



Groups urge Supreme Court to end 'censorship' of television broadcasts

By Brendan Sasso - 11/14/11

Five nonprofit groups urged the Supreme Court on Monday to strike down the Federal Communications Commission's policy of fining broadcast television stations for airing indecent content such as profanity.

In a brief with the court, the Cato Institute, Center for Democracy & Technology, the Electronic Frontier Foundation, Public Knowledge and TechFreedom argued that the FCC's policy violates the First Amendment's free speech protections.

The Supreme Court already ruled in the case, *FCC v. Fox*, upholding the FCC's fine on Fox for airing expletives during the Billboard Music Awards in 2002 and 2003. But the 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. That lower court struck down the FCC's policy as violating the First Amendment, and the Supreme Court has agreed to re-hear the case.

In their filing on Monday, the groups argue that the Supreme Court should reverse its 1978 decision, *FCC v. Pacifica*, in which the court upheld the FCC's fine of a radio station that aired comedian George Carlin's "Seven Dirty Words" routine.

The groups argue that technology has changed how people interact with television. People have more control over what television they permit into their homes, and it is no longer an unwanted "intruder," the groups argue.

"It is well past time for the law to recognize how much the world has changed by ending the FCC's censorship of speech that is broadcast on television," the groups write.

They say broadcast television should receive the same First Amendment protections extended to other media such as newspapers, the Internet and cable television.

Indecent content is considered different from "obscene content," which receives no First Amendment protection under current Supreme Court doctrine.