

P U B L I C H E A R I N G

before

COMMISSION ON TELEVISION COVERAGE OF NEW JERSEY
[Created by Senate Resolution No. 35]

Held:
March 17, 1975
Bergen County Administration Bldg.
Hackensack, New Jersey

MEMBERS OF COMMISSION PRESENT:

Senator John M. Skevin, Chairman

Senator Joseph A. Maressa, Vice Chairman

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MEMBERS OF THE
COMMISSION ON TELEVISION COVERAGE OF NEW JERSEY

Senator John M. Skevin, Chairman

Senator Joseph A. Maressa, Vice Chairman

Senator James H. Wallwork

Senator Anthony Imperiale

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SENATE RESOLUTION No. 35

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 25, 1974

By Senators SKEVIN and MARESSA

(Without Reference)

A RESOLUTION creating a commission to conduct an inquiry into the adequacy of television coverage of New Jersey news and events by New York and Philadelphia television stations.

1 WHEREAS, No commercial television station is located within New
2 Jersey, and the citizens of the State are dependent upon New
3 York and Philadelphia television stations for most of their
4 television viewing;

5 WHEREAS, A primary criterion employed by the Federal Com-
6 munication Commission in licensing and regulating television
7 stations is service to the local viewing community, and North and
8 South Jersey constitute a sizable portion of the area served by
9 New York and Philadelphia television stations;

10 WHEREAS, Despite their local service obligation and the importance
11 of New Jersey viewing audiences to the New York and Phila-
12 delphia stations, these stations continually discriminate against
13 New Jersey by providing poor and inadequate coverage of New
14 Jersey news and events;

15 WHEREAS, The recent election night coverage by the New York and
16 Philadelphia stations which dwelt almost exclusively with the
17 New Jersey Congressional races and the casino gambling ques-
18 tion is a good example of the pattern of poor coverage provided
19 by these stations; now, therefore

1 BE IT RESOLVED *by the Senate of the State of New Jersey:*

1 1. There is hereby created a commission to conduct an inquiry
2 into the adequacy of television coverage of New Jersey news and
3 events by New York and Philadelphia television stations. The
4 commission shall consist of four members of the Senate to be
5 appointed by the President of the Senate. The members shall serve
6 without compensation. Vacancies in the membership of the com-
7 mission shall be filled in the same manner as the original appoint-
8 ments were made.

1 2. The commission shall organize as soon as may be after the
2 appointment of its members and shall choose a chairman and a vice-
3 chairman who shall be members of the commission and a secretary
4 who need not be a member of the commission.

1 3. It shall be the duty of the commission to conduct an inquiry
2 into the adequacy of television coverage of New Jersey news and
3 events by New York and Philadelphia television stations, and to
4 explore ways of improving such coverage, including but not limited
5 to, voluntary arrangements with the stations involved, intervention
6 in license renewal proceedings before the Federal Communications
7 Commission, and the location of commercial television stations in
8 North and South Jersey.

1 4. The commission shall be entitled to call to its assistance and
2 avail itself of the services of employees of any State, county, or
3 municipal department, board, bureau, commission or agency as it
4 may require and as may be available to it for said purpose, and to
5 employ such stenographic and clerical assistants and incur such
6 traveling and other miscellaneous expenses as it may deem
7 necessary in order to perform its duties, and as may be within the
8 limits of funds appropriated or otherwise made available to it for
9 said purposes.

1 5. For the purpose of carrying out the terms of this resolution,
2 the commission shall have all the powers provided for under
3 chapter 13 of Title 52 of the Revised Statutes.

1 6. The commission may meet and hold hearings at such place
2 or places as it shall designate during the sessions or recesses of
3 the Legislature and shall report its findings, conclusions, and
4 recommendations to the Senate, accompanying the same with any
5 legislative bills which it may desire to recommend for adoption.

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SENATOR JOHN M. SKEVIN, (Chairman): Good Morning. This public hearing of the New Jersey Senate Commission on the Adequacy of Television Coverage of New Jersey will come to order.

I am John M. Skevin, Chairman of the Commission. Senator Joseph A. Maressa, on my left, is Vice-Chairman.

Also present is Senator Bateman, from Somerset County, who, because of his relationship with the Coalition For Fair Broadcasting, will not appear as a member of the Commission. Senator Bateman will be replaced by Senator Wallwork of Essex County.

Senator Imperiale is unable to attend today's meeting.

We will follow the usual procedure for legislative hearings. If a witness has a prepared statement, please make copies available to the members of the Commission and the Court Reporter when you are called forward. In view of the lengthy schedule, it would be appreciated if participants would summarize their prepared remarks in order to allow some time for questions. The full statement will, of course, appear in the hearing record.

Persons who wish to speak and who have not yet registered with the Commission's staff should please see Steve Frakt. Steve is over on my left. We will try our best to accommodate everyone, although our time is already booked up through late this afternoon. This Commission will hold another hearing, however, on March 31 in Atlantic City.

We would also be pleased to accept any statements you may wish to submit for the record, even if you do not actually take the witness chair.

As Chairman of this Commission, I believe it is fitting that I make a few introductory remarks. However, I do think what we say after these hearings have been completed will be much more important. Right now, the

best we can do is express opinions. Later, I would hope we can form some conclusions based upon firm facts.

My opinion at this moment is that television stations in New York City have not been devoting ample time to the coverage of New Jersey affairs. Now let me emphasize that I am not talking about such matters as crime and corruption. I'm convinced that the New York City Stations have done an admirable job in helping to establish our State's reputation in this regard. What I am talking about is news which will help our citizens reach intelligent decisions on the many great issues now facing our State - legislative news out of Trenton, for example.

As I concede, I am at this state expressing my own opinion, and I do not want to prejudge these hearings. It might well be that the stations can present some data which will prove that what I've been watching is really an optical illusion; that New Jersey has indeed been receiving ample time and that for some reason or other - while I am an avid news-hound, as are most public officials - it always comes on just when I've left the room.

Accordingly, in the hope of adding a little more than opinion to these opening remarks, to sort of set a backdrop against which the testimony to come may be viewed, I recently had several of my aides conduct something of an off-the-cuff telephone survey. I admit this survey can probably be picked apart from the standpoint of professional methods, but what we did was simply phone people here in Bergen County and ask a few questions. All I can do is tell you what they said, and for openers we found that slightly more than 90% correctly came up with the name "Beame" when asked for the name of the Mayor of New York and just a shade over 50% could tell us the name of the Mayor of their own hometown.

I am not suggesting for a moment that it is the responsibility of New York Television to inform New Jersey residents of their Mayors' names, but I do think there is a point here somewhere.

But let's get into this just a little deeper.

We found out, according to our figures - and, incidentally, we surveyed approximately 100 people - only 34% knew the names of either of their U. S. Senators and only 22% knew both. Only about 22%, less than one in four, could come up with the name of their Congressman.

As I said, I am not offering this as expert testimony, simply as an indication of the things I think concern so many of us. At a time when our State faces such grave problems, when it must consider new means of school financing, when some of its programs must be curtailed for lack of funds, it is something of a commentary on TV's role in our life when nearly 100% of the people know Archie Burker is and probably 80% "attended" Rhoda's wedding, while only 1% could give us the name of any Assemblyman in Trenton.

Next year, this nation will be celebrating its Bicentennial, and anyone who is a student of history knows - for the most part - New Jersey served as something of a "No Man's Land" throughout the Revolution - a corridor colony with New York City at one end and Philadelphia at the other, and between these two thriving metropolises troops marched back and forth as the tides of that struggle changed.

Unfortunately, New Jersey has always remained something of a "No Man's Land" - stranded between these two great cities. And today, while more than seven million citizens live here, we do not have a commercial TV Station of our own.

But these stations which do send a signal into this area - those stations which I am sure have statistics concerning the purchasing power of New Jersey at their fingertips, do have a responsibility to provide proper coverage of this area as part of their commitment to public service. And this is the real subject of these hearings. Are those stations fulfilling that commitment; are they meeting their responsibility. If not, I believe this Commission will want definite assurances that it will be met in the future, and I do not think it is beyond the authority of this Commission to actually challenge the license of such stations which appear to be incapable of meeting this responsibility.

And let me conclude by reiterating what I have said ever since the formation of this Commission - we are not here hunting headlines for ourselves; what we are here for is to try to achieve better news coverage for our constituents; we are not here to attempt in any way to influence the news media's editorial opinions; we are simply asking them to provide the facts on which New Jersey residents can form opinions of their own.

We will now proceed.

I am pleased to call on the Honorable William T. Cahill, former Governor of New Jersey.

W I L L I A M T. C A H I L L: Mr. Chairman and Senator Maressa, I have been pleased to accept your invitation to speak briefly before this Commission with the hope that by my brief testimony I can contribute to the objectives of this Legislative Commission and to hopefully help the continuing action by the New Jersey Coalition for Fair Broadcasting, the New Jersey Legislature and the present Governor of New Jersey in their efforts bring about better TV coverage for the people of New Jersey.

Rather than make a long statement, I would be very pleased to submit to any questions that the Committee may have based upon the four years' experience I had with New York and Philadelphia and New Jersey television during my tenure as Governor.

I think I might, if you have the time, just make a few observations as to some of the things I did observe as Governor.

First of all, one of the greatest difficulties that a Governor has and, I suspect, leaders of the Legislature have is communicating with the people of New Jersey. Of course, historically and traditionally, New Jersey has always been in the shadows of New York and Philadelphia for many, many reasons. But I find that New Jersey really is basically two states - it's South Jersey, that's south of Trenton, and it's North Jersey which is that north of Trenton. And while television has not caused that, I think that the existence of Philadelphia and New York television has compounded that problem. So today the people in the southern part of the State are not able to get, generally speaking, what is on New York news and, likewise, the people in the northern part of the State are not likely to get what is on South Jersey news. So you have a division in the State.

I think also we must all realize that television that we're talking about is private enterprise and, like all other private enterprise, the profit motive is compelling. And I had to realize that in spite of the many, many efforts that we exerted to try to influence TV stations to give us more coverage in Trenton, particularly for some of the good things about our State and some of the good things we thought were happening in Trenton, both in the Legislature and in

the Executive Branch of the Government, we found that it was too costly for the TV stations to be sending a crew, every time we thought they ought to be covering us, to Trenton. And I think one of the great shortcomings of both New York and Philadelphia TV is that they do not have a studio centrally located in the State of New Jersey and they do not have permanent crews in the State of New Jersey.

Now again, this is private enterprise and I neither want to suggest nor recommend that we make any effort to direct or control or even to suggest to these knowledgeable people how to run their business. But it always seemed to me that since we had major advertisers in New Jersey, like Prudential Insurance Company, that advertise nationally, and since the great number of the listeners are New Jersey citizens it would seem to me that at least one of those New York and Philadelphia stations, even if on a pool basis, ought to maintain some facilities and some crew within the State of New Jersey so that we would be able to obtain their services when and if some newsworthy event occurred.

I find that the lack of facilities in New Jersey makes it very difficult for the Governor of the State to communicate with the people through television. I'm sure Governor Hughes and Governor Meyner and now Governor Byrne would confirm that in our day we had to travel to Philadelphia and travel to New York if we wanted to do any kind of a television show. Rarely did the TV stations take advantage of Channel 52's facilities, for example, and come to New Jersey and let the Governor or the leaders of the Legislature engage in a talk show with a commentator in our State. So many times I would have to take an entire evening and go to Philadelphia and cut a tape and then find that the show would almost invariably be on some Sunday morning when very few people were in the mood to be looking

at TV and, if they were, certainly not to some political program.

Rarely were we able to get any prime time and most of the time it was either on a Saturday or a Sunday when the show was broadcast.

One of the disturbing factors to me too was that through no fault of their own - and I emphasize that - the news broadcasters were all New York or Philadelphia oriented. And because they were not within our State, as the working press is every day, and familiar with all of the issues of the State of New Jersey, they really didn't understand New Jersey and they didn't understand the problem, and you found yourself really not answering pertinent questions but more or less explaining to the newscaster where perhaps he was in error in his views on a certain subject. And I really believe it would be to the advantage of the State and certainly to the TV stations themselves if they did provide some pool facility within the State and had some knowledgeable working press associated with the station who not only lived in New Jersey but worked in New Jersey who were aware, as the press correspondents are in Trenton, of the workings of state government and how it works and all of the intricacies of the government.

Well, I could go on and talk about a lot of things but I think perhaps one of the best examples is right here in Hackensack and that, of course, is the proposed sports facility here in Hackensack. And it became acutely clear to me during the presentation of that program to the State of New Jersey that we were not being helped by either New York or Philadelphia stations; and it became perfectly clear to me that the ideal situation for our State, if possible, is to have its own TV station.

We made, during four years, a concerted effort to improve it and I really would have to pay tribute to the

TV stations in both New York and Philadelphia and say I think there was an improvement. I think to a large degree we did get better coverage than we had been getting. And I am sure today under Governor Byrne we are getting perhaps even better coverage than we got while I was Governor. While I don't think it's enough, I certainly believe the efforts put forth by this Commission and by all of the interested citizens of New Jersey will eventually have the desired effect.

I have been disturbed as a citizen and as a parent, as I guess most people are, by the quality of television programming but again I guess it is neither desirable and certainly not possible constitutionally for public officials to do anything about that. I think we have to encourage our own citizens, really, to want different kinds of programs. I think we have to encourage our citizens to demand more coverage for their State. And I think what you're doing, if nothing else, is an educational process that hopefully the news media, not only television but the press, will pick up and suggest to the citizens of this State that they can, if they insist upon it, get better TV coverage and even better news coverage of the things that are going on in Trenton and throughout the State of New Jersey.

I will be pleased to respond to questions but before doing so I would like to say that my considered opinion, for what it's worth, is that obviously the most desirable objective is to get our own TV station in the State of New Jersey. I could never quite understand why we permitted Channel 13 to leave the State of New Jersey. And I believe that there ought to be some way of encouraging federal change in federal law and federal regulations to give New Jersey - which I understand is perhaps one of two remaining states in the nation that does not have this kind of TV -- and when you consider that

we're the 8th largest state in the United States, by way of population and that we're in the absolute center really of the commercial business center of the nation, it does seem to me that perhaps some exception could be made or should be made on the part of federal authorities.

If that's not achievable at this time then it seems to me that having facilities and personnel in the State of New Jersey might be helpful. And then I would hope that there could be in the days ahead on the part of the networks perhaps to use the public broadcasting facilities that we already have and that we made every effort to expand during the four years that I was in the Governor's Office. We do have studios and we do have facilities and I am sure, under the leadership of Governor Byrne and this Commission, there could be some cooperative effort with Channel 52 and the Public Broadcasting System of New Jersey to work with the networks.

I think we all recognize that advertising is essential to TV because it's private enterprise and that the more advertising we have on news programs, the less time we have for news, and that this continuing effort on the part of advertisers to use TV minimizes the amount of time available for worthwhile news that we would hope we could channel to the people of the State of New Jersey.

I know that all men who seek public office on a statewide basis are deeply concerned because they cannot get the coverage that they think is necessary, and I agree it is necessary, for them to conduct an effective campaign, and, number two, they can't afford it. The cost of using New York television and Philadelphia television for a New Jersey officeseeker on a statewide basis is really prohibitive. And, of course, the money is being spent, in many cases, not wisely because a large percentage

of those to whom you are beaming your message are not voters in the State of New Jersey.

But I think that there has been an improvement and I would hope that under the leadership of this Commission and the present Governor that there would be continued improvement because our State needs some unification. We don't have, regrettably a statewide newspaper. As Senator Maressa will confirm, the things that happen in North Jersey really are not published in South Jersey, and vice versa, unless it's some statewide story and there is no single newspaper that a person can pick up anywhere in the State and get complete coverage of what happens in other parts of the State.

So your Commission is doing a good job, in my opinion, and if there is anything that I can do in the days ahead to be helpful, I want to do it.

Thank you, Mr. Chairman, and if there are any questions that either you or Senator Maressa have, I will be pleased to respond.

SENATOR SKEVIN: Senator Maressa?

SENATOR MARESSA: Just one, Governor. Your remarks were very comprehensive and all-inclusive. There were a number of questions I was going to ask but you have already answered them.

Is there any particular program that you may have initiated during your tenure that is not now being actively promoted that you would like to see continued? Is there anything at all that this Administration is not doing that you may have commenced? I am not aware of anything but if there is, personally, I would like to see it continued.

GOVERNOR CAHILL: No, I have no criticism of anything that this Administration is doing or not doing. I think a better utilization of our Public Broadcasting

System was something I tried to bring about. Again, you are always concerned, as you know, as a Governor, of trying to get the people in charge of broadcasting to do things you want them to do because you're concerned that this will be interpreted as an effort on your part to make news or to mold the thinking of those that are running the Station.

I tried, for example, to get them - and I think we succeeded in getting them - to give more sport coverage. You know, it seems a tragedy to me, with Princeton University and Rutgers University now playing in national tournaments, that our Public Broadcasting would not be covering it and letting the people of New Jersey see it live.

I would hope that they would make interviews with the Governor and key Legislators available on tape to some of the New York and Philadelphia TV stations. This is not by way of criticism of what is now being done, these are things that we tried to get done and to some extent I think we succeeded and perhaps in many we failed. But I think there are many ways that the facilities of Public Broadcasting - we have implemented I think four channels now; we have the State covered; the problem is getting the people to look at it. And there ought to be some way found to encourage "listenership" to our Public Broadcasting and in some way to get a cooperative effort between our networks and our Public Broadcasting so that they can use our facilities and perhaps tape the Governor and important statements and get that to New York and Philadelphia.

But I think the key to the matter is that they have to recognize that New Jersey is a very valuable and important market and they ought to make the financial commitment to New Jersey to have some facilities and some personnel on a

permanent basis in the State of New Jersey.

SENATOR MARESSA: One other question, Governor.

Can you say whether or not our Congressional delegates today or during your administration are doing what they should be doing? Could they be more helpful? Isn't it the federal area where this is going to be licked really?

GOVERNOR CAHILL: Yes. And I don't think I can comment on that except to say that I think there is always more that can be done. I am sure that each of them individually and all of them collectively are doing the very best they can to be helpful. But, you know, priorities are priorities and I think, until the people of this State are themselves demanding action it won't be forthcoming. And again, of course, it's not up to the Congressional groups from New Jersey alone. I am sure that they are doing the very best that they can but I think efforts like this and publicizing the lack of coverage and bringing to the attention of the people the need for it can be very, very helpful.

SENATOR MARESSA: Thank you.

SENATOR SKEVIN: Governor, in terms of Senator Maressa's question - he mentioned programs that were not completed or programs that you were interested in - I would appreciate very much your comments with respect to the effect of or lack of TV coverage on certain programs in your administration and in particular the problem that we're involved in today, tax reform and school financing, and your comment in terms of the effect of the lack of TV coverage on a statewide basis on that particular program.

GOVERNOR CAHILL: Well, let me preface my remarks, Mr. Chairman, by the observation, you know, that what I thought was important didn't always coincide with what

the TV producers and programmers thought was important, and perhaps I was selfish in what I thought. But I thought there were many areas of accomplishment in New Jersey that were not really projected. I think one of our great efforts in the field of medicine, what we did as far as the medical school was concerned and the improvements that were made in our educational departments; I think our efforts in the sports field - all of these I think were kind of maybe not played down but they weren't given the coverage that I thought they should have had.

As you probably know, one of the reasons why we fought so hard for the sports facility was not just for football per se but to give New Jersey an identity.

You know, if you read the history of our State you will observe, as I have, that one of our great problems is always identity. We're in the shadows of these two great metropolitan areas, we're in the shadows of major big-city newspapers and major big-city television, and we're kind of, you know, the lost cousins. And each Governor, I'm sure, and each Senator and each Assemblyman could probably point out programs that they felt, individually, should receive more coverage. I recognize that TV programmers and editorial writers and newspaper publishers can't always do what a Governor or a Legislator wants done, and the only thing I ever asked for was balance - you know, whatever is bad about New Jersey, certainly publish it and tell the people about it, but at the same time whatever is good about it, tell the people about it.

We did a study of this during the past year at Princeton University during a class that I had and I think it was the consensus of the students of that class that in many ways the image of New Jersey has been very, very badly damaged by the lack of a balanced presentation

of not only the bad but the good about us. And some of the great things about our State just are not known to people outside of our State.

Well, this continuing effort on your part and on the part of the Legislature and on the part of the Governor I think has a good effect.

SENATOR SKEVIN: Thank you very much.

GOVERNOR CAHILL: Thank you.

SENATOR SKEVIN: Assemblyman Gordon A. MacInnes
G O R D O N A . M a c I N N E S: Thank you, Senator Skevin and Senator Maressa.

I appear here today not only as a member of the General Assembly who is concerned about the problem of television coverage of New Jersey, but also as the person who organized and acted as the first Director of the New Jersey Coalition for Fair Broadcasting. Therefore, my comments are offered from these two perspectives. Also, I am here to introduce to you the present Legal Counsel and Coordinator for the Coalition.

I don't want to spend this time going into the gory details on the effects of New Jersey not having available to it the same kind of television service that every other state, save Delaware, has available to it; rather I would like to spend these brief minutes offering some specific suggestions to the Commission in the hopes that down the road we can see improved and permanently improved coverage for this State.

First, I think there is an immediate opportunity for this Commission in light of the April 14th deadline which has been established by the Federal Communications Commission for comments on rule-making which they are looking into in response to the Coalition's petition. And I would hope that the Senate would speak with one voice

before the Commission and that there would be a unanimous expression of support for the proposals put forth by the Coalition. And this will involve some education of your colleagues in the Senate as to what those hearings mean, what the petition involves, but I would urge you to seize an early opportunity and have the Senate on record before the Federal Communications Commission in support of their rule-making process.

Second, I would hope that the Commission could inform its colleagues in the Senate and the general public about the problems which are confronted when a state takes on a problem as large as television coverage. I think it's essential that New Jersey be represented officially and publicly by its Attorney General. He is the Cabinet Officer responsible for representing the public interest, and I think on this question there is an identifiable public interest. And he should have the resources to speak with authority for the State. And that will mean that he should have available to him special counsel, expert in communications law, and also be able to reach out for engineering consultants and other people who can provide the technical advice required in this area. That will be expensive and probably will have to await our taking care of the budget problems that this State faces, but I would hope that it would be something that would be done so that New Jersey can speak in the detailed and with the technical expertise that's required.

Third, I would like to echo what Governor Cahill said. And I think the Commission can help by studying in some detail the problems of creating a studio facility for use by all New York and Philadelphia television stations. It's possible that it could be worked out with the facilities that are already in being at the Public

Broadcasting studio in Trenton.

We have done some preliminary work, that is the Coalition has done some preliminary work, as have some of the New York stations, on the labor problems that this would present, on some of the technical problems that would be presented, and also on some of the anti-trust implications. So it's not a simple question, it's not a simple problem to work out. I think the Commission could be very helpful in identifying some of those problems and maybe doing some work on them.

Fourth, and again echoing what Governor Cahill said, I think the Commission can serve immediately a very useful purpose in informing the public about this problem. I don't think that most people are aware that television stations operate with licenses that are granted by the public and that they have public responsibilities to the areas they serve. And this includes providing adequate public affairs programming and providing adequate news coverage. And I would hope that the public at large would become better informed about the nature of this problem.

I think that the Coalition's efforts over the last three years have resulted in concrete improvement in the way that New Jersey is covered, but I think there is a limit to how far we can go with this approach. This relies on some expensive procedures, such as monitoring so we are certain the information we use is accurate, and that's expensive to do. It also relies on the continued effort of dozens and dozens of individuals and organizations in New Jersey. And I don't know of another problem where you can get the unanimity of opinion as you can on this problem. You have the AFL-CIO and the Chamber of Commerce; you have all of the religious faiths unified

on this question; you have universities in competition with one another unified on this question; you have citizen organizations, such as the League of Women Voters; you have just about every kind and type of opinion represented in New Jersey. And I don't know of another issue - certainly the income tax isn't one, but I don't know of another issue where you can find this kind of unanimity. But, as I said, I think there is a limit as to how far a group effort of this kind can go and I think we're reaching that limit. It relies on continued monitoring, continued pressure, continued negotiations, continued meetings with the stations. And the problem is really one created by the Federal Communications Commission; it's one that has to be solved there. That's why I think the priorities should be given soon to the proceedings which are now taking place before the FCC.

If you have no questions for me, I will go ahead and introduce the Coalition. It's your choice.

SENATOR MARESSA: I have a question, Assemblyman.

You are suggesting to us now, as I understand, - of course you have the technical expertise being part of the Coalition, and I want to congratulate you for being one of the founders who organized it - you would say that we should adopt a Senate resolution.

ASSEMBLYMAN MAC INNES: At least.

SENATOR MARESSA: And get that off to Mr. Mullins or whoever it is.

ASSEMBLYMAN MAC INNES: Right.

SENATOR MARESSA: And we should perhaps inveigle somehow the Administration to have the AG's Office with special counsel representing us at the public hearings. What could we do prior? We haven't as yet been guaranteed that there will be a public hearing.

ASSEMBLYMAN MAC INNES: No, that's right. But

there can be filing of written comments. And I know that Governor Byrne is very interested in this, not as a member of the Coalition but in cooperation with the Coalition. I know that he's been exploring the possibility of retaining Washington Counsel for this. It just turns out to be an expensive proposition because the price tag for these specialized lawyers is really quite high. And you know the budget problems as well as I do. But I do think that if we're going to have the State of New Jersey speaking for its citizens on this problem, which I think has to be a very high priority, then it will require having available to the Attorney General, to the Governor, the specialized expertise which is required.

SENATOR MARESSA: This is not, as far as you know, being done.

ASSEMBLYMAN MAC INNES: I know explorations have taken place. I don't think they have been able to find the funds to finance it.

SENATOR MARESSA: Those are the things that really are the main thrust of what in your opinion we should be doing.

ASSEMBLYMAN MAC INNES: That's on the short run. I think there are some other things such as the possibility of a shared facility in Trenton which, if the Commission stays in existence, it could begin to pay some attention to the labor problems, for example. And maybe it can be worked out so that the Public Broadcasting studio could be used and used on a regular basis. But there are problems there with their programming schedule and that kind of thing. I know there are problems with some of the labor contracts that the New York stations have in terms of use of film and how far out you have to go before you can use film that wasn't done by in-house crews. The three network stations, for example deal with three different unions and

they have three different contracts. So those kinds of things have to be looked at, they have to be analyzed before you can have a solution.

SENATOR MARESSA: Thank you.

SENATOR SKEVIN: On your suggestion to have a Senate resolution, would you think it would be more effective to have a joint resolution with the Assembly concurring?

ASSEMBLYMAN MAC INNES: Yes. Let me just say that Tom Kean and I - Tom is Co-Chairman of the Coalition, along with Senator Bateman and Senator Williams and Mayor Gibson -- he and I have discussed the possibility of going beyond a resolution to having really sort of a letter or memorandum filed by the Assembly and signed by the members of the Assembly, and to have it go beyond so that every member has at least looked at a concise statement of the problem that's being considered by the FCC and had an opportunity to read about the various approaches which are being suggested by the Coalition and indicating their support for this rulemaking process. So I think that on the Assembly side we're going to try to take it beyond the resolution and have it in the form of a letter or memorandum signed by the members.

SENATOR SKEVIN: Thank you.

SENATOR MARESSA: May I just ask, Assemblyman, could you prepare a copy of that and submit it to us?

ASSEMBLYMAN MAC INNES: I will be happy to.

SENATOR MARESSA: - what form that letter is going to be and perhaps we could duplicate it in the Senate.

ASSEMBLYMAN MAC INNES: I will be happy to.

SENATOR MARESSA: Thank you.

ASSEMBLYMAN MAC INNES: I would like to introduce to the Commission the present Legal Counsel, Mary Lyndon, and the Coordinator of the New Jersey Coalition for Fair

Broadcasting, Bob Ottenhoff. These are the people who are responsible for the day-to-day operations and they deserve a lot of credit for the way the Coalition has been dealing with the New York stations and Philadelphia stations, and for the, I think, remarkable success that New Jersey has had with its petition before the FCC. This is a process which normally takes years that's been expedited. In ten months' time we have a granting of the petition and I think that these two people deserve a lot of credit for that.

It's my pleasure to introduce to you Mary Lyndon and Bob Ottenhoff.

R O B E R T G. O T T E N H O F F: I would like to begin by reading from a prepared statement, Mr. Chairman:

THANK YOU FOR INVITING US TO TESTIFY TODAY BEFORE THE COMMISSION.
THE COALITION HAS LONG SHARED YOUR CONCERN FOR THE LACK OF PROPER
VHF TELEVISION SERVICE FOR NEW JERSEY. WE ARE PLEASED THE SENATE HAS
FORMED THIS COMMISSION TO INVESTIGATE NEW JERSEY'S TELEVISION NEEDS
AND WE HOPE OUR COMMENTS WILL BE OF ASSISTANCE TO YOUR STUDY.

THE COALITION IS A NON-PROFIT, TAX-EXEMPT ORGANIZATION FUNDED
SOLELY BY GRANTS FROM PRIVATE FOUNDATIONS. WE WERE ORGANIZED IN
1971 AND HAVE ACTIVELY WORKED SINCE THEN TO IMPROVE THE NEWS AND
PUBLIC AFFAIRS PROGRAMMING OFFERED NEW JERSEY BY THE NEW YORK AND
PHILADELPHIA VHF TELEVISION STATIONS.

THE COALITION HAS FIVE CO-CHAIRMEN: UNITED STATES SENATORS HARRISON
A. WILLIAMS AND CLIFFORD P. CASE, NEWARK MAYOR KENNETH A. GIBSON,

NEW JERSEY SENATOR RAYMOND H. BATEMAN, AND NEW JERSEY ASSEMBLYMAN THOMAS H. KEAN. WE HAVE EIGHTEEN MEMBER ORGANIZATIONS REPRESENTING A WIDE CROSS SECTION OF NEW JERSEY'S SOCIAL, POLITICAL, CULTURAL, ETHNIC, ECONOMIC AND RELIGIOUS SOCIETY.

NEW JERSEY'S TELEVISION PROBLEMS ARE UNIQUE. MOST STATES HAVE SEVERAL VHF STATIONS (CHANNELS 2 THROUGH 13) AND SOME HAVE AS MANY AS TEN OR FIFTEEN. NEW JERSEY IS ONE OF TWO STATES IN THE COUNTRY WITH NO COMMERCIAL VHF STATIONS AND ONE PUBLIC VHF STATION.

THE OTHER STATE WITH THIS ARRANGEMENT -DELAWARE - IS IN A SLIGHTLY BETTER SITUATION. ALTHOUGH ITS PUBLIC TELEVISION STATION, WHYY, HAS MOVED ITS MAIN STUDIO TO PHILADELPHIA, IT HAS KEPT A STUDIO IN WILMINGTON WHERE IT PRODUCES A HALF HOUR NIGHTLY NEWS PROGRAM AND SEVERAL WEEKLY PUBLIC AFFAIRS PROGRAMS.

IN CONTRAST, THE PUBLIC VHF STATION NOMINALLY LICENSED TO NEWARK HAS VIRTUALLY IGNORED NEW JERSEY. UNTIL 1961, CHANNEL 13 OPERATED AS A COMMERCIAL STATION. IT WAS THEN SOLD TO AN EDUCATIONAL BROADCASTING GROUP AND PERMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION TO TRANSFER ITS MAIN STUDIO TO NEW YORK CITY, PROVIDED THAT IT RETAIN AN OPERATING STUDIO IN NEWARK. THE THEN GOVERNOR ROBERT MEYNER WENT TO COURT PROTESTING THE TRANSFER OF NEW JERSEY'S ONLY VHF STATION. IN AN OUT-OF-COURT AGREEMENT, CHANNEL 13 PROMISED TO BROADCAST A MINIMUM OF ONE HOUR OF NEW JERSEY PROGRAMMING PER DAY. HOWEVER, CHANNEL 13 HAS CONSISTENTLY FAILED TO LIVE UP TO EITHER THE FCC REQUIREMENT OR THE 1961 SETTLEMENT.

IN NOVEMBER OF 1974, CHANNEL 13 OPENED A SMALL OFFICE IN NEWARK AND JUST FOUR WEEKS AGO BEGAN A HALF HOUR, THIRTEEN WEEK SERIES ON NEW JERSEY. BUT CHANNEL 13'S RECENT MOVES ARE VERY MODEST ONES. THE SMALL OFFICE AND THE THIRTEEN WEEK SERIES DO NOT COME CLOSE TO FULFILLING CHANNEL 13'S OBLIGATIONS TO NEWARK AND NEW JERSEY. DESPITE THE COALITION'S URGINGS, THE STATION HAS NOT INDICATED ITS PLANS FOR FUTURE NEW JERSEY PROGRAMMING.

THERE ARE SEVERAL UHF STATIONS (CHANNELS 14 AND OVER) IN NEW JERSEY, BUT THEY HAVE PROVED TO BE UNSATISFACTORY IN MEETING NEW JERSEY'S NEEDS. THE FOUR CHANNELS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY HAVE PROVIDED NEW JERSEY WITH SOME VALUABLE NEWS AND PUBLIC AFFAIRS PROGRAMS, BUT THE PBA IS PROHIBITED BY LAW FROM ACCEPTING ADVERTISING OR PUBLIC SERVICE ANNOUNCEMENTS AND IT MAY NOT EDITORIALIZE. ITS AUDIENCE, ALTHOUGH GROWING, IS ONLY A SMALL PERCENTAGE OF THE AVERAGE VHF AUDIENCE. MOREOVER, PUBLIC TELEVISION WAS DESIGNED TO BE A SUPPLEMENT, NOT A SUBSTITUTE, FOR COMMERCIAL TELEVISION AND CAN NEVER BE EXPECTED TO ADEQUATELY MEET NEW JERSEY'S NEEDS. LIKE THE PUBLIC BROADCASTING STATIONS, THE FEW COMMERCIAL UHF STATIONS IN NEW JERSEY SUFFER FROM SIMILAR SPECTRUM-RELATED DISADVANTAGES AND HAVE ALSO FAILED TO ATTRACT LARGE AUDIENCES.

IN FACT, THERE IS CONSIDERABLE CONTROVERSY IN THE BROADCASTING INDUSTRY OVER THE FUTURE OF UHF TELEVISION. UHF STATIONS IN THIS COUNTRY SUFFER A NUMBER OF OBSTACLES TO DEVELOPMENT. FOR INSTANCE, TV RECEIVERS ARE MANUFACTURED WITH POORER UHF RECEPTION DEVICES THAN IS NECESSARY AND WITHOUT THE CONVENIENCE OF VHF "CLICK" DIALING.

YET, MANUFACTURERS ARE RELUCTANT TO IMPROVE THEM BECAUSE THEY FEAR THE SMALL INCREMENT IN PRICE WILL DISCOURAGE TV BUYERS.

IN MOST AREAS OF THE COUNTRY, THE MAJOR NETWORK STATIONS ARE ON VHF AND THESE ARE THE STATIONS WHICH ARE MOST WATCHED. PUBLIC STATIONS, ON THE OTHER HAND, ARE LARGELY ON UHF, AND HAVE SMALLER AUDIENCES. GENERALLY, UHF STATIONS HAVE WEAKER AND SHORTER SIGNALS AND THEREFORE ATTRACT A SMALLER POTENTIAL AUDIENCE.

IF SOME STRONG ACTION IS NOT TAKEN BY THE FCC TO HELP UHF, IT IS LIKELY THAT THE UHF STATIONS WILL SIMPLY STRUGGLE ALONG IN THE MARGINAL EXISTENCE THEY HAVE KNOWN SO FAR, UNABLE TO FULLY REALIZE THEIR POTENTIAL FOR GROWTH AND SERVICE BECAUSE THEY ARE UNABLE TO ATTRACT LARGE AUDIENCES.

SINCE THERE IS SO LITTLE LOCAL TELEVISION, NEW JERSEY'S SEVEN AND A HALF MILLION RESIDENTS ARE FORCED TO DEPEND PRIMARILY ON NEW YORK AND PHILADELPHIA STATIONS FOR THEIR NEWS AND PUBLIC AFFAIRS INFORMATION. ALL OF THE SIX COMMERCIAL VHF STATIONS IN NEW YORK AND THE THREE VHF STATIONS IN PHILADELPHIA HAVE MASSIVE PENETRATION RATES IN NEW JERSEY. NEW JERSEY HOUSEHOLDS COMPRISE CLOSE TO THIRTY PERCENT OF BOTH THE NEW YORK AND PHILADELPHIA MARKETS AND FIFTY PERCENT OF THE GEOGRAPHICAL AREA. CLEARLY THE COMMERCIAL VHF STATIONS HAVE AN OBLIGATION TO SERVE NEW JERSEY. BUT OUR MONITORING HAS SHOWN NEW JERSEY HAS RARELY GOTTEN THE SERVICE IT DESERVES.

IN AUGUST OF 1971 AN ANALYSIS OF THE NEW YORK STATIONS CONDUCTED BY THE UNITED CHURCH OF CHRIST OFFICE OF COMMUNICATIONS FOUND A "CALLOUS

OVERSIGHT" OF NEW JERSEY. THE STATIONS WERE FOUND TO HAVE INEFFECTUAL MEANS TO INFORM THEMSELVES OF NEW JERSEY NEEDS, HAD INADEQUATE PROGRAM PROPOSALS AND LITTLE NEW JERSEY-RELATED PROGRAMMING.

IN 1973 THE COALITION UNDERTOOK A MORE DETAILED STUDY OF THE STATIONS' PROGRESS. REQUESTS TO THE NEW YORK STATIONS FOR TRANSCRIPTS OF NEWS PROGRAMS WERE REFUSED BY ALMOST ALL THE STATIONS. THE COALITION THEN SET UP ITS OWN SYSTEM OF MONITORING NEWS COVERAGE.

DEVISING A MEASUREMENT OF THE ADEQUACY OF NEWS COVERAGE WAS DIFFICULT. THE SELECTION AND TREATMENT OF NEWS MATERIAL BY BROADCASTERS IS A JUDGMENT WHICH IS PROTECTED BY THE FIRST AMENDMENT. HOWEVER, WHILE THE COALITION WOULD NOT PRESUME TO DICTATE WHAT IS NEWS TO BROADCAST JOURNALISTS, CERTAINLY WE FEEL ENTITLED TO CRITICIZE BROADCASTERS FOR IGNORING OR NEGLECTING SUCH A LARGE PORTION OF THEIR AUDIENCE.

THE COALITION STAFF BEGAN ITS ANALYSIS BY SIMPLY MEASURING THE AMOUNT OF TIME SPENT ON NEW JERSEY ITEMS, AS A PERCENTAGE OF ALL NEWS ITEMS, EXCLUSIVE OF WEATHER, SPORTS AND COMMERCIALS. THE EARLY EVENING LOCAL NEWS PROGRAMS OF THE NETWORK STATIONS AND THE LATER NEWS PROGRAMS OF THE INDEPENDENTS WERE MONITORED. OBVIOUSLY, ANALYSING NEWS SOLELY IN TERMS OF MINUTES AND SECONDS DID NOT MEASURE THE TOTAL NEWS PRODUCT, BUT IT DID PROVIDE A USEFUL BAROMETER OF SERVICE.

IN JULY OF 1973 THE COALITION RELEASED A MAJOR STUDY COMPILED AFTER SEVERAL WEEKS OF MONITORING. THE MONITORING SHOWED ABOUT FIVE PERCENT OF THE NEW YORK STATIONS' NEWS ITEMS WERE NEW JERSEY RELATED STORIES.

THE STUDY FOUND THE PHILADELPHIA STATIONS TO BE SOMEWHAT BETTER WITH APPROXIMATELY THIRTEEN PERCENT OF THEIR NEWS ABOUT NEW JERSEY PEOPLE AND EVENTS.

THE COALITION PUBLICIZED THE RESULTS OF THE STUDY AND RECEIVED OBJECTIONS FROM STATIONS WHO CLAIMED THAT OUR FIGURES WERE WRONG AND NEW JERSEY RECEIVED SUFFICIENT ATTENTION. OF COURSE, NONE OFFERED TO PROVIDE US WITH TRANSCRIPTS OF NEWS SHOWS TO PROVE ANY ERROR.

SINCE 1973 WE HAVE CONDUCTED PERIODIC MONITORING OF THE STATIONS. ALTHOUGH WE HAVE NOTICED A SLIGHT INCREASE, ESPECIALLY DURING 1974, RARELY HAS THE COALITION FOUND THE NEWS TIME DEVOTED TO NEW JERSEY TO BE ADEQUATE TO MEET THE NEEDS AND INTERESTS OF THE PEOPLE OF OUR STATE.

OUR MONITORING HAS ALSO SHOWN NEW JERSEY ELECTED OFFICIALS AND LEADERS APPEAR ON PUBLIC AFFAIRS PROGRAMS ONLY ON AN INFREQUENT BASIS. AGAIN, ALTHOUGH DURING 1974 THERE WAS A SLIGHT INCREASE, THE NUMBERS OF NEW JERSEY GUESTS ARE STILL BELOW WHAT IS NEEDED AND DESERVED.

IN SUMMARY, THE STATE OF NEW JERSEY, A SEPARATE GOVERNMENTAL ENTITY, WITH DISTINCT PROBLEMS, AND WITH A SEPARATE CULTURAL, BUSINESS AND EDUCATIONAL IDENTITY, IS DEPENDENT FOR ITS BROADCASTING SERVICE ON STATIONS THAT ARE PROVIDING INADEQUATE COVERAGE. IN AN AGE WHEN 75 PERCENT OF NEW JERSEY RESIDENTS RECEIVE THEIR NEWS INFORMATION FROM TELEVISION, THE LACK OF PROPER TELEVISION SERVICE CAN HAVE SERIOUS CONSEQUENCES.

Let me cite just a few examples, and I will digress just a little bit from my written statement and summarize this.

I would like to quote from Stephen Salmore, the Director of the New Jersey Poll which is based at the Eagleton Institute of Rutgers University. Mr. Salmore, who I understand will be testifying later in the hearing, had compared data from the New Jersey Poll to national statistics. Salmore found voters in New Jersey know much less about their important local elected officials than most Americans.

Excuse me just a minute.

I will read just a couple of the findings that Mr. Salmore found in his New Jersey Poll.

In 1973, the Harris Poll found that 59 percent of those polled could name one U. S. Senator from their state and 39 percent could name both. In New Jersey, only 32 percent could name one of their U. S. Senators and less than 25 percent could name both Senators. In the same Harris Poll, 46 percent could name their Congressman; in New Jersey, only 39% could name their Congressman.

Salmore also found that in October 1972 during the peak of the national campaign for President and the State campaign for U. S. Senator, only 19 percent could name Clifford Case as running for reelection - even though he had been in the Senate for 18 years. Only 5 percent could name Paul Krebs as as his Democratic opponent.

During the 1973 spring primary, more New Jersey residents could name former New York Mayor Robert Wagner as a potential candidate for New York Mayor than could name incumbent Governor Cahill as a contender for his party's nomination. In October 1973, more than 30 percent could not name either Byrne or Sandman as the two main

opponents in the Governor's race.

Salmore concludes that one of the major reasons for the low level of knowledge are the "unusually weak lines of communication" in our State.

New Jersey citizens who are concerned, often find it difficult to receive information about election results. Our monitoring of the New York stations during last November's elections showed only a handful of the results from congressional races were reported. A Garden State voter watching television that night might have thought the only statewide referendum was the gambling issue.

It was because of this need for better television service that the Coalition was organized.

I would now like to introduce Mary Lyndon, the Coalition's Lawyer, who will outline the activities of the Coalition over the last three years.

M A R Y L. L Y N D O N: Thank you. Basically, the Coalition has tried to do two kinds of things - first, work with the stations that are now in New York and Philadelphia to get them to honor their license responsibilities to New Jersey and, secondly, to get the FCC to go back and correct a mistake it made in the early fifties when it did not allocate sufficient TV service to New Jersey.

When we began, the Coalition started by going to the stations because we figured that the best thing to do was to begin within the present system to reform it. The Coalition's legal base for going to the stations was that the stations are licensed to serve the entire area they broadcast to and have a responsibility to ascertain the needs of the communities in their audience and program responsively to them.

Besides that, in 1961, when the FCC authorized Channel 13 to move into New York City it recognized that it was now leaving New Jersey virtually without VHF services.

So it said explicitly that it would expect the New York and Philadelphia stations to pay particular attention to the needs of New Jersey and it sent a copy of this opinion to each of these stations to underscore that. So the Coalition felt it had a particularly strong ground to request improvement from the stations.

Talks were begun in early 1972 and each of the stations responded basically in different ways. Two stations actually refused to commit themselves to any improvement until the Coalition had challenged their licenses at the FCC. But finally, by the end of June in 1972 all of the New York stations, with the exception of Channel 11, which was then under a competing license and challenged and we did not talk with Channel 11 at that point, - all of the stations had committed themselves to specific improvements in their New Jersey coverage.

About a year went by and Coalition members did not see a great deal of improvement, so the Coalition hired a staff and began the monitoring study which Bob outlined for you. And ever since then we have monitored and we are continuing to do so to try to figure out just how much progress is being made. A year after the agreement, the progress was so small - 5 percent news in New York, 13 percent in Philadelphia - that the Coalition decided that it was time to go to the FCC and try to seek a basic structural change in the area. So, we filed a petition in March of 1974.

The petition requested the FCC to hold an inquiry into the problem and also suggested several possible longerange solutions to the lack of TV service. The FCC responded last month to the petition by issuing not only an inquiry but a proposed rule-making which is the first step toward changing allocations. The first step in the rule-making is to call for written comments by any interested party on the situation and we hope that everyone

who is interested in New Jersey will file comments. And also, Gordon MacInnes' suggestions are very excellent.

I would like to just now outline what the solutions we propose to the FCC are, which are basically the ones which the FCC outlined for comment.

The first one which seems to be the most obvious is reallocation, simply moving stations from New York and Philadelphia into the State. That could be done in several ways. One or two stations might be moved to the center of the State and they would reach the entire area or they might be simply moved across the respective rivers of the north and south and stay within the present New York and Philadelphia markets. That kind of move would be less disruptive to the market and to the station involved.

The FCC could either give the stations that are presently operating on this channel the option of continuing to do so in New Jersey or it might call for competing applications to be filed by New Jersey groups which would give us the advantage of local ownership and management familiar with the needs and problems here.

Another suggestion we made was that the FCC move to New York the unused UHF channels in New Jersey and give the major commercial stations in New York and Philadelphia the option of operating on UHF stations, thus freeing up the VHF stations for New Jersey. The FCC has long had a policy of encouraging UHF use but has very rarely done anything particularly radical toward that. And it's our position that if major stations were on UHF that that would do a lot to encourage utilization of UHF nationwide and at the same time would free up stations for New Jersey.

Another suggestion the Coalition made is called a VHF drop in. Essentially we suggested to the FCC that they explore the possibility of fitting another channel on to the frequency band in this area. That raises a lot of very technical difficulties, particularly as this is a very

congested area, almost every channel is taken up already in New York and Philadelphia, but it is not out of the question and we have retained an engineer to consult with us on this. And anyone else who would comment on it would certainly be helpful, comment on it from our point of view since there have already been comments in opposition to it filed with the FCC.

The final suggestion we made was that the FCC create a dual community license responsibility, basically that it take a channel that is presently allocated, say to Philadelphia, and assign it to Philadelphia and Camden and give the state presently on that channel the option of continuing to use it but undertaking the responsibility to serve Camden in addition to Philadelphia. Practically that would probably mean that the station would then be required to build facilities in Camden and maintain staff there and provide services to Camden. But the practical ramifications of that would have to be worked out with the guidance of the FCC.

There are other suggestions that have been made that we do not particularly support but each of these remedies is quite complex and really deserve a lot of thought.

You were asking Mr. MacInnes earlier, Senator Maressa, if it were likely we would have a hearing and it seems likely to me that any substantial solution problem would probably take a long time to work out because there are already economic and broadcasting interests involved and there probably would be some sort of hearing. That's why it's very important to us that people involve themselves with the problem at this point so that we can continue to make our case. (See p. 1X)

SENATOR SKEVIN: Senator Maressa?

SENATOR MARESSA: I have no questions other than to congratulate these young people for all the work they

have been doing. Your remarks have been very comprehensive and thought-provoking and I am going to do everything I can and I am sure the Commission is going to do everything it can to follow up on this. I had the idea of preparing a resolution and circularizing it among all the Mayors of the various towns in my district, and so forth, and get the other Senators and Assemblymen to do that and perhaps get the municipalities to send all these resolutions to Mr. Mullins (Secretary, F.C.C.).

Again, I am very happy for what you have done.

SENATOR SKEVIN: I would like to reiterate Senator Maressa's remarks. But also in terms of this public hearing before the FCC, is there any criteria - in other words, any support or any problems that would require a public hearing?

MISS LYNDON: Well, I think there are a number of them. First of all, I think that New Jersey's people have suffered an injury over the last 20 years and other states have not had to do without this television resource, and it is important that New Jersey's people be given an opportunity to air their grievance personally to the FCC. So we hope that we can get at least one FCC Commissioner to come to New Jersey and to listen so that they are impressed by the seriousness of the problem. I mean, they're in FCC, they don't see it, they don't know New Jersey and we think it's important that they come and take a look at it.

Besides that, if the FCC were to order a station to move, etc., it's quite likely there would be litigation appealing that move. And there are a number of processes you can take up without even going to court, petitions for reconsideration, etc., so it's likely to take a long time and there are likely to be more opportunities.

SENATOR SKEVIN: In terms of our particular problem, it really isn't unique because there are other areas in the country that have similar problems. As an example, I believe in Los Angeles in Orange County where Orange County was excluded from TV coverage which involved the City of Los Angeles. Have they taken the same approach or have they been involved before the FCC and do you have any comments on that area?

MISS LYNDON: Well, I am not familiar with any other case coming before ours where a geographic area has raised this issue. Our strength, of course, is that the FCC is under mandate to distribute these frequencies among communities and states, very specifically. And there are a lot of communities, suburbs of major cities, that are in a different state which are in relatively similar situations to ours, but no other situation where an entire state has no local service, is receiving no local news feedback or public affairs programming. But as far as I know, we are the first to raise this issue. It is a complex problem. It does have implications for other areas of the country.

SENATOR SKEVIN: In terms of the television stations attempting to alleviate this, I recall a tri-state news program where the news of New York and New Jersey and I believe it was Connecticut - we had that type of program. What happened to that program? Would this be an approach that you would suggest as a possible remedy?

MISS LYNDON: Well, you know we've been talking with stations for about four years now, making different suggestions. We're not experts in broadcasting but we've made suggestions, some of them - for instance Governor Cahill's suggestion that facilities be built within the State; we've suggested that often. The station's response generally is

that that would restrict their flexibility which is necessary, etc.

I'm not sure specifically what should be done. I don't know that the tri-state approach was the right one. I think the important thing is to continue to remind the stations of the need for greater service. There has been an improvement. We're doing a monitoring study now which we hope to release soon which will show relative percentages of news in New York and Philadelphia. We have seen in the last year and a half some stations in New York which were under 5 percent have come to over 15% New Jersey news now. That's not 30 percent, it's not even 100 percent, which is what we really need, but it's an improvement. But even over a week 15 percent of an hour local news program comes to about 25 minutes.

So I would like to see further investigation done here and continued talks on what's the best way for these stations presently in the area to improve their service in New Jersey. I think our main push really should be to get our own stations.

SENATOR MARESSA: You said something about getting an FCC Commissioner to come to New Jersey. Have you tried to get that?

MISS LYNDON: Our petition basically said, would you please hold an inquiry and give us a hearing in New Jersey. The FCC's response said, we will have this inquiry and a proposed rule-making, which was one step further than an inquiry, and while we're receiving comments - the written comment period is the first factfinding step in the process - then while we're receiving these, we will decide whether or not to have a hearing. So we expect a hearing will probably be necessary.

The FCC could skip the hearing process and propose

a rule if it found the comment persuasive enough.

SENATOR MARESSA: Thank you.

SENATOR SKEVIN: Thank you.

Senator Parsekian.

N E D J. P A R S E K I A N: Senators, I would first like to thank Senator Skevin and his Commission for giving the public the opportunity to say something about the licensing of television channels. We only have this opportunity once in three years and in the past it has pretty much gone by the board. And if we don't make the public's views and needs and demands made known now, we will have been foreclosed for three more years and been served, as we have been served by the television networks, as at present.

The airwaves belong to all the people. They aren't the property of the corporations that run the channels for the networks and they are not the property of the advertising interests that pay money into them and profit through them, but belong to the people. And that, I think, must be said at the time when the licensing comes to the fore.

That was settled through an interpretation of the Supreme Court of the interstate commerce clause of the United States Constitution and there is no doubt about that fact.

Another fact is that the quality of programming seems to be in inverse ratio to the commercial advertising success and in direct ratio to the amount of public participation that there is in the programming. The example, of course, being Channel 13 that has in the last several days, in seeking public funds, said again and again on the airwaves, that over the years as more and more viewers invest your \$15.00 membership and your interest in Channel 13 our programs have improved in quality and

the number of viewers in the direct ratio. So that participation afforded by this Commission, your Commission, and by the hearings that you're demanding and that I hope you will get does portend an improvement in television for New Jersey.

We've been put in the posture of the State not well identified by accident of geography, that is the Delaware River and the Hudson River, and by divine right it seems when King George gave the grant to Berkeley and Carteret to whack up New Jersey as a private domain at that time. It has resulted in this elongated State pulled economically thin by Philadelphia and New York over the last two centuries. And I can remember back the result of that elongation when I was w youth in Hudson County and when big things were happening in New York, such as the Jimmy Walker scandals in that City and the greatness of LaGuardia when he was Mayor and knowing more about what was happening there, as a young man aspiring to citizenship, than I knew about even who was Mayor of my town of West New York or who was Governor or what he was thinking about New Jersey. And I can remember when my early voting years first arrived being frustrated at not being able to vote on the issues involving New York City because what I knew about public affairs was a reflection of what I read in the newspapers at that time of political affairs and governmental affairs there.

Of course instant communication through television has made more dramatic and more important the opportunity to know the news through that medium and because, as a former speaker indicated, 75% of the people get their news only through television that medium becomes the answer as to whether or not we in New Jersey know ourselves

the issues of our State and its people and the aspiring leadership, those who are on the road to leadership, if television will not give us that opportunity.

The airwaves are a great natural resource, now the greatest natural resource we have in New Jersey. We don't have mines and I hope we won't have offshore oil, but the airwaves are today a great natural resource that must be mined or used to the best advantage of this State.

The seven and a half million people of this State need, if nothing else, its own identity and insight into itself.

Just recently, the New York Times ran an article about New Jersey's economy, reiterating the fact that we have the highest unemployment rate of any state but more important and more of interest to the future is the fact that in the opinion of the writer New Jersey's economy would lag when the general recovery did arrive and it would be a long time before we would regain or bounce to our former selves or begin to vie in the market-places of the national or metropolitan economy. Which means that we have a problem that must be faced and we need the natural resource of communication which is an integral and important part of recovery in order to succeed in that recovery.

All states have political problems and New Jersey has its share. Our problems are intensified by the lack of participation of the electorate, which is not uncommon with all of the states, but also with a lack of opinion on the part of the electorate as to what the issues are and who the people are who are moving these issues. And this can be cured, to a large extent, by what this Commission may succeed in doing on this licensing issue this year because knowing the officials and knowing those on the road to becoming

officials and knowing the issues is the greatest element in our opportunity to solve or properly solve those issues.

I am sure all of us have had the experience of being in other states on business or pleasure trips and in the hotel room flicking on the television tube when we had a half hour to wait before going out to dinner or convention meeting or whatever and we have seen in those few minutes the emphasis on local matters. How often we've seen the legislative candidate talking about an issue on that hotel TV in North Carolina or Oregon or any of the fifty states, how they analyze the impact or the load of the building of a shopping center or unemployment problems or the issue in the current election. But in New Jersey the chances are, if you flicked on the tube, you would hear nothing about New Jersey at all unless you spent several hours waiting. So that it is certainly illustrable to any of us who have traveled and flicked on that tube that we are not getting our fair share of that goldmine, the airwaves of the air. And it is time certainly for New Jersey to not only illustrate it but to demand it because those airwaves do belong to the people and they do belong to New Jersey people and should be given back to it.

If we are eighth in population, and I think we are about in that rank, then it would be logical that that eighth of the United States of America ought to have a like proportion in service to itself.

One of the benefits of the television miracle has been the fact that an entire jurisdiction or an entire people, whether it is a city or a state or a nation can receive at the same time the same program, even the same analysis, the same speech, the same personalities, the same instant of thought, and we don't have that at all in our state. There is no means by which one idea or one person or one

cultural event or one analysis can be brought to everybody from Port Jarvis to Cape May, and we desperately need it.

Among the things we ought to demand is the opportunity through the beaming of channels or the relaying of channels to give the people of New Jersey a chance to commune in a television town meeting, if you will, or viewing of what's going on in our State and what opinions there are about what's going on in our State. Every other state can do this.

There was a time when New Jersey was important to the economy of the metropolitan area as the Garden State, and the State flourished in the economy of those days as the Garden State. Then its emphasis shifted to industries. And the analysis we read in that economic report in the Times said that one of our problems was that we developed the industries but not the service industries that are today the profitable and broader parts of the economy.

Last night, I saw on Channel 13 a program about the future of the economy and of industries and how there has to be developed home-grown industries that service the jurisdiction itself - the brickyard, as was the analysis last night, that serviced the immediate area, the city or the province, rather than exported, and the fact that the factor that makes the difference today and forces us into that kind of a consideration of manufacturing is the factor of energy and the losses and costs of energy when you're too large a concern and have to travel too far for your goods or too far to bring your raw materials in.

It occurs to me that that certainly is the portent of the future. People are going to be more locally oriented. And there is every indication of it in various fields of

endeavor. People are going to be more interested in their towns and what they are doing, and in their counties and in their state, not only politically but economically. And we've got to begin to service the within group. And one of the great ways of doing it in New Jersey, of course, will be through a television setup that talks to ourselves to a much greater extent than we do today. If we need to grow politically, economically, culturally and in any way, we need the modern communications system of television and I am hopeful that the demands that this Committee will make to the Federal Communications Commission - which is our agency that we have given power to to license the airwaves -- that your efforts will be successful because we desperately need success in this area.

It would seem that the areas in which we need attention are news coverage, in coverage of cultural events, in discussion and analyses of economic problems and events in the State, and in the coverage of news on national events as it affects our State, not only as it affects New York or Philadelphia. And certainly, if there were opportunities for television analysis, there will be not the dearth but a plethora of exposure for those who are today in political positions to have an opportunity to be heard and to be viewed and to be analyzed by the general public. So that New Jersey will have a bank of leadership waiting as it must have for the future.

Thank you very much for the opportunity to testify before this Commission.

SENATOR SKEVIN: Thank you, Senator, for your well thought out remarks.

Senator Maressa, do you have any questions?

SENATOR MARESSA: I have just one observation on your reference to Port Jarvis to Cape May and the idea

of everybody in New Jersey listening to one station at the same time. I would imagine that the main thrust for your argument is that we attempt to commercialize Channel 52.

MR. PARSEKIAN: No, I didn't mean it to be compatible with that idea, Senator. But it would seem to me that technically, either by direct beam or relay beam, that programming that's of interest to New Jersey ought to be heard throughout New Jersey. But the question of whether that should be commercial or educational is secondary to that thought as I expressed it.

SENATOR SKEVIN: Senator, just one question. In terms of lack of identity and the lack of statewide coverage, could you comment on the effect of this lack of coverage on our problems in terms of tax reform and school financing?

MR. PARSEKIAN: As to the question, Senator Skevin, I'll say I agree with you that if we had the opportunity for the Governors of this State - and several of them have tried up to the present - to solve the tax problem; if we had opportunity for analysis on a statewide basis with the personalities involved entering into discussions about that analysis, we would have a much better opportunity of solving that question.

I know in my own town of Ridgewood in Bergen County I've spoken to many people who commute to New York and who earn their livings there who live socially in New Jersey who have no idea still, with all of what we think is great exposure, - no idea still on what the tax problem is and what the options are for solving it.

So I do agree with your question that we do need it for that reason, which is one good illustration.

SENATOR SKEVIN: Thank you for your very comprehensive statement.

MR. PARSEKIAN: Thank you.

SENATOR SKEVIN: Isaac Blonder, President, WBTB, Newark.

I S A A C S. B L O N D E R: I wish to thank you for the opportunity, Senator Skevin and Senator Maressa, to appear at this timely hearing. I wish to read a prepared statement and hopefully to add some additional remarks and answer any questions that might be asked of me.

WBTB-TV, Channel 68 is the only English language commercial television broadcast station assigned to Northern New Jersey. Our principal community is Newark, and the studios and transmitter are located in West Orange, New Jersey.

We were granted our construction permit in July 1972, commenced broadcasting on September 29, 1974, and temporarily suspended our broadcasting on December 29, 1974.

My name is Isaac Blonder. I am the President of Blonder-Tongue Broadcasting Corporation, the licensee for Channel 68. I was previously a member of the original Board of Directors of Channel 47, and supervised the construction of the facilities of Channel 47 in 1965. Channel 47, WNJU-TV, was based in Newark, New Jersey, and we operated the station for 5 years before it was sold to Columbia Pictures.

No additional frequencies are available for new television stations in the Greater New York area for excellent technical reasons. However, two of the present broadcast facilities assigned to this area, which were commercial, are now held by non-commercial interests - Channel 31 and Channel 13. Parenthetically, Channel 9 was once a New Jersey station and its transmitter was in North Bergen.

When WBTV-TV, Channel 68, commenced operation in September 1974, we did not find the availability of our service heartily welcomed by the New Jersey community. The presence of 6 VHF commercial stations broadcasting from New York, with excellent coverage of Northern New Jersey, and the ready acceptance by the television public of their programming, made it extremely difficult for us to secure sufficient advertising to support our station.

We were forced temporarily to suspend broadcasting until we could obtain additional financing, because of the lack of interest by New Jersey advertisers.

We could understand the reluctance of national accounts to advertise on a brand new New Jersey station, but what surprised us most was the hostile response our salesmen received at the hands of our own New Jersey major industries, utilities and banks. Not one of the major companies located in our principal city, Newark, would help us in our endeavor to present New Jersey's people and problems to the television public.

Our public service programming particularly centered on Newark and its problems; featuring among others, Hubert Williams, Newark Police Director; Edward Lenihan, president of the Newark Economic Development Commission; Robert Notte, Director of the Newark Housing Authority; and Sam Miller, Director of the Newark Museum.

Was this disinterest due entirely to the fact that we were an unpublicized new television station, with the additional handicap of broadcasting on a UHF frequency? Or can the answer be that the New Jersey resident and business firm who professes his loyalty to New Jersey institutions indeed has no such loyalty in his television viewing habits and appears to prefer the programming offered by the affluent stations based in New York?

The fact is that Channel 13, before it was sold to a non-profit group, was in financial difficulties, partly engendered by its location of offices and studios in Newark instead of New York.

It is not improbable that were any of the independent VHF stations now based in New York to transfer their offices and studios to New Jersey, that a similar fate might also be theirs.

Perhaps the remedy for the lack of New Jersey stations would be for some of the major institutions in the state to spend their advertising dollars in the same state in which they are located.

When we commenced our operation as a broadcast station September 29th, we found no major news services capable of providing the material for our news programs. Even the wire services day in and day out would have a meager one or two lines of news for our staff. We were forced to set up our own telephone interrogation system to obtain enough news even to fill a 15-minute segment.

The Government agencies of the State of New Jersey and the Chambers of Commerce were unexpectedly poor sources of news.

If a television station is to present news of a New Jersey community, that same community must produce material suitable for presentation on television. A good news service is probably the most expensive single item in a television station's budget and the quality is dependent upon cooperation from the public.

In conclusion, unless New Jersey supports its own institutions we will not have them, and there is no reason to expect that a New Jersey based television station can survive without the active cooperation of New Jersey advertising agencies and businesses.

That's the conclusion of my formal remarks.

In listening to the previous comments that have been made, I agree heartily with most of them, but I do have a couple of comments to make in addition, based on the fact that I happen to be an Engineer. I've been a member of many of the technical committees sponsored by the Federal Communications Commission, one of them was the Committee for All Channel Broadcasting which was on the subject of how to improve the acceptance of UHF to the public.

If there are any engineering questions anybody would like to direct to me, I would be glad to answer, but let me just give you one answer and that is, no more stations can be dropped into this area. The area is saturated with television. If you were to add an additional so-called drop in VHF, you would reduce, not increase, the number of people able to watch your VHF televisions. The interference caused by the new station to the other stations would actually reduce the number of people able to watch.

So, for very good technical reasons, no more stations, either U or V, can be added to this area.

That's the first comment I want to make.

The second comment is this. As a member of The Committee for All Channel Broadcasting, the quality of UHF reception was thoroughly tested by the Federal Communications Commission when they built Channel 31, the Empire State Building, and used it as a test vehicle to find out what the quality of UHF reception is.

To cut through a lot of detail very quickly, a UHF station located on the same antenna farm as a VHF station will reach approximately 85% of the viewers that can be reached by the VHF station. These are very

legitimate figures and they were attested by a great deal of study.

I can go into detail as to why the individuals in this area do not watch UHF, particularly Jerseyvision, but let me conclude with an ongoing constructive suggestion which could never be implemented. But if we wish to immediately, overnight, drastically improve the prospects of Jerseyvision, the answer is very, very simple indeed. We would simply convert Channel 4 to a UHF station. And I guarantee that in an immediate overnight revolution every citizen in the New Jersey area would suddenly discover that his UHF antenna was necessary, he'd put one in, the station would be found on the dial and all the other U's would benefit. I know such a suggestion would never happen.

I personally have had an ongoing technical dispute with Channel 4 for many, many years. I was a member of the old engineering council that supervised the move from the Empire State Building to the World Trade Center. Channel 4 happens to be the antenna on top of the Empire State Building. Channel 4 and its engineering department, with extreme stubbornness and unreasonableness in the minds of any engineer there, insisted that when they moved to the World Trade Center that the top antenna be also Channel 4. For very sound technical reasons, it should have been about two-thirds of the way down the antenna - the new one that's being built - but simply because of their image and their power they demanded and received the top position which technically served them no purpose whatsoever. It should have been occupied by UHF stations.

I am simply indicating some of the problems you're up against. How to solve the problem for New Jersey residents - which I've been for many, many years, I've had a business here now for 25 years, - I really don't know. But I think that a positive ongoing point, which is what I'm making, is let's convert Channel 4 in New York to a UHF station. They

can pick up 31 and the City of New York would be well served with the savings they would engender thereby. And I think in Philadelphia we probably could see Channel 3 or Channel 6 converted in the same way to a UHF station and we would all benefit.

That's the conclusion of my remarks. If you have any questions, I will be glad to answer them.

SENATOR SKEVIN: Mr. Maressa?

SENATOR MARESSA: Mr. Blonder, I have a number of questions but it seems it's a very fascinating field of engineering expertise having to do with this and I don't think we could take the time to go into all these questions now because we're running behind time. You are listed on the agenda here as speaking at 10:45 and I notice it's now 12 o'clock, so we have a problem.

Let me ask one fast question, and I think we will be able to get in touch with you --

MR. BLONDER: Oh, yes.

SENATOR MARESSA: I would like to correspond or maybe have lunch with you or something to go into this in greater detail. But today what would it cost, approximately, to purchase or construct whatever was necessary for either a VHF or UHF station. I think you did that some years ago.

MR. BLONDER: Yes, I've done it twice and I've been involved in others.

Let me speak in general terms. There is only one location that you can use within the New York-New Jersey area for satisfactory reception and that would be the World Trade Center or the Empire State Building. Our television station presently is located in First Mount on Eagle Rock Avenue and it took two years to get an antenna put up sufficiently tall to put ours up and we suffer a handicap thereby. The antenna should be put in the World Trade Center.

Now, the cost of securing a position on the World Trade Center antenna would run between a million and three million dollars in terms of just being able to place your antenna on that facility. The transmitter itself, with the associated equipment, will cost between a half and a million dollars. Studios of an absolute minimum facility will cost about three-quarters of a million dollars, up to four to five million if you want to have a reasonably well put together station. Stations have been quoted as low as a half million dollars, total, for outlying areas where they cover a minor market. For a major market ten million dollars is not an unreasonable expenditure.

SENATOR MARESSA: If we go into hyphenation, for example, and locate a studio outside of Philadelphia, somewhere in South Jersey, or outside of New York, somewhere in North Jersey, what would that type of facility cost.

MR. BLONDER: That would be a futile exercise.
Channel 13 --

SENATOR MARESSA: That's not what I asked.

MR. BLONDER: What would it cost?

SENATOR MARESSA: Yes.

MR. BLONDER: All right. Generally speaking, all these stations now could set up such a studio if they wanted to and they could run to New Jersey hopefully to get the advantage of a lower tax base and lower cost of operation, etc. None of them do so because they find that they need close proximity of all the individuals within the organization to be most efficient. To put a studio into New York - from New York into New Jersey in sheer physical terms a million dollars would provide a reasonably adequate studio with a mike wavelength back to New York in order to use the taping facilities

of some of the others.

The cost is not excessive but the personnel problem is high and that's where the problem is. And anyone who has a split operation very soon tries to give it up and consolidate, if they can.

SENATOR MARESSA: Thanks very much.

SENATOR SKEVIN: Mr. Blonder, you mentioned facetiously it would be a great difficulty to have Channel 4 converted to UHF?

MR. BLONDER: Right.

SENATOR SKEVIN: Today is the day of leprechauns and hopefully we can call on the aid of those spirits to help us. Do you believe in leprechauns?

MR. BLONDER: Not with NBC and the FCC.

SENATOR SKEVIN: Thank you.

MR. BLONDER: Thank you.

SENATOR SKEVIN: Professor Barry Orton and Professor David Sachsman.

D A V I D B. S A C H S M A N: I am Dave Sachsman, Assistant Professor of Urban Communications at Livingston College, Rutgers University. This is Barry Orton, also Assistant Professor of Urban Communications.

In order not to repeat things that have already been said, we will be abridging our prepared statement which you have before you.

Monitoring studies conducted by the New Jersey Coalition for Fair Broadcasting demonstrate that the commercial VHF television channels allocated to neighboring states fail to provide adequate New Jersey-oriented service. Even more important is the fact that the New York and Philadelphia stations rarely cover New Jersey news events located more than an hour's driving time away from their studios, with the exception of Trenton-

based state government stories. In summer, 1974, the Coalition for Fair Broadcasting found that in a typical week, the average New York television station carried no filmed reports occurring more than 50 miles away from their headquarters, other than those stories dealing with State government. In a good week, the typical station carried one such filmed story, and the best station in the best week carried only three. Apparently, nothing short of a second Lindberg kidnapping trial will force the New York and Philadelphia stations to send crews to Flemington, New Jersey.

We need more New Jersey television. What is really needed is a VHF commercial station located in either Trenton or New Brunswick, but we doubt that this will happen. The alternative is to improve New Jersey coverage provided by the existing stations or newly hyphenated license-holders.

This is our formal proposal that will be submitted both here and to the FCC:

Hyphenation does not necessarily provide improved news coverage. Our plan for improved news coverage can be applied by existing stations or newly hyphenated licensees. It is based on the premise that news and public affairs coverage of New Jersey will be upgraded if filmed and video taped coverage is increased.

Currently, all New Jersey television stories are either "remotes" or involve travel by New Jersey officials to studios in New York or Philadelphia. The typical remote story is a trip across the George Washington Bridge to check on gasoline prices. Since this already costs several hours' time for a full news crew, often the crew will shoot an additional timeless human interest story while it is already in Fort Lee.

I think what we saw today, in the behavior of the broadcasters covering this meeting, a meeting which they normally would not cover had it not involved broadcasting itself and them directly, is typical, where they will take an hour, the first hour, and then head on to the next story in New Jersey before coming in. It's very different from the kind of coverage provided by the print journalists who are still here.

Practical considerations rather than journalistic news judgments often are the criteria used for covering New Jersey news events. If there is not enough time for travel and film processing and editing, even a second Lindbergh kidnapping will not receive the same-day, on-location coverage. And because of the distance between Trenton and the stations' studios, New Jersey public affairs programs are few and far between.

The only way to insure increased coverage of New Jersey is by the establishment of satellite studios in New Jersey. Each commercial VHF station serving New Jersey should establish a satellite studio equipped to send live and videotaped feeds to the home studio. Each satellite studio should serve as a news and public affairs bureau for New Jersey.

Every good daily newspaper maintains news bureaus outside of the city room. Metropolitan newspapers use suburban reporters located in suburban bureaus in order to provide adequate coverage of their entire circulation areas. This concept is so basic to the newsgathering process that newspaper journalists are amazed that broadcasters think they can do without it. The New Brunswick, New Jersey, Home News, for example, maintains a bureau located only thirty minutes away from its home office and the two offices are directly linked via telephone-typewriter. The Home News considers

thirty minutes too long a drive for the delivery of news.

Visual information is just as important to television news as typed copy is to the newspaper business. Visual coverage of New Jersey should be linked to the home studio just as newspaper bureau typed copy is directly transmitted to the city room. The only way to achieve this for New Jersey is through the creation of satellite studios linked directly to home studios via microwave relay systems or telephone cable connections.

B A R R Y O R T O N: Each satellite studio should contain at least the following:

The capability to originate and transmit live, in-studio programming by direct interconnection with the home studio.

The capability to videotape in-studio programs, and to transmit these programs directly to the home studio.

A complete remote crew equipped with portable video camera and recorder based at the satellite studio for the sole purpose of New Jersey news and public affairs coverage. Remote videotaped news stories and programs would be relayed to the home studio via the microwave relay or telephone cable system.

An experienced news reporter should be permanently based at the satellite studio. This reporter would gather New Jersey news, interview New Jersey newsmakers inside the studio, accompany the videotape crew on remote stories and provide live reports within the format of existing nightly news programs.

A secretary / administrative assistant to insure that the satellite studio news office is open continuously during normal business hours.

During a typical news week under this proposed system, the reporter and crew would cover remote news stories and prepare and present New Jersey-oriented public affairs programming. The reporter and crew would work five daily news shifts, and if necessary, cover important breaking New Jersey news stories on overtime. On any given day, the reporter and crew might videotape an in-studio interview in the morning, and gather and tape several New Jersey remote stories in the afternoon. The tapes would be relayed electronically to the home studio in time for editing for the evening news broadcasts.

We estimate the capital costs of a satellite studio as follows:

In-studio production facilities, \$100,000 for a minimum setup; portable camera and video recorder \$50,000.

We estimate the cost of constructing a one-way single channel broadcast-quality microwave relay system from New Brunswick to New York, for example, to be in the area of \$150,000. We believe that this relay system would be far less expensive in the long run than the leasing of telephone lines. The satellite studio should be established immediately using telephone lines as a temporary interconnection system.

Thinking in terms of annual expenses, we estimate the total costs of a satellite system as follows:

Annual costs of in-studio production facilities and portable video camera and recorder, including the purchase costs, at \$30,000 per year.

Annual costs of microwave relay system, including construction costs, \$30,000 per year.

Annual costs for studio building rental and office furniture rental, \$15,000 per year.

Miscellaneous operating expenses, \$7,500 per year.

Salary of administrative assistant, \$7,500 per year.

Salaries of currently employed New Jersey news reporter and camera crew, stations involved currently claim to be providing such personnel to cover New Jersey, we estimate no additional cost.

Thus, we estimate that it would cost each station \$90,000 annually to create and maintain a satellite studio. This figure would include the annual amortization costs of capital expenditures.

MR. SACHSMAN: The stations involved in the New York, New Jersey, and Philadelphia markets are among the most profitable in the nation. They claim to be operating with staggering news-gathering budgets. A significant number of the on-the-air news personnel earn in excess of \$90,000 per year. Ninety thousand dollars more is a comparatively cheap price to pay for improving television coverage of New Jersey.

We welcome questions.

SENATOR SKEVIN: Senator Maressa?

SENATOR MARESSA: Do you mean \$90,000 per individual or per crew or --

MR. SACHSMAN: There are about a half dozen on-the-air broadcasters, local broadcasters in New York City earning \$90,000 salary each year.

SENATOR MARESSA: Did Mr. Blonder understand my question or are you giving figures for different things?

MR. ORTON: I think we're giving figures for different things. We're talking about a minimal, remote satellite studio which would basically have one camera in place for in-studio kinds of programs that would be

microwaved back and a new portable video camera and recorder, a mini camera which technology is just now developing which are much cheaper than an in-studio, in-place complete television facility. I think that was the kind of thing Mr. Blondel was talking about.

SENATOR MARESSA: I was talking about describing hyphenations. He said it would be a million dollars and you say \$150,000.

MR. ORTON: Well, I think, from my judgment of what he said - and you can ask him - I think he was talking about basically taking a television operation, splitting it in half and putting half in New Jersey.

SENATOR MARESSA: You said, at the outset, that perhaps a VHF station in Trenton or New Brunswick would probably be the ideal solution but that you doubted very seriously we would ever get one. Technically, however, could a VHF station in that area be permitted in view of the 170 mile rule and all the other technical problems?

MR. SACHSMAN: That's the point. It would take the removal of one of the Philadelphia or New York stations in order to do that and we believe that that probably will not happen. We believe the best that can be hoped for is hyphenation and a built-in plan, such as ours, to assure that hyphenation results in something better than what we have now from Channel 13.

SENATOR SKEVIN: Is that the basis for a removal of a Philadelphia station, the prerequisite, is that an economy situation or does that involve technical matters?

MR. SACHSMAN: Well, from the reading of past FCC history, it would be very, very unusual for the FCC to force a major market station to move for reasons such as these. Historically, it just hasn't happened and we suspect that it won't. We are talking about the richest broadcasters in America and the influence of these broad-

casters with the Federal Communications Commission and the Congress we believe is very strong, strong enough to insure that CBS isn't going to be asked to have its station devalue \$35 million by moving it from New York City to New Jersey.

SENATOR MARESSA: On the question. I find it very revealing and enlightening and I want to compliment you on this. May I ask you the source of these figures and how current and reliable they are?

MR. ORTON: Well, I put them together. Some of them are ballpark figures. Again, to do a microwave relay you would need a complete engineering study and to talk about a piece of the microwave frequency again that's a ballpark kind of figure. The figures for minimal television, equipment for a portable video camera and so on we used, averaging twenty or thirty different types that are in current use, so I think you could spend double that, triple that or get away with half of that.

MR. SACHSMAN: We believe, though, that these figures are very reasonable. We have estimated them up rather than down and we have checked them with other people in the field and no one felt that they were outside of the ballpark.

SENATOR MARESSA: In your opinion, what effect would this have on our Public station, Channel 52? In other words, if we're going to have a physical studio in South Jersey or North Jersey, maybe in the Trenton area, two or three of them with crews looking for New Jersey news and covering almost everything that's going on, how would this affect the need of our Public Channel?

MR. SACHSMAN: I suspect there would be no effect since it will be a very parallel situation to the situation of 13 which we might like to call a New Jersey station which is a New York City station - the relationship

between Channel 13 and the commercial stations in New York, which is that Channel 13 does a different kind of programming.

SENATOR MARESSA: Thank you very much.

SENATOR SKEVIN: Thank you.

MR. SACHSMAN: Thank you.

SENATOR SKEVIN: Joshua Higgins, Executive Director of the Mayor's Commission on Human Relations, City of Elizabeth. Is Mr. Higgins here? (No response)

The Reverend James Pindar, Communications Office, Archdiocese of Newark.

R E V. J A M E S A. P I N D A R: Last year, U. S. News and World Report asked several hundred leaders in Government, industry, and the professions to gauge the influence of more than a dozen national organizations and institutions. Television topped the list ranking ahead of the Congress, the White House, the Supreme Court, the political parties, the schools, the churches, and other media. Television, unquestionably, both reflects and patterns our lives and our destinies.

In this context, a traditional communications story seems relevant: years ago when the British had successfully established a communications link between London, the premier city of their vast empire, and Delhi, the capital of their colony of India, many citizens were asked by the press to comment on this spectacular feat. Members of Parliament, financial tycoons, business giants were all quick to extol the achievement. John Ruskin, the distinguished man of letters, was sought out for his reaction. To the question, "What do you think of this, sir? We can now talk directly and instantaneously to India." His laconic, yet perceptive, response was "And what have you got to say to India."

Paraphrasing this tale of two cities - we can conjecture how wonderful it would be to have a greatly more convenient and extensive television capacity in New Jersey to talk among ourselves. And to the anticipated question "And what have New Jerseyans got to say to one another?" comes the immediate and resounding reply - "Plenty."

We do not seek additional television coverage from stations licensed to New York or to Philadelphia primarily so that Empire State or Keystone State residents can learn more about us, but rather that we Garden State residents can learn more about ourselves and strengthen our separate and distinct political and social entity.

It is patently unrealistic to expect any one station with a coverage area as populous as our metropolitan area to devise ways and means to operate in the public interest, convenience, and necessity for so many different constituencies with any result approaching perfection.

The present allocation and operation of television channels in New York City and Philadelphia inherently preclude adequate presentation of New Jersey news and events. A major overhauling should be done - now, at last.

SENATOR SKEVIN: Senator Maressa?

SENATOR MARESSA: I want to say that I concur with everything that you've said there. And as a South Jersey, Camden County resident, I agree with you that we really have here two states and we're under the influence of two media, whether it be the press, radio or TV. And, of course, the radio coverage is a lot better than the TV coverage. And I think it's absolutely essential, as you've indicated in here, that we have one New Jersey with

one particular identity.

REV. PINDAR: Ben Franklin is supposed to have said 200 years ago that New Jersey was a keg tapped at both ends, and that's still certainly true. You say to somebody, "Where is New Jersey?" "New Jersey is somewhere between New York City and Philadelphia." And I would say this as well though, New Jersey is everywhere between New York City and Philadelphia. And even your reference before, Senator, coming from the south part of the State, to Channel 52 - to me, of course, here Jerseyvision is Channel 50 out of Montclair. So that there are, of course, four channels that compose Jerseyvision, the New Jersey Public Broadcasting Authority. And even there we have our different point of reference, don't you see.

So that there is one thing, and I would like to say this just in passing, I have had the opportunity and the challenge, I suppose, to be a teacher of Communications at Seton Hall University since 1960 and we have philosophically and theoretically talked about this for a long time. But all is not lost, of course. I don't think that a decade from now people in this room will be quite so deprived of the communications opportunity as is the fact today. I think that you will see very much more of what the precise wordmasters call "narrowcasting" as opposed to "broadcasting". And, with the development of the cable industry, there should be an opportunity for what I like to call "customized prime time". I foresee a time in the future then where there will be programs broadcast or otherwise transmitted at any time at all and by the wonders of technology there will be a capacity certainly in schools, institutions, organizations and many a private home to take off the air or off the cable by automatic recording device of the program or whatever

is coming and of course to have it stored and retrieved later to enjoy at another time.

A very basic thing has happened with television since its inception. Initially, of course, all three steps were simultaneous. I mean by that, there was then being produced what was then being transmitted what was then being received and as well, of course, being viewed when received. Then, with the advent of the use of film, of course, and videotape certainly, you could be transmitting the program that had been previously, whether an hour or a year previously, produced. You still, of course, were receiving it and still viewing it at the same time as the transmission. But, of course, with the capacity of storage and retrieval in time ahead, I would think that the three fundamental units are going to be very frequently separated. We will be viewing something that was transmitted or delivered at a previous time, that was produced at a previous time.

Just one reference here so far as the future should be concerned. I would expect that because of the multiplicity of channels available on cable - I would expect that the County Medical Society will lease a channel fulltime: I would expect that the County Bar Association would lease a channel fulltime: I would expect that my own Catholic Church would lease a channel fulltime; and send programs on to that channel day and night so long as in the instance of the doctors there was a capacity I suppose in the physician's home and/or office to take the program off the cable, the brain surgeon interested in that operation, or whatever, and view it later and as many times as he cares to.

So I think that so far as tomorrow is concerned, the tomorrow of the next decade, we perhaps will not be

quite so deprived. But there is no question that we've got to solve today's problems with today's tools even those these tools of tomorrow are very attractive and undoubtedly you're going to revolutionize this.

So, really, of course, it is the college professor basically speaking in there, in that single sheet of prepared remarks, and what I say is quite philosophical really and nothing more than that, and perhaps it's not the sequence here this morning to be all that topical. At the same time, to end as the college professor would end, of course, New Jersey has a right to that television capacity - do I dare say a capacity that might be implicit in the Constitution of the Federal Government, the capacity that it be thorough and efficient. New Jersey, in fact, has the right to it because New Jersey has the need for this. And I think it's high time that, since we can do it electronically, with due respect to Ben Franklin I think we better in fact put the taps back on and secure it and become in fact the one political, social, cultural entity we have every right to deserve. We are, of course, a part of the 51st State, as Connecticut is and so is New York, but we are all of the Third State and it's high time that people knew that and that we came together to our advantage.

SENATOR SKEVIN: Father, you've touched briefly on the great potential and I think we're on the threshold of such great advances in the use of communication which involves television; however, in terms of the effect on the education of our children - and you have been identified and involved in education, I know, with the Archdiocese, do you have any comment as to what the effect has been in terms of identity in education because of the lack of our coverage in New Jersey, the proper, adequate coverage?

REV. PINDAR: Well, I think the difficulty that the Senator and I have in our generation is going to perdure, that the youngsters of South Jersey will not understand and build upon the reality of their having the necessary affinity to the youngsters of North Jersey. So that's clearly part of it, certainly.

Now, there's no doubt about the orientation and we can't pretend it isn't so. Of course, the allocation of channels some twenty or thirty years ago was premised on the commercial situation, and you draw your arc from Philadelphia and New York. That was understandable. But, of course, at this time now we can get chauvinistic about it but at the same time you have a good argument, together with and along with Delaware we remain unhappily unique.

SENATOR SKEVIN: Thank you, Father.

REV. PINDAR: Thank you.

SENATOR SKEVIN: Arthur Rosen, President of Tell Advertising.

A R T H U R R O S E N: Good afternoon, Senator Skevin, Senator Maressa, ladies and gentlemen.

The thrust of my testimony this afternoon is for the establishment of a New Jersey VHF Television Channel, that channel to be situated in the Hackensack Meadowlands. In other words, the approach that I'm taking is somewhat different from previous witnesses. Many of them, in their very fine presentations, faced up to the technical and other problems involving FCC regulations and so on and what they did was basically understanding the problem rationally try to work alternate solutions around the problems. I'm going to take the bold move and say, to blazes with the problems, this is a crisis time in the State of New Jersey and bold, creative moves are called for.

Reports and news articles abound indicating that New Jersey's problems have existed before the present recession, and will continue after the expected upturn.

Senator Parsekian, I think, made reference to the same New York Times summary that appeared on March 10 and I have it here and you gentlemen can have that later, if you wish.

It's time to turn things around, to provide more business, more jobs, through the creation of a VHF channel in New Jersey to stimulate sales for New Jersey business.

I urge your Commission to recommend to the State Senate and to Governor Byrne that the State of New Jersey petition the Federal Communications Commission for the establishment of a major VHF commercial station located within the Hackensack Meadowlands.

Senator Maressa, I don't intend to say then that the Camden area should be neglected, and whether through relay cable or a second station, I'm sure that that situation can be handled too. But for reasons that I will indicate as I go along, it seems to me it's crucial that the Meadowlands possibly be the location.

For far too long, New Jersey viewers have been encouraged on New York television to deposit their accounts in New York banks and to buy their appliances and apparel from New York stores.

In this period of economic crisis for New Jersey, a crisis far worse than in surrounding states, New Jersey dollars are flowing into New York. This flow must stop; it must be reversed, with New York customers coming here to take advantage of our no-sales-tax on clothing and our lower costs for auto gasoline.

At the present time, for New Jersey advertisers to utilize electronic media to reach their prime market - the citizens of New Jersey - they must go on New York

television, where they get more waste than coverage.

This yellow area indicates New Jersey. This is WCBS coverage area - I'll give this to you later - and it indicates where CBS, Channel 2, reaches. This is a New Jersey area and all these other areas are areas away from New Jersey that CBS covers.

Furthermore, very few New Jersey advertisers can afford to utilize New York television - an occasional bank, a large supermarket chain - because of its high cost. And I will just read off from an NBC rate card some of the costs: the Today show for 30 seconds, \$275; to get on a news program as a commercial, \$1500; the Midnight Special is \$600; and so on. So the cost is expensive and, as you all know, you need frequency in television advertising, you can't just go on once or twice and leave. So the costs are tremendous.

Three out of every four viewers of New York television reside outside of New Jersey. Therefore, if a New Jersey advertiser spends \$50,000 on New York television, \$37,500 of this would have little or no influence on his primary markets.

Now, if New Jersey had its own VHF commercial TV station, located in the Hackensack Meadowlands, over 80% of its prime audience would reside within 70 miles of the station. This is the area I'm talking about - Trenton, down here, all the way up you could reach with a strong signal about 80% of the population of the State of New Jersey.

Many more dollars would be spent in New Jersey if New Jersey residents no longer went to New York to buy or to bank and if, conversely, New Yorkers came to New Jersey, and most important of all if TV could be used to its full potential in stimulating additional business.

Why the Hackensack Meadowlands? The 1971 State

Law created the New Jersey Sports & Exposition Authority to provide "stadiums and other buildings and facilities in the Hackensack Meadowlands for athletic contests, horse racing and other spectator sports and for trade shows and other expositions". That's a very broadly phrased statement. And I don't know whether an amendment would be required or not but it certainly, the State Law, could possibly be a base for the possibility of this VHF station.

Construction is presently underway for the race track and the football stadium with provisions for TV booths at the stadium and a TV tower at the race track. The maximum acreage allowed for the Sports Complex is 750 acres out of the 18,000 plus which covers the whole Meadowlands. Within these 750 acres there are tentative plans for parks, a hotel and exposition center as well as a baseball stadium. The actual Sports Complex area lies between the western spur of the New Jersey Turnpike on the East, Berrys Creek in Southwest Bergen on the West, Paterson Plank Road on the North, and Route 3 on the South. The Meadowlands, of course, reaches down as far as Newark and as far up as Haverstraw, New York.

Now, let's think boldly. What if the New Jersey TV station were within ten miles of the football stadium and the race track. What if independent film studios were created adjacent to the station to provide TV programming and commercials as well as motion pictures. What if the Meadowlands were to become the major entertainment area for this part of the country. What Hollywood did for California in the 1920's and 1930's, the Meadowlands can do for New Jersey in the 1970's and 1980's.

Jobs, jobs, jobs, - in construction, in electronics, in industry and in services - for the young trainee and the mature craftsman - new jobs, new business, new growth.

Gentlemen, I urge you, in the words of a commercial, don't settle for less.

Work for a major VHF commercial TV station for New Jersey located in the Hackensack Meadowlands. Urge the Governor and his Administrators, your fellow Legislators, our New Jersey Congressmen to apply maximum persuasion on the FCC to bend their regulations on proximity between stations to allow for the new VHF channel.

Only two states are without their own TV stations; New Jersey and Rhode Island.

Incidentally, I heard reference to Delaware. I happened to call the Regional Office of the FCC in New York and they told me there was a station at Wilmington, Delaware, but there was nothing in Rhode Island. So that's where I got my information.

MEMBER OF AUDIENCE: Providence has a station.

MR. ROSEN: Then I got incorrect information from the Regional Office of the FCC in New York.

It's time for New Jersey to assert itself boldly. A New Jersey commercial TV station is an essential first step.

Thank you.

SENATOR SKEVIN: Senator Maressa?

SENATOR MARESSA: I have just one question. Is it engineeringly possible, I mean with all the technical problems that would result, somebody said you can't drop in a station with all the stations up there, is it possible to obtain another VHF channel without eliminating some other channel? Can that be brought about without eliminating channels?

MR. ROSEN: You don't do a lot of eliminating but, of course, there are channels in New York, local channels that are coming up for renewal, I suppose.

That's one possibility.

SENATOR MARESSA: By one of the existing ones?

MR. ROSEN: Yes, possibly. Secondly, I heard the same argument when the computer industry started putting their telephone lines in New York about how Bell Telephone couldn't handle it, that there were too many lines and it was technically unfeasible. They went ahead and did it and it's perfectly fine.

And I find that in this country if the will is there the brains and talent are there, they find a way to do it. So, though I'm not a technical man, I'm pretty well convinced if people bought this, they would find the technical wherewithal to do it.

SENATOR MARESSA: If we got the approval we could find a way to do it.

MR. ROSEN: That's it, Senator.

SENATOR SKEVIN: Mr. Rosen, one brief question.

We had a complaint this morning that New Jersey business people do not support New Jersey stations, by Mr. Blont, could you reconcile that with what we're talking about?

MR. ROSEN: Well, I assume most of these institutions that he's talking about are profitmaking institutions which means therefore that every potential customer that's going to be reached is going to be given a dollar value in terms of advertising. How many dollars would it take to reach their prime market? This is a New Jersey bank or a retail or independent store or shopping center, it doesn't matter. And the marketing and advertising people sit down and they say, well, how many people can we reach for how many dollars? And when they add up the waste on New York television, 99 times out of 100 they don't spend the money. Now in terms of New Jersey stations they count pairs of eyes, how many people are watching. If

it's an educational thing or something else, that's completely different, but if it's a commercial enterprise they can find out how much it would cost and what they would get in potential business for what they're doing. And that's what it's all about in terms of commercial television.

SENATOR SKEVIN: Thank you very much.

MR. ROSEN: Thank you.

SENATOR SKEVIN: Paul Schneider, New Jersey Public Interest Research Group.

P A U L S C H N E I D E R: Good afternoon. I'm Paul Schneider, North Jersey Coordinator for the New Jersey Public Interest Research Group, or PIRG, as we're known. N. J. PIRG is a non-profit, non-partisan, student-funded, and student-directed research corporation, supported by over 14,000 - actually it's closer to 20,000 - New Jersey college students, and I appreciate very much the opportunity to be here today.

A I grew up in Bergen County, I experienced the impact of the second-class status which the New York media imposes on citizens of the State of New Jersey. I distinctly remember the sensation when I suddenly discovered, at age 8 or 9, that New Jersey and New York were not the same place. I remember feeling disoriented, disappointed and cheated to realize that everything exciting happened somewhere else - namely, New York - while events in my native state were so insignificant that they hardly warranted mention on TV and radio. It was a blow to my pride to be told I lived in a second-class state.

I am sure that at some time thousands of other people growing up in New Jersey have had the same disillusioning experience. It is a very unhealthy situation for a whole state's population to be brainwashed into believing that their state is somehow less vital, less

dynamic, or less important than its neighbors. And the longer this situation continues and we continue to pay more attention to what's happening in New York than in our own State, the longer the quality of life in New Jersey will continue to suffer.

I am not here today to propose solutions to this problem. New Jersey PIRG is a member of the New Jersey Coalition for Fair Broadcasting, whom of course you heard from earlier today, and we support the goals that the Coalition is working toward. However, what I can offer today is some information which may help you in your study. What I have are the preliminary results of two on-going projects being done by N. J. PIRG at Seton Hall University.

The first of these projects was, of course, to simply monitor the local news shows of the New York TV stations to see how much coverage they give to events in our State. We monitored the news during a period from February 24 through March 8 of this year, which just ended about ten days ago.

Now, I won't go into all the details, just let me state briefly that during that period the coverage was fairly disappointing, especially when you consider that New Jersey has approximately 30 percent of the TV households in the New York metropolitan area. For example, we monitored 14 1/3 hours of local news on WCBS-TV over a two week period and of that 14 1/3 hours 48 minutes and 23 seconds were devoted to New Jersey events which is 5.6%. On NBC there was 23 1/2 hours of local news viewed during that time and New Jersey news, of that time, was only 58 minutes, which is 4.1%.

Now, the details of that, the results of our monitoring are on the first chart of the four charts I've included in the back of my testimony. And you can see, I've

made a chart showing the amount of minutes during this two-week period and then the amount of minutes devoted to New Jersey, and I think that kind of brings home the problem. (Charts - see pgs. 7X - 10X)

Let me also point out, we noted how many days a station had in which there was no mention of the words "New Jersey" on any news show. Now WPIX, Channel 11, led this list - on fully half of the 12 WPIX shows we monitored during the two week period, there was no mention at all of New Jersey. WABC and WCBS each had 3 days in which New Jersey was not mentioned at all. And I might point out, on WNBC one of those days included 2 1/2 hours of news in which there was no mention of New Jersey. And four out of the twelve WNEW news shows ignored New Jersey 100%.

Now, New Jersey Public Interest Research Group is also using the "case study" approach to evaluate New Jersey coverage on TV news. This involves examining the news coverage devoted to a specific story or issue which is of demonstrable importance to New Jersey citizens. Naturally, this requires that we make certain value judgments in determining what events or issues ought to receive news coverage. One guide we use in doing this work is the coverage given an event by New Jersey newspapers. This is, of course, an imperfect yardstick, but it is one of the best ones available.

I will report briefly on two such case studies, both on stories which broke conveniently during our monitoring period of February 24 through March 8. The first of these is the controversy which erupted over the efforts to disband the New Jersey State Commission on Investigation, or SCI. This was a drama which basically took place during the two week period.

There can be little doubt as to the impact of the confusing State Commission of Investigation story on New Jersey. Citizens today are clearly more sensitive about the integrity of government on all levels, and the SCI drama goes to the very heart of the integrity of New Jersey's government. Actions taken during this controversy threw new light on the characters of the men who hold key positions in our state government.

To quantify the importance of this story, we can look at the coverage given it by the two newspapers with the largest circulation in our State, namely, the Newark Star Ledger and the Record of Bergen and Passaic Counties. During our monitoring period, the Star Ledger ran 12 stories on the efforts to abolish the SCI, for a total of a staggering 539 column inches. Ten of these articles appeared on the front page. Meanwhile, the Record ran ten articles on the controversy, totaling 159 column inches, with three articles appearing on the front page.

There is little doubt about the magnitude of this news event. Yet the coverage given it on the local New York TV news shows was downright pathetic. Only one station - Channel 5 , WNEW, - made any report of this major controversy, giving it a total of 2 minutes and 55 seconds in two separate reports. Every other station we watched - Channel 2, Channel 4, Channel 7 and Channel 11, totally ignored the fight over the State Commission of Investigation. If the news directors of these stations have any explanation for this total shunning of their responsibility, I for one would be very curious to hear it.

The second story whose coverage we examined in some detail is the investigation into the death of two men who were murdered during the Labor Day celebrations last year in Newark. This story received coverage more

in line with its import - every New York station did at least one report on it, and WCBS led the way with a total of 12 minutes, including an editorial. This coverage is probably or perhaps more in keeping with the more sensational style story favored by all news media. Details of the comparison of newspaper and TV coverage for both the SCI story and the murder investigation can be found on charts 3 and 4 attached to my testimony.

And just quickly on those charts you can see that I've graphed how many column inches were devoted each day by the two newspapers to the story and then below that how many minutes were given by the local TV stations for the whole two week period to each of those stories.

Let me conclude by saying that we're putting this information together with a lot more extensive work that we're doing and it's going to be presented to the FCC as part of their inquiry and I will try to get a copy sent out to all of you.

Thanks very much.

SENATOR SKEVIN: Senator Maressa?

SENATOR MARESSA: I just want to say this. I find this all very enlightening and I am happy to hear that you are going to send this down to us.

SENATOR SKEVIN: I want to thank you and all of the students involved in doing this work in the interest of New Jersey. Thank you very much.

MR. SCHNEIDER: Thank you.

SENATOR SKEVIN: Howard Freund, Roselle Park.

H O W A R D F R E U N D: Senator Skevin and Senator Maressa, among other things, I am also a host for the television program out of Elizabeth, cable television, called Elizabeth Newsmakers, and I think that if we are able to have hearings in Washington you might find when

Accuracy in Media comes down there to testify that you may have your VHF station in the contesting that some of us are going to do to CBS.

This is what I would like to say, if I may:

I would like to thank the New Jersey Senate Commission on the Adequacy of Television Coverage of New Jersey for affording me the opportunity to express my views on a very timely subject. My purpose in being here is to add my voice to those who believe the people of New Jersey do not receive adequate television coverage. I speak from a different viewpoint than the New Jersey Broadcast Coalition, since my experience with media bias is based on experiences as a political candidate.

I have written to the Federal Communications Commission to appear and contest the renewal of the license of WCBS-TV and received a reply dated March 3, 1975, which states: "The Commission does not hold public hearings on renewal applications unless a substantial and material question of fact is raised which would indicate that a grant of the application would be prima facie inconsistent with the public interest."

To me the exclusion of my candidacy in New Jersey was a case of bias, while the determination of the station might be one of importance. In any event it is certainly within the province of this Commission to determine if the people of New Jersey are receiving adequate television coverage regardless of the views of WCBS-TV or the FCC.

My story begins when I was the American Party candidate for the U. S. Senate in 1972. It was my first political campaign and I was filed by the American Party to run with Governor George C. Wallace as the Presidential candidate. After Governor Wallace was shot and requested we remove his name, the American Party filed Congressman John Schmitz in his stead. Everybody here knows who Governor Wallace is but I dare say that 50% of the people

in this room are aware of Congressman John Schmitz. I attribute this to media bias.

Some may conclude that the American Party was nothing, but the Republican Party was in a similar situation in 1856 when it was in its first presidential campaign. In the 1968 race for the Presidency Governor George C. Wallace running on the American Party ticket polled 9,906,473 popular votes, carried 5 states with 45 electoral votes. If in the 1972 race the media had not blacked out the candidacy of the American Party candidate or given this party equal coverage with the Democratic and Republican parties, the American Party would be a viable factor in the political sphere today. The Democratic candidate, George McGovern, in 1972, received 28,387,668 popular votes, carried one state and the District of Columbia for a total of 17 electoral votes.

In spite of all obstacles, while running for the first time in my life, I polled 41,000 votes as the American Party candidate.

To me, this proved that there was a base for my viewpoint of at least 41,000 people and if given an equal opportunity to express my views, then I was a viable candidate for future elections. Accordingly, I became the American Party candidate for Governor in 1973. I did not expect special treatment but I certainly did expect the TV media to be fair in showing the candidacy of all candidates for the same office in New Jersey. Such was not the case, with CBS, NBC and ABC deciding who and what is to be seen in New Jersey.

As an example: On Sunday, October 14th, 1973 Mr. Brendan Byrne appeared on the program (CBS) Newsmakers and it was advertised in the paper that day, "Brendan Byrne, Democratic candidate for Governor of New Jersey." On October 21, 1973 the CBS program featured on the program Newsmakers, the Republican candidate, Charles

Sandman and it appeared in the paper that way. On both occasions I wrote to CBS-TV and requested equal time since I certainly was a Newsmaker too even if not to the degree of a Charles Sandman or a Brendan Byrne. CBS-TV informed me that the program Newsmakers was exempt from Section 315 since they claimed it was a bona fide News Interview program.

What they say is true even if unfair to me and other television stations like Channel 5 who had to give me equal time or WKBS-TV out of Philadelphia, which afforded me and the American Party the same fairness the FCC denied. In 1934 Congress declared that broadcast frequencies are a valuable and scarce resource belonging to the public. In keeping with this policy, broadcasters were required to operate their stations in the public interest. Out of this developed the principle that broadcasters must be fair in their treatment of controversial issues.

As a result of the free time given my opponents by WCBS-TV and other television stations out of New York and Pennsylvania with the approval of the FCC, I was denied an equal opportunity to present my candidacy. I am not concerned with the economic arguments of WCBS-TV since they took their franchise on false premises and the people of New Jersey suffered as a result of this violation of my civil rights by the media. For all practical purposes there is no American Party in New Jersey today and I polled very badly in 1973 as a result of media bias and government approval.

I thank the Commission for its time and patience and hope it will recommend that we develop our own television coverage in New Jersey based on a fair and equitable basis. If Washington has hearings I will attend and submit this and more lengthy material.

Something that I noticed in the Ledger this Sunday which bothers me greatly, there's something here which says, "FCC member charges media." When we deny equal rights on thoughts, there is something wrong. But when FCC members demand equal rights and coverage must be based on race, color or creed, I think something is patently wrong in the FCC. And I'll read this, it's an AP report in the Ledger this Sunday:

"The first Black member of the Federal Communications Commission says the news media is biased and he is tired of all the news about Blacks being negative. 'I am tired of turning on television and seeing nothing but Whites,' Benjamin Hooks told about 300 delegates of the southeast regional conference of the National Association for the Advancement of Colored People, 'I shall never be satisfied until we see change in the coverage of radio, television and newspapers,' declared Hooks, a former criminal court judge in New Jersey."

I don't know if we have anybody here from CBS or the other media but there is a news release out which is important to people of New Jersey. It's put out by the National League of Families of American Prisoners missing in Southeast Asia, the New Jersey Chapter, and this is important, whether they will cover this meeting at a college in Caldwell. It is a news conference being called by Mr. S. F. Mascari, Director. I am going to be there representing Channel 14. The news release is as follow: "President Ford's reneging on his promise to assign presidential task force to investigate the abandonment of 1300 missing in action in Southeast Asia, 83 of whom are still carried on Department of Defense rolls as prisoners of war, and his failure to keep his promise of a meeting of Dr. Henry Kissinger and the Board of

Directors of the National League of Families of POW and MIA's has prompted me to ask the press and media of the metropolitan area to attend a news conference which will be held in the Student Center Lounge of the Caldwell College, Bloomfield and Ryerson Avenue, on Wednesday, March 19, 1975 at 10 A.M." I won't read the rest.

It is my earnest hope if nothing else comes out of this testimony, I know you will take under advisement the things I have said. Maybe the media will cover this important story in a small college in the State of New Jersey. This has national implications, the abandonment of our sons.

Thank you, Senators. I will be very happy to answer any questions you might have.

SENATOR MARESSA: I just wanted to say, if we get our station, maybe things will change and we will cover the stories.

SENATOR SKEVIN: Thank you.

MR. FREUND: Thank you.

SENATOR SKEVIN: Mr. Felsberg, State Chamber of Commerce.

A L F R E D F E L S B E R G: Thank you, gentlemen. My name is Alfred Felsberg. I am Chairman of the Public Relations Committee of the State Chamber of Commerce and we appreciate this opportunity of being able to testify.

The State Chamber is pleased with the Senate's action creating your Commission and thereby placing an additional spotlight on this problem which concerns us all, that is the nature of New Jersey news coverage by commercial television stations.

The State Chamber is an active member of the New Jersey Coalition For Fair Broadcasting for we have long recognized the problem which is now the subject of your inquiry.

We wish to stress one point.

The problem is not limited to the coverage of New Jersey news by stations in New York City and Philadelphia. The fact that we lack full-time commercial television "presence" in New Jersey means additionally that the economy and the culture of this state are not being adequately interpreted by the television industry to the rest of the nation. We are un-represented, by and large, on the tv sets of the nation except for what we consider to be negative, or unfavorable news.

We would, therefore, like to present for the record today, the text of a letter we have written to the Federal Communications Commission about New Jersey's commercial tv problem. We consider the FCC to be primarily responsible for New Jersey's plight and we therefore look to the FCC for remedial action. We recognize that there are practical and economic limits to obtaining the type of coverage we feel New Jerseyans deserve if we are to remain solely dependent upon out-of-state commercial stations for such coverage.

Here is the full text of our letter:

March 13, 1975

Mr. Vincent J. Mullen, Secretary
Federal Communications Commission
Washington, D. C. 20554

Dear Mr. Mullen:

We were pleased to learn that the Commission has invited comment upon the petition of the New Jersey Coalition for Fair Broadcasting for inquiry into the need for adequate television service for New Jersey (Docket 20350).

We sincerely hope that the Commission will hold hearings on this matter for we have evidence which suggests that the present lack of television coverage of New Jersey has a more widespread, adverse effect than is generally acknowledged.

While the primary aspect of New Jersey's problem is conceded to be the direct absence of intelligence about New Jersey's economy, culture and public life for the use of the citizens of this State, our lack of television coverage works against the interest of New Jerseyans in another indirect way. We have found by a special opinion poll, that people in other states receive a predominance of news about New Jersey that is of an unfavorable nature.

It has been stated by others interested in this problem that New Jerseyans are, by virtue of present television coverage, heavily over-informed about events in neighboring New York and Pennsylvania and seriously under-informed about events in New Jersey.

But we must add that New Jersey's cultural life, its many scientific achievements, its governmental actions and other events that comprise the news "scene" are reported so little to the rest of the nation that New Jersey is almost "blanked out" as an economic and cultural entity in the eyes of the rest of the nation. The only types of news that out-of-state stations seem to come to New Jersey to cover are riots, fires, political scandals and similar negative news items.

That New Jersey is thus under-interpreted on television to the rest of the nation results in an economic adversity for this State. It has gained a reputation with many people as being a "bad" place because little of our favorable news can find any outlet. And people looking for a place to live, to take a vacation or, most importantly, to locate a business facility, too often avoid consideration of New Jersey because they feel it is a "bad" place.

Because many New Jerseyans (due to this problem) tend not to hold their state in particularly high esteem, and because we were convinced that the rest of the nation does not get a balanced picture of our economy, our culture or our people, the State Chamber recently took what was, for our organization, an unprecedented action. We felt it was necessary to tell New Jersey's story by means of an original motion picture which, we hope, will reach television stations locally throughout the nation to present our State's story to viewers on public service time. Our film, entitled "Where Ideas Grow", will be available for showing to school and general audiences and to television stations in April.

In terms of our Chamber's normal annual budget, this film is, to say the least, a significant cost burden. We must pay not only the production costs but the distribution costs as well. But this is an indication of how strongly we believe that New Jersey now is so badly under-interpreted and under-covered by New York and Pennsylvania vhf commercial television.

Some added evidence of the State's TV problem can be found in the creation of New Jersey's Public Broadcasting Service in 1968 -- the complete four-channel uhf television network operated under the aegis of the New Jersey Department of Public Utilities.

Had New Jerseyans enjoyed any real measure of New Jersey-oriented, sympathetic consistent television coverage by the vhf stations which radiate into this State, we believe that our State government might never have gone to the effort and expense it did of setting up New Jersey's own uhf band network.

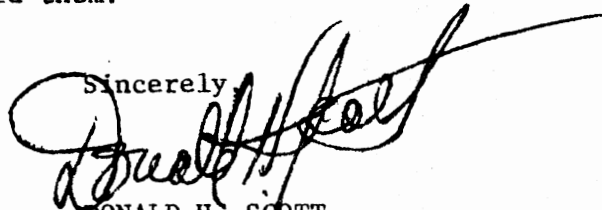
While we are not satisfied with the kind of treatment New Jersey now receive from the out-of-state vhf commercial stations, we do recognize limits in their ability to provide adequate coverage for New Jersey's 7.4 million people. Pressuring them for coverage that is not economically feasible because they are not located in New Jersey, is a course of action that can, at best, bring limited (and perhaps only transitory) relief from the problem.

Our point is that a state of 7.4 million people would seem to be entitled to at least one "home-based" vhf station devoted to their interests and to the life of their state. The fact that one vhf channel remains licensed to New Jersey but is physically based almost entirely in New York (and a non-commercial station at that) makes New Jersey's present plight all the more irritating.

We do not feel that granting uhf licenses to New Jersey is the answer to our problem. Despite dialing improvements in recent television receivers, viewers are simply not attracted to these frequencies and stations cannot survive on a commercial basis unless they cater to highly specialized audiences.

The Commission, by its actions, has placed New Jersey's citizens in this state of "disenfranchisement" and New Jerseyans must look to the Commission to correct this damaging situation. Our Chamber does not have the expertise to suggest which of several possible actions the Commission might take. But we know that citizen of New Jersey need -- and deserve -- at least one commercial vhf station that speaks to and for them.

Public hearings seem very much in order on this serious problem and we certainly hope the Commission will hold them.

Sincerely

DONALD H. SCOTT
President

That's the end of my statement.

SENATOR SKEVIN: Senator Maressa?

SENATOR MARESSA: I have no questions. I am going to use part of that letter you wrote to Mr. Mullins as a format for getting some other people to send letters in. And as has been indicated previously here, as many letters as we possibly can get sent should be sent to Mr. Mullins to insure the public hearing being held here.

MR. FELSBURG: We have circulated, Senator, our membership requesting that they do just this.

SENATOR MARESSA: Thank you.

SENATOR SKEVIN: I have no questions. I'm delighted to hear that you are doing that.

At this moment, we will adjourn until two o'clock sharp when the first witness will be Robert Nesoff, New Jersey Press Association.

(Recess for lunch)

Afternoon Session

SENATOR SKEVIN: Good afternoon. Our first witness this afternoon will be Robert Nesoff, North Jersey Press Association.

R O B E R T N E S O F F: Good afternoon, Senators. I would like to take this opportunity to thank you for permitting me to testify before this special legislative body.

You are in the very unfortunate position of being damned if you do and damned if you don't. There really is no position that you can take in this situation that will satisfy all parties. What must be the final outcome in such a situation - a recommendation that will be fair to the most concerned with an eye toward protecting the minority.

In the underlying background is the most serious question of potential violation of the First Amendment to the Constitution of the United States, a potential violation of Freedom of the Press." The actions contemplated here border seriously close to dictating to the news media what form and direction its coverage should take. In the past the American people have dealt with biased news, but have managed to come out of it unscathed and wiser for the experience. In the overall picture of American journalism is a tradition that jealously guards a sacred right to unfettered reporting and for the most part, by far, unbiased reporting.

Although we are dealing here with the airwaves, considered to be under public ownership as opposed to the private ownership of newspapers, the same guidelines of press freedom should apply.

However, in view of the special fact that the airwaves are considered to be a public utility, consideration should be given to the fact that the viewing and listening audience of these electronic outlets does exist in large part beyond the island of Manhattan. The New York Daily News and the New York Times, both of whom enjoy large readership in the Garden State, have come to realize that they cannot carpetbag without becoming a part of the everyday scene. Both newspapers have opened bureaus in New Jersey and have staffs stationed here. In addition to this, they have learned that a New Jersey edition of the newspaper can not be a few small filler items inbetween all the New York political gossip. What these newspapers have accomplished is to achieve a reasonable mix of news in accordance with their judgement of what is news and the relative importance of each item.

Simply put this means that an item will not make the paper solely because it is from one state or the other. The final criteria is its individual importance and interest.

It must be recognized that large segments of New Jersey's present population are expatriate New Yorkers or Pennsylvanians in South Jersey. This market is understandably interested in the goings on in these neighboring states in more detail, perhaps, than long-time New Jersey residents. But in view of the fact that an ever-increasing segment of the population obtains the major portion of its news from television, or perhaps the car radio, a critical eye must be cast toward those who provide this information.

It is a sad indictment of the news judgement of television editors that during the most recent gubernatorial primary, more Garden State residents knew the names of New York City's mayoral candidates than knew the names of the Democratic and Republican New Jersey gubernatorial candidates.

I would leave out entirely any candidate running for any other public office in New Jersey - Senator, Assemblyman and local councils. The primaries in these two states came only one day apart. That metropolitan area television was saturated with coverage of the New York contest, is to give only a mild description of what was going on. At the close of the polls in New York, several stations opened their "election central" studios and gave practically uninterrupted coverage until the election was decided. At least one station promised "complete coverage" of the New Jersey elections the following night. Freely translated, what this meant was that inbetween that station's regular programming on primary night, special bulletins on the results were carried as the information became available. This in contrast to the saturation coverage of New York on the previous night. To any New Jersey resident watching, this had to be a very frustrating experience.

Of the three major New York television stations only one seems to have a crew stationed in New Jersey on anything that resembles a regular basis. But one crew to cover an entire state is hardly adequate. The smaller stations, hampered by a lack of personnel and finances, don't even know where New Jersey is.

If it is difficult for New Jersey to get coverage during the week, it is an impossibility during the weekend. That is, of course, barring a major disaster.

In recent years it has become evident that New York television in particular, is particularly fond of covering anything approaching political or official corruption or wrongdoing. The impression given is that New Jersey is populated by all the corrupt people in the country.

I do not suggest that these stories be ignored. But I think that taken in the same context as similar stories out of New York, they would be more in proportion to their actual importance. If the only, or almost the only, stories coming out of this state are about corruption, how can New Jersey be anything but the national laughing stock it has become? And the electronic media must take no small share of the blame for presenting this uneven and distorted image.

To most television stations, covering New Jersey means perhaps one or two segments a week and an occasional "public affairs" piece once in a while at an hour Sunday morning when the birds haven't yet awoken. In the meantime we sit back and watch a parade of New York personalities and public officials passing before the cameras on ever-increasingly obscure topics.

New Jersey is one of only two states in this country that does not have a television station of its own. Yet the license for WNET, Channel 13 is registered in Newark, New Jersey. It is hard to believe that this so-called Jersey franchise does not even have a studio in this state from which to operate. Until a few years ago a pretense of maintaining a small facility in Newark was kept up. Then Channel 13 collected its equipment and skulked off through the tunnel and forgot the way back. Not too long ago a radio station with its license in Paterson, tried the same tactic. A citizen's group got together, protested, and forced the station to come back to where its license was registered. It now provides fine coverage of the North Jersey area. I am speaking, of course, of WPAT-Radio.

The two main arguments offered by the stations are that the major portion of their audience comes from New York and so does the bulk of advertising. Any observer of the small screen will note that a large portion of media advertising is of a national level, rather than local merchants. Those merchants who do advertise on television seek a wide audience or they would place their ads in small, local newspapers.

To television assignment editors any area above Columbus Circle is considered to be "bush league." Anything off of Manhattan Island is thought to be totally unworthy of coverage and of no interest to a wider audience. If this is so, then I must say that what happens on West 37th Street is of almost no interest to someone living on East 54th Street.

I do not think the Damocles Sword of a complaint to the Federal Communications Commission is the answer. Nor do I believe that anyone has a right to mandate the percentage of coverage New Jersey, Nassau, Suffolk, Westchester, Fairfield, or any area in the viewing range should get. To do this would be the serious infringement on press freedom that I spoke of before. A quota system could force other, more important news off the air. A news editor must be free to express his own judgement, even should it be poor judgement.

What then is the answer? As I said before, you are in the unenviable position of having to make a decision that will be both unpopular and subject to criticism no matter what you decide.

My own suggestions are as follows:

Require that stations maintain their prime facilities in or near the city in which their franchises are registered. This would prohibit the pirating of franchises to big cities such as happened here in the Channel 13 situation. An additional recommendation would be to require that Channel 13 return either to Newark or some place within that immediate area to provide the main coverage to the area where its license is registered.

Require that stations give appropriate coverage to all sectors of the viewing area without stipulating time percentages. Each television and radio station should be required to have one individual with whom citizen and government groups could communicate to voice complaints about coverage. This representative, rather than someone who would simply listen to all comers, should be designated as a liaison for major organizations and the government. Also, this representative should be sufficiently highly placed so that any agreements made or suggestions, should have ample weight with the board room of the station.

The thought of any direct or indirect government control of the newsroom is frightening. But the weight of public opinion expressed in a serious and thoughtful manner, should be given adequate consideration.

New Jersey is not the sixth borough of New York City. It is a sovereign entity and is entitled to consideration as such. I commend the work of this panel and its members for bringing to public focus a problem that has for too long simmered below the surface. I trust that the stations are listening and hear the rumblings. The ball is clearly in their park now.

Thank you.

SENATOR SKEVIN: Thank you, Mr. Nesoff, for that well-thought-out and appropriate statement.

Senator Maressa?

SENATOR MARESSA: I just wanted to say, speaking for myself, I believe that requiring stations to maintain their prime facilities in or near New York City - of course, you added to that parenthetically, mandating 13 to come back to Newark - wouldn't mean they would have to come back to Newark because New York City is near. You say, "require the stations give appropriate coverage." That is really saying nothing, and I am speaking for myself, but I think the whole article is a cop-out.

MR. NESOFF: Well, Senator, would you suggest then that somebody in a governmental agency dictate to a newspaper or to a television or radio station as to what their coverage should be or as to what news they should cover or should not cover?

SENATOR MARESSA: If it is by the way of utilization of percentages, I don't see anything wrong with that - I really don't.

What you are suggesting is that they have a facility in or near and they have appropriate coverage. What is the definition of "appropriate"?

MR. NESOFF: Appropriate is the judgment of the particular person responsible for making the decision.

SENATOR MARESSA: Which could be whatever he feels?

MR. NESOFF: That's correct.

SENATOR MARESSA: Okay. I have no further questions.

MR. NESOFF: If I may say, Senator Skevin, if Senator Maressa is asserting that we should have percentage coverage, what would he do in the event the New Jersey's percentage for a particular night was used up and there was another story. Should that story be forgotten about to go to Fairfield County, Connecticut's percentage?

SENATOR SKEVIN: We understand and both recognize the First Amendment problem here. We are concerned about government control in this area of free press and free speech in terms of the First Amendment. We are also concerned about the economic interest and control involved in television and how that affects free information and communication that is so necessary to a democracy.

In your statement, and I am talking here about your suggestion of a liaison - we are looking for some utopia in terms of a situation where governmental and economic interests would not be affected in terms of the First Amendment - are you talking about an independent citizens' group that would be funded independently of government and economic interest so they can be involved in the determination of appropriate communications?

MR. NESOFF: Very honestly, I haven't formalized that. It was a generalized suggestion. But I think it should be a group that would be able to speak for at least a large segment of the population rather than small individual pressure groups who say, "Our story wasn't covered and, therefore, we are going to file a complaint with the Federal Communications Commission." I don't think that any TV or radio station should be subject to this any more than any organization should be able to go to its local newspaper and say, "We think you ought to go out of business for not covering us either."

The newspapers have the letters to the editors sections. They generally have community relations people who can discuss these subjects. I am suggesting that something along these lines be established at the television and radio stations, but with somebody at a sufficiently high position so that whatever agreement he accedes to or whatever suggestions he may make will have weight with the authorities at the station. It will not just be a placebo.

SENATOR SKEVIN: Recently there was a woman who appeared on CBS Television and suggested something similar in nature where there would be an open period of time for the citizens to express themselves on TV. Is that something along the lines you are talking about?

MR. NESOFF: I am sorry, sir. I am not familiar with that situation at all. I could not comment on it.

SENATOR SKEVIN: I have no further questions.
Thank you.

Thomas Leahy, Vice President and General Manager,
WCBS-TV.

T H O M A S F. L E A H Y: Mr. Chairman and Senator, good afternoon. My name is Thomas F. Leahy. I am Vice-President and General Manager of WCBS-TV, which is licensed to CBS Inc. and operates on Channel 2.

With me is George Dessart and he is Executive Assistant to the Vice-President and General Manager.

As was noted in your invitation to us to appear today, there is presently pending at the Federal Communications Commission an inquiry and rule-making proceeding concerning the adequacy of television coverage for the State of New Jersey. CBS intends to participate in that proceeding and is in the process of preparing comments. We believe that the FCC is the appropriate forum for the consideration of this question and the stated intent of this Commission to forward the results of these sessions to the FCC appears to reflect a similar belief on your part.

Thus, we view these proceedings as a good faith effort on the part of elected representatives of New Jersey citizens to obtain information so that a more informed decision can be made about the nature of any participation by the State political leadership in the pending FCC proceeding. We do not believe that the television service offered to the citizens of

New Jersey is anywhere near as poor as is contended. Indeed, we believe that we do adequately serve the needs and interests of those New Jersey citizens within the WCBS-TV service area. Our purpose today is to provide you with some pertinent facts on the nature of that service and to place in context the demands for coverage with which we are increasingly faced.

As indicated in our most recently filed license renewal application, WCBS-TV undertakes to serve principally the City of New York, the City of License, and a number of surrounding counties of New York, New Jersey, and Connecticut. It would be no exaggeration to describe this region as the largest, most vital, most diverse and most complex megalopolis in the world.

It is for the population of this area that WCBS-TV presents, what we believe to be a stimulating, varied, and helpful schedule of television broadcasting. Viewers look to our station for regularly-scheduled entertainment programming, for sports events, for special programs, for national and international news broadcasts prepared and presented through the worldwide facilities of CBS News, for college courses for credit, for children's programming, for religious programming, for public affairs, for programming in the arts, for information on health, nutrition, money management, food, fashions, consumer affairs, for special instructions in case of emergencies, and for the news of the day.

This extensive programming effort is intended to serve the entire service area of the station rather than individual, fragmented portions. Some people, however, substituting their own judgment for that of professional journalists, have demanded increased coverage of special interest

stories at the expense of stories of interest to the community as a whole. Small, vocal groups seem to be looking to television for a geographic particularization. This more properly belongs to the vigorous and healthy local print press which distinguishes our area and to the numerous radio stations licensed to smaller communities.

Demands for more recognition, more attention, more coverage -- whether or not any events take place to warrant such coverage -- have recently come from some people in the Borough of Brooklyn, the New York's City Hall, Albany, Nassau County, and Fairfield County. Only last week, the Rockland County Legislature filed with the Federal Communications Commission a petition to deny the license renewal applications of the six New York commercial television stations. Rockland County, population approximately 260,000, represents a part of our total audience, and, therefore, independent of any other criteria, its representatives feel entitled to a proportion of each daily news broadcast -- three to six minutes per week, according to reports in the print press. Nor are the requests for time confined to those who identify themselves as residents of particular localities. Similar demands have been made by others, particularly racial groups.

The effect of acceding to these demands would be to balkanize the broadcast day, with the result that a medium licensed and designed to serve the public interest would serve only special interests; instead of serving everyone, television would serve the few -- and then, only at specific times.

Where all of this mechanically breaks down, of course, is that on any given occasion there may be nothing truly newsworthy occurring in a particular community when considered in light of the press of events in the region, the nation, or the world. A point that is often lost on those making demands of us is that a television news broadcast is programmed, not by the numbers of persons in the audience, not by the numbers of locations in which the broadcast can be viewed, not by the numbers of institutions, organizations or community leaders active in the area, but by the flow of events. And, to the extent that television news can be described as a headline service, the events which are covered on a television news broadcast are of necessity what the editors consider to be the most pressing, most important, and most interesting that day. Experience has shown that an audience cannot be force fed. Access to air time is not access to an audience.

Having said all that, I must hasten to add that no journalistic organization can consider itself responsible unless it can be assured that it has developed sufficient newsgathering techniques. In this process, television has shown dramatic growth in its short history.

Now, I would like to speak specifically of WCBS-TV and of our ability to gather news in and about New Jersey. During the past year, a WCBS-TV correspondent has spent almost all of his time covering New Jersey. His work has been commended by a number of New Jersey public officials. Now, however, the flow of news from New Jersey has increased to such an extent

that WCBS-TV has decided to fully assign a correspondent, as well as an assignment researcher and crews as needed, to coverage of New Jersey events. This is in addition to whatever crews and correspondents might be required by breaking stories. On occasion, as dictated by the news flow, WCBS-TV has had as many as four correspondents and crews covering New Jersey on a single day. Supporting our New Jersey effort is our Jersey Desk, which is in daily contact with stringers in Trenton and in North Jersey. These professional stringers are journalists who service WCBS-TV and other major news outlets with a daily on-the-scene update of the events they are following.

Currently, WCBS-TV is serviced by 11 news wires. Although stories from or about New Jersey might move on most of these, WCBS-TV, has for a number of years, included among its wire service, the New Jersey Associated Press Wire. This, as you know, provides its subscribers with the news-gathering services of professional journalists in virtually every town of the State. Additionally, WCBS-TV's New Jersey Desk reviews daily the Bergen, Newark, Elizabeth and Somerset newspapers as well as a variety of New Jersey weeklies. The New Jersey Desk regularly receives information from the more than 15% of Channel 2's news personnel, executives, directors, producers, correspondents, and technicians who live in various communities scattered throughout Bergen, Essex, Middlesex, Hudson, Union, Somerset, Passaic, and Monmouth Counties. We know that this system is working. In fact, on some days, news judgments dictated that no crews be assigned to New Jersey. On other days, half of the station's film crews were working in New Jersey.

We readily acknowledge that WCBS-TV's newsgathering capabilities in New Jersey have improved, and this improvement has been, in part, a result of our dealings with the New Jersey Coalition for Fair Broadcasting. As this Commission may be aware, WCBS-TV engages in a variety of techniques to assure a continuing dialogue with community leaders and members of the public in New Jersey in order to ascertain the needs and problems confronting various communities. In framing Editorial policy, as well as in planning Public Service announcements and Public Affairs programs, a continuing dialogue with community leaders and community groups is invaluable. Our regular meetings with the Coalition have been a significant element in our ongoing ascertainment. While we may disagree with the Coalition on specifics, we expect the exchange of views to be mutually beneficial.

Having said this, I must make absolutely clear that WCBS-TV cannot and will not delegate to any third party its responsibility to exercise its professional news judgment in the selection and presentation of news and issue-oriented broadcast.

I have limited my remarks today to a brief overview of the problems involved in the coverage of the Tri-State area. In response to the FCC Notice of Inquiry of February 6, 1975, we are collecting information to be submitted to that regulatory agency regarding New Jersey coverage. That response will necessarily be more detailed than my comments today.

Mr. Chairman, Senator, I thank you for this opportunity to present our views on the subject of television coverage of New Jersey.

SENATOR SKEVIN: Thank you, Mr. Leahy, for those comprehensive remarks.

Senator Maressa?

SENATOR MARESSA: Do I understand, Mr. Leahy, that you are saying it is your opinion that we don't need an independent station in New Jersey or a VHF channel or UHF channel, based in the State, but that you and your cohorts are providing sufficient coverage for all New Jersey news, etc., at least in this area of the State?

MR. LEAHY: In my opinion, in the service of our entire service area, we are providing New Jersey adequately. Now that doesn't say we could not improve and we are not striving for improvement.

SENATOR MARESSA: Are you aware of the polls that seem to indicate that the people in North Jersey know more about who the Mayor of New York City is than they do who is Governor of the State? Are you aware of that fact?

MR. LEAHY: The poll that I am aware of, I believe, is the poll that is referred to as the Eagleton Study. And that poll dealt with a political race in New Jersey at a point in time which might not be typical of any political race in that the man that eventually won that race had not yet announced, and also it dealt with New York politicians that had been well known. One gentleman previously held the office for 12 years. I am not sure that any campaign when compared to the New York mayor's campaign is not unfair in that that job has been publicly recognized as the second toughest in the nation and controls the second largest budget in the nation.

SENATOR MARESSA: Then is it your opinion that the races in New Jersey do get sufficient coverage, the Senate

and gubernatorial races? Do they get the coverage they deserve so there would be an identity of those of us in government with the people that we seek to represent?

MR. LEAHY: Senator, your last Governor's race, I believe was adequately covered by Channel 2 in New York.

SENATOR MARESSA: I can't speak for North Jersey because I am from Camden County. But the only coverage we got on television, which, of course, all emanates from Philadelphia, in the southern part of the State was on the question of casino cambling. We didn't even get any congressional race coverage. So there is a real need in the southern part of the State. Of course, as I indicated previously, I can't speak for this part of the State.

Thank you very much.

SENATOR SKEVIN: Mr. Leahy, was it just a coincidence that the camera went on when you started to talk about the adequacy of coverage in New Jersey?

MR. LEAHY: Senator, I have made speeches before and I have never had a camera on me. So I must assume that you are newsworthy.

SENATOR SKEVIN: I thought the camera was on you, Mr. Leahy, not us.

In terms of your statement that during the past year a correspondent has spent almost all of his time covering New Jersey, could you tell me what happened before last year?

MR. LEAHY: I suspect it was more than a year ago, but certainly all of last year we had a correspondent that spent the lion's share of his time in New Jersey. I also would think that prior to that, correspondents were assigned New Jersey as news flow demanded it.

SENATOR SKEVIN: Where does this correspondent physically locate himself?

MR. LEAHY: Where does he live?

SENATOR SKEVIN: Where does he locate himself physically during his working day?

MR. LEAHY: All of Channel 2's news effort is located on West 57th Street.

SENATOR SKEVIN: New York City.

MR. LEAHY: Yes. That allows for maximum flexibility in covering of the entire service area and also allows us to capitalize on the expertise and talent that are available to our news effort.

SENATOR SKEVIN: And where does he work in terms of New Jersey activities? Does he go out to New Jersey?

MR. LEAHY: He leaves New York City daily and New Jersey, as you well know, is more accessible to our location than the East Side of Manhattan Island.

SENATOR SKEVIN: Where does he physically live?

MR. LEAHY: His personal residence?

SENATOR SKEVIN: Right.

MR. LEAHY: I believe that is in New York.

SENATOR SKEVIN: So you have a New York resident have his chief operations' office in New York City and he covers the entire State of New Jersey. Is that correct?

MR. LEAHY: Yes.

SENATOR SKEVIN: In terms of monitoring, do you have any records as to the type of coverage that your station has afforded the State of New Jersey?

MR. LEAHY: Regarding what period of time?

SENATOR SKEVIN: The period of time that would be involved with your license renewal application. To be more specific, the Executive Director and Counsel of the Fair Broadcasting Coalition in New Jersey testified earlier this morning that they have certain monitoring records which would indicate that New Jersey received a small percentage of news events and coverage on your station and other New York stations. They indicated that they presented this information to you and that you in response or a

representative of your television station indicated that they were incorrect. However, they made a request for your records and, according to their testimony, there was no response. Now do you have such records?

MR. LEAHY: Obviously we have records of what was on the air. I do not know whether or not in the manner in which you tabulate or count stories, which I am reluctant to do, - but in the manner in which you do, I don't know whether or not you are counting in that news count national and international, which I am sure you agree are of interest to the people of New Jersey, and sports, weather, theater. I am sorry, but I am not familiar with that request.

SENATOR SKEVIN: You have no information or records available to you as to the percentage of time that your station devoted to that?

MR. LEAHY: We certainly do and I know recently, as I have mentioned, we have had four film crews in New Jersey; as recently as March 10, we had three.

SENATOR SKEVIN: But do you have records of monitoring how much time your station spends with New Jersey events?

MR. LEAHY: We can develop that.

SENATOR SKEVIN: And would those records be available to the FCC inquiry?

MR. LEAHY: I am sure they would. I really don't know the specifics.

SENATOR SKEVIN: We have had testimony about the possibility or the feasibility of improving television coverage in New Jersey involving a satellite office or station. Do you have any comments on that approach?

MR. LEAHY: Well, as you know, that is one of the conditions being studied in the docket and no doubt we will be responding in full. But, generally speaking, if you were to place a New York television station in New Jersey, no doubt the city of license, the specific city of license,

in New Jersey would have its coverage affected by the presence of this television station. If that television station were to service the entire service area of the metropolitan area, I would doubt whether there would be substantial change in the coverage of the State of New Jersey.

SENATOR SKEVIN: Do you think there would be some improvement in terms of coverage?

MR. LEAHY: In that city of license.

SENATOR SKEVIN: In the city of license.

MR. LEAHY: But I doubt that you would find substantial change in the coverage of the State.

SENATOR SKEVIN: Mr. Leahy, I watched your newscast last night, the local report which was given by Ralph Penza and the only New Jersey event that I observed was the fire in Camden. However, yesterday a fine leader of our State, a man who was a mayor in his local community, an Assemblyman and Majority Leader, counsel to the Governor, and also the first head of our State Energy Office, died and there was no mention of that death on the television program. I believe it certainly was a newsworthy event. I am just wondering was your New Jersey correspondent, the resident of New York, aware of this death?

MR. LEAHY: Senator, we covered the fire in Camden, we covered the obit and we covered the parade in Jersey City in our seven o'clock report.

SENATOR SKEVIN: But not at the eleven o'clock news - not to my knowledge, at least.

MR. LEAHY: I think we did. I think we did.

SENATOR SKEVIN: Thank you, Mr. Leahy.

SENATOR MARESSA: One question. We had Alfred Felsberg, who is chairman of one of the committees of the New Jersey State Chamber of Commerce, testify here this morning. Were you in the room when he testified?

MR. LEAHY: I wasn't.

SENATOR MARESSA: He stated in a letter that the Chamber wrote to Mr. Mullins at the FCC: "We have found by a special opinion poll, that people in other states receive a predominance of news about New Jersey that is of an unfavorable nature." Do you agree with that statement?

MR. LEAHY: No, I do not.

SENATOR MARESSA: The letter goes on to say, "It has been stated by others interested in this problem that New Jerseyans are, by virtue of present television coverage, heavily over-informed about events in neighboring New York and Pennsylvania and seriously under-informed about events in New Jersey." Do you agree with that?

MR. LEAHY: No, I would not.

SENATOR MARESSA: (Reading from letter) "But we must add that New Jersey's cultural life, its many scientific achievements, its governmental actions and other events that comprise the news 'scene' are reported so little to the rest of the nation that New Jersey is almost 'blanked out' as an economic and cultural entity in the eyes of the rest of the nation. The only types of news that out-of-state stations seem to come to New Jersey to cover are riots, fires, political scandals and similar negative news items."

Do you agree with that?

MR. LEAHY: No, I don't. Excuse me, Senator. The reason for my response - and I didn't mean to be curt - was we recently finished a formal ascertainment of both the state's leadership and the general public; and, yes, indeed, media was mentioned in our formal ascertainment of the political leadership and the community leadership of your state. However, slightly more than 10 percent of those ascertained mentioned media. In our general public ascertainment, media was never mentioned.

SENATOR MARESSA: But would you have an objection to a hyphenation that would require setting up an office

somewhere in North Jersey here in view of the fact that you have so many crews and invest so much money in New Jersey as you have indicated in your testimony?

MR. LEAHY: Senator, I think, given the maximum flexibility and given the ability to draw from the varied and extensive resources within our entire news operation -- serves better the people of New Jersey.

SENATOR SKEVIN: Just one further question, Mr. Leahy: Who is responsible for making the decisions on programming every day on a day-to-day basis?

MR. LEAHY: On a day-to-day news judgment? Is that your question?

SENATOR SKEVIN: Yes, the ultimate responsibility.

MR. LEAHY: The senior management of the news department is responsible for that decision. The Metropolitan Editor of Channel 2 news is a Jersey resident; and the Executive Director of the six o'clock report Monday through Friday, the number one executive in charge of that particular product, is a Jersey resident.

SENATOR SKEVIN: In terms of how much time this New York correspondent spends on the seven million people in New Jersey, who makes that ultimate decision?

MR. LEAHY: These gentlemen make journalistic decisions on the importance of the event involved.

SENATOR SKEVIN: Thank you, Mr. Leahy.

MR. LEAHY: Thank you, Senator.

SENATOR SKEVIN: John Iselin, Vice President and General Manager of WNET-TV.

J O H N J A Y I S E L I N: Gentlemen, I am John J. Iselin, President of the Educational Broadcasting Corporation.

The Educational Broadcasting Corporation, licensee of WNET/Channel 13, welcomes this opportunity to appear before

this distinguished Commission and address itself to broadcast coverage of news and events of interest and importance to New Jersey citizens.

Channel 13's aim is to help each viewer within its signal be a whole person. This means paying attention to matters of information, enrichment and enlightenment in a wide variety of fields and disciplines. Our belief is that television can indeed be a fulfilling experience.

Essentially, we believe that our mission is to play linebacker. Our job is to fill in the holes in the line. Accordingly, we seek to apply our very limited resources where others have failed to provide programming of service. Thus, we seek to supplement and complement commercial broadcasting and thus we seek to serve the viewers of Northern New Jersey.

WNET/Channel 13 was first granted a license in 1961 by the Federal Communications Commission to provide a VHF noncommercial broadcast service in the country's largest television market. This market includes Northern New Jersey, New York City, Long Island, counties just north of New York City and Southwestern Connecticut.

WNET's transmitter is atop the Empire State Building. The station's potential viewing audience surpasses twenty million. Approximately one of every four viewers lives in New Jersey.

The station presently has approximately 220,000 members, of which one-fourth reside in New Jersey. In addition to memberships, WNET receives substantial revenues through grants from foundations, corporations, the Federal government and New York State.

WNET's programming goal is the pursuit of excellence in the production and acquisition of programming around the metropolitan region, around the country, and around the world. Our numerous awards and press reviews attest to

our achievements in striving towards this goal.

In viewing our service to New Jersey, we should perhaps first understand what WNET cannot do. We are prohibited from broadcasting commercial messages, and we are therefore precluded from the mainstream of broadcast-merchant commerce.

Noncommercial television stations are prohibited by law from editorializing and from supporting candidates for political office, thus denying us two avenues of deeper civic involvement.

Finally, WNET's funding limitations, combined with its enormous service area population, place additional hardships and restraints on the totality of its local service.

The aforementioned limitations notwithstanding, WNET has diligently pursued its goals of program excellence and community service.

Recently, the station officially celebrated the opening of its new quarters in Newark, replacing its somewhat antiquated facilities at the Mosque Building. The new quarters, rented from the City of Newark, at 20 Park Place, provide a facility for a full-time New Jersey staff. Our series DATELINE: NEW JERSEY, which airs Saturday evenings and is repeated on Tuesday evenings, explores intelligently and in depth many of the issues facing the people of New Jersey. The series has explored problems of urban decay, unemployment, crime and taxation, and will continue to involve all segments of the New Jersey community in a continuing analysis of New Jersey problems.

New Jersey issues and events are an integral part of all of our local programming. This year we have had interviews with Governor Byrne; a feature story on the casino gambling issue; and a report on nutrition in New Jersey. Our cameras have visited the New Jersey Little

Leaguers and the Ramapo Mountain People, and the New Jersey press, through our facilities, analyzed the November elections in New Jersey on a WNET special report.

What makes WNET unique is that we consider the above coverage one layer of our total New Jersey service. Consider the following elements in that service:

Major health programs with local follow-ups concerned with cancer, heart disease, genetic defects, respiratory diseases, alcoholism and venereal disease.

The finest drama from regional theaters around the country.

The finest symphonies and ballet from around the world.

A nightly broadcast of a captioned version of the ABC Evening News for the hearing impaired.

Unique minority affairs programming such as BLACK JOURNAL; REALIDADES; SOUL!; and BLACK PERSPECTIVE ON THE NEWS.

The most enlightened discussions of contemporary events on series such as BILL MOYERS' JOURNAL, WILLIAM BUCKLEY'S FIRING LINE and the prestigious television news review BEHIND THE LINES with Harrison Salisbury. The highly-praised children's programming on television including SESAME STREET, ELECTRIC COMPANY and MISTER ROGERS' NEIGHBORHOOD.

Another major element of WNET's service is our daytime school programming. Presently, 57 New Jersey school districts participate, and approximately 60,000 New Jersey pupils benefit from our enriching school service.

Furthermore, WNET's Consumer HELP Center, in cooperation with NYU and Seton Hall Law Schools, aid distraught consumers in resolving their disputes with merchants and governmental agencies.

WNET's minority training school, the largest school of its kind, has trained many New Jersey and New York

minority students in the fundamentals of film and television production.

The New Jersey legislature has recognized the important and unique role of public television as a communications service, and several years ago created the New Jersey Public Television Authority. Jerseyvision now operates four television stations in different locations throughout the State. It is our belief that Jerseyvision will continue to expand the presence and potential of public television in New Jersey, and with WNET, provide coverage of New Jersey news and events as well as a broad range of quality public affairs, cultural, children's and science programming.

In conclusion, I would like simply to reaffirm our commitment to provide New Jersey citizens with the finest quality programming about their state, their country and their world.

To the best of our ability and to the extent of our resources, we pledge ourselves to help our viewers be whole persons through television. We appreciate this opportunity to share our particular mission with this important inquiry.

Thank you.

SENATOR SKEVIN: Thank you.

Senator Maressa?

SENATOR MARESSA: Do you operate in conjunction with the New Jersey Public System, 50, 52, etc.?

MR. ISELIN: 50, 52 Jerseyvision is a sister station of ours. As you know, they are licensed to those various locales. We share, as much as we are able to share, materials back and forth with them. It is an informal cooperative arrangement. For example, on our DATELINE: NEW JERSEY program, very often they may have film footage that helps to illustrate a point that we want to bring up and it is a

matter of our making arrangements to borrow that from them. Similarly, they will call upon us in case we have some footage that they might find useful in their programs.

SENATOR MARESSA: In your opinion, if the State of New Jersey were to acquire Channel 13, would it strengthen its over-all coverage throughout the State? I am speaking of the Jerseyvision stations.

MR. ISELIN: You mean if Channel 13 were to cover New Jersey exclusively?

SENATOR MARESSA: No. If the New Jersey Public System, Channel 50 -- We operate Channels 50, 52 and 23 in the south. I don't know what it is here.

MR. ISELIN: It is 50 up here in the north.

SENATOR MARESSA: Suppose the State were to acquire Channel 13, then that would more or less complete the network, would it not, of public broadcasting?

MR. ISELIN: Well, Channel 50 broadcasts from Montclair, which is just outside of Newark.

SENATOR MARESSA: The same coverage area?

MR. ISELIN: It is the same coverage area. We try to supplement each other. It would be pointless for us to be broadcasting exactly the same programs they are broadcasting. What we have in the north, we believe, is in effect a very effective double-barrel coverage.

SENATOR MARESSA: Actually, you are in competition with each other.

MR. ISELIN: In a certain sense, we are, but I think it is a healthy competition and the sort that is to be encouraged. We tend to play similar programs at different hours. Therefore, there is greater chance for our audiences to pick them up. Jerseyvision has applied to HEW for funds to open up a studio of their own in Newark. We would hope to be able to have access to those facilities on some sort of a limited basis. I think it is a very healthy competition.

SENATOR MARESSA: Did Channel 13 initially have to be noncommercial? Was that the only license that was available or did you request it that way?

MR. ISELIN: At the time that Channel 13 in 1961 came into existence as a noncommercial station, the then Channel 13 was a commercial licensee which, as I understand it, was in financial distress. It was looking for someone to take it over because of being in a nonviable commercial situation. So it appeared to have been, at that time at least, the weakest commercial station and the logical one to be sold to a public-spirited group of citizens who then had it reassigned through the FCC as a noncommercial station for the entire area.

SENATOR MARESSA: Finally, sir, do you have an opinion as to whether or not New Jersey should have its own VHF station? Do you feel that the coverage of New Jersey's identity is sufficient coverage?

MR. ISELIN: I think a commercial VHF station for New Jersey would be of tremendous benefit. As you know, it is easier to make that observation than it is to figure out how to position it. It does seem to me that the earlier experience in Channel 13 indicated that positioning it really within the larger metropolitan New York commercial framework set up very difficult commercial considerations. And it would seem to me if there is going to be any logical answer to a commercial VHF channel, it would somehow have to treat New Jersey as a marketplace whole and that it would need to be positioned in such a way that anyone operating it could make it work. You would need a location close to the center of the State that would enable it to reach out and pull together all those elements that would function out of it. But that is an opinion from a noncommercial broadcaster which should be treated accordingly.

SENATOR SKEVIN: Mr. Iselin, how do you make your program decisions? Are they the same as CBS?

MR. ISELIN: We have a program department headed by a Director of Programming, who is the chief person responsible for program judgments. He has a Director of Program Administration reporting to him and also a Director of News and Public Affairs reporting to him; depending on whether it is a cultural program having to do with coverage of a cultural event or whether it is a more classic news and public affairs event, one of those two gentlemen will decide on the nature of the coverage. Most of our special Jersey coverage is understandably news and public affairs. DATELINE: NEW JERSEY is governed by our News and Public Affairs Director with a producer reporting directly to him, assigned particularly to the show.

SENATOR SKEVIN: As I understand it, you have two Directors who are responsible for your programming.

MR. ISELIN: We have two subordinates reporting to the Director of Programming, who is ultimately responsible.

SENATOR SKEVIN: You have one Director of Programming. Where does he physically locate himself?

MR. ISELIN: He lives on Riverside Drive and our headquarters are just off of Columbus Circle in New York City.

SENATOR SKEVIN: And the Director of News Events, the other Director, where does he live?

MR. ISELIN: He lives, if I am not mistaken, a few blocks north of him, also on Riverside Drive or West End Avenue, also in New York City.

SENATOR SKEVIN: Do you have any New Jersey reporters assigned specifically to New Jersey -- New Jersey residents?

MR. ISELIN: We have a regular New Jersey team. We have a Chief Reporter-Producer who works full time out of our New Jersey studio. It is a woman and I am not sure where she lives, but she works full time in Newark.

SENATOR SKEVIN: That is a few blocks north of Riverside Drive?

MR. ISELIN: I am not certain in this case. Her co-host on our program is Jerry Wilson who I know happens to live in Teaneck. I just haven't ascertained where Henrietta Burroughs, who is the co-host, lives.

SENATOR SKEVIN: Is she a full-time correspondent or part time?

MR. ISELIN: She is a full-time correspondent on this program, working full time in Newark. So as far as our life is concerned with her, she works full time in Newark, together with a research and reporting staff that works with her. We have two part-time reporters who work full time on the same program. We have an office staff that helps do back-up research and I know the head of our actual office lives right in Newark. In this case, the person that mans the office makes the basic contacts in the area.

SENATOR SKEVIN: How long have you had this program
DATELINE: NEW JERSEY?

MR. ISELIN: This new program we started at the end of January - the beginning of February. It has been in the planning stages since last fall. It is a new addition to the regular local programming Channel 13 has been doing. Simultaneously, shortly before that, we opened these new headquarters at 20 Park Place and are now operating out of there rather than out of the Mosque, which was our former location.

SENATOR SKEVIN: Do you have any statistics in regard to the amount of program time devoted to New Jersey?

MR. ISELIN: We have a substantial amount of material which I can provide for you in terms of the sort of programs that we have been doing in the various different categories and areas, and which I would be happy to provide. I am not

sure it is broken down in terms of the amount of air time. It is broken down in terms of the amount of materials on various local programs we do. I would be happy to provide that.

SENATOR SKEVIN: Do you feel the programs you provide are adequate for New Jersey?

MR. ISELIN: I think New Jersey deserves serious broadcasting attention. I think we have been making within our resources a commendable effort to help and indeed fill in the holes and bring something special to New Jersey. I think adequacy is one of those quests that is going to be a long way off because the problems are very serious - the issues are very complex. In a sense, the evidence of neglect is something that we are all aware of, neglect in the sense that I think simply there is so much that needs to be paid attention to. It will take a great deal of time and attention to fulfill it.

We like to think and we hope that this new program will begin in a sense to establish a programming beach-head here and then it will have a fair chance of growing as time goes on and will begin to demonstrate that there is an indigenous form of programming for New Jersey that will be not only important because it is an obligation to serve, but important simply because of the fact that it is reaching an audience who find it a useful addition to their other forms of information.

SENATOR SKEVIN: In terms of improvement, the program DATELINE: NEW JERSEY certainly is a step in the right direction, I heartily agree, because I have watched that program and it certainly brings an identity to New Jersey and focusses on the problems. However, this program is only a recent event, is that correct, within the last few weeks, to be more specific?

MR. ISELIN: I think we have now had --- This is the fourth week and it is planned to run, of course, through

the remainder of this season. As always, it has been a matter of rallying the resources to be able to do this. As you know, even putting together a reasonably straightforward program such as this is an extraordinarily expensive endeavor. This is true of every new program. And it has been for us a very taxing endeavor to assemble enough resources when there is no support. There is no underwriting. There is nothing except citizen memberships to pay for it. It has been a very tough haul to find the resources to do this particular venture.

SENATOR SKEVIN: Thank you.

SENATOR MARESSA: The New Jersey Coalition for Fair Broadcasting had Robert G. Ottenhoff here representing it this morning and he testified: ". . . the public VHF station nominally licensed to Newark has virtually ignored New Jersey. Until 1961, Channel 13 operated as a commercial station. It was then sold to an educational broadcasting group and permitted by the Federal Communications Commission to transfer its main studio to New York City, provided that it retain an operating studio in Newark. The then Governor Robert Meyner went to court protesting the transfer of New Jersey's only VHF station. In an out-of-court agreement, Channel 13 promised to broadcast a minimum of one hour of New Jersey programming per day. However, Channel 13 has consistently failed to live up to either the FCC requirement or the 1961 settlement. In November of 1974, Channel 13 opened a small office in Newark and just four weeks ago began a half hour, thirteen week series on New Jersey. But Channel 13's recent moves are very modest ones. The small office and the thirteen week series do not come close to fulfilling Channel 13's obligations to Newark and New Jersey. Despite the Coalition's urgings, the station has not indicated its plans for future New Jersey programming."

Can you address yourself to that statement?

MR. ISELIN: Yes. I think what that statement neglects is the fact that within our limits and with whatever programming we have done over our air that is local, we have attempted to have a steady presence of New Jersey programming on that. In other words, none of our programs go on the air where we do not attempt to include within those programs New Jersey entries. For example, if one is discussing the state taxation issue and what is involving Governor Byrne, that takes place on our 51st State program, which is a once-a-week news report from the entire area. And when I said I had materials that I would be happy to make available, it is substantially the list of those New Jersey segments that have been part of other programs that we have done. We consider that to be part of our service, a very important part, and I think that was an oversight on the part of the Coalition to ignore the fact that we have been doing really a substantial amount of New Jersey programming all along. It is just that they have been in programming vehicles which touched other areas as well. This new venture is an attempt in no way to back off those commitments; it is simply to add to it with a full-fledged program that is exclusively for New Jersey.

SENATOR MARESSA: Could you provide us with something in writing with regard to your future plans?

MR. ISELIN: Yes. What we hope, as I said, is that this new program will in a sense get itself rooted and that we will have the resources to carry it forward. We think it is a very promising programming venture, and that our inability to be categorical is only the limitation that is put upon us by our uncertain resources, and that one cannot in our rather precarious position promise to do things that are totally unrelated to our resources. And we have attempted to be forthcoming without in a sense making an obligation that we couldn't legally fulfill.

SENATOR SKEVIN: Thank you, Mr. Iselin.

Richard Hughes, Senior Vice President, WPIX-TV

R I C H A R D N. H U G H E S: Gentlemen, I don't have a prepared statement as such. I do know a little something about the New York television market and what PIX has done in serving New Jersey through the years. So I would kind of like to talk about that, if I may, and also refer to some of the things which have been said here this morning which I think need some kind of response.

It is interesting that three of the people who testified this morning have regularly been on WPIX. Governor Cahill was on when he was running for Governor through some prime time debates of the candidates for that office. Mr. Freund, interestingly enough, when I met him in the elevator and refreshed his memory, has been on PIX every time that he has run for public office back to 1969. The most recent was his last campaign when he debated his fellow candidates in prime time. Father Pindar was the producer and host of a program called Contemporary Catholic, which dealt with the concerns of the Catholic population of New Jersey for quite some time and has been a very good friend of the station, and I think made a real contribution to expressing those views to New Jersey residents. Two members of your Committee, also interestingly enough, have been on the station quite regularly. I see they are not here today and I am sorry about that. One of them, as a matter of fact ---

SENATOR SKEVIN: We are sorry about that too.

MR. HUGHES: One of them testified in our behalf about the adequacy of our coverage of New Jersey at an FCC hearing. The other one was running for mayor and debated repeatedly on the station and had quite a good deal of exposure.

I come to you as one who represents a station which

believes that it has done an outstanding job for New Jersey through the years. As a point of beginning, I should tell you that I am Senior Vice President of PIX, Incorporated. We are licensed to operate Channel 11. I am a member of the Board of Directors of the firm and I have an ownership interest in it as well. I mention that because Mr. Nesoff made some comments which I found offensive and I wish he were here because I would like him to hear my response.

There are some stations which have highly-placed people who are in contact with the community and who are able to respond to those criticisms which come forward.

I was also particularly concerned about his statement that independent stations don't even know where New Jersey is. I don't think the record supports that and I think some of the things which I would like to say to you will indicate that that is not the case. We will get to that in a while.

But the first things I would like to talk about are some of the things that were mentioned this morning because some of them, while they are desirable, are simply not possible given the existing television structure in the Greater New York area, of which New Jersey for good or bad is a part.

One of the suggestions is that there should be a new channel for New Jersey. One of the persons who testified said that, in essence, where there is a will, there is a way. Well, that probably is true, but to process that way would require that one either take a station out of New York - and I will talk about that in a while - or short-space a station from Hartford and say that they don't need to cover all of the area that they do or short-space another station down in West Virginia somewhere because there would be technical interference which would not work to the service

of the people you are trying to serve.

So desirable as it might be to simply say, if we all put our heads together, we can solve this problem, technically the fact of the matter is that that cannot be done. Similarly, if you were to have a station in New Jersey and licensed to New Jersey, it would cover essentially the same area that the New York stations cover now. And were it to be, I fear that within three years or perhaps five years, we would be sitting in a room similar to this in Yonkers or in Fairfield County discussing the inadequacy of the coverage of those areas. Because the fact of the matter is that this same sort of comment could be made about any individual area in the service areas of the New York stations. There is no station, for example, in Yonkers where there are some 225,000 people. Probably it could be said, and reasonably so, that on a percentage of time basis, Yonkers doesn't get its fair share. But it seems to me you have to be very much aware of the trap which is involved in that percentage game. If you were to take all of the areas that the New York stations cover and divide their news and public affairs coverage on the basis of the percentage of population shown, you would have no news about the federal government, you would have no news about international affairs because it would all be parcelled out to local matters.

Now, one might say that would be desirable. But it seems to me that in this day and age in the world that we live in, all people are concerned with the largest part of all news. Everyone is interested in what happens in Washington, whether they live in New York or New Jersey or Connecticut or in any of the other areas that we cover. PIX, by the way, I might say parenthetically, is seen in seven states. We have, I think, the largest number of homes which are able to see our station of any station in the country because of cable connections.

If all those areas were to say, we need 3 percent a week or we need 30 percent a week or we need 2 percent a week, before long you would have such a localized service that there would be no one to listen to it.

Henry David Thoreau once said, it takes two to have a conversation, one to speak and one to listen. I fear that if you did break up the television market in that way, you might have plenty of people to speak, but you would have no one to listen. And the real resource is not the airwaves, but the attention of the people. That, it seems to me, should be uppermost in your minds.

The question of moving an existing station into New Jersey and letting it compete on that basis on a commercial operation - the record indicates what would happen if that were to be done. That happened before when Channel 13 was here. That was a commercial station and it was licensed to New Jersey. The fact of the matter was, they couldn't make a living so they had to unload the station. They happened to unload it to the educational people who have done a marvelous job of providing that particular service. But if you were to move an independent station to New Jersey, the fact of the matter is in the marketplace it would cease to exist. Now perhaps it shouldn't cease to exist, but the fact is that the salesmen who are selling the other stations - and it is a highly competitive business - would just dismiss it with the back of their hand by saying, "What do you need them for? They are over in New Jersey. You don't want just local coverage; you want to cover this whole area." And, unfortunately, the people who buy are perhaps not as knowledgeable as they might be and probably would find that an acceptable argument in many cases. The result would be an economic disaster.

Mr. Schneider testified this morning about monitoring news over a period from, I think, he said, February 24th to March 8th. He said PIX had no mention of New Jersey on

6 programs of those 12. I tried to call our vice president in charge of news during the noon break to get some figures on that because I don't believe that is an accurate statement. I don't know for a fact that it isn't because I wasn't able to reach him. But my understanding is that we are covering a minimum of two stories a night, and have been for some time, of New Jersey news.

Beyond that, in that same period which he mentioned, there was a prime time program on called FOCUS: NEW JERSEY which through the years has devoted itself entirely to the community affairs problems of what you call the Garden State. So it seems to me that, if true, that is not the whole story.

I would like to go back now just a little, if I might, to talk to you about the coverage that PIX has of New Jersey and has had through the years. Through the past years - and I take that now from 1948 up until 1969 - PIX, as all other stations, had covered New Jersey in its normal news programs and in its regular public affairs programs; that is to say, that we would have a program called Local Issue, as an example, and in the course of programming that half hour a week, the people who were responsible would consider New Jersey topics and they would appear. The same would happen with the news programs.

In 1969, we did a rather large survey of the needs of the Greater New York area and came to the conclusion that one of the problems, certainly not the only problem, but one of the problems that we could do something about was that people didn't have a feeling of identity. We had a marvelous communications system which was capable of talking to people across the country with no problem, but people couldn't talk to people across the street. Somehow they had lost the means of communicating with one another. We thought that one of the reasons for that might be

that there was no specific place where you could go for New Jersey news or New Jersey public affairs discussions. We thought that might also be true of the Porto Rican community. We thought it might be true of the suburbans communities of Nassau and Suffolk. We thought it might be true of the boroughs of Manhattan even. We felt there needed to be some particular place where the people who are interested in that area of our coverage could go each week and hear what was happening.

So at that time in 1969, we created a program called FOCUS: NEW JERSEY. It has been on the air ever since. The program has been in prime time for the last three years and repeated during the week as well. So it has had two exposures.

While I don't have a prepared statement, I do have some things that I would like to introduce into the record. I have a list of all the programs which we did on the FOCUS: NEW JERSEY series in 1974. They total 47 individual half hours, all of which appeared in prime time on Saturdays at ten o'clock and were repeated on Wednesdays at 8:30 in the morning. I will give that to the clerk if she would like to include it in the record.

(The list is on file with the Commission.)

I think it is safe to say that through that period of time, if not most, a great many of the important community leaders in New Jersey have come to our studios and have taken part in an ongoing discussion of their problems.

I think that it is a scandal that someone sits here and testifies that the people who are with independent stations don't know how to get to New Jersey. The fact is we know very well and we have been making that trip quite regularly and, happily enough, New Jersey public figures have been making the trip back the other way and coming to see us.

It would surely be desirable to have stations in New Jersey. I would like that very much. But I have to balance that with the fact that I am nothing but a cost item at our operation. I don't bring any money in; I take it out, so to speak, because I am in charge of all the community affairs activities and oversee all of the programs which I mentioned to you.

It simply is not possible for a station like WPIX, which is an independent, to make that kind of investment. I would ask you to bear in mind when you consider how you are going to resolve this problem - and I must say you have a Gordian knot to cut - that the independent stations are quite different than the network affiliates. They are different in two respects principally. As a general rule, the three network stations compete for two-thirds of the advertising money which is available in New York. The three independent stations compete for one-third of the money. That means that we operate on much smaller budgets and have much less money to invest in programming than they do on a percentage and in real terms.

The other difference is that the networks, all of them now as it happens, turn their stations on at 6:30 in the morning and do a half hour, which is normally syndicated and an educational type. Then they go into network programming until nine o'clock. Then they have about an hour and a half of their day program. Then they go back to network and stay there until 4:30 in the afternoon. Then they come back and program either a movie or a talk show. Then they do their local news. Then they go back to the network and stay there until 11:00. Then they do their local news and go back to the network and stay until one o'clock. There is a great amount of programming there that they don't have to buy and pay for. That is not the case with independent stations.

When an independent station turns the switch on, they have to be responsible for every minute of programming that comes to them through the course of the day. That means that we make a much larger percentage investment of our total income in programming than they do and it reduces our margins tremendously.

In addition to that, the other problem that independent stations have is that most people most of the time want to see all of the well-known network programs. And, generally speaking, you will find that two-thirds of the audience will be watching the network entertainment programs and about one-third, if we are lucky, will be watching the three independent stations. So we are really in a different kind of ball game. To compare us on an even basis is very difficult indeed.

There is another area in which we do some things for New Jersey. We have had a very successful editorial operation for a number of years. Starting in 1969, again when we changed the way the station was responding to community needs, we began to editorialize on a regular basis. We decided that if we were going to do it, we were going to do it differently than other people. The difference is essentially this: We felt that if a person is going to read a newspaper editorial, the chances are he has come to that page with some kind of knowledge of what the topics of the day are about. Not very many people, unfortunately, read editorial pages. Because the television editorial is scheduled through entertainment programming, it comes to the viewer unbeknowns to him, so to speak. So we felt that that gave us a different obligation than the newspapers would have and, that was, that we would present both sides of the argument before stating our side, before we told them where we stood.

So traditionally we would say, "The issue is this.

The people who favor it say this. The people who oppose it say this and this is what we think." Then we went a step further and said, "What's your opinion? We'd like to know." And that has become the tag of all of the editorials that we do. We have about 28 editorial telecasts each week, consisting of 4 different editorials. Each one is repeated 7 times. Among those, we sprinkle what we call editorial feedbacks, so that viewers can send their comments in on those issues and we present them on the air. We do that again because we feel that there isn't enough chance for the average person to express his opinion about issues in our times.

I also have here the editorials which PIX did on New Jersey subjects during the last year. There are 30 of them. That would be 210 editorial telecasts during the past year which appeared on the station.

(The WPIX 1974 Editorials submitted by Mr. Hughes are on file with the Commission.)

I might close by talking about the problem of news coverage, since that has come up. Independent stations -- and I think it is instructive to note that the man who did the survey for some reason left out Channel 9, which is another independent station, and didn't even monitor that for some reason -- have to operate on an entirely different basis. We have to compete with all of the other news operations in the city, but we do it with substantially fewer dollars. In the peak periods of the year, a one-minute announcement in the network news programs, the network-affiliated news programs, will sell for \$3500 or \$4000. There is no condition that one can imagine where an independent station could get that kind of money for their news; it simply couldn't be, because they don't work on that kind of audience figures. If we were to get 10 percent of that on a consistent year-in, year-out basis, we would, sir, dance on our desk before you and delight you

with our twinkley toes because that would be good news indeed. Because we have this monetary problem, we have to work in other ways.

One of the ways we tried to do it is by putting our programs, our public affairs programs, in prime time so that they could fill some of that gap. The person who moderates that program now, by the way, is John Hamilton, who is a resident of New Jersey, and I think knows it probably as well as most people who live here, perhaps better than some. But we have felt the need for additional news coverage as well and we finally discovered a way when the President of our firm noticed that Channel 50 was carrying a newscast which had film from all over the State. He said to Governor Byrne at a community luncheon that we had one time, "Why don't you make that film available to us? Let us pick it up off the air and use it as a resource so we can present more film coverage of New Jersey events." The Governor worked that out and it is now available to us and to other stations in the New York area so that it can be picked up off the air, and we are making extensive use of that in our news programs.

The last thing that I would mention - and these have been very heavy-hearted meetings, it seems to me - is one lighter note. During the last political campaign, we did editorials on, I think, five or six different bond issues -- or four different proposition issues or bond issues in New Jersey, one of which did happen to be the casino gambling. We were opposed to it and, after we did the editorial, we sought out a man to respond to it. And in the editorial, which is part of that group there, he said, "What right has New York media to come over here messing around in our business? We don't want you; we don't need you." So I would say to you that even your noble purpose is not universally shared.

We feel that we have done a very good job through the years. We have met with the Coalition and told them about what we do. We hope that through the years we can continue to do as well and, if possible, improve.

I would be delighted to answer any questions that you have on any part of the testimony today because I must say there were times I sat there wishing I could raise my hand and interrupt.

SENATOR SKEVIN: We feel the same way, Mr. Hughes. Thank you.

Senator Maressa?

SENATOR MARESSA: I would just like to ask two or three questions. May I ask whether or not you were present when Mr. Schneider testified?

MR. HUGHES: Yes, I was.

SENATOR MARESSA: I think you mentioned briefly here or responded briefly to his statement, "We also noted how many days a station had in which there was no mention of the words 'New Jersey' on any news show. WPIX led this list -- on fully half of the 12 WPIX news shows monitored during the two weeks, there was no mention of New Jersey. WNBC and WCBS each had 3 days in which New Jersey was not mentioned at all. Four out of 12 WNEW news shows ignored New Jersey 100 percent." On a chart appended to his statement, it is indicated that on the very controversial issue of the State Commission of Investigation, which I would think would have tremendous impact on the people of New Jersey and in which everybody was interested -- of course, here we had the Governor involved with probably the most independent and highest investigative agency in the State, and Mr. Rodriguez, and the fact that New Jersey is the only state in the Union with an independent investigative unit -- that PIX had absolutely no coverage of this whatsoever, if this is true. It had not one mention of any of this activity. Can you explain that?

MR. HUGHES: I mentioned in the beginning, with all due respect to his research, I do not believe that it is a fact. I do not believe that it is accurate. I tried to call the station to find out during the lunch hour, but, as I said, the news people were out. So I don't know the answer to that. I don't think it is accurate.

I think it is possible to talk about the question of that particular news story and why it might not be something which would be on a newscast. I would also point out I think the experience was that only one station out of all of the New York stations thought that that should be on their news program. Is that right?

SENATOR MARESSA: According to this, yes.

MR. HUGHES: It seems to me that that is uniquely a newspaper kind of story because it is a complex issue. I read all that material myself. You kind of have to read through it and go back and think about it and do some other things. And that isn't really what most television news is. We could quarrel about whether it should be or not.

SENATOR MARESSA: Let me interrupt you just one second. Mr. Rodriguez was on all the Philadelphia channels and was interviewed several times about it.

MR. HUGHES: Well, I can't speak for the Philadelphia stations.

SENATOR MARESSA: I mean, in response to the fact you indicated it wouldn't be a TV-type story.

MR. HUGHES: I think it is not a television type of story. I think it is the kind of story that requires a good deal of reading and thinking. Generally speaking, I think you will find the New York stations, at any rate, tend not to do that kind of "think" piece. I think the perfect example of that is the fact that five out of the six stations didn't cover anything about it.

SENATOR SKEVIN: Mr. Hughes, let me interrupt. You don't believe that is of interest to the State of

New Jersey whether the SCI ---

MR. HUGHES: I didn't say that.

SENATOR SKEVIN: 'You don't believe that is of interest to the people of the State?

MR. HUGHES: I didn't say that.

SENATOR SKEVIN: Tell me what you said then.

MR. HUGHES: I didn't say it wasn't of interest. I said it isn't a television kind of story. There are some stories which television does very well and there are some stories that newspapers do very well. There are some stories that can go either way.

But it seems to me, and again I really can't ---

SENATOR SKEVIN: You think that is not a news-worthy story for television people, the question of the existence of the SCI?

MR. HUGHES: I repeat what I said before. I believe that that is not what you would normally call a television-type story.

SENATOR MARESSA: It is a natural for an interview.

SENATOR SKEVIN: Crime and corruption is a television-type story in which you are interested, but you are not interested in the SCI, an investigative agency that brings out the crime and corruption. Is that correct?

MR. HUGHES: No, I didn't say that. I said - and I will repeat it again for you, if you would like - that it seems to me that that is not a television-type story.

SENATOR SKEVIN: Is a television-type story crime and corruption in New Jersey?

MR. HUGHES: In some cases, it is.

SENATOR MARESSA: Well, isn't it a natural for a TV interview of the man involved, Mr. Rodriguez, to get him up there and interview him and ask him, "What do you think about what they might be going to do?"

SENATOR SKEVIN: How about the Governor's position?

The Governor indicated he supported this type of legislation. Do you feel that that is of interest to the television audience?

MR. HUGHES: I will answer your question first and then yours. Our principal problem is getting people to come to New York. That is a major problem.

SENATOR SKEVIN: That is a problem for the people of New Jersey too.

MR. HUGHES: I don't understand.

SENATOR SKEVIN: That is a problem for people of New Jersey to go to New York to get their views televised on a New York station. It is a problem also of the people of New York.

SENATOR MARESSA: If you had a studio here, you wouldn't have to go to New York.

MR. HUGHES: Well, that is true. If we could afford a studio here, I would be delighted to have one. I thought we talked about that when I told you about the differences in economic structure of independent stations as opposed to network-owned stations. That is a very real problem and one for which we have no answer.

To return to the question you asked specifically, I really can't defend that because I am not the news director. I don't know what other things were going on at that time specifically. And I don't know what went into their news judgment.

SENATOR SKEVIN: Where does the news director reside?

MR. HUGHES: He lives in Brooklyn, which complains regularly about our coverage in Brooklyn.

SENATOR SKEVIN: You compared the State of New Jersey with Yonkers and Fairfield County before. Is that an accurate comparison?

MR. HUGHES: I don't think I compared them. I mentioned the two.

SENATOR SKEVIN: You mentioned the two as sort of an indication that you couldn't take the views of every particular area in terms of your news coverage. Do you equate the news events that would occur in Yonkers and Fairfield County with the entire State of New Jersey?

MR. HUGHES: I don't think I tried to do that. I think what I said - and if I didn't, I was in error in what I meant to say - was that there is a large body of people in that particular area who would object to the coverage which was provided to them if a station were licensed to New Jersey and covered only New Jersey.

To go further with that subject, it seems to me that there is a very real chance that many of the Newark stories which we might cover would not be of much interest to people outside of Newark. I don't really think you can say that there is an exclusively New Jersey story that everybody will be interested in equally, and that is a problem of coverage. That, it seems to me, is one of the reasons they have local radio stations and one of the reasons they have local newspapers.

SENATOR SKEVIN: Do you assign New Jersey a reporter? Do you have someone on a regular basis?

MR. HUGHES: Our news department does not assign a specific reporter to cover New Jersey items separately, no.

SENATOR SKEVIN: Do you have someone for New York?

MR. HUGHES: Well, all of our reporters cover all of the areas where we get stories. We don't have a "New York reporter," as such.

SENATOR MARESSA: I don't know whether or not you fully responded to my question. I think you were in the midst of answering it. Why do you say the SCI story was not essentially a TV-type story, but would rather be a newspaper story?

MR. HUGHES: I think again there are arguments about

what television news coverage should be. But I think, generally speaking, most people look at television as a kind of headline service as far as news is concerned, first; and, secondly, they most often look for action items. It seems to me that that is a rather complex story which doesn't lend itself to either of those descriptions. That isn't to say that it isn't important. It doesn't seem to me to be a television news story in the traditional sense of the television news story.

Again I come back to the fact it seems to me that that is fairly well established by the uniformity of judgment about that particular story on the New York television stations. It seems to me that everybody said, "That isn't the kind of story we do well."

SENATOR MARESSA: With one exception.

MR. HUGHES: With one exception.

SENATOR SKEVIN: Do you feel that the coverage that you provide in New Jersey is adequate --

MR. HUGHES: Yes, sir, I do.

SENATOR SKEVIN: You didn't wait until I finished my question.

MR. HUGHES: I'm sorry.

SENATOR SKEVIN: -- to the percentage of viewers which New Jersey represents?

MR. HUGHES: The answer is the same, yes, I do.

SENATOR SKEVIN: Is your coverage the best of the New York stations?

MR. HUGHES: I believe it is, yes.

SENATOR SKEVIN: Do you feel there should be an improvement as far as the other stations are concerned?

MR. HUGHES: I really can't speak for the other stations. We do what we think is best.

SENATOR SKEVIN: You watch the other stations. I am sure you have knowledge of what they do.

MR. HUGHES: Of course.

SENATOR SKEVIN: Yet in terms of coverage, your station is the best coverage?

MR. HUGHES: I believe it is, yes.

SENATOR SKEVIN: Now you talked about FOCUS: NEW JERSEY. Who is involved with that particular program?

MR. HUGHES: What do you mean, who is involved?

SENATOR SKEVIN: In terms of who decides the subject matter and the length of the program.

MR. HUGHES: Well, the program is regularly scheduled. It is 30 minutes a week. So that decision was made a long time ago. As far as who appears on the program, that is a combination of people. The moderator of the program, John Hamilton, has a good deal to say about it. The producer of the program is named Janet Luhrs. She has a good deal to say about it. The executive producer in our Community Affairs Department, Walter Engels, has a good deal to say about it, and I have something to say about it.

SENATOR SKEVIN: In terms of ownership interest, you mentioned you have an ownership interest yourself.

MR. HUGHES: Correct.

SENATOR SKEVIN: Are there any other media interests that own FIX?

MR. HUGHES: I don't know what you mean.

SENATOR SKEVIN: Does the Daily News have an interest?

MR. HUGHES: Yes.

SENATOR SKEVIN: A controlling interest?

MR. HUGHES: Yes.

SENATOR SKEVIN: And that is New York based.

MR. HUGHES: That is correct.

SENATOR SKEVIN: I have no further questions.

Thank you.

MR. HUGHES: Thank you.

SENATOR SKEVIN: If Professor Aumente will yield, I notice Governor Meyner is in the audience and I would

like to ask the Governor to be the next witness.

PROFESSOR AUMENTE: It will be my pleasure.

SENATOR SKEVIN: Thank you, Professor.

R O B E R T B. M E Y N E R: Senators, I don't have a prepared statement, but it was suggested that I might have a few things to say with reference to television coverage in New Jersey.

I might say that I was probably one of the first people to be exposed to television in the political forum because back in 1953, at the behest of some campaign people, we developed a 13-minute documentary, which was used extensively on television, portraying me in the role of a crime buster, and Bergen County being the area where crime was most prevalent. And it had a great deal to do, I am sure, with my being elected.

Secondly, we used extensively in '53 and '57, the telethon approach. We took television coverage from 12 Noon to 12 Midnight on Channel 13, and that I am sure developed a certain amount of political appeal.

Channel 13 at that time was an independent station, just as some of the New York stations are now. They offered, both to the Legislature and the Chief Executive, one half hour each Sunday evening - I think it was 6:30 to 7:00 or 7:00 to 7:30 - absolute prime time. At that time they didn't have the Ampex tape and it was necessary to go to the station and do it live, at least for the first five years or so. I thought it important enough to get to the citizens to utilize that approach.

I might say that Channel 13 was very fair at that time. Later on, they were sold to another corporation and, in my last year of office, Channel 13 was proposed to be sold to Educational Television Broadcasting in New York. As Chief Executive, I felt we were going to lose a valuable asset in portraying the views of the State and the

municipalities to the voter. And we started a District Court action to prevent a transfer. That went to the Court of Appeals and eventually went to the Supreme Court of the United States.

At the solicitation of Norman Cousins, who was on the Educational TV Board in New York, and Newton Minow, who was then the FCC Commissioner under the Kennedy administration, we sat down and tried to settle the matter. It was awfully difficult to complain about educational TV and the type of program that wasn't going to be interrupted by the sale of all sorts of pharmaceuticals and home remedies. Consequently we had a rather prolonged effort to settle the dispute, as between the people who were interested in having the educational TV station and the people representing the Executive Branch who felt that there ought to be a New Jersey outlet.

We thought we had arrived at a settlement. We have a memorandum of understanding. I would think you probably have a copy of it. If you don't, I would be glad to furnish you a copy of it.

It was proposed that Channel 13 would give us one hour each day; and during election time, additional time for New Jersey. As part of the agreement, several people from New Jersey were to go on the Board of Educational TV.

Well, there have been some changes and that is WNET now. I have been on the Board. I try to attend most of the meetings. I might say Channel 13 has great appeal for people who like to follow the theater or who are interested in a very high level discussion group, who even want to know how to cook. They have a great deal of approach to people who don't want to have television and a lot of commercialism.

I have tried to say to my fellow directors on Channel 13, "You ought to live up to this one hour each

day devoted to New Jersey." They respond by saying, "Well, New York State gives us a good deal of financial support. We get a bit more money from volunteers in New York than we get in New Jersey." And sometimes I am hard put to answer. I try to work with them in raising money in order to improve their facilities. I still pound the table from time to time and say, "You have to devote more time to New Jersey."

I think this is a broader question. I think the Federal Communications Commission has set up a concept that does not necessarily apply to New Jersey or the New York-New Jersey Metropolitan area. They have the thought that you place a station in an area and it serves a municipality or an important part of a state. This is contradicted by the way the airwaves go. You can't have a kind of a signal that will only cover New Jersey, and probably economically you can't compete by only covering New Jersey.

I do think that television is afflicted by the same thing as the metropolitan press. They have a feeling that nothing is important outside of the Island of Manhattan. That happens with respect to problems of the urban area, problems of the State of New Jersey, Connecticut and parts of Long Island. They just have no idea that anything is important but New York City. Consequently, I think we get our fill of what is going on in New York City, but we don't get too much of what goes on in New Jersey.

I remember in the last part of my term back in '61, when we no longer had Channel 13 available, some of the New York stations offered to take the Governor's Program, but they were magnificent. They put us on at 9:30 or 10:30 Sunday morning. Sometimes they would put you on at 11:00 in the evening, and they would be delighted to have you come to New York, even though there might be some apparatus that could be set up here. We are treated as

step children in New Jersey.

I have importuned the organizations I am connected with to respond to the Federal Communications Commission's request for inquiry. Presently they have opened a period of time by which they suggest to all New Jersey citizens who feel that they do not have enough television coverage to write to the Federal Communications Commission. And if we have got an ounce of New Jersey patriotism or a bit of concern about our government, it seems to me that we could as citizens write the Federal Communications Commission and say, "There ought to be a hearing conducted by the Federal Communications Commission to bring about better coverage by all of the stations." And it is due the State of New Jersey.

As Chief Executive for a period of eight years in New Jersey, I know that New Jersey has outstanding achievements in any number of departments. If you go to meetings of the National Association of Attorneys-General, Budget Directors, Highway Commissioners, any number of activities, you will see - that is, to the informed - that New Jersey is in the forefront. All you have to do is listen to a Pennsylvania or a New York station and there is nothing that they know about New Jersey except that it is crime ridden. None of the virtues apparently are recognized or no opportunity is afforded people in New Jersey to try to reply or to try to show some of the better things.

Now, I don't say that New York has to put on every last Freeholder in the metropolitan counties or every last councilman or every little mayor out of 567 municipalities. But we have problems common to the entire metropolitan area. We have problems common to the 50 states. Now if they would take the broad aspect of a problem and suggest that this is somewhat typical, then we in New Jersey would get to more of our citizens.

I have talked to any number of mayors throughout the country who have gone abroad to Russia, to European countries. They were sponsored by the Secretary of State's Office. They have come back and they have gotten complete coverage in their respective metropolitan areas. But nothing like that happens in New Jersey because I think we are considered as orphans.

I have heard some of the statistical material that they develop and they peddle. But how can you cover New Jersey without having assigned someone to cover New Jersey, unless you have someone who is familiar with the Legislature, unless you afford the Governor's Office fifteen minutes a week or a half hour a week, or unless you give to the legislators so much time? I am sure it would be taken and I am sure that our citizens would be better informed.

I have expressed my views. I probably could continue for a good deal longer, but that, in essence, is my feeling with respect to the lack of coverage we have in New Jersey. I realize there are difficulties economically. I realize there are difficulties with respect to the coverage of the airwaves and the location of the towers. I realize it is not going to be an easy task. But I commend you for looking into the problem and endeavoring to get word to the Federal Communications Commission and to the people involved the need for better coverage for the citizens of New Jersey.

SENATOR SKEVIN: Thank you, Governor. We appreciate your presence here today.

SENATOR MARESSA: I have no specific questions, Governor Meyer, other than to thank you for coming and for all of the things that you did during your administration. The suit involving Chanel 13 was mentioned several times here today by people who testified and the fact they are not living up to the commitments that were set forth in the settlement. I am going to ask that your testimony which was recorded be sent to Mr. Mullins in the FCC. We are asking

them to hold a public hearing in New Jersey. I am sure what you have stated here today will have a very profound effect on their decision.

GOVERNOR MEYNER: I can give you this memorandum of understanding that was adopted in 1961.

(Document referred to by Governor Meyner can be found beginning on page 11 X.)

SENATOR SKEVIN: I would just like to ask you to comment on the situation when you were Chief Executive, the difficulty or handicap in the lack of a statewide forum in terms of television? Could you comment in terms of that particular difficulty or handicap, if any, and your problems in presenting yourself and your programs to the entire State?

GOVERNOR MEYNER: There is no doubt that we had great difficulty because there was no newspaper that covered the entire State. There was no single television station that covered the entire State, no radio station. You know, at one time, radio was quite prominent in New Jersey. WOR was the Bamberger station and it originated in New Jersey. WPAT was essentially a Paterson station. Now it is essentially a New York station. We have had a lack of identification. We have had a system by which we revolve around Philadelphia or revolve around New York.

It is encouraging to see some of the metropolitan newspapers trying to develop a New Jersey section. I think that is encouraging. I think the next step ought to be that the radio stations, the principal ones, should have at least one man covering New Jersey and some of its aspects. And there ought to be a New Jersey edition or an effort made to bring into the news program of a half hour of metropolitan news a certain portion devoted to New Jersey.

The only time I really get a feeling that there is coverage is when there is likely to be a riot somewhere or some gangster is being accused or even some innocent person

has been indicted, and the presumption seems to be that they are guilty until proven guilty innocent, rather than the opposite.

I have been thoroughly disgusted with the attitude of some prejudiced members of the press who just seem to think that the only news worthwhile is to point out how terrible New Jersey is. And what I know basically about New Jersey leads me to believe that you can find a good deal more accusations that are founded in the Philadelphia-New York area than exist in New Jersey. They forget we have 567 municipalities and maybe 535 school districts. Sure we have difficulty in some, and I think we ought to root it out and we ought to clean house. But why does the finger always have to be pointed at New Jersey?

I think it was a journalist, an editorial writer, who addressed the meeting of the editorial writers by saying, "Most of us are afflicted with Afghanistanism. It is always so much easier to say how terrible conditions are in Afghanistan and to omit looking in our own backyard." It seems to me this kind of affliction goes on and one of the ways to offset it is to have the FCC point to these people who have a franchise - it is only by the grace of the people that they have it - and they should be compelled to serve the people.

SENATOR SKEVIN: Thank you, Governor Meyner. Thank you very much.

Professor Aumente of Livingston College.

J E R O M E A U M E N T E: Mr. Chairman and Senator Maressa, what I would like to do is to submit a written copy of my speech and ask that it be made a part of the record of these proceedings. I understand that also a letter will go to the FCC. I would ask that this particular statement be made part of that record as well, if possible. (Appendix - page 13X)

I would like to summarize the high points of this statement. I realize it is late in the day. In the way of background on myself, I am the Director of the Urban Communications Teaching and Research Center at Livingston College of Rutgers University. I am also the Chancellor's Designee to the New Jersey Public Broadcasting Authority under the auspices of cable television. I have had extensive experience as a journalist in New Jersey, and also throughout the U. S. and Europe. I have also been a consultant with the Ford Foundation on public affairs broadcasting, and very specifically, I have been involved in broadcasting on Channel 13.

Within the context of this, I think it might add additional weight to my comments if I say I have been a bona fide resident of New Jersey all of my life. I was born in Jersey City, and I have suffered through the imagery of living across from Manhattan Island and not being covered by any of the New York stations.

If Governor Meyner had the time to spare, I could recall to him that my first opportunity for being on television was with him when I was an undergraduate editor of the newspaper at Rutgers. The new president of Rutgers, Mason Gross, was being presented on the governor's program. If I think back to the date of that, I think it was 1968.

I think that in many ways the quality of our coverage in terms of television has gone downhill. I think

that at best the kind of coverage we get from New York and Philadelphia stations is tokenism, and at worse, it may very well be illegal.

I would address all of my comments today, and ask that most of our attention be focused on the FCC, because I think that is where any change at all is going to take place. We can poke some holes, for instance, in the quality of the community ascertainment studies that are submitted by the stations. I think it is fairly easy to prove that New Jersey, with a significant Hispanic population, significant Black population, and the largest Italo-American population in the United States, is not ascertained as part of that significant ethnic community. I would like to see some of the community ascertainment figures, and I would like to see the demographics that have been done in order to pin down exactly what is in the interest, need and convenience of a state like New Jersey.

I think we could show statistically and very graphically that in fact the community ascertainment is a joke. It probably does border on the illegal.

We suffer economically as a state because of the lack of opportunities that New Jersey merchants have as advertisers. They have no opportunity to be part of a New Jersey-focused advertising base. We suffer economically when industry decides to go elsewhere, or investment funds decide to go elsewhere. They feel they will gain the image of the state, which is very skewered and distorted, and an image basically of pollution, crime and traffic accidents.

I am sorry that John J. Iselin left so soon. He refers to New Jersey public broadcasting as a sister station of Channel 13. If it is a sister, it is Cinderella. It is totally

ignored by Channel 13. Channel 13 is a V-band station. Our system, at this point, is a U-band system.

I was looking at figures that came out the other day in a study that probably you will be getting statistics on from Larry Ferns, when he testifies in Atlantic City. That study shows that thirty-eight percent of New Jersey residents in a poll indicated that they knew what UHF was. That means that approximately sixty-two percent have no acquaintance with the UHF band, and have not used the UHF band, and cannot be counted upon as getting their critical information in terms of a public broadcasting system that is basically UHF at this point.

I think that the Public Broadcasting Authority is trying to take some significant action, but to become known it is going to take some time. Don't be fooled by public broadcasters in New York and Philadelphia, or stations based in Wilmington using Philadelphia as their cover, telling you in fact that you have public broadcasting in New Jersey. You have the beginnings of public broadcasting in New Jersey, and you are entitled to broadcasting from New York and from Philadelphia that is significant. It is not taking place now.

I had the misfortune of being on Channel 13's New Jersey Report when it was done in Newark, and we were dragged into something resembling a closet on Broad Street that was open once a week for several hours to do their token once-a-week program. Basically, there has been very little of any real significance coming out of the station.

I would like to suggest in closing that the kind of action that is needed is pressure from the people in New Jersey, and the FCC responding to this.

I know you have read the petition and the response by Ben Hook basically saying "I am going to do whatever I can." I think he is a political animal. He responds to political pressure. He also responds to fairness and morality.

I think that we have to attack on these various grounds: number one, let's get a good, hard look at the community ascertainment studies. How careful are they in their preparation, how accurate are they in really establishing the needs and demands of the state? We can look at the local programming that, in fact, is done, and what is the substance, and what is the comprehensiveness of it.

I would like to ask more specifically about the training programs that are focused at New Jersey residents in terms of the possibility of their becoming members of the various local and affiliate stations of the networks that are flagship stations in New York and Philadelphia.

I think that these stations - and here the FCC might take a little bit more action - might start considering the possibility of not only giving a one-minute blurb saying that our present license is before the FCC and that you are entitled to write to the FCC and give your comments, but take an extra minute and explain what it means to a New Jersey resident or to a Pennsylvania resident or to a New York State resident, that we are not just talking about state lines, that we are talking about metropolitan areas, airwaves and rights of people who own those airwaves in a totally different kind of way. There is an educational process that

has to be done, and I think the kinds of things that you are doing here with this commission are extremely important. I think finally the flame has caught.

I was at the Press Association meeting on Friday, and I heard Governor Byrne and his promise of fighting this. I do believe that things are changing.

I think we ought to get specific with the networks or the stations and ask, "Where in your budget?" There were many comments and very good questions in this regard today, who lives where, who covers what, what is the mechanism for getting back and forth, how do you get back and forth through the tunnels, do you want to stay on this side? I think you can go much more deeply into this, because the question of community ascertainment and the reasonableness of a station keeping its promise the day after it gets its license is really going to be, how much budget have you committed, how many people, how many news bureaus, what kinds of time allotments are being given, what kinds of knowledge do the people have that are going to be covering this area. It is easy to chase the fire story. It is easy to chase the pollution story. It is easy to chase the crime stories, one minute and out.

Finally, I would like to say with as much intensity as I can that New Jersey in fact does deserve and should have its own V station. I think it is about time that we brought back Channel 13. I would like to see it back in New Jersey. If in fact it doesn't make any difference where it sends its signal, then let it send its signal from Newark. I believe that its presence in the State and its commitment to the state in more than

a token way is critical.

I would also like to raise one last point that might be considered. Under the Fairness Doctrine, New Jersey might in fact request relief from the FCC. Now, we have in the past been able to get cigarette commercials off the air because they are hazardous to our health. I am going to ask some of my colleagues at the Rutgers Law School to investigate this more deeply, but what about the question of fairness and lack of fairness and overall coverage and image. The FCC has been sort of saying at this point, let's stick to the technicalities as to whether we can drop in a short band station or something like this, and we don't want to get into the substance of news. But perhaps on the issue of fairness, if in fact we can show economic, psychological, social harm and impairment because of lack of fair coverage and imbalance in the coverage, there may be some relief there. I don't know what the outcome is going to be. I don't know what the odds are in terms of our getting a station. I do believe that this kind of pressure and this kind of questioning is going to result in a different kind of sustained coverage over a period of time.

That basically is the extent of my comments.

SENATOR SKEVIN: Thank you. I also agree that we should explore that approach on the Fairness Doctrine. There is merit there.

SENATOR MARESSA: I would just like to say that with regard to the engineering part of this and the technical aspects, if Channel 13 were brought back to Newark or somewhere in that vicinity, and it would broadcast as a V-station, and if it were made commercial, and if there weren't really an engineering

problem, would you agree with changing its location?

MR. AUMENTE: I would. I would like to take a harder look at it, but I think basically where it is based in terms of signal stance is not going to be a factor. Where it is based physically, I think is going to be a factor - whether it is going to be primarily a westside Manhattan station or is it going to be ---

SENATOR MARESSA: Where is it now?

MR. AUMENTE: The main studios are in Manhattan, and they are building new facilities. I think they recently reached an agreement to take over a large former hotel and build that into a new studio. So they are pretty well situated on the Island of Manhattan.

SENATOR MARESSA: I'm speaking technically now. You have no idea where the antenna is?

MR. AUMENTE: It is on the Empire State Building. It will move to the World Trade Center.

SENATOR MARESSA: As far as engineering is concerned, they cannot interpose a defense wherein they would say a drop-in station cannot be accomplished?

MR. AUMENTE: No. There is no reason. As a matter of fact, there may even be a counter-argument engineering-wise as to why it might be better to have it on the New Jersey side, because of some of the bad signalling they have in Manhattan. People living in Manhattan have more difficulty getting Channel 13 than we do, in many cases.

SENATOR SKEVIN: Thank you very much. Our next witness is Dock Russell, Jr.

D O C K R U S S E L L, JR: Thank you, Senator Skevin. I am Dock Russell of Hackensack, New Jersey.

I believe that a well-informed public is a better public, and that we should hear both sides of any particular situation.

I agree that the news coverage of New Jersey provided by New York and Philadelphia is a wedge between New Jersey's residents because, one, they do not give enough news of New Jersey to keep our residents well informed. This is my own personal opinion from observations. Two, when the station does present New Jersey news it is 90% bad news. It makes people upset and makes them uneasy. Three, of the 90% of news, .2% is from the Black areas, and again New Jersey residents are left with a misleading conception of other communities. Four, the stations give very little coverage about culture habits of New Jersey residents, making this a "you stay in your backyard, and I'll stay in mine" state.

When we talk about news, we are also talking about communication, and when we talk about communication, we are talking about how one individual learns to accept another or how one individual learns to respect another. It is a proven fact that people are a little more tolerant of other people when they feel that they understand each other. No one can understand another person or a group of people when they are deliberately avoiding them.

I don't like what New York and Philadelphia are doing to New Jersey, but at least I can understand it. I cannot understand why New Jersey might shortchange New Jerseyans as a whole. With all the good and great things New Jersey has done for her residents, and I am sure there are many that I am not aware of, she has failed at her most vital point, to give all the people of New Jersey enough information to provide her residents with a basic understanding of each other.

She has failed through her newspapers, books, community activities and social situations, to provide the type of atmosphere that would cause New Jersey residents to stop and think before considering the outcome of a given situation.

My final statement is something that I have written: "If it is fair for a court of law to condemn a woman and consider her unfit when she neglects her children's needs, is it not the same for a city, state or country when they neglect their citizens?"

SENATOR SKEVIN: Thank you very much, Mr. Russell. Our next witness will be Professor Miller of Livingston State College.

J A Y K E N N E T H M I L L E R: The Communications Act of 1934 created the FCC as the Federal governmental agency to regulate, among other things, the American system of commercial broadcasting in "the public interest, convenience or necessity." This can be interpreted to mean that the public interest is to prevail above private interest or, in more concrete terms, above the interest of a few who wish to make the most possible money out of a station license.

Furthermore, the 1934 Act declared part of our limited broadcast spectrum as public property. It is for this public part of the broadcast spectrum that the FCC was granted the authority to issue individual station licenses.

The Commission has often been accused of perfunctorily renewing station licenses, and while this may have been true during the first 30 years of operations based on the Commission's limited resources and the overwhelming scope of their "policing" functions, the situation has changed during the last 10 years. With the advent of citizen

participation movements, the work of one FCC commissioner, and the activities of a New York-based church group interested in media reform, the situation has been somewhat altered. The FCC has been reminded of one of their original purposes, that is, acting in the interest of the public. We are here today asking the FCC to consider making a decision which will ultimately affect the lives of the more than 7 million residents in the State of New Jersey.

The issue at point, the coverage or lack of coverage of New Jersey news, both political and cultural events, has been well documented by the New Jersey Coalition for Fair Broadcasting, through their time-consuming efforts to monitor network programming.

The Eagelton Institute studies have also been referred to in several articles and numerous letters to the FCC. My point in coming here today is to explain the effects of this lack of coverage on the political and social awareness on a generation of college students in this State.

As an Assistant Professor of Urban Communications at Livingston College/Rutgers University, I am, through my work, in contact with a large number of students each semester in an introductory media course. With each new semester, I am faced with explaining the simple concept that New Jersey is indeed an independent political and social community, and not merely the bedroom community of New York City and Philadelphia. Students' lack of political knowledge about New Jersey is overwhelming, and I have found that this situation cannot be attributed to an overall lack of political awareness on the part of college-age students.

To elucidate this situation for the purpose of this hearing today, I administered a simple

questionnaire to my students one week ago, on March 11, 1975.

A copy of the questions is attached to this statement.

(A copy of the questionnaire was distributed to all

Committee members.)

Of the seventy-three students

responding, five were non-New Jersey residents. Therefore computations are based on the responses of the remaining sixty-eight students claiming New Jersey as their home State. Whereas 67% of the students said they received information on national and international events from the TV media, only 2% learned of local and state events from the same source. When asked "which TV station do you usually watch for news?" 97% overwhelmingly preferred CBS and ABC, only 3% responded that they do not watch TV for news. No students preferred to watch New Jersey news on our State's public broadcasting station (NJPBS) Channel 52. Of those who sometimes did watch NJPBS, the majority tuned in for Rutgers basketball games. I believe that much of this lack of viewership for NJPBS news programs can be attributed to the kind of audiences that have been cultivated through the dominance of commercial broadcasting in this country. **Most viewers**, not just students, have been conditioned to watching a form of news which is highly entertaining, well edited and extremely visual. In the competitive atmosphere engendered by the need to gain and maintain high Neilson ratings to assure astronomical profits, the networks have helped cultivate audiences that will accept nothing less than the best. Why watch an unknown newscaster on a station where the budget prevents a slick presentation, when all you have to do is turn the dial and get all the famous personalities you've known for years in the most sophisticated TV market in America?

A second part of the survey focused on student awareness and identification of local and regional personalities in the New York-New Jersey-Philadelphia area. Eighty-seven per cent of the students knew Abe Beame was the Mayor of New York City, a recall rate only equalled in the survey by an 88% identification of Brendan Byrne as Governor of our own State of New Jersey. In comparison only 72% could identify Ken Gibson as the Mayor of Newark, New Jersey's largest city; that is, 15% more could identify Mayor Beame who has been in office for a relatively short period of time. Only 28% could identify Richard Mulligan, the recently elected Mayor of New Brunswick, the town where the university is located.

Bella Abzug, the outspoken Congresswoman from New York City was correctly identified by 66% of the students but one of our State's female Congressional Representatives, Millicent Fenwick, who is also not known for having a bland personality, was only identified by a mere 17%. I find this dismaying when one realizes Ms. Fenwick has served as the New Jersey Director of Consumer Affairs (1973-74) as well as being a State Assemblywoman (1970-73) prior to her election to Congress. On a recent Congressional fact-finding mission to Southeast Asia, in which both Ms. Abzug and Ms. Fenwick participated, I

personally had to search out Ms. Fensick's views in local papers and on radio stations while Ms. Abzug's received much more extensive coverage.

The results of this simple survey add credibility to the contention that the people of New Jersey are being cheated of their right to adequate TV coverage of political events in their State. Many will say, "Who cares about New Jersey?" The point is that many of us have been taught not to care and to look upon our State as the suburb sandwiched between two large metropolitan areas. New Jersey is finally coming of age. There are too many of us tired of being manipulated and having our information needs denied us.

The reallocation of a VHF station to New Jersey is clearly the first step in correcting the present situation of New York and Philadelphia media dominance in our state. Development of UHF stations, as suggested by Commissioner Lee is not the answer. We do not have the luxury of 20 years to retrain the viewing habits of a generation of New Jersey residents who have been conditioned to expect a wide range of clear VHF signals carrying some of the most professional programming in the world. We are directly paying for ~~this~~ programming everytime we buy a product advertised on the New York stations - and we are demanding adequate coverage for our money.

The decision to hyphenate stations can only be considered a compromise between the community and the broadcasters and since the FCC ostensibly functions to protect the community's interest, any decision short of reallocation will once again rob New Jerseyans of what we rightly deserve. We are not satisfied with an occasional news team crossing the Hudson River to cover a recent murder story or riot; we are in need of continuous and complete coverage. The New York Times and Daily News commendably have responded to the New Jersey market with daily New Jersey editions of their papers.

We have asked the broadcasters to correct the situation on several occasions and their responses have been nothing more than a placation. The question of adequate New Jersey coverage currently lies in the hands of the FCC and we are asking for a swift and favorable response for New Jersey.

SENATOR SKEVIN: Thank you, Professor, for giving your view at such a late hour. It is appreciated.

MR. MILLER: Thank you.

SENATOR MARESSA: I want to compliment you on your presentation. I am sorry the hour is so late. It made me think about the coverage of Millicent Fenwick and Bella Abzug. I remember seeing all of that on television. If we had our own station, they could seek out Congresswoman Fenwick and it would be programmed in New Jersey. It is a very good idea, and I thank you for it.

SENATOR SKEVIN: David Bosted, please.

D A V I D B O S T E D: I am David Bosted, author of a short book, "New Jersey Cable TV, 1974." Cable TV is relative to these hearings because cable television is cited as a means of relieving New Jersey's present dependence upon New York and Philadelphia broadcast television.

My book, which I will submit into the record, (New Jersey Cable TV, 1974, has been submitted into the files of the Commission.) shows in a series of detailed regional and county maps the reception of broadcast TV in New Jersey and the population density of every municipality for most New Jersey counties.

"New Jersey Cable TV, 1974," shows the areas in which cable systems now operate, and the areas in which cable systems have expressed an interest in operating.

This book also shows the municipalities which have a density of at least 60 occupied housing units per linear mile of road, which is the accepted approximate breakeven point for modern 20-channel cable TV systems.

The inevitable conclusions from the research in "New Jersey Cable TV, 1974" are that:

1. Cable TV will never profitably provide service to large areas of the State, including about 60% of New Jersey land area, and 35% of New Jersey population.

2. Regional cable TV systems in New Jersey have spread in a way which ignores county boundaries and other regional political districts.

3. As a result, feasible cable TV systems, even if eventually fully interconnected, will never provide adequate news and community programming for much of New Jersey.

4. The existence of cable TV cannot change the immediate need of New Jersey residents for broadcast stations and programming to meet local needs.

Thank you.

SENATOR MARESSA: I don't think I followed you entirely. You say 60% of New Jersey's land area would not be affected because they don't have the basic number of 60 houses per mile?

MR. BOSTED: Because the population density is so low now, and it is not even approaching what it should be.

SENATOR MARESSA: Aside from land, what percentage of the population could be reached? I have been thinking all along here that cable TV is the answer. If we have a 20-channel cable TV, we won't have to worry about the interference.

MR. BOSTED: You would have to ask the Public

Utilities Commission the exact figures. It is probably less than 10% of New Jersey households or maybe even closer to 5% that have cable television. My research leads me to believe that not more than 65% of New Jersey households will have cable television or even pass by the wires of cable television, and that solution simply is not viable, being that it is so long-ranged, and so few households now have cable television. Also, many people live in the large areas of New Jersey, which have low population density.

SENATOR SKEVIN: In your conclusions you mention the regional cable TV systems in New Jersey. Is that on a multi-county basis, or what is the determination of the area?

MR. BOSTED: In north Jersey, where I live, there is a system which covers Oakland in Bergen County, a couple towns in Passaic, which is United Artists Columbia, and there are a couple other towns in Morris County. It is spreading in that way, such that it corresponds to nothing politically.

SENATOR SKEVIN: Does it go beyond the New Jersey state boundaries?

MR. BOSTED: No, not now.

SEANTOR SKEVIN: Thank you very much.
Mr. De Palma, is he present? (No response.)

SENATOR SKEVIN: Mr. Ohlbaum, Leonia, New Jersey?

E D W A R D O H L B A U M: First, I would like to thank the committee for permitting me a few minutes of testimony this afternoon. Because it is late in the day, I will summarize the point I wish to make, and I expect to elaborate in writing to the Federal Communications Commission.

My name is Edward Ohlbaum of Leonia, New Jersey. Currently I am unemployed. I represent no one

but myself. I am a former news director of WRSU, a state-owned and student-operated radio station at Rutgers University in New Brunswick. I am a Rutgers journalism graduate, and I happen also to have a graduate degree in television and radio from Syracuse University.

I was a legal resident of New Jersey until 1973, when I got my first full-time job which happened to be about 1,000 miles away in Savannah, Georgia. Most recently I was a television news producer for a commercial VHF station in Asheville, North Carolina, a city which is part of a hyphenated TV market. Perhaps I can offer some insight as to just how television news functions in the hyphenated market, and how this might be applied to the situation in New Jersey.

In the Asheville-Greenville-Spartanburg market, most of the audience lives and works in South Carolina, specifically in Greenville and Spartanburg. Each of the three cities has a commercial VHF TV station, and each makes an attempt to provide news coverage for viewers in both North and South Carolina. There is not much question that each state receives a decent coverage from each of the stations.

However, because commercial revenues are based on audience ratings and not on the quality of news coverage, my former station, one of the three based in North Carolina is at a distinct economic disadvantage. Largely because of the ratings, it generates the least amount of revenue of the three stations, yet it is required by the Federal Communications Commission to maintain studios in Asheville, North Carolina, and at the same time to serve the interest of the audience in South Carolina.

Years ago, the station management reportedly wanted to relocate entirely in South Carolina, but the FCC would not permit it. Today only a full-time reporter and two other employees are based in Greenville, South Carolina. This sketchy example illustrates a basis, I think, for a license renewal challenge against broadcast stations originally assigned to New Jersey, which have, for various reasons, moved to New York, for all intents and purposes.

New Jerseyans should not covet the commercially valuable properties developed over 25 years or so by those who owned and operated the major television and radio facilities assigned to New York and Philadelphia. New Jersey in fact has FCC assigned frequencies of its own. It is up to New Jersey government, industry and political groups to work together to establish financially sound and otherwise viable broadcasting outlets within the state. The possibility of a state-owned commercial television station on a frequency originally assigned to New Jersey is something which I, for one, feel is one viable way to provide good coverage to New Jersey, while at the same time, eventually establishing a sound financial base for such operations.

Finally, I feel that the content monitoring of news programs, while it seems quite popular, provides no firm indication of how the licensees are serving the public. Recent program monitoring surveys indicate far more New Jersey news on the New York TV stations than such surveys would have indicated had they been taken prior to the formation of the New Jersey Coalition for Fair Broadcasting. Comparison of broadcast news items with newspaper coverage is also invalid, because of innate differences in the media

themselves and in their various audiences. I feel a better way to get an indication of how the out-of-state broadcasters are serving New Jersey is to review employment statistics over the last 10 years. Ethnic and racial minorities have been able to substantially further their complaints against the media by such means. And it stands to reason that a geographic minority, which is what New Jerseyans are when it comes to the broadcasting industry, can achieve similar success by pushing for more jobs in news and programming positions for New Jersey residents.

That is my statement.

SENATOR SKEVIN: Thank you very much, Mr. Ohlbaum.

SENATOR MARESSA: Thank you very much, sir, for your presentation. I agree with it wholeheartedly. If you have any ideas that you can communicate to us that we can forward to the FCC, please feel free to do so. We are all here, it seems, with the same goal, with the exception of two people, as far as I can see. I have no questions. Thank you.

SENATOR SKEVIN: I have no further comment, except the fact that you came here alone not representing any particular group and under your own personal circumstance. That speaks very highly for you as an individual and also for your views. Thank you very much.

Are there any further witnesses? If there are no further witnesses, this will conclude the first day of the public hearings. We will have our second public hearing on March 31, 1975, in Atlantic City, New Jersey.

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NEW JERSEY COALITION FOR FAIR BROADCASTING

Statement submitted by:
Mary L. Lyndon

II.



THE COALITION IS ATTEMPTING TO ACCOMPLISH TWO THINGS. FIRST, WE ARE TRYING TO GET THE NEW YORK AND PHILADELPHIA VHF STATIONS TO PROVIDE THE SERVICES TO NEW JERSEY WHICH THEIR USE OF BROADCAST LICENSES IMPOSES ON THEM AND, SECOND, WE ARE TRYING TO GET THE FCC TO FULFILL ITS MANDATE TO DISTRIBUTE BROADCAST SERVICES FAIRLY BY GRANTING NEW JERSEY LOCAL VHF SERVICE.

NOT ONLY IS THERE STRONG SUPPORT FOR OUR APPEAL TO THE STATIONS IN GENERAL BROADCASTING LAW, BUT THE FCC HAS EXPLICITLY INSTRUCTED THE NEW YORK AND PHILADELPHIA STATIONS TO PAY PARTICULAR ATTENTION TO THE NEEDS OF NEW JERSEY'S PEOPLE. WHEN IN 1961 THE FCC AUTHORIZED THE MOVE OF CHANNEL 13'S MAIN STUDIOS INTO NEW YORK, IT EMPHASIZED THE RESPONSIBILITY OF NEIGHBORING STATIONS TO SERVE NEW JERSEY AND IT SENT A COPY OF ITS OPINION TO EACH STATION TO UNDERSCORE THE POINT. NTA Television Broadcasting Corp., 22 RR 279, 295 (1961).

THE FCC RECENTLY GAVE US FURTHER SUPPORT WHEN IT DENIED LICENSE RENEWAL TO NINE ALABAMA PUBLIC TELEVISION STATIONS ON THE GROUNDS THAT THE STATIONS HAD FAILED TO PROVIDE SUFFICIENT PROGRAMMING TO MEET THE NEEDS OF BLACKS, WHO COMPRISED 30% OF THE AUDIENCE. THE FCC REJECTED THE STATIONS' EXCUSE THAT THEY WERE IGNORANT OF THE SPECIAL NEEDS OF THE MINORITY AUDIENCE AND SAID THAT A FAILURE TO

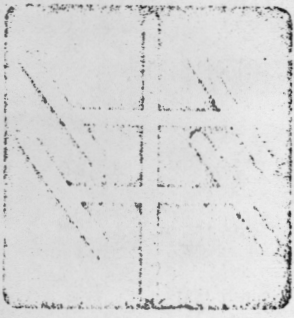
FIND OUT WHAT THE NEEDS ARE AND TO RESPOND TO THEM IS "FUNDAMENTALLY IRRECONCILABLE" WITH THE LICENSEES' OBLIGATIONS UNDER THE COMMUNICATIONS ACT. Alabama Educational Television Commission, FCC 74-1385, 29210, January 8, 1975.

THE COALITION BEGAN TALKING WITH THE NEW YORK STATION IN EARLY 1972. EACH STATION RESPONDED DIFFERENTLY TO REQUESTS FOR BETTER NEW JERSEY COVERAGE. TWO STATIONS ACTUALLY REFUSED TO COMMIT THEMSELVES TO ANY SIGNIFICANT IMPROVEMENTS UNTIL THE COALITION CHALLENGED THEIR LICENSES AT THE FCC. BY THE END OF JUNE, 1972, HOWEVER, THE COALITION HAD RECEIVED WRITTEN ASSURANCES, FILED BY THE STATIONS AT THE FCC, THAT EACH WOULD DEVOTE GREATER RESOURCES TO COVERAGE OF NEW JERSEY. THE COALITION WAS ENCOURAGED AND HOPED THAT HIGHER QUALITY NEWS AND PUBLIC AFFAIRS PROGRAMMING ON NEW JERSEY WOULD BE THE RESULT.

ONE YEAR LATER, HOWEVER, SUCH IMPROVEMENTS WERE NOT IN EVIDENCE. THE MONITORING STUDIES UNDERTAKEN BY THE COALITION IN THE SUMMER OF 1973 SHOWED THAT NO NEW YORK STATION WAS DEVOTING MORE THAN 5% OF ITS LOCAL NEWS TIME TO NEW JERSEY AND NO PHILADELPHIA STATION MORE THAN 13%. THE COALITION CONCLUDED THAT WORKING WITHIN THE PRESENT ALLOCATION SCHEME WAS NOT GOING TO SOLVE THE PROBLEM. IN MARCH OF 1974 WE PETITIONED THE FCC TO INVESTIGATE WAYS OF PROVIDING NEW JERSEY WITH ITS OWN STATIONS. LAST MONTH THE FCC RESPONDED BY ORDERING NOT JUST AN INQUIRY, BUT THE FIRST STEPS OF A RULEMAKING, THE PROCESS BY WHICH THE TV ALLOCATIONS CAN BE ALTERED.

-11-

THE FCC CALLED FOR COMMENTS ON THE SOLUTIONS TO THE PROBLEM WHICH THE COALITION HAD SUGGESTED TO IT. I WILL SUMMARIZE THESE BRIEFLY FOR YOU.



FIRST, THE COALITION SUGGESTED MOVING SEVERAL NEW YORK AND PHILADELPHIA STATIONS INTO NEW JERSEY. STATIONS MIGHT BE MOVED TO THE CENTER OF THE STATE OR SIMPLY A SHORT DISTANCE TO SOME NEW JERSEY COMMUNITIES WHICH ARE IN THE PRESENT NEW YORK AND PHILADELPHIA TELEVISION MARKETS. IF IT DECIDED TO REALLOCATE CHANNELS THIS WAY, THE FCC COULD GIVE THE COMPANIES PRESENTLY OPERATING ON THESE CHANNELS THE OPTION OF CONTINUING TO DO SO IN NEW JERSEY OR IT COULD CALL FOR NEW JERSEY GROUPS TO FILE COMPETING APPLICATIONS TO OPERATE ON THE CHANNELS. THIS ALTERNATIVE WOULD BRING US THE ADDED BENEFIT OF LOCAL STATION OWNERSHIP AND MANAGEMENT WHICH IS FAMILIAR WITH AND CONCERNED ABOUT LOCAL NEEDS.

A SECOND SUGGESTION THE COALITION OFFERED WAS A VHF DROP-IN. ESSENTIALLY, WE ASKED THE FCC TO EXPLORE THE POSSIBILITY OF FITTING MORE CHANNELS ON THE FREQUENCY BAND AND ALLOCATING THEM TO NEW JERSEY. THIS WOULD INVOLVE CONSIDERABLE TECHNICAL PROBLEMS, BUT IS CERTAINLY NOT OUT OF THE QUESTION. THE FCC HAS ASKED FOR FURTHER SPECIFIC COMMENTS ON THIS PROPOSAL AND THE COALITION HAS RETAINED ITS OWN EXPERT CONSULTANTS TO PROVIDE THIS.

ANOTHER SUGGESTION THE COALITION MADE WAS THAT THE FCC TAKE NEW JERSEY'S UNUSED UHF ALLOCATIONS AND GRANT THEM

TO NEW YORK AND PHILADELPHIA. THESE COULD BE USED BY SOME OF THE MAJOR STATIONS WHICH ARE PRESENTLY OPERATING ON VHF AND THE VHF CHANNELS COULD THEN BE MOVED TO NEW JERSEY.

THE FCC HAS LONG HAD A POLICY OF ENCOURAGING THE USE OF BOTH VHF AND UHF CHANNELS, BUT IT HAS RARELY TAKEN STRONG ACTION TO FURTHER THIS POLICY. THE COALITION BELIEVES THAT IF MAJOR NETWORK STATIONS IN NEW YORK AND PHILADELPHIA OPERATED ON UHF CHANNELS, THIS WOULD DO MUCH TO ENCOURAGE THE UTILIZATION OF UHF AND WOULD AT THE SAME TIME FREE UP SEVERAL VHF CHANNELS FOR USE IN NEW JERSEY.

THE FINAL SUGGESTION WE OFFERED THE FCC IS THE CREATION OF DUAL-COMMUNITY LICENSE RESPONSIBILITIES. THE FCC COULD REASSIGN A CHANNEL TO TWO COMMUNITIES, RATHER THAN ONE. IN PRACTICAL TERMS, THIS WOULD MEAN THAT A STATION PRESENTLY LICENSED TO OPERATE IN NEW YORK, FOR INSTANCE, WOULD BE GIVEN THE OPTION OF CONTINUING TO OPERATE THERE AND IN A NEARBY NEW JERSEY CITY. THE STATION WOULD BE OBLIGATED TO CONSTRUCT A STUDIO IN THE SECOND CITY AND MAINTAIN STAFF AND SERVICES THERE. FURTHER SPECIFIC EFFECTS OF SUCH AN ARRANGEMENT WOULD HAVE TO BE WORKED OUT BY THE STATION WITH GUIDANCE FROM THE FCC.

THESE ARE SOME OF THE LONG RANGE POSSIBILITIES FOR REMEDYING THE VHF TELEVISION SHORTAGE IN NEW JERSEY. THE FCC HAS CALLED FOR COMMENTS BY ANY INTERESTED PERSON ON ANY ASPECT OF THE ISSUES. WE HOPE THAT MANY NEW JERSEYANS WILL SUBMIT THEIR OPINIONS TO THE FCC. IT IS

IMPORTANT THAT THE OFFICIALS IN WASHINGTON WHO WILL MAKE THE FINAL DECISIONS KNOW THAT CONCERN HERE IS WIDESPREAD.

MEANWHILE, THE COALITION IS CONTINUING TO WORK WITH THE STATIONS IN NEW YORK AND PHILADELPHIA. DURING THE LAST FOUR MONTHS WE HAVE HAD INTENSIVE MEETINGS WITH THE NEW YORK STATIONS, AS THEIR LICENSES ARE BEING REVIEWED NOW. AS IN 1972, THEIR RESPONSES TO OUR REQUESTS HAVE VARIED. WE HAVE NOT YET DECIDED FINALLY IF WE WILL TAKE LEGAL ACTION AGAINST THE RENEWAL OF ANY NEW YORK LICENSE. WE WILL CERTAINLY DO SO IF WE ARE CONVINCED IT IS NECESSARY, BUT WHERE A STATION COMMITS ITSELF TO SPECIFIC IMPROVEMENTS IN ITS NEW JERSEY COVERAGE, WE WILL NOT ENGAGE IN LITIGATION SIMPLY TO PRESS FOR SMALL INCREMENTS OF CHANGE. WE BELIEVE OUR ENERGIES WILL BE BEST USED ATTACKING THE FUNDAMENTAL PROBLEM -- THE LACK OF OUR OWN STATIONS.

AFTER ALL, OUR RECENT STUDIES SHOW THAT SOME NEW YORK STATIONS HAVE INCREASED NEWS COVERAGE OF NEW JERSEY FROM UNDER 5% A YEAR AND A HALF AGO TO OVER 15% TODAY. BUT EVEN 15% OF A 6 O'CLOCK ~~PRO~~GRAM ADDS UP OVER A WEEK TO ONLY ABOUT 25 MINUTES OF NEWS COVERAGE. NEW JERSEY NEEDS ITS OWN STATIONS. THE COALITION INTENDS TO CONTINUE TO MONITOR THE NEW YORK AND PHILADELPHIA COVERAGE OF OUR STATE AND TO TRY TO IMPROVE IT, BUT WE PLAN TO DEVOTE OUR GREATEST RESOURCES TO COMPLETING THE TASK THE COALITION SET ITSELF LONG AGO: SECURING PROPER LOCAL TV SERVICE.

WE HOPE THAT MANY OTHER NEW JERSEYANS WILL JOIN US IN
ARGUING OUR CASE AT THE FCC. THIS COMMISSION'S EFFORTS
TO INVESTIGATE THE PROBLEM AND EDUCATE PEOPLE AS TO ITS
RAMIFICATIONS IS VERY IMPORTANT IN THIS REGARD AND
WE THANK YOU FOR INVITING US TO PARTICIPATE.

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COMPARISON OF TOTAL MINUTES OF LOCAL NEWS WITH MINUTES OF
NEW JERSEY NEWS, Feb. 24--March 8, 1975.

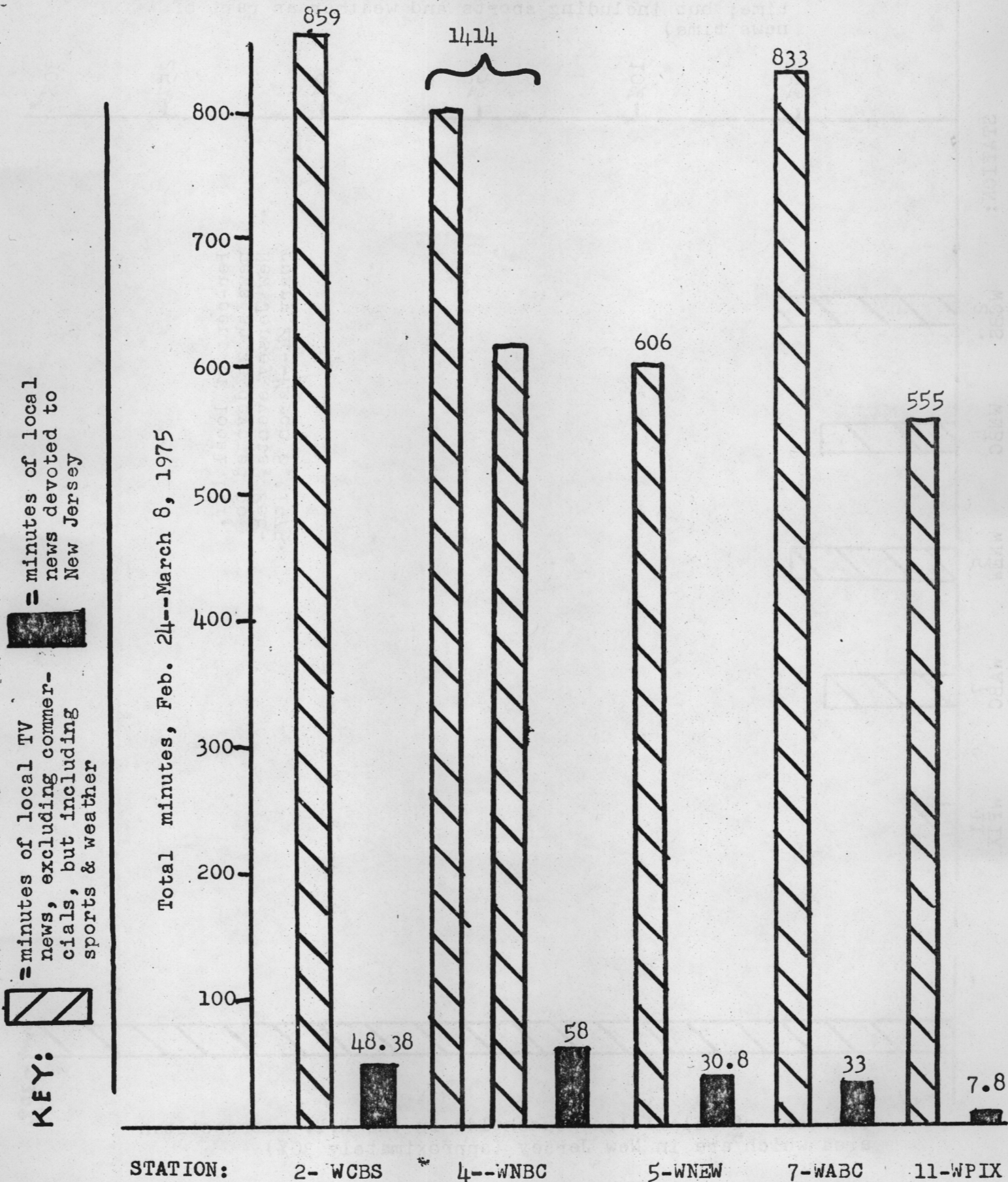


CHART # 1

Per-cent of local New York TV news devoted to New Jersey news, Feb. 24 to March 8, 1975 (excluding commercial time; but including sports and weather as part of news time)

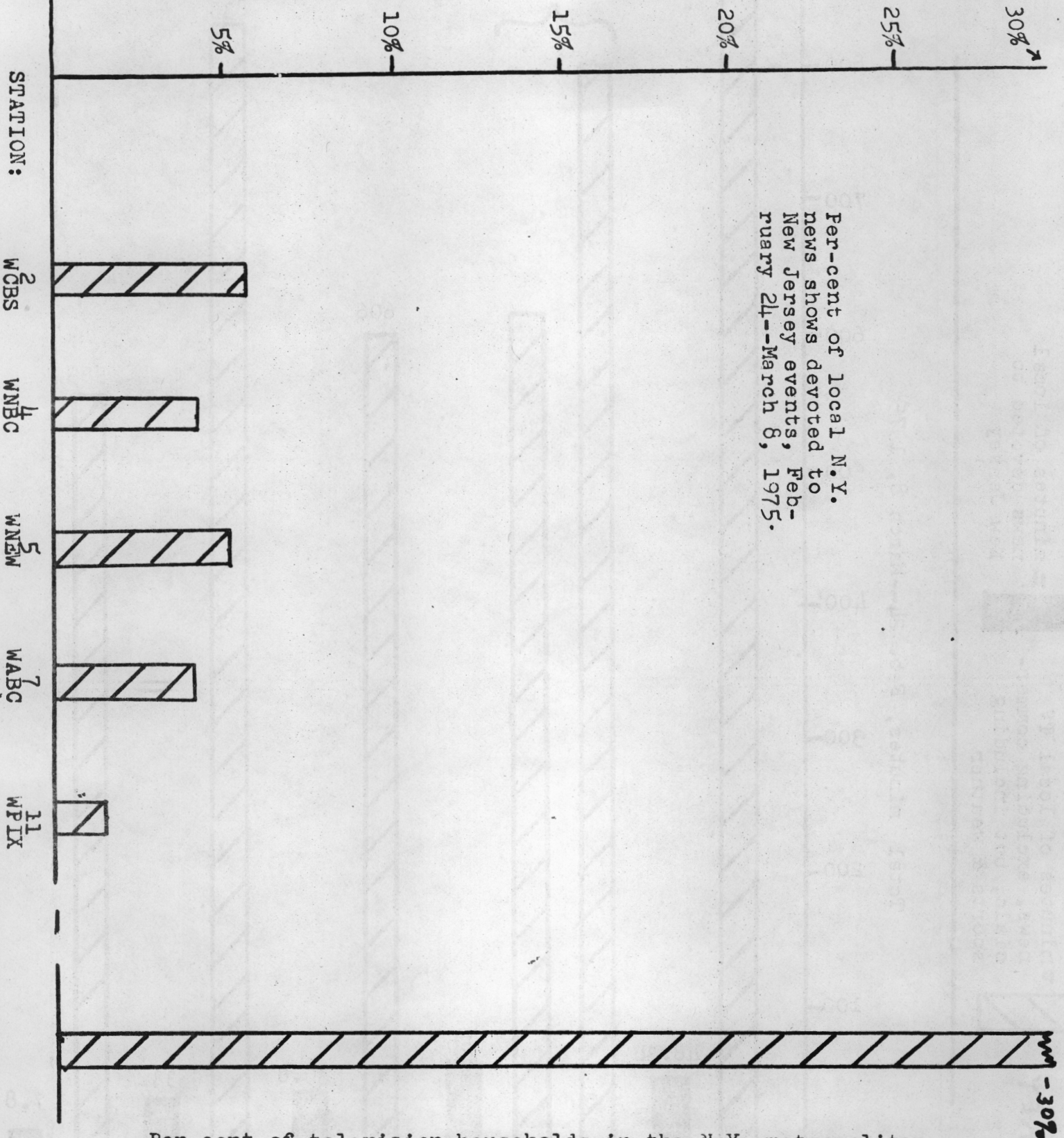
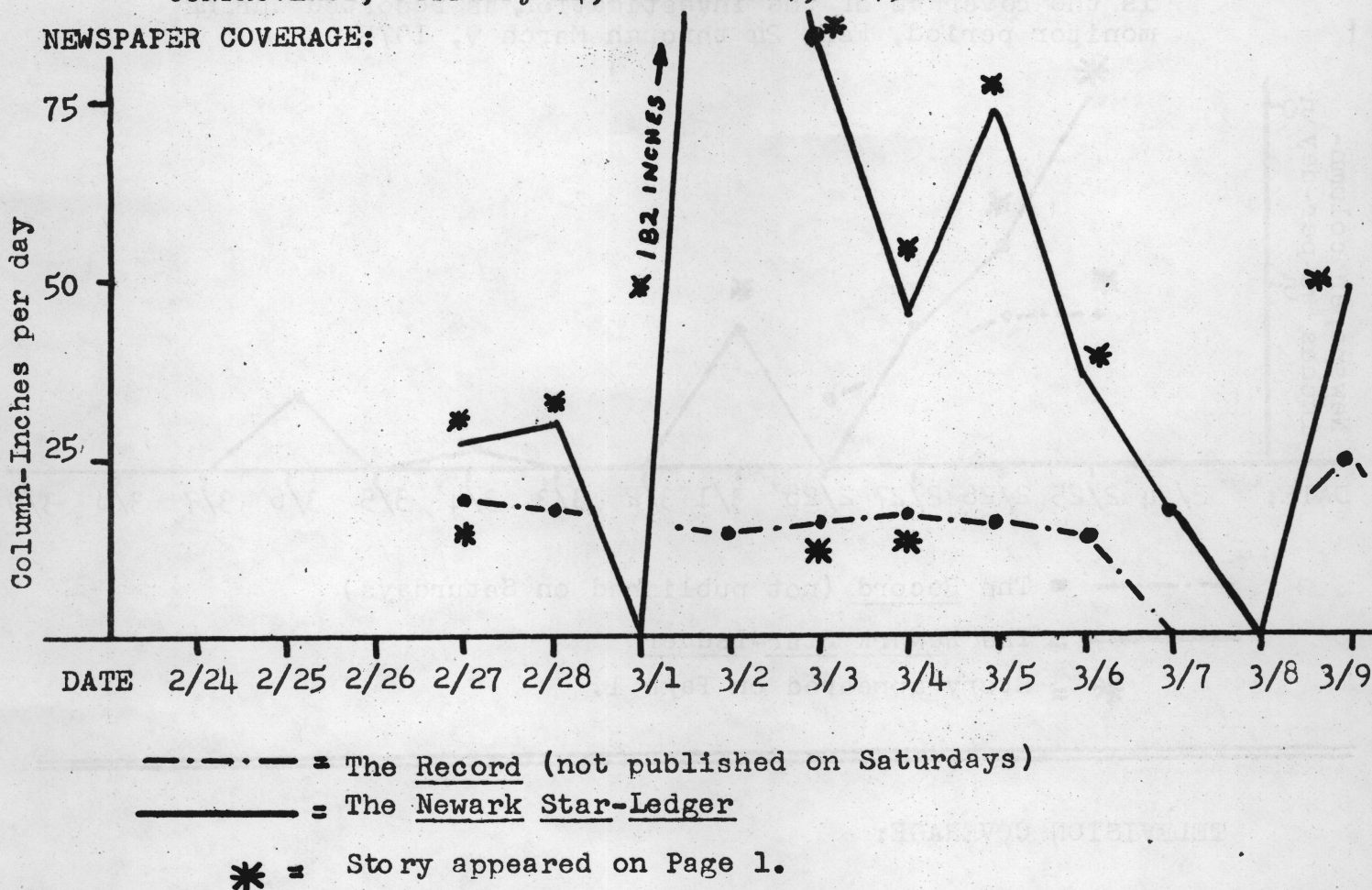


CHART #2

COMPARISON OF NEWSPAPER AND LOCAL TELEVISION COVERAGE OF
THE NEW JERSEY STATE COMMISSION OF INVESTIGATION (SCI)
CONTROVERSY, February 24, to March 9, 1975.

NEWSPAPER COVERAGE:



TELEVISION COVERAGE:

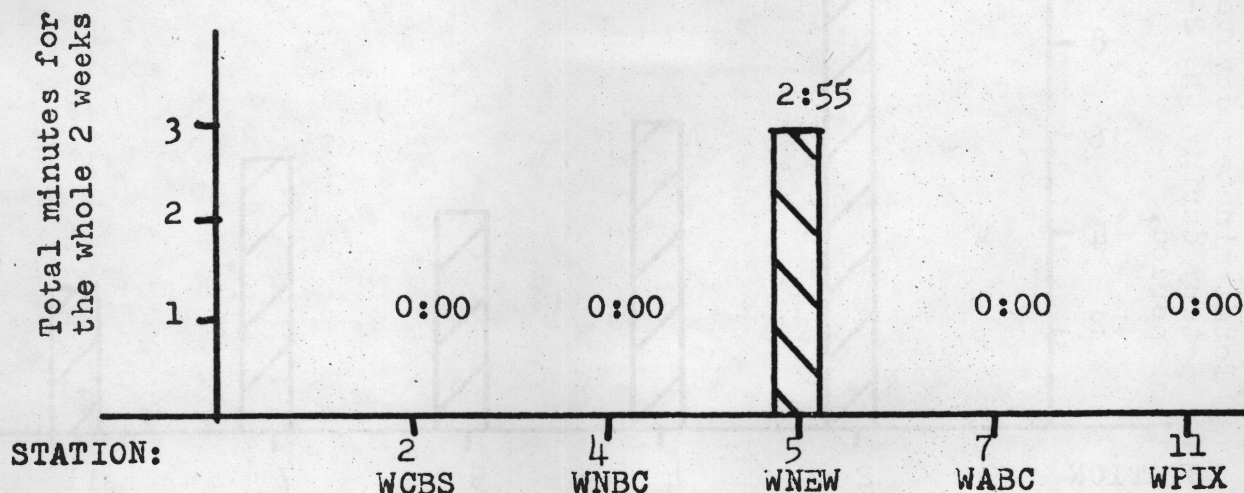
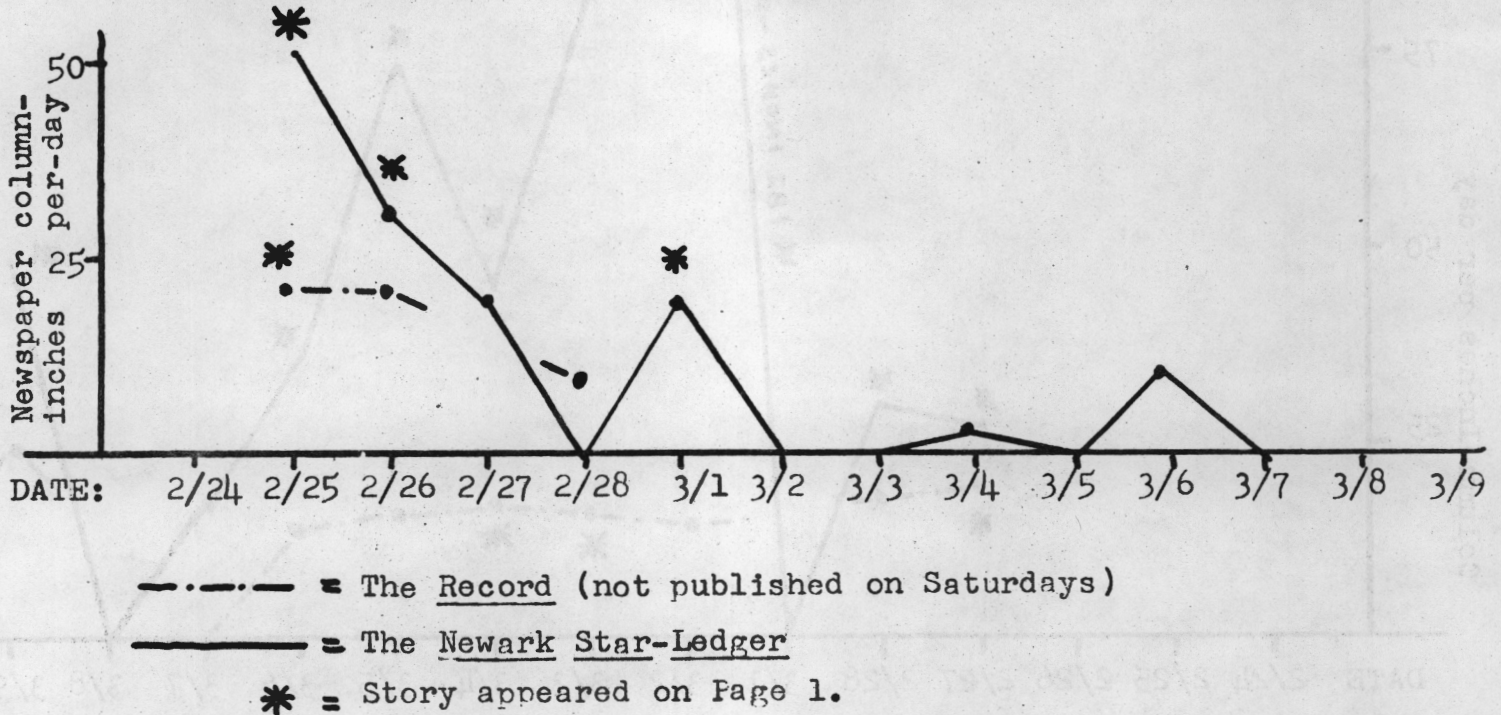


CHART #3

COMPARISON OF NEWSPAPER AND LOCAL TELEVISION COVERAGE
OF THE INVESTIGATION OF 2 MURDERS WHICH OCCURRED IN NEWARK DURING
LABOR DAY CELEBRATION, 1974. Coverage being examined here
is the coverage of the investigation, as reported during
monitor period, Feb. 24 through March 9, 1975



TELEVISION COVERAGE:

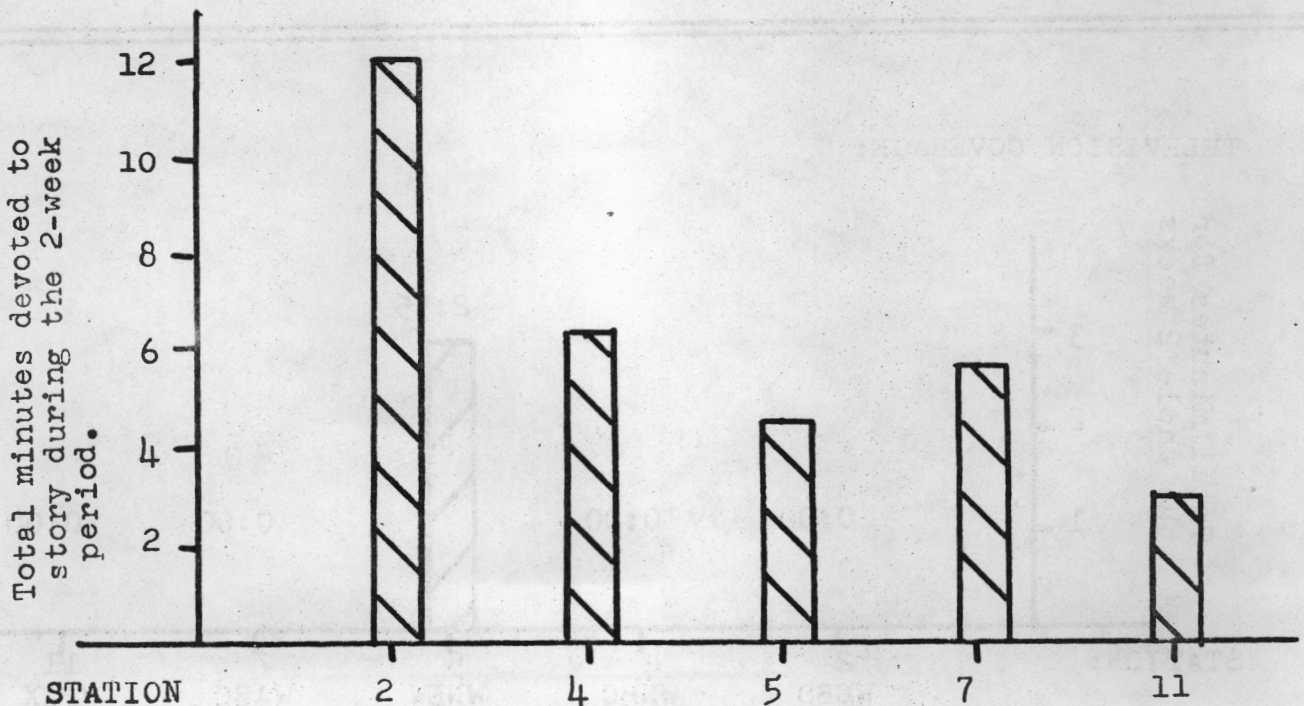


CHART # 4

11-10-61
SUBMITTED BY
FORMER GOVERNOR ROBERT B. MEYNER

FROM: Office of the Governor

RELEASE: Immediate December 4, 1961

EDUCATIONAL TELEVISION FOR THE METROPOLITAN AREA, INC.
680 Fifth Avenue
New York 19, N.Y.

C
O
P
Y

December 4, 1961

Federal Communications Commission
Washington 25, D.C.

Re: File No. BALCF-161

Gentlemen:

ETMA submits this letter to clarify portions of its Channel 13 proposals previously filed with you in the above proceeding, and in order to further assure meaningful development by the station of programming specifically designed to serve the needs of its principal community -- Newark, New Jersey -- and its surrounding areas:

ETMA respectfully requests that the Commission consider the statements contained herein as if made in its original application filed June 30, 1961, as amended by its letters dated July 21 and July 26, 1961. ETMA believes that the clarifications contained in this letter do not detract in any way from the public interest considerations which formed the basis for the Commission's grant of ETMA's application in this proceeding.

ORGANIZATION

There is in the process of being formed a non-profit association under Title 15 of the New Jersey Revised Statutes. The major purpose of the association will be to formulate plans and recommend policies regarding programming specifically designed to suit the interests and needs of the station's listeners residing within the New Jersey area. The association will be concerned with the general type, quantity and scheduling of such programming. Such plans and recommendations will be especially useful to ETMA, since it is ETMA's intention to originate all such New Jersey programming broadcast by the station from its Newark studio, except broadcasts of news reports, which will originate at such points as are most convenient in the light of studio operating conditions. ETMA understands that the association will also promote the establishment of a state-wide system of simultaneous television communications in the VHF band, in New Jersey, and ETMA will assist the association in this work. The association will exert its best efforts to secure the widest civic and financial support for the station's operation in New Jersey. Naturally, ETMA itself will undertake to obtain specific financial support from school systems which utilize its in-school programming.

The original members of the association are to be Robert B. Meyner, David D. Furman, Frederick M. Raubinger, Philip Alampi, Leo P. Carlin and David I. Yunich. The first trustees of the association, to be elected for a five year term, will be Robert B. Meyner, Frederick M. Raubinger and David I. Yunich. The association will have its offices at the Newark studio of the station and will utilize the services of ETMA's employees in the conduct of its planning and counseling work. With respect to all matters relating to the conduct of the licensee's operations, the trustees of the association will be subject to the direction and control of ETMA's trustees, who will have ultimate responsibility for all programming broadcast by the station. The three above-named Trustees of the association will become members of the ETMA Board of Trustees. Appropriate ownership report forms will be filed with the Commission at such time as ETMA's board is so expanded. Their successors will be suitable representatives of the New Jersey community who are selected by ETMA from among persons designated for this purpose by the association.

PROGRAMMING

In planning and scheduling the station's programming, ETMA recognizes that the community needs of its listeners residing in the New Jersey area cannot be adequately served without specialized attention by the licensee to the airing, on Channel 13, of public information and matters of an educational nature regarding the State of New Jersey, Newark, and its surrounding communities. Accordingly, ETMA will look to the association for proposals and counsel in meeting these community needs. ETMA will undertake as soon as is feasible to broadcast such programming at consistent times during the broadcast day or week in order to develop patterns convenient to the widest viewership by New Jersey residents. A minimum of approximately one hour each broadcast day will be devoted to this programming. In fulfillment of this plan and within the foregoing time provisions, ETMA will undertake live news broadcasts regarding Newark and the surrounding area at times and hours consistent with news coverage in other communities of similar size. It will broadcast programs dealing with the operation of New Jersey government and the responsibility of its citizens -- in effect utilizing New Jersey as a political laboratory of the air -- and include, in the development of such a program, weekly reports by the Governor, weekly reports on the activities of the State Legislature, and periodic reports of Newark and other government officials holding offices of wide responsibility within the station's area. Coverage of state and local public and other civic institutions will also be sought out and aired by the station. Adequate coverage of Federal, state and local election campaigns will be provided on a scale commensurate with television facilities made available for this purpose in communities of similar size. Such campaign coverage will be provided without regard to the minimum one hour per day mentioned above.

ETMA will, of course, continue to identify the station, in accordance with the Commission's requirements for station identification, as a Newark station.

NEWARK STUDIO

In accordance with the spirit of ETMA's foregoing commitments, it will join in efforts presently under way to foster the development of cultural resources in Newark and in surrounding communities. ETMA will consult with those organizations engaged in this development and with the association regarding the final location of ETMA's Newark studio, in order to take fullest advantage of these developing resources.

* * *

ETMA wishes also to make the Commission aware that these undertakings by ETMA were reached in settlement of litigation now pending before the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States arising out of the appeal of the State of New Jersey and others from the order of the Commission granting ETMA's application in this proceeding. At the same time, ETMA wishes to make clear to the Commission that it considers these proposals to be in the public interest, with respect to the community needs of Newark and the surrounding area, and consistent with other public interest goals which ETMA's basic proposals are designed to meet.

On the basis of the proposals contained herein, the above Courts will be requested to dismiss the various proceedings pending before them.

Respectfully submitted,

Howard C. Sheperd, President

Subscribed and sworn to before me this 4th day of December, 1961.

Notary Public.

NEW JERSEY'S VHF-TELEVISION NEEDS: UMET AND GROWING WORSE

Some comments and suggestions for action.

Comments by Professor Jerome Aumente, Director, Urban Communications Teaching and Research Center, Livingston College, Rutgers University, New Brunswick, New Jersey 08903. Phone: 201-932-4100.

Prepared for presentation to the N.J. Senate Commission on Adequacy of Television Coverage of New Jersey. Remarks will also be submitted to the Federal Communications Commission as part of its review of television licensing for stations serving the New Jersey market.

New Jersey continues to suffer economically, psychologically and socially because of the persistent lack of any sustained and comprehensive VHF television coverage from those commercial and public television stations who feed upon the state for audience, advertising revenue and viewer-supported fund raising drives but who give disproportionately in return. At best, the television services are insulting in their tokenism, and at worst illegal in their possible violation of the FCC requirements that the television stations must meet the "interest, convenience and necessity" of the community it serves in their programming.

First, let me describe the problems which result from this situation, and then let me list possible remedies.

Economics

The ability of local television stations to cover local news is tied directly to a combination of national and local advertising revenues. New Jersey does not register as a distinct and identifiable entity in the Philadelphia or New York VHF television station consciousness. This means that the state does not register as an "important" news and feature source of information (except at license renewal time). The second class status, in turn, affects the degree and kind of advertising revenue generated from the state, which then results in a corresponding disinterest in news coverage. The cycle is self-feeding and self-destructive to the state's interests. Local advertisers are also deprived of an important outlet to develop service and product identification which might stimulate critical revenues in an economically ailing state.

A New Jersey advertiser must pay inflated and exorbitant rates to a television station which ostensibly is within his territory but, in reality, is geared to the tastes, costs and geographical trimmings of a New York/Philadelphia audience which though large, may not be lucrative to the smaller local advertiser who seeks product or service recognition in a more limited geographical zone of New Jersey.

In public broadcasting, Channel 13 (WNET) captures significant New Jersey dollars. I understand that approximately 20% of its pledges from viewers come from New Jersey residents. There is little evidence that the coverage in the way of local news, documentary and in-depth coverage of New Jersey is given back in return. In fact, it has been suggested that the 20 percent viewer pledges might be specifically designated for New Jersey programming, or perhaps given to the New Jersey Public Broadcasting Authority which is struggling to establish a beach-head in the far more difficult UHF, public television market.

The depiction of New Jersey through the lenses of the New York and Philadelphia focused television stations has other severe negative effects on the state's economy. Even a cursory viewing of the local television news coverage will show that when the metropolitan reporters venture into the unfamiliar New Jersey wilds, they are usually in hot pursuit of the easy crime stories, investigations, oil spills, scandals, indictments, or the odd and the aberrations. The effect is cumulative and damaging. The end result is a skewered composite sense of New Jersey made up primarily of murderers, rapists, violent criminals, polluters, crooked public officials and clownish residents with odd or unusual habits and hobbies.

Potential business and industrial organizations must surely have second thoughts about locating in such a state. Investment sources look elsewhere. People considering job transfers here hold back. The young people talk about leaving the state as soon as they can. A no-win sense builds up around the state. While some of it may be justified for other reasons, a large part of it is not of its doing.

Psychological and Social Impact

There are enough studies on record to show the impact of information from commercial media sources on the formation of "community," and the sense of things we hold in common. The impact of television in this regard is vastly larger than other sources, and still not fully measured.

Stop for a moment and examine the situation in New Jersey. The average viewer had insufficient real information from his main source (TV) to draw from in making major decisions regarding the state's tax base; its critical and declining economic condition; the long, slow fight to develop a post-secondary educational network that meets its needs rather than exports its students; the impact of construction, industrial expansion, or new highways which bite off huge chunks of scarce land in what is the most densely packed urban state in the nation.

We know more of mayoral and council decisions in Philadelphia and New York City than of even our largest cities. The "suburban" mentality of New Jersey coverage condemns us to a silly kind of news coverage in which New York City or Philadelphia are "Rome" and the rest of the metropolitan residents are bumpkins in the provincial hinterlands. We are psychologically disenfranchised and politically invisible.

What does this mean? The most critical public policy issues are made without the benefit of fully informed citizen input and voter concern. Pride in self, pride in region and state have less of a place in which to grow. It means an outward migration of people who are desperately needed to stay and help. It means thousands of public and private organizations who are deprived of a means of transmitting even minimal information about their concerns and activities. They must stand in a second television line -- marked New Jersey -- and rarely ever reach their destination. If the television stations were physically and organizationally based as much in New Jersey as they are in New York and Pennsylvania, this might change. Certainly, if New Jersey had its own commercial VHF stations this would be different.

The Urban Communications Teaching and Research Center of which I am director at Livingston College of Rutgers University receives dozens of requests for information, planning and assistance. It is clear that organizations which desperately need a means to disseminate information on such issues as health and social services, education, race relations, help to the disadvantaged, educational, cultural and arts issues see little, if any, possibility of getting assistance from the Philadelphia and New York based television stations.

The other night on "All in the Family" New Jersey received its latest television drubbing. Archie was urging his son-in-law to find an apartment, try anything, "even if it meant living in New Jersey." "Try Jersey," he kept yelling. And Michael (alias "Meathead") shouts back that he doesn't want to live in Jersey, who would live there? Archie insists that someone has to live there.

I was once a guest on Channel 13's "New Jersey Speaks". The show dealt with the state's image. It was taped in the dusty closet of a token studio which Channel 13 maintained as part of the fiction -- with the assistance of the FCC -- that Channel 13 is a Newark, New Jersey station.

The bulk of the show was taken up with a satire about the state delivered by a writer whose major literary work of any note dealt with George Washington's expense account. The show was liberally sprinkled with references to the "New Improved New Jersey" and the story of the Passaic River bursting into flames when the water pollution reached the right consistency.

Such nonsense happens everyday. Often it is disguised as news or feature stories. I doubt very much that television stations

with a presence and a greater stake in New Jersey would subject us to such a continuing barrage of negative stories and careless coverage which meets none of our needs, and is neither convenient or of interest.

I wish to suggest the following action steps:

(1) The FCC should make an extra effort now to scrutinize the community ascertainment data of the New York and Philadelphia VHF stations. The demographics of New Jersey are readily available. Are the nearly quarter million Hispanic, several million Black residents, the larger ethnic groups including the largest Italo-American population in the nation being questioned as to their true "interests, needs and convenience?" Are the elderly? The young? Women? Are those public and private agencies with special service responsibilities to New Jersey residents being adequately interviewed? Are they being heard?

(2) Are the news broadcasts and the special documentaries and programs which are "locally" produced as opposed to "nationally" adequately and proportionally covering the New Jersey viewership? This is not a substitute for New Jersey based television stations, but it is quantifiable and a real first step.

(3) The Philadelphia and New York based VHF television stations must encourage and develop recruitment and training programs which will give more New Jersey residents, especially college students in communications programs, the opportunity of entering all phases of the television industry. An arrangement we have developed with the local television and radio stations of RKO-General in New York in which student interns are participating is a first step that others might replicate.

(4) The FCC must take comprehensive and continuing action beyond the pressure period of license renewal time to see that the television stations keep their promises to serve the interest, convenience and necessity of a New Jersey viewership which is a significant but ignored segment of the community ascertainment target group.

(5) The television stations might undertake voluntary programs and the use of air time to educate its viewership to the fact that although state lines exist, the airwaves, the region, and responsibility of their license area are far different. Many, many people and organizations who might come forth and support the stations in return for more adequate coverage could very well be the main result.

(6) The television stations, with the concurrence of the FCC and in negotiation with appropriate groups representing the interests of public and private agencies and individuals in New Jersey must develop a specific plan of news and feature coverage of New Jersey events. This means dollar commitments and pledges of budget allocation for the commercial and public television stations using

the New Jersey VHF airwaves. It means tangible allocation of personnel, news bureaus, production teams and trained personnel who know the state, are based here and are rewarded for New Jersey coverage rather than "sent to the boondocks."

(7) Ideally, New Jersey should have its own VHF television stations. It ought to get back the public station which was taken away from it -- Channel 13 -- but which still carries a Newark, New Jersey location on its station card. The latter is salt rubbed into the wound every hour on the hour.

It is finally and frankly up to the FCC. If the commissioners fail to act then we are in for three more years, three more and three more.

We ought to try negotiation, but real negotiation. We need a concerted effort by our elected officials at all levels but especially in Trenton and Washington. We need a Federal Communications Commission which is ready to take on the "special case" of New Jersey and find special means of solving the critical information deprivation we suffer. It means sustained and long-range monitoring beyond the license renewal ritual. It means imagination and responsibility on the part of colleges and the university in seeing that the review and dialogue continues among the television stations, the public and its representatives.

We need not be in a continued adversary relationship with the VHF television stations. There are both economic and moral reasons why they wish to cooperate, and many do. There are reasons both political and practical why such cooperation can be made tangible.

If all else fails, we must go back to our meetings, hearings, conferences and studies and poke for any break we can find in the seamless electronic wall that surrounds the Garden State. As a state, we might collectively ask for equal time under the "fairness doctrine." We certainly have the imbalance and we can rightly argue that television VHF services as they exist today are a disservice to New Jersey and are hazardous to its health. This is simply not fair.

WNEW-TV
METROMEDIA TELEVISION

LAWRENCE P. FRAIBERG/VICE PRESIDENT AND GENERAL MANAGER

March 12, 1975

Mr. Steven B. Frakt
Research Associate
State of New Jersey
Legislative Services Agency
Division of Legislative Information & Research
State House
Trenton, New Jersey 08625

Dear Mr. Frakt:

Thank you for the invitation of March 4, 1975 extended to the management of Station WNEW-TV to appear on March 17th before the New Jersey Senate Commission on the Adequacy of Television Coverage of New Jersey.

As I am sure you are aware, the Federal Communications Commission upon Petition of the New Jersey Coalition For Fair Broadcasting has instituted an Inquiry into the Adequacy of Television Service in the State of New Jersey. This is a far ranging inquiry which poses a multitude of complex questions, and because of its broad scope we are currently devoting all of our available manpower to the research necessary for the preparation of our comments in that proceeding. Unfortunately, the Hearing of the New Jersey Select Committee is scheduled at the very time when this project is underway and thus at a time when we do not have available personnel to also devote to the preparation of a presentation for that Hearing. Furthermore, in light of the Federal Communication Commission's schedule for the filing of responses to its Inquiry, we regret that we cannot divert the efforts of our personnel from that project at this time.

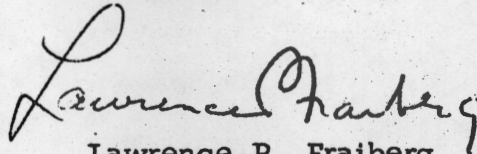
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205 EAST 67TH STREET, NEW YORK, N.Y. 10021 (212) 535-1000

Page Two

Please be advised, however, that we will be very pleased to make available to the Select Committee the materials which we will be filing before the FCC in response to its Notice of Inquiry.

Cordially yours,

A handwritten signature in cursive script, reading "Lawrence P. Fraiberg".

Lawrence P. Fraiberg
Vice President & General Manager

LPF/gm

Robert J. Williamson
Vice President & General Manager

March 14, 1975

Mr. Steven B. Frakt
Legislative Services Agency
Division of Legislative
Information and Research
State of New Jersey
State House
Trenton, New Jersey 08625

Dear Mr. Frakt:

Thank you for your letter of March 4, 1975 on behalf of Senator John M. Skevin, Chairman of the New Jersey Senate Commission on the Adequacy of Television Coverage of New Jersey, inviting a representative of WOR-TV to appear before that Commission on Monday, March 17.

We have been gathering material preparatory to our participation before a Federal Communications Commission proceeding in regard to the need for Adequate Television Service For The State of New Jersey (Docket No. 20350) in which initial comments are due on April 14, 1975. Because we have not completed our preparation and compiling of data, we believe that participation in your hearings would be premature at this time. Nevertheless we intend to furnish you with the information we present to the Commission in that Docket.

As responsible broadcasters, we appreciate your concern over the possible inadequacy of television service in New Jersey. While our primary obligation is to our city of license, New York, and our signal only encompasses part of New Jersey, we feel our station's performance in regard to the area we serve has been excellent.

Mr. Steven B. Frakt
Page Two

March 14, 1975

For example, WOR-TV is the only Tri-State area VHF television station to continually program (over a 10-year period) a series on New Jersey problems. "NEW JERSEY REPORT" can be seen on Monday nights at 10:30 p.m.

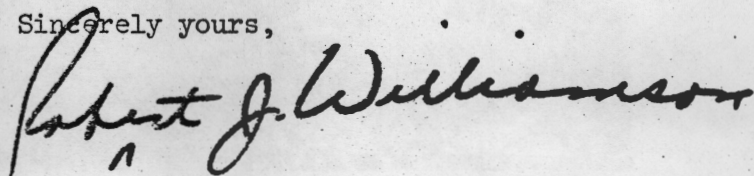
Moreover, since September, 1972 Mayor Kenneth Gibson of Newark has been seen on WOR-TV in a regular series of interviews on the problems of Newark entitled the "MAYOR GIBSON SHOW". We are the only New York VHF television station currently serving the citizens of Newark on a regularly scheduled basis.

Our "MEET THE MAYORS" program hosted by the Public Affairs Vice President, John Murray, has highlighted dozens of New Jersey communities. Over 37% of the guests on this program in the last year were Mayors or chief executive officers of New Jersey communities. Indeed the New Jersey Conference of Mayors recently awarded John Murray a Citation of Merit on behalf of "MEET THE MAYORS" (I have enclosed a Xerox copy for your inspection).

In addition, WOR-TV has presented many "special" programs which have contributed to the needs of all our viewers as well as newscasts which have presented New Jersey news items. Moreover, programs such as ROMPER ROOM (a children's program) and SUNDAY MASS have included representatives from New Jersey. Finally, WOR-TV has brought to those sports fans of New Jersey, coverage of the Mets, Knicks and Rangers games. We feel it is appropriate to mention this aspect of our station's service to New Jersey, due to the limited "home" professional sports teams in the State.

Even though what we have presented only partially reflects WOR-TV's commitment to the New Jersey area, we trust it will be helpful to your inquiry. As we have noted, we will furnish you copies of our statements to the Commission in Docket No. 20350.

Sincerely yours,



RJW:RF
Enc.



Citation of Merit

Presented by the

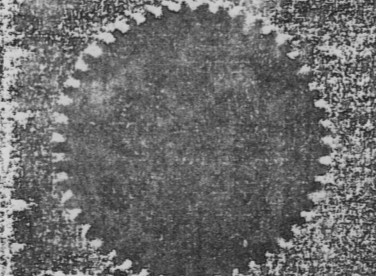
New Jersey Conference of Mayors

to

John Murray

For outstanding and meritorious
services in the advancement of good
government

Mark H. Hayes



Franklin D. Roosevelt

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Robert L. ...
President

George ...
Executive Director

TESTIMONY OF PROFESSOR MICHAEL BOTEIN BEFORE
THE NEW JERSEY SENATE COMMISSION ON THE
ADEQUACY OF TELEVISION COVERAGE OF NEW JERSEY

March 17, 1975

I am an Associate Professor at Rutgers Law School, Newark. I appear before this Commission, however, purely as an individual. Perhaps more pertinent to this Commission's mandate is the fact that I have worked as a senior attorney advisor at the Federal Communications Commission as well as a consultant to the Communications Department of the RAND Corporation. Most relevant to myself, I am a New Jersey resident who occasionally watches television.

The very creation of this distinguished Commission is a positive step in the continuous and trying battle to secure proper television coverage for New Jersey. And these hearings are naturally appropriate since the Federal Communications Commission has issued its Notice of Inquiry and Notice of Proposed Rule Making in Docket No. 20350, FCC 75-125, _____ FCC 2d. _____. This long overdue action looks toward at least some relief for New Jersey. This Commission thus can have a powerful input and impact on the federal level.

As this Commission's enabling Resolution points out full well, the simple fact of life is that the FCC has short-changed New Jersey by taking away its only Very High Frequency (VHF) commercial station. As many other witnesses have pointed out in more detail, this obviously

cuts New Jersey residents off from a whole variety of commercial and non-commercial communications -- e.g., advertisements, news, public affairs, and educational programming.

To aggravate this loss for New Jersey citizens, out-of-state stations derive significant revenues from New Jersey television viewers. Advertisers pay stations solely on the basis of the number of warm viewing bodies rendered up unto them -- on a so-called "cost per thousand" (CPM) basis. New Jersey residents comprise more than twenty-five percent of the New York City stations' viewing audience -- and thus an equivalent amount of their revenues. But New Jersey has received precious little from this bargain which the FCC made for it.

The fundamental problem, of course, is simply that the FCC does not require a television station to cater in any significant way to the needs and interests of viewers located outside its principal city of license -- New York City and Philadelphia in this case. Though the FCC's policy obviously makes little sense in densely populated metropolitan areas, the FCC and the courts steadfastly have hewed to this line. E.g., Stone v. FCC, 466 F.2d 316 (D.C. Cir. 1972)


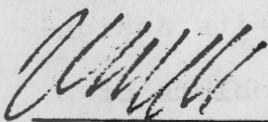
The FCC created the situation, of course, by initially allocating only one commercial VHF station to New Jersey and by then effectively taking that station away. Accordingly, the burden is upon the FCC to resolve the quandry which it

has created. To be sure, there are a number of alternatives open to the FCC, as its above-mentioned Notice acknowledges. But since most of these alternatives involve complex technical and economic questions, lay people cannot comment on them knowledgeably. The FCC therefore has the duty of fashioning an appropriate remedy for New Jersey; the FCC cannot merely sit back and demand that New Jersey present a method of undoing the damage which the FCC initially inflicted.

To be sure, in purely private litigation the FCC is free to put the burden of economic and technical showings upon private parties. E.g. Staunton Video Corporation, FCC 73-1005, 42 FCC 2d 1119. This passive approach is totally inappropriate to the New Jersey situation, however, since the FCC originally created the problem through its assignment of frequencies. When faced with broad problems of frequency assignment -- as opposed to narrow issues of individual interest -- the FCC has assumed and should assume the burden of fashioning an appropriate remedy. When the FCC thus decided tentatively in 1956 to "deintermix" VHF and UHF stations, it did not throw the issues back into the interested parties' laps; instead, it made its own analysis of each local situation and formulated its own policies. E.g., Report and Order and Docket No. 14267, 41 FCC 1130 (1962). New Jersey's plight is no different than the "deintermixture" situation; in both cases, the FCC has created havoc by playing fast and loose with its own basic Table of Assignments.

The Commission thus can play a major role in forcing the FCC to carry out its statutory mandate 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 communication service. . . ." 47 U.S.C. § 151(a) (1970). By means of hearings such as this, the Commission can be an effective vehicle for conveying to the ✓ FCC the needs, interests, and aspirations of New Jersey residents. By following its Resolution, this Commission can force the Federal Communications Commission to carry out its statutory duties.

Respectfully Submitted



Michael Botein
Associate Professor
Rutgers Law School
180 University Avenue
Newark, New Jersey 07102

JUL 30 1985



