FCC Chairman Urges Cable TV to Police Itself Over Indecency

Kevin Martin says firms should offer channels a la carte and warns that non-broadcast content might face regulation.

By Jube Shiver Jr., Times Staff Writer

WASHINGTON — The nation's top communications regulator chided the cable TV industry Tuesday for not doing enough to shield children from objectionable programs, adding that parents would be better served if they could more easily pick the channels they receive.

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Federal Communications Commission Chairman Kevin J. Martin urged cable operators to offer programs a la carte instead of in bundled packages, a move that he said also would benefit consumers by lowering bills by about 2%. Martin's position marks a shift from the FCC's previous stance under former Chairman Michael K. Powell.

"I think the industry needs to do more to address parents' concerns," Martin said. "You can always turn the television off and ... block the channels you don't want. But why should you have to?"

Martin's comments were made at Open Forum on Decency, held by Senate Commerce Committee Chairman Ted Stevens (R-Alaska).

The hearing, which was standing room only, came amid lawmakers and regulators' debate as to how best to protect children from excessive sexual content and coarse language delivered to homes via cable and satellite systems. Because their programs aren't sent into homes over the public airways, the cable and satellite industries aren't held to the same standards as broadcasters.

Martin warned that if cable providers didn't police indecency themselves, broadcast standards could potentially be extended to cable and satellite operators. Companies could be forced to create a family-friendly tier of channels, he added, or they might be required to offer channels individually.

Stevens added that if the indecency problem could not be resolved, "we're going to see a bill that many of you will not like, and we are going to be in litigation for many months."

But some experts predicted any such efforts would not get traction, noting that courts have struck down previous attempts.

"While the testimony will likely garner headlines, we don't believe it will significantly increase the risk that the government will require cable operators to offer a la carte programming, at least anytime soon," said Blair Levin, a financial analyst for investment firm Legg Mason. "I think what's going on here is there is an effort in Congress to get cable operators to do something about indecency on their own."

There are at least four bills pending in Congress that seek to address the public concern over indecency that erupted after singer Janet Jackson bared her breast during the 2004 Super Bowl halftime show.

Lawmakers, some TV watchdog groups and religious broadcasters have seized on the indecency debate as a way to boost family-friendly programs on cable and give cable TV subscribers greater power to drop channels with racy fare, such as MTV.

But Hollywood and cable TV representatives stressed that increasing parental responsibility was the only sure-fire way to protect children.

"I am always flabbergasted when parents approach me with their kids and tell me how much they like 'The Sopranos,' " said actor Joe Pantoliano, who played wise-guy mobster Ralph Cifaretto on the profane and bloody HBO drama. Pantoliano spoke as co-president of the Creative Coalition, an entertainment industry advocacy group.

"You can always turn the television off and ... block the channels you don't want. But why should you have to?"
Kyle McSlarrow, president of the National Cable & Telecommunications Assn., also expressed his opposition to government regulation of cable indecency, calling a la carte pricing "a very dangerous idea."

He urged lawmakers "to take government mandates off the table," adding that technology such as the V-chip already existed to allow subscribers to block objectionable channels.

"It's four clicks and a scroll on the remote," he said, referring to the use of the technology.

The hearing also brought out some major religious broadcasters arguing against a la carte offerings. They prefer channels be bundled so their programs reach more homes.

John Casoria, assistant secretary for Trinity Broadcasting Network, the nation's largest religious network, urged lawmakers to expand requirements that cable operators must carry any local station, arguing that it would help religious broadcasters get more exposure on cable and help curb indecent fare.

"The way to protect the 1st Amendment is to have as many voices out there," Casoria said.