

THE "DEATH OF A PRINCESS" CONTROVERSY

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and

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Program on Information Resources Policy

Harvard University

Center for Information
Policy Research

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Executive Summary

- ... The "Death of a Princess" controversy, sparked by an international television program concerning the execution of a Saudi princess for adultery, is symptomatic of a wider movement whose economic and political significance is just beginning to be appreciated.
- ... This controversy involved a face-off between a single country which controls major energy resources, Saudi Arabia, and many countries, including major democracies who are the main proponents of free information flow.
- ... Because the film appeared to threaten Saudi leadership, that country attempted to use its control over oil and its growing economic power to prevent the film from being aired. Several advanced democracies were thus forced to seriously re-evaluate the extent of their dedication to basic internal ideals in the face of such serious outside threats.
- ... Differences in social, cultural, legal and religious practices between nations became issues in the controversy, which involved political maneuvering by national leaders, economic protective attempts by businesses, and counter-measures and compromises by the broadcast industries. In the U.S., pressures by special interest groups and individuals resulted in three instances in legal action.
- ... The power of oil wealth, sudden changes within a long rigid society, growing interdependence of all nations, the increased importance of the international media, and the burgeoning of communications technologies all contributed to bringing this controversy about.

... For the most part, nations and institutions showed themselves capable of meeting and dealing with this new situation. But information technologies such as videotapes, which defy usual controls, could cause more complications in the future.

Foreword

The "Death of a Princess" controversy is symptomatic of the many and far flung communications and information problems which increasingly touch almost every aspect of global life. The economic and political significance of these problems is just beginning to be appreciated.

New communications technologies and networks now permit rapid dissemination of information with real or perceived explosive content, make it available internationally, and put it in the hands of individuals without their government's control. And thus it was that in spring, 1980, a global political and economic face-off occurred between a country which controls much of the world's energy resources (Saudi Arabia), and multiple individual nations, several of them the main proponents of free information flow.*

Differences in social, cultural, legal and religious practices between nations became issues in a controversy sparked by "Death of a Princess," a television program co-produced by the commercial Associated Television Corporation (ATV) in England, and by the public WGBH Educational Foundation, Boston, for the Public Broadcasting Service (PBS) in the U.S., with additional financial support from television companies in Australia, Holland, New Zealand, and Japan. Licensed for showing in at least 25 nations, the film concerned the death of a Saudi Arabian princess, executed for adultery, a capital crime according to the law of Islam.

* Some of the nations involved were Great Britain, the United States, Holland, Australia, New Zealand, Sweden, Norway, Denmark, Japan, Israel, Bahrain, Qatar, Turkey, Lebanon, Egypt, Malaysia and Kuwait.

The film apparently seemed a threat to the internal stability of the rapidly changing traditional culture of Saudi Arabia and to its ruling family, the Al-Saud. The government of Saudi Arabia attempted to use its control over oil and its growing economic power in an attempt to prevent the film from airing in individual nations. Several of the advanced democracies were thus forced to seriously re-evaluate the extent of their dedication to political principles, ideals and constitutional requirements regarding free speech.

The widespread dissemination of communications technologies (in this case both video programming and videotapes); the rapidity of global information flow; the growing interdependence of all nations; the large numbers of students from developing countries who study outside their own countries (in 1980 there were 15,000 Saudi students in the U.S. alone); the determined efforts of a traditional society to modernize without losing traditional religious and social controls; and the increasing porousness of international borders largely brought about by communications advances, were all involved here.

This paper describes the successes and failures of the Saudi effort, the political maneuvering by other national leaders, the economic protective attempts of businesses, the counter-measures and compromises of the broadcast industries, and, in the United States, the pressures by special interest groups and individuals and the legal fallout of the "Death of a Princess" film.

The spread of information resources into Saudi Arabia, the uses of such resources for revolution in other nations, and the political importance of the advent of videotapes and cassettes are also discussed.

Introduction

On the evening of May 12, 1980, Boston area viewers tuned their television sets to Channel 2, WGBH, and watched one of the most controversial TV programs ever screened. Joined by viewers of 184 PBS (Public Broadcasting Service) stations throughout the United States, they saw "Death of a Princess," a British-American made docudrama* concerning the death of Saudi Princess Mish'al, the granddaughter of an elder brother of then Saudi King

* The docudrama, which combines fact and fiction and blurs the distinction between them, is a controversial method of dramatic presentation, which gave added fuel to opponents of the film. Although docudrama has been around since the days of Shakespeare, television gives it added impact. This was compounded by the inclusion of "Death of a Princess" in the series, "World." Most reviewers pronounced the film more drama than docu, but in general considered it a sensitive consideration of the dilemmas facing the rapidly changing Saudi society. The producers "...claim they showed the film to 50 experts on Islam and Arab culture, most of whom, they say, judged it 'balanced and sensitive'." John J. O'Connor, reviewing the film for The New York Times, said a London Times editorial called docudrama 'artistically promising but factually treacherous'. In another context, former CBS network news executive Fred Friendly, who, with Edward R. Murrow, introduced true television documentaries, has said "I think the docudrama comes very close to being deceitful..." and "...I think the docudrama is the most corruptive force in journalism." Marvin Kitman, writing in The New Leader, was enthusiastic about "Death of a Princess" but called it "faction," a piece of fiction based on facts. He gave a long list of television faction programming: "FDR: The Last Year," "Moviola," "Roots," "Holocaust," "Helter Skelter," and "The Day Christ Died," saying: "Television viewers, it would seem, can't get no satis without faction." And the Economist said: "Once upon a time Orson Welles, adapting H.G. Wells for radio, frightened New Yorkers into thinking that the Martians had landed. Nowadays our senses are so benumbed by the invasion of fact, fiction and something in between from our television screens that the entry of true-life Martians might be dismissed as an intemperate lead into the next 'Star Wars' sequel. A great grey area has emerged where contemporary history shades into invention. Saudi Arabian protests about Anthony Thomas' 'Death of a Princess' ... are beneficial in that they have generated a sharp controversy about television's singular capacity for blending what might have happened with what actually did. ... Television is not the only offender: ... But television, by entwining news film with feature film, can multiply both the impact and the confusion." Arabist Peter Iseman, who had visited Saudi Arabia frequently and was writing a book on that country said, "'Death of a Princess' is an uneasy hybrid of documentary and drama.... Shown as is, without context or explanation, it gives a distorted picture of Islam and Saudi Arabia. Yes, the incidents in the film happened. Yes, they convey certain aspects of the society. But no, they are not fair choices or single symbols to represent the whole."

Khalid and the present King Fahd. One of thirteen programs in the PBS series "World," the movie was a dramatized version of the investigation into the circumstances and motivations which led to the public execution of the princess and her commoner lover in July 1977. They were executed for adultery, a capital offense under Islamic law.

Viewers in the U.S. were legion. "Death of a Princess" captured half the total audience in Boston, 27 percent in New York, and 25 percent in San Francisco and Chicago. In New York the film met stiff network competition (a movie, "Flamingo Road," and "Little House on the Prairie" on NBC, "That's Incredible" and "Fistful of Dynamite" on ABC, and "...CBS's regular lineup..."), but nevertheless drew six times the average audience for PBS fare.² According to A.C. Nielsen figures, "Death of a Princess" ranked second, behind CBS, in San Francisco, and third, behind NBC and CBS, in Chicago, during the showing of the film. "Death of a Princess" was

"...unquestionably and by far the most successful program we have ever aired in terms of audience appeal..."

remarked PBS president Lawrence Grossman.³

The film also raised the biggest ruckus that PBS has ever known.⁴ Under various pressures, a number of PBS stations originally scheduled to show the film dropped or delayed this programming.

In other countries, about 25 of which had bought screening rights, reaction to "Death of a Princess" was similarly keen.⁵ A month earlier, Britons had watched it, but under diplomatic duress. Residents of the Netherlands viewed it, but under heavy domestic protests. In Sweden, which was getting half its crude oil from Saudi Arabia and had big construction contracts there, a private company, Scand-Video, purchased domestic rights to "Death of a Princess" to prevent its being screened. Denmark cancelled the film.⁶ In Bahrain and Qatar, "Death of a Princess" was cinema non grata, a

common response throughout the Muslim world.⁷ A leading newspaper in Turkey, Guynadin, acceded to government pressure and suspended publication of a photo-novel based on the film.⁸ Lebanon banned "Death of a Princess," and the chief of its Security Department, Farouk Abillama, "...said police confiscated 20 video cassette recordings of the film..."⁹ Malaysia banned it following a request from the Saudi government.¹⁰ There was a protest by the Acting Prime Minister in Australia, which nevertheless did show the film.¹¹ "Death of a Princess" was shown in Israel, where it was said that "... it gave an insight into social conditions in Saudi Arabia and the status of women there."¹² Kuwait, banning the film, said angrily that its own producer, Abdullah al-Misbakic, was "...now working on a film entitled 'Death of a British Princess...' which 'includes scandals.'"¹³ The late President Sadat of Egypt called it a "violation of freedom and an attack on the sanctity of family life" and said "I wish Egyptian artists had not participated in that disgraceful and shameful work." Egypt banned the film which starred that country's actress, Suzanne Abou Taleb, in the role of the princess.¹⁴

Wherever "Death of a Princess" was shown or not shown, it was against a backdrop of protest and not-so-veiled threats by the Saudi regime. Nearby Iran, a rapidly changing Muslim country, had recently rejected modernization. Its people had overthrown their government in favor of Islamic fundamentalism while ironically using the most modern communications equipment—photocopying, tape recording, direct dial telephone—to accomplish the task. A newly rich and swiftly developing Saudi Arabia knew that it was also vulnerable to the same fate. Its royal family, the Al-Saud, which has ruled the country for most of the Twentieth century, has many enemies within other tribes and

within itself. About 4000 princes now descend from King Abdul Aziz Ibn Saud and members of his family.¹⁵ The royal family must rule through the Islamic religion which, in Saudi Arabia, has vast numbers of fundamentalist adherents. Saudi Arabia, the site of Mecca and Medina, sets the religious example for much of the Islamic world.

Fifty-two percent of Saudi Arabia's population is still nomad or agricultural and its women are still veiled, secluded, and are not permitted to drive cars. As late as 1970, Saudi Arabia had only \$600 million in the bank, and until quite recently, had relied on Islamic pilgrims for income. It owned, however, about one-third of the world's known oil reserves. Extreme wealth came with the 1973 global oil price hike, and by 1982 Saudi Arabia's foreign holdings and assets had leaped to between \$150 and \$200 billion.¹⁶

Determined to make this wealth last beyond the oil boom--its 5000% markup can hardly last*—Saudi Arabia embarked on an industrialization and modernization program far more vast than that attempted in Iran. At least one foreign worker for every two Saudi workers--and perhaps many more--** were brought in to exploit the country's new-found wealth. Most are from poorer Arab countries and many are dissidents.*** But guest workers from all over the world are also there.

* It costs Saudi Arabia about 60 cents a barrel to tap oil which is sold for \$34.

** By 1985 there are expected to be nearly 5 million guest workers in Saudi Arabia, which by then will have a population of less than 6 million natives.

*** Of the 63 persons beheaded on January 10th for their part in the Mecca uprising in November 1979, 41 were Saudis, 10 Egyptian, 6 South Yemeni, 3 Kuwaiti and one each from the Sudan, Yemen and Iraq.

Over the last decade, telephones, walkie talkies, tape recorders, and television by satellite have poured into a secluded Saudi Arabia, where cultural practices had remained largely unchanged since the advent of Muhammed. While television is state censored and cinema is banned,* video tape and cassette recorders are everywhere. In less than 10 years, nearly every Saudi city dweller is said to have acquired a color television with a video tape player.¹⁸ Saudi children devour westerns, while more sophisticated films--often recorded by off-the-air television tapings in the west--are freely available in private Saudi Arabian high technology entertainment rooms.¹⁹

Nine hundred thousand telephones--including 2000 in cars with 18,000 more planned--had been installed in Saudi Arabia by 1981. The newly mechanized nomads have trucks, and those trucks have radios. "...They listen to the radio all the time while roaming the desert..."²⁰

Telephones, television, films and other modernizations offend the more traditional practitioners of Islam, some of whom took over the Grand Mosque in Mecca--using walkie talkies--in 1979. Suggestions of liberalization of social practices for Saudi women or felt criticisms of Saudi family life are also resented.

The dismay of Saudi authorities over a film televised in many countries which they felt challenged Saudi social customs and Islamic law can thus well be imagined. That it involved members of the royal family as well seems to have made the film well nigh unendurable.

The reaction of individual nations and localities to Saudi pressures says a great deal about rising Saudi Arabian influence on the internal

* The six major Arabic and two English language dailies in Saudi Arabia are "subject to regulation" by the Ministry of Information. Cinema is banned partly to keep crowds from gathering.

events of other countries. Saudi reactions to the film, on the other hand, highlight Saudi insecurities. The susceptibility of national freedoms to international pressures and the ascendancy of communications issues in the conduct of international affairs have also been pointed up by the heated controversy surrounding the "Death of a Princess" film.

The Opening Guns

In autumn 1977, British filmmaker Anthony Thomas heard talk of the princess story at a London dinner party. On July 15 of that year, 19-year-old Princess Mish'al, a great niece of the Saudi king, and her 20-year-old lover, the son of a senior Saudi general, had been publicly executed in Saudi Arabia. They had committed adultery, a capital offense under Islamic law.* The execution had originally escaped notice in the west, but nearly six months after the event, the victims were identified. Then:

"...the story escalated into international headlines about 'the Princess who died for love'."

Although the story was suppressed in Arab countries, it was widely circulated there by word of mouth. An Arab storyteller in the film:²²

* The following is one²¹ press account of these events, details of which are somewhat foggy:

"The actual events took place in 1977 when the princess, a granddaughter of Mohammed ibn Abdel-Aziz, King Kalid's elder brother and one of the most powerful members of the Saudi royal family, was shot upon the orders of her grandfather. She was accused of adultery with a commoner. Her lover was beheaded in a public square.

"She had been married to Saudi princes and was divorced twice. She left Saudi Arabia for Lebanon where she spent time at the American University of Beirut, meeting her lover there. Upon her return to Saudi Arabia, her request to marry him was refused. The princess was charged with having had relations with the commoner and both were sentenced to death."

"...described the princess as having changed while attending college in Beirut. Exposed to radical politics, the Palestinians, women's liberation and assorted Western influences, she rebelled against her country's traditional ways, going so far as to reject the royal cousin who had been chosen as her husband-to-be. Accused of adultery with a young man from Beirut, she publicly confessed her sin, even while the king was begging her to reconsider. The Arab storyteller saw the princess as a symbol for the 'whole Arab predicament: How much of our past must we abandon? How much of your present is worth imitating?'"

Intrigued by the story of the princess, Thomas convinced producers at England's Associated Television Corporation (ATV) and WGBH (Boston's public television station) to permit him to make the film. In this truly international enterprise, Mr. Thomas raised £100,000 from Associated Television Corporation, and additional monies from television companies in Holland, the U.S., Japan, Australia and New Zealand.²³ WGBH of Boston, a member of PBS is said to have furnished at least one quarter of a required \$430,000.²⁴ The film was aired first in Great Britain and then presented as a special in the PBS "World" series, with other countries buying rights to show it from Telepictures, Inc.

During the next several months, Thomas is said to have conducted dozens of interviews with Saudis who claimed they had either witnessed or known of the execution.²⁵ The program was produced jointly by WGBH Educational Foundation, a licensee of WGBH-TV, and by ATV Ltd. in London. David Fanning of WGBH, the executive producer of "World," co-authored the script with Anthony Thomas, and Thomas served as the film's director. Within a year and a half, "Death of a Princess" was ready to be shown.

The Saudi government had known for some time that the British were preparing to televise a film of unprecedented candor about life in Saudi Arabia. Before the film was publicly aired, several Saudi officials watched a private London screening and were deeply offended by it. The

British government was informed that King Khalid was enraged by reports of the film's content. Informally, Saudi Arabia threatened to break off diplomatic relations and to suspend exports of oil to England.²⁶ One account claims the Saudis offered more than \$10 million to purchase the film outright to keep it from being shown.²⁷ This was flatly denied by the Saudi Embassy in London, but people involved with the film indicated that some offer of payment had indeed been made.

Prior to the first showing of "Death of a Princess" in Britain on April 9, 1980, the Saudis applied a series of real and perceived pressures in an effort to halt its being shown. These caused repercussions in multiple countries which continued over the next several weeks.

What Offended the Saudis

Columbia University professor Edward Said argues in Covering Islam that the Muslim world has long resisted the probing eyes of the west.²⁸ And, despite its ascension to power, Saudi Arabia had until this controversy been particularly successful in avoiding the scrutiny of the press. The film was perceived by Saudis as a violation of privacy since it represented a first look behind a closely drawn curtain into Islamic law as applied in Saudi Arabia, into Saudi culture, and, perhaps most devastating, into the behavior of members of the ruling regime.

While damning the film, the Saudi royal family never denied that the actual execution of the princess and her lover took place. Prince Sultan, a brother of the then and the present king, is reported by BBC to have said:²⁹

"...that the Kingdom had the honour to implement the Islamic Shari'ah, (the divine law) without complaisance or distinction, between the ruler and the subject. HRH (His Royal Highness) said

he was proud of this criticism because 'we applied the Islamic Shari'ah with justice and justice must apply to all.'

But Prince Sultan also said that the aim of the film was to insult Islam. Much of Saudi criticism of the film was directed towards what was called its portrayal of Islam as a harsh, insensitive religion, since the princess was depicted as having been summarily executed without a confession or a trial.³⁰ The severity of punishment and the speed with which the princess was executed put doubts in the minds of viewers as to the fairness of Koranic justice. Summary execution is not the norm in Saudi Arabia.³¹ Only about a dozen Saudis are executed annually and then only after a trial before a body of Ulema, Islamic judges.

But there are those who say that the Saudis were really offended because:³²

"...the film suggested that Prince Mohammed, the oldest surviving son of the Kingdom's founder, had done his granddaughter to death on charges of adultery which were not exposed to the rigours of an Islamic court, and it was a matter of rough family justice. In Saudi Arabia, there are many customary or imported laws, but the Constitutional Law of 1926 requires these be compatible with the Sharia... Thus, the prince's action would have been the highest treason and must, at all costs, be kept secret..."

While Islamic law does prescribe the death penalty for adultery, it also requires four eye-witnesses to the act or a thrice repeated confession and it is thus almost impossible to prove. Former American Ambassador to Saudi Arabia and Egypt Hermann Eilts says that it is his understanding that Saudi private citizens firmly believe the execution was a family and not an Islamic matter. Further, he says there was a great deal of sympathy for Prince Mohammed. The behavior of his granddaughter was an intolerable blot on his family honor and, say private Saudis, in similar circumstances they would have done the same thing themselves. Eilts stresses the lack of comprehension of westerners of the meaning of honor to the Saudis and other

Middle Eastern peoples. He felt this cultural misunderstanding caused a great deal of the bad feeling. However, he also stressed that an inability by the Saudis to understand public relations caused them to handle their legitimate concerns about the film shortsightedly. This poor handling led to undue publicity which attracted many otherwise disinterested viewers to what he considers a badly researched and balanced film.³³

The Saudis also took special umbrage at a short scene in the film in which Saudi princesses were shown cruising the outer highways of Riyadh looking for men. This scene was not only perceived by Saudis as an insult to Saudi women, but also, according to Michael Tingay, as a dishonor to the House of Saud. A former Middle Eastern correspondent for the Financial Times of London, Tingay argues that showing such alleged promiscuity among women of the royal family dishonored the Saudi Arabian woman, the family, and the tribe. Writes Tingay:³⁴

"The deep sense of shame created by the public portrayal of Saudi Arabian womanhood in this fashion is religious as well as tribal in origin. In the eyes of the Moslem purist, the Saudi Arabian royal family is responsible for any public dishonor. Departures from rectitude and orthodoxy, as perceived by religious fundamentalists, undermines the legitimacy of the House of Saud."

Several critics and columnists noted this scene and some commented on it as being unnecessary and tasteless. The Economist said:³⁵

"One of the film's most gripping sequences was almost certainly unfair; scenes of the bored princesses at home listening and dancing to pop music were followed by their predatory drive into the desert to pick, behind their veils, a temporary mate. The evidence for the vacuity of the princesses' lives is more substantial than for the promiscuity of those desert raids."

Ambassador Eilts says that this scene is totally untrue and he feels cheapened the film's purpose. Aside from the essential facts that the execution did take place and that the princess's grandfather insisted upon this punishment, most of the story, says Eilts, was derived from

Palestinian barroom type gossip in Beirut and elsewhere and from those who knew little about Saudi Arabia.³⁶

New York Times reviewer John O'Connor points out what may have really upset the Saudis is that the film is actually about politics and not religion. The film discusses such questions as the political origins of the veil, and is directly interwoven with the history and passions of the current Middle Eastern political situation.³⁷

"Death of a Princess" in Great Britain

On April 9, 1980, Associated Television showed "Death of a Princess" to an estimated 10 million Britons.³⁸ Although "rejecting Saudi pleas that the film be amended or scrapped..." ATV agreed to include an introductory comment that said:³⁹

"'...The program you are about to see is a dramatized reconstruction of certain events which took place in the Arab world between 1976 and 1978. We have been asked to point out that equality for all before the law is regarded as paramount in the Moslem world.'"

And the next day, the British Foreign Office released a statement saying:⁴⁰

"We profoundly regret any offence which the program may have caused in Saudi Arabia. We have, of course, no power to interfere with the editorial content of programs, still less to ban them.

On April 11, the Saudi Embassy in London called "Death of a Princess":⁴¹

"... an unprincipled attack on the religion of Islam and its 600 million people and on the way of life of Saudi Arabia, which is at the heart of the world of Islam."

On the twenty-third of April, the government of Saudi Arabia requested Great Britain to withdraw its Ambassador to Jidda, James Craig. Although a serious step, it was thought to be temporary. The British Foreign Office

said that the Embassy staff would stay in Jidda and the Embassy would remain open.⁴²

The decision to make this request, reached at a meeting of the Council headed by then Crown Prince Fahd was, according to the Government-owned Saudi press agency:⁴³

"... in the light of the British Government's negative attitude toward the screening of the shameful film."

At that time, the Saudis also issued a statement saying it had carefully examined economic relations between the Kingdom and Britain, and especially the activity of British companies in the Kingdom.⁴⁴ For the text of a commentary on the Council's statement, see Appendix A.

The Soviets could not resist getting into the act. On April 12, 1980, the Telegraph Agency of the Soviet Union in English (London) transmitted a story headlined "British-Saudi Relations: 'Big Scandal' over TV Film," and on the 24th of that month, another one called "The 'Scandal' in British-Saudi Arabian Relations." The Soviets used this opportunity to harangue the British:⁴⁵

"London, which was in a hurry to express 'regret,' and was trying to 'reason' (with) the Saudi side, would like to reduce things only to a deplorable 'incident.' In doing so, some people on the banks of the Thames prefer not to remember the long history of British Colonialism in the Middle and Near East, which was full of violence and intrigues, disrespect for the national cultural values and traditions of the Arabs and other peoples in that region. They fail to recollect also that it is precisely British colonialists, who were closely cooperating with the US and other imperialist circles, that plundered and continue plundering the oil and other riches of other peoples in the region."

On April 25, the Financial Times of London commented on British interests in Saudi Arabia apart from trade:⁴⁶

"In the 13 months to June last year construction contracts worth £ 288m were awarded to U.K. companies. Britain has several large continuing contracts in Saudi Arabia, including the British Aerospace Corporation's Saudi Air Force, worth between £ 500m and £ 850m over the period 1977-1981, and a contract worth £ 148m for

cable and wireless to modernize the communications system of the National Guard.

...
"British Aerospace is one of two competitors for a large Arabsat satellite communications contract, to be awarded by a multi-state Arab organisation based in Riyadh."

Forty thousand Britons are employed in Saudi Arabia.⁴⁷

Saudi Arabia is also England's largest export market in the Middle East and a diplomatic link for the British to the Arab world. In 1979, Great Britain exported about \$2 billion in goods to Saudi Arabia, which is its eleventh largest market in the world.⁴⁸ In 1979 Great Britain still got 16 percent of its oil from the Saudis. The vast funds at the disposal of the Saudi Arabian Monetary Agency (SAMA)—which British banks compete to manage and British bond markets seek to attract—also made good relations between the two countries an important concern. And as a major arms purchaser, Saudi Arabia was a handsome potential customer for British weapons, especially its Nimrod aircraft.

During the weeks following the screening of "Death of a Princess" in Great Britain, new limitations were placed on visas issued to British company executives in Saudi Arabia. In addition, a large U.S. construction firm was instructed not to subcontract to the British.⁴⁹ And other pressures were brought to bear. British Airways suddenly was told that no further supersonic flights would be allowed over Saudi Arabia. Such a ban wiped out the profit from the Concorde's London-Singapore route.⁵⁰ Lebanon also banned British supersonic flights over its territory and the British were forced to seek new eastern air lanes.⁵¹

Despite the hardships inflicted by Saudi sanctions, the British made few soothing diplomatic moves. Lord Carrington did term the affair

"unfortunate," with the Foreign and Commonwealth Office issuing a statement saying:⁵²

"It is most unfortunate that Anglo-Saudi relations should have been damaged by a film for which the British government was in no way responsible and which it could not prevent from being shown on British TV or elsewhere. We hope it will be possible to restore relations on their normal level as soon as possible."

And various British officials and members of Parliament took ATV to task for the film. The Financial Times reported remarks by Deputy Foreign Secretary Sir Ian Gilmore and others:⁵³

"Sir Ian said that the whole genre (docudrama) was something to which the Independent Broadcasting Authority, and BBC should be giving very careful attention."

Mr. Nicholas Winterton, a Conservative from Macclesfield:

"... called on the Government to apologize to the Saudi Government and Royal Family for the film."

Alleging that Mr. Thomas:

"... had a 'history of producing inaccurate and biased films' ... he wanted the Government to ensure that 'These Left-wingers do not have the power to undermine the best interests of the U.K.'"

Labor backbencher Mr. Andrew Faulds, who is the spokesman for arts:

"... criticized the irresponsibility and self interest of some of the bright boys of the media."

while Mr. Peter Shore, Labor's front bench foreign affairs spokesman:

"... urged the Minister to make it plain to the Saudi Government that Press and TV in Britain were not subject to Ministerial dictation."

And David Winnick, a Labor member, said:⁵⁴

"'It is undignified to see a British Foreign Secretary virtually apologizing to a reactionary feudal state about what has been shown on TV in this country,'"

In the media, meanwhile, the Financial Times editorialized:⁵⁵

"There can be no firm guidelines on presenting events in the third world in a way that does not necessarily offend the sensitivities of local regimes. Attempts to work out a code

through, for instance, the auspices of international bodies like UNESCO end up by distorting the truth...."

"In the last resort..." said the editorial:

"Judgement must remain with the individual organisation. 'Death of a Princess' is open to criticism. But that is not a reason for suppressing it."

In late May, Prince Fahd, now the Saudi King, linked the "Princess" controversy to larger issues:⁵⁶

"Kuwait, 24th May: In a statement published here, the Saudi Crown Prince, Prince Fahd, described the film "The Death of a Princess" as part of a campaign designed to distract the attention of the Kingdom from Arab questions.... "Prince Fahd accused imperialism, communism and reaction of taking part in a fierce campaign against his country, saying that it began two years ago. He linked the campaign to the signing by the Egyptian President, Anwar as-Sadat, of the Camp David accords with Israel. He said: "The Zionist forces are trying to distract us with secondary battles from our attitude towards our nation and its just causes."

At end May, then Foreign Secretary Lord Carrington remarked that the film was "deeply offensive" and said that he "'wished it had never been shown.'" Speaking at a meeting sponsored by the Middle East Association, he noted, however that:⁵⁷

"... it was not the government's role to ban a film 'because we do not like it or even because it hurts our friends.'"

"Asked whether his statement should be regarded as an apology, Carrington said it was 'a statement of what Her Majesty's Government thinks.'"

By July, the British ambassador was back in Jidda, and within a few months normal privileges were restored to British businesses operating there.

"Death of a Princess" in the United States

At the outset, Public Broadcasting Service⁵⁸ officials seemed calm about the substantial efforts the Saudis had made to suppress the showing of the film in England and in other countries. The day after the diplomatic rupture between Britain and Saudi Arabia, PBS officials were reported as saying:⁵⁹

"... so far there had been no direct pressure from any official source..."

And this was repeated in a May 2nd "Advisory to Editors:"⁶⁰

"In recent days, serious questions have been raised regarding PBS' scheduling of DEATH OF A PRINCESS. As you know, this same program has already been broadcast in Britain and Holland, where it has caused considerable controversy. In that connection, I should emphasize that we have received no communication or expression of views on our broadcast of this program from any official of the United States government or of any other government."

Pressed on the issue by reporters on April 24th, PBS Director of Current Affairs Programming, Barry Chase, said that PBS "would not alter its plans" for film airings. Mr. Chase is quoted as saying:⁶²

"It is a sensitive treatment of the Arab predicament, that a 1,400-year-old culture is being whipsawed by western influences while trying to adhere to the ancient principles. No one, not even the Saudis, allege that the program is inaccurate or untrue, but they are clearly embarrassed by the depiction of the royal life style."

On April 11th, PBS issued a press release describing the uproar in Great Britain and stating that the film would be seen in the U.S.

as part of the PBS "World" series on May 12th.* It described the film as follows:⁶³

"The World special recounts a reporter's journey through the Arab world to investigate the life and death of a Saudi princess and her lover. While a dramatized account, "Death of a Princess" is based on transcripts and records relating to the actual public execution of Princess Misha'al, granddaughter of Prince Mohammed, the elder brother of Saudi King Khalid."

"'Death of a Princess' describes Misha'al's confinement in a women's palace after the collapse of an arranged marriage to a royal cousin. The film infers that, after being prevented from leaving Saudi Arabia with her lover, Misha'al was denied due process of Islamic law. The two lovers were summarily put to death in a public place."

The news release quotes Executive Producer Fanning as saying that the intent of the film was to offer a sensitive view of circumstances which "lent themselves" to this tragedy.

"The film is far from an attack... It's a very sophisticated journey into the private circles of the Arab world ... The girl is a symbol of the Arab predicament -- someone stretched three ways between the West, radical Arab politics and the strict ethic of the desert. Both (Producer/Director) Anthony Thomas and I share a great concern for the Arab world."

* On May 2nd, Mr. Chase released an Advisory to Editors, which said, in part:⁶²

"While we fully understand the gravity of the concerns regarding broadcast of this film, we stand by the program and intend to feed it, as scheduled, from 8-10 P.M. on Monday, May 12. Our reasons are as follows. First, we have every confidence in the integrity of the producer, WGBH, and in the integrity of this particular program. It is this season's final program in the WORLD series, which has just received a Peabody Award for outstanding current affairs achievement. As David Ives, President of WGBH, recently stated...: 'Every salient fact has been checked and double checked. In all the controversy surrounding the film since its broadcast in England and Holland, there has been no rebuttal to those facts and none is likely.' PBS agrees with and endorses that statement. ... Second, it is precisely because of the Islamic world's central importance in today's international arena that Americans must become better informed about the political, religious and cultural issues in that region...."

Four days before the film was to be broadcast in the U.S., Mobil Oil Company proclaimed its opposition. On May 8th, it ran an advertisement on the Op-Ed page of half a dozen newspapers, including The New York Times.⁶⁴ (For the full text of this advertisement, see Appendix B.)* This "advertorial" questioned the artistic integrity of producer Anthony Thomas, asserting that his reliance on fictional characters and reconstructed conversations was deceptive. It intimated that the privilege of freedom of the press was being abused. Mobil also claimed that public support of PBS entitled the U.S. government to special concern over the film. It concluded with the hope that PBS would:

"...review its decision to run this film, and exercise responsible judgment in the light of what is in the best interest of the United States."

As one of the "Four Sisters"--along with Exxon, Texaco, and Socal--in the oil producing partnership Arabian American Oil Company (ARAMCO), Mobil has a substantial interest in Saudi Arabia's well-being. ARAMCO at that time produced nearly 75 percent of Saudi Arabia's petroleum.⁶⁵

Mobil is also important to PBS. The company spent \$2.3 million in 1979 and at that time was expected to spend about \$3.2 million in 1980 to underwrite programming on public television. Although the company did not threaten to withhold future funding for PBS ventures because of its disapproval of "Death of a Princess," the fact that it had contributed \$30 million to public broadcasting over the preceding decade surely did not go unnoticed. On the day the Mobil ads were placed, WGBH president, David O. Ives:⁶⁶

* See Appendix B also for a comment by David Fanning on the "mischievous" use of Penelope Mortimer's letter in the Mobil ad.

"... said that he had no reason to believe that airing the film would 'affect our relationship with them (Mobil) as funders of different kinds of programming.'"

Exxon, another partner in ARAMCO, also supports public television in the amount of \$4 million annually. A spokesman for that company said that showing "Death of a Princess" would not affect its relationship with PBS. Exxon told reporters that it:⁶⁷

"... had heard from the Saudis about the film and had passed the objections on to the State Department..."

Some of the industry officials of other ARAMCO companies were, at that time, said to be privately concerned that, if the film were shown, the Saudis might cut their oil production.⁶⁸

A day later, then acting Secretary of State Warren Christopher expressed reservations about the film. On May 9th, Mr. Christopher sent a letter to PBS president Lawrence Grossman, relaying the concerns of the Saudi government which had been expressed in a letter from Saudi Ambassador to the U.S., Sheik Faisal Alhegelan. In this letter, Christopher also conveyed his own reservations about the sensitive nature of the film's contents. The Christopher letter reads as follows:⁶⁹

"I am enclosing a letter just received from the Ambassador to the United States of the Kingdom of Saudi Arabia expressing his Government's deep concern about reports the film "Death of a Princess" will be shown on the Public Broadcasting system. As you will see, the Ambassador's letter explains why his Government was deeply offended by the televising of the film in the United Kingdom.

"I want to assure you that the Government of the United States cannot and will not attempt to exercise any power of censorship over the Public Broadcasting System. We have no doubt that, in the exercise of (y)our programming judgment, you will give appropriate consideration to the sensitive religious and cultural issues involved and assure that viewers are given a full and balanced presentation."

The letter enclosed by Christopher from Saudi Ambassador

Alhegelan read:

"My government has asked me to express concern to you about the showing of the television film "Death of a Princess" on your country's Public Broadcasting System now scheduled for May 12.

"We have recently received a recording of the film as shown in England and find it contains many inaccuracies, distortions and falsehoods. The documentary style of the picture is so convincingly done that I fear the casual viewer could consider it a collection of factual and historical events when in reality it is just the opposite. The film shows a completely false picture of the life, religion, customs, and traditions of Saudi Arabia. It also, in many ways, is disparaging to the Muslim religion. The film is therefore offensive, not only to Saudi Arabia but to the entire Islamic world.

"We recognize your constitutional guarantees of freedom of speech and expression, and it is not my purpose to suggest any infringements upon those rights. However, we feel that you and other responsible officials of your Government would want to know of our concern and the reasons therefore before the film is shown in the United States.

"Enclosed is material relating to the film which points out a number of inaccuracies and falsehoods in it. I would appreciate your considering these facts and, if you feel it appropriate, convey our concerns to the Public Broadcasting System. We trust that the Public Broadcasting System or other news media will determine for themselves what the fictitious items and distortions are and will not report them to the American public as fact.

"A major concern to us has always been the lack of adequate understanding between our cultures and our people of each other's way of life, our religions, our customs and our practices. We continue to feel that increasing understanding of these things can only benefit our nations and the world as a whole."

Some of the comments which were included with the Alhegelan letter were expressed as "insults." They were keyed to specific pages of the script and listed as follows:

"Some of the 'Insults to Islam &/or Arabs'

"Frustration and the 'feeling of revolt' is no excuse for the crime of adultery [sic].

"--- nor is material wealth an excuse for adultery [sic].

"The Law applies to all!

"'Love' is no excuse for adultery [sic].

"To many of the Islamic faith the veil is worn with pride.

"False impression of the selection of leaders.

"The sword dances are a tradition of respect to warriors of an earlier time.

"Islamic courts are degraded.

"Some of the 'Insults to Saudi Royal Family'

"Stating that Palestine revolution is 'contained' by Saudi Arabian Government is unacceptable.

"Focusing on Grandfather's alleged character instead of crime of adultery [sic] is unacceptable.

"Frequent claims that execution was to save honor of Granfather [sic] is an insult to the Family.

"Gives a total false impression of selection of the rulers of Saudi Arabia.

"The Kingdom of Saudi Arabia was formed without assistance from any outside group.

"All Saudi women have same basic rights and privileges."

The Christopher letter made no attempt to dictate policy to PBS, and insisted that it was not an attempt at censorship. But in conveying the opposition of the Saudi government and urging balance, the letter according to some observers "chilled"* press freedoms. Two years after the incident, private citizen Warren Christopher defended his decision to join the "Death of a Princess" debate. After a speech at the John F. Kennedy School of Government, Christopher contended that his action was widely misperceived and unfairly portrayed. His letter was an attempt, he said, not to censor but to guide. He said he did not intend the letter as a restraint on press freedoms, but simply suggested that the Saudi Arabian perspective should be put in a fair context.⁷¹

Sources at The Federal Communications Commission (FCC), the only U.S. Government agency having direct jurisdiction over broadcasting, have stated that while they remember the subject well as private citizens, at no time was the FCC, at any level, approached, formally or informally, by any level of the Executive Branch.⁷²

Having consistently advocated press freedoms in international debate, and recently struggled to prevent inclusion of the term "balance" in a final UNESCO statement at Belgrade, the United States shocked some observers when its Acting Secretary of State used that word in the "Death

* In constitutional law, the chilling effect doctrine includes "...any law or practice which has the effect of seriously discouraging the exercise of a constitutional right...."⁷⁰

of a Princess" controversy.⁷³ By apprising PBS officials of Saudi concerns for balance, the Acting Secretary seemed to lend legitimacy to the notion.

According to Hodding Carter, 3rd, the State Department spokesman of the time, the decision to send the letter was by no means unanimous within the State Department. He himself, as well as his wife, Patt M. Derian, then serving as Assistant Secretary of the Bureau of Human Rights and Human Affairs, "thought it was inappropriate to do so," according to The New York Times.⁷⁴ The Times, saying that the White House approved the letter, also reported that:

"This was the first time...the State Department had been asked by a government to intercede in advance of a televised film. He (Hodding Carter) said there had been many protests in the past about movies that had been shown."

Newsweek reported that:⁷⁵

"... It was the first time the State Department had ever interceded on behalf of a foreign complaint over the airing of a television program. The decision, said one official, was taken 'at the highest level.'"

Reaction to the Acting Secretary's letter in the American press was swift and severe. The New York Times noted that, as a former Assistant Attorney General, Christopher knew better than to encroach upon First Amendment rights and presumably acted "on orders."⁷⁶

A member of the Christopher staff involved in preparation of the letter has said that it was merely meant as a message of transmittal. In hindsight, he says, "balance" was probably an unfortunate choice of words. White House clearance of the letter was obtained in routine fashion at the working and not at the policy level.⁷⁷

On Capitol Hill, debate over showing "Death of a Princess" was mixed and contentious. Several Congressmen accused PBS of "poor judgment" in planning to air the film. House Foreign Affairs Committee Chairman Clement

Zablocki, Democrat of Wisconsin, was especially vociferous in criticizing the public network. Zablocki, said Newsweek:⁷⁸

"... pointed out that PBS depends on the Federal government for 29 percent of its funding. 'If it is going to show substandard films,' he asked, 'why should we waste the taxpayers' money?'"

He was joined in criticism by ranking Republicans Representative William S. Bloomfield of Michigan and Senator Barry Goldwater of Arizona. But Rep. Andrew Maguire, Democrat of New Jersey, defended the Constitutional guarantees enjoyed by PBS and argued that "the show must go on."⁷⁹

But just how the show would go on was still unclear. PBS officials were quietly considering what to do, partly in response to public protests. According to one report:⁸⁰

"...thousands of ordinary citizens telephoned PBS and its member stations...four or five to one against airing the show."*

As a result, WGBH decided that while the film would go on fully intact, it would be followed by an hour long panel discussion of Islamic issues called "The Arab Dilemma." A WGBH representative is quoted as saying:⁸⁴

"We had discussions with PBS about a follow-up program, and this seemed to be the best solution of various concerns."

Produced by WGBH, the panel discussion was led by Michael Dukakis, then between two terms as Governor of Massachusetts, and included Faoud Ajami, Director of Middle Eastern Studies at Johns Hopkins, Peter Iseman, a contributing editor to Harper's; Muddasir H. Diddiqui, Imam to the Muslim

* The Mobil ad played a part in stimulating these protests, but so did literally hundreds of columns that were written in papers all over the country as the date for scheduled airing of the "Princess" drew near. Columnists took all sides of the issue and created huge viewer interest in the coming broadcast. WNET-TV in Newark, N.J. reported having 1500 calls between Thursday, the day the Mobil ads appeared, and Monday, when the film was shown, with 80 percent of the callers opposed to the showing. After the program, about 600 calls ran 2-1/2 to 1 for the film.⁸¹ WETA-TV, Washington, D.C., "... received hundreds of phone calls, nearly all urging cancellation of the show."⁸² Herbert Schmertz, Mobil's Vice President of Public Affairs, is reported to have "... said (that) the oil company had received a number of calls from persons who said they had not known that "Death of a Princess" was a 'fictionalized program.'"⁸³

community of greater Boston; Roger Fisher, professor of International Law at Harvard; Judith Kipper of the American Enterprise Institute, and British writer Andrew Duncan. "The Arab Dilemma" was carried by 231 PBS stations.⁸⁵

The decision to have a controversial program followed by a panel discussion was not unprecedented at PBS. But the decision to lengthen the discussion from a few minutes to an hour after controversy had ensued struck some observers as a gesture of appeasement. Pulitzer Prize winning reviewer William A. Henry III called the panel discussion "the most disreputable aspect of the whole affair." Wrote Henry:⁸⁶

"...PBS refused to kowtow to the Saudis by canceling the show. Instead it kowtowed to the Arabs and their influential friends by staging an hour of apology for being American, white, Western, and industrial."

The panelists were "shills for the Saudis," Henry said.

Had "Death of a Princess" been a documentary, such a controversy over the ensuing panel discussion might not have arisen. Section 315 of the 1934 Communications Act, the Fairness Doctrine, states that:⁸⁷

"... nothing ... shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

But the docum drama, lying as it does somewhere between fact and fiction, may slip through the cracks of the intent of the Congress.

On May 12, 1980, PBS put "Death of a Princess" on the air. Most PBS stations in the country resisted pressure and expressions of concern. PBS spokesman, Mark Harrad said:⁸⁸

"Mobil and others are in the business of marketing oil products and we're in the business of the free flow of information and the First Amendment."

But such "free flow" did not occur everywhere. Altogether, 38 PBS stations in 13 states did not carry the film and 48 stations delayed its broadcast. But some of these stations never intended to carry it.⁸⁹ Fourteen of the 158 licensees did not contribute to funding for the "World" series and thus did not plan to show the film. Five PBS stations in South Carolina--where Saudi investors have large holdings in real estate in Hilton Head and other coastal resorts, and where then U.S. ambassador to Saudi Arabia John West once served as governor--refused to air the docudrama.⁹⁰ Patricia Dressler, as spokesperson for the South Carolina PBS stations:⁹¹

"... said that the network had been under no outside pressures, but that its decision to cancel the film had been influenced by the fact that the state's former Governor, John C. West, is the United States Ambassador to Saudi Arabia.

"We are more sensitive to relationships with the Saudi Arabian Government because of Mr. West's position. ... We felt that in light of the international situation, there was no reason to broadcast a program that we felt would be offensive to the Saudi Arabians."

"She added that Mr. West had not called before the network made its decision, but did so, to express his appreciation, after he had learned about the action."

The "Princess" at Court

Two extremely interesting court cases, which were later combined in Appeals Court, resulted from citizen attempts to force KUHT-TV in Houston and the AETC network in Alabama to show "Death of a Princess."

The introduction to the abstracts of the decision on rehearing of the combined cases involving AETC and KUHT began as follows:⁹²

"The two appeals before this Court on consolidated rehearing raise the important and novel question of whether individual viewers of public television stations, licensed by the Federal Communications Commission to state instrumentalities, have a First Amendment right to compel the licensees to broadcast a

previously scheduled program which the licensees have decided to cancel....

The Alabama Educational Television Commission, which operates nine non-commercial educational television stations in that state, was one of the 144 public television licensees who contributed to the funding of the "World" series. By contributing to funding through a mechanism called Station Program Cooperative, licensees gain the right to broadcast programs, but are not obliged to do so.

The background to this case is described in the abstracts of the final decision document of the United States Court of Appeals for the Fifth Circuit for October 15, 1982 (see note 92):

"... During the week prior to the scheduled broadcast of "Death of a Princess" AETC received numerous communications from Alabama residents protesting the showing of the program. The protests expressed fear for the personal safety and well-being of Alabama citizens working in the Middle East if the program was shown. On May 10 AETC announced its decision not to broadcast the film as scheduled."

On May 12th, the day of the originally scheduled showing, Donald E. Muir, H. Jeff Buttram and O. Navarro Faircloth, "... residents of Alabama who had planned to watch...", citing the First and Fourteenth Amendments, sued to compel AETC to show the film and to permanently enjoin it from "making 'political' decisions on broadcasting." The District Court for the Northern District of Alabama found in favor of AETC because:

"... the First Amendment protects the right of broadcasters, private and public, to make programming decisions free of interference..."

and

"... that viewers have no First Amendment right of access... sufficient to compel the showing of "Death of a Princess."

Muir, Buttram, and Faircloth then appealed, but a panel of the U.S. Court of Appeals for the Fifth Circuit upheld the District Court's decision:

"The panel held that the plaintiffs had no constitutional right to compel the broadcast and that AETC's refusal to broadcast the program was a legitimate exercise of its statutory authority as a broadcast licensee and was protected by the First Amendment."

Meanwhile, in Houston, Texas, a decision not to show the previously scheduled "Death of a Princess" had also been made by KUHT-TV. KUHT-TV is funded and operated by the University of Houston, which is in turn funded and operated by the State of Texas.

"On May 1, 1980 KUHT-TV announced that it had decided not to broadcast the program. This decision was made by Dr. Patrick J. Nicholson, University of Houston Vice-President for Public Information and University Relations. Dr. Nicholson had never previously made a programming decision such as this, though as the university official charged with the responsibility of operating KUHT-TV he had the power to do so. In a press release announcing the cancellation Dr. Nicholson gave the basis of his decision as 'strong and understandable objections by the government of Saudi Arabia at a time when the mounting crisis in the Middle East, our long friendship with the Saudi government and U.S. national interests all point to the need to avoid exacerbating the situation.' Dr. Nicholson also expressed a belief that the program was not balanced in a 'responsible manner.'

"In addition to the reasons cited in the press release, the District Court, upon consideration of Dr. Nicholson's testimony, found four other reasons why the cancellation decision may have been made. First, Dr. Nicholson testified that he considered the program to be 'in bad taste.' Second, Dr. Nicholson expressed concern that some members of the public might believe that the 'docu-drama' was a true documentary. Third, Dr. Nicholson testified that the University of Houston had previously entered into a contract with the Saudi Arabian royal family to instruct a particular princess. Finally, Dr. Nicholson testified that he had been in charge of fund raising activities for the university from 1957-1958 and that a significant percentage of the university's private contributions came from major oil companies and from individuals in oil related companies."

Dr. Nicholson has since said that he played only a minor role in sending a University of Houston professor to live in the royal palace at Ridayh to tutor a Saudi princess. During the controversy, he states, he was never contacted by any petroleum company or any representative of any corporation or foundation.⁹³

Having learned of the KUHT-TV decision to cancel the program, on May 8th Gertrude Barnstone brought suit to require the station to show the film. Harvey Malyn later joined this suit as a party, plaintiff. Ms. Barnstone argued that:

"... as a subscriber to and regular viewer of KUHT-TV her First and Fourteenth Amendment rights were violated by the decision to cancel the program."

In this case, however, Judge Gabrielle McDonald of the District Court for the Southern District of Texas found for Ms. Barnstone and ordered the University of Houston, as the KUHT licensee, to broadcast the film.*

The University of Houston appealed, and because of the contradictory Muir decision, the two cases were combined and reheard. On appeal, a main argument advanced by Ms. Barnstone was that the University of Houston and KUHT-TV, being state actors, were limited in programming discretion because they were state instrumentalities. But the Court of Appeals decided that public broadcasting licensees have the same rights to free programming decisions as private ones, that they were not public forums, and that their actions did not constitute censorship under the First Amendment. Therefore the rights of both AETC and KUHT to withhold programming at their discretion were affirmed.

The decision to reverse the District Court order vis a vis the University of Houston was made by the 5th U.S. Circuit Court of Appeals in Austin on May 12th, the scheduled day for the film's showing. An application to the U.S. Supreme Court to have the reversal reserved (an

* "The court held that KUHT-TV, the television station operated by the University, was a public forum and as such it could not deny access to speakers—here, the producers of "Death of a Princess"—who wished to be heard in the public forum, unless its reasons for doing so could withstand the rigorous scrutiny to which 'prior restraints' are traditionally subjected."

application to vacate) was made the same afternoon. Little more than an hour before the scheduled showing, Mr. Justice Powell, exercising his authority as Circuit Justice, after consulting:

"...informally, with each of my Brethren who was present at the Court when these papers arrived late this afternoon..."

denied the application without, however, expressing a view on the merits of the case.⁹⁴

A new petition for a Supreme Court hearing on the case was denied on March 7, 1983.⁹⁵

The evening of May 12th, Ms. Barnstone and her lawyer and nearly 100 other people saw "Death of a Princess" at the Rice University Media Center. A videotape of the film was provided by Breakthrough magazine, which said it came from an unknown source, having been mailed, unsolicited, from Boston. Ms. Barnstone is said to have commented on the film:⁷⁶

"I found it very compelling, very poignant, but also very long. If I had watched it at home, I don't know if I would have watched the whole thing."

In the late afternoon of May 12th, Texas A & M University, the licensee for KAMU-TV at College Station, also cancelled the film. The University's president, Jarvis Miller, said:⁹⁷

"The decision to cancel the program was made on the basis that we should not risk damaging international relations by showing a movie that reportedly relies on sensationalism and shock value to attack a culture and a religion that is foreign to us..."

Another novel law suit emerged from the "Death of a Princess" affair, this one being launched against the co-producers of the film, David Fanning and Anthony Thomas, and against ATV of England and Lawrence K. Grossman, President of PBS. Khalid Abdullah Tariq al Mansour and Faissal Fahd al Talal, representing Concerned Black Americans in Support of Africa and the Middle East, Islamic Centers of America, Akbar Institute, and the Muslim

League of Canada, brought this suit in the United States District Court, Northern District of California.⁹⁸

Faissal Fahd al Talal and Khalid Abdullah Tariq al Mansour had written to WGBH in early May, saying that they were two Muslim lawyers practicing in California and representing several Islamic groups. They demanded:⁹⁹

"... that the film be canceled or that equal time be given for a response."

The letter threatened a federal court suit to bar showing of the film if these demands were not met.

The court's opinion by District Judge Aguilar on September 25, 1980 said:

"This is an action in which the plaintiffs claim that they consist of a class of 'nearly one billion persons.' They seek damages in the amount of twenty billion dollars because of the national television broadcast of the film "Death of a Princess." Plaintiffs include 'followers of the Islamic faith throughout the world' and 'Americans who are committed to a respect for world and Islamic traditions'... They allege that the film ... is 'insulting and defamatory' to the Islamic religion. ..."

Remarking on the claim, the judge said that:

"The substance of plaintiff's claim is that all muslims--a population which exceeds 600 million--were defamed by the airing of "Death of a Princess." The law of defamation, however, does not give rise to such a cause of action. The aim of defamation law is to protect individuals; a group may be sufficiently large that a statement concerning it cannot defame individual group members."

The judge concluded that the plaintiffs' request "... borders on the frivolous..." and dismissed the case with prejudice since no actionable claim had been demonstrated.

On May 15th, the Saudis announced a \$2 per barrel hike in crude oil prices. But this merely brought its prices in line with those of other Persian Gulf states, and both U.S. oil industry and Government officials

expressed the opinion that this price rise and "Death of a Princess" were unrelated.¹⁰⁰

On May 15th, PBS issued a press release containing endorsements it had received from the National Council on the Arts, the Writers Guild of America, and the Radio Television News Directors Association on the stand it had taken concerning "Death of a Princess."¹⁰¹ On the same date, PBS was cited as "a leader in the field of broadcast journalism" while receiving all four* of the 1980 annual American Jewish Committee Mass Media awards.¹⁰² PBS President Lawrence Grossman, accepting the PBS award, "...took the opportunity to reflect on events surrounding the film's broadcast.

"... 'We must understand other people's sensitivities and their vulnerability,' Grossman said. 'But our obligation is to deal with these concerns and sensitivities in an open and straightforward manner.'

"Grossman noted that one of the lessons learned from "Death of a Princess" was that there is an almost 'shameful need to increase our knowledge of and insight into the Arab world and Islamic culture and history.'

...
"Another lesson learned, Grossman said, was 'just how vulnerable, how endangered, the First Amendment tradition really is in this country.'

"'It is one thing to support free speech when the views we like, or have no interest in, are aired,' Grossman observed. 'It is quite another thing to stand up for free speech when ideas or images that are repugnant to us, or that will cost us a price, are put on the air.'

"Death of a Princess" in Sweden, Denmark, Holland and Australia

On April 21st, 1980, the Home Service in Sweden announced that:¹⁰³

"... the documentary would not be shown by TV-1 because the sole rights had been bought by a private Swedish videogram company for

* The other awards were presented to Children's Television Workshop (producers of "Sesame Street," "The Electric Company" and "3-2-1 Contact"); to "The MacNeil Lehrer Report," and to "Masterpiece Theatre."

a sum several times higher than normal. The managing director of Scanvideo, which had bought the film, had said it had realized that the economy would suffer great harm if the film were shown and had decided that it must not be shown."

Remarking on this later in the year, The Economist said:¹⁰⁴

"Swedish industry was appropriately grateful; the government tut-tutted a bit about the ethics of the manoeuvre; but one more of the pitfalls that lie in the path of even the most delicately stepping neutral was dodged."

In Denmark, the film rights were purchased but the film was not shown because it was said to be "too sensational" and had "little factual documentation." The affair caused a huge diplomatic stir. Mr. Poul Nielson, Denmark's Energy Minister took responsibility for an oil contract between Petromin and Dansk Olie og Naturgas (Dong), which The Economist said:¹⁰⁵

"...could cost (him) his job ... or even imperil the minority Social Democrat government."

A clause in the contract with Petromin is said to have read:

"'... such (contracting) government or any such department or instrumentality (will not) conduct itself in such a manner as to bring the Kingdom of Saudi Arabia or any of its departments or instrumentalities into disrepute in the international oil community or in any other manner whatsoever.'"

And a second clause added that:

"Petromin 'shall in its absolute discretion determine that there has been any breach by buyer.'"

Following a storm of protest, Mr. Nielson denied that the contract had political implications:

"'We are not planning to do anything to bring Saudi Arabia into disrepute anyway.'"

he is reported to have said.

Despite protests, the film was shown in Holland, where the executive board of the Dutch Broadcasting Authority resisted the advice of the Dutch Government and the pleas of the country's businessmen.¹⁰⁶

In Australia, Deputy Prime Minister, then Acting Prime Minister Doug Anthony sent a telegram to that country's Seven Network--one of the film's contributors--urging it to "... carefully consider the matter before broadcasting the film." Anthony, also Australia's Trade Minister, said that "Death of a Princess" was "grossly offensive to the Saudi Arabian royal family and government." Broadcasting the film, it was said, could jeopardize Australia's substantial trade with Saudi Arabia and threaten new projects which were under discussion.¹⁰⁷ Mr. Anthony was also concerned with the threat to Australian relationships with other Islamic states. He and an Australian trade delegation had recently visited Saudi Arabia, after which the two countries had signed a trade and economic and technical cooperation agreement. Two-way trade between them in oil, wheat, meat and dairy products was said to be about \$500 million a year and expected to grow to \$1 billion a year over a five year period. Anthony also stressed that trade agreements had been arrived at or were under negotiation with Iraq, Bahrain, Oman, the United Arab Emirates, Kuwait and Qatar.¹⁰⁸

"In general, there has been a strong effort over recent years to strengthen Australia's relations with the Islamic world, and in particular with the countries of the Arabian Peninsula," Mr. Anthony said. "My personal view is that, all things considered, the film should not be shown."

Australian diplomats, it was reported, had been approached informally by the Saudi Embassy in Kuala Lumpur about banning the film. Malaysia itself cancelled the film showing at the urging of the Saudis.

Anthony's appeal was criticized by the leader of the opposition Labor Party, William Hayden, who said that:¹⁰⁹

"...Anthony was trying to deny Australians the right to view published material, and charged that the government was letting standards in Australia be determined by 'oil taps overseas.'"

A month later, the Australian government:¹¹⁰

"... expressed concern about the showing of the film in that country, but said it would not attempt to stop it."

Saudi Arabian Interests in the U.S. and U.S. Interests in Saudi Arabia.

Unlike England, which suffered severe sanctions from the Saudis for showing "Death of a Princess," the U.S. directly experienced little more than rebuke. One reason for Saudi harshness toward Great Britain was that it showed the film first and at a time when the Saudis were attempting to deter other countries as well. But an important factor in Saudi leniency with the U.S. may have been that while the U.S. needs Saudi oil, the Saudis need American goods, technology, management, arms and military security.

Americans have been present in Saudi Arabia since the 1930s, but until the late 1950s, this was largely due to ARAMCO's oil activities. In the 1960s American interests began to spread all over the country, and this rapidly accelerated following the 1973 Middle Eastern War. On deciding to modernize:¹¹¹

"...The Saudi ruling elite has wilfully chosen the American economic mode of development, partly because of the long "special relationship," partly because of fascination, but mostly because of class interest and security imperatives. ..."

The Economist reports that:¹¹²

"...American companies, the Ralph Parsons Company and Bechtel, are building Saudi Arabia's new industries. There are around 400 American companies and 45,000 American citizens in Saudi Arabia. Some 16,000 Saudis are studying in America. The United States geological survey charts the country's mineral resources. The United States Military Training Mission trains the army, air force and navy. The Americans are modernising the Saudi national guard. The American corps of engineers manages contracts worth \$19 billion for the ministry of defence and the national guard. There are more than 4,000 Americans engaged on military programmes of one sort or another."

On the other hand, the U.S. and the world now depend heavily on Saudi Arabia. "If the Saudi Arabian regime went under," says Laurence Klein of

Wharton Economics, "there would be disaster in the world economic system."¹¹³

In 1980, Saudi Arabia was producing 20 percent of the non-communist world's oil, including nearly 17 percent of all oil imported by the U.S. and approximately 40 percent of the oil consumed by Japan and France. It accounted for 40 percent of OPEC production and 30 percent of the world's known oil reserves. At its peak of production in 1981, it produced more than 10 million barrels daily. Due to an oil glut, this had been reduced to 5.5 million barrels by the end of 1982.¹¹⁴

Any disaster to the Saudis would be especially bad for the U.S. The Saudis have about half of their estimated \$200 billion in world investments in the U.S. Moreover, more than half of those Saudi investments are said to be in Treasury notes. The U.S. also has substantial investments in Saudi Arabia not just in the oil industry, but also in construction. Bechtel, for example, stands to gross an estimated \$50 billion over the next twenty years there.¹¹⁵

Saudi Arabia is also a good American market. In 1982, the U.S. imported \$6 billion of Saudi oil, but it exported \$5 billion worth of goods to that country. Altogether, the developed countries, which spend about \$66 billion a year on Saudi oil get \$24 billion back in sales. The United States is thus doing better than most. In 1980, the Saudis imported about \$35 billion altogether in goods, of which the U.S. supplied the largest share, 18 percent. Japan supplied 16 percent, West Germany 10 percent, and Britain and Italy 8 percent each, with most of the rest coming from the developing world.

Beyond its own national interests, the stability of the Gulf area is vital to the United States in its contest with the other superpower, the USSR. While the Saudis oppose American bases in the gulf area:¹¹⁶

"Saudi air fields, which are built to American military specifications, would almost certainly be thrown open to America in the event of a major crisis in the Gulf..."

"We have as much stake in their stability as they do," said former U.S. Ambassador to Saudi Arabia John West.¹¹⁷

It is not surprising then that the U.S. responded sympathetically to Saudi concerns over "Death of a Princess," especially in 1980. American hostages were still in Iran. Their rescue was attempted in the midst of this controversy. The U.S. embassy in Islamabad had been burned. The Shah was recuperating in Egypt. The Saudi regime was contending with a recent uprising by Moslem fundamentalists at Mecca. Moreover, the Russians were in Afghanistan, and the U.S. was boycotting the Olympic Games. Tito was buried on the day Mobil placed its famous ad. These things could have made Saudi complaints seem a little more fair, press concerns a bit petulant, and the goal of freedom of information temporarily less important than long term strategic interests.

"Death of a Princess" on Videotape

In the fall of 1982, PBS Video, a subsidiary of the Public Broadcasting Service, in cooperation with King Features, began distributing video tapes of "Death of a Princess" to institutions. The film is available for sale or rent to schools, colleges, governments, businesses and libraries for off-air or closed-circuit use. The videotapes are for use in the domestic United States only and are not available for use on private home video tape recorders. This is the first videotape copy of the film available in the U.S. for distribution through normal channels.

However, although it may be illegal under certain circumstances* the duplication of films aired on television is technically simple and extremely common. The number of videotapes available through indirect markets has mushroomed since the introduction of home videotape and video cassette recorders, called VTRs and VCRs. These recorders can play television shows and movies as well as record them. In addition, one copy can be used to make more. According to one estimate, "illegal" taping now costs the American film industry up to \$1 billion a year.¹¹⁸ For example, before "ET" was released in England in December 1982, tens of thousands of Britons had already seen it on videotapes.¹¹⁹

"... In Britain, film and television producers claim that bootlegging accounts for at least half the country's \$400 million prerecorded videocassette market. ..."

says Business Week.¹²⁰

Time magazine says of videocassette recorders:¹²¹

"The Middle East is a treasure trove of VCRs. A Sony official said last year that 20% of the company's VCR production was sold there. Saudi Arabia bans cinemas, bars, nightclubs and theaters, and its local television operates under censorship so strict that even

* The question of the legality of off-the-air programming and film taping is the subject of Congressional and Supreme Court considerations in the U.S.

affectionate pecks between husband and wife are too profane for the small screen. Little wonder, then, that well-to-do Saudis snap up VCRs and cassettes, especially of R- and X-rated fare. VCRs and cassettes are banned in Iran, but thousands have been smuggled in by wealthy Iranians. In Egypt, where the per capita income is \$500, the privileged few are eagerly buying VCRs for up to \$2,500. The demand for cassettes is so extensive that some supermarkets in Cairo have set up video lending libraries, while video shops are becoming as common as bazaars."

In Dubai, United Arab Emirates, one dealer told newsmen he sells up to 100,000 video machines a year in the United Arab Republic alone.¹²² The blank video cassette market there is 200,000 a month, with most of them being re-exported--legally or illegally--into Saudi Arabia and Iran.

In Saudi Arabia, the video tape recorder has become a way of life. The AP reports that:¹²³

"Almost every Saudi city dweller--42 percent of the six million population, has a house, a car and a color television set with video-tape player..."

Bored with censored and religious programming on television, the Saudis are increasingly turning to their video cassettes. The children devour westerns while adult men and women enjoy more sophisticated fare.

During and shortly after the international controversy over the showing of "Death of a Princess," at least one and probably several versions of the film are said to have been available as videotapes or cassettes in Saudi Arabia.¹²⁴ Private video lenders who supply Saudi citizens with illegal videotapes to watch behind locked doors are said to have hastened to secure copies as publicity mounted over the film.¹²⁵ Douglas Boyd, who has said that Saudi Arabia, and the Gulf area in general:¹²⁶

"...may constitute the largest home video cassette market in the world..."

reported that:¹²⁷

"...the film was flown to the Eastern province the morning after its showing on British TV: copies were duplicated and made available in Dammam for sale the same day."

The flow of videotapes and cassettes and of blanks for duplication of movies and programs into Saudi Arabia is part of a tremendous new worldwide trend. Electronic Industries Association says that by end 1982, about five million video recorders will have been sold, and:¹²⁸

"... of the estimated 38 million tapes sold for those machines in 1982, more than 31 million of them will be blank."

During the first three-quarters of 1982, the Japanese--principal makers of all VTRs and VCRs--shipped 3.5 million video cassette recorders to Europe. This was an increase of 196 percent over the year before. The West Germans, for instance, bought an estimated one million VCRs in 1982.¹²⁹ Most of the available programming for these machines consists of U.S. and Western European films and television shows which have quite often been "illegally" duplicated and are being sold on the black market.¹³⁰

At the time that Lebanon banned "Death of a Princess" on television, 20 illegal tapes of that film were confiscated by Lebanese police. There is no reason to believe that this film is not available on videotapes in Islamic and other countries throughout the world.¹³¹

Videotapes and cassette recorders are increasingly making political tracts and other explosive materials available. Efforts are therefore being made by governments to control them, but with little success. The AP reported in January 1981 from Pakistan that:¹³²

"A tribal council in the Khyber Pass has decided to ban the use of video cassette recorders because they 'negate' traditional values and customs..."

But the report added that although the Pakistani Customs Department had banned the machines:¹³³

"... they remain a popular item sold by smugglers, many of whom operate in the tribal belt."

In September 1982, Reuters¹³⁴ reported that the Chinese had jailed two men for attempting to smuggle pornography, including 40 pornographic video cassettes, into the zone bordering on British Hong Kong. China requires that all video cassette recorders be registered with local authorities and that all cassettes be approved "as healthy for body and mind."

And in Kenya:¹³⁵

"... There are some 75,000 video cassette recorders... Two years ago (1979) there were 35,000 recorders (here). Since then, about 100 video cassette libraries have sprung up in Nairobi and Mombasa, with thousands of cassettes available..."

Many of the films are of poor quality and obviously "pirated," but permit nightly flouting of censorship laws. The government of Kenya is deeply concerned for this reason, but also because it feels that an incredible amount of money needed for more important things in this poor country is going to pay for these machines.

The Japanese "oriental mafia" group called Yakuza is said to scour foreign ports for pornographic videotapes and cassettes to add to the other forbidden items--like firearms--which they smuggle into Japan.¹³⁶

In India VTRs and VCRs are status symbols.¹³⁷

The French government attempted to use strict tariffs and customs restrictions to halt the invasion of Japanese-made recorders. This included a cumbersome, time-consuming customs clearance procedure which:¹³⁸

"...has virtually choked off the flow of video recorders into France."

Under the new policy, video recorders which, during the first 10 months of 1982 were cleared at a rate of 64,265 a month, were reduced to 10,000 a month in December of 1982. This was for economic rather than political reasons, however, and was an effort to protect French industry.

In the Soviet Union, the video cassette has come to be regarded as a "Trojan Horse" from the West. The London Daily Telegraph reports that the KGB now pursues VCRs with vigor normally reserved for the underground press, attempting to suppress pornography as well as "anti-state" films like "Dr. Zhivago."¹³⁹

There are said to be about 50,000 privately owned video cassette recorders in the USSR, which sell for about ten times their price in the United States. One source says that among the cassettes confiscated have been "filmed versions of works by Alexander Solzenitsyn." And while the Soviets mainly express their concern for pornography, it is thought that they are more alarmed about documentaries and other discussion programs which have to do with both foreign affairs and the internal policies of the Soviet Union.¹⁴⁰

"To the KGB, the video is the same as a typewriter or a printing press. It spends thousands of man hours raiding homes of dissidents and confiscating anti-Soviet books. Now they are after cassettes because they fear the impact of say, a BBC ... program about [then Soviet leader] Brezhnev's rule."

In Saudi Arabia, too:¹⁴¹

"The video cassette business has ... circumvented the government's policy of controlling the kind of visual material shown in the kingdom."

Other Communications Innovations in Saudi Arabia

Video tape and cassette recorders and taped movies and TV programs are only some of the new types of communications modernity has brought to the Saudis. Western books, magazines, and records have poured in.¹⁴² In addition, the country's third development plan for 1980-85 will spend \$45 billion, or nearly one-sixth of the total \$285 billion, to improve its communications. According to the Minister of Post Telephones and Telegraph, 900,000 telephone lines had been installed in 150 urban and

rural areas by 1981. They were expected to number 1.2 million and to reach 400 towns and villages by the year 1985.¹⁴³

According to the Annual Report of the Saudi Arabian Monetary Agency (SAMA), the number of telexes had reached 12,000 by end 1981. By 1985, they are expected to reach 30,000.

By spring 1982, the Saudi PTT's had 50,000 inter-city long distance channels which were being handled by coaxial cables, by the microwave system, and by three satellite stations. It also had 1,200 international call channels to more than 100 countries, and 90 of them were equipped with automatic telephone dialing.¹⁴⁴

After the seizure of the Grand Mosque (see below), the Saudi regime banned the import of a number of Western items. But the government stopped short of intervening in television set sales and the procurement of videotape machines, presumably to avoid alienating the middle class.

Communications Technologies and Revolution

As in neighboring Iran, modernization has come to Saudi Arabia primarily as Westernization. And as in Iran, there are those who object to it. In November 1979, several hundred heavily armed moslem dissidents invaded the Grand Mosque in Mecca. They held the mosque for two weeks, during which 270 people were killed. Among the rebel demands was the abolition of television, which they claimed was against the teachings of the Koran.¹⁴⁵

The AP points out that:¹⁴⁶

"Historically, the introduction of Western ideas has spelled trouble in Saudi Arabia. In 1929, there was an uprising against the nation's founder, King Abdel Aziz, after he introduced the telephone, and 30 years later there were riots in the Quassim area northwest of Riyadh when a school for girls opened."

In Iran, such discontent led to full scale revolution, and Western inventions like recording tapes and the direct dial telephone were important contributors to its momentum. The Ayatollah Khomeini made ingenious use of the new communications technologies in order to engage and incite his followers, despite the fact that control of primary media--newspapers, radio and television--remained with the Shah.

Time magazine reports that beginning with Khomeini's exile in Turkey in 1964, the Ayatollah maintained regular communications with his Iranian followers through tape recordings:¹⁴⁷

"He regularly sent back to colleagues in Iran taped messages that were reproduced and distributed to mosques throughout the country."

Other means of communication were used as well. Following the mysterious death of a distinguished Islamic teacher in May 1977, and of his own son six months later (both assumed to be murders by Iran's secret police, SAVAK), the Ayatollah wrote a letter to the Iranian people. This is now regarded as a principal contribution to the revolution, since it urged the overthrow of the Shah by the military. Hundreds of thousands of copies of the letter were distributed throughout Iran. This led to the observation by one Iranian that the revolution was engaged in fighting "against autocracy, in favor of democracy, by means of Xerocracy."¹⁴⁸

Majid Tehranian, former Director of the Iran Communications and Development Institute in Tehran and now with the University of Hawaii, has described the connection between novel use of communications technologies and revolution in detail. Tehranian praises the utility of the photocopying machine:¹⁴⁹

"In the autumn of 1978, with the unleashing of opposition strikes, the most popular form of political communication was the Xerox. Dozens of newsletters, or 'elamieh,' were issued every day."

Now video cassette and tape recorders with their potentially explosive content have been added to this arsenal of intimate communications.

One is tempted to dismiss the use of video technologies for subversive purposes as being little different from the age-old underground press, but there is a clear difference. Where the underground press was liable to be controlled by a single agent, the video cassette recorder (like the tape recorder) gives every owner his or her own "printing press." The consequence is a state that is far more porous and vulnerable to subversion.

As a Dubai video cassette retailer put it:¹⁵⁰

"The video business will never be controlled. It is like a fungus. Wherever there is restriction there is demand, and it just grows and grows."

Conclusion

The "Death of a Princess" controversy is the kind of international fairy tale that could not have occurred a few years ago. The power of oil wealth, the sudden development and change within rigid and long quiescent societies, the intensive interdependence between all nations, the growing importance of the media internationally, and the burgeoning of communications technologies have all contributed to making this fairy tale possible.

But the very things which have brought the controversy about have provided certain equilibria. Saudi Arabia, which has achieved sudden power has also achieved sudden vulnerability. While it can now make its power felt in world capitals, it has lost its ability to remain withdrawn and secretive. Both developed and developing nations are hostage to world energy resources. But to use these resources to build its country, the Saudis must have imports from everywhere. And it must suffer certain societal changes. The Western media which, through various technologies,

can now get its message everywhere, must stay on guard if it would remain free.

This attempt by one nation to control the television programming of other nations which was not meant to be broadcast across its own borders was probably futile from the outset. For the advent of videotapes now means that, once the first controversial copy has been made, others can then be easily secured. The desirability of television programming and of off-the-air tapes increases with publicity and with attempts to control them.

For the most part, nations and institutions have shown themselves capable of meeting and dealing with this new sort of controversy. The Islamic nations opted to support Islam against perceived attacks against it. Most Western nations stood behind their principles of freedom of information, despite possible heavy economic costs. Broadcasters insisted under pressure on their right to select their own programming. And, in those court cases emerging within the United States, this right was upheld under the principles of existing law.

The emergence of videotapes has added a new dimension, however, and one that may not be so amenable to control.

The Economist has said that:¹⁵¹

"Saudi Arabia has coped with the heady rush of economic events as well as might be expected. It has had only a handful of years to adjust itself to the responsibilities of wealth ..."

Apropos the "Death of a Princess" controversy, this statement could appropriately be changed to read:

"The world has coped with the heady rush of communications events as well as might be expected. It has had only a handful of years to adjust itself to the responsibilities of new information technologies..."

In the coming years, both Saudi Arabia and the world must prepare themselves for more adjustments.

Appendix A

"British TV Film: Statement by Saudi Supreme Judicial Council," Excerpts from commentary reported by the British Broadcasting Corporation, Summary of World Broadcasts, April 26, 1980. Source: Riyadh home service.

"The decision of the Council of Ministers to postpone the presentation of credentials of the Saudi Ambassador to Britian [sic], so obviating the need for the British Ambassador to be present in the Kingdom at the present time, was not only not in harmony with the aspirations of the Saudi Arabian nation but also came as a response to the feelings of pain which befell the conscience of Muslim wherever he might be, because the showing of the disgraceful TV film and the malicious information campaign which accompanied its showing, aimed [sic] at harming the principles of the Islamic Shari'ah, has given a strong impression of a persistence and premeditation among those who resorted to this method of dealing under the shadow of what they call the freedom of opinion and the democracy of dialogue.

"The Kingdom of Saudi Arabia, its leadership and people, on the basis of the relations of respect and mutual interest with the British people which have existed for a period of 50 years, had never expected that Britian should insult them to the extent of abusing the Islamic faith and slandering the Kingdom's adherence to the Islamic Shari-ah as a way of life in the Kingdom. To say that the British Government does not have the power to confront such disgraceful acts which harm Britian's [sic] relations with others is meaningless becaust [sic] true democracy and the authority of parliament can never in no circumstances support an act which is aimed at undermining the interests of the British people as a result of the action of some people who sold their conscience to the devil...

"The true understanding of freedom is to stop practising it when it clashes with the freedom of others, so that freedom cannot be turned into a violation of the freedom [as transmitted] disgraceful deed on the relations of the two countries but it has adopted a spectator's attitude not out of unsound appraisal of the result but out of its feeling that the operation would pass peacefully and that issuing an apology would be sufficient to wipe out the traces of the bad deed which befell the heritage of the nation.

"The Council of Ministers' careful study of the question of economic relations between the Kingdom and Britian [sic] and in particular the work of the British companies in [sic] helped to create tension between the two countries as caused by a handful of British citizens who did not appreciate the truth of the interest of their country and on which side those interests lay. Such a study was actually called for by the supreme interest of the Saudi nation and the need to protect it against the disdain of the friends, because to be complacent about that interest would tempt the enemies. It also makes matters look different to friends. This country's relations with the British people are dependent on how the

British people would prove that good will - no more no less - and because this people appreciate freedom and democracy, their relations with others must be on the same basis.

"The Kingdom of Saudi Arabia has always asopted [sic] silence rather when faced with hollow outbursts because these can never in any way whatever affect the chhesive and strong structure. But when matters reach the extent of slandering Islam, the Muslims and the Arabs and their fateful issues, it will never hesitate to deal two blows for one, because the leaders of the Kingdom were the ones whom Almighty Good [sic] honoured by entrusting them with protecting the Holiest of the Shrines of Islam as their first duty and made them bearers of the banner of Islam so that they can spread the world [sic] of God to all parts and to defend Islam and the Muslims with all it holds dear"

Appendix B

Text of Mobil advertising, run May 8, 1980 on the Op Ed page of
The New York Times

A new fairy tale

"On May 12, a number of Public Broadcasting Service stations are scheduled to show a television film which purports to depict certain events and practices in Saudi Arabia. When this film was aired several weeks ago in Britain, it caused Saudi Arabia to express its objections to the British Government. In Saudi Arabia's view, the film misrepresented its social, religious, and judicial systems and, in effect, was insulting to an entire people and the heritage of Islam.

"As a consequence, the following transpired:

- o "According to The New York Times, the British Foreign Secretary sent a letter to Prince Saud Al-Faisal, the Saudi Foreign Minister, expressing his "profound regret."

- o "The Times also reported that the British Foreign Office issued the following statement:

"It is most unfortunate that Anglo-Saudi relations should have been damaged by a film for which the British Government was in no way responsible and which it could not prevent from being shown on British television or elsewhere. We hope it will be possible to restore relations on their normal level as soon as possible."

"In our opinion, the proposed showing of this film on public television in the United States raises some very serious issues:

"1. If we are going to have a free press, what responsibilities and obligations to the well-being of the nation does that freedom impose upon television stations and other media?

"2. What are the implications of the fact that congressional appropriations to public television supported, at least indirectly, the production of the film and, if shown, the facilities for dissemination?

"3. Does the public regard fictionalized "docu-drama" accounts loosely based on some historical event as accurate portrayals of those events, even though fiction is mixed with so-called fact? Many serious commentators have raised questions about the "docu-drama" format.

"We must believe that if a free society is to survive, we must openly and candidly discuss these issues so that an informed public may make rational judgments.

"1. Obligations of a Free Press

"We all know that in the U.S. our Constitution guarantees a free and unfettered press. However, implicit in that guarantee is the obligation on the part of the press to be responsible. Clearly, the people of the U.S. have the right to expect that the media will not abuse its privilege. The public will have to decide whether a "free press" is acting responsibly if it presents a fictionalized story of "events" and thereby demeans another nation's religion and possibly jeopardizes U.S. relations with that nation.

"2. The Role of Government Support

"Here we have a curious contradiction. Congressional appropriations have indirectly made possible the television structure which helped produce and will disseminate the show. We are not suggesting that congressional grants to public television should contain substantive restrictions nor are

we suggesting our government in any way is responsible for the film. We know, however, that other nations may not understand how one branch of the government may deplore or regret a film offensive to a friendly country while another unwittingly supports it financially.

"3. The "Reality" of Docu-drama

"It should be understood that this film is not a news documentary. Rather, it is a drama using actors whose roles and dialogue have been scripted by a writer and, both in terms of visual portrayal and dialogue, must be classified as fiction. Yet, the claim will be that it is a factual presentation of a series of events. In this case, we are not dealing with the rights of a free press to express its views. Rather, we are dealing with a controversial film which most of the viewing audience will take as fact and thereby reach incorrect conclusions. Many television reviewers have raised serious doubts about this type of television which so blurs the distinction between fact and fiction that the viewer doesn't know one from the other.

"This issue was discussed in a letter to The New Statesman by Penelope Mortimer* who worked with Antony Thomas, the show's producer: 'I was involved with the project for almost a year, and present at most of the interviews. I accompanied Thomas on his ten-day trip to Saudi Arabia, and was with him in Beirut in September 1978. With the exception of Barry Milner, who had already sold his story of the Daily Express, Rosemary Buschow, and the Palestinian family in Beirut, every interview and every character in the film is fabricated. The revelation of the domestic lives of the Saudi princesses--man-hunting in the desert, rendezvous in boutiques--was taken entirely on the evidence of an expatriate divorcee, as was the story of the princess first seeing her lover on Saudi television. No real effort was made to check up on such information. Rumour and opinion somehow came to be presented as fact...the audience, foolishly believing it to be authentic, is conned.'

"That is why we say the show is a new fairy tale.

"4. Conclusion

We hope that the management of the Public Broadcasting Service will review its decision to run this film, and exercise responsible judgment in the light of what is in the best interest of the United States.

Mobil

© 1980 Mobil Corporation"

* The New York Times reported on May 10th that David Fanning of WGBH-TV, Boston, executive producer of the film "... said that a letter by Penelope Mortimer ... had been 'mischievously used by Mobil.'" Mr. Fanning is said to have said that Miss Mortimer left the project before the interviews had been corroborated. And Miss Mortimer, it is said, wrote a second letter to The New Statesman saying "'By fabrication I meant manufactured or constructed; if I had meant invented or forged, I would have said so.'"

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Richard Johns, "Pym Visit to Saudi Arabia Cancelled," Financial Times, April 25, 1980, pg. 1.

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6. "Danes Bar Film," Financial Times, May 7, 1980, pg. 1.
7. "Bahrain and Qatar Join Attack on British Movie," The New York Times, April 14, 1980, Sec. II, pg. 13.
8. "A Turkish Paper Drops Novel on Saudi Princess," The New York Times, April 25, 1980, pg. 5.
9. "Foreign Briefs, Beirut, Lebanon," The Associated Press, May 21, 1980. (Nexis)
10. "'Death of a Princess' Banned at Saudi Request," FBIS, Malaysia and Singapore, April 25, 1980.
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14. Ibid.
15. "Saudi Arabia. Filling the Void: A Survey. Eye of the Needle," The Economist, February 13, 1982, pg. 4.
16. Ibid. and also

Saad Eddin Ibrahim, The New Arab Social Order. A Study of The Social Impact of Oil Wealth, Westview Press, Boulder, Colorado, and Croon Helm, Ltd., London, 1982.
17. Saad Eddin Ibrahim (as above).
18. "Eye of the Needle," supra note 15.

Saad Eddin Ibrahim, supra note 16.

On page 111 of this reference there appears this statement about Saudi Arabia:

"... while public theaters are still prohibited by law, private cinema clubs and home-owned videotapes are quite common in all major urban areas where all kinds of motion pictures are shown, including X-rated movies and hardcore pornography. The phenomenon is so prevalent and yet so publicly hushed that it has the appearance of a collective 'social conspiracy.'"

19. Ibid. and also

"VCRs Go on Fast Forward," Time, December 13, 1982, pg. 18.

20. Argus of Arab Economy, Economic Review of the Arab World, "Saudi Arabia," April 1982.

Saad Eddin Ibrahim, supra note 16.

21. Youssef M. Ibrahim, "Saudis Tell London to Pull Out Envoy. Protest TV Showing of 'shameful' Film on Execution of Princess. Study Other Reprisals." The New York Times, April 24, 1980, pg. A 7.

22. John J. O'Connor, supra note 1.

23. "Death of a Princess," supra note 1.

24. Robert D. Hershey, Jr., "Film About Executed Princess Upsets British-Saudi Relations," The New York Times, April 11, 1980, pg. A 3.

25. "Death of a Princess," The Economist, April 19, 1980, p. 13.

"... It is known that, in 1977, a Saudi Princess and her lover were publicly killed as punishment for their adultery. A bystander filmed the killings. Mr. Thomas sought to pursue the background of this brutal, medieval happening. But almost everyone he asked about it told a different story. There was no noble, romantic tale. There was plenty of wish-fulfillment by those who wanted to make the princess a martyr in the cause of freedom. The most plausible version is the simplest, and the most savage: a frivolous girl, caught out illicitly seeking pleasure, paid for it with her own and her companion's life.

"Rather than drop the story, the film-maker decided to produce his search as a sort of play, having both himself and those he interviewed played by actors. He also 'reconstructed' a few selected episodes from the stories he was told. ..."

26. Ibid., and many others, including:

"Film Strains U.K.-Saudi Relations," Facts on File World News Digest, April 18, 1980, pg. 294 B 1.

"'Death of a Princess,' Drama-Documentary on Saudi Execution Which Provoked an International Incident, to Air on Public Television's 'World' May 12," Press Release, Public Broadcasting Service, April 11, 1980.

27. Robert D. Hershey, Jr., supra note 24.

The Associated Press reported an attempt by the Saudi government to buy worldwide rights, and then a toned-down attempt to purchase the copyright for four years to the "Princess" film in Japan, Germany,

Italy and France for a sum of \$15 or \$20 million. See: Peter J. Boyer, "The Case of 'The Death of a Princess' has Taken an Ironic New Turn," May 19, 1980. (Nexis)

28. Edward W. Said, Covering Islam. How The Media and the Experts Determine How We See the Rest of the World, Routledge and Kegan Paul, Ltd., London, 1981.
29. "Prince Sultan's Remarks at King Faysal Naval Base," BBC, Summary of World Broadcasts, May 7, 1980. pg. ME/6413/A/4. (Source: Saudi News Agency, May 4th.)
30. PBS Press Release, supra note 26.

John J. O'Connor, supra note 1.

Letter from Sheikh Faisal Alhegelan, Saudi Ambassador to the United States, to Warren Christopher, Acting Secretary of State, May 7, 1980. Copy supplied by Public Broadcasting Service.
31. "Eye of the Needle," supra note 15.

"Moslems and the Modern World," The Economist, January 3, 1981. pg. 21-26. Reviewed in Muslim World Journal, November 1981, pg. 21.
32. James Buchan, "Why British Envoy Was Asked to Go," Financial Times, April 25, 1980, pg. 3.

"Death of a Princess," supra note 1.
33. Hermann Eilts, former Ambassador to Saudi Arabia and Egypt, Personal Communications.
34. Michael Tingay, "The House of Saud is Shamed," The New York Times, May 14, 1980, pg. A 27.
35. "Death of a Princess," supra note 1.
36. Ambassador Hermann Eilts. Personal Communications.
37. John J. O'Connor, supra note 1.
38. Youssef M. Ibrahim, supra note 21.
39. Robert D. Hershey, Jr., supra note 24.
40. Ibid.
41. "Film Strains U.K.-Saudi Relations," supra note 26.
42. Youssef M. Ibrahim, supra note 21.
43. Ibid.

44. "British TV Film: Statement by Saudi Supreme Judicial Council," BBC, Summary of World Broadcasts, April 26, 1980, pg. ME/6405/A/7.
45. "British-Saudi Relations: 'Big Scandal' over TV Film," BBC, Summary of World Broadcasts, April 12, 1980, Page SU/6393/A4/2. Source: Telegraph Agency of the Soviet Union in English, 10 April 1980.

"The 'Scandal' in British-Saudi Arabian Relations," BBC, Summary of World Broadcasts, April 26, 1980, Page SU/6405/A4/4. Source: Telegraph Agency of the Soviet Union in English, 24 April 1980. Text of commentary by Georgiy Kuvaldin.
46. "UK Companies Fear Saudi Discrimination," Financial Times, April 25, 1980, pg. 3.
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48. Youssef M. Ibrahim, supra note 21.
49. "Regret Voiced for Saudi Film," Facts on File World News Digest, May 30, 1980, pg. 407 A3.
50. "Concorde: Fast and Beautiful -- But Costing a Bundle," The Christian Science Monitor, May 21, 1980, pg. 5.
51. Ibid.
52. Youssef M. Ibrahim, supra note 21.
53. John Hunt, "Gilmour Criticises 'Princess' Film," The Financial Times, April 25, 1980, pg. 8.
54. Robert D. Hershey, Jr., supra note 24.
55. "The Saudi's Displeasure," Editorial, The Financial Times, April 25, 1980, pg. 22.
56. "Prince Fahd on 'Death of a Princess'." BBC, Summary of World Broadcasts, May 26, 1980, pg. ME/6429/1.
57. "Regret Voiced for Saudi Film," supra note 49.
58. PBS Fact Sheet, Public Broadcasting Service, Washington, D.C., August 1982.

PBS is a national membership organization that provides programming and related services to 297 public television stations run by 158 licensees throughout the United States, Puerto Rico, the Virgin Islands, Guam and American Samoa. Programs are distributed on four channels of the public television satellite system. Stations determine their own schedules but ninety-five percent of them carry a core schedule as fed by PBS during prime time Sunday through Wednesday. PBS is funded by annual general assessment fees from member station licensees; by funds from the Corporation for Public

Broadcasting, a non-profit corporation which distributes federally appropriated funds; by payment for programming by stations on an "as used" basis and by some activities which are self-supporting.

59. Les Brown, "PBS Won't Drop Saudi-Princess Film," The New York Times, April 25, 1980, pg. C 28.
60. "Advisory to Editors," Public Broadcasting Service, Press Release, May 2, 1980, Washington, D.C.
61. Les Brown, supra note 59.
62. PBS Press Release, supra note 60.
63. PBS Press Release, supra note 26.
64. "A New Fairy Tale," Advertisement by Mobil Oil Company, The New York Times, Op-Ed page, May 8, 1980.
65. C. Gerald Fraser, "Mobil Asks PBS to Reconsider Showing Film About Saudi Princess," The New York Times, May 9, 1980, pg. A 10.
66. Ibid.
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Bernard Gwertzman, "Saudi Protest Over Film Conveyed to Public TV by State Department," The New York Times, May 9, 1980, pg. 1.

68. "PBS Resists Pressure on Saudi Film," The Washington Post, May 9, 1980, pg. A 1.
69. "Text of Letters on Disputed Film," The New York Times, May 9, 1980, pg. A 10. A copy of the letter from Ambassador Alhegelan to Warren Christopher and its attachments was also provided by Judy Braune of the Public Information Office of the Public Broadcasting Service, Washington, D.C.
70. Blacks Law Dictionary, 5th ed., West Publishing Co., St. Paul, 1979, pg. 217.
71. Warren Christopher responding to questions from Tom White following speech at the Arco Forum, John F. Kennedy School of Government, Harvard University, March 3, 1982.
72. Personal Communications with several sources within the Federal Communications Commission.
73. For a discussion of the problem of "free flow" vs "objective and balanced news" in UNESCO, see:

Oswald H. Ganley and Gladys D. Ganley, To Inform Or To Control? The New Communications Networks, McGraw-Hill, New York, 1982, pgs. 71-82.

74. Bernard Gwertzman, supra note 67.
75. Arlie Schardt with Mary Lord and Ron LaBrecque, supra note 1.
76. Editorial, "Protector of the Constitution, Letter to the Hon. Warren M. Christopher, Department of State," The New York Times, May 10, 1980, pg. 22.
77. John Trattner. Personal Communications.
78. Arlie Schardt with Mary Lord and Ron LaBrecque, supra note 1.
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 "'Death of a Princess' Draws Protest," supra note 2.
 Bernard Gwertzman, supra note 67.
80. William A. Henry, III, supra note 3.
81. "Big Rating for 'Princess'," supra note 2.
82. Arlie Schardt with Mary Lord and Ron LaBrecque, supra note 1.
83. C. Gerald Fraser, "'Princess' Film Discussion to Run for Hour After Showing Monday," The New York Times, May 10, 1980, pg. 48.
84. Ibid.
85. "Princess Follow-up: The Arab Dilemma," PBS Stations Carriage, Program Report for Special Carriage Requests, June 1980. Public Broadcasting Service, Washington, D.C.
86. William A. Henry, III, supra note 3.
87. Communications Act of 1934. 47 U.S.C. 315.
88. C. Gerald Fraser, supra note 65.
89. "World: Death of a Princess," PBS Stations Carriage, Program Report for Special Carriage Requests, June 1980, Public Broadcasting Service, Washington, D.C.

 Altogether, 233 PBS stations carried the film live or delayed. The film was not carried by 9 stations in Alabama, 2 in California, 4 in Florida, 4 in New Jersey, 2 in Pennsylvania, 8 in South Carolina, 3 in Texas, and 1 each in Massachusetts, Minnesota, Oregon, Virginia, Washington, and Wisconsin. The showing was delayed by 3 stations in Tennessee and Ohio, 5 stations in New Hampshire, 2 each in California and New York, and by 1 station each in Virginia, Utah, Texas, Pennsylvania, Delaware and Arizona.
90. John J. O'Connor, supra note 1.

91. Tony Schwartz, supra note 1.
92. All of the material on these cases is taken from Donald E. Muir, H. Jeff Buttram, and O. Navarro Faircloth, Plaintiffs-Appellants, v. Alabama Education Television Commission: Jacob Walker, etc., et al., Defendants-Appellees. Gertrude Barnstone and Harvey Malyn, Plaintiffs-Appellees, v. The University of Houston, KUHT-TV, et al., Defendants-Appellants. Nos. 80-7546; 81-2011, United States Court of Appeals for the Fifth Circuit. (Former Fifth Circuit Case, Section 9(1) of Public Law 96-452, October 14, 1980) 68 F.2d 1033, October 15, 1982.
93. Patrick Nicholson. Personal Communications.
94. Barnstone v. University of Houston, et al. No. A-978. Supreme Court of the United States, 446 U.S. 1318, May 12, 1980.
95. 103 S.C. 1274, March 7, 1983. (This is an unofficial reporter. The case had not been cited in an official reporter when this paper was prepared).
96. Stephen Hogner, "Woman, Lawyer Fighting Ch. 8 Watch Film Anyway," Houston Chronicle, May 13, 1980.
97. "Channel 8 Wins Appeal on Movie. Order to Air Controversial Show 'Death of a Princess' Dissolved," Houston Post, May 13, 1980, pg. 1.
98. The material on this case is taken from Khalid Abdullah Tariq Al Mansour, Faissal Fahd Al Falal, Concerned Black Americans in Support of Africa and the Middle East, Islamic Centers of America, Akbar Institute, Muslim League of Canada, Plaintiffs, v. David Fanning, Anthony Thomas, ATV of England, Lawrence K. Grossman, President of Public Broadcasting System, KQED Television Station, Public Broadcasting System, Does One Through One Hundred, Defendants. Civ. No. C. 80-1869 RPA, United States District Court, Northern District, California, 506 F.Supp. 186, Sept. 25, 1980.
99. Tony Schwartz, supra note 1.
100. John M. Berry, "Saudis Boost Oil Prices by \$2 a Barrel; U.S. Fears New Round of Increases," The Washington Post, May 15, 1982, pg. A 16.
101. "PBS Receives Endorsements for Decision to Air Controversial 'Death of a Princess,'" News Release, Public Broadcasting Service, Washington, D.C. May 15, 1980.
102. "PBS President Reflects on Lessons Learned From Events Surrounding 'Death of a Princess,' at 1980 American Jewish Committee Mass Media Awards Presentation. Public Television Receives All Honors at Annual Awards Banquet," Press Release, Public Broadcasting Service, Washington, D.C. and New York City, May 15, 1980.

"He [Grossman] noted that the comments received by PBS in the last weeks from some of the nation's highest elected officials, and

from many members of the public, 'make us realize just how fragile that uniquely American tradition is and how much protection and dedication our First Amendment needs in order to survive — especially at a time of stress or crisis.'

"The system worked, Grossman said, because everyone let it work. 'The United States government did not stop us. Mobil Oil did not stop us. As much as I disagreed with Mobil's logic and its position, Mobil has every right to express its views in public,' he stated. 'The Saudis and others with deep concerns also had every right to be heard, and to make sure that we heard their anguish.'

"Grossman added that public television stations had every right to reject 'Death of a Princess' or to carry the film. He also commented on a federal court decision in Houston, Texas which tried to force the local public television station to air 'Death of a Princess'. 'Whether the station's decision not to air the program was right or wrong, it is, in my opinion, as mischievous and as dangerous to force a television station to broadcast a program as it is to force a station to kill a program,' he explained. 'No court and no government agency should have that power.'"

103. "Death of a Princess," supra note 5.
104. "Sweden: Forward to the 1890s; One Thing Unchanged," supra note 5.
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108. "Anthony Asks TV Channel to Cancel Film on Saudi Execution," supra note 11.
109. "Other Nations: Australia. Film on Saudi Princess Opposed," supra note 107.
110. "Foreign Briefs, Beirut, Lebanon," supra note 9.
111. Saad Eddin Ibrahim, supra note 16.
112. "Eye of the Needle," supra note 15.
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119. NBC Nightly News, December 9, 1982.
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126. Douglas Boyd, Broadcasting in the Arab World, Temple University Press, Philadelphia, 1982, pg. 142.
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130. Ibid.
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132. "Foreign Briefs, Islamabad, Pakistan," supra note 9.
133. Ibid.
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135. John Worrall, "TV Videos Steal the Show From Kenya Movie Houses," The Christian Science Monitor, June 18, 1981, Focus, pg. 2.
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137. "VCRs Go on Fast Forward," supra note 121.

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139. John Miller, "Those Video Recorders: New Threat From West?", London Daily Telegraph. Reprinted in the Boston Globe as "The Latest Threat to Soviet Security," November 8, 1982, pg. 1.
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141. Douglas Boyd, supra note 126.
142. Nicholas B. Tatro, supra note 123.
143. Argus of Arab Economy, Economic Review of the Arab World, supra note 20.
144. Ibid.
145. James Buchan, "The Mecca Siege," Financial Times, April 28, 1980, pg. XXVII.

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"Moslems and the Modern World," supra note 31.

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147. "The Unknown Ayatollah Khomeini. A Portrait of the Islamic Mystic at the Center of the Revolution," Time, July 16, 1979. pgs. 33-37.
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