

Supreme Court to review obscenity policy

by [Jack Jenkins](#)

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WASHINGTON (RNS) The U.S. Supreme Court announced Monday (June 27) that it will examine whether the Federal Communications Commission has the right to ban "fleeting expletives" on broadcast TV.

The case will review last year's decision by the 2nd U.S. Circuit Court of Appeals that rejected the FCC's power to regulate the use of expletives and nudity in prime-time television. The FCC fined broadcasters for depicting a woman's naked buttocks in a 2003 episode of "NYPD Blue."

The Supreme Court -- which sided with the FCC in a similar case in 2009 -- was urged by the Obama administration to review the decision, while several broadcasters -- including Fox, NBC and CBS -- petitioned to let the lower court's decision remain unchanged.

The conservative Parents Television Council praised the decision to review the case, saying, "Decency has been a fixture of federal law since the dawn of broadcasting, and despite the opinion of the TV networks and three judges in New York, it has not suddenly become an outdated relic."

The announcement came the same day the justices rejected California's bid to regulate the sale or rental of violent video games to children. Justices argued the state does not have the power to "restrict the ideas to which children may be exposed."

Justice Sonia Sotomayor, who was a member of the Second Circuit when some of the questions involved in the FCC case were being considered, has recused herself from the case.

The case is expected to be argued later this year when the court returns from summer recess for its 2011-2012 term.