

UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
M E M O R A N D U M

TO: Chairman Reed E. Hundt  
Commissioner Andrew C. Barrett  
Commissioner Susan Ness  
Commissioner Rachelle B. Chong  
Blair Levin, Chief of Staff  
Bill Kennard, General Counsel  
Roy Stewart, Chief, Mass Media Bureau

FROM: Commissioner James H. Quello

DATE: July 22, 1994

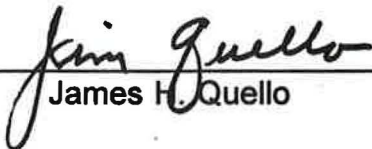
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A reminder that any position we may consider for additional enforcement of the Children's Television Act should keep in mind recent court rulings which sent strong messages to the FCC on "indecentcy" and "must carry."

In particular, the recent Supreme Court ruling on must carry of June 28th although not rejecting the principle of must carry stated:

"The FCC's oversight responsibilities do not grant it the power to ordain any particular type of programming that must be offered by broadcast stations. The Commission may not impose upon them its private notions of what the public ought to hear."

The Supreme Court statement in the must carry case must be considered by both the FCC and Congress when contemplating content-related issues such as children's TV, violence, indecentcy and probably the Fairness Doctrine. As a longtime advocate of indecentcy enforcement and violence regulation, the Supreme Court statement has influenced my legal, if not personal, position.

  
James H. Quello