

# Court drops FCC profanity policy

By Larry Neumeister  
ASSOCIATED PRESS WRITER

NEW YORK — A federal appeals court on Tuesday tossed out a government policy that can lead to broadcasters being fined for allowing even a single curse word on live television, concluding that the rule was unconstitutionally vague and had a chilling effect on broadcasters.

The 2nd U.S. Circuit Court of Appeals in Manhattan struck down the 2004 Federal Communications Commission policy, which said that profanity referring to sex or excrement is always indecent.

"By prohibiting all 'patently offensive' references to sex, sexual organs and excretion without giving adequate guidance as to what 'patently offensive' means, the FCC effectively chills speech, because broadcasters have no way of knowing what the FCC will find offensive," the appeals court wrote.

"To place any discussion of these vast topics at the broadcaster's peril has the effect of promoting wide self-censorship of valuable material which should be completely protected under the First Amendment," it added.

The court said the FCC might be able to craft a policy that does not violate the First Amendment.

In a statement, FCC Chairman Julius Genachowski said: "We're reviewing the court's decision in light of our commitment to protect children, empower parents,

"Even if the FCC were able to provide a complete list of all such expressions, new offensive and indecent words are invented every day."

Judge Rosemary Pooler  
Panel Judge

and uphold the First Amendment."

Carter Phillips, a Washington lawyer who argued the case for Fox Television Stations Inc., called the decision satisfying. He said the court had "sent the FCC back to square one to start over" by not only tossing the FCC's fleeting expletive policy but also a broader indecency policy as unconstitutional.

Andrew Jay Schwartzman, policy director of Media Access Project, which joined the case on behalf of musicians, producers, writers and directors, said: "The score for today's game is First Amendment one, censorship zero."

Parent Television Council President Tim Winter said the ruling was a slap in the face.

"Let's be clear about what has happened here today: A three-judge panel in New York once again has authorized the broadcast networks unbridled use of the 'F-word' at any time of the day, even in front of children," Winter said in a statement.

The FCC's fleeting expletive policy was put in place after a January 2003 NBC broadcast of

the Golden Globes awards show, in which U2 lead singer Bono uttered the phrase "f— brilliant." The FCC said the F-word in any context can lead to enforcement.

Fox Television Stations, owned by Rupert Murdoch's News Corp., and other networks challenged the policy in 2006 after the FCC cited the use of profanity during awards programs that were aired in 2002 and 2003.

The FCC found its ban also was violated by a Dec. 9, 2002, broadcast of the Billboard Music Awards in which singer Cher used the phrase "F— em" and a Dec. 10, 2003, Billboard awards show in which reality show star Nicole Richie said, "Have you ever tried to get cow s— out of a Prada purse? It's not so f— simple."

The ruling by the three-judge panel came after the Supreme Court last year upheld the policy on procedural grounds and returned it to the 2nd Circuit for consideration of constitutional arguments.

In Tuesday's ruling, Judge Rosemary Pooler wrote for the three-judge panel, describing the evolution of the FCC's rules for

what it regarded as indecent speech.

She recounted how the FCC first exercised its authority to regulate speech it considered indecent in 1975 after the airing of comedian George Carlin's "Filthy Words" monologue containing a 12-minute string of expletives broadcast on the radio at 2 o'clock in the afternoon.

The FCC pursued a restrained enforcement policy afterwards, limiting its enforcement powers to the seven specific words in the Carlin monologue, she said.

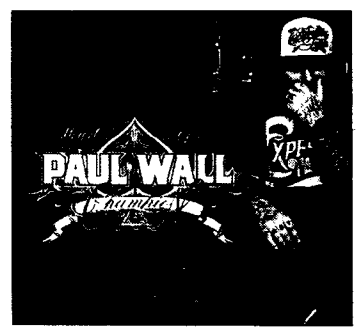
In 1987, the FCC ended its focus on specific words, adopting a "contextual approach to indecent speech," Pooler said.

The FCC changed its policy in 2004, responding to Bono's outburst, by saying for the first time that a single use of an expletive — a so-called fleeting expletive — could result in a fine, she wrote.

In citing the confusion caused by the FCC's current policy, Pooler wrote that the FCC found some commonly used expressions to be indecent while others, such as "pissed off," "up yours" and "kiss my ass," were found not to be patently offensive.

"The English language is rife with creative ways of depicting sexual or excretory organs or activities," she wrote.

"Even if the FCC were able to provide a complete list of all such expressions, new offensive and indecent words are invented every day."



Courtesy of the Associated Press  
Paul Wall's CD was recently released.

# Rapper releases album

By Ron Harris  
ASSOCIATED PRESS WRITER

The latest album from Paul Wall, Houston's king of grills (teeth, not BBQ hardware), is a true-to-the-streets attempt at remaining relevant in the mercurial world of rap. The self-proclaimed "people's champ" weighs in with "Heart of a Champion," with a rogue's gallery of featured artists lending a hand on most tracks.

"Heart of a Champion" is Wall's fourth major label release. Half of the album was produced by Travis Barker, the genre-blending drummer for Blink-182. Edgy guest appearances by Jim Jones, Chamillionaire and Slim Thug pair well with Wall, who can come off a little too safe at times.

There are a moments on the album where Wall appears to be simply dabbling with the latest fads in hip-hop production. The best of Wall happens early on the album, as he raps on "Showin' Skillz" over a slow and chopped up beat. "Attempted murder is the charge when they see how I strut/ 'Cause I'm killing the competition when the trunk raise up." Wall raps about besting the adversaries on the mic.

Despite some low points, the album feels like a complete work. Wall mostly raps about dismissing detractors and pursuing financial success. That's all well-covered fodder in the hip-hop game, but Wall raps it like he means it.

Check this track out: "Live It" provides the best flow on the album, featuring Yelawolf.

# Longoria Parker wins Freedom Award

By Adrian Sainz  
ASSOCIATED PRESS WRITER

MEMPHIS — Actress Eva Longoria Parker of "Desperate Housewives" fame has been named a recipient of this year's Freedom Awards along with a Nobel Peace Prize winner from Kenya and an American civil rights activist.

The National Civil Rights Museum in Memphis, Tenn., announced the winners Tuesday and said the awards will be bestowed in a ceremony Oct. 6. It's the first year women will receive all three awards since the museum began honoring leaders in civil and human rights in 1991.

"It really speaks to the compassion, the power and the energy that women have when it comes to creating change," said Beverly C. Robertson, the museum's president.

Longoria Parker will receive the Legacy Award.

A Corpus Christi native, Longoria Parker founded Eva's Heroes, a charity that helps developmentally disabled children. Her sister Lisa, who is intellectually disabled, was the inspiration for the charitable group.

The actress also is the national spokeswoman for Padres Contra el Cancer, Spanish for Parents Against Cancer. She donated a house to a Hurricane Katrina victim and launched a campaign to

house victims of the Haiti earthquake.

She also has received awards from various Hispanic and Latino groups.

National Freedom Award winner Dorothy Cotton was the education director of the Southern Christian Leadership Conference from 1960 to 1968 and was at the Lorraine Motel in Memphis when Martin Luther King Jr. was fatally shot on April 4, 1968.

International Freedom Award winner Wangari Maathai of Kenya founded the Green Belt Movement, which has helped plant more than 40 million trees at farms, schools and churches. She won the Nobel Peace Prize in 2004.



Courtesy of ggph.com  
Eva Longoria Parker poses on the red carpet.

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# HOROSCOPES

By Jacqueline Bigar

**HAPPY BIRTHDAY** for Wednesday, July 14, 2010:  
This year, your community or professional image could change suddenly. The good news is that something better will come out of this situation, which might look like an unexpected job offer. At first you might not see the silver lining in the cloud, but it is there. An elder parent could become quirky yet indulgent. If you are single, you must make an effort to meet someone. Once you do, you could be surprised by the end result. If you are attached, the two of you enjoy more time just sharing together, without interference. Please note that your significant other is changing before your very eyes. VIRGO helps you get more organized.

The Stars Show the Kind of Day You'll Have:  
5-Dynamic, 4-Positive, 3-Average, 2-So-so, 1-Difficult

**ARIES** (March 21-April 19)  
\*\*\* Suddenly you realize what must be done, and quite quickly at that. Prioritize and organize in order to achieve your goals by Friday. A caring gesture to a family member or friend opens a door wider. Tonight: Put your feet up.

**TAURUS** (April 20-May 21)  
\*\*\* The ball is in your court. You might not want to do the obvious. Your imagination remains a great resource for finding solutions or moving past a hurdle. Be gentle with a child or potential sweetie. Tonight: Midweek break.

**GEMINI** (May 22-June 20)  
\*\*\* Keep an important matter discreet. In fact, the wise move would be not to discuss this situation with anyone, except

for perhaps a trusted loved one. How events unfold today might have very little to do with the real story. Stay tuned in. More is forthcoming. Tonight: Chill.

**CANCER** (June 21-July 22)  
\*\*\*\*\* Asking questions could irritate someone. Ask the right questions could be more important than you realize. The person you are dealing with is capable of sarcasm and exaggeration. Tonight: Catch up on a friend's news.

**LEO** (July 23-Aug. 22)  
\*\*\* Sometimes a gesture says more than words. Such is the situation right now. Choosing a token of affection or going out to buy a card allows more creativity than usual. News is warped. More facts are needed. Tonight: Check your budget before deciding.

**VIRGO** (Aug. 23-Sept. 22)  
\*\*\*\*\* It is prime time for you. If you knew that at the end of the day you would succeed, what would you choose to do or handle? Use that thought when approaching your plans. At the end of the day, you see the power of positive thinking. Tonight: Whatever knocks your socks off.

**LIBRA** (Sept. 23-Oct. 22)  
\*\*\* Take your time, knowing you might not be up to snuff or you might be dragging. Insulate yourself. Close the door. Screen your calls. You actually might enjoy the calmness if you do. Much is going on in your mind. Contain a fear. Tonight: Fly solo.

**SCORPIO** (Oct. 23-Nov. 21)  
\*\*\*\*\* Meetings and networking might prove to be more important than you originally thought. Others need your support, as you do theirs. An unexpected disruption in your work might not be bad. Tonight: Go off with friends.

**SAGITTARIUS** (Nov. 22-Dec. 21)  
\*\*\* Others eye you. They would like to take a page from your book. The unexpected doesn't throw you as much as it does others. A reorganization of or a hard look at your budget is appropriate. Tonight: A must appearance.

**CAPRICORN** (Dec. 22-Jan. 19)  
\*\*\* The way you respond to challenges and others in general is in the midst of a major change. Your ability to transform negative traits starts to make a big difference. More information heads in from a distance. Tonight: Choose an escape.

**AQUARIUS** (Jan. 20-Feb. 18)  
\*\*\* A partner has a certain set of skills that you don't have. As a result, when he or she wants to take the lead on a project, let him or her. Even you, the master of surprise, could be taken aback by news. Tonight: Listen to suggestions.

**PISCES** (Feb. 19-March 20)  
\*\*\* Offer to others, and let them understand what you are facing. Their attitude will change quickly. The unexpected could hit your finances. You'll see the positive opportunity that comes forward if you stay open. Tonight: Choose to be with a favorite person.

**BORN TODAY**  
Singer Woody Guthrie (1912), newscaster John Chancellor (1927), music executive Tommy Motolla (1949)

Jacqueline Bigar is on the Internet at [www.jacquelinebigar.com](http://www.jacquelinebigar.com).

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