

Using examples,
explain the difference
between obscene
and indecent
materials



**ASSIGN
BUSTER**

1. Using examples, explain the difference between obscene and indecent materials. Obscene and indecent both have different meanings but are similar in many ways. Obscene material is described as disgusting or repulsive but indecent material is described as being offensive to the public. Both obscene and indecent can be view differently by the public; however, the Constitution plays a role with indecent material.

Obscene material “ is not protected by the First Amendment,” (The Dynamics of Mass Communication Tenth Edition, page 377) and broadcast stations cannot air obscene material at anytime. The problem with this is that no one had come up with a set standard of what obscene material is. Due to the difference in beliefs between families and individuals, no two people have the same beliefs and will not agree to a set standard of what obscene material really is. Since obscene material is can not be banned completely and therefore can be view during nighttime broadcasting. A good example of this is the adult swim channel. During the day children can view cartoons like Spongebob and Rugrats; but when 10 o'clock p. m. hit, the channel switches to adult swim when there are show with naked women and sex scenes.

According to the U. S. Supreme Court, to be obscene, material must meet a three-prong test, “(1) an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest (i. e., material having a tendency to excite sexual thoughts); (2) the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and (3) the material, taken as a whole,

must lack serious literary, artistic, political, or scientific value(The Dynamics of Mass Communication Tenth Edition, page 378).

Indecent material is defined as offending the public and bad taste, improper or vulgar. Indecent material is very hard to define. Between the federal court system and Congress, the FCC found itself caught in the middle. In 1978, the Supreme Court ruled, giving the FCC the right to regulate all indecent material because broadcasting stations made indecent material accessible to children of all ages, (The Dynamics of Mass Communication Tenth Edition, page 380).

An example of indecent materials during a radio broadcast would be someone talking about having gas or belching, which is viewed as an act of nature that should be kept to one's self. Another example of this is Janet Jackson's performance at the Super Bowl when her wardrobe malfunctioned exposing her breast on live television, because children and people of all ages were offended by her indecent exposure. Obscene materials are described as derogatory name calling like calling a woman a " Bitch, Cunt, or a Nigger," because these terms are very offensive to men, women, or race.

2. Explain the difference between the Equal Opportunities Rule and the Fairness Doctrine.

The Equal Opportunity Rule and the Fairness Doctrine were both established to promote and encourage broadcasting opportunities between people and candidates. Although this rule and doctrine are similar they are very different.

The Equal Opportunity Rule states that any opportunity given to any public office candidate must be available to all of the candidates, (The Dynamics of Mass Communication Tenth Edition, page 381). This rule contained in Section 315 of the Communication Act, is has become and is part of the federal law. So for example of a presidential candidate is permitted to use a specific broadcast station or air to promote their campaign, then that broadcast station must allow all candidates from that specific campaign to have the same opportunities on the airway.

In the case of radio stations giving free airtime, the air station must ensure that each legally qualified candidate must have the same amount of free airtime. However Congress has made a few expectations to this rule. Under Section 315 it states, that “ during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period, ”.

Congress, however, has made some exceptions to this law. Since Congress has developed an understanding for the importance of political broadcasting, the Communication Act, which was established in 1934, forbids censorship to candidates while promoting equal rights and airtime to all candidates.

The Fairness Doctrine was established in 1949 and provided the broadcast stations to seek out different viewpoints of controversial matters. This doctrine selected and air people who could cover all controversial viewpoints that could be covered in one program or over multiple sessions. The station

was required under the fairness doctrine to provide equal time to differing viewpoints; however, according to (The Dynamics of Mass Communication Tenth Edition, page 381), these difference in viewpoints do not have nto have equal time on the airways. The Federal Communications Commission repealed the Fairness Doctrine in 1987.

Since the Equal Opportunities Rule offered equal opportunity to all legally qualified political candidates for any office through broadcast stations and airways, all candidates were offered the same opportunities. The Fairness Doctrine allowed difference viewpoints but did not have to allow the same time limit to air for those viewpoints. Both this rule and doctrine were federally mandated which allowed each state to adopt their own rules and regulations.