

As requested in GN Docket No. 13-86, I am writing to express views in response to the solicitation for comment by the Federal Communications Commission Enforcement Bureau and Office of General Counsel as to whether the full Commission should make changes to its current broadcast indecency policies or maintain them as they are. Specifically, the Enforcement Bureau and Office of the General Counsel are soliciting comment about the treatment of isolated expletives and isolated (non-sexual) nudity in the context of the Commission's substantive indecency policies.

The Federal Communications Commission (FCC) has a fiduciary responsibility to enforce policies and practices on behalf of the American public. In doing so, the FCC is obligated to represent the public interests expressed by the American public in the fulfillment of its responsibilities.

In light of the fact that conflicting decisions were reached regarding the interpretation of the Commission's indecency policies in the context of isolated expletives, I believe it is appropriate for the full Commission to undertake a review of the indecency policies. In doing so, I encourage the Commission to carefully review the long-standing history of enforcing stringent and restrictive standards regarding the use of expletives over public airwaves, consistent with the decision reached in Complaints Against Various Broadcast Licensees Regarding Their Airing of the "Golden Globe Awards" Program.

I do not believe isolated (non-sexual) nudity should be considered under a similar regime as isolated expletives. The definition of indecency by the Commission states "the material must...depict sexual or excretory organs". Nudity, including partial nudity, inherently involves the depiction of sexual or excretory organs.

Furthermore, an additional test based on whether or not the material is offensive to contemporary community standards must also be met. I believe the Commission must further strengthen its standards to clarify that contemporary community standards must be predicated based on the majority views prevalent across the nation. Care must be taken to ensure that "contemporary community standards" is interpreted broadly to adequately and accurately represent the public majority.

In summary, the Commission should consider the matter in order to provide more stringent and clear guidelines for the staff of the FCC to enforce in order to prevent the proliferation of additional indecent subject matter.