

FCC Head Wants Bigger Fines for Profanity

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Body

The head of the Federal Communications CommissionFederal Communications Commission, upset over a growing use of profanity on television and radio, wants to sharply increase the penalties for broadcasters airing indecent programs.

FCC Chairman Michael Powell said at a National Press Club luncheon on Wednesday that the current maximum penalty, \$27,500 for each incident, should be 10 times higher.

"Some of these fines are peanuts - they are peanuts because they haven't been touched in decades," Powell said. "They're just the cost of doing business to a lot of producers, and that has to change."

Powell's proposal, which needs congressional approval, comes amid continued criticism of the FCC for a ruling in October that an expletive uttered by the musician Bono on a network TV program was not indecent because it was used as an adjective rather than to describe a sex act. And it follows a report in September by a conservative advocacy group, the Parents Television Council, which found much more foul language on network TV.

Powell, who has asked his four fellow commissioners to overturn the FCC ruling on Bono, said it was irresponsible for broadcasters to air profanity during hours when children may be watching.

Federal law and FCC rules ban radio stations and over-the-air television channels from airing obscene material at any time, and from airing indecent material between 6 a.m. and 10 p.m. The FCC defines obscene material as describing sexual conduct "in a patently offensive way" and lacking "serious literary, artistic, political or scientific value." Indecent material is not as offensive but still contains references to sex or excretions.

"It's irresponsible of our programmers to continue to try to push the envelope of a reasonable set of policies that tries to legitimately balance the interests of the First Amendment with the need to protect our kids," Powell said. "I think that line is beginning to be crossed."

One of the two Democratic commissioners, Jonathan Adelstein, backed Powell's call for higher fines.

"We get a lot of complaints," Adelstein said. "We're getting serious about it now. Hopefully, we'll see less people crossing the line on this. We want to give them incentives to do that."

The National Association of Broadcasters declined to comment. So did NBC, which aired the Golden Globes Awards show last year where Bono, the lead singer of the Irish rock group U2, said "this is really, really, f----- brilliant."

The FCC's enforcement bureau said Bono's comments were not indecent or obscene because the F-word was used as an adjective.

But lawmakers have been quick to react.

Rep. Fred Upton, R-Mich., chairman of the House Energy and Commerce subcommittee on telecommunications and the Internet, said he would introduce legislation to increase the maximum fines for indecency. His subcommittee plans a hearing on the issue Jan. 28.

"Clearly, we're beyond the 'Ozzie and Harriet,' days but we still don't need some of this language that's out there," Upton said. "It's on the air because they can get away with it."

Watchdog groups say broadcasters are trying to compete with racier cable television channels, which are not covered by the same FCC rules, and trying to attract the young males coveted by advertisers.

"This is a game where you're competing for audiences," said Celia Wexler, research director for Common Cause. "They're not thinking about what the soccer mom and their kids might enjoy; they're thinking about what that 18 to 24 year old male might enjoy."

The commission's two largest penalties for indecency were \$1.7 million against Infinity Broadcasting in 1995 to settle several cases against radio disc jockey Howard Stern and \$357,000 in October against Infinity for a segment on the "Opie and Anthony" radio show in which a couple was said to be having sex in New York's St. Patrick's Cathedral.

On the Net:

Federal Communications CommissionFederal Communications Commission: <http://www.fcc.gov>

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