

December 1, 1983

STATEMENT OF
FCC COMMISSIONER JAMES H. QUELLO
DISSENTING IN PART

In re: Report and Order revising Section 73.3550 of the Commission's Rules with respect to the assignment of call letters to broadcast stations.

The Commission should continue its policy of routinely reviewing call letter requests in order to ensure that the government does not issue a call sign that is either offensive to listeners or viewers or abusive toward any segment of the audience. The Commission has the responsibility under the Communications Act to designate call signs "as public convenience, interest, or necessity requires,"^{1/} and the Commission requires regular and frequent broadcast of this identifying symbol.^{2/} In my view, the Commission's clear and unavoidably affirmative role in the selection and broadcast of call signs mandates a determination by the Commission that every assignment of call letters will serve the public interest.

The majority opinion notes that the criminal law prohibition on broadcast of obscene, indecent, or profane language^{3/} would apply to the selection of call signs, but this strict criminal standard is not appropriate for determining whether a symbol is suitable for government issue. For example, there is no indication under existing law that ethnic slurs would be covered by the statutory prohibition, but I think it is evident that the use of such a word in the official identification of a broadcast licensee would be improper.

The majority's decision does not address how a request for an objectionable call sign would be processed nor what the Commission's role would be should a call sign be challenged as violating the criminal law. I am not sure whether in such a case we Commissioners should be the judges or the licensee's co-defendants. We certainly shall not be disinterested spectators to the proceeding because only the Commission can order the effective relief of changing the offending call sign.

I believe my colleagues have improperly ignored this Commission's controlling role regarding call sign selection and broadcast, and thus they have misplaced their well-intentioned concerns about free speech for licensees. This is an unnecessary agency action, and I only hope that it will not damage the Commission's ability to eliminate the real restrictions which still limit licensees' editorial freedom.

^{1/} 47 U.S.C. §303 (1976).

^{2/} 47 U.S.C. §303(p) (1976); 47 C.F.R. §73.1201 (1983).

^{3/} 18 U.S.C. §1464 (1976).