

Prude Dude

By Reg P. Wydeven
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When I was little, I remember watching 'The Dick Van Dyke Show.' He and Mary Tyler Moore had separate beds in their room. Needless to say, television has come a long way since then.

I was a huge fan of the show 'NYPD Blue', and particularly Dennis Franz's character, Detective Andy Sipowicz. I'm still a little traumatized, however, from seeing Sipowicz's bare rear end in the shower in one episode. I'm sure if Dick Van Dyke would have seen it on TV in the 1960s, he would have done one of his trademark pratfalls off his couch.

It seems that each year the Federal Communications Commission expands the definition of what is acceptable on TV. As a result of a recent decision by the 2nd U.S. Circuit Court of Appeals, that definition just got a little broader.

The court held that the FCC's new policy penalizing accidentally aired expletives was invalid because it was "arbitrary and capricious" and might not survive First Amendment scrutiny, as all speech covered by the indecency policy is Constitutionally protected. The policy was not tossed out entirely, however, as the court allowed the FCC to provide a "reasoned analysis" for its new approach to indecency and profanity even though the judges felt the FCC would not succeed.

In a 2-1 decision, the appeals court held that the FCC's "fleeting expletives" policy "represents a significant departure from positions previously taken by the agency and relied on by the broadcast industry." While the court ruled that government agencies are free to revise their rules and policies, they must first provide a reasoned analysis for the change. With regard to the fleeting expletive policy, the court felt the FCC failed to provide such an analysis.

The FCC implemented its new policy in response to U2's lead singer Bono dropping an F-bomb during NBC's broadcast of the 2003 Golden Globes awards show. The FCC explained the "F-word" in any context "inherently has a sexual connotation" and can trigger enforcement. Fox Television, with the backing of other networks, challenged the policy in the appeals court after the FCC determined that four of the network's shows were indecent because of profanity, even though the agency did not issue any fines.

Fox took exception to the FCC's findings of indecency after Cher and Nicole Richie cursed during broadcasts of the 2003 Billboard Music Awards. Richie said, "Have you ever tried to get cow s--- out of a Prada purse? It's not so f----- simple," referring to the reality TV show 'The Simple Life, that she starred in with friend Paris Hilton.

Speaking of Paris Hilton, she's no stranger to indecency. In addition to a home-made porn movie starring the heiress that was circulated on the Internet, Hilton has also been photographed numerous times in public without underwear. Maybe she should consider moving to New York City.

Jill Cocco, now known as Phoenix Feeley, recently dropped her lawsuit against NYC in exchange for a \$29,000 settlement. She sued the city after being arrested and detained for 12 hours in 2005 for strolling topless. No charges were filed against her, however, because in 1992 a New York state appeals court ruled that women have the same right to take off their shirts in public as men. At least it's still illegal for Sipowicz to walk bottom-less in New York.