



The public radio show about law and American life

Justice Talking Radio Transcript

Regulation of the Entertainment Industry —Air Date: 4/07/08

The movie rating industry has initiated some reforms following charges by filmmakers that the system is arbitrary and unfair. But skeptics on both sides of the issue say troubling content in movies, television and music is not being handled appropriately. While some parent organizations say it's time for more regulation, filmmakers and others say the threat of censorship is all too real. On this edition of Justice Talking, join us for a look at regulating the entertainment industry.

This transcript is being provided free of charge for educational purposes. The views expressed herein are those solely of the guests and do not reflect those of the Annenberg Public Policy Center or NPR. Although every effort is made to make a verbatim rendering of the program, this transcript may vary slightly from the audio version and may contain minor grammatical or spelling errors. For permission to reprint, please contact Annie Behr at the University of Pennsylvania's Annenberg Public Policy Center, (215) 573-8919.

MARGOT ADLER: From NPR this is Justice Talking. I'm Margot Adler. A famous cry for love and the story of censoring an iconic film:

MARLON BRANDO [SCREAMING] Hey, Stella!

MARGOT ADLER: Musicians have also fallen into the crosshairs of the censors even when the songs have no lyrics. [MUSIC CHORDS] And the scientists say the research is clear, watching violence on the screen will do you no good.

UNIDENTIFIED MALE: Kids who, uh, were exposed to a lot of media violence at age 6 are more likely to have, uh, violence or aggression problems in adulthood.

MARGOT ADLER: On today's Justice Talking, the power of the entertainment industry and the role of censorship, after the news.

MARGOT ADLER: This is Justice Talking from the University of Pennsylvania's Annenberg Public Policy Center. I'm Margot Adler. What's on TV, on the radio, and in the movies changes as fast as American culture. Since the beginning of mass media, some of those changes have been more welcome than others. The tension surrounding artistic expression, commercial success, and standards of decency have played out in the courts, on Main Street, and within the entertainment industry. While some call for more regulation, others cry censorship. On today's Justice Talking, we take a look at the entertainment industry's efforts to self-regulate and the movies, shows, and music that result. On the big screen, censorship has a long history going back to the days of silent movies. Local censorship boards were once commonplace in cities across America. Historians say the censors have always been worried that the audience can't be trusted to understand complex themes. Take the example of this 1951 classic.

MARLON BRANDO [SCREAMING] Hey, Stella.

MARGOT ADLER: On the stage, Tennessee Williams' "Streetcar Named Desire" told the story of the brutish Stanley Kowalski. The play ends with his marriage intact but when the play was adapted for film that ending was not allowed.

UNIDENTIFIED MALE: The fear with cinema is that there are people like Stanley going to these films and they'll be, uh, I don't know, they'll get confused and they'll do terrible things. They'll imitate his behavior.

JON LEWIS: Dating all the way back to 1915, that was the argument for why cinema never got First Amendment protection. And the reason for that was that this fear of the hoi polloi, that people would go to movies and then do whatever it is that they saw on screen.

MARGOT ADLER: That's Jon Lewis, a film professor at Oregon State University. He's written several books about the movie industry and the history of film. He says it wasn't easy to find a way to censor "Streetcar" which had powerful backers and big stars like Marlon Brando. But finally the filmmakers agreed to a new ending. In the movie Stella leaves Stanley. [MUSIC FROM FILM]

MARLON BRANDO: C'mon Stella.

KIM HUNTER: I'm not going back in there again. Not this time. I'm never going back, never.

MARLON BRANDO [SCREAMING] Hey, Stella! [FOOTSTEPS RUNNING ON STAIRWAY] Hey, Stella!

MARGOT ADLER: The first concerted effort to regulate what happens onscreen came out in 1927 and it was voluntary. The Motion Pictures Producer and Distributors Association issued a list of "don'ts and be carefals". On the list of don'ts: profanity, ridicule of the clergy, and suggestive nudity, among other things. Studios were to "be careful" in their depictions of such things as guns, the American flag, cruelty, sympathy for criminals and lustful kissing. But, Lewis says, few paid attention. Instead, he said, this period became a kind of heyday of

experimentation and freedom before the serious days of censorship arrived with the Production Code Administration, or PCA, established in 1934.

JON LEWIS: It's called the pre-code era, even though there was a code but no PCA. You had a lot of stuff that you would then never see again until like mid-1960s.

MAE WEST: I always did like a man in a uniform. And, that one fits you grand. Why don't you come up sometime and see me? I'm home every evening.

CARY GRANT: Yeah, but I'm busy every evening.

MAE WEST: Busy? So what are you trying to do, insult me?

CARY GRANT: Why, no, no, not at all. I'm just busy, that's all. You see we're holding meetings in Jacobson's Hall every evening. Anytime you have a moment to spare I'd be glad to have you drop in. You're more than welcome.

MAE WEST: I heard you. Hmm. But you ain't kidding me any. You know I met your kind before. Why don't you come up sometime, huh?

CARY GRANT: Well, I...

MAE WEST: Don't be afraid. I won't tell.

CARY GRANT: But, uh,...

MAE WEST: Come up. I'll tell your fortune. Ah, you can be had.

MARGOT ADLER: In the pre-code era when Mae West and Cary Grant performed this now infamous scene in the 1933 film "She Done Him Wrong", other filmmakers were creating bloody gangster movies and films with morally ambiguous endings and racy characters. All of which pretty much came to an end in 1934. Lewis says local censorship boards were making it hard for the studios to reap all the profits there were to be had.

JON LEWIS: You can't make multiple versions of your movie. You know, you can't make the Memphis version, the Cleveland version, the New York version. You really can only make one. And, so there was, you had no way of knowing whether your film was going to play in various markets.

MARGOT ADLER: Enter the Production Code Administration. In 1934 the industry adopted and enforced a code on what could be shown onscreen and for 30 years, most complied. Some of the big hits of the period were confections of sugar, hold the spice: "Mr. Smith Goes to Washington", "The Wizard of Oz", "Father of the Bride" and "How to Marry A Millionaire". But, by the late '50s and '60s, social mores were changing and Lewis says Hollywood was losing money to the new medium of television. A few filmmakers began to push the boundaries. Here's

Richard Burton, George Segal, and Sandy Dennis in the 1966 production of "Who's Afraid of Virginia Woolf"?

RICHARD BURTON: ...humiliate the host, we've gone from that one. What should we do now?

GEORGE SEGAL: I'll, uh...

RICHARD BURTON: I'll, uh! I mean, come on. We must know other games, college-type types like us. That can't be the limit of our vocabulary, can it?

GEORGE SEGAL: Haven't you had enough?

RICHARD BURTON: Let me see. There are other games. How about, er, how about hump the hostess? Huh? How about that? How about hump the hostess? You want to play that one? You want to play hump the hostess? Huh?

GEORGE SEGAL: Calm down!

RICHARD BURTON: Oh, you want to wait until later and get her off into the bushes?

SANDY DENNIS: Hump the hostess!

GEORGE SEGAL: Just shut up, will you?

MARGOT ADLER: That scene was the subject of intense negotiations with the PCA and it marks the beginning of the modern rating system. Instead of cutting out what the censors don't like, the film was given a rating: suggested for mature audiences. Two years later, the industry moved to the voluntary rating system still in place today.

JON LEWIS: The genius of the rating system is that they sold it to America as a censorship code, when it was precisely the opposite. The rating system after 1968 changed what we see on screens fundamentally. I mean, now you can have nudity. You can have simulated sex. You can have, uh, colorful language. I mean none of these things were possible before, uh, 1968.

MARGOT ADLER: Some filmmakers say censorship is still alive and well. Only now, instead of the Production Code Administration, filmmakers themselves anxiously self-censor to get the right rating for box office success. We'll talk more about that coming up. But first, we were wondering what kind of evidence there is that the censors may have been right. Social scientists have been exploring the effect of the media on behavior for decades. The bulk of that research has focused on the impact of violence in the media. Craig Anderson is the director of the Center for the Study of Violence. He is also a professor of liberal arts and sciences in the department of psychology at Iowa State University. Craig, you say there's been a lot of consensus among researchers for many years that violence in the media has harmful effects on children.

CRAIG ANDERSON: There are now some studies, some long, uh, longitudinal studies, uh, that have followed the same people from age 6 up into the 30s. And, what the researchers are finding is that kids who were exposed to a lot of media violence at age 6 are more likely to have violence or/and aggression problems in adulthood, including some criminal kinds of acts in adulthood, uh, than those who didn't watch a lot of media violence in childhood. And, that's even after you control for things like socioeconomic status, sex, prior level of aggressiveness – that is, how aggressive were they as children? Even after you control for all of those things, you still see this longitudinal effect.

MARGOT ADLER: Well, you know, here I am. I'm a parent. I have a 17-year-old. He's probably played, you know, a million hours of World of Warcraft and Warcraft III. And, he's probably the least violent person I know.

CRAIG ANDERSON: Yes, and ...

MARGOT ADLER: What do you say to me? [LAUGHS]

CRAIG ANDERSON: Well, well, first of all, yeah, that is a very good question because we get that a lot. I mean, first of all, we all know someone, or we used to know someone, who is 70 years old and smoked a lot of cigarettes and still doesn't have lung cancer. Does that mean that cigarettes don't cause lung cancer? Well, the answer is no. And the evidence is that frequent exposure to violent media, including violent video games, increases the likelihood of aggressive behavior. Now, my guess is, in your case, your son probably has few, if any, other risk factors with, with one exception. And, the one risk factor is that he's male. All right, that's one of the predictors of likelihood of committing highly aggressive or, or violent behavior.

MARGOT ADLER: What about the impact on children of watching sexual content? Is there research that backs up the idea that this content has adverse effects on children?

CRAIG ANDERSON: There's not nearly as much research on that topic and it's not clear that, you know, scenes of what I sort of call naked body kinds of scenes really has much of a negative impact, unless it's paired with violence. Or, uh, if it's paired with, uh, sort of derogatory or demeaning kinds of images and dialogue, you know, say, towards women.

MARGOT ADLER: When you look at the ACLU, when you talk to many artists, when you talk to the entertainment industry, all of them insist, pretty much, that there's no solid evidence of cause and effect between violence in the entertainment industry and violent behavior. On the other hand, religious organizations are passionate about the harm and immorality of both violence and sexual content. Um, you're saying that the science is pretty clear. Is this just the culture war playing itself out?

CRAIG ANDERSON: Uh, to some extent at the level of, say, industry versus, uh, some of these religious groups, it is to some extent the culture war playing out. One of the nice things about doing science, of course, and the reason that science in general has been so successful and so useful, is because, if it's done properly, uh, you can actually come up with the correct answer. Uh, and, you know, the correct answer for media violence effects has been, has been known

since at least 1975. But, unfortunately, uh, that answer is frequently drowned out by wild claims, uh, from, say, some of the religious groups, as well as wild claims from the industry itself. Neither of which are true.

MARGOT ADLER: Craig Anderson is a professor of psychology at Iowa State University. He's also the director of the Center for the Study of Violence. Thank you so much for coming on Justice Talking.

CRAIG ANDERSON: Thank you for having me.

MARGOT ADLER: While scientists study the effects of what we see and hear in the media, when it comes to the movies it's up to an anonymous group of parents to decide what's okay for children to see. Coming up, the difference between a bad rater and a good one.

UNIDENTIFIED FEMALE: You can tell if they're using their judgment, if they have a particular bias, if they're, they can put themselves in the place of a majority of American parents, uh, to rate a film. Because, that's in essence what they're asked to do, is to rate the film the way a majority of American parents would rate it.

MARGOT ADLER: The Motion Picture Association of America prizes its rating system but those anonymous raters have their critics.

UNIDENTIFIED MALE: You know, the MPA says its rating system, is for the public. Well, if it's for the public, it should be public.

MARGOT ADLER: Stay with us. This is Justice Talking, the public radio show about law, justice and American life. I'm Margot Adler. The media landscape can be a turbulent place. Technology is always bringing change and public notions of decency are constantly in play. Today, many members of the media self-regulate what content is considered appropriate. For Hollywood, it all comes down to the rating system, those ubiquitous letters G, PG, PG-13, R, and NC-17 found in the corner of movie promotions. We asked some moviegoers if the rating system works for them.

UNIDENTIFIED MALE: Uh, to be honest ever since I've turned 21 I haven't looked at the rating on most movies but, uh, prior to that, they accurately reflect content of movies I'd say.

UNIDENTIFIED FEMALE: Um, for me, it's irrelevant, because I'm 20 years old and I feel, I feel I'm mature enough to see basically what Hollywood has to offer. Sometimes, they rate movies, like give them the R rating because of the language and I feel that's irrelevant because a lot of children are exposed to, like, tough language every day. So, I wouldn't think it would matter if language caused a movie to get, like, an R rating.

UNIDENTIFIED FEMALE: The movie rating, overall, is not great at all. I don't think it is, anyway, because you have movies that are rated now at PG-13 that at one time was, or should be at this time, rated R. And it's, it's not a good system at all right now. Sex, the violence, just about that. That's, that's a lot of stuff that worried me.

UNIDENTIFIED FEMALE: It's very usefull. It comes in handy, especially when you have children. You don't want them to see anything too violent because you have to pay for it later when they're crying in their sleep.

MARGOT ADLER: The rating system has been in place since 1968, signaling what kind of content the audience will find in a movie. The movie industry says it's a popular and necessary tool. But, some filmmakers say that system is terribly flawed. Kirby Dick directed the 2006 documentary, "This Film is Not Yet Rated", which critiques the movie rating system. Kirby Dick has also directed several other documentaries including "The End", "Derrida", and the Oscar nominated "Twist of Faith". Welcome to Justice Talking.

KIRBY DICK: Thank you.

MARGOT ADLER: In your documentary, "This Film is Not Yet Rated", you interview independent filmmakers, movie critics and scholars. You even hire a detective to investigate the group of parents responsible for rating movies. What was bothering you about the rating system?

KIRBY DICK: Well, I think the thing that bothered me initially was the fact that it was such a secret system. That no one knew how it operated and particularly no one knew who the raters were. For 40 years, news organizations had been trying to get that information from the MPAA. They'd completely denied them any access to that information. So, what we wanted to do, and, in fact, what we did in our film, the only way to find out was actually to hire a private investigator and find out who those people were. But, that sort of points to the larger problem is that with everyone anonymous, there's no accountability. You know, the MPAA says its rating system is for the public. Well, if it's for the public, it should be public.

MARGOT ADLER: And, as you went about making your movie what else did you discover about the ratings?

KIRBY DICK: Well, we also found, and this is very interesting, that the, the highest body in the ratings system, uh, called the Appeals Board, uh, which was sort of the equivalent, if you will, to the Supreme Court in our justice system. That also was entirely secretive. Nobody knew who those people on that board were. The only thing that we knew, and the only thing that was told to us, is that it was executives from some of the most powerful corporations in the film business. Those were the people who were making the final decisions. It wasn't even parents who were making the initial decisions on the ratings.

MARGOT ADLER: Before we get to your critique of the ratings process, um, I want to explain a little bit about how it works. The rating system is run by the movie industry, by the National Association of Theatre Owners and the Motion Picture Association of America, or MPAA. A filmmaker submits a movie to be reviewed by the ratings board, which is supposed to be made

up of parents. They give the film a rating based on what they think parents would consider appropriate. If the filmmaker isn't happy with the rating, he or she can edit and re-submit their movie. Or, they can challenge the rating before an appeals board. This appears to be a fairly straightforward process. So where do things go wrong?

KIRBY DICK: Well, again I think it's with the secrecy. Secondly, the people on the board are not trained in any way to rate films. Their only qualification is that they're parents. They're not in the film business. And they live in the Los Angeles area. They are all from the Los Angeles area. So that also gives a particular bias to the ratings. And I think it would be very important to have experts in child psychology on that board to give advice to whoever else is on that board as well.

MARGOT ADLER: After your documentary came out in 2006, the MPAA announced some reforms. Uh, a filmmaker can now, I gather, point to other movies to make a case for a lower rating, a practice that was previously barred. And, the MPAA says it will make the ratings more transparent. They appointed a liaison to help filmmakers. They say they've posted online a description of how the system works and the names of some of the senior movie raters. Have these happened and do they make a difference?

KIRBY DICK: Well, for the most part these changes were almost entirely cosmetic and in terms of the stating some of the names of the people on the ratings board, I had an associate of mine call yesterday and ask specifically ask for the senior raters. Those are the people that the MPAA said would give out the names. And she was told that the MPAA does not release the names of those people.

MARGOT ADLER: Another argument that I hear in favor of the current system, is that it prevents government censorship. Either the industry patrols itself, or it faces government or community regulation. Also, I've heard that it's fluid, it's flexible, ratings can change with the times. How do you respond to that?

KIRBY DICK: Well, I'm all for a, a rating system that changes, that changes with the times, but again, I think it should be open and people should see why those changes are being made and what those changes are. As far as government censorship, I'm certainly opposed to government censorship, but I'm also opposed to corporate censorship. And, in this case, the system is set up by the MPAA, so that its films can benefit by getting a better rating and it harms independent films who don't have the same kind of access to the rating system that the MPAA studios do.

MARGOT ADLER: But, if there's more definition and more certainty in the ratings process, more explicit guidelines, couldn't a filmmaker be trapped by rigid and outdated rules?

KIRBY DICK: Well, I think it would be up to whoever oversees the rating system, to make sure that the rules are kept up to date. And then, no, I don't think they would be. I mean, I think that, um, I mean, personally, I actually don't think a rating system in and of itself is all that advantageous for the country. I think what's really important, is that information is gotten out to parents. Information about the sexual content of the film, whether there's drug use, whether there's profanity, the thematic content of the film, that's what, really what, parents want to know.

Just by giving a very, uh, you know, a couple of letters and a number and perhaps a very short description that follows, that's not enough information. The job of any rating system is to get as much information as possible to the public. And this is something that the MPAA has refused to do for a very long time.

MARGOT ADLER: That makes a certain amount of sense to me because as a parent myself I've noticed that very often there's a PG-13 movie that I wouldn't want my kid to see and an R movie that seems perfectly fine.

KIRBY DICK: In fact, UCLA did a study about four or five years ago that showed that the ratings themselves were extremely inconsistent. That some films that had a PG rating had, had more instances of violence, than films that had an R rating. Again, the result of this, uh, inconsistency is because there are no developed, written standards for the raters to go from. And these people are not trained. There's very little training that goes into the process of, of being a rater.

MARGOT ADLER: You've been spending, you've spent several years at least, thinking about this, thinking about sex in films, thinking about violence in films, thinking about how they're rated, thinking about how much there is in movies, how much there is, uh, in independent films and in studio films. I want to know, you know, I spent the last few days reading about this stuff and I want to know why there's so much violence, so much more violence in movies, I think, than sex and why there is, in fact, so much violence now. What is causing it? Why is it so, why does it sell? What is going on in our society that makes violence important?

KIRBY DICK: That's a very big question. Um, I mean, I think we should start by realizing that, you know, violence is a part of, you know, it's been part of art forms all the way back to Homer. So it's not, violence is, you know, something that artists use to examine human interactions. What I think is the problem is that the MPAA rating system allows films with a lot of violence in it to get much less restrictive ratings and it focuses its more restrictive ratings on sex.

MARGOT ADLER: Kirby Dick is a filmmaker. He directed the 2006 documentary, "This Film is Not Yet Rated". Thank you so much for coming on Justice Talking.

KIRBY DICK: Thank you.

MARGOT ADLER: Joan Graves of the Motion Picture Association of America says the 40-year old system works well. Graves chairs CARA, the Classification and Ratings Administration which is the official name for the organization that rates movies.

CARA is overseen by both the National Association of Theatre Owners and the MPAA. Welcome to Justice Talking.

JOAN GRAVES: Thank you. It's nice to be here.

MARGOT ADLER: I know that the ratings board is composed of a dozen or so parents with children. Do they receive any special kind of training?

JOAN GRAVES: Well, they go through an interview process, uh, to begin with, where they sit with the board and, uh, rate films along with them. And, during that process you can tell if they're using their judgment, if they have a particular bias, if they're, they can put themselves in the place of a majority of American parents, uh, to rate a film. Because, that's in essence what they're asked to do is to rate the film the way a majority of American parents would rate it.

MARGOT ADLER: And, do they get paid?

JOAN GRAVES: Yes, they do.

MARGOT ADLER: How much? Can I ask?

JOAN GRAVES: Uh, starting salary along the lines of teachers.

MARGOT ADLER: Really? Hmm. Not a bad, not a bad job. Is it a fulltime job?

JOAN GRAVES: Well, we have two different kinds of raters. Fulltime raters who are here, um, every day all during the week and part-time raters who are here some days of the week, not every day. And, the reason we do that is we don't want every rater while they're on the board to be so inundated with film that they're not out in the real world. And, this way we have some raters that, that do have other jobs as well or are stay-at-home parents as well.

MARGOT ADLER: And how do you find them?

JOAN GRAVES: We ask PTAs, we ask schools, we ask for personal recommendations from people we meet across the country. It's a rather difficult process actually, because people who call in many times and want to be on the board, uh, turn out to have some agenda of their own.

MARGOT ADLER: Uh, hmm.

JOAN GRAVES: And, they want to either change the whole movie industry or make sure certain elements don't ever get in the film. And, that's really not what we're here for. We're here to give information, not prevent, uh, material from being put on the screen.

MARGOT ADLER: We spoke earlier with Kirby Dick. Uh, he directed "This Film is Not Yet Rated". That film came out in 2006 and it did seem to galvanize a lot of criticism about the lack of transparency in the rating process. What was your take on this criticism?

JOAN GRAVES: Well, one of the things that his film did do is obviously I didn't, uh...I was dismayed to know that he felt or, or put forth we were so secretive, because we spent a lot of time on the phone explaining the system to him and answered every question he asked. I was sorry that it was presented that we were secretive. But, it did alert us to the fact that we needed to be more transparent and perhaps spend more time educating filmmakers in general, the younger

ones who, uh, are... Our business now, or our submittals, come from 65% independent filmmakers. So, I was unhappy about the fact that new filmmakers might take his film to heart and think that we were unapproachable. So, we've make a big effort to go to film schools, to, uh, film festivals, to appoint a filmmaker liaison so that any filmmaker wanting to know about the system or specifically wanting to have his or her film rated can, uh, feel they have access to us immediately.

MARGOT ADLER: There's still a lot of secrecy surrounding who is on the board and the reasons for giving a certain rating. Why is anonymity and vagueness necessary?

JOAN GRAVES: Well, I prefer the word "anonymity" rather than "secret" but we have three administrative raters, uh, who are well known to the public and to the filmmakers and who can be accessed at any time and called. The other members of the board, we do keep their names anonymous, because, really, what we want them to do is come and rate the film the way they think most American parents would rate it. We don't want them to be lobbied by filmmakers, by whomever might have a personal agenda, uh, for ratings. We want them to just be able to come and react as a parent.

MARGOT ADLER: What happens when a moviemaker wants to appeal an R or NC-17 rating? Uh, I've heard from some independent filmmakers that they don't get a lot of guidance on what to change. So, they're then in sort of the difficult position of having to anticipate the board's thinking. They talk about self-censorship. They express a lot of frustration about how this process works. Is there anything that can be done about that?

JOAN GRAVES: Well, I encourage them to call me directly if they're feeling that way, because I can put them in touch with a senior rater and can sit in on the call with them to make sure that they are getting information.

MARGOT ADLER: And what do you say when people say this ends up being sort of an unintentional form of censorship?

JOAN GRAVES: Well, I think it's self-regulation by the industry by agreeing to, to give the public information about their product, so they can choose how to consume the product. I, I think, in a matter of when a filmmaker is, chooses to edit the product to get into a lower rating, that's really their choice of how they want to distribute their film. When asked, how do I get this film into a lower rating or what do I do, what do I have to address to, to get into a PG-13 or PG or sometimes a G, we are more than happy to help. The Catch-22 here is we are, we are parents. We are not professional filmmakers. So we're not there to be editors and say take a splice here or a splice there. What we try to do is point out the scene if it's, if it's a particular act of violence, if it's a certain word, we're, we're very pleased to be able to help in that way.

MARGOT ADLER: Now, some have said that the system prevents more restrictive regulation from communities or from the government and that the system of ratings is fluid, it changes with the times. So, do you see yourself as a kind of bulwark against censorship?

JOAN GRAVES: Well, I can tell you that when the system started there were, I believe, 45 censor boards across the country. And, the distributors were having to send their film to all those different communities to, and have different versions to, get their film out in the marketplace. Of course, that was a long time ago. But, the last film board in Dallas I think, um, just, uh, folded 15 years ago. So, you can see that there were still active, uh, local communities, um, engaged in some kind of film regulation or censorship.

MARGOT ADLER: So, in a way, this is sort of, it preempts it essentially by having your own rating system. Yeah.

JOAN GRAVES: Well, it certainly preempts it. It has been so successful so far that it has preempted government involvement. Uh, the National Association of Theatre Owners has voluntarily pledged to support our system in their community, so that's what gives it it's, it's, um, efficacy really. It's community supported as well. And, they are first on the line if, if a consumer is unhappy with the information they've been given, they hear it right off the bat. So they have a stake in this also.

MARGOT ADLER: Joan Graves chairs CARA, the Classification and Ratings Administration. Thank you so much for coming on our show.

JOAN GRAVES: Thank you.

MARGOT ADLER: The movie industry regulates itself, but on TV it's a different story. Network television operates under the eye of the Federal Communications Commission, but those cable programs have freer reign. Coming up, one watchdog group asserts more regulation has not put a check on increasingly violent programming and a defense of music no matter its sound.

UNIDENTIFIED MALE: Different generations require different ways to express themselves. One of the things that music does is it's kind of like a calling card, a social calling card, where it says this is what I am and this is what I represent.

MARGOT ADLER: Censorship and the entertainment industry. Stay with us.

MARGOT ADLER: This is Justice Talking where we make the connection between law, justice, and American life. I'm Margot Adler. Few forces in American culture are more powerful than the messages and images people encounter in the media. It's no wonder that what's shown and described in movies, television, and in music, often sparks controversy. Recently the Federal Communications Commission issued a report about violence in television urging Congress to take action to better protect children from its effects. But, that's the wrong thing to do say business and creative leaders in the television industry. Tom Fontana has been a television writer and producer since the 1980s. He has created both popular and ground-breaking programs

from *St. Elsewhere* and *Homicide: Life on the Street* to his HBO series *Oz*, about life in a prison. He is also a member of the Creative Coalition. It's an organization of producers, actors, executives, directors, and others that advocates for the arts in public policy. There's a move afoot to give the FCC expanded powers to regulate violence on TV. Do you think there's too much violence on TV?

TOM FONTANA: I would say that that's, that's the kind of general statement that I hesitate to make. There is probably a lot of action on television, some of that is too violent and some of it that is just kind of playful. Uh, I'm never sure which is worse the too violent or the, or where you make violence look like it's, it doesn't really have, uh, an effect on somebody.

MARGOT ADLER: You've explored troubling scenes in some of the programs that you've created for television, certainly your show *Oz*. Which we should point out was on HBO on cable which is not yet regulated like, and maybe never will be, regulated like the networks. Um, your show *Oz* took on very heavy issues looking at life inside a prison. As an artist and a TV producer, how do you decide when and where to depict sex, to depict violence, and when to use really disturbing themes?

TOM FONTANA: There are a couple of ways in which I make those creative choices. One is you take a long hard look at who the audience, potentially, is going to be. On cable, on HBO which is pay, obviously people are paying for that and they, there's a limited number of programs so they know the kind of dramas they're going to get. If you widen it out to broadcast television then I would say that, uh, you know, I have a huge responsibility to my community. And by community I mean the audience, to make sure that the reasons that violence are depicted on television are inherent to the full telling of a story. If somebody is doing violence or sexuality on television for purely sensationalism then I am completely and utterly, totally against it.

MARGOT ADLER: You, you said that television, particularly broadcast television, has a responsibility to the community. And, what do you actually mean by that?

TOM FONTANA: I think the responsibility of a creative TV, team on a TV show is to not only identify who the potential audience is, but also to work with parents and educators to educate them and make them aware of the content of the show. I think, if the government was going to step in on this that's where they should help us, which is with the media literacy. Helping parents and those responsible for impressionable young people to know how to work all of the gizmos and gadgets that we have at our... at our disposal to regulate viewing habits of children.

MARGOT ADLER: Well, I think the thing that has struck me is that we spoke earlier with a psychologist who's an expert on the impact that violence in the media has on children. And, he said, and I've heard this from a number of scientists, that scientists are mostly in consensus that exposure to violence on television leads to adverse effects, at least in the short run increased aggression, etc. And, uh, this comes as others have documented more and more violence on television. So it makes you think that something more has to be done. But...

TOM FONTANA: I, I'm not saying that, that something more shouldn't be done. I'm saying that the answer to it is not the FCC putting fines on Fox Network because Cher said a bad word

out of, spontaneously at an awards program. We just had a meeting the other day about this idea of, of, uh, media literacy and how do we reach out to people who don't, don't know about computers, don't know about any of this stuff. Don't know how to work the v-chip, don't know how to do any of this stuff.

MARGOT ADLER: Because, I gather that the v-chips, uh, you know, are under-used. They're, some of them are difficult to use...

TOM FONTANA: They're under-used because, because... yeah, they're difficult to use but do you say they're difficult to use so forget about them? No, you say they're difficult to use so let's teach them. Let's teach people how to use them.

MARGOT ADLER: Tom Fontana is a television writer and producer. He's been in the industry for 27 years. Thank you so much for coming on Justice Talking.

TOM FONTANA: My pleasure. Thank you.

MARGOT ADLER: Media literacy, as Tom Fontana describes it, rests on the idea that parental control is the best way to protect children and maintain diverse programming. But, one watchdog group says it is the television industry that needs to do a lot more self-policing and distribute a lot less offensive programming. Tim Winter is the president of the Parents Television Council, a membership organization arguing for less violence, less sex, and less profanity on television. Tim, one way your organization draws attention to the prevalence of sex and violence on television is through research the Council generates from monitoring television content. For example, your organization reports that it has documented a 75% increase in violence during the networks' early evening primetime programs since 1998. Another finding is that there's objectionable content every three and a half minutes. My first question to you is how do you define violence or objectionable material?

TIM WINTER: Well, Margot, you know, when it comes to how we do research, uh, we have a staff of analysts who (this is going to sound like it's a fun job but it's not, I assure you), that we record every hour of primetime broadcast television. And, we monitor the subsequent day. We monitor the previous night's programming for sexual content, violence, profanity, disrespect for authority. Uh, we list every advertiser, etc. So if we see, uh, a murder that's depicted, if it's depicted is it a, a person-on-person violence? Is that person-on-person violence include a gun or a knife or some other blunt object? Uh, is blood shown? Is the blood just... is the death actually just, you know, depicted or is it just shown after the fact? We can get very, very granular in terms of how specific that, that, uh, that data, that violence data is.

MARGOT ADLER: I understand that you're not advocating for more restrictive regulation enforced by the government. So given that, how are you going to prevail in getting content changed?

TIM WINTER: Well, there are a number of levers that we try to use. One of which, of course, is more awareness with the viewing audience as far as what the content's going to be. Similarly, when it comes to broadcast television the audience isn't actually the, the, uh, customer. The audience is the product.

MARGOT ADLER: It's the advertisers you say.

TIM WINTER: That the, that the advertisers are paying for.

MARGOT ADLER: Uh huh.

TIM WINTER: The, the broadcasters are selling the eyeballs to the advertisers. So as consumers we're actually the product that's being purchased. So who, who writes the checks here? Well, the advertisers do. You know, we have a very, uh, robust initiative to make sure that broadcasters, excuse me, that advertisers are aware of what they're sponsoring. They oftentimes don't actually screen programs and see if this is the type of content that would be consistent with, uh, the corporate image of the advertiser. Well, we make sure that, uh, there is no excuse that they don't know. We're out there talking to them every single day, reminding them that, uh, they need to be consistent with their, uh, with their actions if they're going to hold themselves out as a family corporation with family products, family services. They can't then go and sponsor the, uh, the triple gruesome homicide and say they're still a family, the family, uh, advertiser.

MARGOT ADLER: The television industry, both the business side and the creative side, have argued that parental control is the way to get this to sort of work. You know, use ratings, change the channel, use filters, the v-chip, turn it off. But you've argued, I gather, and the FCC as well, have concluded that these measures aren't usually effective. Why don't they work?

TIM WINTER: Well, again it depends upon whom you believe. Um, let me start by saying that, uh, the official position of the Parents Television Council is that any resource, any resource that is helpful is a good resource for parents and for families. The problem with, with v-chip is it requires an accurate and transparent and understandable rating system in order to work. And I, you know, I think that most parents understand when they go to the motion picture, into the theater to see a movie, what PG-13 is versus what G or R is. And then, you have the, uh, the very essence of the problem is the television broadcasters rate their own programs. And what we've seen, what our analysis shows is the ratings are wrong between 60 and 80% of the time. If the ratings are wrong then the v-chip can't work. And, uh, just because you have a parental control doesn't, I think, doesn't equate to, uh, free reign to do whatever you want, whenever you want, especially when you know children are in the audience. MARGOT ADLER: Tim Winter is the president of the Parents Television Council. Thank you so much for coming on Justice Talking.

TIM WINTER: Thank you, Margot.

MARGOT ADLER: Through the years musicians have also come under fire for sexually explicit lyrics or songs about violent acts and breaking the law. Eric Nuzum evaluates and

creates programming at National Public Radio. And, he has written a book about censorship and music in the 20th century titled *Parental Advisory: Music Censorship in America*. Throughout music history there have been infamous episodes of music censorship. Whether it's songs with controversial lyrics like "Cop Killer" by rapper Ice T and the group Body Count. Or, even the style of musicians like Elvis Presley who was ordered by several local police departments to stand still while performing or else face obscenity charges for his lewd dancing. You've chronicled many other examples in your book. Why has censorship played such a large role in music history?

ERIC NUZUM: In music history, uh, it has been a divider between the old and the new. The interesting thing about music censorship is whether it is Ice T or Elvis or Marilyn Manson or Pearl Jam, the Dixie Chicks, the artists change but often the complaints against the artists don't. They tend to be very, uh, consistent throughout time. It's just, you just change the players.

MARGOT ADLER: So, in a way it's generational? In other words it's...

ERIC NUZUM: It is very generational. You never saw music censorship being a huge issue in this country, um, before the advent of rock and roll in the early 1950s. It did happen occasionally but it became a, a big deal when, uh, one group, uh, older generation parents, if you will, looked at the music that children were listening to and thought that it needed to be suppressed, uh, in order to protect those children.

MARGOT ADLER: Let's talk about some specific examples. One of my favorite examples from your book is a 1958 song called "Rumble" by a musician named Link Wray. I bet most people will recognize the song. Let's hear a little. Now this song doesn't even have any lyrics and yet in 1959 several radio stations refused to play it. Uh, I'm going to make a guess that is has to do with the idea that the word rumble has to do with gangs. I mean, why,...

ERIC NUZUM: Yeah.

MARGOT ADLER: What was the deal here?

ERIC NUZUM: It was just the title. The title was considered quite controversial and even though the song has no theme, but, you know, in the 1950s, uh, there was a great deal of concern about juvenile delinquency. It was kind of one of the big issues of that time. You have to remember that before the 1950s there really wasn't something like teen culture, let alone teen musical culture.

And, so you had parents walking into concerts and they would see Elvis Presley dancing and the...

MARGOT ADLER: Gyrating.

ERIC NUZUM: ...Gyrating. And, then they would see these young girls scream and, and have fits and be crying and jumping up and down. And they thought, Oh, A = B, this is causing these

people to act like this when they otherwise would never act like this. And, when you had Link Wray, when he came out with this song, just because it mentioned the word “rumble” they thought that would, you know, inspire young men to rumble. And, so even when he performed the song on American Bandstand, Dick Clark introduced him but wouldn’t say the name of the song.

MARGOT ADLER: Really?

ERIC NUZUM: Uh huh.

MARGOT ADLER: Amazing. Another controversial theme is drugs. The concern over pro-drug messages in rock and roll gained a lot of steam in the early 1970s, so much so that even this song “Rocky Mountain High” by John Denver was dropped by radio stations. Denver always said that his song is really about the beauty of the Rocky Mountains. Tell us a little bit about what was going on at this time. I understand even Vice President Spiro Agnew was weighing in, calling for censorship of what he considered pro-drug music.

ERIC NUZUM: That’s right. And, Nixon was as well. They, uh, the FCC launched a concerted effort in 1972 to, um, make sure that radio stations knew that their license could potentially be in jeopardy if they played songs with pro-drug messages. They came up with a list of songs that they just offered as suggestions for stations to be concerned about. “Yellow Submarine” was on that list. “Puff the Magic Dragon” was on that list.

MARGOT ADLER: I remember that.

ERIC NUZUM: Yeah.

MARGOT ADLER: And some of them are obvious. I mean, like “Heroin” by the Velvet Underground you can see!

ERIC NUZUM: But, you never heard that on radio stations back then.

MARGOT ADLER: That’s right.

ERIC NUZUM: You know? And that’s why no one ever called for its censorship. But, you know, “Yellow Submarine” was everywhere and people thought, oh, there has to be a drug message in that somewhere.

MARGOT ADLER: The debate over music censorship came to a head in the late 1980s when a group called the Parents Music Resource Center pushed for the placement of warning labels on the cover of certain albums. They were ultimately successful in getting the stickers which were meant to alert parents to the content of the record much like movie ratings do. But the ratings were only for new music. Their claim was that songs such as Cole Porter’s “Birds Do It, Bees Do It” or Fats Domino “I Found My Thrill on Blueberry Hill”, which actually is the first album I ever owned. Um, they had been controversial themselves but they were somehow seen as different than the songs of this decade. Uh, songs like “Darling Nicki” by Prince or I’m going to

play one song now here, uh, this song by 2 Live Crew. It does feel different. Is it just generational?

ERIC NUZUM: Yes. That is, different generations require different ways to express themselves. One of the things that music does is it's kind of like a calling card, a social calling card, where it says this is what I am and this is what I represent. And, this is who I'm about or what I'm about. And, what happens is that it's meant to differentiate you from others. So therefore the music of one generation by implicit design is supposed to be something that others won't get.

MARGOT ADLER: Eric, you've written about the history of music censorship over the past 60, 70 years. How would you describe the period that we're in now?

ERIC NUZUM: What you see is there are times such as around 2002, 2003 with the FCC, Janet Jackson, and the start of the Iraq war where there was a hypersensitivity around this issue. Uh, the Dixie Chicks, Pearl Jam and the controversy they had over their song "Bushleaguer" and whether or not the singer impaled a mask of the president during a concert. Uh, these things tend to kind of rise up in cycles. And then, people forget about it for awhile. They worry about other things. As long as there is popular music some, it's going to be controversial to somebody. And as soon, as long as someone is seeing something they don't like, they'll make some effort to suppress it, I'm sure.

MARGOT ADLER: Eric Nuzum's book is called Parental Advisory: Music Censorship in America. Thanks for joining me on Justice Talking.

ERIC NUZUM: Thank you.

MARGOT ADLER: Is parental control the best way to protect children from mature content in the media? Tell us what you think at JusticeTalking.org. While you're there, check out our blog, where many of the nation's leading commentators give their views on law and American life. Thanks for listening. Join us next week on Justice Talking. I'm Margot Adler.
