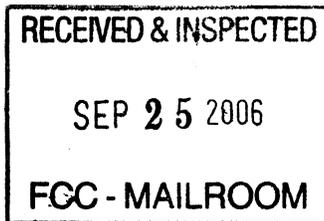


September 19, 2006

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



Re: Court Remand of Section III.B of the Commission's March 2006
Omnibus Order Resolving Numerous Broadcast Indecency Complaints

Dear Ms. Dortch:

I am writing in response to the Commission's September 7 call for comment (FCC DA 06-1739) concerning certain indecency decisions relating to the fleeting use of expletives on broadcast television, which have been remanded to the Commission by the U.S. Court of Appeals for the Second Circuit. As a parent, educator, and advocate, I want to express my objections to the Commission's attempt to censor television content protected by the First Amendment.

While I find numerous television shows offensive (to my personal tastes) all I need to do is change the channel or turn off of the TV. Not everyone has a family. And many of today's shows aren't family-fare. But there are lots of alternative programming that I personally find redeemable for my tastes and those of my teenager, but others may find objectionable. I do not need the government in my home deciding for me.

Not everyone with a family considers swear words (expletives) offensive if the content is relevant, not gratuitous. And these differences in tastes are what make parental controls, remote controls, TiVo and DVR such democratic instruments for television viewing (that were unavailable 20 years ago).

Censorship, in my opinion, is nothing more than catering to a small, vocal minority of the public. Who defines cultural mores and valuable information that the viewer has a right to see? What is considered valuable? Censorship advocates should realize that some sitcoms or even sporting events (with excessive violence) are no less offensive than perhaps unedited, hard-hitting documentaries. Therefore, there is no "right" answer as to what is considered offensive---that is why we have freedom in this country for each individual to decide.

The bottom line is that we have the modern technology to control what programs we allow in our home. We have information—online communities, TV guides, varying magazines and newspapers that provide us with information (if we are parents) to determine what might be best for our children. Let's give Americans more credit for determining what's offensive than having a select group choose for us. This is not a national security issue, this is not an issue that can cause undue harm to our citizens.

For nearly 30 years, the Commission appropriately found that the broadcast of a fleeting expletive did not implicate the indecency rules. The Commission should move promptly to declare once again that the occasional broadcast of a fleeting expletive will not constitute actionable indecency or profanity, and in doing so strike a blow for the preservation of the unique character of free, over-the-air television.

Sincerely,

A handwritten signature in black ink that reads "Melissa C. Havard". The signature is written in a cursive style with a large initial "M" and a stylized "H".

Melissa C. Havard

cc: Chairman Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell
Heather Dixon, Esq.
Jessica Rosenworcel, Esq.
Rudy Brioché, Esq.
Chris Robbins, Esq.
Cristina Chou Pauzé, Esq.
William H. Davenport, Chief, Investigations and Hearings Division,
Enforcement Bureau