

The Harm from Sex and Violence on Television and Practical Solutions to Protect Society

**For the
Supreme Council for Family Affairs in the State of Qatar
Forum on the Cable Television Channels and the Moral Challenge for Gulf Youth**

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I have a friend who seeks my advice on a potential business venture. It seems he has an extraordinary opportunity to start a business selling the highest quality televisions at the lowest possible prices. He is offered an unlimited quantity of the TVs and his cost will be but a fraction of what other retailers must pay. The picture and sound quality on these TVs are comparable to others sold elsewhere so, frankly, he believes, he could dominate the market and become a wealthy man.

Low costs, high profit, great volume. It seems a sure recipe for success.

There is just one problem with these televisions. It is apparently well known that they emit an electronic ray that ... causes viewers to do violence to their neighbors, causes sexual aggressiveness, nightmares and sleep disturbances, anxiety, depression, and a host of other ills.

I have advised my friend that he will do quite well financially in this business venture, despite the great damage the televisions will cause to families that purchase them. Why? Because the public just does not care about such problems. And governments will do nothing to prevent the damage.

How do I know this? It's simple. Common sense and the great weight of numerous studies on the effects of television, already indicates is that much TV programming, especially of sex and violence, two dominant programming themes, causes significant harmful effects but that has not harmed sales. An apathetic public and inattentive governments have assured that profits from television continue to skyrocket.

Therefore, my friend should do well.

I am being facetious, of course. Yet, I am serious also. We now know that violent and sexually explicit television programming is a major contributing factor to many of society's worst ills. So, why hasn't more been done to stop it?

INTRODUCTION

Few inventions of the Twentieth Century were more remarkable, more powerful, or more influential in the daily lives of citizens throughout the world than television. That influence grows daily as more and more areas of the world have access to television and the number of televisions per household increases. The average American household has the television set turned on 8 hours and 14 minutes daily.¹ For many children, Television has become the second parent, and to some, more powerful and influential even than their real life parents. The average time American children spend watching TV each day is two to four hours.² Depending on their age, one to two thirds of America's children have televisions in their bedrooms.³ What goes into our children's minds during those several hours each day is of vital importance to the future of the world.

To say that television programming has a profound social impact is a great understatement. Television can be a source of good or evil. At its best, it is educational and entertaining. At worst, it is prurient and frightening. It can be provocative, but it can also be mind numbing, as well.

Harm from television programming is hotly debated in some quarters. The question of whether television programming harms, and that is a question with which the world is wrestling now, is, in my judgment, really a question of whether television programming *influences*. Common sense tells us that it does. Shows depicting violence, sex, and profanity *influence*. Television shapes the attitudes, outlook, and morality of its viewers. This is not mere conjecture; advertisers know this and are willing to pay vast sums of money because of it.

¹ Available at <http://www.nielsenmedia.com/nc/portal/site/Public/menuitem.55dc65b4a7d5adff3f65936147a062a0/?vgnextoid=4156527aaccd010VgnVCM100000ac0a260aRCRD>

² *Id.* Other researchers have found that children ages 0-6 watch an average of one hour of television a day. See Kaiser Family Foundation, *Zero to Six: Electronic Media in the Lives of Infants, Toddlers, and Preschoolers* (Fall 2003) (“*Kaiser Kids and Media Report*”) at 7, available at <http://www.kff.org/entmedia/upload/Zero-to-Six-Electronic-Media-in-the-Lives-of-Infants-Toddlers-and-Preschoolers-PDF.pdf>; see also, Harris Interactive, *Born to Be Wired: A New Media Landscape Comes of Age*, available at http://us.i1.yimg.com/us.yimg.com/i/promo/btbw_2003/btbw_execsum.pdf (finding that 13-24 year olds watch, on average, 13.6 hours of television per week).

³ See, e.g., *Kaiser Kids and Media Report* at 7 (stating that 30% of children 0-3 years old have a television in their bedroom and 43% of children 4-6 have a television in their bedroom); *Id.* at 20; Knowledge Networks/SRI, *How Children Use Media Technology* (2003), available at <http://www.sri.knowledgenetworks.com> (finding that 6 out of 10 8-17-year-old children had televisions in their bedrooms, and 1 out of 3 of the same group have cable television).

An observer of a television audience watching a champion soccer game will note that, so long as the audience is composed of partisans of the game, what is depicted on the television screen will move or influence the audience. A goal scored might lead part of the audience to jump up and scream in delight while the other part of the audience might groan or throw the remote control and other objects in disgust. Personally, I am not a fan of soccer so I might not be moved at all by the action depicted on the TV. I would be completely indifferent to whether one team or another scores. However, if I were observing the action and the audience, I would have to conclude that television influences.

An excessively violent murder movie or a documentary with actual battle scenes of a war might have little influence or impact on a life-long murder detective or a hardened soldier who are used to such scenes in daily life. Yet, a child or young adult viewing such material might be scarred for life. An unstable adult viewing such material might try to imitate such scenes and perpetrate a “copycat” crime. In the United States, we have witnessed this many times over.

A pornographic movie broadcast on television might influence a man to have sexual relations with his wife – or with a prostitute if his wife is not available. The same programming might lead a child to experiment with or molest other children.

One does not need a study to tell us that such things are true. Common sense and our powers of observation tell us so and we should not be persuaded to put aside such faculties as unuseful or unscientific. As citizens of our respective countries and as parents of children, we need to use these faculties for the good of society and especially for the good of our families.

I am not a social scientist and thus I have nothing original to contribute scientifically to the worldwide debate on the potential harms of television programming. Yet, I am a lawyer and a parent and I know the power of circumstantial evidence. When I have sat up nights with my children after they have watched, what was for them, a frightening television show, I have observed that it was the TV show rather than the evening’s meal that caused nightmares. As our respective societies become more violent and sexualized, we rightly observe that the dominance of television in the lives of our citizens is having a marked influence. In addition, there are numerous scientific studies that confirm our own observations regarding the effects of television. I would like to share some of the data on this to arm you with the knowledge and tools to help make society and your family safe from the bad side of television.

First, let us look at effects of pornography.

THE CASE AGAINST DESTRUCTIVE TELEVISION PROGRAMMING

A. Pornography Programming

Pornography is now widely available on television to children and adults, in the Middle East, Europe, America, and much of the rest of the world. I have been involved in various efforts to curb access to pornography for twenty-two years, as a federal prosecutor charging the purveyors of pornography with crimes under United States law, and now as an activist against pornography. It is my observation, after my more than 20 years of service to this cause, that there is no good whatsoever that comes from watching pornography – for adults but especially for children.

I believe I have now heard every argument in favor of pornography but have yet to hear even one convincing argument. Those who argue in favor of access to pornography say that it is an effective marital aid, provides good sexual education, and prevents rape and other illicit acts. I say that it leads to adultery in fact and in mind, tortures perceptions of sexual love, and fuels unquenchable fires that lead to more and more rape and sexual molestation.

Pornography tears one away from Almighty God by controlling one's mind with shameful thoughts that oppose God's will. Pornography alienates a man from his spouse by substituting her in his mind with the glamorized but unrealistic images of those seen in sex films. Pornography stunts the development of a child's mind by ripping the child away from useful family and educational pursuits, providing instead dominating mental images that darkly color his view of reality. These are my observations but the scientists agree.

Psychologist, Dr. Victor B. Cline has described his observations of pornography's negative effects after years of treating sexual illnesses: "In over 25 years I have treated approximately 350 males afflicted with sexual addictions (or sometimes referred to as sexual compulsions). In about 94% of the cases, I have found that pornography was a contributor, facilitator, or direct causal agent in the acquiring of these sexual illnesses. I note that Patrick Carnes, the leading U.S. researcher in this area, reports similar findings. In his research on nearly 1000 sex addicts, as reported in his *Don't Call it Love: Recovery from Sexual Addictions* (Bantam Books, 1991): 'Among all addicts surveyed 90% of the men and 77% of the women reported pornography as significant to their addiction.' I found that nearly all of my adult sexual addicts' problems started with porn exposure in childhood or adolescence (8 years and older). The typical pattern was exposure to mild porn early with increasing frequency of exposure and eventual later addiction. This was nearly always accompanied by masturbation. This was followed by an increasing desensitization of the materials' pathology, escalation to increasingly aberrant and varied kinds of materials, and eventually to acting out the sexual fantasies they were exposed to. While this did on occasion include incest, child molestation, and rape, most of the damage was through compulsive infidelity (often infecting the wife with Herpes or other

venereal diseases) and a destruction of trust in the marital bond which in many cases led to divorce and a breaking up of the family.”⁴

Dr. Mary Anne Layden, co-director of the Sexual Trauma and Psychopathology Program at the University of Pennsylvania's Center for Cognitive Therapy, has shown that pornography is extremely harmful to those who consume it on a regular basis. Layden said there is a correlation between viewing pornography and sexual behavior among individuals. Viewing pornography leads to, what Dr. Layden calls, "permission-giving beliefs," which she describes as beliefs that claim the action the person is doing is normal, does not hurt anyone and that everyone is doing them. The individual involved, she notes, does not think they need to change their behavior. She cites the following examples of such beliefs: that sex is a consumer commodity that can be bought, sold or stolen at anytime; sex is a male entitlement; male sexuality is viciously narcissistic, predatory and out of control; women enjoy degrading sex and women's bodies are just sexual entertainment for men. She notes that college students who continue to watch pornography can adapt these beliefs, which lead to developing a pattern of unhealthy sexual relationships and dangerous sexual behavior.⁵ Prolonged exposure to pornography, Layden says, can even lead to a high likelihood to commit rape.

Studies conducted by researchers Dolf Zillman and Jennings Bryant also demonstrated similar, alarming results: Massive exposure to pornography made rape appear a mere trivial offense, they found. Intensive pornography viewing led to beliefs that unusual sexual acts are far more common than they really are.⁶ Prolonged exposure to pornography impacts the individual's sexual and personal happiness, increasing distrust and dissatisfaction with one's partner, increasing acceptance of infidelity and male-dominated relationships, and decreasing the desire to marry or raise a family.⁷

My own observations over twenty years have led me to understand that pornography and prostitution go hand in hand. The former creates a demand for the later. Eventually, many who are steady consumers of pornography turn to prostitutes, both adult and child prostitutes. Researchers in Scotland found support for this observation, showing in a

⁴ Victor B. Cline, *Treatment and Healing of Sexual and Pornographic Addictions* (1999), available at <http://www.moralityinmedia.org/index.htm?pornsEffects/vbctreat.htm>.

⁵ Quoted in Gerrick Lewis, *Porn Leads to Aggressive Behavior*, THE LANTERN, Nov. 26, 2007, available at <http://media.www.thelantern.com/media/storage/paper333/news/2007/11/26/Campus/Porn-Leads.To.Aggressive.Behavior-3115192.shtml>.

⁶ DOLF ZILLMAN & JENNINGS BRYANT, *Effects of Massive Exposure to Pornography*, in PORNOGRAPHY AND SEXUAL AGGRESSION 115 (Neil Malamuth and Edward Donnerstein eds., 1984).

⁷ Dolf Zillman & Jennings Bryant, *Effects of Prolonged Consumption of Pornography*, 9(5) JOURNAL OF FAMILY ISSUES, 518 (1988); *Pornography's Impact on Sexual Satisfaction*, 18(5) JOURNAL OF APPLIED SOCIAL PSYCHOLOGY, 438 (1988).

study that the most frequent users of pornography are the most frequent users of women in prostitution.⁸

In another study, it was demonstrated that pornography is “integral to prostitution.”⁹ In nine countries of the study, 49% of prostitutes interviewed told researchers that pornography was made of them while they were in prostitution. Forty-seven percent reported being upset by men’s attempts to make them do what they had previously seen in pornography.

Prostitution goes hand in hand with sexual trafficking. The demand for prostitutes in many parts of the world, including the United States is so great that criminals can earn enormous sums of money by forcing girls and women into prostitution to meet the demand. Dr. Mary Anne Layden has noted that the connection to sex trafficking is that increased use of pornography leads to increased demand for prostitution. When demand outstripped supply of local prostitutes, women and children were brought in from overseas, often against their will.¹⁰

There is evidence that pornography’s harms even include murder. In his introduction to a reprint of the *Final Report of the Attorney General's Commission on Pornography*, columnist Michael McManus noted that, “The FBI interviewed two dozen sex murderers in prison who had killed multiple numbers of times. Some eighty-one percent said their biggest sexual interest was in reading pornography. They acted out sex fantasies on real people. For example, American Arthur Gary Bishop convicted of sexually abusing and killing five young boys said, “If pornographic material would have been unavailable to me in my early states, it is most probable that my sexual activities would not have escalated to the degree they did.” He said pornography's impact on him was “devastating.

⁸ Jan Macleod, Melissa Farley, Lynn Anderson & Jacqueline Golding, *Challenging Men’s Demand for Prostitution in Scotland*, Women’s Support Project (April 2008), available at http://www.rapecrisisScotland.org.uk/documents/Challenging_Men%27s_Demand.pdf.

⁹ MELISSA FARLEY, *Renting an Organ for Ten Minutes: What Tricks Tell Us About Prostitution, Pornography, and Trafficking*, in *PORNOGRAPHY: DRIVING THE DEMAND IN INTERNATIONAL SEX TRAFFICKING* 145 (David E. Guinn and Julie DiCaro, eds., 2007).

¹⁰ *Online Porn Addiction Turns Our Kids into victims and predators*, SYDNEY SUN-HERALD, Aug. 14, 2005, available at <http://www.smh.com.au/news/miranda-devine/online-porn-addiction-turns-our-kids-into-victims-and-predators/2005/08/13/1123353539758.html>.

... I am a homosexual pedophile convicted of murder, and pornography was a determining factor in my downfall."¹¹

The viewing of pornography by children may have life altering and devastating consequences. This fact is highlighted by author Donna Rice Hughes, who, quoting studies, notes that during certain critical periods of childhood, a child's brain is being programmed for sexual orientation. During this period, the mind appears to be developing a "hardwire" for what the person will be aroused by or attracted to. Exposure to healthy sexual norms and attitudes during this critical period can result in the child developing a healthy sexual orientation. In contrast, if there is exposure to pornography during this period, sexual deviance may become imprinted on the child's "hard drive" and become a permanent part of his or her sexual orientation.¹²

Evidence suggests that exposure to pornography can prompt children to act out sexually against younger, smaller, and more vulnerable children. Some experts in the field of childhood sexual abuse report that any premature sexual activity in children always suggests two possible stimulants: experience and exposure. This means that the sexually deviant child may have been molested or simply exposed to sexuality through pornography.¹³ Pornography short-circuits and/or distorts the normal personality development process and supplies misinformation about a child's sexuality, sense of self, and body that leave the child confused, changed, and damaged.¹⁴

How many children are permanently scarred each day by exposure to pornography on television throughout the world? Surely all those who are responsible for pornography prominence on television have much to answer for. They are destroyers of lives.

B. Less Explicit Sexual Programming

While many would agree that putting pornography on prime time TV would not be good for children, there is less clarity when it comes to shows that – while not actually depicting the nude participants in a sexual act – glamorize sex between teens as constant and without consequence. In fact, in American television today, non-explicit sexual scenes, explicit sexual talk, and sexual innuendo are a staple of television programming.

¹¹ UNITED STATES ATTORNEY GENERAL'S COMMISSION ON PORNOGRAPHY, FINAL REPORT OF THE ATTORNEY GENERAL'S COMMISSION ON PORNOGRAPHY (Michael J. McManus ed., 1986).

¹² STEPHEN J. KAVANAGH, PROTECTING CHILDREN IN CYBERSPACE 58-9 (1998).

¹³ *Id.*

¹⁴ Interview with Ann Burgess, Professor of Nursing, University of Pennsylvania, Jan. 15 1997, in *Pornography - Victims and Perpetrators*, SYMPOSIUM ON MEDIA VIOLENCE & PORNOGRAPHY, PROCEEDINGS, RESOURCE BOOK AND RESEARCH GUIDE 18 (D. Scott, ed. 1984), available at <http://www.protectkids.com/effects/harms.htm>.

Children today are being bombarded by sex on TV. Harm has followed. Pediatrician Victor Strasburger, M.D., notes that, "The media have arguably become the leading sex educator in America today. That's not good news, considering the fact that more than 75 percent of primetime shows contain sexual content but only 11 percent discuss the risks of sex."¹⁵

The number of sexual scenes on American television has nearly doubled since 1998, according to *Sex on TV 4*, a biennial study released in 2005 by the Kaiser Family Foundation.¹⁶ The study found that 70 percent of all shows include some sexual content, and that these shows average 5.0 sexual scenes per hour, compared to 56 percent and 3.2 scenes per hour respectively in 1998, and 64% and 4.4 scenes per hour in 2002. The study said that the increases combined represent nearly twice as many scenes of sexual content on TV since 1998 (going from 1,930 to 3,780 scenes in the program sample totaling a 96 percent increase between 1998 and 2005). What does television in your country include in this regard? Moreover, what are the effects of such programming?

Though references to sexual intercourse on American television have increased and have become much more explicit, many of the "messages" remain relatively unchanged. Sexual behavior still typically takes place between two adults who are not married to each other. The potential consequences of sexual intercourse are rarely addressed; pregnancy, contraception, and sexually transmitted diseases are generally absent from character dialogue and portrayals.¹⁷ This cannot be a healthy development and the American public is concerned.

In one national survey, 62 percent of respondents said that sex on TV shows and movies influences kids to have sex when they are too young. Also, 77 percent said that there is too much sex before marriage on television.¹⁸ In another national opinion poll conducted for Common Sense Media, 64 percent of parents with at least one child between the ages of 2 and 17 believed media products in general were inappropriate for their families. Only one in five parents 'fully trusted' the industry-controlled rating systems.¹⁹

¹⁵ Victor Strasburger, "Clueless": *Why Do Pediatricians Underestimate the Media's Influence on Children and Adolescents?* 117(4) PEDIATRICS 1427, 1427 (Apr. 2006).

¹⁶ Available at <http://www.kff.org/entmedia/entmedia110905nr.cfm>.

¹⁷ Aletha C. Huston, Ellen Wartella, & Edward Donnerstein, *Measuring the Effects of Sexual Content in Media: A Report to the Kaiser Family Foundation* 7 (May 1998), available at <http://www.kff.org/entmedia/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=14624>.

¹⁸ Sex, Violence, and Profanity in the Media Fact Sheet, TV Statistics, available at <http://www.parentstv.org/ptc/facts/mediafacts.asp> (last visited Nov. 5, 2008).

¹⁹ Jim Rutenberg, *New Attempt to Monitor Media Content*, N.Y. TIMES, May 21, 2003, available at

Sadly, teens are recognizing the reality around them. Slightly more than half of American teenagers ages 15 to 19 have engaged in oral sex, with females and males reporting similar levels of experience, according to a 2005 survey by the National Center for Health Statistics.²⁰

To connect the dots here, one has to ask if the teens who are becoming sexually active are, in fact, the same teens who have had a lot of television exposure to programs featuring casual and early age sex? A Rand study of 1,792 adolescents ages 12-17 gives the answer. Youths who watched more sexual content were more likely to initiate intercourse and progress to more advanced noncoital sexual activities in the year following the beginning of the study. Youths in the 90th percentile of TV sex viewing had a predicted probability of intercourse initiation that was approximately double that of youths in the 10th percentile. The study indicated that kids with higher exposure to sex on TV were almost twice as likely as kids with lower exposure to initiate sexual intercourse.²¹ Apparently, with television awash in sex, a child or young adult is made to believe that unmarried sex is more common than it is among peers and this affects behavior.

Parents are demanding that something be done about the problem of sex on television. In a British survey, 86 percent of respondents agreed that their government should step in to regulate sexually explicit television and magazine images aimed at children, according to a BBC poll of more than 1,000 people. While the strongest support came from 55- to 64-year-olds (92 percent), a surprising 78 percent of 18- to 24-year-olds also believe tougher restrictions are necessary to discourage adolescent sex.

In a recent 2005 Time Magazine Poll, 53 percent of respondents said that they think the FCC should place stricter controls on broadcast-channel shows depicting sex and violence. A significant majority, 68 percent, said that they believe the entertainment industry has lost touch with viewers' moral standards. A majority, 58 percent, said there was too much cursing and 50 percent said there is too much sexual content on TV.²²

The Parents Television Council of Los Angeles, California, a non-partisan education organization advocating responsible entertainment, has closely monitored American

<http://query.nytimes.com/gst/fullpage.html?res=9E05E5D6113EF932A15756C0A9659C8B63&sec=&spon=&pagewanted=all>.

²⁰ Laura Sessions Stepp, *Study: Half of All Teens Have Had Oral Sex*, WASHINGTON POST, Sept. 16, 2005, at A07.

²¹ Rebecca L. Collins, Marc N. Elliott, Sandra H. Berry, David E. Kanouse, Dale Kunkel, Sarah B. Hunter, & Angela Miu, *Watching Sex on Television Predicts Adolescent Initiation of Sexual Behavior*, 114(3) PEDIATRICS e280, e280 (Sept. 2004).

²² Parents Television Council: Media Education, *available at* <http://www.parentstv.org/PTC/mediaeducation/main.asp> (last visited Nov. 6, 2008).

television programming for more than a decade and what it found should cause alarm in any parent anywhere in the world where such programming is available. I am frankly ashamed of what we are exporting from American TV. One of the more popular exports is MTV, which is a wildly popular network in the States, but also overseas.

The Parents Television Council taped and studied MTV's coverage 24-hours a day for the week of March 20, 2004 to March 27, 2004.²³ Analysts recorded instances of sexual content, foul language, and violence into the PTC's computerized Entertainment Tracking System (ETS). One hundred and seventy-one hours of programming were analyzed and the results are alarming. PTC analysts found 1,548 sexual scenes containing 3,056 depictions of sex or various forms of nudity and 2,881 verbal sexual references. That means that children watching MTV are viewing an average of nine sexual scenes per hour with approximately 18 sexual depictions and 17 instances of sexual dialogue or innuendo. Analysts recorded 1,518 uses of unedited foul language and an additional 3,127 bleeped profanities on MTV programming. That means that the young children watching MTV are subjected to roughly 8.9 un-bleeped profanities per hour, and an additional 18.3 bleeped profanities per hour.

In America, MTV is the most recognized network among young adults ages 12 to 34. It is watched by 73% of boys and 78% of girls ages 12 to 19. Boys watch for an average of 6.6 hours per week and girls watch for an average of 6.2 hours per week.²⁴

The MTV network has a powerful influence on young people according to the research. At least two experiments show that watching MTV results in more permissive attitudes about sex. One experiment showed that college students who were assigned to watch MTV developed more liberal attitudes toward premarital sex than their peers who did not watch MTV as part of the study.²⁵ The second found that seventh and ninth graders were more likely to approve of premarital sex after watching MTV for one hour.²⁶

Televised pornography and less explicit sexual programming are changing the world in a very negative way. Governments and concerned parents must agree to do something to

²³ Casey Williams, *MTV Smut Peddlers: Targeting Kids with Sex, Drugs and Alcohol* (Mar. 20, 2004-Mar. 27, 2004), available at <http://www.parentstv.org/PTC/publications/reports/mtv2005/main.asp>.

²⁴ Michael Rich, Elizabeth R. Woods, Elizabeth Goodman, S. Jean Emans, & Robert H. DuRant, *Aggressors or Victims: Gender and Race in Music Video Violence*, 101(4) *PEDIATRICS* 669, 669-70 (Apr. 1998).

²⁵ Calfin, M. S., Carroll, J. L., & Schmidt, J., *Viewing Music-Video Tapes Before Taking a Test of Premarital Sexual Attitudes*, 72 *PSYCHOLOGICAL REPORTS* 475, 475-81 (1993).

²⁶ Larry E. Greeson & Rose Ann Williams, *Social Implications of Music Videos on Youth: An Analysis of the Content and Effects of MTV*, 18(2) *YOUTH AND SOCIETY* 177, 177-89 (1986).

halt the moral slide caused by these factors. Apathy and ignorance of the ill effects of sexual television programs must be challenged by governments and by those parents and parental groups that recognize what television is doing to societies.

C. Violence

The pervasive violence on television is another morally degrading factor in the decline of societies. So much of the violence depicted on television is directed at our children.

A Parents Television Council 2006 study, "Wolves in Sheep's Clothing: A Content Analysis of Children's Television,"²⁷ a study of programming directed to 5-10 year-old children, revealed shocking findings: "In the 443.5 hours of children's programming analyzed by the PTC there were 3488 instances of violence -- an average of 7.86 violent incidents per hour. Even when the innocent, "cartoony" violence most of us grew-up with (e.g. an anvil falling on Wile E. Coyote's head) is extracted, there were still 2794 instances of violence for an average of 6.30 violent incidents per hour. To put this figure in perspective, consider that in 2002 the six broadcast networks combined averaged only 4.71 instances of violence per hour of prime time programming. Thus there is more violence aimed directly at young children than at adults on television today."

Though some have argued that violence has always been present on TV, from cowboy and Indian shows and slapstick cartoons in TV's early days, with little evidence of harm, the PTC notes that what has changed is that the "violence today is ubiquitous, often sinister, and in many cases, frighteningly realistic." It notes that parents often take it for granted that children's programs are, by definition, child-friendly. The study, however, definitively demonstrates that such is not always the case. Parents are advised by PTC to "not let their guard down and allow their children to watch television unsupervised." "Young children are especially impressionable, and they learn social norms and behaviors as readily from television as from their peers or parents," the PTC notes. The "Wolves in Sheep's Clothing" report documents that "children's television" is no safe haven for children and parents must be extremely vigilant as to what their children are watching.

A second study by the Parents Television Council analyzing TV violence during primetime viewing hours from 1998 to 2006, *Dying to Entertain*,²⁸ found that the television season that began in the fall of 2005 was one of the most violent in recent history. Programming averaged 4.41 instances of violence per hour during prime time -- an increase of 75% since the 1998 television season. Violence has also increased in

²⁷Kristen Fyfe (Mar. 2, 2006), *available at* <http://www.parentstv.org/PTC/publications/reports/childrensstudy/main.asp>.

²⁸ Caroline Schulenburg, *available at* <http://www.parentstv.org/PTC/publications/reports/violencestudy/exsummary.asp>.

every time slot since 1998. Violence during the 8:00 hour has increased by 45%; during the 9:00 hour it increased by 92%; and during the 10:00 hour it increased by 167%. Violent scenes increasingly include a sexual element. One program, *Law and Order: Special Victims Unit* is devoted exclusively to sex crimes, and audiences get the double whammy of sex and violence as rapists, sexual predators, and fetishists are regular fare. During the last TV season, nearly half (49%) of all episodes contained at least one instance of violence. The study demonstrated that 56% of all violence on prime time network television during the 2005-2006 season was person-on-person violence and 54% of violence scenes contained either a depiction of death (13%) or an implied death (41%).

Thus, what is viewed in primetime in recent years by children and adults is not at all comparable to that viewed less than a generation ago. Consequences from such viewing must necessarily be greater, in my opinion. The PTC study concludes that, violence on television continues unabated despite the overwhelming evidence pointing to a direct and causal relationship between violent entertainment products and aggressive behavior in children.

In 2000, during testimony before a United States Congressional Committee, the American Academy of Pediatrics, American Medical Association, the American Academy of Child and Adolescent Psychiatry, and the American Psychological Association issued a "Joint Statement on the Impact of Entertainment Violence on Children." The statement said that the conclusion of the public health community, based on over 30 years of research, is that, "viewing entertainment violence can lead to increases in aggressive attitudes, values, and behavior, particularly in children. Its effects are measurable and long lasting. Moreover, prolonged viewing of media violence can lead to emotional desensitization toward violence in real life."²⁹

The statement noted that the effect of entertainment violence on children is complex and variable. "Some children will be affected more than others. But while duration, intensity, and extent of the impact may vary, there are several measurable negative effects of children's exposure to violent entertainment. These effects take several forms. 1.) Children who see a lot of violence are more likely to view violence as an effective way of settling conflicts. Children exposed to violence are more likely to assume that acts of violence are acceptable behavior; 2.) Viewing violence can lead to emotional desensitization towards violence in real life. It can decrease the likelihood that one will take action on behalf of a victim when violence occurs; 3.) Entertainment violence feeds a perception that the world is a violent and mean place. Viewing violence increases fear of becoming a victim of violence, with a resultant increase in self-protective behaviors and a mistrust of others; 4.) Viewing violence may lead to real life violence. Children exposed to violent programming at a young age have a higher tendency for violent and aggressive behavior later in life than children who are not so exposed."

²⁹ American Academy of Pediatrics (July 26, 2000), *available at* <http://www.aap.org/advocacy/releases/jstmtevc.htm>.

The phenomenon of “copycat violence” has made headlines for years in America and its courts. One movie, produced and directed by Oliver Stone, “National Born Killers” has a long stream of violence attached to it. In the 1993 movie, the plot revolves around a young couple who become celebrities as they go on a killing spree across the country. Following that show, here are some of the terrible copycat crimes that ensued:

- 1994: Sarah Edmondson and Ben Darras, both 18 at the time, spend the evening taking LSD and watching the movie "Natural Born Killers" over and over again. The next day they went cross country to Mississippi where Darras killed William Savage, shooting him twice in the head. Then, they went to Louisiana where Edmondson shoot a store cashier, wife, and mother of two children.
- 1994: A 14-year-old Texas boy is accused of decapitating a 13-year-old girl. Police report that the boy told them he "wanted to be famous like the natural born killers."
- 1995: After watching the movie 19 times, four people in their twenties from Georgia are accused of killing a truck driver.
- 1995: A Massachusetts killing makes national headlines when one of the accused reportedly boasts to a girlfriend that he and his co-defendants are "natural born killers."

In the first case, where the couple killed a man and left a cashier a quadriplegic, the family of the cashier sued Warner Brothers Pictures and Oliver Stone for "distributing a film they knew, or should have known would cause and inspire people to commit crimes". They argued there was a direct "causal link" between the movie and the murders and that the artist should be required to share responsibility.” In response, Time Warner and Stone argued that film-makers have the right to free speech under the First Amendment, and that nothing in the film advocated or incited viewers to commit violence, according to Warner Bros. Because the burden of proof requires that the accused *intended* to incite violence, the courts did not rule against the movie makers. This standard of proof – combined with Hollywood’s glamour, money, and free speech claims, has routinely absolved them of responsibility or culpability for what they produce for children.³⁰

An older study, The National Television Violence Study, analyzed programming over three consecutive TV seasons from 1994 to 1997. ³¹ Among the findings: Violence was found to be more prevalent in children’s programming (69 percent) than in other types of

³⁰ Freedomforum.org, *Oliver Stone and Natural Born Killers Timeline*, <http://www.freedomforum.org/templates/document.asp?documentID=3962> (last visited Nov. 6, 2008).

³¹ Center for Communication and Social Policy, University of California, Santa Barbara (UCSB), NATIONAL TELEVISION VIOLENCE STUDY, EXECUTIVE SUMMARY (Vol. 3 1998) (Commissioned by the National Cable Television Association, the study analyzed almost 10,000 hours of broadcast and cable programming randomly selected from 23 channels over the course of three TV seasons from 1994 to 1997).

programming (57 percent).³² In a typical hour of programming, children's shows featured more than twice as many violent incidents (14) than other types of programming.³³ The average child who watches 2 hours of cartoons a day may see nearly 10,000 violent incidents each year.³⁴ The number of prime-time programs with violence increased over the three years of the study, from 53 percent to 67 percent on broadcast television and from 54 percent to 64 percent on basic cable. Premium cable networks have the highest percentage of shows with violence, averaging 92 percent since 1994.³⁵ The study indicated that more than half the scenes of violence depicted would be lethal if they occurred in real life. In the face of such findings, what parent can leave their children to watch television unsupervised?

Violent television is especially harmful to young children. Children younger than 8 "cannot uniformly discriminate between real life and fantasy/entertainment. They quickly learn that violence is an acceptable solution to resolving even complex problems, particularly if the aggressor is the hero."³⁶

Yet, despite these facts, by the time a child reaches age 8, he or she will have witnessed 20,000 acts of violence on television.³⁷ "By age eight, children are more likely to be sensitive to important moderating influences of television content, and will not become more aggressive themselves if the violence they see is portrayed as evil, as causing human suffering, or as resulting in punishment or disapproval. However, they are especially likely to show increased aggression from watching violent television if they believe the violence reflects real life, if they identify with a violent hero (as boys often do), or if they engage in aggressive fantasies."³⁸ One study pointed out that, television violence is so often inconsequential, effective, and rewarded. "Both the heroes and

³² Barbara Wilson et al., *Violence in Children's Television Programming: Assessing the Risks*, 52 JOURNAL OF COMMUNICATION, 5, 5-35 (2002).

³³ *Id.*

³⁴ Center for Communication and Social Policy, *supra* note 31, at 33-34.

³⁵ *Id.* at 32.

³⁶ Committee on Communications, American Academy of Pediatrics, *Media Violence*, 95(6) PEDIATRICS 949, 949 (June 1995).

³⁷ Eugene V. Beresin, M.D., *From Video Column to Media Column: A New Name and a New Direction*, 23(2) ACADEMIC PSYCHIATRY 110, 112 (1999).

³⁸ Department of Canadian Heritage, *Television Violence: A Review of the Effects on Children of Different Ages* (Feb. 1995), available at http://www.media-awareness.ca/english/resources/research_documents/reports/violence/tv_violence_child.cfm.

villains on television use violence to finish conflicts quickly. The idea of pain and consequence is usually not introduced, whether it be physical or psychological.”³⁹ This is not the modeling behavior that most parents would wish for their children.

This inability of the young to process reality and fantasy was exemplified in a terrible case in Liverpool, England. In 1993, two-10-year-old boys watched “A Child’s Play 3” featuring “Chucky” a doll that goes on rampages of killing. Afterwards, the boys were in a small neighborhood supermarket and video surveillance cameras show them taking Jamie, a two-year-old child out the door. The boys took Jamie to the railway tracks, beat him with bricks, an iron rod, splashed him with blue paint – which was also used by “Chucky” in the movie—and left him across the railroad tracks. The boy was found two days later, run over and dead. The case went through numerous layers of trial and the two boys were convicted and served time.

Violent television programming has been a matter of great concern in the United States dating back to the time of television’s popularization. The U.S. Surgeon General issued a report in 1972 warning of the effects of television violence.⁴⁰ A host of studies demonstrating similar concerns followed. The National Institute of Mental Health issued a comprehensive review of the research on media violence in 1982;⁴¹ followed eleven years later by the American Psychological Association.⁴² According to the American Academy of Pediatrics, “(I) t is not violence itself but the context in which it is portrayed that can make the difference between learning about violence and learning to be violent. Serious explorations of violence in plays like *Macbeth* and films like *Saving Private Ryan* treat violence as what it is—a human behavior that causes suffering, loss, and sadness to victims and perpetrators. In this context, viewers learn the danger and harm of violence by vicariously experiencing its outcomes. Unfortunately, most entertainment violence is used for immediate visceral thrills without portraying any human cost. Sophisticated special effects, with increasingly graphic depictions of mayhem, make virtual violence more believable and appealing.”⁴³

³⁹ Beresin, *supra* note 37, at 112.

⁴⁰ US SURGEON GENERAL'S SCIENTIFIC ADVISORY COMMITTEE ON TELEVISION AND SOCIAL BEHAVIOR, *TELEVISION AND GROWING UP: THE IMPACT OF TELEVISED VIOLENCE: REPORT TO THE SURGEON GENERAL, US PUBLIC HEALTH SERVICE* (1972).

⁴¹ *TELEVISION AND BEHAVIOR. TEN YEARS OF SCIENTIFIC PROGRESS AND IMPLICATIONS FOR THE EIGHTIES VOL II: TECHNICAL REVIEWS* (David Pearl, et al. eds., National Institute of Mental Health 1982).

⁴² AMERICAN PSYCHOLOGICAL ASSOCIATION, *SUMMARY REPORT OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION COMMISSION ON VIOLENCE AND YOUTH* (1993).

⁴³ Committee on Public Education, American Academy of Pediatrics, 108(5) *PEDIATRICS* November 1222, 1223 (2001).

The Academy warns that, “titillating violence in sexual contexts and comic violence are particularly dangerous, because they associate positive feelings with hurting others,” according to several studies.⁴⁴

Neither the public nor the government has had much effect in curbing TV violence in the U.S. or elsewhere. In recent years, however, public concern in America has been so great that in 2004, Members of the United States Congress requested the United States Federal Communications Commission (FCC) study the problem of violent television programming.⁴⁵ Nor was this the first time Congress expressed its concern.⁴⁶ The 2004 request resulted in a report from the FCC concluding that, “there is strong evidence that exposure to violence in the media can increase aggressive behavior in children, at least in the short term.”⁴⁷ Such a conclusion was hardly earthshaking and, indeed, many following the work of the Commission had hoped for more. However, the report helped to focus public attention the problem of violent television by highlighting and summarizing the available relevant scientific studies and lending another authoritative voice calling for a curb on television violence.

All parents know enough to keep their children from violence. If the local playground is inhabited by older children who are bullies, parents keep their children away. Schools with high incidences of violence are avoided. Parents refrain from traveling to violent war torn countries with family. Nevertheless, many parents do not seem to fear their child's constant exposure to television violence. Perhaps it is apathy or ignorance regarding the ill effects of violent television programming; but whatever it is, it must be combated vigorously.

Perhaps parents assume that children understand that what they see is not real. We know that Spiderman cannot jump from one high building to another tethered by a string of spider web. Should they assume their children know this as well? Maybe some parents do not contemplate what their child may or may not think about such a program. It seems

⁴⁴*Id.*; see also D.G. Linz, E. Donnerstein, & S. Penrod, *Effects of Long-term Exposure to Violent and Sexually Degrading Depictions of Women*, 55(5) J. PERS. SOC. PSYCHOL. 758 (1988); Victor C. Strasburger & Edward Donnerstein, *Children, Adolescents, and the Media in the 21st Century*, 11(1) ADOLESC. MED. 51 (2000); DAVE GROSSMAN, ON KILLING: THE PSYCHOLOGICAL COST OF LEARNING TO KILL IN WAR AND SOCIETY (1996).

⁴⁵ Letter from Hon. Joe Barton, Chairman, U.S. House of Representatives Committee on Energy and Commerce, et. al., to Hon. Michael K. Powell, Chairman, FCC (Mar. 5, 2004) (“House Commerce Committee Letter”).

⁴⁶ See, e.g., U.S. Congress, House, Committee on Interstate and Foreign Commerce, *Investigation of Radio and Television Programs*, 82nd Cong., 2d Sess. (1952).

⁴⁷ *In the Matter of Violent Television Programming and Its Impact On Children*, at 3, MB Docket No. 04-261 (Adopted April 6, 2007), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-50A1.pdf.

logical to assume that a child's age, maturity, social and economic status, family history, level of education, intelligence, exposure to real-life violence and sex, exposure to television and the nature of television programming, family structure, home country residence, and an endless number of other factors may determine what the child thinks or feels as well as his or her reactions to what is portrayed on the TV screen.

Maybe it is true that parents exposing their children to unsupervised television make faulty conclusions about program offerings and their effect on children. What kind of parent -- knowing of the Parents Television Council findings that there are nearly eight incidences of violence per hour on programming targeted to children -- would expose their unsupervised child to such programming? Yet, unsupervised television viewing by children seems to be the norm rather than the exception, at least in America.

Testifying before the United States Congress in 2007, Dr. Dale Kunkel, of the University of Arizona, stated that most violence on television is presented in a manner that increases its risk of harmful effects on child-viewers. That is because, he testified, violence on television follows a highly formulaic pattern that is both sanitized and glamorized. "By sanitized, I mean that portrayals fail to show realistic harm to victims, both from a short and long-term perspective. Immediate pain and suffering by victims of violence is included in less than half of all scenes of violence. More than a third of violent interactions depict unrealistically mild harm to victims, grossly understating the severity of injury that would occur from such actions in the real world. In sum, most depictions sanitize violence by making it appear to be much less painful and less harmful than it really is. By glamorized, I mean that violence is performed by attractive role models who are often justified for acting aggressively and who suffer no remorse, criticism, or penalty for their violent behavior. More than a third of all violence is committed by attractive characters, and more than two-thirds of the violence they commit occurs without any signs of punishment." Dr. Kunkel notes that violence that is presented as sanitized or glamorized poses a much greater risk of adverse effects on children than violence that is presented with negative outcomes such as pain and suffering for its victims or negative consequences for its perpetrators.⁴⁸

Apparently, television producers do not care what the consequences of programming are. How many parents would entrust the care of their children to complete strangers? Yet, it seems nearly all would entrust the emotional, spiritual, and intellectual development of their children to Hollywood producers, actors, and actresses, whom they have never met. More and more, television is becoming a replacement for sports, playground, and reading. As it is, what is becoming of our children? What is becoming of us?

Hollywood suffers from a lack of creativity. Violence and sex are easy thrillers. Producing comedy and drama without gratuitous sex and violence requires more

⁴⁸ *The Effects of Television Violence on Children: Hearing before the U.S. Senate Committee on Commerce, Science, and Transportation, 110th Cong. at 4 (June 26, 2007) (testimony of Dr. Dale Kunkel), available at http://commerce.senate.gov/public/_files/DaleKunkel_vio_tsmv_607.doc.*

resourcefulness. Governments and parents can no longer afford to suffer from a lack of creativity. They must act now.

EFFECTIVE SOLUTIONS

What content studies on violence and sex in television programming demonstrate is that, if left to their own, programmers will take the easy, sleazy path to entertainment and load programs with sex and violence. Unbridled programmers are a threat to societies because of the now well known consequences of sex and violence on television. Programmers claim that they are just giving the public what it wants, and the numbers of viewers seem to back them up. However, when sex and violence are so pervasive, there is little choice of what to watch.

Television programmers, as well as all involved in bringing television into homes, are well aware of the studies linking TV viewing to violence, increased illicit sex, and a host of other ills. They must bear greater responsibility for the consequences to public health. They must not be given a free hand to control what we watch. Governments and consumers should be in charge.

Pornography should be banned outright from television. There are no positives to pornography but only great harm to children and to adults who are exposed to it. Significant penalties should be attached to any law banning pornography from television, including lengthy jail terms, high fines, and forfeiture of equipment used in the production and distribution of such material. When I was with the U.S. Department of Justice, in charge of federal criminal prosecutions against pornographers, we demonstrated that stiff penalties for production and distribution of pornography were a substantial deterrent to those in such businesses and to those contemplating entering pornography business. At the time, I was in charge of prosecuting pornographers, cable companies were not engaged in the distribution of pornography. However, there was one company distributing illegal pornography via satellite in the U.S. Once an investigation began against the pornographer, the company owning the satellite used for distribution pulled the plug on the pornography. This was after a realization that under U.S. law, all individuals and companies involved in the illegal distribution could be charged with crimes and jail terms and large penalties would follow a conviction.

Television and the Internet have made for convenient delivery systems for pornography. At one time, a man wishing to obtain pornography would have to locate a pornography shop. Many men would not humiliate themselves to go into such a shop. Yet today, every home can be a pornography shop. Who could possibly argue that society is better for this development? As we view the substantial devastation from pornography, it is time to call a halt to its spread. Governments must take a strong stand against pornography. I encourage you to review the laws of your country and to ban distribution of pornography from television.

Sexual fare that is less explicit than pornography should also be controlled by law. In the U.S. such indecent material is prohibited on network television between the hours of 6 AM and 10 PM. U.S. law does not, however, prohibit such material at any time on cable television. This, I would argue, is a quirk in the law that should not be copied by other jurisdictions. During the normal hours when children are in the viewing audience, indecent, sexual material should be off limits.

One of the most effective means of cleaning up cable television is to put consumers in charge of what is allowed into their homes. Parents should be able to subscribe to only those channels they wish to have in their homes. This is called the “Cable Choice” or a la carte solution and it is a sound solution. It is distinguished from the current system of most countries in which the cable companies direct what programs will be allowed into homes by “bundling” channels and consumers must then pay for many channels that they do not want. Why should cable operators be allowed to dump pornography and violence into our homes against our will? That is NOT consumer choice. For too long, Hollywood and the cable operators have been the gatekeepers of our homes. This must change.

With Cable Choice or a la carte, the consumer selects in advance only those programs he believes are suitable. All others are blocked. This system empowers parents to protect their children. It also allows those adults who might be tempted to view morally degrading programs, such as pornography, to prevent such material from reaching their homes and thus eliminate the temptation.

It has the added advantage of forcing the producers of indecent or violent programming to fund their own raunchy material. What is likely is that the implementation of an a la carte alternative to programming would force many of the producers of raunch and violence to either go out of business or clean up their programming. It would require programmers to compete for consumer cable money and thus, write programming directed at the perceived wants of the consumer. The current system allows programmers to write programs that they want us to watch but which most parents may not subscribe to if given a choice. One form of a la carte would simply require the cable or satellite operator to reimburse consumers for the channels they request to have blocked.

The U.S. Federal Communications Commission released an encouraging report in 2006 on a la carte programming.⁴⁹ The report found that consumers would save as much as 13 percent on their cable bills if they could buy only the channels they wanted instead of being forced to pay for hundreds of them. The report also found that there is no reason to believe that viewers would watch less video programming than they do today simply because they could choose the channels they find most interesting. The FCC’s Chairman, Kevin Martin, noted that an average cable subscriber in the U.S. was paying for 85

⁴⁹ Federal Communications Commission, *Further Report On the Packaging and Sale of Video Programming Services To the Public*, February 9, 2006, available at http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-263740A1.pdf.

channels when in reality that consumer only watched 16.⁵⁰ Cable Choice or a la cart programming is successful in various countries, notably Hong Kong, Britain, India, and Canada. Hollywood claims that it is only giving consumers what they want; if so, then consumer choice should not threaten them.

The United States Congress and Hollywood have at times undertaken efforts designed to help parent's control television programming. Congress mandated that all television sets 13 inches or larger manufactured after January 1, 2000 must have so-called V-Chip technology to block the display of television programming based upon its rating. This program has been a failure. The Parents Television Council has said that the ratings system is a sham meant to keep Congress at bay while Hollywood continues to pump more and more of its toxic content into homes. There were no guidelines established dictating how ratings should be applied and each network rates its own programs. Therefore, the ratings are almost completely unreliable. Few parents therefore use the V-Chip. Cable and satellite companies in America also allow consumers to block channels based on the ratings but again, with unreliable ratings, consumers are at a disadvantage. Hollywood desires prevail. This is untenable. Parents and governments must take a strong role.

It has been said that parents are the first line of defense in their home. Surely, that is true. However, at this point in time, they are getting little to no help from governments or the cable and satellite industry. While parents would like to know what their children are watching at all times, most all of us would agree that this is often impractical, particularly as children get older.

Apathy towards and ignorance of rampant sex and violence on television must be targets of concerned governments and parents. Educational programs sponsored by governments and parent groups should be considered. Advertisers should have a key role in curbing sex and violence in programming. They, too, are culpable in the harm that is cause by programming and so citizen groups should also target advertisers and encourage them to be responsible toward the youth in the audience. Groups like the Parents Television Council⁵¹ and American Family Association⁵² carry on very effective campaigns aimed at advertisers and have succeeded in getting large corporations to pull ads supporting racy programs.

⁵⁰ *Quoted by PC Magazine Staff, PCMAG.COM, FCC's Martin Supports 'A La Carte' Cable Plans (Aug. 22, 2007), available at <http://www.pcmag.com/article2/0,1759,2174261,00.asp>.*

⁵¹ *See Parents Television Council, <http://www.parentstv.org/PTC/grassroots/main.asp> (last visited Nov. 8, 2008).*

⁵² *See American Family Association, <http://afa.net/> (last visited Nov. 8, 2008).*

Broadcast affiliates, too, can play a role by preempting excessively violent programs and refusing to air violent programs in syndication during times of day when children are watching TV.

Television programming must be controlled for the good of society. I must control the programming coming into the several televisions in my home and, to the extent allowed under the law, I must insist that my government control what is allowed to be sent into my home. Beyond the law of my home, of which I am in charge, and the laws of my country, of which I may influence, I have a right to insist on a level of responsibility for those who write and fund television programs. Certainly, the lifestyles, values, and social agenda of many Hollywood celebrities – which are reflected in their creative endeavors – are not compatible with the values I am raising my children to hold dear. In fact, I believe that if allowed to re-write the social norms of our culture, their agenda would change my country in ways that are immoral and unwise.

My guard is up and I encourage yours to be up as well. I encourage you to use your common sense and your powers of observation to see what is happening to the world as a result of television programming – the good and the bad – and act accordingly with all due speed and with all resources at your disposal.