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December 9, 2003

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

I would like to express my disappointment at the recent FCC decision to deny complaints that the January 19, 2003 airing of the "Golden Globe Awards" violates the federal obscenity and indecency restrictions.

At best, the Memorandum Opinion and Order is an irresponsible application of FCC indecency and obscenity policies. To deem a word indecent, you offered two *fundamental* determinations. First, the Commission states:

the material alleged to be indecent must fall within the subject matter scope of our indecency definition—that is, the material must describe or depict sexual or excretory organs or activities...

The word in question is so predominantly linked to the description of a sexual act that distinguishing the use of the word based on the context or part of speech in which it was used simply does not alter its status as obscene or indecent as defined in the Policy Statement. Children are still exposed to the indecent and obscene word, regardless of its context or use.

The second fundamental determination of the policy states, "the broadcast must be *patently offensive* as measured by contemporary community standards for the broadcast medium." **The Memorandum of Opinion entirely neglects to illustrate how the use of the word fails to meet this fundamental principle.** This omission seriously faults the decision. I find it difficult to prove that the use of the word in question, regardless of its full context, is not patently offensive to any community standard which my constituents and their families uphold. As the ultimate arbiter of what is deemed indecent and obscene for America's children to view, the Commission has a serious responsibility not only to maintain, but to assist in defining standards. This decision contributes to a "race to the bottom" for what is considered decent by community standards.

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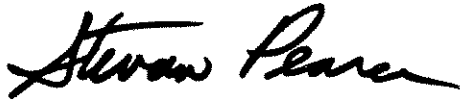
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Furthermore, the statement, “fleeting and isolated remarks of this nature do not warrant Commission action” places the FCC on a slippery slope—leading to the increasing lack of enforcement of FCC regulations and a serious lack of responsibility.

I trust the FCC will protect America’s children and families by upholding the standards for decency in its review of this decision.

Pursuant to 47 CFR §1.1208, this letter has been served to all parties to the FCC proceeding.

Sincerely,

A handwritten signature in black ink that reads "Stevan Pearce". The signature is fluid and cursive, with the first name "Stevan" and last name "Pearce" clearly distinguishable.

STEVAN PEARCE
Member of Congress