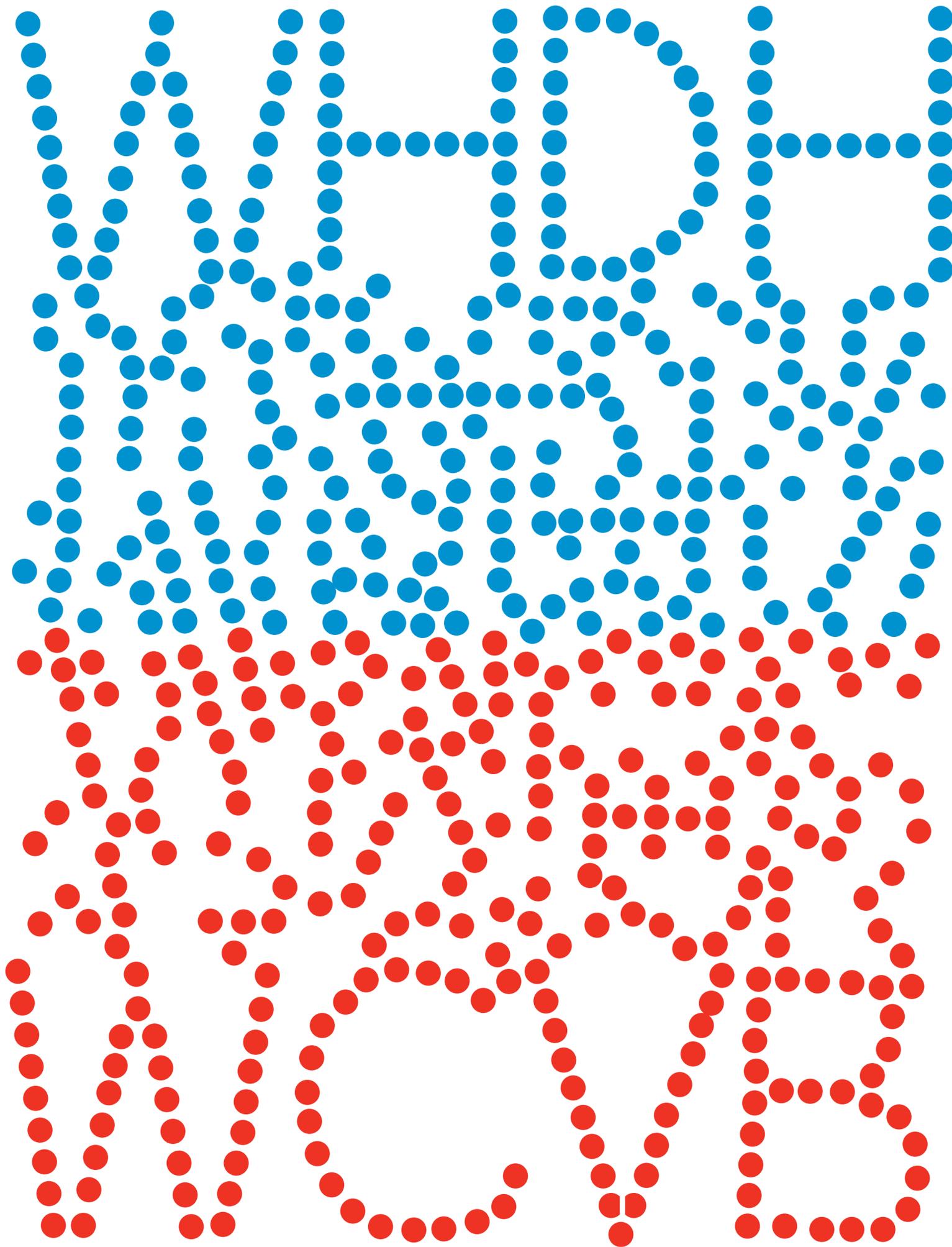


**CHANGE THE CHANNEL:
WCVB-TV 1972-1982**



**JANUARY 12-MARCH 5, 2011
CURATED BY GARY FOGELSON
& MICHAEL HUTCHERSON**

IF YOU’VE NEVER HEARD of Boston’s Channel 5 fa- ble, wait. They’re bound to make it into a novel or a movie or a Broadway musical or, at least, a mixed-media concert. Actually, right now it’s the television industry’s longest-running soap opera. And it’s hard to believe that what’s been going on *really* has been going on. It’s as if the script for this case study of the breakdown of American bureaucracy had been devised by Kurt Vonnegut.

Unless something unforeseen happens right after press time, Boston TV viewers flipped on Channel 5 Sunday morning, March 19, and found WCVB-TV, a locally owned and operated ABC affiliate. The catch is that up to that day, and for nearly 15 years, Channel 5 was WHDH-TV, a locally owned and operated CBS affiliate. The switch is the result of a two-decade battle involving local applicants for the station’s license, the federal courts and the FCC. In particular, it is the result of a nine-year war between the Boston Herald-Traveler Corp. (owner of the morning daily, WHDH-TV and two radio stations, WHDH-AM & FM) and Boston Broadcasters Inc. (owner of WCVB-TV, call letters in search of a station), of a game of musical chairs among FCC chairmen, of rules that change with the weather, of legal and extra-legal shenanigans. WHDH-TV goes down in the books as a First: No other company has operated a station, that it didn’t really own, for so long and lost it.

WHDH-TV ORIGINALLY BEGAN broadcasting November 26, 1957, ten years after filing for a license, which it never got. Because of remaining challenges from three other companies, the FCC only granted WHDH-TV a program test authority (a temporary permit good for an un- stipulated amount of time). The Boston Herald-Traveler (H-T) had beaten back Greater Boston Television Corp., Massachusetts Bay Telecasters, DuMont Laboratories Inc. and the *Boston Globe* (that other daily, which here acted as an intervener rather than applicant) and established itself on Channel 5. Then the real trouble began.

No one is altogether sure why somebody up there does not like WHDH-TV, but the reason for this fogginess becomes crystal clear when you examine how the station got bumped off. One way of looking at it is that Robert Choate, president of H-T Corp. in the early years of the channel swit, took an advance on his \$50 million meal ticket (the suggested worth of the outlet) and blew it all on a lunch. Before a House Subcommittee on Legislative Oversight in April, 1958, FCC chairman George McConaughy brought up two *ex parte* (exclusive of those who have a right to be present) lunches he had with Choate at the end of 1954 and in the spring of 1956. Exactly what the two men talked about in Washington’s Statler Hotel dining room remains a mystery since both men were inclined to keep altering their stories until they died. However, the most circulated story of the celebrated second lunch is that the topic of conversation was the Harris-Beamer bills, which if passed would limit the FCC policy of encouraging diversification of ownership of mass media and which the chairman had opposed before Congress. Choate allegedly tried to give McConaughy a draft amendment to the pending bills that might temper the chairman’s opposition. McConaughy paid him no mind and Choate paid the check.

Choate then became *the* issue by politically exposing himself in a public place. Suspiciously, what wasn’t the issue was the fact that the FCC chairman was very big on lunches. By the end of 1956, he had dined with applicant Forrester A. Clark of Massachusetts Bay Telecasters at the Mayflower Hotel, supped with applicant Allen B. DuMont of DuMont Labs at the Raleigh Hotel and met (whether actually over lunch is a moot point here) with William D. Taylor and John Taylor, president and vice-president of the intervening *Globe*.

So, there was a special examiner’s hearing on the matter of impropriety, and on September 23, 1959, examiner Horace Stern sifted through the lunches and issued clean bills of health for Choate and McConaughy. But, the FCC still looked askance and chose to make an example of WHDH’s “conduct,” about with the commission and the courts have waxed moralistic ever since. On September 25, 1962, the FCC chalked up a demerit for Choate and issued WHDH only a four-month operating permit (instead of the regular three-year license), because of “inroads made by WHDH upon the rules governing fair and orderly adjudication considering it demonstrated an attempted pattern of influence.”

As WHDH came up for renewal at the end of the four-month period, the FCC took the unusual step of throwing open its doors announcing a 60-day “safe” period for competing applicants to file for comparative consideration. And Boston Broadcasters Inc. (BBI), Charles River Civic Television Inc. (CRCT) and Greater Boston Telecasters Corp. (GBT) came running. While the applicants were arriving and while WHDH was protesting the resurrection of the impropriety issue, Choate died (December 21, 1963). And in death he became another issue.

Does Choate’s so-called sin taint the rest of WHDH? There was a special examiner’s hearing on the matter, and on August 15, 1963, examiner Herbert Sharfman concluded that the taint passed with Choate’s passing and favored grant renewal to WHDH. Sharfman also noted that any other verdict would be tantamount to vengeance. He claimed however, that WHDH was not entitled to competitive advantage for renewal because of its special abbreviated authorization (Wait a minute. Doesn’t this throw us back to Choate?), which is to say that its past record of performance is immaterial in competition. Everyone should be considered a “new” applicant in this case! But then again, Sharfman suggested that it would be ridiculous to put aside a fine record of performance and to focus on another contender’s sheet of promises (hence, his favoring of WHDH). Yet, the only thing the FCC seemed to remember from the hearing was not the “not entitled” remark. “Unique events and procedures,” the commission was to note one way or another over and over, “place WHDH in a substantially different posture from the conventional applicant for renewal.”

Another way to look at WHDH’s unding is by way of the diversification issue. The FCC has never been to keen on adding to a mass-media conglomerate, yet such thinking seemed to go by the boards when WHDH was initially granted permission for Channel 5. Maybe it didn’t come up because the commission was aware of the fact that the Herald-Traveler Corp. made little threat of monopoly, there being in Boston countless radio stations, several TV channels and two other dailies — both surpassing the *Herald* in circulation. But from the middle of the ‘60s to the present, FCC judges and commissioners have made it quite clear that it’s easier to hand out a license to him who has the least amount of fingers in media pies. And one hearing even saw the *Herald* chastised for withholding a story one day from WHDH so the newspaper could have its scoop.

As irony of ironies would have it, however, the FCC may diversify the *Herald-Traveler* out of existence by pulling WHDH off Channel 5. The H-T Corp. January 11, 1972, sent a letter to the FCC contending that the newspaper could “not survive the loss of the television revenues.” However, on February 16, refusing to stay WHDH’s execution, the FCC claimed that the H-T Corp. had not shown it would suffer “substantial and irreparable injury.” Six days later, lawyers for WHDH claimed in the U.S. Court of Appeals in Boston that the loss of the channel “would result in the loss of one of Boston’s two standard-sized newspapers”—the other being the not-so-troubled *Globe*. Only time or a leak will tell if the obituary is premature.

The U.S. Court of Appeals then knocked WHDH for not airing enough editorials and for not having the integration of ownership and management that BBI proposed (six of its stockholders are designated with full-time management functions). As to this last point, Louis L. Jaffe, Harvard professor of administrative law, points out in his article on this case (*Harvard Law Review*, June, 1969): “The

“No other company has operated a station, that it didn’t really own, for so long and lost it.”

Commission assumes that the owner-manager will be more sensitive to the community’s needs than the manager who is reporting to an absentee owner to maximize profits by shoddy programming. But a manager whose own investment is at stake may also be motivated to discount the community interests, particularly if the investment is a substantial part of the manager’s total capital.”

The FCC vote that delivered Channel 5 to BBI (January, 1969) added more nonsense to the case. Commissioners Bartley and Wadsworth favored BBI, Nicholas Johnson sided with BBI (but implied he could have pushed himself into the Charles River camp), Robert Lee favored WHDH, two others were absent and Chairman Rosel Hyde just threw his hands in the air and pleaded confuision (casting no vote). So, two, maybe three members of the seven-headed FCC held sway.

Johnson also followed up his casual approach to power plays with: “The door is thus opened for local citizens everywhere to challenge media giants in their local communities at renewal time with some hope of success.” The TV industry popped a tube. Is nothing sacred? The pressure was on. And soon judges and politicians were quickly trying to change “some” hope back to “minimal” hope. And the FCC, exclusive to Johnson, tried to soothe brows with “Now, now, this is a special case!”

TWICE IN 1971 the U.S. Supreme Court looked at the Channel 5 case, blinked and tossed it out. Then, in the last big vote (January 21, 1972), the FCC ordered WHDH off the air and BBI’s WCVB on by 3 a.m. March 19. And, of course, all BBI got out of the deal is that program test authority—not a license, but a temporary permit. Which means the ballpark has been changed but the same game is still going on. WHDH will now make its appeals as the visiting team. FCC members claimed their hands were tied by the December 29, 1971, Appeals Court decision that the commission’s awarding of a construction permit to BBI (July 29, 1971) closed the case. If so, then why wasn’t the 1957 WHDH construction permit a finality of some sort?

And in this final vote there were two ab- stentions, one absence and four mixed votes for BBI: Johnson and Bartley went quietly but Robert Lee and Chairman Dean Burch (Republican) made their gripes known. Lee, who had consistently opposed the switch in station ownership, noted the court mandate. “I have no choice, under the law.” Burch labeled the FCC history of the Channel 5 case “irrational decision making... stark and obvious... I am puzzled how they passed a muster... a process so rent with glaring error does not commend itself.” He noted that the *ex parte* lunch is still being digested, and concluded: “All the views have been threshed out before the courts, and the court’s mandate must be followed... but I cannot help but feel... an unconscionable injustice has been done here.” Again, two out of seven held sway.

Boston Broadcasters, Inc., is a group of businessmen and professionals with ideas that looked better on paper at their inception nine years ago than they did last month as they were about to materialize. The president is Leo Beranek, communications engineer and research consultant. Board chairman Brown is a lawyer and special justice of Boston’s Municipal Court. The general managers are Robert Bennett, former general manager of New York’s WNEW-TV, and Richard Burdick, former general manager of Philadelphia’s WHYY-TV (a public broadcasting station). Oscar Handlin, a Harvard history professor, is editorial board chairman. And the news director is Larry Pickard, formerly of ABC-TV news. Put them all together and what have you got?

First of all, what you haven’t got is the CBS network, which decided to hitch up with WNAAC-TV, Boston’s Channel 7, which in turn put ABC up for the grabbing by BBI.

Then again what you have got at BBI is a “slight demerit” from the powers that be for “its insufficiently supported proposal for local live programs.” Which is to say that in a fit of profuse zeal BBI projected a local-originat- ion budget of 36.3 per cent of its projected 160 ½ weekly hours. That would mean that they would be on the air about 23 hours a day, a bit much for any city and overwhelming for Boston. However, by the time they publicly announced their actual programming, the total air time was down to 130 ½ weekly hours (including repeats). And about 90 per cent of their program prospectus filed with the FCC failed to show up in this announcement (February 24, 1972).

BACK IN NOVEMBER, 1970, H-T president Clancy said that the loss of the station would have “a very bad financial effect” on the paper but would not force it to close down. A year later, however, his new tune was sounding something like a dirge. The H-T Corp., which does not break down financial statements on its individual interests, reported for 1969 a net profit of \$2.8 million, for 1970 a net profit of \$2 million and for 1971 a net loss of \$300,000. That’s what happened before any elimination of TV revenues. The following are estimated givens in local circles: that WHDH-TV grosses about \$7 million a year, that WHDH-AM slides comfortably into the black and that WHDH-F stumbles into the red. Thus, the paper must be losing heavily. After the January, 1969, decision for BBI, according to Forbes magazine, the H-T Corp. stock fell 55 per cent.

Once a powerful Yankee paper, the politi- cally conservative Herald-Traveler now sits on the sidelines when it should be giving the politically liberal *Globe* a run for its money. The *Record-American*, a Hearst tabloid, was once the leading paper in terms of circulation, but that was before it stopped printing the “num- ber,” which meant so much to gamblers. Now with a readership of about 400,000, the *Globe* is in first place. The Herald has fallen back to something around 200,000. Estimates have it that the H-T Corp. has spent at least \$2 mil- lion in legal expenses since the beginning of the TV battle. Some media watchers point to this as a reason why management may not have paid much attention to its paper.

Some observers say the *Globe* is trying to put the *Herald* out of business because the *Herald* once was trying to put the *Globe* out of business. According to Judge Stern’s findings (which reviewed McConaughy’s meals and stood Choate in good stead), the Taylors—the *Globe* president and vice-president—came to Washington in January, 1957, three months before the FCC awarded Channel 5 to WHDH, and began filing petitions of interven- tion against the H-T Corp. The Taylors con- tended that if H-T got Channel 5, the tough fight between the two papers would become a jeopardized competition. While continuing to yell “unfair,” the *Globe* sided with applicant Greater Boston Television.

Rumors ricocheted wildly that Choate threatened to use the TV station to drive out the *Globe* and that the Taylors threatened to use anything to drive out the *Herald*. Eventually, the Taylors managed to get the ears of at least a dozen upper-echelon politicians in Washington and of every FCC commissioner. And who knows what that did to the flow of things? Whatever, after two-and-a-half years of intervention, the *Globe* officially called it quits with this case in July, 1959, two months before Stern’s *ex parte* hearings concluded. And since then the *Globe* has tended to play down the Herald’s side of the story.

Rumors of the *Herald-Traveler*’s imminent demise have been around for nine years, ever since the FCC threw open the doors to all comers for the Channel 5 license. And with the talk of folding came the whispers of merging and buying. The Knight newspapers, the Newhouse chain, *The Washington Post*, Hearst and the *Globe* have all been bandied about as likely purchasers. Most of this is just not true. Most but not all, because Hearst is indeed in the market for a new *Record-American* print- ing plant, like maybe the *Herald*’s. Therefore, a merger of these two Boston papers is a possibility. One could fight the strong morning *Globe* and the other could be used to fight the weak Evening *Globe* (mainly composed of warmed-over morning features).

MANY CHANNEL 5 WATCHERS feel that the present composition of the FCC is such that the H-T would win Channel 5 if the 1969 vote were taken today. Thus, the FCC has been chiefly responsible for botching this case. In the 1969 vote , commissioner Johnson (Democrat) said: “I take no present position on the merits of continued newspaper ownership of broadcast- ing properties in markets where there is (sic) competing media. But I do think it is healthy to have at least one station among these politically powerfull 33 network-affiliated prop- erties in the major markets that is truly lo- cally-owned and managed independently of the other major local mass media. It is a step, however small, back toward the Commission’s often professed but seldom evidenced belief in the benefits of local ownership and media diversity. It is, at the very least, an interesting experiment which will be watched carefully by many.”

That sort of says it all. Or, as Professor Jaffe (in the *Harvard Law Review*) says about this statement: “One wonders at the power here asserted by a government agency to pick out ‘at least one victim for an ‘interesting experiment.’” One wishes that this FCC first—the taking away of one corporation’s “right” to a broadcast outlet—could serve as encour- agement to public interest groups challenging other TV licenses. But unfortunately, there is something utterly perverse about this case. It has set no new precedent. As Jaffe concludes, “Indeed, WHDH re-emphasizes what has been clear now for years: that the FCC is the victim of congressional failure to provide guidance... we cannot look to regulation to make basic improvements in broadcasting.” ☞

Reisman went on to work at WCVB as the head writer for Park Street Under (1979-80) and stayed for more than a decade, producing an award-winning documentary on juvenile justice, Teenage Wasteland (1981), then producing and performing for Chronicle (the nightly newsmagazine). He also produced four primetime specials for his wife, Consumer Reporter Paula Lyons.

CAN A LOCAL COMMERCIAL TELEVISION STATION afford to originate dozens of hours of its own shows, offer regular prime-time programs on health, the law and minority issues, feature five sepa- rate newscasts a day and spend \$500,000 on a series of Saturday-morning children’s pro- grams?

Most television executives wouldn’t know whether to laugh or to cringe at the question. They’d point out that producing quality pro- grams is very expensive. They’d argue that the mass audience simply hasn’t evidenced much interest in a series of programs on serious topics. And why, they might reasonably ask, should they consider such unnecessary risks? Most local television stations turn a hefty profit by doing little more than shuffling tapes of network and syndicated shows in and out of cassette machines. The typical local station is affiliated with one of the national networks (ABC, CBS or NBC) and thus has available to it that network’s entire schedule of programs.

But there is at least one major television station with a different vision. Since shortly after it was founded nine years ago, WCVB, the privately owned ABC affiliate in Boston, has been winning awards and accolades for its programming. The quality, quantity and diversity of its local programs have prompted people ranging from producer Norman Lear to ABC News President Rooney Arledge to suggest that WCVB may be the best com- mercial television station in America. And in the past several years, it has begun to generate im- pressive profits as well.

ONE OF THE FEW television stations that broad- casts 24 hours a day, WCVB devotes 62 hours a week to locally originated programs, more than any other network affiliate in the coun- try. In New York City, by contrast, none of the three network-owned stations — WCBS, WNBC, WABC — originates more than 28 hours a week of local programs.

The Federal Communications Commis- sion requires that a television station “serve the public interest, convenience and necessity,” but that mandate is so ambiguous as to be virtually unenforceable. On most stations lo- cal programming amounts to little more than the 6 and 11 p.m. newscasts (which have become immensely profitable), a few religious and public-affairs programs on Sunday morn- ing, and perhaps a pallid midday “magazine” show. According to the F.C.C., the average television station in America devotes less than 10 percent of its schedule to local programs. WCVB’s ratio exceeds 30 percent.

There are other stations with a serious commitment to originality. Westinghouse’s “Group W” stations, including WBZ in Bos- ton, have produced a number of their own programs, including “Evening Magazine.” In Los Angeles, the CBS-owned station, KNXT, runs twoand-a-half hours of local news in the afternoon and an evening news magazine; KABC, the ABC-owned station, offers three hours of news each weekday afternoon. Last summer, five ABC affiliate stations, including WCVB, banded together to produce a special, “What Does You Mom Do?” about the chang- ing role of women.

But WCVB’s local programs are more eclectic and more ambitious than those on other local stations. “Miller’s Court,” a weekly program at 7:30 p.m., features Harvard law professor Arthur Miller conducting a discus- sion of legal issues. “House Calls,” in which a physician, Dr. Tim Johnson, talks about health topics, alternates each week in another 7:30 p.m. slot with “City Streets,” a program that addresses the concerns of Boston’s minority community. A half-hour comedy-drama show entitled “The Baxters” features a fictional family facing a series of issues that are played out in a 15-minute segment, followed by a 15-minute audience discussion of the issues that have just been raised.

Last season, WCVB created its own topical situation comedy, “Park Street Under.” Set in a Boston bar, it was produced at a cost of only \$10,000 a segment — one-third what it would have cost WCVB just to purchase re- runs of “Laverne and Shirley.” WCVB also makes use of periods during the broadcast day when most other stations go dark. There is a one-hour news program each morning begin- ning at 6 a.m. and a live, loosely structured talk show, “Five All Night, Live All Night” (WCVB is on Boston’s Channel 5), which runs five nights a week, most often between 2 and 4 a.m.

And this month, work will be completed on WCVB’s most ambitious project yet: an hour-long movie called “Summer Solstice,” which stars Henry Fonda, Myrna Loy and Lindsay Crouse, and was directed by Ralph Rosenbloom, who has edited several of Woody Allen’s movies. Filmed on a modest budget of \$450,000, “Summer Solstice” was written by a local author, whose script was chosen from among 600 submitted in a contest sponsored by WCVB. ABC has taken an option on the production.

WCVB’S FOCUS on local programming grows partly out of the fact that it is locally owned, a unique circumstance among stations in the top 10 markets. Unlike most corporate executives, who must worry about stockholders and quar- terly earnings, the owners of WCVB, who live in the Boston area, have been willing to take a long-range view toward their investments, permitting the station to experiment, spend significant sums on programming and remain committed to shows that do not fare well in the ratings.

At the same time, the station has never been ashamed of the fact that commercial success is high on its list of priorities. Even WCVB’s serious programs are slickly pack- aged and promoted. Admirers of the station say that WCVB has learned the secret of sell- ing substance; critics argue that some of the station’s local programs are glossy to the point of superficiality. Either way, it is important to put WCVB’s achievements in perspective. Much as it stands out from other local tele- vision stations, the station also has plenty in common with them. During the 105 hours that it is not originating local programs each week, WCVB runs virtually the same mix of soap operas, talk shows and prime-time series that every other network affiliate relies on.

Still, WCVB has begun to prove that local programming can be profitable. Because it is privately owned, the station does not release revenue figures, but according to the most recent A.C. Nielsen ratings, WCVB currently commands a higher share of the audience than any Boston station. Robert M. Bennett, presi- dent and general manager of the station, says that its pre tax profits have increased tenfold since 1976 and that its rate of return is now competitive with most major television sta- tions, a figure that Mr. Bennett puts at about 35 percent of revenues. One broadcasting source estimates that WCVB earned between \$15 and \$20 million last year before taxes, on revenues of approximately \$45 million.

Mr. Bennett is the man most responsible at WCVB for balancing the profit motive with a concern for quality programming. “Bob has to be the best local broadcaster in the nation,” says Norman Lear, the producer, who worked with Mr. Bennett on syndicating “The Bax- ters” to dozens of other stations last season. “Bob is unusually concerned with program- ming that can illuminate issues for the pub- lic,” Mr. Lear adds. “It’s a lot easier for station executives to push a button than develop new material. If WCVB is winning in the numbers, then they’re proof that caring pays off.”

At 53, Mr. Bennett doesn’t look the part of a maverick. A large, conservatively dressed, square-jawed man, he has the easygoing ami- ability of a salesman, which is precisely how he began his television career. His first job was in the sales department of a Metromedia station in Los Angeles, beginning in 1952. It wasn’t until after he moved to Washington, D.C., in 1966, as vice president and general manager of Metromedia’s WTTG-TV, that he began ex- perimenting in the program area. At WTTG, Mr. Bennett was responsible for initiating the nation’s first prime-time news program (at 10 p.m.), as well as a three-hour midday talk-and- information show, “Panorama.”

In 1969, Mr. Bennett took over WNEW-TV, the Metromedia station in New York City and the nation’s largest independent station. Picking up where he left off in Washington, he helped found “Midday,” a talk-and-variety show, and “Black News,” the country’s first prime-time news program designed specifi- cally for blacks. But even with a large salary, a chauffeur-driven automobile and a secure ca- reer, Mr. Bennett felt frustrated. “I got bored,” he says. “I’d been with Metromedia for 19 years, and their stations were doing very well with reruns. I was very anxious to do more live television.”

Mr. Bennett’s opportunity came in 1971, when he was approached by several investors from Boston Broadcasters Inc., a local group that had been involved in a bitter decade-long battle to win the license for Boston’s Channel 5 away from the Herald Traveler Corporation. The investors were a distinguished group that included Oscar Handlin, the historian; Wil- liam Poorvu, a businessman and member of the Harvard Business School faculty; Dr. John Knowles, then the head of Massachusetts General Hospital, and Leo Beranek, an edu- cator and scientist. In the course of the battle, the Boston Broadcasters group made an un- precedented pledge to the F.C.C. If they were given the license, they said, they would pro- vide 50 hours a week of local programming. The commission promptly judged the promise “unrealistic.”

In return for a promise of free creative rein and a share in the ownership of the sta- tion, Mr. Bennett agreed to come aboard. It was a decision that ultimately made him a multimillionaire. Today, WCVB has an esti- mated market value of between \$150 and \$200 million, and he owns approximately 5 percent of the stock. But at the time, the courts had not yet even made their final decision about the license, and the station remained in the hands of the Herald Traveler. Finally, in March of 1972, eight months after Mr. Bennett’s ar- rival, the Supreme Court ruled in favor of the WCVB group. Mr. Bennett’s first mandate was to make good on the group’s local-ser- vices promises.

Boston was certainly as good a place as any to make the attempt. Even before WCVB, the city had supported what is generally ac- knowledged to be the leading public-televis- ion station in the country, WGBH. And, indeed, WCVB has since recruited a number of its em- ployes from WGBH, including Bruce Marson, its vice president in charge of programming. In addition, WCVB’s leading commercial com- petitor, WBZ, the Westinghouse-owned NBC affiliate in Boston, has long had an innovat- e record — as well as ratings dominance in the market. WBZ now features some 45 hours a week of local programming. “I think we’ve

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had an effect on them,” says Mr. Bennett. “I’d argue that between us, WBZ and WGBH, the best television anywhere in America is being done here.”

From the start, Mr. Bennett says that he was encouraged by his board to invest in local programming. “I’d find the board asking me questions like, ‘Are you sure we’re spending enough?’” One of the station’s first moves was to produce “Jabberwocky,” a series of 130 chil- dren’s programs. The series won many awards, but in the first year it earned only \$25,000 in advertising revenues. By 1975, however, it had been sold to 71 other stations.

Mr. Bennett is convinced that syndication is one way to make expensive local programs pay for themselves. Two years ago, the com- pany spun off a separate division, BBI Com- munications, charged with selling WCVB’s programs worldwide, not only to other tele- vision stations but for use on cable, videodisks and cassettes. Already the stationhas turned a profit on projects ranging from its package of health shows to a series called “This Was America,” which traces the early 20th century through old photographs.

Only 5 percent of WCVB’s income cur- rently comes from syndication, but Mr. Ben-

nett believes that the figure could reach 25 percent. The challenge to WCVB is not to lose its local identity in the process. “There is al- ways that risk,” says Mr. Bennett. “What we’ve tried on any project is to ask first, ‘Is this right for our audience?’ Even our movie, ‘Summer Solstice,’ grew out of a contest that was held strictly among New England writers.”

The time slot in which WCVB has most consistently attempted its own programming is “prime-time access” between 7:30 and 8 p.m. Access is the period during which local stations are not permitted to use network pro- gramming, a rule promulgated by the F.C.C. in an effort to stimulate localism. Instead, most stations have simply purchased game shows from outside syndicators. WCVB initi- ated a group of its own access programs, but at first the ratings were miniscule. “Partly I think the marketplace wasn’t ready for it, and partly we just didn’t do it well,” says Mr. Bennett.

Today, WCVB’s lineup in access ranges from “Miller’s Court,” the program on law, to “Big Money,” a show pegged to the Mas- sachusetts lottery, to “The Baxters.” None of the shows finish first in the ratings, but Mr. Bennett doesn’t seem fazed.

“If we wanted to go purely for ratings, we could have bought ‘The Newlywed Game,’” he says. “We knew we were going to be third in this period. When you try something different, it takes time to build an audience. And even without leading the ratings, I think the shows have paid off through the rest of our schedule. It shows that we’re not just paying lip service to local programming, while trying to suck out every dollar. It gives credibility to everything else we do and especially to our news, which is astation’s real report card.”

THE MOST WIDELY KNOWN WCVB program is probably “The Baxters,” the station’s audience- participation comedy-drama. After Norman Lear saw a tape of the show in 1978, he offered to collaborate with WCVB, producing the show himself and syndicating it nation- ally. Nearly 40 stations bought “The Baxters,” each of them agreeing to provide a 15-minute audience-discussion segment. Still, the show did not sign up enough stations to justify the costs of producing it in Hollywood under Mr. Lear, and at the end of last season, the two sides agreed, amicably, to end the partnership. WCVB took the show back, and this season produced it in Toronto.

Mr. Bennett believes that under Mr. Lear the original spirit of the show was altered. “Norman just saw it differently,” Mr. Bennett says. “He did it as a public-affairs show that dealt with all kinds of heavy issues, like nucle- ar power. We saw it as a situation comedy. This season we’ve added a laugh track and focused on more personal subjects, such as the moth- er’s being sexually harassed on the job or the

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daughter running away from home. It’s not in as many markets now — Norman was a hot ticket - but the reaction has been good.”

The fact that WCVB would use a laugh track on “The Baxters” is evidence that the sta- tion is not above commercial considerations. Even with its documentaries, WCVB has been concerned with making them not just informa- tive but entertaining. Usually, that has meant treating serious issues in very personal terms and creating promotional segments that at- tract viewers to the story. WCVB’s document- ary on cancer, “Just Hold My Hand,” focused on two older woman who were dying from the disease. “Denise,” a documentary about child abuse, was told from the viewpoint of a woman convicted of the crime. Even though WCVB’s documentaries are scheduled opposite enter- tainment programs in prime time, they have drawn remarkably high ratings. “Denise,” for example, won a 41 share of the audience against entertainment competition on the other two networks.

Henry Becton, the general manager of the local public-television station, WGBH, argues that the WCVB approach has its drawbacks. “I think they have a tendency to sensationalize a subject,” says Mr. Becton. “They did that with ‘Denise,’ and I think it was at the expense of exploring some of the underlying issues. The fact is they’re a commercial station in the busi- ness of delivering large audiences to advertis- ers.”

On the other hand, Mr. Becton often counts himself among WCVB’s admirers. “You have to respect them for a lot of the things they’ve tried,” he says. “I wish we’d done some of the medical programming they’ve done. I think they’re probably the best commercial- television station in the country.”

IF WCVB HAS ANY PROBLEM right now, it may be suc- cess. Mr. Bennett, who has intermittently re- ceived offers of network-level jobs, was recently approached by ABC about taking a high-level executive job at the network. At WCVB, some of Mr. Bennett’s fellow stockholders, who first invested in the station nearly 20 years ago, are reported to be considering the possibility of selling WCVB. Mr. Bennett says that the station has not been offered for sale, but he acknowl- edges that “it’s always possible.” As for himself, he declines to talk about any offer from ABC and says simply that “I’ve never been happier, and I’m not planning any more.”

Whatever happens, Mr. Bennett is con- vinced that more local stations will soon feel compelled to follow the WCVB example.” In the future,” he says, “cable and the other new technologies are going to provide viewers with many more options. Episodes of ‘Laverne and Shirley’ may be available to viewers from five different sources. The stations that prosper will be those which establish a local identity, through their news and public-affairs pro- grams. The stations that merely serve as con- duits for the networks’ programs simply may not survive.” ☞