

# U.S. Supreme Court to Hear Indecency Cases

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As expected, the U.S. Supreme Court announced yesterday that it has agreed to hear the *Fox* (fleeting expletives) and *ABC* (fleeting nudity) cases in the next term. The Court has agreed to determine whether the FCC's current indecency enforcement policy violates the free speech rights of broadcasters or is unconstitutionally vague. Justice Sotomayor did not participate in the decision to accept the cases for review.

We have previously written about the Supreme Court's initial decision in the *Fox* case, which centered upon whether the FCC's policy concerning fleeting expletives passed muster under the Administrative Procedure Act (the Court ruled that it did, in a 5-4 decision). The Supreme Court's action yesterday means it will now take up the First Amendment implications of the FCC's indecency regime, which the Court did not address in its initial decision.

We will follow the progress of this case closely.

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