

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

*Not
mailed*

OFFICE OF COMMISSIONER
JAMES H. QUELLO

August 31, 1979

Marcus Garvey Wilcher, Chairman
Community Coalition for Media Change
1728 Curtis Street. "A"
Berkeley, California 94702

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Dear Mr. Wilcher:

This is in reply to your rather intemperate letter and filing.

I believe it is unfortunate that my very generalized and appropriate comments in a recent speech concerning potential "legalized extortion" elicited such an aggressive, personal reaction from you.

I fully recognize that any one individual or any group has a right to file a petition to deny under existing FCC rules and precedent. I also believe the Commission has not only a right but an obligation to prevent flagrant abuse of our processes to assure fair, even-handed regulation. I believe the present Commission processes which do not promptly dispose of frivolous, vindictive or self-serving petitions to deny are more at fault than any individual or group taking advantage of these processes for social power or personal monetary gain. I'm afraid our current, permissive processes sometime serve the narrow, private interests of individuals or groups at the expense of true public interest and valid petitioners. The time and effort expended in costly litigation could be better used for constructive purposes.

Nevertheless, current regulation must be conducted under existing laws and conditions. I am on record as advocating sensible reform of our processes to establish standing as a party in interest. I am properly concerned and will continue to be about procedures which accord undue deference to individuals or groups who promulgate their own private, narrow version of public interest while purporting to serve the total public interest. I am especially concerned that some public interest groups could exact program or financial concessions from broadcasters that the real overall public is not aware of and would overwhelmingly reject.

I will continue to advocate improvement and reform of Commission processes while at the same time conducting regulation under existing rules and precedent. I believe individuals or groups

representing the public interest should be willing to describe their organization or list their constituency. I also believe all monetary grants for foundations or consultancies to better serve public interest should be subject to FCC scrutiny and IRS audit to avoid any appearance of abuse. Any legitimate public interest project should welcome this type of scrutiny and accounting.

I have no intention of disqualifying myself from considering matters you have filed before the Commission. Just to set the record straight, I met Mr. Gabbert for the first time when I spoke to the NRBA in San Francisco last fall. There has been no special or close relationship. The charge that "I bought my FCC seat by raising \$200,000.00 for the Nixon campaign" is false and defamatory. The charge in your filing that I am "biased against Black Americans" is a re-hash of the distorted, inaccurate charges that were overwhelmingly rejected during my confirmation six years ago. I was supported by all major Black groups in my home city of Detroit and by Federal Judge Damon Keith (a strong, logical candidate for future Supreme Court Justice) who was a witness and swore me into office. Your type of distorted, inflammatory charges only serve to undermine support for civil rights and affirmative action among decent white moderates and liberals. I have long been a strong advocate and Commission leader in increased Black ownership of broadcast stations and affirmative action. I am a \$100.00 per year dues-paying member of the NAACP and a staunch supporter of its Executive Director, Ben Hooks. My office has always been open to any public group. I, myself, am a first generation Italian-American sensitive to discrimination I endured during my youth.

I want you to know that Mr. Gabbert's letter to Commissioner Brown containing a copy of your past criminal record for embezzlement and other charges will not bear on my judgments. I realize you must have paid your debt to society and all pleadings and petitions must and will be judged on intrinsic merit, not on extraneous grounds.

I hope in the future we can work in a spirit of mutual cooperation to assure that the Commission's processes effectively and equitably serve the legitimate concerns of your group and all citizens groups.

Sincerely,

James H. Quello

CC: All Commissioners
Senator Hollings
Congressman Lionel Van Deerlin
Nicholas Johnson
Ralph Nader
Benjamin Hooks
Broadcasting Magazine
TV Digest
Johnathan Hall, Radio & Records
Variety
Hollywood Reporter
Drew Days III, U.S. Justice Dept.
U.S. Justice Department
Judge Damon Keith
Senator Riegle
Senator Levin
General Counsel, FCC
Executive Director, FCC
Burt Schorr, Wall Street Journal