



The FCC and Speech

The FCC has limited legal authority to act on complaints relating to the content of television or radio programming.

What is the FCC's responsibility?

The limitations on the FCC's power to restrict or ban speech begin with the First Amendment to the U.S. Constitution, which decrees that the federal government "shall make no law ... abridging the freedom of speech, or of the press." Accordingly, Congress through Section 326 of the Communications Act, 47 U.S.C. § 326, explicitly declared that nothing in the statute

shall be understood or construed to give the Commission the power of censorship over the [broadcast] communications or signals transmitted by any [broadcast] station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of [over-the-air] broadcast communication.

Pursuant to these legal mandates, the FCC has long held that "the public interest is best served by permitting free expression of views." Rather than suppress speech, communications law and policy seeks to encourage responsive "counter-speech" from others. Following this principle ensures that the most diverse and opposing opinions will be expressed, even though some views or expressions may be highly offensive.

Nevertheless, what power the FCC has to regulate content varies by electronic platform. Over-the-air broadcasts by local TV and radio stations are subject to certain speech restraints, but speech transmitted by cable or satellite TV systems generally is not. The FCC does not regulate online content.

The FCC does impose certain restraints and obligations on broadcasters. Speech regulations are confined to specific topics, which usually have been identified by Congress through legislation or adopted by the FCC through full notice-and-comment rulemaking or adjudicatory proceedings. These topics include:

- [indecenty](#),
- [obscenity](#),
- [sponsorship identification](#),
- [conduct of on-air contests](#),
- [hoaxes](#),
- [commercial content in children's TV programming](#),
- [broadcast news distortion](#),
- [accessibility to emergency information on television](#), and
- inappropriate use of [Emergency Alert System](#) warning tones for entertainment or other non-emergency purposes.

(Click on the linked text for additional information on these topics.)

What are the broadcasters' responsibilities?

Individual radio and television licensees are responsible for selecting all broadcast content that their stations air. This includes both entertainment programming and news/informational programming, whether the broadcaster actually creates the content or acquires it from third-party program producers. Broadcasters also decide how their programs, including call-in shows, will be conducted and whether or not to edit or



reschedule programs or material (e.g., moving a potentially indecent program to a late-night time slot when few or no children may be in the audience).

What if I have comments or concerns about a specific broadcast?

All comments and/or concerns about a specific broadcast should first be directed to the broadcast stations and networks involved. They can best address your concern.

If you are dissatisfied with the broadcaster's response, you may file a complaint with the FCC. The fastest way to submit your complaint is through the [agency's online complaint portal for consumers, accessible here](#). The FCC reviews all complaints for possible violation of its rules, but consistent with the First Amendment, only those that fall within the narrow scope of a particular regulation might lead to investigation and sanction. After an investigation, the FCC may take enforcement action on any violation found.

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