

**MARCH 3, 2004**

**SCHAKOWSKY VOTES TO DEFEND FIRST AMENDMENT**

**WASHINGTON, D.C. - U.S. Representatives Jan Schakowsky (D-IL) today voted to defend the First Amendment. During an Energy and Commerce Committee hearing on the Broadcast Decency Enforcement Act of 2004, Schakowsky opposed the legislation because it could limit individuals' rights to freedom of speech under the Constitution.**

**The bill will increase fines on corporations, broadcast licensees, networks and individuals found to have violated indecency regulations by the Federal Communications Commission. However, the bill failed to address the major concern of citizens across the country who believe that there is a direct correlation between media consolidation and the increasing number of objectionable materials on the air. The legislation was approved by a vote of 49-1.**

**"I strongly believe in the First Amendment, and if I have to stand alone to defend, I will do it," Schakowsky said.**

**Below is Schakowsky's statement from today's hearing where she offered an amendment that would have struck from the legislation a provision that will increase the fine limit for individuals from \$11,000 to \$500,000. The amendment was rejected:**

**Mr. Chairman, I have an amendment at the desk. My amendment would strike the provision in HR 3717 that would increase the fine limit for individuals from \$11,000 to \$500,000.**

**Mr. Chairman, Ranking Member Dingell, again, I appreciate your efforts to be responsive to the needs of all of our constituents, but I am concerned that the proposal to increase fines that can be levied against individuals will do more harm to the First Amendment than it will be successful in cleaning up our airwaves.**

**As a grandmother, I am concerned about what makes it onto the air today. But, I am also concerned about protecting my grandchildren's right to freely express themselves, and because I am a strong proponent of the First Amendment, I am concerned that raising fines against individuals will amount to another form of censorship.**

**The authors of our Constitution, even at a time when our democracy was very fragile, were insistent on Freedom of Speech.**

**I believe that fines against performers would deter the number of sensational acts that make it on the air, but my fear is that will also make artists so concerned with not being "objectionable" that they could self-censor away their creativity and truly sensational, in the best sense of the word, performances.**

**We run a great risk when our legislation threatens to undermine both our Constitution and our creativity. The stakes are high and the threat to free speech is all too real.**

**The FCC recognizes this as well and has never imposed a fine, even though it can, against an individual performer. And we know this, too. In this bill there is a separability clause. What this clause does is states that if any part of the bill is found to be Unconstitutional, then it should be taken out of the bill so that the rest of the bill can become law. This was put in because when this bill was being written, it was known that there was a potential for Constitutional problems, especially with fines against individuals and their free speech.**

**If we know this risk is there, then let's deal with it now. My amendment would strike the provision that would call for increased penalties against individuals. I urge all members to vote and pass my amendment and remove perhaps the most dangerous portion of this bill.**

**Thank you.**