

September 17, 2013

Dear Chairman Rockefeller and Members of the U. S. Senate Committee on Commerce, Science, & Transportation:

We write to urge you specifically to ask Federal Communications Commission nominee Michael P. O’Rielly whether he will vigorously enforce the federal decency law if he is confirmed by the Senate.

The quality of life in America increasingly depends on a responsible media. The FCC is meant to play an essential role in uplifting television standards by enforcing the federal decency law, 18 USC Section 1464, against television networks which are licensed to broadcast only that which is “in the public interest.” As a member of the U. S. Senate Committee on Commerce, Science, and Transportation, you play a key oversight role with respect to the FCC; and in that oversight capacity, you have no more important role than in confirming those nominated to serve on the five-member Commission.

The American public has a right to decency at home, and no network or shock jock has the right to invade that sacred space with indecent programming outside the safe-harbor period. Yet, the immediate past chairman of the FCC, Julius Genachowski, refused to bring even one enforcement action on indecency during his four years in office. This failure of responsibility must not be allowed to continue.

After two recent U. S. Supreme Court decisions, *FCC v. Fox*, 129 S. Ct. 1800 (2009) (Fox I) and *FCC v. Fox*, 132 S. Ct. 2307 (2012) (Fox II) it is clear that the FCC has full authority to enforce the federal decency law. It is thus now time for the Commission to do its job and ensure the public airwaves are not filled with nudity and profanity, especially during the times of day when children are likely to be in the viewing audience.

There is no question that broadcast decency is a critical issue with the American public. More than 100,000 citizens submitted comments recently to the FCC in opposition to a proposed weakening of decency enforcement standards. Only the television networks, their agents, and a handful of their supporters endorsed a weakening of the indecency law.

The American people have had enough. We will be patient no longer. We will not sit by while the public airwaves are filled with pornographic images and profane speech.

Senator, please make sure that nominee Michael P. O’Rielly pledges to vigorously enforce the federal decency law before you vote in favor of his nomination to the FCC.

CC: Members of the U.S. Senate

Sincerely,

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Tim Winter, President
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Tony Perkins, President
Family Research Council

Tom North, President
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Frank Cannon, President
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