

1979

A Chicken in Every Pot, and Forty-one Channels for Every Television Set

William K.S. Wang

UC Hastings College of the Law, wangw@uchastings.edu

Follow this and additional works at: http://repository.uchastings.edu/faculty_scholarship



Part of the [Communications Law Commons](#)

Recommended Citation

William K.S. Wang, *A Chicken in Every Pot, and Forty-one Channels for Every Television Set*, 1 *Comm. & L.* 97 (1979).

Available at: http://repository.uchastings.edu/faculty_scholarship/766

This Article is brought to you for free and open access by UC Hastings Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.



Faculty Publications
UC Hastings College of the Law Library

Author: William K.S. Wang
Source: Communications & Law
Citation: 1 Comm. & L. 97 (1979).
Title: *A Chicken in Every Pot, and Forty-one Channels for Every Television Set*

Originally published in COMMUNICATIONS & LAW. This article is reprinted with permission from COMMUNICATIONS & LAW and .

WILLIAM K.S. WANG

Guest Editorial:
**A Chicken in Every Pot, and
Forty-one Channels
for Every Television Set**

Mr. Wang is a Professor of Law at the University of San Diego, and a member of the California Bar. During the past semester, he worked as a full-time consultant on banking regulation for the White House Domestic Policy Staff. However, the views expressed herein are personal and do not reflect those of the Administration.

I am not running for Congress; but I wish I were because I have a cause that would guarantee my election. I promise Americans forty-one channels for every television set.

Almost all television sets now have eighty-two channels, but most American families receive only static on all but three to five channels. This is because the Federal government prohibits local broadcasts on a given channel if this would interfere with broadcasts in another locality. Television signals go long distances, and stations broadcasting on the same or even adjacent channels must be sufficiently far apart so as not to interfere with each other.

Although extremely few television programs are locally produced, the Federal government clings to the fiction that the major function of every television station is to broadcast local programming. Accordingly, each television network now broadcasts on different channels in each locality rather than on a single nationwide channel.

I have a proposal which will greatly increase the number of channels available to the American viewer. Instead of licensing *local* television stations, the Federal government would auction long-term *nation-wide* leases on all forty-one even-numbered channels. Use of the forty-one odd-numbered channels would be prohibited. This should result in forty-one networks, each using a single even-numbered channel throughout the nation. All towers broadcasting on a given channel would reinforce rather than interfere with each other. Because of different time-zones, there might be some repetition of network programming, but this would allow viewers to catch programs they missed while watching one of the other forty channels.

A few new channels might be allocated to non-commercial, non-profit television, and a few restricted exclusively for the sale of time on a public utility basis; but leases on these restricted channels would still be auctioned. The holders of leases on *all* channels, including non-profit or public access channels, would be permitted to charge viewers.

The new networks would have a strong incentive to devise efficient methods of wide-area television programming. Although it is difficult to anticipate the technologies ultimately used, my own pet scheme is satellite-to-plane-to-home television. Earth stations would transmit signals to satellites which would relay programs to high-flying airplanes carrying equipment to broadcast directly to homes.

One problem of the new system would be interference from existing Canadian and Mexican television stations. Parts of America bordering Mexico and Canada would receive fewer than forty-one American channels. How many fewer would depend on international negotiation and on the development of new technology to minimize interference between American and foreign stations.

Throughout the United States, however, there would be a much larger choice of channels and much more diverse programming. Not all the forty-one networks could get one-third of the nationwide audience. Many of the new networks would be forced to cater to relatively small groups of viewers, who might be charged for programming. If only half a million set-owners were willing to pay one dollar each for a television show, the revenues generated should be more than adequate to cover the costs of a wide variety of programming, including plays, rock concerts, tennis lessons, debates on controversial issues, and extension courses for

university credit. An analogy to magazine publishing might be useful. Suppose the Federal government regulated magazine publication. There would be far more diversity if the government auctioned the right to publish forty-one national magazines (with permission to charge for subscriptions) than if the government permitted only four or five magazines which had to be distributed without charge.

Of course, the major disadvantage of my proposal is that there would be no local programming, except perhaps in areas served by cable television. There are so few locally produced programs now, however, that I am certain that the American people would prefer forty-one national networks to four or five pseudo-local stations.

With existing technology it is possible to provide the American viewer with an enormous choice of television programming. The only barrier is our own Federal government.

From time to time Communications and the Law will print Guest Editorials we deem of interest. This does not imply that we agree—or disagree.

Symposium on

PRESS & PRIVACY

An Examination of the Contours of an Expanding Conflict

PROFESSOR RANDALL P. BEZANSON examines the growing trend of restraining publication of embarrassing private facts, and concludes that such prior restraint may in some cases be appropriate while in other instances the publisher should compensate individuals—notwithstanding the “newsworthiness” of the facts revealed.

PROFESSOR DORSEY D. ELLIS, JR. proposes eliminating random and possibly vindictive jury awards of damages in privacy cases by assigning a property interest in private facts or providing for liquidated damages.

PROFESSOR DON R. PEMBER forecasts difficult times for the press because of the rapidly expanding interest in limiting access to information; even the efforts at implementing state freedom of information acts sometimes have been counterproductive because some statutes have *created* privacy rights and specified more exemptions to access than existed before the statutes were enacted.

PROFESSOR GEOFFREY PALMER, a member of the New Zealand Law Reform Commission, considers the consequences of Commonwealth laws that allow more plaintiffs to sue and recover for reputational injury in contrast to United States laws that emphasize preclusion of a “chilling effect” on publication.

PROFESSOR WILLIAM E. LEE breaks new ground in his discussion of the implications that the privacy tort of intrusion has for news-gathering and the competing interests at stake.

For a copy of this symposium, ask for issue 64:5 and send \$5.75 (includes shipping) to:

Iowa Law Review

College of Law
The University of Iowa
Iowa City, Iowa 52242