

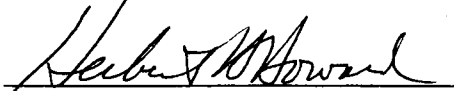
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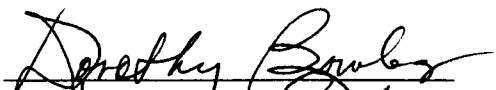
I am submitting herewith a dissertation written by Cynthia A. Cooper entitled "The Role of Congressional Hearings in the Formation of Policy Toward Violence on Television: An Analysis Using the Broadcast Policy-Making System." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Communications.


Barbara Moore, Major Professor

We have read this dissertation
and recommend its acceptance:









Accepted for the Council:


Associate Vice Chancellor and
Dean of The Graduate School

THE ROLE OF CONGRESSIONAL HEARINGS IN THE FORMATION OF
POLICY TOWARD VIOLENCE ON TELEVISION:
AN ANALYSIS USING THE BROADCAST POLICY-MAKING SYSTEM

A Dissertation
Presented for the
Doctor of Philosophy Degree
The University of Tennessee, Knoxville

Cynthia A. Cooper
August 1995

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DEDICATION

For T.A.W.

Thank You.

ACKNOWLEDGMENTS

There are many people to whom I am indebted for making this such a rewarding experience. First and foremost is Barbara Moore whose advice and career guidance has been invaluable. I know that I am a better person for having known and worked with her. I am also particularly grateful to my Dissertation Committee, Otis Stephens, Dorothy Bowles, Edward Caudill and Herbert Howard, for their support and encouragement.

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ABSTRACT

Since 1954, Congress has held twenty-eight hearings to investigate television violence. These hearings investigated the effects of television violence on juvenile delinquency, the social and behavior implications of television violence on the viewing public, and explored various legislative remedies to reduce the amount of violent programming on television.

This study analyzed these hearings to determine the role of Congressional hearings in the formation of policy toward violent programming content on television. The Kransnow, Longley and Terry Broadcast Policy-Making System provided the structural framework for this analysis.

Although little legislative action resulted from these forty years of investigation, the hearings were relatively successful at encouraging industry self regulation and a voluntary reduction of television violence. The hearings were also instrumental in providing a forum for citizen advocacy groups attempting to communicate their message to government legislators as well as the general public. Congress's continued interest in the societal and behavioral effects of television violence also marked the beginning of government funding of television effects research and helped to legitimize the discipline of communications research.

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CHAPTER I

INTRODUCTION

Background

Congressional hearings may be a window to legislative policy-making. Ever since the first hearing was held in 1792 to investigate General St. Clair's failed expedition to the Northwest Territory, subcommittee hearings have been an important tool for information-gathering essential to informed decision making.¹ Hearings provide members with information and access to experts with unique knowledge of the myriad of issues presented before committees each year.

Congressional hearings also play an important role in Congress's relationship with American industry and the public. Hearings are a forum for citizen groups attempting to bring attention to their cause and affect changes in policy, and for industry officials lobbying for or against proposed regulatory changes. More importantly, Congressional hearings, particularly those that are televised, provide a glimpse into the world of law and policy-making.

Indeed many of the most (in)famous public perceptions of Congressional

¹A full account of the St. Clair hearing is found in Arthur Schlesinger and Roger Bruns. *Congress Investigates: A Documented History 1792-1974* (New York: Chelsea House Publishers, 1975). See also, M. Nelson McGeary. *The Developments of Congressional Investigative Power* (New York: Octagonal Books, Inc., 1966).

policy-making come from hearings. Live coverage in New York and the midwest of the 1952 Senate Subcommittee to Investigate Organized Crime in Interstate Commerce drew an estimated 20-30 million viewers, winning far higher ratings than popular entertainment shows featuring Milton Berle and Howdy Doody.² Later in that same decade a senator from Wisconsin rose to national prominence "exposing" America's communist infiltration on national television.

In the 1960s, hearings reflected the nation's concern with violence and a society questioning itself and its government. Hearings on political scandals and presidential assassinations and conflicting testimony about the war in Viet Nam dominated the evening news. In the 1970s, a president was forced to resign and a political party disgraced as the result of evidence collected during hearings on the Watergate break-in.

Some of the most noteworthy hearings of the 1980s and 1990s involved the confirmation of Supreme Court nominees. The failed confirmation of Robert Bork was only a warm-up for the record audiences that watched the Clarence Thomas confirmation hearings. The nomination hearing unexpectedly brought the issue of sexual harassment to the public agenda where it remains.

By all accounts hearings play a very important public information and education function. Without hearings few people would experience firsthand the complexities of governmental policy-making. The television network C-SPAN has

²"The Biggest Show on Earth," *Time*, 26 March 1951, 80-81; "The Crime Story," *Broadcasting*, 26 March 1951, 61-64.

succeeded largely on an audience's insatiable appetite for hearings.³ A 1987 survey commissioned by C-SPAN revealed that 69% of its viewers regularly watched a portion of the more than 800 hours of congressional hearings televised each year by C-SPAN I and II.⁴

Although Congressional hearings investigating government scandals and unsavory behavior by public officials often garner the most attention, these are an anomaly. Each year Congressional subcommittees conduct thousands of hearings, each with important implications for public policy and industry regulation. Though the broadcast industry is relatively young in comparison to other industries, few others have been subjected to as much scrutiny. And few telecommunications issues have garnered as much interest in government quarters, as well as the arena of public opinion, as has televised violence.⁵ Congress has held hearings on the issue specifically twenty-eight times and issued four committee reports on televised violence in four decades of inquiry.⁶

³Cyndy Cooper, "C-SPAN - The Network that Dares To Be Boring: An Analysis of Programming and Marketing Strategies," (Paper presented to the 23rd Annual Popular Culture Association in the South Conference, Charlotte, North Carolina, 20-23 October 1994) 4.

⁴*C-SPAN: America's Town Hall*, (Washington, D.C.: Acropolis Books, 1980), Appendix I.

⁵A 1993 Congressional report estimated that more than 3,000 articles, books, research reports and public forums have been conducted regarding the violent content on television.

⁶This number includes hearings specifically addressing the issue of televised violence. Violence on television has been a tangential topic or focus in many more hearings held on violence in America, crime and criminal activities and violence against women and children to name but a few. Source CIS, See Appendix B:

Primary concern revolves around the effects of televised violence on children and teens. The American Psychological Association estimates that a typical youth watches twenty-seven hours of television per week and will, before finishing elementary school, view 8,000 murders and 100,000 acts of violence. This enumeration of episodes of television violence, coupled with a homicide rate that is rising six times faster than the population growth rate, has again brought the issue of televised violence to the forefront of Congressional attention in the 1990s.⁷ At a hearing of the Senate Commerce Committee on October 20, 1993, three separate bills of legislation were studied that would introduce formal regulation of television violence - a step that had not been considered before.

Despite the attention given in Congress to the broadcast industry through Congressional investigative hearings and FCC oversight hearings, no systematic study of these hearings exists. Most research has focused on the sociological and psychological impact of televised violence, with little attention given to the purpose of these hearings and their effect on broadcast regulation.

⁷"Special Report on Television Violence," *Journal of the American Medical Association*, 10 June 1992.

Congress and Hearings:
Legal Justification to Convene Hearings

The power to seek information in order to make laws has long been a protected power of Congress. In theory, Congress, with its constitutional mandate to legislate, oversee federal agencies and appropriate funds, must have informed knowledge upon which to base important decisions and policy-making. Hearings are one such method used to ascertain this knowledge.

While there is no explicit constitutional provision permitting Congressional hearings, their validity was established in several important court decisions. The Supreme Court first addressed the constitutionality of hearings in 1881 in *Kilbourn v. Thompson*. The court ruled that although Congress was empowered to conduct hearings and issue contempt charges against those who refused to testify, these actions had to relate to Congress's legislative function and were subject Constitutional limitations.⁸ *Kilbourn* established the basic legitimacy of Congressional hearings as long as such investigations were related to potential legislation.

The power of Congress to compel testimony and subpoena documents was further clarified in the landmark 1927 case *McGrain v. Daugherty*.⁹ The court wrote, "We are of the opinion that the power of inquiry -- with the power to enforce

⁸Kilbourn v. Thompson, 103 U.S. 168 (1880).

⁹McGrain v. Daugherty, 273 U.S. 135 (1927).

it -- is an essential and appropriate auxiliary to the legislative function."¹⁰ In what can be described as an early "proper means" test, the court determined it was essential for Congress to compel others to provide information only if it did not possess such information itself.¹¹ Noting that information given voluntarily is not always truthful or complete, the Court then cleared the way for Congress to subpoena witnesses and important papers, documents and records.

Although Congressional hearings must be related to proposed legislation or legislative policy-making, an association with a specific course of action is not legally necessary to conduct hearings. The federal courts have ruled that the right to inquiry is a preeminent duty of Congress,¹² even when there is no reasonable expectation that such hearings will result in any tangible action.¹³ Consequently, Congress's expressed interest in public education is itself a permissible justification for hearings.

An important complement to Congress's power to investigate is its ability to establish the procedures and rules that must be followed within these proceedings. The Constitution (Article 1, Section 5) grants Congress the power to set its own rules

¹⁰Ibid, 174.

¹¹"A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislative body itself does not possess the requisite information - which not infrequently is true - and recourse be had to compel others who do possess it." Ibid, 175.

¹²U.S. v. Josephson, 165 F.2d 82 (1947).

¹³Barry v. U.S., 297 U.S. 597 (1929).

governing hearings.¹⁴ However, the court ruled in 1892 in *U.S. v. Ballin* that hearings may not be conducted without due consideration of other constitutional protections.¹⁵ Consequently, while the Supreme Court has recognized Congress's right to set its own governing rules for hearings, such rules of procedure are not absolute. In *Ballin*, the court ruled, "It (Congress) may not by its own rules ignore constitutional constraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of the proceeding and the result which is sought to be attained."¹⁶

Later, hearings were ruled invalid only if a committee's investigation exceeds the bounds of Congressional jurisdiction.¹⁷ This very issue was specifically addressed a few years later when a witness before the House Un-American Activities Committee refused to answer questions about other suspected Communists because he believed such questions were outside the scope of the committee's activities. The witness, John Watkins, was held in contempt, a conviction later overturned by the Supreme Court when it ruled that questions must pertain specifically to the subject of

¹⁴"Each House may determine the Rules of its proceedings, punish its Members for disorderly conduct, and with Concurrence of two-thirds expel a Member." United States Constitution, Article 1, Section 5, Clause 2.

¹⁵*U.S. v. Ballin*, 144 U.S. 1(1892).

¹⁶The *Ballin* case involved the question of validity of House Rule XV allowing the reporting of non-voting members when attempting to determine whether a quorum was present to conduct business. The vote, which imposed the same tax on worsted cloth as was imposed on woolen cloth, was contended by importers who believed the vote to be invalid. *U.S. v. Ballin*, *ibid*, 632.

¹⁷*Tenney v. Brandhove*, 341 U.S. 367 (1951).

inquiry.¹⁸

Congressional Hearings and Broadcasting

Congress has been investigating the electronic communications industry virtually from the industry's beginning. The first known Congressional hearing on communications was an 1870 proceeding conducted by the House Select Committee on Postal Telegraph Lines.¹⁹ Most hearings of the 1800s through the early twentieth century dealt specifically with technical regulations of wired and wireless telegraphy, and competition and monopolistic tendencies in this growing industry. These hearings were convened by a variety of subcommittees to investigate the pervasive nature of the industry. The placement of telegraph and telephone lines was the subject of investigation by the Senate Committee on Post-Offices and Post-Roads and the House Committee on the Territories, and the use of ship-to-shore radio communication was studied by the House Committee on Merchant Marine and Fisheries.²⁰

As radio developed from ship-to-shore communication into a mass medium, Congress's interest in the content and effect of broadcasting became more

¹⁸Watkins v. United States, 354 U.S. 178 (1957).

¹⁹George Brightbill. *Communications and the United States Congress: A Selectively Annotated Bibliography of Committee Hearings, 1870-1976*. (Washington, D.C.: Broadcast Education Association, 1976), 5.

²⁰Ibid., 6-12.

apparent.²¹ Although Congress is prohibited by Section 326 of the Communications Act of 1934 from regulating the program content of broadcasting, the power to conduct informational hearings essential for its constitutional mandate to legislate was clearly established in several Supreme Court rulings. This right has been applied to investigations of broadcast programming as well as more traditional technical and commerce inquiries. Hearings have studied the effects of virtually every type of programming including radio and television editorials, political broadcasts, sportscasts and advertisements. Recent Congressional hearings have concentrated on programming effects on drug usage, beer and wine consumption, and consumer nutritional education.²²

Forty Years of Congressional Investigation of Televised Violence

Few broadcasting issues have been subjected to as much scrutiny by Congress as has violence on television. The first real concern with violence in broadcasting

²¹Ibid., 20-26.

²²Senate Committee on Labor and Human Resources, *Role of the Media in Drug Abuse Prevention and Education, 2nd Session on Examining the Role in Which the Media Could Play in Helping to Put an End to the Ravaging Effects Which Drugs Have Come to Have on the Young People of This Nation: Hearings before the Subcommittee on Alcoholism and Drug Abuse*, 98th Cong., 2nd sess., 1984; Senate Committee on Governmental Affairs, *The Role of the Entertainment Industry in De-glamorizing Drug Use: Hearing before the Permanent Subcommittee on Investigations*, 99th Cong., 1st sess., 1985; House Committee on Energy and Commerce, *Beer and Wine Advertising: Impact of Electronic Media: Hearing before the Subcommittee on Telecommunications, Consumer Protection, and Finance*, 99th Cong., 1st sess., 1985; Senate *Hearings before the Select Committee on Nutrition and Human Needs*, 93rd Cong., 1st sess., 1973.

came as early as 1934 when the newly formed Federal Communications Commission denounced the "blood curdling bunk" of children's radio programs.²³ Since that time criticism has focused on both the amount of violent content and the effect of such programming. The first hearings held specifically on the effects of violent television programming were the result of an increase in juvenile delinquency, a concern that lasted well into the turbulent 1960s.

Other hearings investigated specifically the effect of violent programming on children and the impact, if any, that this type of programming had on aggressive behavior. Still, other hearings concentrated on the overall societal effects of violent television programming and suggested methods to curb its use by television programmers. These hearings focused less on the effects of televised violence and explored instead the proposed legislation aimed at removing legal barriers that prevented broadcasters from working together to reduce the amount of violent programming. The legal foundation of proposed Congressional bills aimed at diminishing violent programming, as well as Congressional efforts to withhold FCC funding in order to pressure the regulatory agency's oversight of broadcasters were investigated by these hearings.

As the theme of investigation by hearings has been varied, so have the Congressional committees that convened these hearings. (See Appendix B) Although concern for the effects of violent programming has been a consistent hearing focus,

²³Federal Communications Commission, Second Annual Report, (Washington, 1934), 180.

the committees that claim an interest in this area vary widely. Subcommittees on communications have convened the bulk of hearings, while committees dealing specifically with juvenile delinquency, crime and consumer protection have investigated television violence as well. Appropriation and FCC oversight committees have also investigated television violence largely as a way of warning the FCC to take a more active role in controlling television violence or face budget cuts. Judiciary subcommittee hearings have been among the most proactive hearings, investigating the effect of television violence as a contributor to crime, as well as examining the constitutionality of Congressional bills and acts aimed at reducing televised violence.

The changes in the focus of the hearings have resulted in an equally diverse pool of witnesses appearing before these various committees. Witnesses are commonly invited to participate in hearings because of their personal or professional interest in the subject under investigation. Few areas of broadcast regulation have received as much attention by such a wide array of participants as has violence on television. Consequently, the hearings investigating this topic have included an assortment of witnesses representing all conceivable points-of-view.

Because the issue of television violence is a broadcasting content issue, it is logical that broadcast programmers, particularly representatives of the television networks, were the most frequent witnesses at investigative hearings. In addition to network executives, legal counsels and professional organizations such as the National Broadcasters Association, a wide array of television producers, writers and actors testified. Additional testimony was also provided by advertising agency executives, as

well as church-related groups calling for a boycott of companies advertising during violent programs.

Hearings investigating the effects of televised violence were dominated by an exhaustive list of witnesses representing virtually every aspect of the televised violence debate. Scholars, social science researchers, and citizen advocacy groups testified, all armed with their latest research report on violence on television. The citizen action groups themselves represented a number of special interests, including several Christian churches, advocates for the protection of children, women and battered persons, as well as groups supporting First Amendment freedoms. Still other groups, such as the Gay Media Task Force and the National Organization of Women, represented specific segments of the population with an expressed interest in the violence on television debate.

A final staple in the cadre of witness interests was that of the government. Government interests were represented by a number of agencies depending on the focus of the individual hearing. Commonly represented agencies included the FCC, the Justice Department, various law enforcement organizations and the Bureau of Prisons, and the Commerce Department. At other hearings, government interests were represented by the presence of the National Institutes of Mental Health and the American Medical Association - both recipients of government grants to investigate television violence.

The Broadcast Policy-Making System

The framework used in this study to examine broadcast policy and regulation is the Broadcast Policy-Making System by Krasnow, Longley and Terry.²⁴ The Broadcast Policy-Making System is not a theory; it does not profess to be heuristic or predictive. Rather the model provides a descriptive and systematic method of studying the complex relationships among participants in broadcast policy-making. In particular, these scholars established the model to analyze long-term policy formation and regulation distinctive to the broadcast industry.

While the FCC is the primary regulatory body governing broadcasting, it certainly is not autonomous - a fact most apparent in Congress's oversight function of the commission. Krasnow, Longley and Terry identify six major participants in the regulatory policy-making process that interact to form the basis for broadcast regulation. The six participants are the FCC, Congress, the broadcast industry, citizen groups, the courts and the presidential administration. Other agencies, such as the Federal Trade Commission and the Equal Employment Opportunity Commission, also figure into the overall regulatory scheme but do so in tangential and indirect ways that do not define them as major participants.

The FCC: Through its very creation by the Communications Act of 1934 the FCC is the primary broadcast regulatory agency. The commission was established to

²⁴Erwin Krasnow, Lawrence Longley and Herbert Terry. *The Politics of Broadcast Regulation*. 3d ed. (New York: St. Martin's Press, 1982).

manage the use of the electromagnetic radio spectrum. In 1993 the FCC regulated licenses for more than three million individuals and companies.²⁵ The FCC is a complex agency with the task of regulating a wide array of technologies using this spectrum space, including broadcasting, cable, telephones and microwaves. The commission has a dual role - to formulate and enforce policy in addition to administering the rules and regulations specified by the Communications Act of 1934.

The FCC is headed by five commissioners, appointed by the President, and representative of both political parties.²⁶ In addition to the differing political ideologies present on the commission, each commissioner brings his or her own personal attitudes and areas of interest, an important element to the decision-making process. The general make-up of the commission has changed over the past sixty years from commissioners with technical expertise to the legal scholars and government bureaucrats that now predominate the agency.²⁷

The complexity of the FCC is often defined by the "executive, quasi-legislative, and judicial" function, all housed within a single agency.²⁸ This generally facilitates a bureaucratic environment that results in near continuous

²⁵1993 Congressional Quarterly Almanac, v. 49, p. 563

²⁶In the past the number of commissioners has varied from three to seven.

²⁷Lawrence Lichty, "Members of the Federal Radio Commission and the Federal Communications Commission," *Journal of Broadcasting*, 6 (Winter 1962): 23-24; Lawrence Lichty, "The Impact of the FRC and FCC Commissioner's Backgrounds on the Regulation of Broadcasting," *Journal of Broadcasting*, 6 (Spring 1962):97-110; Wenmouth Williams, Jr. "Impact of Commissioner Background on FCC Decisions: 1962-1975," *Journal of Broadcasting*, 20(Spring 1976) 240-44.

²⁸Krasnow, Longley and Terry, 33.

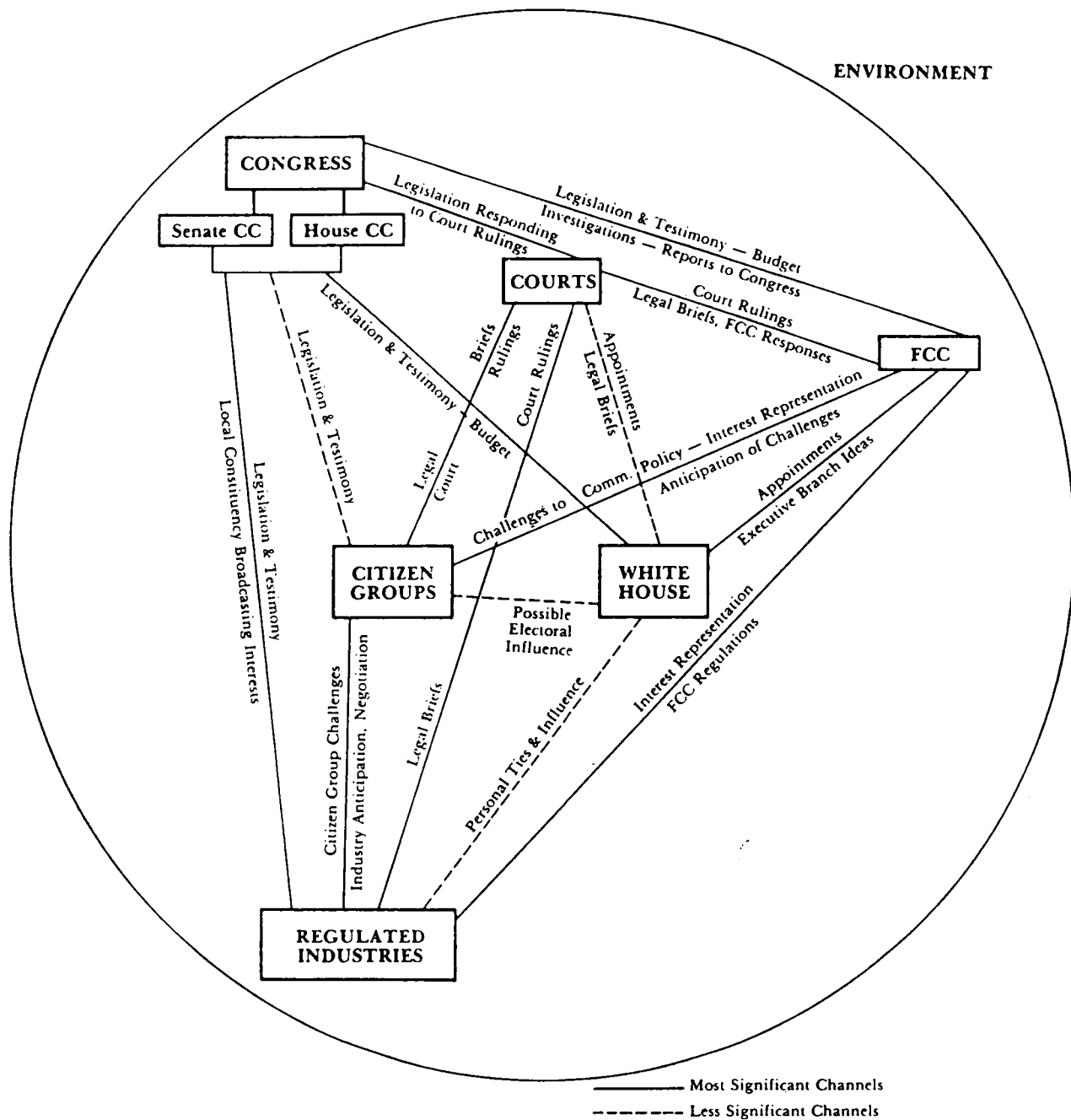
"vilification" and criticism of the agency for a perceived lack of focus and inaction.²⁹ This criticism centers primarily on the bureaucratic nature of the FCC and its internal structure, a structure that is altered by every new administration and fraught with operational deficiencies. Mosco identified seven primary criticisms of the commission's internal structure that contributed to the lack of cohesive policy-making and fueled the unending condemnation of the FCC. These seven structural problems are:

1. The "Collegial Form" of the commission shields it from criticism and from the public scrutiny.
2. The high rate of turnover among commissioners (the majority of commissioners never complete their seven-year term) makes it difficult to develop the expertise needed to regulate effectively.
3. The overabundance of commissioners are lawyers, leading to a general tendency to view problems in legal terms rather than the broader social and economic context needed for effective regulation.
4. Insufficient appropriation of commission budget and personnel has led to an overwhelming backlog of cases and a general inability to handle all the duties mandated the commission by Congress.
5. The commission often performs the contradictory roles of promoting growth of the same communications industries that they are charged to regulate.
6. The staff of the FCC receives its relative power from established power structures that are maintained for purposes of survivability, often to the detriment of the continued growth and evolution of the agency.
7. The failure of comprehensive analysis of issues and planning has contributed to the relative inaction of the commission.³⁰

²⁹Ibid., 88.

³⁰Vincent Mosco, "The Regulation of Broadcasting in the United States: A Comparative Analysis," Program of Information Technologies and Public Policy,

Broadcast Policy-Making System



Source: Erwin Krasnow, Lawrence Longley & Herbert Terry, *The Politics of Broadcast Regulation*, 3d ed. (New York: St. Martin's Press, 1982) 136.

Publication P-75-6, Harvard University, 1975.

The Industry: The 3000 individuals and companies whose licenses are regulated by the FCC represent a diverse group of broadcast and telecommunications interests including radio and television, telephone, cable television and satellite transmission.³¹ It is problematic to use the term "The Industry" given the wide array of business industries represented. The broad industry interests often complicate the already tenuous relationship between the telecommunications industry and the FCC.

It is common for individual companies, such as the major broadcast and cable networks, to become involved in policy making as well as trade organizations such as the National Association of Broadcasters, National Cable Television Association and the National Communications Club. As the lines of telecommunications ownership continue to blur and produce less distinctive broadcast, cable and telephone entities, the role of industry lobbyists becomes increasingly difficult. The diversity of membership in NAB, for instance, has spawned dozens of "special interest" trade organizations including the National Association of Black-Owned Broadcasters, National Religious Broadcasters and National Association of UHF Broadcasters. These individual associations often become involved in policy making issues that are particularly relevant to their members.

Citizen Groups: For the first thirty years of its existence the FCC responded solely to industry concerns despite its Congressional mandate to operate within the

³¹"Annual Report of the Broadcast and Cable Industry," *Broadcasting and Cable*, 5 June 1993.

public's interest. Only those who demonstrated a clear economic stake in the awarding and renewal of licenses could petition the commission. The 1966 landmark case involving a petition to deny license renewal of radio station WLBT gave ordinary citizens legal standing in the regulatory process, thereby establishing that the FCC and broadcasters had to be responsive to the public.³²

Today numerous citizen media advocacy groups exist. Some focus narrowly on media issues (Accuracy in Media, National Latino Media Coalition), while others address a broad spectrum of communication issues (Coalition for Better Television, National Citizens Committee for Broadcasting). Organizations such as the Media Access Project provide legal assistance for citizen action groups.

Citizen action groups are involved in virtually all policy and regulatory issues, not only those involving licensing. With sophisticated staff members, they are generally successful in getting their views before Congressional members sensitive to the views of their constituents. Most citizen groups are national organizations that reach out on the local level through mainstream organizations such as the Parent-Teachers Association and the National Organization for Women. Many operate on tight budgets, with small staffs and sometimes cease operation or are assimilated into larger, comprehensive consumer advocacy organizations. The influential Action For Children's Television suspended operations when its founder and president Peggy Charren resigned.

³²Office of Communication of the United Church of Christ v. FCC, 359 F.2d 994, (D. C. Cir. 1966).

The Courts: Although the majority of FCC rulings are never reviewed by the courts, all commission decisions and actions are subject to judicial review. Those issues that are challenged in the courts tend to have crucial impact on the overall policy and regulatory efforts of the commission. The Communications Act mandates that appeals of FCC licensing decisions must be filed with the U.S. Court of Appeals for the District of Columbia; appeals of compliance with FCC rules or orders must be filed in federal district courts; and appeals of FCC rule changes may be filed in any circuit court of appeals. All court of appeals decisions are final unless the Supreme Court issues a writ of certiorari. Consequently, most broadcast cases are ultimately decided by a three-judge panel of the U.S. Court of Appeals for the District of Columbia.

Krasnow, Longley and Terry identify two ways in which courts evaluate FCC decision: statutorily and constitutionally.³³ Most constitutional challenges claim an abridgement of broadcasters' First Amendment rights. Statutory challenges, on the other hand, tend to involve a perceived clash between Communications Act doctrine and a newly enacted FCC rule of regulation. Still, the courts have traditionally deferred to the regulatory jurisdiction of the FCC and have been unwilling to overturn agency action unless it is found to be arbitrary and capricious or outside of the agency's regulatory scope.

The Administration: The most obvious and powerful statement of the White House's influence on broadcast regulation is the president's power to nominate FCC

³³Krasnow, Longley and Terry, 63.

commissioners. These appointments happen as commissioner's terms expire or after resignations, as often is the case when a new administration is elected to office.

Although two of the FCC commissioners must represent the administration's oppositional political party, it is not uncommon for a president to seek commissioners who concur with the administration's overall philosophy. In fact, political affiliation and regulatory philosophy, rather than professional qualifications, seem to be the best predictor of commission appointments.³⁴

However, the president, like the other government agencies participating in broadcast regulation, is not free from influences when filling the commission. Members of the telecommunications and broadcasting industries, Congress and public advocacy groups all exert pressure and lobby the president to appoint commissioners who will be sympathetic to their individual concerns. The Senate, with its duty to confirm presidential nominations, probably exerts the most pressure, as the president must not only consider a nominee's qualifications but also his or her chances of being confirmed. The president also has the power to appoint one of the five commissioners as chairman. This individual undoubtedly exhibits strong alliances with the administration's ideology.

Other forms of administrative influence over the FCC in particular is evidenced in various cabinet and staff agencies. The Office of Management and Budget reviews all agency budget requests, including that of the FCC, before they are submitted for approval by Congress. Other cabinet departments that involve

³⁴Ibid. See also Williams, "Impact of Commissioner Background," 255-6.

themselves in broadcast policy and regulatory issues include Department of Commerce and the Department of Defense, the largest user of spectrum space. The Department of Justice is traditionally involved in antitrust issues, as well as deciding which cases the administration should ask the Supreme Court to review. Most recently the Justice Department has attempted to involve itself in broadcast content issues - specifically violence on television - citing its duty to combat criminal activity, crime it believes is propagated by violent television.

Congress: Congress's influence over broadcast regulation, according to Krasnow, Longley and Terry, cannot be underestimated. Although not exhaustive, Congressional involvement in broadcast regulation involves:

control by statute, power of the purse, the spur of investigations, power of advice and consent, the continuing watchfulness of standing committees, supervision by multiple committees, pressures from individual members of Congress, and congressional control by legislative inaction.³⁵

Congress considers the FCC, as it does most governmental regulatory agencies, to be an extension of the Congress itself. Congress appropriates funds and creates and passes laws that alter the agency's goals and duties as outlined in the original enabling legislation, Communications Act of 1934. Although an explicit statutory change is relatively rare, oversight is exhibited in a number of other ways. Past FCC commissioners have complained of the suppressive oversight, and former chairman Newton Minow recalls being told by House Speaker Sam Rayburn, "Just remember one thing, son. Your agency is an arm of the Congress; you belong to

³⁵Ibid., 91.

us.³⁶

Krasnow, Longley and Terry identify few industries that have been subjected to more oversight and investigative hearings by Congress than has the broadcast industry. Both the Senate and the House have subcommittees devoted to telecommunications that conduct scores of hearings on the technical, business and programming content issues of broadcast every year. Many other Congressional committees address communications issues, including the Commerce and Judiciary committees. Oversight and appropriation hearings offer the opportunity for Congress to pinpoint specific concerns and complaints and exert pressure on the FCC by threatening to withhold funding.

But the two-fold responsibility of Congress to mandate duties and appropriate funds is a continuing area of concern for the FCC. For instance, the Cable Act of 1992 mandated a much greater oversight role for the FCC regarding cable television's technical and regulatory policies. However, Congress neglected to allocate funds for additional staff or resources that would enable the commission to fulfill its mandate. Consequently, the Act was never fully implemented, and hearings were held to investigate the commission's inability to fulfill its cable oversight duties.

By virtue of its broadcast oversight role, the FCC often finds itself caught in the middle of broadcast industry-Congress conflicts. The commission has operated virtually uninterrupted under a threat of complete restructuring of the Communications Act of 1934 as Congress participates in a tug-of-war with the very broadcast industry

³⁶Ibid., 89.

that has proved so useful to it, particularly during re-election years.

To many, the relationship between Congress and the broadcast industry is a love-hate relationship at best. The sheer number of political advertisements during any election period proves the essential lifeline broadcasting provides candidates with their home constituents. On the other hand, news agencies are equally capable, and eager, to broadcast the professional and personal indiscretions of a wayward Congressional member. Media exposure can be a double-edged sword to members of Congress -- welcome when it praises honorable acts; unwelcome when it exposes or embarrasses. A primary example of this uncomfortable alliance is seen in Congress's concession to allow live coverage (to C-SPAN and other television networks) of floor debates and speeches as long as they do not expose the empty gallery to which most members eloquently deliver their impassioned orations.

Individual members of Congress also receive pressure to act on broadcast issues by constituents concerned, for instance, about the effects of televised violence. Few industries are as pervasive and affect a wider percentage of citizens than broadcasting, therefore creating a greater need for Congress to be active in industry oversight.

The key to Krasnow, Longley and Terry's systems approach to broadcast policy making is the constant interactivity among these six participants -- the FCC, the broadcast industry, citizen groups, the courts, the presidential administration and Congress. While the authors acknowledge the simplification of reality exhibited by their model, they point to the greater importance of identifying and making sense of

the "essential elements" of a regulatory system rather than accounting for each and every confounding factor.

None of the six broadcast regulation participants is autonomous. Each brings to its role the influences of public, institutional and individual opinions and concerns. Each participant group, with its distinctive set of goals, also has varying levels of influence, necessitating a "mutual accommodation" among participants. Three of the participants - the FCC, Congress and the broadcast industry - generally are seen as more directly involved and influential in the policy-making system (and are represented as the "outer triangle" of the policy-making system). Often these more influential participants join forces with those with less direct leverage (the courts, the White House and citizen groups) to exact some course of action. Consequently, the "key to understanding the politics of broadcast regulations lies in simultaneously analyzing the individual participants and ... it is the political relationships of, and interactions among, the six key determiners that are truly crucial to (understanding) broadcast regulation."³⁷

As would be expected in such a complex policy system, regulation is most often accomplished in incremental steps rather than sweeping changes, representing compromises among participants. Participants traditionally join forces to facilitate a policy-output, an immediate short-range policy decision. These should be distinguished from greater, longer-term policy outcomes - the consequences of policy-

³⁷Ibid., 135.

outputs.³⁸ And the policy-making system is dynamic, each interaction among participants changes the make-up of the system, each output becomes a new source of input. In most instances, the policy output of one group will negatively impact another participant, therefore causing a counter action that again changes the dynamic of the system.

The vibrant nature of the broadcast policy-making system and the ever changing roles of participants advances several generalizations about broadcast policy making:

1. Participants seek conflicting goals from the process.
2. Participants have limited resources insufficient to continually dominate the policy-making system.
3. Participants have unequal strengths in the struggle for control or influence.
4. The component subgroups of participant groups do not automatically agree on policy options.
5. The process tends toward policy progression by small or incremental steps rather than massive change.
6. Legal and ideological symbols play a significant role in the process.
7. The process is usually characterized by mutual accommodation among participants.³⁹

³⁸Ibid., 138.

³⁹Ibid., 138.

Need for Study

This study sought to explore the role of Congressional hearings in the formation of policy affecting violence on television. This included an examination of the events leading to the hearings, the information gathered throughout the hearings, and the formal action, if any, that resulted from the hearings.

Krasnow, Longley and Terry identify Congress as the "Powerful Determiner of Regulatory Policy" and place that institution at the peak of the Broadcast Policy-Making System hierarchy. Although a plethora of scholarly research has been conducted on the psychological and sociological effects of televised violence, few systematic studies of the role and mechanics of Congressional hearings on communication regulation and policy-making exist. Broadcast regulation is a complex area of telecommunications policy, with content regulation being even more troublesome. Congress has a conflicting mandate of upholding constitutionally protected free speech while also protecting the public from potentially harmful speech.

The use of Congressional hearings is important, given their pivotal role in the policy-making process. Hearings are a primary source of information for Congressional decision-making, as well as the formal public arena for individuals and groups attempting to influence such decision-making.

In addition, a focus on televised violence is particularly useful to the study of the role of Congressional hearings on broadcast policy-making for several reasons. First there is an abundant history of attention paid to the debate concerning televised

violence. No other broadcast content issue has been scrutinized in Congress, as well as the public and scholarly arenas, as has televised violence. Thirty hearings held over forty years provide a comprehensive pool of raw material to study.

Second, the longitudinal nature of the hearings provide an opportunity to examine and discover regulatory trends, and changes in those trends, that provide insight to the long-term dynamics of broadcast policy-making in general.

Finally, the issue of televised violence is compelling because the debate has involved such a broad pool of participants. Representatives of government, industry, academia and citizen groups have participated in the ongoing debate. A deeper examination of participants identifies the participation of religious groups, television writers, producers and performers, legal advocacy groups, human rights organizations and academic researchers. No other broadcast issue has attracted such a diverse and active group of participants.

Purpose

Krasnow, Longley and Terry identify Congress as a key participant in the formation of broadcast policy and regulation. In fact, Congress's role is seen as so important that this institution is placed atop the Broadcast Policy-Making System hierarchy. Congress legislates through a number of methods including the passage of laws, the appropriation of funds to state and federal agencies and programs, and the oversight of federal regulatory agencies. However, any form of Congressional action

is typically the result of an extended investigation, often through the use of hearings. Because of this, scholars and government officials have long identified hearings as a primary tool of Congress - both as a source of information important to informed decision-making, and as medium for public education.

The purpose of this study was to isolate Congress, one participant in the Krasnow, Longley and Terry policy-making system, and examine its structure, its dynamic, and the role this participant played in the area of broadcast policy formation. Congressional hearings, identified as both a major source of information for committee members, and as a tool for disseminating important information to the public, were used to examine the role Congress has played in the forty-year debate concerning violent programming on television.

Specifically, this study sought to identify trends and patterns in Congressional action regarding televised violence, and to determine the overall context of these hearings. This involved a detailed account of forty years of hearings on televised violence, and an indepth analysis of selected hearings.

Statement of Problem and Guiding Questions

This study examined the framework, the dynamic, and the role of Congressional hearings in order to evaluate Congress's role in the formation of violence on television policy and regulation. The guiding questions in this analysis involved a three-part examination of hearings: the context in which the hearings were

convened; the information disseminated during the hearings; and the consequence of the hearings, or what, if anything, happened in the aftermath of the hearings.

A study of the context of the hearings identified what events, issues and public concerns precipitated the hearings. With almost thirty hearings held over forty years it was useful to explore the social and political conditions that led to the hearings. In addition, the hearings spanned decades of changes in presidential administrations, as well as inquiry by at least a dozen different House and Senate subcommittees. The similarities and differences among these diverse groups was important to the longitudinal examination of the focus of these hearings.

The bulk of this study involved analysis of the information disseminated in each hearing. This included examination of the testimony and briefs of a vast number of witnesses representing an array of organizations and crusades. This analysis involved identification of the stated purpose of the hearings, (i.e. appropriation of funding, oversight of federal regulatory agency, review of proposed legislation), and the proposed plan for action after the hearing. The purpose of a hearing is usually stated by the chair of the committee at the beginning of the hearing. This serves as a useful guide to the proceedings and witnesses, particularly when the hearing is conducted over several months. Recommendations for action are often stated by the committee chair at the conclusion of the hearing, or may be incorporated into a committee report. This report is typically released weeks or months after the original hearing and offers a summary of findings from the hearing and a recommended plan for action.

A final, yet important, procedure in studying the information disseminated during hearings involved analysis of witnesses and their testimony. This included counting the number of witnesses and the organizations and viewpoints represented, and identifying the recommendation for action made by these witnesses. Other information was found not in testimony but rather in documents filed with the subcommittee. Often reports, letters and briefs are submitted by individuals and organizations not invited to testify at the hearings. These are traditionally not incorporated into the hearing proceedings but are printed in the hearing transcript and may also be included in committee reports.

The final examination in this analysis identified the aftermath of hearings on televised violence. This involved a description of what, if anything, occurred as a result of the hearings on televised violence. Did the hearings accomplish their stated goals? What actions were initiated by citizen advocacy groups, the broadcast industry and federal regulatory agencies such as the FCC in response to the hearings?

Method

The primary research method of this study was document analysis and the primary source of information was Congressional hearings on televised violence. Further analysis examined court opinions, FCC manuscripts, Congressional publications, broadcast industry trade publications and communications from citizen advocacy groups.

This study sought a general historical outline of forty years of Congressional hearings on television violence. This survey included: the events leading up to the hearings; the stated purpose of each hearing; the witnesses and content of testimony generally presented; and the regulatory and policy recommendations made by committee members. This general analysis was conducted on the entire population of hearings convened specifically to investigate television violence. An inventory of the twenty-eight hearings, including witnesses and subcommittee members, is listed in Appendix B.

Another element of this study examined indepth a selection of hearings on televised violence. This analysis identified the make-up of the hearings including: committee members and their political affiliations; the text of witness testimony, including their stated concerns and recommendations; the interaction among witnesses and committee members; the degree to which witnesses' testimony was questioned by committee members; the nature and substance of evidence presented by witnesses; the nature and extent of reaction given the hearings by the media, the broadcast industry, and the general public; and the policy and industry changes following hearings on televised violence.

Findings of individual hearings were then compared longitudinally to identify trends, patterns and anomalies in the use of Congressional hearings in the formation of policy governing violence on television. A list of the hearings selected for indepth analysis and specific research questions are outlined in Chapter III.

The results of this indepth analysis were also used to determine the degree of

consensus between the role of Congress as stated in Krasnow, Longley and Terry's Broadcast Policy-Making System and the perceived role of Congress in formation of policy toward violence on television. The Broadcast Policy-Making System offers a framework for studying long-term formation of broadcast policy, in addition to clearly delineated functions of the six participants in policy-making. The expressed function of Congress was compared with its identified role in forty years of investigations of violence on television.

CHAPTER II

LITERATURE REVIEW

Introduction

This chapter reviews studies that are relevant to the study of Congressional hearings. The first section includes studies of the structural make-up and function of hearings in Congressional policy making. Many of these works are approached from a political science or public administration perspective and address the basic framework of hearings, as well as the fundamental purpose of hearings for various participant groups.

The next section reviews studies investigating Congress's role in broadcast regulation. These works trace the relatively young discipline of broadcast regulation and the unique role of Congress in governing this "publicly-owned" medium. These studies explore the inclusion of Congress in government regulation of a mass medium, and the relative impact of this institution on the formation of a regulatory framework of broadcast regulation.

The final section of this chapter specifically addresses studies of violence on television. This includes a summary of television effects research as well as a number of studies that explored the role of social science research in the Congressional policy-making process.

Congressional Hearings Structure and Purpose

Congressional hearings have been applauded for their information-gathering function, a key to the democratic law-making duties of Congress. And while the importance and frequency of congressional hearings is continually emphasized in academic research, few studies have explored the process and mechanics of hearings. Two early studies by Eberling and Dimock focused on the subject matter of Congressional hearings without examining the structure or procedures of these investigations.⁴⁰ Similarly, Schlesinger's expansive account reviews 200 years of noteworthy Congressional investigations from an historical, not a policy-making, perspective.⁴¹

Most empirical studies on Congressional Committee hearings focus on the flow of information in legislative processes. Hearings are an important information source for committee members as they provide valuable information including material from witnesses with expert knowledge and experience not otherwise available to legislators.⁴² However hearings are not the only information sources available as

⁴⁰Ernest Eberling. *Congressional Investigations* (New York: ICS, 1928); Marshall Dimock. *Congressional Investigating Committees* (Baltimore: Johns Hopkins Press, 1929).

⁴¹Schlesinger. *Congress Investigates*, *ibid.*

⁴²Kenneth Entin, "Information Exchange in Congress: The Case of the House Armed Services Committee," *Western Political Quarterly*, 26(3)1973:427; Paul Sabatier and David Whitemen, "Legislative Decision Making and Substantive Policy Information," *Legislative Studies Quarterly*, 10(3)1985:395-421.

legislators also place importance on information from colleagues and committee staff.⁴³ The level of importance of hearings in relation to these other sources has not been fully examined.

Other studies have narrowed their focus to the access of special interest groups to the hearings process and the relative influence such groups yield.⁴⁴ Interest groups traditionally participate in hearings because they have a political agenda to promote that coincides with the topic of a particular hearing. The hearing is a direct and expedient way to deliver their message to lawmakers in a position of enacting change. Other groups wish to participate in hearings for exposure to the media in order to promote their cause. A 10-second sound bite on the evening news can expose a group's special interest to millions of Americans. But as any given hearing involves numerous witnesses, getting one's message covered on the evening news is not an absolute. Consequently, special interest groups often have to employ special tactics to separate themselves from the rest of the groups vying for media attention.

⁴³Entin, 430-31.

⁴⁴See V.O. Key. *Parties, Politics and Pressure Groups* (New York: Crowell, 1964); N. Ornstein and Shirley Elder. *Interest Groups, Lobbying and Policymaking* (Washington, D.C.: C.Q. Press, 1978); Jon T. Powell and Wally Gair, ed., *Public Interest and the Business of Broadcasting* (New York: Quorum Books, 1988); Graham Wooten. *Interest Groups: Policy and Politics in America* (New Jersey: Prentice Hall, 1985); Kevin Leyden, "Access, Interest Group Resources and the Role of Congressional Committee Hearings," (Paper presented at the Midwest Political Science Association Meeting, 1989); Anne Cammisa, "Intergovernmental Lobbying: State and Local Governments as Interest Groups," (Ph.D. diss., Georgetown University, 1992); Lauren Hoffman, "Interest Group Influence on U.S. Congressional Committees: A Case Study of the United States-Canada Free Trade Agreement," (Master's thesis, Western Michigan University, 1992).

The use of celebrity spokespersons is one such tactic with particularly strong success. The use of celebrity witnesses to ensure media exposure has been practiced recently at hearings on abortion rights, violence on television and labeling on rock music albums.⁴⁵

Some studies have identified hearings as a principal mode of supervising federal agencies such as the Federal Communications Commission and the Federal Trade Commission.⁴⁶ Hearings are used in annual appropriations proceedings, and as a vehicle for expressed dissatisfaction with a particular agency's action. Congress, through its oversight function, may "punish" an agency or merely restrict its independence. In extreme situations, Congress may pass legislation restructuring an agency or eliminating part of its function all together.

Joel Aberbach examined the amount of time Congressional committees spend in oversight of federal agencies.⁴⁷ Aberbach cited a dramatic increase in the amount of Congressional oversight hearings during the 1970s in response to the increasingly large bureaucracy of administrative agencies. Some critics charged that oversight is Congress's "neglected function," only employed when needed to respond to scandals,

⁴⁵Len Sherman. *The Good, the Bad and the Famous: Celebrities Playing Politics* (New York: Carol Publishing Company, 1990).

⁴⁶Morris Ogul. *Congress Oversees the Bureaucracy: Studies in Legislative Supervision*. (Pittsburgh: University of Pittsburgh Press, 1976); John Ferejohn and Charles R. Shipan. "Congressional Influence in Administrative Agencies: A Case Study of Telecommunications Policy," in *Congress Reconsidered*, ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington D.C.: Congressional Quarterly, 1989).

⁴⁷Joel Aberbach. *Keeping a Watchful Eye: The Politics of Congressional Oversight* (Washington, D.C.: The Brookings Institute, 1990).

and generally inconsistent and unsystematic in procedure. Others charged that oversight is motivated by individual committee member's policy interests and the need of publicity, particularly around reelection time.⁴⁸

However, Aberbach rejected these critics' pessimistic view of Congressional oversight in favor of a more positive celebration of Congress's role in the American political system of shared powers. In a system that was created without knowledge of the complex administrative bureaucracy that exists today, the interface of governmental branches works surprising well. This form of government forces federal agencies to play a substantial role in political policy, and also subjects them to scrutiny from all branches of government. For its part, Congress, and the American governmental system in general, does a reasonable good job in its ability to "expose bureaucratic behavior to public scrutiny and promote administrative responsiveness."⁴⁹

Linguistic studies of congressional hearings have found committee members are influenced by a number of influences including their personal convictions as well as those of outside sources. The premise that committee members act according to their individualistic interests and degree of concern with the issue under investigation is supported by studies of individual member behavior. Committee members were not found to collectively act as "judge, juror and lawmaker," but rather were affected by

⁴⁸Ibid., 187.

⁴⁹Ibid., 211-213.

their level of seniority and under what committee structure they are operating.⁵⁰

Indeed, senior committee members were found to be more probing, a communicative behavior reflecting their relative "power and prestige." Vocal and nonvocal interactions among committee members also reflected the influence of individual prejudices on the hearings proceedings and outcome.⁵¹

Seniority may also lead to complacency regarding information gathering and acceptance of witness testimony. A longitudinal study of information sources of three House Appropriation Subcommittees found members largely unaffected and unimpressed with information change. Instead the committees appeared to "settle in" to familiar information sources that best suited their members' behaviors.⁵² In addition, members were likely to accept, without inquiry, the testimony of witnesses particularly when presented with expressive testimony involving emotional, moral and ideological orientations.⁵³

In addition to the behavior of committee members, Congressional hearings have long been used by researchers due to the abundance of raw data they provide

⁵⁰Raymond Wilkes, "A Content Analysis of Communicative Behavior in Selected Congressional Hearings." (Ph.D. diss., Wayne State University, 1971).

⁵¹Timothy Halkowski, "Hearing Talk: The Social Organization on a Congressional Inquiry." (Ph.D. diss., University of California, Santa Barbara, 1990).

⁵²Alaa-Aldin Ahmad, "The Impact of Information Change upon Congressional Appropriations Deliberation." (Ph.D. diss., Florida State University, 1989).

⁵³Kathryn Gunderson, "A Communication Analysis of Moral Orientations in Testimony Regarding Guam Commonwealth Legislation." (Ph.D. diss., University of Massachusetts, 1992); Linda Miller, "An Analysis of Language in a Series of 1987 Congressional Hearings on AIDS." (Ph.D. diss., Bryn Mawr College, 1992).

about the complexities of government regulation. Recent studies of medical equipment, professional sports, professional musicians and human research regulations have relied heavily on information provided by hearing testimony.⁵⁴ While Congressional hearings provide a rich and descriptive pool of data for these and other studies, their overall structure and role in policy-making has been ignored.

A comprehensive and systematic approach to the mechanical framework of Congressional hearings was conducted in a 1992 examination by Leyden. This expansive study of hearings engaged a systems-approach methodology to study the approximately 1,800 hearings conducted yearly, and to develop a typology of how hearings are organized and how they operate.⁵⁵ The study identified hearings as an important tool for congressional decision-making and the formation and evaluation of policy, but also discovered a great number of misconceptions regarding the hearing process regarding the organization, purpose and usefulness of hearings. This study provided the first real "look" into the mechanics of hearings and offers great insight beyond the mere information-gathering function of hearings.

Seven general "themes" identified offer a window of understanding into the

⁵⁴Edward Reese, "The Problem of Unsafe Medical Devices for Industry, Government, Medicine and the Public." (Ph.D. diss., The Union Institute, 1993); Stephen Lowe, Stephen, "Congress and Professional Sports," (Ph.D. diss., Ohio University, 1993); Sarah McCall, "The Musical Fallout of Political Activism: Government Investigations of Musicians in the United States, 1930-1960." (Ph.D. diss., University of North Texas, 1993); Cheryl Sklar, "Committee Bill Construction: The Case of Protection of Human Subjects Research." (Ph.D. diss., University of Illinois at Chicago, 1992).

⁵⁵Kevin Leyden, "The Purpose and Politics of Congressional Committee Hearings: Who Participates and Why." (Ph.D. diss., University of Iowa, 1992).

complex and dynamic nature of Congressional hearings and are useful to their understanding:

1. Hearings provide committee members with an important source of political and policy information. Hearings are a convenient method by which committee members gain information.

2. Hearings play a central role in the legislative process. Hearings often increase or diminish political interest. Hearings address a myriad of issues from investigating a issue or problem, examining a proposed bill, or oversight of a federal agency. Often the hearing determines the viability of continued action in an area. In short, hearings can decide the where the policy-making process begins and ends.

This can happen in four ways:

- A. By the make-up of the coalition of interests that support, or oppose, the topic of the hearing.
- B. By the degree of interest exhibited by committee members.
- C. By the degree of interest given the hearing, and the topic of the hearing, by the media.
- D. By the way in which witnesses present themselves and their positions.

3. Hearings are not one-sided. Although some hearings are held to support one viewpoint, this is atypical. Hearings are organized by committee staff who must accommodate conflicting views or risk accusations of bias. Denying certain

viewpoints may reflect poorly on committee members and jeopardize their goals.

Most committees also guard against bias with norms and written formal rules that allow the minority viewpoint representation at all hearings.

4. Generally speaking, the hearing process is an insider's game. Committee member staffers decide who is invited to participate as witnesses at hearings. These "gate-keepers" act based on the population of interests that have connected them with an interest in testifying. Generally speaking, groups that are invited to testify at hearings are those that have the resources and ability to present their views as important. By design this tends to favor large, well-funded organizations and industry lobbyists based in Washington.

5. The groups that participate in hearings, are, generally speaking, the major players involved with a particular piece of legislation or committee. Witnesses tend to be from organizations that have a vested, and long, history of participation with a given issue. These groups are respected as legitimate players that have invested a great deal of time and resources lobbying for their cause or interest.

6. Interest groups place different degrees of emphasis on the importance of hearing for achieving their policy goals. Organized interest groups do not all place the same degree of emphasis on participating in hearings. Some groups are interested in affecting public opinion and elections while others concentrate their efforts on

influencing legislative decisions. Still others view committee hearings as a forum to gain media attention to their organization. Regardless of their purpose, most organizations realize the importance of having a member of their group testify at Congressional hearings and choose their representative carefully.

7. There are different types of hearings. These different types are instructive for gaining an understanding of the agendas of legislators, differing committees and Congress in general. There are many typologies of hearings (including oversight and appropriation, consideration of bills) and each imposes a different purpose and degree of usefulness.⁵⁶

Theoretical Perspectives of Broadcast Policy Making

Few broadcast law scholars have approached the study of broadcast regulation with as much emphasis on interaction among key participants as do Krasnow, Longley and Terry. However, many have recognized that the influence these institutions such as the broadcast industry and the public exert that further complicates the creation of cohesive regulatory policy by Congress and the FCC. In addition, the constant change in technical innovations in broadcasting hampers the commission's ability, and

⁵⁶Ibid., 24-29.

willingness, to select model systems for further development.⁵⁷ Consequently, the study of media law, and broadcast regulation in particular, is often characterized as a "work in progress."⁵⁸

John Havick identified four theoretical approaches to policy making: Economic-Regulatory, Neo-Pluralism, Pluralism and State Autonomy.⁵⁹ The economic-regulatory approach explains that over time regulatory agencies, which are intended to regulate a given industry, actually become involved in the economic interest of the same industry. This ties in to the *Promoter or Regulator* criticism identified by Mosco where FCC efforts are complicated by the agency's dual role as both regulator and champion of economic prosperity of the broadcast industry.⁶⁰

Havick believes that this industry influence is not necessarily intentional; in the beginning the government agency really does have the public's interest at heart. As the agency matures, however, the industry "develops influence" over the agency.⁶¹ This sympathetic viewpoint of regulatory agencies in general does not appear to apply to the particular atmosphere at work at the FCC. In 1935, just three years into the

⁵⁷Henry Geller, "Television and Legal Problems in the Decade of the Eighties," in *Law and the Television of the 80's*, ed. Richard Taylor, Lisa Dubrow and Jay Shanker (New York: New York University School of Law, 1983) 36.

⁵⁸Daniel Brenner and William Rivers, eds., *Free but Regulated: Conflicting Traditions in Media Law* (Ames, Iowa: The Iowa State University Press, 1982) vii.

⁵⁹John Havick, ed., *Communications Policy and the Political Process* (Westport, Connecticut: Greenwood Press, 1983) 12-14.

⁶⁰Mosco, *Regulation of Broadcasting*, 34.

⁶¹Havick, *Communications Policy*, 12.

FCC's tenure, the agency was described as promoting its public interest mandate while it "actually chose to further the ends of the commercial broadcasters."⁶² Even former FCC General Counsel Henry Geller identified a major problem with the agency's "overidentification" with the broadcast industry.⁶³

The predominance of interest group influence on regulatory agencies is characteristic of a Neo-pluralistic perspective of policy-making.⁶⁴ Here interest groups are powerful and influential, if not all together dominating the policy process. The less extreme Pluralistic theoretical approach indeed acknowledges the relative influence of interest groups but tempers this power against the influence of competing interest groups and policy participants. The general principles of Krasnow, Longley and Terry's Broadcast Policy-Making System illustrate a pluralistic approach to broadcast policy formation. The four basic concepts of the pluralistic approach to government decision-making closely parallel some general concepts of the Broadcast Policy-Making System.⁶⁵

1. Different groups participate in different areas of government regulation so that no one group dominates all government decisions. Because of this interest group influence tends to be "muted."

2. In any policy area several interests likely compete with each other rather than a single interest dominating. This competition among groups "cancels out" the power of any single interest.

⁶²Herring Pendleton, "Politics and Radio Regulation," *Harvard Business Review*, 13(2)1935:29.

⁶³Mosco, *Regulation of Broadcasting*, 20.

⁶⁴Havick, *Communications Policy*, 12.

⁶⁵*Politics of Broadcast Regulation*, *ibid*, 138.

3. Virtually any person, and any interest, can be represented by these groups.
4. The government acts as a "referee" while interest groups debate and negotiate policy.⁶⁶

Broadcast Regulation and the Role of Congress

This lack of cohesive legal doctrine has led many broadcast regulation scholars to avoid altogether the political process of broadcast regulation in favor of discussion of FCC and court rulings.⁶⁷ In most cases this approach resulted in minimizing the importance that other institutions, such as Congress, have on broadcast policy-making. LeDuc claimed that this leads to an incomplete understanding of the complex broadcast policy-making process. Without "expanding the scope and sophistication" of analysis it is likely that the perception of the FCC's influence in the regulatory cycle is erroneously inflated.⁶⁸ Indeed, Krasnow and Longley cited this deficiency in policy-making analysis as a primary justification for their study:

It is remarkable that the independent regulatory commissions, and in particular, the FCC, have never been subject to vigorous, analytical examination...One looks in vain for studies of independent regulatory commissions which approach their inquiry with theoretical and conceptual vigor.⁶⁹

⁶⁶Havick, *Communications Policy*, 14.

⁶⁷Ibid, i.

⁶⁸Don Le Duc. *Beyond Broadcasting: Patterns in Policy and Law* (New York: Longman, 1987) 19.

⁶⁹Krasnow et al, *The Politics of Broadcast Regulation*, 73.

The role of Congress in broadcast regulation has often been approached solely through its oversight capacity of the FCC.⁷⁰ Congress, through its mandate of the Communications Act of 1934, has the right, and more importantly the duty, to oversee the actions of the FCC. This is a prime example of federal jurisdiction, a concept that "implies rights, powers and limits. A government may be empowered to make and enforce its laws through its legislature, administrative agencies, and courts, but it can extend its power legally only to the limits of its jurisdiction."⁷¹

To some, however, the jurisdiction of Congress extends beyond its mere oversight capacity in favor of a more familial posture. In addition to the confirmation of presidential appointees to the commission, Congress controls the FCC through the authorization and appropriation processes.⁷² At times this has led to accusations of abuse of its oversight position to exert undue pressure on the commission. Newton Minow complained that during his tenure as chairman of the FCC he "heard from Congress as frequently as television commercials flash across the screen;"⁷³ commission staffer William Ray characterized the FCC as subservient to Congress,

⁷⁰See in general Harold Nelson and Dwight Teeter. *Law of Mass Communications: Freedom and Control of Print and Broadcast Media* (New York: The Foundation Press, Inc., 1993); John Zelezny. *Communications Law: Liberties, Restraints and the Modern Media* (Belmont, California: Wadsworth Publishing Company, 1993).

⁷¹Zelezny, *Communications Law*, 4.

⁷²John Bittner. *Law and Regulation of Electronic Media*, 2d ed (Englewood Cliffs, New Jersey: Prentice Hall, 1994) 38.

⁷³Newton Minnow. *Equal Time* (New York: Antheneum, 1964) 36.

often to the point of being its "whipping boy."⁷⁴ Failing to work with Congress also resulted in serious consequences when Congress decided to restructure the commission entirely. "Because a number of key legislators felt the seven FCC commissioners had been unresponsive to Congress, Congress determined to send an even clearer parental message to its wayward children; in effect, casting two of them out of the family altogether."⁷⁵

Despite the negative characteristics of the symbiotic relationship between Congress and the FCC, there is acknowledgment of the important oversight function of Congress, particularly when protecting the public interest mandate of broadcasting. This is most often accomplished through Congressional oversight hearings.⁷⁶ Referring to "oversight" as a genteel term for "investigation," Ray cited the example of the 1958-59 hearings by the Legislative Oversight Committee of the House Committee on Interstate and Foreign Commerce. House Speaker Sam Rayburn expected these hearings to be innocent inquiries into the independent regulatory agencies including the FCC. However, committee counsel Bernard Schwartz instead conducted a series of blistering hearings that exposed FCC commissioners taking bribes, jobs for family members, free travel and free televisions from broadcasters in

⁷⁴William Ray. *FCC: The Ups and Downs of Radio-TV Regulation* (Ames, Iowa: Iowa State University Press, 1990) 150.

⁷⁵Erwin Krasnow and Michael Regan, "Legislating Conduct at the FCC: Congress and the FCC Authorization Process," *Broadcast Financial Journal* (March-April 1989): 6.

⁷⁶Ray, *FCC: The Ups and Downs*, 150.

exchange for broadcast licenses.⁷⁷

Other Congressional oversight hearings have been conducted merely to put pressure on the FCC to deal with an area of concern that Congress feels the commission is not sufficiently addressing.⁷⁸ Because the Senate and House have no direct control over broadcasters, an elaborate game of passing-the-buck eventually results in some form of action sought originally by committee members: Congressional committees apply pressure to the FCC, which then passes that message on to broadcasters, who usually adapt their behavior to some degree.

It's a convoluted system that nonetheless seems to result in the self-regulation that is often favored by Congress and the FCC. In fact, Dyk and Goldberg identified no less than one-half dozen Congressional investigations of specific television programs that apparently were held for no other reason than "publicly castigating broadcasters."⁷⁹ The intended result was not the passage of formal regulation but rather coaxing broadcasters into self-regulation by exposing them to a greater judge and jury - the viewing public. This tactic has most recently been employed in the violence on television debate by Senate Subcommittee on Telecommunication Chairman Edward Markey who said he preferred hearings progress in a direction to

⁷⁷Ibid., 153-5.

⁷⁸Douglas Ginsburg, Michael Botein and Mark Director. *Regulation of the Electronic Mass Media: Law and Policy for Radio, Television, Cable and the New Technologies*, 2d ed. (St. Paul, Minnesota: West Publishing Company, 1991) 45.

⁷⁹W. Dyk and William Goldberg, "The First Amendment and Congressional Investigations of Broadcast Programming," *Journalism Law and Policy* 3(1987): 630-31. See also, James Albert, "Constitutional Regulation of Televised Violence," *Virginia Law Review* 64(1978): 1299-1345.

"coax the networks into voluntarily adopting a violence coding program for their shows."⁸⁰

Violence on Television

Aside from societal impact studies and those examining the role of social science research in the television violence debate, no systematic study of the role of Congressional hearings on broadcast policy-making of violent television exists. This may be characteristic of the lack of systematic study of broadcast regulation in general. Many studies have looked at the effect that broadcasting has on other institutions such as presidential elections, Congressional hearings and election results. However, these studies emphasized the effect of broadcasting on the operation of these institutions rather than examining effects of other institutions on broadcast content.⁸¹ Possibilities for the lack of violence on television regulation research are found in the complex and difficult nature of broadcast regulation due to the everchanging cast of players and the on-going struggle between content regulation and First Amendment freedoms of broadcasters.⁸² "Law offers ... a philosophical

⁸⁰Stephen Colford, "Senator Wants to Measure TV Violence and Sponsors," *Advertising Age*, 17 May 1993, 3,42.

⁸¹Muriel Cantor and Joel Cantor. "United States: A System of Minimal Regulation," in *The Politics of Broadcasting*, ed. Raymond Kuhn (London: Croom Helm, 1985).

⁸²Daniel Linz, Steven Penrod and Edward Donnerstein, "Issues Bearings on the Legal Regulation of Violent and Sexually Violent Media," *Journal of Social Issues* 42(3) 1986:171.

system with principles that can be abstracted and analyzed in rational fashion while regulation requires an examination of the less systematic or logical process by which such principles are interpreted and applied in individual cases."⁸³

Despite the reported lack of regulatory focus, examinations of violence on television do exist, although these studies usually focused on the sociological and psychological impact of violent programming.⁸⁴ A 1982 report by the National Institutes of Mental Health reported that more than 2,500 articles, books and research reports exploring violence on television were published since 1970.⁸⁵ By 1993, that figure had grown to more than 3,000 publications.⁸⁶ However, the overwhelming majority of these publications dealt with the effects of television violence on viewers (particularly children) and the impact on aggressive behavior.⁸⁷ Recent studies have continued this trend by exploring the violent content of specific types of television

⁸³Don Le Duc. *Issues in Broadcast Regulation*, (Washington, D.C.: Broadcast Education Association, 1974).

⁸⁴Two issues of scholastic journals have issues devoted to the topic of violence on television and offer particularly thorough examinations of the issue. See "Television at the Crossroad: Education and Violence," *Society* 21(6) 1984: 6-40; "Media Violence and Antisocial Behavior," *Journal of Social Issues* 42(3) 1986: 6-299.

⁸⁵NIH, *Television and Behavior*, Volume II, 2.

⁸⁶Charles Clark, "TV Violence. Will Hollywood Tone it Down - or Face Regulation?" *Congressional Quarterly Researcher*, 3(26 March 1993).

⁸⁷Books and research reports on the psychological and societal effects of televised violence are too numerous to cite. For a general overview see National Institute of Mental Health, *Ten Years of Scientific Progress*, 1982. See also: *Television and Social Behavior: Beyond Violence and Children* (New York: L. Erlbaum Associates, 1980); Seymour Feshbach. *Television and Aggression* (San Francisco: Jossey-Bass, 1971); Barrie Gunther. *Dimensions of Television Violence* (Aldershot, Hants: Gower Press, 1985); Barrie Gunther. *Violence on Television: What Viewers Think* (London: Libbey, 1988).

programming including television news⁸⁸, MTV and other music video programming⁸⁹, and children's cartoons.⁹⁰ Indeed, the communications research stream known as Cultivation Analysis was developed by George Gerbner to study the incidence and effect of television violence.⁹¹

While scholars have scrutinized the psychological and sociological aspects of television violence, the regulatory and policy-making issues have been largely ignored. An historical account of Congress's investigations of media violence from the 1930s-1968 found that such investigations were generally linked to increased public protests. To the extent that Congress had any interest in investigating media

⁸⁸Timothy Hudson, "Graphic Depictions of Violent Material in Television News: News Directors' and Producers' Perceived Acceptability Levels." (Ph.D. diss., Temple University, 1991).

⁸⁹Janelle Wilson, "MTV Ideology: Rocking to a Different Beat." (Master's thesis, Western Michigan University, 1992); Sherri Stover, "Adolescent Perceptions of Music Television: What is the Message?" (Ph.D. diss., Antioch University/New England Graduate School, 1991); Pamela Deiter, "MTV Viewing by Adolescents and Beliefs About Violence, Sex and Sexual Violence." (Master's thesis, Michigan State University, 1987).

⁹⁰Robert Prisco, "The Power is Yours! A Content Analysis of 'Captain Planet and the Planeteers.'" (Paper presented to the 23rd Annual Popular Culture Association of the South Conference, Charlotte, North Carolina, 20-23 October 1994).

⁹¹George Gerbner, "Toward 'Cultural Indicators': The Analysis of Mass Mediated Message Systems." *AV Communication Review*, 17(2), 1969, 137-148. For a meta-analysis of 188 violence effects studies see Haejung Paik, "Television Violence and Aggressive Behavior: A Meta-Analysis." (Ph.D. diss., Syracuse University, 1991). An excellent bibliography of all research articles relating to Cultivation Analysis is available, via internet, from the Cultural Indicators Project and is available by contacting George Gerbner at FGG@LAN.UPENN.EDU.

violence, it appeared that "sustained public criticism caused congressional criticism."⁹² A lengthy legal analysis of the use social science research during the hearings on televised violence concluded only that such research was inconclusive and subjective and would not pass constitutional scrutiny. The authors suggest, therefore, that the FCC and the courts should resist using such invalid research as a basis in judicial reasoning.⁹³

Studies of the use of social science research at hearings on televised violence have left a void in the understanding of the regulatory aspects of Congress's continued attention to the issue. Two studies exist that use Congressional hearings to explore the violence on television debate - both examining the impact of social science research on Congressional proceedings.

Rowland identified broadcast industry self-regulation as favored by government over direct regulation because of a move in the 1980s toward a marketplace of competition. This philosophy promoted growth without laws that might inhibit the spirit of free enterprise. However, government did not adopt a complete "hands-off" approach as it was still charged with protecting the citizenry against harmful business practices.

Rowland studied the role of communication studies research, and media effects research in particular, in this struggle between industry self-regulation and

⁹²Charles Butt, "The Development of Congressional Concern With Violence in Entertainment Media." (Master's thesis, North Texas State University, 1977).

⁹³Thomas Krattenmaker and L.A. Powe, "Televised Violence: First Amendment Principles and Social Science Theory," *Virginia Law Review* 64(8): 1296.

government intervention in the policy-making process of television violence.⁹⁴

The use of social science research provided a glimpse into the direct and indirect "cultural significance" of such research, as used by both industry and government.

Violence impact studies were funded by the broadcast industry and by proponents of violence regulation. Without exception these studies tended to support the position of the funding agency. Faced with the dilemma of conflicting research results, Rowland cited Congress's increased attention to the field of communication studies for unbiased, and unencumbered, research. Consequently, communications studies, as a valid research field, was borne.

Several (negative) trends emerged from Rowland's study of the interactions among the major policy-making participants (the federal, political process of communication policymaking, public interest groups, the broadcast industry, and the communication research industry) and their uses of media effects research. Despite overwhelming research suggesting a link between television violence and aggressive behavior, broadcasters did not enact industry self-regulation; and government imposed no broad policy changes. Rather, the debate, and the field of communication studies research, flourished year after year in generally the same, inconclusive manner.

As they dance around the fire of contemporary tensions and uncertainties, as they marvel at the powers and dangers of modern communications technology, and as they invoke the deity of science in an effort to allay those fears and control that technology, the tribes - politicians, broadcast industry executives, reformers, and academic researchers - create a certain definition of reality and in the process reveal much about the structure of their society and its political,

⁹⁴Willard Rowland. *The Politics of TV Violence: Policy Uses of Communication Research* (Beverly Hills: SAGE Publications, 1983).

economic and cultural values.⁹⁵

O'Sullivan identified a break in 1992 with this trend toward inaction when broadcasters agreed to industry self-regulation for the first time.⁹⁶ Faced with overwhelming acceptance of research identifying pervasive television violence and its link to aggressive behavior, television executives dropped their dismissal of such research and instead agreed to monitor violence in their programming. O'Sullivan pointed to the growing acceptance of social science research as providing the basis for proposed government regulation - a move that resulted in industry self-regulation. The heightened influence of social science research has particular implications on other content regulation issues where First Amendment protections clash with the government's interest to protect people from harmful speech.

Summary

Most of the existing literature on Congressional hearings explored the structural or basic framework of hearings as opposed to the role of hearings in the overall scheme of Congressional policy making. These studies tended to concentrate on such areas as the make-up of hearings, the "language" of hearings, and how these proceedings were approached and used by the various participant groups.

⁹⁵Ibid., 16.

⁹⁶Patrick O'Sullivan, "The Television Violence Debate: Social Science's Influence on Telecommunications Policy Formation," (Paper presented at the International Communication Association's Annual Convention, Sydney, Australia, July 1994).

Studies on Congress and broadcast regulation largely ignored the role of Congressional hearings in the policy-making process, concentrating instead on Congress's role as an oversight agency of the FCC. Acknowledging that Congress had unprecedented control over the broadcast medium, these studies examined policy output rather than looking at what information sources were used by Congressional committees to make such decisions. Even fewer studies explored Congress's rich history of investigating television violence through hearings. What studies do exist concentrated exclusively on the social science element of these hearings and the prominent role of television effects researchers throughout the Congressional inquiries.

This review of literature indicates the need for a systematic study of the role of hearings in the Congressional policy-making process. Because Congress enjoys a unique and enhanced role in broadcast regulation, this area is ideal for studying the complex nature of Congressional influence on regulatory and policy issues. Further, the existence of a long history of Congressional investigations of television violence presents an ideal setting and quantity of raw data for this study.

CHAPTER III

METHOD

Statement of Problem and Research Questions

The primary research goal of this study was to examine the make-up, the dynamic, and the role of Congressional subcommittee hearings in the formation of regulation and policy-making regarding violence on television. To achieve this, the following research questions were used to guide this examination.

(1) What Congressional hearings were convened to examine the issue of televised violence, excluding those hearings that examine televised violence in the context of larger social issues (i.e. Violence and Abuse in American Families, Crime Against Children)?

(2) What committees and/or subcommittees conducted these hearings? Who were the committee members and the chair of each committee?

(3) What was the stated purpose or focus of each hearing? How did the stated focus of hearings change and/or remain the same during forty years of Congressional hearings on televised violence.

(4) What events (social, political, and judicial) were cited as providing the need for hearings on television violence?

(5) What witnesses testified before hearings and what organizations, causes, and viewpoints did they represent? Did the type and representation of witnesses change or remain the same during the forty years of hearings?

(6) Was witness testimony questioned by committee members? Were witnesses perceived as experts or was their testimony scrutinized for accuracy and scientific rigor?

(7) What types of arguments, appeals, and evidence were offered in testimony of different witnesses (i.e. citizen advocacy groups vs. broadcast industry representatives).

(8) Were hearings influenced or dominated by individuals or groups, or a particular viewpoint? What, if any, influence did the committee chairman have on the hearings?

(9) Did the broadcast industry respond in any way to the hearings? What types of actions, both enjoined and self-imposed, were advocated by the broadcast industry in response to the hearings. What testimony, or "evidence" offered within the hearings was credited with compelling those actions?

(10) What was the response to the hearings by the print media? Did the print media report the hearings in newspapers and general interest publications? In trade publications?

(11) Did the public respond in any way to the hearings? What actions were taken or advocated by citizen advocacy groups? By parent and community organizations?

(12) What, if any, differences in purpose, context and outcome of the hearings were identified over time?

Research Procedures

Method

The primary research method of this study was document analysis of Congressional committee and subcommittee hearings on violence on television. Analysis also involved examination of court opinions, FCC manuscripts, Congressional publications, broadcast industry trade publications, popular general interest magazines, newspaper articles and editorials and communications from citizen advocacy groups.

Congressional hearings were chosen for their comprehensive and indepth data and their incorporation, generally, of all participants of the Broadcast Policy-making System. Data from twenty-eight Congressional committee and subcommittee hearings convened specifically to investigate televised violence between June 1954 and October 1993 were examined. In addition, two 1994 hearings, whose printed transcripts were not yet available, were surveyed through press and Congressional accounts.

This selection represented the entire population of Congressional hearings exclusively addressing the issue of television violence. Other Congressional hearings have examined the issue of televised violence in the context of larger social issues such as family violence and children's television programming. These hearings were

not sampled due to their tangential nature. A complete list of hearings studied is included in Appendix B.

The primary research orientation of this study was traditional legal research combined with descriptive historical analysis. Stempel and Westley described traditional legal research as the thorough analysis of legal sources "for the purpose of identifying law and policy through analysis of procedure, precedent and doctrine....providing a better understanding of how law operates in society."⁹⁷ The sources identified by these researchers included court opinions, legislative histories, constitutional interpretation and legal commentaries.

Startt and Sloan described traditional historical analysis as the use of primary sources to piece together the most logical and well-supported account of how a particular event occurred. This history could be arranged in chronological, spatial or narrative form. The primary sources identified for historical analysis included: original written records, published personal records, published official documents; secondary written sources; statistical sources; oral sources; pictorial sources; and physical remains.⁹⁸

⁹⁷Bruce Westley and Guido Stempel. *Research Methods in Mass Communication* (Englewood Cliffs, New Jersey: Prentice-Hall, 1989).

⁹⁸James Startt and William Sloan. *Historical Methods in Mass Communication* (Hillsdale, New Jersey: Lawrence Erlbaum Associates Publishers, 1989).

Procedures for Obtaining Data

The first part of this study established a historical account of Congressional hearings investigating violence on television. This analysis sought to identify: the number of hearings of televised hearings; the subcommittees holding hearings of televised violence; the stated purpose of each hearing; events cited as causing a need for the hearings; the organization, viewpoints, and causes represented by witnesses; recommended course of action made by the committee; and reaction to the hearings of the media, the broadcast industry and the general public.

The hearings and proposed Congressional action (such as proposed bills) were primarily identified through the Congressional Information Service's *Index, Annual, U.S. Congressional Committee Reports Index* and *U.S. Congressional Committee Hearings Index*. Additional information regarding committee activity, proposed bills and the comments and actions of individual members were found in the *Congressional Record Index* and *Congressional Record History of Bills and Resolutions Table*. Thorough summaries and examination of Congressional action and policy-making of special topics were found in *Congressional Quarterly Researcher* and *Congressional Digest*.

Broadcast industry action and reaction to Congressional and judicial oversight was typically reported in trade publications including *Broadcasting & Cable, Television Digest, Columbia Journalism Review*, and *Variety*. Other sources of industry perspective included reports, speeches, documents, position papers of the

National Association of Broadcasters, the Radio and Television News Directors Association, and the broadcast and cable networks themselves.

Reaction by other governmental agencies affected by Congressional action was found in a number of sources, in addition to any direct testimony in the above hearings. The FCC specifically was involved in the issue of violence on television and source material included the *Federal Register*, *Code of Federal Regulations*, *Pike and Fischer Radio Regulation*, *FCC Annual Reports*, and official FCC reports, proposed rulemakings, and *FCC Rules and Orders*.

The legal arguments presented throughout the hearings were studied by examining legal commentaries and key Supreme Court and Federal court cases identified in *Supreme Court Reporter*, *Federal Digest*, *Federal Reporter* (F., F.2d. and F3d.), and *Federal Supplement*. Comment of scholars regarding the legal underpinnings of television violence regulation were found through the *Guide to Legal Periodicals*.

Public and consumer reaction to the hearings on televised violence was identified in general interest publications such as *Parent*, *McCall's*, *Life* and *Newsweek* as well as national newspapers including the *New York Times*, the *Christian Science Monitor*, and the *Wall Street Journal*. A survey of the Infotrak and Newspaper Index databases, as well as the *Reader's Guide to Periodicals*, were particularly useful in identifying events and social trends that preceded and occurred in the aftermath of the hearings. Public opinion polls gauging citizen assessment of television violence were also indexed in these periodicals.

Newspaper editorials were identified through the *Reader's Guide to Periodicals* and indexes to the *Christian Science Monitor*, *New York Times* and *Atlanta Constitution*. Additional editorials were located in *Editorials on File* and the Newspaper Index database.

Another element of this study involved the indepth evaluation of a sample of Congressional hearings on televised violence. This analysis sought to evaluate: the stated viewpoint and goals of witnesses; the testimony of witnesses; the interaction of witnesses and committee members; the degree to which witnesses' testimony and evidence were questioned for validity by committee members; the degree of support or opposition given witnesses by committee members; the degree to which the hearings accomplished their stated objectives; and the presence of patterns or trends in these hearings over time. Data for this analysis came directly from hearing transcripts and letters, reports and briefs filed by individuals and organizations unable to testify in person.

Selection of Hearings on Televised Violence

Twenty-eight hearings have been convened specifically for the purpose of investigating violence on television. Some of these hearings were broad in scope while others focused on a particular facet of televised violence such as effects on children, FCC oversight of broadcast programming content, and antitrust exemption for television networks. In addition to the varied topics of investigation, these

hearings were convened by a number of different Senate and House subcommittees, all with a distinct interest in television violence. Analysis of this collection of hearings was useful for a general, historical survey of Congressional hearings on televised hearings. However, the broad nature of these hearings made identification of trends and regulatory patterns difficult. Indeed, equating the proceedings of an appropriation committee to that of a Judiciary committee's antitrust exemption hearing was not a valid comparison.

The hearings selected for indepth analysis shared several characteristics. First, these hearings were those held over multiple meetings, simply affording a greater amount of raw data to evaluate. These hearings were generally a series of investigations spanning a few days up to a full year. Second, these hearings were those most general in scope and, therefore, represented the greatest variety of topics investigated by a broad pool of witnesses. Most of these hearings were convened for the general purpose of studying the effects of televised violence and had representatives from all six participants (Congress, the broadcast industry, the judiciary, the administration, the FCC, and citizen groups) of the Krasnow, Longley and Terry Broadcast Policy-Making System.

Finally, the broad nature of these hearings also represented the opportunity for more study into the reaction to Congressional hearings by the media, the broadcast industry and the general public. The issues addressed and the variety of witnesses testifying generally afford more attention and a greater potential for future action.

The hearings selected for indepth analysis according to the above criteria were:

Investigation of Radio and Television Programs

June 3-5, 26; September 16-17, 23-26; December 3-5, 1952

House Federal Communications Commission Subcommittee

Juvenile Delinquency. Part 10. Effects on Young People of Violence and Crime Portrayed on Television

June 8-9, 13, 15-16, 19; July 27-28, 1961; January 24; May 11, 14, 1962

Senate Subcommittee to Investigate Juvenile Delinquency in the U.S.

Federal Communications Commission Policy Matters and Television Programming, Part 2

March 12, 19-20, 1969

Senate Committee on Commerce

Surgeon General's Report by the Scientific Advisory Committee on Television and Social Behavior

March 21-24, 1972

Senate Subcommittee on Communications

Sex and Violence on Television

July 9; August 17-18, 1976

House Subcommittee on Communications

Television Violence Act of 1989

May 19, 1989

House Subcommittee on Economic and Commercial Law

Violence on Television

May 12; June 25; July 1, 29; September 15, 1993

House Subcommittee on Telecommunications and Finance

The research questions used for the indepth analysis are included in Appendix C.

CHAPTER IV

TELEVISION'S EFFECT ON JUVENILE DELINQUENCY

The Ether Bogeyman Cometh

Few broadcasting issues have been subjected to as much scrutiny by Congress as has violence on television. Concerns have been expressed over the amount of violent content as well as the effects of such programming on viewers. The effect on children has been a consistent topic of Congressional hearings although other hearings throughout the years have concentrated on the overall societal effects of violent programming on television. Still other Congressional inquiries investigated proposed legislation aimed at removing antitrust barriers that prevented broadcasters from working together to reduce the amount of violent programming.

Concern among parents that radio and television negatively influenced their children marked the beginning of protests on the local level that eventually expanded into widespread campaigns that caught the interest of national leaders and media executives. Parent and religious groups linked community organizations to develop a network of television viewers with similar concerns. Many of the groups that led the early crusade against television later had a prominent role in Congressional hearings on televised violence.

One of the first documented concerns with violence in broadcasting came as

early as 1933 when parent groups banded together to question the effect of radio on America's youth. Many parents were concerned that the naivete of children made them particularly susceptible to the violent nature of these new programs. Led by Mrs. George Ernst of the Fox Meadow Parent-Teachers Association of Scarsdale (New York), parent organizations called for an end to the "Ether Bogeyman" that was causing nightmares and other emotional problems among their young children.⁹⁹

Mrs. Ernst presented her group's crusade before a conference of educators at Teachers College, a speech that immediately caught the attention of the Columbia Broadcasting System.¹⁰⁰ Ernst's group was no novice to the citizen advocacy arena, having earlier taken on other Scarsdale "nightmares," including aviation students who buzzed their homes and Joe "Hot Dog Joe" Hitalikides, a vendor whose wieners reportedly ruined children's digestive tracts and dinnertime appetites.¹⁰¹

Of particular interest to CBS was a survey done by the Scarsdale group rating forty popular children's radio programs for violent and unacceptable content. The survey showed that only five of the forty programs surveyed were acceptable to the groups; all others, including "Betty Boop" and "Little Orphan Annie," failed because of varying degrees of violence and suspense that "keep children in emotional suspense and excite them so they can't sleep."¹⁰² In addition to the content of these

⁹⁹"Mothers Protest 'Bogeyman' on Radio," *New York Times*, 27 February 1933, 17.

¹⁰⁰"Broadcasters Act To Curb 'Bogeyman'" *New York Times*, 28 February 1933, 21.

¹⁰¹"Mothers Chasing the Ether Bogeyman," *Newsweek*, 11 March 1933, 30.

¹⁰²*Ibid.*

programs, their very nature as serials -- which carried storylines over to subsequent shows -- promoted apprehension among children. While the network vowed to study the Scarsdale survey, it cautioned that sponsors of programs usually didn't change program content without widespread criticism. As compelling as the Scarsdale campaign was, it was unlikely to have much effect.¹⁰³

Although the complaints resulted in some apologies by program sponsors and subsequently laid a foundation for a nationwide call for parental action,¹⁰⁴ the criticism did not equate to the widespread outrage needed to affect the radio networks.¹⁰⁵ Consequently, the campaigns remained local efforts. When New Yorkers complained of the "too-hair-raising adventures" of radio programs,¹⁰⁶ state legislator A. Spencer Feld introduced a resolution urging the Federal Communications Commission to investigate the state of children's programming.¹⁰⁷ With no support,

¹⁰³"Broadcasters Act," *New York Times*, *ibid*.

¹⁰⁴"Better Radio Programs for Children," editorial, *Parents Magazine*, May 1933, 13; "Protest: Adults Condemn Air Hair-Raisers for Youngsters," *Newsweek*, 1 December 1934, 27-8.

¹⁰⁵Many years later the Radio Council on Children's Programs conducted a nationwide survey (100,000 parental responses) of radio programming and claimed some success in having the "worst" of children's programming removed from the air. See, "Radio Reforms for Youth, Aim of Joint Drive," *New York Times*, 30 April 1939, 4D; "Studies Radio for Child: Council on Children's Programs Founded by Women's Groups," *New York Times*, 18 December 1939, 26; "Adopt Radio Formula for the Children," *New York Times*, 19 December 1939, 21.

¹⁰⁶"Terror in Bedtime Stories," Letter to the Editor, *New York Times*, 12 March 1933, 10X; "Protest on Radio Songs," *New York Times*, 6 March 1933, 11.

¹⁰⁷"Assembly Extends the TERA to April 1," *New York Times*, 11 February 1936, 2.

the resolution failed to pass the Senate.¹⁰⁸

Even without a mandate from the New York State legislature, the newly formed Federal Communications Commission responded to public concerns over radio programs and publicly denounced the "blood curdling bunk" of children's radio programs.¹⁰⁹ In 1935 the commission created the Federal Radio Education Committee to foster cooperation among educators and the broadcasting industry. With funding from several sources, including the Rockefeller Foundation, the National Advisory Council on Radio and Education and the National Association of Broadcasters, the program funded six research projects to study the effects of radio programming.¹¹⁰ Although these studies covered a variety of topics, a portion of one study by Professor Hadley Cantril studied specifically the effects of radio on children.

Citing the largest amount of mail from the public he had ever received, FCC Commissioner George Henry Payne announced that the agency was poised to take steps to curb the trend toward violent action used in children's programs. Payne explained, "The radio stations ought to be prevented from pumping into 30,000,000 homes children's programs of such character as they broadcast now."¹¹¹ While the

¹⁰⁸"State Flood Bill Passed by Senate," *New York Times*, 12 February 1936, 4.

¹⁰⁹Federal Communications Commission, *Second Annual Report*, (Washington, 1934), 180.

¹¹⁰Federal Communications Commission, *Third Annual Report*, (Washington, 1937), 61; Federal Communications Commission, *Fifth Annual Report*, (Washington, 1939), 50.

¹¹¹"Radio Gore Criticized for Making Children's Hour a Pause that Depresses," *Newsweek*, 8 November 1937, 26.

commission reminded broadcasters that complaints against stations would continue to be considered at license renewal, President Roosevelt, in an address to NAB members, expressed hope that broadcasters would act in accordance with the great "public trust reposed" to it.¹¹² However, no action was taken by the FCC and broadcasters effectively ignored the commission's empty threats.

In 1939 the FCC's Committee on Informal Complaint Procedure held what appears to be the first commission hearing regarding the content of broadcasting, and later issued a memorandum that outlined fourteen types of programming deemed undesirable. These programs included cliff-hanger children's shows, astrology and other "fake science," as well as recorded phonographic music, which was thought to be used excessively.¹¹³ Co-sponsored by Commissioner Payne, the memorandum warned that these programs might cause punitive action, including license revocation, against broadcasters for failing to observe their public interest obligation. The National Association of Broadcasters reacted strongly against what they perceived as censorship, and broadcast industry attorneys accused the commission of overstepping its authority.¹¹⁴

However, to appear cooperative, broadcasters voluntarily adopted a set of guidelines regarding the content of children's programming within the newly adopted

¹¹²"FCC Warns Stations Against Monopoly, Indecency and Equivocal Ads," *Newsweek*, 28 February 1938, 30.

¹¹³"Industry Upset by Possible Meaning of FCC's Latest Flank Maneuver," *Variety*, 8 March 1939, 41.

¹¹⁴*Ibid.*, 40.

Broadcasters' Code. While the code dealt primarily with commercial content and length of programs, the code did specifically ban programming involving scenes of horror, torture or the supernatural.¹¹⁵ Still, it was widely believed that the broadcast industry's self-regulatory standards were largely adopted to avert FCC action.¹¹⁶

Little attention was given to program content during the 1940s. With the nation at war, the agency suspended station licensing and directed most of its efforts toward military uses of radio communication. By the time the war had ended television was fast becoming a fixture in American homes. While radio was still a source of information and entertainment for most homes, television, with its addition of visual images, was particularly attractive to young children. A three-year nationwide survey by the National Council of Churches of Christ indicated many parents approved of television because it was a good way to occupy their children's time.¹¹⁷ And while 69% of parents surveyed were pleased with children's programming overall, many still voiced concerns over the effect television had on their young children.¹¹⁸

Parental concerns over the effects of violent programming on radio easily

¹¹⁵"Adopt Radio Code," *Business Week*, 22 July 1939, 33.

¹¹⁶"Broadcasters' New Code Curbs Controversial Matter, Restrains Child Programs," *Newsweek*, 24 July 1939, 27.

¹¹⁷"Too Much Bang-Bang," Letter to the Editor, *Christian Science Monitor*, 29 April 1954, E.

¹¹⁸*Ibid.*

transferred to the new medium of television. Particularly disturbing to parents were action adventure shows, westerns and crime shows.¹¹⁹ Consequently, many complaints were identical to those formerly leveled against radio programs. Television, according to adults, was causing over-excitement and nightmares among child viewers, and generally contained far "too much murder, shooting, and killing. Too much foolish stuff."¹²⁰

However, concern over televised violence did differ from that of radio in one very important aspect. In addition to the effects on the emotional wellness of children, television appeared to be influencing their behavior as well. Parents assailed television as a major cause of a rising crime rate among American juveniles.¹²¹ A survey released in July 1954, by the Los Angeles-based National Association for Better Radio and Television (NAFBRAT) determined that crime shows had increased four-fold in three years, with Westerns being the most common format within that genre.¹²² The National Council of Churches of Christ and NAFBRAT surveys fueled the efforts of many citizen groups and led to calls for more attention to the possible correlation between violent television programming and criminal activity among youths. Religious organizations also increased their attention to television, often developing strong alliances and informing their members of the

¹¹⁹"Mayhem on Television," Editorial, *Christian Science Monitor*, 5 June 1956, E.

¹²⁰"Too Much Bang-Bang," *ibid.*

¹²¹Letter to the Editor, *Christian Science Monitor*, 26 April 1954, E.

¹²²Gladwin Hill, "Crime Themes Get More Time on TV," *New York Times*, 15 July 1954, 29.

dangers of televised violence.¹²³

The Beginning of Forty Years of Hearings:

Captain Video - Perpetrator or Scapegoat of Juvenile Delinquency?

Faced with citizen complaints and the growing fear that television violence was causing delinquency, Congress finally agreed to formally investigate the medium. For three days in 1954 the Senate Subcommittee to Investigate Juvenile Delinquency convened hearings to investigate specific program content and practices within the broadcast industry. Claiming that television was perhaps the most powerful vehicle for "planting and spreading ideas" the subcommittee specifically sought to determine whether crime and horror television shows had any influence on the "shocking" rise in juvenile delinquency in America.¹²⁴ The investigation was limited to the effects of crime, horror, sex and sadism because to go further, Committee Chair Robert Hendrickson explained, would position the subcommittee as a body of censors -- an entirely inappropriate role for the subcommittee.

The investigation began with testimony from representatives of several organizations that had conducted local and national surveys of parents. These studies generally reported that parents believed their children watched too many hours of

¹²³"Methodists Seek Elevation of TV," *New York Times*, 11 October 1954, 31.

¹²⁴Senate Committee on the Judiciary, *Juvenile Delinquency (Part 1-B: Television Programs)*, Senate Subcommittee to Investigate Juvenile Delinquency in the United States, 83d Cong., 1954, 1.

excessively violent television. Subcommittee director Richard Clenneden testified that several national surveys revealed that elementary school children watched television an average of 22-27 hours per week - as many hours as they spent in school. In addition, this programming contained an average of 6.2 acts, or threatened acts, of violence per hour.¹²⁵ Tantamount to the concern over the amount of viewing was the belief that children were getting ideas for criminal behavior from the programs they watched. Officials of the California Youth Authority reported to Clenneden that juvenile crime had increased approximately 10% in two years, and the majority of offenders named television crime programs as their "alibi" for their criminal behavior.¹²⁶

Everett Parker, a researcher with the National Council of Churches of Christ, offered slightly different figures for hours of viewing among children, but referred to the ubiquity of television by reporting that his organization's survey in New Haven, Connecticut, revealed not one child who did not view television. This was even true among children whose families did not have a television set in their own home.¹²⁷

The most popular programs were variety shows and Westerns, the latter genre accumulating the most complaints from parents for its excessively violent content.¹²⁸

NAFBRAT president Mrs. Clara Logan introduced statistical surveys showing an

¹²⁵Ibid, 4-5.

¹²⁶Ibid, 66.

¹²⁷Ibid, 12.

¹²⁸Ibid, 25.

overabundance of violence in children's programming.¹²⁹ This, and all the other surveys presented to the committee, prompted Hendrickson to suggest the appointment of a "TV Czar" to review children's programming, a suggestion quickly branded censorship by broadcasters.¹³⁰

Executives representing the CBS, ABC, NBC, and DuMont networks were present to defend their programming and to testify that their organizations took very seriously their obligation to provide quality, yet entertaining, programming. Charges of a correlation between televised violence and criminal behavior among youth were also quickly dismissed by these executives who testified that television violence was not harmful, and that any attempt to regulate program content constituted government censorship.¹³¹ Even Al Hodge, who portrayed the popular Captain Video on television, testified that he doubted that television was to blame for juvenile delinquency. When asked by Hendrickson about the ramifications of Captain Video's use of force against enemies, Hodge replied that force was only used to disarm a foe and that all villains were sent to a rehabilitation center for "brainwashing," rather than being killed.¹³²

Broadcasters found an unexpected ally in James Bennett, director of the Bureau of Prisons, who testified that he believed that television was just one factor

¹²⁹Logan testified that 40% of all children's programming was dominated by crime and violence. Ibid, 310. See also, "The Children's Hour," *Time*, 1 November 1954, 64.

¹³⁰"Czar Suggested to Bar TV Crime," *New York Times*, 20 October 1954, 40.

¹³¹Ibid.

¹³²Hearing on Juvenile Delinquency and Television, *ibid*, 312.

among many that led some children to criminal behavior. Bennett also testified that only the "unstable person, the rebellious and unhappy boy or girl," was likely to be lured into criminal behavior by crime and horror shows. The average child, Bennett believed, could differentiate between fictional and factual programming.¹³³

Ralph Harding of the National Association of Radio and Television Broadcasters, attested to broadcaster's noble intentions by outlining the voluntary industry standards - The Television Code - which were enacted in March of 1952. The Code, Harding testified, included guidelines of acceptability for programming content, as well as sections devoted to upholding the industry's responsibility toward children and their parents.¹³⁴ Harding also argued that Everett Parker's claim that parents were outraged over television programming was not consistent with a recent FCC memo that reported a substantial drop in complaints regarding violence and sex on television between 1951 and 1953.¹³⁵

This was confirmed by FCC Commission Rosel Hyde who later testified that while the commission had received some letters of concern about excessive violence, it was not a major source of complaints. In addition, Hyde testified that it was the agency's position that Section 326 of the Communications Act expressly forbid it from ruling on matters of programming content. Any attempt by the commission, or any government agency for that matter, to distinguish a potentially harmful program

¹³³Ibid, 125.

¹³⁴Ibid, 53.

¹³⁵The significance of this drop in complaints is tempered by a FCC memo that reported a drop in virtually all categories of complaints. Ibid, 57.

would be viewed as impermissible censorship. Hyde concluded that "We (the FCC) are not, and should not be, the arbiters of the public taste or morals."¹³⁶

Chairman Hendrickson concluded the hearings by asking Hyde whether his agency would police programming content more if Congress increased its powers to do so. Hyde maintained that it was not the FCC's role to determine the content of television programming and that such a move by Congress would be both unconstitutional and unwise. To that Hendrickson restated that it was not the subcommittee's intention to censor the broadcast industry but rather to determine whether there was any causal relationship between television and the "disgracefully high" juvenile delinquency rate in America.¹³⁷ To that purpose the chairman pledged the committee's continued attention.

The broadcast industry was not alone in its dismissal of testimony by NAFBRAT and other organizations that television caused juvenile delinquency. Others labeled such claims as kneejerk reactions to a rise in crime whose root cause was certainly more complicated than the monolithic effect of television. Adolescent psychologist Erik Erikson called television a "scapegoat" for those searching for an immediate and simplistic fix to a problem that really had not been thoroughly researched.¹³⁸ Columnist Goodman Ace wrote that the campaign against television was just the latest in a long tradition of blaming a mass medium for the ills of

¹³⁶Ibid, 279.

¹³⁷Ibid, 288.

¹³⁸Murray Illson, "Real Curb Sought for Delinquency," *New York Times*, 3 October 1954, 72.

society. When he was young, Ace wrote, his parents blamed his stereoscopic slides of Niagara Falls when he flooded the basement. Ace conceded that television was not a bastion of educational or quality programming; nor was it the powerful influencing force that some claimed.¹³⁹

Senate Subcommittee to Investigate Juvenile Delinquency
Juvenile Delinquency and Television Programs - 1955

The Senate Subcommittee to Investigate Juvenile Delinquency resumed its investigation of television just six months later.¹⁴⁰ This time the committee was chaired by Tennessee Senator Estes Kefauver, the same senator who once drew higher ratings than "The Howdy Doody Show" when he conducted hearings of organized crime on live television.¹⁴¹ Kefauver began the hearing with the introduction of dozens of letters of support from parents and civic groups applauding the committee's efforts and encouraging their continued inquiry to determine what extent these

¹³⁹Goodman Ace, "I Was A Juvenile Delinquent for the NAFBRAT," *Saturday Review*, 21 August 1954, 31.

¹⁴⁰Congressional Record, 84th Cong., 1st sess., 1 April 1955, 4288.

¹⁴¹In fact, the only other subcommittee member to attend the hearings was Alexander Wiley, who had served with Kefauver on the Crime Committee. This brought comparisons to the Crime Committee hearings, and perhaps the notoriety gained by Kefauver and Wiley during the Crime Committee hearings, contributes to the common misconception in current literature that Kefauver was the first Congressman to investigate the effects of television violence. The first such inquiry (and a more indepth inquiry) was actually facilitated six months earlier by this subcommittee under the chairmanship of Senator Hendrickson.

television shows influenced on juvenile behavior. Kefauver explained that time limitations at the October hearings prohibited the testimony of many potential witnesses, including those who represented the important field of social science research. Consequently, the committee invited witnesses to this hearing who were particularly knowledgeable of television effects research to "fill the void" in the committee's investigation of violent television thus far.¹⁴²

However, Kefauver's intent that the hearings deal specifically with television effects research was not completely consistent with the witness list, as only two had actually conducted television effects research. Ellenor Maccoby, a lecturer at Harvard University, testified that her research had shown that television was attractive to children at a very young age, perhaps even toddlers, and that many parents embraced television as a convenient means for occupying their children's time and attention.¹⁴³ During Maccoby's interviews with more than 300 mothers, many reported a higher incidence of aggressive behavior by their children after they viewed violent programming. Dr. Ralph Banay, a psychiatric consultant to the Bureau of Prisons, testified that he believed that television violence was particularly harmful to emotionally disturbed children because they were the most prone to delinquent behavior. Banay analogized that as prison was often described as a college for crime, television was a preparatory school for delinquency.¹⁴⁴

¹⁴²Senate Committee on the Judiciary, *Juvenile Delinquency (Television Programs)*, Senate Subcommittee to Investigate Juvenile Delinquency, 84th Cong., 1955.

¹⁴³Ibid, 8.

¹⁴⁴Ibid, 83.

FCC Commissioner Frieda Hennock, who had earlier told a House appropriations subcommittee that television would get worse before it got better,¹⁴⁵ left no doubt that she believed television violence was inherently harmful to children. That conviction led her to call for a more proactive approach at the FCC by using television violence as a criterion during license renewals. Although she rated the Television Code "excellent," the commissioner reminded the subcommittee that compliance by broadcasters was voluntary and she believed many just ignored it all together.¹⁴⁶ To clean up the airwaves, Hennock proposed the creation of a set of programming standards that would be determined through negotiations with the FCC, Congress and the viewing public. Input from broadcasters was noticeably absent from Hennock's proposal - perhaps a further indication of her distrust of the industry's commitment to self-regulation. Hennock testified that much of the responsibility to end television violence would have to fall on the public and she encouraged women's and civic groups to keep monitoring the networks and filing complaints with the FCC against broadcast networks and licensees.¹⁴⁷ Hennock's proposal drew the support of Kefauver, who believed it might actually encourage more support for educational television stations.

Reappearing before the committee, NARTB president Harold Fellows claimed that since he had last testified, several studies by members of law enforcement and the

¹⁴⁵"TV To Become Worse, House Committee Told," *Christian Science Monitor*, 21 March 1955, 15.

¹⁴⁶Hearing on Juvenile Delinquency and Television Programs, 1954, *ibid*, 25.

¹⁴⁷*Ibid*, 28.

psychiatric community had shown that television was not found to be a contributing factor to juvenile delinquency.¹⁴⁸ Fellows also reported that despite these types of research reports, NARTB was supporting research within the medical community and would continue to monitor the situation to determine absolutely whether there was any causal relationship between television violence and juvenile delinquency. This commitment to continued research was echoed by Columbia University Professor of Sociology Paul Lazarfield, who testified that research to date was inconclusive, rendering it impossible to confirm a causal relationship between television and juvenile crime.¹⁴⁹

A closer look at the hearing revealed Kefauver's dominance and his ability to control the tone of the hearing - even when not in attendance. Interaction between witnesses and committee members existed as witnesses were typically questioned extensively after completing their statements. However, the questioning was often limited in scope due to the lack of attendance by committee members. During the first day of testimony it was apparent that Kefauver dominated the hearings, with Senator Wiley and Chief Counsel Bobo only occasionally asking witnesses questions.¹⁵⁰

¹⁴⁸Ibid, 48.

¹⁴⁹Ibid, 93.

¹⁵⁰Senator Wiley tended to ask questions that were off the subject of television violence. For instance, Wiley asked FCC Commissioner Frieda Hennock about the FCC's approach to the public's "ownership" of the airwaves and what she believed should be done to make sure that poor people (who could not afford television sets) did not become information poor as well.

Kefauver generally questioned witnesses prior to their statement, asking their professional affiliation and credentials as well as their relative familiarity with the subject under investigation. The chairman was courteous to all witnesses, regardless of their testimony or opinion regarding the degree of harm in television violence. This was perhaps due to the exploratory tone of the hearings, which Kefauver set early when he announced that the hearing's primary purpose was to ascertain what, if any, increase in juvenile delinquency was caused by violence in television programming. Upon this determination, the committee would decide what course of action to recommend. Kefauver further explained that if it found television violence harmful, the committee would entertain ideas on how to control program content, or at least minimize the harm caused by violent programs. If factors other than television were found to contribute to juvenile delinquency as well, the committee could assure parents of television's harmlessness and turn its attention to those other factors.¹⁵¹

After witnesses testified, Kefauver asked specific questions regarding their particular testimony and asked whether their views were shared by other experts in their respective fields. Social scientists and broadcasters alike were asked to compare their opinions with others as Kefauver appeared to be trying to insure that these witnesses were representative of their profession. Kefauver also often interrupted witnesses to make sure he understood exactly what they meant by their testimony. Often this took the same form as a lawyer questioning a witness, with repeated

¹⁵¹Ibid, 3.

references to a single point or issue.

Despite the thoroughness of the committee's questioning, the validity of witness testimony was never questioned by Kefauver or any other committee members.¹⁵² In Kefauver's absence on the second day of testimony, other committee members assumed the leadership position, although none asked as many questions as Kefauver. Clearly, Kefauver's questioning was fueled by his interest and knowledge of the topic, a cognizance not shared by his fellow committee members.

Conflicting and inconclusive scientific testimony prevented the hearing from accomplishing the greater goal of determining the degree of influence of television programming on juvenile delinquency. However, the hearing did fill the void of a social science perspective and allowed the committee to complete its investigation. For that reason, the hearing was termed a success and the subcommittee compiled the testimony of witnesses into an interim report that included several recommendations for future action.¹⁵³ The committee concluded that public concern over the effects of television violence was justified and suggested that additional research was needed to continue investigating what, if any, causal relationship existed between television viewing and criminal behavior among youths. The committee also suggested the

¹⁵²See in particular the exchange between Kefauver and Dr. Ralph Banay beginning on page 84, and the exchange with Harold Fellows on page 66.

¹⁵³Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency in the U.S., *Television and Juvenile Delinquency, Interim Report*: 84th Cong., 1st Sess., 1955. The report, with additional comments by Senator Kefauver was reprinted in the Congressional Record. See Congressional Record, 84th Cong., 1st. sess., 26 July 1955, 11463-11465.

immediate establishment of a presidential commission to study the possibility that television had a detrimental effect on children, as well directing Congress to support basic scientific research by public and private agencies.¹⁵⁴ Citizens were encouraged to continue filing complaints with the FCC and with the broadcast networks directly. However, Congress never appropriated funds for additional research and a presidential commission to investigate television violence was never formed.

Acknowledging broadcast industry cooperation during its investigations, the committee's report recognized broadcasters' efforts, although it also pointed out that a report by the Television Review Board of the National Association of Radio and Television Broadcasters promising industry self-examination had been ignored.¹⁵⁵ While the Congressional report concurred with broadcasters' claims that proof of the harm of televised violence was inconclusive, it called for a "collective responsibility" among broadcasters to offer programming that would not contribute to juvenile delinquency.¹⁵⁶ As it was a suggestion and not a mandate, the report was largely ignored by broadcasters.

Giving minimal attention to the subcommittee's suggestions, the National Association of Broadcasters did not further investigate the effects of televised violence

¹⁵⁴Ibid, 58.

¹⁵⁵"TV Body Tells Congress It Plans Cleanup Drive," *New York Times*, 4 December, 19.

¹⁵⁶C. P. Trussell, "Senate Unit Asks Curb on TV Crime," *New York Times*, 26 August 1955, 21-2.

in children's programming. Instead the association amended its Television Code to recognize the potential impact of broadcasting. The amendment read:

Responsibility Toward Children: The education of children involves giving them a sense of the world at large. Crime, violence and sex are a part of the world they will be called upon to meet, and a certain amount of proper presentation of such is helpful in orienting the child to his social surroundings. However, violence and illicit sex shall not be presented in an attractive manner, nor to an extent such as will lead children to believe that they play a greater part in life than they do. They should not be represented without indications of the resultant retribution and punishment.¹⁵⁷

Another result of the hearing was the appearance of a divided FCC.

Hennock's proposal for a more active role in the determination of programming content was not supported by other commission members. Commissioner Robert E. Lee countered Hennock's proposal as he appeared at broadcasting conventions across the nation downplaying any connection between programming and juvenile delinquency.¹⁵⁸ Lee acknowledged that some television programming was in bad taste and of such poor quality that criticism was natural. However, industry self-regulation was the favored action and broadcasters were simply encouraged to improve program standards. Speaking on CBS's radio program "Capitol Cloakroom," FCC Chairman George McConnaughey said that Commissioner Hennock was incorrect in claiming the FCC had any authority over programming.¹⁵⁹ Still,

¹⁵⁷National Association of Radio and Television Broadcasters, *The Television Code*, 3rd Edition, (Washington, July 1956) 3.

¹⁵⁸"Radio-TV Blame Denied: Lee of FCC Discounts Crime and Violence on the Air," *New York Times*, 9 November 1954, 36;"Radio and TV Defended," *New York Times*, 29 March 1955, 38.

¹⁵⁹"FCC Head Opposes Program Authority," *New York Times*, 10 April 1955, 12.

McConnaughey expressed a strong personal belief that television had a negative effect on America's youth and encouraged broadcasters to voluntarily reduce the amount of violent programming.

The subcommittee's call for continued citizen advocacy appeared to hold the most promise as citizens continued to voice protests against the violent content of children's programming.¹⁶⁰ NAFBRAT continued to release its annual survey criticizing networks for excessive violent content of children's programming¹⁶¹ and the National Congress of Parents and Teachers encouraged local chapters to lobby for better programming in all media including comics, movies and television.¹⁶² Still, the stated intent of all these groups was not to censor broadcasters, but rather to encourage better programming through industry self-regulation.

Parent Magazine continued its attention to televised violence and offered countless interviews and statistical reports suggesting there was little, if any, intrinsic value of violence in children's programming. The magazine encouraged more parental attention to children's program and gave readers information about setting up their own monitoring project or joining in with other established organizations such as NAFBRAT and the American Council for Better Broadcasts.¹⁶³

¹⁶⁰"The Cult of Violence," Editorial, *Christian Science Monitor*, 28 July 1956, E; Letter to the Editor, *Christian Science Monitor*, 24 November 1958, E.

¹⁶¹"The Violent and the Bland," *Time*, 6 August 1956, 44.

¹⁶²Damon Stetson, "Control is Urged on Comics and Television," *New York Times*, 22 May 1957, 31.

¹⁶³Don Wharton, "Let's Get Rid of Tele-Violence," *Parents Magazine*, April 1956, 93-94.

Newsweek's 1958 cover story on television violence proclaimed the season television's bloodiest ever, and included statements by FBI chief J. Edgar Hoover and other law enforcement officials who condemned television's harmful effects on youths.¹⁶⁴ The newsweekly also cited five examples of youth crime, ranging from extortion to armed robbery, in which suspects claimed they learned their criminal "techniques" from television crime and mystery shows. The article apparently struck a chord with readers as the magazine received and printed responses, generally favorable, for nearly a month.¹⁶⁵ Many readers encouraged participation in various citizen groups and called for the networks to pay more attention to quality programming rather than profit-making. Others opined that blame for harm from television violence rested not with the networks, but with parents for not monitoring their children's viewing habits.¹⁶⁶

This sentiment was echoed by actress Bette Davis who told a packed room of Beverly Hills PTA members that "Many people are upset by what crime shows do to children. As a professional, I think it's mainly a home responsibility."¹⁶⁷ Responsibility for parental guidance was also emphasized in a television code released by the International Catholic Association for Radio and Television. The code was

¹⁶⁴"TV: Dial Anything For Murder," *Newsweek*, 10 October 1958, 66.

¹⁶⁵Letters to the Editor, *Newsweek*, 3 November 1958, 2-10; Letters to the Editor, *Newsweek*, 10 November 1958, 2,7.

¹⁶⁶*Ibid*, 10 November, 7.

¹⁶⁷Kimmie Hedrick, "Parents Hit Crime Shows," *Christian Science Monitor*, 24 February 1959, 7.

designed as a resource for parents trying to decide how best to utilize television in their children's lives. The document encouraged parents to ration television and remain vigilant in their efforts to communicate with broadcasters directly.¹⁶⁸ As was the case with most other organizations, no calls for direct government regulation were made.

Newton Minow and The Vast Wasteland:

So You Want To Start A Revolution...

With the Kennedy administration came a new set of commissioners at the FCC, and a new chairman, whose speech early in his tenure compelled Congress to once again cast an investigative eye on television. Newton Minow and other commissioners generally agreed that there was a lack of quality television. That did not mean, however, that commissioners advocated more FCC oversight of programming content. Elevating the consciousness of television programmers and network executives, and not regulation, was the preferred course of action.¹⁶⁹

However, network executives questioned the sincerity of this philosophy when Minow, in a series of speeches in 1961, challenged the broadcasting industry to

¹⁶⁸"Educator's Television Code," *America, National Catholic Weekly Review*, 2 August 1958, 99(18), 467; State of the Question, "Catholic Code For Television Viewers," *America, National Catholic Weekly Review*, 2 August 1958, 99(18), 473-474.

¹⁶⁹"Violence, Censorship and Mr. Mills," Editorial, *Christian Science Monitor*, 28 March 1960, E.

improve the quality of television. Nothing Minow did before or after caused as much controversy as his "Vast Wasteland" speech before the National Association of Broadcasters in May 1961. Although Minow was referring to the general lack of quality in all programming, his concern over violent programming was particularly evident. Throughout his lengthy address, Minow reminded broadcasters of their public interest mandate and expressed concern not with the health of the industry, which was booming, but rather with the "product" broadcasters were delivering.¹⁷⁰ In the passage immediately following his famous quote, Minow referred to the violent content of television no less than one-half dozen times:

When television is bad, nothing is worse. I invite you to sit down in front of your television set when your stations goes on the air and stay there...until the station signs off. I can assure you that you will observe a vast wasteland.

You will see a procession of game shows, violence, audience participation shows, formula comedies about totally unbelievable families, blood and thunder, mayhem, violence, sadism, murder, Western badmen, Western good men, private eyes, gangsters, more violence and cartoons.¹⁷¹

Minow's speech propelled the FCC and the issue of television violence into the public arena. Often overlooked as an agency of little action that dealt with technical and procedural aspects of broadcasting, the FCC received more than 10,000 letters,

¹⁷⁰Newton Minow, Address to the 39th Annual Convention of the National Association of Broadcasters, Washington, D.C., 9 May 1961, as printed in Newton Minow, *Equal Time: The Private Broadcasters and The Public Interest* (New York: Atheneum, 1964) 49.

¹⁷¹Ibid, 52.

postcards and telegrams, the largest response ever to a single topic.¹⁷² Minow's speech was reprinted in full in the Congressional Record and numerous citizens requested copies of the speech, requests that could not be filled by an already overburdened agency. Eleven months later Minow would be the first government official to receive the prestigious George Foster Peabody award for his efforts to "rescue the television wasteland from the cowboys and private eyes."¹⁷³

Minow arguably became the most prominent FCC chairman ever, and his "vast wasteland" characterization of television became equally famous. Broadcasters were particularly concerned that the new chairman's speech signalled a change in the agency's regulatory posture from decades of regulation by "raised eyebrow" to an agency inclined toward censorship. After carefully outlining agency rulings and case law supporting his anti-censorship posture, Minow's implicit message was that broadcasters did not have legal grounding for their claims to an unrestricted right to public spectrum space. With the right of a license, came also a responsibility to serve the public trust.¹⁷⁴ Minow suggested that broadcasters quit concentrating on FCC censorship that was not going to happen and instead focus on improving their

¹⁷²The acknowledgement of 10,000 letters from the public is Minow's estimation as reported in his book *Equal Time* (see p. 66.). The FCC officially cited the receipt of 6,000 letters from the public in response to Minow's speech. See Federal Communications Commission, 27th Annual Report (Washington, 1961), 40.

¹⁷³Val Adams, "Minow Given Peabody Award for Service to TV and Radio," *New York Times*, 19 April 1962.

¹⁷⁴Newton Minow, Address to the Conference on Freedom and Responsibility in Broadcasting, Northwestern School of Law, Chicago Illinois, 3 August 1961. Reprinted in Newton Minow, *Equal Time: The Private Broadcaster and The Public Interest* (New York: Anthem, 1964), 73.

product. Minow concluded, "To those few broadcasters who would evade the nation's needs and cry 'Censorship! Oh where will it end?' There can only be one answer: 'Responsibility - when will it begin?'"¹⁷⁵

Senator Dodd and Subcommittee to Investigate Juvenile Delinquency:

Part 10: Effects on Young People of Crime and Violence on Television

Broadcasters were justifiably concerned with the dichotomous governmental climate. While Minow was reassuring broadcasters that the FCC was not a censorial agency, Congress was conducting the most extensive investigation of televised violence to date. At the same time, Representative Carroll Kearns introduced a bill that would extend penalties for obscenity on radio and television to broadcasts of violence and crime.¹⁷⁶

During a continuation of the inquiry in the 1950s by the Senate Subcommittee to Investigate Juvenile Delinquency, witnesses dissected television effects and debated the relative impact of televised violence on American youth. Forty-eight witnesses, representing the interests of broadcasters, researchers, government regulators and viewers, and 110 exhibits filled eleven days of hearings held over a year's time. Although the committee conducting the hearing was the same as before, this set of

¹⁷⁵Ibid, 96.

¹⁷⁶H.R. 8435, 87th Cong., 1st sess. Kearns offered further explanation of the bill in Congressional Record, 87th Cong., 1st sess., 3 August 1961, 14633-14635.

hearings was conducted under the leadership of Thomas Dodd, who had earlier warned broadcasters that he was displeased with their efforts to police their programming.¹⁷⁷

Dodd opened the proceedings on a caustic note, creating an openly hostile environment that lasted the duration of the hearings. Dodd explained that the committee's continued interest in television violence led to an internal survey in which staffers found that programs with strong violent content had increased from 16.6% in 1954 (when the committee last held hearings on televised violence) to 50.6% during the current television season. Anticipating that broadcasters would explain that violent shows drew high ratings, Dodd offered that gambling and prostitution were "actively supported" by the public as well but that didn't make these activities good for society.¹⁷⁸

Dodd continued his opening statement by explaining that past committees had given broadcasters the benefit of the doubt regarding their programming practices because the medium was still young and broadcasters had pledged to increase voluntary compliance with the Television Code. But now 88% of all homes had at least one television, viewership was up and still the violent content increased. Dodd believed that broadcasters could no longer claim "growing pains" and continue to

¹⁷⁷Senate Committee on the Judiciary, *Juvenile Delinquency: Part 10: Effects on Young People of Crime and Violence Portrayed on Television*, Hearing before the Subcommittee to Investigate Juvenile Delinquency in the U.S., 87th Cong, 1954.

¹⁷⁸*Ibid*, 1637.

ignore their responsibility to serve the viewing public.¹⁷⁹

The hearing had several stated goals including the evaluation of children's programming and broadcast programming policies, and a review of the current state of television effects research. For these purposes an endless parade of witnesses gave hours of testimony and submitted hundreds of pages of documents supporting their particular point of view. Researchers, psychologists and sociologists testified, in general, that much research had been conducted in the past two decades that did indeed conclude that television had an influencing effect on viewers, particularly children and teenagers. Clara Logan presented the latest NAFBRAT survey of television violence and introduced dozens of statements and articles by researchers, physicians and parents who were outraged with the continued escalation of television violence.¹⁸⁰ Dr. Peter Legins, a professor of sociology at the University of Maryland, reviewed the plethora of television effects research and introduced statements by broadcasters extolling the advertising potential of television for appealing to the children. If, as broadcasters claimed, television had so much influence over the buying habits of children, why did it not have influence regarding behavior, Legins questioned.¹⁸¹

Unlike previous hearings where only representatives of the broadcast networks were present, this hearing expanded the scope of industry inquiry to include writers,

¹⁷⁹Ibid, 1638.

¹⁸⁰Ibid, 1873-1925.

¹⁸¹Ibid, 1677.

producers, actors, as well as attorneys for the networks. The investigation placed the television industry under a microscope, dissecting the process of producing a hit television show. During the course of the hearings, the committee screened a number of network programs and then questioned network and program representatives about the process of bringing a television show to the airwaves - who wrote it, who funded it, where was it shot, who supervised the content of the show?

At one stage network representatives were questioned by other witnesses in addition to fielding questions from the committee itself. NBC executives found themselves questioned relentlessly by a Boston University education professor after an episode of one of the network's primetime programs was shown and subsequently criticized for an overemphasis on violence.¹⁸² Although most industry officials survived the inquiry without divulging any damaging information, one writer did admit that he had been instructed by his show's story editor to add more violence to the program's scripts. It appeared the show's sponsor felt the program needed more action to sustain an audience.¹⁸³

Because the emphasis of these hearings was on the programming practices of the television industry, there was little talk of censorship or Constitutional protection of free speech. With only Chairman Minow testifying, the strong FCC presence of past hearings was noticeably absent. Although Minow's views on the state of

¹⁸²Ibid, 1720-1730.

¹⁸³Also entered into testimony was a confidential network memo to a program's writers that read, "Give me more sadism, more violence in programming." Ibid, 1829.

children's programs were publicly known, he maintained that Section 326 of the Communications Act expressly forbid commission intervention in television programming and instead encouraged the committee to continue its efforts to bring about industry self-regulation. The proper role of the government, Minow testified, was to promote a competitive environment within the broadcast industry because competition would ultimately bring quality programming to the airwaves.¹⁸⁴

Like the subcommittee hearing conducted by Kefauver, this hearing was very much the product of Dodd's personal conviction to reduce television violence. Rarely were more than two of the seven committee members actually present for the hearing, and often Chairman Dodd was the only member attending, although support staff asked questions on occasion. Clearly, the hearing was the epitome of an eleven-month, one-man crusade that appropriately became known as the "Dodd investigation" in the popular press.

Although the scope of the Dodd hearing began on a caustic note, the tone eventually changed to that of Kefauver's inquiry where all witnesses, regardless of their professional affiliation or position on the causal relationship between television violence and juvenile delinquency, were treated courteously. Each witness was welcomed, asked if he had a statement, thanked for his statement and then questioned. Witnesses were rarely asked to validate any part of their testimony and questioning often extended beyond the direct testimony into other areas. For instance, broadcasters were questioned about the nature and extent of research conducted in-

¹⁸⁴Ibid, 2222

house as well as the overall process of developing and choosing programs for their primetime line-ups.

On several occasions Senator Dodd assured broadcasters that it was not his intention to condemn the broadcast industry as a whole. The committee's concern was with but one small area of programming - the violent programming that seemingly permeated children's viewing hours. Consequently, Dodd extended all courtesies to broadcasters and, like other witnesses, rarely challenged their testimony. A good example involved CBS Vice-president Joseph Ream's attempt to demonstrate industry self-regulation by showing examples of network programs before and after they had been censored by CBS's standards department. After repeated requests to show the films in order to "prove" his point, Dodd reassured Ream that it was not necessary and that he would accept the official's good word.¹⁸⁵ Dodd only confronted network representatives when he believed they were unresponsive to questioning or were purposely evading a specific question.¹⁸⁶

In the absence of committee members, some of the questioning came from staff members and Congressional assistants. Their indepth knowledge of research and broadcast programming led to a number of technical and professional questions particular to each field. Citizens and public advocates were subjected to technical questions as well. Only two witnesses represented citizen groups and both represented organizations that routinely conducted surveys of violence on television.

¹⁸⁵Ibid, 1873.

¹⁸⁶For example, see an exchange with ABC President Oliver Treyz. Ibid, 1976.

Consequently, much of the questioning focused on their particular studies as opposed to their interaction with the viewing public they claimed to represent. Other questions focused on these groups' efforts to influence network programming decisions.

Despite the extensive nature of the Dodd hearing, its impact on legislative action was minimal. Midway through the hearing Dodd reiterated the overall goals of the hearing. These goals included a determination of whether Congress should appropriate funds for research on televised violence and whether the Communications Act of 1934 should be amended to allow the FCC to regulate content, including violent programming. None of these goals were attained as no additional action was taken although Senator Dodd did pledge to monitor the situation carefully. NAB President LeRoy Collins also pledged his organization's full cooperation and encouraged members of Congress to forward to him any complaints from constituents regarding television programming.¹⁸⁷ Minow offered his reaction to Congress' investigation of juvenile delinquency when he later addressed radio and television executives. Minow stated that he did not accept the premise of some witnesses that television itself caused juvenile crime. Instead, he embraced the testimony of Stanford researcher Wilbur Schramm who believed that "For *some* children under *some* conditions, *some* television is harmful...*some* television is beneficial...*most*

¹⁸⁷Letter to Representative Oren Harris, March 23, 1961. A full account of correspondence between Collins and Harris is available in Congressional Record, 87th Cong., 1st sess., 27 March 1961, 4937-4938.

television is neither harmful nor beneficial."¹⁸⁸ The lack of precision in identifying what exactly was and was not harmful led Minow to advocate, as he had many times before, more attention by broadcasters to the quality of programming and less emphasis on ratings and profit margins.

Just three months later, Minow congratulated broadcasters for what he believed was an earnest effort to improve programming. Minow cited a slight reduction in the number of on-screen beatings and killings, and a push by the National Association of Broadcasters to improve industry programming standards as positive steps.¹⁸⁹

Despite these conciliatory remarks about positive changes within broadcasting, industry executives remained skeptical of Minow's actions and seemed determined to exploit the "vast wasteland" characterization uttered by the chairman a year earlier. Minow once lamented, "I used the phrase only once. You broadcasters used it thousands of times."¹⁹⁰ The phrase had so taken on a life of its own that during a press conference President John F. Kennedy jokingly refused to enter the "wasteland"

¹⁸⁸Newton Minow, Address to The Radio and Television Executives Society, New York, 22 September 1961. Reprinted in Newton Minow, *Equal Time: The Private Broadcaster and the Public Interest* (New York: Anthem, 1964)103; "Plea by FCC Chief, TV for Juvenile Development," *Christian Science Monitor*, 26 September 1961, 2.

¹⁸⁹Newton Minow, Address Before the Commonwealth Club, San Francisco, 22 December 1961. Reprinted in Newton Minow, *Equal Time: The Private Broadcaster and the Pubic Interest* (New York: Anthem, 1964) 129.

¹⁹⁰"Equal Time," *ibid*, 67.

debate, leaving that for Minow to argue.¹⁹¹ But Kennedy offered full support to Minow's efforts and reiterated the administration's position that the basic regulatory relation between broadcasters and the FCC would not change. Government regulation of programming content, even violent content, was not an aim of his administration or of Minow's commission.¹⁹²

Still, broadcasters mounted a campaign intended to counteract the negative impact of the Congressional hearings and to characterize any government action as censorship.¹⁹³ With that done, broadcasters then turned their attention to the mounting criticism from the public and citizen advocacy groups.¹⁹⁴ Complaints to the FCC about violent programming had increased dramatically. For example, during the last three months of 1960 the FCC's Broadcast Division received approximately 1,150 complaints, only a small number of which criticized violence in programming specifically. During the first five months of 1961 the number of complaints jumped to 5,540, with 10% of these relating to excessive crime and violence on

¹⁹¹The President's News Conference, 23 July 1962, question 20.

¹⁹²The President's News Conference, 31 January 1962, question 16.; John Shanley, "President Sees No TV Controls," *New York Times*, 1 February 1962.

¹⁹³W. Theodore Pierson, "The Active Eyebrow - A Changing Style for Censorship," *Television Quarterly*, February 1962, 1(1), 14; Jack Gould, "Official Weight of Minow's Comments Disturbs TV Networks," *New York Times*, 1 February 1962.

¹⁹⁴Kimmis Hendrick, "TC Awards Presented to West Coasters," *Christian Science Monitor*, 7 May 1962, 11; "U.S. Urged to Regulate Networks," *Christian Science Monitor*, 17 June 1963, 11.

television.¹⁹⁵ Just one year later, the Broadcast Division received 12,000 viewer complaints - 35% of which related to programming. The largest category of complaints within this division involved objections to specific network programs on the basis of excessive crime and violence.¹⁹⁶

Network reaction resulted in less action in television series overall (CBS alone canceled one-third of its action programs) and a move toward balance among programming. A National Association of Broadcasters executive reported a dead market for Western shows and claimed that program producers were working to avoid the violence controversy altogether by producing programming that "reasonable people can't find cause for complaint."¹⁹⁷ Public service programming, as monitored by the A.C. Nielsen Media Research Division, increased from 109 programs in 1960 to 179 in 1963.¹⁹⁸ Despite all their protestations, the broadcast industry appeared to adopt the very self-regulatory balance that Minow had called for.

The Subcommittee to Investigate Juvenile Delinquency briefly revisited its investigation of crime and violence on television in 1964, although this time the

¹⁹⁵These tallies included only formal and informal complaints about programming and did not include any letters responding to Minow's "Vast Wasteland" speech. Federal Communications Commission, 27th Annual Report, (Washington, 1961), 39.

¹⁹⁶Federal Communication Commission, 28th Annual Report, (Washington, 1962), 44.

¹⁹⁷"Is Violence Out of Style?" *Christian Science Monitor*, 29 August 1961, 6.

¹⁹⁸A.C. Nielsen defined public service programming as programs which are primarily informational and educational in nature in contrast to programs which are primarily entertainment. The programs were counted during a four-month period, October to January. See, *Equal Time*, *ibid*, 68.

emphasis was not on network programming practices, but rather on their efforts to reduce violent programming. Dodd's approach to the networks was the complete antithesis of his last meeting, this time opening the hearings with praise for the industry. Broadcasters' self-regulatory actions were commended as an affirmation of the industry's commitment to its public interest mandate. But the praise was short-lived as Dodd then turned to the broken promises of the networks who had pledged to reduce the amount of violent programming. Citing testimony of network representatives at the hearings conducted by Senator Kefauver in 1955, Dodd characterized the networks as having a "We'll do as we please," attitude toward the Congressional inquiries.¹⁹⁹

Committee members used several government and private research sources as evidence against the networks. Dodd cited the committee's current television study and the annual NAFBRAT survey to conclude that network violence had not decreased appreciably since that last hearing. He also introduced numerous studies by social science researchers that found a causal link between television violence and aggressive behavior. Senator Keating introduced an FBI report that crime in America had increased five times faster than the population rate in just seven years. Keating added that FBI Director J. Edgar Hoover believed that this increase was largely due

¹⁹⁹Senate Committee on the Judiciary, *Juvenile Delinquency: Part 16: Effects on Young People of Violence and Crime Portrayed on Television*, Hearings before the Senate Subcommittee to Investigate Juvenile Delinquency in the U.S., 88th Cong., 2d Sess., 1964, 3730.

to the portrayal of crime and violence in the mass media.²⁰⁰

Faced with mounting evidence, network officials were again subjected to intense questioning from Senators Dodd and Keating who scrutinized particular shows and even specific scenes within programs. At one point scenes were shown from an ABC science fiction program in which a monster drowns a man, prompting networks officials to accuse the committee of taking the scenes out of context.²⁰¹ Realizing that he was fighting a losing battle, ABC vice-president Thomas Moore attempted to effect a conciliatory mood by telling Dodd that the network was grateful to the committee for its continued attention to television programming, and reassured the Senator of his network's continued willingness to cooperate. To this Dodd dryly replied:

Well, I'm glad you talked to me. But you talked to me before. And you talked to Senator Kefauver nine years ago. You are awfully nice people to talk to, and I think you have good intentions. But we don't seem to be getting anywhere.²⁰²

Dodd closed the hearing with a hope that the networks would honor their promise to reduce violent programming, and a promise of his own that the committee would continue to monitor the networks' progress.

²⁰⁰Ibid, 3774.

²⁰¹Ibid, 3776.

²⁰²Ibid, 3822.

CHAPTER V

THE SEARCH FOR A CAUSAL LINK BETWEEN TELEVISION VIOLENCE
AND AGGRESSIVE BEHAVIOR

The Kennedy Assassination and the Search for the Cause of Violence

Earlier in the decade John F. Kennedy had refused to enter the debate over the effects of violence on television, believing it was best handled by Minow and the FCC. A few years later it was the assassination of Kennedy's own brother that reignited the debate over televised violence and prompted the most action by a U.S. president in the controversy thus far.

President Lyndon Johnson's mistrust of the news media was no secret, but in a speech before the NAB Johnson appeared more interested in encouraging broadcasters to operate within their public interest responsibility than in scolding the industry or imposing government regulations.²⁰³ However, broadcasters embraced the president's message just as cautiously as they had Minow's several year's earlier - and with justification. Hours after Robert Kennedy was shot, Johnson announced the appointment of the National Commission on the Causes and Prevention of Violence to investigate the turbulent climate in American. Instructing the commission to find the

²⁰³Lyndon Johnson, Speech to the National Association of Broadcasters, Chicago, 1 April 1968.

causes of violence in America, Johnson suggested the media would be a good place to start that search. Johnson questioned whether the "seeds of violence are nurtured through the public's airwaves, the news media and other forms of communication from our leaders that reach the family and our young."²⁰⁴ The commission was granted permission to request assistance from any government agency it deemed necessary and Johnson personally instructed the FCC, as well as the television networks, to cooperate with the commission's investigation.²⁰⁵

The swiftness of Johnson's action underscored the administration's desire to find answers to the rampant violence that threatened to destroy the moral fiber of America. In addition to the violence commission's inquiry, Senator Thomas Dodd, still chairman of the Senate Judiciary's Subcommittee on Juvenile Delinquency, announced that his committee intended to reenter the television violence debate with hearings later that year. The subcommittee's investigation was to complement the findings of the president's commission on violence.²⁰⁶ Members of Congress blasted television violence in speeches and blamed the medium for contributing to a

²⁰⁴Ibid.

²⁰⁵Office of the President, National Commission on the Causes and Prevention of Violence, Executive Order 11412, 10 June 1968. The FCC later praised the appointment of the National Commission and vowed to cooperate fully with the investigation. See, Federal Communications Commission, 34th Annual Report, (Washington, 1968), 38.

²⁰⁶Joseph Loftus, "Senators to Scan Violence in Films," *New York Times*, 8 June 1968, 12.

society no longer shocked or moved by violent uprisings.²⁰⁷ Senator Pell called for immediate Congressional action claiming that "This vast theater of television has flourished too long in barbarism and breathes too little air of civilization."²⁰⁸ Several bills were proposed in the House including one sponsored by members of the Interstate and Foreign Commerce Committee that would require the FCC to investigate and submit annual reports on the effects of television violence on viewers.²⁰⁹ None of the House bills passed, and attempts to advance a similar bill the next year also failed.²¹⁰

A nation mourning the latest in a series of political assassinations fully embraced the government's incentive to end television violence. A Harris Poll indicated that a majority of Americans believed there was too much graphic violence on television, violence that was particularly dangerous when aimed at the

²⁰⁷See comments of Representatives Hungate, McClure and Dingell, respectively, in Congressional Record, 90th Cong., 2d sess., 26 July 1968, 23724-23725; 23774-23775; 23796-23797.

²⁰⁸Congressional Record, 90th Cong., 2d sess., 25014.

²⁰⁹For a full text of the resolution see, H.J. Res. 1388, 90th Cong., 2d sess. Duplicate resolutions were filed under H.J. Res. 1396, 1410, 1419, 1425, 1441. A bill to create a House Select Committee to investigate television violence was introduced by Representative Gurney. See H.Res. 1228, 90th Cong., 2d sess.

²¹⁰H.J. Res. 36, 91st Cong., 1st sess. Duplicate resolutions were proposed in H.J. Res. 62, 110, 206, 252-254, 266, 273, 304, 321, 406. The 1969 resolution was introduced by John Murphy; it too failed. See Congressional Record, 91st Cong., 1st sess., 6 January 1969, 266-267; Congressional Record, 91st Cong., 1st sess., 15 January 1969, 959-960.

impressionable minds of young children.²¹¹ Others believed that the President's commission, while formed with good intentions, was charged with studying something that was already a foregone conclusion - violence on television caused violence in society. Viewers wrote in letters to editors that television had to share the blame for Robert Kennedy's assassination because it consistently sent the message that the answer to life's problems was to shoot and kill.²¹² The editors of *McCall's* magazine ran a full-page editorial in the *New York Times* encouraging women to communicate directly with network executives to end the "bilge" of violence on television.²¹³

Public sentiment against televised violence was so deep that the platform committee of the Democratic National Convention considered including a condemnation of television for its use of gratuitous violence in entertainment programming. The proposal also included an appeal to the FCC to consider violent programming as a grounds for license revocation.²¹⁴ The proposal was abandoned, however, when several platform committee members, themselves media owners, objected to the sanctions. Members argued that it was unwise to condemn the

²¹¹"Censoring Out Violence," Editorial, *The Denver Post*, 5 July 1968, E; Our Readers Write, "TV Violence," *Christian Science Monitor*, 5 August 1968, E.

²¹²Viewers also believed violence on television particularly affected "disturbed" members of society who were more likely to watch television in the first place and emulate violent acts in programs. See, "The Great Power of Television," Letter to the Editor, *New York Times*, 30 June 1968, D17; "Monkey See," Letter to the Editor, *New York Times*, 30 June 1968, D17.

²¹³"What Women Can Do To End Violence In America, " Editorial, *New York Times*, 20 June 1968, 92.

²¹⁴Jack Gould, "Democratic Platform Came Near Condemnation of Violence on TV," *New York Times*, 2 September 1958, 37.

networks because it was an election year and candidates desperately needed television exposure for successful reelection campaigns.

NAB President Vincent Wasilewski advised broadcasters that continued restraint in programming was a wise reaction to the Johnson and Dodd investigations.²¹⁵ Shortly thereafter, all three networks announced they were postponing a number of episodes of popular action shows, as well as some situation comedies containing violent scenes. In addition, NBC planned to eliminate violent scenes from all program trailers and CBS canceled a number of feature films including "Where the Spies Are," a drama about a foiled political assassination.²¹⁶

The violence commission's 18-month investigation and final report were so controversial that they sparked a whole new debate over television violence. The dispute in the scientific community regarding the integrity of the commission itself and its final report was so acute that the issue of television violence virtually got lost in the battle and broadcasters quietly resumed normal programming practices.²¹⁷ In fact, the controversy surrounding the violence commission's report became the basis for a new set of Congressional hearings to investigate network efforts to reduce the amount of violent content in programming.

²¹⁵Vincent Wasilewski, President of the National Association of Broadcasters, Address Delivered Before the 48th Annual Convention of the Federal Bar Association, Washington, D.C., 12 December 1968; "Broadcasters Told to Remain Vigilant on Excess Violence," *New York Times*, 18 October 1968, 94.

²¹⁶Val Adams, "Violence on TV Heading for Fadeout," *New York Times*, 20 June 1968, 90.

²¹⁷Congressional Record, 91st Cong., 1st sess., 25 September 1969, 27207-27210; Congressional Record, 91st Cong., 1st sess., 14 October 1969, 29854-29855.

Senator John Pastore and the Surgeon General

The Blind Leading the Blindfolded?

The issue of television violence was investigated again during the Senate Subcommittee on Communication's annual review of FCC policy. Although much of the inquiry involved the Fairness Doctrine and the agency's recent ban on cigarette advertising, the committee did consider a proposal for a study of television violence by the Surgeon General. Senator John Pastore had become increasingly wary of a broadcast industry he felt was unresponsive to the public's concerns with televised violence. Claiming that the broadcast industry had "hoodwinked" the public by including antiviolence standards in its code and then failing to enforce them, Pastore suggested that compliance could be accomplished by toughening the wording of the Television Code and forcing broadcasters to comply with it.²¹⁸ The problem, explained Pastore, was that the subcommittee lacked the authority to legislate television violence because it lacked "expert authority" similar to the type it received from the Surgeon General when legislating cigarette advertising.²¹⁹

While most FCC commissioners were present at the two-day hearing, it was Nicholas Johnson who spoke most harshly of the violence imbedded in network

²¹⁸Louise Sweeney, "Pastore Tells TV Chieftains to Curb Violence - or Else!" *Christian Science Monitor*, 14 March 1969, 3.

²¹⁹Senate Committee on Commerce, *FCC Policy Matter and Television Programming, Part 1*, Hearing before the Senate Subcommittee on Communications, 91st Cong., 2d sess., 1969, 39.

programming. Johnson testified that he believed violence on television not only led to more criminal behavior but also contributed to an overall breakdown of moral, religious and familial ties in American society. Johnson encouraged the committee to support an FCC-commissioned study of television violence and behavior, although no other commissioners supported this proposal. Despite his concerns, Johnson did not agree with Senator Pastore's suggestion that television programming be regulated through additional legislation. According to Johnson, the more appropriate course of action was industry self-regulation coaxed by FCC "persuasion."²²⁰

Senate Subcommittee on Communications

FCC Oversight and the Proposal for Study by the Surgeon General - 1969

A House bill directing the FCC to conduct an investigation of television violence failed in committee, and Pastore's committee never specifically endorsed a commission study.²²¹ However, Pastore announced at a hearing just one week later that the committee would support a one-year study on television violence and children by another government agency. Dissatisfied with decades of inconclusive research, Pastore asked Robert Finch, Secretary of Health, Education and Welfare, to conduct a study that would "scientifically" establish the harmful effects of television

²²⁰Ibid, 94.

²²¹The text of the House bill was identical to those proposed by the Interstate and Foreign Commerce Committee in 1968 and 1969. See H.J. Res. 109, 92d Cong., 1st sess. Duplicate resolutions were proposed in H.J. Res. 129, 139, 174, 200, 491.

programming on children. The senator suggested supervision by the Surgeon General's staff given their recent study of cigarette smoking - a study Pastore credited with spearheading the new government ban on cigarette advertising. Pastore saw a parallel between the two industries: the cigarette industry had not regulated itself so the government stepped in; Pastore wanted to see if the same remedy was needed with the broadcast industry.

Pastore found support for his proposal in Thomas Dodd who pointed out that he had requested a similar study by HEW in 1962. Despite promises of an investigation and subsequent reports to Dodd's subcommittee, no action was ever taken by HEW and "nothing of significance" was accomplished by the agency.²²² Surgeon General Dr. William Stewart assured Pastore that the agency would honor its commitment this time, but cautioned that while he had no doubt that television violence had an effect on the viewing public, the nature of that impact was still unknown. It was that specific focus that Stewart planned to direct his study.²²³

The attendance of committee members during the FCC policy hearing was a complete antithesis of the one-man crusades of past hearings. Here, almost all committee members were present and eagerly joined in the debate and questioning of witnesses. Although it was an FCC policy hearing, no members of the commission

²²²Congressional Record, 91st Cong., 1st sess., 7 March 1969, 5591-5594.

²²³Senate Committee on Commerce, *Review of Policy Matters of the Federal Communications Commission Policy Matter and the Inquiry Into Crime and Violence, and a Proposed Study Thereof by the Surgeon General, Part II*, Hearing before the Senate Subcommittee on Communications, 91st Cong., 2d sess., 1969, 338.

testified. Instead, executives from the networks and station owners were questioned on their views of television violence in general and Pastore's proposal for an investigation by the Surgeon General.

While the networks pledged their support, they also expressed doubts that the one-year project was given sufficient funding or time by the Department of Health, Education and Welfare. CBS's Frank Stanton, citing his own network's experience in research, testified that HEW would need additional funding, and NBC's Julian Goodman believed that a proper study would need closer to five years to be completed.²²⁴ Stanton also believed that the study was based on Pastore's faulty impression that broadcasters refused to self-regulate their programming. Stanton referred to the standards department at each network and research funded by the industry as examples of the network's self-regulatory efforts. Still, Pastore was unimpressed by Stanton's testimony and again called for cooperation among all involved.²²⁵

Wrede Petersmeyer, president of Corinthian Broadcasting, was one of many station owners to testify before the subcommittee. He claimed that the industry did not need any more regulations and was, in fact, just being used as a scapegoat for the social ills of American society. Petersmeyer continued that those who criticized television were really criticizing public taste, because a television programmer had to

²²⁴Ibid, 347.

²²⁵Ibid, 355.

respond to the viewing public's interests if he wanted to stay in business.²²⁶

According to Petersmeyer, the recent wave of criticism merely amounted to the will of a few imposing their tastes on the masses. Senator Pastore interrupted Petersmeyer and chastised his insensitivity to the "majority of good viewers" who rejected violent programming. This exchange appeared to do little to diminish Pastore's general disdain for the television industry and the remainder of the hearing consisted of network representatives answering questions about their programming practices and their views on television effects research.

Clearly, the courteous nature of past hearings, with the even-handed demeanor of Senators Kefauver and Dodd, had been replaced by Pastore's direct and repeated questioning of broadcasters during their testimony. Pastore claimed he was concerned with the apparent lack of progress made during the last fifteen years of hearings to influence any real reduction in television violence. Consequently, he believed it was time to investigate what went wrong with past hearings, and what remedies, including government regulation, should be explored to pressure the networks.

Unlike past hearings where broadcasters were extended a professional courtesy equal to that of other witnesses, Pastore and the committee clearly had broadcasters on the defensive regarding their programming practices. This was most evident in the selection of witnesses. With the sole exception of Surgeon General William Stewart, all witnesses represented the broadcast industry. No social scientists testified regarding the need for a government-sponsored study and no citizen advocates were

²²⁶Ibid, 467.

present to represent the interests of the viewing public. Instead, each broadcaster was interrogated about his network or station's practices, the method for deciding what visual images would accompany a violent news story, and what, if anything, each was doing to reduce the violent content of programming. Interaction was often heated and one broadcaster found himself answering the questions of several committee members at the same time.²²⁷

Toward the end of the hearing, the senators became frustrated with the lack of attention broadcasters gave to violence in programming during their testimony. During an exchange with ABC Television president Elton Rule, Senators Hartke and Pastore attacked Rule when he explained that his testimony avoided violent programming because he was not "qualified" to speak on that topic. As president of entertainment programming, Rule did not believe the issue of violence fell under his authority. Hartke balked at this explanation and Pastore asked Rule if his testimony had been dictated by his network.²²⁸ Rule answered that he had not been coached, but the lack of attention to violence by the other network representatives as well led senators to suggest the appearance of collusion.

The lack of attention given violence by the network representatives resulted in a general failure of Pastore's intention to study the issue as a basis for his proposed inquiry by the Surgeon General. Although this particular hearing did not give Pastore

²²⁷For example, see testimony of Vincent Wasilewski, president, National Association of Broadcasters. Ibid, 420.

²²⁸Ibid, 407.

the results he had hoped for, the committee did not forget how broadcasters had evaded the issue of violence. The committee continued its inquiry and broadcasters were called before the committee many more times to continue a dialogue on violent programming. Eventually, the Surgeon General's inquiry was funded and the stage was set for the most intensive investigation of television violence by a government agency ever.

HEW immediately assembled a team of investigators that resulted in the Surgeon General's appointment of the National Institute of Mental Health's Scientific Advisory Committee on Television Behavior. Despite its home at NIMH, the committee remained under the watchful eye of Pastore and the Senate Subcommittee on Communications. Pastore charged the committee with the formidable, if not impossible, task to "establish scientifically what effects these kinds of (violent) programs have on children."²²⁹

From the very start the committee was cloaked in controversy by those questioning the scientific objectivity of the agency's appointed panel. Among the most serious complaints came from social scientists who accused HEW of "blackballing" several prominent researchers from the committee.²³⁰ Critics charged that several researchers with extensive experience in television effects research were purposely excluded from the Advisory Committee because their prior studies and

²²⁹National Institutes of Health, Television and Behavior, Volume I, (Washington, 1970) 31.

²³⁰"Study of TV Violence: Seven Top Researchers Blackballed from Panel," *Science*, 22 May 1970, 949.

testimony before Congress had been critical of the broadcast industry. After the NIMH solicited nominations for the panel from professional organizations, consultants and the broadcast industry, a list of finalists was then sent to the three television networks. Given this unprecedented input, broadcasters subsequently vetoed seven members of the finalist list, all of whom were dropped from consideration.

When the twelve-member Advisory Committee was finally announced, five members were associated with the networks, employed either as executives or consultants. The selection process seriously damaged the credibility of the government assembled panel, prompting James Jenkins, chairman of scientific affairs of the American Psychological Association, to label the selection process "deplorable" and remark further that "it looks like an exemplar of the old story of the 'regulatees' running the regulators."²³¹

Despite its controversial start, the panel proceeded with its investigation of the harmful effects of television violence on children. Eli Rubenstein, vice-chairman of the Surgeon General's Scientific Advisory Committee, presented an interim report to the Senate Subcommittee on Communications in August 1969.²³² Rubenstein reported that a team of 12 distinguished researchers had been assembled and that the committee adopted short and long range goals for the study. The committee expected to coordinate and support many national research efforts, with the first results

²³¹Ibid, 951.

²³²Rubenstein was speaking on behalf of Surgeon General Stewart who retired from the post earlier that month.

becoming available in one to two years.²³³

Those initial results came in September 1971, when Surgeon General Jesse Steinfeld reported to Pastore's subcommittee that a few of the 23 studies commissioned by the Advisory Committee had been completed. The results of these studies were presented earlier in the month at the American Psychological Association's annual convention, prompting some in the press to mistakenly report these results as the committee's overall conclusion. In fact, the bulk of the studies were still in progress and it would be at least two months before the committee's final report, reflecting the shared conclusions of the 23 individual research studies, would be available.²³⁴ Although Steinfeld anticipated that the committee's final report would make a significant contribution to the conflicting area of television violence effects research, he predicted that it would still conclude that continued research was needed.

²³³Senate Committee on Commerce, *Amendment to the Communications Act of 1934, Part 1*, Hearing before the Senate Subcommittee on Communications, 91st Cong., 1st sess., 1969, 5.

²³⁴Senate Committee on Commerce, *Progress Report, Scientific Advisory Committee on Television and Social Behavior*, Hearing before the Senate Subcommittee on Communications, 92nd Cong., 2d sess., 1971, 7.

Senate Subcommittee on Communications
Surgeon General's Report by the Scientific Advisory Committee on Television
and Social Behavior

When the final report was released, it was marred by inconclusive results, controversy surrounding the committee make-up, and a weak set of recommended actions. During the subcommittee's four-day hearing to review the Surgeon General's final report Chairman Pastore cautioned that the advisory committee's task was a broad and difficult one, and that the report's tentative conclusions should be viewed only as evidence of the immense task placed before them. Clearly, this was just the beginning of the long and arduous effort still before them.²³⁵ Surgeon General Steinfeld also anticipated criticism and testified to the breadth of the 23 studies and cited the number of reports resulting from these studies - reports that filled five volumes. Steinfeld also addressed continued concerns about the committee selection process by reiterating that the final report before them was based on the unanimity of its members, and that the overrepresentation of the broadcast industry did not, in his opinion, affect the results in any way.²³⁶

In the 279-page report "Television and Growing Up: The Impact of Televised Violence," the committee confirmed the "pervasiveness of television in the United

²³⁵Senate Committee on Commerce, *Surgeon General's Report by the Scientific Advisory Committee on Television and Social Behavior*, Hearing before the Senate Subcommittee on Communications, 92nd Cong., 2nd sess., 1972, 7.

²³⁶*Ibid*, 27.

States" and the substantial amount of violence imbedded in television programming - by 1968 approximately eight violent incidents per hour.²³⁷ While the committee qualified its findings as preliminary, it did find a "tentative indication of a causal relation between viewing violence on television and aggressive behavior; an indication that any such causal relation operates only on small children who are predisposed to being aggressive; and an indication that it operates only in some environmental contexts."²³⁸ This report led the Surgeon General to testify that enough evidence had been found to establish a causal relationship between television violence and subsequent antisocial behavior.²³⁹

Unlike past hearings where witnesses often testified in no apparent order, this hearing grouped witnesses according to professional status and stated viewpoint. Each of the four days of testimony involved a different segment of interested participants - each with its own agenda or goal. The first and second days were dominated by government officials (FCC commissioners and the Surgeon General) and researchers involved in the myriad of studies supported by the Advisory Committee. The third day was reserved for response by members of the broadcast industry; the fourth and final day for representatives of citizen advocacy groups.

During the first two days of the hearing, members of the advisory committee,

²³⁷Ibid, 1.

²³⁸National Institute of Mental Health, Television and Growing up: The Impact of Televised Violence, Report to the Surgeon General, Scientific Advisory Committee on Television and Social Behavior, (Washington, March 1972) 26.

²³⁹Surgeon General's Report, Senate Subcommittee on Communications, *ibid*, 28.

as well as researchers whose projects had been sponsored by the committee, presented their findings. Aside from summarizing their reports, the main thrust of their testimony was to refute the conclusions outlined in the final report. Sixty-nine researchers involved in various studies claimed the Advisory Committee seriously misled the subcommittee and the public by misrepresenting the researcher's true results.²⁴⁰ Robert Liebert, a professor of psychology and director of one of the 23 studies, testified that the advisory committee's interpretation of his research project was "misleading, watered down and contains inaccuracies."²⁴¹ Later, George Comstock, the panel's senior research specialist, blamed the overrepresentation of broadcast industry officials for continuous friction within the panel and for drafting a report that clearly favored industry interests.²⁴²

The researchers, who overwhelmingly rejected the advisory committee's final report, were calmly questioned by subcommittee members who appeared most interested in providing a forum for these witnesses to vent their frustrations. In an almost apologetic tone, committee members simply allowed the researchers to voice their grievances and then questioned them more about their individual findings without

²⁴⁰Not all 69 researchers testified at the hearings. Many let one member speak for several team members and others filed letters and messages with committee members voicing their displeasure. For example, see letters from Drs. Monroe Lefkowitz and L. Rowell Heussmann to Representative John Murphy, Congressional Record, 92d Cong., 2d sess., 17 April 1972, 13025-13029.

²⁴¹Ibid, 144.

²⁴²According to Comstock the panel was dubbed the "network five, the naive four, and the scientific three." Constance Holden, "TV Violence: Government Study Yields More Evidence, No Verdict," *Science*, 11 February 1972, 608.

referencing the controversial final report. However, the committee was also careful to not allow the disgruntled researchers to completely invalidate the report's findings. Instead, the committee used the grievances to point out just how large a task the probe was. In an apparent effort to salvage something positive out of the contested final report, Pastore coaxed Advisory Committee member Ira Cisna to validate his justification for the study in the first place by concurring that a causal relationship did indeed exist between television violence and aggressive behavior. Cisna claimed the sheer amount of research results made it very difficult to compile a final report that would please everyone:

Dr. Cisna: This is part of the frustration, the other point of view says isn't it remarkable that with this unclarity and all of this unreliability, that anything should emerge. There must be something there (a causal relationship between television violence and aggressive behavior), if something emerged.

But that there must be something there is a feeling that emerged from this committee after reviewing all of the information. How big it is, I wouldn't venture to say.

Sen. Pastore: But it is there.

Dr. Cisna: Something is there, yes.

Sen. Pastore: I mean if you were in my position, doctor, at this juncture, you wouldn't say let's sweep it under the rug, would you?

Dr. Cisna: Absolutely not.²⁴³

The tentative conclusions of the report also caused problems for the FCC, which had delayed further commission action on televised violence pending the

²⁴³Ibid, 75.

Surgeon General's report. For three years, the commission had cooperated with the Advisory Committee and waited until the report was final before acting on any complaints or petitions on the issue of television violence. FCC Chairman Dean Birch testified that the "hedged" results of the Surgeon General's report did not provide enough conclusive material to warrant immediate action by the commission. Instead the commission involved itself in an intensive "self-education period" to further disseminate the volumes of research. Although a definite plan for action by the FCC was still several months away, Birch believed that broadcasters should respond immediately to the report's finding by reducing gratuitous violence and creating new and diverse programs.²⁴⁴

Not surprisingly, broadcasters did not agree that they should react to a report that reached only tentative conclusions. Alfred Schneider, a CBS vice president, testified that the Surgeon General's report found that television was only one of many societal factors that influenced aggressive behavior, and that the relative weight of the medium's influence was never determined. The Advisory Committee also reported that the effects of television violence seem to be heightened in those children who were predisposed to aggressive behavior, prompting the committee to conclude that even if the balance of television programming were changed to reduce violence, people would still seek out violent material.²⁴⁵ In an attempt to dismiss the report altogether, broadcasters clearly highlighted the portions of the report that appeared to

²⁴⁴Surgeon General's Report, Senate Subcommittee on Communications, *ibid*, 105.

²⁴⁵*Ibid*, 191.

exonerate the industry.

The criticism by the project's own researchers, coupled with the report's weak conclusions, left Pastore in a rather embarrassing position. As the hearing progressed Pastore's frustration began to show. The second day of testimony began with all the intensity of a television drama itself when Senator Pastore received a letter from the Treasury Department expressing concern that his hearing had caused the cancellation of the CBS series "O'Hara." Eugene Rossides, Assistant Secretary of the Treasury Department, wrote Pastore that a CBS official informed him that the network was going to cancel the action series because it feared the scorn of Pastore's subcommittee. The Treasury Department assisted with the television program and believed it actually helped develop a respect for law enforcement within the viewing public. To cancel it due to pressure from Congress would be, the letter stated, a grave mistake and an "unwarranted irony."²⁴⁶

Pastore was outraged by the letter and claimed that the "O'Hara" series was never reviewed by the subcommittee or identified as containing excessive violence. Pastore accused CBS of using the threat of cancellation as a propaganda tool to cause panic regarding the committee's investigation. He also claimed it was just another example of the type of network "shenanigans" designed to divert attention from the real issues under investigation. CBS's Schneider assured the senator that Rossides had misunderstood the situation and that the program was canceled because of low

²⁴⁶Ibid, 101.

ratings and the need to make room on the fall schedule for new programs.²⁴⁷

The final day of testimony was reserved for comments from members of many citizen actions groups. Representatives of Action for Children's Television (ACT), the National Association for Better Broadcasting, and the Foundation to Improve Television encouraged the committee to continue its efforts to enhance television. Although they were treated in equally genteel terms, the testimony of citizen advocates was not weighed equally with that of social scientists and researchers. Members of ACT were questioned measurably less than researchers, and at all times questions and comments were framed in such a manner to affirm their testimony rather than to challenge it. Clearly, the testimony of these children's advocates was tolerated, yet taken far less seriously than that of other witnesses.

In addition, the committee expressed that the action of citizen advocacy groups was best directed toward other government agencies such as the FCC. At the conclusion of ACT's statement, Pastore thanked the "fine ladies" for testifying and expressed hope that the FCC would act upon their concerns.²⁴⁸ With similar haste, representatives of the Foundation to Improve Television and the National Association for Better Broadcasting were thanked for their efforts but asked no questions by the committee.

In an apparent effort to downplay the controversy surrounding the Advisory

²⁴⁷Ibid, 189.

²⁴⁸Although Pastore often addressed witnesses as "Mr." and "Mrs." during introductions, this was the first time he used a gender distinction at the conclusion of witness testimony. Ibid, 266.

Committee's final report, Pastore concluded the hearing by requesting that the Surgeon General, the Department of HEW and the FCC work together to establish an annual survey of violence on television - a violence index. This violence index would enable Congress to receive yearly updates on network efforts to reduce televised violence and therefore keep the issue on the public agenda.²⁴⁹

In response, members of the House Interstate and Foreign Commerce Committee once again proposed a number of bills to force the FCC to regulate television violence. In addition to the traditional call for a yearly report on the effects of televised violence, the committee proposed an FCC-monitored rating system in which television programs would be rated according to the amount of "physical violence to the human body and acts of obscenity."²⁵⁰ As before, none of the bills passed and similar bills introduced the next year in both the Senate and the House also failed.²⁵¹

However, Senator Pastore kept his promise to pressure the Department of HEW and the FCC to build on the work of the Surgeon General's Report. Just months after the hearing reviewed the Surgeon General's report, HEW informed the subcommittee that a study currently underway by University of Pennsylvania professor George Gerbner was close to developing the very type of annual index of television violence that Pastore had proposed. However, the completion of a

²⁴⁹Ibid, 244.

²⁵⁰H.R. 15264, 92d Cong., 2d sess.; H. Res. 1072, 92d Cong., 2d sess.

²⁵¹H.J. Res. 39, 93d Cong., 1st Sess; S.J. Res. 34, 93d Cong., 1st sess.

perfected research tool was still several years away and the National Institutes of Mental Health later awarded \$500,000 in grants to support 12 additional studies on violence on television.²⁵²

Despite its controversial conclusions, the Surgeon General's report and continued attention to television violence by Congress formed the basis of renewed citizen action to clean up the airwaves. Knowing that the FCC was prohibited from censoring the content of television programming, petitioners used the Surgeon General's report and hearing testimony to rationalize regulation of television violence.

The most notable case involved a Fairness Doctrine complaint against excessive violence in programming on three Boston television stations. Viewer George Corey complained that the stations, which he claimed carried children's programming with excessive violence, were not operating in the public interest because television's causal link with anti-social behavior had been published in the Surgeon General's report.²⁵³ Corey duplicated tactics used by Pastore during his hearings and compared the danger presented by television violence to that of cigarettes. In the late 1960s the FCC ruled that the Fairness Doctrine required television stations running cigarette advertising to present opposing viewpoints.²⁵⁴

²⁵²The additional government funding was formally announced during the testimony of Bertram Brown, Director, National Institute of Mental Health, Department of Health, Education and Welfare, during a 1974 Senate Subcommittee of Communications hearing.

²⁵³*In Re Complaint by George Corey, Nashua, New Hampshire*, 37 F.C.C. 2d (641).

²⁵⁴See, *In the Matter of Television Station WCBS*, 8 FCC 2d 381 (1967), recons. denied, 9 FCC 2d 921, affirmed sub. nom. *Banzhaf v. FCC.*, 405 F.2d 1082 (C.A.D.C. 1968), cert. denied, 396 U.S. 842 (1969).

Corey wanted the same standard applied to television violence by requiring the networks to administer a warning preceding violent children's programming.²⁵⁵

The FCC declined to act on Corey's Fairness Doctrine complaint ruling that broadcast violence did not constitute the presentation of one side of a controversial issue.²⁵⁶ To classify violence as controversial, the commission wrote, would create a virtually endless amount of programming that station owners would have to respond to. In addition, the commission believed there was a "marked difference" in the conclusiveness of hazard established by the Surgeon General's investigation of cigarette smoking and its investigation of television violence.²⁵⁷

Research, Research and More Research

In Search of a Causal Link Between Television and Behavior

The Surgeon General's report and the plethora of research that followed had little impact given the sheer amount of conflicting results. In the absence of a definitive research report with wide acceptance, government institutions were left without any factual basis to enact legislation. The Congressional investigations continued if for no other reason than to keep the networks' practices in the public eye. As a result, the next Senate Communications Subcommittee investigation was

²⁵⁵Corey's proposed warning message read "Warning: Viewing of violent programming by children can be hazardous to their mental health and well being."

²⁵⁶In re Corey, *ibid*, 643.

²⁵⁷*Ibid*, 644.

more like a research symposium than a legislative hearing.

With Senator Pastore still at the subcommittee's helm, Drs. Eli Rubenstein and George Gerbner presented findings of their continuing research projects. Gerbner, while explaining his complex violence index, reported that his team of researchers had found it best to study television violence from a multidimensional approach, rather than the mere "counting" of violent acts as Pastore had suggested at the last hearing. This approach led Gerbner to conclude that while violence on cartoons had decreased overall, not all "components" of violence in cartoons had improved.²⁵⁸ Gerbner's testimony frustrated Pastore who explained that the committee needed straight-forward, conclusive information if it was to persuade the broadcast industry to reduce violence in programming. It was clear that Pastore wanted Gerbner to provide the subcommittee with the ammunition it needed to pressure the networks - "proof" that Gerbner believed was not his primary responsibility as a researcher.²⁵⁹

Rubenstein's testimony was directed more at the actions of the networks and thus appeared more acceptable to Pastore. Rubenstein directed one of the studies supported by the Surgeon General's Advisory Committee, and despite the networks' promise of cooperation, he found that no action had been taken to reduce violent programming. Rubenstein testified that there was no scientific evidence that violence in network programming had been reduced in the years following the release of the

²⁵⁸Senate Committee on Commerce, *Violence on Television*, Hearing before the Senate Subcommittee on Communications, 93d Cong., 2d sess., 1974, 48.

²⁵⁹*Ibid*, 49.

Surgeon General's report, and characterized this as typical of the lost momentum that had plagued the government's ongoing investigation into such a large and complex issue.²⁶⁰

Network representatives countered Rubenstein's claims and testified that there had indeed been a significant decrease in the amount of violent programming since the 1972 hearings. John Schneider of CBS testified that his network had decreased violence by 25% and had significantly increased the number of family oriented shows included sit-coms and special presentations. ABC's Walter Schwartz reported a significant increase in the amount of awards given his network's children's programming, including one from Action for Children's Television.²⁶¹

Once again the committee was presented with conflicting testimony and Pastore voiced frustration over the differing amounts of violence reported by researchers versus that reported by the networks. He concluded the hearing by challenging the networks to afford researchers the opportunity to report, honestly, a decrease in television violence when the FCC oversight hearings resumed the next year.

Like broadcasters, the FCC was pressured by Congress to take some form of action to reduce the amount of violence on television. In 1974, the Appropriations Committee directed the FCC to make recommendations regarding specific actions the commission planned to take to protect children from "excessive programming of

²⁶⁰Ibid, 16.

²⁶¹Ibid, 131.

violence and obscenity."²⁶² Consequently, the FCC formed a special task force and held a series of meetings with network executives and the National Association of Broadcasters. In April 1975, the commission released its first official ruling on violence television, reporting that complaints and petitions to deny concerning television violence had increased tremendously during the 1970s.²⁶³ In 1972 the FCC received 2,000 complaints about violent or sexually-oriented programs; by 1974 the number of complaints had jumped to 25,000.²⁶⁴

In the report, the FCC explained that obscene programming was subject to Congressional statute and thus was already under investigation by the commission. However, violence on television was not actionable through statute, and accordingly, the commission ruled that industry self-regulation was preferable to government intervention. Violence on television involved a question of "appropriateness" of programming and any government action to regulate it would be both subjective and constitutionally impermissible.²⁶⁵

In lieu of regulation, but still needing to appease Congressional leaders, FCC Chairman Richard Wiley met with broadcasters and presented a four-part proposal for

²⁶²H. Rept. 1139, 93rd Cong., 2d sess. (1974), 15; S. Report 1056, 93d Cong., 2d sess. (1974), 17. See also, Federal Communications Commission, 40th Annual Report, (Washington, 1974), 26.

²⁶³A summary of the report is available in Federal Communications Commission, 41st Annual Report (Washington, 1975), 21.

²⁶⁴Federal Communications Commission, Report on the Broadcast of Violent, Indecent and Obscene Material. (Washington, 1975), 418.

²⁶⁵Ibid, 419.

industry self-regulation. The proposal included: a new commitment to reduce violent and sexually-oriented programming; the scheduling of programs unsuitable for children after 9:00 p.m.; the use of audio and video warnings at the outset of programming unsuitable for children; and the use of advance notice in newspaper listings, promotional material and television listings identifying programming unsuitable for children.²⁶⁶ Although broadcasters rejected many of the commission's proposals, all three did agree to provide programs suitable for family viewing during the first hour of network entertainment programming each evening - a timeslot later dubbed the "Family Viewing Hour." Later, the proposal was adopted and incorporated into the Television Code as the Family Viewing Amendment.²⁶⁷

The FCC commended the broadcast industry's remedial actions - praise echoed as high as the White House. At a press conference, Ford reaffirmed his preference for industry self-regulation and applauded the industry's "honest, bona fide efforts," to implement the Family Viewing Hour.²⁶⁸ But the celebration over the Family Viewing Hour was short lived. Appearing at an FCC oversight hearing, Wiley testified that the success of the family viewing time would ultimately depend on a good faith effort of the broadcast industry itself and not on intervention by any government agency. Wiley admitted that the family hour was not a perfect plan but he

²⁶⁶Ibid, 420-421.

²⁶⁷The National Association of Broadcasters, Television Code, 18th ed., (Washington, 1975).

²⁶⁸Gerald Ford, President's Remarks and a Question and Answer session with members of NAB, Portland, Oregon, 25 October 1976.

believed it would have a positive impact on television programming and ultimately would benefit parents who wanted to monitor the viewing habits of their children.²⁶⁹ In an uncharacteristic move, Senator Pastore praised the network's initiative and stated that he too believed programming was considerably better than in past years.²⁷⁰

However, just a few months later a Los Angeles District judge ruled the family hour constituted government censorship and therefore violated Constitutionally protected free speech.²⁷¹ The judge ruled that FCC Chairman Wiley had threatened broadcasters with a denial of license renewals unless they reduced television violence and sex, constituting a form of impermissible government censorship. The judge also blamed the action on Congress's pressure on the FCC to act.²⁷²

In the wake of the District Court's scolding of Congress' jawboning, many in the public grew increasingly pessimistic that relief would be found in any government agency. In the spirit of Mrs. George Ernst and the Scarsdale PTA, citizen groups once again assembled to pressure the networks to end television violence. Citizen advocacy groups were growing at a fast rate and many new organizations, such as Help America Reduce Televiolence, the Media Task Force of the National

²⁶⁹Senate Committee on Commerce, *Oversight of the Federal Communication Commission*, Hearing before the Senate Subcommittee on Communication, 94th Cong., 1st sess., 1975, 5.

²⁷⁰*ibid*, 34.

²⁷¹*Writer's Guild of America West, Inc. v. FCC*, 423 F.Supp. 1064(C.D.Cal. 1976).

²⁷²*Ibid*, 1066. See also, Editorial, *The Indianapolis News*, 15 November 1976; Editorial, *The Topeka Daily Capital*, 7 November 1976.

Organization for Women, and the National Black Media Coalition were formed to represent the special interests of groups with a growing role in modern broadcasting. Protesting an overabundance of violent programming on the networks, these groups continued to petition the renewal of station licenses.²⁷³ Although the FCC routinely dismissed their complaints, the groups were largely successful in keeping the issue of television violence before the commission and in the minds of television programmers. Nicholas Johnson, retired from the FCC and now chairman of the National Citizen's Committee on Broadcasting (NCCB), explained "In the face of today's public outrage, even the mousey, industry-oriented FCC cannot keep its nose in the sandbox indefinitely."²⁷⁴

House Subcommittee on Communications

Sex and Violence on TV - Parts I and II

After a three-year hiatus, the House Subcommittee on Communications held hearings on television violence in 1976 and 1977. Lionel Van Deerlin opened the first hearing with an assurance to broadcasters that the committee's investigation of television violence did not intend to advocate censorship or government control of the

²⁷³See *In Re Complaint by Massachusetts Media Association v. WCVB-TV Concerning Fairness Doctrine*, 53 F.C.C.2d 281, 20 May 1975; *In the Matter of Use of 'Rerun' Material in Prime Time on Network-Owned or Affiliated Television Stations in Regular Network Program Series*, 61 F.C.C.2d 946, 19 July 1976.

²⁷⁴Nicholas Johnson, "If the FCC Won't Act, NABB Will." *Access*, v. 21.

media in any way. Instead, the committee intended to focus on the Family Viewing Hour, the responsibilities of media in a free society, and the extent to which violence on television actually impacted the viewing public.²⁷⁵

The House hearing involved a greater variety of witnesses than many hearings before and witnesses tended to be grouped together according to their interest and the goal or purpose of their organization. For example, the very first group of witnesses included social scientists and public advocates who informed the committee of their particular concerns over violence and sex in television programming. These witnesses generally presented their testimony and then were questioned briefly by Van Deerlin and other committee members. Van Deerlin dominated the questioning, due partially to his expertise in the area, but also because few committee members attended the hearing. Like Senator Dodd's hearings, Van Deerlin was often joined by only one other committee member, and on the second day of testimony he was alone except for Henry Waxman, a member of the Foreign Commerce Committee whose personal interest in television violence led him to attend the hearings and question witnesses.²⁷⁶

²⁷⁵House Committee on Interstate and Foreign Commerce, *Sex and Violence on Television (Volume I)*, Hearing Before the Subcommittee on Communications, 94th Cong., 2d sess., 1976; House Committee on Interstate and Foreign Commerce, *Sex and Violence on Television (Volume II)*, Hearing Before the Subcommittee on Communication, 95th Cong., 1st sess., 1977.

²⁷⁶In these hearing transcripts, committee members in attendance were no longer listed at the beginning of each day's printed testimony. Consequently, it is difficult to gauge committee attendance unless a member entered a statement or questioned a witness and was identified in the transcript.

Thomas Elmendorf, M.D., a California delegate to the American Medical Association (AMA), testified that social science research had led the AMA to define violence as an "environmental health risk."²⁷⁷ Representatives of NCCB presented the latest list of advertisers associated with the most violent shows including "Baretta," "Starsky & Hutch" and "Quest." Advertisers including Procter & Gamble and Frito Lay were then contacted by the AMA and encouraged to reevaluate their commercial sponsorship during violent programming.²⁷⁸ Calling it the "Toto Principle," Ted Carpenter, NCCB Executive Director, claimed that the targeting of advertisers simply "pulled back the screen to reveal the advertisers who were manipulating the TV images, including violence, in order to promote and sell their products."²⁷⁹

Many interested parties could not testify at the hearings but still filed their opinions with the committee via letters and briefs. A number of celebrities, including Art Linkletter and Bill Cosby, wrote letters encouraging the networks to voluntarily adhere to the disputed family viewing hour.²⁸⁰ The Polish American Congress asked the committee to expand the definition of television violence by supporting their ban on "verbal" violence against ethnic minorities: "Polish Americans have been the butt of these slurs and as a result the stereotype has been created of all Polish Americans

²⁷⁷Volume I, 105.

²⁷⁸ Among the shows ranked with no incidence of violence were "Phyllis," "Mary Tyler Moore," "Chico & the Man" and "Mr. T & Tina." Volume II, 431.

²⁷⁹Ibid, 425.

²⁸⁰Ibid, 375-6.

as being stupid, ignorant, dumb and unsanitary....The psychological trauma of the children of Polish heritage is truly tragic."²⁸¹

Still, many witnesses spoke out against critics of television and accused them of placing too much emphasis on inconclusive research. Representatives of the three networks testified that they had already reduced the number of violent scenes in their programming and that programs in development contained a diminished reliance on violence as a major plotline.²⁸² Larry Gelbart, former co-producer of "MASH," and David Rintels, president of the Writers Guild of America (West), testified that too much network control was the cause of low quality programming, not the skill of writers. Gelbart testified that:

If there is too much sex and violence on television, the reason that it is so is that the networks want it so. Writers and others are excluded totally from participation in the decisionmaking process... They want it (violence) because they think they can attract viewers. They attract sponsors, and affiliate stations welcome it.²⁸³

Although Gelbart and Rintels both blamed the networks for the gratuitous use of violence, they did not support government intervention because television was best when it was free of government regulation.²⁸⁴

²⁸¹Volume I, *ibid*, 376.

²⁸²Although all networks were represented at both hearings, the admission of a reduction of violent content primarily came in the second phase of hearings. See testimony of Wilson Wearn, chairman of NAB's Joint Radio and Television Board, Robert Howard, president - NBC, and Herminio Traviesas, v.p., Department of Standards, NBC.

²⁸³*Ibid*, 140.

²⁸⁴*Ibid*, 143.

University of Denver Communications professor Harold Mendelson provided the most colorful testimony during his condemnation of the family viewing hour. Mendelson began by accusing senators of hypocrisy for investigating the sexual content of television when it appeared that most of the sex on television at the time came in evening news reports of the "alleged misadventures of Members of Congress....Here we seem to have a clear cut case of life out-doing art."²⁸⁵ Although this did little to endear him to the committee, Mendelson continued and cautioned members against accepting all of the research results presented to them. Mendelson was particularly concerned with content analyses of violent acts because such methods reported only those acts considered violent, and did not evaluate them in relation to the totality of all acts - both violent and nonviolent.

Mendelson was equally skeptical of the family viewing hour because he believed it constituted censorship of programming content. Instead of encouraging quality, family-oriented television, Mendelson testified that the family hour forced stations to rely on cheaper, syndicated game shows and reruns that could "inconceivably be committing anything but violence on the general sensibilities of the television viewers."²⁸⁶

The majority of witness questioning came from Van Deerlin although there was some interaction among the witnesses themselves. Questions generally involved a further explanation of a witness's testimony rather than a challenge to its validity or

²⁸⁵Ibid, 10.

²⁸⁶Ibid, 15.

truthfulness. For instance, the testimony of Jane Hoback, a co-chair of the Media Task Force of the Denver chapter of the National Organization of Women, was based largely on the work of social scientists including George Gerbner and Larry Gross. Although past hearings had often included testimony critical of Gerbner's Violence Profile, no attempt was made to question the validity of Hoback's statements, particularly those based directly on Gerbner's work.²⁸⁷ Clearly, the committee was more interested in hearing from a number of diverse witnesses with varied agendas than it was in determining the integrity of the information on which these witnesses based their testimony.²⁸⁸ As would be expected, this led to conflicting testimony and conflicting ideals. When members of certain advocacy groups claimed that television violence did indeed harm children and television executives later testified that no conclusive research to that harm existed, there was little attempt by the committee to reconcile these conflicting viewpoints.

As Van Deerlin had noted, this hearing sought to determine the public's assessment of the Family Viewing Hour and the state of television programming in general. Consequently, a significant portion of the witnesses represented the public sector. These witnesses were generally treated with more courtesy than were broadcast industry representatives or researchers, and they were always complimented

²⁸⁷Ibid, 25.

²⁸⁸At one point Rep. Waxman mentioned a statistic cited by an earlier witness which he qualified by saying that it "may or may not be true." But Waxman did not ask other witnesses to comment on their agreement with the statement or the relative acceptability of such as statistic. Ibid, 325.

on their testimony and thanked repeatedly for appearing before the committee.

Whether this was political grandstanding by committee members or done because these witnesses were perceived as political novices, the result was less questioning overall by committee members. This also translated to less interest in pursuing the concerns of these advocates and indicated less importance placed on their testimony.

After considering the extensive testimony presented at the two hearings the committee issued its final report on September 29, 1977. Passed by an 8-7 margin, dissenters criticized the report for being inconclusive. The committee wrote that there was a potential for harm from excessive exposure to television violence and that parents, programmers, networks, advertisers and children themselves were to blame for excessive television violence.²⁸⁹ The committee's conclusions and recommendations were:

Conclusions -

1. The level of violence on television continues to be a cause for serious concern. Although it may be impossible at this time to "prove" a precise cause and effect relationship between televised violence and aggressive behavior, excessive viewing of violence may have harmful effects.
2. Responsibility for the present level of violence on television rests largely with the television networks, which exercise substantial control over the programming that they purchase and make available to their affiliates and, to a lesser degree, with broadcast licensees, program producers, advertisers and the viewing public.
3. Parental supervision is probably the most effective way to curb the negative effects of excessive viewing of televised violence by children.

²⁸⁹House Committee on Interstate and Foreign Commerce, Subcommittee on Communications, *Violence on Television*, 95th Cong., 1st sess., 1977.

4. Industry self-regulation is a potentially effective way to limit the bulk of televised violence, and, indeed, to adjust broadcast content of any kind to the tastes and concerns of the general public, or segments of that public. The subcommittee, however, is concerned with the results to date of the industry's efforts to regulate itself.

5. These are remedies through which the subcommittee, the Federal Communications Commission, and the public can address the problem of televised violence consistent with the First Amendment.

Recommendations -

1. The subcommittee recommends that research material concerning the amount and the effects of televised violence be deposited with the National Television Archive being established at the Library of Congress, so that researchers representing the academic community, and the broadcast industry, and other interested parties can compare the different methodological approaches with a view toward arriving at one consensus regarding future research endeavors.

2. Steps should be taken by both the public and private organizations to encourage parents to: (a) monitor more closely the viewing habits of their children; (b) participate in a positive and active way in their children's television viewing; and (c) write to local broadcasters and the networks to register any complaints about the programs which are offensive.

3. The subcommittee recommends that the FCC:
(a) Sever and complete rulemaking within 180 days on the "Westinghouse" petition which seeks to provide local affiliates with more opportunity to prescreen network originated programming;
(b) Initiate within 180 days a proposed rulemaking regarding whether the FCC should require locking devices on all new television receivers and/or an unobtrusive program guide, keyed to an electronic signal transmitted by the broadcaster, which would appear on the screen during programs having an adult theme.²⁹⁰

The non-committal nature of the report prompted the seven dissenters to issue several opinions condemning the majority for failing to take any real action, and for

²⁹⁰Ibid, 4-15. For a summary of the report's conclusions see, Congressional Record, 95th Cong., 1st sess., 5 October 1977, 32577.

bowing to network pressures. "The report spreads blame for violence on television away from the networks to such an extent that it reaches the meaningless conclusion that we are all (viewers, licensees, advertisers, producers) to blame for the excessive levels of violence on television - thereby implicitly stating that no one is really to be held accountable."²⁹¹

NBC and the Moral Majority:

A Holy War Over Violence on Television

To many the Congressional investigations of the 1970s were largely a wasted effort. The House Subcommittee on Communication's recommendations were passed by an 8-7 vote, hardly indicating unanimity, and the reports of the Surgeon General and NIMH investigations were equally inconclusive. These deficiencies were perhaps indicative of the inherent complexity of television effects issues rather than a reflection of government inadequacies in general. Still, Congress' inability to act did not mean that the television industry was free of government scrutiny.

Despite assurances from President Carter that he supported a broadcast industry free from political control, broadcasters began the 1980s in the now familiar role of defending their actions before Congress, the courts, and the public.²⁹² This time, however, there were new, more extreme players in the public arena. Although

²⁹¹Ibid, 17.

²⁹²President Jimmy Carter, News Conference, 25 March 1979, Dallas, Texas.

religious organizations had been involved in the public campaign against violence for decades, none packed the political punch of the Moral Majority and David Wildmon's Coalition for Better Broadcasting, who forged a partnership to encourage consumer boycotts of companies that advertised during violent programming.

To most broadcasters a modern-day Holy War had been declared. The morality crusade was labeled contemporary McCarthyism and an attempt to dictate the morality of a few on the mass viewing public. A Roper poll commissioned by NBC found few viewers outwardly objected to sex and violence on television, leading some to question the viability of Wildmon's boycott.²⁹³ Amid strong opposition from activists such as television producer Norman Lear and Peggy Charren, president of Action for Children's Television, Wildmon continued to grab headlines as he preached against the evils of television violence.

Wildmon's boycotts brought him so much notoriety that he was invited to testify when the House Subcommittee of Telecommunications investigated the effects of television violence in 1981. Acknowledging that 30 years of Congressional investigations had resulted in little improvement in programming the committee conceded that industry self-regulation might not be a viable remedy.²⁹⁴ In expressing its concern that few improvements had been made since the last hearings, the committee blamed much of its inaction on Constitutional and regulatory constraints to

²⁹³Editorial, *The Courier-Journal* (Louisville), 24 June 1981.

²⁹⁴House Committee on Energy and Commerce, *Social Behavior and the Effects of Violence on Television*, Hearing before the Subcommittee on Telecommunications, Consumer Protection, and Finance, 97th Cong., 1st sess., 1981.

its authority to legislate the content of television. Citing the First Amendment and Section 326 of the Communications Act, the committee appeared obliged to explain to itself, and to the public, that its hands were tied. Congressman Mottle stated that the legitimacy of the hearing rested in its public information value. "Simply by providing a forum to study and coordinate information available on the effects of violent programming, we are taking a big step in the right direction toward remedying the problem."²⁹⁵

Congressional investigations later expanded to different audiences as various subcommittees began to investigate the effects of televised violence as it applied to their particular areas of interest. These hearings included investigations into the effects of televised violence on adults,²⁹⁶ families,²⁹⁷ and the effects of violence and pornography on both women and children.²⁹⁸ Still, none of these committees made specific recommendations for government regulation of television programming.

In 1982 NIMH released a report summarizing the plethora of social science research on the effects of televised violence conducted since 1972. The task was not as easy one. The 92-page document reported that 90% of all studies on television and behavior had been released within the last decade, leading to a flood of conflicting

²⁹⁵Ibid, 2.

²⁹⁶House Committee on the Judiciary, *Crime and Violence in the Media*, Hearing before the Subcommittee on Crime, 1983.

²⁹⁷*Violence and Abuse in American Families*, Hearing before the House Select Committee on Children, Youth and Families, 98th Cong., 2d sess., 1984.

²⁹⁸Senate Committee of the Judiciary, *Effect of Pornography on Women and Children*, Hearing before the Subcommittee on Juvenile Justice, 98th Cong., 2d sess., 1984.

and disputed conclusions. These discrepancies made it difficult for Congress or the FCC to reach any valid conclusions from which to enact regulation. About the only fact not contended in these studies was the pervasiveness of television in America. In fact, more Americans had television than had indoor plumbing.²⁹⁹ Among the NIMH's many conclusions, the report stated that the broadcast industry had generally operated within its own framework without regard to the views of its audiences. "In general, television, despite the concerns of congressmen and citizens' groups, remains a violent form of entertainment."³⁰⁰

Government inaction was again a catalyst among Christian organizations that believed the responsibility to clean up television fell on them. After being branded a "rednecked fanatic" by the media because his proposed boycott had no real effect on the networks, Donald Wildmon disappeared from the public arena. But the continued inaction of Congress and the FCC proved too much for Wildmon to ignore. Claiming that "we're not nearly the nuts we were a year ago," Wildmon vowed to renew and expand his campaign to clean up the airwaves.³⁰¹ Helene Curtis Industries, a manufacturer of cosmetics and hair care products, was named the top sponsor of sex in NCTV's annual survey of television programming and Wildmon continued his personal feud with NBC, naming it the worst network. Wildmon also dubbed General

²⁹⁹Social Behavioral Effects, House Subcommittee on Telecommunications, *ibid*; See also, Constance Holden, "TV Report Affirms Violence-Aggression Link," *Science*, 18 June 1982, 1299.

³⁰⁰*Ibid*.

³⁰¹Kenneth Clark, "'Media Morality' Crusaders are Back," *Chicago Tribune*, 7 September 1983.

Motors as "Pornographer of the Month" for its advertising in Playboy, Penthouse and Hustler.³⁰²

Wildmon joined in a petition before the FCC challenging the transfer of several television station licenses to media mogul Rupert Murdoch.³⁰³ In addition to questioning the transfer's legality, Murdoch himself became the target of NCTV who claimed that the public interest would not be served because Murdoch favored violent programming and minimal amounts of children's programming. NCTV based this argument of an analysis of the content of other Murdoch-owned properties including the *Chicago Sun-Times*, *New York Post* and several television stations in Australia and Europe. Although the groups branded Murdoch's television station the most violent in Europe, no evidence was presented to support these accusations.³⁰⁴ The FCC dismissed comparisons between American and European television, and further ruled that licensees had sole editorial control over programming content - a control the commission did not intend to judge.³⁰⁵

³⁰²W.A. Reed, "Firm Said Leading TV Sex Sponsor," *The Tennessean*, 22 February 1984; David Reid, "'Little Mississippi Preacher' sees Himself as David to TV's Goliath," *Birmingham News*, 26 January 1984.

³⁰³Other petitioners included the Media Access Project on behalf of Black Citizens for Media, Washington Association for Television and Children, and California Association of the Physically Handicapped, Inc. In re Complaint of Metromedia Radio & Television, Inc. to News America Television Incorporated, 102 F.C.C.2d 1334, 1985.

³⁰⁴Ibid, 1342.

³⁰⁵Ibid, 1343. Similar issues were also addressed in the license renewal of Chicago station WSNS. See In Re Application of Harriscope of Chicago, Inc, et al, a Joint Venture, d/b/a/ Video 44 for Renewal of Station WSNS-TV, Channel 44, Chicago and Monroe Communications Corporation of Chicago, 102 F.C.C.2d 419, 1985.

Meanwhile, The Media Institute, a Washington lobbyist with ties to the conservative right, supported a report called "Prime Time Crime" that found prime-time action programming promoted public mistrust of businessmen and police officers.³⁰⁶ Later, the National Council on Churches of Christ (NCCC) held a series of hearings on televised violence and released a two-year study critical of television's emphasis on profit-making over quality programming. The 48-page report claimed that years of social science and laboratory studies, often presented at Congressional hearings, showed conclusively that there was a causal relationship between television violence and aggressive behavior and that broadcast industry demands for absolute proof of such a relationship were "self-serving and unprincipled."³⁰⁷

³⁰⁶Ron Wolf, "TV-Crime Study Gets Firm Support From the Right," *Philadelphia Inquirer*, 11 January 1983.

³⁰⁷Editorial, "Out of Control Media Hear Harsh Criticism," *Christian Century*, 9 October 1985, 883; Helen Parmley, "Church Study Deplores Industry Profit Motive," *Dallas Morning News*, 5 November 1985.

CHAPTER VI

HEARINGS FOCUS ON LEGAL AND LEGISLATIVE REMEDIES

Removing the Shackles of Anticompetitive Regulation

The Senate Committee on the Judiciary met in June of 1986 to examine a bill (S. 2323) that would extend limited antitrust immunity for collective efforts by the television networks to deal with television violence. The bill, sponsored by Senator Paul Simon, was the result of the Senator's now famous account of turning the television on in his hotel room and witnessing, in full color, a man sawing someone in half with a chainsaw. Simon was so disturbed by what he saw that he wondered what effect this type of programming would have on children. Simon believed that these types of violent scenes confirmed that the broadcast industry was not operating within the public interest. His proposed bill would release broadcasters, as well as cable networks, from antitrust restraints that barred the negotiation of a shared level of decency.³⁰⁸

Former FCC chairman Newton Minow testified in support of the bill because he believed that competition drove much of the broadcast industry's programming decisions. Without the exemption, Minow posited that few broadcasters would be

³⁰⁸Senate Committee on the Judiciary, *TV Violence Antitrust Exemption*, 99th Cong., 2d sess., 1986, 6.

willing to make a change without some assurance that their competitors would do the same. Minow believed that the antitrust exemption would allow for this cooperation among competitors so that the needs of the public could be better served.³⁰⁹

The proposed bill also drew praise from social scientists and the American Academy of Pediatrics whose representative testified that television violence was still a powerful determinant of violence in society. Broadcasters had maintained for years that they would reduce the amount of violence in programming but had not done so. This bill, it was believed, would encourage them to take real steps. TV's "Captain Kangaroo," Bob Keeshan, testified that while it was essential to protect the interests of broadcasters, broadcasters also had to be mindful of their responsibility to meet the needs of children. Keeshan explained, "If we fail our youth, we fail our future...No bottom line, however healthy, is worth that price."³¹⁰

The broadcast networks were consistent in their opposition to the committee's contention that there was a proven causal relationship between television violence and aggressive behavior. In fact, the lack of unanimity within the scientific community pointed to the need for additional research especially before any further legislative steps were taken.³¹¹ Representatives of the cable television also expressed an opinion as their industry was for the first time included in hearings on regulatory relief. Cable industry representatives expressed concern that the wording of the bill

³⁰⁹Ibid, 8.

³¹⁰Ibid, 13.

³¹¹Ibid, 64.

did not specifically state what actions could and could not be taken. Cable operators also wanted the bill to be expanded to include satellite and microwave television services because these delivery systems often provided adult and violent programming. James Moody, president of the National Cable Television Association, testified that it was very possible that the hotel movie that prompted Senator Simon's concern was, in fact, delivered by the satellite television services that were so common among hotels.³¹²

Simon's bill, with an amendment attached, was approved by the committee and passed by the Senate in October 1986. The bill died, however, when the House took no action before the end of the Congressional term. Senator Simon then introduced a similar bill, known as the Television Act of 1987 (S. 844), in March 1987, that granted antitrust exemption to members of the television industry "to develop voluntary guidelines designed to alleviate the negative impact of violence in telecast material."³¹³ The bill received approval by the Committee on the Judiciary as well as the Subcommittee on Antitrust, Monopolies and Business Rights.³¹⁴ Again, the House failed to act and the Television Act died.

³¹²Ibid, 17.

³¹³S. 844, Television Violence Act of 1987, 100th Cong., 1st sess.

³¹⁴Senate Committee on the Judiciary, *Exempting Certain Activities From Provision of The Antitrust Laws, Report Together with Additional Views*, 100th Cong., 2d sess., 1988, 100-365.

House Subcommittee on Economic and Commercial Law

Television Violence Act of 1989

In May of 1989, the House Subcommittee on Economic and Commercial Law reviewed the Television Act of 1989 (H.R. 1391), which again proposed an antitrust exemption to the television industry for the sole purpose of developing and adopting voluntary guidelines to alleviate the negative impact of violence on television.³¹⁵

Jack Brooks opened the hearing with a conservative speech that acknowledged that no definitive conclusions regarding the effects of televised violence as yet existed. Brooks claimed, however, that the rise in gang violence and a recent attack on a Central Park jogger, in which the assailants showed no remorse for their actions, pointed to the difficulty youths had in distinguishing reality from fantasy after years of viewing pretend violence on television.³¹⁶

With most members of the subcommittee present, the hearing opened with testimony from several Congressmen who had sponsored the current bill or others aimed at reducing television violence. The statements of Senator Paul Simon, who sponsored a similar bill in the Senate, and Representative Dan Glickman, co-sponsor of the House bill, generated the most discussion and involvement from committee members. Some discussion revolved around certain provisions of the bill although

³¹⁵H.R. 1391, 101st Cong., 1st sess.

³¹⁶House Judiciary Committee, *Television Violence Act of 1989*, Hearing before the Subcommittee on Economic and Commercial Law, 101st Cong., 1st sess., 1989, 1.

much of the exchange between committee members and these two was ceremonial and laudatory remarks for the important work they were doing. Glickman cited the recent rise in juvenile and gang-related violence as an indication that it was time to use Congressional authority to clean up television. The main problem, explained Glickman, was that television violence desensitized children to real life crime making them less likely to be repelled by criminal behavior. Glickman cited several television programs shown just the night before, including "Matlock," "In the Heat of the Night," and "Midnight Caller," that were saturated with violence.³¹⁷

Glickman's bill was supported by Senator Hyde, who compared the television to the tobacco industry. Both industries, Hyde claimed, would testify that their product caused no harm despite overwhelming medical and scientific evidence to the contrary.³¹⁸ Representatives from the national PTA, the American Psychological Association and the American Academy of Pediatrics also voiced their support of the bill testifying that children were particularly susceptible to the televised violence because they still approached television as a learning tool, perhaps even the most influential "teacher" in their lives.

In an unusual move, the subcommittee's chair, Representative Jack Brooks, submitted questions to the witnesses in advance of the hearing. Replies to these questions were entered in the hearing transcript and committee members referred to

³¹⁷Glickman's choice of shows to cite before the committee appeared incongruent with his concerns with children as these programs did not traditionally draw a youthful audience. Ibid, 9.

³¹⁸Ibid, 21.

them often. The majority of direct questioning of witnesses pertained to their level of confidence that this bill would actually result in industry action to reduce television violence. Most agreed that it was only a start, and Joan Dykstra's response that the PTA was "not optimistic" that networks would respond in great ways was echoed by several committee members.³¹⁹ Still, it was agreed by all that the bill was a first step in removing the legal barriers that the networks had for so long blamed as a roadblock to voluntary action.

Faced with the general mistrust of these witnesses and most of the committee as well, network representatives appeared before the committee. From the beginning of the hearing, the broadcast industry was put on notice that the committee was not interested in rehashing the standard industry argument that research studies had not proven conclusively that television violence caused aggressive behavior in viewers. Numerous committee members recounted examples from recent television shows filled with scenes of violence and reiterated their disbelief of industry claims that television violence had been reduced and that it was harmless.

Consequently, representatives of the three networks were not warmly welcomed. Each network executive presented a short statement outlining their organization's commitment to quality programming, followed by a paragraph or two arguing that there was no need for additional government regulation. Most basic was the argument that industry standardization had proven unworkable in the past and that any standard definition of violence adopted would be so broad and general it would be

³¹⁹Ibid, 75.

ineffective in changing program standards.

Committee members responded with charges that the networks had purposely evaded commenting on the proposed bill, and reacted by directly asking each executive to state their network's level of support for the bill.³²⁰ All three reluctantly stated that their network did not support passage of the bill. They also shared the belief that the bill was fundamentally flawed because it required the networks to study violence although no definition of violence was included in the text of the bill. CBS representative Beth Breesan testified that it was unlikely the networks would agree upon a common definition of violence if researchers in 3,000 studies on the topic never reached such unanimity.³²¹

Committee members continued to question the networks about their reluctance to work together to reduce violence. While the questioning was not hostile it was persistent, and when it was apparent that the witnesses were not answering their questions directly Jack Brooks reverted to asking each to answer a simple, direct question. Each time the three network representatives concurred in response, sometimes just stating that they agreed with another witness's answer. Their solidarity, when pressured to answer questions, illustrated the complete antithesis of their testimony earlier that it was impossible for the three networks to agree on any shared industry standards. Indeed, Brooks joked that he had known that they could work together if they really wanted to - he had observed the three sitting and talking

³²⁰Ibid, 106.

³²¹Ibid, 79.

to each other earlier in the hearing.³²²

Broadcasters also believed the legislation was unnecessary because industry standards had already resulted in significant decreases in television violence. Also cited was the ever-present complaint that Congress was attempting to regulate the content of programming, a contention this time supported by the ACLU as an unconstitutional action upon the television industry. Surprisingly, no representatives from cable or satellite television testified even though the bill very clearly included their industries in the antitrust exemption.

Despite the testimony of the ACLU and two California congressmen who claimed the "seductive bill" was a form of indirect censorship, the subcommittee recommended passage of the resolution and the House overwhelmingly passed the resolution 399-18 in August.³²³ The House and Senate then held a joint conference committee to compare the two bills and on October 28, just hours before adjournment, S. 593 was attached as Title V of the Judicial Improvement Acts and passed as the Television Program Improvement Act of 1990. Two months later, President Bush signed the bill into law.³²⁴

Expressing relief that a violence bill was finally passed after six years of

³²²Ibid, 108.

³²³House Committee on the Judiciary, Subcommittee on Economic and Commercial Law, *Television Violence Act of 1989*, 101st Cong., 1st sess., 1989; See also, Paul Harris, "House Passes Bill to Curb TV Violence," *Variety*, 9 August 1989, 53.

³²⁴The Television Improvement Program was the original text of Simon's bill S. 593. Judicial Improvement Acts of 1990, Title V - The Television Improvement Act of 1990, Public Law 101-650 (H.R. 5316), 1 December 1990.

effort, Paul Simon remained unsure if the television industry would act on its new-found legislative freedom to reduce violence on television. Simon explained that "one network isn't going to risk losing the ratings war by cutting back on violence. But with some guidelines, all of them are more likely to make an effort to limit violence."³²⁵ However, Simon's enthusiasm was not shared by the broadcast industry. Broadcasters reacted negatively to the bill, claiming that guidelines on violence were unnecessary and would ultimately expose them to lawsuits from program producers who were not included in the negotiations but forced to abide by new industry standards. Still, in deference to Congress NAB Executive Vice President Jim May announced that his organization was ready to meet with industry officials to determine how best to comply with the new legislation.³²⁶

Aftermath of the Antitrust Exemption

"Happy-Violence" and a Return to Concern Over Youth Violence

Public reaction to passage of the Television Improvement Act was generally lackluster. Believing that the bill was of little significance in context of years of deregulation, Andrew Schwartzman, executive director of the Media Access Project, called the 1980s a disaster for the viewing public. Schwartzman wrote in an article

³²⁵"TV Violence Bill Poised to Become Bill," *Television Digest*, 9 November 1990, 1.

³²⁶"TV Violence Bill Passed by Congress in 11th Hour," *Broadcasting and Cable*, 5 November 1990, 40.

that deregulation had promoted an attitude that television was just another business and broadcasters, now largely comprised of MBAs and accountants, only cared about short-term profits.³²⁷ Former FCC chairman Newton Minow offered a similar assessment of the marketplace approach to broadcasting. Speaking on the 30th anniversary of his famous "vast wasteland" speech Minow recounted that in the 1960s he worried that his children would not gain much from television; in the 1990s he worried that television would actually harm his grandchildren.³²⁸

As gang violence continued to dominate the headlines, the crusade to end television violence was joined by those who claimed they dealt directly with the fallout of violent television shows. San Antonio police blamed an increase in gang violence on "happy violence" on television and video games,³²⁹ and a San Diego trauma physician told a panel of broadcasters that the time had come to reduce violence on television.³³⁰ An American Psychological Association's task force on television reported that the incidence of television violence continued to rise, and The Journal of the American Medical Association published a report by University of Washington researcher Brandon Centerwall that concluded that homicides in South

³²⁷Andrew Schwartzman, "The FCC & The Fowler Years," *Television Quarterly*, Winter 1990, 81.

³²⁸Newton Minow, "Television: How Far Has It Come in 30 Years?" Delivered at the Gannett Foundation Media Center, Columbia University, New York, 9 May 1991.

³²⁹"Happy violence" was defined as violence that had no apparent serious consequences. Craig Donegan, "Law officers say violence worsened," *San Antonio Express News*, 13 June 1993.

³³⁰Pat Karlak, "Doctor Warns on TV Violence," *Los Angeles Daily News*, 27 May 1993.

Africa doubled after the introduction of television, a phenomenon he had identified in the United States years before.³³¹

Discovering the exact cause of this increase in juvenile crime became the focus of investigation for two congressional committees in 1992. Leonard Eron and others representing the medical and psychological fields told a Senate committee investigating youth violence that television violence definitely had a causal effect on aggression in children. Eron described a "vicious cycle" created by television violence: television violence made children more aggressive, those aggressive children then watched more violent programming to justify their own behaviors.³³² Although television was only one of many possible causes of youth violence discussed during the hearing, no representatives from the television industry were present to refute these researchers' claims.

Television violence was investigated more fully during a hearing before the House Subcommittee on Crime and Criminal Justice, which again focused on the medium's effect on the rising youth violence rate. Chairman Charles Schumer opened the hearing with the familiar argument that television must have an affect on children or there would not be such a lucrative advertising market during children's programming. Schumer added that millions of Americans claimed to have learned their ABCs from watching "Sesame Street"; why wouldn't the same influence be true

³³¹Hal Mattern, "Tuning In To Violence," *Arizona Republic*, 1 August 1993; Frederick Case, "Murders Again Tied to TV Violence," *Seattle Times*, 28 May 1990.

³³²*Youth Violence Prevention*, Hearing before the Senate Committee on Governmental Affairs, 102d Cong., 2d sess., 1992, 32.

of negative programming as well?³³³

Few television critics had appeared at past hearings, but when Marvin Kitman of *Newsday* testified, he introduced himself as an "expert witness." After viewing television for 23 years Kitman believed he was better qualified than most to talk about the medium. Kitman criticized the television networks for suddenly embracing self-regulation after 40 years of resistance - a move he felt sure they believed worthy of a Nobel Peace Prize nomination. Kitman also criticized television's unrealistic portrayal of crime and its romanticizing of criminals, a trend he saw recently in the glamorization of real-life criminals and serial killers. Kitman lamented that "Every Ted Bundy, Richard Speck, John Wayne Gacy and Hillside Strangler sicko gets his own TV movie or miniseries. Don't be surprised if they do one on Jeffrey Dahmer."³³⁴

George Gerbner and Ronald Slaby, a scientist with the Education Development Center, both testified that the latest research on television violence indicated that television crime had decreased slightly in the past two years, presumably due to the passage of the Television Violence Act of 1990. However, this positive step was tempered by Gerbner who testified that his study also found all-time highs of violent scenes during weekend children's programs.³³⁵ In addition, Slaby testified that

³³³House Judiciary Committee, *Violence on Television*, Subcommittee on Crime and Criminal Justice, 102d Cong, 2d sess., 1992, 3.

³³⁴Of course Kitman was correct as a television movie and several specials were later produced about Dahmer. Ibid, 14.

³³⁵Gerbner reported up to 32 violent scenes per hour during weekend children's daytime programming. Ibid, 65.

research had proven that television was an effective educator including its pervasive influence in teaching children aggressive behaviors and problem solving through violence.³³⁶ Carole Lieberman, representing the National Coalition on Television Violence, testified that television was "polluting the minds of children and adults by its selling of the new drug: violence."³³⁷

Reminiscent of hearings in the 1970s, clips from particularly violent television programs and movies were shown. This time, however, most of the scenes were from movies shown on cable pay-channels such as HBO and Cinemax. This attention to cable programming was a departure from past Congressional investigations and members of the cable industry were again present to testify. Winston Cox of the National Cable Television Association testified that cable operators had increased efforts to investigate violence in their programming, and NCTA had even commissioned a study by George Gerbner. Despite such actions, the committee was not convinced that the television industry was really embracing the spirit of the Television Improvement Act. Continued Congressional supervision was promised, and delivered, just six months later.

³³⁶ibid, 76.

³³⁷Ibid, 97.

House Subcommittee on Telecommunications and Finance

Violence on Television

The summer of 1993 turned out to be a long, hot one for the television industry as Congress increased its investigations in anticipation of the expiration of the Television Improvement Act at year's end. Senator Ed Markey chaired a House Subcommittee on Telecommunications and Finance investigation that studied a number of proposed bills to force broadcasters, and the television industry in general, to do more to curb violent programming.³³⁸ Committee member Majorie Margolies-Mezvinski explained that the hearing was necessary because it appeared that voluntary industry guidelines simply weren't working. To illustrate this Representative Dan Glickman informed the committee of a show to debut that fall titled "NYPD Blue," a program the ABC network was touting as the first television drama with an "R" rating. Appalled by this, committee member Jack Fields' staff investigated the program and later reported that ABC intended to run a parental warning before each episode of the program.³³⁹

The first day of testimony fell during the second week of the May television ratings period, a campaign Markey described as "the May sweeps (that) bring us

³³⁸House Committee on Energy and Commerce, *Violence on Television*, Hearing before the Subcommittee on Telecommunications and Finance, 103d Cong., 2d sess, 1993.

³³⁹*Ibid*, 103.

another month of murder and mayhem."³⁴⁰ Markey's condemnation of television programming fare set the tone for a day of testimony by mental health experts who linked television violence to aggressive behavior and Congressional members who supported tougher government regulation of programming. In true bipartisan fashion Republican and Democratic committee members agreed that the networks obviously could not be trusted to enact self regulatory measures to reduce the amount of violent content in their programming and that tougher government oversight was now needed. Democrat Ron Wyden called voluntary industry guidelines "a shame and a farce," and encouraged fellow committee members to take a more proactive role in ending network reliance on violent programming content.³⁴¹ Republicans Jack Fields and Michael Oxley joined in Wyden's call for tougher government regulation and also encouraged the committee to carefully consider the upcoming testimony of Senator Paul Simon and Representative Dan Glickman, coauthors of the Television Improvement Act of 1990. In all, seven committee members (five democrats and two republicans) made opening remarks at the hearing - all condemning the television industry for abandoning its public interest mandate by polluting the airwaves with gratuitous television violence.

In a departure from past hearings, committee participation during witness questioning was so plentiful that Chairman Markey often had to invoke a time limit in order to accommodate all who wanted to participate. This was particularly true

³⁴⁰Ibid, 1.

³⁴¹Ibid, 3.

during the questioning of Senator Simon and Representative Glickman, as well as witnesses representing various social science research projects. Acknowledging the spirited involvement of committee members, Markey asked the seven researchers to limit their statements to five minutes so that all questions could be accommodated.³⁴² Because all these witnesses testified about the negative impact of television violence on American youth, most committee members' questions were phrased in such a manner to validate the committee's earlier condemnation of the television industry.

Dr. William Dietz of the American Academy of Pediatrics told the committee that television violence had a clear and "reproducible" effect on children and that it also contributed to the frequency in which violence was used in conflict resolution. This claim was supported by University of Michigan professor of psychology L. Rowell Huesmann who testified that the "deleterious" effect of television violence caused children to react nonchalantly to real violence. This, Huesmann believed, was a very serious problem that undoubtedly contributed to a rising crime rate among American youth.

Despite Dietz's and Huesmann's strong convictions, neither offered any suggestions on the how the committee should deal with television violence. In contrast, Terry Rakolta, president of Americans for Responsible Television, clearly advocated use of the public interest mandate of broadcasting to restrict use of violent programming during 4 p.m. to 9 p.m. Calling television a "toxic wasteland," Rakolta

³⁴²Ibid, 24.

recounted that she founded her grassroots organization after her 8-year-old daughter became terribly confused and upset by an episode of the "Oprah Winfrey Show" featuring women who had sex with animals. Although Rakolta believed that Congress did have the authority to regulate programming she testified that her organization would nevertheless continue to target advertisers with consumer boycotts. Rakolta also testified in favor of a television rating system that would allow parents to choose a program according to its violence rating. She admitted, however, that a ratings system might prove counterproductive because it would likely attract young viewers, many of whom were left unsupervised during the afternoon hours.³⁴³

In another departure from past hearings on television violence, representatives from television manufacturers and technology companies were invited to testify as to the feasibility of innovations, such as the V-chip, that were included in many of the Congressional proposals. In a sincere effort to understand and judge the realistic effectiveness of several of the proposed technological remedies, Markey introduced this panel as the people who could "lay out for us the technologies that may be available for us to solve these problems (of television violence)."³⁴⁴ Throughout the session, witnesses explained the technical aspects, as well as the expected audience/consumer acceptance and usage, of several innovations including: transmission of violence ratings on the vertical blanking system of a television signal; Violence Chips installed in television sets that allowed particular programs, or entire

³⁴³Ibid, 82.

³⁴⁴Ibid, 121.

networks, to be blocked; and a software program that required an access code to view certain types of programming.

Despite the complexities of the technologies presented, the committee embraced each as a means of giving parents more control and enabling them to monitor their children's television viewing. Markey summarized this effort by saying that any of the blocking technologies, combined with the ratings systems, "can empower parents to get through this forest of violence and leave just what they want their families to see on their own screen."³⁴⁵

Although it was nearly six weeks after the opening day of testimony, emotions still ran high when representatives from broadcast and cable networks appeared before the committee. Now armed with the technological knowledge of violence rating and blocking systems, the committee appeared uninterested in industry excuses for its inaction. Sensing this the television industry announced the day before its appearance its intention to display parental warnings during shows deemed violent. The violence warning was simple and would appear at the beginning, at the midpoint station break, and on all promotional materials (print and broadcast) for network primetime programs.³⁴⁶ Committee reaction to this announcement was lukewarm at best, and many agreed with Texas Senator John Bryant who refused to commend the industry for the warning label initiative. Bryant scolded the panel of television executives:

³⁴⁵Ibid, 162.

³⁴⁶The warning read, "Due to some violent content, parental discretion is advised."

I suppose it is the thing to do today to congratulate the television industry for the first step, but I personally do not believe that these executives in front of us deserve one kind word from this committee...This Congress changed the antitrust laws to let you guys have the ability to reduce the violence on television yourself, your own way, without the government being involved. And you did nothing. Not one thing.

And the day before this hearing, you announced that you are going to solve this problem by putting parental warnings on the air...In my view that is an insult to the intelligence of the American people; and as their trustees, those of us elected to try to become to some extent better informed, know that there is not time to become informed about the details of these issues.³⁴⁷

In a clear reference to the role of hearings as an educational tool for informed Congressional policymaking, Bryant saw the industry's last minute announcement as impeding his ability to serve his constituents.

Although most committee members were less hostile with the panel they agreed that program labeling was only a minor step and did not preclude adoption of any of the technological remedies studied earlier in the hearing. Support for additional measures also came Representative Joseph Kennedy who advocated establishment of a violence hotline at the FCC that parents could use to file complaints; these complaints would be considered later at license renewal hearings. Kennedy also challenged members of Congress to use their substantial advertising budget for reelection campaigns to pressure the networks to reduce the violent content of their programming.³⁴⁸

To the extent that the hearing studied both the proposals to control television

³⁴⁷Ibid, 168.

³⁴⁸Ibid, 99.

violence, as well as the feasibility of the technological innovations used to impose these controls, it was commended for its sensible and holistic approach. Although none of the bills were acted upon immediately, the hearing paved the way for future hearings on these remedies and generally was considered a success.

Public reaction to the labeling initiative was slow. The announcement of the violence warnings was virtually inconsequential in comparison to the implicit acknowledgment by the industry that television violence was indeed harmful to the viewing public. The gesture effectively ended forty years of denial by the networks.³⁴⁹ Many network officials claimed that the majority of violence actually occurred on cable programming and that industry too should adopt these standards.³⁵⁰ One month later the cable television industry announced plans to label violent programming as well.

The labeling plan was applauded by Senator Markey, Jack Valenti (president of the Motion Picture Association of America), and Ted Turner, who had told Markey's subcommittee that television programmers (himself included) were "guilty" of murder against society by televising too much violence.³⁵¹ President Clinton also sent letters to networks officials praising the labeling initiative and encouraged them

³⁴⁹Megan Rosenfield, "Warning: TV Violence is Harmful, Networks Acknowledge," *Washington Post*, 1 July 1993.

³⁵⁰Editorial, *The Desert News* (Salt Lake City, Utah), 1 July 1993.

³⁵¹Turner's testimony was ridiculed as self-serving given the regular fare of violent movies on his cable networks. Editorial, *Las Vegas Review-Journal*, 5 July 1993; "Four Networks Agree to TV Violence Warnings," *Los Angeles Times*, 30 June 1993.

to continue their efforts to diminish television violence.³⁵²

Many observers familiar with the television violence debate remained unimpressed with the industry's actions. Representatives of several citizen advocacy groups cautiously commended industry self-regulation and George Gerbner credited passage of the Television Improvement Act of 1990, not industry labeling, with causing the only true "dent" in the amount of televised violence.³⁵³ Many critics claimed the warnings were meaningless without further network action and believed the warnings should also be applied to cartoons, a major vehicle for network violence.³⁵⁴

Members of the press were generally ambivalent toward violence labeling, claiming it was adopted only in response to continued public outrage and imminent government intervention.³⁵⁵ Still, most conceded that the action, while minimal and probably ineffective, was the most appropriate step as industry self-regulation was always preferable to government regulation. The ultimate responsibility for protecting children from the harmful effects of television violence fell on parents; parents had to take the responsibility to approach television as more than a convenient "babysitter"

³⁵²President Bill Clinton, Letter to Television Networks on Use of Program Violence Warnings, 30 June 1993.

³⁵³Joyce Price, "Congress' Nudging Reduces Violence on Prime-time TV," *Washington Times*, 29 July 1993.

³⁵⁴Ray Richmond, "TV Violence Warnings Fall Short," *Los Angeles Daily News*, 1 July 1993; Editorial, *Rockford Register Star* (Illinois), 5 July 1993.

³⁵⁵Editorial, *The News and Observer* (Raleigh, North Carolina) 6 July 1993; Editorial *St. Paul Pioneer Press & Dispatch*, 2 July 1993.

or program labeling would be ineffective.³⁵⁶

Other Congressional investigations followed with similar calls for additional, and aggressive, government action. Senator Byron Dorgan supported efforts to attack advertisers in testimony before a joint Senate subcommittee hearing on the Television Improvement Act of 1990. Dorgan favored a resolution that required the FCC to measure television violence and issue a quarterly "report card" to inform consumers of the most violent programs and the companies that sponsored these shows. Dorgan explained that it was no longer possible to rely on voluntary oversight by the television industry and that stronger Congressional action was needed.³⁵⁷ A Dorgan aide later explained that it was important to put pressure on advertisers to stop funding violent programs in order to influence any real change in broadcast program policies:

This (bill) would allow parents to understand what's on, who's paying for it and then to shop accordingly. If I knew that General Electric, for instance, sponsored a lot of these types of shows, then I might make a decision to shop elsewhere.³⁵⁸

Edward Markey also testified at the hearing and submitted a two-part proposal that would allow parents greater ability to monitor their children's viewing - even

³⁵⁶Editorial, *The Denver Post*, 8 July 1993; Editorial, *The Arizona Republic*, 2 July 1993; Editorial, *Argus-Leader* (Sioux Falls, South Dakota), 7 July 1993; Editorial, *The Tennessean*, 2 July 1993.

³⁵⁷Senate Committee on the Judiciary, *Implementation of the Television Program Improvement Act of 1990*, Joint Hearing before the Subcommittee on the Constitution and the Subcommittee on Juvenile Justice, 103d Cong., 1st sess, 1993, 16.

³⁵⁸Steven Colford, "Senator Wants to Measure TV Violence and Sponsors," *Advertising Age*, 17 May 1993, 3.

when they were not at home themselves. The first part of the Markey proposal called for a ratings system similar to that in use by the movie industry for more than 25 years. The second part required that new television sets be equipped with technology capable of blocking out specific channels or programming.³⁵⁹ Markey testified that blocking technology was supported by the Electronics Industry Association, which was already working on incorporating this feature into the vertical blanking interval currently used to deliver closed captioning for the deaf.

Despite his enthusiasm for the bill requiring television set blocking devices, Markey still believed that the hearings should progress in a direction "to coax the networks into adopting a voluntary violence coding system for their shows."³⁶⁰ However, many in Congress were far less patient than Senator Markey and in 1993 eight bills were introduced to force broadcasters to diminish violent programming. Representative Joseph Applegate blamed television violence on "wimpy judges" who favored free speech over the good of society and called for Congress to act before it was too late.³⁶¹ Senator Robert Durenberger sponsored a bill, S. 943, that required broadcasters and cable operators to attach warning labels to all programming, and Representatives Durbin and Miller planned to introduce a House bill supporting Dorgan's violence report cards.³⁶² Another bill, co-sponsored by Representative

³⁵⁹Implementation of The Television Program Improvement Act, *ibid*, 15.

³⁶⁰"Senator wants to measure Violence," *ibid*, 3.

³⁶¹Congressional Record, 103d Cong., 1st sess., 4 November 1993, H8798.

³⁶²"Congress to Focus on TV Violence," *Television Digest*, 17 May 1993, 1.

John Dingell, required television sets to contain a computer chip that would enable parents to block programs rated as violent. This bill addressed only the technological aspects of blocking and not specifics of who, or what agency, would rate television programs.³⁶³

"Beavis and Butt-head" vs. Janet Reno:

Congressional Debate Over The Renewal of the Television Improvement Act

For the most part Congress saw program labeling as a minimal step by the television industry and not nearly enough effort to end its concern with television violence. Apprehension remained over the effects of television on the millions of American children who viewed programs unsupervised each day. MTV, responding to thousands of complaints, moved its show "Beavis and Butt-Head" to a later time period after a 5-year old boy reportedly emulated an episode extolling the amusement of setting objects on fire. The boy ignited his bed, which resulted in the death of his younger sister.³⁶⁴

Citing the "Beavis and Butt-head" incidence, Senator Ernest Hollings opened yet another set of hearings before the Senate Commerce Committee and warned that government regulation was imminent if industry action beyond labeling was not taken.

³⁶³Kim McAvoy, "Reno to Head Lineup at Violence Hearing," *Broadcasting and Cable*, 18 October 1993, 43.

³⁶⁴Congressional Record, 103d Cong., 1st sess., 4 November 1993, E2788.

This warning was echoed by U.S. Attorney General Janet Reno, who threatened to decline renewal of the antitrust exemption that was set to expire in December.

Complaining that network efforts of the past forty years were taken in "itty-bitty" steps, Reno assured the committee that use of legislative action to curb television violence was indeed constitutional.³⁶⁵

Reaction to Reno's testimony was overwhelmingly negative and most legal scholars argued that none of the proposed bills would survive a constitutional test. Broadcasters accused Reno of operating outside her jurisdiction as Attorney General and even attacked her personally, claiming that her condemnation of television violence was hypocritical given her role in the raid on the Branch Davidian compound in Waco, Texas, that resulted in the deaths of dozens of children and adults.³⁶⁶ Reno was also accused of using her office as a bully pulpit in support of legislation that clearly was a violation of broadcasters' free speech.³⁶⁷

In the end, all the media's panic was unwarranted as Reno extended the antitrust exemption on the day it was to expire. The continuation was granted at the request of Senator Paul Simon who told Reno he had scheduled a meeting with the broadcast networks to establish monitoring departments in each to evaluate and curb

³⁶⁵Joyce Price, "Reno Says Bills to Regulate TV Violence Pass Muster," *Washington Times*, 21 October 1993; Ellen Edwards, "Reno: End TV Violence," *Washington Post*, 21 October 1993.

³⁶⁶Editorial, "Responding to Reno," *Broadcasting and Cable*, 20 December 1993, 70.

³⁶⁷Editorial, *Chicago Tribune*, 23 October 1993; Editorial, *Rockford Register Star* (Illinois), 27 October 1993; Editorial, *The Kansas City Star*, 22 October 1993; Editorial, *The Arizona Republic*, 23 October 1993; Editorial, *The Providence Journal* (Rhode Island), 24 October, 1993.

television violence.³⁶⁸ Acting on Simon's call for industry monitoring, the networks announced in June 1994, the appointment of UCLA's Center for Communication Research to monitor violence in network programming. The cable industry took similar action by appointing an independent, nonprofit agency to monitor its programming.³⁶⁹ Temporarily pleased with industry efforts Congress turned its attention to passage of Information Superhighway legislation and none of the television violence bills were passed.³⁷⁰

Still, others agreed with Reno that the time had come to go beyond the scope of the Television Improvement Act and force broadcasters to take additional action to reduce the amount of violence in programming. New York Governor Mario Cuomo argued that the power to curb television rested with viewers, not with government regulation. Cuomo urged the public to pressure the television industry by boycotting advertisers who sponsored violent programming.³⁷¹ When reporters asked a Clinton aide if the president endorsed Cuomo's proposal, the answer was no. However, Clinton did appeal to industry leaders to pay more attention to the effects of their programs. Speaking at a Hollywood fundraiser, the president explained that decades

³⁶⁸Simon's meeting with the networks did not include cable networks or the "fourth" network - Fox. "Washington Watch," *Broadcasting and Cable*, 6 December 1993, 90.

³⁶⁹The first reports from the centers are due in the summer of 1995.

³⁷⁰Kim McAvoy, "Violence Regs Wait as Hill Watches," *Broadcasting and Cable*, 16 May 1994.

³⁷¹Michael Finnegan, "Gov: We Can Curb Violence," *New York Daily News*, 15 December 1993; "Cuomo: Let the People Choose," *Broadcasting and Cable*, 6 December 1993, 18.

of erosion of the social fabric had resulted in people who were "vulnerable to cultural forces that the rest of us may find entertaining."³⁷² These "forces" included violent programming that had the potential to provoke aggressive behavior.

Clinton's sentiment appeared to mirror concerns of the viewing public. Surveys in Los Angeles, Florida and North Dakota found respondents overwhelmingly believed that television was too violent, and that the violence negatively impacted viewers - especially children.³⁷³ Senator Byron Dorgan tested his violence report cards by asking a group of college students to rate network programming. Concordia College students awarded television in general a failing grade for excessive violence and ranked Fox the most violent network overall.³⁷⁴

Although *Broadcasting and Cable* magazine declared television violence "a dead issue," some in Congress have recently expressed renewed interest in curbing violent programming. In February 1995, South Dakota Senator Kent Conrad introduced the Children's Media Protection Act. The Act requires several measures including the adoption of a safe harbor zone for violent programming, mandatory v-

³⁷²"Clinton Appeals to Hollywood on Film, TV Violence," *Los Angeles Times*, 5 December 1993.

³⁷³Daniel Cerone, "Most Say TV Violence Begets Real Violence," *Los Angeles Times*, 18 December 1993; Troy Moon, "PTA Plans To Scan TV For Violence," *Pensicola News Journal* (Florida), 10 January 1994.

³⁷⁴The Fox network ranking included violence in children's and primetime programming. Ellen Crawford, TV Flunks Violence Report Card, *North Dakota Forum*, 17 December 1993; Lewis Beale, "But It's Called TV's Most Violent," *New York Daily News*, 18 December 1993; Basil Talbott, "TV Reform Plans Turn on Difficult Issues," *Chicago Sun Times*, 26 December 1993.

chip technology and establishment of a violence rating system at the FCC.

Broadcasters quickly dubbed it the "kitchen sink" bill because of its breadth, and the measure appears to have little support in Congress.³⁷⁵ A companion bill was introduced by Bob Graham that would forbid government supported agencies, such as the Post Office and Amtrack, from advertising during excessively violent programming. Like past resolutions, these bills include no standard for judging "excessive" violence and do not include a provision for monitoring by any official agency.³⁷⁶ Like Conrad's bill, there is little support for the Graham resolution and passage of either is unlikely.

³⁷⁵Editorial, "Right Track," *Broadcasting and Cable*, 13 February 1995, 74.

³⁷⁶Editorial, "Graham's Law," *Broadcasting and Cable*, 27 February 1995, 82.

CHAPTER VII

CONCLUSIONS

Introduction

This study was an historical and legal analysis of congressional hearings on violence on television. The hearings were used to analyze broadcasting policymaking, and specifically the role of Congress in broadcast policymaking toward violence on television. To facilitate a systematic analysis of the complexities of congressional hearings, the Krasnow, Longley and Terry Broadcast Policy-Making System was used. The model is not a theory, but rather a framework used to break down policymaking into smaller units of study, primarily by groups of policy participants, that enable identification, description and analysis of the complex interrelations among major and minor participants.

This study involved both an historical survey of all major hearings on television violence, as well as indepth analysis on a selection of these hearings. The hearings chosen for indepth analysis represent the seven most comprehensive hearings of the past forty years. These hearings tended to be the longest in duration or those with the largest amount of witnesses representing a wide variety of interests and viewpoints.

Research questions were used to guide this examination and facilitate a

thorough analysis of the hearings.

Summary of Research Questions

(1) What Congressional hearings were convened to examine the issue of televised violence, excluding those hearings that examined televised violence in the context of larger social issues (Violence and Abuse in American Families, Crime Against Children)? Twenty-eight Congressional hearings on television violence were convened between 1954 - 1994. In addition to the hearings, four subcommittee reports on television violence were released and were analyzed in conjunction with the preceding hearing.

Although a few of the hearings lasted only one day, the majority spanned several days over months, and even years. Consequently, most hearings on television violence produced volumes of printed testimony and attached reports, studies, articles and letters of witness unable to testify in person before the committees.

A complete list of the twenty-eight hearings and four committee reports, including witnesses and committee/subcommittee members, is printed in Appendix B.

(2) What committees and/or subcommittees conducted these hearings? Who were the committee members and chairs of each committee? Until the late 1970s most investigations were conducted in the Senate, often by the same subcommittees. For instance, the first committee to officially investigate violence on

television was the Senate Subcommittee to Investigate Juvenile Delinquency in 1954. Under the leadership of senators Hendrickson, Kefauver, and Dodd this subcommittee, not a communications or broadcasting committee, continued to dominate the investigations of television violence for more than a decade until the formation of the Senate Subcommittee on Communications in the late 1960s. After that time many different subcommittees began to investigate television violence as it applied to their particular interests.

Although the House first held hearings on televised violence in the late 1970s, it was not until the discussion of legislative relief in the form of an antitrust exemption in 1986 that the House really entered the debate over television violence. House interest in television violence also marked the first real hope of passing any type of bill or resolution to legislate television violence. After years of House inaction killed several Senate resolutions, joint efforts resulted in passage of the Television Improvement Act of 1990.

Despite the dominance of these Democratic-led subcommittees, the debate over violence on television was generally non-partisan. Republicans and Democrats alike voiced criticism of the television industry for the amount of violence in programming, and the plethora of bills and resolutions introduced to reduce television violence were supported by members of both parties.

At times, Congressional members, who normally characterized themselves as defenders of the First Amendment, abandoned their free speech convictions when confronted with the issue of television violence. Many Congressional members

compared television violence to broadcast indecency and obscenity - both areas of broadcast content that courts had ruled could be regulated to varying degrees. To these members, violence was just as harmful and unnecessary to the literary and artistic value of television as obscenity, and should be regulated accordingly. For instance, when the House Subcommittee on Communications narrowly passed a 1977 committee report that absolved broadcasters by blaming advertisers, programmers and parents for implicitly supporting television violence, it was democratic members who almost blocked its acceptance. These members stated that the harm of television violence far outweighed concern over broadcasters' freedom of speech.

(3) What was the stated purpose or focus of each hearings? How has the stated focus of hearings changed and/or remained the same during forty years of Congressional hearings on television violence? The investigations of television violence can be grouped into three main phases of inquiry: hearings investigating the role of television in the rise of juvenile delinquency; hearings investigating the social and behavioral effects of television violence; and hearings investigating legal and legislative remedies to reduce television violence.

From the first inquiry in 1952 through the final Dodd hearing in 1964, the hearings focused on television's influence on juvenile delinquency in America. Concentration then shifted in 1969 to investigation of a causal link between television violence and aggressive behavior of viewers. Although television's effect on youths was still a main concern, these hearings expanded the investigation to determine the

impact on all ages and demographics of viewers.

This phase of hearings also marked the first Congressional proceedings convened exclusively to study violence on the television. These hearings were generally broad in nature and investigated the social effects of television violence as well as the programming practices of television producers and the television networks.

The social effects of television violence remained the focus of hearings until the latter part of the 1980s when Congress turned its attention to specific legislative means of regulating the violent content of television programming. From the antitrust exemption hearings that resulted in the passage of the Television Improvement Act of 1990 through the most recent efforts to expand the legislative powers of the FCC, Congress essentially abandoned its search for a scientific link between television violence and aggressive behavior and focused instead on legislative means to force industry self regulation and a voluntary reduction of violent programming.

(4) What events (social, political and judicial) were cited as providing the need for hearings on television violence? Congressional hearings on televised violence were generally conducted in reaction to specific events. Although most committees claimed to hold hearings due the continued use of excessive and gratuitous violence in television programming, many hearings actually convened after a significant violent incident received the attention of the national press and the American public.

For instance, the first congressional inquiry of television violence followed a

Justice Department study that reported an increase in juvenile delinquency in America. Given the relative newness of the television medium, and its particular attraction and popularity with children, many Senators made the "logical" connection between the two to explain the increase in youth violence. Consequently, hearings were convened and Congressional attention to the programming content of network television began.

The most extensive hearings ever held on television violence came just months after the assassination of Robert Kennedy. Indeed, both President Lyndon Johnson and Senator Pastore announced their intentions to investigate the effects of television violence that day after Kennedy died. The trend continued in the 1980s as the sensational murder trials of two youths who blamed "television intoxication" for their crimes precipitated renewed Congressional investigations. Likewise, the gang-rape of a Central Park jogger came just weeks before a Senate hearing and was cited as the very type of gang violence caused by the continual exposure to violent television programming. A death caused by a child allegedly emulating an episode of "Beavis and Butt-head" was the target of Janet Reno and a 1993 Senate hearing exploring additional legislative restraints of television programming.

These examples do not necessarily imply a cause-and-effect relationship between violence in society and investigative hearings, but do suggest the existence of a "scapegoat" mentality that blamed television violence for societal violence. Congressional attention to violence on television routinely increased after violent crimes and tragedies captured attention from the national media, lending support to those who claimed that television was used as a "quick fix" for violence in society.

Public incidences of violence, and the ensuing congressional inquest to explain such acts, regularly pointed to the inherent harmful effects of television violence on the viewing public. But these accusations of harm were as far as Congress seemed willing to go. As Congress's concern appeared to coincide with various acts of public violence the investigations ended once media and public attention diminished, and no formal legislation was ever pursued.

(5) What witnesses testified before the hearings and what organizations, causes, and viewpoints did they represent? Did the type and representation of witnesses change or remain the same during the forty years of hearings? The hearings on violence on television were generally broad in scope, with witnesses representing all policy participants as identified in the Krasnow, Longley and Terry Broadcast Policymaking System. This included witnesses representing the FCC, the television industry (usually the major broadcast networks), and the public (typically citizen advocacy and parent groups as well as social and behavioral scientists). Representation of two other policy participants, the presidential administration and the courts, was less frequent although their appearance at hearings increased appreciably during the antitrust exemption hearings of the late 1980s and 1990s.

One notable exception to the broad nature of the hearings occurred during the intensive Senate Subcommittee on Communications hearings of the late 1960s-1974. Under the leadership of John Pastore, these hearings emphasized social science research of television violence and, consequently, featured more researchers as

witnesses. While representatives of the broadcast industry, the FCC, and the administration were included, the hearings clearly favored researchers - many of whom received government funding.

Also given more attention than usual were representatives of the various religious, parent and citizen advocacy groups working to end television violence. These hearings marked the heyday of Congressional and media attention to the complex network of advocacy groups that advocated a reduction of violent programming on television.

(6) Was witness testimony questioned by committee members? Were witnesses perceived as experts or was their testimony scrutinized for accuracy and scientific rigor? Congressional hearings on television violence were not a search for the truth as witness testimony was rarely questioned for accuracy or validity. Despite the importance placed on hearings as a significant source of information essential to policymaking, committee members rarely questioned the validity of witnesses testimony, even when testimony was contradictory. For example, many of the hearings dealt specifically with research of social scientists seeking to determine whether a causal relationship between television violence and aggressive behavior existed. Without exception, every hearing included conflicting testimony as one researcher would claim the existence of such a causal link while another would not. At other times, the validity of television effects research methodology itself was contested by competing witnesses.

Despite these conflicts, committee members never attempted to reconcile these differences. Instead, most witnesses simply presented their testimony and were questioned about their beliefs about specific remedial actions. Consequently, the hearings were not a search for the "truth" as several committee chairman had claimed. Rather the hearings were an "information forum" in which any and all theories were thrown into the arena of discussion for acceptance or rejection by each individual committee member.

At other times the problem was not conflicting information but rather information that did not fit a particular committee member's needs. The detailed and complicated nature of social research common in the hearings of the 1970s was a constant source of problems for Congressional members. A notable example involved George Gerbner, who was a consistent witness at the hearings conducted by John Pastore's committee. Senator Pastore often appeared frustrated with Gerbner, asking the professor to put his findings into terms the "novice" committee members could understand. During another exchange, Pastore became agitated when Gerbner reported that his research failed to yield any universal conclusion regarding the harmfulness of violence in children's programming. Pastore complained that Gerbner's research, which incidently was funded with government grants, was not giving the committee the results they needed to pressure the networks to enact self regulation. Pastore did not understand why Gerbner could not "prove" scientifically what was so apparent to every viewer - that television violence caused aggressive behavior.

Later that same day, Pastore tried to link together the results of a study on prime-time programming with Gerbner's study on children's cartoons. When it was brought to his attention that this was not a valid scientific correlation, Pastore again scoffed at social scientists who just couldn't grasp the obvious. Still, the senator made no further attempts to understand Gerbner's research, nor did he question the witness regarding the results his study *did* yield.

(7) What types of arguments, appeals, and evidence were offered in testimony of different witnesses (i.e. citizen advocacy groups vs. broadcast industry representatives)? Although the hearings spanned four decades, the nature of the appeals presented at the hearings on televised violence remained remarkably similar. In short, Congress studied virtually the same issues and concerns, presented by the same types of witnesses, for forty years.

The appeals of those seeking a reduction of television violence almost universally revolved around a concern for its effects on children and teens. Representatives of religious, parent and citizen advocacy groups routinely presented surveys showing that parents were concerned about the amount of violence viewed by their children, during both prime-time programming and Saturday morning and afternoon cartoons. These concerns were supported by social scientists armed with their latest content analysis, survey, or detailed viewing log that showed a marked increase in the frequency and intensity of violence in network programming.

Of course, not all witnesses concurred with this assessment of television

violence, although they presented many of the same types of evidence to prove their point. Representatives of the broadcast industry offered their own surveys and content analyses that contradicted other reports and usually found an actual decrease in the television violence. Other broadcast-financed studies found no correlation between television violence and subsequent aggressive behavior by viewers, leading broadcasters to claim that viewers, including children, enjoyed television for its entertainment, not its educational, value.

Testimonials were another common type of evidence, particularly for witness extolling the inherently harmful qualities of television violence. Often these were personal testimonies of witnesses or committee members, used to demonstrate their first-hand involvement with television violence: Americans for Responsible Television founder Terry Rakolta told a subcommittee of her young child's horror after watching an episode of the "Oprah Winfrey Show" on women and bestiality; Paul Simon based his crusade to pass an antitrust exemption for television violence on his viewing of a movie featuring a brutal murder scene; former FCC chairman Newton Minow testified that while on the commission he monitored television violence because he believed his children would benefit little from it. Now, he feared it would actually harm his grandchildren.

Other testimonials were offered in the form of letters or reports by individuals and groups that wished to express an opinion but were not invited to testify at a particular hearing. As before, these were usually used by those promoting a reduction of violence and came from a variety of people including actors, writers and groups

protesting television portrayals of Polish-Americans and gays and lesbians.

(8) Were hearings influenced or dominated by individuals or groups, or a particular viewpoint? What, if any, influence did the committee chairman have on the hearings? Investigations of television violence were driven by individuals rather than an overall concern among Congressional members. Each of the three phases of investigations identified above was dominated by one or two committee members who championed the cause as his own. At times this individual was the only committee member in attendance during the hearings and this dominance often led to an association made between that person and the investigation. As an example, the press frequently labeled the hearings of the 1960s as "The Dodd hearings" on television violence.

The hearings chaired by Senator Estes Kefauver provide a good example of the dominance of certain congressional personalities. Contemporary accounts commonly identify the "Kefauver hearings" of 1955 as the first hearings ever to investigate television violence. This identification is untrue. Television violence was a major area of concern of the House Federal Communications Commission Subcommittee in 1952, and two years later, under the leadership of Robert Hendrickson, the Senate Subcommittee to Investigate Juvenile Delinquency conducted an extensive investigation into the effects of television violence on American youth. Kefauver was a member of that committee, although his role at that point was somewhat limited.

About the same time of the Hendrickson hearing, Kefauver was gaining

notoriety through the live televised coverage of his committee's investigation into organized crime -- fame that made him one of the most popular Senators at the time and led eventually to a vice-presidential bid. After assuming leadership of the Juvenile Delinquency subcommittee in 1955, Kefauver continued the investigation into television begun by Hendrickson. On the first day of the hearing Kefauver was joined by only one other committee member, and he was absent altogether on the second day of testimony. Still, Kefauver's celebrity brought attention to the hearing and contributed to the continued misidentification of his as the first inquiry into television violence.

The pattern continued with the juvenile delinquency subcommittee's hearings of the 1960s led by Thomas Dodd. Dodd was the true epitome of a one-man crusade. During the most extensive hearings ever on television violence (11 days of testimony throughout 1961-62) Dodd was often the only member of the subcommittee to attend the hearings.

The phase of hearings investigating the social and behavioral effects of television violence were dominated by Senator John Pastore. Although the attendance of committee members greatly improved at these hearings, questioning and interaction with witnesses was still dominated by Pastore. Pastore presided over six hearings dealing exclusively with television violence during the 1970s, and was instrumental in the appropriation of funds and staff to conduct the Surgeon General's investigation of television and social behavior.

Although focus of hearings changed from the social effects of television

violence to legal and legislative remedies, the dominance of individual Congressional members continued during the 1980s and 1990s. As a member of the Senate Judiciary Committee, Senator Paul Simon led an eight-year crusade to pass an antitrust exemption that would allow television networks to work together to reduce television violence. Simon's efforts were duplicated in the House by Congressman Dan Glickman and the two often appeared together to plead their case. Their joint efforts culminated in the only bills ever passed to regulate the content of television programming - the Television Improvement Act of 1990.

(9) Did the broadcast industry respond in any way to the hearings? What types of actions, both enjoined and self-imposed, were advocated by the broadcast industry in response to the hearings? What testimony, or "evidence" offered within the hearings was credited with compelling those actions?

Steadfast in its rejection of a causal relationship between television violence and aggressive behavior, the broadcast industry's reaction to the hearings was consistent throughout. At hearings, representatives of the broadcast networks - and later the cable networks - regularly set aside their competitive differences to present a united front in opposition to any further government regulation. Representatives also joined to reproach any studies critical of television violence, or witnesses who advocated a change in programming. The sole exception came in 1993 when media mogul Ted Turner testified that television violence was indeed causing irreparable harm among American youths. Turner's solution? More networks devoted to wholesome

television programming such as his superstation and classic movie channels.

The solidarity within the industry also caused problems during the antitrust exemption hearings of the 1980s. This united front appeared hypocritical given the industry's resistance to any antitrust exemption that would allow joint efforts to reduce violence in programming. During a light moment, Jack Brooks, chairman of the House Subcommittee on Economic and Commercial Law, quipped that he knew the networks could work together if they really wanted to - he had seen them talking earlier in the day.

Away from the hearings, broadcasters were quick to criticize Congress and interest groups for attempting to control programming - a task they lacked expertise and Constitutional power to do. Still, broadcasters did not completely dismiss these concerns and enacted changes designed to appease their critics. During the 1950s and 1960s the National Association of Broadcasters' Television Code was routinely amended to reflect a renewed commitment to reducing the use of gratuitous television violence, and all three networks canceled some action programming following criticism related to the assassination of Robert Kennedy in 1968. Many networks still today honor the provisions of Family Viewing Hour, although they are under no legal decree to do so.

Still, the most significant industry action did not come until the fortieth year of Congressional scrutiny of television violence. On the eve of broadcasters' appearance before the House Subcommittee on Telecommunications and Finances's review of the Television Improvement Act, the industry finally acknowledged a need to address

concerns of television violence. Sensing a Congressional tongue-lashing for failing to cooperate under the antitrust exemption, broadcasters announced their intention to issue parental warnings, or labels, before violent programming. The move was the first tangible reaction to the hearings, and the only joint effort within the television industry.

(10) What was the response to the hearings by the print media? To what extent did media report the hearings in newspapers and general interest publications? In trade publications? Response to the hearings by the printed media was generally critical of broadcasters and their unwillingness to voluntarily reduce the amount of violence in programming. Beginning with the citizen protests in the 1930s, newspaper editors and television critics, who testified at hearings, generally supported viewer protests and scolded the broadcast industry for abandoning its public interest mandate. Not surprising, the *Christian Science Monitor* led the attack on broadcasters, although the *New York Times* and *Newsweek* regularly printed articles and editorials critical of television programming. Unlike broadcasting, the printed media are not held to a public interest standard, a distinction newspapers routinely explained to readers. This distinction allowed newspapers editors to continue their criticism of broadcasters while continuing to defend the violent content of comic books, novels, and plays with violent scenes.

Magazines occasionally reported on the television violence hearings, although they tended to focus on the public campaign against broadcasters. Many publications

played a pivotal role in the citizen advocacy movement to reduce television violence. *McCall's* magazine ran a full-page advertisement in the *New York Times* encouraging parents to send letters of protest to the major networks. *Newsweek* covered early citizen protests, *Science* reported on the Surgeon General's investigation, and *Parent* magazine published articles critical of television violence for nearly four decades. During the 1970s many of these publication reported results of the plethora of social science research into television violence, and supplemented these articles with opinion polls of parents regarding their children's viewing habits.

One area the printed media appeared unwilling to support was any move to curtail broadcasters' First Amendment Rights. When Janet Reno testified during a 1993 Senate hearing that additional government regulation of programming would withstand a Constitutional challenge, many publications accused Reno of misinterpreting the Constitution and of using her office as a bully pulpit to intimidate the broadcast industry. Caution also prevailed when critics routinely blamed television for all social ills of American cities. Newspaper editors criticized the dramatic, error-laden speeches of the Coalition for Better Broadcasting's Donald Wildmon, and ridiculed Ted Turner's testimony condemning television violence. It seems Turner's movie channels regularly featured some of the most violent programming on cable.

(11) Did the public respond in any way to the hearings? What actions were taken or advocated by citizen advocacy groups? By parent and community organizations? As Leyden stated in his typology of Congressional

hearings, witnesses come to hearings with different agendas and expectations attached to their appearances before Senate and House subcommittees. For citizen advocacy groups, the hearings on television illustrate Leyden's observation.

For some groups, the hearings served merely as a public forum for their particular viewpoint or agenda. Groups such as the National Parent-Teacher Association and the National Organization of Women explained their concerns over television violence and often made specific recommendations to the committee. These groups then disappeared from the limelight back to the regular routine of fighting television violence on the local level.

Other groups used the hearings to increase their visibility. Action for Children's Television and the Council on Children, Media and Merchandising found their credibility bolstered by their appearances before the hearings. Repeatedly invited to testify, ACT president Peggy Charren became a trusted and respected public advocate whose notoriety made her a standard speaker at forums on television violence. The hearings also improved ACT's public profile and led to increased media attention and membership.

For others, however, the hearings were a catalyst for action. This was particularly true of conservative Christian groups that often perceived Congressional hearings as ineffectual and just another example of professional politicking versus real action. Groups such as the Coalition for Better Broadcasting and the National Coalition on Television Violence enjoyed their greatest attention during the Congressional investigations of the 1970s. When Congress failed to take action, these

groups utilized massive letter-writing campaigns, fundraising rallies, and advertiser boycotts to affect the changes they believed Congress was unwilling to make. FCC commissioner Nicholas Johnson believed so strongly in the power of public advocacy that he assumed chairmanship of the National Citizen's Committee for Broadcasting upon his retirement from the commission.

(12) What, if any, difference in purpose, context and outcome of the hearings were identified over time? As outlined above, the forty years of investigation of television violence by Congress was remarkably consistent. Perhaps the only real change occurred with the scope of the investigations, reflective of the changing nature of the television industry and the adoption of new technological innovations.

Investigation of media violence began with movies, radio and comic books but seemingly ballooned with the introduction of the mass medium television. Television violence investigations initially focused on network programs and featured testimony by networks executives. Later the inquiry was expanded to include program writers and producers, as well program promoters and advertisers. Network executives were no longer seen as the sole arbitrators of television programming.

With the introduction of cable to the television market, so followed investigations of violent programming. This was particularly true after the introduction of cable networks and the medium's expansion into program production. The more recent antitrust exemption hearings included testimony from television set

manufacturers and computer software companies as Congress expanded its investigation of technological remedies such as the v-chip and other violence blocking devices.

The magnification of the television distribution sources also mirrored the expanded scope of programming investigated. Early hearings focused on children's cartoons and prime time programming, a discipline of investigation that culminated in the Family Viewing Hour hearings in the 1980s. Concern over the effects of network movies only intensified with the development of made-for-television movies and the increased use of feature films on cable channels. Many recent hearings have expanded the scope of investigation even further to include afternoon television and talk shows in particular. Virtually no time slot or genre of programming escaped Congressional scrutiny during these hearings.

Despite the expanded focus of the hearings, little came in the form of tangible results. Regardless of which medium specifically was targeted for excessive violence, the argument was basically the same: radio violence both terrified and corrupted young listeners; network television desensitized viewers and contributed to the "violence as problem solver" mentality pervasive in America; cable served up a steady dose of violent programming free from "Family Viewing" constraints or concerns over balanced programming.

While the basic premise for investigating media violence transcended technological innovations, so did Congressional action. Prohibited by Section 326 of the Communications Act from censoring program content, Congress was reluctant to

enact any additional regulation or to instruct the FCC to do so. Consequently, the forty years of Congressional hearings on television violence followed a predictable pattern of concluding with no formal recommendations for action, but rather a promise of continued attention to programming.

Additional Observations

Leyden's Typology of Congressional Hearings

Leyden's 1992 study of Congressional hearings identified several general "themes" characteristic of hearings regardless of the specific subcommittee or topic of inquiry. Many of these themes were present in the hearings on television violence including: the use of different types of hearings (oversight, appropriation, consideration of bills) to investigate a single topic; the inclusion of witnesses who represented large, well-funded organizations, making hearings an "insiders game"; the testimony of witnesses representing all the "major players" involved with a particular policy issue; and the participation of interest groups that placed different degrees of emphasis on the hearings as a means of achieving their policy goals. Consequently, the hearings on television violence supported many of Leyden's themes.

However, Congressional hearings on television violence failed to support several of Leyden's other themes and therefore warrant additional discussion. Leyden identified hearings as an important source of political and policy information - a

convenient method by which committee members gain information for informed policymaking. As discussed above, the hearings on television violence were not a search for the truth, but rather a forum for presentation of varied and often contradictory information. Witness testimony was not examined for its validity and witnesses were rarely asked to further qualify any statement they made. When testimony did conflict, there was little to no effort to determine the truthfulness of the evidence presented.

The lack of scrutiny of witness testimony complimented an overall atmosphere that frequently favored speechmaking over truth seeking. If witnesses tended to shape their testimony to support a specific point of view, their efforts paled in comparison with the political rhetoric offered by committee members. The congressional inquiries of television violence were largely conducted by individuals with little knowledge of the television industry or social science research. Despite the assistance of staff members and a general counsel, committee members regularly exhibited a lack of understanding of the issues involved with television violence. By its own admission, Congress receives information through hearings, information that is intended to educate and inform committee members about a certain industry. On several occasions, however, the hearings on televised violence were plagued by misinformation and misstatements of committee members.

During testimony in favor of the television violence antitrust exemption, Senator Paul Simon relayed his now-famous account of how he first became concerned with the effects of television violence. The story relates that Simon, upon arriving in

a hotel room, turned on the television and witnessed a television character being sawed in half by an assailant wielding a chainsaw. Simon used this example to argue that violence had pervaded the television networks. During a hearing, however, witnesses explained to the committee that most hotel chains provided cable and pay subscription television and that it was common practice to program their systems to default to the movie channels when first turned on. Consequently, it is very likely that the movie Simon viewed was not network programming.

In a similar misstatement, Representative Dan Glickman, also speaking in favor of an antitrust exemption for the television networks, testified that network violence was largely responsible for the increase in youth and gang-related violence. Glickman cited network programming as being particularly harmful to the nation's youth because it desensitized children to violence, a desensitization he claimed was contributing to the rise in gang violence in America. To illustrate his point to his fellow committee members Glickman identified the violence-laden programming of the previous evening's television line-up including "Matlock" and "In The Heat of the Night." Glickman's examples were clearly inconsistent with his concern over gang violence as these programs were not aimed at the 18-24 year-old male demographic, nor were they successful at attracting viewers that age.

Consequently, the characterization of hearings as a method of gathering policy information were falsely based on the assumption that all information presented was valid. While mistakes by the committee were perhaps minor, the fact that proposed legislation was based on these incidents makes these errors even more serious.

Leyden also identified hearings as objective because committees had to include all points of view or risk being accused of bias. While it is true that most hearings on television violence presented opposing viewpoints, these hearings were far from unbiased. Hearings generally positioned the television industry, and major broadcast networks in particular, as being non-responsive to critics of television violence. In contrast to Leyden's characterization of congressional hearings as unbiased, the hearings investigating television violence clearly portrayed broadcasters negatively, and as an industry that had to be repeatedly summoned to Capitol Hill to explain its unwillingness to reduce televised violence.

Although broadcasters were allowed to testify and present their views without fear of retribution, their testimony was often ridiculed or dismissed altogether. Broadcasters were habitually admonished by committee members for their dismissal of social science research that claimed proof of a scientific link between television violence and aggressive behavior. Accused of "pulling the wool over the public's eye," and regularly engaging in "shenanigans" to divert attention from the real issue of investigation, Congress routinely cast itself as the honorable government watchdog fighting the evil and deceitful broadcast industry. Consequently, hearings on television violence regularly portrayed broadcasters in an unfavorable light and clearly were biased against the television industry.

The Broadcast Policy-Making System

The Broadcast Policy-Making System identifies six major participants in the policy-making process that interact to form the basis of broadcast regulation. These six participants are: the FCC, Congress, the broadcast industry, citizen groups, the courts and the presidential administration. Congress, the FCC and the broadcast industry are seen as major policy participants; the courts, White House and citizen groups are labeled minor policy participants. The key to the system is the interactivity among these participants, and a dynamic nature accommodating the constant organization and reorganization of alliances among these participants.

Congressional hearings on televised violence clearly exhibit the characteristics of the Broadcast Policy-Making System. All participant groups were represented during the hearings and throughout the years the relationships among participants changed and have been refined to meet the specific goals of a given committee hearing. Although the characteristics of several participant groups changed - the television industry now includes cable as well as broadcasting, and citizen groups continually evolved - the basic adversary role between the two participants remained. This illustrates the importance of the system's ability to maintain certain structural premises although the individual players may change throughout time.

Despite its appropriateness, one important aspect of the system must be adjusted for full accommodation of the hearings on television violence. The Broadcast Policy-Making System classifies the relationship between Congress and citizen groups

as a "less significant channel." In the case of congressional hearings on television violence that relationship should be upgraded to a "most significant channel."

From the early protests of parent organizations to the more organized efforts of groups such as ACT and the Coalition for Better Broadcasting, citizens groups played an integral part in the continued attention given television violence. Hearings provided a public forum for congressional members to voice outrage over the harmful effects of television violence, and thus appear responsive to the concerns of their constituents. Although no significant action was ever taken by Congress, the hearings nonetheless gave the impression that members were working in the interest of their citizens, and any voluntary reduction of violent programming was gauged as successful government intervention.

Summary

An initial survey of the Congressional hearings on television violence indicate forty years of repetitive inquiry that concluded with very few results. Closer inspection, however, reveals consistent patterns within these hearings despite the variety of committees conducting the hearings, the diversity of witnesses testifying, and the time lapses between the hearings.

Although not intentional, the hearings of television violence can be classified into three distinct phases -- each with a specific focus, and dominated by one or more chief investigators. The early phase of hearings investigated the effects

of television violence on juvenile delinquency; the second focused on the social and behavioral effects of television violence; the final phase studied proposed legislative means of regulating television violence. (See table 1).

Table 1. Three Phases of Hearings On Television Violence

Timeframe	Investigation	Chief Investigator
1952-64	Effects of Television Violence on Juvenile Delinquency	Senator R. Hendrickson Senator E. Kefauver Senator T. Dodd
1964-85	Social/Behavioral Effects of Television Violence	Senator J. Pastore
1986-present	Legal/Legislative Remedies	Rep. E. Markey Senator P. Simon Rep. D. Glickman

The investigative focus of each of these phases was remarkably similar, even when a variety of committees conducted hearings, as was the case in the 1980s. Sensing that it would never reach a definitive conclusion regarding the causal connection between television violence and aggressive behavior, Congress abandoned this focus and turned instead to legislative means of regulating television programming, or forcing broadcasters to enact self regulation. During this phase, hearings were conducted by communications, judicial and commerce committees,

although all focused on assorted legislative remedies.

The time lapse between hearings is perhaps best explained by Congress's use of these hearings as a response to specific violent acts that attracted attention of the media and of the American public. The timeline of hearings investigating television violence coincidences with many "public" acts of violence, suggesting the hearings were a timely and convenient means of responding to these acts and the subsequent public outcry to curb societal violence.

As the focus of hearings was uncommonly similar, so was the testimony of witnesses appearing before the various Congressional committees. This is particularly unusual given the diversity of witnesses and viewpoints represented, and the relative rarity of "staple" witnesses. With the exception of George Gerbner (dominant during the social/behavioral effects phase), Peggy Charren (a champion of children's rights), and several broadcast executives whose position at the networks predetermined their appearance at hearings, few witnesses made repeat appearances before Congress. Despite this, most hearings were broad in nature with witnesses representing all viewpoints of the television violence debate.

When witnesses did appear they tended to base their testimony on similar types of evidence. Most witnesses supported their testimony with surveys, content analyses or testimonials. Although different, and often opposing, groups used these similar types of evidence, their conclusions were often contradictory. For every content analysis submitted by behavioral scientists and citizen advocacy groups that found unacceptable levels of harmful television violence, another was introduced by

broadcasters that supported the opposite conclusion. The same was true of surveys.

Table 2 illustrates this use of similar research methods by different groups of witnesses.

Table 2. Witness Appeals and Types of Evidence Presented

Type of Evidence	Conducted and Presented By	Appeal
Surveys	Parent Groups, PTA, Religious Groups Citizen Advocacy Groups Television Industry	Parents' Concerns Viewers Assessment of TV Violence
Content Analyses	Social Researchers NAB/Television Industry	Measure Amount of Violence in Programming
Testimonials	Committee Members Citizen Advocates	Compelling Reasons for Becoming Involved in Television Violence Debate

Despite the enormous amount of conflicting evidence presented, committee members never questioned witness testimony for correctness or validity. Committee members made no attempt to reconcile conflicting testimony or evidence, suggesting that no importance was placed on the perceived "truth seeking" function of hearings. Even during the final phase of hearings when specific legislative proposals were examined, committee members appeared to pay little attention to evidence presented for or against a specific proposal. Instead, committee members relied on their personal beliefs and perceptions of television violence to support or oppose specific legislation.

The response to the hearings was equally predictable. The broadcast industry

was steadfast in its denial of accusations of harm from witnesses and committee members. And while bias against broadcasters was evident, representatives of the television industry consistently attended the hearings and endured the predictable Congressional criticism of violent programming and lax industry self regulation.

In contrast, the response of public advocates to the hearings was far from united. Organizations that routinely monitored a variety of concerns -- including, but not limited to television or media violence -- tended to use the hearings to convey their particular viewpoint to Congress and the American public. After the hearings, these groups resumed their regular activities and continued to monitor television violence as it related to their overall focus.

Other groups, whose sole existence was based on their concern with television violence, approached the hearings as a vehicle to increase the visibility of their organizations and to launch further public action. These groups tended to inform their members of their upcoming appearances at hearings, and use the public forum of hearings to advocate specific citizen action. Table 3 illustrates the different agendas and responses from various citizen groups.

Table 3. Public Response to Hearings on Television Violence

Agenda	Organization	Response
Public Forum (Broad-based organization)	National PTA National Organization for Women Gay Task Force	Bring Congressional and Public Attention to Viewpoint
Increase Visibility (Single-issue organization)	ACT Council on Children, Media & Merchandising	Increase Visibility Public Attention to their Cause
Catalyst for Action (Single-issue organization)	Coalition for Better Broadcasting National Coalition on Television Violence	Push Specific Agenda Advocate Public Action (boycotts, protests)

Despite the similarities among the hearings, some differences did exist.

Perhaps the most evident change throughout the forty years of investigation was the expansion of the scope of the investigations, reflective of the technological changes in the television industry. Early investigations focused on violence in movies and comic books; this concern only increased with the introduction of the pervasive television medium. In more recent years this concern was transferred to new television delivery systems including cable and satellite programming services. It is important to note, however, that the core issues of concern over media violence have always remained stable, having transcended technological innovations and program delivery systems. The fundamental concerns in the 1930s regarding radio and movie violence remain the basis of television violence hearings today.

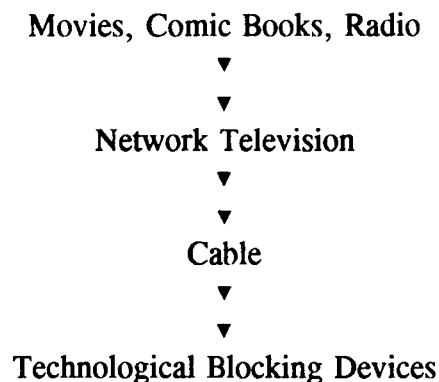


Figure 1. Expanding Scope of Investigations of Television Violence

This basic concern also remained constant as television programming genres changed and adapted to viewer interests. Although early investigations focused primarily on children's and prime time programming, the introduction of television movies and talk shows only expanded the focus of these hearings. Figures 1 and 2 illustrate the expanding scope of the Congressional hearings of television violence.

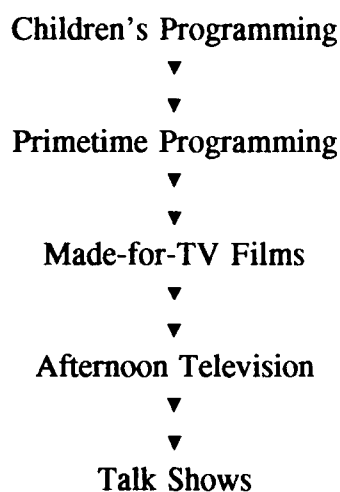


Figure 2. Expanding Scope of Investigations of Television Programming

In summary, Congressional hearings on television violence may be characterized as an elaborate public relations effort to pressure the networks into voluntary reduction of violence in programming. From the very first hearing in 1954, congressional members acknowledged that Congress and the FCC were prohibited from regulating television content by section 326 of the Communications Act of 1934. However, wishing to appear responsive to the concern of the viewers, parents, and citizen advocacy groups, Congress employed the "raised eyebrow" method of regulation to reduce television violence. Through these hearings, and the subsequent media coverage, Congress brought concerns over television violence to the public arena and forced broadcasters to take some action or risk appearing nonresponsive to the viewing public.

Knowing it was unable to censor programming content Congress placed its emphasis instead on pressuring the networks to face their critics and react accordingly. Choosing this path, the information gathering aspect of hearings became irrelevant. Because no recommended actions were sought, there was no need to reconcile conflicting testimony. The dismal failures of the Surgeon General's inquiry and the twenty-year quest to link television violence to rising crime rates were embarrassing, but certainly not crucial. With no expectations of implementing any additional government regulation, Congress was freed of its policy-making mandate. Thus the hearings became little more than information forums for the free and unencumbered discussion of television violence. Truth was unimportant. So was evidence.

Despite a lack of tangible results, the hearings did yield some

accomplishments. The Congressional-backed television effects research, and the Surgeon General's investigation in particular, funneled millions of dollars to universities and contributed to the growth of communications research studies. These studies helped legitimize communications research and acted as a catalyst for a discipline of social science research that continues to flourish today. In a similar manner, the hearings on television violence were important to the growth of public advocacy and provided an important forum for viewer input. For most of these groups, the hearings delivered instant national exposure and increased awareness of broadcasters' public interest mandate. Some citizen groups then faded from the national spotlight while others prospered from their appearance before a subcommittee and were invited to appear at future hearings.

In the end, the hearings on televised violence served to portray both Congress and the broadcast industry in a positive manner. Congress, by holding hearings investigating television violence, appeared responsive to citizen concerns; broadcasters, by enacting some measures of self regulation, also appeared sensitive to the concerns of government and the viewing public - the very public that the Communications Act of 1934 directed them to serve. For these purposes, the hearings were quite successful.

Future Research

This study focused exclusively on the role of Congressional hearings in the formation of policy regulation of televised violence. Although the forty years of Congressional inquiry played a pivotal role in the continuing debate over television violence, many other aspects of this campaign have yet to be studied. Future studies might include an historical survey of the development of the major policy participants, aside from their participation in these Congressional hearings. This research should seek to determine what, if any, participant alliances existed away from the hearings, and how those alliances changed or remain constant over the years. Particular attention should be given to the relationship between the influential citizen advocacy groups and the media to determine what influence these institutions, separate and together, enacted upon Congress, the FCC and the courts.

Also of interest would be a further analysis of these particular hearings from a behind-the-scenes approach. Analysis of how witnesses were chosen, what committee members privately hoped to accomplish with the hearings and what types of information their staff members had when formulating questions would be useful. Investigating the way in which the broadcast industry interacted with Congressional leaders away from the hearings might also yield additional information important to understanding the true function of these hearings in programming decisions.

Another area for future research involves the continued analysis of content issues using the Krasnow, Longley and Terry Broadcast Policy-Making System. This

study is the first such application of the system to a content issue; further studies are needed to corroborate the system's appropriateness to broadcast content issue. A study of obscenity and indecency policymaking would be particularly pertinent.

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APPENDICES

APPENDIX A

Significant Events in Broadcast Regulation and Violence on Television Legislation

1910 - President Taft signs Radio Act governing radio communications. Act requires that all ships leaving an U.S. port with more than 50 persons must be equipped with a radio.

1912 - Congress passes the Marine Act, the first general law for radio regulation.

1927 - The Federal Radio Act creates the Federal Radio Commission as an independent agency overseeing broadcasting and radio operations, licensing specifically. Commission's tenure is for one year only. After one year these activities would be transferred to the Department of Commerce.

1929 - Congress makes Radio Commission a permanent agency

1932 - U.S. Supreme Court upholds a provision of the Radio Act of 1927 ; declares over the air channels to be within the public domain or public property.

1934 - Congress passes the Communications Act of 1934, creating the Federal Communications Commission (FCC) to regulate radio, cable, telegraph and telephony.

1952 - The House Interstate and Foreign Commerce Subcommittee holds the first hearing on television and violence.

1954 - The Senate Subcommittee to Investigate Juvenile Delinquency, headed by Estes Kefauver (D-Tenn), explores the role of television in juvenile crime.

1961 - FCC Chairman Newt Minow tells the National Association of Broadcasters that American television is a "vast wasteland."

1967 - The Annenberg School of Communications at the University of Pennsylvania begins monitoring television programming.

1969 - The National Commission on the Cause and Prevention of Violence issues a report stating that exposure to television increases physical aggression.

- Formation of the Foundation to Improve Television

1972 - The U.S. Surgeon General issues a report on violence stating a causal link between violent behavior and violence on television and motion pictures.

1975 - National PTA adopts a resolution demanding networks and local television stations reduce the amount of violence in programming

1976 - American Medical Association's House of Delegates declares television violence an "environmental hazard."

1978 - The Supreme Court rules in *FCC v. Pacifica* that the FCC can regulate broadcast content via time, place and manner regulations. Court rules that an individual's right to be left alone (to be free of unwanted indecent material) outweighs broadcasters' First Amendment Rights.

1979 - Parents of 15-year-old Ronnie Zamora, convicted of murder, unsuccessfully sue the three networks for negligence for failing to prevent him from being incited to imitate television.

1980 - National Coalition on Television Violence is Founded.

1982 - A National Institute of Mental Health report confirms a link between television violence and aggressive behavior.

1984 - The Attorney General's Task Force on Family Violence releases a report claiming that television violence contributes to actual violence.

- American Academy of Pediatrics Task Force on Children and Television releases report cautioning physicians and parents that television may promote aggressive behavior.

- Congress passes the Cable Communications Policy Act establishing a system of local, state and federal cable industry oversight.

1985 - American Psychological Association Commission on Youth and Violence releases report linking television violence and real violence.

1989 - Congress passes the Television Improvement Act granting the television industry antitrust exemption to study and formulate joint policy on televised violence.

1990 - Congress passes the Children's Television Act of 1990 requiring broadcaster licensees and cable operators to limit the amount of advertisements during children's programming. Limits are 10.5 minutes per hour on weekends and 12.5 minutes per hour on weekdays.

1992 - American Psychological Association calls for federal policy to protect public from the harms of televised violence.

- Just four days prior to Senate hearing on consideration of three television violence bills, the three major networks announce joint violence policy and agree to hold an industry-wide conference on televised violence.

- Congress approves, over Pres. Bush's veto, the Cable Television Consumer Protection and Competition Act to regulate cable industry and place a ceiling on basic cable rates.

1993 - The National Research Council of the National Academy of Sciences releases a comprehensive report *Understanding and Preventing Violence* outlining the causes of violence in America.

- On the eve of Congressional testimony, the three major broadcast networks announce plans to label violent programming and investigate the amount of violence in their programming. One month later, the cable networks agree to do the same.

(Source: Congressional Index Service; "TV Violence," The Congressional Quarterly Researcher, 3:12, March 26, 1993; "Violence on Television," Congressional Digest, December 1993; Broadcasting & Cable magazine)

APPENDIX B

Chronological Index of Congressional Hearings

Investigation of Radio and Television Programs

(82) H1384-2

June 3-5, 26; September 16, 17, 23-26; December 3-5, 1952

Y4.In8/4:R11/3

House Committee on Interstate and Foreign Commerce

House Subcommittee on the Federal Communications Commission

Witnesses:

Gordon Brown, licensee, WSAY, Rochester, N.Y.

Thad Brown, dir, Television, Natl Assoc of Radio and TV Broadcasters

Rep. Joseph Bryson, S.C.

Rep. Fred Busbey, Ill.

Charles Denny, vp, Natl Broadcasting Company

Harold Fellows, pres, Natl Assoc of Radio and TV Broadcasters

John Fetzer, chairman, code review board, Natl Assoc of Radio and TV Broadcasters

Frederic Gamble, pres, American Assoc of Advertising Agencies

Rep. E.C. Gathings, Ark.

Melvin Gold, pres, Natl TV Film Council

Lloyd Halvorson, economist, Natl Grange

Wilbur Hammaker, Bishop, Methodist Church

Ralph Harding, dir, govt. relations, Natl Assoc of Radio and TV Broadcasters

Paul Harvey, American Broadcasting Company

Clinton Hester, DC counsel, US Brewers Fdn

Clinton Howard, Intl Reform Federation

Alice Keith, bd chm, Natl Academy of Broadcasting Fdn

Herbert Levy, ACLU

C.S. Longacre, American Temperance Soc.

Albert McAloon, prevention coord, Rhode Island Juvenile Court

Paul Mitchell, NYC

Raymond Schmidt, supt of legislative work, Natl Grand Lounge, Intl Order of Good Templars; gen supt, Natl Civic League

Hollis Seavey, dir, DC ops, Mutual Broadcasting System

Elizabeth Smart, Womens Christian Temperance Union

Winifred Smart, Natl Council of Catholic Women

Jack Ven Volkenburg, pres, TV Columbia Broadcasting System

Clayton Wallace, acting dir, Natl Temperance League

Paul Walker, Chm, FCC

Richard West, First Congressional Church, Newton Falls, Ohio

Walter Wilson, DC

Chris Witting, dir and gen manager, TV Network, Allen Du Mont Labs
Geraldine Zorbaugh, ABC

Juvenile Delinquency (Television Programs)

(83) S1114-1-B

June 5, October 19-20, 1954

Y4.J89/2:J98/15

Senate Committee on the Judiciary

Senate Subcommittee to Investigate Juvenile Delinquency in the U.S.

Witnesses:

Richard Clendenen, executive director, Sen. Subcom to investigate Juvenile Delinquency in the U.S.

Everett Parker, dir, communications research project, broadcasting and film commission, Natl. Council of Churches

Mrs. Milton Wittman, American Assoc. of University Women

Ralph Hardy, Natl Assoc of Radio and Television Broadcasters

Merle Jones, CBS

John Hayes, vp, WTOP - Washington

James Bennett, dir, bureau of prisons, Dept of Justice

Al Hodge, actor, Dupont TV network

Pat Michael, actor, DuMont tv network

Earl Collins, pres, Hollywood TV Service

James Caddigan, dir, programming and production, Allen Dumont Labs

Joseph Heffernan, NBC

Clara Logan, pres, Natl Assoc for Better Radio and Television

Enid Love, children's and school's programming specialist, BBC

Frederick Houwink, gen manger, WMAL-TV, Washington

Robert Hinckley, vp, ABC

Harold Fellows, pres, Natl Assoc of Radio and Television Broadcasters

Rosel Hyde, FCC commissioner

Committee Members:

Robert C. Hendrickson, New Jersey, Chairman

William Langer, North Dakota

Estes Kefauver, Tennessee

Thomas Hennings, Jr., Missouri

Herbert Walton, Chief Counsel

Note: This as one in a series of hearings by the subcommittee of juvenile delinquency. Other hearings were held specifically on Indians (1-A), Miami, Florida (1-C), and Chicago, Illinois (1-D).

Juvenile Delinquency (Television Programs)

(84) S1139-1-E

April 6-7, 1955

YA.J89/2:J98/15/1955

Senate Committee on the Judiciary

Senate Subcommittee to Investigate Juvenile Delinquency in the U.S.

Witnesses:

Ralph Banay, research psychiatrist, Columbia Univ.

Harold Fellows, president, Natl. Assoc. of Radio and Television Broadcasters

Joseph Hefferan, NBC

Frieda Hennock, FCC

Paul Lazarfeld, sociology dept., Columbia Univ.

Elenor Maccoby, Dept. of social relations, Harvard Univ.

Louise Walker, supervisor of audio-visual education, Montgomery City, Maryland

William Wood, gen. manager, WQED-TV, Pittsburgh

Committee Members:

Estes Kefauver, Tennessee, Chairman

Thomas Henning, Jr., Missouri

Price Daniel, Texas

William Langer, North Dakota

Alexander Wiley, Wisconsin

James Bobo, General Counsel

Juvenile Delinquency. Part 10: Effects on Young People of Violence and Crime Portrayed on Television

(87) S1553-1-A

June 8, 9, 13, 15, 16, 19 July 27-28, 1961; Jan. 24, May 11, 14 1962

Y4.J89/2:J98/39/pt.10

Senate Committee on Judiciary

Senate Subcommittee to Investigate Juvenile Delinquency in the U.S.

Witnesses:

James Aubrey, pres, CBS

Albert Bandura, prof. of psychology, Stanford Univ.

James Bennett, dir, Bur of Prisons, Dept of Justice

Evelyn Burkey, exec dir, Writers Guild East

William Capitan, pres, Center of Research in Marketing

Leroy Collins, pres, NBC

Joseph Daly, vp, Doyle, Dane & Bernbach, Inc.

Sen. Clair Engle, California

Thomas Fisher, vp and gen counsel, CBS

Ralph Garry, prof of education psychology, Boston Univ

Leonard Goldenson, pres, ABC

Eugene Hallman, vp programming, Canadian Broadcasting Corp

Wes Harris, program dir, WRC-TV, Washington
Grace Johnsen, dir, continuity, ABC
Oscar Katz, vp, network programs, CBS
Peter Kenney, station manager, WRC-TV, Washington
Robert Kitner, pres, NBC
Christopher Knopf, vp, Writers Guild West
Peter Lejins, prof of sociology, Univ of Maryland
David Levy, program dir, NBC
Richard Lewis, producer, Revue Studios
Clara Logan, pres, Natl Assoc for Better Radio and Television
Ellis Marcus, writer, Hollywood California
Thomas McDermott, chief exec officer, Four Star Television
Newton Minnow, Chairman, FCC
Nate Monaster, pres, television bureau, Writers Guild West
Thomas Moore, vp programming and talent, ABC
Hugh O'Brien, actor
William Orr, exec producer, Warner Bros Pictures
Joseph Ream, vp program practices, CBS
Frank Reel, vp for business affiliations, ZIV-United Artists
Abraham Ribicoff, secretary, HEW
James Robertson, vp, Natl Educational Television and Radio Center
Joseph Schieder, natl dir, Catholic Youth Organization
Wilbur Schramm, dir, Institute of Communication Research, Stanford Univ
Walter Scott, exec vp, NBC
Frank Shakespar, vp and gen manager, WCBS-TV, New York
Joseph Stamler, vp, WABC-TV, New York
Frank Stanton, pres, CBS
Jerry Thorpe, Desilu Studios
Ivan Tors, ZIV-United Artists
Oliver Treyz, pres, ABC
Maurice Unger, exec vp for production, ZIV-United Artists
Lester Velie, consultant, Four Star Television
Carl Watson, continuity, NBC
Sylvester Weaver, board chair, McCann-Erickson Advertising

Committee Members:

Thomas Dodd, Connecticut, Chairman
Sam Ervin, Jr., North Carolina
Estes Kefauver, Tennessee,
John Carroll, Colorado
Philip Hart, Michigan
Alexander Wiley, Wisconsin
Roman Hruska, Nebraska
Norris Cotten, New Hampshire

Carl Perian, Staff Director

Note: Other hearings in this series on juvenile delinquency include: Part 11: Illegal Narcotics Traffic and Its Effects on Juvenile and Young Adult Criminality (1-B); Part 12: Narcotic and Dangerous Drug Abuse in the State of California (1-C); Part 13: Illegal Narcotics Traffic and Its Effects on Juvenile and Young Adult Criminality (1-D).

Juvenile Delinquency. Part 16: Effects on Young People of Violence and Crime Portrayed on Television

(88) S1720-1

July 30, 1964

Y4.J89/2:J98/39/pt.16

Senate Committee on Judiciary

Senate Subcommittee to Investigate Juvenile Delinquency in the U.S.

Witnesses:

David Adams, sr exec vp, NBC

James Aubrey, pres, CBS

Thomas Ervin, vp, NBC

Merle Jones, pres, CBS Films

Thomas Moore, vp, ABC

Henry Plitt, pres, ABC Films

Alfred Schneider, vp, ABC

Walter Scott, exec vp, NBC

Morris Rittenberg, pres, NBC Films

Committee Members:

Thomas Dodd, Connecticut, Chairman

Sam Ervin, Jr., North Carolina

Philip Hart, Michigan

Birch Bayh, Indiana

Quentin Burdick, North Dakota

Hiram Fong, Hawaii

Kenneth Keating, New York

Carl Perian, Staff Director

FCC Policy Matter and Television Programming, Part 1.

(General Review of FCC Activity on various Subjects including: domestic satellites, fairness doctrine, public broadcasting and violence on television.)

(91) S1945-5-A

March 4-5, 1969

Y4.C73/2.91-6pt.1.

Senate Committee on Commerce

Senate Subcommittee on Communications

Witnesses:

Kenneth Cox, FCC
Rosel Hyde, chm, FCC
Robert Lee, FCC
James Wadsworth, FCC
Nicholas Johnson, FCC
Rex Lee, FCC

Subcommittee Members:

John Pastore, Rhode Island, Chairman
Vance Hartke, Indiana
Philip Hart, Michigan
Russell Long, Louisiana
Frank Moss, Utah
Howard Cannon, Nevada
Hugh Scott, Pennsylvania
Robert Griffin, Michigan
Howard Baker, Tennessee
Charles Goodell, New York
Nicholas Zapple, Communications Counsel
John Hardy, Staff Counsel

Review of Policy Matters of the Federal Communications Commission and Inquiry into Crime and Violence on Television and a Proposed Study Thereof by the Surgeon General, Part 2. (Consideration of need for regulation of the content of television programming. Focuses on the problem of violence on television programs and its detrimental effect on the public.)

(91)S1945-5-B

March 12, 19, 20, 1969

Y4.C73/2.91-6pt.2.

Senate Committee on Commerce (full committee hearing)

Witnesses:

Leonard Goldenson, pres, ABC
Julian Goodman, pres, NBC
Elton Rule, pres, ABC Television Network
Frank Stanton, pres, CBS
William Stewart, Surgeon General, PHS, HEW
Vincent Wasilewski, pres, NAB
Richard Dudley, pres, Forward Communications Corp,
Donald McGannon, pres, Group W, Westinghouse Broadcasting Corp. Ray Livesay,
pres, Mattoon Broadcasting
William Michaels, pres, Storer Broadcasting
Thomas Murphy, pres, Capital Cities Broadcasting Corp.
Wrede Petersmeyer, pres, Corinthian Broadcasting Corp

Subcommittee Members:

John Pastore, Rhode Island, Chairman
Vance Hartke, Indiana
Philip Hart, Michigan
Russell Long, Louisiana
Frank Moss, Utah
Howard Cannon, Nevada
Hugh Scott, Pennsylvania
Robert Griffin, Michigan
Howard Baker, Tennessee
Charles Goodell, New York
Nicholas Zapple, Communications Counsel
John Hardy, Staff Counsel

Amendment to the Communications Act of 1934. Part 1. (Consideration of S. 2004, to amend the Comm Act of 1934 to require additional procedures for consideration of renewing broadcasting licenses. Also discusses effects of TV violence on children)

(91) S1993-1

August 5-7, 1969

Y4.C73/2.91-18/pt.1.

Senate Committee on Commerce

Senate Subcommittee on Communications

Witnesses:

Eli Rubenstein, vice-chm, Surgeon General's Scientific Advisory Committee on Television and Social Behavior, HEW
Robert Crohan, vp, WJR-TV; pres, RI Broadcasters Assoc
Frank Fogarty, vp, Meredith Broadcasting
Frank McIntyre, vp, WLUB-WKIC, Salt Lake City; Utah Broadcasting Assoc
Morton Wilmer, pres, Fed Communications Bar Association
Richard Block, vp, Kaiser Broadcasting
Kenneth Harwood, dean, School of Communication, Temple Univ
Bery Smith, pres, Independent Broadcasters Assoc
Stanford Smith, gen manager, American Newspaper Publishers Assn
Earle Moore, gen counsel, Natl. Citizens Committee for Broadcasting

Subcommittee Members:

John Pastore, Rhode Island, Chairman
Vance Hartke, Indiana
Philip Hart, Michigan
Russell Long, Louisiana
Frank Moss, Utah
Howard Cannon, Nevada
Hugh Scott, Pennsylvania

Robert Griffin, Michigan
Howard Baker, Tennessee
Charles Goodell, New York
Nicholas Zapple, Communications Counsel
John Hardy, Staff Counsel

****Note:** Source changes to CIS/Index

**Progress Report, Scientific Advisory Committee on TV and Social Behavior
(72)S261-8**

September 28, 1971

Y4.C73/2.92-32

Senate Committee on Commerce

Senate Subcommittee on Communications

Witnesses:

Jesse Steinfeld, Surgeon General, PHS

Dean Burch, chm, FCC

Miles Kirkpatrick, chm, FTC

supplementary material:

- a. Surgeon General's Scientific Advisory Committee on Television and Social Behavior, initial operations summary
- b. Brief description of 23 TV violence research projects sponsored by the NIMH
- c. "Adolescents, Parents and Television Violence," Steve Chaffee and Jack McLeod (Mass Comm Research Center, Univ of Wis)
- d. FCC Notice, FCC action on Action for Children's Television petition for rulemaking to eliminate commercial content of children's television programming.

Subcommittee Members:

John Pastore, Rhode Island, Chairman

Vance Hartke, Indiana

Philip Hart, Michigan

Russell Long, Louisiana

Frank Moss, Utah

Howard Cannon, Nevada

Robert Griffin, Michigan

Howard Baker, Tennessee

Marlow Cook, Kentucky

James Pearson, Kansas

Ted Stevens, Alaska

Nicholas Zapple, Communications Counsel

John Hardy, Staff Counsel

Surgeon General's Report by the Scientific Advisory Committee on Television and Social Behavior.

(72)S261-38

March 21-24, 1972

Y4.C73/2:92-52. (ED063761,ED 057595,ED 059623-059627)

Senate Committee on Commerce

Senate Subcommittee on Communications

Witnesses:

Rep. John Murphy, D-NY

Jesse Steinfeld, Surgeon General

Eli Rubenstein, vice chair, Scientific Advisory Committee on Television and Social Behavior

Harold Mendelsohn, prof mass comm, Univ. of Denver

Charles Pinderhughes, prof of psychiatry, Boston Univ. School of Medicine

Joseph Klapper, dir, social research, CBS

Thomas Coffin, vp research, NBC

Alberta Siegel, prof of psychology, Stanford Univ.

Ithiel de Sola Pool, prof of political science, MIT

Ira Cisna, George Washington Univ

(all of the above were members of the advisory committee)

Dean Burch, chm, FCC

Nicholas Johnson, FCC comm

Rex Lee, FCC comm

Richard Wiley, FCC comm

Robert M. Liebert, prof of psychology, SUNY, Stoney Brook

Leonard Berkowitz, prof of psychology, Univ. of Wisconsin

Monroe Lefkowitz, NY state dept of mental hygiene

Leonard Eron, Univ of Ill

Leopold Walder, Behavior Research Consultants

Rowell Huesmann, Yale Univ.

Eli Rubenstein, advisory comm

Julian Goodman, pres, NBC

Hermينو Traviesas, vp, dept of broadcast standards, NBC

John Scheider, pres, CBS Broadcast Group

Elton Rule, pres, ABC

Alfred Schneider, vp, ABC

Vincent Wasilewski, pres, NAB

William Abbott, pres, Foundation to Improve Television

James Bennett, pres, Natl Assn for Better Broadcasting

Leo Bogart, exec vp, Bureau of advertising, American Newspaper Publishers Assn

Julian Burg, pres, Outdoor Game Council of USA

Douglass Cater, visiting prof, Stanford Univ; dir, Aspen Program on Communications in Society

Peggy Charren, pres, Action for Children's Television (ACT)

Evelyn Sarson, ACT board mem
Leopold Walden, Behavior Research Consultants

Subcommittee Members:

John Pastore, Rhode Island, Chairman
Vance Hartke, Indiana
Philip Hart, Michigan
Russell Long, Louisiana
Frank Moss, Utah
Howard Cannon, Nevada
Robert Griffin, Michigan
Howard Baker, Tennessee
Marlow Cook, Kentucky
James Pearson, Kansas
Ted Stevens, Alaska
Nicholas Zapple, Communications Counsel
John Hardy, Staff Counsel

Surgeon General's Report by the Scientific Advisory Committee on Television and Social Behavior. Appendix A

(72) S261-56

March 21-24, 1972

Y4.C73/2:92-52/App.A.

Appendix to hearing S261-38. Includes correspondence and:

- a: "The Violence Index: A Rating of Various Aspects of Dramatic Violence on Prime-Time Network Television, 1967-1970," George Gerbner, et al.
- b: "The Economics of Network Children's Programming," Alan Pierce.
- c: "The Violence Profile: Some Indicators of Trends in and the Symbolic Structure of Network Television Drama, 1967-71," George Gerbner, et al.

Violence on Television

(74) S261-47

April 3-5, 1974

Y4.C73/2:93-76

Senate Committee on Commerce

Senate Subcommittee on Communications

Witnesses:

Bertram Brown, dir, NIMH, Alcohol, Drug Abuse and Mental Health Adm.
Eli Rubenstein, prof of psychology, SUNY Stony Brook
Leo Singer, pres, Miracle White Co
George Gerbner, dean, Annenberg School of Communication, Univ of Pa
Robert Liebert, United Methodist Communications
Nelson Price, United Methodist Communications

John Schneider, pres, CBS
Walter Schwartz, pres, ABC
Alfred Schneider, vp , ABC
Julian Goodman, bd chm, NBC
Robert Thompson, student, School of Law, Univ of TX
Mary Ellen Hillary, educational task force, NOW

Subcommittee Members:

John Pastore, Rhode Island, Chairman
Vance Hartke, Indiana
Philip Hart, Michigan
Russell Long, Louisiana
Frank Moss, Utah
Howard Cannon, Nevada
Ernest Hollings, South Carolina
Daniel Inouye, Hawaii
Robert Griffin, Michigan
Howard Baker, Tennessee
Marlow Cook, Kentucky
James Pearson, Kansas
Ted Stevens, Alaska
J. Glenn Beall, Maryland
Nicholas Zapple, Communications Counsel
John Hardy, Staff Counsel

**Oversight of the Federal Communications Commission
(75) S261-77**

April 21-22, 1975

Y4.C73/2:94-28

Senate Committee on Commerce

Hearing to Review FCC regulatory practices for the past year - including policy on violence on television.

Witnesses:

Richard Wiley, chm, FCC
Robert Lee, FCC
Charlotte Reid, FCC
Benjamin Hooks, FCC
James Quello, FCC
Abbott Washburn, FCC
Glen Washburn, FCC
Ashton, Hardy, FCC General Counsel

Subcommittee Members:

Warren Magnuson, Washington, Chairman
John Pastore, Rhode Island
Vance Hartke, Indiana
Philip Hart, Michigan
Russell Long, Louisiana
Frank Moss, Utah
Howard Cannon, Nevada
Ernest Hollings, South Carolina
Daniel Inouye, Hawaii
John Tunney, California
Adlai Stevenson, Illinois
Robert Griffin, Michigan
James Pearson, Kansas
Ted Stevens, Alaska
J. Glenn Beall, Maryland
Lowell Weicker, Connecticut
James Buckley, New York

**Regulatory Reform, V. 5: Environmental Protection Agency, Federal
Communications Commission, Securities Exchange Commission**

(77)H501-4.4

May 10,14, 1976

Ya.In8/4:94-84

**House Committee on Interstate and Foreign Commerce
Subcommittee on Oversight and Investigations**

Witnesses:

Richard Wiley, chm, FCC
Glen Robinson, FCC
Benjamin Hooks, FCC
Abbott Washburn, FCC
Walter Hinchman, chief, Common Carrier Bureau, FCC
Wallace Johnson,chief, Broadcast Bureau, FCC
Richard Shiben, chief, Renewal and Transfer Div.,FCC
William Ray, chief, Complaints and Compliance Div,FCC
James Quello, FCC
Robert Lee, FCC

(Includes discussion of many topics including: Defense of consultation with TV industry to produce family programming response to television violence complaints;Impropriety of FCC regulation of broadcast rating services;"Measures to Encourage and Facilitate Participation by Public Interest Groups in Commission Proceedings."

Sex and Violence on TV

(77)H501-16

July 9, August 17-18, 1976

Y4.In8/4:94-140(ED136321)

House Committee on Interstate and Foreign Commerce

Subcommittee on Communications

Witnesses:

Rep. Frank Annunzio, Ill.

Paul Blue, exec dir, KRMA TV

Allen Burns, exec producer, MTM Enterprises

Alan Courtney, pres, Youngstreet Productions

Geoffrey Cowen, atty, Los Angeles

Newton Deiter, Gay Media Task Force

Thomas Elmendorf, M.D., Ca Medial Assoc; CMA delegate to AMA

Susan Fedderman, early childhood specialist, Pacific Oaks College

Norman Felton, producer, "Dr. Kildare"

Alvin Flanagan, pres, broadcast div, Combined Communications Corp

Stanley Fleishman, gen counsel, Adult Film Assoc of America

Grace Foster, dir, communications, 31st District PTA

Larry Gelbart, former coproducer, "MASH"

David Gerber, pres, David Gerber Prod

Rev. Earl Hanna, Arvada United Methodist Church

Gerhard Hanneman, Ph.D., dir, Center for Communications Policy Research,

Annenburg School of Communications, Univ of Southern California

Robert Hart, gen manager, KMGH-TV

Jane Hoback, cochairman, media task force, Denver Chapter, Natl Organization for Women

Rosel Hyde, Bonneville International Corp

Robert Innes, vp and gen manager, WGN, Colorado Inc, licensee, KWGN-TV

Robert Jones, program dir, KMGH-TV

Norman Lear, pres, Tandem Prod

David Levy, Hollywood Producer

Harold Mendelsohn, Ph.D., Department of Mass Communications, Univ of Denver

Chester Migden, Screen Actors Guild

Peter Ney, atty, Denver

Kathleen Nolan, pres, Screen Actors Guild

Frank Orme, exec vp, Natl Assoc for Better Broadcasting

Al Perry, pres, Colorado Broadcasters Assoc

Dane Prugh, M.D., prof of psychiatry and pediatrics, Univ of Colorado Medical School

David Rintels, pres, Writers Guild of America, West

Phyllis Roberts, pres, California American Mothers

Gene Roddenberry, exec producer, "Star Trek"

Barbara Ryan, the Denver Post
Samuel Sachs, atty, Youngstreet Productions
Walter Sanders, the Rocky Mountain News
Father Anthony Scannell, vice chairperson, Los Angeles, Catholic Archdiocesan
Communications Commission
Richard Schafbuch, vp and gen manager, General Electric Broadcasting Co. of
Colorado
Leonard Stern, producer, "McMillian and Wife" Universal Studios
Grant Tinker, pres, MTM Enterprises
Rev. Father John Urban, chair, Catholic Archdiocese, Los Angeles, Catholic
Archdiocese Communication Commission
Ginny Vida, media director, Natl Gay Task Force
Howard Watts, Los Angeles, Calif
Frederick Williams, Ph.D., dean, Annenberg School of Communications, Univ of
Southern California

Subcommittee Members:

Lionel Van Deerlin, California, Chairman
Charles Carney, Ohio
Goodloe Byron, Maryland
Timothy Wirth, Colorado
Martin Russo, Illinois
Louis Frey, Florida
W. Henson Moore, Louisiana
Samuel Devine, Ohio

Sex and Violence on TV

(79) H501-7

March 2, 1977

Y4.In8/4:95-130 (ED168547)

**House Committee on Interstate and Foreign Commerce
Subcommittee on Communications**

Witnesses:

George Gerbner, dean, Annenberg School of Communication, Univ of Pa
Henry Geller, Aspen Institute Program on Communications and Society
Richard Wiley, chm, FCC
Vincent Wasilewski, pres, NAB
Wilson Wearn, chm, NAB; pres, Multimedia
John Schneider, pres, CBS/Broadcast Group
Van Sauter, vp, programming practices, CBS TV Network
Robert Howard, pres, NBC TV Network
Herminio Traviesas, vp, dept of broadcast standard, NBC
Frederick Pierce, pres, ABC
Alfred Schneider, vp, broadcast standards, ABC

Peggy Charen,pres, ACT
Richard Powell, chm, Family Viewing Hour Committee, Writer's Guild of America
Ted Carpenter, exec dir, Natl Citizens Comm for Broadcasting
Bradley Greenberg, prof of communication, Michigan State Univ
Charles Atkin, prof of communication, Michigan State Univ
Robert Stubblefield,dir, Silver Hill Foundation

Subcommittee Members:

Lionel Van Deerlin, California, Chairman
John Murphy, New York
Charles Carney, Ohio
Timothy Wirth, Colorado
Martin Russo, Illinois
Edward Markey, Massachusetts
Thomas Luken, Ohio
Albert Gore, Tennessee
Barbara Milkulski, Maryland
Henry Waxman, California
Harley Staggers, West Virginia
Louis Frey, Florida
W. Henson Moore, Louisiana
Carlos Moorehead, California
Marc Marks, Pennsylvania
Samuel Devine, Ohio
Harry Shooshan, Counsel

TelevisionBroadcast Policies

(78) S261-32

May 9-11, 1977

Y4.C73/7:95-60

Senate Committee on Commerce, Science and Transportation

Subcommittee on Communications

Oversight Hearings cover many topics examining TV broadcasting policies and activities in light of public responsibilities. Focuses on charges of excessive violence,sex, obscenity and lack of attention to children's programming.

Witnesses:

Robert Howard, pres, NBC
Everett Erlick, gen counsel, ABC
John Schneider, pres, CBS
Richard Wiley, chm, FCC
Michael Rothenberg, prof psychiatry and pediatrics, Univ of Washington School of Medicine
Van Sauter, vp, programming practices, CBA

Archa Knowlton, dir, media services, General Foods Corp.
Robert Choate, Council on Children, Media and Merchandising
Loring Mandel, pres, Writer's Guild -East
Ted Carpenter, exec dir, National Citizen's Committee for Broadcasting

Violence on Television (Committee Report)

(77)H502-41

September 29, 1977

Y4.In8/4:T23/16(ED149385)

House Committee on Interstate and Foreign Commerce

Subcommittee on Communications

Report based on 1976-77 hearings on televised violence

Social/Behavioral Effects of Violence on Television

(82)H361-46

October 21, 1981

Y4.En2/3:97-84(ED2178881)**

House Committee on Energy and Commerce

Subcommittee on Telecommunications, Consumer Protection and Finance

Witnesses:

R.E. (Ted) Turner, pres, Turner Communications Corp.

Alfred Schneider, vp, ABC

Gene Mater, sr. vp, CBS

Ralph Daniels, vp broadcast standards, NBC

George Gerbner, dean, Annenberg School of Communications, Univ of Penn

David Pearl, Behavioral Sciences Service Bureau, NIMH

Thomas Radecki, Natl Coalition on Television Violence

Donald Wildmon, Coalition for Better Television

Subcommittee members:

Timothy Wirth, Colorado

Ronald Mottle, Ohio

James Scheuer, New York

Edward Markey, Massachusetts

Thomas Luken, Ohio

Al Swift, Washington

Henry Waxman, California

Cardiss Collins, Illinois

W.J. Tauzin, Louisiana

John Dignell, Michigan

James Collins, Texas

Matthew Rinaldo, New Jersey

Carlos Moorehead, California

Marc Marks, Pennsylvania

Thomas Tauke, Iowa
Thomas Bliley, Virginia
James Broyhill, North Carolina

Children and Television

(85)H361-45

March 16, 1983

Y4.En2/3:98-3(ED233705)

House Committee on Energy and Commerce

Subcommittee on Telecommunications, Consumer Protection and Finance

Witnesses:

John Blessington, vp, personnel, CBS/Broadcast Group
LaVar Burton, host, Reading Rainbow
Peggy Charren, pres, Action for Children's Television
Bruce Christensen, pres, National Assoc for Public Television Stations
Edward Fritts, pres, National Association of Broadcasters
Sen. John Heinz, Pennsylvania
Robert Keeshan, New York
Keith Mielke, assoc vp for research, Children's Television Workshop
Henry Rivera, FCC
Sharon Robinson, dir, Instruction and Professional Development, Natl Education Assoc
Squire Rushnell, vp, Long Range Planning and Children's Television, ABC
John Schneider, pres, Warner AMEX Satellite Entertainment Co
Phyliss Tucker-Vinson, vp, Children's Programming, NBC
Washington Assoc for Television and Children

Subcommittee members:

Timothy Wirth, Colorado
Edward Markey, Massachusetts
Al Swift, Washington
Cardiss Collins, Illinois
Henry Waxman, California
Albert Gore, Tennessee
Mickey Leland, Texas
John Bryant, Texas
Jim Bates, California
Jim Scheuer, New York
Matthew Rinaldo, New Jersey
Carlos Moorehead, California
Thomas Tauke, Iowa
Michael Oxley, Ohio
James Broyhill, North Carolina

Crime and Violence in the Media

(85)H521-28

April 13, 1983

Y4.J89/1:98/83(ED257136)

House Judiciary Committee

Subcommittee on Crime

Witnesses:

Daniel Schorr, corr, CNN

David Pearl, Behavioral Sciences Research Bureau, NIMH

Thomas Cook, prof of psychology and public policy, Northwestern Univ

Linda Lichter, prof of graduate program in science, technology and public policy,

Geo Washington Univ

Leonard Eron, prof of psychology, Univ of Chicago

Rowell Huesmann, vp news and social research, NBC

Alan Wurtzel, dir, news, development and social research, ABC

Philip Harding, dir, special projects research, CBS

Also includes several published reports on violence.

Subcommittee Members:

William Hughes, New Jersey, Chairman

Charles Schumer, New York

Bruce Morrison, Connecticut

Edward Feighan, Ohio

Lawrence Smith, Florida

Harold Sawyer, Michigan

E. Clay Shaw, Florida

James Sensenbrenner, Wisconsin

Media Violence

(85)S521-60

October 25, 1984

Y4.J89/2:S.hrg.98-1283(ED261774)

Senate Judiciary Committee

Subcommittee on Juvenile Justice

Witnesses:

Mary Banta, teacher, Earl Childhood Learning Center, Univ of DC

Robert Keeshan, actor, Captain Kangaroo

David Pearl, Behavioral Sciences Research Bureau, NIMH

Philip Harding, vp, office of social and policy research, CBS

John Murray, dir, youth and family policy, Boys Town Urban Program, NE

Jib Fowles, prof of human sciences and humanities, Univ of Houston

Also includes draft of bill amending Comm Act of 1934

Subcommittee Members:

Arlen Specter, Pennsylvania, Chairman
Jeremiah Denton, Alabama
Charles Mathias, Maryland
Howard Metzenbaum, Ohio
Edward Kennedy, Massachusetts

TV Violence Antitrust Exemption

(87) S521.11

June 20, 1986

Y4.J89/2:S.hrg.99-925

Senate Committee on the Judiciary

Witnesses:

Robert Keeshan, actor, Captain Kangaroo
James Nooney, pres, Natl Cable Assoc
Alfred Schneider, vp, policy and standards, Cap Cities/ABC
Ralph Daniels, vp, broadcast standards, NBC
Preston Padden, pres, Assn of Ind TV Stations
Alice Henderson, vp, programming practices, CBS
William Dietz, chm, task force on children and TV, American Academy of Pediatrics
Rowell Huesmann, prof of psychology, Univ of Ill

Committee Members;

Strom Thurmond, South Carolina, Chairman
Charles, McC. Mathias, Maryland
Paul Laxalt, Nevada
Orrin Hatch, Utah
Alan Simpson, Wyoming
John East, North Carolina
Charles Grassley, Iowa
Jeremiah Denton, Alabama
Arlen Specter, Pennsylvania
Mitch McConnell, Kentucky
Joseph Biden, Delaware
Edward Kennedy, Massachusetts
Robert Byrd, West Virginia
Howard Metzenbaum, Ohio
Dennis DeConcini, Arizona
Patrick Leahy, Vermont
Howard Heflin, Alabama
Paul Simon, Illinois

Exempting Certain Activities from Provisions of the Antitrust Laws (print)
(86)S523-23

October 8, 1986

Recommends passage of S. 2323 to provide temporary immunity from antitrust laws for TV industry executive cooperative activities to develop voluntary industry standards to reduce the negative impact of televised violence.

Exempting Certain Activities from Provisions of the Antitrust Laws, (Report)
(88) S523-12

May 27, 1988

Y1.1/5:100-365

Recommends passage with an amendment of S 844, the Television Violence Act of 1987, to provide temporary immunity from Antitrust laws. (S 844 is related to S 2323)

Television Violence Act

(89)H521-37

October 5, 1988

Y4.J89/1:100/87

House Judiciary Committee

Subcommittee on Monopolies and Commercial Law

Witnesses:

Sen. Paul Simon, D-Ill

Robert Keeshan, actor, Captain Kangaroo

Barry Lynn, Legislative Council, ACLU

Gene Nichol, dean, Univ. of Colorado School of Law

George Garvey, prof of law, Catholic Univ

Brian Wilcox, Task Force on TV and Society, American Psychological Assoc (APA)

Althetha Huston, Center for Research on the Influence of TV on Children, Univ of Ks

Francis Palumbo, pediatrician, Georgetown Univ Hospital

Arnold Fege, dir, Governmental Relations, national PTA

Note: Testimony in support and opposition to HR3848

Television Violence Act of 1989

(90)H521-10

May 19, 1989

Y4.J89/1:101/34

House Judiciary Committee

Subcommittee on Economic and Commercial Law

Note: Consideration of HR 1391, the Television Act of 1989

Witnesses:

Sen. Paul Simon, D-Ill

William Dietz, pediatrician, New England Medical Center
Brian Wilcox, dir, Office of Public Interest Legislation, APA
Joan Dykstra, national PTA
Beth Bressan, vp, CBS
Alfred Schneider, vp, Cap Cities/ABC
Alan Gershon, vp, program standards and marketing policy, NBC
Barry Lynn, ACLU
Cass Sunstein, prof of law, Univ of Chicago

Subcommittee Members:

Jack Brooks, Texas, Chairman
Romano Mazzoli, Kentucky
Dan Glickman, Kansas
Edward Feighan, Ohio
Lawrence Smith, Florida
Harley Staggers, West Virginia
Mike Synar, Oklahoma
Patricia Schroeder, Colorado
Don Edwards, Colorado
Hamilton Fish, New York
Michael DeWine, Ohio
William Dannemeyer, California
Chuck Douglas, New Hampshire
Carlos Moorehead, California
Henry Hyde, Illinois

Television Violence Act of 1989 (Report)

(89) H523-8

July 7, 1989

Y1.1/8:101-123

Recommends passage, with amendments, of HR1391, the Television Violence Act of 1989. Includes dissenting views

Youth Violence Prevention

(93) S401-52

March 21, 1992

Y4.G74/9:s:hrg.102-1123

Senate Committee on Governmental Affairs (full committee hearing)

(93) S401-52.4

Witnesses:

Leonard Eron, prof, Univ of Ill; chair, Commission n Violence and Youth, APA
Adele Harrell, research analyst, State Policy Center, Urban Institute
Donald Schwartz, prof of pediatrics, Univ of Penn School of Medicine
Deborah Prothrow-Stith, asst dean, Harvard Univ School of Public Health

Note: This was the one section of the overall hearings on Youth Violence. This hearing viewed the relationship between childhood viewing of television violence and subsequent aggressive behavior. Other sessions in the hearing addresses violent crime (52.1); nature and extent of youth violence (52.2); increased violence among urban youth (52.3); increased youth violence - intervention (52.5).

Subcommittee Members:

John Glenn, Ohio, Chairman
Sam Nunn, Georgia
Carl Levin, Michigan
Jim Sasser, Tennessee
David Pryor, Arkansas
Herbert Kohl, Wisconsin
Joseph Lieberman, Connecticut
Daniel Akaka, Hawaii
William Roth, Delaware
Ted Stevens, Alaska
William Cohen, Maine
Warren Rudman, New Hampshire
John Seymour, California
Leonard Weiss, Staff Director
Robert Harris, Deputy Staff Director
Doris Clanton, Assistant Counsel
Betty Ann Soiefer, Counsel
Dedora Cohen, Staff Assistant
Franklin Polk, Minority Staff Director
Michel Prosser, Chief Clerk

Violence on TV

(93) H521-64

December 15, 1992

Y4.J89/1:102/115

House Judiciary Committee

Subcommittee on Crime and Criminal Justice

Witnesses:

Marvin Kitman, tv critic, Newsday
Neil Hickey, sr editor, TV Guide
George Gerbner, prof of communications, Annenberg School of Communication,
Univ of Penn
Ronald Slaby, sr scientists, Education Development Center
Carole Lieberman, chair, Natl Coalition on Television Violence
Winston Cox, CEO, Showtime Network; Natl Cable Television Assoc
Patricia Falese, vp, Cablevision Systems Corp
Gail Markels, vp and counsel, Motion Picture Assoc of America

Rosalyn Weinman, vp, broadcast standards and practices, NBC
Christine Hikawa, vp, broadcast standards, Cap Cities/ABC
Beth Bressan vp, CBS Broadcast Group

Subcommittee Members:

Charles Schumer, New York, Chairman
William Hughs, New Jersey
Edward Feighan, Ohio
John Bryant, Texas
Mel Levine, California
George Sangmeister, Illinois
Craig Washington, Texas
Peter Hoagland, Nebraska
F. James Sensenbrennar, Wisconsin
Steven Schiff, New Mexico
Jim Ramstad, Minnesota
Bill McCollum, Florida
George Gekas, Pennsylvania
Andrew Fois, Counsel
David Yassky, Assistant Counsel
Dan Cunningham, Assistant Counsel
Paul Beaulieu, Assistant Counsel
Lyle Nirenberg, Minority Counsel

Implementation of the Television Improvement Act of 1990

(94) S521-21

May 21, June 8, 1993

Y4.J89/2:S;Hrg.103-657

Senate Judiciary Committee

Subcommittee on the Constitution, Subcommittee on Juvenile Justice

Witnesses:

Brian Wilcox, American Psychological Association
Brandon Centerwall, University of Washington
Thomas Murphy, Capital Cities/ABC
Howard Stinger, CBS Broadcast Group
Warren Littlefield, NBC
George Vrandenburg, Fox, Inc.
Frank Biondi, Viacom, International
David Kenin, USA Networks
Scott Sassa, Turner Broadcasting System
Leonard Eron, University of Michigan
William Doetz, Tufts University School of Medicine
Jack Valenti, Motion Picture Association
Leslie Mooves, Lorimar Television

Kerry McCluggage, Paramount Pictures
Ned Nalle, Universal Television
Ralph Gabbard, WKYT-TV, Lexington
Stephen Palley, King World Productions
Al DeVaney, Assoc. of Independent Television Stations
Kent Conrad, (D-NDak)
Edward Markey, (D-Mass)
Byron Gorgan, (D-NDak)
Carl Levin, (D-Mich)
Charles Schumer, (D-NY)

Subcommittee Members:

Subcommittee on the Constitution:

Paul Simon, Illinois, Chairman
Howard Metzenbaum, Ohio
Dennis DeConcini, Arizona
Edward Kennedy, Massachusetts
Hank Brown, Colorado
Orrin Hatch, Utah

Subcommittee on Juvenile Justice:

Herbert Kohl, Wisconsin, Chairman
Joseph Biden, Delaware
Carol Moseley-Braun, Illinois
William Cohen, Maine
Larry Pressler, South Dakota

Violence on Television

(94) H361-36

May 12, June 25, July 1, 29, Sept. 15, 1993

Y4.EN2/3:103-79

House Committee on Energy and Commerce

Subcommittee on Telecommunications and Finance

Witnesses:

Sen Paul Simon, D-Ill

Brandon Centerwall, prof of epidemiology, School of Public Health, Univ of Washington

Suzanne Stutman, exec dir, Institute for Mental Health Initiatives

Deborah Prothrow-Stith, asst dean, Govt and Community programs, School of Public Health, Harvard Univ

Terry Rakolta, dir, Americans for Responsible Television

Rowell Huesmann, prof of psychology and communication, Institute for Social Research, Univ of Mich

Nancy Signorelli, prof of communication, Univ of Del

William Dietz pediatrician, New England Medical Center; American Academy of Pediatrics
Rep Dan Glickman, D-KS
Rep Joseph Kennedy, D-Mass
R.E. (Ted) Turner, Turner Broadcasting Systems
Gary Shapiro, vp, consumer electronics div, Electronic Industries Assoc
Bruce Davis, pres, TV Guide on Screen
Joseph Jackson, board chair, Protelcon
Jack Valenti, pres, Motion Picture Assoc
Thomas Murphy, chair, Cap Cities/ABC
Warren Littlefield, pres entertainment, NBC
Peter Tortorici, exec vp entertainment, CBS
George Vrandenburg, exec vp, FOX TV
Winston Cox, CEO, Showtime Networks; NCTA
James Hedlund, pres, Natl Assoc of Independent Television Stations
John Hendricks, CEO, Discovery Communications
Charles Hewitt, pres, Satellite Broadcasting and Communications Assoc
Robert McAfee, pres elect, AMA
Richard Martin, vp, public relations, AT&T
Betsy Frank, sr vp, TV Information and new media, Saatchi & saatchi
William Abbot, pres, Natl Foundation to Improve Television
Joycelyn Elders, Surgeon General, PHS

Subcommittee Members:

Edward Markey, Massachusetts, Chairman
W.J. Tauzin, Louisiana
Rick Boucher, Virginia
Thomas Manton, New York
Richard Lehman, California
Marjorie Margolies-Mezvinski, Pennsylvania
Mike Synar, Oklahoma
Ron Wyden, Oregon
Ralph Hall, Texas
Bill Richardson, New Mexico
Jim Slattery, Kansas
John Bryant, Texas
Jim Cooper, Tennessee
John Dignell, Michigan
Jack Fields, Texas
Thomas Bliley, Virginia
Michael Oxley, Ohio
Dan Schaefer, Colorado
Joe Barton, Texas
Alex McMillan, North Carolina

J. Dennis Hastert, Illinois
Paul Gillmor, Ohio
Carlos Moorehead, California

APPENDIX C

Guiding Research Questions: The Role of Congressional Hearings in the Formation of Policy Toward Violence on Television: An Analysis Using the Broadcast Policy-Making System

1. Title of Hearing: _____

2. Date(s) of Hearing Proceedings: _____

3. Committee/Subcommittee: House/Senate/Joint (circle one only)

Name of Committee/Subcommittee: _____

Name of Chair/Co-chairs: _____

List Committee Members:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. Stated Purpose of Hearing: (Check one only)

_____ Appropriation of Funds

_____ Investigation

of What? _____

_____ Federal Agency Oversight

of what agency? _____

_____ Consideration of Proposed Legislation

describe _____

_____ Other

describe _____

5. What events, social trends, actions by the industry, actions by the courts, etc. were cited by the committee as necessitating the hearing?

6. What, if anything, was the reaction to the hearings by the media?

By the broadcast industry?

6. cont. Reaction to the Hearings

By the general public?

7. What actions, if any, were taken by any of the participants in response to the hearings?

8. In general, what, if anything, happened in the aftermath of the hearings?

Witness Testimony Analysis

1. Name of Witness: _____

2. Group/Organization represent: _____

3. Krasnow, Longley & Terry Participant Identification (check one only)

_____ Congress

_____ White House/Administration

_____ Broadcast Industry

_____ Citizen Group

_____ FCC or other Federal Agency

_____ Courts

4. Stated Purpose of Testimony

5. Summary of Testimony

6. Types of Evidence used to support Testimony

7. Was the witness questioned by any committee members?

By whom? _____

8. What was the purpose of the questioning? Explain

_____ To gain more information

_____ To affirm the witness's testimony

_____ To question the witness's testimony or evidence presented

_____ Other

9. Describe the tone of the questioning and/or interaction of the witness with committee members.

With other witnesses.

VITA

Cynthia Cooper was born in Atlanta, Georgia on May 7, 1964. She attended schools in DeKalb County, Georgia, and Johnson County, Kansas, and graduated from Shawnee Mission South High School in May, 1982. She attended the University of Tulsa and also worked as a multimedia producer in the university's Department of University Relations. In May, 1986, she completed her undergraduate studies and received a Bachelor of Science degree in Communications with a major in industrial television from the University of Tulsa. While continuing her work in multimedia, she entered the graduate program at the University of Oklahoma where she earned a Master of Arts degree in May, 1992. Cooper then moved to Knoxville, Tennessee to pursue further graduate studies at the University of Tennessee - Knoxville. During her studies she served as a graduate assistant, teaching courses in broadcasting and journalism, and served as editor for the Department of Independent Study. The doctoral degree was received in August, 1995.

Cooper is presently assistant professor of mass communication at Southern Illinois University - Edwardsville where she teaches undergraduate and graduate courses in broadcasting and communications research and theory.