

## **Remodeling Television**

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A successful new model of U.S. television ought to embrace *flexibility* and *diversity*. The following three methods (informed by technology, regulation, and sociology) can help to achieve these tenets. First, this model must not be rigid. The writers strike of 2007-2008, in which writers sought higher compensation for new media and DVD residuals, should serve as a constant reminder of the dynamic modes of entertainment production. Since the strike, social media (namely Facebook and Twitter) has supplanted new media as the new buzz-phrase, and the industry should not try to contain growth in either area. In 2008, AMC squelched Twitter accounts created by fans of *Mad Men* (2007-present) who, posing as characters, posted updates from the series. The basic cable channel contacted Twitter, which responded to a DMCA takedown notice, thwarting fan fiction that created more excitement for the series. With social media's potential to increase buzz for TV programs, the industry's kneejerk response should not be to shut down these conversations.

Second, the Federal Communications Commission ought to consider revising (or relaxing) its outmoded broadcasting indecency policies, which place limitations on a microscopic number of channels. The Second Circuit Court of Appeals in July 2010 ruled that the FCC's policy on "fleeting expletives" has threatened the First Amendment and thus has created a chilling effect on broadcasters. Whether or not this ruling will increase the amount of indecent programming – i.e., "patently offensive" content that refers to "sexual or excretory organs or activities" – remains to be seen. Despite the FCC's reach on indecency extending only to network programming, conservative media watchdog groups like the Parents Television Council have demonstrated enough influence on the industry to persuade viewers a) to make formal complaints to the FCC for networks airing indecent programming and b) to boycott sponsors, who in turn have pulled their advertisements from particular series on broadcast and cable television.

The fact remains: almost 90 percent of TV households subscribe to either cable or satellite, whose programming enjoys creative freedoms that the broadcast nets do not and that have facilitated the recent surge in cutting-edge storytelling on cable. In spite of these regulations, the major networks enjoyed a resurgence in the 2009-2010 television season, with new series like ABC's *Modern Family*, FOX's *Glee*, CBS's *The Good Wife*, and NBC's *Community* garnering industry buzz, critical acclaim, and Emmy attention.

There remain questions to consider: e.g., what role, if any, have the FCC's content regulations played with respect to these four series' successes? What impact will the Second Circuit's ruling have on sex, nudity, and vulgarity on broadcast television? Should violence appear in this dialogue, even though the FCC does not regulate this ubiquitous element? How will the Second Circuit's decision influence advertising dollars on television, now that the alleged chilling effect may begin to thaw?

Third, as narrowcasting continues to serve more precise demographics and psychographics, the Emmy, the medium's most recognizable award, continues to reward monochromatic, homogeneous pools of talent. The Academy of Television Arts & Sciences needs to take a more proactive role in advancing diversity on the airwaves. Its very mission is "to promote creativity, diversity, innovation and excellence through recognition, education and leadership in the advancement of the telecommunications arts

and sciences.” And yet HBO’s *The Wire* (2002-2008), which some TV critics called “genius TV” and “surely the best TV show ever broadcast in America,” boasted more than 70 regular and recurring characters, a large majority of whom were played by actors of color, but earned only two Emmy nominations in five seasons – both for writing.

A glance at the major Emmy acting categories (leading and supporting) for the 2009-2010 TV season reveals only four non-white actors among the 48 nominated from comedy and drama series. An improvement in diversity needn’t apply only to race. The Academy ought to recognize inclusive programming with respect to age, ability, gender, sexuality, and culture. In 2010, the group took a giant leap forward through its Emmy nominations of *Glee*’s Chris Colfer and *Modern Family*’s Eric Stonestreet and Jesse Tyler Ferguson, all of whom play gay characters on network TV.

In short, by embracing new technology and social media, ending the war on broadcast indecency, and streamlining the TV Academy’s prime time Emmy Award procedures, twenty-first century television might grow more diverse and flexible.