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LEGAL TIMES

the

MONDAY, SEPTEMBER 9, 1985—VOL. VIII, NO. 14

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COMMENTARY & INSIGHT

In the Name of Fairness 6



re:

A recent report by the Federal Communication Commission questions the premises underlying the Fairness Doctrine and should help lead to the doctrine's demise, Bruce E. Fein believes.

FCC Report Shakes Pillars of Fairness Doctrine

By Bruce E. Fein

Mr. Fein is senior vice president of telecommunications at Gray and Co. in Washington, D.C., and is an American Enterprise Institute adjunct scholar. In his former position as Federal Communications Commission general counsel, he was the architect of the agency's notice of inquiry on the Fairness Doctrine, but he was no longer with the FCC when its report on that subject was prepared.

From time immemorial, government officials have suppressed or regulated ideas they believe are inimical to the public welfare or their political fortunes. Ideas profoundly influence public appraisal of politicians and public policies they champion. As John Maynard Keynes observed: "The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. . . . I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas." The free dissemination of thoughts engenders political apprehensions because the less control over public debate, the less the control over political popularity or evaluation of a politician's performance.

Ecclesiastical punishment of Galileo, press licensing laws in Great Britain, the Sedition Act of 1798, and the Scopes trial are illustrative of the propensity of governing authorities to suppress unwanted or threatening ideas. Even such an apostle of free speech as Thomas Jefferson thundered that the licentiousness and lying of the press had become so pronounced "that a few prosecutions of the most prominent offenders would have a wholesome effect in restoring the integrity of the presses."

The origins of comprehensive federal regulation of broadcasting in the United States in 1927 stem from sentiments and fears that have historically been invoked to justify suppression of free speech and press—namely, the potential to influence public thinking. The remarks of Rep. Luther A. Johnson (D-Texas) at that time were typical:

"The power of the press will not be comparable to that of the broadcasting stations when the industry is fully developed [I]t will only be a few years before these broadcasting stations, if operated by chain stations, will simultaneously reach an audience of over



Illustration by Joseph Azar

half of our entire citizenship, and bring messages to the fireside of nearly every home in America. They can mold and crystallize sentiment as no agency in the past has been able to do. If the strong arm of the law does not prevent monopoly ownership and make discrimination by such stations illegal, American thought and American politics will be largely at the mercy of those who operate these stations."

The Fairness Doctrine of the Federal Communications Commission is the natural offspring of such worries over the power of broadcasters to shape public attitudes; the doctrine entrusts supervisory and regulatory authority regarding public debate to the commission ostensibly to aid the citizen in the discovery of political truths.

'Red Lion v. FCC'

Broadcasters are obligated under the Fairness Doctrine to devote a reasonable amount of broadcast time to reporting on controversial issues of public importance, and to ventilate conflicting viewpoints in the process. In 1969, the constitutionality of the doctrine was sustained by the Supreme Court against First Amendment attack in *Red Lion v. FCC* (395 U.S. 367 (1969)).

Justice Byron R. White, writing for the court, declared, "Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish." The scarcity of radio frequencies, White explained, justified government restraints on the speech of broadcasters "in favor of others whose views should be expressed on this unique medium."

White denied that the Fairness Doctrine would occasion self-censorship and minimal coverage of controversial public issues by licensees to avoid the costs of responding to fairness complaints. The FCC could revoke licenses for uniformly bland programming. In any event, White observed, "if experience with the administration of [the Fairness Doctrine] indicates that [it has] the net effect of reducing rather than enhancing the volume and quality of coverage, that will be time enough to reconsider the constitutional implications." Accordingly, White concluded, at least in the context of the 1969 broadcasting market, the Fairness Doctrine was inoffensive to the First Amendment goal of an uninhibited marketplace of ideas.

Flaws in the Red Lion reasoning abound. The opinion justifies curbing the free speech rights of broadcasters because there are more individuals who seek licenses than the number available. But many broadcast licenses are sought only by a single applicant. Putative spectrum scarcity does not justify Fairness Doctrine obligations fastened on these broadcasters.

Moreover, scarcity limits entry into any media business, not just broadcasting. Scarcity of advertisers, subscribers, newsprint, cable, and talented individuals make unfeasible unlimited entry into the newspaper or cable business. Prices de facto allocate ownership of print or cable undertakings to persons who can pay the market price for acquisition or de novo entry. Similarly, virtually any citizen can obtain a broadcasting license by purchase at a price that reflects spectrum, subscriber, advertiser, and other scarcities.

The Supreme Court has never adequately explained why spectrum scarcity—of the countless scarcities of the marketplace—is unique in justifying regulation of the *speech* of the user. The High Court has denounced statutory efforts to regulate the expression of the print media based on a scarcity of newspapers. Similarly impermissible would be attempts to regulate editorializing by newspapers that purchased newsprint from the government, or located vending machines on public sidewalks.

White's belief that the Fairness Doctrine will not chill the expression of controversial political speech is counterintuitive. Ordinarily, cost burdens associated

with regulation of speech cause less speech of the type that triggers the costs. Congress recognized this unbending rule of the marketplace when it exempted specified events involving candidates for office from the burdensome equal time statute to obtain greater broadcaster coverage of political or other news.

Offensive to the First Amendment

The Fairness Doctrine tarnishes several venerable First Amendment axioms. Although the scope of free speech, the Court has proclaimed, does not turn on the identity of the speaker, the doctrine regulates controversial speech of public importance if uttered by broadcasters but not if trumpeted by newspapers. The High Court has also repeatedly held that persons cannot be compelled to voice or be personally associated with the expression of political views that they deplore. The doctrine, however, compels broadcasters to air viewpoints they oppose. The Court has further frowned on regulations that discriminate on the basis of speech content. The doctrine, however, singles out controversial speech of public importance for special regulation.

In *FCC v. League of Women Voters* (104 S.Ct. 3106 (1984)), the Supreme Court signaled a readiness to re-examine the constitutionality of the Fairness Doctrine. In that case, the Court held unconstitutional a federal statute that prohibited editorializing by non-commercial broadcast licensees who received federal funds. To pass constitutional muster, the Court declared, regulation of broadcast speech must be narrowly tailored to further a substantial government interest. The Fairness Doctrine might fail this test, the Court hinted, if the FCC made either of two findings: first, that technological or marketplace developments since *Red Lion*, vastly increasing the number of media voices, discredit spectrum scarcity as a reason for regulating broadcast speech; or second, that experience demonstrates a chilling effect on controversial speech traceable to the Fairness Doctrine. On Aug. 23, 1985, the FCC issued a report making the findings the Supreme Court suggested would justify overruling *Red Lion* and invalidating the Fairness Doctrine.

FCC Sees the Chill

After an exhaustive study, the commission concluded that the Fairness Doctrine chills broadcaster speech addressing controversial issues of public importance. A fairness complaint lodged against a broadcaster, whether or not meritorious, imposes administrative, legal, and personnel expenses. Moreover, the complaint, simpliciter, charging a law violation may injure the licensee's marketplace reputation. And a broadcaster's license can be revoked for failing to ventilate conflicting views to the satisfaction of the FCC.

Consequently, the commission opined, the Fairness Doctrine inclines broadcasters to minimize the amount of controversial programming. That opinion was fortified by an abundance of testimony by broadcasters submitted in the agency record.

Examining the 1985 media marketplace, the commission found a precipitous increase in idea or programming outlets since 1969. The contemporary marketplace includes a wealth of non-broadcast media voices: cable television, low power television (LPTV), multipoint distribution service (MDS), multichannel

*A Fairness Doctrine
complaint lodged against a
broadcaster, whether or not
meritorious, may injure a
licensee's marketplace
reputation.*

multipoint distribution service (MMDS), satellite master antenna service (SMATV), newspapers, and magazines. The number of traditional broadcasters also has dramatically escalated since 1969.

A summary of marketplace developments shows that the number of radio stations has increased by 48 percent since *Red Lion*, television stations by 44 percent, and cable subscribers by 975 percent. Approximately 4,000 wholly new LPTV licenses will soon be issued. From zero in 1969, subscribership to MDS is approximately 500,000, and estimated subscribership to MMDS is predicted to be 6 million to 12 million by 1990. SMATV subscribership is approaching 1 million, and is growing. Video cassette recorders, owned by over one quarter of all TV households, enhance the viewer's ability to receive varied video programming.

The print media adds formidable competition and diversity to the idea and information marketplaces. As of 1984, 1,700 daily newspapers achieved a collective circulation exceeding 62 million. And 10,000 periodicals enriched the information marketplace in 1982.

Accordingly, the commission concluded, abundance rather than scarcity is the hallmark of both broadcast and non-broadcast outlets for the expression of viewpoints and the dissemination of information.

Prescription for Attack

The best tactics for employing the commission's fairness report to obtain an overruling of *Red Lion* are as follows. A broadcaster should seek a declaratory judgment in federal district court holding the Fairness Doctrine regulations of the FCC unconstitutional. The complaint should allege the chilling effect on protected speech caused by the regulations as injury sufficient to obtain standing. The fairness rules should not

be flouted by the plaintiff broadcaster, because judges generally frown on scofflaws.

The ideal plaintiff would be a small broadcaster in a community with many media voices, which obtained its license without challenge and has been vexed by a parade of meritless fairness complaints. The broadcaster should submit affidavits averring that because the Fairness Doctrine makes the costs of controversial programming prohibitive, undisputious and unedifying programming has become the norm on its channel. It would also be attractive if a viewer in the broadcaster's community joined as a co-plaintiff and alleged a desire for more controversial programming and a deprivation of a constitutional right to receive the same.

Armed with the commission's August 1985 report, the plaintiffs should be able to assail the twin pillars of *Red Lion*—spectrum scarcity and nonchilling effect on free speech. The likelihood of obtaining a declaratory judgment that the Fairness Doctrine violates the First Amendment is perhaps 75 percent.

The Supreme Court cannot forever blind itself to what all others can see and understand: that broadcast and substitutable media voices are prolific and multiplying, and that no rational First Amendment distinction can be drawn between the print media and broadcasters. ■

September 12, 1985

Dear Fred,

I thought you might be
interested in this
article. *from*

Best regards,

Bruce

Bruce E. Fein

Enclosure

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG128

INCOMING

NR

DATE RECEIVED: OCTOBER 28, 1985

NAME OF CORRESPONDENT: MR. TONY BONILLA

SUBJECT: RECOMMENDS MR. DAVID OCHOA FOR APPOINTMENT
TO THE FEDERAL COMMUNICATIONS COMMISSION

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
KATJA BULLOCK		ORG	85/10/28	RHI	A 85/10/30 ^{11 01} AB
UPP Sullivan		A	85/10/31 ^{11 04}	AB	C 85/11/24 AB
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: _____

MI MAIL USER CODES: (A) _____ (B) _____ (C) _____

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| * | * | *CORRESPONDENCE: | * |
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| *C-COMMENT/RECOM | *B-NON-SPEC-REFERRAL | * OF SIGNER | * |
| *D-DRAFT RESPONSE | *C-COMPLETED | * CODE = A | * |
| *F-FURNISH FACT SHEET | *S-SUSPENDED | *COMPLETED = DATE OF | * |
| *I-INFO COPY/NO ACT NEC* | | * OUTGOING | * |
| *R-DIRECT REPLY W/COPY * | | | * |
| *S-FOR-SIGNATURE * | | | * |
| *X-INTERIM REPLY * | | | * |
- *****

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(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

R/ 218823

November 1, 1985

Dear Mr. Bonilla:

This is to acknowledge your letter to President Reagan recommending David Ochoa for an appointment in the Reagan Administration.

Please be assured that these comments will be included in our personnel files, and as we endeavor to select the most qualified individuals to serve throughout the Government, your recommendation will be given careful consideration.

Thank you for letting us know of your interest in this candidate.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

Mr. Tony Bonilla
National Hispanic Leadership Conference
2590 Morgan Avenue
Corpus Christi, TX 78405

390368

KB

National Hispanic Leadership Conference

TONY BONILLA
Chairman

October 22, 1985

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

I am delighted to support the appointment of Mr. David Ochoa to the Federal Communications Commission. Mr. Ochoa has a long history of involvement in the electronic media. He is well respected by all who have worked with him over the years. He has been especially involved in community and professional activities in such diverse places as Oakland, Los Angeles, New York, and is presently working out of Nashville, Tennessee. He has worked as a reporter, producer, executive producer, and cable owner.

I believe his background will enable him to become an outstanding member of the Federal Communications Commission. I recommend him to you without reservation.

Yours truly,



Tony Bonilla

TB:alm

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG128

INCOMING

DATE RECEIVED: OCTOBER 28, 1985

NAME OF CORRESPONDENT: THE HONORABLE DENNIS DECONCINI

SUBJECT: RECOMMENDS JOSE C. CANCELA FOR APPOINTMENT
TO THE FEDERAL COMMUNICATIONS COMMISSION

219982 / 2

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION		
		ACT CODE	DATE YY/MM/DD	TYPE RFSP	C COMPLETED D YY/MM/DD	
M. B. OGLESBY		ORG	85/10/28	MD. A	85/10/30	TR
PP Bull	REFERRAL NOTE: _____	A	85/11/01		85/11/08	TR
PP Waldman	REFERRAL NOTE: _____	A	85/11/09	BW	85/11/14	TR
PP Sullivan	REFERRAL NOTE: _____	EA	85/11/15		85/11/25	CJ
	REFERRAL NOTE: _____		1/1		1/1	

COMMENTS: _____

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 1210 _____

MAIL USER CODES: (A) END _____ (B) _____ (C) _____

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| *C-COMMENT/RECOM | *B-NON-SPEC-REFERRAL | OF SIGNER | * |
| *D-DRAFT RESPONSE | *C-COMPLETED | CODE = A | * |
| *F-FURNISH FACT SHEET | *S-SUSPENDED | *COMPLETED = DATE OF | * |
| *I-INFO COPY/NO ACT NEC* | | OUTGOING | * |
| *R-DIRECT REPLY W/COPY * | | | * |
| *S-FOR-SIGNATURE * | | | * |
| *X-INTERIM REPLY * | | | * |
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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75,OEOb) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

November 11, 1985

Dear Senator Deconcini:

This is to acknowledge your letter to President Reagan recommending Jose C Cancela for an appointment in the Reagan Administration.

We appreciate your bringing this candidate's fine credentials to our attention. As you are probably aware, we in Presidential Personnel are receiving hundreds of resumes from deserving individuals who helped re-elect President Reagan.

The demand for appointments far exceeds the amount of existing vacancies. Nonetheless, we have begun to review and process this resume, and expect to contact this individual directly as soon as a determination has been made as to whether or not their talents can be utilized.

Thank you for your interest in the personnel selections of the Reagan Administration.

Sincerely,

Benjamin S. Waldman
Associate Director
Presidential Personnel

The Honorable Dennis Deconcini
United States Senate
Washington, DC 20510

Jose C Cancela
603 North 100th St
Scottsdale, AZ 85260

RACCNR:219982
BATCH#:X218

December 4, 1985

Dear Jose:

On behalf of President Reagan, I would like to thank you for expressing an interest in joining the Reagan Administration.

In order that we may begin processing your request for an appointment, we ask that you complete and return this document and a current copy of your resume in the enclosed envelope.

Thank you for your interest.

Yours truly,

Robert H. Tuttle
Director of Presidential Personnel

HOME PHONE: _____

BUSINESS PHONE: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NO: _____

1. VOTING ADDRESS (1984) _____

Voted: Yes ___ No ___ ZIP _____ COUNTY _____ PARTY _____

2. If you did not vote in 1984, please explain the circumstances.

3. Please indicate all 1984 campaign/candidate involvement (include the following):

Role/Position _____

Supervisor/Contact _____ Telephone Number: _____

4. Please indicate other campaign or political activities you have been involved in over the past several years that you want us to know (please be specific and include contacts with telephone numbers).

5. Please indicate the Department/Agency you are interested in and your area of expertise:

Department/Agency

Expertise

(Attach an additional sheet if necessary)

October 30, 1985

Dear Senator DeConcini:

On behalf of the President, I would like to thank you for your October 24 letter highly recommending Mr. Jose C. Cancela for appointment to the Federal Communications Commission.

We very much welcome your interest in contacting us in this regard, and have taken the liberty of sharing your strong endorsement with the appropriate officials within the Office of Presidential Personnel. Rest assured that your interest in Mr. Cancela for this post will be afforded careful review and consideration.

With best wishes,

Sincerely,

M. B. Oglesby, Jr.
Assistant to the President

The Honorable Dennis DeConcini
United States Senate
Washington, D.C. 20510

MBO:KRJ:JID:jid

cc: w/copy of inc to Katja Bullock - for
appropriate action

United States Senate
WASHINGTON, DC 20510

October 24, 1985

The President
The White House
Washington, D.C 20500

Dear Mr. President:

I would like to strongly recommend that **Jose C. Cancela** (biography and photo enclosed) be considered for the Democratic appointment to the **FCC** that is presently open.

Jose has extensive experience in the field of radio and television. I am certain that he would make a tremendous contribution to the FCC, and I would appreciate your considering his credentials. It would indeed be a good idea to have Mr. Cancela interviewed in order that you can discover the breadth of his experience, knowledge, poise, and background.

Sincerely,



DENNIS DeCONCINI
United States Senator

DDC/GKJ
Enclosures



Jose C. Cancela

RECOMMENDATION ROUTING TICKET

CANDIDATE: CANCELA, Jose C

RCVD BY: PRR RECAGCY: fcc

RECPOS: Comm

LTR# SENT: 1 PROCESS?: Y N

TO AD: ANF GWA KAR SAB MXS SEP

DATE TO AD: 851109 AD TO FILES: _____

RACCNR: 219982 FILESTAT: 4-2

INCOMPLETE RESUME

BAT: X218 LTR1 & FILESTAT: W

COMPLETE RESUME

BAT: _____ LTR1 & FILESTAT: C

YOB: _____ SSN: _____

AFTER REVIEW

FILESTAT:	AD	CF
POLRTG:	P	1
PRORTG:	P	1
RTGLVL:	1 (PAS)	2 (PA)
	3 (SES)	4 (SKC)
PAS/SES-LEAD:	ANF	GWA KAR
	MXS	SEP
PA-LEAD:	SAB	
SKC-LEAD:	ESP	ERS
TR2:	Y	N

PARTY: _____ 1980 DOM: _____

RECFOR: _____ AT: _____

JOSE C. CANCELA
10603 N. 100th Street
Scottsdale, AZ 85260

(602) 243-3333
(602) 951-0136

BUSINESS EXPERIENCE

June 1984 - Present

KTVW-TV, CHANNEL 33

GENERAL MANAGER

Responsible in overseeing the day to day operations of the only full time Spanish television station, serving Arizona's Hispanic community.

- Develop and maintain amicable working relationships with all media.
- Strong solid background in advertising.
- Manage local, national and network contract negotiations.
- Producer of local television programs.

1979 - May 1984

WLTW-TV, CHANNEL 23, Miami, FL

ACCOUNT EXECUTIVE

Two years introduction to all facets of television as Jr. Account Executive, including the different phases of a television station, production, programming and accounting.

- Develop clients to invest in advertising.
- Surpass monthly sales quota.
- 1983 Top salesman of the year.
- 1984 Promoted to General Manager for one of the SIN affiliates (KTVW-Phoenix).

Resume

Jose C. Cancela

Summary of Responsibilities, Skills and Abilities

Responsibilities

- o Media planning
- o Media selling
- o Network negotiation
- o Departmental administration
- o Business management

Skills and Abilities

- o Good communicator
- o Effective writer
- o Skillful presenter
- o Persuasive Seller
- o Strong negotiator
- o Good administrator
- o Flair for creativity
- o Strong marketing orientation
- o Up to date with new media alternatives
- o Personable but firm and fair

PERSONAL DATA

Age: 28

Health: Excellent

Marital Status: Married (Rosy Cancela)

EDUCATION

Miami Dade Community College - 1977-1979
Immaculate La Salle High School, Miami, FL.

MILITARY

Active Duty (18 months) U.S. Airforce
U.S. Airforce Active Reserve (5 years)
-Maintenance and repair of equipment used in servicing Aircraft.

HOBBIES AND INTEREST

Fishing, hunting, diving, reading

Resume

Jose C. Cancela

Business/Civic Organizations Currently Active In

Metropolitan Phoenix Broadcasters (ABA)
Los Hospederos of Arizona Food Industry Executives Club
Arizona Hispanic Chamber of Commerce
Retail Grocers Association of Arizona
The Phoenix City Club
Phoenix Press Club
Chicanos por la Causa
The American Jewish Committee
Phoenix Advertising Club, Inc.
The National Council Board of Directors
The Phoenix Metropolitan Chamber of Commerce
Arizona State University/Los Diablos Alumni-Scholarship Sponsor
South Mountain YMCA (Young Men's Christian Assoc.)
Annual National Hispanic Media Conference
State of Arizona/Dept. of Emergency & Military Affairs
United States Hispanic Senior Citizens Conference

AWARDS

1984-1985 A.S.U. Los Diablos Alumni
- For sponsoring Scholarship programs
1985 Chicanos por la Causa
- For outstanding community involvement and support

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG128

INCOMING

DATE RECEIVED: OCTOBER 28, 1985

NAME OF CORRESPONDENT: DR. FRANK NEWTON

SUBJECT: RECOMMENDS MS. PAULS MAES FOR APPOINTMENT
AS FCC COMMISSIONER

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION		
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
KATJA BULLOCK		ORG	85/10/28	RHT A	11/01	AB
PP Sullivan	REFERRAL NOTE:	A	85/10/31	AB	11/04	AB
	REFERRAL NOTE:					
	REFERRAL NOTE:					
	REFERRAL NOTE:					
	REFERRAL NOTE:					

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES:

MI MAIL USER CODES: (A) (B) (C)

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| *ACTION CODES: | *DISPOSITION | *OUTGOING | * |
| * | * | *CORRESPONDENCE: | * |
| *A-APPROPRIATE ACTION | *A-ANSWERED | *TYPE RESP=INITIALS | * |
| *C-COMMENT/RECOM | *B-NON-SPEC-REFERRAL | * OF SIGNER | * |
| *D-DRAFT RESPONSE | *C-COMPLETED | * CODE = A | * |
| *F-FURNISH FACT SHEET | *S-SUSPENDED | *COMPLETED = DATE OF | * |
| *I-INFO COPY/NO ACT NEC* | | * OUTGOING | * |
| *R-DIRECT REPLY W/COPY * | | | * |
| *S-FOR-SIGNATURE * | | | * |
| *X-INTERIM REPLY * | | | * |
- *****

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LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

November 1, 1985

Dear Mr. Newton:

This is to acknowledge your letter to President Reagan recommending Paula Maes for an appointment in the Reagan Administration.

Please be assured that these comments will be included in our personnel files, and as we endeavor to select the most qualified individuals to serve throughout the Government, your recommendation will be given careful consideration.

Thank you for letting us know of your interest in this candidate.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

Mr. Frank Newton
National Association of Hispanic Journalist
National Press Building #634
Washington, DC 20045

RECOMMENDATION ROUTING TICKET

CANDIDATE: Maes, Paula

RCVD BY: PRR RECAGCY: FCC

RECPOS: Comm

LTR# SENT: 12 PROCESS?: Y N

TO AD: ANF GWA KAR SAB MXS SEP

DATE TO AD: 851031 AD TO FILES: _____

RACCNR: 217285 FILESTAT: W X197

INCOMPLETE RESUME

BAT: _____ LTR1 & FILESTAT: W

COMPLETE RESUME

BAT: _____ LTR1 & FILESTAT: C

YOB: _____ SSN: _____

AFTER REVIEW

FILESTAT: AD CF

POLRTG: P 1

PRORTG: P 1

RTGLVL: 1 (PAS) 2 (PA)

3 (SES) 4 (SKC)

PAS/SES-LEAD: ANF GWA KAR

MXS SEP

PA-LEAD: SAB

SKC-LEAD: ESP ERS

LTR2: Y N

PARTY: _____ 1980 DOM: _____

RECFOR: _____ AT: _____

KB National Association of Hispanic Journalists

50-02

October 25, 1985

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

OFFICERS

GUILLERMO MARTINEZ
Miami Herald
President

MARIA ELENA SALINAS
KMEX-TV, Los Angeles
1st Vice President

MANUEL GALVAN
Chicago Tribune
2nd Vice President

ELAINE RIVERA
Washington Times
Secretary

GERALD GARCIA
Tucson Citizen
Financial Officer

ANTONIO ESPINAL
Noticias del Mundo, New York
At-Large Director

STEVE PADILLA
San Diego Union
At-Large Director

MAGGIE RIVAS
Dallas Morning News
At-Large Director

REGIONAL DIRECTORS

EVIDO DE LA CRUZ
El Diario-La Prensa, New York
Region 2 Director

ELISABETH PEREZ LUNA
Toucan Productions, Philadelphia
Region 3 Director

EVELYN HERNANDEZ
Miami Herald
Region 4 Director

VICTOR VAZQUEZ
KINT-TV, El Paso
Region 5 Director

ELISA ALFONSO
Latino Institute, Chicago
Region 6 Director

DON FLORES
Tucson Citizen
Region 7 Director

JULIO MORAN
Los Angeles Times
Region 8 Director

STAFF

FRANK NEWTON, Ph.D.
Executive Director

CONNIE A. RIVERA
National Census Manager

ALISA ZEPEDA
Administrative Assistant

RE: FCC Commissioner recommendation: Paula Maes, KOB-TV, Albuquerque

Dear Mr. President:

For the FCC Commission post being vacated by Mr. Henry Rivera, I wish to recommend for your consideration Ms. Paula Maes, Public Affairs Director for KOB-TV in Albuquerque. It has been my honor and pleasure to know and work with Paula for the past four years and I can wholeheartedly attest to her excellent character and abilities.

My work with Paula has involved two national organizing efforts for Hispanic professionals in the media. In 1982 she participated in the conception and planning of the first National Hispanic Media Conference. This annual meeting is now in its fourth year and it has proven itself to be the major professional gathering for Hispanics in the media throughout the United States. Building on this successful and extremely important effort, Paula joined with a dozen other leading Hispanic media professionals to found the National Association of Hispanic Journalists (NAHJ). Thus, Paula has played a vitally important role in the two major achievements for Hispanic media professionals in this decade. For it has been through NAHJ and the National Hispanic Media Conference that the visibility and credibility of Hispanic media professionals have finally begun to flourish at a national level.

Paula's instrumental role in these national organizing efforts for Hispanics has enabled her to establish strong linkages with many leading Hispanics in print and broadcast media across the country. Moreover, she has been a leading figure in other national media organizations, including Women In Communications and the National Broadcast Association for Community Affairs. Thus the strength of her commitment to her profession, as well as the scope of her contact with key media professionals nationwide, are exceptional.

Paula Maes's record and background in the media are truly commendable. I hope that you agree that she would make an excellent FCC Commissioner. I thank you for your kind attention to this recommendation.

Sincerely,

Frank Newton, Ph.D.
NAHJ Executive Director

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG128

INCOMING

DATE RECEIVED: OCTOBER 29, 1985

NAME OF CORRESPONDENT: MISS ANTONIA HERNANDEZ

SUBJECT: RECOMMENDS MR. DAVID OCHOA FOR APPOINTMENT
TO THE FEDERAL COMMUNICATIONS COMMISSION

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION			
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD	
KATJA BULLOCK		ORG	85/10/29	RHT A		11/01/85	AB
<i>PP Sullivan</i>	REFERRAL NOTE:	A	8/10/85	AB		11/04/85	AB
	REFERRAL NOTE:						
	REFERRAL NOTE:						
	REFERRAL NOTE:						
	REFERRAL NOTE:						

COMMENTS: _____

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: _____

MI MAIL USER CODES: (A) _____ (B) _____ (C) _____

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*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                       *                               *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED           *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL *           OF SIGNER    *
*D-DRAFT RESPONSE     *C-COMPLETED         *           CODE = A    *
*F-FURNISH FACT SHEET *S-SUSPENDED         *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                               *           OUTGOING  *
*R-DIRECT REPLY W/COPY *                               *                               *
*S-FOR-SIGNATURE      *                               *                               *
*X-INTERIM REPLY      *                               *                               *
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REFEP QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

November 1, 1985

Dear Mr. Hernandez:

This is to acknowledge your letter to President Reagan recommending David Ochoa for an appointment in the Reagan Administration.

Please be assured that these comments will be included in our personnel files, and as we endeavor to select the most qualified individuals to serve throughout the Government, your recommendation will be given careful consideration.

Thank you for letting us know of your interest in this candidate.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

Mr. Antonio Hernandez
Mexican-American Legal Defense & Education Fund
634 South Spring Street 11th Floor
Los Angeles, CA 90014

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KB
Mexican American
Legal Defense
and Educational Fund

634 South Spring Street,
11th Floor
Los Angeles, CA 90014
(213) 629-2512



#350494
MALDEF

October 21, 1985

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear President Reagan:

I am writing to recommend that Mr. David Ochoa be appointed a member of the Federal Communications Commission.

Mr. Ochoa has a commendable record and background as a cable system owner. He has been employed by two network-owned television stations in New York and Los Angeles, and is also directing communications programs for the United Methodist Church. Furthermore, among his many honors and awards, he was selected as one of the 100 most influential Hispanics in America.

As the FCC is the body responsible for regulating broadcasting and common carriers, he would no doubt be the ideal candidate to serve on this five member commission. Because of his outstanding qualifications and his commitment to the field of communications, I urge your serious consideration of his appointment.

Sincerely,

Antonia Hernandez

Antonia Hernandez
President and General Counsel

cc: The Honorable Alan Cranston
The Honorable Pete Wilson

National Office

28 Geary Street
San Francisco, CA 94108
(415) 981-5800

Regional Offices

343 South Dearborn Street
Suite 910
Chicago, IL 60604
(312) 427-9363

250 W. Fourteenth Avenue
Suite 308
Denver, CO 80204
(303) 893-1893

634 South Spring Street,
11th Floor
Los Angeles, CA 90014
(213) 629-2512

517 Petroleum Commerce Bldg.
201 North St. Mary's Street
San Antonio, TX 78205
(512) 224-5476

1701 18th Street, N.W.
Washington, D.C. 20009
(202) 393-5111

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG128

INCOMING

DATE RECEIVED: OCTOBER 29, 1985

NAME OF CORRESPONDENT: MR. WILLIAM W. RIKER

SUBJECT: RECOMMENDS MR. DAVID OCHOA FOR APPOINTMENT
AS COMMISSIONER ON THE FEDERAL COMMUNICATIONS
COMMISSION

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
KATJA BULLOCK		ORG	85/10/29	RWT	AS 11/01/85
<i>PP Sullivan</i>	REFERRAL NOTE: _____	A	85/10/31	AB	AS 11/01/85
	REFERRAL NOTE: _____		/ /		/ /
	REFERRAL NOTE: _____		/ /		/ /
	REFERRAL NOTE: _____		/ /		/ /
	REFERRAL NOTE: _____		/ /		/ /

AB
AB

COMMENTS: _____

ADDITIONAL CORRESPONDENTS: MEDJA:L INDIVIDUAL CODES: _____

MI MAIL USER CODES: (A) _____ (B) _____ (C) _____

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|--------------------------|----------------------|----------------------|---|
| *ACTION CODES: | *DISPOSITION | *OUTGOING | * |
| * | * | *CORRESPONDENCE: | * |
| *A-APPROPRIATE ACTION | *A-ANSWERED | *TYPE RESP=INITIALS | * |
| *C-COMMENT/RECOM | *B-NON-SPEC-REFERRAL | OF SIGNER | * |
| *D-DRAFT RESPONSE | *C-COMPLETED | CODE = A | * |
| *F-FURNISH FACT SHEET | *S-SUSPENDED | *COMPLETED = DATE OF | * |
| *I-INFO COPY/NO ACT NEC* | | OUTGOING | * |
| *R-DIRECT REPLY W/COPY * | | | * |
| *S-FOR-SIGNATURE | | | * |
| *X-INTERIM REPLY | | | * |
- *****

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

November 1, 1985

Dear Mr. Riker:

This is to acknowledge your letter to President Reagan recommending David Ochoa for an appointment in the Reagan Administration.

Please be assured that these comments will be included in our personnel files, and as we endeavor to select the most qualified individuals to serve throughout the Government, your recommendation will be given careful consideration.

Thank you for letting us know of your interest in this candidate.

Sincerely,

Robert H. Tuttle
Director of Presidential Personnel

Mr. William Riker
Society of Cable Television Engineers Inc.
Post Office Box 2389
West Chester, PA 19382



Society of Cable Television Engineers, Inc.
P.O. Box 2389
West Chester, PA 19382
(215) 363-6888

150475

William W. Riker
Executive Vice-President

KB
October 24, 1985

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

As Executive Vice-President for the Society of Cable Television Engineers, I wish to submit my endorsement of Mr. David Ochoa for the open position of Commissioner on the Federal Communications Commission. Having once been a communications lobbyist at the FCC, I realize the importance of appointing Commissioners who have had prior work experience in the communications industries, and therefore a deeper understanding of their operations. Mr. Ochoa has worked in the cable television and broadcast industries, which are both presently undergoing deep regulatory change.

I feel Mr. David Ochoa would make an excellent addition to your already outstanding group of Commissioners.

Sincerely,

William W. Riker

cc: Mr. David Ochoa

WWR/efr