

Media: New stands taken on indecency front, but discouraging signs continue

WASHINGTON - New stands have been taken on the indecency front, but discouraging signs continue to surface.

In what is potentially the most important stand, the Federal Communications Commission filed an appeal Aug. 26, asking a federal appeals court to reconsider its July ruling striking down the FCC's indecency policy concerning fleeting expletives.

The July ruling by a three-judge panel of the 2nd U.S. Circuit Court of Appeals "threatens to have a wide-ranging adverse impact on the FCC's ability to enforce federal statutory restrictions on the broadcast of indecent material," according to the brief filed by FCC General Counsel Austin Schlick.

The FCC, in its brief, contends that the judges overreached in ruling the FCC's policy unconstitutional. Instead, according to Communications Law Blog writer Dan Fitzpatrick, the court should only have considered whether the words uttered - both of the four-letter variety - were in and of themselves indecent.

The brief filed by the FCC asks the three-judge panel to revisit the case or, failing that, to send the case to the full 2nd Circuit. "That Main Event has been deferred at least a year or two," Fitzpatrick said, alluding to a likely appeal by the ultimate loser to the Supreme Court.

In the meantime, CBS is unveiling a new sitcom whose title uses one of the words claimed by the FCC to be indecent - although you'll never see or hear it. That's a

good thing, since the program will air at 8:30 p.m. Eastern and Pacific time - 7:30 p.m. in the Central and Mountain time zones.

CBS labels the show "\$#! My Dad Says." The typographical figures replacing the letters do a good enough job suggesting the word that's been substituted. The title is based on a book and blog of the same name. The New York Times uses four consecutive underline marks to replace the representation of the offending word.

The Parents Television Council sent letters to 300 prospective advertisers, asking them whether they really wanted to be associated with a show featuring a title like that.

Independent marketing professional David Maskin offered his analysis of the situation to the Hollywood Reporter, an industry journal. "If the show is good, folks will watch and advertisers will advertise," he said. "If the show is as bad as its title, then advertisers will turn a deaf ear."

Coupled with "The Big Bang Theory," this is CBS' first foray into Thursday sitcoms since 1990's "Doctor, Doctor" and its first attempt to lead off prime time with comedy since "Family Affair" 40 years ago. It makes one wonder whether the avuncular Uncle Bill or Mr. French would have used the v-chip to keep Cissy, Buffy and Jody from watching whatever it is "my dad says."

A Rasmussen Reports poll issued during the summer concluded that a majority of parents believe that both the TV Parental Guidelines and content-blocking technologies like the v-chip are useful.

Rasmussen said 60 percent of those polled with children at home say the current TV rating system is an effective way to warn users, and that 67 percent of respondents with children at home say the rating has an impact making them more or less likely to watch the show.

This would fall in line with similar polls.

A survey commissioned this year by the U.S. Conference of Catholic Bishops found that 8 in 10 parents say they use the media ratings information in making their decision about what to allow their children to view or use. In fact, they are more likely to say they rely on ratings information than on the opinions of other parents.

A 2007 Kaiser Family Foundation poll indicated that 71 percent of parents who have tried the v-chip say they find it very useful. V-chip usage rates, though, have been stuck in low gear since the technology was made mandatory in new TVs more than a decade ago.

A survey by a group called All Parents found that 83 percent of parents are satisfied with the effectiveness of the v-chip and other blocking tools, and 91 percent say they personally take some steps to manage what their children see on TV.

Further, 87 percent believe they do a better job - but All Parents did not specify better than whom or what - of protecting kids from violent and offensive content, and 60 percent disagreed that "the current parental controls and ratings systems have failed. It's time for government to step in and do more."

But with the FCC's appeal, it's not likely the government will do less.

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