

Janet Jackson's Wardrobe Malfunction Goes Unpunished

Nearly seven years later, pop star Janet Jackson's "wardrobe malfunction" that led to indecent exposure on live television is still making headlines.

The U.S. Court of Appeals for the Third Circuit on Wednesday threw out a \$550,000 fine the Federal Communications Commission (FCC) levied against CBS for airing the nudity during halftime of the 2004 Super Bowl.

The show featured Jackson and Justin Timberlake singing a duo and dancing to "Rock Your Body." Toward the end of the show, Timberlake tore part of Jackson's bustier, exposing her breast to millions of viewers.

"We are gratified that once again the court has ruled in our favor. We are hopeful that this will help lead the FCC to return to the policy of restrained indecency enforcement it followed for decades," CBS said in a statement.

The FCC did not indicate whether it would appeal the decision. However, the Commission did express disappointment and said it would use all of the authority at its disposal to ensure that the nation's broadcasters fulfill the public interest responsibilities that accompany their use of the public airwaves.

"The FCC failed to acknowledge that its order in this case reflected a policy change and improperly imposed a penalty on CBS for violating a previously unannounced policy," the appeals court said in a two-to-one decision written by Judge Marjorie O. Rendell and joined by Judge Julio M. Fuentes.

Some Christians are outraged. Author Teresa Tomeo has joined parents, families and organizations around the country in

condemning the ruling.

"I don't know too many people, regardless of their religious or political persuasions, who were not totally outraged by Janet Jackson's infamous 'wardrobe malfunction' during the 2004 Super Bowl halftime show," Tomeo says. "The controversy sparked the highest number of FCC complaints in history."

Tomeo notes that the frustration over this "disgusting public display of indecency" has been raging for years. Thanks to the latest ruling, she says, it appears that people who expect to be able to sit down and watch one of the most popular TV sporting events in the world without having to worry about their children and themselves being exposed to yet more offensive content are "all wet."

The Wednesday ruling is the latest in a case that went all the way to the U.S. Supreme Court, which sent it back to the appeals court in 2009.

"The Janet Jackson incident was offensive to women and families," Tomeo says, "and reminds us yet again how our mass media—and in this case, CBS specifically—need an extreme makeover when it comes to understanding the definition of indecency relating to the public airwaves."