

May 2003

If I Were Chairman Again
Commentary by Former FCC Commissioner/Chairman James Quello

Comments on controversial issues at this contentious time might appropriately come under the banner of "Fools Rush In Where Angels Fear to Tread." I qualify.

Editorial space limits prevent my commentary on all the fascinating upcoming ownership issues. Suffice it to say my general philosophy, as chairman would be in tune with current chairman, Michael Powell, with a few minor exceptions. Specifically, today, I am limited to very few issues.

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I'll start on a positive note. I would again remind the commissioners, particularly the relatively new ones, to add your oversight senators and congressman to the Fourth Commandment. It is a good idea to honor them.

Thus having established my deferential congressional modus operandi, (it kept me confirmed four times for 23½ years) I would then decide my FCC issues independently based on a full FCC record including research surveys, testimony from various sources, legal interpretation and, most important, practicable common sense.

Overall, in the media ownership field, I would mainly rely on the antitrust merger guidelines to protect both diversity and competition, and I would also be responsive to market dominance problems in advertising and overall economy.

First, I would support the public outcry against excessive sex and violence on TV and become a leading advocate for voluntary corrective action on the part of the public, as well as

TV, cable, radio and Internet. I would even warn that our founding fathers did not guarantee First Amendment rights for indecent, obscene purposes harmful to society.

OPTIONAL: With that off my chest, I would quietly recognize the legal limitations and social realities associated with government mandates restricting free speech.

Censorship in a free America is where it properly belongs and legally supported... in the freedom of choice by the individual!

Although it is unpopular to admit, the public itself promulgates sex and gratuitous violence! An audience ^{is} for essential to cable and TV programmers to survive. Programs don't survive weak audience ratings. All the majority of the public has to do is tune out explicit sex and violence ...not condemn it publicly, then privately seek it in huge droves. Also, parents with children must exercise responsibility with personal guidance and more frequent use of the V chip. A concerned, more responsible public has the power to self-correct excessive sex and gratuitous violence programming.

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As chairman, I would again oppose a proposal that government mandate networks to grant 25% of their prime time to independent producers.

Broadcast television and the networks are no longer the dominant players in today's video marketplace. Today cable reaches 98 percent of all television homes and over 85% subscribe. Satellite is another fast growing program distribution source. Cable with hundreds of different channels has brought an undreamed of diversity of programming that responds to every

conceivable program want or wish. Also vying for public hearts, minds and eyes are Internet, VCRs now in 95% of homes and also the new DVD which now plays in about 30% of homes.

Particularly, the government should not be forcing television, the most pervasive and influential news and information medium with its seven competing networks to grant 25% of network prime time to independent Hollywood producers of entertainment programs already in over abundant supply on TV, cable and satellite. **OPTIONAL: Also, this would come at the expense of important news and information programs that are regular features in network prime time. If Hollywood producers need advice on how to sell their wares, just ask Bochko, Wolf, Kelley, etc. with their multi-million dollar program contracts. Only the masterful presentation by popular lawyer Mickey Gardener keeps this untimely issue even alive.**

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With the current incredible menu of TV, radio, cable, satellite and Internet program sources, the principal legislative and regulatory thrust should be towards competition and an open marketplace.

For the fifth year, I repeat that the scarcity argument formerly used to justify government regulation is no longer valid in today's over-abundant converging multimedia communications marketplace.

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