

Why should Murdoch get special treatment?

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HARTFORD — The cross-ownership dispute between Rupert Murdoch and Sen. Edward Kennedy is sliding off the front pages and into the back rooms again. It's time for perspective.

The top priority for the region should be preservation of the Boston Herald. An alternative daily is necessary to keep any city's dominant organ energetic and accountable.

Sound policy also requires separate owners for the Herald and Channel 25. They represent too much concentrated power, especially when belonging to a national media empire.

Finally, Congress should make the important decisions. It must not leave them to the Federal Communications Commission, which has a history of catering to special interests. Although Congress is vulnerable to the same criticism, at least its members are elected.

My views come from 17 years as a newspaperman and magazine writer. My recent book on abusive media practices such as cross-ownership prompted the Hartford Courant to try to pressure local television outlets not to interview me. Fear of that kind of information control persuaded the FCC in 1975 to create the cross-ownership rule, which prohibits newspapers from owning broadcast outlets in their markets. "Power," says media critic Ben Bagdikian, "will always be used if the stakes are high enough."

The FCC was created to administer a 1934 law governing the communications industries. It acquired considerable power because Congress has often been unable to devise specific policies for new technologies. During the 1970s, the FCC blocked the growth of cable TV by tightly restricting cablecasting of movies and sports events. Ostensibly, the FCC helped consumers by preserving the best programs for "free" TV broadcast.

Actually, the FCC was protecting the three politically influential networks from open competition. A federal appeals court struck down the commission's policy in 1977. The decision, which was harshly critical of the FCC's receptiveness to private contacts by lobbyists, paved the way for many millions of homes to obtain better entertainment on cable TV.

By contrast, the FCC's cross-ownership ban has long enjoyed broad support.

Yet Murdoch won several temporary waivers, in part because he rescued dying newspapers such as the Herald. Murdoch's right-wing politics and enormous media power also helped him obtain favorable treatment in Washington, especially with a Reagan-appointed FCC sympathetic to deregulation.

The present controversy comes from a rider quietly inserted into the federal budget at Kennedy's request, then approved at about 2:30 a.m. on Dec. 22 as Congress adjourned for Christmas. The provision, noticed by only a few congressional leaders, prevents the FCC from granting cross-ownership waivers.

The Murdoch forces are clamoring against the midnight machinations. Yet the contention that Congress interfered with FCC jurisdiction falls flat. Congress has superior power under the Constitution. The secrecy of the maneuver is disturbing, yet not grounds for alarm. Congress can always reverse itself on the issue.

Murdoch's best argument is that the legislation might lead to shut-downs of some of his media properties. Even that is unconvincing. Murdoch has conceded that he will retain the now-profitable Herald if forced to decide between it and the TV station. Buyers are available if he chooses to sell.

More troublesome is the joint ownership of his Fox broadcast network cornerstone in New York, Channel 5, and of the New York Post. That paper is losing so much money that it

may fold without a viable buyer when Murdoch's current waiver expires March 6.

However, the Post is the weakest financially and editorially of that city's major dailies, which are locked in mortal competition. The sob stories published in the Herald about Post workers who may lose their jobs could just as easily be about New York Daily News employees. In the long run, why should Murdoch and his staff receive special treatment? He knew about the cross-ownership ban before he bought each of the media outlets involved.

Murdoch and his supporters argue that Kennedy's amendment is mean-spirited revenge against a news organization that criticizes him. Maybe so.

But Kennedy's efforts have an element of courage, as well. Few politicians are willing to challenge a press lord who uses his properties so ruthlessly as political weapons. It may well be that Kennedy's method was the only way Congress would uphold the law in the face of Murdoch's power and penchant for hardball tactics. For his trouble, Kennedy can now expect continued assault from the Herald and Murdoch's supermarket tabloids.

Behind the First Amendment rhetoric associated with the news business, one often finds at the top levels that it is run as a *business* — and one that escapes with remarkably little outside scrutiny on sensitive matters. Whether Kennedy was motivated by revenge, courage, or both is not as important as whether his action helped the public.

On this, the evidence seems persuasive. Boston will continue to have the Herald. The country will continue to have its cross-ownership policy. And Congress, for once, will look as if it's doing its job — even if few saw the dead-of-night performance by the main actors.

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