



Written by [Dave Bohon](#) on April 10, 2013

Pro-Family Groups Challenge FCC's Easing of Broadcast Decency Standards

Much to the chagrin of pro-family and television watchdog groups, the Federal Communications Commission is considering easing up on the decency standards that have governed broadcast television for years. [The Hill](#) reported April 1 that the FCC has issued a [request for public comment](#) on a proposal that would change the focus of complaint investigations to only “egregious” instances of broadcast indecency — which include profanity and nudity. The change would signal a shift away from the FCC’s past practice of penalizing even “fleeting expletives” and indecency.



The FCC is seeking public input for how it should address profanity and brief on-screen displays of nudity, *The Hill* explained. The standards only apply to broadcast television and radio — not to cable and satellite TV or Internet content.

The [FCC’s current guidelines](#) for broadcast stations state: “It is a violation of federal law to air obscene programming at any time. It is also a violation of federal law to air indecent programming or profane language during certain hours.”

During his four-year tenure, which concludes in the coming weeks, current FCC Chairman Julius Genachowski was notorious for issuing no fines for broadcast indecency, although watchdog groups have noted a dramatic uptick in instances of both profanity and unacceptable nudity. Genachowski justified the lack of enforcement by pointing to a bevy of lawsuits charging that the FCC’s stated standards represent an unconstitutional attack on free-speech guarantees.

According to the FCC, much of its reticence has come in response to the Supreme Court’s decision in *FCC v. Fox Television*, a high-profile case in which the High Court ruled 8-0 that the FCC’s decency standards were “vague” and that the federal bureaucracy had failed to give the network “fair notice” in warning that “fleeting” nudity or profanity violated the FCC’s standards.

While the ruling did not address First Amendment issues or disrupt the FCC’s enforcement powers, it has prompted the agency to reconsider its decency standards going forward.

In its request for public comment the FCC noted that since September 2012 it has “reduced the backlog [of complaint investigations] by 70% thus far, more than one million complaints, principally by closing pending complaints that were beyond the statute of limitations or too stale to pursue, that involved cases outside FCC jurisdiction, that contained insufficient information, or that were foreclosed by settled precedent.”

The FCC said that it continues to actively investigate “egregious indecency case,” and would seek public input “on whether the full Commission should make changes to its current broadcast indecency policies or maintain them as they are.”



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A number of pro-family, parent, and broadcast watchdog groups have accepted the invitation to comment, and have encouraged values-minded Americans to demand that the FCC keep in place the common-sense restrictions designed to protect families — particularly children — from indecency on the airwaves.

“The FCC is all we have to protect our children from indecency and profanity on TV and it must begin to do its job now rather than change its enforcement standards,” said Patrick Trueman, president of [Morality in Media](#). “The Supreme Court has ruled that people have the right to be left alone in their own homes and that networks have no First Amendment right to force indecency upon them.”

Tim Winter of the pro-family [Parents Television Council](#) said it was troubling that the FCC casually dismissed one million indecency complaints because they did not meet the FCC’s evolving “egregious” standard. The fact that the FCC has already dismissed such complaints “means a complete change in policy has been made without public input or approval from the rest of the Commission,” he said. “This is an outrage.”

Winter argued that the federal communications bureaucracy “is supposed to represent the interests of the American public, not the interests of the entertainment industry. Either material is legally indecent or it is not. It is unnecessary for indecent content to be repeated many times in order for it to be actionable, and it is unwise for the FCC to pursue a new course which will guarantee nothing but a new rash of new litigation.”

Randy Sharp of the [American Family Association](#) (AFA) said that his group has already witnessed networks “pushing the envelope” on decency standards as the FCC has back-peddled on its stated standards. “They’re going just as far as they possibly can go,” he said, “and if the FCC relaxes its standards, the networks are going to go further. And that just leads to more decadence — and that’s what we need less of on network television.”

Sharp said his group believes that “it’s not in the best interests of families, especially with children, for the FCC to relax these standards and allow broadcast stations like NBC and Fox Networks — along with the hundreds and hundreds of local radio stations — to be able to broadcast indecency.”

While the effort to compel the FCC to enforce its own decency standards may be well-intentioned, some conservatives have noted that the FCC has no constitutional authority to exist in the first place, let alone to enforce increasingly arbitrary notions of decency. “A much better strategy — one that will bear more positive fruit in the long run — is to hit the networks where it hurts, in the pocket book,” explained John F. McManus, president of the John Birch Society. “If enough concerned viewers contact the advertisers who fund the sleazy shows on TV networks and threaten to stop buying their products or services, they will stop buying advertising on shows that allow indecent content.”

Such was the case in September 2011 when, as reported by [The New American](#), NBC canceled its offensive weekly drama *The Playboy Club* after hundreds of thousands of values-conscious viewers, led by pro-family groups like the Parents Television Council, contacted the show’s sponsors and threatened a boycott if they continued to fund the sleazy program.

After just three episodes, in which the show’s ratings were dismal, NBC threw in the towel and cancelled *The Playboy Club*, prompting the PTC’s Dan Issett to point to the power of grassroots activism by concerned citizens. “The show would still be on the air if people hadn’t stood up and spoken out to the sponsors of the show,” he said. “There’s a lot of credit that needs to be given to people around the country who made the simple step of just letting their opinion be known about this.”



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