

ADDRESS BY COMMISSIONER JAMES H. QUELLO
BEFORE THE GEORGIA RADIO/TV INSTITUTE
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AS A FORMER JOURNALISM MAJOR, IT'S
PARTICULARLY GRATIFYING TO BE HERE AT THE
PRESTIGIOUS HENRY GRADY SCHOOL OF JOURNALISM
TO PARTICIPATE IN YOUR ANNUAL GEORGIA RADIO/TV
INSTITUTE.

ACTUALLY, JOURNALISM (AND PRINT
JOURNALISM AT THAT!), WAS MY FIRST INTEREST
AND MY FIRST LOVE. I HAD SEEN THE EARLY 30'S
VERSION OF "THE FRONT PAGE" AND I WANTED TO
BE A NEWSPAPER REPORTER.

IN PURSUIT OF THAT GOAL, I BECAME
EDITOR OF MY COLLEGE PAPER, "THE MICHIGAN
STATE NEWS" IN 1935 AND ALSO BECAME THE EAST
LANSING STRING MAN FOR THE DETROIT TIMES.

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I ALSO STARTED IN BROADCASTING AT MICHIGAN STATE WHEN THE MANAGER OF THE COLLEGE RADIO STATION, WKAR -- A 5,000 WATTER -- WANTED A CAMPUS NEWS REPORTER. I WAS SELECTED BECAUSE OF MY NEWSPAPER WORK AND I CONSIDERED RADIO MERELY AN INTERESTING SIDELINE AT THAT TIME.

MY OTHER JOURNALISM CREDENTIALS WOULD INCLUDE CONTRIBUTING ARTICLES TO THE "INFANTRY JOURNAL" AND "MILITARY REVIEW" DURING WORLD WAR II AND DOING PUBLICITY AND ADVERTISING WORK FOR A RADIO STATION AND "THE LONE RANGER" AFTER THE WAR. I WAS EVEN THE PART TIME DETROIT STRING MAN FOR VARIETY IN 1946 and 1947.

I SUPPOSE MY PRINCIPAL CREDENTIAL WAS THAT I EVENTUALLY BECAME VICE PRESIDENT-GENERAL MANAGER OF A PROGRAM AND NEWS ORIENTATED 50,000 WATT STATION THAT DOMINATED MAJOR AWARDS IN ITS AREA FOR DISTINGUISHED PROGRAMMING. SOME CALLED US "PLAQUE-HAPPY"--BUT WE TOOK JUSTIFIABLE PRIDE IN SUCH AWARDS AS TWO DIFFERENT PEABODIES, THE AMERICAN BAR ASSOCIATION SILVER GAVEL AWARD, ROBERT KENNEDY FOUNDATION AWARD, SIGMA DELTA CHI AWARD, PRESS CLUB FOUNDATION AWARD, ALFRED SLOAN AWARD, FREEDOM FOUNDATION AWARD, GABRIEL RICHARD AWARD, AND EACH YEAR, NUMEROUS AWARDS FOR EXCELLENCE IN REPORTING ENOUGH FOR CREDENTIALS--YOU SEE, I WAS SO IMPRESSED BY YOUR SCHOOL OF JOURNALISM I FELT COMPELLED TO DEVELOP OUR MUTUALITY OF INTERESTS.

NOW ON TO SEVERAL ISSUES OF PARTICULAR JOURNALISTIC SIGNIFICANCE THAT IMPRESSED ME DURING MY FIRST EIGHT MONTHS ON THE COMMISSION.

I'LL DISCUSS THE FAIRNESS DOCTRINE, NEWSPAPER BROADCAST CROSS-OWNERSHIP, AND BROADCAST NEWS REPORTING AND PUBLIC SERVICE. HOPEFULLY, I'LL LEAVE SOME TIME FOR QUESTIONS AND ANSWERS.

THE COMMISSION LAST YEAR REVISED, AND HOPEFULLY, SIMPLIFIED, THE CONTROVERSIAL FAIRNESS DOCTRINE. THERE WERE MANY PROPOSALS REQUIRING MORE REGULATION PRESENTED TO THE COMMISSION. I OBJECTED DURING THE HEARING THAT IT SEEMED THE FCC IS GOING TO ASSURE FREEDOM. EVEN IF THEY HAVE TO PUT BROADCASTERS IN A REGULATORY STRAIGHT JACKET.

I ADMIT I CAN'T UNDERSTAND THE LOGIC OF MORE AND MORE REGULATION AND CONTROLS TO GUARANTEE FREEDOM. I ADMIT TO SOME AMBIVALENCE . REGARDING A DOCTRINE WHICH CAUSES A GOVERNMENT AGENCY TO INTERFERE IN ANY WAY WITH RIGHTS GUARANTEED BY THE FIRST AMENDMENT. THE FIRST AMENDMENT WAS WRITTEN, AFTER ALL, TO PROTECT THE PEOPLE FROM GOVERNMENT INTRUSION INTO OUR INHERENT RIGHTS TO FREEDOM OF SPEECH AND RELIGION AND THOSE RIGHTS MUST BE PROTECTED. PHILOSOPHICALLY, I BELIEVE BROADCAST JOURNALISTS ARE ENTITLED TO THE SAME FREEDOM AS JOURNALISTS IN OTHER.. MEDIA, AND THAT THEY HAVE DEMONSTRATED OVER THE YEARS THEIR ABILITY TO ACT INDEPENDENTLY AND RESPONSIBLY.

THE FEDERAL COMMUNICATIONS COMMISSION IS CHARGED, HOWEVER, BY STATUTE, WITH THE RESPONSIBILITY OF MAINTAINING A CLIMATE OF FAIRNESS IN THE USE OF BROADCAST FACILITIES AND THAT RESPONSIBILITY MUST BE MET. I, OFTEN WONDERED HOW TWO DIFFERENT STANDARDS CAN BE APPLIED TO PRINT AND ELECTRONIC NEWS. IN THE OFTEN-QUOTED LANDMARK "RED LION" DECISION OF 1969, THE SUPREME COURT AFFIRMED THE CONSTITUTIONALITY OF THE FAIRNESS DOCTRINE. ALSO, THE COURT HELD THAT: "DIFFERENCES IN THE CHARACTERISTICS OF NEWS MEDIA JUSTIFY DIFFERENCES IN THE FIRST AMENDMENT STANDARDS APPLIED TO THEM." THE COMMISSION SEEMS TO HAVE BEEN GIVEN CONSIDERABLE LATITUDE IN

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INTERPRETING AND ENFORCING THE "FAIRNESS" CON-
CEPT. HOWEVER, MY POSITION IS THAT WE SHOULD
PROMOTE FREEDOM OF SPEECH RATHER THAN TO
ERECT A STRUCTURE OF RULES AND REGULATIONS
SO CUMBERSOME TO PUBLIC AND BROADCASTER
ALIKE THAT THEY HAVE THE EFFECT OF LIMITING
RATHER THAN PROMOTING THIS PRECIOUS FREEDOM.

I BELIEVE THAT THE FAIRNESS REPORT
WHICH HAS BEEN ADOPTED BY THE COMMISSION
DOES ACCOMPLISH THE PROTECTION WHICH CONGRESS
MANDATED IN THE ACT AND, YET, DOES NOT IMPOSE
A HEAVY REGULATORY BURDEN ON ANYONE CONCERNED.
BROADCASTERS WHO ARE CONCERNED ABOUT FIRST
AMENDMENT PROTECTION SHOULD HAVE NO TROUBLE
LIVING WITH THIS NEW INTERPRETATION OF THE

DOCTRINE EVEN THOUGH THEY MAY SHARE MY
PHILOSOPHICAL VIEW--AND THE PUBLIC WILL
CONTINUE TO HAVE ASSURANCE THAT A VARIETY
OF VIEWPOINTS WILL BE PRESENTED ON EACH
SIGNIFICANT ISSUE OF PUBLIC IMPORTANCE.

AS WITH ANY GENERALLY APPLIED PRINCIPLE,
THE FAIRNESS DOCTRINE IS SUBJECT TO MISUNDER-
STANDING BY THE PUBLIC AT LARGE. PERHAPS IT
WOULD BE WELL, THEREFORE, TO ENUMERATE
SOME OF THE THINGS THE DOCTRINE DOES NOT DO.
IT DOES NOT ASSURE ACCESS TO ANYONE WHO WANTS
IT. IT LEAVES TO THE LICENSEE'S DISCRETION THE
SELECTION OF THE RESPONSIBLE SPOKESMEN FOR
ANY GIVEN VIEWPOINT. IT DOES NOT REQUIRE THAT
TIME DEVOTED TO EACH DIFFERING VIEW BE EQUAL
TO THAT OF THE VIEW INITIALLY PRESENTED. IT

SIMPLY REQUIRES A REASONABLE OPPORTUNITY TO EXPRESS OPPOSING VIEWS.

HAVING MENTIONED MY JOURNALISTIC PHILOSOPHY, I WILL ADMIT THAT I LIVED COMFORTABLY AS A BROADCASTER WITH THE FAIRNESS DOCTRINE AND IN FACT HAD AN "OPEN DOOR" TO ANYONE WHO WANTED TO DISCUSS CONTROVERSIAL ISSUES. I WOULD NOT FAVOR ABOLISHMENT OF THE DOCTRINE AS MUCH AS IT OFFENDS MY JOURNALISTIC SENSIBILITIES. THERE MUST BE REASONABLE BALANCES AND COUNTER-BALANCES TO PROTECT AGAINST POSSIBLE UNDUE INFLUENCE OF (1) GOVERNMENT OR (2) PRIVATE INTERESTS OR EVEN PUBLIC INTEREST ACTIVIST GROUPS WITH THEIR OWN PRIVATE VERSION OF PUBLIC INTEREST.

OF COURSE, I WAS MOST IMPRESSED IN
EXPERIENCING MY FIRST FULL-FLEDGED FCC
ORAL ARGUMENT--IT WAS ON CROSS-OWNERSHIP
OF NEWSPAPERS AND BROADCASTING FACILITIES.

I HAVE TO ADMIT THAT I WAS ENCHANTED
BY THE LOGIC, REASONING, WORDSMANSHIP AND
SKILLED PRESENTATION OF MEMBERS OF THE
FEDERAL COMMUNICATIONS BAR ASSOCIATION. IT
WAS THE FIRST TIME I HAD SEEN THEM IN ACTION
FROM THE PERSPECTIVE OF A COMMISSIONER AND IT
WAS AN ENLIGHTENING AND MEMORABLE EXPERIENCE.

HOWEVER, THE JURY IS STILL OUT ON THIS
ISSUE--THE DECISION HAS NOT BEEN FINALLY
ANNOUNCED--BUT I WILL REPEAT TWO STATEMENTS OR

OBSERVATIONS THAT I MADE DURING THE ARGUMENT ON PUBLIC RECORD -- ONE PRO AND ONE CON. I'M ON RECORD AS STATING I DON'T BELIEVE THERE IS ANY PUBLIC OUTCRY FOR DIVESTITURE -- THAT I DOUBTED, FOR EXAMPLE, THAT A PUBLIC REFERENDUM AS TO WHETHER OR NOT THE WASHINGTON POST SHOULD DIVEST ITSELF FROM ITS TV PROPERTY (WTOP-TV) WOULD CARRY. I ALSO NOTED THAT NOT A SINGLE TV STATION OR NEWSPAPER COMPETING WITH A 'COMBINATION' TESTIFIED THAT IT WAS COMPETITIVELY DISADVANTAGED OR ECONOMICALLY INJURED. ON THE OTHER SIDE, I WAS BOTHERED TRYING TO RECONCILE THE COMPLETE AUTONOMY OF OPERATIONS TESTIFIED TO BY TV STATION EXECUTIVES WITH THE LICENSEE RESPONSIBILITY THAT REQUIRES ASCERTAINMENT,

INVOLVEMENT AND DIRECTION. I ASKED THE QUESTION (STATE QUESTION) -- THE REPLY WAS INCONCLUSIVE. DURING MY CONFIRMATION HEARING, I STATED THERE ARE SO MANY VARIABLES FROM MARKET TO MARKET THAT CROSS-OWNERSHIP MAY NOT LEND ITSELF TO SWEEPING GENERAL RULES AND MUST BE DEALT WITH ON A CASE-TO-CASE BASIS. DURING THE ORAL ARGUMENT, IT WAS APPARENT THAT MANY CROSS-OWNERSHIP OPERATIONS EXCELLED IN SERVING THE PUBLIC. ON THE OTHER HAND, THERE WERE SOME SINGLE OWNER CONCENTRATIONS SO EXTENSIVE THAT ONE MIGHT QUESTION THE AMOUNT OF INDEPENDENT AND DIVERSE VIEWPOINTS AVAILABLE TO THE PUBLIC IN THAT LOCALITY.

WHILE ON THE SUBJECT OF NEWS SOURCES,
I'D LIKE TO COMMENT ON THE INCREASING IMPORTANCE
OF BROADCAST JOURNALISM. I BELIEVE THE MAJOR
IMPACT OF TV AND RADIO ON THE AMERICAN WAY
OF LIFE TODAY IS IN NEWS AND NEWS ANALYSIS--
NOT IN ENTERTAINMENT PROGRAMS, AS ENJOYABLE
AS THEY MAY BE. I THINK YOU WILL AGREE THAT
BROADCASTING IS MOST REMEMBERED AND RESPECTED
FOR ITS HOURS OF EXCEPTIONAL JOURNALISM-- AND
THAT THE GREATEST BENEFIT MOST AMERICANS
DERIVE AND EXPECT FROM BROADCASTING IS INFORMA-
TION. RECENT RESEARCH INDICATES MORE AMERICANS
ARE GETTING INITIAL NEWS FROM TV AND RADIO THAN
NEWSPAPERS. THIS POTENTIAL FOR MOLDING PUBLIC
OPINION POSES AN ENORMOUS RESPONSIBILITY AND
CHALLENGE.

IT SEEMS THAT OWNERS, EXECUTIVES, AND MANAGERS OF THE FUTURE WILL MORE AND MORE ASSUME ROLES OF PUBLISHERS AND EDITORS-IN-CHIEF. IT IS MY BELIEF THAT THERE SHOULD BE MORE TOP-LEVEL MANAGEMENT EMPHASIS ON NEWS AND PUBLIC AFFAIRS. I ALSO BELIEVE GENERALLY SPEAKING THAT STATIONS AND NETWORKS SHOULD HAVE LARGER NEWS STAFFS CAPABLE OF MORE INVESTIGATIVE AND MORE DETAILED "ON-THE-SPOT" REPORTING. A MICHIGAN JUDGE, IN DENYING COURTROOM ACCESS TO TV CAMERAS, MENTIONED THAT HE OBJECTED TO TELEVISION'S HASTY AND SPORADIC ONE SHOT, ONE MINUTE COVERAGE OF IMPORTANT CASES MORE THAN THE INTRUSION OF TV CAMERAS IN THE COURTROOM. (DISCUSS MEETING WITH MICHIGAN BAR ASSOCIATION) PRESS OBJECTIVE IS TRUTH:

LAWYERS OBJECTIVE IS PRESENTING HIS CLIENT'S
CASE, RIGHT OR WRONG, IN THE MOST PERSUASIVE
AND CONVINCING WAY POSSIBLE--AT TIMES THIS
REQUIRES LAWYERS TO CIRCUMVENT THE TRUE
FACTS. OFTEN THE ONLY SEEKER OF TRUTH
IN A PROCEEDING WOULD BE RESPONSIBLE
JOURNALISTS OR JUDGES OR COMMISSIONERS
ACTING IN A JUDICIAL PROCESS.

I WAS QUOTED SOON AFTER BEING CONFIRMED
AND WHEN IT WAS A HOT ISSUE, THAT I WOULD NOT
FAVOR CURBING NEWS COMMENTARY ON THE PRESI-
DENT'S OR VICE PRESIDENT'S SPEECHES. I BELIEVE
IN FREEDOM OF SPEECH AND FREEDOM OF THE PRESS.
I BELIEVE NEWSMEN HAVE THE RIGHT TO BE WRONG
AND THAT NEWS EXECUTIVES HAVE THE RESPONSIBILITY
OF SEEING THAT THEY'RE NOT WRONG TOO OFTEN.

I BELIEVE THAT NEWSMEN HAVE THE RIGHT AND OBLIGATION TO SEEK THE TRUTH--THE FACTS. I ALSO BELIEVE THAT FREEDOM OF SPEECH APPLIES TO GOVERNMENT OFFICIALS--THEY SHOULD HAVE THE RIGHT TO CRITICIZE THE PRESS WITHOUT RAISING THE OMINOUS SPECTRE OF CENSORSHIP.

I ALSO BELIEVE THAT EXCESSIVE VIOLENCE MUST BE CURBED AND MORE EMPHASIS PLACED ON THE OLD "CRIME DOESN'T PAY" THEME. I REALIZE THE NON-CENSORSHIP PROVISION OF THE COMMUNICATIONS ACT PREVENTS PRIOR RESTRAINT BY THE GOVERNMENT IN THE AREA OF PROGRAMMING. WE CAN'T HAVE CENSORSHIP, BUT BROADCASTERS, AND PARTICULARLY NETWORK EXECUTIVES AND PRODUCERS, MUST EXERCISE THE GOOD JUDGMENT THAT WILL OBVIATE

ANY PUBLIC DEMAND FOR GOVERNMENT INTER-
VENTION IN PROGRAMMING.

IF SOME FUTURE RESEARCH IRREFUTABLY
ESTABLISHES A DIRECT COROLLARY BETWEEN
EXCESSIVE VIOLENCE ON TV AND THE EXCESSIVELY
HIGH CRIME RATE, "JAWBONING" MIGHT WELL BE
SUPPLANTED BY CORRECTIVE ACTION. IF THE NEED
IS GREAT ENOUGH, CONGRESS DOES HAVE THE POWER
(AND PERHAPS THE OBLIGATION) TO ACT TO CORRECT
ABUSES.

I APPLAUD THE BROADCAST INDUSTRY'S NEW
CODE FOR CHILDREN'S PROGRAMMING. IN MY EARLY
PUBLIC APPEARANCES, I WAS QUOTED AS SAYING
THAT COMMERCIALS ON CHILDREN'S PROGRAMS SHOULD
BE CAREFULLY SCREENED AND JUDICIOUSLY REDUCED.
THEY HAVE BEEN RECENTLY JUDICIOUSLY REDUCED--

ABOUT 15%. NOW I HOPE AND TRUST THEY WILL BE CAREFULLY SCREENED. I AM GLAD TO NOTE, TOO, THAT SOME NETWORKS ARE NOW SUBTLY INJECTING MORE PRO-SOCIAL THEMES AND MORE EDUCATION INTO ENTERTAINMENT PROGRAMS FOR CHILDREN. I BELIEVE ABC HAS TAKEN THE LEAD IN THIS AREA. I BELIEVE THE NETWORKS AND THE NAB HAVE DEMONSTRATED THEY CAN ACT RESPONSIBLY THROUGH SELF-REGULATION. AND THERE IS EVIDENCE THAT SELF-REGULATION IS WORKING AGAIN IN ESTABLISHING AN NON-VIOLENCE 8-9/FAMILY HOUR ON TV.

I CAN'T LET THIS OPPORTUNITY PASS WITHOUT GIVING YOU MY PERSONAL PHILOSOPHY ON THE PUBLIC SERVICE INVOLVEMENT BY STATION EXECUTIVES. I REALIZE THAT THE ALL IMPORTANT SHOWING FOR A STATION'S PUBLIC INTEREST RECORD FOR THE FCC

IS WHAT IS ACTUALLY BROADCAST ON THE AIR ---
PROGRAMMING THAT MAKES A SHOWING AT LICENSE
RENEWAL TIME IN THE NEWS, PUBLIC AFFAIRS AND
OTHER CATEGORIES. I AGREE THIS SHOULD BE THE
PRIME CONSIDERATION. HOWEVER, I BELIEVE OFFICIAL
RECOGNITION SHOULD BE ACCORDED STATIONS WHOSE
BROADCAST EXECUTIVES AND PERSONNEL TAKE THE
EXTRA TIME AND EFFORT TO BECOME PERSONALLY
INVOLVED --- WHO ASSUME ACTIVE ROLES IN COMMUNITY
CHARITABLE, EDUCATIONAL, RELIGIOUS, GOVERNMENT
OR CIVIC PROJECTS --- EXTRA PUBLIC INTEREST
BROWNIE POINTS, IF YOU WILL, FOR COMMUNITY
INVOLVEMENT ABOVE AND BEYOND THE CALL OF ASCER-
TAINMENT DUTY -- SOME KIND OF FCC CREDIT FOR
TIME CONSUMING SERVICE ON GOVERNMENT STUDY

COMMITTEES, ON BOARDS AND COMMISSIONS, OR AS
CHARIMAN OF PROJECTS.

TO GIVE A CONCRETE EXAMPLE EVERYONE
CAN UNDERSTAND --- LET'S TAKE A MAJOR PUBLIC
SERVICE DRIVE LIKE THE UNITED FOUNDATION IN
DETROIT WHERE THE COORDINATED "GIVE ONCE FOR
ALL" CONCEPT WAS ORIGINATED IN 1949. ALONG WITH
SCHEDULING AND RUNNING FILM FOR THIS OR OTHER
MAJOR CHARITIES, I'D LIKE TO SEE THE TV-RADIO
CHARIMAN CONDUCT MEETINGS, EXCHANGE IDEAS,
GET COMMITMENTS FROM STATIONS, PICK UP THE
TAB FOR A LUNCH, IF NECESSARY. THEN ACTUALLY
CREATE, PRODUCE AND DISTRIBUTE ANNOUNCEMENTS,
DOCUMENTARIES AND FILM CLIPS TO OTHER STATIONS.
THE LEADING, MORE PROFITABLE, BIG STATIONS

COULD ROTATE THE CHAIRMANSHIP RESPONSIBILITY.
AND I BELIEVE STATIONS WITH THE LARGEST AUDIENCE
AND PROFITS SHOULD VOLUNTEER SUBSTANTIAL
COMMITMENTS OF TIME AND MONEY, FIRST TO PRO-
GRAMMING AND THEN TO PUBLIC SERVICE INVOLVEMENT.

I'D LIKE TO SEE THE COMMISSION RECOG-
NIZE AND ENCOURAGE THIS TYPE OF INVOLVEMENT.
WE SHOULD ADOPT A POLICY OF SENDING LETTERS OR
CERTIFICATES OF COMMENDATION TO STATIONS FOR
PERSONAL PUBLIC SERVICE OR CIVIC INVOLVEMENT
ABOVE AND BEYOND THE CALL OF ASCERTAINMENT
DUTY OR LICENSE RENEWAL PERCENTAGES. A COPY
SHOULD BE FILED IN THE STATION'S RECORDS IN
THE LICENSE RENEWAL DIVISION. I'M PERSONALLY
STARTING TO DO THIS. — ALSO RECOGNITION FOR OUT-
STANDING AWARDS EARNED BY THE STATION FOR
MERITORIOUS PROGRAMMING OR PUBLIC SERVICE.

THE BROADCASTER HAS A UNIQUE OPPORTUNITY BECAUSE OF THE FACT HE CONTROLS SUCH A VITAL MEDIUM TO BECOME A LEADER IN HIS COMMUNITY. IT HAS ADVANTAGES.(QUOTE ADVANTAGES)

MANY BROADCASTERS ARE CIVIC ACTIVISTS AND PERSONALLY INVOLVED AND SHOULD BE RECOGNIZED. NOW, I DON'T BELIEVE THERE IS ANYTHING WRONG WITH PROFITS BUT THE COMMISSION SHOULD RECOGNIZE THOSE WHO PLOW A SUBSTANTIAL PART OF IT BACK FOR THE GOOD OF THE COMMUNITY -- AND ALSO THOSE WHO DO SCHEDULE PUBLIC SERVICE ANNOUNCEMENTS AND PROGRAMS IN PRIME TIME -- RATHER THAN IN CONVENIENT UNSOLD TIME. AND THE FCC SHOULD ENCOURAGE, AND EVEN PROD, THOSE WHO DON'T.

I'M AFRAID I HAVE ALREADY TAKEN
THE TIME I HAVE ALLOTTED MYSELF --- NOW FOR
YOUR QUESTION AND ANSWER PERIOD.-----