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FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

OFFICE OF COMMISSIONER  
JAMES H. QUELLO

January 29, 1991

The Honorable Robert C. Byrd  
United States Senate  
Washington, DC 20510

Dear Senator Byrd,

Your strong, pertinent statement criticizing excessive TV violence and sex was prominently quoted by Terry Rakolta, President of Americans for Responsible TV and a national leader in citizen action. Her article with your quote appeared in the official publication of the National Association of Program TV Executives (NATPE) at their recent convention. (Copy enclosed.) Incidentally, Mrs. Rakolta, a Mormon and an attractive mother of four, informs me she can now rally 5 million people to protest advertisers and networks or cable companies.

You were also quoted in my recent speech to Morality In Media that was featured in Broadcasting Magazine. I'm enclosing a copy of the article and of my complete speech.

Senator, you are right on target! There is a growing public outcry against excessive sex, violence and pornography. I'm sure your constituents in West Virginia as well as the American people at large appreciate your timely, forceful warnings.

Congratulations on your strong stand. Let me know if I can be of service to you.

Best,

*Jim*  
James H. Quello

Enclosures



# A.R.T.'s Rakolta offers message to NATPE members: Heed the viewing needs of your families

*Editor's note— Terry Rakolta, director of Americans For Responsible Television continues her efforts to get key elements of the television industry, advertisers, broadcasters, and program producers, to recognize that families form an important demographic group for which programing and the commercial messages they carry should be targeted. Her position has been that, somehow, the industry consistently fails to develop a strategy for meeting the viewing needs of this important audience segment. Today, Rakolta told NATPE Daily that she is moving away from the strategy of seeking a legislative solution and is moving ahead with a strategy of aggregating the family viewing audience so that the industry, in all its facets, will take its television programming needs more seriously.*

*Rakolta's commentary is presented, unedited by this newspaper.*

As President of the Americans for Responsible Television (A.R.T.) I appreciate the opportunity to be a participant at your prestigious NATPE convention. The general purpose of A.R.T. is to encourage the responsible use of our public airwaves by the license holders and to promote family values on TV.

We try to accomplish our goals through concerned (and sometimes outraged) citizen action rather than urging government intrusion through legislation or regulation.

We believe that if broadcasters can invoke first amendment rights to flood the airwaves with sex and violence accessible to children, then we should be able to exercise our own first amendment rights to oppose the significant role TV, the most pervasive and influential medium, is playing in de-sensitizing society to violence, rape, murder and sexual promiscuity.

We dislike being cast in the role of citizen pressure groups trying to impose our personal tastes on the public—because we are a large and important part of that public—of the millions registering a public outcry against the persistent over-emphasis of sex and violence on TV and radio. This outcry is reflected by the increased critical actions of Congress, the FCC and hundreds of responsible citizen groups trying to curb objectionable TV programming that is causing a moral dry rot in America.

Briefly, please note the following pertinent statements:

Senator Robert C. Byrd, senior Democratic member and president pro tem of the United States Senate, in a recent U.S. Today Interview said it best—

"The crudeness, cursing, profanity, vice and violence we tolerate today on our television screens will be the crudeness, cursing, profanity, vice and violence that we will be forced to endure in our real lives in the years ahead.

By the current tolerance of this diminution of taste and values on television, we are teaching our children that the basest level of human behavior is the accepted norm.

I hope someone will heed my outrage before the medium of television itself is beyond self-reform and self-correction."

There is an implied threat in Senator Byrd's remarks that is shared by not only a majority but practically all Congressmen and Senators.

For example, Congress overwhelmingly enacted an around-the-clock 24-hour ban on indecency on the air. The FCC endorsed and implemented the legislation quoting rating and surveys that found children constituted a large part of the broadcast audience even after midnight! The U.S. Court of Appeals for D.C. voided the FCC ban. However, most significantly, the Solicitor General has asked the Supreme Court to review the Appeals Court ruling. So the U.S. Supreme Court itself will be the final arbiter of this significant issue.

I agree with Senator Byrd and most other congressional leaders in appealing to the television industry to remember that broadcasting is a public trust—The sex trash, vileness and violence flooding TV today could be considered a violation of the public trust.

Newton Minow, former FCC Chairman, who characterized TV as a vast wasteland over 50 years ago addressed the national Press Club last fall. He said, "In 1981 I worried children would not benefit much from television, but in 1991 I worry that my grandchildren will actually be harmed by it."

Talk show host David Frost described TV as "an invention that permits you to be entertained in your living room by people you wouldn't have in your home."

Commissioner Jim Quello, FCC Dean, speaking before the Federal Communications Bar Association last fall, amused the audience with "Today instead of prime time in the public interest, we have slime time TV serving the public interest and accessible to children." He went on to say, "In personal appearances the past 14 years, I have urged frustrated citizens groups to register their objections directly with TV stations, networks, cable systems and, most importantly, with advertisers. They can frequently get positive results without FCC or Congressional intervention. If these citizens groups represent the views of a broad cross-section of the American public who are fed up with the excesses they see on TV, then program producers, broadcast executives and advertisers would do well to listen. This is nothing more than the public marketplace at work. Media execs who complain won't get much sympathy from government officials."

David Levy, distinguished Executive Director of the Writers, Directors and Producers Congress in Hollywood and President of Willehire Productions, in a January article displayed characteristic sensitivity to gratuitous violence exhorting: "Isn't it time for a gradual disarmament on our television



*Terry L. Rakolta, director, Americans For Responsible Television*

screens—no matter what the source—network TV, syndicated television, local programming, cable pay-TV? Isn't it time for less visibility of a product whose only purpose is to maim or kill?

Levy continued "How about a return to real storytelling in which murder and mayhem aren't the major ingredients? How about the kinds of stories written by television's best remembered writers: Rod Serling, Paddy Chayefsky, Reginald Ross Budd Schulberg and dozens of others?"

"Let's encourage network executives to lead the on-the-air disarmament and to stir the juices of writers and producers who would be eager to fashion drama that is meaningful and entertaining. Television has the power to positively impact society and to alter the negative side of our cultural environment."

Thank you, Mr. Levy. It is a most appropriate closing for this brief plea for more pro-social responsibility in broadcast programming.

# NAB SEEKING FREEZE ON FM STATIONS

Association says airwaves are too crowded, causing financial hardships

By Harry A. Jessell

**W**hen the National Association of Broadcasters begins pushing for a freeze on new FM stations, it expects to find plenty of sympathetic ears.

Several FCC commissioners and staffers have publicly stated over the past year or so that too many stations are crowding the airwaves, making it difficult for many to turn a profit, said NAB General Counsel Jeff Baumann.

Given those comments, Baumann said: "We are optimistic the commissioners...will at least give our request a really hard look and, hopefully, act favorably on it or parts of it."

The NAB will file its requests for a temporary freeze on new FM stations and for a rulemaking to impose a permanent freeze within three weeks, Baumann said. Prior to the filing, he said, he will be briefing FCC officials.

Having yet to hear from the NAB, FCC officials were reserving comment last week. "I'm going to wait for the issue to come to us," said FCC Chairman Alfred Sikes.

The NAB joint board approved the

freeze initiative two weeks ago at its meeting in La Quinta, Calif. (BROADCASTING, Jan. 20).

According to Baumann, the NAB plans to ask for an across-the-board freeze on new FM allocations and grants of construction permits for new stations, even in cases where channels have been applied for. "The idea is to ask for the maximum," he said.

Just in case the FCC is not inclined to go for the "maximum," Baumann said, the NAB will also propose in the rulemaking petition some alternatives aimed at curtailing the number of new FM allocations, which inevitably lead to new FM stations.

Among other things, Baumann said, the NAB will ask the FCC to consider whether a community really needs an FM allocation by looking at the number of stations received in, rather than the number of stations in, the market.

That a suburban community has no allocation should not automatically justify the grant of one, Baumann said. People in the community may be able to tune in 50 stations.

By NAB's way of thinking, the FCC should also consider the econom-

ic impact another station will have in the market, he said. Petition for new allocations should have to make a showing that the proposed community of license can support another station, he said.

The NAB will also ask the FCC to put in place incentives for weaker stations to go off the air, Baumann said. The incentives could include a tax break or tax certificate, which enables broadcasters to defer capital gains.

Another cause for NAB's optimism is that it is asking the FCC to do little more for FM than it did for AM last year. "We'll tell the commissioners, 'You did a great job in AM. Try to do the same for FM: reduce interference, try to look for ways of reducing stations and, for God's sake, don't allocate any new ones.'"

During the Reagan administration, Baumann conceded, the NAB proposals probably would have been stillborn at the commission. "The philosophy then was the marketplace should decide and the government shouldn't be involved," Baumann said. "This commission has indicated a really different approach to it." ■

## Quello lauds 'marketplace' curbs on indecency

Says broadcasters, advertisers should listen to citizen groups or face government action

By Harry A. Jessell

**F**CC Commissioner James Quello, speaking before an anti-pornography group last week, encouraged those concerned about "excessive sex and violence" on TV and radio to pressure broadcast and cable companies and advertisers to clean up the media and not to rely solely on government action.

Concerted campaigns against the media and advertisers "frequently get positive results without congressional or FCC intervention that could raise First Amendment concerns," Quello said at the annual rally of Morality in Media in Naples, Fla.

Broadcasters and cable programmers and operators "would do well to lis-

ten" to broad-based citizen groups fed up with what they are seeing and hearing, Quello said. "This is nothing more than the public marketplace at work, and media executives who complain won't get much sympathy from government officials. In fact, leading government officials from both parties are becoming more and more concerned and supportive."

Quello cited Terry Rakolta's Americans for Responsible Television as one group that has taken "matters into their own hands" with some success.

"Some are calling this a First Amendment threat," Quello said. "That's nonsense. To the extent such organizations are not calling for regulation, they are merely exercising their own First Amendment rights."

Quello, who said he shares the concerns about sexual content of programming and its effects on children, warned that the government will not sit idly by.

Condemning the indecency he has found on television, said Quello, Senator Robert Byrd (D-W. Va.) said he hoped the media would "heed my outrage before the medium of television itself is beyond self-reform and self-correction."

Quello said he agrees with Byrd. "The sex trash, vileness and excessive violence flooding TV and radio today could, in egregious cases, be considered a violation of the public trust," Quello said. "There was an implied threat in Senator Byrd's remarks, that is shared by a great majority of con-



## SEXUAL SCORECARD

The incidents of sexual behavior or language in prime time network programming increased from one every five minutes in 1979 to one every four minutes in 1989, according to an analysis of a week of prime time programming from each of the years by two Florida State University academics.

Writing in the Fall 1991 issue of the *Journal of Broadcasting & Electronic Media*, Barry Sapolsky and Joseph Tabarlet conclude that the networks "offer a steady barrage of sexual images and innuendo with little attention to the consequences of sexual behavior."

Sapolsky is an associate professor of communications; Tabarlet, a doctoral candidate in communications.

"Sixteen times an hour, entertainment programming adds to its particular vision of the sexual world," they write. "This world is noted for its overemphasis on sexual activity between unmarried characters and a disregard for the issue of safe sex. Adolescents and teenagers who regularly watch primetime television are offered a steady mix of marital infidelity, casual sex, the objectification of women and exploitative relationships."

—MAJ

gressmen, senators and FCC commissioners."

"The FCC has broad discretionary power to regulate broadcasting in the public interest," Quello said. "I believe we have an obligation to encourage constructive social values and to maintain reasonable decency on the airwaves. We also have an obligation to enforce the statutes against obscenity and indecency."

Quello said he is disturbed not only by the content of entertainment pro-

gramming, but by that of news and other public affairs programming. "I can't even envision news of my era reporting the lurid sexual details of the William Kennedy Smith rape trial or the shocking genitalia measurements and nicknames by Anita Hill in her 10-year-old charge of sexual harassment against Justice [Clarence] Thomas," he said. "The use of even 'damn' or 'hell' was generally prohibited in radio and TV news of the '50s and '60s.'"

## SIKES TO MEET WITH WHITE HOUSE OVER REGULATION MORATORIUM

*Administration to discuss how federal agencies may help President put 90-day hold on new business rules*

By Harry A. Jessell

FCC Chairman Alfred Sikes said last week he expects to meet with White House officials again this week to discuss the FCC's possible role in the administration's plan to impose a 90-day moratorium on new federal regulations on businesses.

Following a speech before Women in Government Regulations in Washington, Sikes said the White House has yet to "define" what it would like the FCC to do.

When the details do come down, Sikes said, he will discuss participation with the other commissioners. As



FCC's Sikes to meet with White House

an independent agency, the FCC is not obliged to participate, he said.

According to a Jan. 20 *Wall Street*

*Journal* story, the moratorium is part of an economic recovery package that President Bush plans to announce tomorrow (Jan. 28) in his State of the Union address.

Although participation of the FCC and other independent agencies would be voluntary, cabinet departments and other arms of the executive branch would be bound by a Presidential dictum.

Sikes confirmed the *Journal* report that he had already met once with White House officials about the moratorium. The meeting occurred Jan. 15, he said.

Although some federal agencies may have reregulated business during the Bush years, Sikes said, the FCC is not one of them.

Indeed, most initiatives in the broadcasting and cable area since Sikes assumed the chairmanship in the summer of 1989 have been deregulatory.

Last spring, for instance, the FCC relaxed the financial interest and syndication rules, which limit network ownership and syndication of off-network programming. And if Sikes had had his druthers, he would have eliminated the rules altogether.

Under Sikes's leadership, the FCC last year began proceedings aimed at relaxing the rules limiting broadcast and cable ownership. It is expected that those proceedings will bear some fruit this year.

Sikes acknowledged that the FCC has taken some regulatory actions. Among them: a move to improve telephone reliability in the wake of last year's telephone outages and a rule-making to ban broadcast hoaxes.

Sikes has earned a reputation as a strict enforcer of FCC rules. But Sikes said enforcement is not a focus of the White House effort. "There was no discussion of that at all," he said. "They are not interested in relaxing vigilance, but in eliminating burdensome rules or at least not imposing new ones."

During his speech, Sikes said the pessimism that pervades other industries has yet to infect the communications business. It is thriving and growing, he said. And not only is the U.S. keeping up with the rest of the world, it is on the "leading edge."

So, Sikes concluded, "if you are tired of reading about automobiles, read about communications. You'll feel better."