

**REMARKS OF COMMISSIONER AJIT PAI
TO THE BOARD OF DIRECTORS OF THE NATIONAL RELIGIOUS BROADCASTERS
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Earlier this year, I had the pleasure of visiting our nation's first commercial radio station, KDKA in Pittsburgh, Pennsylvania. KDKA took to the airwaves on November 2, 1920. Just two months later, it aired the first religious service in the history of radio. The service took place at Calvary Episcopal Church in Pittsburgh. The junior pastor preached that Sunday because his more senior colleague was skeptical of the new technology. All went well, and eventually the elder clergyman came around. After that, KDKA aired Calvary's Sunday service on a regular basis for over forty years.

This story goes to show that religious programming has been a critical part of the broadcast landscape dating back to the first days of the medium. But the relationship between the federal government and religious broadcasters hasn't always been harmonious. The Federal Radio Commission, the FCC's predecessor, took the position that religious broadcasters did not serve the public interest, but instead operated "special-interest" stations. This effectively drove many religious stations off the air in the late 1920s and early 1930s—times when many Americans were looking for some good news.

The FCC's relationship with religious broadcasters has also hit some bumps in the road. In 1964, WGCB-AM aired a fifteen-minute broadcast by Reverend Billy James Hargis criticizing an anti-Barry Goldwater book, along with its author. Now, based on what I've read (since I wasn't around at the time), Goldwater critics weren't exactly hard to find in the media during the 1964 presidential campaign. But the FCC nonetheless decided that WGCB's refusal to give the author free airtime to respond was unlawful under the so-called Fairness Doctrine.

That dispute went all the way to the U.S. Supreme Court in 1969. In the resulting *Red Lion* decision, the Supreme Court rejected the station's argument that the Fairness Doctrine violated the First Amendment.¹ In my humble opinion, the Court got that case wrong. And I'm not alone. A prominent Goldwater supporter went on to become President of the United States, and his Administration ended the Fairness Doctrine. That President, of course, was Ronald Reagan.

How different the world of religious broadcasting is today. The Fairness Doctrine is a footnote in the history books, and we now recognize that religious programming serves the public interest. And in the 21st century, I hope the FCC will continue its trend of siding with religious freedom. I myself understand that religious liberty is the first freedom mentioned in the Bill of Rights. So I offer you the following commitment: As long as I have the privilege of serving in this office, I pledge to defend your First Amendment rights. I will not support any action that would infringe upon religious liberty.

Since I joined the Commission in May of last year, my office has enjoyed a warm relationship with the National Religious Broadcasters. I've welcomed your thoughts on a wide range of issues from incentive auctions to indecency. But this afternoon, I'd like to focus on two issues in particular that I know NRB cares about—third-party fundraising and AM radio.

Broadcasters of all stripes play a vital role in keeping society informed about what's going on in the world, but religious broadcasters play a special role. To borrow from Paul's letter to the Thessalonians, they remind us to "encourage the disheartened" and "help the weak."² Indeed, religious institutions and other non-profit organizations are the "thousand points of light" about which President George H.W. Bush spoke. They stand at the center of our nation's civil society and often can help our fellow citizens in ways that no government program can. We see evidence of that in communities across

¹ *Red Lion Broadcasting Co., Inc. v. FCC*, 395 U.S. 367 (1969).

² 1 Thessalonians 5:14.

our country every day, as Americans are more likely to give to charity or volunteer their time than any other people on Earth.

The federal government should welcome citizens' charity, but sometimes it isn't charitable when it comes to its own regulations. Take the FCC's rules on fundraising by noncommercial educational broadcast stations. Today, those rules let noncommercial stations raise money only for themselves, not for the soup kitchen down the street or the shelter for battered women across town. This restriction calls to mind the famous questions posed by the revered biblical scholar Hillel. He asked: "If I am not for myself, then who will be for me? And if I am only for myself, then what am I?"

Now, the FCC has waived these rules on occasion following catastrophic events like the September 11 terrorist attacks, Hurricane Katrina, the earthquake in Haiti, and the tsunami in Japan. But noncommercial stations shouldn't have to seek Commission approval each time they wish to raise money for those in need. And disaster-relief efforts aren't the only worthy charitable causes. Those who are hungry or homeless need help every day, not just in the aftermath of events that generate headlines.

Thankfully, the FCC last year proposed to reform our third-party fundraising prohibition. Lots of people weighed in. After reviewing this extensive record, my conclusion is this: Allowing noncommercial stations to fundraise for third-party charities is the right thing to do. For religious broadcasters, this is especially important. Instead of living by this rule, you would be able to live by your faith. In Deuteronomy 15:11, God commands us "to be openhanded toward your fellow [countrymen] who are poor and needy in your land." I know that religious broadcasters take this mandate seriously, and it's time for the FCC to stop standing in the way of those who wish to follow it.

Specifically, the Commission should allow noncommercial educational stations to use up to one percent of their annual airtime to raise funds for third-party non-profit organizations. That's a little less than 88 hours per year and less than 15 minutes per day. This rule would allow stations to help meet the humanitarian needs in their local communities and around the world, and it wouldn't undermine the noncommercial nature of their operations. Indeed, the success of disaster-relief fundraisers that have been held following FCC waivers proves that stations can help people in need without compromising their noncommercial character.

There are some indications that public broadcasters do not want such a rule change to apply to them. If that's the case, that's fine with me. And charities that benefit from this kind of fundraising should be 501(c)(3) organizations. This limitation will keep the FCC out of the business of determining who qualifies as a charity and who does not. We have more than enough on our plate to keep us busy without entering into that thicket. For better or worse, and notwithstanding recent news headlines, that's a decision better left to a different federal agency.

I should also mention that I can't agree with certain arguments against third-party charitable fundraising. A common one is the assertion that opening the door, even a crack, to third-party fundraising would put stations in the position of having to approve some requests for airtime while denying others. It's certainly possible, I suppose, that making choices like this could cause stations some heartburn. But broadcasters make plenty of decisions each and every day, and I'm sure they can handle this one without antacid. I also don't accept the underlying premise that people should be given less freedom because making decisions sometimes can be hard. In this area, as in so many others, the government shouldn't make choices for us in order to spare us the stress of choosing. If stations don't want to engage in third-party fundraising, then I would remind them of three words popularized by former First Lady Nancy Reagan: Just say no.

Another argument is that allowing stations to devote even one percent of their airtime to charitable fundraising will drive away audiences. But I believe that broadcasters know better than we do at the FCC how listeners or viewers will respond to charitable fundraising drives. I don't think that less

than 15 minutes a day of charitable fundraising will alienate those who listen to or watch noncommercial stations. But if it does, stations have every incentive to change course.

Put simply, I believe that noncommercial stations should be free to decide for themselves whether they will devote a small portion of their airtime to third-party non-profit fundraising. With common-sense limits to ensure that these stations remain noncommercial, partnerships between charities and stations can help communities across our country and around the world.

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Shifting gears, I also wanted to spend a few minutes this afternoon discussing AM radio. When I was born, AM radio accounted for approximately half of all listening. Today, it's less than twenty percent. The number of AM stations is declining, and every day it seems harder to receive a quality AM signal. Many have asked and even begged for the FCC to do something to help save the AM band. But the agency last comprehensively revised its AM radio regulations the same month that Billy Graham brought his crusade to 250,000 people in New York City's Central Park: September 1991.

Last year, I said that it was once again time for us to take a hard look at our AM radio rules. I proposed that the FCC launch an initiative to revitalize AM radio. And I have been amazed and gratified by the response to my proposal.

Over the course of the last twelve months, my office has been flooded with good suggestions for what the FCC should do to help the AM band. Station operators, including religious broadcasters, have shared their ideas with me. Engineers have picked up the phone and offered their advice. Dedicated listeners have sent e-mails and tweets voicing their support.

The conversation that's taken place over the last year has been very helpful in generating ideas. But talk alone isn't going to get the job done. We have a lot of work to do. I couldn't put it better than Proverbs 14:23: "All hard work brings a profit, but mere talk leads only to poverty."

That's why I am so pleased that a few weeks ago, the FCC's Media Bureau circulated a draft order addressing AM revitalization. The draft order seeks public input on proposed changes to our AM radio rules, and I hope that we'll take action on it soon.

Once the FCC formally proposes changes to improve AM, it'll be your turn. I encourage you and all religious broadcasters to make your voices heard. Let us know what you think of our proposals. Which ones do you support? Which ones raise concerns? What other ideas that aren't mentioned should we be considering? To get this right, we need to hear from you.

In the short term, we'll have to act quickly to give AM broadcasters relief while we come up with more permanent fixes for the band's difficulties. One simple but important concept would be to make it easier for broadcasters to improve their signals and find suitable antenna sites. We should also make it easier for AM stations to get and use FM translators. In 2009, the FCC amended its rules to allow AM stations to be rebroadcast on FM translators. I've heard firsthand how this step has been a lifeline for many AM broadcasters. But I've also heard from countless station owners who are frustrated by their inability to get a translator. A petition is currently pending at the Commission to make it easier for AM stations to move FM translators, and I support that effort. But the FCC should go further—we should open up a window where any AM station without an FM translator can get one so long as there is available spectrum.

Proposals like these can be a bridge to the AM band's future. But as we go about building that bridge in the coming months, we also need to continue thinking about what will sit on the other side: the long-term future of AM. There isn't a consensus on the steps we need to take for the AM band to be alive and well ten or fifteen years from now. And I don't have the answer right now either. But I do believe that we need to be bold and slip the surly bonds of conventional wisdom. We need to experiment with ideas like digital AM, synchronous transmission systems, and nighttime power level adjustments, and see

what will work. If we hold these experiments, if we take these risks, if we do this work, we can help revitalize one of the oldest communications services in America.

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I'd like to close this afternoon with a Bible verse that reflects the approach I've tried to embrace during my time at the FCC. Proverbs 15:22 tells us that "[p]lans fail for lack of counsel, but with many advisers they succeed." Since taking office, I've had an open-door policy and I've regularly spoken with broadcasters from across the country. Just last Friday, for example, I spoke by phone with a small AM broadcaster in Minnesota about his ideas for the band. And just yesterday, I chatted with an AM station owner in Wisconsin whose broadcasts allow a local pastor to reach church-goers who are too old or sick to make it into the pews.

So as we move forward, I encourage you not to be strangers. If you have ideas for how the FCC can improve our broadcasting rules to better help you accomplish your missions, let me know. For even though it has been a pleasure to share my thoughts with you today, I've found that I always learn more from listening than talking.