

Beyond the Notebook

Access Community Faces Tough Times

By Larry Jaffee

"The committee believes that it is integral to the concept of the use of the PEG (public, educational, governmental) channels that such use be free from any editorial control or supervision by the cable operator."

— House committee report on subsection 611 of the Cable Act

WASHINGTON — These are hard times for the public-access community. Despite explicit congressional approval during the framing of the Cable Act, access continues to be threatened by First Amendment challenges — whether over the content of the channel (as in the recent controversy in Kansas City over the Ku Klux Klan) or about whether access channels should even exist (as in pending federal court challenges by cable companies in California and Erie, PA).

With regard to PEG channels, the Cable Act stipulates only that the local franchising authorities may require of their cable companies a specific number of channels, facilities and funding. Unfortunately, however, only a fraction of franchising authorities include such requirements in their local agreements.

According to the 1988 *Television & Cable Factbook*, only 1,420 cable systems in the U.S. have public-access channels, while only 1,107 have educational channels and 886 have governmental. There is little doubt that Congress would be disappointed by those figures, considering that there are some 8,000 cable systems in the country.

At the recent annual conference of the National Federation of Local Cable Programmers in Tampa, FL, access advocates dwelled on how they must continuously overcome adverse conditions, just because they want to contribute alternative programming in the public interest to the community.

Ten of 20 people attending an opening session for access corporation board members said they experienced compliance problems trying to enforce access provisions in their contracts. They said their access centers constantly fend off threats of their not-thrilled-about-it cable company benefactors to withhold or cut back funding and facilities.

Several conference speakers maintained that what happened in Kansas City — the City Council voted to turn the public-access channel into a local-origination channel under the cable company's

control, in an effort to keep out the KKK — was an aberration. Such a scenario was unlikely to happen in communities that have strong non-profit access corporations, they maintained.

Many of the attendees said they strongly believed that it was no accident that the channel was turned over to the cable company; the action was part of a longstanding industry attack on access.

Robert Niles, president of American Cablevision, the Kansas City system that is owned by American Television & Communications Corp. and Tele-Communications Inc., told *Multichannel News* last week that the cable company had "little influence" over the City Council's decision and was "frankly surprised" by the final action. "But we made no secret we thought the change was a good idea from the perspective of our business to give us greater control," he added.

In a few short weeks, the access advocates' greatest fears have already surfaced. A local producer named Laura Smith, who had contributed programs to the old public-access channel, a few weeks ago was told by the cable system that her script for a documentary on an Indian rights activist needed more "balance."

"It's in our best interest that views are balanced, fair and objective. Now that it's our channel, we are responsible for programming content," Mr. Niles said, unapologetically. That does not mean there is no room for non-mainstream views, he said, but added that those views should be countered. Basically, the situation comes down to the LO channel being the city's choice, Mr. Niles maintained.

And the sad thing is that he is right; the cable company can do whatever it wants with the programming, albeit the moniker "community channel" is an obvious misnomer. But one can only conclude that this is not what Congress had envisioned for community access to cable television.

Although the city was initially well-intentioned — keep out the abhorrent views of the KKK — the council apparently did not consider the full ramifications of its action. Legal experts agree that the American Civil Liberties Union, which will file suit soon on behalf of the KKK, will have an easy time proving that this was a blatant case of discrimination. It's unfortunate, but nevertheless undisputable, that programs like *Race & Reason* are protected by the First Amendment, too. No doubt, the City Council will be embarrassed by the legal outcome.

The best way for a city to combat racist programming is to let it be shown on the access channel, and watch the community rally against the program with their own counterprogramming. Once the Klan and other groups of its ilk realize that their views are not shared by the rest of the community, they will go away — until they target another unsuspecting place and find themselves again outnumbered and rebuked. □