

**DISSENTING STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

*Re: WBDC Broadcasting, Inc., Licensee of Station WBDC-TV, Washington, D.C.,
Memorandum Opinion and Order, October 01, 2004*

This Order acknowledges that one of the shows in question contains “sustained and repeated references” to excretory activities which are “the constant theme of the program,” and that “the cumulative effect of such repeated references appears to pander to a vulgar interest.” The Order similarly acknowledges that another show contains “sustained and repeated references” to sexual organs, and that “the cumulative effect of such repeated references appears to pander to a vulgar interest.” Yet, the Order concludes neither show is indecent. This decision appears to be inconsistent with our precedent. In the past, if similar references, in similar contexts, have been made on radio shows, the Commission has fined the radio station. I believe the Commission should apply the same standard to television and radio broadcasts.