

LAWYERS, GUNS, & MONEY



The Long Story of Violence on TV

by Robert Anderson

For the last forty years, the issue of violent programming on television has been researched by psychologists, debated by legislators, and rationalized by the networks. And though viewers consistently complain about surging levels of TV violence, they continue to watch.

The scene was a hearing room on Washington D.C.'s Capitol Hill. A Senate subcommittee investigating the effect of television violence on young viewers had just released a report that drew some damning conclusions. After a three year investigation, the findings "conclusively" established a relationship "between televised crime and violence and antisocial attitudes and behavior among juvenile viewers."

Robert Anderson is a lawyer who, if research estimates are correct, has been exposed to violent acts on television numbering in the millions.

According to the report, over the previous seven years the number of television shows featuring violence and crime during prime-time viewing hours (7:00 to 11:00 pm) had increased by 200 percent. Pulling no punches, the document accused television networks of broadcasting a "clearly excessive" amount of violence. The subcommittee chairman, Senator Dodd from Connecticut, voiced his "earnest hope" that the national television networks would follow recommendations to take steps to lower the amount of violence on TV. Dodd threatened the networks with congressional regulation if they did not comply, remarking that "[t]he patience of Congress, though considerable, is not endless."

This harsh rebuke of the television networks sounds much like recent headlines. Yet, what makes the report amazing is that it was released October 27, 1964, and that the Senator Dodd referred to was not current Connecticut Senator Christopher Dodd, but rather his father and former Connecticut Senator Thomas J. Dodd. In the 29 intervening years, Congress has exhibited more patience and television has shown more violence.

Recently, Senator Kent Conrad of North Dakota characterized the May "sweeps" period of 1993 as "one of the bloodiest months in TV history." Eighteen of 29 network movie slots were filled with films or miniseries containing "significant levels of violence". According to the National Coalition on Television Violence, 25% of prime time shows in the 1992 fall season contained "very violent" material. When asked about this bloodletting, 72% of Americans polled in a recent *Times Mirror* survey thought that "television entertainment shows contain too much violence."

In the last year, Congress responded by convening more hearings on television violence. But in contrast to 1964, Congress has more to report to the public than its own threats. First in December, 1992 and then again in July of 1993, the broadcast television networks, ABC, NBC, CBS and (in July) Fox, issued unprecedented joint statements concerning violence in their programs. And in July they began issuing viewer advisories prior to particularly violent shows.

On August 2, 1993 several hundred of the nation's top television executives met in a first-ever industry conference on television violence, where they discussed with academics and lawmakers the questions which have provoked debate and inquiry for more than forty years: is viewing television violence

harmful and, if so, what should be done about it?

Research into Television Violence: Begging the Question

*TV, Is it the reflector or the director?
Does it imitate us or do we imitate it?
Because a child watches 1500 murders before he is twelve years old
And we wonder how we've created a Jason generation that learns to laugh rather than abhor the horror*
-lyrics from "Television: The Drug of the Nation"
by Michael Franti

Critics of television violence often quote statistics correlating the amount of violent programming to the amount of time Americans spend watching TV. The numbers are startling. Nielsen reports that the average American child will watch 15,000 hours of television by the time he or she graduates high school, as opposed to 11,000 hours spent in the classroom.

Combine that with the reports from the University of Pennsylvania, where the Annenberg School for Communication has been conducting an ongoing study of violence on television since 1967. In 1990, Dean emeritus George Gerbner reported that "[t]he percent of prime-time programs using violence remains more than seven out of ten, as it has been for the entire twenty-two year period" of the study. Drawing on these statistics and the results of other studies of television viewing and violence, the American Psychological Association estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

Reading these statistics is like contemplating the number of stars in the night sky, and are out of our human capacity to fathom. But what do the statistics mean? What is the effect of watching 8,000 enacted killings on a television screen before leaving elementary school?

There have been as many as 3,000 studies in the past four decades on essentially that question, and answers have been wide-ranging. In the 1950s, before television sets were ubiquitous fixtures in North American living rooms, social scientists generally agreed that television had little effect on viewers. But as more work was done, it became clear that TV violence did have an impact. One group



[Kirk Anderson]

of researchers has argued that television violence actually has a calming effect on its audience. "By having television entertainment with adequate sex and violence," writes Jib Fowles, University of Houston-Clearlake Media Studies Professor, "Americans are nightly able to empty their subconscious; aggressive fantasies produce tranquil minds."

But the vast majority of research into the effects of television violence suggests that watching violence on television *is* harmful, and most often studies conclude that watching television violence leads people to act violently. In 1982, a report by the National Institute of Mental Health (NIMH) concluded that "the consensus among most of the research community is that violence on television does lead to aggressive behavior by children and teenagers who watch the programs."

This consensus was slow in coming, despite the many studies which had been done, because researchers found it especially difficult to measure something so abstract and elusive as the motivations behind an act of violence, and to say definitively that watching television plays a part. "It's like watching rain fall on a pond and trying to figure out which drop causes which ripple," says University of California at San Diego sociologist David Phillips.

Despite the difficulties, some studies managed to limit the variables and reach broad conclusions. University of Washington Professor Brandon Centerwall noted a dramatic rise in homicides in the United States and Canada beginning in 1955 and continuing through the 1950s and 1960s. He hypothesized that it could be explained by the fact that the first generation exposed to television violence in large numbers was coming of age.

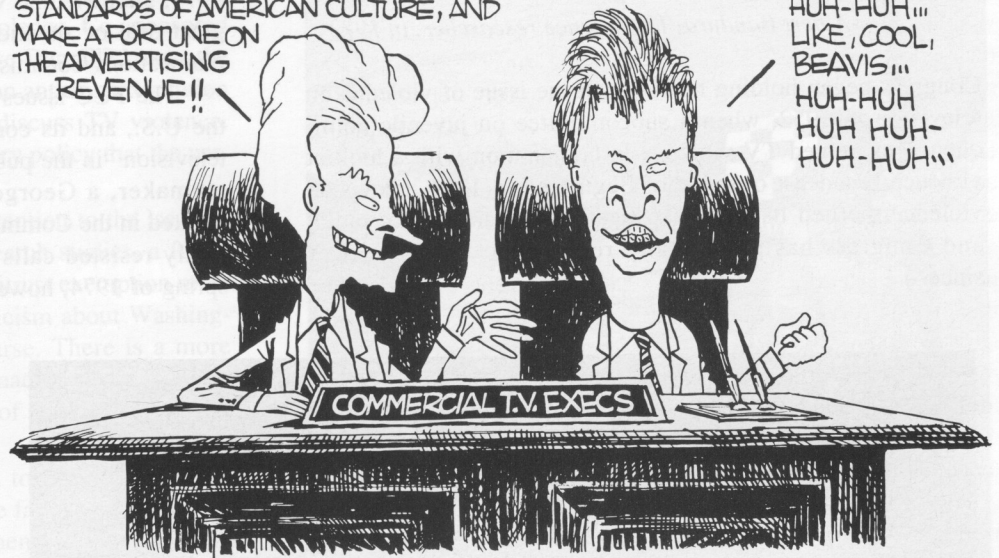
What Centerwall needed was another example that would eliminate other possible causes of the increase unique to the North American experience. He found a third sample in the nation of South Africa, where the government had banned television until 1975. Eight years after television was introduced, showing mostly American-made programming, the number of murders in the country accelerated dramatically. Centerwall also noted that, just as in North America, the rate increased first in ethnically white communities, which in all three nations were the first to get television.

While further substantiating the claim for TV violence, Centerwall could not settle the question permanently. Increasing levels of violence in South Africa, especially after the 1977 assassination of black leader Stephen Biko, can just as easily be attributed to rising ethnic tensions over the government's apartheid policy.

Besides contributing to violent behavior generally, television violence has also been blamed for many "copy-cat" incidents which have occurred over the years. One of the most

HEY, BUTT-HEAD! LET'S, LIKE, MAKE SHOWS THAT APPEAL TO THE BASEST HUMAN INSTINCTS, SHOW LOADS OF GRATUITOUS SEX AND GRAPHIC VIOLENCE, SCREW UP CHILDREN'S MINDS, SHORTEN ATTENTION SPANS, LOWER THE STANDARDS OF AMERICAN CULTURE, AND MAKE A FORTUNE ON THE ADVERTISING REVENUE!!

HUH-HUH...
LIKE, COOL,
BEAVIS...
HUH-HUH
HUH HUH-
HUH-HUH...



Beavis and Butthead: Popular MTV characters were moved to a later time slot.
[Jim Morin, *The Miami Herald*]

famous examples concerns the broadcast of *The Doomsday Flight* on NBC in the 1960s. In the movie, a character hides an altitude bomb aboard an airliner, and then calls the airline saying that he will divulge the location of the bomb in return for ransom.

While the show was being broadcast, one airline received an identical bomb threat, and by the end of that week, eight similar threats were reported. Though none of the threats proved genuine, one airline paid \$500,000 to protect its passengers. Another airline beat the copycat at his own game. Presented with a "Doomsday" threat, airline officials followed the script of the movie by rerouting the plane to an airport located at high altitude.

Tragically, following the script has proved fatal to children attempting to mimic what they see on television. One child, after viewing a stunt on *The Tonight Show* in which a performer appeared to hang himself, died when he tried to repeat the feat in his room. His parents sued the network on which the show aired, and ultimately lost their case in the Rhode Island courts. The state supreme court, in ruling on the case of *DeFilippo v. NBC*, said that "[t]o permit plaintiffs to recover on the basis of one minor's actions would invariably lead to self-censorship by broadcasters in order to remove any matter that may be emulated and lead to lawsuit." Nonetheless, in 1993 the programmers at the music video network MTV decided to move the popular *Beavis and Butthead* cartoon show to a later time period after the show was blamed for a child setting fire to the family home, killing his younger sister in the process.

Research has also suggested that, in the words of Annenberg Dean Gerbner, "the most pervasive long-term consequence of growing up in a media cult of violence is a sense of pervasive insecurity, what we call the 'mean-world syndrome.' It's a sense of feeling vulnerable, of dependence, of needing protection."

Congress Watches Television

"My general impression is that congressional hearings are sort of like television reruns: same characters, same plot, same outcome."

-Albert Bandura, TV violence researcher, in 1972

Congress began holding hearings on the issue of violence on television in 1952, when a subcommittee on juvenile delinquency examined TV violence in conjunction with a look at violence broadcast over radio. Beginning in 1954, television violence merited its own investigations separate from radio, and Congress has periodically returned to the issue ever since.



Innocent antics on The Tonight Show: a case in point about "impressionable" young minds?
[NBC]

A look at the proceedings over the last forty years reveals a repeating storyline similar to that of the 1964 Dodd hearings described above. The recurring characters include: the somber academic, reporting that television is more violent than ever, and that the research linking TV violence to real violence is stronger than ever; the contrite television executive, explaining to committee members that his network avoids violence for the sake of violence, and that several actions have just been taken to reduce the amount of violent programming; and the committee chair, who reports that proposed legislation imposing government regulation of television is being delayed until the next session to give the networks a chance to clean up their act.

Those people who believe that Congress should act to reduce violent programming often consider the legislators' record wanting. Congressional efforts in the past forty years have had little lasting impact in terms of reducing the amount

of violence on television, though publicity from government attention has generated a great deal of research. Congress has also twice taken steps which led to a change in network policy, though not to a reduction in the amount of violence shown. In 1974, another time when television violence was receiving a great deal of attention, Congress leaned on the Federal Communications Commission (FCC) to do something.

The FCC issues licenses to all television broadcasters in the U.S., and its congressional mandate includes regulating television "in the public interest." According to Thomas Krattenmaker, a Georgetown University Law Professor who worked in the Commission in the late 1970s, the FCC has generally resisted calls to regulate television violence. In the spring of 1974, however, Congress forced FCC officials to sit up and take notice when it threatened to cut the Commission's budget if it did not take action on television violence.

Over the summer of 1974, FCC director Richard Wiley responded by personally influencing the broadcasters to draft a new policy concerning violence. In the fall, the networks and, soon thereafter, the National Association of Broadcasters adopted the family viewing policy. Programs telecast during the first hour of prime time would be suitable for viewing by the entire family, unless the network broadcasted advisories warning that the program might not be suitable for younger family members.

Whereas research has explored the effects of TV violence on both adults and children, public discussion has focused on the latter almost exclusively. This emphasis reflects the common perception—not always borne out in research studies—that, while media violence is excessive in general, its impact is greater on younger, more "impressionable" viewers.

The "family viewing hour" concept lasted for only two years before a federal district court struck it down for violating the free speech clause of the First Amendment. In the case of *Writers' Guild of America, West v. FCC*, television writers claimed that the family viewing policy, though adopted by the networks voluntarily, was actually the result of government pressure applied by FCC Director Wiley. The court agreed and ruled that the policy was a government attempt to censor the networks in a way that the Constitution would not allow.

In practical terms, the ruling changed little because the family viewing policy was already proving itself unworkable. In its first season, the scheme led network programmers to cram essentially the same amount of violent shows into the remaining three hours of prime time. In the second season, NBC blatantly disregarded the policy by scheduling *Baa Baa Black Sheep*, one of its most violent shows, during the family hour. Whether viewed as government regulation or industry self-regulation, the family viewing policy failed to make fami-

ly viewing of television any less violent.

Current Legislation

In 1990, Congress passed what is to date the only substantial legislation on the subject of television violence. Co-sponsored by Senator Paul Simon and Representative Dan Glickman, the measure granted the television networks an antitrust exemption for the purpose of meeting together to discuss TV violence. Out of these talks came the viewer advisory policy that the networks announced in July.

That forty years of Congressional attention to the issue of TV violence would have resulted in research studies, a failed family viewing hour, and a three year antitrust exemption measure is—depending on your level of cynicism about Washington—either shocking or par for the course. There is a more fundamental reason for Congressional inaction on this issue, however, and it goes back to the failure of the family viewing policy.

Almost any attempt by government to limit violent programming, even an indirect effort like the family viewing policy, is bound to be stymied by First Amendment free speech considerations. Georgetown Law Professor Krattenmaker co-wrote a 1978 law review article with University of Texas Professor L.A. Powe, Jr. examining possible avenues for regulation of television violence by the federal government. "The odds are heavily in favor of the Supreme Court striking down" any law which bans or limits TV violence, he wrote. Congress itself admitted as much in 1977, when a subcommittee reported that any attempt to directly regulate television programming was a violation of the First Amendment.

Consequently, stripped of its trump card of regulation, Congress has been forced into a bluffing contest. Currently, the most influential Congressional player in this high-stakes poker game is Senator Simon. In addition to guiding the antitrust exemption through Congress, Simon has kept a spotlight on the issue for much of the last four years. He is the latest version of Thomas Dodd, threatening the networks with government intervention if they do not take action.

At a Congressional hearing held in October, 1993 Simon announced that he was giving the television industry until January 1 to establish its own panel to make recommendations on curbing TV violence. If they failed to take action, he proposed that Congress should legislate a solution.

The Failure of Industry Self-Regulation

"I remember so many times coming [to the Warner Brothers lot] and pitching [scripts to executives]. Pitching and thinking, 'I've got to sell this, no matter what, I have to sell this, I've just got to sell this. It doesn't matter. Ask me to put in a scene of torturing nuns, I'll do it. I'll do anything to make this sale.'"

- Ben Stein, writer and actor

Congress, knowing that its own hands are tied, has cajoled, threatened, shamed, and pleaded with the television industry to police itself, but with little success. Some have suggested that television executives have made it their business to corrupt the values of the nation. But Brandon Centerwall, author of the



Baa Baa Black Sheep: despite the "family viewing hour" (1974), NBC still scheduled the show for prime time viewing. [NBC/Globe Photos]

South Africa study and an unlikely apologist for television executives, argues that programmers do not lack values, but rather that values are irrelevant to what they do.

"The television industry is not in the business of selling programs to audiences. It is in the business of selling audiences to advertisers. Issues of 'quality' and 'social responsibility' are entirely peripheral to the issue of maximizing audience size within a competitive market—and there is no formula more tried and true than violence for reliably generating large audiences." Television produces violent programming because violence sells.

Recognizing that—like it or not—mayhem is its meal ticket, television has consistently defended itself from the accusation that its violent programming promotes violence. In the beginning, the industry argued that violence on television served as a release for its audience. Then, when the majority of the studies suggested otherwise, it said that there was not enough research to draw a conclusion. When more research was done, the networks criticized it as flawed and biased.

The networks also feel that they are being made the scapegoat for a problem of violence which is more directly traceable to other causes. At the August industry conference on TV violence, cable executive Geraldine Laybourne won a huge ovation from her colleagues when she said that she had recently spoken to some kids about the issue and that, "[T]hey just wondered how come it's so easy for people to get guns in this country."

(Apparently the scapegoat complex is not limited to television executives. National Rifle Association Executive Vice President Wayne LaPierre was recently quoted as saying, “[I]t galls us that every night we get lectured by ABC, NBC, and CBS News, and then they go to their entertainment programming and show all kinds of gratuitous violence.”)

Finally, the networks have stood on the First Amendment and their right to broadcast whatever they choose. For all these reasons, it appears unlikely that the networks are serious in adopting viewer advisories as a means to help the situation. Only one show in the regular fall schedule, *NYPD Blue*, will contain the warning. “To say that we should trust the industry to flag programs they think are too violent is kind of silly,” says George Gerbner. “It’s like the fox guarding the chicken coop.”

Carole Lieberman, head of the National Coalition on Television Violence, a group seeking greater curbs on violent programming, holds an even dimmer view of the advisory plan. “The problem will get worse because people will think something has been done about it. But all they’re doing is applying a Band-Aid. It’s just a sham.”

The Cable Explosion

“The amount of violence on television cannot be adequately addressed unless other segments of the industry join us.”

-Joint statement by ABC, CBS, & NBC, December 1992

To the growing list of obstacles to a workable solution to the problem of television violence, one must add the new wrinkle of cable television. Cable is an animal of a different stripe. Not broadcast over public airwaves, it is not subject to license review by the FCC. Unhampered by the Standards and Practices department censors which have reined in sex and violence

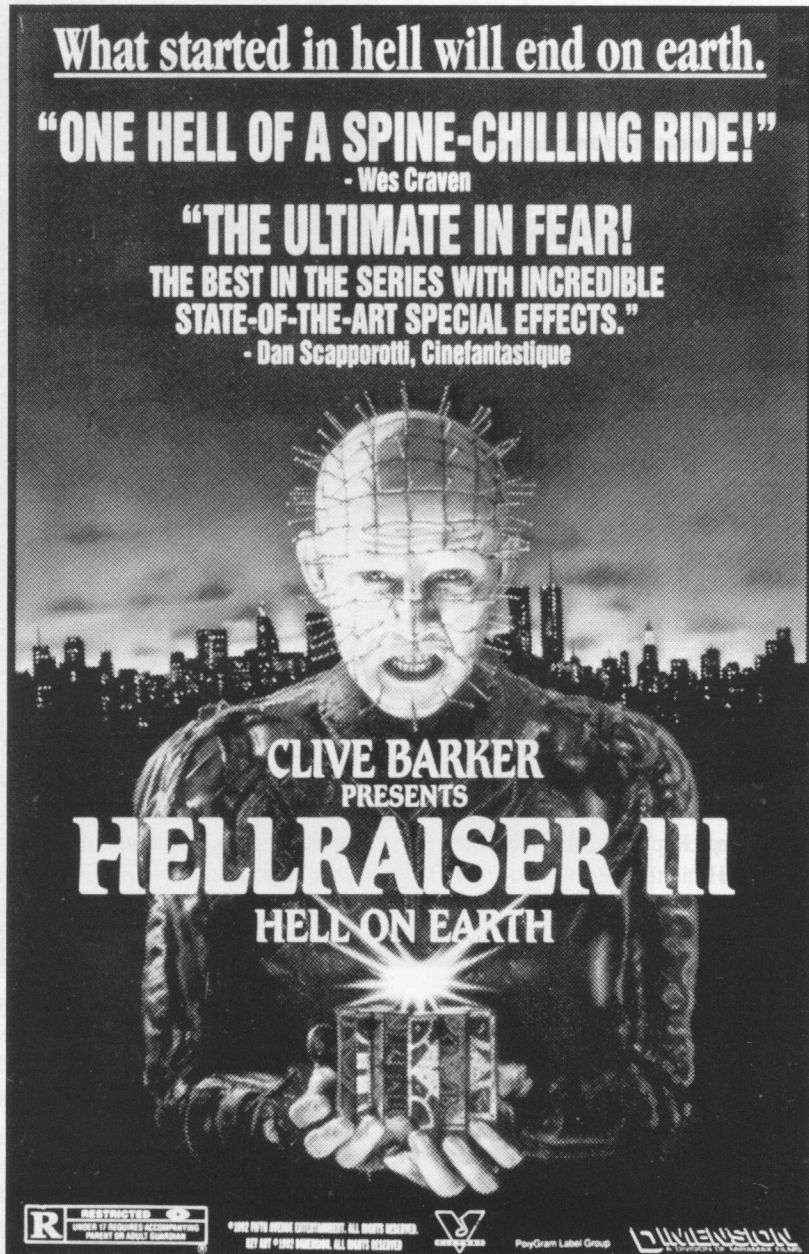
to a limited degree at the networks, cable programming is almost entirely unregulated and is stealing audiences from the networks by the millions every year.

In 1976 and 1977, the combined network share of the total U.S. television audience peaked at 91%. In 1983, the networks had dropped to 80%, while a still infant cable industry was garnering 4% of the audience. By 1992, the network audience share had dropped further to 73%, while cable skyrocketed to 22%. Today, 62% of American homes with television sets receive cable programming.

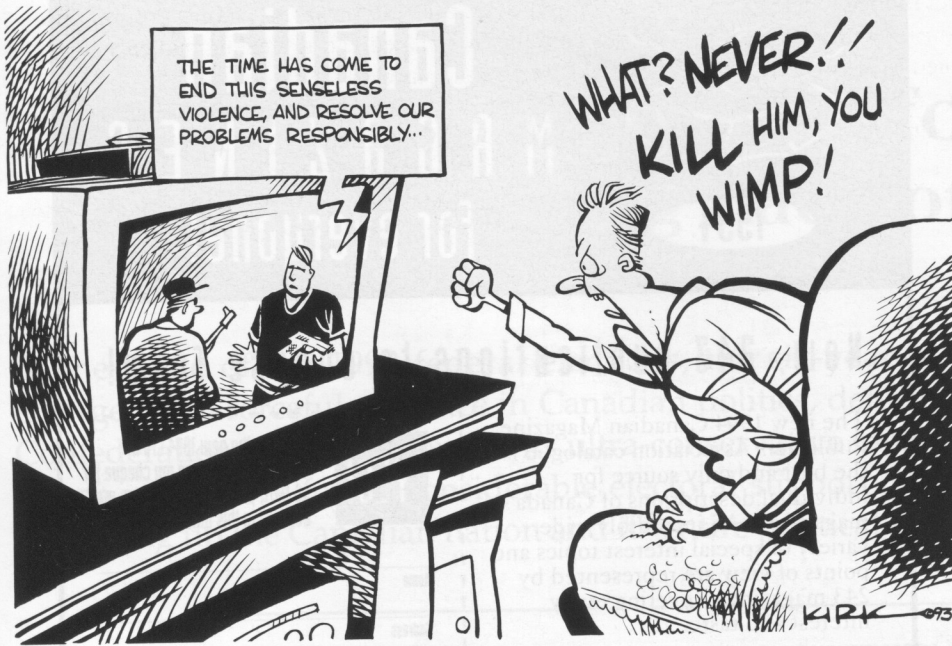
The cable industry has argued that it does not produce as much violent programming as the networks, and points to a recent industry-funded study. The study, however, failed to include the violence shown on cable in non-original feature films. In one week of programming in December 1993, the premium cable channels HBO, Showtime, and The Movie Channel showed such unedited feature films as *Terminator 2* and *Hellraiser 3*. As the titles alone might indicate, such films contain more graphic violence than the networks allow on any of their programming.

Congress is only now beginning to address the issue of violence on cable, and without licensing power Capitol Hill wields even less influence with cable programmers than it does with the networks. However, one piece of legislation concerning violence on cable which does not run afoul of constitutional restrictions has already been passed.

The 1984 law deregulating cable mandated that cable companies provide lock-boxes upon request, which allow parents to restrict children’s access to certain shows. The cable companies have argued that this protection, which is not required of the networks, protects viewers “against unwanted exposure,” and that further restrictions are not necessary. Nevertheless, in the face of public pressure, fifteen cable channels



Cable TV regularly beams characters like *Hellraiser III*'s Pinhead into family rooms everywhere. [C/FP Distribution Inc.]



The demand for bloodshed: "there is no formula more tried and true than violence for reliably generating large audiences." [Kirk Anderson]

announced in late July that they would join the networks in offering viewer advisories before particularly violent programs.

Getting the Problem Under Remote Control

"It is not reasonable to address the problem of motor vehicle fatalities by calling for a ban on cars. Instead, we emphasize safety seats, good traffic signs and driver education. Similarly, to address the problem of violence caused by exposure to television, we need to emphasize time-channel locks, program rating systems, and education of the public regarding good viewing habits."

-Brandon S. Centerwall

The First Amendment stops Congress from curbing television violence through legislation. The television industry's own economic imperatives make it unlikely that it will ever regulate itself effectively. However, Congress is currently considering two pieces of legislation which may not solve the problem entirely, but do help address it. More importantly, neither of these bills threatens the First Amendment.

One option requires television manufacturers to install devices giving parents greater control, like the lock box which cable companies are required to offer. Representative Thomas Markey has sponsored a bill which would require a "V-chip" to be installed in all new sets sold in the United States. The V-chip would allow parents to block the reception of programs carrying the violence advisory from broadcasters or cable programmers. However, this option still leaves the fox to guard the chicken coop, as Gerbner warned, because it leaves the television industry to decide what is and what is not violent programming.

A second option is to require by law that the industry provide viewer advisories, as it is now doing voluntarily, or even a rating system such as the motion picture industry now uses.

Krattenmaker and Powe argue that a law mandating some form of industry violence advisory system would be constitutionally permissible because it does not restrict programming, but only requires that broadcasters and cable programmers inform the public of content—much like certain food producers are required to provide nutritional information about their products. Again, however, the decisions concerning what is and what is not violent would have been left to the television industry.

And to the viewers: ratings systems and V-chips are only effective in stopping violent programming when they are used to guide viewing. In other words, viewers must choose, as they always have, whether or not they will expose themselves and their children to TV violence. At the heart of the matter, it is the viewers who hold the power to actually put an end to violent programming on television.

Researchers have established to some degree of certainty that viewing TV violence is harmful, especially to children. But proving that violent shows are harmful does not make them go away. Congress is barred from taking action which would inhibit free speech. Television programmers, though they schedule the shows which cause the harm, risk economic disaster and the certainty that someone else will provide what the market craves if they fail to deliver the gore. The viewing public recognizes its own power; nearly one-half of the people polled in a 1989 *Los Angeles Times* survey held audiences responsible for the amount of violence on television by creating a demand for it. It seems unlikely, however, that a nation raised on video violence will ever wield the power it has by simply turning off the set.

Suggestions for Further Reading

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- William B. Ray, *FCC: The Ups and Downs of Radio and TV Regulation*. (Iowa State University Press, 1990).
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