

Congress of the United States
Washington, DC 20515

September 17, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Pai,

As you may know, on September 9, 2020, Netflix began streaming “Cuties”, a disgusting, inappropriate film that repeatedly depicts minor children as young as 11 years old engaging in indecent acts. It should never have been added to the streaming service’s offerings and should never see the light of day on public broadcast. I and my colleagues have urged the Department of Justice to investigate both the filmmakers, and Netflix, who has refused calls to take down this film. In the meantime, I am writing today to urge the Federal Communications Commission (FCC) use its authority to ensure “Cuties” is never broadcasted on public television channels in the United States.

It has been widely reported that the movie “Cuties” includes wildly inappropriate scenes that show minors “twerking”, watching pornography, and simulating sexual acts, all while scantily clothed. It should go without saying that such content is inappropriate for public consumption and its widespread dissemination via Netflix will only serve to please pedophiles. While Netflix has stated that the movie acts as a “social commentary against the sexualization of young children”, I fail to comprehend how sexualizing young children achieves that goal.

As you are aware, there exists a suite of Federal law and Supreme Court jurisprudence on the topic of obscenity and indecency as it relates to the First Amendment of the Constitution. In my view, the content included in “Cuties” clearly meets the *Miller* test for obscene material, which is subject to a blanket prohibition on public broadcasting. Under the *Miller* test, content is obscene when it appeals to an average person’s prurient interest; depicts or describes sexual conduct in a “patently offensive” way; and, taken as a whole, is lacking in serious literary, artistic, political, or scientific value.¹ From reports on the movie “Cuties”, it clearly contains obscene content and, therefore, must be prohibited from being broadcasted here in the United States.

Even if the content in “Cuties” fails the *Miller* test, the FCC still possesses its authority to prohibit its broadcast as “indecent content.” As you know, the Supreme Court’s holding in *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726 (1978), allows the FCC to regulate a broadcast that is indecent but does not otherwise meet all the three-prongs of

¹ Federal Communications Comm’n, Consumer Guide on Obscene, Indecent, and Profane Broadcasts at https://www.fcc.gov/sites/default/files/obscene_indecent_and_profane_broadcasts.pdf (outlining the three-pronged test in *Miller v. California*, 413 U.S. 15 (1973).) (hereinafter “FCC Consumer Guide”).

the *Miller* test for obscenity.² Under the FCC’s own definition of “indecent content”³, “Cuties” clearly meets the mark and should – at the very least – be prohibited on broadcast television when there is a reasonable risk that children may tune in.

I urge you to diligently oppose any and all efforts to bring “Cuties” to public broadcast and, should a network choose to broadcast “Cuties”, I hope that the FCC will immediately take adverse action against that network, including levying appropriate fines or revoking the station’s broadcast license.

I hope all Americans of good conscience can agree that “Cuties” is obscene and lacks entirely in providing any legitimate “social commentary”, despite the claims of its creators and distributors. I appreciate your attention to this matter and hope that the FCC will take appropriate action should a network choose to broadcast this shameful movie.

Sincerely,



Doug Collins
Member of Congress

² See *Federal Communications Comm’n v. Pacifica Foundation*, 438 U.S. 726 (1978).

³ FCC Consumer Guide (defining indecent content as portraying “sexual or excretory organs or activities in a way that is patently offensive but does not meet the three-prong test for obscenity”).