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Thursday

BROADCASTING CABLE TV FAX 2

February 26, 2004

The decision is the latest in a string of rulings against similar government programs. Federal courts have also nullified government programs requiring farmers to support the "Beef: It's what's for dinner" and "Pork-the other white meat" campaigns.

A call to the government's Milk Processor Education Program was not returned.

STEVENS SAYS KEEP HEAT ON BROADCASTERS—Sen. Ted Stevens (R-Alaska), John McCain's possible successor atop the Senate Commerce Committee, plans to keep the heat on broadcasters over indecency.

Stevens invoked the Super Bowl snafu, now virtually boilerplate in any D.C. indecency reference, in saying that Congress needs to continue to look at broadcast indecency and violence, and to consider mandating a family hour (Sen. Fritz Hollings [D-S.C.] is pushing a family hour bill).

Stevens said Congress needs to consider what the standard of conduct should be for those who deliver content to audiences that include young children.

Citing the effort in the House to boost indecency fines tenfold, he suggested that was far from enough. When you compare the \$275,000 figure that would be the new top fine, he said, with the price of a Super Bowl ad, "it is no deterrent at all."

Stevens also said rewriting the Telecommunications Act "as soon as possible" would be a Commerce priority. He said it was critical to reform communications law to create a more uniform regulatory regimen for the wired and wireless worlds.

His comments came in remarks to the Quello Symposium on communications policy in Washington yesterday, where Stevens was introduced by his old friend Sen. Daniel Inouye (D-Hawaii), who will seek the Commerce chairmanship if the Democrats win the Senate.

Whichever party wins, said Stevens, he expects their agendas to be similar, which means broadcasters could face ongoing content scrutiny for some time to come.

CLEAR CHANNEL VOWS TO WASH OUT DIRTY JOCKS—As Washington reaches for a bigger hammer to pound raunchy broadcasters, radio giant Clear Channel pronounced it has "taken the lead" in fighting indecency over the airwaves.

The company Wednesday said it will fire any DJ or on-air personality the FCC decides has violated government indecency restrictions. "As broadcast licensees, we are fully responsible for what our stations air," said Clear Channel President Mark Mays. "We intend to make sure all our DJs and programmers understand what is and what is not appropriate on Clear Channel radio shows." Clear Channel may be taking the lead publicly, but Viacom President Mel Karmazin reported-

ly lay down a "zero tolerance" indecency policy to Viacom's Infinity radio stations in a memo last week.

Clear Channel's new policy is being announced one week after the company promoted lobbyist Andrew Levin to oversee all corporate legal operations. It is also a day before Clear Channel President John Hogan is scheduled to testify before a House Telecommunications Subcommittee hearing on indecency. At an earlier hearing, several lawmakers suggested stiffer consequences for performers, including making them liable for fines.

Karmazin fired most of the people involved in the "Sex in St. Patrick's Cathedral" stunt.

Topping Levin's to-do list is burnishing Clear Channel's image in Washington. The company also is revising contracts with on-air performers to require that they pay a portion of any indecency fines they cause the company.

The initiative was unveiled one day after the company fired WXTV (FM) Tampa shock jock Bubba the Love Sponge, whose over-the-top routines led to a proposed \$755,000 fine against Clear Channel in January. Mays said the company also will launch an education program to teach Clear Channel employees about the FCC's rules. If a broadcast sparks an FCC indecency investigation, the on-air person responsible will be suspended pending the FCC's ruling.

Mays also reiterated Clear Channel's call for a decency task force that would include broadcasters as well as the less-restricted cable and satellite industries to develop a mediawide voluntary response to indecency and violence in programming. Thursday, the House Telecommunications Subcommittee holds a second hearing on broadcast indecency. The full Commerce Committee plans to approve higher indecency fines next week.

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