

Remarks by FCC Commissioner James H. Quello
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THE PUBLIC OUTCRY: A PLEA OR A WARNING?

I'm delighted that my good friend, Barbara Hattemer, a staunch advocate of decency and morality in media, invited me to address this distinguished group.

As I tell most of my audience these days, we are setting some kind of record with my appearance today. I know I am the most "senior" FCC commissioner to ever appear before this distinguished group or any other group. In fact, I'm the most senior commissioner to ever serve the FCC! I flunked retirement and President Bush was good enough to rescue me with a reappointment for five more years. So thank you Mr. President! And also, thanks to your organizations for your staunch early support.

My remarks may be necessarily guarded today because I'm already in the sensitive area of campaigning for reappointment when my term expires July 1, 1996. You see, I want to break all records and become the very first active wheelchair commissioner in American history. This is especially attractive now that wheelchair tennis (2 bounces) is becoming increasingly popular.

Actually, I'm trying to convince myself that growing old is just a bad habit that busy people don't have time to cultivate. Like most people, I want to live a long time, but I don't want to get old. I just feel too young for my age.

Also, I have to fight the thought that age may be influencing my alarm at the moral deterioration of society and particularly of the undisciplined young people. A few years ago a New York Times article reported a passage describing today's youth as "loving luxury, hating authority, being bored and ill-mannered, and lacking respect for adults." That observation was ascribed to 4th century B.C. philosopher Socrates! Unbelievable?

I wonder what Socrates would have said today about the effect of such a powerful, pervasive and influential medium as TV in your home?

He was a great man but he took poison at a relatively early age. I'm an average man, but still expounding my own amateur heartfelt brand of philosophy at age 77.

I believe your organization and the Commission share similar philosophic views regarding the need to promote family values and decent pro-social programs on TV. We share a mutuality of interest in a contentious, frustrating battle against excessive violence and sex on TV. In our case, the FCC must guard against raising the ominous specter of government censorship while supporting concerned citizen groups.

Frankly, I normally should be the least likely of any commissioner to lead a charge against TV indecency and obscenity. I served in the Army for five years in World War II. I served 33 consecutive months in Africa, Sicily, Italy, France and Germany. I was a combat infantry battalion commander in France and Germany. You must know that I heard all variations of indecent expletives in and out of combat. As I mentioned before, and here I go again -- as far as the sexually oriented word is concerned I have heard it, used it and done it. But there are places, occasions and times when it is improper and even disgusting. At broadcast conventions, I have warned broadcasters that when I become offended and worried, it is time they'd better get worried too.

As a former newsman and broadcaster, I am personally wary of government intrusion in programming. All commissioners are well acquainted with Section 326 of the Communications Act and its prohibition against government censorship. But the excesses have caused me to exclaim that our founding fathers did not guarantee First Amendment rights for repulsive, obscene purposes. At one time in my frustration, I was quoted by Broadcasting Magazine as saying "When we find someone guilty of indecency, we should nail them with a stiff fine and if a pattern develops, take further enforcement action." Several broadcasters thought I overstated my case. But concern over the state of television goes beyond the question of government authority or fines.

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

Pulitzer Prize winning TV critic, Howard Rosenberg, of the Los Angeles Times, wrote on September 26, 1991, the following:

"It's appalling."

"Innocent people are being victimized. They're constantly being kidnapped, threatened, extorted, swindled, mugged, robbed, savagely beaten, raped, sexually abused, maimed, knifed, shot and randomly murdered. There's no longer any doubt about our greatest problem."

"Crime on the streets? No."

"Crime on television!"

It is time for broadcasters, networks, cable, writers and producers to take cognizance of the growing public outcry against excessive sex and violence. They should notice that this outcry is resulting in increased critical actions of Congress, the FCC and hundreds of concerned, responsible citizen groups and churches.

During my Senate confirmation hearings last summer, Chairman Inouye, a distinguished World War II hero, pointed out that I had been at the Commission 17 years and asked if I thought the programming had become better or worse in that time.

I said the writing and modern production techniques are vastly improved, but expressed concern with the increased sex and violence on TV available to all age groups. I also expressed my belief that TV is playing a significant role in desensitizing society to violence, rape, murder and sexual promiscuity.

I really believe our social values are being eroded through the continual pervasive effects of suggestive, offensive programming of networks, syndicators, TV and radio stations and cable.

I am particularly concerned with the effect on children who routinely witness all manners of casual sex in the afternoon and early evening along with a ritual of murder, mayhem, rape, and sexual harassment, now reported in the news as well as dramatized in graphic -- entertainment programs. Also, we now have condom commercials advocating safe sex for all ages to see and hear. I hear no plea for moral responsibility or reasonable abstinence until emotional maturity. Many commercials run at times when children are in the audience.

A current joke illustrates the troublesome precociousness of the problem: One 8 year old boy tells his grade school best friend "Joe, I found a condom on the patio!" Joe replied "What's a patio?"

As an old Army veteran and also a veteran of the rather socially avant garde broadcasting-newspaper fraternity, I considered myself socially and sexually shock-proof.

My shock-proof armor was first seriously penetrated by the unbelievably repulsive language in "The Jerker" radio program several years ago. It is hard to conceive that any licensee could believe that language permissible over the air. The repulsive language went way beyond the over-used vulgarity for an

incestuous son. (Relate the contentious surveying of visiting faculty at Ohio State University prior to Obie Award.)

However, by far my greatest shock came last June when visiting a home where a young 11-1/2 year old had just graduated from 6th grade. She was pretty and an excellent student and athlete. The 6th grade graduation book with class photos reminded me of my high school and college graduation books complete with individual photos and messages. Now, brace yourself. The mother had tears in her eyes as she showed me an unbelievably shocking inscription from another pretty 6th grade girl. It read "Shelly, f_k your boyfriend this summer." Two other girls wrote "Have a f_king good time this summer." Another wrote "Shelly, have a horny summer." 6th grade!! I hadn't seen messages like that in high school or college. Fortunately, I came up in an era when the parents knew more about sex than their children. Of course, TV can't be blamed for this kind of outrage. TV may have helped to set the atmosphere that helped generate this kind of moral deterioration, but parents and schools must take the principal blame. Incidentally, when the good 11-1/2 year old student walked into the room she saw the tears in her mother's eyes then turned to me and said "Grandpa, I don't even have a boyfriend and I don't like that word." Her mother sent a Xerox copy of the messages to the parents and teacher. I understand some corrective action is underway.

Congress registered its concern with indecency by overwhelmingly enacting an around-the-clock 24 hour ban on indecency on the air. The FCC endorsed and implemented the legislation. We quoted surveys and ratings 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. As you know, the courts frequently are quite zealous in protecting expansive First Amendment rights. The good news is that the FCC appealed the decision to the Supreme Court and that three weeks ago the Solicitor General asked the Supreme Court to review the Appeals Court ruling. So, the U.S. Supreme Court itself will be the final arbiter of this critical issue. The public should be grateful to Morality in Media, Barbara Hattemer, and several religious groups for urging the FCC to appeal when this action was being debated.

On the subject of public outcry, I believe broadcasters and producers should do a better job of listening to the public. If they don't, the public will begin to speak louder. Public groups could mass the forces of millions of disenchanting citizens and seek legislative and regulatory remedies.

The long established citizen and religious groups have a new strong ally in their fight against program excesses and deterioration of family values. Over two years ago Terry Rakolta's "Americans for Responsible Television (ART) generated nationwide recognition when she and a small group persuaded advertisers to drop sponsorship of offensive family programming. This group now has an effective membership of over 10,000 concerned citizens. I understand they can rally three million supportive citizens. It started when Mrs. Rakolta, Mormon, and an attractive mother of four children, gathered the family together for what she thought would be an early evening family oriented television program. She was first disappointed, then outraged. Her 10 year old son yelled "Look at that Mom" when he saw a bedroom sex scene. She promptly instituted very effective corrective action. She is primarily interested in protecting children, but also warns there are millions of responsible unwilling adults who strongly resent the invasion of the privacy of their home by excesses in TV sex and violence.

Groups such as Americans for Responsible Television are not seeking legislative or Congressional intervention. They take matters into their own hands and register their objections to broadcast and cable companies and by campaigning against advertising support for objectionable programs. Some are calling this a First Amendment threat. That's nonsense! To the extent such organizations are not calling for regulation, they are merely exercising their own First Amendment rights.

In my personal appearances the past fourteen years, I have urged frustrated citizens groups to register their objection directly with the TV stations, networks, cable systems and, most importantly, with advertisers. They frequently get positive results without Congressional or FCC intervention that could raise First Amendment concerns. If these citizens groups represent the views of a broad cross-section of the American public who are fed up with what they see on TV, then producers, advertisers, cable and broadcast executives would do well to listen. 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.

President Bush last fall lashed out against TV violence and sex stating, "I am convinced that TV excesses are having a bad effect on our children and on family stability and learning."

Senator Jesse Helms lead the fight that resulted in Congress enacting a 24 hour ban on broadcast indecency.

The most forceful and threatening denunciation of indecent programming came from Senator Robert C. Byrd, senior Democratic member and president pro tempore of the United States Senate:

"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."

Newton Minow, former FCC Chairman, who characterized TV as a vast wasteland over 30 years ago addressed the National Press Club last fall. He said "In 1961, I worried children would not benefit much from television, but in 1991, I worry that my grandchildren will actually be harmed by it."

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 excessive violence flooding TV and radio today could, in egregious cases, be considered a violation of the public trust. There was an implied threat in Senator Byrd's remarks that is shared by a great majority of Congressmen, Senators and FCC Commissioners.

The FCC has broad discretionary power to regulate broadcasting in the public interest. 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.

As a former newscaster and now an FCC official, I am particularly sensitive about intruding on journalistic First Amendment rights. I believe news is the most important constituent of full freedom of the press and freedom of speech. And news these days necessarily reflects the permissive mores of our de-sensitized society. In regard to news, I'll roughly paraphrase Voltaire -- "I may disagree with what you say, but I will fight to the death your right to say it." Nevertheless, I am often troubled by what we see and hear on the news. I grew up and worked in an era when good taste in news and broadcast programming was considered a paramount virtue. The use of even "damn" or "hell" was generally prohibited in radio and TV news of the '50s and '60s.

I can't 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 Thomas. Nevertheless, news today probably has an obligation to report scandalous happenings. I just can't get used to murder, violence and rape becoming so commonplace -- I'm afraid someday they might be considered misdemeanors.

However, we receive relatively few complaints about broadcast news. Most of the complaints are against offensive TV dramas, lurid soap operas, TV talk show hosts and radio "shock" jocks. With these programs, youth of all ages are exposed to a continual flow into the home of programs glorifying sex and violence.

Then too, we hear or read about the blasphemous "piss Christ" backed by the National Endowment of the Arts. To his credit, Jerry Falwell is rallying the public against the latest outrageous blasphemy which depicts Jesus Christ as having homosexual designs on Lazarus. It is hard to believe that any responsible or reasonable American would tolerate this kind of anarchic debasement of family and religious values.

Actually, the daily newspapers who enjoy full freedoms without government regulation, display relatively good taste with self regulation. Of course, even tabloid newspapers, unlike TV, can't depict on the home screen, two grunting, thrashing bodies in bed.

The print media, not regulated by the FCC and not inherently an integral part of the home like TV and radio is more amenable to accommodating all tastes through magazines, including pornographic invasion. And tabloids contain celebrity quotes that depict an indulgent raunchy life style. They, too, chip away at the moral fabric of society.

But there is a need beyond broadcast and print media for constructive indoctrination of youth and adults by parents, schools and churches.

I believe the power of religious and moral forces is grossly underestimated by broadcasters, cable, program producers and even some print media.

It may be well to remind everyone that the largest mail count in FCC history or of any agency was caused by a religious-citizenry uprising against a mistaken belief that the FCC had received a petition from atheist Madalyn O'Hair to keep religion off the air. The National Religious Broadcasters started the campaign and was soon joined by mainline religious denominations and by millions of concerned citizens. The FCC received over 22 million letters and cards opposing atheism and Madalyn O'Hair. In 1987 alone we received 1.2 million letters and cards.

Believe me, we God-fearing Commissioners saw the light! We were impressed that by 1990 Jesus Christ, supported by thousands of evangelists, gospel ministries and mainline churches, was by far broadcasting's No. 1 super-star with an unbelievable all-time high mail count. We had to counter-plea, and this comes unnaturally to a former broadcaster like me to plead "Please don't keep those cards and letters rolling in. The FCC is not administratively equipped to handle that unprecedented volume of mail." I also reminded religious groups that those wonderful but misinformed letter writers had spent over \$4 million in postage alone. This doesn't count the paper, envelopes, time and effort in mailing. I also pointed out that this significant expenditure of money and manpower could have been better utilized for productive work and live religious issues. Nevertheless, this impressive all-time high mail count acts as a reminder of the power of an aroused citizenry -- a citizenry that is growing more and more outraged by the flood of excessive sex and violence available to young people on TV, cable and radio.

I have been asked my opinion of the effect the religious broadcasters and the National Religious Broadcaster Association have in encouraging morality and family values on TV. The National Religious Broadcasters Association will be in Washington, D.C. next week (January 26-29) for its annual convention.

The NRBA is a powerful nationwide group. They have the responsibility to maintain the highest professional theological standards to merit continued respect and support. Like many other organizations, they have their small percentage of strays and deviants. The overall inspirational and positive influence of the great majority of religious broadcast services must not be judged by the indiscretions of a few -- unfortunately a highly visible and publicized few.

Broadcast electronic ministries are now suspect due to the unethical conduct of the few. Above all, religious programming must maintain its integrity if its message is to be believable. It must not prey upon religious emotionalism to extract the last dollar from the faithful. It must self police against the cultists and greedy charlatans. Religious programming must remember its roots, its focus, its purpose. In short, religious programmers must remember they are spreading the word of God. This is a tremendous responsibility. Remember, religious broadcasters must account not only to the FCC licensing authority, but to an ultimate higher regulatory authority.

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The FCC generally welcomes the constructive efforts of religious and citizens groups. We, too, strive to encourage constructive social values and maintain reasonable decency in the most accessible and pervasive of all media - TV and radio -- all in keeping with First Amendment sensitivities. As I mentioned, the FCC has broad discretionary authority from Congress to regulate broadcasting in the public interest and to enforce indecency and obscenity laws.

However, sometimes our broadcast indecency enforcements have the effect of the old "banning the book in Boston" which made it an instant best seller. I read with consternation that shock jock Howard Stern raised his rates 25% after being fined by the FCC. His reasoning seemed to be that the controversy increased his publicity and public visibility!

In my opinion, the ultimate test for evangelical, gospel or any religious entity is its ability to inspire positive religious, moral and social values. Does it inspire a loyal following to have faith in God and a belief in religious virtues that result in a better way of life? Does it make for a more decent citizenry and a better and stronger America?

I believe evangelists and gospel ministries are attracting millions of Americans to religious faith and a better way of life. They are bringing religion to millions in their homes who might not otherwise be reached or influenced. As most of you know, Dr. Schuller transformed an agnostic son into a true believer years ago. Broadcast religion had a positive effect on a member of my own family! I'm glad to see the impressive public acceptance and support inspired by responsible ministries who build monuments to God that will serve mankind for years to come.

So, do broadcast ministries and mainline religions serve mankind, family values and the public interest? The answer must be a resounding yes! The same is true of citizen groups who exercise their own First Amendment rights to fend off social moral decay.

Religion in all forms is a force for good. It counters the barrage of sex, violence and vile language on the airwaves. It is the ultimate purveyor of morality in media and social-religious values in citizenry. It now has strong allies in thousands of Americans participating in concerned citizens groups like Morality in Media, the Decency Forum and ART. All of you are playing a vital role in turning the tide and in curbing excesses on TV and radio. God and the overwhelming majority of the American citizenry are on your side. Keep up the good work. Individually, may the Lord be with you, but not too soon!

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