

CONCURRING STATEMENT OF
COMMISSIONER JAMES H. QUELLO

March 18, 1975
WABC
WAC-TV

I believe that this decision was justified but not necessarily just insofar as justice delayed is justice denied. The result, I believe, was the appropriate one but the long delay in reaching it placed an undue burden upon the licensee and the public alike. It is incumbent upon this Commission to find means of more promptly disposing of petitions lacking in merit, such as this one, so that petitions which do have merit may be given the full and timely consideration they deserve.

The Commission has long encouraged dialogue between licensees and representatives of the communities they serve in the hope and belief that such dialogue can contribute to the licensee's understanding of the needs and interests of the community. This Commission-sanctioned dialogue, it seems to me, is now sometimes misinterpreted to infer approval of pressure tactics aimed at forcing licensees to abandon their own considered judgments as the price of peace.

Each licensee is required to ascertain total community needs and interests through comprehensive procedures prescribed by the Commission. When such procedures are followed in good faith by the licensee, we must assume that the licensee is in a unique position to respond to those needs and interests. Once the renewal is granted, the licensee remains accountable to this Commission. I must question, therefore, how the special, additional demands of public groups representing only a small percentage of the total population square with this overall ascertainment process. Where there are new, unmet needs arising between ascertainment periods conducted on an annual basis, efforts to apprise the broadcaster so that he may include them in his programming and management considerations can lead to public benefit. But when individuals or groups resort to threats and delays, seeking to have their own private views prevail, the result can hardly be in the public interest. Some activist groups with laudable principles seem to use abrasive and questionable methods and file legally insufficient documents.

In recent years, it would seem that a degree of merit has been assigned ✓ to the views of virtually any activist group in direct proportion to the sincerity and persistence of the group. I suggest, however, that groups, like individuals, are sometimes capable of being sincerely wrong and persistently misdirected in their zeal to foster their own viewpoints. We cannot exalt individual rights and private interests of the few at the expense of the needs and interests of the many as determined by comprehensive

ascertainment. I am confident that all legitimate rights can be reasonably accommodated within existing statutes and rules, but only if those statutes and rules are permitted to operate in an orderly, reasonable and expeditious fashion.

Nehru, the great Indian democrat, once said: "Democracy does not simply mean shouting loudly and persistently, though that might occasionally have some value. Freedom and democracy require responsibility and certain standards of behavior and self-discipline."

I believe that the continued stability of this nation's broadcast service now requires the latter.

Therefore, I concur.

*General agenda
Items 2 & 3
Mar. 18, 1975*