

SE M. D'AMATO
NEW YORK

United States Senate
WASHINGTON, DC 20510-3202

May 12, 1994

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The Honorable James H. Quello
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Commissioner Quello:

I have received your most recent letter of May 6. I'm glad that there are several issues on which we can agree. I am pleased that you have recognized that religion and ethnicity will not be factors in your decision-making process.

In addition, we both agree that the indecency standard should be enforced fully and completely under the law. I have consistently voted that way during my career in the Senate.

Also, by your letter's references to the ACT decisions, we both agree that First Amendment principles are important and that the FCC's indecency enforcement scheme must be carried out in a constitutional manner.

And finally, we both agree that any broadcaster accused by the FCC of having violated the indecency standard, through a "Notice of Apparent Liability" and/or a final forfeiture order, is still entitled to due process and its day in court before a final determination of guilt or innocence can be made.

It is the latter principle that I have been stressing in my recent statements on this issue relating to my constituent, Infinity Broadcasting Corporation. Therefore, it is my firm belief that non-adjudicated indecency complaints against any broadcaster should not be a basis for delaying the approval of that broadcaster's assignment of any license.

I look forward to working with you in a constructive manner in the future on these important issues.

Sincerely,
Alfonse D'Amato

Alfonse M. D'Amato
United States Senator