

Group 6 Project Report

Censorship in Television and Radio

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Censorship in Television

For our group project we, group 6, decided to focus our attention on censorship in television and on the radio. We showed most of the attention to the Janet Jackson incident in Super Bowl 38 when looking at television, and for radio, focused on the FCC and disc jockeys like Howard Stern. Here are the television articles as done by three of our group members.

If there is a single most important event that happened in television that caused major ramifications, it would be the Janet Jackson's "wardrobe malfunction" during the halftime show at Super Bowl 38. In this incident Janet Jackson exposed her right breast. Worst of all the Super Bowl was broadcast on CBS, a non-cable free channel, where censorship is pushed to the extreme. An estimated 140 million people were watching the halftime show when the incident occurred (Davidson 2004). In response the FCC fined CBS \$550,000, which is the largest fine ever handed out by the FCC to a T.V. broadcasting station (Davidson 2004). The 227 CBS independent affiliates were left unfined (Davidson 2004). This one event probably had the most severe consequences ever, and caused an onslaught of censorship to follow, and spread into every aspect of American's lives.

A major legislation to come down, relating to censorship and television, was the increase of broadcast indecency fines. The increase, passed by the US Senate in a 99 to 1

vote, made it possible to fine as much as \$275,000 an incident and a maximum of \$3 million a day (parentstv.org). Also the Senate approved amendments that would make the FCC consider the station's size, when fining, for violent television programming (parentstv.org). The House passed a similar legislation, and in a response, FCC Chairman Michael Powell said that the current fines, before the legislation was passed, were "peanuts" to the broadcasters and they saw the fines as a cost of doing business (parentstv.org). The white house supports these ideas saying "This legislation will make broadcast television and radio more suitable for family viewing by giving the FCC the authority to impose meaningful penalties on broadcasters that air obscene or indecent material over the public airwaves".

The television has responded to the scrutiny that they have been put under, not by rebelling, but complying with these new rules and censoring themselves. For starters Victoria's Secret cancelled its annual fashion show, on television, this year. Fox is trying to clean up its act by employing people to monitor its star reality show, "American Idol", as well as other reality shows. Comcast Corporation told Congress that it will increase its efforts to assist parents in choosing the right programming for their children. In an interview with Survivor host Jeff Probst said that the producers were told to enlarge the digital blur over Richard Hatch, who spent part of his time on the show naked. NBC planned to show a woman's exposed breasts on ER, but from pressure from their affiliates the scene was edited. ABC also planned on showing a racy sex scene on their show NYPD Blue, but because the show was played before 10:00 in Central and Mountain Time the scene was darkened to show less. Stemming from the Janet Jackson incident many "live" shows were put on a delay. MTV will use a delay for the VMAs,

CBS aired its Grammy Awards on a five minute delay, ABC broadcast the Academy Awards on a five second delay, and TNT delayed the entertainment portion of the NBA All-Star game.



Works Cited

Davidson, P. (2004, Sept. 8). FCC to fine Viacom \$0.5M for Super Bowl. *USA Today Online*.

<http://www.keepmedia.com/pubs/USATODAY/2004/09/08/573977?extID=10032&oliID=213> (7 Nov. 2004).

A Censorship Struggle

With artists pushing the boundaries of explicit and offensive materials censorship is more of a source of malcontent than ever before. Debates have been constantly flaring up since the government and activist groups have cracked down on what they call inappropriate behavior and material. This battle between the artist and the legislators that control the censorship level are now moving into a constant struggle between cautious material and the freedom of expression.

To understand how this battle of censorship is being fought you have to look at both sides. Each side has activists groups working for their side. Conservative groups such as the American Family Association and the National Viewers and Listeners' Association are the mindset that offensive material such as nudity and obscene language has the potential to corrupt young minds and influence their behaviors. These groups fear that the youth of our nation tend to replicate the suggested themes they see.

Opponents of censorship on the other hand argue that it is in direct breach of the granted rights of the 1st amendment of the constitution. Those who oppose censorship such as the American Civil Liberties Union maintain that not only is this idea unconstitutional, but also foster conformity of thought. These two sides have been fighting this issue for many years, but only now is the issue getting so much attention. The FCC has come center stage over Janet Jackson's "wardrobe

malfunction” in last years Super Bowl haltime show. FCC commissioners are now reviewing a \$550,000 total fine proposed by staff against the 20 CBS stations Viacom owns. Infinity will likely appeal that sanction too, so a final FCC decision probably won’t come till late next year. The congress is getting involved as well. The Senate threatened to give out a maximum fine of \$275,000 for violation of the broadcast industry tenfold.

This battle will certainly be watched by the whole nation as it unfolds and both sides believe they will come out victorious. These are the issues we are now facing in a world where information is changing more rapidly than ever.

Janet Jackson and Beyond

In a world dependent on network television watching and believing programs has become a way of living. As the word “live” rapidly decreases from television shows in America we see changes in the way that people view t.v. Because football is one of Americas favorite past times it is well known that the Super Bowl is hands down the most watched program of the year. At an estimated 750 million people watching the big game, their were more than enough people who saw Janet Jackson’s peep show coming into American living rooms. This incident led to the majority of television networks censoring their shows. Just after the incident occurred NBC cut a brief nudity scene in the show ER. The Miami Herald reported that ABC and CBS announced that broadcasts of upcoming Hollywood award shows will be delayed enough time to allow for a similar

incident not to be aired to the public. The networks are doing their best to head off the new rules. ABC had a five second tape delay of the Oscars and CBS had a tape delayed Grammys. Its not just the networks who are looking out for celebrity mishaps, but now a bill is trying to be passed in Congress where fines are being imposed to violators of these actions.

“Recent Victories.” Parents Television Council. Sept. 1, 2004. Parents Television Council. 7 Nov. 2004.
<<http://www.parentstv.org/PTC/accomplishments/main.asp>>.

Radio Censorship

Introduction
By Robert Ralston

Radio was the first way in which our society would broadcast news and entertainment to the mass audience. Now it seems that Americans are allowing more to be said on the radio. Certain once inappropriate words are now allowed to be spoken without being bleeped out, but where to we draw the line? In the United States we enjoy the right of free speech; this right is given to us by our constitution and protected by our government for all citizens. The Federal Communications Commission is responsible for maintaining the integrity of all broadcasts in this country by not allowing obscene content to be heard publicly.

The question is why is this not a violation of free speech? We will discuss this question and also what the FCC is doing about obscene content on radio in the future.

Final Words
By Robert Ralston

There is a very fine line between protecting innocent minds from foul language and inhibiting citizen's rights. This is a problem we are having in many aspects of our government. Right now our government has chosen to push the limit closer to the edge with tougher penalties and forcing some individuals from our airwaves. A form of propaganda? Probably not, but if we are not careful this could become a much larger problem down the line.

Tougher Enforcement
By Matt Sipe

The Federal Communications Commission (FCC) was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC's jurisdiction covers the 50 states, the District of Columbia, and U.S. possessions. Lately it seems the FCC has been cracking down on their rules and regulations especially when it comes to radio shock jock Howard Stern. Over the past few years, the Howard Stern Show has been charged hundred of thousands of dollars in fines due to indecency on the radio. On Thursday, April

8th 2004, the FCC proposed a \$495,000 fine against Clear Channel Communications for airing sexually explicit content in a Stern broadcast on six of its stations a year ago. The fine, one of the largest ever for a single program, is significant because it is the first time the FCC is counting each offensive utterance in the show as a violation.

The FCC has stated that “obscene speech is not protected by the First Amendment and cannot be broadcast at any time. To be obscene, material must meet a three-prong test: (1) an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest; (2) the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and (3) the material, taken as a whole, must lack serious literary, artistic, political, or scientific value” (FCC citation) Also “indecent” and “profane” broadcasts are restricted to the times of 10 p.m. to 6 a.m. In announcing this definition, the FCC ruled that the single use of the “F-word” in the context of a live awards program was profane.

U.S. Senator Sam Brownback attached an amendment to the FY05 defense authorization bill on June 22, 2004 that would greatly increase the fines on broadcasters that air indecent material. Brownback's amendment on broadcasting indecency was adopted 99-1, after he accepted a second-degree amendment from Senator Byron Dorgan, to temporarily roll back FCC decision to ease enforcement of the rules on the concentration of media ownership in national and local markets. Many think these rules are unfair and unjust, as the FCC usually inflicts the maximum fines on radio broadcasters and are now even

targeting internet websites. On January 4th of this year the FCC fined Fax.com Inc. more than \$5.3 million for sending worthless faxes in violation of both the 1991 Telephone Consumer Protection Act (TCPA) and FCC regulations (Congress Daily). The commission discovered that this company had been illegally faxing unsolicited advertisements to consumers on 489 separate occasions. FCC imposed the maximum fine of \$11,000 per violation on Fax.com. (Hess) These fines seem very extreme and are imposed without a trial or use of courts.

These recent events have given birth to an entirely new era in radio entertainment, one that is on the rise not only in America, but all over the world. The rise of satellite radio is exponentially going through the roof as more and more broadcasters choose to make a switch and broadcast over a privately owned mass medium to avoid fines. Many aren't blaming them but are simply paying the \$10 or so to listen to their favorite music or radio personality without edited blips or words being cut out. The times are changing and the FCC refuses to change with it, so many will turn to someone who will, or in this case, something that will. That something is satellite radio. The only question left is how long with the FCC wait until it tries to extend its' claws into the pockets of the satellite radio broadcasters.

Recent Changes in Radio
By Nick Pope

One of the major reasons that the FCC (Federal Communications Commission) has cracked down on the radio and television programming is because of the incident that happened at the super bowl on January 31 of 2004. During the half time show of the Super Bowl Janet Jackson's breast was revealed on national television. According to thewiredpress.com "the FCC rules prohibit television stations from airing indecent and obscene content, and Powell proclaimed Janet's breast to be both." This would not have been such a big deal to the public, but the reason that this was such a big deal is because it was on national television on a local channel. Everyone that has a television could have turned into this channel and seen this incident happen. This is the major reason why such a big crack down on Radio programming, song lists, and language has been put into effect. By having these crackdowns on our radios it is hurting us as free citizens. One of the recent changes that is taking place in radio since the super bowl incident according to Chris Isidore from CNN.Com is "Upton's legislation raises the maximum fine for each station airing a program to \$275,000 per incident from \$27,500 cap currently. What he is saying is that if this bill goes through then the cost for someone on the radio to swear or other obscene gesture would be fined an extra \$247,500. Another change that has happened is the banning or giving songs a label as questionable to play and only playing on late night radio. Some songs that were fine to play before and are banned or

questionable are Dave Matthews Band “Crash Into Me”, REM “It’s the End of the World as We Know It”, and tons of rap songs too many to mention. One of the major supporters against the current FCC restrictions is Howard Stern. Howard is testing the limits of just how far someone can go without being kicked off the air. If the FCC had a most wanted list Howard would definitely be the man atop the list. Howard is one of the biggest names in radio and has now signed a contract to go to Sirius satellite radio so that people now have to buy this product to listen to him. Instead of the FCC just lightening up and letting things go back to the way they used to be we are going to be losing one of our top shock jocks in the United States. The FCC is trying to keep us safe from different types of incidents that may happen like this again, but really with all of these restrictions they are just hurting us.

Censorship: A Violation of Your Rights
By Patricia Oliva

It is 7 am and you are on your way to school. You are listening to your local radio station and the zany jocks are talking about something completely inappropriate but completely hilarious. Your ride to school is made so much more pleasant and enjoyable by the crazy morning show on the radio. Unfortunately, your ride to school may not be so laugh-filled in the future. The

sad truth is American radio is being censored, something that is a violation of our rights.

In order to speak on censorship, the Federal Communications Commission, also known as the FCC, needs to be mentioned. The FCC is a United States government agency created to regulate communication on radio, television, wire, satellite, and cable. They were established by the Communications Act of 1934. The FCC prohibits anything that is “obscene”, “indecent, and “vulgar” to be aired. For violating these regulations the FCC can revoke your license or fine you large amounts of money.

A prime example of the censorship on the radio and the FCC at work is Howard Stern. Howard Stern is what many call a “shock jock”. His lack of conformity and politeness is what many appreciated about him. His radio show was considered, disgusting, rude, vulgar, inappropriate, and many other things. But the fact of the matter was people loved it. So what is the problem then? Well, after the Janet Jackson Super Bowl incident, the FCC decided they need to crack down on censorship. Their target: Howard Stern. Stern’s show was dropped by Clear Channel Communications which is the largest chain of radio stations. He was also fined an obscene amount of money.

Many people feel that censorship violates our rights as American citizens. I believe that in fact, it does violate our rights. The First amendment clearly gives us, as American Citizens, the right of FREE SPEECH. Freedom of speech means being able to say whatever your little heart desires. In this country, we

are allowed to voice our opinion. We are even allowed to criticize our president.

If you question whether it is true or not here is the first amendment:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (Amendment 1)

If that is not proof enough that censoring is a violation of our rights, I don't know what is. Americans fought to maintain our rights just because a group of people feel offended doesn't mean the Constitution can be changed. So for all of those who are listening to the radio and are “offended” by something “obscene” CHANGE THE CHANNEL!!



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