



FCC

TV
Violence

*Office of Legislative
and Intergovernmental Affairs*

To: Tom Freedman

Organization:

Fax: 456-7431

Phone:

From:

Jamie Davis

Date:

Time:

Fax: 202-418-2806

Phone: 202-418-1900

This cover sheet is Page 1 of ____ pages.

If there are any problems with this transmission, call 202-418-1900.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the intended recipient named above. If you are not the intended recipient, you are hereby notified that any copying of this communication or dissemination or distribution of it to anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and destroy the original message. Thank you.

Use universal ratings for

By Michael Medved

After all the anguished conversation during the past three weeks about media violence — the congressional hearings, the entertainment "summit conferences," the probing TV specials and the solemn pronouncements of politicians — will we once again shrug our shoulders and do nothing?

Americans have reached an overwhelming consensus that brutality in the popular culture exerts a destructive influence on the attitudes and behavior of their kids. Is it enough to respond to this consensus by stating the obvious: that the chief responsibility for protecting the young ultimately falls upon their parents?

No, it is not enough, especially when the entertainment industry itself easily could seize this unique chance to make one obvious, immensely important reform to help parents cope with the media onslaught.

We desperately need a universal rating system to cover all elements of pop culture — a clear, consistent means of labeling movies, television, CDs and video games so consumers can make more informed choices in the marketplace.

Even Hollywood's most shameless apologists must face the fact that the current ratings situation amounts to a chaotic, incomprehensible mess. Sure, a typical parent may have some idea what the Motion Picture Association means by designating a given film as "PG-13." But how many among us could even begin to explain the television rating of "TV-Y7" or "TV-MA"? And does anyone out there fully grasp video game ratings of "M" or "AO"?

movies, CDs, TV, video games

Continued confusion is not only unnecessary, it is also indefensible. Leaders of the various media — who, after all, often represent the same huge parent companies such as Warner Brothers or Disney — should come together to clear away all the puzzling abbreviations and contradictory standards. The movie ratings — "G," "PG," "PG-13," "R" and "NC-17" — should provide the basis for a new across-the-board system that offers parents far more meaningful guidance. That guidance will be particularly important when, in the near future, most TV sets will be equipped with a V-chip, a device that is only as useful and usable as the ratings the industry provides.

During informal conversations, both network and movie studio executives displayed a positive and open-minded response to the notion of creating consistent ratings for all media. Establishing one unified system with recognizable abbreviations seems, in fact, particularly appropriate at a time when the big entertainment companies are trying to emphasize "synergy" and "convergence" in their multifaceted operations.

The movie industry began rating its releases more than 30 years ago, so its designations are far more familiar to the public than the new categories in other entertainment media.

Of course, there are subtle distinctions between a television rating of "TV-14" and a film label of "PG-13," but are these differences important enough to justify perpetuating the current muddle? Surveys show that few parents make use of the new TV ratings, in part because so few understand them.

Establishing a universal rating would both facilitate and encourage greater parental supervision in the entertainment that children consume. At the moment, the only information provided about music releases, for instance, is an all-purpose advisory affixed to CDs and tapes that warns of "explicit content." This is an all-or-nothing categorization that gives adults little information or assistance in understanding the nature of the usually unfamiliar titles their children may purchase. Many parents would feel grateful for some guidance as to which releases qualify as "PG" or "PG-13" and which have earned an "R." At the moment, albums get tagged only if they are, in effect, "NC-17."

None of this amounts to censorship of any kind, nor would it require governmental intervention. The universal ratings, like the well-established system for feature films, would remain entirely voluntary. If consumers choose to ignore it, they remain totally free to do so.

Of course, some ratings decisions for specific TV shows, musical releases or video games will be capricious and illogical. That's certainly been the

USA TODAY

case with some controversial movie designations in the past. But even imperfect efforts to provide parents with more adequate guidance would serve to empower them.

Nor should anyone argue that consistent, comprehensible across-the-board ratings would inevitably lead to more emphasis on racy material, with producers trying to maximize their revenues by going for the harsher, hipper, more popular "R" designation. In movies, producers appeal decisions of the ratings board all of the time, but almost always to get the softer rating, not the harder one. They have recognized for years now that "PG" titles fare, on average, far better than "R" titles precisely because they appeal to a broader audience. Some movies, such as *Saving Private Ryan*, require an "R" for their creative purposes and find a huge audience in spite of it. The same will prove true for some video games, musical albums and TV shows.

But at least a universal system that the public understands will make it harder to market graphically violent material to unsuspecting kids or to pass it off as "family fare." An "R" rating may not keep all customers away from a piece of popular entertainment, but at least it serves as fair warning.

In recent years, people's entertainment preferences have proved that many Americans mean what they say when they demand more wholesome alternatives. The new industry-wide ratings system would help them find what they're seeking. Jack Valenti, president of the Motion Picture Association, industry elder statesman and the godfather of the well-known movie ratings, might well be enlisted to spearhead this new effort. At the very least, it would amount to a good-faith response to the unmistakable public concern.

If the potentates of popular culture sincerely worry about disturbing messages reaching our kids, then why should they resist this moderate, common-sense step? It involves no new restrictions, just new information — new tools many families would choose to use. Few parents expect government bureaucrats or entertainment executives to take their places when it comes to guiding entertainment choices of their kids. Yet it shouldn't be too much to ask media moguls whether, to paraphrase Winston Churchill, they will "give us the tools, and we shall finish the job."

Film critic Michael Medved, a member of USA TODAY's board of contributors, hosts a daily national radio talk show.

Date 5/11/99
Page 15 Acont'd

The Washington Post

Newton N. Minow and Craig L. LaMay

DATE

5/11/99

PAGE

A21

Restore the Broadcast Code

Whose words are these? "Television and all who participate in it are jointly accountable to the American public for respect for the special needs of children, for community responsibility, for the advancement of education and culture, for the acceptability of the program materials chosen, for decency and decorum in production, and for propriety in advertising. This responsibility can only be discharged through the highest standards of respect for the American home, applied to every moment of every program presented by television."

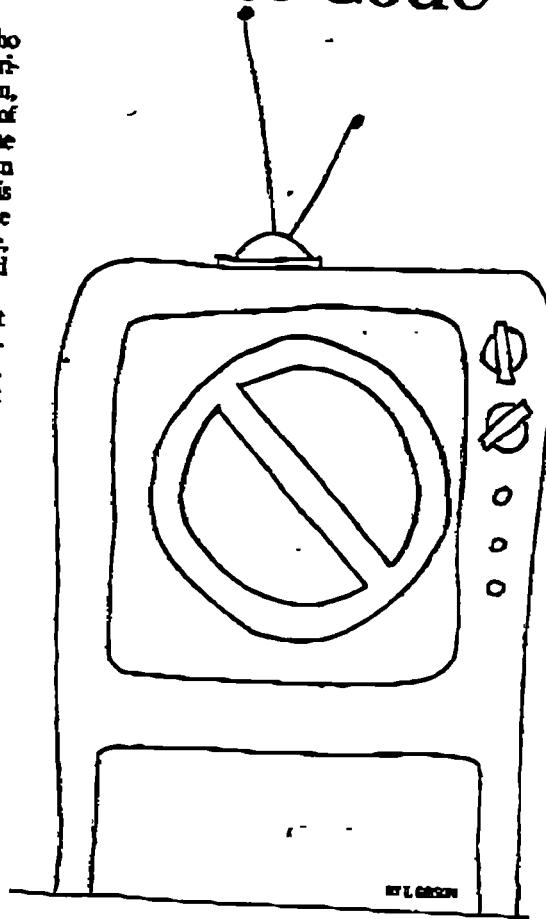
These are not the words of some government regulator but of the National Association of Broadcasters, which included them in its 1952 code of standards. Few Americans would disagree with these words. But our government, in a moment of litigious insanity, attacked the code in court on the theory that its restraints on commercial time violated antitrust laws. The government effectively killed the code in 1982, and thus contributed to the toxic stew of programs that children see today.

At the time the government forced the NAB to abandon its code, two-thirds of our television stations subscribed to it. Neither Congress nor the federal judge who ruled in the case thought the suit a good idea. Sen. Daniel Inouye (D-Hawaii) called it "wrong." Art Buchwald quipped, "The beauty of government servants is that they are always willing to help American citizens, even when you don't want them to." And U.S. District Court Judge Harold Greene, who heard the case, asked a Justice Department attorney, "What did you hope to gain?"

What we "gained" is an abandonment of broadcasters' efforts to maintain their programming standards. What we gained is a torrent of shock jocks and video vultures who ridicule Kosovar refugees and stage fights on the public airwaves.

This week President Clinton holds a White House conference on children and violence. In the aftermath of the Littleton shootings, much has already been said on this topic, and the entertainment and media industries—film, television, video games and the Internet—have already come in for their share of finger-pointing. But let's not forget that our own government helped to make the problem worse.

In our overdue national discussion on children and violence, let us have some teaching about the First



By killing the code in 1982,
our own government
contributed to the toxic stew
of programs children see
today.

Amendment, too. A few years ago, a respected company such as Time Warner defended its distribution of a violent rap song about killing police officers as an attack on the company's free speech rights. Not long before, NBC News argued that criticism by viewers and affiliate stations of its broadcast of an on-camera murder of a Miami woman was an attack

The Washington Post

on its First Amendment rights. And when a dentist in Texas organized a letter-writing campaign to television stations complaining about after-school television talk shows featuring strippers, transvestites and serial killers, one prominent talk show host accused the dentist of violating his rights.

What all these events have in common is that ordinary people were charged with censorship when they used their own free speech rights to disagree with viewpoints or programming they found in poor taste or bad judgment. What these people understood—what we should all understand—is that the First Amendment does not restrict editors, producers, publishers or broadcasters from exercising their professional discretion about the products they distribute to the public—and especially to children.

One of the clearest explanations of what the First Amendment is was given by Michael Eisner, chairman of the Walt Disney Co., in a speech last year to the American Society of Newspaper Editors. He said, "The amendment starts out by saying, 'Congress shall make no law.' In other words, it is setting out rules of behavior for the government, not for us. This makes the amendment all the more remarkable. After all, most legal documents dictate the behavior of citizens, instructing us on everything from how to drive our cars to how to build our homes to how to pay our taxes to even how to protect our trademarks with long round ears. The First Amendment does just the opposite. It regulates the government, and lets us be."

Steps to clean up television, video games and the Internet will not violate the First Amendment if these steps are taken in the private sector. The media industries properly call for self-regulation but resist opportunities to do so. Congress has made clear that the antitrust laws are no longer a bar to creating codes of good practice, and has urged the television industry in particular to move beyond program ratings, which are no substitute for professional standards. The First Amendment protects us from the government; it is not a barrier to acting on our own good judgment about the health and wellbeing of our children.

Newton N. Minow is a Chicago attorney and former chairman of the Federal Communications Commission. Craig L. LaMay is a journalist and a professor at Northwestern University.

DATE

5/11/99

PAGE

A2/cont'd

THE HENRY J.

KAISER
FAMILY

FOUNDATION

News Release



**EMBARGOED FOR RELEASE UNTIL:
9:00 a.m. ET, Thursday, September 24, 1998**

2400 SAND HILL ROAD
MENLO PARK
CALIFORNIA 94025

EMBARGOED

For further information contact:
Tina Hoff
or Matt James

TEL 415 854-9400
FAX 415 854-4800

Major New Study of the V-Chip TV Rating System:

TV Rating System Doesn't Flag Most Sex and Violence for Parents, But Most Who Use it Assume it Does

Washington, D.C. -- One year after the television industry began using a new system for rating program content, a major new study finds that the age-based portion of the ratings, such as TV-G or TV-14, have been applied accurately, but that the more detailed "content descriptors" favored by most parents are not being widely used to flag programs with sexual or violent content.

More than three out of four (79%) shows with violence and nine out of ten shows with sex (92%) do not receive the V or S content descriptors. Among children's programs, eight out of ten shows (81%) with violence do not receive the FV ("fantasy violence") descriptor, the only content indicator available for use with children's programs. A companion survey of more than 500 parents found that a majority (55%) of those who use the TV ratings believe that the V content descriptor is supposed to be used on all shows containing violence.

Although shows without content descriptors generally had lower levels of violence or sex than shows that received the descriptors, many did not. For example, an episode of *Walker, Texas Ranger* that aired without a V included the stabbing of two guards on a bus, an assault on a church by escaped convicts who threaten to rape a nun, and a fight scene in which one escapee is shot and another is kicked and beaten unconscious. And the movie *Danielle Steele's Family Album*, aired without an S, showed a couple having intercourse, their bodies partially covered with a sheet.

The study released today by the Kaiser Family Foundation – *Rating the TV Ratings: One Year Out* – found that the failure to flag the majority of sex and violence is the result of several factors, including judgment calls by the industry, NBC's decision not to use the content descriptors on any of its shows, and gaps in the design of the system as agreed to by the industry and advocacy groups. The study was conducted for the Foundation by Professor Dale Kunkel of the University of California, Santa Barbara.

"The bottom line for parents who want to use the V-chip is clear," said Vicky Rideout, Director of the Kaiser Family Foundation's *Program on the Entertainment Media and Public Health*. "Parents cannot rely on the content descriptors, as currently employed, to identify most shows containing sex, violence, or adult language."

- more -

According to the companion survey of parents, two-thirds (67%) of those who use the ratings say the content descriptors provide the most useful information (13% say the age-based ratings do). With regard to violence in children's programs, the study found that six out of ten (60%) children's shows contain violence; less than one out of five (19%) children's shows with violence receives an FV ("fantasy violence") content descriptor. The rating system as designed does not call for the FV descriptor to be used on every show containing violence, but only on those shows rated TV-Y7 that contain "more intense" or "more combative" violence than other shows in that rating category.

Even among those shows "specifically designed for a very young audience," (rated TV-Y) more than half (55%) contained violence. The companion survey of parents found that a majority (61%) of parents who use the ratings believe that shows that are rated TV-Y are not supposed to contain any violence.

Under the rating system, all shows other than news or sports are supposed to receive a rating. Overall, the study found that the television industry has done a good job in complying with this policy: across all networks and programs reviewed, only 4% of shows that qualified for a rating failed to receive one.

Independent of the use of content descriptors, the study found that the age-based portion of the ratings are applied accurately to general audience shows (i.e., shows other than those created specifically for children). For example, the TV rating guidelines state that shows rated TV-G will contain "little or no" violent or sexual content. The study found that 80% of TV-G shows contain no violence, and the remainder contain an average of two scenes of low-level violence; 91% contain no sexual behavior, and the remainder contain an average of less than two scenes of mostly mild sexual content.

Methodology: The study is one of the largest analyses of television content ever conducted. A randomly selected composite week of television programming on eleven channels was subjected to elaborate content analysis. The channels represent network and independent broadcast stations as well as basic and premium cable (ABC, CBS, NBC, Fox, HBO, Lifetime, Nickelodeon, PBS, TNT, USA, and the independent Los Angeles station KTLA, which airs nine hours a week of WB programming). The results for PBS are reported independently of the commercial stations. Rather than simply counting the amount of violence, sex or adult language in a show, the study also analyzed the level and intensity of such content as well as the context in which it was presented. The analyses were conducted by trained coders using standard research techniques that yielded a high degree of consistency in judgments among coders.

Survey Methodology: The survey results are based on a national random-sample survey of 547 parents of children ages 2-17, conducted by International Communications Research from September 3-8, 1998. The margin of error is $\pm 4\%$.

Copies of the study, entitled *One Year Out: Rating the TV Ratings* (pub. # 1434), or of the Executive Summary (pub. #1435), are available by calling the Kaiser Family Foundation's publications request line at 1-800-656-4533.

The TV Parental Guidelines, agreed to by the television industry and advocacy groups, are the only official description of the various ratings and how they should be applied. Following is the exact text of these guidelines.

The TV Parental Guidelines

The following categories apply to programs designed solely for children:

TV-Y: All Children. *This program is designed to be appropriate for all children.* Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2-6. This program is not expected to frighten younger children.

TV-Y7: Directed to Older Children. *This program is designed for children age 7 and above.* It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children. Note: for those programs where fantasy violence may be more intense or more combative than other programs in this category, such programs will be designated TV-Y7-FV.

The following categories apply to programs designed for the entire audience:

TV-G: General Audience. *Most parents would find this program suitable for all ages.* Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.

TV-PG: Parental Guidance Suggested. *This program contains material that parents may find unsuitable for younger children.* Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).

TV-14: Parents Strongly Cautioned. *This program contains some material that many parents would find unsuitable for children under 14 years of age.* Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).

TV-MA: Mature Audience Only. *This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17.* This programs contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

An Assessment of the Television Industry's Use of V-Chip Ratings

Rating the TV Ratings: One Year Out

A REPORT TO THE
KAISER FAMILY FOUNDATION

By Dale Kunkel,
Wendy Jo Maynard Farinola,
Kirstie M. Cope, Edward Donnerstein,
Erica Biely, and Lara Zwarun
University of California, Santa Barbara

THE HENRY J.
KAISER
FAMILY
FOUNDATION

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

An Assessment of the Television Industry's Use of V-Chip Ratings

Rating the TV Ratings: One Year Out

A REPORT TO THE
KAISER FAMILY FOUNDATION

By Dale Kunkel,
Wendy Jo Maynard Farinola,
Kirstle M. Cope, Edward Donnerstein,
Erica Biely, and Lara Zwarun
University of California, Santa Barbara

THE HENRY J.
**KAISER
FAMILY**
FOUNDATION