

October 19, 1995

**COMMISSIONER JAMES H. QUELLO  
ADDRESSES THE MIDWEST CHAPTER OF  
THE FEDERAL COMMUNICATIONS BAR ASSOCIATION  
CHICAGO, ILLINOIS**

In a speech before the Chicago Federal Communications Bar Association today, Senior FCC Commissioner James H. Quello said the fight over additional children's programming is over. Broadcasters have responsibly responded to the concerns of Congress, the FCC, and public activists by increasing children's programming by over 100% from the fall of 1990 to the fall of 1994, according to the latest survey released this month by the National Associations of Broadcasters (NAB). Stations in all market sizes showed strong increases during this period. The average TV station broadcast more than 3-3/4 hours in the fall of 1993 and over four hours in the in the fall of 1994.

"Latest survey figures show that the Congress, the FCC and the public have won," Quello said. "In fact, it is counter-intuitive and counter-factual to believe that broadcasters, ever sensitive to government requirements, would not willingly comply with the Children's Television Act." Quello added, "These significant increases in children's programming were achieved without objectionable First Amendment encroachments through government-mandated quantitative program quotas or social contracts."

For its research purposes the NAB defined educational TV programming as "programming originally produced and broadcast for an audience of children 16 years old and younger which serves their cognitive/intellectual or social/emotional needs."

Commenting on the sensitivity of the problem, Quello said, "More and better children's programming has such a seductive political-social appeal that the superabundant programs now available in the unprecedented multichannel world of today will never satisfy the insatiable regulatory appetites of some. They insist on reverting to the good ol' regulatory "TV scarcity" days of the 1960s and 1970s."

Quello continued, "Regulatory activists lacking congressional approval, court precedent and choosing to ignore the substantial increases in children's programming are playing the emotional "C" (children's) card for all its worth. From a First Amendment perspective they are dealing from the bottom of the deck."

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Quello said, "The Supreme Court in the summer of 1994 issued a most significant and broad First Amendment ruling that government mandated quantitative program advocates avoid like vampires shunning the cross. The Supreme Court 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 notion of what the public ought to hear.' Thus, both the FCC and Congress must consider the Supreme Court statement when trying to impose on broadcasters, the government's notion of what programming the public ought to see."

In conclusion, Quello emphasized, "The all-important principle is whether a government agency, controlled by political appointees, or advocacy groups petitioning that agency, should have the power to impose their quantitative and qualitative programming will on the most influential and pervasive news and entertainment medium in the nation."

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