

[Print this article](#)[Close This Window](#)

Court puts on hold FCC ruling on TV profanity

Thu Sep 7, 2006 10:53 AM ET

By Jeremy Pelofsky

WASHINGTON (Reuters) - A U.S. appeals court on Thursday put on hold the Federal Communications Commission's ruling that four television broadcasts of profanity violated decency standards.

The Court of Appeals for the Second Circuit stayed enforcement of the agency's ruling in March that profanities uttered on ABC's "NYPD Blue," CBS's "The Early Show" and the 2002 and 2003 Billboard music awards shows on Fox were indecent. The FCC did not propose any fines for the incidents.

The four major television networks, ABC, CBS, Fox and NBC, argued the FCC's rulings were unconstitutional, arbitrary and capricious and asked the appeals court in New York to throw them out.

"It cuts the heart out of the FCC's strengthened enforcement effort for the time being," said Andrew Schwartzman, president and chief executive of the Media Access Project, a consumer advocacy group.

Representatives for the networks and the FCC were not immediately available for comment or had no immediate comment.

The decision comes just days before CBS plans to rebroadcast the documentary "9/11" which recounts the September 11 attacks and includes coarse language.

About a dozen CBS affiliates have decided not to air the show for fear of receiving stiff fines from the FCC, and a dozen others plan to air the film later at night when more mature content is generally allowed.

U.S. regulations bar radio and television broadcast stations from airing obscene material. The rules limit broadcasters to airing indecent material, such as profanity and sexually explicit content, during late-night hours when children are less likely to be in the audience.

Those regulations do not apply to cable or satellite.

President George W. Bush signed legislation earlier this year that would increase fines tenfold to \$325,000 for broadcast decency violations, an attempt to crack down on profanity and sexually suggestive content on television.

The court also agreed to the FCC's request that the indecency findings be sent back to the FCC for 60 days so the agency can consider the broadcasters' arguments.

The FCC has acknowledged that it failed to give the networks an opportunity to respond to the agency's findings that the shows violated decency standards.

© Reuters 2006. All rights reserved. Republication or redistribution of Reuters content, including by caching, framing or similar means, is expressly prohibited without the prior written consent of Reuters. Reuters and the Reuters sphere logo are registered trademarks and trademarks of the Reuters group of companies around the world.

[Close This Window](#)