

DIPLOMA IN MEDIA AND COMMUNICATION

MCG 204
MASS MEDIA & SOCIETY

WEEK 10

Regulating the Media (Cont'd)

Regulating the Media (Cont'd)

The Birth of FCC:

- The Communication Act of 1934 created the Federal Communications Commission [FCC] with authority over the broadcasting, telephone & telegraph industries.
- The FCC consists of five [5] people, each appointed to a five – year term by the President.

Regulating the Media (Cont'd)

- One of FCC's first duties was to oversee the technical division of the broadcast spectrum.
- The lower frequencies were assigned to AM radio, the next higher band to FM. Still higher frequencies were assigned to VHF TV broadcast & radiotelephone communication. The highest band [UHF] was set aside for future TV development.
- FCC's primary power comes in the form of granting or withholding of broadcast license.

Other Broadcast Rules

The Fairness Doctrine:

- As per the Supreme Court, the broadcasters were forced to provide all sides to controversial issues, often at their own expense, so the broadcasters choose not to cover the issues at all.
- 1987 – the FCC repealed the Fairness Doctrine

Equal Time:

- The Communication Act of 1934 stipulated that, if a broadcaster allows one political candidate airtime, broadcaster must also allow his/her opposition same airtime under similar conditions.

Other Broadcast Rules

Licensing:

- The granting by the FCC of a license to use the broadcast spectrum does not confer ownership of that space or an absolute right to use it.

Promoting Diversity:

- Both the Fairness Doctrine & Equal Time provision of the Communication Act of 1934 were intended to promote the diversity of sources of information.
- The assumption is that greater diversity in ownership will promote greater diversity in programming.

Other Broadcast Rules

Regulation & Media Mergers:

- The relaxing of ownership & program acquisition rules has led to a frenzy of merger activities in the media industry.
- 1995 – Walt Disney Company took over ABC for USD\$ 19 billion.

Regulating Content

Obscenity & Morality Offensive Content:

- What falls under this category is something tricky because the First Amendment guarantees freedom of speech.
- But, obscenity is NOT protected by the First Amendment; the Supreme Court defined obscenity in *Miller v. California* (413 US 15 1973) mandating a local rather than a national definition. The court declared that for material to be declared obscene it must be:
 - Average person – appealing directly to prurient (obscene) interest.
 - Depicts/describes in an offensive way, sexual conduct specifically defined by the applicable state law.
 - Lacks serious literary, artistic, political or scientific value.

Regulating Content

- 1970 – FCC acted to limit indecent radio & TV programming between the hours of midnight to 6am – “safe harbors”
- Communication Decency Act of the 1996 Telecommunications Act dealing with Internet content – the regulation forbids anyone from displaying “indecent” materials on the Internet & online service without first setting up an age screening mechanism to keep minors out of the area.
- The law provided for prison term of 2 years & a USD\$ 250,000 fine if indecent material were transmitted to minors.