

Background

The Federal Communications Commission (FCC) receives numerous complaints that television and/or radio networks, stations or their employees or guests have broadcast extreme, incorrect, or somehow improper political, economic, or social statements. Often consumers complain that certain broadcast statements may endanger the United States or its people, or threaten our form of government, our economic system, or established institutions like family or marriage. They say these attacks are “un-American” and an abuse of freedom of speech. The FCC also receives complaints that some broadcast statements criticize, ridicule, “stereotype,” or demean individuals or groups because of the religion, race, nationality, gender, or other characteristics of the group or individual. Finally, many consumers complain that television or radio broadcasts are obscene, indecent, profane, or otherwise offensive.

What Is the FCC’s Responsibility

The FCC is barred by law from trying to prevent the broadcast of any point of view. The Communications Act prohibits the FCC from censoring broadcast material, in most cases, and from making any regulation that would interfere with freedom of speech. Expressions of views that do not involve a “clear and present danger of serious substantive evil” come under the protection of the Constitution, which guarantees freedom of speech and freedom of the press. The FCC cannot suppress such expressions. According to an FCC opinion on this subject, “the public interest is best served by permitting free expression of views.” This principle ensures that the most diverse and opposing opinions will be expressed, even though some may be highly offensive. The FCC, however, does have enforcement responsibilities in certain limited instances.

For example, the Courts have said that *indecent material* is protected by the First Amendment to the Constitution and cannot be banned entirely. It may be restricted, however, in order to avoid its broadcast when there is a reasonable risk that children may be in the audience.

What Is the FCC’s Responsibility (cont’d.)

Between 6 A.M. and 10 P.M. – when there is the greatest likelihood that children may be watching – airing *indecent material* is prohibited by FCC rules. Broadcasters are required to schedule their programming accordingly or face enforcement action. Similarly, the Commission has stated that *profane material* is prohibited between 6 A.M. and 10 P.M.

Finally, the courts have ruled that *obscene material* is not protected by the First Amendment and cannot be broadcast at any time. For more information about these rules visit the FCC’s Enforcement Bureau Web site at www.fcc.gov/eb/oip/ or see our consumer fact sheet at www.fcc.gov/cgb/consumerfacts/obscene.html.

What Are the Broadcasters’ Responsibilities?

Individual radio and television station licensees are responsible for selecting all broadcast matter and for determining how their stations can best serve their communities. Broadcast licensees are responsible for choosing both the entertainment programming and the programming concerning local issues, news, public affairs, religion, sports

(More)



What Are the Broadcasters' Responsibilities? (cont'd.)

and other subjects to be aired by the station. They also decide how their programs, including call-in shows, will be conducted and whether or not to edit or reschedule programs or material (for example, moving a program to a time slot during which children may not be listening or watching).

What If I Have a Comment and/or Concern About a Specific Broadcast or Statement?

If you consider a broadcast obscene, indecent, or profane, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint by e-mailing fccinfo@fcc.gov; calling our Consumer Center at 1-888-CALL-FCC (1-888-225-5322) voice, 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554.

See our consumer fact sheet at www.fcc.gov/cgb/consumerfacts/obscene.html for details about what information to include in your complaint.

What If I Have a Comment and/or Concern About a Specific Broadcast or Statement (cont'd)?

Also consider directing any complaints, concerns, or comments about a specific broadcast or statement to the local station and network involved. If you do so, the people responsible for making programming decisions can become better informed about audience opinion.

For More Information

For more information regarding obscene, indecent, or profane broadcasts, visit the FCC's Enforcement Bureau Web site at www.fcc.gov/eb/oip/. For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC using the information provided for filing a complaint.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

This document is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues.

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