SEPTEMBER 13, 2005SCHAKOWSKY SPEAKS AGAINST GOVERNMENT CENSORSHIP OF THE AIRWAVES

CALLS FOR DIVERSIFIED MEDIA OWNERSHIP AS REMEDY FOR OBJECTIONABLE BROADCAST CONTENT

WASHINGTON, DC - U.S. Representative Jan Schakowsky today spoke in support of protecting free speech and diversifying media ownership at the Future of Music Policy Summit.

Representative Schakowsky's statement is below:

I don't know what it was about Janet Jackson's nipple, but it set off a frenzy in Congress. The baring of her breast created an obsession in Congress about getting "indecency" off the airwaves. (I wonder what Freud would say.) Nobody was concerned about the violence of the act, the ripping of her clothes, but that children may have seen something that I am sure all of them had already seen.

The reason I oppose Congress's answer to indecency on the airwaves - raising fines against broadcasters and artist to $500,000 per indecent incident - is because the excessive fines against artist is a form of censorship and would violate the right to Free Speech. I believe that raising fines would be more successful at undermining our First Amendment rights and creative expression than it would be successful in cleaning up the airwaves. Those fines would amount to what William Shakespeare describes as "art made tongue-tied by authority."

No one can believe that the fear of those fines would not prohibit artistic expression. Not every artist gets the salary of Janet Jackson and can proceed as the fine would just be the cost of doing their thing. The average musician makes just $36, 290 per year. The average actor makes merely $23, 470 per year. Even a fine of $11,000 - current law - could destroy an artist who was found to be "indecent."

I believe that if the fines are raised to $500,000, artists would become so obsessed with not being "objectionable," so afraid of the financial devastation the indecency fines

could cause for them, that they could self-censor away their creativity and truly sensational (in the good sense) performances. We are heading down a slippery slope when Big Brother decides what constitutes free speech and artistic expression. This legislation threatens to undermine both our Constitution and our creativity.

Personally, I am much more concerned about protecting my grandchildren's First Amendment rights than I am about them seeing Janet Jackson's nipple.

The Federal Communications Commission, (FCC), recognizes the First Amendment problems, too, and has never imposed a fine against an individual performer. Last year, when the furor over Justin Timberlake's violent act was at its peak, the now "former" FCC Chair Michael Powell said, "I have some reservations about the FCC going after performers personally."

We know that increased fines also affects what broadcasters air - even now when they are just a threat. In 2004, 66 ABC affiliates refused to air "Saving Private Ryan" - although they had shown it on Veterans' Day in 2001 and 2002. They were afraid that if they aired the Oscar winning movies, they could see themselves headed for serious fines. They did not know if having 11 warnings about the content of the show (at the beginning and with each commercial break) would protect them. They erred on the side of caution - and I fear we are going to be seeing a lot more of that.

I also am afraid that the focus on indecency distracts us from the larger issue we should be addressing: the over-concentration of media ownership. Broadcast content is getting worse - in so many ways - not because fines aren't high enough, but because of the consolidation of media ownership into fewer and fewer hands and further and further away from local control.

By fixating on indecency on the airwaves, a mere symptom of the problem, we are missing the fact that community standards and local voices are being lost as ownership of stations are moving from the hands of the people to the hands of the conglomerates. The concentration of media ownership infringes on local control and greatly limits the rights of local communities to decide what they want to see and hear. Congress has been talking about standards of decency - but we should be talking about standards of democracy.

I believe that the First Amendment protection of free speech is invaluable to the core of who we are as a nation. If we undermine that right, we will undermine art and democracy. I truly do not think that we could handle the true cost of increased fines.