

## Government Censorship Gives Consumers New Entertainment Options

The Federal Communication Commission's campaign for censorship of media, particularly the television and radio outlets have lead to a flurry of consumers moving their eyes and ears to uncensored media formats. Although the FCC has good intentions, I believe that consumers will use their spending power in a way of voting against current regulations and censorship.

The Federal Communications Commission (FCC) was formed in 1934 under the Communications act of 1934 with the purpose of regulating interstate and international communications by radio, television, wire, satellite and cable. This agency is independent and is directly responsible to congress and its jurisdiction covers all 50 states, the District of Columbia, and the U.S. possessions. Five commissioners make up the FCC's directors, all are appointed by the President and are then confirmed by the acting senate for a 5-year term. Specifically, "The Media Bureau develops, recommends and administers the policy and licensing programs relating to electronic media, including cable television, broadcast television, and radio in the United States and its territories. The Media Bureau also handles post-licensing matters regarding Direct Broadcast Satellite service. (FCC.gov)"

Recent events such as the complaints against various television licensees concerning their February 1, 2004, broadcast of the Super Bowl XXXVIII Halftime Show and the lewd remarks by Howard Stern in his national radios broadcasts have left the FCC with a difficult decision. Nearly 542,000 complaints flooded into the FCC (Adelstein) after the broadcast of the Super Bowl and have given attention to the some of the American public's fear of a desensitized country. During the Half Time Performance, Janet Jackson's breasts were bared for all to see when Justin Timberlake ripped off part of her clothing. CBS, which aired the Super Bowl, and MTV, whom produced the halftime show, both said they had no idea the performance would include a the display that it did. Apologies were offered by both companies for the incident. Justin Timberlake referred to the flash as a "wardrobe malfunction." "I am sorry that anyone was offended by the wardrobe malfunction during the halftime performance of the Super Bowl," Timberlake said in a statement. "It was not intentional and is regrettable."(Chamy)

Sparking an investigation by the Federal Communications Commission, as well as an avalanche of criticism against CBS and MTV, the FCC was forced to make a comment on the situation. FCC Chairman Michael Powell described the flash as "classless, crass (and) deplorable." Powell also stated that he suspects the show was a "stunt" rather than an accidental "wardrobe malfunction. (Horovitz)" His feelings may have been correct, a story posted on MTV.com earlier that week had the headline "Janet Jackson's Super Bowl show promises 'shocking moments.'" Bob Costas, NBC sports anchor stated his disgust by saying "It was a complete breakdown of common sense and common decency. The NFL doesn't usually leave much to chance. Either they completely dropped the ball, or they're being disingenuous (about being taken by surprise)."(Horovitz)

In response to this event, the FCC decided to crack down on several different aspects of the media. Under current rules a fine of \$550,000 was levied against CBS, which adds up to only about a dollar per complaint for the more than 542,000 complaints taken by the FCC (Adelstein). Television stations have been forced to make changes in their broadcasting formats. In an attempt to avoid another of five-star family fare turning into an X-rated joke the Super bowl XXXIX broadcasters, FOX, are taking several measures. In an attempt to bring back family viewing of the event, the National Football League has decided to take the reigns this year by signing off on every song sung, every outfit worn and every dance performed. The Super Bowl has become a cultural event and is also a huge business generator for the broadcasting station, this year revenues were expected to be close to \$140 million (FOX.com). However in an act of defiance with careful cautions, the Fox executives were against any delay in broadcast. "We don't believe it's necessary," said David Hill, CEO of Fox Sports Television Group. After all, Paul McCartney — no threat to do the unexpected — is the halftime entertainer, he says. "When there's no potential issue, why bother with a delay?"(Horovitz)

Howard Stern is one of the raunchiest, disgusting and provocative radio hosts in America – and millions of people love him! Sterns language prompted the FCC to fine the parent company of several stations, which he airs on the amount of \$495,000(Adelstein). When the Federal Communications Commission (FCC) announced that it would impose a \$495,000 fine on Clear Channel for "indecent" content on Stern's show this prompted Clear Channel Communications to end Sterns contract. In light of this announcement, John Hogan, Clear Channel's President, said he felt he had no choice but to can Stern, for his show "has created a great liability for us and other broadcasters who air it. (Hilden)" Hogan also said he feared Clear Channel could be de-licensed if it did not get rid of Stern. Stern then lashed back through his own personal website stating, "It is pretty shocking that governmental interference into our rights and free speech takes place in the U.S." He then prominently posted a quotation from a Supreme Court decision: "If there is a bedrock principle of the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." One of the most interesting parts about this case is that Howard Stern has been speaking this way for several years.

The government's actions seem to be inappropriate and belated a great deal. The Bush administration had more than 3 years from the time of the event to do something, yet it has chosen to ignore Stern until it has now become convenient to peruse him. In response to the fines being levied against him, Stern has decided to move his show to Sirius Satellite Radio starting in 2006 (Coniff).

The five year multimillion dollar deal with Sirius will start Jan. 1, 2006. It has enormous implications for the 40-plus terrestrial stations that currently air his show, including Infinity powerhouses KLSX Los Angeles; WCKG Chicago; WYSP Philadelphia; KITS San Francisco; WBCN Boston; WJFK Washington, D.C.; and Stern's WXRK New York flagship (Coniff). Stern has been battered over the past year with the FCC's decision but his decision to continue working in radio has really been a stance for free speech across America. "Howard coming to Sirius is great news for the music business," Greenstein of Sirius said. "I was going to get out of radio," Stern said. "I was going to get back into books and movies, reinvent myself. Then I realized that it wasn't that I hated radio: It was the situation. This is a whole new future. It was time for me to say, 'I am abandoning the old way of doing things.'"

The threat of satellite radio has been recognized by traditional radio. The National Assn. of Broadcasters convention in San Diego in 2005 was frantically discussing the issue of censorship and the emerging media of satellite radio. Several radio general managers and executives seemed to be speaking in hushed tones about the implications (Reuters). Fortunately the problem of censorship in traditional radio has been answered through the revolution of satellite radio. Stern is probably one of the happiest radio hosts and will continue to lead the revolution. "This is the day satellite has become a business," he said. "I've already gotten so many calls from people who want to defect. I'm going to put Clear Channel out of business." Said Stern.

Howard Stern has some of the most loyal listeners in radio and have moved their listening habits with Stern as he has moved from books, pay-per-view, movies, TV and now Sirius Satellite Radio. Sirius is making a reasonably safe bet that Stern's millions of fans will follow him again and become subscribers (Sirius.com).

This deal is just part of the reason that Satellite Radio is becoming a household name and brand. The hope for Sirius and the music industry is that this movement will translate into a huge increase in subscriptions to Sirius, as well as an important outlet to expose music, which will be free from government regulation. Stern believes that Clear Channel Communications does not stand for free speech, and this violates his own principles. His decision to migrate to satellite radio is a creative decision. He acknowledges that his walking away from an empire where advertising rates are higher than ever and listeners are growing at a steady pace.

One of the latest rulings by the Federal Communications Commission appears to suggest that news stations are also under fire (Bivins). This decision stems from an incident at the Golden Globe Awards, when U2 singer Bono said the F-word and NBC carried it live. The FCC investigated and said the indecency rule did not apply because Bono used the word as an adjective, "to emphasize an exclamation." However, after the furor over the Janet Jackson "wardrobe malfunction" at the Super Bowl, the commission overturned the Bono decision. The F-word, the FCC said, is indecent and profane regardless of context. (Potter)

The three words "regardless of context" are what have broadcast journalists concerned. In the past, the FCC considered the context in which profanities were uttered in deciding if a broadcaster could be fined for indecency. Sexually explicit comments by Bubba the Love Sponge and Howard Stern could get a station in trouble — no doubt about it. Clear Channel Radio dropped both shock jocks this year after being hit with record fines (JAC). Comments on a newscast and during live news coverage, in the past have not merited sanctions. Stations now worry that will no longer be the case. The FCC hasn't specifically said how this recent decision would apply to news broadcasts. "Right now, the problem for us is there are no rules," Rod Fritz, news director at Boston's WRKO-AM radio, said at a panel discussion at the April convention of the Radio-Television News Directors Association. "There's no line. We don't know where the line is." (Potter)

Petitioning the FCC, CBS affiliate stations gave a rebuttal to the indecency rule. They stated that this new rule could "fundamentally alter the manner in which local broadcasters engage in news gathering." (CBS) The stations went so far as to warn that if the ruling stands, many of them would stop airing newscasts between 6 a.m. and 10 p.m. when the regulations apply.

This may be taking things a little too far, but they do feel threatened and they do have just cause for concern. Until now, being found in violation of FCC rules for indecency merited not much more than a slap on the wrist and little more than a maximum fine of \$27,500 per show regardless of how many profanities were aired. But the FCC has started fining stations for each profane word used. The United States Congress, whom directly controls the FCC, has raised the fine to as much as \$500,000 per incident (Hilden). One provision under consideration would start proceedings to revoke a station's license if it's repeatedly found in violation. With this type of ramifications being taken out on the stations, the parent companies of these media giants have little choice to shape up and drop some of their more risky on-air personalities.

Consumers are moving their eyes and ears to non-regulated media. Recently two satellite radio companies have been vying for new subscribers by enticing them with programming ranging from Howard Stern to the Playboy Channel, to NASCAR and live Major League Baseball broadcasts. Sirius and XM Satellite Radio are free from FCC regulation, meaning that any subscriber paying \$12.95 per month will have access to their content. The 2

companies are so confident that subscribers want this content that they do charge additional \$2.99 per month for access to premium content such as Howard Stern's Show which is to debut in 2006.

Satellite radio is a new service being offered by two companies, XM Satellite Radio and Sirius Satellite Radio. Both companies are offering over 100 channels of streaming music and entertainment. High quality sound is achieved through the use of satellites orbiting high above. Satellite radio has been commercial free and free from regulations by federal committees. The impossible, is now possible, hearing the same radio station across North America and from coast to coast. All made possible by XM satellite radio and Sirius satellite radio.

XM Satellite Radio and Sirius Satellite Radio have designed satellite broadcast systems that differ but they achieve the same high quality of satellite radio. A milestone of this success is the fact that satellite radio signals that are available across the United States and into Mexico and Canada. Rock and Roll – No it's not a genre any more! XM Satellite Radio has two satellites named Rock and Roll, which remain in parallel geostationary orbit to provide radio coverage throughout the United States. Sirius Satellite Radio has chose to use three satellites in an inclined elliptical orbit. This configuration provides 16 hours per satellite of signal, which gives a great redundancy if any satellite were to fail. Playing it smart, Sirius and XM both have spare satellites, which can be called on in a moments notice if needed. Satellite Radio, with the combined availability and freeness from regulations promises to give consumers unregulated content at any time or any place.

The Federal Communication Commission is making the effort to censor the American public from indecent pictures and vulgar language. At this time of this article, XM Satellite Radio had 3.4 million subscribers (Xmradio.com) and Sirius had 1.6 million subscribers (Sirius.com), all of whom are willing to pay a monthly fee. This does act as a testament of what is to come regarding this medium of entertainment and information dissemination. Consumers are voting against the way that media is censored through their purchasing power. I do believe that the FCC is doing their job and will continue to do their job, however they do have plenty of roadblocks in their way and I do foresee more in the future. While the FCC has a duty to perform, businesses will continue to cater to the public's need and interests – in this case the consumers are winning.

## About the Author

Scott fish is the Owner of <http://www.TopSatelliteRadio.com> Top Satellite Radio is a resource for consumers seeking the history and facts about satellite radio. We also sell electronics related to Satellite Radio. Quick Access: <http://www.TopSatRadio.com>

Source: <http://www.articletrader.com>