TELEVISION BEYOND THE NETWORKS
First-Run Syndication of Original Content in the 1970s

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ABSTRACT
This article offers historical case studies of Winters/Rosen's *Story Theatre* and Norman Lear's *Mary Hartman, Mary Hartman*, first-run scripted programs that endeavored to address a national audience through the syndication marketplace during the 1970s in the United States. Despite the programs' efforts to operate outside network distribution circuits, both series faced profound challenges that spotlight a range of factors that reinforced the dominance of CBS, NBC, and ABC during the network era. Positioned within larger cultural shifts, this consideration of *first-run syndication* charts the growing importance of independent stations and alternative modes of distribution, examines obstacles in the path of producers of innovative content, and discusses how these programs complicated traditional notions of televisual quality and value.

> It will be like 1951–1952 again, where a guy put his show under his arm and went out on the road and sold it, station by station.
>
> —Chuck Barris, television producer of syndicated programming[1]

EVERY DECADE SEEMS TO ENJOY RENOWN FOR ITS OWN BRAND OF QUALITY TV, FROM THE 1950S golden age of live drama, to the 1970s "relevant" sitcoms, to the complex television of today.[2] Yet "quality" is among the slipperiest terms employed to gauge the relative value of television content, for it can refer to the aesthetic or narrative appeal of a program, to its production value or pedigree, to its moral or ideological import, or even to traditional measures of success like high ratings and prestige. In their separate writings about quality TV, feminist scholars Christine Geraghty and Charlotte Brunsdon have both isolated quality as a problematic yet productive discourse, one that issues value-based judgments with implications beyond the speaker.[3] Brunsdon posits, "There are always issues of power at stake in notions such as quality and judgement—Quality for whom?, Judgement by whom?, On whose behalf?"[4] The notion of "quality" as a definable concept not only demarcates strategies for assessing value but also conveys a broader argument about the role television plays (or should play) within culture. Quality normalizes by drawing boundaries, and it tends to pull from established patterns or establishes new trends by grouping programs. Programs assessed as "quality" therefore must fit some sort of pattern—they must be recognizable in some way. When programs fall outside these patterns—when their edges are too rough, when the narrative is too idiosyncratic, when their life on the air is too short—they can be difficult objects to assess, to compare to other aspects of television.

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The two historical programs discussed below, *Story Theatre* and *Mary Hartman, Mary Hartman* (hereafter *Mary Hartman*), highlight the contradictions underlying any designation as a quality series.[5] Both programs, born in the 1970s, boast pedigree but were made on the cheap, they drew their inspiration from debased genres (children's content and soap opera, respectively) but also worked to exceed the boundaries of those program types, and they lacked the imprimatur of the network-quality, prime-time series but followed an alternative route to the airwaves. These shows derived from the world of syndication, the "aftermarket" for successful network programs and the home to cheap first-run fare, and as such, they emerged from a world frequently overlooked when considering matters of quality. As scripted, first-run content, *Story Theatre* and *Mary Hartman* eschewed traditional paths to television success, and their complicated journeys toward premature cancellation highlight the profound challenges facing any series operating outside the distribution networks of NBC, ABC, and CBS during the twilight of the network era of TV.[6]

To some extent, both programs are examples of failure, with *Story Theatre* earning pathetic ratings and *Mary Hartman* failing to survive into a third season. In this way, they are anything but exceptional series, for failure has always been the norm of the TV industry; indeed, even in the past decade, some estimates suggest that 70 percent of new series have not lived past a second season.[7] In the 1970s, the era during which both *Story Theatre* and *Mary Hartman* aired, access to the airwaves was tightly controlled by the three broadcast networks, NBC, CBS, and ABC, and as a result, the Big Three played a powerful role as distribution gatekeepers. During the decade, outlets for television gradually expanded through the increasing strength of independent stations, the formal creation of a noncommercial television network in PBS, and the fledgling pay television industry, but for reasons explored more fully below, the networks exerted a consistent and persistent influence over the programs and producers that flourished and the ones that did not. Put simply, the networks were best positioned to distribute a series to an audience large enough to earn renewal. *Story Theatre* and *Mary Hartman*, however, attempted to succeed *beyond* network power through the syndication marketplace, through a station-by-station approach to licensing. Despite their quality and their best efforts, both programs discovered the profound challenges of forging a nonnetwork means of distribution in the 1970s.

As Alisa Perren argued in a recent *Cinema Journal* In Focus section on media industry studies, distribution is an expanding but challenging area of scholarly study that demands more attention.[8] As a method of distribution, syndication creates additional obstacles for scholarly analysis to overcome because each market generates unique licensing terms and because the content that fares best in syndication (like game shows and other unscripted series) tends to follow formats presumed to be less productive for exegesis. Nevertheless, syndication has long played a crucial economic role within the TV industry. In *Rerun Nation*, a history of the significance of the repeat in American television, Derek Kompare shifts scholarly attention from the network prime-time market to the relatively overlooked syndication market. In so doing, he claims for the rerun a new visibility as the workhorse of television economics.[9] Less sexy than the latest network hit, the humble rerun has nevertheless proven crucial to support the basic structures of television, providing content for individual stations, additional revenue for networks, and reliably popular programming through which advertisers could reach large audiences. Reruns may drive television finances, but in terms of first-run programming, syndication is less a guaranteed path to success. The case studies discussed below explore the ways two programs worked to overcome the structural limitations of the syndication market, demonstrating how television's lack of innovation is a natural outcome of the distribution logics that support the industry's economics and the persistent dominance of the major networks.

A BRIEF HISTORY OF SYNDICATION AND THE PTAR

Historically, the key players in television distribution were the major broadcast networks—NBC, CBS, and ABC—and for many decades they dominated the industry by employing the airways and AT&T's infrastructure to develop a network between their owned-and-operated (O&O) and affiliated stations. Writing about the networks in the 1970s, J. Fred MacDonald observed that the Big Three controlled 46 percent of ad sales from 1970 to 1976 and also generated 40 percent of the industry's total revenue.[10] They also exercised a lock on prime time (the hours between 7:00 and 11:00 p.m.) through agreements with affiliate stations to "clear" those hours for the airing of network-distributed shows. Notwithstanding the networks' power, there has long been a thriving syndication marketplace through which independent distributors have sold programs or packages of programs to individual stations across the United States. For example, during the earliest days of television, the major broadcast networks operated alongside companies like F. W. Ziv and Telecom Incorporated, which licensed filmed content to local stations.[11]

Stations were eager to air less expensive shows that invited scheduling flexibility, and these priorities made the syndication of filmed content a routine practice by the mid-1950s.[12] Much of this filmed content consisted of reairings of older programs, particularly films produced before 1948. Companies like Ziv also produced new first-run programs for local markets. Thus while the 1950s are known as the golden age of television for the quality of the live programming that dominated network-controlled prime time, the decade also witnessed the profound growth of independent first-run productions. Generally undervalued, with Ziv himself conceding that his programming was necessarily lowbrow and "escapist," first-run syndication nevertheless provided local stations, especially those unaffiliated with the networks, some autonomy.[13]

The era of Ziv and first-run syndication television had declined by the end of the fifties, and the off-network rerun, or programs licensed for local markets after airing for several years on a national network, became the bread and butter of independent stations. For the producers of network shows, the syndication market offered additional revenue-generating opportunities; indeed, some programs like *I Love Lucy* remained "evergreen" on the air for decades, earning additional licensing fees with each new short-term contract agreement with individual stations. Off-network reruns were pretested properties, having already proven popular with a national audience, and as a result, they were highly popular with advertisers as well. As Todd Gitlin notes in his seminal work on the operations of the television networks in the 1970s, "The networks place a premium on rationality, searching for seemingly systematic, impersonal, reliable ways to predict success and failure," and the rerun was as sure a hit as existed.[14] With a glut of off-net reruns hitting the airwaves in the sixties, companies like Ziv folded or were incorporated into larger entities.

The time period that is the focus of this study, the 1970s, featured the gradual but exponential expansion of the distribution landscape. Many of these new outlets were nurtured by an American government worried about the oligopoly of NBC, CBS, and ABC. For example, in his "Vast Wasteland" address in 1961, FCC chairman Newton Minow cited lack of effective competition as one factor contributing to a sense of sameness and a dearth of innovation among television programs.[15] As a result, the government worked to stimulate new production and distribution of television, from President Richard Nixon disparaging the economic impact of the glut of reruns to Congress establishing the Public Broadcasting Service.[16] One key example of an activist regulatory spirit was the controversial Prime Time Access Rule (PTAR), enacted by the Federal Communications Commission in 1970 after twenty years of debate.[17] While the PTAR is perhaps best known today for a subset of rules called the Financial Interest and Syndication Rules (Fin-Syn), which prohibited television networks from owning a financial stake in programs they also distributed, the PTAR portion of the rules sought to increase access to lucrative evening time slots for independent producers and distributors, free from network competition.[18] The PTAR became one of the last major activist regulatory moves by an FCC shifting to a deregulatory, market-oriented agenda.[19] It also created the impetus for the creation of *Story Theatre* for television.

The PTAR sought to reduce affiliate reliance on the network feed. In the 1960s the Big Three networks dominated prime time by distributing programs they produced or in which they held a financial interest, in addition to programming a number of television stations they owned. The common arrangement among the networks and their affiliates, or the individual stations that agreed to air a particular network's programming for their local viewers, entailed the affiliates "clearing" four hours of prime-time programming to air network-distributed content each evening. The PTAR ordered a shift in these network distribution practices by preventing local affiliates and stations owned and operated by networks (O&Os) from accepting more than three hours of network programming each night. The rule did not dictate which hour needed to be returned, nor did it dictate the type of programming that should fill the vacated slot, though it did prohibit the airing of off-network reruns.[20] Significantly, the freed hour had to come from prime time, anywhere between 7:00 and 11:00 p.m., the hours during which stations could demand the highest advertising rates.[21] By limiting the networks' control over this lucrative hour, the FCC hoped local stations would take it upon themselves to produce new programs or to seek out programming from new sources.

Largely, local stations did not take it upon themselves to produce many new programs, and the PTAR today is viewed as encouraging a reign of game shows and reruns in the early evening hours.[22] A more nuanced reading of the PTAR's failure, however, must acknowledge a few key points. Individual stations were not in a position to develop network-quality series because they did not have the financial resources of the major networks, particularly as they were not able to benefit from the economies of scale enabled by networked distribution.[23] When stations *did* produce new work, they did so on a limited budget by focusing upon news programming or talk shows, genres that are less expensive to produce than scripted content. Accordingly, one of the effects of the PTAR was the expansion of local news programming.[24] The case study of *Story Theatre* below features the efforts of an independent producer to produce genuinely innovative first-run content for sale to local stations for the PTAR hour and the risks of doing so. *Story Theatre* was at once a realization of the hopes of the PTAR and also a cautionary tale of the long odds facing independent programmers.

STORY THEATRE: PTAR PROGRAM PAR EXCELLENCE

Burt Rosen and David Winters formed Winters/Rosen Productions Co. in 1969 explicitly to exploit the prime-time possibilities opened by the PTAR, and *Story Theatre* was among their first batch of programs developed for the Access hour, which by general agreement among the network's owned-and-operated stations became the first hour of prime time.[25] Thus Winters/Rosen was exactly the type of new entrant to the industry the FCC likely envisioned as a goal of the PTAR, increasing diversity not only of programming content but also of programming source. The show was an imaginative program loosely based on *Grimm's Fairy Tales* adapted from the live theater, and it first aired as a syndicated program on television during the 1971–72 season. *Story Theatre* also made visible a fundamental flaw in the FCC's institutional power. The FCC is empowered to regulate television *stations* through its licensing authority, but it does not have the authority to regulate content or to dictate networks' activities apart from their owned-and-operated stations. Since the goal of the PTAR was to decrease the power of the networks, regulating them directly would have been more efficient, but the FCC's authority did not extend that far. The design of the PTAR therefore sought to limit network power by mandating the increased agency of local stations, those entrusted to protect the publicly owned airwaves. The PTAR encouraged local stations to seek out new and innovative programming sources by depriving them of easy access to network content. This encouragement did not necessarily inspire stations to take a chance on a risky new program, and *Story Theatre*, which did not sell well in the United States, is a case in point.[26]

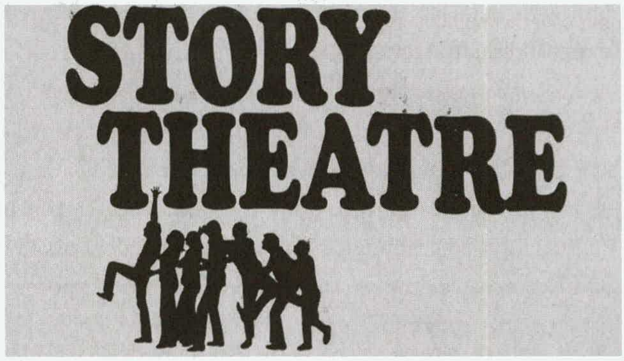

FIGURE 1. *Story Theatre*'s logo. *Variety*, May 19, 1971, 61.

Whereas fellow Winters/Rosen PTAR program *Rollin' Down the River*, a musical series featuring Kenny Rogers, had been licensed in eighty-five markets three months prior to its premiere, *Story Theatre* had commitments from only twenty-five stations.[27] *Broadcasting* reported clearances, or agreements by stations to license and air content, in terms of percentages of coverage across the total number of stations. *Story Theatre* achieved 18 percent clearance in its first year, compared to 86 percent for former network program *Lassie* and 79 percent for *Wild Kingdom*, a documentary-style series formerly aired by NBC and produced by an insurance company.[28] It is a truism of the network era of television that mass-audience-driven economics privileges the known entity, the battle-tested program, because advertisers want to attract the largest audience possible. Winters/Rosen understood this, expecting that a new program like *Story Theatre* might take time to develop a large following. To help the program reach the airwaves, the company pursued an international coproduction deal with Canada's CTV network. This type of financing model became a key unintended result of the PTAR's passage: facilitating increased access to the US prime-time market for foreign productions, resulting in a rise in international coproduction arrangements and imported foreign-produced content among prime-time programs.

Story Theatre was filmed in Vancouver, and the production and distribution deal with CTV featured several financial benefits for Winters/Rosen. The television program would air first on CTV and then in the United States on local stations. The guaranteed distribution in Canada helped underwrite the production costs of the show. Moreover, the double exposure increased the program's reach and its revenues while also taking pressure off Winters/Rosen regarding the number of American markets in which the company needed to make a sale. Syndicated programs usually aimed for a one-hundred-station sale, though it was also key for the distributors to secure licensing in major urban markets. Keith Godrey, vice president and director of sales for major Hollywood producer MCA-TV, explained the situation to *Variety* as follows: if a network-quality program costing $100,000 sells to sixty markets but fails in the big cities, the show cannot earn a profit.[29] The stations in the big cities tended to be controlled by the networks, giving NBC, CBS, and ABC a strong role in the survival strategy of any syndicated series.

Aside from the control of their O&O stations, the shadow of the networks loomed over Access shadows in the guise of "quality," for there was a presumed link between production budget and a program's value. The opponents of the PTAR, ranging from the networks and station owners to the new FCC chair, Dean Burch, condemned the government's interference with marketplace logics and expressed a genuine anxiety about the quality of television programming.[30] Consider *Washington Post* critic Tom Shales's critique of the PTAR: "It's criminal, criminal for the FCC to have made that rule. For them to believe that they could take time away from the networks and give it to the local stations and expect quality programs is a farce! Quality? With what? With a budget of 14 cents?"[31] Not all journalists were as pessimistic as Shales, though hyperbole was popular when discussing the PTAR, as reflected by Shales's colleague's snide remark about the ways critics of the rules framed their concerns: "From the hue and cry it raised on almost every side, you'd have thought [the PTAR] was a proposal to butcher infants in the street."[32] The PTAR remained a hot topic of debate, and that debate was often framed through references to "quality" as dependent upon financial means. Critics were worried that *the networks* were most financially capable of producing *good* television, and the PTAR prevented them from doing so during the hours that a majority of Americans would most likely be in front of the TV. Many worried that the PTAR mantra—if you build it (open new distribution opportunities), they will come (producers of exciting, innovative content and audiences to watch that content)—was fundamentally unsound.[33]

For a show like *Story Theatre* with a twenty-five-station pickup in the United States, it was difficult to balance the spreadsheet. With the financial support of the CTV distribution agreement, Winters/Rosen estimated that each of the twenty-six episodes of the first season could not cost more than $45,000, far below the typical one-hundred-thousand-dollar budget of a network program. To avoid the look of filming on the cheap (while filming on the cheap), producers could lower production costs by shooting abroad rather than in Los Angeles. The costs of production in LA were debated in the trade press, with some independent producers intimating that the production costs in Los Angeles were artificially inflated. For example, Fremantle president Paul Talbot, a producer of a British-originating PTAR program, complained that US costs were padded. He explained, "The whole syndrome of production escalation in the U.S. . . . begins with an executive producer making as much as $25,000 for an hour show, and extends through double and tripled [*sic*] writers' fees and down to such padding as charges for mimeograph machines by the hour."[34] Shooting in Canada, therefore, helped Winters/Rosen finance *Story Theatre*, for, as Rosen noted, the 1.3-million-dollar budget for twenty-six episodes would be twice as costly in the United States.[35]

The economic advantages were clear, but filming abroad produced other costs. Runway programs like those produced by Winters/Rosen drew fire from the PTAR's critics for taking production opportunities away from the US production industry.[36] In the early 1970s, the United States broadly, and the Hollywood production industry narrowly, was suffering an economic recession. Opponents of the PTAR argued that the increase in foreign-produced programming intensified the economic troubles facing Los Angeles television workers. Challengers of the PTAR cited not only that the policy had weakened the Los Angeles production industry due to cutbacks by the major networks (having lost prime-time program slots) but also that the rule had allowed foreign syndicators to sell their wares here with greater frequency. For example, one Access program that earned praise from *New York Times* critic John J. O'Connor was the British import *Black Beauty*.[37] O'Connor contended that *Black Beauty* was a quality PTAR show, but opponents were quick to point out that it was not a quality *American* one. Due to concern about the employment crisis in the Los Angeles production industry, programs that were shot outside the United States were viewed as contributing to the deeper national problems that had left many media workers in LA out of work.[38]

Winters/Rosen's collaboration with Canadian broadcasting companies was not unique among PTAR productions. For example, *Norman Corwin Presents,* produced by the Westinghouse Company, was shot in Canada, and National General TV, a short-lived American distribution company, formed a coproduction deal with Canada's CTV for *The Married Youngs*. In a 1973 *Broadcasting* article titled "Major Producers Say FCC Plan Backfired," the trade publication cited data from a research study funded by four Hollywood production companies that confirmed foreign-produced programs in the PTAR time slot had increased from .1 percent to 20 percent.[39] There are many qualifications that could be made about this study beyond the involvement of Hollywood stakeholders—it only focused on the top twenty-four programs, for example—but the larger point to observe is *Broadcasting*'s reflection of a profound worry that the PTAR facilitated an international incursion into the American television market.

Los Angeles Times critic Cecil Smith, writing from the heart of the struggling Los Angeles production industry, wrote a series of pieces about anxiety over foreign production. In an interview with Seymour Berns, National General TV's head of production, Berns strongly rejected accusations that his company was injuring American workers by filming a PTAR program abroad. American coproduction deals with foreign nations allowed independent producers within the United States to finance original programming during years of recession and to do so affordably and without sacrificing quality. As a former president of the National Academy of Television Arts and Sciences, Berns understood well the stakes for Los Angeles production workers, yet he insisted that the PTAR was a "promised land" for independent producers.[40] These producers, who utilized inventive methods of financing to enhance production values (to better compete with expectations of "network quality"), found themselves accused of harming an already suffering US media labor market. Independent producers could not afford the costs to film in LA, but when they found an alternative, they were criticized for taking time slots the networks used to fill. The specter of the networks haunted independent producers, then, even after the PTAR attempted to remove them from the playing field.

Another challenge for *Story Theatre* came from stations not wanting to take a chance on an untested program, particularly one as unusual as this. As noted above, *Story Theatre* was based on a theatrical play, but even within the terms of live drama, the production was unusual. Created by Paul Sills, the play, and the TV show, presented a series of short fables, often based on classic fairy tales that were developed after weeks of rehearsal and improvisation. With a bare minimum of props and actors narrating and miming quite a bit of the action, the staging was sparse but strove to excite the imagination. While not inappropriate for children, the production was not necessarily *intended* for children, for these versions of the fairy tales kept the scary bits of the tales' originals. When trying to describe the play version, journalist Dan Sullivan described the predicament the marketing team must have had: "'What *is* Story Theatre?' asked the people who wrote the theater's ads. 'How can we sell it?' 'Oh, wow, definitions, well, it's, like . . . groovy fairy tales, man.'"[41] While positive word of mouth eventually led the theatrical version to Broadway and three Tony Awards, the television version required a much larger buy-in by television stations and American audiences, and both were in short supply.

It is never easy to define why a program fails to catch on with audiences, and *Story Theatre* featured many drawbacks, but it did not help that it also did not enjoy much press to help viewers overcome its strangeness. While the show would sometimes appear in a short blurb in the featured section of the television grid, it rarely was reviewed, a phenomenon not uncommon with PTAR programs.[42] Beyond publicity, though, the production's theatrical conceit may not have translated well to the medium of television, demanding a larger canvas for its theatricality. The production team, drawing its artists and technicians from the theater and from a Canadian crew, experienced a steep learning curve. *New York Times* critic O'Connor complained about some technical issues, for example, including "pedestrian" camera work.

Commercials also may have hampered the production. *Story Theatre* was a barter program, which means Winters/Rosen offered it to stations free of charge (no licensing fee) in exchange for the right to sell some airtime to advertisers. Barter shows became a strong player during the Access hour, in fact, as an easy way to lower risk for stations and allow producers a unique way to earn revenue. The very nature of

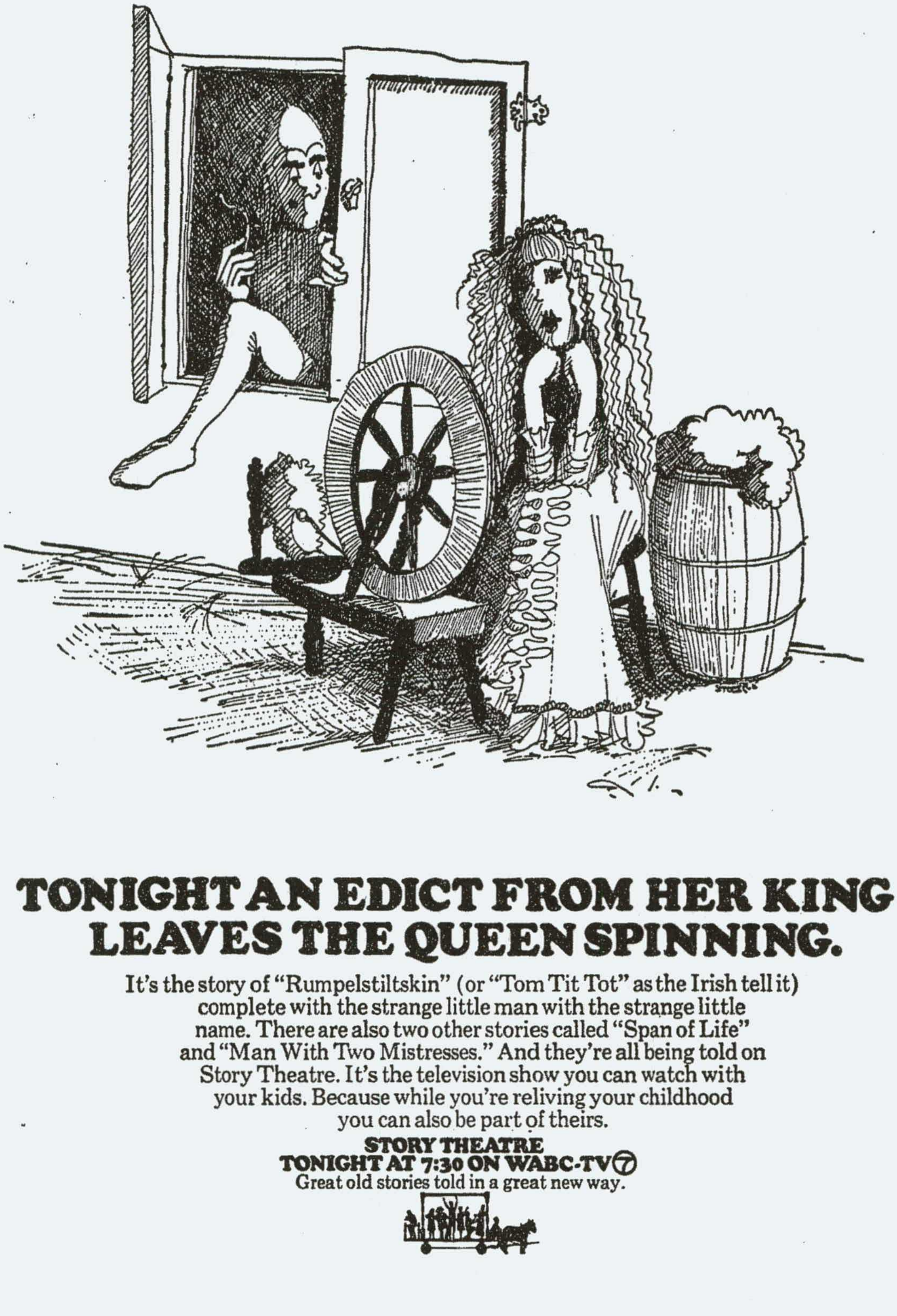

FIGURE 2. Local advertisement for *Story Theatre*. *New York Times*, October 4, 1971, L78.

barter, though, with its explicit commercialism, reflected poorly on the programs that chose to opt out of asking for a licensing fee, such that *Variety* assured its readers that *Story Theatre* was "far [and] away the most celebrated and prestigious entry in the currently hyperactive barter sweepstakes."[43] As reflected by *Story Theatre*, though, barter may have increased the number of commercials placed within a show, with stations eager to exploit fully their own airtime sales. In addition to critics complaining about ads interrupting stories in awkward moments, one fan of *Story Theatre* in Los Angeles sent a note to the *Times* complaining not only that the show was overstuffed with ads but also that the ads sometimes cut off part of the story.[44] This suggests sloppy editing by the local station and may signal that it was adding commercials at the expense of the content to make up for the low ratings.

Story Theatre, therefore, was always going to be a tough sell, but the PTAR had been intended to make the tough sell feasible on commercial television. Factors that possibly contributed to the struggles of *Story Theatre*—like its relative uniqueness—were entirely the point of the PTAR: to open the airwaves to content not typically produced by the networks. Other ways the program was unique included that it was often filmed on location, outdoors at various sites in Vancouver. As with the play version, the TV show incorporated a host of contemporary music, including that of the Beatles and the Rolling Stones. Key to the production remained a spirit of fun and improvisation. Production director Jorn Winther told critic Cecil Smith that *Story Theatre* was something completely new: "This is like no television that has ever been before. We are doing things that have never been done," and he cited long takes and the continual movement of actors as prized elements of the production.[45] Smith, apparently, agreed with this assessment, noting that Sills was "literally redefining and reshaping the initial concept" of a theatrical program on television.[46]

As a program that featured an innovative format, a theatrical pedigree, a modernist edge, and even an appeal to a family demographic, *Story Theatre* was considered as a "key test" of the PTAR's ability to inspire new sources of content. In fact, it was advertised as a "bellwether" for the PTAR rules on an invitation to members of Congress to view an episode in Washington, DC, in August 1971.[47] Critics who did review the show seem to have agreed that it was exactly the kind of program envisioned by the rules. The *Los Angeles Times*' Smith called it "enchanting," though he also noted some discomfort with too strongly praising the program, because "it's almost heresy in some circles here to suggest anything good could come from the FCC limited access ruling."[48] *New York Times* critic O'Connor introduced *Story Theatre* in an October 1971 article as "heartwarming news for viewers concerned about the future of imaginative programming."[49] Despite his praise, O'Connor admitted that novel PTAR programs like *Story Theatre* were faring poorly in terms of ratings. *Story Theatre* may have fulfilled the FCC's visions for innovative content, but it failed to earn a million viewers in New York. O'Connor conceded that the show's rating was not high enough to merit renewal, despite the fact that he perceived the program to be "superb."

Innovation worked against *Story Theatre* because the economics of television tend to reward the familiar in terms of recognizable formats, performers, and genres. Nothing was more familiar than reruns, and in this way, the influence of the networks played another role in the failure of *Story Theatre*. While the PTAR had initially prohibited affiliated stations from licensing reruns to fill the freed hour as a means to preserve the time for genuinely new content, the FCC issued a one-year waiver of its prohibition of stations airing off-network reruns in the Access hour during the 1971–72 season.[50] The FCC's off-network waiver dramatically hampered the efforts of existing independent companies, like Winters/Rosen, by narrowing their market share, forcing them to compete with programs recognizable to viewers. Independent producers operated within a double bind: without enough licensing deals, producers could not reach a large enough audience to earn a second season; meanwhile stations were hesitant to license unfamiliar programming, which limited the number of markets open to new, untested content.

In February of the PTAR's first year of implementation, a study by advertising company Ogilvy and Mather found that the programs selling most easily for the Access hour were "familiar" and "uncomplicated in content." Further, the report noted that "'original' concepts had trouble getting station clearances."[51] Other types of content, including rejuvenated forms of old network programming, flooded the Access hour to the detriment of original shows like *Story Theatre*. For instance, daytime game shows like *Hollywood Squares* and *Let's Make a Deal* moved into prime time and earned top ratings, and canceled network programs like *Hee Haw*, *The*

Lawrence Welk Show, and *Lassie* came back from the dead to dominate the Access hour.[52] These factors, in addition to the novelty of the format of *Story Theatre*, likely contributed to Winters/Rosen's meager twenty-five-station commitment, with most stations opting to air the more reliable rerun or game show.

The undeniable fact was that *Story Theatre* could not compete with a market flush with off-network reruns and popular game shows. *Broadcasting* even framed the ratings of PTAR programs through references to "winners" (network-affiliated programs) and losers (first-run syndication programs), concluding that "known quantities are succeeding."[53] As Derek Kompare observes in his chapter in *Rerun Nation* about the syndication market in the 1970s, "Off-network reruns were not only ensconced but also virtually codified into particular parts of the schedules on local stations nationwide."[54] Station managers overseeing PTAR time slots were nervous about maintaining relationships with advertisers and therefore licensed content with the greatest likelihood to succeed. Network-produced content enjoyed an advantage in the syndication marketplace because its national distribution network increased audience familiarity with all of its well-resourced wares. Network-owned station managers also controlled clearances at the O&Os in major markets upon which syndicated programs depended. A consideration of the failure of the PTAR as indicative of a glut of reruns therefore oversimplifies the much more complex series of considerations that limited the viability of programs without some sort of connection to the major networks.

When creator Paul Sills conceived of translating *Story Theatre* into a television program, he explained to the *Los Angeles Times* his admiration for the potential of TV to reach a national audience. Sills observed, "I still have little interest in movies. . . . [T]hey seem remote, artificial. But television can be very intimate, very close. We were looking for a popular theater, a people's theater. Maybe this is it."[55] When programs fail, the networks tend to blame audiences, for low ratings reflect a lack of interest. This reductive reading fails to account for the complex of factors that contribute to televisual failure, particularly the ways a commercial mandate drives stations to choose the safe path whenever possible. Les Brown, a *Variety* journalist and strong critic of the television industry, predicted the failure of the PTAR in 1970, and he blamed the FCC for naïveté. Noting that local stations always enjoyed the freedom to reject network programming to produce and air shows from alternative sources (even without an FCC mandate), Brown argued that stations eagerly accepted network fare to protect their financial interests. The only thing the PTAR would prove was that "the profit motive is overriding," trumping any station's mandate to serve the public interest.[56]

Winters/Rosen produced a second season of *Story Theatre*, but as trade reports noted, this decision was more about Rosen's affinity for the program and was "attributable not to [its] performances in the U.S."[57] When Sills conceived of television as "a people's theater," his idealism underestimated the persistent influence of the networks. Network programming set the standards for excellence, and that excellence was often defined by costly production values, recognizable formats, and ratings that reflected national popularity. New content struggled to get the attention of stations and of audiences looking for reliable TV shows. *Story Theatre* innovated in terms of content, distribution method, and financing, yet achieving success as an independent production generally depended on defining that success on the terms established by the networks.

Television is always a risky business, but syndication, in particular, may be alluring for a particular brand of daring entrepreneur. Below, a case study of *Mary Hartman, Mary Hartman* offers a related portrait of a first-run, scripted program attempting to thrive beyond prime time and outside the distribution networks of CBS, NBC, and ABC. The key figure at the heart of the story, Norman Lear, wielded more power within the television industry than did Winters and Rosen. While his production companies, Tandem and TAT, are considered "independent" in that they operate outside the traditional production prowess of the television networks and film studios, Lear was a network success story.[58] Despite his past record, Lear could not convince the networks to trust his vision for *Mary Hartman*, so he found recourse in syndication.

DEFYING NETWORK POWER: NORMAN LEAR TAKES ON FIRST-RUN SYNDICATION

On the fourth episode of *Mary Hartman, Mary Hartman*, husband and wife Tom and Mary Hartman embrace in their kitchen, discussing "doing something special" as a way to recover from learning Mary's grandfather had been arrested as the infamous Fernwood Flasher.[59] They find, as per usual,

Hard soap.

When not fretting over the "waxy yellow buildup" on the floor of her squeaky-clean kitchen, she can be grappling with the horrors of marijuana and masturbation, venereal disease, fraudulent faith healers, open marriages or a neighborhood mass murder.

Her promiscuous younger sister is hung up on a lecherous cop, her 12-year old daughter wants to drop out of school to join an all-girl rock band, and her grandfather is known to police as the "Fernwood Flasher."

Love it or loathe it, "Mary Hartman, Mary Hartman" is the nation's latest pop culture craze. "MH 2," as it is known in the industry, is the most talked about new TV series since America met Archie Bunker.

This week in Newsweek, a visit with "MH 2" star Louise Lasser, the former Mrs. Woody Allen, who has undergone fifteen years of psychoanalysis to lose her own Mary-like malaise.

Covering "MH 2," Newsweek once again treats the news with the kind of liveliness that continues to attract more than 19 million readers week after week and, as it has for the past eight years, more advertising pages than any other newsweekly.

Newsweek

The world's most quoted newsweekly.

FIGURE 3. An advertisement for the periodical *Newsweek*. *New York Times*, April 27, 1976, L55.

that they do not agree about what qualifies as "special." Thirty-something Tom, marked as lacking maturity by wearing his favorite letterman jacket and baseball cap, wants to spend the evening with mutual friends, while Mary, in a robe wearing her trademark braids, wants to be alone with Tom. Refusing to be deterred, Mary asks him, "Hey Tom, wanna do it?" Annoyed, Tom asks, "What, now, where?" as she points to the kitchen counter, which is covered with bags of chips, a telephone, and a portable television set. Tom's reaction is to flee, complaining, "Mary, can't I just leave for work for one morning without being hassled?" While she assures him that her offer of sex isn't a hassle—that it is indeed fun—he grabs his lunch box and heads for the door. Mary, struggling against something unspoken, asks Tom, "Why is it that in spite of what you are not saying I always get the feeling that you are saying something?" The camera moves in for a close-up on Tom, inviting the audience to share in Mary's desire to interpret correctly the expression on his face. Tom assures his wife that he will see her later, winks, and leaves. *Mary Hartman* was a half-hour comedy, and parts are indeed quite funny, but as evidenced by this scene, it was moody and contemplative, and its humor often emerged from the inability of its characters to identify the reasons for their dissatisfaction with the suburban idyll.

Television producer Norman Lear enjoyed repeated successes early in the 1970s with such programs as *All in the Family*, *Sanford and Son*, and *Maude*. When Lear's TAT Communications Company developed *Mary Hartman*, all three networks declined to license it for national distribution even though ABC had invested in developing the program and CBS had funded two pilots. Lear initially wanted the program to air five days a week during the daytime hours, while CBS reportedly wanted *Mary Hartman* to operate as a typical Lear series, airing in prime time once a week with a laugh track.[60] After CBS and Lear parted ways, Benjamin Stein of the *Wall Street Journal*, a self-professed fan of the soap opera, wrote a piece in support of *Mary Hartman* hitting the airwaves somehow: "The show does what the best continuing comedies like 'Mary Tyler Moore' and 'All In The Family' and the best soaps do, but does it better."[61] For Stein, the way Lear's program made you care about the characters placed it in the hallowed territory of "quality" hits like *The Mary Tyler Moore Show*, a program that is now canonical in scholarly quality discourse. Stein's piece demonstrated the power of Lear, for not many programs at the pilot stage appeared in a mainstream newspaper.

Whenever a television program seems an exception, as was *Mary Hartman*, it may struggle for recognition. The program was a Lear show without the obvious politics and racial discussions for which he was famous.[62] It was a soap opera, but it also was a satire of a soap opera. It was a comedy without a laugh track that did not necessarily provoke laugh-out-loud moments. In so many ways, *Mary Hartman* was impossible to define, like *Story Theatre*. Its innovations resulted in a bit of a conundrum, and network rejection of the program only affirmed that the show somehow failed to conform to recognizable expectations for what might work on television. That Mary Hartman did "work," though, depended upon Lear going to extraordinary lengths to innovate the program's production and distribution strategies to match the oddity of the program itself. Undaunted by the rejection of the major networks, Lear opted for an old-school approach to television distribution, selling the program station by station, hoping to accumulate enough major market sales to allow *Mary Hartman* to break even. In this way, Norman Lear became one of the most prominent figures in a broader movement, of which the Prime Time Access Rule is also a piece, to resist the network oligopoly of CBS, NBC, and ABC in the 1970s.

Having decided to bypass the networks, Norman Lear invited one hundred television station executives to dinner and sold his show to them. Lear described his frustration with the network oligopoly: "Why can't there be open competition in television as in other industries? Why must everything be forced through the bottleneck of the three networks?"[63] Independent stations became a prominent ally in this effort, for they served as an alternative distribution market for content producers beyond the Big Three. Called "independent" because they operated apart from an affiliation deal with the networks, these stations needed to produce or acquire content through other parties. Independents, particularly those in major cities, enjoyed a growing power in the 1970s, a decade that witnessed a variety of efforts among stations to develop their own production resources and distribution networks. A "catch-all" term for experiments with television distribution alternatives to the broadcast networks was the "fourth network," which referenced attempts to unite independent stations as a network for nationally distributed programming. Examples of fourth network strivings during the seventies included Operation Prime Time, a collaboration among major city independent stations and MCA Productions to produce and distribute network-quality programs; Mobil Oil's series of one-shot programs; and a collective of advertising companies organizing a syndication network conducive to selling sponsor products.[64] Norman Lear, however, was a network insider who had experienced incredible producing success through his relationships with CBS and NBC. In light of his close network ties, Lear's decision to syndicate *Mary Hartman* constituted a daring rejection of network control, and the prominence of *Mary Hartman* fed the reports of journalists exploring alternatives to network fare.[65]

Lear had learned a tough lesson about the importance of syndication with *All in the Family*. As was standard practice, his company, Tandem Productions, had produced *All in the Family* through deficit financing, which means CBS provided financial support that did not cover the full production costs. Syndication, or the selling of off-network repeats station by station for additional revenue, offered Tandem the chance to recoup its production costs and earn a profit. This was particularly true because when *All in the Family* premiered in 1971, the FCC had recently passed the Financial Interest and Syndication Rules, which prevented distributors like CBS from exerting control over the syndication rights to series aired on their network. While Fin-Syn would not be fully enacted for some years, the policy promised producers greater control over the revenue generated by content they produced.[66] Unfortunately for Tandem, CBS decided to spin off its syndication business as a new company, called Viacom, in order to comply proactively with the forthcoming Fin-Syn regulations. Lear was unable to strip Viacom of its distribution rights to *All in the Family* through court challenges, but he learned the importance of maintaining control over syndication rights. After contracting with consultants to syndicate the first season of *Mary Hartman*, Lear created a new division of TAT Communications to organize the sales efforts for all of Tandem's network-aired programming.[67] *Mary Hartman* became his training ground as a producer and distributor of syndicated content.[68]

There is a reason, however, that more independent producers of new, scripted content did not bypass the networks to exploit the potential of syndication—it was a tough market. To finance *Mary Hartman*, Lear needed at least fifty licensing arrangements, including a few deals in major cities, to recoup the planned production costs of $150,000 per week, or $30,000 per half-hour episode. Their distribution efforts, as described by executive Jerry Perenchio, focused on the crucial top-fifty markets. To sweeten the deal, TAT licensed the program at bargain-basement rates. Key contracts with WNEW-TV in NYC (after the New York–based network affiliates all rejected the show) and KTTV-TV in LA allowed Lear to issue the green light on production, but it was still a gamble, as TAT continued selling station by station across the country.[69] Lucky for Lear, the gamble paid off, and by the end of the first season, *Mary Hartman* aired in over ninety markets. Nevertheless, the program operated at a deficit throughout its first season, losing about $1.2 million, according to some reports.[70]

Mary Hartman became an unexpected hit. For the local stations that had bought the cheap program, the show was a tremendous boon; when its ratings skyrocketed, stations raised advertising rates twice.[71] Despite some objections to the program's racy content, including its early cancellation in Richmond for exceeding "all borders of good taste," *Mary Hartman*'s ratings were impressive.[72] Whether airing at 1:00, at 7:30, or at 11:00 p.m., *Mary Hartman* found a receptive audience.[73] In New York and Los Angeles, *Mary Hartman* earned a respectable 7 or 8 rating in the late-fringe slot of 11:00 p.m., prompting *Los Angeles Times* reporter Lee Margulies to call the show a "stunning" hit.[74] In many markets, *Mary Hartman* challenged local news shows, cutting into their ratings, while in San Antonio a station used *Mary Hartman* as a lead-in to boost the Nielsen numbers for its news program.[75] In Miami, *Mary Hartman* aired on a public television station, and it raised the station's ratings in that time slot from a 1 to a 6.[76] In Kansas City, *Mary Hartman* regularly beat Johnny Carson's *Tonight Show*, which was unprecedented.[77] *Mary Hartman* was so successful, *Variety* reported, that some networks offered additional compensation to their affiliates to prevent them from bumping network programming to midnight to make room for *Mary Hartman* in the earlier fringe time slots.[78]

Mary Hartman was a hit, but the success came at a cost. From a television station's perspective, a rerun is cheap, with no production expenses incurred by the station, and it is known to be popular with audiences. An off-network show can also be "stripped," with a new episode airing each weekday, thereby satisfying stations' time slot needs for the full week. In keeping with the conceit of the soap opera that inspired the show, Lear sold *Mary Hartman* as a five times weekly half-hour program, which means his

FIGURE 4. *Mary Hartman, Mary Hartman*'s popularity inspired a variety of ancillary products. *Chicago Tribune*, April 4, 1977, 6.

company was responsible for the production of a brand new episode of television every weekday for thirty-nine weeks.[79] Star Louise Lasser described the production schedule as one feature film each week.[80] Others compared the hectic production cycle to *Mary Hartman*'s inspirational genre, the soap opera. Indeed, the *Mary Hartman* production team, exhausted after the first season and a too-brief thirteen-week break, shifted in the second season to the soap-like tactic of dividing the tasks of storywriting and dialogue scripting.

Lear's daring in shifting *Mary Hartman* to syndication was not limited to the challenge of selling the show in individual markets, therefore, but also included the prohibitive demands of daily airing. Even though they eventually aired thirty-nine weeks of original content for *Mary Hartman*'s first year, stations had to fill its time slot for the other thirteen weeks of the year with repeats. To provide fifty-two weeks of content for season two and to give the production team a break, Lear created *Fernwood 2-Night*, a fictional talk show set in the same midwestern town in which Mary Hartman lived. The plan was to air thirty weeks of new episodes of *Mary Hartman* and to fill out the rest of the year with spin-offs rather than repeats. Plans had to be changed when star Louise Lasser left the production after season two, so Lear created a second spin-off called *Forever Fernwood*, which featured secondary characters living in Mary's hometown of Fernwood. For a variety of reasons, the spin-offs never reached the same level of visibility and ratings success as *Mary Hartman*, but Lear's effort to maintain pace was remarkable and perhaps underscores why so much of daily syndication tends to be unscripted.

Critics were not always sure what to make of *Mary Hartman*. In a review in the *New York Times*, for example, a critic qualified overly enthusiastic praise for the show: "Norman Lear's 'Mary Hartman, Mary Hartman' is not, as was claimed in a recent edition of *The Village Voice*, better than Ingmar Bergman's 'Scenes from a Marriage'—although such promiscuous analogizing has a certain panting charm, as if one were to compare Dennis the Menace with Martin Luther King." For the *Times*, then, the program was an achievement, but one that needed to be kept in perspective—this was TV and soaps, after all, and the title of the piece, "Recycling Our Culture's Junk," confirms the author's positioning of the show within the range of highbrow to lowbrow.[81]

Cultural studies scholars have worked impressively over the past few decades to counter the negative attitudes toward the soap opera, but the awareness of a possible taint in association with soap and syndication circulated throughout the early press about *Mary Hartman*.[82] As detailed in one article, the production team distinguished itself from soaps by reporting that actors refused cue cards and that improvisation was discouraged.[83] *Mary Hartman* was a syndication hit, but it maintained a sense of pride in its network quality by distancing itself from the soap, from what Lasser called "the humiliation factor" of too close a link with the genre.[84] Other journalists compared the series with other, higher forms of art. Sander Vanocur, for example, suggested that with *Mary Hartman*, "a great myth was shattered, namely, that you could not put on evening television the mature themes that were being dealt with in movies and books."[85] These sorts of (de)legitimizing anxieties convey the low cultural status of television broadly and of syndicated programming narrowly.[86] *Mary Hartman* threatened the boundaries that allowed television and its place within society to be legible. It also, for a time, created a vision of a world where the networks did not dictate the limits of the televisible.

Variety's Larry Michie contemplated the broader stakes of *Mary Hartman*'s syndication success: "One key [to fourth network visions] is the success Norman Lear has had with *Mary Hartman, Mary Hartman*. If he can maintain ratings in syndication and begin to make money on the show, it will be an industry landmark of sorts."[87] It is not clear that Lear made money on *Mary Hartman*, but the program remains a landmark. For Lear, it was a landmark signaling the incredible importance of a producer maintaining control over syndication rights as key to financial longevity in television. While subsequent attempts by TAT at first-run syndication like *All That Glitters* did not resonate with audiences, Lear controlled worldwide rights for his hugely popular off-network programs, including *Sanford and Son*, *Maude*, and *Good Times*, and TAT oversaw their syndication deals.[88] *Mary Hartman* thus became the inspiration for Lear's company to take control of the lucrative potential of the syndication market. The daring of *Mary Hartman* to maintain quality, pace, and innovation while producing a new half hour of content every day delivers a glimpse of an alternative future in which the fringe time could serve as a training ground for new producers or where established players could experiment with form.

Lear announced the end of *Mary Hartman* in 1977. Reports at the time depicted the decision to end the program as a conflicted one. Lear acknowledged that "phenomenons [*sic*]" often have a short life, and he wanted the program to go out on top.[89] But rumors abounded that TAT was broke. Barbara Brogliatti, a vice president of Tandem Productions, rejected the rumor that the series was insolvent. She insisted the program had made up its season one deficit with season two: "We are definitely profit-oriented," she said.[90] A profile in *TV Guide* hinted at troubles on-set, with producer Viva Knight admitting, "What we're doing can't be done, of course. You can't turn out a half-hour comedy of prime-time quality every day. I keep expecting people to walk in with nets and take us away."[91] Knight spoke to deeper realities of program quality that the PTAR exposed: the syndication market posed unique challenges for producers of original content, requiring compromises in terms of financing, production value, story complexity, and genre innovation. At the end of two seasons, *Mary Hartman* had aired 325 individual episodes, triple the 100-episode goal for most network programs seeking financial success in the after-market, something they earn after five seasons. Lear's effort to maintain pace on *Mary Hartman* against all odds testifies to how strongly TAT worked to make a success of its entrance into the first-run content syndication market and to defy the networks that had rejected it.

CONCLUSION: THE SPECTER OF NETWORK POWER

Distribution is at once a technological, economic, and human process built upon long-standing business relationships and naturalized understandings of what creates value within the television industry, namely, access to a mass audience that can be transformed into advertising

FIGURE 5. A local station brands itself through *Mary Hartman, Mary Hartman*. *Wall Street Journal*, March 31, 1977, 4.

rates. For new entrants to the industry, or for programs without a recognizable hook, this was a forbidding reality. Considering historical examples of the challenges of first-run syndication, certain lessons become clear. First, mastering the economics of a system based around broad, rather than narrow, distribution requires strong relationships with a range of industry players, including network executives, content producers, station managers, and sponsors. To sustain the support of advertisers, national reach was essential, and even insiders with access, like Norman Lear, may not have been able to overcome the loss of a national distribution partner. Second, the major networks enjoyed more resources than independent producers did. They could amortize the costs of production over a national distribution network that they controlled, and they earned additional money from the advertising rates demanded by their O&Os. Moreover, the networks wielded power over the fringe time (the hours before and after prime time) through their ample supply of syndicated programming, particularly as their reruns proved popular with audiences for years. As a result, networks could spend more money on their programming, and that often translated into popularity and assumptions about quality. One other advantage for the networks was that they produced enough content to offset inevitable programming failures. Independent producers trying to profit from the syndication marketplace generally owned less content, and therefore losses could be devastating. Winters/Rosen's demise is indicative of the profound obstacles facing independents. Despite enjoying year-over-year increases in revenue, a decision to go public coincided with a dramatic decline in the nation's economy due to Watergate, the devaluation of the dollar, and an increase in prime interest rates. The company's troubles were first reported by *Variety* in June 1973, when it called the company's New York office and found the number "temporarily disconnected."[92] The company declared bankruptcy later that year.

Syndication, simply put, is hard work, and the odds of success in the 1970s were long, particularly for an independent distributor. For a producer trying to recoup the costs of production, syndication provided a marketplace, but that producer, acting as or working with a distributor, must negotiate a considerable number of licensing deals with station owners and managers to achieve a national reach. The networks played another prominent role in this aspect of the syndication marketplace through their ownership of television stations, for the economics of ratings generally required deals with stations within the nation's major markets. The largest stations in the largest cities tended to be owned by the Big Three networks, so the networks also served as buyers of syndicated content.[93] As buyers and sellers, ABC, NBC, and CBS exercised tight control over prime-time distribution and beyond.

One final lesson may be that genuine innovation cannot develop when power is held in too few hands. The PTAR had noble goals, but it acceded to the business models and expectations guiding the networks, based on mass distribution and a ratings system that rewarded size of audience rather than daring of form. A program like *Story Theatre* was a failure because its success was evaluated by the same standards as network programs, and only a rather profound shift in the TV business model would have facilitated a different end for the program. In an aside in *Rerun Nation*, Derek Kompare describes the reasons for the popularity of the rerun: "Barring a radical restructuring of the entire broadcasting system, reruns were the producers' best bet for profitability."[94] His qualification that industry restructuring would be necessary to stimulate genuine change can be extended to consider the might of the networks and the larger realities of a system based on advertiser support.

Scholar Jonathan Sterne, citing frequently Thomas Streeter's *Selling the Air*, identifies the role of the advertiser within the economics of television as crucial to understanding not only why content may be broad and palatable but also why a handful of companies have maintained a tight hold on power.[95] Sterne writes, "Advertising revenue was itself a driving force in the organization of television distribution. . . . If large audiences are needed, then not only must the programming be kept scarce and nationalized, but the media of dissemination would also ideally be organized according to a kind of managed scarcity."[96] To maintain stability, then, the television industry operates best when a few companies operate an economy of scale to reach as large an audience as possible to support the incredibly high costs of production. Despite the existence of local stations and some faint presumptions that localism provides a value for audiences, Sterne argues that broadcasting has always been oriented toward national, rather than local, distribution. As long as distribution remains a tightly controlled subset of the industry operating on the same historic business models, long-term changes will be slow, incremental, and defined by repeated failure.

About the Author

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Notes

1. Quoted in Cecil Smith, "No Bonanza Yet for Gamesmanship," *Los Angeles Times*, May 19, 1971, H17, ProQuest Historical Newspapers, http://www.proquest.com/libraries/schools/news-newspapers/.

2. There is an incredible amount of scholarly work devoted to quality television, so the works cited here are certainly not exhaustive. See Jane Feuer, Paul Kerr, and Tise Vahimagi, *MTM Quality Television* (London: BFI, 1984); Matt Hills, "When Television *Doesn't* Overflow 'Beyond the Box': The Invisibility of 'Momentary' Fandom," *Critical Studies in Television* 5, no. 1 (Spring 2010): 97–110; Jason Mittell, *Complex TV: The Poetics of Contemporary Television Storytelling* (New York: New York University Press, 2015); Robert J. Thompson, *Television's Second Golden Age: From "Hill Street Blues" to "ER"* (New York: Continuum, 1996); Avi Santo, "Para-television and Discourses of Distinction: The Culture of Production at HBO," in *It's Not TV: Watching HBO in the Post-television Era* (New York: Routledge, 2008), 19–45.

3. Christine Geraghty, "Aesthetics and Quality in Popular Television Drama," *International Journal of Cultural Studies* 6, no. 1 (2003): 25–45; and Charlotte Brunsdon, "Problems with Quality," *Screen* 31, no. 1 (Spring 1990): 67–90.

4. Brunsdon, "Problems with Quality," 73.

5. The title of the program, sometimes spelled as *Story Theater* and sometimes as *Story Theatre,* is not consistent when referenced in the publications researched for this piece. An ad for the program uses the latter spelling, so that is the spelling employed throughout the article and the notes. A similar issue arises with the production company that produced the show. Winters/Rosen may sometimes appear as Winters-Rosen in various print articles. While the former is generally used to refer to the company and the latter refers to the collaborators themselves, I have opted to use Winters/Rosen consistently throughout the piece to avoid confusion.

6. Amanda D. Lotz, *The Television Will Be Revolutionized* (New York: New York University Press, 2007).

7. Brian Stelter, "Few TV Shows Survive a Ruthless Proving Ground," *New York Times*, May 13, 2012, http://www.nytimes.com/2012/05/14/business/media/few-tv-shows-survive-a-ruthless-proving-ground.html?pagewanted=all&_r=0.

8. Alisa Perren, "Rethinking Distribution for the Future of Media Industry Studies," *Cinema Journal* 52, no. 3 (Spring 2013): 165–71.

9. Derek Kompare, *Rerun Nation: How Repeats Invented American Television* (New York: Routledge, 2005).

10. J. Fred MacDonald, *One Nation under Television: The Rise and Decline of Network TV* (New York: Pantheon Books, 1990).

11. William Boddy, *Fifties Television: The Industry and Its Critics* (Urbana: University of Illinois Press, 1990).

12. Kompare, *Rerun Nation,* 70. As Kompare notes, an early bias developed against filmed content, dating to the early days of radio and an FCC mandate that stations announce any recorded programming.

13. Phil Williams, "Feeding Off the Past: The Evolution of the Television Rerun," *Journal of Popular Film & Television* 21 (1994): 162–75.

14. Todd Gitlin, *Inside Prime Time* (New York: Pantheon Books, 1983), 31.

15. Newton Minow, "Television and the Public Interest," *AmericanRhetoric.com*, accessed June 1, 2014. Speech delivered May 9, 1961. http://www.americanrhetoric.com/speeches/newtonminow.htm.

16. For more on the "Blue Sky" hopes surrounding cable television, see Patrick R. Parsons, *Blue Skies: A History of Cable Television* (Philadelphia: Temple University Press, 2008); and Megan Mullen, *Television in the Multichannel Age: A Brief History of Cable Television* (Malden, MA: Blackwell Publishing, 2008). For more on 1970s television, see Elana Levine, *Wallowing in Sex: The New Sexual Culture of 1970s American Television* (Durham, NC: Duke University Press, 2007); and Les Brown, *Keeping Your Eyes on Television* (Cleveland: Pilgrim Press, 1979).

17. The PTAR may have originated from the aftermath of several crises. After the quiz-show scandal, the radio payola scandal, and claims of improper action by FCC chairman John Doerfer rocked the television industry in the 1950s, the FCC decided to investigate the oligopolistic power of the Big Three television networks, CBS, NBC, and ABC. Roscoe L. Barrow, dean of the University of Cincinnati Law School, oversaw the inquiry into network practices. This investigation resulted in a fourteen-hundred-page report released in October 1957 after a two-year study. Among the recommendations within the report were the elimination of option time (the network's right of first refusal to affiliate time), the limiting of network ownership to three VHF stations, support for fewer mandates for how advertisers purchased time on the air, and the requirement that networks be licensed by the FCC in the same manner as affiliate stations. Far from revolutionary, these recommendations largely

echoed similar proposals offered by congressional committees in previous years. Once the committee made its recommendations, the process of implementation took years of hearings, debate, and alteration. While you can see the roots of the PTAR rules in the Barrow Report, it was not until 1970 that the FCC passed formal recommendations.

18. For more on Fin-Syn, see Jennifer Holt, "Vertical Vision: Deregulation, Industrial Economy, and Prime-Time Design," in *Quality Popular Television*, ed. Mark Jancovich and James Lyons (London: BFI, 2003); and Mara Einstein, *Media Diversity: Economics, Ownership, and the FCC* (Mahwah: Lawrence Erlbaum Associates, 2004).

19. Jennifer Holt, *Empires of Entertainment: Media Industries and the Politics of Deregulation, 1980–1996* (Piscataway, NJ: Rutgers University Press, 2011).

20. A subsequent revision to the rule set up some guidelines to encourage minorities to work within television production and prioritized some content types, like children's programming.

21. The PTAR "hour" is somewhat of a misnomer, because most stations programmed local news in one half-hour slot, leaving only one additional half-hour slot for syndicated or locally produced programs.

22. Television history textbook authors Christopher Sterling and John Kittross conclude their consideration of the PTAR with a negative view of the PTAR's impact: "The unfortunate result [of the PTAR] was a flood of inexpensive syndicated entertainment material—game shows, travelogues, some cheap variety and adventure programs—that was often worse than network programming" (*Stay Tuned: A History of American Broadcasting* [Mahwah: Lawrence Erlbaum Associates, 2002], 419).

23. With an economy of scale, a producer amortizes production costs across a wide distribution network. This is particularly essential for media producers, as the costs of production can be quite high. For example, while a local station may produce a half-hour program for $30,000 for *one* market, a television network produces a program for $100,000 for hundreds of markets across the United States, rendering the per-market costs much less burdensome.

24. In her television history textbook, Michele Hilmes notes that the PTAR prompted local stations to fill the Access hour with more local news programming (*Only Connect: A Cultural History of Broadcasting in the United States*, 2nd ed. [Boston: Wadsworth/Thomson, 2007], 225).

25. Cecil Smith, "*Story Theatre* in Prime Time," *Los Angeles Times*, June 29, 1971, E14, ProQuest Historical Newspapers.

26. The word "sell" here is a bit loose, for as a barter program, the show was traded rather than licensed. Stations accepted the program in exchange for allowing the distributor to sell some airtime to advertisers.

27. Smith, "*Story Theatre* in Prime Time."

28. "Blur in the Prime-Time Vision," *Broadcasting*, February 7, 1972, 52–54. It is worth noting that other original PTAR programs struggled with clearances as well, including *Norman Corwin Presents* (11 percent), *Electric Impressions* (9 percent), and *Tom Smothers* (12 percent).

29. Keith Godfrey, "Firstrun Production Doesn't Square with TV Economics—It's N.Y., or Bust; Off-Web Series to Rule Fall of '71," *Variety*, February 10, 1971, 29, 53.

30. Burch was a conservative appointee who oversaw the passage of the PTAR by a liberal majority, but he was outspoken about his opposition to the rule ("Burch Assails FCC's 3-Hour Rule," *Variety*, September 9, 1970, 26, 37).

31. Tom Shales, "Television Game Shows: They're More Popular Than Ever," *Washington Post*, October 11, 1974, B11, ProQuest Historical Newspapers.

32. Alan M. Kriegsman, "Prime-Time Puffery," *Washington Post*, May 7, 1972, E2, ProQuest Historical Newspapers.

33. Scholar Mara Einstein contends in her book about Fin-Syn that a primary flaw in the regulatory logic underlying the PTAR and Fin-Syn rules was that "all assume that source/outlet diversity will lead to content diversity" (*Media Diversity*, 8). This term, "diversity," can be interpreted a variety of ways, according to Einstein, and the FCC seemed to hope the PTAR would birth all manner of diversity—of source (production), of outlet (distribution), and of content (form).

34. "*Black Beauty* Not Saddled with U.S.-Style Padded Costs; That's Key to Maintaining Quality, Says Talbot," *Variety*, October 25, 1972.

35. Smith, "*Story Theatre* in Prime Time."

36. Rosen responded that only fifteen of forty-nine Access programs were produced outside the United States (Laurent, "TV's Controversial Prime Time Access Rule," *Washington Post*, February 25, 1973, TV5, ProQuest Historical Newspapers).

37. O'Connor, "Varying Program Norms with 'Family Entertainment,'" *New York Times*, September 14, 1972, 94, ProQuest Historical Newspapers.

38. A report compiled by Dr. Alan Pearce, consultant to the FCC, noted that foreign producers could sell their programs cheaply in the United States because they also earned money in their home country. The implication was that their unfair advantage lowered rates in the United States and served as unfair competition for domestic producers ("Access Rule Hurts Majors in Hollywood, FCC Analyst Tells Burch," *Broadcasting*, August 14, 1972).

39. "Major Producers Say FCC Plan Backfired," *Broadcasting*, January 15, 1973. See also "A Genealogical Track on the Access Stars," *Broadcasting*, January 15, 1973, for more about the study cited here.

40. Cecil Smith, "Networks' Grip on TV in Jeopardy," *Los Angeles Times*, April 21, 1970, D13. Independent Television Corporation, part of Associated Television (ATV) out of Great Britain, also offered programs filmed in England for the PTAR syndication market.

41. Dan Sullivan, "'Story Theater': Some Lessons on the Playground," *Los Angeles Times*, July 19, 1970, R26, ProQuest Historical Newspapers.

42. I surveyed the *Los Angeles Times*, *New York Times*, *Chicago Tribune*, *Boston Globe*, and *Washington Post*.

43. "*Story Theatre* 1st Direct-to-TV Series during Run," *Variety*, March 24, 1971, 1, 80.

44. "Commercials Were the Whole 'Story,'" *Los Angeles Times*, November 14, 1971, D16, ProQuest Historical Newspapers.

45. Cecil Smith, "TV's *Story Theatre*—Getting Back to the Word," *Los Angeles Times*, September 19, 1971, 1, 31, 38, ProQuest Historical Newspapers.

46. Ibid.

47. "Winters/Rosen Sells Congress a 'Story,'" *Back Stage*, August 6, 1971, 1, 23.

48. Smith, "*Story Theatre* in Prime Time."

49. John J. O'Connor, "*Story Theatre* Catches 'Blue Light' Magic," *New York Times*, October 25, 1971, 67, ProQuest Historical Newspapers.

50. "More Time for Syndication Cut-Off," *Broadcasting*, October 19, 1970, 38. Station owners balked at the FCC's prohibition of off-network programming because, they said, they did not have enough time to complete the production process between the time of the passage and implementation of the PTAR. At that time, eighteen months was the standard time to develop a new series.

51. "Blur in the Prime-Time Vision."

52. Bill Greeley, "Turning Daytime into Night," *Variety*, November 24, 1971, 29; Bill Greeley, "Syndie Sweeps Show Why Gameshows Sell Well for Prime-Access Slots," *Variety*, July 26, 1972, 36.

53. "Not Exactly Off to a Roaring Start," *Broadcasting*, January 17, 1972, 25.

54. Kompare, *Rerun Nation*, 71.

55. Smith, "TV's *Story Theatre*."

56. Les Brown, "FCC's Primetime Pipe Dream," *Variety*, April 22, 1970, 33, 53.

57. "Who, What, Where in TV Programming," *Broadcasting*, April 3, 1972, 76–78; Bob Knight, "Winters-Rosen in High Gear with New 'Access' Slate & Network Specs," *Variety*, November 8, 1972, 39, 43.

58. As Gitlin notes, "'Independent' is a business term, not a description of the product," and Lear's early success depended on the distribution power of the networks (*Inside Prime Time*, 123).

59. *Mary Hartman, Mary Hartman*, season 1, episode 4, TAT Communications, 1976.

60. Sander Vanocur, "Not Your Basic Soft Soap: Television 'Mary Hartman, Mary Hartman': No Soft Soap," *Washington Post*, January 4, 1976, G1, G3, ProQuest Historical Newspapers.

61. Benjamin Stein, "A Dandy Show You May Never Get to See," *Wall Street Journal*, August 14, 1975, 8, ProQuest Historical Newspapers.

62. Kirsten Marthe Lentz, "Quality versus Relevance: Feminism, Race, and the Politics of the Sign in 1970s Television," *Camera Obscura* 43, no. 15 (2000): 45–93.

63. "*Mary Hartman*," *Los Angeles Times*, January 4, 1976, L4, ProQuest Historical Newspapers.

64. The Fox Network would eventually become a permanent fourth network, but it, too, based itself upon a collective of independent stations.

65. Lee Margulies, "The Syndication Boom: A Plus for Viewers and Stations," *Los Angeles Times*, September 5, 1976, N1, ProQuest Historical Newspapers.

66. The FCC agreed to stay the Fin-Syn portion of the PTAR until October 1, 1972, instead of 1971. It noted that Fin-Syn was "not as crucial" to the public interest as the PTAR ("More Time for Syndication Cut-Off").

67. During the first six months, Rhodes Productions distributed *Mary Hartman*, and part of the losses experienced by TAT may have resulted from the 40 percent distribution fee likely taken off the top ("Lear Will Syndicate His Own Properties," *Broadcasting*, June 21, 1976, 100–102).

68. "Viacom All in Family Distrib Rights Upheld," *Variety*, December 3, 1975, 33.

69. "Lear Finds It's Hard to Peddle 'Mary Hartman' Soap in N.Y.," *Variety*, October 29, 1975, 47, 52.

70. Lee Margulies, "Mary Hartman's Price Goes Up," *Los Angeles Times*, October 8, 1976, ProQuest Historical Newspapers.

71. "WNEW-TV May Have a $6,000,000 Woman," *Variety*, March 10, 1976, 45, 60.

72. "Va. Protests Cause Hartman Demise," *Variety*, February 4, 1976, 42.

73. Some markets tried to air the program at 3:30 but quickly found that parents complained about a show with adult content airing at a time when children might be in front of the television.

74. Bill Greeley, "Early Returns on 'Mary Hartman' Are Good News for Norman Lear," *Variety*, January 14, 1976, 55; Lee Margulies, "Hucksters Wary of 'Mary,'" *Los Angeles Times*, January 28, 1976, 39, ProQuest Historical Newspapers.

75. "With a Little Help from 'Mary,' KSAT Revamps News, Ups Count," *Variety*, July 21, 1976, 42.

76. "Strong 'Mary' Miami Bow, but Ad Breaks Miff PTViewers," *Variety*, February 11, 1976, 53, 69.

77. Bill Greeley, "Hartman Hurts Webs in Latenight, Sweeps Reveal," *Variety*, March 24, 1976, 44.

78. Ibid.

79. For a point of comparison, note that Winters/Rosen produced only twenty-six episodes as the entire first season of *Story Theatre*.

80. Smith, "Mary Hartman."

81. "Recycling Our Culture's Junk into Laughs," *New York Times*, February 1, 1976, X1, ProQuest Historical Newspapers.

82. Robert C. Allen, *Speaking of Soap Opera* (Chapel Hill: University of North Carolina Press, 1985); and Charlotte Brunsdon, *The Feminist, the Housewife, and the Soap Opera* (Oxford: Oxford University Press, 2000).

83. Ed McCormack, "Mary Hartman's Secret Recipe," *Rolling Stone*, March 25, 1976.

84. Ironically, it seems the world of soap did not appreciate Lear's satire, with an editorial in the *Daytime Serial Newsletter* calling the show "a continuing insult to the viewer" ("Mary Hartman," *Los Angeles Times*, January 4, 1976, L4, ProQuest Historical Newspapers).

85. Sander Vanocur, "The Legacy of 'MH, MH,'" *Washington Post*, May 4, 1977, D12.

86. Michael Z. Newman and Elana Levine, *Legitimating Television: Media Convergence and Cultural Status* (New York: Routledge, 2011).

87. Larry Michie, "Network Status Report: All Is Not Quo," *Variety*, September 15, 1976, 41, 71.

88. Morrie Gelman, "'Sanford,' 'Maude,' 'Good Times' Up for Syndie Grabs via TAT," *Variety*, June 15, 1977, 45, 62; "Norman Lear Starts Up 'Glitters' for Syndie Stripping Next April; French Tops New TAT Division," *Variety*, October 27, 1976, 51, 70.

89. "Mary Hartman Mary Hartman Axed Axed," *Los Angeles Times*, April 26, 1977, A1, ProQuest Historical Newspapers.

90. "Mary Hartman Cancelled," *New York Times*, April 27, 1977, 73, ProQuest Historical Newspapers.

91. Bill O'Hallaren, "How 'Mary Hartman' Beat the System," *TV Guide*, June 19, 1976.

92. "Winters/Rosen in Financial Crunch despite Doubling of Gross to $8M," *Variety*, July 11, 1973, 31.

93. Boddy, *Fifties Television*, 177.

94. Kompare, *Rerun Nation*, 72.

95. Thomas Streeter, *Selling the Air: A Critique of the Policy of Commercial Broadcasting in the United States* (Chicago: University of Chicago Press, 1996).

96. Jonathan Sterne, "Television under Construction: American Television and the Problem of Distribution, 1926–1962," *Media, Culture & Society* 21, no. 4 (1999): 503–30.