

ILLINOIS *Family* INSTITUTE

Broadcast Indecency – What you can do

David E. Smith, IFI Senior Policy Analyst

Television and radio stations are licensed to operate by the Federal Communications Commission (FCC). Among its duties, this government agency has the responsibility to enforce the terms of broadcast licenses. This includes regulating broadcast content. put, Broadcasters are simply not permitted to air material that is obscene, profane or indecent.

Indecent broadcasts are a prevalent problem. American parents and families are constantly being subjected to raunchy and profane material via the public airwaves. Yet the law is clear – broadcast indecency cannot be aired between the hours of 6:00 a.m. and 10:00 p.m. The FCC has defined broadcast indecency as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community broadcast standards for the broadcast medium, sexual or excretory organs or activities." Indecent programming contains patently offensive sexual or excretory references.

Anyone who spends even a little time observing prime-time television or listening to shock-radio can tell you that indecency is plentiful. So why isn't the FCC doing something about it? The answer may surprise you: **The FCC does not monitor broadcasts of any kind.** Instead, the FCC relies on documented complaints filed by citizens. So public action – or in this case – public inaction – is a significant contributing factor to the rising levels of indecency.

But in a government of the people, by the people, and for the people – we can change this. Citizens must become more actively involved in the affairs of government. This can simply be done by spending a little time (20-30 minutes) each week, or once a month, filing an official complaint with the FCC about a broadcast (radio or television) that was indecent.

PLEASE NOTE: In making indecency determinations, context is key! The FCC staff must analyze what was actually said during the broadcast, the meaning of what was said, and the context in which it was stated. If possible, send a copy of the entire broadcast, or a significant portion of it, to the FCC along with your complaint.

In writing a complaint to the FCC you must provide the following information:

1. the date and time of the alleged broadcast;
2. the call sign of the station involved; and
3. detailed information regarding the details of what was actually said (or depicted) during the alleged indecent, profane or obscene broadcast.

You may file a written complaint and mail it to:

Federal Communications Commission
Enforcement Bureau, Investigations and Hearings Division
445 12th Street, SW
Washington, D.C. 20554

Below is a suggested template you can use to file complaints:

[Date]

Federal Communications Commission
Enforcement Bureau, Investigations and Hearings Division
445 12th Street, SW
Washington, D.C. 20554

To Whom It May Concern:

I am writing to officially file a complaint with the Federal Communications Commission (FCC) regarding the content of **[Insert station's call letters]**, **[Insert the name of the program]**, heard on **[Insert station's name]**, from **[Insert the time and days of broadcast]**, here in **[Insert city or town]**.

The host, shock jock **[Insert the name of the offender or host]**, violated the broadcast indecency law on **[Insert Day of week, date, and time of offense]**, by broadcasting **[Insert a detailed description or written transcript of the offense]**.

[Include the Federal Code of Regulations]

In my opinion, this broadcast violates Title 18 of the United States Code, Section 1464 (18 U.S.C. § 1464), which prohibits the utterance of “any obscene, indecent or profane language by means of radio communication.” I also believe that this broadcasts violates Title 47, of which section 73.399 states:

“(a) No licensee of a radio or television broadcast station shall broadcast any material which is obscene. (b) No licensee of a radio or television broadcast station shall broadcast on any day between 6 a.m. and 10 p.m. any material which is indecent.”

The broadcast of this material meets and/or exceeds the definitions of indecency, and is within the prohibited time frame of 6:00 a.m. and 10:00 p.m. Therefore, this broadcast is subject to indecency enforcement action.

I urge the FCC to act on this documented case! Please enforce these rules and regulations for the citizens who own the air waves that are being misused. Please act on my behalf!

Sincerely,

[Sign Your Name]

[Your Address]

[City, State Zip Code]

We strongly suggest that you send courtesy copies (cc) of your complaint(s) to your local US Senators and Representative. You should also cc Senators and Representatives who chair various committees and/or subcommittees relevant to either enforcement or regulation. These elected officials, and other civic leaders should be kept informed about the specifics of your complaint.

The Illinois Family Institute (IFI) is a non-profit 501c(3) group proudly affiliated with Focus on the Family, Family Research Council and Alliance Defense Fund.

To sign up for IFI's FREE weekly e-mail updates, go to www.illinoisfamily.org or call IFI's office at: 630-790-8370 (800-FAMILY-1). E-mail: info@illinoisfamily.org.