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FILMS AND BROADCASTS DEMEANING ETHNIC,
RACIAL, OR RELIGIOUS GROUPS—1971

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON

COMMUNICATIONS AND POWER

OF THE

COMMITTEE ON

INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

FIRST SESSION

ON

H. Con. Res. 9 and H. Con. Res. 182

EXPRESSING THE SENSE OF CONGRESS RELATING TO
FILMS AND BROADCASTS WHICH DEFAME, STEREOTYPE,
RIDICULE, DEMEAN, OR DEGRADE ETHNIC, RACIAL, AND
RELIGIOUS GROUPS

(and all identical resolutions)

APRIL 27 and 28, 1971

Serial No. 92-9

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FILMS AND BROADCASTS DEMEANING ETHNIC, RACIAL, OR RELIGIOUS GROUPS—1971

TUESDAY, APRIL 27, 1971

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 2123, Rayburn House Office Building, Hon. Torbert H. Macdonald (chairman) presiding.

Mr. MACDONALD. The subcommittee will come to order.

This morning the subcommittee is holding hearings on concurrent resolutions with approximately 69 sponsors. These resolutions all direct themselves at the producers and distributors of motion pictures and broadcasts which demean or tend to demean ethnic, racial, or religious groups. They are the same in substance as the resolutions on which this subcommittee held hearings September 21, 1970.¹

(The text of H. Con. Res. 9 and H. Con. Res. 182 and similar resolutions follow:)

¹ "Films and Broadcasts Demeaning Ethnic, Racial, or Religious Groups," hearing before the Subcommittee on Communications and Power, Committee on Interstate and Foreign Commerce, 91st Congress, second session, September 21, 1970—Serial No. 91-73.

- [H. Con. Res. 9, 92d Cong., first sess., introduced by Mr. Annunzio (for himself, Mr. Carney, Mr. Córdova, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Shipley, Mr. Stratton, Mr. Stuckey, Mr. Tiernan, and Mr. Vigorito) on January 22, 1971;
- [H. Con. Res. 51, 92d Cong., first sess., introduced by Mr. Murphy of New York on January 22, 1971;
- [H. Con. Res. 88, 92d Cong., first sess., introduced by Mr. Rodino (for himself, Mr. Gray, Mr. Halpern, Mr. Hanley, Mr. Hays, Mr. Hicks of Washington, Mr. Holifield, Mr. Howard, Mr. Kluczynski, Mr. Kyros, Mr. Leggett, Mr. McClory, Mr. McDade, Mr. Mazzoli, Mr. Miller of California, Mr. Minish, Mr. Murphy of New York, Mr. Nedzi, Mr. Nix, Mr. Patten, Mr. Pepper, Mr. Pike, Mr. Price of Illinois, Mr. Pucinski, and Mr. Rooney of Pennsylvania) on January 22, 1971;
- [H. Con. Res. 89, 92d Cong., first sess., introduced by Mr. Annunzio (for himself, Mr. Addabbo, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Blanton, Mr. Bolling, Mr. Brasco, Mr. Byrne of Pennsylvania, Mr. Collier, Mr. Collins of Illinois, Mr. Conyers, Mr. Daniels of New Jersey, Mr. Delaney, Mr. Dent, Mr. Derwinski, Mr. Donohue, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Fascell, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mr. Giaimo, and Mrs. Grasso) on January 22, 1971;
- [H. Con. Res. 105, 92d Cong., first sess., introduced by Mr. Helstoski on February 1, 1971; and
- [H. Con. Res. 197, 92d Cong., first sess., introduced by Mr. Rodino (for himself, Mr. Burton, Mr. Diggs, Mr. Evins of Tennessee, Mr. Flood, Mrs. Mink and Mr. Wolff) on March, 1971;
- 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

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

3 (1) the producers and distributors of motion pic-
4 tures and television and radio programs should cease
5 the production and distribution of those films and pro-
6 grams which defame, stereotype, ridicule, demean, or
7 degrade ethnic, racial, or religious groups;

8 (2) those responsible persons in the motion picture
9 and broadcasting industries who are desirous of con-
10 tributing to the vitality of democratic institutions by pro-
11 moting ethnic, racial, and religious harmony should
12 establish adequate standards for the production of films
13 and broadcasts which portray ethnic, racial, or religious
14 groups and that such standards should be rigorously
15 enforced by the motion picture and broadcasting indus-
16 tries; and

17 (3) if within one year after the enactment of this
18 resolution the motion picture and broadcasting industries
19 have failed to establish and enforce adequate standards
20 for the production of films and broadcasts which portray

- 1 ethnic, racial, or religious groups, appropriate commit-
 - 2 tees of the House and Senate shall formulate and pro-
 - 3 pose such measures as are necessary to establish and
 - 4 implement such standards.
-

[H. Con. Res. 182, 92d Cong., first sess., introduced by Mr. Brasco on February 25, 1971]

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 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 lipservice to the voluntary movies 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

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring)*, That it is the sense of the Congress that the
- 3 producers and distributors of motion pictures and television
- 4 programs should immediately cease the production and dis-
- 5 tribution in interstate and foreign commerce of those films
- 6 which degrade, or demean, racial, religious, and ethnic
- 7 groups and affect the moral behavior of all people through-
- 8 out the Nation.

Mr. MACDONALD. Our first witness this morning is the Honorable Frank Annunzio of the Seventh District of Illinois, a sponsor of one of the original resolutions.

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

Mr. ANNUNZIO. I thank you, Mr. Chairman.

I am going to summarize my statement this morning and ask unanimous consent that my full statement be inserted into the record.

Mr. MACDONALD. Without objection it is so ordered.

Mr. ANNUNZIO. At this time, Mr. Chairman, I want to extend my appreciation to you and to the chairman of the full committee for holding hearings last year on this important legislation and for once again consenting to have hearings this year.

As you will recall, this legislation had more than 100 cosponsors in the 91st Congress and already during the 92d Congress, more than 69 of our colleagues have cosponsored this defamation resolution.

They share a mutual and deep seated concern over the intolerable situation which has been perpetuated by our mass media, and my distinguished colleague from New Jersey, the Honorable Peter W. Rodino, Jr., has taken the lead in reintroducing this legislation which expresses the sense of Congress against the production and distribution of films that degrade racial, religious, and ethnic groups.

When I appeared before this committee last year, I spoke in favor of the resolution. I pointed out to the committee that as an American and son of Italian immigrants, I was only too well acquainted with the innuendoes, the guilt by association techniques, the sick jokes, and countless other vicious contemptible and cruel methods employed by mass media to degrade members of ethnic and minority groups.

I say that it is about time that this committee report out this bill so that we can get action on the floor of the House in order for us to halt this scurrilous media portrayal of ethnic Americans which the media not only allows, but it seems to encourage.

Everyone knows that Polish Americans are no less lacking in intelligence than other Americans, that Italian Americans are not more hoods and crooks than other Americans, just as Mexican Americans are no lazier or devious than the rest of us.

For too long this intolerable situation of defaming minority groups in mass media has been allowed to exist and the time is now long overdue for the movie and television industries to do much more than the little they have done in the past to eliminate the discord, racial strife and hatred they are peddling and to reunite our country and rededicate us to the spirit of brotherhood in which our Founding Fathers established our great democracy.

To you, Mr. Chairman, I know that all of the other cosponsors of this bill are deeply grateful for the keen interest and understanding you have shown of this problem and we want you to know that we deeply appreciate the hearings and are hoping that your subcommittee will make a favorable recommendation.

I thank you very much.

(Mr. Annunzio's prepared statement follows:)

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

Mr. Chairman, I want to extend my deep appreciation to the distinguished Chairman of the House Interstate and Foreign Commerce Committee, Honorable Harley O. Staggers, for holding hearings last year and for again scheduling hearings this year on legislation pertaining to the defamation of minority groups by mass media.

The members of this Committee will recall that this legislation had more than one hundred cosponsors during the 91st Congress, and already during the 92nd Congress more than 67 of our Colleagues have cosponsored this defamation resolution. They share a mutual and deep-seated concern over the intolerable situation which has been perpetuated by our mass media, and my distinguished Colleague from New Jersey, Honorable Peter W. Rodino, Jr., has taken the lead in reintroducing this legislation which expresses the sense of the Congress against production and distribution of films that degrade racial, religious, and ethnic groups.

When I appeared at hearings held by the House Interstate and Foreign Commerce Committee last September to speak in favor of this resolution, I pointed out at that time that as an American and the son of Italian immigrants, I was only too well acquainted with the innuendoes, the guilt-by-association techniques, the sick jokes, and the countless other vicious, contemptible and cruel methods employed by our mass media to degrade members of ethnic and minority groups.

It is high time that a halt is called to the scurrilous portraits of ethnic Americans which the media not only allow but seem to encourage. Everyone knows that Polish-Americans are no less lacking in intelligence than other Americans, that Italian-Americans are not more hoods and crooks than other Americans, just as Mexican-Americans are no lazier or devious than the rest of us.

Such inexcusable slurs upon the dignity and integrity of ethnic minorities are not only an affront to the fundamental American concept of fair play but more importantly, constitute a destructive attack upon many of those very individuals who have contributed in lasting and tangible ways to the building of this Nation—a Nation which by its very definition is comprised of immigrants from every corner of the globe.

Indeed, Mr. Chairman, such reversed names as Christopher Columbus, the great Italian navigator who discovered America; Dr. Enrico Fermi, the Italo-American who is regarded as one of the greatest physicists of our time and the father of nuclear energy; General Casimir Pulaski, the eminent Polish nobleman who first established our American cavalry and gave his life for our freedom in the American Revolutionary War; Thaddeus Kosciuszko, the Polish patriot who fought in our Revolutionary War and engineered the fortification of West Point; and so many others too numerous to mention without whose contributions America, the greatest democracy on earth, would perhaps never have flourished.

The most remarkable aspect of America is its diversity. That composite of cultures which has gone into the making of America has produced one of the richest, most exciting, most vital societies in history. It is from this diversity that the greatest of America springs, and it is the triumph of America that, out of such diversity, has come that mingling of traditions, temperament, and cultures which personifies the American Union.

Assimilation does not necessarily require elimination of ethnic attributes, however. Much of the ethnic flavor introduced by thousands of immigrants is of a lasting and enduring nature, and the people from faraway lands change America, even as America changes them.

It is a tragic commentary upon our times that those ethnic groups and minorities who have managed to retain a vestige of their original national identity—while at the same time assimilating the best concepts of democratic society—should be made to suffer most acutely by motion pictures and television programs which demean their identity.

Italian-Americans, Polish-Americans, Greek-Americans, Mexican-Americans, black Americans, and members of every other minority and ethnic group, who by their vigor and pride have contributed so much to America's strength and greatness—have every right to be free from the harm directed at them by thoughtless panders of hatred and discord. Every minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to the advancement of world civilization. When we destroy this pride in "self"—we destroy the very quality Americans possess that has made America great.

For too long the intolerable situation of defaming minority groups in mass media has been allowed to exist, and the time is long overdue for the movie and television industries to do much more than the little they have done in the past to eliminate the discord, racial strife, and hatred they are peddling, and to reunite our country and rededicate us to the spirit of brotherhood in which our Founding Fathers established our great democracy.

I want to make it clear that this resolution has not been introduced for the purpose of censuring the motion picture and television industries. We all know that they are fully protected by the Constitution and the Supreme Court of the United States which guarantee the freedoms they enjoy, but at the same time, a serious question has been raised in the minds of millions of Americans about the abuse of their privilege of informing the public and disseminating information and news.

We see today on our college campuses frustration and misunderstanding. We see racial disorder in all of the large cities of America, and we find ourselves more divided today than at any time in the history of our country. I charge that the reason this is happening is because the press, radio and television have been derelict in their responsibility to help create a society in which people are proud to make a contribution to their country, and are proud to respect their own heritage and their institutions. In America the lack of respect that exists today for family, for the church, and for our institutions, has undermined our society and has caused a serious decline in the *esprit de corps* of our people as well as our confidence in the direction our nation is taking. This situation continues to exist because we have permitted the mass media to ridicule and to stereotype our minority groups by using such repugnant words, as Wop, Kike, Nigger and Polack.

When such derogatory terminology is used, it can only encourage dissension, and as a result, today we have blacks fighting whites, and one ethnic group pitted against another. The day of reckoning is finally upon us. Mass media must evaluate its policies and honestly answer these questions: Are they causing confusion and frustration? Are they abusing their privilege and responsibility of informing the people? Are they encouraging the type of struggle that pits one human being against another simply because of their racial or ethnic origin?

The power of the press, television and motion pictures over mass behavior and public attitudes is manifest in many ways. This "power" was recognized many decades ago, even before the advent of television and motion pictures, when Napoleon I said, "Three hostile newspapers are more to be feared than a thousand bayonets." And even more recently, our Vice President, Spiro Agnew, is quoted as saying, "The powers of the networks (are) equal to that . . . of local, state, and federal governments all combined." Such statements are good indications of the vast power of today's media to influence public attitudes.

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 revere and respect our institutions, and that we are ready to defend ourselves and our principles of democracy anywhere in the world.

I want to commend and congratulate Congressman Rodino for his insight in recognizing this serious problem and for taking the lead in offering this resolution as a means by which Congress can speak out forcibly on behalf of our ethnic groups and our minority groups who have contributed so much to the greatness of this country, and who, in return, deserve nothing less than its respect.

There is no doubt that those individuals who control the media are to a great extent abusing the protection of the First Amendment, and in so doing, they are undermining the very principle of respect for individual rights which is guaranteed to every American as his birthright.

I, therefore, urge that H. Con. Res. 88 and similar resolutions pending before this Subcommittee and the House Interstate and Foreign Commerce Committee be favorably reported as promptly as possible in order that the Congress may have the opportunity to go on record as vigorously opposing all defamatory activity directed against America's dedicated minority groups by the news media in the United States.

Mr. MACDONALD. Thank you very much, Congressman Annunzio.

I would like to ask one question not about the bill but about the protocol of it.

As I indicated, it is almost a continuation of the hearings we held last September. Are you appearing on behalf of all of the cosponsors?

Mr. ANNUNZIO. I hadn't talked with the others. I am appearing for myself.

Mr. MACDONALD. Thank you very much.

Our next witness this morning is the Honorable Peter W. Rodino, Jr., of New Jersey. Mr. Rodino has a statement he would like to present to the subcommittee. Welcome, sir. Proceed as you see fit.

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

Mr. RODINO. Mr. Chairman, I would like to extend my appreciation to you and to your subcommittee for scheduling hearings on my resolution, House Concurrent Resolution 88, and similar proposals before you. It is a privilege to testify in behalf of legislation to deal with the problem of films, and television and radio broadcasts that are derogatory to ethnic, racial, and religious groups.

We all are well aware of the importance of the television medium and the great impact which it has upon the citizens of this country. We also know that television as well as motion pictures have a deep and lasting effect on all viewers, especially our youth. Thus, we must attempt to halt this defamation.

I do not intend by my measure to castigate or apply censorship to these industries. Rather, I am urging that we pass a bill expressing the sense of Congress in opposition to the situation which presently exists.

Let me review the provisions of my proposal.

House Concurrent Resolution 88 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."

Some of the images created of persons of Italian, Spanish, Irish, Jewish, black, and eastern European ancestry have been appalling. In regard to references to Italians as portrayed on the media, all one has to do is mention a member of this ethnic group to millions of Americans and listen to what they believe. Usually the individual of Italian dissent is connected with the so-called "Mafia", or as a flashily dressed mobster smuggling heroin or killing innocent people. The Spanish speaking Americans have been portrayed as lethargic, lazy people. The same misconceptions have been aired in reference to other groups. Jews are tight-fisted peddlers in the mass media lexicon—storekeepers who exploit the poor and try continuously to gain some commercial advantage. The Irish are usually portrayed as burly, whisky drinking brawlers. And I am sure we are very well aware of the tasteless so-called jokes that portray Americans of Polish heritage as ignorant or stupid.

Again, all one has to do is to go into the street and ask the average American what image comes to his mind in regard to these groups. We all know the answer all too well.

Through the casting of members of certain ethnic groups in stereotyped roles in the television and motion picture media, these industries have associated ignorant and undersirable patterns of behavior, and even criminal character and intent, to members of ethnic, racial, or religious groups. We have thus seen that stereotypes which we have fought against for many years are still present in our society, in fact with an ever-growing frequency.

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 this time of disharmony and polarization, we can no longer tolerate mass produced slurs against any citizen or any group. If we ridicule a group of American citizens we are degrading America itself. Our Nation needs a renewed spirit of brotherhood, and these actions by the media are stifling our effort. I strongly urge the subcommittee's approval of this legislation.

Mr. MACDONALD. Thank you, Mr. Rodino, for sharing your thoughts with us this morning.

Mr. RODINO. Thank you, Mr. Chairman, it has been my pleasure.

Mr. MACDONALD. Next we shall hear from our colleague from the State of Illinois, the Hon. Harold R. Collier. Welcome, sir. Please come forward and present your statement.

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

Mr. COLLIER. Mr. Chairman, I thank the subcommittee for this opportunity to appear in behalf of House Concurrent Resolution 89, which would express the sense of Congress relating to films and broad-

casts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups.

I am sure that my colleagues who are sponsoring House Concurrent Resolution 89 and other measures 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 members of such groups and organizations enjoy hearing and retelling stories at their own expense. The stories ought, of course, to be clever and in good taste.

What I do vigorously 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.

Many of our moving picture films and 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 swear word. Surely such a practice is as reprehensive as the mockery of the Christian and Jewish faiths 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 present day woman 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 report 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 we, 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 live up to their responsibilities, there is a strong possibility that the Congress may not stop with a mere resolution but may instead enact legislation with teeth in it.

Mr. MACDONALD. Thank you, Mr. Collier.

Mr. COLLIER. Thank you, Mr. Chairman.

Mr. MACDONALD. The Hon. Robert N. Giaimo of Connecticut has a statement he would like to present to the subcommittee. Welcome, Mr. Giaimo.

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

Mr. GIAIMO. Mr. Chairman and members of this subcommittee, it is my privilege to offer support for House Concurrent Resolution 89, and identical legislation, expressing the sense of Congress on motion pictures and television broadcasts which stereotype and thereby demean racial, religious and ethnic groups.

I have supported such resolutions in the past, in September of 1970, for example, in testimony before this subcommittee, and have also authored a similar measure.

My support for this resolution continues, strengthened by three considerations.

First, the very favorable reactions of constituents in my own and other districts convince me that Americans sense a need for an expression of congressional leadership on this problem.

Second, in America today there is a necessity to underline those qualities and ideals that all groups have in common, the bond of our diverse citizenry, and to avoid focusing on derogatory expressions and characterizations which divide us, denying our individuality and erecting artificial barriers.

And third, in contrast to movements in other quarters of Government to intimidate and harass the broadcast industry, this resolution advocates no censorship of free expression; in fact, it offers congressional leadership that will encourage producers to follow their own best instincts.

In short, this sense of Congress resolution is an appropriate way for us to show national leadership and to reflect constituent concern on this issue in a constructive manner which does not inhibit the motion picture or broadcast industry, and which in fact shows support for the leaders of that industry and the vast majority of nonprejudicial works they produce.

After all, the history of the assimilation of different ethnic and racial groups into America is, on the whole, a positive one, excepting those instances where from ignorance or for malice or profit a group has been isolated, intimidated, ridiculed.

And all of this country's diverse groups have a stake in emphasizing and strengthening that positive history, including Negro, Irish, Italian, Jewish, Polish, German and other American groups whose distinctive accomplishments and heritage have contributed to the Nation's unique virtue.

Our own best interests—because we are all, in the end, immigrants, outsiders, and some of us refugees from other lands—dictate that Congress resolve to oppose divisive tendencies in all facets of public life, and particularly in the production and distribution of the films and programs which influence so much of our thought.

Individual group protest against stereotypical misuse of that group's identity is not always effective, sometimes precisely because the group is a minority without influential voices.

By expressing our sense against bigotry and prejudice in media, we can help insure that all such groups will live with dignity and pride.

I therefore urge adoption of House Concurrent Resolution 89. Thank you for this courtesy.

Mr. MACDONALD. Thank you, Mr. Giaimo, the subcommittee appreciates your being here today.

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

Mr. MACDONALD. Our next witness this morning is our good friend from the State of Florida, the Honorable Claude Pepper. Welcome to the subcommittee, Mr. Pepper.

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. As one of the cosponsors. I would like to express my strong support for House Concurrent Resolution 88, which would express the opposition of the Congress to the production and presentation of motion pictures and television and radio programs which defame, stereotype, ridicule, demean, or degrade ethnic, racial or religious groups in our country.

The Declaration of Independence, which brought our country into existence, declares clearly that "all men are created equal." There are no second class citizens in our society and neither law nor literature should stigmatize or stereotype any group of citizens among us.

In our time the most powerful media are television, radio and the motion picture, in the formation of attitudes toward our fellow citizens. This can be constructive or it can be highly destructive, as when the special traits and special characteristics of the several ethnic, racial and religious groups living in our midst are exaggerated and derided, either seriously or humorously.

I have always been disturbed by the haters in America. At the beginning of my political career, in 1929 as a member of the Florida Legislature, I found many of my fellow citizens terribly upset because the First Lady of the United States, Mrs. Herbert Hoover, had served tea to the wife of the Liberian Ambassador at a diplomatic wives function at the White House. My State legislature along with others actually voted to censure Mrs. Hoover for this simple act of hospitality and I was one of only 13 members who cast their votes against this hateful resolution.

The response was typical of the period, and it was fostered by the newspapers and motion pictures of the period, which portrayed the Negro as a debased and repulsive creature.

Yet another example of the great inhumanity of which man is capable is the hostility which was generated by thousands of years of stereotyped thinking where Jews were concerned. It could only have been generations of "brainwashing" of this kind which led to the terrible mass extermination of millions of innocent men, women and children of the Jewish faith by the Nazis.

Thus, to me, there is nothing amusing about "ethnic humor" or the exploitation of stereotyped thinking to convey either humor or dramatic action in television, radio and films today. The acts of persecution which offend every right-thinking American have their brutal roots in the ridicule and name-calling and petty degradation that still is too much a part of our life.

I feel the Congress has a right and an obligation to speak out against the harm which is inflicted upon ethnic, racial and religious groups and upon the fabric of our democratic society. House Concurrent Resolution 88 seeks to do this and I strongly urge this committee to bring it to the House floor for approval.

Mr. MACDONALD. Thank you, Mr. Pepper.

Mr. PEPPER. Thank you, Mr. Chairman; it has been my pleasure.

Mr. MACDONALD. The Honorable Frank J. Brasco of New York is our next witness.

Welcome, Mr. Brasco. Proceed as you see fit.

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

Mr. BRASCO. I appreciate the opportunity to make these remarks today. They are necessary and overdue, and I make them in the fervent hope that some tangible change will be brought about in a sad situation.

It is a deplorable fact that the publicly licensed airwaves of the Nation, mainly those utilized by television, are being abused by some individuals and organizations who certainly should know better.

By this I mean that television is allowing, participating and encouraging presentations of programs and commercials that present an untrue, warped view of several minority groups in the Nation.

Such is the power of television that a stereotype can be established or preserved by means of a popular program or an often shown commercial. In this manner, ethnic groups such as Italian-Americans, Polish-Americans, Spanish-speaking Americans and others have been grossly maligned. Further, in spite of occasional highly publicized retreats and apologies, the situation is worsening.

When a program or commercial is poor or reaches only a minimum audience, we are speaking of millions of people. Even the poorest syndicated television show or nationally viewed commercial reaches more people than the largest newspapers do.

When a show is used again and again * * * when a commercial is used thousands of times * * * the total impact is devastating. State lines are crossed as if they do not exist by such technology. Cities can be and are blanketed by these presentations. One ad in prime time on a popular show can do terrible harm to millions of people in terms of creating a false image.

One classic example immediately comes to mind. The Frito-Lay Co. of Dallas, Tex. utilizes a distasteful commercial which presents a grotesque caricature of Hispano Americans. In order to sell their products, they present an utterly demeaning, false image of this group, which the Census Bureau indicates may number close to 10 million people.

In spite of repeated protests from concerned groups * * * in spite of repeated promises, which have turned out to be false, from Frito-Lay that they are about to remove the ads * * * they are still playing daily and nightly to an audience of millions.

These ads absolutely outrage such citizens, and correctly so. Americans living in areas of the Nation where Hispano Americans are few cannot help but acquire a terribly warped image of their character, personality and behavior. The ads on television give the picture of a little thief, portly, sly and sporting a heavy accent. Well, why do the right thing when there's a buck to be made, even if it is at the expense of innocent people?

The same can be said about the image still being peddled to the Nation of Italian-Americans. No matter how many denials are made * * * no matter how loud the aggrieved protestations of innocence * * * the facts are irrefutable. Portraying Italian-Americans as gangsters and sympathizers or members of criminal cartels is profitable for television, movies and commercial sponsors.

The entire spectrum of such entertainment is crammed with Italian mobsters, killers, enforcers, confidence men and thugs.

In response to this escalating barrage of innuendo and stereotype, Italian-Americans have organized and sought to blunt the sharpest barbs aimed at them.

It is unfortunate, in fact, that doubts expressed over the good faith of those who protest such situations are often given greater attention than the activities at issue.

I realize that the media are under unprecedented attack in areas dealing with their right to report news and guard news sources. In this respect I have no quarrel with them. That is why I must say how shocked I am that they presently allow such abuse in this other area of vital responsibility. They have just as much of a duty to prevent dishonest stereotypes from being spread across millions of home television screens as they do to report news and guard news sources.

Where is their feeling of responsibility when an advertising agency appears in their offices with a series of such advertisements? They eliminate pornography or obscenities from programs. Why don't they consider such presentations as ideological obscenity or pornography?

Why don't television networks enforce their own code of permissible programing and advertisements forbidding utilization of demeaning stereotypes? It seems a plausible course of action. Further, whatever lead the television industry sets, movie and other media will follow. It is vital that the television industry understand what is at stake and what they perpetrate when such warped images are presented over the public airways.

Hatred is being fostered. Ignorance is being encouraged. Dislike and contempt are turned from frail shoots into lush growth, with all types of negative results. Don't they have any idea of the consequence?

I pride myself on not being a media baiter. Yet simultaneously, I take pride in my heritage and cultural background. And I have been able to see for myself what such irresponsible behavior is doing.

If the networks will not act to curb such activity, then it is the duty of the Congress and the Federal Government to do so. Further, if such degrading images are not dealt with within the industry itself, where it should be decided, then I shall urge action of the most vigorous sort.

Certainly it behooves industry to let it be known along the "grapevine" in no uncertain terms that programs and advertisements dealing with these subjects will not be tolerated.

Our folk culture is largely created and disseminated by television. Even now our land is wracked from end to end by the poisons of racism and divisiveness fostered and created by those with a vested interest in such turmoil.

Surely an industry that has created "First Tuesday", "Sixty Minutes" and "Sesame Street" can dispense with Polish jokes, Italian gangsters, Jewish peddlers and Mexican bandits and revolutionists.

Certainly those in positions of authority have an awareness of what is happening. They must possess a social conscience and sense of concern over what they see about them.

One other note must be sounded here. It concerns the advertising industry. Any agency which consciously presents such campaigns to industry as the Frito-Lay series should be publicly exposed.

The advertising industry in general is a leader in image making, for good or for bad. Therefore, the criteria should always be in good taste, with every effort expended to see that no one group of people is singled out for ridicule.

It is my feeling that the resolution before us is a most effective vehicle by which we, as Members of the Congress, can express our sense of disapproval toward these tactics, and I therefore urge its approval by my colleagues.

Thank you, Mr. Chairman.

Mr. MACDONALD. Thank you, Mr. Brasco, for the benefit of your views on this subject.

Mr. BRASCO. Thank you, Mr. Chairman, for the opportunity.

Mr. MACDONALD. Next we shall hear from our colleague from the full committee, Hon. Charles J. Carney of Ohio. Welcome, Mr. Carney. Proceed as you wish, sir.

STATEMENT OF HON. CHARLES J. CARNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. CARNEY. Mr. Chairman, I strongly support House Concurrent Resolution 9, a resolution by which Congress expresses its disapproval of material in moving pictures and broadcasts which demeans any minority group.

In passing this resolution, Congress will be telling the producers and distributors of moving pictures and television and radio programs that they are under a moral obligation to stop presenting films and broadcasts which defame or degrade any ethnic, racial, or religious group. More than this, Congress will be telling these producers and distributors that they have a responsibility to establish industry-wide standards for the portrayal of minority groups. Finally, Congress will be telling them that if they fail to set up such standards this committee in the House and the Senate committee with jurisdiction will take responsibility for defining standards for the portrayal of minority groups in the movies and on TV and radio and will take responsibility for seeing that they are enforced.

The National Mexican American Anti Defamation League has complained to this subcommittee that Mexican Americans are portrayed on television as "bandits, thieves, lazy no-accounts." Frito Bandito may seem like a trivial example, but Mexican Americans have for so long and so generally been portrayed as bandit types that Frito Bandito simply confirms the unreflected or unexamined impression that TV viewers throughout the country have of Mexican Americans. And the real Mexican Americans then have to live confronted with the impression that other Americans have of them.

The Japanese-American Citizens League has protested against the reshowing of films of World War II vintage which reflect the tide of anti-Japanese feeling among Americans after Pearl Harbor. The League says that such films portray the Japanese race as "ruthless, barbaric, and sneaky, knifing-in-the-back types." Again, Japanese-

Americans have to live confronted with the impression that other Americans have of them.

Similarly, Italian-Americans have protested against the identification in the communications media of Italian-Americans with Mafia or Cosa Nostra criminals. Indeed, thousands of Italian-Americans turned out in New York City last year to protest against this unjust image of themselves with which they are compelled to live.

It is urgent Mr. Speaker, that the moving picture industry and the communications media cease entirely from creating false and demeaning images of minority groups in the minds of the public. Such portrayal creates division and animosity at a time when we must seek greater friendship and unity among all the ethnically diverse people who compose our Nation.

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

Mr. CARNEY. I am happy to be here, Mr. Chairman.

Mr. MACDONALD. The next witness is Hon. Robert E. Lee, Commissioner of the Federal Communications Commission.

STATEMENT OF HON. ROBERT E. LEE, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION

Mr. LEE. Mr. Chairman, I am pleased to present the views of the Federal Communications Commission on House Concurrent Resolution 9 and similar resolutions. These resolutions would express the sense of Congress as favoring cessation of the production and distribution of films and programs which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups.

The resolutions also call upon the motion picture and broadcasting industries to establish and enforce adequate standards for the production of films and broadcasts which portray ethnic, racial, or religious groups, and, if they fail to do so within 1 year, express the sense of Congress that appropriate committees of the House and Senate shall then formulate and propose such measures as are necessary to establish and implement such standards.

Our jurisdiction, of course, does not encompass movie production or exhibition but it does include insuring that broadcasters act consistently with the law and public interest. We certainly agree that broadcasters should exercise responsible judgment to avoid the presentation of programing that degrades or demeans ethnic, racial, and religious 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 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 a number of complaints which charged racial or ethnic criticisms, ridicule or degradations in the television field. Generally complaints of this nature are increasing slightly.

Despite the offensiveness of such material, it generally enjoys the constitutional guarantees of free speech.¹ That is the clear thrust of the *KTYM* case.² Thus, we must hope and expect that the good taste and responsible judgment of broadcast licensees would prevent the broadcasting of senseless and offensive material which demeans or degrades religious, racial, and ethnic groups.

He would therefore urge complainants of objectionable programming to make their views known to the stations and networks involved. 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.

I would emphasize that there is no mechanical rule or standard to follow in this most difficult area, but that common sense 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.

The Radio and Television Codes administered by the National Association of Broadcasters contain detailed and 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 great majority of the commercial television stations makes its standards directly applicable to most programs seen on the home screen.

An appropriate expression of congressional concern emphasizes the need for responsible judgment at both the production and distribution levels. We commend the committee for holding these hearings and thereby bringing these important issues to the attention of the motion picture and broadcasting industries.

Thank you, Mr. Chairman. That concludes my testimony and I shall be happy to answer any questions.

Mr. MACDONALD. Thank you very much, Commissioner Lee.

It is a pleasure to have you before us once again.

We thank you for your interest and the result, that you came before us. I would think this is a very difficult area. A concrete example, and I am not going to pick on Mexican-Americans as being overly sensitive, but how do you translate a cartoon figure into something that is demeaning of the Mexicans? That is like saying that Mickey Mouse is demeaning of mice. It is a cartoon figure. I would think that the reason that it is there is because "bandito" rhymes with the commercial product and, if the commercial product were named something else, it would probably be a different cartoon.

I frankly don't see how that is terribly demeaning to the Mexican-Americans. But really what I am asking is, No. 1, have you had complaints about that particular commercial?

¹ 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).

² *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).

Mr. LEE. Yes; we have.

Mr. MACDONALD. No. 1, what is the complaint and No. 2, how do you decide whether it is demeaning or not demeaning? It is a pretty gray area.

Mr. LEE. We don't really make that judgment on that particular program. We have had complaints in very general terms that it means the Mexican-Americans. We generally advise the complainant of our restrictions with respect to censorship and very often send it to the station for their information. This area, as you indicate, is most difficult and I suppose it would have to be a subjective reaction on the part of the person who feels that they have been demeaned.

I think that I would hate to have to enforce such an area. I don't know how I would draw the lines. I think——

Mr. MACDONALD. Excuse me.

Mr. LEE. I think there is a place for humor. For example, my father and mother were born in Ireland and I have seen the Irish-American depicted as a kind of a drunken rowdy.

Mr. MACDONALD. As a charming drunken rowdy?

Mr. LEE. Yes, very charming. I have a sense of humor and this doesn't really offend me and I think we could have an overdose. I think the answer is——

Mr. MACDONALD. Do you have any complaints from the Irish people about it is demeaning to allege that they believe in the Little People and the Leprechauns?

Mr. LEE. Well I believe in them. [Laughter.] Sure, I was in Ireland. I saw them riding on rabbits.

We don't have any complaints from the Irish. I am not aware of one.

Mr. MACDONALD. Thank you.

Mr. Van Deerlin?

Mr. VAN DEERLIN. Mr. Chairman, I see we haven't provided much of a draw this morning. There is a visiting school class on one side of the room and in the center section of attendance we have two legislative spectators plus a gentleman from the Commission behind the witnesses.

I see that the total witness list this morning comprises Members of Congress and the Honorable Robert E. Lee. I would ask Mr. Lee if he doesn't concur that perhaps this subject matter is not of great urgency, that there are other more urgent matters awaiting the attention of Congress?

Mr. LEE. Well, I suppose everything has a priority. We think that this resolution adopting a sense of Congress is appropriate. I would frankly hate to have you put some imposition on us, for example, to enforce such a thing. I am not so sure we could do it.

Mr. MACDONALD. If the gentlemen would yield, I would like to point out to the gentleman that the reason these hearings were held, as I am sure he knows, is that there are about 110 people who have been elected to the Congress who feel that this matter is important enough that they introduce the resolution we are hearing and I think any time you get about one-third of the Congress interested enough in a matter to introduce a resolution and have it referred to a committee, I think it is incumbent on that committee to hold a hearing.

I would like to point out to the gentleman that the reason there aren't more people listed here with the clerk was that it was indicated by him

that—several Congressman have testified now and it was expected that there would be many others as there were in September, and why they are not here, I just don't know. I don't think the committee should be chided for holding this hearing.

Mr. VAN DEERLIN. That was the last thing I had in mind, and the chairman will note that after himself, I was the first member on hand for the hearings this morning. But I do note a lack of persons storming the hearing room on this subject, and I would judge that maybe this occupies a lower rung on the ladder of importance than some other issues with which we are going to have to deal.

Mr. MACDONALD. You mean like the hearings on paid Army commercials?

Mr. VAN DEERLIN. Well, we didn't exactly have them storming the gate on that one, either. I have no objection to the passage of a pious resolution provided, as the Commissioner asks, we don't establish any specific criteria for adherence, or place upon the agenda of the very busy and understaffed commission the need for a lot of new enforcement procedures.

But I surely have no questions of the Commissioner.

Beyond that, I thank the chairman for his indulgence.

Mr. MACDONALD. Mr. Collins?

Mr. COLLINS. Thank you, Mr. Chairman. I am inclined to agree about this particular resolution. I have serious misgivings about it myself. I know in my own area, the prime target for all jokes is the Texas Aggies. They always poke fun at the Texas Aggies, because it is a group with more spirit, I mean real, solid cohesion. Yet through possibly envy, half of the jokes in our area are directed toward the Texas Aggies. Everyone admires the Aggies because they are so friendly, but we do enjoy kidding them.

Now, since that is one out of 50 States, I wonder who they direct them at in the other sections of the country. I don't see how in the Federal Government we could draw up some type of law that will take care of all racial, religious, ethnic or other kind of groups.

For instance, the reference was made to the Polish people. We don't have many Polish people at home. And yet if you ran a national program, you would have to take care of them. It seems to me like a completely unworkable type of operating bill.

Have you had much pressure in the commission on this or just isolated letters where one little group or one particular group comes out for it?

Mr. LEE. Actually we have had in the aggregate surprisingly few complaints. I suppose with respect to television, we might have had in the month of March something over 1,600 complaints mentioning a variety of differences, some seven or eight were on this specific point. It is not a real big deal at the moment.

Mr. COLLINS. Anyone who speaks to it can always make the headlines by taking out one issue. I remember one of our colleagues one time took exception when a national humorist was here and did make one or two Polish jokes. When he made them, I thought he made them in good faith. I heard them at the time, and thought they were funny.

Anyone going on a national broadcast is going to be hesitant to offend anyone.

Mr. LEE. I think it is subjective. It depends on your own sensitivity.

Mr. COLLINS. That is right. The people who are very sensitive would respond.

That is all I have, Mr. Chairman.

Mr. MACDONALD. Mr. Frey?

Mr. FREY. I feel somewhat the same way as the people who have expressed their views already. If anyone went too far it would be due cause to not renew the license when it came up. Although the code is voluntary, it seems to me if anybody gets out of order, there is an adequate remedy now and I would hope that it would be pursued.

Mr. MACDONALD. I interrupted you, Commissioner Lee, when I started to ask what the Mexican-Americans objected to in the ad.

How did they say it was demeaning? In what way, or do you recall?

Mr. LEE. A general objection to the characterization of the Mexican-American being this funny cartoon character, but I have seen no really specific complaints of great substance.

Mr. MACDONALD. Any further questions? If not, thank you very much, Commissioner Lee.

That, believe it or not, concludes the witnesses for today.

Tomorrow we have scheduled the American Civil Liberties Union, Anti-Defamation League, Mexican-American League, Richard Hernandez, legal counsel for Nosotros, and also three Congressmen.

So the hearings will be adjourned until tomorrow morning at 10 a.m., room 2203.

(Whereupon, at 10:25 a.m., the hearing adjourned to reconvene at 10 a.m., April 28, 1971.)

...I think it is important to depend on your own responsibility.

...I think it is important to depend on your own responsibility.

...I think it is important to depend on your own responsibility.

...I think it is important to depend on your own responsibility.

...I think it is important to depend on your own responsibility.

...I think it is important to depend on your own responsibility.

FILMS AND BROADCASTS DEMEANING ETHNIC, RACIAL, OR RELIGIOUS GROUPS—1971

WEDNESDAY, APRIL 28, 1971

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 2203, Rayburn House Office Building, Hon. Torbert H. Macdonald (chairman) presiding.

Mr. MACDONALD. The subcommittee will come to order.

Our first witness this morning is our very distinguished colleague on the full committee, the Honorable John Murphy, a Member of Congress from New York.

Mr. Murphy?

STATEMENT OF HON. JOHN M. MURPHY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. MURPHY. Good morning, Mr. Chairman.

I certainly appreciate the opportunity to appear before the committee and discuss an issue that is very, very critical in my particular district because of the concentration of different ethnic groups.

Of course, my city has always been known as a melting pot. My particular district is more of a melting pot than other areas of the city because it contains a representative fragment of virtually every nationality, race, and religion in the city of New York. For that matter, probably those that exist in the world.

I am glad to have this opportunity to testify in support of House Concurrent Resolution 51 which I introduced on January 22. This resolution expresses the sense of Congress that producers and distributors of motion pictures and broadcasters of television and radio programs should cease to present to the viewing public films and programs which defame, stereotype, ridicule, demean, or degrade ethnic, racial, or religious groups; that producers and distributors should establish high standards for themselves to insure that their presentations will not portray any such group as contemptible or despicable; and that if producers and distributors do not set up such standards within a year, Congress itself will take steps to establish them.

This resolution, Mr. Chairman, is based on the same premise that removed cigarette advertising from television. Scientific studies indicated a possible lung cancer link with cigarettes, so we have stopped trying to persuade television viewers to take up the habit. Scientific studies at Harvard, Stanford and other universities have shown the

direct negative impact of TV and movie viewing on shaping people's attitudes toward other people when the content of the film shows minority groups in a derogatory light.

We in Congress have seen fit to try to prevent cancer of the lung by stopping the enticements of cigarette advertising. We should now try to prevent cancer of the mind by stopping the nightly portrayal of minority groups as innately criminal, stupid, lazy, bigoted or any one of dozens of stereotypes resorted to by TV writers and producers who find such "gimmicks" make their work easier.

Stopping the portrayal—immediately—of various minority groups as contemptible or despicable is one of the many things we can do to prevent our country from being further torn apart by intergroup hostility and violence.

The mass media, by falsely and forcefully presenting stereotyped images, exacerbate the divisions which exist in this country. By making the unique appear the usual and the exception as the accepted, movie and TV producers are doing an infamous disservice to their country, all in the quest for "quick buck" spectacles.

Organized crime is not the sole domain of Italians; all drug pushers are not Negro or Spanish-Americans—who are also, by the way, not all "Frito Banditos"—all fat cops stealing apples are not Irish, and all orientals are not conniving, murderous sneaks. Far from bringing this country together, such portrayals of minority groups only help to divide us.

The premise upon which my resolution is based is not as obvious as it might appear at first glance. Why, for example, should the terms "wop" or "polack" be fighting words? Why should they evoke in an American of Italian descent or Polish descent the feeling that he has been made less a person than he is meant to be, and that he can restore himself to proper size again only if he knocks the other man from the surface of the earth?

After all, we Americans of whatever extraction tend to pride ourselves on shaping ourselves as individuals above and beyond class, race, or ethnic group. As we pride ourselves on shaping ourselves as individuals, we pride ourselves on being independent of others and of not being affected by what others may think of us. We can make it on our own, we say, and the other man's contempt or derision cannot touch us. But the feeling of anger that boils up at any sign of the other's contempt or derision makes us realize that we are not as independent as we imagined.

The hurts and wounds of prejudice are too recent and too deep to be accepted objectively by millions of Americans and I don't think they should be forced to experience racial slurs by some insensitive writer or producer sitting smugly out on Wilshire Boulevard.

I have said, Mr. Chairman, that this resolution is based on the idea that when the communications media defame or degrade an ethnic, racial, or religious group in the eyes of the viewing public, they generate discord, unrest and the hostility which divides group from group.

This premise would not be true unless it were true that people tend to see themselves through the eyes of others.

And so we respond to those who see us justly, truly, and with understanding. We respond to those who recognize that in us which is the

essence of our personality. Treat a person with the respect that is due to him as a person, and he will respond in like manner. It has long been the insight and the teaching of men of religion, and it is increasingly the evidence of psychologists, that people depend to an immeasurable degree on how they see themselves through the eyes of others in order to become the kind of persons they are meant to be.

In light of this we can understand why racial justice still remains an elusive goal. To be just is to render what we owe to each other. Racial justice means first of all, a just regard toward members of minorities in the eyes of the majority of Americans.

I believe, Mr. Chairman, that it is the same self-contempt which the Negro suffers in seeing himself through the eyes of the white man that has motivated many black persons to seek a more positive image of themselves in a new "black" awareness communicated within the black community. The very phrases "black consciousness" and "black is beautiful" suggest to us how the contemptuous regard of white America has deprived the black American of the respect which he ought to have for himself and which he deserves.

And how much has this contemptuous regard of white America made so many black people feel that they can restore their self-respect only by means of striking violently at white society? How much has the defamatory and degrading attitude of the white majority generated the "black rage" which makes us apprehensive about the future unity of our country?

What these developments mean to me is the black man has been for too long shut out of American culture—which is transmitted to an infinite degree by our mass media. After fighting the system for too many years, the black man has set about to set up his own black mass media and we are on our way to the polarization of the races. President John F. Kennedy and Senator Robert Kennedy were trying so hard to prevent.

I have cited particularly the disastrous consequences of the negative way in which white America has regarded the negro because it is the extreme case and therefore throws a more glaring light on the point I want to make—that the defamation or degradation of minority groups—racial, ethnic, religious—in the eyes of society has caused discord and unrest and it will continue to do so unless we in the Congress stop it. People of Polish, Italian, Mexican, or any extraction would not claim that they have experienced the defamation and degradation to which black people have been subjected in the eyes of society. But they have experienced the same kind of prejudice in lesser degree. And these hearings, Mr. Chairman, bear witness to these stirrings of discord and unrest.

In light of this the communications media have a tremendous responsibility. For they present images of people and groups to the viewing public. The FCC has received complaints from Polish-Americans about material on TV tending to make them appear ridiculous; from Mexican-Americans and Italian-Americans about material which has made them appear vicious or criminal; from the Jewish-Americans about material which they consider defamatory.

These are complaints of minority groups about images of themselves presented to the viewing public. Their very feeling of being ridiculed

and defamed justifies this resolution expressing the sense of Congress that the communications media establish high standards for the realistic portrayal of minority groups.

Mr. MACDONALD. Thank you very much, Congressman Murphy, for a fine statement which we have come to expect from you as a member of our committee.

I agree practically 100 percent with everything that you have said but I think the last sentence is one of the most meaningful when you talk about the media having the need to have a realistic portrayal of minority groups.

And, I am sure, we realize that this is a very grey area and I am sure that you realize that people can be overly sensitive as well.

What I am thinking about, I have read the papers recently that the movie, "The Godfather," which was obviously a study of Italian crime—

Mr. MURPHY. It is being filmed on my block.

Mr. MACDONALD. Well, you are to be congratulated, I suppose. It may bring an economic shot in the arm to your block, but my point is, if you have seen the film and I repeat, this is not a study of Italians in general, this is a study of a family, of how the alleged Mafia, Cosa Nostra, or whatever it is called operates.

I was amazed and surprised and to use another cliché, shocked to find out that pressure groups had brought pressure on the producers and they have agreed not to call it a Mafia or Cosa Nostra, even though the book was a study of that.

The book didn't say this is a typical Italian family. The book said this is a study of a unique group of people who live outside of the law and this is how they function. Now, if they don't say that is part of the Mafia, if they don't say that is part of the Cosa Nostra and they don't have any Italians as leading actors, if you have seen it being shot, you know that the four leading actors or parts are all non-Italians, including the star of the movie, who I guess, is going to be Marlon Brando, and I can see that the Italian people don't want the rest of the public to think that is a typical family, every-day Italian family, and I don't think, from my reading of the book, that you do think it is an every-day Italian family.

But, to leave the Italians, when they made the movie "The Informer" some years ago, which, of course, as you recall, was a study of the Irish rebellion, and "The Informer" was Irish, all of the bad guys in it were Irish and I didn't hear anyone complain about that.

I have seen it several times. I think it is historically correct and if the Irish get depicted as being treacherous, I suppose some Irish are.

Mr. MURPHY. There are a few.

Mr. MACDONALD. But I can see where the producers and the media would have a pretty rough go. If they are restricted, the English could say every time you see an Englishman he is a fop or butler. Every time you see an Irishman, as Commissioner Lee from the FCC brought up yesterday, he is a drunk, or a ne'er-do-well, or a cop.

To produce something that portrays America itself, which is comprised, as you pointed out, of a melting pot of all of these racial ethnic groups, puts an awful tough burden on them.

I think it would put a hard burden on us, if as you indicated, we should step into it and pass a law. I agree and have cosponsored this

as a reminder to the media not to go overboard, but don't you think it would be pretty difficult to write a law saying that you can't do this, you can't do that, and you can't do the other thing?

Mr. MURPHY. Yes, I do; that is why the sense of this resolution is more a self-imposed obligation on the industry not to stereotype.

To get back to this particular case of "The Godfather," when we stereotype and defame a particular group they can be inflamed to the point where acts of violence can easily be generated. I will give a specific example, surrounding the filming of this particular movie.

A large newspaper on Staten Island was picketed because of the impact of a series of stories about the Mafia or Cosa Nostra, as it is come to be known. The articles had depicted almost only Italians in crime.

Well, a special interest group whose leadership was comprised of notorious people, burned the newspaper trucks and assaulted the police. It was a national incident, in fact, a newspaper of that size being treated that way. The people actually doing it were innocent people, but the instigators of the picketing and the demonstrations were able to fan a great deal of emotion among the people. I think this gives us cause to let the communications industry know that there are divisions in the American society and it might be well not to exploit those divisions to sell TV time or to sell newspaper time. Rather, it might be well to portray, let's say, the Italian as the outstanding builder, architect, or artist that he is, rather than concentrate on the one area of crime.

Mr. MACDONALD. Yes, I agree with everything that you say. I don't think you got the point about "The Godfather" because that was an artistic study, not drawn as sometimes TV characters are in black and white and sort of flat.

In "The Godfather" I thought the writing was artistic. It was not sensational. It was, I suppose, a true portrayal that seemed to ring true of how a certain minority group within the ethnic minority group of Italians operates outside of the law.

I think you take the total reason for being away when you tie in a so-called family and you don't have Italian people in it, it seems to me to be really pseudo at that point because it doesn't portray anything. It has only artistic merit which was in portraying truly how this thing operates. But I am taking too much time.

Mr. Collins?

Mr. COLLINS. Mr. Chairman, I agree with your remarks, and I thought our colleague from New York had an excellent report on the basic subject.

As the Chairman mentioned, John, one thing our committee runs into is passing this matter as national legislation. It is hard throughout the country to relate different groups. While you were talking I thought in our own community they ran a movie called "Bonnie and Clyde" and they called them "Bonnie and Clyde" and they were the worst cutthroats that ever came down the street.

The objection I had wasn't the fact that they called them "Bonnie and Clyde" but they kind of made heroes out of them. In fact, my daughter wanted to wear clothes after that that looked like "Bonnie."

I wonder if our real danger is whether we hit a certain minority or that we don't play up bad influences for what they are worth. This is not covered at all in this bill's approach.

Mr. MURPHY. Yes, but this resolution isn't limited to any particular minority. It is aimed at the portrayal of any minority or religious group in an unfavorable light.

Mr. COLLINS. Every section in our country has different minorities. Down home, we have Indians as an example. You probably have very few Indians in New York. These Indians come out on the short end of everything.

They have Cowboy and Indian shows and the Indians never look good in them. But should we do away with Cowboy and Indian movies?

Mr. MURPHY. No, I think there is a historical validity that can be portrayed and at the same time not portray the Indian or the Mexican in the light that this industry has in the past.

I think the general American attitude toward the Mexican was some guy sleeping on a dusty street somewhere with a big hat on his head. That was the national idea of what a Mexican was and I don't think that is a valid description and I think it was a bad reflection on that minority of Americans.

Just last week we preoccupied ourselves with a regional approach to unemployment and if this legislation has a regional impact to it, we certainly should consider it even though it doesn't cover the entire country.

Mr. COLLINS. Thank you, Mr. Chairman.

Mr. MACDONALD. Mr. Van Deerlin?

Mr. VAN DEERLIN. Mr. Chairman, the national Government is the only level of government that can do anything about regulating the broadcast industry.

However, do you think that the actual passage of this resolution would do any more than the impact on public opinion which is possible through this hearing? Perhaps the best pressure that can be applied to broadcasters and to advertisers is by organizations, by the Mexican-American community in the case of the little character on the Frito package that some of them objected to. Do you think this is really an area for legislation?

Mr. MURPHY. We are not for legislative restriction. What we say in the resolution is that it is the sense of the Congress that the media has strayed to the point that they are assisting in a division in America and that they should reevaluate their standards and their performance.

I see even greater implications here. We have one of our major TV channels whose license is being attacked on a renewal basis and, of course, one of those who is trying to get the license is a group that says there is no black station. The media certainly is aware of divisions in the society and now the question is going to be that since there is no black ownership of a major TV franchise, should there be?

Here we are coming down to minority divisions in the TV industry that I think has helped exploit minorities.

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

Mr. MACDONALD. Mr. Frey?

Mr. FREY. Thank you, Mr. Chairman.

I congratulate the gentleman on his statement and the impact of the resolution, because it obviously makes sense. I am not so sure exactly how you would carry it out. One thing, Jack, it seems to me that when groups get to the point where they can smile at themselves

they have really arrived, they are sure of themselves, no matter what group it is in this Nation.

Sometimes people, including politicians, are a little bit too sensitive. I wonder if maybe the impact of your resolution would be that voluntarily the national association of broadcasters would adopt a more strict code in response to this as an effective way of carrying it out.

Have you had any contact with these people at all in terms of strengthening our code?

MR. MURPHY. As a member of this committee for several Congresses, we have had this subject discussed by the industry and, of course, the industry is very sensitive to any type of guideline or restriction that could be imposed upon it.

But, getting back to the question of being able to laugh at yourself, I think that probably is an indicator of when a minority has arrived, so to speak.

That is when they can really laugh at themselves. But how many generations does it take to "arrive" and how much suffering must a minority group go through before they shall "arrive"? How many people suffer discomfort and then burn a newspaper truck or commit an act of violence?

MR. FREY. I am not disagreeing at all. I was thinking out loud. Thank you, Mr. Chairman.

MR. MACDONALD. Mr. Rooney?

MR. ROONEY. I would like to congratulate the gentleman from New York on his excellent statement. I know that he has been vitally interested in this subject for several years. I have no questions.

MR. MACDONALD. Thank you. I would like to point out one thing. I have been surprised at "The Beverly Hillbillies" being able to stay on the air for 8 years now and I haven't been made aware of any protest. If I have ever seen a parody of a group, we have gone through all of the minorities, I guess "The Beverly Hillbillies" include all WASP's, don't they?

MR. MURPHY. They were the first to arrive.

MR. MACDONALD. As far as I know, they would still be running caricatures.

MR. MURPHY. I think they are a minority group, Mr. Chairman.

MR. MACDONALD. I agree, as I said earlier, Congressman Murphy, with your idea. It is just a little difficult to translate that idea into action. Thank you very much.

The next witness is Mr. Richard Hernandez, legal counsel for Nosotros, Cabinet Committee on Opportunity for the Spanish Speaking.

Welcome, Mr. Hernandez.

Do you have a statement, Mr. Hernandez?

STATEMENT OF RICHARD HERNANDEZ, COUNSEL, "NOSOTROS," CABINET COMMITTEE ON OPPORTUNITY FOR THE SPANISH SPEAKING

MR. HERNANDEZ. I had a statement but I did not get copies. I didn't know that was to be submitted to you. We could have copies made after and direct it to your attention, if you like.

MR. MACDONALD. You may proceed, sir.

Mr. HERNANDEZ. I would like to thank you, Mr. Chairman, and members of the committee for giving me the opportunity to speak to you regarding the House Concurrent Resolution number 9 and other similar resolutions that have been brought to my attention.

The problem as we see it in Los Angeles and Hollywood is the television and motion picture characterizations of our people.

I would like to start off by paraphrasing something I once read, if I may, and that is:

Tell me what the writer publishes, what the television and motion picture industry film, and what that little boy and girl of Spanish-speaking heritage are seeing on the TV screens and I will tell you the thoughts of the young people, the conduct of our citizens, and the decisions of State a generation hence.

I think it is clear that today the dissatisfaction of the minorities with their share of the American prosperities is causing increasing concern, as well it might, to the American businessman, to the American politician, and to the American educator.

We all agree, I think, that our country cries out for social change and yet, I think, we are all cognizant of the fact that social change is directly related to economic opportunity, economic advancement, and the people of Spanish-speaking heritage have up to this date been seriously hindered in any economic advancement partly because of the inferior and degrading image which the motion pictures and television have so successfully implanted on the mind of the American people. It is as if we were intruders in the economic activities of the United States, intruders that is, in every economic activity except that of a purchaser and consumer. We are accepted there.

The motion picture and television screens portray to a world-wide audience, I might add, people of Spanish-speaking heritage as shabby, shiftless, illiterate peasants that return every conversation with a moronic grin and the phrase: "No speaka de English." Or in the alternative as greasy, fat, decaying-tooth bandits, or in the alternative, as mercenary, scheming, and womanizing gigolos.

It is no small wonder that taking that into consideration employers hesitate to give meaningful positions to a people who they feel is accurately represented on the motion picture and television screen. Let's examine and examine very briefly, because the injustice and unfairness becomes clear all too quickly, some labor statistics in the industries.

In the motion picture and television industries there are three general areas of unemployment that may in some ways influence what goes on that screen, and that is the crafts, actors, producers, directors, and the administrative and executive personnel.

The crafts, the behind-the-camera group, admittedly this group has the least influence on what goes on the screen but around May 1970, the Justice Department realized the seriousness of the exclusion of the minorities from such employment and gave the motion picture and television industry 2 years to obtain a 20-percent ratio of minorities employed in the crafts. If not, suit would be filed by the Justice Department and the industry responded, as I am sure you are all aware.

Unfortunately this ultimatum—and that is exactly what it is, an ultimatum—given by the Justice Department to the industries, did not include the other two areas of employment that have much more

influence on what goes on the screen. That is the actors, producers, and directors group and the administrative and executive positions. I understand that various statistics have been submitted to your committee and I am not going to bore you with that but I would like to take the latest statistics that are available out of the motion picture industry themselves.

We are talking about actors from October to December 1970. In the motion pictures there were 379 roles during that time. Of that 379 roles, 11 went to people of Spanish-speaking heritage. In television during that time there were 2,000 roles. Of those 2,000 roles, 45 went to people of Spanish-speaking heritage. And perhaps we may clothe ourselves with the idea, well, things are getting better. Well, they are not. In the pilots, which are future TV shows filmed during that period, there were 458 roles available. Eight of those 458 went to people of Spanish-speaking heritage.

Finally, the third group, and that is the administrative and executive positions—let's take television. Before *Nosotros*, which is an organization I will tell you about later, we did not have one position, either administrative or executive in the television industry in Hollywood, not one. At this time at NBC, we have a director of community relations and an equal opportunity officer. At CBS we have a staff member in the community relations staff and a minority recruiter. At ABC we have a personnel man. It is an improvement; there is no doubt about it. It is an improvement because we went and complained to the directors of ABC and CBS and NBC. But the jobs, even these jobs are in community relations or in equal opportunity. Only one is in personnel and not one is in an executive policymaking position. When we talk about the motion picture industry, I think a fair comparison would enable us to talk about the black minority and the positions they have and well deserve.

In the motion picture industry the personnel director of MGM is black. The personnel director of 20th Century Fox is black. The personnel assistant at Universal Studios and Warner Brothers Studios—both are black. One of the vice presidents of Columbia Studios is black. What about the people of Spanish-speaking heritage? How are they doing in comparison to that in the motion picture industry?

At this time right now today, there is not one studio in the motion picture industry, not one, that employs a person of Spanish-speaking heritage in an administrative position, to say nothing of an executive position.

So, there you have the problem. The problem very simply is the degrading and insulting manner in which people of Spanish-speaking heritage are presented to the world by motion picture and television industries and I think you have the reason for the problem and that is the lack of people in the industry that are of Spanish-speaking heritage that are either on the screen or behind the screen, making the significant decisions.

Now, if I may, I would like to tell you what we, when we say "we" I mean *Nosotros*, are doing about it and perhaps suggest in what way your committee may be of assistance.

Nosotros is a nonprofit corporation, incorporated in Los Angeles. Its founders were Ricardo Montalban, Robert Albetaca, the current president, and myself. *Nosotros*, in case you don't know, is a Spanish word

meaning "we". We have three main goals: First to obtain meaningful acting opportunities and other positions in the industries. Second, to train our members to become better actors by use of theater arts workshop, and third, by utilizing the first two goals, we feel with the cooperation of the industry that we will be able to improve the image of the 12 million people of Spanish-speaking heritage in the United States.

These are our goals. The goals are simple and I can assure you that our intention is genuine. *Nosotros* is only 1 year old but during that year we have been fairly busy. We have over 300 members. We have spoken to, as I have stated before, the directors in the Western States, of ABC, NBC and CBS with significant results and I have already told you that.

We have spoken to the producers and directors of the motion picture industry with not-so-significant results. We have met several times with the board of directors of the Screen Actors Guild. We have instituted on our own a theater arts workshop completely funded and financed by ourselves. And we have started a foundation for a writer's workshop. We have had two public functions, one at the Hollywood Bowl in Hollywood, where the master of ceremonies was a fellow by the name of Frank Sinatra. It was the first time Frank Sinatra had made a personal appearance in Los Angeles in over 10 years. We filled the Hollywood Bowl. And we had a first annual awards banquet in honor of our first president, Mr. Montalban, in Beverly Hills and we filled the banquet hall.

Yes, our goals are simple and our intent is genuine. Our goals are going to be accomplished hopefully within the so-called system. Basically, what we ask or what we demand is not that the actor of Spanish-speaking heritage be given a part simply because he is of Spanish-speaking heritage but rather that he not be excluded from reading for that part simply because he is of that origin. And, believe it or not, that is exactly what is happening in the industry today. We have a common response, something like "Sorry, but the script doesn't call for any Latins." But the script does call for actors and that is what these people are, actors; actors first. Tony Quinn played a Greek and that script didn't call for a Latin, either. So, we come to the point where hopefully your committee can be of some type of assistance, perhaps by a statement of policy from your committee concerning on-the-screen and off-the-screen situations that I have already explained.

On the screen, let's talk about commercials. Perhaps it may be a wise thing to suggest to the advertising companies that the same sales volume can be accomplished by treating our people with dignity. Why the "Frito Bandito"?

Why not the "Frito Amigo"—

Mr. VAN DEERLIN. It doesn't rhyme.

Mr. HERNANDEZ. Why is he stealing chips when he could be giving them away? You see, we have spoken already of people that are minorities, once they can laugh at themselves they have arrived. I think we do a lot of that, especially our people, but not to the exclusion of everything else and that is the way we are portrayed.

The motion pictures, we don't mind films depicting our people as angry, fearful, perhaps even stupid people, if the part calls for it, but not at the cost of the dignity of the people as a whole. The dignity of

the people as a whole must be left intact, and at whatever price. As far as television, it may be suggested that each major network have at least one series depicting how the ordinary family of Spanish-speaking origin lives as God-fearing citizens of the United States. We have it with "Julia" as far as the black people are concerned. Why not have a Dr. Sanchez or lawyer Perez or Sergeant Angelo?

What we are saying is simple: Portray us as comedians, portray us as bandits, portray us as even gigolos, but also portray us as the lawyer, also portray us as the politician, also portray us as the businessman and the professor. The industry has forgotten that latter part, you see. As far as recommendations off-the-screen, perhaps in television we could suggest that the industry utilize the professionalism of our people in executive and policymaking positions, our attorneys, our C.P.A.'s, our administrative people.

As far as motion pictures are concerned, anything would be an improvement in the off-the-screen employment situation. A statement of policy to indicate that to the motion picture companies there are qualified people of this origin to fill their executive and top-level administrative jobs and indicate to the industry that presently there is not one single entrance level administrative position held by our people and you might even ask them why not.

By now I am sure it is clear that the whole basis for my presentation here today and the reason why I came here is the factor of image.

You see myself as an individual, Nosotros as an organization, both of which are sincerely concerned about what those children see on the motion picture and television screens.

When I first began, I spoke of economic opportunities and economic advancement, but perhaps you can explain to me how a child watching that television and motion picture screen can relate to the idea of becoming a lawyer or becoming a doctor or becoming a professional or qualified tradesman when all he sees on that screen is his people being portrayed in public as goons, peons, morons, bandits, and criminals, nothing more. It is tough to relate that way.

I am sure we agree that the next generation is as important to you as political leaders. It is also very important to us as an opportunity for the people of Spanish-speaking origin to take a share in the American prosperity and to become equally economically independent. That is why that little boy and that little girl watching that television and motion picture screen are important to us.

To conclude, gentlemen, my purpose in coming from Los Angeles to Washington today was to clearly state the existence of deplorable characterization of a whole people of United States citizenry.

My purpose was also to state what we feel is the reason for that present situation and finally my purpose was to inform you that we, Nosotros, has done and hope to suggest to you how your committee may be of assistance.

I hope at least in those purposes I have succeeded. Thank you.

Mr. MACDONALD. Thank you, sir. Are there any questions of the witness?

Mr. COLLINS?

Mr. COLLINS. I have one, Mr. Chairman.

In the acting profession, the Jewish people probably have the largest numbers where we are talking of one group. They have worked at it

all of their lives. They are proficient. They not only have the skills but the training and have earned their success.

Would you suggest we reduce the number of one minority and increase the number of another minority? Would that solve the situation?

Mr. HERNANDEZ. I suggest that the Latin people be given an opportunity to read for the part, which we are not being given, and once we are given that opportunity, to be judged as an actor, not as a minority or anything else, only as an actor. All we want is the opportunity to read for the part and we are not even getting that much now.

Mr. COLLINS. You raised another question. You said that the people are very much discriminated against. One of the biggest problems in my district is trying to get people from Latin American countries through the U.S. immigration. Everybody wants to come to the United States of America, no one wants to leave.

In Mexico they have no discrimination and yet right at the Rio Grande River everybody wants to come up here. How are Mexican-Americans being treated so poorly in the United States if everyone wants to come here and nobody wants to leave?

Mr. HERNANDEZ. I know a lot of people who like Mexico and like to stay there. I also know people who would like to leave Mexico and come to the United States.

Mr. COLLINS. On immigration they all want to come here.

Mr. HERNANDEZ. The kind of people you are talking about, the poverty-stricken people in my country, in any country, not just in Mexico, would certainly like to come to the United States for the opportunities.

Mr. COLLINS. You are saying all of our Mexican-Americans are just poverty-stricken types?

Mr. HERNANDEZ. That is not what I said and I think you can have the reporter read it back if you like.

Mr. COLLINS. What type treatment do you think Mexican-American people are receiving that are coming in?

Mr. HERNANDEZ. I believe what I said was that the majority of the people that are applying not only for Mexico but from other foreign countries to come in are people that are not economically stable in their own country and believe that in various positions and various fields they may have the opportunity here in this country, which they do, that they may not have in their own country.

I am not certainly disagreeing with that, but what I am talking about today is the motion picture and television industry and nothing else.

Mr. COLLINS. That is all, Mr. Chairman.

Mr. MACDONALD. Mr. Van Deerlin.

Mr. VAN DEERLIN. Mr. Hernandez, I was a little surprised that you didn't get into the NBC program "High Chaparral," which I understand is scheduled to come off the air. It apparently had gone a great deal further than any other network program to achieve some of the objectives that you are discussing in your testimony.

Do you know anything about the circumstances surrounding the decisions on that program?

Mr. HERNANDEZ. The reason why I didn't mention that, sir, was to the best of my knowledge, the final decision has not yet been made. I know initially it was decided to come off the air.

Mr. VAN DEERLIN. Was it a rating matter?

Mr. HERNANDEZ. No, it was not a matter of rating. This was our concern, you see. We spoke to some of the people and they said, "Well, let us review it" and I believe to the best of my knowledge that is the point we are at right now.

Mr. VAN DEERLIN. This would be a matter of some concern to you, though, I should think.

Mr. HERNANDEZ. Yes. Other than "Dr. Welby" this program was the only program where we had steady actors appearing every week.

Mr. VAN DEERLIN. It is not just a matter of employment, but the matter of image.

Mr. HERNANDEZ. Right. We are very concerned about it and we have spoken to the people involved indicating our concern and so it is not finalized yet.

Mr. VAN DEERLIN. Has the success of the all-Spanish-language UHF station in Los Angeles been a beneficial factor? They just won a Peabody award for their coverage of the Rubin Salazar affair. What is your judgment?

Mr. HERNANDEZ. To a degree, I think, it has been very successful within our own community because frankly only the community tunes in to Spanish-speaking television because only they can understand it. As far as the image thing that we are concerned with, outside of our community, it has been of little help, obviously.

Mr. VAN DEERLIN. I am somewhat older than you and I suppose—

Mr. HERNANDEZ. Not much.

Mr. VAN DEERLIN. Thank you. I suppose if I had been asked to name the first Mexican actors that came to my mind, they would have been Dolores Del Rio and Ramon Navarro. As a high-schooler, there is no one I would rather have emulated than Ramon Navarro, dashing and romantic. How would you judge the image of these great names in movies?

Mr. HERNANDEZ. I think that we have had exceptions that have been able to come in and, despite everything, become successful in the industry. The percentages are infinitesimal percentages of 1 percent. We can go back there and then you come up to Ricardo and you come up to Tony. Tony, for instance, the superstar that he is—

Mr. MACDONALD. By "Tony," I take it you mean Tony Quinn?

Mr. HERNANDEZ. Tony Quinn, I am sorry. Different factors come into play. We only have right now presently as stars that are really working: Tony Quinn, Ricardo Montalban, and maybe one or two others in any kind of significant factor and yet the actors and qualified people are there.

Mr. VAN DEERLIN. I am privileged, as you know, to represent many thousands of citizens of Mexican descent. Having been raised in southern California schools, with Mexican-American classmates, I could never hold any but the highest opinion of their contribution to the American mainstream. I think that you were a superb witness and I do hope we will all have copies of your testimony. Thank you, Mr. Chairman.

Mr. MACDONALD. I would like to point out you have made a very good case as far as the image. You don't see many Mexican or Spanish-speaking doctors and lawyers on either movies or TV and I agree 100 percent with that part of your statement.

However, don't you think you are getting a little sensitive when you object to a very harmless advertising of Frito Bandito?

It seems to me that is going quite far. I repeat a statement that I used yesterday, it seems to me that is going too far; it is like mice not approving of Mickey Mouse. Everyone knows that is just a cartoon. Everyone knows the main reason that it is Frito Bandito is because Frito and Bandito rhyme. I think, if it was another product, the bandito part would never have come in. And, it seems to me, that the bandito is a cute inanimate object. I don't understand.

Mr. HERNANDEZ. Frito and amigo rhyme.

Mr. MACDONALD. "G" and "T" do not exactly rhyme, up in New England, anyway.

Mr. HERNANDEZ. I have the disadvantage in New England. What we are saying, and I think, as Mr. Frey stated, we are a minority, as I have stated before, that is the first to laugh at ourselves. And we don't mind that kind of thing on the air, on the screens, if there were something else to balance it, you see. But if that is all you see, the Frito Bandito cartoon and in other commercials the Mexican segment of the commercial, the sombrero with the long, large mustache and the bullets, that is all you get. You don't get anything else and that is what we are objecting to. That is why we put pressure on the networks.

Mr. MACDONALD. In other words, you won't have any objection to it if they showed some modern aspect of Mexican life and not stereotypes?

Mr. HERNANDEZ. If they showed truthful aspects of the Latin life as professionals as well.

Mr. MACDONALD. You are still on the thing that you don't object to that so much as the lack of the good things in Mexican life that they never show?

Mr. HERNANDEZ. Sure.

Mr. MACDONALD. Any further questions?

Mr. FREY. One, Mr. Chairman. I want to say that I agree with what you are saying. I think there has to be both sides. You are talking about not getting any better.

Has there been any impact at all that you can see from the fact that so many young people today in the schools are speaking either Spanish or French from the time of first and second grade, together with study of the culture and history?

Mr. HERNANDEZ. I think it is much too soon to determine the significance of that kind of a program. I think it is bound to have an impact but I think it is on the generation coming up. Perhaps the generation after that.

Mr. FREY. Of course, in Florida we have a tremendous Spanish population. My administrative assistant is named Juarez. He speaks two languages—broken English and broken Spanish, but he is a great guy.

In Florida, a lot of this is coming through Spanish radio stations and newspapers and the Spanish culture influences us a great deal. Maybe in the long run this is going to have as much effect as what you are talking about. I hope so.

Mr. HERNANDEZ. I hope so, too.

Mr. MACDONALD. Any other questions? If not, thank you very much for coming here.

Mr. MACDONALD. The next witness is Mrs. Hope Eastman, Acting Director of the American Civil Liberties Union Washington Office. Welcome, Mrs. Eastman.

STATEMENT OF HOPE EASTMAN, ACTING DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

Mrs. EASTMAN. Mr. Chairman, we appreciate the opportunity to come before you today to testify about House Concurrent Resolution 9, and other bills which relate to the same subject. I find that we approach this matter with a somewhat different perspective than the other witnesses. We are here to urge you to refrain from adopting House Concurrent Resolution 9.

I have a written statement which I will not read, but would like to have inserted in the record.

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

Mrs. EASTMAN. The American Civil Liberties Union believes that the passage of this resolution would violate the first amendment guarantee of freedom of speech and freedom of press. The resolution refers to the "vitality of democratic institutions." It seeks to further the vitality of those institutions by restricting defamatory portrayals of racial, religious, and ethnic groups in the national media. However, it is our view that this resolution, along with the goals it seeks to accomplish, would have completely the opposite effect on the vitality of our institutions.

We believe very strongly in the concept of the marketplace of ideas and we believe, therefore, that democracy thrives not when ideas are banished from the public sight but when they are tested in the marketplace of ideas and then accepted or rejected on the merits.

Further, this resolution suggests to us that the Government is seeking to act in the role of censor. The resolution puts the Government in the role of a censor, indirect, to be sure, seeking to persuade the broadcast media to engage in self-censorship with the threat that if the broadcast media does not do so, Government censorship may well follow.

My statement goes into some detail about the reasoning by which the ACLU comes to the conclusion that the passage of this resolution would be unconstitutional. I will only go very slightly into that part of the statement. The essence of our position is that freedom of speech guaranteed by the Constitution protects all kinds of statements.

This is basically what the Supreme Court has said. The *Street* case, which is referred to at the bottom of page one of my prepared statement, contains the most succinct expression of this particular aspect of the Constitution that I could find and I would like to read it:

It is firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers.

Although the Supreme Court in 1952 affirmed a conviction brought under a State group liable law in *Beauharnais v. Illinois*, I do not think the Supreme Court would do that in 1971 in light of the more comprehensive view of the first amendment's scope which prevails today.

Even if we as individuals believe that the prospects for harmony between racial and religious and ethnic groups are weakened by derogatory material on the screen that does not suggest that we ought to follow the remedy proposed in this resolution. The remedy proposed here is to bar from the public media any kind of material which could have a derogatory impact on ethnic groups.

First, I think the important thing to note is that, as many of you have mentioned, it is very difficult to decide what is derogatory. How far would such a phrase go? Would this mean "The Godfather" could not be filmed?

It seems to me that the way to combat that hatred and prejudice among and between such groups is not to pass this resolution, but to increase the vocal opposition by private groups such as that of Mr. Hernandez, to these kinds of portrayals, urging the networks at least to provide a balanced presentation, to hire more minority group actors, to portray their role in our society more accurately.

We would, for example, strongly support the passage of a sense of the Congress resolution which called upon the broadcast industry to hire more minority group members. So much of the prejudice about which other witnesses have testified stems from an economic deprivation to which they have been exposed.

Mr. MACDONALD. I couldn't quite hear whether you said you think it would be fitting for the Congress to call on the movie studios and networks to hire more minority people.

Mrs. EASTMAN. Yes, I certainly think it would be fitting. In contrast, I do not think it would be fitting for the Congress to do what it proposes to do with this resolution.

Mr. KEITH. Excuse me, Mr. Chairman. What she suggested was that the Congress pass a sense of the Congress resolution, not that we just call on them to do it, but it is the sense of the Congress that they should.

Mrs. EASTMAN. Exactly.

Mr. MACDONALD. Well, if you are going to keep interrupting, I will interrupt again and say could you distinguish the difference between your opposition to the sense of the Congress resolution that you have before you and the sense of the Congress resolution that you suggest?

Mrs. EASTMAN. Certainly. The basis of our opposition to the resolution before you is that it calls upon the media to censor the content of their productions. A resolution on employment would have no such effect.

Mr. MACDONALD. You used the word "censor" but that is not in the words of the resolution.

Mrs. EASTMAN. It calls upon them to regulate the content.

Mr. MACDONALD. They already do that.

Mr. VAN DEERLIN. "To cease production and distribution."

Mrs. EASTMAN. That is clearly censorship in my mind. Moreover, although it has not been mentioned very much this morning, the last portion of the resolution, paragraph 3, says that if industry does not do so, then the committees of the Congress will take steps to see that measures necessary to establish and implement such standards would be adopted. Now, I read that to be the Congress calling upon the industry to censor itself, and, if the industry does not, promising to undertake that censorship itself. This is clearly distinguishable from a resolution which calls upon them to improve their hiring practices.

Mr. VAN DEERLIN. May I interrupt, Mr. Chairman?

Mr. MACDONALD. Of course.

Mr. VAN DEERLIN. You would not object to all of the piety that is expressed in paragraphs 1 and 2 in the resolution clause but to number 3 which you might say quits preaching and gets to meddling?

Mrs. EASTMAN. I would say I would not object to the whereas clauses but I think I would object to the things that follow after them. If it stopped after whereas, and says, "Therefore, we think that by having more employees who are of these minority group backgrounds, you, yourself, may well become more sensitive to these problems," that would be fine. But, I think that all three of the operative sections do add up to a total censorship package.

I would just like to talk very briefly about one aspect of this which I really haven't touched on in great detail. If you were to pass a resolution such as this, the industry, which, as was mentioned this morning, is very sensitive to having Government looking over its shoulder as to the content of its programming, would react, I think, quite conservatively. If such a resolution is passed, especially if there is a threat of further Government action unless the resolution is complied with, I think you will see a situation where the industry will err on the side of staying away from anything with an ethnic content.

As the chairman has said this morning, there is a great difference between peoples' level of sensitivity. To be safe, the broadcast industry must very well feel compelled to back off rather completely from anything which has a kind of ethnic content which could be interpreted by some as being demanding or ridiculing.

Moreover, the language of the resolution, which talks about programs which "defame, stereotype, ridicule, demean or degrade," uses very broad terms. They are terms under which virtually anything which portrays an individual in some negative fashion could be interpreted as being derogatory to that individual, not because he is an unpleasant TV character for his own personality but because he also happens to be from some kind of racial, ethnic, or religious background.

The tendency would be not to have people of such background so that there would not be any doubt that the broadcast industry is not portraying people in derogatory fashion because of that background. That is basically what I have to say. The Congress ought not to be telling people to keep things off the air. Groups like Mr. Hernandez' should keep talking and persuading the industry that it should portray people as they truly are, as individuals.

(Mrs. Eastman's prepared statement follows:)

STATEMENT OF MRS. HOPE EASTMAN, ACTING DIRECTOR, WASHINGTON OFFICE,
AMERICAN CIVIL LIBERTIES UNION

My name is Hope Eastman. I am the Acting Director of the Washington Office of the American Civil Liberties Union, which is a non-profit organization devoted to the protection of the Bill of Rights. I am here today to testify on behalf of the ACLU against the passage of H. Con. Res. 9 and the other bills pending before the Subcommittee on this subject.

H. Con. Res. 9 would express the sense of the Congress that (1) producers and distributors of motion pictures, television and radio programs should cease making and distributing films and programs which "defame, stereotype, ridicule, demean or degrade" ethnic, racial or religious groups; (2) that those industries should establish standards to prevent production of such films and programs and

(3) that if in one year those industries have not established and enforced such standards, the Congress shall formulate "measures as are necessary to establish and implement such standards."

The American Civil Liberties Union believes that passage of this resolution would violate the First Amendment's guarantee of freedom of speech. The stated purpose of the resolution is to promote the "vitality of democratic institutions." Yet we believe that it would have just the opposite effect. For, as the First Amendment recognizes, democracy thrives not when ideas and viewpoints are banished from public sight, but when they are tested in the "marketplace of ideas". Second, the resolution would place the government in the role of an indirect censor, compelling industry self-censorship with the threat of future censorship by government.

Marketplace of Ideas Needs Protection

Rejection of the "marketplace of ideas" concept and compelled self-censorship are then the essence of this resolution. Its proponents, seeking to reduce unreasoning hatred and prejudice towards minority groups, have unfortunately overlooked the teachings of the First Amendment which, as we said above, is premised on the belief that the public, if exposed to the greatest possible diversity of opinion on all issues, will ultimately choose wisely. In the words of the Supreme Court:

It is firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers. *Street v. New York*, 394 U.S. 576, 592 (1969).

This, then, is the heart of the matter. No matter how abhorrent we as individuals may find films and programs which "defame, stereotype, ridicule, demean or degrade" ethnic, racial or religious groups, we are not free to prohibit their creation.

The Supreme Court has on one occasion upheld a conviction under a so-called "group libel law." In *Beauharnais v. Illinois*, 343 U.S. 250 (1952), the Court upheld a state court conviction for distribution leaflets which, in the words of the statute, portrayed "depravity, criminality, unchastity or lack of virtue of a class of citizens, of any race, color, creed or religion," and which exposed them to "contempt, derision, or obloquy," 343 U.S. at 252. Although H. Con. Res. 9 is not drawn in the form of a criminal group libel statute, as was involved in the *Beauharnais* case, it is nevertheless as much a group libel law, despite its use of different sanctions to achieve the same goal.

Any argument that H. Con. Res. 9 is constitutional, therefore must depend on the continued validity of the *Beauharnais* ruling. However, the validity of that decision, in light of almost twenty years of decisions by the Supreme Court expanding the protections given by the First Amendment in related areas, is in grave doubt. In the words of Judge J. Skelly Wright, "[F]ar from spawning progeny, *Beauharnais* has been left more and more barren by subsequent First Amendment decisions, to the point where it is now doubtful that the decision still represents the views of the Court." *Anti-Defamation League of B'nai B'rith v. F.C.C.*, 403 F. 2d 169, 174 n.5 (D.C. Cir. 1968) (concurring opinion). We have no doubt that the Supreme Court would today recognize that derogatory characterization of racial, religious, and ethnic groups is too close a part of political and social comment to be prohibited consistent with the First Amendment.

Numerous decisions of the Supreme Court in related areas support this analysis. The Court has adopted a very stringent standard, requiring a strong showing of "clear and present danger" of real violence or disturbance in order to justify suppression of speech. In *Gregory v. Chicago*, 394 U.S. 111 (1969), the Supreme Court held the speaker at a demonstration could not be arrested for his speech just because his words stirred up a hostile audience of listeners. In *Watts v. United States*, 394 U.S. 705 (1969), the Supreme Court viewed a threat to kill the President as constitutional protected political hyperbole which could not be silenced where no real danger to the President could be established. Most important to consideration of the bill under examination here is *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) where the Supreme Court reversed the conviction of a Ku Klux Klan leader who had urged his audience to take violent and other actions against Negroes and Jews. The Court set out the constitutional standard as follows:

... the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action. (Emphasis added)

And in a related area, the case of *New York Times v. Sullivan*, 376 U.S. 254 (1964) and its numerous progeny evidence Supreme Court recognition that libel laws can have an extremely inhibiting effect on the lively discussion of public issues protected by the First Amendment. For that reason the Supreme Court has required showing of actual malice before public officials and public figures could seek to silence their critics by suits for libel.

The Supreme Court has thus returned in recent cases to the standard set forth in *Terminello v. Chicago*, 337 U.S. 1, 4-5 (1949) :

[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest . . . There is no room under our Constitution for a more restrictive view. For the alternative would lead to standardization of ideas either by legislatures, courts, or dominant political or community groups.

Beauharnais should be considered as a one-time deviation from an otherwise consistent line of cases from *Terminello v. Chicago*, *supra*, to the present. In no way could the films and programs to be covered by this Resolution produce the "imminent lawless action" which would be required to suppress them. Indeed they do not go beyond the "inconvenience, annoyance, or unrest" found inadequate in *Terminello*.

Vagueness of Resolution's Terms

A separate vice of H. Con. Res. 9 is its vagueness. The statute in *Beauharnais* was held not unconstitutionally vague only because of the gloss which the majority found the state court had placed on it. Yet Justice Reed's dissent convincingly points out that merely analogizing the statute to normal libel laws did no eliminate the ambiguities in the words. 343 U.S. at 277-84.

Moreover, H. Con. Res. 9 contains words which are far more ambiguous than those upheld in *Beauharnais*, where words like "criminality" and "unchastity" were involved. Closer in point as to some of the words is *Kunz v. New York*, 340 U.S. 290 (1951), in which the Court found a statute permitting a public official to censor anyone who would "ridicule" or "denounce" religion to be unconstitutional on the ground that it failed to provide an adequate standard. See also *Niemotko v. Maryland*, 340 U.S. 268, 285-86 (1951) (Frankfurter, J., concurring). Under the proposed resolution, virtually any film or program with an ethnic content which was at all critical of that group would be impermissible.

Censorship No Job for Congress

The Resolution's inhibiting effect on speech is further complicated by the fact that, unlike most group libel laws involving only criminal sanction, this resolution would involve both the government and the heads of these industries in a system of comprehensive censorship.

The American Civil Liberties Union is opposed to such systems of censorship whether imposed by direct governmental action or by indirect coercion. Self-censorship is as bad as, or worse than, government imposed censorship. The motion picture and broadcast industries, fully aware that Congress will be looking over their shoulder, will tend to err in the direction of over-zealous censorship of material with any ethnic, racial or religious overtones. As the Supreme Court observed in *Speiser v. Randall*, 357 U.S. 513, 526 (1958), "The man who knows he must bring forth proof and persuade another of the lawfulness of his conduct necessarily must steer far wider of the unlawful zone than if the State must bear these burdens." And as Chief Justice Burger noted, while a Court of Appeals judge, "Attempts to impose such schemes of self-censorship have been found as unconstitutional as more direct censorship efforts by the government." *Anti-Defamation League of B'nai B'rith v. F.C.C.*, 403 F.2d 169, 172 (D.C. Cir. 1968), cert. denied, 394 U.S. 930 (1969). See also *Bantam Books v. Sullivan*, 372 U.S. 58 (1963) ; *Smith v. California*, 361 U.S. 147 (1959).

Conclusion

In conclusion, I would like only to observe that the framers of our Constitution were no strangers to heated political discussion, as well as strong religious and

ethnic animosities. Nevertheless they wrote into the Constitution the First Amendment. They knew that the "vitality of democratic institutions" depends not on government censorship but upon letting ideas stand or fall on their merits in the face of public discussion. No matter how tempting it may be to go on record against derogatory portrayals of racial, religious and ethnic groups, we urge you to refrain from that unconstitutional course.

Mr. MACDONALD. Thank you very much, Mrs. Eastman.

Mr. VAN DEERLIN. One example of the success of persuasive efforts would seem to me to be that the late Jose Jiminez, before his death, actually announced that he was no longer going to portray that character because he had become convinced that he was not contributing to the advancement of persons of Spanish and Mexican extraction.

Mrs. EASTMAN. I think that points up that even though, as I said before, as individuals we may be quite appalled at some kinds of portrayals of minorities which are derogatory, it may well be that that has a healthy impact in one sense, in the sense that it stimulates the people who find it appalling to demand that they be given equal time in a sense.

Mr. MACDONALD. Mr. Keith.

Mr. KEITH. Thank you, Mr. Chairman.

I would like to ask you, if you could, to comment on the role of Flip Wilson, who is my favorite television comedian, and who occasionally audaciously demeans the black race and incidentally the white race and other ethnic groups. Commissioner Lee has injected the shylock of old. How about the Flip Wilson of today?

Mrs. EASTMAN. My response to Flip Wilson is that he is also my favorite TV comedian. However, it would not be an extreme view to say that under this kind of a resolution, he might be kept off of television, or at least made to restrict some of the things that he says. Under one view, the fact that he says derogatory things about his own people might make you say, "Well, that is different." But there is nothing in the resolution which guarantees that such a distinction would be recognized. Moreover, as Mr. Frey said, being able to laugh at one's self is a very healthy sign. I certainly would hate to see a resolution like this contribute to some move to take programs like this off the television.

Mr. KEITH. I, too, share your concept about subparagraphs 2 and 3 where, if they don't do it themselves, the House and Senate—appropriate committees of the House and Senate—shall propose such measures as are necessary to establish and implement such standards. Thank you, Mr. Chairman.

Mrs. EASTMAN. I would like to make one further comment which is mentioned briefly in my written testimony. The courts have recognized rather broadly that self-censorship is just as bad as Government censorship. If you look at my testimony, you will see that Chief Justice Burger himself was the author of those words when he was on the Court of Appeals. Thus, I am concerned as much about paragraphs 1 and 2 from that standpoint as I would be about paragraph 3 although my worries about it would be less.

Mr. MACDONALD. Would you care to explain why you think self-censorship is bad?

Mrs. EASTMAN. Yes, I think I would. I would draw a distinction between the motion picture producer himself saying, "I don't think I

am going to produce this because it is derogatory to a particular group." That I would put on one side as fine and laudable.

But, when the resolution refers to the "responsible persons" in the motion picture and broadcasting industries which I read to refer to the executives who decide after something is produced whether or not it will be aired, I think that is censorship. The American Civil Liberties Union has long been on record as opposing broadcasting codes, as well as Government censorship.

Mr. MACDONALD. You lost me, but time is running on.

Mr. TIERNAN, any questions?

Mr. TIERNAN. Yes, Mr. Chairman. Thank you.

In response to the chairman's question, you lost me a little bit, too.

Mrs. EASTMAN. I'm sorry.

Mr. TIERNAN. I would appreciate it if you would give me your thoughts again with regard to that matter.

Mrs. EASTMAN. Let me try to clarify what I was trying to say. The basis of our position is that whether censorship comes from the Government or from the heads of the industry, in response to some kind of suggestion from the Government that—

Mr. MACDONALD. Then if you are talking about that, that is not self-starting censorship.

Mrs. EASTMAN. Well, I think that you are using self-censorship in a slightly different way than I am.

Mr. MACDONALD. "Self" means one, and "censorship" means censorship and therefore I think the only way you can read it, if you decide not to do anything, that is self-censorship. I asked you what was wrong with that and you said you would explain it and so far you haven't.

Mrs. EASTMAN. I said there is nothing wrong with the producer saying, "I am not going to produce this because I don't think it contributes to the goals that I am trying to create with my work." I think that that kind of self-censorship is sound. But I also used the word "self-censorship" to include broadcast industrywide codes as opposed to Government censorship. If you don't interpret that kind of conduct as self-censorship, then I don't think we have anything to argue about.

Mr. MACDONALD. We are not arguing.

Mr. TIERNAN. Well, what about where you have the producers of a TV program and they make a judgment and they decide what is going to be included in that film or that presentation.

You don't include that in the language of the second paragraph, would you, such as happened in the "Selling of the Pentagon," the film is put together and the show is produced. There is some footage of the film that is taken out of the whole show that is produced.

Mrs. EASTMAN. Let me try and contrast two things which I hope will make clear where I am drawing the distinction. To go back to the Smothers Brothers controversy of last year, if the Smothers Brothers' producers who are themselves responsible for what goes into the program made a judgment that something ought or ought not to go into that program, that would be one thing, but when the industry, the head of the network makes a judgment that the producer cannot put a particular item A into his program, or forces the producer to make that choice through broadcast codes, we would oppose that. It was the existence of the kinds of standards imposed from above which we oppose.

Mr. TIERNAN. I haven't had a chance to read your statement through fully, but you are supporting the resolution.

Mrs. EASTMAN. We are opposing the resolution.

Mr. TIERNAN. You are opposing the resolution because you don't feel that we should set any standard of control?

Mrs. EASTMAN. No, I didn't say that. I said what the individual author, director, producer, writer decides, perhaps because of outside pressure by minority group representatives or others who believe that it is not good to portray people solely in a derogatory fashion, that is one thing. But when Congress itself sets the standards or directs the industry to set standards that is quite another, and we are opposed to it.

Mr. TIERNAN. Thank you.

Mr. MACDONALD. Mr. Collins.

Mr. COLLINS. We were talking about minorities. What is a minority? I don't understand. In our discussion, a Frenchman in New Orleans isn't a minority but if he is in Oklahoma City, he is.

Mrs. EASTMAN. You remind me that I have been trying to avoid using the term "minority." I mean to refer to "racial," or ethnic," or "religious" groups without characterizing them as a minority. Obviously, you are right, some people belong to identifiable groups which in one circumstance may be majority but this resolution is aimed at certain kinds of groups, without regard to whether or not they are minorities.

Mr. COLLINS. Suppose a group in a city makes up as much as 30 percent of the population, would you call that a minority or an identifiable racial group?

Mrs. EASTMAN. I would call that an identifiable racial group. I would not in that context necessarily call it a minority. Although, I suppose you could say that anything under 51 percent of whatever sample you are using is a minority.

Mr. COLLINS. Then you would end up with everyone in the town in some form of a minority.

Mrs. EASTMAN. No, you might wind up with everybody in a town characterized in a particular ethnic, racial, or religious group, but not necessarily in a minority. But this resolution is addressed at groups, not just at minorities.

Mr. MACDONALD. Mr. Frey?

Mr. FREY. I think you are beautifully inconsistent. I am proud of you. I am intrigued in some way by it because what you are saying is go ahead and defame minorities because you believe in the marketplace of ideas and it will solve itself, and at the same time you say you really don't believe in the marketplace or competence or ability to get jobs and that we should in that instance forget that we have ratios and quotas as far as jobs go.

I think you can't have it both ways. I disagree with you on your feeling about the sense of this resolution. I think that your statement about the economics taking care of it is somewhat true but I hope we don't get to the point in this country where we approach everything on a percentage basis. We ultimately reach a point where it is a question of competence and ability and nothing else.

Mrs. EASTMAN. I was trying to respond to what you said.

Mr. FREY. Which individual are you on again now?

Mrs. EASTMAN. I would like to speak to precisely the question raised by Congressman Frey.

I don't think that endorsing a congressional resolution on increasing the employment of minority groups or racial or religious or ethnic group members is at all inconsistent with my statements on the first amendment's concept of the marketplace of ideas and—

Mr. FREY. I think it is absolutely inconsistent. I don't see Congress, on the one hand, saying don't defame people and, on the other hand, that it would be a good idea to hire minorities.

Mr. MACDONALD. Mr. Keith.

Mr. KEITH. I think the main thrust of her observations are contained in the consequence of the conditions that are outlined in the whereases, where we, Mr. Frey, would be required to act if the industry failed to act.

We would be required to establish and enforce adequate standards for the production of films and broadcasts and this kind of action is inconsistent, it seems to me, with our way of life in this country.

Mr. FREY. The witness doesn't agree with the first two.

Mr. MACDONALD. Any more questions of this witness?

If not, we thank you very much, Mrs. Eastman.

Mr. MACDONALD. Our next witness is Mr. Domingo N. Reyes of the National Mexican American Anti Defamation Committee.

Mr. COLLINS. Mr. Chairman, I wonder if we could have the witness' statement inserted in the record.

Mr. MACDONALD. We have a half hour. Which do you prefer?

STATEMENT OF DOMINGO NICK REYES, NATIONAL MEXICAN AMERICAN ANTI DEFAMATION COMMITTEE

Mr. REYES. I have a short statement and the rest can be entered into the record.

Mr. MACDONALD. Without objection, the statement of the witness, Mr. Reyes, will be inserted into the record. You may proceed.

Mr. REYES. I thought you said the National Mexican-American Anti-Defamation League.

Mr. MACDONALD. National Mexican American Anti Defamation League. Is that what it is?

Mr. REYES. No, but there is a kind of a sense of frustration that is attached to such an Anglo-Saxon word as antidefamation. It is generally considered to be followed by the word "league," which I think is perhaps representative of the fact that in this country we have grown up to recognize that the Anti-Defamation League has been for the most part champion of those causes which deal with antidefamation.

So, I would suggest to you that it is our feeling that we feel that this work must continue and we also feel very deeply that the National Mexican-American Anti-Defamation Committee can do this kind of work for the Chicano community itself and much better.

The name of the committee is National Mexican American Anti Defamation Committee. My name is Domingo Reyes, executive director.

The committee was founded 3 years ago for the purpose of identifying and making more advisable the positive contributions of Mexican Americans to this country and its culture.

The committee has gained prominence for its fight against the perpetuation and exploitation of false and insulting stereotypes of Mexican-Americans.

We have been a leader in efforts to have demeaning "Frito Bandito" ads removed from television.

Although Spanish-speaking Americans have unique cultural values and social assets to add to the heritage of American society and indeed have already contributed to this Nation, they are treated with contempt and indifference.

Mr. Chairman, I am sort of paraphrasing to make the statement as short as possible.

We are very much concerned about television and newspapers and radio and other means of communication that continue not only to depict us as banditos, as thieves, as lazy, no accounts, but as mice, as donkeys, as cactus-leaners, and soon on the biggest mother sacred cow of them all, the children's television workshop "Sesame Street," as a Spanish-speaking rooster.

Mr. MACDONALD. Mr. Reyes, could I point out if you want to read word for word, you are perfectly welcome by this committee. I thought it was your choice that you wanted to insert and paraphrase.

Mr. REYES. I am sorry. I will be happy to answer any questions.

Mr. MACDONALD. What I am saying is, don't feel that we are cutting your time short. We have plenty of time for you. If you want to go into your statement in detail, please do, because, frankly, I am having a rather difficult time keeping up from my reading copy with what you are saying.

Mr. REYES. All right.

Mr. MACDONALD. You may do what you feel will be most effective.

Mr. REYES. We will let the statement stand. I will be glad to submit to any questions.

Mr. MACDONALD. No, I would appreciate your going through your statement. You represent how many people?

Mr. REYES. We present the activist group of some 50 people. We are not a membership organization of any kind in this country. Our members are in almost every major metropolitan area of the United States.

Mr. MACDONALD. Please continue. I think you misunderstood. I think you are going too quickly over your material which this hearing was called to hear. We don't want to have you come up here and shut you off. You take your own pace; whatever you want to do, you go ahead and do.

Mr. REYES. Well, to respond to your original question as to whether or not I am interested in inserting this into the record—

Mr. MACDONALD. It has already been accepted for the record.

Mr. REYES. All right, then I will submit to your questions.

I will defer from reading the full statement because it is rather long and I was sort of picking certain elements of it.

Mr. MACDONALD. I would appreciate it. I am urging you to be more loquacious than you are. By that I mean to develop your testimony because it will be impossible, since we just got your reading copy 3 minutes ago, to ask you any intelligent questions about it unless we have an opportunity to go over it. Do you understand me?

Mr. REYES. Yes, I understand you.

It is our feeling that the mass media in the United States, purveyors of Anglo cultural supremacy, are inflicting economic and psychological harm on generations of Spanish-speaking Americans.

Mexican-Americans see themselves denigrated on television, in newspapers, and in magazines as bandidos, and lazy, no-accounts. Seldom do they see a Chicano face except in the most demeaning portrayals or as cartoon buffoons.

Commercial considerations, cynical motivational researchers, programming, and casting needs of the media seem to require characters who can easily be disposed by the bigger than life Anglo super-hero, namely, Mexican-Americans or Indians.

"TV commercials and magazine advertisements reaffirm the inferior social status of Mexicans and Mexican-Americans in the eyes of the audience," and portray Chicanos as "naturally inferior," which is a statement by Dr. Thomas Martinez, Stanford University Professor, in the Civil Rights Digest.

"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."

Dr. Martinez charges that "advertisers, who dare no longer show Stepin Fetchit characters, uninhibitedly depict a Mexican counterpart, with additional traits of stinking and stealing." "Advertising," according to Dr. Martinez, "is a tool of racist elites."

Somehow, many advertisers believe they must belittle and insult people to sell their products instead of exercising a level of creativity and artistic value. To the media manager, the Mexican-American is a foreigner so he can be mistreated, maligned and relegated to last place in the social pecking order. In the advertiser's scheme of things, the Chicano serves admirably as the fall guy in the process of selling products to the public.

Apparently, out of the need to maintain racism, the power structure and its media are turning the Chicano into the establishment's new "Nigger."

Television, radio and the print media have become highly developed instruments of establishment propaganda which spread the might of Anglo cultural supremacy. Even Chicanos have believed these white lies. We have accepted them as truisms simply because we did not or could not know better. Truly, the minds of Mexican-Americans, quite like those of black Americans or red Americans, have been white-washed; and for some time, we didn't even know it.

The saturation of the public mind with racist images of Chicanos has an especially detrimental effect on Mexican-American children. "Seldom a day goes by in the United States without at least one young Mexican-American being called 'Frito Bandito.' Mexican-American children are paying the price in loss of self-esteem for the Frito-Lay Corp.'s successful advertising attempt at product association." Thus, explains Dr. Martinez, advertisers inflame racism.

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.

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.

Thus, the media create a demeaning image of Spanish-speaking persons in the minds of the majority and a degrading self-image in the person of Spanish background.

Another misrepresentation of Spanish Americans occurs when the media call programs for blacks "programs for minorities" to give the impression that all minorities are being helped thereby. However, Mexican Americans are virtually ignored when the power structure doles out its coins to minorities. The truth is, Mexican Americans and all Spanish Americans aren't considered important enough even to be treated as a minority.

While Americans of Spanish descent are caricatured in ads, situation comedies, and children's cartoon programs, their real problems are generally ignored and they are made to feel the impotence and frustration of suppressed and impoverished people. Apparently, only the most extreme acts of Spanish Americans would gain the attention of newsmen or of society as a whole.

Chicanos have begun to riot but in the main do not wish to pursue such a violent path. Yet to more and more Chicanos, that seems the only escape from the frustration and denigration forced upon them by economic and social barriers which militate against the exercise of rational, principled Chicano activism.

Educational patterns also adversely affect the self-concept and self-esteem of Mexican-Americans. The creation of the Office for Spanish-Speaking American Affairs in the Office of Education in 1967 as well as the appointment of a Director for Spanish surnamed Americans in the Office of the Assistant Secretary of HEW for Planning and Evaluation seem to indicate some governmental concern for changing these patterns.

The Office of Education maintains that curriculum changes, teacher reorientation and new teaching materials are needed, and we certainly agree. However, at the present pace of development, another generation of youth will probably be indoctrinated with misconceptions of race and culture before changes will come about. What is needed is decisive change in educational programs coupled with positive action by the mass media in cooperation with the Mexican-American community to provide informational and instructional programs aimed at all segments of society designed to replace the stereotypes with a realistic picture of Spanish-Americans.

Armando Rodriquez, until recently the Director of the Office of Spanish Speaking American Affairs, points to the absurdity of charging the public \$52 billion a year to maintain a school system and more money to educate Spanish-speaking children in bilingual, bicultural programs while the mass media undermine these efforts through their insistent and omnipresent audio-video impact on all our children.

We Chicanos demand reparation from the controllers of the mass media for the dehumanization they have attempted upon our people, for their campaign of character assassination which brands the Mexican-American lazy and shiftless and deceitful. We have contributed to the foundation of this country and we have added the blood of our

sacrifice in the wars to cement the structure of this Nation. We deserve more than shame and insult in return.

We demand that an exact about face be made by the media industry to relieve the Chicano of the depressing and frustrating attack that comes from all sides. We insist that the media establish emphatically the fact that persons of Spanish-Indian origin are co-equal members of American society.

While no monopoly exists on Chicano news and views, Chicanos must have primary responsibility and authority in protecting information about themselves.

Because much of the plight of Mexican-Americans is reflected in their collective powerlessness to combat the advertiser's image of them, Chicanos must develop their own resources for delivering information and influencing public opinion. To develop our own media, we must have access to training programs in all aspects of the media fields and not in token numbers. Developmental programs must be designed for Spanish-speaking trainees and they must be provided on a reparation basis, not merely as equal opportunity for Chicanos and others of Spanish descent. We have been left far behind in many fields and equal opportunity may be more rhetoric unless we are given the means to achieve equal rank among all segments of American society which has been denied to us.

The rest of this is a description of our work in our committee.

Mr. MACDONALD. It will be in the record.

(Mr. Reyes' prepared statement follows:)

STATEMENT OF DOMINGO NICK REYES, EXECUTIVE DIRECTOR, NATIONAL MEXICAN AMERICAN ANTI-DEFAMATION COMMITTEE, INC.

Mr. Chairman: My name is Domingo Nick Reyes. I am executive director of the National Mexican American Anti-Defamation Committee, Inc.

The National Committee is honored and grateful to have received an invitation from this distinguished Subcommittee to express views on this Resolution concerning the growing practice of stereotyping by the mass media.

The National Committee was founded three years ago for purposes of identifying and making more visible the positive contributions of Mexican Americans to this country and its culture. The National Committee has also gained prominence for its fight against the perpetuation and exploitation of false, insulting stereotypes of Mexican Americans. We have, for instance, been a leader in efforts to have demeaning Frito Bandito ads removed from television.

The National Committee is also very deeply involved in Chicano Citizens Action in Broadcasting. We seek to develop more community awareness and in cooperation with media hope to affect a more meaningful dialogue as peers, not as "Gringos" versus Chicanos.

Of the more than 10 million Americans of Spanish descent, more than six million are Mexican Americans. This is the second largest minority in the United States. Because the educational system in the United States, conducted in English, has not reached the Spanish-speaking Mexican American Community, most of this Community does not read well, in English or in Spanish. This lack of reading ability has made Mexican Americans devoted television viewers and radio listeners, especially when broadcast in their native Spanish language. More than 300 stations in the United States broadcast some programming in the Spanish language. Their locations from Vermont to San Diego, from Miami to Seattle testify to the fact that the Spanish-surnamed Community of the United States is not just regional but nation-wide.

Most Mexican Americans did not cross the border: the border crossed them, as the United States expanded westward.

The Community is characterized by intense patriotism to the United States. This patriotism is measured by their casualty rates in recent wars: Of the casualties during the period 1961 to 1966 in the Vietnam War among servicemen from the Southwest, 19 percent were Mexican Americans. But, eligible male Mexican Americans constitute only 13.8 percent of this population. This combat death rate is half again higher than the civilian live rate.

The Mexican American community, therefore, has standing to comment upon these resolutions.

A Racist Version of Spanish Americans

Although Spanish-speaking Americans have unique cultural values and social assets to add to the cultural heritage of American society and indeed have already contributed much to this nation, they are treated with indifference or contempt by the mass media.

Americans of Mexican descent, Chicanos, are ignored as consumers by advertisers; certain advertisements even revile them to their faces.

The mass media in the United States, purveyors of Anglo cultural supremacy, are inflicting economic and psychological harm on generations of Spanish-speaking Americans. Mexican Americans see themselves denigrated on television, in newspapers, and in magazines as bandidos, thieves, and lazy no-accounts, or mice (Speedy Gonzalez) bulls, donkeys, "cactus leaners", and soon CTW's Sesame Street will have a Spanish-speaking rooster. Seldom do they see a Chicano face except in the most demeaning portrayals or as a cartoon buffon.

Commercial considerations, cynical motivational researchers, programming and casting needs of the media seem to require characters who can easily be disposed by the bigger-than-life Anglo superhero; namely, Mexican Americans or Indians.

"TV commercials and magazine advertisements . . . reaffirm the inferior social status of Mexicans and Mexican Americans in the eyes of the audience," and portray Chicanos as "naturally inferior," asserts Dr. Thomas Martinez, Stanford University professor, in *Civil Rights Digest* (Fall 1969).

"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."

"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 . . ."

"Even unprejudiced parents (of which there are few) are not equipped to counter the steady and subtle bombardment of prejudicial suggestions that advertising conveniently communicate to their children."

Thus, the media create a demeaning image of Spanish-speaking persons in the minds of the majority and a degrading self-image in the person of Spanish background.

Another misrepresentation of Spanish Americans occurs when the media calls programs for Blacks, "programs for minorities" to give the impression all minorities are being helped thereby. However, Mexican Americans are virtually ignored when the power structure doles out its coins to "minorities". The truth is: Mexican Americans, and all Spanish Americans, aren't considered important enough even to be treated as a minority.

While Americans of Spanish descent are caricatured in ads, situation comedies, and children's cartoon programs, their real problems are generally ignored, and they are made to feel the impotence and frustration of suppressed and impoverished people. Apparently only the most extreme acts of Spanish Americans would gain the attention of newsmen—or of society as a whole.

Chicanos have begun to riot but, in the main, do not wish to pursue such a violent path. Yet, to more and more Chicanos, that seems the only escape from the frustration and denigration forced upon them by economic and social barriers which militate against the exercise of rational, principled Chicano activism.

Adverse Educational Patterns

Educational patterns also adversely affect the self-concept and self-esteem of Mexican Americans. The creation of the Office for *Spanish-Speaking American*

Affairs in the Office of Education in 1967 as well as the appointment of a *Director for Spanish Surnamed Americans* in the Office of the Assistant Secretary of HEW for Planning and Evaluation seem to indicate some government concern for changing these patterns. The Office of Education maintains that curriculum changes, teacher reorientation, and new teaching materials are needed, and we certainly agree. However, at the present pace of development, another generation of youth will probably be indoctrinated with misconceptions of race and culture before changes will come about. What is needed is decisive change in educational programs coupled with positive action by the mass media in cooperation with the Mexican American community to provide informational and instructional programs aimed at all segments of society and designed to replace the stereotypes with a realistic picture of Spanish Americans.

Armando Rodrigues, until recently Director of the Office for the Spanish-Speaking American Affairs, points to the absurdity of charging the public \$52 billion a year to maintain a school system and more money to educate Spanish-speaking children in bilingual-bicultural programs while the mass media undermine these efforts through insistent and omnipresent audio-visual impact on all our children.

What Must Be Done

We Chicanos demand reparation from the controllers of the mass media for the dehumanization they have attempted upon our people, for their campaign of character assassination which brands the Mexican American as lazy, and shiftless, and deceitful. We have contributed to the foundation of this country, and we have the blood of our sacrifice in its wars to cement the structure of this nation. We deserve more than sham and insult in return!

We demand that an exact about-face be made by the media industry to relieve the Chicano of the depressing and frustrating attack that comes from all sides. We insist that the media establish emphatically the fact that persons of Spanish/Indian origin are co-equal members of American society.

While no monopoly exists on Chicano news and views, Chicanos must have primary responsibility and authority in projecting information about themselves. Because "much of the plight of Mexican Americans [according to Martinez] is reflected in their collective powerlessness to combat the advertiser's image of them," Chicanos must develop their own resources for delivering information and influencing public opinion. To develop our own media, we must have access to training programs in all aspects of the media fields—and not in token numbers. Developmental programs must be designed for Spanish-speaking trainees and they must be provided in a "reparation" basis, not merely as "equal opportunity" for Chicanos and others of Spanish descent. We have been left far behind in many fields and "equal" opportunity may be mere rhetoric unless we are given the means to achieve that equal rank among all segments of American society which has been denied to us.

Following are some samples of the kind of daily media stereotyping which goes unnoticed by most Anglos as innocent humor and commonplace "poking fun" type of racist messages that demean, defame and dog the footsteps of Chicanos and other Spanish surnames trying to make it in the American Mainstream.

1. TELEVISION

Emerging from a cloud of dust, appears a band of hard-riding, ferocious-looking Mexican banditos. They are ordered to a halt by their sombreroed, mustachioed, bulge-bellied leader who, upon stopping, reaches with utmost care for a small object in his saddle bag. He picks out the article, lifts up his arm, smiles slyly, and sprays Arrid deodorant under his armpit. An American Midwestern voice intones over the TV set: "If it works for him, it will work for you." Moral—Mexicans (and Mexican Americans) stink the most.

2. NEWSPAPER

The lazy Mexican asleep beneath his huge sombrero is an old favorite. In JUMBLE—the nationally syndicated newspaper scramble word game—he turns into a customs inspector exhaling alcoholic bubbles through his hat beneath a sign announcing: TO U.S. "What might you say when you see an intoxicated customs official?" goes the riddle. SOUSE of the BORDER, of course.

3. CHILDREN'S MAGAZINE

A funny little cartoon Martian has just landed from his spaceship, but he doesn't approach the first fire hydrant with the perennial, "Take me to your leader." Instead he politely questions the first earthling, "*Habla usted espanol?*" We never learn the answer. The earthling's only response is an equivocal wag of its tail.

4. PUBLIC STATEMENT

"You don't need to worry about a Mexican or Puerto Rican trying to assassinate the president," maintains J. Edgar Hoover, director of the FBI. "They can't shoot straight. But beware if they come at you with a knife."

WHO ARE THE CHICANOS

Mexican Americans are the second largest minority in the United States, with a population of more than six million. More than two million of this group are between the ages of five and eighteen, more than half are under twenty-five. The majority of Mexican Americans, more than 80 percent, live in the states of California and Texas. A significant number of Mexican Americans also reside in the Middle West and to some extent to the Northwest. More than 80 percent of Mexican Americans are urban dwellers.

The educational and economic level of the Mexican American, in almost all categories, fall below that of the Anglo and the Black. Recent studies show that as high as 50 percent of Chicano youth drop out of urban high school in San Antonio and Los Angeles. These studies indicate that less than one percent of the eligible Mexican Americans enter college, and of these, many fail to finish. The low educational attainment relegates the Mexican American to poverty and economic dependence.

Anglo ignorance and disdain of true Mexican American life and thought has combined with low educational and economic attainments, mutually perpetuating factors, to spawn a stereotypic characterization in the media of the Mexican American as lazy and worthless. The primary example of this negative characterization is a man sleeping beside a cactus and includes Spanish-speaking bulls, donkeys, mice, birds and soon on the Children's Television workshop, a Spanish-speaking rooster. This image parallels the "Step 'n Fetchit" character which once plagued the American Blacks. A second prevailing image of the Mexican American is the "bandito", a distortion of Mexicans (notably Pancho Villa) who have dared challenge Anglo American society, portrayed as speaking pidgin English and reinforcing the misconception by Anglo Americans of the Mexican American as worthless, thieving and untrustworthy.

This picture of laziness, criminality and worthlessness which pervades the minds of the majority population undermines the value and capabilities of the Mexican American in the eyes of the Anglo and the Anglo-oriented media. More devastatingly, this characterization has undermined the confidence and ability of the Mexican American in his own eyes, converting the characterization into a self-fulfilling prophecy.

The use of this characterization has reached a critical stage because the visual media effectively penetrates every home in the United States. Although a decade ago the visual media was limited to motion pictures, newspapers, magazines and textbooks which have limited impact, television today inescapably hammers home daily the negative image of the Mexican American, particularly to the young in their formative stages.

In contrast to the increasing denigration of the Mexican American, the media has made a noticeable effort to portray the Black in a positive image. A good share of this success for the Black can be attributed to forceful activities by many Black organizations, with the help of many liberal and sympathetic church groups, directed toward the communications industry. The emancipation of this minority group from the burden of serving as psychological scapegoats has not extended to the Mexican American.

THE COMMITTEE

The alarming increase in the use of the Mexican American stereotypes in television and newspaper advertising brought together in 1967 an *ad hoc* committee

composed of Albert A. Pena, Jr., Commissioner of Bexar County, Texas; Domingo Nick Reyes, then Coordinator of Technical, Data Processing and Media Activities for the Mexican American Study Project of the U.S. Civil Rights Commission; and Armando Rodriguez, then Chief of the Mexican American Affairs Unit, U.S. Office of Education.

In June 1969 the *ad hoc* committee incorporated as The National Mexican American Anti-Defamation Committee, Inc., a charitable, scientific, and educational non-profit corporation and obtained clearance by the Internal Revenue Service as a tax-exempt organization.

The national objectives of the National Committee in its efforts to mount an effective campaign among the Mexican American community to resist defamatory advertising has surfaced two major problem areas.

First, the lack of understanding by the Anglo community of the Mexican American as an ethnic group and as a participating segment of American society is evident nationwide, not merely in those areas where the Mexican American constitutes a significant portion of the population. Collaterally, the Mexican American is largely uninformed to the development of his own cultural heritage and historical contributions to the United States.

Second, the inability of the Mexican American community to cope with the problem of stereotypes in the media stems from the powerless, racial isolation and the lack of training of the Mexican American in the skills of communications and in complicated processes of gaining access and better use of the media.

At the primary root of both these problems is the educational system's failure to portray the Chicano in any light, except distortedly or negatively. Thus, not only the dominant society, but also the Mexican American have been denied information about Chicanos. Substantial changes in the classroom, requiring development of materials, curriculum changes, and sensitizing of teachers' attitudes are very slow: another generation of youth will be indoctrinated before a change in education will be effective.

The complex media industry is the primary vehicle available today to bridge the gap left by the educational system: by disseminating information in this area, the media can inform the entire population and may also spur changes in the educational system. But the current lack of communications training of the Mexican American renders the community powerless to secure its rights of access to the media.

PROGRAM AREAS OF THE NATIONAL COMMITTEE

The National Mexican American Anti-Defamation Committee, Inc., has identified three primary areas of action in line with its primary goals:

- a. the elimination of the use of stereotypes in advertising and programming by the mass media utilizing national and local activist groups;
- b. the development of a national program of citizens' action in broadcasting to promote positive image of the Mexican American and other Spanish-speaking groups in and through the media; and
- c. the production of a variety of video-audio materials portraying the Mexican American in a realistic and positive manner.

To achieve its overall goals, the National Committee is carrying out from its office in Washington, D.C. the following two-year program:

I. National activities

The National Committee's executive staff is contacting directly those advertising and news media executives, producers, and production staffs of the national networks (on the corporate level) to encourage more effective and positive programming, news coverage, and advertising toward Mexican American affairs.

The National Committee will seek to sensitize the other mass media (newspapers, magazines, etc.) to the concerns of the Mexican American community in regard to stereotypic denigration. Direct contact will be made with advertising firm executives: an advertiser's kit of the kinds of advertisements which have denigrated Mexican Americans and statements from various experts on the harmful effects of stereotyping as it relates to Mexican Americans will be distributed to the 100 top advertising firms in the U.S.

II. Local activities

A. The National Committee will conduct seminars in key cities of large Mexican American population in cooperation with local activist groups, to train participants in the following:

Methods, history, and effects of stereotyping by mass media.

Citizen action in broadcasting media principles, content analyses, problems, and technical-legal requirements.

Techniques for working with the various media and media executives.

Techniques for developing formal and informal informational programs in local communities and use of a variety of media

Techniques for sensitizing the local media. (A packet of supporting materials is being developed for seminars and other Committee activities).

B. The National Committee would seek to channel its own funds or seek new fund sources to support local communities' broadcast station licenses, develop and conduct media workshops, train community persons in basics of media productions.

C. The National Committee is now preparing and disseminating news releases, conducting research, publishing position papers and a pamphlet series related to specific instances and general issues stemming from the abuse by the mass media of the Mexican American people.

D. La Raza, the people of Spanish descent, are the subject of an eight week series, titled "La Raza in D. C.", and "Voices", a weekly discussion program of WRC-NBC-TV, Channel 4. The common problems and experiences of the Spanish-speaking, in general, in every major city in the U.S., and newcomers to the Nation's capitol will be aired by members of the raza community. Spanish-speaking Chicano and Puerto Rican Washingtonians are given an unusual chance to articulate their own needs and hopes toward developing a public understanding and commitment to assure raza the rights and opportunities they deserve. Hosted by Domingo Nick Reyes and co-produced by Armando Rendon.

III. Media products

A. The National Committee will produce multi-media materials which have already been mentioned, utilizing television, radio, film or print, singly and in any combination, to provide to the broader spectrum of American society a many-faceted perspective of Mexican American history, life and thought.

Video: The development of scripts, screenplays, treatments by Chicanos which will convey Chicano viewpoints and conduct as it really is. The National Committee will seek such written materials nationwide and promote them for Chicano authors with the private (network and CATV) and public (educational) electronic media for purchase and production.

The National Committee will direct the actual production by Chicanos of videotape programs suitable for broadcast on any of the television media. The Committee foresees the production per year of at least six half-hour programs dealing with Chicano issues and grievances, for example, Chicanos and the mass media, Chicanismo, Chicano art, Chicanos in the Americas (historical and cultural influences).

B. *Interns.*—The National Committee would seek to fund individual or group efforts in developing media vehicles with emphasis on the electronic media. Proposals for the production of videotape or film (16 mm) programs would be accepted and funds sought so that beginning radio and filmmakers may have the opportunity to express their insights and talents in innovational ways. At least six such projects a year are contemplated by the National Committee. As much as possible such projects would be geared to involve poor, unskilled Chicanos in order to provide new skills development and employment opportunity to Chicanos.

IV. Skills bank, training

A. The National Committee would establish as required by program needs, workshops on state levels to orient and train barrio persons in the media fundamentals toward providing barrio persons with the basic information about the media to choose possible career areas. The National Committee would develop new training programs or direct individuals to already established training. Thus,

NOTE: This series will be available for community and educational organizations for fall and winter showing in 1971. Bookings should be requested early. Copies will be available but limited on a first come first served basis.

the National Committee would operate as a Skills Bank, Media Training and Clearinghouse for Chicanos interested in media careers.

B. *Chicago Documentation.*—The National Committee will launch a year-long video film documentation program utilizing a crew of interviewers, cameramen and soundmen, to tour Chicano barrios and document on film videotape and audiotape, the oral-visual history of the barrio. The National Committee will select and supervise this Chicano documentation crew, establishing during a planning phase the scope and content of the documentation effort.

Mr. MACDONALD. Thank you, Mr. Reyes.

When you talk about difficulties Chicano children have in learning to read both Spanish and English properly, do you know of any programs on the educational TV stations where there is a concentration of population of Chicanos that utilize or try to answer this need by educational TV programs aimed at that age group?

Mr. REYES. Yes, there are number of them and probably the newest one on the scene is in the children's television workshop which has begun an effort to get into a bilingual product. We recently met in San Antonio, Tex., to consider ways in which that program could be made more meaningful to our community.

It is probably the most exemplary of them all and yet that program under title VI does not have anyone of Spanish surname even in the hierarchy of its management providing the kind of relevant input that we feel should be in the program.

We are clearly subjected to a black and white context in terms of the Spanish that is taught by that program to the rest of the country and Spanish-speaking children as well.

Mr. MACDONALD. But generally you approve of the program?

Mr. REYES. I approve of it, indeed, sir. My 3-year-old son has achieved such a remarkable understanding of his ABC's, by comparison with the older children, it is indeed an exemplary program and positive program.

It is regrettable that the children's television workshop has not seen fit to involve us in any way. However, we are petitioning not only Congress but we are petitioning Elliot Richardson to hold those funds and cease flow of those funds until that can be corrected.

Mr. MACDONALD. Thank you.

Mr. Keith?

Mr. KEITH. Thank you, Mr. Chairman. Of course, this committee has some interest in and perhaps some jurisdiction over educational television programs nationally speaking. If you could for the record describe the organization and financing of that program in a brief way it would be most appreciated.

Mr. REYES. The Bureau of Research, I think, can probably get a more accurate picture of it for you. I am sure that information can be readily available to you as it is not to us, but we had a briefing on the funding something like \$2 to \$3 million for this next fiscal year for the children's television workshop from the Bureau of Research at the Office of Education.

The Bureau of Libraries I think will now begin to fund them to the tune of \$5 or \$6 million and they project \$10 to \$20 million in the next few years as total involvement of Federal funds.

The title VII moneys which are specifically bilingual funding out of Vineland, N.J., provided the first effort at a bilingual aspect of the children's television workshop in San Antonio at a conference

which was recently held there on April 22 and 23. As far as I know those are the only funds that have been directly involved in terms of the Spanish-speaking. The overall figure I just don't have that figures, sir.

Mr. KEITH. I will seek that information through HEW, but I think it will be interesting to have it in the record.

Mr. REYES. We are very much concerned, sir, about the thrust of the program because under ideal situations, it would depict American society as it is, not in the sense of a pecking order. At the moment because of the hangup with the black and white context, you see on the program only black and white, but this country is made up of a significant number of other minorities which ought to have an opportunity and are just as culturally disadvantaged and ought to have an opportunity to be seen in American society such as American Indians and Chicanos, orientals and others.

Mr. KEITH. Thank you, Mr. Chairman.

Mr. MACDONALD. Mr. Van Deerlin.

Mr. VAN DEERLIN. Thank you, Mr. Chairman. You quoted my old friend and fellow campaigner, Armando Rodriquez, who I see is listed as chairman of your board. Every witness has come back to this little character Frito Bandito. I seem to recall Mr. Rodriquez telling me of some actual contacts you had had with the Frito Lay Company.

I wonder if you were in on that, and what was the company's response. It seems to me that if that company were persuaded that what they were doing was an annoyance to such an important segment of the buying market, they would have abandoned the Bandito long ago. What have been the results of your negotiations with the company?

Mr. REYES. We have had a series of ping-pong conferences. The advertising agency, Foote, Cone and Belding out of New York has said, "We are not responsible for placing that ad in the media. Why don't you go see Mr. John McCarthy at the Frito Lay Company in Dallas."

He says, "Our ad agency is the one that controls the operation."

So we go back to New York and press them for some response. We have been to the networks also. The only network that has shown some sensitivity to this effort and it may be because there is a Spanish surname at the very top level of this particular organization of NBC, Hermino Traviesas, has been supportive of the sense of the communities distressed with this particular commercial and it is off NBC. It is not on NBC anymore.

Mr. VAN DEERLIN. By the network's choice, it has been taken off?

Mr. REYES. Right. An influential taking off of that.

Mr. MACDONALD. Are you sure about that? I saw one yesterday.

Mr. REYES. You may see them on ABC and CBS, but they are not on NBC.

Mr. MACDONALD. I see.

Mr. REYES. The Frito Lay Company—

Mr. TIERNAN. Who did you say was the person responsible?

Mr. REYES. Hermino Traviesas. Bureau of Practices and Standards, at NBC, a Spanish surname, I may add. That counts a lot. When you have someone in the system who says these individuals have something to complain about, there is justice, there is a sense of just argument in promoting this idea that you should not demean or continue

to stereotype certain people. It is clearly a function of the party being in the system.

Mr. VAN DEERLIN. Knowing how carefully these big distributors try to understand their market, I would not be surprised if they have taken some surveys—surveys which apparently they haven't shared with you—as to the acceptance of this character. I can't believe they would flinch in the face of a widespread revulsion on the part of a great group like the Mexican-Americans in this country.

Would it be helpful to you if a member of this committee were to write to the company and ask a statement of policy?

Mr. REYES. We have asked many Members of Congress, and we would be delighted to get some of those answers.

Mr. VAN DEERLIN. None have been shared with you?

Mr. REYES. They have not been shared with us, that is right. We know of one that took a couple of years ago in Tucson, Ariz., and I believe in Phoenix, where it showed that only 8 percent of the Chicano community had disapproved. I think they have taken that to mean that 8 percent of the community disliking it means that the other 92 percent don't have any problems with it.

But I would suggest that even such a prestigious professional journal as "Advertising Age" has come out on two occasions with editorials condemning the stereotyping practice by the Frito Lay Company and there are many others that have spoken out on the subject.

Mr. VAN DEERLIN. Frankly, the character doesn't offend me, but then I am not a Mexican-American. It seems to me if I were trying to sell Fritos, and I found a great many of the people in the country who liked Fritos are turned off by my advertising character—whether it offended me personally or not, I would get the Bandito off the air so fast you wouldn't know where he had gone.

Mr. REYES. I would add a footnote to that, that Chicanos in some small and meaningful ways are boycotting not only Fritos, but any other products which characterize in that manner. Taco Bell and Taco Houses around the country, Chico Kid, Patio Foods, and you can name them. These are the most visible, of course, because they are on a network.

Mr. MACDONALD. What is wrong with that? A taco is typically Mexican, isn't it?

Mr. REYES. Yes.

Mr. MACDONALD. Isn't it typically Mexican?

Mr. REYES. It is the message, the characterizations, the caricatures, the art layout, the creativity, visual aspect of it that is offensive.

Mr. MACDONALD. I would guess that the people who are making and selling them try to identify with Mexico in the public mind so that the public will think they are getting authentic Mexican tacos, right?

Mr. REYES. I don't doubt that.

Mr. MACDONALD. So what are they going to do but depict Mexico?

Mr. REYES. Well, I don't know why, Congressman, but it seems to me that American ingenuity somehow in dealing with ethnic groups falls apart in trying to develop more meaningful ways in which to sell the products. It seems to me the key issue here is to sell a product. Obviously if you can pick up some highly exaggerated stereotypes that is the only way they seem to produce product recall reflected at the cashbox.

Mr. MACDONALD. Well, they do that for spaghetti sauce. They have a guy talking in broken English, "That's a fine spaghetti," and that one where he breaks down three times and he needs Tums or something like that. They talk in broken English. Around a certain period of the time in Boston the stereotype Irishmen trying to sell green beer. No one gets very mad about it. It is part of the game.

Mr. REYES. I am afraid it is not my game.

Mr. MACDONALD. It is not my game either. It is advertising. They try to get somebody to buy spaghetti, which goes with Italian. Italian spaghetti sauce. So they get a caricature of broken English. Italians don't get mad at that. I don't really understand. I am very sympathetic about this whole thing except I see nothing wrong with Frito Bandito. I think it is because it rhymed. I didn't realize until I read your statement, you say children are called, "Hey, little Frito Bandito." As Mr. Van Deerlin said, I am not a Mexican, but I wouldn't get mad if someone called me Frito Bandito.

Mr. REYES. I am afraid the worst that one can call a WASP is a WASP or Whitey or limey.

Mr. MACDONALD. Limey isn't.

Mr. REYES. That probably would not offend you.

Mr. MACDONALD. I would like to put you straight. If you go to England, don't assume that "Limey" is any compliment.

Mr. REYES. What I am saying to you, sir, is that it occurs to me there isn't any way we can get back, and say maybe what we ought to do is start calling the Anglo names. But, look at the drama that is attached to words like "greaser," or "nigger," or "kike," or "wop." Clearly, sir, it seems to me that because we have grown up in a society, and I am a product of this society, we have grown up believing that because it is white, it is right, and the white man can do no wrong. We just are powerless to get back in that sort of way. We don't believe in those kinds of negative things. You simply can not get at the solution.

I think the solution of the problem is simply to get rid of these stereotypes. They are demeaning and it is a sense of perception that these stereotypes are degrading and I don't really care whether you feel offended by them or not, I feel offended by them, and I think that is what matters to most of us.

Mr. MACDONALD. Thank you. But your own figures, you said only 8 percent of the Mexican-American people were offended by the Frito Bandito commercial. That isn't a very large percentage.

Mr. REYES. Not of those surveyed by the Frito Lay Company.

Mr. MACDONALD. That is 92 percent that don't agree with you.

Mr. REYES. That is probably true in that survey. My own feeling is if we conducted the survey, we would have just as revealing as that one.

Mr. MACDONALD. Mr. Tiernan.

Mr. TIERNAN. Along the line of the survey, do you know what type of survey it was?

Mr. REYES. I think it is one of those "Do you beat your wife?" kind of surveys.

Mr. TIERNAN. The reason I asked that question is because when Congressmen send out questionnaires sometimes you can load the question so you get a yes or no answer.

Mr. MACDONALD. Not all Congressmen.

Mr. TIERNAN. I didn't say all Congressmen. I said some Congressmen can do that.

Mr. REYES. Let me tell you how important it is for this country's image overseas. We spend billions projecting a powerful image of our country to the citizens of this world. Can we not do a similar job projecting the more positive images of the people in our own country? It seems to me as American citizens we are entitled to it as our right.

Mr. TIERNAN. We faced this in the Senate hearing in Los Angeles regarding the form of the census. There was no consideration given to the Mexican-American population. We finally changed that form, but today from listening to testimony by you and other people, there seems to be difficulty in obtaining this ideal melting pot in America. Do you concur with that?

Mr. REYES. I am not sure I follow you.

Mr. TIERNAN. It seems that your committee is interested in removing these caricatures on television and in advertising campaigns, but also I think basically there is an objective to sort of keep the culture of the Mexican-American strong, similar to that which we find in the Italian communities. Committees are formed with the idea of keeping and strengthening the culture of their ancestors. If we do that, it is very difficult to obtain the objectives of a melting pot society as we originally talked of when I was young. America was considered the great melting pot. But we are not going to achieve that, are we?

Mr. REYES. We weren't in on the development of the plan. If we had had a piece of the action in developing the theory of the melting pot—

Mr. TIERNAN. The melting pot is white and it should not be all white.

Mr. REYES. If we had been on the making of the theory, it seems to me you wouldn't have this problem.

Mr. MACDONALD. Any questions, Mr. Byron?

Mr. BYRON. No, Mr. Chairman.

Mr. MACDONALD. Mr. Keith.

Mr. KEITH. Don't sell your history short. You were in on the making. You preceded us here and you could emphasize the positive along with the publicity that is tended to be negative. I think, as Commissioner Lee said in his statement, there is great merit to the process that you are following particularly if it is done at the local station where it takes place, but there are some adverse effects that could come from the subparagraphs 2 and 3. We can homogenize this society and this is an adverse end effect of the kind of thing that could come with the establishing of standards and strict adherence to them.

Mr. REYES. We think if we cannot seek relief from the Congress, if we cannot air our grievances before such a party, I really do not feel that we are in a position to really get redress of our grievances. I think one of the reasons we organized was because the crunch is simply overwhelming and we are powerless and we do not have the funds to do the kind of things we must do for ourselves.

Mr. KEITH. I think this airing of your grievance is good and it should be done in all echelons of our society and I commend you for your appearance here and the articulation of your point of view, but there are, as I think the committee judgment will express later on, factors on the other side that would legislate against our legislating in this area.

Mr. MACDONALD. Mr. Tiernan.

Mr. TIERNAN. Thank you, Mr. Chairman.

You said before you were successful in having NBC remove it and you indicated that was because there was someone in the network on NBC that was concerned. Was that a personal concern or was that through contact with him by the committee?

Mr. REYES. We contacted him, yes.

Mr. TIERNAN. What efforts were made with ABC and CBS?

Mr. REYES. The same contacts.

Mr. TIERNAN. What was the result or how did it come about, what happened?

Mr. REYES. "In our judgment the Frito Bandito is a very funny commercial. We don't think it offends you." Vice President Al Schnider, ABC and Mr. Wood at CBS gave similar statements.

Mr. TIERNAN. How recent was that exchange?

Mr. REYES. It is about a year and a half ago that we were in New York.

Mr. TIERNAN. No further approaches have been made and no further efforts have been made?

Mr. REYES. In December we launched an effort to put together a suit against the Frito-Lay Co.

Mr. TIERNAN. When did NBC make the decision not to allow them on?

Mr. REYES. They were very faithful to their commitment. From July 1970 they did take the Frito Bandito off the air. They began in Los Angeles by taking it off KNBC and then they took it off the network.

Mr. TIERNAN. Thank you.

Mr. BYRON. What about billboard and newspaper advertising? Has there been any decline in that?

Mr. REYES. No, sir; in some areas, it is getting even more prevalent. Our people are not aware of their rights. They have accepted second-class citizenship.

After having hammered, through education systems and economic systems, that they belong in a certain slot in the pecking order of American society, you begin to believe it.

I did not know about the rich heritage and rich history that I had until I learned it on my own because the schools did not teach me, except that I was a second-class citizen, that we were killers, thieves, and we were the ones that disrupted the development of this country, particularly in Texas where I come from, and I suggest to you that I didn't know that until I found it out on my own, which is why I am about doing the job that I am doing now.

Mr. MACDONALD. Thank you very much, Mr. Reyes, for being with us this morning.

With that, our hearings are closed.

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

STATEMENT OF ANTHONY RODRIQUEZ, EXECUTIVE DIRECTOR (ACTING), CABINET
COMMITTEE ON OPPORTUNITY FOR THE SPANISH SPEAKING PEOPLE

The over 15 million Spanish Speaking peoples of this nation including Puerto Rico can no longer afford to suffer the excesses of an over-indulgent society. We can no longer permit cultural degradation by the mass media. There are numerous groups who would have it that the Spanish Speaking "remain in their places"

thus retarding 7% of this nation's people and consequently 7% of its human resources.

The Cabinet Committee on Opportunity for the Spanish Speaking has for the past year endeavored to combat the intolerable situation of discrimination and defamation. We have made many forward steps in the direction of equality in opportunity, but we have not been able to avoid some setbacks.

The mass media as a public utility and service must clearly regulate its activities in order to fully accommodate the entire nation, not one part at the sacrifice of a minority.

We at the Cabinet Committee have been mandated with the task of securing an equitable position for the Spanish Speaking by bringing the Federal Government under the indiscriminate purview of the public. This process must also be applied to the institution of the mass media.

On the more positive side, we envision the participation of Spanish Speaking in the industry of mass communication. This participation however must be at all levels of the occupational and professional scale.

The discriminatory and degrading effect of such publicity as the "Frito Bandido" would not intrinsically be so great if a balance were struck by the presentation of material depicting a Spanish Speaking policeman, doctor, western hero or an equivalent success image.

We are not asking for undue or unfair consideration. We are demanding a fair, just and proper chance at the full scope of opportunities open to the rest of the citizenry.

The Spanish Speaking are a patient people, unquestionably committed to the highest principles of this nation, yet as it is with a single individual, so it is with a people, there is a definite tolerance point. It would indeed be a sad situation if the leaders of this country could not benefit from the lessons of Watts, Detroit, Washington, D.C., Newark and the other areas of marked discontent.

The mass media institution comprised of radio, television, and the motion picture industry have been and are now sowing the seeds of inequality, and mass cultural genocide by proliferating biasing information against the Spanish Speaking.

Whether this situation is perpetuated through ignorance or premeditation, overly or through the use of subtle techniques, it is intolerable and un-American.

It is imperative that Congress in general and The House of Representatives in particular take immediate action to ameliorate the current deplorable state of affairs.

The Cabinet Committee on Opportunity for the Spanish Speaking stands unequivocally ready to aid any and all forces seeking an immediate and just remedy to this affair. We will, under our mandate aid those intent upon seeing justice done and oppose those who would hinder that process.

NATIONAL ASSOCIATION OF BROADCASTERS,
Washington, D.C., May 4, 1971.

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: On behalf of the National Association of Broadcasters, I appreciate this opportunity to submit our comments for the record in regard to H. Con. Res. 9, and similar Resolutions, concerning motion pictures and programs which would defame or degrade religious, racial, or ethnic groups.

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 subscription to 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 of 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 insure conformance with the spirit and principles of the NAB Codes. 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 such as the Order of Sons of Italy in America and the Chicano Media Conference. A typical example of the dialogue of the Code Authority with minority and representative groups was a guest article in the *NAB Code News* in February of this year by the Executive Director of the National Mexican American Anti-Defamation Committee.

The most pertinent provisions of the Television Code are the following:

"IV. General program standards

* * * * *

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 combating prejudice, 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.

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 provisions of the Code related to audience sensibilities 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, smoking, and narcotics. The Radio Code contains provisions dealing with the same problems as they may arise with respect to radio broadcasting. Copies of both the Radio and Television Codes are transmitted herewith for the information of the Subcommittee.

Paragraphs (2) and (3) of H. Con. Res. 9 state 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 that it continue to rely upon broadcast licensees to exercise their responsibility in this important area of free expression. Establishment by the Government of standards for broadcast programs would be objectionable on Constitutional grounds as a form of official censorship, and would be inimical to the long-standing policy against Government interference with the right of free speech in broadcasting as enunciated by the Congress in the Communications Act of 1934.

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

Sincerely,

VINCENT T. WASILEWSKI, *President.*

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., April 29, 1971.

Hon. TORBERT H. MACDONALD,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is submitted on behalf of Columbia Broadcasting System, Inc., in connection with your Subcommittee's consideration of H. CON. RES. 51, 88, 89, 105 and 210, which are identical, and H. CON. RES. 182 which is related. All of these proposals, essentially, call on broadcasters and mo-

tion picture companies to cease production and distribution of programs and films "which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups". All except No. 182 provide that "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."

CBS agrees that, as stated in the resolutions, "harmonious relations among ethnic, racial, and religious groups" is a goal towards which we must all strive, and CBS abhors those who would "foment a discord and unrest which diminishes the vitality of democratic institutions". However, we believe that these resolutions should be rejected.

All of the pending proposals appear to assume, quite incorrectly, that broadcasters willfully, or through unconscionable negligence, portray minority groups in an unfavorable light. I know of no evidence to suggest that this is generally true, and it is certainly not true of CBS.

The standards employed by CBS are best described by referring to the operation of the CBS Television Network Program Practices Department which reviews all network entertainment broadcasts to assure that they comply with The Television Code of the National Association of Broadcasters, to which CBS subscribes, and our own even higher standards.

The Program Practices Department maintains day-to-day supervision of program material as it is prepared for broadcast. The department is headed by a CBS Television Network Vice President and includes 12 program editors among a staff of 34 people who function in both New York and Hollywood. In a creative medium such as television, the policies applied are general rather than specific to accommodate the unique characteristics of each program situation. The review process must necessarily be a subjective one, and includes conferences with programming personnel, including producers and writers, on questions of acceptability of proposed programming, review of scripts before filming or taping, review of film or tape in rough cut form to note further possible revisions and a review after the program is complete to determine finally if the program will be accepted or rejected for broadcast. Motion pictures in which CBS was not involved in the initial production are reviewed by the Program Practices Department before we purchase the films, as well as when they are scheduled for broadcast and again just before actual airing. Indeed, before purchase of a film, the Program Practices Department will frequently "test edit" to determine whether, applying our standards, a film can be made suitable for the television audience. If it cannot, the film is not bought. In addition, the Program Practices Department maintains liaison with various ethnic groups to inform itself continually of changing attitudes and to consult on specific programs when appropriate. It is the function of these procedures to insure that network entertainment programming measures up to the accepted standards of taste and propriety in the community. CBS has long recognized that our position as broadcasters would be disserved by presentation of program material which was in questionable taste or would offend the audience.

The Program Practices Department also reviews thoroughly all proposed advertising material, utilizing six commercial editors and auxiliary personnel for this purpose.

The question of whether broadcast material defames, stereotypes, ridicules, demeans, or degrades a particular ethnic, racial or religious group is a matter on which reasonable men can and will differ, and this, we submit, is one of the essential flaws in the proposals which are now pending before the Subcommittee.

Opinions on what is demeaning or stereotyped not only vary with the times but are subject to dispute at any particular time. Unanimity in this area will never be attainable, and any attempt to obtain it can only have a stultifying effect on the creativity which the First Amendment, in its application to the entertainment media, was intended to protect. We wonder, for instance, whether, under these proposals, broadcasters in the past would have been subject to official censure for airing such applauded and accepted series as *THE GOLDBERGS* (Jewish), *DUFFY'S TAVERN* (Irish), *LIFE WITH LUIGI* (Italian), *THE JACK BENNY SHOW* (Jewish, Negro, Irish), *THE FRED ALLEN SHOW* (various) or even *I REMEMBER MAMA* (Norwegians).

It is worth considering what precedents these proposals set for resolution of public demands going beyond cessation of "demeaning" references to ethnic and racial groups, to job categories, women's liberation movements, various economic strata of society, and so on. Indeed, it is not unusual for CBS to receive complaints alleging "defamation" or "stereotype" of an entire professional group because of the portrayal of an individual who is a doctor, lawyer or farmer as the villain in a particular dramatic presentation. In this connection, we note that when CBS Television Network in 1966 presented Arthur Miller's "Death of a Salesman", two major groups of salesmen objected. One requested time at the end of the broadcast to explain that Willy Loman was not a typical salesman; the other requested a meeting to discuss a "change in emphasis" by the director. Is the fact of such complaints to be determinative of adherence to inadequate standards? Are the charges of the leader of a single organized group a reasonable basis for concluding that a group has been ridiculed or demeaned? We think not. Yet, we believe, they furnish much of the impetus behind the pending resolutions.

The history of literature and drama has included characterizations that might be considered demeaning to one or another group. This ranges from Shakespeare's "Merchant of Venice" to Dickens' "Oliver Twist" to Mark Twain's "The Adventures of Huckleberry Finn" to William Styrons "The Confessions of Nat Turner." The proposed resolutions would indicate that such literature, and numerous other classics, are inappropriate for motion picture or television use.

I would note here that CBS is currently broadcasting an entertainment series titled *ALL IN THE FAMILY* which seeks to throw a spotlight on our frailties, prejudices and concerns, and show, in a humorous, mature fashion, just how absurd they are. To portray bigotry, however, it is necessary to employ, to some extent, the language of the bigot. It is highly doubtful that such a program would be possible under these proposals. Do these proposals seek to declare certain words and phrases illegal without referring to the context in which they are used, or would they admit a distinction between a spoof and a serious program? Discretion would certainly suggest to a broadcaster that he stay as far away as possible from material that might arguably be proscribed. *ALL IN THE FAMILY* has generated a significant number of complaints that it "glorifies" bigotry: many people object to the racial, religious and ethnic epithets used. On the other hand, about twice as many people have written to praise the program. We believe that the program serves a useful function in society and we would retain that belief if the ratio of complaints to approval were reversed.¹ We do not believe that our judgment on this matter should be submitted to some industry arbiter for review. Moreover, he could not apply any but the most subjective standards to conclude that the broadcast was or was not demeaning to a particular group. Industry "standards" in this sensitive area would, we suggest, be totally infeasible.

The resolutions under consideration suggest that the Congress will "establish and enforce" by some means "adequate standards for the production of films and broadcasts which portray ethnic, racial, or religious groups" if the broadcast and film industries do not do so voluntarily. Thus, it appears that the Congress would require broadcasters to delegate to others the responsibility for programming decisions which are not, and ought not to be, delegable. So as not to unduly extend this letter, I am attaching for your information a copy of a letter submitted by Dr. Frank Stanton, President of CBS, concerning the delegation to an industry trade association of the power to censor television programming when that suggestion was made during consideration in the Senate in 1969 of the general question of taste in television broadcasting.

We would note moreover our firm belief that Congressionally imposed standards would be contrary to the First Amendment, however admirable may be the motives behind their imposition. Underlying these proposals is the assumption that racial and religious harmony can be achieved by the suppression of free speech and without injury to other important social values. This, we believe, is contrary to the assumptions which the founders of this nation

¹ CBS commissioned a nationwide survey in January of this year to determine audience response to *ALL IN THE FAMILY* because we recognized the sensitive nature of the program. The results showed that two-thirds of the viewers felt that the series might either decrease prejudice or have no effect on prejudice. In contrast, only one in 20, or 5 percent, thought that the series might increase prejudice. Blacks and other self-identified minority group members contacted offered similar percentage replies to questions about the broadcast's effects on prejudice as did white members of the audience.

embodied in the First Amendment. Thus, we do not believe that Congressionally imposed standards would withstand judicial scrutiny.

Of course, broadcasting, by its very nature, insures the application of reasonable standards. As a mass medium, viewed in the home, and supported by advertisers whose desire is clearly not to offend, it is inconceivable that, in programs intended to entertain, we would seek to offend or fail to be sensitive to members of our audience. In a country of such great diversity, however, it is difficult not to offend someone unless only the blandest of material is presented. It is impossible to imagine that creativity could exist in an atmosphere where one was striving always, under penalty of law, to assure that no one could uncover any possible racism or bigotry implicit in the treatment of characters or choice of language.

Neither broadcasting nor motion pictures initiated bigotry and racism and yet the implication of all these proposals is that if such speech is suppressed, bigotry and racism will disappear. On the contrary, they are likely to fester. One of the prices we all pay for freedom of speech is the probability that we will be annoyed, even offended, by much of what we hear. Limitation of freedom of speech is too high a price to pay for the removal of such annoyances, particularly when the evil they represent is not likely to be extinguished but only hidden from view. This is not to say that individual instruments of communication should not exercise their best efforts to avoid contributing to the exacerbation of racial and religious tensions. CBS, we believe, does make such efforts. Failure to do so would clearly not be in the public interest. However, questions of taste and judgment which are really at issue here are not, and should not be, subject to government overview.

I have not discussed the impact of these proposals on news coverage although such programming would appear to be covered. It is the function of news, however, to attempt to inform people about events in the world, "like it is". The reporting of news should be done on the basis of news judgment without fear of giving offense. It may be, for example, an integral part of a story on Vietnam to include the epithets which our soldiers use when referring to the Vietnamese, although some Orientals in this country might be offended or consider such terms degrading to them. In a related context, we wonder if the American people would have any real appreciation for the various confrontations with police around the country if the word "pig" and the other widely used epithets were deleted. These examples point up the clear inconsistency of these proposals with the First Amendment guarantees of freedom of speech and freedom of the press.

In closing, I would note that perhaps the most astute review of *ALL IN THE FAMILY* appeared not in the public press but in the newspaper put out by a high school in Ardmore, Pennsylvania. The young reviewers said, in part:

"The subject matter of *ALL IN THE FAMILY* may be offensive to some, but it is never cruel or biased. Instead the show points out the foolishness of our prejudices by making us laugh at them. . . . No one is going to become less, or more, prejudiced from watching *ALL IN THE FAMILY*. The show doesn't solve any social problems and there is little dramatic conflict. But *ALL IN THE FAMILY* exposes the idiotic fears and biases of many Americans and it makes us laugh. That is good enough."

Very truly yours,

RICHARD W. JENCKS,
President, CBS/Broadcast Group.

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., March 22, 1969.

HON. JOHN O. PASTORE,
*U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: Last week you asked CBS to reconsider whether we would participate in an arrangement whereby the three nationwide commercial television networks would grant to the Code Authority of the National Association of Broadcasters the right to prescreen any television entertainment program at will, and to determine prior to broadcast whether such program violates the NAB Television Code. My hours during the last week, and those of my associates, have been occupied with little beside your proposal. We have reexamined the CBS position as searchingly as we know how.

In making this reexamination, I am perhaps as aware as anyone in broadcasting that the last thing you intend is to bridle or inhibit broadcast journalism, and that in your mind the program review you propose would not abrogate the proper responsibilities and prerogatives of the broadcaster. I share your concern about the many manifestations of social instability in the country today. And I agree with your conviction that the performance of the media cannot be separated from these manifestations. Like you I realize that when the going gets rough, there is a tendency, as at present, to be rough on the media, particularly on radio and television, which alone are licensed by the government.

In this context the expeditious course for CBS—certainly the more cautious course—would be to accommodate your view and accede to your proposal. I say this out of respect for your position, and in full knowledge of the many difficulties which the industry presently faces. But in the final analysis, we have decided that we cannot—and in the public interest should not—accede to a proposal which would centralize in the Television Code Authority staff of the National Association of Broadcasters, an industry trade association, responsibility as the single final arbiter of network television entertainment that the American people would be permitted to see.

Because the proposal for such a centralized censorship authority has, in our view, brought the television medium to a grave—even a historic—moment, we do not take this decision lightly. It has the concurrence and support of the Board of Directors of Columbia Broadcasting System, Inc., which has convened in a special meeting last Thursday (20) to consider this question. It also has the concurrence and support of the CBS Television Network Affiliates Advisory Board, with whom we met today.

The Federal Communications Act places upon each broadcast licensee—including the network companies in their capacities as licensees of the stations they own—a responsibility to operate in the public interest. That responsibility is not delegable. Consultation from within and without the industry is not only welcome; in the case of CBS, it must be sought. We insist that our station and network executives actively pursue such advice including regular consultation with the NAB Code Authority. But the ultimate responsibility must be ours—ours and that of the individual affiliated stations who decide to grant or withhold clearance of our programs. To permit our affiliated stations to exercise their responsibility, it has long been our practice to prescreen for them by closed circuit, on virtually a daily basis, programs—in their entirety—of particular interest. These programs include those which, in the Network's opinion, are sufficiently controversial in content to justify previewing, as well as programs which the affiliate has specifically requested for preview.

It could be argued that prior program review by the NAB Code Authority would be just that—outside consultation, and unobjectionable so long as it stops short of external control. But you know how exposed the broadcaster is to government influence and authority. It is because broadcasters are licensed by the Federal government and accountable to it that your proposal cannot be viewed as outside consultation.

Were CBS to share the responsibility for its program decisions with the National Association of Broadcasters, it would only be a matter of time before the government would go to the Code Authority about our performance—initially to inquire, then to urge. This would spell the beginning of the end of our independence. Ultimately, a member of the FCC—or a committee chairman less restrained than you—would *insist*. As individual communications enterprises, we can maintain our independence before the government. As a monolithic group committed to homogeneous standards and speaking with one voice, we could not.

The prescreening proposal would in fact inevitably subject broadcasters to controls over content which the government is prohibited from applying directly by the First Amendment and by Section 326 of the Federal Communications Act. Indeed, the direct authority which the "czars" of sports and movies have enjoyed in their otherwise unregulated fields is minuscule compared to the indirect power which a television "czar" would wield over stations which, being licensed, would be peculiarly responsive to his standards and edicts. Theatrical motion pictures could still reach theatres though denied a code seal. But if the Television Code Authority, having requested a preview screening of a network program, should determine that it was violative of the Code—and if then the Code Director so advised all of that network's affiliated stations who are Code members of his

judgment—those stations would not be likely to clear such a program for broadcast. For they would know that such clearances might ultimately be given decisive weight in license renewal proceedings.

We must therefore insist that responsibility for evaluating and judging programs—like the responsibility for creating and transmitting them—cannot be centralized. In our society the determination of taste and propriety as to television programs must be pluralistic. A single last word would be harmful, indeed dangerous. At times, as you point out, industry “czars” in such fields as baseball and motion pictures have been considered highly effective monitors. But broadcasting is not baseball and it is much more than motion pictures. It is a vital communications medium of unprecedented importance and one which is regulated—but not as to particular program content—by the Federal government.

None of this is to say that CBS does not share your concern with program standards and practices. Our own program standards, and the staff and organization which we devote to translating our standards into practice, are a measure of our concern. Indeed, throughout the broadcasting industry, the standards of CBS are known to be at least as rigorous, if not more so, than those of the National Association of Broadcasters. Moreover, CBS maintains a substantially larger Program Practices staff—in order to apply its standards to the program output of a single network—than the NAB Code Authority does in order to monitor the production of three networks, numerous syndicators and hundreds of stations. In this connection, we would welcome an opportunity to review for the Subcommittee’s benefit the scope and detailed operating procedures of our Program Practices operation.

Presumably, the Code Authority would reorganize and restaff in order to carry out your proposal. But it must be understood that even a larger NAB staff would be effective only if it participated—as our Program Practices staff does—at every step of the television production process. The ultimate effect of the prescreening proposal would then be to inject the NAB into the planning, writing, filming and editing of all television network programs. In a medium which is expected to be all things to all people regardless of age, upbringing or education, the line separating propriety from creativity is thin at best. An outside agency wielding the blue pencil would throttle the creative impulses which are essential to the continuing improvement of television. The creators of our programs need encouragement and stimulation—not the reverse. A television “czar” with formal review authority would weaken the medium—not strengthen it. It is not just my prerogatives, and those of my colleagues, which are at stake. We must not hobble the opportunity for people now in the ranks, and of the next generations, to bring about innovative progress in the performance of the medium.

If there is one thing I hope this letter evinces, it is that we have given your proposal the most sincere and thorough examination. Having done that, I would be neither gracious nor fair if I failed to acknowledge that in the present environment the Subcommittee has already done much both to ensure conscientious and responsible broadcast regulation, and to remind broadcasters of their responsibilities.

Mindful of this, I would be doing an injustice to the intent of your proposal if I did not now assure you on several counts: that we will intensify our efforts to improve the program standards of the CBS Television Network; that we will be responsive to the issues you have raised; and that we will most assuredly consult and advise with the Code Authority of the National Association of Broadcasters. Finally, we will continue our long-standing practice of closed-circuit prescreening for our affiliates, programs which in our judgment present any substantial question of Code interpretation, so as to permit them to exercise to the fullest extent their responsibilities as broadcast licensees.

With all good wishes.

Sincerely,

FRANK STANTON, *President.*

(Whereupon, at 12:10 p.m., the hearings were concluded.)



