

# FIGHTING ABOUT FUCK

SCOTUS is going to decide whether you and I can hear the words fuck and shit be uttered on the telly.

The court will review the Federal Communications Commission's policy that even a one-time utterance of an obscene word on radio and television broadcasts during daytime and early evening hours is subject to punishment.

The lawsuit by Fox Broadcasting arose after the commission reprimanded the broadcaster for incidents in 2002 and 2003, when singer Cher and celebrity Nicole Richie, during live award shows, used variations of a vulgar four-letter word.

The reprimand came after the FCC in 2004 reversed its position and said even "fleeting" expletives exposed the network to sanctions.

I don't know why they feel the need to do this. I think Miguel Estrada should have had the last word on this issue (I can't believe I said that), when he wrote:

*the "F-word" is often used to express intense (and clearly nonsexual) feelings—even by political leaders. For example, Vice President Cheney's retort of "Fuck yourself" to Sen. Patrick Leahy (D-Vt.) on the floor of the Senate chamber in 2004 was widely reported. See, e.g., Cheney Utters 'F-Word' in Heated Exchange With Leahy, THE FRONTRUNNER, June 25, 2004.*

*In a display of bipartisan understanding that the "'F-Word'" has non-sexual meanings, Senator John Kerry explained his vote to authorize the use of force in Iraq by asking "Did I expect George*

*Bush to fuck it up as badly as he did? I don't think anybody did." Will Dana, John Kerry's Desperate Hours, ROLLING STONE, Dec. 25, 2003; see 32 also Michael Elliott & James Carney, First Stop, Iraq, TIME, Mar. 31, 2003, at 172 (quoting President Bush as saying to a group of U.S. Senators, "F\_\_\_ Saddam. We're taking him out." (omission in original)).*

*[snip]*

*The "'S-Word'" has non-excretory application in public discourse, as well. In July 2006, as reported in newspapers and aired on cable networks, President Bush remarked to British Prime Minister Tony Blair that the United Nations needed to "get Syria to get Hezbollah to stop doing this shit." Peter Baker, Bush's Bull Session: Loud and Clear, Chief, WASH. POST, July 18, 2006, at C1; see also, e.g., Transcript, CNN American Morning, LEXIS Transcript 071705CN.V74 (July 17, 2006). Surely no observer—not even the Commissioners—could believe the President was making reference to Hezbollah's "excretory activities." [I've added the fucks and shits back where Greenberg removed them]*

If Cheney can tell Leahy to go fuck himself on the floor of the Senate, then Bono ought to be able to use the term too.

But apparently Scalia and Alito want their chance to write fuck and shit in a court opinion, too.

Frankly, until President Obama or President Clinton appoints a couple new justices, I'd rather have these guys be ruling on this issue. Better decide whether we can say fuck or shit for the next year than to have them carve out more privileges for corporations.