



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE
April 8, 2004

NEWS MEDIA CONTACT:
Janice Wise at (202) 418-7450

FCC AFFIRMS FORFEITURE AGAINST EMMIS FOR VIOLATION OF INDECENCY RULES

Washington, D.C. – The Federal Communications Commission today released a *Memorandum Opinion and Order* affirming a \$14,000 forfeiture penalty against Emmis Radio License Corporation for willfully broadcasting indecent material over Station WKQX(FM), Chicago, Illinois.

The Commission agreed with the Enforcement Bureau that the station had repeatedly aired indecent material during its “Mancow’s Morning Madness” program. The Commission rejected Emmis’s arguments that the complaints did not include enough information to support indecency findings.

Action by the Commission, March 17, 2004, Memorandum Opinion and Order (FCC 04-62). Chairman Powell; Commissioner Abernathy; Commissioner Copps dissenting and issuing a statement; Commissioner Martin; and Commissioner Adelstein.

Enforcement Bureau contacts: Janice Wise and Lisa Fowlkes at (202) 418-7450.

**DISSENTING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

*Re: Emmis Radio License Corporation, Licensee of Station WKQX(FM), Chicago, Illinois,
Notice of Apparent Liability for Forfeiture*

I dissent from today's decision upholding an Enforcement Bureau decision that I believe is woefully inadequate. In response to complaints about five separate incidents aired on WKQX-FM, the Enforcement Bureau dismissed three of the complaints, including one in which sex between a 27 year old man and a nine year old child was discussed on the air. In the other two incidents – an interview with three women about oral sex and a discussion with a porn star about sexual activities – the Enforcement Bureau imposed a fine of \$7000 for each incident. I also note that since addressing these five broadcasts, we have received additional complaints about this same station and same program, and the Enforcement Bureau has continued to propose \$7000 fines on four different occasions. Such fines will be easily absorbed as a “cost of doing business.” Our enforcement actions should send a message that licensees cannot ignore their responsibility to serve the public interest and to protect children. The Commission's action today fails to do so.