Lawyers For The Talent

Entertainment Law

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# First Amendment - Indecency

Just as we get comfortable with the notion of categories, and the notion that speech is either protected or unprotected under the First Amendment, along comes a category of speech the Federal Communications Commission wishes to REGULATE but not BAN.

Please listen to [George Carlin’s 7 Dirty Words routine](http://www.youtube.com/watch?v=vbZhpf3sQxQ), which is the subject of the litigation in *FCC v. Pacifica*.

Then read these two cases in their entirety. Keep your eye on the ball: Is George Carlin’s routine protected speech? When U2’s Bono says, “This is really really fucking brilliant” during a prime time TV broadcast at the 2003 Golden Globe awards, is that obscene?

## *FCC v. Pacifica Foundation*

###### U.S. Supreme Court (1978)

* [case at Google Scholar](http://scholar.google.com/scholar_case?case=9738309099999149495)
* [case at Westlaw](http://lawschool.westlaw.com/shared/westlawRedirect.aspx?task=find&cite=98sct3026&appflag=67.12)
* [case at Wikipedia](https://en.wikipedia.org/wiki/FCC_v._Pacifica_Foundation)

## *FCC v. Fox Television Stations* (Fox II)

* [case at Google Scholar](http://scholar.google.com/scholar_case?case=9187101700166207966)
* [case at Westlaw](http://lawschool.westlaw.com/shared/westlawRedirect.aspx?task=find&cite=132+S.Ct.+2307&appflag=67.12)
* [case at Wikipedia](http://en.wikipedia.org/wiki/Federal_Communications_Commission_v._Fox_Television_Stations_(2012)).

20-Jan-2018 - As I mentioned in class, just read about *Fox II*, so you know what happened, and we’ll briefly discuss. No need to consume the entire opinion.

The main lessons are found in *Pacifica*.