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FCC - MAIL ROOM

January 16, 1993

Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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SUBJECT: MM Docket No. 92-254

I wish to comment on the refusal of the local TV station WAGA-TV Channel 5 to air the political advertisement of Mr. Dan Becker during the time he was running for federal office. Plainly this was illegal and WAGA knew this and acted in what they considered to be in their own best interests.

WAGA claimed that they were acting in the public interest by not allowing this advertising to be shown during certain hours. They claimed that the nature of the material was indecent and could harm children. I believe that WAGA merely chose not to air political advertising with which they disagreed. This station, it's network (CBS) and other local stations routinely show material that by far outshadow any indecency depicted in the Becker ad. I know this because another, smaller, station did show the Becker ads.

I believe that WAGA has no right to arbitrarily determine what time slots are appropriate for political advertisements that they disagree with. WAGA would claim they have the "right" to air the violence and other objectionable programming that they routinely show during "Prime Time". If they claim this right, then they have the obligation to show the truth especially as it was depicted in the Becker ads.

If WAGA is allowed the "right" to channel material that, while not indecent, may be otherwise harmful to children, they will only use this as an excuse to avoid controversial (but truthful) ads such as these. They will not use it in the public good and remove the mind numbing Saturday morning show-length commercials called "cartoons". WAGA has already demonstrated that they are selective in their definition of "harmful to children".

Secondly, abortion was an important issue in the political arena during these past elections. WAGA used their station in a way that influenced the outcome of the elections by not showing these politically relevant ads.

WAGA violated the law, I do not think that they should be let off the hook for this.

Sincerely,



Mike Warnke
7170 Vaughn Road
Canton, Georgia 30114

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JAN 25 1993

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January 19th, 1993

Office of the Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Re: Innapropriate Political Televised Campaign Advertising

In our recent senate elections to replace deceased Senator Quentin Burdick, independent candidate Darold Larson ran on a pro-life platform. It is the opinion of most people in this area, including the local newspaper editorials, that Mr. Larsons' was not a serious bid for the senate. What it appeared to be was a legal loophole to show graffic anti- abortion clips on daytime T.V. These ads were the most gruesome thing I've ever seen on any television station.

Shown were bloody fetuses, mutilated body parts, and decapitated heads. There were about a dozen different ads of varying degrees. His whole campaign is aimed at closing North Dakota's only abortion clinic.

I strongly support Mr. Larsons 1st Amendment rights to voice his opinion on abortion and his efforts to end what many feel is a great injustice to the unborn. Unfortunately, Mr. Larsons methods are detrimental to the emotional well being of children who do not understand the issues or the graffic nature of what they are being exposed to.

After viewing the first of Mr. Larsons political campaign ads I was compelled as a mother of two pre-school children, to attempt to have the ads taken off daytime T.V. Speaking with other parents I heard stories of children crying inconsolibly, others thinking someone could come to cut off their arms and legs, even one child who locked herself in a bedroom closet, refusing to come out. Many parents also reported their children having nightmares.

With television programming the way it is today, parents must monitor what their children are viewing. However, this is next to impossible with these commercials running at different times- different days. It was especially hard in this case since Mr. Larson publically stated he was targeting childrens viewing times with his ads! They were run during a Michael Jackson special. They were even run during Saturday morning cartoons!

I cannot fathom how an actual head, positioned so that you can see an eyeball ripped from the socket, floating in a dish of blood can be deemed acceptable for daytime viewing. And this he targets children with? These ads would surely qualify for an R rating in any movie theater in the country.

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Mr. Larsons 1st Amendment rights allow him to speak his beliefs on abortion or any other issue. What it does not do is give him the right to abuse the children who are already on this earth. His rights should not take away my rights as a parent to decide when and how to discuss the difficult subject of abortion with my children. His rights do not include forcing a parent to turn off the television for several months prior to an election. Now that special interest groups know how to reach a national audience with any message they may have, then this issue is just going to get more complicated and controversial.

Everything I've read, and everything I've heard from our state legislators says that the FCC has the power to have commercials like the one I've described taken off daytime T.V. At the very least clarify the safe harbor laws so local stations can use some discretion and limit ads such as these described to hours they feel acceptable to the communities they serve without fear of a lawsuit.

Please remember, child abuse is Not a first amendment right!

Sincerely,

Christine R. Trove
Homemaker
204 Evergreen Lane
Kindred, North Dakota
58051

701-428-9026

Judge denies ban of pro-life TV ads

Betsy Gerboth

STAFF WRITER

A bold Larson's U.S. Senate campaign landed Friday in a federal courtroom, where a judge refused to grant a temporary restraining order against Larson's latest graphic pro-life television ads.

As a result, WDAY-TV of Fargo and WDAZ-TV of Grand Forks will be forced to air Larson's ads three times during tonight's 6 p.m. newscast and four times Sunday during a three-hour movie about the star Michael Jackson and his illness.

"We had a victory in court to praise Jesus," Larson, a candidate for the late Sen. Quentin Burdick's unexpired term, said after hearing in U.S. District Court in Fargo. "God is going to bring us the abortion industry."

In refusing to grant the order, District Judge Rodney Webb said neither the court nor the defendants had had adequate time to prepare for the hearing. "The law requires a decision made without adequate time and contemplation," he said.

He also chastised the Federal Communications Commission, which he accused of "shirking its responsibility" in not clearly saying whether television ads that depict aborted fetuses should be classified as indecent or obscene. "We're disappointed with the FCC's feeling that he could not interfere," Fargo lawyer Brakke, who represented WDAY, said at the hearing. "We think these ads are indecent and obscene but we have no choice but to run the ads at the times request-

Larson and his campaign work-asked WDAY Friday morning to



Darold Larson, a U.S. Senate candidate in the Dec. 4 special election, will air his latest abortion ads this weekend on WDAY-TV, Channel 6, in Fargo and WDAZ-TV Channel 8 in Grand Forks at these times:

Saturday

During the 6 p.m. news, just after the headlines, just before the weather and just after the sports.

Sunday

6:58 p.m., 8:28 p.m., 8:58 p.m. and 9:58 p.m.

FORUM GRAPHIC

run the latest ads, which Brakke described as the most graphic yet of Larson's commercials.

The ads have created considerable controversy since they began running and have generated more than 1,000 complaints at WDAY and WDAZ alone, general manager Mark Prather said Friday.

Under FCC regulations, a television station cannot censor any political advertisement, but neither is it allowed to run anything considered indecent or obscene during any time but during the "safe harbor" hours of midnight to 6 a.m. It also is required to run political ads whenever a politician re-

□Larson
Back page, Column two

□Larson

Continued from Page A1

quests that they run and charge the politician the lowest possible advertising rate for the time period.

Brakke said the FCC's apparently conflicting laws were at the basis of the company's request for a temporary restraining order.

WDAY offered to run Larson's ads during safe harbor hours, but Larson insisted on the spots during tonight's news and Sunday's Jackson movie.

Though Brakke arranged for a television and VCR to be set up in the courtroom Friday, Webb refused to view Larson's latest ad.

"I think it's important that the court view the advertisement," Brakke said.

"No, it's not," Webb retorted. "I don't want to look at it."

Webb said he had not viewed any of Larson's other ads, but he could understand why parents would be concerned if their children saw them.

"Television has so invaded our families that I think it can be argued that there is an invasion of privacy," the judge said. "I can imagine that parents would be upset if their children saw this ad."

But he said it was the FCC's responsibility, and not the court's, to clarify its rules governing indecent or obscene ads.

Friday's hearing was not without drama.

The Larson hearing was late getting started because of a crowded court calendar. Larson and a handful of supporters arrived at the federal courthouse just after 3 p.m. and convened in a consultation room across from the main courtroom, where Webb was presiding over a probation violation hearing.

Within minutes, shouts of "Praise the Lord!" and "Hallelujah!" began emanating from the room, along with loud speaking in tongues.

The racket caused court clerk Ralph Hanson to activate a security alarm in Webb's office. Then Hanson marched down the hallway, stuck his head into the consultation room and ordered Larson's group to "hold it down."

At the end of the probation violation hearing, Webb stopped just before he entered his chambers.

"What's the ruckus?" he asked a deputy marshal.

The marshal told Webb what had happened across the hall.

"Got plenty of marshals around, do we?" the judge asked. He was assured that security would be adequate.

Indeed, security was so tight during the Larson hearing that seven deputy marshals and 17 court security officers were scattered around the courtroom.

Darold Larson:

Independent Senate candidate Darold Larson thinks that he's running a campaign on an important issue and that he's getting his point across by airing graphic ads depicting abortions. Instead, he's destroying any credibility he may have had, and turning people away from his message.

By manipulating a Federal Communications Commission loophole that forces television stations to accept all political advertising for general candidates, Larson is able to show footage that, under other circumstances, would probably be banned from prime time. In addition, Larson's ads do not offer any solutions or alternatives to the abortion controversy.

Abortion is an emotionally-charged issue in this country and it's undoubtedly on the minds of all candidates running for higher office. But at a time when people need leadership who can address jobs, the federal deficit, health care reform and the farm crisis, it shouldn't be the centerpiece of a campaign. We need candidates who can explore these issues and take a stand on what's best for North Dakota in many areas. We don't need a candidate with tunnel vision.

WATER

Fargo television station that was forced to run graphic advertisements promoting the candidacy of Darold Larson received about 100 complaints after the ads were aired over the week-end. "Basically, most people were still complaining but the exposure," WDAY-TV general manager Pat Prather said Monday. "They feel they've been misled by having it come into their homes," Prather said. "They've been misled by having it come into their homes," Prather said. "They've been misled by having it come into their homes," Prather said.

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Graphic TV ads continue to spark viewer complaints

Federal office requests it to run. At the same time, WDAY-TV general manager Pat Prather said Monday. "They feel they've been misled by having it come into their homes," Prather said. "They've been misled by having it come into their homes," Prather said.

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the abortion commercial my children have seen while watching cartoons. Cartoons are also banned on national TV. We are not allow if any longer. You are a bull! No one can buy your company's ads. And approval - that much I do know. The public is capable of making decisions about other issues (such) as rape, incest and nude having graphic television advertisements for public consumption. Nor should pictures of dismembered infant bodies be considered less offensive. Further, I doubt that a candidate with tunnel vision. We need candidates who can explore these issues and take a stand on what's best for North Dakota in many areas. We don't need a candidate with tunnel vision.

Larson abortion ad attacks Conrad

By Patrick Springer

STAFF WRITER

Pro-life Senate candidate David Larson accused Sen. Kent Conrad, D-N.D., of voting for medical experimentation on the bodies of murdered babies in a graphic television advertisement that debuted Saturday.

□ Larson says he's penniless, but he's not a pauper/A6

Conrad swiftly denounced the new spot, which began airing shortly after 6 p.m. on WDAY-TV in Fargo and WDAZ-TV in Grand Forks, branding it an "outrageous abuse" of the political process.

"This is a monstrous and grotesque distortion," Conrad said. "I voted to permit the National Institutes of Health to use fetal tissue for research to discover cures for tragic genetic illnesses, including Alzheimer's, Parkinson's and diabetes."

But Larson defended his spots and challenged Conrad to debate "anytime, anyplace" on the issue of fetal research — an invitation Conrad promptly spurned as inappropriate.

In the television spot, Larson

□ Ads

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A16 Sunday, November 22, 1992

□ Ads

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said: "Kent Conrad, you voted for medical experimentation on the bodies of murdered babies. Kent, you knew that was wrong. The first duty of government is to protect human life."

As with earlier ads, Larson's latest commercial included vivid photographs of fetal parts depicting what are said to be remnants of abortions. Larson, a pro-life activist, has waged a single-issue campaign attacking abortion.

Conrad said there were two Senate votes, one 77-23 in support of fetal research, the other 85-12.

"Many strong pro-life senators supported this position," he said, "because of the critical need for this life-saving medical research."

Television stations are forced to air the graphic spots. Under federal law, stations must run commercials by candidates for federal office.

WDAY-TV and WDAZ-TV, which report numerous complaints from offended viewers, went to court in an unsuccessful effort to keep Larson's ads off the air.

"This is an unprecedented and outrageous abuse of the campaign process in North Dakota," Conrad said. "I am confident that the people of our state will reject this fundamentally immoral campaign tactic."

In an interview, Larson said fetal research requires fresh remains from a mature fetus, a claim Conrad rejected as inaccurate.

"This is a horrible thing that these senators are voting for," Larson said. "This is no fooling around. I agree it is a hideous crime."

Conrad said: "That is total fiction, completely dishonest and a sickening distortion of fact."

He refused Larson's debate challenge, saying, "Someone who has said things as outrageous and dishonest as this does not deserve a forum."

A spokesman for Conrad's Republican opponent in the Dec. 4 special election, Jack Dalrymple, criticized Larson's latest ad and called upon the independent challenger to refrain from airing the spots at times when children are likely to be viewing.

"We are shocked by the use of this kind of advertising to attack a pro-life candidate," a spokesman for the pro-life group said. "We believe that this kind of advertising is a disgrace to our children and our state."

Both major party candidates had previously denounced Larson's television commercials.

My 5-year-old child, social services would have me arrested for child abuse and put my child in a foster home if we were showing these kinds of images to my 5-year-old child. We just wanted all the TV advertisements to know of our decision. I was shocked that Larson can call himself a Christian when he exhibits so few of the traits of the Christ that he professes to love and follow.

Vernon Borgen

SOLUTION

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Attn: Docket # MM92-254

I am writing in response to the political abortion advertisements that were aired on television this fall in Indianapolis. While the pictures were certainly not pleasant to look at, like much of the network news, these ads shed a lot of light on this issue.

The pictures were true, factual and represented the works of physicians.

It would be a first amendment travesty to censor these political ads based on their content or move them to time slots where the voters would be unlikely to see them. Placing them in the local and national news timeslots was appropriate and informative. People have a right to know what the issues are before they vote and how the candidate stands on those issues. It seems so rare that candidates can speak for themselves anymore, it all comes filtered to us through the media. Commercials espousing candidates views -- whether you agree or disagree -- are instrumental in helping the voter form their own unfiltered view of a candidate.

Sincerely,



Charlie and Lori Nye
1116 Darby Lane
Indianapolis, IN 46260