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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

JUN 4 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OFFICE OF
THE CHAIRMAN

92-254

Honorable Ralph M. Hall
House of Representatives
2236 Rayburn House Office Building
Washington, D.C. 20515-4304

Dear Congressman Hall:

Thank you for your recent letter expressing your concern about political commercials which contain graphic anti-abortion material. You state that such ads were shown in your district and other areas of Texas prior to the May 1, 1993, special election to fill the seat of former U.S. Senator Lloyd Bentsen. You add that stations in other parts of the country have also been required to air such political advertising without making editorial changes. You believe broadcasters should be allowed the discretion to decide if those commercials are considered indecent and, if so, to air them during a safe harbor time period between midnight and 6:00 a.m.

On August 21, 1992, the Commission's Mass Media Bureau denied two petitions which claimed that federal candidate anti-abortion political advertisements featuring dead babies and fetal tissue were indecent. The complainants appealed those rulings to the full Commission which, on October 30, issued a Public Notice asking for comment on the right or obligation a broadcaster may have to channel, to periods of the day when the likelihood of children in the audience is diminished, political advertisements that it reasonably believes are indecent or may be otherwise harmful to children. The comments are being reviewed, and a final report will be issued. These are, as you recognize, difficult issues, and we seek to formulate a decision which balances the rights of the public, broadcasters, and federal candidates. As you requested, your letter is being associated with Mass Media Docket No. 92-254.

RALPH M. HALL
4TH DISTRICT, TEXAS

Congress of the United States
House of Representatives

Washington, DC 20515-4304

April 27, 1993

COMMITTEE ON
ENERGY AND COMMERCE

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COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY

SUBCOMMITTEES:
SPACE, CHAIRMAN
SCIENCE

Honorable James H. Quello
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Mr. Chairman:

I am writing to express my concern regarding the

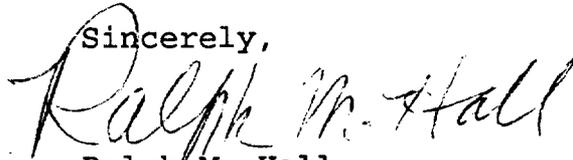
② industry MMB
① MM-adv-tr
③ MM-politics PV
JHQ
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and risk losing their licence by refusing to air the commercials. If broadcasters were given "safe harbor" discretion, without having to worry about potential FCC complaints by political candidates, we could avoid the problem of airing these commercials during family viewing times, particularly times when young children are watching.

I know the issue of indecent political advertising is a difficult one to address. Political candidates have the First Amendment right to express their views in a public forum, but this special Constitutional protection should not be extended to individuals who simply want to use the law in order to shock viewers with indecent programming. I am confident that with you as Chairman, the Commission will be able to craft a policy which carefully balances the rights of candidates with the rights of television viewers.

I sincerely hope you and the Commission will be able to fully resolve this matter as soon as possible. Please let me know if there is anything I can do to help. Thanking you for your consideration, I am

Sincerely,

A handwritten signature in cursive script that reads "Ralph M. Hall". The signature is written in dark ink and is positioned above the typed name.

Ralph M. Hall
Member of Congress

RMH:mee