



AMERICANS FOR TAX REFORM

Grover G. Norquist

President

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

June 1, 2004

Dear Chairman Powell:

On behalf of Americans for Tax Reform, I am writing to express my concern about the FCC's proposed ruling in the *Golden Globes* proceeding. I am not so troubled by the specific goal of the proceeding – to prevent the use of certain language from broadcast television and radio – but by the danger that in its efforts toward this goal, the Commission has proposed an ambiguous, onerous and unworkable standard for the broadcast industry.

In the *Golden Globes* ruling, the FCC proposes to ban a whole new category of content characterized as “profane” language, which is further defined as “blasphemous” or “vulgar.” If implemented, this rule would subject companies in the broadcast industries to substantial fines, or even loss of broadcast licenses, for failing to adhere to an ill-defined standard. The standards for blasphemy vary widely among religions, but one need not look far to find a phrase that, while common and accepted for most, constitutes blasphemy among some religion somewhere.

Vulgarity is equally difficult to define, as it is a subjective determination, and generally a function of personal taste. In the absence of some more specific guideline, the standard would seem to compel broadcasters to refrain from programming that *anyone* might consider vulgar; this would leave out much programming that many or most people enjoy. More likely, the standard would be implemented by a trial-and-error process of broadcasters trying to navigate a minefield of fines and sanctions in an effort to flesh out what the standard for vulgarity is.

To be sure, there are constitutional issues involved with such broad restrictions of speech over the airwaves; ATR will leave it to others to argue those. However, we would assert that the regulated community has a right to a clear, workable and appropriately narrow regulatory standard, particularly when the relevant enforcement mechanism can affect not only their bottom line, but the licenses which allow them to operate. The standard put forth in the *Golden Globes* ruling is not such a standard.

Instead, the FCC should come back with clearer and more specific standard which defines precisely what language is and is not acceptable on broadcast airwaves.

Sincerely,

Damon Ansell
Chief of Staff

Cc: The Honorable Kevin Martin
The Honorable Kathleen Abernathy

CERTIFICATE OF SERVICE

I do hereby certify that on the _____ day June, 2004, a true copy of the

letter to each Commission filed in File No. EB-03-IH-0110 was sent by
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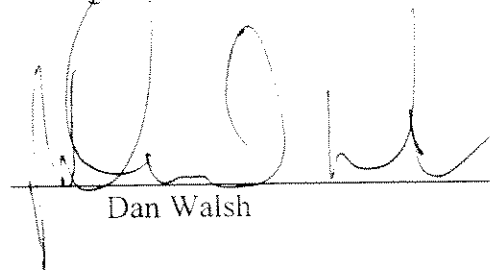
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