

How to Protect Your Family From

BROADCAST INDECENCY



By Martha Kleder

Television is no longer “safe” from indecency enforcement, as evidenced by fines proposed by the Federal Communications Commission (FCC) on March 15. The FCC upheld its earlier fines for the 2004 Janet Jackson Super Bowl incident and levied new indecency fines against CBS’s *Without a Trace* and VH1’s *The Surreal Life 2*, along with an advertisement that ran on a Puerto Rican television station.

Concerned Women for America (CWA) and other family advocates welcomed these actions.

“Issuing these fines sends a loud message to the TV gurus that broadcast indecency is not being tolerated under FCC Chairman Martin’s watch,” said Lanier

Swann, CWA’s Director of Government Relations, who leads CWA’s lobbying efforts on indecency measures. “The FCC has proven that it is willing to take a stand for families and refuse to allow broadcasters to go unpunished for violating decency standards.”

The latest fines total \$3.6 million, which is still a drop in the bucket to the networks. That’s because the law limits the FCC’s fines. Today’s mega-corporations can write off even the highest fines as the cost of doing business.

Two bills to increase fines and strengthen the FCC’s enforcement authority remain in limbo in the Senate Commerce, Science and Transportation Committee, chaired by Sen. Ted Stevens (R-Alaska). One of those, Rep. Fred Upton’s (R-Michigan) Broadcast Decency

Enforcement Act (H.R. 310), had overwhelming support in the U.S. House over a year ago.

“Current fine levels are simply too low,” said Swann. “There is no reason to delay final passage of this great bill any longer.”

CWA is working hard on Capitol Hill to spur Senate action on broadcast decency legislation. Along with e-mail campaigns, CWA’s Project 535 lobbyists have gone to Capitol Hill to meet face to face with key lawmakers and their staffs.

Cable Choice on the Horizon

CWA is also working for cable choice as the second prong of the solution to broadcast indecency. This would enable families to choose the cable channels they wish to have in their homes. In addition, a new FCC report shows the financial benefit to families.

The FCC report on video competition, released March 3, noted that cable choice would give customers a marked decrease—as much as 13 percent—in their cable bills. Another important finding not lost on the cable industry is that cable television is on the doorstep of, if it hasn’t already reached, the magic 70/70 threshold.

According to the Cable Communications Policy Act of 1984, once cable television is available to 70 percent of the nation’s homes and at least 70 percent of that market subscribes to cable, the FCC can regulate the industry. Exactly which regulations apply is a matter of debate, but FCC Chairman Kevin Martin strongly supports expanding indecency regulations to cable’s basic service package or instituting cable choice.

Still, cable companies continue to say that cable choice will never work. Why? Customer choice would mean that some



FCC Chairman Kevin Martin has taken an important stand in support of measures to attack cable indecency.

of their own channels might fail for lack of viewers. Meanwhile, the cable industry is putting on a happy face, hoping its new “family-friendly” tiers, or packages, will deflect criticism over offensive content.

“The trouble with the family-tier idea is that it’s the cable company with its Hollywood values deciding what your children should see, not you,” said Swann. “As Americans see more and more filth filling their cable channels, they are demanding an opportunity to opt out of such inappropriate programming.

“Cable millionaires are the only ones benefiting from the current ‘all or nothing’ system,” Swann added. “The rest of us are suffering from their greed and unwillingness to listen to customers’ needs. Cable providers are now without excuse. It is time for cable providers to finally give American families what they deserve: choice.”

Martha Kleder is CWA’s Policy Analyst. For more information, read her paper, Give Us Cable Choice for Decency’s Sake! at www.cwfa.org/giveuscablechoice, or call 1-800-323-2200 to request your copy. ■