

Public Access began pretty much on faith, with little broadcast evidence that the new forum would either present opposing points of view or offer a "wide-open, robust" schedule of meaningful new programming. It may, however, prove to be the most revolutionary aspect of cable television. Its legal precedent may soon threaten the other electronic media as well.

New York City has the first working example of Public Access in the country as the result of a stipulation in the City franchise agreement requiring such provision since July 1, 1971. Recent Federal Communications Commission rules, effective March 31, 1972, require similar provisions nationally.<sup>1</sup>

There have been two previous periods in the broadcast history when active public participation in programming

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## Public Access in New York City: An Interview with Theadora Sklover

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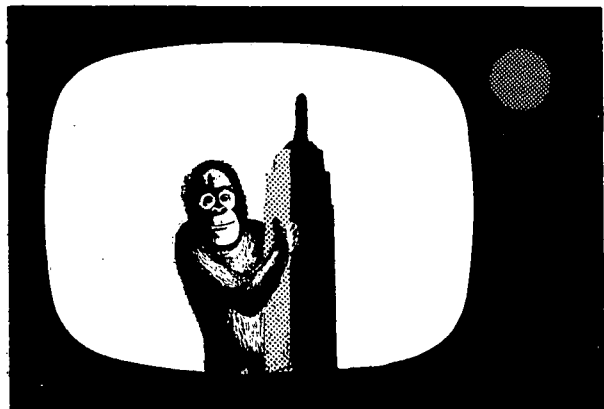
was considered seriously as a legislative-regulatory goal. These were during the beginnings of radio and later, during the beginnings of over-the-air television. Both were periods of commercial transition when substantial economic resources were being realized and when industry power was either weak or counterbalanced by other forces. Thus, both periods were convenient times for legislative intervention and regulation.

Many public interest advocates now argue that the development of cable television represents a third such transition period in broadcasting. And there is an

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eagerness to capitalize on the present uncertainty of the FCC regulatory position. There is also a simultaneous concern that the public access provisions will never be explicitly grounded on First Amendment freedoms, but rather that they will continue to be based upon the unpredictable convenience of the legislature and the industry.

Certainly there is ample precedent involving First Amendment protections of speech and press, for applying freedom of expression principals very broadly, irrespective of the specific distribution vehicle. In *U. S. v. Associated Press*, Judge Learned Hand noted,

"... right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is and always will be folly; but we have staked upon it our all."<sup>2</sup>

The later *Red Lion* decision relies upon these broad definitions to focus on a much narrower point. But instead of returning to the press, it presents a new application, broadcast television.

"It is the purpose of the first amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or by private licensee."<sup>3</sup>

Similarly, application can be made to cable television. The opportunities are, first, for the permanent dedication of channel space for commercial lease, and second, perhaps even for a "public access" channel with artificial support or subsidy.

Presently, public access does not have formal common carrier status, yet the regulations are curiously familiar:

"... one dedicated, noncommercial public access channel available without charge at all times on a first-come, first-served non-discriminatory basis...."

Additionally,

"The cable operator... must not censor or exercise program content control of any kind over the material presented on the leased access channels."<sup>4</sup>

The New York City experiment with public access cable television is an important one, if only because it is the first. It makes clear the distinction between a vague policy which glibly promises local public participation—as in the early radio period—and an enforceable franchise stipulation which guarantees such access. The New York City ordinance is already being taken as a practical model for implementation by other cities.

The interim rules for day to day regulation of the public access channels in New York City were drawn up in the city's Bureau of Franchises office after suggestions had been solicited from several public interest groups. These rules advance a temporary solution to the franchise requirements:

Time shall be leased on a first-come, first-served basis,...

... except that the Company shall endeavor to lease such channel time to as many different persons as is practical...

... such programming shall be free from any control by the Company as to program content,...

... except as is required to protect the company from liability under applicable law.

The interim rules permit the companies to preview materials before telecasting, but the "applicable laws" under which liability might be established are never defined. Presumably the most common dangers would be obscenity, defamation, invasion of privacy, fraud, copyright infringement, and perhaps incitement to riot. The FCC position, however, is that neither criminal nor civil suits against the operator will have much likelihood of success because of the no-censorship provisions.

We recognize that open access carries with it certain risks. But some amount of risk is inherent in a democracy committed to fostering "uninhibited, robust, and wide-open" debate on public issues (*New York Times Co. v. Sullivan*, 376 U.S. 254, 270, 1964). In any event, further regulation in this sensitive area should await experience.<sup>5</sup>

Nevertheless, the threat of nuisance suits makes the operators nervous about unpopular materials and makes the promoters fretful about the potential for overzealous censorship.

In another area, the New York franchise agreement provides:

The Board [of Estimate] may at any time increase or decrease any rate... [that] has the effect of unreasonably restricting use of the Public Channels.

One company offers free studio facilities to public access users one day each week. The second company charges about \$100 per hour for the same services. Not unexpectedly, the first company serves a significantly larger number of public access users—nearly twice as many during one month last fall.

Promotion of the public access channels among groups traditionally excluded from broadcast television has been difficult. A survey of seventy-five potential public access users in New York City by staff at the Sloan Commission during the Summer of 1971 showed that

very few groups were even aware of cable television and that only one (the United Church of Christ) was aware of public access. Without proven economic incentive and with minimal public relations benefit, the cable operators have seen little reason to actively promote public access. As a result, the tasks of promotion and of actual production training have been left to others.

Several organizations in New York City, virtually all of them supported financially by private foundations, have been involved in these efforts. The most visible is Open Channel, directed by Ms. Theadora Sklover. Backed up by a supply of inexpensive, portable video tape equipment, the organization includes an administrative staff for general promotion and a volunteer talent pool of experienced television and film professionals for production and training. Ms. Sklover considers the New York City public access channels as a partially realized demonstration of larger, still theoretical, models for "community self-realization."

The Alternate Media Center at New York University has a similar "community" focus and uses portable equipment with consistently fresh, innovative approaches. The director, Mr. George Stoney, draws on considerable experience as a film and videotape instructor and as director of Challenge for Change, a community-based film project supported by the National Film Board of Canada.

A third group, a small project staff from the Center for Analysis of Public Issues directed by Mr. Charles Morris, studied and promoted the public access channels during the first several months of operation. Supported by a grant from the Fund for the City of New York, its activities included the publication of a newsletter promoting public access, the sponsorship of programming and the monitoring of city cable television regulation.

Many other groups, especially those dedicated to using inexpensive portable equipment on the growing alternate-television movement have been valuable as instructors in production skills.

The limited experience from the first several months indicates that a "narrowcasting" approach—programming for small, self-selected groups—may become the most common of the telecasting patterns. It would be unreasonable to expect that these two channels, carrying programming unsupported by any traditional commercial market mechanisms, could function as a vigorous, counterprogramming force against the information and advertising presented on the other fifteen channels. But even this limited form of public access is a significant first step. Already, there is a surprising variety of programming and planning.

If public access is to develop and prosper, it must be carefully nourished during these early stages when few people know of its availability. Free air time alone may not be enough to encourage the rich variety of programming and expression that public access was designed to foster because program costs often remain prohibitive to all but those groups with foundation support. Promotion of the concept and training in the actual production skills are crucial—and are now being supplied by groups like Open Channel.

## What is Open Channel trying to do?

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### Thea Sklover:

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We have been trained all our lives to be spectators, whether in classrooms or in stadium seats, reacting exclusively through vicarious experience. Our only formal tools for expression are words and writing—which are of minimal help behind a camera. But since public access television asks us to actively shape our lives in terms of visual images, we must learn this unfamiliar video language quickly. We at Open Channel help to speed this learning process so that groups can effectively present messages of their own, about their own realities.

As McLuhan says, television has compartmentalized us all, destroying natural communications between people. At Open Channel we optimistically believe that the use of simple video equipment coupled with the proper development of public access television can break down these artificial barriers and can stimulate regular dialogue. Ironically, we plan to use a new kind of television to fight Television.

That television has made us a national village is a nice, tidy concept. It is true that people can cite surveys showing nearly 90 million Americans united in the common ritual of television watching on any given cold winter night. But the village concept is perhaps too neat. More important than these statistics is the fact that only three or four sources determine such an incredible proportion of our personally and nationally perceived reality. This collective viewing doesn't necessarily make us a village. In fact, it may be destroying basic features of our neighborhood villages. We don't even speak to each other. We simply receive, one-way, a common product from a common source.

The real change must occur at the programming end, with public access, where anyone will have the chance to present his own message over television. If we are successful and can convince people that these few programming sources should be augmented, we've come very far. If we can further convince them that they must try to and can produce additional information for themselves and for others, then we will have succeeded in promoting a revolutionary change in people's conception of the media and ultimately, a change in people themselves.

One of Open Channel's most urgent responsibilities is to facilitate this new communication—by helping to develop and extend the use of public access, by informing the public of its availability, by actually helping to produce programs for some groups, and, better, by training others to create messages on their own.

## What is public access television?

Public access, has a close analogy with the telephone. When you pick up the telephone and speak to a person at the other end, the telephone company is not responsible for your statement and does not control or influence it—but simply carries your message. This is also the basic idea behind public access and something we're moving toward—a neutral cable roadway with the public creating its own messages and sending them down the path. The concept is formally defined as “common carrier” and is the present status of the telephone company. The carrier must provide service on a nondiscriminatory basis and without regard to content. In return, the carrier is freed from the legal liability of its users. Right now, public access is still a mixed situation. Users have nondiscriminatory access and freedom from control over content, but the cable operator is not yet freed from legal liability. We strongly believe that the operator must be released from this awkward responsibility.

This is as opposed to the broadcaster, who, because he controls the content of the programs he sends out, is legally liable for that content. The FCC had hoped that requiring “local origination” would foster much of the same community dialogue that public access now facilitates.

### Perhaps you should briefly discuss local origination as it relates to public access.

First of all, we have to understand that a cable system, is basically, just a very large antenna on a tall tower with wires strung directly out to the subscriber homes—the neutral “roadway” for signals, if you will.

In January, 1971, the FCC began to require cable operators which had a minimum of 3,500 subscribers to originate their own programming—as well as carrying the standard over-the-air signals. This forced the operator into a whole new business. Before, he was an antenna, a roadway; suddenly, he was forced to become a producer.

“Local origination,” then, is any local production by the cable operator himself. The FCC had hoped that these programs would have a specifically local character, perhaps such as meetings of the school board and the city council. And some cable operators have tried very hard to provide this local public service. But in fact, the most common choice for “local” origination is rented old movies, and materials such as fifth year “I Love Lucy” reruns, because they are cheap and because they involve few production difficulties. Such programming is of course far from the FCC's intent, but it is still within the definition of being “locally” produced.

If the criterion for programming choices remains the maximization of audience—both the immediate one and the potential one of new subscribers that can be lured—then we have reverted to the deplorable situation of the networks, and this promise for “localism” on cable will be as hollow as the promise twenty years ago for “localism” on broadcast television. Public access, however, does not rely on total numbers of audience. Instead, it permits the community to program for itself, therefore insuring that the goal of localism will be reached.

### What is the experience of public access in New York City?

The New York City cable franchise is the first to include a strict public access provision—after twenty years of cable television nationally. When competitive business forces alone determine the structure of the cable industry, public access is not possible. First, there is still no proof that public access makes any money for the operator and second, without specific legal protections, the operator is liable for any materials that are presented. Therefore, he has no incentive to set up public access himself. Without alternative legislative guidelines, control of program content is left up to the operator. New York City, with its formal public access stipulation, has been the only chance to try a different arrangement—genuine public access.

The New York City franchise, which now covers the two cable companies operating in Manhattan and which includes 90,000 subscribers, is in many ways a model ordinance. It is based largely on the report issued by the Mayor's Task Force on Telecommunications Policy headed by Mr. Fred Friendly.

The franchise provides for 17 channels, two of them public access; by August, 1973, 24 channels will be required, including four public access, three governmental, two company, and four channels for “additional uses,” probably for commercial services.

Recently announced FCC regulations offer similar national guidelines for mandating channel usage. They require that for each channel devoted to carrying an over-the-air broadcast signal, another channel must be reserved for “non-broadcast” signal use. In the FCC rules, these “non-broadcast” uses must include a public access, an educational, and a governmental dedicated channel.

Another provision in these FCC guidelines applies directly to the public access channel. It is the “N+1” rule which requires that an extra channel be activated whenever the demand arises (tentatively defined as about 85% usage of the existing system's time allotments). This provision safeguards the true intent of public access—that an arbitrary limitation of channel space can never be used as a justification for disqualifying potential users, and more important, that such a limitation can never be used as an excuse to reinstitute some mechanism for choosing between groups on the basis of content.

**If you see common carrier status of public access as a goal, how do you regulate channels to encourage maximum flexibility and usage?**

Interim rules governing daily use of the public access channels were written to cover an experimental six month period ending December, 1971, but have been extended to provide more experience before revision and final implementation. Mr. Morris Tarshis, Director of the Bureau of Franchises, has worked hard to frame these guidelines to ensure the greatest flexibility in realizing the basic franchise goals of public access.

As stated in the franchise:

... the company shall endeavor to lease ... channel time to as many different users as is practical, it being the intent of the parties that such Public Channels serve as a significant source of diversified expression.

To encourage several types of usage, the two public channels are treated differently. The first channel cannot be reserved far in advance and is for one-time events, such as school board meetings, and for last-minute requests. It therefore provides for use in the classic "soapbox" sense—but it is not correct when people use "soapbox" to describe the entire channel, because the word doesn't begin to include the full range of other, really valuable uses. For example, some programs will be "real-time" events, such as hearings on rent control or welfare benefits, which obviously are longer than standard half-hour or hour length time slots and couldn't normally be accommodated. During emergency situations, such as during a riot or a weather disaster, it can provide coverage and dialogue to get information out fast to ease tensions.

The second channel provides for regular, scheduled programming closer to the mode of over-the-air television. This is done on a formal basis—daily or weekly—and allows for the establishment of a regular audience. And since one of the real benefits of public access can be to facilitate an increased communication within loosely constituted groups, such as neighborhoods, it is very important that a regular, convenient time for meetings be established, not unlike a meeting at the local community center. Without regularity, a pattern of loyal viewing (attending) cannot easily be established. Additionally, this regularity avoids the often prohibitive advertising costs for announcing non-scheduled events.

**Has the experiment been a success?**

It would be unfair to judge so soon. This is still a time for experimentation, not conclusions. Public access requires a long education process—both about the general concept and about how to use the new video equipment effectively.<sup>6</sup>

**How does Open Channel fit into the New York City experiment?**

Open Channel was created to further the concept of public access on every level. In the local community, we implement these goals by supplying people with all the necessary information, expertise and general assistance required to use public access. We inform people. Most people are still unaware of public access. We use full-scale advertising, hand-outs on street corners, articles in newspapers, appearances on radio and television, talk shows, anything that will get the message out. We demonstrate the entire production process to people to help them experience the personal meaning public access can have for them. Then we assist them in creating their own programs supplying equipment and professional talent. We assist them in publicizing their programs so that there will be someone listening to their message at the other end—in effect, we help on their audience development. We encourage the creation of community production facilities accessible to groups within their own neighborhoods. We assist the larger community to establish a "Public Access Fund" to provide ongoing funds for production, promotion, training and equipment. We continue to develop production techniques suited particularly to the simpler half-inch video equipment and to community needs. We develop training programs in production techniques—for students, teachers and members of the public.

**How did you get involved with public access to television?**

I still think of myself primarily as an educator, not in the traditional sense of a teacher who emphasizes a predetermined final product, but more as someone who encourages active, individual learning processes. This was the basic philosophy at Bennington College and the Bank Street College of Education and the Center for Communications at Fordham, where I have both worked and studied. My participation in the "open classroom" approach to learning as student, as teacher, and as trainer of teachers naturally influenced my work in television. The founding of Open Channel, in retrospect, still seems quite logical and appropriate. Through videotape, Open Channel draws on my two main interests, education and community development.

My earliest experiences with television included production of shows for two local stations, WNBC and WNYC. I also did some experimental work with young people and with communities, exploring the uses of the simpler, half-inch video equipment. The half-inch

equipment is little more difficult to operate than pointing and shooting, but learning the basics of video language—of camera angle, good lighting, panning and editing—is a longer process, though still not that difficult once the technology has been simplified. I realized then, that the wide use of inexpensive, portable video equipment offered the possibility of opening up the medium and making it accessible to everyone. If every person wanting to create video information had to purchase or rent our present broadcast TV studios with their cumbersome and expensive equipment then the public access concept would have little hope of development.

Next, was my work in developing a model for community control and use of a local cable channel in the Two Bridges area. It was followed by the job of developing a similar model for ascertaining local needs and interests—for all of New York City—for Forum Communication, a group which was challenging the license renewal of broadcast station WPIX. This further strengthened my belief that television could and should be a natural part of the fabric of the community. This was somewhat of a sidestep from cable, but not from my goal of creating a more responsive and interactive television structure. It helped me to realize that broadcast television could never accomplish the type of openness I was proposing. It could never function as a true expression of the people. There are just too many people and not enough channels or time.

Subsequent activities, including consultancies to the New York State Council on the Arts, the Sloan Commission, and the Center for Policy Research, all strengthened my determination and belief that cable and public access could indeed be the vehicle for this new use of television.

### **How do you encourage people to take advantage of the public access channels?**

It is very difficult for people to conceive of themselves as television producers—primarily because their television expectations have been predetermined by twenty-five years of one-way, “presentational”, commercial broadcasting.

But the concept of public access must have an extended field trial, and we must help to create environments where large portions of the population are aware of its potentials and are able to participate in its growth. We need a concerted, effective promotional effort to tell people about the channels and a parallel effort to train people in the actual use of the equipment as a crucial part of the overall learning process. The tool of television production must be as available as the tools of pen and paper—we must help young people to feel at ease with video and to turn to it as a natural extension of themselves—much as they can to the typewriter. Open Channel, in addition to working with video programs in high schools, also has plans for extensive teacher training courses in video use.

If nothing else, we shall produce an increasingly critical audience for the daily TV fare, even if my plans for the future of public access television never become totally realized.

### **What criteria have you established for selecting people with whom to work?**

So far we've been responding to outside requests for help, trying to get a sense of how aware people are about the channels. Presently over 200 requests are awaiting our reply for assistance. However, some of the more ambitious projects have been initiated by us. We have tried to identify those groups who would have the most impact, or spill over within the community so that our efforts would have a rippling effect.

There is no single, easy way to identify community leaders, active groups, or facilities and then to build these contacts into regular programming centers. Each community is very different. In one it might be the Director of the Community Development Corporation; in another, the neighborhood newspaper or the community center.

We are now looking toward setting up neighborhood production centers throughout the two franchise districts to encourage vigorous community programming. Similarly the New York City franchise stipulates that by the summer of 1974 each cable company must divide its district into ten subdistricts in order to be capable of providing discrete signals to individual neighborhoods. Much of our effort is thus directed toward ensuring that these divisions be organically developed from within the communities rather than being rudely imposed from the outside. If the cable operators or any other organization, such as our own, is to move into a neighborhood and set up a studio facility, its impact in that community will be far less valid and quite different than if the leadership of that same

community, in cooperation with its constituency, decides that public access is a viable and important means of communication. It is they who should decide that they want such production facilities within their community structure and they who should decide where it should be. We want to assist, not to impose; to make an experience available, not just to jam it down their throats. For only when it is important to the community itself, will the true intent be fully realized.

Again, we have many different ways of working with people. Production isn't our only function. We are also trying to set up local viewing centers for those people who don't yet have cable in their homes. Churches and schools have been especially cooperative, and hospitals, museums and libraries seem promising. We're now prepared to investigate more unusual, perhaps more exciting gathering spots, such as bars, laundromats, police stations and fire houses—anywhere in the community where people normally congregate and which would be good spots for a viewing center.

### **How do people react to the idea of producing TV programs?**

Often, we must break down the ponderous, sometimes frightening, connotations of being "on television"—to the point of considering it little more than being on a Picturephone with someone else. We want real dialogue, between people and between small groups.

First though, we use the lure of being on television as a hook to interest people—and we give them professional-quality shows. Then, through a period of acquainting people with the equipment, we experiment with the tapes—replaying the tapes immediately for the participants and then arranging for additional showings for friends and neighbors in community viewing centers—to create still another cycle and style of interaction.

We demonstrate the many acceptable levels of "slickness" and how an effort to produce slick material too often ruins spontaneity—and sometimes costs too much anyway. Modest productions are quite all right, and some of them in fact are quite remarkable.

Several of our tapes will be sent to other communities as models of what can be presented over public access. Ultimately, any type of regular syndication is contrary to our desire for self-initiated, two-way communication, but in the developmental stages it can be a valuable tool for energizing other communities.

### **What types of audiences are served by the programming you help to produce?**

The networks contend that the majority of viewers get exactly what they want, and point to the Nielson ratings as evidence. But in fact, the majority gets to choose from only a tiny selection of programs which may never truly reflect a person's real tastes. People watch television based on what ratings expert Paul Klein calls the "L. O. P." formula. They keep turning the dial until they stop at what they decide is the "Least Objectionable Program."

We're trying to meet a more genuine "first-choice" need—which might include anything from a daily job listing service for people out of work to a morning weather forecast in sign language for deaf people. To do this we must open up both ends of the broadcast path, both for audiences and for programmers.

Assuming that we are meeting real needs, "first-choice" selections rather than just prepackaged crap for the masses, there are three basic ways to define our audiences. First, we can define audience in terms of content preferences—either entertainment or non-entertainment. For instance, under "minority entertainment" we might include, among others, foreign language groups, Blacks, children, and the elderly—most of whom are without significant, quality programming on the networks or local stations, but who nevertheless have specific entertainment preferences. For non-entertainment uses—call them "social-service distribution" uses—there would be, among others, job listings, language instruction, and all sorts of skills training programs.

A second way to define audience is by geographical community. A geographic categorization consists of neighborhoods, and might include programs by the local weekly newspaper, or a theater group, the PTA, or a women's club,—the type of really local fare that broadcast television has never been able to offer, but which cable can offer. Cable has the unique potential to speak to very small local needs. For these needs we have been developing everything from a small performance in a private school, to a large church service, to a local dance group. A local union chapter and a neighborhood action committee have been receiving our production assistance.

A third definition, the "community of interest," might include the Boy Scouts, the old folks, the Rotary, a medical association or the deaf—any groups with a common interest, but scattered around the city.

### **Could you describe the process you go through with a group when you introduce it to public access?**

Our continuing association with the *Inwood Advocate*, a volunteer community newspaper in a heavily cabled section of upper Manhattan, has been

quite successful—resulting in a monthly video news show produced and directed by the newspaper staffers themselves. In addition, the exercise has indirectly educated several other groups in that neighborhood about video and public access.

The *Advocate* staff first approached Open Channel at a viewing center set up by Open Channel at a neighborhood festival held at the Cloisters. They wanted to use television to describe the process of producing a newspaper in hopes of encouraging volunteers to join their effort. In the following eight-week period, a series of five half-hour programs were produced which documented each step in the production cycle of the November issue: the planning, editorial and paste-up meetings, a reporter on the beat, and a news show.

The simplest production techniques were used. Meetings in the neighborhood were taped with two cameras, unedited, and location pieces were shot on a portable camera and edited in the camera.

The *Advocate* published the program's cablecast schedule and arranged an additional viewing at an Inwood Community Action meeting. As a result of these efforts two *Advocate* staffers, experienced in still photography, will serve as video cameramen on future *Advocate* productions. The next logical step is for this group to begin unassisted production. Financial assistance for the purchase of tape and permanent equipment is now being sought.

Here are excerpts from a letter we received from one of the *Advocate* editors:

Neighborhood television, like the specialized magazine, seems to be the wave of the future and now I see why. Videotape is so much easier to work with than typesetting that we have seriously considered dropping the paper and doing just an open access news show. Video seems especially well suited to transitory and evolving events, where it is unimportant that a permanent record be made.

Neighborhood response was good. We haven't heard from our enemies yet, but people who like us were very excited about seeing the shows. I am sure that as the Channel C audience grows, we will be able to exercise a rather strong influence on public concern over issues and also scare our lazier politicians into some much-needed action.

We also encourage the recording of important events which deal with general issues affecting the public, but which may not be "hard" news and therefore are inadequately reported by the media.

An ironic example of this lack of coverage was the "Forum on Censorship" conducted by the New York Chapter of the National Academy of Television Arts and Sciences last November. It was a timely, very important topic which affects everyone, but a topic which would have required more than the one or two minutes available on a six-o'clock news show. So we taped the entire 2½ hour session. As it turned out, we subsequently loaned the tape to WNYC (Channel 31, the city-owned station) for broadcast over its channel.

A third approach involved a Puerto Rican Pentacostal church which we contacted in order to inform them and members of their congregation of the availability of public access. In addition to encouraging other groups in the Spanish Community of East Harlem to participate in

videotape projects for public access, it seemed that the church would be a logical neighborhood viewing center for those who do not have their own cable TV. We met a very sophisticated understanding of media control, especially of the power to distort ideas through editing, an understanding which is particularly common in many Black and Puerto Rican communities. Minority communities are often much more sensitive to this issue, having experienced many instances of such distortions. As is our custom, we responded to their request that we show only the full, unedited version of the church services and that the final review before telecast was retained by the church. This right of final edit is guaranteed to every group that we assist. It is a very important aspect of our project. If we are to act as the video tools on behalf of groups until they have developed their own media sophistication, we must be sure that during this interim period, editorial control is in their hands. If not, then the information is ours, not theirs.

After the telecast we returned to show the tapes at the church for those who didn't have cable in their homes. The ensuing discussion was very well-attended, animated, and drew an appreciative response. Other groups, including the nearby community cultural center, will soon begin projects of their own.

The New York City cable franchise lists several institutions—including prisons, police and fire stations, hospitals, public schools, and day care centers—which must be provided free hook-ups by the cable operator, presumably because they are public facilities. Perhaps this church should also be given a free hook-up. We hope to develop such public institutions as this for viewing centers as well as production centers within the community. If public access is to proliferate there must be myriad organizational and viewing points scattered throughout the city accessible to people within their own neighborhoods.

#### **What program formats have you been able to develop as alternatives to the slickness of network productions?**

First, we encourage people to break from the artificial constraints of the studio. To get local coverage and new information you must be out in the neighborhoods.

Second, we encourage people to try "real-time" programming, that is, programming without any editing. Our intent is that neither shaky, amateurish camera work or slick, professional editing should intrude on the content. One of the best examples of real-time programming was the telecast by the Alternate Media Center at New York University of a 33 hour marathon community school planning weekend in Greenwich

Village when teachers, parents, architects, and social scientists worked for three days and nights to develop plans for an experimental school. Television monitors showing the activities were set up outside the building to draw people in. But if one couldn't actually participate in all the sessions, one could watch from his home because the meetings were also carried on the cable. This extended the process far beyond the confines of a single building and into the real fabric of the community. The central interest of the whole neighborhood became the school planning meetings and therefore focused the considerable energies and talents of the community toward this one common problem which needed solution.

**How does this "real-time" concept of non-editing apply to your other broadcasts? What about news coverage?**

The format of broadcast television news—abrupt one or two-minute film clips and a newscaster reading a script—removes us considerably from the essence and purpose of the subject matter. The world is much more than just this heavily edited, "hard" news parade. We tend to forget the personal importance and impact of everyday, commonplace events. Television breaks down our actual world in two ways. It supplants our real universe with an artificially contrived one—represented in situation comedies and extravaganzas. And through advertising propaganda, television imbues us with a commercially determined, materialistic consumer morality. For the least privileged, the results may be extreme. As the Ball and Baker staff report to the Kerner Commission says, "For most persons, but particularly for the poor in American society, television is perceived as the most credible and believable source of information on the reality of the world."

We are trying to encourage people to pay attention to actual experience as well as diversity of experience so they will be able to deal with their life situations more effectively.

**You mentioned earlier the rationale behind the two procedures for reserving time on the channels. In practical terms, what problems are presented by this reservation process?**

Initially, the procedure was needlessly involved. The user was required to supply releases for all music and other copyrighted material and to assume all legal responsibility for minors under 18 years of age appearing on the program. A list of all other individuals appearing on the program, a general indication of its purpose, and whether any commercial material was included were also required. Both companies pre-screened the programs for libelous sections, thereby necessitating an early delivery of the materials.

These formalities are no longer taken so seriously. Regular users, especially, are trusted if they state that materials threaten no legal harm. Pre-screening can be a colossal waste of time.

The example of the "Catch 44" program produced by station WGBH, Boston, is instructive. It is, by the way, the only open access program we know of in broadcast television. After promising to follow four basic rules, a group can present virtually anything it wishes.

1. Don't attack identified private persons, unless they have become publicly associated with the issues being discussed.
2. Don't use the air time to incite violence.
3. Don't use language or gestures that people would consider indecent or profane.
4. Don't use the air time to appeal for money or promote commercial ventures.

The station works on the assumption that if people are allowed to participate and are given some responsibility, they won't abuse the privilege. We have encouraged similar operations for public access and have never been disappointed.

Thankfully, the new FCC rules require only the name and address of the user.

**The New York City franchise requires that the two companies provide "adequate" studio facilities and technical help for lease to the public. Are there comparative differences between the services of the companies?**

Both companies have been very cooperative on a day-to-day basis. Both offer free air time and one, TelePrompTer, also provides a studio for free, one day a week, which includes a simple set-up with camera and recorder, complete with technician. The other company, Sterling Manhattan, charges about \$100/hour for this same set-up, though simple air-time use of a half-inch playback recorder is free. These services go somewhat beyond the specific minimum requirements of the franchise, though not beyond the new FCC requirements for a free five minutes, including studio, for anyone.

Seventy-five individuals and organizations created public access programs during the first four months. By

the end of the period, an average of twenty to thirty hours of public programming were produced per week. Yet the ratio of inquiries received by the cable operators to the number of actual shows produced is five to one. Virtually all of the groups presently using the public access channels have support from outside foundations except those groups who have taken advantage of TelePrompTer's free service or Open Channel's free service. My point simply is that to permit easy, unhindered use of the channels, public access must be available on a free basis—both for air time and for production. Otherwise, the groups we are hoping to encourage just can't afford to go on. And, it's the old story of over-the-air broadcasting all over again.

Without an identifiable economic benefit, the companies have no motivation to actively promote these channels by educating a wider public or by offering additional services. This is why we feel it is so important to have an independent no-profit structure which has as its only goal the support of public access programming. In addition, we encourage the establishment of independent production facilities reserved specifically for public access use—so as not to compete with the cable operator's time claims on his own studio facilities.

**What are the major problems any city will face when it tries to implement an effective public access channel?**

Money is easily the biggest problem. Without adequate provision in the franchise for continuing support, public access may be needlessly stunted, if not halted. One of the best suggestions I can give is to begin your efforts before the franchise is granted. Demand that one or two or three per cent of the cable operator's gross receipts be donated to a special trust fund for encouraging and supporting the use of the public access channel(s). Your city will set the precedent for such a request by demanding four or five per cent for itself, probably far more than is needed for the routine cable regulating task it will assume. Since the recent FCC ruling stipulates that cities can now charge a 5% franchise fee only if it can show just cause—help your city to show such just cause by offering strong reasons and support for your own 2 or 3 per cent that should be reserved for a public access fund for promotion, equipment, production assistance and training.

In the short run, foundation and volunteer help may be absolutely crucial for start-up. Open Channel couldn't have survived without it. Support is needed for the community access committee, for the supplies and equipment of the individual users, for production expertise, and for technical facilities either in the community or at a centralized studio.

We learned quickly to remain flexible. No two potential user groups are alike—and for that matter,

probably no two community access committees should be alike either.

We anticipate innovative programming on the government, education, and company channels as well—though much of it must be spurred by creative examples on public access.

Obviously there are several support structures required for the ongoing development of public access. We suggest that these several support functions be kept separate if possible; they include the franchising authority, the cable operator, the potential community user groups, the community access committee to promote the channels, the disbursers of financial assistance from the "per cent of gross revenues fund", and the scheduler of time allotments—akin to the Public Broadcasting Service but on a local basis.

The community access committee will have the responsibility for supplying three primary needs—information, equipment and production talent (possibly volunteer with a minimum paid staff). Some groups will permit the committee to administer all production, others will demand to do it themselves and will need additional training.

**As a means of further defining Open Channel, could you tell me what it is not—and perhaps which groups are attempting projects which complement your own?**

Well, first, we're not a bunch of media freaks or frustrated television producers. We don't believe that half-inch video portapacks in themselves will be the sole agents for change—or necessarily even the most effective agents of change—in our society. Technology is inanimate. It cannot, alone, achieve the type of change we seek. It is man's use of this technology that we are trying to affect. And our goal is to foster uses of technology that will encourage deeper social understanding. We see this understanding growing out of an unhindered dialogue between people.

Second, we're not the controllers of public access in New York City as some people believe. People just can't accept the fact yet that there is no controller of public access. In scurrying around to find an authority figure, since they are "programmed" to believe that there must be a "programmer," some people too easily assume that "Open Channel" means "public access," just because of a similar name. In fact, our goal is to have myriad programmers. Obviously we do not see our main task as programming. Quite the contrary, production assistance is only one aspect of our entire project.

We have a very large task, so large in fact, that we can't manage to accomplish it alone. There are other groups who are more specifically involved with "Guerrilla TV." Raindance is one of the oldest and best known video groups working in the country. Their philosophy, articulated in their excellent publication "Radical Software," is best explained in their own words:

Power is no longer measured in land, labor, or capital, but by access to information and the means to disseminate it. As long as the most powerful tools (not weapons) are in the hands of those who would hoard them, no alternative cultural vision can succeed. Unless we design and implement alternate information structures which transcend and reconfigure the existing ones, other alternate systems and life styles will be no more than products of the existing process.

Television is not merely a better way to transmit the old culture, but an element in the foundation of a new one.

Our species will survive neither by totally rejecting nor unconditionally embracing technology—but by humanizing it; by allowing people access to the informational tools they need to shape and reassert control over their lives.<sup>7</sup>

Several other groups are actively engaged in the use and development of half-inch video equipment in New York City and increasingly all over the country. Activities range from a concentration on hard technology to some really esoteric, artistic productions. Some, such as the Videofreaks, Global Village, and the Vasulkas have theatre facilities of their own for showing tapes produced by the growing national network of alternative-television makers. These New York City groups and others, such as People's Video Theatre, have at one time all been supported by the New York State Council on the Arts.

The ultimate opportunity promised by cable technology lies in its ability to facilitate real human communication over public access television. Open Channel was created to prove that public access television can work. Traditionally and increasingly television has been shaped by monetary considerations—stockholders who must be guaranteed escalating dividends and advertisers demanding a mass audience and high Nielsen ratings. This pressure dictates the safe road, the tried and the true—not necessarily actual re-runs of course, but cautious updates of old formats such as black faces on white characters and Archie Bunker in place of Lucy.

Now that we have the opportunity to fashion a new communications industry through cable television, we must not lose the chance. We must not allow these same market considerations to guide the growth of cable or we shall end up in the same sorry state. Instead of five or seven channels of similar commercial fare we shall be bombarded with twenty or forty channels of it. And once again the consumer shall be the loser.

Public access can be the difference that makes the difference if we help to create a system and a support structure to encourage a variety of alternate and personal television programming. It should not be influenced by the dollar sign, nor by the Congress, but should be expressive of the diversity and texture of our society to which we will have finally opened the door. If so, then we shall have finally created a communications system in this country which fosters real dialogue instead of simply offering one-way presentations.

1. Cable Television Service, 37 F.R. 3252 (1972), 47 C.F.R. § 76.
2. *U. S. v. Assoc. Press*, 52 F. Supp. 362 (S.D.N.Y. 1943).
3. *Red Lion Broadcasting Co. v. FCC*, 395 U. S. 367 (1969).
4. 47 C.F.R. § 76 et seq. Also see L. Kestenbaum, *Common Carrier Access to Cable Communications: Regulatory and Economic Issues* (Report to the Sloan Commission, 1971).
5. 47 C.F.R. § 76.136.
6. Compare the FCC appraisal:  
Effective operational procedures can evolve only from trial and error, and it is probable that systems will have different problems that do not now lend themselves to uniform regulation. We note, for example, the need to decide how applications for access time are to be made, what overall time limitations might be desirable, how copyrighted material will be protected, how production facilities will be provided, how the public can obtain advance notice of presentations, and so on. All these questions will probably be answered in a number of different ways. *Id.*, at § 137.
7. *Radical Software*, Nov. 1, 1970.