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by Commissioner James H. Quello

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I'm told that there are some persons responsible for programming local television stations who regret that their dealings with the FCC are only indirect. Presumably, some program executives resent having to deal with Federal regulators through station or corporate management. I hope that attitude isn't widespread because--as a former programmer, myself--I believe programmers and government should maintain--even cultivate--a respectful distance from each other.

I am deeply concerned that the FCC is being dragged into more and more regulation of program content. We are called upon to ensure maintenance of "unique" formats...and require public access...and limit sex and violence...and a host of other "pro-social" things. But, fortunately, we are often frustrated in attempting to carry out various public or special interest mandates in the programming area by those who had the foresight to include a First Amendment in our U.S. Constitution. The First Amendment has been bent, stretched, convoluted and inverted by interpretation over the years but it has shown amazing resiliency.

I believe that there are inherent, proper restraints on what television stations may broadcast. Program content which is offensive to a significant portion of the potential audience is usually limited by the programmer's desire to appeal to the widest possible audience. In today's competitive environment, it makes very little sense to deliberately

broadcast programming which many persons can be expected to find unappealing.

Unfortunately, there are some abuses of good taste and common sense in programming. So long as individual human beings are responsible for making programming judgments, I suspect there will always be such human error lapses and various standards of good taste. I do not believe, however, that they will become so widespread and commonplace so as to require regulation or more subjective interpretation by the government.

There are those who view the Commission's fairness doctrine as an abridgment of the right to free speech. I have interpreted that doctrine as an affirmation of the right of free expression insofar as it promotes the exposure of varied opinions. I was quite comfortable with the fairness doctrine when I was in the broadcasting industry since it seemed to comport with my own policies and practices. However, I understand and have some empathy for those who believe the doctrine has outlived its usefulness and should be removed from the books. I continue to believe that the Commission should be in the posture of encouraging the dissemination of divergent viewpoints but I am no longer certain such a posture requires a rule or policy.

I remain firmly in favor of the principle of encouraging broadcasters to seek out, and develop, and objectively clarify issues of wide

interest in their communities. Aside from its pro-social aspects of informing the electorate, it is the hallmark of the good programmer. It is fundamentally important to the programmer to have a thorough knowledge of the audience and its interests.

I am often dismayed that programming is not widely considered to be the most expeditious route to station management. A good programmer, after all, should possess most of the qualities important to overall station management. He should know his community. He should understand the economics of broadcasting. He should recognize talent in many fields. And, he should possess the sensitivity necessary to serve the varied interests of his community. Too many times, I believe, have licensees of broadcasting stations overlooked the fact that they derive their authority to broadcast through provision of a programming service to the public. Too often has the desire to generate ever-increasing revenues tended to overshadow the real reason the broadcasting service came into being. Revenues are important, of course, but their only importance insofar as the public interest is concerned is that they provide the wherewithal for maintaining and improving program service.

I'm suggesting that the owners of broadcasting facilities might do well to consider more of their programming personnel for positions of wider responsibility. I'd like to see the industry develop more incentives for programming personnel by opening up more top management opportunities. I believe that would be good for the industry over the long pull. To the extent that top management became more

program oriented, I am convinced that the public would be better served. And, the public acceptance that inevitably follows better program service results in more revenues thereby assuring that the stockholders are also well served. There are many examples of the success of this rather simple and straightforward formula. Still, there are those in the industry whose intense concentration on the bottom line leaves little time or energy for programming or public service innovation.

I think it's clear that the public desires and expects more innovative programming. The desire to encourage local innovation was at least partly responsible for the FCC's continuing experimentation with the various forms of the prime time access rule. I am aware that there are those who insist that the prime time access rule was intended, principally, to assist independent producers in their efforts to compete against network productions. I suspect the difference is more with focus than with substance. The rule was developed, so far as I'm concerned, to encourage both the local programmers and independent producers to use their ingenuity and talents to embark upon innovative ventures secure in the knowledge that there would be access to prime time audiences without competition from the networks. I'm not at all certain that our experiment is achieving an adequate level of success. There are examples of meritorious prime time access programming, to be sure, but there also seems to be a great deal of

"access" programming which is innocuous, at best, and tasteless drivel, at worst. We may yet see the quality level of access programming improve and it is for that reason that I voted with the majority to continue the rule. Absent significant improvement within a reasonable period of time, however, I suspect the Commission might look for another approach.

One of the positive things I had hoped to see coming out of the access rule was <sup>a</sup>greater effort in local programming. Again, there have been some instances where this has been the result but all too often it appears that the chief motivation has been simply the greatest possible return on investment in syndicated programming. Now, certainly, there is syndicated programming at reasonable prices with wide audience appeal which should be scheduled in access time. But access time, it seems to me, also provides the broadcaster with a prime opportunity to present local programming treating the particular needs and interests of the community which he is licensed to serve.

I would like to see more experimentation by local broadcasters in creating, writing and producing their own programming. I'd like to see new approaches, untried formats, unproved forms of entertainment and public affairs programming. Certainly there is a wide range of talent available to local broadcasters. What is needed is more active and creative encouragement of that talent and a willingness to commit adequate resources to achieve the desired result.

I've tried to outline some of the things programming people and programming-oriented management can do to improve the broadcasting

service in this country. The FCC cannot--and, in my opinion, should not--enter into individual programming decisions. Those decisions can best be made by those responsible for each broadcasting facility in response to the needs and interests of its particular community. The public, ultimately, will be the judge of how well local broadcasters are meeting its needs.

I envy those who are now in positions to influence the programming fare of local radio and television stations. Technology has provided the means to present varied and interesting local programming at reasonable cost. And, certainly, all communities have many events and interests which readily lend themselves to some kind of creative broadcast treatment.

Someone once said that: "A gossip is one who talks to you about others; a bore is one who talks to you about himself; and a brilliant conversationalist is one who talks to you about yourself."

I suspect there may be a lesson in that quotation for local programmers who are seeking ways to appeal to their own communities.

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