

**THE VERMONT ASSOCIATION OF BROADCASTERS**

500A DALTON DRIVE  
COLCHESTER, VT 05446  
(802) 655-5764  
VAB@VAB.ORG

**BUSTER BACK FOR VISIT**

From the dairy barns of Randolph to the studios of ESPN? That's the odd journey taken by baseball writer and analyst Buster Olney. On August 6, Olney will return to Vermont to greet fans at the Vermont Lake Monsters game at Centennial Field in Burlington.



Born in Washington, D.C., but raised on a dairy farm in Randolph Center, Olney became a baseball fanatic at a young age. After graduating from Vanderbilt University, he began covering baseball in Nashville and later moved to Baltimore and New York, where he worked for the New York Times. He has been with ESPN The Magazine since 2003 and is a regular commentator on ESPN's Baseball Tonight program.

**KINSLEY BACK ON THE AIR**

VAB Hall of Fame member Russ Kinsley has returned to the local airwaves on WZXP-FM, 97.9 MHZ from Au Sable, NY.

Kinsley and wife Diane Desmond have leased the station from owner Radioactive, LLC, owned by Randy Michaels. The duo were formerly heard on WCLX-FM, 102.9 MHZ, from Westport, NY. WCLX is now operated as "Farm Fresh Radio" by Chip and Kathy Morgan.

# The VAB Voice

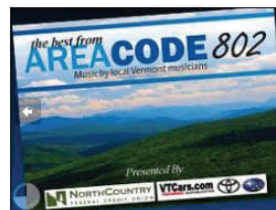


August, 2010

## VT STATIONS SUPPORTING GUARD EFFORTS

Vermont broadcasters are pitching in to help the nearly 1500 Vermont National Guard members who are currently deployed in Afghanistan.

Hall Communications, which operates five stations in the Burlington market, has partnered with Revision Eyewear and TD Bank to promote "Operation Care Package."



The Guard families back home in Vermont are also being helped. Nassau Broadcasting's cluster

of stations in the Barre area have teamed with VTCars.Com and NorthCountry Federal Credit Union to produce a second volume of "The Best from Area Code 802," a CD featuring songs by talented Vermont artists.

Proceeds from the CD, expected to go on sale later this month at multiple locations, will also benefit the Vermont National Guard Charitable Foundation.

Meanwhile, the WCAX-TV news team is getting an up close look at what our soldiers in Afghanistan are doing.

News anchor Darren Perron and photographer Lance Mackenzie left Vermont July 28 and plan to spend two weeks in the war zone.



The goal of the campaign is to send boxes of needed everyday items as well as tasty treats to all of the Vermonters

serving in the war zone. The cost of each box is set at \$53. The packages will contain about 60 personal hygiene items as well as non-perishable snacks. Organizers hope to raise \$75,000 for the effort.

Guard officials say the packages will show the troops that Vermonters back home are still thinking about them. "It's the message that the package sends that is as important as the things in it," Maj. Gen. Michael Dubie told WCAX-TV.

To donate to the cause, please visit [www.supportvermontguard.org](http://www.supportvermontguard.org) or just send a check to:

**Vermont National Guard Charitable Foundation, Inc., PO Box 683, Essex Junction, Vermont 05453.**



Vermont troops deploy for Afghanistan



## DANIEL SCHORR 1916 -2010

From New York City, Moscow and Washington, where he ended up on Richard Nixon's enemies list, reporter Daniel Schorr put journalistic principle ahead of his own career. Schorr, long-time CBS, CNN and NPR reporter and commentator passed away July 23. He was 93.

Born in the Bronx, he began reporting when he was 13 when he came across a woman who had just jumped or fallen from an apartment building roof. He worked as a newspaper stringer for many years and in 1953 was recruited by Edward R. Murrow and joined CBS-TV.

Schorr opened the CBS Moscow bureau in 1955 and later was Washington correspondent, where he covered Watergate. His work in Washington earned him three Emmy Awards.

In one famous incident, Schorr had just obtained Nixon's Enemies List and began to read the names live when he saw he was number 17 on the list.

A fierce advocate for free speech, Schorr became friends with musician Frank Zappa and performed with him on stage and later delivered Zappa's eulogy.

In 1979 he became the first on-air person hired at CNN. He joined NPR in 1985, where he remained until his death. He is survived by his wife, Lisbeth, and two children.

David Oxenford

## COURT TOSSES FCC INDECENCY RULES

The US Court of Appeals for the Second Circuit last month struck down the FCC's indecency rules, finding the rules were so vague as to not put broadcasters on notice of what programming was prohibited and what was permitted. The decision was reached following a remand of this case to the Second Circuit by the Supreme Court. In the decision, the Second Circuit took up the constitutional review left open by the Supreme Court, and determined the vagueness of the FCC's guidelines and the inconsistency in its decisions chilled the First Amendment rights of broadcasters in violation of the First Amendment.

The Court, in reaching its decision, looked at a number of the Commission decisions on indecency which have arisen since the Commission started its enhanced enforcement of these rules in 2003. After reviewing the cases, the Court felt that the FCC could not logically articulate when the use of certain prohibited words would be punished. In one passage, the Court asks how the FCC can find that the broadcast use of expletives in the fictional movie Saving Private Ryan were permissible as the words were essential "to the realism and immediacy of the film experience for viewers", yet at the same time find that these same words did not rise to that same level of importance when spoken by real people in the PBS documentary The Blues.

The Court then cited numerous instances where broadcasters felt that their speech had been chilled - often refraining from airing significant programming for fear of FCC fines. For instance, the Court cited one station that refused to cover a political debate as a candidate had previously used a forbidden word in a prior debate, and another case where stations did not run a documentary about emergency workers and the 9-11 tragedy as the documentary contained some actual footage from the Twin Towers, where emergency workers used some of those forbidden words.

So what's next? No doubt, we have not heard the last of the indecency rules. The FCC could appeal this case back to the Supreme Court. Even were the Second Circuit's decision upheld, that would still not be the end of the story, as the Second Circuit left open the possibility that the FCC could craft new rules that would not be so vague as to be unconstitutional. So we may well be hearing about the controversy about the FCC's indecency rules for many years yet to come. (*David Oxenford is a partner in the law firm of Davis Wright Tremaine.*)