

10-1293 FCC V. FOX TELEVISION STATIONS

DECISION BELOW: 613 F.3d 317

LOWER COURT CASE NUMBER: 06-1760-ag, 06-2750-ag, 06-5358-ag

QUESTION PRESENTED:

1. Whether the court of appeals erred in invalidating a finding by the Federal Communications Commission (FCC) that a broadcast including expletives was indecent within the meaning of statutory and regulatory prohibitions on indecent broadcasts, on the ground that the FCC's context-based approach to determining indecency is unconstitutionally vague in its entirety.

2. Whether the court of appeals erred in invalidating a finding by the FCC that a broadcast including nudity was indecent within the meaning of statutory and regulatory prohibitions on indecent broadcasts, on the ground that the FCC's context-based approach to determining indecency is unconstitutionally vague in its entirety.

GRANTED LIMITED TO FOLLOWING QUESTION: "WHETHER THE FEDERAL COMMUNICATIONS CURRENT INDECENCY-ENFORCEMENT REGIME VIOLATES THE FIRST OR FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION."

JUSTICE SOTOMAYOR TOOK NO PART.

CERT. GRANTED 6/27/2011