



February 3, 2004

The Honorable John Dingell  
Committee on Energy and Commerce  
2322 Rayburn Building  
Washington, DC 20515

Dear Congressman Dingell:

NBC appreciates the opportunity to respond to your letter of January 27<sup>th</sup> and to clarify the record regarding NBC's position on a number of matters dealing with broadcast indecency.

First, NBC takes seriously its responsibilities to its viewers to air programming that is not indecent, profane or obscene. NBC unequivocally does not believe that it is appropriate to transmit network entertainment programming -- live or otherwise -- which includes the "f-word" or similarly objectionable language, except in the extraordinarily rare case of serious and critically acclaimed theatrical or similar presentations, such as *Schlinder's List* or *Saving Private Ryan*, each of which has aired to great public acclaim on network television in recent years. As a broadcast network, our goal is to reach a large, heterogeneous viewing audience with network entertainment programming that is appropriate, acceptable, and consistent with all Congressional and FCC requirements. There is absolutely no question that objectionable language in our network entertainment programming would be antithetical to this objective.

Furthermore, NBC agrees that we are responsible for any content that is broadcast or transmitted over the NBC Television Network. NBC remains willing and prepared to uphold that obligation. For instance, NBC maintains a fully staffed team of 17 highly experienced professionals whose fundamental mission is to ensure that NBC network entertainment programming and advertising is consistent with NBC's own internal standards, which often are more restrictive than any governmental requirement. Our Standards & Practices group reviews all manner of NBC network entertainment programming, ranging from NBC scripted programming to NBC reality shows and Saturday Night Live. We assist in the placement of the appropriate voluntary rating on programming, and we have substantial oversight in place to ensure that NBC's entertainment programming does not involve inappropriate language. But it is not just our Standards team that ensures the quality of NBC network entertainment programming. All NBC network personnel understand the critical importance of transmitting suitable entertainment content.

Second, Bono's spontaneous and unfortunate choice of word at the Golden Globes in 2003 stands in stark contrast to NBC's history in this area and, specifically, our history with the Golden Globes broadcast. NBC broadcasts hundreds of thousands of minutes of network audio annually. Prior to Bono's remark, NBC had broadcast the Golden Globes live and without incident since 1996. The program is produced by Dick Clark Productions, which has a long-standing reputation for professionalism and programming quality. Before the 2003 Golden Globes, the producer, as it had in years past, instructed every participant in the event that appropriate broadcast decorum was to be observed. That Bono uttered the "f-word" despite such instructions was completely unexpected by everyone involved. Of course, NBC immediately edited the tape for the subsequent broadcast to all NBC affiliated stations in the Mountain and Pacific time zones. Unfortunately, at that moment, there was no way for NBC to prevent the inappropriate word from being transmitted to those stations that carried the show live

Such an occurrence is a rare and regrettable exception in NBC's long history with live entertainment programming. For example, Saturday Night Live has been broadcast live for 27 years and, to our recollection, has had only one serious incident - and that occurred over 20 years ago. The cast and guests who appear on SNL tend to be younger and less experienced than those performers who traditionally appear on the Golden Globes. Yet, our long experience is that they are able to adhere to the rules of network television regarding appropriate behavior and language. To us, it is ironic that the Bono incident was part of an awards program that featured a cast of more experienced performers who would have been reasonably expected to conduct themselves both professionally and appropriately, as they had each of the prior years in which NBC aired the programming.

Third, and in light of the Bono incident, NBC instituted the practice of running all live award shows on a ten second delay beginning with our broadcast of the Radio Music Awards in November 2003. Going forward, all live awards shows will be broadcast with the delay in effect. Although the delay process is challenging to implement in the course of the live event programming that U.S. households have come to expect to be available on free television, NBC professionals are among the most practiced in the industry. In addition, we want to assure you that we continue to impress upon the producers and the talent of these programs that the institution of the delay in no way absolves them from their responsibility to provide programming which is consistent with the Network's standards and that includes no objectionable language or behavior. As a further precaution, NBC also has upped the voluntary rating NBC assigns to such live entertainment programming in an effort to remind parents that such programming may include a live, spontaneous and unpredictable broadcast.

Pursuant to your remaining questions regarding current proposals to strengthen Commission indecency enforcement, NBC agrees that the last three decades have seen, in addition to thousands of upstanding broadcast licensees, some bad actors who regularly air programming that is seriously indecent under any reasonable interpretation of established indecency precedent. NBC shares Congressional and Commission concern regarding such bad actors, while remaining fully cognizant of the many legal difficulties

presented by any retroactive application of any such significant policy change in the definition or application of FCC indecency policy. In this context, NBC fully supports the current legislative proposal to assess higher maximum forfeitures in future indecency proceedings against those broadcast stations that already have been compelled to pay multiple forfeitures for serious violations of established indecency standards.

Of course, NBC will abide by any legal action taken by the Commission to enforce established indecency standards. NBC is not aware of its network entertainment programming being the subject of any indecency complaint involving more than a single allegedly indecent word since the FCC first announced this prospective change in policy, but has not challenged the FCC's intention to impose monetary penalties per indecent utterance rather than per broadcast program in future indecency cases. As for other enforcement proposals, NBC lacks sufficient information to comment usefully at this time, but agrees that broadcast stations that repeatedly and seriously violate established indecency standards should be held accountable for their intentional and serious misdeeds under the standards in place at the time of the relevant broadcast.

Please contact Robert Okun, VP of NBC Washington at 637-4532, if we may be of further assistance.

Sincerely,

  
Alan Wurtzel

President, Research and Media Development

Cc: Congressman Billy Tauzin  
Congressman Fred Upton  
Congressman Ed Markey