



Bringing Responsibility To The Entertainment Industry

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January 14, 2004

Mr. Michael K. Powell, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Powell:

It is being widely reported that you have issued a draft order reversing the Enforcement Bureau's ruling on NBC's Golden Globes broadcast in which, after winning an award, U2 lead singer Bono stated, "This is really, really fucking brilliant!" It was absurd for the enforcement bureau to rule that his statement was not indecent because it was not used to describe a sexual function, and you are to be commended for your leadership on this important issue.

While I applaud the decision to reverse the initial ruling, which has to go down as one of the most pathetic bureaucratic rulings from Washington in recent history, I am outraged to see in press reports that your order proposes *no fines* against any NBC affiliate simply because Bono's statement was uttered before the new policy was developed.

The decision to not fine NBC affiliates makes the reversal of the Enforcement Bureau's initial ruling utterly meaningless. NBC has never apologized for irresponsibly allowing Bono's statement to be aired in the first place. In fact, NBC has vigorously defended its broadcast, and even called PTC's complaints "logically bankrupt." Every NBC affiliate should not only be fined, but should receive the maximum fine allowable for this offense. The issue at hand is not what Bono said, but that NBC affiliates in the Eastern and Central time zones aired his comment and millions of children heard it.

On the December 2002 Fox broadcast of the Billboard Music Awards, Cher said of her critics: "Go fuck 'em." Just this last December, during the 2003 Billboard Music Awards, presenter Nicole Richie asked, "Why do they even call it *The Simple Life*? Have you ever tried to get cow shit out of a Prada purse? It's not so fucking simple."



The PTC has filed indecency complaints on both of these broadcasts. Will the FCC not fine any of the affiliates that aired Cher's comment or Nicole Richie's comment since they were said before the FCC's new policy? Wasn't the Supreme Court's ruling in *FCC v. Pacifica Foundation* the FCC's policy long before Bono's statement?

If the FCC does not issue a fine to every NBC affiliate that broadcast Bono's statement, then we have no choice but to take this issue to the halls of Congress. Newspapers around the country report that network executives are unfazed by your order. If you don't levy fines that reflect the seriousness of indecency on the broadcast airwaves, then networks executives will never stop flooding the airwaves with indecent material.

Sincerely,

A handwritten signature in black ink that reads "L. Brent Bozell" followed by a horizontal line.

L. Brent Bozell
President and Founder
Parents Television Council

Cc: Commissioner Kathleen Abernathy
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Kevin Martin
NBC Affiliates