

NEI, in consultation with industry communicators and representatives of the U.S. Department of Energy and the American Association of Railroads, has adopted a containment strategy for the upcoming movie. We do not want to do anything to provide additional publicity for this movie prior to the airing. The containment strategy is not a passive one, in that it envisions an aggressive effort prior to the broadcast.

It is the belief of this Senator that indeed it was a very aggressive effort, and the Nuclear Energy Institute put pressure on the network to drop all references to dangerous high-level nuclear waste. The last thing this industry wants the American people to understand is that legislation which has been supported in previous Congresses, and in this Congress, would result in the shipment of 77,000 metric tons of high-level nuclear waste within a mile or less of a total population of 50 million residing in 43 States.

The blue lines depict rails, and indeed there is a transportation corridor going through the State of Colorado, as well as others.

So why did NBC do an "el foldo"? NBC is owned by General Electric and, surprise, General Electric has a nuclear division, and one of its senior officers is a member of the board of directors of NEI.

I acknowledge it is a fictional scenario. But what is very real is that in point of fact the proposal is to transport high-level nuclear waste through all these rail corridors that are depicted on this map. That is not fictional. That is real.

It is, in fact, real that high-level nuclear waste is deadly, as NBC first described it. In fact, it is deadly for tens of thousands of years. In point of fact, as we know, every year there are thousands of train accidents in America. A runaway train is not a fictional scenario. That is something that occurs, sadly, from time to time. It is not a fictional scenario for a train and an automobile or a truck to collide at an at-grade crossing. That occurred tragically earlier this year in Illinois. It is not fictional for trains to be derailed.

The last thing this industry wants the American people to know and to understand is that, indeed, the shipment of high-level nuclear waste, proposed to be sent to a temporary—allegedly temporary—storage area in my own State, at the Nevada Test Site, is a scenario that would involve the transshipment of 77,000 metric tons of high-level nuclear waste, with all of the risks that are inherent therein.

What is even more outrageous is that it is totally unnecessary. The Nuclear Waste Technical Review Board tells us it is unnecessary. The Department of Energy has indicated it is unnecessary. The President has indicated he would veto such legislation. All the risks depicted in this scenario with high-level nuclear wastes could be a reality if there was a tragic train accident and, indeed, the canisters were compromised and high-level nuclear waste was scattered along the route.

I think this is a very dangerous proposal. I think the fact the network would cave in is equally dangerous, because the American people have a right to know what is being proposed. In Nevada, we understand the risk. Sadly, there are hundreds of millions of Americans in this country who are not familiar with the nuclear industry's proposal to make their backyards the corridor by which high-level nuclear waste is to pass.

I must say, with tongue in cheek, if this is to be the standard, one might contemplate that the cruise line industry might have put pressure upon the producers of "Titanic": Please do not make any reference to the fact that the ship is sinking. This may be bad for business. Or the producers of "Planet Of The Apes" might have been subjected to pressure from PETA, People for the Ethical Treatment of Animals, saying: Look, we object to the way in which these apes are being treated in the film; please make changes. Or if some of the advocates of my own State approached the producers of "Casino" and said: Look, we don't want you to make any references to "Casino" in this story line; please delete that.

In my judgment, the circumstantial evidence is powerful here. The description I have given, namely of deadly nuclear waste, was the network's own description just days ago. The NEI goes into a full court press, what they call a containment strategy—what we all know is damage control—and, miraculously, days before this miniseries is scheduled to air, the story line is changed and all references to deadly nuclear waste are deleted.

I hope the American people will not be misled, that they will understand the risks that affect them and their neighborhoods. Mr. President, 43 different States are affected in this scenario. This map I have here depicts essentially the States. Because, by their nature, highway corridors and rail corridors connect the major metropolitan communities of our country, this high-level nuclear waste would in fact go through major cities in America. That fact is largely unknown.

Last year, I had occasion to travel with my senior colleague to the two communities of Denver and St. Louis, and to share with those communities the risks that are involved. Most people in the community did not have any understanding that this scenario is not fictional and far-fetched but, indeed, it is contemplated that those shipments will occur.

I regret NBC felt it was necessary to respond to the pressure of the nuclear power industry. Having been involved in this battle for the last 17 years, I am not unmindful of what a powerful force they are, not only in Washington but around the country. They have every right to advocate their point of view. As to their concern that somehow their industry would be exposed for what it is, a high-risk industry that threatens the health and safety of many Ameri-

cans with this ill-conceived and unnecessary plan to ship nuclear waste to a temporary nuclear waste facility in my own State, at least this movie would have made the public aware that high-level nuclear waste is dangerous, to use the description NBC initially gave; that it was indeed going to pass through major cities such as Denver; and that indeed the health and safety of citizens of those communities and many others across the country could be compromised.

Mr. President, I yield the floor and the remainder of my time.

#### VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

##### AMENDMENT NO. 328

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of the HOLLINGS amendment, No. 328, for the remaining 2 hours of debate, which is to be equally divided in the usual form. Who yields time?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, this amendment is nothing more than reconstituting the family hour or the family viewing period. We had it during the seventies, but we set it aside, just like the distinguished Senator from Nevada was talking about with respect to censoring and making sure these producers and broadcasters don't interfere with the creative impulses of a writer or a producer in Hollywood. But when it comes to the bottom line, they change that around. That is what we have, and it is very, very difficult to make an overwhelming case.

We are again facing the same stonewalling that we viewed Sunday on "Meet the Press," when the representative of the Motion Picture Association, who has been doing this for 30-some years, said he did not know the effect of TV violence on children and asked for another study. We pointed out, of course, that is the way we started with Senator Pastore, back in 1969, 30 years ago, and that is when we had the Surgeon General's study. It has become worse and worse and worse over the years.

Again this morning, in the Washington Post, an article says: "Movie Mogul Defends Hollywood." Mr. Edgar Bronfman states:

Violence "is not an entertainment problem" . . .

Mr. President, all we have to do is go to the May 3 issue of Newsweek. I ask unanimous consent to print the article, "Loitering on the Dark Side" in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOITERING ON THE DARK SIDE—THE COLUMBINE HIGH KILLERS FED ON A CULTURE OF VIOLENCE THAT ISN'T ABOUT TO CHANGE

(By Steven Levy)

Now for the recriminations. Was the Colorado tragedy a legacy of our technoculture: Doom, "Natural Born Killers," hate-amplifying Web sites and pipe-bomb plans from the Net? Or simply two teenage killers' ability to collect enough ordnance to sustain a small army? Gathering the potential culprits seems less an exercise in fixing liability than tossing random darts at the violence-fixated cultural landscape. After the massacre, there were calls to cancel two upcoming Denver events: a Marilyn Manson concert and the NRA's annual convention. Guilt has to be spread pretty widely to make bedfellows of the androgynous Goth crooner and Charlton Heston.

Still, we've got to look for answers to prevent further massacres, if not to clear up the mystery in Littleton. The Internet has been getting heat not only as a host for some of the sick enthusiasms of the Trenchcoat Mafia, but as a potential source of explosive information. Defenders of the New rightfully note that criticizing the reach of the increasingly pervasive Web is like blaming paper for bad poetry. Still, it's undeniable that cyberspace offers unlimited opportunity to network with otherwise unreachable creepy people. What's worse is how the Net makes it easy to succumb to the temptation to post anything—even Übermensch song lyrics or murderous threats—without the sure sanctions that would come if you tried that in your geographical community. The Internet credo is empowerment, and unfortunately that also applies to troubled teens sticking their toes into the foul water of hatemongering. As parents are learning, the Net's easy accessibility to the netherworlds is a challenge that calls, at the least, for a measure of vigilance.

Hollywood is also a fat target. From Oliver Stone's lyric depiction of random murder (rabidly viewed by the Columbine killers) to stylish slaughter in "The Matrix," violence is the main course on our entertainment menu. We are a nation that comfortably embraces Tony Soprano, a basic-values type of guy who not only orders hits but himself performs the occasional whacking. The industry's defense is summarized by Doug Richardson, who's scripted "Die Hard II" and "Money Train." "If I were to accept the premise that the media culture is responsible," he says, "then I would be surprised that the thousands of violent images we see don't inspire more acts of violence." In other words, the sheer volume of carnage is proof of its harmlessness.

Mr. HOLLINGS. It says:

Hollywood is also a fat target. Oliver Stone's lyric depiction of random murder (rabidly viewed by the Columbine killers) to stylish slaughter in "The Matrix," violence is the main course on our entertainment menu.

I ask unanimous consent that a Time magazine article, again this month, entitled "Bang, You're Dead," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANG, YOU'RE DEAD  
REVENGE FANTASIES ARE PROLIFERATING IN MOVIES AND ON TV. BUT SHOULD THEY BE BLAMED FOR LITTLETON?

(By Richard Corliss)

The young and the older always eye one another across a gaping chasm. Gray heads shake in perplexity, even in a week of mourning, even over the mildest expressions of teen taste. Fashion, for example. Here are these nice kids from suburban Denver, heroically documenting the tragedy for TV, and they all seem to belong to the Church of Wearing Your Cap Backward. A day later, as the teens grieve en masse, oldsters ask, "when we were kids, would we have worn sweats and jeans to a memorial service for our friends?" And of course the trench-coat killers had their own distinctive clothing: Johnny Cash by way of Quentin Tarantino. Should we blame the Columbine massacre on haberdashery?

No, but many Americans want to pin the blame for this and other agonizing splatter fests on pop culture. Adults look at the revenge fantasies their kids see in the 'plexes, listen (finally) to the more extreme music, glance over their kids' shoulders at Druid websites and think, "Seems repulsive to me. Maybe pop culture pulled the trigger."

Who wouldn't want to blame self-proclaimed Antichrist superstar Marilyn Mason? Listen to Lunchbox, and get the creeps: "The big bully try to stick his finger in my chest/ Try to tell me, tell me he's the best/ But I don't really give a good goddamn cause/ I got my lunchbox and I'm armed real well / Next mother\*\*\*\*\* gonna get my metal/ . . . Pow pow pow." Not quite Stardust.

Sift through teen movies of the past 10 years, and you could create a hindsight game plan for Littleton. Peruse Heathers (1989), in which a charming sociopath engineers the death of jocks and princesses. Study carefully, as one of the Columbine murderers reportedly did, Natural Born Killers (1994), in which two crazy kids cut a carnage swath through the Southwest as the media ferociously dog their trail. Sample The Basketball Diaries (1995), in which druggy high schooler Leonardo DiCaprio daydreams of strutting into his homeroom in a long black coat and gunning down his hated teacher and half the kids. The Rage: Carrie 2 (now in theaters) has jocks viciously taunting outsiders until one girl kills herself by jumping off the high school roof and another wreaks righteous revenge by using her telekinetic powers to pulverize a couple dozen kids.

Grownups can act out revenge fantasies too. In Payback, Mel Gibson dishes it out (pulls a ring out of a punk's nose, shoots his rival's face off through a pillow) and takes it (gets punched, switch-bladed, shot and, ick, toe-hammered). The Matrix, the first 1999 film to hit \$100 million at the box office, has more kung fu than gun fu but still brandishes an arsenal of firepower in its tale of outsiders against the Internet droids.

In Littleton's wake, the culture industry has gone cautious. CBS pulled an episode of Promised Land because of a plot about a shooting in front of a Denver school. The WB has postponed a Buffy the Vampire Slayer episode with a schoolyard-massacre motif. Movie-studio honchos, who furiously resist labeling some serious adult films FOR ADULTS ONLY, went mum last week when asked to comment on any connection between violent movies and violent teen behavior. That leaves us to explain things.

Revenge dramas are as old as Medea (she tore her sons to pieces), as hallowed as Hamlet (seven murders), as familiar as The Godfather. High drama is about the conflict between shades of good and evil, often within the same person. But it's easier to dream up

a scenario of slavering evil and imperishable good. This is the moral and commercial equation of melodrama: the greater the outrage suffered, the greater the justification for revenge. You grind me down at first; I grind you up at last. This time it's personal.

Fifty years ago, movies were homogenous, meant to appeal to the whole family. Now pop culture has been Balkanized; it is full of niches, with different groups watching and playing their own things. And big movies, the ones that grab \$20 million on their first weekend, are guy stuff. Young males consume violent movies, in part, for the same reason they groove to outlaw music: because their parents can't understand it—or stand it. To kids, an R rating for violence is like the Parental Advisory on CDs: a Good House-breaking Seal of Approval.

The cultural gap, though, is not just between old and young. It is between the haves and the self-perceived have-nots of teen America. Recent teen films, whether romance or horror, are really about class warfare. In each movie, the cafeteria is like a tiny former Yugoslavia, with each clique its own faction: the Serbian jocks, Bosnian bikers, Kosovar rebels, etc. And the horror movies are a microcosm of ethnic cleansing.

Movies may glamorize mayhem while serving as a fantasy safety valve. A steady diet of megaviolence may coarsen the young psyche—but some films may instruct it. Heathers and Natural Born Killers are crystal-clear satires on psychopathy, and The Basketball Diaries is a mordant portrait of drug addiction. Payback is a grimly synoptic parody of all gangster films. In three weeks, 15 million people have seen The Matrix and not gone berserk. And Carrie 2 is a crappy remake of a 1976 hit that led to no murders.

Mr. HOLLINGS. Reading one sentence:

Sift through teen movies of the past 10 years, and you could create a hindsight game plan for Littleton.

Another interesting article, "Gunning for Hollywood," appeared in U.S. News & World Report on May 10. I ask unanimous consent that the column by John Leo be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUNNING FOR HOLLYWOOD

(By John Leo)

Every time a disaster like the Colorado massacre occurs, Democrats want to focus on guns and Republicans want to talk about popular culture. Much of this comes from actual conviction, but economic interest often disguises itself as principle. The Republicans can't say much about the gun lobby, because they accept too much of its money. The Democrats can't talk about Hollywood and the rest of the entertainment industry, because that's where so much of their funding comes from.

The gun and entertainment executives tend to patrol the same familiar borders. Charlton Heston, head of the National Rifle Association, offered some dubious arguments: An armed guard at Columbine High School would have saved lives; legalizing concealed weapons tends to lower crime rates. Gerald Levin, the equally adamant head of Time Warner, said he feared "a new season of political opportunism and moral arrogance intended to scapegoat the media." He raised the specter of censorship, noting that Oliver Cromwell, "the spiritual forebear of Rev. Falwell," shut down the theaters of 17th-century England on moral grounds.

Surely we can do better than this. We can talk about the importance of gun control,

and we can talk about the impact on behavior of violence portrayed in the media without suggesting that censorship is any kind of solution.

This time around, a center of sorts seems to be forming. Bill Bennett and Sen. Joseph Lieberman, familiar social conservative voices on this issue, have been joined by Sens. John McCain and Sam Brownback and, it seems, by the Clintons and the Gores. Tipper Gore said that the entertainment media bear some responsibility for the killings in Colorado. In a radio address, President Clinton urged parents to "refuse to buy products" which glorify violence."

If more Republicans will talk about guns, maybe more Democrats will ask their favorite media moguls to start thinking harder about the social impact of the many awful products they dump on the market.

"We want to appeal to their sense of responsibility and citizenship and ask them to look beyond the bottom line," said Lieberman. There is talk of some sort of "summit meeting" on violence. McCain plans a hearing this week on how violence is marketed to children. For the long term, we need a campaign appealing to pride and accountability among media executives. Shame, too, says Lieberman.

Pointless violence is an obvious topic. In the dreadful Mel Gibson movie *Payback*, a nose ring is yanked off, bringing some of the nose with it. A penis is pulled off in the new alleged comedy *Idle Hands*. Worse are the apparent connections between screen and real-world violence. Michael Carneal's shooting rampage in a Kentucky school was similar to one in a movie he saw, *The Basketball Diaries*. In the film, the main character dreams of breaking down a classroom door and shooting six classmates and a teacher while other students cheer. In Manhattan in 1997, one of the men who stomped a parade watcher to death on St. Patrick's Day finished with a line almost exactly like the one uttered by a killer in the movie *A Bronx Tale*: "Look at me—I'm the one who did this to you."

A damaging kind of movie violence is currently on display in a very good new movie, *The Matrix*. Keanu Reeves's slaughter of his enemies is filmed as a beautiful ballet. Thousands of shells fall like snow from his helicopter and bounce in romantic slo-mo off walls and across marble floors. The whole scene makes gunning people down seem like a wonderfully satisfying hobby, as if a brilliant ad agency had just landed the violence account. What you glorify you tend to get more of. Somebody at the studio should have asked, "Do we really need more romance attached to the act of blowing people away?"

Sadism for the masses. A generation or two ago, movie violence was routinely depicted as a last resort. There were exceptions, of course. But violence was typically something a hero was forced to do, not something he enjoyed. He had no choice. Now, as the critic Mark Crispin Miller once wrote, screen violence "is used primarily to invite the viewer to enjoy the feel of killing, beating, mutilating."

We are inside the mind and emotions of the shooter, experiencing the excitement. This is violence not as a last resort but as deeply satisfying lifestyle. And those who use films purely to exploit and promote the lifestyle ought to be called on it.

Some years ago, Cardinal Roger Mahony, Roman Catholic archbishop of Los Angeles, was thought to be preparing a speech calling for a tough new film-rating code. Hollywood prepared itself to be appalled. But instead of calling for a code, the cardinal issued a pastoral letter defending artistic freedom and appealed to moviemakers to think more about how to handle screen violence. When

violence is portrayed, he wrote, "Do we feel the pain and dehumanization it causes to the person on the receiving end, and to the person who engages in it? . . . Does the film cater to the aggressive and violent impulses that lie hidden in every human heart? Is there danger its viewers will be desensitized to the horror of violence by seeing it?"

Good questions. Think about it, Hollywood.

Mr. HOLLINGS. Mr. President, Mr. Leo's column cites that TV violence has a definite effect on children.

Turning to the New Republic of May 17, Gregg Easterbrook in the New Republic wrote another relevant article entitled, "Watch and Learn." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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*Section:* Pg. 22.

*Length:* 3724 words.

*Headline:* Watch and Learn.

*Byline:* Gregg Easterbrook.

*Highlight:* Yes, the media do make us more violent.

*Body:* Millions of teens have seen the 1996 move *Scream*, a box-office and home-rental hit. Critics adored the film. The Washington Post declared that it "deftly mixes irony, self-reference, and social wry commentary." The Los Angeles Times hailed it as "a bravura, provocative send-up." *Scream* opens with a scene in which a teenage girl is forced to watch her jock boyfriend tortured and then disemboweled by two fellow students who, it will eventually be learned, want revenge on anyone from high school who crossed them. After jock boy's stomach is shown cut open and he dies screaming, the killers stab and torture the girl, then cut her throat and hang her body from a tree so that Mom can discover it when she drives up. A dozen students and teachers are graphically butchered in the film, while the characters make running jokes about murder. At one point, a boy tells a big-breasted friend she'd better be careful because the stacked girls always get it in horror films; in the next scene, she's grabbed, stabbed through the breasts, and murdered. Some provocative send-up, huh? The move builds to a finale in which one of the killers announces that he and his accomplice started off by murdering strangers but then realized it was a lot of more fun to kill their friends.

Now that two Colorado high schoolers have murdered twelve classmates and a teacher—often, it appears, first taunting their pleading victims, just like celebrity stars do in the movies—some commentators have dismissed the role of violence in the images shown to the young, pointing out that horrific acts by children existed before celluloid or the phosphor screen. That is true—the Leopold-Loeb murder of 1924, for example. But mass murders by the young, once phenomenally rare, are suddenly on the increase. Can it be coincidence that this increase is happening at the same time that Hollywood has begun to market the notion that mass murder is fun?

For, in cinema's never-ending quest to up the ante on violence, murder as sport is the latest frontier. Slasher flicks began this trend; most portray carnage from the killer's point of view, showing the victim cowering, begging, screaming as the blade goes in, treating each death as a moment of festivity for the killer. (Many killers seek feelings of power over their victims, criminology finds;

by revealing in the pleas of victims, slasher movies promote this base emotion.) The 1994 movie *Natural Born Killers* depicted slaying the helpless not only as a way to have a grand time but also as a way to become a celebrity; several dozen onscreen murders are shown in that film, along with a discussion of how great it makes you feel to just pick people out at random and kill them. The 1994 movie *Pulp Fiction* presented hit men as glamour figures having loads of interesting fun; the actors were mainstream stars like John Travolta. The 1995 movie *Seven*, starring Brad Pitt, portrayed a sort of contest to murder in unusually grotesque ways. (Screenwriters now actually discuss, and critics comment on, which film's killings are most amusing.) The 1995 movie *The Basketball Diaries* contains an extended dream sequence in which the title character, played by teen heartthrob Leonardo DiCaprio, methodically guns down whimpering, pleading classmates at his high school. A rock soundtrack pulses, and the character smiles as he kills.

The new Hollywood tack of portraying random murder as a form of recreation does not come from schlock-houses. Disney's Miramax division, the same mainstream studio that produced *Shakespeare in Love*, is responsible for *Scream* and *Pulp Fiction*. Time-Warner is to blame for *Natural Born Killers* and actually ran television ads promoting this film as "delirious, daredevil fun." (After it was criticized for calling murder "fun," Time-Warner tried to justify *Killers* as social commentary; if you believe that, you believe *Godzilla* was really about biodiversity protection.) Praise and publicity for gratuitously violent movies come from the big media conglomerates, including the newspapers and networks that profit from advertising for films that glorify murder. Disney, now one of the leading promoters of violent images in American culture, even feels that what little kids need is more violence. Its Christmas 1998 children's movie *Mighty Joe Young* begins with an eight-year-old girl watching her mother being murdered. By the movie's end, it is 20 years later, and the killer has returned to stalk the grown daughter, pointing a gun in her face and announcing, "Now join your mother in hell." A Disney movie.

One reason Hollywood keeps reaching for ever-more-obscene levels of killing is that it must compete with television, which today routinely airs the kind of violence once considered shocking in theaters. According to studies conducted at Temple University, prime-time network (non-news) shows now average up to five violent acts per hour. In February, NBC ran in prime time the movie *Eraser*, not editing out an extremely graphic scene in which a killer pulls a gun on a bystander and blasts away. The latest TV movie based on *The Rockford Files*, which aired on CBS the night of the Colorado murders, opened with a scene of an eleven-year-old girl in short-shorts being stalked by a man in a black hood, grabbed, and dragged off, screaming. *The Rockford Files* is a comedy. Combining television and movies, the typical American boy or girl, studies find, will observe a stunning 40,000 dramatizations of killing by age 18.

In the days after the Colorado slaughter, discussion of violent images in American culture was dominated by the canned positions of the anti-Hollywood right and the *mammon-is-our-God* film lobby. The debate missed three vital points: the distinction between what adults should be allowed to see (anything) and what the inchoate minds of children and adolescents should see; the way in which important liberal battles to win free expression in art and literature have been perverted into an excuse for antisocial

video brutality produced by cynical capitalists; and the difference between censorship and voluntary acts of responsibility.

The day after the Colorado shooting, Mike De Luca, an executive of New Line Cinema, maker of *The Basketball Diaries*, told USA Today that, when kids kill, “bad home life, bad parenting, having guns in the home” are “more of a factor than what we put out there for entertainment.” Setting aside the disclosure that Hollywood now categorizes scenes of movies stars gunning down the innocent as “entertainment,” De Luca is correct: studies do show that upbringing is more determinant of violent behavior than any other factor. But research also clearly shows that the viewing of violence can cause aggression and crime. So the question is, in a society already plagued by poor parenting and unlimited gun sales, why does the entertainment industry feel privileged to make violence even more prevalent?

Even when researchers factor out other influences such as parental attention, many peer-reviewed studies having found causal links between viewing phony violence and engaging in actual violence. A 1971 surgeon general’s report asserted a broad relationship between the two. Studies by Brandon Centerwall, an epidemiologist at the University of Wisconsin, have shown that the postwar murder rise in the United States began roughly a decade after TV viewing became common. Centerwall also found that, in South Africa, where television was not generally available until 1975, national murder rates started rising about a decade later. Violent computer games have not existed long enough to be the subject of many controlled studies, but experts expect it will be shown that playing such games in youth also correlates with destructive behavior. There’s an eerie likelihood that violent movies and violent games amplify one another, the film and television images placing thoughts of carnage into the psyche while the games condition the trigger finger to act on those impulses.

Leonard Eron, a psychologist at the University of Michigan, has been tracking video violence and actual violence for almost four decades. His initial studies, in 1960, found that even the occasional violence depicted in 1950s television—to which every parent would gladly return today—caused increased aggression among eight-year-olds. By the adult years, Eron’s studies find, those who watched the most TV and movies in childhood were much more likely to have been arrested for, or convicted of, violent felonies. Eron believes that ten percent of U.S. violent crime is caused by exposure to images of violence, meaning that 90 percent is not but that a ten percent national reduction in violence might be achieved merely by moderating the content of television and movies. “Kids learn by observation,” Eron says. “If what they observe is violent, that’s what they learn.” To cite a minor but telling example, the introduction of vulgar language into American public discourse traces, Eron thinks, largely to the point at which stars like Clark Gable began to swear onscreen, and kids then imitated swearing as normative.

Defenders of bloodshed in film, television, and writing often argue that depictions of killing don’t incite real violence because no one is really affected by what they see or read; it’s all just water off a duck’s back. At heart, this is an argument against free expression. The whole reason to have a First Amendment is that people are influenced by what they see and hear: words and images do change minds, so there must be free competition among them. If what we say, write, or show has no consequences, why bother to have free speech?

Defenders of Hollywood bloodshed also employ the argument that, since millions of people watch screen mayhem and shrug, feigned violence has no causal relation to actual violence. After a horrific 1992 case in which a British gang acted out a scene from the slasher movie *Child’s Play 3*, torturing a girl to death as the movie had shown, the novelist Martin Amis wrote dismissively in *The New Yorker* that he had rented *Child’s Play 3* and watched the film, and it hadn’t made him want to kill anyone, so what was the problem? But Amis isn’t homicidal or unbalanced. For those on the psychological borderline, the calculus is different. There have, for example, been at least two instances of real-world shootings in which the guilty imitated scenes in *Natural Born Killers*.

Most telling, Amis wasn’t affected by watching a slasher movie because Amis is not young. Except for the unbalanced, *exposure to violence in video is not so important for adults; adults can watch anything they want,* Eron says. *Younger minds are a different story. Children who don’t yet understand the difference between illusion and reality may be highly affected by video violence. Between the ages of two and eight, hours of viewing violent TV programs and movies correlates closely to felonies later in life;* the child comes to see hitting, stabbing, and shooting as normative acts. The link between watching violence and engaging in violence continues up to about the age of 19, Eron finds, after which most people’s characters have been formed, and video mayhem no longer correlates to destructive behavior.

Trends in gun availability do not appear to explain the murder rise that has coincided with television and violent films. Research by John Lott Jr., of the University of Chicago Law School, shows that the percentage of homes with guns has changed little throughout the postwar era. What appears to have changed is the willingness of people to fire their guns at one another. Are adolescents now willing to use guns because violent images make killing seem acceptable or even cool? Following the Colorado slaughter, The New York Times ran a recounting of other postwar mass murders staged by the young, such as the 1966 Texas tower killings, and noted that they all happened before the advent of the Internet or shock rock, which seemed to the Times to absolve the modern media. *But all the mass killings by the young occurred after 1950—after it became common to watch violence on television.*

When horrific murders occur, the film and television industries routinely attempt to transfer criticism to the weapons used. Just after the Colorado shootings, for instance, TV talk-show host Rosie O’Donnell called for a constitutional amendment banning all firearms. How strange that O’Donnell didn’t call instead for a boycott of Sony or its production company, Columbia Tristar—a film studio from which she has received generous paychecks and whose current offerings include 8MM, which glamorizes the sexual murder of young women, and *The Replacement Killers*, whose hero is a hit man and which depicts dozens of gun murders. Handguns should be licensed, but that hardly excuses the convenient sanctimony of blaming the crime on the weapon, rather than on what resides in the human mind.

And, when it comes to promoting adoration of guns, Hollywood might as well be the NRA’s marketing arm. An ever-increasing share of film and television depicts the firearm as something the virile must have and use, if not an outright sexual aid. Check the theater section of any newspaper, and you will find an ever-higher percentage of movie ads in which the stars are prominently holding guns. Keanu Reeves, Uma Thurman, Lau-

rence Fishburne, Geena Davis, Woody Harrelson, and Mark Wahlberg are just a few of the hip stars who have posed with guns for movie advertising. Hollywood endlessly congratulates itself for reducing the depiction of cigarettes in movies and movie ads. Cigarettes had to go, the film industry admitted, because glamorizing them gives the wrong idea to kids. But the glamorization of firearms, which is far more dangerous, continues. Today, even female stars who otherwise consider themselves politically aware will model in sexualized poses with guns. Ads for the new movie *Goodbye Lover* show star Patricia Arquette nearly nude, with very little between her and the viewer but her handgun.

But doesn’t video violence merely depict a stark reality against which the young need be warned? American society is far too violent, yet the forms of brutality highlighted in the movies and on television—prominently “thrill” killings and serial murders—are pure distortion. Nearly 99 percent of real murders result from robberies, drug deals, and domestic disputes; figures from research affiliated with the FBI’s behavioral sciences division show an average of only about 30 serial or “thrill” murders nationally per year. Thirty is plenty horrifying enough, but, at this point, each of the major networks and movie studios alone depicts more “thrill” and serial murders annually than that. By endlessly exploiting the notion of the “thrill” murder, Hollywood and television present to the young an entirely imaginary image of a society in which killing for pleasure is a common event. The publishing industry, including some TNR advertisers, also distorts for profit the frequency of “thrill” murders.

The profitability of violent cinema is broadly dependent on the “down-rating” of films—movies containing extreme violence being rated only R instead of NC-17 (the new name for X)—and the lax enforcement of age restrictions regarding movies. Teens are the best market segment for Hollywood; when moviemakers claim their violent movies are not meant to appeal to teens, they are simply lying. The millionaire status of actors, directors, and studio heads—and the returns of the mutual funds that invest in movie companies—depends on not restricting teen access to theaters or film rentals. Studios in effect control the movie ratings board and endlessly lobby it not to label extreme violence with an NC-17, the only form of rating that is actually enforced. *Natural Born Killers*, for example, received an R following Time-Warner lobbying, despite its repeated close-up murders and one charming scene in which the stars kidnap a high school girl and argue about whether it would be more fun to kill her before or after raping her. Since its inception, the movie ratings board has put its most restrictive rating on any realistic representation of lovemaking, while sanctioning ever-more-graphic depictions of murder and torture. In economic terms, the board’s pro-violence bias gives studios an incentive to present more death and mayhem, confident that ratings officials will smile with approval.

When r-and-x battles were first fought, intellectual sentiment regarded the ratings system as a way of blocking the young from seeing films with political content, such as *Easy Rider*, or discouraging depictions of sexuality; ratings were perceived as the rubes’ counterattack against cinematic sophistication. But, in the 1960s, murder after murder after murder was not standard cinema fare. The most controversial violent film of that era, *A Clockwork Orange*, depicted a total of one killing, which was heard but not on-camera. (*Clockwork Orange* also had genuine political content, unlike most of

today's big studio movies.) In an era of runaway screen violence, the '60s ideal that the young should be allowed to see what they want has been corrupted. In this, trends in video mirror the misuse of liberal ideals generally.

Anti-censorship battles of this century were fought on firm ground, advocating the right of films to tackle social and sexual issues (the 1930s Hays office forbid among other things cinematic mention of cohabitation) and free access to works of literature such as Ulysses, Story of O, and the original version of Norman Mailer's The Naked and the Dead. Struggles against censors established that suppression of film or writing is wrong.

*But to say that nothing should be censored is very different from saying that everything should be shown.* Today, Hollywood and television have twisted the First Amendment concept that occasional repulsive or worthless expression must be protected, so as to guarantee freedom for works of genuine political content or artistic merit, into a new standard in which constitutional freedoms are employed mainly to safeguard works that make no pretense of merit. In the new standard, the bulk of what's being protected is repulsive or worthless, with the meritorious work the rare exception.

*Not only is there profit for the performers, producers, management, and shareholders of firms that glorify violence, so, too, is there profit for politicians.* Many conservative or Republican politicians who denounce Hollywood eagerly accept its lucre. Bob Dole's 1995 anti-Hollywood speech was not followed up by anti-Hollywood legislation or campaign-funds strategy. After the Colorado murders, President Clinton declared, "Parents should take this moment to ask what else they can do to shield children from violent images and experiences that warp young perceptions." But Clinton was careful to avoid criticizing Hollywood, one of the top sources of public backing and campaign contributions for him and his would-be successor, Vice President Al Gore. The president has nothing specific to propose on film violence—only that parents should try to figure out what to do.

When television producers say it is the parents' obligation to keep children away from the tube, they reach the self-satire point of warning that their own product is unsuitable for consumption. The situation will improve somewhat beginning in 2000, by which time all new TVs must be sold with the "V-chips"—supported by Clinton and Gore—which will allow parents to block violent shows. But it will be at least a decade before the majority of the nation's sets include the chip, and who knows how adept young minds will prove at defeating it? Rather than relying on a technical fix that will take many years to achieve an effect, TV producers could simply stop churning out the gratuitous violence. Television could dramatically reduce its output of scenes of killing and still depict violence in news broadcasts, documentaries, and the occasional show in which the horrible is genuinely relevant. Reduction in violence is not censorship; it is placing social responsibility before profit.

The movie industry could practice the same kind of restraint without sacrificing profitability. In this regard, the big Hollywood studios, including Disney, look craven and exploitative compared to, of all things, the porn-video industry. Repulsive material occurs in underground porn, but, in the products sold by the mainstream triple-X distributors such as Vivid Video (the MGM of the erotica business), violence is never, ever, ever depicted—because that would be irresponsible. Women and men perform every conceivable explicit act in today's main-

stream porn, but what is shown is always consensual and almost sunnily friendly. Scenes of rape or sexual menace never occur, and scenes of sexual murder are an absolute taboo.

*It is beyond irony that today Sony and Time-Warner eagerly market explicit depictions of women being raped, sexually assaulted, and sexually murdered, while the mainstream porn industry would never dream of doing so.* But, if money is all that matters, the point here is that mainstream porn is violence-free and yet risqué and highly profitable. Surely this shows that Hollywood could voluntarily step back from the abyss of glorifying violence and still retain its edge and its income.

Following the Colorado massacre, Republican presidential candidate Gary Bauer declared to a campaign audience, "In the America I want, all of these producers and directors, they would not be able to show their faces in public" because fingers "would be pointing at them and saying, 'Shame, shame.'" The statement sent chills through anyone fearing right-wing thought-control. But Bauer's final clause is correct—Hollywood and television do need to hear the words "shame, shame." The cause of the shame should be removed voluntarily, not to stave off censorship, but because it is the responsible thing to do.

Put it this way. The day after a teenager guns down the sons and daughters of studio executives in a high school in Bel Air or Westwood, Disney and Time-Warner will stop glamorizing murder. Do we have to wait until that day?

Mr. HOLLINGS. Mr. President, we include by reference—not printed in the RECORD of course—the hearings of 1993, 1995, and 1997 which are relevant today. In fact, they have been exacerbated by the events we have not only seen in Colorado, but in Kentucky and Arkansas in the various schools, but more particular, it has supported our case about the industry, the broadcasters, the producers—by Hollywood.

Let's understand first the putoff we had and the stonewalling back in 1990 when Senator Paul Simon said: What we have to do really—let's not rush into this.

We have been rushing in since 1969. But in 1989 and 1990, we could not rush in, and we had to have a code of conduct. The reason they could not get it was because of the antitrust laws. So we put in an estoppel to the antitrust laws applying to this particular endeavor. We had the standards for depiction of violence and television programs issued by ABC, CBS, and NBC in 1992.

Mr. President, this is what the programmers themselves said:

However, all depictions of violence should be relevant and necessary to the development of character or to the advancement of theme or plot.

Going further:

Gratuitous or excessive depictions of violence are not acceptable.

Mr. President, that is word for word our amendment. What we try to bar is excessive, gratuitous violence during the family hour. It works in the United Kingdom. It works in Belgium and in Europe. It works down in Australia. It is tried and true and passes constitutional muster.

We had this problem develop with respect to indecency. Finally, the Con-

gress acted and we installed in law the authority and responsibility for the Federal Communications Commission to determine the time period of family hour, which has been determined from 6 in the morning to 10 in the evening, and they barred showing of indecency on television in America. That has worked. It was taken to the courts. The lawyers immediately went to work, but the lower court decision has been upheld by the Supreme Court.

The Attorney General of the United States appeared at our hearing before the Commerce, Science and Transportation Committee and said she thought it definitely would pass constitutional muster. We also had a plethora of constitutional professors come in. The record is replete. It is not haphazard.

Let me quote entertainment industry executives and apologists saying just exactly what we say in our law:

Programs should not depict violence as glamourous—

I quote that from their own particular code of conduct—

Realistic depictions of violence should also portray the consequences of that violence to its victims and its perpetrators.

That was 1992. Let's find out what they did with the code of conduct.

In 1998, there was a study sponsored by the National Cable Television Association. This is one of the most recent authoritative documents on the entire subject. It includes not only the National Parent-Teachers Association, Virginia Markel, the American Bar Association, Michael McCann, the National Education Association, Darlene Chavez, but—listen to this—Belva Davis, American Federation of Television and Radio Artists; Charles B. Fitzsimmons, Producers Guild of America; Carl Gotlieb, Writers Guild of America West; Ann Marcus, Caucus for Producers, Writers and Directors; Gene Reynolds, Directors Guild of America.

What do they say? I cannot print the entire document in the RECORD, in deference to economy in Government. I read from the findings on page 29:

Much of TV violence is still glamorized.

This was their code in 1992. There is no "glamorized." Six years later, they themselves—the producers, the writers, Hollywood itself—say:

Much of TV violence is still glamorized. Good characters are frequently the perpetrators of violence and rarely do they show remorse. Viewers of all ages are more likely to emulate and learn from characters who are perceived as attractive. Across the 3 years of this study, nearly 40 percent of the violent incidents on television are initiated by characters who possess qualities that make them attractive.

Heavens above. They prove our case for the amendment.

Again reading from the study:

Another aspect of glamorization is that physical aggression on television is often condoned. For example, more than one-third of violent programs feature bad characters who are never punished. Therefore, violence that goes unpunished in the shortrun poses serious risk to children.

Edgar Bronfman in the morning news said this is not something with the entertainment industry. But it is producers, it is writers, it is guilds, managers in Hollywood. I know if he had been in the liquor business, he would tell him to go on out there and find out what is going on.

Reading further from their report:

Violent behavior on television is quite serious in nature. Across the 3-year study, more than half of the violent incidents feature physical aggression that would be lethal or incapacitating if it were to occur in real life. In spite of very serious forms of aggression, much of this violence is undermined by humor. At least 40 percent of the violent scenes on television include humor.

And on and on, from this particular report. It is really noteworthy that they prove our case. And to come up at this time saying that it does not have any effect, like they said on "Meet the Press" on Sunday, they would like to join in another study—and I understand the distinguished manager, the chairman, is going to ask for another study by the Surgeon General; and my distinguished chairman, the Senator from Arizona, he has joined in with the Senator from Connecticut to get another study.

Whereas the broadcasters, they know the history of broadcasting. We ought to send them all this three-volume set. I quote from page 23. Writers receive numerous plot instructions. This is back in 1953, 46 years ago. I quote:

It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

That is how you make money. They can put out all the language just like we do. I guess we are emulating them because we all talk about a surplus, a surplus, a surplus, when we have a deficit. They talk again and again and again how they are against this violence, and yet they continue, under their own study, to spew it out and have a definite effect out there in Colorado.

Mr. President, I call my colleagues attention to Senate Commerce Committee Report on "Children's Protection From Violent Programming Act," S. 363, Report No. 105-89 and the report on the "Children's Protection From Violent Programming Act of 1995," S. 470, Report No. 104-117.

Mr. President, let me agree, though, with Mr. Bronfman on this. And I quote Mr. Bronfman from this morning's Washington Post.

"It's unfortunate that the American people, who really look to their government for leadership, instead get finger-pointing and chest-pounding," he said.

I will read that again, because I agree with him. "It's unfortunate that the American people, who really look to their government for leadership, instead get finger-pointing and chest-pounding."

There it is. We are experts at it when we call the \$100 billion more we are

spending this year on a deficit a surplus. When we say it is a legitimate gun dealer, and you have to have a background check, a waiting period, it has sidelined 60,000 felons. It is working. But yesterday, due to the stonewalling and influence of the NRA, we said no, you can go to a gun show and there is no background check.

Can you imagine the Congress that has no shame whatever? I wish I were a lawyer outside practicing. I would take that case immediately up on the 14th amendment and the equal protection clause for the gun dealers and say that is an unconstitutional provision when you do not require it at the gun shows. I would easily win that case. So we are going to set that aside or hope it is brought immediately so we will do away with that. Maybe then they will sober up and we will get enough votes.

Here today we are going to be faced again with the same stonewalling. They go down again and again and again, and they will say: There is no problem. We ought to have further studies.

There is one other result I want to mention to my distinguished colleagues here in the Senate. I have already put in the 1972 report. But I ask unanimous consent the American Medical Association article "Television and Violence" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of the American Medical Association, June 10, 1992]

TELEVISION AND VIOLENCE: THE SCALE OF THE PROBLEM AND WHERE TO GO FROM HERE

(By Brandon S. Centerwall, MD, MPH)

In 1975 Rothenberg's Special Communication in JAMA, "Effect of Television Violence on Children and Youth," first alerted the medical community to the deforming effects the viewing of television violence has on normal child development, increasing levels of physical aggressiveness and violence.<sup>1</sup> In response to physicians' concerns sparked by Rothenberg's communication, the 1976 American Medical Association (AMA) House of Delegates passed Resolution 38: "The House declares TV violence threatens the health and welfare of young Americans, commits itself to remedial actions with interested parties, and encourages opposition to TV programs containing violence and to their sponsors."<sup>2</sup>

Other professional organizations have since come to a similar conclusion, including the American Academy of Pediatrics and the American Psychological Association.<sup>3</sup> In light of recent research findings, in 1990 the American Academy of Pediatrics issued a policy statement: "Pediatricians should advise parents to limit their children's television viewing to 1 to 2 hours per day."<sup>4</sup>

Rothenberg's communication was largely based on the findings of the 1968 National Commission on the Causes and Prevention of Violence<sup>5</sup> and the 1972 Surgeon General's report, *Television and Growing Up: The Impact of Televised Violence*.<sup>6</sup> Those findings were updated and reinforced by the 1982 report of the National Institute of Mental Health, *Television and Behavior: Ten Years of Scientific Progress and Implications for the Eighties*,

again documenting a broad consensus in the scientific literature that exposure to television violence increases children's physical aggressiveness.<sup>7</sup> Each of these governmental inquiries necessarily left open the question of whether this increase in children's physical aggressiveness would later lead to increased rates of violence. Although there had been dozens of laboratory investigations and short-term field studies (3 months or less), few long-term field studies (2 years or more) had been completed and reported. Since the 1982 National Institute of Mental Health report, long-term field studies have come into their own, some 20 having now been published.<sup>8</sup>

In my commentary, I discuss television's effects within the context of normal child development; give an overview of natural exposure to television as a cause of aggression and violence; summarize my own research findings on television as a cause of violence; and suggest a course of action.

#### TELEVISION IN THE CONTEXT OF NORMAL CHILD DEVELOPMENT

The impact of television on children is best understood within the context of normal child development. Neonates are born with an instinctive capacity and desire to imitate adult human behavior. That infants can, and do, imitate an array of adult facial expressions has been demonstrated in neonates as young as a few hours old, ie, before they are even old enough to know cognitively that they themselves have facial features that correspond with those they are observing.<sup>9,10</sup> It is a most useful instinct, for the developing child must learn and master a vast repertoire of behavior in short order.

Whereas infants have an instinctive desire to imitate observed human behavior, they do not possess an instinct for gauging a priori whether a behavior ought to be imitated. They will imitate anything,<sup>11</sup> including behaviors that most adults would regard as destructive and antisocial. It may give pause for thought, then, to learn that infants as young as 14 months of age demonstrably observe and incorporate behaviors seen on television.<sup>12,13</sup> (Looking ahead, in two surveys of young male felons imprisoned for committing violent crimes, eg, homicide, rape, and assault, 22% to 34% reported having consciously imitated crime techniques learned from television programs, usually successfully.<sup>14</sup>)

As of 1990, the average American child aged 2 to 5 years was watching over 27 hours of television per week.<sup>15</sup> This might not be bad, if young children understood what they are watching. However, up through ages 3 and 4 years, many children are unable to distinguish fact from fantasy in television programs and remain unable to do so despite adult coaching.<sup>16</sup> In the minds of such young children, television is a source of entirely factual information regarding how the world works. Naturally, as they get older, they come to know better, but the earliest and deepest impressions were laid down when the child saw television as a factual source of information about a world outside their homes where violence is a daily commonplace and the commission of violence is generally powerful, exciting, charismatic, and efficacious. Serious violence is most likely to erupt at moments of severe stress—and it is precisely at such moments that adolescents and adults are most likely to revert to their earliest, most visceral sense of what violence is and what its role is in society. Much of this sense will have come from television.

Not all laboratory experiments and short-term field studies demonstrate an effect of media violence on children's behavior, but most do.<sup>17,18</sup> In a recent meta-analysis of randomized, case-control, short-term studies,

\*See footnotes at end of article.

exposure to media violence caused, on the average, a significant increase in children's aggressiveness as measured by observation of their spontaneous, natural behavior following exposure ( $P<.05$ ).<sup>19</sup>

NATURAL EXPOSURE TO TELEVISION AS A CAUSE OF AGGRESSION AND VIOLENCE

In 1973, a small Canadian town (called "Notel" by the investigators) acquired television for the first time. The acquisition of television at such a late date was due to problems with signal reception rather than any hostility toward television. Joy et al<sup>20</sup> investigated the impact of television on this virgin community, using as control groups two similar communities that already had television. In a double-blind research design, a cohort of 45 first- and second-grade students were observed prospectively over a period of 2 years for rates of objectively measured noxious physical aggression (eg, hitting, shoving, and biting). Rates of physical aggression did not change significantly among children in the two control communities. Two years after the introduction of television, rates of physical aggression among children in Notel had increased by 160% ( $P<.001$ ).

In a 22-year prospective study of an age cohort in a semirural US county (N=875), Huesmann<sup>21</sup> observed whether boys' television viewing at age 8 years predicted the seriousness of criminal acts committed by age 30. After controlling for the boys' baseline aggressiveness, intelligence, and socioeconomic status at age 8, it was found that the boys' television violence viewing at age 8 significantly predicted the seriousness of the crimes for which they were convicted by age 30 ( $P<.05$ ).

In a retrospective case-control study, Kruttschnitt et al<sup>22</sup> compared 100 male felons imprisoned for violent crimes (eg, homicide, rape, and assault) with 65 men without a history of violent offenses, matching for age, race, and census tract of residence at age 10 to 14 years. After controlling for school performance, exposure to parental violence, and baseline level of criminality, it was found that the association between adult criminal violence and childhood exposure to television violence approached statistical significance ( $P<.10$ ).<sup>23</sup>

All Canadian and US studies of the effect of prolonged childhood exposure to television (2 years or more) demonstrate a positive relationship between earlier exposure to television and later physical aggressiveness, although not all studies reach statistical significance.<sup>8</sup> The critical period of exposure to television is preadolescent childhood. Later variations in exposure, in adolescence and adulthood, do not exert any additional effect.<sup>23,24</sup> However, the aggression-enhancing effect of exposure to television is chronic, extending into later adolescence and adulthood.<sup>8,25</sup> This implies that any interventions should be designed for children and their caregivers rather than for the general adult population.

These studies confirm what many Americans already believe on the basis of intuition. In a national opinion poll, 43% of adult Americans affirm that television violence "plays a part in making America a violent society," and an additional 37% find the thesis at least plausible (only 16% frankly disbelieve the proposition).<sup>26</sup> But how big a role does it play? What is the effect of natural exposure to television on entire populations? To address this issue, I took advantage of an historical experiment—the absence of television in South Africa prior to 1975.<sup>8,25</sup>

TELEVISION AND HOMICIDE IN SOUTH AFRICA, CANADA, AND THE UNITED STATES

The South African government did not permit television broadcasting prior to 1975,

even though South African whites were a prosperous, industrialized Western society.<sup>8</sup> Amidst the hostile tensions between the Afrikaner and English white communities, it was generally conceded that any South African television broadcasting industry would have to rely on British and American imports to fill out its programming schedule. Afrikaner leaders felt that that would provide an unacceptable cultural advantage to the English-speaking white South Africans. Rather than negotiate a complicated compromise, the Afrikaner-controlled government chose to finesse the issue by forbidding television broadcasting entirely. Thus, an entire population of 2 million whites—rich and poor, urban and rural, educated and uneducated—was nonselectively and absolutely excluded from exposure to television for a quarter century after the medium was introduced into the United States. Since the ban on television was not based on any concerns regarding television and violence, there was no self-selection bias with respect to the hypothesis being tested.

To evaluate whether exposure to television is a cause of violence, I examined homicide rates in South Africa, Canada, and the United States. Given that blacks in South Africa live under quite different conditions than blacks in the United States, I limited the comparison to white homicide rates in South Africa and the United States and the total homicide rate in Canada (which was 97% white in 1951). Data analyzed were from the respective government vital statistics registries. The reliability of the homicide data is discussed elsewhere.<sup>8</sup>

Following the introduction of television into the United States, the annual white homicide rate increased by 93%, from 3.0 homicides per 100,000 white population in 1945 to 5.8 per 100,000 in 1974; in South Africa, where television was banned, the white homicide rate decreased by 7%, from 2.7 homicides per 100,000 white population in 1943 through 1948 to 2.5 per 100,000 in 1974. As with US whites, following the introduction of television into Canada the Canadian homicide rate increased by 92%, from 1.3 homicides per 1,000 population in 1945 to 2.5 per 100,000 in 1974.

For both Canada and the United States, there was a lag of 10 to 15 years between the introduction of television and the subsequent doubling of the homicide rate. Given that homicide is primarily an adult activity, if television exerts its behavior-modifying effects primarily on children, the initial "television generation" would have had to age 10 to 15 years before they would have been old enough to affect the homicide rate. If this were so, it would be expected that, as the initial television generation grew up, rates of serious violence would first begin to rise among children, then several years later it would begin to rise among adolescents, then still later among young adults, and so on. And that is what is observed.<sup>8</sup>

In the period immediately preceding the introduction of television into Canada and the United States, all three countries were multiparty, representative, federal democracies with strong Christian religious influences, where people of nonwhite races were generally excluded from political power. Although television broadcasting was prohibited prior to 1975, white South Africa had well-developed book, newspaper, radio, and cinema industries. Therefore, the effect of television could be isolated from that of other media influences. In addition, I examined an array of possible confounding variables—changes in age distribution, urbanization, economic conditions, alcohol consumption, capital punishment, civil unrest, and the availability of firearms.<sup>8</sup> None provided a viable alternative explanation for the ob-

served homicide trends. For further details regarding the testing of the hypothesis, I refer the reader to the published monograph<sup>8</sup> and commentary.<sup>25</sup>

A comparison of South Africa with only the United States could easily lead to the hypothesis that US involvement in the Vietnam War or the turbulence of the civil rights movement was responsible for the doubling of homicide rates in the United States. The inclusion of Canada as a control group precludes these hypotheses, since Canadians likewise experienced a doubling of homicide rates without involvement in the Vietnam War and without the turbulence of the US civil rights movement.

When I published my original paper in 1989, I predicted that white South African homicide rates would double within 10 to 15 years after the introduction of television in 1975, the rate having already increased 56% by 1983 (the most recent year then available).<sup>8</sup> As of 1987, the white South African homicide rate had reached 5.8 homicides per 100,000 white population, a 130% increase in the homicide rate from the rate of 2.5 per 100,000 in 1974, the last year before television was introduced.<sup>27</sup> In contrast, Canadian and white US homicide rates have not increased since 1974. As of 1987, the Canadian homicide rate was 2.2 per 100,000, as compared with 2.5 per 100,000 in 1974.<sup>28</sup> In 1987, the US white homicide rate was 5.4 per 100,000, as compared with 5.8 per 100,000 in 1974.<sup>29</sup> (Since Canada and the United States became saturated with television by the early 1960s, it was expected that the effect of television on rates of violence would likewise reach a saturation point 10 to 15 years later.)

It is concluded that the introduction of television in the 1950s caused a subsequent doubling of the homicide rate, i.e., long-term childhood exposure to television is a causal factor behind approximately one half of the homicides committed in the United States, or approximately 10,000 homicides annually. Although the data are not as well developed for other forms of violence, they indicate that exposure to television is also a causal factor behind a major proportion—perhaps one half—of rapes, assaults, and other forms of interpersonal violence in the United States.<sup>8</sup> When the same analytic approach was taken to investigate the relationship between television and suicide, it was determined that the introduction of television in the 1950s exerted no significant effect on subsequent suicide rates.<sup>30</sup>

To say that childhood exposure to television and television violence is a predisposing factor behind half of violent acts is not to discount the importance of other factors. Manifestly, every violent act is the result of an array of forces coming together—poverty, crime, alcohol and drug abuse, stress—which childhood exposure to television is just one. Nevertheless, the epidemiologic evidence indicates that if, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults.<sup>25,31</sup>

WHERE TO GO FROM HERE

In the war against tobacco, the tobacco industry is the last group from whom we expect any meaningful action. If someone were to call on the tobacco industry to cut back tobacco production as a matter of social conscience and out of concern for the public health, we would regard that person as being at least simple-minded, if not frankly deranged. Oddly enough, however, people have persistently assumed that the television industry operates by a higher standard of morality than the tobacco industry—that it is useful to appeal to its social conscience. This

was true in 1969 when the National Commission on the Causes and Prevention of Violence published its recommendations for the television industry.<sup>32</sup> It was equally true in 1989 when the US Congress passed a television antiviolence bill that granted television industry executives the authority to confer on the issue of television violence without being in violation of antitrust laws.<sup>33</sup> Even before the law was fully passed, the four networks stated that they had no intention of using this antitrust exemption to any useful end and that there would be no substantive changes in programming content.<sup>34</sup> They have been as good as their word.

Cable aside, the television industry is not in the business of selling programs to audiences. It is in the business of selling audiences to advertisers. Issues of "quality" and "social responsibility" are entirely peripheral to the issue of maximizing audience size within a competitive market—and there is no formula more tried and true than violence for reliably generating large audiences that can be sold to advertisers. If public demand for tobacco decreases by 1%, the tobacco industry will lose \$250 million annually in revenue.<sup>35</sup> Similarly, if the television audience size were to decrease by 1%, the television industry would stand to lose \$250 million annually in advertising revenue.<sup>35</sup> Thus, changes in audience size that appear trivial to you and me are regarded as catastrophic by the industry. For this reason, industry spokespersons have made innumerable protestations of good intent, but nothing has happened. In over 20 years of monitoring levels of television violence, there has been no downward movement.<sup>36,37</sup> There are no recommendations to make to the television industry. To make any would not only be futile but create the false impression that the industry might actually do something constructive.

The American Academy of Pediatrics recommends that pediatricians advise parents to limit their children's television viewing to 1 to 2 hours per day.<sup>4</sup> This is an excellent point of departure and need not be limited to pediatricians. It may seem remote that a child watching television today can be involved years later in violence. A juvenile taking up cigarettes is also remote from the dangers of chronic smoking, yet those dangers are real, and it is best to intervene early. The same holds true regarding television-viewing behavior. The instruction is simple: For children, less TV is better, especially violent TV.

Symbolic gestures are important, too. The many thousands of physicians who gave up smoking were important role models for the general public. Just as many waiting rooms now have a sign saying, "This Is a Smoke-Free Area" (or words to that effect), so likewise a sign can be posted saying, "This Is a Television-Free Area." (This is not meant to exclude the use of instructional videotapes.) By sparking inquiries from parents and children, such a simple device provides a low-key way to bring up the subject in a clinical setting.

Children's exposure to television and television violence should become part of the public health agenda, along with safety seats, bicycle helmets, immunizations, and good nutrition. One-time campaigns are of little value. It needs to become part of the standard package: Less TV is better, especially violent TV. Part of the public health approach should be to promote child-care alternatives to the electronic baby-sitter, especially among the poor who cannot afford real baby-sitters.

Parents should guide what their children watch on television and how much. This is an old recommendation<sup>32</sup> that can be given new teeth with the help of modern tech-

nology. It is now feasible to fit a television set with an electronic lock that permits parents to preset which programs, channels, and times they wish the set to be available for; if a particular program or time of day is locked, the set won't turn on for that time or channel.<sup>38</sup> The presence of a time-channel lock restores and reinforces parental authority, since it operates even when the parents are not at home, thus permitting parents to use television to their family's best advantage. Time-channel locks are not merely feasible, but have already been designed and are coming off the assembly line (eg, the Sony XBR).

Closed captioning permits deaf and hard-of-hearing persons access to television. Recognizing that market forces alone would not make closed-captioning technology available to more than a fraction of the deaf and hard-of-hearing, the Television Decoder Circuitry Act was signed into law in 1990, requiring that, as of 1993, all new television sets (with screens 33 cm or larger, ie, 96% of new television sets) be manufactured with built-in closed-captioning circuitry.<sup>39</sup> A similar law should require that eventually all new television sets be manufactured with built-in time-channel lock circuitry—and for a similar reason. Market forces alone will not make this technology available to more than a fraction of households with children and will exclude poor families, the ones who suffer the most from violence. If we can make television technology available that will benefit 24 million deaf and hard-of-hearing Americans,<sup>30</sup> surely we can do not less for the benefit of 50 million American children.<sup>35</sup>

Unless they are provided with information, parents are ill-equipped to judge which programs to place off-limits. As a final recommendation, television programs should be accompanied by a violence rating so parents can gauge how violent a program is without having to watch it. Such a rating system should be quantitative and preferably numerical, leaving aesthetic and social judgments to the viewers. Exactly how the scale ought to be quantified is less important than that it be applied consistently. Such a rating system would enjoy broad popular support: In a national poll, 71% of adult Americans favor the establishment of a violence rating system for television programs.<sup>40</sup>

It should be noted that none of these recommendations impinges on issues of freedom of speech. That is as it should be. It is not reasonable to address the problem of motor vehicle fatalities by calling for a ban on cars. Instead, we emphasize safety seats, good traffic signs, and driver education. Similarly, to address the problem of violence caused by exposure to television, we need to emphasize time-channel locks, program rating systems, and education of the public regarding good viewing habits.

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Mr. HOLLINGS. Mr. President, I am limited in time so I am going along:

Following the introduction of television in the United States, the annual white homicide rate increased by 93 percent from 1945 to 1974. In Canada during that same period, the homicide rate increased 92 percent.

This is really the clincher, Mr. President:

In South Africa, where television was not introduced until 1975, the white homicide rate decreased 7 percent between 1943 and 1974; but by 1987, 12 years after television was introduced in South Africa, the white homicide rate there had increased by 130 percent.

Mr. Bronfman says it has nothing to do with television. Come on. Give us a break. For those who come around now and say: We are going to have content, V-chip, and everything else, and we want everything else, we have the content, we all agree—we did not all agree. In fact, NBC, the premium television network, they didn't agree to a content-based rating system; it is voluntary. They said: I do not agree with that, and we are not going to do it. And they do not do it. But they are talking about content.

BET, Black Entertainment Television, another responsible network group, said: We are not going along with that.

But let's see what the Kaiser Family Foundation found out since they have put in now, for a couple years, the so-called content rating system. A 1999 study by the Kaiser Family Foundation found that 79 percent of shows with moderate levels of violence do not receive the content descriptor "V" for violence. Of course, NBC and BET do not go along with it.

There is the program, "Walker, Texas Ranger," which appears on the USA cable channel at 8 p.m. in the Washington, DC, area. It included the stabbing of two guards on a bus, an assault on a church by escaped convicts who take people hostage and threaten to rape a nun, and an episode ending where one escapee is shot and another is beaten unconscious. But the show did not receive the content descriptor "V" for violence.

This is all in the most recent Kaiser Family Foundation study.

The Kaiser study also found that no programs rated TV-G receive a "V" rating for violence. Moreover, 81 percent of the children's programming containing violence did not even receive the "FV" rating for fantasy violence.

And then a question. Let me quote this one:

The bottom line is clear.

This is from the Kaiser report:

Parents cannot rely on the content descriptors as currently employed to block all shows containing violence. There is still a significant amount of moderate to high-level violence in shows without content descriptors. And with respect to children's programming, the failure to use the "V" descriptor and the rare use of the "FV" descriptor leads to the conclusion that there is no effective way for parents to block out all children's shows containing violence, V-chip or no V-chip.

Then finally the Kaiser Family Foundation study says:

Children would still be woefully unprotected from television violence because content rating V is rarely used.

So much for: Content, content; give it time; give it time to work; and everything else like that. They have no idea of that working. What about the V-chip?

If you want to really spend an afternoon and tomorrow, try to toy with this one. I have a V-chip in my hand. I hold it up. You can get them there at Circuit City for \$90.

Who is going to spend the time to learn how to use this? Well, they are not. And 70 percent of those polled who use the rating system say they will not buy a V-chip. They are going to trust the children.

How are you going to go through the average home that has three sets? Can't you see that mother in the morning chasing around—she has 64 channels in Washington. It is all voluntary; it is not required. She does not know which channel is which. She has this thing. And, wait a minute, she has her 18 pages of instructions. So she chases around from the kitchen to the bedroom, down to the children's room, and she has the 64 programs, and she has her 18 pages of instructions, and it is complicated because they do not want the children to be able to work it. Well, by gosh, they have succeeded with me. I don't know how to work it. We tried yesterday afternoon when we had a little time. We are going to work on it some more. But I bet you my boots that my grandchildren will learn quicker than I. I can tell you that right now. They will know how to work this blooming thing. It is not going to happen. That was another sop in the 1996 telecommunications act. Those on the House side wanted the V-chip. It was another putoff, another stonewall. We knew it was impractical. We know it is easier to trust your children than to go through this charade and this expense and race around and try to figure out all of these things.

When you have a dial on there, just turn that off. You don't need a chip. Just turn it off. Tell the children they cannot use it.

Well, you say, the children are going to do it anyway. I tell you the truth, with all these rating things, if I was a kid and found out that something was naughty and it was rated where I couldn't see it, just being a child, I would say, well, wait a minute, we are going to go to Johnny's house. My parents got me, but there is nobody home at Johnny's. We'll see this thing.

I mean, you really induce, excite, interest children with the rating system. It is counterproductive to begin with. But then the V-chip they talk about is just next to impossible.

Let us go to the constitutional question, Mr. President. It is not the least restrictive. The family hour is the least restrictive. Under the court decisions with respect to this interference on free speech, it is not that we have an overwhelming public interest established, which we have in the record, but it has to be the least restrictive. The least restrictive, of course, is that that has been tried and true, the family hour approach that we have now submitted in the amendment.

I hope they have enough pride to go along with what they have all voted. We voted this out in 1995, with only one dissenting vote. We voted it out in 1997, with one dissenting vote. I remember in 1995, the distinguished majority leader then, Senator Dole of Kansas, he went out there and he gave Hollywood—I hate to use the word "hell," but that is what it is; that is what the newspapers said. He came back on the floor all charged up.

So I went to him and I said: Bob, I got the bill in. It is on the calendar. You put your name on it, if there is some interest in the authorship or whatever it is, or make any little changes you want to make. I am trying to get something done. I have been trying with John Pastore since 1969, 30 years now, to get something done, get a vote.

I said: Let's go ahead with it. But, no, no, the overwhelming influence of Hollywood, it stops us in our tracks. The overwhelming influence of the NRA, it stops us in our tracks.

I agree with Mr. Bronfman. Mr. Bronfman is right on target: It is unfortunate when the American people, who really look to their government for leadership, they don't find it, because they are bought and sold.

It is a tragic thing. You cannot get anything done around here. I have got a one-line amendment to the Constitution to get rid of this cancer: The Congress of the United States is hereby empowered to regulate or control spending in Federal elections. With that one line we go back to the 1974 act. We limit spending per voter. No cash; everything on top of the table; no soft money. One line says we can go back. We passed it in a bipartisan fashion back in the 1974 act, almost 25 years ago. We were like a dog chasing its tail.

But if we don't get rid of that cancer, you are not going to get any Congress. This Congress, instead of responding to the needs of the people with respect to spending and paying the bill in the budget, with responding to the gun violence around here where we take legitimate dealers and say you have to have a background, but the illegitimate shows, you say, yesterday afternoon, forget about it, and where today they want to move to table an amendment

that works in England and Europe, down under, New Zealand, Australia and everything else. Why not? Because we want that support from out there with that group.

Of course, I think they own the magazines, the broadcasters, the Internet; they own each other. I can't keep up with the morning paper, who owns everything, but they are all owning each other. There is a tremendous, overwhelming influence for money, money, money. It is tragic, but it is true.

We have to sober up here and start passing some good legislation that people have been crying out for—the Parent-Teacher Association, National Education Association, American Medical Association, American Psychiatric Association, with the 18 hearings that we have had, 300 formative studies, over 1,000 different articles. Yet they say, well, wait a minute, that is on content. Let's see with the V-chip that is coming in July. They know it is a stone-wall.

Mr. President, I yield such time as necessary to the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased and proud to join my colleague, Senator HOLLINGS of South Carolina, as a cosponsor of this amendment. I have worked with Senator HOLLINGS since 1992 on this subject in the Commerce Committee. We have had hearing after hearing. This is a very big issue. We are proposing a baby step on a very big issue. It is likely that this baby step that we propose to take will be turned down by the Senate. We will see. Maybe I will be surprised today. I hope I will. But if the past is prologue, we will likely see the Senate decide it is not time or the amendment is not right or any one of 1,000 excuses.

If ever there was an example of when all is said and done, more is said than done, if ever there was an example of that, it is on this subject. We have thousands of studies. We have had hundreds of hours of debate, many proposals. Almost nothing happens.

Will Rogers said something once instructive, it seems to me. He said: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times.

On this subject, I say to my colleagues, it is time to swallow your tobacco juice. There is no place left to spit on this issue.

Let me give you some statistics. As a parent, I am pretty acutely aware, but I have a 12-year-old son and a 10-year-old daughter. We have a couple television sets, and they have switches on the sets. We try very hard to make sure they are not watching inappropriate television programming, but I tell you, it is hard. There is a lot coming through those sets at all hours of the day and night.

Senator HOLLINGS and I say, let us at least describe a block of time or have the Federal Communications Commission describe a period of time during which children are expected to be

watching television, during family hour, and describe that that period will not contain excessive amounts of violence on television. Surely we can entertain adults without hurting our children. That is all this amendment says.

Is it old-fashioned? Yes, it goes back to a time when we actually had a sort of understanding. During certain periods of the evening, during family time, during times when you would expect children to watch television, you won't have excessive acts of violence on television programming. Is that so extreme? Is that censorship? No, of course not.

Let me read you some information. Before I do, let me mention, I said last night that by the time a young person graduates from high school, they have watched 12,500 hours of television. Excuse me, let me change that. They have sat in a classroom, 12,500 hours in a school classroom, and they have watched 20,000 hours of television. They are, regrettably, in many cases much more a product of what they have seen than what they have read. Let me read some statistics about what they are seeing on these television programs.

By the end of elementary school, the American Medical Association reports from their studies, the average American child has watched 8,000 murders on television and 100,000 acts of aggressive violence. That is by the end of elementary school. By age 18, these numbers, of course, have jumped, 112,000 acts of violence, and by age 18, the average young American has watched 40,000 murders on television.

Now, one can make the point that it doesn't matter, it is irrelevant, and this doesn't affect anybody. I am not saying that just because when somebody sees an act on violence on television, they rush out the door and commit an act of violence on somebody else. But I am saying that the media have a profound influence on our lives. People spend \$200 billion a year advertising precisely because they feel it makes a difference—it makes a difference in terms of what people wear, what songs they sing, how they act, what kind of chewing gum they buy. It works—except when it comes to violence, we are told it is irrelevant and it doesn't matter.

I would like to call my colleagues' attention to one little community in Canada. I have never been there; I never heard of it before, in fact. But a fascinating study was done in this town. It is a town called Notel, Canada. In 1973, this small community acquired television for the first time. It wasn't because this little Canadian town never wanted television; that wasn't the problem. The problem was that they had signal reception problems that could not be solved and so they didn't get television until much, much later. They didn't have any hostility to television; they just didn't get it. You had this little "island," this little town

with no television. Somebody decided to do a study. They did a study concurrent with this community never having had television now receiving television for the first time. They did a double blind study and selected two other towns and then this community. Then they measured young people's behavior.

I want to describe to you what they learned because it is exactly what you would expect: Television affects behavior. Violent television affects behavior.

In the double blind research design, first and second grade students were observed prospectively over a period of 2 years for rates of objectively measured noxious physical aggression, such as hitting, shoving, biting, et cetera. The rates of aggression did not change in the two communities who had had television all along. Their rate of aggression was the same. But that community that just received television in 1973, which had been dark all those years because they could not get reception, they get television now, it is a new thing, and guess what happens? The rates of physical aggression among their children increased by 160 percent. The other two communities didn't change. The community that just began to receive television had a substantial increase in the rate of aggression among their children.

What does that say? It says what we all know: Television affects behavior. At one of our hearings, we had testimony that said—do you remember the old "Teenage Mutant Ninja Turtles" program? There was Leonardo, Donatello, Michelangelo and—perhaps the Senator from South Carolina can name the fourth. It's Raphael, I think. So you have four turtles, and they have sticks and they are beating up each other. It is interesting.

We had testimony before the Commerce Committee that "Teenage Mutant Ninja Turtles" had to be produced two ways. One, with all of the full flavor of the hitting and the sticks and all of the things they were doing. And, second, they had to clean it up and tone it down because in some foreign markets they would not allow it to be imported into their television sets with that level of violence because they didn't want the kids to see that. So you make it at one level of aggression and violence for the U.S. market and then clean it up a bit so some of the foreign children aren't exposed to that.

I thought that was interesting because it describes, it seems to me, an attitude here. The attitude has been: Let's keep pushing the limits. I think, as I said yesterday, television has some wonderful things on it. I laud those people who produce it. Some things I see are so wonderful and beautiful. I watch some of these channels. I have mentioned Discovery, the History Channel, and so many other things. Yes, the broadcast channels produce things I believe are wonderful as well. But I also have the right, believing that and saying that, to say there is

also a lot of trash. The first amendment gives people a right to produce trash as well. But is the first amendment an impediment for us to say to broadcasters that there are certain times in our living rooms, when our children are going to be expected to be watching television, that we ought to be able to expect a menu of television programming that is free from excessive violence? Is that an unreasonable proposition? I don't think so.

The evidence, as described by the Senator from South Carolina, is so clear. After a couple of decades of research, the National Institutes of Mental Health concluded:

The great majority of studies link television violence and real life aggression.

The American Psychological Association's review of research was conclusive. They said:

The accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior.

You can throw these studies away and say it doesn't matter, that it is psychobabble. But, of course, we all know it is not. Every parent here understands that this is real.

I mentioned last evening that if someone came to the door of my colleague, the Senator from Kentucky, or the Senator from South Carolina, and you had children in your living room playing and you had a television set that was turned off and somebody knocked on the door and said: We have some entertainment for your kids; I have a rental truck here and we have props and some set designs and I have some actors; I would like to bring them into your living room and put on a little play for your children. So you invite them into your living room and they put on a play. They pull knives and stab each other, they pull pistols and shoot each other, and they beat each other bloody—all in the context of this dramatic play, this mayhem and violence. And your children are watching with eyes the size of dinner plates. Would you, as a parent, sit there and say that it doesn't matter, that is fine, thanks for bringing this play into my living room? I don't think so. I think you would probably call the police and say: I have a case of child abuse in my living room. Shame on you for bringing that into my living room.

Well, it is brought into our living rooms every day, in every way, with the touch of a button. Some say, well, the solution to that is to turn the TV set off. Absolutely true. There isn't a substitute for parental responsibility. But as a parent, I can tell you it is increasingly difficult to supervise the viewing habits of children.

I introduced the first legislation in the Senate on the V-chip. I introduced it twice, in 1993 and in 1994. It is now law. The V-chip will be on television sets, but it will be a while before almost all television sets have them. Hopefully, that will be one tool to help parents, but it will not be the solution, just a tool.

It seems to me that we ought to decide now, to the extent that we can help parents better supervise children's viewing habits, that we can tell broadcasters, and tell the FCC that we want broadcasters to know, there is a period of time when they are broadcasting shows into our living rooms that we want the violence to be reduced in that programming so as not to hurt our children. That is not unreasonable. That is the most reasonable, sensible thing in the world. We did it before in this country; we ought to do it now. We have done it for obscenity, and we ought to do it for violence. The Supreme Court has ruled that there is a period of time when certain kinds of obscenities and language ought not to be allowed to be broadcast because children will be watching or listening. And the Supreme Court has upheld that. The Supreme Court will uphold this. Again, I say, this is a baby step forward.

Now, let me quote, if I might, the Attorney General of the United States, who testified at the Senate Commerce Committee hearing.

She said:

I am not at this hearing as a scientist. I am here as Attorney General who has been concerned about the future of this country's children and as a concerned American who is fed up with excuses and hedging in the face of an epidemic of violence. When it comes to these studies about television violence, I think we are allowed to add our common sense into the mix.

She continues:

Any parent can tell you how their children mimic what they see everywhere, including what they watch on television. Studies show children literally acting out and imitating what they watch. The networks themselves understand this point very well. They have run public service announcements to promote socially constructive behavior. They announce that this year's programs featured a reduced amount of violence, and they boosted episodes encouraging constructive behavior in each instance. Then they endorse the notion that television can influence how people act.

She says, further quoting her:

As slogans go, I fear that "Let the parents turn off the television" may be a bit naive as a response to television violence, especially when you consider the challenge that parents face in trying to convince children to study hard, behave and stay out of trouble. Supreme Court Justice John Paul Stevens compared this argument to saying that the remedy for an assault is to run away after the first blow. Indeed, many parents don't want to have to turn the television set off. They want to expose their children to the good things television can offer, like education and family-oriented programs.

I have watched television for a long time and have seen much good and much that concerns me. I have seen in most recent years an increasing desire to create sensationalized violence and intrigue in entertainment, most notably the shows about the police and the rescue missions.

When I turn it on these days, there is one network that is particularly egregious. They have all kinds of shows where they get their television cam-

eras and put them in the cop's car. I guess what they are doing is probably contracting with the police someplace, and then they are off and showing traffic arrests and drug arrests. The other night, I saw a case where a fellow was in the front seat of the police car with a camera for a television show. And they engaged in a high-speed chase of a drunk driver. The result, of course, was that at the end of the chase there was a dead, innocent driver coming the other direction hit by the drunk.

My mother was killed by a drunk driver. My mother was killed in a high-speed police chase.

I have spent years in the Congress proposing legislation dealing with drunk driving with high-speed pursuits and other things. I have also prepared legislation recently dealing with this question of whether our police departments should contract with television stations, having people with television cameras riding in the police car, of which the conclusion, incidentally, to a high-speed chase must be, it seems to me, to go "get their man" because that is going to make a good conclusion to the television program. The answer to me, though, is absolutely not.

If they want to put a television camera in a police car for the entertainment of people on some television network, then I think we ought to subject them to a very substantial liability when somebody gets hurt as a result of it.

I am, frankly, a little tired of turning on television and seeing television news cameras moving down the highways and above the highway recording high-speed chases, because they think it is excitement that people want to see. I am flat sick of seeing programs in which television network programs are riding with members of the police force because they can maybe record some violence for people who want to see. That is not entertainment, in my judgment. That is just more trash on television. I know some people like to watch it. But I happen to think people die as a result of it. Innocent people die as a result of it, and I think it ought to stop.

But this issue of violence on television is something that Senator HOLLINGS from South Carolina has been at it for a long time. We just had a man come to the Chamber a bit ago, Senator Paul Simon from Illinois. He is not a member of this body anymore. He retired. But he also joined us years ago. In fact, he was one of the earliest ones who talked about this issue. This issue has been around since the 1960s, and has been discussed among families for all of this decade.

With respect to the efforts of the Senator from South Carolina, and, as I indicated, the proposal that he and I offer today to simply allow the FCC the authority to describe a period of time in the evening that would be described as family viewing hours is a baby step forward. Those who come to this Chamber and say that they can't

take this baby step, you can make excuses forever. You can make excuses for the next 10 years, as far as I am concerned. You defy all common sense if you say you can't take this baby step. The only reason you can't take this step is because there are a bunch of other big interests out there pressing on you saying we want to make money continuing to do what we are doing. What they are doing is hurting this country's kids.

As I said when I started, surely we ought to be able to entertain adults in this country without hurting our children. And this is one sensible step that we can take. We did it before some years ago. We ought to do it again. It does no violence to the first amendment. It seems to me that it offers common sense to American families.

Mr. President I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Utah to yield to me 10 minutes.

Mr. HATCH. I would be happy to yield 10 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have talked with the distinguished sponsor of this amendment, the Senator from South Carolina, Mr. HOLLINGS, with whom I have had the privilege to serve for 25 years—he has been here longer than that—and also with my distinguished friend from North Dakota, who has just spoken.

Mr. President, as I told the distinguished Senator from South Carolina, I will have to oppose the amendment because of an agreement I made with a number of the industry groups a couple of years ago. I believe that agreement is still appropriate today. It is an agreement that brought about a compromise between Senators and industry to try to work them out, as we have with a number of other things, in a co-operative way, whether it is with legislation or legislative fiat. It involved a V-chip. I wanted to give the V-chip a fair chance to work in the marketplace, because I felt that technology was rapidly changing, and working in the marketplace might be a lot better than legislation that almost fixes technology where it is. I am enough of the old school that having made a commitment I am not going to go back on it.

The American Medical Association, the American Academy of Pediatrics, the National PTA, the National Education Association, the Center for Media Education, the American Psychological Association, the National Association of Elementary School Principals, the Children's Defense Fund, and others agreed in writing on July 10, 1997, to allow the V-chip system to proceed unimpeded by new legislation so that we could see how it works.

Just last week, the Kaiser Family Foundation released a poll showing

that 77 percent of parents said that if they had a V-chip in their home they would use the technology. With the rating system and the V-chip, each family can create their own individualized family viewing system.

I think that would work a lot better in protecting children than the amendment we are considering.

Mr. DORGAN. Mr. President, will the Senator from Vermont yield for a question?

Mr. LEAHY. Certainly.

Mr. DORGAN. It is a very brief question.

As the Senator knows, I was the original sponsor of the V-chip that was first introduced in the Senate. The Senator from Vermont is describing an agreement. I am curious. The Senator mentioned a few of the outside groups who are party to the agreement. Which Senators were a part of that agreement? I was the original sponsor of the V-chip. I wasn't a part of that agreement.

Mr. LEAHY. One of the reasons I didn't want to interrupt the Senator when he was speaking was that I wanted to hear his whole statement. If he would allow me to finish so that he may hear—

Mr. DORGAN. Will the Senator yield for a question?

Mr. LEAHY. I will indicate who the Senators were, because the Senator knows all of them well: Senator HATCH, the distinguished chairman of the Judiciary Committee; Senator LOTT, the distinguished majority leader; Senator DASCHLE, the distinguished Democratic leader; Senator MCCAIN, and others. I will give the Senator all of the names, but those are the ones who come to mind initially.

Mr. DORGAN. I wonder. Could I have a dialogue about that following the statement? I don't intend to interrupt the statement. The Senator from Vermont mentioned five. There are 100 Senators. It would be good to have a dialog about that following the Senator's statement.

Mr. LEAHY. I will be glad to put it in the RECORD. I ask unanimous consent to have printed in the RECORD the letter of July 8, 1997, signed by Senators, MCCAIN, BURNS, LEAHY, Moseley-Braun, DASCHLE, Coats, HATCH, BOXER, LOTT, as well as the numerous names I mentioned, such as the American Academy of Pediatrics, the National Association of Elementary and School Principals, and others who signed. I will give copies to the distinguished Senator from North Dakota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, July 8, 1997.

DEAR COLLEAGUE: The television industry and leading parent groups have agreed on a series of improvements to the Television Parental Guidelines System that will substantially enhance the ability of parents to supervise their children's television viewing.

Given human subjectivity and the sheer volume of television programming, no sys-

tem will ever be perfect. However, we do believe this revised system more closely approximates what the Congress and American parents had in mind when the V Chip legislation became the law of the land.

It must also be remembered that development of a ratings system is only the first installment of the promise the Congress made to American parents. Until the V Chip is readily available in the marketplace, parents will have information, but not the means to act on it by blocking from their homes programs they consider inappropriate for their children. Therefore:

(1) We will recommend to the FCC that it move expeditiously to find the revised guidelines to be "acceptable" as defined by the Telecommunications Act. Moreover, we believe this should be the FCC's universally mandated system for television set manufacturers to follow in putting V Chips into television sets sold in this country.

(2) To allow prompt and effective implementation of the revised parental guidelines system, we believe there should be a substantial period of governmental forbearance during which further legislation or regulation concerning television ratings, content or scheduling should be set aside. Parents, the industry, and television set manufacturers will need time for this revised system to take hold in the marketplace. The industry will need time to adjust to the new guidelines and then apply them in a consistent manner across myriad channels. Set manufacturers will need to design user friendly, V Chip equipped sets and bring them to market. And most important, parents will need several years to utilize all the tools given to them so that they may act to control their children's television viewing. Additional government intervention will only delay proper implementation of the new guideline system.

This has been a long and difficult process. We acknowledge that any system should indeed be voluntary and consistent with the First Amendment. That is why we believe the voluntary agreement that has been reached, coupled with forbearance on further governmental action as described above, is the best way to proceed in order to balance legitimate First Amendment concerns while giving American parents the information they need in order to help them supervise their children's television viewing.

Sincerely,  
John McCain; Conrad Burns; Patrick Leahy; Carol Moseley-Braun; Tom Daschle; Dan Coats; Orrin Hatch; Barbara Boxer; Trent Lott.

JULY 10, 1997.

The attached modifications of the TV Parental Guideline System have been developed collaboratively by members of the industry and the advocacy community. We find this combined age and content based system to be acceptable and believe that it should be designated as the mandated system on the V-chip and used to rate all television programming, except for news and sports, which are exempt, and unedited movies with an MPAA rating aired on premium cable channels. We urge the FCC to so rule as expeditiously as possible.

We further believe that the system deserves a fair chance to work in the marketplace to allow parents an opportunity to understand and use the system. Accordingly, the undersigned organizations will work to: educate the public and parents about the V-chip and the TV Parental Guideline System; encourage publishers of TV periodicals,

newspapers and journals to include the ratings with their program listings; and evaluate the system. Therefore, we urge governmental leaders to allow this process to proceed unimpeded by pending or new legislation that would undermine the intent of this agreement or disrupt the harmony and good faith of this process.

Motion Picture Association of America  
National Association of Broadcasters  
National Cable Television Association  
American Medical Association  
American Academy of Pediatrics  
American Psychological Association  
Center for Media Education  
Children's Defense Fund  
Children Now  
National Association of Elementary School  
Principal  
National Education Association  
National PTA

MAY 12, 1999.

Hon. TOM DASCHLE,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR DASCHLE: We are contacting you on an urgent matter regarding the Juvenile Justice Bill now before the Senate. Senator Hollings' "safe harbor" amendment runs counter to the television ratings/V-Chip approach developed two years ago.

In July, 1997 together with members of the non-profit and advocacy community we developed the combined age and content based rating system. At that time, you and a number of your colleagues agreed to a substantial period of governmental forbearance so that the V-Chip television rating system could have a chance to work in the marketplace. There is evidence that this strategy is paying off. Just this week, the Kaiser Family Foundation released a poll showing that 77% of parents said that if they had a V-Chip in their home, they would use the technology.

Since the first V-Chip television set will arrive on the marketplace in July, we should allow parents an opportunity to understand and use the system before moving too quickly on further legislation. We hope you will support the freedom of parents to use their own discretion—and the V-chip—when deciding what programs are appropriate for their families. Therefore, we urge you to vote to table the Hollings amendment.

Sincerely,

JACK VALENTI,  
President & CEO, Motion Picture Association of America.

DECKER ANSTROM,  
President & CEO, National Cable Television Association.

EDWARD O. FRITTS,  
President & CEO, National Association of Broadcasters.

CENTER FOR MEDIA EDUCATION,  
Washington, DC, May 12, 1999.

Hon. TOM DASCHLE,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR DASCHLE: In July, 1997, together, with members of the entertainment industry, we developed the combine age and content based rating system. I favor this system and believe that it deserves a fair chance to work in the marketplace.

This week, the Center for Media Education announced a national campaign to educate parents about the V-Chip TV Ratings system. The first V-chip televisions will arrive in the marketplace in July. I urge governmental leaders to allow parents an oppor-

tunity to understand and use the V-chip system. I continue to believe that legislation such as S. 876 would undermine the intent of the agreement we signed on July 10, 1997.

Sincerely,  
KATHRYN MONTGOMERY, Ph.D.  
President.

Mr. LEAHY. Obviously, our signing such a letter does not bind the distinguished Senator from North Dakota nor the distinguished Senator from South Carolina, as he and I have discussed. I do feel having stated my commitment binds me. As the Senator from North Dakota knows, I have a reputation of once having given a commitment I never go back on it. I do not suggest that he or anybody else is bound by the agreement that we worked out to give the V-chip a chance. I am suggesting that I assume the Senators who did sign on to that would feel that way.

What we want to do is what I still want to do. I commend the Senators who worked on developing the V-chip, to allow families to create their own individualized family viewing system. I did this when my children were young by reading reviews and determining what they should or should not watch or read.

Now 50 percent of the new TVs will have the V-chip by July 1 of this year; 100 percent of the new TVs will have the V-chip by January of next year. That is why Senators HATCH, LOTT, DASCHLE, McCAIN, and others signed this letter, so we can ensure that the industry has guidelines and ratings and TV manufacturers will install V-chips. By doing that we move the ball forward very quickly. The TV manufacturers, as they promised us, are getting the job done.

I want to live up to my signed commitment with the other Senators. I want to live up to the expectations of the AMA, the National PTA, the Children's Defense Fund, and the other groups I mentioned. TV parental guidelines and the V-chip give parents the tools to determine the programming children may watch.

In addition, Charles Ergen, the CEO of EchoStar, said this could have serious unintended impacts. Echo-Star gives parents who subscribe to satellite service a powerful tool. His V-chip not only allows parents to block out R-rated shows, but they can block out shows based on specific concerns about language, drug use, violence, graphic violence, sexuality, or other considerations they might have.

Under this amendment, even though they have done all that to cooperate with us, Echo-Star would be punished because they use national feeds and they transmit signals across time zones. They transmit not only into Kentucky or Vermont but in California, Oregon, Ohio, and everywhere in between. They go across the three time zones of this country. They provide the programming for multiple time zones at once on a national basis. I assume they probably do it in the time zones of Alaska and Hawaii,

which goes even beyond the three in the Continental United States.

Under the longstanding law, satellite carriers cannot alter the signals they are given which are authorized under a compulsory license. Depending on how long the family time period is, it may be impossible for satellite carriers to comply because they are required to use a national feed from distant stations. For example, on the west coast, the time is earlier than the east coast, where a lot of the programming originates. With the uplink of station WOR in New York or WGN in Chicago, an hour later, they are going to be in non-compliance with this amendment on the west coast.

One option for them would be for satellite TV carriers to black out programming on the west coast or simply take the programming in the east coast and shift it to very late hours, extremely late hours for east coast viewers, which is the allowed hour for west coast viewers.

Frankly, I think use of the V-chip allows parents to block out what they want and will work much better than blocking out entire time zones in the United States.

I want to also note that two-thirds of American households have no children under the age of 18. If this amendment were enacted, American television viewers of all ages would lose control over the programming available to them. I repeat, two-thirds of American households have no children under the age of 18.

There are, I believe, serious constitutional problems with this amendment. I get very concerned about the Federal Government or any Federal Government agency policing the content of TV programming.

For example, there would be a \$25,000 fine for each day there is violent video programming. Is one gunshot in a show considered violent programming? What about two? What if it is a history show that shows the assassination of a President or a world leader? Is that violence?

I am reminded of the old joke of religious leaders of different faiths getting together and they wanted to start the meeting with a prayer, but they couldn't agree on a prayer so they had to cancel the conference.

I worry once again that we denigrate the role of parents, especially the amendment which considers parents almost irrelevant to the development of children. I have been blessed to be married for 37 years this year, and I have three wonderful children. My wife and I took a very serious interest in what movies they saw, what TV programs they watched, what books they read. We tried to guide them the right way. I like the idea that both my wife and I were making those decisions and not somebody else. Someone else might have different moral values, might have a different sense of what was appropriate and what is not appropriate. I really didn't want to turn it over to

the hands of a government agency—local, State, or Federal. I felt that was my responsibility, a responsibility that I considered one of the most important roles I had as a parent.

I also think if we let the government do it, let the government take over the parenting, then if something goes wrong, we blame them. It is harder to deal with issues such as bad parenting and lack of parental supervision if we can only blame ourselves, but that should be our responsibility as parents, first and foremost. It was the responsibility of my parents when I grew up in Vermont and the responsibility of my wife and I as our children grew up.

I don't know how the government steps into the shoes of parents by involving our government in the day-to-day regulation of the contents of television shows, movies, or other forms of speech. I recently visited a country which is one of the last of the countries with such restrictions. I prefer we make those choices. Parents should be able to use the V-chips offered by satellite TV providers and by TV manufacturers to block out programming they consider offensive for their children.

Anything any parents want to block out for their child, I don't care what it is—it could be C-SPAN, with me speaking now; if they can even get the children to watch it, they may want to block that out—that is fine; parents should have that right.

I want to remind everyone that the Supreme Court has noted:

Laws regulating speech for the protection of children have no limiting principle, and a well-intentioned law restricting protected speech on the basis of content is, nevertheless, state-sponsored censorship.

So, while I do not support this amendment, I do not want my comments to be interpreted as backing off at all in my pride in the work of Senator HOLLINGS and Senator DORGAN on these issues. They are concerned, and rightly so, about the content of some of the things we see. There are some things, even if they are shown late at night, I would not watch and I am 59 years old. I was a prosecutor for 9 years. I went to murder scenes. I saw some of the most violent conduct ever. I still have nightmares remembering some of those scenes. I do not want to see them replayed.

There are some, because of their offensive nature, I am not interested in. I do not want to see them, but I will make that decision. But for parents, for their help, we would not have the V-chip without the work of the Senator from South Carolina, the work he and his colleagues have done. It is not only work, it is agitation, I might say. I can almost repeat some of the speeches the Senator gave to push them that far forward. He gives new meaning to the term "stentorian tones." They are stentorian tones in a clarion call, rarely heard anymore in these halls.

I consider myself privileged, over the years, not only to have had the Senator

from South Carolina as a close personal friend—both he and his wife are very close personal friends of my wife and myself—he has been a mentor to me. So I commend him for what he has done.

I mention all this because he is not a newcomer to the debate. He has been a parent of this debate. I do not want anybody to lose sight that we all are in this together in this regard. If we have young children—mine are now grown, but I assume it would be the same attitude as towards grandchildren—there are things on television, just as there are in the movies, that we do not want our children to see. Most of us do not want to see them ourselves, but we certainly do not want the children to see them. I think the system we have set up is one that is working. I would love to see something done in a cooperative way.

It is moving rapidly forward. If that could be done without the hand of Government on it, it would make the Senator from Vermont far more comfortable. If they are unable to move forward, if they do not utilize the breathing spell they were given, that is one thing. But they seem to be moving forward during that breathing spell, and I would like to see that work without a heavy hand.

I yield the floor.

Mr. HOLLINGS. I yield such time as necessary to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for the Senator from Vermont. I would not suggest he go back on an agreement he made with anybody. But I do want to make this point clearly. On January 31, 1994, I introduced legislation in the Senate calling for the V-chip. It was the first legislation introduced in the Senate on the V-chip. Within a year or so, with myself, my colleague and others, including Senator CONRAD especially, and Senator LIEBERMAN, the V-chip passed the Senate and became law. There is nothing, no agreement at all for most Members of the Senate about some V-chip versus any other restriction on legislative action.

The letter that was read earlier, that might have been from some people who were not necessarily involved in the V-chip issue. I am the one who introduced it. There might have been some people who made some commitments to somebody else that they would not do something. That is their business. If there are 6 or 8 or 10 of them, that is their business. But that is not the business of the other 90 Senators. They have made no such agreement.

This proposal complements the V-chip. This proposal works with the V-chip. This proposal is not at odds with the V-chip, and there is no such agreement I am aware of with almost all Members of the Senate that we should not take this baby step forward on this sensible proposition.

One more point: This is not content-based Government involvement. We al-

ready have a description that says if you are a television broadcaster you cannot, at 7:30 in the evening, broadcast the seven dirty words. You cannot do that. Why? Because we have decided certain things are inappropriate and the Supreme Court has upheld our capability of doing that through the Federal Communications Commission.

It is also inappropriate, and we used to think as a country that it was, to broadcast excessively violent programs in the middle hours of the evening when children are watching. The Senator from South Carolina and I simply want to go back to that commonsense standard. Suggesting somehow that we have no capability or no interest in determining what some broadcaster somewhere throws into America's living rooms is just outside the debate about what is real. What is real is we have a real responsibility. That is what is being addressed by the amendment offered here by the Senator from South Carolina.

Again, it is a baby step. I do not want anybody to be confused that somehow this is at odds with the V-chip. I introduced the V-chip. This is not at odds with the V-chip. It complements the V-chip, and this Congress and this Senate ought to agree to this amendment and we ought to do it this morning.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes and 16 seconds.

Mr. HOLLINGS. I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, first of all, I just came down after listening to the debate. I want to ask both my colleagues to put me on as an original cosponsor.

The second thing I want to say is in this debate we have been having on this juvenile justice bill, part of the context for this has been the nightmare of Littleton, CO. That is always, ever present.

I read a piece the other day—I don't even remember the author, I say to my colleague from South Carolina—but I thought it was very balanced. The author made the point: Yes, you want to go after the guns, but you also want to go after the culture of violence. I think we have to do both. Yes, you want to do much more for prevention for kids before they get in trouble in the first place. Yes, I argue, you want to have support services and mental health services. All these pieces go together.

But if I could ask my colleague very briefly, will he just describe this amendment? Will my colleague just briefly describe the very essence of this amendment? Because it seems to me to be very, very mild. I want to be sure I am correct in my understanding.

Mr. HOLLINGS. The essence of the amendment is to reinstitute the family hour, and during that time have no excessive, gratuitous violence. That is all it is. We do that right now with indecency, constitutionally, at the FCC level. Just say that excessive, gratuitous violence be treated similarly. It is working in the United Kingdom, it is working Europe and it is working down in Australia. It is tried and true. They want to restore it. To those people who say they want to restore family values, here is the family hour.

Mr. WELLSTONE. I think it needs to be repeated one more time what a moderate, commonsense proposal we have here. This is constitutional. This is the right thing to do. As far as I am concerned, any steps we can take, albeit small steps, but significant steps that can reduce this violence, that can deal with this cultural violence, I think is absolutely the right thing to do. I add my support.

I heard my colleague from Vermont speaking as a grandfather. Our children are all older, but we have children, and now grandchildren: 8, 5 and almost 4. This is the right thing to do. There should be overwhelmingly strong support for this proposal.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to retain a little time here for the closing, but let me go right to the point with respect to the remarks of my distinguished friend from Vermont.

We were not part of any agreement. That was another one of those so-called stonewalls. The significant part of the agreement was the two leaders were on it, and the agencies and entities at that time were told that was all they were going to get. You learn in this town to go along with what you can get from the leadership.

Don't come down to the floor and say it's a leadership vote, because the leader himself has voted this particular measure out of the Commerce Committee on two occasions. He knows the need of the V-chip being in all sets, 100 percent. Wait a minute. The average person holds onto his or her television set at least, they say in the hearings, between 8, 10, 12 years—or an average of 10 years. So you have a 10-year period here. They are not going to replace all the sets. We know this with the digital television problem we have.

In that light, we want to make absolutely sure we do something, as my distinguished friend from North Dakota says, that is consonant, helpful, and a part of the V-chip, if it will work. We have shown how complicated it is. It is going to be a delayed good, if any at all.

I retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I should put all Senators on notice that we are just about out of time for debate with regard to the Hollings amendment on

his side and I have somewhere near 42 minutes on our side. I intend to yield back some of that time so we can go to a vote on this matter.

I understand Senator COCHRAN wants to take about 10 minutes to speak on this amendment. I will take a few minutes now.

I rise to explain why I will ultimately move to table the Hollings amendment today. I struggled with this decision because there is much to be commended in my dear friend's amendment. I have a lot of respect for him. He knows that. I think it is important we work to make our culture safer for our families and for children, and that we make entertainment choices more family friendly. No question about it. We should certainly work to make television entertainment, which is so ubiquitous, less coarse, especially when children are watching.

Having said that, I do have a number of concerns with this amendment. Members of the satellite television industry, which we are working to make more competitive with cable, have expressed concerns with this amendment. Because much of the fare on satellites is delivered nationally, they will have difficulty complying. If a satellite carrier picks up programming on the east coast, where much programming originates, it will likely be out of compliance, given that fare appropriate for later hours on the east coast will be beamed simultaneously across the time zones to viewers on the west coast, and across the country, where obviously it will be earlier.

Additionally, opponents of this amendment have raised constitutional concerns. Although I have not had an opportunity to review or visit all of these constitutional issues, I do not believe that the constitutional concerns are clearly right or that opponents have an open-and-shut constitutional case. I do believe the issues bear careful consideration.

Most of all, I must vote to table this amendment because of a commitment I made to my colleagues in 1997 in connection with getting the voluntary television ratings and V-chip systems in place. At that time, I was approached by a number of colleagues to sign a Dear Colleague letter taking a stand against regulating television ratings, content, or scheduling until those systems had time to get underway.

That Dear Colleague letter is dated July 8, 1997, and was signed by Senators LOTT, DASCHLE, McCAIN, LEAHY, as well as myself, and other Republicans and Democrats. I made that commitment then and I believe I need to honor it now.

Some may believe that an earlier amendment which I supported had a similar impact. The Brownback-Hatch-Lieberman amendment allowed the industry to develop a voluntary code of conduct but did not impose any regulations on the industry. It also was a comprehensive amendment and had much greater application than the tele-

vision ratings, content, and scheduling at issue in the V-chip and ratings process. It applied to television, movies, music, video games, and the Internet. At that time yesterday, I recognized my earlier commitment and raised and distinguished it.

Therefore, although I find much to commend in the amendment of the Senator from South Carolina, because of my prior commitment to forbear from supporting legislation or recommendation concerning television ratings, content, or scheduling, I believe I must honor that pledge to my colleagues and vote to table the Hollings amendment.

There is a lot of very bad programming on television in our country today. I think the satellite viewership problem is a big problem. To make someone liable because they have to carry the satellite transmission at a time that fits within the time constraints of this amendment on the west coast—coming from the east coast, it may be in compliance, but the west coast may not be, and the satellite transmitter will be liable—is a matter of great problematic concern to me.

I share the same concern my friend from South Carolina shares with regard to what is being televised and on the airwaves today, especially during times when young people are watching. On the other hand, I have a very strong commitment to uphold the first amendment and to be very reticent to start dictating what can and cannot be done on network television or on television, period.

As for cleaning up the media, we did have the Brownback-Hatch-Lieberman amendment. Senators BROWNBACK and LIEBERMAN have worked long and hard to come up with some solutions that hopefully will be voluntary, that hopefully will resolve these questions.

That amendment yesterday was adopted overwhelmingly. It requires the FTC and Department of Justice to do a comprehensive study of the entertainment industry. It seems to me that is a very reasonable, important thing to do and we ought to get that information before we make any final decisions in this area.

Also, it had a provision asking the National Institutes of Health to study the impact of violence and unsuitable material on children and child development. That brought a lot of angst to a number of people. Having the FTC look into these things brought a lot of angst to a lot of people. I might add, having the Department of Justice do it has caused a lot of concern.

I think that amendment, including its other provisions on antitrust, will go a long way toward cleaning up the exposure of minors to violent material. I would like to see that work and I would like to see these studies done before we go this drastically to a solution in the Senate.

At the appropriate time I will move to table the amendment, and I hope my colleagues will support the motion to

table with the commitment from me—and I think others will make it, too—that we will continue to revisit this area, because we are all concerned. It is not only the province of those who are for this amendment; all of us are concerned about what is happening to our children in our society today.

I see that Senator COCHRAN has arrived. I yield 10 minutes to Senator COCHRAN.

Mrs. BOXER. Will the Senator put me on that list for 10 minutes when Senator COCHRAN has finished?

Mr. HATCH. I will be happy to do that. I suppose the Senator from South Carolina wants to end the debate, and then I will yield back whatever time I have remaining at that time.

Mr. President, I ask unanimous consent that Senator COCHRAN be given 10 minutes; immediately following Senator COCHRAN, Senator BOXER be given 10 minutes; and immediately following Senator BOXER, Senator SESSIONS be given 10 minutes. Then I will be prepared to yield back the remainder of our time as soon as the Senator from South Carolina is through.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 1029 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COCHRAN. Mr. President, I thank my distinguished friend from Utah for yielding me time from his debate.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes under unanimous consent.

Mrs. BOXER. Thank you very much, Mr. President.

It is rare that I disagree with my wonderful friend, FRITZ HOLLINGS, and my wonderful friend, BYRON DORGAN, but I do on this particular amendment that is pending before us. I think the debate is about this: Do we believe there is violence in the entertainment industry? Yes. So there is agreement there. Does it upset all of us when we see it, when we know kids are seeing it? Yes.

But how should we deal with it? Should Government become parents and decide what our kids watch or should Government give parents the tools to decide what their kids should watch? And I come down on the side of making sure Government gives parents the tools to decide what their children should watch, and not on the side of those who in essence want the Government, through the bureaucracy, the FCC, to determine what shows should or should not be on television.

Again, I do not know who is in the FCC. I think I know the chairman. I

think he is a terrific person. But I do not want to say that the FCC members know more about our country's children than the parents do. So if Government can play the role of giving parents the power to determine what their kids watch, I think we are doing the right thing. As a matter of fact, 2 years ago that is what we did do. We required that all new television sets have a V-chip installed. And 50 percent of all the new sets will have the V-chip by July 1; and all the new sets will have it by January 1. So we are moving to the point where all TV sets will have the V-chip when you buy it.

I think it is a smart answer, the V-chip, to dealing with the issue of violence on television. It is a chip that allows the parents to program what shows their children can and cannot see. There you have it. Very simply, it is government doing what I think is the right thing, giving parents this tool, this powerful tool, putting the parents in charge, not the government in charge.

I worry about going down that path of giving the FCC or any other agency or, frankly, any Senator the power to decide what show goes on at what time. It is very subjective; it is a path that I think we should avoid.

Now, the Center for Media Education, which helped develop the TV rating system and is undertaking a national campaign to educate parents about the V-chip, they do not like this particular proposal that is before us. They say "it would undermine the intent" of the voluntary rating system and the V-chip.

So why would we, 2 years ago, work very hard, all of us together, to develop this V-chip and then, in the stroke of a vote, if we were to pass the Hollings amendment, undermine what the purpose was of that V-chip?

Also, the Senate yesterday adopted the Brownback amendment, and we know that is going to launch into an investigation of the entertainment industry to see whether it is marketing to kids violent programming. An amendment of mine would also extend that to investigate the gun manufacturers.

I was very happy to see the Senate accept that, because, as I said yesterday, to point the finger of blame at one industry is outrageous. To point the finger of blame at one person or one group of people is outrageous. There is not one of us who can walk away from the issue of our violent culture and say: It has nothing to do with me. I am just perfect. It is the other guy.

So we undertook this issue 2 years ago. We passed this V-chip proposal. Senator BROWNBACK, yesterday, encouraged the entertainment industry to step up to the plate and develop solutions by giving an antitrust exemption to the entertainment industry so they can sit down together to come up with even more solutions than the V-chip, because, frankly, they need to talk to one another. If it means they

say at a certain time we are not going to show these violent shows, that would be terrific. That would be helpful, and that would mean that the parents' job is easier. They don't have to worry as much as they do now. I agree, they have to worry plenty now.

I also want to do this because it is very easy to get up here and blast an industry. In every industry, there are some positive steps. Even the gun manufacturers, which I believe are marketing to children, and many of them are not responsible, there are some who are selling their guns with child safety locks, and they are doing it on a voluntary basis. I praise them. As a matter of fact, the President had those companies to the White House, and he praised them.

I think we ought to look at some of the good things the entertainment industry is doing for our children. Viacom, through the Nickelodeon channel, periodically airs programs to help children work through violence-related issues. In this example that I am going to give you, all these examples, I am not going to mention PBS, because they are incredible as far as producing programs for our children that are wonderful.

I was sitting watching one of the programs with my grandchild the other day, and kids were talking to each other, young kids, about 10, 11, about the pressures in their lives. It was terrific. I enjoyed it. I think my little grandson was too young to understand it. But for the 9-year-olds, the 8-year-olds, the 10-year-olds, there are some good things.

MTV has "Fight For Your Rights, Take a Stand Against Violence." It is a program that gives young people advice on reducing violence in their communities. Now, they also do some things on there that do not give that message. I agree. But are we just going to bash and bash and bash? Let's at least recognize there are some efforts here.

The Walt Disney Company has produced and aired numerous public service announcements on issues such as school violence and has featured in its evening TV shows various antiviolence themes.

We want more of that, and if we don't get more of that, we are going to just make sure that parents can, in fact, program their TVs so the kids do not see the garbage and the violence and the death and all of the things that Senator HOLLINGS is right to point out are impacting and influencing our children.

There are shows and episodes that glorify violence, and there are shows and episodes that denounce violence.

I think we need to be careful in this amendment of the slippery slope we could go down if we decide in our frustration and our worry about our children that government should step in and become the parents. The V-chip, the Brownback amendment, those two things give parents the tools they need

and lets the industry sit down together and focus on the issue of violence.

So we have some efforts underway that are very important. I do not want to see us short circuit those efforts.

This is a difficult issue because we know we have a problem here. When we have a problem, let us take steps that don't lead us into another problem. We had a debate in front of the Commerce Committee. I was there and had the opportunity to testify before my friend. It had to do with ratings. There was a big debate over whether government should rate these movies and TV shows or whether the industry should undertake it. I will never forget this. One Congressman came up and he said: I can't believe what I just saw on TV.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mrs. BOXER. I ask unanimous consent for 1 additional minute.

Mr. HATCH. That would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mrs. BOXER. I remember what happened then. This Congressman came over from the other side and testified that he couldn't believe that "Schindler's List" was put on TV and that he felt "Schindler's List" had obscenity in it. A big debate ensued, because many thought "Schindler's List" was one of the best things that was shown on TV, that it taught our young people about the Holocaust. There were some rough scenes in it that were historically accurate.

All it proved to me is that the eye of the beholder is so important here. Here was someone saying that was one of the best things you could put on TV to teach our children, and here is somebody else saying it was one of the worst things.

Keep government out of these subjective decisions. Give parents the tools. Let them decide if "Schindler's List" is right for their children, or any other program.

I yield the floor.

Mr. LEVIN. Mr. President, violence in television shows, video games, and movies horrifies us as parents and grandparents. However, I support the tabling of the Hollings amendment because, in my judgment, it would have gone too far in giving the Government the responsibility for keeping violent television programming away from our children. The principal responsibility belongs in the hands of parents and grandparents. Putting this responsibility in an agency like the FCC to determine what is too violent and what is not is not only of questionable constitutionality, it would foster the idea that the Government should be doing this job. That confuses and defuses the clear message to parents that the principal responsibility is theirs. We should give parents the tools to do this as we have tried to do through the "V-chip" filtering technology. The first V-chip equipped televisions are expected to become available this summer. We should

also focus the principal responsibility on parents, so that the V-chip is effectively used.

Mr. ASHCROFT. Mr. President, the advent of the television began the extraordinary advance in video technology. Families came together to witness such great programs as: The Andy Griffith Show, I Love Lucy, Leave it to Beaver, and Father Knows Best. The television revolutionized technology and media, and replaced the radio as the main source of family entertainment. The television is an instrumental part of American society, it provides us with news, education, and entertainment and will likely continue to do so.

In recent years, however, the entertainment industry has promoted programming unfit for the children of the next generation. No longer can families come together to watch television without having to see material unfit for their children. In the wake of recent events, it has become clear that exposure to violent programming does in fact play an influential role in children's behavior. It is regrettable that it has come to the point where it may be necessary for Congress to take action in the oversight of television programming. The Children's Protection from Violent Programming Act creates a "safe harbor" and eliminates the broadcast of violent programming aired during hours when children are likely to be a substantial portion of the viewing audience.

While I have reservations with this amendment, I am willing to stand in support of it. Admittedly, this amendment gives the Federal Communications Commission additional power to regulate television programming—even when two-thirds of American households have no children under the age of 18. Clearly this amendment will restrict the programming available to viewers of all ages. I also have reservations since the TV rating system, already in place, will provide parents with specific information about the content of a television program. V-chips will be incorporated into all new television sets by January 1, 2000. In addition, I am concerned that by passing this legislation, we will be giving the Federal Communications Commission additional authority to define violent programming far beyond that which is necessary.

The fact of the matter is that to date the entertainment industry has not yet taken responsibility for themselves. Television programs of an adult nature are undermining and contradicting the virtues parents are trying to teach. Likewise, research from more than ten thousand medical, pediatric, psychological, and sociological studies show that television violence increases violent and aggressive behavior in society. Astonishingly, the murder rate in the United States doubled within 15 years after television was introduced into American homes.

It pains me to stand before you today and say that the federal government

may need to regulate yet another industry. What we need is smaller, smarter government. Without the cooperation of television networks, however, Congress has no choice but to give the FCC the authority to impose itself upon the entertainment industry. Each of us, Congress, television networks, and parents need to come together for the sake of our children. Our children are the future of this country, and if we as a nation are going to live together in peace, each of us must take the responsibility to teach our children the difference between right and wrong.

Mr. DODD. Mr. President, it is my intention to vote to table the Hollings amendment regarding television programming and I wanted to say a few words about why I am going to cast this vote. Television can be a valuable entertainment and educational tool and I commend my good friend, Senator HOLLINGS for his work in this important area. I share his concern for the impact that violent programming has on children.

However, I have concerns about a government entity, the FCC, determining for everyone what is deemed "violent programming". This amendment has critical free speech implications. What would constitute violent programming? Would a documentary or an historical piece be deemed as such because it depicted violent acts or victims of violence? These determinations are best made by parents—the people who know their children best. The impact of this amendment would be overly broad. In fact, two-thirds of American households have no children under the age of 18. Further, I have concerns about the government mandating another solution before current technology practices have been given a chance. Most television broadcast and cable networks have implemented a voluntary ratings system that gives advance information about program content. The TV Parental Guidelines were designed in consultation with advocacy groups and approved for use by the Federal Communications Commission last year. These voluntary systems are an important step in the right direction, because it allows us to think more carefully about what we watch and what our children watch.

Congress also required that an electronic chip, called a V-chip, be included in newly manufactured television sets to allow parents to screen out material that they find inappropriate for their children. The first television sets equipped with V-chips will arrive in stores July 1, 1999; all new sets will contain a V-chip by July 1, 2000. I support the use of this valuable and innovative technology which enhances our ability to make careful choices.

Just this week, FCC Commissioner William Kennard announced the creation of a task force to monitor and assist in the roll-out of the V-chip. Special emphasis will be given to educate

parents about the availability and use of the technology. In fact, the Kaiser Family Foundation recently released a poll stating that 77 percent of parents said that if they had a V-chip in their home, they would use it.

We need to give the integrated V-chip and ratings system a chance to work. It is time to honor the commitment that was made in 1997—to allow this system to proceed unimpeded.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mr. President, I am intrigued by the Hollings amendment.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. SESSIONS. I will.

Mr. HATCH. We said that after you finished we would go to Senator HOLLINGS. With Senator HOLLINGS' permission, I will yield 5 minutes, if I have it, or the remainder of my time, to the distinguished Senator from Montana, and then Senator HOLLINGS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this fits along with the general view of mine. We are both lawyers, and Senator HOLLINGS is a better lawyer than I, but I think we have made television prime time movies too much a matter of first amendment freedoms, and not enough of a matter of common sense. To say that you have to meet certain standards during certain hours of the day when our children may be impacted by that does not, in a significant way, prohibit a person from exercising what we generally understood to be free speech when we founded this country. Speech was generally understood, at the most fundamental level, as a communication about ideas and issues, and that you would be able to articulate and defend and promote your issues. It did not mean—and I don't think the Founding Fathers contemplated—that every form of video of vicious murder or sexual relations or obscenity could be published in print and in our homes.

In fact, we have laws all over America that flatly prohibit certain degrees of obscenity. Indecency cannot be prohibited, but things that are determined as a matter of law to be obscene are flatly prohibited anywhere in America. So, therefore, they say that on the public airwaves, which we license people to use, they have to be committed to the public service. They have to give so many hours of public service advertisements, and we monitor the stations to make sure that they do so. To say there is no Government agency that can say certain things can't be shown during limited periods of time, to me, is strange law. I don't think it is quite right.

In addition, I know a lot of people who have spoken on the floor here today—and over the last several days, are worried. Also, the President has spoken about his concern that in the afterschool hours children are not su-

pervised. Many children have parents who work swing shifts or parents who have to be out in the yard or doing other things while they are inside watching TV, and they may not have a V-chip yet. Do we have no responsibility to those children? Is it sufficient to just say it is their parents' fault?

Some say if you are a parent, you can control whatever your children watch. Those of us who are parents know that is not precisely accurate. We can work at it hard, and if you are a parent who is home most of the time, you can do a fairly good job. But even then a determined young person can pretty well watch what they want. The point is, the showing of any one violent scene is not going to cause a normal child to become a murderer. The point is, what happens if every night kids who maybe are not healthy are seeing on their television images of violence—and in years gone by, they have gotten more graphic—and at the same time they get in their car and they play an audio or CD of Marilyn Manson, who has extremely violent lyrics, or they turn on the computer and play computer games. I was looking at one and the pointer was a chopped-off hand with blood dripping off it. That is humorous to some degree, but where you have it constantly, it is a problem.

First of all, in my wrestling with the Hollings amendment, is it appropriate for the Government to do so? The FCC does all kinds of other limitations on programming. Is it appropriate for them to analyze the content for violence? I have had my staff do some research of the law on it.

First of all, my general opinion is that the current state of the law is too restrictive on the ability of the Government to contain what is shown in the homes of America. I think it is too restrictive. I don't think the Constitution does that. But the current state of the law, I believe, is too restrictive, and these are some of the things I have discovered.

Under the Hollings amendment, we would perhaps be considered to be pushing the envelope a little bit. But I am not sure that we would because it would prohibit distribution of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience. It would require the FCC to reach a definition of what violent programming is and determine the timeframe for it. It would permit the FCC to exempt news and sports programming, and it would have penalties for those who violate that.

The closest law we can find on point is on the FCC's regulation of indecent programming, which has survived challenge in the courts. Obscene material is the kind of material that is illegal, where the Supreme Court has stated that this material can be so obscene and so lacking in any merit, that communities in the country can ban it from being distributed in their communities. Indecent material is the kind of

material that is less than obscene. So what do we do about indecent material? The FCC defines indecent material—and I am paraphrasing—as this: Patently offensive descriptions based on local community standards of sexual and excretory functions or organs.

Government regulation of indecent material is possible, but it has to survive a standard of strict scrutiny. The courts are going to look at it very strictly to make sure the first amendment is not being undermined.

In *Action for Children's Television v. FCC*, a 1995 case decided in the District of Columbia, the DC court of appeals—which is one step from the U.S. Supreme Court—upheld the FCC safe harbor regulation of indecent material, provided the regulation was the least restrictive means to achieve the Government's compelling interest in protecting young people from indecent programming.

It didn't deal with violence. The original ban on indecent programming between 6 a.m. and midnight contained an exception for public programmers to broadcast indecent material between 10 p.m. and midnight.

A lot of public broadcasters quit at midnight. So the law is a compromise that if you are a public programmer, you can show this material at 10 o'clock and you don't have to wait until midnight like everybody else.

The court found that this exception was not narrowly drawn—not the most narrowly drawn restriction and mandated that you have this kind of law and everybody has the 10 o'clock rule. Some of them can't have 10 and some have midnight. But it upheld it. The Supreme Court upheld that restriction and that rule by the FCC. It was appealed to the U.S. Supreme Court, the final arbiter. They affirmed the ruling without opinion. They did not hear the case, but they did not overrule, and they allowed to stand the opinion of the district court.

So I think the difference we have here is that we are dealing with violence as opposed to what may be defined under the law as indecent.

I think we are raising a very good point. I am seriously considering this amendment. I understand those who have concerns about it. My basic inclination is to say that we ought to care about children. We know for a fact that many children are at home and unsupervised. We have a responsibility and it is not in violation of the first amendment to deal with this and have some restrictions on it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I hope that Americans will look upon this debate. I think it is indicative of how hard and how difficult it is to deal with this issue. One cannot paint with a broad brush, whether we are talking about firearms or entertainment programming or games, or anything else. We cannot paint with a broad brush.

We are under the heels of tragedies such as Littleton, CO. We are very quick to blame. We are also reluctant to admit our own shortcomings in assuming our responsibilities as citizens, as parents, as schoolteachers, and as members of a community.

This particular amendment pretty much says, let no good deed go unpunished. It is too broad. We may table this amendment, and it should be tabled. But I hope that those who are in the business of entertainment and providing programming in its many forms, I hope this message gets to downtown Burbank and Hollywood and Vine.

This basically, if you look at the amendment, is pretty much a lawyer's amendment. It says:

We shall define the term "hours" when children are reasonably likely to comprise a substantial portion of the audience, and the term "violent video programming."

I will tell you that argument will go on for just a little more than a moon, because we know that long hours of television are experienced just after school when they first get home. Then "prime time," we would have to define "prime time" as somewhere between 8 o'clock and midnight.

It also includes maybe the Internet. You could interpret this to say the Internet, because it says in this section the term:

"Distribute" means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave or satellite.

You can also interpret that as the Internet.

We have never to this point put restrictions on the Internet. There may be a day coming when, if the ISPs and the programmers don't show some kind of responsibility, Government will.

It is almost unenforceable. In fact, it is unenforceable. I have never seen a section like this that says if any part of this amendment is found unconstitutional, then the remainder stays in. I think again that is pretty much full employment for our legal profession.

The amendment runs counter to the meaning that we had when we all sat down and worked out the V-chip. There were some of us who said the V-chip will probably not work unless we have responsible parents who are in charge of the television, basically. We were told at that time that the V-chip people were ready to go for it.

Do you know that the first television to have a V-chip in it—this was an agreement 2 years ago, back in July of 1997. Guess what. We have yet to see the first television set to have a V-chip in it—2 years later. That television won't be on the market until July of this year.

Let's give it a chance to work, as far as the V-chip is concerned.

I want to send a strong message to those who will provide entertainment. You should get the message right away. There are people looking, and there are people willing to take some steps, if they show no responsibility at

all in programming to our young people.

I thank the Chair. I thank the floor leader for the time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Montana is the chairman of our Subcommittee on Communications. He questions now: Is the amendment too broad? It sounds to him like a lawyer's amendment. But the distinguished Senator did vote for something identical in 1995 and in 1997, because he voted for exactly that when we reported out the "lawyer's amendment," or however he wants to describe it right now. I appreciated his vote at that time. I am sorry I didn't get to talk to him this morning when he came in, because I think I could have gotten him back around to where he was. So much for that.

My distinguished colleague from California talks about "Schindler's List." Heavens above. We said, "Excessive, gratuitous violence." You have "Schindler's List." You have "Civil War." You have "Saving Private Ryan." It just couldn't apply under this amendment. So let's not raise questions like that.

With respect to pointing the finger at one industry, no. We pointed the finger yesterday—almost a majority, but half the Senate, almost—to the gun industry. We are trying at every angle we possibly can to do something rather than to just talk about it, because that is what we have been doing with respect to television violence. Now they come, of course, with the wonderful putoff, that "shall the Government decide," and "let the parents," "power to the parents," and everything else like that. Heavens above.

I haven't seen an amendment yet to repeal the FCC authority over indecency. In fact, the decision—going up before the courts, finding it to be constitutional—by Judge Edwards, who said violence would be even again more appropriately controlled, but he ruled again on the authority of the Government, the heavy hand of Government, rather than the parent, namely the FCC, to come down and control indecency during the family hour that we have today for indecency.

What this boils down to is to merely extend the family hour for indecency, to violence, to television violence. We brought the Attorney General of the United States, the Justice Department, and she attested to the fact of its constitutionality as well as the outstanding force of constitutional law by professors from the various campuses.

Mr. President, we have had that study. It came out again by the voluntary effort of the industry itself back in 1992. We put that one in the RECORD. Then 6 years later, what does Hollywood say?

I repeat the various letters that we have here, Mr. President. We had the American Federation of Television and Radio Artists finding this, the Pro-

ducers Guild of America finding this, the Writers Guild of America finding this, the Caucus for Producers, Writers and Directors, and the Directors Guild of America—all finding this. When I say "finding this," I mean that much of TV violence is still glamorized. It is trivialized. So we know what the industry does with a study and an investigation in the Brownback amendment.

Mr. President, if we value family values, listen to this one.

Out in Ohio, a 5-year-old child started a fire that killed his younger sister. The mother attributed the fact that he was fascinated with fire to the MTV show Beavis & Butt-Head, in which they often set things on fire. The show featured two teenagers on rock video burning and destroying things. The boy watched one show that had the cartoon character saying "fire is fun." From that point on, the boy has been playing with fire, the mother said. It goes on to say the mother was concerned enough that she took the boy's bedroom door off the hinges so she could watch him more closely, the fire chief said.

Let's give the mothers of America a break. Yes, we can put in the V-chip; yes, we can do all the little gimmicks. But we know one thing is working: They don't shoot 'em up in London schools. They don't shoot 'em up in European schools. They don't shoot 'em up in Australian schools. They have a family hour with respect to television violence. It is working.

In this country, why doesn't the family values crowd have the family hour with respect to TV violence?

Mr. DORGAN. Will the Senator yield?

Mr. HATCH. I yield 2 minutes to the Senator.

Mr. DORGAN. Mr. President, I have listened to this debate. It reminds me of the three stages of denial: The fellow says I wasn't there when it happened; if I was there, I didn't do it; if I did it, I didn't mean it.

I have listened to the denial on this issue. We finally come to the point after three decades of debate, especially in the last 6 or 8 years, where the denial is to say we can't take a baby step forward on this important issue because somebody has reached an agreement somewhere with someone else.

I didn't reach an agreement with anybody. We have a V-chip. I introduced the first V-chip bill in the Senate January 31, 1994. We have a V-chip in law. But don't anybody stand up here and say that because we have a V-chip in law there was some deal somewhere with somebody that prevents Members from doing what we ought to do now. Don't anybody say that, because I was not part of a deal. The Senator from South Carolina was not part of a deal, and I daresay that 90 other Senators in this Chamber were part of no deal with anybody about these issues.

This is common sense. This makes sense.

It seems to me that we ought not have anybody ever come to the floor of the Senate again to talk about this issue if Members are not willing to take this baby step in the right direction.

I am pleased to join the Senator from South Carolina in offering this amendment today to say we have had a lot of discussion, hundreds of studies, a lot of debate. Now we come to the time where we choose. Don't make excuses. Don't talk about some deal that doesn't exist for most Senators. Vote for this legislation.

Mr. HOLLINGS. I thank the distinguished Senator for his leadership.

Mr. HATCH. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FITZGERALD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 328. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—60

Allard	Feingold	McCain
Baucus	Fitzgerald	McConnell
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Brownback	Hagel	Reed
Bunning	Hatch	Robb
Burns	Hutchinson	Roberts
Campbell	Inhofe	Roth
Chafee	Jeffords	Santorum
Cleland	Kennedy	Schumer
Cochran	Kerrey	Shelby
Collins	Kerry	Smith (NH)
Craig	Kyl	Smith (OR)
Crapo	Leahy	Specter
Daschle	Levin	Thomas
Dodd	Lott	Thompson
Domenici	Lugar	Torricelli
Enzi	Mack	Voinovich

NAYS—39

Abraham	Edwards	Lieberman
Akaka	Feinstein	Lincoln
Ashcroft	Graham	Mikulski
Biden	Grassley	Reid
Bingaman	Gregg	Rockefeller
Bond	Harkin	Sarbanes
Bryan	Helms	Sessions
Byrd	Hollings	Snowe
Conrad	Hutchison	Stevens
Coverdell	Johnson	Thurmond
DeWine	Kohl	Warner
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden

NOT VOTING—1

Inouye

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that following the

disposition of amendment No. 335, Senator FEINGOLD be recognized for up to 8 minutes to make a statement on debate, the Senator from Minnesota be recognized for up to 10 minutes, and then Senator ASHCROFT be recognized to offer an amendment regarding guns, and that there be 45 minutes equally divided for debate prior to the vote on or in relation to the amendment, with no amendments in order to the amendment prior to that vote.

I further ask consent that following the debate, the amendment be laid aside and Senator FEINSTEIN be recognized to offer an amendment regarding gun control, with the debate limited to 90 minutes and under the same parameters outlined above.

The PRESIDING OFFICER (Mr. VOINOVICH). Is there objection?

Mr. LEAHY. Reserving the right to object—

Mr. HATCH. Let me finish. Following that debate, the Senate proceed to vote in the order in which the amendments were offered, with 5 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object, and I will not object, I assume then that 5 minutes would be divided in the usual fashion.

Mr. HATCH. Therefore, for the information of all Senators—do I have the unanimous consent?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Therefore, for the information of all Senators, the next votes will occur at approximately 3:30 p.m. and approximately 4 p.m. today.

Mr. LEAHY. Unless time is yielded back.

Mr. McCAIN. Mr. President, reserving the right to object, following the disposition of those amendments, is it then your intention to move to a Hatch-Craig amendment?

Mr. HATCH. Yes; following that, we intend to move to the Hatch-Craig amendment on firearms.

Mr. LEAHY. That is not part of the unanimous consent request.

Mr. HATCH. That is not part of the unanimous consent request.

Mr. McCAIN. I ask unanimous consent that we move to the Hatch-Craig amendment immediately following the disposition of those amendments.

Mr. LEAHY. Mr. President, at this time I object.

Mr. McCAIN. Then I object to the unanimous consent request.

Mr. LEAHY. We already have that.

Mr. HATCH. Let me ask the Senator—

The PRESIDING OFFICER. The unanimous consent agreement has been agreed to, and the Senator from Wisconsin has 8 minutes.

Mr. HATCH. Would the Senator from Arizona—

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1035 are printed in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

#### THE CRISIS IN KOSOVO

Mr. WELLSTONE. Mr. President, I have spoken a number of times on the floor of the Senate about the crisis in Kosovo. I think it is important, under the circumstances, that I do so again in order to pose some critical questions that have emerged recently about United States and NATO policy there.

I saw a window of opportunity for diplomacy. I was really optimistic given the direction of the G-8 countries. I thought we were then going to be going to the United Nations, and we had an opportunity perhaps through diplomacy to bring this conflict to an end.

I think that given what has happened over the weekend, and given the very delicate discussions now underway involving NATO, the U.N. Secretary General, Russia, China, and other key players, it is time to reconsider a proposal that I made 10 days ago: a brief, conditional pause in the airstrike campaign to allow for a de-escalation of this military conflict.

Let me be clear. I continue to support the basic military, political and humanitarian goals that NATO has outlined: the safe return of refugees to their homes; the withdrawal of Serb security forces; the presence of robustly armed international forces capable of protecting refugees and monitoring Serb compliance; full access to Kosovo for nongovernmental organizations aiding the refugees; and Serb willingness to participate in meaningful negotiations on Kosovo's status.

These goals must be met. But in the wake of the Chinese Embassy accident, NATO needs to be even more focused on diplomacy, and I think we have to be very careful to not appear to be belligerent in our public statements—to be strong in terms of the goals that have to be met but be creative in our diplomacy.

I don't really know what there is to the withdrawal of some of the Serb military. Secretary Cohen has raised some very important questions. But on the floor of the Senate, I do want to point out that contrary to some published reports of United States and public statements that suggest that we intend to continue the airstrikes even against Serb forces who may actually be beginning to withdraw, I believe we and NATO should reiterate what we have been saying earlier—that NATO will not strike at Serbian troops who are actively pulling out of Kosovo.

How can we expect even the Serbs to withdraw their troops if we have made it clear that we will bomb them on the way out unless they have agreed to full withdrawal and outlined a timetable for it? Is this seeming new emphasis on continuing the airstrikes even if the