

Chronological: National Association of Broadcasters, Oregon

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news from

Senator DANIEL K. INOUE

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I wish to thank the Western Regional Broadcasters for the opportunity to be here. Briefly, I would like to discuss with you some of my views on the broadcasting industry, its place in our society, and what I believe we in the Congress and you in the industry should jointly be trying to achieve.

The potential of broadcasting was predicted in the United States Congress over 50 years ago, and I quote:

"There is no agency so fraught with possibilities for service of good or evil to the American people as radio. As a means of communications, it has limitless possibilities. The power of the press will not be comparable to that of broadcasting stations when the industry is fully developed. They can mold and crystallize sentiment as no agency in the past has been able to do."

This prophecy has become a reality. You know it. I know it. And so does a nation which spends one-quarter of its waking hours watching television, and which regards television as its primary news source.

The real source of our history as a nation, when it comes to be written, will not be the flood of facts, surveys, opinions, assessments, analyses, and records of what happened.

Rather, it will be mass media, especially television and radio, because they increasingly reflect our lives, our personal dramas, and our values. An understanding of the media will be the key to knowing just what sort of a society and just what sort of people we were.

As a Member of the United States Senate, and its Communications Subcommittee, I am determined to do my utmost to assure that our history is exemplary in this respect.

As broadcast licensees, you have been given a valuable franchise to use solely for the public's interest. As a corollary of that

proposition, there must, of course, be adequate incentives for you to achieve the excellence required of you.

Briefly, I would like to give you some idea of how I view the broadcasters responsibility and also some thoughts on the kind of regulatory climate I feel is most conducive to assuring that you have the maximum freedom and incentive to operate your stations so as to meet those responsibilities.

Congress purposefully prescribed a broad "public interest" standard because it was aware of the dynamic nature of broadcasting from the very beginning. It realized that both the agency created to regulate the medium and the licensees themselves must have maximum flexibility and freedom to adapt to the rapid change which has characterized the evolution of broadcasting.

Significantly, the Supreme Court has recognized that the framers of the Communications Act did not intend to limit the "public interest" concept to technical considerations affecting the air waves. Congress was equally concerned with the quality of the service which was rendered over those air waves. From the beginning, the public interest standard embodied programming.

The ascertainment of the needed elements of the broadcast matter to be provided by a particular licensee, for the audience he is obligated to serve, remained primarily his function, however.

Fundamental in our system of broadcasting is the concept that the licensee, and the licensee alone, is responsible for the programming which is broadcast over his facilities.

This is as it should be. The privilege of using the public's air waves is given specifically and exclusively to the licensee, and it is to the licensee the law looks for an accounting of that stewardship.

It follows therefore that a licensee cannot be a mere conduit for network and syndicated programming, "canned" editorials, and old movies. You must broadcast news, public affairs and innovative informational and entertainment programs.

A broadcaster can and must make a positive and continuing effort to ascertain the needs and interests of those he is licensed to serve, and then program his station accordingly. From this process your station will reflect closely the community you are licensed to serve.

He cannot delegate this programming responsibility to an affiliated network or program packager. For a broadcaster to do so, is to invite more -- not less, government regulation.

Over three hundred years ago one of the greatest poets the English language has ever known said:

"The childhood shows the man as morning shows the day."

This was true in John Milton's time. It is true in our own time; and most assuredly it will be true in all time to come.

Because this is so, it is imperative, in my judgment, that we are especially diligent where our young are concerned. Unquestionably, the television they see during their formative years significantly shapes their personality.

Of all the media none is more pervasive and effective for good or evil than television. Statistically, over 96 percent of our total population have television sets in their homes.

Children in the 2-5 age group account for some 16 million of those Americans; and those in the 6-11 group account for about 24 million. This makes a potential television audience of 40 million pre-school and grade school children.

A distinguished educator once compared television to a powerful sorcerer who snatches a child away from his parents for 3 or 4 hours a day, or about 22,000 hours by the time he reaches 18 years of age. While we may disagree with his analogy, television's potential for influence is undeniable.

In 1972, the Surgeon General of the United States told us that the causal relationship between televised violence and antisocial behavior is sufficient to warrant appropriate and immediate remedial action.

He went on to say that "No action in this social area is a form of action: it is an acquiescence in the continuation of the present level of televised violence entering American homes."

I recognize that behavioral scientists are not in universal agreement but in that inexact science we are unlikely to achieve uniformity.

Your own television code recognizes a special responsibility towards children, and I commend its standards to everyone involved in the production and presentation of children's programming.

Your special responsibility has another dimension as well.

I am referring to the commercials which are attendant upon children's programming.

I am aware that advertising is the lifeblood of commercial television, but if broadcasters insist on liberally stuffing those viewing hours with commercials hustling sugar-coated foods and exaggerated toy activity, they will invite remedial action.

Again your own television code offers guidance in this most crucial and sensitive area. But as licensees, each of you has a responsibility which cannot be delegated to the networks or national advertisers.

A distinguished American jurist, Justice Cardozo, once said, "Freedom of expression, is the matrix, the indispensable condition of nearly every other form of freedom."

His dictum, I believe, explains why your freedom as broadcasters to speak freely and boldly is guarded so zealously against government intrusion.

Just as importantly, it explains why so much is expected of you as trustees of the public's air waves.

Your stations must be forums for wide-open, robust, and fair presentation of public affairs and issues.

As electronic journalists you have a major responsibility to provide us with the facts and information we need in order to govern ourselves and to remain free.

And, it is the American citizen -- each and everyone of us -- who has the obligation to see that you have the freedom to do so.

The manner in which you discharge your responsibility will, in my judgment, ultimately determine how the American people meet their obligation to you. The requirements placed upon you are many and demanding.

You must, first of all be of unquestioned integrity. The moment you distort or suppress facts to fit a preconceived opinion, however worthy your motives, you know you become mere propagandists.

You must be diligent. Diligent in your efforts to seek out the real problems and concerns to the communities you serve; and diligent in your attempts to bring them to the public's attention.

You know that addressing yourselves to the obvious causes, however worthy they might be, is not sufficient. You must not only mirror the communities you serve, but you must, in a sense, be larger than life. Pointing out in bold relief the hard questions that need answers. You must constantly concern yourselves with the very muscle, sinew, and fiber of society. There is no place in your world for the dilettante. The stakes are too high to indulge in occasional or sometime effort.

And you must also be fearless. Having brought fundamental issues into the public forum, you are constantly required to take a stand on them, however unpopular that stand might be.

It is not enough that you bring grist to the mill, you must help grind it.

Finally, you are required to make every effort to assure that your audience is exposed to the conflicting sides of controversial issues. If the public interest means anything, you know it at least means this.

Yes, the demands placed upon you are many and frequently involve you in conflict. You can't satisfy everyone -- nor should you.

And this is as it should be, because it is the interest of the listening and viewing public, not that of the broadcaster, which is paramount and controlling. And the public is not a monolith.

Before leaving this point, I would like to say that the television coverage of the joint appearances of the recent presidential and vice presidential candidates was in the highest traditions of electronic journalism, and a service in the public interest even if they have not been the most exciting or entertaining programming of the season.

Although it is too soon to assess fully the impact of that coverage, in my judgment it is safe to say that it resulted in a more widely informed and interested electorate. The televised debates have had an impact on the polls and may have a decisive impact on the election.

I have gone on at some length highlighting what I believe to be some of the standards of performance licensees owe their listening and viewing public.

I have done so with the realization that such a performance requires a considerable commitment of time, talent, and money by licensees.

It is, therefore, equally in the public interest to provide a regulatory climate which will enable them to achieve the standards we expect.

I will, therefore, try to give "equal time" to this aspect of the public interest.

The Communications Act provides for a scheme of government regulations of broadcasting. The Act is not likely to be repealed in this respect.

The issue, therefore, is not whether there will be government regulation. Rather, how much will there be and how will it be exercised.

I believe there should be industry self-regulation to the fullest extent possible under the Communications Act -- as long as it effectively serves the public interest.

Your industry codes relating to programming standards and commercial practices by and large prescribe admirable guidelines and criteria for service in the public interest. It is incumbent on the industry to assure that these standards and practices are subscribed to and followed by its members.

The public cares deeply about what it does and does not see on television. Congress and the FCC in turn are very sensitively attuned to that public sentiment.

With this in mind, I would like to address myself to another aspect of the regulatory climate which I believe must prevail if the public interest is to be served effectively. I am, of course, referring to license renewals.

When there is instability in the industry -- and by that I mean when the conscientious licensee who is doing his best to give the public the service to which it is entitled has no reasonable assurance his efforts will be rewarded -- then it is the public who suffers. Because there necessarily will be a diminution in the quality of service.

The FCC and Congress have, for some years, been hard at work trying to formulate a test for measuring your past program performance in the context of the "renewal/comparative hearings" process. In other words, we have been trying to breathe life into elusive concepts such as "substantial service" to the public.

While this aspect of the renewal process must be resolved if we are to have 'stability in the public interest' there are, I submit, other aspects of the same problem which are just as necessary and just as vital if you are to have the assurance you seek. I am referring to the quality of your programming.

To my mind, there is no more effective way for broadcasters to make their point with the Congress and the FCC than by offering their audiences programming of the highest quality. "Prime time" are words of art in your industry. I suggest "prime programming" become the characteristic of every hour of every broadcast day for every station.

Broadcasters who approach this standard will have a much stronger ally than any law or FCC regulation at renewal time. They will have the support and enthusiasm of their audiences.

The FCC has often said that renewal time offers it the only real opportunity to evaluate a broadcaster's performance.

I say a broadcaster who is offering his community the kind of service it wants can only benefit by a reasonable and orderly renewal process.

Renewal will then mean something -- it will be a public affirmation of your dedication to the public interest. You will be getting the reward you richly deserve.

The post-World War II breakthroughs in communications technology coupled with the very legitimate desire of the American people for more and diversified communications services have given rise to new types of services such as Community Antenna Television Systems (CATV) and Subscription Television (STV) which have further complicated the regulatory climate with which we are concerned today.

There is, for example, the potential threat that certain programming now seen on over-the-air television will be "siphoned" off by "pay cable" or "over-the-air-subscription television." Should this occur, those programs could only be seen in areas where "pay cable" and "subscription television" are technically available,

and then only by those viewers willing and able to pay a fee for what they heretofore were receiving over conventional television.

In this event, those viewers would not only suffer a loss of programming, but the quality of what they did receive would, in all probability, be diminished.

The FCC has recognized the public interest in preserving over-the-air broadcasting, and has adopted anti-siphoning rules to prevent the loss of certain programming and its transfer to a pay system.

Concern has been expressed in some quarters that the Commission may be considering a relaxation of those rules.

I do not believe that the public interest will be served if programming currently available on over-the-air television becomes available only to those willing and able to pay an additional fee. With this in mind, I will follow debate on the matter closely.

Similarly, I am following other matters such as the allowable number of distance signals a cable system may import and the availability of adequate and timely sanctions so the FCC may assure that cable systems are complying with the Communications Act and its regulation.

Cable must have the opportunity to develop and offer the multiple and varied services its technology makes possible. Otherwise the public's interest in the wider and more effective use of broadcast technology cannot be realized.

At the same time, for Congress and the FCC to permit cable to develop at the expense of over-the-air broadcasting would be equally destructive of the public interest and therefore contrary to the spirit and intent of the Communications Act.

As one with a special legislative responsibility to safeguard the public's interest in the larger and more effective use of broadcast technology, I will oppose any trend in this direction.

If my discussion of the issues today has not met the precise standard of equal time, I would hope you will find that I have at least been "fair" in my treatment of them.

Within the confines of time and place, I have tried to leave you with a fairly precise idea of my beliefs as to what the public

may legitimately require of you as its fiduciaries, and what you in turn may reasonably expect from its elected and appointed representatives if you are to meet those requirements.

Whatever its shortcomings, I believe our broadcast system is the finest in the world.

Its ability to entertain, instruct, and inform is unequalled.

These accomplishments are in large measure due to you, the licensees, who have devoted your talents and efforts unstintingly in the public's interest.

As long as you continue in this vein, be assured you will have my unstinting support in the Congress.