

REMARKS OF FCC COMMISSIONER MICHAEL J. COPPS
NAB INDECENCY SUMMIT
WASHINGTON, DC
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Thank you for coming and being a part of what could be and should be the beginning of real and measurable progress to clean up America's airwaves. I have been urging top-level industry attention to indecency for a long time and I hope that sustained, results-oriented solutions are exactly what's on your mind.

Let's begin with why we are here today. We are here because millions of Americans have made it convincingly clear that they no longer will tolerate media's race to the bottom when it comes to indecency on the people's airwaves. We are here because it is no longer possible for your industry or the Federal Communications Commission to duck the issue with impunity. And we are here because people are demanding action—action now.

The issue we are discussing today -- indecency -- goes right to the heart of your public interest responsibility to the communities you serve and to the Commission's obligation to enforce the law.

Every day when I boot up my FCC computer, every time I visit a town or city anywhere across this country of ours, I hear the people's concern: we are fed up, they say, with the patently offensive programming coming our way so much of the time. I saw the people's anger all last year when Commissioner Adelstein and I took to the road in our media ownership forums, and I saw it again over the past few months as all the Commissioners were in Charlotte, North Carolina and San Antonio, Texas for hearings on localism—people from all walks of life and every political persuasion lined up to express their frustration—their anger—with the sex, violence and profanity that pervades so much of our media. We even had kids stand up and say how fed up they are with the programming coming their way.

It wasn't the Super Bowl that started all this. This issue has been at the grassroots since long before I came to the FCC, and anyone who thinks it was just one or two recent high profile incidents that got it going has missed the most important part of the story. About the only place where the Super Bowl had a galvanizing effect was here in Washington, particularly at the FCC, where the tired old arguments I have been hearing for the past three years were finally laid to rest—I think. "If people don't like what they're seeing, they can just turn it off," I was told. Are we supposed to just turn off the all-American Super Bowl? Another refrain I had been hearing was: "Let the V-Chip handle it." Don't get me wrong, I like the V-Chip. But it was irrelevant that Sunday night. How do you warn against half-time shows or slimy ads or sensation-seeking previews of coming movie and television attractions? One incident seldom sparks a revolution, and the seeds of this particular revolution have been building—and have been painfully obvious—for a long, long time.

What fueled this mad race to the bottom? I think two things. One is that some chose to push the envelope too far. Particularly in this age of huge media conglomerates, the unforgiving expectations of the marketplace have more influence than they once did in driving media behavior. The other reason—every bit as important—is that the regulatory commission charged with keeping this race from happening abdicated its enforcement responsibilities and thereby created a climate wherein indecency could flourish. If the agency charged with putting the brakes on has no credibility with those who are programming indecency—if it commands no respect on the issue because it runs away from the issue—is it any wonder that the envelope gets pushed farther and farther out?

I believe that, as a society, we have a responsibility to protect children from content that is inappropriate for them. And when it comes to the broadcast media, the Federal Communications Commission has the statutory obligation—the legal mandate—to protect children from indecent, profane and obscene programming. I take this responsibility with utmost seriousness. I am supposed to take it with utmost seriousness—whether I agree with it or not—because it's the law.

The process by which the FCC has enforced these laws has long been lax. I won't detail here the long history of actions not taken, program complaints ignored, fines not imposed, procedures made as user-unfriendly as they could be, and buck-passing in the decision-making process that together constitute the Commission's record on indecency. We weren't even talking the talk most of the time, leave alone walking the walk. Now, happily, we are not only talking the talk, but actually sending up some signals that maybe we'll even walk the walk some day soon, which for me means assessing fines that go beyond the normal costs of doing business and, more importantly, sending some of the more outrageous cases to administrative hearings for possible license revocation.

I want you to know exactly where I stand. I am encouraged and supportive of your coming together today to talk about actions you can take to solve a problem that most of you now seem willing to recognize. I wish you nothing but success as you tackle this problem. But while you meet and discuss and move toward I hope resolute new industry policies on indecency, I am going to be pressing my colleagues to get on with the job of enforcing the statute, using all the ammunition already in our armory and also putting to immediate use any additional arrows that Congress may provide for our quiver. Congress, it seems clear, intends to make us walk the enforcement walk.

In recent Congressional testimony, I laid out some steps we could take at the Commission to carry out our statutory obligations. These include using our full authority, including license revocation hearings, to punish those who violate the statute; reforming the complaint process to make it consumer-friendly and also to make decisions more quickly; tackling the depiction of graphic violence that has become such a pervasive problem, something we should have done long ago; making certain that affiliated stations have the right to preempt programming that is on their stations; and refusing to renew the licenses of those who wantonly disserve the public interest.

That's what I see for me. How about you? I hope that as broadcasters—as licensees of the public airwaves—you will also take action. By taking more responsibility for what is broadcast, particularly when children are likely to be watching, you would make a huge contribution to our kids and to our society. From the day I arrived at the Commission, I have been talking about how broadcasters could voluntarily tackle the issues of indecent, profane and violent programming. Many of you remember the old Codes of Broadcaster Conduct. Through enlightened self-regulation, the industry clamped restrictions on the presentations of sexual material, violence, liquor, drug addiction, even on excessive advertising. The Codes also affirmed broadcaster responsibilities toward children, community issues, and public affairs. It didn't always work perfectly; I'm not saying it was some golden age; but it was at least a serious effort premised on the idea that we can be well entertained at levels several cuts above the lowest common denominator that now dictates so much programming. It is time for a tough new code. And the code I'd like to see is not some bland statement of general principles, but something explicit and including incentives to encourage compliance.

I believe the industry could come together and craft a new code, perfectly able to pass court muster, and one that would serve the needs of businesses as well as those of concerned families. Some other ideas: broadcasters could commit to family hours during prime time. More diversity in program-development and program-sourcing could also help—that means more independently-produced programs. And you need to include in your deliberations what public interest standards you think appropriate for the new world of multi-casting that digital television is already beginning to bring us. These are just a few suggestions; I am certain you can come up with many more.

Successful resolution of the indecency issues must in the end include cable and satellite. Eighty-five percent of homes get their television signals from cable or satellite. Most viewers, particularly children, don't recognize the difference as they flip channels between broadcast stations and cable channels. Because cable and satellite are so pervasive, there is a compelling government interest in addressing indecency when children are watching. Indeed, the courts have already applied this to cable. And let's not forget that cable and DBS make liberal use of the people's spectrum too and this incurs an obligation to serve the public interest. Cable could also explore such options as offering a family tier so that families don't need to receive channels like MTV in order to get the Disney Channel. Commissioner Martin has made positive suggestions on this. Cable could also make sure that family channels offer all family-friendly programming. One other suggestion: Have Eddie Fritts call up Bob Sachs and invite him and his CEOs to a more inclusive industry summit on indecency.

The proof of your efforts will not be that you have begun a dialogue or put together a task force. Or even that you have crafted a program. No, the final judgment here will be rendered by the American people and will be based on what they actually see on their televisions and hear on their radios. Anyone in industry or at the Commission who thinks they can “politick” this problem for a few months and it will magically disappear needs to crawl out of his or her cocoon. Nor will returning to lax enforcement after a few months pass muster with our citizens. Industry and the Commission will get

passing grades here only insofar as the airwaves really are cleaned up and kept clean. If that doesn't happen, this issue is not going away.

Let me urge you also to cast your net widely as you develop a program. A grassroots issue merits—indeed compels—grassroots input. If this was an “inside-the-Beltway” issue, we wouldn't be here today. Open your doors, let the sun shine in, reach out and talk to those who you want to see and hear your programs. You'll have a better product by far if you do this.

My challenge to you is to put the FCC on the enforcement sidelines by eliminating indecency on the airwaves. My challenge to my colleagues at the Commission is to make enforcement credible enough so that industry will do what it should have been doing all along.

Yours is a proud and special industry, about as special as they get. You're not a “toaster with pictures.” You are stewards of a precious national resource, charged to advance the public interest in exchange for the right to use that resource. What you do affects profoundly the future of our kids and the future of our country. I know many of you personally, and as I meet and talk with you, I am impressed so often to see the flame of the public interest still burning. Sometimes it flickers for want of oxygen, particularly in the new media environment in which we live. That new environment explains a lot, but it excuses nothing. And I am here today to ask you to breathe the clean fresh air of citizen concern and common sense on that flickering flame. Passing our airwaves on to the next generation in better shape than we found them is your job and my job, and how you and I, in our individual ways, handle the matter before us today will provide ample opportunity for people to judge the success of our stewardship. They are watching and they are judging right now.

Thank you and good luck.