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C-SPAN to air FCC court case on language

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Media

December 15, 2006

If you hear swearing on TV next week, don't worry.

It's just your federal government at work, trying to keep you from hearing swearing on broadcast TV.

With the feds' ability to restrict televised profanity being challenged in court, a federal court has said it's OK to bring TV cameras and microphones into the proceedings.

C-SPAN has received the go-ahead to televise Wednesday morning's oral arguments before the U.S. Court of Appeals for the Second Circuit in *Fox Television et al vs. the FCC*, the case in which the FCC deemed indecent vulgarities uttered by Nicole Richie and Cher on the Billboard Awards.

Along with CBS' appeal in the Third Circuit of the FCC's punishment in the 2004 Janet Jackson Super Bowl halftime show, which went horribly awry, this case will help determine the FCC's ability to limit language.

"There are pretty broad implications in this case," C-SPAN spokeswoman Jennifer Moire said.

News Corp.'s Fox, in a filing this week, said the FCC had overreached and "censored too much speech" with its new stance, accusing the commission of changing its policies of almost 30 years without warning or explanation. It also blasted the FCC for not taking context into account.

As of Thursday, C-SPAN doesn't plan to present the 40 minutes or so of arguments live from New York Wednesday, citing logistical concerns. But it does intend to carry the hearing--wholly unedited--that night at 8:15 and again at 6 p.m. on Dec. 23 as part of its "America and the Courts" series.

Although other cable networks and broadcasters are likely to cover the hearing in one way or another, no one else has asked the courts to tap C-SPAN's feed for live 9 a.m. coverage yet. Folks at several national TV news outlets said it's simply too early to know what they will cover next week, though one also confided such an event isn't likely to be much of ratings draw.

It's "uncommon, but not unprecedented" for TV cameras to be allowed into federal courts for arguments, said Andrew Jay Schwartzman, head of the Media Access Project, which is representing Center for Creative Voices, an intervenor in the case. "It's entirely within the discretion of the courts."

The Second Circuit, as well as the Ninth Circuit in California, have historically been more amenable to television coverage, allowing C-SPAN in on occasion. But don't read anything into this court's decision to allow televising the arguments, which may mean repeating the offending language originally cited by the FCC.

"It's dangerous to project from behavior of courts what they'll do," Schwartzman said. "But allowing for that ... it smells as though the court is taking it very seriously."

Should be quite a show.

