

newsgroup.

i. This newsgroup contained a direct link back to a Web site, <http://www.cris.com/~heat1/>, with a click of the mouse. The Web site for HEAT claims it is "an adult service featuring the HOTTEST women doing the HOTTEST things for your viewing PLEASURE! Best of all, the site is virtually FREE!" Exhibit 41, page 20.

ii. This newsgroup also contained links to sexually explicit images. I clicked on one of these links, which brought up an image of a partially nude woman. Exhibit 41, page 21.

g. I clicked back to the listing of all of the available newsgroups in the [alt.binaries.pictures.erotica](#) hierarchy. Exhibit 41, pages 11-12. I clicked on the link to [alt.binaries.pictures.erotica.male](#). This brought up a listing of individual links to [alt binaries pictures erotica male](#), which listed two linked newsgroups. Exhibit 41, page 22. I clicked on the link to [alt.binaries.pictures.erotica.male](#). This brought up another listing of individual links to [alt binaries pictures erotica male](#). Exhibit 41, page 23. I clicked on the link to [male](#). This brought up a list of links to materials available in this newsgroup. I clicked on one of these links, which brought up an image of a nude man. Exhibit 41, page 24.

39. I conducted various searches for sexually explicit material on or about March 5-8, 1996. In the course of these searches, I linked to the images which appear as Defendant's

Exhibits 70 to 79 and downloaded these images.

OPINION TESTIMONY

40. Based on the foregoing examples of sexually explicit sites and materials online, in my opinion it would be easy for minors operating in an unrestricted online environment -- with even a beginner's understanding of how to search for information on the Internet -- to find sexually explicit sites. Such a user who is actually seeking sexually explicit material need only type in words or letters on a search engine, such as "XXX" or "XXX Sex" or "Cyber Babes" or "Adult and Porn," to get multiple "hits" on sites which clearly present themselves as sexually explicit. This is by no means an exhaustive list of key words that would produce a list of sexually explicit sites. In addition, many sexually explicit sites themselves provide links to many other sites -- as evident by the Steamy Erotic Links site. See Exhibit 18. The connection takes a few seconds to minutes (depending on factors such as modem speed and/or how busy the internet is). All of this material is readily obtainable through a point and click of a mouse.

41. It is also in my opinion that, in an unrestricted environment, sexually explicit sites can easily be found even if one is not looking for them. This is evident from the search for "little women." The results for searching under this term will vary depending on the search engine used. For example, a search for this term under the "Infoseek" guide, see Exhibit 28, pages 2-3, does not appear to turn up a sexually-oriented site until the

fifth link. However, as noted, the very first link for the "little women" search on Web Crawler led to multiple links of sexually explicit sites -- including the same "cyberporn.com" site produced by the Infoseek search. See Exhibit 28, page 1.

Similarly, the use of the term "Jasmine" -- a character from the Disney Movie Aladdin -- also led to sexual cartoon images of the Disney characters themselves, as well as a link to the "X-traordinary talk" site which contained graphic descriptions of sexual activities. Exhibits 33 and 34. For this reason, in my opinion it is certainly possible for users to unexpectedly encounter sexually explicit material through a seemingly innocuous search -- even one thought suitable for children.

42. It is, of course, possible to attempt to narrow the specific search terms in order to limit the scope of the resulting list of hits. Search engines allow the user to add words to focus the specific area of interest. However, search engines are developed to respond broadly to keywords by providing a maximum number of responses with minimum keyword input. This is intended to preclude users from typing in a word that would exclude information they may be searching for. My own practice and experience as a regular user of the Internet to conduct online research is to cast search terms more broadly and then, having reviewed many different sites, add search terms at that time to focus the search to a more specific area of interest. In addition, some users may not be as familiar with how to limit the search in order to avoid unexpected hits on sites that contain

sexually explicit material.

43. In addition, based on the foregoing results, in my opinion 'sexually explicit sites are widespread on the Internet. I do not have a precise count of the number of such sites -- which, indeed, would be nearly impossible given the constant state of growth and change in the entire Internet. I also do not have a "percentage" of such sites of all the information on the Internet, which in my opinion would be an irrelevant and meaningless figure. Simply put, based on my experience in investigating such sites, there is a substantial and growing number of sexually explicit sites that easily exceeds several thousands. Moreover, each separate site may have multiple images, see Exhibit 20, page 16 (Nikkitta), or multiple links to other sites. See, e.g., Exhibits 17, 18. Trying to calculate the exact quantity or percentage of sexually explicit sites, in my view, loses sight of the simple fact that there is an enormous quantity of such material to access and view.

#### SURFWATCH (Tab X)

44. I was provided a copy of the Surfwatch software that plaintiffs provided to the government. As described below, on April 5, 1996, I undertook a brief, limited experiment to determine whether access to certain specific sites on the World Wide Web that I was aware contained sexually explicit material was in fact blocked by Surfwatch.

45. First, I loaded the version of Surfwatch for the "Windows 3.1" operating system. During the installation process,

the most recent update of "blocked sites" was automatically updated on April 5, 1996. I then tested to see if the program was operating by checking an indicator on my computer screen which displays the "icon" for applications that were running, and this indicated that Surfwatch was running. As a further test, I then first sought to access the site for Playboy Magazine, called "Playboy.com." Access to this site was blocked by Surfwatch.

46. Next on April 5, 1996, I proceeded to type into my computer the specific addresses of a number of sites which contained sexually explicit material. The first such sites were derived from the April 1996 edition of Playboy Magazine, which had a cover story entitled "Women of the Internet." The excerpted pages from the published magazine are set forth at Exhibit 42.<sup>1</sup> Working off of these printed pages, I searched for the Web sites of some of the models depicted, including, <http://amore.com> (Exhibit 42, page 3); <http://www.lucylipps> (Exhibit 42, page 5); and <http://www.danni.com> (Exhibit 42, page 6) by typing these "web addresses" into the computer. Two of the sites were blocked by Surfwatch, but, with Surfwatch running, I was able to gain online access to "amore.com" and, specifically, to the screen set forth at Exhibit 43, page 3 which depicts one of the models contained in the printed April 1996 edition.

47. I also sought to gain access to a sexually explicit site which I had previously located in a prior search. I typed

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<sup>1</sup> Unlike the other material attached hereto as exhibits, Exhibit 42 is NOT a print-out of material available online but a copy of the actual printed pages of the magazine.

the site address into the URL locator portion of the Web browser. The "commercial name" of the Web site is "RozDesigns Web Heaven" located at <http://pilot.msu.edu/user/rozwadow/webhevn.htm>. When I entered this web address, this site appeared on my screen with Surfwatch running. I then clicked on the menu of images for three of the models -- which contained several images a user can choose from. I then clicked on one image for each of the models. I also clicked on the "Secret Pic of the Week!" Each nude image of the model appeared on the screen while Surfwatch was running on April 5, 1996, see Exhibit 44, indicating this site has not yet been blocked by Surfwatch.

48. I then proceeded to check some of the various links set forth on "Steamy Erotic Links" at Exhibit 45. Access to the listing of links was itself not blocked by Surfwatch. While I did not check every one of the "links" listed at Steamy Erotic Links at Exhibit 45, I did check over 35 sites -- about the first two and a half pages on the list. Among the links listed on this index, the "The Wonderful World of Erotica" and "The Keeper" -- see Exhibits 46, 47 -- were not blocked by Surfwatch on April 5, 1996. In addition to these, four other sites that appear to have originated overseas were also not blocked by Surfwatch on April 5, 1996, including "Fuzz Butts," "Babes," "Daily Babe Test," "Sex-a-Phone," and "Amateur of the Week."

49. I next checked whether several other sites that have discussed above and attached hereto as exhibits were blocked while by Surfwatch was running on April 5, 1996, by typing in their "Web

address."

a. Surfwatch did not block the site designated as "Pix Previews." This site was first found by linking off of the CyberBabes Web site. See Exhibit 24. When I typed its address separately with Surfwatch running, it was not blocked. See Exhibit 49.

b. Surfwatch also did not block the first page of the "Honey Page" at <http://www.apillio.com> at Exhibit 50 (also previously identified at Exhibit 11).

c. Surfwatch also did not block the "Amateur Hardcore" site at <http://www.webpower.com/amateurs/> at Exhibit 48 (also previously identified at Exhibit 14).

d. Surfwatch also did not block "The FunPalace" site and sample images contained. This site was first found through the YAHOO! search for the term XXX. See Exhibit 2. When I typed its address separately with Surfwatch running, it was not blocked. See Exhibit 51 (also identified at Exhibit 4). In addition, Surfwatch did not block the sample graphical images set forth on pages 2-3 of Exhibit 51. Examples of these images are also contained at Exhibit 4, pages 5-6.<sup>2</sup>

e. Surfwatch also did not block "The Alternative Page." Exhibit 52. A part of this site was first found by

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<sup>2</sup> During my deposition on April 8, 1996, I did not recall whether the images listed at Exhibit 51 were in fact blocked by Surfwatch, because I had not attached sample images to Exhibit 51. I have since gone back and determined that, with Surfwatch running, these images were not blocked on April 9, 1996. See Exhibit 51, pages 3-4 (also identified at Exhibit 4, pages 5-6).

linking off of the CyberBabes Web site to:

<http://www.txdirect.net/users/aaron>. See Exhibit 24, page 7.

When I typed this address separately with Surfwatch running, it was not blocked. Exhibit 52. I selected an image different from the one at Exhibit 24, page 7, and clicked it on, as shown at Exhibit 52.

50. The limited check of whether Surfwatch blocked some of the sites identified above was undertaken without any prior knowledge on my part as to whether the Surfwatch would in fact block the Web addresses I entered into the computer. Indeed, as noted, several sites I entered, such as Playboy.com and others listed on the "Steamy Erotic Links" Web site, were in fact blocked by Surfwatch during the course of my check. However, working over the course of just a few hours, I located at least 9 domestic sites (and four sites that apparently originated overseas) containing sexually explicit material that were not blocked by Surfwatch.

51. In addition, I understand that among the methods Surfwatch uses to block sexually explicit sites is on the basis of specific "key words" such as "sex" that may be located in the Web address. I was not previously aware of Surfwatch's list of key words and, thus, did not seek to deliberately avoid such key words in Web addresses. In this limited check, I simply took the list of Web sites found in my prior, unrestricted search, and sought to find a few examples that were not blocked by Surfwatch.

52. In my opinion, with additional time and searching, more

sexually explicit sites that are not currently blocked by Surfwatch would be identified. This is due in part to the fact that the number of such sites continues to grow. New sites are added which may not have been previously identified by Surfwatch or which may not contain one of the current "key words" in its Web address that Surfwatch blocks.

53. Also, to the extent a Web site is being blocked by Surfwatch based on the recognition of a key word in an existing file or directory, I believe that such file or directory name may easily be changed. Under this scenario, the site would not be blocked by Surfwatch unless it was again specifically identified. For example, part of the site identified at Exhibit 16, "The Studman's Homepage," was blocked by Surfwatch when I conducted my limited experiment. This site is identified by the domain name, directory, and subdirectory of:

"weiss.che.utexas.edu/-poland/pics/". Surfwatch blocked access to the "Supermodels" files which contains the images at Exhibit 26, pages 2-5. However, Surfwatch did not block the Studman's home page at Exhibit 26, pages 7-9, which is designated by the same domain name and directory of

"weiss.che.utexas.edu/-poland/master.html." This indicates that this site was being blocked at a level below the domain address. Under this blocking scenario, sexually explicit images may be moved into a separate subdirectory or a file name. For example, at Exhibit 26, page 8, the Studman's site has a link to a "SURPRISE Pic of the Week" updated on March 19, 1996. The subdirectory and

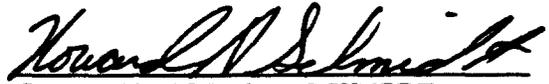
file for this picture is

"weiss.ch.utexas.edu/~poland/icon/sample.gif". Sexually explicit images could be included in a separate file such as this, and until such a separate file were identified, it would not be blocked by Surfwatch.

54. As a law enforcement officer who has been involved with a number of investigations concerning sexually explicit materials, I support the efforts by Surfwatch and other similar entities that are providing parents a tool to shield children from access to sexually explicit material online. In my opinion, however, user-based controls, while commendable, will inevitably be trying to keep up with the addition of new and revised sites, and in the long term may face attacks from those who may distribute information on how to disable the program. Also, based on my experience in law enforcement in this area, which includes teaching classes to officers at beginner levels, and also substantial anecdotal information from talking to parents about their children's use of computers, my opinion is that many parents do not have the same level of sophistication with computers as many minors do today -- nor the time to supervise their children's use of computers online. For this reason, in my opinion, relying on parental controls and supervision will only be a part of the solution to restricting access by minors to material that is inappropriate for them.

I swear under penalty of perjury that the foregoing is true  
and correct:

DATE: April 9<sup>th</sup> 1996



S.A. HOWARD A. SCHMIDT  
Office of Special Investigations  
Computer Crime Investigations  
United States Air Force



## FCC Indecency Rulings

*KCSB-FM, Santa Barbara, CA*, 2 FCC Rcd. 2703, *aff'd*, 3 FCC Rcd. 930 (1987) (song "Makin' Bacon" found to be indecent).

*KPFK-FM, Los Angeles, CA*, 2 FCC Rcd. 2698, *aff'd*, 3 FCC Rcd. 930 (1987) (excerpts from play entitled "Jerker" found to be indecent).

*WYSP(FM), Philadelphia, PA*, 2 FCC Rcd. 2705, *aff'd*, 3 FCC Rcd. 930 (1987) (broadcast of Howard Stern show found to be indecent).

*KZKC(TV), Kansas City, MO*, 4 FCC Rcd. 7653 (1988), vacated, 4 FCC Rcd. 6706 (1989) (R-rated movie "Private Lessons" found to be indecent).

*WLLZ(FM), Detroit, MI*, 6 FCC Rcd. 3698 (1989) (\$2,000 NAL for song "Walk with an Erection").

*KFI-AM, Los Angeles, CA*, 6 FCC Rcd. 3699 (\$6,000 NAL for sexual banter on radio call in show).

*KLUC-FM, Las Vegas, NV*, 6 FCC Rcd. 3695 (1990) (\$2,000 NAL for broadcast of "Erotic City" by Prince).

*WIOD(AM), Miami, FL*, 6 FCC Rcd. 3704 (1989) (\$10,000 NAL for broadcast of songs "Jet Boy, Jet Girl," "Penis Envy," "Candy Wrapper," "Walk with an Erection," and fictitious commercial for "Butch Beer").

*WZTA-FM, Miami, FL*, 5 FCC Rcd. 7688 (1989), *aff'd*, 6 FCC Rcd. 3702 (1990) (\$2,000 NAL for broadcast of song "Penis Envy").

*WWWE(AM), Cleveland, OH*, 6 FCC Rcd. 3711 (1990) (\$8,000 NAL for sexual banter on radio show).

*KSJO(FM)*, 5 FCC Rcd. 3821 (1990) (\$20,000 NAL for sexual banter and satiric songs on radio show).

*KSD-FM, St. Louis, MO*, 6 FCC Rcd. 3689 (1990) (\$2,000 NAL for description of the rape of Jessica Hahn as read from *Playboy* magazine).

*KLOL(FM), Houston, TX*, 5 FCC Rcd. 6332 (1990) (sexual banter on radio program).

*WFBQ(FM)/WNDE(AM), Indianapolis, IN*, 6 FCC Rcd. 3692 (1990) (\$10,000 NAL for broadcast of "Candy Wrapper" song, "Butch Beer" commercial and other songs that use double entendre).

*WXRK(FM), New York, NY, WYSP(FM), Philadelphia, PA, WJFK(FM), Manassas, VA, 5 FCC Rcd. 7291, aff'd, 7 FCC Rcd. 6873 (1992) (\$6,000 NAL (\$2,000 times three stations) for sexual banter on the Howard Stern show).*

*KCNA-FM, Cave Junction, OR, 6 FCC Rcd. 2174, aff'd, 6 FCC Rcd. 5961 (1991) (\$4,000 NAL for dirty jokes told on radio call in show and use of vulgar language).*

*WVIC-FM, East Lansing, MI, 6 FCC Rcd. 2178, aff'd, 6 FCC Rcd. 7484 (1991) (\$2,000 NAL for vulgar jokes about news story on radio call-in show).*

*WYBB(FM), Folly Beach, SC, 7 FCC Rcd. 1595 (1990) (\$3,750 NAL assessed for single use of the word "shit" in radio show).*

*KGB-FM, San Diego, CA, 7 FCC Rcd. 3207 (1992) (\$25,000 NAL for broadcast of "Candy Wrapper" and song "Sit on My Face").*

*KMEL(FM), San Francisco, CA, 7 FCC Rcd. 4857 (1992), Aff'd 8 FCC Rcd. 498 (1993) (\$25,000 NAL for sexual banter primarily focusing on double entendre and a satiric song).*

*KLSX(FM), Los Angeles, CA, 7 FCC Rcd. 7321 (1992) (\$105,000 NAL for sexual banter on Howard Stern Show).*

*WXRK(FM), New York, NY, WYSP(FM), Philadelphia, PA, WJFK(FM), Manassas, VA, 8 FCC Rcd. 2688 (1992) (\$600,000 NAL) (\$200,000 times three stations) for sexual banter on Howard Stern show).*

*WSUC(FM), Cortland, NY, 8 FCC Rcd. 456 (1993) (\$23,750 NAL for radio broadcast of rap song "Yodel in the Valley").*

*KLOL(FM), Houston, TX, 8 FCC Rcd. 3228 (1993) (\$33,750 NAL for radio broadcast of sex survey call-in program).*

*KFBI(FM), Pahrump, NV, 8 FCC Rcd. 6790 (1993) (\$73,750 NAL for sexual banter on Howard Stern show).*

*WXRK(FM), New York, NY, WJFK(AM), Baltimore, MD, WYSP(FM), Philadelphia, PA, WJFK(FM), Manassas, VA, 8 FCC Rcd. 6740 (1993) (\$500,000 NAL), (\$125,000 times four stations for sexual banter on Howard Stern show).*

*WXRK(FM), New York, NY, WJFK(AM), Baltimore, MD, WYSP(FM), Philadelphia, PA, WJFK(FM), Manassas, VA, 9 FCC Rcd. 1746 (1994) (\$400,000 NAL) (\$100,000 times four stations for sexual banter on Howard Stern show).*

*KFBI(FM), Pahrump, NV, 9 FCC Rcd. 1753 (1994) (\$37,500 NAL for sexual banter on Howard Stern show).*

*KFMH-FM, Muscatine, IA*, 9 FCC Rcd. 1681 (1994) (\$12,500 NAL for vulgar joke on radio program).

*KNON(FM), Dallas, TX*, 9 FCC Rcd. 1679 (1994) (\$12,500 NAL for “I want to be a homosexual” song).

*WXRK(FM), New York, NY, WJFK(AM), Baltimore, MD, WYSP(FM), Philadelphia, PA, WJFK(FM), Manassas, VA*, 9 FCC Rcd. 6442 (1994) (\$200,000 NAL) (\$50,000 times four stations for sexual banter on Howard Stern show).

*KKLZ(FM), Los Angeles, NV*, 9 FCC Rcd. 4454 (1994) (\$8,000 NAL for sexually oriented song and call-in during morning radio show).

*WWST(FM), Karnes, TN*, 9 FCC Rcd. 4871 (1994) (\$4,000 NAL for sexually suggestive language used in radio promotions).

*WBAI(FM), New York, NY*, 63 RR 2d 216 (1987) (FCC refusal to issue a declaratory ruling with respect to James Joyce’s *Ulysses*, but suggesting that context may prevent an indecency ruling).

*KING-TV, Seattle, WA*, 5 FCC Rcd. 2971 (1990) (broadcast portions of a sex education class including explicit sexual demonstrations was not actionably indecent).

*National Public Radio*, 6 FCC Rcd. 610 (1991), *aff’d*, *Branton vs. FCC*, 993 F.2d 906 (D.C. Cir. 1993), *cert. denied*, 114 S.Ct. 1610 (1994) (NPR newscast quoting John Gotti saying the word “fuck” ten times in seven sentences considered not indecent).

*WFLA(AM), Tampa, FL*, 7 FCC Rcd 1826 (1992) (use of profane language to describe competitor not actionably indecent).

*WGRF(FM), Buffalo, NY* 10 FCC Rcd 5149 (1995) (\$4,000 NAL for description of sexual activities in patently offensive terms).



Witten  
5210

5 AUG 1991

8310-TRW  
C4-471

Mr. Steven M. Staab  
3020 West 134th Avenue  
Broomfield, CO 80020

Dear Mr. Staab:

This is in reference to your complaint against KRPX-FM, Denver, CO. In that complaint you brought to our attention the station's broadcast of certain possibly indecent material on April 14, 1991, at approximately 8:25 a.m.

Under Section 503 of the Communications Act and Section 1464 of the U.S. Criminal Code, the Commission has authority to take action against the broadcast of indecent material. A number of recent cases reflect the Commission's ongoing commitment to enforcing the statutory indecency prohibition where actionable violations occur. In determining whether a particular complaint can be acted upon, however, we are obliged to comply with the legal standards set out in this area by the courts. See e.g., FCC v. Pacifica Foundation, 438 U.S. 726 (1978). Under these standards, indecent material has been defined as that which, in context, depicts or describes in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual, or excretory activities or organs. Subject matter alone does not render material indecent.

We have thoroughly reviewed your complaint and supporting material. On the basis of that review, we conclude that the broadcast material identified in your complaint is not actionably indecent. Accordingly, while we recognize that the material in your complaint may be offensive to many, we cannot find the necessary legal basis for further Commission action.

We appreciate your concern regarding this matter.

Sincerely,

Edythe Wise, Chief  
Complaints and Investigations Branch  
Enforcement Division  
Mass Media Bureau

Complaints and Investigative Branch  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D. C. 20554

4/15/91

C4 471

FILE  
MARB ENFORCEMENT  
CONTROL SECTION

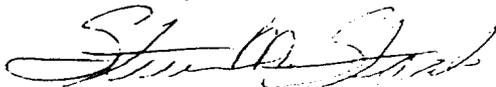
To Whom it May Concern,

On April 14th, 1991 at approximately 8:25 P.M. I was listening to KRFX. (KRFX)  
They call themselves 103.5 "The Fox". The station was running a promotional announcement  
for a concert coming up in Denver. To win free tickets to the concert a person must  
wait for the sound of Meg Ryan "getting it on" and then call the station. The Meg  
Ryan "getting it on" sounds are totally obscene especially for a station that targets the  
12-18 year old age group.

After hearing this announcement I figured they would air it again a couple of hours  
later and I was right. I've enclosed a tape of this announcement. Unfortunately, I have  
nowhere to edit this material so I've labeled the side of the tape its on and have cut it  
up for you right at the beginning of the announcement.

I would appreciate anything you can do to stop these type of stations that try and  
take advantage of our children's vulnerability. Also, could you keep me posted as to the  
outcome of this. Thank you very much for your consideration.

Sincerely,



Steven M. Staab  
3020 W. 134th Avenue  
Broomfield, Colorado 80020

(303) 469-4723  
(303) 293-9255



22 MAY 1992

FCC MAIL SECTION

8302

MAY 23 12 00 PM '92

DISPATCHED BY  
8310-TRW  
92030126

Mr. Cullen M. Miculek, President  
American Family Association of Birmingham  
P. O. Box 94734  
Birmingham, AL 35220

Dear Mr. Miculek:

This is in reference to your complaint concerning the "Montel Williams Show" broadcast on television station WVTM, Birmingham, AL. In that complaint you brought to our attention the station's broadcast of certain possibly indecent material on February 6, 1992, at 10:00 a.m. and submitted a video tape of a portion of the program. We will consider your complaints concerning other Birmingham area television stations separately.

Under Section 503 of the Communications Act and Section 1464 of the U.S. Criminal Code, the Commission has authority to take action against the broadcast of indecent material. A number of recent cases reflect the Commission's ongoing commitment to enforcing the statutory indecency prohibition where actionable violations occur. In determining whether a particular complaint can be acted upon, however, we are obliged to comply with the legal standards set out in this area by the courts. See e.g., FCC v. Pacifica Foundation, 438 U.S. 726 (1978). Under these standards, indecent material has been defined as that which, in context, depicts or describes in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual, or excretory activities or organs. Subject matter alone does not render material indecent.

We have thoroughly reviewed your complaint and supporting material. On the basis of that review, we conclude that the broadcast material identified in your complaint is not actionably indecent. Accordingly, while we recognize that the material in your complaint may be offensive to many, we cannot find the necessary legal basis for further Commission action.

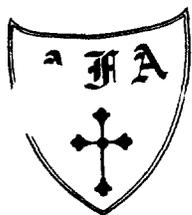
We appreciate your concern regarding this matter.

Sincerely,

Edythe Wise, Chief  
Complaints and Investigations Branch  
Enforcement Division  
Mass Media Bureau

*Handwritten initials:*  
DJA

92030195



# American Family Association of Birmingham

P.O. Box 94734 • Birmingham, Alabama 35220

*"Setting The Standard"*



February 26, 1992

Federal Communications Commission  
Video Services Division  
Television Branch/License Renewal  
1919 M Street N.W.  
Washington, D.C. 20554

MAR 3 1992  
TELEVISION  
CONTROL SECTION

Dear Sir/Madame:

Attached are four letters regarding the licensing of our local television stations. Please review them and take whatever action is appropriate.

Our organization has filed these petitions because our local free-t.v. stations are out of control. It is unbelievable how low they have gone in the past five years, and how far they are planning to go in the future. They do not care about the community they are supposed to serve, and will air anything they think will make money.

We have seen people on television describe what the future of free-t.v. holds. It is terrible. One particular conversation centered on how free-t.v.'s standards were changing, and what the networks thought was appropriate to air. It was unbelievable.

It was also maddening because no mention was made of the standards the public wants.

You see, television's standards may be changing for the worse, but Birmingham's standards are not. We, in Birmingham, are in the "Heart of Dixie." Because of our traditional views, we are considered to be in the "Bible Belt." We have very high standards compared to the rest of the country. We are not - I repeat - not like San Francisco or New York City, and what is acceptable public behavior there is not acceptable here.



# American Family Association of Birmingham

P.O. Box 94734 • Birmingham, Alabama 35220

*"Setting The Standard"*



February 26, 1992

Federal Communications Commission  
Video Services Division  
Television Branch/ License Renewal  
1919 M Street N.W.  
Washington, D.C. 20554

Dear Sir/Madame:

I am writing to formally petition the FCC to deny the license of WBMG-TV in Birmingham, Alabama. WBMG-TV consistently airs material which works against the public interest.

WBMG-TV's mailing address is P.O. Box 59496, Birmingham, AL 35259. The name and address of the owner is Birmingham Television Corporation, P.O. Box 6146, Birmingham, AL 35209.

Our interest in the license renewal process is based upon our concern for the children of our city and surrounding areas. We are especially concerned about television because we are aware of the unmeasurable influence television has on our young people.

We are concerned about WBMG-TV because WBMG-TV consistently airs shows considered indecent/obscene in the Birmingham area. Shows such as "Married With Children" (see complaint previously filed), filled with heavy sexual language and innuendo, are regularly broadcast by this station. We feel that such material is not only indecent, but very harmful to the development of young minds and bodies.



# American Family Association of Birmingham

P.O. Box 94734 • Birmingham, Alabama 35220

*"Setting The Standard"*



February 26, 1992

Federal Communications Commission  
Video Services Division  
Television Branch/License Renewal  
1919 M Street N.W.  
Washington, D.C. 20554

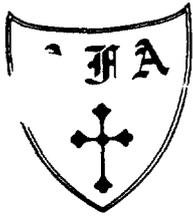
Dear Sir/Madame:

I am writing to formally petition the FCC to deny the license of WBRC-TV in Birmingham, Alabama. WBRC-TV consistently airs material which works against the public interest.

WBRC-TV's mailing address is P.O. Box 6, Birmingham, AL 35201. The name and address of the owner is Great American Broadcasting, 1 East 4th St., Cincinnati, OH 45202.

Our interest in the license renewal process is based upon our concern for the children of our city and surrounding areas. We are especially concerned about television because we are aware of the unmeasurable influence television has on our young people.

We are concerned about WBRC-TV because WBRC-TV consistently airs shows such as "Sally Jessy Raphael." (See previous complaint.) Just a few minutes before this writing, WBRC-TV aired the "faking an orga-m" scene from "When Harry Met Sally" (about 8:50 PM). We feel that such material is not only indecent/obscene, but very harmful to the development of young minds and bodies. The "When Harry Met Sally" scene is considered very obscene by our local community standards. (Tape available on request.)



# American Family Association of Birmingham

P.O. Box 94734 • Birmingham, Alabama 35220

"Setting The Standard"



February 26, 1992

Federal Communications Commission  
Video Services Division  
Television Branch/License Renewal  
1919 M Street N.W.  
Washington, D.C. 20554

Dear Sir/Madame:

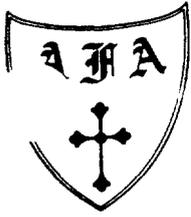
I am writing to formally petition the FCC to deny the license of WTTO-TV in Birmingham, Alabama. WTTO-TV consistently airs material which works against the public interest.

WTTO-TV's office and mailing address is 651 Beacon Parkway West, Ste. 105, Birmingham, AL 35209. The owner's name and address is: Abery Communications, 18 Newbury Street, Boston, MA 02116.

Our interest in the license renewal process is based upon our concern for the children of our city and surrounding areas. We are especially concerned about television because we are aware of the unmeasurable influence television has on our young people.

We are concerned about WTTO-TV because WTTO-TV consistently airs shows such as "Married With Children." On a recent episode of "Married With Children," for example, masturbation and oral sex were the subject of "humor." We feel that such material is not only indecent, but very harmful to the development of young minds and bodies.

In addition to indecent/obscene shows, WTTO-TV has also advertised 1-900 numbers in which children can call for live phone-sex talk. These 1-900 numbers have caused numerous people in our state untold grief. Our state officials are currently trying to get them out of the hands of our children. Why WTTO-TV would advertise these 1-900 numbers



# American Family Association of Birmingham

P.O. Box 94734 • Birmingham, Alabama 35220

*"Setting The Standard"*



February 26, 1992

Federal Communications Commission  
Video Services Division  
Television Branch/License Renewal  
1919 M Street N.W.  
Washington, D.C. 20554

Dear Sir/Madame:

I am writing to formally petition the FCC to deny the license of WVTM-TV in Birmingham, Alabama. WVTM-TV consistently airs material which works against the public interest.

WVTM-TV's mailing address is P.O. Box 10502, Birmingham, AL 35202. The name and address of the owner is Times/Mirror, 780 3rd Ave., New York, NY 10017.

Our interest in the license renewal process is based upon our concern for the children of our city and surrounding areas. We are especially concerned about television because we are aware of the unmeasurable influence television has on our young people.

We are concerned about WVTM-TV because WVTM-TV consistently airs shows considered indecent/obscene in the Birmingham area. (See previous complaint on the nudity in the "Today Show".) For example, enclosed is a tape of a talk show called "Montel Williams." This show was aired on Thursday, February 6, 1992, at 10:00 AM. Notice that one of the women being hypnotized does not appear to be wearing anything under her shirt. Also notice why she is being hypnotized. We feel that such material is not only indecent, but very harmful to the development of young minds and bodies. Even though WVTM-TV has received many complaints about this show (by mail and phone), they still air it. (See attachments.) Apparently, WVTM-TV is not too concerned over the quality of