PBS’ president cites need to keep war vets’ profane usages in a documentary.

By Matea Gold, Times Staff Writer

PBS is prepared to do battle with the FCC over "The War."

Next fall, the network plans to distribute an unedited version of the World War II documentary by Ken Burns, told through the firsthand experiences of soldiers. Some of the veterans use profanities in recounting their battle stories, and that could raise the ire of the Federal Communications Commission.

But PBS President Paula Kerger said Wednesday that it’s "important for public broadcasting not to just roll over, but to be very clear that in order to tell some stories, we may need to use language that, at the moment, the FCC is not sure that they feel is appropriate for broadcast television."

Kerger made her comments at the semiannual television press tour in Pasadena, during which she deplored recent FCC rulings and warned that the tighter restrictions and higher fines could have a chilling effect on public broadcasting.

With less than five months on the job, Kerger — a former executive at the Educational Broadcasting Corp., parent company of two New York public television stations — is showing no compunction about wading deep into the fray over indecency standards.

The PBS president told reporters that she recently met with each FCC commissioner to seek more clarity in their rulings, but came away with very little.

"If you're sitting in a local station, it's hard to figure out how to navigate through these decisions because there's no clear guidance," Kerger said. "And so we certainly have a couple of cases coming up where I hope we, as an industry, will not to just roll over, but to be very bold and sort of bring it on."

One of the highest-profile test cases will likely come in the fall of 2007, when PBS is scheduled to distribute "The War."

PBS executives said Wednesday that they are planning to run the Burns documentary without edits at 9 p.m., an hour before the so-called "safe harbor" when children are less likely to be watching.

"I think this is going to be one of the seminal pieces of work of his career, and it deserves to be seen by the broadest possible audience," Kerger said. "And so we certainly have a couple of cases coming up where I hope we, as an industry, will stand up and be bold and sort of bring it on."

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The PBS president said "The War" is an example of a program in which editing out provocative language would diminish the overall piece.

"If you have someone telling a story about their experiences in the war, and in telling that story a profanity is uttered, sometimes it makes a really big difference," she said. "And the impact of it is washed away or radically diminished if it's just bleeped."

That said, Kerger said each local PBS station will have to make the decision about its willingness to risk FCC fines by airing the program unedited.

KCSM, a station in San Mateo, was fined $15,000 in March after a complaint about profanities in the music documentary "The Blues." The station is appealing the fine, and Kerger said PBS is filing an amicus brief next week in support of its position.

"I think the pendulum has swung so far in this case that I really worry about the chilling effect it will have on the stations that don't want to take the risk," she said.

Still, when it comes to "The War," Kerger said she hopes "stations will stand firm."
Kerger also said that the Public Broadcasting Service would stop using pixels over the mouths of people seen using coarse language in programming. PBS recently instituted that policy to avoid possible FCC violations. But in an interview after the media session, Kerger said she plans to end the practice after she unsuccessfully sought clarification from the FCC about whether the measure was needed. "I think we will cease pixellating," she said. "I don't know that that is necessary."

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