

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: *In the Matter of Violent Television Programming and Its Impact On Children*, MB
Docket No. 04-261

For decades, parents, healthcare professionals, and government officials have discussed and debated the impact of excessively violent programming on children. In fact almost 70% of respondents in a poll conducted for the Associated Press said there was too much violence on television. Four years ago, members of Congress asked the Commission to conduct an inquiry and to issue a report examining the harmful impact of violent video programming on children and what if anything Congress could do about it.

The concern about the potential impact of excessively violent programming is not surprising given that in the Children's Television Act, Congress noted that by the time the average child is eighteen years old, he or she will have watched between 10,000 and 15,000 hours of television. As stated in our Report, children on average watch between two and four hours of TV per day. Even the youngest children – those age six and under – watch an average of two hours of television each day, according to the Kaiser Family Foundation.

To assess the impact of violent programming on children, the Commission reviewed numerous studies conducted by the medical and social science communities. Research on whether watching violent programming actually causes aggressive behavior in children is inconclusive. However, major studies, including those by the Surgeon General and the Federal Trade Commission, have found that exposure to violent content on TV is associated with an increase in aggressive or violent behavior in children. In addition, a joint statement by major medical associations including the American Academy of Pediatrics, the American Medical Association and the American Psychiatric Association identified some of the effects of exposure to violence as being emotional desensitization towards violence in real life and having a higher tendency for violent behavior later in life. In other words, the evidence does not prove causation, but it does demonstrate a strong correlation.

These findings make clear, and the Commission today affirms, that exposure to violent programming can be harmful to children.

When it comes to protecting their children from such harm, parents are the first and last line of defense. Thus, it is critical then that they have the necessary tools to protect their children. Today the Commission concludes that current blocking technologies and ratings systems are insufficient and do not fully serve the interest of promoting parental supervision and protecting children. Less than half of the TV sets in American households are capable of blocking content that is not suitable for children. Even parents who have TVs equipped with a V-chip need more help. According to a recent Zogby poll, 88% of parents did not use a V-chip or a cable blocking device. In part, blocking solutions don't work because they are dependent on an imperfect television

ratings system. Only 8% of respondents in the Zogby poll could correctly identify the ratings categories.

Clearly, steps should be taken to protect children from excessively violent programming. Some might say such action is long overdue. Parents need more tools to protect children from excessively violent programming. And, as the Commission finds today, they need tools that address the violent programming on all platforms—broadcast, cable and satellite.

I have long encouraged industry to give parents more direct control over the television content that comes into their homes. Broadcasters could reinstate the Family Hour at the beginning of prime-time, during which they would air only programs appropriate for children. Cable and satellite operators could enable parents to avoid purchasing channels that tend to show excessively violent programming by allowing them to purchase channels individually or in smaller bundles as they currently do for “premium channels” like HBO.

Whenever government considers such regulations, it must do so with great care and deliberation. For example, real life violence shown in a news story is not the same as fictional violence graphically depicted for purposes of “entertainment”. Congress specifically asked the Commission to consider whether it would be possible to restrict the showing of violent programming during the hours of the day when children are likely to be watching television. The United States Supreme Court has upheld this sort of time channeling in the context of indecent programming. In that context, the Supreme Court ruled that the government could apply regulations when the government’s interest was “substantial” and the restriction was “narrowly tailored.” The Supreme Court emphasized two factors: the “pervasive presence in the lives of all Americans,” and the government’s interests in the well-being of children and in supporting parental supervision of children.

The television industry has already developed definitions of violence that is used in their ratings system. Specifically, the TV Parental Guidelines developed by the television industry include ratings that indicate the presence of "fantasy violence," "no violence," "moderate violence," "intense violence," and "graphic violence." Thus, it appears that the industry agrees with some basic definition of violence in programming, at least for use with blocking technologies. I therefore question commenters’ arguments that violence can be defined sufficiently for ratings and blocking purposes, but not defined sufficiently for purposes of time channeling requirements.

Requiring cable and satellite television providers to offer programming in a more a la carte manner would be a more content neutral means for Congress to regulate violent programming and therefore would raise fewer constitutional issues. All of the versions of a la carte would keep government out of regulating content directly while enabling consumers, including parents, to receive the programming they want and believe to be appropriate for their families. For instance, cable operators already block any channel that a consumer requests to be blocked. One form of a la carte could simply require the cable operator to reimburse consumers for the channels they request to have blocked.

While the Constitution protects the right to speak, it certainly doesn't protect a right to get *paid* for that speech. Cable operators also could offer to block and reimburse only those channels not subject to time channeling restrictions.

Multichannel video distributors in other countries already sell cable channels in a more a la carte fashion. For instance, In Hong Kong, consumers can select and pay for only the channels they want. A family who wants to watch sports, movies, news and children's programming can receive 15 free channels plus a selection of 11 additional digital channels including ESPN, HBO, CNN Headline News, National Geographic, Animal Planet, and Discovery for only \$27.50 per month. To get the same channels in Washington, DC, it would cost \$82.00 per month.

Similarly, in Canada, after buying basic cable, digital subscribers can buy channels individually or enjoy significant savings on a "5 pack", a "10 pack", or a "15 pack" of their own choosing.

It has long been my hope that the broadcast, cable and satellite industries would address content issues on their own, providing parents with effective tools to protect their children. Today the Commission, in response to specific Congressional questions, concludes that exposure to violent programming can be harmful to children and that Congress could provide parents more tools to limit their children's exposure to violent programming in a Constitutional way.