



Nine Sundays: A Proposal for Better Presidential Campaign Coverage

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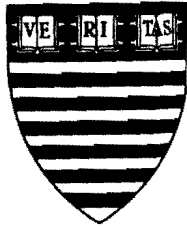
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Nine Sundays:

A Proposal for Better Presidential Campaign Coverage

Joan Shorenstein Barone Center on
the Press, Politics and Public Policy

John F. Kennedy School of Government

HARVARD UNIVERSITY

NINE SUNDAYS:

A Proposal for Better Presidential Campaign Coverage

by
John Ellis

with an Introduction

by
Marvin Kalb

Joan Shorenstein Barone Center
on the Press, Politics and Public Policy

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by Marvin Kalb

Marvin Kalb is Director of the Joan Shorenstein Barone Center on the Press, Politics, and Public Policy and Edward R. Murrow Professor of Press, Politics and Public Policy at Harvard's Kennedy School of Government. Over a 30-year career as Chief Diplomatic Correspondent for CBS News and NBC News and as moderator of "Meet the Press," Kalb received numerous awards for reporting. A graduate of the City College of New York, he has an M.A. from Harvard in Russian history. He is the author or co-author of six non-fiction books, including Candidates '88, Kissinger and Roots of Involvement: The U.S. and Asia, as well as two best-selling novels.

The Nine Sundays Proposal

by John Ellis

John Ellis was an Appleman Fellow at the Joan Shorenstein Barone Center on the Press, Politics, and Public Policy during the 1990-91 academic year. A former political producer for NBC News and analyst for their 1988 and 1984 election unit, Ellis now works as a private consultant. He is a regular contributor to the Los Angeles Times "Opinion" section on American politics and culture. Ellis holds a B.A. in American Studies from Yale University.

The Equal Time Provisions and the Nine Sundays Proposal

by Frederick Schauer

Frederick Schauer is the Frank Stanton Professor of the First Amendment at the Kennedy School's Joan Shorenstein Barone Center on the Press, Politics, and Public Policy. He received his A.B. and M.B.A. degrees from Dartmouth College and a J.D. from Harvard University. Teaching and writing primarily in the areas of constitutional law, freedom of speech, and philosophy of law, he is the author of The Law of Obscenity, Free Speech: A Philosophical Enquiry, and Playing by the Rules: A Philosophical Examination of Rule-Based Decisionmaking in Law and in Life.

INTRODUCTION

The 1988 presidential campaign could have depressed anyone, even Republicans who won. Photo-ops in flag factories or tanks, soundbites running all of 9.6 seconds, "debates" that Walter Cronkite, for one, described as "phony, an unconscionable fraud," newspaper and radio/tv polls that relied excessively on charts, graphs and statistics rather than on old-fashioned legwork, political ads that distorted records, and, on top of it all, Willie Horton, Boston Harbor, and flag-burning--day after day, there seemed to be no end to the trivialization of American democracy, ironically at a time when it served as a new beacon of hope for oppressed peoples around the world.

And when, finally, it ended, and another President was elected, campaign managers and aides representing a dozen or so Republican and Democratic candidates gathered at the Kennedy School of Government in early December, 1988 for some serious reflection about the emerging nature of American politics. They were all exhausted. The winners-- Lee Atwater, fresh from his final triumph, and the irrepressible Roger Ailes--tried to sound magnanimous, but the losers weren't having any of that. They were convinced that the American people had been shortchanged. Reporters and scholars eavesdropped on the occasionally heated

exchanges but soon realized that not enough time had elapsed to generate deep insights into 1988. Was there any reason to believe that 1992 would be better? Ailes provided the quote that still resonates in my mind. "If you didn't like '88," he said, "you're going to hate '92."

Hardly uplifting but nevertheless notable for its outrageous candor, the quote for me served a very special purpose: it focused the mind and sparked a major research effort by the Joan Shorenstein Barone Center on Press, Politics and Public Policy at Harvard's Kennedy School of Government, funded in large measure by the Markle Foundation, to explore press performance during the '88 campaign and then, on the basis of its findings, to suggest a set of recommendations for improving the process in '92. In different ways, everyone associated with the JSB Center over the past two and a half years contributed to the project--Professors Gary Orren and Frederick Schauer, Visiting Professors Michael Schudson, Timothy Cook, Lawrence K. Grossman, Jim Squires and Neil Postman, and a succession of Fellows and lecturers including Kiku Adatto, Sissela Bok, David Broder, Walter Cronkite, Dayton Duncan, Albert Hunt, Marion Just, James McEnteer, Cokie Roberts, Tim Russert, Bill Wheatley, Lewis W. Wolfson and David Yepsen.

Spearheading the effort and coordinating not only a series of seminars and conferences but also the supporting research was a team consisting of Ellen Hume, Executive Director of the JSB Center, John Ellis, a Fellow and former political producer at NBC News, and Carter Wilkie, a research fellow and writer.

The JSB Center's report falls into two parts: the analysis of the '88 campaign coverage and a set of recommendations designed to improve press coverage throughout the '92 campaign, which is being drafted primarily by Ellen Hume; and "Nine Sundays," a special proposal for improving not only tv coverage of the presidential election campaign but as a happy consequence the political process itself, which was drafted by John Ellis.

The "general election campaign" theoretically runs nine Sundays--from Labor Day, when the presidential campaign is presumed to begin in earnest, to Election Day, when it all comes to a blessed close. It is in this finite period of time, with increasing interest week after week, like a metronome beating time to the quickening pace of the political process, that the American people begin to devote more of their attention to a rather key question. Who will be their next President?

In "Nine Sundays," the Shorenstein Barone Center on Press, Politics and Public Policy proposes that the three major networks on a rotating basis, plus CNN, C-Span, Monitor and PBS, provide ninety minutes of evening or prime time every Sunday for nine weeks to a serious and substantive discussion by the two principal presidential candidates of the major issues that concern the American people. One issue at a time. For example, taxes may be the subject for one Sunday, Middle East policy or abortion for another, education, the environment, or US-Soviet relations on other Sundays. Such an approach would guarantee a detailed examination of the principal issues of the '92 campaign and undercut the current tendency to reduce all political dialogue to brief sound-bites--and report it that way, as if substance were secondary. This proposal, if adopted, would radically change the content of modern-day politics.

Of the nine Sundays between Labor Day and Election Day, two Sundays would be devoted to presidential debates. We would prefer four debates, but the experts claim that there is little incentive for an incumbent President to accept more than two. Two it is. A new format though is recommended: no audience, no artificial hoopla and applause, no panel of journalists, one subject, one moderator, all to be done in a

simple, unadorned TV studio. A debate is, after all, nothing more in these times than a tv program, crucially important though it might be. A third Sunday would be devoted to one vice-presidential debate, also according to the new format. The final Sunday before Election Day would feature two concluding speeches by the presidential candidates, one after the other, a flip of the coin determining who goes first, plus whatever analysis or reporting the networks choose.

That leaves five other Sundays. We propose that these five Sundays be devoted to thirty-to-forty minute "conversations" with the two presidential candidates, one after the other, again a flip of the coin determining who goes first. Each one of these five "Conversations with the Candidates" would be on a different subject, and each would be conducted by a TV moderator and two experts selected by the network responsible for that Sunday's pooling arrangements.

Network news would be encouraged to offer this unusual series to commercial sponsorship (tastefully presented, at the beginning and end of each Sunday broadcast, no interruptions in-between) so their financial losses, when and if there are any, would be limited. Given both their continuing importance as sources of news and their financial

shakiness, especially after the Persian Gulf war, network needs must be taken into account.

If, as many scholars contend, television has become the principal means of political discourse in the United States, then the "Nine Sundays" proposal is an excellent approach for elevating the discourse. No one wants a repeat of '88. This proposal is designed to provide a fixed amount of time for substantive discussion of the major problems. It insures a serious textured tone to overall news coverage of a presidential campaign. It gives voters regular, predictable access to the candidates, over a sustained period of time. It sets a framework for constructive televised exposure to the issues.

"Nine Sundays" deserves the most serious consideration and support.

THE NINE SUNDAYS PROPOSAL

....(T)he press cannot perform adequately as intermediary between the candidates and the voters no matter how conscientiously reporters approach the task. The media simply are not designed to fulfill this responsibility. They are in the news business, not the political business, and, as a result, their norms and imperatives are not those required for the effective organization of electoral coalitions.

-- Thomas Patterson

Anyone who has covered a presidential campaign knows that the substance of politics and governance is the first victim of the campaign trail. Brave attempts are often made by candidates and reporters to address substantive questions, but they are inevitably short-lived. The "stuff" of modern political campaigns is attacks, mistakes, pictures and polls. (1) Candidates cannot speak to issues; 9-second sound-bites do not allow it. Reporters cannot, for very long, take time out to work up a thoughtful explanation of a Republican or Democratic presidential nominee's "child care proposal;" they are on deadline and they are crowded by other stories that are breaking out all around them.

Issues of substance and governance are only "in play" when they have a direct bearing on the immediate political outcome. For example, Ronald Reagan's use of the Panama Canal issue in 1976 and the SALT II issue in 1980 struck real and emotional chords with key groups in the American electorate. American policy with regard to Latin America and the Soviet Union is serious and substantive business. But press coverage of Mr. Reagan's stance on these issues focused on the political implications of Mr. Reagan's conservative policies and the efforts of Presidents Ford and Carter to counteract them, and for good reason.

Candidate Reagan, after all, hammered away at the Panama Canal issue in 1976 in large measure because he felt the issue was "working" with Republican primary voters in 1976. Candidate Reagan hammered away at the SALT II treaty in 1980 in part because his position conformed with a widely-held view across the electorate that America had fallen behind in the superpower struggle with the Soviet Union.

Mr. Reagan bit his tongue on the issue of Social Security in 1980 largely because he knew, from previous experience, that once raised, the issue worked against him. Press coverage, not surprisingly, focused on the politics of these issues,

not their substance. That's the way political coverage of substantive issues of politics and governance works. Politicians are assumed to be emphasizing and de-emphasizing substantive matters based more or less exclusively upon their political "return."

Technology adds pace to this journalistic view of the political process. Presidential candidates campaign from media market to media market, jet-fueled and in constant communication with all sources of information, delivering political messages calibrated for the highest political "yield." All the while they work against the deadline clocks of the print and electronic "news cycles." The political press corps monitors each and every calibration of each and every message.

The result is that a modern presidential campaign, in all of its parts, moves too fast, in too many directions, in too short a time for there to be any orderly process through which candidates could and/or would address the major issues facing the country. Candidates now have only two major, uninterrupted opportunities to reach the electorate. The first comes at the nominating conventions, when the nominee gets thirty-five to forty-five minutes on all the major television networks to address the nation. The second comes

during the general election campaign debate(s), which are also carried, without interruption, by all the major television networks. The second is considerably more dangerous, politically speaking, than the first, which is why Republican presidential candidates tend to do everything they can to minimize the number of presidential debates. Given their nearly decisive advantage within the current composition of the electoral college, Republican presidential candidates have little incentive to broaden the playing field of the campaign. The current playing field is heavily tilted in their direction.

Another factor which mitigates against expanded coverage of substantive issues of politics and governance might be called the Hunter Thompson Factor. Hunter Thompson was the prince of "Gonzo Journalism" in the late 1960s and the early 1970s. He covered the 1972 campaign from beginning to end. By Labor Day of that year, he was so exhausted from his labors and so undone by the sheer tedium of the campaign that he basically wrote off the Nixon-McGovern battle as meaningless and instead wrote about how the whole process had ruined his health and defeated his spirit. Of course, he wrote for Rolling Stone, not the New York Times or the Washington Post, and his magazine thrived on his irreverent copy.

It goes without saying that most campaign reporters do not write and produce stories about the effect of the campaign on their health and spirit. Yet, the Hunter Thompson Factor is something that affects virtually everyone connected with a presidential campaign. By Labor Day, most everyone is already bone-weary. The candidates have given thousands of speeches, raised millions of dollars, conducted a thousand interviews, visited every conceivable interest group, criss-crossed too many time zones, committed a hundred "gaffes," done a thousand photo-ops, spoken to every issue on the political horizon. The political press corps has been there every step of the way; written thousands of column inches, filed and produced countless pieces, heard every variation of the stump speech, chronicled every staff change and monitored all of the comings and goings, ups and downs, ins and outs of winning and losing presidential campaigns.

By the time Labor Day rolls around and the opening bell rings for the general election campaign, what is relatively new and fresh for most voters is already tedious, if not meaningless, to almost everyone covering the campaign. For campaign reporters, the "road show" is as predictable as an old repeat on television. They need not take notes on George Bush's stump speech or Michael Dukakis's apparently

off-the-cuff remarks; they have long since memorized those lines. For them, the "road show" provides nothing new, save a new paragraph or two inserted into the stump speech.

So what's new? What's new and fresh for presidential campaign reporters becomes the production of the "road show" and the electronic media campaign; the marketing of the candidate, the calibration and recalibration of the "message." Not surprisingly, then, these marketing issues become the focus of the coverage. How things "play" and how things are "handled" become the political standards by which candidates and their campaigns are judged. Polls provide the "objective" ratification or refutation of the prevailing "conventional wisdom" on these matters. It needn't be this way. It just is.

This focus on political marketing, although it reaches back to the Nixon campaigns of 1968 and 1972, is, in large measure, a byproduct of the Reagan era. Political reporters have always been fascinated by the marketing of presidential candidates, but real issues of national concern tended to dominate the politics of the 1960s and 1970s. The Cuban Missile Crisis, the assassination of President Kennedy, civil rights, social disorder, the Vietnam War, Watergate, oil shocks, hyperinflation, Iranian hostage crisis; all of

these real and pressing national concerns overwhelmed American politics through the 1980 election.

What was extraordinary (to the press community) about the Reagan White House was its apparent mastery over the media. This became known in Beltway vernacular as President Reagan's "teflon;" his apparently uncanny ability to emerge unscathed from whatever political or policy disaster was happening "on his watch." Mr. Reagan's "teflon" was attributed in most press reports to the public relations and marketing skills of his advisors and consultants. James Baker, then the White House Chief of Staff, and "media maestro" Michael Deaver, among others, were ascribed Merlin-like powers of image alchemy. When many of these same people left Mr. Reagan's employ to join Vice President Bush's presidential campaign, the press focus remained on the marketeers and their alleged skills.

All of which contributed to what Joan Didion and others have called the "disconnect" (between the campaign and the voters) in the 1988 presidential campaign. (2) Presidential campaigns are a world unto themselves. Candidates, staffers, consultants, reporters and producers covering the race have their own language, their own mores, their own folklore, their own class structure. A presidential campaign is a

separate culture, one that Timothy Crouse described in wonderful detail in his book about the 1972 campaign, The Boys on the Bus. After a while, it seemed as if the voters became strange and distant figures known not as human beings but as data in polls.

Those involved in either working on or covering a presidential campaign come to be disconnected from ordinary life. They work crazy hours, travel constantly, are maniacally up to date on every new tidbit of information and speak an odd and somewhat technical language.

Voters, on the other hand, go about their daily business. They are largely disinterested in politics over the course of a lengthy presidential campaign. They tune into the process in the latter stages of the campaign (be it the primary or the general election) and then look to the news media for information, context, analysis and explanation.

The news media, given its norms (what's new) and imperatives (make it snappy), feel they have already covered what many voters, belatedly awakened, now want to know about. Since they are in the news business, the campaign press corps focuses on what is new; the new ads, the new attacks, the new polls, the new marketing techniques, the most recent

article which has stirred controversy within the Republican and/or the Democratic presidential camp. One result is that voters and the press corps often pass one another like ships in the night.

Reporters and editors point out, with considerable justification, that while most voters say they are interested in the substance of politics and government, articles and news reports about substantive issues are among the least read stories in their papers and magazines. Time magazine, after all, did not expand its "Nation" section into a supermarket weekly; it created People magazine, which turned out to be the most successful magazine launch in recent publishing history. Television news abhors long, dreary takeouts on complicated issues; too wordy, not enough pictures.

And journalism, after all, is a business. People magazine and television shows like "Entertainment Tonight" are important because they are profitable. Success breeds imitation. Increasingly, the nation's leading television networks, news magazines and newspapers are no longer coddled by their parent corporations. They are being asked to perform journalistically and financially.

This raises a critically important issue. The financial health of network news is very much in doubt. Of the three major networks, only ABC News has a chance of breaking even in 1991. NBC News and CBS News are expected to lose millions of dollars, despite the relative strength of NBC television as a whole and the phenomenal success (annual profit: \$70-75 million) of CBS News' "60 Minutes." This has led NBC News to close its bureaus in New York and Miami, something that would have been unthinkable ten years ago. Even ABC News, the healthiest of the lot, recently laid off over 100 staffers and closed a number of overseas and domestic bureaus.

Most, if not all, of these cuts are being made in the three major networks' "news gathering" operations. The most expensive "news gathering" enterprise for a network news organization (except for a war) is presidential campaign coverage. Given the ongoing decline of the network news' market share of the television audience, it is virtually certain that presidential campaign coverage will be dramatically reduced in 1992 and beyond. Indeed, there are even some who argue that NBC News and CBS News, as currently constituted, will no longer exist by the mid-1990s. (3)

The dramatic increase in financial pressure on news organizations would seem to presage an even greater

"disconnect" between the voters and the campaign. Less coverage of politics is not likely to mean better coverage of politics within tighter constraints of time and money. Gary Hart, Chuck Robb and the Kennedy family can all testify that the journalism business has very deep pockets when a story seems to be moving newsstand sales and Nielsen rating charts. Stories that do not move sales charts are increasingly viewed as liabilities. It is axiomatic to editors and producers in the business of television news that politics and political coverage are Nielsen rating losers. This "market" knowledge is internalized by the men and women who produce the news shows, the news magazines and the daily newspapers. In the future, it stands to reason they will be less likely to fight uphill battles for expanded coverage of substantive political issues if political coverage remains a market loser.

That said, it should be noted that there is still a substantial amount of political coverage in the major print vehicles and on the network and cable news shows. The presidential campaign press corps is particularly good at doing certain things. Over the course of a presidential campaign, they transmit vast quantities of information about the candidates and their campaigns to their readers and viewers all across the country. They provide a daily fix on

how the campaign and the candidates stand at the end of the day or the end of the week. There are any number of vehicles ("Nightline," the morning shows, the Sunday talk shows) for the campaigns and the candidates to get out "political messages," some in sound-bite form and others at somewhat greater length. And there is a fair amount of independent reporting that tackles ambitious assignments and complicated issues within tight constraints of time and space. These reports are often genuinely illuminating and insightful.

There are three major problems. The first has already been discussed: there is less money (and therefore less space in print and time on television) available for political coverage generally and "serious" coverage specifically. The second problem is what we might call the Superficial problem: something that can be done very well if done carefully and deliberately is more often than not done sloppily and in haste and quickly reaches the lowest common denominator.

For instance: Polling, which can be remarkably informative about the mood of the electorate, its anxieties and fears, its hopes and dreams, can become so excessive as to crowd out all other discussion. In recent campaigns, polling has

been overused and abused, serving as a statistical substitute for old-fashioned reporting. The shorthand (Bush up by 10!) has changed the dialogue of the campaign. Candidates and campaign operatives are frequently amazed that they can go for days, from state to state, airport to airport, time zone to time zone and hear nothing but questions about the most recent (Gallup, Harris, CBS/New York Times, ABC/Washington Post, NBC/Wall Street Journal) poll. Walter Mondale in 1984 and George Bush in 1988 were both stunned by the sheer volume of poll-related questions, according to people who worked closely with them. (4) Indeed, in 1988, poll stories became "mega" news stories unto themselves. Prior to the second presidential debate, on October 12, 1988, ABC News devoted more than half of its "World News Tonight" broadcast to national and state-by-state polls conducted by ABC and The Washington Post.

For instance: Advertising. The Selling of the President, Joe McGinness's book on the Nixon campaign's advertising effort in 1968, was an extraordinary look into the operations of a modern presidential campaign. It captured an important element of Mr. Nixon's political re-emergence. But most campaign reporting about political television advertising is cliched, poorly researched and often misleading. One would think from reading the campaign

reportage of 1988 that the Bush campaign invested most of its media budget in something called the Willie Horton commercial. In fact, the actual "Willie Horton" commercial was produced by an independent political action committee, ran on cable television in the month of August, cost roughly \$600,000 for the media buy, was seen in its original form by a small percentage of the voting population and was probably recalled by an even smaller percentage of those who did see it. (5) The news media, by repeating clips of the Willie Horton ad on local and national news shows, gave it much greater exposure than it ever received as a paid advertisement.

Race, of course, has dominated American politics since the early part of the 19th century. It is an issue which resonates throughout our political culture and has torn the fabric of American society. It is also true that the Bush campaign repeatedly aired a "crime" spot, a revolving door "freeing" one presumed criminal after another, which raised the "furlough" issue in a different form. (6) What was lost were the distinctions and the subtleties of the advertising. The larger point is that news coverage can and does exaggerate and distort what is actually happening in a presidential campaign, in part because of superficial reporting.

Toward the end of the general election campaign, the Superficial problem is in full roar. Television news' addiction to pictures (now accompanied by words decrying the careful producing of the pictures), mistakes (Pearl Harbor Day!), attacks (Willie Horton!) and polls (Dukakis Surge!?) comes together with all manner of rumors, innuendos and various forms of character assassination to provide the electorate with a lurid picture of the political process at work. To many voters, the whole process seems not only disconnected from their day-to-day concerns but also deeply disturbing in what it seems to be saying about the political process.

It is possible that these two "realities" -- campaign world and normal life -- are simply separate and distinct worlds that intersect only if polling or some gripping event create interaction. If so, we have arrived at a dangerous political moment. The purpose of this quadrennial exercise, after all, is the consent of the governed. The country -- its democratic political system and its leadership -- belongs to the electorate. The guiding principle behind the idea of democracy is interaction and interconnection, not disconnection.

This problem of disconnection is exacerbated by the third major problem, which is that there never seems to be enough time. Time is the one commodity that is not available to candidates, reporters, editors and producers. All the best intentions of political journalism inevitably run up against this central fact. "This time around," the television news producer says before the election campaign begins, "we're really going to cover the issues." But by the time the general election campaign is in full swing, the issues are secondary to the norms and imperatives of the business.

The issue of the federal deficit, for example, is complicated and difficult. It cannot be explained, inside the context of a presidential campaign, in a one-and-a-half minute tv story. It takes half-an-hour or an hour just to scratch the surface of the issue. But as everyone knows, there will never be a one-hour network news special on the federal budget deficit. That's not what network television does.

The absence of time distorts the campaign. Candidates speak in nine-second sound-bites. Experts "explain" an issue in two 11-second bites. Fast edits and quick pace are not the stuff of deliberative choice. They are the stuff of television. That's what mainstream network television news has become.

The problems of less money, superficial coverage and the absence of time are only heightened by the collapse of network news. People who are locked into uphill battles for economic survival cannot waste any time thinking about how they "should" cover politics. They need to do everything they can to get their Nielsen ratings up, and they don't think that politics will improve their ratings. With network news locked into this deadly endgame, efforts within broadcast journalism to "improve" political coverage will necessarily be of secondary importance.

If this is an accurate and fair description of the current political-journalistic environment, the question is: How do we get the substance of politics and governance back into "play" in our general election campaigns? How do we foster interaction between the campaigns and the voters? What can we do to improve the tone and content of the debate? The Joan Shorenstein Barone Center on the Press, Politics and Public Policy believes that the answer may lie in a different approach to television coverage of presidential politics. We believe that what television does best is "live" coverage of the candidates in action. What candidates do best is campaign, debate and answer questions. Our idea merges the two on a regularly scheduled basis. We call it The Nine Sundays Plan.

THE NINE SUNDAYS PLAN

Presidential campaigns, at their best, are a heated argument about the future direction and leadership of the United States. Part of the press's role in presidential politics can be to enrich that debate and to expand our collective understanding of the issues and the people involved.

Above all else, a Presidential campaign needs time, on television, to engage the electorate in its political argument. It seems to us that we must focus on a better role for television in the political process.

Within the current formats of network and local television news, there is simply no time available for expanded coverage of presidential politics. There is only so much that can be done, after all, inside the Nielsen-driven confines of a 22-minute evening news broadcast. There are those programs, such as the MacNeil/Lehrer NewsHour, Nightline and the Sunday morning interview programs, which do have more time, but, whether we like it or not, the campaign managers still arrange their candidate's days to project their image and their message on the evening and morning newscasts. Their basic thrust revolves around two

news cycles; the evening tv/radio news broadcasts and morning tv/radio news/talk shows, and newspapers often take their cues from what is said on these shows.

New vehicles are therefore needed for presidential campaign debate and discussion. There is general agreement on this point. David Broder has called for weekly presidential candidate news conferences during the general election campaign. Paul Taylor has proposed the "five minute solution;" five minutes of free network air time on alternating nights for the major party nominees. In various forums sponsored by the Joan Shorenstein Barone Center, Tim Russert of NBC News, Marvin Kalb and others have proposed increasing the number of presidential debates. There are other ideas and proposals. The Nine Sundays Plan borrows generously from all of them.

Basically this is the plan: there are nine Sundays from Labor Day to Election Day. We propose that network and cable television news reserve time on each of those nine Sunday evenings for at least two presidential debates, one vice presidential debate, five live "conversations" with the presidential candidates and one concluding presidential candidate address to the nation.

Network news enthusiasm for the Nine Sundays Plan is critical to its success or failure. Sunday evening is special. It is when most Americans watch television. Therefore, we believe that it would be to everyone's benefit if the debates, conversations with the candidates, and summary addresses were held on Sunday night, at 9pm eastern time, to reach the largest number of potential voters. Obviously, if impossible scheduling conflicts arise, adjustments can be made.

If the major television networks do not agree to broadcast more than the three presidential and vice-presidential debates at 9pm eastern time on Sunday, for financial and competitive reasons (as well as scheduling conflicts), the five conversations with the candidates could be scheduled for 7pm eastern time on Sunday. The candidates' summary addresses to the nation would hopefully be broadcast at 9pm or 10pm the Sunday before the election.

Holding these events on Sunday evenings would allow the candidates ample opportunity to campaign during the week, all across the country, and yet leave them time (Saturday and all day Sunday) to recoup and prepare for a nationally televised appearance. The basic idea is to insure some "prime time" on network television on a weekly basis for

political discussion. Such an approach is serious, regular and predictable. The larger idea is to attempt to institutionalize a more substantive discussion of political issues in a way that does not penalize the networks financially, inhibit the candidates's campaign flexibility or diminish the concerns of voters and reporters. Let us look at the formats one-by-one:

DEBATES

It is impossible to know how many presidential debates there will be in the 1992 general election campaign. Recent history would suggest that there will be two presidential debates and one vice presidential debate. That was the case in 1984 and again in 1988.

Exact details will be worked out by the presidential candidates, the political parties, the networks and whichever other organizations the candidates choose. Presidential and vice- presidential debates are the subject of long and difficult negotiations which will end up determining the final shape and format of the 1992 Presidential campaign debates.

In 1988, James Baker, on behalf of candidate Bush, and Paul Brontas, on behalf of candidate Dukakis, negotiated the

terms--the number, dates and format of the debates. Baker held the better cards, and his conditions prevailed. There were to be two presidential debates, and one vice-presidential debate.

The debates were, without doubt, crucially important moments in the campaign, but they were still deeply disappointing.

CBS' Walter Cronkite described the '88 debates as "phony, part of an unconscionable fraud." The Wall Street Journal's Albert Hunt called them a "sham." CNN's Bernard Shaw said: "'88 was a charade, these were not debates." A New York Times editorial tried to be charitable, noting the debates were "deprived of novelty, crippled by poor questions--wooden and unfocused--but still, better than nothing."

There were also very specific reasons for the disappointment.

First, they were not "debates," by any definition. While the candidates shared the same platform and shook hands at the beginning and end, they did not address each other, they did not question each other, they barely looked at each other.

Second, they answered questions posed by a panel of journalists, all of whom had been invited and ultimately "cleared" by the political parties. According to the terms of the Baker-Brountas agreement, the debate was to be divided into two equal parts--one for questions about domestic policy, the other for questions about foreign policy. At one point, Baker called the control room to remind the executive producer that it was time to shift from domestic to foreign affairs--something the producer and the anchorman were intending to do in any case. The point is, Baker felt sufficiently paternalistic about the whole enterprise to believe that he could call in the middle of the program and suggest a change.

Third, the debate took place before a live audience, divided equally between Republicans and Democrats, who couldn't resist laughing at their candidate's humor or applauding his prepared throwaway lines. ("Senator, you're no Jack Kennedy.") The atmosphere was more suggestive of a political circus than of a political debate. Everything was calculated. The louder the laughter and the applause, presumably the greater the impact on the vast viewing audience.

Finally, because it was more of a circus than a debate, the networks tried to compete with one another in instant

polling and analysis. A sampling of 400-600 Americans could produce a winner or a loser within a matter of minutes. Spin doctors let loose their predictable optimism, and almost invariably it was used, raw and unchecked. One such spin doctor told a reporter before the October 13, 1988 debate: "If I don't see you later, just quote me as saying our guy won by a knockout."

No one believes that in this age of television we can suddenly return to the Lincoln-Douglas model, but our research clearly indicates that serious analysts of the political process want to change the '88 model. Simply put, they want real debates.

Some observers point to the Canadian model--the two candidates in a tv studio with a single moderator. It was spectacularly successful. A similar model was tried during the 1990 Massachusetts gubernatorial campaign, but there were so many rules and regulations imposed by the candidates' handlers that a potentially interesting debate lost much of its spontaneity.

A consensus model seemed to emerge in our many seminars, conferences and interviews--that the next series of debates be marked by simplicity and substance. The ingredients are

easily identifiable: two candidates, one moderator, a tv studio, no audience, live.

We understand that there are many different opinions about what constitutes the best format. The Joan Shorenstein Barone Center believes that we should go back to the future. A "modified" version of the 1960 Nixon-Kennedy debates offers the most promising and uncluttered format. They took place in a television studio, with a moderator and no audience. A panel of reporters, though, is no longer necessary. The moderator could easily begin the debate and keep it moving along if need be. The important feature is not the moderator but the quality of the candidates. The JSB Center format would have the two candidates simply square off in front of the cameras, with the moderator making sure things are proceeding fairly. The simplicity itself would make for gripping television. This format can work in the 1992 presidential campaign.

The same format could be used for the vice presidential debate. We would argue that the vice presidential debate be held on Sunday night, and be treated as politically equivalent to a presidential debate. We understand that the presidential campaigns may negotiate a different status for the vice presidential debate.

The issue of sponsorship is problematic. Ideally, within the framework of the Nine Sundays Plan, the television networks would "sponsor" the presidential and vice presidential debates. If the networks end up as sponsors of, say, two presidential debates and one vice presidential debate, they should be allowed to sell advertising (or enlist sponsors) whose commercial messages would be seen at the very beginning and the very end of the debates to help defray costs and recover some lost revenues.

The ideal situation, of course, would be to have no advertising at all, but we believe that, if handled correctly, commercials should not diminish the value of the broadcast. Viewers and voters are sophisticated enough to understand the need for commercial sponsorship. It would be no longer than 90 seconds at the top of the show and 90 seconds at the end. The revenues from these advertisements would completely cover all costs and the profits could be pooled to pay the legal costs incurred for filings with the FCC and possible legal challenges from allegedly aggrieved parties.

CONVERSATIONS WITH THE CANDIDATES

Assuming that there are at least two presidential debates and one vice presidential debate at 9pm eastern time on Sunday during the 1992 campaign, that leaves six Sunday nights open from Labor Day Weekend to Election Day.

Part Two of our Nine Sundays Proposal is that five of these six Sundays be devoted to two, back-to-back, 30- or 45-minute "Conversations with the Candidates." These conversations could be open to commercial sponsorship. Network coverage of these programs could rotate from ABC to CBS to NBC. Public television, CNN, other cable news organizations, and various radio networks would presumably cover all five Sunday night "Conversations with the Candidates" as regular programming. Rotating coverage worked well during the Iran-contra hearings. The first week CBS News was responsible for covering the hearings. The second week NBC News had the responsibility. The third week ABC News covered the hearings. PBS, cable news and the various radio networks covered every week of the hearings. This same model can work in the 1992 Presidential campaign.

Because of the Major League Baseball playoffs, the World Series and other network broadcasting obligations, the best

window on Sunday nights for rotating network coverage of the "Conversations with the Candidates" is from 7pm to 8:30pm eastern time. Playoff and World Series baseball broadcasts usually begin at 8:30pm. At least two and possibly three Sundays in October will be given over to these baseball broadcasts.

What about the structure of the broadcasts? We'd suggest -- in the interest of fairness -- that each presidential candidate be interviewed by a separate three-reporter panel for 28 minutes (assuming 30 minutes per candidate) or 42 minutes (assuming 45 minutes per candidate). The first panel would include a network anchorman or anchorwoman and two reporters well-versed in the evening's subject matter. The second panel would include a CNN (or PBS, or Monitor or NPR) anchorman or anchorwoman and two expert reporters.

Now what about the substance of these broadcasts? Each of the five Sunday night "Conversations" would address different issues. There are basically three major issues in American politics: the national security, the national economy (broadly defined) and the national culture (also broadly defined). Issues of national security include diplomacy, foreign policy, military preparedness and various "threats" to the national interest abroad and at home.

Issues of the national economy include national and international economic forces which, in concert, create the American economic way of life. Issues of national culture touch on a central political question: What kind of country do we want? These "cultural issues" include questions about race, crime, the environment, education, drugs, the Supreme Court's role in American society, school prayer, the role of religion, abortion and capital punishment. These "cultural issues" (and others like them) are often the most important in American presidential politics.

One Sunday would therefore be given over to national security issues, another Sunday to national and international economic issues, another Sunday to issues of our national culture. Two Sundays would be given over to whatever questions (within the three general issue groups) seemed appropriate at that stage of the campaign.

So, hypothetically, let's say the first Sunday night "Conversation with the Candidates" concerned issues of national security. Alphabetically, ABC News might be first up in the network rotation. A flip of a coin would determine candidate order. Let us assume that President Bush is the GOP nominee. He wins the coin toss, he goes first. Mr. Bush is then interviewed at his office (or

wherever he happens to be) by Peter Jennings and two expert national security correspondents. That broadcast goes out over the ABC Television network and (one hopes) PBS and various radio and cable channels from 7pm eastern time to, say, 7:30pm eastern time. Immediately afterward, the Democratic nominee would be interviewed by Bernard Shaw (e.g.) and two other expert national security correspondents. That conversation would also go out over the ABC Network, PBS, radio networks and various cable channels, ending at 8pm eastern time. CBS and NBC News could carry these conversations or run their normal entertainment programming.

The following week, the Democratic nominee would go first, the Republican nominee second. CBS News might be up next in the rotation. Dan Rather would anchor the first panel. Judy Woodruff would anchor the other. The reporters would be selected by CBS according to their knowledge of the subject matter.

The overall schedule might look something like this (assuming the Republicans won the coin toss):

<u>DAY</u>	<u>TIME</u>	<u>NETWORK</u>	<u>ISSUE</u>	<u>NOMINEE ORDER</u>
Sunday 1	7pm	ABC/CNN	Nat. Security	GOP First
Sunday 2	7pm	CBS/CNN	Economy	DEM. First
Sunday 3	9pm	ALL	Presidential Debate	
Sunday 4	9pm	ALL	Vice Presidential Debate	
Sunday 5	7pm	NBC/CNN	Nat. Culture	GOP First
Sunday 6	7pm	ABC/CNN	More Security	DEM. First
Sunday 7	9pm	ALL	Presidential Debate	
Sunday 8	7pm	NBC/CNN	More Nat. Culture	GOP First
Sunday 9	9pm	ALL	Summary Addresses	

Candidate participation would be voluntary. One candidate (usually the one behind in the polls) will always want to participate. Should the other candidate choose not to participate, the time allotted would simply revert back to regular entertainment or news programming.

We also recommend that voters provide, through the mail, a selection of the questions for the candidates. The anchor and the two "expert" reporters could choose the best questions submitted and read them aloud to the candidates. After the candidates responded, the reporters could follow up with questions of their own, should that seem appropriate at the time. This would give the average voter a sense of participating in the process.

Back-to-back "Conversations with the Candidates" on five Sunday evenings during the general election would significantly improve the political dialogue of the 1992 presidential campaign. The networks would not lose money, since these conversations could be sponsored. They may even be able to turn a small profit. Since each network, except CBS, which would be responsible for one, would only be responsible for two Sunday nights, lost revenues would be minimized. And the five Sunday night "Conversations with the Candidates," organized around the three major issues of American politics, would help focus the print, radio and television news coverage leading up to and following the Sunday night broadcasts, and encourage deeper, more substantive reporting.

In this way, one of the major benefits of the Nine Sundays Proposal, in our view, is that editors and producers would be able to plan some of their coverage according to the schedule of these issue-oriented programs. For instance, the executive producer of an evening news broadcast, knowing that next Sunday's "candidate conversation" was going to focus on national security issues, could order up two pieces on how the candidates stand on those issues. Editors at the major newspapers and newsmagazines could also order up

stories of considerable complexity well in advance of the actual event, thus providing the reader with an overview and some context for the issues under discussion. Monday and Tuesday newspaper, radio and television coverage could also go into more detail and analysis.

The five "Conversations" at 7pm eastern time on Sunday are likely to be very attractive to NBC Television and ABC Television, as well as the cable and public broadcasting networks. That time period (7-8pm eastern time) is currently dominated by CBS News' "60 Minutes" broadcast. Both ABC and NBC spend over \$1 million for programming in the 7pm-8pm time slot on Sunday nights. Neither of their shows does very well in the Nielsen ratings, resulting in low advertising revenue. The Nine Sundays broadcasts, on the other hand, cost no more than \$100,000 to produce (per show) and the advertising revenue generated by the broadcasts should be at least \$200-250,000 per network per night.

"60 Minutes" is the life blood of CBS News, generating \$70-75 million in annual profits. CBS is unlikely to tamper with the Sunday schedule for just that reason. However, it is not at all clear that the presidential candidate conversations pose any serious "ratings" threat to "60

Minutes" at 7pm, particularly during the first six weeks of the presidential campaign. Voter (and therefore viewer) interest in presidential politics accelerates dramatically only toward the end of the campaign. It is also true that more people watch television as time passes through the evening. On the one, or possibly two, occasions when CBS News would be responsible for carrying the presidential candidate conversations, it is likely that a delayed "60 Minutes" would garner a market share at least equal to if not greater than the one it normally gets from 7pm-8pm on Sunday nights. This might allow "60 Minutes" producers to charge a higher rate for advertising thirty-and-sixty-second commercials. It might also have the unintended consequence of strengthening CBS's Sunday night schedule, since "60 Minutes" drawing power as a "lead-in" to other shows has helped the network dominate Sunday night television. In the past, the three networks have been more competitive in the Nielsen ratings after 9pm eastern time, depending on the drawing power of their programming.

The point here is that given the enormous financial pressures under which network news divisions labor, it is important that any plan seeking to increase substantive political discussion on television be sensitive to network costs. The viability of the Nine Sundays Plan is that it makes financial as well as journalistic and political sense.

CANDIDATE ADDRESS TO THE NATION

The final piece of the Nine Sundays Plan is that the candidates be given fifteen to thirty minutes of network time on the Sunday night before the election to present their case to the nation's voters. A coin toss would determine candidate order. All the major networks would be allowed to sell advertisements that would immediately precede and follow the two major party candidate presentations. The presidential candidates would be required to appear on camera at all times during the broadcast. This would not be a campaign commercial with tape inserts. We would hope that the candidates would conduct these summary addresses in a "live" format, either in studio or from a "remote" location.

We are aware the the Nine Sundays Proposal raises a number of questions. Chief among them: Is it legal or does it violate anti-trust regulations? Attached is a professional judgment written by Frederick Schauer, who is the Frank Stanton Professor on the First Amendment at the Kennedy School's Joan Shorenstein Barone Center on the Press,

Politics and Public Policy, which states, convincingly in our view, that the Nine Sundays Plan is "doable" within the existing interpretations of the relevant statutes and regulations.

Another question: what about third party candidates? Third party candidates would be excluded from participation in all of the proposed formats unless, like George Wallace in 1968, their candidacies could reasonably be considered crucial to the outcome of the race. How does one measure whether a third party candidate is viable or not? We would suggest that a third party candidate who is able consistently to garner a double-digit poll rating (10% or better) in nationally-recognized independent polls (Gallup, Roper, CBS News/New York Times, NBC News/Wall Street Journal, ABC News/Washington Post) qualifies for inclusion in the overall plan. Those third party candidates (like Gene McCarthy in 1976 and John Anderson in 1980) whose poll numbers wallowed in the single digits and who were in fact inconsequential to the final outcome of the race would be excluded from participation in the Nine Sundays Plan. By getting a legal waiver from the FCC prior to the general election campaign, the networks could avoid frivolous legal challenges from allegedly aggrieved third party candidates.

Still another question: what about football and what happens if a game runs over? First, this is an issue that is relevant only to CBS and NBC. ABC carries football on Monday nights. Because of rules changes in the NFL, the vast majority of football games now "run to time" or take less than three hours to play. NFL Sunday games begin at either 1pm eastern or 4pm eastern. Almost all of them will be over and done with by 7pm eastern time. Inevitably, there may be one 4pm NFL game that will go into overtime and run past the 7pm starting time that the Nine Sundays Plan calls for on five Sunday nights. Since at this writing we do not know what the 1992 NFL schedule will be, the key will be to fashion the Nine Sundays schedule so as to minimize the possibility of NBC or CBS experiencing a Sports Division/News Division conflict. This too should be "doable." In the event that all the best plans nevertheless result in a conflict, the Sports Division would win, and viewers would have to turn to PBS, cable or radio networks for the Nine Sundays broadcast.

A final question: who organizes all of this? The answer is the over-the-air and cable television networks would organize the schedule in consultation with the political parties, the presidential campaigns and whichever other groups they choose to include in the process. Ideally, an

executive committee would be formed to handle all details, execute operations and arbitrate whatever disputes might arise.

This then is the Nine Sundays Proposal. Assuming two presidential debates and a vice presidential debate, we would call for the addition of five Sunday "Conversations with the Candidates" and one Sunday night concluding candidate address to the nation.

The Nine Sundays Plan rewards serious discussion of the issues. It does not hurt the network bottom line. It encourages the national political press corps to organize its coverage around a pre-arranged set of important campaign issues. Most important, it gives the voters regular access on television to the presidential candidates over the length of the general election campaign.

The Nine Sundays Plan is designed to create a fixed and reasonable amount of television time during the general election campaign when candidates can speak to issues of national concern, while insuring some political flexibility. Candidate participation is voluntary. Should the plan be adopted, the 1992 presidential campaign would be altogether different from its immediate predecessors. That alone recommends serious discussion of the plan's merits.

FOOTNOTES

1. Roger Ailes, President Bush's media consultant for the 1988 presidential campaign, is fond of saying that the media (covering politics) are interested in only three things; "pictures, mistakes and attacks." (Runkel, David R. (ed.), Campaign for President: The Managers Look at '88. Auburn House Publishing Company, 1989) We added "polls" to the Ailes formula after talking with candidates, campaign operatives and reporters, all of whom remarked upon how important and ubiquitous polls and poll stories have become in presidential campaigns and presidential campaign coverage.
2. Joan Didion wrote about the 1988 presidential campaign at some length in an article entitled "Insider Baseball," which was published in The New York Review of Books (October 11, 1988) before the election.
3. Most recently, the whole issue of whether all three networks would survive financially was reported in The New York Times. See NYT, Monday, 29 July 1991, Section D, Page 1 article by Bill Carter, NYT Media Correspondent. For a much fuller look at the network financial picture, the forthcoming Three Blind Mice, a book about the three major over-the-air broadcast networks, by Ken Auletta, will be published by Simon & Schuster in September, 1991.
4. Based on interviews with Tom Donilon and Jack Corrigan of the 1984 Mondale-Ferraro campaign conducted by the author in 1984 and in early 1991. Bush staffers interviewed by the author in 1988 included Lee Atwater, Roger Ailes, Rich Bond and George W. Bush. In private conversation with the author, President Bush described the impact of polling on his daily life while campaigning for president in quite humorous detail. But the author took no notes at the time of that conversation.
5. This data is based on interviews with Larry McCarthy, who wrote and produced the "Willie Horton" ad for the National Security Political Action Committee. Mr. McCarthy was interviewed in August, September, October and December of 1988.

was interviewed in August, September, October and December of 1988. Attempts to confirm the precise details of the media buy and its weight, frequency and reach were unsuccessful in 1988 and again in 1990.

6. The "Revolving Door" ad was produced by Dennis Frankenberry for Ailes Communications for the Bush-Quayle '88 Committee. The Bush-Quayle campaign spent over \$2.5 million airing this commercial in national and spot markets. After putting it on the air, they waited to see how Governor Dukakis's campaign would respond. The Dukakis campaign, in the eyes of Bush media strategist Roger Ailes, never did respond to the "Revolving Door" ad. Said Ailes: "I was stunned they didn't hit back. But they never really did. So we just left it on the air, basically, and it did some damage."

THE EQUAL TIME PROVISIONS AND THE NINE SUNDAYS PROPOSAL

It is possible that someone could question the compatibility of the Nine Sundays proposal with Section 315(a) of the Communications Act of 1934, commonly known as the "equal time" provision. Under current FCC interpretations of that provision, however, it does not appear that there could be a substantial objection. And even if this is not the case, there is no doubt that the consistency between the Nine Sundays proposal and Section 315(a) is a quite plausible position.

Section 315(a) provides that a broadcast licensee who permits "a legally qualified candidate for any public office to use a broadcasting station" must "afford equal opportunities to all other such candidates for that office in the use of such broadcasting station." There are four major exemptions, those being for "bona fide newscasts," "bona fide news interviews," "bona fide news documentaries," and "on-the-spot coverage of bona fide news events."

There has been continuing concern about the extent to which presidential debates are covered by this provision, or covered by the exemptions, since non-exempt coverage would entail requirements with respect to third-party and other so-called "minor" candidates. Obviously these candidates are excluded in the Nine Sundays proposal, and there is little doubt that

the literal language of Section 315(a), taken alone, would suggest that there is a legal problem. But if one traces the development of the FCC position, it appears that there may be less of a problem than appears at first sight.

The first presidential debates were held in 1960, but there was no Section 315(a) problem at that time because Congress explicitly suspended Section 315(a) for those debates. Equal time issues were debated and litigated in both 1964 and 1968, but not in any context related to actual or proposed debates. The debate issue in fact arose seriously for the first time in 1972, when CBS attempted to include on "Face the Nation" both George McGovern and Hubert Humphrey but not Shirley Chisholm. Although the Commission upheld the decision of CBS to exclude both Chisholm and Sam Yorty (35 F.C.C.2d 572 (1972)), this decision was reversed by the United States Court of Appeals for the District of Columbia (24 R.R.2d 2061 (D.C. Cir. 1972)). As a result of this reversal the FCC granted Chisholm thirty minutes of prime time shortly before the election (35 F.C.C.2d 579 (1972)).

Since 1972, however, the courts, consistent with increasingly prevalent practice where administrative agency interpretations are concerned (see especially *Chevron, U.S.A. v. Natural Resources Defense Council Inc.*, 467 U.S. 837 (1984)), applied

to Section 315(a) and the FCC in *Branch v. FCC*, 824 F.2d 37 (D.C. Cir. 1987)), have been more willing to defer to the FCC determinations. And the FCC, in turn, has shown itself increasingly willing to defer to the broadcasters (see *Kennedy for President Committee v. FCC*, 636 F.2d 417 (D.C. Cir. 1980)). In 1975 the Commission ruled that debates between or among candidates were within the exemption for "bona fide news events" so long as they were sponsored by someone other than the broadcaster. Moreover, the Commission said at the same time that it would be willing to defer to any "good faith" judgment of the relevant broadcasters (*Petitions of Aspen Institute and CBS, Inc.*, 55 F.C.C.2d 697 (1975)). This ruling was appealed, but the United States Court of Appeals upheld the FCC by a 2-1 vote (*Chisholm v. Federal Communications Commission*, 538 F.2d 349 (D.C. Cir. 1976)). The full court of the District of Columbia Circuit refused to overrule that decision, and the Supreme Court, with only Justice White dissenting, refused to hear the case (429 U.S. 890 (1976)).

In response to those rulings requiring a non-broadcaster sponsor in order to be exempt from the requirements of section 315(a), the League of Women Voters sponsored a number of presidential debates in the 1970s and 1980s. As long as the League and not the broadcasters were in charge, the debates

were considered the kind of news event that broadcasters could cover without triggering the equal time requirements.

Were this the current state of the law, then there would seem to be questions about the Nine Sundays proposal. In 1983, however, the FCC (Petition of Henry Geller, 95 F.C.C. 2d 1236, 54 R.R.2d 1246 (1983)) indicated that even broadcaster-sponsored debates could be considered bona fide news events and thus exempt from Section 315(a). This ruling was challenged by the League of Women Voters, who claimed that it gave the networks excess power to prefer some candidates to others, thus violating both the letter and the spirit of Section 315(a). This challenge was rejected by the Court of Appeals, however (League of Women Voters v. FCC, 731 F.2d 995 (D.C. Cir. 1984)), and there was no appeal to the Supreme Court. Moreover, other decisions of about the same time, such as one ruling holding that the Donahue show was a bona fide newscast under Section 315(a)(1) (Multimedia Entertainment, Inc., 56 R.R.2d 143 (1984)), make clear the increasing proclivity of the FCC to defer to broadcaster judgments and thus to remove much of the sting from Section 315(a). And this, of course, is consistent with the FCC's actions first in relaxing its enforcement of the Fairness Doctrine and then, on August 4, 1987, eliminating it entirely. Moreover, the FCC's First Amendment rationale for eliminating the Fairness

Doctrine, saying that "The First Amendment does not guarantee a fair press, only a free press," suggests that there would in 1991 be a non-frivolous challenge to the constitutionality of Section 315(a), the Supreme Court's ruling in *Red Lion Broadcasting v. FCC*, 395 U.S. 367 (1969), notwithstanding.

In light of all of this, it seems more likely than not that the Nine Sundays proposal would be consistent with existing FCC and judicial interpretations of Section 315(a) and its exemptions. And even if this is not right, there seems no doubt that at the very least a professionally respectable and legally plausible argument could be made supporting that conclusion. And in any event there are arguments that could be made about Section 315(a)'s constitutionality. But it is unlikely that it would be necessary for anyone to go this far, as it seems that the proposal is likely to be found to fall within the "bona fide news event" exemption as that term is currently interpreted by the FCC.

The Joan Shorenstein Barone Center does not consider this brief analysis as a formal legal opinion, and we are confident that any broadcaster considering the Nine Sundays proposal would of course get formal legal advice before proceeding. But our initial research indicates that we not hesitate on Section 315(a) grounds from offering the proposal for consideration.