

TV Violence

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The FCC has released a *Notice of Inquiry* to assess violent television programming and to explore its impact on children. This *Notice* can be accessed on the FCC's website at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-175A1.pdf. The FCC's inquiry is far-reaching, seeking factual information as well as suggestions for change. The inquiry was prompted by expressions of Congressional concern issued by the U.S. House of Representatives.

The FCC poses the questions in the following areas:

- **How much violent programming is there on television and what are the trends?**

The Commission asks whether there are signs that violent programming is increasing or decreasing in frequency. The National TV Violence Study, the largest study on the subject, was conducted in 1997. Since then, various other public interest groups have conducted surveys of TV violence. For example, in 2002, the Parents Television Council ("PTC") issued a report claiming that violence on television had significantly increased, even during the so-called 8:00 p.m. Family Hour. However, the Commission is not aware of any independent study conducted since 1997 or of updated information since the PTC study and asks that the commenters bring any current information to its attention. The Commission also asks if there are differences in the level of violence on TV among the various types of broadcast television media, such as broadcast channels (*i.e.*: network television), basic cable, satellite and premium or non-premium cable channels.

- **What are the effects of viewing violent programming on children and other segments of the population?**

The Commission references several diverse studies conducted over the past several decades which conclude in one form or another that "exposure to media violence can be associated with certain negative effects". These reports include the 1997 National TV Violence Study, a study by the Surgeon General and other scientific research included in a Federal Trade Commission report on the marketing of violence to children. The Commission seeks to update the record with any recent studies conducted on this topic. The Commission also invites comments as to whether viewing violence as part of a television program has a different effect on children (and adults) than violence which is portrayed in other ways, such as in a book. This inquiry also raises the question of whether the portrayal of violence on television serves any positive function, such as helping individuals to process violence they may encounter or experience in reality.

- **Are certain portrayals of violence more likely to cause negative effects than others? What specific kinds of programming should be the focus of any further public policymaking?**

By these questions, the Commission seeks to elicit comment as to how violence should be defined and if so, how one can distinguish between the types of violence. To state this another way – not all violence may have an equal effect. If the Commission is going to monitor or regulate violence on television, how does it distinguish between and define the violence depicted, for example, in the Three Stooges, children’s cartoons and The Sopranos. The Notice cites several studies that discuss the portrayal of violence in context. For example, there are significant historical movies that would not be broadcast over television if all violence were banned from TV (i.e.: *Roots* or *Schindler’s List*). Therefore, the Commission asks what kinds of portrayals of violence cause the most damage and how frequently is this programming aired. Given the range of how children perceive and respond to violence seen on television, the Commission asks what age groups are most at risk for the different types of violent programming. If the Commission determines that it both has the right to regulate and that it should regulate violence on television, the Commission asks for comments as to how a standard could be implemented in such a way as to be clear to the industry and practical to administer.

- **Are the ratings system and the V-chip accomplishing their intended purpose? Are there additional mechanisms that might be developed to control exposure to media violence?**

In theory there is already a program in place to allow parents to monitor the content of the programs children are watching. This program is the rating system, which, when used in conjunction with the V-chip, is supposed to allow parents to block all unwanted violent programming. The Commission requests information as to whether programming is in fact rated, and if these ratings are accurate and consistent. The Commission cites a 1998 Kaiser Family Foundation study indicated that during the first year the rating system that was in place only 20% of the programs were correctly rated. A second study from this same Foundation in 2001 found that 40% of parents believe programs are not rated properly. The Commission also requests input on how to improve the usefulness of the V-chip and to educate parents as to its presence and purpose. If the V-chip and ratings systems are not serving its purpose, are there other alternatives?

- **Should the Commission adopt a “safe harbor” for violence?**

The House Commerce Committee has asked if the Commission has the authority to adopt a “safe harbor” requirement for the depiction of violent programming on television, similar to that used in radio for indecency. This safe harbor would restrict programming depicting violence (however that may be defined) from the hours of 6:00 a.m. to 10:00 p.m. The Committee likewise has posed the question if there any constitutional restrictions on the Commission from imposing this “safe harbor” requirement to television programming. Given this interest, the Commission asks for comments as to whether it has the authority to expand its definition of indecency to include violent programming.

- **Are there legal constraints on either Congress or the Commission to regulate violent programming?**

This proceeding may be the first step in imposing significant new content restrictions on television programming. As such, comments in response to the question of whether the Commission *should* or *can* regulate violence on television are fundamental. Does the Commission have authority to regulate violence portrayed on cable television? If the Commission does not currently have this authority, does case law and/or statutory law allow the Commission to expand its authority? Or would it be necessary for Congress to adopt legislation requiring the Commission to regulate violence on television (broadcast and non-broadcast)?

Please let us know if we can assist you in preparing comments in this proceeding. The Commission requests that interested parties file comments on or before **September 15, 2004**.