

Porno commission urges congressional, FCC action to ban 'obscene' material

ACLU says Meese study would infringe on constitutional rights

Attorney General Edwin Meese was presented last Wednesday (July 9) with the final report of his commission on pornography (BROADCASTING, June 2). The two-volume, 1,960-page study, conducted over the course of a year by 11 commissioners at a cost of \$500,000, was described as an unbiased, objective examination of the issue by the commission's chairman, Henry E. Hudson, who said: "Those people who anticipated a document supporting censorship are going to be very disappointed when they read the final report," but it was attacked by the American Civil Liberties Union as "little more than prudishness and moralizing masquerading behind social science jargon and a little feminist rhetoric."

Hudson claimed the commission "specifically rejected the notion of censorship," especially in the case of the printed word, and felt that "if communities perceive that there is an obscenity problem, existing laws ought to be enforced." But the report contained a list of 92 recommendations, including:

- "Congress should amend Title 18 of the United States code [which makes obscene broadcasting illegal] to specifically proscribe obscene cable television programming."

- "Congress should enact legislation to prohibit the transmission of obscene material through the telephone or similar common carrier."

- "The United States attorneys should use all available federal statutes to prosecute obscenity law violations involving cable and satellite television."

- "State and local prosecutors should use all available statutes to prosecute obscenity violations involving cable and satellite television."

- "The Federal Communications Commission should use its full regulatory powers and impose appropriate sanctions against providers of obscene Dial-a-Porn telephone services."

- "The Federal Communications Commission should use its full regulatory powers and impose appropriate sanctions against cable and satellite television programmers who transmit obscene programs."

- "A multimedia educational campaign should be developed which increases family and community awareness regarding child sexual exploitation through the production and use of child pornography."

The recommendations represent "a broad and drastic curtailment of the right of Americans to publish and the right of Americans to watch sexually oriented material of many kinds," said Barry Lynn, legislative counsel for the ACLU. "It is a misnomer to suggest that the world of pornography is filled with bestiality, child abuse and some of the other things [in the report]," he said, and while he

admitted that they exist, he claimed that "there is a very limited audience for those things, and I'm sure that you could show bestiality films on network television for a week, and you wouldn't get any measurable Nielsen rating after the first two minutes."

According to John Harrington, a founding member of the newly organized Americans For Constitutional Freedom, a coalition of individuals and publishers promoting First Amendment rights, "most of the 92 recommendations were foregone conclusions with no basis in fact." According to ACF, the report was created "to offer support for those whose beliefs will not hold up in the fair exchange of ideas guaranteed by the Constitution."

Hudson said at the Wednesday press conference that the report is not based solely on scientific fact, but on the "totality of the evidence," testimony, letters and "common sense."

Asked whether the report would have an effect on an organization like the Playboy Channel, Lynn said: "I don't think that this report will have much effect on many of these issues, and certainly not on some of the mainstream material. The danger, though, is that the conclusions of law here in the legal recommendations, when combined with citizen vigilante efforts to drive certain kinds of cable programming off the air, could succeed in the long run in having a damaging effect on diversity in cable programming." □

Washington Watch

Austin TV. In initial decision, FCC Administrative Law Judge Joseph Chachkin has conditionally granted application of Balcones Broadcasting Ltd. for new TV on channel 54 in Austin, Tex., denying competing applications of Capital City Community Interests Inc., Television 54 Corp., Capitol Area Broadcasting, ATV Associates Inc. and DB Broadcasting Inc. Balcones prevailed with its integration and coverage proposals. Grant was conditioned on limited partner Billy B. Goldberg divesting his interests in KVEO-TV Brownsville and KPEJ-TV Odessa, both Texas. Ronnel Hector Oliveira is president of Balcones general partner, Balcones Broadcasting Co. Oliveira is currently assistant to general manager at KVEO-TV.

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Hill watchers. American Society of Composers, Authors & Publishers formed new legislative committee to oversee ASCAP legislative activities. Appointed to committee, are board members: Hal David, ASCAP chairman and lyricist; composer Morton Gould, lyricist Marilyn Bergman, and publishers Irwin Robinson and Michael Stewart.

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Spanish concern. Congressional Hispanic Caucus Chairman Matthew Martinez (D-Calif.) urged House Telecommunications Subcommittee Chairman Tim Wirth (D-Colo.) to monitor FCC's pending settlement agreement under which Spanish International Communications Corp. may be permitted to sell its five Spanish-language stations. Martinez last month stated concern about SICC selling stations to highest bidder. "If the stations are sold at full value to the highest bidder, it is highly unlikely the highest bidder will be a minority controlled company, and even less likely it will be a Hispanic-American group," he wrote. Caucus chairman recommended that "the FCC renew SICC's licenses conditioned upon SICC transferring the licenses at distress sale prices to a qualified Hispanic-American controlled company." However, Representative Henry B. Gonzalez (D-Tex.) also wrote Wirth to say Martinez's position "has not been taken pursuant to any consultation with the Hispanic Caucus, as a whole, and is much more representative of his [Martinez's] personal position than anything else. Certainly it does not reflect my view." As for Martinez's suggestion, Gonzalez thought it would be "contrary to the findings of the judge [FCC Administrative Law Judge] and would negate the settlement agreement already reached in this matter."

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