THE IMPACT OF COMPETITION ON TELEVISION'S PUBLIC INTEREST PERFORMANCE[1]

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Among the world's broadcast systems, American television has evolved furthest into a market-driven multichannel arrangement. It is therefore particularly important to look at the impact of such evolution on television's performance in terms of public responsibility (or, to use American terminology, in terms of *public interest)*. This is the task of this chapter.

The Transformation of American Television

To understand the present one must know the past. American television started out almost as limited in terms of limited channels as other countries. The first three decades of commercial television in the US were characterized by the an oligopoly of three national programs CBS, NBC, and a fairly weak ABC. Public broadcasting was merely a footnote in terms of resources, audiences, and organizational cohesion. There were several hundred local stations, either program-recipients ("affiliates" or, in a few cases, owned and operated -- "O & O" by them) of the three networks (a few were owned by them) or "independents", using programming provided by syndicators and others. Local stations' primary program production contribution was local news, public affairs, and sports. However, the local stations as holders of a coveted frequency license were the focus of regulation and enforcement attention, while the national networks did not require licensing and were largely outside of direct regulation except in their capacity as station owners.

The three networks, physically located in close proximity in New York and continuously interacting, were at once fiercely competitive with each other for audiences and talent, and cooperating on issues of mutual self-interest. They worked together when the public image of the TV industry was at stake. Thus, they jointly limited, to some extent, sensationalism and violence in programming. As the prime outlets for national advertising they could also keep advertisers at bay, both by limiting the supply of advertising time and by curbing advertiser influence on program content. Being legally restricted from entertainment program production, the networks set content guidelines on such programs

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produced by others. They also invested in extensive news operations in order to serve as more than entertainment media, and protected the credibility and independence of their news. Local stations, similarly, established news operations, both because they were profitable and because they generated much influence by providing politicians with a major public platform.

The system was highly profitable to the handful of broadcasters nationally and in each local market. But it had one vulnerability: it rested on a government-awarded license, which could, at least in theory, be withdrawn for misbehavior or inadequate performance. The government agency awarding and renewing licenses, the Federal Communications Commission (FCC), was set up as an independent commission not subject to direct political directive. However, for many years the agency was fairly close to the industry. Later, it pursued a pro-competition, non-interventionist policy. Even so, at license renewal time (originally every three years, now five) the license could be challenged by community groups complaining about performance, and by rival applicants proposing to do better. The community groups could enter the licensing process, comment on a company's performance, dispute the facts of its application, and challenge its performance as a "public trustee." Because this can generate bad publicity broadcasters tried to accommodate outside challenges, even to the point of rewarding some groups if they abandoned a challenge (leading to instances of "green-mail" that were subsequently banned). Thus, the potential for challenging a license is not without dangers to the independence of television, either.

In practice, the loss of a license is more theoretical than real. Of the more than 10,000 applications for license renewal between 1982 and 1989, less than fifty were directly contested by rival applicants. Since there are more than 10,000 radio and 1,500 TV stations that require periodic re-licensing, the pure logistics of license reviews are enormous, and in fairness, cannot be conducted in depth. License renewals today require only minimal information, to the FCC, with a small number of stations being selected at random for a more careful review.

The FCC has no specific requirements for program categories except a general mandate to serve the community, nor does it even solicit information on that subject from new applicants. Existing broadcasters originally had to keep program logs, but now they need only keep lists of programs showing significant coverage of issues.

Under American law, any U.S. citizen of "good character" can apply for a television license, even for one already held by another. The only limitations on ownership are national ceilings on the number of stations that can be owned (originally three, today usually twelve); local ceilings; (one to a market), and "cross-ownership" restrictions on ownership by local newspapers, cable networks, radio stations, and telephone companies. The original license is awarded after hearings comparing the various applicants. One alternative, lotteries, has been used only for low-power TV and for microwave broadcasting (MMDS). The third alternative -- auctions -- has recently been introduced for some new services but not for broadcasting. Licenses can, however, be sold by the original holders of a license, though the sale must be approved by the FCC.

Given the major financial value of a license, broadcasters protected it by consciously cultivating community goodwill through various forms of service, and by avoiding controversy and by imbalance in programs. It also made sense, in terms of generating audiences, to avoid antagonizing any segment of the population. All this led to cautious, middle of the road programs and behavior. When one station, WLBT in Mississippi, lost its license after a challenge, during the civil rights era, for discriminatory programming, fairness, and employment, broadcasters around the country almost instantaneously improved their performance in these areas.

This world -- profitable, powerful, predictable, prestigious -- came to an end with the emergence of the multi-channel distribution medium of coaxial cable television. The broadcasting industry, preferring the limited system, largely missed the opportunities inherent in an expansion. The three networks, which should have logically diversified into the creation of multiple national channels, were held back from doing so by their link to the affiliated broadcast stations, which, being constrained by regulation to a single channel, did not want new ones to emerge. By regulation, networks could not become cable operators. (Today, they can own cable systems, up to 10% of cable households nationally, and 50% locally where they own no station.) Some local broadcast groups, such as Westinghouse and Cox, became cable operators outside their over-the-air transmission area. But hardly any broadcasters moved into networking. One exception was Ted Turner's tiny broadcast station in Atlanta which was transformed via satellite into a national presence and began the foundation of the Turner media operations.

Today, American media have changed primarily by adding the distribution capacity of cable television, which now reached over 90 percent of households, and is subscribed to by over 60 percent. Many of these cable systems offer more than 70 channels. The peak offering is currently 150 channels, and a 500 channel trial is about to begin. Considerable expansion of media capacity is likely in the near future, both due to cable operator use of technology optical fiber and digital compression, and also due to the imminent entry of other delivery media such as telephone-based distribution with access to dial-up video servers of theoretically unlimited capacity, direct broadcast satellites, (soon 150 channels) "wireless cable" by microwave transmission (also dozens of channels), and multiplexed signals by regular broadcasters. We are only at the beginning of the transformation from limited to multichannel television.

What has been the impact of this transformation on television's performance along the various dimensions of public interest? The next several sections will analyze that question.

Program Diversity

Program diversity is television's mirror to a pluralistic society. In a diverse country such as the United States it is a particularly important goal. One must, however, distinguish program diversity from access diversity. For example, an access monopolist might provide a wide menu of program types, yet if their selection would be entirely up to him, alternative voices would not reach the viewing public.

The opening of television media to additional channels tends to mean greater competition, with two conflicting impacts. On the one hand, there are more voices, more opportunities to serve different tastes, and less power to any particular channel. On the other hand, a greater competitiveness may mean greater sensationalism, greater dependence upon advertisers, and lowered production budgets.

Many people believe that the evolution to a multichannel environment has simply led to "more of the same", simply to a multiplication of the old type of programming. But this is incorrect empirically as well as in terms of economic logic.

Commercial television frequently disappoints those seeking high cultural quality. This cannot be simply because the medium is commercial. After all, most print publishers and film producers are also profit-oriented, and they turn out many works of high cultural standards (as well as of low ones). The traditional commercial TV system tended to serve popular culture rather than high culture because it was limited, and therefore served mainly the broad center of the "taste distribution".[2] It aimed in its programming decisions to maximize audiences, weighted by their attractiveness to advertisers. In practical terms a program had to have at least an audience share of about twenty percent of all American households watching at the time to justify itself commercially. Lower audience shares meant foregone earnings.

According to classic theory of product competition, two competing firms in a closed industry will produce products of "excessive sameness."[3] Networks therefore offered programs which maximize audience levels[4], since in a monopoly situation a producer's main concern is that viewers choose the television over other activities.[5] They divided up the majority audience instead of catering to minority tastes.

The consequences were a fairly cautious and series-based programming with proven

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[2] Eli Noam, "A Public and Private Choice Model of Broadcasting": Public Choice 55: 163-187.

[3] Harold Hotelling, *The Collected Economics Articles of Harold Hotelling*, Springer-Verlag, 1990, p. 50.

[4] James G. Webster and Lawrence G. Lichty, Ratings Analysis: Theory and Practice, 1991 pp. 152-3.

[5] Bruce Owen and Steven Wildman, *Video Economics*, Harvard University Press, 1992, p. 79.

formats and a strategy to create brand recognition. Network practices of concept testing and formulaic programming almost prevented celebrated shows like "All in the Family," "The Mary Tyler Moore Show," and MASH, as well as important documentaries like "King" and "The Day After" from being selected (true, they were selected, but other probable were not).

The programs generally had cheerful conclusions to problems, avoided controversies that would repel some audience segments, and were action-based to attract young audiences. They also had fairly high production budgets in order to attract viewers with a polished product. Few programs were imported since even a slight reduction in attraction to American mass audiences was costly in terms of foregone advertising earnings. The guiding program philosophy was frequently but incorrectly described as "lowest common denominator" programming. In fact, it did not aim at the lowest level of audiences, but at the most prevalent one -- the popular culture of the middle and lower middle classes. There was little programming for the intellectual elite, but not much programming aimed at the bottom of the educational and income scale, either. Both of these constituencies were to be served by the public broadcasting system, which had a difficult time in reconciling its two conflicting program missions, and which opted to primarily serve the elite.

Those who are critical of the performance of the limited commercial system often tend to believe that the less there is of it, the better. Actually the opposite is the case: The most problematic system is a limited but powerful commercial system.[6] Others believe that high profits of the limited system are required for high-quality productions. But that assumes that artistic creativity is based on a patronage system in which rich institutions can pass on some of their resources to the artistic community. Arguably, genuine creativity, however, is derived from the interplay of lively minds and an absence of constraint, and is more likely to flourish in an environment of many avenues of production and distribution serving numerous tastes.

The limited TV environment changed rapidly. Between 1961-91, the number of commercial television stations in America doubled, from 543 to 1102. Public television stations quintupled, from 62 to 350. Low-power TV station licenses increased from zero to 900 in 1992. A fourth broadcast network, Fox, emerged, targeting in particular the 18 - 35 year olds, an audience especially attractive to advertisers.

The main venue of change, however, was cable television, which evolved from a retransmission medium for over-the-air broadcasting and spread nationally. It developed its own programming channels to differentiate itself from free broadcast TV, and to generate the new income streams of pay-TV. Its advantage was not merely a largely number of channels but also a difference economic foundation. Since it was both advertiser and viewer supported it was able to offer more specialized "narrowcasting" channels. Viewer preferences could be expressed by their willingness to buy, in effect, "TV tickets." This had

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[6] Eli Noam, *Television in Europe*, Oxford University Press, New York, 1993.

negative income distributional effects in the sense that "free TV" was available to everyone, while cable required payment, but without question it increased program diversity. New program channels emerged, often vertically integrated by ownership to the cable distribution companies. They took on a different format than the broadcast programming. Whereas the broadcast channels had a "full-service" program philosophy, based on economic logic as well as regulation requiring the service to the community at large, the new channels were format-based. They provide all-sports, all-news, all-movies, all-religion, all- cartoons, all- science fiction, all- comedy, etc., etc., around the clock. The audiences for each channel are still small, but they add up. Today, 99 different cable channels are operating.

Many of these channels are merely an expansion of traditional program categories. Even so, this did not mean, after an adjustment process, just more of the same. In any medium, format affects content, and TV is no exception. The 24-hour CNN news format permitted the covering and staying with breaking stories in much greater depth and length. Examples are the Gulf War, the Clarence Thomas Senate confirmation hearings, disasters such as the San Francisco and Los Angeles earthquakes, or the World Trade Center bombings in New York. In sports, the greater availability of time and the need to create diversity led to the coverage of sports beyond the football, baseball, basketball, tennis, and golf that dominated the screen before. Examples are the Tour de France bicycle race, the World Cup soccer (after a long absence of soccer on American TV outside of cable imports such as *Soccer Made in Germany*), and U.S. rodeo and "monster" truck competition. For movies, the absence of most regulatory restrictions, coupled with a need to provide audiences with new alternatives, led to the showing of sexually more explicit and more violent programs.

A second type of new channels took up traditional but more marginal program categories and gave them visibility and presence. Religious programming is an example. (Here, the initiative was taken by the more fundamentalist and fundraising-driven evangelical ministries, leaving the mainstream churches behind.) The Discovery Channel offers nature documentaries. The Weather Channel provides significantly more detailed information to specialized users such as farmers, boaters, or pilots. The Travel Channel informs about tourist destinations. CNBC provides business information and talk shows.

In addition, multichannel cable spawned also new or near-new program categories. All-music channels for rock, country, and black music emerged, such as MTV, VH-1, Black Entertainment Television, the Nashville Network, and Country Music Television. CourtTV covers legal cases, based on the openness many American court rooms to cameras. C-SPAN covers the proceedings of Congress as well as public affairs events. Galavision provides Spanish-language programs. Other ethnic programming is provided for Japanese, Greek, Hebrew, Italian, Indian, Korean, and other language and cultural groups. Lifetime serves mature women. High-brow tastes are served not only by Arts and Entertainment, but also by the BRAVO channel which frequently broadcasts opera and musical theater programming. Several shopping channels promote, non-stop, various merchandise. Some channels appeal to autodidacts, like the Learning Channel and Mind Extension University. One channel is devoted to New Age/ Spiritual concerns, and another is largely devoted to psychic phenomena.

An analysis of the programs available to a typical cable household shows a tremendous change over the past. In Tulsa, Oklahoma, for example, the number of TV stations increased from four in 1970 to six in 1985. At the same time, cable television added 43 channels.

Total program hours increased elevenfold from 1970 to 1985. Informational programs increased from 87 to 1015 hours per week; entertainment quadrupled to 768 hours; news increased tenfold to 612 hours; and religious programs, popular in the Bible belt community, increased fortyfold to 400 hours. Performing arts were offered 54.5 hours during the week, up from 4.5 hours. Public affairs were 181.3 hours per week, up from 2.3; money and finance programs were 120 hours, up from 1.0; children's informational programs were offered 30.8 hours, up from 13.0; arts documentary had 9.8 hours, up from zero. On the other hand, programs specifically aimed at Native Americans, who comprise 8% of Oklahoma's population, fell from one hour to zero. Thus, even with multi-channel systems, not all segments of the population were equally served.

Some types of programming that were, in the past, not interesting to commercial channels and hence not offered except by non-profit public stations, are now being provided for profit. But there is no evidence that the new commercial channels have pushed the public station to lower quality by forcing them "downward" in order to compete for audiences.

In the past few years the design of new cable program networks has further accelerated. Whereas in 1992, 20 new program channels were concretely proposed or offered to the cable operators, in 1993 it was over 40, and in 1994 so far over 70. Among recent concrete plans offered recently to a major cable company for distribution were channels dedicated to the following subject matters: antique auctions; automobiles; arts performances: bingo; books; business; catalogues; computers; cowboys; classic arts; classic sports (old highlights); crime; dating; deaf and disabled; environment; fashion; games; gambling; gardening; golf; healing; health; history; home buying; how to; human development; independent films; inspiration; international business; jazz; lectures; military; museums and exhibitions; mothers of newborns; movies; multiculture; new age; outdoor; pets; public affairs; real estate; recovery for alcoholics; romance; self- help; shopping; short movies; singles; soap opera; and Spanish. (Time Warner, personal communication) Many of these channels will not make it in the marketplace. At present, the primary bottleneck is availability of sufficient channels for access. The economical constraint -- whether the channels can survive on thin audience slices -- is the secondary bottleneck. But clearly investors are willing to bet their money on audience success.

It is impossible to characterize this diversity as low-brow and purely entertainment. Several of the actual or proposed channels listed above are quite respectable in terms of intellectual or social aim.

It is not easy to identify which socially valuable program categories are not being offered, by this market system. In the future, with hindsight, we may recognize them. Others may be determined by reference to what is available today on video cassette. This would include many instructional and self-improvement programs; programs in languages without a concentrated U.S. base of speakers; foreign news channels, or foreign channels generally -- such as BBC, ARD, or CBC; more programs for children (there is no "Fairy Tale Channel" or "Elementary School Channel"). Nor is there yet an interactive channel of merit. The beginnings of interactivity are in shopping and games. Nor is there yet a High Definition TV (HDTV) channel. HDTV had been resisted by broadcasters, who feared the added expense. The standards process took a long time.

Another category of "missing information" are controversial political programs. There are no commercial channels of extreme left or right wing programs, though there are plans for such channels. Some of these are available, if at all, through non-profit public access channels that are local, rather than national, in scope. Also missing is civic programming of local public affairs and documentaries, and American drama and performance.

On the whole, the new television diversity has been a stimulus to media production, employment and viewing. Cable households watch 32.5% more hours of TV than non-cable households (55.8 hours per week vs. 42.1) But, of course, such viewing is distributed over more channels. Thus, the viewing share of the three major networks has steadily declined, from 73% in 1982/3 to about 50% today. Ownership in the three networks changed. But broadcast profits are still healthy, at least for network-affiliated stations, 20% of revenues, vs. 4% for independents, according to a 1990 FCC report.

Diversity of Ownership, Localism, and Social Integration.

A. Localism

Because of America's size and diversity, the spread of television station ownership has always been considered important. For a long time a goal of localism in ownership was pursued by a licensing of many medium-powered stations rather than fewer high-powered ones, by a preference in the licensing itself to local participation and management, and by a limitation on the number of stations that any single entity could own.

But the doctrine of localism was at tension with media economics. Because it is cheaper, much of the programming was produced nationally and only retailed by the local stations. To alleviate this a bit the FCC enacted the "prime-time access rule" which limited the national network feeds somewhat during primetime, leaving one hour to local origination or choice. But this policy has largely failed, with slots filled by low-budget syndicated game shows and reruns of old network series.

The other pro-localism rule, TV group ownership limitation, was relaxed from 3 VHF stations to 5, then 7, and now 12 as long as the total potential audience does not exceed 25% nationally.

Thus broadcasting is somewhat more concentrated and less local than in the past, but this does not mean that the traditional three networks have more power. The added ownership possibilities benefitted primarily the next tier of media companies, where the ownership of station groups was facilitated, providing a foundation for the new national broadcast network of Fox, and, in planning, of Paramount and Time-Warner.

B. Minority Ownership

A second dimension of ownership diversity pursued in the United States with its heterogenous population is *minority ownership*. Underlying is a view that the program needs of a minority might be best served by station ownership by members of the same ethnicity, and that the majority might also benefit from such program perspectives. The FCC therefore developed affirmative action policies to promote minority and women ownership, including tax incentives to encourage the sale of broadcasting properties to women and minorities, a preference in lotteries, a higher ceiling on ownership, and the allowing of "distress sale" of stations to minorities, and comparative license contests. (Stations in danger of losing their license because of rule or policy violations cannot normally sell-out at the last moment to avoid the financial loss). The comparative license contest preference and the distress policy generated much controversy but were ultimately upheld by the Supreme Court in 1992 by a 5-4 vote. The results of these policies have been mixed, because sometimes those receiving the license were fronts for traditional white male ownership, or sold out to them later. Today, minority ownership in broadcast media is still below 20 stations, or about two percent of broadcasting.

In cable television, too, formal and informal ownership diversity policies were attempted. Since cable franchising was local, out-of town cable companies often applied for a franchise with prominent local participants who received a share of ownership. Some cities were carved up into several franchise territories, usually in order to benefit several applicants and associated political constituencies. But local companies often sold out to the big operators. Today, the five largest cable companies account for almost one half of all cable subscribers, and minority ownership is

When it comes to programming, most cable channels are owned by traditional national companies. Political exceptions are Spanish and black oriented channels. But there is a greater geographic diversity in headquarters and program facilities, with less concentration in New York and Los Angeles.

On the whole, the American experience shows that a market- based system, even with some regulatory nudges, cannot be expected to result in a distribution of TV and cable ownership that is much different from the general distribution of economic assets in society, and that one cannot maintain walls of localism in an essentially national (and global) economy.

Access

Access to the process of TV policy-making is open. All regulatory rulemaking (i.e. general) cases require public comments. Various private (and a few non-profit) lobbying organizations vigorously represent the various constituencies.

But this does not mean access to the medium itself. Program diversity, by itself, does not assure a diversity of voices. One of America's most famous judges, Learned Hand, put it as follows:

[The first amendment guaranteeing free speech] presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and will always be, folly; but we have staked upon it our all. [7]

This "multitude of tongues" is more than abundant information, but a process with wide ranges of viewpoints and sources in a marketplace of ideas. (Aufderheide).[8]

Even diversity of voices by itself, is not enough of a measure to indicate openness. The limited TV system was frequently pluralistic in the sense that spokespersons of various political parties could address viewers. But one should not equate balance with access. The point of free speech is not to make TV available to authorized voices. Their views are already disseminated in numerous ways. A system is only open when it can be accessed without approval. even by unpopular views.

It is often argued that as channel capacity grows a cable operator's control over so many channels is not worrisome since it will carry "everything".

This is incorrect economically. A cable operator, almost always operating with de-facto or de-jure exclusivity, can largely select among channels, and will add only those that add audience and subscribers and avoid mere "duplication". Why, for example, should one add another all-news channel if one already exists, while there is no all-bowling channel yet on? This problem is exacerbated if the cable operator has a direct ownership stake in the existing program channel -- as is frequently the case -- and thus an incentive to reduce the market access of a rival channel. On the other hand, a cable operator without any control over the programs shown over its wirelines would have no assurance of an attractive package that would draw subscribers. The compromise was a mandatory access of local over-the-air

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[7] U.S. v. Associated Press, F. 2d - (2d Cir. 1943), p. 372

[8] Patricia Aufderheide, "Cable Television and the Public Interest", *Journal of Communications* 42(1), Winter 1992.

broadcast TV stations ("must-carry"), which encountered constitutional law problems. For a time, therefore, the question was discussed whether local cable systems should be common carriers. But this did not get very far, partly to help the then young medium to develop. The 1984 Cable Act even prohibited outright regulation of cable as a common carrier or public utility. In 1992, with cable's market position strong, Congress mandated access to vertically integrated program channels by competitors, in effect making such content subject to a quasi-common carriage obligation.

A modified form of common carriage access is *leased access* under which some channels must be muted out by the cable company. So far, such access has not been successful, being local rather than national. It is frequently used for half hour-long "infomercial" pitches and for erotic programming.

A third form of access to cable TV is through public, educational, and government (PEG) access channels providing an "electronic soapbox". But only 16.5% (serving about 40% of all subscribers) of systems have public access; 12.9% have educational access, and 10.7% have governmental access.[9] About 10,000 hours of local programming is produced each week, more commercial production. The Hometown USA Video Festival, of local originators attracted in 1990 2,100 entries from 360 cities in 41 states.[10]

Public access channels run on a "first-come, first-served" basis, without any screening, and mix the quixotic with the stimulating. At times they are used by extremists such as the Ku Klux Klan. Access cable has been squeezed both by cable companies covetous of the channels, and by cities under financial pressure.
For example, Nashville was in a budget crisis in 1988 when a public access program by a gay and lesbian alliance was shown in Nashville, partly supported by a public access fund, the City and company rechannelled the access funds into general operating funds and defunded the access center.

New access possibilities are opened up by interactivity and digital compression. The switching capability which is now only enjoyed by narrowband services of telephone companies, would enable programming to be delivered individually to homes. Interactivity will also allow for transaction-oriented television both for instruction and commercial operation. Here, too, the question of access rights will unavoidably emerge. Already, public broadcasters have demanded the allocation, by regulation, of free transmission and storage capacity in any new video transmission medium. Already the Clinton Administration has proposed more of "open access" to existing cable TV, and a new "Title VII" regulation of

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[9] *Television and Cable Factbook*, 1990, p.C384

[10] Patricia Aufderhieide, "Cable Television and the Public Interest", *Journal of Communication*, Winter 1992, p.60. Another figure for hours of public access programming is 40,000 per week (G. Stoney, Communication).

open access, for future interactive switched digital broadband, when cable TV and common carrier telephone networks converge technologically.

Children and Education

The traditional system failed children. For a time, commercial television showed some quality children's programs, but these gave way to cartoons and uninspired fare. Since programs were advertising vehicles, broadcasters aimed programs at young children containing advertisements. When such approach proved socially and politically untenable when it comes to young children, many broadcasters avoided children's programming as much as they could without losing too much good-will that would jeopardize their license renewal.

The public TV system, often called "educational television" due to its frequent origin in local and state public educational institutions, was called to serve children's needs. In 1967, the Public Broadcasting Service was federally established to assist in that effort. "Sesame Street" and today "Barney and Friends" and Shining Time Station", the three top-rated programs for pre-schools, were a result.

There is nothing inherent in commercialism to prevent the provision of children programs. The missing element is a funding mechanism that is not advertising based. Cable television provided such a link, by offering programs to subscribers as a differentiating attraction relative to free broadcasting, and as a special for-pay feature. This is the theory. In fact, how has this system worked out so far?

Such is the low-budget nature of public TV, and in fairness to commercial broadcasters' and cable channels efforts, that the Disney Channel alone spends today several times more on quality children's programming than does PBS.

The most successful channel for children is Viacom's *Nickelodeon*, which has 30% of the viewing time of 6 - 11 year olds, in contrast to less than 4% of ABC and CBS (NBC has dropped children's programming). In the process, Nickelodeon is doing quite well with about $95 million profits in 1993, and spin-offs such as a magazine and toys. Its programs are more entertaining than educational, but it also produces "Nick News" hosted by a highly respected newswoman.

For older children there is also the Disney Channel, and some segments of USA, Discovery, ("Ready, Set, Learn") and other commercial cable channels. For pre-school children, there is still only little offered. Nickelodeon has started a lineup for pre-school kids (Nick Jr.) with four minutes of advertising. There are more educational documentaries now on commercial cable channels, especially about nature and biography.

Still unprovided are quality children's channels. At least one plan is under consideration by the Children's Television Workshop, producers of *Sesame Street*. But the creators inside this noted production organization are split. They would like to strengthen the quality of TV available to children, but fear denying them to children from poor households and thus widening the social and educational divide.

An interesting but controversial effort has been initiated by Whittle Communications, offering twelve minutes of student-oriented news to the classroom, together with TV receivers and money, but with two minutes of advertising.

When it comes to advertising aimed at children, the FCC attempted deregulation, but Congress legislated in 1990 limits on commercial time (10.5 minutes weekends, 12 minutes weekdays). But these restrictions on advertising were high enough to be often no real constraint. It is still possible to produce shows that are based on a toy, provided there are no commercials for that toy during the program. Examples of childrens' programs developed around some toy product included the *Care Bears, He Man, Transformers, GoBots*, and *Masters of the Universe*. Congress also required stations to serve "the educational and informational needs of children." But the FCC gave stations considerable latitude. Some broadcasters asserted that cartoon programming should be counted to serve these needs.

Perhaps more effectively, the 1990 law required the FCC at license renewal time to take into account how much the broadcaster has served children's educational and informational needs.

Violence and Sexuality

Broadcast media are part of our cultural reference and influence the political agenda-setting role. Competing groups vie for control over programming because it permits them to influence society. Thus, broadcasting programs are often embroiled in controversy over values and politics. The lightening rods for this concern are programs containing violence or sexuality.

Action-oriented programs were always an attractive television programming choice because they appealed across education and class. They are also relatively easy to write and to produce and travel well internationally. Has the greater competitiveness of television contributed to the offering of more violent programs that negatively affect children, in particular?

There is nothing new about the concern that mass media threaten children. In the early years of the radio, American researchers noted that the "popularity of this new pastime [radio] among children has increased rapidly . . . [and] has brought many a disturbing influence into its wake. Parents have become aware of a puzzling change in the behavior of their children . . ." (Eisenberg, 1936).

The facts are in dispute. A 1992 *TV Guide* study found that newer programs such as music video and reality programming significantly increased the amount of violence shown on TV. But a 1993 study at the University of Pennsylvania found that prime-time dramatic program violence had declined in 1989-90 and remained below its 20 year average. Violent children's programs also declined, but not as drastically. In 1990, children's programs contained, by the Annenberg definition, 32 violent scenes per hour. In the 1992 season, they contained on the average 18 violent scenes per hour. The study also found that children's programs on cable were significantly less violent than network fare, whereas it was the opposite for general programming. It seems that violence in prime time programming had been somewhat reduced, though some believe that it has become more graphic. Congress and the FCC imposed a variety of restrictions on broadcasters, not always limited by the free-speech guarantee of the Constitution. Both the Senate and House passed resolutions calling for broadcasters to curb violent programming on their own and set up their own rating system for violence. To that purpose, a 1990 law provides a three-year antitrust exemption for industry-wide development of voluntary guidelines. The networks responded by issuing "Standards for the Depiction of Violence on Television Programming". But citing psychological research which suggests that TV does not directly inspire violence, the TV community disputed the theory that its programming causes violence. Broadcasters argued that there is less violence now than a decade ago. The broadcast networks also argued that it had been unregulated cable channels rather than broadcasters that increased violence content. Their primetime programs containing violence were claimed to have dropped from 28% to 8%. HBO, for example, runs a series called "Tales of the Crypt" which would probably not qualify for network programming. MTV and VH-1 regularly air heavy metal and "gangsta" rap videos, largely to adolescents, which offer anti-social messages.

Under pressure, the broadcasters initiated internal actions to reduce violence on TV. They created an "Advanced Parental Advisory Plan" that provided audible and visible warnings to parents that a program contains violent scenes. The also established in 1994 independent monitor plans. Similarly, fifteen cable networks agreed to label violent programs and suggest parental discretion. Labeling of a program as violent, tends to reduce advertiser interest in that program. and it therefore has a serious effect. such valuable shows as M*A*S*H* might not have survived under the economic strains of a "V" rating.

There are currently no less than eight bills pending in Congress which deal with violence and television. These include having the FCC evaluate program content for violence and publish the results; establish a Presidential Commission to research television violence; establish a toll-free telephone number for complaints concerning TV violence; require the FCC to establish permissible limits of TV violence and provide for the imposition of civil penalties for violators; define a "safe harbor" time when children could watch television without any violence.

One important approach that has emerged in a Congressional bill is to combine freedom of choice with protection of children by way of a technology-fix. TV sets would have to incorporate a "V-chip" that could identify for each program a broadcaster-supplied rating in terms of violence, and could block off programs automatically where parents have programmed such instruction. This proposal would leave the rating to the broadcasters themselves, thus keeping government out of program evaluation.

The problem with the V-chip proposal is that it focuses on violence rather than on a more general inability of viewers to evaluate and choose among the hundreds of program options. But it suggests a future free-market, free-speech, "open rating" system under which program providers and independent rating organizations such as parents' associations, program magazines, etc. could offer their evaluations to viewers in an automatized way to help them pick programs.

When it comes to erotic programs, Congress and the FCC restricted "indecent" programming to a midnight-6 AM "safe-harbor" period ("Obscene" programs have no free speech protection at all). This and similar FCC rules were struck down by courts on the basis of a lack of evidence for material harm, over a less intrusive rule, that would justify the abridgement of free speech. The matter is regularly taken up by FCC and Congress, and regularly reversed by the courts. The FCC also tightened its indecency regulation. It fined the Infinity radio network that carried the talk-show host Howard Stern 1.6 million dollars for carrying indecent language.

Controversial sexual topics on broadcast TV include:
--*NYPD Blue* - a show featuring occasional frontal nudity and mild profanity.
--In the top-rated *Roseanne*, in one episode the star is kissed by a lesbian friend. ABC almost bowed to pressure by evangelical groups opposing the episode's airing.
--A major plot line in the top-rated *Murphy Brown* had the star give birth to a child out of wedlock. This was attacked by then Vice President Dan Quayle as promoting anti-family values.

More sexually- explicit programming ranges from Playboy Channel, and pay-per-view softcore porn to programs which appear on the leased access channels. In Manhattan, such program include fairly explicit sex, gay and lesbian programs, and nude talk shows.

On the whole, the market-driven system of American TV seems to supply more of everything, including violence and sex, and also serve tastes outside the broad middle themselves. There is more news and public affairs programming available today on TV than ever. NY1, the New York metropolitan cable news channel, has been acclaimed by critics, and can cover public policy issues like drugs, crime, homelessness, and education more extensively than can local news broadcasters. Another New York cable channel runs Korean, Chinese, Japanese, Italian, French, Hebrew, and Polish programming, including news in these languages. Los Angeles, Chicago, San Francisco, and Denver have similar channels. CALSPAN, a California Channel, covers the California state legislature.

On the other hand, with oligopolistic profits squeezed, the budgets of news operations of both local and national broadcasters have been curtailed, after a period of great increase. (CBS News' budget had increased from roughly $78 million in 1978 to $300 million in 1986. In 1993, it was approximately $340 million, but with a significant increase in the number of

CBS news magazine shows. On a per minute basis, the costs of CBS' expanded news offerings were lower than in the past. News has become a competitive plus. One negative trend has been a greater shrillness and sensationalism of coverage. According to a study by the Center for Media on Public affairs, in 1993, for the first time, "entertainment news" was in the top ten topics carried by the networks' evening news. And the local stations' TV news coverage, under pressures to be "happy" and fast-paced, has encouraged sound-bite and extreme spokespersons to define issues. Greater emphasis is being given to lurid or titillating crimes -- "if it bleeds, it leads".

Competition among the news magazine shows has led to focus more on sensationalist subjects, and the shrill tone of syndicated "tabloid" shows like *Hard Copy*, *Inside Edition*, or *A Current Affair* at times spilled into the more serious news magazine.

Yet this pales in comparison to the fact that serious news magazine shows (like *60 Minutes*, *20/20*, *Prime Time Live*, *48 Hours*, *Dateline*, *Now*, and *Turning Point*) have proliferated (14 at the latest count) and become popular (four are in the top 20 shows).

Media diversity has also encouraged the emergence of broadcast personalities who view issues in black and white terms, and who command a devoted following, especially in radio talk shows, but also on TV. Examples are Rush Limbaugh and Howard Stern. However, the multi-channel environment does not, contrary to cynics' views, guarantee the ascendancy of cranks; witness the rise and fall of Morton Downey, Jr., a loudmouth who initially drew audiences by his aggressiveness but lost them when the novelty wore off.

No American TV owner has parlayed media power into a personal electoral campaign in the way Berlusconi did in Italy. The closest is the Rev. Pat Robertson, a televangelist with his own channel who entered the Republican presidential primaries, but with little success. Various media personalities have also run for office, including President Ronald Reagan. In the 1994 mid-term elections, half a dozen talk show radio hosts are candidates for Congress.

The emergence of "opinion" TV is inevitable and ultimately positive. Political TV is a sign of the maturing of television into a normal rather than exceptional medium. When channels were scarce and therefore influential, balance in reporting was essential. With the emergence of news alternatives, the importance of strict neutrality and the legitimacy of regulating it decline considerably.

Distributional Effects

The multi-channel television system has negative distributional effects. Whereas households used to be able to watch 5 -7 TV broadcast channels free, they now pay easily $25 a month for about 50 cable channels, plus extra for pay-channels and pay-per-view programs.

To keep these effects in perspective, one must remember that such inequality is tolerated in the publication of books and magazines as well as in theater and film. Broadcasting was the main exception, because a fee-system was not practical. In many countries, a monthly TV license fee in effect makes all of television on a "pay" basis. Furthermore, an "equality of scarcity" also included inequities toward viewing audiences that were inadequately served by the small number of existing channels.

Controversy over payments for TV in the United States was less over the principle (excepting "sacred" programs such as the baseball world series) and more over the price. Cable prices rose from 1984 to 1992 about three times faster than inflation. And while the number of channels increased, it was at a slower rate. Cable subscribers paid an average of $4 per month in 1961 but $25 per month in 1991. In response, Congress, in 1992 passed the Cable Television Consumer Protection and Competition Act, setting restrictions on cable television pricing, instituting "must-carry" access by broadcasters (presently before the Supreme Court), and mandating access to cable programs of vertically integrated companies. The significance of the 1992 Act goes beyond the cable issue itself. It was the only veto by President Bush that Congress overrode, indicating public discontent. It was also the first strict regulatory law passed after more than a decade of deregulation.

According to an Office of Technology Assessment report, "changes in the U.S. communications infrastructure are likely to broaden the gap between those who can access communications services and use information strategically and those who cannot. "People most likely to be affected will be the poor, educationally disadvantaged, the technologically isolated and the struggling small business."[11]

For other media, a variety of social mechanisms have been established to strengthen their equity, including public libraries, reduced ticket prices for the young and the aged, subsidized performances and venues, and general income programs for the poor, the elderly, and students. While some similar elements have been instituted in America for video consumption, it is not an area where much attention has been given. Recently, discussions over the Clinton Administrations "National Information Infrastructure" concluded a significant but non-specific emphasis on the problem of the "information have-nots".

Commercialism

In the old limited system of TV, the networks could afford to refuse certain advertisements, for example if their claims were not considered truthful or if the product was controversial. TV showed no persons in underwear or actually drinking alcohol. Advertisements for birth control products were not accepted.

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[11] Congressional Office of Technology Assessment Report, as quoted in Vincent Mosco's "Une Drole de Guerre", *Media Studies Journal: Media Wars*, Spring 1992, p.56.

The advertising of cigarettes on television has been banned by law since 1971, following a period in which cigarette ads triggered the Fairness Doctrine's right to reply by those who opposed smoking. (This was, to simplify considerably, one of the only two applications of the doctrine to commercial speech, the other being a pro-nuclear power commercial). Similarly, by broadcasters refrain from showing, the other being advertising for hard liquor. There is substantial public pressure to restrict remaining ads for beer and wine. The broadcasting industry has responded by working to increase public awareness of the dangers of alcohol abuse, using $1 billion worth of advertising time.

Public health groups have targeted "hidden commercials," as for example when a tobacco company supports a sporting event which is subsequently broadcast, such as *Marlboro* auto racing events, or the *Virginia Slims* tennis tournament.

Children's advertising is regulated as to quality. In the 1970's, after public complaints, the percentage of such advertising declined from about 12 minutes per hour to about 9 minutes. Advertising was mostly for toys, cereals, candies, snacks, and fast foods, and associated the products with fun rather than conveying information on product qualities. The broadcasting industry's self-regulatory code set standards for children's commercials and required their preclearance. The entire self-regulatory code was abandoned in 1982 after an antitrust suit. The only self-regulation left is that of the advertising industry through the Children's advertising Review Unit (CARU) of the National Council of Better Business Bureaus. It reviews the small number of ads which cause complaints, but has no real budget or enforcement powers.[12] A study on stations' selectivity of ads for adults concluded that "the overall rates of rejection and especially requests for claim substantiation tend to run quite low, with some stations never questioning any claims by any advertisers".[13] The networks, on the other hand, require substantiation.

The three broadcast networks still each maintain formal guidelines about the acceptability of particular ads to children, and the broadcast stations make those judgements on a more ad-hoc basis. One study showed significant differences across the various types of channels that deliver advertising to children. In 1990 the networks showed an average of 10:05 minutes per hour, compared to 8 minutes observed in 1983, 1985, and 1987, but lower than in the early 1970's before public pressure forced industry self-regulation of 9.5 minutes. The Children's Television Act of 1990 limits advertising time to 10.5 minutes per hour on weekends, but that seems to be more than industry practice. Broadcast stations were found to have shown about a third more commercial time during children's programs, than cable channels. But cable channels seem less selective in accepting commercials. One new type of product advertised is 900 number telephone recordings for children (e.g., "dial the Easter

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[12] Dale Kunkel and Walter Gantz, "Children's Television Advertising in the Multi channel Environment", *Journal of Communication*, 42(3), Summer 1992.

[13] (Rotfeld, Parsons, Abemethy, & Pavlik, 1990, p. 408)

Bunny").

With the greater availability of channels, advertisement time can be bought not just for minutes, but for long stretches. (At the same time, there are more 15-second ads, partly in order to keep audiences from switching, and adding to clutter). This led to the emergence of "infomercials" of program length. Misleading and deceptive advertising is regulated by the Federal Trade Commission, not usually the FCC. The FTC challenged some infomercials, but there has been no regulatory treatment. The absence of limits on advertising also led to full-time shopping channels on broadcasting and on cable. They often engage in a mixture of advertising and entertainment -- legal, but blurring the lines between information and commercial persuasion, and often without the viewer's knowledge. Critics demanded continuous sponsorship identification. Currently, infomercials need to display sponsorship identification only at the beginning, end, and before any direct purchasing opportunity in the middle of a program. Infomercials have also been increasingly used by political candidates, with the best-known example being Ross Perot's independent Presidential candidacy, which bought hours of prime-time network time. The implications for the democratic process are the subject of a lively debate.

Character and Altruism

In the past, only persons of "good character" could receive a television license. This was left to a subjective evaluation by the FCC. The "good character" was watered down and limited to convictions for felonies and broadcast-related misconduct. (In the '50's, the good character renewal was used to challenge a station owner was alleged to have Communist party affiliations. Thus, the weakening of the requirement has positive aspects, too that it reduces the potential for arbitrary government judgements.) In one case, the non-reporting of an unrelated conviction of the firm led to the loss of one of its TV stations. In 1991, Congress also added a requirement for FCC applicants to certify that they have not been convicted of drug charges. The FCC revoked a South Carolina radio license for a 1987 drug trafficking conviction of the primary owner.

Beyond those formalized mandates of good conduct, can we observe deviations from profit-maximizing behavior for reasons of social responsibility? TV stations and cable operators regularly contribute to charity, good causes, and to community groups, both by direct donations and by providing advertising time and coverage. But such involvement is often based on simple business judgement. A community-based broadcaster needs to build local goodwill and visibility, both for assuring the license from challenge and in order to build audiences. For example, one of the main functions of local weathermen is to attend social service functions as celebrities to draw audiences and create goodwill.

Local broadcasters also provide exceptional service in public emergencies such as floods, earthquakes, etc. Again, this also makes good business sense because audiences want to get information in such situations.

Broadcasters also participate in an Emergency Broadcast System for civil and military emergencies. Following the failure of several TV stations to provide visual displays or open captioning during the 1989 San Francisco earthquake, the FCC sought to improve the system's organization and technology. Apparently, the system had been tested so often that many could not believe that a real emergency was at hand.

TV also provides partial closed captioning of all programming. Congress required that all televised public service announcements that are publicly funded be produced with closed captioning. Since 1976, the FCC has relied upon a policy of voluntary cooperation between programmers and broadcasters to produce such programs. In 1992, 290 hours of closed caption programming on network and independent TV stations were available, an increase from 5 hours in 1991.

The rock music channel MTV engaged in a campaign to encourage voting by young people ("Choose or Lose"). Nickelodeon is about to address 6 - 14 year olds with a campaign "The Big Help" to join volunteer programs. Many stations carry Jerry Lewis' Annual Telethon for muscular dystrophy. They provide time for public service announcements created by the Advertising Council, such as for the United Negro College Fund scholarship campaign, or to "Smokey the Bear", forest fire prevention messages. They warn against drugs. They show bulletins about lost children. In some cases, these messages reflect a top manager's or owner's values. ABC's Leonard Galdenson was committed to help cure cerebral palsy. Cap Cities' Daniel Burke felt very strongly about drugs. But on the whole, broadcasters donated advertising time for public service announcements because it was a factor considered in license renewals.

But one cannot expect corporate managers answerable to shareholders to easily forsake earnings to pursue personal values. Owners can do better, and William Paley, when securely in control of CBS, could dedicate substantial resources to Edward R. Murrow's celebrated -- but money-losing -- news operation. In 1963, NBC dedicated an entire evening of prime time to a documentary on civil rights. Today's corporate leaders are mostly hired managers answerable to stockowners, and under greater competitive pressures than in the past. They are also engaged in downsizing and cost reduction, a situation that does not encourage altruism.

Conclusion

Multichannel television transforms the nature of audiences. Fragmented viewers are less part of a great national community and more members of a subculture. Mass audiences are less aggregated within the spatial dimensions of the nation-state, and more along the dimensions of common interest and taste. Except for unusual events, the electronic hearth around which the entire country congregated nightly is no more. But such communal experience of continuous information-sharing clashed with a more individualistic media past and a more information-rich future. It was a system based on scarcity of content production and scarcity of conduits. As these conditions change, the structure of television evolves. It contains some that is good, much that is bad, and most that is casual. Television becomes an everyday event, and devoid of its status as the national social and political integrator -- the national electronic hearth -- that leads to anxieties over its control. Where numerous channels exist, offered by numerous providers, no single channel has much power.

Such television, judging from the American experience with a lightly regulated multi-channel system, will perform quite well in program diversity. Some content categories, however, including quality children's programs, would still have to be offered and funded by alternative mechanisms such as public TV or other channel and production subsidy plans. News and public affairs are likely to be plentiful. Offensive violence and sex can be controlled through a viewer-controlled and market-provided blocking system. TV ownership will be less concentrated than oligopolistic industry structure. On the other hand, station localism and minority ownership seem to give way to a nationally based media structure.

Even in a multichannel environment, the access of independent or competing voices will not be easy. Some regulated access will therefore exist where no comparably convenient alternative distribution pipes exist or where extensive interconnection across networks takes place. Similarly, the problem of affordability of TV for some income groups may lead to a "universal service" model.

Thus, a market based multi-channel TV system, even when operating on the profit motive, will resemble the print media in performance in terms of social responsibility -- both in its positivie and negative aspects.