

**STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

Re: Complaints Against Various Licensees Regarding Their Broadcast on November 11, 2004, of ABC Television Network's Presentation of the Film "Saving Private Ryan,"

Today, we reaffirm that content cannot be evaluated without careful consideration of context. Saving Private Ryan is filled with expletives and material arguably unsuitable for some audiences, but it is not indecent in the unanimous view of the Commission.

This film is a critically acclaimed artwork that tells a gritty story—one of bloody battles and supreme heroism. The horror of war and the enormous personal sacrifice it draws on cannot be painted in airy pastels. The true colors are muddy brown and fire red and any accurate depiction of this significant historical tale could not be told properly without bringing that sense to the screen. It is for these reasons that the FCC has previously declined to rule this film indecent.

This, of course, is not to suggest that legal content is not otherwise objectionable to many Americans. Recognizing that fact, it is the responsible broadcaster that will provide full and wide disclosure of what viewers are likely to see and hear, to allow individuals and families to make their own well-informed decisions whether to watch or not. I believe ABC and its affiliated stations made a responsible effort to do just that in this case.

Fair warning is appropriately an important consideration in indecency cases. In complaints you often find that Americans are not excessively prudish, only that they are fed up with being ambushed with content at times and places they least expect it. It is insufficient to tell consumers not to watch objectionable content, if the "shock" value is dependent on the element of surprise. This is particularly true in broadcast television, where viewers are accustomed and encouraged to order their viewing by parts of the day—morning shows, daytime TV and late night have long been the zones in which expectations are set. When those lines are blurred, the consumer loses a degree of control, a degree of choice.

Context remains vital to any consideration of whether profanity or sexual content constitutes legally actionable indecency. The Commission must stay faithful to considering complaints within their setting and temper any movement toward stricter liability if it hopes to give full effect to the confines of the First Amendment.