

**STATEMENT OF  
CHAIRMAN MICHAEL K. POWELL**

*Re: Clear Channel Communications, Inc.*

Today's consent decree marks a significant victory for the Commission and the American public. Through the consent decree, we have secured the highest enforcement concessions by a broadcaster in Commission history. Clear Channel has agreed to make the highest enforcement-related payment to the Treasury by a broadcaster in Commission history--\$1.75 million. In addition, Clear Channel has now formally admitted that it violated the law and has made binding commitments to clean up its act, including preventive measures such as training for on-air personalities and employees that participate in programming decisions and the use of time delays in its broadcasts. In addition, those accused of violating the Commission's rules will be suspended and if ultimately found to violate our rules, will be terminated.

Notwithstanding these accomplishments, the government's involvement in content regulation can be a dangerous game. Even where well intended, in our desire, for instance, to protect children from indecent broadcasts, encroachments on content can have adverse affects on the public interest. By its very nature, government action, or even mere threats, to quell protected speech can have the unintended consequence of depriving the public of a speaker's artistic, literary, scientific or political viewpoint.

Grounded in the First Amendment is our forefathers' concern that the policymaker could be tempted to misuse power for their own self-interest. They knew that the sword that wields the power to intentionally abridge speech and information is the most potent instrument of all. As the Commission is tasked with walking the delicate balance of protecting the interests of the First Amendment with the need to protect our children, it is incumbent upon us to make best efforts to avoid the realization of our forefathers' concerns.

This task is made easier when our licensees wrestle the difficult decisions away from the government and take the responsibility for what they broadcast over our nation's airwaves. In the case of Clear Channel Communications, they have done just that through the substantial commitments agreed to in this consent decree.

Oddly enough, these actions are not sufficient for some on the Commission. In their zealously, they would prefer to expend valuable Commission resources to fully investigate each complaint against Clear Channel only to inflict more punishment. Enforcement of our regulations is not, however, simply a matter of punishment for past behavior. More importantly, our enforcement regime is designed to deter future illegal behavior.

Where, as here, the licensee has taken significant steps to guard against future violations, the benefits of entering into a consent decree for the government and the public are obvious. Not only will a substantial amount of money be submitted to the

Treasury by the company, but we achieve significant commitments from the company that the fines are intended to produce. In addition, the government, and therefore the public, will save time and resources, which can be redeployed to focus on more egregious violators that are less willing to take preventive steps. Finally, the government gains an admission of responsibility from the licensee without going to the laborious and expensive process of prosecuting these actions in court.

For one to toss aside these public benefits and demand another pound of flesh suggests that nothing short of economic ruin or license revocation will truly satisfy. I believe such stances are excessively chilling of protected speech in this country and fail to be respectful of the limits imposed upon us by the First Amendment.