

F, as in Free Speech

Editorial - Chicago Tribune

June 30, 2004

In a fit of pique, Vice President Dick Cheney departed from the usual, if sometimes forced, decorum of the U.S. Senate last week. He flung a familiar four-lettered expletive, starting with 'f,' at Sen. Patrick Leahy (D-Vt.). It happened during an argument about Cheney's ties to Halliburton Co., an energy company that he ran before taking office.

Cheney didn't deny cursing at Leahy. In fact, he seemed to revel in it. "I expressed myself rather forcefully," he said with a slight smile. "I felt better after I had done it."

Right. Many of us have been there.

At least, Senate Majority Leader Bill Frist (R-Tenn.) later said, it wasn't done in session. Presumably, the C-SPAN cameras could have caught the exchange, and how would that look on national television? It would look like what it was--a fleeting and isolated foray into profanity that didn't really hurt anyone.

Kind of like rock star Bono's use of the very same expletive on the now-famous 2003 Golden Globe Awards. The same expletive that the FCC's profanity police at first dismissed as "fleeting" and "isolated" and not worthy of a fine. The same expletive that became a cause celebre following the outcry over a glimpse of Janet Jackson's breast in a Super Bowl halftime performance.

Granted, Cheney reserved his outburst for a moment on the Senate floor, not national television. But those Republicans rushing to his defense should pause long enough to rethink the sledgehammer Congress is now threatening to wield against similar transgressions on the public airwaves.

Recently, the Senate joined the House in passing huge new fines for broadcasters that air profanity or indecent programming. The Senate bill would fine broadcasters as much as \$275,000 per incident, up to \$3 million a day, according to the FCC. Earlier, the House passed a bill that would raise fines to a maximum of \$500,000 per offense. The current maximum fine: \$27,500. Now House and Senate members must work out the differences between the bills.

In the spirit of Dick Cheney, they should forget the whole thing.

That's an unpopular notion in Congress today. Lawmakers have found a tempting target to flog in an election year. Only a few lawmakers, including Rep. Jan Schakowsky (D-Ill.), have been willing to stand against this massive overkill.

In the Senate, Sen. Sam Brownback (R-Kan.) argued that "We're going to have to take action because the broadcasters won't police themselves." But there's strong evidence that broadcasters are doing just that. From here it looks like they've received the message, loud and clear. The networks are showing restraint, instituting time-delays and scrubbing some of the gratuitous sex and foul language from their shows. Earlier this month, Clear Channel Communications Inc., the country's largest radio station owner, agreed to a record \$1.75 million settlement for federal indecency violations and has promised that radio personnel, including on-air talent, would be given "intensive training" about indecency laws.

Broadcasters who repeatedly and flagrantly violate standards should expect to be fined. But like the occasional profanity hurled on the Senate floor, the response to a few naughty words needs to be kept in proportion.