

## Media Law Exam 3

### Chapter 12: Obscenity, Indecency and Violence

#### Obscenity-

##### *Pornography and Indecency*

Two Different things,  
Porn- Vague term, refers both protected and unprotected sexual content

Indecency- Narrow, Sexual expression and expletives inappropriate for children on broadcast media.

##### Anthony Comstock

- Moral Crusader against sexual content
- Fox news would have LOVED him
- “anything that remotely touched sex was obscene.
- Comstock Act-1873(passed by congress)
  - Prohibits the mailing of obscene, lewd material.
  - Amended in 1976 to include ban on Pornography

Is Obscene Material Protected by the first Amendment?

NOPE! (fucker) .. hahaha

##### Hickin Rule

- Come from english Law
- Material is obscene if it tends to corrupt children

##### Roth v. U.S

- 1957 Supreme Court Case
- Roth Ran literary Business in NYC
- Convicted of selling erotica through mail
- Appealed to S.C
- court ruled for US
- OVERTURNED THE HICKLIN TEST!

- replaced with new test for obscenity

### Roth Test

- an average person, applying contemporary community standards
- found the work taken as a whole, appealed to the prurient interest
- utterly without redeeming social value

### Miller v. California

- added to the Roth Test... Everything up there pertains however, this is added
- the work taken as a whole lacks serious literary artistic, political or scientific value
- SLAPS test
- Work must meet each part to be obscene

What does SLAPS stand for?

basically,

- Prurient interest,
- Lustful thoughts. Morbid or lascivious longings
- work must be taken as a whole
- average person (finds to be obscene)
- Contemporary community standards
- can be city or county or state

### Indecency-

Sometimes protected under the first amendment

- Print-yes
- Movies-Yes
- Recordings-Yes
- Online-Yes

- Cable Tv- Mostly Protected
- Broadcast Tv- Not protected

#### SCOTUS Defines Indecency-

- “A nonconformance with accepted standards of morality”

#### Broadcast Indecency-

With regulation, broadcast tv has rules more rules dealing with obscenity than other media outlets

But why?

- People can turn their heads and not look at offensive material
- Broadcast comes into the home or car
- 1927 and 1934, laws forbid indecent broadcasts
- however, FCC cannot censor material,
- And first amendment rights. lol fucker
- the Maude Flanders, (will someone think of the children plzzz)

Courts and FCC have some rules protecting children, and regulation of indecent content

Broadcast media are “PERVASIVE” more than other media outlets anyway..

#### Key case... FCC v. Pacifica

- 1973 dad listening to radio in NYC
- son in car
- Heard a 12 minute version of the 7 dirty words.
- unedited 2p.m
- dad complains, FCC fines Pacifica for airing it
- Pacifica appealed
- FCC won 5-4