



The FCC and Freedom of Speech

The Federal Communications Commission (FCC) receives numerous complaints that television and/or radio networks, stations or their employees or guests have broadcast extreme, incorrect or somehow improper political, economic or social statements. In some cases, the complaints allege that certain broadcast statements may endanger the United States or its people, or threaten our form of government, our economic system or established institutions like family or marriage. They say these statements are “un-American” and an abuse of freedom of speech. The FCC also receives complaints that some broadcast statements criticize, ridicule, “stereotype” or demean individuals or groups because of the religion, race, nationality, gender or other characteristics of the group or individual. Finally, many consumers complain that television or radio broadcasts are obscene, indecent, profane or otherwise offensive.

What is the FCC’s Responsibility?

The FCC is barred by law from trying to prevent the broadcast of any point of view. The Communications Act prohibits the FCC from censoring broadcast material, in most cases, and from making any regulation that would interfere with freedom of speech. Expressions of views that do not involve a “clear and present danger of serious, substantive evil” come under the protection of the Constitution, which guarantees freedom of speech and freedom of the press and prevents suppression of these expressions by the FCC. According to an FCC opinion on this subject, “the public interest is best served by permitting free expression of views.” This principle ensures that the most diverse and opposing opinions will be expressed, even though some may be highly offensive.

The FCC, however, does have enforcement responsibilities in certain limited instances. For example, the Courts have said that **indecent material** is protected by the First Amendment to the Constitution and cannot be banned entirely. It may be restricted, however, in order to avoid its broadcast when there is a reasonable risk that children may be in the audience. Between 6 A.M. and 10 P.M. (when there is the greatest likelihood that children may be watching,) airing indecent material is prohibited by FCC rules. Broadcasters are required to schedule their programming accordingly or face enforcement action. Similarly, the Commission has stated that **profane material** is prohibited between 6 A.M. and 10 P.M.

Finally, the courts have ruled that **obscene material** is not protected by the First Amendment and cannot be broadcast at any time. For more information about these rules, see our consumer guide at www.fcc.gov/guides/obscenity-indecency-and-profanity.

What are the Broadcasters’ Responsibilities?

Individual radio and television station licensees are responsible for selecting all broadcast matter and for determining how their stations can best serve their communities. Broadcast licensees are responsible for choosing both the entertainment programming and the programming concerning local issues, news, public affairs, religion, sports and other subjects to be aired by the station. They also decide how their programs, including call-in shows, will be conducted and whether or not to edit or reschedule programs or material (for example, moving a program to a time slot during which children may not be listening or watching).



What if I Have a Comment and/or Concern About a Specific Broadcast or Statement?

If you consider a broadcast obscene, indecent, or profane, you can file a complaint with the FCC. You have multiple options for filing a complaint with the FCC:

- File a complaint online at <https://consumercomplaints.fcc.gov>
- By phone: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322); ASL: 1-844-432-2275
- By mail (please include your name, address, contact information and as much detail about your complaint as possible):

Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554

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