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Submission date: 23-May-2021 09:41AM (UTC-0700)

Submission ID: 1592386077

File name: case_analysis2.edited.docx (20.43K)

Word count: 759

Character count: 4274

Fox Television Stations, Inc. v. Federal Communications Commission

Name

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Course

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Parties

The litigant of the case is Federal Communication Commission (FCC) and the respondent is Fox Television Stations Inc.

Facts

The Federal Communication Commission is a government agency responsible for regulating radio and television stations. Nevertheless, in 2003, Fox Television station conveyed a live event concerning the Billboard music awards. The events usually occur after every year and the performer utilized words that were deemed expletive during the acceptance speech. Therefore, the FCC considered the activities unlawful offensive despite the prevailing policies requiring that expletives and nudity frequently used to be punished (Johnson & Asenas, 2013).

The secluded swearwords were not indicted at first by FCC because their policies only covered four-letter words that were vulgar and frequently stated. However, in 2004 after the policy change, the agency decided to prohibit the single transitory use of the words in the daytime (Sturges, 2020). Therefore, Fox was considered to have infringed the agency indecency regime and was provided with a liability notice for disrespectful language circulation (Johnson & Asenas, 2013). Nevertheless, FCC appealed those previous judgments concerning fleeting expletives that did not exactly resemble the agency's position in the issue. Fox appealed the agency agreements in the United States second circuit court of appeals.

Procedure

The lower court of appeals cleared that the agency had reviewed and changed their policies and consequences of the issue stated without explanation and appropriate announcement. Nevertheless, the supreme court overturned the verdict of the second circuit, affirming that the

agency had not behaved subjectively in altering the policies on fleeting expletives. Therefore, the supreme court returned the case to the second circuit court for the variations associated with the agency policy to be regarded constitutional (Fontenot & Martínez, 2018). Thus, the second circuit court mentioned the policy to be unconstitutionally ambiguous and intricate to put on communication conditions.

Fox Television Stations Inc. brought the appeal to evaluate the FCC order in the court of appeals for the second circuit. Therefore, after the appeal, the court of appeals eradicated the agency's decision to declare the policy irrational and inconsistent.

Issue

What are the said violations of the present FCC's policies concerning obscene, indecent or profane language by Fox Television station Inc.?

Why did FCC decided to alter their policies concerning fleeting expletives and nudity without giving out reasonable announcements and elements to broadcasters on the conditions and words that are illegal.?

Public law is the law to be applied in this case because FCC policy of indecent communication is rooted in Title eighteen of the American Code, 1464, which emphasizes that the offensive, impolite or irreverent communication through radio talk will be penalized or confined for utmost two years or the two punishments (Chris, 2019). Therefore, the law is directly connected to the case because it deals with the expressions in the communication channels such as the radio or television.

Holding

The supreme court overturned the agency indecency guidelines associated with fleeting words of profanity linked to Fox Television Stations Inc. Also, the court ruled that the agency did not offer notice to the broadcasters during the change of policies and state the indecent events and words that can be actionable.

Fox Televisions Stations Inc. won the case because FCC could not provide judicious notice to the broadcasters before those fleeting expletives and nudity are considered offensive because of indecency. Therefore, FCC policy as utilized to judge the broadcasts were ambiguous and should be eliminated.

Reasoning

The logic supporting the court decision to reverse the FCC desecrations is because they were considered unconstitutionally unclear and a violation of the process. Also, the court stated that both FCC and Fox Communication Commission must recognize what is needed and allow them to act based on the policies and requirements and accuracy and direction are essential to permit those implementing the law to not act in an uninformed manner or prejudiced way. Therefore, the reason for this decision is that the agency policies were unenforceable and unreliable.

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