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AUTHOR Calhoun, Richard
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ABSTRACT

The end results of the first six months of public access cable television (CATV) channels in New York City were in some ways disappointing. Franchise agreements for each of New York's two CATV systems called for two public-access channels to be in operation by July 1, 1971, one year after the date of the franchise awards. The channels were to be provided on a first-come first-serve basis, along with adequate studio facilities and technical assistance, to any non-commercial individual or group. The channels were provided, but several obstacles prevented their full efficient use. The general public didn't know much about the channels or how to use them, no model program formats were available, there were too few skilled production assistants and too little equipment, and since groups were prohibited from using advertisements many had trouble financing programs. (MG)

TECHNOLOGY AND SOCIETY PROGRAM

MINERVA--PARTICIPATORY TEAM:

Amitai Etzioni
Project Director; Sociology

Stephen H. Unger
Project Director; Electrical Engineering

Staff:

Philip J. Brendel
Engineering

R. Gary Bridge
Social Psychology

Robert Brownstein
Political Science

Richard Calhoun
History

Nancy Castleman
Sociology

James Duffy
Engineering

Ralph Helmig
Engineering

Sam Lo
Engineering

Richard Remp
Sociology

Leonard Ross
Law & Economics

Richard Spillane
Engineering

Noel Tichy
Social Psychology

Ted Werntz
Engineering

Richard Calhoun

Researcher
Center for Policy Research

PUBLIC TELEVISION CHANNELS IN NEW YORK CITY: THE FIRST SIX MONTHS

Working Paper IV

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Public Television Channels in NYC = The first six months

In July of last year, Manhattan's two cable companies, Teleprompter and Sterling, commenced an experiment in truly "public" television. By the terms of the franchise agreements drawn up by the city in the summer of 1970, the companies were each required as of July 1, 1971 to provide two public channels to the citizens of New York, with the further requirement that additional public channels be made available as the total channel capacity of the companies expanded. The unique quality of this experiment raises a number of questions, which the succeeding pages will seek to answer, about the development, initiation and progress of public access.

First, what is it about the technology of CATV that encourages its enlistment in such public service ventures? What are the social dividends such a public medium can pay? What were (and are) the obstacles to be overcome in the development of the public access idea, and to what extent were they (and are they being) overcome? What specifically caused New York City to decide to press such an experiment, and what groups and individuals joined in efforts to make it a reality? What happened when the channels were opened, and what has experience with them proved up to now? Finally, what does the future hold for the whole concept of open,

public media? These questions are not intriguing simply because of the singularity of the phenomenon under consideration, but also because the future of the public access experiment depends, in great part, upon the answers received to them. If claims for the social, mass-communications potential of CATV are ultimately justified, this pilot program will have played no small role in the outcome.

I. Random Reflections upon CATV Potential.

> Within the limits of at least one channel in our CATV systems, can we not have an industry tradition not only of free speech, but of freedom of access to our sound cameras to exercise that right of free speech which is the inalienable right of every race, creed or color ... a channel of television in each community ... devoted to exploring in depth the problems, the tensions, the hates, the poverty, the hopes, the plans and dreams of viewers for a better place to live ... a channel to discuss local bond issues, to hear debates between candidates for local offices, to retrain the jobless, and on which to celebrate local events.
>
> Frederick Ford, President, before the annual convention of the National Cable TV Association, 1968.

A. The "Software": Theory and Proposals for Structure.

Developing the potential of CATV as a multi-purpose communications system is a movement of comparatively recent vintage. CATV, or community antenna television, itself is only twenty years old, and has been traditionally no more than a supplier of broadcast signals from major market areas to those regions which had

difficulty, because of remoteness or geography, in receiving over-the-air signals. All it consisted of was, as the name implies, one large antenna located in some advantageous position, which picked up various over-the-air signals, and then relayed them, via coaxial cable, to the community's subscribers.[1] Yet there were those who saw in the multiplicity of channels offered by CATV a promise for development of something far more important than a "snow less" signal for the family set. Fred Friendly, Chairman of New York City's Mayoral Task Force on Telecommunications, was one of these visionaries. As early as 1968, he saw the job of his task force as the development and advertisement of these options. Sharing these beliefs, apparently, was the U.S. Department of Justice. In criticizing the 1968 agreement between the cable companies and broadcast television which the Department felt limited competition between them, it was remarked that CATV had great promise as a means of "providing 'diversity in programming that can not be obtained over the air because of limited spectrum space'." Because of this, the Department felt that CATV channels should "be available for lease to independent programmers desiring to reach the public."[2] And, bordering on the Utopian, but nonetheless influential, in shaping the emerging concept of CATV as a communications network, was the position of the American Civil Liberties Union, stated on July 15, 1968. According to that organization, CATV

could provide an alternative to "the present closed, one-way 'broadcasting' systems over which the public has no direct influence, control, nor freedom of entry or selective access," by offering "the choice of a wholly different two-way principle of and unrestricted choices to the public ... and providing for public dialogue, interaction and involvement in issues affecting the general welfare."[3] Of course the Leagues's position depended upon the development from the very outset of the medium as a 'common carrier' utility*--a position concurred in many of CATV's public-oriented advocates.

As CATV's potential continued to be discussed, urban minorities and poverty became important topics. Testifying before the President's Commission on Violence in 1968, the FCC member Rosel Hyde defended the Commission's proposal to require, under certain conditions, that local cable companies become program originators as well as carriers, and that they allocate certain of their channels to the government for use in social projects or provide a number of common carrier channels for free use by the public.

* A "common carrier utility" describes a facility, like the telephone or telegraph system, which provides a route for public conveyance of information without incurring any responsibility for the nature of the information conveyed. For example, should Daniel and Philip Berrigan discuss the kidnapping of Henry Kissinger over a tapped phone-line, the status of AT&T is such that it cannot be indicted as a participant in the East Coast Conspiracy to Save Lives.

The provision of access, he argued, for those who normally would not qualify for it would provide an effective safety valve for discontent and forum for the rational discussion of grievances. This could make violence less necessary as a means of calling attention to social ills.[4] The Urban Institute, in a proposal to the Sloan Commission in 1970, projected some of minority-oriented services which CATV could provide: information on health, job opportunities, welfare and adult education, drug abuse, legal aid, as well as enabling general community participation in local affairs.[5] Reverend E.C. Parker of the United Churches of Christ, representing the interests of the "minorities and the poor" in the development of access to the new CATV medium, announced in March of 1971 the foundation of the Office of Communications to advise inner-city residents of the potential and availability of CATV channels. The chief functions of the organization, Rev. Parker said, would be to educate ghetto dwellers and organize them into non-profit corporations designed to promote variety in local cable programming, to produce and distribute materials concerning CATV in black neighborhoods, and to serve as overseers of local companies as regarded rate structure and adherence to regulations governing them.[6]

An Office of Economic Opportunity study released in early 1971, began its section on CATV by affirming that "the most urgent need for this new technology is to bring the poor and disadvantaged the resources of our news media, our educational systems and our community services," to assist them "to help themselves through the

use of this almost miraculous communications medium." With this in mind, OEO advocated requiring cable companies to provide the public with as much channel space as there is a demand for, and to charge a reasonable rate for services, consistent with the realization of a reasonable profit. "With two-way cable communications available," the report concluded, "citizens no longer will be passive sponges to soak up whatever advertiser supported programs are chosen for them. With cable they can make their own choices. They can express and reflect their own special needs."[7] Nicholas Johnson, the maverick FCC Commissioner, was also among those expressing interest in "this most fascinating front in the communications revolution." He saw in it much advantage for minorities who could through its use carry the communication of the streets into the studio, and there refine it into a unique amalgam of cultural enrichment, education and employment opportunity. To this end he exhorted minorities to get involved in CATV--from the initial bids to the conclusion of the franchise agreement and commencement of operations--and thereby ensure that the advantages of cable be subordinated to its commercial uses.[8]

A strong movement to educate the black community in the basics of "what will be a major communications revolution in our society before it happens" comes from the black organized Urban Communications Group, headed by Theodore S. Ledbetter, Jr. In remarks before the National Cable Television Association convention on July 7, 1971, Ledbetter emphasized the promise of CATV "for those of us who have been denied access to and ownership of the other

media," and advocated, where possible, black ownership of CATV systems. "Don't tell us that we don't own our own systems; that we can lease channels to get access. Certainly that's the route to access if the question of liability and responsibility are ever resolved."[9] Since this question hasn't yet been resolved, Ledbetter feels that CATV is important enough to justify the purchase of systems by black communities, wherever possible. Another person deeply and personally caught up in the concept of black communications is Ms. Jacqueline Woods, a staff associate with Open Channel, a non-profit, public-oriented media consultant firm. She explains her involvement with CATV in terms of the total black situation. "Essentially . . . because of my background and experience as a community organizer in New York City, because as a minority person, I feel that cable TV offers a multitude of opportunities to persons in general to present programs and ideas that are not normally heard on commercial TV; but above and beyond that, it offers a magnificent opportunity to minority groups in terms of training and employment possibilities and also to get across their own particular ideas and points of view."[10]

A continually striking feature of CATV is the great number of channels it can provide. Though the most common systems offer twelve channels, those offering twenty are becoming increasingly common, and prototype system systems of thirty to forty are currently being considered for San Jose, California and Akron, Ohio.[11] Apprised of such facts, it is little wonder that the 1970 National Conference on Citizens Rights in Broadcasting was impressed with

the possibility of service to a highly diverse community by giving individual attention to very small, specialized constituencies. It presents, in the words of the Conference's CATV panel, "the opportunity of setting the individual viewer free from the tyranny of audience ratings" and frees the media "to meet the overwhelming social needs of the country."[12] In fact, as John W. Macy, Jr., President of the Corporation for Public Broadcasting, in testimony before the FCC on March 11, 1971, declared: "Public service must be the primary mission of cable, not merely a stepchild that is attended only if other operations are sufficiently profitable." The term "public service" was defined before the same panel by Alfred R. Stern, President of the Television Communications Corporation for Public Broadcasting, in testimony before the FCC on March 11, 1971, declared: "Public service must be the primary mission of cable, not merely a stepchild that is attended only if other operations are sufficiently profitable." The term "public service" was defined before the same panel by Alfred R. Stern, President of the Television Communications Corporation, as "access to unreserved cable channels on a non-discriminatory, first come, first served, leased or other basis. This will give the public an opportunity to make much greater use of this important audio-visual communications medium that is now available."[13]

One of the most advanced concrete proposals for the creative use of CATV comes out of the Center for Policy Research, a New York based non-profit consultant group headed by Columbia Sociology Professor Amitai Etzioni, and staffed by an interdisciplinary

cross-section of academics chiefly from the New York area. The prototype communications system developed by this group--the Multiple Input Network for Evaluating Reactions, Votes and Attitudes, or more conveniently, MINERVA--"could be linked up with existing telephone, radio, and cable television (CATV) systems." According to the architects of MINERVA: "When the system is fully developed, every person who owns a radio or television will be able to follow and react to public meetings on the air. The uses for such a system range from expansion of the conventional to the initiation of the far-fetched and need not only apply to politics." The features of CATV which permit its integration into such a system are the numerous channels it provides, its bi-directional capability and its local origination potential--all of which are currently feasible. This is not "2001" speculation, insists the MINERVA group at CPR, but well within present technological capabilities. All that is needed is the will to press for incorporation of social service requirements into the various franchises awarded by governments to CATV concerns.[13a]

With all the proposals, concrete and otherwise, being made for CATV, FCC Chairman Dean Burch, speaking before the NCTA convention on July 9, 1971, remarked that the Commission was going to "require channel capacity adequate to insure the availability of dedicated access channels--on a free or leased basis--to serve the range of purposes I've been describing [non-broadcast services]." Regarding the apparent reluctance of much of the cable industry to provide more than twelve channels, he revealed that the Commission

was considering requiring CATV systems in large market (urban) areas to provide one non-broadcast channel for every broadcast signal.[14] As William Knox remarks in his Scientific American review of CATV: "With steadily increasing demand for mobile broadcasting and other forms of public service broadcasting, the role of cable television versus broadcast television has become a major issue of public policy." Thus the FCC interest in the issue of CATV channel capacity.[15]

This, of course, is not to say because CATV has the potential to provide unique social services and fill an innovative communications role, it will automatically do so. As Dr. Etzioni has put it: "Those who feel that CATV could not fill 24 channels with soap operas, wrestling, dating games and reruns of old movies underestimate Yankee ingenuity and the many forms and faces cultural junk takes." Noting that CATV has "the technological potential to revolutionize television broadcasting," he is by no means certain that cable operators will opt for public service if they can stimulate subscription sales by the promotion of "Hee-Haw" and otherwise mindless entertainment vehicles.[16] Yet another public advocate, Theodora Sklover, a media consultant and Director of "Open Channel," has indicated her belief, based on a knowledge of the systems presently in operation, the hardware being purchased and the programming being offered, "that cable is going down a different road from cultural or social concerns, with its primary motivation for profits sadly affecting the humanistic side of its development."[17]

"Sixty channels," remarked Fred Friendly in October, 1970, "will not stop decay simply through diversity." A number of

questions--"about the right of access, community participation, and protection of current broadcasters"--must be considered, but only after "a guaranteed method is found to recycle some of the profits into quality programming." Should the new cable technology be converted entirely into profits for cable operators, he argues, "the public interest will again be forfeited." To guard against this, he advised, the public should get involved in questions of CATV regulation, administration of regulations and technical requirements of the system, as well as the development of rules of access and sufficient channel capacity requirements.[18] Along this same line, John W. Macy, apeaking of the "educational and community service potential of CATV" before the forty-seventh annual Congress of Cities, in 1970, suggested that to ensure maximization of these potentials, cities undertake to build CATV systems as "public enterprises" for lease to "non-profit community corporations." Even should recourse to private developers be necessary, he added, franchises should be drawn to make one-half of all channel space available for "public uses." To solve the funding problems of these public channels, Macy recommended "that five percent of the gross subscription revenues of cable systems be assigned to a dedicated account for planning the non-commercial uses of cable, and the production of programs for the non-commercial cable channels."[19]

The possibility of CATV's being prostituted by profit-oriented operators was also alleged to be a concern of the Nixon Administration--at least at its mid-echelon level. In stern language, Martin Nemirow, an Assistant Secretary of Labor for Policy Evaluation

and Research, reviewed the dangers inherent in the developing CATV situation. "Once the policies have been made, vested interests build up around them and they become very difficult to change, even after flaws are obvious." The commercial airwave media are a case in point. Because Congress simply gave away to profiteers air space that belonged to the people, the networks never felt required or much pressured to meet "specific public communications needs." In the present analagous situation, "it is by no means certain that government will take appropriate steps to assure that cable TV does not ... become simply another profit making tool." But, should the government take such steps, says Nemirow, the CATV systems will fill "clear and urgent needs" within the next decade--needs which envision a communications system of importance to the general population as well as to the myriad specialized constituencies (i.e., Blacks, Spanish-speaking, deaf, institutionalized, youth, aged, and so forth).[20] The interest of government at all levels, in fact, was being excited, and according to one source, the tax revenues derived from CATV systems were but "a small part of the picture in the growing political attention being given the "wired nation" concept. Especially exciting were the "political consequences of prescribing the quality and nature of the services" and "the implications of access to broad new information channels."[21]

On the other hand, according to Edward Barrett, Director of the Communication Institute for the Academy of Educational Development, some impoverished city administrations were writing up bad franchise agreements in order to obtain badly-needed revenue, and the public stake in CATV was being largely

forgotten. It was for this reason that the state legislature of New York had frozen the granting of franchises for a period of one year. To prevent a continuation of the franchise sale policy after moratorium is lifted, Barrett advises that all appropriate citizens' groups should inform themselves and take part in the franchise-awarding process; help set standards and rules for local systems encompassing technical quality, the number of channels, the number of channels to be set aside for non-commercial use (at least one-quarter of them), the financing of non-commercial broadcasting, assurance of widest possible access, guaranteed saturation by cable of the entire franchise area and the timetable for completion of the system. This kind of involvement will make it possible to avoid the sale of franchises to the highest bidder, and the subsequent subordination of the medium to profit making.[22]

B. The Hardware: The Liberation of the Production Process

> No matter what the ease of 'access,' no democratic system will work unless we begin to provide ourselves--and our children--as much training and equipment for making radio and television programs as for writing.
>
> Nicholas Johnson, "Beyond the Fairness Doctrine," New Republic, January 15, 1972, 37.

> Recording on videotape is analogous to writing, the tape itself is equivalent to paper, and the playback through a TV set is video read-out.
>
> Michael Shamberg, Guerilla Television, New York: Holt, 1971, 8.

No doubt all the concern about regulation of CATV operators is of vital public interest, especially considering the abundance of channels which cable offers for possible public use. Still, a million channels would do the public no good if the cost and complexity of equipment necessary for video production were beyond the capabilities of anyone but established TV producers. But simple and inexpensive equipment presently exists in the form of the portable half-inch video tape recorder. While simplification of video-recording equipment is not of itself the whole solution to the problem of opening the medium of CATV to widespread and effective public usage--issues of public education, training and promotion of the 'public access' idea, not to mention the technical shortcomings of one-half inch recorders are also important to the "media liberation" process and will be subsequently discussed--it has been the chief factor in the emergence and flourishing of a "video-culture" which has taken an active role in the struggle to make CATV a socially potent communications entity. As producers for the new medium, the groups and individuals within this culture show a powerful interest in deeping it free and open to innovation. These video groups have thus joined with such established public-advocate groups as the City Club of New York, the American Civil Liberties Union, the Sloan Foundation and the Center for Policy Research, and individuals such as Nicholas Johnson and Fred Friendly to push the concept of truly "public" television. The involvement of the "culture" in production has, at least to this point, proved compatible with the communications-orientation of

the established groups. Thus the initial impact of one-half inch equipment has been in the area of helping to create a "public access" constituency.

The effect of one-half inch equipment in liberating the production process has been, in philosophical terms, substantial. According to Raindance's Michael Shamberg, one of the new media movement's most articulate spokesmen, Sony, first put its one-half inch Porta-Pak VTR on the market in the summer of 1968. "Prior to this, video tape equipment was cumbersome, stationary, complex and expensive.... Whereas tens of thousands of dollars were once needed to tool up for videotape, now only $1,495 are required. In place of a machine weighing hundreds of pounds and requiring special power lines, all you need now is standard house current to recharge batteries which will let you use the 21-pound system anywhere, independent of external power. And instead of a mystique of technological expertise clouding the operation of the system, all you have to do is look at a tiny TV screen inside the camera which shows exactly what will be recorded, and then press a button."[23] Paul Ryan, another representative of the video culture, is attracted by the concept of a people's medium--a broadcast system in which no one is merely a passive receiver of whatever the transmitter decides to send out, but in which each can choose signals according to his taste, and even, should the spirit move him, become involved in the production of his own signal. The combination of half-inch equipment and CATV's high channel capacity makes such a vision at least credible.[24]

The people at NYU's Alternate Media Center have expressed their opinion that "the use of portable tape equipment can give cable operators and their subscribers a different view of their community .... [it] gives them the freedom to go out of the studio and get into the neighborhood." The switch from heavy two-inch to one-half-inch equipment by cable operators if accomplished, will "widen the number of people involved in the production of every locally-originated program."[25] The simplicity of the machine, most video culture groups agree, should destroy the "mystique of expertise" surrounding production. A recent street gang tape made by gang members themselves, with training and equipment provided by the NYU Center, is a case wherein no "mystique" inhibited production. In the gang tape an honest glimpse of urban life is recorded. "If you were outside and you were saying well, what do you think about that?", stated Ms. "Red" Burns, a director of the Alternate Media program, "you would have gotten ... what they would have expected that you wanted to hear. But they were talking to each other and they were in their own environment. They weren't in a studio with lights, and they weren't being put on in some kind of way." In agreement is Rudi Stern of Global Village. He thinks that the advantages of half-inch lie especially in its vaunted portability, "an essential fact in the present necessity of the dissemination of information on as wide a scale as possible." The machinery "frees us, and frees other people from studio tie-ins, from locking in equipment, from frozen situations. It gives us the mobility that we need to reach these groups and individuals, who would otherwise have no access to media of any kind."

Theodora Sklover is yet another video innovator committed to half-inch tape--its advantages of cheapness and simplicity being uppermost. After all, Ms. Sklover insists, "it is talent rather than hardware that makes for quality programs and therefore the marriage of talent and cheaper technology will produce an excellent product."[26]* But who can say how "talent" will be defined in the age of the hand-held VTR? Certainly the young and enthusiastic "video freaks" as they often refer to themselves, belong to no established school of production. The hardware seems to be creating its own uses rather than the reverse. Is the lack of a discipline strongly felt? Not at all, believes the Alternate Media Center. Speaking of young students it has worked with, it lauds their "openness" and their "freedom from the clichés of the experienced TV producer" while remarking, approvingly, "the trust they inspire in people as against those who take a cynical or manipulative attitude toward the audience." Again, the liberation of the production process suggests not only new vistas, but new angles from which to observe them.[27]

Revolution on the mass media scene, as has been noted, is not an inevitability just because there are cheap ways of programming for cable. The quality of programming is also important to a

*While problems of editing and transmission of half-inch are, as we shall see, very real, the tape itself is technically quite acceptable. Reviewing a tape show at the Whitney Museum in late November, Roger Greenspun of the Times noted that despite the "inevitable loss of color and image quality" he was still impressed with half-inch. His viewing forced him to admit that what he was seeing was "a new medium and the potentials of a radically new technology." New York Times, November 30, 1971.

population used to the technical perfection of Hollywood and network television. Ms. Sklover is right in emphasizing "talent" over "hardware" if the equipment being used can approximate the capability of more expensive models. Unfortunately, there are a number of problems with half-inch equipment, which are felt, at times, to limit its users to the production of esthetically inferior, non-transmittable (overcable) tapes. Rudi Stern feels that the half-inch VTR marketed by Sony "is designed and built for home use. I don't think it is designed for the kind of use that we, and other groups are giving it.... I'm sure Sony is aware or beginning to be aware of how the equipment is being used, in some quarters, but I think they will respond according to market. I haven't seen any sense of social consciousness on the part of manufacturers." His own first-hand experience with cable transmission has been limited to one viewing back in July of 1971. Of the signal, he recalls, "it was barely decipherable. I saw tapes on regular playback decks here that looked fine but were completely garbled in the system. So I can only imagine what the stuff looks like when it arrives in the homes. I'd be pretty frightened to see it." John Sanfratello, Director of Public Access for Sterling, agrees. Technically, there are "a tremendous number of problems" with the signal recorded on half-inch tape. The amplifiers used by his company are simply not built to correct technical errors in half-inch tape, so they either refuse to transmit it, or if they do, "it's a very inferior picture, to the point that I don't think that very many people will watch it for a great length of time," with the signal oscillating between a

high of two and a low of one-half volts. He is personally convinced that the poor transmission is 99% the fault of the half-inch recorders, and that the manufacturer, particularly Sony, could rectify them if they wanted to. The problem here, Sanfratello agrees with Rudi Stern, is that "it was never intended to be used over cable or over the airwaves." Nor, like Stern, does he see any great hopes for the upgrading of the equipment. "I think a big manufacturer of electronic equipment may not be that concerned with one line--making one-half inch videotape recorders."

It is widely felt among those working with half-inch tape that its chief limitation is the impossibility of editing, save by the tedious razor-cut method, unless it is dubbed onto more expensive (and less available) one- or two-inch tape. Attempts at electronic editing onto second generation half-inch will not transmit at all, while trigger editing (stopping and starting the camera during taping) produces "glitches" or tape break-ups with each on-off action. The easiest solution, if one is restricted, as most video groups are, to half-inch, is to shoot in real time--that is, just start the recorder and let it run without interruption, recording everything that goes on. Open Channel has done this, as with the taping of the New York State CORE convention held at IS201 on October 8, 1971. Another way of transmitting half-inch, suggested by one of Open Channel's production associates, is to edit one-half inch and then have it shot off the monitor at the TV studio. The problem here is that it requires the cable operator to make permanently available a camera and a monitor, properly aligned and fixed

to a table. As yet, there has been no disposition on the part of the operators to do this. Thus, real time has to date been a major genre of production with Open Channel only because it has been the most practicable.

Yet, what one user sees as essentially a compromise with technological inadequacy--that is, shooting in real time because edited tape is impossible to transmit--another, 'Red' Burns, finds a positive advantage. Real time taping, she feels, is very functional, in that it can help to "break down conditioning" which has biased a whole TV generation towards capsulized information.* "Life is not highlights," she insists, "Life is made up of all kinds of things." Of course, she admits, "you can't also deal with long stretches of boredom," but here is where the portability of half-inch equipment gives it an edge. With it you can go unobtrusively without all the paraphernalia of a network news crew, and people are just more natural and spontaneous. In support of this Ms. Burns cites a one and one-half hour tape made of a Washington Heights demonstration for the installation of a traffic light--"we just let the camera run wild," she enthuses, "I just really love that tape." In fact, then, half-inch porta-paks have been important in the introduction of the whole concept of real time video

*Real time filming had also been a concern of the avant-garde filmmakers for some years, as they sought to find meaning in the balance of the static with the active--a particularly well-known example of this is Andy Warhol's eight hour film "Sleep" for which the title is an adequate description. I mention this here to show that as yet, videotape has not divorced itself from many of the conceptions of the avant garde film culture, thus the frequent mixing of artistic considerations with informational value.

as a useful mode of expression, and as an antidote to the capsulization and simplification obsession of the broadcast media.

If the hardware is producing something less than a perfect product, and the manufacturer seems, so far, to show no inclination to modify the equipment and improve its performance, even though it is important to the whole notion of public access CATV, what can be expected of the cable operators themselves in adapting their transmission facilities? Ms. Sklover has long realized that the connection between portable and cheap equipment and truly "public" public access is an important one. For this reason she has testified before the FCC: "If we are to guarantee the right of access to all then we must consider the technology ... whereby the less wealthy may be able to afford to produce their own programming."[28] Therefore she demanded that cable operators be held accountable for transmission standards applicable to half-inch tape. I put the question of transmission standards for half-inch to New York City Franchise Director Morris Tarshis, and his response was that where transmission required upgrading of facil ies for half-inch, the city would see to it that such upgrading was done. John Sanfratello was less reassuring, because as he saw it the problem was in his company's modulators and amplifiers. They were capable of producing the best signal possible on regular studio tape (one- or two-inch), but not half-inch. They were not made to transmit half-inch, nor was it likely that the cable operators would combine to demand that the amplifier/modulator manufacturers upgrade their products to the point where it would. "I don't feel that

most of the CATV operators really are aware of the potential of the public access. It may also be that they don't want to be aware of it. I think that's a pretty good percentage of them." All of which leaves the technical end of public access still up in the air, awaiting the emergence of one or more of a number of unlikely occurrences: improvement of half-inch VTRs by their manufacturers' improvement of CATV amplifier-modulator arrangements; reduction in size, cost and complexity of one- or two-inch systems to the point where the benefits of their technology will be available to citizens; or the widespread availability of one- and two-inch editing facilities where half-inch can be taken and dubbed onto the larger and higher quality tape for transmission (cost to be most probably underwritten by the cable operators). The outcome to this point is uncertain. But necessity, as cliché has it, is the mother of invention. And the people around the public access scene are a very inventive crowd.*

II. Franchising CATV in New York City, 1970

Sidney Dean of the City Club, writing in the spring of 1970, expressed the opinion that CATV's potential was unlimited; that

*There are those among the half-inch groupies who disagree with any assessment of porta-pak equipment as inferior, and their position deserves mention. Shamberg, in his Guerrilla Television manual argues that if one-half inch is not compatible with the local CATV system "it's not an inherent technological flaw, it's because enough money isn't being spent to make them compatible." The other half of the Global Village team, John Reilly, disagrees with his partner Rudi Stern, about half-inch over the cable. "I have seen the broadcast, the cablecast at various times. Providing they are reasonably careful in transmitting it, I'm satisfied with the results." And Charles Levine, host to the film series, notes of Teleprompter, "for the equipment they have, they have been doing a decent job."

given its two-way potential, it could "radically restructure" the city's industries, institutions and households within the next ten years. For this reason the City Club was demanding "integrated planning and forward looking public policies to take fullest advantage of this new technology." With applications for renewal of the city's CATV consents coming up for consideration, Dean urged the Mayor to support the City Club's recommendation that his administration "apply the same public utility and common carrier principles of regulation to the broadband communications carriers that are already enforced on the telephone, telegraph, satellite, postal and railroad carrier systems" so that the public could not be robbed of the benefits of this system as a medium of communications.[29]

As the time for decision making on franchise awards approached, a rare note of practicality was sounded by Robert Bruce in a memo to City Budget Director, Fred O. R. Hayes. Though there was much discussion of the many services which CATV could perform, noted Bruce, no one was investigating just how such services might be realized. The institutions with the skills and resources to carry out such investigations, like Bell Laboratories, were not about to do research aimed toward creation of competing communications systems; while the cable companies themselves had not traditionally thought of themselves as providers of the various much-trumpeted services, but rather viewed their function in a "limited and self-serving" way. Nor could much help be expected from the FCC in the area of such studies, since it was hampered by broadcast industry pressures. Thus according to Bruce, the city would have

to carry out such studies under the aegis of an Office of Telecommunications established for the purpose. Bruce's suggestions for ensuring optimum realizations of CATV potential were that the city fix the number of channels at thirty, ("significant margin of excess capacity particularly for common carrier uses" which will provide for channel availability "to community groups and public agencies"), and that "origination and community service requirements should be specified in some detail." In addition, the franchise should be drawn to make certain that companies meet the obligations of public service programming by more than merely making channel space available. By this, Bruce stated, he meant that franchise holders be "required to establish a training program" at moderate cost to programmers in the use of equipment and facilities, and to provide storefront pools of lightweight video recording equipment for lease to groups and individuals. Bruce was, in fact, one of the few to discuss any of the practical issues concerning the use of such open communications facilities once they were established--that is, training and equipment availability.[30]

In June of 1970 Morris Tarshis submitted to the Board of Estimate, the recommendations of his office with regard to the award of Manhattan CATV franchises. Noting that a rapidly advancing technology in CATV had vastly heightened its potential as a performer of services, the Bureau stated that it had drawn its proposed contracts with the cable companies "to require and induce the companies to develop facilities and services as rapidly and fully

as possible, in the public interest, to regulate them to the extent necessary to assure the public--both as recipients and users of the new transmission capabilities--the fullest possible benefits of CATV and withal to leave sufficient flexibility to cope with unforeseen developments in the industry."[31]

Specifically, the contract called for the provision of a channel capacity of seventeen within one year (by July 1, 1971) and twenty-four within three years. Of the first seventeen channels, eleven would be for regular UHF and VHF broadcasting, two would be "public channels" and one would be a company channel for carrying its own origination. Thereafter, new channels would be allocated in a sequence of one city channel, two public channels and three "additional" channels (i.e., channels that the companies could use for anything but "Pay television"). Within four years of franchise ratification, both companies would have to have established all ten required head-end facilities within their franchise areas (the upper and lower halves of Manhattan), and particular effort was to be taken to create the capacity for sending different signals simultaneously to small subdivisions of the city. On the question of rates for the use of public channels, the proposed contract called for decreasing them "if they are found to restrict access to such Channels." The public Channels were to be provided on a "first-come, first-served basis" along with "adequate studio facilities" and "appropriate technical assistance" to "members of the public," with companies exercising no control over program content "except as is required to protect the

Company from liability under applicable law," and to reject all programs of an "essentially promotional," business, trade or professional nature. The contracts also required the wiring of all prisons, hospitals, police and fire stations, day care centers and public schools free of charge for the receipt of all "basic" FCC required services, and the provision of "the best possible signal available under the circumstances ... and quality reception of its Basic Service to each subscriber so that both sound and picture are produced free from visible and audible distortion." The agreements themselves were to be of twenty years' duration, with provisions for basic service review by the city after five years, and rate review after eight years.[32]

One immediate complaint about the proposed franchises was their lack of provision for competitive bidding. The chief argument adduced by the Bureau for this omission was that in 1965 the Board of Estimate had consented to the establishment of "experimental" CATV systems in the north and south halves of Manhattan, and in the Riverdale section of the Bronx, and that the holders of those interim experimental grants had invested thirty million in the experiment without yet achieving any fair return on investment. "The consent holders emphasized the risks and efforts they had already undertaken without profit and their satisfactory performance under the interim consent; they objected to having to bid against outsiders at this point, and indicated an intent to contest transfer of their businesses in the absence of a virtual city guarantee of the fullest compensation."[33] Although the "experimental" aspects

of the CATV companies' activities under the initial consents, granted by the city in 1965, were hardly of a socially relevant nature--unless Knickerbocker basketball games have some subtle relevance--the city was nonetheless quick to accede to their demands for suspension of the competitive bidding requirement. Perhaps the financial state of the city argued against taking a hard line and possibly being forced to make "fullest compensation" for company losses. Given the prompt acquiescence of the city to the suspension of competitive bidding, it was not surprising when the New York Times reported, on June 19, that the franchise terms recommended by the Bureau of Franchises were being opposed by the New York Civil Liberties Union, the City Club of New York, the Citizens' Urion, and the Center for Policy Research.

Besides the advocacy of competitive bidding as a necessary step in the enfranchising process, several of these groups also demanded that CATV be established on a "common carrier-utility" basis, and "that cable channels be open to anyone who can meet qualifications determined by the city." In the face of these criticisms, Charles F. Dolan, then President of Sterling Manhattan Cable Company, the holder of the southern Manhattan consent, deemed the proposed new contract "a bold effort to open the doors wide to community participation in cable television. Under this contract no one is excluded." He concluded with a ritual bow towards the toughness of the contract: "As a practical matter we believe the city may be demanding too much too soon from the companies." Irving Kahn of Teleprompter praised the city for its

tough-minded stand on the public interest and expressed his opinion that "we can live with" the contract. July 23rd was then set by the Board of Estimate as the day for public hearings on the proposed contracts.

At the July 23rd hearings, an alternative to the new contracts was offered in the interest of maximizing the social potential of cable by Dr. Amitai Etzioni, Director of the Center for Policy Research. Etzioni suggested that all private franchise holders be required to reserve one-third of their channel capacity for public service, and that this reserved channel space be independently administered by a specially created public corporation. The franchise holders would also, according to Etzioni's plan, be required to turn over 5% - 15% of its income to this public corporation, for the purposes of establishing studios, paying production staff salaries and training costs and setting up a liability fund. Particularly did Etzioni feel that the companies should be held, within the framework of the contract, strictly accountable for the provision of facilities and services (i.e., multiple head-end/ origination facilities, and two-way communication capability) within a given time--something which the proposed franchise only seemed to do, without making any definite pronouncements.[34]

Sidney Dean of the City Club of New York, while finding the proposed franchises "the most progressive cable agreements ever drawn up by a U.S. city" also noted important omissions in the area of "enforceable safeguards for assuring maximum benefit to the public from cable technology," as well as provisions which could

frustrate certain public usages of cable. He further expressed reservations about the granting of a twenty-year franchise "under detailed conditions" at a time when the technology and potential of CATV was rapidly expanding. To counter such shortcomings, he proposed the following experiment: free cable outlets would be established in every home and non-profit establishment in Manhattan to bring in all educational and other public service channels, while entertainment channels could only be received by paid subscription; two-way cable circuits would be established without charge in representative inner city areas and used for education, and community and social involvement; and free television receivers and terminals would be provided to homes in a community like East Harlem on a lease basis much as that used by the telephone company. Only through such an experiment, argued Dean, could the outer limits of Cable's potential be defined.[35]

The hearings of July 23 revealed at least one surprise. Fred Friendly, whose 1968 Task Force on Cable had issued the report upon which the franchise authors said they had based their proposals, was found in opposition. Claiming misrepresentation by the Bureau of Franchises, Friendly contended that the Task Force report had never made any recommendations about renewal of arrangements between the city and Teleprompter or Manhattan Cable, but that it had "unanimously agreed that no franchises anywhere in the city should be granted for more than ten years." As for the omission of competitive bidding, Friendly declared: "Cable television is too important, its potential too great, to be dealt away in a series of

private, closed-door negotiations without the kind of public participation and public analysis of the present operation which the Task Force felt was essential." Much of the rest of the opposition concerned the competitive bidding aspect of the problem, though practical questions of the minority-hiring policies of the companies were raised by Ossie Davis and others. The hearing closed with the testimony of the companies' presidents. Irving Kahn of Teleprompter defended his company's record of public service, and saw continuation of such service "safeguarded by the language of a very tough, expertly drawn contract." Dolan, of Manhattan Cable, expressed "reluctance" about certain "burdensome" provisions, but offered his opinion "that there is no precedent in the history of the cable industry for the study, thought and the preparation that New York City has devoted to the preparation of this contract."[36]

The results of the hearings were no surprise--the Board of Estimate ratified the proposal. The revolutionary aspect of the franchise--the granting of public channels--was provided for in the contract. Yet, from the tone of the criticisms which surfaced at the July 23 Franchise hearings, it would seem that those who had fought for introduction of the public access idea were not convinced that their battle was over. Too many questions about its administration, funding and sanctity from company interference remained unresolved to permit any of the advocate groups to relax their efforts. What "public access" could mean from the outset and what it should ultimately become in social terms, was now the issue to which the advocates turned their attentions.[37]

III. Public Access CATV in New York City

A. Public Access: Present and Future

> We shall be concerned with the new developments in telecommunications technology and shall seek to assess the potential uses of this technology, both for the immediate future and for the long term. We shall ask ourselves how modern telecommunications technology can be best exploited to further the economic life and social well-being of the City, and how the benefits of this technology can best be preserved for all who live and work in the City.
>
> Fred Friendly to
> Mayor J. V. Lindsay,
> January 8, 1968.

The potential of CATV for public service, its anticipated channel capacity, and the development and marketing of lightweight, inexpensive videotape recorders, as we have seen, raised much speculation about the possibility of public access television. One of the first CATV executives to begin seriously talking about the more esoteric services possible with CATV was Irving Kahn of Teleprompter. Speaking before the annual convention of the National Cable Television Association in 1970, Kahn pointed out to his fellow cablemen "the public relations challenge" being thrown at the industry "in the arena of social change." He insisted that his fellow cablecasters "face up to the realities of ghetto programming--and the whole spectrum of community relations, employee relations, hiring practices and other issues that go hand in hand with establishing and keeping an effective role in the community."[38]

The actual fact of the development of the public access requirement in the franchise agreement, states Franchise Bureau head Tarshis, was of course encouraged by the multiplicity of channel space offered by cable. The concept of open access was, he says, first considered as a means of offering to the city's various ethnic communities a chance to discuss among themselves "some of the problems that are unique ... that are of interest" to their respective constituencies. From this grew the more radical concept "of not just community, but also to try to encourage young people who were very militant in some areas who said that they didn't have the opportunity to be heard, that they were denied access to some of the public media, to give them an opportunity to say what they wanted to say." Tarshis credits Fred Friendly of the Mayoral Task Force on CATV with the development of this idea. The cable companies, Teleprompter and Sterling, were from the outset happy to go along with such plans "because they were selling a product, and anything that would capture the imagination of the public, who ultimately would be their subscribers was a gimmick from their viewpoint to sell subscriptions." Not perhaps the most idealistic of positions, but one with definite social ramifications--and more importantly, one that could be carried.

The requirement mandating the establishment of two public access channels in each of the two Manhattan franchise areas as of July 1, 1971 was called, by Monroe Price of the Sloan Commission on Cable Communications, "one of the most farsighted portions of the franchises" awarded to the companies. In fact, the experiment

would have impact far beyond the bounds of Manhattan Island--first as a pilot for all subsequent development of the public access experiment; and secondly, as a generator of the kind of situations which could result in the formulation of rules for operation of such novel communications media. Yet, Price saw inaction threatening the channels. Neither the city nor the cable operators had yet resolved such thorny problems as liability and regulation, while prospective programmers had remained all but silent on the ways in which the new facilities might be used. In view of this Price proposed the development of several "user" groups to test out new modes of programming to specific audiences; the hashing out and settling of all rate and regulation questions among the city, operators and public prior to July 1; a demographic analysis of the franchise areas (both present and potential) to attempt to project the kind of programming required and services needed; the determination of what role, if any, NET would be playing in the experiment; and settling the issue of the responsibilities of the companies for the provision of equipment, training, and production aids to user groups.[39]

Another of those active in helping to get the whole concept defined before the commencement of public access broadcasting was Theodora Sklover. A tireless campaigner, Ms. Sklover appeared before the FCC several months before the experiment was to begin, to give her ideas as to how it ought to be set up and run. Expressing doubt that there was enough venture capital afloat for the various public-oriented non-profit enterprises who wished to go

ahead and purchase outright their own cable systems, thereby guaranteeing to the public the benefits of CATV, she turned her attention to the extracting of guarantees from privately-owned CATV companies that the social dimensions of their medium would not be neglected. A first step, she proposed, would be that all franchises require that one-third of channel capacity be turned over to the public. Tbis channel allotment was to be regulated by local CATV Boards composed of geographic, ethnic, religious, political and social interests endemic to the area administered. She also expressed a desire to see the issue of liability settled so that the programmer could assume complete responsibility for program content, and the companies assigned some definite responsibility for the maintenance of high technical standards with respect to the transmission of one-half inch tape. A plan for financing public programming by a special five percent tax upon gross revenues of the companies was also proposed. In yet another forum--Raindance's alternate media culture periodical, Radical Software--she spoke to groups in the production end of the public television spectrum. They bore a large share of the burden for the success of the experiment. "Resources in the community must be identified and their participation invited .... In some instances training of individuals within the community as to programming skills and production techniques will be necessary, and should be offered to those who seek such knowledge. However, in those instances where groups prefer to work with a trained production staff, such a staff must be available." It was, Ms. Sklover argued, substantially up

to the active videotape groups whether the experiment succeeded or failed. "If these channels are not used," she argued, "or if they carry programming that no one cares about or relates to, or if they are utilized for the entertainment of the esoteric few, then we will have provided the necessary fuel for those who are fighting against this opening up of the medium."[40]

The opening day of public access television--July 1--gave immediately some indication of the potential of this new medium as an information supplier. Robin Reisig of the Village Voice, after monitoring the initial offerings, asserted happily that they "would not have been broadcast on commercial television." Special praise was awarded to Sterling President William Lamb for his refusal to have censored some of the colorful language used in programs presented by gay activists, Daytop (a drug rehabilitation organization) and the Italian-American Civil Rights League. Here at last was a media form that theoretically at least could provide a platform for everyone, "from Agnew supporters who rant that the effete, tomentose-tainted media doesn't tell their story to the tomentose Abbie Hoffmans who get blipped off when they commit mild acts of defiance like wearing an American flag."[41] Picking up the story in late August, The Christian Science Monitor described the New York City experiment. Noting that the programming was as yet slim, still the journal found the idea "daring and exciting." The article, however, seemed more impressed with the commercial impact of public channels: "... if it works it probably will sell Cable TV subscriptions. Teleprompter, especially, wants it to work."[42]

Generally speaking, there was little press coverage regarding the evolution of the channels, and that not particularly informative.*

The availability of access of course was as likely to appeal to the frivolous as to the serious--neither group very numerous, but both omnipresent--and it was to these that Ms. Sklover addressed some remarks in a community newspaper editorial. Announcing the availability of channel space to the community for its use "in the same way as you have previously used the pages of a newsletter or a community newspaper," she nonetheless moved gently to discourage "fantasies of your version of the Dick Cavatt Show, or the Late, Late Show featuring a super 8 creation of your summer in Maine." In offering the skills of her Open Channel group to any prospective users of public access, she professed a determination to "prove that Public Access will be used fully and productively--to both inform and entertain."[43] Another concerned voice was that of Bob Rosensweet, a resident of Inwood, the most heavily wired portion of Manhattan (12,000 subscribers). In an article in the local Inwood Advocate, Rosensweet raised the question of "locally-based and produced community programming" and the possibility this raises of "television programming ... [being] directed to serve a highly localized community audience instead of a very broad mass market." The only way the potential of public access could be uncovered,

*John Sanfratello of Sterling thinks that the press has not taken a very serious view of public access. "I don't think you are going to get any front page news on it. Some of the people who are writing the radio and television columns, I think, when there isn't very much to talk about, they turn around and call up the stations, and they say, 'What's happening with public access?'" To which Sanfratello always wants to reply: "Turn it on and find out for yourself!"

however, would be to make use of the facilities and see what developed.[44] Privately, Rosensweet expressed in an interview, his fear that "the FCC is going to draw back some of this stuff from the public, unless the public uses it .... there's always someone who would like to take it out of the public's hands."*

What, in fact, was happening on public access, as 1971 drew to a close? The New York Times was hardly encouraging. "Nearly four months after it began its widely heralded experiment in electronic democracy, Public Access Television in New York is barely mumbling in the variegated community accents for which it was designed." Noting that the two public channels were logging but twenty hours of programming per week, the Times reporter assessed the situation to be the result of "such practical realities as high production costs, technical problems and lack of public awareness." But he also gained the impression from all parties--the city, the operators and the public groups--that "the problems are soluble and the future is limited only by the imaginations of those who use the system."[45] FCC Chairman Burch had indicated earlier the commitment of the Commission to the continuation of the public access experiment, secure in the knowledge that despite current problems "a more professional approach" would ultimately be developed. "Asked whether he felt there was as much audience

*By the terms of the franchise, time not used on the public channels can be used by the companies "for any purpose consistent with the provisions of this contract." This, as Dr. Etzioni argued in the CPR Statement on the franchise, could "build an incentive into the system for the commercial firms to discourage public use." Disuse might then be used as an excuse for withdrawal of the public's channels and restoration of them to the companies for commercial uses.

interest in 'access' channels in the cable spectrum as there was demand by those who want access," by the panel of "The Newsmakers" show, "[he] replied that he had reservations on the point.... [but] that it was appropriate that channels be provided."[46]

There were numerous obstacles to the full development and use of public access facilities. In fact, a careful study carried out by an Inwood community group formed precisely to deal with public access and its relation to the Inwood neighborhood, made an appraisal of these obstacles. As the group, "DOWN OHM", saw it: First, people simply didn't know about public access and how simple it was to use; secondly, even where known, without encouragement the public would adopt a reticent attitude on the grounds that TV was only for the wealthy and influential; thirdly, that public access was such a new and highly localized phenomena that there were no model program formats available; fourthly, there were not enough skilled production assistants available in spite of Teleprompter's offer of technical advice during "reasonable" hours; fifthly, there was a paucity of equipment and editing facilities that could only become more pronounced as the demand for channel time increased; and sixthly, the programming groups were from the outset being blocked from one traditional means of financing production costs, that is, local advertising, by a rule requiring programmers to turn over 100% of all monies derived from such sources to the companies.[47]

What will public access become--beyond being a "soap box" or Hyde Park corner where militants, of both the responsible and

irresponsible varieties, can come to vent their wrath in a non-destructive way? Henry Pearson, the Public Access man at Teleprompter, thinks ultimately "it's going to act in the capacity that the community newspaper did a few years ago, or has previously done." The goal of the experiment for Theodora Sklover is to give to "a variety of groups who now claim that they never get access" though they desire and need it, the exposure they demand as well as the skills necessary "to use this access fairly creatively." This will be serious programming, and certainly not what Sidney Dean has referred to, in a critique of the recent Sloan Commission Report on CATV, as "letting off steam." Unlike Dean, she thinks that the concept can succeed without invocation of any "common carrier" rule. Insistence upon such a rule, indeed, could jeopardize the whole public access plan. John Sanfratello of Sterling takes the position that indeed the future of cable lies in the area of communications rather than entertainment. Insofar as the present public access experiment in New York City goes, however, he doesn't think its success or failure "means anything about any other town in the United States. As a matter of fact, I tend to think that public access will probably work much better in a smaller community." This feeling is corroborated in the experiences of the Alternate Media Center. According to Alternate Media's co-director, Professor George Stoney, one of the places in which the Center has enjoyed its greatest successes has been Cape May, New Jersey, a small community which is upwards of 90% wired. There they help produce a local show on the Teleprompter affiliate

company there (Teleprompter has adopted a public access policy throughout its system, whether written into the franchise or not) to which community feedback is obvious and widespread. "Here [NYC]," says Stoney, "it's so fractured and scattered ... [that] no group has reason to use public access unless they have some other reason for making the tape at the same time." Thus, for Professor Stoney and for his colleague Ms. Burns, the real future of public access in a place like New York depends on the construction of the ten origination points mandated by the franchise agreements so that local, community origination can become a fact. This will dovetail quite nicely with the recent inclination of the public toward the idea of neighborhood, which they see indicated in the recent upsurge in the organization of block associations. Public access cable television, at this community level, can indeed become a powerful tool in the struggle to make the city livable again.

Others involved in the CATV issue profess to see other virtues little related to the communications features of the medium. Morris Tarshis is one who feels that the real impact of CATV for the poor and the minorities lies in the training for jobs and the jobs that it, as a burgeoning, understaffed industry, can offer. According to Morris Tarshis, one-third of the companies' technical personnel come from minority groups. This, he adds, is where the contributions will be made, notwithstanding all the claims made for the virtues of improved communications as the alleviator of urban discontent. Public access, while attention-getting is just

not a very big part of the picture. Basic agreement with this position is expressed by Jacqueline Woods of Open Channel, one of the few black people working among the one-half inch tape groups (which are for the most part communication- and production-oriented). Her interest is in the jobs, and the training for them, that will open to blacks and latins "within the next three or four years, if not sooner."

B. Rules For Public Access Usage: Remarks, Suggestions and Inaction

The rules, established to govern the public access channels, according to Mr. Tarshis, "were conceived in a very simple fashion. All we tried to do was to establish that anybody and everybody who wanted an opportunity to be heard could get on and be heard." The only restrictions were to be those on programming by minors under the age of eighteen unless accompanied by an adult, and those governing program content, given the cable operator's liability for what he transmitted. A programmer would, under these latter restrictions, either post bond with the company to indemnify him for possible actions arising from the presentation, or permit the companies to preview his taped offering for the purposes of editing out potentially objectionable material. Otherwise, stated the Franchise Director, the rules had been written "very broadly, very loosely, very flexibly" and were subject to change or amendment by the Bureau at any time. Generally, the companies ask a two-week lead-time upon all applications for particular allotments of time and so that any copyrights pending upon material used may be

cleared. Where "timeliness is a factor," the companies promise to expedite all the contract steps so that the usual two-week period can be shortened as much as possible. Information necessary to the allotment of time includes length, nature of program, list of individuals appearing in it, mode of presentation (i.e., live or taped), the sponsoring organization or individual, and whether or not studio facilities will be required.[48]

Relative to the assignment of channel space on Channel "C", the rules state that it will be awarded upon a first-come, first-served basis with no more than two hours per week of prime time (7:00-11:00 P.M.) being assigned to any one user. There is to be a limit of no more than seven hours per week of prime and non-prime time to any one programmer, unless there is a pool of unrequested time in that week available to those wishing more than the seven hour limit. Another channel, Channel D, exists for the occasional, as opposed to the regular, programmer. On this channel, users are restricted to no more than one exposure per month in a specific time slot, and are subject, up to one week before scheduled airing, to displacement if their total programming for the month adds up to more than a total of five hours on either or both of the two channels. Allocations may not, under these regulations, be reassigned by the original lessee, and where any conflicts in scheduling arise, the company will decide upon their disposition in ways providing "the greatest diversity of expression"--whatever that might mean. All programmers are liable to the FCC regulations applicable to broadcast originators, and are responsible for the

provision of all information required by the Commission. With respect to transmission, the self-producing user of public access will be required to supply to the cable operators any special equipment needed to transmit his show. On the other hand, the companies are required, if requested, to provide users with information about production facilities and organizations available to them, and, themselves provide technical assistance in the form of a skilled advisor, to be made available in the studio during "reasonable" hours. Complaints about services provided should be forwarded to the Director of Franchises by users, who are themselves subject to all the rules upon penalty of cancellation of all future reservations of channel time for a two-month period.

The initial promulgation of the rules drew criticism. Monroe Price of the Sloan Commission complained that they neglected to incorporate any provision for regular program scheduling.[49] Still, without any actual experience under their operation, such criticisms were largely academic. More advised opinions could only come out of actual operating situations, and so the experiment began. Thus, for example, it soon became apparent to 'Red' Burns of the Alternate Media Center that the two-week leadtime on broadcasts for the execution of contracts, etc., was burdensome. Using, I suppose, a generous interpretation of the "timeliness is a factor" clause, this complaint was accepted and the situation ameliorated. "We've managed to convince the cable operators that in many instances, we're doing stuff that is of the moment in time, or very

close to the moment in time.... It's a question of establishing trust," she continues, "and one of the things we feel very strongly about, and we had many conversations with the cable company, was, that, again, we didn't want to be dealing with commercial concepts in terms of the kind of procedure that had been set up in commercial broadcasting.... We finally worked this out, and there are currently no contracts being signed with either of the systems in New York." Rudi Stern of Global Village, on the other hand professes no real concern about the lead time provision as it relates to previewing of his tapes. "I can understand their reasons.... I have no objections to their looking at the stuff before it goes on, and I haven't had much trouble with any of the material that I have sent out."

According to the people at Open Channel the rules, as they currently stand, "come from a point of suspicion as opposed to trust." To all those requesting information on public access from Open Channel, the organization sends a "fact sheet" which outlines briefly the possibilities of this innovation and lists the rules governing it. The sheet concludes by noting a number of issues that have not yet been, but must soon be settled. These are the questions of rates, if any, to be charged for channel space or studio use; the minimum facilities and services that companies are required to provide to programmers; a definition of what exactly constitutes "appropriate technical assistance"; and what rules of access will "reconcile the objectives of 'first-come, first-served' and 'as many different persons as is practical'--to ensure for example that no one group monopolizes prime time."

Bob Rosensweet is also somewhat critical of the dimensions of what he calls the "liability thing." Copyright restriction on music he finds especially annoying: "If a guy is not taking any bread for a show and it's just people to people, why get into copyrights and all that stuff?" Still, because of the liability law, Rosensweet recognizes that change will have to come from the Bureau of Franchises. Until then the companies cannot be blamed for taking a hard, if irritating, position on liability. Charles Levine, an avant-garde filmmaker and the producer of a series on filmmakers and their works, objects to the contract presented for signature by those who have appeared and offered material on his show. "A reading of this paper seemed like it gave them [Teleprompter] perpetual rights to everything for the rest of eternity, and a number of the filmmakers balked at signing such a paper." The upshot was that Teleprompter reduced the form in length and complexity of language, to the point that the contract now clearly applies only to use of the tapes for public access. Initially, Levine states, he was asked by both Teleprompter and Sterling (he programs only on Teleprompter at the present) to permit preview of all his tapes, and he agreed to do so. "Teleprompter, as of the moment, hasn't previewed any of the tapes, and all of the tapes have been broadcast." He continues, despite this, to tell all those appearing on his show that this requirement exists, and that the companies maintained "the right ... to reject it if they felt it was improper." His own position on this "is that anything an artist puts on in good faith should be put on ...

even if it should be considered what the general public might consider immoral."

Whatever may be said, either for or against the present rules for access and use of the public channels, experiences to this point confirm two generalizations. The first is that those producing for public access on a regular basis, as Alternate Media has done, can establish a bond of trust with the company and thus avoid some of the more burdensome of the regulations. Less well known, or more controversial applicants for time may indeed encounter a stricter construction of the rules that do those with whom the company have become familiar. The second is that very little is likely to change in the near future, simply because experience is not yet extensive enough to suggest viable alternatives to what may be onerous requirements. Mr. Tarshis, who authored the interim rules, states that he has little sense at the moment of any great discontent over the rules, and so the public hearings he had tentatively scheduled for December, 1971 would not be held after all. The big issue--that of liability--has not yet been court tested, so nothing could be done about that even if there were a public outcry for action. The companies themselves, says Tarshis, "seem to be completely pleased" with the rules as they stand. His office solicits public opinion on the matter, for "if we have missed someplace, or overlooked something ... we'll only learn through experience."

IV., Public Access: The Success/Failure Syndrome

July 1, 1971 marked the opening of "a wide ranging experiment aimed at providing the public with free access to its four new cable television channels." This was the birth of public access cable TV which, according to The New York Times, would provide "a continuous flow of public service programs--ranging from the dance to street lectures on venereal disease." Denominated "the first genuine 'Town Meeting of the Air' and a major step toward the political philosopher's dream of participatory democracy," the debut of the public channels did offer a fine example of the spontaneity inherent in real-time videotaping when a Sony one-half inch videotape recorder unobtrusively recorded an angry, bulky Irving Kahn, then President of Teleprompter, Inc., pushing a surprised, slight Theodora Sklover away from a microphone she had been using in her capacity as mistress of ceremonies to the opening day of public access, in an attempt to persuade Ms. Sklover to retract some of the criticisms she had leveled against the interim rules governing use of the channels. Showing a far greater disposition to defend the rules than might be expected of one ostensibly subject to them (they had been drawn up by City Franchise Director Tarshis), the portrait of Mr. Kahn recorded on one-half inch tape was probably more revealing than any media profile. Her criticisms of the previewing requirement and the prohibition of minors under eighteen from use of the facilities unless accompanied by an adult provoked Kahn into what the Times apparently regarded as an overreaction, in demanding a retraction. When this demand was refused,

Kahn exploded: "If they can come on, what more do they want?"[50]

In a way, Kahn's question was a valid one. The first experiences with public access, in fact, show that very little thought had been given to how public channels might be effectively used. There had been a lot of comment by the companies about what such access could mean to the citizen--Kahn had called it "an electronic soapbox," while William Lamb, Sterling's head man, had described it as "a forum for a diversity of new voices and important ideas"--but no hard thought about how one might translate potential into reality.[51] The fact that after opening ceremonies there were, and still are considering the possibilities, very few groups or individuals making use of public access, indicates that apparently more than simple access is necessary. Discovering what more is necessary continues to occupy those most involved in the concept of public television.

The slow start of the experiment is not so much the fault of restrictive rules as it is of lack of understanding of the necessary ingredients by many of the advocates of public access. "When I originally conceived of this concept of a community-based use of the media," says Theodora Sklover, "I really obviously didn't fully understand the difficulties inherent in trying to set up something like this .... For instance, many people assume that since there are so many groups that seem to be making a tremendous amount of public noise right now of their desire for access that once access is there that people will just sort of step forth and flood the stations." One of the main ingredients neglected in large part by

all the plans for public access, according to Ms. Sklover, has been the "extensive educational effort" necessary to convert potential into actual users of the facilities. She acknowledges working with numerous groups which had long demanded access, and which, now faced with a situation where access is available, are asking themselves "now what do you do?"

John Sanfratello, the Director of Public Access for Sterling, suggests that the city might have done a little more homework before writing public access into the franchises; in fact, it required "a hell of a lot more consideration" than it evidently got. Most importantly for the ultimate success of the medium, the initial plan should be complete and properly implemented. Sanfratello would have given the problem of definition of "public access" to a "blue ribbon" group of such varying backgrounds as the late David Sarnoff and Andy Warhol. He would have had this group think about the concept for several weeks and then report on what they thought it could and should be, and provide the plan by which such goals and aspirations could be realized. Unfortunately, he says, this was not done: "I don't think the people that brought up the suggestion of public access really knew what the hell they were talking about. I don't think they had insight enough to look at it and say 'you know, we're starting something that can turn into an entire network, and it can turn into something that our wildest imaginations never even thought about.' Well, they should have given it some consideration before it started, not wait until it was on, and then decide, okay, now we have it, what are we going to do with it? or how, who, will be paying for this?"

Ms. 'Red' Burns of the NYU Alternate Media Center agrees that the opening days of public access have been quieter than many, excluding herself, expected that they would be. She herself has taken the position all along that public access could and would not be an immediate success, no matter what kind of planning had gone into it prior to implementation. This is, she argues, because the only extant evaluational index by which public access could have been--or can at the moment be--assessed is that traditionally applied to broadcast TV. The reason for the inapplicability of this scale to public access television is because the dominant characteristic in its make-up is scarcity of time, a factor which severely limits access to broadcast TV. The scarcity factor is certainly not a feature of poly-channelled CATV, and so such time-honored devices as audience ratings are no longer applicable to the measure of success. Similarly such trappings as mass appeal and slick production work are no longer required. Yet such devices and expectations remain a part of the evaluational apparatus. Public access came into being on July 1 and everyone was expected immediately to avail himself of the opportunity either to watch or to go on public access television. "Well," remarks Ms. Burns, "this takes time, to begin to figure out the possibilities of its use, and it's really a kind of process operation as you begin to try various things that begin to engage people in one way or another .... it's just going to take time for people to begin to connect to what the options are .... you've got to start with a lot of conditioning, which is that people haven't had access to

media before, and what are the ways in which it can be useful and ... helpful."

Ms. Burn's colleague at the Alternate Media Center, Professor Stoney, points out yet another factor left out of all prior considerations of public access which might, if taken into account, have lowered the initial expectations of the experiment's architects. This was the number of potential users who might regard the concept of community or neighborhood in other than geographical terms (i.e., a church, club or special minority), but find themselves provided with a cable system "which has a much more arbitrary boundary" (i.e., a geographical area). "We know now," Professor Stoney concludes, "that we cannot use cable in the ways we dreamed you can, if you have these artificial geographical boundaries, or at least, you would have to modify your ideas because of it." In this way, through experimentation within a new framework, both Ms. Burns and Prof. Stoney agree the limitations and possibilities of public access will eventually be discovered.

Another of the important groups doing independent video work and maintaining an interest in the success of the free cable experiment is Global Village. Rudi Stern is plainly disillusioned with his initial production efforts for the access channels at Sterling-Manhattan. "We probably would get more feedback showing ... a half hour of work at the corner of Broome and Mercer Streets, than we have on the channel." Nor is he particularly sanguine about the future of the experiment. "If at the end of a given period of time it has been determined that a few people have seen

it,.or that very few people are aware of it; or that it hasn't reached the people it is going to reach, there is great danger of the whole thing going down the tube." One of the basic problems, says Stern, is the current lack of effort being expended in educating potential users and consumers of public access. Like Theodora Sklover of Open Channel, he recognizes the importance of promoting such efforts. This educational process is the joint responsibility, he thinks, of "the contributing video groups and the cable systems ... those poeple who are producing the material and those who are transmitting it."*

Stern's associate, John Reilly, is more optimistic. The initial lack of response "is understandable because, quite frankly, very few of the subscribers are aware ... many don't even have the capability of being able to dial it in." Considering the paucity

*While neither of the companies has spent much time outlining in more than general terms their responsibility for making public access work, a lot might be inferred from Morris Tarshis' opinion that such responsibility ended with provision of the channels and drafting of rules. Advertising availability or soliciting for programmers is not required of the companies, according to Tarshis, for two reasons. One, there is an increased cost to be met if such actions are undertaken, and the company can only meet these increases by either raising subscriber rates or by taking it out of company profits. The former method is unfair to the subscriber--he is asked to subsidize the presentation of opinions with which he might not agree--while the latter is unfair to the company, which has already been tied to a fixed rate of return on investment. Yet another factor weighing against it is the view that solicitation can be by inference censorious. Suppose, says the Franchise Director, the companies solicit some groups and individuals, while ignoring others--this on the basis of the commonality of belief between company and programmer. This then is a subtle form of censorship. The best policy, thus, is just to open the channels, announce that they are available to everyone, and then let the public come forward on its own to make use of them.

of information on public access, Reilly is impressed by the "increasing amount of programming going on" and, for the most part, regards the lack of feedback as not particularly significant. "On this basis alone," he insists, "there is a good case for saying that the experiment will continue until the audience is established." He agrees that public access must be publicized, but he also believes that the fact that funding agencies have shown an interest in groups like Global and Open Channel, which are involved in the promotion of and production for public access, will keep the channels operating until such time as it is established as a viable media outlet. "I think it is an enormously important experiment, and I think it will have to be encouraged by everybody, and I think my only regret is that I haven't had personally more time to devote to pushing it, to getting out there behind it--making it go."

Remarking upon the lack of response to the availability of the channels in late September, Henry Pearson, Director of Public Access for Teleprompter, felt it could be attributed to the novelty of the thing. "There are many organizations that probably, or you would have supposed, may have requested time by now, haven't done it. I think it only means that they want to see maybe the direction this thing is going to go. Hopefully many of these organizations will request time or we wiol hear from them within the next month or so." His opposite number at Sterling, John Sanfratello, remarks that even as of mid-December programming density in his company's public channels has not achieved the levels he had

predicted for the end of September. His explanation: "I think the reason for this is that most of the organized groups, like Global, or Raindance, Open Channel, the Alternate Media Center were expecting a considerable amount of money more than they actually did receive from grants, and this limited them to quite an extent." Franchise Bureau Director Tarshis adds his opinion that people were just being slow, as they always are, about taking advantage of any situation which they understand to be stable, and which will be there when they finally do get around to using it. He also suggests that everyone who requests time generally wants to go on prime time, from eight to eleven in the evening, and hence may be creating a self-limiting situation.

Still, with all this comment, and perhaps at times, even recrimination, about the failure of the people to use the channels as it had been anticipated they would, perhaps, as 'Red' Burns suggests, the wrong success/failure criteria are being used. She feels strongly that the issue is not "how many hours and what type" of programming is going out--"that's not the way it should be evaluated." The important thing for Ms. Burns, as for John Reilly of Global, is that, as the latter puts it, "it exists, it's out there, it's working." Who programs and who watches is at the moment immaterial, since, according to Reilly, the initial year at least, should be spent in gaining experience and in constructing Ms. Burns' new evaluational structure. Settling problems, learning to work with an train people, solving technical difficulties and

in general illuminating the outer limits of public access potential is a full enough agenda without adding a demand for instant success; at least not success in the usual sense of the word.

Appendix

The following are reported by Teleprompter Co. to have used its public access facilities to date.

Ethnic Organizations

Inwood Committee for Irish-American Action

Friends of Haiti

Mr. William Bunks, New Black Notes

Thomas Duffy, Irish Culture

Students Struggle for Soviet Jewry

Federation of Jewish Philanthropies

Community Service Organizations

Inwood (Civic) Council

Center for the Analysis of Public Issues (Programs for deaf audiences)

Metropolitan Almanac (Guide to week's free events in N.Y.C.)

Mrs. B. Lomax, Drug Abuse

Inwood Community Action (Reports on housing, local government)

Washington Heights Tenants Association

American Arbitration Association (Advertisement of free services)

Mr. Edward Smith, Drug Abuse

TV Production Organizations

Global Village

Rain-Dance

Open Channel

NYU Alternate Media Center

Space Videoarts

Appendix (cont.)

Educational-Cultural

Charles Levine, Filmmakers Coöp--discussions with avant-garde filmmakers

Philip H. Jordan, lecture on Shakespeare's life and work

Children's Workshop School

Mr. J. Siciliano--Dance, Ballet and Modern

Charles Huggins--Music program

The Negro Ensemble Theater Co.

Ballet 4 Dance Co.

Mr. Ken Marsh, People's Video Theater

Jordanaires of Long Island--Chorale

Daniel Swerdloff--Cultural Exchange

Millenium Film Workshop

Miscellaneous (List does not specify orientation of this user)

Harold & Jeffrey Steinberg--discussion of Generation Gap

Peter Abel ?

Martin Mosbacher ?

Duke Sparks ?

Mr. Kelly Monaghan ?

In addition, information on use of facilities has been requested by six ethnic, twenty community service, and sixteen educational organizations. Fifty other requests are not identified as having any particular orientation.

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