

Subject: Re: Working Blue

Message no. 371 [Reply of: no. 367]**Author:** EVAN PARKER**Date:** Tuesday, March 28, 2006 9:19pm

This is an important question...

Both Bochco and Adelstein highlighted context as being a key part of determining what is speech and what is obscene. Adelstein's mention of Scorcese's documentary work is an excellent example... In his case, the language used was authentic and central to understanding the blues' culture. In my mind, this is a poster-child for the type of content that should not be suppressed, as its removal would damage the value of the produced material for society.

I believe that Bochco, on the other hand, is overreaching when he tries to protect Dennis Franz' bare [bottom] with this type argument. Documentaries and other news/issue-related features have a clear heritage of first amendment protection. NYPD Blue is entertainment and (in my mind, at least) falls farther away from the core protections on speech our society enjoys. NYPD Blue certainly has more value to society than Janet Jackson's wardrobe malfunction, and accordingly should be given more leniency.

However, in the end -- authentic or schlock -- TV shows are simply entertainment and that will make it much more difficult for series producers such as Bochco to get away with what they have in the past, at least until the societal wind starts blowing in another direction. I would argue that NYPD is a "tie" in that reasonable people on both sides will come in about 50/50 (while pretty much everybody thought Janet Jackson wasn't exactly reflective of our mutual values). In baseball, "tie" goes to the runner. When broadcast decency issues are at hand, I think "tie" in a free society must go to free expression.

All of that being said, I do have to come to one other point: If nothing else, the length (and rambling) of this post demonstrates that this conversation lies on a slipper slope. I, for one, would much prefer being able to regulate my media (with a remote control) then allowing government employees decide my interpretation of decency on my behalf.

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