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"PUBLIC ACCESS TV IS A RED HERRING..."

An interview with SIDNEY DEAN by Martin Cohen

"THE MORE people believe that the vital CATV issue is to secure a free electronic soapbox the easier it will be for cable operators to mold their systems into restricted monopolies. The public access debate is a diversion from the real issue of the general right of public access. It is a bone to the loudest barking dogs—the aggrieved

(counter-culture)
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minorities, youth and community TV producers." The speaker is Sidney W. Dean Jr., a media specialist and former officer of each of the two largest U.S. advertising agencies, J. Walter Thompson and Interpublic/McCann Erickson. As chairman of the Cable TV subcommittee of the American Civil Liberties Union, he has given testimony and acted as a consultant on cable

development to educational institutions and community groups.

Dean's fear is that CATV, like broadcast TV, is on the way to becoming a super-monster that will monopolize contents and access. In the following interview, he explains his reasons:

Q.: What bothers you about public access channels?

DEAN: Simply this. When community activists and cable operators hail the granting of a couple of no-charge access channels, they are drawing a red herring across the real issue.

Q.: And what do you think is the real issue?

DEAN: These new cable transmission systems are inescapable monopolies and therefore must be available to everyone like the telephone, telegraph, postal, highway and rail systems. All other systems for the distribution of information, people and goods which are inherent monopolies are regulated as "common carriers." A common carrier would have to carry anyone's program or service on a first-come, first-served basis at fair terms. On reasonable notice, it must add capacity and facilities to take care of all demands. The carrier operators can't engage in the program and service business themselves, which would be unfair competition.

In fact, the Supreme Court found in 1968 that even the telephone companies had no right to control the receiving and sending apparatus used at a subscriber's terminal. You can now attach any instrument, printer or computer you wish, as long as you take precautions to avoid damage to the carrier system.

Q.: Why do you think the issue is so important?

DEAN: The writers of our Constitution realized that the American Revolution might not have happened, nor could democracy survive, without what were then called "Committees of Correspondence," or channels for people to communicate. So they wrote into the Constitution that Congress should provide post offices and post roads. And then, the original states insisted in the First Amendment that the Congress not be allowed to abridge speech and the press, the only communication media then known.

Since 1791 there has been one communications hardware invention after another. And each one has affected free and open communications. For example, the telegraph business started with a \$100,000 Federal grant and eventually went into newspaper wire service, commodity trading and was even able to control many railroads before the public and business understood that you can't let a carrier control content or the carrier will go into the content business and exploit or monopolize it the way television networks have monopolized programming.

Q.: What makes you think cable TV won't *evolve* into a common carrier?

DEAN: Let me preface my answer by reminding you that cable has a fantastic future. The amount of education, entertainment, computer data and so forth that is clamoring for cheap rapid transmission is just tremendous.

The income from the marketing of information on cable, based on available technology, could range as

high as \$100 billion annually. This compares with the present \$4 billion annual income of television broadcasting. So you see what the stakes are.

Now to get to your question. The problem is that the public is now thinking of cable only as a television program distributor, and so we accept the mental image that the broadcast industry has established. Broadcasting, of course, is not open to the public. Network and station controls now extend over talent, films, records, sports, hardware, as well as every variety of program. It's just one beautiful conglomerated monopoly which has suppressed practically all competition in what many believe to be the "survival essential" of our kind of society—the unrestricted circulation of information, news and ideas.

The history of the broadcasting industry is a shocking case history of how not to develop cable. About 1930, when radio broadcasters understood that what they were selling to advertisers was not programming but audience, they closed ranks with the greatest success to exclude access to the electronic media to others who might fractionalize their audience.

FM broadcasting was held up for 15 years. Pay TV was blocked for 20 years. Public and educational radio and TV were obstructed so successfully that there's only one municipal station left in the United States and public TV is still starving. To further defend their audiences, broadcasters helped to set such low standards for UHF transmitters and receivers that only a fraction of their capabilities can be used. If TV broadcasting had been structured as a common carrier, most areas would now have a choice of 30 television stations instead of a half-dozen.

Now the public doesn't know about the backstage manipulations of broadcasters but the public has been brainwashed into accepting one major false assumption that has led to audience monopolies. This is the assumption that a radio or television transmitting station is the equivalent of a newspaper and therefore is entitled to control content when, in fact, a transmitting station is a distribution system like telephone or telegraph lines.

If the public's misconceptions of broadcast electronic communications are carried over to cable television, the consequences will be irreparable. It will mean that both of the powerful electronic distribution systems, air and cable, will be carrier-controlled monopolies. Independent producers and distributors of the incredible range of sight, sound (print, data, voice, etc.) services will be locked out and the public will have no real freedom of choice or self-expression.

Q.: Aren't most of the cable companies only in the business of relaying broadcast programs?

DEAN: There are still a couple of thousand Pappa and Mamma dingalings who own cable franchises. And there are hundreds of operators who only know how to get a local franchise and turn around and sell it at a hefty capital gain. However, the truly giant conglomerates are now moving in: TelePrompTer (Howard Hughes), Warner Communications (Kinney), Time Inc., Cox, etc. TelePrompTer, now the largest system, has bought up

Muzak, Holmes Protective Service and some film companies. Obviously, they intend to own and control content. Time Inc. is hardly likely to give a warm welcome to competitive distributors of magazines, films and books.

Q.: Now, you say the alternative to carrier-controlled monopoly is common carrier regulation. Are you talking about a specific legal and regulatory status?

DEAN: Yes, exactly the same status which applies to the telegraph and telephone carrier systems, so that anyone can use or lease the use of cable and also anyone can develop terminal apparatus for whatever type of program or content they wish to send or receive. This doesn't mean public utility regulation, although the fairness of rates both to subscribers and content suppliers would be regulated by state and municipal authorities. And, by the way, I think everyone should pay.

Why should New York City have free cable use when the city pays for its electricity, gas, oil and telephone service? And I believe citizens should also pay for the use of public access channels at rates related to costs. This might come to about \$100 an hour to reach 100,000 subscribers and that's hardly prohibitive.

You can't expect cable companies to be happy about giving free channels to the city and the public. And if the demand for this no-charge time should exceed the supply, they will have to grant more channels and more services.

Q.: Do you believe cable companies are dragging their feet in promoting public access channels?

DEAN: I think that's obvious. Cable operators realize what every commercial broadcaster knows. Without

intensive promotion and publicity, unknown programs will have negligible audiences. Also, unless the public access channel is continuously-programmed, like a regular television station, random tuners will draw blanks often enough to give up trying.

To become effective, public access programming has to be carried in newspaper program listings and on cable "directory" channels. However, in New York City none of this essential promotion is provided by the two cable companies.

Q.: Where does the Federal Communications Commission stand on public access television?

DEAN: The FCC has demonstrated its classical pattern of compromise. It has ruled that franchises should provide three no-charge channels for government, school and soapbox uses. It then placates the cable operators by setting a maximum franchise fee of three per cent. Now why shouldn't the fee be whatever is necessary to provide competent supervision and whatever is needed to provide essential public information services? Incidentally, I think this ruling of the FCC can be challenged because I agree with those who don't believe that the FCC has the authority to regulate anything but the relay of broadcast TV on cable.

Q.: How about local regulations?

DEAN: The municipalities have regulatory clout since cable companies will be using the city's streets, but the sovereign authority is finally the state governments. Six states have already taken over cable supervision. Three states, New Jersey, New York and Wisconsin, have temporarily frozen franchising because they are so alarmed by municipal incompetence and disclosures of corruption in the awarding of municipal franchises.

One of the two cable bills pending in the New York State legislature contains the requirement that all cable systems with 50,000 or more subscribers be regulated as common carriers.

Q.: How do you see the future of cable as a common carrier?

DEAN: As a common carrier, the cable systems will have one and only one source of revenue and profits: leasing their capacity and facilities to the greatest possible number of people for the widest variety of services. Their incentives will therefore parallel the public interest in developing new carrier services, keeping their facilities abreast of the latest advances and reaching every home, business, institution and government agency. And this is all in the interest of the profit motive as well as in the inventiveness and energy of people in the communications arts.

If cable operators are separated from control of content and terminal apparatus, so that any and all producers can develop their own markets and audiences, I think we'll have an advance in technology, education and the arts beyond anyone's dream. For the first time in history, anyone, people with information as well as creative people, will be able to sell their services and art directly to millions of people. What we need to do now is make the public and their elected representatives aware that they shouldn't accept less than a wholly unrestricted system. ■

AIR WAVE OF THE FUTURE

Commercial and public access TV accounts for only a fraction of CATV's future use. Experts figure that cable systems will enable newspapers to be printed electronically in the home and will permit cable subscribers to monitor fire and burglar alarms, buy groceries, deposit and withdraw money, attend school, vote and receive computer information—all without moving away from the TV set.

None of this is science fiction; the technology is already here and in limited operation. A two-way television system, after having been tried out experimentally in Manhattan, will soon be placed in subscribers' homes in South Orange, N.J. Furthermore, in Olean, N.Y., through a series of strategically placed cameras connected to cable, 75 per cent of the downtown area is being monitored by one officer at police headquarters. The system functions both as a crime-detection service and a method to oversee traffic. The cost is about \$6,500 a year, less than the wages of one patrolman.