

AUDIO SERVICES DIVISION
BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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Federal Communications Commission
Office of Secretary

In re Application of)
)
INFINITY BROADCASTING EAST INC.) File No. BRH-20040601BHZ
WKRK-FM, Detroit, Michigan) Facility ID # 9618
)
For Renewal of License)

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TO: The Secretary
ATTN: Chief, Media Bureau

PETITION TO DENY

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September 1, 2004

SUMMARY

Infinity Broadcasting is a Commission licensee with a long and sordid record of airing indecent and pornographic broadcasts, including, but not limited to, "The Howard Stern Show". During the last octennial renewal cycle, and in fact nine years ago to the day, Infinity entered into a settlement agreement with the FCC in which it promised to institute a regimen of self-enforcement against violations of 18 U.S.C. §1464. In return, the FCC allowed Infinity to buy its way out of renewal application difficulties for an aggregate "voluntary contribution" to the federal Treasury of \$1,715,000.00.

It appears that, from the point of view of the citizens of this nation, the September 1, 1995 "settlement agreement" with Infinity was not worth the paper it was printed on; clearly, Infinity had no real intention to stop violating 18 U.S.C. §1464. Infinity continues to violate 18 U.S.C. §1464, including the stunning incident involving fornication in St. Patrick's Cathedral. Infinity's WKRK-FM has continued to broadcast the raunchy "Howard Stern Show", which as documented herein has committed a whole new group of violations of the indecency/obscenity/profanity statute.

Right to Decency, Inc. and American Decency Association are two Michigan based citizen watchdog groups. They demand that the Commission designate the license renewal application of WKRK-FM, Detroit, Michigan for a hearing.

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Right to Decency, Inc. and American Decency Association ("Petitioners"), by their attorney, and pursuant to Section 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §309(d), and Section 73.3584 of the Commission's Rules, 47 CFR §73.3584, hereby respectfully submit their Petition to Deny against the above-captioned application. For the reasons shown herein, Infinity Broadcasting East Inc., formerly known as Infinity Broadcasting Operations, Inc. ("Infinity") is not entitled to a "renewal expectancy" and is unfit to continue on as a "public trustee". A fair application of the applicable statutes and case precedents requires that the Infinity license renewal application be denied. In support whereof, the following is shown:

I. PRELIMINARY STATEMENT

1. Standing. Right to Decency, Inc. is a non-profit corporation headquartered in Fraser, Michigan, a community which is wholly within the 60 dBu "primary service contour" of WKRK-FM. Its members, who live within the Detroit metropolitan area and can claim "listener standing", certainly have the standing to submit a formal petition to seek the denial of the WKRK-FM renewal application. American Decency Association is a non-profit corporation headquartered in Fremont, Michigan, about 200 highway miles northwest of Detroit. ADA has members in the service area of WKRK-FM, and thus claims standing to challenge the renewal of license of WKRK-FM.

2. Timeliness. This pleading is being filed on September 1, 2004, the statutory deadline for the filing of formal petitions to deny against Michigan aural broadcast station license renewal applications. Therefore, it is timely filed.

II. FACTUAL STATEMENT

3. Introduction. On October 2, 2003, FCC Commissioner Michael J. Copps issued a public statement in which he spoke for millions and millions of Americans. That day, Commissioner Copps manifested his disgust with Infinity, which has a 17 year record as a recidivist

violator of a federal felony criminal statute, 18 U.S.C.

§1464. In particular, Commissioner Copps wrote:

The majority admits that each of these stations appears to have **egregiously and extensively violated the statutory ban on broadcast of indecent material. The majority claims further to recognize the seriousness of the offense.** And it even concedes that the Commission has the option of the license revocation process. But then it turns timid and decides that the appropriate recourse for this filth is a \$27,500 fine against each station. In other words, the majority determines that these stations deserve yet another chance before the Commission even considers revoking a license. When, I ask, will this end?

This is not the first action against a station owned by Infinity. **Infinity stations paid \$1.7 million in 1995 to settle a series of indecency cases. As part of that settlement, Infinity agreed to take steps to prevent further broadcast of indecent material.** More complaints involving other Infinity broadcasts followed. Last April, this Commission issued another tepid proposed fine against another station owned by this same company - **WKRK-FM in Detroit** - which had aired **some of the most vulgar and disgusting indecency that I have had the misfortune to examine.** In that decision, the majority warned that repeated serious violations by Infinity could result in the revocation of station licenses. The majority repeats that same warning again in this decision. [emphasis supplied]

4. As will be demonstrated herein, Infinity has in the past been given special consideration that was not shown to other Commission licensees, who committed far less egregious acts but suffered license revocation.

5. In the next section, we will demonstrate multiple violations of 18 U.S.C. §1464 on station WKRK-FM during its current license term which have not, so far as we know, come to the attention of the Commission

6. Moreover, Infinity has gone well beyond simple broadcasting of "dirty words". It orchestrated the desecration of arguably the most famous Roman Catholic church in North America, St. Patrick's Cathedral in New York City, which combined a criminal violation of 18 U.S.C. §1464 with hateful anti-Catholic bigotry. The Commission wouldn't think of granting a broadcast license to the Ku Klux Klan; yet, the Klan, an overtly anti-Catholic organization, has not attempted to desecrate the inside of a Roman Catholic church and commit sacrilege before the Blessed Sacrament quite like Infinity has; Infinity willfully and wantonly attempted to stage an act of fornication within St. Patrick's and did in fact broadcast a kind of play-by-play on the "Opie and Anthony Show". And, this wasn't by accident—it had sold advertising to the makers of Samuel Adams Beer and promoted this "gimmick" as "Sex With Sam".

7. WKRK-FM's New 18 U.S.C. §1464 Violations. So far as we know, the FCC has not been made aware of the following broadcasts over WKRK-FM that the Petitioners believe violate 18 U.S.C. §1464 and 47 CFR §73.3999.

a. On "The Howard Stern Show" of December 2, 2001, Stern demonstrates that his show is aimed at pre-teens (as well as older children and adults), proposing to give a pre-teen boy a \$100 gift certificate to a Hooters tavern (see transcript, Exhibit A).

b. On "The Howard Stern Show" of December 4, 2001, there was a disgustingly graphic "skit" called "Wheel of Sex" (see transcript, Exhibit B).

c. On "The Howard Stern Show" of January 22, 2002, there was a graphic discussion of simulated oral sex on a huge black dildo (see transcript, Exhibit C).

d. On "The Howard Stern Show" of February 27, 2002, there is a graphic discussion of the lewd sexual practice known as "bukkake" (a definition of this printed out from the on-line encyclopedia "Wikipedia" is attached as Exhibit D) (transcript is attached as Exhibit E).

e. On "The Howard Stern Show" of April 22, 2002, there is a graphic "how to" discussion of masturbation and oral sex (see transcript, Exhibit F).

f. On "The Howard Stern Show" of April 29, 2002, a disturbingly graphic, anti-Catholic pornography skit was performed, in which it was claimed that Stern met with His Holiness the Pope, and came up "with a new plan . . . we will put poison on the end of our penis . . . after we have sex with the children, they will all die a horrible child death". Stern also desecrated the holy sacrament of Penance, "fellate me father, for I have sinned" (see transcript, Exhibit G).

g. On "The Howard Stern Show" of May 2, 2002, Stern broadcast a claim that he had had sex with the late crown

princess of the United Kingdom and Northern Ireland, Diana and a description thereof (see transcript, Exhibit H).

h. Later in "The Howard Stern Show" on May 2, 2002, Stern broadcast a graphic description of anal sex (see transcript, Exhibit I).

i. On "The Howard Stern Show" of May 9, 2002, Stern broadcast a graphic description of a bukkake "party" (see transcript, Exhibit J).

j. On "The Howard Stern Show" of September 10, 2002, Stern broadcast "a 9-11 vagina check" (see transcript, Exhibit K).

k. On "The Howard Stern Show" of September 20, 2002, Stern broadcast another graphic description of bukkake (see transcript, Exhibit L).

l. On the "Howard Stern Show" of October 3, 2002, Stern is engaged in contributing to the delinquency of a 12 year old boy named Dan (transcript, Exhibit M).

m. WKRK-FM also broadcast a local talk show, Deminski & Doyle. As noted below, Deminski and Doyle was found by the FCC to have violated 18 U.S.C. §1464 for a broadcast on January 9, 2002. In addition to this felonious broadcast, WKRK-FM also aired Deminski and Doyle broadcasts on two other dates that we believe violated 18 U.S.C. §1464: (1) a broadcast of October 16, 2001, that combines lewdness with anti-Catholic bigotry, a graphic discussion of a woman

having a fantasy of sex with a Catholic priest inside a church (transcript, Exhibit N); and (2) a broadcast of July 18, 2002, containing a graphic discussion of strip clubs and acts performed by prostitutes. (transcript, Exhibit O).

n. Until May, 2003, WKRK-FM also employed a broadcast act called "Kramer & Twitch". On or about July 20, 2002, WKRK-FM broadcast the "Kramer & Twitch Show" from a nightclub called "The Star Bar" where a lewd activity called "Female Oatmeal Wrestling" was taking place, and descriptions of this activity were broadcast over WKRK-FM (see letter of August 7, 2002 to the police chief of Clinton Township Police Department, Exhibit P). Also, Kramer & Twitch used to promote their show on the internet with pictures of semi-nude women, apparently photographed at the WKRK-FM studios and offices at 15600 Twelve Mile Road, Southfield, Michigan 48076 (see compilation, Exhibit Q).

8. WKRK-FM Past Violations of 18 U.S.C. §1464. WKRK-FM has been fined by the Commission for two separate broadcasts which were adjudged to have violated the indecency/obscenity statute (18 U.S.C. §1464). *Infinity Broadcasting Operations, Inc.*, 19 FCC Rcd 5032 (March 18, 2004) (the "Howard Stern Show" of July 26, 2001, transcript attached as Exhibit R); *Infinity Broadcasting Operations, Inc.*, 18 FCC Rcd 6915 (April 3, 2003), recons. den. 18 FCC Rcd 26360 (December 8, 2003), rev. den. 19 FCC Rcd 4216

(March 5, 2004) ("Deminski and Doyle Show" of January 9, 2002, transcript attached as Exhibit S).

9. **Infinity's Despicable Broadcast Record.** The worst violation of 18 U.S.C. §1464 ever recorded in the annals of the Commission was Infinity's desecration of St. Patrick's Cathedral, which was broadcast live over a number of Infinity stations. *Infinity Broadcast Operations, Inc.*, 18 FCC Rcd 19954 (October 2, 2003) (August 22, 2002 statement of Chairman Powell and transcript attached as Exhibit T). As will be discussed below, this violation alone is sufficient for the FCC to conclude that Infinity and its controlling principals lack the requisite basic character qualifications to be a Commission licensee. Never before had a broadcast licensee used its position as a public trustee to figuratively spit on over 60,000,000 American citizens, the Roman Catholic people of this nation, each of whom was gravely offended by Infinity's sacrilege against the Blessed Sacrament and desecration of a famous Roman Catholic holy shrine; and, incredibly, Infinity sold advertising time within this "event", which represented the fusion of a public display of atheism with a public display of pornography. Never before had a broadcast licensee so profaned in one fell swoop (1) the great Mother of God, Mary Most Holy, on the Catholic holy day of obligation known as

the Feast of the Assumption (August 15) the beloved patron saint of all true Irishmen and Irishwomen, St. Patrick.

10. Infinity was also found liable for a lower-profile violation of 18 U.S.C. §1464, involving its station in Holmes Beach, Florida, WLLD(FM). **Infinity Broadcasting License, Inc.**, 16 FCC Rcd 4825 (Bureau, 2001), *recons. den.* 17 FCC Rcd 18339 (Bureau, 2002), *rev. den.* 19 FCC Rcd 5032 (March 18, 2004).

11. In the period prior to the current license term, *The Howard Stern Show*, an Infinity "property" which is a mainstay of Infinity "flagship" WXRK(FM), New York, New York and has aired on various Infinity stations, including WKRK-FM, was cited for numerous violations of 18 U.S.C. §1464, related to *The Howard Stern Show*: **CBS Radio, Licensee, WXRK(FM), New York, NY**, 12 FCC Rcd 8274 (1997); **Commission Signs Settlement Agreement with Greater Los Angeles Radio, Inc.**, 1997 WESTLAW 141740 (FCC, March 28, 1997); **EZ New Orleans, Inc.**, 1997 WESTLAW 162996 (FCC, April 8, 1997); **WVGO License Limited Partnership**, 1996 WESTLAW 593169 (FCC, October 15, 1996); **Mr. Mel Karmazin**, 9 FCC Rcd 6442 (FCC, May 20, 1994); **Mr. Mel Karmazin**, 9 FCC Rcd 1746 (FCC, February 1, 1994); **Americom Las Vegas Ltd. Partnership**, 9 FCC Rcd 1753 (FCC, February 1, 1994); **Americom Las Vegas Ltd. Partnership**, 8 FCC Rcd 6790 (FCC, August 12, 1993); **Mr.**

Mel Karmazin, 8 FCC Rcd 6740 (FCC, 1993); **Mr. Mel Karmazin**, 8 FCC Rcd 2688 (FCC, December 18, 1992); **Cook Inlet Radio License Partnership, L.P.**, 8 FCC Rcd 2714 (FCC, 1992) (see *dissenting statement of FCC Chairman Alfred H. Sikes*); **Sagittarius Broadcasting Corporation**, 7 FCC Rcd 6873 (FCC, October 16, 1992).

12. Furthermore, a New York State appellate court found that Infinity's broadcast of the Howard Stern Show relative to the cremated remains of a dead woman referred to by Stern as "The Space Lesbian" shocked the conscience. **Roach v. Stern**, 675 N.Y.S.2d 133 (2nd Dept., July 6, 1998).

13. Not satisfied with violating the broadcasting laws of this country, Infinity also succeeded in violating Canada's broadcasting laws through its syndication of *The Howard Stern Show*. See decision of the Canadian Broadcast Standards (CBSC) relative to CILQ-FM, Toronto, Ontario, No. 97/98-0487, 488, 504 and 535, decided February 20, 1998. The text of this decision is found on the world wide web at:

<http://www.cbsc.ca/english/decision/980220.htm>.

In that decision, the CBSC found:

the Howard Stern Shows of December 15th to 18th and 24th [1997] and that of January 15th [1998] contained abusive or discriminatory comments directed at identifiable groups, made sexist remarks or observations, included descriptions of sexual activity of young children, or contained improper language or descriptions of sexual activity during a pre-school broadcast period.

III. ARGUMENT

13. Summary. The Commission cannot grant the WKRK-FM renewal application without a full and fair field hearing in the Detroit, Michigan area. This is because:

- Because of Infinity's despicable record as a recidivist violator of 18 U.S.C. §1464 and its breach of an agreement it reached with the Commission in 1995, it lacks the basic character qualifications to be a Commission licensee, and cannot be trusted to continue on as a "public trustee".
- There is no First Amendment right inherent in a broadcast license.
- Refusal to renew the WKRK-FM license is not censorship, but rather is an appropriate response to a party with a 17 year history of violations of 18 U.S.C. §1464.
- Infinity Is In Breach of its 1995 Settlement Agreement.
- The U. S. Supreme Court has rejected vagueness challenges to the Federal broadcast indecency law.
- The St. Patrick's Cathedral desecration is similar in nature, if not far worse, than the actions of the former licensee of WLBT-TV, Jackson, Mississippi which led to the revocation of that station's license.
- The FCC's enforcement scheme, which allows powerful, publicly-traded licensees like Infinity, Clear Channel and Emmis to in effect purchase license renewals in exchange for a "voluntary contribution" to the federal treasury is *ultra vires* in that it has never been authorized by Congress. Further, the FCC's enforcement scheme appears to be racist on its face, as the FCC (1) chose to revoke four licenses from licensees controlled by an African-American protestant preacher named Levi E. Willis and (2) unleashed the full fury of a revocation hearing against a Black broadcaster on the island of St. Croix, while coddling Infinity, Clear Channel and Emmis with fines. The offenses of Willis, a habitual FCC scofflaw and deadbeat, pale in comparison to the offenses of Infinity, which desecrates not only Roman Catholicism but also women and

children, debasing the former and contributing to the delinquency of the latter.

14. Infinity Is Not Entitled to a Renewal Expectancy.

Repetitive and recidivist willful violations of the Communications Act of 1934 and the FCC's Rules require that the Commission make a finding that a renewal applicant is not entitled to a renewal expectancy, and that a renewal applicant lacks the basic character qualifications to be a Commission licensee. *Policy Statement on Character Qualifications in Broadcast Licensing*, 102 FCC 2d 1179, ¶¶ 53 et seq. (1986). Repeated rule violations, despite warnings from the Commission, indicate a lack of truthfulness and reliability, and are grounds for license revocation. *Family Broadcasting, Inc. (WSTX)*, 17 FCC Rcd 6180, ¶15 and n. 17 (2002), and cases cited therein.

15. The Commission has noted that, other than Clear Channel Communications, Inc., no broadcast licensee has violated 18 U.S.C. §1464 more than Infinity. Its propensity to ignore the indecency/obscenity/profanity statute, and to treat forfeiture proceedings as publicity stunts and fines as the cost of doing business, can no longer be countenanced. Each Commissioner must ask himself or herself—when will it all end? What crimes against human dignity and against women and children will be perpetrated because the FCC failed to act? What future acts of

religious intolerance, including but not limited to anti-Catholic bigotry, will be perpetrated by Infinity because the Commission failed to act? How quickly will Infinity, should it get a license renewal for WKRK-FM, breach its fiduciary responsibilities as a public trustee? Only in a hearing can we get the answers to these questions.

16. With respect to the new violations of 18 U.S.C. §1464 detailed in this petition, the following is a summary of the applicable case law.

a. With respect to those Infinity broadcasts which lewdly discussed sexual encounters and ejaculation (Exhibits E, J and L), such broadcasts have been found to have violated 18 U.S.C. §1464. See e.g. *Emmis Radio License Corporation (WKQX)*, 17 FCC Rcd 21697 (2002); *Emmis Radio License Corporation (WKQX)*, 17 FCC Rcd 11990; *Emmis Radio License Corporation (WKQX)*, 17 FCC Rcd 5263(2002); *In the Matter of Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. §1464 and Enforcement Policies Regarding Broadcast Indecency ("Industry Guidance")*, 16 FCC Rcd 7999, at ¶13. (2001).

b. With respect to those Infinity broadcasts which contain vulgar and lewd references to male genitalia (Exhibits C, F, G and M), including masturbation, such

broadcasts are actionable under 18 U.S.C. §1464. **AMFM Radio Licenses, LLC**, FCC 04-35 (June 9, 2004).

c. With respect to those Infinity broadcasts which lewdly discussed female genitalia (Exhibit K), those broadcasts are actionable pursuant to 18 U.S.C. §1464 and 73 CFR §73.3999. **Entercom Seattle License, Inc. (KNDD)**, FCC 04-89, 2004 WL 1077881, released May 14, 2004.

d. With respect to those Infinity broadcasts describing fellatio with the intention to shock, pander and titillate (Exhibit C and M) similar broadcasts have been found actionable. See e.g. **Clear Channel Broadcasting Licenses, Inc.**, 19 FCC Rcd 6773 (2004); **Emmis FM License Corp. of Chicago**, 16 FCC Rcd 7829 (2001); **WQAM License Limited Partnership**, 15 FCC Rcd 2518 (2000).

e. With respect to those Infinity broadcasts containing "sexual innuendo that persists and is sufficiently clear to make the sexual meaning inescapable" (Exhibits B, H, N and O), such broadcasts "might be" actionable under 18 U.S.C. §1464. **Edmund Dinis (WJFD)**, 17 FCC Rcd 24890 (2002).

f. With respect to those Infinity broadcasts containing descriptions of anal sex (Exhibits B, H and I) the FCC has held in the past that lewd depictions of anal sex, including "code words" and "double entendres", are

actionable pursuant to 18 U.S.C. §1464 and 47 CFR 73.3999. *Clear Channel Broadcasting Licenses, Inc.*, 19 FCC Rcd 6773 ¶11 (2004); *Infinity Broadcasting Operations, Inc.*, 18 FCC Rcd 19954, n. 53 (2003).

17. No First Amendment Principles Are At Stake Here.

This case should not be about the first amendment because, in broadcast renewal proceedings, there is no inherent first amendment right in favor of the broadcaster. The issue is not "free speech", but whether "the public interest, convenience and necessity would be served" by a grant of the application. *Red Lion Broadcasting v. FCC*, 395 U.S. 367 (1969).

18. With respect to the concept of "public trust" and a "public trustee", the appellate court wrote in *Black Citizens for a Fair Media v. FCC*, 719 F.2d 407, 425 (D. C. Cir. 1983):

A broadcasting license is a public trust. The licensee obtains "the free and exclusive use of a valuable part of the public domain," and in return assumes a duty to serve the public interest by this use. See *Office of Communication of United Church of Christ v. FCC*, 359 F.2d 994, 997, 1003 (D. C. Cir. 1966) (hereinafter *United Church I*). Congressman White, a sponsor of the original Radio Act that became the Communications Act in 1934, articulated this understanding more than half a century ago on the floor of the House of Representatives: "The right of the public to service is superior to the right of any individual * * *. If enacted into law, the broadcasting privilege will not be a right of selfishness. It will rest upon an assurance of public interest to be served." 67 *Cong.Rec.* 5479 (1926) (remarks of Rep. White). Amending the Communications Act in 1959, Congress reaffirmed that the public

trust concept is the animating principle of the Act. The Senate report accompanying the amendment stated: "Broadcast frequencies are limited and, therefore, they have been necessarily considered a public trust. Every licensee who is fortunate in obtaining a license is mandated to operate in the public interest." S.Rep. No. 562, 86th Cong., 1st Sess. 8 (1959), ***U.S.Code Cong. & Admin.News 1959***, 2564, 2571.

The appellate court in ***United Church of Christ I*** wrote that a broadcast renewal applicant "runs on its record". 359 F.2d at 1007.

19. How, therefore, can the Commission rubber stamp a renewal grant, or merely administer a slap on the wrist with a small fine, a licensee as selfish and as harmful to the public interest as Infinity? Simply put, it can't.

20. **Infinity Has a Seventeen Year Record of Section 1464 Violations.** The first Howard Stern broadcast which came to the attention of the FCC for violations of 18 U.S.C. §1464 took place in 1987. We have a seventeen year record of the FCC taking little meaningful enforcement action, and yet the indecency and obscenity, the hate crimes against Catholics, women and children, get worse and worse every year. When does it all end?

21. **Infinity Is In Violation of Its September 1, 1995 Settlement Agreement.** Nine years ago to the day, Infinity entered into a settlement agreement with the FCC and the Clinton administration Justice Department, as a consequence of the octennial radio renewal application cycle which had

just started (interestingly, the petition to deny date for Maryland and Virginia radio license renewals in that cycle was, of all days, September 1, 1995), and two Infinity stations, WJFK(AM), Baltimore, Maryland and WJFK-FM, Manassas, Virginia were recidivist violators of 18 U.S.C. §1464 as a result of their carriage of "The Howard Stern Show".

22. The entire settlement agreement between the government and Infinity is attached hereto as Exhibit U, and official notice of this document is requested. In being allowed to purge its sins in exchange for a "voluntary contribution" to the federal treasury, Infinity agreed to do the following in paragraph 2 of the settlement Agreement:

(a) Infinity will promptly issue a policy statement to all on-air personnel directing them to be cognizant of the prohibition against broadcast of indecent speech contained in 18 U.S.C. §1464 and the FCC's definition of broadcast indecency and apprising them of Infinity's intention to take appropriate disciplinary action against persons who permit material to be broadcast in violation of the statute.

(b) Infinity will establish a program designed to educate and update on-air personnel regarding FCC indecency actions;

23. If Infinity has taken any disciplinary action against Howard Stern and Deminski and Doyle, the undersigned and his clients don't know what it was. Stern engages in repeated violations of both the law and common decency on his program, and Infinity stands by the cash register, making big money as the result of illegal and immoral

broadcasts. It appears to us that Infinity has played the FCC for a fool. A mom and pop broadcasting operation could never get away with this.

24. Section 1464 Is Still Good Law, and It Still Must Be Obeyed by Licensees and Enforced by the FCC. We understand that Infinity does not like Section 1464, and claims that it is unconstitutional. However, the Supreme Court has denied a constitutional challenge to Section 1464, and has held that it is not void for vagueness. *FCC v. Pacifica Foundation*, 438 U.S. 726, 740 (1978). Infinity violates this law through its arrogance and at its peril.

25. The "Sex With Sam" Episode Requires Denial of the Instant Application. Perhaps only one saga of licensee misconduct in the history of American broadcasting is remotely comparable to Infinity's staging of fornication in St. Patrick's Cathedral in New York on the feast of the Assumption. That saga was the infamous reign of Lamar Life Insurance Company at WLBT-TV in Jackson, Mississippi in the 1950s and 1960s, a station run by evil people for evil purposes. This is the case that resulted in the landmark appellate decision known as *United Church of Christ I, supra*. As Commissioners Cox and Johnson wrote in their dissent to the FCC's shameful decision granting license renewal to WLBT-TV, *Lamar Life Insurance Company*, 14 FCC 2d 431 (1968), the licensee of WLBT-TV "pursued a systematic

policy of active rebellion" against the Communications Act. As chronicled by these two vindicated public servants, WLBT-TV engaged in a practice where, whenever an NBC network program was to be aired which would show the struggle for racial civil rights in a positive manner, WLBT-TV cynically pre-empted the programming by putting up a still which read "Sorry, Cable Trouble".

26. Infinity deserves the same fate as Lamar Life Insurance Company. It simultaneously willfully and intentionally violated a federal felony criminal statute and perpetrated a hate crime against over 60,000,000 American Catholic citizens. Should the Commission not hold a hearing, it will send a message that it stands with the stunning evil forces of anti-Catholic bigotry and with the virulently diabolical forces of pornography, indecency and obscenity. Should a hearing not be held, the Commission will demonstrate once again that citizens don't count, only that big corporations who make big money through pornography count.

27. How Can the FCC Justify Its Relative Coddling of Infinity, Clear Channel and Emmis While Unleashing the Full Fury of its Enforcement Bureau Upon Minority Licensees? It is fascinating to the undersigned, a practitioner of communications law for the past quarter-century, that the FCC lets politically and financially connected, Caucasian

controlled licensees, walk away from serious enforcement trouble with relatively small fines and sweetheart settlements, while it has unleashed the full fury and panoply of its Enforcement Bureau against at least two minority-owned broadcasting businesses, Willis Broadcasting of Norfolk, Virginia and Family Radio of Christiansted, U. S. Virgin Islands.

28. On the one hand, three publicly-traded companies have been given the opportunity to settle for relatively tiny "voluntary contributions" to the federal treasury where serious, recidivist violations of 18 U.S.C. §1464 were unearthed; despite the fact that the Communications Act clearly intends that such a pattern of conduct should result in a revocation hearing. 47 U.S.C. §312(a)(6). **Sagittarius Broadcasting Corp. et al**, 10 FCC Rcd 12245 (1995) (FCC and Clinton Justice Department appointees allow Infinity to buy its way out of trouble for \$1,715,000); **Clear Channel Communications, Inc.**, FCC 04-128, 32 P&F Comm. Reg. 755 (2004) (Clear Channel allowed a "clean slate" in exchange for \$1.75 million, or about 1% of its first quarter 2004 profits); **Emmis Radio License Corp.**, FCC 04-199, 2004 WL 1794752 (August 12, 2004) (company featuring wife of U. S. Senator Evan Bayh as a director allowed to pay \$300,000 for its slate of multitudinous violations of 18 U.S.C. §1464 and harassment of citizen watchdog to be wiped clean).

29. This soft touch treatment is to be contrasted with the justice meted out by the Commission to two different minority licensees. In the case of *Willis Broadcasting Corporation*, DA 04-1694, 2004 WL 1335839 (June 16, 2004), the FCC's Enforcement Bureau allowed an African-American to settle all right, but the terms of the settlement called for the voluntary relinquishment of four broadcast licenses--the undersigned has learned from speaking to Willis' communications counsel that FCC staff was apparently so tough on Willis, that they would not allow Willis to donate these licenses to historically Black owned colleges. And, of course, the Enforcement Bureau subjected the minority owners of WSTX and WSTX-FM on the island of St. Croix to endure a full-blown, trial type revocation hearing. *Family Broadcasting, Inc. (WSTX)*, DA 96-856, 11 FCC Rcd 6647 (Bureau, 1996).

30. Where is the fairness in all of this? When the FCC conducts itself in this manner, it merely confirms a widely held suspicion that there are two FCCs--one for the mighty Wall Street backed corporations; and another for the mom-and-pop small fry of the industry. For many reasons, first of all the federal Constitutional guarantee of "equal protection under the law", this cannot stand. Further, the FCC sends a message, as did its predecessors of four decades ago in the disgraceful WLBT-TV case, that citizen

participation does not matter and will not be taken seriously by the five Commissioners.

Verifications

31. The Declaration of Mary Ellen Gavin, President of Right to Decency, Inc., is attached hereto as Exhibit V. The Declaration of William Johnson, President of American Decency Association, is attached hereto as Exhibit W.

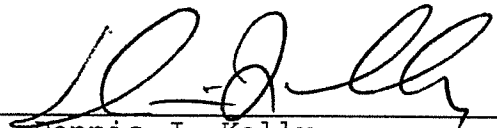
IV. CONCLUSION

32. In the last renewal cycle, Infinity cut a deal with the Commission it clearly had no intention of keeping. Violations of 18 U.S.C. §1464 are clearly out of control on Infinity stations, including WKRK-FM in Detroit. The Commission has no choice but to designate the WKRK-FM application for a full field hearing. Right to Decency, Inc. and American Decency Association request that they be accorded intervenor or party respondent status, so that they will be able to conduct full discovery and assist in the adducing of complete evidence at the hearing.

WHEREFORE, it is urged that the application of Infinity Broadcasting East Inc. for renewal of license of WKRK-FM, Detroit, Michigan **BE DENIED**.

Respectfully submitted,

**RIGHT TO DECENCY, INC.
AMERICAN DECENCY ASSOCIATION**

By 
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Their Attorney

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September 1, 2004

EXHIBIT A

THE HOWARD STERN SHOW - DECEMBER 2, 2001

Stern has two young boys, ages 12 and 13, on the show for a contest. At the end Stern awards "prizes" for the boys.

Stern: Give the kid something, something for a kid to play with.

Gary: I don't have any kid stuff. That's the problem. Can I give them a \$100 gift certificate to Hooters?

Stern: There you go! That's something kids want! You kids want to go to Hooters?

Boy One: No

Boy Two: Yeah.

Stern: You don't?

Gary: I only have one.

Boy: ... like strip clubs, and stuff

Stern: It's not a strip club. It's kind of like a strip club. It's like these hot chicks with like hot pants and stuff.

Robin: They don't want to see their dads sitting there with the Hooters girls ...

Stern: Don't go with you dad! Take a bunch of your little friends.

Artie: Go with me.

Stern: ... little perverts over at Hooters.

Robin: Get out of here.

Stern: Go with Artie. Go with Uncle Artie.

Artie: I'll take you over there.

Stern: Artie's going after the show. He's got a Hooter's VIP card. He can cut right to the front of the line. You guys want to go to Hooters, seriously?

Boy One: Um, I don't care.

Boy Two: I don't care, either. I'll go.

Boy One: Yeah.

Stern: You want it?

Boy Two: Yeah.

Stern: Smart kid, I'm telling you, you'll have a good time over there. They've got good fries, good burgers, and the chicks wear hot clothes. Alright kids, that's a good introduction to sex for you. Thanks, kids.

Robin: Thanks, Howard. I'm sure their parents are very glad they came here today.

Stern: It's a good starter place for strip clubs when you get older.

EXHIBIT B

THE HOWARD STERN SHOW - DECEMBER 4, 2001

Stern: Take a good hard look at the wheel of sex. Now let me explain what each thing is. One of the items is we smear cream cheese on your ass and throw bagels at it. Okay, that's one thing. Get a microphone on Theresa, please. Alright.

Theresa: Well

Stern: That's a tough one. The next one is painting Benji's package green. A naked Benji.

Theresa: Where's Benji at?

Stern: Stand up Benji.

Theresa: Hi Benji

Stern: Look at that.

Gary: That'll make you cry. ...

Stern: The next one is leap frog with a naked Benji, alright.

Theresa: Okay. With his package on my head?

Stern: Yeah, yeah. All over your head.

Robin: Oh, dear.

Theresa: Alright.

Stern: Alright. This is not easy.

Robin: That's a dangerous wheel.

Stern: The next one is, and I don't think it's so horrible, but maybe you do. Howard checks you for breast cancer.

Theresa: I need that done.

Stern: Alright. The next one is you have to get into a bikini and let us circle your problem areas with a marker. That scares you, right?

Theresa: Yes, very.

Stern: That scares every girl. And you could end up with tons of marker if you don't look really that good. ...

Stern: The next one is getting beaten with a fish. What's the catch of the day? Here it is.

Gary: The catch of the day is cod. And this cod is way grosser than last week's cod.

Stern: Let me see that cod, Gangie, if you can move it so I can take a good look.

Theresa: And where do I get beat with that?

Stern: On you ass.

Theresa: On my ass?

Robin: On your naked butt.

Stern: On you naked ass.

Gangie: It's all extra bloody today. It smells ...

Stern: So your ass will be naked and bloody. Alright. You can put on, like, a thong bottom or something, but that's a tough one. It looks like that fish is menstruating, guys.

Theresa: Oh, sick.

Stern: Next is we can take a picture of your naked private parts with a Polaroid.

Theresa: Uh, which private part?

Robin: How many do you have?

Stern: The one down there.

Theresa: Okay

Stern: Alright. Did you shave?

Theresa: Uh, yeah.

Stern: Okay. And then again we're at the wet your tee shirt. Okay, that's where we put a tee shirt on you with no bra on and we wet it down. ... So when you spin the wheel, realize this is not for kidding around. This is real stuff. But you would meet your hero, Marilyn Manson, if you do spin the wheel and successfully complete your task.

Theresa: My hero.

Stern: Now I understand you brought with you condoms to bang Marilyn Manson, is that true?

...

Stern: What do you think, are you going to spin the wheel of sex, to meet your hero Marilyn Manson?

Robin: Think about everything that's on there.

Theresa: Can I look again?

Gary: What is the thing you hope you don't land on? The one thing you don't want to land on?

Theresa: Um, the fish. Please, no fish.

Stern: Right. I would think getting your problem areas circled would be nasty too.

Theresa: Oh, yeah, that too.

Artie: I would have thought Benji ...

Theresa: I wouldn't mind that one.

Stern: Which one? Painting Benji's package? Okay, why don't you spin it and let's get it over with and find out what your task will be. Here we go. ...

Stern: It's spinning, spinning, spinning. Where it stops nobody knows. 'Get beaten with a fish'! Your worst nightmare! (Cheers and laughter)

Theresa: Oh my god. Do you have stuff, like I can wipe it off with?

Stern: Yes. No. You have to wear it all day. What I suggest you do is quickly get into your thong.

Theresa: I have to wear a thong?

Stern: Yep. Or you could be naked, it's up to you. ...

Theresa: Who's beating me with it?

Stern: I will

Theresa: You will?

Stern: It's a treat. That cod by the way weighs 40 pounds. ... This girl must really love Marilyn Manson. I'll let her sit right next to him on the couch.

Robin: Fish and all.

Stern: Yeah, because I'm going to beat her with a fish. (Laughter)

Robin: Marilyn might not be too happy.

Stern: I'm putting on my rubber gloves

Gary: Actually, Marilyn wanted to know if he could be in on the fish beating.

Robin: I know. I'm sure. I said this is right up his alley.

Stern: Normally, I'd let him, ...

Stern: Come on, honey. Come on out. Don't be nervous. She's got a nice body. ... What's the matter you crying?

Theresa: No, I'm not crying. I'm just really nervous.

Stern: You look good in your bathing suit, I wouldn't be nervous about that. Let me see, turn around. Let me see that ass. Let me see it. Oh yeah, that's nice!

Gary: That's a nice target.

Stern: You've got a nice body

Artie: Great body!

Stern: You've got a good booty. I'm sure I'm burning in hell for this. ...

Robin: How many times are you going to beat her?

Stern: Oh, I'm going to hit her pretty hard with it. It's full of blood. ...

(Stern hits her with the fish. - laughter, cheers)

Theresa: Wonderful.

Robin: She's running away.

Stern: Wait, wait wait, ... four more. How did that feel by the way?

Artie: It's got to get harder.

Stern: What do you think of that?

Theresa: Just come on, ...

(Stern continues hitting as his crew laughs.)

Theresa: Alright, are you done?

Robin: No, he's got two more. ...

Artie: Give her one good whack.

Stern: One more.

(Crew chants 'two more, two more'.)

Theresa: Come on ...

Robin: You want to meet Marilyn? ...

Theresa: Are you going to clean my butt off?

Stern: No, I'm not going to clean your butt off. You'll just sit with your fish guts on your ass.

Robin: You'll have an icky, fishy, butt.

Stern: Yeah, it's part of your punishment. I'm here to humiliate women. That's my job.

Robin: Anybody got a piece of plastic for the sofa?

Gary: Yeah, we got towels.

Stern: Let me see your ass. Go ahead, let me see. Oh, It's all full of blood guts and fish remains. ...

Stern: Well let's bring in Marilyn Manson, your hero.

Theresa: Can I get my pants back on?

Stern: No. Keep your pants off.

Theresa: No, no, no.

Stern: No, no, no. Your fish guts on there. ...

(Manson comes in.)

Stern: Well, Marilyn, certainly this girl has won the right to say something to you.

Manson: Should I wipe the fish guts off her ass?

Stern: Yeah, wipe them off her ass, will you.

Manson: That's the least I can do.

Stern: Here, Marilyn will help you. Aren't you glad

Robin: you didn't put back on your pants.

Manson: Can you stand up a little bit?

Stern: Yeah, stand up and let Marilyn see you ass. It's not a bad ass. I think he'll like it. ...

Theresa: I just love your music and you make me very happy.

Manson: Thank you. I have that video tape.

Theresa: You do? I didn't know you watched it.

Manson: It was you and your friend, right?

Theresa: My best friend.

Manson: Dancing around. Doing like this choreography and stuff. ...

Stern: And you do remember, you actually watched it?

Manson: I do, yeah.

Stern: Wow, isn't that something.

Manson: Didn't my guitar player have sex with your friend?

Theresa: My friend Bridgette?

Manson: I don't know. Yeah.

Theresa: No

Manson: Okay. You know my guitar player, John, not Twiggy, he likes to put his baby sauce [semen] on the girls bosoms and he licks it off.

Stern: Wow, that's great. ...

Manson: Just the other night, though, in the studio I was hiding in the bathroom and he satisfied himself, she never touched him, then he licked it off of his hand. The kid's got problems. ...

Stern: Do you want to pleasure Marilyn with your hand?

Theresa: Sure ...

Stern questions Manson about drug use.

Stern: Are you a drug addict?

Manson: No, absolutely not.

Stern: What kind of drugs are you into?

Manson: If I'm partying with people I'll do what ever, but there's nothing in particular that I'm bound too.

Stern interviews Marilyn Manson on his broken engagement with Rose McGowan.

...

Stern: You started to realize that maybe it wasn't that great.

Manson: I found out that anal sex wasn't in the program.

Stern: Right. She's not in to anal.

Manson: No. You can't marry a woman that's not into that.

Stern: She should be willing to do that for you if you're going to marry her.

Manson: It's not about willing, it's good pleasure for all people involved.

...

Robin: ... How far do you go with girls and call it not having sex?

Stern: Pleasuring with the hand.

Artie: The hand thing.

Stern: The girls are allowed to do that.

Robin: They can do everything but like the...

Manson: Sometimes there are some creative tension relieving circumstances. ... If you're on tour and you're doing things that a lot of girlfriends aren't going to like and understand. Some girlfriends do like and understand and they join in and have fun and everyone's having a good time.

(Later)

Stern: One of my interns claims she had a close relationship with you. That she was like your assistant or something like that. Do you know anything about this?

Manson: Yes. ...

Stern: You do know Carrie.

Manson: She was one of the very first Marilyn Manson fans that would follow us around.

Stern: She claims, and here's what she claims that when she was 17 she was working in Philadelphia as a concert promoter and you used to make her call you 'Daddy'. Is that true? ...

Manson: That was my little nickname for the girls. It was sort of Charles Manson family ...

Stern: I've got to admit I didn't think you even knew Manson. I thought you were making everything up.

Carrie: Why would I lie about it if he was coming in? I've been to 302 shows. ... I was very, very young and I had a lot of trouble in my life and I didn't get along with my family and Manson was like a father figure. Like he took care of us.

...

Manson: I was kind of like the pimp of under age Goth chicks.

Stern: So there were other girls that would call him Daddy and all of them were in to Manson.

...

Stern: Now what is going on with this latest law suit where you supposedly took you genitalia out at a concert?

Manson: It's absolutely completely not true.

Stern: Not true. Your genitalia was not exposed?

Manson: I don't even think he said that. I don't think it was

Robin: No, I think he was, like, rubbing up against him and his crotch was on his head.

Manson: What ever it is, it's not true and it's a total case of someone wanting a free ride. And the city

Stern: Looking for how much money are they suing you for?

Manson: Well, they're not suing me yet. The city first is trying to

Stern: Get you on obscenity charges.

Manson: No, it's a sexual

Stern: assault.

Manson: Yeah, yeah.

Stern: Because while you were on stage you suggestively danced over to a guy and rubbed yourself against his head?

Manson: Yeah. It's completely false and the stupid thing is we played two nights in Detroit and this happened on the first night. If it really happened, why did they wait a month later to charge me and make me fly the week of September 11 to Detroit, too. They should be ashamed. People have more important things to worry about.

Stern: So meanwhile you had to hire a lawyer to defend you. I mean, this gets expensive, doesn't it?

Manson: I have to go there on December 28 for a hearing.

Stern: Do you think it will be dismissed or will they try to jerk you around because you're Marilyn Manson?

Manson: I think they'll try to jerk me around, but I think I'll be proven innocent.

Stern: Right. So you will go to all lengths to get this thing

Robin: What could possibly happen to you, though, if you're found guilty?

Manson: There's a jail sentence.

Robin: Really!

Manson: If they wanted to be really hard on me.

Artie: For just rubbing?

Stern: But you know, that is so theatrical. I mean you didn't like

Manson: I didn't do what they said I did. I know that for a fact.

Stern: I know sometimes when you're on stage you might go up to a guy and, you know, like rub up against him or something like as a goof. I mean, where would that be a sexual assault?

Manson: There's a lot of loop holes in the law. It says if you're trying to, it's like, it's as silly as if you're in a bar fight with someone and your crotch happens to rub up against him, they can say that you sexually assaulted them.

Stern: Right

Manson: Or if you're wrestling with somebody.

Stern: And you didn't simulate an act on him, is what you're saying.

EXHIBIT C

I've tried to share it with her health teacher and I was over heard by some classmates and they vandalized our home and, uh..."

Stern: "How many times..how many times a week is your daughter engage in this?"

Mary: "Well, you know she doesn't tell me everything, but I..I..she's with her boyfriend every weekend and uh, she's been seeing the, uh, little..the eighteen years old. She's been seeing him for a year."

Stern: "Do you still give..do you still give your husband...do you still give your husband this kind of sex?"

Mary: "Uh, that's pretty much the only kind that we do, because we..we can't have any more children because I have health problems."

Stern: "I see..and you don't like to use birth contol."

Mary: "That's right."

Stern: "hmm, hmm. So do you..."

Mary: "Not that is unclean sex..birth control."

Stern: "Do you..do you walk funny?"
(farting in the back ground)

Mary: (Laugh) "No, I walk just fine. I keep myself clean..(a laugh in the background)I...we have normal sex."

Stern: "You do?"

Mary: "Yes, that's right."

Stern: "and..almost exclusively this type of sex."
(farting in the back ground)

Mary: "That's right and I have a..a..I get alot of pleasure from it."

Stern: "Alright Bad Tony(?), you're on the air..she's..she's climaxing you."

Bad Tony: "Hey, Howard, hey Bad Tony,hey, you know what..I have to agree with this lady..I mean I agree with that..every girl should have anal sex, but (farting in background)on another question though was..otherwise there would be no problem giving your daughter a..like a bowkaki(?) right?"

Stern: "Right. Walter, your'e on the air. (farting)That's what she's saying bowkaki's in.."

Robin: "It's ok.."

Stern: "It's ok..now let me ask you something..if your husband..uh..performs this act on another woman, since you say it's not sex, he wouldn't be cheating, would he?"

Mary: "Uh..well I..I think that yes he would be, because we are married..."

Stern: "I see.."

Mary: "and because he would be having an emotional connection to that person."

Stern: "Walter, you're on the air."

Robin: (blabbing something about emotional)

Walter: "Yes, this is Walter..."

Stern: "yes.."

Walter: "and I think this woman should be nominated for sainthood."
(a laugh)

Mary: "Thank you, Walter."

Walter: "Because any..."

Stern: "Here you go and uh, lot of men applauding you this morning and all of women upset with you..."

Mary: "The thing is, is it impowered woman. It helps us to control our bodies, control our reproductive (farting going on)systems and still have pleasure in our lives."

Stern: "I'm all for it...."

Robin: "Howard, let me ask you something."

Stern: "as long as it's not my kids..(laughing as farting is going on) yeah.."

Robin: "If you were the fourteen, fifteen, sixteen year old boy who was after a girl and she said ok..."

Stern: "Only this type of sex..."

Robin: "..do it there. Would that be ok with you?"

Stern: "Now, I'd think she was a freak."
(laughing)
Stern: "I'd be a little freaked out by that."
Artie(?): "What about oral sex. Can she have oral sex?"
Mary: "Oral sex is unclean sex."
Artie(?): "Why is that?"
Mary: "It's not, it's not..it's against the natural order of life.."
Artie(?): "It's not a birth canal"
Stern: "You don't see that in animal kingdom, is that what you are saying?"
Mary: "That's correct."
Stern: "I see."
Mary: "That's correct and it doesn't really pleasure a person who's doing it."
Stern: "Some how I'm not understanding it..it doesn't pleasure the person doing it?...interesting.."
Mary: "That's correct."
Stern: "Yes.."
Mary: "It's..it's kind of gross."
Stern: "Storm in one last comment and then I have to move along cuz Toby McGuire from Spider Man is here and I want to talk to him about a million things.."
(Man): "Howard..howard.. I'd like to ask her what kind of dii..high..high fiber diet does she eat..you know suggest for ...sex.."
Stern: "Do you recommend..do you recommend a high fiber diet?"
Mary: "Yes, actually I do. I think it's , uh, (farting going on)it's well, it's healthy beyond..beyond back door sex, but it helps to cleanse your system. I recommend regular enemas and the cleaner you keep yourself, the cleaner the act is.."
Stern: "Well, there it is..."
(Man): "Howard..does she ..does she recommend, like you know, like letting go..you know?"
Stern: " yeah. uh...well listen that's not the point..that's not the point."
(farting continuing to go on)
Robin: "Let me ask her something though..has she..has she got her daughter on a regular enema schedule or something?"
Mary: "Yes, she's..she's been given all the information. She's completely impowered to..to use this type..."
Stern: "When you sat down..when you sat down with your daughter and told her this.."
Mary: "yes.."
Stern: "did she think you were a wacko..I mean come on..you're insane and then..and then came around later or what? Was it an awkward conversation?"
Mary: "I..you know..I think that she accepted it completely until she spoke to other girls and she was, uh, ostersized(?) for awhile from her friends but..um..but.."
Stern: "really"
Mary: "but she has all the information and she's given them all the information and now, uh.."
Stern: "We'll see what happens"
Mary: "..she's encouraging her friends.."
Stern: "So in a way this is a grass roots effort..there's no website devoted to this..is there?"
Mary: "Well,no..but what I do is try to go..I'm uh..right now I'm at a womans' retreat and uh, in Nebraska and I'm uh,I had asked them if I could talk to them about, uh, sexuality and the way that we uh, have found to..to promote this and..and uh, they are..they are open to me talking to them."
Stern: "Well, I'm a big fan of any woman who does this kind of thing, uh.."
Mary: "Thank you, Howard.."

Stern: "and by the way, and..and what are the the other side effects of this, if you will call this a side effect..You've never been constipated your entire life, is that true?"
Mary: "That's correct."
Stern: "yeah"
Robin: "but..did she give her daughter her first enema or..you know..I mean..how.."
Stern: "Yeah, yeah did you help her with it?"
Mary: "Yeah, I did. I showed her how."
Stern: "Wow. Are you hot?"
Mary: (chuckling) "Am I, uh, good looking?"
Stern: "Yeah"
Mary: "Yeah, I'm pretty good looking."
Stern: "yeah..you've done..."
Mary: "slender and uh...."
Stern: "Butt's nice?"
Mary: (laughing) "Uh, I keep it..it well toned.."
Stern: "When you fart..."
Mary: "...I think that's another side effect to it also."
Stern: "When you fart does your husband get horny?"
(farting going on)
Mary: (laughing)
Robin: (laughing)
Stern: "Alright, listen...Mary, uh, thak you so much for discussing this very sensitive topic, in a very adult way.."
Mary: "Thank you, Howard...thank you for really giving me your ear and letting me.."
Stern: "Why not..why not.."
Mary: "...show all the aspects of it."
Robin: "I think it's..."
Stern: "and thank you for giving me your ass.."
(everyone laughing)
Robin: "I think it's interesting that you think this is wonderful for everybody but your kid.."
Stern: "yeah, yeah, I don't want my kid doing anything sexual..period...but uh, for these other kids show are sluts..uh, it's fine."
Artie: "Right, your kid could be a virgin like this, but also a slut."
Stern: "yeah"
Mary: "well..."
Robin: (laughing) "a virgin slut"
Stern: "Thank you, Mary."
Mary: "Thank you very much, Howard. Have a great day."
Stern: "There's Mary who says, uh, your..."
(farting going on)
Robin: "If they want to stay clean..."
Stern: "...if they want to stay clean, not oral or intercourse, ok?"

EXHIBIT J

THE HOWARD STERN SHOW – May 9, 2002 – approximately 8:20 a.m.

Stern: Carl, you're on the air.

Carl: Howard, I went to one of those bukkake [porn term for ejaculating on women] parties before.

Robin: Oh, really?

Stern: With that chick?

Carl: Yeah, for a bachelor party.

Stern: Yeah?

Carl: Oh man, that is totally disjusting.

Stern: Isn't it kind of gay to bukkake, like you're

Robin: Yeah, like how do you do that?

Stern: You're standing around

Carl: Yeah, like everybody's all around, and

Stern: When I was a kid there was a thing where guys would get together in a circle.

Now I never did this 'cause I thought it was too gay.

Carl: Like butter to bread?

Stern: Well, yeah, like you take an Oreo cookie, or something. But I think the bukkake thing at least there's a chick in the room when all these guys are pleasuring themselves.

Robin: Wait a minute, what are talking about an Oreo cookie?

Stern: Guys used to sit around in a circle and get themselves off, but there was no chick involved.

Carl: Yeah

Robin: That's worse, I think.

Stern: Yeah. And I'd hear about that and I'd go 'why would a guy do that?' 'Well, yeah you'll sit around and.' It's called a Circle Jerk.

Carl: No, but the girl gets like totally into it and helps out and it was a bachelor party and we got it on video tape, and

Stern: Does she do bar mitzvahs? There's somebody I know that might be,

Robin: But you didn't feel gay standing there in front of a bunch of guys.

Carl: I didn't participate, but it was very gay standing there. I was like, I was on the verge of like, you know, deciding to leave or to throw up or what.

Robin: You didn't know what to do.

Stern: I know that's how I felt at Gary's bachelor party when guys were trying to pay a woman money to, uh, go to a bathroom in a cup. I said, 'I think I have to leave.'

Robin: I think I should go, but I'm not sure.

Stern: I think I should leave, but maybe I'm going to miss something here.

Robin: Maybe I should throw up, but I'm not sure.

Stern: So, anyway, I'll give away the bukkake party on the air and I'll give you more details so guys don't think its that gay.

Carl: Hey Howard.

Stern: Yeah

Carl: Hey, um, I just want to say that I'm glad you're back on the air in Charleston, South Carolina.

Stern: Oh, thank you. Hey by the way, when you went to that bukkake party was the chick hot?

Carl: Yeah! She was totally hot. This was down in L.A. and I guess you can hire her for bachelor parties or you got more one than one girl. (?) – [unclear]

Stern: Right

Carl: She was about 5'9" with double D implants but a hot face, nice butt, I mean she was totally hot.

Stern: Was she totally messed up after the whole party was done?

Carl: What now?

Stern: Was she messed up after the party was done? I mean she had to be a real mess, she had to take a shower and everything.

Carl: Yeah, she went and took a shower then came back out and partied with the rest of the guys for the rest of the night.

Robin: Wow!

Stern: Hmm

Carl: And I think she even gave, you know, oral pleasure to the bachelor.

Stern: That's nice.

Robin: How much do you pay for something like that?

Carl: It was \$1,200 an hour.

Stern: How many hours was she there?

Carl: She was there for about six. Well, I think they cut down the rate a little bit, but it was crazy.

Robin: Yeah, gave you guys a group rate.

Stern: According to my math that's a million dollars.

Robin: Really

Artie: That's too much money.

Robin: I guess it's worth it.

Artie: You got ripped off.

Stern: \$1,200!

Robin: She doesn't have to work the rest of the year.

Stern: She gave oral to the bachelor, but uh

Carl: I think that came in free, because she got drunk and she was doing other stuff and the manager was in the other room making sure everything was okay, but it was just, ugh.

Stern: Hey, Artie, if I was you I'd give up standup and get into bukkake. I'd get some of that bukkake work.

Artie: Just lay there and have guys bukkake.

Stern: Right

Artie: Well, that would be sweet.

...

Stern: You know on Fear Factor eventually Joe Rogan will turn to them and go 'All right girls, the guys here have to bukkake.'

EXHIBIT K

THE HOWARD STERN SHOW – 9/10/02

Stern: Tomorrow any girl who wants a cavity search ... in honor of the new securities, to prove a point, anyone that wants to be naked and searched and have all of her orifices searched, I will do it.

Robin: Yuck!

Stern: With a rubber glove, that's right. A tremendous search. A 9-11 vagina check. Gonna try to do something irreverent on that day. It will almost be impossible, but I'll try to work some humor into the show.

Robin: If you want to be irreverent, do it to a guy.

Stern: No, I'm not going to do a cavity search on a guy, unless it's Fred.

EXHIBIT L

THE HOWARD STERN SHOW – September 20, 2002 – approximately 6:50 a.m.

Segment on ejaculation:

Stern: Carl (a caller)

Carl: Hey Howard

Stern: Hey. Yo.

Carl: I want to know in your entire life have you bukkake`d anyone?

Stern: Sure

Carl: You have?

Stern: Of course that's fun.

Carl: I know, but. How many different girls?

Stern: Bukkake? Obviously not with other guys in the room. I don't do that.

Carl: I know, I know that.

Stern: You know, I bukkake, you know

Robin: Oh, come on, it was a guy you bukkake`d.

Stern: All right. It was a guy I bukkake`d. Robin's right.

Carl: No, how many different

Stern: How many guys have I bukkake`d?

Artie: How many wrestlers?

Carl: Oh, come on.

Stern: Bukkake for anyone who can't figure it out is, 'cause a lot of people do write me and say 'Howard, you always talk about bukkake. What is it?'

Robin: Yeah, but what is it?

Stern: It's where you leave a gift on your girlfriend, somewhere on her body. You leave a gift, a special prize.

[Sound effects of squirting – supposedly a man ejaculating. – This continues off and on throughout the discussion.]

Robin: Can it be anywhere, I thought it really had to be...

Stern: What on the face?

Carl: Yeah, I thought it was the face, too.

Stern: Well, I have bukkake`d at least two women.

Robin: On the face?

Stern: Yes. One woman actually.

Carl: Only one?

Stern: Yeah, now that I think about it I was lying about two. I was trying to be a big shot. I'll be honest, it was one.

Artie: Now a popular place ...

Robin: Now did they ask for this?

Stern: Yes. We were talking about it and she said to me, 'Alright, give me some bukkake.'

Robin: Really?

Stern: Yeah, that's right. I was hot.

Robin: You liked it?

Stern: I liked it. I like bukkake. *[sound effects of ejaculating continue.]*

Robin: What do you do after, now, it's like lying there?

Stern: Well, the reality of bukkake is as follows. The couple of times I did it, the first time, you end up missing the face completely. The aim is completely off.

Robin: Where does it go?

Artie: You hit the ottoman. (?) *[unintelligible]*

[sound effects of 'squirting' noises continue.]

Stern: A lot of times I feel funny with the face so it ends up on the chest. So then I go, see 'cause I'm one of those guys when I'm in bed, I'm not uptight to, uh, yank in front of a woman.

Robin: Not anymore.

Stern: No, because thanks to porn. I saw it in porn and I went, I guess its okay, women like that. And women do like it, they to watch you do that. So, I was doing it, and then I kind of felt bad or something so I didn't bukkake the face. And then, finally, I got my aim together and what happens is a lot of it ends up, you know, the neck, the bed. You know, the head is a very small target. It is. Unless you're going to get right up there.

Artie: Unless your girlfriend's Janet Reno.

Stern: Right

Robin: Unless it's going to point blank.

Stern: Unless your girlfriend's Jerry Lewis 'cause his head is so giant. There's a head that's perfect for bukkake. Rosie O'Donnell, too, has a giant head. A big, giant, bloated head for bukkake.

Robin: Unfortunately, I don't think she's ever been near bukkake.

Artie: And, alas, Robin, there's the Catch 22.

Stern: Right. She has a head big enough for bukkake but no one is going to be bukkaking it.

Artie: Most girls you would want to bukkake don't have enormous heads.

Stern: That's the catch. Too bad Rosie's a lesbian. Perfect target for bukkake.

Stern: So um...

Carl: Just one?

Stern: Just one and then I did bukkake, several times.

Robin: Now do they start to flinch or...

Stern: I'll tell you what I wanted to do the other night.

Robin: What?

Stern: Oh, forget it. I'm not going to talk about that. That was dumb. But, you know, I've done bukkake, leave it at that.

Robin: But does the girl, like, flinch, or do you see her like, you know, flinching or eyes fluttering?

Stern: No, no no. No, first of all, to be bukkake'd by a Howard Stern is such an honor.

Robin: You want to see.

Stern: You want to see everything.

Robin: You don't close your eyes.

Artie: Its almost like the chick has to make an acceptance speech.

Stern: Yeah, it's such an honor be bukkake'd by me, Howard Stern. But I have done bukkake.

Robin: And then, what is the clean-up process, does she run away at that point? Or do you savor it for a while?

Stern: Usually, you know, you try to savor it and usually she goes 'can you get some tissues?'

Robin laughs

Artie: Cleaning up is a woman's work.

Stern: Hmmm

Carl: Weren't you guy's going to do a bukkake, or have listeners do a girl or...?

Stern: Yes. As a matter of fact.

Robin: What happened with that? He's right.

Stern: That's a very good point. And I don't know the answer to that. Maybe Gary can tell me. We had a woman who wanted to be bukkake'd by our listeners and I don't know what happened.

Gary, what happened to the bukkake woman? Robin, what about you, have you been bukkaked?

Robin: No

Stern: No?
Gary: I've got to check on that one, Howard.
Stern: Sorry, Gary, what?
Gary: I've got to check on that one.
Stern: Who do you check with, I'm curious.
Gary: K.C. was working with her.
Stern: He was working with the bukkake woman?
Robin: Is she still alive?
Carl: How many guys was it going to be, do you know?
Stern: Here's K.C. with the answer.
K.C.: Hey Howard.
Stern: Yeah.
K.C.: We had the bukkake woman, we were going to do a listener bukkake,
Stern: Yeah
K.C.: but it turns out the woman didn't want to do it anymore. We had her all set up to do it, and they cancelled on us.
[Recording played]: *You little bitch.*
Artie: What, did she get off of heroin.
[Stern laughs]
K.C.: I don't know. But I am sure we can find somebody else. I mean, there's a lot ...
Stern: Well, you know, it was so great that she wanted it.
Robin: Right. She had volunteered, she stepped up.
K.C.: There'll be others.
Stern: Houston will be here today maybe Benjy can bukkake her.
[laughter]
Carl: Have a girl do a bukkake for breast implants.
Stern: Houston the porn star is coming in to do her music today. So Benjy comes up to me yesterday and he goes, 'When Houston's here, can I pleasure myself on the couch next to her?' I said, 'Sure, go ahead.' So he's going to be doing that later in the show.
Artie: Sure go ahead. [laughs]
Stern: I was like, go ahead. I don't think Houston cares.
Robin: Can we throw a blanket over him?
Stern: No, its going to be funny.
Artie: What other show would have that in the pitch meeting?
Robin: Yeah, I don't think The Tonight Show ever ...
Artie: I don't think that's what Letterman, ... Letterman's writers come out there and go 'Listen, Dave.'
Stern: 'Dave, can I bukkake the guest?' No, because Benjy comes over and he goes, 'Wouldn't it be funny if I just pull my pants down and sit on the couch next to Houston and pleasure myself?'
Robin: No
Stern: Yeah, my first reaction was like 'I don't know, I don't know, I don't think so.' And then I went, well, 'Who am I to judge?'
Artie: It'll be creepy and funny.
Stern: Yeah.
Stern: [singing] It's creepy and it's funny, mysterious and ooky.

Several minutes later in the same show:

Stern: God only knows why I had so much sex that summer. I was a very lucky boy that summer. Lordy Lou. And I was so bad in bed, every girl I was with I was finished in 3 seconds.

Robin: Oh, no.

Artie: Who cares.

Stern: That was the summer one of these Polish broads took her finger and tried to

Robin: Oh, that was her!

Stern: tried to put it where the sun don't shine. And I was like, 'Whoa'.

Robin: Way, whoa, you sounded like Billy and Chuck.

Stern: Yeah, I was like, 'whoa, no, no, no'.

Artie: When you say polish broad, do you mean from Poland?

Stern: No, she was Polish, you know,

Robin: Of Polish descent

Stern: Of Polish descent. We were messing around and then she started to touch my butt with the finger. And I was like so, like, freaked out. I was like 'Whoa, what are you doing?'

Artie: You're not putting that Polish finger no where.

Stern: So, but I was like 'whoa'. I should have let her, maybe, just play around back there."

Robin: Now, you say, 'hey honey, the whole hand'. What do you think?

Stern: Do what ever you have to do. Kiky doodle do. Anyway, that's that.

Artie: That's interesting.

Stern: Yeah, yeah I had a good summer. I have to admit, it was my studly summer.

Stern: Eric, you're on the air.

Eric: Hey, Howard, I have a question for ya.

Stern: Okay.

Eric: Does bukkake still count if its on the woman's chest, or on her ass?

Stern: Well, I believe it does. I think it does. I have seen a lot of bukkake films.

Robin: Oh well, I haven't so maybe you have more information.

Artie: I thought that was kabuke films.

Stern: No, those are bukkake films.

Eric: Howard, are you supposed to ask permission first?

Stern: Well, I'll tell you how it works.

Robin: It would be nice.

Stern: In the one situation I had

Artie: It depends on how much you're paying.

Stern: The girl said to me 'let me see you, uh you know, do your own thing'. You follow?

Eric: Yes

Stern: And I said 'okay' so then and then she said 'all right bukkake me'. I said 'okay baby'. And then I put my, I put my legs akimbo right around, over her body.

Robin: Oh, I see.

Eric: Uh huh.

Stern: All right, I was on my knees, okay. And she was messing around with me, she was touching my legs, she was touching my most intimate of areas. She was fiddling around backstairs, ya know, backstage. You know.

Robin: She got, you know, behind the scenes.

Stern: She got a little behind the scenes when I was doing it.

Eric: Was she hot?

Stern: She was hot. This was a hot chick.

Eric: All right

Stern: And yea, I'm doing it, doing it, doing it, boom, boom, boom. *[sound effects of 'squirting' noises.]* And the big moment happens and, uh, you know the first couple of times I miss the, uh

Robin: the target

Stern: the target. But okay, we revisited that whole scenario a couple of times. That was it.

Eric: Sounds like fun.

Stern: It was a lot of fun

Artie: Now this is ...

Robin: Now let me ask you something? Does it take longer in a situation like that than when you're just by yourself?

Stern: Yes, first of all you're a little self-conscious doing that in front of a woman, at least for me.

Eric: There's pressure on you, right?

Stern: There's pressure and but, ya know, if nothing happens, you say, listen, it ain't gonna, no bukkake today, honey.

Eric: You've gotta have decent aim I would assume?

Stern: You have to have decent aim. And it's something that, you know sometimes you feel a little funny about, you know, fouling someone like that 'cause you say, 'Gee, I would want that.'

Robin: Do you really want me to?

Stern: Yeah, I am like in disbelief. Really? You want that?

Eric: I'm going to give it a try.

EXHIBIT M

October 3, 2002 - Stern Talks with 12 Year Old Boy – Dan

(Stern takes call from 12 year boy during interview of Susan Johnson)

Dan: It's 12 year old Dan.

Stern: Oh yeah, I know you.

Dan: That bitch is f-ing crazy.

Stern: Here's a 12 year old telling you. Would you do her?

Dan: What?

Stern: Would you do her?

Dan: Is she hot?

Stern: She's got big boobs.

Dan: Okay

Stern: There you go.

Dan: Can I get oral?

(Later in the show)

Stern: Let's go to Dan, the 12 year old. ... Hey let me ask you something, boy it's great to be a 12 year old now. There's so much available porn and videos.

Robin: And wait a minute, is he going to those parties where the girls do the oral?

Stern: I don't know, I don't want to get into it with him – he's twelve. They're all doing it, but,

Artie: Give him a year.

...

Stern: So what do you do, do you get strange feelings when you watch the Christine Aguilera video?

Artie: There's nothing strange about those feelings.

Stern: Don't feel bad about it. Are you pleasing yourself? ...

Robin: Has he ever awakened and the bed is a mess?

EXHIBIT N

Transcript from: Deminski & Doyle Show - October 16, 2001

Show on Fetishes, Discussion about Catholic Priests

Deminski: It's 3:26 pm, it's a Tuesday. Yeah, so this story comes from BBC News, Cambridge University. Some creep, they, they, put a Web Cam, Web Camera inside the women's toilet, and I don't know how long it was in there, but apparently this is being probably over the Web somewhere, some disgusting (a) Website where you can log on and see these unsuspecting women being spied on. You can watch them pee!

Doyle: Yeah, or more.

Deminski: Or more. Yeah! And I'm just wondering, is anybody ever into that? I can't imagine who? But I know that it exists. And we're also talking about any other strange turn ons that you may have. 248-559-9797

Jennifer from Southgate your on 97.1 fm talk.

Jen: Hi!

Deminski & Doyle: Hi Jennifer

Jen: I have I guess sort of a religion fetish, um. Over the summer, my mother's friend has a son that was supposed to be ordained as a Priest and we were supposed to go to the ceremony, and I just could not stop thinking about how much fun it would be to just corrupt this man and have sex with him. I guess it's sort of a power trip.

Deminski: Ooo! So you want to have sex with a Priest?

Jen: Yeah! Or um in a church, preferably on an altar.

Doyle: You little sinner.

Jen: Giggle, Giggle! Laugh, Laugh! Comes from the days of Catholic School.

Deminski: Is it more that you want to deflower a priest, no matter the setting or do you just want to have sex with whomever as long as it's in a church? Like which is the deal?

Jen: Both, both!

Deminski: So doin' the priest and right in the church.

Jen: That would be the ideal. Yeah, that would be the ideal fantasy.

Deminski: Wow!

Doyle: Rudy, want to rent a priest costume?

Jen: Actually, (laugh, laugh) a girlfriend of mine, we use to bartend at this after hours bar, and we use to make this guy...he had a black shirt on, and we'd put like a white collar on him and make him feed us altalife (?) or would dress up as Catholic school girls (laugh, laugh, laugh). True story I swear to god!

Doyle: Well-l-l!

Jen: And we'd kneel down and he'd hold it up, "this is the body or christ." (laugh, laugh)

Deminski: And then what, you all had a big three-some on top of the bar?

Jen: No, it didn't go that far.

Deminski: No? Why not? I mean no really, you were right there.

Jen: Pardon me?

Deminski: You were right there. Why didn't it go that far?

Jen: Well, he wasn't a real priest.

Deminski: Oh, I see. Gees!

Doyle: Jenniefer, thanks for your call.

Deminski: Wow!

Doyle: She's a bad girl.

Deminski: Yeah! I'm kinda liking that!

EXHIBIT O

Radio Station: Deminski & Doyle Show WKRK, 97.1-FM Detroit, Michigan
Date/Time of Broadcast: July 18, 2002 Between 5:00 and 5:30 PM

Material Broadcast: How much do you spend at Strip Clubs?

Deminski & Doyle having a conversation with the radio station Newsmen, (who tells the news every half hour) and are already in conversation when tape begins.

Newsmen: You know, I can't speak for the owner's, but I believe the dancer's will pay or the performers will pay like \$100 dollars to work the night or \$200 dollars depending on how many hours they're going to work. And then they get to keep everything they collect.

Deminski: Even the lap dance money as far as you know?

Newsmen: That I don't know, because lap dancing is illegal in Michigan.

Deminski: Oh come on, they all have the V.I.P. rooms.

Newsmen: It's, it's technically illegal.

Doyle: Oh, they're not making any contact I'm sure. (sarcastically)

Deminski: Ha ha...right! Our phone number's 248-559-9797 What is the most that you've will ever drop at a strip club and uhm, here's another question too, is it true that a lot of guys on business, will bring another business person out to a strip bar? I always wondered about that, because doesn't that make you look like the worst businessman ever? To try to conduct business of any kind as part of a business day at a strip club?

Doyle: Yeah, how much business do you think is really transacted when you go to a strip club?

Deminski and Doyle talk a little more and then begin to take calls.

Caller 1 - Kevin: Talks about buddy selling boat and a group of people go to the strip club and spend all their money.

Caller 2 - Samantha: Talks about when she was a stripper. She said at Christmas time she made the most money.

Caller 3 - Julius: Talks about seedy places outside of Military bases. He hangs around strip clubs to make friends.

Caller 4 – Joe: He says he used to spend about \$300 dollars in one evening. But now he's married so he doesn't go to strip clubs.

Then at approximately 5:28 P.M.

Doyle: Glen from Kalamazoo, you're on 97.1 fm talk.

Glen: Hey what's up guys?

Doyle: Hey Glen!

Glen: The most I ever spent was \$1,000.00 in one night.

Doyle: Did you do that intentionally? I mean did you go in knowing you were going to spend \$1,000.00?

Glen: Actually, I was just walking by, I looked in the door and the bouncer said "Hey, you like her." I said "Yeah, she looks pretty good." He goes, "well come on in, I'll have her come over and talk to ya."

Deminski: And a thousand dollars later...oh my god! What have I done?

Glenn: That was about it. She gave me a lap dance for about a hundred bucks.

Deminski: A hundred dollars?

Glenn: Oh yeah, but it was down in New Orleans.

Deminski: Oh, so you got, you got a little more than just a dance didn't you?

Glenn: Well, a little bit more. And then she says, "do you want to go into the Champagne room?" And that was worth about 10 songs, a bottle of Champagne and I said "hey, let's do it again that was fun".

Deminski: Okay, hold on a second. You've got to, you got to watch your words because of the radio. But what happens in the Champagne room?

Glenn: Um, they get to be rather cozy and friendly with you.

Deminski: Are they more friendly with their hand or with their mouth?

Glenn: A, both!

Deminski: Right

Glenn: The mouth stays above the neck line, but the hand tend to ah...roam.

Deminski: Go south of the equator.

Glenn: Yeah, they tend to roam

Deminski: Right, and ah....(laugh, laugh, laugh, laugh)

Glenn: If you ask them what nationality they are they say, "I have roamin' hands and russian fingers."

Deminski: Ah ha! And so ah, last question and please be delicate here, when you're all finished so to speak, when you're finishing up, so to speak, in the Champagne room...

Glenn: Ah, ha!

Lewinski: Well, what is there? Are we talking a bucket, I mean... what's going on?

Glenn: Well, you go in there with some drinks and they have some napkins for you to put your drinks on, at the table.

Lewinski: So right, a little cocktail napkin. That's a...

Doyle: That's a mess! .

Lewinski: Laugh, laugh... Well, better that then a coaster that would hurt. All right
Glenn thanks for calling 97.1. Detroit FM talk.

Doyle: It's 5:30!

EXHIBIT P

2001 - 2011
Right to Decency, Inc.

P.O. Box 368
FRASER, MI 48026-0368

TEL. 810-779-8814 / Fax 810-779-1906
E-mail: righttodecency@juno.com

August 7, 2002

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Captain Richard Maerle
Clinton Township Police Dept.
37085 Groesbeck Hwy
Clinton Township, Michigan 48036

(586) 493-7886

Dear Captain Maerle,

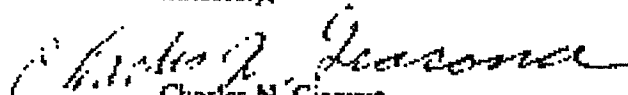
The Right to Decency, Inc., is writing this letter to commend you and the Clinton Township Police Department for the outstanding work you do in maintaining the ordinances of your community.

On the night of Saturday, July 20, 2002, Kramer & Twitch of WKRR 97.1 FM radio, conducted a live radio broadcast from the Star Bar, located at 37235 Groesbeck Hwy in your city of Clinton Township. The main attraction of the live radio show was to be "Female Oriental Wrestling," which is not concurrent with the ordinances of Clinton Township. Abiding to the regulations of the city, you stopped the wrestling event from taking place.

During the radio broadcast Kramer & Twitch asked the audience at the Star Bar how many people there lived in Clinton Township. Very few people responded. Most of the people that attended were from other cities. Perhaps the owner of the Star Bar, would like to cater to people who live in cities without laws and ordinances. When cities begin to deteriorate, businesses with secondary effects filter in and destroy community environments. Rational ordinances are established and when they are executed by officials, such as yourself, public morals and property values remain high.

It is reassuring to know that the Clinton Township Police Department, and you Captain Richard Maerle, have a great concern for your community and the people who reside there. The Right to Decency, Inc. would like you thank you for your interest and the action you took concerning our complaint.

Sincerely,


Charles N. Giacosa
Vice-President

ENCL

cc. Al Ernst
Clinton Township Police Chief

Promote a healthy moral community environment by educating and informing the public about the dangers of pornography and obscenity...

EXHIBIT Q

Right to Decency, Inc.

P.O. Box 368
FRASER, MI 48026-0368

TEL. 810-779-8814 / FAX 810-779-1905
E-mail righttodecency@juno.com

July 30, 2001

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WKRK Radio Station, 97.1 FM
15600 Twelve Mile Road
Southfield, Michigan 48076

Re: The Deminski & Doyle Banned Television Commercials

Dear WKRK DJ's (Jeff) Deminski and (Bill) Doyle.

This letter is pertaining to the three (3) Banned Television Commercials you have placed on your Freeloader 97.1 FM, Radio Station Website.

The Right to Decency, Inc. has viewed the banned commercials and would like to comment on them. It is unfortunate that you choose to promote yourselves and your radio station at the expense of vulnerable young women. On January 12, 2001, you held a contest called "Beaver's Beauties" and selected 15 to 20 female listeners to participate in what they expected to be a part time employment opportunity with 97.1 fm WKRK radio. Unfortunately, for at least one of the contestants, her line of employment with WKRK Radio, would end up to be pornographic.

Some of our volunteers remarked that they have on occasion listened to segments of your show in which callers explain the misfortune of letting pornographic pictures and videos of themselves, fall into the hands of people who deceive them. These people expressed remorse that those they trusted placed their pictures on the Internet. You both have appeared to be sympathetic to these situations.

Hypocritically, you have done the same thing to the young lady (Melanie), in your display of the banned television commercials. You conducted a misleading "contest" in which to do this, Melanie and the others, were only trying to promote their careers. When you are young and in your 20's, you can be ignorant to the fact that people may want to use you for their own unscrupulous efforts to gain money and power. The age gap of both of you, Deminski and Doyle, and the young women you are involving in your selfish scheme of fame, is despicable. Also, you chose a young lady from another country (Canada), to do these commercials, which was very conniving. It was heartbreaking to hear Melanie say on banned commercial #1, and I quote "Why do I have to be topless on the radio?" Then she says "Deminski and Doyle in the afternoon." Then again stating her dislike says, "Hey, this is illegal in my country, you know that?" It is unfortunate for Melanie that these commercials will only take her career to the toilet of someone's home or office computer.

The Right to Decency, Inc., places an effort to promote a healthy moral community. We can only hope that you each examine your conscience and appropriately elevate yourselves with a higher standard of dignity when conducting future events.

Sincerely,

Charles Giacona & Staff
Right to Decency, Inc.
righttodecency@juno.com

Throw them out at 17 Mile & Van Dyke



<http://www.ktshow.com/shows/throw-them-out>

5/15/2007



Dave Chappelle in the house!



Porn Star Heather Hunter makes a visit to K&T



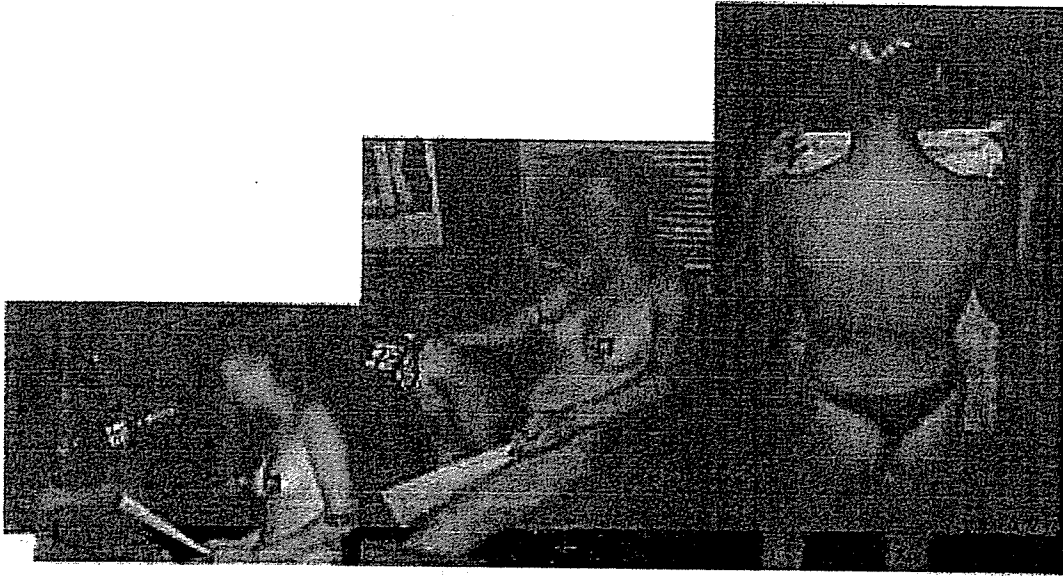
From the Kramer & Twitch Show Website: www.ktshow.com

Top 2 rows are:

Pictures from Kramer & Twitch's "Throw them out Thursday's" in which they encouraged females to disrobe of their top(s) in a public place and show expose their breasts.

Bottom 3 rows are:

Pictures of Activities taking place at the WKRR Radio Station, 15600 Twelve Mile Road, Southfield, Michigan 48076



From the Kramer & Twitch Show Website: www.ktshow.com

**Pictures of Activities taking place at the WKRK Radio Station,
15600 Twelve Mile Road, Southfield, Michigan 48076**

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BEAVER'S BEAUTIES PAGE

Look for some Beaver's Beauties at Hockeytown Cafe on Woodward in Detroit, Thursday, February 8th, for a live Deminski & Doyle broadcast from 3PM to 7PM!



Melanie at the 97.1 FM Talk studios filming a TV commercial. Yes, she's covered only with beach balls.



Beaver with his hands full at the 2001 NAI Auto Show. From left to right... Kelly, Beaver, Sarah, Laurie, and Katie.



From the Kramer & Twitch Show Website: www.ktshow.com

**Pictures of Activities taking place at the WKRK Radio Station,
15600 Twelve Mile Road, Southfield, Michigan 48076**

EXHIBIT R

Radio Station: WKRK, 97.1-FM Detroit, Michigan
Date/Time of Broadcast: January 9, 2002 between 4:30p.m. and 5:00 p.m.
Material Broadcast: Deminski & Doyle Show

MV1: Male Cast member

MV2: Male Cast member

MV3: Male Cast member

MC1: First caller

MC2: Second caller

MC3: Third caller

MC4: Fourth caller

MC5: Fifth caller

MC6: Sixth caller

MC7: Seventh caller

MC8: Eighth caller

MC9: Ninth caller

MV1: 4:37 on a Wednesday. So listen to this. Former Baywatch babe Yasmine Bleeth was in court today in our area in Wayne county, you know for that drug charge. She just got 2 years probation. She's gotta do the substance abuse screening and all that. Ah Rudy's the only one I did not show this photograph to in the new story. Do you remember Yasmine Bleeth?

MV2: Oh yeah, she's hot or was hot.

MV1: Okay, well I think she still is. I guess you can tell the drugs took a toll but she's got a little even bigger in the boobs there. Look how big her boobs look now. Look at the size of those Bleeths.

MV2: Oh man, yeah! She looks like she put on some weight. She doesn't look like Baywatch.

MV1: So you'd like to Yasmine all over those Bleeths, wouldn't you?

MV2: Damn right I would, hell yeah! I'd buy that for a dollar.

MV1: What does that mean? You'd buy that for a dollar?

MV2: It's an inside joke, from ``Robocop.''

MV1: Okay.

MV3: Okay, that was so inside Rudy's the only one who knows what he's talking about.

MV2: There was a line in ``Robocop'' where the guy.... Forget it.

MV1: No, you gotta tell `em.

MV2: There's some old man who keeps going ``I'...' It was a game show on a television that was inside a window in a department store and the guy kept going ``I'll buy that for a dollar.''

MV3: Was that the horsey game at the casino he was playing?

MV2: No.

MV1: To whom was that an inside joke?

MV2: It was for me. (laughter) It was one of those things where I was saying in my head I was thinking I'd buy that for a dollar.

MV1: That's not usually what an inside joke normally means. It's when only a few others get it. But you gotta have those few others.

MV2: Exactly. You got it. Humor me.

MV1: Our phone is 248-559-9797 so again I was saying no children are to be listening to this next segment or so and ladies you probably don't wanna hear this crap either `cause this is really foul. Now we talked about this only one other time on the show and not that long ago but this is why this cracked me up so much. You know those weird funky uh made up sex techniques or sex positions or sex maneuvers that guys have their whole websites full of this stuff now and they have all these clever names assigned to them?

MV3: They all seem like urban legends.

MV1: Right, right. Well, I'm watching TV last night and there's a brand new TV show, brand new sitcom. I'm not even saying it was all that good. I didn't even watch the whole thing, but it's that Hank Azaria show. Hank Azaria has been on different things, he's a lot of the voices on ``The Simpsons'' actually. So he's got his own show now where like his imagination goes running wild with crap. So part of the plot was that they're going to a therapist and they're trying to work on their sex life, he and his wife. And um, she is telling him that he could have anything that he wants. This one night he could have anything he wants. He's like ``anything?'' She's like ``anything you want.''' And so he comes up with the term ``okay how about a `Cleveland tornado?'' And this is something that apparently he had done to her in the past because she's like ``a Cleveland Tornado?'' ``You're not doing that to me again!'' And they had both been really drunk this night when they had done the ``Cleveland Tornado.''' And she gets horribly offended on the show last night.

And he's like ``oh no, no, I don't know why I said it.'' ``I don't know what I was thinking,' ' blah, blah, blah.''

MV3: Well, what is it?

MV1: That's just it. They never say. Or well, I didn't see the end of it but I don't think they ever explained it `cause it's a sitcom so they couldn't ... Rudy what is it?

MV2: Don't know. Never heard of that one before.

MV1: Now try to describe carefully what a ``Cleveland Steamer'' would be.

MV2: Now the ``Cleveland Steamer'' is when... I'm pretty sure it's when...

MV1: Now you don't even know what a ``Dirty Sanchez'' was by the way, so I'm not even so sure if you're accurate about this.

MV2: They're all different. I think a ``Cleveland Steamer'' is when you take a poop like on the girl's chest area.

MV1: And this is romantic to whom? This improves your sex life?

MV2: And then, hold on. So you take a poop on her chest area,...

MV1: Oh, the romantic part is coming up apparently...

MV2: ...her breasts and then you supposedly sit on it and make the noise of a steamboat.

MV1: So you Yasmine on her Bleeth's and then you ... (laughing). Have you ever performed any of this Rudy?

MV2: I've never done any of these techniques except ``The Stranger.''

MV1: Have you ever asked a woman if you could do them?

MV2: No I have not.

MV3: You gotta tell what ``The Stranger'' is again for those that don't follow every day.

MV2: ``The Stranger'' is when...

MV1: And he's done this!!! This is the sad part, Rudy's done it. Go ahead...

MV2: ``The Stranger'' is when you sit on your hand to cut off the circulation; the hand that you use to masturbate with and you cut off the circulation until it's numb and you can't feel it and then uh, you pleasure yourself with that hand. So it feels like someone else, therefore ``The Stranger.''

MV1: (Laughing) This is so sad, when did you first develop your

interest in these strange sex techniques?

MV2: You know what? I have no idea to be honest with you. Let it be known that this sitcom is jocking the Deminski & Doyle Show. `Cause we have brought these into the mainstream.

MV1: Well, see, I don't know who's brought them into the mainstream, but if it was in prime time then naturally they didn't describe what it was but it was obviously something really disgusting and kinky but if they're starting to talk about ``Cleveland Tornados'' in prime time I'm thinking yeah yeah there's gotta be all sorts of websites and jokes about this kinda thing. So I just wanted to bring this up what sorts of things like this have you heard of and try to, you know, carefully within reason describe it as best as you can what these strange sex techniques are. 248-559-9797.

MV3: And I would like to make a challenge to anyone who's actually done one; `cause I mean we've all heard these, but they're all urban myths.

MV2: I would like to say the last two of my favorite ones lately is ``The Shocker'' which I'm sure somebody will call that one in. I don't want to say that. And uh what was the other one?

MV1: So just give us the title without telling us what it means.

MV3: What's ``The Shocker?''

MV2: That's when... It's with the fingers, two in the orifices. I can't really say. Can't do it careful enough.

MV1: Oh one... Oh... Look, we already warned people no children and no women, so...

MV2: Two in the pink, one in the stink.

MV1: Okay now I was gonna see, I was gonna say ``vagina'' and ``rectum.'' But hey, you know...

MV3: Have you performed that one?

MV2: No.

MV3: And that's called a ``Shocker.''

MV2: ``The Shocker,'' it takes them by surprise.

MV3: He only performed the one finger on himself.

MV2: And the other one which was called in awhile ago not when we were talking about this but the ``Rusty Trombone.''

MV1: Oh that one I know!

MV2: That one's gross.

MV3: Yeah, once again one that had not been actually done.

MV1: The ``Rusty Trombone'' you know that I think that is the oldest of all these sickening things uh, `cause I heard that one years and years and years ago.

MV3: I've never heard of it until that guy brought it up on the show.

MV1: Really? For some reason I heard of that a long time ago.

MV3: Be honest I've never heard of any of these.

MV1: ``Rusty Trombone,'' and again please, no kids, no women. ``Rusty Trombone'' I believe that's when you're having anal sex with a girl and then right afterwards you make her perform uh, oral sex on you.

MV3: That's the way the man described it. Yes.

MV1: Without washing up first. That's just disgusting.

MV3: She is referred to as playing the ``Rusty Trombone.''

MV1: So if anyone has had the balls or was stupid enough or and/or to actually try one of these on a girlfriend, wife, concubine, whatever that's about the only person you'll get away with it. If you got a hooker somewhere...

MV3: She'll probably kick your ass.

MV1: She'll have her driver kill you. So tell us if you were ever dumb enough to try one of these on a girl and even if not just what sort of strange sex techniques have you heard of. 248-559-9797.

MV3: Billy from Southfield you're on 97.1 FM talk.

MC1: How're you guys doin' today?

MV3: Okay Billy.

MC1: Yeah, the ``David Copperfield.''

MV1: I heard of this but I can't remember how it goes.

MC1: Um, I think it's when you're having sex with a girl from behind...

MV1: Oh yeah.

MC1: and then you spit on her back.

MV1: Oh yeah, okay you pretend by spitting that you've just finished.

MC1: Right and then when you turn around you Yasmine on her....

It's an illusion.

MV1: (Laughing) You Yasmine on her face.

MC1: Right.

MV1: And Billy have you actually performed this?

MC1: I believe I have once, but I was really drunk.

MV1: What do you mean ``you believe you have?'' You're not sure you did?

MC1: Well, I'm sure about the first part but the second part's a little fuzzy.

MV1: You may have missed?

MC1: Yeah. Right.

MV1: But you definitely did the spitting on the back?

MC1: Yeah, I tried it.

MV1: Okay now but to perform a ``David Copperfield'' though doesn't one have to not spit just once you have to sorta you know ``puph, puph, puph'' (simulates a spitting noise) get a couple spits out there in a rhythmic fashion?

MC1: You know I never claimed to be a professional at it.
(Laughter).

MV1: You're just in it for the love of the game. Okay, alright Billy, thanks for your call. Oh my God we're being told, Frank in Belleville. Hey Frank?

MC2: Yes?

MV1: We got a note here that says you actually know what a ``Cleveland Tornado'' is supposed to be?

MC2: I know what the ``Cleveland Tornado'' is. Are you ready?.

MV1: I just thought it was something they made up just to put on the show.

MC2: Oh no, no, no. A ``Cleveland Tornado'' is ... You have to have a sex swing. What you do is you lay down and you have to lower the girl. You have to...

MV1: Wait, wait, I'm sorry. Who is in the swing?

MC2: Oh, a girl okay?

MV1: And you're on the bed?

MC2: You're on the bed or floor preferably, okay and you have to

penetrate her rectum and...

MV1: Yeah?

MC2: ...you turn her around and supposedly she is supposed to have ate something that is going to make her defecate all over you.

MV1: Oh God!!!!

MC2: While you're spinning around.

MV1: That's beautiful, that's like a dream wedding night (laughing).

MC2: Why anybody would do this I don't know but I heard.... Yeah.

MV2: Who would want that?

MV3: I don't know...

MV1: What guy would want the girl to crap on her [him]? (laughing) I don't know. What's fun about any of these? That makes the show last night even funnier because that's what they were referring to. The thing is you gotta have the sex swing and the plot of the show was something they just sorta tried one night. You know you gotta have the swing! Alright strange sex techniques you've heard of 248-559-9797.

MV3: Alan in Garden City you're on 97.1 FM talk.

MC3: Alright the one I know of is called the ``Chili Dog.''

MV1: Well of course it is.

MC3: And it's kinda like the ``Cleveland Steamer'' the way you started out except for you do the Hershey squirts on her chest. And then you add the hot dog which would be your member.

MV1: You add it. You just put it there?

MC3: You put it there and, yeah.

MV1: Okay, wait a minute... so it starts off like the ``Cleveland Steamer'...'.

MC3: Yeah, you're using Hershey squirts instead of just defecating. And then you add the hot dog and the bun there... So the chili's already there.

MV1: So you put your unit in your own feces?

MC3: Yeah, in between her breasts.

MV1: So Alan, how many times have you tried this?

MC3: Absolutely none.

MV1: That sounds like a real good maneuver.

MV2: Well once you find the right girl. Why would you wanna put your unit in your own poop? (laughing)

MV1: Josh, you're on 97.1 FM talk.

MC4: Hey guys

MV1: Hey Josh.

MC4: I got one for you, have you ever heard of a ``Tony Danza?''

MV1: Oh, this is a brand new one, so I'm glad, no I have not.

MC4: A ``Tony Danza's'' when you grab her by the hair, throw her down on the bed, smack her around a little bit and tell her who's the boss.

MV1: Aww. That's it?! Aww, otherwise know as a domestic violence move. Yeah I think that's known as a former Senator David Jay move. Brian in Milford you're on 97.1 FM talk.

MC5: Hey, what's up guys?

MV1: Hey Brian.

MC5: I have done the ``Rusty Trombone.''

MV1: Aw, for God's sakes.

MV2: You must've really loved her.

MC5: No it was a girl I picked up when I was vacationing down in Hilton Head, South Carolina.

MV1: Okay and you're back.

MC5: She wanted me to do it.

MV1: Now, you're in the hotel room?

MC5: No, we were in a condo.

MV1: Okay so you're in this condo and it's just you and the girl, it's not a threesome or anything?

MC5: No. It was just me and the girl, my buddy was sleeping in the other bedroom.

MV1: And uh, when you say she wanted you to do it, I mean, what happens, like you start having anal sex with her?

MC5: Yeah, and I was approaching the finish line and she says...

MV1: She says, ``Finish in my mouth?''

MC5: Yes, yes.

MV1: No kiddin'? Wasn't that kinda disgusting?

MC5: It was bizzare when it happened.

MV1: Didn't it kind of gross you out?

MC5: Yeah, but uh, it was a story, you know.

MV1: Oh yeah, it is a good story. What does the girl do immediately after? Does she go to the bathroom and use a bunch of Listerine or what?

MC5: No she tried to kiss me and that wasn't happenin.'
(Laughter).

MV1: No way!! Oh man, now was she offended that you would not kiss her?

MC5: Yeah, she was.

MV1: Yeah, I mean, I guess she would be, `cause hey look what she did for you.

MV2: Yeah but so what!

MV1: Oh no, I agree, it's just that it's inevitable that she's gonna be offended you know? Brian, thanks for your call. Oh yeah, if you actually tried these with anybody for God sakes get on a phone we'll talk about this just for the next segment...

MV2: I still think about 99 percent of them are urban legend.

MV1: Oh yeah, they've never actually been performed. I just think that guys, I think that guys bein' sick just tryin' to come up with just the most disgusting turn-off they can and then just pretend like oh yeah, this is what I did with somebody. So strange sex techniques you've heard of, no children no women 248-559-9797.

97.1 FM Talk. D&D Talk That Rocks In Detroit.

COMMERCIAL BREAK

Deminski (Deminski) and Doyle (Doyle). It's like seeing nude photos of your sister. (Sound of a spring snapping back ``boing''). Sure it's creepy, but there's just something about it (Woah). 97.1 FM Talk.

MV1: It's 4:55 with Deminski and Doyle and by the way Rudy somebody e-mailed and was laughing their ass off when you said ``I'd buy that for a dollar'' `cause he says it all the time too. So another ``RoboCop'' fan out there.

MV2: Oh so it was an inside joke.

MV3: Between Rudy and a listener.

MV1: Another guy who lives in the basement somewhere just like Rudy. Oh, oh, hey, real quick-- hot girl upstairs any update?! You still haven't talked to the hot girl upstairs? No ``Cleveland Tornado?'' Nothing? Okay. Just getting the update. So again no women no children we'll drop this after five, strange sex techniques. `Cause this is making the main stream. Last night on that Hank Azaria brand new sitcom they were using the term ``Cleveland Tornado.'' 248-559-9797. Scott from Grand Bluff!

MC6: Yeah hi guys, how ya doing?

MV1: Hi Scott.

MC6: You guys are classic. This is classic radio right here. I love it.

MV1: Yeah.

MC6: You know I didn't know this was so mainstream. I was telling my buddies about all these acts a couple months ago and they didn't believe me. So God bless you guys. Nevertheless I have one that's an offshoot of the ``Cleveland Steamer'' and it's called the ``Manhattan Hot Platter.''

MV1: Okay, carefully now tell us what happens.

MC6: It's the same thing but it's not done on the chest it's done in the mouth.

MV1: Oh God! So you're telling me you get a girl and you, you crap in her mouth?

MC6: Exactly.

MV1: And then what? That's it?

MC6: That's it.

MV1: Okay Scott, have you ever done this?

MC6: And the ``Copperfield'' is also known as the ``Houdini.''

MV1: No you gotta tell us, have you ever done this?

MC6: No. Goodness no.

MV1: Do you honestly believe anybody has ever done any of these things?

MC6: You know I've seen the ``Manhattan Hot Platter'' on the Internet. I have seen it in an e-mail.

MV1: It's gotta be a model.

MC6: No it's not

MV1: Somebody's getting paid.

MC6: I swear it's not; it's very disgusting.

MV1: No, no Bill's saying it's a real person; it's gotta be a porno actress that gets paid to get demeaned.

MC6: I watched it several times.

MV2: Gotta be pretty low on the porno scale too. You start off with the ``Manhattan Hot Platter,`` whatever.

MV1: I think that's the 90 days before you make your health insurance.

MV2: And what does that even have to do with sex?

MV1: (Laughing) I don't know.

MV2: There's no sex involved. You poop in somebody's mouth. (hoots).

MV1: Some guys are thinking ``Yeah; she wants that; she enjoys it.`` From Auburn Hills,
Tim. Hey Tim, you're on 97.1 FM Talk.

MC7: Hey you guys, how ya doin'? I listen every day. My personal favorite is the ``Frothy Walrus.`` (Laughing)

MV1: What's a... I may have heard this but I forget. What's a ``Frothy Walrus?``

MC7: Well, that's where you have a girl perform oral on you, you complete the act and then you finish it off by punching her in the stomach so it comes outta her nose. (Laughing)

MV1: Oh God. Another abuse one. If we ever talk about this again `cause I swear there's so many of these and guys have jammed the phone lines, we gotta get all sorts of romantic music to play underneath this. Tom in Sterling Heights you're on 97.1 FM Talk.

MC8: Hey guys this is great. This is actually kind of like the last one, its called the ``Strawberry Swirl.`` You get the girl to pleasure you, get it on her face, punch her in the nose and smear it all around.

MV1: Have you ever done this one Tom?

MC8: Oh no, no, no.

MV1: Would you ever consider doing this?

MC8: No, I'm not that violent.

MV1: So yeah, you gotta get her bloody nose mixed in with everything else.

MC8: Yeah, gotcha.

MV2: That's charming, another a wedding night memory. Let's just take one more.

MV1: Alright, Tom in Sterling Heights, you're on 97.1 FM Talk.

MV2: Another Tom.

MC9: Hey guys. Hey, I'd like to call in a blumpkin.

MV1: A blumpkin?

MC9: Blumpkin, yeah. It's you're receiving. The cow's being serviced while you're on the can.

MV1: Okay. A blumpkin is where she's giving you oral sex while you're on the...while you're moving your bowels?

MC9: Absolutely.

MV1: What's fun about that?

MC9: It's just dirty that's all.

MV1: Have you had a blumpkin?

MC9: Absolutely not.

MV1: What would you think of a guy who had a blumpkin?

MC9: I don't know.

MV1: `Cause you know what Tom? My dad had a blumpkin.

MC9: Oh no way!! (Laughing).

MV1: Yeah, swear to God. He didn't know it was called a blumpkin but my dad had this kinky girlfriend for about a year. Did all this weird stuff, and and this was her idea. She wanted to give my dad an enema. This was like a longtime fantasy of hers, and then when the enema kicks in she wanted to blumpkin him. And she did and my dad for some reason my dad told me about this.

MV2: That's even worse. I mean it's bad enough he's got a blumpkin but then he shares it with his son. That's priceless.

MV1: I wonder if when you die you really do just gain all the knowledge that's out there in the universe; meaning that at this point now that my dad has passed now maybe he knows that that was a blumpkin. Alright we're gonna stop, so men you can find your women and children and allow them back to the radio. 97.1 FM Talk. It's 5:00.

EXHIBIT S

Program Transcript

Radio Station: WKRK-FM, Detroit, MI

Date/Time of Broadcast: July 26, 2001, 6:30 a.m. to 7:30 a.m.

Material Broadcast: The Howard Stern Show

HS: Howard Stern

RQ: Robin Quivers

MV: Male Cast Member

HS: I said to Mark Wahlberg yesterday, had he ever gotten a blumpkin from a girl and everyone around here is acting like they don't know what it is.

RQ: You're the only nutcase who does.

MV: I said "blumpkin" on the "Norm Show" and the network censor, we told him we just made the word up. He goes, "that's definitely not a real word right?" We go, no,no,no.

And I said it, I yelled out at a hooker in a cab.

HS: What do you say to her, "how about a blumpkin?"

MV: I go "honey, how much for a blumpkin?"

HS: Right.

MV: And uh the network censor never heard of it. And he goes if you just made it up it's fine but if it's a real thing we can't have it. So it's aired, it's been on ABC, it's like the dirtiest thing ever on television.

HS: Yeah, but nobody knows what it is. A blumpkin... I can explain it cleanly.

RQ: There's nothing clean about a blumpkin.

HS: Well, a blumpkin is receiving oral sex while you're sitting on a toilet bowl if you are a man. You're sitting on a toilet bowl and uh, while you're evacuating you receive your oral.

RQ: Ick.

HS: And uh, then, what did I say yesterday too you didn't understand? Balloon knot?

RQ: Yes, I don't know what that is. Somebody said to me "is that the funniest thing ever?" and I was like "what is that?"

HS: A balloon knot...

RQ: I didn't want to show my ignorance, I laughed too.

HS: A balloon knot... I'm gonna post these on a web site...

RQ: Yeah, we need a dictionary for this show.

*5041 HS: A balloon knot is when you bend over and I can see up right up your old...

RQ: Up the wazoo?

HS: Up the wazoo and uh, you know that's a balloon knot that you see. That's called a "balloon knot."

RQ: Really, I did not know that.

HS: Think about it, it looks like a balloon knot.

RQ: I don't know. Oh... you know what...

HS: Tie up a balloon.

RQ: I'm just thinking of a balloon knot...

MV: It all makes sense, Robin, come on.

HS: And uh, what else did I say? "Nasty Sanchez," you didn't know what that was.

RQ: Oh, I don't even want to know half the time what these things are...

HS: That I'd have to post on the internet.

EXHIBIT T

STATEMENT OF FCC CHAIRMAN MICHAEL POWELL ON FCC
INVESTIGATION
FOR IMMEDIATE RELEASE August 22, 2002

I am deeply disturbed about the reports of an incident involving WNEW-FM and a radio contest involving sex in public places, and I have directed the FCC's Enforcement Bureau to proceed immediately with a thorough investigation of the matter. A copy of the letter of inquiry to the licensee is attached.

August 22, 2002

In Reply Refer to:

EB-02-IH-0685-KMS

Infinity Broadcasting Operations, Inc.

Licensee, Station WNEW(FM), New York, NY

2000 K Street, NW

Suite 725

Washington, DC 20036

Dear Licensee:

The Commission has received complaints alleging that Radio Station WNEW(FM), New York, New York, broadcast program material that violated the federal prohibition against the broadcast of obscene material and the restrictions' regarding the broadcast of indecent material. [FN1] Specifically, the complainants allege that on or about August 15, 2002, the hosts of the station's "Opie & Anthony Show" aired a contest feature [FN2] that encouraged participants to have sex in St. Patrick's Cathedral. The enclosed transcript appears to provide a commentary concerning what took place during the broadcast program.

We have made no determination in the matter. In order to assist us in so doing, you are directed, pursuant to Section 73.1015 of the Commission's rules, to respond to the questions set forth below. However, we first direct you to observe the following definitions and instructions when preparing your response.

Definitions and Instructions

For purposes of this letter, the following definitions apply:

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, taped, recorded, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any advertisement, book, pamphlet, periodical, contract, correspondence, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form).

For purposes of this letter, the word "any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

If Infinity requests that any information or documents responsive to this letter be treated in a confidential manner, you shall submit, along with all responsive documents, a statement of the reasons why the documents should be afforded confidential treatment and the facts upon which this claim is based, in accordance with the FCC's rules. See 47 C.F.R. § 0.459.

If Infinity withholds any documents under claims of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states individually as to each such item the numbered request (below) to which each item responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific grounds for claiming that the item is privileged.

Each requested document not subject to a claim of privilege or request for confidential treatment shall be submitted in its entirety even if only a portion of that document is responsive to a request. This means that the document shall not be edited, cut, or expunged, and shall include all attachments and all other documents referred to in the document or attachments. All written materials necessary to understand any documents responsive to these requests must also be submitted.

In addition, we direct Infinity to modify immediately its document retention policies, if necessary, to ensure that no arguably relevant documents are destroyed. This directive includes not only the information requested, but also any other documents relating to these matters, including, without limitation, files, computer disks and tapes, audio or visual tapes or recordings, manuals, instructions, training materials, memoranda, documents, forms, letters, or other writings.

For each document or statement submitted in response to the requests below, indicate, by number, to which request it is responsive. If any document is not dated, state the date on which it was prepared. If any document does not identify its author(s) or recipient(s), state, if known, the name of the author(s) or recipient(s). If such information is unknown to Infinity, identify the person(s) from whose files the document was retrieved.

Infinity must identify with reasonable specificity all documents provided in response to these requests. Each written statement in response to a request should be certified by an authorized officer of the company.

Questions:

1. Did Station WNEW(FM) broadcast the material described in the enclosed transcript? If so, was the broadcast repeated? Indicate the dates and hours of the broadcasts.
2. Is the transcript's description of what occurred in the St. Patrick's Cathedral substantially accurate? Is this a complete transcript of the entire program as broadcast? If there are any inaccuracies in the transcript, or if this does not reflect a complete broadcast of the program, indicate the discrepancies or provide a complete transcript of what was actually aired.
3. Provide any and all documents relevant to the planning and execution of the contest, and the planning and execution of the broadcast of the program.

4. Identify each employee, agent, officer or director of the station, the licensee and the licensee's corporate parents and affiliates who was responsible for the concept of the contest and its subsequent broadcast, or who was aware of the contest and the broadcast prior to the broadcast. Indicate the job titles and responsibilities of each of those involved, and describe the nature of their responsibility or involvement with respect to the contest or the broadcast.

5. How was approval given? To whom? How is approval for station contests usually obtained? From whom?

6. Specifically identify and describe Paul Mercurio's relationship to Infinity.

7. Has Infinity broadcast this contest over its other stations, or other similar "Sex for Sam" contests on WNEW(FM) or over its other stations, whereby it encouraged participants to engage in public sex? If so, describe such other broadcasts or contests fully, providing broadcast dates and transcripts, if available.

8. If Infinity has broadcast this contest on other stations, or other similar "Sex for Sam" contests on this or other stations, answer Questions 1 through 6 above pertaining to each of those broadcasts.

9. Provide any additional information you deem relevant to this inquiry.

We direct Infinity to support its responses with a sworn attestation, signed by an authorized officer of Infinity, verifying the truth and accuracy of the information therein and that all of the documents and information requested by this letter which are in Infinity's possession, custody, control or knowledge have been produced. [FN3] Infinity must submit its response via hand-delivery and facsimile at 202-418-2080, so that it is received no later than 20 calendar days from the date of this letter.

If multiple Infinity employees contribute to Infinity's response, provide separate sworn responses to identify clearly which employees are attesting to which responses. Infinity should direct its response to the attention of Charles W. Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3-443, Washington, DC, 20554. Any questions regarding this inquiry should be directed to Mr. Kelley at 202-418-1420.

Sincerely,

Charles W. Kelley
Chief, Investigations and Hearings Division
Enforcement Bureau

Enclosure

FN1. See 47 U.S.C. § 503, 18 U.S.C. § 1464, and 47 C.F.R. §73.3999. Attached, for example, is a complaint received from the Catholic League for Religious and Civil Rights with a transcript of the broadcast.

FN2. News articles describe this feature, entitled "Sex for Sam," as one whereby the station challenges participants to engage in public sex.

FN3. The knowing and willful making of any false statement, or the concealment of any

material fact, in reply to this inquiry is punishable by fine or imprisonment under 18 U.S.C. § 1001.

August 19, 2002

Mr. Charles Kelley

FCC

Enforcement Bureau, Investigations and Hearings Division

445 12th Street, SW

Washington, DC 20554

Dear Mr. Kelley:

As president of the nation's largest Catholic civil rights organization I am writing to register an indecency complaint against "The Opie and Anthony Show," a New York based show. The broadcast in question was on August 15, 2002 at approximately 4 PM. The station is WNEW (FM), in New York.

The incident involved Paul Mercurio broadcasting live via cell phone to "The Opie and Anthony Show!" He described a man and a woman engaging in sexual intercourse in a vestibule of St. Patrick's Cathedral in New York, on the Feast of the Assumption, a holy day, when the cathedral was crowded with worshippers. Mr. Mercurio described the actions of the couple until stopped by an usher of the cathedral. He and the couple were then arrested by the New York City police for public lewdness. The incident was a feature of the show called "Sex for Sam" where people are offered a prize for engaging in sexual intercourse in risky locations.

The Catholic League is not satisfied with the fact that the couple and the broadcaster where arrested for indecency. We feel the broadcaster reporting sexual intercourse live on the air in a very busy Catholic cathedral more than satisfies your requirement that an incident appeals to the prurient interest.

450 Seventh Avenue • New York, NY 10123 • (212) 371-3191 • Fax (212) 371- 3394

On June 7, 2002 the FCC fined Infinity Broadcasting Operations, Inc. and WNEW (FM), New York, \$21,000 for indecent broadcasts occurring on "The Opie and Anthony Show." Because of a deliberate pattern of indecency, now reaching an apex by the deliberate occurrence of a crime perpetrated in a house of worship, we ask that you revoke the license of WNEW (FM) New York and substantially fine Infinity Broadcasting Operations, Inc.

Enclosed is a copy of the broadcast and news stories from the major New York newspapers and the Associated Press about the incident. The New York City Police Department will have more specific information on the incident.

I urge a prompt response to this matter and I look forward to your reply.

Sincerely,

William A. Donohue, Ph.D.

President

"Opie and Anthony Show" Transcript 14 ??.

August 15, 2002

Paul Mercurio: Hey, we're, ah, on the steps of St. Patrick's Cathedral.

Host: Whoa

Mercurio: And we're getting looks like you wouldn't believe. It's unbelievable. One of them even yelled, "That's a church! You should be ashamed of yourself!"

Host: Yeah, can't you do some pedophilia?

Host: So they're on the steps leading to St. Patrick's Cathedral today. Hey Paul! A lot of listeners calling in complaining that your team is not actually doing this in these establishments.

Mercurio: What do you mean?

Host: You can't just go in front of a place, like the Carnegie Deli. It has to be inside.

Mercurio: Alright, we'll take them inside. We're gonna go in.

Host: We'll allow the points for that, but in the future you must go inside these venues.

Host: Yeah.

Mercurio: We weren't in the [inaudible]. We weren't in the church. We'll go in the church. We'll go in. Don't worry about it.

Host: Go ahead! That's why it's such a big-money place!

Host: There go the juicy lips, Paul's team.

Host: See, he was skating for a bit

Host: Yeah: "We did it in the cab as we drove by!"

Host: His team is representing DC today. Marshall and Lynn. What's up, Paul?

Mercurio: We're in St. Pat's, and he's doing the balloon knot (?) and a security guy is coming up to us right now....Let them go, they're OK there. No, let them go. We're just looking for the restroom, that's all...I need to use the restroom. What's the problem?

Security Guard: Outside...

Mercurio: Listen, we just need to use the restroom, don't be such a...what are you being so difficult for? This is a sacrilegious place, this is a Catholic church.

Security Guard: Be quiet, alright?

Mercurio: No, I'm not gonna be quiet. I can say whatever I want to say. Just because you have a blue jacket on with a patch on doesn't mean you have authority over me. When they give you a walkie-talkie that doesn't mean you take over my Constitutional rights. We're gonna go, alright? We can do whatever we want. No harm, no foul. Not a problem what priests do to kids, though, either?

Woman: Yeah. That's right.

Mercurio: I guess if the doors are closed it happens on the altar, right? [garbled] Nothing like meat and potato sex to turn that Church around, right? ... A little homosexual sex...[inaudible]...everybody out here...

Security Guard: [inaudible]

Mercurio: I'm a scumbag? What the Catholic Church has done to kids for 35 years? How could you be part of that? You're culpable. You should be ashamed of yourself. Maybe meat and potatoes sex is what the Church needs. [yelling] Step up! Be counted! And that was a balloon knot just so you know.

[laughter]

Mercurio: [yelling] Where's your God now?

Host: [laughter] Whoa!

Mercurio: Alright, we're moving on. We'll call you back.

Host: Wow!

Host: Oh my God. 27 points. 25 points with 2 point conversion and eternal damnation.

Host: We should be allowed to just give him 200 extra points!

Host: Oh my God. The guy has a sack that is too huge.

Host: How the hell. Did you hear him?

Host: Yeah. We'll just let that sit.

Host: Paul seems to be having major problems, so, Boss, I've got to let you go, OK?

Unknown: Should we get Times Square for it? Since it's in Times Square?

Host: Yes, that's a combination. We've got to go back to the juicy lips. Yes, Paul?

Mercurio: Yeah, the cop just came and said if we go back in he's gonna arrest us.

Host: Oh!

Mercurio: They called the cops...And I told him, you know, we weren't doing anything.

We were just, you know, observing the day of the Sabbath, I don't know. Whatever.

Alright? And they said if you go back in [inaudible]. Now he's coming back this way.

Host: Paul, can you go back in and get your poor box money back? [laughter]

Host: You guys are OK?

Mercurio: What?

Host: You guys are alright?

Mercurio: Yeah, we're cool. It was a little dicey, but we're cool. They're really cool, man.

They blew me away. I thought I had like, that I had the dead ones. But they're insane. I'll

call you in a minute. I've got something else going on. I'll call you in a minute.

Host: There go the juicy lips, it looks like they're gonna be OK.

Host: We're back with the Opie and Anthony Show. Sex for Sam 3.

Host: Guy's taking a bad turn. Right before commercials we had Paul Mercurio in St.

Patrick's Cathedral, Anthony.

Host: Yeah.

Host: The St. Patrick's Cathedral. And this couple allegedly did the two-point conversion.

Host: The two-pointer.

Host: And there was a little altercation between Paul and the guard that was in there.

They had some words. And Paul's got a big set of brass balls because he doesn't back

down. And now I'm getting reports of police. Paul! Paulie!

Mercurio: Yeah, listen over here. I don't understand. You're going to take us over to the

station...take us down...[inaudible]...do the investigation. But you're standing here, you've

got nothing. You've got one person's opinion. Yeah. Here. I have a money card that's got

my name on it, and a credit card and a money card. I don't have a picture i.d. [inaudible]

Mercurio: I have to urinate all the time.

Host: He's talking to six cops right now.

Host: They want to take all three to the station. Paul and the team.

Mercurio: We went in there to try and find a restroom. The place that we went up into, I

thought that that was a restroom. What is he saying that he saw? What is the security guy

saying he saw?

Host: It's really hard to hear.

Host: I can hear it.

Mercurio: These are friends of mine! ...I'm taking them around the city. I'm giving them a

tour of the city. We took them into the church, and you know, what they do in the Church

is their business. And this guy, he comes up from behind them and he gets on the walkie-

talkie, suddenly, and suddenly, you know, he's the lone ranger. And he calls in the

cavalry and you guys show up and there's five guys in a squad car and if you're gonna

take us to the station, take us to the station. If you're gonna arrest us, arrest us. Get it over with. But I don't know what the basis is for an arrest. And I don't think you guys know either, or otherwise we'd be arrested by now. I mean, let's be honest. I'm not trying to be a smartass. But you know, tell him, bring him over and if he wants to talk about this look me in the eye and let him tell me what he thinks he saw. But if you're conducting an investigation and you're about to arrest the three of us don't you think you should talk to us? [inaudible]

Mercurio: I think it's, you know, honestly, disrespect. I think it's going in one ear and out the other. And you've already made your decision, so let's get in the car, it's air-conditioned, and let's go!

Police officer: You're entitled to your opinion.

Mercurio: Yeah, you know, frankly, I am!

Police officer: If I wanted you under arrest, you'd be in handcuffs. But I haven't made that determination yet.

Host: They haven't decided to arrest him yet.

Police officer: [inaudible]...Take a breath...

Host: They're telling Paul to calm down!

Mercurio: This is fifteen minutes of nonsense. We left the church when we were told to leave, we walked down the sidewalk, he called out 'Gentlemen!' and that gentleman came tearing down the sidewalk. It looks like you guys were looking to do something with us. We left when we were told to leave! Three guys escorted us out.

Mercurio: On top of it, the Catholic Church! How could they be moral about sex? Think about that for a minute. [inaudible]

Mercurio: That's what you were saying. You are saying that we were having, that they were having sex, to us, to our face. That's not what you said.

Police officer: I'm trying to get your side of the story.

Mercurio: Our side of the story is these people were looking in the church, he had to go to the bathroom. He's saying that they were having sex.

Police officer: [inaudible]

Host: There's a show going on outside St. Patrick's Cathedral right now! Should we put them on hold for a second, Anthony?

Host: No, no. I kind of want to hear this.

Mercurio: I don't understand the basis for detaining us then. Someone would like to tell me then that would be great. Anytime today. Now you see why nothing gets done. Five guys standing around trying to figure out what to charge us with.

Host: Oh my God!

Host: Alright now hold on a minute.

Mercurio: We're doomed, we're doomed.

Host: Tell him we're going to go right back to him. It's obvious that the cops are separated from Paul and they're trying to figure out what to do. We'll go right back there, I promise. We'll check in with [inaudible]. There's a big story building here. Let's go back to Paul, the juicy lips, outside St. Patrick's Cathedral. Paul!

Host: This guy...

Host: Can you hear us? What's going on?

Mercurio: They're now, uh, I've got to just be careful because I just, they haven't told me to take my earphone out or anything. I don't want them to know I'm on the air, but they

just like, five cops standing around debating this at this point. They kicked us out, then they came, they came tearing down the sidewalk and put us against the wall...they put our hands against the wall, that whole nonsense, they patted us down and everything. And now they brought a sergeant in, and another guy's shown up in another car...

Host: You're so gone...

Mercurio: ...and the security guy from the church...and by the way, the guy I'm with, the guy, the guy of the couple is on probation and he's freaking out.

Host: [inaudible]

Mercurio: The guy, 'I'll tell him, I'll tell him we did it and it was just like a radio prank,' and I said no, if you admit it, that, no. No.

Host: Yeah.

Mercurio: He's about to, he's about to collapse, with all the sex, the heat, and this. I think he's going to have a stroke.

Host: I like your take on the whole thing. There's nothing, the guard saw nothing, then there's no crime.

Mercurio: Yeah. No. Exactly. I think we'll be, I think we'll be OK, because if he was going to do something by now, he probably would have.

Host: Yeah. Evan is saying, just Paul, just show them your Emmy. [laughter]

Host: OK, hold on. Make sure John keeps Paul on the line. Anything, anything changes, we'll go right back to him. Let's check in with Stinky...

...

Host: Let's go back to Paul.

Mercurio: Hey listen, I'm gonna go with them. Can I go down with them to the... Can I go with them? Can I go in the car with them? Oh, if you're gonna arrest them arrest me, then. What's the difference? I don't care. This is ridiculous. You don't want to take me because they're afraid to say anything. You know that you guys are wrong.

Mercurio: Go ahead! Take me, I don't care. This is ridiculous. You guys gotta have something better to do than this. Look at me, I'm five-eight, soaking wet, 150 pounds...I can't do anything, and you're like getting all tough. This is ridiculous. Officer! Officer, can I talk to you for a minute? Guy won't even talk to me now.

Host: What happened, Paul?

Mercurio: They put them in handcuffs and put them in a car. They're taking them to Midtown North.

Host: Oh, no. One of our teams was arrested.

Mercurio: Can I go down with them at least? In the car? Can I go in the car with them? Alright, I'm gonna go, I'm gonna take a cab over there to the precinct...go down there with them. Alright?

Host: OK.

Host: Oh, boy.

Host: Well, that's the first time one of our teams have been arrested.

Host: Hey. Hmm. Well, someone send someone down there to get them out of jail. [laughter]...Ken...Ken is just shaking his head, walking down the hall. He doesn't want to come in the studio. Well, we had such a good streak going, too.

Host: Yeah, no one had been arrested on this show in quite some time.

Host: Long time.

Host: In a long time.

Host: Hey, Ken's walking back down the hall. I can't tell if he's really pissed or not. Yeah, he's pissed. Is he coming in the studio? I don't know if he's gonna come in the studio...

...

Host: Hey, we're back with the Opie and Anthony Show. It's Sex for Sam 3. If you're just tuning in, boy did you miss a lot. You gotta listen to this show a little longer than you do.

Host: Paul Mercurio's team, the juicy lips, are officially out of the competition, Anthony. Marshall and Lynn from DC are out of the competition.

Host: Well, are they officially out of the question, because some people are saying, now that they took them down to jail, the hundred points should be really easy now...having sex with a stranger. I guess they're never officially out of the competition.

Host: Right.

Host: I don't, I don't think we're going to be getting a phone call from that team anytime soon.

Host: No, they shouldn't waste their one call with a score update or anything like that.

Host: Yeah, but they got arrested. Allegedly, ha, they may have had, [inaudible] sex in St. Patrick's Cathedral.

Host: What? Huh? I don't think so, though.

Host: Allegedly. [laughter]

Host: They go in there because obviously everybody knows, all of our faithful listeners really know that they're just simulating the acts...[laughter]... right? [laughter] Everyone knows that...

Host: They wouldn't be stupid enough to actually have [inaudible] sex in a church? Right?

Host: What? Huh?

Host: That's what we're trying to say here.

Host: Exactly. Yes. That's what the spotters are there for. To make sure they don't.

Host: Exactly!

2002 WL 1940788 (F.C.C.)

END OF DOCUMENT

EXHIBIT U

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into by, between and among the Federal Communications Commission ("FCC"), the United States Department of Justice on behalf of the United States of America ("Justice") and Infinity Broadcasting Corporation and its subsidiaries which are licensees of radio broadcast stations located throughout the United States ("Infinity"), with reference to the following facts and circumstances:

WHEREAS, on November 29, 1990, the FCC, an agency of the United States of America with the obligation to enforce the provisions of the Communications Act of 1934, as amended, and 18 U.S.C. § 1464, issued a Notice of Apparent Liability to Sagittarius Broadcasting Corporation, licensee of Station WXRK(FM), New York, New York, Infinity Broadcasting Corporation of Pennsylvania, licensee of Station WYSP(FM), Philadelphia, Pennsylvania, and Infinity Broadcasting Corporation of Washington, DC, licensee of Station WJFK-FM, Manassas, Virginia (the foregoing licensee corporations, all of which are subsidiary corporations of Infinity Broadcasting Corporation, collectively being referred to herein, along with other Infinity subsidiaries, as "Infinity"), stating that it appeared that Stations WXRK(FM), WYSP(FM) and WJFK-FM had aired material in violation of 18 U.S.C. § 1464 and recommending a forfeiture in the amount of \$6,000. Sagittarius Broadcasting Corporation, 5 FCC Rcd 7291 (MMB 1990) (the "\$6,000 NAL");

WHEREAS, Infinity responded to the \$6,000 NAL on February 11 and June 11, 1991, and contested the forfeiture, denying that the broadcasts in question violated 18 U.S.C. § 1464;

*12247 WHEREAS, the FCC on October 23, 1992, issued an Order rejecting Infinity's arguments and imposing a forfeiture in the amount of \$6,000, Sagittarius Broadcasting Corporation, 7 FCC Rcd 6873 (MMB 1992), and Infinity thereafter filed two petitions for reconsideration of the foregoing Order, which the Commission subsequently denied. Memorandum Opinion and Order, 8 FCC Rcd 3600 (1993); Memorandum Opinion and Order, 8 FCC Rcd 7975 (1993) (the \$6,000 NAL and Orders collectively being referred to herein as the "\$6,000 Forfeiture");

WHEREAS, on December 30, 1993, Infinity, based upon its view that the broadcast in question did not violate 18 U.S.C. § 1464, declined to pay the \$6,000 Forfeiture and indicated its desire to avail itself of United States District Court de novo review procedures pursuant to Section 504(a) of the Communications Act of 1934, as amended (the "Act");

WHEREAS, on December 18, 1992, the FCC issued a Notice of Apparent Liability in the amount of \$600,000 to certain Infinity subsidiaries relating to broadcasts which occurred in October, November, and December, 1991, 8 FCC Rcd 2688 (1992), to which Infinity responded on February 23, 1993, denying that the broadcasts in question were in violation of 18 U.S.C. § 1464 ("\$600,000 NAL");

WHEREAS, on August 12, 1993, the Commission issued a Notice of Apparent Liability in the amount of \$500,000 to certain Infinity subsidiaries relating to certain broadcasts in November and December, 1992, and January, 1993, 8 FCC Rcd 6740 (1993), to *12248 which Infinity responded on October 15, 1993, denying that the broadcasts in question

were in violation of 18 U.S.C. § 1464 ("\$500,000 NAL");

WHEREAS, on February 1, 1994, the Commission issued a Notice of Apparent Liability in the amount of \$400,000 to certain Infinity subsidiaries relating to certain broadcasts in August and October, 1993, 9 FCC Rcd 1746 (1994), to which Infinity responded on April 4, 1994, denying that the broadcasts in question were in violation of 18 U.S.C. § 1464 ("\$400,000 NAL");

WHEREAS, on May 20, 1994, the Commission issued a Notice of Apparent Liability in the amount of \$200,000 to certain Infinity subsidiaries relating to certain broadcasts in December, 1993 and January, 1994, 75 R.R. 2d 338 (1994), to which Infinity responded on July 18, 1994, denying that the broadcasts in question were in violation of 18 U.S.C. § 1464 ("\$200,000 NAL") (the \$200,000 NAL, the \$600,000 NAL, the \$500,000 NAL and the \$400,000 NAL collectively being referred to herein as "the Indecency NALs");

WHEREAS, there are pending against certain Infinity subsidiaries, or against licensees unrelated to Infinity that carry programming originated by Infinity, complaints which allege violation of 18 U.S.C. § 1464 (the "Pending Indecency Complaints");

WHEREAS, the FCC, Justice and Infinity recognize and agree that any litigation which may be initiated by the FCC and Justice pursuant to Section 504(a) of the Act is time consuming, and that a settlement of the foregoing proceedings without any admission of wrongdoing or liability on Infinity's part in *12249 accordance with the provisions of this Agreement would beneficially conserve the time, energy and resources of the parties;

WHEREAS, as described in a letter filed with the FCC on July 23, 1993, Infinity represents that it has implemented various control measures designed to insure that certain programming broadcast by certain Infinity stations does not violate 18 U.S.C. § 1464;

WHEREAS, there have been no complaints filed with the FCC concerning material aired or originated by Infinity after January 19, 1994 which the FCC considers to be actionably indecent.

WHEREAS, the FCC, by and through its General Counsel, Justice, by and through its counsel on behalf of the United States of America, and Infinity, by and through its counsel, wish to settle the \$6,000 Forfeiture, the Indecency NALs and the Pending Indecency Complaints without further litigation, and hereby enter into this Settlement Agreement on behalf of the FCC, Justice and Infinity for the valuable consideration and mutual promises hereinafter stated.

NOW, THEREFORE, the parties, intending to be legally bound, hereby agree as follows:

1. In consideration of the actions of Infinity described herein at Paragraph 2:

(a) As soon as practicable after the execution of this Agreement, the FCC shall either vacate or dismiss with prejudice the \$6,000 Forfeiture, and dismiss with prejudice the Indecency NALs and the Pending Indecency Complaints insofar as they *12250 relate to Infinity. The FCC shall not use the fact of this settlement, the \$6,000 Forfeiture, the Indecency NALs or the Pending Indecency Complaints or the underlying facts, behavior, broadcasts or complaints which relate to them, for any purpose whatsoever relating to Infinity and shall treat the \$6,000 Forfeiture, the Indecency NALs and the Pending Indecency Complaints as null, void and expunged from Infinity's record for all purposes, including, but not limited to, any future qualifications issue, future licensing proceeding or future transfer of control or assignment of license or permit involving Infinity.

(b) Justice agrees that it will neither initiate nor prosecute any action against Infinity or

its officers, directors, shareholders, agents or employees in any forum for violation of 18 U.S.C. § 1464 which is based upon or relates to the \$6,000 Forfeiture, the Indecency NALs, the Pending Indecency Complaints or the underlying facts, behavior, broadcasts or complaints which relate to them.

(c) The FCC and Justice agree that they will neither initiate nor prosecute any proceeding against Infinity or its officers, directors, shareholders, agents or employees, including but not limited to an NAL or a proceeding relating to Infinity's licensee qualifications, alleging violation of 18 U.S.C. § 1464 and relating to broadcasts occurring prior to the date of this Settlement Agreement; provided, however, if the FCC should receive complaints or other submissions on or after the date hereof relating to broadcasts occurring prior to the date hereof but after *12251 July 23, 1993 and of which the FCC had no actual or constructive knowledge prior to the date hereof by virtue of any prior submission, based thereon the FCC may only initiate monetary forfeiture proceedings against Infinity, but if it does so any first such forfeiture proceeding shall be treated as involving a first offense or first offenses, as the case may be, with any subsequent such forfeiture proceedings treated as involving sequential offenses, and based thereon the FCC may not initiate or prosecute any other proceeding for any purpose whatsoever against Infinity, including but not limited to a proceeding on Infinity's licensee qualifications in the context of an application for renewal, acquisition, sale or otherwise.

(d) The FCC will issue appropriate Orders incorporating this Settlement Agreement and vacating or dismissing with prejudice the \$6,000 Forfeiture, and dismissing with prejudice the Indecency NALs and the Pending Indecency Complaints without any finding of wrongdoing or liability on the part of Infinity.

2. In consideration of the actions of the FCC and Justice described in Paragraph 1 above:

(a) Infinity will promptly issue a policy statement to all on-air personnel directing them to be cognizant of the prohibition against broadcast of indecent speech contained in 18 U.S.C. § 1464 and the FCC's definition of broadcast indecency and apprising them of Infinity's intention to take appropriate disciplinary action against persons who permit material to be broadcast in violation of the statute.

*12252 (b) Infinity will establish a program designed to educate and update on-air personnel regarding FCC indecency actions;

(c) Infinity will make two contributions to the United States Treasury in the amounts set forth below. No contributions are required to be made by Infinity until thirty (30) days after this Settlement Agreement and all Orders described in Paragraph 1(d) hereof become Final Orders. The amount of One Million Dollars (\$1,000,000) shall be contributed to the United States Treasury thirty (30) days after this Settlement Agreement and all Orders described in Paragraph 1(d) hereof become Final Orders. The amount of Seven Hundred Fifteen Thousand Dollars (\$715,000) shall be contributed to the United States Treasury not later than the end of the first quarter of the succeeding calendar year. For purposes of this Settlement Agreement, "Final Order" means an action by the FCC or by its staff pursuant to delegated authority (i) which has not been vacated, reversed, stayed, set aside, annulled or suspended, (ii) with respect to which no timely appeal, request for stay or petition for rehearing, reconsideration or review by any party or by the FCC on its own motion, is pending, and (iii) as to which the time for filing any such appeal, request, petition, or similar document or for the reconsideration or review by the

FCC on its own motion under the Communications Act of 1934, as amended, and the rules and regulations of the FCC, has expired.

3. Subject to the conditions set forth herein, Justice and the FCC hereby agree to accept the consideration *12253 identified in Paragraph 2 of this Agreement in full settlement and satisfaction of any and all claims and demands of any kind or description which each of them and their successors or assigns may have against Infinity, its officers, directors, shareholders, agents and employees, on account of the \$6,000 Forfeiture, Indecency NALs and the Pending Indecency Complaints or the underlying facts, behavior, broadcasts or complaints which relate to them.

4. (a) Justice, the FCC and Infinity hereby waive their right to seek judicial review of this Settlement Agreement or otherwise to contest or challenge its validity.

(b) Any action to enforce this Settlement Agreement shall be brought in the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, depending on the nature of the claim. If for any reason these courts do not have jurisdiction over the particular case, then the action shall be brought in any court of competent jurisdiction.

(c) If Justice, the FCC or Infinity should bring an action to enforce the terms of this Agreement, the parties agree that they will not contest the validity of the Agreement and will consent to a judgment incorporating the terms of this Agreement.

(d) The parties further agree that except for Infinity's financial obligations hereunder, or except as otherwise ordered by any court of competent jurisdiction, the parties will *12254 comply with the operational rights and obligations of this Settlement Agreement during the pendency of any proceeding initiated by a third party seeking to void, nullify or otherwise modify this Settlement Agreement or the Orders.

(e) Infinity agrees that, provided the Commission is not in material breach of this Agreement, any material breach of this Agreement by Infinity for failure to fulfill its obligations under Paragraph 2(c) hereof shall constitute a violation of a Commission order, and shall entitle the Commission to take such action as may be appropriate to secure enforcement of a Commission order, and in the context of such enforcement to take into consideration the \$6,000 Forfeiture and the Indecency NALs in determining the amount of any Notice of Apparent Liability to be issued in such enforcement activity.

5. Each party to this Agreement shall bear its own attorneys fees and costs.

6. Each party has cooperated in the drafting and preparation of this Agreement. Hence, in any construction to be made of the Agreement, the same shall not be construed against any party.

7. This Agreement represents the complete agreement between the parties to the Agreement and supersedes any other agreements, understandings and representations, if any. The parties represent, warrant and agree that the provisions of this Agreement are binding on each of them in accordance with their terms, and that the signatories hereto have been authorized by the *12255 parties to execute this Agreement on their behalf. This Agreement may be signed in counterparts. This Agreement may be amended only by a written instrument signed by all the parties hereto. 8. This Agreement shall be governed by the laws of the United States.

DATED this 1st day of September, 1995

FEDERAL COMMUNICATIONS COMMISSION

By William E. Kennard
General Counsel
Washington, DC 20554

UNITED STATES DEPARTMENT OF JUSTICE

By John C. Keeney
Acting Assistant Attorney General for the Criminal Division
United States Department of Justice
Washington, DC 20530
Counsel for the United States of America

INFINITY BROADCASTING CORPORATION and SUBSIDIARIES

By Steven A. Lerman
Leventhal, Senter & Lerman
Suite 600
2000 K Street, NW
Washington, DC 20006
Counsel for Infinity Broadcasting Corporation and Subsidiaries

September 1, 1995

EXHIBIT V

DECLARATION

Mary Ellen Gavin, pursuant to Section 1.16 of the FCC's Rules, hereby declares as follows:

1. I am President of Right to Decency, Inc., Post Office Box 368 Fraser, Michigan 48026-0368. Our organization advocates decency in the media, including broadcasting, print and advertising.
2. Fraser, Michigan is located in Macomb County, Michigan, within the 60 dBu contour of WKRK-FM, our organization has approximately 1,100 members who reside in the Detroit metropolitan area, which are within the 60 dBu "primary service contour" of WKRK-FM. I myself live within the 60 dBu contour of WKRK-FM and I claim standing as a listener.
3. The facts and circumstances stated in the foregoing Petition are true and correct to the best of my knowledge. The transcripts contained at Exhibits A-C and E-M were prepared by the American Decency Association and are believed to be true. With respect to exhibits N through Q, we compiled them and they are true and correct. The transcripts in Exhibits R through T were prepared by others, and I believe them to be true.
4. The statements made in this Declaration are true and correct and are made under penalty of perjury.

Mary Ellen Gavin

DATED Aug. 31, 2007

EXHIBIT W

DECLARATION

William Johnson, pursuant to Section 1.16 of the FCC's Rules, hereby declares as follows:

1. I am President of American Decency Association, Post Office Box 202, Fremont, Michigan 49412. Our organization advocates decency in the media, including broadcasting, print and advertising.
2. Although Fremont is about 200 highway miles northwest of Detroit and is not within the 60 dBu contour of WKRK-FM, our organization has approximately 1,000 members who reside in the Michigan counties of Wayne, Oakland and Macomb, which are within the 60 dBu "primary service contour" of WKRK-FM.
3. The facts and circumstances stated in the foregoing Petition are true and correct to the best of my knowledge. The transcripts contained at Exhibits A-C and E-M were prepared by the American Decency Association under my direction from audio tapes made by others and sent to us. With respect to exhibits N through T, those exhibits were prepared under the direction of others, and I believe them to be true.
4. The statements made in this Declaration are true and correct and are made under penalty of perjury.



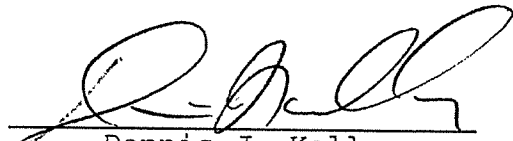
William Johnson

DATED August 31, 2004

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing "Petition to Deny" was served by first-class United States mail, postage prepaid, on this 1st day of September, 2004 upon the following:

Philip G. Bonomo, Esquire
Leventhal, Senter & Lerman, PLLC
2000 K Street, NW, Suite 600
Washington, DC 20006-1809
Counsel for Infinity Broadcasting East, Inc.


Dennis J. Kelly

THE HOWARD STERN SHOW – January 22, 2002 – approximately 9:00 a.m.

A contest called “Gay Wheel of Sex”. The contestant is a Stern follower with a severe speech impediment whom they refer to as “Elephant Boy”.

Stern: Here we go, you can either simulate oral sex on a huge, black dildo. That’s one. Go to Harlem with a sign and yell: ‘I love big, black penis.’

Artie: Oh, I’m routing for that one.

Stern: And there’s the sign, Robin. That’s the one you’re rooting for.

Artie: Oh, I’m rooting for that one.

Stern: There it is.

Robin: That’s huge!

Artie: *[imitating Elephant Boy’s voice]*: I love big, black penis.

Robin: He seems ready to do it.

Artie: He seems comfortable with it.

Stern: The next one is paint a picture on High Pitch’s ass with your genitals.

Robin: Oh no!

John: That’s my favorite one.

Robin: That’s outrageous!

Gary: That’s a good one.

Artie: Yeah, I might have to change my vote.

Stern: The next one is, we take your, uh, uh, we’re going to throw marshmallows at your nuts.

[laughter]

Robin: Who’s doing this?

Stern: We are.

Artie: Everybody

Stern: We’re involved. We’re going to throw them

Robin: You’re all gay.

Stern: and you have to dip them in chocolate so that we can see what happens.

Robin: What?

Artie: His nuts

Stern: So the marshmallows will stick.

Artie: Yeah

Robin: Oh, my goodness.

Stern: The next one is: naked oil-wrestle Benji. You’ve got to be nude.

Robin: *[laughs]* I’m routing for that one.

Stern: You’ve got to walk down the street in a pink dress and sing ‘I am queer.’

[The Stern crew each imitate “Elephant Boy: I’m queer, No, wait, I am queer, I’m queer hear me roar.

Stern: And the last one is you have to take the elevator in this building up and down wearing bra and panties.

John: Which one do you hate the most?

Stern: What do you hate the most?

Robin: Is there anything you won’t do?

Elephant Boy: Let me see, I think the first one with the thingamajig.

Robin: What?

Elephant Boy: Simulating oral.

Stern: Simulating oral?

Elephant Boy: Yeah

Robin: You think that's the worst one?

Stern: I think that's the easiest one.

Elephant Boy: And also painting High Pitch Eric. Hopefully, I won't

Stern: You'd rather have marshmallows throw at you nuts than

Elephant Boy: It's soft, it's not like soft balls.

Robin: Wait a minute, that one where you're painting on High Pitch Eric, that is the gayest.

[unintelligible]

Stern: that's why he doesn't want to do it.

Elephant Boy: Let's get it over with.

Robin: You're crazy.

Elephant Boy: I am. ...

John: Can we do two of them?

...

[Several minutes later:]

Stern: Okay, spin it hard. Come on, spin it hard. Here we go.

Robin: He didn't even give it a good spin.

Stern: You didn't even, he gave it a lame, lame lame ...

[laughter]

Stern: Wow! He got the marshmallows thrown at his naked nuts. Strip down Elephant Boy, we'll throw the marshmallows at your nuts.

Robin: Where's the chocolate?

Stern: where's the chocolate?

Artie: That was fantastic!

John: Did that wheel pick up speed?

Stern: Elephant Boy,

Robin: Oh, dear!

Gary: I love the way the chocolate's got the little stick on it that you wipe on yourself.

Stern: Elephant Boy, what are you going to do, you going to get naked and put the chocolate on it?

Elephant Boy: *[unintelligible]*

Stern: Alright, and who's going to throw, who's going to throw the, uh, who's throwing the marshmallows? Is it gay to throw marshmallows?

John and Artie: No

Gary: In a way, but I still think it's funny.

Stern: Should he bend over or should we throw them at...

Robin: Bend over?

Stern: Yeah, like should they be hanging or should we like ...

Robin: What are you talking about?

John: I like the hanging aspect, because then we really have a nice target.

Stern: Okay. Artie, you throwing?

Artie: Oh, yeah!

Robin: And that stick that Gary referred to in the chocolate is a spatula.

Stern: Yeah, that's a spatula, Gary.

Gary: I couldn't think that quick, I was ...

Stern: Elephant Boy is taking his pants off which is even more embarrassing.

Robin: Has he started painting yet?

Stern: No, let him stand over there and paint.

[A couple of minutes later:]

Stern: You don't want to be naked?

Elephant Boy: You want me to just take off the pants or lower the pants?

Stern: Elephant Boy, I need you to take off everything.

[Stern's crew makes unintelligible comments, laughter.]

Elephant Boy: Shut up! I can hear you. Shut up!

Stern: Okay, leave your shirt on.

Robin: What would you prefer?

John: Yeah, but Howard, it might go over

Stern: Yeah, it can't go over your package, 'cause we've got to throw marshmallows at it.

K.C.: Why don't we tie his shirt up and ...

Stern: Make it a belly shirt.

John: Just take it off.

Robin: He'll take it off

John: It's a pain in the

Artie: That's what you're worried about, your shirt?

Robin: He's got to go to work after this, doesn't it.

Stern: You don't want to mess up your shirt.

Artie: 'You can paint my nuts with chocolate, but I don't want to take my shirt off.'

Stern: Elephant Boy, this is really disturbingly gay.

Artie: I just realized we've got to look at this.

Robin: Oh dear, I've got to turn off my TV. I don't want to see this.

John: Oh no.

Stern: Alright Elephant Boy, get the chocolate on there.

Stern and crew: Oh, no! Ohhh! Ohhh!

Stern: Pull down your underpants, Elephant Boy, and let's get it over with. I don't got all day. Oh! Look at that thing!

Stern's crew: Ohhh!

Stern: Hey dude. Hey Elephant Boy, can I say something? Elephant Boy, maybe you ought to shave that bush a little bit.

[laughter]

Stern: Oh, man!

Robin: He's gonna be a hard target.

Stern: You're not kidding!

Gary: I've got to be a marksman to hit that.

Artie: You've got to be Lee Harvey Oswald.

Stern: Elephant Boy looks like a black man down there. I don't mean size-wise, but I mean, very dark and hairy.

Robin: So much hair!

Elephant Boy: Well I don't do nothing with it.

Stern: Now put some chocolate on there so when the marshmallows,

Robin: How are you going to find the target?

Stern: So when the marshmallows hit, we'll know where they hit.

Stern and crew: Ohhh! Ohhh! Oh, my! No, no, no.

Robin: That's the wrong place!

John: Yeah

Elephant Boy: Okay, let's get going.

Stern: Elephant Boy, not on your, uh, put it on your,

K.C.: Not on the meat, it's got to go on the potatoes.

Stern: Yeah, on the potatoes. Put it on your potatoes

Robin: There you go.

Stern: Alright. Okay.

Robin: Now what?

Stern: Get the marshmallows

Elephant Boy: Let's get going ...

Stern: We've got a whole plate of marshmallows. I've got to get in on this.

Elephant Boy: Of course

[laughter, background noise as they all throw marshmallows.]

Robin: Nobody's hit him yet.

Stern: I'm getting in on this, Robin.

Robin: Come on, nobody's getting one to stick yet.

Stern: I'm the worse shot.

Robin: You know what, you guys have hit Elephant Boy everywhere but,

[laughter]

Stern: I got it! I got it! I got it! I hit! Give me more of those marshmallows!

Robin: Did it stick?

Stern: It didn't stick, but I hit it. Elephant Boy, did that one hurt when I hit you with it?

Robin: Oh!

[laughter and throwing continues]

Robin: They're throwing those marshmallows hard.

Elephant Boy: Are you finished yet?

Robin: They've got a whole bag to go through.

[laughter and throwing continues]

K.C.: I got two hits!

Robin: Has he played this game before?

Stern: K.C., you all right?

K.C.: I was laughing my ass off. I'm sorry.

Stern: All right Elephant Boy, you ought to clean up a little.

Robin: Can't put that in your

Stern: got to get the marshmallows out of his underwear.

Robin: That's where they all went!

Stern: You need a towel, man. Elephant Boy, you were a good sport. You took the marshmallows.

Gary: I had two direct hits, Howard.

Stern: What?

Gary: I had two direct hits!

Stern: I had two direct hits.

Elephant Boy: Gary hit one, Howard hit one.

Stern: I hit two!

Artie: I hit him in the shween. (sp) *[slang for penis]*

Stern: I mostly hit his schween.

Gary: I hit him right in the eye.

Robin: He looked way too comfortable, though.

Stern: How does it feel when the marshmallows hit. Does it hurt?

EXHIBIT D

Bukkake

From Wikipedia, the free encyclopedia.

Bukkake is a group sex practice where a series of men takes turns ejaculating on a kneeling woman or man. At the end of the process, the recipient usually drinks the semen. There are strong overtones of erotic humiliation in this practice. When the term bukkake is used in Japan, it usually refers to a method of preparing noodles and its sexual use does not generally include a group of men ejaculating on another man.

Bukkake is a the base form of a Japanese verb, but used alone it is a noun meaning to splash or dash. The verb bukkakeru (to dash [water]) can be decomposed into two verbs: butsu (ぶつ) and kakeru (掛ける). Butsu literally means to hit, but in this usage it appears to be an intensive prefix as in buttamageru (ぶったまげる) or butchigiri (ぶっちぎり). Kakeru means to shower or pour.

Indeed, bukkake is more commonly used in Japan to describe a type of dish where the toppings are poured on top of noodles, as in bukkake-udon and bukkake-soba. Here the word bukkake is used in an adjectival sense to give the impression that the soup is fresh. Similarly, the sexual meaning of the word bukkake presumably refers to the act of splashing semen on a woman's face.

A "lite" version of bukkake also exists, and is known as "gokkun". Gokkun is an onomatopoeia, which translates into English as "gulp", i.e., the sound one makes swallowing. People outside of Japan often mistake gokkun for bukkake.

Many women have gone public regarding their sexual enjoyment of bukkake, including Dr. Susan Block and Catherine Millet.

A number of sources have stated that bukkake may have a non-obvious risk of infection by HIV and other blood-borne infections such as hepatitis through semen contacting the surface of the eye.

See also

- orgy
- facial (sexuality)
- Pornography in Japan

Retrieved from "http://en.wikipedia.org/wiki/Bukkake"

Categories: Pornography | Sexology

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EXHIBIT E

THE HOWARD STERN SHOW – February 27, 2002 – approximately 7:45 a.m.

Stern: Well, let me tell you something. You put me on Big Brother, I'm now the guy in the movie.

(laughter).

Stern: Kathie Lee's trapped in the house with me. We don't need any other celebrities, just me and Kathie Lee. And I'm like, "Kathie Lee, you're in this house". It's got to go on for a month.

Robin: Oh, yeah.

Stern: It can't be ten days. Ten days she knows,

Robin: You gotta break her down.

Stern: Yeah, I gotta break her down. I gotta break this broad down.

Robin: [laughter] 'Cause that's the whole purpose of *Swept Away*.

Stern: Ten days into this thing I'm bukkakeing [ejaculating on] Kathie Lee right on national television.

Robin: And she's asking you to.

Stern: Yeah, she's like 'PLEASE, More bukkake!' [Squirting noises] In fact, her only food in the house is my bukkake. [Squirting sound effects continue.]

Robin: laughter Well, that's what I was going to say. All you have to do is plant yourself in front of the refrigerator and say you've got to get by me to get this food.

[squirting sounds continue]

Stern: Yeah. Oh, I control her every move. 'You want to go to the bathroom on national TV? You want to use the bathroom? You've got to get through me. It's ten kisses. [flatulence sounds]

Stuttering John: Next to the Giff, you're Brad Pitt, you know.

Stern: I know it.

Guest comic: And she has to disown her kids into the camera or no more bukkake.

Stern: Yeah, right. I would get her doing everything.

'Crawl across the floor for me.'

'What?'

'You heard me, get on your knees and crawl across the floor.'

'I don't care, I'm not eating.'

'All right, we'll see about 15 days into this. You stupid little whore.'

'What did you call me?'

'A stupid whore. Renounce Jesus Christ.'

'No, I won't.'

'Renounce Jesus Christ.'

Guest comic: And get her in the Santa Ria .

Stern: Yeah

Robin: Then by the end of the movie, she's clipping your toenails, she's doing everything for you.

Stern (in sinister voice): Clip my toenails. Say that Howard Stern is your Christ.

Guest comic: And then you start calling in whores and do it front of her.

Stern: to do lesbian stuff.

[laughter]

Guest comic: Oh yeah, lesbian stuff. And then you do it in front of her while she's tied down with gym socks on the bed.

Stern: Here's what it is. I'll tell CBS right now I'll do Big Brother with Kathie Lee under the conditions it is to be a month in the house, no food provided.

Robin: And only the two of you.

Stern: And only the two of us.

Guest comic: The last episode is she hangs herself with a tampon string in the shower.

Stern: Yeah. *[spanking sounds]* 'Kathie Lee, today you're my toilet . Come here, my little b... *laughter [Toilet flushing]*

EXHIBIT F

THE HOWARD STERN SHOW – April 22, 2002 – approximately 9:10 a.m.

Discussion of masturbation and oral sex:

Nick DePaolo: You can't do it with your left hand?

Stern: No. Did you ever try?

Robin: I've never heard of such a thing.

DePaolo: Yeah. They always say it feels like somebody else is doing it that's why you should try.

Stern: It felt like too much like

DePaolo: It feels like a retarded girl's doing it.

Stern: Yeah. When somebody else is doing it

DePaolo: Twist it right off.

Stern: Yeah, when somebody else is doing it, I don't necessarily like it. Women don't know how to do that.

DePaolo: No they don't.

Stern: They don't.

DePaolo: You end up needing stitches.

Stern: Right. That's not a carrot you're pulling out of the ground.

DePaolo: Exactly.

Stern: Yeah, it feels like a deformed person is doing it.

Robin: Wrong angle.

[unintelligible – something may have been bleeped]

Stern: Oral. Say oral. Bad oral.

Robin: Yeah, we're in kindergarten here.

Stern: Bad oral is the worst.

DePaolo: This girl is using her teeth.

Stern: Ohhh!

DePaolo: A couple of years ago. Okay, honey it was like ten years ago.

Robin: Right, right.

DePaolo: She looks up at me and says 'am I doing this right?' I go, 'yeah if you're eating an ear of corn'. You know. You can make a pipe out of it and smoke from it. Did she learn, at least, when you told her that? Oral.

EXHIBIT G

THE HOWARD STERN SHOW – APRIL 29, 2002 – approximately 6:30 a.m.

Stern, talking with an accent, imitating the Pope:

Stern: Over the weekend, I met secretly with a lot of the officials of the church. We have come up with a new plan. We will put poison on the end of our penis. After we have sex with the children, they will all die a horrible child death. Then we will win! Our problem is we're too nice. We never kill these kids. Kill the kids! Kill them now.

Artie: Put arsenic on your penis.

Stern: Now.

Stern continues:

Stern: You know they found, this is shocking as hell, this is no joke. They went to forty-six different states and they checked each parish.

Robin: Yes

Stern: And they found that in each confessional there were 'glory holes'.

Robin: Oh stop it.

Stern: Where young men could put their genitals

Artie: Wow.

Stern: so that the priest could have oral.

Robin: Or the priest could.

Stern: Either way, back and forth. The holes go both ways.

[Robin laughs]

Artie: Fellate me father, for I have sinned.

Stern: You didn't even know that.

Robin: I didn't. I've never been in a confessional.

Stern: Right. Well, I went in and found glory holes.

EXHIBIT H

THE HOWARD STERN SHOW – May 2, 2002 – approximately 6:45 a.m.

Stern: I remember I banged Lady Di when I was over there, right before she passed away in her incident with the paparazzi. Yeah, she was pretty good. On a scale of 1 – 10 she was a 4.

Recording of line from movie played: "Shall we shag now or shall we shag later."

Stern: I remember, uh ..

Robin: You say a 4 was pretty good?

Stern: That Lady Di, she was very good. Very good with the anal.

Robin: Very giving.

Stern: I'll never forget I was in the middle of doing it and she kept saying stop. And I'm so bad with accents, I couldn't tell, she was mumbling stop, stop, stop. I thought she was in to it. Yeah, it's hard to hear sometimes with the accents. I remember I taped her during anal and here's what it sounded like.

[Sounds of woman moaning and groaning as if in pain. Sexual sounds – this continues throughout the rest of the segment.]

Stern: It was particularly rough. There was no foreplay whatsoever. I wanted to see if she could handle it.

Robin: She wasn't ready.

Stern: You'll see she gets into it though. Right after I had anal with her she showed me photos of her kids. That's the kind of lady she was.

Robin: That's why they called her Lady Di.

Stern: That's how she got the name Lady Di, up until then it was just Di. Funny her name was Lady Di and she did. She died.

[Sex sounds continue, followed by sounds of flatulence.]

EXHIBIT I

Stern transcript 5-2-02

(song) "Come on baby light my fire. Amber Smith wants my weiner. Come on now let's get some anal..anal yeah."

Artie: "The star of anal. Coming at ya."

Stern: "So, um, Mary is a mom. Mary, let me make sure I have this right. Your daughter is sixteen."

Mary: "That's correct."

Stern: "And you're a mom. What, what part of the country do you live in?"

Mary: "Uh, I live in Chicago."

Stern: "Ok. Mary decided..Mary's a religious woman"

Robin: "She sounds like a normal woman."

Stern: "Mary.."

Mary: "A life long catholic. That's correct."

Stern: "OK, you are involved in the church?"

Mary: "Yes, I am."

Stern: "OK, and you're..only one child?"

Mary: "That's right."

Stern: "OK."

Robin: "And how old is she?"

Stern: "Sixteen"

Mary: "Sixteen. It's a girl..ok"

Stern: "And you have discussed...I guess you're pretty open about sex with your daughter. You've discussed sex with her."

Mary: "Yes,I think it's incredibly important in our time."

Stern: "So, why not in your own words, tell us, what it is you've instructed your daughter to do."

Mary: "OK. Well, first of all, I'd like to say that it's wonderful to be on your show."

Stern: "Thankyou."

Mary: "I think this the exact place for this message because you touch so many people in their reproductive years."

Stern: "Right"

Mary: "And, um, my..what..what I advocate..I call back door sex."

Stern: "OK"

Mary: "And.."

Stern: "I call it anal, but you call it whatever you want. Ah, let's call it anal for our purpose."

Mary: "Well, you know what I..I think that just puts such bad commentations(?) on it."

Stern: "Alright, so you..you'd say it in your own words, what have you instructed your daughter to do?"

Mary: "I've instructed my daughter and anybody else, any other teenagers that I come in contact with, that back door steps is the best way to build their sexual needs without committing fornication or without, ah...being unclean in the eyes of God."

Stern: "When did you come to this conclusion?"

Mary: "Well, it's uh, it kind of happened naturally. I, uh, I'm a vet tech. I work with animals. I..I see that this is a natural thing in..in life."

Stern: "I've been telling girls that for years."

Robin: "Wait a minute. What does she mean, she has observed the animal?"

Stern: "Yes, she has seen animals perform anal. Go ahead, yes."

Mary: "And, uh, when I, uh, got married, uh, I was a virgin, uh.."

Stern: "Had you received anal..before hand?"

Mary: "Yes, with my husband."

Stern: "Right, ok."

Robin: "Before you got married?"

Mary: "That's correct."
Stern: "No problem back there?"
Mary: "I..I just think that's it's..it's a normal thing to want to fill your sexual desires. I think that the church has been led down the wrong path and has misread alot of the literature that I have read and doesn't understand that sin..the actual translation of sin is that it is three things against the natural order of life."
Stern: "One could say though, that this is just a technicality."
Robin: "What has she been reading?"
Stern: "The bible."
Mary: "I've read quite a bit of literature, Robin. I've read, uh, "The Canon Law" and uh, various uh..I've read the bible and..and there isn't anything in the bible that says this is a sin or against natural law."
Stern: "Rich, go ahead you're on the air with Mary who says that, uh, this is a legitimate, uh, way to let your kid have sex and not, uh, lose their virginity. Go ahead."
Rich: "Well, first you have to define virginity. Um, I mean does it necessary, just a physical state or is there an emotional state that goes along with it with one's virginity?"
Stern: "That's a good question, now, uh, I mean..you're a mom but you're saying that that's..you're still a virgin if you have anal. To me it's worse."
Mary: "Well, you know, the reality is..the reality in our society is that the church and other people have been preaching abstinence and it does not work."
Stern: "Right."
Mary: "And, true..truely losing your virginity or truely engaging in sex is the use of the use of the birth canal..and that is the truth of it."
Stern: "What is the appropriate age for your first anal. Your daughter's sixteen. Has she had anal?"
Mary: "Yes."
Stern: "She has. What age did she start?"
Mary: "Well, she started dating when she was fourteen and she told me that she was, uh, using..using back door sex when she was fifteen."
Stern: "Lori, you're on the air with Mary."
Lori: "I'm sorry, Howard, she's..she's not there. I mean the woman is a laugh job(?) Any mother who can encourage her daughter to have anal sex.."
Mary: "Do you have children?"
Lori: "Yes I do! I have a boy and a girl."
Mary: "How old are you children?"
Lori: "My daughter is six years old. She has an attitude of a ten year old. My son is nine years old."
Mary: "Well..uh,uh..what are you going to tell your daughter when she becomes sexually active. Are you going to tell her to obstain answers..."
Lori: "No, I am not.."
Mary: "sit by and watch her get pregnant."
Stern: "Now this woman.."
Lori: "No, I am not..."
Stern: "Now this woman on the phone...."
Lori: " No, I'm absolutely not going to do that. I am going to sit down with my daughter and say, look..you shouldn't be doing that unless you're absolutely 100% sure you care about this person that you're...hopefully she will listen to me and..."
Mary: "But if she's, then she will be unclean in the eyes of God."
Stern: "How much, uh,..."
Lori: "First of all I agree the Catholic church needs to a whole new look at how they do everything..I mean.."

Stern: "But, wait a second..wait a second..let's get a couple of questions. This woman has a six year old, what age should she start talking to her about anal..and"

(laughing going on)

Mary: "Well, see I don't really consider a, uh, I don't consider back door sex to be, uh, sex at all.."

Stern: "I see."

Mary: "It really isn't sex.."

Stern: "OK"

Mary: "..cuz it's not using the birth canal.."

Lori: "What is it?"

Stern: "Man"

Mary: "It..It's filling your natural need..your urge.."

Lori: "Well, uh.."

Mary: "We have these natural urges for a reason.."

Stern: "Let's go to Maytee(?)"

Mary: "God gave them to us for a reason.."

Stern: "Maytee, you're on the air with, uh, Mary..that's right Maytee."

Maytee: "It's Mytee. Hi, Howard. How are you?"

Stern: "Hi, Mytee."

Mytee: "Um, this woman..I don't know if she says she's a med tech or a vet tech or something. She's totally out of it."

Stern: "Well, she..this is what she believes."

Mytee: " I mean, the person..excuse me?"

Stern: "She's saying you gotta be realistic. Your kids are going to have sex so let them have anal."

Mary: "I have a sixteen year old daughter who is straight A student. She's happy, she's well adjusted and she's not pregnant like half of these girls in her school have been."

Mytee: "Ok, have you taken her to get tested for HIV..."

Mary (interrupting): "You know she can always use a condom..I..I advocate using a condom.."

Mytee: "Condoms break...Listen to me for one second. I'm starting nursing. Condoms break much easier in anal region because they are not designed to be put there. You should let your daughter, when she's ready decide what kind of sex she wants to have..Are you telling her...I mean you...(something about Sadam & Gamorah?)"

Mary: (talking at the same time as Mytee)"Given her the information that she's made..."

Stern: "Alright, let's uh, let's go.."

Robin: "Let me ask something..aren't they.."

Mary: "Do you know what sadomy is? Do you know that the liral(?)translation for sadomy is?...unclean sex."

Stern: "Let Robin ask you a question."

Robin: "Aren't the boys suppose to be virgins when they get married too?"

Stern: "It's not realistic, is what she's saying."

Mary: "Well,if..if they haven't entered a birth canal, they still are virgins."

Robin: "I see, she considers that not a..."

Stern: "Yep,yep."

Mary: "That is right"

Robin: "OK"

Stern: "And your daughter, uh, does she, uh, tell, uh, other kids that, uh, they should have anal, as well."

Mary: "Well, we had a bad experience with that. I was talking to her health teacher about it. I mean, when I saw..what had happened with my daughter and how it..it basically has saved her from so many things and impowered her as a woman,