

Fox faces FCC in Supreme Court indecency fight

By Betsi Fores -- The Daily Caller 12/06/2011

The network TV home of Glee and Family Guy, will square off against the Federal Communications Commission in a Supreme Court battle over decency standards in January. Fox, which touts its shows as “So brash, so bold, so Fox,” is expected to argue that FCC-imposed fines for indecency are unconstitutional.

The FCC fined Fox for its profanity-laced broadcasts during the 2002 and 2003 Billboard Music Awards.

In its first ruling, the Supreme Court only addressed “whether the FCC’s fine was arbitrary, and sent the case back to a lower court to determine the policy’s constitutionality,” The Hill [reported](#). Lower courts have since sided with Fox, citing that the FCC’s fines violate the First and Fifth Amendments.

The Cato Institute and other libertarian advocacy groups have come to Fox’s defense. They hope to see the 1978 FCC v. Pacifica decision overturned. In that case, the high court upheld fines imposed on Pacifica radio stations after the network aired a show titled “Seven Dirty Words.”

The Parents Television Council has sided with the FCC. “If broadcasters want to air f-bombs or depictions of titillating bathroom scenes involving children and nude women,” PTC president Tim Winter said in [a statement](#), “they can wait until 10:00 p.m. when children aren’t likely to be in the audience.”

“If broadcasters are truly unable to refrain from airing indecent material when children are most likely to be watching television,” Winter added, “they simply do not deserve a broadcast license.”

In the PTC’s prime-time TV ratings, most Fox shows receive a “red” classification, indicating unsuitability for children, This includes the wildly popular high school-oriented show Glee.

Fox’s attorney [wrote](#) on a legal blog in June that “the stage has been set for what could be the final battle in the decades-long struggle over regulation of so-called ‘indecency’ on broadcast stations.”

