

COMMENTS BY COMMISSIONER JAMES H. QUELLO  
BEFORE THE BIRMINGHAM URBAN LEAGUE  
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Nehru, the great Indian democrat, once said:

"Democracy does not mean shouting loudly and persistently, though that might occasionally have some value. Freedom and democracy require responsibility and certain standards of behavior and self-discipline."

I am opening my speech with this quote from a great name in history because it seems particularly applicable to our social problems today and because, in my opinion, it characterizes the responsible, affirmative approach of the Urban League I knew best--the Detroit Urban League under the very able direction of Doctor Francis Kornegay.

The Urban League I knew didn't lead the civil rights fight in shouting and agitating, but achieved notable success with affirmative persistence "up front" where it really counted - with jobs and job opportunities for deserving blacks.

The militant and sometimes disruptive agitation for civil and women's rights in the 60's and early 70's resulted in increased awareness of the rights, influence and power of minority groups. It also resulted in needed civil rights legislation and affirmative action programs. In my opinion, there is a need for continued vigilance to safeguard equal rights for everyone. However, I sincerely believe the shouting phase of the 60's is now being productively replaced with a more disciplined, sophisticated implementation phase--loud shouting today is less and less effective or appreciated and can even be counter-productive in this current era of actual court suits against so-called "reverse discrimination."

I'm suggesting that with the current level of civil rights and social consciousness much can be accomplished with a positive, constructive approach.

This positive type of approach characterized the Urban League relationship with me when I was a broadcast executive in Detroit. It achieved good results for them and a gratifying relationship for both of us.

I was going to resist the temptation of relating my former station's early hiring and programming cooperation with the Urban League, but the

opportunity is too appropriate. Besides, I think you might find it interesting and useful. In fact, I was especially pleased to be here because I happen to be one FCC Commissioner, who as a former broadcast executive, had a direct, longtime and satisfying experience with the Urban League.

WJR instituted minority hiring and programming in the late 40's and 50's--as the Executive Director of the Detroit Urban League stated, "before it was fashionable or deemed mandatory by the EEOC."

In 1949, working in conjunction with the Urban League, WJR hired the first Black disc jockey on a major Detroit station. In the 50's and 60's, WJR also had an integrated chorus of 55 young singers on a program called "Make Way For Youth" which originated at the station and was broadcast for one hour each week on the CBS network. The chorus trained and developed outstanding high school talent. Among the notable Black graduates of the chorus are songstress Freda Payne and Ursula Walker and several members of national singing groups. WJR also hired the Dorothy Ashby trio, a group of talented Black musicians for a five day a week program--this too upon the suggestion of the Urban League. WJR also originated and broadcast 45 minutes of an all black adult acapella chorus once a week in the 60's.

Over a period of twenty-five years, our relations with the Detroit Urban League were cordial. WJR was consistently on record as requesting Black engineers as well as talent personalities. Many stations in the 50's and early 60's found that qualifiabile Blacks were not often available for announcing and production vacancies. This was before affirmative action programs and before Blacks were encouraged to train for media jobs requiring specialized skill or talent. However, Black education and opportunities increased during the 60's and also interest and consciousness in Black employment. In the 60's WJR, generally and I, personally, instituted an affirmative policy of additional Black hiring and black oriented programming. This resulted in the hiring of two Black announcers and a Black student as a production apprentice. We also hired three Black newscasters in the late 60's and added another talented Black newsman later. The Urban League again expressed their approval of this representation on such a highly-regarded, professional news staff. We hired a Black sports assistant, a good broadcast prospect, who decided he preferred the opportunities in the automobile business. We also hired, in the late 60's, a talented Black songstress featured on the daily "Open House" show. In addition, we hired several Black women in the production and traffic departments. WJR also participated in Columbia University's program for training minority newscasters in the late 60's.

In the 70's we hired a well-known Black personality as afternoon disc jockey. A Black salesman and a Black business manager were hired in 1971. Upon my personal recommendation, a Black student apprentice from University of Detroit was hired and trained in 1971. It was also at my recommendation that WJR in 1970 started regular financial contributions to help defray publication costs of the NAACP reporter.

In the mid and late 60's we also instituted additional regularly scheduled and special programs that were minority oriented. The regularly scheduled programs included: "Action, Urban League," "Color of Achievement," "Urban Scene," "In Contact," "The Minority Report," "Religion in Action," "Ask the Professor," "Junior Town Meeting," "Sunday Supplement" and "Topic for Today." The more notable documentaries or special minority programs broadcast During the late 60's and 1970 included "Open Housing--Fact or Fiction?"; "Tell It Like It Is," "Free At Last" (story of Martin Luther King); "Some Lessons in Pride" (story series of ten 45-minute programs on outstanding Black contributors to culture and history of Negro "firsts"; "Of Greatness in Slavery" (story of Booker T. Washington); "Hereos Come In Many Colors," "Is There a Better Way?", "I Am Not Alone," "Psychology Of A Rebellion," "Rebuilding Detroit" and broadcasts of principal speeches of the NAACP conventions. At my suggestion, we also instututed a daily program of significance to women's interests called "Women are Great."

Established WJR daily programs like "Kaleidoscope," "Focus" and "Adventures in Good Music" in 1968, 1969 and the early 70's along with the regularly scheduled black-oriented programs and special documentaries combined to make a significant contribution to racial understanding and to Black history and achievements. In this area WJR, with its large news and program staff, surpassed Black or ethnic stations in Detroit.

It is significant, too, that my good friend, Federal Judge Damon Keith, former Detroit NAACP Vice President, then Michigan Civil Rights Chairman, called me at 7 a. m. one Sunday morning requesting I call all TV and radio stations and urge them not to broadcast inflammatory reports. Judge Keith and Congressman John Conyers were frantically using all their resources to prevent a serious Saturday night disturbance from erupting into a full scale riot. I called the stations and most cooperated until the story broke on the noon network news carried by local stations. I called Judge Keith at emergency headquarters to inform him the story had broken. Tragically, by Sunday evening Detroit was embroiled in perhaps the largest riot in the nation's history. During the riots, I remained at the station all night directing operations--I remained in constant communication with the official emergency command post and with city and state officials.

It is interesting that after the tragic 1967 Detroit race riot, WJR news dominated the radio awards for responsible reporting and interpreting. WJR also became the communication center during the riot for BBC, CBC, Radio Copenhagen, and CBS. Most of the National UPI audio reports the first two days of the riot originated with WJR reporters. Detroit staged a remarkable comeback in one year--in 1968 when the Tigers won the World Series, hundreds of thousands joined together in an enthusiastic bi-racial celebration in downtown Detroit.

It must now be almost too apparent that I really appreciate this opportunity to tell about a good working relationship with the Urban League and other Black leaders in Detroit. If it provides any encouragement or ideas for constructive action with the Birmingham audience, (broadcasters and League members alike) I'll consider the time well spent.

In my recent appearances I have urged various citizens' groups (most are much smaller and less representative than the Urban League or NAACP) to take a constructive approach to dialogue and citizen participation in broadcasting. If implemented in the proper spirit, this dialogue serves both the citizens' group and licensee. It is, after all, public acceptance that determines the success or failure of a station or a program

On some occasions, citizens' groups give the impression they are more interested in stirring a controversy and exploiting discontent than in correcting deficiencies or encouraging quality programming. I am concerned with some abuse of the license challenge process through unfounded petitions to deny. The time and money spent in litigation could be used in more constructive ways, i. e., for innovative programming and added public affairs. I'm concerned that some citizens' groups representing only a small segment of the total public, seek to impose their individual program philosophies and preferences on local stations. I believe in community ascertainment by broadcasters, in broadcaster-citizen dialogue, but am suspicious of motives behind some forced written agreements. A negotiated agreement reached between a licensee and any citizens' group who represent only a small portion of the total community simply does not square with the requirement that a licensee follow the Commission's comprehensive ascertainment procedures to determine for himself the needs and interests of his total community.

If the licensee has ascertained those needs and interests, what possible contribution to the public interest can be made by a small segment of that public seeking special consideration for its own viewpoint by negotiating an agreement which is to be enforced by the Commission? As I have said before, activist groups, regardless how laudable the objectives, have not been elected or appointed as bargaining agents for the public at large. The FCC itself wouldn't dare even suggest the program demands made by some citizens' groups. We would be charged, and rightly so, with program dictatorship or infringing on First Amendment rights. (Cite Family Viewing decision example.)

Many of our regulatory actions over the past decade have been aimed at greater public input and citizen participation. They have been aimed at qualitative, rather than quantitative, improvements in the broadcasting service. In addition to encouraging dialogue with citizens through the ascertainment process, we have required that broadcasters maintain a public file containing documents pertinent

to the operation of their stations in the public interest. We also require that stations actively solicit public comment on the extent to which viewers or listeners believe stations have satisfied their public interest responsibilities. And, we have adopted a document entitled, "The Public and Broadcasting-A Procedure Manual" aimed at encouraging and assisting members of the public to take an active interest in promoting a quality broadcasting service. Each station is required to keep a copy of that Manual in its public file where it is available for inspection during normal business hours.

We are scheduling each month en banc Commission meetings to the public to provide an opportunity for interested citizens to present their views to the full Commission. And, we recently opened a Consumer Assistance Office at Commission headquarters in Washington to help citizens get the information they need to effectively participate in the activities of the Commission.

Those are some of the positive actions we have taken in an effort to improve broadcasting service and there will be more in the future. There is an effective limit, however, to what the FCC can do to improve the quality of what you watch on television and hear on the radio. Ultimately, of course, all the American people will demand and receive the kind of service from broadcasters they want. The positive efforts of interested citizens can and do reflect themselves in improvements.

I would be among the first to recognize that a few broadcasters, whether through ignorance, carelessness, or even defiance, do not fulfill their obligations on affirmative action or programming. I have expressed my personal attitude to broadcasters many times: "I'm with you when you are right and I'm dangerously knowledgeable when you are wrong." I realize that complaints filed with this Commission concerning such shortcomings are unduly delayed. In my opinion, this Commission should expend even more effort toward expediting the review and resolution of complaints without having to go through the expensive and time-consuming ritual of a formal petition to deny and its subsequent proceedings. I have always believed that we should act more directly and specifically with respect to minority employment problems, but must admit some doubt as to the extent to which we could rule on programming matters other than to determine whether the licensee has made good faith judgments in its programming decisions.

The dilemma faced by the Commission is how to encourage true dialogue while at the same time preserving the licensee's necessary freedom and responsibility, and how to avoid unnecessary government intrusion into the process. I do not believe that it is government "intrusion" to advise citizens' groups that they may not deprive licensees of flexibility in certain areas. Further, I think this Commission could properly propose that citizens' groups present their credentials or proof of constituency to the licensee before demanding negotiation, and this would not be government "intrusion."

I have been candid with you in presenting my personal opinions and attitudes with respect to citizen-broadcaster agreements, ascertainment and petitions to deny. Certainly, there will be differing viewpoints about "What's best?" No individual or group will possess all of the truth. I do believe that the Commission has truth on its side in demanding that the licensee respect and retain his responsibility for program judgments. Without that clear allocation of responsibility we could find ourselves in the situation described in an article written last year for the Federal Communications Bar Journal: "The licensee may be transformed... into a frequency broker, auctioning off access to the bidder with the most strident demands."

I must add, however, that we at the Commission must still do a better job of making our practice equal our preaching. We insist on licensee responsibility; at the same time, we encourage the filing of legitimate complaints--at the local level or, if necessary, at the Commission level. Yet, we sometimes fail to devise complaint procedures that are specific and productive. In so doing, we may simply demonstrate to concerned citizens that the complaint process is unproductive, leaving the costly and time-consuming legal petition to deny as an alternative.

And speaking of legalities--myriad complex legal filings, petitions, rulemaking hearings and arguments are today a regulatory fact of life. The FCC alone has 340 lawyers at last count! I'm not a lawyer so my approach to communications problems is more journalistic than legalistic. I ask myself where do reason and justice predominate? --which viewpoint or action scores the most points morally, ethically and legally? And I find great solace and guidance in a quote from one of our greatest Presidents, Franklin Delano Roosevelt. Back in 1940, President Roosevelt expressed his view of the role which should be played by administrative agencies in government--He said: "A common sense resort to usual and practical sources of information takes the place of archaic and technical application of rules of evidence, and an informed and expert tribunal renders its decisions with an eye that looks forward to results rather than backwards to precedent and to the leading case. Substantial justice remains a higher aim for our civilization than technical legalism."

I believe that all of us share the goal of "substantial justice" and I sincerely hope we can all pursue that goal together in a progressive spirit of reason and mutual cooperation.

See Addendum - "Roots".

"ROOTS" ADDENDUM TO SPEECH  
Birmingham Urban League, March 4, 1977

A number of people have asked for my personal opinion of the recent TV dramatization of "Roots".

First, I believe ABC is to be congratulated for programming vision and showmanship in presenting "Roots". It was a phenomenal ratings and TV programming success with profound social impact.

I found it fascinating, educational, over-melodramatic, historically distorted, inspirational, sometimes inflammatory, but overall thought-provoking, and thoroughly worthwhile.

It provided blacks with a strong, proud though humble, heritage. It inspired many other Americans to carefully reflect and to trace their ancestry and heritage.

In my neighborhood it had white viewers visibly cheering the Black as the "good guys" in this drama.

However, I must agree with many critics that the book, "Roots", lost considerable historical authenticity in its sensationalized TV version---replete with all the melodramatic trimmings of violence, sex, vice and racial strife.

Stanley Williford, a Black editor of the Los Angeles Times, wrote and I quote: "ABC's TV version vulgarized a tale that the passage of time will surely confirm as a masterwork."

Whites generally were relentlessly depicted as lustful, evil villains. Abe Lincolns, or decent whites advocating the cause of racial justice, were too conspicuously absent. It defied the reasoning that there is a "good and bad" of all nationalities and races---or that no one race or nationality has a monopoly on all the virtue.

It might be propitious to recall that man's inhumanity to man knew no racial boundaries--particularly in the harsh, brutal era of the 18th and 19th centuries. During that period, free born Englishmen were being hanged for stealing a few shillings, Irish children died by the thousands of malnutrition and exposure, and Russians and Poles suffered their own form of slavery living under Czars or feudal monarchs. Then, too, history shows that Black Africans in the 18th and 19th centuries were <sup>initially</sup> mostly captured and sold by other Blacks.

Even in our current 20th century, white man's inhumanity to white man was brutally documented in Hitler's Germany where an estimated six million Jews were methodically murdered in the "final solution" without even the opportunity of survival as slaves!

As a first generation Italian-American, I rankle at the injustice of any discrimination due to nationality, race or religion. However, like many other first or second generation Americans, I don't feel any personal guilt for the slavery depicted in "Roots" although I was appalled by the injustice of the times. I have only traced my "roots" to my Italian peasant grandparents--sturdy, poor mountain folks who were undergoing their own version of hell on earth--Italian style. My parents, too, were born in Italy. They and their parents like millions of other emigrants suffered their own kind of feudal sub-servitude and discrimination. Oppression and lack of food and opportunity drove them to leave their native lands for refuge in America. They came to "the land of the free" in steerage as third class citizens. They were escaping their own form of feudal discrimination and tyranny like millions of other immigrants from Ireland, Germany, Poland, Russia, Armenia, and other foreign lands.

It should be said that their anticipation of arriving in a country "conceived in liberty and dedicated to the proposition that all men are created equal" did not have the same ironic hollow ring as it did for the black slaves who preceded them under much worse conditions.

Although I personally don't have any guilt feelings for the slavery of the past, I do believe that years of discrimination and deprivation in the post-slavery years required our society to provide special "catch up" for Blacks in education and employment opportunity.

The civil rights legislation of the early 60's (spearheaded by a predominately white Congress and white Presidents) and the resulting affirmative action programs, are providing opportunities. There is still more to be done--a continuing need for a little extra inducement. But we will know we have finally arrived as a completely free nation when all racial and nationality roadblocks have been removed and everyone can compete and progress according to his or her own ability and dedication without further need to seek special consideration. We are not there yet--but we have made progress and I believe and hope the millennium will arrive before the turn of the century.

Because here and today, as proud and fascinated as we may be in our heritage and old roots--the roots that really count are the mutual ones we have today deep in America.

We are all now firmly rooted in America. Let's work together in unity and decency to have our roots nourish a great and better tree of life for our children and grandchildren.