

filed by: India Weeks  
04-233

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I was one of the 200 citizens who had an indecency complaint filed against Clear Channel. In fact, my complaint was one of the 14 being investigated at the time. But now all these cases have been terminated in accordance with the terms of the June 9th agreement.

In exchange, Clear Channel offered to pay an "unprecedented" \$1.75 million fine. By doing so, the Republican majority of the FCC not only agreed to bury all indecency complaints filed to date, but also agreed to make these complaints not admissible in re-licensing hearings.

So for less than \$2 million, which is only a small percentage of Clear Channel's annual income, the FCC placed a gag order on itself and censored me. In fact, mailing the complaint was a larger percentage of my income than Clear Channel had to pay.

My case is a prime example of how the current distribution of broadcast licenses is not serving local concerns.

My complaint involved a DJ broadcasting out of San Francisco. He was coaching a 4 year old girl to tell jokes about oral sex and yeast infections; weekly! Now, I have laughed at more than a few "Frat Boy" jokes, but this was a real little girl being coached by the girl's father with the DJ promising to give her a gift if she told the joke. It was horrible. I sent copies to the FCC at the time of broadcast.

When asked, the company claimed it was an adult actress. However, they would not release her name. But the broadcasts never said it was an adult actress and I don't believe it was.

It turns out this particular DJ wasn't even living in my state. He was "streaming" out of Dallas, Texas. I called the Dallas Police Department and they had a special child exploitation division because the largest Child Porn bust had just occurred in that region. The Dallas Police heard the tape and phoned the station, but the program director refused to cooperate in anyway unless actual charges were being filed. "Katie" was never heard on the radio again.

Two weeks later, I taped the same DJ giving kidnapping tips on how best to restrain and then dispose of little girls bodies. He was actually broadcasting while an abducted little girl's memorial service was being televised. The Clear Channel DJ told would-be kidnappers that they should use nylon rope and they should get their supplies, (rope-tarps-lye) at Orchard Supply and Hardware; a major chain in the state and the sole sponsor of a station contest. I phoned the local television station and aired my complaint. The regional paper picked it up the next day and the day after that the story went associated press. July 28, 2002.

[www.bayarea.com/mld/mercurynews/news/local/3747151.htm](http://www.bayarea.com/mld/mercurynews/news/local/3747151.htm)

This convinced Orchard Supply and Hardware to pull its advertising from the local station, but Orchard said it could not possibly boycott the broadcast company because

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Clear Channel dominates nearly every broadcast market in the country. Not only does Clear Channel own 1200 radio stations, it also owns 40 television stations, 700,000 billboards, amphitheatres, bus shelters and other "street furniture" like taxi cabs, parking garages, bus panels and news racks.

In other words, Clear Channel is trying to corner the market on all the mediums businesses need to reach their customers. Every business needs to advertise and Clear Channel has nearly made itself the only game in town.

A locally owned radio station with a local DJ could never have withstood the pressure of 10 regular advertisers pulling from the station in protest. But Clear Channel never even considered firing this DJ, so I kept taping.

Then on September 4, 2002 I caught what I believe to be the worst thing ever broadcast in the history of radio. I taped this DJ singing a song he wrote, produced, and performed with the lyrics, "Is she nine or is she twelve, ain't got no pubic hair, I like them bald and bare." and ends with the verse "I love to video tape, I'm into statutory rape."

Again I got a lot of local news coverage and was able to get dozens of local businesses to pull their ads, plus a few big national advertisers like Auto Zone. But again these large companies were helpless because they needed Clear Channel's services in other markets. [www.bayarea.com/mld/mercurynews/news/local/4121848.html](http://www.bayarea.com/mld/mercurynews/news/local/4121848.html)

This DJ was gone the next day, but his "leave from duty" lasted only three months. So I stopped taping. Then on January 14, 2003, Clear Channel brought this DJ back with the press release that stated, "Mikey stands for what KSJO stands for." I was flabbergasted and immediately downloaded copies of the press release and sent them to the FCC.

Then to my utter dismay, Clear Channel used its "synergy" to plaster Mikey's face all over my region on billboards, bus shelters, television ads, etc. Hardest to believe was the tag line, "Listen before we fire him . . . Again."

Clear Channel higher-ups had been quoted in all the previous commentary, so they were well aware of Mikey's actions. But now they were poking fun at the issue and promising that Mikey would do it. . . Again! Where was their civic pride! Where was their concern for the community they operate within!

So I sat tight for two years letting the process work, while Mikey kept on broadcasting. I closely followed all of Commissioner Copps' dissents, hoping that his words were meant for me.

The reason the FCC restricts adult content to later hours, is because children are often in the audience during the day. Children are legally denied the right to protect themselves. They are full citizens but they are denied the right to vote, carry a gun, marry or drive. Because they have been denied their full rights as citizens, they can ask for special protection under the law.

The FCC fines were never meant to censor anyone. The FCC was just enforcing the contract all broadcasters agree to when they receive their licenses. This is not an attempt to "childproof" society, this is just a government agency trying to zone adult activity on public property so children can enjoy the space too.

Now the FCC was on the move and I saw my case, not as one of civil indecency, but as criminal obscenity. I know the Supreme Court has had a difficult time defining obscenity in narrow enough terms to prevent its own language from threatening protected speech. But if they need a suggestion, how about the phrase "portrays children as sexual prey."? Seems to me this is narrow enough for a starting point.

I watched and read as fines were handed down and then in dramatic move to put on a new face, Clear Channel threw down a wild card and fired Howard Stern for his indecent broadcasts. But with a slight of hand Clear Channel replaced Stern's spot in San Diego with my DJ "Mikey". [www.themorningmouth.com/](http://www.themorningmouth.com/)

Instead of moving Howard Stern to an appropriate time slot, Clear Channel chose to censor Stern because he was beginning to criticize President Bush. I knew Stern was telling the truth when he said indecency was not the issue, because look who they put into his spot!

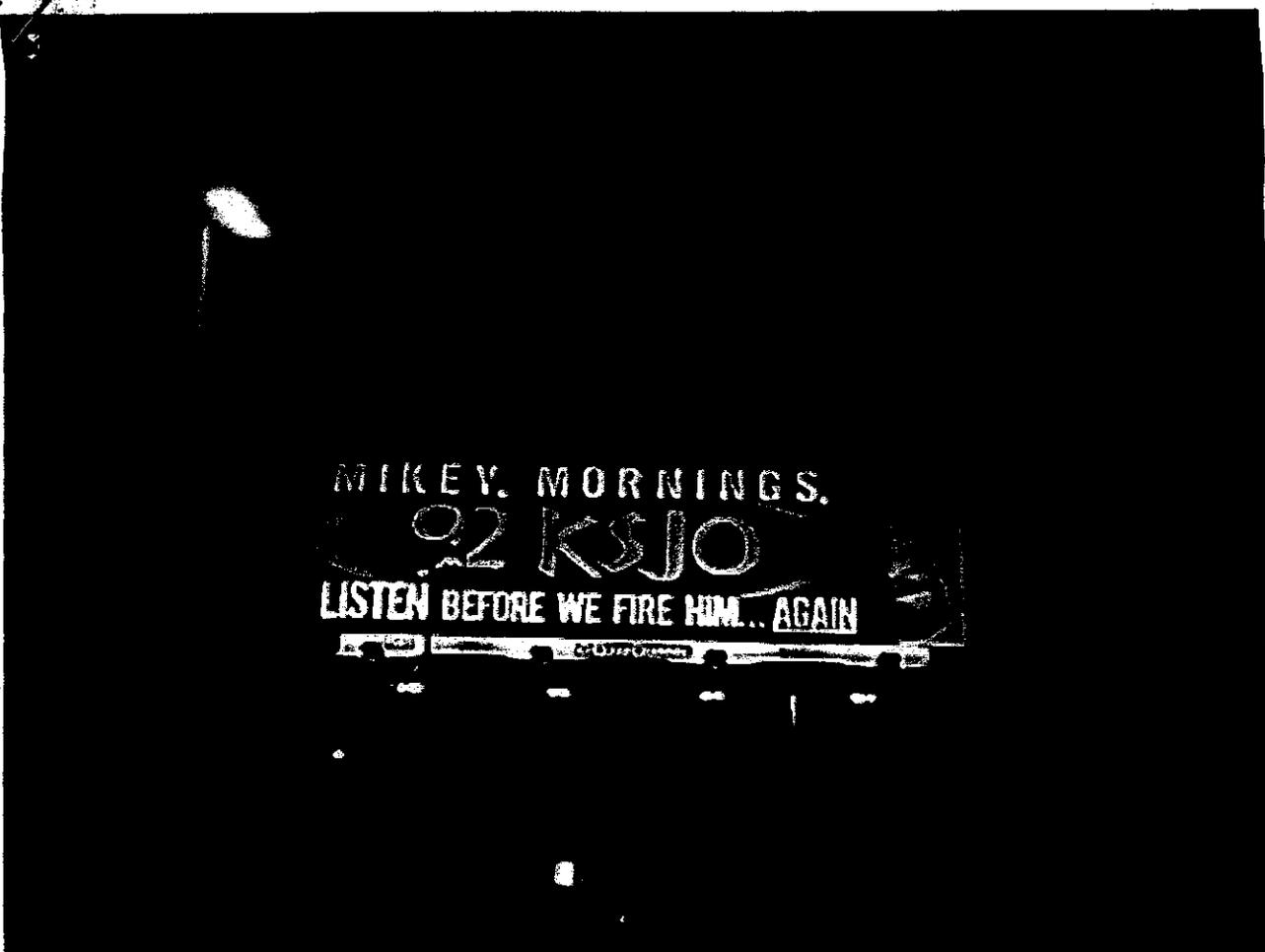
Yesterday I was in San Diego and I decided to listen to Mikey. On the morning of July 8, I heard Mikey ask a middle-eastern man from San Diego, who had called up the show to complain about the blatant racism, if he was calling from Guatanomo Bay. Mikey then proceeded to tell the man that he would like to "get him naked on his knees and take pictures of him." I did not catch this on tape, but I did catch a whole lot of Arab bashing that followed.

Clear Channel is the "Largest broadcasters of indecency in the nation." Clear Channel's size and connections make it so its illegal activities are not being punished or stopped. Meanwhile, local communities continue to pay the price. FCC Commissioner Michael Copps has also tied consolidation to indecency, suggesting that centralized owners are less interested in and responsive to community standards.

<http://www.washingtonpost.com/wp-dyn/articles/A29568-2004Jun9.html>

The FCC's June 9 Decree is a full blown scandal, a complete cover-up to hide what Clear Channel has been broadcasting. Clear Channel has broken numerous anti-trust laws, payola laws, employee contract laws, ownership laws, indecency laws, and on and on. The majority of the FCC and the Department of Justice have allowed them to get away with it all.

This media monopoly is a threat to decency and democracy in America. Like a country song, I have been wronged and I have been lied to, but let me tell you, I ain't gonna let them get away with sexually exploiting a child on the radio in my hometown. Not me. How about you? Sincerely James Burns [karmaflage1@msn.com](mailto:karmaflage1@msn.com)

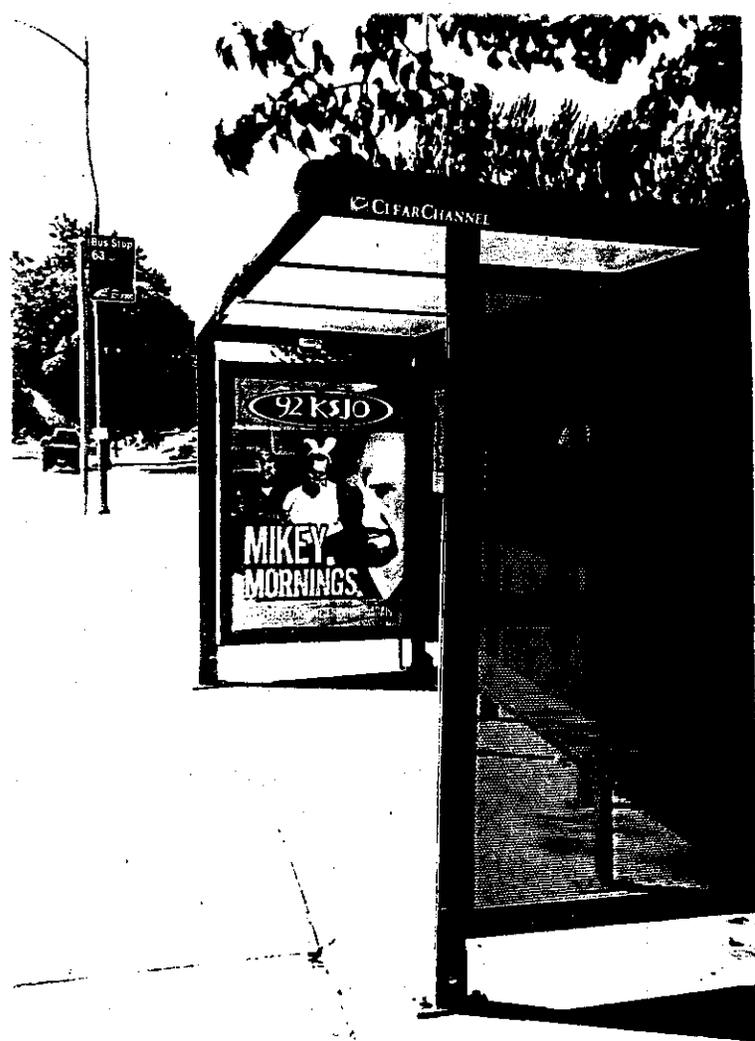


MIKEY, MORNINGS.  
92 KSJO  
LISTEN BEFORE WE FIRE HIM... AGAIN



MIKEY MORNING S.  
92 KJSJO  
LISTEN BEFORE WE FIRE HIM... AGAIN

MIKEY MORNING S.  
92 KJSJO  
LISTEN BEFORE WE FIRE HIM... AGAIN





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Providian \$338.83 ~~475~~ 45

Pac Bell  
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**92 KSJO ANNOUNCES NEW MORNING SHOW**  
**AN YOU'LL NEVER GUESS WHO IT IS.....**

SAN FRANCISCO/SAN JOSE, CA- After a long hard search, KSJO has found a morning show host to replace the recently departed Lamont and Tonelli. The new morning show host has been number one in afternoon drive on KSJO, went to Gilroy High School with (and probably got his ass kicked by) 49er quarterback Jeff Garcia, and grew up listening to KSJO!! Former KSJO afternoon drive host, Mikey Esparza, returns to KSJO as morning show host

Genise  
H. Bellboq

"Mikey knows the Bay Area like the back of his hand. Mikey loves the music on 92 KSJO. Mikey is the ultimate sports fan. Mikey is all about the same things that 92 KSJO is all about." says KSJO Program Director/ Operations Manager, Gary Schoenwetter. "The Mikey Show was huge in afternoons...and they've been eating non stop in order to be even bigger in mornings with the return of "The Mikey Show".

Mikey returns as KSJO morning show host on Wednesday, January 15<sup>th</sup>!

P.O. BOX # 711804  
San Diego, Ca 92171

Left ~~at~~ up hill  
Linda Vista take a Rt. several block  
[http://www.ksjo.com/mikey\\_release.html](http://www.ksjo.com/mikey_release.html)  
on the right

1/15/2003

Please

1. Restore pre 1996 ownership limits

2. over turn ~~the last months~~

June 9<sup>th</sup> decent decree

The FCC has no right to silence my complaint

3. pull the plug on clear channel

Please revoke clear channel licenses

**BayArea.com**

Posted on Sat, Jul. 27, 2002

## KSJO shock jock joked about girl being kidnapped

**S.J. DJ SUSPENDED AFTER COMMENTS ON SHOW**By Crystal Carreon  
Mercury News

Popular Bay Area radio personality ``Mikey'' Esparza, known for his shock jock antics and bad-boy image on San Jose's KSJO-FM, went too far for a laugh during a broadcast earlier this week in which he suggested kidnapers buy tarps and lye to dispose of murder victims.

During Wednesday's broadcast of ``The Mikey Show,'' the female sidekick known as the Hot News Girl Kelly had just finished reading the news about a 7-year-old Philadelphia girl who escaped from her abductors by gnawing through duct tape.

Esparza, the host, cut in with: ``That's why I don't use duct tape; that's why I use nylon rope.''

After the station returned from a commercial break, he continued: ``Let's say, for instance, you're somebody that is a kidnapper. Think of all the nylon rope you could get at Orchard Supply Hardware. Plus, they sell tarps. I'm sure they sell lye to dissolve the body.''

### Complaint filed

That remark prompted Santa Cruz-based Media Watch to contact station managers and file a complaint with the Federal Communications Commission, said Media Watch director Ann Simonton.

Orchard Supply Hardware also pulled its advertising spot with the station, she said.

On Thursday, station officials broadcast a formal apology to listeners and suspended Esparza for a week or ``until further notice,'' said Joe Cunningham, vice president and general manager for Clear Channel Communications, which owns KSJO-FM (92.3).

``The station's position is that we were not comfortable with the comment,'' Cunningham said. ``We don't condone comments that make light of, or try to find humor in something of that particular nature.''

Esparza, who left the Bay Area to broadcast ``The Mikey Show'' from Dallas, could not be reached for comment late Friday.

His radio show has become a staple in the Bay Area rock scene. It is also broadcast on rock stations in San Diego and Dallas. It remained unclear if officials at those stations have also taken action against ``The Mikey Show.''

## Listener reacts

Listener and local bar owner Ethan French, 25, of San Jose, agrees that the host was out of line in his remarks.

``It's such a sensitive issue," French said, referring to the number of recent kidnapping cases dominating the news. ``I understand they have to come up with the news every day and be entertaining, but he went too far considering how fresh the wounds are."

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Contact Crystal Carreon at [ccarreon@sjmercury.com](mailto:ccarreon@sjmercury.com) or (408) 920-5460.

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Posted on Sat, Sep. 21, 2002

**The Mercury News**

## **DJ replaced after song on sex with minors**

By Brad Kava  
Mercury News

Only weeks after a pair of disc jockeys were fired for broadcasting an alleged sex act inside New York's St. Patrick's Cathedral, a DJ on three local stations has been replaced after he played a self-produced song extolling sex acts with 9- to 12-year-old girls.

An irate listener taped the song and filed a complaint with the Federal Communications Commission and the station.

But the station managers say the removal of KSJO-FM afternoon host Mike ``Mikey'' Esparza was a programming change.

``I'm feeling frisky, I know it's risky," the lyrics of the mostly unprintable and highly profane song by Esparza said. ``I like the statutory rape."

The song, broadcast on Sept. 4, was a parody of R. Kelly, the Chicago singer who was arrested for allegedly making videotapes of sex acts with underage girls.

Friday the station's managers announced that they would be replacing Esparza, who was brought up in Gilroy but broadcasts from Dallas, with local talent.

Esparza was doing afternoon drives on San Jose's KSJO-FM (92.3), Walnut Creek's KFJO-FM (92.1) and Monterey's KMJO-FM (92.7). Those three are owned by Clear Channel, the nation's largest radio owner, with 1,200 stations, and the largest concert promoter. For the time being, the local stations are airing the greatest hits of Lamont and Tonelli in the 4 to 7 p.m. time slot.

However, Esparza was still on the air on Clear Channel stations in Dallas and San Diego.

The FCC complaint was filed by Jim Burns, 38, of Monterey. ``They create a social climate where my daughters aren't safe," said Burns, who has four daughters, ages 4 to 14. ``The real terrorists in the world are the ones who make it so women and children don't feel safe on the street."

Stan Winston, of FCC's Enforcement Division, declined to comment, saying the commission doesn't talk about pending investigations.

In a conference call, Ed Krampf, who manages Clear Channel's 10 Bay Area stations, and regional manager Joe Cunningham, said they would replace Esparza with a local disc jockey.

``We just want to go local," said Krampf. ``We want someone who is relatable in the Bay Area in terms of content, who knows what works and what doesn't work."

In July, Esparza was suspended by the local stations for joking about child abductions.

After a news report about a 7-year-old Philadelphia girl who escaped an abductor by gnawing through duct tape, Esparza cut in with: ``That's why I don't use duct tape; that's why I use nylon rope."

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Contact Brad Kava at [bkava@sjmercury.com](mailto:bkava@sjmercury.com) or (408) 920-5040. Fax (408) 271-3786.

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1 Cassette Tape