

COALITION OF BROADCASTERS, PERFORMERS, PUBLIC INTEREST AND PROFESSIONAL ORGANIZATIONS ACCUSE FCC OF CHILLING FREE SPEECH

New York, New York, April 19, 2004 – A broad coalition of broadcasters, artists, public interest and professional organizations asked the FCC today to reconsider its recent *Golden Globe Awards* decision, which vastly expanded the kinds of speech banned by the FCC. The group charged that the FCC’s sweeping and unconstitutional expansion of its regulatory authority is already chilling free speech across the broadcast landscape.

“The Commission’s harsh new policy has sent shock waves through the media industry, forcing broadcasters to censor speech that is protected by the First Amendment,” said Robert Corn-Revere, partner in the Washington, D.C. office of Davis Wright Tremaine LLP, which is representing the group. “The Supreme Court requires clear guidance, a narrow focus and a light regulatory hand. The FCC may not trample on the rights of the public to see and hear the programming it wants for those who favor censorship.”

According to the coalition’s filing, vague and overly broad regulation allows the FCC to engage in subjective enforcement and forces broadcasters to restrict their expression to that which is unquestionably safe. The filing points out that the *Golden Globe Awards* decision is prompting a growing number of broadcasters to abandon live programming. Radio stations are scouring their play lists and dropping or heavily editing songs that have been played for years without ever having drawn a complaint—spanning rock classics like The Who’s “Who Are You” and Lou Reed’s “Walk on the Wild Side” to such current hits as Pearl Jam’s “Jeremy” and Outkast’s “Roses” to even pop songs like John Mellencamp’s “Jack and Diane” and Sheryl Crow’s “A Change Would Do You Good.”

The FCC decision also has resulted in significant restrictions on television programming, the filing asserts, including programs the FCC staff previously ruled were not indecent. For instance, the principals of this year’s annual Victoria’s Secret fashion show decided to scrap the already-filmed show, even though the Commission staff in the past had cleared the show. The new policy has led to changes in acclaimed network drama series, such as an episode of ER that was edited to eliminate a brief shot of the exposed breast of an 80-year-old woman receiving emergency care. The chilling effect has even caused public television stations to edit and in some cases drop serious documentary programs. Public broadcaster WGBH edited a hint of cleavage out of its *American Experience* documentary *Emma Goldman*, and PBS felt it had to edit certain nonsexual expletives from the poetry of renowned poet, writer and educator Piri Thomas in a documentary of his life.

The organizations that filed the joint petition include the American Civil Liberties Union, American Federation of Television and Radio Artists, Beasley Broadcast Group, Inc., Citadel Broadcasting Corporation, The Creative Coalition, Directors Guild of America, Inc., Entercom Communications Corp., The First Amendment Project, Fox Entertainment Group, Inc., Freedom to Read Foundation, Margaret Cho, Media Access Project,

Minnesota Public Radio, The National Coalition Against Censorship, National Federation of Community Broadcasters, Penn & Teller, People For the American Way Foundation, Radio One, Inc., The Recording Artists' Coalition, Recording Industry Association of America, Inc., Screen Actors Guild, Viacom Inc., When in Doubt Productions, Inc., and Writers Guild of America, west.

The FCC petition for reconsideration can be provided if you are interested by emailing Nicholas Gaffney at ngaffney@infinitepr.com or calling 415-252-1131.

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