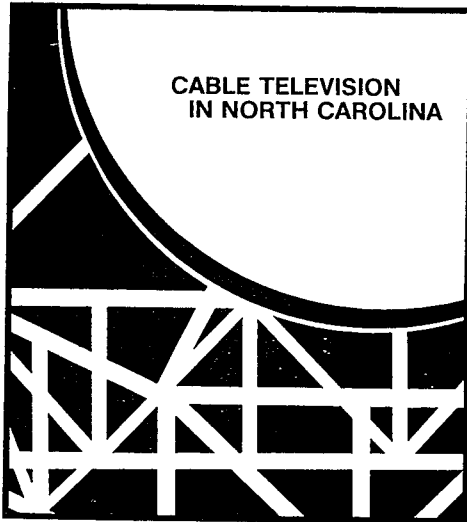


CENTER REPORTS SUMMARIES



Cable Television in North Carolina, a report by the Center, was published in November. The report's preface offered this capsule of its findings: "The study found, in brief, that the current system of regulating cable television in North Carolina, which gives major control over the operations of cable systems to local governments, should continue. It should continue because decisions on the extent and nature of the programming and services cable systems offer belong properly to the communities they serve. But the study also found that

many of the local government officials who have to make those decisions are not adequately informed on cable television. Its potential as a medium for local expression and for delivering services has not been considered in many communities. Toward the end of informing and stimulating local discussion of cable television, the Center has recommended that the state establish a Cable Communications Commission"

The report included a number of features designed to make it a useful document for local government officials and interested members of the public: a map showing the locations of North Carolina's cable systems, a chart listing the rates charged to cable subscribers in the 123 communities served by cable television, a list of the owners of the state's cable systems, and a list of selected sources and resources.

The following is excerpted from the report's final section, "Recommendations":

Decisions on the nature and extent of programming and services delivered by cable systems should be made on the local level. Past experience shows that cable television's potential as a vehicle for community expression and for the delivery of community services can not be realized without strong local support. But the decisions should be made by local government officials who are fully informed on cable television and its potential.

The Center recommends, therefore, that the General Assembly establish a Cable Communications Commission. The commission would have as its major purpose the development of cable television in North Carolina as a medium for serving community interests and needs. It would have no regulatory role. It would neither issue franchises nor certify them, and it would collect no franchise fees. It would work to attain its goals, not by regulating the cable industry, but by providing assistance to local governments.

The commission would be unique in that it would seek to influence the development of cable television in a state without exerting any regulatory control. But the Minnesota Cable Communications Board, even though it certifies franchises and has powers broader than those envisioned for the North Carolina commission, may serve as a model in several aspects of its work. It publishes a large amount of information on cable television, provides extensive consultation services to municipalities, encourages local cable programming, and explores avenues for bringing cable television to the rural areas of Minnesota.

The North Carolina commission would have two main functions: information and stimulation.

The commission should maintain current information on:

- Cable operations in North Carolina, including services, rates, requests for rate increases, applications for franchises and actions on franchise applications.
- Changes in FCC regulations.
- National and state legislation affecting cable television.
- Cable services and rates around the country.
- Developments in cable television technology.

The commission should disseminate that information free to North Carolina's local governments and cable companies in a periodic publication. It should also prepare or make available suitable publications on such subjects as cable technology, franchising, community use of access channels, and formation of non-profit corporations to support local programming.

The members of the commission's professional staff should be available for consultation with local officials on all aspects of cable television operations, but particularly on the negotiation and renegotiation of franchise agreements.

The commission should actively promote the growth of cable television in North Carolina, particularly in the rural areas of the state. In conjunction with local governments, regional organizations, and appropriate state agencies, it should explore technological and financial avenues for encouraging the extension of cable television to sparsely populated areas. It should work especially closely with the North Carolina Task Force on Telecommunications, which is studying the appropriateness of various technologies for serving North Carolinians and which has conducted an exhaustive series of interviews to determine which state services might be delivered by a telecommunications network. The task force was appointed by Gov. James B. Hunt early in 1978. It is expected to make preliminary recommendations in December, 1978.

The commission should also encourage local governments to explore the full variety of public programming and community services that cable television is capable of providing. In that regard, the commission's information program should make local governments aware of cable television's potential. But the commission should also work with local governments to spur the formation of local non-profit corporations to serve as conduits for the funding of local programming experiments. It should encourage municipalities and counties to establish citizen advisory committees on cable television. The commission's staff should also, in cooperation with local governments and cable companies, hold workshops to train the public in the use of production equipment and encourage persons trained in those workshops to train others.

Press Reaction

The recommendations of *Cable Television in North Carolina* were disseminated widely through the state's news media. Some newspapers were prompted by publication of the report to question cable television companies in their communities on public access to television production.

In a story headlined "Become A Star on Cable TV," the *Wilmington Star* quoted a Wilmington cable operator as saying that a public access channel and television equipment were available but that no one had ever requested to use them. Another New Hanover County cable operator told the reporter that he had two cameras that could be used by the public. "We definitely would work with anyone that was interested," he was quoted as saying.

Editorial reaction was mixed. The view of the *Durham Morning Herald* was obvious from the title of its editorial, "A Commission We Don't Need." The editorial noted that the contract between the city of Durham and Durham Cablevision, a contract cited by the report as a model, was drawn up without the help of a state communications commission. "Resources," the editorial said, "are available already through the Federal Communications Commission, the League of Municipalities, other cities with cable contracts---including Durham, of course---and other sources." The editorial concluded: "A better idea might be to get into the hands of officials of every city and county considering a cable contract copies of the center's lucid, well-documented and informative study."

The *Fayetteville Observer* endorsed the report's recommendations in an editorial, "Cable TV in N. C." The editorial concluded: "The Center's report is a first step toward making good information on cablevision available to public officials. And the idea of having all this and much more information available from a state agency is refreshingly superior to one more level of regulation. At least it ought to be given a chance."

The *Lexington Dispatch* said in an editorial that it supported the report's major recommendation "even though we basically are against the formation of new state commissions and agencies, which have proliferated needlessly in the last decade or two." The editorial concluded: "We think a state commission, of a purely advisory nature, would be helpful."

—Henry Wefing

The Right to Be Able to Know

Public Access to Public Information

How democratic is the democracy in which we live?

The answers to such a question always vary according to the ways in which democracy is measured---by the availability of the voting franchise, by the opportunity for political involvement and mobility, by the degree to which citizens are able to obtain information about the performance of government bureaux and of government officials. By any standard regarding the flow of information, governments in this country at both the state and federal levels are far less democratic than the language of the Constitution and the rhetoric of July 4th might suggest. And North Carolina, unfortunately, is no exception.

Laws in this state purport to guarantee access to virtually all government documents, as well as public attendance at most meetings of government agencies. But various exceptions and exemptions in such statutes too often result in the denial of access rather than in the disclosure of information. North Carolina has both a public records law and an open meetings law; yet, its citizens are assured neither the right to obtain government reports nor the opportunity to attend many government meetings at which important decisions are made.

Proposals for broad reforms in these state laws of access to make the disclosure of information more routine and less costly were recently advanced by the Center in a report called *The Right to Be Able to Know: Public Access to Public Information*. The report was prepared in two component parts: a discussion of "access" as a public policy issue, and an analysis of various access laws passed recently by Congress and by state legislatures, including the North Carolina General Assembly.

The report, issued in late December, urged major legislative action in five areas:

- *Passage of a state freedom of information statute* modeled on the federal Freedom of Information Act. Enactment of such legislation would change North Carolina law in at least two significant ways. First, the burden of justifying the refusal to disclose documentary information would be on the government, rather than on any citizen seeking a government report. Secondly, the expense of litigating the government's refusal to disclose information would be borne by the state in cases where such a refusal was subsequently shown in court to have been without legal justification.

- *Passage of a comprehensive open meetings law* which includes provisions for voiding actions taken at meetings closed without legal justifications and for the imposition of penalties on public officials who arbitrarily meet behind closed doors. A legislative study commission will propose new "sunshine" legislation during the 1979 General Assembly. The current law, amended in 1978, has notice provisions and a clear definition of the groups which are subject to the statute, but it is also rife with exceptions and exemptions. The Center's report proposed the elimination of all exemptions, and the restriction of statutory exceptions to those circumstances in which closed meetings can be clearly justified.

- *Passage of revisions in the state Personnel Privacy Act* to permit greater access by the public to the performance records of government employees.

- *Consideration by a legislative commission of a forthcoming proposed uniform state privacy act*, a model law which if enacted would permit greater access by individuals to the records the government compiles with information about them.

- *Passage of a qualified reporter's "shield" law* in North Carolina to establish as a matter of public policy the right of journalists to withhold the names of confidential sources and the contents of confidential information at least until the party seeking disclosure has proved in court that the information is material and relevant to a judicial proceeding and is otherwise unobtainable. The protection of reporters' sources is important if the press is to be effective in gathering and reporting on matters of public concern; yet an absolute reporter's "privilege" to withhold confidential information might amount to an unconstitutional proscription of the rights of others---criminal defendants, for example. Half the states have "shield" laws, many of which have been passed during the past six years.

—Fred Harwell