FCC

THE WHITE HOUSE

WASHINGTON

January 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: FCC Syndication and Financial Interest Rule

Richard Darman has requested comments by close of business today on a proposed letter from Chris DeMuth to FCC Chairman Mark Fowler, supporting repeal of the Syndication and Financial Interest Regulation. This rule prohibits the three television networks from financing production of television programs or otherwise becoming involved in program syndication. DeMuth notes in his cover memorandum that the case for repeal of the rule is "strong and unambiguous," and that Fowler has made repeal one of his top regulatory reform initiatives. DeMuth argues that failure to support repeal prior to the January 26 deadline for filings would be viewed as a retreat from Administration support for deregulation and -- since opponents of repeal have urged that the Administration take no action before January 26 -- as "tilting" toward retention of the rule in a way that might affect undecided commissioners.

I agree with DeMuth as to the merits of repeal. The argument in favor of the rule is that if CBS enters the business of financing development of programs it will eventually show only CBS-financed programs, to the exclusion of independent producers. This is like arguing that permitting Giant Foods to market its own brand of peanut butter means it will not sell "Jiffy" -- even if "Jiffy" is what its customers want to buy. Networks will show programs that maximize their audience share, whether produced by the network or independently.

DeMuth's proposed letter notes that the rule is irrelevant to the issue of abuse of the networks' position, since such abuse can occur just as easily through direct purchase as through earlier investment involvement by the networks. The letter also discounts any negative effect on unaffiliated television stations from repeal, noting that a Justice Department study suggested such an effect only on the basis of "severe theoretical assumptions." I have checked with Justice and have determined that it is wholly in favor of repeal and would agree with DeMuth's characterization of its

study. Finally, the letter discusses the erosion in the networks' dominance due to the rise of cable television and the like.

The proposed repeal is an important deregulation initiative, and I believe the Administration should go on record as supporting it. Deliberately not taking a position because the matter is controversial (the suggestion of some) is a prescription for paralysis -- at least where the logic of the Administration's efforts point so clearly in one direction. I see no legal objection to the substance of the letter or to sending it, and I have prepared a memorandum to Darman to that effect.

Attachment

THE WHITE HOUSE

WASHINGTON

January 24, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: FCC Syndication and Financial Interest Rule

Counsel's Office finds no legal objection to sending the proposed letter from Christopher DeMuth to FCC Chairman Mark Fowler, supporting repeal of the Syndication and Financial Interest Rule.

Please note that Fred F. Fielding did not participate in the review of this matter.

FFF:JGR:aw 1/24/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

January 24, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: FCC Syndication and Financial Interest Rule

Counsel's Office finds no legal objection to sending the proposed letter from Christopher DeMuth to FCC Chairman Mark Fowler, supporting repeal of the Syndication and Financial Interest Rule.

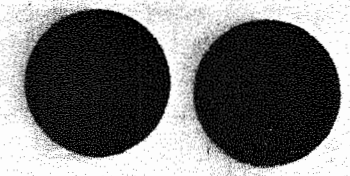
FFF:JGR:aw 1/24/83

cc: FFFielding
JGRoberts
Subj.
Chron

ID # 111772 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /



Name of Correspondent: Richard G. Darman

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

Subject: FCC Syndication and Financial Interest Rule

ROUTE TO: | **ACTION** | **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
W Holland	ORIGINATOR	83/01/24			/ /
	Referral Note:				
WAT 18	D	83/01/24		5	83/01/24
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

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

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

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

5/81

JAN 24 1983

Document No. 111772SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/24/83 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. TODAY

SUBJECT: FCC SYNDICATION AND FINANCIAL INTEREST RULE

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	FULLER	☑	☐
MEESE	☐	☑	GERGEN	☑	☐
BAKER	☐	☑	HARPER	☑	☐
DEAVER	☐	☐	JENKINS	☐	☐
STOCKMAN	☐	☐	MURPHY	☑	☐
CLARK	☐	☐	ROLLINS	☐	☐
DARMAN	☐P	☑SS	WILLIAMSON	☑	☐
DOLE	☐	☐	VON DAMM	☐	☐
DUBERSTEIN	☑	☐	BRADY/SPEAKES	☐	☐
FELDSTEIN	☐	☐	ROGERS	☐	☐
FIELDING →	☑	☐	_____	☐	☐

Remarks:

May we have your comments on the attached no later than close of business today. Thank you.

Richard G. Darman
Assistant to the President
(x2702)

Response:

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 24, 1983

MEMORANDUM FOR DICK DARMAN (for circulation)

FROM: CHRIS DEMUTH

SUBJECT: FCC Syndication and Financial Interest Rule

Attached is a letter to FCC Chairman Mark Fowler endorsing the Commission's proposal to repeal the Syndication and Financial Interest regulation. While I know the White House staff is occupied with far more important matters, I would like to request that this letter and memo be circulated promptly, since the comment period in the FCC proceeding closes January 26. I understand that some senior members of the White House staff (including Dave Gergen and perhaps others) believe we should either take no position in this proceeding or delay taking a position until after January 26.

The Syndication and Financial Interest rule is a straightforward example of government market allocation, and I believe the case for repeal (summarized in my letter) is strong and unambiguous. However, the FCC proposal is the subject of a hot political controversy pitting the major networks (favoring repeal) against the major production studios (opposing repeal). I imagine nearly everyone has been approached by now on one side or another of the issue.

One of the nice things about "independent" regulatory commissions is that they permit the White House to sit out no-win political battles of this sort. My assessment is that this is not a real option here, however. Unlike the controversy over video recording fees, where there are substantial economic arguments on both sides, the merits of the financial interest rule are thoroughly one sided. Mark Fowler has made this one of his top regulatory reform initiatives, and the controversy over the proposal is so stark and visible that our failure to back him will almost certainly be characterized as a retreat from our professed support for deregulation. Moreover, the producers' primary argument to the Administration is that there is no need for us to take a position before the industry filings are submitted to the Commission on January 26. Because this is their argument, our failing to file will now be taken, probably decisively, as "tilting" toward retaining the financial interest and syndication restrictions, both publicly and among undecided commissioners. Also, if we fail to act now our position will not be part of the record of the proceeding.

Mark Fowler is one of our best regulatory officials, and I think we should give him the support he needs on this one.

cc: Vice President Bush
David Stockman

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DRAFT

Docket No:.82-345

Honorable Mark S. Fowler
Chairman
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Dear Mr. Chairman:

I am writing to express the Administration's support for repeal of the Federal Communications Commission's Syndication and Financial Interest rule, which is being reconsidered by the Commission in a rulemaking proceeding begun July 30, 1982. The Office of Management and Budget, the Council of Economic Advisers, and the Departments of Justice and Commerce have all conducted extensive reviews of this rule and the several studies of its economic effects. Based on these reviews, we believe the Syndication and Financial Interest rule is an unnecessary regulation that restricts rather than promotes competition and program diversity in commercial television markets.

The Syndication and Financial Interest rule provides that the three major television networks, ABC, CBS, and NBC, may not finance the production of television programs in return for syndication rights, and may not involve themselves in program syndication. The original purpose of these restrictions was to prevent potential abuse of the three networks' strategic position in television distribution. It appears clear, however, that the restrictions were a misguided effort at achieving this purpose. If the networks do, in fact, hold a strategic economic position in television distribution, they will be able to exploit this position just as fully through the terms of direct purchase agreements with producers as through equity agreements giving them a financial stake in future syndication. Thus, one effect of the financial interest restriction is simply to reduce the amounts networks pay for programming in circumstances where they previously acquired syndication interests--a situation that is particularly disadvantagous to new and independent producers.

Whatever potential there may be for undue network influence in the purchase of television programming, this potential is unaffected by the Syndication and Financial Interest rule. Instead, the apparent effect of the rule is to prevent efficient risk-sharing arrangements between producers and three large and knowledgable sources of investment capital, and at the same time to increase market concentration in the financing of television programming. We believe the evidence on these points is strong and persuasive.

DRAFT

Nor does it appear that these restrictions have a positive influence on relationships between the networks and unaffiliated television stations. The Department of Justice study prepared for your proceeding notes that, under a set of severe theoretical assumptions, the networks might unduly delay off-network syndication of programs in which they had a financial interest. However, even if all of these assumptions held in the real world, the appropriate solution would be not to ban network financial interest in programs, but simply to require the networks to sell their interest in programs they had not syndicated after a certain amount of time.

In any event, the assumptions behind the Justice Department's model are remote from the actual economic circumstances of the television industry, and therefore argue strongly for the practical irrelevance of the FCC rule. The direct economic interest of the television networks is to syndicate programs at the time and in the manner that they will reach the most viewers--and this, of course, corresponds to the interest of television viewers themselves.

A final and important consideration is that whatever strategic dominance the networks may once have enjoyed is eroding rapidly--through the emergence of cable and subscription television, ad hoc networking of first-run programs, direct sale of video disks and tapes, and several other new technologies and distribution methods. These developments have prompted major program producers to move aggressively into the newer forms of program distribution. In these circumstances, continuing to restrict the three traditional networks from competing in production and an important form of distribution appears not only obsolete but simply unfair.

For these reasons, we believe elimination of the Syndication and Financial Interest rule would promote healthy economic competition, capital market efficiency, and program diversity in the television industry, all to the advantage of television viewers. In urging repeal of this rule, we fully support the Commission's determination to give all interested parties ample opportunity to make their best cases on all sides of the issue. We commend the Commission's initiative and look forward to your resolution of this important proceeding.

Sincerely,

Christopher DeMuth
Administrator for Information
and Regulatory Affairs

FCC

THE WHITE HOUSE

WASHINGTON

February 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Correspondence from Radio Station WTLR to Edwin Meese on Pending FCC Matter

Edwin Meese has referred to this office a letter he received from Joseph C. Emert, General Manager of radio station WTLR, a religious-oriented station in Pennsylvania. WTLR applied in the summer of 1981 for FCC permission to increase its power, and now complains that the FCC legal staff has unconscionably delayed acting on its routine application. Mr. Emert notes that he is not seeking White House help to obtain a favorable decision, but only help in obtaining some kind of answer.

I recommend that you respond directly to Emert, advising him of the independent status of the FCC, declining to exert any influence with respect to the WTLR application, and noting that you have forwarded the letter to the General Counsel of the Commission. I have prepared an appropriate reply, a cover memorandum to the FCC general counsel, and a memorandum to Mr. Meese advising him of this disposition.

Attachments

THE WHITE HOUSE

WASHINGTON

February 2, 1983

Dear Mr. Emert:

I am writing in response to your letter of December 22, 1982, to Edwin Meese, Counsellor to the President, concerning the Federal Communications Commission matter in which your radio station, WTLR, is involved.

While I can appreciate the importance of this matter to you and to radio station WTLR, and your concern that it be properly resolved, the Federal Communications Commission is an independent regulatory agency. Although the President appoints the members of the Commission, subject to the advice and consent of the Senate, neither he nor members of his staff attempt to influence the Commission's deliberations on particular matters that come before it. This extends to questions of the timing of Commission action as well as the substance. I have, however, taken the liberty of forwarding a copy of your letter to the General Counsel of the Commission.

I appreciate the spirit in which your letter was written, and hope you will understand that neither the President nor members of his staff may seek to influence particular matters subject to the Commission's jurisdiction as an independent agency.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Joseph C. Emert
General Manager
WTLR
315 S. Atherton Street
State College, Pennsylvania 16801

FFF:JGR:aw 2/2/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

February 2, 1983

MEMORANDUM FOR BRUCE FEIN
GENERAL COUNSEL
FEDERAL COMMUNICATIONS COMMISSION

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Attached Correspondence Concerning Matter Before the Commission

Attached are copies of a letter to Edwin Meese, Counsellor to the President, from Joseph C. Emert, General Manager of radio station WTLR, and my response. As my response makes clear, this letter is being forwarded for your information and such action as you think appropriate. The White House is not, of course, attempting to interfere in a matter pending before the Commission, and no response to this office is needed.

Attachments

FFF:JGR:aw 2/7/83

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

February 2, 1983

Dear Mr. Emert:

I am writing in response to your letter of December 22, 1982, to Edwin Meese, Counsellor to the President, concerning the Federal Communications Commission matter in which your radio station, WTLR, is involved.

While I can appreciate the importance of this matter to you and to radio station WTLR, and your concern that it be properly resolved, the Federal Communications Commission is an independent regulatory agency. Although the President appoints the members of the Commission, subject to the advice and consent of the Senate, neither he nor members of his staff attempt to influence the Commission's deliberations on particular matters that come before it. This extends to questions of the timing of Commission action as well as the substance. I have, however, taken the liberty of forwarding a copy of your letter to the General Counsel of the Commission.

I appreciate the spirit in which your letter was written, and hope you will understand that neither the President nor members of his staff may seek to influence particular matters subject to the Commission's jurisdiction as an independent agency.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Joseph C. Emert
General Manager
WTLR
315 S. Atherton Street
State College, Pennsylvania 16801

FFF:JGR:aw 2/2/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

February 2, 1983

MEMORANDUM FOR EDWIN MEESE III
COUNSELLOR TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Radio Station WTLR on Pending FCC Matter

You recently forwarded for appropriate action a letter you received from Joseph C. Emert, General Manager of radio station WTLR, concerning a matter pending before the Federal Communications Commission. Attached are copies of my direct response to Mr. Emert and my memorandum to the General Counsel of the FCC, transmitting copies of the correspondence.

Attachments

FFF:JGR:aw 2/2/83
cc: FFFielding/JGRoberts/Subj./Chron

JAN 17 1983

ID # 117060

ULTOD1-01

Roberts

WHITE HOUSE
COUNSELLOR'S OFFICE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) 82 12 27

Name of Correspondent: Joseph C. Emert

☐ **CN Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Radio station WTLR ~~has~~ submitted an application for an increase in power to the FCC over 18 months ago and the FCC has still not made a decision on their application.

ROUTE TO:	ACTION		DISPOSITION	
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
CNHAMM	O	83/01/04 MG		/ /
Referral Note:				
CA FULL	A	83/01/04	C	83/01/13 DD
Referral Note:				
CU Fiel	A DD	83/01/14		/ /
Referral Note:				
CU AT18	D	83/01/18 TR	S	83/01/28
Referral Note:				
	/ /			/ /
Referral Note:				

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
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I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
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C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

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

11/81

WTLR 89.9 FM
STEREO 10,000 WATTS STEREO
315 S. ATHERTON ST. STATE COLLEGE, PA. 16801
(814) 237-9857
CHRIST CENTERED RADIO FOR THE FAMILY

December 22, 1982

117060

Mr. Edwin Meese
The White House
Washington, D.C. 20500

Dear Mr. Meese,

This letter is addressed to you at the advice of Media Relations of the White House Staff. They indicated that you may be able to help us.

WTLR, one of thousands of small radio stations, is very frustrated with the Federal Communications Commission staff, otherwise we would not consume your time with our complaint.

A copy of a recent letter from our Congressman, The Honorable William F. Clinger, Jr., will tell our story well. I have also enclosed a diary sheet which reflects our dilemma. We simply cannot get the staff of the Commission moving! After 18 months they refuse to make a decision on our application which normally would have taken 3 months! They have even refused to put anything in writing.

Mr. Meese, please inform President Reagan of this kind of abuse. He should be aware of this. Please understand that we are not asking for Presidential help to receive a favorable decision from the F.C.C. We are simply asking that this kind of unconscionable bureaucratic bungling not be permitted to go on.

We only request an answer of some kind from the Commission. Your concern and assistance in this matter will be so deeply appreciated.

Thank you so much.

Respectfully,

Joseph C. Emert
General Manager

JCE/rah

June 25, 1981 - WTLR-FM, State College, Pa. submitted minor change application to F.C.C. to increase power from 10KW to 31 KW.

July 27, 1981 - F.C.C. notified WTLR that application is accepted for filing - File #BPED810625AQ.

November 20, 1981 - F.C.C. engineering staff cleared application for power increase and acknowledges that the application is a minor change.

January, 1982 - F.C.C. legal staff freezes application -- because they are waiting for pending rulemaking which could effect the application. WTLR must operate by "current" rules & regs while F.C.C. has the audacity to operate by "future" pending rules... Rules not even approved yet.

February, 1982 - WTLR, through Mr. Larry Eads of the F.C.C. staff caused the legal staff to restart application processing.

March 25, 1982 - Commission legal staff froze application again. This is all due to requests to deny our application from WJAC in Johnstown.

June 9, 1982 - WTLR sent letter to F.C.C. asking for a formal decision to either grant or deny application.

July, 1982 - WTLR in conversation with Mr. Larry Eads is assured that letter of June 9 will be acknowledged and answered. No answer to date.

August-November - Continued requesting a decision from the Commission staff even requesting a hearing. Request denied. We ask staff to put their decision not to make a decision into writing ... they refused to put anything in writing.

December 14, 1982 - Congressman William Clinger & Congressman Bud Shuster wrote to Commission.

WILLIAM F. CLINGER, JR.
23RD DISTRICT, PENNSYLVANIA

WASHINGTON OFFICE:
1221 LONGWORTH BUILDING
(202) 225-5121

DISTRICT OFFICES:
SUITE 219
315 S. ALLEN STREET
STATE COLLEGE, PENNSYLVANIA 16801
(814) 238-1776

305 PENN BANK BUILDING
WARREN, PENNSYLVANIA 16365
(814) 726-3910

Congress of the United States

House of Representatives

Washington, D.C. 20515

December 14, 1982

COMMITTEES:
PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT
SUBCOMMITTEE ON SURFACE TRANSPORTATION
SUBCOMMITTEE ON WATER RESOURCES
GOVERNMENT OPERATIONS
SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITY
SUBCOMMITTEE ON COMMERCE, CONSUMER, AND MONETARY AFFAIRS

The Hon. Mark S. Fowler
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Chairman:

I have received a concerned letter from one of my constituents, Mr. Joseph C. Emert, General Manager, WTLR 89.9 FM Radio Station, in State College, Pennsylvania, regarding an application for a construction permit filed on June 25, 1981 by the Central Pennsylvania Christian Institute (file #BPED - 810625AQ).

It is my understanding that this application is designated as a "minor change" and, under normal conditions, should take approximately thirty days to process. Further, my constituent has informed me that their application meets or exceeds all published guidelines and rules and regulations of the Commission.

Sometime in November, 1982, individuals in the Mass Media Bureau of the Commission informed my constituent, orally, that they were not going to act on their application, action I might add that has taken over 1½ years, until a final decision was made on the Channel 6 - Education FM proceeding. This proceeding has just been extended from December 6, 1982 until June 6, 1983 and appears that a final decision will not be made until mid-1984!

The Administration has taken a strong stand in favor of reducing the effects regulations have not only on businesses but citizens as well. I truly find the delay which has occurred to this radio station unconscionable, arbitrary and capricious. The Mass Media Bureau has had the audacity to inform this station that they will not put the above-mentioned statements in writing and they will continue to defer action on this application. WTLR has additionally requested a hearing and this has been refused as well. Since I am not able to determine what statutory basis the Commission is utilizing in delaying this action, I would like to urge your help in moving this matter in a more expeditious manner. Certainly, action, whether favorable or not, can be finally instituted so that WTLR can determine whether their station can increase their kilowatts.

Thank you for your consideration in this matter.

With kindest regards,

Sincerely,

William F. Clinger

WILLIAM F. CLINGER, JR.

WFC:mgs

9/28/83

FCC ~~Financial Interest~~ Syndication Rule

NB explains charter

renew role in company

~~priority~~ - renew of Rule

1977 Cong study mandated

1980 - FCC opined - rule should be elim

New proceeding

Exec. branch

DOJ

FTC } opposed rule:
1. economic grnds
2. ineffective

~~Straight~~ last summer:

Tentative decision (compromise)

- negotiate ownership interest
- ban on syndication (to protect indep. stations.)

1.2 billion

sunset provision 1990 - restrictions would be removed because of expected technology change

file - FCC

TI - 5 yrs may be short

- producers looking to synd. for pilots
- networks had control and conduct show program w/o piece of action.
- studios can't own theaters, but networks are the studios.
- can give favored treatment to own affiliated stations.

B

NB - production costs are paid for by network
cited "Mork" example.

argument that networks can dictate terms does not withstand examination.

70% Hollywood
30% Networks (historically 22%)

Networks has great say re creative content now, w/o financial interest.

→ of competition for more programming choice.
should be more demand for actor

network dominance ~~is~~ down from 90 to
~~20~~ shares.

→ cable
→ satellite.
~~Cable~~

this is the way to diminish network dominance.

1 viewer are theater
viewer is person who buys ticket.

Questions have been raised in various quarters concerning the meeting that took place on October 4 between you + the President. Also present were JAB, RD, CF, ___, MKD for part, Nichols, + myself.

at the meeting, which lasted ___ minutes,

(A) The meeting was set up at your request in order that you could brief the President on the FCC's tentative decision in the syndication rule matter. Contrary to some reports, the DOJ did not call the meeting, nor was the meeting in any way intended as a forum for presentation of Administration views. Those views have been presented on the record before the FCC in proceedings by the DOC, DOJ, and FTC.

At the meeting you outlined for the ~~for~~ the history of the rule and the review conducted by Congress in 1977. You explained the FCC's tentative decision to ___.

The President observed that audiences looked to syndication for profits and that networks might be expected to show why they chose to which they felt a piece of the action.

You replied that ___.

ID # 211062 CU

BE003-04

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: James C. Mura

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

Subject: Department of Justice views on S. 1917, a bill to provide that the FCC shall not regulate the content of certain communications

ROUTE TO: Office/Agency (Staff Name)	ACTION Action Code	Tracking Date YY/MM/DD	DISPOSITION Type of Response	Code	Completion Date YY/MM/DD
OW Holland	ORIGINATOR	DD 84/03/13			1 1
	Referral Note:				
OWATT8	R	DD 84/03/13		S	84/03/22
	Referral Note:				
	Referral Note:				
	Referral Note:				

DONE BY PHONE.
CLOSE OUT + SEND TO CENTRAL FILES, KEEP COPY

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

DD

Comments: Sen ID 202860 cu

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Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

5/81

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JR- draw

March 9, 1984

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

Department of Commerce

211062

SUBJECT: Department of Justice views on S. 1917, a bill to provide that the Federal Communications Commission shall not regulate the content of certain communications.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than

March 23, 1984

Questions should be referred to Gregory Jones (395-3856), the legislative analyst in this office.

James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: Fred Fielding
Adrian Curtis
Mike Uhlmann
Marty Wagner

1984 MAR -9 PM 6:10

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

8 [illegible] 1984

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

This letter presents the views of the Department of Justice on the proposed Department of Commerce testimony on S. 1917, a bill "[t]o provide that the Federal Communications Commission shall not regulate the content of certain communications." We believe that prior to submission to the Congress, the testimony must be revised to reflect the issues raised herein.

S. 1917 provides that it shall be cited as the "Freedom of Expression Act of 1983." The bill includes Congress's findings that:

> (1) free and unregulated communications media are essential to our democratic society;
>
> (2) there no longer is a scarcity of outlets for electronic communications;
>
> (3) the electronic media should be accorded the same treatment as the printed press;
>
> (4) regulation of the content of information transmitted by the electronic media infringes upon the First Amendment rights of those media;
>
> (5) regulation of the content of information transmitted by the electronic media chills the editorial discretion of those media and causes self-censorship, thereby dampening the vigor of and limiting the variety of public debate; and
>
> (6) eliminating regulation of the content of information transmitted by the electronic media will provide the most effective protection for the right of the public to receive suitable access to a variety of ideas and experiences.

The bill would effect the regulation of broadcasts under the Communications Act of 1934, 47 U.S.C. §§ 151 et seq., in four respects. The political access and equal time requirements, the fairness doctrine, and certain other program content restrictions would all be eliminated. Specifically, the bill would repeal § 312(a)(7) of the Act, 47 U.S.C. § 312(a)(7), which provides that revocation of a station's license may be imposed as an administrative sanction for "the willful or repeated failure to allow reasonable access or to permit purchase of reasonable amounts of time for the use of the broadcast station by a legally qualified candidate for Federal elected office on behalf of his candidacy."

The bill would also repeal § 315 of the Act, 47 U.S.C. § 315, which specifies the equal time requirements for broadcasters who choose to allow candidates to use their stations for campaigning. Section 315 has also been characterized as the source of the fairness doctrine, which would also be repealed. The fairness doctrine is similar to, but broader than, the equal time requirement. The fairness doctrine requires licensees to devote a reasonable percentage of their broadcast time to coverage of public issues and to allow an opportunity for presentation of contrasting points of view.

Finally, the bill would amend § 326 of the Act, 47 U.S.C. § 326, which now provides:

> Nothing in this chapter shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.

As amended, § 326 would provide:

> Nothing in this Act shall be construed to give the Commission the power to--
>
> (1) censor any communication;
>
> (2) review the content of any completed communication; or
>
> (3) promulgate any regulation or fix any condition which shall interfere with the right of free speech, including any requirement of an opportunity to be afforded for the presentation of any view on an issue.

The amendment to § 326 would have the practical effect of continuing, in subsection (a), the prohibition on censorship of any broadcast in advance and would also prohibit, under subsection (b), the imposition of any regulatory sanction on the basis of any completed broadcast, a power which the FCC has long exercised. See FCC v. Pacifica Foundation, 438 U.S. 726, 735-38 (1978). In fact, the language of subsection (b) appears to have been selected specifically to eliminate the FCC's authority, as recognized in Pacifica, to impose sanctions after-the-fact. See id. at 735. Subsection (c) would further emphasize the elimination of the political access and equal time requirements and the fairness doctrine.

The Department of Commerce testimony cites a number of other program content restrictions now imposed by statute and regulation, including restrictions relating to: personal attacks; obscene, indecent, or profane programming; airing paid-for programming without disclosing the payment and the sponsor; cigarette advertising; staged or otherwise misleading contests; certain horse racing results; sirens and emergency sounds; subliminal messages; astrology; and prime-time programming. 1/ Television stations are also limited in the number of networks with which they may affiliate. The proposed testimony states that the amendment to § 326 would "ostensibly eliminate all regulatory authority to police or otherwise regulate program content."

This Department has in the past analyzed legislation having similar intent and purpose as that of S. 1917. A review of these analyses is appropriate so as to place the present issues in perspective. In July 1962, the Department examined S. 3434, a bill to amend § 315 of the Communications Act of 1934 to eliminate the statutory requirement of affording equal time for the use of broadcasting stations by candidates for political office. In that review, we noted our earlier review of S.J. Res. 193 and 196, which would have provided a temporary suspension for a particular election cam-

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1/ The proposed testimony also notes that noncommercial, educational broadcasters are prohibited from editorializing or airing most commercial advertising. Other considerations may be involved in the determination of the validity of restrictions directed against this group of broadcasters, and it is not necessary for purposes here to speculate whether the effect of the amendment to § 326 would be to eliminate these provisions as well. We note that some of these additional considerations and restrictions are presently under scrutiny by the Supreme Court in FCC v. League of Women Voters, No. 82-912, argued January 16, 1984.

paign of the same equal time provisions which S. 3434 would permanently repeal. We saw no valid objection to a temporary suspension applicable only for a forthcoming election year in which there will be the usual contest between two major parties, with no other candidates except perhaps individuals who have no conceivable chance of election or even prospects of conducting a serious campaign. We believed that a permanent suspension, however, might someday have the effect of barring from the air candidates who are real contenders. The Department believed it appropriate to give further consideration whether some treatment other than exemption from the equal-opportunity requirements of the present law would be appropriate in such a situation.

Other similar bills have been considered from time to time. In February 1963, we reviewed S. 251, a bill to suspend for the 1964 campaign for President and Vice President the equal time requirements of § 315 of the Communications Act. At the same time we reviewed S. 252, a bill to repeal the equal time requirements of section 315 with respect to candidates for President, Vice President, Senator, Congressman, and Governor. With respect to S. 252, we believed it appropriate that Congress should defer consideration of legislation calling for permanent suspension of the provisions of § 315. Rather, the enactment of legislation calling for a temporary suspension, and a study and report of the effect of such a suspension, appeared to be desirable. We concluded in effect, while the equal time provisions are nothing but a nuisance in a normal race between the two major parties, some kind of provision to serve the same purpose might be desirable or necessary to insure fairness in the occasional contest where there is a serious third contender.

One measure relating to the equal time requirements was enacted in 1960. Specifically, that part of 47 U.S.C. § 315(a) which would have required equal time for other candidates for the offices of President and Vice President of the United States was suspended. See Pub. L. No. 86-677, 74 Stat. 544, set out at note following 47 U.S.C. § 315. The effect of the temporary suspension was to permit the Kennedy-Nixon debates without imposing a burden on the television industry to supply free time to all other candidates for the presidency.

More recently, this Department considered during the 97th Congress, S. 270, a bill to "amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain radio services and to provide certain deregulation of such radio services, and for other purposes." Among other provisions, S. 270 would

have prohibited the FCC from requiring licensees to provide certain kinds of programs or to adhere to a particular programming format. S. 270 would not however, have specifically amended the "public convenience, interest, or necessity" standard for the granting or revocation of a license from which the fairness doctrine is derived.

In our proposed report to Congress submitted to your office on June 15, 1981 we commented on S. 270, and the fairness doctrine, which was upheld by the Supreme Court against constitutional challenge in Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969).2/ The Court reasoned that "[b]ecause of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium." Id. at 390. The Court also stated that "[i]t is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC." Id.

In the Supreme Court's decision in Columbia Broadcasting System, Inc. v. Democratic National Committee, 412 U.S. 94 (1973) the DNC had argued that, under Red Lion, the First Amendment precluded a broadcast licensee from adopting a general policy of refusing to sell time to "responsible entities" seeking to present their views on public issues. A sharply divided Court, relying on a variety of theories, rejected that proposition. Five Justices, however, concluded that even if the broadcaster's decision were to be regarded as state action, it would not violate the First Amendment. The CBS case thus appears to preclude an argument that any individual has a constitutional right of access to the airwaves. Even in CBS, however, the Court quoted Red Lion for the proposition that the public has a right to diverse views in programming.

We concluded that if broadcast frequencies are to be regulated on the basis of scarcity, the Government, as the owner of the airwaves, would have some obligation to prevent monopolization of the airwaves and to promote the communication of a variety of views. Under this reading of Red Lion, a government policy which promoted or tolerated uniformity of views or format in broadcasting could be held to violate the First Amendment. Accordingly, the Government's obligation to distribute broadcast licenses in a way that would not deprive the public of access to a wide range of views and subject matters could, in any event, be satisfied, with respect to the fairness doctrine, in two ways. The first

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2/ The proposed report reflected only a summary review of a lengthy analysis of the issues raised by Red Lion and CBS which was performed within the Department.

is the current regulatory system upheld in Red Lion, which requires broadcasters to devote time to public issues. Alternatively, the Government's obligation could be satisfied by a more unregulated scheme if such "deregulation" were based on supported legislative findings that the marketplace could be expected to produce a sufficient range of views. We concluded that the courts would likely accord considerable deference to such congressional findings, at least until experience demonstrated that the findings were clearly wrong. As noted in our prior review regarding the equal time provisions, a similar analysis would apply to that requirement as well. Although it does not appear that the Department has separately considered the political access provision, again, we believe that the same analysis would apply.

S. 1917 appears to contain the requisite findings. Given the finding that "there no longer is a scarcity of outlets for electronic communication," the most substantial constitutional underpinning for the various existing program content restrictions would be removed. On this basis, these portions of S. 1917 would raise no constitutional issues. We also believe that the elimination of the other program content controls would be constitutional.

The Commerce Department's proposed testimony takes the position that "the repeal of sections 312(a)(7) and 315 is warranted." According to the testimony, "[t]he traditional scarcity rationale for these particular content control provisions [political access, equal time, and fairness], in our view, no longer obtains." That testimony also disavows the "impact" rationale under which various content restrictions on the broadcast media have been previously upheld. The primary discussion of the impact theory is contained in FCC v. Pacifica Foundation, 438 U.S. 726 (1978). That case concerned the constitutionality of the FCC's regulation, by subsequent sanction, of the broadcast of indecent, but not obscene, language. The Court upheld the FCC's authority on this subject generally because of two relevant distinctions it held to exist between broadcasts and other forms of speech. According to the Court, two distinctions were relevant to its decision: "the broadcast media have established a uniquely pervasive presence in the lives of all Americans," id. at 748; and "broadcasting is uniquely accessible to children, even those too young to read." Id. at 749.

It is the Commerce Department's position that the impact rationale "does not easily admit to [sic] objective, quantitative analysis" and is "a particularly dangerous justification for Government involvement in media content control." With the rejection of the impact rationale, the Commerce Department concludes, with regard to §§ 312 and 315, given that there is no longer a scarcity of outlets, "[w]e see no other constitu-

tionally permissible basis for imposing restrictions on commercial stations' editorial freedoms such as these twin, related provisions of the Communications Act impose."

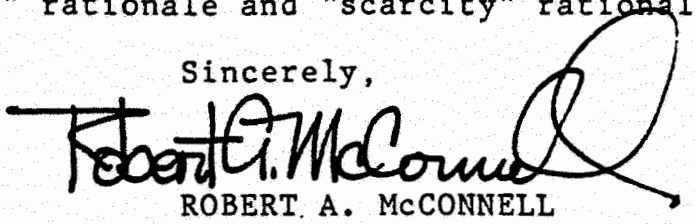
With regard to the amendment to § 326, however, the proposed testimony states its concern that the "broad language" of the amendment could be construed as eliminating more than the restrictions imposed by §§ 312 and 315. According to the Commerce Department, "[m]any of these additional restraints may be as unwarranted as those imposed under sections 312 and 315, given the changes in the marketplace that have occurred since their enactment," but the consequences of eliminating other program controls have not been studied. Thus, although the Commerce Department pronounces itself "not necessarily unsympathetic to the goal of eliminating all distinctions between printed and broadcast media," it states that it does "not now have a firm factual basis for endorsing elimination of all restrictions on broadcast programming reflected in current law." The Commerce Department therefore concludes that it would prefer "more carefully to evaluate" each additional constraint individually, and, until that is done, does not endorse enactment of the amendment to § 326.

This approach of the Commerce Department raises a problem of articulating the constitutional basis for retaining the additional program content restrictions in light of the various congressional "findings" in the bill, which the Commerce Department at least implicitly, endorses, including that "there no longer is a scarcity of outlets for electronic communications" and that "the electronic media should be accorded the same treatment as the printed press." As noted above, the Commerce Department proposed testimony disavows the impact rationale. This constitutional underpinning of content regulation obviously survives the Commerce Department's attempt to repudiate it, and the theory may provide a sufficient constitutional basis for continued program content controls on indecent or profane programming even in the absence of a scarcity of outlets. We believe, however, that the elimination by Congress of the "scarcity" rationale, coupled with the various findings made in this bill, make somewhat problematic the constitutional defense of that restriction as well as the other program content restrictions which the Commerce Department has urged be retained.

For this reason, we believe that the Commerce Department's proposed testimony on S. 1917 must treat more fully the constitutional issues raised. Specifically, the testimony must address the constitutional basis upon which the Commerce Department believes there should be continued regulation and

how this basis can be analyzed in light of the proposed testimony concerning the "impact" rationale and "scarcity" rationale.

Sincerely,



ROBERT A. McCONNELL
Assistant Attorney General

THE WHITE HOUSE

WASHINGTON

May 3, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request for Assistance in Obtaining FCC Review of Television Interference Due to Use of High-Powered CB Radios

Mary L. Hogan, a city council member from Thomaston, Georgia, wrote the President requesting his help in having the Federal Communications Commission (FCC) investigate an electrical interference problem in Thomaston. The problem has prevented residents in one section of Thomaston from watching television. Hogan notes that 60 percent of the residents of Thomaston are senior citizens, many of whom have little contact with the outside would other than through television and cannot afford cable to avoid the problem. The FCC has not been responsive, arguing that they do not have enough people to send someone to Thomaston.

Lee Verstandig sent Hogan an interim response, noting that he had referred the matter to our office for review and that he would write Hogan directly after receiving our assessment. The FCC is an independent regulatory agency and accordingly we must advise Hogan that the President cannot interfere in its affairs. I do not know if there is any agency within the Executive branch that can assist Hogan, although we should alert Verstandig to that possibility and suggest that his office pursue it. A draft memorandum for Verstandig is attached for your review and signature. You will note that the memorandum suggests that you respond to Hogan on the FCC matter directly, and refer her letter to the FCC. The question of relations between the White House and independent agencies should be handled exclusively by our office, to avoid potential confusion. Our letter to Hogan can advise that we have sent her letter back to Verstandig for further consideration.

Attachment

THE WHITE HOUSE

WASHINGTON

May 3, 1984

Dear Ms. Hogan:

Assistant to the President Lee L. Verstandig has referred your letter to the President to me for review. In that letter you requested that the President help you obtain assistance from the Federal Communications Commission (FCC) with respect to a television interference problem in Thomaston, Georgia.

I must advise you that the FCC is an independent regulatory agency. In order to preserve public confidence in the impartial administration of our laws, neither the President nor members of the White House staff attempt to influence the Commission's activities with respect to private parties coming before it. This policy extends to the investigative as well as deliberative activities of the FCC. Accordingly, we cannot grant your request that the President help obtain FCC review of the television interference problem in Thomaston.

I have, however, taken the liberty of referring your correspondence to the FCC General Counsel, for whatever review and action the FCC deems appropriate. I have also returned your correspondence to Mr. Verstandig's office, in order that they may consider whether there is any other agency, within the Executive Branch, that might be of assistance to you.

Thank you for sharing your concerns with us.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Mary L. Hogan
601 Peachtree Drive
Thomaston, Georgia 30286

FFF:JGR:aea 5/3/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 3, 1984

MEMORANDUM FOR BRUCE FEIN
GENERAL COUNSEL
FEDERAL COMMUNICATIONS COMMISSION

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Assistance in Obtaining FCC Review of Television Interference Due to Use of High-Powered CB Radios

Attached are copies of a letter to the President from Mary L. Hogan, a member of the city council of Thomaston, Georgia, and my reply. As my reply makes clear, this correspondence is referred to you for your information and whatever action you consider appropriate. The White House is not, of course, attempting to interfere in any way with the activities of the Commission, and no response to this office is needed or desired.

Attachments

FFF:JGR:aea 5/3/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 4, 1984

MEMORANDUM FOR LEE L. VERSTANDIG
ASSISTANT TO THE PRESIDENT
FOR INTERGOVERNMENTAL AFFAIRS

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Assistance in Obtaining
FCC Review of Television Interference
Due to Use of High-Powered CB Radios

You have asked for our guidance concerning a February 22, 1984 letter to the President from Mary L. Hogan, a member of the city council of Thomaston, Georgia. In her letter Ms. Hogan requested help from the President in obtaining assistance from the Federal Communications Commission (FCC) in investigating a television interference problem affecting a section of Thomaston. You sent an interim reply to Ms. Hogan on April 23, noting that you would respond further to her after receiving an assessment from this office.

The FCC is an independent regulatory agency. In order to preserve public confidence in the impartial administration of our laws, neither the President nor members of the White House staff should attempt to influence the Commission's activities with respect to private parties coming before it. This policy extends to the investigative as well as deliberative activities of the FCC. Accordingly, we cannot grant Ms. Hogan's request that the President help obtain FCC review of the interference problem in Thomaston.

The normal practice in cases such as this is for the Counsel's Office to respond directly to the correspondent, advise the correspondent of the policy, and refer the incoming to the General Counsel of the FCC for whatever review or action the FCC considers appropriate. We make clear in the referral that we are not seeking to influence the Commission in any way, and the General Counsel of the FCC is aware of this. This approach implements the policy discussed above, but also serves to present the correspondent's concerns to the agency with authority to act upon them, if and as it sees fit.

In light of the sensitive nature of contacts between the White House and independent regulatory agencies, it is important that such referrals be from the White House Counsel's Office to the general counsel of the pertinent

agency. Your interim reply to Ms. Hogan indicated that you would respond directly to her after receiving our assessment. This would be cumbersome for two reasons: First, we include a copy of our reply to the correspondent with our referral to the FCC, so it is clear to the FCC that we have advised the correspondent that we cannot interfere. Second, your office may want to consider if there are agencies other than the FCC, within the Executive Branch, that could be of assistance to Ms. Hogan. There would be no reason to share any such discussion of these possibilities in a reply to Hogan with the FCC.

Accordingly, I recommend that I send the attached reply to Hogan and referral to the FCC, disposing of her request that the President help obtain assistance from the FCC. My reply to Hogan notes that I have returned her correspondence to you in order that your office may consider whether there are any sources of assistance other than the FCC.

If you agree, I will send the letter and memorandum.

Attachments

FFF:JGR:aea 5/3/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 3, 1984

MEMORANDUM FOR BRUCE FEIN
GENERAL COUNSEL
FEDERAL COMMUNICATIONS COMMISSION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Assistance in Obtaining FCC Review of Television Interference Due to Use of High-Powered CB Radios

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Attachments

FFF:JGR:aea 5/3/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 3, 1984

Dear Ms. Hogan:

Assistant to the President Lee L. Verstandig has referred your letter to the President to me for review. In that letter you requested that the President help you obtain assistance from the Federal Communications Commission (FCC) with respect to a television interference problem in Thomaston, Georgia.

I must advise you that the FCC is an independent regulatory agency. In order to preserve public confidence in the impartial administration of our laws, neither the President nor members of the White House staff attempt to influence the Commission's activities with respect to private parties coming before it. This policy extends to the investigative as well as deliberate activities of the FCC. Accordingly, we cannot grant your request that the President help obtain FCC review of the television interference problem in Thomaston.

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Thank you for sharing your concerns with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Mary L. Hogan
601 Peachtree Drive
Thomaston, Georgia 30286

FFF:JGR:aea 5/3/84
bcc: FFFielding/JGRoberts/Subj/chron

THE WHITE HOUSE

WASHINGTON

May 3, 1984

MEMORANDUM FOR LEE L. VERSTANDIG
ASSISTANT TO THE PRESIDENT
FOR INTERGOVERNMENTAL AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Assistance in Obtaining FCC Review of Television Interference Due to Use of High-Powered CB Radios

You have asked for our guidance concerning a February 22, 1984 letter to the President from Mary L. Hogan, a member of the city council of Thomaston, Georgia. In her letter Ms. Hogan requested help from the President in obtaining assistance from the Federal Communications Commission (FCC) in investigating a television interference problem affecting a section of Thomaston. You sent an interim reply to Ms. Hogan on April 23, noting that you would respond further to her after receiving an assessment from this office.

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Attachments

FFF:JGR:aea 5/3/84
cc: FFFielding/JGRoberts/Subj/Chron

APR 10 1984

ID # 195639

UT001:01

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

JR

☐ O - OUTGOING

☐ H - INTERNAL

☑ I - INCOMING
Date Correspondence received (YY/MM/DD) 84/04/06

NAME OF CORRESPONDENT: Mary L. Hogan

☑ IA Mail Report User Codes: (A) _____ (B) _____ (C) _____

SUBJECT: requests assistance in having the FCC check on a problem of interferance in their televisions due to the use of high powered CB-radios.

ROUTE TO:	ACTION		DISPOSITION		
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
IA NERS	ORIGINATOR	84/04/06	WS	LV	A 84/04/23 LD
✓ IA HOWL	Referral Note: A	84/04/~~09~~	WS		S 84/04/[illegible]
✓ Cuthel WH Counsel	Referral Note: D	84/04/10 LD			/ /
CWAT 18	Referral Note: D	84/04/25			S 84/05/08
	Referral Note:				

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

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

COMMENTS: _____

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

THE WHITE HOUSE

WASHINGTON

April 23, 1984

Dear Ms. Hogan:

On behalf of the President, I would like to thank you for your recent correspondence.

I have asked the appropriate officials at the White House Counsel's Office to review your letter and to respond directly to me with an assessment of your request. I will write back to you once that information has been received.

I sincerely appreciate your bringing your concerns to the attention of the Administration. Please let me know if I can be of further assistance.

Sincerely,

Lee L. Verstandig

Lee L. Verstandig
Assistant to the President
for Intergovernmental Affairs

Ms. Mary L. Hogan
Councilmember
601 Peachtree Drive
Thomaston, Georgia 30286

170697

601 Peachtree Drive
Thomaston, Georgia 30286
February 22, 1984

The President
The White House
Washington, D.C.

Dear The President:

I am a city council member of the small town of Thomaston. We have a problem that we can't seem to get solved, and we need your help. Approximately 60% of our citizens are senior citizens. In one section of our town, these people cannot watch television due to interference that we believe is caused from high powered use of CB radios.

We contacted the FCC. They sent our City Manager word that they didn't have enough help to send down here — that we should have our city electricians

check. All the transformers were checked. The problem is not ours. We contacted the Cable TV people. They have checked also. I contacted Representative Richard Kay's office. His office in turn contacted the FCC. After approximately a year of contacts and calls with nothing solved, I decided to write you and ask for your help.

We need the FCC to find out the cause of this problem. Many of these people who cannot see TV are elderly people on just Social Security income. They do not have the money to get on Cable TV. I realize this is a small, insignificant problem compared to the problems of the world, but to these

elderly confined to the four walls of their home, this is their main outlet to the world.

I will be so appreciative of any help that you can give us.

Sincerely,

Mary L. Hogan