Federal Communications Commission

Washington, D.C.

CHAIRMAN

February 10, 2004

Ms. Gail Berman
President, Entertainment
Fox Broadcasting Company
10201 West Pico Boulevard
Building 100, Room 4450
Los Angeles, CA 90035

Dear Ms. Berman:

For the last decade, the FOX network and its owned and operated broadcast stations have utilized the public airwaves to bring the very best of television and radio to our citizens. They have informed us, entertained us and brought us programming to serve the interests of our local communities. This service is part of the proud heritage of your industry and what makes broadcasters unique among media.

Over the past decade, even as Americans have enjoyed access to an ever expanding amount of video and audio programming, we have heard rising cries of public concern about the growing coarseness of broadcast programming, especially during times when children are likely to be in the audience. The now infamous display during the Super Bowl halftime show, which represented a new low in prime time television, is just the latest example in a growing list of unfortunate incidents on the nation's airwaves.

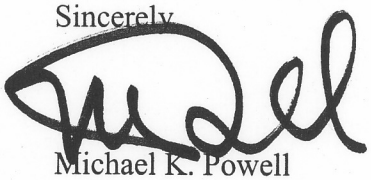
Make no mistake, the Federal Communications Commission will continue to protect children and respond to the public's concerns. Under our authority, and consistent with the First Amendment, we will continue to vigorously enforce our indecency rules and standards. In this vein, we have called on Congress to increase our penalties ten-fold to strengthen our efforts. I recognize, however, that true and lasting change will only be achieved if the broadcast community recommits to its public service roots and its tradition of abiding by community standards of decency.

To that end, I challenge the broadcast community to reinstate a voluntary code of conduct. A code of conduct would offer effective guidance and best practices to local broadcasters to address the needs and concerns of parents, children and local communities—particularly in the areas of indecent, profane and violent programming. As part of this effort, the industry can, for example, engage in an education and outreach campaign to empower parents and children to find the best family-friendly programming that broadcasters have to offer and to use the technological tools available to parents to prevent those channels and programs that are inappropriate for children from reaching their eyes and ears. Additional efforts, including delays of live, unscripted entertainment programming is yet another way you can help parents protect their children.

These steps should give the public a meaningful standard by which to evaluate performance. I urge you to work with the public and your local communities to develop such a code. I am confident that your industry can develop a new code, consistent with the First Amendment and antitrust laws, to once again demonstrate your unwavering commitment to serving the needs of local communities and to help stem the surging tide of offensive and excessively violent programming.

For its entire history, the broadcast industry has been looked upon to serve the needs of our citizens. I share the public's concern about the rise of indecent and excessively violent programming over the airwaves. While we will continue to rigorously enforce our rules, I, along with the public, turn to you to strengthen your commitment to your communities and to our citizens. With that, please advise me within the next thirty days, of any steps your members will take to meet this challenge to better serve the public interest. I look forward to your response.

Sincerely,



Michael K. Powell