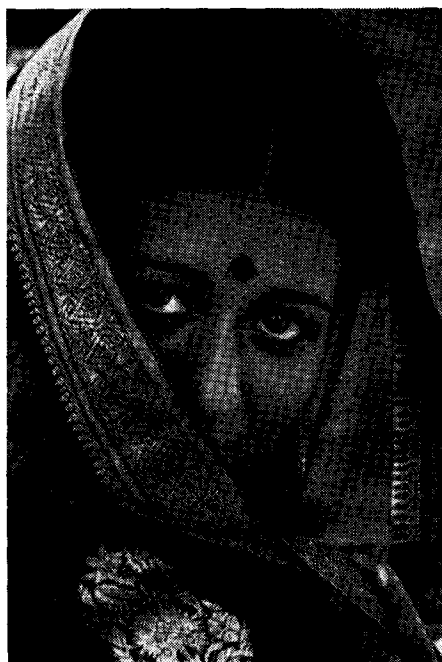


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## NICHOLAS JOHNSON VS. "BROADCASTING"

# FCC's "Teenybopper" Under Fire

By ROBERT LEWIS SHAYON

**I**N June 1966, President Lyndon Johnson appointed Nicholas Johnson (no relation) to the seven-man Federal Communications Commission for a seven-year term. Commissioner Johnson's tenure to date has been marked by an activist regulatory philosophy. The main thrust of the work by this former professor of law at the University of California (he was also national maritime administrator, and prior to that a law clerk serving Associate Justice of the Supreme Court Hugo L. Black) has been directed at the achievement of a healthier level of competition in the communications industry, particularly broadcasting. He has been a vigorous dissenter, often alone, against majority FCC decisions that sustained multiple-ownership media practices, and he has objected to conglomerates that merge broadcasting structures with other corporate interests.

It was Commissioner Johnson who wrote the majority opinion in the Carter Phone Case, as a result of which independent companies have been permitted to attach their gear to the AT&T switching network. With other commissioners, he has helped to stimulate the development of public broadcasting as another option for viewers and listeners. The promotion of diversity through the greater use of UHF channels has been among his objectives. He has supported the general principle that citizen groups ought to know of their rights to compete, at license renewal time, for franchises that are granted to station owners—privileges heretofore renewed largely *pro forma* by the rubber-stamp Broadcast Bureau of the FCC.

Currently, he is at the center of a pattern of intense regulatory activity at the Commission, along with his colleagues, particularly Kenneth A. Cox and Robert T. Bartley, but the FCC has known activist phases before. Other so-called rebel commissioners, such as Fly, Durr, Hennock, Minow, and Henry, have come and gone. Nicholas Johnson may not have helped to achieve significant competition in broadcasting by 1973, when his term expires, but he will have contributed to the general recognition among broadcasters and communications lawyers that the industry badly needs a new trade journal to compete with *Broadcasting*, the magazine that now dominates the press of this important field. Published since 1931, *Broadcast-*

*ing* provides the most complete coverage available of the FCC. Vital industry statistics may be more quickly found in *Broadcasting's* annual review issues than in the Commission's files, but in a deeper sense, the magazine is out of touch with the complex realities of today's rapidly changing communications world. It feeds its subscribers, especially in its editorials, a mix of images compounded of fantasy and propaganda. Its highly selective packages of information may support the biases and self-fulfilling prophecies of its readers, but these serve more to gratify the readers' emotions than to render them real service by independent, tough-minded analysis.

Such a performance is generally the rule in any trade press, and this fact is not overlooked in evaluating *Broadcasting*. Successful trade media mute the obvious nature of their role with acceptable rhetorical manners that are temperate in tone and accent. Generally speaking, this has been true in the past, even of *Broadcasting*, but the magazine, in its treatment of Commissioner Johnson, has dropped its mask of good manners and revealed an *ad hominem* stridency that grows ever more shrill, to the uneasiness of more thoughtful broadcasters. This situation has come about because Johnson has refused to quit the agency despite the barrage of attacks leveled at him by the magazine. He hasn't been bought off by a better job. *Broadcasting* suggested this in an editorial in its March 17, 1969 issue: "To remove a commissioner appointed for a specific term without substantial cause . . . is a sticky business. Perhaps the offer of another position in government or on the bench, paying as well, would do it, and that prospect, it's hoped, will be pursued."

A look at the record is instructive—thirty pieces of news and editorials (the two are often hard to separate), beginning December 5, 1966, and ending March 17, 1969. They reveal a pattern that emphasizes slogan and invective rather than the serious debate of issues on their merits. The pattern begins with scorn and disdain, and escalates to almost pre-emptory commands to President Nixon to fulfill his campaign promises to rein in the Government's regulatory agencies. In 1966, the magazine took early editorial notice of Commissioner Johnson in connection with his objections to the aborted ABC-ITT merger. Although the editorial answered briefly

(Continued on page 87)



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## India.


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Dan Sarazin,  
photographed by Karsh in Ottawa





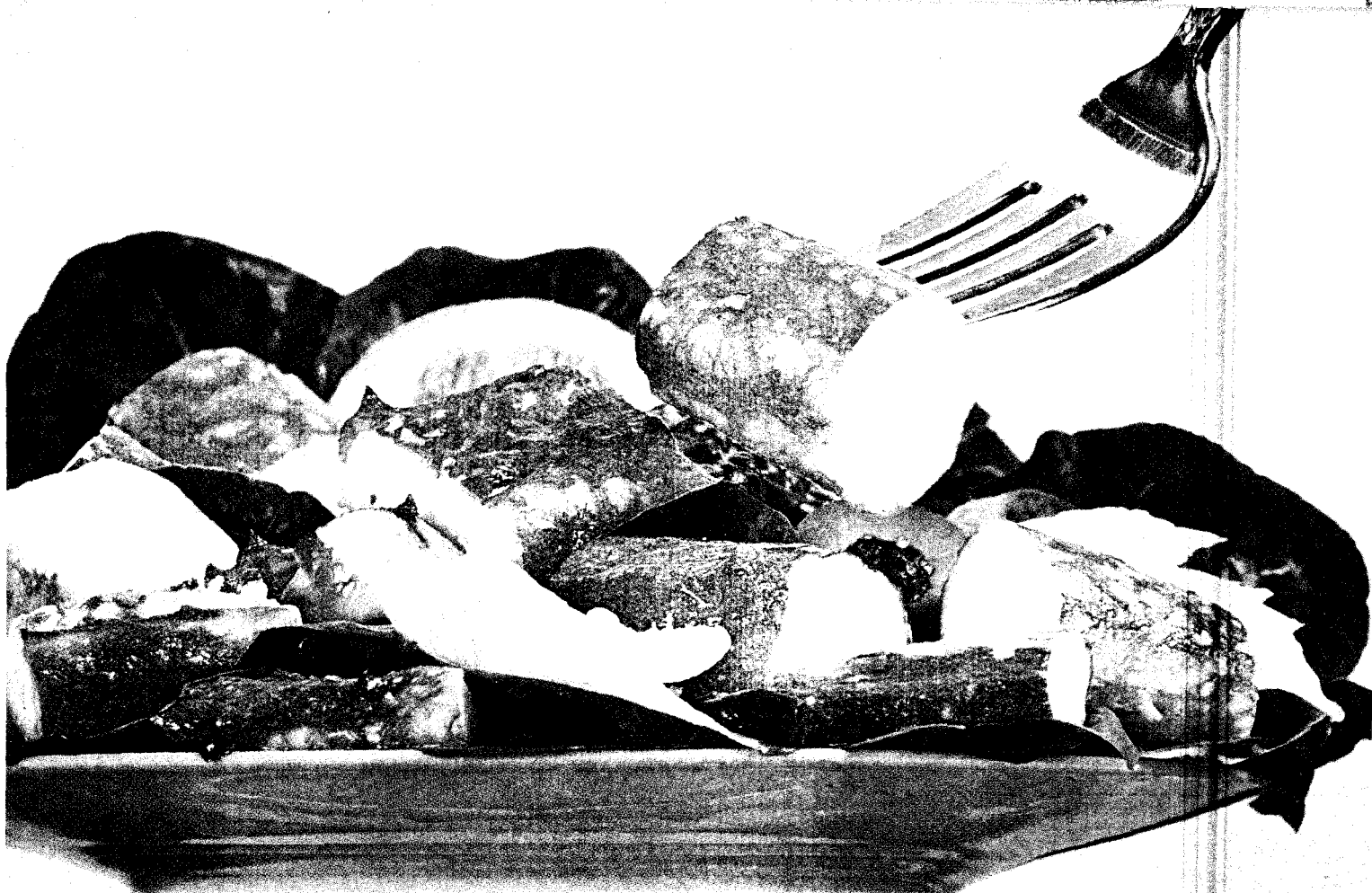
With sinewy hand, practised eye and dedicated heart, Dan Sarazin expresses his Algonquin heritage. Each canoe he builds is an art treasure: birch bark stitched with spruce roots, stretched tight over cedar ribs, sealed with bear grease and spruce gum — traditional materials found close at hand at Golden Lake Indian Reserve, in Ontario. Cultural patterns persist in all the peoples who live in this land's nostalgic solitudes. In the true North, man is still the stranger, outnumbered by moose, deer, beaver and bear. And the promise for the visitor to this part of Ontario is an intriguingly *different* vacation experience. Explore its history, its quarter million lakes, its unique Precambrian geological curiosities. Observe the Canadian Shield's massive indifference to man's puny scratchings and burrowings — for all that it yields a billion dollars in gold and silver, uranium, copper, nickel, iron and lead. A Great Ontario Adventure Vacation, such as few of your friends have ever enjoyed, offers unique satisfactions. We'll describe them for you when you write:  
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Despite shortages, we still choose only the finest of the catch. We still insist on 100% U.S. government inspection (we're the only ones who do). That's why the U.S.D.I. shield is on every Wakefield package. And we're as fuddy-duddy as ever about keeping all the other quality controls that Wakefield originated and perfected.

So when you buy Wakefield's Alaska King Crab, you know you're getting the best.

And isn't the best worth looking for?

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Continued from page 82

a point about conflict of interests between the conglomerate and the network, it made three irrelevant thrusts. It said that both Johnson and Commissioner Cox "seem to dote on" publicity; it noted that Johnson was Mr. Cox's "thirty-two-year-old disciple"; and it warned them that "the Administration wouldn't relish action that would frustrate more aggressive competition among the three major networks." The magazine generally kept its cool in future editorials and news briefs, when dealing with Johnson, but its tone grew increasingly sharp, as the Commissioner, often with Cox and Bartley, challenged routine license renewals, fought against concentration of media control, and wrote and spoke out publicly about program surveillance by the Commission.

*Broadcasting* warned the Commissioner that he was "not winning friends"; it called him a "teenybopper" and "the shrill and frequent critic of the actions of his elders." It rebuked the National Association of Broadcasters, the major trade group, for providing "a platform for an FCC member who makes a practice of beating his captive audiences over the head." It charged unethical conduct by Johnson in several situations, and printed replies by him and others that countercharged misinformation and inaccurate quotation. In the summer of 1968, *Broadcasting* abandoned any efforts to deal with the merits of the positions taken by Commissioners Johnson and Cox. An editorial in the June 10 issue looked with favor on "various proposals for riper legislation [which] would enable the President to appoint a new commission, eliminating those who want only to attack and destroy." Commissioner Cox was accused of "espousing rigid control of program and business affairs, in defiance of the law—a sort of socialism." It said of Mr. Johnson, "his number should be up."

In its issue of February 17, 1969, the magazine asserted that "an erstwhile reasonably safe majority [at the FCC] has lost control to a makeshift radical minority." The article continued:

It is shameful that at the root of most of the trouble-making is Nick Johnson, who, in his two-and-one-half years as a commissioner, has made a fetish of throwing sand in the FCC machinery. . . . This brash, thirty-four-year-old self-anointed savior, who was removed from his last job as maritime administrator, jams the FCC processing lines with his dissents, automatically opposes routine renewals, personally woos reporters, editors, and pundit-columnists with his double-spaced documents [SOP is single-spacing to save paper and money], maintains a private mailing list at government expense, and stands accused of brow-beating FCC personnel.

Interest in *Broadcasting's* treatment of Johnson is heightened when one considers the credibility of the magazine's past cantankerousness. The trade journal said in its first editorial (1931): "Broadcasting in the U.S. today stands in grave jeopardy. Politically powerful and efficiently organized groups, actuated by selfishness and with a mania for power, are now busily at work plotting the complete destruction of the industry we have pioneered and developed." Somehow the plotters were foiled, and the AM-FM-television broadcasting industry went on to achieve an annual revenue of \$3.2 billion in 1967. Nevertheless, in the June 10, 1968, editorial cited earlier, the apocalyptic strain surfaced again: "The nation is witnessing the most audacious and unethical assault upon broadcasters ever contrived. It could spell the end of American-Plan 'free' broadcasting."

As of March 17, 1969, the situation was still at emergency level. "The regulation of communications—particularly broadcasting—has reached a critical point, and is threatened with a breakdown. When the FCC takes actions that encourage reckless applications for occupied facilities worth millions, anarchy lies ahead unless remedial measures are invoked."

The truth or falsity of pictures in our heads may be tested against reality; we must ask whether or not they correspond with the pictures in other peoples' heads. *Television Age*, an advertising trade journal, commenting on Johnson in its January 2, 1967 issue, wrote:

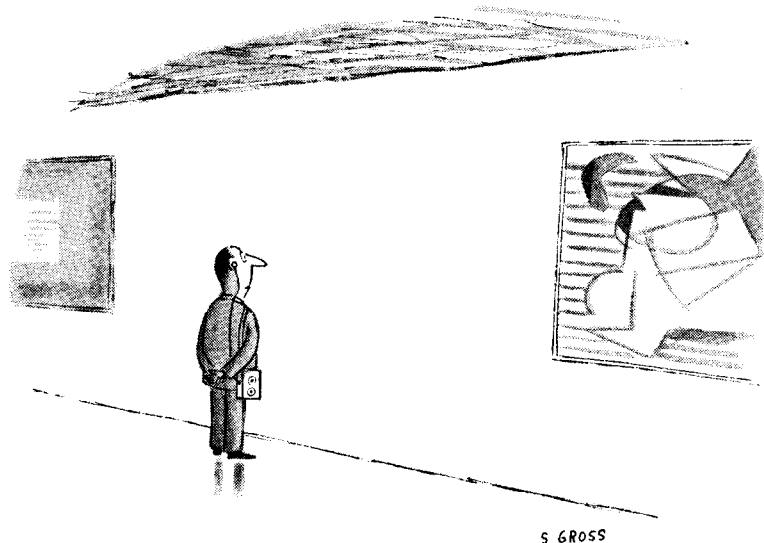
He has kept out of the public glare, spending his time instead devouring information on communications, talking to industry leaders, and observing his FCC colleagues in action. Even his detractors agree that he has strong as-

sets: he's intellectually curious, and he is intellectually honest.

*Newsweek*, on April 20, 1967, reported: "He professes to prefer the role of a young communications don, working monkishly over his long opinions, and returning each evening to his wife and three children in quiet suburban Maryland." The *Christian Science Monitor* noted in an interview, on June 12, 1967: "Nearly 95 per cent of the time he has voted with the Commission majority, for whose chairman he has 'great respect and affection.'" The National Association of Television and Radio Announcers, in August 1968, gave Johnson an award with this citation: "A bold, fearless, and humane man who has made the industry aware of its legal and moral obligation to serve the communities of America, making them cognizant that broadcasting is a privilege and not a right." The U.S. Jaycee voted him one of its Ten Outstanding Young Men for 1967, noting that he had "consistently worked to achieve a more coherent communications policy in the best interests of the general public. Within a short time, he has injected life and imagination into the workings of a crucial government agency."

*Broadcasting* has responded by harking back to the good old days when the magazine's editors, linked importantly with major corporate interests in broadcasting, gave marching orders to a complacent Commission that knew its place. Participatory democracy is in the air; the people want in, even in broadcasting, and the magazine cannot grasp the change.

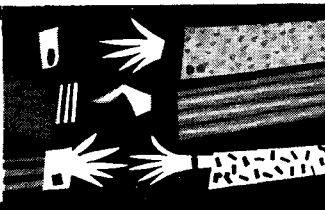
In the context of a democracy, there is nothing wrong with the phenomenon  
(Continued on page 91)



S. GROSS

"This painting has been temporarily removed for restoration. Just notice the discoloration of the wall, where the painting was originally hung. It is also interesting to note that part of the gilt frame of the picture has left scratches on the wall over on the left side approximately three-and-a-half feet from the floor. In addition . . ."

# Public Relations



## Learning Political Processes

**I**N the last decade, more and more companies have encouraged employees to become active in civic and political affairs. Some firms have developed carefully structured programs of training so that those who participate can get a practical as well as a theoretical understanding of the political processes. In all cases it is made clear that management wants those who become involved in politics to do so as private citizens and not as agents of the company.

The rationale for these programs was probably best expressed by Henry Ford 2d in 1961, a year after the Ford Motor Company had begun its Effective Citizenship Program, when he said: "It is necessary to keep in mind that the objective is not to further the pet political theories of top management; it is to help build, in American political life, in the electorate, and in both major political parties, a solid, active group of politically and economically informed and moderate people. Corporations are—or ought to be—politically color-blind."

As the result of companies encouraging their employees to become active in civic and governmental affairs, many problems have arisen. For instance, what happens when an employee of a corporation decides to run for political office? What happens when election requires only little time away from work? What happens when the post the employee runs for requires full time? And what provision is made if there is a potential conflict of interest between serving the people who elected the employee to office and the company he is employed by?

Last November, Dr. Russell W. Peterson, director of the research and development division of E. I. du Pont de Nemours & Company and in charge of programs for corporate diversification, was elected Governor of Delaware. Prior to Dr. Peterson's nomination as the Republican candidate in November 1967, a company announcement stated that should he receive the nomination for governor he would not be asked to resign but would be asked to take his accumulated vacation time, a leave of absence without pay, or a combination of leave and vacation time during the campaign. Upon election, he would be expected to resign or retire. "This is

consistent," read the company statement, "with our feeling that the office of governor should be free of any possible conflict of interest." And, if the Du Pont executive were defeated in the election, the company would be glad to have him return to work.

After his election, Governor Peterson retired (he was eligible for early retirement) from Du Pont. But what of other cases in the company? Du Pont's policy is flexible. If an employee is elected to local office needing little or no time away from his job, his company status usually remains unchanged. For state office that does not require enough time to interfere substantially with the employee's work, his company pay is not generally affected. For national office, in view of the possible application of the Federal Corrupt Practices Act, the employee runs, and if elected serves, without company pay. At present, there are some ninety city officials, twenty state officials, and eight county officials from Du Pont serving in elective posts.

A study of ten additional corporations shows a variety of policy positions for those who are elected to part- or full-time office, and they are worth more than a passing look. While there are variations in the policies of these companies, one position is present in all of them: a flexibility of regulation as to the employee's position with his company.

The American Telephone and Telegraph Company neither encourages or discourages an employee to run for office. AT&T leaves it entirely up to the individual. There is no overall policy for those elected to full- or part-time office. Each case is treated on its own merits. Leave of absence is sometimes granted for those elected to a full-time government post. There is no record of the number of employees elected.

The Aluminum Company of America encourages its employees to be active in politics. For those employees who serve in full-time elective office there is a for-

mal leave of absence procedure that permits the person leave time for as long as four years. For salaried employees in elective office requiring a minimum of time off, Alcoa permits that time off with pay, if the leave does not seriously interfere with job performance. Some 400 Alcoa employees hold elective office, most of them local offices. Alcoa employees have been state legislators, county commissioners, mayors, members of school boards, and state air and water pollution board members.

The Chase Manhattan Bank also encourages its employees to be active in public and political affairs. For those who hold part-time elective office that calls for reasonable time away from work, that time is given without loss of pay. For those who are elected to a local or state legislative office and must attend sessions of the legislative bodies, time off is given without loss of pay. Those elected to offices that require complete absence from the bank for a major portion of the year will probably be given leave of absence without pay. If those given a leave without pay return to active service with the bank after their leave, they will be credited with continuous service with the bank for the purpose of vacation policy, and they will not lose their employee benefits. In 1968, Chase employees holding public office numbered 148, including three mayors, thirty-two town councilmen and village trustees, and forty-one members of school boards.

The Chrysler Corporation is happy to have its employees participate in political and public affairs. Each elective officeholder, part- or full-time, is handled as a separate case using general guidelines. There are no figures on the number elected.

The Ford Motor Company provides leave without pay for those elected to full-time political office. They retain their status in fringe benefit programs and their service rights are preserved when they go back to work for Ford. Salaried employees who serve in part-time elective office can arrange time off without loss of pay. There are no complete figures of Ford employees holding elective office, but they are estimated to be in the hundreds. One is a Michigan state senator; two are state representatives, one in Michigan and the other in Missouri. Mayors, city councilmen, and school board members abound.

The General Electric Company encourages its employees to become involved in political activity. Employees elected to full-time office get a leave of absence without pay but with benefit plans maintained. For those elected to part-time office, arrangements are made for special work schedules so that an employee does not lose worktime and

*(Continued on page 102)*

