very honestly. She probably would have given up. She may not have even appeared as you saw when we called the list...there were many people who didn't come. Uh, some people simply feel they've reached the end of their line.

MOYERS: The Reagan Administration wants to reduce Legal Services. What happens to the poor and the legal system if that happens in your judgement?

SERPENTESELLI: The loss of them in any significant manner is going to be devastating, both to this system and to the people.

MOYERS: How many Francis Dortas do you handle a week?

PASCALE: I would see about 5 or 6, maybe 7 people a week that have a problem with their landlord, either because they're receiving insufficient services, because they have no money to pay.

MOYERS: Has she been penalized for going back to work?

PASCALE: Oh, she's definitely been penalized for going to work. It's a strange situation. But the people that are penalized most are the people that are working here. In fact, this is a great incentive not to work at all...

MOYERS: What do you mean?

PASCALE: If I were...if I were on Welfare and I looked at what would happen if I started to earn— sufficient money at an entry level job, which is what she's at...if I was earning 3 or ... \$3.35, whatever the minimum wage is, I would have second thoughts about taking that job. Because if I do, I'll lose my public assistance; I will lose a lot of my food stamp benefits; I'll lose my Medicaid benefits. And if my child is sick or I'm sick, I'll be face— in the same position that Mrs. Dorta would be in. I wouldn't pay my rent; couldn't pay my utilities. It would be a very great disincentive to anyone— who knew what was going on — to go to work in this climate. So I think it's crazy if what Reagan and the Administration is trying to do is promote people getting off of public assistance — what they're doing is just the opposite.

MOYERS: Yet, a lot of middle class taxpayers are fed up with what they think is cheating on Welfare.

PASCALE: I've talked to more and more people who are— middle class people who are opposed to people on Welfare, thought they were cheating. But when they've been laid off and come to me, they said, "I had no idea. I never

understood. I never realized until it happened to me how degrading it is, how demeaning it is, how oppressive it is to be without work and be forced to rely on public assistance." And most people I know, if they could get off welfare in a second, they'd do it. But the alternative is just not there. And you have to live.

MOYERS: Is Mrs. Dorta cheating?

PASCALE: No, she's not...no , she's not.

(sound on film)

MOYERS: Middle class taxpayers have their favorite anecdotes about Welfare "cheats." The woman who picks up her welfare check in a Cadillac; the man buying steak with food stamps. But those same taxpayers may not know that in 1981, the government lost \$95 billion in revenues because some taxpayers under-reported their incomes. They cheated the government out of seven times the total Welfare budget. Playing games with income tax returns is far away from the world of Mary Alice, Robert and Gabriel Dorta. They have their own games to play. And their own dreams about the future.

MOYERS: What would you like to make out of yourself?

GABRIEL: Like what?

MOYERS: How would you like to earn your living?

GABRIEL: In the middle.

MOYERS: In the middle?

GABRIEL: Yes.

MOYERS: What do you mean?

GABRIEL: Like, not that rich — I'll just be in the middle. Like I'll just take care.

MOYERS: Take care of what?

GABRIEL: Take care of myself.

MOYERS: So you don't want to be rich...you just want to make your way.

GABRIEL: Yes.

MOYERS: What do you dream about when you dream? I used to be a 13 year old boy. I remember my dream. What do you dream about?

GABRIEL: I always dream of taking pictures of my mother, and then I always go down to the store with my bike, go and buy some more film.

MOYERS: That's your dream?

GABRIEL: Yes.

MOYERS: The new Welfare rules finally forced Francis Dorta to choose between her job and her son's health. She made the choice almost any mother would make. Last January she quit her job to go back on welfare. She now receives a basic grant of \$414 a month, food stamps worth \$169, and the all important Medicaid benefits. Gabriel Dorta's operation on April 14 was successful.

MOYERS: Visiting nurse Kay Heyer has come to take care of Carrie Dixon for the last time. Her 13-year-old patient has had two strokes and been in a coma for 8 months.

KAY HEYER: Where'd you put the clothes you want me to put on her?

MOYERS: Because Carrie Dixon's mother Cathy is on welfare, the child's medicines and nurses have been paid for by the government. But last December some of the Medicaid rules were changed. Cathy Dixon had to pick up more of the costs. Amidst fears there would also be cuts in the money for visiting nurses, she reluctantly began to look for a place that would care for her daughter. So today Cathy Dixon is dressing Carrie for the last time at home.

HEYER: You want to put the socks on?

Leave the pants until right before she goes, huh? Because we might have to put a different diaper on her.

DIXON: Carrie, we're putting your socks on, baby.

HEYER: Flashy socks.

DIXON: Flashy girl.

HEYER: Alright.

DIXON: Feel better?

HEYER: Get upon the pillow. I know that they bundle them up real good when they take them in the ambulance anyhow so she would be...(indistinct).

DIXON: Then there's no reason for me to put her pants on...(indistinct). Carrie, do you hear me, baby? Do you know what's going on?

MOYERS: What is going on is the hardest decision Cathy Dixon says she has ever had to make. She is putting Carrie in an institution.

Father Steve Gliko is a friend of the family. He will drive the other Dixon children from Milwaukee to Madison, where Carrie is to stay.

After Carrie's first stroke, her mother hoped against hope her child would remain well.

DIXON: She had some beautiful years, too. She did what any other kid did. Ride bikes. She ran...(indistinct). She even learned -- she learned how to swim. And she did just what anybody else did. I worry. You know me. I worry myself to death. "Where is Carrie? Wonder what happened to her?" You know.

I on guard, you know. God taken care of her. She came right back. I'm back!

(laughter)

DIXON: And them...in August, Carrie didn't feel too good. She was lying in bed one morning and someone keeps calling me, saying: "Momma, something wrong with Carrie." And I said, "Oh my God, what's wrong?" And I went in there and she had got numb just on one side. Just like a split, you know. Straight down her head to her toes on the right side. All the way numb. So, I called the doctor and he told me to bring her in. So I did. When she first came in, they said, "It's all over. She'll never be able to move the rest of her life." You know. It's death.

Just might as well forget it. I didn't forget it. At night when I come in to take care of her, I rub the side of her head and she put her head to my hand like that. I know she knows I'm there. So I know it's going to hurt me, you know, when she leaves. Carrie being missing that, you know? I know they all will take real good care of her. If I knew that I would have the nurses come here to work for me. And I knew that I would have the most medicine. You know, the most important (indistinct) kind of thing, then I would keep her. I would never let her go.

MOYERS: But let her go, she must. The bed that has opened for Carrie in Madison may be used for someone else if her mother hesitates. The visiting nurses are still coming. But fear of losing the nurses with no where else to turn brings Cathy Dixon to her decision. Carrie must leave home.

MOYERS: Carrie is on her way to an institution which will cost the taxpayer \$3,000 a month. At home the cost was \$800 a month. From a nursing viewpoint, could Carrie have been satisfactorily cared for at home?

HEYER: I definitely feel that she could because Mrs. Dixon was a nurse's aid before this happened to Carrie and so she has a general knowledge of what is involved in taking care of a person that's in bed all the time.

If she had had some support, if she could have had, you know, an assurance of some support with nurses coming in to help her, that definitely Carrie could have stayed at home.

MOYERS: What about the argument a lot of middle class American taxpayers are making that the economy is in trouble; a lot of people are cheating these programs and they were being ripped off by the cheaters; and that somebody like Ronald Reagan had to come along and clean up the mess?

HEYER: I don't see a lot of cheaters from the majority of people who are in need, are genuinely in need. And to cut the whole, punish the whole group because of the wrong doing of the few isn't going to settle the problems in this country. It's going to make enemies out of our own people eventually. Because more and more of us are going to fall into this category. I think is -- the way things are going anyway.

MOYERS: What about your own retarded child, how do you care for her?

MOYERS: Kay Heyer understands Cathy Dixon's loss as if it were her own. For she is the mother of a profoundly retarded child.

What about the emotional cost of that?

HEYER: I think that you have to look at it in one of two ways. You have to look at it, this is my own opinion of course, that (indistinct) I know the person is going to be a burden to you for the rest of your life or this person is to you a very remarkable gift in your family and if you, if you believe that which I do and I'm certain that Cathy does. After being here for a couple of months, then it changes your outlook on the care that is needed to give this person and that's more of a privilege than it is a responsibility most of the time.

MOYERS: So there's a real possibility that the program which enables your daughter to get special help and you to work while she's getting that help could be cut and you'd have to stop working.

HEYER: Very definitely.

MOYERS: It sound like a vicious (indistinct). Catch 22.

HEYER: Yeah. It's sort of you know like you're supposed to take care of your own and be independent. And dig in and all that. And that's what the Administration's saying. On the other hand, they're taking away all the supports from people that help you to do this.

MOYERS: I can understand why certain bonds of sympathy developed between you and Cathy.

HEYER: Yeah. When Carrie left here it was a traumatic day for me too. Very definitely.

MOYERS: So, Mrs. Dixon brings her daughter to the Central Wisconsin Center for the Developmentally Disabled. Here, she will be one of 690 residents, and all her costs will be covered by Medicaid.

(indistinct)

DIXON: I don't think I can take it.

NURSE: You'll be alright. It's all the excitement and everything.

(crying)

TOM PLAKUT (VOLUNTEER): "Welcome once again everybody to Saint Benedict's and I welcome our special sponsor groups, most especially from the Knights of Columbus group in back of me helping serve milk and coffee, and our regular sponsor group who hasn't been in here since October."

MOYERS: Most Americans might be startled to see what is going on in St. Benedict's Church in Milwaukee, Wisconsin. Hunger...we think... is a thing of the past...vanquished by food stamps. But most of us never see what Father Steve Gliko and his volunteers see. Six nights a week they feed anyone who shows up here. The volunteers are working...with no federal money — to keep their guest from starving.

(wild track) Could we have people get spots on the serving line? Can we set up on the serving line? We'd like to begin the meal.

VOLUNTEER 2: (Prayer) "Lord, bless this food, bless the people who brought the food and let us be humble in our context with your people as we serve them. We ask all of this in your name, amen."

MOYERS: Some of the people who come to St. Benedict's have been coming here for years...the poor we have always had with us. But this year, because of the cutbacks in food stamps and rising unemployment, there are people here who are new. Tonight, the church will feed almost twice as many of the needy as it did this time last year. And many of these newly needy, are families with children.

(singing in background)

MOYERS: Tell me your name.

MICHAEL: Michael Shirk.

MOYERS: How old are you Michael?

MICHAEL: Eight.

MOYERS: Is this your brother?

MICHAEL: Yeah.

MOYERS: What's your name?

GLYNN: Glynn.

MOYERS: How do you get here everyday?

MICHAEL: Just walk.

MOYERS: You walk. How far? .

MICHAEL: Fifteenth and Orchard.

MOYERS: How long does it take you?

MICHAEL: Sometimes about 30 minutes.

MOYERS: About 30 minutes.

MICHAEL: Yup.

MOYERS: What does you father do?

MICHAEL: When.

MOYERS: What kind of work does he do?

MICHAEL: He cleans up the house sometimes and looks for cans.

MOYERS: Does he have a job? He doesn't.

MICHAEL: He's trying to find one.

MOYERS: And what happens when you run out of food stamps.

MICHAEL: After we ran out of the food, we come down here and then after a while, we go and borrow some money.

MOYERS: What does it say about - what do you say about our society and about the hope these kids have, the chance these kids have.

FATHER GLIKO: I don't know, that kind of question when it's asked my guts do a flip flop. If you will. I begin to cry inside, because the situation of our country is being most acutely felt by our young people. These two kids should not be here.

MOYERS: But if you weren't doing it, where would they go?

FATHER GLIKO: Where would they go if we weren't doing it? That's a good question, that's why we are doing what we are doing.

MOYERS: Could you give me some idea of why you come here and what this place means to you?

SHEILA RHOTON: Because we are always out of food.

MOYERS: Because of what?

RHOTON: We are always out of food.

MOYERS: So you come down here every night of the week?

RHOTON: Quite a bit, and I go to church here.

MOYERS: You do?

RHOTON: He's trying to!

MOYERS: You might make a convert of him yet.

RHOTON: I'm trying!

MOYERS: Do you have enough to eat the rest of the time? If it weren't for this place would you have enough to eat?

RHOTON: No. It's getting bad.

FATHER GLIKO: We provide a personal experience for the haves to touch and be touched by the havenots. And that personal experience does something. We find out that the poor are human beings, they're just like us.

MOYERS: President Reagan would...be very proud of you because you're trying to run a voluntary program here with no government money. And I think in a sense you're proving what the President said, that we can invent ways to...solve our social problems without government intervention.

FATHER GLIKO: What the President says in a way is true. And as you mentioned, we are living proof of what he states. Yet, I think on his part, it is a bit presumptuous to think that...local governments and local charities and local churches are able to meet all of the needs. It's impossible. It's a lot more real to say that it's unfair to put any poor person in the precarious situation of having to depend upon the generous whims of the wealthy.

MOYERS: President Reagan said, "We really are taking care of the truly needy." What's your response to that?

FATHER GLIKO: Simply the fact that the American citizen who can say that is blind!

MOYERS: Do you think we want to be blind to the poor?

FATHER GLIKO: Yes, and I think at times it is a conscious choice.

MOYERS: With what consequences?

FATHER GLIKO: Maintaining in some way or another the ideal of being a perfect society...I think is a big reason. Another reason is that if you really saw the poor, it might spark us, motivate us, to do something about their situations.

MOYERS: How long have you been out of work?

MAN #1: I been out of work now about two months.

MOYERS: What were you doing?

MAN #1: I'm a cook.

MOYERS: And how did you lose your job?

MAN #1: I was just laid off, just laying the people off.

MOYERS: Lots of people in Milwaukee out of work.

MAN #1: Yeah, lots of people out. Young people that make it so bad, see.

MOYERS: Have any income coming in?

MAN #2: Uh, I'm working for an advertising company right now. Just day to day, delivering circulars, and donating plasma. That's about all I'm doing right now.

MOYERS: You get paid for donating plasma?

MAN #2: Yeah...eight dollars, twice a week.

MAN #3: Reagan is taking every...(indistinct) from the poor and giving everything to the rich.

MOYERS: Have you tried to get a job?

MAN #3: Sure I have..CETA.

MOYERS: And what happened to CETA?

MAN #3: What happened to that? Folded.

MOYERS: What do you say to the middle class American taxpayers, like what Reagan's doing? They're saying a lot of people have been cheating on the system, been ripping the system off, we've been spending money beyond our means and...he had to cut back these programs.

JAYSON GRAHAM: Well, you see...I have no disagreement with that except for one thing. They're asking the wrong people to sacrifice.

MOYERS: JAYSON GRAHAM has been a volunteer at St. Benedict's for four years.

GRAHAM: And the economy is controlled by a select few. And nobody's asking them to give up anything. It's not...if anything else, these tax cuts and everything else, by giving them more. Because the tax cuts were designed to give the middle class a break, true enough. But the only ones that can really realize any...any real profit off it are the rich and the superrich.

MOYERS: And these people?

GRAHAM: These people? Well...they're caught at the bottom of the ladder so to speak.

MOYERS: They've fallen through the netting.

GRAHAM: Right. They're too small. They really don't count.

MOYERS: So many of the people whom I saw tonight were...locked numb.

FATHER GLIKO: That to me is you experiencing the destitution of poverty. It's when the human spirit becomes numb, when it finds that its voice no longer is heard - when that spirit becomes powerless, that's destitution.

MOYERS: But what happens to a person who goes hungry, who hurts, who doesn't have a job, who's drinking too much, whose aid is cut off day in and day out. They don't go out and lie down in Potters Field and die. What happens?

FATHER GLIKO: Some do go out into the Potters Field and die.

MOYERS: And the rest?

FATHER GLIKO: They're dead - in our consciousness.

MOYERS: When you pray for the people who come here, what do you pray?

FATHER GLIKO: I pray for justice and equity and all the gifts that our country has been blessed with. And we really have been blessed. I'm proud to be an American and I'm proud to live in a basic democratic society and I want to see that work.

MOYERS: There's no question but that federal programs which help the poor are riddled with waste and fraud. So are programs that help the middle class. So are subsidies to corporations. So are the billions being spent on the military-industrial complex. But the President and Congress have chosen not to offend the rich, the powerful and the organized. It is easier to take on the weak. Social programs were cut almost thirty billion dollars this year. The new budget proposes more cuts of twenty-six billion dollars. The burden falls most heavily on the poor, and some of the truly needy are truly hurting. They have been asked to sacrifice because the economy is in trouble and because some people are cheating the system. But for all the fraud and waste, for all their inefficiencies, these programs are a life-support system for the poor. For many, we are pulling the plug.

I'm Bill Moyers for CBS REPORTS.

CASE: Carrie Dixon

PROGRAM: Medicaid

CONTENTION OF MOYERS PROGRAM: Medicaid program changes in Wisconsin raised the spectre that Carrie Dixon would no longer receive, or be able to afford, visiting nurse services to help her care for her profoundly paralyzed daughter at home. Hence, Mrs. Dixon felt compelled to institutionalize her daughter. Not only did this deprive her of having her daughter at home with her, but increased the cost to the taxpayers from \$800 to \$3,000 per month.

THE FACTS:

1. A preliminary check with the State of Wisconsin indicates no Medicaid cutbacks have been made or planned in visiting nurse services in such cases. On the contrary, we believe that Wisconsin will seek approval to undertake a major deinstitutionalization initiative in the near future.
2. The only program change that could have increased beneficiary costs is elimination of coverage for over-the-counter drugs (ie. aspirin, laxatives) that are only minor cost items in such cases.
3. The fear that visiting nurse benefits might be cut was, in all probability, fostered by alarmist reaction of the social welfare bureaucracy -- or perhaps even the visiting nurse -- to other, unrelated program changes.
4. In all, the contention that we produced this situation flies in the face of the President's expressed preferences in the Katie Beckett case and the Reconciliation Act of 1981.
5. Conclusion: Mrs. Dixon is free to take her daughter home anytime she wants.

Facts

- o Carrie Dixon, Age 13 is a Supplemental Security Income (SSI) recipient. She became eligible on 3/1/79. In addition, the Dixon family is AFDC eligible since 1976 and thus are categorically eligible under Medicaid.
- o On January 12, 1982, Carrie was institutionalized at Central Wisconsin Colonies, in the intermediate care facility for the mentally retarded (ICF/MR). Prior to that time, she received various services at home and as an outpatient under the Medicaid program. Mrs. Dixon, responding to a call from the HCFA Regional Office, claims that Carrie was institutionalized because the State of Wisconsin would no longer pay for over-the-counter outpatient drugs and her fear that there would soon be cuts in the home health services program under Medicaid in Wisconsin.
- o There have been no changes in the provision of home health service benefits in the Wisconsin program during this Administration. However, Wisconsin requested on October 2, 1981, and received approval from HCFA of a State Medicaid Plan Amendment to limit over-the-counter (OTC) drug services to categorical recipients. This change became effective November 1, 1981.

Policy

Under Medicaid, States can elect to provide optional services to categorically eligible recipients. Drugs and disposable medical supplies are an optional service under Medicaid. The Federal government pays a matching rate for these services to the State which averages 53 percent. Wisconsin's request was not mandated or required by the Omnibus Budget Reconciliation Act.

Resolution

Based upon the facts as we know them, and Mrs. Dixon's stated reasons for placing Carrie in an ICF/MR, we are uncertain why this situation occurred. There is no reduction in Medicaid home health benefits in Wisconsin and OTC drugs are not usually a major cost factor in determining where to get medical care.

The Omnibus Budget Reconciliation Act provides waiver authority to the Secretary under Medicaid for home and community-based services in lieu of more costly institutional care. We understand Wisconsin is currently developing a waiver submission to HCFA. We believe Carrie could be covered at home under such a waiver and in a cost efficient manner.

CASE: Larry Ham PROGRAM: Social Security Disability Insurance

CONTENTION OF MOYERS PROGRAM: Ham was thrown off disability with no warning, and with no chance to appeal. His present appeal will take ten months to resolve. The wife's comments, unchallenged by Moyers, leave the impression that this is a conscious Reagan policy.

THE FACTS:

1. Larry Ham may or may not be medically disabled. He has provided no additional medical evidence to SSA in the 6 months since the process was initiated.
2. Under a 1980 law, expedited review of old claims was mandated because a GAO report indicated high levels (\$2 Billion +) in ineligible beneficiaries. If an examination raises questions about continuation of permanent disability, a notice is sent out, as it was in this case, asking for medical evidence.
3. Rather than responding, Ham obtained the services of a lawyer.
4. A second notice was sent indicating that because the medical file hadn't been provided with continuing evidence of disability, benefits were being terminated.
5. Complying with the request for medical evidence, or appealing the notice of termination within 60 days, would have kept his benefits going pending final determination. Yet, an appeal wasn't filed within the 60 day period.
6. We do have a backlog problem with out-of-cycle appeals. But, a Reagan Administration initiative to beef up ALJs to work off the backlog is beginning to get results.

OHIO CASE

FACTS

- o The individual involved is Larry Ham. He was awarded disability benefits in 1974.
- o October, 1981--A medical review of his case was begun.
- o 11-4-81--He was notified of decision that he was no longer disabled, and given 10 days to submit additional evidence.
- o 12-14-81--Received notice that his disability benefits were being terminated effective October 1981. He received his last check in January 1982 (for December 1981).
- o 4-5-82--Requested reconsideration of his case.
- o At no time did CBS contact Social Security for information about this case.

POLICY

- o Disability benefits are intended to be paid only as long as a person's condition prevents substantial gainful work.
- o SSA has always reexamined disability claims to make sure payments are made only to those who continue to be disabled.
- o Previously, only certain cases were reviewed. Under the Social Security Disability Amendments of 1980, however, all disability claims must be reviewed periodically. In enacting this provision, the Congress was responding to concerns expressed by the General Accounting Office (GAO) and others that SSA was not reevaluating enough cases. The law required the periodic reviews to begin in January 1982.
- o SSA decided to begin the periodic reviews in March 1981, in response to internal studies showing an ineligibility rate of as much as 20 percent and a GAO report estimating that ineligible disability beneficiaries receive about \$2 billion a year in benefits. In FY 1982, about 520,000 cases will be reviewed, rather than the 155,000 scheduled under the old law.
- o Social Security is a large and complex program. The Social Security Act and regulations provide an elaborate appeals process to assure claims receive all due consideration.

RESOLUTION

The reconsideration request will be processed expeditiously.

CASE: Frances Dorta

PROGRAM: AFDC/Medicaid

CONTENTION OF MOYERS PROGRAM: Because of Reagan cuts, Dorta, who worked, was thrown off welfare because her income was too high. Result was loss of Medicaid card, which prevented her son from having an operation to alleviate condition which might prove fatal. Dorta, therefore, quit work to go back on welfare. Son had successful operation (paid by Medicaid).

THE FACTS:

1. State of New Jersey has no "medically needy" Medicaid program. AFDC eligibility is a condition of participation in Medicaid even though we finance Medicaid for such families in states (presently 26+) which elect to share the cost.
2. While cited as evidence of holes in the safety net, this case is actually evidence that the safety net did work. After all they ~~did~~ did get the operation and the mother was able to be home to care for him and the other children.
3. Now, unless additional care is needed, justifying continuation, which we would support, on public assistance, Mrs. Dorta would be financially better off working (when such matters as the earned income tax credit are considered) than she would remaining on welfare.

NEW JERSEY CASE

FACTS

- o AFDC Circumstances: Mrs. Frances Dorta, divorced, received AFDC from 1973 until October 1981. She has 3 children and receives \$40 in child support from her former husband.
 - Mrs. Dorta took a job in September 1981 at \$600 per month. Because this income exceeded the State's need standard by 150 percent, she was terminated from assistance. (\$590 is the income cutoff in New Jersey).
 - Mrs. Dorta quit her job and in January reapplied for assistance. She now receives an AFDC grant of \$414 per month.
- o Medicaid Circumstances: Mrs. Dorta had colostomy surgery in February 1981. Her ten-year old son has a heart murmur, which has precluded surgery for a bi-lateral undescended testical. He also exhibits early signs of cancer. During the period of AFDC ineligibility (October 1981-January 1982) Medicaid was not available because New Jersey has no medically needy program.

POLICY

The Omnibus Budget Reconciliation Act, which took effect on October 1, 1981, amended the AFDC program to require States to set an overall limit, 150 percent of their standard of need, on the total income a family may have to be eligible for aid under the State plan. The States, not the Federal Government, set the standard of need against which the 150 percent limit is applied. If the family income before applying any "disregarded" amounts exceeds that amount (\$590 for a family of four in New Jersey), the family is not eligible for AFDC. This is the case with respect to Mrs. Dorta.

RESOLUTION

- o This represents an extreme case. For the majority of cases, the 150 percent limitation is a reasonable cutoff. The purpose of the 150 percent limitation is to provide support to those in greatest financial need. Under the previous law there was no limit on the amount of gross income a family could have and still be eligible for AFDC. Some families received AFDC even when they had high earnings. In order to limit assistance and ensure benefits for those most in need, the statute provides for an income limit at 150 percent of the State's need standard.
- o New Jersey retains the flexibility to define the Need Standard within that State, and can increase the standard if it wants to assist individuals with income above its current cutoff point. Although Mrs. Dorta was found ineligible because of the 150 percent provision in Federal law, the States, not the Federal Government, set the income level against which the 150 percent limit is measured.
- o The principle problem Mrs. Dorta appears to face is need for medical care. States have flexibility to assist in this area as well. New Jersey has not established a medically needy program, which could have assisted Mrs. Dorta during her October-January AFDC ineligibility period. If it had, this may have reduced the need for her to terminate employment to secure Medicaid coverage. The Federal Government matches State costs in the medically needy program and does so for 33 States.

070817

4620

PR 016-01

JL 003-01

FG 006-01



February 22, 1982

Ms. Connie Gerrard
Office of the Press Secretary
The White House

Dear Connie,

This is to follow up on my call of this afternoon regarding the participation of Mr. Speakes in our upcoming program, "The Saving of the President."

The program is in two parts: 1) a half-hour docu-drama recreating the events which occurred from the moment just after the President was shot and through the time he went to sleep in the George Washington Hospital Recovery Room some 14 hours later. and 2) a discussion, moderated by David Schoumacher, and including Dr. George Reedy, Dr. Robert Kupperman (Georgetown University Center for Strategic and International Studies), Sam Donaldson, and a representative of the Secret Service, as well as Mr. Speakes. The topic of the discussion portion is Presidential accessibility versus security, and will deal with such questions as, can the President of the United States remain accessible to his public in view of recent national and world events affecting his security? Is there really an increase in risk?

White House cooperation to date has included an audio interview with Mr. Jerry Parr, portions of which will be used in the film docu-drama, and a meeting with President Reagan, scheduled for this Wednesday, February 24, at 11:45 a.m., to be filmed for a recreation of the "house call" his George Washington physicians made several weeks after his release from the hospital.

Our desire is to have Mr. Speakes participate in the discussion portion of the program, which will be taped Monday, March 22, 1982, from 8 to 10 p.m. at WJLA-TV.

The program is a co-production of WJLA-TV and the George Washington University. I am an associate producer of the docu-drama and producer of the discussion program. My telephone is 686-7730. Thank you for your consideration of our request.

Sincerely,

Marianna C. Spicer
Marianna C. Spicer

WJLA-TV
4461 Connecticut Avenue, N.W.
Washington, D.C. 20008
(202) 686-3000

*Sold Spicer
Larry would do it
2-25-82
CG*

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 82105108

Name of Correspondent: Brian B. Jogerst

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Supports the President's Program. Opposes a CBS Report last week. Requests an Autographed Photo of the President.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>SA Neal</u>		ORIGINATOR	<u>82105110</u>	<u>RN</u>	<u>A</u>	<u>82106111</u>
		Referral Note:	<u> / / </u>			<u> / / </u>
		Referral Note:	<u> / / </u>			<u> / / </u>
		Referral Note:	<u> / / </u>			<u> / / </u>
		Referral Note:	<u> / / </u>			<u> / / </u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOP).
 Always return completed correspondence record to Central Files.
 For questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 2200 _____

Prime Subject Code: PR 016-01 Secondary Subject Codes: DE 004 ST 009
PR 003
PR 005-01

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

June 11, 1982

Dear Mr. Jogerst:

On behalf of President Reagan, I would like to thank you for your letter of April 28, 1982, in which you express your opposition to a recent CBS report.

Please know that your letter has been brought to the personal attention of the President. He thanks you for your message of support, and appreciates your interest in the work that he is doing.

In accordance with your request, we are pleased to send you the enclosed autographed photograph of the President.

With the President's best wishes,

Sincerely,

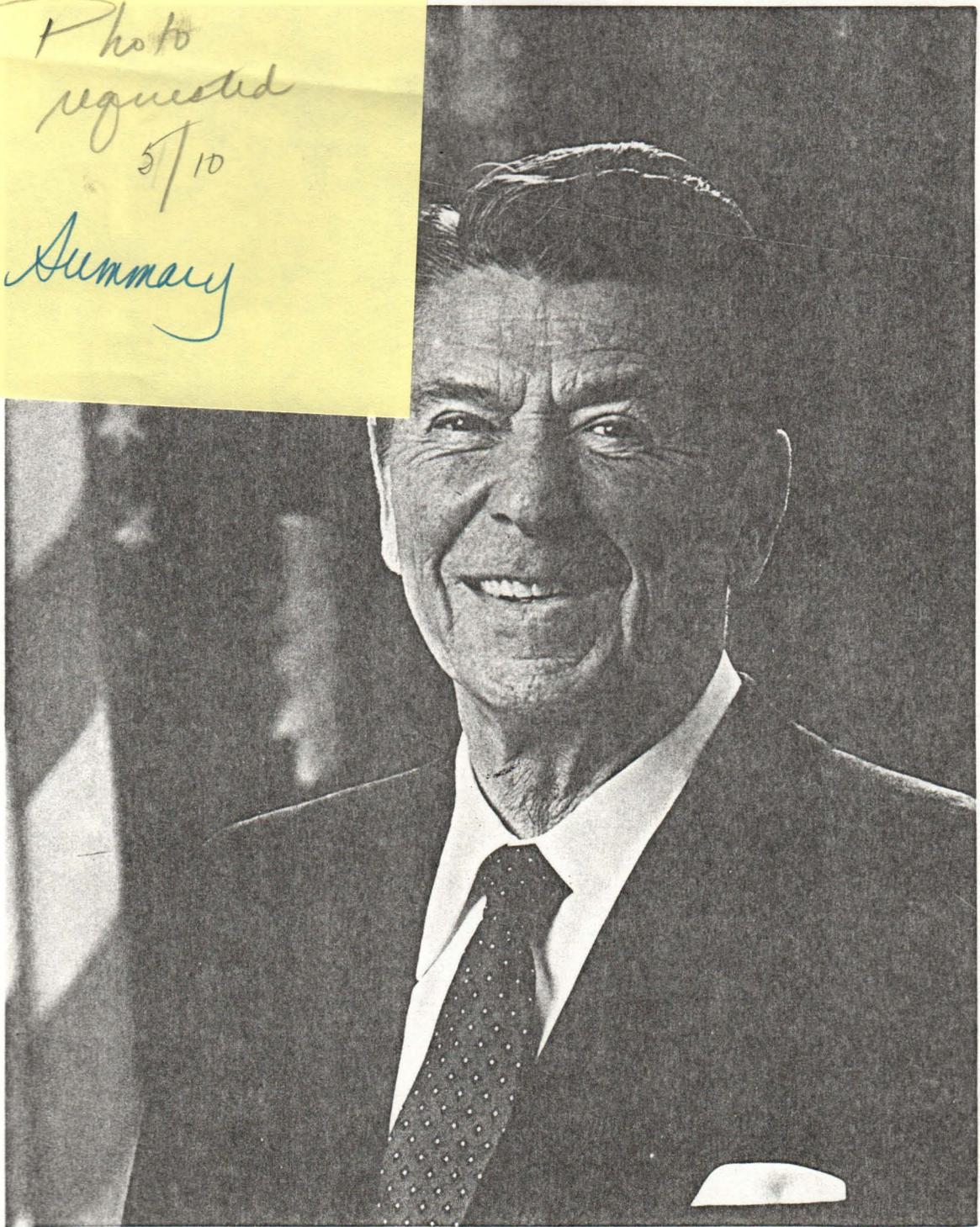

Rick J. Neal
Special Assistant to
the President for
Intergovernmental Affairs

Mr. Brian B. Jogerst
Administrative Assistant
Suite 111
1843 State Road 434
Longwood, Florida 32750

cc: Neal

Photo
requested
5/10

© Summary



To Brian Jogerst
With best wishes,

Ronald Reagan



FLORIDA HOUSE OF REPRESENTATIVES
Tallahassee

Bobby Brantley
Representative, 34th District

Reply to:

- Suite 111
1843 State Road 434
Longwood, Florida 32750
(305) 331-1003
- 318 House Office Building
Tallahassee, Florida 32301
(904) 488-0348

Committees:

Agriculture & General Legislation
Corrections, Probation & Parole
Energy

April 28, 1982

077039

Honorable Ronald Reagan, President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

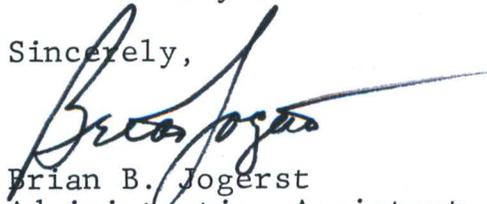
Dear Mr. President:

My reason for writing this is two fold. First, I felt the need to express my anger over the CBS report last week. It is reporting like that that can and will cause much unnecessary concern across the nation. If the people will just give your programs a chance, the country will turn itself around. I think the latest inflation figures are beginning to show this. Please do not give up the fight.

My second reason is more of a personal nature. I would sincerely appreciate an autographed picture of you. I would like to hang it in my office.

Thank you!

Sincerely,


Brian B. Jogerst
Administrative Assistant

dg

078588

ID # _____

PR016-01

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD)

82109106

Name of Correspondent: Mr. Mel Aines

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Second letter to the Pres. suggesting

Media strategies to reduce drug use by young people.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CO Kell</u>	<u>ORIGINATOR</u>	<u>8210519</u>	<u>CS</u>	<u>C82105126</u>
<u>99 FCC</u>	<u>R</u>	<u>8210519</u>	<u>CS</u>	<u>A82105124</u>
_____	_____	____/____/____	_____	____/____/____
_____	_____	____/____/____	_____	____/____/____
_____	_____	____/____/____	_____	____/____/____
_____	_____	____/____/____	_____	____/____/____

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4000 _____

Prime Subject Code: PR 016-01 Secondary Subject Codes: HE 006-01 _____
WIE 009 _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C		Time: _____	P- _____
DSP		Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence**
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

- CLn - First Lady's Correspondence**
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

078588

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

MAY 24 1982

IN REPLY REFER TO:

8310-U
C5-562

Mr. Mel Aires
1253 - 136th Avenue
San Leandro, California 94578

Dear Mr. Aires:

This is in reply to your correspondence dated February 1 and March 29, 1982 to President Reagan which has been forwarded to the Federal Communications Commission (FCC) for a response. Specifically, you express concern regarding the recent increase of drug usage by young people in this country. You suggest that one way of combating or curbing this problem may be through the broadcasting of public service announcements (PSA) on television. You ask, therefore, that your suggestion be directed to the proper persons or department in charge of this type of programming in order to make your suggestion a reality.

We appreciate the concern and interest you have expressed regarding this matter. It should be noted that the Commission is authorized to license broadcast stations and regulate their operations to some extent. The First Amendment and the no-censorship provision of the Communications Act, however, prohibit the Commission from directing broadcast station licensees in the selection, scheduling or presentation of broadcast material, including advertisements. I have enclosed a copy of our publication entitled "The FCC and Broadcasting" which discusses your area of interest in further detail in Sections 4(d), 5(a), 5(b) and 17(a).

With respect to your suggestion of broadcasting announcements that would denounce the use of drugs, as previously stated the Commission does not have the authority to require station licensees to accept or reject any matter that may be offered or suggested to them for broadcasting. As defined in the Commission's Rules, a Public Service Announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State or local Governments (e.g., recruiting, sales of bonds, etc.), or the program activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

Broadcast licensees often receive more requests for PSA's than they can reasonably accommodate. They are expected, however, to use their best judgment as to where the public interest lies in making their selection of these announcements. Therefore, you may wish to present this idea to your

Mr. Mel Aires

2.

local television stations and also, to The Alcohol, Drug Abuse and Mental Health Administration located at 5600 Fisher Lane, Rockville, Maryland 20857 for their review and consideration concerning this issue.

I hope the above information and enclosure prove helpful.

Sincerely,

Laurence E. Harris

Laurence E. Harris
Chief, Broadcast Bureau

Enclosure

cc: Director of Agency Liaison

In addition to response



Federal Communications Commission

Mark S. Fowler, Chairman

~~You might want to suggest~~
that Mr. Aires write:

The Alcohol Drug Abuse, &
Mental Health
Admin.

5600 Fisher Lane
Rockville, MD 20857

505

THE WHITE HOUSE OFFICE

REFERRAL

MAY 18, 1982

TO: FEDERAL COMMUNICATIONS COMMISSION

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 078588

MEDIA: LETTER, DATED FEBRUARY 1, 1982

TO: PRESIDENT REAGAN

FROM: MR. MEL AIRES
1253 136TH AVENUE
SAN LEANDRO CA 94578

SUBJECT: SECOND LETTER TO THE PRESIDENT SUGGESTING
MEDIA STRATEGIES TO REDUCE DRUG USE BY
YOUNG PEOPLE

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

Broadcast Bureau
Publication 8310-100

THE FCC AND BROADCASTING

PART I

INTRODUCTION

1(a). The Communications Act. The Federal Communications Commission (FCC) was created by Congress in 1934 when it adopted the law known as the Communications Act for the purpose, in part, of "regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communications service...." (Radio in its all-inclusive sense also applies to television.)

1(b). What the FCC Does in Regulating Broadcast Radio and TV. The Commission allocates broadcast channels and frequencies according to good engineering standards, considers applications to build or sell stations or to renew their licenses, and enforces federal laws that are meant to ensure that the more than 10,000 stations now broadcasting in the United States are operated in the public interest. The Commission is prohibited by the Communications Act from censoring broadcast matter and cannot direct radio and television stations to present or not present specific programs. But there are other federal laws which authorize the FCC to revoke broadcast licenses or to fine stations that have aired obscene or indecent language, some types of lottery information, or that have been used to obtain money under false pretenses. Under the public interest standard in the Communications Act, the Commission expects its broadcast station licensees to determine the important problems or issues, needs, and interests of the communities their stations serve and to foster public understanding by presenting some programs and/or announcements about local problems and issues, but broadcasters--not the FCC or any other federal agency--are responsible for selecting all the material aired by their stations.

This pamphlet discusses the laws and many of the other subjects on which the Broadcast Bureau receives questions and comments. Beginning on the next page, the main subjects dealt with here are as follows: Part II - The Licensing of Broadcast Stations; Part III - Broadcast Programming (page 5); Part IV - Broadcast Advertising (page 12); Part V - Other Laws and Policies Affecting Broadcasting (page 14); and Part VI - Organization Addresses and Other Publications About Broadcasting (page 16).

2(a). Some Activities That Are NOT Regulated by the FCC. It cannot regulate closed-circuit television or radio, and so does not control what is carried over closed-circuit systems in department stores, for example. It has no authority over sports teams or leagues, or over the promoters of rodeos, prizefights, bullfights, and other exhibitions. Arrangements for broadcasting sports events and other kinds of exhibitions are

made in private contractual agreements between the owners of the rights, such as a sports team or league, and the broadcast stations and/or networks involved.

The Commission also has no jurisdiction over the production, distribution, and rating of motion pictures; the publishing of newspapers, books, and other forms of printed matter; or the manufacture and distribution of audio and video recordings. It does not administer copyright laws. Other groups and activities outside the Commission's jurisdiction are: newsgathering organizations, including press associations, that provide broadcasters with news and comment; music-licensing organizations such as ASCAP, BMI, and SESAC; and companies that measure the size and other characteristics of radio and television audiences.

2(b). Broadcast Stations In Canada and Mexico. Comments and inquiries about Canadian stations may be sent to the Canadian Radio-Television and Telecommunications Commission, Ottawa KIA ON2, Canada. For Mexican stations, the regulating official is the Director General of Telecommunications, Department of Frequencies, Torre Central de Telecommunications, Mexico 12 D.F.

3. Networks. The FCC does not license networks, except to the extent that they are the owners of individual broadcast stations. It cannot direct anyone to form or refrain from forming a network, or require any station to affiliate with a network or to refrain from affiliating with one. (Headquarters addresses for the major networks are listed in Part VI of this pamphlet.) Under its Rules, the Commission will not license a station having an agreement with any network that would prevent the station from rejecting network programs.

PART II

THE LICENSING OF BROADCAST STATIONS

4(a). Commercial and Noncommercial Stations. Of the more than 10,000 currently licensed radio and television stations in the United States, about 8,700 are authorized to operate commercially and are supported by advertising, and approximately 1,300 are licensed to provide noncommercial educational service. Noncommercial stations may transmit educational, cultural, and entertainment programming to the general public and also instructional programs to schools. (Noncommercial broadcasting is often referred to as "public" broadcasting.) Noncommercial stations are prohibited from broadcasting paid-for announcements to promote the sale of a product or service; also, under existing law, they may not editorialize or support or oppose any candidate for public office. Section 19 in Part V of this pamphlet concerns grants and special funding for noncommercial educational broadcasting.

4(b). License Applications; Length of License Period; Notices to the Public. The Communications Act authorizes the FCC to grant applications

for the construction of broadcast stations or for their licensing or license renewal only if it finds that such grants will serve the "public interest, convenience, and necessity." Applicants must demonstrate to the FCC that they are legally, financially and technically qualified to construct and operate stations, or to continue to operate them if their licenses are renewed. Most new television applicants and new noncommercial radio applicants are also expected to show--either by information presented with the applications they send to the Commission, or by statements placed as required by FCC rules in their local public files (see the following Section 4(c))--that they have ascertained the significant problems, needs and interests of the communities their stations will serve and have listed the kinds of programs they plan to broadcast about community problems and needs that they propose to treat. ^{1/} Each new commercial television applicant additionally must state in its application the maximum hourly amounts of commercial matter that it proposes to broadcast. Under FCC rule changes that became effective in April 1981, the only information about proposed programming that must appear on applications filed with the FCC by new commercial radio applicants is a narrative description of the applicant's planned program service.

Communications Act amendments that became law in August 1981 extended broadcast license terms from a maximum of three years to seven years for radio stations, and to five years for television stations. As current licenses expire during the period October 1, 1981 to August 1, 1984, license renewals will be granted for the longer terms; within this period the licenses of all broadcast radio and television stations in a state will expire on the same date. License renewal applications must be filed with the Commission four months before the expiration date. During the first five of the six months before the expiration date, each station must broadcast--on the first and sixteenth days of each month--announcements about the filing of its renewal application and where a copy may be seen by the public in the station's community, the due date for public comments sent to the FCC, and how information about the renewal process may be obtained from the station or the FCC in Washington.

After conducting an inquiry concerning proposed rule changes, the Commission in March 1981 decided to adopt a simplified license renewal application form for commercial and noncommercial radio and television applicants. The new form consists of a single card with five questions and a certification statement to which the applicant responds. The simplified renewal form will greatly reduce processing time and expense for the FCC and for broadcasters, and it in part requires that applicants certify they have placed in their public files information about their program service that formerly was sent to the FCC. Under the revised FCC rules, five percent of all television renewal applicants and also noncommercial radio applicants, randomly selected by

^{1/} Commercial television applicants whose stations will serve communities of less than 10,000 people that are not within major metropolitan areas are exempted from this ascertainment requirement, but such small-market stations still are expected to present some programming about local problems and needs. Also exempted from formal community ascertainment procedures are noncommercial applicants proposing to broadcast only instructional programming as part of the course of study of an educational institution.

computer, will be expected to complete and file with the FCC a considerably longer "Renewal Application Audit Form" requiring more detailed programming information and also copies of program lists and related information that applicants are expected to have in their local public files.

4(c). Applicants' Public Files; Program Log Inspection. Each licensee or applicant is required by FCC rules to maintain what is called a "public file" at the station's studio or at another accessible place in the community to which a station is or is proposed to be licensed. The file should contain copies of applications filed with the FCC, reports of station ownership, information about the use of the station by legally qualified candidates for public office, special reports on employment practices, and a copy of an FCC publication called "The Public and Broadcasting--A Procedure Manual" which explains how the public may participate in broadcast licensing and related matters. Commercial stations must also include in their public files letters from their audiences about station service during the preceding three years. The files of all commercial television stations and those of most noncommercial radio and TV stations (see footnote on page 3) should each contain annual lists of no more than ten local problems and needs with the broadcast dates for and other brief information about typical programs on local problems that the station aired during the year. Beginning in 1981, each commercial radio station must annually prepare for its public file a list of from five to ten issues or problems in the station's community, with information on how the issues were determined and brief descriptions of programs the station aired in response to issues that it treated. (The programming responsibility of broadcasters is explained further in Sections 5(a) and (b) of this pamphlet.)

Members of the public may inspect the entire contents of the public files of stations at any time during regular business hours; no prior appointment is required for this. Copies of applications are also available for public inspection at the Commission's headquarters in Washington.

The Procedure Manual quotes FCC rules on the availability for public inspection of radio and television program logs. The rules differ from those on the "public file" (prior appointment with a station is required, for example), and program logs need not be made available until the 46th day after the date of broadcast. Under rule changes adopted by the FCC in April 1981, commercial radio stations no longer are required to maintain program logs. All noncommercial stations and commercial television stations are still required to maintain such logs. FCC rules permit machine reproduction of material available for public inspection, provided the request is made in person and the requesting party pays the reasonable cost of reproduction.

4(d). Comments to Stations and Networks. The Commission has always recommended that concerned persons send written comments on broadcast programming directly to the management personnel at stations and also to those in network organizations. They are the people who are responsible for selecting the programs and announcements that are broadcast. Letters to stations and networks help to keep broadcasters informed about community needs and interests as well as audience opinions on specific material.

4(e). Comments to the FCC: "Promise vs. Performance." The Commission gives full consideration to letters it receives from members of the public who, after reading information in a station's public file concerning past or proposed programming on local problems or issues, for example, believe that, when compared with what the station has broadcast, the information in the public file misrepresents the station's actual program service. Complaints of this kind should include very specific and detailed information, not just general statements of dissatisfaction about the lack of certain kinds of programs, and individuals and groups should attempt to resolve differences with stations at the local level.

4(f). "Why Won't the FCC Let My Favorite Station Broadcast at Night?" There are basically two types of radio broadcast signals. The signal strength of "standard" or AM (amplitude modulation) stations is changed according to the varying sound patterns. In FM (frequency modulation) broadcasting, the frequency of the signal is changed accordingly. Television broadcasting is a combination of the two, AM for the picture and FM for the sound, "locked" together for home reception. AM radio signals cover greater distances at night and many AM radio stations, to avoid interfering with other such stations on the same or near frequencies, at night must reduce their power, or have special signal patterns, or both, or they may have to completely cease operating. Applicants for daytime radio station licenses were aware that requests for operation full time on the specified frequency could not be granted because of serious electrical interference with previously licensed stations authorized for nighttime operation. FM radio stations and television stations may operate unlimited hours because their signals do not travel farther at night. The Commission considers applications for new or changed facilities (when submitted in writing as required by law), but can only grant them if they meet required standards. Failure to follow these standards would reduce wireless communications to meaningless noise caused by bad transmission and/or interference.

PART III

A. BROADCAST PROGRAMMING: BASIC LAW AND POLICY

5(a). Prohibition on Censorship; Licensee's Programming Responsibility. The Commission is prohibited by law (the Communications Act) from censoring broadcast matter and from taking any action that would interfere with free speech in broadcasting, a freedom also guaranteed in our Constitution's First Amendment. So, although there are other laws which establish limited exceptions to the Act's no-censorship provisions (see Sections 5(e), 7, 8, 10, 14 and 17(b) in this pamphlet), the authority of the FCC to regulate broadcasting does not, in general, include the right to direct broadcasters in the selection and scheduling of programs and announcements, including commercial messages, to be aired by their stations. Stations are, as indicated in this pamphlet's Sections 4(b) and (c), expected to devote some broadcast time to programming about major problems and/or issues in the areas they serve, but, in meeting this obligation, a licensee may take into account programming of this kind being aired by other stations, if any, that serve the same area.

Individual radio and television station licensees are responsible for selecting all broadcast matter and for determining how their stations can best serve their communities. They choose the entertainment programming and the programs on news, public affairs, religion, sports events, and other subjects to be aired by their stations. They also decide how their programs, including call-in shows, will be conducted and whether or not to edit or reschedule material for broadcasting. The Commission does not substitute its judgment in this process, and it does not act as an advisor to stations on artistic standards, grammar, or generally on quality of content. The FCC's policy of noninterference with changes in the entertainment programming of radio stations was upheld in a March 1981 Supreme Court decision. The Commission believes that because of the increased number of radio stations, and the competition among them for audience attention, radio broadcasters will seek to respond to audience preferences and attempt to meet whatever need is left by the entertainment programming of other stations.

Additional law and policy information about some of the various kinds of programming, including broadcast news and commentary and the treatment of controversial issues of public importance, is provided in Sections 6 through 16 of this pamphlet.

Stations and networks are sometimes criticized for presenting the same or similar programs--sports events, for example, or coverage of a special news event--at the same time, but this practice violates no law or regulation. Audience comments in writing to stations and networks can keep broadcasters informed about public reactions to this and other practices. The same suggestion applies to such concerns as stations not broadcasting in color or in stereo or quadraphonic sound when equipped to present such service (they are not obliged by law to do so), or to their not following published program schedules. (The FCC has no authority over newspaper or magazine listings of broadcast programs.)

5(b). Access to Broadcast Facilities. Under a provision of the Communications Act, radio and television stations are not required to accept all matter that may be offered or suggested to them for broadcasting. Except as provided in the Commission's rule concerning broadcast personal attacks and in the laws and FCC rules on the use of stations by candidates for public office (see this pamphlet's Sections 7 and 8), the station licensee is under no obligation to have any particular person participate in a broadcast or to present that person's remarks. Also, no federal law or rule requires stations to broadcast "public service announcements" (which, as defined by the FCC, are aired without charge) for any purpose or on behalf of any public or private organization. As mentioned here in Section 3, the Commission will not license a station whose agreement with a network prevents the station from refusing to broadcast any network program.

It is not the Commission's policy to review material before it is broadcast. Anyone who wishes to market program ideas or scripts, or have recordings or

other material broadcast, should communicate directly with producers, stations, or network organizations; the FCC cannot serve as a clearinghouse for talent or program material. The Commission also cannot direct any program producer or station licensee on the disposition of scripts or other material submitted to them, nor can it intervene in disputes on such matters, which are considered private controversies.

5(c). Retention of Material Broadcast; Editorializing; Labeling of Program Matter. Except when a station broadcasts a personal attack or a political editorial endorsing or opposing a candidate for public office (see this pamphlet's Sections 7 and 8), licensees are not required to make, maintain, or provide to the general public, scripts, tapes, or summaries of material broadcast. The word "editorial" also refers to a broadcast statement of a licensee's opinion; "comment" or "commentary" is generally used when referring to the broadcast opinions of others, including station employees. Commission policy encourages editorials and other commentary, but they may be subject to Fairness Doctrine requirements that are summarized here in Section 7. (Editorializing by noncommercial educational station licensees is prohibited by law).

5(d). AM/FM Program Duplication by Commonly Owned Stations in the Same Area. "Duplication" occurs when a commonly owned AM and an FM station in the same area broadcast the same program at the same time, or when a program is aired by one station within 24 hours before or after the identical program is broadcast by the other station. Under the FCC's Rules, an FM station may not duplicate programs of a co-owned AM station in the same area during more than 25 percent of the average FM week if either station is licensed to a community of more than 25,000 people.

5(e). Station Identification Announcements. A Commission rule requires that all broadcast stations air announcements stating their call letters followed by the name of the community of license at the beginning and end of each period of operation and also hourly, as close to the hour as feasible, during a natural break in programming. The announcements may also mention, between the call letters and name of the community of license, the name of the licensee and the frequency on which the station operates. TV stations may present either spoken or visual announcements. Whether and how often stations identify themselves at times other than those specified in the rule is for their licensees to decide, but the FCC expects that station identifications and any accompanying promotional material will not deceive the public about a station's licensed location, its call letters, or its power or frequency.

5(f). Broadcast Telephone Conversations. If a station intends to broadcast, or believes it may later decide to broadcast, any part of a telephone conversation with a person outside the station and wishes to broadcast the voice of the outside party, a Commission rule requires (with two exceptions) that the station tell the outside party its intention to broadcast the conversation before starting to broadcast it, or before beginning to record the conversation for possible future broadcasting. The exceptions to the rule apply when calls are made to a station in connection with a program

that callers know will broadcast their telephone conversations, and, also, to calls to a station by a full or part-time station employee telephoning in to file a report.

B. BROADCAST PROGRAMMING: LAW AND POLICY
ON SOME SPECIFIC KINDS OF PROGRAMMING

6. Broadcast News and News Commentary. Under the no-censorship provisions in the Communications Act, the Commission cannot direct broadcasters in their selection of material for news programs, or interfere with the broadcasting of an opinion on any subject. This agency also does not pass on the qualifications of anyone to gather, edit, announce, or comment on the news; such decisions are a responsibility of the station licensee. The Commission will not act on complaints that news programming has been falsified, distorted, faked, or staged unless it receives extrinsic evidence (evidence apart from program content) of such deliberate conduct by a licensee and/or its management personnel. The Commission recognizes that some abuses may occur, but it believes that without extrinsic evidence of deliberate intent to falsify or distort, any interference by it, the government licensing agency, in the editorial or news judgment of broadcasters would be a greater danger. The Commission has emphasized "the right of broadcasters to be as outspoken as they wish, and that allowance must be made for honest mistakes on their part."

What is often alleged to be news suppression has usually been shown to be the exercise of editorial judgment. However, a serious public interest question would be raised if it appeared that a station licensee was deliberately excluding whole classes of subjects or events from its news coverage, based on private judgments or interests that conflict with the licensee's obligation to serve the public interest. Further information concerning the FCC's policies on broadcast journalism is provided in another Broadcast Bureau publication, 8310-80, which may be obtained as suggested in Part VI of this pamphlet.

7. Discussion of Controversial Public Issues; Personal Attacks. The Fairness Doctrine, as defined in a law passed by the Congress and upheld by the United States Supreme Court, requires stations to broadcast discussions of controversial issues of public importance and to air contrasting opinions on the issues they present. Broadcasters have discretion in selecting the issues they treat and the Fairness Doctrine does not require that the opposing views on an issue be included in a single program, or even in the same program series, as long as the licensee provides reasonable opportunity for contrasting views in its overall programming. It also does not require that a station give time to any particular person or group; the choice of speakers on each issue and the time and way in which contrasting views are presented are left to the judgment of the station licensee. The Fairness Doctrine applies to issues rather than persons, and it does not require "equal time" or "equal opportunities" (see Section 8 concerning broadcasts by candidates for public office). If the Commission receives Fairness Doctrine complaints, it will review broadcasters' actions only to decide whether they have been reasonable and in good faith.

If during a broadcast discussion of a controversial issue of public importance, a comment is made that qualifies as a personal attack against an identified person or group, the station involved must notify the person or group that is the subject of the attack and send a script or recording, or, if they are not available, a summary, and offer time for reply to the attack. The rule applies only to an attack "upon the honesty, character, integrity or like personal qualities of an identified person or group." Specifically exempted from the rule are attacks on foreign groups or foreign public figures; attacks during broadcasts by political candidates; and attacks during news reports, news interviews, and in news commentary. Complete information about the Fairness Doctrine, the personal attack rule, and complaint procedures is given in publications listed in item F in Part VI of this pamphlet.

8. Broadcasts by Candidates for Public Office; Political Editorials. When one qualified candidate for public office has been permitted to use a station to promote support for his or her election, a provision of the Communications Act states in part that the licensee of the station "shall afford equal opportunities to all other such candidates for that office" and that the "licensee shall have no power of censorship over the material broadcast" by the candidate.

If a licensee broadcasts an editorial in which it supports or opposes a candidate for public office, the licensee must, within 24 hours after the broadcast, transmit to the other qualified candidate(s) for the same office, or the candidate opposed in the editorial, (a) notification of the date and the time of the editorial, (b) a script or tape of the editorial, and (c) an offer of a reasonable opportunity for the candidate or a spokesperson for the candidate to respond over the licensee's facilities.

The preceding two paragraphs are only brief summaries of provisions of law and regulatory policy on political broadcasts. Detailed information is provided in another FCC publication, "The Law of Political Broadcasting and Cablecasting," which may be obtained as noted in Part VI of this pamphlet.

9. Criticism, Ridicule, Humor Concerning Persons, Groups and Institutions. Programs that contain such material, which sometimes may "stereotype" or otherwise offend people with regard to their religion, race, national background, gender, or other characteristics of persons or groups, and broadcasts that criticize or ridicule established customs and institutions, including the government and its officials, are protected by the First Amendment guarantee of freedom of speech. The FCC cannot prohibit such programming. In a license renewal case in which charges of defamation had been made, the Commission stated, in part:

It is the judgment of the Commission, as it has been the judgment of those who drafted our Constitution and of the overwhelming majority of our legislators and judges over the years, that the public interest is best served by permitting the expression of any views that do not involve [quoting from Supreme Court decisions] "a clear

and present danger of serious substantive evil that rises far above public inconvenience, annoyance or unrest." ... [T]his principle insures that the most diverse and opposing opinions will be expressed, many of which may be even highly offensive to those officials who thus protect the rights of others to free speech. If there is to be free speech, it must be free for speech that we abhor and hate as well as for speech that we find tolerable or congenial.

10. Obscenity, Indecency and Profanity. Broadcasts of obscene, indecent or profane language are prohibited by a federal statute in the Criminal Code, and the Commission is authorized to fine a licensee or revoke a broadcast license for violations of the statute. But the meanings of the terms "obscene," "indecent," and "profane" have been interpreted in court decisions, and the Commission must be guided by such decisions in determining whether broadcast matter may be actionable. The courts will not necessarily decide material is in violation of law because some persons may find it offensive. For example, in a case concerning a motion picture, the Supreme Court ruled that nudity alone is not enough to make material legally obscene. This subject is a complex one which is discussed very briefly here. Further information about the standards for obscene and indecent material that have been applied in courts of law and in FCC rulings on specific broadcasts is included in a four-page publication, "Obscenity, Indecency and Profanity in Broadcasting," which may be obtained as stated in Part VI of this pamphlet.

Concerning language commonly thought of as profane ("Hell," "Damn," "God damn it" and similar expressions), in key court cases the intention of the speaker has been ruled to be the deciding factor. The test in such cases was whether the speaker's words were seriously intended as "an imprecation of divine vengeance or implying divine condemnation, so used as to constitute a public nuisance." Complaints about such language without evidence of this intention do not provide a basis for Commission action, since people who use such expressions seldom intend them to be taken literally.

Even though material considered offensive by some people may not be actionable under the criminal statute referred to above, again we would emphasize that letters to stations and networks are important in keeping broadcasters informed about public concerns and audience evaluations of specific programs.

11. Broadcast Violence. In response to expressions of concern by the Congress and the public, the Commission has studied solutions to the problems posed by televised violence and sexually oriented material (see also Section 10 above). In its February 1975 "Report on the Broadcast of Violent, Indecent and Obscene Material," prepared for the Congress, the Commission referred to the guarantees of freedom of expression in the Constitution's First Amendment and in the Communications Act, and stated its belief that self-regulation within the broadcast industry is preferable to the adoption of rigid federal rules on program content. Such rules could risk improper governmental interference in sensitive programming judgments and discourage creative developments in broadcasting. The Commission advocated the use of warnings in broadcast announcements and printed schedules for programs that might be disturbing to children and some adults. It also affirmed its support of the principle of parental responsibility for the well-being of children.

12. "Drug-Oriented" Song Lyrics. In March 1971, as a result of public concern about the lyrics in some broadcast recordings, the Commission issued a Public Notice to remind licensees of their responsibility to know the kinds of material their stations are broadcasting. Four years earlier the Commission had published a similar reminder concerning broadcast foreign language programs. In its March 1971 Notice and in an April 1971 Memorandum Opinion and Order on the same subject, the FCC stressed that licensees, as public trustees, should know whether their stations are broadcasting songs that promote or glorify the illegal use of dangerous drugs, but it made clear the fact that the selection of records is a matter for the licensee's judgment.

13. Broadcast Contests; Some Contests and Promotions That Adversely Affect the Public Interest. It is a violation of law to prearrange or predetermine the outcome of any contest of intellectual knowledge, intellectual skill, or chance with the intention of deceiving the audience about such a contest. The FCC gives full consideration to complaints that its licensees have engaged in any of the following practices: broadcast or advertised misleading or deceptive information about the nature of a contest, the prizes to be awarded, or eligibility requirements for contestants; or, failure to broadcast or otherwise publicize complete and clear contest rules or timely information concerning any change in a contest or in contest prizes. A Commission rule requires that licensee-conducted contests be conducted fairly and as represented to the public.

The Commission is also concerned that licensees prevent broadcasts of hoax announcements that may alarm audiences about nonexistent dangers, and also contests and other promotions that lead to violations of public or private property rights or the right of privacy, hazards to life and health, and traffic congestion or other public disorders. Such consequences raise serious public interest questions about the station involved.

14. Lotteries. A lottery is a game, contest, or promotion which combines the three elements of (1) a prize, (2) dependence in whole or in part upon chance in determining winners, and (3) the requirement that contestants purchase anything or contribute something of value in order to compete (consideration). If any of these elements is absent, there is no lottery. Generally, a federal law in the Criminal Code prohibits broadcast advertisements for or information about lotteries (Bingo, raffles, etc.). But the restrictions of the law do not apply to an advertisement, list of prizes, or other information concerning a lottery conducted by a state when such information is broadcast by a station licensed to a community in the state, or by a station licensed to an adjacent state which also conducts a lottery.

15. Solicitation of Funds. There is no law or regulation which prohibits broadcast requests for funds for lawful purposes (including appeals by broadcast licensees for contributions to meet station operating expenses) if the money or other things of value contributed are used for the announced purposes. Whether to permit fund solicitations by a station is a matter for

its licensee to decide. A law in the Criminal Code provides penalties for fraud by wire, radio, or television.

16. Use of Tobacco and Alcoholic Beverages in Programs. There is no Federal law that prohibits or restricts the use of tobacco or alcoholic beverages in programs. See Section 17(g) in this pamphlet for information about advertisements for these products.

PART IV

BROADCAST ADVERTISING

17(a). Licensee Business Practices, Advertising Rates and Profit Levels. The FCC would be concerned if any practice of a licensee might be in restraint of trade, result in unfair competition, or otherwise not be in accord with law, but broadcasters, as noted in Section 5, are not required to air all matter offered or suggested to them for broadcasting. Advertising rates are not required to be submitted to the FCC for approval, and the FCC does not attempt to fix broadcasters' profit levels. The rates charged for broadcast time are matters for negotiation between sponsors and stations. Commercial station licensees are not required to charge or refrain from making a charge for broadcast time.

17(b). Sponsor Identification of Advertising and Other Material. The Communications Act requires that a station which broadcasts paid-for material shall announce, at the time the advertisement or program is broadcast, the fact that it is paid for or sponsored, and by whom. If a station broadcasts a program or part of a program concerning political or controversial issues, and the material was provided without charge to induce the station to broadcast it, the station must announce that it has been furnished and by whom.

17(c). Amount of Advertising. No federal law or regulation limits the amount of commercial matter that may be aired in a given period of time. Commercial time is measured in total minutes per clock hour and not all program interruptions are necessarily commercial; public service announcements, for example, are not, nor are unsponsored time announcements, routine weather announcements, or announcements promoting a station's future programs. Television license applicants are required to state the maximum amount of commercial matter they will normally allow in any clock hour and under what circumstances the proposed limits might be exceeded at times and what the limits would then be. Under certain circumstances, applications proposing more than 16 minutes of commercial time per hour on television stations are considered by the FCC's commissioners, rather than only by the staff, to determine whether grants of applications containing such proposals

would be in the public interest. ^{2/} The Commission does not raise questions regarding an excess of 4 minutes of commercial matter on television stations for purely political advertising in 10 percent of their hours of operation during specified periods before primary and general or special elections. (See also Section 8 of this pamphlet.)

17(d). Loud Commercials. The Commission has issued policy statements to warn its licensees that objectionably loud commercials are contrary to the public interest and to provide guidance in avoiding excessive contrasts between program matter and advertisements. In surveys and technical studies of broadcast advertising the Commission found that loudness was a judgment that varied with each listener and was influenced by many factors, among them the state of mind and the age and sex of the listener. It also found no evidence that stations were deliberately manipulating their signals to emphasize commercial messages. In 1979 the Commission began an inquiry to obtain more information about the causes of and methods for measuring loud commercials to determine whether further FCC action would be appropriate.

Broadcast licensees have primary responsibility for using procedures to avoid excessively loud commercials. Complaints about such messages may be addressed to the stations involved or to the Commission and should identify each message by the sponsor's name or name of product advertised, and mention the date and time of broadcast. Complaints to the FCC should also include the call letters of the station(s) that broadcast the commercials.

17(e). False or Misleading Advertising; Food and Drug Products. The FCC expects its licensees to exercise reasonable diligence to protect their audiences from false, deceptive, or misleading broadcast advertising, but the Federal Trade Commission (Washington, D.C. 20580) has primary responsibility for determining whether an advertisement is false or deceptive and for taking action against the sponsor. The FCC and the FTC have an agreement for exchanging information on matters of common interest.

Comments or inquiries concerning food or drug products believed to be dangerous or unsafe should be addressed to the Food and Drug Administration, U.S. Department of Health and Human Services, 5600 Fishers Lane, Rockville, Maryland 20852.

^{2/} From the evidence obtained in an inquiry by the Commission concerning proposed changes in its Rules that would partially "deregulate" radio broadcasting, it was determined that the increase in the number of radio stations (and also of all other stations) and the resulting competition among them currently act to prevent commercial abuses in radio. The Commission adopted, as of April 1981, rule changes that eliminated its guidelines for evaluating radio applicants' commercial practices, but it also stated it could reexamine this policy in the future if such action then appears to be warranted.

17(f). Offensive Advertising. Unless a broadcast advertisement is found to be in violation of a specific law or regulation (see Sections 10, 14, 15, and 17(e) and (g) in this pamphlet), no governmental action can be taken against it. Complaints that advertising is offensive because of the kind of item advertised, the scheduling of the announcement, or the way the message is presented, should in most instances be addressed directly to the stations and networks involved, so that they may become better informed about audience opinion on such material.

17(g). Tobacco and Alcohol. A federal law prohibits advertising for cigarettes and little cigars on any medium of electronic communication under FCC jurisdiction. The law does not ban broadcast advertising for other tobacco products, or for pipes and other smoking accessories or cigarette-making machines.

No law prohibits broadcast advertising for any kind of alcoholic beverage. The FCC cannot censor broadcast matter, including advertising, and cannot direct stations to accept or reject commercials for alcoholic beverages. The National Association of Broadcasters' radio and television codes, which represent self-regulatory activity within the industry, forbid advertising for hard liquor and establish guidelines for advertising wine and beer and for programs that feature the use of alcoholic beverages. Membership in the NAB and subscription to its codes are entirely voluntary on the part of broadcasters. The address of the NAB is listed in Part VI of this pamphlet.

17(h). Subliminal Advertising. The Commission sometimes receives complaints regarding the supposed use of subliminal techniques in television advertising. Such complaints usually concern words and pictures flashed briefly on the screen that are consciously seen by the viewer. However, subliminal advertising is designed to be perceived on a subconscious level only. The Commission has held that the use of subliminal perception is inconsistent with the obligations of a licensee and is contrary to the public interest because, whether effective or not, such broadcasts are intended to be deceptive.

PART V

OTHER LAWS AND FCC POLICIES AFFECTING BROADCASTING

18. Broadcast Employment. Under existing rules, only the persons who are at times in charge of the transmitting apparatus of a broadcast station are required to be licensed by the FCC as "operators." The Commission does not examine the qualifications of other station employees, including on-the-air performers (actors, reporters, commentators, etc.), and it cannot direct licensees in their assignments of individuals to specific programs or announcements, or to other duties at stations. But the Commission has adopted rules requiring that equal opportunity in employment "shall be afforded by all licensees or permittees of standard, FM, television, or international broadcast stations ... to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national

origin or sex." Broadcast licensees who employ five or more full-time employees are required to file with the FCC annual reports indicating employment in certain job categories of minority group members, subdivided according to sex, and at the time they file their renewal applications they must also send the FCC information concerning their affirmative equal employment opportunity programs. The annual reports and other employment information must be available in the local public files described in Section 4(c) of this pamphlet.

The FCC and the U.S. Equal Employment Opportunity Commission (EEOC) have jointly adopted a Memorandum of Understanding that agrees to procedures for sharing information, handling complaints of employment discrimination in broadcasting, and other forms of cooperation. Specific and detailed charges that a station has engaged in discrimination prohibited by the FCC's rules may be directed either to the FCC in Washington or to a local office of the EEOC.

Complaints alleging unequal pay for equal work, or discrimination in employment because of age against persons between 40 and 65 years old should be filed with a local Wage and Hour Office (listed in telephone directories under U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division). The complaints should include a request that the Broadcast Bureau of the Federal Communications Commission be advised of the Wage and Hour Office's findings on the matter.

19. Noncommercial Educational Broadcasting: Grants and Special Funding. The Communications Act provides appropriations for matching funds administered by the National Telecommunications and Information Administration of the U.S. Department of Commerce (Washington, D.C. 20005) for the purchase and installation of equipment for noncommercial educational broadcast stations. The Act also established the Corporation for Public Broadcasting (CPB) as a nonprofit, private corporation to promote development of the nation's noncommercial television and radio systems. CPB is funded by the Congress. It assists in financing programs and administers funds for employee training, and for staffing and operating noncommercial stations. Its address and the names and addresses of other organizations concerned with noncommercial broadcasting are listed in Part VI of this pamphlet.

20. Controversies and Claims. It is a long-standing policy of the Commission not to exert jurisdiction in private disputes involving its broadcast licensees, but to leave such matters to be settled by the parties or by local courts or agencies. For example, nondelivery of merchandise ordered through stations and licensee failure to meet payrolls or satisfy other debt claims are not matters in which the FCC normally intervenes. The FCC does consider such practices if they are repeated or otherwise raise questions about the qualifications of licensees. An FCC rule requires that broadcast contests be conducted fairly and as advertised to the public (see Section 13), and the Commission holds its licensees responsible for using reasonable diligence to protect the public from false or deceptive broadcast advertising (Section 17(e)), a policy that applies to broadcast announcements concerning merchandise to be ordered by telephone or mail. Stations are expected to promptly evaluate and act on complaints and inquiries about such orders.

PART VI

ORGANIZATION ADDRESSES AND
OTHER PUBLICATIONS ABOUT BROADCASTING

A. Headquarters addresses of the major commercial broadcasting networks:

American Broadcasting Companies, Inc. 1330 Avenue of the Americas New York, New York 10019	Mutual Broadcasting System, Inc. 1755 South Jefferson Davis Highway Arlington, Virginia 22202
--	---

CBS Inc. 51 West 52nd Street New York, New York 10019	National Broadcasting Company 30 Rockefeller Plaza New York, New York 10020
---	---

B. The National Association of Broadcasters (NAB) is an industry group formed by broadcasters. Its headquarters is at 1717 N Street, Washington, D.C. 20036. The NAB has developed programming and advertising codes for radio and television and can provide information about them upon request. Membership in the NAB and subscription to its codes are voluntary on the part of each station licensee.

C. Noncommercial broadcast industry organizations include the following:

Corporation for Public Broadcasting 1111 - 16th Street, N.W. Washington, D.C. 20006	Public Broadcasting Service (PBS) 475 L'Enfant Plaza West, S.W. Washington, D.C. 20025 (television program distributor to noncommercial educational stations)
--	---

National Public Radio (NPR)
2025 M Street N.W.
Washington, D.C. 20036
(radio program distributor to
noncommercial educational
stations)

D. Two commercial publications are briefly described below. They may also be available in some public libraries:

Broadcasting-Cable Yearbook. Annual guide/directory to radio, television and cable TV facilities, services, organizations; it may be purchased from Broadcasting Publications, Inc., 1735 DeSales Street, N.W., Washington, D.C. 20036. Includes, among other material: directories of radio and TV stations licensed by U.S. and Canada (power, frequency, studio address, name of licensee, type of entertainment format, etc.); lists of Mexican and Caribbean stations; market data; selected FCC rules; NAB codes. Also lists names and addresses of associations and unions, advertising and talent agencies, communications law and consulting firms, media brokers, networks, news organizations, FCC staff, music licensing groups, producers of commercials and programs, and manufacturers and distributors.

Television Factbook is published in two volumes annually by Television Digest, Inc., 1836 Jefferson Place, N.W., Washington, D.C. 20036. It provides detailed information concerning television stations and cable TV systems and many other related subjects of interest to broadcasters, cablecasters, advertisers and the public.

OTHER FCC PUBLICATIONS ABOUT BROADCASTING
THAT ARE AVAILABLE UPON REQUEST:

- E. The Public Information Office, Federal Communications Commission, Washington, D.C. 20554 can provide a copy of
- (1) Applicability of Sponsorship Identification Rules (Public Notice, September 1975),
 - (2) the several publications on ascertainment of community problems by commercial television broadcast applicants (1971-1976),
 - (3) Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants, Permittees, and Licensees (March 1976),
 - (4) Public and Broadcasting--Procedure Manual (September 1974),
 - (5) Children's Television Programs--Report and Policy Statement (October 1974), and/or Second Notice of Inquiry: Children's Programming and Advertising Practices (August 1978),
 - (6) Deregulation of Radio: Report and Order (FCC 81-17), released February 1981.
- F. Requests for the following material should be directed to Fairness/Political Broadcasting Branch, Complaints and Compliance Division, Broadcast Bureau, FCC, Washington, D.C. 20554:
- (1) Fairness Doctrine and Public Interest Standards--Handling of Public Issues (July 1974),
 - (2) The Law of Political Broadcasting and Cablecasting (August 1978),
 - (3) texts and explanations of the personal attack rule and political editorial rule with information about complaint procedures.
- G. Listed here are several of the publications that may be obtained from the Complaints Branch, Complaints and Compliance Division, Broadcast Bureau, FCC, Washington, D.C. 20554:

<u>Title/Subject</u>	<u>Reference Number</u>
Cancellation or Refusal of Programs	8310-14
Call-In or "Open-Mike" Programs	8310-37
Obscenity, Indecency and Profanity in Broadcasting	8310-50

<u>Title/Subject</u>	<u>Reference Number</u>
Homosexuality and Broadcasting	8310-65
The FCC and Freedom of Speech	8310-75
Complaints About Broadcast Journalism	8310-80
Religious Broadcasting	8310-RM-2493
Report on the Broadcast of Violent, Indecent and Obscene Material (Report to the Congress, February 19, 1975) and the FCC news release summarizing the Report	

49R
15 R

March 29, 1982

Dear Sir:

Attached please find a copy of a letter
that was sent to you two months ago.

SK As there was no response, I am sending
you another letter.

I would appreciate it very much if you
would please allow me the courtesy of a
response.

Thank you.

Sincerely,



Mel Aires

February 1, 1982

078588

CTK
FCC

My proposal is for a 2-3 second flash - same as tellspot done 12-14 years ago by Father Emery Tang, OFM out of Los Angeles. This tellspot, I understand, was a great success.

The flash I propose would be:

"DOPE IS FOR DOPES"

... with background voice saying - "MUST WE SAY MORE?"

A public service (TV) - using the media to try to curb a major problem our nation is faced with. What this does is belittle, degrade and insult those who use it. This is an excellent way to combat this major problem.

No one likes to be degraded, belittled or insulted... (it is a strong statement, true, but a stronger dose is needed.)

These are great ideas and ideals to implant into young minds.

I believe it is a great idea and, if you give it some thought, I know you would agree.

If you can help in any way into making this a reality - by either directing this to the proper persons or department, I would appreciate it and would be sincerely grateful.

Hoping and awaiting your answer - best wishes and thank you for your time.

Yours truly,

Mel Aires
1253 - 136th Avenue
San Leandro, CA.
94578
(415) 357-3258

p.s. I know this would do alot of good - believe me.

OFFICE OF CHIEF

MAY 20 1982

BROADCAST BUREAU

PR 16-01

WHITE HOUSE
COUNSELLOR'S OFFICE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 82105104

Name of Correspondent: Jack A. Gertz

CN Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Writer informs Mr. Meese of mild reaction to the Moyers program. He says the White House comments were detrimental as they brought more attention to an otherwise mostly ignored broadcast. Writer also wants to know if Mr. Meese wants "Special Group" assembled this month.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CNSTR1</u>		<u>O</u>	<u>82105104</u>		<u>C</u>	<u>82106114</u>
Referral Note: _____						
<u>✓ CNCRIB</u>		<u>A</u>	<u>8208104</u>		<u>C</u>	<u>8205105</u>
Referral Note: _____						
<u>✓ CNMEES</u>		<u>I</u>	<u>82105104</u>		<u>C</u>	<u>82105104</u>
Referral Note: _____						
<u>✓ CNRAND</u>		<u>A</u>	<u>82105106</u>		<u>C</u>	<u>82106114</u>
Referral Note: <u>See comments</u>						
			<u>1 1</u>			<u>1 1</u>
Referral Note: _____						

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Flo:

Comments: For EM dictation no reply per EM

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: 4 Individual Codes: 4200 _____

Prime Subject Code: PR 016-01 Secondary Subject Codes: UT 001-01 _____
WE _____
FG 006-01 _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence
 - n - 0 - Unknown
 - n - 1 - Ronald Wilson Reagan
 - n - 2 - Ronald Reagan
 - n - 3 - Ron
 - n - 4 - Dutch
 - n - 5 - Ron Reagan
 - n - 6 - Ronald
 - n - 7 - Ronnie

- CLn - First Lady's Correspondence
 - n - 0 - Unknown
 - n - 1 - Nancy Reagan
 - n - 2 - Nancy
 - n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence
 - n - 1 - Ronald Reagan - Nancy Reagan
 - n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

P R I V A T E !

Jack A. Gertz

1000 Connecticut Avenue, Northwest
Washington, D.C. 20036

May 3, 1982

076312

Mr. Edwin Meese, III
Counsellor to the President
The White House
Washington, D.C. 20500

Dear Ed:

Recently, I asked Marquette University's Nieman Professor of Journalism -- George Reedy -- to informally check out the reception of the CBS News documentary -- "People Like Us" in Wisconsin. He tells me that so far he has only found one person who viewed the program. He has talked to four or five people that saw the story in the Milwaukee Journal stating that CBS had turned down the White House' equal-time rebuttal broadcast request. As nearly as he could determine -- if it had not been for the White House "inaccuracy" reaction, very few people would have been aware of the TV production at all.

George has a cousin who administers the welfare program in a central Wisconsin county where there is large-scale unemployment. His cousin did not see the program but had it described to him by a subordinate who saw it. Neither of them was very excited because they thought the program had merely picked up the few odd-ball cases which will occur under any circumstances. This is quite significant because the people in that welfare office have been hard hit by the Federal budget cuts. They do not like the President but nevertheless they could not get excited about the Moyers' program.

The one person George could find that had actually seen the program watched it only because he had been a member of St. Benedict's parish which figured in the CBS telecast.

Mr. Edwin Meese, III - 2 -

George says he hopes "the White House will keep on doing what it's doing in reacting to the Moyer's-type narration and programming because this is the best way of electing a Democrat the next time around."

George thinks that virtually nobody would even have noticed the program "had the White House kept its mouth shut" (ignored it).

Since the program appeared, George has been at social gatherings with the editor of the Milwaukee Journal and the news director of Channel 6 (CBS affiliate). Neither one of them was interested in the Moyers' program except as a mild reaction to one of Reedy's questions.

Attached, Ed, you will note the low-key tone of George Reedy's findings that attempts to illustrate the needless effects by the Administration in opening a "can of worms" and of ignoring the old adage of "letting sleeping dogs lie."

Best personal wishes,



P.S. Ed: Let me know if you want me to assemble our "Special Group" during this or next month -- as you had anticipated during our last dinner session. No one, as yet, has contacted me.

1
scheduled for June 21

George E. Reedy
Nieman Professor of Journalism

MU Marquette University

Milwaukee, WI 53233
414-224-7132

April 28, 1982

Dear Jack:

Despite the administration's best efforts, the Moyers' telecast on welfare remains virtually unknown in Wisconsin. Although I have located a few people who saw the JOURNAL story on CBS turning down the White House request for time to reply, I have yet to find anyone who saw the show and only a few who have talked to someone who saw the show.

I have a cousin who administers the county welfare program in Fond du Lac. He had the program described to him by an assistant who saw it. Both the assistant and my cousin came to the conclusion that it was an exaggerated treatment of some "freak" cases which would occur under any circumstances and regardless of the identity of the administration in office.

This is significant as President Reagan and the administration is very unpopular in the Fond du Lac welfare office. The area has been hard hit because it is the center of the pea packing industry which has gone into a steep decline in the past few years. Unemployment compensation has run out for many of the workers who have been laid off. This means that the welfare office must serve many more people than it has in the past and the budget cuts has meant a reduction in staff and relief dollars. If Moyers could not get those welfare workers excited, he must have been a complete flop elsewhere.

This is the last time I will write to you on this one and I do so now because I promised to provide you with a report. This story is dead unless the administration revives it. Tell your White House pals to try harder. The Democrats cannot elect a President in 1984 but the Republicans can and if they keep on this way, it will be a Democrat.

Best regards



Jack A. Gertz
A T & T Public Relations
1000 Connecticut Avenue
Washington, D.C. 20036

MU Marquette University

Milwaukee, WI 53233
414-224-7132

Monday, April 26, 1982

Dear Jack:

Your request for an evaluation of the Milwaukee reaction to the Bill Moyers' program handed me one of the roughest assignments I have ever had. I was forced to scrape the bottom of the barrel to find any reaction at all in the circles in which I normally travel, the broadcast made no impression whatsoever and I doubt whether other areas--with the possible exception of some of the slum areas in the "inner city"--are any different.

First of all, neither Lillian nor I saw the broadcast. I sing in the Cathedral choir and Wednesday night is set aside for choir rehearsal. Lillian is not likely to turn on a Moyers program at any time and PBS had something running that night which she really wanted to hear. Mike Drew, the TV columnist for the JOURNAL had written a column which he, himself, termed a "love letter to Bill Moyers" (thanking him for being such a great talent) on Sunday but I have talked to no one who had any clear memories of the column or who saw the show.

My first knowledge that there was any controversy came Friday night when I talked over the telephone with my son in Vermont. He remarked that Moyers and Reagan were in a big public fight but I did not spend much time on the matter. There was absolutely nothing about it in the Milwaukee Sentinel the next morning so I forgot about it and came to Washington. Actually, I got no factual material whatsoever until I called you in the afternoon after checking into the hotel.

No one mentioned the broadcast to me at the White House Correspondents Dinner even though I had long conversations with a number of friends. When I returned to Milwaukee Sunday night I asked Lillian about the story. She had dinner Saturday night with two couples--friends of ours--who had actually seen the Moyers show and commented about it. However, these people are liberal political types and one of the men is running for the Democratic nomination in north Milwaukee.

When I got to the College this morning, I checked things out with my colleagues and none of them knew anything about it with the exception of one professor and a student who recalled dimly having seen a headline "somewhere" about the White House protesting "a" program. They remember nothing else about it but I knew the story could not be in the Sentinel as I had seen every issue. Therefore, I checked the JOURNAL and finally located the piece on Page 3 of the Friday issue.

I had missed the story simply because Friday was a very tough day for me. I had three classes and then addressed the initiation banquet of Phi Beta Kappa that night and simply had not looked at the newspaper. Even if I had, however, I might have missed it. The placement was on the left-hand side of the page with the head and the first paragraph above the fold and everything else below. I xeroxed a copy which I enclose for your edification.

Let me sum up:

1. There was absolutely no editorial reaction in Milwaukee to the Broadcast even though it involved a Milwaukee priest and a resident of Wisconsin.
2. What may be even more significant is that the faculty of one of the nation's oldest journalism schools (and one of its ^{one} largest) did not react to the broadcast at all and only ^{one} member was even dimly aware that it involved any controversy.
3. Since Wednesday night, I have seen Dick Leonard, Editor of the Milwaukee Journal; Bob Wills, Editor of the Milwaukee Sentinel; and Carl Zimmerman, Channel Six (the CBS outlet) new director. None of them mentioned the story to me. Furthermore, at the PBK banquet Friday night, I sat at the head table with three Catholic priests and we discussed the Reagan administration. Not one of them mentioned the broadcast either.

Of course, one must take into account the fact that Wisconsin is agog with speculation over the political outcome of the governor's announcement that he is returning to private life. But even giving that major development heavy weight does not alter the fact that nobody really cares. Obviously only the small audience which saw the broadcast would even know about it if it had not been for the protest to CBS. Had there been any splash at all, some ripples would have reached me by now and four liberals talking about it doesn't make for much of a splash.

Tell the White House to keep it up. This kind of reaction has my hearty approval. It revives my hopes that the Democrats might be able to win the Presidency in 1984 after all.

Best regards



Jack A. Gertz
A. T. & T. Public Relations
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036

White House Assails CBS News, but a Bid For Reply Is Rejected

By STEVEN R. WEISMAN

Special to The New York Times

WASHINGTON, April 22 — The Reagan Administration, angered at what its officials called a "misleading" portrayal of its economic policies on a CBS News television documentary Wednesday night, asked the network today for a half-hour in prime viewing hours "to present our side of the story." CBS News turned down the request.

The request was made in a telegram to Van Gordon Sauter, president of CBS News, from David R. Gergen, assistant to the President for communications. Mr. Gergen charged that the documentary, "People Like Us," reported by Bill Moyers, had been unfair in its depiction of three families that it portrayed as victims of Reagan Administration budget cutbacks, and that the network had refused his earlier request to present a rebuttal.

In rejecting the request, Mr. Sauter said that its examination of three families, as well as a church-sponsored food program, had been "part of the ongoing coverage by CBS News of the issues related to the Administration's economic and budgetary program."

He added, "In light of the extensive coverage which CBS News has and will continue to provide to Administration

Continued on Page A23, Column 2

FOR THOSE FAVORING CREMATION WOODLAWS
Cemetery offers a free pamphlet giving complete
information call 212-652-2100—ADVT.

NEW YORK TIMES
PAGE ONE 4/23/82
NYT

Protest on CBS Show: 'Fairness' Dispute Renews

By TONY SCHWARTZ

By publicly raising objections to the CBS News documentary "People Like Us," the Reagan Administration has highlighted again a continuing controversy over the "Fairness Doctrine," the rule that has required broadcasters to provide a reasonable amount of time for opposing viewpoints on important issues, as a condition of being licensed to use the public airwaves.

The irony of the Administration's position is that the Administration is on record as supporting the repeal of many Federal regulations, including the "Fairness Doctrine."

The irony of the decision by CBS News not to offer the Administration a chance to respond to the documentary broadcast on Wednesday is that the network's reasoning drew so heavily on the language of the "Fairness Doctrine," to which CBS, like the other major networks, is publicly opposed.

The doctrine has long been a source of controversy. It has been invoked or exoriated by people with a variety of political perspectives, according to whether it advanced or set back their interests.

The argument has usually turned on various interpretations of the First Amendment right to free expression. Those seeking an opportunity to express a viewpoint, as in the case of the Administration's effort to respond to the CBS documentary, have argued that such access is guaranteed under the First Amendment.

Broadcasters, resisting any regulation of their programming, have countered that such interference would have a chilling effect on their right to free expression.

The Fairness Doctrine grew out of the Communications Act of 1934. Historically it has served as a means by which the Government could require broadcasters, in return for licenses to operate on scarce public frequencies, would not abuse their power by advancing only one perspective or by ignoring substantive issues in favor of commercial programming.

Just two weeks ago, President Reagan sided with broadcasters in a letter to the National Association of Broadcasters. "It is essential," he wrote, "to extend to electronic journalism the same right that newspapers and magazines enjoy. While I will not always agree with what is said, as a former broadcaster I am acutely aware of the great value of journalistic freedom."

But the intensity of the Administration's response to the documentary suggests that it is less sympathetic to unbridled freedom for broadcasters when Administration interests are at stake. Its reaction also gives unintended ammunition to those who argue that television should be treated differently, in terms of regulation sense, from newspapers and magazines.

Several weeks ago, when Newsweek

ran a cover story, "Reagan's America/The Poor Get Poorer," Administration reaction was muted. The CBS program produced a much stronger response.

"I had problems with the Newsweek cover," said one Administration official, who asked not to be named, "but it was a one-shot affair, and it was essentially a passive statement. This was a powerful emotional documentary, to which we had no way of responding. It was like being hit with a two-by-four."

In turning down the Administration's request for a rebuttal program, Van Gordon Sauter, the president of CBS News, defended the documentary as one aspect of ongoing coverage of the President's economic program that "has included extensive presentations

of the Administration's viewpoints concerning these issues." The Fairness Doctrine requires only that a broadcaster be fair in the totality of coverage, not that any individual program be balanced.

David R. Gergen, the assistant to the president for communications, said yesterday that the White House was not seeking to invoke the Fairness Doctrine, but rather to address the issue of "basic fairness."

"I think anybody who looked at the show would have seen it as an attack," Mr. Gergen said. "We do have a responsibility to go out and appeal for equity."

Although the Administration chose not to single out Bill Moyers, the writer and narrator of the documentary, his

participation will inevitably be a source of discussion. Mr. Moyers has a unique role at CBS, operating both as a commentator, able to air his own views, and as a reporter. He also brings the network a background that includes service as a high official in the Lyndon Johnson Administration.

The issue is not the political views I held when I was a young man," Mr. Moyers said. "Since I left Washington I have not had any role in partisan politics and I have taken liberal Democrats to task as often as I've taken the Administration to task. What's happening here is an attempt by partisan politicians to divert attention from people who would not be heard at all were they not being heard by journalists."

White House Assails CBS News; Reply Barred

Continued From Page A1

viewpoints, we do not believe that a special Administration rebuttal broadcast to this documentary is called for."

In announcing the request today, Mr. Gergen told reporters that President Reagan saw the one-hour program on CBS last night and directed his staff today to examine the data of the specific cases cited. "Frankly, this one was below the belt, and we're going to respond," Mr. Gergen said.

On the program, Mr. Moyers presented the three cases as "people who have slipped through the safety net and are falling away" as a result of cutbacks by the Reagan Administration.

The three were an Ohio man with cerebral palsy who had lost his disability benefits, a Wisconsin woman who moved her 13-year-old daughter to an institution because she felt that cutbacks in Medicaid, the health insurance program for the poor, would prevent her from being cared for at home, and a New Jersey woman who left her job and went on welfare to qualify for Medicaid.

Health Agency Disputes Data

In response, officials at the Department of Health and Human Services disputed the data on each case and charged that, together, they had created a misleading impression. At a news conference, the officials said that in some cases the individuals had lost benefits because of policies at the state level, or policies enacted before Mr. Reagan took office.

Although Mr. Gergen said repeatedly that CBS News had been unfair, and that a rebuttal was called for "in the interest of fairness," Administration officials ruled out taking any legal steps that might invoke the "fairness doctrine" of the Federal Communications Commission.

The commission has in the past threatened to remove the licenses of certain broadcasting stations if they do



Bill Moyers

not present opposing points of view. The doctrine has been cited frequently by political candidates, including Mr. Reagan himself in 1980, in requests for television time to respond to coverage of Presidents.

Since he took office, Mr. Reagan himself has asked that the Federal Communications Commission repeal the "fairness doctrine" as an unwarranted regulatory intrusion.

Concern Over Public's Attitude

Nonetheless, the attention focused on the documentary by the Administration today reflected increasing fears among Mr. Reagan's aides that there was a growing feeling that the Administration's policies were unfair.

Mr. Gergen took pains to say that he did not dispute the right of CBS News to air the program. "We're not arguing this as a First Amendment case," he

said. "We're arguing it as a matter of basic fairness." He said any viewer would feel "a powerful sense of sympathy for the individuals involved," but that there were "serious questions about whether aspects of the case as presented were misleading."

"Those individuals, as presented there clearly had difficulties in their lives," Mr. Gergen added. "What we clearly have problems dealing with is a story that lays all the problems of that sort on Ronald Reagan's doorstep."

In an interview before leaving for Poland this morning, Mr. Moyers, who was President Johnson's press secretary, said, "I didn't believe that this was going to be interpreted as an attack on the Administration, which it isn't."

"It simply told a few real stories about real people falling through the safety net," he said. "We leaned over backward not to juxtapose Presidential statements with people's circumstances. I don't believe for a moment that the Administration set out deliberately to hurt helpless people. But at the same time, I don't believe the Administration recognizes that some truly needy people are being hurt."

Reagan Opened Program

On the program, Mr. Moyers opened with a segment of President Reagan saying that "those who through no fault of their own must depend upon the rest of us" can "rest assured that the social safety net of programs they depend on are exempt from any cuts." Mr. Moyers then said: "It has not worked out quite that way."

At the program's conclusion, Mr. Moyers said, "There's no question but that Federal programs which help the poor are riddled with waste and fraud." He added that Mr. Reagan had "chosen not to offend the rich, the powerful and the organized" in his budget cuts, but to "take on the weak" with a budget that "falls most heavily on the poor."

Dg

078812
4000
PB 016-01
PP014-09

May 14, 1982

PERSONAL

Dear Mr. Bresee:

Although this is belated, I want to thank you for remembering me in such a thoughtful way. I wanted you to know how much I appreciate your kindness and that I look forward to enjoying the preview copy of your radio program broadcasted January 8th. Thank you for this special expression of friendship.

Nancy joins me in sending you our best wishes.

Sincerely,

A

RONALD REAGAN

X
Mr. Frank Bresee
8282 Hollywood Boulevard
Hollywood, California 90069

RR/AVH/MP/LRR/vml--
PG-3

820514

re: radio broadcast which featured highlights of broadcasts from which President stated

Frank Bresee
8282 Hollywood Boulevard
Hollywood, California 90069

November 1, 1981

Dear Mr. President:

In fifteen years of presenting "The Golden Days of Radio" daily around the world on the American Forces Radio and Television Service, many stars have joined me including Bob Hope, Jimmy Durante, Rudy Vallee, Edgar Bergen, Jack Benny, etc.

I am proud that tribute will be paid to your long career; and salute you on the start of your second year as president of the United States.

The program, which will be broadcast on Friday, January 8th 1982, features highlights and excerpts from radio programs on which you starred, including; Lux Radio Theatre with Pat O'Brien; George Burns and Gracie Allen; plus a few dramatic moments from the Suspense program in March 1950.

I have enclosed a preview copy of the program. I trust you will find it enjoyable.

Cordially,


Frank Bresee

Mr. Ronald Reagan
The White House
Washington, D.C.

FB/zx
Encl.

PR016-01

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 82105105

Name of Correspondent: Richard E. Lewis

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Writes concerning FCC not renewing Annual Fee & Rubber Licenses for TV

ROUTE TO:		ACTION		DISPOSITION	
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
	<u>Cokell</u>	ORIGINATOR	<u>1 1</u>		<u>C 8206102</u>
	<u>99 FCC</u>	<u>R</u>	<u>8205120</u>	<u>CS</u>	<u>C 8205124</u>
	<u>99 FCC</u>	<u>R</u>	<u>8205124</u>		<u>A 8206102</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: To be signed by FCC

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4200

Prime Subject Code: PR 016-01 Secondary Subject Codes: FB 128
BE 003-12
FB

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C		Time:	P-
DSP		Time:	Media:

SIGNATURE CODES:

- CPn - Presidential Correspondence**
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

- CLn - First Lady's Correspondence**
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

JUN 1 1982

IN REPLY REFER TO:

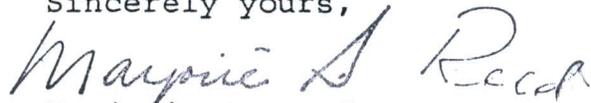
Mr. Richard E. Lewis, President
Lewises
3870 W. Henrietta Road
Rochester, New York 14623

Dear Mr. Lewis:

Your letter to President Reagan concerning the Federal Communications Commission treatment of RKO General Inc.'s television properties has been referred to me. I appreciate your concern in this matter and take note of your comments in support of the O'Neil family. We strongly urge, however, that you read closely the enclosed Commission opinion which describes in great detail the reasons why the Agency took adverse action regarding RKO. The United States Court of Appeals for the District of Columbia Circuit has affirmed the Commission's action (670 F. 2d 215) and the Supreme Court denied review of the case on April 19, 1982.

Please contact us if we can be of further assistance.

Sincerely yours,



Marjorie S. Reed
Deputy General Counsel

Enclosure

JGC
5909

THE WHITE HOUSE OFFICE

REFERRAL

MAY 26, 1982

TO: FEDERAL COMMUNICATIONS COMMISSION

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 079042
MEDIA: LETTER, DATED APRIL 29, 1982
TO: PRESIDENT REAGAN
FROM: MR. RICHARD E. LEWIS
PRESIDENT
LEWISES
3870 WEST HENRIETTA ROAD
ROCHESTER NY 14623

SUBJECT: WRITES CONCERNING FCC NOT RENEWING GENERAL
TIRE AND RUBBER LICENSES FOR TV

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

new id
5/27/82

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

MAY 28 9 29 AM '82
OFFICE OF THE
GENERAL
COUNSEL

THE WHITE HOUSE OFFICE

REFERRAL

MAY 20, 1982

TO: FEDERAL COMMUNICATIONS COMMISSION

ACTION REQUESTED:
ORIGINATOR

DESCRIPTION OF INCOMING:

ID: 079042

MEDIA: LETTER, DATED APRIL 29, 1982

TO: PRESIDENT REAGAN

FROM: MR. RICHARD E. LEWIS
PRESIDENT
LEWISES
3870 WEST HENRIETTA ROAD
ROCHESTER NY 14623

SUBJECT: WRITES CONCERNING FCC NOT RENEWING GENERAL
TIRE AND RUBBER LICENSES FOR TV

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO: ⁹²
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

*new'd
5/20/82*

*60
501
519*



LEWISES

3870 W. Henrietta Rd.
Rochester, New York 14623
Phone: AC 716 334-0900

260 East Avenue at Inner Loop
Rochester, New York 14604
Phone: AC 716 232-7890

April 29, 1982

079042

FCC

The Hon. Ronald Reagan
The White House
Washington, D.C. 20500

Dear Mr. President:

I read the enclosed clipping in the General Tire and Rubber monthly publication to employees and dealers, etc., and I thought I should do my best to see justice served in this matter. The O'Neil family who still owns control of General is the finest Irish Catholic Republican Family to bless this U.S.A. They donated \$50,000.00 in cash to the Nixon reelection campaign from a slush fund that had been set up for such purposes to compete with our unjust labor unions. As a result the Carter administration started this action of not renewing their licenses for T.V. starting in Boston, New York, and Los Angeles, to discipline General Tire and all other republicans as well.

I think it is time to stop this action and set the record straight and I ask your help to do so.

The Lewis family has been the General distributor in Rochester, N.Y. for sixty-three (63) years.

Very truly yours,

Richard E. Lewis
President

REL/sm
Enc

MAY 29 9 29 AM '82
OFFICE OF THE
GENERAL
COUNSEL

Sooner or Later, You'll Own Generals.



First quarter net loss amounts to \$34.5 million

General Tire's net sales from continuing operations for the first quarter of 1982 were \$456,646,000 compared with sales of \$497,461,000 in the same quarter last year, M. G. O'Neil, Chairman and President, told shareholders at the Company's annual stockholders meeting in Akron on March 30.

The loss from continuing operations for the quarter, excluding the effects of a provision for plant closures, was \$3,785,000 or 16¢ per share, compared with income from continuing operations of \$1,216,000 or 4¢ per share for the quarter a year ago.

The current quarter's net loss was \$34,585,000 or \$1.47 per share, which included an estimated charge of \$30,800,000 after tax for plant closure costs, equivalent to \$1.31 per share.

The plant closings involved the Akron tire operations and a joint-venture production facility—a polyvinyl chloride plant in Point Pleasant, West Virginia. General Tire is also phasing out part of its involvement in a synthetic rubber plant in Borger, Texas. The closing of the outmoded Akron plant—which produced bias-type truck tires primarily—was a major move to eliminate costly excess production capacity.

Although the financial impact is of

less significance, the closing of the PVC and synthetic operations was also due to excess capacity. The Company's Ashtabula PVC plant and Odessa synthetic rubber plant have unused capacity available to absorb the production of the Point Pleasant and Borger plants.

Last year's first quarter showed net income of \$2,126,000 or 8¢ per share after a charge of \$4,443,000 or 18¢ per share for the cost of land donated to a non-profit organization.

Affected by continued weakness in automobile and heavy equipment production, housing starts and construction—three primary marketing areas—first-quarter sales of the Tire, Plastics and Industrial Products segments declined and an aggregate operating loss of \$10,770,000 was incurred, compared with an operating income of \$2,796,000 last year.

Aerojet-General reported increased sales and income from continuing operations in the first quarter compared with last year's quarter.

In line with the decision last year to dispose of Aerojet's Industrial Products and Other Products and Services segment and the Engineering, Fabrication and Construction segment, the sale of some of these operations is being negotiated. The

disposal or sale of these will permit management at Aerojet to concentrate in markets with better growth potential.

RKO General, Inc.'s income showed a sharp decline, due to a decline in earnings from Frontier Airlines. RKO's share of Frontier earnings was \$1,716,000 in the 1982 quarter compared to \$5,111,000 in 1981. The decline at Frontier was due primarily to depressed passenger traffic associated with a sluggish economy and out-of-period federal subsidy income recorded in the first quarter of 1981.

On February 25, 1982, the Federal Communications Commission authorized RKO to operate WNAC-TV, Boston, until after United States Supreme Court action on RKO's petition for review of a Court of Appeals decision denying renewal of RKO's license to operate WNAC-TV. The Commission also ruled that RKO be required to place in escrow all net profits derived from its operation of WNAC-TV after March 7, 1982, for distribution to an appropriate charitable organization or non-profit public broadcasting entity, upon denial of its license renewal's "ultimately being sustained by the Supreme Court."

PR016-01

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 82105124

both - you have to prepare a stand copy - check use re: for working

Name of Correspondent: Nathan Perlmutter

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Requests an investigation regarding the "60 minutes" broadcast that the State Department recruited Nazi collaborators, smuggled them into the U.S., and obtained government employment, as well as U. S. Citizenship for them

ROUTE TO:	ACTION	DISPOSITION			
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>LBurg</u>	ORIGINATOR	<u>82105125</u>	<u>D.R. - MG</u>	<u>A</u>	<u>8210611</u>
	Referral Note:				
	Referral Note:				
	Referral Note:				
	Referral Note:				
	Referral Note:				

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOP).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4400 _____

Prime Subject Code: PB 016-01 Secondary Subject Codes: 110 016 RM 032
IM _____
CO 053 _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

June 11, 1982

Dear Mr. Perlmutter:

Thank you for your letter of May 19 to President Reagan concerning the admittance of Nazi war criminals to the United States following World War II.

The President is deeply disturbed by reports raising questions about the involvement of the Department of State in the smuggling of war criminals into our country.

Due to the nature of your concern, I have taken the liberty of forwarding a copy of your letter to the Department of Special Investigations, the Department of Justice as this is the department handling investigations of nazi war criminals.

Thank you for sharing your concerns with the President.

Sincerely,



Michael R. Gale
Deputy Speacial Assistant
to the President

Mr. Nathan Perlmutter
National Director
Anti-Defamation League
of B'nai B'rith
823 United Nations Plaza
New York, New York 10017

5
Jack Burgess

NATIONAL COMMISSION
OFFICERS

National Chairman
MAXWELL E. GREENBERG

National Director
NATHAN PERLMUTTER

Chairman, National
Executive Committee
KENNETH J. BIALKIN

Honorary Chairmen
SEYMOUR GRAUBARD
BURTON M. JOSEPH

Associate National Director
ABRAHAM H. FOXMAN

Honorary Vice-Chairmen
LEONARD L. ABESS
RUDY BOSCHWITZ
EDGAR M. BRONFMAN
MAXWELL DANE
LAWRENCE A. HARVEY
BRUCE I. HOCHMAN
JACOB K. JAVITS
GERI M. JOSEPH
PHILIP M. KLUTZNICK
CARL LEVIN
HOWARD M. METZENBAUM
SAMUEL H. MILLER
BERNARD NATH
ROBERT R. NATHAN
ABRAHAM A. RIBICOFF
BENJAMIN S. ROSENTHAL
WILLIAM SACHS
MELVIN H. SCHLESINGER
S.O. SHAPIRO
THEODORE H. SILBERT
SIDNEY R. YATES

Vice-Chairmen
JERRY DUBROF
NAT KAMENY
MAX M. KAMPELMAN
KAYGEY KASH
PHILIP KRUPP
LARRY M. LAVINSKY

Vice-Chairman, National
Executive Committee
DONALD R. MINTZ

Honorary Treasurers
BENJAMIN GREENBERG
RICHARD M. LEDERER, JR.

Treasurer
CHARLES GOLDRING

Assistant Treasurer
NORMAN J. GRAY

Secretary
MARTIN L.C. FELDMAN

Assistant Secretary
ALVIN J. STEINBERG

President, B'nai B'rith
JACK J. SPITZER

Executive Vice-President,
B'nai B'rith
DANIEL THURSZ

President, B'nai B'rith
Women
GRACE DAY

DIVISION DIRECTORS

Assistant National Director
Community Service
ROBERT C. KOHLER

Administration
HAROLD L. ADLER

Director of Development
SHELDON FLIEGELMAN

Civil Rights
JUSTIN J. FINGER

Communications
LYNNE IANNIELLO

Assistant to the National Director
Leadership
DANIEL S. MARIASCHIN

Program
THEODORE FREEDMAN

General Counsel
ARNOLD FORSTER

ADL FOUNDATION
Executive Vice-President
BENJAMIN R. EPSTEIN



079940

May 19, 1982

The President
The White House
Washington, DC 20500

Dear Mr. President:

We are greatly disturbed by the report that the State Department wrongfully recruited and smuggled into the United States hundreds of Nazi collaborators after World War II, many of whom are alleged to have committed wartime atrocities against innocent Jews and other civilians in territories overrun by the Nazis.

We urge a full investigation of the report, broadcast on the CBS news program "60 Minutes," that the State Department recruited these Nazi collaborators, smuggled them into the U.S., and obtained government employment, as well as U.S. citizenship for them -- all in defiance of Presidential orders.

We believe, further, that the American people have a right to know whether reputed Nazi war criminals are presently employed in any capacity in the U. S. government.

Sincerely,

Nathan Perlmutter
National Director

NP:es

084271CA

UNITED STATES GOVERNMENT

memorandum

PR 016-01

DATE: June 30, 1982

REPLY TO
ATTN OF: Mark S. Fowler

SUBJECT: FCC decision to consider repeal or modification of the financial interest and syndication rule (47 C.F.R. Sec. 73.658(j))

TO: Nancy A. Hodap

On Wednesday, June 23, 1982, the FCC voted unanimously to issue a Notice of Proposed Rulemaking to review the continued need for the Commission's financial interest and syndication rule. The Public Notice announcing and explaining the FCC's action is attached (Appendix A). In broad outline, however, the FCC believes that the rules should be reviewed for the following reasons: first, that considerable evidence has been amassed suggesting that changed market conditions have eliminated the need for the rule; second, that in light of this changing marketplace environment, the public interest may be disserved by restricting the networks and not their competitors; and third, and perhaps most importantly, that a 1980 Report on these rules prepared by a special staff of experts concluded, based on evidence produced in response to a 1977 Notice of Inquiry and a 1978 Further Notice of Inquiry, that the rule is not effective in limiting the exercise of undue power by the networks, or in promoting the production of a diverse array of programming.

The financial interest and syndication rule, 47 C.F.R. Section 73.658(j), adopted by the FCC in 1970, prohibits the major television networks (CBS, NBC, ABC) from syndicating network programming and acquiring rights to share in the aftermarket profits of network programming. For the purposes of these rules, "syndication" means the distribution of programs originally produced for network showing to individual stations or groups of stations for non-network broadcast in local or regional markets. Old episodes of M*A*S*H, The Waltons, and Happy Days, now being shown by local stations, are examples of syndicated programming. The current syndication rule prevents the networks from acquiring from program producers the right to syndicate their programming as a quid pro quo for purchasing it for network exhibition. Thus, to use one example given above, CBS is prohibited by the rule from syndicating

M*A*S*H or The Waltons although it purchased these shows for first run exhibition on the CBS network. The financial interest rule reinforces the syndication rule by preventing the networks from obtaining, again as a quid pro quo, the right to share in the profits from first and subsequent network showings of the programs, the right to share in the profits obtained from syndication, exploitation rights and share of profits in merchandising, and the right to share in other non-broadcast interests such as books, dolls, magazine articles, etc., derived from the network showing. Thus, to refer again to the examples, ABC may not share in the profits garnered by the Happy Days reruns on WTTG locally, nor in profits accrued from promoting and selling Fonzie T-shirts and leather jackets, etc. The FCC has interpreted these rules to cover only programming that the networks acquire for network broadcast. Thus, had ABC acquired Happy Days for showing only on cable television, the financial interest and syndication rules would not apply.

In 1970, the three television networks constituted the only outlets for television programming. Consequently, the FCC adopted the rule to prevent the networks from exercising undue leverage in obtaining programming from independent producers and in distributing the rights to broadcast the programming after its network run. The FCC believed at the time that the rules would assure the availability of creative, diverse programming and increase competition in program supply and syndication.

Beginning in 1978, the Department of Justice entered into a series of consent decrees with each of the three major networks. The terms of these consent decrees generally parallel the FCC's rule. Any action by the FCC with respect to the rule would have no direct effect on the consent decrees. However, FCC does expect DOJ to comment in response to the Notice of Proposed Rulemaking. If the FCC were to delete or modify the rule, the networks would be expected to seek corresponding changes to the terms of the consent decrees.

The parties expected to support deletion or modification of the rule are the three major networks and their affiliates and the National Association of Broadcasters. The parties expected to oppose any change are the program production and program syndication industries (e.g., MGM, Twentieth Century Fox, Lorimar, Viacom, Westinghouse), the Motion Picture Association of America, and independent (e.g., non-network affiliated) television stations.

Those who want to keep the rule have argued that the public interest predicates of the rule remain the same: that is, that the networks continue to have the ability to exercise undue influence on the program production industry

which, if exercised, could restrict the supply of creative programming, cut down competition in the program production and syndication markets, and thereby adversely affect independent television stations specifically and all television viewers generally. The proponents argue in the alternative that, even if the Commission does reexamine the rule, it ought to do so in the more neutral, disinterested context of a Notice of Inquiry rather than a Notice of Proposed Rulemaking.

Those who want to delete or modify the rule will argue in response that network dominance is fading in the changing video marketplace, that the rules fail to perceive the critical fact that the networks, the program producers and syndicators and local stations are not antagonists but rather joint venturers, none of whom can succeed if the others fail, and that the rules are flawed in that they presume that the networks would act in a manner inimical to their own well-being; and that relevant data shows that before the rules were adopted the networks did not act anticompetitively in the acquisition and syndication of programming. The opponents of the rule have argued that the FCC's issuance of a Notice of Inquiry on these rules in 1977 and a Further Notice of Inquiry in 1978 makes yet another Notice of Inquiry superfluous.

In adopting the Notice of Proposed Rulemaking rather than a Notice of Inquiry, the FCC is, at least nominally, one step closer to adopting a Report and Order that could delete or modify the rule. However, issuance of a Report and Order is not likely in less than a year's time because the complexity of the issues dictated a fairly lengthy comment period (six months). In addition, the FCC may in any event ultimately decide not to delete or to modify the rule; the mere adoption of a Notice of Proposed Rulemaking does not automatically mean that the action being proposed will, in fact, be taken.

I hope that this provides the general information you need. If you should need more detailed analysis of the rule, I will be pleased to provide you with a staff memorandum on the issue. Although this memorandum's thrust is that the rule is unnecessary and counterproductive, you might find its discussion of the public policy assumptions underlying the rule helpful. Please let me know if you need this or any further materials.



Mark S. Fowler

Attachment

THE WHITE HOUSE

WASHINGTON

June 22, 1982

NOTE TO FILE

Spoke with Mark Fowler this evening. Tomorrow's "decision" is whether to consider looking at repealing regulations that prohibit networks from programming.

If FCC Board votes to consider regulations, review/study process will take about a year. Fowler advises that FTC Chairman Miller and others feel networks should be relieved of those regulations. Valenti et al are opposed because of competition.

Fowler will provide fact sheet tomorrow, June 23, following FCC Board vote.


N. A. HODAPP

- 6/23 FCC Board voted to consider repealing regs. Fact sheet forthcoming 6/24.
- 6/25 Fowler's office promises fact sheet by 6/28
- 6/29 per Fowler's AA, fact sheet will be sent by COB today.
- 6/30 received -- attached

**OFFICE OF CABINET AFFAIRS
ACTION TRACKING WORKSHEET**

Action resulting from:

- Document (attached)
- telephone call
- meeting (attach conference report if available)

Document Date: 82 / 06 / 14

From: Jack Valenti

Date Received: 82 / 06 / 18

Subject: FCC impending decision which will give the networks absolute and total dominion over programming -- vote to be taken 6/23

ACTION CODES:

- A — Appropriate Action
- B — Briefing Paper
- C — Comment/Recommendation
- D — Draft Response
- F — Furnish Fact Sheet
- I — Info Copy Only/No Action Necessary
- R — Direct Reply w/Copy
- S — For Signature
- X — Interim Reply

ROUTE TO:

Date Sent	Name	Action Codes	Date Due	Action Taken
<u>82/06/21</u>	<u>1. Dunlop</u>	<u>A</u>	<u>82/06/22</u>	
<u>82/06/22</u>	<u>2-Hodapp</u>	<u>F</u>	<u>82/06/23</u>	<u>attched</u>
<u>82/06/30</u>	<u>Dunlop</u>		<u>1 / 1</u>	<u>information responding to Valenti attached</u>
<u>82/07/01</u>	<u>Fuller</u>		<u>1 / 1</u>	
<u>1 / 1</u>			<u>1 / 1</u>	<u>provide background info to Baker & Deaver</u>
<u>1 / 1</u>			<u>1 / 1</u>	<u>Deaver w/ note</u>

COMMENTS: Valenti letter forwarded to us by Deaver & Baker -- Check out.

2- we need a fact sheet today which outlines Fowler points on the issue raised.

Originator: Dunlop Faoro Fuller Gonzalez Hart Hodapp

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING MATERIAL AND WHEN THE ASSIGNED ACTION IS COMPLETE, RETURN TO:



MOTION PICTURE ASSOCIATION
OF AMERICA, INC.
1600 EYE STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 293-1966

084271

cf
*What happens
on this?*

JACK VALENTI
PRESIDENT

June 14, 1982

Dear Ed, Jim and Mike

I want to make you aware of an impending decision by the FCC, a decision passionately championed by the Chairman of the FCC. Chairman Fowler wants to unharness the three networks, CBS, ABC, NBC, from a current FCC rule which, if the Chairman has his way, will give the networks absolute and total dominion over programming, shrink to the disappearing point all competition for programming, diminish the audiences of independent TV stations, and give the networks far more power than they now use and brandish with visible arrogance.

I just don't believe that the Reagan Administration supports "more power to the networks". Therefore, you should understand clearly, plainly, what is about to happen within the next 10 days at the FCC.

What is the rule that Chairman Fowler wants to abolish? Right now, there is a long-standing FCC regulation which prevents the networks from having a financial interest in programs they air on their prime time schedules, and prohibits them from owning syndication rights to those programs, that is, rights which would allow them to distribute programs to TV stations.

Both Republican and Democratic chairmen of the FCC have in the past refused to bow to network pressures to relax or abandon this rule. Why? Because these chairmen knew that once the rule is abolished the three networks would bestride the programming field as they now dominate prime time scheduling. Every independent producer would be out of business. Once an independent producer had a "handshake" commitment on a new program, he would then be importuned to give up syndication rights to the networks. If he refused, he would know that his pilot commitment would then be in jeopardy. If he wants

to be on prime time, he must let the networks syndicate the program. Yet he cannot continue in business if he does not have syndication rights. Keep in mind that it is in the syndication arena that independent producers must seek their recoupment of investment and a possible profit. They make no money on the original prime time exhibition, indeed most independent producers are "in deficit" until they can go to syndication to retrieve their investment.

That is why every independent producer in the field is on the verge of hysteria. They know beyond any peradventure of doubt that once this rule is abolished, the networks will have eliminated all competition to their dominance.

Chairman Fowler vows to rescind the rule under the canopy of "deregulation." It is one thing to deregulate, but it is quite another to deregulate when that action brings on less competition and increased power for a three-network monopoly.

I think this is an issue that the White House would be most interested in and quite wary about. I can tell you that four and perhaps five members of the Commission are uneasy about the Chairman's insistence. They don't want this issue to come up. They don't believe it is either required or right to rescind the rule. But they are under fierce and intense pressure from the networks and from the Chairman.

There are two questions to be asked and, frankly, those who want to abolish this rule simply cannot answer these questions for if they did, they would have to change their mind and keep the rule:

QUESTION #1: What is the public interest reason that compels the abolition of the rule?

QUESTION #2: Will the abolition of this rule increase or decrease competition in the television programming field?

These are the key questions, and they must be answered before the FCC embarks on a journey that will result in TOTAL power to the three networks.

This is what will happen:

1. Competition will disappear. Before the networks will put a program on the air, they will demand (and get) a financial ownership interest in the program and more importantly, they will gain control of all syndication rights.
2. The independent stations will suffer. Now they obtain some of the best syndication programs. When the networks control programming, they will get only the scraps.
3. It will give the networks supreme dominance. Three men will control the destinies of public choice in all ways and every way.
4. The independent producer will be out of business. He can no longer control syndication and ownership of his programs and therefore will become an employee of the networks.

What is the networks' rebuttal?

They claim they need to have this new freedom in order to compete with the new technologies. Nonsense.

The FCC has already unleashed the networks, allowing them to enter the "new technology" marketplace, cable, pay cable, programming for these new technologies, etc.

Moreover, note the ATTACHMENT (from the Hollywood Reporter) which reports CBS' own forecast. They will continue to dominate the television arena in the year 1990. I am also attaching a letter I wrote to the Chairman.

And please note the third attachment. It is a letter from Mr. Leonard Koch of Syndicast, an independent syndication company. This letter was sent to all FCC commissioners as well as the President and Mr. Deaver.

Mr. Koch relates how he was chosen to distribute President Reagan's announcement for the presidency because the networks refused to handle it, and the only way the President could reach the people was through syndication companies. Syndicast, as Mr. Koch plaintively points out, will be dead if the rule is abolished.

In the interest of competition, in the public interest, I urge you to swiftly investigate this issue else it will be too late. The Chairman plans on Wednesday, June 16, to publicly announce that this issue will be taken up for a vote on June 23, on a "notice of proposed rule making." The Chairman's insistence will no doubt result in a vote to issue the notice. Once the rule-making is approved, the networks will then have won their big victory, and will be on the threshold of total dominance in television programming, which is clearly, plainly not in the Administration's or the public's interest.

Forgive this long letter. But I had to present you the facts.

Sincerely,



The Honorable
Messrs. Edwin Meese,
James Baker and Michael Deaver
The White House
Washington, DC 20500

Attachments

Wednesday, May 26, 1982

Network need not fear competition, CBS affils hear

By ALAN L. GANSBERG

SAN FRANCISCO — The networks will compete successfully against any and all competition between now and 1990, but the growth of advertising revenues is reflecting both the sluggish economy and the desire of the agencies to test the new video waters with money that might be coming from the networks' pie, according to Dave Poltrack, vp research CBS/Broadcast Group, and Paul Isacson, vp sales CBS TV Network, who addressed the affiliate conference Tuesday.

Isacson told the affiliates that national spot advertising is expected to grow only 10.5% this year, as opposed to 14.1% last year. Similarly, local spot will grow only 11%, com-

— continued on page 8

CBS affiliates meeting

continued from page 1 —

pared to 12.7% in 1981. Network market growth will improve, but only slightly, to 9.5% over an 8.7% growth in 1981.

In all, last year the three-network economy performed worse than the national economy, the trend being one of "declining growth," according to the text of Isacson's speech. The text was available to the press, but he did not deliver the comparison to the national economy in its entirety as part of his address.

According to both executives, CBS is taking steps to convince advertisers that pay-cable is not the place their advertising dollars will be effective. In particular, CBS did a study of WTBS, the Atlanta-based Turner Broadcasting superstation, and showed that WTBS "is a poor substitute for the network exposure combined with supplemental spot weight."

Poltrack noted that currently the combination of independent stations and PBS are the biggest competitors for the networks' share of the audience, pulling in about 17% of the audience in 1981. Nationwide, WTBS attracted .7 of a ratings point, with 25% of the country able to view the station.

He insisted that the potential of independents to compete will decline as local sports and classic films are sold

to pay-cable rather than indies. "There is no long-term growth," Poltrack said. "Perhaps there is even a decline."

Competitor number two is basic cable, which Poltrack indicated attracts about 2% of primetime viewers now. But, he said that as more services go on the systems, the audience will fragment. Poltrack's statistics show that in homes with 25 available cable channels, the viewer uses only eight of them for more than 10 minutes a month.

Networks will also face competition from pay-cable, but even that does not intimidate Poltrack. Pay services capture 4% of the current primetime audience, with Poltrack noting that on Sunday and Monday nights, when pay viewing is highest from 8 to 10 p.m., CBS picks up the after-movie crowd for its dramas.

Poltrack feels that pay-per-view on similar ventures will dent pay TV's market potential.

In the final analysis, Poltrack's prognosis is that in 1990, the networks will control about a 70 audience share, independents will have an 18 share, basic cable a five share, and pay-cable an 11 share. Interpreted another way, the networks will take in \$15-20 billion in advertising revenues, while pay-cable will have to settle for \$6 billion.



MOTION PICTURE ASSOCIATION
OF AMERICA, INC.
1600 EYE STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 293-1966

JACK VALENTI
PRESIDENT

June 1, 1982

PERSONAL & CONFIDENTIAL

Dear Mark

You were most responsive to me and my colleagues in your office on Thursday. I cannot ask more than what you offered so hospitably: your time, your attention, your interest and your open mind. I thank you for that very much.

I know how you feel about the process of "deregulation." I share your philosophy and your objectives. I fought in the Congress for a free marketplace in cable television (and I lost) and I importuned the FCC to abolish its constricting rules on pay cable (and won). But I am also much aware as a result of long years in politics and government (made wiser by the mistakes my colleagues and I made) that all change is not growth as all movement is not forward. What I am trying to say, I guess, is that "deregulation" as a concept must be applied to an issue with a delicate hand else we spoil what is good since sometimes it is linked firmly to that which we find not so good.

So I return to the two threshold deregulation questions which must be answered:

"Will the deregulation of financial interest and syndication ownership increase or decrease competition in the television production marketplace?"

"What is the compelling public interest reason that commands the FCC to take this action?"

The courts, the Justice Department and the Congress have all commended the creation and retention of the rule as being in the public interest, and surely preventing anti-competitive activity.

The only voices heard condemning the rule are the three networks whose grip on program production, program ownership and program syndication will, if the rule is abolished, become total, snapping shut any openings for independent production entities, who will simply expire as entrepreneurs and, if they want to keep working, will have to become employees of the networks. Competition will vanish.

Today the most successful competitors of the networks are not inhabitants of the new technology, but rather the independent VHF's and some UHF's. They are holding their own with the networks because they are able to offer syndicated programs which attract sufficient audiences to give the networks a run for their ratings. Once the networks are able to own and control syndicated programs, you can safely wager the independents will be shorn of their good off-network material. That is not a theory. It is a fact of television life and every professional in the business understands that.

All program producers and independent TV stations ask is a marketplace that is in competitive equilibrium.

The networks have already been unleashed by the FCC to plunge into the "new technology." They have made that plunge with fierce and dominating energy; basic cable, pay cable, pay television, joint ventures with the Japanese in home taping linked to affiliate early morning programming, cable networking, prerecorded cassettes, DBS, ad infinitum.

All this represents a hotly contested marketplace. Giants and those who want to be giants are all scrambling for position and no one is asking the FCC or anyone else to come in and "regulate."

But network prime time television is a marketplace NOT in equilibrium. There is no chance for new entries. The three networks sit astride the program funnel and no one else can intrude.

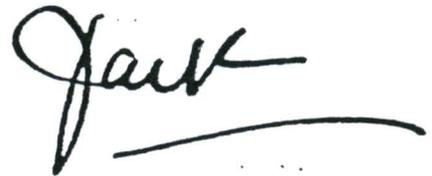
By CBS and NBC's own estimates, by 1990, seven out of ten people watching their television sets will be watching network programs. It will be a long, long time before the ancillary markets will develop fiscal muscle to even begin to joust with the networks in buying power and preferred playing time.

As I read this over, I find the tone a bit passionate. But then, as Dr. Johnson once wrote, "when a man is about to be hanged, it does tend to concentrate the mind wonderfully." I know exactly what that means!

I pray you will hear what so many in the television production field are saying, by sorting out the answers to the two threshold questions I ask most respectfully.

I thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mark S. Fowler', with a long horizontal flourish underneath.

The Honorable
Mark S. Fowler
Chairman
Federal Communications Commission
Room 814
1919 M Street, NW
Washington, DC 20554



June 9, 1982

Commissioner Abbott Washburn
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Commissioner Washburn:

In the early 1970's, my partners and I founded Syndicast Services, a company who owed its existence to the then recent FCC ruling opening up television broadcasting to responsible parties, and thereby effectively limiting what had essentially been de facto, if not de jure, network control of the entire television broadcast arena.

Prior to that, the networks had used their leverage to control all "off-network" programming, selling their own product to whomever they pleased (their affiliates), and releasing the programs when they felt it most advantageous; in essence, a controlled market. At the present time, the networks have never made more money nor controlled more affiliated station time than today; and with the take-over of more local time this Fall for all-night news, broadcasters estimate that the networks will control anywhere from 70-75% of the affiliated stations' time.

~~Should the FCC revoke the Financial Interest/Syndication Rule, there will be nothing to prohibit the networks from controlling 100% of affiliated programming. If this becomes the case, there is no doubt that the entire broadcast industry will be stifled, and that the independent TV stations in the marketplace will be virtually eliminated.~~

Since 1975, we have grown from 10 people to more than 30, and we would like to believe that we have given the public a choice, opened new ground, and served some good with a wide variety of shows and special event programming of which we are justifiably proud: The Nixon/Frost Interviews in 1977, Sammy & Company (a late-night show starring Sammy Davis) in 1975; the Mike Douglas Show in 1980; and 32 hours of live television from Moscow, the pre-Moscow Olympics Spartakiade Games in 1979. In addition, in 1979, ~~we were chosen by the Reagan For President Committee, which included Mike Deaver on the screening panel, to nationally broadcast via syndication then Governor Reagan's announcement of candidacy for the Presidency of the United States. The networks had refused to handle this political issue, and the only way the President could reach America was through independent syndication.~~ Our honor at being chosen was exceeded only by our pleasure at eventually seeing him win.

NOTE:
The black
lines are
really
yellow high
LITER MARKS
WHICH TURN
BLACK ON
XEROX.

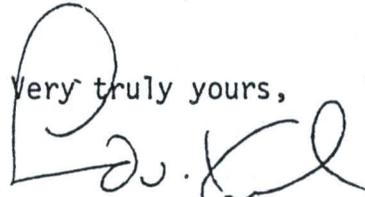
Commissioner Abbott Washburn

June 9, 1982
Page Two

What this all boils down to is that if the networks are allowed their selfish and monopolistic expansion unchecked, hundreds of small alternative-programming sources and forms of public service, such as ours, will be forced out of business; and many independent stations across the country will possibly fold in these troubled money times.

I would be pleased to amplify on the above in committee or in private. I trust that you will consider this pivotal matter very carefully, and keep the good of all in mind.

Very truly yours,



Leonard V. Koch
President

LVK:vvd

cc: ~~President Ronald Reagan~~
~~Mr. Michael Deaver~~

A QUOTATION FROM Grant Tinker, now
President of the National Broadcasting
Company, but on December 27, 1977 when
this quotation appeared in the Wall Street
Journal, he was the President of MTM
Enterprises, an independent television
programmer:

"Syndication is where the money is made, if any
money is made at all," by a producer on a TV series,
says Grant Tinker, president of MTM Enterprises,
producer of the "Mary Tyler Moore Show", and other shows.

"Very few shows make a profit on network, and
many including ours, don't break even. You pile up
increasing deficits," said Tinker.

MEMORANDUM

NATIONAL SECURITY COUNCIL

3344

082461

4620

PRO16-01

FG006-12

NDD07-01

NDD016

CO172

BE00304

PRO16

ACTION

May 13, 1982

MEMORANDUM FOR WILLIAM P. CLARK

FROM: DICK CHILDRESS *DC*

SUBJECT: POW/MIA Public Awareness

In previous memos, I have described our POW/MIA public awareness campaign designed to build popular support for our actions to obtain a full accounting of our POW/MIAs.

WGN Radio in Chicago has a popular talk show hosted by Rick Rosenthal that has been featuring POW/MIA issues over the past two months. As a result of his program and the highlighting of your concern over the issue as well as the President's, he has received over 10,000 letters for you from his listeners. We also received many here. I provided Dick Morris with an appropriate response which he has been using.

Rosenthal has written a letter to you (Tab A) requesting an appointment to personally deliver the mail and record a few brief remarks reaffirming the Administration's commitment to a full accounting. Although he mentions that his project has the endorsement of the National League of Families, Ann Griffiths informed me privately that it was after the project was launched.

This request provides a unique opportunity for the White House to concretely enhance public awareness, reaffirm the Administration's commitment to a full accounting and reach tens of thousands of listeners in the Midwest where interest is high. A relatively high impact for a small amount of your time.

RECOMMENDATION: That you agree to receive Rick Rosenthal at a time convenient on your calendar next month.

Approve ✓ Disapprove _____

2:30 - 6/29
g

Attachment

Tab A Rosenthal letter of May 5 ^X

Request by Richard A. Rosenthal, Jr., of WGN radio, to meet with & interview William Clark re POW/MIA question & to deliver letter re same

NSC # 8203344

National Security Council
The White House

176

RECEIVED

Package #

3544

MAY 13 P 8: 50

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	1	<input checked="" type="checkbox"/>	
Bud McFarlane	2	M	
Jacque Hill	3 5	g	
Judge Clark	4		A
John Poindexter			
Staff Secretary	6		
Sit Room			
I-Information	A-Action	R-Retain	D-Dispatch

DISTRIBUTION

CY To VP		Show CC	
CY To Meese		Show CC	
CY To Baker		Show CC	
CY To Deaver		Show CC	
Other			

COMMENTS

Recommended seeing him.

WGN CONTINENTAL BROADCASTING COMPANY

WGN RADIO 720 • WGN TELEVISION 9 • 2501 BRADLEY PLACE, CHICAGO, ILLINOIS 60618 • TELEPHONE 312-528-2311

May 5, 1982

The Hon. William Clark
C/O LTC Dick Childress
National Security Council
Old Executive Office Building, Room 392
Washington, DC 20506

Dear Colonel Childress:

I am a newsman and talk-show host on WGN Radio here in Chicago. In that capacity I have for the past two months been focusing periodically on the fact that some 2,500 Americans who went to Vietnam during the war, never returned and still have not been accounted for. The issue has generated a great deal of interest and concern among my listeners, interest and concern which has evolved into a letter-writing campaign on behalf of those missing men and their families. Our project has the endorsement of the National League of POW/MIA Families and the support of Congressman Robert K. Dornan, Chairman of the House POW/MIA Task Force.

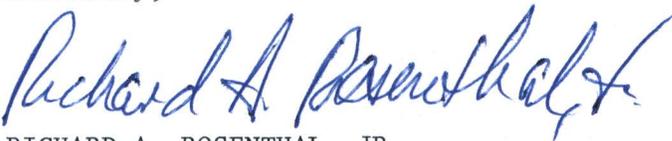
During one of our broadcasts Mr. Dornan told us of Mr. Clark's sensitivity to this lingering and tragic problem. At Mr. Dornan's suggestion, I have been asking my listeners to address their letters of concern to Mr. Clark, in my care here. To date we have over 10,000 such letters.

I am writing to you now to ask for an appointment with Mr. Clark in order that I may personally deliver that correspondence, sometime in mid-June. At that time I would hope to record a brief interview with Mr. Clark, simply to get his response to our letter-writing campaign, and to get what I am sure will be a reaffirmation of the Reagan Administration's on-going commitment to a full accounting for those 2,500 Americans.

Please be assured that my focus is one of concern, not confrontation. I have no desire to put Mr. Clark "on the spot". Rather, I simply seek on behalf of my listeners his reassurance that this is in no way a dead issue, that the President is aware of the problem and shares our concerns.

Thank you for your assistance. I look forward to your and Mr. Clark's favorable response to my request.

Sincerely,



RICHARD A. ROSENTHAL, JR.

CF: Ann Griffiths, Nat'l League POW/MIA Families
The Hon. Robert K. Dornan

NSC/S PROFILE

UNCLASSIFIED

ID 8203344

RECEIVED 13 MAY 82 19

TO CHILDRESS

FROM ROSENTHAL, RICHARD A DOCDATE 05 MAY 82

CHILDRESS

13 MAY 82

KEYWORDS: POWS

MIAS

MEDIA

SUBJECT: REQUEST CLARK TO RECORD MSG FOR RADIO BROADCAST

ACTION: FOR DECISION

DUE: 15 MAY 82 STATUS X FILES

FOR ACTION

FOR CONCURRENCE

FOR INFO

CLARK

COMMENTS

REF#

LOG

NSCIFID

(M /)

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO

C 5/25

Clark approved

*RC, DG, Hill
Lo, Sims*

DISPATCH

W/ATTCH

FILE

wat (c) MB

0825807D
4620
PR 016-01
LD
ST032
WE005
WE007

1401

THE WHITE HOUSE
WASHINGTON

June 9, 1982

Dear Don:

Thanks for your kind note of June 7. I appreciate your taking the time to look at the staff comments on the New York RAC project.

In the meanwhile, Lucy and I are hoping we will see you and Roz here in Washington before too long.

In the meanwhile, best wishes.

Sincerely,



Edwin L. Harper
Assistant to the President
for Policy Development

Mr. Don Brewer
Regional Affairs Director
KYW News Radio 1060
Independence Mall East
Philadelphia, PA 19106

WINS

6



WBZ - WBZ-TV BOSTON
 WINS NEW YORK
 KYW - KYW-TV PHILADELPHIA
 WJZ-TV BALTIMORE
 KDKA - KDKA-TV PITTSBURGH
 WOWO FT WAYNE
 WIND CHICAGO
 KPIX SAN FRANCISCO
 KFVB LOS ANGELES

KYW NEWS RADIO 1060



INDEPENDENCE MALL EAST PHILADELPHIA PA 19106 TELEPHONE 238-4973 WESTINGHOUSE BROADCASTING COMPANY INC

DON BREWER
 Regional Affairs Director

June 7, 1982

Mr. Edwin L. Harper
 Assistant to the President
 for Policy Development
 The White House
 Washington, D. C.

Dear Ed:

Thank you very much for the staff comments on the New York RAC project re senior citizens. They are under study by the WINS staff, just now beginning to catch breath after an 81-day strike by the station talent. As I continue to seek a replacement for the RAC Director there, I'm going to pursue the subject of the elderly for the next New York Project. We'll be meeting later this month, and your response will be key to the ongoing effort.

Aside from that, our home-grown RAC here in Philadelphia is currently doing a slightly narrower Project on Social Security itself. I'll shoot you a transcript of that in a couple of weeks.

Roz has survived the RIF (sounds like a Thurber motif!) and is now a true Ranger in the National Park Service, assigned as PR for the Independence Historical Park area. Our eldest grandson is insisting she visit his school for "show and tell." So, it looks as though our visit to Washington is still a bit off. Wish you all could be up here on the 17th for Tall Ships Day.

Best regards,

DB/e

APB

THE WHITE HOUSE
WASHINGTON

April 21, 1982

1029
W.F.
C.F.
083111
4900
PRO16-01
PRO11
C0001-09
FO003-02
FG006-01
FE006-12

Dear Rick:

As you know, our Caribbean Basin and Central American policy presented by President Reagan on February 24th to the OAS represented a year-long effort. It encompasses economic, political and security measures to combat underdevelopment in the region and to support our friends in warding off the brutal assaults of Cuban and Nicaraguan supported insurgents in the region.

To a great extent, our successful implementation of the policy will hinge upon a greater appreciation of the threat by the American people and the Congress. Unfortunately, the media has been fraught with both misinformation and disinformation, making this requirement all the more difficult.

On the other hand, the film that the American Security Council produced entitled "Attack on the Americas" was an effective and accurate portrayal of both the current and potential threats to our vital interests in the region. I congratulate you for the effort. I understand that some thought has been given to producing an update of the film. Since the successful implementation of our announced policy toward the region is a major goal of the President, such an initiative would be especially appreciated.

Please accept my personal thanks to you and your staff for the continued and abiding support for our national security. I look forward to working with you in the future.

Sincerely,

Bill Clark

William P. Clark

Mr. Richard D. Sellers
American Security Council
499 South Capitol Street
Washington, D. C. 20003

NSC # 8201029

aw

NATIONAL SECURITY COUNCIL

ACTION

April 9, 1982

MEMORANDUM FOR WILLIAM P. CLARK

SIGNED

FROM:

RICHARD CHILDRESS 

SUBJECT:

American Security Council Film Status

We have moved from a "germ" of an idea to a full-blown interagency meeting (Ambassador Middendorf's office) with John Fisher and the American Security Council staff to work new interviews and update the script for the film, "Attack on the Americas." The seed money (\$50,000) to begin production has been committed. ASC will now begin seeking funds (Est. \$500,000) for the first TV time nationwide. Rick Sellers of ASC will be heading the fund-raising effort and will personally call on approximately 30-35 supporters (the Joe Coors of the world) for help. In addition, he has spoken to Ed Meese to solicit some key telephone calls.

John Fisher suggested today that a premeire showing at the White House with a few key supporters in attendance before going nationwide would be a great boost for further support. I responded that it might be possible, but obviously did not make any commitments. I believe it important to see the product first.

Rick asked me today if he could have an identical letter such as the one you signed to John Fisher to use in his rounds to raise funds. I did commit (myself) to this since it was an identical letter.

RECOMMENDATION

That you sign the letter at Tab I to Rick Sellers.

Approve _____

Disapprove _____

Attachment

Tab I - Letter from Judge Clark to Rick Sellers

MW

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

4.12.82

John Poindexter:

No problem from a legal perspective.
However, you may wish to rewrite as indicated,
to protect the Judge vis-à-vis the press.

Bob Kinnitt

cc Dick Childress

White House

~~NATIONAL SECURITY COUNCIL~~
~~WASHINGTON, D.C. 20506~~

Dear Rick:

As you know, our Caribbean Basin and Central American policy, presented by President Reagan on February 24th to the OAS, ~~represented a year-long effort.~~ It encompasses economic, political, and security measures to combat underdevelopment in the region and to support our friends in warding off the brutal assaults of Cuban and Nicaraguan supported insurgents in the region.

To a great extent, our successful implementation of the policy will hinge upon a greater appreciation of the threat by the American people and the Congress. ~~Unfortunately, the media has been fraught with both misinformation and disinformation, making this requirement all the more difficult.~~

~~On the other hand,~~ The film that the American Security Council produced entitled "Attack on the Americas" was an effective and accurate portrayal of both the current and potential threats to our vital interests in the region. I congratulate you for the effort. I understand that some thought has been given to producing an update of the film. Since the successful implementation of our announced policy toward the region is a major goal of the President, such an initiative would be especially appreciated.

Please accept my personal thanks to you and your staff for the continued and abiding support for our national security. I look forward to working with you in the future.

Sincerely,

William P. Clark

Mr. Richard D. Sellers
American Security Council
499 South Capitol Street
Washington, D. C. 20003

National Security Council
The White House

121

Package # 1029

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	_____	_____	_____
Bud McFarlane	_____	_____	_____
Jacque Hill	_____	_____	_____
Judge Clark	_____	_____	_____
John Poindexter	1	✓	_____
Staff Secretary	2	_____	A-7
Sit Room	_____	_____	_____
_____	_____	_____	_____

I-Information A-Action R-Retain D-Dispatch

DISTRIBUTION

cc: VP Meese Baker Deaver

Other _____

COMMENTS

Bob Kimmitt,
any problem?
John

National Security Council
The White House

135
134

Package # 1029
See on

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	<u>1</u>	<u>X</u>	_____
Bud McFarlane	<u>2</u>	<u>M</u>	_____
Jacque Hill	<u>3</u>	<u>J</u>	_____
Judge Clark	<u>4</u>	<u>✓</u>	<u>A</u>
John Poindexter	_____	_____	_____
Staff Secretary	<u>5</u>	_____	<u>D</u>
Sit Room	_____	_____	_____

I-Information A-Action R-Retain D-Dispatch

DISTRIBUTION

cc: VP Meese Baker Deaver

MEMORANDUM OF INFORMATION FOR THE FILE

083111

EXECUTIVE

PR016-01

DATE

LETTER, MEMO, ETC.

TO:

FROM:

SUBJECT:

CORRESPONDENCE FILED CENTRAL FILES - CONFIDENTIAL FILE

SPH

WFS

HW

C. F. #2616

MEMORANDUM

083126

NATIONAL SECURITY COUNCIL

PRO16-01

INFORMATION

April 20, 1982

ND016

CO167

NOTED 0008

FE00612

MEMORANDUM FOR WILLIAM P. CLARK

FROM: JEREMIAH O'LEARY *goot*

SUBJECT: ABC Report on U.S. Assistance to the British

I concur with the information and recommendations of Dave Gergen on the ABC report (Tab I).

He is right in stating that we should invariably adhere to the policy of always saying we will neither confirm nor deny intelligence stories. I do not think our relations with ABC are soured. They know that I was not lying to them, and I do not share the opinion that the incident reflects on the White House.

The best way to avoid incidents of this kind is as Gergen states -- neither confirm nor deny intelligence stories.

Attachment

Tab I Gergen memo on the ABC Report

NSC#8202616

FOR STAFFING

THE WHITE HOUSE

WASHINGTON

APR 15 10 44
April 17, 1982

MEMORANDUM FOR: BILL CLARK
JIM BAKER

FROM: DAVE GERGEN *DG*

SUBJECT: The ABC Report on U.S. Assistance for
the British

Because of the sensitivity of the recent ABC reports on U.S. assistance for the British regarding the Falklands, I have spent a good deal of time trying to unravel what happened. Among those I have talked with have been White House and NSC staff members, network correspondents, and executives of the ABC News.

There are still some pieces of the puzzle outstanding, but here are my initial conclusions:

-- The story appears to have come originally from Pentagon sources and the British. As of Tuesday morning, two ABC reporters had separately developed the story: Jack McWethy, who covers the Pentagon; and Carl Bernstein, who roams (we know that at least one of his sources was on the British side). McWethy and Bernstein were each working from different source bases.

-- The story was almost knocked off the air by denials from Bobby Inman, Jerry O'Leary and me. ABC decided to run it late in the day when McWethy reported he had just spoken to a "Pentagon spokesman" (not a source on policy side) who had confirmed the story, adding to a number of confirmations they had obtained earlier before the denials.

-- Our White House denials were not very effective for two reasons: They were undercut by statements put out by others and we had a busted play between ABC and the White House about what we were denying. In a conversation between Bernstein and O'Leary, Jerry came away believing that ABC was about to report on U.S. giving the British ELINT and AWACs information; Bernstein insists he never brought that up with O'Leary. It's not clear how it happened, but the result was that the White House (with NSC blessing) went out denying a story that never appeared on the air and we were left "no commenting" the story that did appear -- an awkward situation for us that contributed to confusion and left us looking bad.

-- The incident also soured our relations with ABC. They had a string of denials from us and pressure not to run the story they eventually ran, but they were able to confirm it inside the administration and now believe they were 100% accurate. Thus, they question whether we weren't lying to them -- something that hardly helps the next time around.

-- One of the astounding things to me is that over the past few days, the Washington Post, the other networks and more recently the NY Times have all had an easy time obtaining confirmations on the story from the Pentagon, State and the White House (I'm not sure about CIA). One network was able to obtain a White House confirmation from two different sources -- junior and senior -- during the day Wednesday (White House for this purpose includes the NSC). Another said the story was practically being ladled out at DOD and State. This makes it very difficult for the rest of us (Larry, Mort, Jerry and I) who are steadily saying we never get into intelligence issues around here.

I draw from all of this three basic conclusions:

1. The leakers are still with us -- and maybe like death and taxes, they always will be. They really can be terribly destructive, as they were in this case. The original leaks plus the subsequent private confirmations were the heart of the problem.

2. We need to stick to our policy of always saying we neither confirm nor deny intelligence stories.

3. We need to improve our internal system for responding to press inquiries on national security issues. I have already spoken to Jerry, Larry and Mort about this last point.

Jerry and I have each prepared a more detailed reconstruction of events if you would like to see it.

135

National Security Council The White House

RECEIVED

Package # 2616

22 APR 20 P 5:09

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	<u>1</u>	<u>[initials]</u>	
Bud McFarlane	<u>2</u>	<u>M</u>	
Jacque Hill	<u>3</u>	<u>[initials]</u>	
Judge Clark	<u>4</u>		<u>I</u>
John Poindexter			
Staff Secretary			
Sit Room			

I-Information

A-Action R-Retain D-Dispatch

DISTRIBUTION

cc: VP Meese Baker Deaver

Other _____

RECEIVED 19 APR 82 14

TO CLARK

FROM GERGEN, D

DOCDATE 17 APR 82

KEYWORDS: MEDIA

GREAT BRITAIN

ARGENTINA

LEAKS

SUBJECT: ABC REPORT RE US ASSISTANCE FOR BRITISH

ACTION: PREPARE MEMO FOR CLARK

DUE: 22 APR 82 STATUS S FILES

FOR ACTION

FOR CONCURRENCE

FOR INFO

O'LEARY

RENTSCHLER

FONTAINE

JENNINGS

COMMENTS

REF#

LOG

NSCIFID

(L /)

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO

Clark IV 4/20 For Info 20

C 5/3 Clark noted

DISPATCH

W/ATTCH

FILE

WH (C) SA

MEMORANDUM OF INFORMATION FOR THE FILE

083126

EXECUTIVE

PR016-01

DATE

LETTER, MEMO, ETC.

TO:

FROM:

SUBJECT:

CORRESPONDENCE FILED CENTRAL FILES - CONFIDENTIAL FILE

Handwritten initials

file copy



MOTION PICTURE ASSOCIATION
OF AMERICA, INC.
1600 EYE STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 293-1966

WS

084271CA
4200
4900
PR016-01

JACK VALENTI
PRESIDENT

June 14, 1982

*BE003-04
FE
FE128*

Dear Ed, Jim and Mike

I want to make you aware of an impending decision by the FCC, a decision passionately championed by the Chairman of the FCC. Chairman Fowler wants to unharness the three networks, CBS, ABC, NBC, from a current FCC rule which, if the Chairman has his way, will give the networks absolute and total dominion over programming, shrink to the disappearing point all competition for programming, diminish the audiences of independent TV stations, and give the networks far more power than they now use and brandish with visible arrogance.

I just don't believe that the Reagan Administration supports "more power to the networks". Therefore, you should understand clearly, plainly, what is about to happen within the next 10 days at the FCC.

What is the rule that Chairman Fowler wants to abolish? Right now, there is a long-standing FCC regulation which prevents the networks from having a financial interest in programs they air on their prime time schedules, and prohibits them from owning syndication rights to those programs, that is, rights which would allow them to distribute programs to TV stations.

Both Republican and Democratic chairmen of the FCC have in the past refused to bow to network pressures to relax or abandon this rule. Why? Because these chairmen knew that once the rule is abolished the three networks would bestride the programming field as they now dominate prime time scheduling. Every independent producer would be out of business. Once an independent producer had a "handshake" commitment on a new program, he would then be importuned to give up syndication rights to the networks. If he refused, he would know that his pilot commitment would then be in jeopardy. If he wants

to be on prime time, he must let the networks syndicate the program. Yet he cannot continue in business if he does not have syndication rights. Keep in mind that it is in the syndication arena that independent producers must seek their recoupment of investment and a possible profit. They make no money on the original prime time exhibition, indeed most independent producers are "in deficit" until they can go to syndication to retrieve their investment.

That is why every independent producer in the field is on the verge of hysteria. They know beyond any peradventure of doubt that once this rule is abolished, the networks will have eliminated all competition to their dominance.

Chairman Fowler vows to rescind the rule under the canopy of "deregulation." It is one thing to deregulate, but it is quite another to deregulate when that action brings on less competition and increased power for a three-network monopoly.

I think this is an issue that the White House would be most interested in and quite wary about. I can tell you that four and perhaps five members of the Commission are uneasy about the Chairman's insistence. They don't want this issue to come up. They don't believe it is either required or right to rescind the rule. But they are under fierce and intense pressure from the networks and from the Chairman.

There are two questions to be asked and, frankly, those who want to abolish this rule simply cannot answer these questions for if they did, they would have to change their mind and keep the rule:

QUESTION #1: What is the public interest reason that compels the abolition of the rule?

QUESTION #2: Will the abolition of this rule increase or decrease competition in the television programming field?

These are the key questions, and they must be answered before the FCC embarks on a journey that will result in TOTAL power to the three networks.

This is what will happen:

1. Competition will disappear. Before the networks will put a program on the air, they will demand (and get) a financial ownership interest in the program and more importantly, they will gain control of all syndication rights.

2. The independent stations will suffer. Now they obtain some of the best syndication programs. When the networks control programming, they will get only the scraps.

3. It will give the networks supreme dominance. Three men will control the destinies of public choice in all ways and every way.

4. The independent producer will be out of business. He can no longer control syndication and ownership of his programs and therefore will become an employee of the networks.

What is the networks' rebuttal?

They claim they need to have this new freedom in order to compete with the new technologies. Nonsense.

The FCC has already unleashed the networks, allowing them to enter the "new technology" marketplace, cable, pay cable, programming for these new technologies, etc.

Moreover, note the ATTACHMENT (from the Hollywood Reporter) which reports CBS' own forecast. They will continue to dominate the television arena in the year 1990. I am also attaching a letter I wrote to the Chairman.

And please note the third attachment. It is a letter from Mr. Leonard Koch of Syndicast, an independent syndication company. This letter was sent to all FCC commissioners as well as the President and Mr. Deaver. ✓

Mr. Koch relates how he was chosen to distribute President Reagan's announcement for the presidency because the networks refused to handle it, and the only way the President could reach the people was through syndication companies. Syndicast, as Mr. Koch plaintively points out, will be dead if the rule is abolished.

In the interest of competition, in the public interest, I urge you to swiftly investigate this issue else it will be too late. The Chairman plans on Wednesday, June 16, to publicly announce that this issue will be taken up for a vote on June 23, on a "notice of proposed rule making." The Chairman's insistence will no doubt result in a vote to issue the notice. Once the rule-making is approved, the networks will then have won their big victory, and will be on the threshold of total dominance in television programming, which is clearly, plainly not in the Administration's or the public's interest.

Forgive this long letter. But I had to present you the facts.

Sincerely,

A handwritten signature in black ink, appearing to read "James", written in a cursive style.

The Honorable
Messrs. Edwin Meese,
James Baker and Michael Deaver
The White House
Washington, DC 20500

Attachments

Wednesday, May 26, 1982

Network need not fear competition, CBS affils hear

By ALAN L. GANSBERG

SAN FRANCISCO — The networks will compete successfully against any and all competition between now and 1990, but the growth of advertising revenues is reflecting both the sluggish economy and the desire of the agencies to test the new video waters with money that might be coming from the networks' pie, according to Dave Poltrack, vp research CBS/Broadcast Group, and Paul Isacson, vp sales CBS TV Network, who addressed the affiliate conference Tuesday.

Isacson told the affiliates that national spot advertising is expected to grow only 10.5% this year, as opposed to 14.1% last year. Similarly, local spot will grow only 11%, com-

— continued on page 8

CBS affiliates meeting

continued from page 1 —

pared to 12.7% in 1981. Network market growth will improve, but only slightly, to 9.5% over an 8.7% growth in 1981.

In all, last year the three-network economy performed worse than the national economy, the trend being one of "declining growth," according to the text of Isacson's speech. The text was available to the press, but he did not deliver the comparison to the national economy in its entirety as part of his address.

According to both executives, CBS is taking steps to convince advertisers that pay-cable is not the place their advertising dollars will be effective. In particular, CBS did a study of WTBS, the Atlanta-based Turner Broadcasting superstation, and showed that WTBS "is a poor substitute for the network exposure combined with supplemental spot weight."

Poltrack noted that currently the combination of independent stations and PBS are the biggest competitors for the networks' share of the audience, pulling in about 17% of the audience in 1981. Nationwide, WTBS attracted .7 of a ratings point, with 25% of the country able to view the station.

He insisted that the potential of independents to compete will decline as local sports and classic films are sold

to pay-cable rather than indies. "There is no long-term growth," Poltrack said. "Perhaps there is even a decline."

Competitor number two is basic cable, which Poltrack indicated attracts about 2% of primetime viewers now. But, he said that as more services go on the systems, the audience will fragment. Poltrack's statistics show that in homes with 25 available cable channels, the viewer uses only eight of them for more than 10 minutes a month.

Networks will also face competition from pay-cable, but even that does not intimidate Poltrack. Pay services capture 4% of the current primetime audience, with Poltrack noting that on Sunday and Monday nights, when pay viewing is highest from 8 to 10 p.m., CBS picks up the after-movie crowd for its dramas.

Poltrack feels that pay-per-view on similar ventures will dent pay TV's market potential.

In the final analysis, Poltrack's prognosis is that in 1990, the networks will control about a 70 audience share, independents will have an 18 share, basic cable a five share, and pay-cable an 11 share. Interpreted another way, the networks will take in \$15-20 billion in advertising revenues, while pay-cable will have to settle for \$6 billion.



MOTION PICTURE ASSOCIATION
OF AMERICA, INC.
1600 EYE STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 293-1966

JACK VALENTI
PRESIDENT

June 1, 1982

PERSONAL & CONFIDENTIAL

Dear Mark

You were most responsive to me and my colleagues in your office on Thursday. I cannot ask more than what you offered so hospitably: your time, your attention, your interest and your open mind. I thank you for that very much.

I know how you feel about the process of "deregulation." I share your philosophy and your objectives. I fought in the Congress for a free marketplace in cable television (and I lost) and I importuned the FCC to abolish its constricting rules on pay cable (and won). But I am also much aware as a result of long years in politics and government (made wiser by the mistakes my colleagues and I made) that all change is not growth as all movement is not forward. What I am trying to say, I guess, is that "deregulation" as a concept must be applied to an issue with a delicate hand else we spoil what is good since sometimes it is linked firmly to that which we find not so good.

So I return to the two threshold deregulation questions which must be answered:

"Will the deregulation of financial interest and syndication ownership increase or decrease competition in the television production marketplace?"

"What is the compelling public interest reason that commands the FCC to take this action?"

The courts, the Justice Department and the Congress have all commended the creation and retention of the rule as being in the public interest, and surely preventing anti-competitive activity.

The only voices heard condemning the rule are the three networks whose grip on program production, program ownership and program syndication will, if the rule is abolished, become total, snapping shut any openings for independent production entities, who will simply expire as entrepreneurs and, if they want to keep working, will have to become employees of the networks. Competition will vanish.

Today the most successful competitors of the networks are not inhabitants of the new technology, but rather the independent VHF's and some UHF's. They are holding their own with the networks because they are able to offer syndicated programs which attract sufficient audiences to give the networks a run for their ratings. Once the networks are able to own and control syndicated programs, you can safely wager the independents will be shorn of their good off-network material. That is not a theory. It is a fact of television life and every professional in the business understands that.

All program producers and independent TV stations ask is a marketplace that is in competitive equilibrium.

The networks have already been unleashed by the FCC to plunge into the "new technology." They have made that plunge with fierce and dominating energy; basic cable, pay cable, pay television, joint ventures with the Japanese in home taping linked to affiliate early morning programming, cable networking, prerecorded cassettes, DBS, ad infinitum.

All this represents a hotly contested marketplace. Giants and those who want to be giants are all scrambling for position and no one is asking the FCC or anyone else to come in and "regulate."

But network prime time television is a marketplace NOT in equilibrium. There is no chance for new entries. The three networks sit astride the program funnel and no one else can intrude.

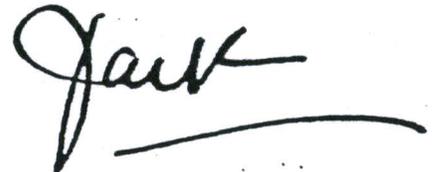
By CBS and NBC's own estimates, by 1990, seven out of ten people watching their television sets will be watching network programs. It will be a long, long time before the ancillary markets will develop fiscal muscle to even begin to joust with the networks in buying power and preferred playing time.

As I read this over, I find the tone a bit passionate. But then, as Dr. Johnson once wrote, "when a man is about to be hanged, it does tend to concentrate the mind wonderfully." I know exactly what that means!

I pray you will hear what so many in the television production field are saying, by sorting out the answers to the two threshold questions I ask most respectfully.

I thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "J Paul", with a long horizontal flourish underneath.

The Honorable
Mark S. Fowler
Chairman
Federal Communications Commission
Room 814
1919 M Street, NW
Washington, DC 20554



June 9, 1982

Commissioner Abbott Washburn
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Commissioner Washburn:

In the early 1970's, my partners and I founded Syndicast Services, a company who owed its existence to the then recent FCC ruling opening up television broadcasting to responsible parties, and thereby effectively limiting what had essentially been de facto, if not de jure, network control of the entire television broadcast arena.

Prior to that, the networks had used their leverage to control all "off-network" programming, selling their own product to whomever they pleased (their affiliates), and releasing the programs when they felt it most advantageous; in essence, a controlled market. At the present time, the networks have never made more money nor controlled more affiliated station time than today; and with the take-over of more local time this Fall for all-night news, broadcasters estimate that the networks will control anywhere from 70-75% of the affiliated stations' time.

~~Should the FCC revoke the Financial Interest/Syndication Rule, there will be nothing to prohibit the networks from controlling 100% of affiliated programming. If this becomes the case, there is no doubt that the entire broadcast industry will be stifled, and that the independent TV stations in the marketplace will be virtually eliminated.~~

Since 1975, we have grown from 10 people to more than 30, and we would like to believe that we have given the public a choice, opened new ground, and served some good with a wide variety of shows and special event programming of which we are justifiably proud: The Nixon/Frost Interviews in 1977, Sammy & Company (a late-night show starring Sammy Davis) in 1975; the Mike Douglas Show in 1980; and 32 hours of live television from Moscow, the pre-Moscow Olympics Spartakiade Games in 1979. In addition, in 1979, ~~we were chosen by the Reagan For President Committee, which included Mike Deaver on the screening panel, to nationally broadcast via syndication then Governor Reagan's announcement of candidacy for the Presidency of the United States. The networks had refused to handle this political issue, and the only way the President could reach America was through independent syndication.~~ Our honor at being chosen was exceeded only by our pleasure at eventually seeing him win.

NOTE:
The black
lines are
really
yellow high
LITER MARKS
WHICH TURN
BLACK ON
XEROX.

Commissioner Abbott Washburn

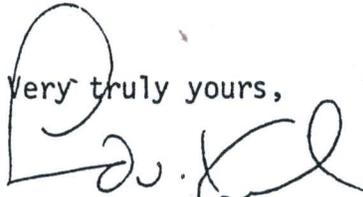
June 9, 1982

Page Two

What this all boils down to is that if the networks are allowed their selfish and monopolistic expansion unchecked, hundreds of small alternative-programming sources and forms of public service, such as ours, will be forced out of business; and many independent stations across the country will possibly fold in these troubled money times.

I would be pleased to amplify on the above in committee or in private. I trust that you will consider this pivotal matter very carefully, and keep the good of all in mind.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. V. Koch', written over the closing 'yours,'.

Leonard V. Koch
President

LVK:vvd

cc: ~~President Ronald Reagan~~
~~Mr. Michael Deaver~~

A QUOTATION FROM Grant Tinker, now
President of the National Broadcasting
Company, but on December 27, 1977 when
this quotation appeared in the Wall Street
Journal, he was the President of MTM
Enterprises, an independent television
programmer:

"Syndication is where the money is made, if any
money is made at all," by a producer on a TV series,
says Grant Tinker, president of MTM Enterprises,
producer of the "Mary Tyler Moore Show", and other shows.

"Very few shows make a profit on network, and
many including ours, don't break even. You pile up
increasing deficits," said Tinker.

June 3, 1982

084310

66 310

1110

PR 016-01

CO 105

ND 016

JL 003

CO 086

FG 0-31

FB 006-01

TR

TO: NSC/S
FROM: GEOFF KEMP
RE: #3741

THE WHITE HOUSE
WASHINGTON
May 25, 1982

No action necessary at this time.

MEMORANDUM FOR: BILL CLARK
FROM: RON MANN *RM*
SUBJECT: Alleged Invitation to Farouk al-Kaddoumi (PLO)
by Senators Charles Percy & Congressman
Lee Hamilton

On May 21, 1982, Ahmad al-Yamany, alias Abu Mahir, member of the Popular Front for the Liberation of Palestine Political Bureau and the PLO Executive Committee was interviewed on Monte Carlo Radio (Monte Carlo). During the interview he revealed the existence of an official invitation to Farouk al-Kaddoumi, head of the PLO Political Department, from two U.S. Congressmen, Charles Percy, Chairman of the Senate Foreign Relations Committee, and Lee Hamilton, Chairman of the House of Representatives Subcommittee for Europe and the Middle East, to visit Washington, D.C. Al-Yamany also said that the invitation was handed over by an unspecified individual to At-Tarazi, PLO representative at the U.N.

Al-Kaddoumi was born in 1930, near Nablus, Palestine. He attended the University of Cairo with Yasser Arafat and graduated in Economics and Political Science. After graduation he accompanied Arafat to the Gulf. With three other Palestinians they founded the Fatah. Al-Kaddoumi became a member of the PLO Central Committee. In 1969, he became a member of the PLO Executive Committee. During the Lebanese crisis in November 1969, he negotiated on behalf of the PLO with the Saudi Ambassador. He succeeded the late Yussuf al-Najjar as the head of the PLO Political Department in July 1974. He was very active during the U.N. debate on Palestine in November 1974. He resides in Fakahani, Lebanon.

Should Farouk al-Kaddoumi be allowed to come to the United States and meet with members of Congress as a result of an official U.S. Congressional invitation, it could cause our Administration considerable embarrassment. It seems reasonable that this issue should be seriously reviewed by the NSC if it has not already.

NSC # 820374

For
Recent Stoppage

RECEIVED

22 MAY 26 12: 07

THE WHITE HOUSE
WASHINGTON

Date May 26, 1982

TO: Bill Clark

FROM: Ron Mann
Presidential Personnel

SUBJECT: Attached Memo

COMMENTS:

I understand that At-Tarazi received
a special permit from the State Department
to visit Washington D.C. for one day last
Thursday. He reportedly met with Charles
Percy and discussed the upcoming visit of
Al-Kaddoumi. Further, it is my understanding
that information on this meeting was very
tightly held.

RECEIVED 26 MAY 82 12

TO CLARK

FROM MANN, R

DOCDATE 25 MAY 82

KEYWORDS: PLO

PALESTINE

PERCY, CHARLES

CONGRESSIONAL

HAMILTON, LEE

AL-YAMAN, AHMAD

SUBJECT: ALLEGED INVITATION TO AL-KADDOUMI BY SENATOR PERCY & CONGRESSMAN HAMILTON

ACTION: PREPARE MEMO FOR CLARK

DUE: 27 MAY 82 STATUS S FILES

FOR ACTION

FOR CONCURRENCE

FOR INFO

KEMP

TANTER

KIMMITT

COMMENTS

REF# LOG NSCIFID (C /)

ACTION OFFICER (S)	ASSIGNED	ACTION REQUIRED	DUE	COPIES TO
	<i>C 6/82</i>	<i>No action per Kemp</i>		

DISPATCH

W/ATTCH FILE

ul (C) 12

JV

May 20, 1982

TR

084405
3500
4620
PR016-01
PR007
NDO16
CO126
BE003-04
FG298-01
FG006-12
PU

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

In almost four weeks it will have been six months since General Jaruzelski went on the air to announce that the Polish nation was under martial law. In view of this forthcoming tragic anniversary, I would like to request an opportunity for a very brief interview /3-5 minutes/ and statement by you to our Polish listeners of the Voice of American /VOA/ -- to be broadcast on June 13.

by the President

As one involved with radio broadcasting in the U.S. Government for over thirteen years, I cannot overstate the positive and very real effect such a spot would have for our listeners -- if only to show that America and the West have not forgotten the Polish people's continuing plight.

I must confess, however, that my enthusiasm for broadcasting your voice directly to Poland derives from my attending your visit and speech to VOA on the occasion of its fortieth anniversary. In addition to the strength of your personality, I was impressed with your concern and understanding of the complexity and importance of Polish issues. Thus, I am confident that this bitter anniversary will not pass unremembered by you.

Although VOA has a regular White House correspondent, I believe it would be far more meaningful if your message to the Polish nation were delivered through the regular broadcasts of the Polish service.

Hopeful in your response, I remain

Yours sincerely,

Janusz Herburt-Hewell
Janusz Herburt-Hewell
Senior Writer,
Polish Service, VOA

7150 # 8203996

May 20, 1982

5746
To Mike Wheeler
for appropriate
staffing - perhaps
to Pipes/Dobrynin +
Lord - Hunt
084405

Ms. Kathy Osborne
Personal Secretary to
the President
The White House
Washington, D.C. 20500

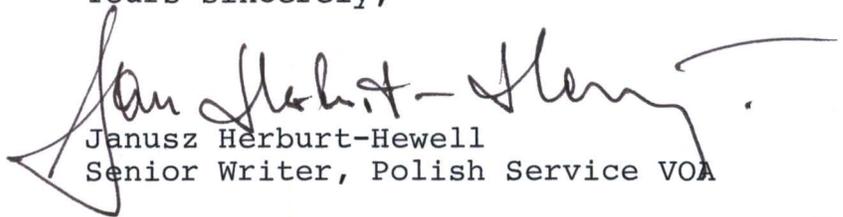
Dear Ms. Osborne:

I am taking the liberty of writing you at the recommendation of Mrs. Lewis S. Rosenstiel in the hope that you may find an opportunity to forward the enclosed letter either to the President or the party responsible for scheduling his appointments.

Any assistance that you can provide me in this regard will be greatly appreciated. For your information, I am enclosing an article published about me in the Washington Star. Should you have any further questions, please feel free to call me at work /202/ 755-4438 or at home /202/ 667-6907.

Thank you in advance for all your efforts, I remain

Yours sincerely,


Janusz Herburt-Hewell
Senior Writer, Polish Service VOA

Enclosures

FEDERAL CASES By Tom Dowling

Broadcasters To Poles Assess Several Roles



"Tu glos Ameryki z Waszyngtonu."

In Polish that means "This is the Voice of America in Washington." Few words uttered in Washington these days can be attended more carefully. For their audience is millions of Poles trying to discover from their radios whether or not the Russians are coming and what, if anything, the Americans plan to do about it should the tanks once again roll, as they did in Prague in 1968 and in Budapest in 1956.

The words originate from the the VOA broadcasting studios in the old HEW North Building on Independence Avenue, and they lead off each of the newscasts of VOA's three daily Polish Service broadcasts at 12:30 a.m., 2 p.m. and 4:30 p.m.

In the news business events make the man. And so it is that Jan Herbert-Hewell wears the mantle of Walter Cronkite and Edward R. Murrow. Seated at a gray government desk in a drab Washington studio, he says, "Tu glos Ameryki z Waszyngtonu," and a nation six time zones away listens to a newscast that leads off with an item on the ceremonies marking the 10th anniversary of the food riots in Gdansk that left 45 people dead. The news continues with an item on the aftermath of the Brezhnev visit to India, the OPEC meeting in Bali and the Iran-Iraq War.

Herbert-Hewell, a dashing-looking late-30ish man dressed in a cream corduroy shirt and gray flannels, has a deep, gravelly authoritative voice. Unlike Walter Cronkite, he can pronounce all of the battle sites in Iran correctly. Khuzistan and Ahwaz emerge from his throat with all the proper glottal stops.

"Ah, but if I am the Walter Cronkite of VOA's Polish news," Herbert-Hewell says jovially in his lightly accented English, "how is it I am only a GS-11? Step 1!"

That works out to \$22,486 a year — mere throat lozenge money for Cronkite. Still, comparative penury is the least of the problems of the 16 Polish-born American citizens who make up the VOA's Polish language service.

In a century filled with tragic national muses, Poland stands near the top of the list. Its exiled broadcasters at VOA are caught in a tangle of conflicting loyalties — to their journalist's professional creed, to the U.S. government agency that employs them, to Poland, from which they have been driven by the oppressive dialectic of Soviet history, to America from which they have received that succor which only the victims of history can fully appreciate.

"The emotional involvement in the Polish story is tremendous," Herbert-Hewell says. "Our families are there. We're here broadcasting the news, and we know they're there suffering from food shortages, aware of the threat of Russian invasion. Radio Free Europe is being jammed and VOA isn't. We know they're listening to us for the news. But we have to avoid mistakes, too. We can't give any false hopes.

Herbert-Hewell says most of his Polish service colleagues remain optimistic that the Russians will stay

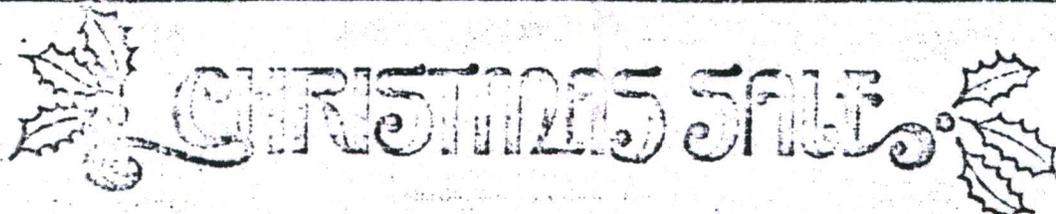
out. News editor Marek Swiecicki says, "I'm sure the Russians want to go in. But they won't. Never has the U.S. government taken a stronger position — and they were able to get support for it from the Atlantic allies."

"I think they're going in," says newscaster Henry Grynberg, a bearded man with melancholy eyes. "It will be a bloody mess. The hatred between the Russians and the Poles is mutual.

"At first when the strikes began in the summer I was enthusiastic. The Soviet empire was falling apart! In 1956 when the Russians threatened invasion, the Polish army sealed the border, the Polish army chief spoke out. Now, silence, nothing. I fear the Russians will come in during Christmas. That's when Polish workers go home to the countryside to visit their families. The students and workers will be out of the cities, isolated from their organizations. Christmas is the Russians' great opportunity. People from the Hungarian and Czech services here come in to talk to us. That's what they think, too. It will be terrible. I would be happy to be totally wrong."

"If they come," says Herbert-Hewell, "we will know the news of it here first." He shakes his head at the enormity of the thought, a man whom history has decreed to be four things at once: journalist, government official, Pole and American.

"Professionalism," Grynberg muses, his eyes turning mournful, also a man who cannot simultaneously be at the two places that matter to him, cannot altogether reconcile himself to the two sorts of jobs his conscience requires should the Soviets go in. "Sometimes I think professionalism is the disease of the century. We don't do what we want, but what is our duty."



THURSDAY • FRIDAY • SATURDAY

DECEMBER 18, 1980

RECEIVED 09 JUN 82 20

TO PRESIDENT

FROM HERBURT-HEWELL, JANU DOCDATE 20 MAY 82

KEYWORDS: VOA

POLAND

OSBORNE, K

BROADCASTING

SUBJECT: REQUEST FOR PRES MSG POLISH LISTENERS TO COMMEMORATE 40TH ANNIVERSARY

ACTION: APPROPRIATE ACTION

DUE: 13 JUN 82 STATUS S FILES

FOR ACTION

FOR CONCURRENCE

FOR INFO

LORD

PIPES

DOBRIANSKY

KRAEMER

ROBINSON

MYER

SIMS

RYE

COMMENTS

REF#

LOG

NSCIFID

(D /)

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO

6/10 transfer to Dobriansky
 NSC/S C 11 Jun no further action -
 called Mr. Herburt-Hewell (?)

DISPATCH

W/ATTCH

FILE

(C) *WH*