

Federal
communications
commission (fcc)
indecentcy policies



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The Federal Communications Commission (FCC) is the agency in the United States tasked with the regulation of interstate and international communications carried out via radio, satellite, television, wire and cable. The agency was commissioned by the Communications Act of 1934, and its scope of authority extends throughout the 50 US states, the District of Colombia and all the US territories (Commission).

The FCC has the responsibility of prohibiting the display of obscene programming at any time between 6 am and 10pm. In the event of a breach of this rule, the FCC policy requires that the license granted to the station breaking this rule be revoked, or a monetary fine be imposed. Also, it can give the station a warning with regard to its breach of rule (Commission). Ever since its institution, the FCC has sanctioned companies for brief curse words aired, or accidental nudity on live award shows. A particular case in point is the 2004 Janet Jackson wardrobe malfunction saga, which cost CBS a whopping \$550, 000 in fines though it was appealed to an appellate court (Calver, p. 1-29).

The FCC policy requires it to take appropriate punitive action, in respect of any media outlet, following documented complaints received from the public about any obscene, profane, or indecent material aired to viewers. Following such complaints, the FCC conducts a review to determine whether there has been a breach of the profanity, indecency, or obscenity laws. In cases where it is found that a broadcast station has violated the law, investigations into the claims are carried out. In this regard, the FCC policy requires complainants to follow a three-step process, before the act being complained about can be labeled as obscene, profane, or indecent. First, the average
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person must find that the content is appealing to the prurient interest, or an excessive interest in sexual matters. Following this stage, the material must be found to be depicted in a manner that is patently offensive and sexually explicit, and falls within the confines of the applicable law, in the particular case. In the third and last step, the content of the material must be determined to lack, in one way, or another, educational, artistic, scientific, or political value. In other words, it adds no value to the viewer. However, one crucial aspect of the entire process is putting the content of the material in context to determine its obscenity, indecency, or profanity (Commission).

My opinion, in regard to the FCC policy, is that it is not doing much when it comes to censoring inappropriate content. One major reason is that the policy requires claims of obscenity, profanity or indecency, to pass the three steps before they can be so labeled. This process makes it extremely difficult to successfully censor, or prosecute, media outlets for airing inappropriate content. Therefore, the FCC should make the process less restrictive, to be able to accommodate more punishable cases of indecency. Indecency is defined by the FCC as, " Language or material that, in context, depicts or describes, in terms of patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities" (Commission). Putting this statement in context, indecent programming basically comprises sexual or excretory references that are patently offensive in nature; however, they do not reach the obscenity level. Hence, courts hold on to these indecent materials, as protected by the first amendment to the constitution, and do not ban them completely. Hence, viewers are left with the same initial problem of indecent material being

aired. However, this indecent material can be restricted to avoid times when children are the primary audience. The FCC should make a policy that stipulates zero tolerance for any form of indecency, instead of having courts back them up with loopholes, such as by arguing that they are protected by the first amendment which upholds the right of free speech (Courts). An example is Nicole Richie's 2003 speech at the Billboard Awards, where she categorically stated, " Have you ever tried to get cow s-t out of a Prada purse? It's not so f—ing simple" (CNN). The statement is a clear example of an indecent speech. The case brought up issues to do with the constitution and administration. The courts argued that FCC's policy on the case violated the first amendment and, therefore, it was unconstitutional. The courts argued that the policy restricted free speech.

Another major issue that the FCC should look into is amending its policy to include monitoring broadcasts for violation of its laws. This will make it more restrictive by broadening the scope of its mandate. . Currently, the FCC only responds to claims from the general public. Though this is a safe move to prevent pressuring a media outlet the FCC might be at loggerheads with, it is also a disadvantage. The FCC only investigates cases brought in by the viewers, and at times, not all the issues are given attention, although a significant number is analyzed. The major problem arises when specific viewers bear a grudge with a particular station, or individual, which is broadcasted. Such a scenario defeats the reason for the establishment of the FCC and makes it look like a platform, where personal grudges people hold can be settled. By being able to monitor broadcasts on their own, they can identify reasonable claims of a violation, instead of allowing individuals to act

as if they own the FCC. A good example is Al Wescot, who is well known as a self-made watchdog. His grudge with Howard Stern is well recorded. He has on several occasions made it his job to file complaints with the FCC, with regard to Howard Stern's conduct (Mintzer, p25).

In conclusion, the FCC should maintain its broadcast indecency policies. However, they should be made more stringent. Isolated expletives, or non-sexual nudity, should be treated the same; they are indecent. Furthermore, it should consider having a policy to be able to scrutinize broadcasts, instead of waiting for the viewers to file complaints. In this manner, broadcasters will be more aware of a watchdog that is the overriding authority. This will minimize cases of indecency in broadcasting.

Works Cited

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