NATIONAL TELEVISION VIOLENCE STUDY

EXECUTIVE SUMMARY

1 9 9 4 - 1 9 9 5

University of California, Santa Barbara
University of North Carolina, Chapel Hill
University of Texas, Austin
University of Wisconsin, Madison

M E D I A S C O P E, I N C.

CME

C E N T E R   F O R   M E D I A   E D U C A T I O N

COALITION OF CHILD ADVOCATES URGES FCC TO STRENGTHEN CHILDREN'S TV RULES

The Center for Media Education and a coalition of more than a dozen national education, consumer, and child advocacy groups are urging the Federal Communications Commission (FCC) to strengthen its rules for implementing the Children's Television Act. The coalition includes:

American Association of School Administrators
Association for Library Service to Children at the American Library Association
Center for the Study of Commercialism
Consumer Federation of America
Council of Chief State School Officers
National Association of Child Advocates
National Association of Elementary School Principals
National Association for Family and Community Education
National Black Child Development Institute
National Council of La Raza
National Education Association
National PTA

The coalition's comments were prepared by the Citizens Communication Center Project, Institute for Public Representation, Georgetown University Law Center. Peggy Charren, founder of Action for Children's Television, also signed on to the recommendations.

The groups are calling on the FCC to:

- set a standard of at least one hour per day of specifically-designed educational and informational programming on all TV stations;
- refine its definition of "educational and informational" programming in order to close the regulatory loophole which permitted stations to cite *The Jetsons* and *The Flintstones* on their license renewal applications;
- count only standard-length, regularly-scheduled educational programs as meeting a station's "core" programming obligations under the Act; and
- exclude programs aired before 7:00 A.M. or after 10:00 P.M. from counting toward the "core" requirement.

For more information on how you can help ensure that quality educational programs are available for children, please call Emily Littleton or Shelley Pasnik at (202) 628-2620.

1511 K Street, NW   Suite 518   Washington, DC 20005   202-628-2620   Fax 202-628-2554   cme@access.digex.net

The Campaign for Kids' TV

The Campaign for Kids' TV is committed to improving the quality of children's television, educating the public about the effects of TV, and empowering parents and educators to deal more effectively with the media. The Campaign is the designated successor to Action for Children's Television, which closed in 1992.

Parents, educators and concerned adults everywhere are struggling to find ways to harness television for the benefit of our nation's most precious resource — our children. The Campaign is working hard to strengthen these efforts and to help shape national media policies that affect children. The Campaign works to:

Build partnerships with child advocacy, education, and health organizations to work together to improve the media environment for children;

Ensure that children are protected from exploitive media industry practices by acting as a consumer advocate in Washington D.C.;

Teach the public about the role of television and emerging media technologies in children's lives;

Train parents and children to be critical viewers and consumers of media;

Encourage media institutions to better serve the needs of all children, including children at risk;

Raise key policy questions, conduct research, and reach out to the press;

Track media industry and policy developments that affect children; and

Voice the concerns of parents and educators about violent children's programming and the need for educational alternatives.

For more information on the Campaign for Kids' TV or to order materials, contact:

Center for Media Education
1511 K Street, NW, Suite #518
Washington, DC 20005
Tel: (202) 628-2620
Fax: (202) 628-2554
Internet: cme@access.digex.net

Continued...

CAMPAIGN HIGHLIGHTS

The Campaign for Kids' TV is having a major impact on the national debate about children and television.

Research and Evaluation

In 1992, the Campaign released a groundbreaking report on the Children's Television Act which revealed that many TV stations were touting shows such as *The Jetsons* and *The Flintstones* as educational. Our 1994 analysis of the children's TV marketplace found that educational programming is treated as a second class citizen by broadcasters. We are conducting ongoing research on media trends affecting children.

Advocacy

The Campaign leads a coalition of national organizations, including the National Education Association, the National PTA, and the National Council of La Raza, in calling for more effective media policies on behalf of children. We regularly monitor TV industry practices; file petitions with the Federal Communications Commission and other agencies; and testify before Congress.

Parent Education

The Campaign educates parents through workshops, community outreach, educational materials, and the press. Our parent's guide, *When Pulling the Plug Isn't Enough...*, is a user-friendly tool to help parents take better control of their family's viewing habits. Additional materials include: videos, booklets, and community action kits.

Press Outreach

The Campaign has generated extensive press coverage of children's media issues — including more than 200 newspaper, magazine, journal , and front page articles in *The New York Times* and *The Washington Post*.

Local Campaigns

The Campaign has piloted an innovative community outreach project in partnership with Advocates for Children and Youth in Maryland. More state efforts are currently being developed. For information on how you can start a Campaign in your community, please call us.

Kids and the Information Superhighway

The Campaign is working to ensure that children will reap positive benefits from the emerging interactive megachannel media system. Through research, education, and coalition building, we are playing a leadership role in promoting a new policy agenda for children.

The New York Times

 NEW YORK, WEDNESDAY, SEPTEMBER 30, 1992

Broadcasters, to Satisfy Law, Define Cartoons as Education

By EDMUND L. ANDREWS
Special to The New York Times

WASHINGTON, Sept. 29 — It might seem like an ordinary television cartoon, but the Saturday morning adventures of Bucky O'Hare, a rabbit in space who fights alien toads with guns and lasers, is in fact "educational and informational."

At least that is what New Orleans television station WGNO told Federal regulators as it documented its efforts to comply with the Children's Television Act, a new Federal law that was intended to boost the number of educational programs on television for children.

"Good doer Bucky fights off the evil toads from aboard his ship," the station explained. "Issues of social consciousness and responsibility are central themes of the program."

Sunbow Productions

Bucky O'Hare

The new children's broadcasting law, passed in 1990 after five years of debate and one Presidential veto, was heralded by its advocates as the wedge to force educational programming into the Saturday morning menu of animated intergalactic shoot-'em-ups and promotional vehicles for toys.

But faced with a law that was deliberately left vague and with regulators chary of intruding on business, broadcasters say they are able to satisfy the new requirements largely by explicating the virtues of programs already on the air.

The Beaver as Teacher

A new report by several consumer groups says television stations around the country are defining scores of familiar cartoons and comedies as "educational." These include "The Jetsons," "GI Joe," reruns of "Leave It to Beaver" and "Super Mario Brothers," a cartoon show inspired by a popular video game.

A station in Durham, N.C., listed "Superboy," noting that the program "presents GOOD as it triumphs over EVIL," the report says. An NBC affiliate in Detroit, WDIV, listed "Super Mario Brothers," saying it taught children "Self-confidence." A show called "Yo Yogi," in which the main character captures "a bank-robbing cock-

Continued on Page B8, Column 1

In TV Stations' World, Cartoons Can Educate

Continued From Page A1

roach," demonstrated the value of "using his head rather than his muscles," according to WDIV.

WGNO, an independent station in New Orleans, pointed out similar moral lessons in "Leave It to Beaver." "Eddie misunderstands Wally's help to his girlfriend, Cindy, and confronts Wally with his fist," the station wrote in its filing with regulators. "Communication and trust are shown in this episode."

The report, prepared by the Center for Media Education in Takoma Park, Md., and based on a survey of filings made by 58 stations at the Federal Communications Commission, also contends that the small number of news and magazine-style shows for children have often been shunted to time slots before 7:00 A.M.

The Children's Television Act says stations should "serve the educational and informational needs of children," but does not specify how to do that; it merely orders stations to document this effort as part of renewing their broadcasting licenses. The language is vague because broadcasters and the Bush Administration argued that strict requirements would violate constitutional protections of television stations on free speech.

As a practical matter, the law has almost no teeth. In theory, the Federal Communications Commission can refuse to renew a broadcaster's license if it fails to comply with the law. But the commission has almost never done that because of a station's programming, generally reserving such punishments for cases in which a broadcaster has been convicted of a felony.

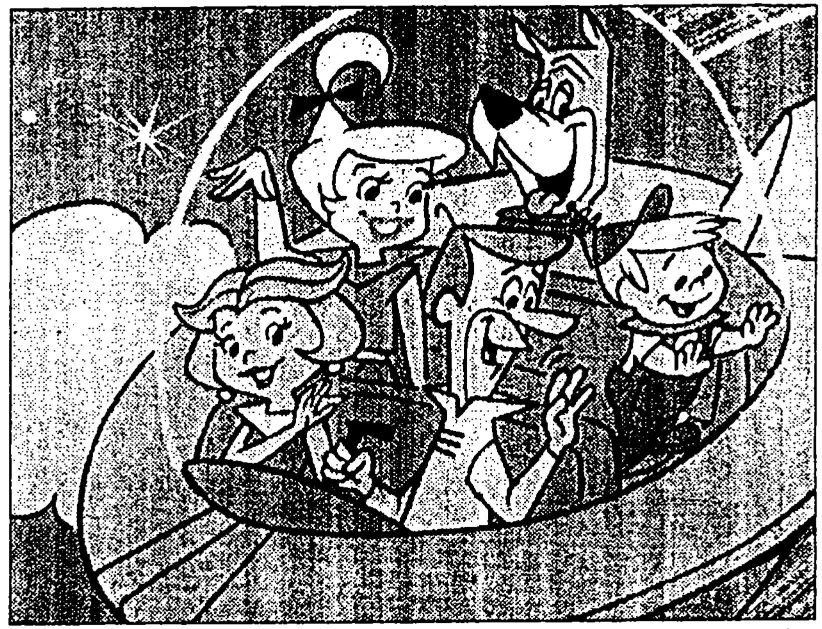
Bill Ross, vice-president and general manager of the New Orleans station, said his station had introduced new educational programs and said the law was written broadly enough to include many shows that have long been on the air. "We were trying to make it look like we were doing a lot more, but we are doing more," he said, in a telephone interview today. He added that few children want to watch educational shows and that the quality of such programming is often marginal.

Valerie Schulte, a lawyer with the National Association of Broadcasters, attacked the study and said it misrepresented the purpose of the legislation.

"This study lays bare their goal of turning television into a classroom," she said today. "That is not what Congress said, and this was something that was debated for months and years. Congress said that each station should air some educational and informational programming, broadly defined, and I don't think this study shows they haven't done that."

Association officials said local stations are producing more of their own shows for children, on topics from AIDS and drugs to staying in school.

The major television networks have produced new shows as well. Fox Television has developed "Not Just the News," a program for children. CBS has produced a series of afternoon specials called "Schoolbreak Specials," that deal with problems like a parent's alcoholism and sexual harassment in high school.



Worldvisions Enterprises Inc.

Efforts by local television stations to comply with the Children's Television Act have led to a redefining of traditional Saturday morning cartoon fare, like "The Jetsons," as educational programming.

But the authors of the new report said broadcasters were making only a "token" effort. "We have a pattern of disturbing practices in response to the law," said Kathryn C. Montgomery, co-director of the Center for Media Education. "Broadcasters really appear not to be taking it seriously."

Peggy Charren, founder of Boston-based Action for Children's Television who lobbied for the Children's Television Act, said the law could be rendered entirely meaningless if the Federal Communications Commission accepts the broadcasters' characterizations of educational programming.

"If 'GI Joe' qualifies for what Congress was talking about, so does 'Batman,' 'Spiderman,' 'Thundercats' and all the other shows stations have been showing for years. It took five years for bill to happen, five years of debate. This is what they meant?"

Unaccessible Shows

The report argues that the few genuinely new shows for children have often aired at times when almost no one watches television. A Detroit station, WDIV, noted that it aired a weekly magazine show about social problems, but scheduled it for 6:00 A.M. Other shows, including the Schoolbreak Specials, were "routinely pre-empted," the report said.

The New York Times

THE NEW YORK TIMES, MONDAY, OCTOBER 9, 1995

Media | Lawrie Mifflin

TELEVISION

Westinghouse bends on children's programming, but was is it voluntary?

SAY Congress is considering a bill, or a Federal agency is debating a proposed regulation. Lobbyists descend, like pigeons to bread crusts, on the corridors of Government. Their job is to persuade Congressional members, or regulators, to vote in favor of their sponsors.

But last month, after a group of lobbyists got what they wanted, their success provoked an outcry worthy of some heinous scandal. Powerful senators and representatives were outraged. Accusations of "greenmail" and coercion flew. The subcommittee on oversight and investigation of the House Commerce Committee ordered an inquiry.

Were vital matters of public policy at stake? Critical conflicts of interest? Shadowy ethical violations? No. At issue was whether one more hour a week of educational programming for children should be added to CBS's television schedule.

The network has agreed to be bought by the Westinghouse Electric Corporation, which needs waivers of some Federal Communications Commission rules to take over the licenses of some CBS stations. Several public-interest groups had filed a petition urging the F.C.C. to deny Westinghouse's application, saying that the stations did not provide enough children's educational programming to meet requirements.

On Sept. 20, Westinghouse announced that it would voluntarily increase educational programming for children from one hour a week to two in 1996, and to three in 1997.

•

There was an immediate fuss about how voluntary this pledge was.

Some Republicans attacked Reed E. Hundt, the F.C.C. chairman, who is a Democrat. They said that Westinghouse had conveniently satisfied the public-policy desires of Mr. Hundt. Senator Larry Pressler, Republican of South Dakota and chairman of the Senate Commerce Committee, and Representative Jack Fields, Republican of Texas and chairman of the House Subcommittee on Telecommunications, accused the advocacy groups and Mr. Hundt of "legalized extortion," of twisting Westinghouse's arm for the three hours of programming as a quid pro quo for the needed waivers.

Then the chairman of the House Commerce Committee, Representative Thomas J. Bliley Jr., Republican of Virginia, and Representative Fields directed the investigations subcommittee to review the matter.

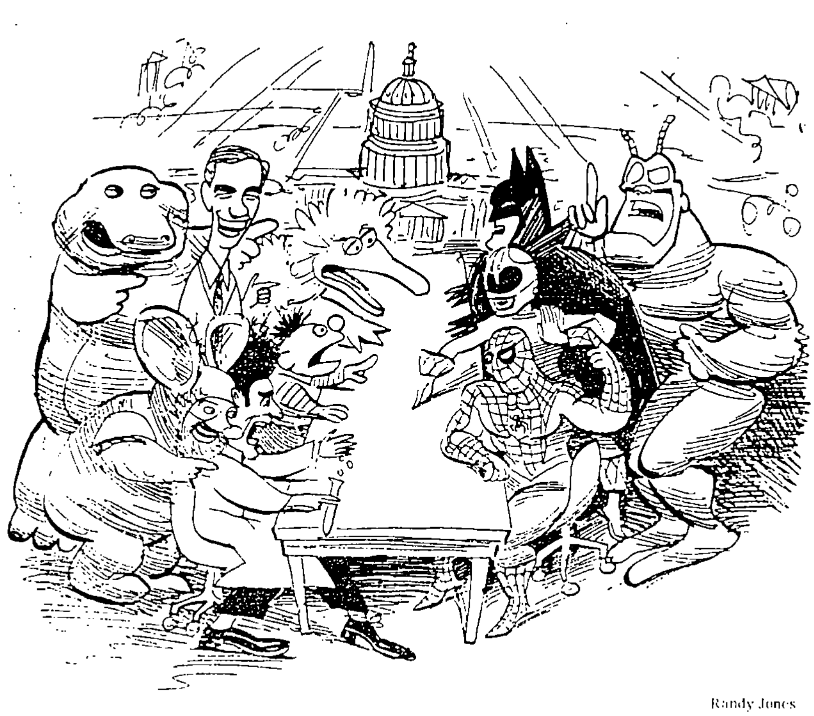
In response, Mr. Hundt said that his position on children's educational programming was no secret to Westinghouse; he has been trumpeting it in speeches for months. And while he said he doubted that Westinghouse's pledge was "intended as a quid," he added, "If it was, there was no quo."

And even if Westinghouse, which is still awaiting an F.C.C. decision, made its pledge to appease the advocacy groups, the groups say Republicans have no business attacking their lobbying success.

"Is this part of their Contract With America, this intimidation tactic?" said Kathryn Montgomery, whose organization, the Center for Media Education, is one of the groups petitioning the F.C.C. to deny Westinghouse's requests. "We did what we have every right to do, which is participate in the public debate on this. Haven't these men got something better to do?"

•

Representative Edward J. Markey, Democrat of Massachusetts, was a key sponsor of the Children's Television Act of 1990, which requires broadcasters to carry programs that educate children, but



Randy Jones

The F.C.C. could set a quota for educational children's programs.

does not specify how many hours. "How mangled have the morals of this town become when only special interests seeking profits are allowed to participate in the license renewal and transfer process?" he asked.

But the Republican critics had a larger concern. In a letter to Mr. Hundt, Representative Fields said he was bothered by the notion that the chairman might have used Westinghouse's eagerness for F.C.C. approval to achieve something that should have been part of the commission's rule-making process.

The five-member F.C.C. will vote by early next year on a proposed rule to require broadcasters to carry three hours a week of children's educational programs, or to pay for their three hours to be carried on another station. At least two commissioners said setting such standards was beyond their mandate and would violate the First Amendment.

Mr. Hundt considers it a minimum fulfillment of the Children's Television Act, which directs the F.C.C. to insure that broadcasters provide educational children's programs. And he argues that it would actually make it easier for broadcasters because each one would have to meet the same quota. If that means lower ratings for one, it will mean lower ratings for all.

•

Meanwhile, Congress appears to have gutted a provision of the Children's Television Act: a small endowment set up to distribute about $2 million a year in seed money to groups developing new educational programs for children. The current House and Senate versions of the budget bill for next year provide no money for the program.

A poll conducted by the Opinion Research Corporation of Princeton, N.J., and released Thursday by the Center for Media Education, found that 82 percent of Americans think there is "not enough" educational programming on broadcast television now, and that 60 percent believe broadcasters should be required to show one hour or more of such programs *a day*.

Next on the merger agenda is the proposed Disney acquisition of Capital Cities/ABC. The same coalition of public-interest groups has already filed a petition to deny Disney the waivers it needs unless the company demonstrates a stronger commitment to children's educational programs.

Will Disney, like Westinghouse, take the pledge?

The Washington Post

FRIDAY, JUNE 10, 1994 F

The Children's Half-Hour: Hostage to Toy Makers?

Group Faults Use of Product Tie-Ins

By Ellen Edwards
Washington Post Staff Writer

The commercial television industry treats children's educational programming like an unwanted stepchild, scheduling programs before kids wake up and making it economically impossible for shows without toy tie-ins to survive, according to a study to be released today.

The report, undertaken by the Center for Media Education here, concludes that commercial networks and stations have done little to comply with the spirit of the Children's Television Act of 1990.

"Lots of good people want to do good programs, but they've been blocked by the dominant worldview in that industry that kids don't want to watch the stuff," said Kathryn Montgomery, president of the center, which is an advocacy organization that focuses on both children's television and the information superhighway. "There's an institutional mind-set that entertainment is what television is all about. And what they are really saying is that it's all driven by advertisers."

Many stations have no budgets for children's programs, since they can get them free as "barter programs," says the report, written by Montgomery and Patricia Aufderheide, an associate professor at American University School of Communications. Under that arrangement, a station receives a program—frequently one that serves as a de facto advertisement for a toy or related product—at no cost. To get a desirable time slot, the report says, in many cases toy

See TELEVISION, A20, Col. 4

FRONT PAGE

Kids' TV Programming Faulted

TELEVISION, From A1

companies associated with the show will agree to buy a specified amount of time on other programming.

"In big cities such as New York, Chicago and Los Angeles, which are crucial for a national market, television stations often demand that in addition to the program, the toy manufacturer . . . must spend a million dollars or more advertising dollars to buy time on that station," the report says.

Montgomery said she found it "troubling how strong those market forces are. Advertisers can basically buy their way into the best time slot."

The Children's Television Act prohibits the airing of commercials about products or characters during a show about those products or characters, and limits the number of commercial minutes in children's shows.

Montgomery said that in 1991 the Federal Communications Commission created weak rules to enforce the act, thereby sending a message that it was not taking the legislation seriously. She said most stations believe that if they have one half-hour educational children's program a week, they are fulfilling their obligation.

In fact, current regulations provide only a loose definition of what is educational ("programming that furthers the positive development of the child in any respect . . .") and they do not specify how much such programming a station must provide or when it must air.

This study follows a similar one done by the center nearly two years ago that said stations were listing such programs as "G.I. Joe" and "The Jetsons" as educational on their license renewal applications. That study caused the FCC to reconsider its regulations with an eye to making them more specific, an evaluation that is underway.

Montgomery said stations and network schedulers see children's educational programming as an unpleasant "obligation, something they can put down on their license renewal applications."

But they often air such shows between 5 and 6:30 a.m. or place them in time slots where they are likely to be preempted. Frequently they are moved around the schedule, making it difficult for anyone to find them, the report says.

Among the shows Montgomery cited as being victimized by bad time slots are the syndicated kids' news programs "Real News for Kids," "Not Just News" and "Nick News" as well as the kids' sports and fitness program "Energy Express" and a current events magazine, "Scratch," which has been canceled.

In addition, CBS's "Beakman's World," which teaches science, and ABC's "City Kids," a Hanson organization multicultural program written and produced by teens on ABC, have been subject to frequent preemptions, she said. She added that "City Kids" was frequently moved around the ABC schedule and is now on hiatus.

The center is asking the FCC to define more precisely what stations must do to meet the requirements of the act, which was created with the intention of getting more educational programming for children on the air.

Toward that end, it is urging the commission to define what constitutes educational and informational programming. In addition, it wants the FCC to require that programs be standard length—some stations have listed minute-long public service announcements as educational programming—and that they be regularly scheduled between 7 a.m. and 10 p.m., and that stations have an hour a day of such programming for children.

Montgomery said the report documents the development of a new category of program, cynically tagged by the industry as "FCC-friendly," that stations air simply to comply with the letter—though not the spirit—of the law.

The report comes as the debate over children's television is heating up once again. It will be released this morning at a congressional hearing on the subject chaired by Rep. Edward Markey (D-Mass.); the FCC has scheduled another hearing for later this month. It also comes as the television industry is just beginning to recover its balance and image in the wake of recurrent furor over the issue of violence on the air.

The study deals only with broadcast television, which is regulated by the FCC. As for cable, Montgomery said, "we'll deal with them later."

The Washington Post

SATURDAY JUNE 11, 1994

Networks' Neglect of Kids' TV Scored

House Panel Chairman Cites Drop in Programs

By Ellen Edwards
Washington Post Staff Writer

The commercial television networks are guilty of "an almost complete abdication of responsibility" when it comes to providing educational programming for children, Rep. Edward Markey (D-Mass.) charged yesterday at a congressional hearing on the subject.

In an oversight hearing just weeks before the Federal Communications Commission tackles the same issue, Markey cited statistics that he said showed a falloff from 11 hours 15 minutes of educational programming apiece per week on ABC, CBS and NBC in 1980 to 2½ hours on NBC, 1½ hours on CBS and one hour on ABC last year. In what he called an "ironic" turn of events, the new Fox network "is the best," he said, with three hours of such programming.

"It's a disgrace," said Markey. "This is unacceptable given the roles [the networks] play in the development of the minds of the children of this country."

A report released yesterday by the Center for Media Education, a nonprofit Washington advocacy organization, said compliance with the Children's Television Act of 1990 has been weak, with stations airing few educational shows for children and often scheduling those shows between 5 and 6:30 a.m. In addition, children's programs frequently need toy industry tie-ins to survive economically, the report said.

The group is urging the FCC to require that every broadcast TV station devote at least one hour a day to children's educational programming and that such programs be regularly scheduled between 7 a.m. and 10 p.m.

The hearing, held by the House subcommittee on Telecommunications and Finance, included eight representatives of children's television, including Paul Zaloom, who portrays the mad scientist on "Beakman's World," the CBS program designed to make science accessible to young people; David Britt, president of the Children's Television Workshop (CTW), which produces "Sesame Street" among other programs; and Kent Takano, the producer of a now-canceled current-events magazine program for children, who told of the trouble he had in getting the

See HEARING, B5, Col. 1

Lawmakers Pan Kids' TV

HEARING, From B1

show scheduled in anything but "the black hole of time slots."

Only two network representatives testified: Margaret Loesch, president of Fox Kids Network, and Linda Mancuso, NBC's vice president for children's and family programs, who bore the brunt of the lawmakers' anger. At times Loesch, who headed up NBC's children's programming in the late '70s, was put in the odd position of focusing more on NBC's programming of 15 years ago than on Fox. In the process she disputed Markey's 1980 figure for educational programming, saying NBC aired five hours at that time.

When Mancuso said she was "comfortable" with the 2½ hours the network gives her on Saturday mornings to program for teenagers—NBC does no regular programming for younger children—Markey responded sharply that he was not, especially in light of legislation approved by the subcommittee two months ago to give broadcasters greater ability to utilize the airwaves to enter new businesses. He said the networks have the obligation to return something for the public good.

Although much of the center's report is devoted to criticism of local stations and their scheduling of children's programming, the lawmakers focused almost exclusively on the networks' role. That tack is the same one Congress largely has taken in addressing the issue of violence on television.

Markey said 60 percent of families with incomes under $15,000 do not have cable TV and that those viewers "are not being served by the broadcasters of this country. . . . The networks only cover them as [their children] begin to commit crimes and wonder why in their editorials."

Others joined in. "As I listened to you I was reminded of the days when I sold cemetery properties door to door" to pay for his education, Rep. Jack Fields (R-Tex.) told Mancuso. "It's hard to sell," he said to much laughter in the crowded hearing room.

CTW's Britt disputed the argument advanced by many broadcasters that quality children's programming is not economically viable. "It's undoubtedly easier to use the tried-and-true formulas of mayhem, mindlessness and violence to gain large audiences—and in all likelihood, it probably costs less to use these gimmicks as well—but don't let anybody tell you that you can't do quality programming and make it economically viable," he said.

He said a definition of educational and informational programming must be developed with independent educational advisers, must be created to fulfill explicit written goals and must be evaluated by an outside source.

Britt was also one of the few witnesses who did not bring any video clips, because, as he pointed out dryly, "it seems to me the subcommittee has been watching altogether too much television lately."

BY RAY LUSTIG—THE WASHINGTON POST

Rep. Edward Markey, who says the decline in programming for kids is "a disgrace."

MONDAY, MARCH 8, 1993

USA TODAY

NO. 1 IN THE USA . . . FIRST IN DAILY READERS

Keep promises to kids

OPPOSING VIEW For broadcasters, it's still business as usual concerning children's TV.

The Children's Television Act asks very little of broadcasters. Its purpose is not to censor but to encourage the creation of new, imaginative programs designed to educate and inform youngsters. The act allows the broadcasting industry total discretion in choosing those programs.

By Kathryn Montgomery, president of the Center for Media Education in Washington.

But more than a year after the Children's Television Act took effect, the TV industry is still conducting business as usual.

While stations have redefined cartoons and reruns like *The Flintstones* and *Leave It To Beaver* in lofty educational terms, new programs created in response to this law have had a hard time getting on the air.

The few that have are frequently scheduled during pre-dawn hours when youngsters are still asleep.

Broadcast licenses are a valuable commodity. Serving children is a small price to pay for using the public airwaves.

If broadcasters had lived up to their promise to kids in the first place, this law would not have been necessary.

Parents can turn off what they don't like, but they can't do much about what isn't there.

Cable TV may offer some alternatives, but over 35% of U.S. families don't get cable; many can't afford skyrocketing basic rates, let alone premium channels like Disney and HBO.

American children are in crisis. One-third of our youngsters are starting school unprepared to learn.

U.S. students are lagging behind those in the rest of the world. TV has an important role to play in helping to solve these problems.

But an industry that claims *The Jetsons* is educational because it "teaches children what life will be like in the year 2000" may need help understanding its obligations to the public.

Kathryn Montgomery and Jeff Chester have taken up where Action for Childrens Television left off in pressuring broadcasters to better serve young viewers.

Center for Media Education: Next ACT in kids advocacy

By Harry A. Jessell

If the FCC requires TV stations to air minimum amounts of educational children's programing, credit (blame) the Center for Media Education.

It was that Washington-based group that two years ago embarrassed broadcasters and alarmed Capitol Hill with a report that stations were trying to pass off *GI Joe* and *The Jetsons* as educational children's programing satisfying their obligation to air such programs under the 1990 Children's TV Act.

Since then, the Washington-based CME has kept the heat on broadcasters. In June, it released another report concluding educational programs were failing because stations did not adequately promote and properly schedule them.

And last week, in cooperation with some Baltimore children's advocacy groups, it gave Washington and Baltimore stations a C- for compliance with the Children's TV Act. (The grade is at least better than the D+ they got last year.)

Just three years old, the Washington-based group has taken up where the now-defunct Action for Children's Television left off in pressuring broadcasters to air educational programing for kids and limit commercialization. Like other children's advocates, it is calling on the FCC to effectively require stations to air an hour a day of educational programing.

"Unfortunately in commercial television, there has simply not been a commitment to create good programing for children that will serve their informational and educational needs," says CME Co-founder and President Kathryn Montgomery.

"Over the years, it has taken public pressure and government intervention—or the threat of it—to get the industry to do right by kids," she says.

"If children are only treated as a market, you are only going to get a certain narrow kind range of programing and its going to be dominated by the forces of selling and it's going to manipulate kids. You need other forces to counter the powerful forces of the marketplace."

Montgomery is half of CME. The more visible and vocal half (at least to Washington reporters) is her husband, co-founder and Executive Director Jeff Chester. Together with four full-time staffers and a revolving corps of interns, consultants and parttimers, the duo raises money, researches, organizes, lobbies and spreads the word.

To the delight and wonder of other public interest advocates, CME has been able to line up the support of the big foundations, who had been ignoring media issues.

According to Chester, the grants have grown to about $500,000 this year. The backers include the Angelina Fund, the Mary Reynolds Babcock Foundation, the Bauman Foundation, The Carnegie Corporation of New York, the Nathan Cummings Foundation, the Phoebe W. Haas Charitable Trust, the John D. And Catherine T. MacArthur Foundation, the J. Roderick MacArthur Foundation, the Pew Charitable Trust and the Rockefeller Family Fund.

Chester and Montgomery paid themselves $90,000 ($45,000 each) last year. "It's a very comfortable public interest income," says Chester. "A modest living by Washington standards," Montgomery corrects him.

The two seem to like TV. (They named their eight-month-old daughter Lucy with TV's original in mind and say they share the same good humor and vivaciousness.) But they betray a distrust the institutions behind it.

Upon entering their modest offices in downtown Washington, the first thing one sees is a framed movie poster for "Network," Paddy Chayefsky's cynical view of TV in 1976.

"It revealed the dark forces at work within the media," says Montgomery. What's more, adds Chester, the film predicted the tabloid and reality TV, recalling the mythical UBS's plans to build a series around urban terrorists. "It really foretold of the media circus."

The couple may not be mad as hell, but they are serious and determined. Critics within the broadcasting establishment say they tend to personalize issues and are too strident for a town in which most political business is done through compromise over an expense-account lunch.

A former assistant professor of TV history and criticism at UCLA, Montgomery wrote the book on how TV is buffeted by political forces—literally. "Target: Prime Time" (Oxford University Press, 1989) is a detailed history of the struggles the TV networks have had over the past 30 years, trying to balance in their programing the conflicting goals of vocal advocacy groups. "In the war for the American mind, entertainment programs have become political territory," it says.

Although Montgomery articulates her views well, Chester handles the sound bites. He wraps up his wife's explanation of CME's children's TV position with a terse "We want policy, not promises."

Chester's media savvy comes from a decade as a print and radio reporter, producer of TV documentaries and political activist specializing in media issues. For several years in the late 1970s, he worked as a clinical social worker, the job for which he received his master's degree.

As the *Jetsons* report bears witness, Chester knows how to mix research and media to affect policymaking. But his lust for headlines has gotten him into trouble. Chester selectively "leaked" CME's last report on children's TV to *The Washington Post* the day before its formal release at a congressional hearing. Chester got his front-page headline, but he upset reporters, who had called for an advance and had been promised there would be none. The incident damaged his credibility among the reporters but probably not irreparably.

Backed by some Ralph Nader money (he won't say how much), Chester formed the Teledemocracy Project in 1991 to join those pressing for legislation reregulating cable. He's happy with the Cable Act of 1992, except for the retransmission consent provision entitling broadcasters to negotiate for fees from cable systems that carry their signal. "There's no reason broadcasters need a bailout from the cable industry to fulfill their public interest obligations," he says.

Chester and Montgomery married in 1988 and came to Washington two years later, drawn by growing congressional interest in reform of cable and telecommunications law and children's TV.

ACT founder Peggy Charren is happy to pass the mantle to CME. "It's difficult to find media advocates who are as sensitive to the needs of free speech as they are to the needs of children." Like Charren, Montgomery says CME has "no interest in taking programs off the air or to censor."

Montgomery and Chester have demonstrated they can attract positive media and public attention, Charren says. And they have shown a willingness to do the research. "You have to do the numbers," she says. "If somebody doesn't spell out the problem, it's tough to take action."

CME has been welcomed by other public interest advocates, who are impressed by CME's ability to generate money and good press for the cause.

"There's no reason broadcasters need a bailout from the cable industry to fulfill their public interest obligations."

—Jeff Chester

"They are terrific at PR, and this is a PR game," says Henry Geller, a public interest ally and former FCC general counsel. "They get stuff on the front page of the *New York Times*."

"It's a symbiotic relationship," says Andy Schwartzman, head of the Media Access Project, a public interest law firm specializing in media. "Jeff organizes the constituencies and builds the political base, and we provide the legal representation," he says. "He does stuff we are neither equipped nor desirous of doing."

The CME tries to leverage its expertise by working with other groups. For the past two years it has been working the Baltimore-based Advocates for Children & Youth and Ready at Five on the Maryland Campaign for Kids' TV, which is keeping Washington and Baltimore stations on their toes with the annual report cards.

ACY had never heard of the Children's TV Act before linking with CME in 1992, says Charlene Uhl, director of the campaign. "They have helped make sense of the [broadcast] industry for us," she says.

Without CME, Uhl says, ACY would not have had the information its needed to mount the campaign and it would not have understood the "leverage" citizens groups have through license renewal. "They are kind of our R&D arm."

CME also has helped with organization and tactics. Montgomery has brought numerous "practical, productive and concrete" ideas to the effort, she says.

Not surprising, CME's research has drawn fire from broadcasters. Both of its children's reports make generalizations about the entire broadcast industry based on false premises, says Valerie Schulte, an attorney for the National Association of Broadcasters, which is battling the program quotas.

The *Jetsons* report "mischaracterized" what some broadcasters were doing. True, some stations listed cartoons as fulfilling their educational TV requirement, she says. But such shows were often among others that did and do meet the requirement, she says.

And the latest report alleging broadcasters mishandle educational programing is "based on the anonymous comments of disgruntled program producers," Schulte says. "We believe the practices are either nonexistent, very unusual or confined to a very small segment of the industry."

For the record, CME doesn't think much of the broadcasters' research either. Montgomery is highly critical of NAB's new station survey that finds educational programing has risen on average from two hours to three and three quarter hours over the past three years.

The survey inflates the stations' record, Schulte says. NAB's definition of educational programing was too broad, she says. And because stations could refuse to reply, she says, it has a self-selecting sample with an overabundance of stations with "a good story to tell" on children's programing.

Given the support of the foundations and Chester's and Montgomery's energy, CME is likely to stick around awhile, prodding and poking big media with its vision of the public interest.

"The center is satisfying a need," Chester says. "If the center weren't here, somebody would have to go out and create it." ■

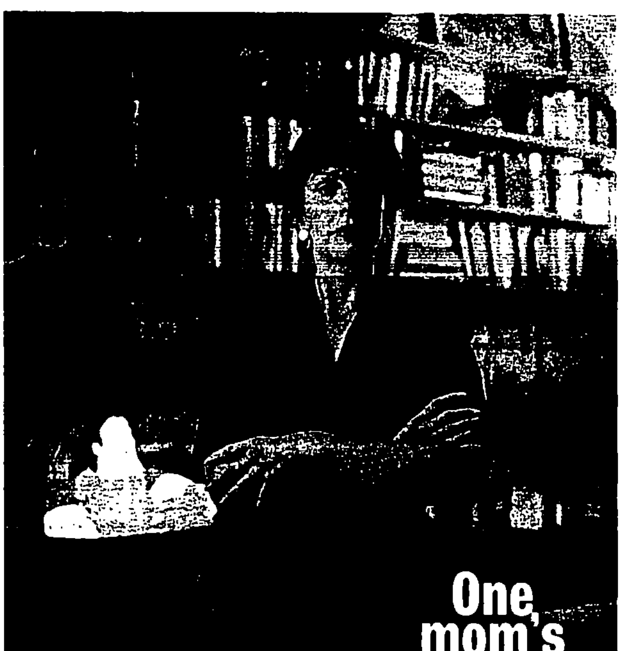
McCall's

November 1993 $1.50

The violence your kids see

Parents are furious about the violence their kids are exposed to in the media. Brutality is everywhere—from cartoons and gory novels to video games that show bodies exploding and headless torsos. Before leaving grade school the average child sees more than 8,000 murders on television alone. But parents aren't powerless. As more speak out, they send a strong signal to media executives. Some join media-watchdog groups; many support antiviolence bills. And there are plenty of ways to make a difference in your home and community.

• Outer circle: Saturday morning kids' shows • Inner circle: prime-time programming



One, mom's solution

CASEY NEWTON DANIELS

Age 38, Hagerstown, Maryland

"Providing an alternative is very important," says Daniels. "My six-year-old daughter, Nora, gets her own kids' magazines and she values reading. If children see you reading instead of watching TV, you give them the option to do that. I make sure my actions are something she can learn from."

Steps to take

TEACH OPTIONS TO VIOLENCE
Challenge kids to rewrite TV plots and make their own home videos with nonviolent outcomes, says Seattle media consultant Gloria DeGaetano.

INSTILL YOUR VALUES
"Create an atmosphere at home where your child is not afraid to tell you he saw, for example, *Terminator 2* at a friend's house," says Ron Taffel, McCall's parenting columnist. "Don't worry about this happening once, but about it becoming a habit."

BECOME A WATCHDOG!
Work with your PTA, church group or friends, says media activist Peggy Charren:
- Ask your child's school or scout group to provide media education and reward kids with media-literacy badges.
- Sign a petition to let stores know you care which videos they carry and sell to minors.

PICK VIDEO GAMES CAREFULLY
Some are as realistic as movies, so study the packaging. To help you tell kids' games from those more suitable for adults, game companies provide content guidelines and a rating system. Also read *PlayRight,* a video-game newsletter for parents (800-238-1313).

PRESSURE LOCAL STATIONS
A coalition of parents, teachers and advocates in Baltimore and Washington, D.C., monitored children's programs on local stations and sent a report card to the broadcasters. Their grade: a D+. In response, some stations set up community advisory boards to improve programming. To get information on how you can make stations take notice write to: Center for Media Education, 1511 K St. NW, Suite 518, Washington, DC 20005. *—Ziba Kashef*

THE IMPACT OF THE CHILDREN'S TELEVISION ACT ON THE BROADCAST MARKET

Patricia Aufderheide, Ph.D.
and
Kathryn Montgomery, Ph.D.

CENTER FOR MEDIA EDUCATION
Washington, DC
June 1994

TABLE OF CONTENTS

"The Impact of the Children's Television Act
on the Broadcast Market"

CENTER FOR MEDIA EDUCATION
1511 K Street, NW, #518
Washington, DC 20005
Tel: 202.628.2620
Fax: 202.628.2554
Internet: cme@access.digex.net

ACKNOWLEDGMENTS

We would like to thank the following people for their help in preparing this report: Tiffany Borders, Kieran Clifford, Emily Littleton, Pascal Pinck, Christine Viera, and Anthony Wright.

This report is part of an ongoing examination of the children's media market conducted by the Center for Media Education's Campaign for Kids' TV project. Funding for the Campaign has been provided by the Mary Reynolds Babcock Foundation, the Carnegie Corporation of New York , the William T. Grant Foundation, and the Rockefeller Family Fund. The views expressed in this report are solely those of the authors and the Center for Media Education and not those of the funders.

THE AUTHORS

Patricia Aufderheide, Ph.D., is an associate professor in the School of Communication at The American University and has published widely in academic and journalistic venues on the public interest in telecommunications policy. In 1986, Dr. Aufderheide was a policy analyst for the United Church of Christ, Office of Communication. In 1994-1995, she is a Guggenheim fellow.

Kathryn Montgomery, Ph.D., is Co-founder and President of the Center for Media Education. Dr. Montgomery is a leading expert on television and media, whose book *Target: Prime Time* (Oxford University Press, 1989) is the key work on the relationship between advocacy groups and network entertainment television.

EXECUTIVE SUMMARY

The study examined the response of the broadcast children's television market to the Children's Television Act. Its purpose was to identify the institutional, economic, and attitudinal barriers to successful implementation of the law's mandate for programming designed to educate and inform children. The research was based primarily on interviews with producers, distributors, and network executives involved in the production and distribution of programming deemed by the television industry to qualify under the Act.

The study found discernible patterns in the production, scheduling, and promotion of network and syndicated educational and informational programs. Marked by the TV industry as obligatory "FCC-friendly" or "compliance" shows, the programs are generally given budgets substantially lower than other children's programs, inadequately promoted, and shunted into pre-dawn hours when most children cannot see them, or into time slots where they would be routinely preempted by sports coverage. The treatment of such programs is particularly harsh in the syndication market. Because of current business practices where entertainment program distributors agree to pay extra money to get their programs into desirable time slots, stations are frequently scheduling so-called "FCC-friendly" programs as early as 5:00 or 5:30 AM. As a consequence, much of the programming created in response to the Children's Television Act has found it almost impossible to gain entry and survive in the marketplace.

The study also found that threats of renewed enforcement of the law had a positive effect on the market, and thus regulation can be a countervailing force to the powerful economic and institutional forces that govern the business. The research suggests that the impact of recent regulatory pressure may be short-lived. To ensure the long-term viability of educational and informational children's programming, the report urges the Federal Communications Commission to adopt clearer and stronger rules implementing the Children's Television Act.

THE CHILDREN'S TELEVISION ACT OF 1990: BACKGROUND

Studies have repeatedly documented a persistent failure in the commercial children's television market. A system designed to serve the needs of advertisers will not on its own generate adequate programming to serve the cognitive and emotional needs of children, especially those of discrete developmental age groups (Watkins, 1987; Aufderheide, 1989; Berry & Asamen, 1993).

Over the years, citizen activism and government oversight have helped to temper the forces of the marketplace (Cole & Oettinger, 1978; Liebert and Sprafkin, 1988). In the 70s, responding to Federal Communications Commission (FCC) petitions by Action for Children's Television and other citizen groups, the networks launched a number of television programs designed to educate and inform children — ranging from weekly news series such as *30 Minutes* on CBS to magazine shows like NBC's *Hot Hero Sandwich*. After the FCC deregulated the TV industry in the early 80s, these programs disappeared from the schedules. In fact, as the children's television business boomed, the amount of educational and informational programming plummeted (Watkins, 365-7; Rushnell, 1990).

Child advocates, parents, and educators fought hard for a legislative remedy. In passing the Children's Television Act of 1990 (P.L. 101-437, Oct. 18, 1990), lawmakers expected to "increase the amount of educational and informational broadcast television programming available to children."[1] The mechanism for enforcement is the requirement that all TV stations must air such programming as a condition of license renewal.[2] However, initial surveys showed that the law — which took effect in October 1991 — was having very little impact on the television marketplace. A September 1992 analysis of license renewal applications by the Center for Media Education (CME) and Georgetown University Law Center revealed that television stations had made virtually no changes in their programming practices in response to the new law. Most were claiming educational value for entertainment fare such as *Bucky O'Hare* and *Leave It to Beaver* and routinely scheduling shows they considered educational and informational during predawn hours (Center for Media Education, 1992).[3]

The CME report garnered national publicity and triggered policy debate. The Federal Communications Commission subsequently conducted its own examination of license renewal applications, which confirmed many of the findings of the report. There appeared to be "little change in available programming that addresses the needs of the child audience," the Commission concluded. "The number of hours and time slots devoted to children's programming do not appear to have substantially changed" (FCC, 1993). In February 1993 the commission announced to the press that it was holding up the license renewals of seven TV stations, requesting additional information to document that the stations were complying with the Children's Television Act (Halonen, 1993). On March 2, the FCC issued a Notice of Inquiry, asking whether it should revise implementation rules on the Children's Television Act (FCC, 1993).

At a Congressional oversight hearing on the Children's Television Act the following week, representatives from the broadcasting industry complained of a rush to judgment. "New innovative programming is costly and cannot be created overnight," explained Brooke Spectorsky, Vice President and General Manager of WUAB-TV in Cleveland. Syndicated programming was just becoming available, he noted, and stations were finally assuming the large risk of producing local programming, but the results were not in yet (Spectorsky, 1993, p.1 and passim).

STUDY METHOD

More than a year has passed since the hearing. The FCC's Notice of Inquiry is still pending. This study set out to examine what has happened in the period since CME's report was released. Rather than base our findings on the license renewal applications, we chose to take a more direct look this time at the children's television market. This is not an economic analysis, but an investigation based on a series of interviews primarily with people who have attempted to produce and/or distribute programming designed to comply with the new law. The study's purpose was to examine major trends in the market with particular emphasis on the barriers — economic, institutional, attitudinal — to successful implementation of the Children's Television Act.

The focus of the examination was on nationally-available series (not specials, interstitials, or local programs) that commercial broadcasters were using in 1993 and early 1994 to meet the requirements of the Act, both in broadcast syndication and on the networks, as self-described by producers and listed in special issues of *Broadcasting & Cable* (July 26, 1993) and *Electronic Media* (June 21, 1993). Producers and distributors of the programs were interviewed, as were executives at all networks, as well as several other experts within the industry. We spoke with some 50 people, mostly by telephone, between December, 1993 and May, 1994. The majority of individuals we approached willingly agreed to be interviewed, though a number of them would do so only if their comments were kept off the record.[4] We supplemented the interviews with data from trade publications and other available public information.

Many of the people to whom we spoke expressed deep frustration with their experiences in trying to respond to the mandate of the new law. They collectively described a situation where hopes for creativity and quality were first raised by passage of the Act and then quelled by prevailing attitudes and market conditions. Each had particular complaints, but combined they offer a picture of the problems plaguing the field.

In order to place the findings from our interviews into context, it is important to look briefly at several recent key developments in the children's television marketplace during the past decade.

CHILDREN AS MARKET

Deregulation of children's television in the early 80s fundamentally changed the dynamics of the children's television broadcast market. When the FCC dropped its ban on program-length commercials for children in 1984, toy manufacturers immediately flooded the marketplace with TV series designed as merchandising vehicles for their toys. Programs based on "licensed characters" boomed, including *G.I. Joe* (Hasbro), *He Man* (Mattel), and *Care Bears* (Kenner) (Kunkel, 1988; Schneider, 1989). Sales of licensed products more than doubled, to $64.6 billion, between 1983-1989, with the motor being television (Cohen, 1991, 38; McNeal, 1992, 70). Toy industry profits as a whole soared from $5.3 billion in 1983, when the FCC first announced its intent to deregulate, to $8.3 billion in 1984, then maintaining that level (Kirk-Karos, 1992, 19). Four-fifths of toy sales now are of licensed products, mostly known from television (Schneider, 1989, p. 115). By 1987, toy manufacturers financed 80 percent of children's programming, most of it animation (Kirk-Karos, 1992, p. 3). Licensing continues to drive children's programming today, with product-related shows accounting for 90 percent of new production (Kline, 139).

The 80s also witnessed a sharp rise in children's programs produced for syndication. Unlike network series, which are distributed as part of a schedule of programs to affiliated stations, syndicated series are sold directly to individual stations or groups of stations. A tiny part of the children's TV market in the 70s, syndication grew phenomenally in the early 80s, fueled by the proliferation of independent stations, the growth in children's ad dollars, and the increasing role of toy companies in the production business. By 1986, the children's broadcast syndication market had become "a thriving, competitive phenomenon with scores of first-run animated shows" (Schneider, p. 186). Because syndicators distribute their programs to network affiliates as well as independent stations, they supply a substantial portion of the children's programming on broadcast television.

The direct spending power of children, almost all of it discretionary, also rose rapidly in the 1980s, increasing by nearly half between 1984 and 1989 (McNeal, 1992, p. 24). Children to age 12 now spend about $8.6 billion of their own money every year; teenagers spend $57 billion. The two age groups combined influence how their parents spend another $132 billion. Kids are one of the "hottest marketing trends of the 90s," a trend expected to continue well into the next decade (Oldenburg, 1993).

These trends have helped trigger a proliferation of media outlets and services aimed at capturing a segment of the "hot" children's market — from the controversial classroom Channel One to the highly profitable Nickelodeon cable channel to the successful Fox Children's Network, launched in 1990 (Schmuckler, 1994).

Even during recessionary periods, when other parts of the schedule were not doing well, the children's "daypart" remained profitable, increasing by double digits throughout the 80s. Perhaps as much as $800 million is now spent on TV ads, mostly broadcast rather than cable, targeting kids alone (not families or parents) (Davis, 1994; Elliott, D5; Guber & Berry, p. 131; McClellan, 1993b; McNeal, p. 133).

The high-stakes nature of the children's television market has made it very intense and highly competitive. Most children's programs expecting to make it on television must come in with a pre-sold merchandising deal. As Andy Spitzer, Sales Vice President and Director of US Distribution for Zodiac Entertainment, summed it up: "Children's programming is deal-driven rather than program-driven" (personal communication, March 14, 1994).

The following pages will document that the powerful forces of today's children's television marketplace have created significant obstacles to the production and distribution of educational and informational programming.

FINDINGS

1. After the passage of the Children's Television Act, broadcasters did little until citizen activism sparked media coverage and official expressions of concern.

Though the Children's Television Act took effect in October, 1991, it initially had little impact on practices in the broadcasting industry. Only a handful of new programs — mostly for the syndication market — were created in direct response to the new law during its first year of implementation. The broadcast networks made no significant changes in their children's schedules (CME, 1992; FCC, 1993). A major reason for such a weak response was that the Federal Communications Commission implemented the Act in a way that minimized its effectiveness and encouraged broadcasters to consider it lightly. The FCC loosely defined educational and informational programming and made no stipulations on when programming must run or how much programming was necessary to meet the mandate (FCC 1991; FCC 1991b; Kunkel, 1993, 279-286).

Many producers, distributors, and network executives interviewed for this study frankly acknowledged that it was not until early 1993, in the wake of a national debate and threats of government action that the industry began to respond to the law. As Robby London, Senior Vice President of Creative Affairs at DIC Enterprises, explained: "For the first two years of the Act, buying habits and patterns [at stations and networks] were not really affected. Then when the FCC suddenly decided to crack down, there was suddenly a response from local stations." London noted that his series, *Where on Earth is Carmen Sandiego?* — based on a computer game and the successful PBS show — had been in development for years, but "the show did not get on the air until after the Act started to get enforced" (personal communication, Jan. 14, 1994). Other producers who were working with the networks at the time believe that their projects were greenlighted because of renewed attention to the Children's Television Act.

Shortly after the 1993 Congressional hearings, the broadcast networks began announcing new series scheduled for the upcoming Fall which were designed to comply with the law. CBS picked up *Beakman's World*, a live action science program featuring performance artist Paul Zaloom as a zany scientist. The program had been introduced in the syndication market in response to the Children's Television Act and survived the ratings wars in its first season. ABC announced two new educational series: *Citykids*, a live action urban teen drama, which had been in development independently with Henson Productions in conjunction with the Citykids Foundation; and *Cro*, an animated show produced by Children's Television Workshop (CTW) (producers of *Sesame Street* and other PBS programs), about a Cro-Magnon man who works out his problems using scientific principles (McClellan, 1993).

The public debate in early 1993 over the Act also stimulated response from the syndication market. In late January, immediately following the inauguration of President Clinton, public officials both from the legislative and the executive side sent strong warnings of more diligent enforcement to broadcasters at trade conventions such as the Association of Independent Television Stations and at the National Association of Television Producers and Executives (NATPE) meetings (Wharton, 1993; Coe, 1993).

Syndication producers such as *Energy Express'* Creator and Co-Executive Producer Marilynn Preston recalled the "sea change" in broadcasters' attitudes toward informational programming after the NATPE speeches (personal communication, Jan. 6, 1994). Reruns of cable and public television programs such as *Nick News* and *3-2-1-Contact* were snapped up by stations around the country in a hasty effort to protect themselves from possible license renewal challenges (Richard Loomis, personal communication, Jan. 18, 1994; Richard Mann, personal communication, Jan. 11, 1994).

The impact of the regulatory pressure on the market has been well documented in the trade press. *Electronic Media* reported in April 1993 that "Distributors have been quick to get involved with first-run kids educational series since the Federal Communications Commission made it clear it would strictly enforce the Children's Television Act." In announcing its new syndicated series, *Bill Nye the Science Guy* , Rich Frank, President of the Walt Disney Studios, explained to reporters that "With Congress and the FCC putting such incredible pressure on the stations, it forced them to be on the lookout for something (educational) which now makes it possible for the economics to work out" (*Electronic Media*, April 26, 1993). "I doubt, frankly," CTW's Senior Vice President of Programming and Production, Frank Getchell, told *Variety*, " that *3-2-1 Contact* would be going into syndication if there was not this push from the FCC" (*Variety*, November 29, 1993).

A headline in *Broadcasting & Cable* for May 3, 1993 announced: "Stock rises for FCC-friendly kids fare; demand up for suitable children's programming to meet new Federal Communications Commission regulations." The following month *Electronic Media* listed some 77 "FCC-friendly" syndicated programs on the market.
But much of this seeming abundance was illusory. For instance, 15 of the syndicated

entries listed in *Electronic Media* were BBC Lionheart offerings, mostly generic family programming, which the company never made an effort to promote (and, incidentally, never received any inquiries about as a result of listing them with *EM* [personal communication, Beth Clearfield, Jan. 13, 1994]). In several cases, such as action animation series *Exosquad* and *Biker Mice from Mars*, distributors later backed off from FCC-friendly claims. Eight programs were not actually in production or distribution, while eight were only in distribution in cable.

The terms "FCC friendly," "Compliance Show," and "Qualifier" were used repeatedly by those interviewed for this study and could be found in numerous trade publication stories as well as in ads promoting the programs touted as satisfying the requirements of the Children's Television Act. Such terminology appears to suggest that these programs have been reviewed by the Federal Communications Commission and given a kind of Good Housekeeping Seal of Approval, which of course is not the case. A number of people, particularly the producers of such programming, expressed frustration and discouragement at what they viewed as a cynical attitude reflected in the use of such labels. As one producer put it: "When the FCC got tough, suddenly, everybody began looking around for 'qualifiers.' All the stations and networks really want to do is satisfy the legal requirement. Meeting the spirit of the Act is of no concern to them." Echoed another: "They [the stations] were just quickly buying a show so they could say they had a show."

These suspicions seem to us to be well-founded. Indeed, clear patterns in the production, scheduling, and promotion of such programs began to emerge in our investigation.

2. There is a prevailing attitude in commercial television that entertainment and education are mutually exclusive and that children will not watch programming which has been designed to educate.

ABC Children's Entertainment President Jennie Trias recounted a story also told, in slightly different versions, by several other sources. During a focus group with children, she said, a young boy told her, "I go to school Monday through Friday. Saturday morning is my time" (personal communication, Jan. 21, 1994). Indeed, the story appears to have gained folklore status within the industry. "Let's face it," explained Judy Price, Vice President of Children's Programs and Daytime Specials for CBS, "kids go to school Monday through Friday. On Saturday morning they won't go to school again" (personal communication, March 30, 1994). Syndicator Howard France put it more bluntly: "The FCC is telling you you have to put boring TV on," he complained. "The primary focus has to be educational not entertaining. You know kids, they don't want to go to school all week. If they don't want to watch it, who's gonna make 'em? The government can't pass a law to make people watch shows" (personal communication, Jan. 6, 1994).

Allen Bohbot, President and CEO of Bohbot Communications, Inc. and one of the most powerful distributors of syndicated children's programming, believes that educational and entertaining are flatly incompatible. "Entertaining to me is what is successful with kids, what they like. And I can't find an example of an entertaining, educational show that's been successful, except for the preschool market." His company searched, he said, for an educational/informational program to include in a successful two-hour (four program) Sunday morning block, but could not find one that would succeed. "To put it in to make someone feel good isn't what it's about. You've got to deliver for the long run, so we went for action-oriented."

He believes that programmers are prisoners of an ever-more-uncivil marketplace, responding to an ever-more-brutal society:

> People on my side of the desk say, kids go to school 9 to 3, they don't want to be educated when they come home. We keep pushing further and further, with MTV or action—what I call action, what some people call violence—and those are the shows kids watch.
>
> It scares the daylights out of me, not just what gets to the air but what succeeds. I think TV is mirroring what they see in their daily lives, and I think we kid ourselves if we ignore that. (Personal communication, March 14, 1994)

Some producers argue that "prosocial" moments or behaviors make a show as educational as entertainment can get. For instance, Elie Dekel, Vice President of Marketing for Saban Entertainment, said, "*Mighty Morphin Power Rangers* is an action-intensive show. But these five teenagers who are superheroes are great role models, and they're doing great things. We're delivering programs that have positive messages" (personal communication, Jan. 7, 1994). At production house Ruby-Spears, President Joe Ruby says he has "put a lot of educational bites" into the popular *Wild West C.O.W.-Boys of Moo Mesa.* "We're basically in the business of doing entertainment," he pointed out. "We're not schoolteachers" (personal communication, Jan. 24, 1994).

Comments such as these reflect a mindset prevalent among many working in commercial television that is itself a barrier to effective implementation of the Children's Television Act. Explained Donna Mitroff, Vice President of Pittsburgh PBS station's QED West in Los Angeles: "We have over-entertained children for so long that we have conditioned them to accept painless, mindless entertainment. Those of us who believe that you can entertain and educate have to accept the time it's going to take to move the suppliers, the audience, the funders, and the advertisers" (personal communication Jan. 4, 1994).

There is a notable difference in the attitudes of those who have had considerable experience working in public television. They do not perceive education and entertainment in such dichotomous terms. These people also tended to more clearly specify their learning objectives. According to Marjorie Kalins, Group Vice President, Productions, for CTW, *Cro* is designed to attract children who would not choose to watch science, especially girls. "We're trying to stimulate them," she explained (personal communication, Jan. 10, 1994). *Bill Nye the Science Guy*, first developed by PBS station KCTS in Seattle, is specifically designed to educate fourth graders (9-11 years old), although Disney aims to make it appealing (but probably not educational) to a broader audience (John Van Camp, Buena Vista, personal communication, Jan. 6, 1994). Similarly, *Where on Earth Is Carmen Sandiego?* , which was adapted from a PBS series, aims to entertain 6-11 year olds, but focuses tightly on 8-10 year olds for its geography lessons (Robby London, personal communication, Jan. 14, 1994).

3. Production and promotion budgets for so-called "FCC-friendly" programs are often substantially lower than those of most other children's television programming.

Educational and informational programs are typically low-budget. In the syndication market, many "FCC friendly" series are produced on a shoestring. In 1993, shows such as *Mental Soup*, *What's Up Network*, and *Scratch* were being produced on $15,000-$50,000-per-episode budgets (Joe Benty, personal communication, Jan. 10, 1994; Kristi Boyer, personal communication, Jan. 5, 1994; Kent Takano, personal communication, Jan. 4, 1994). *Not Just News*, produced at broadcast station WTTG and carried by the Fox Station Group, had a $10,000-$15,000-per-episode budget (Glenn Dyer, personal communication, Jan. 14, 1994).

This is an astonishingly low figure. Action and animation shows, by contrast, typically have budgets that begin in the $200,000 range. Animated programs range between $200,000-$400,000; *Mighty Morphin Power Rangers* is estimated to cost $350,000-$400,000 (*Broadcasting*, Mar. 15, 1994). Even *Name Your Adventure*, a reality-based, educational program, has a budget of over $100,000. (At that, the program has a lower budget than its educationally "softer" companion program, *Saved by the Bell.*) But unlike syndicated programming, *Name Your Adventure* has network backing — that is, a broadcaster's investment in its success (personal communication, Kerri Friedland, Jan. 10, 1994). Very low budget programs work under a crippling handicap, something the industry acknowledges when networks invest in programs they want to succeed.

Many producers also believe that their series do not have sufficient promotional budgets. Asked about his show's promotion budget, *Peppermint Place's* Host and Co-Producer, Jerry Haynes, cynically replied, "You're kidding" (personal communication, Jan. 4, 1994). Kerri Friedland, Executive Producer of the NBC series *Name Your Adventure*, expressed frustration with both the level of network support and the indifference of journalists who became crucial to success in the absence of adequate publicity and promotion budgets: "I think the network could have promoted it more, and the media could have paid more attention. Children's TV is almost a poor stepchild" (personal communication, Jan. 10, 1994). Turner Broadcasting's Jerry Krieg, Executive Producer of *Real News for Kids*, reported that many stations simply were not willing to promote the series on the air. "Even when we send them a fully made promo, they're not willing to air it," he complained. "But it's a catch 22 because they say it's on at 7:00 AM and it's not worth promoting" (personal communication, March 22, 1994).

Producers of two educational and informational series received public funding to supplement the limited budgets available to them for development, production, and promotion in commercial television. To cover research costs for the first season, *Cro*, the animated Children's Television Workshop series, whose budget is higher than most children's programming, according to producers, was awarded a $2.5 million grant from the National Science Foundation (Schatz, 1994). The NSF also awarded *Bill Nye the Science Guy* $1.379 million in 1993, to support production of the science program developed through public television and now part of a Disney program package (KCTS Television). Disney has committed $3.5 million for 26 episodes of the series, or $135,000 per half-hour show (*Electronic Media*, April 26, 1993).

4. There is a consistent pattern of scheduling which routinely places educational and informational programs in marginal time slots.

All producers and distributors of "FCC-friendly" series reported serious problems with the scheduling of their shows. In fact, this was one of the most frequently mentioned barriers to success cited by interviewees. Several patterns were evident: scheduling the programs during early morning hours — sometimes as early as 5:00 AM; placing the shows in "pre-emptible" time slots, when stations frequently substituted sports or other programming; and moving the programs around in the schedule, thus making it difficult for viewers to find them.

Stations typically put their educational and informational material into early morning hours on the Saturday schedule when many children—especially the tweens and teens to whom much new programming is addressed—are still sleeping. This pattern was particularly pronounced with syndicated programs, whose distributors found it almost impossible to get a decent time period. For example, with Grove TV's *Edison Twins*, "stations are running the show before the kids are even up," according to Steve Hodder, National Sales Manager for Grove TV (personal communication, Jan. 11, 1994). Richard Loomis, who distributes the Nickelodeon-produced series *Nick News* for broadcast television, told us that in a number of markets, the series is "buried in early morning Saturday and Sunday, 6:00-7:30 AM" (personal communication, Jan. 18, 1994).

An informal analysis of *TV Guide* magazines from the top five television markets last November illustrates how pervasive the scheduling problem is. For example, among the educational and informational series airing between 5:00 and 6:30 AM were: *Energy Express, Not Just News, Real News for Kids, Scratch*, and *Nick News*. A separate analysis of the top 20 TV markets revealed that on weekdays, 44% of all "compliance shows" aired at 6:30 A.M. or earlier; of those 25% were on at either 5:00 or 5:30 A.M. Many producers and distributors were very disheartened by this practice.

"We're up against broadcasters knowing they need [the show] versus giving it the time period it needs to get visibility and ratings."

Though less extreme, similar scheduling patterns are evident with network series. These series are often shuffled around in the schedule by either the network or the affiliates. They are also more likely than other shows in the Saturday lineup to be pre-empted by sports programming. NBC's *Name Your Adventure* airs at 8:00 AM in the crucial Los Angeles market. Though generally satisfied with the network's handling of the show's content, producer Kerri Friedland said: "I'm not happy with the scheduling, because we're a teen show. As a teen I didn't get up till 11" (personal communication, Jan. 10, 1994). Though 92 percent of the affiliates air the show, explains Robin Schwartz, Manager of Saturday Morning and Family Programs for NBC, "everyone airs it at different times" (personal communication, Jan. 7, 1994). ABC's *Cro* has a similar scheduling problem. On most ABC stations it is shown at 7:00 AM, according to CTW's Marjorie Kalins. "The fact that anybody is watching it is amazing" (personal communication, Jan. 10, 1994).

As several sources explained to us, any program on the Saturday schedule after 11:00 AM runs a very high risk of being pre-empted by network or regional sports programming. This is especially a problem for the West Coast. If the network carries a football game that begins at 2:00 PM in the afternoon on the East Coast, it will knock out all the regular children's shows after 11:00 AM on the West Coast. Typically, "FCC friendly" shows found themselves in this "pre-emptible time slot". The ABC series *Citykids* was a casualty of such scheduling. Debuting on the network in fall, 1993, the series was scheduled first at 11:30 on Saturdays. A few weeks later it was shifted to noon. Off the air for several months, it was put back on the schedule at 11:30 AM in early 1994. During its checkerboard run on the network, the show was repeatedly pre-empted by college football games. It finally disappeared from the schedule altogether in February, officially in "hiatus" according to networks executives (Schatz, 1994).

In its first season on CBS, *Beakman's World* has also suffered the vicissitudes of unfortunate scheduling. Stations reschedule *Beakman's World*, but most carry it at 12 noon (11:00 AM West Coast), where the potential audience is good but pre-emption is always a threat (personal communication, Linda Kazynski, CBS, Jan. 14, 1994). Between the beginning of December 1993 and the end of March 1994, the show was pre-empted on the West Coast 14 out of 17 weeks, due to sports programming, including CBS coverage of the Winter Olympics.

5. Current business practices — especially in the syndication market — have made it almost impossible for educational and informational programming to gain entry and survive in the marketplace.

Though many of the practices described to us by the respondents in this study have apparently gone on for years, we were told that they have intensified recently, creating significant barriers for new programming that does not conform to the highly successful formulas currently dominating the children's TV marketplace.

Most series in today's children's television market are part of a merchandising and licensing package, with heavy financial and creative participation by major toy companies that manufacture and market "licensed characters" and other products related to the show. The series are, in effect, advertising vehicles for the licensed products, as many of those we interviewed frankly admitted.

These elaborate merchandising packages can reap enormous profits. The most recent illustration is the highly popular *Mighty Morphin Power Rangers*, produced by Saban Entertainment for the Fox Children's Network. Toy licensee, Bandai Company (one of 40 companies with licensed products based on the show), grossed $25 million to $30 million in wholesale revenues last year, according to industry trades. Typically the series producers receive between 6 and 8% of the gross earnings. Stations carrying the show will also receive a percentage of merchandising revenues (Freeman, Dec. 20, 1993).

None of these successful product sales would occur without the exposure to the child audience provided by television.

In the syndication market, with toy companies underwriting much of the production and promotion costs, television series are generally offered to stations on a "barter" basis. This means that the station gets the show free, along with half of the advertising time (usually between 2 1/2 to 3 1/2 minutes for a half-hour show) which it sells to local or national advertisers. The remainder of the time is sold by the distributor to national advertisers who generally need to reach between 75 and 80% of the country in order to participate. For the station, no outlay of cash is required, and the sale of its portion of ad time can generate considerable income. One of the interviewees informed us that many stations have no programming budgets at all for children's programs, since they can fill their schedules with free programming.

Because there is so much money to be made in merchandising and because toy companies depend on television to market their products, competition for access to the child viewer has become particularly fierce in recent years. As a result, it has become commonplace for toy companies to use their substantial resources to strike elaborate deals in order to guarantee a good time slot. In big cities such as New York, Chicago, and Los Angeles, which are crucial for a national market, television stations often demand that in addition to the program, the toy manufacturer associated with a series spend a million or more dollars for advertising time on that station's overall schedule. "You need to have a program that's paid for, first, but then you also need further support, to get stations to clear [or carry] it," explained SQuire Rushnell, former Vice President of Children's Programming at ABC and now President of his own distribution company. "*Sonic the Hedgehog* doesn't make it because it's a good program. It makes it because Sega is willing to put in extra dollars for advertising and promotion. So if you're going, say, to a station in Chicago, the company has to be ready to put more advertising dollars into that market because otherwise, the station might go with a Hasbro-related program." Rushnell says that his company decided to leave the field because of the complexity of the dealmaking (Personal communication, March 10, 1994).

In addition to demands for ad dollars, stations may insist on cash payments from the distributor to get a program scheduled during an advantageous time period. "It has become so competitive that people are doing everything to get their programs in a good time slot," explained Allen Bohbot. "If that means pledging advertising, if it means doing incentives, cash payments, whatever it takes, that's what you do. It's not a good practice, but it's reality" (Personal communication, March 14, 1994).

These conditions are further compounded by the fact that there is very little room in the syndicated children's schedule anyway, with a few large distributors controlling most of the market. "Fox Kids' Network dominates the market," explained Robert Jennings, Vice President of Research and New Media Development for Warner Brothers. "Disney is the only other player with a significant hold on the five-day-a-week market." He also pointed out that with Paramount and Warner Brothers launching new networks of their own, there would be even less room on independent stations for other programmers (Personal communication, Jan. 6, 1994).

These practices have placed almost insurmountable obstacles before the producers and distributors of educational and informational programs. One producer, who was only willing to speak off the record, bitterly related his experience with the children's syndication market. After agreeing to a million dollar ad time buying arrangement to get a good time slot on a TV station in a major market, he was approached halfway through the season by the same broadcaster, who demanded another half million to keep the show on the air. Unable to pay such a price, and deeply disturbed by the request, the producer decided to pull the show entirely. "It's ultimately blackmail and extortion," he charged, "and it's unconscionable."

Scheduling is a life and death matter, because national advertiser dollars depend on ratings, which are powerfully affected by time slots. The teen show *Scratch*, which had received a "Service to Children" award in 1992 from the National Association of Broadcasters, was a typical casualty of scheduling that reflected low priorities for educational and informational programming. It managed to clear 85 percent of the country, but went out of syndication in January 1994 because stations put the program on either very early or, less commonly, in the noontime pre-emption zone. The show couldn't make its teen rating guarantees.

"The stations all love the show, but they don't want to make the commitments," said Bob Muller, Scratch syndicator and President of Muller Media (personal communication, Jan. 5, 1994). "If 25 decent sized stations out of our 134 gave us a later time period, we and they would be very successful. There's nothing you can do. You're at their disposal." Producer Kent Takano, a survivor of two seasons and profoundly discouraged, said, "We can't make it work because the stations don't comply with their whole heart. I work out of a station, so I understand the dollars and cents, but as a producer, sometimes you want to say, if you're going to treat the show like this why take it at all?" (personal communication, Jan. 4, 1994).

Other programmers of syndicated programs find cavalier station treatment of the programming both discouraging and financially devastating. *Peppermint Place's* Jerry Haynes noted that although 108 markets eventually took the live-action show for young children, stations usually placed it in early morning hours. "It was a gimme," he said. "They put it on in order to say, 'This is our children's show.' " *Peppermint Place* now reaches 10 markets, mostly through the station group where it is produced (personal communication, Jan. 4, 1994). Even on rock-bottom budgeting, *What's Up Network*, a Kansas City-produced tween reality show, is not financially viable, because placement discourages national advertisers. They are uninterested both because station clearances have not reached 80 percent and also because the show is placed at very early hours (Kristi Boyer, personal communication, Jan. 5, 1994). Another producer, describing why he refused to put his series on the market on a barter basis, said: "They stick it on in the 5:00 AM time slot to meet the FCC requirements, and then they don't deliver the ratings. They get something for nothing and we get screwed."

The fate of Turner Broadcasting's *Real News for Kids* dramatically illustrates how the brutal mechanisms of the syndicated marketplace, combined with half-hearted station compliance with FCC regulations, can doom a show to fail. A half-hour weekly news program developed in response to the Children's Television Act, *Real News for Kids* features children reporting on current news stories each week. The show is targeted to 8-13 year olds. To guarantee stations would carry the show, it was offered during its first year on a barter basis. Because stations were getting it for free, it cleared 100% of the markets, enabling Turner to sell its portion of the commercial time to national advertisers.

However, because the other shows with lucrative merchandising deals were able to buy their way into the best time slots, *Real News for Kids* found itself relegated on many stations to the pre-dawn periods that were becoming the ghetto of so-called "FCC-friendly" shows. John Walden, Senior Vice President of Marketing and Sales at Turner Program Services, explained, "We're never going to be able to compete with money, so they are not our competitor. It would be like a fencer going up against a football player. They play a different game" (personal communication, April 1, 1994). Many stations didn't even try to sell the ad time they got with the free show, instead just running public service announcements. It was clear that they were treating it only as a regulatory obligation. Not surprisingly these marginal time slots failed to generate a sizable national audience and the advertisers who had bought time in the series for the first year were not interested in doing so for the second season (personal communication, Jerry Krieg, April 21, 1994).

Without enough national advertisers to underwrite the show, distributors were forced to offer it on a "cash" basis the following year. This meant that stations would have to pay for the rights to air the show, but would then be able to sell all the ad time. Only half of the stations in the line-up would agree to pay money for the series and it was canceled effective September 1994 (personal communication, Jerry Krieg, April 21, 1994).

6. The impact of government and public pressure on compliance with the Children's Television Act appears to have been short-lived.

By the late January 1994 NATPE convention, at least six of the syndicated shows among the 20 viable ones on *Electronic Media's* July listing had been withdrawn from the market; NATPE business in the remaining shows was wan (Anonymous, 1994; Charles Sherman, National Association of Broadcasters, personal communication February 3, 1994) (Freeman, 1994c, p. 28). Only two "FCC-friendly" shows — *3-2-1 Contact*, — and the NBC-station-group *News for Kids* — were featured in *Electronic Media's* reporting of the convention (*Electronic Media*, Jan. 31, 1994). "Major syndicators are only introducing five new educational series for Fall 1994," reported *Broadcasting & Cable*, "compared with nine such shows this time last year" (Freeman, 1994b).

The explanation offered by many in the industry is that these shows simply couldn't garner sufficient ratings to survive in the marketplace. The performance of many of the weekly syndicated programs, and some of the network shows, was poor. But as this report has documented, it should hardly be surprising that educational and informational fare, after a bold start at the beginning of 1993, made such a weak finish. It entered the market under a brutal financial and scheduling handicap, supported at the outset by the promise of regulatory vigor. The failure of most educational and informational programming demonstrates the weak commitment of broadcasters to such programming. The prevailing belief that "kids won't watch educational programs" has become a self-fulfilling prophecy. Broadcasters by and large made room in their schedules only at hours when most children were not yet awake or when sports programs regularly pre-empted them. They mostly invested little in programs, often accepting barter syndication deals by deal-hungry syndicators, and did virtually nothing to promote them. Networks, where a small handful of new, well-researched shows were developed, demonstrate the outer limits of broadcaster efforts.

7. However, regulation did have an effect on the market, when broadcasters believed it might be enforced.

It is clear that when regulatory commitment to the spirit of the Act was demonstrated, the market responded. The controversy generated in early 1993 by children's and public interest organizations, followed by a flurry of government gestures, resulted in a dramatic network appetite for new production, a clutch of station-produced syndicated programming, and a dozen or so successful first-run syndication ventures.

Producers with a commitment to educational and informational children's television repeatedly emphasized the importance of regulation to their aspirations. For instance, Robby London at DIC hopes that further enforcement might make possible preschool programming that DIC has long wanted to do, but which broadcasters have always regarded as unprofitable because the age group has so little spending power. Joe Benty, producer of ill-fated teen live action show *Mental Soup* , believes that the Act helped the show get into the 65 percent of U.S. markets that it cleared before disappearing in July 1993. He was hoping for an early decision on the FCC Notice of Inquiry, and when no action was taken over the summer he said, "I think that really slowed things down. People felt they had a little while longer, and didn't really have to comply" (personal communication, Jan. 10, 1994).

The network announcements for the 1994 television season suggest that many of the patterns identified in this study are continuing. While NBC's *Name Your Adventure* is scheduled for 10:00 AM, the other networks have placed their Saturday morning "FCC friendly" programs in pre-emptible time slots and have also put several of them at the same time. ABC's *Cro* will be on at noon, followed by the *ABC Weekend Special* at 12:30 PM; *Beakman's World* retains its noon slot, followed by *CBS Storybreak* . And Fox's *Where on Earth is Carmen Sandiego?* will be on at 11:30 AM (McClellan, April 11, 1994).

There is also some indication, however, that pending FCC action on the current Notice of Inquiry may be influencing programming decisions. One of the hopeful signs of the new season is Fox's recent announcement of a 5 day a week "stripped" series of half-hour children's programs. Entitled *Fox Cubhouse*, the series will air at 8:00 AM weekdays, and will feature three different programs: a twice-weekly nature program, co-produced by Henson Productions and a British company; *Johnson and Friends*, a co-production of WQED and Film Australia; and a preschool program from DIC, called *Rimba's Island*, focusing on music and movement (McClellan, April 11, 1994).

Fox is the first network to launch a daily children's program since passage of the Children's Television Act in 1990. The decision may well be related to Fox's recent move to expand its ownership stake into a number of stations now affiliated with the CBS network. Requests by Fox affiliates had influenced the network's earlier decision to launch *Where on Earth is Carmen Sandiego?*, according to Ann Knapp, Director of Programming for the Fox Children's Network. In deciding on the weekday children's educational series, Fox seemed to be anticipating a decision by the Federal Communications Commission to specify a daily or weekly programming minimum. "Six days a week — at least a half hour a day — of educational programming," Knapp noted. "We think that's what the FCC may very well require" (personal communication, Jan. 13, 1994).

8. The FCC's implementation rules for the Children's Television Act must be strengthened and clarified in order to counter the powerful forces of the commercial television marketplace.

The children's television marketplace today is not a level playing field for educational and informational entrants. It is heavily skewed toward programs with licensed product possibilities, which can attract deep-pocket, usually toy-company investors. The million dollar deals that toy companies make to get their shows on at desirable time periods raise disturbing questions about who is really setting the agenda for what America's children will see over the public airwaves. It is because the powerful marketplace forces work against children, that we need effective public policies to counter them.

The current rules for implementing the Children's Television Act, which were issued in 1991, are clearly inadequate. If the Act is going to have a lasting and meaningful impact, the rules will need to be clarified and strengthened: stations should not be getting credit for token "FCC-friendly" programs that air before 7:00 AM; the definition for what is educational or informational must be clarified; and a processing guideline of an hour a day of educational and informational programming must be instituted to ensure that all children will have access to a diversity of programming designed to meet their needs.

Just as deregulation in the early 80s significantly affected the children's marketplace, the Children's Television Act — if given more force and clarity — could alter the current dynamics of that marketplace in a way that will benefit children.

NOTES

[1]*U.S. Rep. No. 277, 101st Cong., 1st Sess. 1 (1989)*

[2]*P.L. 101-437, Oct.18, 1990.*

[3]*A separate analysis of license renewals, conducted by Professor Dale Kunkel at the University of California, Santa Barbara, showed that a fifth of the 48 stations analyzed failed even to claim they were providing any programming specifically designed to meet the educational needs of children, as the law demanded. Of the rest, stations were claiming programs like The Jetsons as meeting the mandate. Only 4 produced any local children's programs, and more than half of those claiming to meet the mandate had Saturday programs only.*

[4]*Since a substantial minority of interviewees spoke off the record, a complete list is not provided here, but each on-the-record interviewee is cited, with date of telephone interview, in the text.*

REFERENCES

Action for Children's Television. (1991, Jan. 30). Joint Comments of Action for Children's Television, et. al. in the matter of policies and rules concerning children's television programming. MM Docket No. 90-570, MM Docket No. 83-670.

Aufderheide, P. (1989, Dec.). Reregulating children's TV. *Federal Communications Law Journal*, 42:1, 87-106.

Anonymous. "Major NATPE clearances." (1994, Jan. 31). *Electronic Media*, p. 30.

Berry, G. & Asamen, J., eds. (1993). *Children & television: images in a changing sociocultural world.* Newbury Park: Sage.

Center for Media Education & Institute for Public Representation, Georgetown University. (1992, September 29). A report on station compliance with the Children's Television Act. Washington, D.C.: Center for Media Education.

Center for Media Education, et. al. (1993, May 7). Comments of Center for Media Education, et. al. in the matter of policies and rules concerning children's television programming. MM Docket No. 93-48.

Cole, B. & Oettinger, M. (1978). *Reluctant Regulators: the FCC and the broadcast audience.* Reading: MA Addison-Wesley.

Coe, S. (1993, Feb. 1). Syndicators defend their kids fare, *Broadcasting.*

Cohen, S. (1991, April 7). Kidvideo games, *Washington Post Magazine*, p. 19f.

Davis, R.A. (1994, Jan. 31). Children's radio network boasts ratings numbers, *Advertising Age.*

Ducey, R.V. (1989, April 6). Statement before House Subcommittee on Telecommunications and Finance of the House Committee on Energy and Commerce, 103d Cong., 1st Sess.

Elliott, S. (1992, Mar. 27). Sales of children's TV time are totally awesome, dude. *New York Times*, D5.

Fitzgerald, K. (1994, Feb. 21). Hollywood plays big part in plans for new toys, *Advertising Age*, p. 3f.

Freeman, M. (1993, Dec. 20). Power Rangers represent mega merchandising clout for Saban, *Broadcasting & Cable,*.

Freeman, M. (1994, Jan. 17). Kids still favor big 'E' over three R's, *Broadcasting & Cable* 24f.

Freeman, M. (1994b, Jan. 24). Kid-friendly fare is first order of business; children's television programs, *Broadcasting & Cable*, p. 78.

Freeman, M. (1994c, Feb. 7). NATPE is sales-friendly for action, kids shows, *Broadcasting & Cable*, pp. 26-28.

Friedman, W. (1994, Mar. 2). General Mills spoons 'Beakman' promo, *Inside Media*.

Guber, S. & Berry, J. (1993). *Marketing to and through kids*. New York: McGraw Hill.

Halonen, D. (1993, Feb. 1). FCC stalls renewals of 7 stations, *Electronic Media*, p. 3.

Hutchinson, Harry. (1993, Nov. 29). 'Cro's' Feat: Teaching Kids on Alphabet Web, *Variety*, p. 52.

Kirk-Karos, C. (1992). An economic analysis of toy-based programming and advertising since broadcast deregulation in the 1980s. M.A. Thesis, Department of Communication Art, New York University.

Kline, S. (1993). *Out of the garden: toys and children's culture in the age of TV marketing*. New York: Verso.

Kunkel, D. (1988). From a raised eyebrow to a turned back: The FCC and children's product-related programming. *Journal of Communication* 38(4), pp. 90-108.

Kunkel, D. (1993). Policy and the future of children's television. In Berry, G. & Asamen, J., eds. *Children & television: Images in a changing sociocultural world*. Newbury Park: Sage, pp. 273-290.

Kunkel, D. (1993, May 7). Broadcasters' license renewal claims regarding children's educational programming. In Comments, Dale Kunkel, in the matter of policies and rules concerning chil dren's television programming, MM Docket No. 93-48, Federal Communications Commission.

Liebert, R. & Sprafkin, J. (1988). *The early window: Effects of television on children and youth*. New York: Pergamon Press.

McClellan, S. (1993, April 19). Mapping out kids schedule, *Broadcasting & Cable*.

McClellan, S. (1993b, July 26). It's not just for Saturday mornings anymore, *Broadcasting & Cable*, p. 38.

McClellan, S. (1994, April 11). Networks add 13 new kids shows, *Broadcasting & Cable*.

McNeal, J. U. (1992). *Kids as customers: A handbook of marketing to children*. New York: Lexington Books.

Oldenburg, D. (1993, July 6). Children's business: America's $90 billion-plus youth market, *Washington Post.*

Rushnell, S. (1990, May 12). Kids' TV: a near-blank screen, *New York Times*, national ed., op-ed.

Schneider, C. (1989). *Children's television: How it works and its influence on children.* Lincolnwood, Il.: NTC Business Books.

Schatz, R. (1994, March 20). Tough crowd: broadcasters struggle to keep the FCC, kids and advertisers happy, *New York Newsday.*

Schmuckler, E. (April 18, 1994) Oh, what a beautiful morning, *Mediaweek.*

Spectorsky, B. (1993, March 10). Testimony before the Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce, U.S. House of Representatives.

U.S. Bureau of the Census. (1993). Statistical Abstract of the U.S., 1993, 113th ed. Washington, D.C.: Bureau of the Census.

U.S. Federal Communications Commission. (1991). Report and order: In the matter of policies and rules concerning children's television programming. *FCC Record*, 6, 2111-2127.

U.S. Federal Communications Commission. (1991b). Memorandum opinion and order: In the matter of policies and rules concerning children's television programming. *FCC Record*, 6, 5093-5105.

U.S. Federal Communications Commission. (1993, March 17). Notice of inquiry in the matter of policies and rules concerning children's television programming. *Federal Register* v. 58, no. 50, 14367-14369.

U.S. House of Representatives. (1993, March 10). Hearing before the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce. 103d Cong., 1st. Sess. Serial No. 103-27. Washington, D.C.: GPO.

Watkins, B. (1987) v. 5 #2 Spring/Summer. Improving educational and informational television for children when the marketplace fails, *Yale Law & Policy Review.*

Watson, M.A. (1990). *The expanding vista: American television in the Kennedy years.* New York: Oxford University Press.

Wharton, D. (1993, Jan. 25). Congress plans investigation of kidvid gripes, *Daily Variety*, p. 1.

Wharton, D. (1993b, April 5). White House to press FCC on enforcing kidvid law, *Daily Variety*, p. 1.

Broadcasting & Cable
September 23 1996

President Clinton has been actively making telecommunications policy ever since he arrived at the White House nearly four years ago. With Vice President Gore on the point, he has promoted the information superhighway, signed telecommunications-reform legislation lowering barriers to competition, capitalized on the value of spectrum and won program ratings and more educational programing for kids. Taken as a lot, the actions describe a policy of measured deregulation with a social conscience. There are still plenty of restrictions to go around, but every electronic communication medium—broadcast TV, cable, radio and telephone—has considerably more room to maneuver than it did before Bill Clinton took over.

In this exclusive written Q&A with BROADCASTING & CABLE editors, the President says "no" to further relaxation of TV ownership rules, justifies the program ratings and kids TV requirement, reaffirms his commitment to giving broadcasters a second channel for digital TV and promises to keep an eye on rising cable rates.

Clinton on Communications

Your administration supported the V-chip and the FCC rule that requires TV stations to air three hours of children's educational programing per week. How do you justify such intrusions into TV content in light of the First Amendment?

Neither the V-chip nor the children's television rule intrudes on First Amendment rights. The V-chip, after all, is just an extension of the remote control—it allows parents to turn off certain programs when the parents aren't home or aren't in the TV room. As long as the television industry, not the government, provides the ratings—as the industry has agreed to do—I don't see how there is a First Amendment problem.

As for the children's three-hour rule, the Children's Television Act requires broadcasters to serve the educational and informational needs of children. The guidelines agreed to by my administration and the broadcasters that the FCC then adopted clarify what broadcasters must do to show they have complied with the act. The Supreme Court has consistently treated children as a special, protected class, and the FCC action falls within that approach.

Can you see the day when broadcasting enjoys the same First Amendment protections as publishing?

As you know, the distinction between broadcasting and publishing in terms of the First Amendment is based on the scarcity principle. Free over-the-air broadcasting will continue to be a vital part of our media, and availability of licenses will continue to be limited. When that changes, the distinction between broadcasting and print will change too.

Do you think the V-chip will protect children from what you see as excessive sex and violence on TV?

It will help parents to guide their children's viewing—I don't think it will necessarily reduce excessive violence or sex on television, but I do think that it will help parents to limit the amount of adult material that their children see. So it will reduce the overall amount of violence and sexual content that children see on television.

Do you advocate the return of the family viewing hour and do you support Senator Hollings's proposed ban on violent TV programing during all but late-night hours?

I am supportive of efforts by the broadcast industry to provide more family-oriented, positive programing in the early evening. But I have not supported legislation to force a family viewing hour in prime time.

In the wake of the FCC's adoption of the three-hour kids TV requirement, should the FCC impose other specific public interest obligations on TV stations? Free political advertising time, for instance? How would that square with the First Amendment?

Broadcasters using the public airwaves have always been required to serve the public interest, and that has never posed a First Amendment problem. The nature of that obligation has changed over time. As we move to digital transmission and increase the capacity and efficiency of broadcasts, it may be appropriate to expand the public service obligations in certain ways, including free time for political debate and advertising.

Your administration favors giving TV stations a second channel to make the transition to digital, but wants the stations to return the analog channel by 2005, earlier than most broadcasters would like. Would you be willing to postpone the give-back date in exchange for broadcasters' support of your proposal to auction TV spectrum between channels 60 and 69?

I have proposed a plan for the return of the analog television channels within seven years of the advent of digital broadcasting, with exceptions for small, rural and noncommercial broadcasters. I do not think it is unreasonable to expect that this transition will take place in seven years.

As for channels 60 to 69, the FCC, which is developing the plan for the transition, has indicated that these channels are not absolutely necessary for the transition. This large block of spectrum could be auctioned for other services that are in great demand, such as mobile phone service or data transmission services.

Bob Dole as well as some liberal and conservative groups say broadcasters should pay for the digital spectrum. They contend that giving broadcasters the spectrum, even for a transition period, amounts to "corporate welfare." How do you respond?

I think that digital television will be of tremendous benefit to the American public, and I fully support the transition. In addition, by waiting to auction the spectrum that is returned by broadcasters we will be able to auction contiguous spectrum blocks, which are far more valuable than scattered pieces, which are less valuable for new services.

By delaying the auction we will be able to raise more revenue for deficit reduction while allowing for a smooth transition to digital technology for free over-the-air television. Free broadcast television provides a valuable service—local news, sports programing and many other programs that are enjoyed by millions of people—and I support a plan that will insure its continued availability. Auctioning the digital television channels may mean that the services offered over their channels are not free.

Should the FCC mandate a standard for digital TV broadcasting?

The best standard would be one developed by and supported by all the affected industries, which could then be endorsed by the FCC. I am still hopeful that this is possible, although at the moment broadcasters and computer manufacturers disagree on many details of the national standard for television transmission. We want to make sure that there are no roadblocks to future compatibility between television and computers.

So far, the Telecommunications Act of 1996 has paved the way for a number of mergers and acquisitions, particularly in radio and telephone, but little of the competition that was promised. Does media consolidation concern you?

First, let me address your statement that the

"As you know, the distinction between broadcasting and publishing in terms of the First Amendment is based on the scarcity principle. Free over-the-air broadcasting will continue to be a vital part of our media, and availability of licenses will continue to be limited. When that changes, the distinction between broadcasting and print will change, too."

> "Broadcasters using the public airwaves have always been required to serve the public interest, and that has never posed a First Amendment problem. The nature of that obligation has changed over time. As we move to digital transmission and increase the capacity and efficiency of broadcasts, it may be appropriate to expand the public service obligations in certain ways, including free time for political debate and advertising."

act has not yet produced the competition that is intended. As you know, the incumbent telephone companies and many competitors are in the process of negotiating agreements that will allow the competitors to offer new services in the local market. I am told that by next year we will see a host of new wired competitors, and we are already seeing new wireless services being offered. I am very hopeful that the promise of the act—choice for consumers—will be fulfilled in the very near future.

With respect to concentration, we have consistently voiced our concern over the concentration particularly of mass media ownership because of the potential to silence the great diversity of voices we enjoy in this free country. I said that I would veto an earlier version of the bill that contained what I viewed as unhealthy concentration in the ownership of media outlets. These provisions were changed in the final bill, which maintains important limits on common ownership of media outlets in local markets, such as ownership of radio and television stations and the local television stations.

In addition, one of my top priorities in the legislation was to insure that there were limits placed on the common ownership of both the telephone company and the local cable operator in any particular community or region. These limits were included in the act and will go far toward insuring that these various companies compete to offer services in a region rather than merge and that consumers will have a choice of providers for these services.

We will remain watchful and vigilant with respect to this issue. As you know, the Department of Justice regularly reviews these mergers to assure that there are no anticompetitive aspects to the deals. What we want is choice for the American people and a marketplace that allows full and free entry for new players.

What must the FCC do to insure competition in local telephony?

The FCC has recently adopted a pro-competitive national framework for implementing the 1996 Telecommunications Act. Its Interconnection Order fairly sets the rules for incumbent telephone companies and new competitors while protecting consumers and partnering with the states to insure that a robust telecommunication market develops for local telephone service. The FCC, together with the state regulatory commissions, must vigorously enforce these rules and move promptly to address any remaining barriers to investment in this growth (i.e., access-charge reform).

The FCC is considering loosening its local TV ownership rules to permit common ownership of two TVs or a TV and newspaper in the same market. Do you think relaxation of these rules is a good idea?

No, I don't.

Are you concerned by recent cable rate hikes outpacing inflation?

I am certainly concerned about potential rate increases. That is why I argued for the continuation of cable rate regulation, particularly on basic services, until competition truly exists in local markets. The most effective way to protect consumers from cable rate hikes is to clear the way for competition to provide a check on unreasonable prices. We are working to clear the way for new competitors to cable operators such as DBS [direct broadcast satellite] and wireless cable so that consumers have a choice in service providers and can protect themselves against unreasonable cable prices or poor service quality.

Broadcasting and cable have also been subject to increasing vertical integration—common ownership of programing and distribution. Is this a cause for concern?

We certainly need to keep a close eye on it. It provides for a more efficient market in some ways, particularly when you look at global competition, but concentration is a serious problem when it is broad enough to allow for anticompetitive behavior.

I believe strongly that diverse ownership of the mass media is critical to the free flow of ideas and that we must work to insure that there are multiple voices available in each and every community. One of the things in our favor here is the fact that competition can spring up in the most unexpected places. For example, the emergence of radio stations on the Internet. So I think that the important thing is to retain reasonable limits on concentration of ownership and to keep the door open for new competitors whenever possible.

What's your plan for funding public broadcasting?

I strongly support public television and public radio. I think it is very important to have a noncommercial voice available in every market. It provides some balance, and it also provides an important source of educational and cultural programing that might not be available on commercial stations.

There are several proposals to create a trust fund to pay for the annual operations of public broadcasting. I support this idea if it can be structured and funded in such a way as to maintain the same level of support for public broadcasting that it has enjoyed in recent years. I believe it is very important to continue to support public broadcasting, and I will again ask the Congress to reverse the funding reductions it enacted for these programs last year. ■