

**DOJ/FTC Study of Media Marketing Practices  
Q & A**

**June 1, 1999**

**Q. What will this study look into?**

A. Numerous studies have shown that violent programming increases children's aggression toward others and desensitizes them to violence. If and to the extent that the video game, movie, and recording industries market to children violent and other materials that are rated for adults, they undermine current content-based ratings systems, make it harder for parents to control the movies, music and games their children see, and increase the likelihood of children being exposed to inappropriate materials. President Clinton therefore will announce today that the Federal Trade Commission and Department of Justice will conduct a study to determine whether and how the video game, motion picture, and recording industries market to children violent and other material rated for adults. The study will examine, among other matters, whether sectors of these industries advertise violent material rated for adults in media outlets in which children comprise a substantial percentage of the audience or whether they otherwise use marketing practices designed to attract children to violent material. The study also will examine whether these industries have adopted procedures restricting the sale of products rated for adults to children and the extent to which these procedures are effective in ensuring that children do not have access to adult-oriented material.

**Q. Senators Brownback, Lieberman and Hatch introduced an amendment to the juvenile crime bill two weeks ago that authorized a similar study. What's new here?**

A. The study the President is announcing today is similar to the one authorized in the Senate juvenile justice bill. What's new is that because of the President's announcement and his commitment of funds from existing programs, the study will commence immediately. Because the provision in the juvenile justice bill is simply an authorization of funds, which must await an additional legislative appropriation, the sponsors of this provision (Senators Brownback, Lieberman and Hatch) thought the study would only commence in FY 2000. The President recognized that the study was a good idea, and he took the administrative steps necessary to begin it now, without waiting for additional legislative action and a new funding cycle.

**Q. How much money is this study going to cost? How long will it take?**

A. We estimate that the study will take 12 to 18 months to complete. Although the exact level of resources required will depend in large part on the amount of information obtained, our current estimate is that the entire study could cost up to \$1 million dollars, including the salaries of the staff conducting the study.

**Q. What do you plan to do if this study concludes that media industries do market violent materials rated for adults to children?**

A. First, the study can help the industries themselves to enforce their self-regulatory systems by providing them with information about various kinds of marketing practices. If the report concludes that some members of these industries are pushing adult-rated material on children, the industries as a whole may want to adopt stronger protections against these marketing practices. Second, this information will serve as a useful tool for parents by helping them better understand, and thereby better monitor, whether and how the media target violent material to children. Third, government officials can review the finding of the study to determine whether any action is appropriate, consistent with the First Amendment.

**Q. Senator Boxer introduced an amendment to study the marketing practices of the gun industry to determine whether that industry targets children. Why aren't you studying that issue?**

A. The study will focus on the entertainment industries for the simple reason that these industries do massive amounts of marketing; indeed, images of guns and other weapons reach far more people through entertainment advertising than through advertising for those products. If those conducting the study, however, believe that they can uncover important information by looking further into the gun industry's marketing practices, then they have the authority and resources to do so.

**Q. Why isn't this study going to examine television marketing? Isn't TV the biggest influence on children?**

A. The V-chip, which will be in all new television sets as of July 1<sup>st</sup>, allows parents to block all violent and other adult-oriented material on their television sets, thereby alleviating concerns about advertising for these programs. (Advertising for other media that appears on TV will fall within the parameters of the study.) In addition, the television industry's programming – including the level of violence in such programming – is already subject to extensive regulation by the Federal Communications Commission.

**Q. The Brownback amendment would authorize an FTC and DOJ study of the marketing of sexually explicit as well as violent material. Why are you just studying violent material?**

A. This study, like the one proposed by Senator Brownback, will look into the marketing of all adult-rated materials to children. Because the study is part of our comprehensive efforts to reduce youth violence, we expect that the FTC and DOJ will pay close attention to marketing of violence. They will also, however, investigate the marketing of other age-inappropriate products.

**Q. Will you have the power to subpoena documents from these companies as part of this study?**

A. The Federal Trade Commission has the power under Section 6b of its authorizing statute to issue compulsory process requiring companies to provide information relevant to studies it conducts about their business practices. This compulsory process is called an "order to file a special report" and can be issued only by a majority vote of the Commissioners themselves. This power would enable the FTC to compel the production of information related to the marketing strategies of these industries. The FTC Act provides such information with significant confidentiality protections, most significantly prohibiting the release of confidential commercial or financial information collected under such orders. The Department of Justice does not have any subpoena power with respect to this study.

**Q. On what authority are the Justice Department and Federal Trade Commission conducting this study?**

A. Under Section 6 of its authorizing statute, the Federal Trade Commission has the power to conduct studies and prepare reports about matters in or affecting commerce. Studying the marketing of video games, recordings and motion pictures fits squarely within that authority. The Justice Department's National Institute for Juvenile Justice and Delinquency Prevention, which will also participate in the study, has the specific authority to prepare studies related to media violence.

**Q. How can you really address the glamorization of violence by Hollywood when you are so dependent upon them for campaign contributions?**

A. The President, First Lady, Vice President and Mrs. Gore have repeatedly called attention to the potential for media depictions of violence to adversely affect our children. For example, the President said just a few weeks ago, "By the age of 18, the typical American will see 40,000 dramatized murders. There are those who say they can or should do nothing about this. But I believe they're wrong. Every one of us has a role to play in giving our kids a safe future. And those with greater influence have greater responsibility. We should see movies and music, TV programs, video games and advertising for them made by people who made them as if their own children were watching. Members of the entertainment community can make a big difference." The President will continue sending this message, regardless of any effect it may have on campaign contributions, because it is right and because it can help our children.

**Q. Didn't the President just issue a challenge a few weeks ago to enforce the ratings at the point of sale? Isn't your challenge to retailers just a rehash?**

A. No. The President previously challenged theater and video store owners to enforce more strictly the rating systems on the movies they show, rent or sell. Today's challenge is much broader: the President is asking all of the nation's retailers to enforce the ratings systems of

all media rated for adults, including video games and music. The Interactive Digital Software Association has begun working with retailers to develop a voluntary system that would essentially 'card' potential game buyers: when any adult-rated title is scanned into a cash register, the system will alert the retailer to ask for identification. We applaud these efforts and challenge retailers and others in the entertainment industry to take the appropriate steps to keep adult-rated materials out of the hands of children.

**Q. What evidence do you have that this is a problem at all?**

A. While we have anecdotal evidence that some material rated for adults is marketed to kids, the study will determine the extent of the problem. A number of movie executives have already admitted to targeting their adult-rated fare to teens and pre-teens:

- Wes Craven, maker of teen horror films such as "Scream" which grossed \$100 million -- thinks that his films offer something for most age groups: "even the younger kids understand some of the issues in the films, like whom can you trust?... Whether we approve or not," he says, "they are being pushed into the information blizzard of adulthood, and at least with these films they can have a laugh about it." [The New York Times, 6/14/98; Dayton Daily News, 4/9/99]

- Larry Kasanoff, chairman of the digital media group Threshold Entertainment and producer of the "Mortal Kombat" movies and James Cameron's R-rated "Terminator 2" and "True Lies" has said, "I don't think it's any surprise that young kids are getting into these movies... I remember seeing kids skateboard right up to the ticket counter when 'Terminator 2' opened and getting right in..." [Portland Press Herald, 4/4/99]

In addition, some video game producers are marketing particularly violent games:

- Despite the fact that his associate has publicly stated that they are "making games for adults," George Broussard, one of the makers of the violent game "Duke Nukem," said in an interview that "Duke Nukem Forever" "will target 'players 15 and up' though he's 'sure it will carry a Mature rating' --which restricts it to gamers 17 and older." [Newsday, 5/11/99]

- In addition to the violent nature of the games themselves, the advertisements for these games also promote violence. According to a recent New York Times report "Interplay Productions, based in Irvine, Calif., makes the game Carmaggedon, in which virtual motorists rack up points by running down pedestrians, a pursuit that a company advertisement said was 'as easy as killing babies with axes.' An advertisement for its new game Kingpin, Life of Crime notes that players can "target specific body parts and see the damage done -- including exit wounds." [The New York Times, 5/14/99]

## **PRESIDENT CLINTON ANNOUNCES NEW STUDY TO EXAMINE THE MARKETING OF VIOLENT MEDIA TO CHILDREN**

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As part of his continuing efforts to reduce youth violence, the President will announce today that the Federal Trade Commission and the Department of Justice will conduct a joint study of the marketing practices of entertainment industries to determine whether these industries are marketing to children violent and other material that is rated for adults. In a Rose Garden event, joined by the First Lady, the President will also challenge retailers to enforce age restrictions on adult-oriented media, so that inappropriate material is kept out of the hands of children.

**Helping Parents to Make the Right Choices for Their Children.** Numerous studies have shown that violent programming increases children's aggression toward others and desensitizes them to violence. If and to the extent that the video game, movie, and recording industries market to children violent and other materials that are rated for adults, they undermine current content-based ratings systems, make it harder for parents to control the movies, music and games their children see, and increase the likelihood of children being exposed to inappropriate materials. President Clinton therefore will announce today that the Federal Trade Commission and Department of Justice will conduct a study to determine whether and how the video game, motion picture, and recording industries market to children violent and other material rated for adults. The study will examine, among other matters, whether sectors of these industries advertise violent material rated for adults in media outlets in which children comprise a substantial percentage of the audience or whether they otherwise use marketing practices designed to attract children to violent material. The study also will examine whether these industries have adopted procedures restricting the sale of products rated for adults to children and the extent to which these procedures are effective in ensuring that children do not have access to adult-oriented material.

**Challenging Entertainment Industry Distributors to Enforce Ratings.** A key to shielding children from exposure to excessively violent media is to halt their access to these products at the point of sale. Too many children can purchase or rent violent video games and films intended for adults from retailers who do not check identifications. In fact, according to a study conducted last year, only nine percent of retail stores that rent video games refused to rent to minors games that are rated as suitable only for adults. As part of an effort to address this issue, the Washington State Retail Association and the Interactive Digital Software Association are working together to create a point-of-sale system that will notify and remind clerks to ask for identification from buyers. Because the President believes that it is wrong to sell or rent the most violent video games and movies to children without their parents' approval, he will challenge the nation's retailers today to follow the lead of those in Washington State and enforce the ratings systems when they sell or rent any adult-rated material to children.

**Advancing an Agenda to Address Youth Violence.** In an effort to comprehensively address the causes of youth violence comprehensively, the President is launching a national campaign on the issue, to involve community and religious leaders, the gun and entertainment industries, educators, parents, and young people. As he announced at last month's White House Strategy

Session on Children, Violence, and Responsibility, this campaign will be modeled on the highly successful Welfare to Work Partnership and the National Campaign to Reduce Teen Pregnancy. The campaign will call on all sectors of society to take responsibility for reducing youth violence and will disseminate efforts that are working throughout the nation.

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Subject: final draft -- remarks on children, violence & marketing -- 5/31 4pm

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Jeff Shesol

**PRESIDENT WILLIAM J. CLINTON  
REMARKS ON CHILDREN, VIOLENCE AND MARKETING  
THE ROSE GARDEN  
June 1, 1999**

Acknowledgments: the First Lady; AG Reno; FTC Chairman Robert Pitofsky; Arthur Sawe [SAH-way] and his mother Caroline; Mayor Deedee Corradini, US Conference of Mayors; Wash. State Rep. Mary Lou Dickerson; Pam Eakes, founder, Mothers Against Violence in America

In recent weeks, and in the wake of tragedy, we have witnessed something truly remarkable: Americans from all regions and all walks of life coming together to prevent youth violence. As you may recall, the First Lady and I traveled to Colorado recently and spoke with the students of Columbine High School. In one sudden moment, just six weeks ago, they lost much of the innocence of youth; but I am pleased to say that they have lost little of its idealism. They have held fast to their faith in a better future – a future where hatred no longer hardens the heart; a future where values, and not violence, make up our common culture.

The national grassroots campaign Hillary described is rooted firmly in that faith. We know we can prevent youth violence if we work together, across all the lines that may divide us; and assume responsibility rather than assign blame. That responsibility, of course, begins at home. Parents must guide children as they grow, and stay involved even as children become more independent. That responsibility must be reinforced at school; in houses of worship; and in the community as a whole. The more invested we are in the lives of our children, the less isolated they can become.

Those of us in public service must also do our part, and fulfill our responsibility to keep guns out of the hands of criminals and children. To that end, there is a broad and growing national consensus that says we must do more. I am grateful that a number of gun manufacturers came here to the White House last month and voiced their support for our common-sense approach. And I am encouraged that the Senate agreed to close the deadly

gun-show loophole; require that safety locks be sold with every handgun; ban the importation of large-capacity ammunition clips; and ban violent juveniles from owning guns as adults. To the House of Representatives I say: Pass these common-sense measures into law, and do so swiftly when you return from recess. Don't put our children's safety on hold - put it at the top of your agenda.

Members of the entertainment industry must also do their part. They - and the rest of us - must not kid ourselves: our children are being fed a dependable, daily dose of violence. Studies show that the typical 18-year-old has seen 200,000 dramatized acts of violence and 40,000 dramatized murders. Kids become numb to it. They have to. And as their exposure to violence grows, so does, in some deeply troubling cases, their taste for it. We should not be surprised that half the video games the typical seventh-grader plays are violent ones.

Anyone who doubts the impact of this cultural assault can look at hundreds of studies, three decades' worth, showing the direct link between violent entertainment and violent behavior. What these studies tell us is that for adults, the boundary between fantasy and reality is a bright line; but for vulnerable children, it can be blurred. Kids who are steeped in the culture of violence can become desensitized to it and more capable of committing it themselves.

That is why I have strongly urged people in the industry to consider the consequences of what they create. One can value our First Amendment right to free expression and, at the same time, act with restraint. Our administration has worked to give parents the tools to protect their kids - and block violent programming from entering their living rooms. We have worked with the industry to develop a voluntary rating system for television, and a V-Chip that enables parents to enforce it. We've also made progress on parental screening for the Internet and ratings for Internet game sites.

Still, when violent entertainment made for adults is marketed to children, it undermines the rating systems designed to protect them. Advertisements have the power to egg children on and lure them in. Every parent knows what response a commercial for sugar cereal - or the latest "Star Wars" toy - will get from their kids. They want that product and, one way or another, they're determined to get it. So we should think twice about the impact of ads for so-called "first-person shooter" video games - like the recent ad for a game that invites players to "get in touch with your gun-toting . . . cold-blooded murdering side." Now, Arthur obviously has the inner strength and the upbringing to reject that kind of violent appeal. But not every child will.

Today, I am asking the Department of Justice and the Federal Trade Commission to study the extent to which the video game, music and movie industries market violence to children - and whether those industries are abiding by their own voluntary systems of regulation. To any company that sells violent products, I say this: Children are more than consumers. They are our future, and our most precious resource. They should not be targets in the marketing of violence. Don't make young people want what your own rating systems say they shouldn't have.

I also issue this challenge to the owners of movie theaters and video stores, to distributors, and to anyone at the point of sale: enforce the ratings systems on the products you sell. Check IDs. Draw the line. If underage kids are buying violent video games or getting into R-rated movies, then ratings systems should be strictly enforced to put a stop to it. And if gratuitous violence is getting into PG-13-rated movies, then ratings systems should be reevaluated.

I want to thank Senators Brownback, Lieberman, Hatch, and Kohl for the work they've done on this issue. And I want to commend Washington State Representative Mary Lou Dickerson, who is here with us today. Inspired by an article she read about young Arthur, Rep. Dickerson helped create a task force on video game violence. And, thanks to her work with Mothers Against Violence in America and the Washington Retailers Association, both of which are represented here today, video game retailers in Washington State will now voluntarily sign a pledge to parents, committing themselves to check IDs and block sales of violent games to minors.

I urge others to follow their lead. For this, in the end, is the way we will make progress: by constant and coordinated effort - as individuals and industries, as communities and as a nation. Youth violence is a problem we face together - and it is a problem America can solve together. By joining hands in this effort we can truly build a safer future for all our children in the 21st Century. Thank you.

Message Sent To: \_\_\_\_\_

THE WHITE HOUSE  
WASHINGTON

May 31, 1999

**ANNOUNCEMENT OF FEDERAL TRADE COMMISSION AND DEPARTMENT OF JUSTICE STUDY ON THE MARKETING OF VIOLENCE TO CHILDREN**

<b>DATE:</b>	Tuesday, June 1, 1999
<b>LOCATION:</b>	Rose Garden
<b>BRIEFING TIME:</b>	11:00am – 11:25am
<b>EVENT TIME:</b>	11:30am – 12:15pm
<b>FROM:</b>	Bruce Reed

**I. PURPOSE**

To announce that the Federal Trade Commission and the Department of Justice will conduct a joint study of the marketing practices of entertainment industries to determine whether these industries are marketing to children violent and other material that is rated for adults.

**II. BACKGROUND**

As part of your continuing efforts to reduce youth violence, you will announce today that the Federal Trade Commission and the Department of Justice will conduct a joint study of the marketing practices of entertainment industries to determine whether these industries are marketing to children violent and other material that is rated for adults. You will also challenge retailers to enforce age restrictions on adult-oriented media, so that inappropriate material is kept out of the hands of children.

**Helping Parents to Make the Right Choices for Their Children.** Numerous studies have shown that violent programming increases children's aggression toward others and desensitizes them to violence. If and to the extent that the video game, movie, and recording industries market to children violent and other materials that are rated for adults, they undermine current content-based ratings systems, make it harder for parents to control the movies, music and games their children see, and increase the likelihood of children being exposed to inappropriate materials. Therefore, you will announce today that the Federal Trade Commission and Department of Justice will conduct a study to determine whether and how the video game, motion picture, and recording industries market to children violent and other material rated for adults. The study will examine, among other matters, whether sectors of these industries advertise violent material rated for adults in media outlets in which children comprise a substantial percentage of the

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**Challenging Entertainment Industry Distributors to Enforce Ratings.** A key to shielding children from exposure to excessively violent media is to halt their access to these products at the point of sale. Too many children can purchase or rent violent video games and films intended for adults from retailers who do not check identifications. In fact, according to a study conducted last year, only nine percent of retail stores that rent video games refused to rent to minors games that are rated as suitable only for adults. As part of an effort to address this issue, the Washington State Retail Association and the Interactive Digital Software Association are working together to create a point-of-sale system that will notify and remind clerks to ask for identification from buyers. Because you have argued that it is wrong to sell or rent the most violent video games and movies to children without their parents' approval, you will challenge the nation's retailers today to follow the lead of those in Washington State and enforce the ratings systems when they sell or rent any adult-rated material to children.

### III. PARTICIPANTS

#### Briefing Participants:

Attorney General Janet Reno  
Bruce Reed  
Minyon Moore  
Janet Murguia  
Richard Socarides  
Jeff Shesol  
Neera Tanden

#### Event Participants:

The First Lady  
Attorney General Janet Reno  
Federal Trade Commission Chairman Robert Pitofsky  
Arthur Sawc

*Arthur is a nine-year-old, 4<sup>th</sup> grade student from Seattle, WA. Last year, at the age of eight, Arthur bought a video game magazine in the hopes of learning about new video games on the market. He was so disturbed by the violent ads in the magazine he took it to his mother, concerned that it was not appropriate for him to have it. Arthur's mother, Caroline, agreed with Arthur and contacted Mothers Against Violence in America. Arthur's concerns inspired a Seattle Times editorial, which led to legislative proposals in Washington and the voluntary pledge by the Washington Retailers Association to push for enforcement of the video game ratings.*

#### IV. PRESS PLAN

Open Press.

#### V. SEQUENCE OF EVENTS

- YOU will be announced, accompanied by the First Lady, Attorney General Reno, Chairman Pitofsky, and Arthur Sawe, into the Rose Garden.
- The First Lady will make remarks and introduce Attorney General Reno.
- Attorney General Reno will make remarks and introduce Chairman Pitofsky.
- Chairman Pitofsky will make remarks and introduce Arthur Sawe.
- Arthur Sawe will make remarks and introduce YOU.
- YOU will make remarks, work a ropeline, and depart.

#### VI. REMARKS

To be provided by speechwriting.

#### VI. ATTACHEMENTS

- *Seattle Times* article "At least Joe Camel never enticed schoolkids to kill"
- *Wall Street Journal* article "Game Makers, Taking Hits, Try to Shield Kids"

SUSAN NIELSEN / Times editorial columnist

# At least Joe Camel never enticed schoolkids to kill



I KNOW, I know. Complaining about violent imagery is passé.

You risk sounding like one of those moralistic boobs who foams at the mouth over song lyrics, nude art and daytime television: *Broken Homes!*

*Loose women! Pillars of salt!*

But just for one second, let's talk about Arthur Sawe, an 8-year-old Seattle boy. And let's ask what the point was of banning Joe Camel when no one says a peep about companies that beg kids to shoot, kill and maim.

Arthur's mom doesn't let him play violent video games. That's OK with him — he likes racing and karate games better anyway. But Arthur wants to keep up on the latest cool stuff, which is why he recently got a copy of the popular Electronic Gaming Monthly. Some of his friends read it, and it's easy to find in local grocery and video stores.

That's where Arthur learned about a new video game billed as "MORE FUN THAN SHOOTING YOUR NEIGHBOR'S CAT."

The ad reads: "Bang! Meow! Bang! Meow! Come on already. It's time you moved up the food chain and take (sic) aim at something that sounds better when it explodes.

"And you can when you grab your gun, included free with 'Point Blank,' the newest arcade shooting sensation from Namco that'll have you firing until your fingers fall off."

Arthur was disturbed enough to show his mom, even though he knew he might get in trouble. He didn't understand what playing games had to do with killing cats. He wanted to find out.

Arthur probably didn't understand another ad in the magazine: a large photograph of a leather-clad woman holding a whip over a sobbing man chained to a wall. Arthur'd

have to read the fine print to see this was a video game, too. "In these 10 cavernous levels of evil traps, it's all about blurring the fine line between pleasure and pain," the ad reads.

Arthur's a lucky kid. His mom dotes on him, protects him, teaches him what words like "desensitization" mean. He attends a private Christian school in Laurelhurst. His mom, a native of Tanzania, says she tries to monitor Arthur's exposure to popular American culture. "I do my best," she said.

It only took a few ads in a glossy magazine, though, for Arthur to get exposed to these notions:

"Torturing animals is fun.

Pleasure is similar to pain.

Shooting small living things is good, but shooting big living things is even better.

Here's the clincher. When I opened my copy of Electronic Gaming Monthly, the magazine fell open to a drawing of a yellow school bus mounted with giant missiles. It was an ad for "Vigilante 8," a video game starring a boy named Molo: "Kicked out of school for poor citizenship, Molo's lookin' to get his 'A' in automotive ass-whuppin'!"

And we wonder where kids get such crazy ideas in their heads.

By comparison, Joe Camel looks more innocuous than Barney. And I start to wonder: Am I nuts here, or what? We happily blame an animated camel for ruining the health of all Americans, but we embrace companies that root for violence?

Video-game company executives aren't stupid. They know that a game where you can rip people's heads off and pull the spinal cords out of their bodies is a much hotter seller with the kids than one of those woozy problem-solving games. These kinds of marketing smarts drove \$5.5 billion in video-game sales last year. They'll spur this year's sale of at least 30 million video-game con-

soles, up from 6 million just two years ago.

Jon Davison, editor in chief of Electronic Gaming Monthly, says he doesn't review ads before publication and doesn't plan to start. However, he did concede, "Video-game advertising can get a bit over the top."

The man at Activision with final approval of the "Vigilante 8" ad campaign is Eric Johnson, senior VP of marketing. Johnson could've revised the ad about Molo, the expelled student seeking revenge, after the random mass shootings at schools in Mississippi. Or Kentucky. Arkansas. Pennsylvania. Tennessee. Oregon. He didn't.

"It never even crossed my mind," he said.

Activision has never received any complaints for its games — and for good reason, since the games are just pure fantasy escapism, Johnson said. "We're not trying to save the whales here. We're entertaining people for an economical price."

King County Executive Ron Sims said this community can't afford to invest more millions in jails for juveniles — but if we don't aggressively intervene within the next two years, we'll have no choice, he added. "We can either lose the next generation, or we can intervene."

Intervention often refers to counseling, after-school programs or alternative sentencing. But to rely solely on structured programs is a copout. True intervention means extracting harmful things from kids' lives, or at least taking a stand against them. This is hard to do, because it would require us to swallow the bloated notion of tolerance we've been choking on for over a decade.

At an annual video-game convention in Atlanta earlier this month, the president of Interactive Digital Software Industry denied any connection between school shooting sprees and video games. "There is no link, it's just games," he said.

Maybe he's right. Maybe Joe Camel was the only villain worth fighting. And maybe kids should read magazines and play games that glorify violence and torture; games where heroes slip on the entrails of their victims. Maybe we just need to lighten up a bit.

But 8-year-old Arthur Sawe doesn't think so.

Susan Nielsen's column appears regularly on editorial pages of The Times. Her e-mail address is: [sunielsen@seattletimes.com](mailto:sunielsen@seattletimes.com)

# Game Makers, Taking Hits, Try To Shield Kids

By DEAN TAKAHASHI

Staff Reporter of THE WALL STREET JOURNAL

Hoping to avert a regulatory crack-down, the video-game industry says it is trying to strengthen voluntary measures to shield children from inappropriate games.

The recent spate of teen violence has prompted legislators to target video-game makers nationwide. The U.S. Senate has authorized a study on the effects of violent games and music on young people, and legislators in four states have already proposed making it illegal to sell games rated "mature" to minors.

Responding, the game publishers' lobbying group, the Interactive Digital Software Association, has begun working with retailers to develop a voluntary system that would essentially "card" potential game buyers. When any adult-rated title is scanned into a cash register, the system would alert the retailer to ask for identification. If the buyer is a minor without parental permission, the clerk could deny the sale. Retailers hope to begin using the system first in Washington state, and eventually plan to deploy it nationally.

How effective that would be is questionable, since critics say retailers are lax when it comes to enforcement. In a study last year, a Minneapolis advocacy group called the National Institute on Media and the Family found that 41% of retail clerks didn't understand the ratings, and only 40% of parents reported routinely checking ratings. When the institute surveyed fourth through eighth graders, half named violent games as their favorites. It also found that while video stores accounted for \$800 million in game revenue last year, only 9% of them refused to rent mature titles to minors.

Meanwhile, there are virtually no curbs to prevent minors from anonymously downloading violent titles from Internet game sites.

Rapid growth of video games has increased the industry's visibility. Last year, electronic-game sales in North America grew 25%, to \$5.5 billion—not far behind the \$6.9 billion in movie box-office receipts. In its first six weeks last Christmas, one game, Nintendo Co.'s "Legend of Zelda," generated \$150 million in sales, outpacing the film "A Bug's Life," which pulled in \$114 million during the same time at the box office.

"As our industry has become so large, we are a fair target for criticism," says Peter Main, executive vice president at Nintendo of America. "The level of concern is greater than ever before, especially on Capitol Hill," says Doug Lowenstein, IDSA president. "More needs to be done with the rating system and ad codes."

As with the movie and music industries,  
Please Turn In Page B4, Column 4

THE WALL STREET JOURNAL TUESDAY, MAY 25, 1999

1/2

# Video-Game Firms Step Up Self-Policing

Continued From Page B1

video-game makers have a voluntary ratings system, but it is relatively new and largely ignored. A postage-stamp-size logo appears on game covers categorizing titles as Adults Only, Mature, Teen, Everyone or Early Childhood. Industry experts say so-called "violent shooter" titles—like "Doom," "Quake," "Sin," and "Half-Life"—make up only 6% of the sales of the entire gaming market. All are rated Mature.

Store operators say they aren't the problem. "Retailers should pay attention to the ratings," says Pamela Rucker, a spokeswoman for the National Retail Federation in Washington, but "parents need to know what their children are playing."

The industry's Mr. Lowenstein says research connecting violence and game-playing is thin. Roughly 57% of video games are played by adults, and the industry's fastest-growing sector is children's puzzle and board games, like Monopoly. Of 5,000 games rated by the industry's Entertainment Software Ratings Board in the past five years, 70% were considered appropriate for all ages to play.

Still, it's the violent titles that have gaming companies under attack. After the December 1997 school shooting in Paducah, Ky., families of three victims sued makers of violent games, as well as movie studios, for allegedly influencing the killer.

Washington state is a hotbed of activity. In Olympia, the Washington Retailers Association has agreed to encourage electronic game retailers to voluntarily prohibit sales of violent games to minors

throughout the state.

That plan follows a campaign by a Seattle group called Mothers Against Violence, which started its advocacy work last year when one member's eight-year-old son saw an ad in Electronic Gaming Monthly. The ad, for Activision Inc.'s "Vigilante 8," pictured a school bus armed with missiles and featured "Molo," an expelled student aiming to get an "A" in violent acts. Activision declined to comment.

The video-game trade group says it also plans to tone down such violence references in ads. Last year, Interplay Entertainment Inc. advertised a car-combat game, "Carnageddon," with the caption "Easier than killing babies with axes." The ad outraged children's advocacy groups. In the aftermath, Interplay says it will be "more careful" about its ads and enlarge the warning labels on its adult-oriented games.

While denying any connection between violence and game-playing, some publishers and retailers themselves are taking steps to limit access to violent titles. Some retailers, for instance, recently balked at carrying Interactive Magic Inc.'s "Mortyr," a game whose cover depicted a black Nazi helmet in a pool of blood.

And recently, Electronic Arts Inc. nixed "Thrill Kill," a violent game it inherited when it acquired another company. Glenn Fong, head of the company's Canada studios, said, "We even killed the project altogether so someone else couldn't publish it."

But some people worry that overreacting to recent tragic events could limit the

industry's artistic freedom. "It's scary that the violence issue has become political," says Mike Wilson, chief executive officer of Gathering of Developers LLC, a Dallas company that has a number of violent games in the works. "A big retailer could very well get a lot of PR out of saying they won't sell violent games."

Fans of violent shooting games say their appeal is more about using one's wits than about gore. "We make the games that we like to play," says John Carmack, co-founder of Id Software Inc. and developer of the upcoming Quake III. "It's not for kids."

An online survey, just released by market researcher PC Data Inc. in Reston, Va., found that nearly 19% of respondents said the government should impose minimum age restrictions to buy violent games.

Parents struggle with that same issue. Istok Stajner, a 37-year-old Web site master in San Jose, Calif., says it's hard to steer his 13-year-old stepson away from violent games when his friends play them and see them widely advertised in TV cartoons and in magazines. Enforcing game ratings on sales to minors would help, Mr. Stajner says, but he adds, "Somehow, the kids would still get their hands on the games."

He adds: "I can't make the games into forbidden fruit. All I can do is talk now and then, and stress how violence in real life is not a fun thing."

**WSJ Journal Link:** Join an online discussion about the issue of violence in video games in The Wall Street Journal Interactive Edition at <http://wsj.com>

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**BROWNBACK (AND OTHERS) AMENDMENT NO. 329 (Senate - May 12, 1999)**

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[Page: S5171] [Link to GPO's PDF version for this page.](#) NEW

Mr. BROWNBACK (for himself, Mr. Hatch, Mr. Lieberman, Mr. Abraham, Mr. McCain, Mr. Kohl, and Mr. DeWine) proposed an amendment to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

On page 151, between lines 13 and 14, insert the following:

**'SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.**

**'(a) Requirement:** The National Institutes of Health shall conduct a study of the effects of violent video games, and music on child development and youth violence.

**'(b) Elements:** The study under subsection (a) shall address--

**'(1)** whether, and to what extent, violence in video games, and music adversely affects the emotional and psychological development of juveniles; and

**'(2)** whether violence in video games, and music contributes to juvenile delinquency and youth violence.  
On page 176, beginning on line 8, strike 'this title,' and all that follows through line 11 and insert 'this title--

**'(A)** of which \$20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

**'(B)** \$2,000,000 shall be for the study required by section 248;

[Page: S5172] [Link to GPO's PDF version for this page.](#) NEW

**TITLE V--VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION**

**SEC. 501. SHORT TITLE.**

This title may be cited as the 'Children's Protection Act of 1999'.

**SEC. 502. FINDINGS.**

Congress makes the following findings:

**(1)** Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) 'In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.'

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(B) 'Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.'

(C) 'Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.'

(D) 'The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.'

(E) 'Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.'

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

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**BROWNBAC (AND OTHERS) AMENDMENT NO. 329 (Senate - May 12, 1999)**

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[Page: S5173] [Link to GPO's PDF version for this page.](#) NEW

**SEC. 504. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.**

(a) **Exemption:** Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed--

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) **Limitation:** The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which--

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

**SEC. 505. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTITRUST LAWS.**

(a) **Exemption From Antitrust Laws:**

(1) **In general:** The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, and mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) **Persons and entities described:** A person or entity described in this paragraph is a person or entity that is--

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public for compensation.

(b) **Report:** Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in conjunction with the Federal Trade Commission, shall submit to Congress a report on--

(1) the extent to which the motion picture, recording, and video game industry have developed or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings or labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

**SEC. 506. DEFINITIONS.**

In this subtitle:

(1) **Antitrust laws:** The term 'antitrust laws' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) **Internet:** The term 'Internet' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) **Movies:** The term 'movies' means motion pictures.

(4) **Person in the entertainment industry:** The term 'person in the entertainment industry' means a television network, any entity which produces or distributes television programming (including motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

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(5) Telecast.--The term "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

## Subtitle B--Other Matters

## SEC. 511. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) Study.--

(1) In general.--The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) Issues examined.--In conducting the study under paragraph (1), the Commission and the Attorney General shall examine--

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of

violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion picture, recording, and video/personal computer industries--

(i) have policies to restrict the sale, rental, or viewing to minors of music, movies, or video/personal computer games that are deemed inappropriate for minors under the applicable voluntary industry rating or labeling systems; and

(ii) have procedures compliant with such policies;

(C) whether and to what extent the motion picture, recording, and video/personal computer industries require, monitor, or encourage the enforcement of their respective voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(D) whether any of the marketing practices examined may violate Federal law; and

(E) whether and to what extent the motion picture, recording, and video/personal computer industries engage in actions to educate the public on the existence, use, or efficacy of their voluntary rating or labeling systems.

(3) Factors for determination.--In determining whether the products of the motion picture, recording, or video/personal computer industries are violent, sexually explicit, or otherwise unsuitable for minors for the purposes of paragraph (2)(A), the Commission and the Attorney General shall consider the voluntary industry rating or labeling systems of the industry concerned as in effect on the date of the enactment of this Act.

(b) Report.--Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(c) Authority.--For the purposes of the study conducted under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

**DOJ/FTC Study of Media Marketing Practices  
Q & A**

**June 1, 1999**

**Q. What will this study look into?**

A. Numerous studies have shown that violent programming increases children's aggression toward others and desensitizes them to violence. If and to the extent that the video game, movie, and recording industries market to children violent and other materials that are rated for adults, they undermine current content-based ratings systems, make it harder for parents to control the movies, music and games their children see, and increase the likelihood of children being exposed to inappropriate materials. President Clinton therefore will announce today that the Federal Trade Commission and Department of Justice will conduct a study to determine whether and how the video game, motion picture, and recording industries market to children violent and other material rated for adults. The study will examine, among other matters, whether sectors of these industries advertise violent material rated for adults in media outlets in which children comprise a substantial percentage of the audience or whether they otherwise use marketing practices designed to attract children to violent material. The study also will examine whether these industries have adopted procedures restricting the sale of products rated for adults to children and the extent to which these procedures are effective in ensuring that children do not have access to adult-oriented material.

**Q. Senators Brownback, Lieberman and Hatch introduced an amendment to the juvenile crime bill two weeks ago that authorized a similar study. What's new here?**

A. The study the President is announcing today is similar to the one authorized in the Senate juvenile justice bill. What's new is that because of the President's announcement and his commitment of funds from existing programs, the study will commence immediately. Because the provision in the juvenile justice bill is simply an authorization of funds, which must await an additional legislative appropriation, the sponsors of this provision (Senators Brownback, Lieberman and Hatch) thought the study would only commence in FY 2000. The President recognized that the study was a good idea, and he took the administrative steps necessary to begin it now, without waiting for additional legislative action and a new funding cycle.

**Q. How much money is this study going to cost? How long will it take?**

A. We estimate that the study will take 12 to 18 months to complete. Although the exact level of resources required will depend in large part on the amount of information obtained, our current estimate is that the entire study could cost up to \$1 million dollars, including the salaries of the staff conducting the study.

**Q. What do you plan to do if this study concludes that media industries do market violent materials rated for adults to children?**

A. First, the study can help the industries themselves to enforce their self-regulatory systems by providing them with information about various kinds of marketing practices. If the report concludes that some members of these industries are pushing adult-rated material on children, the industries as a whole may want to adopt stronger protections against these marketing practices. Second, this information will serve as a useful tool for parents by helping them better understand, and thereby better monitor, whether and how the media target violent material to children. Third, government officials can review the finding of the study to determine whether any action is appropriate, consistent with the First Amendment.

**Q. Senator Boxer introduced an amendment to study the marketing practices of the gun industry to determine whether that industry targets children. Why aren't you studying that issue?**

A. The study will focus on the entertainment industries for the simple reason that these industries do massive amounts of marketing; indeed, images of guns and other weapons reach far more people through entertainment advertising than through advertising for those products. If those conducting the study, however, believe that they can uncover important information by looking further into the gun industry's marketing practices, then they have the authority and resources to do so.

**Q. Why isn't this study going to examine television marketing? Isn't TV the biggest influence on children?**

A. The V-chip, which will be in all new television sets as of July 1<sup>st</sup>, allows parents to block all violent and other adult-oriented material on their television sets, thereby alleviating concerns about advertising for these programs. (Advertising for other media that appears on TV will fall within the parameters of the study.) In addition, the television industry's programming – including the level of violence in such programming – is already subject to extensive regulation by the Federal Communications Commission.

**Q. The Brownback amendment would authorize an FTC and DOJ study of the marketing of sexually explicit as well as violent material. Why are you just studying violent material?**

A. This study, like the one proposed by Senator Brownback, will look into the marketing of all adult-rated materials to children. Because the study is part of our comprehensive efforts to reduce youth violence, we expect that the FTC and DOJ will pay close attention to marketing of violence. They will also, however, investigate the marketing of other age-inappropriate products.

**Q. Will you have the power to subpoena documents from these companies as part of this study?**

A. The Federal Trade Commission has the power under Section 6b of its authorizing statute to issue compulsory process requiring companies to provide information relevant to studies it conducts about their business practices. This compulsory process is called an "order to file a special report" and can be issued only by a majority vote of the Commissioners themselves. This power would enable the FTC to compel the production of information related to the marketing strategies of these industries. The FTC Act provides such information with significant confidentiality protections, most significantly prohibiting the release of confidential commercial or financial information collected under such orders. The Department of Justice does not have any subpoena power with respect to this study.

**Q. On what authority are the Justice Department and Federal Trade Commission conducting this study?**

A. Under Section 6 of its authorizing statute, the Federal Trade Commission has the power to conduct studies and prepare reports about matters in or affecting commerce. Studying the marketing of video games, recordings and motion pictures fits squarely within that authority. The Justice Department's National Institute for Juvenile Justice and Delinquency Prevention, which will also participate in the study, has the specific authority to prepare studies related to media violence.

**Q. How can you really address the glamorization of violence by Hollywood when you are so dependent upon them for campaign contributions?**

A. The President, First Lady, Vice President and Mrs. Gore have repeatedly called attention to the potential for media depictions of violence to adversely affect our children. For example, the President said just a few weeks ago, "By the age of 18, the typical American will see 40,000 dramatized murders. There are those who say they can or should do nothing about this. But I believe they're wrong. Every one of us has a role to play in giving our kids a safe future. And those with greater influence have greater responsibility. We should see movies and music, TV programs, video games and advertising for them made by people who made them as if their own children were watching. Members of the entertainment community can make a big difference." The President will continue sending this message, regardless of any effect it may have on campaign contributions, because it is right and because it can help our children.

**Q. Didn't the President just issue a challenge a few weeks ago to enforce the ratings at the point of sale? Isn't your challenge to retailers just a rehash?**

A. No. The President previously challenged theater and video store owners to enforce more strictly the rating systems on the movies they show, rent or sell. Today's challenge is much broader: the President is asking all of the nation's retailers to enforce the ratings systems of

all media rated for adults, including video games and music. The Interactive Digital Software Association has begun working with retailers to develop a voluntary system that would essentially 'card' potential game buyers: when any adult-rated title is scanned into a cash register, the system will alert the retailer to ask for identification. We applaud these efforts and challenge retailers and others in the entertainment industry to take the appropriate steps to keep adult-rated materials out of the hands of children.

**Q. What evidence do you have that this is a problem at all?**

A. While we have anecdotal evidence that some material rated for adults is marketed to kids, the study will determine the extent of the problem. A number of movie executives have already admitted to targeting their adult-rated fare to teens and pre-teens:

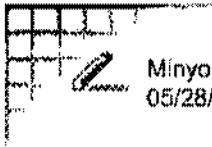
- Wes Craven, maker of teen horror films such as "Scream" which grossed \$100 million -- thinks that his films offer something for most age groups: "even the younger kids understand some of the issues in the films, like whom can you trust?...Whether we approve or not," he says, "they are being pushed into the information blizzard of adulthood, and at least with these films they can have a laugh about it." [The New York Times, 6/14/98; Dayton Daily News, 4/9/99]

- Larry Kasanoff, chairman of the digital media group Threshold Entertainment and producer of the "Mortal Kombat" movies and James Cameron's R-rated "Terminator 2" and "True Lies" has said, "I don't think it's any surprise that young kids are getting into these movies...I remember seeing kids skateboard right up to the ticket counter when 'Terminator 2' opened and getting right in..." [Portland Press Herald. 4/4/99]

In addition, some video game producers are marketing particularly violent games:

- Despite the fact that his associate has publicly stated that they are "making games for adults," George Broussard, one of the makers of the violent game "Duke Nukem," said in an interview that "Duke Nukem Forever" "will target 'players 15 and up' though he's 'sure it will carry a Mature rating' --which restricts it to gamers 17 and older." [Newsday, 5/11/99]

- In addition to the violent nature of the games themselves, the advertisements for these games also promote violence. According to a recent New York Times report "Interplay Productions, based in Irvine, Calif., makes the game Carmaggedon, in which virtual motorists rack up points by running down pedestrians, a pursuit that a company advertisement said was 'as easy as killing babies with axes.' An advertisement for its new game Kingpin, Life of Crime notes that players can "target specific body parts and see the damage done -- including exit wounds." [The New York Times, 5/14/99]



Minyon Moore  
05/28/99 07:22:45 PM

Record Type: Record

To: Karin Kullman/OPD/EOP@EOP, Bruce N. Read/OPD/EOP@EOP, Neera Tanden/WHO/EOP@EOP,  
Richard Socarides/WHO/EOP@EOP

cc: Elena Kagan/OPD/EOP@EOP

Subject: Outreach to entertainment industries.

As a follow-up to my conversation with Karin, I contacted following representatives to provide them with a head up on this study.

Deck Anstrom  
Richard Bates  
Peggy Benzel  
Andy Spahn  
Jim Free  
Edward Fritts  
Matt Gerson  
Doug Lowstein  
Rob Okun  
John Orlando  
Jim Lesser

I left several messages on private voice mails and spoke by phone to the individuals themselves. I suppose we didn't expect the calls to go great. No one was irate, but there is clearly some concern about the direction we are moving in. The good news is, we gave them a heads up ---the bad news is, we gave them a heads up. I do believe they feel in comparison to Brownback -- we look like the kinder gentler attackers of the entertainment industry. ...

HAVE A GOOD WEEKEND!

## FTC Seeks Papers From Film, Record Groups as Part of Violence Probe

By Amy Wallace

Los Angeles Times

Two months after President Clinton ordered a federal inquiry into the entertainment industry's marketing of violent movies, music and video games, the Federal Trade Commission has issued its first requests for documents to the Motion Picture Association of America and the Recording Industry Association of America, among others, the FTC and industry sources confirmed Thursday.

Within the last week, so-called letters of request for information have been received by the MPAA that seek basic facts about how the trade organization is organized, how its ratings system works and how filmmakers and movie studios negotiate to obtain certain ratings, according to sources.

The RIAA has received similar requests, a spokeswoman confirmed. The letters seek voluntary compliance, and the MPAA and the RIAA are cooperating.

"We have been meeting with the FTC and we will be responding," said Susan Lewis, a spokeswoman for the RIAA, a trade organization that represents several hundred U.S. recording companies. At the MPAA, meanwhile, which represents seven of the major movie studios, staffers are reportedly doing double-duty assembling reams of documents for the FTC.

The 18-month, \$1 million study, which Clinton launched in June, authorizes the FTC and the Department of Justice to examine whether movie studios, record companies and video game manufacturers violate their voluntary rating systems by labeling some products as unsuitable for children and then marketing those products to them.

Particularly in the wake of recent teen-age shooting sprees such as the one in Littleton, Colo., legislators in Washington have sought to examine the link, if there is one, between exposure to violent entertainment and violent behavior. The FTC study, however, specifically avoids analyzing the content of entertainment product, focusing instead on industry self-regulation and marketing practices.

One source familiar with the inquiry said FTC staff attorneys are currently "casting a big, big, big net" and trying to take "a broad survey of the landscape" to determine where, specifically, they ought to dig deeper. FTC spokeswoman Victoria Streifeld would confirm only that the FTC has sent requests for information to "a number" of trade associations and individuals in the motion picture, recording and video game industries.

FTC Chairman Robert Pitofsky, who emphasizes that the inquiry is a fact-finding study not an investigation, has said he hopes to work cooperatively with the entertainment industry. But in a recent speech before the National Association of Attorneys General, Pitofsky made it clear that the FTC has the authority and the willingness to issue subpoenas if its requests for voluntary access are denied.

With the mailing of the FTC's first letters of inquiry, the entertainment industry was formally put on notice that the criticism coming out of Washington is more than heated rhetoric. It is presumed that Hollywood's major movie studios will soon receive letters, and it is unclear how they plan to respond.

Arthur Amolsch, the editor of FTC Watch, a newsletter that covers antitrust and trade regulation activity, said the letters sent to the entertainment industry over the past several days are the typical first step in an FTC probe. And if the industry is cooperative, this may be the only type of request anyone will receive.

But if the FTC wants to, Amolsch notes, it can not only demand the release of existing documents via subpoena but can order corporations to compile information that doesn't yet exist. This latter authority, called an order to file a special report, is designed to respond to corporations who argue that they simply do not have the information the FTC seeks.

## Democrats' Disgraced Fund-Raiser Sentenced to Probation

By David Rosenzweig

Los Angeles Times

LOS ANGELES John Huang, whose fund-raising efforts for the 1996 Clinton-Gore campaign sparked congressional and Justice Department investigations, was sentenced to one year of probation Thursday after pleading guilty to a felony conspiracy charge.

Huang's plea, entered in Los Angeles federal court, was the result of a deal with the Justice Department's campaign finance task force,

which agreed to recommend no jail time in exchange for cooperation.

In addition to probation, Huang was ordered to perform 100 hours of community service and pay a \$10,000 fine.

He could have received up to five years in prison and been fined \$250,000.

"I am very sad and embarrassed by my mistakes that have brought disrepute to my family," the 54-year-old Huang told U.S. District Court Judge Richard A. Paez before being sentenced.

As the Democrats' chief fund-raiser in the Asian American community, Huang collected millions of dollars for the Clinton-Gore re-election campaign. Much of that money was later returned by the party amid allegations that it came from foreign donors, who are barred from contributing to U.S. elections.

But the charge to which he pleaded guilty was unrelated to the 1996 presidential race. It involved Huang's fund-raising activities in 1992 and 1994 when he was employed as the top-ranking American executive for Indonesia's Lippo Group.

Lippo's owners, the Riady family, have been close friends of President Clinton since his days as governor of Arkansas and have figured prominently in the continuing controversy over alleged foreign contributions to the 1996 presidential campaign.

According to the criminal complaint against him, Huang used Lippo employees as straw donors to launder \$7,500 in contributions to Democrats that came from the company's overseas accounts.

In a memorandum to the judge earlier this month, Justice Department prosecutors said that Huang "did not occupy the central role in organizing Lippo Group's illegal campaign contribution scheme."

It quoted Huang as telling investigators that his superior, who was not named in the document, made the decision to launder the funds through Lippo employees in the United States.

Lippo's executives believed the donations were needed to establish contacts with "influential people to increase business for Lippo Group through its various affiliates overseas and in the United States," the memo continued.

Outside the courtroom Thursday, Assistant U.S. Attorney Daniel J. O'Brien, who heads the Justice Department probe on the West Coast, said "there is an ongoing probe with regard to the Lippo Group." He declined further comment.

Huang has been questioned more than 20 times by federal investigators and prosecutors, including representatives of three independent counsels, one of them Whitewater prosecutor Kenneth Starr.

Asked recently why Huang was not charged with any crimes in connection with the Clinton-Gore reelection campaign, O'Brien responded: "We investigated all the allegations and felt that the charges in this case fully addressed his culpability."

## Clintons Owe \$4 Million in Legal Bills, Defense Fund Says

By Robert L. Jackson

Los Angeles Times

WASHINGTON President Clinton and his wife owe more than \$4 million in legal bills related to the 5-year-old Whitewater investigation, despite private contributions of \$6.3 million, trustee of their legal defense fund reported Thursday.

The Clintons' legal obligations totaled about \$10.5 million from independent counsel Kenneth W. Starr's inquiry, the Paula Corbin Jones sexual harassment lawsuit and the congressional impeachment battle, a figure so large that the fund will continue to solicit donations with no cutoff date, officials said.

"The president deserves to leave office without having to spend a good part of the rest of his life paying off his legal debts," said Anthony F. Essaye, the fund's executive director.

But in the past two months, he said, "we've started to see a downturn and I expect that will continue," citing a lack of media attention to Whitewater and increasing interest in political campaigns.

About 65,000 people have helped whittle the couple's legal debt over the past 18 months, Essaye said. About 15,000 of them have given more than once, he said.

With impeachment proceedings concluded and the Jones lawsuit settled, officials said they believe the first couple is not likely to incur additional legal costs unless Starr should seek to indict the president or first lady Hillary Rodham Clinton before or after they leave the White House in January 2001.

Fund trustees said they did not believe any contributions would be used to cover \$90,000 in penalties assessed against the president earlier this month by U.S. District Judge Susan Webber Wright in Little Rock, Ark., because Clinton lied in his Jones case deposition.

Top of page:

Col 1: The spouses of leading presidential candidates for the 2000 campaign know that they are prime targets in an era of blowtorch politics; they have few illusions about this game in which virtually everything is fair game. (CAMPAIGN-SPOUSES, moving Friday.)

Col 2: The city council finds itself in the middle of a political vortex as it holds its meeting, possibly the first in the United States to be conducted by city ordinance in Spanish. (TEXAS SPANISH, moved.)

Cols 3-6: Accused hate-slayer Buford O. Furrow Jr. tells authorities that, while looking for places to kill Jews, he grew discouraged by tight security at three prominent institutions the Museum of Tolerance, the Skirball Cultural Center and the University of Judaism but pulled off a freeway to get gas and stumbled upon an unguarded target, the lesser known North Valley Jewish Community Center. (with art) (SHOOTING-TIMES, moved.)

Above fold:

Col 2: The Clinton administration is trying to work out a deal in which North Korea would agree not to test launch its new long-range missile and in return would be rewarded with an easing or lifting of a decades-old U.S. trade embargo, according to U.S. officials and North Korea experts. (KOREA-POLICY, moved.)

Col 3: In Hollywood's long struggle to balance art and commerce, the business side is winning in a rout; over the last five years, the gambler and go-by-the-gut mentality that historically characterized studio executives is fast disappearing. (HOLLYWOOD-STUDIOS, moving Friday.)

Cols 4-5: Why Buford Furrow picked Los Angeles as the site of his shooting rampage remains a mystery, but his journey from Washington to Southern California was a kind of pilgrimage back to the birthplace of his racist creed. (SHOOTING-HATE, moved.)

Below fold:

Col 4: Earle M. Jorgensen, the self-made industrial tycoon whose steel products fortified Southern California's economic boom, and who helped finance Ronald Reagan's run for president, dies at 101. (JORGENSEN-OBIT, moved.)

Bottom of page:

Cols 1-2: A largely meaningless straw poll set for Saturday has emerged, improbably, as the single most important political event of the young campaign, a do-or-die test for roughly half the 10-candidate GOP field and a reality check for the heavily fortified campaign of Texas Gov. George W. Bush. (IOWA-TIMES, moved.)

Cols 5-6: Foreign news feature moving at a later date.

Clinton Urges Congress to Pass Tougher Anti-Hate, Gun Laws  
By Norman Kempster  
Los Angeles Times

WASHINGTON President Clinton urged Congress Thursday to pass a tougher hate crime law and a "common sense" gun-control statute to demonstrate the nation's revulsion at the anti-Semitism that motivated a bloody assault on a Los Angeles Jewish community center.

Clinton's call for the country to "renew its commitment to our common community, our common humanity" won strong support from 29 leaders of national Jewish organizations who discussed the matter with him late Thursday in the Oval Office.

Some of the Jewish leaders said the administration's proposals, although welcome, would not go far enough. And Attorney General Janet Reno, speaking at an earlier news conference, jumped ahead of the White House by calling for serious consideration of mandatory licensing of all handguns.

The White House meeting, which lasted almost two hours, was closed to the news media although several of those in attendance discussed it afterward with reporters. The session was originally scheduled last month to deal with the Arab-Israeli peace process. Although that issue was also addressed, the focus changed abruptly after Tuesday's violent events.

Abraham H. Foxman, national director of the Anti-Defamation League, said that the Jewish leaders thanked Clinton for his earlier efforts to focus on racially and ethnically motivated hate crimes. But he said more must be done.

"It goes from tragedy to tragedy, from outrage to outrage, from crisis to crisis," Foxman said. "There needs to be continued, focused attention on hate. First, you have to get people's attention to tell them that it is un-American and un-Christian."

Malcolm Hoenlein, executive vice president of the Conference of Presidents of Major Jewish Organizations, called the meeting productive. He said the Jewish leaders urged Clinton to "take the lead and use the bully pulpit of the presidency" to fight hate groups. He said that anger over the Los Angeles shooting "cannot be allowed to dissipate."

Buford Oneal Furrow, the white supremacist who confessed to the rampage in which a Filipino postal worker was shot to death and five people including three children were injured from gunshots at the Jewish Community Center's day camp in Los Angeles' San Fernando Valley, told law enforcement officials that his actions were "a wake-up call" to kill American Jews.

Jewish leaders at the White House agreed that the incident was a wake-up call, but said it should instead alert the nation to the danger of domestic terrorism and to the racism and anti-Semitism that continue to plague the country.

Rabbi Eric Yoffie, president of the American Hebrew Congregations, said Clinton assured the group that the re-emergence of extremist groups will be met by extreme actions by the government.

"The president made it very clear that he would do more, that nothing unites Americans or angers them more than this kind of extremism," Yoffie said.

The attack on the Jewish center was the third high-profile crime with anti-Jewish overtones in the past two months. It follows the July 4 weekend shooting of Orthodox Jews on their way home from a Chicago synagogue, and the June 18 arson attack on three Sacramento, Calif.-area synagogues.

In each instance, the white suspects also were accused of attacking blacks, Asians and gays. While there were no deaths among the Jewish victims, one Filipino, one black, one Korean and two gay men were killed in the three incidents.

Howard Berkowitz, national chairman of the ADL, said hate crimes strike not only the individual victim but instill fear in every member of the community, adding that "fear is a crime ... as well."

In remarks to reporters before his meeting with Jewish leaders, Clinton called for legislation to impose more severe penalties for hate-motivated crimes. He also urged the House to go along with gun-control legislation passed earlier this summer by the Senate.

Reno, in her comments to reporters, went even further.

"We must do more to keep dangerous firearms out of the hands of criminals, children and others who should not have them," she said. "For four months, since the tragedy in Littleton, Colo., the administration and the Congress have debated over how to reform our gun laws ... and yet we have not been able to pass gun-safety measures that even most gun owners support."

The first step, she said, is for the House to accept the Senate-passed gun legislation, but "there is a need to do even more."

Violence -  
FTC study

**NORTHERN IRELAND**

# Factions deadlock as deadline looms

## Clinton urges compromise to break peace process paralysis

By Clar Ni Chonghaile  
REUTERS NEWS AGENCY

BELFAST — President Clinton urged Northern Ireland's feuding parties yesterday to compromise in the face of a June 30 deadline and break a deadlock over guerrilla disarmament that has paralyzed the peace process.

"They can find a [solution] if they decide the price of failure is far higher than the price of compromise," Mr. Clinton told BBC television.

"I will do everything I can to help," Mr. Clinton said as British Prime Minister Tony Blair battled on two fronts in Northern Ireland to try to pull the British province's troubled peace accord out of the fire.

Mr. Blair, joined by Irish Prime Minister Bertie Ahern in talks with the province's bitterly divided Protestant and Roman Catholic politicians, faced an uphill struggle.

The deadlock over guerrilla dis-

armament stands in the way of the establishment of a power-sharing assembly for the province — a cornerstone of last year's Good Friday peace accord.

Gen. John de Chastelain of Canada, who heads a commission supervising disarmament, is to deliver a report today that political sources say could help ease the impasse.

Authorities in Northern Ireland yesterday banned a contentious Protestant march from entering a Catholic enclave at the village of Drumcree, a longtime sectarian flash point, on July 4.

The Parades Commission made the ruling after the failure of mediation talks involving the Protestant organizers and objecting Catholics and personal intervention by Mr. Blair.

Catholics in the Garvaghy Road enclave say the annual parade is an insulting display of pro-British fervor. The organizers say they mean no harm and that the Catholics are trying to stifle their British iden-

tity.

The presence of Mr. Blair and Mr. Ahern heralded a fateful three days for the province, marking the resumption of talks begun Friday, when they won backing from the rival parties for key principles they hope will break the logjam.

Gerry Adams, leader of Sinn Fein, the political arm of the outlawed Irish Republican Army, told reporters: "We should not, any of us, underestimate the seriousness of this last critical stage of the negotiations."

David Trimble, the main Protestant leader, and his Ulster Unionist Party refuse to sit with Sinn Fein in the planned power-sharing assembly until the IRA hands over its weapons.

Sinn Fein says it is striving for disarmament, but cannot coerce the IRA. It accuses Unionists of renegeing on the pact.

Mr. Blair has put forward a formula that could allow Sinn Fein to enter the coalition provincial government before the IRA disarms.

# Censoring Hollywood isn't answer, FTC chairman says

BLOOMBERG NEWS

NASHVILLE, Tenn. — The Clinton administration says it is concerned that violence in entertainment desensitizes young people, but it will not seek to impose censorship.

"We will not be the modern embodiment of the thought police," said Robert Pitofsky, the U.S. Federal Trade Commission chairman. He said a study of the entertainment industry that he is helping to oversee will focus on the effectiveness of self-regulation.

"We expect that our end product will be a report, not a cluster of charges alleging law violations," Mr. Pitofsky said in a speech to the National Association of Attorneys General in Nashville.

The study of violence in movies, music and video games, to be con-

ducted by the FTC and the Justice Department, won't judge the content of the material, he said.

President Clinton announced the \$1 million study earlier this month.

The report will analyze ratings systems for entertainment and how effectively they keep objectionable material out of the hands of children.

The administration has been taking a closer look at teen-age violence in the aftermath of April's shooting at Columbine High School in Littleton, Colo.

President Clinton has urged video retailers to enforce the movie and video game industries' ratings systems, and the National Association of Theater Owners agreed this month to check the ages of young people trying to buy tickets to R-rated movies.

The Washington Times

TUESDAY, JUNE 29, 1999

# Nominee sought limited missile defense

By Bill Gertz  
THE WASHINGTON TIMES

President Clinton's nominee for a top State Department arms control post sought to limit U.S. development of missile defenses during the early 1990s to further arms talks with Russia.

John Holum, the nominee for the new position of undersecretary of state for arms control, stated in a classified memorandum to the Pentagon in late 1994 that testing plans for the Theater High-Altitude Area Defense (THAAD) should be limited to avoid upsetting contentious talks with Moscow on regional defenses against short-range missiles.

"The key near-term objectives, in my view, are achieving a needed negotiating breakthrough on [Anti-Ballistic Missile/Theater Missile Defense] demarcation and protecting effective TMD program development," Mr. Holum stated in a "secret" memo to Deputy Secretary of Defense John Deutch.

Mr. Holum said that testing THAAD "insensitively" would set back arms talks with the Russians on regional missile defenses.

Mr. Holum, who was director of the Arms Control and Disarmament Agency before it was disbanded under a State Department

## Holum didn't want to upset Moscow

reorganization, wrote the memo seeking a "meeting of the minds" between his agency and the Pentagon.

He said he would only support extended THAAD testing "in conjunction with a vigorous and sustained high-level diplomatic effort to achieve the outlines of an agreement" that could be rushed to completion in time for the U.S.-Russian summit in May 1995.

Mr. Holum's urging of limits on THAAD tests was counter to a Pentagon legal review conducted earlier in 1994 that said building and testing the system would not violate the 1972 Anti-Ballistic Missile Treaty.

Despite the ruling, the Clinton administration entered talks with the Russians in an effort to expand the ABM Treaty to cover short-range missile defenses like THAAD.

President Clinton has made preserving the ABM Treaty his administration's most important strategic goal. The treaty prohibits deployment of nationwide defenses against long-range missiles.

The Pentagon opposed making too many concessions in the talks because the Russians appeared to

be using the negotiations to limit the effectiveness of U.S. missile defenses now in development.

Mr. Holum said in the memo he could not support more than six tests. He stated that "with respect to additional tests, we should revisit the policy question in light of consultations with the Hill and our discussion with the Russians on policy. . . ."

According to administration sources, Mr. Deutch rejected Mr. Holum's appeal for testing limits, saying doing so would only serve Russian interests. The negotiations dragged on for three more years, during which time there would have been no tests.

Missile defense proponents in the Pentagon and Congress are worried that Mr. Holum, if confirmed for the State Department post, will seek similar limitations on U.S. national missile defenses. Talks with the Russians on possible changes to the ABM Treaty are supposed to be held later this year.

"If Holum would go to such lengths to hobble U.S. military capabilities in pursuit of arms control . . . one can only imagine what he will do in the case of the [national missile defense] system,

which is clearly at odds with the ABM Treaty and which the Russians oppose, despite their agreement to discuss the issue," said one official familiar with the issue.

A spokesman for Mr. Holum had no immediate comment.

Mr. Holum appeared before the Senate Foreign Relations Committee yesterday during a nomination hearing. Unlike his approach to the regional missile defense negotiations with Russia that ended in 1997, Mr. Holum said he would not tailor a national missile defense to fit the ABM Treaty.

Mr. Holum said in an opening statement that "arms controllers must also recognize our discipline's limits and be prepared to integrate arms control with defense planning."

Asked by Sen. Chuck Hagel, Nebraska Republican, whether U.S. missile defenses should be structured to avoid upsetting the Russians, Mr. Holum said the defenses should be built to meet the threat of long-range missiles based on the technology available.

However, Mr. Holum also said that if Russia could not afford to match the number of U.S. strategic nuclear weapons, Washington should cut its forces below those recommended by the Pentagon in order to maintain parity with Moscow.

The Washington Times

TUESDAY, JUNE 29, 1999

Violence -  
FTC Study

# The Kosovo Peace Plan

Unless Slobodan Milosevic is playing diplomatic games, the war in Yugoslavia is ending. Thanks to the resolve of NATO and constructive peacemaking by Russia, Mr. Milosevic yesterday accepted settlement terms that he had repeatedly rejected. Assuming critical details can be worked out with Belgrade, more than a million displaced ethnic Albanians should be able to return home safely later this year and ethnic cleansing in the Balkans will stop. If so, the most dangerous military conflict in Europe since the Second World War will conclude as a victory for the principles of democracy and human rights.

President Clinton and his European allies must insure that the Kosovo peace plan is not diluted as specific measures are set and carried out. President Martti Ahtisaari of Finland, one of the architects of the plan, said yesterday he had no doubt that Mr. Milosevic well understood its terms during their meeting in Belgrade, including the use of NATO peacekeepers in Kosovo and the withdrawal of Serbian forces from the province. But Mr. Milosevic has a long record of undermining agreements.

The NATO bombing should end only when NATO can verify that a substantial number of the roughly 40,000 Serbian troops in Kosovo have left. Plans for this withdrawal should be set by Belgrade as quickly as possible in consultation with NATO commanders. It will be the first tangible sign that Mr. Milosevic is serious about the peace agreement.

Russian and Ukrainian soldiers should participate in the peacekeeping force, but overall command must be retained by Western nations. NATO will have to move quickly to assemble the 50,000 troops it intends to use, including 7,000 Americans. It would be best if the United Nations Security Council authorized the use of peacekeepers in Kosovo to eliminate the perception that their presence is solely an American or NATO operation.

Mr. Milosevic's abrupt retreat after meeting with Mr. Ahtisaari and Viktor Chernomyrdin, the Russian envoy, was surely spurred in part by the NATO air offensive. The sustained bombing has been more effective than many critics allowed, and for the most part was conducted with restraint and a proper regard for civilian casualties. Though air power alone may not win wars, this conflict demonstrated that over time it can grind down an opponent's will to resist.

Boris Yeltsin's courageous decision to align Russia with the West despite opposition at home left Mr. Milosevic without any credible ally. Mr. Chernomyrdin was especially helpful in developing the peace deal in concert with Strobe Talbott, the Deputy Secretary of State.

Mr. Milosevic is doubtless thinking about his own political survival, always his first concern. Weeks of additional bombing, and the prospect of a possible NATO invasion, might eventually have eroded his support in Serbia. Because the peace plan does not call for the independence of Kosovo, he can argue that he successfully defended Serbian interests. He will also gain the assistance of NATO peacekeepers in disarming and pacifying ethnic Albanian guerrillas, a step vital to restoring peace to Kosovo. Unhappily, as long as Mr. Milosevic remains in power, it is unlikely he will be arrested and prosecuted for crimes against humanity. Someday he must be held accountable for his savage assault on Kosovo.

Reconciliation and reconstruction in Kosovo, as well as Serbia, will not come quickly or easily, and Mr. Milosevic's continued rule is an impediment to both. But if the peace plan holds up, everything possible must be done to get the ethnic Albanian refugees home and their villages rebuilt. They are the primary victims of Mr. Milosevic's policies, and they must be the primary beneficiaries of peace.

## Merchants of Violence

When President Clinton announced an investigation this week into whether the entertainment industry was irresponsibly marketing violence to teen-agers and young children, he read aloud a few promotional slogans to show why such a study might be in order. "Kill your friends guilt free," an advertisement for one video game promised. Another ad enticed players to "get in touch with your gun-toting, cold-blooded murdering side."

Mr. Clinton, borrowing an idea from Senator Sam Brownback, a Kansas Republican, has asked the Justice Department and the Federal Trade Commission to examine advertising practices by makers of violent movies, music and video games, to determine whether the industry is violating its own codes by marketing violence to children. Since the recent high school shootings have involved teenagers who were attracted to such gruesome entertainment, this is a timely and worthy inquiry.

Some entertainment executives have protested that Mr. Clinton was merely seeking a headline. That possibility can never be discounted, but in this case the President has aimed his criticism at an industry that has been very generous to him and the

Democrats. One executive told John Broder of The Times that entertainment moguls were "furious" at such a direct assault, especially since Mr. Clinton did not also announce an investigation of advertising by the gun industry, which is known for its generosity to Republicans. While the fury of the entertainment industry actually reinforces the President's effort, it has a point. He should also examine whether the gun industry is directing its marketing at children.

The first and best line of defense against such advertising, whatever its source, is the parent. But parents often need help sorting out the healthy from the sick in the bewildering virtual world. Douglas Lowenstein, president of the Interactive Digital Software Association, says that video game manufacturers are now rethinking their rating system, which goes almost unnoticed by consumers and parents. He said game makers were also considering limiting ads for their most bloodthirsty products. Since the Constitution protects advertising as freedom of speech, the way to deal with violent background noise is to persuade the noisemakers themselves to dampen it.

The New York Times

FRIDAY, JUNE 4, 1999

## South Africa's Lost Generation

By Mark Mathabane

**M**KERNERSVILLE, N.C. My brother called me last week from South Africa to tell me that my favorite uncle had been shot by a young man who wanted his cell phone. It drove home how out of control crime and violence have become in my homeland. Still, I have reason to hope that Thabo Mbeki, Nelson Mandela's successor as President, will redress the injustices that are partly to blame for the upward spiral of crime and violence that threatens the future of South Africa's fragile democracy.

Luckily, my uncle lived. But Gwendolene Thandi Jéle didn't. She was the 56-year-old principal of a primary school in Soweto who was gunned down by three young men who entered her school through a broken wall. As she lay on the ground bleeding to death, the young men snatched her watch, necklace and car keys.

In South Africa today, a murder or an attempted murder takes place every 12 minutes. In 1997, in a country of 43 million people, there were 24,588 murders, 52,160 rapes, 249,375 home burglaries and 13,011 carjackings. Johannesburg is now among the most crime-ridden cities in the world, trailing only Mexico City and Moscow. More than 230 police officers were killed in 1998, and 77 have been killed so far this year.

My brother, who voted for Mr. Mbeki in Wednesday's election and who has faith in his leadership, is not squeamish. He grew up on the tough

*Mark Mathabane is the author of "Kaffir Boy," a memoir about growing up in South Africa, and the forthcoming "Ubuntu."*

streets of Alexandra, a notorious ghetto 10 miles north of Johannesburg. But even he has begun to worry about the level of crime. One night while he was out thieves entered his apartment in Germiston, a working-class town near Johannesburg, and stole everything in it. After the burglary, he moved back to Alexandra, and he now shares a tiny four-room house with 10 other members of my family.

Since he moved back, his car has been burglarized almost every night. He has a neighbor who each night removes the wheels of his car and takes them inside the house to prevent them from being stolen.

My brother believes that the source of the endemic crime and violence is obvious: poverty and unemployment. Sixty-one percent of South Africa's 32 million blacks live below the poverty line, while only 1 percent of whites do. The unemployment rate among blacks is 42 per-

### From casting off apartheid to committing crimes.

cent; among whites, it is 4 percent.

Among the country's black youth the unemployment rate is even higher. In Alexandra it is more than 60 percent. Police statistics show that most violent crime is committed by males between the ages of 15 and 25.

In the 1980's, many of these young men served as the fearless warriors of the liberation struggle. When Mr. Mbeki and other leaders of the African National Congress called for these boys' and young men to render the townships ungovernable, they

sacrificed their educations to fight running battles with the police and soldiers.

Thousands were murdered, and thousands more were detained and tortured. Yet they succeeded in bringing apartheid to its knees. They destroyed the pro-apartheid township police force and government as well as the vast network of informers that helped keep the black population cowed and controlled. These young men had expected to be rewarded for their sacrifices. Instead, they are unemployed, largely because they lack the education and skills to take advantage of the jobs that black rule and affirmative action have opened up.

"They were betrayed," my brother says. "They had expected the Government to provide for their urgent needs, but it hasn't. This crime and violence is their way of expressing their rage."

Inured to violence by apartheid and having families to provide for, many young men turned to crime. They became easy prey for the organized crime syndicates and international cartels that Mr. Mbeki blames for much of the crime in South Africa.

My brother believes there is another reason that his peers feel betrayed: the sunset clause, which the A.N.C. created in 1992 to induce the white minority to hand over power voluntarily. The provision allowed civil servants, most of whom are white, to keep their jobs for five years and provided amnesty for members of the security force.

My brother told me that it is hard for young blacks to respect the law when they see their former torturers and murderers not only getting away scot-free, but also in many cases retaining well-paying jobs that they themselves cannot get because they lack the necessary education and skills.

Mr. Mbeki understands the needs and sacrifices of this generation. I believe he is thinking of these young men when, despite polls showing that 71 percent of South Africans are clamoring for the death penalty, he argues against restoring it.

**G**iven his empathy and his commitment to restoring law and order, Mr. Mbeki should move swiftly to help this lost generation of young South Africans, whose sacrifices made it possible for the A.N.C. to come to power. How to accomplish this may be Mr. Mbeki's toughest challenge. On the one hand, he must make it clear that criminals will be punished to the fullest extent of the law. At the same time, he must insure that the Government will help any young men who can be rehabilitated to get the education and skills to become productive and law-abiding citizens of the democracy they helped achieve.

Mr. Mbeki's style of leadership will be key to his accomplishing this task. Nelson Mandela was a conciliator: to unify the nation, he focused on allaying whites' fears that their economic privileges would erode with the end of apartheid. Mr. Mbeki is a pragmatist: he knows that South Africa's democracy can't survive without addressing the anger and concerns of the black majority.

Black South Africans are angry because they believe their poverty is tied directly to the fact that whites are resistant to black empowerment, because whites fear they must sacrifice their affluent life styles. As Mr. Mbeki has often said, there can be no true reconciliation without a radical transformation of South African society. □

# When Movies Become 'Product'

Violence -  
FTC  
study

By Virginia Postrel

**S**HOWING the public relations savvy we expect from media moguls, the heads of the Hollywood studios declined to testify last month when the Senate Commerce Committee held hearings on "marketing violence to children." So when television reported the story, viewers saw movie clips of Keanu Reeves facing off against evil, rather than a tape of an anonymous executive squirming in the witness chair. Films remained works of art, protected by the First Amendment, rather than mere corporate products to be regulated at Washington's whim.

The distinction didn't last. At the hearings, Senator Joseph Lieberman, Democrat of Connecticut, hinted of things to come: "Joe Camel has, sadly, not gone away. He's gone into the entertainment business."

The Senator threatened the possibility of asking the Federal Trade Commission "to see if the entertainment industry is engaging in false advertising or unfair trade practices."

Before Congress could act, President Clinton delivered — much to the shock of his loyal supporters in Hollywood. He ordered an F.T.C. inquiry

## The Government wants to redefine art, then regulate it.

into "whether and how video game, motion picture and recording industries market to children violent and other material rated for adults." It will consider, for instance, whether these businesses advertise in media with large youth audiences and whether they adequately enforce existing, supposedly voluntary, rating systems.

The investigation will cost the taxpayers about \$1 million. It will cost its targets millions more.

The F.T.C. probe is not just the usual telegenic show trial, good for a few headlines. The commission will exercise de facto subpoena power, demanding proprietary memos, private E-mail and internal marketing studies.

The inquiry will not end when the cameras go away. It will grind on, digging for dirt until it finds some. As Mr. Lieberman suggested, the model

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is the tobacco industry — the most demonized business in America.

This approach depends on defining movies not as stories or images but as products — which, of course, they are. It is the perfect campaign for an Administration working to restore the pre-Reagan punch of regulatory agencies.

By attacking free markets, the Clinton Administration can challenge free speech without abandoning its liberal image. "Many in the entertainment industry haven't grasped the distinction between marketing and creative license," an unnamed White House official told *The Los Angeles Times*.

Regulating creativity is bad; regulating marketing is O.K. The President is embracing virtue czar William Bennett's formulation that "this is predatory capitalism."

Just as Mr. Bennett's culture war means conservatives must break with free markets, so President Clinton's regulatory assault means liberals must abandon free speech. The probe looks like business regulation, but the real goal is content restriction.

After all, the inquiry makes little sense in the context of the F.T.C.'s mission. The agency is supposed to thwart "consumer injury," which suggests unhappy customers. But the tens of millions of people who bought tickets to "The Matrix" aren't complaining. The Liebemanns, Bennetts and Clintons, who think moviegoers shouldn't have bought those tickets, are.

Yet movie advertisements aren't deceptive. Trailers for action movies show gunfire and explosions. Those for horror movies are scary. Nobody who saw an advertisement for "I Know What You Did Last Summer" expected a romantic comedy.

Supreme Court precedent allows the F.T.C. to regulate nondeceptive advertising as "unfair" only if it violates a public policy well established in law. But the movie rating system is voluntary. The First Amendment prohibits the sort of content restrictions that would inevitably come with a mandatory system.

The F.T.C. probe punishes Hollywood for making products that powerful people think are immoral. It sets a dangerous precedent for both free speech and consumer choice.

**C**ulture warriors call movies they dislike "cultural pollution" — the toxic waste of greedy corporations. They scoff at the notion that such "pollution" is difficult to identify and assume their judgments are universally shared. "Can you not distinguish between 'Casino' and 'Macbeth,' or 'Casino' and 'Braveheart,' or 'The Basketball Diaries' and 'Clear and Present Danger'?" Mr. Bennett rhetorically asked the Senate committee. "I can make that distinction." His eagerness is chilling.

Regulatory agencies don't let con-

sumers make their own judgments about pollution. They simply ban it. The F.T.C. is not the Cultural Protection Agency, but involving it does change the terms of the debate. By treating moviegoers as victims of corporate malfeasance, rather than willing consumers of art, the Clinton Administration has taken a significant step toward transforming Keanu Reeves into Joe Camel. □

# What Role for Russia?

By Anatol Lieven

**W**INSTON Churchill liked to tell the story of the man who tried to give the powder to the bear, and all the elaborate preparations he made to do so — “but the bear blew first.” Decayed and decrepit though it is, the Russian bear blew faster than NATO when it came to sending peacekeepers into Kosovo. It taught us a lesson about speed and surprise — and if it is true that NATO’s advance into Kosovo was delayed to prepare for photo opportunities, then it was a lesson we badly needed.

The Russian position on the ground is of course extremely weak. Unless Bulgaria gives permission for Russian overflights, it will be virtually impossible to reinforce the Russian forces in Kosovo, though they will doubtless be supplied by the Serbs. It is therefore in NATO’s power to blockade the Russians and force them out.

But this would be a mistake. Even if NATO is forced to agree to a separate Russian zone, leading to de facto partition of Kosovo, it will not be a severe blow to NATO policy. It might even help long-term reconciliation in the Balkans — which cannot be achieved without the Serbs.

It is still unclear how large the Russian presence will be. It is entirely possible that the Yeltsin Government will back down in the face of a mixture of bribes and pressure from the West and abandon its hopes for a separate zone in the Serb-inhabited areas of northern Kosovo.

If, however, the Russians do establish such a sector, with or without NATO agreement, then NATO governments will have to decide how to live with this. Quite frankly, I have always assumed that, whatever

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Western leaders are saying, a NATO occupation of the whole of Kosovo would sooner or later lead to the formal independence of the whole of Kosovo and the flight of its Serbian minority. With about 90 percent of Kosovo’s population Albanian, and the vast majority of these people in favor of independence, democracy alone would dictate this.

Apart from anything else, NATO will sooner or later have to start devolving power to local elected representatives. It is simply implausible after everything that they have suffered that such Albanian leaders — whether K.L.A. or other — will agree to live permanently as part of a Serb-dominated federation.

The alternative to NATO’s accept-

## A key to Balkan peace, despite the messy start.

ance of independence would therefore be an indefinite NATO occupation in order to preserve an increasingly empty pretense of Yugoslav sovereignty and in order to prevent elected Albanian representatives from exercising real power.

Of course, any NATO withdrawal and acquiescence in Kosovo independence would be accompanied by assurances of protection and rights for the Kosovo Serbs — which in the view of the Serbs would in the end be worth very little. That is why the Serbs of Pristina have fled by the thousands ahead of the NATO advance.

A separate Russian presence would, however, greatly complicate this otherwise rather smooth process. Russia will insist that NATO genuinely disarm the Kosovo Liberation Army, and the K.L.A. has no desire to disarm, whatever it says. It will insist that Kosovo remain legally part of Yugoslavia and will be able to call on support from both the United Nations

Security Council and NATO’s own repeated official statements.

From NATO’s point of view, there are only two benefits from a Russian presence. It will strengthen the otherwise thin pretense that this is truly a U.N.-mandated operation; and especially if deployed along the Serbian border, it may discourage terrorist and partisan attacks (whether freelance or Belgrade-sponsored) on NATO troops. Such attacks could otherwise be a real possibility, especially in circumstances of deep poverty and political upheaval in Serbia.

On the other hand, Russian soldiers could themselves become targets of attack by the K.L.A., and might even participate themselves in attacks on Albanian civilians. It is hardly surprising that NATO governments and commanders view a separate Russian presence with such profound misgiving.

Sooner or later, if Yugoslav sovereignty over Kosovo proves untenable, Russia is likely to back a move from Belgrade for partition, leaving the Serb-inhabited areas and as many of the Serb historic sites as possible in Serbia and giving the bulk of Kosovo independence.

Western leaders have vehemently rejected this possibility, but partly at least because it has been seen as giving at least a partial victory to the evil Slobodan Milosevic. If, however, Mr. Milosevic can be removed from power — and pray that he can — then a compromise along these lines with a future, more civilized Serbian government might appear a great deal more acceptable. It would also mark a historic compromise with the Serbian nation, and indeed with Russia.

**S**uch compromises, of course, will be unnecessary if NATO can simply control the situation in Kosovo indefinitely and dictate its own terms to all parties. But the alliance has received one lesson in recent days that it is a good deal less in control than it had thought, and it will probably receive many more such lessons in the weeks and months ahead. □

The New York Times

MONDAY, JUNE 14, 1999

gunfire, but they shook the Communist Party leadership and left a significant mark on Beijing's policies. Then Chinese leader Deng Xiaoping, speaking to party officials just days after Tiananmen, recognized that the party's relationship with the people was damaged and had to change. He chose economic development as the basis for mending the wounds of the population. When he handed the party leadership to Jiang Zemin, Deng left instructions to "make the people satisfied" by cracking down on corruption and delivering economic development.

Now it is economic development that is transforming the political and social face of China, for better or worse. The Communist leadership is losing its monopoly on information as tens of millions of Chinese—especially the elite living in cities—acquire access to the Internet and satellite TV from abroad. Administrative laws have been changed to allow aggrieved citizens to sue the government, and multiple candidates

in contrast, by taking China to the U.N. Human Rights Commission, as it did last April, the United States makes China's human rights record an issue for the global community, one that Beijing cares about. Washington failed to win a U.N. condemnation of China, but it has made its point.

Admitting China into the World Trade Organization, in addition to opening the country's vast consumer markets, would "globalize" Beijing's trading practices by making it answerable to all WTO members. Moreover, to earn its membership in the WTO, China will have to make significant market-opening concessions to its trading partners. The U.S., which is already open to most Chinese imports, only stands to gain from China's entry into the WTO.

China sees its full membership in the multilateral system as an important recognition of its growing power on the global scene. All countries, including the United States, would benefit from China's participation.

## Fair Inquiry on Media Violence

President Clinton's decision Tuesday to open an inquiry into how the entertainment industry markets violent movies, video games and other products to children should not be allowed to turn into a hunt for scapegoats. But it will be useful if it sheds light on negative industry practices and helps parents understand and control influences on their children.

No one is suggesting that Hollywood alone has stoked the violent youth culture that surrounds the recent rash of school shootings in the United States. Myriad social problems, from inadequate public education to failed gun control, are also to blame. Still, entertainment industry executives like Seagram CEO Edgar Bronfman Jr.—who has said that teen violence is a "societal problem," not an "entertainment problem"—need to give serious consideration to the role that violent entertainment plays in real violence. It is difficult if not impossible to link a specific video or film to a specific violent act; it is another thing to link, as more than 300 studies have done, violent behavior to sustained exposure to violent entertainment.

The inquiry should give special attention to the role of highly violent "point-and-shoot" video games, which, as former West Point instructor David Grossman showed in recent

testimony to Congress, might be desensitizing some children to killing.

Though Washington must keep in mind the entertainment industry's free speech rights, the inquiry should do two specific things:

- Spotlight inappropriate marketing. Clinton was right to ask the Federal Trade Commission to study whether violent material rated for adult viewing is being marketed to kids. As the trade journal Daily Variety recently pointed out, "It's hard to imagine that Hollywood does not count on kids to help pay for violent R-rated fare like 'I Know What You Did Last Summer' and 'Scream'."

- Encourage the entertainment industry to adopt voluntary reforms, notably a ratings system to go along with the television V-chip. That device, which lets parents block racy or violent programming, is increasingly available in new TV sets. Federal Communications Commission Chairman William E. Kennard recently praised CBS TV President Leslie Moonves and ABC Group Chairman Robert Iger for their advocacy of a V-chip ratings system.

The rest of the industry needs to follow Moonves and Iger's lead, recognizing, as movie producer Robin Swicord put it in a recent Times article, that "stories and movies do change lives."

[LA TIMES, 6/3/99]

PHOTOCOPY  
PRESERVATION

Bob  
Pitofsky



326-2100

\* Narrowly focused — 1st Amdt.

Content based not great idea

- Take a look at <sup>purported</sup> self-regulation  
progs. — are being enforced,

whether you're making if it's  
phony

- up our alley

- sounds like  
they violate  
their own regs

- need

- clearly have

\* FCC

- 6 mos.

- 1 million / 12 people

DEMOCRATIC GOVERNORS' ASSOCIATION