

LECTURE QUESTIONS (PROGRAMMING RESTRICTIONS)

1. On what basis do we make an exception in broadcasting for prohibiting a perfectly legal form of speech (indecent)?
2. In the context of obscenity, know the following:
 - a. The Ulysses Decision (1933)
 - b. The Miller Test (1973)
 - i. What was the SLAPS standard coming out of this case?
 - ii. Who/what determines the relative obscenity of something?
3. What are payola and plugola?
 - a. In what medium do they apply?
 - b. When could each be legal?
4. Indecency
 - a. Where (in what statute) is indecency first disallowed in broadcasting?
 - b. What exactly are profane words?
 - c. Know the background and provisions of the Pacifica Case, including:
 - i. Pacifica's arguments in their defense.
 - ii. Time, place and manner restrictions.
 - iii. Safe Harbor and channeling and the case the latter comes from.
 - d. How is context supposed to factor into indecency decisions?
 - e. What is Scianter?
 - f. What are fleeting profanity and fleeting nudity?
 - i. What is the current status of each?
 - g. What is the current fine for an indecency violation?
 - h. On what concerns does the FCC base their current (2013) Request for Comment on indecency provisions?
5. Internet
 - a. What was the Communications Indecency Act of 1996?
 - i. What would it have done to cable indecency?
 - ii. What did the court say about it in *Reno v. ACLU* (1997)?
 - b. What are the provisions of the Child Internet Protection Act (2000)?