

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Retention by Broadcasters of Program Recordings, Notice of Proposed Rulemaking*

The process by which the FCC has enforced the indecency laws has for too long placed inordinate responsibility upon the complaining citizen. When someone sends in a complaint, he or she is usually told to supply a recording of the program or a transcript of the offending statement, or the complaint will be dismissed. This policy ignores that it is the *Commission's* responsibility to investigate complaints that the law has been violated, not the citizen's responsibility to prove the violations.

That is why I have long suggested that broadcasters retain tapes of their broadcasts for a reasonable period of time. Many broadcasters already retain such recordings. That way, when someone complains about what went out on the public airwaves we can have a record to see how those airwaves were used -- or abused. Yet, over the past years, broadcasters continue to respond to FCC letters of inquiry that they do not have a tape or transcript of what they broadcast.

I am pleased that my colleagues seem to be coming around to the idea that we need to address this issue. I am also pleased that the Commission appears to be accepting the idea that a tape or transcript from the complaining citizen may no longer be necessary, especially if we can obtain the record of the broadcast from the station.

Today's NPRM is a step forward towards reforming the complaint process. I hope we will complete this proceeding expeditiously.