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FILMS AND BROADCASTS DEMEANING ETHNIC,  
RACIAL, OR RELIGIOUS GROUPS

GOVERNMENT

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NOV 17 1970

HEARING

BEFORE THE

THE LIBRARY  
KANSAS STATE UNIVERSITY

SUBCOMMITTEE ON

COMMUNICATIONS AND POWER

OF THE

COMMITTEE ON

INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

SECOND SESSION

ON

H. Con. Res. 262 and H. Con. Res. 304

EXPRESSING THAT THE SENSE OF CONGRESS FINDS  
ETHNIC, RACIAL, OR RELIGIOUS DEFAMATION OR RIDI-  
CULE EXISTING IN MOTION PICTURES OR IN PROGRAMS  
PRODUCED FOR THE ELECTRONIC MEDIA, AND THAT THE  
PRODUCERS OF SUCH SO-CALLED ENTERTAINMENT  
SHOULD DEVELOP AND ADHERE TO A CODE OF ETHICS  
THAT WOULD RULE SUCH MATERIAL OUT OF BOUNDS

(and all identical resolutions)

SEPTEMBER 21, 1970

Serial No. 91-73

Printed for the use of the  
Committee on Interstate and Foreign Commerce

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## FILMS AND BROADCASTS DEMEANING ETHNIC, RACIAL, OR RELIGIOUS GROUPS

MONDAY, SEPTEMBER 21, 1970

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON COMMUNICATIONS AND POWER,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to notice, in room 2322, Rayburn House Office Building, Hon. Torbert H. Macdonald (chairman) presiding.

Mr. MACDONALD. The hearing will come to order.

This morning the Subcommittee on Communications and Power will begin consideration of House Concurrent Resolution 262, introduced by Mr. Brasco of New York, and nine others; House Concurrent Resolution 304, introduced by Mr. Murphy of New York; House Concurrent Resolution 307, introduced by Mr. Annunzio and 15 others; and House Concurrent Resolution 308, introduced by Mr. Rodino and 10 others.

Other members have submitted similar resolutions.

In all, the subcommittee has 19 such resolutions pending before it, with more than 70 sponsors and cosponsors.

The thrust of the resolutions are similar: That Congress finds ethnic, racial, or religious defamation or ridicule existing in motion pictures or in programs produced for the electronic media, and that the producers of such so-called entertainment should at the urging of Congress develop and adhere to a code of ethics that would rule such material out of bounds.

The resolutions, while similar, are not identical.

House Concurrent Resolution 262 also calls for the motion picture industry to stop production and distribution of obscene and prurient films.

House Concurrent Resolution 304 confines itself to entertainment vehicles that "defame, stereotype, ridicule, demean, or degrade ethnic, racial and religious groups", thereby fomenting discord and unrest which diminishes the vitality of democratic institutions.

The second resolution also calls for further congressional action should the entertainment industry fail to comply in 1 year.

There are other minor differences, which I hope will be illuminated during the testimony that is to follow.

It is obvious that there is widespread congressional concern about the issues treated in the resolutions. Yet, I am sure the members know that there must be many difficult distinctions made in matters of this sort, where there may be a fine line between good-natured humor and a breach of taste.

From the witnesses scheduled this morning, I am sure we will hear a thoroughgoing discussion of both the merits and the problems of the approaches put forward in the pending resolutions.

(The text of the resolutions and departmental report thereon follow:)

- [H. Con. Res. 262, 91st Congress, 1st session, submitted by Mr. Brasco (for himself, Mr. Blanton, Mr. Celler, Mr. Friedel, Mr. Murphy of New York, Mr. Patten, Mr. Podell, Mr. Stuckey, Mr. Tiernan, and Mr. Wolff) on May 19, 1969;
  - [H. Con. Res. 263, 91st Congress, 1st session, submitted by Mr. Annunzio (for himself, Mr. Murphy of Illinois, Mr. Mikva, Mr. Kluczynski, Mr. Shipley, Mr. Ronan, Mr. Pucinski, and Mr. Price of Illinois) on May 19, 1969;
  - [H. Con. Res. 264, 91st Congress, 1st session, submitted by Mr. Fascell on May 19, 1969;
  - [H. Con. Res. 265, 91st Congress, 1st session, submitted by Mr. Giaimo on May 19, 1969;
  - [H. Con. Res. 266, 91st Congress, 1st session, submitted by Mr. Leggett on May 19, 1969;
  - [H. Con. Res. 268, 91st Congress, 1st session, submitted by Mr. Addabbo on May 20, 1969;
  - [H. Con. Res. 272, 91st Congress, 1st session, submitted by Mr. Miller of California on May 20, 1969; and
  - [H. Con. Res. 274, 91st Congress, 1st session, submitted by Mr. Minish on May 21, 1969;
- are identical as follows:]

#### CONCURRENT RESOLUTION

Whereas motion pictures are distributed in interstate and foreign commerce to every State of the Union and numerous foreign nations; and

Whereas our country is a nation of immigrants and comprised of all ethnic, racial, and religious groups; and

Whereas our Nation's growth and progress is attributable in great part to the contributions of minority groups and to the protection of their rights against powerful forces in every field of endeavor; and

Whereas the motion picture industry and the television films continually stereotype ethnic, racial, and religious groups, ridicule races, and defame and stigmatize large segments of our population, thereby fomenting discord, racial strife, and hatred; and

Whereas the motion picture industry, despite its professed self-discipline, produces, circulates, and distributes in interstate and foreign commerce obscene pictures and prurient movies that affect the moral behavior of all people throughout the Nation, particularly children; and

Whereas certain distributors and exhibitors of motion pictures seem to control the distribution in interstate and foreign commerce and the exhibition of products of the industry in what appears to be a monopoly; and

Whereas the motion pictures of today find their way into the home via television tomorrow; and

Whereas the motion picture industry and television networks and stations pay only lip service to the voluntary movie and television codes; and

Whereas the motion picture industry has prepared and is preparing a spate of films which will continue this stereotyping and degrading of ethnic, racial, and religious groups; and

Whereas the production, the distribution in interstate and foreign commerce, and the exhibition of such films and television programs libel ethnic groups and create unrest, promote discord, and foment bitterness in ethnic, racial, and religious group relationships: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that the producers and distributors of motion pictures and television programs should immediately cease the production and distribution in interstate and foreign commerce of those films which degrade, or demean, racial, religious, and ethnic groups and affect the moral behavior of all people throughout the Nation.

- [H. Con. Res. 304, 91st Congress, 1st session, submitted by Mr. Murphy of New York on July 23, 1969;
- [H. Con. Res. 307, 91st Congress, 1st session, submitted by Mr. Annunzio (for himself, Mr. Kluczynski, Mr. Mikva, Mr. Price of Illinois, Mr. Murphy of Illinois, Mr. Ronan, Mr. Shipley, Mr. Dawson, Mr. Pucinski, Mr. Nix, Mr. Hayes, Mr. Hicks, Mr. McClory, Mr. Derwinski, Mr. Matsunaga, and Mr. Gray) on July 28, 1969;
- [H. Con. Res. 308, 91st Congress, 1st session, submitted by Mr. Rodino (for himself, Mr. Barrett, Mr. Byrne of Pennsylvania, Mr. Eilberg, Mr. Garmatz, Mr. Grover, Mr. Helstoski, Mr. Howard, Mr. Miller of California, Mr. Minish, and Mr. Nedzi) on July 28, 1969;
- [H. Con. Res. 314, 91st Congress, 1st session, submitted by Mr. Addabbo (for himself, Mr. Biaggi, Mr. Delaney, Mr. Dulski, Mr. Farbstein, Mr. Gilbert, Mr. Halpern, Mr. McKneally, Mr. Powell, Mr. Wolff, and Mr. Wydler) on August 6, 1969;
- [H. Con. Res. 317, 91st Congress, 1st session, submitted by Mr. Daniels of New Jersey (for himself, Mr. Joelson, Mr. Patten, Mr. Rogers of Colorado, Mr. Gallagher, Mr. Thompson of New Jersey, Mr. Gaydos, and Mr. Burton of California) on August 11, 1969;
- [H. Con. Res. 320, 91st Congress, 1st session, submitted by Mr. Brasco (for himself, Mr. Blanton, Mr. Carey, Mr. Celler, Mr. Delaney, Mr. Dulski, Mr. Edwards of Louisiana, Mr. Friedel, Mr. Gallagher, Mr. Kyros, Mr. McCarthy, Mr. Murphy of New York, Mr. Nix, Mr. Podell, Mr. Rosenthal, Mr. St Germain, Mr. Stokes, Mr. Stratton, Mr. Symington, and Mr. Tiernan) on August 12, 1969;
- [H. Con. Res. 324, 91st Congress, 1st session, submitted by Mr. Giaimo on September 3, 1969;
- [H. Con. Res. 328, 91st Congress, 1st session, submitted by Mr. Clark on September 9, 1969;
- [H. Con. Res. 354, 91st Congress, 1st session, submitted by Mr. Dent (for himself, Mr. Vigorito, and Mr. Flood) on September 17, 1969;
- [H. Con. Res. 462, 91st Congress, 1st session, submitted by Mr. Annunzio (for himself, Mr. Brown of California, Mr. Button, Mr. Clay, Mr. Collier, Mr. Conyers, Mr. Diggs, Mr. Donohue, Mr. Evins of Tennessee, Mr. Hanley, Mr. Hollifield, Mr. McDade, Mr. Madden, Mr. Olsen, Mr. Pepper, Mr. Roybal, Mr. Ryan, and Mr. St. Onge) on December 3, 1969; and
- [H. Con. Res. 683, 91st Congress, 2d session, submitted by Mr. Annunzio (for himself, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Bingham, Mr. Bolling, Mr. Brown of Michigan, Mr. Córdova, Mr. Edwards of California, Mr. Fallon, Mr. Fish, Mr. Fulton of Pennsylvania, Mrs. Mink, Mr. Moss, Mr. Pike, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Scheuer, Mr. Stanton, Mr. Steiger of Arizona, and Mr. Tunney) on July 16, 1970,  
are identical as follows:]

#### CONCURRENT RESOLUTION

Whereas the vitality of democratic institutions in the United States is dependent on harmonious relations among ethnic, racial, and religious groups; and

Whereas motion pictures and television and radio broadcasts which defame, stereotype, ridicule, demean or degrade ethnic, racial and religious groups thereby foment a discord and unrest which diminishes the vitality of democratic institutions; and

Whereas the motion picture and broadcasting industries have not established and enforced adequate standards for the production of films and broadcasts which portray ethnic, racial or religious groups; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—*

(1) the producers and distributors of motion pictures and television and radio programs should cease the production and distribution of those films and programs which defame, stereotype, ridicule, demean or degrade ethnic, racial, or religious groups;

(2) those responsible persons in the motion picture and broadcasting industries who are desirous of contributing to the vitality of democratic institutions by promoting ethnic, racial and religious harmony should establish

adequate standards for the production of films and broadcasts which portray ethnic, racial or religious groups and that such standards should be rigorously enforced by the motion picture and broadcasting industries; and

(3) if within one year after the enactment of this resolution the motion picture and broadcasting industries have failed to establish and enforce adequate standards for the production of films and broadcasts which portray ethnic, racial or religious groups, appropriate committees of the House and Senate shall formulate and propose such measures as are necessary to establish and implement such standards.

DEPARTMENT OF STATE,  
Washington, D.C., November 21, 1969.

HON. HARLEY O. STAGGERS,  
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of May 23, 1969, requesting the comments of the Department of State on H. Con. Res. 262, a concurrent resolution to express the sense of Congress "that producers and distributors of motion pictures and television programs should immediately cease the production and distribution in interstate and foreign commerce of those films which degrade or demean racial, religious, and ethnic groups and affect the moral behavior of all people throughout the Nation".

This Department has considered the concurrent resolution from the standpoint of our foreign relations. Bearing in mind the serious problems that would be raised by any attempt to impose new legally binding restrictions upon the distribution of films and television programs in interstate and foreign commerce, the Department interposes no objection to the purely hortatory provisions of H. Con. Res. 262 to the extent that they are designed to encourage the exercise of a measure of self-restraint by producers and distributors.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

H. G. TORBERT, Jr.,  
Assistant Secretary for Congressional Relations.

MR. MACDONALD. The first witness this morning is the Chairman of the Federal Communications Commission, the Honorable Dean Burch.

Welcome again, Mr. Burch.

#### STATEMENT OF HON. DEAN BURCH, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

MR. BURCH. Thank you, Mr. Chairman, and thank you, gentlemen, very much.

Mr. Chairman, I am pleased to present the views of the Federal Communications Commission on House Concurrent Resolution 262 and similar resolutions. These resolutions would express the sense of Congress as favoring immediate cessation of the production and distribution in interstate commerce of "films which degrade, or demean racial, religious, and ethnic groups and affect the moral behavior of all people throughout the Nation."

The Commission is not in a position to substantiate the premises set out in the preamble. As to some, we are not expert. As to others, we have made no study and thus have no basis for an opinion. However, I do feel that the preamble unfairly tars the television industry with the movie industry brush, in that while there appears to be a large number of "sexploitation" movies being exhibited in movie houses, there is no such exhibition over television today, and we do not intend that there ever will be. Our job, of course, does not encom-

pass movie production or exhibition but it does include insuring that broadcasters act consistently with the law and the public interest.

Turning to the resolution, we certainly agree that broadcasters should exercise responsible judgment to avoid the presentation of programming that is obscene or that degrades or demeans racial, religious, and ethnic groups.

Because the resolution would express the sense of Congress—and would not be binding law—we need not present a detailed analysis of the wording of the resolution. However, we do have some suggestions as to the wording and scope of the resolution.

First, the resolution would appear to be aimed at two types of material—(1) that which demeans groups, and (2) the obscene. As drafted, however, it appears to encompass only the first; namely, that which demeans groups. As a technical amendment, we suggest in place of the concluding 12 words the following: “or which is obscene or indecent.” That is the present standard of the law in the broadcast field. If the committee prefers phraseology closer to the present language, we suggest: “\* \* \* or which adversely affects the moral behavior of substantial segments of people throughout the Nation.”

As to the scope of the resolution, we note that women have been omitted from the list of the groups. Further, the resolution does not encompass the unnecessarily violent or sadistic material.

In this connection, we recognize that the causal relationship between televised portrayals and subsequent viewer behavior is not a settled question. At the present time, several studies on aspects of this subject are underway. Perhaps the most notable of these undertakings is the Surgeon General's study on the effect of televised depictions of violence upon viewers' behavior. Nevertheless, there is no doubt in our minds how responsible broadcasters should act: They should make every effort to avoid the presentation of material with excessive violence—that seeks an audience by pandering to latent sadistic instincts. The presentation of such material is at the least a risk, based on today's uncertain knowledge, and, in any event, demeans the public trust. What is called for in this area, as in the others I shall discuss, is responsible, good faith judgment of the license.

I turn now to the two subjects covered in the resolution, and first to material which degrades racial, religious, and ethnic groups.

The Commission has received scattered complaints over the years about television programs in which ethnic groups are demeaned or ridiculed. Polish jokes on a TV comedy show, for example, often result in several complaints from Polish-Americans to the Commission.

Similarly, we have received complaints from Mexican-Americans regarding the use of a Mexican bandit cartoon character to advertise corn chips, from Italian-Americans regarding the prevalent use of Italian names in the depiction of organized underworld criminal activity, and from Jewish-Americans regarding allegedly anti-Semitic material. Last year, we received 126 complaints which charged racial or ethnic criticisms, ridicule or degradations in the television field.

Despite the offensiveness of such material, it generally enjoys the constitutional guarantees of free speech.<sup>1</sup> That is the clear thrust

<sup>1</sup> There may be exceptions in the case of malicious defamation (in States where group defamation is recoverable) and purely commercial matter. See *N.Y. Times Co. v. Sullivan*, 376 U.S. 254 (1964); *Valentine v. Chrestensen*, 316 U.S. 52 (1942).

of the KTYM case.\* Thus, we must hope and expect that the good taste and responsible judgment of broadcast licenses would prevent the broadcasting of senseless and offensive material which demeans or degrades religious, racial, and ethnic groups.

We would therefore urge complainants of objectionable programming to make their views known to the stations and networks involved, as well as to the Federal Communications Commission. In that way, the licensees are given a basis upon which to exercise their professional judgment as to what constitutes good taste and high community standards.

And, I would emphasize that there is no mechanical rule or standard to follow in this most difficult area—that, rather, commonsense judgments must be made. To give but one example, I would hope that no one would seek to bar the presentation, on the stage or film or television, of Shakespeare's "The Merchant of Venice," even though it does contain the important character, Shylock. What is called for is the exercise of responsible judgment to end senseless ridicule.

I turn now to the broadcast dissemination of obscene or indecent material. Under the first amendment and section 326 of the Communications Act (47 U.S.C. 326), the Commission is prohibited from censoring. However, obscene or indecent programming does not come within the constitutional protection of free speech, and section 1464 of the Federal Criminal Code (18 U.S.C. 1464) makes it illegal to broadcast obscene, indecent or profane language.

The Commission has recently acted to point up broadcasters' responsibility to avoid obscene or indecent material. I refer to our WUHY-FM opinion. I have a copy of it here, Mr. Chairman, and, with your permission, I would like to submit it for inclusion in the record of these hearings.

Mr. MACDONALD. Without objection, it is so ordered.

(The material referred to follows:)

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.

In re WUHY-FM, Eastern Education Radio, 4548 Market Street, Philadelphia, Pennsylvania.

Adopted: April 1, 1970; Released: April 3, 1970.

#### NOTICE OF APPARENT LIABILITY

By the Commission: Chairman Burch concurred; Commissioner Cox concurred in part and dissented in part; Commissioner Johnson dissented. (Statements by all three will be issued later). Commissioner H. Rex Lee, absent.

1. This constitutes Notice of Apparent Liability for forfeiture pursuant to Section 503(b) (2) of the Communications Act of 1934, as amended.

2. *The facts.* Noncommercial educational radio station WUHY-FM is licensed to Eastern Education Radio, Philadelphia, Pennsylvania. On January 4, 1970, WUHY-FM broadcast its weekly program "Cycle II" from 10:00 P.M. to 11:00 P.M.<sup>1</sup> This broadcast featured an interview with one Jerry Garcia, leader and

\*In re Renewal of KTYM, 4 FCC 2d 190, 6 FCC 2d 385, affirmed *Anti-Defamation League of B'nai B'rith v. FCC*, 403 F 2d 169 (D.C. Cir., 1968), cert. denied, 394 U.S. 930 (1969).

<sup>1</sup>The licensee states that this is a one-hour, weekly broadcast which is "underground" in its orientation and "is concerned with the avant-garde movement in music, publications, art, film, personalities, and other forms of social and artistic experimentation." It is designed to reach youthful persons (e.g., the large college population in Philadelphia and "so-called 'alienated' segments of the new generation"—p. 1, WUHY Letter of February 12, 1970). "Cycle II" is the successor program to a similar program entitled "Feed."

member of "The Grateful Dead", a California rock and roll musical group. The interview was recorded on tape in Mr. Garcia's hotel room in New York City on Saturday afternoon, January 3, 1970. The interview was conducted by Messrs. Steve Hill and David Stuppelbeen, who are both architects in the Philadelphia area, and who have been engaged from time to time on a volunteer basis by WUHY-FM to assist in programming. Mr. Robert J. Bielecki, a full-time staff engineer for WUHY-FM, was in charge of the production as a volunteer producer; Mr. Bielecki had been allowed supervision of "Cycle II" since its inception in November of 1969. Hill and Stuppelbeen returned to Philadelphia Sunday afternoon about 4:00 P.M. (January 4, 1970) with the tape of the recorded interview. Hill spent the next three or four hours editing the tape; i.e., allowing for musical selections. Mr. Bielecki, who was engaged in routine engineering duties at the time, listened to portions of the tape from time to time. Neither Hill, Bielecki, nor Stuppelbeen discussed the tape with Mr. Nathan Shaw, the station manager, nor did they seek his clearance in any way; Mr. Shaw, though not at the station, could have been reached at home.

3. During the interview, about 50 minutes in length, broadcast on January 4, 1970, Mr. Garcia expressed his views on ecology, music, philosophy, and interpersonal relations. See Appendix A for the example comments on these subjects, as set forth in the licensee's letter of February 12, 1970. His comments were frequently interspersed with the words "f--" and "s--", used as adjectives, or simply as an introductory expletive or substitute for the phrase, et cetera. Examples are:

"S-- man.

I must answer the phone 900 f----' times a day, man.

Right, and it s--- it right f----- out of ya, man.

That kind of s---

It's f----' rotten man. Every f----' year.

... this s---

... and all that s----all that s---

... and s--- like that.

... so f----- long.

Everybody knows everybody so f----- well that. . . .

S---

S---. I gotta get down there, man.

All that s---

Readily available every f----- where.

Any of that s--- either.

Political change is so f----- slow."

4. At the conclusion of the Garcia interview, Mr. Hill presented a person known as "Crazy Max", whose real name is not known to the licensee. "Crazy Max" had been a visitor to the station, and he told Hill, while listening to the Garcia interview, that if there were time left in the program he wanted to make some remarks about computers and society. There was a short period left, and "Crazy Max" delivered his message, which also used the word "f--." The licensee states that Mr. Hill did not know what "Crazy Max" was going to say in detail, or how he was going to say it. It adds that "Crazy Max" will not be allowed access to the microphone again.

5. In its letter of February 12, 1970, written in response to the Commission's request for comments on the January 4th broadcast,<sup>2</sup> the licensee further states:

"The licensee has a standing policy, known to all personnel including Mr. Bielecki, that all taped program material which contains controversial subject matter or language must be reviewed by Mr. Nathan Shaw, the station manager of WUHY-FM. Mr. Bielecki, the producer of this program, did not bring the program to Mr. Shaw's attention. Neither Mr. Shaw nor any other person in the station management heard or reviewed the program before it was aired. Mr. Bielecki has been removed as a producer because of this infraction of station policy. "Cycle II" has been suspended as a program pending licensee review of this entire matter. Internal procedures to insure against a similar incident are being strengthened."

6. *Discussion—policy.* The issue in this case is not whether WUHY-FM may present the views of Mr. Garcia or "Crazy Max" on ecology, society, computers,

<sup>2</sup> While the licensee states that it received no complaints concerning this January 4th broadcast (nor, we note, did the Commission), the Commission had received several complaints concerning this 10:00 P.M. slot on WUHY-FM (directed to the similar "Feed" program, which "Cycle II" succeeded in November, 1969); it therefore did monitor the broadcast, and specifically that of January 4th.

and so on. Clearly that decision is a matter solely within the judgment of the licensee. See Section 326 of the Communications Act of 1934, as amended. Further, we stress, as we have before, the licensee's right to present provocative or unpopular programming which may offend some listeners. *In re Renewal of Pacifica*, 36 FCC 147, 149 (1964). It would markedly dissuade the public interest, were the airwaves restricted only to inoffensive, bland material. Cf. *Red Lion Broadcasting Co., Inc. v. F.C.C.*, 395 U.S. 367 (1969). Further, the issue here does not involve presentation of a work of art or on-the-spot coverage of a bona fide news event.<sup>3</sup> Rather the narrow issue is whether the licensee may present previously taped interview or talk shows where the persons intersperse or begin their speech with expressions like, "S---, man . . .", ". . . and s--- like that", or ". . . 900 f----- times", ". . . right f----- out of ya", etc.

7. We believe that if we have the authority, we have a duty to act to prevent the widespread use on broadcast outlets of such expressions in the above circumstances. For, the speech involved has no redeeming social value, and is patently offensive by contemporary community standards, with very serious consequences to the "public interest in the larger and more effective use of radio" (Section 303(g)). As to the first point, it conveys no thought to begin some speech with "S---, man . . .", or to use "f-----" as an adjective throughout the speech. We recognize that such speech is frequently used in some settings, but it is not employed in public ones. Persons who might use it without thought in a home, job or barracks setting generally avoid its usage when on a public conveyance, elevator, when testifying in court, etc. Similarly, its use can be avoided on radio without stifling in the slightest any thought which the person wishes to convey. In this connection, we note that stations have presented thousands of persons from all walks of life in talk or interview shows, without broadcasting language of the nature here involved. However much a person may like to talk this way, he has no right to do so in public arenas, and broadcasters can clearly insist that in talk shows, persons observe the requirement of eschewing such language.

8. This brings us to the second part of the analysis—the consequence to the public interest. First, if WUHY can broadcast an interview with Mr. Garcia where he begins sentences with "S---, man . . .", or uses "f-----" before word after word, just because he likes to talk that way, so also can any other person on radio. Newscasters or disc jockeys could use the same expressions, as could persons, whether moderators or participants, on talk shows, on the ground that this is the way they talk and it adds flavor or emphasis to their speech.<sup>4</sup> But the consequences of any such widespread practice would be to undermine the usefulness of radio to millions of others. For, these expressions are patently offensive to millions of listeners. *And here it is crucial to bear in mind the difference between radio and other media.* Unlike a book which requires the deliberate act of purchasing and reading (or a motion picture where admission to public exhibition must be actively sought), broadcasting is disseminated generally to the public (Section 3(o) of the Communications Act, 47 U.S.C. 153(o)) under circumstances where reception requires no activity of this nature. Thus, it comes directly into the home and frequently without any advance warning of its content. Millions daily turn the dial from station to station. While particular stations or programs are oriented to specific audiences, the fact is that by its very nature, thousands of others not within the "intended" audience may also see or hear portions of the broadcast.<sup>5</sup> Further, in that audience are very large

<sup>3</sup> In this connection, we note the licensee's apt statement of policy (pp. 5-6, Letter of February 12, 1970):

"The question whether to air a program which contains controversial subject matter or language is among the most difficult a licensee is called upon to resolve. In determining whether to air any program which contains material or language which is potentially offensive or disagreeable to some listeners, licensee balances a number of considerations: The subject matter of the program; its value or relevance to the segment of listeners to which it is directed; whether the program is a work of art; whether it is a recognized classic; and whether the potentially offensive language or material is essential to the integrity of the presentation. Licensee also takes into account such factors as the time of the broadcast, the likelihood that children may be in the audience, and the necessity for appropriate cautionary announcements to listeners in advance of potentially disagreeable programming."

<sup>4</sup> To give but one further example, suppose a disc jockey or a moderator on a talk show, for sensational or shock purposes aimed at particular audiences, began using expressions such as "Listen to this mother f----- record [or person]." There is no question but that such use of this vulgar term for an incestuous son is utterly without redeeming social value and, on radio, taking into account its nature (see above paragraph), patently offensive. See discussion, par. 10, *infra*.

<sup>5</sup> In a very real sense, the situation here is the very opposite of *Stanley v. Georgia*, 394 U.S. 557 (1969), which involve the private possession or use of obscene material.

numbers of children.<sup>6</sup> Were this type of programming (e.g., the WUHY interview with the above described language) to become widespread, it would drastically affect the use of radio by millions of people. No one could ever know, in home or car listening, when he or his children would encounter what he would regard as the most vile expressions serving no purpose but to shock, to pander to sensationalism. Very substantial numbers would either curtail using radio or would restrict their use to but a few channels or frequencies, abandoning the present practice of turning the dial to find some appealing program. In light of the foregoing considerations we note also that it is not a question of what a majority of licensees might do but whether such material is broadcast to a significant extent by any significant number of broadcasters. In short, in our judgment, increased use along the lines of this WUHY broadcast might well correspondingly diminish the use for millions of people. It is one thing to say, as we properly did in *Pacifica*, that no segment, however large its size, may rule out the presentation of unpopular views or of language in a work of art which offends some people; and it is quite another thing to say that WUHY has the right to broadcast an interview in which Mr. Garcia begins many sentences with, "S---, man . . .", an expression which conveys no thought, has no redeeming social value, and in the context of broadcasting,<sup>7</sup> drastically curtails the usefulness of the medium for millions of people.

9. For the foregoing reasons, and specifically to prevent any emerging trend in the broadcast field which would be inconsistent with the "larger and more effective use of radio", we conclude that we have a duty to act, if we have the authority to act. We turn now to the issue of our authority.

10. *Discussion—Law (Authority)*.—There are two aspects of this issue. First, there is the question of the applicability of 18 U.S.C. 1464, which makes it a criminal offense to "utter any obscene, indecent, or profane language by means of radio communication." This standard, we note, is incorporated in the Communications Act. See Sections 312(a) (6) and 503(b) (1) (E), 47 U.S.C. 312(a) (6); 503 (b) (1) (E). The licensee urges that the broadcast was not obscene "because it did not have a dominant appeal to prurience or sexual matters" (Letter, p. 5). We agree, and thus find that the broadcast would not necessarily come within the standard laid down in *Memoirs v. Massachusetts*, 383 U.S. 413, 418 (1965); see also *Jacobelli v. Ohio*, 378 U.S. 184, 191 (1963); *Roth v. United*

<sup>6</sup> For example, the following tables point up the children's audience in the evening hours for radio and television:

AVERAGE QUARTER-HOUR RADIO AUDIENCE OF TEENAGERS (12 TO 17 YEARS)  
AS A PERCENTAGE OF ALL TEENAGERS IN METROPOLITAN AREA, 1969

Time	Los Angeles	New York City	Washington, D.C.
8 to 9 p.m. ....	16.5	16.6	14.1
9 to 10 p.m. ....	14.8	16.9	14.5
10 to 11 p.m. ....	10.5	13.8	14.1
11 p.m. to 12 midnight.....	4.8	6.5	10.9

CHILDREN (2 TO 17 YEARS) VIEWING TV AS A PERCENTAGE OF TOTAL PERSONS VIEWING, BASED ON NEW YORK AND LOS ANGELES SURVEY, FEBRUARY-MARCH 1969

[Children as percent of total]

Time period	2 to 6 years	6 to 11 years	11 to 17 years	Children total
Sunday to Saturday, 7:30 to 9 p.m. ....	5	13	12	30
Sunday to Saturday, 9 to 11 p.m. ....	1	5	13	19
Average prime time:				
Sunday to Saturday, 7:30 to 11 p.m. ....	3	10	13	26
Monday to Friday, 11:30 p.m. to 1 a.m. ....	½	½	5	6

<sup>7</sup> We stress that our analysis is limited to broadcasting because of its unique nature of dissemination into millions of homes. The difference is pointed up by this very document. It is perfectly proper, in the analysis here, to use the pertinent expressions of Mr. Garcia. There is no other way to deal intelligently with the subject. But in any event, it takes a conscious act by someone interested in the subject to obtain this document and study its content.

*States*, 354 U.S. 476 (1956). However, we believe that the statutory term, "indecent", should be applicable, and that, in the broadcast field, the standard for its applicability should be that the material broadcast is (a) patently offensive by contemporary community standards; and (b) is utterly without redeeming social value. The Court has made clear that different rules are appropriate for different media of expression in view of their varying natures. "Each method tends to present its own peculiar problems." *Burstyn v. Wilson*, 343 U.S. 495, 502-503 (1951). We have set forth in par. 8, *supra*, the reasons for applicability of the above standard in defining what is indecent in the broadcast field. We think that the factors set out in par. 8 are cogent, powerful considerations for the different standard in this markedly different field.

11. There is no precedent, judicial or administrative, for this case. There have been few opinions construing 18 U.S.C. 1464 (e.g., *Duncan v. U.S.*, 48 F. 2d 128 (C.C.A. Or. 1931), certiorari denied 283 U.S. 863; *Gagliardo v. U.S.*, 366 F. 2d 720 (1966)), and none in the broadcast field here involved. The issue whether the term, "indecent", has a meaning different from "obscene" in Section 1464 was raised in *Gagliardo* (366 F. 2d at pp. 725-26) but not resolved. Support for giving it a different meaning is indicated by *U.S. v. Limehouse*, 285 U.S. 424 (1932) which held that the word "filthy" which was added to the postal obscenity law by amendment, now 18 U.S.C. § 1461, meant something other than "obscene, lewd, or lascivious", and permitted a prosecution of the sender of a letter which "plainly related to sexual matters" and was "coarse, vulgar, disgusting, indecent; and unquestionably filthy within the popular meaning of that term." However, in line with the principle set out above in *Burstyn*, the matter is one of first impression, and can only be definitely settled by the courts. We hold as we do, since otherwise there is nothing to prevent the development of the trend which we described in par. 8, from becoming a reality.

12. The licensee argues that the program was not indecent, because its basic subject matters ". . . are obviously decent"; "the challenged language though not essential to the meaning of the program as a whole, reflected the personality and life style of Mr. Garcia"; and "the realistic portrayal of such an interview cannot be deemed 'indecent' because the subject incidentally used strong or salty language." (Letter, p. 5). We disagree with this approach in the broadcast field. Were it followed, any newscaster or talk moderator could intersperse his broadcast with these expressions, or indeed a disc jockey could speak of his records and related views with phrases like, "S---, man . . . listen to this mother f---" on the ground that his overall broadcast was clearly decent, and that this manner of presentation reflected the "personality and life style" of the speaker, who was only "telling it like it is." The licensee itself notes that the language in question "was not essential to the presentation of the subject matter . . ." but rather was ". . . essentially gratuitous." We think that is the precise point here—namely, that the language is "gratuitous"—i.e., "unwarranted or [having] no reason for its existence" (Websters Collegiate Dictionary, Fifth Ed., p. 435). There is no valid basis in these circumstances for permitting its widespread use in the broadcast field, with the detrimental consequences described in par. 8, *supra*.

13. The matter could also be approached under the public interest standard of the Communications Act. Broadcast licensees must operate in the public interest (Section 315(a)), and the Commission does have authority to act to insure such operation. *Red Lion Broadcasting Co., Inc. v. F.C.C.* 395 U.S. 367, 380 (1969). This does not mean, of course, that the Commission could properly assess program after program, stating that one was consistent with the public interest and another was not. That would be flagrant censorship. See Section 326 of the Communications Act, 47 U.S.C. 326; *Banzhaf v. F.C.C.*, 132 U.S. App. D.C. 14, 27; 405 F. 2d 1082, 1095 (1968), certiorari denied, 395 U.S. 973 (1969). However, we believe that we can act under the public interest criterion in this narrow area against those who present programming such as is involved in this case. The standard for such action under the public interest criterion is the same as previously discussed—namely, that the material is patently offensive by contemporary community standards and utterly without redeeming social value. These were the standards employed in *Palmetto Broadcasting Co.*, 33 FCC 483; 34 FCC 101 (1963), affirmed on other grounds, *E. G. Robinson, Jr. v. F.C.C.*, 118 U.S. App. D.C. 144, 344 F. 2d 534 (1964), certiorari denied, 379 U.S. 843, where the Commission denied the application for renewal of a licensee which,

inter alia, had presented smut during a substantial period of the broadcasting day.<sup>8</sup>

14. In sum, we hold that we have the authority to act here under Section 1464 (i.e. 503(b)(1)(E)) or under the public interest standard (Section 503(b)(1)(A)(B)—for failure to operate in the public interest as set forth in the license or to observe the requirement of Section 315(a) to operate in the public interest). Cf. *Red Lion Broadcasting Co., Inc. v. F.C.C.*, 395 U.S. 367, 376, n. 5. However, whether under Section 1464 or the public interest standard, the criteria for Commission action thus remains the same, in our view—namely, that the material be patently offensive and utterly without redeeming value. Finally, as we stressed before in sensitive areas like this (Report and Order on Personal Attack Rules, 8 FCC 2d 721, 725 (1968)), the Commission can appropriately act only in clear-cut, flagrant cases; doubtful or close cases are clearly to be resolved in the licensee's favor.

15. *Discussion—Application of the above principles to this case.*—In view of the foregoing, little further discussion is needed on this aspect. We believe that the presentation of the Garcia material quoted in par. 3 falls clearly within the two above criteria,<sup>9</sup> and hence may be the subject of a forfeiture under Section 503(b)(1)(A)(B) and (E). We further find that the presentation was "willful" (503(b)(1)(A)(B)).

We note that the material was taped. Further the station employees could have cautioned Mr. Garcia either at the outset or after the first few expressions to avoid using these "gratuitous" expressions; they did not do so.<sup>10</sup> That the material was presented without obtaining the station manager's approval—contrary to station policy—does not absolve the licensee of responsibility. See *KWK, Inc.*, 34 FCC 2d 1039, affirmed 119 U.S. App. D.C. 144, 337, F. 2d 540 (1964). Indeed, in light of the facts here, there would appear to have been gross negligence on the part of the licensee with respect to its supervisory duties.

16. We turn now to the question of the appropriate sanction. The licensee points out that this is one isolated occurrence, and that therefore the *Palmetto* decision is inapposite. We agree that there is no question of revocation or denial of license on the basis of the matter before us, even without taking into account the overall record of the station, as described in the licensee's letter, pp. 6-8. See also *In re Renewal of Pacifica*, 36 FCC 147 (1964). Rather, the issue in this case is whether to impose a forfeiture (since one of the reasons for the forfeiture provision is that it can be imposed for the isolated occurrence, such as an isolated lottery, etc.). On this issue, we note that, in view of the fact that this is largely a case of first impression, particularly as to the Section 1464 aspect, we could appropriately forego the forfeiture and simply act prospectively in this field. See, *Taft Broadcasting Co.*, 18 FCC 2d 186; *Bob Jones University*, 18 FCC 2d 8; *WBRE-TV, Inc.*, 18 FCC 2d 96. However, were we to do so, we would prevent any review of our action and in this sensitive field we have always sought to insure such reviewability. See *Red Lion Broadcasting Co., Inc. v. F.C.C.*, 395 U.S. 367, 376, n. 5. We believe that a most crucial peg underlying all Commission action in the programming field is the vital consideration that the courts are there to review and reverse any action which runs afoul of the First Amendment. Thus, while we think that our action is fully consistent with the law, there should clearly be the avenue of court review in a case of this nature (see Section 504(a)). Indeed, we would welcome such review, since only in that way can the pertinent standards be definitively determined. Accordingly, in light of that consideration, the new ground which we break with this decision, and the overall record of this noncommercial educational licensee, we propose to assess a forfeiture of only \$100.00.

#### CONCLUSION

17. We conclude this discussion as we began it. We propose no change from our commitment to promoting robust, wide-open debate. *Red Lion Broadcasting Co. v. F.C.C.*, *supra*; *Pacifica Foundation, supra*. Simply stated, our position—

<sup>8</sup> The Commission there found the programming patently offensive by contemporary community standards and no evidence that it "... in some way served the needs and interests of the area."

<sup>9</sup> There does not appear to be any factual dispute. However, the licensee has the opportunity to advance any pertinent factual considerations in response to this Notice and may of course obtain a trial de novo of the matter in the district court. See Section 504(a).

<sup>10</sup> Indeed, one of the station participants stated at the outset of the interview, "We are going to do a lot of illegal things before this is over."

limited to the facts of this case—is that such debate does not require that persons being interviewed or station employees on talk programs have the right to begin their speech with, “S----, man . . .”, or use “f----”, or “mother f----” as gratuitous adjectives throughout their speech. This fosters no debate, serves no social purpose, and would drastically curtail the usefulness of radio for millions of people. Indeed, significantly, in this case, under the licensee’s policy (which was bypassed by its volunteer employees), Mr. Garcia’s views would have been presented *without* the gratuitous expressions, but with them, the public would never have heard his views.

18. In view of the foregoing, we determine that, pursuant to Section 503(b) (1) (A), (B), (E) of the Communications Act of 1934, as amended Eastern Education Radio has incurred an apparent liability of one hundred dollars (\$100).

19. Eastern Education Radio is hereby notified that it has the opportunity to file with the Commission, within thirty (30) days of the date of the receipt of this Notice, a statement in writing as to why it should not be held liable, or, if liable, why the amount of liability should be reduced or remitted. Any such statement should be filed in duplicate and should contain complete details concerning the allegations heretofore made by the Commission, any justification for the violations involved, and any other information which Eastern Education Radio may desire to bring to the attention of the Commission. Statements of circumstances should be supported by copies of relevant documents where available. Upon receipt of any such reply, the Commission will determine whether the facts set forth therein are sufficient to relieve Eastern Education Radio of liability, or to justify either reduction or remission of the amount of liability. If it is unable to find that Eastern Education Radio should be relieved of liability, the Commission will issue an Order of Forfeiture and the forfeiture will be payable to the Treasurer of the United States.

20. If Eastern Education Radio does not file, within thirty (30) days of the date of receipt of this Notice, either a statement of non-liability or a statement setting forth facts and reasons why the forfeiture should be of a lesser amount, the Commission will enter an Order of Forfeiture in the amount of one hundred dollars (\$100).

21. In accordance with our established procedures, we also state that if Eastern Education Radio does not wish to file a statement which denies liability and, in addition, it does not wish to await the issuance of an Order, it may, within thirty (30) days of the date of the receipt of this Notice, make payment of the forfeiture by mailing to the Commission a check, or similar instrument, in the amount of one hundred dollars (\$100) drawn payable to the Treasurer of the United States.

By Direction of the Commission.

BEN F. WAPLE, *Secretary*.

#### APPENDIX A

##### EXCERPTS FROM LICENSEE’S LETTER OF FEBRUARY 12, 1970

“ . . . During the interview, Mr. Garcia expressed his views on ecology, music, philosophy, and interpersonal relations. [footnote omitted] Some of Mr. Garcia’s comments on these subjects are set forth below :

The problem essentially . . . the basic problem is how can you live on the planet earth without wreckin’ it, right?

\* \* \* \* \*

. . . like you know a couple of weeks ago the thing was in the paper that the headline was in the paper that there was no more clean air in the United States, period. Yeah, and it’s like uh that kind of stuff is all of a sudden comin’ up real fast. You know, and it’s like it looks like that’s the most important thing going on and that nothing else is as important as that as far as I know, that is *the* most important thing.

\* \* \* \* \*

For example, like uh I have friends who I’ve known since like they started college, you know, and like now it’s eight years later and you know, and they’re all Ph.Ds—stuff like that. It’s just coming out in those terms, uh, I know quite a few of these people who have switched their major in the last year to Ecology and that kind of s---, because it’s like really important right. It’s a big emergency going on. Okay, so—and their approach to it is generally to get together on the level of bodies of influence—that is to say, governmental s---, you know, things like that business and so forth, and stuff like that.

\* \* \* \* \*

But the big thing is that it's really super, you know—it's . . . it's . . . it definitely looks bad outside, man. When you fly over New York, it looks f-----' rotten, man, but it's like that way every f-----' where, man, you know, and like I'm from San Francisco, man, and there wasn't like five or six years ago when it was like the sky was blue, crystal clear, you know; you know and that whole thing that you hardly ever see any more, man—you know you just hardly ever see it any more.

\* \* \* \* \*

What I'd really love to do would be to live on a perfect, peaceful earth and devote all my time to music. But I can't do it man, because you just can't do that. You know, I mean it's a . . . there's a more important thing going on, that's all.

\* \* \* \* \*

Politics is a form and music is a form and they're both ways of dealing with people, man. When you play music with people, though, you're not attacking them, you know. It isn't, it's not a competition between the two of you or the four of you or the seven of you, or however many of you. There are—it's like a cooperative effort which gets everybody high, so like that's and that's of course the thing that's really a great trip about music. It's really a great thing. It's really a good trip, right, and uh so like the things that that I've wanted to see happen and lots of other people you know it's like some way of getting people together to do things but having it be like music and not like business and not like politics, you know, uh just because that's a uh high watermark in a way. I mean it seems like people should be able to do that.

\* \* \* \* \*

If you get together with four or five people and produce something that's greater than yourself you know, and that also doesn't only reflect your attitude, but it's like a little closer to the center because it has to do with more perceptions than your own and like for a plan to work, I think, it has to be approached on those kinds of levels and those kind of terms because uh it won't work if uh this is a planet full of people, each of whom is in a universe of his own. Everybody has to agree to give a little, and so forth, and so on."

FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D.C., April 13, 1970.

#### PUBLIC NOTICE

#### WUHY-FM, PHILADELPHIA, PA., NOTIFIED OF APPARENT LIABILITY FOR \$100 FORFEITURE FOR INDECENT PROGRAMING

On April 3, 1970, the Commission announced that Eastern Education Radio, licensee of WUHY-FM, Philadelphia, Pa., had been notified of apparent liability for forfeiture of \$100 because of "indecent" programing in its "Cycle II" show of January 4, 1970, featuring a tape recorded interview with Jerry Garcia, leader of a California rock group, "The Grateful Dead."

Commissioners Bartley, Robert E. Lee and Wells voted for the action with Chairman Burch concurring, Commissioner Cox concurring in part and dissenting in part and issuing a statement and Commissioner Johnson dissenting and issuing a statement.

The statements by Commissioners Cox and Johnson are attached.  
Attachment.

#### STATEMENT OF COMMISSIONER KENNETH A. COX, CONCURRING IN PART AND DISSENTING IN PART

I agree with a good deal that is said in the Notice of Apparent Liability, but do not agree with the result reached.

I agree that broadcasting differs in significant respects from books, magazines, motion pictures and other means of communications. I agree that this may lead the courts to apply different standards in determining the degree of control which government may exercise over the content of broadcast programing. And I agree that it would be well to get this matter resolved by the courts in the near future. But I do not agree that the problem is as great as the majority say it is, or that it is likely to become endemic. I do not agree that the licensee of WUHY-FM was grossly negligent in this case or merits any more than a warning because

of this incident. And I am afraid that this precedent may cause licensees not to carry programming they would otherwise have broadcast, out of fear that someone will be offended, will complain to the Commission, and the latter will find the broadcast improper. It should be noted that Cycle II has been suspended, so that whatever of value it had to offer will no longer be available to WUHY's audience.

At least the majority are now listing the words, and the usage of those words, which they regard as contrary to the public interest. I think that is desirable, although I am sure that broadcasters are going to worry about other words which they feel may be added to the list later on. And I applaud the majority for indicating that licensees will not be punished for presenting works of art or on-the-spot coverage of bona fide news events which may contain these words or others like them. I am glad they restrict their action to gratuitous use of words in circumstances where the offensive language has no redeeming social value.

However, I do not think the broadcast here involved posed a problem so serious as to justify the imposition of a sanction for the mere utterance of words. This weekly series was intended as an "underground" program dealing "with the avant-garde movement in music, publications, art, film, personalities, and other forms of social and artistic experimentation." It was presented between 10 and 11 P.M. on Sunday night, and was designed to appeal to the large college population in Philadelphia and to alienated segments of the new generation. It seems clear that a program with such a purpose—a perfectly valid one, I'm sure everyone would agree—would be different in approach and content from programs aimed at children, or women 30 to 40 years of age, or professional men, or adults generally. And it seems likely, in view of the widespread ferment among young people and their rejection of many of the standards of their parents' generation, that not only the ideas discussed but the language used to express them will sometimes be offensive to the older generation. But people who do not like the ideas or the language do not need to listen to programs of this kind. WUHY received no complaints about the broadcast here in question, nor did the Commission. However, we had received earlier complaints about the 10 to 11 P.M. time period and were monitoring the station on the night of January 4, 1970. So far as I can tell, my colleagues are the only people who have encountered this program who are greatly disturbed by it.

I agree that the language complained of is offensive to many and that it was gratuitous—that Mr. Garcia could have expressed the same ideas without using this language. However, I think it magnifies the impact of the words to set them out starkly, as the majority do in Paragraph 3 of the Notice, alone and out of context. I have not read the full transcript of the broadcast, and doubt if my colleagues have, but certainly a reading of the seven paragraphs quoted in the licensee's response gives a different perspective of the matter. While one might wish that Mr. Garcia had been able to express himself without using words which many people find offensive, it would appear that he was not trying to shock or titillate the audience. Apparently this is the way he talks—and I guess a lot of others in his generation do so, too. I find such poverty of expression depressing, and am afraid it may impair clarity of thought. My concern is not limited to the words which trouble the majority. In the seven paragraphs quoted by the licensee, Mr. Garcia uses only four words cited by the majority. But he uses the word "like" in an improper and redundant way sixteen times, and uses "man" as a word of emphasis seven times. These patterns of speech seem common among today's young. But I expect our language will survive—as it has withstood the slang and fads of generation after generation.

WUHY decided that it wanted to let Mr. Garcia communicate his views in a number of important areas to the station's audience—a decision which no one questions. At least the station was trying to do something more than play records and read wire news. Assuming the propriety of the station's program judgment, how could it have achieved its desired result without getting into trouble with the Commission? The majority suggest, in Paragraph 7, that while Mr. Garcia may talk this way in many other places, he should have been told that he cannot do so on radio. However, while I have had very limited contact with people of his age and background, I am of the impression that such an approach might not have been productive. I think one of the reasons for their use of such language is that it is *intended* to show disrespect for the standards of their elders, which they regard as outmoded, without real basis, and "irrelevant." It might have been difficult for Mr. Garcia to change his habits of speech without interfering with the flow of his ideas—or he might simply have refused to give the interview at all on those terms. Admittedly this is speculative, but

there is no way to explore these possibilities without making some assumptions—and I think mine are not unreasonable.

The only other alternative would have been to delete the offending language. The licensee, in its response to the Commission's letter of inquiry, argued persuasively that the Garcia interview was neither obscene nor profane. I am glad that the majority agree that it was not obscene, and while they do not address themselves to the issue of profanity, they certainly make no claim that the language was profane. Instead, they hold that the language was indecent, within the meaning of 18 U.S.C. 1434, which makes it a crime to "utter any obscene, indecent, or profane language by means of radio communication." The licensee argued to the contrary in its letter:

"... Nor was the program indecent simply because certain language not normally heard in polite circles, was uttered. The basic subject matters of the program—ecology, philosophy, music—are obviously decent. The challenged language though not essential to the meaning of the program as a whole, reflected the personality and life style of Mr. Garcia. In this sense, the interview was in the nature of a documentary. The realistic portrayal of such an interview cannot be deemed "indecent" because the subject incidentally used strong or salty language. . . ."

I think this position has a good deal of merit. In addition, I think that the word "indecent" in the statute may not have a clear enough meaning to satisfy the constitutional requirement that criminal statutes must put the public on notice of just precisely what conduct will constitute a violation.

Having made this contention, the licensee nonetheless said that it would not have aired the program had it been submitted for review by the station manager, as required by established station procedures. It went on to say:

"Licensee would not have aired the Jerry Garcia interview because the questioned language was not essential to the presentation of the subject matter and its potential for defense was not outweighed by considerations of subject matter or artistic integrity. While the program had value in terms of subject matter and in depicting the total personality of Jerry Garcia, licensee does not believe that these values were sufficient to warrant airing the program, at least without deletion of the offending and essentially gratuitous passages."<sup>11</sup>

A licensee is responsible for everything broadcast over its station. WUHY therefore very properly has adopted a policy that all taped program material containing "controversial subject matter or language" must be reviewed by the station manager. If those who produced and broadcast the Garcia interview had followed that procedure and the licensee had decided not to use the interview, or to do so only after deleting the language here in issue, that would have represented a licensee's efforts to discharge its responsibilities in the exercise of its own judgment. What we have here is quite a different thing. The majority are exercising government power in the area of speech. They have imposed a sanction—though admittedly a nominal one—for a single broadcast<sup>12</sup> containing what they, but not the licensee, regard as indecent matter. This action, binding on all licensees, is obviously far different from letting licensees make their own judgments—even if many of them would conclude, with the majority, that language of this kind should not be broadcast.

<sup>11</sup> Licensee does not believe that editing and deletion are an automatically acceptable solution to this kind of problem. Such deletions often damage the entire program. Moreover, they do not protect the sensibilities of the listener. Indeed such censorship may be more distracting than the deleted language itself."

<sup>12</sup> It is important to keep in mind that we are dealing with a single incident, within the doctrine of *In re Renewal of Pacifica*, 36 FCC 147, rather than with a substantial pattern of coarse, vulgar, or suggestive material such as was involved in *Palmetto Broadcasting Corporation*, 34 FCC 101. In the last sentence of Paragraph 15, the majority find the licensee guilty of gross negligence with respect to its supervisory duties.

I think this is an unfair effort to bolster the action here, and that this conclusion is without basis in the record before us. The licensee adopted appropriate procedures for review of programming, and there is no suggestion in the majority's opinion—nor was any offered during our discussion of this matter—that it has knowingly permitted disregard of its policies. So far as we know, this is the first time an employee of WUHY has failed to present a questionable program for review. So far as we know, the licensee has taken steps regularly to remind its staff of this requirement. There is no pattern of laxity or open disregard for paper policies such as we have found in other cases where we have ruled that licensees had been guilty of failure to enforce policies essential to the discharge of their responsibilities. The majority are saying that a licensee whose sound policies to detect objectionable matter are disregarded in a single case, resulting in the broadcast of language which the majority regard as indecent, can be subjected to a forfeiture. The reference to "gross negligence" is sheer window dressing.

I'm afraid it has taken me a long time to get around to discussing an idea mentioned in the first sentence of the third paragraph back—the possible deletion of the offensive words. I think the licensee has pointed out some problems with this procedure in the footnote to the last quotation above. It says that bleeping out words may disrupt the program, and that it may not be too difficult for those who dislike such language to tell what was said despite the deletion—indeed, that this may actually emphasize the fact that language which the licensee apparently regards as improper had been used. It seems to me that WUHY—when put on notice that the Commission on its own motion is challenging the broadcast—is saying that it would not have broadcast the Garcia interview at all. I think that most licensees who may consider presenting similar programming in the future—that is taped material involving statements by blacks, students, or those who have dropped out of our society—will decide that if the use of words which may offend the Commission is interspersed too regularly throughout the tape to make deletion feasible, the safe course will be just not to broadcast the program. While I hold no brief for flooding the air with the views of members of these groups, I think it may be dangerous if we do not understand what they are trying to say—even if it sometimes involves the monotonous use of four letter words. Some of their complaints are probably well founded, and even if they are not, I think we need to know what troubles them and what they are talking about doing about these matters. It may be that using radio and television to help bridge the generation gap would be an example of “the larger and more effective use of radio” which the majority are so eager to preserve. If, instead, we narrow our concept of the use of radio in order to protect the sensibilities of those who seem more concerned with suppressing words and pictures they find offensive than with solving the problems that are tearing our society apart, I think we may find that the majority are wrong in stating—in Paragraph 7—that we can exorcise these words from radio “without stifling in the slightest any thought which the person wishes to convey.” One safe course for the timid will be simply to avoid interviewing people who can be expected to use troublesome language, or inviting them to participate in panels, or asking them to comment on current developments. This may be “safe” for the licensee but I'm not sure it will be safe for our society.

This brings me, at last, to my principal problem with the majority's decision, which is that I think they are exaggerating this problem out of all proportion. It is true that in recent months we have been receiving more complaints about the broadcast of allegedly obscene, indecent, or profane matter, but most of these involve matters outside the ambit of this ruling. That is, they deal with claims that certain records contain cryptic references to the use of drugs, that others are sexually suggestive, that the skits and blackouts of the Rowan and Martin Laugh-In are similarly suggestive, that the costumes on many variety programs are indecent, that the dances are too sensuous, that the performers are too free with each other, etc. But I think I could count on the fingers of both hands the complaints that have come to my notice which involve the gratuitous use of four letter words in situations comparable to the one in this case. This has simply not been a problem.

Nor do I agree that if we do not punish WUHY for this broadcast, there is going to be such “widespread use” of the offending words as to “drastically affect the use of radio by millions of people,” because “very substantial numbers would either curtail using radio or would restrict their use to but a few channels.” I just do not believe there are many broadcasters waiting eagerly to flood the country with such language on an around the clock basis in the event we were to impose no sanction here. Indeed, if the Commission had not decided to make a test case of this incident, I doubt if many people would ever have heard of it. Actually, if the majority's theory is right, they are running a rather serious risk. If the courts do not sustain their action, that would be a signal to the industry that it could freely engage in the “widespread use” of four letter words which the majority fear they are anxious to embark upon. But I don't think many of our licensees have any desire to follow such a course, nor do I believe that there is any great audience to be won by such tactics. I think most broadcasters have too high a regard for their profession and its responsibilities to fall into the patterns the majority envisage in Paragraphs 7 through 9.

Similarly, I think there is a great and clear difference between presenting an occasional late night program featuring people not on the staff of the station who use offensive language and employing newscasters and disc jockets and allowing them to use similar expressions all day long. It is one thing to permit certain elements in society to use such language on the air so that interested members of the public can find out how they think about various problems. It is quite different to turn the operation of a station over to people who talk that way. I think this, like the more generalized claim that we are about to be inundated with indecent language, is a figment of the majority's imagination designed to justify the intrusion of governmental power into this sensitive area.

I have studied broadcasting for some time, and while I think we may expect to hear strong language on the air somewhat more often in the future as a reflection of our troubled times, I simply do not believe there is any likelihood that licensees will broadcast indecent language to such an extent that they will drive millions of listeners away from radio entirely. Broadcasters make money by attracting audiences. They have developed a number of ways to win the attention of differing segments of the total audience. I do not think that four letter words are likely to become the format of the future, since I doubt if even people who use such language themselves would regard it as enhancing a station's service.

Finally, I think it should be noted that the majority have held that someone involved in this broadcast violated a criminal statute. This means that such person or persons can be prosecuted and subjected to rather severe penalties. However, I do not think this is likely to happen because I suspect that the United States Attorney in Philadelphia has more important matters to occupy his time and that of his staff. (See my dissent in the Commission's letter addressed to Jack Straw Memorial Foundation, dated January 21, 1970, FCC 70-93). I submit that the same thing should be true of the Federal Communications Commission.

\* \* \*

"INDECENT" LANGUAGE (WUHY-FM)—[IN RE NOTICE OF APPARENT LIABILITY,  
ISSUED TO WUHY-FM, EASTERN EDUCATION RADIO, PHILADELPHIA, PA.]

PRELIMINARY DISSENTING OPINION OF COMMISSIONER NICHOLAS JOHNSON

"Oaths are but words, and words but wind."

—Samuel Butler, *Hudibras* (1664).

What this Commission condemns today are not words, but a culture—a life-style it fears because it does not understand. Most of the people in this country are under 28 years of age; over 56 million students are in our colleges and schools. Many of them will "smile" when they learn that the Federal Communications Commission, an agency of their government, has punished a radio station for broadcasting the words of Jerry Garcia, the leader of what the FCC calls a "rock and roll musical group." To call The Grateful Dead a "rock and roll musical group" is like calling the Los Angeles Philharmonic a "jug band." And that about shows "where this Commission's at."

Today the Commission simply ignores decades of First Amendment law, carefully fashioned by the Supreme Court into the recognized concepts of "vagueness" and "overbreadth," see, e.g., *Zwickler v. Koota*, 389 U.S. 241, 249-50 (1967), and punishes a broadcaster for speech it describes as "indecent"—without so much as *attempting* a definition of that uncertain term. What the Commission tells the broadcaster he cannot say is anyone's guess—and therein lies the constitutional deficiency.

Today the Commission turns its back on Supreme Court precedent, see, e.g., *Interstate Circuit, Inc. v. Dallas*, 390 U.S. 676 (1968), citing *Holmby Productions, Inc. v. Vaughn*, 350 U.S. 870 (1954), as well as recent federal court precedent, see, e.g., *Williams v. District of Columbia*, No. 20,927 (D.C. Cir., June 20, 1969) (en banc), which invalidated statutes with similarly vague descriptions of alleged "indecent" speech.

Today the Commission decides that certain forms of speech and expression are "patently offensive by contemporary community standards"—although neither the station nor the FCC received a *single complaint* about the broadcast in question, and the FCC conducted not a single survey among the relevant population groups in Philadelphia, nor compiled a single word of testimony on contemporary community standards, nor attempted even to define the relevant "community" in question.

I am aware that there *are* members of the public who are offended by some of what they hear or see on radio or television. I too am offended by much of what I hear or see on radio or television—though more often for what it fails to do than what it does. I am sympathetic to the outrage of any minority group—Black or Puritan—that feels its values are not honored by the society of which it is a part. (What the Commission decides, after all, is that the swear words of the lily-white middle class may be broadcast, but that those of the young, the poor, or the blacks may not.) There are scenes, subjects and words used on television which I would not use personally as a guest on camera. The words used here fall in that category. But I do not believe I sit here as an FCC Commissioner to enforce my moral standards upon the nation. Yet four other Commissioners do precisely that.

Furthermore, when we do go after broadcasters, I find it pathetic that we always seem to pick upon the small, community service stations like a KPFFK, WBAI, KRAB, and now WUHY-FM. See, *e.g.*, *Pacifica Foundation (KPFFK-FM)*, 36 F.C.C. 147 (1964); *United Federation of Teachers (WBAI-FM)*, 17 F.C.C. 2d 204 (1969); *Jack Straw Memorial Foundation (KRAB-FM)*, F.C.C. 70-93, (released Jan. 21, 1970). It is ironic to me that of the public complaints about broadcasters' "taste" received in my office, there are probably a hundred or more about network television for every one about stations of this kind. Surely if anyone were genuinely concerned about the impact of broadcasting upon the moral values of this nation—and that impact has been considerable—he ought to consider the ABC, CBS and NBC television networks before picking on little educational FM radio stations that can scarcely afford the postage to answer our letters, let alone hire lawyers. We have plenty of complaints around this Commission involving the networks. Why are they being ignored? I shan't engage in speculation.

Today this Commission acts against a station that broadcasts 77 hours a week of locally-originated fine music, public and cultural affairs, and community-oriented programming. Ironically, the Commission censures language broadcast by the station that received one of the Corporation for Public Broadcasting's first program grants for its experimental program in participatory democracy, "Free Speech." In 1969 alone, WUHY-FM received two "major" Armstrong Awards, one of the highest achievements in radio, two awards from Sigma Delta Chi, a professional journalism group, and the Corporation for Public Broadcasting's "Public Criteria" award—the only such award given to a Philadelphia station. I do not believe it a coincidence that this Commission has often moved against the programming of innovative and experimental stations (such as KPFFK, WBAI and KRAB). I do not see how licensees (particularly ones that rely on the help of talented volunteers) can develop new and creative programming concepts without approaching the line that separates the orthodox from the unconventional and controversial. I believe today's decision will deter the few innovative stations that do exist from approaching that line.

Today the Commission rules that the speech in question has "no redeeming social value," although Professor Ashley Montagu, a leading authority on the subject, believes that such speech "serves clearly definable social as well as personal purposes." A. Montagu, *The Anatomy of Swearing 1* (1967).

Today the Commission declares that a four-letter word "conveys no thought"—and proceeds to punish a broadcaster for speech which apparently conveys so much thought that it must be banned.

Today the Commission punishes a licensee for speech in order to encourage the courts to do our work for us—forgetting that the First Amendment binds *this* agency as well as the courts. I do not believe any governmental body can stifle free speech merely to produce a "test case." We cannot, constitutionally, abdicate our responsibilities to the courts. Yet today this is what we have done.

I believe it is our responsibility to adopt precise and clear guidelines for the broadcasting industry to follow in this murky area, if we are to wade into it at all—the wisdom of which I seriously question. I believe no governmental agency can punish for the content of speech by invoking statutory prohibitions which are so broad, sweeping, vague, and potentially all-encompassing that no man can fortell when, why, or with what force the Commission will strike.

In *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952), the Supreme Court held that the First Amendment protected motion pictures as well as normal speech. There, the Court invalidated a New York statute banning "sacrilegious" films. The Court said:

"This is far from the kind of narrow exception to freedom of expression which a state may carve out to satisfy the adverse demands of other interests of society. In seeking to apply the broad and all-inclusive definition of "sacrilegious" given by the New York courts, the censor is set adrift upon a boundless sea amid a myriad of conflicting currents of religious views, with no charts but those provided by the most vocal and powerful orthodoxies . . . [I]t is enough to point out that the state has no legitimate interest in protecting any or all religions from views distasteful to them . . ."

If the term, "sacrilegious," is subject to the dangers of sweeping all-inclusive interpretations, what then of "indecent"? The FCC has not attempted even a "broad and all-inclusive definition" of "indecent," as the New York courts did of "sacrilegious." Rather, the FCC has cast itself adrift upon the "boundless sea" of a search for "indecentcy" without compass or polestar for guidance. We have only the obscure charts of the orthodox (presumably represented by a majority of Commissioners) to guide us on our way.

Groups in this country interested in civil liberties and speech freedoms should understand that the Commission today enters a new and untested area of federal censorship—censorship over the words, thoughts and ideas that can be conveyed over the most powerful medium of communication known to man: the *broadcasting* medium. To my knowledge, there are no judicial precedents, no law review articles, no FCC decisions, and no scholarly thinking that even attempt to define the standards of permissible free speech for the broadcasting medium. Should this case be appealed, therefore, these questions may be posed. All those who hold speech freedoms dear should participate. It will be regrettable if the Federal Communications Bar Association, like the big broadcasting industry generally, once again proves itself to be more interested in profitable speech than free speech. We will be waiting to see if they vigorously enter an *amicus* appearance in this case.

An anonymous poet has written :

Oh perish the use of the four-letter words  
Whose meanings are never obscure ;  
The Angles and Saxons, those bawdy old birds,  
Were vulgar, obscene and impure,  
But cherish the use of the weaseling phrase  
That never says quite what you mean.  
You had better be known for your hypocrite ways  
Than vulgar, impure and obscene.  
Let your morals be loose as an alderman's vest  
If your language is always obscure,  
Today, not the act, but the word is the test  
Of vulgar, obscene and impure.

Whatever else may be said about the words we censor today, their meanings are not "obscure." I cannot say as much for the majority's standards for "indecentcy."

In 1601, William Shakespeare wrote in *Twelfth Night* (III, iv), "Nay, let me alone for swearing." Most of the fresh and vital cultures in our country, not the least of which are the young, have learned this lesson. This Commission has not.

I regret the double standard that causes many significant matters to languish in FCC files for years, while rushing other, more questionable matters to decision within days. It is extraordinary that the majority would choose to act on an issue of this consequence without even taking the time to *read*, let alone *carefully* consider, the full dissenting and concurring opinions of all Commissioners in this case. I may, nevertheless, take the time to prepare such a fuller opinion in the future for the record. Meanwhile, I feel it useful to put forward at least these views today, as the majority announces its decision. I dissent.

Mr. BURCH. The decision makes clear our view that the term "indecent" has an application in this field different from that of "obscene" and that both terms must be applied with the nature of the broadcast field in mind. One must perform a deliberate act of choice to buy and read a book or gain admission to a film. This is not true of the broadcast field where the program frequently comes into the home with no

advance warning or notion of its content—where the dial is being turned from channel to channel, with all age groups present.

I also share the committee's concern that some obscene pictures might find their way onto the television screen. I have spoken out on this subject, and have attached as an appendix a speech on this point. (See below.) I would hope that initially filmmakers would adopt remedial steps to insure that the version shown to the home television audience is a suitable one. In the final analysis, broadcasters must exercise restraint and professional responsibility in adopting and adhering to high standards in this area. And, I would assure the committee that the Commission is aware of its responsibilities under the Communications Act to enforce the provisions of section 1464 of title 18, United States Code that the broadcaster shall not present obscene or indecent programming.

An appropriate expression of congressional concern emphasizes the need for such responsible judgment—at both the production and distribution levels. We therefore commend the committee for holding these hearings and thereby bringing these important issues to the attention of the movie and television industry as well as the public at large.

Thank you, Mr. Chairman. That concludes my testimony, and I shall be glad to answer any questions from the committee.

(The speech by Mr. Burch previously referred to follows:)

ADDRESS TO BIG BROTHERS OF THE SAN FRANCISCO BAY AREA BY DEAN BURCH,  
CHAIRMAN OF FEDERAL COMMUNICATIONS COMMISSION

I am delighted for the opportunity to address your organization. Giving freely of your time to provide guidance and companionship to fatherless boys is a high form of civic responsibility. We are all in your debt for your voluntary efforts toward conservation of our youth. To me you are the epitome of a responsible civic organization. In a sense my words—while delivered at your meeting—are directed to all who would nourish and improve our way of life.

President Nixon spoke last week of the urgency to clean up the atmosphere and promised "the most comprehensive and costly program in America's history" to combat impure air and water. I would like to talk to you today about combating another type of pollution before it also becomes a major concern in our society—I refer to another type of dirty air—obscene or indecent programming. Frankly, this is not by any stretch of the imagination an overwhelming problem today in the broadcast industry, and there are probably more important facets—its potential as an educational tool—its potential to contribute to an informed electorate—its potential to provide a voice for groups that may otherwise be unheard.

But I think there is a lesson to be learned from our present environmental problems—an early preventive program is the best cure. And while obscene and indecent programming is not a burning issue now, there are more than enough straws in the wind to warrant our attention.

It seems to me that there is a disturbing trend abroad—a laxity creeping into our society that must be addressed. My colleagues in the Post Office find a flood of mailed—and unsolicited—material that is obscene. We see the same trend in records and motion pictures. Many sex scenes are introduced in movies solely for shock or commercial purposes. Some producers make no bones about the "X" rating—they look forward to publicizing it. They probably would be delighted with a double "X" rating. One recent local movie ad gratuitously and proudly referred to its offering as "XXX."

Should a similar trend develop in broadcasting, it would be, in my opinion, a public cancer, and the time for effective and swift action to prevent any such occurrence is now.

Before I begin it is necessary to make certain disclaimers. I do so, not because it is customary, but because I find no charm in generating new evils in the process of eliminating others. These disclaimers are important. And I believe in them.

First I do not intend to intrude the Commission in matters of taste. I abhor censorship. It strikes at the bedrock of our free society. The Constitution and the Communications Act are wholly wise in barring Governmental censorship. No one wants to have seven men in Washington dictating what is "good" programming—which you could receive—or "bad" programming which you would be denied.

Second, I do not intend in any way to suggest that we inhibit the presentation of provocative, controversial programming. Certainly, the airwaves shouldn't be given over to a steady diet of bland, inoffensive material. We do not live in easy times. And what we don't know, can kill us. President Nixon has proclaimed this decade as calling for the most intense study of ecological and environmental reforms. More debate, more controversy are in order, and provocative programming must be encouraged if the American people are to be informed on the various programs or alternatives coming before them.

Controversial programming is bound to offend some. A hard-hitting program—even one presenting the proponents one week, and the opponents the next, will cause ruffled feelings and complaints to the Commission. We will give such complaints short shrift, so long as broadcasting is fair—as long as it does give both sides a fair opportunity to inform the electorate.

So much for the disclaimers. Having made clear what I do not intend, let me now make clear that I *do* intend to oppose any trend toward obscene or indecent programming in broadcasting.

The law, which I have sworn to uphold is basis enough for my position. It is a crime to broadcast obscene or indecent matter, and the FCC is called upon to proceed against violators.

But the matter does not rest simply upon the fact that the law is the law, and that broadcast licensees must be law-abiding. There are important policy considerations applicable here because of the unique nature of broadcasting.

I do not mean to denigrate the problem of obscenity in the print, motion picture or record fields. But in all these areas—with the exception of unsolicited mail—it takes a deliberate, conscious action to subject oneself to the material. You must buy a ticket to gain admittance to the movies. And the picture has usually been extensively reviewed and rated. The same is true of books or magazines—and scanning the material before deciding to buy is accepted practice. Also, obviously being able to read is a prerequisite to being offended by printed material.

But the reception of broadcast material requires no such activity or education. By definition broadcasting is disseminated generally to the public. It comes directly into the home or car, the teen-ager's ear as he carries that portable transistor, and into the mind and consciousness of the very young—and usually without any advance warning of its content. Millions turn the dial—from frequency to frequency—to sample the fare.

Further, unlike movie theatres or book stores where children can be appropriately excluded, the broadcast audience is made up of very substantial numbers of children. Over 28% of the average TV audience in prime time is composed of children. Over 17% of the total is in the age group 2-11 years. The average child views about 3 hours and 40 minutes of television a day. By the time the average child graduates from high school he has spent more hours watching television than he has spent in the classroom.

In radio—just to cite another statistic—14% of all teen-agers in the Washington, D. C. metropolitan area are listening between 8 and 11 p.m., and between 11 and midnight the figure is 11%.

Obviously, a trend toward obscene and indecent programming would have a far more pernicious consequence in broadcasting than in any other medium. We would have a classic case of "Grensham's Law" in operation—of the "bad"—the obscene or indecent material—undermining the availability and use of radio or TV for all those seeking the "good and the worthwhile." With such a trend, no one could ever know, in home or car listening, when he or his children would encounter obscene material or the most vile expressions serving no purpose but to shock, to pander to sensationalism. The utility of our communications marvels would be curtailed—a consequence at odds with our statutory mission.

I would stress here that there are no countering benefits. For under the guiding criteria, obscene or indecent programming is not only patently offensive by contemporary community standards but also without redeeming social value. So, far from being a case of making everything bland or reducing programming solely to a child's level—something which I stated is not involved—it is rather a

case of driving away the responsible listener or viewer or his children for no benefit or gain whatever.

Such a program matter, in itself, disserves the public interest, and that is why it is proscribed by law. A responsible parent, through his own efforts and those of school or church institutions, seeks to instruct his child concerning the values and beauty of sex—the importance of the emotional factors that make the purely physiological event so meaningful. He does not want that effort frustrated by the child's inadvertent reception of broadcast material that panders sex in a salacious, smutty fashion. All parents must at some time instruct their children concerning indecent language—that it really indicates a poverty of vocabulary—an oral illiteracy. But such efforts would be greatly thwarted if the child finds that such language is accepted and used very frequently on radio and television.

I simply do not feel that this medium with its great potential for educating, informing and entertaining need be a vehicle for smut.

The law proscribes both obscene *and* indecent programming, and there is a difference.

Obscene programming is material which taken as a whole, appeals to a prurient interest in sex. For example, while "Lady Chatterly's Lover" has been adjudged not "obscene" as a book, graphic depiction of the sex scenes described in the book on a television program would raise an entirely different and much more serious question. Significantly, the Supreme Court has made clear that "each method tends to present its own peculiar problems" and different rules are appropriate for different media of expression. Quite obviously, nothing can appeal to the prurient interest of a pre-puberty child so we must apply the term "indecent".

Suppose that a disc jockey or a person being interviewed, for sensational or shock purposes, began using so-called four letter expressions such as "Listen to this (blank) record" or "It's no (blank) good." You can fill in the blanks with the appropriate Anglo-Saxon adjective, verb or noun.

These expressions are "utterly without redeeming social value" and patently offensive, taking into account the nature of broadcasters.

There is also the issue of what the Commission should do with a *pattern* of smut operation, as against isolated occurrences. We are dealing with a field impressed with the public interest. This is a highly sensitive area, in light of the First Amendment and the salutary ban on censorship by the Commission. There is, however, precedent which supports denial of renewal of a broadcast license for presenting smut during a substantial period of the day on the grounds that the programming is patently offensive by contemporary community standards and does not "... serve the needs and interests of the area." Future cases involving a like pattern of operation can be dealt with under the same criteria.

I have dwelt at length on the agency's role because that is *my* responsibility. There is also the industry's role and that of responsible groups such as yourselves. If I devote relatively little time to these aspects, it is not because they are of lesser importance. While your role and that of the industry's may be briefly stated, they are every bit as important—probably more so.

The broadcast industry must be on guard against obscene or indecent programming—to resist the temptation to make a "buck" out of the sensational and the dirty. Remember that broadcasting is a high calling. And from those I've met in the industry, I'm hopeful that they will recognize the wisdom of turning their back on the sordid. That's the way I'd prefer it, by the way. In the final analysis—and by the standards of my own philosophy—effective, meaningful *self*-regulation is still the best regulation.

The decisions by station owners in this field could well have reverberations throughout the entertainment world. Broadcast revenue is an important source of income for movie makers. If broadcast licensees refuse to accept offensive motion pictures I am convinced that there will be no dearth of acceptable, entertaining, interesting and stimulating program material. There's a lot of non-prurient material available to the industry—material which is enjoyable and stimulating without exploiting sex and perversion. And I don't buy that business about there being only a limited amount of creative talent which is hard-pressed to keep up with demand.

Some of the newer films—no, not "Curious Yellow", but other big financial successes on small budgets—tell me that talent will emerge to supply whatever the theaters and TV stations say they require. I'm convinced that there's untapped talent galore knocking on doors for an opportunity to show what they can create.

You can help, by letting the broadcasters know that you care—by letting them know that you care enough to complain to the Federal Communications Commission if a station abuses its programming responsibilities. In no small measure the fate of our system rests with you. The President of the Motion Picture Association recently complained that the proliferation of "sexploitation" movies was in large part due to the fact that they were making money—that there was a substantial audience for such pictures. Along the same lines, a recent newspaper article facetiously referred to "tweeny" writers—writers whose job it is to think up high-flown, dull, philosophical dialogue to go *between* the explicit sex scenes, and thus assuage the guilt of those attending this type of film.

The Commission cannot do the whole job. And I know that it is tempting to try to live above problems of this nature. But without the support and active participation of the broadcast audience we may lose the battle to keep our broadcast house in order. I am sure that through a joint effort we shall see benefits in our lifetime that will make us all feel that we have truly helped to make this a better world to live in.

Mr. MACDONALD. Thank you, Chairman Burch.

I do not have many questions because I think most of us on the committee know that this is a fairly sensitive area and that we have no precedent to go by.

Actually, last Saturday night I was watching on TV a movie that was identified as either edited for TV or made for TV, called P.J. It was a story of a private detective, a poor man's James Bond. I don't think you could call it obscene but I am not sure what kind of rating it would have gotten at a theater.

I was struck at that point, not enough to write you a letter, but glad that I was going to see you this week, to ask you what, if anything, you can do about that?

Mr. BURCH. "P.J." is the name of the movie?

Mr. MACDONALD. "P.J."

I am not picking on that. It is just one I happened to see.

As I say, the producers were very aware of the problems because as it started they said the film was made for TV or edited for TV, one or the other.

Mr. BURCH. Actually, it is a terribly profound problem from our point of view because with the definition of obscenity being as vague as it is under the Supreme Court definition, we have, I think, almost of necessity adopted the term indecent as the standard we are using. There are critics who will say we have grafted on the law of the subject.

We have had surprisingly few complaints about movies, actual depictions of explicit sex scenes or something of that nature. The bulk of the criticism has been the use of words, cursing, that sort of thing, primarily over radio.

We have had a number of instances where profanity has been used on television, as well. I would not deny that; I think that seems to be happening more now than it was 5 to 10 years ago.

Mr. MACDONALD. Actually, Mr. Chairman, I was not trying to pin down your attitude about one picture but what I was interested in is whether or not the Commission presently has any mechanical way to prevent these things.

Mr. BURCH. We have no way in advance of presentation, certainly.

Mr. MACDONALD. Don't you think it might be worthwhile to set up sort of a subdivision within the Commission—because this, as you, yourself, just said, is going to become more and more of a problem—to head off problems, as a sort of preventive thing?

Instead of putting out releases to the industry, do you think it would be well to sit down with them and say,

Look, we are going to be overwhelmed by public reaction. We understand your problem but you have to understand ours. Now get together and sort of set up a voluntary code.

Mr. BURCH. Of course, there is a code.

Mr. MACDONALD. Yes; but I think it is a little outmoded in this field. It is not outmoded; it is a little out of date.

Mr. BURCH. I don't know that I would call it outmoded. It is dated. This is probably the most sensitive area the Commission can get involved in, the suggestion that we, for example, prescreen anything that might go on or even have a mechanism to prescreen something, because you can cut that almost any way you want but, basically, we would be sitting as a board of censors if we sat and prescreened something and gave it our seal of approval or did not.

Mr. MACDONALD. If I can just interrupt, Mr. Chairman, wouldn't this be a good thing, though? I am talking from some experience because I worked for the Motion Picture Association when I first got out of law school, as a legal assistant to the then president of the MPAA. It seemed to me that the members of the industry got along very well together. Each producer was a member, and they more or less set up their own rules which they all were obliged to follow. But it was sort of guided by the association president and his representative on the west coast. It seemed to me that worked very well for quite a long time.

Mr. BURCH. Of course, that was an industry, a voluntary industry act, was it not?

Mr. MACDONALD. This is what I am suggesting. Perhaps if you got together with the network people, and the "PJ" I was talking about was a network showing, that this might be helpful. Anyway, I suggest it. We bow to your wisdom as to how you might do it.

Mr. Rooney.

Mr. ROONEY. Mr. Chairman, Jack Valenti, who is now head of the motion picture industry, has recently come out with a code, the movies are in four categories. Wouldn't it be possible for the networks to adhere to that code as a guide to what movies can be shown on television?

Mr. BURCH. In other words, "GP" movies could and "R's" could not, and "M's" could not, and "X's" could not; is that what you are saying?

Mr. ROONEY. Yes.

Mr. BURCH. That would be one device.

I have also talked to Mr. Valenti about this subject. He gave me a list of film titles—perhaps he has done this with you—of "X" rated movies which he said could be made "G" rated movies by the excision in some instances of only a minute and a half of the movie. His statement, which I accepted at face value, was that this would not affect the overall comprehensiveness of the movie.

The only problem I would have, I have seen a couple of "GP" movies, frankly, that I didn't quite understand what the "GP" meant, to begin with. I thought it was for general audience but it has a caveat in there that parental discretion is advised. I was just as glad

I didn't have my children along for this particular movie; yet, it was a "GP" rated movie.

I don't honestly know exactly how these ratings are applied. It is not my function to know, I suspect. But it seems to me there is a tremendous amount of subjective judgment as to whether you are going to make the movie "GP," "R" or "M."

From our point of view, I think we, of necessity, must require the broadcaster to ultimately make a decision, "Am I going to go with this regardless of what the movie industry code calls for," because they may very well have some distinction between a "GP" and an "R," which is too fine a distinction for a broadcaster to observe.

I agree that it somewhat begs the question to always say, "Well, we are going to leave this up to the responsible journalists that we regulate."

But, absent some startling change in relationship of the Commission to the industry in this country, and by that I mean a change in the Communications Act, I feel that that primarily is our role in this area. We certainly are not without resources. If some broadcaster decides, "I am going to put on "X-rated movies," we would certainly move. But just exactly how we would go into a prophylactic sort of exercise, I must confess I am at a bit of a loss because of the explicit wording of the Act and also the tremendous history we have in this area of abhorring censorship and abhorring Government dictation of the tastes and mores of the community.

So, I balance the good that might result with the evil. I am inclined to think that, at least for the present, our system, at least on television, seems to be working well, with exceptions, as the chairman pointed out.

I did not see that particular show.

Some of the complaints that I have heard, I think, about television, are well-founded. Others I have found less well-founded.

I recall a specific instance on the Walter Cronkite show, which some of you may have seen, where one of the Yablonski boys was being asked, right after his father's death, something about his father's relationship with the Government. He responded and used the words, "The Goddam Government did not do anything for my father."

I think you get into a terribly critical areas as to whether the news part of that thing should have bleeped out those remarks. Because of the stress that that man was under at the time, I can understand his remarks. It is just a difficult problem as to how you handle it.

Mr. ROONEY. This was a tape; it was not live.

Mr. BURCH. It was a tape but, as I understand, it was not received in time for the normal editing process. We have had a number of cases like that at the Commission that have not required any formal action.

As an example, in the television field, what do you do about a man who is making a speech with 100,000 people, let us say, in attendance and the speech is filled with what would be considered obscene words?

Mr. MACDONALD. I hope the chairman doesn't get the wrong impression of what the committee is trying to do here.

As a concrete example, I don't know how many protests you got but when TV was doing such a good job of covering the Freedom Rally down here, they were chanting, referring directly to President

Nixon, and so forth. I think it would be nit-picking to say that something that happened, that was an event, was news, should be bleeped.

I think these kids, whose parents would object to hearing what Mr. Yablonski apparently said, hear much worse during recess time in the schoolyard. I don't see anything really terribly upsetting about that. What I do think the committee should take a good look at is the trend we are seeing for the movie industry here to ruin itself by just putting out sex movies. The commercial broadcasters, they are just that, commercial, see what the people will pay to go to see in a movie theater. I suppose they will figure out that they can sell more advertising in a movie that has that type of appeal.

I am saying that I think it would be a good thing for you to get together with the industry to give them some guidelines because even though what Mr. Rooney has suggested has great merit it does not cover the movies that are being made specifically for TV. I think if you can get together with the industry and say, "Hey, look, this is all right and that isn't," I don't think anyone would call you a czar.

If you think that the Communications Act needs changing before you have that power, I believe the committee would look with some favor on it—I can't speak for the committee; I can only speak for myself—some favor a change giving you that power. But I think you already have it, frankly.

I think an unofficial approach to the industry would be well received because they must be groping in the dark as well as all of us are.

Mr. Broyhill.

Mr. BROYHILL. Thank you, Mr. Chairman.

Chairman Burch, you have indicated to the committee your concern that the Commission, if it steps in with too big a hand, could be damaging to the first amendment rights.

You have mentioned in your testimony that a number of complaints do come in during the year.

What are the procedures that the Commission uses in dealing with these complaints at the present time?

Mr. BURCH. Mr. Broyhill, the way it works in the normal instance, we have in the Broadcast Bureau what is referred to as the Complaints and Compliance Division. The normal letter that comes in and says that station such-and-such did something wrong, whatever it might be, if it is in the broadcast field, normally if it is something that the Commission does have some jurisdiction over—for example, the kind of thing we do not get involved in normally is that somebody will write and say, "I think it is a sin that Walt Disney is on at six-thirty because that is when I am fixing dinner; it should be on at 7:30"; we have no choice in that. We simply advise them we don't have anything to say.

Mr. BROYHILL. Specifically about these complaints.

Mr. BURCH. The Polish-American and that sort of complaint?

Mr. BROYHILL. That could call for action on your part which could be interpreted as a censorship.

Mr. BURCH. I will be very candid.

In the case of the 126 complaints that we received in the last year over anti-Polish and anti-Italian and so forth presentations, we took the position ab initio that we did not have any jurisdiction in that

particular area. The Commission long ago decided that it would not attempt to determine the limits of free speech by trying to second-guess somebody as to whether something might be anti-Semitic or anti-Mexican, and took the position that these were protected under the first amendment.

Mr. BROYHILL. Do you write the station, the licensee, or the network?

Mr. BURCH. We will, if the complaints and compliance head, who is a very knowledgeable man, feels that this is something that, if true, violates some regulation of the act.

For example, if you write in and said you saw a movie last night and it contained an explicit sex scene. We had a complaint like this very recently; it was filed by a Member of the Senate; and he forwarded a letter to that effect. We went to a great deal of trouble to find that movie, have it reviewed, and we could not find an explicit sex scene in it.

We had to contact the man who made the complaint and tell him that "Either you saw something we didn't see or we saw a different version of the film."

Ultimately, we all agreed that he had gotten a great deal more out of the movie than there was intended. It was a romantic scene, granted, but it was not an explicit sex scene and it was not something that we felt was objectionable.

That probably is the farthest that we would go in these kinds of cases, to get the movie, have it shown, have a screening of it.

If it were, let us say, a news program or whatever, that some complainant had felt was objectionable and we felt he had a case that we thought it was something we ought to look into, we would write the station and say, "We have received a complaint. Would you comment on it?"

When the comment comes back, and often we will request the transcript, we will then make a decision as to whether we will go forward with the case.

Mr. BROYHILL. You say go forward with the case.

What do you do then?

Mr. BURCH. If we decide not to go forward?

Mr. BROYHILL. If you decide to go forward.

What do you mean by "going forward," and what are the procedures you would use?

Mr. BURCH. It would pertain to the type of charge.

Let us say it is obscenity. Let us say somebody complained that this station had broadcast obscene or indecent material.

Mr. BROYHILL. This is the only area in which you would go forward; is that correct?

Mr. BURCH. In the areas covered by this resolution?

Mr. BROYHILL. No; I am talking about now.

Mr. BURCH. We have lots of technical violations that we would go forward with.

For example, if somebody is broadcasting on the wrong frequency, that kind of thing.

Mr. BROYHILL. I am thinking about the complaints which charge racial or ethnic criticism, ridicule, degradation in the television field. That is what you say on page 4. I am just trying to get a picture of how you use your authority now.

Mr. BURCH. Mr. Broynhill, I think our statement indicates that we do not feel that we have any authority in the ethnic slur field.

Mr. BROYHILL. So, when you receive a complaint, really that is as far as it goes? You receive a complaint in the obscenity field, you "go forward" by writing to the station and asking for an explanation?

Mr. BURCH. Yes; or asking for a verification of the facts.

Mr. BROYHILL. In the KTYM case, how did you get into the court?

Mr. BURCH. The KTYM case involved a petition to deny which was filed by B'nai B'rith against KTYM on the grounds it was anti-Semitic.

Mr. BROYHILL. Then this was not your court case?

Mr. BURCH. This was a group in the city that brought the complaint in the form of a petition to deny.

Mr. BROYHILL. So, the Commission, as such, has never been involved in a case in court of this kind?

Mr. BURCH. I would suspect that is true. I can't answer unqualifiedly but I know of no case in this particular area. As far as the Frito Bandito type of complaints, many of those get to us after the group involved has already started its procedures, whatever they might be, with either the network or the local station in terms of filing complaints.

Mr. BROYHILL. If you really do nothing with these complaints, why, in your testimony, do you encourage people to complain? You say, "We would therefore urge complainants of objectionable programing to make their views known to the station and networks involved." I assume you want them to notify you, too.

Why do you urge this action if there is nothing you can do about it?

Mr. BURCH. The reason we urge it is that I think in the case of "Laugh-In," for example, they announced they would not do any more Polish-American jokes simply because they had received a number of complaints about it.

This Frito Bandito commercial has been abandoned, it is my understanding, by the sponsor simply because he was receiving a great deal of criticism from Mexican-Americans.

I think that is a more effective way of handling this if, first of all, you can assume that somebody is doing his best to do a good job, and we assume that about our broadcasters, until it is shown to us to be the contrary.

If somebody does make the point that they either innocently or guiltily have demeaned a race or creed or whatever, we would certainly hope that, if the facts are true, that broadcaster would act. Those two specifics, I think, indicate how these letters can be efficacious.

Mr. BROYHILL. Correct me if I am wrong, but what you are saying is this, that though you may have no real authority, legal authority to deal with these problems, you feel the fact that you have complaints and that you make this known to the licensee involved has some effect on self-policing of the problem?

Mr. BURCH. Yes; I think it has had a demonstrable effect in the past year or so.

Mr. MACDONALD. On that point, before I recognize Mr. Harvey, if he doesn't mind, I would just like to find out whether or not I under-

stood you correctly when you said that you wrote the station after you received one complaint.

Does that mean that one letter can activate the whole system, that one person writes in and then you notify the station on the basis of one letter?

Mr. BURCH. Yes; often that is the case, Mr. Chairman, depending on what the allegation is in the letter. Many of the complaints that we get, as I pointed out, we simply do not do anything about because there is nothing that we can do about it. We can't handle programing matters, or the fact that someone objects that the two best shows are on at the same time; that sort of thing, we don't get involved in.

But, many of the cases that the Commission gets involved in do result from a single complaint in some instances simply because that is the way our mechanism is set up.

Mr. MACDONALD. Do you think that is a very realistic mechanism?

As one who gets quite a bit of mail—we have in the Congress what I am sure most people would recognize as “kook” mail—I don't think many Congressmen would institute some investigation about something that some person writes in about that on its face does not seem very reasonable.

Mr. BURCH. We first of all do make that distinction between those letters that are on their face “kook” letters, as you say, and those which do raise a profound problem, because some letters are well written and others are not. Some are written from self-interest. Others are not.

Mr. MACDONALD. I think you would be making what some people would be calling a snob judgment. Because a letter is well written does not mean it is not a bit kook. As a concrete example, this fellow who wrote you about a sex scene that he saw in his mind but was not on the screen. How much time of the Commission would be taken up by following through a complaint like that?

Mr. BURCH. Not very much time of the Commission at the Commission level, but the staff sometimes could spend a good bit of time on a thing like that, sometimes an inordinate amount of time. But it is impossible for us to know when we receive a complaint exactly where it is going to lead. Yes, we do feel an obligation to make more than just a pass at letters that come in that actually do fall within our jurisdiction.

For example, anyone who writes in about a technical violation, that will be checked out because we do have very definite rules on that and they are rather easy to apply.

When you get into some of these more difficult areas, and this is one of the most difficult, we have to make value judgments all the way along as to, one, if the complaint is valid and, even if it is valid, do we have the resources to do anything about it and whether we should husband those resources in a different manner than we would hope.

Mr. MACDONALD. Mr. Harvey.

Mr. HARVEY. Chairman Burch, does the Federal Communications Commission at the present time have regulations dealing with these subjects and so forth?

Mr. BURCH. No; we do not, other than the general language of the Communications Act. We do not have specific regulations on this.

Mr. HARVEY. Do you have any language in the Communications Act or regulations dealing with obscene material, for example?

Mr. BURCH. Yes; we have a specific section in the statute which provides for that.

Mr. HARVEY. How about the subject of violence, for example?

Mr. BURCH. We don't have any specific regulations on violence. I will be very candid: We don't know how to write them. Until such time as this causal relationship is better established, I think it is somewhat of a question whether you are talking about a positive evil or a subjective taste problem as concerns violence.

I do say in that statement that we expect our licensees to utilize high professional judgment regardless of the fact that this causal relationship has not been demonstrated by the Surgeon General because he has not as yet made his report. But we do not have specific regulations that you shall not have more than one hour out of five or anything of that nature.

Mr. HARVEY. The Federal Communications Commission acts only in response to complaints and you do not have any monitoring of the networks?

Mr. BURCH. Not as a regular matter, no; we do not monitor. We have no personnel to carry on such a function.

With the kind of role that we have played primarily we do depend a great deal on complaints from people and we do get a lot of complaints. We are not ever short of something to look into.

Mr. HARVEY. How do the complaints run? For example, in terms of numbers, are most of them dealing with obscene pictures or with violence or with ethnic groups?

Mr. BURCH. No. We get a memorandum each month from the Complaints and Compliance Division which breaks down the letters that we receive.

When I first went to the Commission, we had the largest mail flow, I guess, we ever had; it all primarily had to do with the Vice President's speech, people taking positions one way or the other, whether the news media deserved some approbation or otherwise.

The second subject that we got the most letters about was in the obscenity or indecency or profanity field and much of it is over the concern of the person, not that the television station is showing this but that it will in the future pick up films from the movies and put them into the home.

I would say 126 letters in a year is not a very large outpouring of mail on a subject for an agency like ours. I don't know exactly how many letters we receive a day but sometimes we receive hundreds, sometimes as many as 1,000 letters in a day. So, this is not a large outpouring.

I was much impressed; I have seen some of these letters on ethnic slurs and these are very compelling letters in many instances.

Mr. HARVEY. That leads to my next question. I am sorry I was not here to hear your testimony but I have scanned your written statement. After reading it I am not sure if you are for this resolution or opposed to it?

Mr. BURCH. I am not opposed to the resolution. I think a resolution as a sense of Congress is a worthwhile, very worthwhile thing. I would think that you would be dealing with a very, very difficult

problem if you were attempting to write a law in this field. I think it would be awfully difficult to deal with it.

Mr. HARVEY. I notice, however, that in your statement you suggest that in place of the concluding 12 words you make it specific, "or which is obscene or indecent."

Mr. BURCH. Yes, sir.

Mr. HARVEY. Have you given consideration to including language relative to violence on television?

Mr. BURCH. We point up in our statement that this resolution does not deal with unnecessary violence, I think is the language that we use. The resolution does not encompass the unnecessarily violent or sadistic material. We did not make any specific recommendations as to language. We could do that if it were desired.

Mr. HARVEY. Would it be appropriate in this resolution?

Mr. BURCH. I think it would in the resolution.

Mr. HARVEY. As long as it is a sense of Congress resolution dealing with the various areas of complaint, it might be appropriate to add violence.

Mr. BURCH. I should think so. I think the Congress can express its sense about this material very well. I simply point up that you are in a very delicate area if you get into an actual law.

Mr. HARVEY. Thank you very much, Mr. Chairman.

Mr. MACDONALD. Mr. BROWN.

Mr. BROWN. Mr. Chairman, I am interested in one paragraph in your remarks, on page 5 on your comments on the broadcast dissemination of obscene or indecent material, the line that reads:

However, obscene or indecent programing does not come within the constitutional protection of free speech, and Section 1464 of the Federal Criminal Code (18 U.S.C. 1464) makes it illegal to broadcast obscene, indecent or profane language.

I wonder if there is a way for the Congress, based on this Criminal Code provision, to get into this matter of obscenity and language in other areas through this vehicle. We have tried to deal with the problem of mailing obscene material through legislation, and I think a good many of us are discouraged at what movies are doing in their approach and what is available to the public generally through drug store newsstands.

Is this a vehicle that we could use to get into that problem, do you think?

Mr. BURCH. Mr. Brown, actually, I think this statute at the time it was written was a fairly typical expression of prohibition against obscenity. The difficult part, as you are aware, is that the Supreme Court has interpreted this and similar language so precisely that the statutes as passed seem to have pretty well failed in terms of what was intended at the time they were passed.

I don't think there is anything different in this statute than if you wrote a statute and said, "It shall be illegal to transmit in interstate commerce obscene or indecent material."

Mr. BROWN. I am not sure I understand now what the situation is.

Are you telling me that this statute either has been sustained or do you think will be sustained with reference to prohibiting the showing on television of "X" rated films, for example?

Mr. BURCH. The first answer is that it has not been tested in the Supreme Court. However, the Supreme Court in prior cases has ruled that each medium must be judged differently. We feel, and this will have to be the subject of court test, I suspect, at some stage of the game, that there is a great deal of difference between a magazine or a book which presupposes that you can read before you can be offended by it, a movie theater where you have to have money to enter the theater and also you have to pass the scrutiny of a cashier or ticket taker or whatever as to your age, and broadcasting which, by definition, comes in your home.

I have every reason to think that the Supreme Court will set a standard which is appropriate to the broadcasting function in the obscenity field.

Mr. BROWN. Based on this statute?

Mr. BURCH. Also, we feel the indecency portion of the statute has meaning, itself.

Mr. BROWN. But based on this statute?

Mr. BURCH. Yes, sir; I think this statute would be or is enforceable. We, in the WUHY case, which I comment on and which is attached was submitted for the record (see p. 6), in effect almost invited a test of the statute because we fined the station \$100, which was just a token amount, in the hopes that we could go ahead and get a court test on that case. But the fine was paid and that was the end of the case.

Mr. BROWN. It seems to me if this committee, for instance, can control legislatively commercial transactions on radio and television, as we have done in the House in the limitation of political broadcasting expenses, that we might also be able to make this stand up.

Does that make sense or not?

Mr. BURCH. Are you talking still in the obscenity field or ethnic or racial slurs?

Mr. BROWN. I am talking really about the obscenity field.

I have a question I want to ask about the ethnic field.

Mr. BURCH. Thus far at least I am satisfied that we have the tools that we need in this particular field. If we go to the Supreme Court and get shot down, then we will be back for further ammunition. At the moment, I am not real sanguine about this thing but I think we do have the necessary tools.

Mr. BROWN. Now let us get back to the ethnic thing.

What about the jokes about white Anglo-Saxon Protestants? Is that going to be covered by this resolution? Or the thing that Johnny Carson did on Shirley Temple about her being named to the United Nations?

Mr. BURCH. My opinion would be that it is not what this resolution was intended to cover. As I understand it, it deals with groups primarily, racial and ethnic groups.

Mr. BROWN. What could be more racial or ethnic about white Anglo-Saxon Protestants?

Mr. BURCH. I was thinking of Shirley Temple. That would fall without that.

Mr. MACDONALD. May I interrupt to point out that I think you are a little off the point by talking about the resolution because one resolution goes merely to ethnic groups. We are considering three resolu-

tions. One goes to ethnic; one goes to ethnic and obscenity, and the other one just goes to obscenity. So, we are talking about three different resolutions.

Mr. BURCH. In answer to your question, Mr. Brown, I think the principle is comparable. Any recognizable group that is denigrated as a group, this is offensive certainly to the members of that group, whether it be a majority or minority.

Mr. BROWN. Let me say the reason I mentioned the Shirley Temple thing, it not only had personal denigration in it but it also had some stuff bleeped out that I assume if you were sitting in the audience, and one can only assume, sometimes these things become a little racier because they are bleeped out than if they went ahead and included the language. I assume it was also mildly obscene, at least what I saw on television. Maybe it is my active imagination. It had every opportunity to be obscene for those people in the audience who heard it.

Mr. MACDONALD. Are there any further questions of the chairman? If not, we thank you very much again for coming up.

Mr. BURCH. Thank you, Mr. Chairman.

Mr. MACDONALD. We will be in touch about what is happening in the field of CATV in the very near future.

Mr. BURCH. Yes, sir.

Mr. MACDONALD. The next witness is Mr. Annunzio.

#### STATEMENT OF HON. FRANK ANNUNZIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. ANNUNZIO. Before I get into my prepared statement I want to call to the attention of the committee members that a group of us in the Congress did meet on this legislation. Mr. Brasco of New York did introduce the first resolution pertaining to the subject of ethnic groups which provides for Congress to express the sense of Congress on television and movies which degrade racial, religious, or ethnic groups.

I want to say for the benefit of my colleague, Mr. Brown of Ohio, that we intended, when we wrote the resolution, to include all groups which include the white Anglo-Saxon protestant group.

Mr. Brasco introduced the first resolution; I think I introduced the second. Then we had a meeting and came back with a resolution that was rewritten by Mr. Rodino and which we circulated to the Members of Congress, and that resolution is House Congressional Resolution 307.

I want to call to the attention of the committee that there are over 100 sponsors and I am going to submit that as an appendix to my statement.

As one of the early sponsors of the resolution pertaining to the defamation of minority groups by the mass media, I want to extend my deep appreciation to the distinguished chairman of the House Interstate and Foreign Commerce Committee for holding public hearings on this legislation. Over 100 bills have been introduced by the Members of the U.S. Congress to express the sense of the Congress on production and distribution of motion pictures and television programs which degrade racial, religious, or ethnic groups.

As an American, the son of Italian immigrants, I am well acquainted with the innuendoes, the guilt-by-association technique, the sick jokes, and the countless other vicious, contemptible, and cruel methods employed by the mass media to degrade members of ethnic and minority groups. These gross injustices have been perpetrated against American ethnic and minority groups without regard for the outstanding contribution these ethnic groups have made to the growth and development of our great country. All of us know that the members of these minority groups have helped to shape our democracy. They have helped to make our country the bulwark of democracy all over the world so that today our country is the leader of the nations of the world.

Every person is proud of his heritage and his ancestry. Today, we are living in an age of ethnicity where young people are beginning to ask questions: Who are we? What is our heritage? What is our cultural background? They want to know something about their forbears—their great-grandfathers, grandfathers, and fathers—because they are justifiably proud of their contribution to the culture and civilization of the peoples of the world. It does not make any difference whether they are Italians, Greeks, Poles, Germans, or of any other ethnic group, you will find our young people with a growing desire to learn more about themselves. In the high schools, and in the colleges, there is a growing demand on the part of our young people for studies in foreign languages and cultures. It is needless for me to point out to the distinguished members of this subcommittee that when you destroy pride in oneself you destroy equality in every moral fiber that has made America great. We see today on our college campuses frustration and misunderstanding. We see racial disorder in all of the large cities of America, and find ourselves more divided today than at anytime in the history of our country. I charge that the reason that this is happening is because the press, radio, and television have been derelict in their responsibility to help create a society where people are proud to make a contribution to their country, where people possess the one quality that all people must possess, and that is respect for their heritage and for their institutions. We find in America today a lack of respect for family, for the church, and for our institutions. This exists because for too long we have allowed the motion picture industry and the news media to ridicule, to stereotype, and to mimic by using the words, Wop, Kike, Nigger, and Polack.

The day of reckoning has finally come upon us. We find black fighting white, white fighting black, and again I charge the mass media for being derelict in their responsibility to the principles of America and Americanism. I want to assure the members of the subcommittee that this resolution is not for the purpose of censoring the movie industry, the television industry, or the news media, because as everyone knows, they are fully protected by the Constitution and the Supreme Court of the United States, which guarantees the freedoms they enjoy. But a serious question has been raised in the minds of all our citizens: Are these leaders, promoters, and managers of the mass media abusing their privilege? Are they causing confusion and frustration? Are they developing in our society the type of struggle that pits brother against brother because of their racial or ethnic origin?

For too long this intolerable situation of defaming minority groups by our mass media has been allowed to exist in America. The time has now come for the movie industry, television industry, and the mass media to do more than they have done in the past to help eliminate the discord, the racial strife, and the hatred that they are peddling and to help us reunite our country and to rededicate ourselves to the spirit of brotherly love which our founding fathers so ably displayed in the Declaration of Independence and the Constitution of the United States in establishing this great democracy. "In God We Trust." I want to vigorously urge the members of the subcommittee to unanimously pass this resolution, to refer it to the full committee, and for the full committee to immediately take action so that this resolution can reach the floor of the House before we adjourn the 91st Congress.

With open conflict and mistrust all over the world, it is imperative that the leaders who help to mold and develop public opinion in the United States assume the responsibility for creating unity here at home so that we can become strong and united as a nation to meet our obligations abroad. We must show the world that our democracy has real meaning, that we are a nation of nations, that we do love and respect our institutions and that we are ready to defend ourselves anywhere in the world and defend the principles of democracy anywhere in the world.

I am listing for the record, the names of over 100 Congressmen, who have cosponsored House Concurrent Resolution 307 which is similar to House Concurrent Resolution 263 and I call upon the full membership of the Interstate and Foreign Commerce Committee today to pass out this legislation so that Congress can speak out and speak out forcibly on behalf of the sons and daughters of the immigrants and also on behalf of the many immigrants who have given their sons and daughters, in war and in peace, to help build the greatest democracy that has ever been known in the history of the world.

I thank the distinguished chairman and the distinguished members of the Subcommittee on Communications and Power for this opportunity to testify before it on this bill. I fervently hope and pray this bill will be passed out immediately.

(The list of cosponsors referred to follows:)

COSPONSORS OF HOUSE CONCURRENT RESOLUTION 307

Joseph Addabbo of New York, Frank Annunzio of Illinois, William Barrett of Pennsylvania, Mario Biaggi of New York, Jonathan B. Bingham of New York, Ray Blanton of Tennessee, Richard Bolling of Missouri, Frank J. Brasco of New York, George Brown, Jr., of California, Phillip Burton of California, Daniel E. Button of New York, James A. Byrne of Pennsylvania, Hugh L. Carey of New York, Emanuel Celler of New York, Frank M. Clark of Pennsylvania, William L. Clay of Missouri, Harold Collier of Illinois, John Conyers of Michigan, Jorge L. Cordova of Puerto Rico, Dominick Daniels of New Jersey, William L. Dawson of Illinois, James J. Delaney of New York, John H. Dent of Pennsylvania, Edward Derwinski of Illinois.

Charles C. Diggs of Michigan, Harold D. Donohue of Massachusetts, Thaddeus J. Dulski of New York, Don Edwards of California, Edwin W. Edwards of California, Joshua Eilberg of Pennsylvania, Joe L. Ewins of Tennessee, George H. Fallon of Maryland, Leonard Farbstein of New York, Dante Fascell of Florida, Hamilton Fish, Jr., of New York, Daniel J. Flood of Pennsylvania, Samuel N. Friedel of Maryland, James G. Fulton of Pennsylvania, Cornelius Gallagher of New Jersey, Edward A. Garmatz of Maryland, Joseph M. Gaydos of Pennsylvania, Robert N. Giaimo of Connecticut, Jacob H. Gilbert of New York,

Kenneth J. Gray of Illinois, James R. Grover, Jr., of New York, Seymour Halpern of New York, James M. Hanley of New York, Wayne L. Hays of Ohio, Henry Helstoski of New Jersey, Floyd V. Hicks of Washington, Chet Holifield of California.

James J. Howard of New Jersey, John C. Kluczynski of Illinois, Peter N. Kyros of Maine, Robert Leggett of California, Richard McCarthy of New York, Robert McClory of Illinois, Joseph M. McDade of Pennsylvania, Martin McKneally of New York, Ray J. Madden of Indiana, Spark Matsunaga of Hawaii, Abner J. Mikva of Illinois, George P. Miller of California, Joseph G. Minish of New Jersey, Patsy Mink of Hawaii, John E. Moss of California, John M. Murphy of New York, William T. Murphy of Illinois, Lucien N. Nedzi of Michigan, Robert N. Nix of Pennsylvania, Arnold Olsen of Montana, Edward J. Patten of New Jersey, Claude E. Pepper of Florida, Otis Pike of New York.

Bertram Podell of New York, Adam C. Powell of New York, Melvin Price of Illinois, Roman C. Pucinski of Illinois, Peter W. Rodino, Jr., of New Jersey, Robert Roe of New Jersey, Byron G. Rogers of Colorado, Fred B. Rooney of Pennsylvania, Benjamin S. Rosenthal of New York, Edward R. Roybal of California, William F. Ryan of New York, Fernand St. Germain of Rhode Island, Charles W. Sandman, Jr., of New Jersey, James Scheuer of New York, George E. Shipley of Illinois, J. William Stanton of Ohio, Sam Steiger of Arizona, Louis Stokes of Ohio, Samuel S. Stratton of New York, W. S. Stuckey of Georgia, James Symington of Missouri, Frank Thompson, Jr., of New Jersey, Robert O. Tiernan of Rhode Island, John V. Tunney of California, Joseph P. Vigorito of Pennsylvania, Lester L. Wolff of New York, John W. Wydler of New York.

Mr. ANNUNZIO. I want to express my deep appreciation to the chairman of the subcommittee, Mr. Macdonald, and all the members this morning. I do hope that very shortly you will act on this resolution and pass the resolution out of the committee so that it can come to the floor of the House.

We are not interested in the technical aspects as far as the law is concerned. We agree with the Chairman of the Federal Communications Commission that it is a good resolution as far as the Congress is concerned. All we are asking is that the Congress put itself on record in informing the motion picture and television industries to use more discretion in programs which degrade ethnic groups.

I also want to include as part of my statement an editorial which appeared in the Washington Post on Friday, September 18, called *The Ethnics*. I want to read the last paragraph:

Third, the mass media—newspapers included—must avoid cliché reporting which looks down on the ethnics, instead of looking into them.

(The editorial referred to follows:)

[From the Washington Post, Sept. 18, 1970]

#### THE ETHNICS

The pictures and stories are beginning to appear of campaigning politicians going into the Polish or Italian neighborhoods, or Greek or Slavic ones, and telling the ethnics of their "concern." This is an old routine at election time. But this year is perhaps different. One of the major legacies of the 1960s—the decade when domestic programs were largely aimed at the poor and the black and with only occasional hits—is that many of the nation's 40 million white working class ethnics are still discouraged and discontented. Living on wages often barely above the poverty level, they have been excluded from most of the social programs, from job training to housing loans. To add degrading insult to social injury, many liberal and new left moralizers label the ethnics as "hard hats" and blame them for the war and oppression of blacks.

Last week, the U.S. Catholic Conference issued a wise statement on the current problem of ethnics. "It is difficult to rationalize neglect of these citizens, given their number and their strategic location in our urban areas . . . They are the backbone of the labor force in most of our industrial cities, mining towns

and manufacturing centers. The needs, frustrations and problems of these largely working class groups are urgent and varied."

Among the needs of the ethnics that can receive immediate attention, three stand out. First, the politicians can stop catering to the working class and begin trying to understand it. George Wallace is the most notorious of those who try to profit politically from blue collar anger and fear. What is needed is a leader who can point out the obvious, i.e., in the area of race, the ethnics and blacks should be natural allies in the struggle to save the cities. Second, the government must now go beyond its recent "blue collar report" and prove with well-funded programs and services that the ethnics are important for more reasons than political strategy. Third, the mass media—newspapers included—must avoid cliché reporting which looks down on the ethnics, instead of looking into them.

Mr. ANNUNZIO. Again, I thank you very much, Mr. Chairman, for this opportunity.

I am happy to join my colleagues, Mr. Brasco and Mr. Biaggi. They have a little more time than I have and they will go into depth as far as the interest of some of us in the Congress is concerned.

Mr. MACDONALD. Before you leave, Mr. Annunzio, I want to make this clear. I don't think you were here when I read the opening remarks about the legislation before us today. I know you are interested because we had a number of discussions on the floor involving yourself and Mr. Brasco and Mr. Rodino.

I want to make clear that you have all been served inasmuch as the subcommittee has taken under consideration the House Concurrent Resolution 304 introduced by Mr. Murphy of New York; House Resolution 262 by Mr. Brasco of New York; and your resolution, resolution 307, of which you are cosponsor with some others; also, House Concurrent Resolution 308, introduced by Mr. Rodino.

So, you all have a right to be heard, are being heard, and your bills are under active consideration.

Mr. ANNUNZIO. And we thank you very much.

Mr. MACDONALD. Thank you very much.

The next witness is the Honorable Frank J. Brasco, a Member of Congress from New York.

Mr. Brasco.

#### STATEMENT OF HON. FRANK J. BRASCO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. BRASCO. Mr. Chairman and members of the committee: I welcome this opportunity to testify before you today on behalf of my resolution on the demeaning of ethnic, religious, and racial groups. It is a sad fact that our motion picture and television industry has produced and distributed in interstate and foreign commerce films and programs which demean and degrade various groups of Americans. This is an incontestable damning situation that blithely continues as we meet here today.

It is bad enough to do this in the sheer name of profit. It is intolerable to do it with Government permission. It is inexcusable to deliberately carry on such activities at this particularly critical juncture of American history.

Our society has prided itself at being pluralistic \* \* \* many groups living and working together. Inevitable differences have always been met and ironed out through use of the art of compromise which I must

say the Chairman used very well in the situation that he discussed on the floor of the House. This has always been our unique national genius. The only time it failed we had Civil War.

Today that pluralism is endangered \* \* \* through polarization of our society based on accentuation of our differences. By singling out how one group differs from another, pluralism as a principle works against us \* \* \* rather than in our favor. It is therefore critical for those in the mass media to be aware of the potential for good \* \* \* and harm \* \* \* that resides in their hands. Too often they have been remiss in handling that responsibility. We can no longer allow them such leeway.

It is particularly important for us to realize that today successful entertainment depends often on mass media that cross interstate and international boundaries as if they were not there. Modern technology has created new worlds for massaging the brains and pleasure centers of the mass mind. It is not only easy to get across a concept or a distorted picture of an entire group of people. This has, and is, being done with disconcerting frequency by our mass media \* \* \* especially movies and television. Results have verged on the disastrous. Let me cite just a few examples.

I am of Italian American ancestry. Of course, this is a source of enormous pride to me. Ordinarily, I avoid hypersensitivity in this area. Yet, in recent months, I have been appalled at some of the images movies and television have created of my own people. Ask millions of Americans who do not come into contact with too many Italian Americans about the picture they have of these citizens. Most think that every Italian American is either a close blood relative to Al Capone, or would like to be. Consistently, through programs such as the "Untouchables" or "The FBI," Italian Americans are painted as illiterate mobsters who dress flashily, smoke huge cigars, smuggle heroin, kill innocent people, and belong to the Mafia or Cosa Nostra. If this is true, then so will the Mona Lisa start at fullback for the New York Jets. We laugh, but many believe.

Movie after movie has been made portraying them in similar fashion. Today's film is tomorrow's evening movie on television and the day after tomorrow's late show. Scores of millions of Americans live in areas where Italian Americans are few. Their only images of such fellow citizens is formed in great part by such presentations. By creating such intolerably warped pictures of Italian Americans, the minds of millions are made up, and the entire image set as if in concrete. Here again we see pluralism used against America. We all have seen or experienced that ourselves.

These films are also liberally distributed abroad, again with permission of our National Government. Foreigners have even less grounds, experience, and personal contact to use for comparison. In almost every case, their image of the people portrayed is formed completely by movies or television shows they are exposed to.

It is also well known that such distribution of American films and television programs literally saturates dozens of countries. We dominate their markets in these areas. It is also well to bear in mind that although many people in some of these countries cannot read or write, all can understand the relatively simple imagery of a movie or television show.

The same outrageous portrayals have been made of Spanish-speaking Americans. Here it has been just as blatant. The image is appalling. He is lazy. He makes revolutions. He sleeps much and drinks too much tequila. He is dirty and smelly and lacks ambition. I refer in particular to several portrayals of these Americans on television commercials for cigarettes and potato chips.

Again we have the same situation. Go out into the streets of an average American community. Ask people what images come to mind in regard to such people.

Stereotypes we have fought against for years are ever-present in the minds of millions of Americans. They are growing in frequency and level of outrageous distortion \* \* \* again mainly due to presentations on film and on our television screens.

The same is true of portrayals of the Irish, Jews, blacks and an entire range of ethnic groups from eastern Europe. Look at the images being impressed on our national mind of Polish Americans—instead of giving such citizens their due as hard-working builders of America, they and others from eastern Europe are either ignored or portrayed as dull beasts of burden. No mention is made of their heritage or cultural contributions.

Jews are tight-fisted peddlers in the mass media lexicon. They are “those clever little storekeepers” who are always plotting to do one thing or another to gain some commercial advantage. The Irish are almost always portrayed as beefy police types who drink heavily and think little.

Did you want me to yield, Mr. Rooney?

Mr. ROONEY. No. I never got that image of the Irish.

Mr. BRASCO. Well, I am glad.

Almost every variety show on television and many serial programs eagerly exploit and perpetuate such stereotypes. Movies blithely ignore any pretense at fairness, simply ignoring pleas of various organizations representing such groups who are laboring to halt these portrayals.

Mr. Chairman, this is more than an ordinary complaint. Millions of Americans belonging to these groups are being rubbed raw by such outrageous commercial warping and exploitation of what they hold most dear \* \* \* their identities, heritage and culture. One of the main reasons for the present strictures inexorably tearing our society's fabric are portrayals by movies and television I have described. I realize they will howl denials in platoons and battalions. Yet, I shall stick to my guns and refute those protestants ahead of time. They are responsible and cannot deny it.

Recent public demonstrations by several of these groups is ample evidence of the truth of what I am saying. Italian Americans have vigorously protested such stereotyping—publicly and in large numbers, not too long ago. I think they were absolutely correct and expect more such happenings if nothing is done.

The same is true of the outrage felt and expressed by the Nation's Spanish-speaking community and still other groups.

There are at least 40 million Americans who can be called “ethnics” \* \* \* in that they are still closely in tune with their heritage from the “Old Country”. They favor old recipes, preserve the language, worship accordingly and often maintain a special language press.

These are citizens who live in our cities, especially the larger ones in the East, Midwest and west coast.

They are aware that in the past they have been ignored by government, established political groups and the mass media. Their political power is great. Their indignation is strong and growing. They violently resent, with increasing bitterness, the images of themselves, distorted beyond reasonable recognition, that appear on their movie and television screens.

These are people who work terribly hard, complain relatively little, support the nation's principles and ideals passionately and are slow to anger. Their lives revolve around work, church, neighborhood and family.

They are the backbone of our industry and are mainstays of America's great unions. They feel themselves pressed on many sides and seek understanding of their frustrations, ambitions, and desires. In such a light, it is easy to understand why they are so enraged over outrages being perpetrated at their expense by the mass media—particularly movies and television.

Mr. Chairman, I am not a "professional media baiter." I respect and admire the free media of a free nation. Yet, freedom to entertain is not license to do anything in the name of making a profit. Use of the public airwaves and methods of communication carries with it a responsibility to understand and anticipate effects such entertainment is going to have. The sensitivities of others are no longer negotiable.

We live in a volatile age complete with unprecedented violence, bigotry, and public anger. Continuation and proliferation of images I have already described, courts increased desperate strife. It rubs salt into already raw wounds. It accelerates the process of national mistrust and polarization. It cuts out that middle ground from under men of moderation and good will, whose main desire in such times throughout our history has been to compromise. Yet, if there is no middle ground, there can be no compromise.

It is the duty of television and movies to understand this and act accordingly. If not, we court ultimate disaster and political polarization. And perhaps it is necessary to remind this committee a second time that the one time this process reached its ultimate conclusion we had Civil War.

America is not immune to internal collapse as a result of internecine struggle. It is the duty of this body, as one charged with regulation of the rights which have been abused in this case, to come down hard on these people who have been violating those rights. If they will not abide by the law, then they should and must be made to toe the line or lose their access to the publicly owned methods of communication.

Thank you.

In conclusion, Mr. Chairman, I want to say very emphatically that I am not wed to any particular language in the resolutions before the committee and certainly I am sure the judgment of the committee in that regard will take precedent as it should.

I am interested in one thing and one thing alone, that the Congress speak with a unanimous voice on this most critical issue.

I think it was interesting to note while Mr. Burch, the chairman of the Federal Communications Commission, who testified initially,

said that in his interpretation of the law the Commission had no authority or power to act in the area of ethnic slurs, they did follow up complaints with a letter to the offender and an investigation. He further described what the sobering effect on those who were committing ethnic slurs has been under these circumstances.

Certainly, if we take the lead from him, I would think it would be even much more important to the millions of Americans who have been abused in this manner to finally understand and appreciate that the Congress seeks to have its voice heard, and indicate to those who abuse the rights of so many by making profit out of ethnic slurs that we don't intend to completely abdicate our role in this area.

That is all this resolution seeks to do. It is a sense of Congress resolution which does not write any new law or change any existing law.

Again, Mr. Chairman, I thank you for this opportunity to testify.

Mr. MACDONALD. We thank you for coming here, Mr. Brasco.

As you know, I sympathize very strongly with the purpose of these resolutions.

One thing comes to my mind. In the outline which you gave us about the ethnics you took in any number of people. I suppose the only ones you missed were the English and their stereotype in movies and TV as butlers or cockneys or something like that.

I quite agree with you about movies that always have as villains certain ethnic groups and the heroes as a different ethnic group. I suppose the Indians are the most put upon in this field. But when you mention the Mexican "Frito Bandito" commercial, do you think that anyone looking at that commercial feels that it is a racial slur? Is it not a piece of fantasy, and, I think, a very good commercial?

Now I know I will be opening myself up to criticism from Mexicans, perhaps, but I have never heard of anybody taking a look at that particular advertisement and associating it with Mexicans. I would think the most important thing about the commercial is that bandito rhymes with the product. That is the only reason I remember what kind of commercial it was, "Frito Bandito."

You would have to be terribly hypersensitive to think that the commercial is depicting a real Mexican any more than Mickey Mouse represents mice. It is done for effect, and I think successfully. I could not conceive of Mexican American people taking that as a slur.

As a concrete example, I know of so many Irish-American people. Yet, there are a number of ads on TV talking about the "Little People" and the leprechauns and all that. I don't think that many Irish-American people are going to say, "Look, we are being slurred because they are portraying the fact that we believe in fairies, leprechaun fairies, and that sort of thing."

I think you can carry this too far and in carrying it too far you lose the real impact of what I think you have a good point about, really racial slurs in the sense of always having certain nationalities being portrayed as gangsters or heroin pushers and all that.

So, I hope we can come to a sort of middle ground.

Don't you think you are pushing it a little far about "Frito Bandito"?

Mr. BRASCO. Mr. Chairman, I am inclined to agree with you and Mr. Burch that when you approach the area of ethnics you get into a highly explosive, highly sensitive area of exploration. It ranges from

the imaginary slur, as you have just indicated, to those which are very real.

I suppose and suspect that one probably could only judge by how it affects the community at large. I think probably certain people who combine the minorities are probably more sensitive at certain stages of their history than other groups. I know that this will always be a problem.

However, I do feel that in the area that you speak about, assuming we talk about middle ground, that there certainly is much need for the media in terms of the television industry and movie industry to clean up many of their programs with respect to ethnic slurs.

As I said before, basically the resolution that I have introduced is just a sense of Congress resolution; it does not change anything. But I think it does give hope to the people who are very much concerned and actually are slurred daily by things that are portrayed on TV and in the movies.

I think it is interesting to note, too, Mr. Chairman, that when Mr. Burch spoke about 126 complaints in 1 year, in my opinion it is a very low number judging from the groups that I have contact with in New York and who have not been able to be here because of the short notice of the hearings but do support this resolution, I believe that people have sort of lost hope in terms of the writing aspect of complaining. That is why some time during the summer there were in excess of 100,000 Italian Americans at Columbus Circle in New York demonstrating over this problem. That indicates much more than 126 complaints in 1 year.

I think it is important for us to take the lead here because it gives hope to the people who have lost all hope and are saying, "What is the use of complaining? Another letter will only fall on deaf ears."

Mr. MACDONALD. I think I would agree with you.

I would like to clear up an inference I know you did not mean to include in the record. It was not only a short notice of the hearings to witnesses. It was short notice to me also. How the short notice came about is that the sponsors of the resolutions wanted a hearing before the Congress adjourned. I am sure the hearings could be improved upon if we had postponed the hearings until we could give notice to a lot of people who are interested in this problem.

Mr. BRASCO. This was no criticism of this committee. As a matter of fact, all of those interested, including the groups I was on the phone with in New York who could not be here to testify, appreciate this opportunity that the committee has given to hold a hearing on this resolution under the time limitations we all know the committee has.

I only pointed it up to indicate that there could be corridors filled with people if there were time to develop a communication between those who support the resolution and the hearing.

Mr. MACDONALD. I understand and agree.

Mr. Brown?

Mr. BROWN. On the point you just made with reference to the Chairman I have to conclude from the Chairman's remarks that he is rather peculiarly sensitive to letters from viewers.

I must say that I personally, take a good deal of encouragement from that. I share your view. Previously, I had the feeling it made

no difference what you wrote to the Federal Communications Commission—I am talking now about private citizens, as well as Members of Congress and their families who are unhappy with what they see on television and heard on radio from time to time—that they really are not going to get too exercised about it. I assume from his response that 126 letters have moved the Commission, and in one case even one letter has moved the Commission to write the station and say, “Watch it now”; that the Commission and the Chairman deserve some congratulations for a rather precise shift in viewpoint here in the last few months. I would suggest that maybe we all ought to take some heart from that and maybe the viewer can get some results by writing letters. I know that his comments sort of encouraged me.

I think the next time I am unhappy with something, not only will I send it to the president of the network but I will send a copy to Chairman Burch and maybe the president of the network will get a letter from Chairman Burch, too, and that may be salutary.

Mr. BRASCO. My statement was not critical of the Chairman or the Commission. I only used it to point out, as the Chairman said, that he did not interpret any rules, regulations, and/or laws in existence today which gave the Commission the authority to act in the area of ethnics.

I certainly congratulate him for using the good judgment and the Commission the good faith to follow it up on their own.

I suspect also that the individuals who are perpetrating the ethnic slurs also understand and appreciate that the Commission has no real authority to act. That is why I think the resolution is so important because it is important then to have the Congress of the United States say, “We understand and appreciate the problem and we are now asking that the media involved do something about creating internal ground rules of their own,” before Congress acts.

Mr. MACDONALD. Mr. Rooney.

Mr. ROONEY. I would just like to congratulate the gentleman from New York for leading this crusade. He has presented a very fine statement.

Mr. BRASCO. Thank you.

Mr. MACDONALD. Mr. Harvey.

Mr. HARVEY. I have no questions.

It was a very fine statement.

Mr. MACDONALD. Mr. Brown.

Mr. BROWN. I have no questions, Mr. Chairman.

I would like to make one observation.

I have to leave this session for a couple of minutes. It seems to me that there is a vehicle here with peculiar respect to the electronic media whereby we might have an impact. I have some question in my mind whether it is appropriate for this committee to include movies in it. I think it would be helpful, maybe, if the movies would adopt the standards that exist on television at present. I think they probably are going to have to do it voluntarily. I don't know if we can control that here.

Mr. MACDONALD. Thank you very much, Mr. Brasco.

Mr. BRASCO. Thank you, Mr. Chairman.

Mr. MACDONALD. Our next witness is Mr. Biaggi, Member of Congress from New York City.

STATEMENT OF HON. MARIO BIAGGI, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF NEW YORK

Mr. BIAGGI. Thank you, Mr. Chairman, and gentlemen.

I would like to concur with Mr. Brown's observations in connection with the chairman of the Federal Communications Commission. We take heart. There is a shift in attitude.

I recall in 1966 when I was serving as president of the Grand Council of Columbia Associations in Civil Service which represents 100,000 Americans of Italian origin, who registered complaints to the Federal Communications Commission, all we received in return was acknowledgment of the letter indicating they had no jurisdiction and if we wanted to pursue this complaint the only forum provided would be time at the hearing when the franchise was to be renewed in 1969.

Since that time, however, a number of things have happened. There have been some court decisions, an alteration of attitude and posture by the Federal Communications Commission, where we have reached the stage of this present attitude by Mr. Burch. Frankly, it is his very attitude consistent with the evolved position of the FCC that gives me hope.

I also share a very practical observation made by Mr. Brown. I think we will have more difficulty with the movies.

The force and effect of the Federal Communications Commission at this particular point is not to be underestimated.

The resolution calling for a sense of Congress will further bolster our position.

The franchises which were heretofore considered by the broadcasting media as lifelong franchises are now not regarded in the same arrogant manner, with the same arrogant attitude, if you will. The change of attitude has been brought about by in some cases the Boston situation where there was an effort to deny a franchise to an existing channel. WPIX is undergoing a hearing, the merits of which will be considered in due course.

But the important thing is that renewal of the franchises is no longer automatic. The management in order to protect its own position must act responsibly, and that is all we ask, that they act responsibly.

A point was made about the possibility of showing "X" rated movies on television. I made a survey. I wrote to the various networks; I wrote to Mr. Valenti. Mr. Valenti responded that it would be in the discretion of the people who were the program selectors and the people who responded from the television stations gave me no assurance in their responses that an "X" movie would not be shown.

I anticipated this. We see what is happening in the movies, themselves. I think the observation that Mr. Burch made as far as movies was sound—adults purchasing; it is an exercise of free will. I don't agree with many of the films that are being produced, but you are still dealing in America and dealing with constitutional rights. But the broadcast media is something else again.

Mr. Burch also said at the outset that the broadcast media should not be treated or smeared with the same brush that we were smearing

the movies with. I can understand his position. But, unfortunately, the same brush applies.

Very often, the area of offense is old movies and we have a portrayal of people in an unfavorable light in a movie that was made prior to the whole civil rights revolution, if you will, of human rights. Some of these movies were made 20 years ago.

We are talking about a whole new aspect of living today. That is why we are here discussing this very problem.

Here we are giving serious consideration and I take heart from the response and the comments I have heard today. I am confident if this resolution is passed, together with the Federal Communications Commission, that the broadcasting media will respond. They are responding now. They have responded, to a great degree, in connection with many groups. On occasion, there are lapses in connection with certain groups. But the one group they have not dealt with fairly is the Italo-American group. They continue to portray, meaningfully or otherwise, the Italo-American in an unfavorable light.

The chairman dealt with Frito Bandito. I don't think we should respond really to any hypersensitive illustrations. We have that among people but we are talking about the broad bulk of the people.

I will cite one that deals with an Italian accent that I don't think is offensive; it is charming, humorous and does its job well. You know the one. I think it is Alka-Seltzer or Bromo-Seltzer. He says, "That is a spicy meatball." I think it is quite humorous; it is inoffensive and it does its job.

There is another thing in connection with Mr. Burch. I think he said the Agency dealt with 126 complaints. He did say it depended on the head of the Complaints and Compliance Bureau. What kind of attitude does this man have? That is important. If he has the proper attitude, it will help a great deal in alleviating the situation. But if he is narrow and restricted and possesses an ancient attitude, we have a problem.

In my judgment, that is the critical area. He apparently makes the decisions on what is good and what is bad.

I have a statement that I would like to read. These are some of the observations. I am delighted at the sense of this whole meeting this morning. The statement I have prepared starts off with Congress, itself.

Every member in this room today would be justifiably angered if television, radio and motion pictures always depicted all Congressmen as overweight, cigar-smoking, aloof, underhanded, backroom politicians. Fortunately, the motion picture and media industries realize that if such a stereotype consistently appeared in their productions there would be serious repercussions.

However, similar kinds of slurring and discriminatory portrayals occur daily on the movie and television screens and radio airwaves of our country. There has been very little concern over this kind of activity by legislators until now, because it always involves the so-called minority groups of America who, until recently, were believed not to have the ability to organize and wield enough group power to influence our country's politics.

While I hesitate to classify as a minority group any body of people that has in it 22 million citizens, I do include in this categorization

the Italo-Americans, along with the Jews, the blacks, the Irish-Americans, the Polish Americans, the Greco-Americans and the many other nationalities, American or not, that have contributed so much to the mixed culture of our Nation.

The several resolutions before us today, one of which I have sponsored, are aimed at correcting this serious problem. They will not do the complete job, I am sure, but they will help shape the final form of a House Concurrent Resolution which I hope will accomplish several things.

First, it would put this body on record as being strongly against the further practice of demeaning, degrading, and destructive ethnic slurring in the broadcast and film industries.

It would encourage responsible motion picture and broadcast industry executives to establish and enforce their own standards to prevent this harmful practice.

And, it would also put the industries on notice that if adequate self-regulating procedures and policies are not established (and followed), Congress will quickly respond by enacting appropriate controls of its own.

Mr. Chairman, I don't advocate Government controls whenever and wherever problems exist. I am confident the film and broadcast media will live up to our expectations.

However, if such governmental action should become necessary because of a lack of response on the part of the industries, I will not hesitate to rise in the House chamber to propose such controls.

To me, and I am sure the same applies to my colleagues, this measure is of tremendous importance. It is important because most Americans are unaware of the extent such harmful, direct, and insidious stereotyping and defamation are practiced in our country. Most people are also unaware of the influence this sort of activity has on the daily lives of those ethnic groups that are victimized by the practice.

I, personally, have been concerned with this problem for many years. My concern and my efforts to eliminate it certainly go back long before I came to Congress.

I can recall several specific incidents in which my intervention, as head of the Grand Council of Columbia Associations, a group of over 80,000 civil servants in New York, resulted in changes in broadcasting format and policy.

One such incident involved an internationally famous television show which was popular many years ago, called "The Untouchables." I am sure you recall the show and remember how for weeks and weeks on end, its characterizations of criminals was such that it became hard to believe that crime—all crime—both past and present—was not the sole province of Americans of Italian extraction.

In effect, the show's message was not that some Italian Americans were, and are in criminal activity, but, rather, that all criminal activity was, and is Italian American.

My personal discussions with various media people, and then with Desi Arnez, the producer of the show—who was at the time an ethnically identifiable show business personality, himself—resulted in a modification of the scripts and the casting of characters to more realistically present the picture of crime and criminals in America. That

was specifically dealing with Chicago. Everybody knows about Chicago.

Chicago was divided into five gangs. If you read the contemporary papers or read the history, Chicago had five gangs. But all they dealt with was the ethnic segment of those gangs and they were ethnically divided. I wish my colleague, Mr. Annunzio, from Chicago, were here. He would attest to that.

This, of course, was only one show. It did not stop all defamatory broadcasting. I am unhappy to say that it continues today, and if we do not take a stand somewhere, it will go on, and on, and on.

There's no doubt that, at times, an actual ethnic characterization becomes necessary to make a point in a plot, a story, or a news report. Yet, even here, much good judgment must prevail. You can imagine, therefore, how deplorable—how immoral—how despicable—it is when a characterization is absolutely false and demeaning. Yet, it is done and done often. And we must ask why?

One of the reasons may be because there exist certain individual broadcasters who, either through habit or personal immorality, see fit to swing a vicious ethnic verbal sword, and they do not hesitate to use it to satisfy personal grudges, psychopathic urges, or just to create gross sensationalism. Moreover, they play the ethnic line because they know all too well that a good part of their audience has been conditioned, over the years, to accept ethnic innuendoes, false associations, and outright lies.

The Federal Communications Commission has stepped up its policing of the broadcasting industry. Several stations have been subjected to intensive scrutiny before broadcast licenses were renewed; some are now undergoing hearings. Perhaps in a few cases the review has been too harsh, and has been complicated by factors other than the question of service in the public interest.

While I am convinced that our broadcast industry is as much interested as we are in establishing and maintaining high standards, a monitoring of broadcast practices may be necessary, nonetheless.

The majority of the broadcasters will be responsive, I am sure. However, there will always be a few station managers or individual newscasters whose motives and morals must be kept in question. Whether they interpret the right to exercise freedom of speech and freedom of the press as a right to lie, to distort, and to attack ethnic groups or their representatives, is a serious question that needs an early and forthright answer.

As I have said, I believe the industries as a whole can face this issue. However, each member of each industry must face the issue. If not, Congress will take measures to guarantee that he does.

Mr. Chairman, let me make one additional point. This House recently passed legislation that, if enacted, would allow television broadcasting of certain legislative activity—specifically legislative committee hearings. I hope we are not setting one-sided standards when we call on the broadcast industry and the movie industry to upgrade their treatment of ethnic and religious groups.

It is entirely possible that we in Congress may engage in the very same practices we are trying to put a stop to by our resolution. I think this could easily happen because it has happened in the past.

I am sure you will agree that the TV spectacular put on several years ago which, despite its broader scope, came to be known as the Valachi Hearings, was not Congress finest hour in the eyes of the millions of decent and law-abiding Italo-Americans of our Nation.

As you well know, this was a highly dramatic show. The effect it had on its nationwide audience was horrendous. To say that it came close to hypnotizing the vast majority of Americans into believing that crime was Italian is not an understatement.

For days, one witness, tailor-made for the show, spewed forth one Italian name after another, encouraged to go on and on, and mesmerize the Nation into believing that crime in America was, indeed, Italian and nothing else. The underworld of crime, after that show, became a world of Italo-Americans in the eyes of so many people of our country who, in many cases, it is sad to say were introduced to television, to crime, and to Italians for the first time by the imponderable Mr. Joseph Valachi.

The sad part of this tale is that Congress was a direct party to the act. One wonders if closed hearings, with a judicious examination and evaluation of all the evidence given, and then a public statement by responsible legislators would not have served the cause of law enforcement better, as well as the interests of 22 million decent Italo-Americans.

Mr. Chairman, along with the managers and producers of movies, radio, and television shows, we in Congress must be equally vigilant within our own Halls, against the promotion of hate, defamation, and ridicule of whole groups of people.

The standards we set for the industries, we must apply to ourselves. And, the treatment we expect for the ethnic groups we personally identify with we must all expect for our neighbors and for all our fellowmen.

Finally, let me say this. I am not so naive as to believe that the resolution this committee reports out will wipe out ethnic stereotyping and ethnic discrimination forever. However, I do believe that if the motion picture and the broadcasting industries along with all sponsors of such programs, take steps toward the elimination of demeaning portrayals of good, honest peoples of our country, we can at least stop the spread of this practice—which is the first step towards the eventual elimination of it altogether.

During the 1960's, Congress passed numerous pieces of legislation, legislation for civil rights, aimed principally at raising the dignity of the beleaguered blacks of America. These measures were commendable and must be reinforced and expanded.

Only recently we sought to eliminate discrimination based on sex. I commend this House for that. I think now we can do no less for those millions of other Americans who are victims of ethnic and religious biases and prejudices.

Although my statement may seem primarily to deal with the problems affecting Italo-Americans, I am equally concerned with every other ethnic and religious group and have combatted with the same vigor any instance, any occasion, where such groups were portrayed in a poor or demeaning fashion.

These bills are important to all Americans. Our basic sense of fair play cries out for enactment, but that same sense of fair play literally cries out for the eradication of the practice everywhere in our Nation.

Mr. MACDONALD. Thank you very much, Mr. Biaggi.

Mr. Rooney?

Mr. ROONEY. I have no questions.

I want to commend you for the excellent statement and also the keen observations you made regarding Dean Burch's remarks.

Mr. MACDONALD. Mr. Harvey?

Mr. HARVEY. I have no questions, Mr. Chairman.

It was a very fine statement.

Mr. MACDONALD. Mr. Tiernan.

Mr. TIERNAN. Thank you, Mr. Chairman.

I have no questions other than to welcome our colleague here.

I think the statement covers the subject very well.

I notice you have not sponsored either bill as cosponsor.

Mr. BIAGGI. Yes; I think I am on 314. I think there were some 110 sponsors.

Mr. TIERNAN. Thank you.

Mr. BIAGGI. Thank you, Mr. Chairman, and gentlemen.

Mr. MACDONALD. Our next witness is our colleague from the full committee, the Honorable Samuel N. Friedel. Welcome, Mr. Friedel, it is good to have you with us this morning.

#### STATEMENT OF HON. SAMUEL N. FRIEDEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. FRIEDEL. Mr. Chairman, last year, I joined our distinguished colleague, the gentleman from New York, Mr. Brasco, and eight other Members in introducing House Concurrent Resolution 262 and, today, I am pleased to submit this statement in support of this measure. I most strongly urge and recommend your favorable consideration of this important concurrent resolution.

As an American, I want our citizens united. I take a dim view of polarization of ethnic, racial, and religious groups. It is time that we take seriously the old axiom "united we stand, divided we fall." I strongly oppose divisiveness in any form.

History has shown us that our United States became the greatest nation on the face of the globe because of the very many significant contributions which the American foreign born or Americans of foreign background or parentage have made and are making today to our democratic institutions and our American way of life.

Men and women came to these shores from every corner of the world, from every nation, and every race to line together and work together to make this one great Nation united in the goal of freedom and opportunity. We owe them a debt of everlasting gratitude.

Let us never forget that the original Americans were the Indians. All other people in this beloved land of ours had ancestors from every country of the world.

Unfortunately, misguided persons, often innocently, cast ridicule upon other races, religious groups, or upon people of other than Anglo-Saxon origin. The mass media of motion pictures, television, and other forms of communication inadvertently are the means of being the conduit for prejudice. Of course, a small minority are avowed advocates of prejudice and discrimination. I am sure all of you and I believe in a maximum of freedom of choice but, like everything else,

one must respect the feelings and personality of others. No doubt, we all remember the late Justice Oliver Wendell Holmes' remark concerning free speech. This great jurist of the Supreme Court said "I believe in free speech, but I do not believe that a person has a right to shout 'fire' in a crowded theater when there is no fire."

As a cosponsor of House Concurrent Resolution 262 expressing the sense of the Congress that the producers and distributors of motion pictures and television programs should immediately cease the production and distribution in interstate and foreign commerce of those films which degrade, or demean, racial, religious, and ethnic groups, and affect the moral behavior of all people throughout the Nation.

I cannot use words strong enough to convey to you my earnest and sincere support of this much-needed measure to help "bring us together again" for an even greater and better America. Let us not forget "united we stand, divided we fall."

Mr. MACDONALD. Thank you, Mr. Friedel, for your comments.

Mr. FRIEDEL. Thank you, Mr. Chairman, for affording me the time to present them.

Mr. MACDONALD. Next we shall hear from the Honorable John J. Rooney of New York. Welcome, Mr. Rooney. Proceed as you see fit.

#### STATEMENT OF HON. JOHN J. ROONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. ROONEY. Mr. Chairman, I appreciate the opportunity given me by the committee to express my strong feelings on a subject which I think should concern all of us here in Congress and indeed every American. I refer to ethnic, racial and religious slurs on television.

Anyone engaged in political activity knows the importance of television as a communications medium, so I do not think I need belabor that point here. It is understating reality to say simply that television programs and motion pictures have a deep and lasting effect on every viewer and in particular our young. It well behooves us then to pay attention to what is offered over our airwaves and in our theaters. And lest we forget, the airwaves belong to the people, not the few corporations or individuals who operate stations and networks under Federal license.

I have been concerned over the increasing number of programs that depict the organized gangster as an Italian American, the village idiot as a Polish American and the crooked labor leader or politician as an Irish American; the Mexican American speaks English like something out of a Cisco Kid movie of the late thirties and is fit only to sell appliances or potato chips and the black, while he no longer shuffles his feet and rolls his eyes, does not seem to be able to speak a part in today's television programs unless it is prefaced with "Hey, man." He is of course, a semi-reformed convict, drug addict or worse. The views of the religious leader of some 20 million Americans are found to be a source of great humor. The list goes on ad nauseam.

These slurs on origin, race, creed, or color must be eliminated from television as well as motion pictures. And let me hasten to add I do not ask nor want to see censorship by the Federal Government or anyone else. No, that is not the answer. These slurs, intended or otherwise, are written into shows—they can just as easily be written out. And once

the public convinces the powers that be in the television industry and in motion pictures that they will not stand for such things, they will be written out. There are two very simple means of showing displeasure for a show \* \* \* a boycott of the sponsor's product and a boycott of the show itself along with attendant publicity. Letters of protest should also be filed with the appropriate Government agencies, networks, stations and sponsors.

In short, Mr. Chairman and members of this committee, there is in this day and age no excuse for the snide remark or leer centered around the makeup of any group of Americans just as there is no excuse for the type casting that glorifies one group at the expense of another.

Television, say the critics, has failed both as an entertainment and cultural medium. Perhaps a great deal of its failure, if such is the case, is due to the lack of response from concerned citizens. Certainly a good deal of blame for its failure must rest on those officials who keep programming on the basis that the average American is 14-mentally-years old.

I think this can be changed and I think it can be changed by an aware citizenry which cares what comes into its home and into the minds of its children. For let us make no mistake, our children see what we tolerate. And having seen what we tolerate, they must assume that we approve. Could they be expected to believe otherwise?

I commend, you, Mr. Chairman, and all members of this committee for your efforts to call attention to this appalling situation.

Thank you.

Mr. MACDONALD. Thank you, Mr. Rooney.

Next we have from the State of New Jersey, the Honorable Peter W. Rodino, Jr.

**STATEMENT OF HON. PETER W. RODINO, JR., A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. RODINO. Mr. Chairman, I am very pleased that your subcommittee has scheduled a hearing on my bill, House Concurrent Resolution 308, and similar measures. It is a privilege to have this opportunity to testify before you in support of my legislation.

I am sure that the many Members of the House who have sponsored legislation in this area share a common concern—to do all that is feasible to prevent defamatory and, in fact, anti-democratic treatment, of ethnic, racial, and religious groups. The demeaning and disheartening effects on these groups is not only dangerous and damaging to our society, but illogical and senseless when we consider that much of the greatness of America stems from the varied pattern of its immigration and the contributions of immigrants from nations across the globe.

Yet, for a long time certain motion picture films and television and radio broadcasts have periodically ridiculed and degraded ethnic, racial, and religious groups. Unfortunately, by casting characters in stereotyped roles, such films and broadcasts maliciously ascribe undesirable or ignorant patterns of behavior, and even criminal character and intent, to members of ethnic, racial, or religious groups.

Although major segments of the motion film and television and radio industries have generally not engaged in the production of such derogatory films and broadcasts, it is a fact that the industries involved have never established or enforced adequate standards to prevent their production and distribution. It was for this reason that I introduced House Concurrent Resolution 308, to express the sense of Congress, both on the harmful effects of such material, as well as the need to establish and implement effective standards.

House Concurrent Resolution 308 is intended to establish three principles: First, it calls upon the motion picture and television and radio industries to cease production and distribution of defamatory films and broadcasts; second, it calls upon responsible persons in the industries to establish and implement adequate standards; and third, in the event that these industries do not take such action within 1 year after enactment of this legislation, it seeks action by Congress to formulate and propose "such measures as are necessary to establish and implement such standards."

I would emphasize, Mr. Chairman, that the purpose of the resolution I have introduced is not to censor the motion picture and television and radio industries. They are fully protected by the Constitution and the Supreme Court and, as a ranking member of the House Judiciary Committee, I would be the last to propose any measure which I considered in any way to be a violation of constitutional rights and guarantees.

The basic objective of my proposal is to express the sense of the Congress in opposition to defamation of minority groups and to alert the people of the United States to the gravity of the issue. There have been many gross injustices perpetrated against American ethnic, racial and religious groups without regard to the outstanding contributions they have made to the growth and development of our Nation.

As an American of Italian heritage, I am very naturally concerned about this problem.

I would like to call to your attention an editorial in *The Star-Ledger*, published on July 28, 1970 in Newark, N.J., which stated in part: "The constant use of terms like 'Mafia' and 'Cosa Nostra' in a criminal connotation has been a disturbing disservice to millions of Americans of Italian descent." I would go further, in saying that the word "disturbing" is a considerable understatement. As the editorial further comments: "The unlawful actions of a small minority have been magnified to such an extent as to constitute an affront to the vast majority of Italian-Americans who are law-abiding \* \* \* they are being smeared by repetitive references to criminal elements under these convenient, catchall Italian terms, which have been given wide currency in official governmental channels."

The very understandable resentment of Americans of Italian ancestry reached a crisis point on June 29 of this year when, according to the *New York Times* of June 30, "tens of thousands of Italian-Americans filled Columbus Circle yesterday afternoon for a communal outpouring of pride in the land of their forebears and outrage at the practice of equating Italians with criminals."

It was therefore most encouraging to note subsequent press reports that the Attorney General, with the President's concurrence, issued a

memorandum directing the Justice Department, including the FBI, to cease use of the terms "Mafia" and "Cosa Nostra".

Another ethnic group that has suffered greatly, particularly as a result of tasteless and disgusting slurs misleadingly called "jokes" on television and radio broadcasts, is composed of citizens of Polish heritage. These constitute character assassination at its worst, and all Americans should remember that Polish-Americans stem from the same ancestry as the valiant Polish generals, Casimir Pulaski and Thaddeus Kosciuszko, who fought side by side with Commander in Chief George Washington and Gen. Nathanael Greene to win independence and freedom for our Nation.

Mr. Chairman, the text of my resolution states that "motion pictures and television and radio broadcasts which defame, stereotype, ridicule, and demean or degrade ethnic, racial and religious groups thereby foment a discord and unrest which diminishes the vitality of democratic institutions."

In my judgment, there is no doubt that the strength of our democratic society depends on harmonious relations among all citizens. So I believe it is essential that we approve this legislation to help end the dissemination of false and discordant motion pictures and television and radio broadcasts that can only serve to undermine the principles of equality, justice, and tolerance upon which our Nation was founded.

Thank you, Mr. Chairman.

MR. MACDONALD. Thank you, Mr. Rodino, for sharing your views with us today.

The Honorable Harold R. Collier from the State of Illinois is our next witness. Proceed as you wish, Mr. Collier.

#### STATEMENT OF HON. HAROLD R. COLLIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

MR. COLLIER. Mr. Chairman, I thank the Subcommittee on Communications and Power for the opportunity to appear in support of House Concurrent Resolution 462. This measure would express the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups.

As a former member of the Committee on Interstate and Foreign Commerce, I am aware of the tremendous responsibilities with which you must deal, however, I hope the committee will take the time to draft a strong resolution and that it will report it to the House of Representatives so that it can be acted upon before sine die adjournment.

I am sure that my colleagues who are cosponsoring the various resolutions that are being considered by the subcommittee do not object to jokes about members of certain ethnic groups and religious denominations, per se, as many Americans belonging to such organizations enjoy hearing and repeating stories at their own expense. The stories ought, of course, to be clever and in good taste.

What I and my fellow-Americans do object to is the placing of every member of a particular group in the same category as that occupied

by the one who represents the lowest common denominator of that group. We are all familiar with the use of stereotypes, whereby everyone is labeled and put into a neat little category. Because of the literary efforts of Niccolo Machiavelli and the lawless activities of Alphonse Capone and his ilk, must all of our fellow-Americans of Italian ancestry be stigmatized as either unscrupulous schemers or gangsters? It is just as absurd to portray all men of Irish extraction as habitual drunkards, all our immigrants from Scotland as cheapskates, and all Negroes as shiftless.

Many of our moving picture, stage, radio, and television shows are offensive to millions of Americans because of the manner in which the Lord's name is used as a swearword. Surely such a practice is as reprehensible as the mockery of the Christian and Jewish religions that has become all too prevalent.

Equally as pernicious as the defamation of ethnic, racial, and religious groups is the degradation of womanhood. A man from Mars might get the impression, from watching current moving pictures, that the overwhelming majority of 20th century women are of easy virtue and that a substantial part of the male population consists of sexual perverts. The authors of stage plays and Hollywood scenarios evidently take the Kinsey nonsense seriously.

Mr. Chairman, the adoption of a strongly worded resolution by the Congress of the United States would serve notice on the motion picture and broadcasting industries that the people's representatives are appalled and disgusted with so-called entertainment that defames, stereotypes, ridicules, demeans, or degrades any of our fellow-Americans. These industries will thus be on notice that they must voluntarily set their houses in order by establishing and enforcing adequate standards for their products. Should they fail to do so, the next Congress may not stop with a resolution, but may instead enact legislation with teeth in it.

Mr. MACDONALD. Thank you, Mr. Collier, for your brief statement.

Mr. COLLIER. Thank you, Mr. Chairman, for affording me the opportunity.

Mr. MACDONALD. Next we shall hear from the Congressman from the State of Connecticut, the Honorable Robert N. Giaimo.

#### STATEMENT OF HON. ROBERT N. GIAIMO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. GIAIMO. Mr. Chairman, members of the subcommittee, it is a privilege for me to appear before you today in support of House Concurrent Resolution 262 and identical legislation, to express the sense of Congress on motion pictures or television programs which degrade or demean racial, religious or ethnic groups. I am proud to be the author of House Concurrent Resolution 265, an identical measure.

At the outset, Mr. Chairman, I want to stress the fact that by supporting this legislation I am in no way advocating censorship. The freedom enjoyed by the mass media in this country is guaranteed by the Constitution and must be protected at all costs if we are to remain a free and open society. Yet, in exchange for this freedom, the media have a responsibility to the people of the Nation—a responsibility not to degrade, not to stereotype, not to injure by accident or design any

racial, religious or ethnic group or any individual. The question before us today is whether or not the television and movie industries are living up to that responsibility.

The bigot has many weapons in his arsenal. He uses innuendoes, stereotypes, ridicule, and guilt-by-association to spread misunderstanding, fear, and hatred throughout the land. It is incumbent upon all of us, Mr. Chairman, but especially upon the mass media, not to reinforce these stereotypes or add to the ridicule. Most movies and television programs adhere to this basic principle of decency, but some do not. Those that do not are providing tremendous assistance to the hatemongers of this world in their twisted campaigns of bigotry.

Some say that those of us who decry this degradation are being overly sensitive. I say that this injustice has reached the point that few Americans can escape being hurt by it. Let us face facts, Mr. Chairman. More than 20 million Italian Americans are cruelly linked to organized crime by the bigot merely because they are of Italian descent. Millions of Jewish Americans are unfairly stereotyped by the bigot as being clannish and greedy. Millions of Polish Americans find their intelligence questioned daily in the bigot's sick example of humor. Millions of Black Americans, Irish Americans, German Americans, and members of other ethnic, racial, and religious groups find themselves similarly degraded and ridiculed.

Are we being oversensitive in trying to stop the spread of bigotry and hatred, Mr. Chairman? No; we are not. The fact is that every racial, religious, and ethnic group has a right to be proud of its heritage, proud of its accomplishments, and proud of its contribution to this Nation. To destroy this pride in "self" through defamation, degradation, and ridicule is to destroy the very quality which has made America different and has made America strong.

I am not a dreamer, Mr. Chairman. I do not believe we can wipe out bigotry with the wave of some magic wand. I do believe, however, that we can and must stop the spreading of hate and misunderstanding by the media.

Several years ago, the popular television comedy series "Amos 'n Andy" was taken off the air because many Black Americans complained that the program was insulting. While I do not intend to discuss the merits of their criticism, I believe it was perfectly proper for them to complain if they were offended. Their method was obviously effective in getting the program taken off the air. Yet it is clear that one group protesting one television show or one movie will not solve the problem we are facing here today.

The solution must come from every decent American. It must be a denunciation in the strongest possible terms of any program or movie which degrades, demeans, ridicules, or insults any racial, religious, or ethnic group. It must be a refusal by all decent citizens to patronize any theater showing such a film or to purchase any article advertised on such a television program. I submit that if all decent Americans reacted in this way to this intolerable situation, it would be remedied in short order by the producers themselves.

In this time of disharmony and polarization, we can no longer tolerate mass-produced bigotry against any citizen or any group. If we laugh at a man's withered arm, we are degrading the man him-

self. If we ridicule a group of American citizens, we are degrading America. Our Nation needs a renewed spirit of brotherhood. Bigotry and hate must not prevail.

As a step toward making every decent American aware of this danger, Mr. Chairman, I urge that Congress go on record in opposition to the continued production and distribution of any film or television show that degrades or demeans. I urge the immediate adoption of House Congressional Resolution 262.

Thank you, Mr. Chairman.

Mr. MACDONALD. Thank you, Mr. Giaimo, for a fine statement. The Honorable Joseph P. Addabbo of New York is the next witness. Welcome, sir.

#### STATEMENT OF HON. JOSEPH P. ADDABBO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. ADDABBO. Mr. Chairman, I welcome this opportunity to present my views in support of House Concurrent Resolution 262 and related bills, including House Concurrent Resolution 268 which I introduced. These bills express the sense of the Congress that the motion picture and television producers should immediately cease the production and distribution of films which degrade or demean racial, religious, and ethnic groups.

In sponsoring this legislation and in urging approval by this subcommittee, I recognize the importance of preserving the rights to free speech and expression and wish to make it clear that in no way do I intend to place obstacles in the way of artistic creativity. That is why the resolution before this subcommittee is in the form of a sense of Congress declaration rather than in the form of legislation which carries criminal or civil penalties for violation.

The power which the motion picture and television industries have over the emotions and attitudes of our Nation, particularly young people, cannot be denied. This power must be exercised in framework which encourages creativity on the one hand while recognizing the responsibilities inherent in the exercise of such power. This legislation recognizes both aspects of film production and distribution and attempts to place these aspects in proper perspective.

I urge this subcommittee to approve House Concurrent Resolution 262 as reaffirmation of its desire to protect our first amendment rights while discouraging films which cause racial strife and foster hatreds by degrading ethnic groups. It is my hope that such congressional action will alert the motion picture and television industries to the need for more effective and more efficient self-policing so that the threat of censorship will be diminished.

The bill does not seek to protect any single ethnic group but rather to protect all Americans by assuring that irresponsible slurs against any segment of our population will be suppressed by industry itself.

Mr. MACDONALD. Thank you, Mr. Addabbo, for your brief statement.

Mr. ADDABBO. Thank you, Mr. Chairman.

Mr. MACDONALD. The Honorable Joseph G. Minish of New Jersey is our next witness. Mr. Minish has a brief statement for us this morning.

**STATEMENT OF HON. JOSEPH G. MINISH, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. MINISH. Mr. Chairman and members of the Subcommittee on Communications and Power, thank you for giving me the opportunity to testify in behalf of House Concurrent Resolution 274. This legislation, which I have cosponsored, would demonstrate the opposition of the Congress to films and television programs that demean racial, religious, or ethnic groups.

It is accepted by all of us that television and motion pictures contribute much to the mores and standards of our society. If we are to overcome bias and prejudice, it is absolutely necessary that all forms of news media and entertainment bespeak the equality and acceptability of all persons, regardless of their ethnic, religious, or nationalistic persuasion.

It is a shoddy practice to portray on film or camera a stereotype that, while untrue, is identified with one particular group or another.

Although we may claim in all honesty that we do not hold innate prejudices against a particular group, to see that group consistently reflected in a demeaning or unfair light is to reinforce any bias we may have learned. And this reinforcement, this continued and sly suggestion about one particular group or another cannot help but convince many in the audience about the inevitable truth of the portrayal.

America is a melting pot, and its ethnic variations are at the heart of our national strength. To permit this pernicious practice of ethnic denigration is to weaken the fabric of our society.

Thank you, Mr. Chairman.

Mr. MACDONALD. Congressman Edward J. Patten, from the State of New Jersey. Please proceed as you see fit, Mr. Patten.

**STATEMENT OF HON. EDWARD J. PATTEN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. PATTEN. Mr. Chairman, over 30 years ago I became interested in the National Conference of Christians and Jews, because I liked their purposes and thought it an opportunity to serve. I became a local chairman, and later I had the pleasure of serving on the State committee.

House Concurrent Resolution 262 aims to accomplish the same purposes of brotherly love among all our citizens, so we can reach the promises America holds for all of us—that many people can work together in peace and harmony and not necessarily inherit the teachings so common in Europe and other parts of the world. It is now more than 25 years after World War II. I regret that when I turn on the television, I have to listen to a World War II propaganda picture still preaching race hatred. I know the impact that the serials had when I was a kid. I remember the “Yellow Peril” where Asiatics were portrayed as being cunning, using trapdoors, and other gimmicks. My analysis of what I see in the papers and other media makes me think we are raising our young people in an era where violence is a predominant factor, and we are teaching hatred of race and religion.

There is no need to tell this committee what our attitude in this country should be, because you are all well aware of it. I am happy to join my colleagues in speaking in support of this bill. I hope the leaders of the various media will see what we are trying to accomplish and lend their support publicly to our efforts.

Thank you, Mr. Chairman.

Mr. MACDONALD. Thank you, Mr. Patten.

Next we shall hear from the Honorable Henry Helstoski also from the State of New Jersey.

**STATEMENT OF HON. HENRY HELSTOSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. HELSTOSKI. Mr. Chairman, I am pleased to have the opportunity of presenting my testimony on behalf of House Concurrent Resolution 308, of which I am a cosponsor.

There is no doubt that many Members of the House feel as I do about the prevention of the defamatory treatment of ethnic, racial, and religious groups.

In a nation known for its inclination toward attaching derogatory nicknames to foreign peoples, examples, "gooks" "slants" and "slopes" for Orientals; "greasers" for Puerto Ricans; "wetbacks" for Mexicans; "wops" for Italians; "krauts" for Germans; "kikes" for Jews; "polacks" for Poles, one should not be surprised at the continuation of crude ethnic jokes. However sad the situation is, it will not suffice as justification for these "jokes," a most cruel violation of human dignity and respect.

Mr. Chairman, this form of ethnic degradation has as its goal, conscious or otherwise, the complete moral ruination of an entire people.

The chuckling American jokester, the proponent of this vicious and slanderous pseudohumor, is generally totally unaware of the danger surrounding the perpetuation of his unfunny jokes. The jokester professes to believe that his dull-witted barbs are completely free of any implications. Of course, any conscientious American of foreign extraction realized that his heritage, his culture, his soul, have been severely desecrated.

The danger in such barbarous pseudohumor lies in the characterization of the ethnic groups as uncommonly stupid—a quality in which no people hold an exclusive right. Such unfounded generalizations when repeated incessantly can become ingrained in the minds of the ignorant as genuine convictions.

What is most regrettable and appalling is the fact that the typical purveyor of these ethnic jokes is woefully unaware of the origin of his crudity.

The typical American, concerned with materialistic success and imbued with the culture of television—from whose ranks emerges the ethnic joker—cannot, unfortunately, dismiss the indecency, vulgarity, and barbarity of his pseudohumor with a similar shrug of apathy.

As an American of Polish heritage, I am naturally concerned about this problem. Any "joke" that seeks to stereotype a race, a people, a culture, as inferior, represents a grave danger to common human dignity and is an affront to all scrupulous persons. The intelligent citizen

is justifiably repulsed by the inaccurate portrayals of an image created by the movies and television "humorists."

Speaking as a Pole, I wish to state that your committee, Mr. Chairman, is well aware of the achievements of Copernicus, Chopin, Paderewski, Joseph Conrad, Sienkiewicz, Madame Curie, and others. The student of history is also aware of the invaluable efforts of Kosciuszko and Pulaski, heroes of the American Revolution (the latter giving his life for the American cause).

Why, then, should the Polish American accept such a vile slander as has been heaped upon him? Why should any ethnic group be subject to such vile humor?

Mr. Chairman, House Concurrent Resolution 308 is not hard-and-fast legislation; it merely intends to establish certain principles regarding defamatory and slanderous portrayals of ethnic groups.

The first calls upon the motion picture, television, and radio industries to cease production and distribution of defamatory films and broadcasts; second, it calls upon responsible persons in these industries to establish and implement adequate standards; and third, in the event that these industries do not take such actions within 1 year after enactment of this legislation, it seeks the action of Congress to formulate and propose "such measures as are necessary to establish and implement such standards."

It is my hope, Mr. Chairman, that your subcommittee will take favorable action on this measure and urge the full committee to speed it on its way to the House for an early vote. Through the passage of this legislation we can erase the pollution which these pseudo-comedians are spreading over the airwaves.

Mr. MACDONALD. Thank you, Mr. Helstoski, for taking time out of your busy schedule to share your views with us this morning.

Mr. HELSTOSKI. It has been my pleasure, Mr. Chairman.

Mr. MACDONALD. The Honorable Joseph P. Vigorito of Pennsylvania is our final witness for today. Welcome, Mr. Vigorito. Thank you for your patience this morning. Proceed as you see fit.

#### STATEMENT OF HON. JOSEPH P. VIGORITO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. VIGORITO. Mr. Chairman, I am pleased to have been given the opportunity to express my feelings on House Concurrent Resolution 262, which I cosponsored. The measure will determine the sense of Congress on motion pictures and TV programs which degrade racial, religious, or ethnic groups.

Considering the heritage of this Nation and its foundation on the freedoms enumerated in our Constitution, it would seem distasteful that motion pictures and TV programs would degrade the various racial, religious, or ethnic groups that make up the United States. Our Nation's political tradition has allowed each group to express itself within the confines of this Nation. That these various social entities may be subject to attack by TV programs and motion pictures, producing a distorted and stereotyped view that does not in any way depict their true characteristics, seems to go against this tradition.

The various racial, religious, and ethnic groups have contributed a great deal to this Nation and deserve a fair appraisal on the TV and

motion picture screen. At stake is their own native heritage as well as the realization of harmony among these groups.

As a result, I feel that the motion picture and broadcasting industries must establish and enforce adequate standards in the portrayal of ethnic, racial, and religious groups. Hopefully this will alleviate the past unfairness and contribute to the traditions of this Nation.

Mr. MACDONALD. Thank you, Mr. Vigorito, for presenting your statement to us this morning.

Mr. VIGORITO. Thank you, Mr. Chairman.

Mr. MACDONALD. At this point, I will insert in the record a letter to me from the Japanese American Citizens League, 2021 L St. N.W., Washington, in a letter that agrees with the purposes of all three resolutions and takes no position as to which is the one to be favored but would like to go on record as to racial slurs concerning the Japanese-American citizens. (See p. 62.)

Since there are no further witnesses to be heard, the hearing is closed.

The record will be kept open for 5 legislative days.

(The following statements and letters were received for the record.)

STATEMENT OF THE HONORABLE ARTHUR J. GOLDBERG, FORMER JUSTICE OF THE U.S. SUPREME COURT

We are a nation of immigrants. Ever since Christopher Columbus left Genoa in the 15th century on the voyages that would eventually bring him to the shores of the New World, men and women from every part of the world have been drawn to this continent in search of freedom, and liberty, and peace.

There are no citizens of this land whose roots are not deeply embedded in the soil of a foreign land. And no citizen of this country may rightfully claim to be more of an American than any other simply because his immigrant ancestors arrived in this country from one particular part of the world, or were members of any particular faith, or came to this country at some early stage of its development.

And because we are all equally Americans our common immigrant background has created in this country history's most successful pluralistic society—an amalgam of cultures and creeds the likes of which the world has never seen.

It is, therefore, a matter of great seriousness that Italo-Americans, who are among our country's most valued and loyal citizens, have been unfairly and inaccurately portrayed in all its television and motion picture presentations.

Italo-Americans are honored members of the American community. They have made significant contributions to the American culture—in politics, and government, in the arts, in commerce, and sports, and in the fullest range of American life.

But more important even than any of the vast contributions made by Italo-Americans to the public life of this country, is the influence of Italo-American family life upon our culture. The warmth of Italo-American families is a matter of great pride—justifiable pride—to Italo-Americans.

The values instilled in the children of Italo-American families—honesty, loyalty, and above all faith, have served generations of Italo-Americans, and all Americans, well. And I think these values ought to be taken to heart by all of us.

What our country needs in these difficult times, is not television and the movies portraying any ethnic group in such a way as to draw aspersions to it. We need to recognize and emphasize the positive values of all our citizens. Italo-Americans have a lot to be proud of. And I think America has a lot to be proud of in its Italo-American citizens.

STATEMENT OF VINCENT T. WASILEWSKI, PRESIDENT OF THE NATIONAL  
ASSOCIATION OF BROADCASTERS

The National Association of Broadcasters submits this statement for the record in the hearings on H. Con. Res. 262, and similar Resolutions, concerning motion pictures and programs which would defame or degrade religious, racial, or ethnic groups, or which contain obscene material.

The Radio and Television Codes administered by the NAB contain detailed, explicit prohibitions against the use of materials which are demeaning of people of any ethnic group or race. While membership in the Code is voluntary, adherence to its standards is required of all Code subscribers. The support of the Television Code by all of the television networks and the vast majority of the commercial television stations makes its standards directly applicable to most programs seen on the home screen.

The preambles of the Resolutions under consideration make erroneous assumptions in their descriptions of present-day television fare, of industry efforts, and compliance with industry codes. Broadcasters are dedicated to bringing into the American home the highest quality of programming available.

The Code Authority staff regularly monitors network television programs and raises questions to ensure conformance with the spirit and principles of the NAB Codes. While they are an important element in assurance of compliance, staff monitoring reports are not the only basis for network-Code Authority consultation. On various occasions, screenings have been arranged as the result of letters and comments received from viewers. Still other methods of anticipating areas of concern or remedying existing problems are meetings held by Code Authority staff and subscribers (especially at the network level) with representative organizations. Typical of these during the current year have been meetings with the Order Sons of Italy in America, on September 1, 1970 and a June 29, 1970 session of the Chicano Media Conference. Thus, the NAB and the Code Authority seek to maintain a continuing dialogue with minority and representative groups.

The Code Authority also consults technical experts in a number of fields, including the subject under consideration here. The Codes themselves are explicit and comprehensive in their admonitions against material which could offend the viewing public. All of the alleged abuses referred to in the Resolutions, as they apply to broadcast programs, are proscribed by the Codes. The most pertinent provisions of the Television Code are the following:

I. ADVANCEMENT OF EDUCATION AND CULTURE

7. It is in the interest of television as a vital medium to encourage and promote the broadcast of programs presenting genuine artistic or literary material, valid moral and social issues, significant controversial and challenging concepts and other subject matter involving adult themes. Accordingly, none of the provisions of this Code, including those relating to the responsibility toward children, should be construed to prevent or impede their broadcast. All such programs, however, should be broadcast with due regard to the composition of the audience. The highest degree of care should be exercised to preserve the integrity of such programs and to ensure that the selection of themes, their treatment and presentation are made in good faith upon the basis of true instructional and entertainment values, and not for the purposes of sensationalism, to shock or exploit the audience or to appeal to prurient interests or morbid curiosity."

IV. GENERAL PROGRAM STANDARDS

2. Profanity, obscenity, smut and vulgarity are forbidden, even when likely to be understood only by part of the audience. From time to time, words which have been acceptable, acquire undesirable meanings, and telecasters should be alert to eliminate such words.

3. Words (especially slang) derisive of any race, color, creed, nationality or national derivation, except wherein such usage would be for the specific purpose of effective dramatization such as combatting prejudice, are forbid-

den, even when likely to be understood only by part of the audience. From time to time, words which have been acceptable, acquire undesirable meanings, and telecasters should be alert to eliminate such words.

4. Racial or nationality types shall not be shown on television in such a manner as to ridicule the race or nationality.

5. Attacks on religion and religious faiths are not allowed. Reverence is to mark any mention of the name of God, His attributes and powers. When religious rites are included in other than religious programs the rites shall be accurately presented. The office of minister, priest or rabbi shall not be presented in such a manner as to ridicule or impair its dignity."

Other applicable provisions of the Code include those dealing with such matters as costuming of performers, movements of dancers, camera angles, law enforcement, respect for constituted authority, sanctity of marriage and the value of the home, depiction of people with physical and mental afflictions, gambling, liquor, cigarettes, and narcotics. The Radio Code contains provisions dealing with the same problems as they may arise with regard to radio broadcasting. Copies of both the Radio and Television Codes have been delivered to the staff for the Chairman and each member of the Subcommittee.

One of the Resolutions, H. Con. Res. 262, states that, "television networks and stations pay only lip service to the voluntary movie and television codes." The National Association of Broadcasters takes vigorous exception to such a characterization of the good-faith dedication of the broadcasters who subscribe to the Codes.

Chairman of the Federal Communications Commission, the Honorable Dean Burch, in his testimony before this Subcommittee, stated that he felt the preamble unfairly tarred the television industry with the brush of certain motion pictures that are not, in fact, shown on television. His testimony further indicates that a very small percentage of the complaints received by the Commission last year charged that television programs contained ethnic slurs. Here it should be noted that the Motion Picture Code has standards applicable to a different medium. For example, a picture may receive a rating of "acceptability" for showing to all audiences in theaters and still require special editorial treatment for broadcasting to the home.

The problems to which the Resolutions are addressed must be met by broadcasters acting responsibly under their professional standards. The Chairman of the FCC testified that the Commission could not sit as a "board of censors" to pre-screen programs and give them its seal of approval. It would be unthinkable for any agency to limit the freedom of expression on any medium so essential to our American system.

Paragraph (3) of H. Con. Res. 307 states that the Congress should formulate measures to establish and implement "adequate standards for the production of films and broadcasts which portray ethnic, religious or racial groups . . ." if the industry has failed to do so within one year. NAB urges that the Subcommittee refrain from adopting such a provision as it relates to radio and television, and continue to rely upon broadcast licensees to exercise their responsibility in this important area of free expression.

Broadcasters are aware of the sensitive and important issues raised by the Subcommittee, and will discharge their obligation to the public.

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JAPANESE AMERICAN CITIZENS LEAGUE,  
Washington, D.C., September 18, 1970.

HON. TORBERT H. MACDONALD,  
*Chairman, Subcommittee on Communications and Power, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Washington Office of the Japanese American Citizens League (JACL), the only national organization of Americans of Japanese ancestry with more than 25,000 members and chapters in 32 States, has just learned that your Subcommittee is to hold public hearings Monday, September 21, 1970, on H. Con. Res. 262, introduced by Congressman Frank Brasco and nine others, H. Con. Res. 307, introduced by Congressman Frank Annunzio and 15 others, and H. Con. Res. 308, introduced by Congressman Peter Rodino and ten others.

H. Con. Res. 262 declares that "it is the sense of the Congress that producers and distributors of motion pictures and television programs should immediately

cease the production and distribution in interstate and foreign commerce of those films which degrade, or demean, racial, religious, and ethnic groups and affect the moral behavior of all peoples throughout the Nation".

H. Con. Res. 307 and 308 are identical "sense of the Congress" expressions of similar import to that of H. Con. Res. 262, except that they call upon "responsible persons" in the motion picture and the radio and television broadcasting industries to establish and enforce appropriate standards for the honest and accurate portrayal of ethnic, racial, and religious groups, and provide that, if within one year after the enactment of the Resolutions the concerned industries have not established and enforced voluntary adequate standards, the appropriate congressional committees shall do so.

For the reasons expressed in the preambles to the three House Concurrent Resolutions, and for others, JACL endorses the objectives of all of the Resolutions and urges the enactment of H. Con. Res. 307 and 308.

In addition, for rather obvious explanations that are even more compelling than motion picture and radio and television broadcasts in the fomenting of discord and tensions among various minority groups and in the formulation especially of group images among children, JACL proposes that publishers and distributors of textbooks and possibly other publications and printed media also be required to establish and enforce fair and helpful portrayals of the ethnic, racial, and religious groups that make up the population of the United States.

#### BACKGROUND OF JACL CONCERN

Few minority groups in America have suffered more in recent years than those of Japanese origin because of false information and derogatory portrayals concerning Japanese Americans.

Not only because of racial stereotypes of the immigrant Japanese but also because of false and misleading reflections on their loyalty to the United States, in both textbooks and publications, as well as motion pictures, Japanese Americans were forced to suffer the tragedy of evacuation, exclusion, detention, and resettlement during and immediately after World War II. In a wartime episode that most Americans now concede was unnecessary and unconstitutional, as well as humiliating and degrading to Japanese Americans' there are many who charge that the prime motivations for the un-American and un-democratic experience were the jingoists who conjured up the Yellow Peril concept; the racists who claimed that the affinity of American citizens of Japanese origin to the enemy made it impossible to distinguish between the loyal and disloyal, though such distinctions could easily be drawn for those of other "enemy" nationalities; textbook writers, authors of other publications, and motion picture producers, all of whom were responsible for creating the false public image of those of Japanese ancestry that enabled too many Americans to accept without question the alleged necessity to deprive more than 110,000 people of their private property and personal freedom and liberties and to imprison them in what has euphemistically been described as America's concentration camps of World War II; selfish and predatory interests who wrapped themselves in patriotic colors in order to take economic and other advantage of the plight of the Japanese Americans; etc.

During World War II itself, in order to inspire hatred against the then Japanese enemy, motion pictures were produced that attempted to portray the Japanese soldier, sailor, and air man as cruel, inhuman, and animalistic. At the same time, films portraying alleged subversive, and even treasonable activities on the part of Japanese Americans, were widely disseminated, though all of the intelligence agencies—the Federal Bureau of Investigation and Army and Navy intelligence—were agreed that no acts of espionage or sabotage were committed by any resident citizen or permanent resident alien of Japanese ancestry before, during, and after December 7, 1941.

Because too many of these quarter-century old films, catering to crisis prejudices and warmongering, were shown, and are being shown even now, on television particularly, the efforts of Japanese Americans to relocate and resettle after their wartime travail were complicated and made more difficult, for many citizens believe as a fact what they see on the picture tubes, especially when such films are produced in a manner to suggest that they are authentic documentaries.

Even today, these old movies on television continue to haunt and circumscribe the lives and the lot of many Japanese Americans.

By impugning the loyalty of those of Japanese origin, serious problems are created in employment, in housing, and in social relationships. So too are problems between parents and their children who see and do not understand the falsehoods depicted.

By smearing and categorizing those of Japanese race as ruthless, barbaric, and sneaky, knifing-in-the-back types, questions are raised that undermine the international goodwill, comity, trade, and responsible partnership that has been developed in recent years to the mutual advantage and profit of Japan and the United States as Pacific powers.

And, to a greater or less degree, what has happened to Japanese Americans because of unfair and demeaning publications and motion picture has also happened to every other racial, religious, and ethnic minority in the United States.

#### JACL'S ANTI-DEFAMATION PROGRAMS

In an effort to curb and combat misinformation, falsehoods, innuendoes, etc., that derogate those of Japanese ancestry and which undoubtedly influence for the worse their fellow citizens and neighbors, the JACL has initiated several so-called anti-defamation campaigns.

The first and most widespread involved motion pictures now shown on television that impugn the loyalty and allegiance of Americans of Japanese ancestry to the United States. While JACL deplores those which stereotype and caricature Japanese Americans, JACL has long felt that the most dangerous and damaging are those which suggest that many Japanese Americans were traitors to their own country at a time when it was in mortal peril in a war provoked by a "sneak attack" on American territory.

More than a decade ago, JACL contacted all of the then known television stations and urged them—in the name of fair play, decency, and accuracy—not to show certain motion pictures of World War II vintage that caused their fellow Americans to consider Japanese Americans as spies and saboteurs.

These prescribed films included "Air Force", "Betrayal from the East", "Across the Pacific", "Little Tokyo, USA", "Black Dragon", and "Behind the Rising Sun". "Air Force", from Warner Brothers, for instance, showed alleged acts of espionage and sabotage during the attack on Pearl Harbor by Japanese Americans which, according to some Hawaiians, might well have delayed congressional approval of Statehood for Hawaii. Another, "Betrayal from the East", from RKO, allegedly documents a Japanese American cheer leader at Stanford who turns out to be a Japanese spy. The only pre-war Japanese American college cheer leader attended UCLA and was killed while a volunteer with the famed 442nd Regimental Japanese American Combat Team, known as the most decorated military unit in American history for its size and length of service. Some JACL officials believe that this picture, with a kind of foreword by Drew Pearson attesting to its authenticity, delayed the enactment of legislation to authorize the naturalization of Japanese residents, most of whom had sons who served in America's armed forces with such distinction in World War II, as well as the repeal of the infamous Japanese Exclusion Act that contributed to the Pacific War by undercutting the liberal movement in Japan and encouraging the rise of nationalism and militarism.

The cooperation of the House Interstate and Foreign Commerce Committee, the Senate Commerce Committee, the Department of Justice, and the National Association of Radio and Television Broadcasters was secured.

But, this campaign was not too successful because most television stations apparently ignored JACL's request, though many in areas where local JACL chapters and members followed up the national letter with direct and personal calls on the station managers and film editors did comply.

This year (1970), because so many television stations are again showing on their late, and late-late, shows, these same World War II films that impugn the loyalty of Japanese Americans and because those in charge of films for many television stations are not those who received JACL's plea some ten years ago, the National JACL Public Relations Committee repeated its campaign of a decade ago.

Once again, because JACL has no way of policing and enforcing its request against such films, the campaign does not appear to be very successful.

To try to eliminate inaccuracies and slights against the many and great contributions made by those of Japanese origin to the development of the United States, and particularly its western frontier, in the textbooks, histories, and other publications, the JACL organized a National Committee for Responsible Education which, in addition to concerning itself with Japanese American history, involves itself with the treatment of other Asian, racial, religious, and ethnic groups.

Indeed, the JACL founded and helped fund the Japanese American Research Project at UCLA, which is the first three-generational, national effort to produce the definitive sociological history of an American nationality minority.

And, to encourage proper respect for other minorities, the JACL has organized a National Committee on Ethnic Concerns.

But, most of these efforts, and others like them, are purely voluntary in character, with practically no staffing and funding to assure review and compliance. That they have been successful at all has been more because of the sympathy and tolerance of those petitioned than to JACL's own campaigns, except that these JACL programs at least called attention to the problems and their implications.

#### NEED FOR LEGISLATION

JACL's experience, and that of most—if not all—of the other ethnic, racial, and religious organizations concerned with this subject matter, seems to indicate that only if the Government lends its support and prestige to the effort to establish and enforce decent and fair standards will the motion picture and radio and television industries voluntarily subscribe to and live up to common criteria and guidelines regarding the appropriate and dignified portrayal of all nationality and minority groups in this country.

To these media, JACL would add the publishing industry.

In these times of ethnic, racial, and religious stress and tensions in the United States and elsewhere, when individual citizens and groups are seeking their group identity as never before, when so many question established institutions and ideals, when mass communications directly or indirectly influence and inflame—as the case may be—millions faster and more completely than at any previous period in history, the Legislative Branch must at least take the preliminary steps proposed in these House Concurrent Resolutions and enact a "sense of the Congress" declaration for the voluntary establishment and enforcement of just and equitable standards for the production and distribution of motion pictures, radio programs, telecasts, and published materials that "do not defame, stereotype, ridicule, demean, or degrade ethnic, racial, or religious groups". Indeed, the more positive and meaningful affirmative approach, rather than the negative one proposed, might well be substituted for the language of these House Concurrent Resolutions.

And, if the producers and distributors fail to comply voluntarily with the "sense of Congress" requests within a year's time, JACL heartily agrees that there is no reasonable alternative to having the responsible committees of the House and of the Senate formulate and implement appropriate positive standards that will assure that the dignity, the aspirations, the heritage, the culture, and the contributions of every ethnic, racial, religious group in the pluralistic, multi-cultural society of the United States will be adequately, properly, and constructively portrayed, depicted, or published, to the end that intergroup, interracial, and interreligious harmony, understanding, and cooperation will result for all Americans.

Accordingly, in endorsing the House Concurrent Resolutions presently pending before your Subcommittee, may we respectfully request that this letter be incorporated into the record of these hearings.

Sincerely,

MIKE MASAOKA,  
*Washington Representative.*

CONGRESS OF ITALIAN-AMERICAN ORGANIZATIONS, INC.,  
*Brooklyn, N.Y., September, 24, 1970.*

The CLERK,  
*Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.*

DEAR SIR: This association and its affiliated member organizations fully support and endorse Congressman Brasco's Resolution No. 262 introduced in Committee on September 9.

Speaking for the Italian-American Community at large, we resent deeply the manner in which the media makes it almost a fetish to slur, demean, and disparage a people whose contribution to civilization belies all other deeds and traits that might otherwise be attributed with equal discriminatory fervor to all races and creeds alike.

Such characterizations are unbecoming for a nation like ours whose self image and degree of enlightenment must come under serious reappraisal, if we permit such practices to continue unabated and unchallenged. These stereotypes must be cast aside once and for always, if mutual respect and harmony are to prevail and if all of mankind is to work together for the benefit of all men in the struggle for peace and prosperity.

We are proud indeed that Congressman Brasco, an Italian-American himself, had not only the wisdom but the nobility of heart to propose such a resolution that should stir the minds and hearts of all men in the eternal quest for dignity and true understanding.

Therefore, we urge that the Brasco Resolution be given the support it deserves by all men of goodwill.

Sincerely yours,

Dr. JOSEPH F. VALLETUTTI, *Chairman*,  
MARY C. SANSONE, *President*

NATIONAL MEXICAN AMERICAN ANTI-DEFAMATION COMMITTEE, INC.,  
*Washington, D.C., September 30, 1970.*

TORBERT H. MACDONALD,  
*Chairman, Subcommittee on Communications and Power, House Interstate and Foreign Commerce Committee, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We of the National Mexican American Anti-Defamation Committee are writing to commend your efforts in seeking to rid the television, radio and motion picture industries of harmful stereotypes—with an additional comment which we consider of great importance.

The Mexican American community has generally been ignored by the mass media in terms of a community of people, worth covering for news events, personalities, or viewpoints. When the mass media has turned its gaze upon us, our views, aspirations and problems have often as not been seriously distorted or minimized.

By and large, the Mexican American people have been stereotyped in dozens of ads, programs, and articles as "bandidos, thieves, lazy no-accounts." By far, the most flagrant abuse today of the control over the mass media which certain interests exercise is being perpetrated against the Mexican American. We believe that your committee can have some impact within the mass media toward discouraging and perhaps abolishing the use of stereotypes.

The National Committee is an activist group of Mexican Americans who are greatly concerned with improving the image of the Mexican American in the mass media and assuring greater access for our people to the mass communications outlets of the Nation.

We urge that the subcommittee continue its investigation and hearings into the use of stereotypes and would be willing to assist the subcommittee in any way possible.

Again, we commend your worthwhile efforts and pledge our support toward their successful resolution.

Sincerely,

DOMINGO NICK REYES,  
*Executive Director.*

NATIONAL MEXICAN AMERICAN ANTI-DEFAMATION COMMITTEE, INC.,  
*Washington, D.C., September 30, 1970.*

TORBERT H. MACDONALD,  
*Chairman, Subcommittee on Communications and Power, House Interstate and Foreign Commerce Committee, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: The National Mexican American Anti-Defamation Committee has hand delivered to your office a position paper prepared by staff of the National Committee on *Chicanos and the Mass Media*.

The paper represents a comprehensive perspective of what Mexican Americans perceive to be the role that the mass media has imposed on us and what Mexican Americans expect of the mass media to meet their needs and aspirations as a distinct group of people and as full citizens of the United States.

Unfortunately, as the paper clearly indicates, Mexican Americans have been relegated by the mass media to second class status and a stereotype scapegoat within the U.S. social structure.

We believe that the efforts of the Subcommittee on Communications and Power should turn its attention regarding the abuses of control of the mass media as it relates to the use of stereotypes toward consideration of the plight of the Mexican American community.

The paper contains not only pertinent information, but a number of recommendations which we urge the Subcommittee to consider fully in its deliberations.

Respectfully,

DOMINGO NICK REYES,  
*Executive Director.*

#### CHICANOS AND THE MASS MEDIA

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The burden of correcting the economic and psychological harm inflicted upon generations of Mexican Americans via the mass media weighs heavily upon the media's current purveyors of Anglo cultural supremacy.

The persons who now control the most pervasive means of communication are personally at fault for the evil consequences of past discrimination and ignorance because they have not acted to make amends. Indeed, they perpetuate the exploitative and exclusionary practices of their predecessors.

Mexican Americans understand full well what the mass media have failed to do for them and what they have suffered as a result. They can see themselves as the victims of the John Waynes and the Wild Bunches. They see themselves denigrated on television, in newspapers, and in magazines as bandidos, thieves, lazy no-accounts. They seldom, if ever, see the names of other Chicanos or raza on television or film credits, as by-lines in magazine and newspaper articles, or as authors on book jackets. They know that the masters of media exclude them, that most likely there is not a thought in their minds for the predicament of the Spanish-speaking person.

What personnel managers, casting directors, producers, and other employers in the mass media, do have in mind, and what craft union officials perceive, when raza, people of Spanish descent, are mentioned is an extremely limited and distorted mental picture. That mental photograph is delineated by the programming and casting needs of the media which require characters who can easily be disposed of by the bigger-than-life Anglo superhero, namely Mexican Americans or Indians. To them, a Mexican is someone from Mexico, someone from Mexico is a foreigner, a foreigner need not be treated as an equal or with respect. Certainly if he is going to be seen on television, film, or ads, that person has to act a certain way, have an accent, a swarthy complexion, a big smile, perhaps a romantic look about him, wear a mustache, and be subservient (See Exhibit A). The Mexican American, they conclude, is also a foreigner, so he can be mistreated and maligned, and relegated to the lowest rung of the American social pecking order. The stereotype, that fiction most acceptable to the Anglo mind, boxes the Mexican American into an early grave.

Mexican Americans insist that the common attitude and usual trend of portraying the Mexican American must be radically altered. Mexican Americans must be shown able to speak English without an accent, able to fulfill any role or position he is given, and able to function as well as any other American in whatever capacity.

#### THE WHITE MAN'S NEW "NIGGER"

The people of the barrios (See Appendix A) have come to distrust the major Anglo Establishment forms of communication. Besides, just as other Americans, they exist in the main as unknowing and gullible victims of the deceit and blandness of programming which characterize television and of the perversion of the public trust which undermines other channels of communication.

We have come to expect at best, only lies and half-truths, slanted reports and commentaries from the news media. Usually, however, we are merely ignored and made to feel the impotence and frustration of a suppressed and impoverished people. The apparent disdain which we sense from the news media suggests to us that only the most extreme forms of activism will coerce the attention of newsmen and news pundits.

Critical evaluations of the conduct of the mass media in reporting the 1967 riots, notably the report of the National Advisory Commission on Civil Disorders, bear out the Chicago's understanding that only the most destructive and flagrant violations of the law and public order will draw the interest and cameras of the news media. Despite an effort to provide a "balanced factual account" of summer 1967 disorders, the report states, "the portrayal of the violence . . . failed to reflect accurately its scale and character. The overall effect was an exaggeration of both mood and event. . . . We believe that the media have thus far failed to report adequately on the causes and consequences of civil disorders and the underlying problems of race relations. . . . The communications media, ironically, have failed to communicate."

What could be said of the conduct of the mass media in 1967, during which "some newsmen staged riot events for the cameras," as the report relates, can be repeated and multiplied in a negative sense for the Chicago people, indeed, for the entire Spanish-speaking community. Not only have media failed to report on the causes of riots or problems of race relations between blacks and whites, but the media have chosen to ignore a significant segment of the American society.

The "Riot" Commission's own view is prejudiced and culturally shortsighted, however. The Commission itself is to blame for viewing the bellicose social ambient in the United States in strictly a block-white context. The mass media remains racist toward at least one large segment of the nation no matter how many blacks are hired or programmed into the media system. A greater openness of the media to the black community spells a greater inaccessibility for the Chicano to the media. In providing access to the black, the mass media believes itself to be free of prejudice or discrimination when in effect it is merely changing emphasis from one group to another.

To reason or to riot has become a moot point to the Chicano. The black man has goaded the Anglo into developing highly sophisticated weaponry and strategy to protect the Anglo suburbs and the Anglo-owned downtown—Chicanos face destruction in the direction of violent confrontation. Chicanos have not rioted, and in the main, do not wish to pursue such a foolhardy path. Yet, to many Chicanos, that seems to be the only way out of intensifying pressures stemming from the frustration and denigration of economic and social barriers which militate against the exercise of rational, principal Chicano activism.

The Chicano, in some situations, may be left with no other choice but to use every means available, even violence, to achieve certain ends. We have learned, moreover, that violence begets violence, it is true, but also that violence begets which response to community needs in the form of government and foundation programming. It certainly spawns instant media coverage.

The plain fact is that Mexican Americans do not have access to the most powerful modes of influencing thought and opinion and understanding of their presence in the United States. Mexican Americans have unique cultural values and social assets to add to the whole American society—and we Chicanos believe that we have already contributed much to this nation—yet the indifference and prejudice displayed by the executives and rank and file of the mass media have effectively discouraged and stifled any Chicano investment in forging the character of the United States.

Instead of realistic and honest portrayals and reporting of the Mexican American saga we encounter stereotypes at every turn. Never mind that the Frito Bandito ostensibly breathed his last at the end of May or that Jose Jimenez is dead, their memory lingers on.

In only the past couple of months, three new commercials have come to our attention: a Gwaltney (meat products) ad depicts a Chicano-looking character deterred from high-jacking a jet plane bound for Miami by the excellent breakfast bacon the stewardess serves him; Beech-Nut Gum airs a disgusting assortment of actors portraying caricatures of the Aztec people, the Chicano's ancestors on his mother's side, happily chewing their wads of gum; Florida Valencia oranges are sold by some inane doggerel which includes a Conquistador in cartoon form saying "Buenos dias, you all."

On May 24, the Sunday magazines of several major daily newspapers carried a full page ad for the Elgin National Industries depicting Emiliano Zapata, the Mexican revolutionary hero, as a "Mexican Robin Hood . . . stealing Elgins as fast as we could make them." (See Exhibit B) A national protest was initiated by several Chicano anti-defamation groups and burgeoned into an international incident.

It is quite clear to Mexican Americans that corporations and the advertising agencies have fallen upon the Chicano and other people of Spanish descent as easy prey for stereotyping for their commercial campaigns. Somehow the advertisers and the firms they hire turn to belittling and insulting people to sell their products instead of exercising a level of creativity and artistic value which does not stoop to conquer an already defenseless people.

Today, the media cannot take advantage of the Step 'n Fetchits of the past which were so meticulously elaborated by white men to assure themselves of their racial superiority. Requiring a cultural and racial scapegoat, Anglos have now turned to the Chicano and made him the white man's new "nigger", only you call him Pancho, or Paco, or Speedy Gonzalez.

#### THE CHICANO CONSUMER

We Chicanos are also consumers, but ad men and the firms which finance their insensibilities seem to be ignorant of our presence as buyers of their products. Few major advertisers exert themselves to selling the Spanish-speaking community, potentially a 10-12 million member market.

A study<sup>1</sup> in 1962, based on sample interviews in 12 of the largest concentrations of Mexican American population in the Southwest, disclosed that 88% of the 500 households involved in the survey had one or more radios, 87% had a TV, 72% had car radios. While Spanish was the predominant language in at least three-fourths of the homes, about half (52%) listened to Spanish language stations with another 31% tuning in English language radio—most by far (76%) viewed English language television.

Reading habits, the study showed, strongly leaned toward English language newspapers (78%) and magazines (73%); most households reported that reading a daily newspaper or a national periodical was a regular custom. At least 69% attended movies regularly, viewing most films in English (47%).

While the study represents a random sampling involving 500 families and is restricted to the Southwest, it does provide a graphic view of the reading, listening, and viewing patterns of Spanish-speaking persons. The general conclusion is that Mexican Americans, who speak Spanish as their dominant language, are most prone to receive information or be entertained or sold through the English idiom in the sense that it is most pervasive and through every form of mass communications whether in English or Spanish.

From the consumer standpoint, the survey showed that 53% owned their own homes, three-fourths owned an auto or truck, 94% had an electric refrigerator, 38% an automatic washer, 56% a telephone, 20% an air conditioner or cooler. Average incomes of those questioned fall below \$4,000 for 59%, between \$4,000-\$7,000 for 30%, and over \$10,000 for 1%.

Again, while the study's statistics were not in sufficient depth to elicit any strong conclusions about the Mexican American consumer in broad terms or great detail, it did indicate that Mexican American buying and life styles are not dissimilar from the Anglo or black neighbors. Mexican Americans certainly desire the quality and quantity of goods and comforts in life to which many other Americans have become accustomed. Further, we are optimistic that through the mounting aggressiveness and self-assertion of Chicanos seeking their rights and equality of opportunity there will be a growing increase in our buying power as well.

A Special Report by Broadcasting magazine four years ago (September 19, 1966) estimated the Spanish-speaking consumer market at about \$8 billion. About \$11 million in advertising were invested into Spanish language radio and television that year, Broadcasting related, twice the amount of five years previously. Radio netted \$5 million of the national, regional, and local advertising dollar, the remainder to TV. Of the \$11 million, in New York alone, where perhaps 2.5 million Spanish speakers reside, \$5 million was expended; advertisers spent \$3 million in Los Angeles, where 1.5 million Spanish speakers reside. \$1.2 million in San Antonio, \$300,000 in Miami, with the rest, \$1.5 parceled out to other com-

<sup>1</sup> Belden Associates, The Mexican American Market in the U.S., Dallas, Texas, 1962.

munities. A recent survey conducted by Marketing and Research Counselors, Inc. for the Spanish International Network showed that among the Spanish in New York, there are 528,000 TV sets, 354,000 in Los Angeles.

Undoubtedly, the buying power of the Mexican American and other Spanish-speaking communities has increased since the 1966 estimates. Broadcasting observed that "the Spanish market is undersold, underbought, and undervalued": that statement is as valid today as four years ago. Broadcasting added that the "biggest impediment in the way of Spanish language advertising is the apparent unwillingness of many advertisers even to test it." The "continued—and growing" expenditure by some companies of their advertising dollar into the Spanish market "speaks for the sales effectiveness of Spanish language broadcasting and sets an example for companies that remain unconvinced," Broadcasting editorialized.

The magazine gave a much deserved plug to the Spanish language television and radio stations which have usually provided the only media access to millions of Spanish-speaking Americans. Spanish language television stations are increasing in numbers, but they are also gaining the kind of economic viability which in the past has restricted their capacity for programming local public service time.

There are 25 television stations which are on the air from a few hours a week to 70-80 hours with programming in Spanish. About 410 radio stations in the U.S. broadcast in Spanish from 1-2 hours a week to all-day, seven days a week (See Appendix B).

These stations provide and will continue to provide a much-needed service to Spanish speakers who may hail not only from the Southwest or the Midwest or East Harlem, but from any one of the 22 Spanish-speaking countries in the world. The United States' proximity to Latin America as well as its own vigorous Mexican American people, none of whom will easily surrender their language or their way of life, indicate that the necessity of Spanish-accented broadcasting and print media resources will be an ever-present one with no limit in sight. (See Appendix C)

We would add that the Spanish-speaking market is geographically diverse and financially capable enough to necessitate general advertising campaigns beyond the geographic limits of the Southwest and Spanish language only resources to deliver a company's message. Relegating all advertising related to the Spanish-speaking only to Spanish language outlets is another form of isolation and discrimination against *raza*. Such advertising or allocation of other programming efforts denied the fact that the Mexican American is a very real and working member of the American constituency.

The \$8 million at which Broadcasting valued the Spanish peoples' market hardly compares with the estimated \$30 billion Negro market nor does an \$11 million advertising bill in Spanish approach the \$340 million spent last year to reach the Negro television viewer alone. But we are undervalued, and underbought, as Broadcasting put it—such low figures for the Latino market are out of whack with the reality that Mexican Americans, Puerto Ricans, Cubans, Central and South Americans represent right now *at least* 9.2 million Americans, nearly half the Negro population (See Appendix D). U.S. business and industry is selling itself short in the direction of the Spanish-speaking community.

Even though as a buyer we are ignored by the advertiser, certain advertisements revile us to our faces. Ordinarily, the community of Spanish background is excluded as a target group, and thus we seldom see a *raza* face except in the most demeaning portrayals or as cartoon characters; even then *raza* aren't even involved in the production at any point.

"TV commercials and magazine advertisements of the type referred to," asserts Dr. Thomas Martinez, a Stanford University professor, "symbolically reaffirms the inferior social status of Mexicans and Mexican Americans in the eyes of the audience. Exaggerated Mexican racial and cultural characteristics, together with some outright misconceptions concerning their way of life, symbolically suggest to the audience that such people are comical, lazy, and thieving, who want what the Anglos can have by virtue of their superior taste and culture. The advertisements suggest to the audience that one ought to buy a product, because it is the duty of a member of a superior culture and race.

"Advertising media that utilize Mexicans and Mexican Americans selectively present and exaggerate racial and cultural characteristics. The consequence is logical: an ethnic group is portrayed in a manner that renders esteem to the audience and, conversely, the ethnic group is perceived as 'naturally inferior'.

To find nothing objectionable or distasteful about advertising's image of Mexicans and Mexican Americans suggest tacit agreement with the image." (See Appendix E)

When have Mexican Americans been depicted in positive roles as Mexican Americans or at least in roles in which one's ethnic or racial background had no significance per se? Occasionally, it happens. A recent "Name the Game" program related to the problems confronting a Mexican American constructor and the ferment of the barrio people in East Los Angeles. The presentation was positive and realistic, even though no Mexican American played a lead role. But what happened at the conclusion of the show? In the final minute, the star, an Anglo, assures the co-star, another Anglo, that the barrio building project will succeed because he has organized a committee of Anglos to guarantee its success.

That is patronismo. That is why we demand honest as well as positive images to be broadcast or written about us. We do not want the mass media to condescend to us or paint us in saintly hues; we have a right to be presented as we are, not as the Anglo thinks we should be.

### *The Responsibility of Media*

We do not hear or see Chicanos as news commentators, guest stars, announcers, on radio or television; we cannot read many Spanish surname by-lines in daily newspapers and never do in weekly magazines. And if Chicanos are not out front where they can be seen, heard, or read, there is no reason to believe that they are behind the scenes in any appreciable numbers either.

Where does the fault lie? In the educational system? Definitely, in part. In hiring and testing requirements? To some degree. In Chicanos themselves, just not applying? This is also true to some extent.

Ultimately, we believe, the fault lies in the persons who set policy and make decisions in the mass media industry. Educational gaps can be bridged; requirements can be met; recruitment can be multiplied. But what will the mass communications executives and their vice-presidents do personally and effectively to fine tune the distorted picture of the Chicano and to end the psychological violence being perpetrated on our people every day?

The mass media brass cannot deny that they have the power at hand to accomplish something really positive and constructive in a short time—if they wish. Commissioner Nicholas Johnson's book, *How to Talk Back to Your Television Set*, outlines the power of the communications cadre in the United States. "The principal national sources of news are the wire services, AP and UPI, and the broadcast networks. . . . Most of the top fifty television markets (which serve approximately 75 percent of the nation's television homes) have three competing commercial VHF television stations. . . . In 30 of the 50 markets at least one of the stations is owned by a major newspaper published in that market—a total of one-third of these 50 stations. . . . Half of the newspaper-owned stations are controlled by seven groups. . . . Twelve parties own more than one-third of all the major market stations." This shows the impact of the three major networks alone.

As for the companies who spend the advertising dollars, the 100 top advertisers in 1969 spent nearly \$2 billion alone in TV, magazine, newspaper and television commercializing—\$1.4 billion of that just in TV. The potential for good as well as profit is enormous.

### CHICANOS—VICTIMS OF CODE WORDS

Chicanos also fall victim to the treachery inherent in the code words which have been devised by the "grantsmen" of this era of foundation and government funded "social work". Proposals and projects burgeon everywhere that are directed toward alleviating the "problems" of the "minority" or "disadvantaged" or "low-income" groups. But what is really being said and what is really meant by "minority" or any of these other euphemisms for misery? The Ford Foundation, for example, remains essentially a racially discriminatory or at best near-sighted operation where the Chicano is concerned no matter how much its public relations image attempts to tell us to the contrary. Its 1969 annual report is an open book clearly illustrated with prejudiced activities and attitudes and the conditioned response mechanisms of such words as "minority", "rural poverty", "racial understanding".

Under its Minority Entrepreneurship Program, not one cent is earmarked to Chicano or raza efforts; under Rural Poverty, Chicanos who are most recognizable to Anglo mentalities when classified as rural folk, are allotted a token sum; under Community and Leadership Development, Chicanos are again minor recipients of token aid; under Minorities in High Education, only black colleges are allowed to approach that funding trough. Chicanos were grossly short-changed of Public Broadcasting funding (*Public* meaning non-Chicanos) with a \$100,550 handed to the National Association of Educational Broadcasters to distribute a Chicano video program out of a \$25 million budget! (See Exhibit F)

The use (or abuse) of the word "minority" and other synonyms is apparently an attempt to diffuse the real sense of one's meaning, generalize the content or goal of a program or project which the word describes. However, it can be said that the use of the word "minority" in this sense not only obscures or actually harms the needs of minority groups other than blacks but it may prove harmful to the black community by diluting the nature of such programs or offsetting their impact by widening the program's scope. Thus, we insist that the word "minority" when used by the media may also tend to dilute the issues and the impact of a specific event or program. We urge that the target community or the nature of a program be clearly spelled out. It is deceitful to utilize such a terminology which refers to only one group but is of such a vague connotation that it may be taken to entail a broader variety of peoples. Policy-makers and fund-seekers seek to imbue a proposal with an aura of goodwill toward all peoples and credibility for the programs on a broad social context, all the while referring only to black problems or black objectives.

Chicanos have no quarrel with black problem solving or black goals nor with investment in black projects. What we do object to is the deception inherent in the use of misleading terms, a deception which denies the Chicano his rightful role or representation in the allocation of effective, adequately financed programs aimed at fulfilling our unique needs and aspirations. People in the mass media should be aware of this verbal connivance and refrain from using it.

Racial discrimination remains a way of life in the communications industry, a condition little relieved by even an occasional tokenism. Hearings of the Equal Employment Opportunity Commission in Los Angeles, March 12-14, 1969 and in New York, January 15-18, 1968, provide ample evidence of this fact.

#### IN UNIONS . . . PREJUDICE

We all know that the craft unions related to the media industry are far from guiltless, but less information exists about their patterns of discrimination. The Los Angeles hearing of the EEOC is one of the few factual sources for data regarding at least one of the media craft unions, the International Alliance of Theatrical and Stage Employees and Motion Picture Machine Operators which was the only union to send a representative.

Questioning by the EEOC Commissioners disclosed that application forms require such information as whether the applicant is foreign-born, what type of work the father or guardian pursued, and who referred the applicant to the union. Unions, all too often, it appeared, were open only to father-son relationships, a kind of "grandfather clause" union style. The requirement for sponsorship of an applicant by three union members and an "investigation" of those three signatures by the International, a practice which apparently dates back to Hollywood's Red-witch hunting days of the early Fifties, further effectively deterred the hiring of minority group persons. Of 50 illustrators and Matte Artists, only an Oriental could be named as a minority group individual; of 155 Set Designers and Model Makers, three were Spanish-American, and of 61 Story Analysts, no Mexican Americans.

The IATSE spokesman, Mr. Josef Bernay, stated at one point: "So getting into the industry isn't necessitated by being a member of the union. Being a member of a union does not give a person a job in the motion picture industry." He had responded to a suggestion by an EEOC Commissioner that under the union seniority system, before someone can get on an experience roster, all persons already on a roster have to be either employed or turn down employment. On the other hand, a film company executive noted that its hiring was "affected by our obligation to resort first to seniority pools of labor, and therefore, depends to a great extent upon present minority group representation in industry unions."

We suspect that management and labor segments of the media industry collaborate in circumscribing through a number of means, the accessibility of entry

into the unions and into the media: when it comes to holding the color line, labor-management relations can be extremely cooperative.

In order to alter media attitudes and assert a clear image of the Chicano through the media, a handful of Chicano activists have organized themselves into media-oriented groups, notably, the National Mexican American Anti-Defamation Committee, Inc. (NMAADC) in Washington, D.C.; the Involvement of Mexican Americans in Gainful Endeavors (IMAGE) in San Antonio, Texas; the Council of Advance and Restore the Image of the Spanish-Speaking and Mexican American (CARISSMA) in Los Angeles, California; and the Midwest Chicano Mass Media Committee in Chicago, Illinois. Their efforts over the past two to three years have resulted in the demise of the Frito Bandito and Jose Jimenez and their involvement has been prominent in breaching the gap between the Chicano community and the higher levels of the mass media.

Some minor beginnings are underway in the field of education to change educational procedures which have tended to affect adversely the self-concept and self-esteem of the Mexican American child. The creation of an Office of Spanish-speaking American Affairs in 1967 within the Office of Education reflects the Government's concern. Along with educational procedures, the Office has stated in its reports there must be materials development, curriculum change, and teacher re-orientation. Another generation of youth may be indoctrinated with misconceptions toward race and culture before sweeping changes can become effective. A more far-reaching effect on erasing the stereotype and creating a positive image can be made through an informational and instructional program shared by the mass media and the Mexican American community, and aimed at all segments of the society.

Armando Rodriguez, director of the Spanish-speaking American Affairs Office, has pointed out that it is a gross absurdity for the public to be charged \$52 billion a year to build their school system and now millions more to educate Spanish-speaking children within a bilingual-bicultural program while the mass media offsets these effects more effectively through its insistent and omnipresent audio-video impact on the same children. Simultaneously, the media creates a negative image of the Spanish-speaking person in the minds of the dominantly Anglo audience and a degrading self-image in the person of Spanish background.

Infrequently, well-intentioned efforts are made by "some of our best friends", for example, church organizations:

The Presbyterian Church produces a one-minute animated cartoon spot promoting the Good Samaritan ideal. Set in the Old West, all the Anglos ride horses; the Good Samaritan, however rides a donkey. The Good Samaritan is a Mexicano, Paco Diaz.

When complaints are filed with the Presbyterians the response at first is that the spot is "biblically compatible and theologically sound". Presbyterian Church officials refuse to take the spot off the air because that would be admission of a mistake and they have not made a mistake. When pressures force the spot completely off the air, a staff official continues to maintain that "our staff still believes in the spot but we very much desire closer relationship with the Council on Hispanic American Ministries (which panned the spot) for the sake of a better communication of the Gospel." (See Exhibit C)

At the meeting last month of the Methodist Church's Task Force on Minority Media Concerns, it was brought to the attention of the national representative of the Anglo and Negro dominated membership that their concerns were actually black-focused, that Spanish-speaking peoples' media concerns had not really been taken into account, that in effect the Task Force was discriminating by its composition and intent against la raza.

#### THE STEREOTYPES MUST DIE

The activists among the groups and other individuals who have attacked the destructive forces of the media toward the Chicano community are well aware that their efforts to date are important but preliminary steps only. A great many minds and wills remain to be affected on this issue, even within the Spanish-speaking community. We are forced to contend with apathy and lack of interest toward a matter which to many Chicanos seems remote from the daily life-death reality of the barrio. But we also realize that the very apathy or ignorance which we discover among our own people is traceable to the impact which television, radio and print media have had upon our minds. These media do not belong to us, we know that; they are white men's possessions. They have been his strong-

est and not so subtle instrument of propaganda for spreading the myth of Anglo cultural supremacy. Even Chicanos and other raza brothers have believed these white lies. We have accepted them as true simply because we did not or could not know better. Truly, Mexican Americans, quite like black Americans or red Americans, have been white-washed. And for some time, we didn't even know it.

But the situation is changed. Chicanos no longer will stand to be stereotyped—the days of the “bandito” and the sleepy Mexican caricature are gone. We are making demands of every institution of society and every agency of government. Our demands insist that reparation must be made for the exploitation we have suffered, for the denigration we have experienced, for the violence to culture and humanity we have undergone.

We demand that the controllers of the mass media make reparation for their part in the dehumanization which they have attempted upon our people, for the efforts to miniaturize the Chicano down to a few inches high bandit cartoon, for the campaign of character assassination labelling the Mexican American as lazy and shiftless and not to be trusted which has been advanced and enhanced by the electronic media. We have been a foundation stone in the building of this country and we have added the blood and bones of our sacrifice in its major wars to cement the structure of a nation. We deserve more than sham and insult in return.

As the media's turnabout regarding black people illustrates, impactful and positive use could be made of the media to present a correct and affirmative picture of the Chicano and other peoples of Spanish descent.

We demand for starters that Chicanos be portrayed in a positive and real way in every aspect of the media. However, we hasten to add that neither Anglos or blacks are qualified or committed to present the panorama of personalities and life patterns which are ours. Only Chicanos, raza, can achieve a true focus.

We say that for a time every effort must be exerted by the mass media to establish emphatically the fact that the Mexican American and other persons of Spanish origin are inseparable members of the American scene. It is ironic, for example, that a people whose Spanish ancestors introduced the knowledge of cattle raising and horsemanship to the Indian and Anglo is now portrayed as the moving target on the silver screen for the gringo cowboy to shoot down. It is ironic that we, whose Indian forebearers domesticated corn and originated the tortilla, are now saddled with a demeaning caricature by a company whose chief product is a corn chip.

An exact about-face must be made by the media industry to relieve the Chicano of this kind of depressing and frustrating attack that comes from all sides.

#### THE CHICANO MEDIA

The trustees of the media have a great volume of bad impressions, even cynicism, to overcome among Chicanos toward the function and relevance to them of the mass media. Mexican Americans, Puerto Ricans and others of la raza are concentrated by and large in the barrios and colonias of the major cities and towns—we are 80 percent urbanized—and thus we can be very much a part of the rehabilitation of the cities. We are not rural folk, nor are we strictly residents of the Southwest or of Spanish Harlem. To reach Chicanos, or Puerto Ricans or anyone who speaks Spanish or is of Spanish descent is not a matter of distance; it requires a knowledge of the language and life patterns and of the people, the internal customs and traditions, as well as the most essential criterion for credibility of being a Chicano or boricua.

Because of the apparent isolation—apparent to the Anglo, non-Spanish speakers—the barrio presents a formidable barrier to bridge and its people an unknown quantity with which to communicate. A barrio is a state of mind in one sense, a state of mind imposed from without by the Anglo-dominant society to enclose the barrio people: an elaborate system of stereotypes and functional prejudices operate through regulations which de facto discriminate and ignore the existence and needs of millions of Americans.

Beyond specialized advertising, Chicano models and actors, commentators, reporters, etc., barrio publicity campaigns, or the use of Spanish language media, emphasis must be given to the development of Chicano media. This means Mexican American ownership and management of radio and television stations, newspapers and magazines, publishing houses and ad agencies. Thus, in the final analysis, is the ultimate goal and answer to many of the issues we raise here—Chicano entrepreneurship in the media.

Advertising agencies locked into the English idiom and Anglo viewpoint cannot adequately fulfill the advertising needs of firms and private or government institutions wishing to communicate with the Spanish-speaking people. There must be a growth and development of ad agencies to provide the needed insight and talent to do the job. Advertisers cannot simply translate a sales message and expect to get the point across.

Mexican Americans will develop their own media, but these resources must be recognized as true channels of communication by the major media, that is, the mass media oligopolies must admit that other channels of communication do exist which provide a service they cannot. Currently one of the chief and most active means of communicating with the barrio are the Chicano press newspapers and a handful of periodicals. There are also a couple of efforts in California to establish Chicano publishing houses. These printing media efforts are run on a shoestring for the most part and published infrequently usually, but they fulfill one vital need of the barrio—communication within the Chicano community of what is happening in the movement for liberation and independence of Chicanos from Anglo oppression. These Chicano publications fill a desperate need to tell the Chicano story in a way which would be clearly understandable to the barrio community. But community newspapers are born all over the United States for that simple reason of informing the community of inside events. But Chicano underground newspapers and magazines have the added impetus of telling the truth as Chicanos see it because the Establishment press, TV and radio media just will not report Chicano news or if Chicano news or opinion is reported, it becomes distorted.

Consequently, Chicanos are concerned with two major media of communication: first, the means by which Chicanos convey ideas and opinion to and among themselves, and second, how Chicanos express the motivation and thought behind their movement to other peoples in society.

As matters now stand, there exists a chasmic gap between the two general media forms, the Chicano and the Establishment media. Many Chicanos do not in any way wish to utilize the Establishment media because of their distrust and revulsion of communications agents which have traditionally defamed or ignored them. Others believe that only through the major media will the Chicano message be manifested. Greatest effectiveness probably lies in amalgamating the two extreme concepts, that is, creating a number of intermediary agencies which would serve both the barrio media and communicate with the Establishment media. A balance must be struck between total insulation from outside media contact and influence and the co-opting of Chicano thought and news-reporting by the non-raza communications systems.

The mass media moguls must be aware that communications systems do exist within the Chicano community, and that few resources exist by which the community can gain easy or quick access to a national audience at any given time. For our own sake, Chicanos need to establish agencies managed and controlled by Chicanos to service the Chicano media, and to relate to the non-Chicano media as well. No monopoly exists on Chicano news and views, but Chicanos must have the primary responsibility and authority in projecting information about themselves.

Chicanos must develop their own resources for delivering information and influencing public opinion; we must achieve a certain degree of independence from the major dailies, the national weekly magazines, and the ubiquitous electronic media. But on the other hand, we cannot divorce ourselves strategically from the utilization where possible of the mass media. We have a great deal to learn yet about using the media, but that will come.

Of the general areas of media open to the Chicano and most relatable to the barrio, radio and newspapers rank as the most susceptible to development by the grassroots community. We must begin to call into play the legal instruments available to us through the regulations of the Federal Communications Commission, the Fairness Doctrine rulings, and the recent developments regarding citizen contesting of license renewals. (See Exhibit D) The daily newspapers and magazines can be massaged through their more liberal editors and writers to cover Chicano news with an even hand at least. Weekly newspapers, both privately owned and Church-run, can become targets for actual takeover by the community or a specific organization.

Chicanos will move to utilize every avenue of influence and financial support available in order to develop our own media. The issue of priorities in the movement is an important one; perhaps it will be the overriding one in some com-

munities as to the progress of such media development. Certain problems appear much more intense and immediate than the news coverage one would expect. Besides, Chicanos have learned too well not to expect anything from the media concerning their issues which they feel are matters of life and death.

Foundations, universities, and governmental agencies exist in abundance, but they require lengthy argument and proposal preparation to extract any funds—which is rare anyway. An area of funding which has not been tapped but which represents the very heart of the issues before us is the media itself. The needs of the barrio include newspapers, magazines, network programming, advertising media, etc. The media and corporations which have for so long exploited, denigrated, and ignored the needs of the community have much retribution to make.

What could these resources do for the Chicano? First of all, they could begin to examine their editorial policies, their hiring practices, their programming standards, to discover, if they can't already guess, the extent of discrimination and disregard which they have exercised toward Chicanos for generations. Each national television network could establish an adjunct to their Program Standards and Practices Departments to oversee the nature of program and commercial matter being proposed for broadcast to eliminate derogatory or slanted material.

To develop our own media, Chicanos must have access to training programs in a number of fields and not in token numbers: photography, journalism, graphic arts, design and layout, publishing, printing, broadcasting, technical electronic schooling, producing, directing, radio and TV script writing, acting, etc.

Finally, these developmental programs must be provided on a "reparation" basis not merely as "equal opportunity" for Chicanos and other Spanish-speaking peoples. We have been left far behind in many fields and "equal opportunity" may be mere rhetoric unless we can be given opportunity which will bring us to positions of equal rank in skills and knowledge of our chosen fields.

Chicanos must approach with caution such recognition for it is two-edged, as far as the Chicano is concerned. We have to resist the kind of media treatment which would make him just another unreasonable facsimile of the while Anglo mediocrity displayed on most television and radio and in the print media as America's primary stereotype.

We must fashion our own image, our own identity, distinct from that of white Anglo America, but true to reality and to our aspirations as a new people. To triumph in gaining access to the mass media at the expense of our peoplehood would indeed be a hollow victory for the Chicano.

Chicanos insist that we can no longer be ignored by the mass media. We believe that we are the biggest thing happening to America in the 1970's. From every angle, as people in a national movement for identity and rights, as consumers, as people with talents and skills, we seek top billing in the media.

#### WHAT THE MEDIA MUST DO

To accomplish a reversal of practice and attitude, the following steps must be taken immediately by the decision makers of the media:

The mass media, either jointly or within specific fields must establish a code of conduct toward the Spanish-speaking people of the United States. It should consult with the Chicanos represented at this national gathering for direction and critical review.

The mass media must examine its current fare of programs, advertisements, commercials, news items, news articles and feature writings to weed out those pieces injurious to the integrity and humanity of the Spanish-speaking people.

The mass media must establish a continuing policy to assure that its future presentation of the Mexican American and Spanish community image is positive, realistic, and more frequent.

The entire mass media industry must be opened up to recruit, train, and hire Chicanos at every level and in every form of media communications. This requires direct involvement of top management in implementing active and effective programs to increase employment access to the Chicano.

Training programs must be revised or newly established to fit the needs of the Spanish-speaking American.

Testing devices must be made relevant not only to the job being offered but to the background of the Chicano or other Spanish-speaking person seeking employment.

Job requirements and promotional practices must be reviewed and revised to conform to the background, sometimes educationally deprived, of the Spanish-speaking person.

Advertising agencies must initiate self-monitoring systems to root out prejudiced ads from the print or electronic media before they become fact.

A program of fellowships, scholarships, training programs must be instituted on a media-wide basis to encourage and increase the interest as well as the skills of Chicano youth in media career fields.

An agency to provide training information, job referrals, recruitment services to the various mass media, should be established to respond specifically to the Spanish-speaking community's needs.

The news media must hire and train newsmen from the barrios and provide regular coverage of the barrio activities similar to its coverage of other segments of the community.

The electronic media must allocate greater prime time for broadening Chicano news and views instead of relegating us to public service slots which isolate and segregate us to Sunday or earliest or latest time periods: in effect, these media fulfill FCC regulations only at the barest minimum and thus do not actually provide a public service but a self-service.

The news media can provide information to the barrios concerning the most effective use of the media such as in the preparation of news releases, supporting community news bureaus, and utilizing barrio "stringers", correspondents from the barrio who are paid according to the number of inches of copy published.

The mass media must be called to account for its ignoring of the story of the Spanish-speaking peoples of the United States. It must begin to provide in-depth recounting of the facts and experience of the barrio. Of course, it must utilize Chicano, raza, reporters, writers, and newscasters.

#### APPENDIX A

Mexican Americans have increased from 1.2 million in 1930 to about 5 million today—the figure may be closer to 6.5 million but only the 1970 Census, which for the first time since 1930 has asked Chicanos to label themselves, may give us a nearly accurate answer. While the majority of Mexican Americans reside in the Southwest, it should be noted that more Mexican Americans live in the state of Illinois than in either the states of New Mexico, Arizona, or Colorado. Educationally, we lag behind Anglos and in the Southwest states behind blacks in median years of schooling. According to 1960 Census figures, we gained 5.4 years over the 1950 average up to 7.1 years of median schooling in the Southwest. Anglos meanwhile went from 11.3 median years to 12.1. Still Mexican Americans drop out at a rate of 50 percent—half of the Chicanoites who enter first grade don't make the eighth grade. Of 22,000 graduates in 1968 from the top five Southwest universities, only 600 were Chicanos.

Chicano incomes fall far below Anglo revenue on the average, but are somewhat higher than Negroes. In 1960, those averages were \$4,164 for Mexican Americans, \$6,448 for Anglos and \$3,644 for Negroes. Family incomes in the Southwest fell below \$3,000 for about 35 percent of Mexican American families compared to the general population average of 20 percent. Only about 20 percent of Mexican Americans in the labor force could be classified as white-collar workers. Most worked at lower wages than white counterparts. However, unemployment rates for Mexican Americans ranged to 8.5 percent contrasted to 4.5 percent for Anglos but somewhat better than the 9.1 for Negroes.

About one-third of all Mexican Americans reside in overcrowded and dilapidated housing within poorly serviced barrio communities. Health conditions due to a multiplicity of causes fall below the national average as well. Malnutrition is not an uncommon ailment, there is a high incidence of tuberculosis and diabetes, the life span for Mexican Americans is 56.7 years compared to 67.5 for most other Americans, and the death rate from premature births is four times that of Anglos.

## APPENDIX B

[From the *Saturday Review*, June 8, 1968]

## NEWEST TV BOOM: Spanish-Language Stations

By JOHN TEBBEL

SOMETIME this summer, New York's newest and most powerful commercial TV station will go on the air, but only viewers with UHF receivers will be able to see its programs, and only those who understand Spanish will know what is being broadcast. The people at Trans-Tel Corporation are unworried about these obstacles. Spanish-language broadcasting is rapidly becoming a highly profitable market, reaching out to an audience estimated at more than 10,000,000 people.

Four stations in the United States now telecast exclusively in Spanish; New York's WXTV, Channel 41, will be the fifth, broadcasting from the Cities Service building at 70 Pine St., the world's third highest, with an effective radiated power of more than 2,000,000 watts, the highest currently on the East Coast. Nine other American stations devote large portions of their air time to Spanish programs. Besides these, there are seven Mexican channels on the border, beaming their programs to the large bilingual population in the Southwest, and dozens of other American stations which broadcast shows in Spanish on a regular basis. WXTV, along with KMEX-TV in Los Angeles, KWEX-TV in San Antonio, KPAZ-TV in Phoenix, and five Mexican stations constitute the Spanish International Network (SIN).

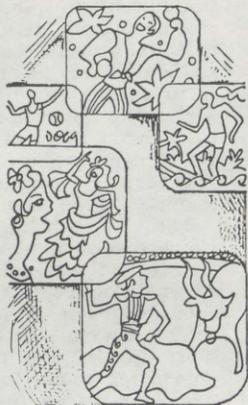
In Los Angeles, where the Mexican-American population numbers a million people or more, KMEX-TV, Channel 34, is the most successful station in an intermixed market in the United States, and this year it became the first commercial UHF station to win a National Academy of Television Arts and Sciences Award. Its programs reach an audience of about 1,500,000 viewers. SIN's KWEX-TV, Channel 41 in San Antonio, serves a smaller market, but the station is important to the half-million Spanish-speaking residents—half the city's population. In Chicago, another Spanish market of almost the same size is reached by WCIU, Channel 26, and back in New York, WXTV's predecessor, WNJU-TV, which has been on the air for three years, estimates that 150,000 Spanish-speaking homes are getting its broadcasts on

Channel 47, and that these UHF sets are in use more frequently than VHF-only receivers. Considering the slow spread of UHF, this is a fair share of the 325,000 Spanish homes estimated to be in the New York market.

The cities above do not represent the entirety of the Latin viewing audience. Last September, when KPAZ-TV, Channel 21, made its debut in Phoenix, it programed half of its prime time in Spanish with shows provided by SIN, its national sales representative, but telecast sporting events in English. In Miami, a CBS affiliate, WTVJ, has two fifteen-minute Cuban newscasts every day, and if the station has a local program it thinks will interest the Spanish market, it does a voice-over in that language. Other American stations offer short periods of Spanish broadcasting. WOR-TV in New York, for example, has its *Cinema di Pepsi* on alternate Saturday afternoons, and in Los Angeles, KCOP-TV presents *Panorama Latino* for an hour every Saturday and Sunday morning.

ADVERTISERS were slow to become aware of the Latin market, but they have been seeing some impressive figures. New York City is the fifth largest Spanish market in the world, and Los Angeles is sixth. The number of Spanish-speaking people living in the United States is more than three times the population of Madrid, and large parts of the country are bilingual. Most of the nation's 10,000,000 Latins—at least 6,000,000—live in the Southwest, but their number is growing elsewhere, particularly in Puerto Rican New York and Cuban Miami. Cultural ties and economic stability may vary, but the language is the same, and these people are in no hurry to abandon it through assimilation.

Until recently there was little solid research available to guide advertisers in reaching this market, but Med-Mark, Inc. (pronounced Meed-Mark), was formed last year by a marketing expert, Albert Petgen, to conduct telephone surveys of UHF-station audiences, and what it found out about the Spanish audience was illuminating. Med-Mark's audience-measurement surveys showed that while many Americans with Span-



ish surnames were bilingual, they strongly preferred Spanish-language broadcasting even though they had no trouble understanding the English programs. Moreover, they were quick to develop a loyalty to advertised products—a brand loyalty far exceeding any exhibited by Anglo-American viewers—and they were also more receptive to advertisers' promotional campaigns. Sometimes the commercials are produced wholly in Spanish, or they are used in the English version with a Spanish voice-over. Occasionally, original commercials are developed, especially retail-store promotions, for regional advertising in San Antonio or Los Angeles.

National advertisers have been more attracted to the Spanish market in Los Angeles because it has more money to spend. The average Latin family in New York has an income of \$4,610, but in Los Angeles the average is \$5,762. In Mexico, where the demand for American products is fed by TV, Mexicans spend millions of dollars each year on shopping trips across the border. In one study made at Juarez, 87.1 per cent of Mexicans crossing the border said they shopped regularly in El Paso.

Even more attractive to advertisers is the projection that by 1975 there will be 15,000,000 Spanish-speaking people in the United States. Spanish business in New York City alone is formidable—4,000 groceries, 750 drug stores, twenty-six theaters, six weekly newspapers, two daily newspapers, and three radio stations. In the nation as a whole there are seven Spanish daily newspapers and seventy-five periodicals. But the Latins are primarily TV watchers. In New York, 94 per cent of the city's Spanish-speaking people own TV sets, and, nationally, there is a 95 per cent TV penetration of the Latin population, with a range of 57 to 75 per cent of all-channel sets

in those areas which have full-time Spanish-language UHF stations.

All is not commercials on the Spanish stations, however. They are primarily in show business, as is the rest of TV, and most of what is shown comes from a huge tape-production center in Mexico City called Telesistema Mexicano, which advertises without contradiction that it is the world's largest producer of Spanish-language TV programs, "the Hollywood of Latin America."

Telesistema Mexicano is big business in Mexico. It operates a network of twenty-nine TV stations in the Republic, besides maintaining its impressive Teleycentro, the largest production center in Latin America. Out of this giant complex, with its fifteen studios operating twenty-four hours a day, comes a heady mixture of soap operas, musical varieties, folklore shows, bullfights, wrestling, feature films, soccer, boxing, and special-events coverage of such events as Mexican Independence Day. Thirteen videotape machines churn out the products produced by thirteen remote and two color units.

Telesistema Mexicano employs more than 1,500 full-time technicians and staff members. On a given day, about a thousand actors, musicians, writers, directors, photographers, and other talent are hard at work in the studios, producing the eighty live-on-tape shows telecast every week by Telesistema. This output is distributed through the Spanish International Network and a company called Productora de Teleprogramas to TV stations in North and South America, Europe, and the Far East.

Unquestionably the most popular of Telesistema's shows is the *telenovela*, which translates into soap opera. Thirty half-hour episodes of *novelas* are produced every week, or more than 1,500 a year. "Emotion-packed," Telesistema describes them, and no one is likely to dispute it. Mexico's best actors, producers, directors, writers, and designers are brought together for the production of these stories, which may run to a maximum of sixty episodes but usually end after thirteen weeks—the advertiser's package. Wherever they are shown, they command the highest ratings. One of them, on KMEX-TV, recorded that station's largest viewing audience: an average 53,400 homes.

The *novelas* have had a phenomenal success in Puerto Rico. WAPA-TV, Channel 4, broadcasts three half-hour shows daily, and beginning in January, WKBM-TV, Channel 11 in Caguas, listed three daily *novelas*. A third station, WTSJ, Channel 18, hasn't bought *novelas*, but it does carry Telesistema's bullfights. Even the bullfights, however, find themselves, popular as they are, outrated by the *novelas*. One of the stories, "San Martin de Porres," relating the life

of a recently canonized mulatto whose good deeds astounded dwellers in seventeenth-century Peru, had a rating of 20.4 and a 56.7 per cent share of the total audience in the San Juan area last fall. Another, "The Abyss," with the surprisingly popular theme of a *ménage à trois*, did even better, with a rating of 21 and an audience share that went as high as 81 per cent.

LIKE the movies, *novelas* have their own theme music, and some of the themes become hit records, heard over and over on Spanish-language radio stations everywhere they exist. No better, or cheaper, promotion device could be found.

Next in popularity to the *novela* is the musical variety show. During any week, Telesistema can and does produce from forty to fifty half-hour musical programs. These shows, employing singers, dancers, bands, leggy girls, and somewhat heavy slapstick comedy are popular everywhere Telesistema's product is shown.

Folklore programs tend to be traditional, with the emphasis on the dances which are as familiar to tourists as they are to Mexicans. They often employ horseback serenades under the usual balcony, in the shadow of the customary sombreros.

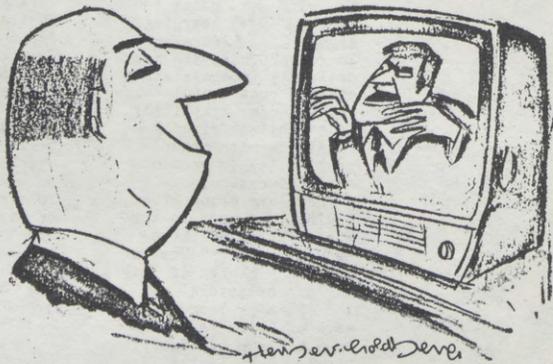
After soap operas and music, Spanish audiences like sports best, and Telesistema provides viewers with a wide range of them. Pre-eminent, of course, are the bullfights, taped every week of the year from the Plaza de Toros in Mexico City, with an additional twenty weeks from Tijuana. Boxing comes from the capital, too, and so does wrestling, whose stars are often as talented as the soap-opera emotes. Next to bullfighting,

however, soccer is probably the most popular sport on Latin TV. It is broadcast from the Azteca in Mexico City, the world's largest soccer stadium, where 105,000 people can watch not only the Mexican teams but visiting soccer luminaries from Russia, Madrid, Turin, Yugoslavia, Brazil, England, Germany, and elsewhere.

For the rest of its programing, Telesistema produces imaginative children's shows (one of them has been on the air for more than ten years) and spot news from its remote units. For its Mexican audience, Telesistema has transmitted major events such as President Kennedy's funeral, Pope Paul's visit to America, space shots from Cape Kennedy, and the Rose Bowl game. This year, as the first national producer to use commercially the Pacific satellite, Intertel II, Telesistema plans to carry the Olympic games live to the rest of the world.

A station such as KMEX-TV will receive 70,000 to 80,000 feet of video tape and film from Mexico every week. After the programs are shown in Los Angeles they go to San Antonio. *Novelas*, however, are shown in Texas before they get to the West Coast.

SPANISH TV in the United States has had a somewhat *novela*-like career itself, since it had to start from scratch with UHF and grow with that medium when few people had sets capable of receiving the signal. KMEX-TV, in fact, started from nearly zero in Los Angeles. But everywhere in the country the outlook is optimistic today, and although Spanish-language telecasting has its obvious built-in limitations, it shows every sign of being one of the nation's important markets in the next decade.



"You can hardly stay awake. . . . You're growing sleepy. . . . Listen and remember! On Election Day you will cast your vote for Seymour Middleditch for State Assembly."

# WORLD INTELLIGENCE REPORT

edited by  
LLOYD SHEARER

12-15-68

BECAUSE OF VOLUME OF MAIL RECEIVED, PARADE REGRETS IT CANNOT ANSWER QUERIES ABOUT THIS COLUMN.

## APPENDIX C

of major languages and the approximate number of people (listed by millions) who speak them throughout the world:

Chinese .....	700
Hindi and Urdu .....	280
English .....	250
Spanish .....	150
Russian .....	130
German .....	100
Japanese .....	100
French .....	80
Portuguese .....	80
Indonesian .....	80
Arabic .....	70
Bengali .....	60
Italian .....	60

Of these languages, English is the most important because of the volume of writing and the information the language generates.

Here, for example, are the number of newspapers in the various popular languages:

English .....	2400
Spanish .....	1000
German .....	670
Chinese .....	550
Indian languages .....	500
French .....	270
Portuguese .....	260
Russian .....	250
Japanese .....	160
Dutch .....	140
Italian .....	130

These statistics, at best rough approximations, are from the Russian periodical, Znanie-Sila, which exhorts its readers to learn foreign languages so that Soviet citizens can translate the world's greatest literature. Unbound by international copyright regulations, the Soviet Union regularly translates -- without royalties to the authors -- the best in print in every useful language.

**WHEN** What is the  
**LEARN IT?** point in  
learning a  
foreign  
language? There are several: (1) to translate the world's most useful books (2) to enjoy travel (3) to establish friendly relations with other peoples (4) to broaden one's education.

There are about 2796 living languages in the world. Which of these should we learn? Most of us have a choice of learning one or several of the 13 major languages, each of which is spoken by a minimum of 60 million people. Here is the list

A UNITED STATES  
DEPARTMENT OF  
COMMERCE  
PUBLICATION



## APPENDIX D

## CURRENT POPULATION REPORTS

# Population Characteristics

Series P-20, No. 195  
February 20, 1970

## SPANISH-AMERICAN POPULATION: NOVEMBER 1969

(Preliminary data from November 1969 sample survey)

About 9 million residents of the United States report that they are of Spanish descent. These 9,200,000 persons of Spanish descent represent 4.7 percent of the total civilian noninstitutional population enumerated in the November 1969 Current Population Survey. The average age of these persons was reported as 20.5 years in contrast to 28.0 for the total population of the United States.

Spanish was reported as the mother tongue of 6,700,000 persons. Of these persons 72.6 percent were born in the United States including Puerto Rico and other outlying areas, 12.8 percent were born in Mexico, 7.3 percent in Cuba, and 7.1 percent in other countries outside the United States. About 4,600,000 persons reported Spanish as their current language. Data on language were collected on the basis of these two questions:

What language, other than English, was spoken in . . . 's home when he was a child?

What language is now usually spoken in . . . 's home?

The figures in this report for November 1969 are sample survey data and relate to the population of the 50 States and the District of Columbia. Inmates of institutions and members of the Armed Forces are not included. The data shown here

on origin or descent are more inclusive than data previously published on country of origin which relate only to the birthplace of a person and his parents. The origin or descent data were derived from replies to the following question:

37. Is . . . 's origin or descent \_\_\_\_\_ ?

(Read list and fill in one circle only)

- |   |   |              |
|---|---|--------------|
| <input type="radio"/> Mexican                   | } | (Skip to 39) |
| <input type="radio"/> Puerto Rican              |   |              |
| <input type="radio"/> Cuban                     |   |              |
| <input type="radio"/> Central or South American |   |              |
| <input type="radio"/> Other Spanish             |   |              |
| <input type="radio"/> None of these (Ask 38)    |   |              |

Since the figures presented in this report are based on sample data, they may differ slightly from the figures that would have been obtained from a complete census. The sample variation may be relatively large for small numbers. A complete statement on the variability due to sampling, as well as more detailed information about the Spanish-American population, will be issued in a later report in this series.

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 5 cents. Current Population Reports issued in Series P-20, P-23, P-25, P-26, P-27, P-28 (summaries only), P-60, and P-65 are sold as a single consolidated subscription at \$8.50 per year, \$2.50 additional for foreign mailing.

Table 1.--ORIGIN OR DESCENT OF THE SPANISH-AMERICAN POPULATION: NOVEMBER 1969

(Numbers in thousands. Excludes inmates of institutions and members of the Armed Forces)

Origin or descent	Number	Percent
Total.....	9,233	100.0
Mexican.....	5,073	55.0
Puerto Rican.....	1,434	15.5
Cuban.....	565	6.1
Central and South American.....	556	6.0
Other Spanish-American.....	1,532	17.1

Table 2.--SPANISH REPORTED AS MOTHER TONGUE AND SPANISH REPORTED AS CURRENT LANGUAGE, BY COUNTRY OF BIRTH: NOVEMBER 1969

(Numbers in thousands)

Country of birth	Spanish mother tongue		Spanish current language	
	Number	Percent	Number	Percent
Total.....	6,701	100.0	4,727	100.0
Native <sup>1</sup> .....	4,867	72.6	3,132	67.7
Puerto Rico.....	806	12.0	627	14.9
Foreign.....	1,822	27.2	1,477	31.9
Mexico.....	856	12.8	692	15.1
Cuba.....	491	7.3	451	9.8
Other.....	475	7.1	332	7.2
Don't know and not reported.....	12	0.2	14	0.3

<sup>1</sup>Includes persons born in the United States, Puerto Rico, and other outlying areas.

Table 3.--BIRTHPLACE OF PERSONS REPORTING SPANISH AS MOTHER TONGUE; AND OF PERSONS REPORTING SPANISH AS CURRENT LANGUAGE: NOVEMBER 1969

(Numbers in thousands)

Country of birth	All persons	Persons reporting--			
		Spanish mother tongue		Spanish current language	
		Number	Percent	Number	Percent
Total <sup>1</sup> .....	198,214	6,731	3.4	4,623	2.3
Foreign.....	10,885	1,822	16.7	1,477	13.6
Mexico.....	938	856	91.3	692	73.8
Cuba.....	504	491	97.4	453	89.9
Other.....	9,438	475	5.0	332	3.5
Native <sup>2</sup> .....	183,994	4,867	2.6	3,132	1.7
Puerto Rico.....	(NA)	806	(NA)	688	(NA)

NA Not available.

<sup>1</sup>Includes the category "Don't know and not reported" for birthplace; not shown separately.

<sup>2</sup>Includes persons born in the United States, Puerto Rico, and other outlying areas.

## APPENDIX E

# HOW ADVERTISERS PROMOTE RACISM



Emerging from a cloud of dust, appears a band of hard-riding, ferocious-looking Mexican banditos. They are called to a halt by their sombrero-covered, thick-mustachioed, fat-bellied leader, who, upon stopping, reaches with the utmost care for a small object

from his saddle bags. He picks up the object, lifts up his underarm, smiles slyly—to spray Arrid deodorant. An American Midwestern voice is then heard over the television, "If it works for him, it will work for you." Message—Mexicans stink the most.

Flipping through the pages of a recent issue of *Life* magazine, one will encounter a picture of a man painting a house, who appears to be of Mexican descent. He is covered with spilled paint, except for his face, and the caption next to him reads, "You may



get the shade you asked for." Underneath this is a description of Lark cigarettes, ending with, "Tell someone about Lark's EASY TASTE and hardworking GAS TRAP FILTERS. Who knows? He may do something nice for you." Message—Mexicans are sloppy workers, and do not always do what is requested of them on the job.

#### The Functions of Advertising in American Society

Seldom a day goes by in the United States without a least one young Mexican American being called, "Frito Bandito." Indeed, this cartoon caricature of a short, mustachioed, two-gunned thief is a very effective prejudicial form of anti-locution — effective in terms of making the out-group appear inferior, and the in-group superior. The Mexican American children are paying the price in loss of self-esteem for the Frito.

Lay Corporation's successful advertising attempt at product association. To understand how advertising can create such racial stereotypes and inflame racism, we need to examine the functions of advertising in American society.

Advertising, like legal statutes and decisions, serves at least two functions: instrumental and symbolic. Instrumentally, an advertisement is meant to sell a product: its instrumental worth is measured in terms of how well the product sells due to the advertisement. Similarly, the instrumental function of law is to maintain order: how well these laws are obeyed, helped through enforcement, is a measure of their instrumental value.

The symbolic function of law, according to Joseph Gusfield — (Social Problems, Fall 1967),

refers to, "a dimension of meaning in symbolic behavior which is not given in its immediate and manifest significance but in what the action connotes for the audience that views it." For example, the burning of a draft card is less noteworthy for its instrumental abuse than for its symbolic significance. Gusfield maintains, "A courtroom decision or legislative act is a gesture which often glorifies the values of one group and demeans those of another." Thus, laws maintain the pecking order.

Likewise, TV commercials and magazine advertisements of the type referred to symbolically reaffirm the inferior social status of Mexicans and Mexican Americans in the eyes of the audience. Exaggerated Mexican racial and cultural characteristics, together with some outright misconceptions concerning their way of life, symbolically suggest to the audience that such people are comical, lazy, and thieving, who want what the Anglos can have by virtue of their superior taste and culture. The advertisements suggest to the audience that one ought to buy the product, because it is the duty of a member of a superior culture and race.

#### Racist Messages and the Mass Media

The symbolic function of advertising is one level of understanding the racist implications of the mass media, especially regarding the Mexicans and Mexican Americans. For another way of understanding, we turn to Marshall McLuhan. In his attempt to explain the influence of technological changes in communication, he told us, "The medium is the message." Later, of course, he termed

it, "The medium is the message," but the meaning is essentially similar; that is, *what* is said is less important than *how* it is said. As we move from the spoken, to the written and to the televised, the media somehow, somehow transforms our thoughts about ourselves, other persons, places, and things, as well as our relationship to them. The written world and the televised world (together with movies) have brought us closer to one another than the spoken world. Consequently, we are supposedly becoming involved in a "global village."

However, if McLuhan had been more sensitive to prejudicial racial and cultural stereotyping, he might have felt less inclined to shift attention away from what is both said and pictured, especially in commercials and ads, regardless of media. Simply because different cultural and racial groups are brought into the close proximity of our minds does not automatically lessen the influence of *cultural relativism*—we see different cultural and racial traits through eyes that are conditioned to see goodness and beauty as they are defined by our own cherished culture. We see beauty in things that we have come to accept as beautiful. That which is especially different from our own standards of beauty is often deemed distasteful. Television travelers and magazine mobiles take with them sacred values and beliefs that influence them to perceive selectively and interpret in a consistently self-filling manner. A Peace Corps worker sometimes labels a foreign country as "primitive", an impression likely to be shared by television and popular reading audiences who judge from similar value standpoints.

Advertising media that utilize Mexicans and Mexican Americans selectively present and exaggerate racial and cultural characteristics. The consequence is logical: an ethnic group is portrayed in a manner that renders esteem to the values and beliefs of the audience and, conversely, the ethnic group is perceived as "naturally inferior." To find nothing objectionable or distasteful about advertising's image of Mexicans and Mexican Americans suggests tacit agreement with the image.

No matter what medium sends the message, the content and context of the message still have important ramifications, which in some cases supersede the importance of difference in media. Whether or not the "Frito Bandido" is pictured in a magazine or seen on TV (although the impact may be more widespread over the latter), he still reaffirms the inferior social status of the people he is supposed to represent, which, to judge from advertising, encompasses everyone of Mexican descent. When Camel cigarettes presents a "typical Mexican village" in one of their commercials, it may, in McLuhan's sense, serve to involve the viewers in their village life. But, what kind of village life is shown? All of the residents are either sleeping on the boardwalk, or walking around seemingly bored. The involvement, in this case, is one of the Anglo American sensing superiority over the lazy Mexican villagers.

If we assume that the content and context of a message, as well as the medium, are extensions of man's thought system, then the conclusion is logically inescapable: almost all advertisers presently utilizing Mexicans or Mexican Americans to sell their prod-

ucts are exhibiting racist thinking.

Not only are advertisers exhibiting racist thinking at the expense of everyone of Mexican descent, but they are also creating, in many cases, unfavorable racial and cultural stereotypes in minds that previously did not harbor them. When the image of an ethnic group is consistently similar throughout the mass media, there is the strong suggestion to the viewer that there is some validity to the image. Add to this power of suggestion the feeling of superiority that is aroused when another group is portrayed as inferior. Then the result of such an insidious combination of forces might be the expectation, sprinkled with some desire, of perceiving the ethnic group as having many inferior traits, the worst one being that they are what they are—a mass of inferior traits. Individual members of such a group should not be expected to be exempt from these inferior traits (except perhaps in a very few cases) because this is how prejudiced minds think.

Whether or not this prejudice was learned through advertising or parents, the effect is similar. Even unprejudiced parents (of which there are few) are not equipped to counter the steady and subtle bombardment of prejudicial suggestions that advertisers conveniently communicate to their children. To many children, the "Frito Bandito" is highly representative of Mexicans. Besides, they can always have some fun calling the Mexican kid at school, "Frito Bandito."

Advertising is a significant part of what C. Wright Mills called the *cultural apparatus*, which involves all mass media. The control of the cultural apparatus has important

implications, as pointed out by Harold Cruse in his book, *The Crisis of the Negro Intellectual*: "Only the blind cannot see that whoever controls the cultural apparatus—whatever class, power group, faction, or political combine—also controls the destiny of the United States and everyone in it." That is to say, advertising, at least in the treatment of Mexicans and Mexican Americans, is an exercise in reaffirming the superior social status of one group (guess which one) and the inferior status of another. Advertising, then is a tool of racist elites.

#### Where Lies The Blame?

Since advertisement is commonly conceived as a product of the advertising agency, there might be the tendency to put the bulk of the blame for creating and supporting racist notions on the agencies, rather than the advertiser. I say "blame" instead of "responsibility" because neither group could be considered socially responsible when they collaborate on racism.

It would be a simple explanation, not warranted by the complexity of the situation, to suggest that advertising agencies are amoral, image-exploiters, freely damning the image of anyone they damn please, or at least those who cannot damn them back. This is rejected out of hand, because advertising men and women are very much concerned with making a beautiful moral image of not only the product, but also themselves.

Indeed, the advertising men and women see themselves as the most beautiful kind of people. It is not out of lack of insight, for instance, that Joseph Bensman in his book, *Dollars and Sense*, conceptualizes the psychological state

of advertising men in terms of narcissism, which is an intensified sense of self-love. In his job, the advertising man must convince the public of the product's superiority. All the while, he must keep his cool. To "crack" is to admit weakness and invite failure, admitting that one is human. Under such working conditions, it is useful to develop the self-image of a "superman", in order to be really successful: The superman hangup, as we learned from Nazi Germany, is racist in nature, and scapegoating is taken for granted. The advertising supermen and women no doubt feel at ease in making an ad in which the advertiser, their client, finds no objectionable features, but which nevertheless casts someone of Mexican descent in an unflattering and stereotypical role.

An important point, however, is that ads are sold to clients; clients buy ads. The question then becomes, why are so many different kinds of corporations (See chart) willing to be sold ads which support racial and cultural prejudice against people of Mexican descent? Searching for the most logical answer, the logic of illogical prejudice on the part of the corporations and advertising agencies is glaring.

This prejudice was probed by students in a racial and cultural minorities course, who wrote critical letters to firms who paid for commercials and ads that communicate racism. Not unexpectedly, the Frito-Lay Corporation was high in the racist standings. Their written reply took the following form:

*In response to your letter dated February 25, we did not and never have had any racist intentions in presenting the Frito Bandito cartoon character. It was meant to be*

a simple character which is intended to make you laugh, in turn we hope that this laughter will leave our trademark implanted in your memory.

Again, our apologies if we have offended you.

Very truly yours (sic)  
Director of Advertising  
Frito-Lay Corporation

Tell this to the Mexican American kids. They have the Frito-Lay Corporation to thank for adding another racial stereotype to our language.

Why would a business firm care so much about implanting their trademark "in your memory", when the implantation is fertilized with the seed of prejudice against Mexicans and Mexican Americans? Again, is it really necessary to spell out the most logical answer?

Returning to the symbol of their racism, simply because the Frito Bandito is supposed to be a comical character, "to make you laugh", we might ask, is humor less harmful or more insidious than outright verbal statements expressing deeply held racial prejudice? Why are there so few, if any, jokes about rich Anglo-Saxons? And does it make any difference if some of the members of the victimized group itself freely laugh at the jokes about themselves?

Noting the rise in "Polish" and "Italian" jokes a few years ago, a reasonably sound answer to these questions came in the form of B'nai B'rith's denunciation of all racial and cultural jokes on the ground that jokes which ridicule exaggerated ethnic group characteristics promote ethnocentric thinking. Inasmuch as Polish and Italian jokes are usually similar,



and often exactly the same except for the name, there is good reason to deem all ethnic jokes as ethnocentric.

Jokes in the form of comical characters seem to mislead the audience, as all ideal-types do when they are based upon biased data. The audience is deluded into thinking there is enough likeness between the comical character and his ethnic affiliations to render the character believable.

Freud believed that humor was a reflection of unconscious, repressed feelings. Our true feelings are those which, due to social pressures to conform and not ruffle others too often, we seldom make known or put forth as seriously-held beliefs. Many of the same people who claim not to be prejudiced easily laugh at ethnocentric jokes, and are amused by stereotyped characters (include audience reaction to Jose Jimenez here). Does our laughter betray us? It most certainly does.

Others contend that it is healthy and harmless to laugh at oneself. However, it depends upon what aspect of self is being laughed at

For instance, if a person such as Jimmy Durante makes fun of his big nose because it is uniquely structured and smiles at people, then this is not psychologically damaging to him. If, on the other hand, a person makes fun of his nose because he believes it to be an easily recognizable sign that he is a member of an ethnic group which he is somewhat ashamed of, then this person is temporarily identifying with the superior group which looks down at such obvious traits. Self-ridicule in this latter sense is a form of self-hatred.

Shakespeare might differ with me: "What's in a name? That which we call a rose/By any other name would smell as sweet." Yet, why do we call loved ones "Honey"? Does not "Honey" suggest an image of something? Call her "Vinegar" and watch her reaction. Apparently, the Bard did not appreciate the influence of labels upon our perception and thinking. Ponder the thoughts of Erdman Palmore: "It may well be that if a rose were labeled 'stinkweed', it would be perceived as smelling less sweet." This idea tends to cast doubt on Shakespeare's insight into and sensitivity toward racial stereotyping, not to mention the forces that keep racial prejudice alive. But, then, he contributed his share through his creation of "Shylock."

#### The Brown Shadow

Today, no major advertiser would attempt to display a black man or woman over the mass media in a prejudiced, stereotyped fashion. Complaints would be forthcoming from black associations, and perhaps the FCC. Yet, these same advertisers, who dare not show "step'n, fetch it" charac-

ters, uninhibitedly depict a Mexican counterpart, with additional traits of stinking and stealing. Perhaps the white hatred for blacks, which cannot find adequate expression in today's ads, is being transferred upon their brown brothers.

Much of the plight of Mexican Americans is reflected in their collective powerlessness to combat the advertiser's image of them.

Hanging onto the lowest economic rungs in American society, Mexican Americans have been unable to cast a collective shadow in the minds of everyday Anglo Americans, much less the power structure. We are invisible, and an invisible man has no visible shadow. The only racial shadow that advertisers have recognized and reacted to, in addition to their own, is the black shadow, not unusual since

all shadows are black; that is, any group which develops enough political power to influence their image-exploiters is visible. Mexican Americans do not cast a shadow in this political sense.

Where, then, is the Mexican American, with his brown shadow? He has been, and still is, at the bottom of the white race ever since white Europeans invaded the New World. Until recently,

### PROMOTING RACISM: A PARTIAL LISTING

	The medium	The message
Granny Goose	†*Fat Mexican toting guns, ammunition	Mexicans==overweight, carry deadly weapons
Frito-Lay	†*“Frito Bandito”	Mexicans==sneaky, thieves
Viggo's A. M. M. Co.	*“Paco” never “foolish” anything, not even revolution	Mexicans==too lazy to improve selves
A. J. Reynolds	*Mexican bandito	Mexicans==bandits
Camel Cigarettes	*“Typical” Mexican village, all sleeping or bored	Mexicans==do nothings, irresponsible
General Motors	†*White, rustic man holding three Mexicans at gunpoint	Mexicans==should be and can be arrested by superior white man
Lark (Liggett & Meyers)	† Mexican house painter covered with paint	Mexicans==sloppy workers, undependable
Philco-Ford	†*Mexican sleeping next to TV set	Mexicans==always sleeping
Frigidaire	*Mexican banditos interested in freezer	Mexicans==thieves seeking Anglo artifacts
Arriad	*Mexican bandito sprays underarm, voice says, “If it works for him, it will work for you.”	Mexicans==stink the most

†=newspaper or magazine ad

\*=TV commercial

the main races were distinguished by only four colors—black, red, yellow, and white. Brown people were considered to be members of the white race, on paper at least. There seemed to be little desire on the part of the whites to call Mexican Americans anything other than white; more concern came from many militant browns. It was too comfortable standing on top of the brown people as opposed to—recognizing them officially as a distinct group, although they have been treated in a disdainfully distinctive way. It thus became easy to conceive of Mexican Americans as embodying all that is worst in the white man. This analysis is supported by another response to a student letter complaining of racism in a specific advertisement:

*This acknowledges your letter of February 25 about an L&M commercial.*

*We sincerely regret your reaction to this commercial because we did not intend to be derogatory to any ethnic group.*

*'Paco' is a warm, sympathetic and lovable character with whom most of us can identify because he has a little of all of us in him, that is, our tendency to procrastinate at times. He seeks to escape the violence of war and to enjoy the pleasure of the moment, in this case the good flavor of an L&M cigarette.*

*This commercial is the first in a new series for L&M, and it was tested carefully with many audiences, including Mexican Americans, before it went on the air with no negative indications of any kind.*

*'Paco' is one of several commercials in the present L&M series, all with the same flavor, spirit and*

*good humor, including the 'office secretary', the Maine fisherman, 'the musical composer', and the 'gypsies'.*

*We appreciate your taking the time to write and express your opinion. We are bringing your viewpoint to the attention of the advertising agency which produces our L&M commercials, and we will continue to examine all of our advertising carefully in our effort to avoid offending any individual or any minority group.*

*Sincerely,*

*Director of Public Relations  
Liggett & Meyers*

According to this letter, "Paco" is an escapist, who embodies the undesirable trait of procrastination. Yet advertising men detest procrastination (they made the ad), and so do capitalists (L&M bought it). L&M, whether or not their public relations director realizes it, is actually revealing their prejudice against Mexican people by allowing such a commercial to be shown in their name.

It is noteworthy that L&M sent an almost exact replica of the above letter to another student, who complained about the commercial that presented gypsies in a stereotyped fashion. To L&M, the only difference between the gypsies and "Paco" is the name: "The gypsies," replies L&M, "are warm, sympathetic and lovable characters with whom most of us can identify because he has a little of all of us in him; that is, our tendency to procrastinate at times." This easy exchange between ethnic groups strikingly resembles the phenomenon of ethnocentrism via Polish and/or Italian jokes.

L&M's justification for their ads, "a little of all of us in them,"

is a good example of projection, one of the dynamics of prejudice. Gordon W. Allport's words on projection from his famous book, *The Nature of Prejudice*, are still instructive:

*Suppose there are unwanted traits in oneself—perhaps greed, lust, laziness, and untidiness. What the sufferer needs is a caricature of these attributes—a sinner-pure incarnation of these evils. He needs something so extreme that he need not even suspect himself of being guilty. The Jew is therefore seen as wholly concupiscent; the Negro as completely lazy; the Mexican as filthy. One who holds such extreme stereotypes need not suspect himself of having these hated tendencies.*

"Paco" represents L&M's caricature of undesirable traits within Anglo Americans. And again, L&M, among others, takes it for granted that Mexicans are very amenable to caricaturization. We can also assume that the Mexican Americans who supposedly were shown the commercial prior to its public release may not have had the insight into stereotyping and projection to offer more viable opinions on its offensiveness. Perhaps they have become accustomed, or conditioned, to accept "Paco" and others like him, as a reality, rather than as an advertising fabrication.

THOMAS M. MARTINEZ

*Mr. Martinez is director of seminars on Mexican Americans at Stanford University, California, and chairman of the Advisory Council of the National Mexican American Anti-Defamation Committee. This article is a reprint from El Grito, a quarterly magazine published in Berkeley.*

EXHIBIT A



Drawn for Broadcasting by Sid Hix

"What else can he do? They kicked him off television!"

BROADCASTING, March 23, 1970

EXHIBIT B

# YOUR NEW ELGIN IS BETTER THAN THE ELGINS ZAPATA WAS WILLING TO KILL FOR IN 1914.

Emiliano Zapata, the Mexican Robin Hood and revolutionary, tacked up this notice in a western railroad station: "Any engineer or conductor found not carrying an Elgin watch will be killed for concealing valuables."

It seems that the trainmen were tired of having their expensive Elgins stolen, and were trying to substitute something less valuable. It didn't work then and it certainly won't work now.

"At Elgin, we've gained a lot of know-how building 70 million watches in over 100 years. Today's Elgins contain parts accurate to 3/10,000 of an inch. That's just one reason they're better than the Elgins Zapata would kill for.

It's a good thing Emiliano Zapata's gone. He'd be stealing Elgins as fast as we could make them.

**ELGIN. MAKING THE MOST OF TIME.**

Elgin Electronic — \$95.00. Lady Elgin Radiance 14 K, 6 diamonds — \$185.00.

Handsome Zapata poster available for \$1.00. Send check or money order, your name and address to Elgin Watch, 450 West 33 Street, New York, New York 10001.

**ELGIN**

a division of ELGIN NATIONAL INDUSTRIES

## EXHIBIT C-1

COUNCIL ON HISPANIC AMERICAN MINISTRIES,  
March 13, 1970.

We respectfully receive the criticisms of our television spot "The Good Samaritan"; however, we do not intend to withdraw it for these reasons:

A. The target audience is the middle-class anglo.

B. The parable itself is a direct parallel to the original parable of Jesus Christ and is, therefore, *Biblically compatible and theologically sound*. The point of possible offense to the Mexican-American audience is carefully taken and in all future efforts, we will be even more careful to screen all shades of viewpoints prior to completing production.

We expect expert guidance in this area now that Dr. Jorge Lara-Braud of the Hispanic-American Institute has become a member of the Council on Mass Media, the group which guides this Division and determines policy. In addition, we have the pledge of guidance from groups such as Image, Carissima, and the Mexican-American Anti-Defamation Committee.

We look forward to working with you on the mutually satisfying projects that are planned in the near future.

Sincerely,

RICHARD F. GILBERT,  
*Chairman.*

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[Telegrams]

## EXHIBIT C-2

LOS ANGELES, CALIF.

NICK REYES,  
*Care Ben Logan, Methodist Mass Communications,  
Riverside Dr., Rm. 402 NYK.:*

I would just like to reiterate the position taken my Coham in its annual meeting in San Antonio in January 1970. "We must vigorously oppose the stereo typical presentation of the good samaritan as a mistake that must be withdrawn immediately from the mass media." We trust that the United Presbyterian Church will do this and prevent the Hispanic American in a most positive way.

Sincerely yours,

HARDY L. OLIVAS,  
*President of Coham.*

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ATLANTA, GA., May 25, 1970.

NICK REYES, *Washington, D.C.:*

Copy of wire sent today to Richard Gilbert, United Presbyterian Church New York, New York. "Nick Reyes understands phone report on my appeal to mass media committee has my consent to delay withdrawal of Good Samaritan spot if necessary for prudential reasons. For the record my position and that of Coham is immediate withdrawal. Understandably any delay would irreparably compromise my own position as a member of United Presbyterian Mass Media Council."

DR. JORGE LARA-BRAUD.

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[Telegram]

## EXHIBIT C-3

NEW YORK, N.Y., May 27, 1970.

NICK REYES,  
*Washington, D.C.:*

On Friday Dr. Jorge Lara Braud presented, at our request the views of Coham to the U.P. Standing Committee on mass media concerning the "Good Samaritan" spot. The committee advised the council on mass media to gradually withdraw the spot. However, council leaders meeting with me decided to go further and withdraw it immediately in light of Dr. J. Lara Brauds words. Wires were sent Saturday to NBC, CBS, and ABC requesting withdrawal. Unaware of this action, Mr. Reyes of the Mexican American anti defamation committee complained of the G.A. Committee on consultation on Saturday that we were not

working in good faith. Therefore, we canned the standing committee back, and clarified the motion for immediate withdrawal, and recommended that Mr. Reyes meet with our council if he so desired. Our staff still believes in the spot but we very much desire closer relationship with Coham for the sake of a better communication of the gospel.

RICHARD GILBERT,  
*Chairman, Mass Media Division.*

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EXHIBIT D-1

AL TRIUNFO DE LA VERDAD Y AL PROGRESO  
DEL GENERO HUMANO,  
LA ROSITA ASOCIACION MEXICANA,  
*June 3, 1970.*

DEAR SIR: I bring to your attention the following problem because justice should be done.

Our Spanish radio program was taken off the air without just reason by the management of Radio Station WMRI in Marion. This time on the air was sponsored and paid for at the rate of one hundred (\$100.00) dollars per week for the past two (2) years. Our Spanish broadcasters are: Benny Lopez, Fred Gutierrez and Mike Garcia.

This program has served as an educational program for our children and adults, plus, as entertainment for the Spanish-speaking American in the community and surrounding area. Also, it is a bright spot during the winter months when there aren't many places to go and our Mexican-American friends have gone back home.

We are protesting this action taken against our public rights and we ask you to champion our cause.

I'm enclosing the petition and signatures sent to the management of radio station WMRI, Marion, Indiana.

Thank you.

Sincerely,

Mrs. ARTURO B. ARMIJO,  
*Secretary of the Steering  
Committee of the U.M.A.*

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EXHIBIT D-2

STEERING COMMITTEE,  
UNITED MEXICAN AMERICAN,  
*May 22, 1970.*

RADIO STATION WMRI,  
*Marion, Ind.*

DEAR SIR: We, the undersigned demand to have the Spanish radio program continue on the air, as it has been for the past two years. Our people are very disturbed with this drastic action taken by the management of WMRI.

This program has served as an educational program for our children and adults, plus entertainment for the Spanish speaking American in the community and surrounding area. Our people consider this a discriminatory act against the Mexican-American people.

Therefore, we will not tolerate this action taken towards our people. We have organized and united to protest this action taken against our public rights of communication.

D. N. REYES,  
*National Mexican-American Anti-Defamation Committee.*  
COVINO GALVAN,  
*Secretary of Grievance Committee.*  
LES CRANE,<sup>1</sup>  
*Civil Rights Committee.*  
GOVERNOR WHITCOMB,  
*Indianapolis, Ind.*

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<sup>1</sup> Chairman of Committee on Opportunity for the Spanish Speaking, Washington, D.C.

## EXHIBIT E-1

[From the Los Angeles Times, Apr. 7, 1969]

## ALL-WHITE FUNNIES

(By Art Seidenbaum)

The comic strips only have color on Sundays.

Mary Worth lives in an all-white world and while everybody knows the troubles she's seen, no black people have shared them.

Dr. Rex Morgan has white colleagues and white patients and is on the staff of what may be the last lily-white hospital north of Gulfport.

Dick Tracy fights crime on the streets and plays golf on the moon but no black people ever appear in those streets on either side of the law.

Few of the "funnies" are funny and almost none of them are integrated. The only exception that leaps to mind is Peanuts, where the gentle world of Charles Schulz and Charley Brown recently welcomed a black playmate.

The comics lag behind even as the rest of the media hurry to make their mass worlds match reality.

Television has its black detectives and black cowboys and black situation housewife.

The movies have black heroes and gangsters and sex symbols.

Commercials have a proportion of black children who eat cereal, brush teeth and soil shirts just like white children.

And fashion advertising is suddenly full of magnificent black mannequins every bit as haughty, pouty and unreal as their white sisters.

## ASKING INTEGRATION

The Fair Housing Council of the San Fernando Valley logically wonders why comic strips don't reflect some of this sensitivity. Council director Celia Zager is contacting comic strip artists and comic strip syndicators, to ask that more integration be drawn into creatures who talk from balloons.

To be fair, suggests Mrs. Zager, the omission of black or brown people could be simple oversight on the part of the artists: "Many creators of such images may never even think about what they really are projecting. It may only be necessary to bring it to their attention."

Her argument is that all age groups read the funnies, including small children whose understanding of the outside world is partly shaped by TV and comic strips. She cites UCLA psychologist Bertram Raven who said that kids begin to become aware of racial differences between the ages of 3 and 5. Any attitudes of racism, induced by the society, come later.

If comic strips had their reasonable share of black and brown characters, then maybe kids would naturally find it easier to grow up with the idea of a pluralistic culture. If Baby Dumpling could grow up, if L'il Abner could marry and if Junior Tracy could father a child, then there's room for other kinds of maturity in the funnies.

## EARLIER WORRIES

I'm only surprised that more people haven't questioned the all-white nature of strip life before now. The worry has always been whether Superman inspired suicidal flights from bedroom windows, or whether Orphan Annie was a kept woman of conservatism.

Integration certainly wouldn't hurt the content any. Dick Tracy could go on about his bloody business, Rex Morgan wouldn't lose his patients. And good old Mary Worth might increase her incredible capacity for minding other people's business.

As an old funnies fan whose heroes go all the way back to Don Winslow of the Navy, I salute Mrs. Zager and hope that a few black families soon move next to Gasoline Alley.

EXHIBIT E-2

**JUMBLE** - that scrambled word game

Unscramble these four Jumbles, one letter to each square, to form four ordinary words.

**SUYFS**  
 [ ] [ ] [ ] [ ] [ ]

**TOROB**  
 [ ] [ ] [ ] [ ] [ ]

**VOYDER**  
 [ ] [ ] [ ] [ ] [ ] [ ] [ ]

**RENITE**  
 [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Now arrange the circled letters to form the surprise answer, as suggested by the above cartoon.



Word 1: [ ] [ ] [ ] [ ] [ ] OF THE Word 2: [ ] [ ] [ ] [ ] [ ] [ ] [ ]

The word clues are

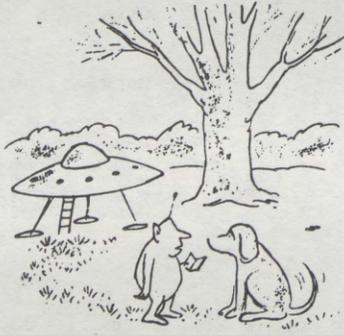
FUSSY

ROBOT

DEVOUR

ENTIRE

The answer:  
 SOURCE of the BORDER



The National Mexican American  
 Anti-Defamation Committee Inc.  
 Dupont Circle Building Room 321  
 1346 Connecticut Avenue, N.W.  
 Washington, D.C. 20036

## EXHIBIT F

## Public Broadcasting

American Association for the Advancement of Science			
Telecasts of scientific meetings		\$50,000	\$50,000
Community Television of Southern California (KCET-Los Angeles)			
Interconnection broadcast facilities		683,000	683,000
Planning of theater project		44,000	\$44,000
Corporation for Public Broadcasting			
Distinguished Fellowships		250,000	250,000
Interconnection networking		970,000	565,000
Study of public radio		37,500	37,500
Matching support for community stations			
Area Educational Television Foundation (KERA-Dallas, Texas)		50,000	50,000
Blue Ridge ETV Association, Inc. (WBRA-Roanoke)	\$231,798		231,798
Educational Television of Northwest Pennsylvania (WQLN-Erie)	57,974		57,974
Metropolitan Pittsburgh Educational Television			
Establishment of "Newsroom" program		660,000	660,000
National Association of Educational Broadcasters			
Distribution of "Canción de la Raza"		100,550	100,550
National Educational Television and Radio Center			
General support		3,300,000	3,300,000
NET Opera		500,000	400,000
Programming for affiliated stations	1,500,000	7,463,000	8,200,000
Public Broadcast Laboratory	505,000	3,841,200	4,346,200
Special projects unit		150,000	150,000
			125
Sunday night programming			
Corporation for Public Broadcasting		200,000	200,000
Community Television of Southern California (KCET-Los Angeles)		300,000	200,000
National Educational Television		800,000	800,000
WGBH Educational Foundation (WGBH-Boston)		300,000	200,000
Television, Radio and Film Commission of the United Methodist Church			
National radio program, "Night Call"		150,000	150,000
Virgin Islands Public Television System			
Emergency support		15,000	15,000
Totals—Public Broadcasting	\$6,026,529	\$24,037,622	\$21,156,579
			\$8,907,572

EXHIBIT G

**Take a TIP FROM JOSE**

CALL FOR ADVANCE RESERVATIONS



PHONE THE OFFICE



PHONE HOME




listen to the **BIG**  
**RAV**  
**STEREO SOUND**  
 ...on compact  
 cassettes

(WINTER / SPRING CATALOG NO. 1)



*The Old Forester*

"Guarding A Good Thing." Old Forester ad, reproduced as 22x30" colorful poster, commemorates Centennial Year. Ad appeared in early 1900's when Arizonians fought Mexican banditos for the land. \$1.25 ppd. Brown-Forman, P.O. Box 1080, Louisville, Ky. 40201.

(Whereupon, at 11:40 a.m., the subcommittee adjourned.)



