

March 13, 1980

1) You have voiced opposition to current FCC guidelines on minority employment for radio stations with ten or fewer employees. Where are entry-level minority employees going to get experience?

A - You must remember that very small stations are usually marginal in terms of profits. Quite often, they are literally "mom and pop" operations. They usually take their entry level employees from wherever they can get them for the money they can afford to pay--which usually isn't much. These stations operate with narrow profit margins and their personnel must be equipped to do many different jobs. To impose strict affirmative action requirements on these stations, it seems to me, stretches their resources very thin. For such small stations to be burdened with formalized government requirements--license renewal applications are more than enough--is asking quite a lot. Beyond that, they are far less able to provide the kind of training which is likely to promote advancement to the higher levels of broadcasting than are the bigger broadcasters. The bigger broadcasters--and remember we're talking about stations with eleven employees or more which still is quite small--tend to have the resources to provide training and upward mobility which can be significant. The EEOC requirements do not apply to firms with fewer than 16 employees.

2) Why doesn't the FCC do something about stereotyping of minorities in entertainment programs?

A - The Commission has traditionally tried to avoid forcing programming decisions upon licensees. There are at least two reasons for this: (1) Section 326 of the Communications Act of 1934 prohibits us from censoring programs and (2) the Commission doesn't have the expertise to make qualitative judgments about programming.

3) Why are there more minority individuals making programming decisions at the networks?

A - First, you should be aware of the fact that programming decisions at the networks are generally made by very few people. These jobs are considered to fall into the "creative" category and generally defy any attempts to pigeon-hole them in terms of academic background required and so on. Minority individuals are employed by the networks in production jobs and in various phases of programming. These are the kinds of jobs which can lead to the very few positions in which the ultimate programming decisions are made.

4) Why are you opposed to petitions to deny licenses?

A - I am not opposed to petitions to deny. I am opposed to certain of the Commission's processes which tend to encourage frivolous petitions. I believe that our processes encourage abuse of the Commission's processes and require excessive time and money to dispose of. I think that our lack of reasonable standards for establishing standing as a party in interest is an outrageous perversion of the principles of due process. The issue of standing is, I believe, a principle cause of abuse. Our lack of standards

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encourages a form of legalized extortion.

5) You have been accused of being pro-broadcasting and inclined to take the broadcasters' position on matters before the Commission. What is your response?

A - I am quite prepared to defend any characterization of my position as being pro-broadcasting. I am pro-broadcasting. It's a fundamental mandate of the FCC to be pro-broadcasting. The broadcasting service in this country is a vital service and one which is continuing to improve. If the charge is that I am pro-broadcaster then I invite anyone to take a good look at my voting record. I vote with broadcasters when their record shows them to be operating in the public interest; against them when their record shows otherwise. I have voted sanctions against errant broadcasters including the ultimate sanction; revocation and denial of renewal. I do not believe that harsh punishment is always necessary to ensure that stations operate according to the rules. I do not enjoy imposing punishment for its own sake. It should be imposed to encourage compliance with the rules when necessary.

6) You have often spoken out against public interest law firms and other public interest groups. Why?

A - Edmund Burke once said: "It is a general popular error to imagine the loudest complainers for the public to be the most anxious for its welfare." The term "public interest group" is not necessarily descriptive. They are often accountable to no one. They often have no constituencies. They often act out of very narrow private interests. I would like some assurance that these groups are comprised of more than one or two individuals. If we could establish reasonable standards for standing so that we could assure ourselves that some significant constituency was being represented, my attitude about these groups would change.

7) Why do you support deregulation of commercial radio since that would result in less news and public affairs programming, fewer public service announcements, more commercials and less responsive programming?

A - Those are assumptions which our staff research indicates are not warranted. While radio deregulation is now the subject of rulemaking and I can't comment on the merits or the outcome beyond what I've already indicated in my statement attached to the rulemaking, I doubt any of these fears of reduced service to the public will be realized. As a matter of fact, the staff study seemed to indicate that radio broadcasters generally went far beyond FCC requirements in providing non-entertainment services simply because it was good business to do so.