

**STATEMENT OF COMMISSIONER MICHAEL J. COPPS,
APPROVING IN PART, DISSENTING IN PART**

*Re: Complaints by Parents Television Council against Various Broadcast Licensees
Regarding Their Airing of Allegedly Indecent Material*

We continue to hear from citizens who are concerned about sexually explicit and profane programming on the airwaves and the potentially detrimental effects of this programming on our children. As an initial matter, I would note that this Commission has a solemn obligation to respond to consumer complaints. These complaints are increasing exponentially from a few hundred only a couple of years ago to over 1 million in 2004. And in the last few years, complaints about television broadcasts have equaled or exceeded those about radio broadcasts. Yet, although the Commission recently has begun to take action against indecency on television, some citizens remain concerned that the FCC summarily dismisses their complaints. At the same time, some broadcasters contend that the Commission has not been adequately clear about how it determines whether a broadcast is indecent. Today's rather cursory decisions do little to address any of these concerns.

In these two Orders, the Commission combines 36 unrelated complaints with no apparent rhyme or reason other than that they concern television broadcasts. The Commission then denies these complaints with hardly any analysis of each individual broadcast, relying instead on generalized pronouncements that none of these broadcasts violates the statutory prohibition against indecency on the airwaves. I believe that some of these broadcasts present a much closer call. Exemplary of the complaints that should not have been summarily denied is one concerning *The Diary of Ellen Rimbauer*, which I believe may very well violate the statutory prohibition against indecency.

Although it may never be possible to provide 100 percent certainty because we must always take into account the specific context, developing guidance and establishing precedents are critically important Commission responsibilities. We serve neither concerned consumers nor the broadcast industry with the approach adopted in today's item.