

R004-0607

10 **A RESOLUTION CONCERNING THE POWER OF THE FEDERAL**
20 **COMMUNICATIONS COMMISSION (FCC) TO FINE FOR INDECENCY**

30 **WHEREAS:** In 2004, the FCC fined CBS \$550,000 (\$27,500 for each of twenty
40 stations they own) over the accidental exposure of Janet Jackson’s
50 breast during the 2004 Super Bowl Halftime Show; and,

60 **WHEREAS:** In June 2006, Congress passed legislation raising the maximum fine the
70 FCC may impose on networks that air indecent broadcasts from
80 \$32,500 to \$325,000; and,

90 **WHEREAS:** The definition of indecency is vague, which is, according to the FCC,
100 “language or material that, in context, depicts or describes, in terms
110 patently offensive as measured by contemporary community standards
120 for the broadcast medium, sexual or excretory organs or activities.”

130 **WHEREAS:** Due to the FCC’s crackdown on indecency, 65 out of 225 ABC
140 affiliates refused to air a Veteran’s Day showing of the Oscar-winning,
150 World War II epic film “Saving Private Ryan” over fears of indecency
160 fines; and,

170 **WHEREAS:** In 2006, many CBS affiliates refused to air the film “9/11”, a
180 documentary about the September 11th terrorist attacks, also due to
190 fears of FCC fines; and,

200 **WHEREAS:** While the affiliates that did air “Saving Private Ryan” and “9/11” were
210 not fined, the FCC has levied indecency fines in the past for the use of
220 the same curse words present in those films; and,

230 **WHEREAS:** These vague and subjective regulations are a threat to First Amendment
240 freedoms; and,

250 **WHEREAS:** The FCC does not have regulatory powers over easily accessible cable
260 and satellite television, where indecent programming is allowed to air
270 unrestricted.

280 **THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the
290 United States Congress to pass legislation removing the Federal
300 Communication Commission’s power to fine broadcasters for
310 indecency; and,

320 **BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges the
330 President to sign such legislation.

340 **MANDATES:** George W. Bush, President of the United States
350 J. Dennis Hastert, Speaker of the U.S. House of Representatives
360 Nancy Pelosi, Minority Leader of the U.S. House of Representatives
370 Bill Frist, United States Senate Majority Leader
380 Harry Reid, United States Senate Minority Leader
390 Kevin Martin, Chairman of the Federal Communications Commission

SPONSOR:

Ryan Walden, Comptroller of the Maryland Student Legislature
University of Maryland, Baltimore County