

ST. PAT'S SEX ROMP AIRED ON RADIO; FCC COMPLAINT FILED

Yesterday, New York City Police arrested a man and a woman for having sex in St. Patrick's Cathedral. Also arrested was Paul Mercurio; he provided a detailed description of the sex act on the "Opie and Anthony" radio show. The WNEW radio show (an Infinity Broadcasting outlet) offers a prize to the couple having sex in the riskiest location in New York. The cathedral was packed with parishioners because August 15 is a holy day of obligation for Catholics—the Feast of the Assumption.

Catholic League president William Donohue explained the league's response to this incident:

"We are filing a formal complaint with the Federal Communications Commission (FCC) asking that Infinity Broadcasting Operations, Inc. be fined and that the license of WNEW be revoked. On June 7, 2002, the FCC fined Infinity Broadcasting Operations \$21,000 for airing three patently indecent 'Opie and Anthony' shows. That this show would strike again—so soon after being fined—demonstrates an incredible arrogance and pattern of irresponsibility. This explains why we are asking for the revocation of the WNEW license.

"It could be argued that this offense meets the requirements of a hate crime. But the Catholic League has long objected to the politicized nature of this statute and therefore will not seek it as a remedy. What we will do, however, is press our case before the FCC seeking the maximum penalties for this assault on human decency. Not only was a crime committed—this stunt was a textbook case of how obscenity and blasphemy track each other. It also speaks volumes about the moral delinquency of WNEW officials."

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 worshipers. 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 were 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.

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