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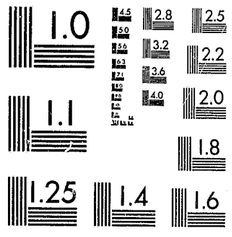

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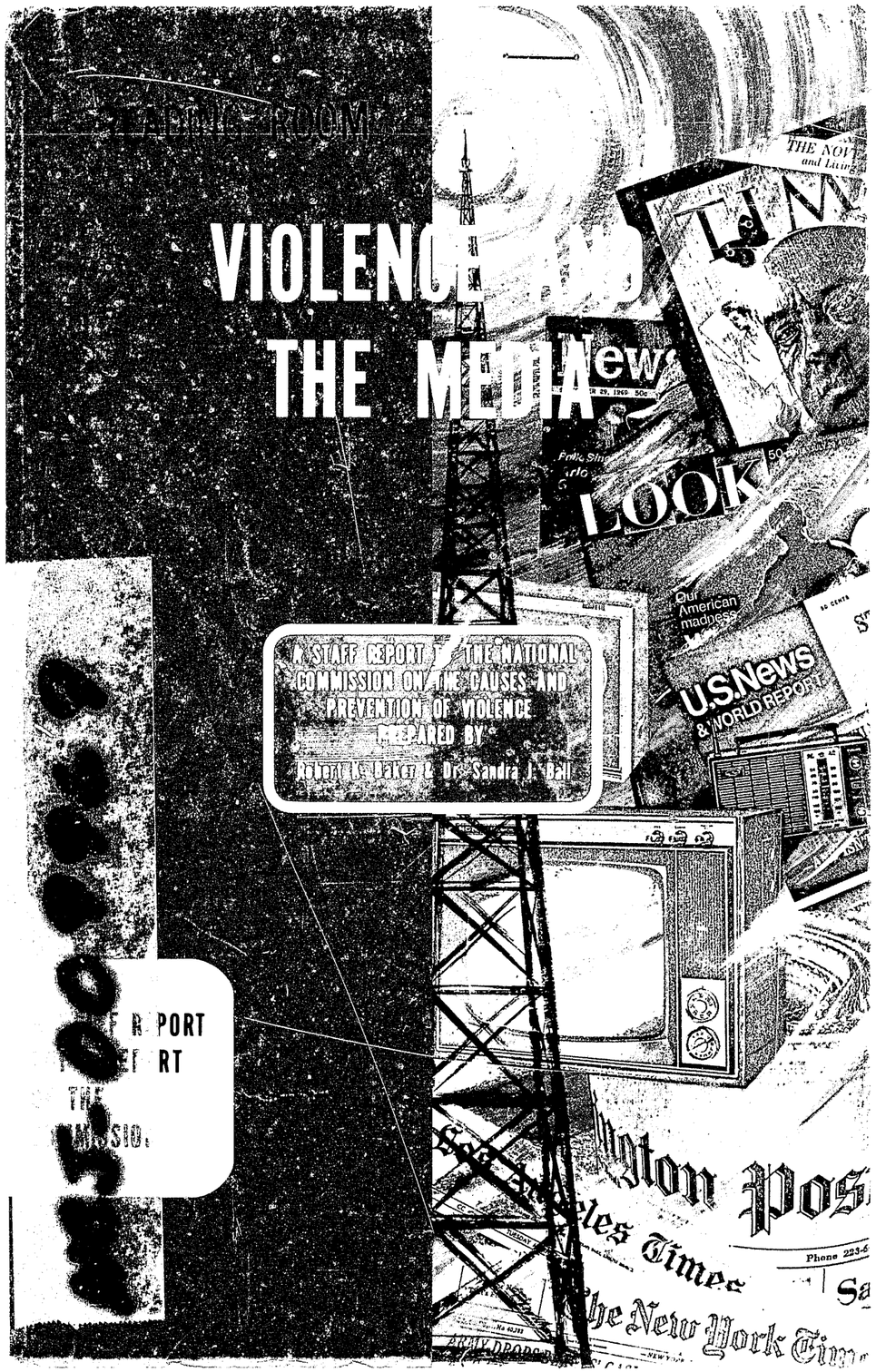
VIOLENCE
THE MEDIA
A STAFF REPORT TO THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE
PREPARED BY
Robert K. Baker & Dr. Sandra J. Ball
LOOK
Our American madness
U.S.News & WORLD REPORT
Washington Post
Los Angeles Times
The New York Times

The White House

June 10, 1968

EXECUTIVE ORDER #11412

ESTABLISHING A NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Commission.* (a) There is hereby established a National Commission on the Causes and Prevention of Violence (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of:

Dr. Milton Eisenhower, *Chairman*
Congressman Hale Boggs
Archbishop Terence J. Cooke
Ambassador Patricia Harris
Senator Philip A. Hart
Judge A. Leon Higginbotham
Eric Hoffer
Senator Roman Hruska
Albert E. Jenner, Jr.
Congressman William M. McCulloch
***Dr. W. Walter Menninger**
***Judge Ernest William McFarland**
***Leon Jaworski**

SECTION 2. *Functions of the Commission.* The Commission shall investigate and make recommendations with respect to:

(a) The causes and prevention of lawless acts of violence in our society, including assassination, murder and assault;

(b) The causes and prevention of disrespect for law and order, of disrespect for public officials, and of violent disruptions of public order by individuals and groups; and

(c) Such other matters as the President may place before the Commission.

SECTION 4. *Staff of the Commission.*

SECTION 5. *Cooperation by Executive Departments and Agencies.*

(a) The Commission, acting through its Chairman, is authorized to request from any executive department or agency any information and assistance deemed necessary to carry out its functions under this Order. Each department or agency is directed, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

SECTION 6. *Report and Termination.* The Commission shall present its report and recommendations as soon as practicable, but not later than one year from the date of this Order. The Commission shall terminate thirty days following the submission of its final report or one year from the date of this Order, whichever is earlier.

S/Lyndon B. Johnson

*Added by an Executive Order June 21, 1968

The White House

May 23, 1969

EXECUTIVE ORDER #11469

EXTENDING THE LIFE OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

By virtue of the authority vested in me as President of the United States, Executive Order No. 11412 of June 10, 1968, entitled "Establishing a National Commission on the Causes and Prevention of Violence," is hereby amended by substituting for the last sentence thereof the following: "The Commission shall terminate thrity days following the submission of its final report or on December 10, 1969, whichever is earlier."

S/Richard Nixon

MASS MEDIA HEARINGS

~~VOL. 9A~~

A Report to the
National Commission on
the Causes and Prevention of
Violence

December 1969

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STATEMENT ON THE STAFF STUDIES

The Commission was directed to "go as far as man's knowledge takes" it in searching for the causes of violence and the means of prevention. These studies are reports to the Commission by independent scholars and lawyers who have served as directors of our staff task forces and study teams; they are not reports by the Commission itself. Publication of any of the reports should not be taken to imply endorsement of their contents by the Commission, or by any member of the Commission's staff, including the Executive Director and other staff officers, not directly responsible for the preparation of the particular report. Both the credit and the responsibility for the reports lie in each case with the directors of the task forces and study teams. The Commission is making the reports available at this time as works of scholarship to be judged on their merits, so that the Commission as well as the public may have the benefit of both the reports and informed criticism and comment on their contents.

Dr. Milton S. Eisenhower, *Chairman*

Hearings on the Mass Media
before the
National Commission on the
Causes and Prevention of Violence
October 16 and 17, 1968
December 18, 19 and 20, 1968
New Senate Office Building
Washington, D.C.

Prepared by Paul L. Briand, Jr.

CONTENTS

PREFACE

President Lyndon B. Johnson, in creating the National Commission on the Causes and Prevention of Violence, charged it "to undertake a penetrating search . . . a search into our national life, our past as well as our present, our traditions as well as our institutions, our culture, our customs and our laws." To that end, the Commission established, among others, a Task Force on the Media to investigate the effects of media portrayals of violence upon the public and the role of the mass media in the process of violent and non-violent change. So charged, the Commission, in addition to many other activities, conducted hearings in order to sound out the best minds in the communications media, especially in television; in the academic community, particularly communications specialists; and in government agencies, notably the Federal Communications Commission.

The record of the hearings that follow in this report center primarily on one basic question: Do media portrayals of violence cause violence? The networks, seeking a valid scientific metholology, claim no objective correlation between the two; the scholars are not that certain; and others argue that an obvious relationship exists, if we would but look at the evidence.

If sparks from the clash of opinion help to illumine the truth, many sparks fly from the ensuing pages. But what is the truth? Shall we, like jesting Pilate, dismiss its availability and not wait for an answer, or hope that the facts, whatever they may be, somehow reveal it? For, as the philosopher has said, the truth of a fact is not so much in its factualness as in its truthfulness. Hopefully, an informed and enlightened mind may be able to distinguish between the two.

If an oligarchy is an institution in which power is vested in a few persons, or if it is the persons or classes so ruled, then is America a mass-media oligarchy, ruled as it is electronically by only three nation-wide radio and television networks? By only two nation-wide wire services and perhaps twenty to fifty wide-circulation newspapers? By only a few nation-wide, wide-circulation magazines? Or are the mass media simply an oligopoly, with few sellers and millions of buyers, in which "free" speech sells for thousands of dollars a minute or a column inch? Is it free speech, or profitable speech?

If, as the media claim, no objective correlation exists between media portrayals of violence and violent behavior—if, in other words, the one has no impact upon the other—then how can the media claim an impact in product selection and consumption, as they obviously affect the viewers' commercial attitudes and behavior? Can they do one and not the other?

If a kindergarten teacher, entrusted as she is with the minds of children, has to be college-trained, state-certified, local-school-board approved, and progressively updated educationally, why do no professional standards whatsoever obtain to that teacher—television—which has a far more pervasive educational impact upon children than does any kindergarten teacher? From television the child learns, long before he formally goes to school (or after the school day, once he has enrolled) that a pill is a solution to pain and frustration, that a deodorant or lotion brings social acceptance, that happiness is the purchase of a product, that sex is love, that the best and easiest solution to a problem is violence. What is the difference between a drug peddler and one who drugs his audience with what he peddles?

Rightfully, the media claim the protection of the First Amendment against censorship. But what protection can the mass audience claim against censorship by the media themselves? Will the truth of cancer and heart disease and tobacco ever be told—on prime time? Will the truth of unsafe autos and 50,000 highway deaths a year ever be told? Will the truth of black lung disease and 160,000 susceptible miners ever be told? Price fixing? Fair packaging? Truth in lending? Do 2.5 billion dollars in advertising revenue, from TV and radio alone, have anything to do with the avoidance of these topics by the media?

Questions, questions. Take a seat in Room 1318, New Senate Office Building, Washington, D.C., and listen to these hearings. For the attentive readers, answers to these questions should surface in this record, hopefully reflecting the light of truth.

Paul L. Briand, Jr.

MEDIA HEARINGS

I. First Day of Hearings: October 16, 1968

MEDIA HEARINGS

I. First Day of Hearings: October 16, 1968

NATIONAL COMMISSION ON CAUSES AND PREVENTION OF VIOLENCE

Room 1318
New Senate Office Building
Washington, D.C.
Wednesday, 16 October 1968

The Commission was reconvened at 10:10 a.m., Judge A. Leon Higginbotham, Jr., Vice Chairman, presiding.

Members Present

Judge A. Leon Higginbotham, Jr.	*Congressman William M. McCulloch*
Ambassador Patricia Harris	*Judge Ernest W. McFarland*
Mr. Leon Jaworski	*Dr. W. Walter Menninger*

PROCEEDINGS

Judge Higginbotham: Ladies and gentlemen, I think we are about ready to proceed.

Mr. Barr: Mr. Chairman, our first witness this morning in these two days of hearings dealing with mass media is Dr. Bradley Greenberg, who is Professor of Communications at Michigan State University.

Dr. Greenberg.

STATEMENT OF DR. BRADLEY GREENBERG OF THE DEPARTMENT OF COMMUNICATION, MICHIGAN STATE UNIVERSITY

Dr. Greenberg: Mr. Chairman and Members of the Commission:

I understand that I am one of the first witnesses to speak about the role of the mass media in the causing and/or preventing of violence. Other witnesses today and tomorrow will speak directly to the relationship between media, violence, and public acts of violence.

My function is a somewhat more indirect examination of that issue. Your staff has charged me with two tasks. The first is to present a portrait of the typical mass communication behavior of the American citizen. My main task, however, is to provide you with information as to the mass communication behavior of the typical citizen, that is, the citizen whose social and economic conditions are such that acts of violence occur with some frequency.

In that regard, I shall focus on the mass communication behavior and attitudes of the urban poor, both black and white, both youth and adult. They give and receive more violence in their daily lives than their middle-class counterparts.

Let me first examine the mass-media habits of the average American. This will serve as a basis for comparing the behavior of the other Americans.

John Smith is 35 and middle-class. Of the 16 hours that he is awake, he gives from one-fourth to one-third of that time—about five hours—to the mass media. The most popular medium is television. His TV set is in use for six hours a day. He himself watches from two to two and one-half hours each day. Smith also listens to the radio two hours each day. His radio listening is outside his home, whereas his wife listens and watches at least as much while at home.

Smith, our middle-class citizen, typically has one newspaper delivered. That paper is read for about 30 minutes each day, with the front page, the sports section and the comics consuming most of that time.

Smith reads one magazine regularly, has probably looked through a magazine in the last week, but not enough on any one day to alter the total of five hours he gives to the other mass media. Movie-going is also a negligible consumer of time. Smith goes to a movie every three or four months.

These represent his actual uses of the media. What about his attitudes toward the media?

Mr. Barr: Dr. Greenberg, excuse my interruption, but is this John Smith you have described a typical middle-class American?

Dr. Greenberg: Yes, he is.

Mr. Barr: On the basis of your studies, which we circulated to the Commission?

Dr. Greenberg: He is a middle-class citizen on the basis of studies done by other people, as well as myself, primarily done by other people in talking about middle-class behavior. My studies deal primarily with the behavior of the urban poor, not the middle class.

Mr. Barr: All right, sir, excuse the interruption.

Dr. Greenberg: Smith's attitudes follow a trend which is consistent with his usage pattern. When asked where he gets most of his news about what's going on in the world today, Smith replies, "Television," more so than any other medium. When asked which of the media he would be most inclined to believe, he says, "Television." When asked which medium he would choose if there were only one available, he answers, "Television."

John Smith depends on television for news, for entertainment, for excitement, for information about the world outside his own. However, this is the case we shall now begin to argue: despite the extent and pervasiveness of Smith's dependency on television, the citizen of below-standard income is socially and significantly even more dependent on that one medium, for the same and other gratifications.

My information about the urban poor comes largely from two studies done in the past 18 months, and corroborated wherever possible from other, related studies. Both studies were done in urban centers. In one, the people interviewed were adults, a sample of the general public and a second sample of the urban poor, divided equally between black and white Americans. In the second study, teen-agers were interviewed, again with a group from the middle class, compared with black and white teen-agers from low income homes.

Because of the predominance of television in the lives of the poor, we will focus primarily on that medium, but will refer to other media where possible.

We shall examine with you six principal aspects of mass communication behavior. These are:

(1) Access to the mass media;
(2) Usage they make of the mass media;
(3) Their attitudes toward the mass media;
(4) The perceived reality of media content;
(5) Content or program preferences; and
(6) Functions or gratifications that people derive from the media, particularly television.

Let me quickly dispose of the question of mass media access or ownership. Ninety-five percent of the general public own at least one working black and white TV set—that will probably be color TV in three or four years. The same percentage of those whose incomes qualify them for OEO assistance own at least one working black and white TV set. More than a third of these groups, in fact, have more than one working set. So TV is equally available to all.

Similarly, there is no great difference in access to the other major mass media between the more and less advantaged citizens. Newspapers are delivered daily to two-thirds to three-fourths of the low-income homes (compared to 86 percent of the general public), and those homes have two radios (compared to three in the general public). It is not in terms of access that the media have their potential impact, but in terms of usage.

For the low-income American, television is the preponderant, if not quite the sole, source of mass media stimulation. It is his critical link to the outside world of the "haves." The low-income American is far less likely than the middle-class citizen to have done any magazine reading lately; he reads the newspaper less frequently, and when he does read it, he reads it less intensively (focusing on the headlines and ads). This pattern of differences in adult usage of the media is reflected almost identically in the usage patterns of their teen-age children.

What is the television usage pattern? John Smith and his wife watch television about two hours on a weekday. The adults in low-income homes watch TV for more than five hours each and every day. For low-income black Americans, this figure is closer to six hours per day. The same pattern is found among teen-agers. Data from 15-, 16-, 17-year-olds indicate that, on a Sunday, white, middle-class youngsters will watch television for four hours; white, low-income youngsters for five hours; and the black teen-agers for about six hours.

To most Americans, eight hours is regarded as a typical workday. Among the low-income adults interviewed, one-fourth of them spent eight hours each day with TV (compared to 5 percent in the general population). Among their teen-age children, the same pattern exists. For example, on a given Sunday, 7 percent of the middle-class teen-agers spent more than eight hours watching TV, compared with twice (14) that proportion of lower-class white children and five times (35) that proportion of black teen-agers.

John Smith gives about one-quarter of his waking day to the mass media. The low-income American spends half of his day with the media, and three-quarters of that is TV time. Their children have parallel behaviors. The middle-class white youngster puts in a seven-hour media day on Sunday, the lower-income white teen-ager an eight-hour day, and the lower-class black teen-ager nine hours. And it is TV more than all other media combined which consumes this time.

Let us now relate this information on media usage patterns to the attitudes that American have about the media. These attitudes are generally predictable from the relative exposure just described.

Among all adults across this country, TV is regarded as the principal information source for general news, world news, political news, et cetera. At the same time, it is far and away favored as the most credible or believable source. It is even more so regarded by low-income Americans. For example, 40 percent of the general public say they get most of their world news from TV, compared with 70 percent of the low-income citizens. A majority of the general public would believe what they get from television before they believe what they get from the newspaper. But, an even larger majority of low-income citizens hold that view.

Of more direct relevance to the Commission is evidence with respect to what adults find wrong with the media. Ten months ago, prior to the assassinations of Martin Luther King and Robert Kennedy, studies were done in two midwest communities. In each study, a sample of the general public and a separate sample of community leaders were asked what criticisms they had of television. The substance of their complaints was what the public and leaders spontaneously described as the overabundance of sex and violence. The leaders commented about:

"Raw violence, the glorification of promiscuity. . . .

"Program after program either depicts or implies that immorality, disobedience to established law and order, divorce, et cetera, are the accepted social standards of the day."

The public had similar comments: ". . .too much on drugs and violence. . .

"All the sex pictures on TV. . .

"Too much violence for children to watch."

Fully one-fourth to one-third of all the objections about TV from both the public and its leaders dealt with either sex or violence. The viewer perceived sensual content and violent content in advertising, in children's programs, and in adult programs, apparently in too large a dosage to be conscionable.

The youngsters also are most favorable to television. It is their major channel of information with the world outside their immediate environs. Whereas half the middle-class youngsters would believe television in contrast to any other medium, fully 2/3 of the lower class teenagers express that attitude. They think that TV does the best job of all the media.

So far, these research findings pinpoint the relative dependence of the low-income adult and his offspring on a single mass medium. They show the striking and, to me, startling portion of each day that is absorbed by that one medium. They also indicate the relative non-use by the poor of alternative sources of media information about the world outside their home and neighborhood. Given all this, just what do the urban poor perceive reality to be like?

A partial answer to this comes from studies of teenagers. Youngsters from low-income homes, both black and white, are far more likely to believe that life is the way it is as

portrayed on television. Specifically, they were asked whether they agreed or disagreed with statements such as these:

"The programs that I see on TV tell about life the way it really is."

"The people I see in TV programs are just like people I meet in real life."

Teen-agers from middle-class homes were far more likely to disagree, to say that television did not depict much that was true-to-life. They perceived most of what television was doing as make-believe.

Oppositely, the teen-agers from lower-class homes stipulated that such statements were true, that television "shows it like it is." In specific terms, 40 percent of the poor black children and 30 percent of the poor white children (compared with 15 percent of the middle-class white youngsters) were ardent believers of the true-to-life nature of the television content.

Lest one think that these young people spend their time watching news and public affairs programs, that is not the case, as any parent would know. Not only could they not come close to finding enough such programs to fill the time they spend with TV, but their preferences are for other program-content areas.

Let me now characterize the general media content preferences of adults and young people. In terms of newspaper reading, low-income Americans differ from their better-off counterparts in that they appear to use the newspaper as a substitute bulletin board. They focus on the newspaper headlines, seldom going very far into the stories; on the advertisements; and on such things as the obituaries, the weather and so on. Headlines, a category created spontaneously by the low-income respondents—when asked, what do you read when you read the newspaper—headlines are the principal reading matter of the low-income black Americans.

As for television, shows of adventure, excitement, action, and violence are regularly viewed by a much larger proportion of low-income citizens than the general public. This is so for both the adults and young people.

The TV viewing preferences and program choices of the low-income white citizens are extremely similar to those of low-income black Americans, and are markedly different from the general public—this is so for both the adults and young people, again. The difference is concentrated in the extent of preference for shows of excitement and action or violence. This trend persists among the young people. There is a marked middle-class preference for the comedy-variety shows that does not occur among the less fortunate. When one examines the ten favorite programs of teen-age Negroes, no comedy program of any type appears (for last season).

Thus, the vast amounts of time that are spent with television by the poor are concentrated on programs in which the actors agitate, agress, and engage in much that might be called socially-unacceptable behavior.

Of course, there are characteristics other than income or social class that distinguish those who have an affinity for violent programs. For example, in a recent study, a sample of bad drivers who had committed at least two major moving violations in the past year were much more likely to regularly watch more violent programs than the viewing fare of a matched sample of good drivers, and the witnesses who appear later today and tomorrow will explore this in greater detail.

The final aspect of media behavior that I will examine is in terms of some reasons why so much television is watched. What are television's functions? What are the gratifications that people seem to be receiving? The information I can draw upon deals only with the teen-agers we have been examining. But they do represent the first generation for whom there has always been television. What then are their principal reasons for watching TV?

We gave our groups of middle-class and lower-class teen-agers a listing of 34 possible reasons why they might be watching television. These reasons came from some earlier work with the same kinds of young people who gave spontaneous responses to the question, "Why I like to watch television."

There are four functions of television-watching that were common to all youngsters: they watched television because they were bored, because it relaxed them, because it made them laugh or cry, and because when they were alone it made them forget that fact. These are the predominant reasons across all kinds of youngsters for watching television. But there are two functions of television that sharply differentiated among the youngsters. The Negro teen-agers were maximally dependent on television for both these functions, the white, lower-class teen-agers less so, with the middle-class youngsters

least dependent on TV for these two functions. These two functions may be labeled the school-of-life function and the kicks function.

Eleven of the reasons for watching television dealt with ways in which TV was used to learn things—about one's self and about the outside world. This was easy learning. This is the school-of-life notion—watching TV to learn a lot without working hard, to get to know all about people in all walks of life, because the programs give lessons for life—these are their reasons—because TV shows what life is really like, to learn from the mistakes of others, et cetera. The lower-class children are more dependent on television than any other mass medium to teach these things. They have, or they use, fewer alternative sources of information about middle-class society, and therefore have very little or no competing or contradictory information. My only caveat here is that we do not know what information is obtained through informal sources. Research is practically non-existent on the question of interpersonal communication systems among the poor. Thus, the young people learn about the society that they do not regularly observe or come in direct contact with through television programs—and they believe that this is what life is all about.

Another cluster of reasons for watching television follows this same progression of maximum dependence by youngsters from a lower-income black home, and least dependence from the middle-income white home. That is the notion of getting some kicks from TV. Television is watched because it gives [the youngster] thrills, because it excites, because it keeps his mind off other things, because it keeps him out of trouble. Others might identify this as an escape function. But the earlier data suggest that there is no particular wish to escape from reality. Reality is what the children of a low-income home think they are getting from what they watch. It is their own environment, the poverty and the deprivation which might better be characterized as unreal.

Let me conclude by saying that this collection of information is more suggestive than definitive at this state. However, the few mass media studies that have been done show more similarities than contradictions. The mass media of the poor is television. It is a preferred and almost exclusive source of information about the world outside his neighborhood. Without competing information, he thinks the world is like what he sees on TV. And he would question competing information from other media if he got any. His appetite for excitement is nurtured through those things he likes best and watches most. His relatively greater social isolation (fewer close friends, fewer people to talk to regularly) finds a compatible substitute in television. These are the things we think are being structured for him, on the basis of his uses of mass communication.

That concludes my testimony.

Judge Higginbotham: Thank you very much, Dr. Greenberg for your thoughtful statement.

Mr. Barr?

Mr. Barr: Mr. Chairman, I have just one or two questions. Dr. Greenberg, have any studies been made of what people did with their time before we had television? Did they devote it to doing other things, or do we know anything about that?

Dr. Greenberg: There have been other studies made which examined the disposable time, the use of disposable time or leisure time pre-television, and I am hardpressed to some extent to recall exactly what it is that the time spent with television replaces other than much of what television replaced was time spent with other of the media; for example, in pre-TV days the time spent with radio was much more than it is now, and television has to some extent, probably to a large extent, taken up what radio has lost. Or radio lost because of the introduction of television and movies lost because of the introduction of television.

Newspaper behavior pre- and post-television has always been at that level of about, at most, a half hour a day with a newspaper.

Mr. Barr: Over a period of time before television, after television—and I mean before television became available to the general public and after it did, and in the radio era and before that—do we have any notions of whether or not there has been a constant amount of time devoted by the general public to mass media or whether this is a phenomenon of the 20th century?

Dr. Greenberg: I could only give you a guess here; I don't have hard data in my mind. My impression is, from what I can recall, that the amount of time the individual devotes to mass media, particularly because of the introduction of television, is greater now that it would have been in the 30's.

Part of the additional time in the 60's has been made available through such things as shorter working days and shorter working weeks. An individual has more disposable time.

The middle class citizens have more time to devote to things other than work or sleeping. And this gap, this more available time has to a great extent been picked up by television.

Mr. Barr: Do we have any notion at all on the average how much more time people devote to mass media in the 60's than they did in the 30's?

Dr. Greenberg: No.

Mr. Barr: Thank you, Mr. Chairman. Those are all of the questions we have.

Judge Higginbotham: Very well. We will start with you, Mr. McFarland.

Judge McFarland: I was wondering what the difference, if any, is—the object of watching television among the adults. You outlined why the youths watch television.

Dr. Greenberg: Yes, sir. Why adults watch television?

Judge McFarland: Yes, sir.

Dr. Greenberg: No, sir, our studies did not examine that question with the adults we interviewed. There have been other studies done by other people that tried to get at why people watched television, why adults watched television.

I think part of the problem with some of that is that adults tend to be relatively sophisticated in their ability to rationalize why they spend so much time with the medium and my impression is the kids find it more socially acceptable to have spent time watching television, whereas many adults find it socially unacceptable that they do devote this amount of time to television and thus will say to you or to me, I think, they spend their time watching television because they learn a lot of things.

Judge McFarland: Thank you. that is all.

Dr. Greenberg: I think adults are very unlikely to say I have nothing better to do, which was the predominant response given freely by the young people.

Judge Higginbotham: Mr. Jaworski.

Mr. Jaworski: Thank you, Mr. Chairman. You certainly presented a most revealing situation. I knew that children stayed glued to television sets quite a bit, especially over the weekends, but I had no idea that it was to the extent that your studies show.

I appreciate very much the information that you have presented to us. I might say this, it suggests to me that television is bound to have a tremendous impact on the lives of the young people. I assume you have reached that same conclusion.

Dr. Greenberg: I agree with that wholeheartedly.

Mr. Jaworski: I think from that we would deduce that television holds a tremendous responsibility, commensurate with the use that is being made of it, tremendous responsibility to the citizenship. Do you agree with that?

Dr. Greenberg: I agree with that.

Mr. Jaworski: I want to thank you very much. It has been to me very enlightening, informative, and I think we will make excellent use of the information which you have provided.

Dr. Greenberg: Thank you.

Judge McFarland: Mr. Chairman, may I ask one other thing?

Judge Higginbotham: Yes.

Judge McFarland: I want to compliment Dr. Greenberg for his excellent testimony.

Dr. Greenberg: Thank you.

Judge Higginbotham: Judge, would you make sure you speak into the microphone. We want to make sure your words are recorded for eternity.

Judge McFarland: This didn't amount to anything anyway.

Dr. Greenberg: They did to me, sir.

Judge Higginbotham: Ambassador Harris.

Ambassador Harris: Thank you, Mr. Chairman. I wish to concur with my two colleagues in expressing appreciation for the substance of your presentation. I found it not only interesting, but a little frightening because of the potential influence which this medium has. I do want to explore one or two areas with you.

One, I gather in response to Mr. Barr's question you suggested that the television viewing is a kind of medium substitution, we have moved from radio to television. Is that really true?

I remember the book that appeared in the 40's which had the title, addressed to a child, "Where Did You Go—Out, What Did You Do—Nothing." Is it so much of a medium

substitution for this feeling of going-out-and-doing-nothing void that may have existed or, "We went out and threw a few balls around the lot?"

Dr. Greenberg: Yes. I am more impressed or more worried about the amount of time today that is going to this particular activity, given nothing better to do on the part of the children, let's say, or teenagers as well—and adults as well—I think.

In all honesty, I am more concerned with the total amount of time that is being consumed by this activity than [by] what it has replaced.

Because I think it may have replaced another worthless activity or worthwhile activity, I will not evaluate the value of what it replaced in terms of today. I would see that at some point there will be a maximum amount of time that someone can give to the medium.

I don't think these figures yet represent what that maximum will be. I think, for example, when the two-thirds of the country's homes that don't have color television, for example, do get color television there will be another up-surge in the amount of time you and I spend with the medium. I say you and I—I don't have a color set yet.

Ambassador Harris: Well, neither do I.

Dr. Greenberg: But I don't think we have reached the peak in viewing time among our citizens yet. Of course, the networks would like to see us watch it as much as possible. I am certain you will hear that later on.

Ambassador Harris: I want to explore the notion further that what is happening is necessarily worse than what happened before. Is there any validity to the kind of conventional wisdom that some of us have developed that even this variety of television viewing has made youngsters more aware of certain kinds of objective reality, that one who watches a certain kind of film on television is aware there is a Capri—even if it is Cary Grant running around the roads—is aware of Hong Kong, has a sense of geography and a perspective that was not available to the person prior to television and, therefore, is considerably more sophisticated about some aspects of objective reality?

Dr. Greenberg: Yes, I would agree that I think that young people and adults are more aware; let me put it this way, can recognize more different things now. Whether or not that is sophisticated remains a question, you see.

The fact that you and I can recognize somebody's name as a Senator, for example, we may have learned that information through television, but whether we know anything in addition about the substance of the issue or we know anything about where geographically Capri is, you see, or we just recognize this as the name of a town or country, that is the question.

Ambassador Harris: This is exactly what I am asking, whether it is something that is detached, disassociated, or whether it does have some relationship to what we would, for lack of a better term, call objective reality.

Dr. Greenberg: This is only my thought, rather than presenting any evidence along these lines. I would suggest that the child who watches a great deal of television has learned a great deal of unrelated information.

Ambassador Harris: Which he is unable to integrate.

Dr. Greenberg: Which has no meaningful whole. That is a supposition on my part, or a proposition on my part. That is what I believe to be the case, but I cannot support that with hard evidence.

Ambassador Harris: I have some interest in this, because I remember as a young child reading E. Phillips Oppenheim and mystery stories, which in terms of my parents' preference for reading seemed very, very bad choices, but which in terms of extending certain knowledge of reality, I found were not as unhelpful as the purists tend to believe.

And I think it would be useful to investigate what these people really have learned from this.

Dr. Greenberg: My own kids are about the only ones I can ever talk about with any degree of wisdom, with respect to that. I think, for example, the young people, younger people today will be able to tell you the name of the President of the United States; conceivably, also the name of the Governor of their state. I question that they have any idea as to what the concept of President means, or the concept of Governor means. They know this guy has this title, just like their father has a title. And their mother has no title.

Ambassador Harris: Another area, one concerned with protecting pluralistic values of this society, I am concerned that people have a choice, in viewing and reading and what

have you.

Is there any indication that if there were broader choices available to youngsters and adults, that a significant number would choose more informative, better quality material, or will it be necessary to have a kind of determination that at this time you will all watch something worthwhile in order to avoid everybody moving to the debased operation.

Dr. Greenberg: I think given the acculturation of the young people to this point in their lives, that given the choice and having to make a decision between watching what you and I would consider worthwhile and the other choice you and I would consider not worthwhile, they would probably go with the not worthwhile, because it is more exciting.

I think there are ways of overcoming that. I think that in one sense it is a responsibility of those who provide programming to eliminate that choice at certain times other than Sunday afternoon. For example, if it is 7:30 on Monday night, all three choices were choices that you and I considered worthwhile, then the decision the child has to make and the parent has to make is not to watch something good or something bad, but whether he will watch something or watch nothing. Given that choice, the child will say, I want to watch something. If the only thing on happens to be something good, all the more reason.

Ambassador Harris: Then this puts a tremendous burden on the taste-makers and program-makers. I may prefer to watch "The Avengers," which I hereby confess to being partial to with all of its violence–I have begun to worry about this–I may want to watch "The Avengers" on Monday night, and that night not to be significant. This does raise some questions of choice, doesn't it?

Dr. Greenberg: Yes, and I think your choice is to get a second set and watch it alone if you don't want the kids to watch it.

Ambassador Harris: Thank you Dr. Greenberg.

Judge Higginbotham: The Ambassador does not have to purchase a second set; she does not have any children.

Dr. Greenberg: Oh, I am sorry.

Judge Higginbotham: Dr. Menninger?

Dr. Menninger: Your report and your tables which were presented to us ahead of time are extremely thought-provoking and question-provoking. I do have a number of questions, which I would like to ask you about.

The first stems from my role in effect as a scientist. You have given a lot of statistics and made references, but unfortunately neither your statement nor in the materials submitted to us, is the specific scientific backing for your work.

Could you tell us a little bit more about the general population sample which on your tables is listed as a total of 206 subjects, and your low-income sample, which is listed as a total of 312 subjects? I gather from the tables that your low-income sample was from Lansing, Michigan. But I wonder if you could clarify so we could know exactly the population from which all of your conclusions are drawn?

Dr. Greenberg: Let me indicate first that I did submit to your task force the full methodological framework and sampling, and all of that information was submitted. It chose to reproduce only the tables. There is a technical appendix that goes in the back of the report which you do not have, which your task force does have, that describes our methodology and all of this.

In general, however, our sample, our study of adults was done in Michigan, our general population sample was of the order of the size of 200 and was a random sample drawn from the general population of Lansing, Michigan.

Now, for low-income respondents, in general what we did was go to the OEO office and say, please isolate on the map for us what your major low-income areas are. In Lansing this is rather interesting. One of their areas happens to be 90 percent white, one of them happens to be 90 percent black, and the other was half black and half white.

We then went to all three of these low-income areas as designated, constructed a sampling frame from blocks within the geographical areas, sampled blocks within those areas, then sampled homes within the blocks, then did the interviewing.

As far as the sizes of the samples are concerned, they were sufficiently large in terms of the degree of confidence we wanted to have in our results.

Dr. Menninger: Well, the first point then I wanted to be sure about is that your conclusions, which are presented as a broad representative sample of middle-class America and low-income America, are specifically a sampling of citizens of a Northcentral

state in a city of however large Lansing is.

Dr. Greenberg: The data presented on middle-class citizens in terms of general viewing behavior are national data gathered from national studies, which were made available to me. It is the only one I compare this with, what I call the general population and what I call low-income citizens, that I go from national data to regional or parochial data; yes, sir.

Now, the data on the young people were not gathered in that area. That was gathered in Philadelphia, Pennsylvania.

Dr. Menninger: Again, I don't know, perhaps you can clarify whether other studies have found any significant regional differences between poor in metropolitan areas and poor in rural areas, or people in the Midwest, people in the West, and so forth?

Dr. Greenberg: There have been data gathered at the University of Kentucky of rural poor. I am not aware of the details of information about the behavior of rural poor. There have been almost no other data gathered on the media patterns or the media usage of the urban poor.

I have run into two other studies in addition to my own. At all points at which I tried to say something, that they had any relevant data, their data were compared with my own, and I found no contradictions between what I had obtained.

Now the general population data, the population data from Lansing, Michigan, on media behavior corresponds in terms of television, newspaper and radio usage, with national data gathered by Gallup, among others.

Dr. Menninger: Is there other evidence of the degree to which Lansing represents a typical American community?

Dr. Greenberg: No, and I would, as a scientist, make no generalizations from Lansing to the United States. As a citizen, however, I would not expect there to be great variation in the mass media message from one urban city to another urban city in at least the North, the Midwest and the far West.

Dr. Menninger: Assuming, of course, there is adequate availability of television channels.

Dr. Greenberg: If there is one channel available. And there is one channel available to everyone.

Mr. Barr: Dr. Menninger, we have conducted a national poll, which will either support, verify or challenge some of the conclusions here. The data from that poll has not been evaluated yet, but the poll is completed and we will have that in due course.

Dr. Menninger: Now a second area that was particularly impressive to me had to do with information with regard to where people get their news and the credibility or believability of the media.

First, just to clarify it for myself in your statement on page 6, you said, for example, 40 percent of the general public say they get most of their world news from TV compared with 70 percent of low-income citizens.

Again, I don't know whether you have your tables before you, but in the table submitted to us, on Table 15, Media Preferred for World News, the actual statistics were 63.5 in the low-income sample, and 34.9 in the general population sample. What I am wondering about is whether these percentages are to represent the same, because you have inflated both.

Mr. Barr: Would you give us the page, doctor?

Dr. Menninger: It is page 32, in the tables, on Media Preferred for World News. And the actual statistics there are. . .I just want to make sure. Is this the table from which you then quoted 40 and 70 percent?

Dr. Greenberg: This is that table. The 40 percent of the general public figure is a compromise between my 35 and 44 percent, or 43 percent as reported by Roper in his national sample poll asking the very same question. I am guilty of the difference between 64 and 70 percent in my text.

Dr. Menninger: Well now, the business of people believing most television, even to the degree that they will take this over news reporting or the like, do you have any opinions as to, one, why that might be so, and two, what you feel this means in terms of news reporting by the media?

Dr. Greenberg: I will reply with an opinion that is supported by some small piece of evidence gathered in some studies.

I believe that the credibility that is attributed to television can be in part explained by the cliché that goes, "Seeing is believing."

We find in asking, in the few studies in which people have been asked, after they have been asked which one they believe the most, we did one study in which we asked why that one, and the predominant response that we got was, "We believe it because we see it."

There are other factors involved, I think, that are associated with that cliché. There is identification with network newscasters. These people tend to be heroes and their presence, I think, at hearings like these might, for example, result in their being asked for more autographs even than members of the Commission.

I think it is that kind of phenomena we have on television. I know of no one, for example, who identifies with James Reston, but I do know that people identify with David Brinkley, and I think it is that kind of difference, without making any assessment of the relative value of the people involved.

Dr. Menninger: Well, I wonder if you would in effect or could in effect say that television thus makes it more of a person-to-person communication?

Dr. Greenberg: It has more aspects of person-to-person communication.

Dr. Menninger: Do you want to go on to suggest or leave it unsaid what you think, in your opinion—again asking only for your opinion—this should be then responded to or respected by the television media news departments, newscasters, et cetera?

Dr. Greenberg: I think not. I think if there is one area of television that I find least susceptible to criticism, it is the news departments. I am more concerned with the fact that the people we are talking about don't watch news, that they watch the entertainment—that broad category called entertainment programs. It is that from which the kinds of stimulation that we are all concerned with would evolve. Now there may be some in addition to that stemming from news programs, but the watching of news is such a small segment—not that it would have no impact—but I would suggest a relatively minor effect in comparison to all of the other time spent with all of the other aspects of television.

Dr. Menninger: I don't recall seeing figures on the percentage of time viewing news. Was this so negligible in the reporting of your sample as to say that the low income samples and the others—or were you able to get some measure of what percentage of that 2½ hours of middle-class viewing time and 5 hours of other is actually spent watching news?

Dr. Greenberg: No. We gathered that information but I have not looked at it to that extent.

Dr. Menninger: Of course you are aware there was and has been a great deal of concern about, for instance, the handling of the conventions by newscasters and the degree to which emotions came into play or appeared to come into play in that setting. How do you feel that would fit, or do you want to comment on that?

Dr. Greenberg: I am sorry. How do I feel that would fit?

Dr. Menninger: With this business of the credibility of television. In other words, is the television side believed to be it, et cetera, and the responsibility of the news departments?

Dr. Greenberg: I would suggest only that the majority of people in this country think that their entire impression of the Chicago convention was formed by what they saw on television. I know of no alternative source of information available to them that would have shown them any kind of other action about that situation. All I am saying at this point is people believe that what took place is what they were able to get on television. I don't know to what extent that was correct or incorrect.

Dr. Menninger: As a father of a number of young children, I am very much aware of a good many of their television habits. I am interested in your study of children and the habits of children. I gather from what you report it was teenagers?

Dr. Greenberg: Yes, sir.

Dr. Menninger: And you have no study of viewing habits of grade school, pre-adolescents or pre-schoolers?

Dr. Greenberg: No, sir. That is our next study.

Dr. Menninger: Because there is no question that there is one large time block, namely Saturday mornings, which are directed primarily to this group of children and which if the children have their choice there is no question what the children will do, and a number of us have been very much impressed by the character that these programs have had. I would be very interested to know what some of your findings will be on that.

One final thing. When we talk about violence, we should perhaps recognize that a

significant amount of violent viewing time is violence in athletic events. And I am wondering to what extent—because I did not see any reference to time spent viewing sports events here, whether it is football or boxing or what have you—did you have any information on that?

Dr. Greenberg: No. Not in this study. I would only counter the fact that I don't have information in that area with another area that I don't have information in that I would like you to be aware of to the extent that you are aware of violence in sporting events and that would be the extent to which what goes on in much of our programming is not physical acts of violence at all but are verbal acts of violence and verbal acts of aggression. I again hope that some of the later speakers will emphasize that or at least point out the fact that the notion of verbal aggression is probably a fairly close parallel to that of physical acts of violence. Middle-class kids in terms of their training and socialization within the family, for example, are much more susceptible to weeping, if you threaten them verbally, than other kinds of children might be and probably can be hurt even more by your rejection of them verbally than by your giving them a good slap, because they figure that ends it.

Dr. Menninger: There is one other question I would like to ask, not that you have studied this particularly, but at least I wonder if you are aware of any studies on this, and that is as we talk about the impact of particularly television, presumably we are all aware of the tremendous developments of utilization of TV in formal education, the use of either specially prepared TV programming in school systems—and I know the federal government is helping to finance programs in this area. When one talks about how much information is retained or what is the impact of it, are you aware of any studies on the impact of the use of television in formal education?

Dr. Greenberg: There have been probably between 300 and 500 studies done that attempt to compare the teaching of mathematics in a live classroom situation as compared with a televised classroom situation. Wilbur Schramm of Stanford has summarized much of this research in a couple of volumes. I am stuck at the moment for the titles of the volumes, but the name is Schramm, and much of the literature has been summarized by him.

Dr. Menninger: Thank you very much.

Mr. Barr: Mr. Chairman, could I report a communication that I have just received from our press officer, Mr. Laiton? He says that 90 percent of the press here take exception to Dr. Greenberg and an informal poll indicates they identify with Reasoner and not Brinkley. [Laughter]

Judge Higginbotham: I want to thank you for calling that to our attention. We will have it recorded and carefully analyzed.

I would also like to have an analysis made of the sample.

Congressman McCulloch?

Mr. McCulloch: Thank you, Mr. Chairman.

Dr. Greenberg, I think your statement is both excellent and interesting and I hope it is properly challenging for the managing directors of the mass media, particularly television. I think that part of your statement that is on page 7 should be a shaft that would strike all knowledgeable people and I quote two or three sentences. After giving some of the data that you have compiled, beginning at the seventh line from the bottom of page 7, you say this: "Given all this, just what do the urban poor perceive reality to be like?" And then you answer: "A partial answer comes from the study of teenagers. Youngsters from low-income homes, both black and white, are far more likely to believe that life as portrayed on television is the way it is." And that is too bad and that is the way movies portrayed for youth and adults as well, life in America for 50 years of this century. And in my opinion the impact has not been good. I am pleased that we have television executives here today and I hope that the managing directors call upon you for some conclusions at length from your studies and from the data you apparently have available in this field.

Let's not remake the mistake that was made by the movie industry during the last 50 or 60 years.

Dr. Greenberg: Thank you.

Mr. McCulloch: I thank you for your statement.

That is all.

Judge Higginbotham: Thank you, Congressman.

Dr. Greenberg, I join with my colleagues in esteem for your efforts to probe this

problem. What candidly bothers me most would be what are the inferences you draw from certain data you have obtained.

As an example, on page 9 you emphasize that a sample of bad drivers in a recent study who had committed at least two major moving violations in the past year were much more likely to regularly watch more violent programs than the viewing fare of a sample of good drivers.

Now conceivably the inference from that would be if you want to have safety on the highways, you would eliminate violent programs. That may or may not be true. But on the other hand, it may be that in your sample you may have considerably more young individuals who are involved in driving violations which at least is my experience in the District Court in terms of serious accidents, it is a younger group, and that maybe if you didn't change it or even if you changed the content of the media, you would still have the same number of accidents, because it was attributable to a factor other than television and it is just a coincidental correlation, because it was attributable to youth.

So what inference—Iam going to ask you on a whole series of these things—what inference do you draw from these data? What inference do you draw from the data about the bad drivers?

Dr. Greenberg: I will draw no inference from the correlation of data as you have correctly described it. I do not even wish to imply a causal effect with that example. It is only an example, it is a study that came to my attention while I was preparing testimony and I thought it would illustrate a point.

The point I was trying to make is there may well be other characteristics than income and social class which again are correlated with preferences for certain kinds of programs. All of these kinds of characteristics may be correlated with; none of them may be causal. So I will not draw any inferences from that example. It would be unfair and unscientific to do so.

Judge Higginbotham: As a psychologist, let me go to a couple of paragraphs on page 9 in asking this question. What inference would you draw from your conclusion, your finding, that the ten favorite programs of teen-age Negroes included no comedy program of any type?

Dr. Greenberg: Again, what inference would I draw? I will specualate with you about what this means . . .

Judge Higginbotham: Of course.

Dr. Greenberg: Rather than draw inferences from the data.

Judge Higginbotham: And I really want you to know I am not trying to cross-examine you. This is a difficult problem and maybe in the future hunches which are developed here can be proven as irrevocable propositions. So I would appreciate your speculation or your hunches.

Dr. Greenberg: I would only suggest to that bit of evidence that there were no programs of a comedy nature that were particularly appealing to black youngsters last season. None of them dealt perhaps with comedy situations that they could find much that was funny about.

Judge Higginbotham: Well, that is circular reasoning of course.

Dr. Greenberg: Right.

Judge Higginbotham: I mean if you say that it is not a favorite program to black youngsters, it goes *a fortiori* the programs were not appealing to them.

What I really want you to do is go beyond the conclusion. Do you have any inference beyond the fact that they just weren't appealing; why they weren't? What type of content would have made black youth more interested in comedy than in violence? Do you have any speculation on that?

Dr. Greenberg: I have no evidence and very little speculation. I think that is part of what we are trying to do at this point is to continue with this to find out what kinds of things would be more appealing to low-income citizens and at the same time conceivably be commercially successful, so we could get somebody to put on a program.

I think what this suggests perhaps is—okay, on one speculation I will go out on a limb. I think programs could be created that would be appealing in this case not only to black youngsters, but to low-income youngsters in general, if more programs were created by people who were more familiar with the cultural artifacts, the culture of that environment. In other words, what I am saying is an increase in the number of black writers, black producers, would contribute significantly to creating more appealing programs.

Judge Higginbotham: Couldn't it be almost as simple, in terms of the well-known comedy programs—I don't want to mention any programs . . .

Dr. Greenberg: That is my problem, too.

Judge Higginbotham: But some of those which are most famous with the largest period of longevity just don't portray Negroes, and black youngsters may very well feel that the programs which now have a violent base but which portray Negroes may be more relevant. And couldn't it be the content of the program as much as any other factor?

Dr. Greenberg: By all means. I guess I thought it was so obvious that none of these programs had any black people in them that that is obviously a reason for the lack of appeal of these programs, as far as the standard comedy programs, last season, are concerned. There have been changes made in this season. We now have a study that will be completed in about three weeks to find out to what extent there have been changes between last season and this season in both the incidence and the nature of the portrayal of black people on television.

Judge Higginbotham: Now let me probe another area since we are a Commission on the Causes and Prevention of Violence. We have been saturated with data which clearly indicate that in various areas there is a higher rate of violence. I think The Washington Post has an editorial on that subject this morning comparing the City of Washington and Baltimore.

Now is there any correlation from any data which you know of which makes a correlation between the rates of violence and the percents of individuals in that area who watch violent programs?

Dr. Greenberg: No, I know of no evidence that tackles the question that directly. I am not quite certain how one would, but I know of no evidence myself that examines that directly.

Judge Higginbotham: Could you reach a conclusion about the impact of violence on television without making this type of analysis?

Dr. Greenberg: Conclusion? I will give you an opinion, again based on not so much on the data but in terms of my own projections from the data.

I think in part of phrasing of the question: Does the presence of violence on television have a bad impact on kids, or anyone, would not be the way that I, if I played the role of a parent, would want to ask the question, because as a parent I would be more interested in phrasing that question in terms of: Does the incidence of violent programs on television do anything to help my child in his growth and development, in his acquisition of moral and social values?

And if I can't find programs that help him, I certainly don't want to spend all of my time wondering about to what extent it hurts him, which is the question as phrased by me as a sociologist, to what extent it hurts the child. I think the contrast is, given the amount of time he devoted, how much is he getting, how much is he being helped as a young person by the time he spends looking at the medium. And that is not the way I have been asking the question in my research.

I think perhaps it may well be time we phrased the question in terms of how much does the medium help the child. If the answer to that is not enough, then there ought to be some changes.

Judge Higginbotham: What is the baseline data for that?

Dr. Greenberg: No, that was an opinion, sir. That was an opinion.

Judge Higginbotham: I certainly should have called on Dr. Short, and please accept my apologies. We need your wisdom now more than ever.

Mr. Short: I do have just a couple of brief points that I think follow up on your points to some extent.

Dr. Greenberg referred to the studies concerning educational television, the use of television in education. I believe Dr. Menninger asked a question on this.

Is it not the case, Dr. Greenberg, that virtually all studies which have compared teaching by television with other teaching methods, come up with the conclusion that there is no significant difference in the extent to which learning occurs by these alternative methods?

Dr. Greenberg: I think that would be an oversimplification.

Mr. Short: Obviously.

Dr. Greenberg: I think it is more likely to say that kind of statement will vary with the subject matter taught, the age of the students involved, and the nature of the

instructor involved.

Mr. Short: But by and large teaching by television has been shown to be quite effective in comparative studies.

Dr. Greenberg: Is that your opinion, sir? What kind of response do you want at this point?

Mr. Short: It is my opinion from having participated in a couple of these experiments.

Dr. Greenberg: I think in that research it would be fair to say in most instances television can be or has been shown to be at least as effective in a formal classroom situation as that same kind of instructional session without television.

Mr. Short: And secondly, to follow up on Congressman McCulloch's interest in the portrayal of life as it really is, your caveat on page 11 that we do not know what information is obtained through informal sources, research is practically non-existent on the question of interpersonal communications systems of the poor; while this is true, would you not agree or do you think that such research as does exist indicates that persons of lower income, whether black or white, have very little opportunity to gain direct experience with life as it is other than through the mass media? Except perhaps through such institutional contacts as the schools and the church, other institutions which tend to have a middle-class ethic, let's say, or middle-class biases built into them as it were, and where the comparisons often are invidious?

Dr. Greenberg: I think the environment in which the lower-class—I don't like that term—lower-income citizen finds himself is one that provides fewer opportunities for direct experiences. He is thus more dependent on mediated experiences. Some of these mediated experiences are mass mediated. We have talked about those.

The extent to which these experiences could be mediated by someone else, the interpersonal aspect, is where we are stuck with not knowing anything about it at this point. It is quite possible, you see, that although the individual places his greatest faith in television, among the media, the mass media, he might place even greater reliance on the guy who lives next door. And that we don't know yet.

Mr. Short: That is all I have, Mr. Chairman.

Judge Higginbotham: Mr. Campbell.

Mr. Campbell: I have just one question in the category of speculation.

Dr. Greenberg, would you care to give us any speculation on whether there may be some relation between the role of television in the life of the urban poor you have studied and the urban riots that have occurred?

Dr. Greenberg: I have no opinion on that.

Mr. Campbell: That's all.

Judge Higginbotham: Mr. Baker, any questions?

Mr. Baker: No, sir.

Judge Higginbotham: We want to thank you very much, Dr. Greenberg. We appreciate your coming and our many questions were not intended to depreciate the fine efforts you have given but to help us have maximum understanding. Thank you again.

Dr. Greenberg: Thank you. I appreciate being asked.

Mr. Barr: Mr. Chairman, our schedule is a little embarrassed because of the tie-up at the National Airport. The next three witnesses on our list are not presently in the room, and Dr. Klapper is, and therefore I am going to ask him to testify at this time.

There is presently being distributed to you a statement by Dr. Klapper which we just received. Dr. Klapper is the Director of the Office of Social Research, Columbia Broadcasting System.

STATEMENT OF DR. JOSEPH T. KLAPPER, DIRECTOR, OFFICE OF SOCIAL RESEARCH, COLUMBIA BROADCASTING SYSTEM

Judge Higginbotham: Dr. Klapper, we are pleased to see you again and delighted you could participate and that you did not rely on the morning plane.

Dr. Klapper: We relied on the evening one, which took three hours and 20 minutes from New York.

For the record, my name is Joseph T. Klapper. I am director of the Office of Social Research of the Columbia Broadcasting System. In this capacity, one of my major functions is variously to conceive, perform, direct, or fund research on the social effects of mass communication. Another of my major functions is to keep intimately familiar with all the pertinent research literature and to advise top company executives and

policy-makers of its nature and its findings.

I would like to remark that the Commission has been furnished with a copy of my biography which indicates I am more of an academician than a corporate soul. I want to make it clear at the outset that I am not what is called in the trade an "operating person." I make no program policies or decisions, and I am not myself competent to discuss such policies or decisions. I am advised that CBS has informed your staff that it will shortly furnish the Commission with a statement outlining its practices and policies pertinent to the subject of your inquiry. As for me, I am, I think, competent to talk about what is known about the social effects of mass communication. Your Commission staff is aware of all this and has asked me to talk to you about the research literature, and I am honored by the invitation.

There is now a rather large technical literature bearing on the effects of witnessing media depictions of fictional violence. Please note I am talking about media in general, not necessarily exclusively television. The question with which we are here particularly concerned, of course, is whether such depictions render their audience members more likely to commit violent acts. I think it is important to realize that there are several divergent views as to what the research indicates in this matter. It is something about which honest and competent people disagree. What I shall do today is to draw you the picture as I see it.

By way of introduction, let me say that concern about the effects of depictions of violence is nothing new, nor is it uniquely tied either to television or motion pictures. The concern has been voiced literally since the publication of the Tales of King Arthur. In the intervening centuries it has been expressed in reference to other forms of fiction and, within this century, in reference to Penny Dreadfuls, to comic books, to radio, to motion pictures, and, most recently, to television.

Social research, or behavioral research, is a relatively young science but it has been looking at this problem with increasing degrees of maturity for more than 25 years. The research can conveniently be divided by both time and type. Up to about 1960 the bulk of the research effort consisted of surveys, and dealt almost exclusively with children. Since 1960 the research has consisted mostly of laboratory experiments, and these have involved both children and young adults. I would like to consider these two bodies of research in turn, starting with surveys.

Surveys: The surveys followed a fairly typical procedure. In practically all of them a relatively large number of children or young people who were heavy consumers of violent media fare were compared with a roughly similar group who were light users or non-users. The characteristics on which they were compared differed from survey to survey, and at various times included such criteria as the incidence of delinquency, school records, school achievement, behavior in play situations, attitudes toward parents, peers, and authority, and the like.

Unfortunately, none of these surveys dependably investigated the question of whether acts of violence or overt, anti-social, aggressive behavior was or was not more common among heavy users than among light users. A few checked delinquency records and one checked something simply and ambiguously called "conduct." Some of these studies found no difference between the two groups in these regards.

On the other hand, at least one other study found that groups of delinquents read more of certain crime comic books than did non-delinquents. This, of course, gets us nowhere: it presents us with discrepant findings and, if you accept the correlation, it raises the question of which is cause and which is effect. Did the media material foster delinquency or did the personality of the delinquents foster a fondness for such media material?

(I would point out parenthetically that the same kind of question arises in reference to Dr. Greenberg's excellent summary of his own studies, in reference, for example, to the violating drivers. Is their tendency for accidents part of a personality pattern that makes them fond of violent programs, or do the violent programs make them tend to have automobile accidents? It is a question which cannot be answered simply on the basis of correlation.)

The more sophisticated surveys did find certain other types of differences between heavy and light users which throw some indirect light on this question. Various studies variously found that children who were particularly fond of media material involving violence, or, as one study put it, "aggressive heroes," differed from their classmates in, for example, having a somewhat lower average I.Q. and lower scholastic achievement

scores. They tended also to have difficulties in peer group relations and, at least in one study, to have conflicts about whether to try to live by their parents' values or by their peer group's values. A particularly sophisticated study found that they were also more likely to feel that they were falling short of their families' expectations and to feel frustrated about this, and another study noted that they tended more than other children to blame other people for their own failures. At least two studies found that heavy users exhibited more aggression on paper-and-pencil tests. Note, by the way, that I am here talking of inner hostile feelings, not overt behavioral acts.

Now these characteristics, for the most part, are not the sorts of things which can reasonably be regarded as products of media behavior. The media can hardly be suspected, for example, of producing low I.Q.'s or feelings that one is falling short of one's parents' expectations. Taken as a whole, these characteristics rather suggest some sort of emotional or personality difficulty which existed before, or at least independently of, the media, and which produced in the children a taste for the kind of media fare they preferred. What I am suggesting, in short, is that the emotional needs of the children produced the media habits, that the media habits were an effect rather than a cause. This is neither a new nor an original idea. It has been repeatedly cited either as a possibility or an apparent fact by various social scientists for at least 20 years.

Now this hypothesis is in complete accord with what is known about mass communication habits in topical areas other than violence. It is known in communication research as the phenomenon of "selective exposure."

Another way of putting it is that a program selects its own audience. It is well known, for example, that politically partisan speeches on radio or television tend to attract an audience which is primarily composed of people predisposed to the party in question. In reference to the individual levels of aesthetic or cultural taste, it is, again, repeatedly found—as Dr. Greenberg suggested—that the audience member's tastes determine the kind of material to which he will expose himself and this kind of material tends, in turn, to reinforce his existing taste.

This phenomenon of selective exposure, as well as other phenomena I need not mention here, serve to make mass media a reinforcing agent. The individual's predispositions largely control his media choices, and these chosen media vehicles in turn reinforce the predispositions. The person with partisan political leanings, for example, will tend to listen to or watch advocates of his own position, and this in turn tends to reinforce his partisanship. I have written elsewhere that the major effect of mass communication appears to be a reinforcement effect and that mass communication reinforces whatever tendencies are brought to it, with fine—and I should say impersonal—disinterest for whether these predispositions are socially wholesome or socially unwholesome.

Applying this theory to the topic at hand, we would expect that predispositions which nurture a taste for media-depicted violence would be reinforced by a diet heavy in such violence. But what exactly is the nature of these predispositions and what will happen if they are reinforced? It has been commonly, but I now suspect erroneously, supposed that the reinforcement would be a greater tendency actually to commit violence. The surveys to date have not really indicated if this is true or false, except insofar as a lack of difference in delinquency rates bears on the question.

I personally suspect—and at this point in time it is only a suspicion—that the predispositions which produce the taste for violent media fare are not in and of themselves predispositions to violence. You will recall that the characteristics of children who particularly liked such material included such things as an inability to define their relationships with others, unwillingness to shoulder blame, and feelings of inadequacy. Now these are not, in and of themselves, predispositions to violence as, rather, manifestations of inability to handle one's social environment. I note with interest that several studies have found that these children particularly like material in which an aggressive hero controls his environment, and that many use this material as a stimulus for eerie and escapistic fantasies in which Superman—which of course shows my age—Superman or whoever comes to their personal aid.

What I am suggesting, then, is that this material is liked not primarily because it involves violence, but rather because it depicts environmental control, which is achieved quickly and rather conclusively. What would accordingly be reinforced is whatever predispositions the child possesses and his existing activity tendencies in regard to them, and these tendencies seem more likely to be some sort of escapistic fantasy rather than

the commission of violent acts. I say once again that this is all speculative on my part, and that research is needed to test its validity.

Of course, none of this is to say that a child really predisposed to commit acts of violence will not have those predispositions reinforced by mass media depictions of violence. I would suppose that he could. And the same reinforcement and the same effects would be likely to accrue from uncountable other sources: from a newspaper statement about an actual crime, or a story about hunting, or overheard remarks in other people's conversations. Furthermore, such an effect—a triggering effect, I mean—might equally well be produced by content having no manifest relation to violence. A child who was predisposed to violence, for example, and who, let us say, hated his sister, might be provoked to violence by a story in which some girl outsmarted her brother. Idiosyncratic reactions to media material, and to all other aspects of the environment, have always occurred, and they are by definition unforecastable and uncontrollable.

What the surveys indicate, in short, is that mass media depictions of violence are not prime movers toward crime and delinquency. They—the surveys—suggest that certain personality traits lead to a taste for violent media material, and that this material serves some sort of very ill-understood psychological function—perhaps good, perhaps bad, and perhaps neither—for children with certain maladjustments. The surveys really do not tell us very much about whether such fare will render audiences more likely to behave violently. Clearly, much more and more refined research is necessary to our understanding of the interaction between television and child.

Since about 1960 a great deal of attention and discussion have been aroused by a series of experiments conducted in laboratory situations by social and experimental psychologists. Some of the many experiments—all that I can find, incidentally, are listed in the bibliography to this paper, which was previously submitted to your staff.

May I add for the staff that this is slightly updated; we have found 4 or 5 new studies since we submitted them to you—as I said, some of the many experiments have involved children and some have involved young adults. I understand the authors of some of these studies have already testified before this Commission, or will as soon as the airlines permit them to. These studies are apparently much more widely discussed than they are read, which, in reference to a topic of this importance, is a great misfortune. Because the articles are discussed by people who do not really know what is in them, the discussion has given rise to extreme misconceptions about what the articles prove. And some of these misconceptions would, I think, confound the authors of the studies. For the studies are said to prove things which they do not prove, which they were not designed to prove, and which they would in fact be incapable of either proving or disproving.

I would like soberly to consider what these experiments indicate in reference to the question of whether persons exposed to mass media depictions of violence are thereby rendered more likely to commit acts of violence themselves. And when I speak of an act of violence, I mean an act which is undertaken by choice, with the intent to hurt another person or, perhaps, to destroy property of some value to him, and which violates social norms.

The experiments of which I speak are widely said to indicate that people exposed to violence in mass media are therefore more likely to commit such acts. I do not say that the authors of the experiments say this, but that their studies are widely so regarded.

I have very carefully studied all the published experiments I have been able to find and I do not agree with these semi-popular views. I rather believe, and I say this with real regret, that these experiments do not tell us anything at all about whether persons exposed to mass media depictions of violence therefore become more likely to commit acts of violence.

I propose that there are two characteristics of these studies which prevent them from bearing on this question. The first of these is that the experiments do not deal with violence in the sense in which we are all concerned about violence. The second is that the experiments do not deal with the effects of witnessing mass media as these media are witnessed in real life. I will illustrate these points by reference to the experimental procedures, considering first the experiments involving children and then, because they involve different procedures, the experiments involving young adults.

In the typical experiment involving young children—usually children of nursery school age—roughly half the children are exposed to a five-to-ten-minute film depicting what the experimenters call "aggressive" behavior, while the other children are exposed to a non-aggressive film or to no film at all. The children are then given the opportunity

to behave in what the experimenters call an "aggressive" manner. The critical question, of course, is whether the children exposed to the "aggressive" film behave more aggressively than do those who were not exposed to aggressive film.

There are numerous technical variations on this basic plan, one of the most common being that the children are mildly frustrated somewhere along the route, in accord with the theory that frustration renders people more likely to feel or exhibit aggression. The other variations do not seem to me necessary to recite. They do not seem to me relevant one way or the other to the points I will make.

In most of the experiments reported, the children exposed to the so-called "aggressive" film do thereafter behave more "aggressively," as the term "aggression" is defined within the experiment. It is at this point that too many of the discussions and secondary reports stop. But it is obviously essential to consider the nature of what is here called "aggression." As I have already suggested, I think that what the experiments call "aggression" is so distant from violence that the one has virtually no bearing on the other. I would like to make three points in this regard.

First, the so-called "aggressive" films used in most of the experiments do not involve aggression in the sense of a person acting with intent to hurt another person. The films used in the classic Bobo Doll studies, for example, show an attractive adult behaving very roughly—"aggressively," if you like—with a toy which is made for the express purpose of being hit and knocked about and which is virtually insusceptible of being damaged. In another experiment the so-called "aggressive film" was a cartoon in which a weed attempted to choke a flower and a panda bear attempted to destroy the weed. A very few experiments have used films involving interpersonal violence and I will discuss these in a few minutes. The point that I am making now is that most of the films are not models of inter-personal violence, and that reaction to them cannot be equated with reactions to depictions of inter-personal violence.

The second and more important point is that in none of these experiments does the children's subsequent behavior involve aggression in the sense of action undertaken to hurt anyone, and in none is anyone or even any thing hurt. Indeed, since each child is typically either alone in the room or, in some instances, accompanied by one adult, there is no opportunity for the child to hurt anyone, except the adult. The "aggression," then, simply involves the way in which the child plays with toys.

In the Bobo Doll studies he treats the Bobo Doll very roughly, as he has seen the model do, but Bobo remains unharmed. In another study the child is offered two toys—one in which a lever causes a small six-inch metal doll to hit another metal doll—that is the aggressive toy—and another toy in which the lever activates a wooden ball in a cage. He is directed to begin playing with the doll toy, and the measure of aggression is how long he does so before shifting to the other. In still another experiment an adult holds up an inflated balloon and repeatedly asks the child if he thinks it would be fun to see it popped. Affirmative answers—that is the child saying "yes"—are regarded as manifestations of aggression. The authors of this latter study, by the way, explicitly state that these data provide no evidence that the children have become hostile to other children.

My third point is that, except for one technical exception I will mention in a moment, the children's behavior never violates the social norms established by the experimental situation or, lacking such specifically provided norms, it never violates the norms regarded as acceptable by parents and society at large.

The children either do what they see an adult model do without censure, or they play with toys with which they are directed to play or with which they are explicitly provided. Never is it reported that a child attempted to hit the experimenter, or another child, or damaged the equipment. Put another way, the children did nothing for which anyone would be likely to rebuke them. In social science terms they violated no social norms.

I now turn to a few exceptions to one or more of my points. The first is an early experiment reported by Siegal in 1956. Here the aggressive film involved inter-personal hurt, and here, as distinct from any other experiment, the children played in pairs, not individually, both before and after the film, in a play room equipped with rubber daggers and the like. Those who saw the aggressive film did not exhibit a significantly greater increase in inter-personal aggressive play than did those who saw a non-aggressive film.

Another exception involves two studies by Dr. Bandura and his colleagues in which the children saw different versions of a film, in one of which the adult model is rewarded

for his aggression and in one of which he is punished. These films also involved some approach to inter-personal aggression, as, for example, an adult dressed as a child seizing the toys of another adult dressed as a child and either beating the victim and getting away with it, or getting beaten himself, and not getting away with it. But here again, the test situation did not allow the child to interact with any other child. He was again left alone to play with toys, and those who saw the aggressor rewarded or victorious imitated the rough way he had handled the toys. In one of these two studies the children were also asked which of the two models they would prefer to emulate, and the majority of those who saw the aggressor victorious said they would like to be like him. However, they exhibited considerable confusion, saying, for example, in reference to the victorious aggressor, that he was "mean" or "wicked," and several even blamed the victim saying he should have shared. What this suggests to me is that if aggression is explicitly and carefully depicted to nursery school children as paying off, it creates confusion in their minds. They voice the conflict between the norms they have absorbed outside the laboratory and the contrary norms depicted in the experiment. Whether they would actually seize another child's toys and beat him was not investigated.

I should also mention a new study by Hicks, in which an adult sat with the child and commented as the film model attacked the Bobo doll. For some children he approved the aggression and for others he disapproved, saying things like "He shouldn't do that." The degree to which the children imitated the model depended on whether the adult approved or disapproved the aggression, provided that the adult was present during the play. In instances where he was absent, the two groups of children showed the same degree of imitation. These results emphasize the importance of sanctions. Of course, the children who could ignore the admonition and get away with it did so, but, again, they did nothing more than handle toys as they had seen the adult model do.

Let me now summarize what I have been saying about these experiments involving young children. I have noted:

First, that most of the test films do not involve inter-personal violence;

Second, that in none of the experiments do the children hurt any person or anything or even attempt to do so;

And, third, that the children's behavior does not violate the norms spelled out in the experiment or, lacking such norms, it never violates the social norms of the community. Should the Hicks study noted above be regarded as a technical exception? Some children saw an adult model aggress against the doll, while another adult disapproved, and these children, when alone, imitated the "aggressive" model. Two conflicting norms were provided, and one was technically violated.

The kind of violence with which we are concerned does all of these; that is, it involves interpersonal violence, it involves hurt, and it involves the violation of social norms, and it is in fact defined by all of these. It is on the basis of these considerations that I have come to the conclusion that these experiments rarely bear upon reactions to depictions of violence, and in no case describe violent subsequent behavior. What the experimenters call "aggression" is simply not violence, and no generalization can in my opinion be made from one to the other.

I turn now to my other concern regarding these experiments. I believe that regardless of what effects might be observed in experiments of this sort, good, bad or indifferent, the results could not be generalized to the effects of viewing television programs or motion pictures in a real-life situation.

In the first place, several of the experimental fims—in particular, the Bobo Doll films—exhibit some five to ten minutes of so-called aggressive, and in any case peculiar, behavior divorced from any context. Various studies have shown that children's attention to and memory of media content is selective, that they tend to identify with selected characters and recall mostly the material about those characters, and so forth.

I cannot of course here review all the pertinent studies. The point I wish to make is that experiments employing clips without context provide no basis for predicting the effect of the same material in context. The effects might be similar, or they might be different. There is no way of telling without experimentation designed for the specific purpose. Of course, this observation applies only to those experiments which do use clips out of context, or which use markedly doctored films.

Secondly, in practically all the experiments, the influence of both society and of time are deliberately removed. In all but one study known to me the child sees the film alone, or with a silent caretaker adult, and his behavior is observed immediately thereafter,

while he plays in a room with no other child present. In only the one study does anyone, either child or adult, comment upon the film, and in no study does anyone comment on the child's subsequent behavior. Research has demonstrated that in real life the effects of mass media are not determined by the contents alone, but are rather modified—in some cases intensified, in some cases weakened or nullified, and in some cases distorted—by a host of other factors. I cannot here list and describe these other factors, and happily it is not necessary to do so. The point that I think is important is that the design of these experiments precludes the influences of the many factors to which the child would in real life be exposed both during and and after witnessing a mass media product. We do not know how long effects observed under these laboratory conditions would last, except that in one experiment the children were brought back into the laboratory six months later. There were five experimental groups of children; in four of the five the effect has disappeared, and in one of the five the effect had apparently not disappeared. Make of this what you can. It is difficult to know what to make of it. Aside from that one datum, we do not know how long effects observed under these laboratory conditions would last. And we do not know whether the effects of witnessing the same material in naturalistic conditions would be more intense, less intense, or altogether different.

What, then, do these experiments actually indicate? Their authors often say that the experiments show that exposure to aggressive film material elicits aggressive behavior. This is technically correct provided that the meaning of such terms as "aggressive," "film material," and "aggressive behavior" are limited to the symbolic or operational definitions established by the experiments themselves. What the experiments do not indicate is whether children exposed in real life to media depictions of violence will therefore be more likely to commit violence themselves. The experiments are neither reassuring nor alarming in this regard; they simply do not augment our very limited knowledge of the actual social effects of witnessing mass media depictions of violence.

The experiments I have been discussing all deal with children. I want now to speak, much more briefly, about the experiments involving young adults. (I am including in this, incidentally, an experiment which I understand was described to you in which adolescent delinquent boys were involved.) Because the points I will make will merely be variations on those I have detailed in reference to children, I will for the most part restrict myself to pointing out the similarities and the significance of the differences.

In virtually all the studies of adults, the "aggressive" film involves real, quite extreme, inter-personal violence—a knife fight, a prize fight, or some other fight in which one person is conspicuously hurt. The measure of whether the adults thereafter behave aggressively typically involves electric shocks. The usual procedure is to tell the subjects that they are to evaluate a task performed by another person. They are directed, for example, to give him one shock if they consider the task done well, and more than one if they think it was not done well. The critical question in some instances is whether men who have seen the violent film give more or longer or more intense shocks than do those who have seen a nonviolent film.

In other instances everyone sees the fim—that is, the violent fim—and the question is whether men who have been deliberately angered in the course of the experiment do more shocking than those who have not been angered. In still other instances, it is indicated to some of the men that the beating they witness is in some sense deserved, and the question is whether they react differently from those who were not told it was deserved or who were told it was undeserved. Another refinement involves suggesting certain resemblances between the victim of the fight and the supposed recipient of the shocks. It is important to note, however, that when the subjects press the shock button, the person they are supposedly shocking actually feels nothing at all. He is in reality a confederate of the experimenter and he simply records the number, and/or intensity, and/or duration of the supposed shocks.

Although the results of the numerous experiments vary, the weight of the evidence is that angered men who see films of so-called justified aggression—that is, deserved aggression—give more or longer or more intense shocks than do others. I accept the results, but as in the case of the experiments with children, and for many of the same reasons, I believe that they do not contribute to the question of whether witnessing depictions of violence renders people therefore the more likely to commit violence.

Here again the "aggression" involved in the subject's behavior is too unlike violence

for any generalization to be made from one to the other. I will very briefly note some pertinent characteristics of the behavior observed in the experiments.

First, the subjects are directed to give shocks. The element of choice exists only in reference to the number, length, or intensity.

Second, the increments in these regards, that is in the number and/or length and/or intensity in shock giving are typically small. In one experiment involving several variables, for example, the only difference that is attributed to seeing the film is an average increment of 1.91 shocks—specifically, an angered group seeing a nonviolent film gave on the average 4.18 shocks, and an angered group seeing a violent film gave on the average 6.09—a difference of less than two shocks. In another rather similar experiment, the difference was 1.74. In experiments where intensity is a measure, the differences are likewise small. When duration is a measure, the differences are so small that they are typically reported not in seconds but in thousandths of a minute.

Third, and as in the experiments involving children, there is no evident intent to hurt and no one actually is hurt. The subjects are surely aware that the shocks are innocuous. Indeed, in some of the experiments they are told that the shocks are mild—I quote one experimenter verbatim: "The subject was assured that the shocks would not do any physical harm."—they are therefore aware the shocks are innocuous.

Further, there is no attempt to suggest that anyone is hurt. The supposed victim, as I have noted, feels nothing, says nothing, and in many of the experiments is explicitly reported to be not even visible to the person who is supposedly shocking him, and in many instances is in fact in another room.

Fourth and finally, there is no violation of social norms. The subjects are told to shock, they do so, and in those cases where limits are set they do not even reach, let alone transcend, the prescribed limit. In two experiments, for example, the angered men each receive seven shocks themselves; they are permitted to give up to 10, and the average number they do give is 5.87 in one experiment and 6.09 in the other—that is, slightly less than the number they received. The so-called "aggression" is expressed only in the manner which is explicitly provided and explained and never in any other way. Again, there is no report of any subject attempting to hit anyone or otherwise aggress outside the narrow channels defined by the experiment itself.

I conclude, as I did in the case of the experiments with children, that this is not violence and cannot be generalized to violence. A small increase in giving mild shocks, when told to give shocks, with no feedback from the supposed victim may constitute "aggression" within the specialized context and terminology of a psychological experiment. But it seems to me so far from the deliberate norm-violating, inter-personal violence with which we are concerned that observations of the one have no visible bearing on the other.*

Leaving aggression and violence aside for a moment, I said in reference to the children's experiments that whatever effect might be observed could not be assumed to occur in real-life mass media situations. This statement applies equally to the experiments involving adults, and for the same reasons. The stimulus film is typically a seven-minute clip divorced from context, and the subjects' behavior is observed immediately thereafter, with the intervening influence of time and social contact removed. I will not belabor this except to say once again that any effect—good, bad, or indifferent—observed under these experimentally limited conditions is simply not predictive of real-life effects. I am sure the authors of the experiments would agree with this.

In sum, then, and again as in the case of the experiments with children, these experiments with adults prove exactly what the authors claim. They prove that "aggression" is aroused under the conditions described, but the term "aggression" must be understood to refer to the very special limited behavior observed in the laboratory. What these experiments do not indicate, again, is the effect of witnessing mass media depictions of violence in real-life situations.

I should perhaps mention that the older literature includes at least one laboratory study which suggests that the aggressive film produced cathartic effects—that is, that it

***Not all of the experiments with young adults employ electric shocks. Some employ such devices as questionnaire items, as for example, a question asking how the subject feels about continued association with the confederate. These criteria seem to me even further removed from violence than is the electric shock procedure.**

made the men less aggressive. Two others, involving slightly more realistic viewing conditions, revealed neither an increase nor a decrease in aggression after viewing an aggressive film. I object to generalizing from these experiments to the question at hand just as forcefully as I object to generalizing from the experiments which indicate the opposite, and I object on essentially the same grounds.

How, then, does the total research picture add up? Mass communication research on other topics indicates that mass communication is rarely a prime mover or converter, and is ordinarily a reinforcing agent. I personally suspect that is probably true in reference to the present topic, but the research to date evokes some question of just what would be reinforced, and it does not present anything resembling a definitive case. It simply has not answered the question of whether witnessing mass media depictions of violence renders people therefore more likely to commit violent acts.

Research which would really answer this question is extraordinarily difficult to design or perform. I would like to conclude my statement to you by very briefly mentioning what seem to me a few essentials of such research.

First, the research must deal with the question of whether the media stimulate socially violent behavior, It must transcend the unsatisfactory bounds of delinquency records and innocuous aggression, and deal with violence.

Second, the research must bear upon the effects of media experience as that experience occurs in real life. The effects of communication are known to be mediated by numerous other aspects of life, and the research must indicate what the actual effects, as influenced by these actual mediators, actually are.

Third, the research must deal with cumulative effects, that is, effects of exposure over a considerable period of time, not merely with the effects of a single film or program.

Fourth, the research must be related to pertinent social norms and values. It must take note of what our society and its subsections regard as violence, what they regard as acceptable violence, and what they regard as obnoxious violence.

Fifth, finally, and looking at the question more broadly, the research must determine the relationship of the media and the pertinent norms. Do the media reflect the norms, or create the norms, or is this a matter of a complicated, circular relationship?

These essentials, to name but a few, are easily stipulated but tremendously challenging to implement. During 25 years of social research, no one has yet implemented them. We at CBS and others in and of the industry are trying to find ways of implementing them, but it is an incredibly difficult task, and no one can predict when, or even if, it can be accomplished.

I thank you for your prolonged attention.

Judge Higginbotham: We want to thank you for your very thoughtful and extensive comments.

Mr. Baker: Mr. Chairman, I think in view of the time that we will let the Commissioners proceed and then if there is anything which we have to raise, we will come around to it at the end.

Judge Higginbotham: Mr. Jaworski?

Mr. Jaworski: Thank you, Mr. Chairman.

Dr. Klapper, I join the Chairman in saying that this certainly has been an interesting presentation. I admired your analysis.

I am driven to the conclusion that your studies convince you that actually, based on what has been done to date, it is very difficult to come to any rational conclusion about the matter of impact on television or the interaction between television and youth, children and adults, and this is what I wanted to direct my questions to primarily. And that it will require much more experimentation and many more studies before we can have anything like a rational or conclusive situation.

Am I stating this correctly?

Dr. Klapper: Yes, I would agree with you.

I would say that I think there are data which are much more reliable regarding other topics than this question of the effect of the media on the overt, or on certain types of overt behavior. On some topics there are more reliable data.

I would feel also, that it is most unlikely that any one or two experiments, surveys or studies, will provide a definitive answer.

The kind of research program I outlined is, if I may backtrack and emphasize the word, a "program," and I think it would require a program rather than a study; it would require a series of integrated studies.

Mr. Jaworski: Now addressing ourselves to youth crime for a moment, the statistics show that today approximately 50 percent of the major crime in this country is committed by youths under the age of 18. These are statistics with which the President's Crime Commission dealt, and they have been presented to us here also. Of course, a substantial part of this major crime does relate to violence.

Now, in order to reverse this crime trend—and this is what everybody is seeking to do—what is it that the television media can do. What is it that television can do to assist in reversing this trend?

Dr. Klapper: Well, I will answer you in a moment, and may I preface the answer by saying I don't know, and then answer it?

Mr. Jaworski: Well, I notice you are a sociologist of some renown and I thought perhaps you had an opinion on it.

Dr. Klapper: Well, yes. I say this because I think that for television to create or reverse a social trend that involves attitudes of importance is a very difficult thing. It is not difficult, I do not think, for television or the movies to influence styles in dress.

It is, I think, to go further afield than that which you asked, I think it would be virtually impossible for the mass media to effect a revolution in people's religious attitudes.

And when you talk about crime, you are talking about an act or acts undertaken by people who have values and norms which are deviant from what most people of good will would like them to have, and what most of the society today would like them to have. I think it would be terribly difficult, and I think that television could not possibly do this job alone.

Now, if you could somehow envision a concerted campaign involving not only television programs which presented alternate means of solving social problems, but if you could also somehow arrange that those television programs were somehow approved by the peer groups of the children who commit the crimes, if you could in short produce a multi-media campaign which involved not only television, but the other media and the schools and the churches and thus the social norms, and again the peer groups of the children, then I think something could be effective.

But I personally question whether television could have a marked effect on any social behavior of that magnitude unless it involved something that nobody ever knew anything about before. I mean television provides people with information and, as Dr. Greenberg pointed out, the information is particularly effective when they have no other source of information.

Now, very few people have any other sources of information besides the mass media as to the political views of Fidel Castro, and so the mass media there have a great effect.

But they have a lot of other sources of information about whether their fellows approve of theft, of violence, and crime. And I don't think, therefore, in that case, television could do it alone. I think it would have to be a very carefully planned program of activity which took years, accompanied by substantial cooperative efforts from what I have called the other media and factors in life.

I didn't mean to take so long.

Mr. Jaworski: I would certainly agree with you that it is not a problem for television alone, and I am certain too that it cannot do the job alone.

But what I am reaching for is something that television can do to assist the situation. For instance, I think that the studies show that today the home does not furnish the teachings of good citizenship as it used to do, and to some degree we have to depend on the schools and we have to depend on other institutions to take over.

Now, couldn't television, for instance, have programs that placed greater emphasis on good citizenship, the value of it, to show what the life of delinquency or the first act of crime that a young person commits, what that leads to eventually as far as his future life as a citizen is concerned? Couldn't it show and emphasize things that lead to a greater respect for law and obedience of laws and such as that?

This is what I am wondering about.

Dr. Klapper: Certainly television could show these things. What effect they would have, I don't know. I mean just as I don't know what effect the depictions of violence have. One thing, of course, I would say, is they have to be good programs. They have to be programs people want to see.

Mr. Jaworski: You don't have a study on it, because it is not being done now. But, as

a sociologist, what is your opinion? Don't you believe it would have a helpful and valuable effect?

Dr. Klapper: Well, sir, for 26 years, or rather for 22 years, I have been engaged in urging people not to guess and to rely on fact. I don't know. I doubt that it would have any effect unless it was complemented by parallel influences from other walks of life which would have to be subtle.

We know, for example, that if teachers assign some program on television to be seen at home, there is instant opposition because it becomes homework and sometimes Pop and Mom don't want to see it. So, it has to be quite a substantial affair.

Television certainly couldn't do any harm in doing what you are suggesting, but I just honestly don't know whether it would have an effect.

Mr. Jaworski: Well, I am convinced from the expereince I have had on the Crime Commission, as well as from what I have heard here and what I have heard in other places, that there tends to be a concerted effort to bring into being the type of teaching I have referred to and personally, I think much of it will be done in schools. It will have to be done. I think there are movements on foot now in order to step up the tempo of this being done, but I must also say that I think television could, in my humble judgment, play an important role in accomplishing this end. And I, for one, strongly hope television will be addressing itself to the type of program that would accomplish that.

Again, I thank you for your presentation.

Dr. Klapper: If I may suggest, sir, I would like to add one other thing to what you just said about homes and schools.

I think that—my own suspicion is—that the single most important influence is peer groups. And I think that very careful study ought to be made of the origins of peer group values, including, of course, the role of the mass media in creating those values, and if the mass media did have such an effect among peer group values, then I would be an awful lot more optimistic than I am now.

Mr. Jaworski: Thank you, sir.

Judge Higginbotham: Ambassador Harris.

Ambassador Harris: Thank you, Mr. Chairman.

Dr. Klapper, this has been a most interesting, provocative paper. I would assume that in short you are saying that the relationship between individual acts of violence and television depiction of violence is not proven and conversely, the absence of relationship is not proven.

Dr. Klapper: Quite correct. I would say our ignorance about it is abysmal and unfortunate, but very difficult to ameliorate.

Ambassador Harris: You have on page 12 of your paper a most interesting statement about the experiment in which the children were asked which of two models, one an aggressive and one a non-aggressive model, they would prefer to emulate and you indicate there was considerable confusion exhibited. From that you conclude that if aggression is explicitly and carefully depicted to nursery school children as paying off, it creates confusion in their minds.

Dr. Klapper: Yes.

Ambassador Harris: In most of the television programs to which children are addicted today, either the programs directed to them or those which they see one way or another, does not some form of aggression pay off, whether it is the aggression of the man in the black hat or the violent aggression of the man in the white hat? And if that is the case, following your conclusion to its logical conclusion, would it not mean that we ought to oppose the depiction of violence which confuses children, this kind of confusing depiction?

Dr. Klapper: Well, in the first place let me say that in the literature, both in the scientific literature and in the speculative literature, there is considerable disagreement as to whether the depiction is presented as paying off—as you just said it is sometimes depicted as paying off for the man in the white hat and sometimes for the man in the black hat—and some persons have taken the position that children will see that the depiction pays off at least for the time being, and others have taken the position that in the long run it shows that crime does not pay.

Now let me mention—

Ambassador Harris: But there is a difference. Just a minute. You have switched terms and I think this is significant. Crime may not pay but violence may pay in the long run for the man in the white hat who is on the side of good. So we have to distinguish

between crime and violence. I am talking about violence from whatever source.

Dr. Klapper: I see. All right.

Well, again I don't know whether this stuff confuses children. I would like to find out. One of the startling areas of ignorance in communication research is that nobody knows what children perceive when they look at television. There has been a tendency in the research literature and in the non-research literature, too, to assume that children see what adults see and when this is made explicit, it is a little silly.

I mean after all, they don't see death as adults do; they don't see a lot of other things as adults do. And there has as yet never been a single study, although there are some now on the drawing board, in reference to what children actually do see.

Now one of the things I would like to know is what they see.

It is interesting that what little progress has been made in this area, and it is little indeed, indicates that they do indeed see things differently than we do. A British study, for example, came up with the rather astounding conclusion, if you think about it a moment, that most children were more disturbed by verbal violence than by physical violence, which is perfectly sensible once you think of it, but it never entered anyone's head before.

Ambassador Harris: Which kind of children? Middle-class children or lower-class children?

Dr. Klapper: Across the board, particularly if the verbal violence was directed at a defenseless person and if he was innocent. This suggests they were identifying with them.

So anyway one thing I would like to know is what do children see when they look at all of these things.

Secondly, I would want to know before I went so far as to recommend any kind of program action at all, I would want to know how long this confusion lasts. For example, suppose a kid says these things and his parents present to him a wholesome picture of civic duty, to put it in a brief sentence. I would suspect that he is not bothered by this, particularly if you get beyond nursery school children. I was speaking before of nursery school children.

I can in fact refer you to a very interesting finding in the literature. Somewhere in this bibliography you will find a reference to a study by Riley and Riley, spelled R-i-l-e-y. Riley and Riley separated children into those who did and didn't have satisfactory peer group relations. These were high school, junior high school children of, I believe, middle-class status although I'm not certain. They certainly were not upper class; either middle or lower class.

They separated them into those who did and did not have satisfactory peer group relations and they found that all of them liked action, crime, anti-crime stories—but the ones who did not have satisfactory peer group relations used the material, as I mentioned obliquely in the paper, for rather escapistic fantasies. The ones who did have satisfactory peer group relations tended to use the same materials for group games.

So I don't think that one can draw, certainly not from this one experiment with nursery school children, which deals with their instant reaction two minutes later, the conclusion that the kind of material you suggest is confusing to children. On the other hand, I don't think that there is particularly great evidence to prove it isn't confusing to children. Again, you touch upon a vast literature which has not produced a lot of answers to the highly sensible questions you people have to ask.

Ambassador Harris: Did the conclusion or the suggestion articulated with yours from the data which you say is too sparse to come to broad conclusions. I would like to suggest there is a possibility of generalization about the television programs. What the conclusion is, of course, is open.

Dr. Klapper: I would argue with you in one respect: I don't think on the basis of this experiment, and this is the only one, I don't think on the basis of this experiment you have a ground for generalization to the effect of seeing a television program in context in real life or for knowing what that effect will be five minutes later. I'm not saying the effect will evaporate.

Ambassador Harris: Well, it is not proven in what we have here; it is not a proven situation with respect to any hypothesis which might come up. What I am searching for is whether the fact that we must say "not often" means we cannot raise certain questions and come up with at least some preliminary conclusions about policy.

One of the things that concerns me about television is the disproportionate number of programs in which violence is used as a means of problem-solving. Now you have

spent a good deal of time in your paper and caused me to eliminate a whole series of questions with one of your final proposals that we have to look at the relationship between the media and the norms, pertinent social norms.

Now is there any reason why this Commission could not conclude that there undoubtedly is a negative effect from the depiction of one form of problem-solving, i. e., the use of violence by the guys in the white hat and the guys in the black hats, as over and against other kinds of problem-solving which are equally as useful in interpersonal relationships, which we are not sure of? Don't we have a responsibility to look at the disproportionate use of violence for problem-solving which we find on the television today?

Dr. Klapper: Well, speaking purely as an individual in terms of my personal activities and so forth, I would like to see greater attention paid to alternate forms of solutions to social problems. The way you phrased your question, one of your questions at least, I am afraid I would have to say, "No." You said, could we not say that there is undoubtedly a negative or undesirable influence from this disproportion?

Ambassador Harris: Let us strike that. I probably said it in a different context, not meaning that.

But because we believe there may be—let me put it that way—there may be a negative consequence from this overconcentration on violence. As to problem-solving, I'm talking about the use of violence to solve an interpersonal problem. Either you knock down the man who says something you don't like, you knock down the man who is about to threaten someone you care about, or you break down the door in order to find out where the criminal is.

Dr. Klapper: Well, are you asking me because there is or has been, or whatever the figures reveal, such a degree of emphasis on this mode of interpersonal problem-solving as opposed to other modes, are you not justified in recommending, or whatever it is you do, that there ought to be considerably greater attention to alternate modes of solutions?

Ambassador Harris: That's right.

Dr. Klapper: My answer is very simply "yes." Or let me put it another way. Whether you are justified or not, I wouldn't know, but I would agree with you.

Ambassador Harris: There are some elements of freedom of choice, artistic freedom, which is a term which sometimes I find it hard to apply, but nonetheless these are issues here and whenever the public becomes involved in suggested program content, I have concern.

The other question—You heard Dr. Greenberg's presentation this morning, in which he indicated that for lower-class teen-agers, the television portrayals are not seen as unreality but as a depiction of reality. Now does this not suggest simply by that kind of statement a clear relationship between what is seen on television and the modification and distortion of norms, of social norms, and therefore more group and family influence becomes a little less significant than it would be were these behavior patterns seen on television not seen as so-called real life, equally as real as one's family life?

Dr. Klapper: Well, again Ambassador Harris, I think that question could be far better answered after more is known about what it is the children perceive.

Ambassador Harris: Do we have to wait until something terrible happens or can we begin now with the suggestion that a problem may exist so that we may avoid it in case the data confirm the negative relationship?

Dr. Klapper: Well, I have been engaged for quite a number of years in all types of research based on the supposition or the possibility that a problem may exist. I do not deny that a problem may exist. And if I may for a moment step out of my individual academic role and speak for my corporate parent, they do not deny that a problem may exist. And I believe Dr. Stanton's first message to this Commission said something to that general effect.

However, I would like—I was very interested in that statement of Dr. Greenberg's. And I would like to know a couple of things. I would like to know what it is they learned; what it is they think reality is.

Let me be a little unethical for a moment and say that there is a paper which has not yet been published which goes into this in some small degree and which I am really not supposed to talk about, because it is funded by somebody else and what-not, but in this paper you are confronted with two fascinating facts, that very young children, very young, and I can't remember the exact ages, something around three, one of the things

that they learn from television is that if a bad person comes near you, or threatens you, or something like that, you should call your mommy and she will get a gun and kill them. However, it also turns out that the same children have no concept whatever that death is an irreversible state.

So you are then faced with the question what do they mean when they say "kill"? And by the time the kids get up to six or seven or so, or eight—as I say, it is something I read some time ago—by the time they get a little more advanced, they no longer apparently learn from television that if somebody is bad you have to get a gun and kill them.

It is this kind of thing that has made me go out on a one-man campaign—I frankly take complete credit or blame as the case may be for this—for the last six or seven years, I have been exerting whatever influence I could in research on children to say there is no point talking about the effects of television on children unless we know what it is they are getting from television, what it is they see.

Now there is no point talking about the effects of a stimulus unless we know how that stimulus is experienced by them. So I think you have got an awful lot of questions.

Ambassador Harris: Well, I must say I disagree with your conclusion, the one you have just stated. I think when scientific data fail us that we then revert to the point that I referred to as conventional wisdom, and when people have a strong feeling that something negative has happened, unless scientific data indicate that this is not true I suspect our obligation is to deal in terms of the conventional wisdom and then hope the data will catch up with it.

In other words, the fact that it is not proven does not say to me that we cannot act; it says to me, move ahead quickly to prove it, but in the meantime take those steps that conventional wisdom suggest ought to be taken.

Thank you, Mr. Chairman.

Judge Higginbotham: Thank you, Ambassador Harris.

Dr. Menninger, do you have any questions?

Dr. Menninger: I find myself indeed troubled in part by some of the things that are reported and impressed by some of the things and followed with a host of questions that there won't be anywhere near the time to ask that I would like to.

Judge Higginbotham: Just for the record, I think the interchange of questions is always so important, because then we start talking to each other and perhaps even learning more than just being a reservoir for the collection of documents; so with my arbitrary powers as Chairman, since Dr. Eisenhower is not here, we will proceed until a quarter of one and I hope you can return after lunch. I think whatever time you need, we will just proceed.

Dr. Menninger: I will still try to limit myself. But I think there are some important basic concerns. First, I want to express appreciation for the summary of—at least for your prospectus and I agree with it in part, because it addresses many of the same questions I had and some of the people who have carried out these experiments have been before us—

Dr. Klapper: I am sorry, I missed your last sentence.

Dr. Menninger: We have had already before us in earlier hearings Dr. Bandura and others who made reference to some of these studies on the impact of children of viewing violent or aggressive action. And a number of questions were raised in my mind at that time and I was delighted to see your scholarly review and impressed that the same questions you approached were ones that I was concerned about. So I want to express my appreciation for your paper addressing these things. However, I am somewhat concerned with one aspect; that is, I feel something is missing. You come before us a social scientist, but also at least the statement is headed as Director, Office of Social Research, Columbia Broadcasting System. And in your statement, in effect, 19 pages are addressed to shooting down the conclusions forwarded by other researchers. There is one page or a page and a half which is spent addressing what research should do and there is nothing which gives me any indication of what responsibility CBS feels in addressing the whole issue, what they have done, what they are doing, and the like.

Let me be specific about this, if I may, in asking for a response to this concern, because it always distresses me when somebody comes to discuss something that the whole thrust of their remarks is to in effect cut down something else, whether rightfully or wrongly. I like to see a positive approach in addition to putting in perspective other research, because I am sure the researchers who have done it have feelings about it and I

hope we will have the opportunity to hear from Dr. Berkowitz from his viewpoint. But specifically, when one talks about research, and you have mentioned several times your many years of being involved, can you tell me, for the sense of perspective, one, what is the total operating budget of CBS, and, two, what is the budget for research as a part of that total operating budget? In other words, how much does CBS as a network back up its concern in this area with the actual dollars to try and find some answers?

Dr. Klapper: I frankly have no idea of the total budget of CBS, not the faintest.

Dr. Menninger: Can we get that information? I am going to ask all of the other networks this.

Dr. Klapper: I am not competent to answer the question.

Mr. Baker: I believe we will have that information, sir.

Dr. Menninger: You mean as a Director of the Office of Social Research of CBS, you cannot get the information yourself? Not necessarily this minute, but you do not know how much your budget is in terms–

Dr. Klapper: I know how much my budget is. I said I have no idea what the total budget of the network is. I believe you asked what was the total budget of CBS.

Dr. Menninger: Yes, and then what your budget is in respect to that. In other words, what degree does the network–

Dr. Klapper: I don't know, I cannot answer it in those terms. Let me say something else. There has never been a study that I wanted to do in my department or that was suggested to me where there was any question about money. There is quite a bit of it around. I have recommended to top CBS management that a–I recommended at their request what would be necessary to really go into this thing. I have said that a proper inquiry into this would involve certain essentials–I have the statement with me that I gave to them and would be glad to read it to you if you like–and that my guess was that such a program, wildly estimated, would cost at least $300,000. There was no reaction of any kind. No one said, "Oh, my God, that is out of the question," or anything of that sort. I also suggested that I thought that such a study which would involve not only television but which would rather seek to place or define the role of television in this whole problem, I also suggested that I did not think such a study ought to be done exclusively by CBS or by the television industry, but that it should be a cooperative study in which the TV industry and other persons who had no conceivable interest in the matter ought to be involved.

We have had experiences; we have done studies of the most objective sorts, funded entirely by ourselves or in some cases funded entirely by the industry, where the studies have been sneered at, at as it were, or rejected, purely because the money came entirely from the industry.

Dr. Menninger: Yes. And it becomes scientifically tainted for better or for worse.

Dr. Klapper: Yes.

Dr. Menninger: But again can you tell me what your actual budget is? You mentioned a proposal which you gave CBS. You did not say whether they had actually approved it and you have the money for it in hand or not. What do you have as a budget for research in CBS now under your control?

Dr. Klapper: Under my control at the moment I have a budget of somewhat over $200,000 a year. But you must understand the term "budget" in CBS has a peculiar meaning. I have been a Government employee where the budget was something you had to spend or else you got cut down the next year, and I have been an employee of an industrial corporation where if you went $5 over the budget you had your ears cut off. In CBS, in my experience, a budget is an estimate of what you are likely to spend during the coming year to provide for planning of what the year looks like. And I have on occasions gone, for example, 25 percent over budget because I wanted to do something that I thought was worthwhile, and the only question that ever arose was should it be listed on line 2 or line 3. There is no particular derogatory aspect in CBS to going either under or over the budget.

Dr. Menninger: Again, what I am driving at–

Dr. Klapper: May I say this, Dr. Menninger: I cannot conceive, frankly, that CBS would balk at the financial load of whatever research in this are seemed *(a)* desirable, and *(b)* somehow feasible. It is beyond my concept.

Judge Higginbotham: I think Congressman McCulloch has some time problems. If you would yield, Dr. Menninger, to Congressman McCulloch, and then we will pursue your questioning after lunch, if you don't mind?

Mr. McCulloch: Thank you, Mr. Chairman.

I greatly appreciate this fact, although I did not ask you to interrupt the Doctor. I only have one question and that is this, Dr. Klapper: may I fairly conclude that you have come to no firm opinion on the question of whether witnessing mass media depictions of violence renders people therefore more likely to commit violent acts? Do you have an opinion on that question?

Dr. Klapper: Sir, I do not–again, as you phrase the question, the answer is yes, I have come to no firm opinion. I have suspicions.

Mr. McCulloch: Let us have your opinion or suspicions or your subjective views.

Dr. Klapper: Very well. Speaking then, making the usual protestations as a researcher that I hate to speak speculatively, I will now speak speculatively. It is my personal opinion that in reference to fictional portrayals of violence–portrayals of violence in fiction–the likelihood that witnessing depictions of violence would lead anybody other than an occasional psychopath into acts of violence is very, very unlikely. I would not go so far as to say it did not occur.

Mr. McCulloch: May I interrupt you there? You used the word fiction, you used the phrase "fictional violence" and I accept your answer as given.

Dr. Klapper: I would like to amend it in one respect, if you do not mind; I would like to amend the answer in one respect.

Mr. McCulloch: Oh, no, I don't mind.

Dr. Klapper: I do not think it would have this effect on people who would otherwise not commit acts of violence.

Mr. McCulloch: Now, my next question is how about the depiction of actual violence, Detroit for instance, in '67?

Dr. Klapper: There I have . . .

Mr. McCulloch: Chicago, Los Angeles, Newark, and the like.

Dr. Klapper: There I have very little opinion for two reasons. May I say also that when I say I have no opinion what I mean is that my reactions about it are such that I emerge with no clear opinion one way or the other. I do not mean I have no reactions about it.

I would suspect that the portrayal–first, let me say to my knowledge there has never been any research of any kind on the effects of the depictions of real violence, other than some research which is so far outside the pale of what you are interested in that it is not relevant.

Mr. McCulloch: That suits me, too. I want to ask you this question: (You said you might have some personal reactions.) Can you give those personal reactions for the record, sir?

Dr. Klapper: Yes. I am afraid they are going to disappoint you though.

Mr. McCulloch: No. not if you give me your reactions as you have them, sir.

Dr. Klapper: I suspect that the effects of witnessing depictions of real violence are extremely varied, depending on who is witnessing it, under what conditions. I would suspect that the one thing you can be sure of, of course, is that it spreads the information that is going on. That is beyond question. I would suspect that it makes some people less likely to participate in this violence, possibly for no other reason than that they might be frightened.

I would also suspect that it would spread. Let us say there was some violence going on in city X, and this was seen on the television screen in city Q. I would suspect that persons in city Q who shared the values, attitudes and beliefs of the persons who were engaged in violence in city X might regard this as a signal for pursuing their common goals. Now, when you add all of this up, the numerous different effects it might have, and ask, "What is the net effect?" that I cannot tell you, and that is what I meant when I said I have no opinion. I simply have no idea what the net effect would be.

Mr. McCulloch: Thank you very much. You really have answered my question. Thank you, Mr. Chairman.

Judge Higginbotham: Dr. Klapper, we are grateful and I personally would be most appreciative if you could come back to what I assure you will be sympathetic, polite and understanding questioning at 2:00 o'clock. Thank you.

(Whereupon, at 12:45 p.m., the Commission was recessed to reconvene at 2:00 p.m., the same day.)

AFTERNOON SESSION (2:15 P.M.)

Judge Higginbotham: Dr. Klapper, I want to apologize for being a little late. We have executive sessions during our lunch period and try to resolve a few problems.

I believe Dr. Menninger had not finished his questions.

Dr. Menninger: What I would like to first pick up on is a bit of what I had started to talk about before, to clarify that my concern is in part related to this whole question of the responsibility of any industry to make some commitment to research and particularly in the case of the media there is a question of who is going to assume the responsibility to really see what is happening because of what the industry does and how much it is the responsibility of the Government or the FCC or somebody else, and how much it is a responsibility of industry itself.

I don't know whether one could take it as precisely a parallel, but it is certainly true in the case of the tobacco industry that their attitudes toward research on the impact of their product had to change markedly as various health factors came into play.

I was therefore wanting to know for my information and for the record as to what in effect is the commitment of the industry not just in words but in terms of actions by the dollar commitment to research. This is why I raised that question.

I am wondering what percentage of the industry's total income—I don't know the specifics, but my popular impression is there is an awful lot of money in television; and one keeps hearing about how expensive it is to sponsor certain programs—so that I am just wondering what part of all of this gross amount of money that passes through the media is directed to trying to understand what the media is doing.

Dr. Klapper: Well, I literally welcome the opportunity to talk to this point.

I must again say that I am myself personally totally incompetent to give you any statement of the proportion of the budget that goes to research and I have been told that the company, and indeed I believe the other networks as well, have been asked to and have furnished or will furnish detailed financial statements to your Commission.

I really have nothing to do with the finances of the company except that, as I said before, all of the money I have ever wanted has been instantly forthcoming.

In reference to the—you really raised several questions, it seems to me, Dr. Menninger; in reference to responsibility for finding out about the effect of these things, my own personal point of view which I happen to know—I am tempted to say off the record, which is ridiculous because it is being taken down—which I happen to know is shared by Dr. Stanton and numerous other persons in CBS—my own personal feeling in this is that the industry has primary responsibility in this regard.

I do feel that in reference to practical implementation, as I said before, I think that although the media has primary responsibility in this regard, I think that it is unwise for any major research effort to be mounted exclusively by the media.

I don't know, Mr. Menninger, if you are aware that in 1962, I believe, a committee was formed. This derived from all kinds of correspondence and discussion originated by either Senator Dodd or a member of his staff, who was at that time holding hearings on violence in the media as it related to the development of juvenile delinquency. A committee was formed as a result of conversations between Senator Dodd and Mr. Ribicoff, then Secretary of HEW, called the Joint Committee for Research on Television and Children.

Would you like me to repeat that?

Dr. Menninger: No.

Dr. Klapper: And that committee at its founding was institutionally represented—excuse me, contained institutional representation by each of the three major broadcasters, CBS, NBC and ABC—the order in which I put them is not to be taken as having any significance—and the National Association of Broadcasters.

The committee was originally chaired by a representative of HEW itself, Mr. Russell, who I believe is no longer there and who was an expert on juvenile delinquency. And a gentleman representing something called the Foundation for Character Education, a small foundation in Boston, which was previously known the Agoos Foundation and is primarily interested in forces affecting the development of children's attitudes, as the name would indicate.

The purpose of this committee was to do something—as it started out, it was to do something in the way of research on the effects of television upon children, with

particular reference to violence. Two things were quite clear: one is that we were not to deal only with violence; but that it was to do other things as well.

That committee has existed all this time. It has funded some research. I want to talk about this without specifics, because I can't talk for the whole committee and we agreed long ago that any statement of any importance for the committee should be made by its chairman, who is Mr. Gerhart Wiebe, who is Dean of the School of Public Communications of Boston University.

That commission has met sometimes frequently and sometimes less frequently, has funded various projects, and has had extremely bad luck with things like persons who submitted a proposal for a project which the committee decided to fund and who then moved to Mexico City and asked whether the committee minded whether he did the study instead on Mexican rural children, and our saying "No," because the conditions were so different no generalization could be made.

Dr. Menninger: I want to be sure I understand what you are driving at, because we are short of time.

Dr. Klapper: Yes. Well, what I'm saying is that the industry as a whole—I'm not speaking only for CBS—the industry as a whole, as soon as that suggestion was made in 1962, by Senator Dodd and Mr. Ribicoff, agreed at once to the formation of this committee and were in fact instrumental in setting it up and provided something like 95 percent of the funds for it.

Now I would suggest that further information about the committee should come from the committee itself.

In reference to us, we have been sensitive to this, as long as I have been at CBS at any rate, and I suppose before that. In 1962 and '63 we took much notice of all this literature which is appearing in the psychological journals. At my recommendation we looked around for a qualified person whom we asked to please review this literature for us and indicate to us what he thought were its merits and demerits, with particular emphasis on the degree to which it could or could not be generalized to the effects of real-life viewing.

Dr. Menninger: We have that information. That was submitted to us. You are referring to Dr. Hartley's review?

Dr. Klapper: That is true, yes. And we immediately—at the same time that your own Commission was formed—we immediately sat down and devoted ourselves to trying to figure out what it would take to mount a major research effort in reference to this question.

Dr. Menninger: I am interested—that just happened? You are saying at the time this Commission was formed, which was after two assassinations, that this now prompted you to sit down and consider this and you had not done it before?

Dr. Klapper: That prompted us to attribute priority emphasis to this particular research.

Dr. Menninger: Which had not been given to it before despite the great upsurge in violence in the past, the urban riots and so forth, and so on?

Dr. Klapper: It had not been given priority research, no.

Dr. Menninger: Let me, if I may, ask you to comment on something else that seems to me a kind of basic contradiction. And I wonder how one can reconcile this. Indeed, again, much of your remarks are raising the whole concern of how do you draw conclusions as to the impact of the media, whether it is violence in the media, violence in action, or aggressive violence, or however you want to label it. Now, I assume that when one talks about the research that you are working on, one would not expect it all to be dealing with violence; there are many aspects of research with regard to media. But I am also aware that indeed if there is money in television, it is because of the fact that the media has as a primary justification, at least to private enterprise. The fact, however, that through this media people can be stimulated to act, that they can be stimulated or prompted to buy cars, buy cigarettes, or buy what have you, and if there were not this basic premise, then private enterprise tells us you would not succeed.

Now presumably, whether or not there has been a lot of research, market research and so forth, it seems to me hard to reconcile the fact that on the one hand you put a great deal of effort in minimizing the degree to which (or to say we really do not know or we cannot tell the degree to which) certain things on television will prompt violence, and yet the whole focus of the profession is to use television to motivate people to action.

Now whether one says the difference is that you have advertisers deliberately working and trying to motivate people to a certain kind of action and you do not have people deliberately urging people to go out and kill or loot or something else, I am wondering how you reconcile what seems to be a basic contradition, particularly when, as I see it, the important element has to do with encouraging people to respond to their impulses: your impulse to get what you want, your impulse to satisfaction and to get the best quality, and violence is certainly an impulse, too.

Could you comment on that?

Dr. Klapper: Yes, I would be glad to. (Let me, however, make one very brief introductory comment.) It is not my function or intent to minimize the effect of television or to maximize the effect of television in any area, but simply to review what the research literature indicates, as far as I can do so in an objective manner.

Now, you are talking, Dr. Menninger, I believe, about two different kinds of persuasion, if I may use that word. In the one case you are talking about directing people or influencing people to implement needs or habits which they already possess, which they are going to implement one way or another, and which are not, if I may use a term between us, as it were, which are not particularly ego-involved.

Dr. Menninger: May I ask you please if you use terms like this that you use them in a definition that the members of the Commission who are laymen can understand. I am distressed when we start using professional jargon.

I may well understand what you are saying, but part of our function here is an educational one for the whole Commission.

Dr. Klapper: All right. I have said in advertising you are engaged in persuading somebody—let us take by way of a simple example—to use a particular brand of toothpaste. You are attempting to persuade someone to implement a need or desire or habit which he already has, namely, brushing his teeth, in a particular way. He has, it is true, some habit or loyalty in using brand X toothpaste, but this habit is not what I referred to a moment ago, using a technological jargon shortcut, as "ego-involved," by which I mean this habit is not central to him and does not define his position as a person in reference to those things which make him a person. I am making a distinction between attitudes about what kind of toothpaste you use, or whether you buy a car next month or the month after or the like, on the one hand; and, on the other hand, such attitudes which are central to the attitude clusters and the attitude structure of a person and which define that person's position as an individual and his position in society. I refer, for example, to attitudes about religion, to attitudes about race, to attitudes about one's duties as a citizen or in relationship to the Government or the like. Now, the findings of research to date have indicated—I am, of course, summing things up here very generally—the findings of research to date have indicated that it is relatively easy to nudge a person from implementing an existing need which is not part of his central system of values, in way "A" rather than way "B" or way "C" rather than way "D"—to change him, if you will. But it is a very different proposition to attempt to change him or influence him in reference to those other attitudes I have described which define his position in society. I would also point out—and this does not have anything particularly to do with television—that peoples' attitudes in this latter, more important category are generally, quite aside from television, generally far less susceptible to change than their attitudes in the others. Among other things it does not cost anyone anything. Your friends and associates really do not particularly care very much whether you use Crest, Colgate or whatever, or which detergent you use.

Judge Higginbotham: That is not what they say in the advertisements. You aren't kissable or something.

Dr. Klapper: Well, I mean either I have to speak in terms of commercials or I have to speak the truth.

Dr. Menninger: No, again—

Dr. Klapper: On the other hand, your associates and your friends care very much about such matters as I have cited, and simply the first three that came to my mind were religion, race, and—I have already forgotten the third thing I said; I said some general thing about one's duties of citizenship toward law and order and so forth.

It is in reference to these latter attitudes that I think that persuasion of any sort is likely to be less effective and that the most effective persuasion when it exists is likely to be personal persuasion— person-to-person, face-to-face persuasion.

And I would point out that these same problems of limited persuasive abilities—I say

problems, if you have a good end in view—these same problems exist in, for example, the Voice of America in international propaganda. There is, then, a limited effect which can be achieved among people who already have an opinion. Among people who don't have an opinion, however, you can do an awful lot. In reference to a completely new issue, and I mean a completely *new* issue, the harbinger of information and the first harbinger of views on the subject can do an awful lot.

Dr. Menninger: As you discuss these various things, there is another element that I think is important to take note of. This has to do of course—you made reference in your statement to speaking of an act of violence, an act which is undertaken by choice with the intent to hurt another person and so forth—with the degree to which indeed we all think we know what we do and why we do what we do, and yet as we actually subject ourselves to the scrutiny of others, we realize there is an awful lot that we do over which we are not really consciously thinking. There is a lot of automatic activity. And this is quite often the case when we get into more emotional issues, where we do not make careful conscious judgments, but emotional pressure and impulse come into play.

Of course, violence usually is the situation where these emotions do come into play and there is no question but that a lot of violent activity is committed by people who regret it afterward, or who are not entirely happy with what they have done. So I am not sure it is always fair to consider violence as an act undertaken by choice, although in many cases it may be.

But the importance of this is the whole question of the subliminal effect which I think is particularly emphasized by Ambassador Harris' question of the great emphasis in television of using violence as a means to an end and that is it is justified whether it is on, well, you know, one western or another, or whether one speaks of "Wild, Wild West," or "Bonanza," or any of the other kinds of programs.

And I think this is an area which I am not sure is fully recognized. There are a lot of people who feel that violence is not innate, that there are not innate pressures.

I don't belong to that group. But I think there are pressures from within that are ready and ripe under the circumstances.

I agree that there are lots of limitations as to when this can apply. But I think it is important to recognize that a lot of television is devoted toward motivating people consciously and that there is probably a lot that is going on in terms of unconscious motivation which may help in precipitating a case.

Let me focus on one specific example. Take a case where we could clearly identify the media as being responsible in precipitating violence. I am thinking particularly of the riots that occurred after the assassination of Martin Luther King. No one is going to say the media caused the riots, but it is clear the moment the news was transmitted, in this case by the media—television was largely involved in this, television and radio—disorders occurred in many different places to a significant degree, all across the country.

Now, the question I would ask you is what do you see as the responsibility of the media in such a circumstance: do you hold yourself in a position of saying, well *que sera sera*? This is the way the public was ready to blow; we can't accept any responsibility for the fact that we communicated this news and the lid blew off. Or do you feel there is something that media should do or could do in such a kind of situation to help attenuate the kind of explosive result of the news serving as a spark that sets it off?

Dr. Klapper: Well, I would say, in the first place, I think you have to here consider the media as the agency which transmits news of the event. And you can define—

Dr. Menninger: Instantaneously, I am thinking about; no lag. It wasn't reading it in the paper the morning after.

Dr. Klapper: All right, instantaneously. And can you define the event—I don't mean to be restrictive about that; can you define the event in the example you gave as the assassination of Dr. King or enlarge it to include the assassination of Dr. King and the first of the disorders which followed?

There is no question that the electronic media make this information more instantly available to people than was the case before the electronic media. As I said before, this in answer to a question from, I believe, Congressman McCulloch, I suspect that this has different effects on different people and what the net effect of it is, I have no idea.

As to what I feel the policy of the media should be in this respect (I want very, very strongly to indicate that I am talking here as one Joseph Klapper), I have no responsibility or policy-making powers in reference to the depiction of news. And I am sorry, Dr. Menninger, I can't answer your question. I think it is a tremendously

complicated question involving the social good, on the one hand, and the question of free speech and news reporting, on the other hand. And the only thing I can tell you is that I have spent a lot of time thinking about it.

Dr. Menninger: Let me just make two other observations on things you commented on. First, you comment in response to a question of Mr. Jaworski that you feel the most important influence was peer groups. I wonder if you meant then to really say that you feel peer groups have a greater influence on teaching than does the influence of the parents?

Dr. Klapper: Than does the influence of the parent?

Dr. Menninger: Of parents.

Dr. Klapper: I would dislike having to make the distinction between those particular two influences. I would, however, volunteer that I think that those two influences are more important than the influence of mass media. As to whether the parents or the peer group are more important, I am sorry, I wouldn't know, I defer to you.

Dr. Menninger: Finally, you made quite a point—and several times you mentioned your concern about knowing in effect how children perceive—about how children interpret what they see.

I would have to say that I don't think that knowledge is as inaccessible as you apparently have experienced it.

Dr. Klapper: No, sir, I didn't say it was inaccessible. I don't think anybody has collected it systematically.

Dr. Menninger: I know that a good number of people in the area of child psychology have done a good deal of work, and anybody who has worked with disturbed children has had some awareness of, by their actions, how they communicate and what they perceive.

I got the feeling before that it was your impression that this was something about which not much was known, and I think we do know a great deal about it.

Dr. Klapper: I am sorry if I gave you, possibly, two misimpressions. First, I don't think that it is at all difficult to find out. I think it takes a little ingenuity, but it is not difficult to find out. It is to me fantastic that it has never been systematically done.

Second, I assume that people who have worked with disturbed children (and for that matter with normal children) know a good deal about how these children perceive and interpret. What I was saying is that as far as I know (and I am again in the position of having to say something about an unpublished and incomplete study, which tried to pull together material), very, very little is known about how children perceive and react to filmed material. Very little is known about this as far as I know. What degree of continuity do they perceive, other than obviously they don't receive as much as we do? What do they see as causation? What degree of emotional identification and empathy with various characters in such dramas or in news events is possible and occurs at what ages?

This is the kind of thing about which (I am under the impression) not very much is known, and certainly it hasn't been systematically pulled together. And I think it ought to be. I think there ought to be further work in it.

Dr. Menninger: I thank you very much, and I thank the Commissioners for bearing my persistent questioning.

Judge Higginbotham: Thank you, Dr. Klapper.

Mr. Jenner just arrived, and lawyers are so perceptive that they may question for about two seconds. Do you have any questions, Mr. Jenner?

Mr. Jenner: Thank you, Mr. Chairman. I have no questions.

Judge Higginbotham: Dr. Klapper, thank you again for your help . . .

Judge McFarland: May I just ask one question?

Judge Higginbotham: Yes, sir, Judge McFarland.

Judge McFarland: Doctor, you rather summed up the work you have done, or the networks have done on this subject. And I think maybe it wasn't understood, at least maybe I didn't understand your answer, but as I understand the work that you were doing, you were doing it before as an individual network?

Dr. Klapper: I?

Judge McFarland: I don't mean you; I mean the network. You have been studying programming, the effect on different things, for years; that is, the network has, hasn't it?

Dr. Klapper: I am terribly sorry, Judge McFarland, I am not quite sure I understand your question.

Judge Higginbotham: You made reference to studies which came about when you mentioned Mr. Ribicoff and Senator Dodd. I think Judge McFarland is making reference to your testimony on that phase. Am I correct?

Judge McFarland: Yes. What I thought was that you ought to set the record straight. Maybe we won't agree with what you are doing, but I happen to think (or at least I have been told) that the networks were studying programming for years, individually, and then when the Dodd Committee came along, you did have an unofficial committee that made a collective study. Is that right?

Dr. Klapper: Yes, sir . . .

Judge McFarland: And then—well, you have explained what it was. But, then, when this committee came into existence, you put forth some extra effort.

Dr. Klapper: We put forth a more focused effort.

Judge McFarland: More focused?

Dr. Klapper: Yes.

Judge McFarland: And so I think that this committee should compliment itself in getting the networks together for once.

Dr. Klapper: Thank you.

Judge Higginbotham: Dr. Klapper, I certainly respect your research effort and I think that the meteorologists have not been kind to you, because others got fogged out; you got extensively questioned, but your answer to Congressman McCulloch's perceptive questioning was, as I understood it, that we do not know which is cause and which is effect in terms of whether violence on television causes violence among observers or whether it is because the observers are violent they have receptivity. My mind just briefly floated from the Apollo VII project back to 1492 and Christopher Columbus, in that Christopher Columbus did not have proof of his hypothesis, nor do the Astronauts have proof that they will land safely, nor do we have proof that we will land safely on the moon. But in the physical sciences, it is acceptable to take action without complete proof. Why shouldn't the social scientists take action on hypotheses, such as the one which was presented, which you negate all of the time, that there may be a causal relationship between violence as displayed on television and its impact on the observer?

Dr. Klapper: Its impact on what, sir?

Judge Higginbotham: The observer, or the listener.

Dr. Klapper: Well, first, the physical sciences, I think, investigate and take action to see how far they can go on the basis of what they know. That really doesn't answer the question. I think there is some misunderstanding here about what I am saying on this general topic. Let me take a minute to review this. I was asked by the Commission staff to assess the research literature, which I have done. I did not make any attempt in that paper to suggest that anything should be done or that anything shouldn't be done. The question which I raise and which is very similar to questions which were raised earlier this morning, if I may paraphrase it, is that since we don't know whether this is true or not, and since there might be some harmful effects for all we know, shouldn't we, or why should we not, move forward even though we don't know for sure that there are harmful effects? It is not my contention by any means at all that one shouldn't move forward because we don't know if there are harmful effects.

If research has revealed nothing that one can base a policy decision on, it seems to me there are two things you do: one is you try to do more research, and the other is you take common sense steps. I believe Ambassador Harris this morning referred to "common wisdom," and I must take the prerogative of a sociologist to change that phrase to "common sense," rather than "common wisdom." But you take common sense steps, and what are common sense steps? I thank the powers that be that I am not responsible for formulating and implementing these things, and I do not envy you ladies and gentlemen the problems of your decision. But I would like to say that this is the position which I have taken and which the Columbia Broadcasting System has taken, and the moment this Commission was formed, Dr. Stanton wired you. (I have a copy of this here; I brought it with me because I thought the point might very well come up.) I won't read the whole wire, even though it is not very long. But it says things about how we share your concern—the telegram is addressed to Dr. Eisenhower—that the company "shares the President's concern as to the possible effect of the content of television entertainment programs upon the nature of our society. We will, of course, cooperate in every way possible." Now this is the part to which I wanted to draw your attention. "We believe, however, it may take a considerable length of time to determine whether there is

a causal relationship between the fictional portrayal of violence in the mass media and any increase of actual violence in American life. Nevertheless, we are re-examining our policies and practices in this entire area. As an initial step, although the integrity of the creative process will be fully respected, programming executives of the CBS Television Network will immediately undertake individual conferences with producers and writers to discuss specific measures to de-emphasize violence in programs now in production."

The rest of the telegram is not particularly relevant.

I certainly agree with that. I think under the circumstances one has to be very careful. No one has asked me, and some people do sometimes when I give lectures or lead discussions, why do you not eliminate all violence whatever from all media offerings? This, I think, is self-answering. It would produce a medium so divorced from life that who knows what other effects might be created? And one can make life so safe that there is no life.

Judge Higginbotham: I think you have really answered my question, Dr. Klapper.

Dr. Klapper: I am sorry, I apologize, I went beyond it.

Judge Higginbotham: I want to thank you and your colleagues at CBS for your solid cooperation with the staff, as well as the other networks. We are most appreciative and we trust our questioning, though lengthy, was accepted by you in a most cordial manner.

Dr. Klapper: Thank you very much and we continue our willingness to cooperate in any manner.

Judge Higginbotham: Mr. Baker?

Mr. Baker: Mr. Chairman, your next witness will be Dr. Leonard Berkowitz whom I think most of you met when he was here before.

STATEMENT OF PROFESSOR LEONARD BERKOWITZ, DEPARTMENT OF PSYCHOLOGY, UNIVERSITY OF WISCONSIN

Dr. Berkowitz: I have got my homework here. I would like to make a rather simple theoretical statement which I think would be handy in summarizing a good deal of the experimental research and also would be, I think, a convenient framework for hanging some of our findings on to. However, before I discuss the rather simple theoretical proposition that I will have to offer, it might be beneficial, I believe, to discuss some of the points that Dr. Klapper and others have raised, because they question this particular line of research, research carried out in various laboratories all over this country as well as in Wisconsin. I think it is quite pertinent to address ourselves to some of these questions.

One very important point that Judge Higginbotham addressed himself to had to do with—and Ambassador Harris as well—has to do with whether anything is really ever proven. I would like strongly to support the contention that very few if any scientific statements are ever proven. All we can do really is to offer educated guesses and probability statements.

I think on the basis of available research we cannot say that anything is proven, but we can say that we have a pretty good guess to make, and we can offer a probability statement that has some likelihood of holding up on subsequent testing. I will spell out why I think these probability statements and educated guesses can be made, as I go along. But first, before doing so, let me take up another objection that has been raised by a variety of critics. One of the more important of these objections is that the laboratory research does not really involve aggression. Giving electric shocks or beating up a BOBO doll is said not to be aggressive in nature. I think there are a variety of observations which can pretty well demolish that kind of objection. First of all, we have independent evidence that youngsters who are most aggressive in real life are the ones who display this kind of laboratory behavior more characteristically. Second of all, there is evidence that training youngsters in the laboratory, for example even to beat up a BOBO doll, subsequently enhances their likelihood of going out into the playground and beating up their playmates. The laboratory behavior does carry over.

And further, there is no doubt in my mind but that our subjects regard the behavior, particularly the giving of electric shocks, as aggressive. Dr. Klapper points out quite correctly that the laboratory situation attempts to lower restraints against aggression. We actually, for theoretical reasons, do want our subjects to be uninhibited. But,

nevertheless, our subjects know darn well that they are attacking somebody. And further, generally they are rather reluctant to attack someone.

Among the indications of this, by the way, is that at the very end of the experiment, when we tell them they really didn't shock anyone, very often there is a burst of relieved laughter. They are happy to hear that they hadn't attacked anyone.

Now Dr. Menninger raised, if I can support a statement—I am trying to support you people—Dr. Menninger raised a point of whether conscious volition is necessary in a definition of aggression. I think I would agree with you, Doctor, that many acts of aggression don't have to be the result of a conscious want. Some of the aggression, as I pointed out last time I spoke, can be impulsive in nature. You don't always have to have a conscious want. Some of them are just automatic responses to the stimuli in the situation. This is frequently the result of the observation of depicted violence.

One good illustration of this is found in some research which shows that the youngsters emulated the aggressive action they saw but at the same time condemned the behavior of the model that they had observed. Consciously they said, yes, that is bad, but at the same time behaviorally they had done what the model had done.

One final quibble has to do with the statement that children don't perceive the stimulus situation the same way that the adults do. Clearly there are many differences. To say that there are many differences, however, is not to say that there are absolutely no similarities. The youngsters know that when an aggressive action is carried out somebody is being hurt. Now, in line with what Ambassador Harris mentioned, too often the TV can try to teach a lesson that the way to solve a problem is through aggression. Actually, Dr. Klapper's point seemed to acknowledge that when he said that children, very young children, addressed themselves to a problem, take out your gun and shoot. It is true, as Dr. Klapper pointed out, they may not have fully appreciated the consequences as to what that aggressive action would be, but nevertheless they attempted to solve the problem aggressively, because that seems to be what they learned on the TV screen. I address myself rather sharply to this particular point, because it was brought home to me personally just the other day.

In a family we know, a young child died of an illness. Another young child asked the parent, "Who killed him? Who shot him?" This was the way this child has learned. Now again as an adult he will learn to make differentiations. It seems to me, however, that it is unfortunate that he has learned whatever it is he has learned from watching the TV. But that is not what I came here to say. Let me embark on my theoretical summary.

It is a rather simple one as I pointed out earlier. Basically, a considerable body of research has all indicated that the sight of some event can produce within the individual, within the observer, matching or closely related sensations, feelings, and ideas. And further, this research or at least some research suggests under some conditions that these internal reactions, sensations, feelings and ideas, can instigate open aggression. Now again the question might come up, can I prove this? I cannot. But I think that it is worth noting that with fairly great consistency across many different studies, carried out in many different laboratories, they all seemed to add up to a probability statement that while not perfect, it is certainly not zero either.

And, by the way, all of these results are based on both young children and college students as well, which to me adds to the significance of the findings.

Now, to provide one little bit of evidence about the sight of aggression producing matching or related sensations, feelings and ideas, I can briefly cite a small study that some students of mine carried out a couple of years ago in which they asked youngsters, third grade students, to read comic books. I believe I mentioned this last time. Those youngsters who read a war comic subsequently showed that they had more aggressive ideas come to mind than the children who read a rather neutral set of comics. Now these ideas or sensations or feelings may match what is seen or read or they may be closely related; both of these kinds of things happen.

In the comic-book study, they were both matching as well as relating ideas. Similarly, some of the research that Professor Bandura has carried out at Stanford also demonstrates this. Youngsters who watched an aggressive model had not only matching behavior, but also related behavior. For example, they displayed some increased play with a gun as a consequence of watching the aggressive model. This gun play was not action that they had seen, but it was related to what they had seen, and because it was related, there was a heightened likelihood of this occurring.

Now, I said that the sight of some event produces matching or related senstations,

feelings and ideas. It is not necessary that these internal reactions will lead to overt behavior. To a certain extent, if I may digress for a minute here, to a certain extent I think some of the controversy we have been hearing is, let's say, much too simple and too sweeping. In my own mind I would suggest the real question is not whether witnessed violence leads to aggressive actions on the part of people in the audience; that is too simple a kind of a question. Really the question we should ask is: under what conditions does the media violence have one kind of an effect and under what conditions does it have a somewhat different or perhaps even an opposite effect?

In my own research, for example, we have found quite clearly, I think, that some kinds of media violence can have aggression-augmenting consequences, but other kinds of violence can have aggression-dampening effects. It is not a yes or no, it really is a matter of "it depends." It depends upon the specific conditions; for example, the conditions of the viewing situation and the conditions of the film that is observed. If the conditions are right, I think there is an increased likelihood that the observer will act aggressively himself. The operative term here is "likelihood," not a definite probability, but a likelihood.

Now, let me just briefly indicate to you some of the conditions which affect the chances that the sight of aggression will lead to aggressive actions by people in the audience. One very important factor has to do with the strength of the observer's inhibitions against aggression.

Now, if I may address myself to Dr. Klapper again—I don't mean to pick on him, but he happens to be a handy—I shouldn't say target, but that is about what it is.

He indicated that only a very few psychopaths are likely to be affected by media violence. That I would strongly dispute. The college students we have employed as subjects are typically far from being psychopaths. They are generally very restrained, highly socialized people.

Now, it is true, nevertheless, that we attempt as much as we can to lower inhibitions against aggression. I made this point before. Hopefully, most of the people in the real world, so to speak, will have stronger inhibitions, and so they are less likely to be affected.

But, nevertheless, there are two additional points that can be made. One, the media violence, if it is portrayed in just the right fashion, can itself lower inhibitions against the audience member acting violently himself.

Even in our quite-well-socialized college students, this is so. And so we have shown again and again, and Professor Tannenbaum has also shown in one of his experiments, that if the media violence is portrayed as good aggression, a good guy beating up a bad guy, or a justified revenge case—if it is legitimate aggression on the screen—then it enhances the likelihood, apparently, that the observer will have his inhibitions against aggression lowered, even though they ordinarily might have been higher.

Another point, of course, is that there are people in the audience—hopefully very few but, nevertheless, some people—who do have low inhibitions against aggression as they view the movie aggression.

On this point a recent study found that juvenile delinquents with a history of frequent offenses were most responsive to the film violence shown to them.

Now, another important condition has to do with the degree of emotional arousal in the observer. In our Wisconsin research we have obtained significant findings only when the college students were emotionally aroused at the time they saw the film.

Now, I think the fact that the subjects had to be angered before they would attack someone is a further testimony to their strength of inhibitions, the fact that they were reluctant to hurt one of their peers.

So, emotional arousal, apparently, is important. Among other things, it increases the likelihood that the observer will act aggressively himself. But the arousal need not stem only from being angry. Some critics might perhaps object that people are usually not angry when they see films, so perhaps our results are limited only to angry observers.

Well, a recent finding carried out by one of my former students has shown that the emotional arousal which facilitates aggression in response to movie violence, that that emotional arousal need not be anger.

In his particular experiment, subjects were made more responsive to the film violence shown to them, after they simply heard just a moderate level of noise played at them, just the noise itself seemed to make them a little aroused emotionally. And this enhanced their responsiveness to the movie film, or to the movie aggression.

Another factor which I won't dwell on indicates—and I think fairly consistently here too—that the chances of an open attack are much greater if the observer soon after he encounters the film, soon after he sees the film, encounters somebody who reminds him of the victim he had just seen being beaten up. If he encounters somebody who is associated in his mind with the film victim, there is a greater chance that he will resort to open violence himself.

Now, by the way of closing, I should acknowledge, as by the way Professor Bandura and many others have done, that there are many conditions which affect the chances that an observer will act violently as a result of seeing movie aggression.

There are many conditions that have this effect. Our research is directed towards untangling these conditions. It could well be that in the real world that these conditions which facilitate the chances of aggression are rather slight. But there is some possibility that they may exist; these aggression-facilitating conditions may exist at times in the real world if the conditions are appropriate. This is my belief. If the conditions are appropriate, then the observer does indeed have a greater chance of acting aggressively himself.

That is all I have to say.

Judge Higginbotham: Thank you very very much. We normally start and rotate. I guess Mr. Campbell—excuse me. Did you want to ask questions first, Mr. Baker?

Mr. Baker: I think we will pass at this time, as we did the last time; and if you cover it the way you did the last time, we will remain silent.

Judge Higginbotham: Mr. Campbell?

Mr. Campbell: No questions.

Judge Higginbotham: Mr. Short? I want to apologize to both of you. I didn't call on you for questions of Dr. Klapper, and it is my error.

Mr. Short: Thank you, Mr. Chairman. I would like to ask Mr. Berkowitz a question which, in a sense, is also directed to Dr. Klapper, I guess. And that has to do with research which may bear upon the question not directly of how much aggressive behavior is stimulated by viewing film violence, or television or whatever, but whether there is any research which would indicate the extent to which the ability to cope with the environment is significantly influenced under either the experimental conditions to which you have addressed yourself primarily, or the survey type of research which Dr. Klapper addressed himself to.

Dr. Klapper made the point that he felt that it was not only a predisposition to violence which led to certain viewing habits, led to certain types of reaction, but also an ability or an inability to handle one's social environment, the coping ability. It seems to me this is a type of focus which we need to bring in, in addition to the specific question of whether a film presentation or some other media presentation is reacted to in a violent way.

Would you care to comment?

Dr. Berkowitz: I have, as you know, no professional qualifications for answering that. I don't even really know much by way of research that bears on the extent to which the media effectively teaches a person to cope better with his environment.

All I can observe is my misgivings in relation to the two examples that I cited and that Dr. Klapper cited of youngsters who at least at the preschool age indicated that they would solve a problem aggressively. Hopefully, they will unlearn it, but I am sorry they even learned what they did at the preschool age.

Mr. Short: I have no further questions, Mr. Chairman.

Judge Higginbotham: Congressman McCulloch?

Mr. McCulloch: Thank you, Mr. Chairman.

I was particularly pleased to listen to you before. And of course there has been nothing to change my mind. Of course, I, like most people, like to hear that which they have some belief in. Thank you.

Judge Higginbotham: Thank you.

Mr. Jenner.

Mr. Jenner: Thank you, Mr. Chairman. Do I correctly interpret some of your observations that it is possible that viewing violence may also increase inhibitions against violence?

Dr. Berkowitz: Indeed. I think we have many illustrations of that. I am sorry that I was out of balance . . .

Mr. Jenner: The examples you gave were not examples of that.

Dr. Berkowitz: Yes, indeed. As a matter of fact, we have several studies and some of my students, and Dr. Tannebaum too, have studies which indicate that if the observed violence seems to be horrible in nature, just out of proportion to propriety, that it seems to have in many people a dampening effect.

Mr. Jenner: That is the increased inhibitions against violence?

Dr. Berkowitz: That is right.

So, showing, for example, scenes of carnage may evoke horror and distaste in the observer, which may be upsetting, but may also inhibit aggression.

Mr. Jenner: I was thinking as I came in on the plane this morning and saw photographs–this was not television, but akin to it–photographs of the decimated children starving in Biafra, that there was an example of the results of violence at least, and that that would have or might have, I thought, an effect of increasing inhibitions against war, genocide, or whatever it might be.

Dr. Berkowitz: Yes, that jibes with my experience, both as a person and as a researcher.

Mr. Jenner: Now, I take it, then, that also this might be your view, and I welcome your view on this in any event, that some degree of display of violence, say by television or other mass media, whatever the case might be, is in a sense desirable? And I had this in mind when you gave your examples about the children and when I listened to the earlier testimony a few weeks ago of the experimentation, that children at least at that early stage, or some stage in their reaching adulthood, must be taught or have the experience with respect to violence in order to judge it and use it and help prevent it if that be the case under proper circumstances; that it is not your view or that of men in your particular portion of the profession, that violence as such, by way of depiction, should be eliminated entirely?

Dr. Berkowitz: Certainly not. I really do not advocate any form of censorship. I don't really know what I would prescribe to be frank. I think I would agree with you that children must learn to cope with some aggression. The best way to learn to cope is to encounter. They don't have to be encouraged to carry out aggression, but they must encounter it at least once in a while in order to be able to cope with it.

It is inconceivable to me that attempts to suppress aggression may have effects analogous to attempts to suppress sex completely. One of the effects–I don't agree with Dr. Menninger about an innate drive to aggression–but I think one of the things that may happen is that just as a person who has been very strictly reared might become highly responsive to erotic stimuli when he does encounter it, if he has never seen a woman with a dress above her knee before, he might become very, very responsive to it when he does see it.

Similarly, if a child has never encountered an aggressive stimulus, should one arise, which is practically inevitable, he might become especially responsive to it. So some experience probably is necessary in order to lead to effective coping. But I wouldn't shield children from all aggression. But how much they have to encounter to lead to that desirable consequence I don't know.

Mr. Jenner: Or shield adults from it also. Now, I was concerned and I assume other members of the Commission will ultimately be concerned (if they are not already) that there is some measure at least of social value in a depiction by television or other mass media of, let us say, an urban riot. Take Chicago. In Chicago, currently, we are having serious problems with respect to students in our high schools boycotting and keeping on Monday of this week one-half of our total black student population out of school and closing some schools.

Dr. Berkowitz: By that do you mean that the value might be in demonstrating that this kind of unrest is horrible?

Mr. Jenner: It might be either way, but it has some social value, doesn't it?

Dr. Berkowitz: Well, I think there may be a double-barreled consequence. It is true some groups may draw the lessons you might want them to draw, but other people might see this as legitimizing further aggression on their part. So that would increase the chances of themselves acting aggressively.

Mr. Jenner: One further question. I conclude from these questions and your responses, very frank answers, that you agree with Dr. Klapper's observation that we should not for the moment think in terms of eliminating all depiction of violence on the part of television or any other media?

Dr. Berkowitz: I actually don't have any cause to sell and I wouldn't prescribe that.

Mr. Jenner: I am not seeking one.

Dr. Berkowitz: I, myself, don't–let me put it this way: as far as my own research and the research of other people is concerned, I think we can believe that there is a chance of a short-term effect under the proper conditions. What the long-term consequences are of the media violence or even of cutting out of media violence entirely, what the long-term consequences are, nobody knows. I know what some of the short-term consequences are, but not the long-term. On the basis of not knowing the long-term consequences, I would throw up my hands and say that is up to you people to recommend.

Mr. Jenner: Thank you very much, Doctor. I observed when you testified before that I looked forward to having you back, and I will look forward to having you back again.

Judge Higginbotham: Judge McFarland.

Judge McFarland: I don't have any questions but I want to thank the Doctor for giving us a fine presentation.

Judge Higginbotham: Dr. Menninger?

Dr. Menninger: I can't get by without asking some questions. First, I am concerned in one sense and I notice it was a concern that was conveyed by Dr. Klapper and some others who have been involved, with the rather easy switching from aggression to violence and back and forth as though these terms are one and the same. And yet, obviously, there is, presumably, a continuum of aggressive behavior, the ultimate of which is some kind of violent activity. And I noticed, even as you were talking, that there was a tendency to make–at least I saw some tendency to interchange. And I am concerned about this, because I think one of the major concerns of Dr. Klapper and a concern expressed–and I don't know whether you have had a chance to see the paper by Dr. Hartley which CBS prepared–was very much with this drawing conclusions on the basis of aggressive responses and equating that with a potential for violence. Would you care to comment on that?

Dr. Berkowitz: Yes, indeed. I tried to address myself in part to that in the beginning. I am not sure what the difference is. You are quite correct, I used the two terms synonymously.

Dr. Menninger: Let me elaborate. In the sense that it is clearly true that we all have our own limits to how far we will go in a given situation, and presumably this is based on that point at which we feel there is some kind of retribution or some other limit–you know, if I don't like you, if we are civilized, I may find some careful way to insult you or something else, and I might even push the button to give you an electric shock if I had the opportunity–that doesn't necessarily mean I am going to come out there and punch you in the nose.

Dr. Berkowitz: I see.

Dr. Menninger: And violence, I am thinking in the context of the common every day definition, I think when most people think of violence, they are thinking of physical activity which is aggressive in nature, and this is my understanding of the way most people think of this. So I think we ought to know what we say when we say it.

Dr. Berkowitz: Pushing the shock button was violence in that nature because the subjects knew darn well they were hurting somebody physically.

Dr. Menninger: Yet I can't believe if you are dealing with university students and you have been doing this research quite a while, I can't believe that in some, at some point there is some concern about whether they are really shocking the person.

Dr. Berkowitz: They might have some misgivings, that is true. I would agree with you it is easier for them to push a button than to go out and punch somebody in the nose. That is quite right. But I think it might be profitable to view these as steps along a single continuum of aggressiveness or violence, whatever term you choose to call it, and perhaps it might be convenient to say that violence is further out on that continuum. But I feel this quite strongly: this doesn't mean they follow different laws. I say this because in my own research we have used questionnaire ratings, and we have used electric shocks. We have gotten the same results with both. Dr. Hartley addressed herself to one of my experiments and dismissed it as having nothing to do with violence or aggression, because it was a questionnaire result. We repeated that experiment she objected to with electric shocks, and got exactly the same findings.

Dr. Menninger: One of the problems is still that one can challenge how much that would really be followed through in terms of participation in a riot, for example, or murdering someone.

Dr. Berkowitz: Indeed.

Dr. Menninger: Or actually committing a violent act against somebody else or some property.

Dr. Berkowitz: Right. But the reason is not because there are new laws involved, but because there may be, for example, hopefully, inhibitions against punching somebody in the nose or committing a murder. But in some people these inhibitions, at least temporarily, may lapse; and this little extra stimulus, the aggressive stimulus, might make a difference. Now this is one of the points, by the way, where I think Dr. Klapper's objection about the difference between four shocks and six shocks is not terribly important. I think that was a most unfortunate kind of critique, because that differs between giving four shocks and six shocks, so to speak, that little increment of two may make the difference between whether a trigger is pulled or not, if a person is sufficiently aroused at the time, and if his inhibitions are sufficiently weak.

Dr. Menninger: Well, you recognize, of course, that you are in an area of judgment in which there is scientific dispute?

Dr. Berkowitz: Oh, yes, indeed I am. But again—and I am not offering any definite statements; all I was offering was a probability statement—I was saying there is some likelihood, perhaps low, but some likelihood that this could happen.

Dr. Menninger: In your response to Dr. Klapper's remarks, there was one other aspect of it that concerned me. You made reference to the example of a small child asking the mother, who killed the other child? And then you said in an offhand manner, you implied the assumption that the child learned that from the TV screen.

Dr. Berkowitz: Oh, he had in this case.

Dr. Menninger: Well, this is something that I wonder about, because . . .

Dr. Berkowitz: Pardon me, I really should have said, Dr. Menninger, that his statement was, "Who shot him?" It was not "Who killed him?" but "Who shot him?"

Dr. Menninger: Well, that may be something else. Because there is no question that the childish logic about death and the like is something that doesn't necessarily depend on the TV screen. I know because I have experienced it personally with my own children.

Dr. Berkowitz: Well, they learned it somewhere.

Dr. Menninger: That is their concern about who takes someone away, why does a person die, and who killed him can come without having any reference to a TV screen.

Dr. Berkowitz: I shouldn't have indicted TV; it might be from the mass media generally.

Dr. Menninger: I just wanted to make sure because I felt your logic was subject to question there. I may have been considered hard on Dr. Klapper, but I don't want to play favorites.

One of the things I am interested in and one of the questions I know others have had about the research is the carryover. Now you made the observation that actually the youngsters who are most aggressive in real life have been aggressive in the experiments, and some have carried over afterwards. Have you done any followup research on subjects who have participated in your experiments, six months later or so, to assess whether or not they have been at all more violent because of their participation in it, or have you done any kind of comparable research with people who may have been exposed to some kind of violent activity to measure whether there was carryover there?

Dr. Berkowitz: No, I haven't. I know of virtually no studies along those lines, with the single exception of a study Dr. Klapper does mention (I think the one by Hicks), which showed a carryover of about a month or so after watching the model beat up the doll. But that is the only carryover study I know of.

Dr. Menninger: Finally, in the studies which you have done, how much is there of a measure of individual functioning or individual attitudes towards violence or impulse control? Do you have any measures of these people before you involved them in the experiment, whether it is by using some measure by the Minnesota Multi-Phasic Personality Inventory or some measure to assess their impulse control and see what correlation there may be?

Dr. Berkowitz: We have only made two very inadequate attempts, using two measures, one from the MMPI and one the scale of impulse control, but the samples were so small that we are not really directing ourselves to personality differences. There are great individual differences.

Dr. Menninger: I am wondering, again on this question of to what degree you can identify those people who will be more responsive or who are more likely, on the basis of viewing some kind of violent instance, to go out and pull a trigger?

Dr. Berkowitz: The best evidence I have is not from a study carried out at Wisconsin, but from one of Bandura's former students, a man named Hartman who carried out the study cited earlier about juvenile delinquents with frequent histories of offenses, being especially responsive to movie violence. That is only study I know of along those lines.

Dr. Menninger: There is one other thing. We had in an earlier hearing (it happened to be a hearing on individual violence) a psychiatrist who had studied a number of murderers, and he recalled the reaction of one murderer who after having committed the offense commented that it completely surprised him, because he didn't expect it would be so awful, and his whole opinion about what the experience would be like to kill somebody had been based upon watching television or seeing it in the movies (where I think in that case it was black and white), but in effect there was enough distance gained from the actual experience that he didn't realize the blood and everything else would be as profoundly shocking at it was.

I am wondering if you have any observations on that aspect?

Dr. Berkowitz: Just some very low-level guesses along those lines. I personally was not particularly upset or perturbed by "Bonnie and Clyde." In some ways it might be handy for people to learn that violence, or I guess you would call it violences, that violence can have these very horrible consequences. And in line with what Mr. Jenner was saying earlier, one of the perhaps fortunate results of learning these horrible consequences of violence is that it may then dampen, no matter how upsetting it may be when we see "Bonnie and Clyde," it may have a good, perhaps, possibly, a good effect of dampening the likelihood of the audience member acting aggressively himself, if he says to himself, yes, it can have this effect.

Dr. Menninger: Thank you very much.

Mr. Short: Mr. Chairman, I think one point of clarification. I might speak to Dr. Menninger's question about followup. I believe it is customary in experiments to debrief your subjects in such a way as to rule out, if at all possible, long-range effects. So that would not be possible. Is that not correct?

Dr. Berkowitz: Thank you, Mr. Short. Yes, that is indeed the case.

Mr. Short: That is a very important aspect of experimental work.

Dr. Menninger: I would raise it as a possible subject for further research not to debrief a group and see what the impact is, unless you are fearful it will really . . .

Dr. Berkowitz: No, we prefer to debrief them, because they are upset at the idea of having given someone electric shocks, so we want to tell them they really didn't.

Judge Higginbotham: We thank you, Dr. Berkowitz. This experience on the Commission has been shattering for me. I was told as a child that sticks and stones may break your bones, but names will never hurt. And I gather from your analysis that there are names and there are pictures and there are phrases which could under some circumstances cause individuals to use sticks and stones which would ultimately break bones. Is that correct?

Dr. Berkowitz: Yes, sir.

Judge Higginbotham: Thank you very much. I have no further questions.

Mr. Baker?

Mr. Baker: I would like to ask one question.

Mr. Jenner: Excuse me. Could I say, Judge, that that little refrain serves, to me at least, to emphasize the fact that words do hurt and words do bring about reaction. The stimulus of words did not give rise to action against the speaker. Certainly they do have an effect on persons.

Mr. Baker: The one question I had relates to this carryover effect which you were discussing earlier, and that is Dr. Greenberg testified this morning that many people watched television for five hours a day, six or seven days a week. And I was wondering how important the carryover effect would be with regard to those people. Is it necessary to go into that question? Aren't they on a daily basis exposed to this stimulus?

Dr. Berkowitz: Yes, but I don't know what the consequences of repeated exposure might be. It is conceivable that there may be all sorts of fairly complicated after effects of repeated exposure. So I wouldn't care to talk about what happens.

Judge Higginbotham: Dr. Ball?

Dr. Ball: No questions.

Judge Higginbotham: Thank you very much. We are most appreciative.

Mr. Baker: Mr. Chairman, our next witness is Dr. Percy Tannenbaum from the Annenberg School of Communications, Philadelphia, Pennsylvania.

STATEMENT OF DR. PERCY TANNENBAUM, ANNENBERG SCHOOL OF COMMUNICATIONS, PHILADELPHIA, PENNSYLVANIA

Judge Higginbotham: Mr. Tannenbaum, we are pleased to have you.

Dr. Tannenbaum: I am pleased to be here, although the hour is late. It is always my good or bad fortune to come at the end of these things, but I still have behind me my colleague and dean. It is a frustrating experience.

As I came in at 11:30 and listened to the major part of Mr. Klapper's presentation I was furiously scribbling down points of rebuttal and argument and then the questions took care of half of them and Berkowitz took care of the rest of them.

I had one big point I was going to use and that had to do with sticks and stones, and you took care of that one.

Judge Higginbotham: That is because you and I come from that very tranquil environment of Philadelphia.

Dr. Tannenbaum: Yes, probably, hopefully because we haven't watched much television.

I will try to be brief, both to be brief and in the interest of avoiding redundancy. I am sure you gentlemen, judging from the questions of previous witnesses, know what the issues are. We have a verdict of not proven. . .

Judge Higginbotham: Let me say this to you, Mr. Tannenbaum. Whether we have brainpower will be the subject of great question, but we have seat power and we are willing to stay here and listen. We know you scholars have spent a lot of time on preparing your data and you are entitled to total receptivity. So, we will sit here as long as you desire to speak.

Mr. Jenner: I would like to add to that that I for one would like to have you relax and give everything you think of that occurs to you at the moment, and I have been terribly impressed in all of these hearings, especially by the scholars. I have made public statements to that effect repeatedly over the last few weeks and I welcome your enlightenment.

Dr. Tannenbaum: I appreciate all that, but I think still the issue of redundancy is one we want to avoid. A lot of points have been made. I think several points bear a little repetition in the context in which I want to present them.

As I say, the issue about the mass media effects generally isn't an issue any longer. To deny them any effect at all is to deny the environment an effect. Not because the mass media constitutes our environment, but they are a part of it. Sticks and stones do break bones. Names harm people.

This was brought home to me even more vividly in the last year or so at Expo, if some of you had the opportunity to witness some of the new film techniques there.

One of the perhaps even more corny presentations but still very vivid was a nine-screen Walt Disney panorama of Canada from east to west. And there were a couple of scenes in there—one of sitting in a police car following another car down the main street of Montreal. Coming from Montreal, I could recognize the street.

The front car goes around the corner and you, with the camera in it, follow it around the corner. Almost invariably two or three hundred people in the auditorium at the time all go "oh" and you experience that strange feeling in the pit of your stomach as you lose your sense of balance.

I have witnessed it, I have reacted the same way. And then I talked with myself—I do this sometimes—and I said now you know this is a film. You know it is make-believe. And you are not witnessing the event, you are not in the car.

I did this for five times and each time I could not avoid some of these visceral feelings. This has been shown time and time again.

Now, that doesn't mean that all such stimuli produce all kinds of visceral feelings. It doesn't mean, as so many people pointed out, that the presentation of aggressive materials or violence, whatever you want to call it—and I think maybe that is one of the tasks of the Commission to define the limits of inquiry and in that performance perhaps give us a service of defining for us what is the difference between violence and aggression and all of the shades in between—that doesn't say when you witness these events on the TV screen you experience anything internally. It doesn't say you change your attitudes. And I don't know if these are the important things. Our concern is more, I think, with the subsequent change in behavior.

Whether this is mediated or not by a change in values and attitudes with or without any kind of emotional arousal, I think this is more our concern. This, I think, addresses itself to one of the main differences in the testimony presented, where you look at the survey data which basically show no effect—if anything, perhaps a negative effect—and if any positive effect, that is an instigating effect. It is only on people who are particularly susceptible to it. Perhaps the feelings of violence come after the behavior: the attitudes change from behavior, rather than the attitudes cause behavior.

This has been a controversy of social psychology. And I think we have evidence on both sides of this picture.

Similarly, it is very difficult to take an experiment which was done in a laboratory not for the purpose, I should underline, most of the experiments—in fact I think all of them—that Berkowitz reported and that Dr. Klapper alluded to and so on—were not done for the purpose of investigating the effects of television on aggressive behavior. They were done mainly for the purpose of investigating some theoretical speculation about how aggressive behavior is instigated or may be instigated.

It happens to have some bearing for our purposes here on the issue before this Commission and the task of the Commission—namely, the effects of the mass media.

One movie, a nine-minute section from a movie, does not make for all movies, does not make for all television. I think we can realize that. What is intriguing to me—I was, I might say, a Doubting Thomas until very recently about this; being a close colleague and friend of Leonard Berkowitz, I guess that is what made me aDoubting Thomas—I wasn't quite sure about the experimental procedures. I wasn't quite convinced about the sort of obvious strong effects. I witnessed at the beginning some of the students from Wisconsin, nice kids from Wausau, from the outskirts of Milwaukee, not apparently very aggressive to begin with, some of them almost gritting their teeth as they pressed that button or jacked up the intensity a bit. It bothered me seeing it. Then I started some research in the area myself. And I guess I am still somewhat skeptical.

I know the limits of my own research. I know the limits of the other research. But the point I want to bring out here today, some of which has been raised, is a point I think that relates directly to the mass media. Whatever the limitations of these studies are, the limitations exist in the different conditions. What I want to address myself to is some of the conditions that can be varied, that we have done deliberately to try and simulate in the laboratory some of the conditions that accompany the portrayal of aggression on television in films and so on.

One is very obvious, you don't go out right away and punch someone in the nose. You don't seek someone to commit aggression on, even if you are aroused. But if there is a convenient target, either prepared experimentally by the experimenter, by having his stooge anger you or give you a shock or disagree with you, or in the real environment whether other people, if you have grown up in a violent environment, whether other people who have aggressed against you on a continuous basis, the odds of confronting them immediately after being exposed to some violent film are enhanced. Both conditions seem to be there: (A) a film that stimulates and (B) a convenient target against whom to let out your aggressions.

Most of the experiments we have heard about have the aggression, the angering, if you will, the convenient target presented at the beginning, then the exposure to one or another of the films, and aggression versus the nonaggressive one.

And then this target is presented again and you can give him a shock. We varied that order, because to test the supposition that it is the original angering that sensitizes you to the portrayal of aggressive behavior, that you are more sensitive to it and will react more aggressively if you are first angered—this was the idea.

We also had the reverse procedure. First, we see the film, and then this person shocked you, and then you were put in a position to give it back. In our results it made no difference.

To my way of looking at it, it is the presence of a convenient target, along with the aggressive portrayal; the lack of either one is insufficient to get significant increments in aggressive response.

Secondly, we have this matter of justification. We heard it before from Ambassador Harris, and I think this is very important.

Mr. Jenner: Theory of what? This is very what?

Dr. Tannenbaum: Important.

Almost invariably when aggression is used on television, however we want to define it

for purposes of either content analysis or debate between us, it is a means towards an end. It has, in effect, the NAB seal of approval. It is a way of meting out justice when Marshal Dillon uses his gun to kill or maim the bad man.

In some of the experiments we varied—these are Professor Berkowitz' experiments—we varied the general good guy versus the bad guy, if I may use those generic terms, the nature of the protagonist.

In our experiments we made it either an act of self-defense or an act of retaliation for previous wrong-doing. With two boxers, the boxer who is getting beat up, in the instructions we give the subjects, we give them a resume of the picture up to that point and in one condition he is told that this person had administered an unnecessarily brutal beating in a previous match and now this is a rematch.

In the other condition they are told they had a previous match, he won it, and nothing is mentioned about an unnecessary brutal beating.

There is a difference when the aggression is justified. Again, I want to emphasize, whatever the shortcomings of these experimental procedures are, those shortcomings are present in both of these conditions, you see. The fact is we get a difference. The difference is when the aggression appears to be justified in some manner, it instigates more rather than less aggressive behavior.

This argument has been used in reverse by some spokesmen for the TV industry before the Dodd Commission some years ago. They argued because it is accompanied by justification it now has the mantle of respectability, and kids, even adults, don't see this as an aggressive act and don't react to it aggressively. It seems to me just the other—it is sanctioned behavior. It becomes a way of doing something, and by the same token, you have a third thing. . .

Mr. Jenner: The sanctioned behavior becomes a way of use of violence, but a rationalization of its use?

Dr. Tannenbaum: I have difficulty hearing you. I am sorry.

Mr. Jenner: Do I understand you to say that this may result in a rationalization of the proper use of violence?

Dr. Tannenbaum: I don't know if it results in a rationalization. I have not asked the subjects. All I say is when we manipulate this experimentally and give sanctions in the form of justifying the violence, the aggression we are showing them, versus when we don't do this, we get more aggressive behavior, higher turning up of intensity of the shock, afterwards. I have not interviewed them, so I don't know if they feel this is a rationalization for them or not. Behavior and only the behavior is what I am referring to.

In some cases where we have done post-experimental interviews, I have been a little amazed that they are not fully aware of the degree to which they turned up the juice. It is a little surprising at times. Another thing that is not atypical in television is what we have in the code of performance—it is all right apparently to present violence and aggression (I am using them interchangeably, if you will pardon me) but what isn't so good is to present the gore and the blood and the fatal endings. You don't show dead bodies. And one of the arguments here is that by not showing them you may be doing a greater harm than by showing them, a point that was raised before.

Well, we investigated this experimentally by varying the ending of the film: after they see the brutal beating, then they are told the consequences.

In one case the man dies; in the other case he not only doesn't die, but has some sense knocked into his head. He sees now the error of his ways. This is Kirk Douglas in the film "Champion." And he is going to reform as a result of it. The beating, in other words, did some good. It led to positive consequences in a sense, where in the other condition it led to negative consequences.

When we put in negative consequences, we don't get more aggression, we get less aggression, a reduction of the aggressive behavior.

Again, I think the TV industry, with all good intentions—but largely I think for economic reasons and otherwise— works by formula writing. The writers get into a rut presenting things. They have learned a set of rules. It is thou shalt not show dead bodies and so on. So they keep that to a minimum because kids will be bothered by it.

But by doing that, they may be defeating the very purposes they are trying to serve. Similarly, in a more recent study, we have been addressing the question of what happens when you give enough cues that violence is taking place. You show some, but not all of it. Take out a little, especially the visual information. I had a study some years ago in Europe where it was an act of censorship in a film. It was a sexual offense, a rape scene,

and they thought the actual confrontation of the man with the young girl was a little too vivid so the censor cut it out. The question is: by cutting it out did he help or hurt the case any? What we found, contrary to his expectations, is by leaving it out they were able to use their imagination and read into the situation even a more vivid confrontation than was actually depicted.

Similarly, we are just in the initial stages of this. I just have some data (you should never do this, but I am doing it). There is the possibility that we have some data that suggests it is going to work out this way: By leaving out some of the more gory details, the subjects here are filling in, using their imagination and fantasizing even more aggression, even more blood and gore, if you will, and perhaps even for that matter more justification than was there to begin with. And again our dependent variable is getting more aggressive behavior.

Mr. Jenner: Would your theories or observations apply to depiction of an obscenity as well as depiction of violence?

Dr. Tannenbaum: No, the theorists did, but we have limitations on doing research on aggressive behavior. Some of the research we have designed to do, we just can't do, because you are talking about debriefing. There are other constraints, as you know, on sexual stimulation, which is an equally interesting proposition to the general communication theorist. There are other constraints and I, myself, haven't done some. Other people have. One study had something to do with—we were called to task for using students at the university as subjects in an experiment where they saw naked bodies, for example, and we would rather not get involved in that.

Dr. Menninger: That is too violent a subject.

Dr. Tannenbaun: It is, well, maybe at least that leads me to my last point.

Dr. Berkowitz mentioned, and I want to reiterate this, because I think it may be very important to our purposes here. I don't know if it is too violent a subject, I don't even know if a prize fight scene is too violent, I don't know if it is the violence that we read into it that is doing the job. One can argue it is the general emotional arousal value that it stimulates that is doing the harm.

Now, again, I have to talk about an experiment in progress for which we have no results at all. As a matter of fact, we are still trying to work out all of the kinks in the design. We are using an aggressive film which is both aggressive and emotionally arousing.

Now we want to separate the components. So we use a non-aggressive but arousing film. One can argue, in earlier research, where the control film is the Landry-Bannister four-minute mile, highly competitive, highly emotional encounter, but maybe not enough for the viewers, and maybe this isn't enough emotionally arousing, as well as being non-aggressive, as compared to a prize-fight scene. We are thinking of using sexual arousing as a control. Even humor can be arousing.

You know, noise in another experiment might do the job. And to see if it is the content that we label as being aggressive or violent rather than the general arousal value. And this relates to another point. It may not be so much content but style that is involved here, the way it is being handled, the trick shots perhaps. Again, I haven't studied this. I hope this comes out of the results of the concurrent analysis presently being done at the University of Pennsylvania, where we might get some insights into the different stylistic techniques and the stereotyping of those techniques being used in the portrayal of different acts of what we now are calling aggression or violence.

I wanted to raise these; I think they are important, not so much because of the findings themselves but they relate more directly to this Commission and to this Task Force. We don't know all of the causes of violence; we don't know certainly about rioting behavior, but we are getting in a position where we can make some calculated guesses.

The verdict, as I said, is not proven. I don't think it will be proved in my lifetime, certainly not in the lifetime of this Commission. And if that is what you are looking for, I think you better stop now.

The question is, when is there a reasonable doubt; when are there grounds so that we can take the chance? There are a lot of things at stake.

It was pointed out we have a reasonable doubt about whether we will land on the Moon or not and yet we are going ahead.

I know a lot of people have reasonable doubts about our whole policy in Vietnam, but we are going ahead there.

So many of the Government's actions, and even society's actions, are dictated by

having to make, because of the exigencies of the situation, a calculated guess on the basis of whatever evidence we have in hand. I can take any study reported today, any one of us can, I think, and punch all sorts of holes in it. On both sides of the fence. But that isn't the issue before us. Can we afford to take the chance with ourselves, with our kids, given the conditions in this country today? Can this Commission do anything about it in stimulating the necessary action? I for one don't know and I can't understand the reluctance of the television industry—and there I am pointing my finger specifically at them—along with the motion picture industry, not to face this issue, not to try and do it.

Suddenly, after three assassinations, the president of CBS says we are now sending out a directive to our producers to try and cut this down. We have been talking about this for several decades. And, suddenly, it takes only this kind of violent act, this kind of thing to precipitate that meager reaction.

You were asking questions of Dr. Klapper about how much money is spent on research at CBS. I think a more relevant question is how much of that total budget spent on research is spent on research into such problems as violence, as obscenity, and a number of other related issues.

Generally the FCC, in all of its wisdom or ignorance, has decided to pull away from this. I am hoping that this Commission will do it.

I want to cite one other authority that I came across this morning. . .

Mr. Jenner: Will do what?

Dr. Tannenbaum: Will do what it can to precipitate the appropriate agencies of this society, namely our elected representatives, to take appropriate action to face this issue and try to come to terms with it and not to say, well, we haven't got all of the evidence, what can we do, nothing, nothing, nothing. I don't think that is responsible. I want them, even if they decide to do nothing, I want them to tell me why, other than the fact that the case is not proven. I, as a citizen, would like to have that, and that is all I am trying to represent here.

I came across in *Life* magazine this morning. . .

Mr. Jenner: Excuse me. I am really not trying to interrupt you. I am following you very closely.

The three assassinations, in the mid-spring and early summer, stimulated the public generally, it seems to me, and brought home to the public that there was apparent resort to violence. The public reacted, they would like to eradicate it, do away with it, and that in turn brought pressure on the representatives of the public and the television media and the news media as well. They had not reacted up to that point because they hadn't had the pressure of the public. And it seems to me that one of the things along the lines you are talking about that this Commission must face (and I will face willingly) is the TV reporting having an effect on the public and the public in turn in its own wisdom and way bringing pressure to bear upon the authorities that you mention.

Dr. Tannenbaum: Well, that is one way of it getting done, isn't it? I don't know if it took public pressure in the Gulf of Tonkin incident to decide to escalate our activities in the Far East. I don't know if it took public pressure of the same kind to decide on the NASA program, without the same degree of public pressure. Why in this system do we have to await such a massive public pressure and why not in the others?

Mr. Jenner: I agree with you on that.

Dr. Tannenbaum: And I really don't understand, except possibly for economic reasons. These are industries that are there to make a profit and I understand this, and in the act of so doing, it is easier to get writers to follow the result of trite and cliché expressions, including the use of violence as a solution to problems and so on and so forth. This is one of so many other clichés. Maybe it is easier to go along with than to change it, especially when there is no pressure, not only from the public, but from your clients and the advertisers who are paying the piper. So you keep on going along with it.

But in the fact of some grounds of reasonable doubt, in the case of important potential consequences for the public—not actual ones, I don't think they are proven, and I think there is a lot of doubt about it—can't they do something about it; can't they try at least to confront it honestly? And can't we, through our elected representatives, do the same thing?

The last bit I want to mention is something in *Life* Magazine. There is a colleague—I guess he is not; he is not even a social scientist—a football coach named Joe Kerbel at West Texas State. There is an article in *Life* about the rushing leader in football now, Mercury Martini, I think he is called. Joe Kerbel takes his team to war movies—I am

quoting now—and westerns the night before a game in order to heighten their killer instinct. Maybe Joe Kerbel knows more than we know or maybe less. But he is taking it for granted—he is also an ex-Marine I might add—taking it for granted this can instigate—in this case, I don't know if the killer instinct is necessary to win football games, but he thinks it is an important mediating factor.

Well, we don't know the cause and effects there either, I guess.

I have many other points to make, but I think more comes out in questions than in testimony.

Dr. Menninger: Judge Higginbotham had to step out and he asked me to preside.

Mr. Baker?

Mr. Baker: I just have one quick question this time. That is whether there is any danger that the prolonged portrayal of gore or violence as a horrifying experience might insensitize viewers to bodies?

Dr. Tannenbaum: Might? Any day of the week you will get that agreement, might or it might not. I don't know what that means really. I think it is a proper subject for investigation. But again, a very difficult thing to do.

Mr. Baker: Is it something we ought to consider if we were going to recommend realistic portrayals of violence? I mean can we make that recommendation without being cognizant of this danger?

Dr. Tannenbaum: I think you can make it if you put in the proper safeguards by saying we don't really know this, but this is a speculative possibility. The only thing I know about this—I have no data on it, with children or adults, with humans—because for one thing I am not allowed and for another I probably wouldn't want to do it, to keep them in a restricted environment, to raise them on a steady diet of gore and see what the consequences are. I have done a little bit about raising monkeys by television, by watching their peer groups. They are raised in complete isolation other than the fact they get an hour and a half of television a day. It is not CBS television; it is television watching four other monkeys growing up. Some of them got a restricted diet of what only we as humans judge they as monkeys behaving aggressively, while others got a diet of them behaving affectionately. The difference was sometimes very hard to make, I might add. They learned from this exposure; they learned by watching. And this is the steady diet, but it is the only thing they get, you see, over a prolonged six month period, too. They learn by watching other monkeys avoiding aggressive events, to avoid them themselves, where other animals who didn't have this exposure, did not do so.

The affectionate behavior, it should be noted, was not as well learned.

Mr. Jenner: It might also stimulate at least aggression or violence by confining the animals you just mentioned and increasing the number in a particular space?

Dr. Tannenbaum: Yes, there is a lot of data for this, competition for living quarters.

Mr. Jenner: And if you increase urbanization in our country, as scholars and sociologists and anthropologists say will take place so that by 2000 they estimate 350 million people in this country, as against 210 million now, you will have, and some 75 percent of that population in urban areas, you will stimulate aggressive behavior, just by that fact.

Dr. Tannenbaum: I think there are lessons to be learned. So many times we go to animal studies and draw lessons from them. But again, how readily do you want to generalize? It is the same question as raised earlier.

Mr. Baker: I have no more questions.

Dr. Menninger: Judge McFarland.

Judge McFarland: You spoke about the elimination of some of the horrible details. Of course every court is confronted with a proposition like that frequently, say in a murder trial with the pictures of the victim, as to whether they are admissible or not. But there you have a court to make a determination. Now in the case of television, for instance, you have practically the same question. The television station is given notice or they hear over the news that someone was killed, some crime has been committed, or maybe it is an accident or what not. Well, the newsmen rush there immediately and they get the pictures of, if it is a murder, of the victim, in probably the same circumstances. Of course, in the riot, why the criticism sometimes has been, is that it doesn't give the whole picture. Well, this could be true in the case of a murder. Now you have a court to pass upon that. So isn't that the question that is confronting television and confronting us now as to how you are going to eliminate those things? There are two pictures of the true pictures of the facts.

Dr. Tannenbaum: I think we have court-like bodies that act in the television industry. I think you will hear testimony tomorrow from the people who are concerned with what should and shouldn't be shown and making decisions on the spot. Those decisions are made. I wonder if they are made with the best evidence and the best goals in mind. That is the only question I am asking. I don't know. I think it is a proper enough topic for study and I think we can mobilize whatever resources we have. There are not that many. We can set up task forces to study this. I am surprised that the industry hasn't tried to do it.

Judge McFarland: Of course more than the industry is concerned with it, as to whether the rights of a defendant are prejudiced. That is all. Thank you very kindly.

Mr. Jenner: Emotional arousal of the jury.

Judge McFarland: Emotional arousing of the jury. Trials have been postponed for periods of time to let it die down and so on.

Dr. Menninger: Mr. Jenner.

Mr. Jenner: You have stimulated me, as you testified, to ask questions as you went along and I appreciate your frank and direct answers. I have profited very much by your testimony. Thank you.

Dr. Tannenbaum: And I by your questions, sir.

Judge Higginbotham: Congressman McCulloch?

Mr. McCulloch: I, too, enjoyed your testimony. I should like to ask if I properly understood you to say that you wondered why the industry had not delved deeply into this subject that we are trying to go into now?

Dr. Tannenbaum: Yes. I think the signal flags have been raised before this inquiry. It goes back to the Dodd Commission and FCC hearings. And there were data in the literature.

Mr. McCulloch: I am very glad you mentioned that. And if anybody is looking for any advice from me, I think the industry could serve a useful self-purpose by joining with us and going deeply into this subject from every angle. I noticed a part of your comment was directed to the Congress. I am a member of Congress and while some of us think we possess some expertise, we certainly do not possess it all. And the industry should be able to help this Commission immeasurably. And I hope they accept their full responsibility in providing us that help.

Dr. Menninger: Mr. Baker, you may want to comment or wait until tomorrow in terms of the degree to which the industry actually has been involved by your task force and what the response has been.

Mr. Baker: I think I would prefer to hold that until tomorrow until after we have heard from the representatives from NBC and ABC on their program practices.

Dr. Menninger: Mr. Short?

Mr. Short: Thank you, Dr. Menninger. Just one brief question, Dr. Tannenbaum. All of the research that has been referred to here today refers specifically to aggressive behavior, aggressive reactions. Is it the case that other aspects of learning from media viewing are not being examined? I am a little curious–

Dr. Tannenbaum: No, I don't think that is true at all. You had Professor Bandura here earlier. Some of his research now is dealing with using similar techniques of modeling, as he calls it, to allow children to get rid of phobias and adults too. By observing–I observed one of these and reacted very strongly, because I happened to be afraid of dogs and this was a case of a phobia against dogs. Something happened to me at the age of two also. Here is a child afraid of dogs, watching another child who was afraid starting to play and gradually escalating, going into the container with the dog, and then playing with him and he is not being bitten and so on; just by observing, he then, being put in the same situation, did it. Another child, not having the opportunity to observe, did not do so. So it is with all sorts of things. You might be surprised to know that Professor Berkowitz's (I shouldn't speak for him) main research right now is on socially responsible behavior, from a somewhat different theoretical base. But we are addressing ourselves to aggression today and violence, because that is the name of the game here, isn't it?

Mr. Short: Yes, but also the name of the game has to do with such complex subjects as how one views the law enforcement, how one gains the concept of what the law is about and this sort of thing.

Dr. Tannenbaum: There is a study that is different and that we haven't studied and that is perhaps a little more difficult. That is the Kotener developments, we call it. It is a little more challenging to study and again maybe the Commission can serve a role by stimulating such investigations.

Dr. Menninger: I am interested in a couple of aspects. First, I would be interested in your observations for your elaborating further on your pointing out that when there are deletions or when there are blank spaces, so to speak, there is a filling in of the space by the subject usually as I gather from you, with fantasy that is more extreme than what was originally portrayed. And the implication is both in terms of violence and sex.

Am I stating that properly?

Dr. Tannenbaum: Yes. Being a social scientist, I would say *can be*, and not in all cases. I think if enough cues are presented of what kind of violent act or sexual act, whatever it is, are there, by deleting certain scenes you may be creating poor stimulation. I think the person then has to fill them in. This is the theoretical model I play with, and in the act of filling them in he gets more committed and more involved in the activity and hence is stimulated more, whatever the stimulation would be anyway.

Dr. Menninger: Have you actually done some studies where you have left the blanks?

Dr. Tannenbaum: Yes, we are now in the process of doing one. I had some preliminary data.

Dr. Menninger: Right. In terms of whether there is consistently more elaboration or not. You are not in a position to say.

Dr. Tannenbaum: We are doing it in one case, and with a few subjects to date it points in that direction. In that other censorship of a sexual film, that study was done and there was a significant difference there. But that is just a judgmental measure.

Dr. Menninger: I raise the question in part because it does have considerable bearing, the whole question of censorship and whether it is voluntary censorship or otherwise which affects the degree to which people then project their own inner expectations and the degree to which there may be a tendency within to project a much more violent situation and how this might affect the circumstances.

Dr. Tannenbaum: I may say it is only in the context that sometimes in attempting to do good, attempting to meet a socially desirable goal through censorship, through providing justification, through not showing the dead bodies and so on, in that context we may be defeating the very purposes we are trying to achieve.

Dr. Menninger: One other element. I am not sure of the degree to which in your selection of various stimulating scenes and those in other researches you have attempted to identify scenes where there would be clearly some opportunity for personal identification of the subject, of the experimental subject with what is going on as opposed to having some kind of activity–for instance you said one of the controls that Dr. Berkowitz used was the four-minute race between Bannister and Landry. Again the degree to which inpersonalization or something that is clearly unrelated to what a person is doing may become a factor in the nature of the response. Presumably at least, one would assume if it is something closer to home or more closely related to an experience that they are having or have had, they are going to get more involved, and their relations are going to reflect that.

Dr. Tannenbaum: Yes. I haven't done much on this in the aggression area. I happen to share that view with you, that identification with the protagonist in this case would be that you experience partially the apparent emotional states he is experiencing, and I did this in a nonaggressive context with another film, and by varying the end of the films, we were able to produce different apparently emotional states for the protagonist. This was in the film "Oxbow Incident," one of the early westerns. And I did get corresponding data along those lines, that through the mechanism of identification, because we had high and low identifiers in each case, there was more of the appropriate emotional state experienced than recorded by the viewing subjects who identified more with the protagonists than those who identified less.

And I would generalize from that or speculate if I was allowed to make a generalization, along the lines you suggested, that in the aggressive situation the more you identify with the hero, who is using aggression as a means of accomplishing his goal, the more a tendency to emulate, through identification. Now that may not be the kind of identification you mean.

Dr. Menninger: Well, I am interested in that but I am also interested–I assume your experiment with Dr. Berkowitz uses largely college students. This is a group which in effect is striving for independence, and in which there has been a great deal of outer stress evident, which we are going to be looking into also, of the attempt to confront the

establishment, to confront authority, to challenge, et cetera. I am wondering to what extent there has been work in which there has been clearly an authority figure versus a subordinate, and the degree to which then the violence might—I mean if the authority figure becomes the model of some university president who is out of hand, in his dominant response—the degree to which given the opportunity to shock the university president, your subjects might go off the scale as compared to the others?

Dr. Tannenbaum: If you keep them out of his office, you will shock him, I am sure.

Dr. Menninger: But you haven't studied that aspect?

Dr. Tannenbaum: No, I haven't.

Dr. Menninger: In trying to determine when you have a situation much closer to the real life situation of the subject, you then have an effect on the responses. One final point and maybe I should save this one for your dean, but being involved with a School of Communication, I am sure you are aware, I trust you are aware of the degree to which violence represents a communication, a behavioral communication in certain instances. At least it may be viewed in this way and I have a certain perspective on this in terms of working with patients. The question that I ask is, what is the degree to which you have studied or have there been attempts on the part of communications to study violence as a communication? Let me point out the relevance of this. One of the concerns of the Commission, inevitably, is related to the fact that more and more people are finding violence is rewarded and nonviolence is not, and therefore violence becomes the way to communicate their needs, and the question from the standpoint of communications is what other means of communication are necessary. And what the role of the media is in terms of helping with these communications. I am wondering if you are aware of this?

Dr. Tannenbaum: I am very much aware. I don't know of much work in this area, but I am very much concerned with it myself and it happens to relate to some personal theoretical interests, where I think the behavior is different from the mediated coded message. And violence as a means of accomplishing an end, where words fail, is—not only violence but any kind of a behavior. And I think we do see a lot of this. I had the opportunity last spring to participate in a special television show in Denmark where this was just their concern. The title of the show was "Demonstration versus Discussion." To them, democracy had always been able to discuss and suddenly they saw their notion of parliamentary democracy disappearing in the acts of demonstration accompanied by violence, by Columbia, and this was going on while the issue in Paris was being fought out and so on. There was a great deal of concern among the people there, perhaps much more so than in our country, and so much so they devoted a whole day's television to this one topic. I think there is more sensitivity to that point overseas than there is here.

Dr. Menninger: Are there any other questions?

Judge McFarland: I was concerned. You said words failed and violence succeeded?

Dr. Tannenbaum: No, I think some people are learning the lesson that in certain instances words are failing, having discussions; trying to get things done through discussion is not working out so they then resort to taking it into the streets.

Judge McFarland: Then it is a question of whether that succeeds.

Dr. Tannenbaum: Yes, that is another question. But they are operating as if that was their *modus operandi.*

Mr. Jenner: Turning to your comment on Dr. Berkowitz's comment, it is also a question of the long-term effect of that very philosophy which is a form of the end justifying the means.

Dr. Tannenbaum: Especially for children and a lot of other people in our society, I wonder if long-term effects really concern them as much as short-term effects. The effect of delayed reward, as we call it, in psychology, is not always rewarding. You keep on holding the carrot in front of my nose and I get impatient after awhile.

Dr. Menninger: We thank you very, very much for coming before us and we appreciate your responses and your stimulation.

Mr. Jenner: We are sorry you had to wait around as long as you did.

Dr. Tannenbaum: I enjoyed waiting around. I was waiting around over Washington in the airplane this morning.

Mr. Baker: Out last witness for today will be the Dean of the Annenberg School, Dr. Gerbner.

Dr. Gerbner: I appear as an individual researcher and a student of mass communications and popular culture.

The purpose of my testimony is to discuss the contribution of the analysis of mass media content to the study of violence in America.

Let me use television as an example, although when I speak of television I also mean all media of mass communications to a greater or lesser extent.

I shall not spend much time in describing the importance of television, but I must note in view of some impressions or statements that claim that television is only one of many, many influences, that I believe that even though it is that, it is the single most important social instrument we have.

You have heard about the audiences and the amount of time spent with television from Dr. Greenberg this morning. You have heard a great deal about its effects that have been investigated mostly in laboratory experimental and short-range studies, which are an important but a partial source or partial basis on which to rest any position or case.

I would like to speak about effects that I consider most profound and important; for example, effects inherent in the very existence of the media. In only two decades of massive national existence, television has transformed the political life of the nation, has changed the daily habits of our people, has moulded the style of the generation, made overnight global phenomena out of local happenings, redirected the flow of information and values from traditional channels into centralized networks reaching into every home. In other words, it has profoundly affected what we call the process of socialization, the process by which members of our species become human.

It is very interesting to study how television can change this behavior or that, or affect this attitude or that, but equally important, I believe, to observe its role in establishing these patterns in the first place. Once you are born into a television culture, nothing will be the same anymore. The generation gap that we observe today is largely a result of the fact that the generation going through our colleges, finishing or dropping out of our high schools, growing up in our ghettos and in our suburbs are the first generation weaned on and schooled in a television culture.

What is the reason for television's power as a media? Unlike Marshall McLuhan, who claims it is some redistribution of sensory experience, I think the reason is simpler, and it is mainly that television has abolished signaling time, that is, the time needed for a signal to reach its receiver. In other words, it can provide instantaneous and continuous shared experiences among millions of people who never meet face to face and by so doing it can establish new public likes, new bases of interaction among scattered, far away, even global populations. For the first time in history we can and do have vivid simultaneous experiences across all previous boundaries.

I think this is an historical development of the first rank, analogous to the development of fire or the wheel or the printing press or the steam engine or atomic power. In fact, in certain respects it is more crucial to what we call history, because history is not really the events as they happen, history is a decription of events.

Now, television cannot only depict events as it sees them, but make us witness events through its eyes, so it can make history. A demonstration and even a riot today is not simply an event that is being disseminated; it is also a way of forcing attention of television and through television over a very large public. An act of violence, an assassination, regardless of whether or not it is more or less frequent than before, is still a very different event today from what it has ever been.

Of course there have always been violent acts. But they have never reached us, at least in the past they have reached us selectively and slowly, and through relatively abstract verbal accounts. Today they reach us swiftly, directly, and vividly in our own living rooms and often with an insight and impact—whether this is accurate or not—that is often greater than that of the direct participants.

I don't think this Commission would ever have been created had it not been for the cumulative impact of three tragic assassinations that largely through television became, I think, the three greatest simultaneous experiences that this nation and the world have ever shared.

Contemporary accounts of the aftermath of President Kennedy's assassination, for example, related that, "Often the participants in the tragedy did not know as much as those who watched their television sets through the four harrowing days. Even Lyndon Johnson tuned into Walter Cronkite to find out what was going on. Seventy-five million people knew before the Kennedy party knew that priests, the harbingers of death, were on their way to Parkland. The Kennedys did not realize that hundreds of millions were

grieving with them, that flags were falling all over the world, that the House of Commons had adjourned, that services were being held at Westminster's and St. Paul's, that the Russian radio was playing dirges, that all Ireland was bowed in prayer, that the youth of Berlin was moving through the streets, their torches blazing against the night."

Nor does television make history only through its ability to make us witness its view of it, or only through its ability to shape the political process to its own image, but also through its ability to accomplish what Andrew Fletcher, the Scot patriot, noted in 1704 when he said: "I believe that if a man were permitted the right to write all of the ballads he need not care who should make the laws of a nation."

For what we have had in the last two decades is a revolution in the making of all or most of our ballads, our tales, our stories, our songs, in that far-away storytellers mass-produce our ballads every day and every hour, and what is most significant, tell them to children, to parents, to grandparents, to pupils and teachers at the same time, thus changing much of the traditional relationship, the traditional flow of storytelling and of information-conveying among them.

To sum up, never before have so many people in so many places shared so quickly so much of a system of messages and images, and never before have the elements of human consciousness been a part of the common symbolic environment of every home. Never before have the bases of social interaction, the agenda of life and of society and the facts and the assumptions and the issues and the conflicts inherent in them been used for a mass assumption in every household so continuously, so directly, and so persuasively.

What all of this amounts to is a new form of acculturation, socialization as we have called it, or schooling. This informal schooling consumes many times the time and attention that is spent on formal schooling or on play or on work or with parents or with friends or in any other single activity except sleep; and the late, late show has cut deeply into that, too.

The analysis of mass media is the study of the curriculum of this new schooling. As with any curriculum study, it will not necessarily tell you what people do with what they learn, but it will tell you what assumptions, what issues, what items of information, what aspects of life, what values, goals, and means occupy their time and animate their imagination.

In other words, it will tell you what the curriculum tends to cultivate. I use the term cultivate to indicate my belief that the presentation of an aspect of life in popular culture at its most basic level cultivates the terms upon which it is presented. That is, whether I like the terms or not, whether I imitate the behavior portrayed or am repelled by it, whether I approve or disapprove, is another matter to which my colleagues, discussing the mostly short-range effects, have addressed themselves.

My point is that the presentation of certain issues, of certain ways of reaching objectives or solving problems, cultivates these issues and these means as choices to be considered over and above other issues and means and choices that are not presented or are indirectly presented. Such presentations provide, then, the relatively stable total context of messages, within which the individual, and very different individual selections and interpretations take place; but it is not a neutral context, it is a structured context which presents weighted choices. It is a deck which includes some cards in certain numbers and others in other numbers or not at all. And in considering research or speculation about what people do, what kind of hands they have when they are playing these cards, I think it is also essential to discover, to try to establish the nature of the deck which deals the cards to all of them. And this is the kind of activity to which the study of mass media content is devoted.

The study of this content is like the study of the climate or of the tides in the ocean. It will not tell you what you and I will do or where you and I will go, but it will tell you which way the cultural wind blows or the cultural tide flows. It will tell you what all of us are exposed to, and therefore what enters in one way or another into all that we do.

To be specific, the frequency or level or nature of portrayal of violence in the culture will be a part of the curriculum, the climate, the agenda of life cultivated in that culture. Now, whether that triggers violent acts in some while it inhibits the disposition to violence in others, or while it makes others accept the notion that violence is just something in the air, whether it inculcates a toleration, a high level of toleration for violence committed by them out there, but not by us and makes them kind of passively sit by and accept this as a social fact, whichever of these is followed from a certain level

of portrayal, a certain complexion of portrayal, that level and complexion enter into all of these choices.

I am not at all prepared to accept the contention that the triggering of aggression or violence is more important and can be used as the exclusive basis for any kind of a position than, for example, the acceptance of the cultivation of the notion that this is a violent world and there is nothing you can do about it, it is going to go on. That notion I think is an invitation to violence, an invitation both to individual violence, to large social, large-scale violence, ultimately to dictatorship and to a country which is a culture rated by a notion that it will be less able or unable to prevent or to cope with or to resist violence, if and when it occurs on the part of the few who usually are the ones who are so motivated or so triggered.

Now take an example, Professor Larson's study, with which you are probably familiar, entitled "Achieving Goals through Violence on Television." I quote from the study:

> A definite tendency for television programs [is] to project content in which socially approved goals are most frequently achieved by methods that are not socially approved. The fact that these methods are not approved may not be as significant as that they are the ones most frequently used. That is what is done in the world of television.

Again, whether that encourages some to follow suit and engage in violence is not as important as the cultivation of the assumption that that is what is done, even if done always by others. The contention, therefore, is that the acceptance of violence makes those who accept it a party to the occurrence of violence, and makes those who are inclined to engage in violence, act in an expected and plausible, even if by some people, disapproved manner.

There are always people who will take on roles that are disapproved by others for that very purpose. So, essentially, a culture produces its rebels as well as its conformists to its own image. And the type of study which I ask you to consider is the study of that image.

What came first, the violent portrayal of the violent act or the violent act makes the acceptability of the portrayal of the act a necessary consequence, is like the question of what came first, the chicken or the egg, to which I think there is a very good answer: the hatchery came first. And that is what I'm talking about.

I am talking about the cultural hatchery in which we are all born—children, parents, grandparents, pupils and teachers, in which you don't ask what comes first; you are asking, rather, how is the whole process manufactured. None of this came first, naturally. And what we see on the mass media today does not grow on trees. These are commodities, manufactured products, which form a very large part of the culture into which we, at least our children and their children, are born.

Now a study of mass media content is the study of this basic cultural stimulus of the most broadly shared collective stimulus which can suggest dimensions of cultivation and thus suggest ways to study the responses. To use another analogy, it is like the analysis of a chemical composition of a drug as it is absorbed into the bloodstream. The analysis of mass media content, as of a drug, is the study of a product of industry, of the outcome of institutional structures and policies and processes which will be absorbed into the public blood stream.

And just as with a drug, it is not the sugar-coating or rather the consumer's like or dislike of its flavor that really matters for our purposes, but what the ingredients actually are, what is actually shown on that tube, or on that screen and what do they do in cultivating notions of existence, the values of ends and means. And doesn't the informed observer, participating fully in his own culture already, know what is being shown on the screens of television and so on? I submit that he does not

Our studies find that selective activities and habits of participation limit each of us to a risky and often faulty extrapolation about the cultural experience of entire communities, composed of people very different and of styles of life very different from our own.

Furthermore, fragmentary exposure to cultural imports may even further distort rather than enhance the development of a comparative perspective. Market studies and

audience research provide little or no insight into the images of life presented in the vicariously experienced worlds, so-called, of mass-produced culture.

And finally even the most perceptive and sophisticated critical judgments based on individual views of selected works, useful as they are for many purposes, cannot encompass systems of messages inherent in large aggregates representing the general flow of cultural production.

So what we try to do in the analysis of mass media contents is to take representative samples of this total flow, samples that are not necessarily or at all representative of our personal tastes and personal selections but representative of the total flow to which a collectivity, a community, but no single individual is exposed.

Next, we design instruments of analysis that can yield reliable results; that is, instruments where individual judgment plays a minor or insignificant role, instruments that several people using them will arrive at more or less the same results or the same individual using over and over again will yield the same results. Then we train analysts to use these instruments.

Now what distinguishes the analysis of it, or this kind of analysis of public mass mediated message systems as a social scientific enterprise from other types of observation or commentary or criticism, is the attempt to deal comprehensively, systematically, and generally, rather than specifically or selectively or ad hoc, with problems of collective cultural life. So that what is informative or entertaining or good or bad or indifferent by any standard of quality, is our selective judgments applied to messages quite independently from the social function that these messages actually perform in the context of very large systems, touching the collective lives of whole communities.

These conventional judgments applied to selected communications may be, and very often are, irrelevant to the general question about the cultivation of notions of what is; that is, what is assumed to exist in the world outside of this sphere of personal immediate persons, of what is important, or what is right or wrong, and what is related to us in these mass-produced message systems.

These terms, then, define the very general terms of study. And we are talking about the general distribution of attention over different issues, themes, topics, subjects, aspects of life, historical times, people, and so on. We talk about what is important; we try to measure the intensity or the priorities of importance attached to each of the items or each of the phenomena being represented in this fictional dramatic or informational symbolic world.

When we are talking about is it right or wrong, we are talking about the evaluation dimension, the direction, the points of view from which these aspects are presented, and when we are talking about what is related to what else, we are talking about the underlying structures of association in the total system that are very often not inherent in individual products and, therefore, not amenable to individual observation, but come out when large systems and the interconnections among the units and clusterings in large systems are developed and are compared.

So it is in this way we try to reconstruct the informal curriculum of our culture, to try to answer such questions as what aspects of life, subjects, perspectives, choices are being cultivated, what kinds of proportions of properties and qualities are these choices weighted with, and what are some of these underlying structures of association in these large message systems?

Considering the potential significance of such studies, I think it is pitiful how few have been done systematically over substantial periods of time and certainly across cultures. Yet it seems to me that only long-range and preferably cross-national or cross-cultural studies can give us the comparative leverage that is necessary for understanding and assessing our own position in time and in space.

I have culled a few examples, mostly from my own studies, illustrating the types of results; they are extremely fragmentary and somewhat primitive under the pressure of time. They are not comprehensive or conclusive, but they illustrate some of the problems and possibilities inherent in the type of studies to which I have referred.

I have sufficient copies for all of you, but I will not distribute them as yet. I would like to mention one or two examples.

If you wish to discuss them later, during the period of informal discussion, if you wish to inspect them later, I will be very glad to circulate them.

Dr. Menninger: In terms of the time, it might be helpful if we could be looking at them as you are reporting them.

Dr. Gerbner: All right, fine. Let me mention that these have been rather hastily pulled together from two different studies, one a study of feature motion pictures in six countries, and the other, the latter tables, the second part of the package you are receiving, are also from a cross-nation study which had to do with a version of the portrayal of schools and education in the mass media of ten countries.

You are welcome to inspect all of these figures. Let me just call attention to a few to illustrate the nature of the information and the types of problems with which we are confronted when you get this kind of information.

On page 1, the top simile indicates the number of films and the time period from which these films were taken. What is numbered figure 39 in the first column presents the percentages of films in these countries in which there was no violence, no physical violence at all.

You will note that of the 100 American films examined, 7 percent contain no violence at all. Is this much or little? It is very hard to say without a great deal of context in trends in other countries. You will note in France only 5 percent of the films contain no violence, and in Italy only 2 percent of the films contain no violence.

Of course, the complexion of violence of the Italian films for example was very different. Many of the Italian films in that period of time by the so-called Spear and Sandal epics, tales of legendary antiquity, fantastic adventure, is pretty full of blood and gore, and violence, which shows up in the sample.

Looking at the countries of Eastern Europe, you will note that they are Yugoslavia, Poland, and Czechoslovakia. The figures are not too different. The absence of physical violence showed up in 10 percent of Yugoslav, 14 of Polish—until we get to Czechoslovakia. Thirty-nine percent of all of their films contain no violence whatever. They seem to portray a somewhat different world, a world extremely youthful, in which instructive and constructive tales were in much greater abundance than in the others.

Dr. Menninger: May I interrupt for a point of information, because there has been confusion before in the definition of violence. Would you care to define violence as you are using it here?

Dr. Gerbner: Yes. We define violence as physical hurt or injury addressed to a living thing, human or animal, that is expressed within the scene, and it is understood by the participants in the drama that this is a violent act or an intent to commit a violent act, meaning physical hurt.

Dr. Menninger: Thank you.

Dr. Gerbner: To turn to the next page, we can inspect it or you may wish to ask questions about some of the figures. I will skip to page 2, the line near the bottom of table 20 in which there is the representation of the percent of characters—these are leading characters, an average of three per film—the leading characters who commit murder. Almost 11 percent of leading characters in American films commit murder.

Well, is this a very high frequency or a low frequency? This becomes a matter for a great deal of speculation and discussion. In French films, the percentage is almost 15 percent. In Italian films, 14. In Yugoslav films, almost 15 percent, but there again I have to add that most of the Yugoslavs, or many of the Yugoslav films involving violence, portrayed adventure, World War II, the aftermath of World War II, and the violence and a great deal of social and political contents, and therefore might be considered of a very different nature. We get to Poland and the percentage drops to 3 percent, and again in Czechoslovakia, 2.7, the lowest.

Let me turn quickly to page 4, where you see what is a fantastic configuration. This is constructed—it is called a corogram. Now, this represents findings of studies of analyses of news items and it comes from the study of the portrayal of schools of education. All of these have to do with news items coming out of a survey of, on this page, of the American press, of all newspapers, about 100 newspapers above 100,000 circulation, in which violence, which is shown in the slightly darkened figure, is represented as one of the items.

The lines between the circles indicate the correlation, that is, the co-occurrences of items of different kinds in the same stories. This was done in the late 50's, when it was still not commonly accepted, as it is almost commonly accepted by now, that the underlying structural violence, representation of violence, in news stories where schools,

teachers and students are also represented, has to do with what is euphemistically described here as school-community relations, but what is really the desegregation issue, and with political life.

And this was the underlying context in which violence was presented in the American press to the extent that schools and teachers and students were also mentioned.

Compare this with a similar representation of the same context of elements in the British press. You will note that the closest associations to violence are health and teaching and teachers, meaning that stories of violence where schools are also represented at that time in the British press were most closely associated with the question of injury, somebody being hurt and rushed to the hospital, and with teachers, which comes out of violence directed against teachers and violence among teachers.

It so happened that this was a very turbulent period, as indeed it is now, in the United States, with teacher strikes and a great deal of ferment and unrest among and between pupils and teachers. The final table or figure in this series has to do with the representation of the same kind of underlying structure in the press of West Germany.

You will note that violence is in the top triangle, associated mostly with student life and personal and family affairs. In other words, these are individualized crime and violence stories that had little association to either communities, schools, teachers, but were mostly individualized crimes.

Let me go on to page 7, which represents some time comparisons of the incidence of violence and war—I must point out that this is a combined category, including both violence and war—the incidence of this as a significant theme in motion pictures.

The figures you see in the first column are those of ranks, and the second column those of percentages. You will note in column 2, nonrelevant, that means nonrelevant to education.

This is all American films produced from 1950 through 1960. A total of 2,957 films were studied and violence and war as a significant theme ranked first along with love and sex (the romantic interests, in effect); violence, hurt, death, coupled with the romantic live-giving type of activity, were of highest frequency or highest significance in all American films.

Mr. Short: What is the criterion of relevance here?

Dr. Gerbner: The criterion of relevance here? In this particular table it has to do with whether or not the film also portrayed schools and education. It referred to the particular study from which this is derived, and when it says nonrelevant, it means these are all films, regardless of whether or not they involved education; when you go on to the next column, you note that in relevant films, namely in films that also involve some portrayal of schools, the incidence of violence is somewhat lower, not much. And the rank is one rank below the previous one.

Now, going on to column 4, all relevant films, implies a time dimension. The films in column 4 came from the time period 1931 through '50, compared with 1950 to '60. The longer time dimension yields a somewhat lower frequency of the portrayal of violence, and to the extent that these figures and these trends are valid, they would seem to imply an increasing frequency of violence and war as a significant theme.

The final column here has to do with the pre-1950 films, shown on television, again, older films. And here again you see the frequency is somewhat lower than in the newer samples and in the total samples.

On the next page, page 8, Table 4, the cross media comparison on violence and war again, which seems to indicate that the frequency of violence and war as a major theme, is highest in films, second highest in television, and substantially lower in popular magazine fiction. (Magazines refer to fiction; television and films refer to dramatic and fictional presentations, not including news and public affairs.)

The next page is a cross-national comparison.

I am on page 9, Table 6, the lower part. And perhaps the simplest line to take there is the center line which simply reports the percentage of incidents in all media—this is films, television and popular magazine fiction—in the six countries or rather seven countries including U.S., which were studied.

So you can see, for example, that in that particular sample, which involves schools and education as well as some of the violence, 6.4 percent of all media units, stories, plays and so on, gave violence and war as a central significance in their themes or plots.

Dr. Menninger: Which Table are you on now?

Dr. Gerbner: I am on Table 6, page 9.

Looking at the center line, labeled "Attention." Going across that line to Western Europe, you find the figure and the range, not much difference. Again, the highest frequency in Europe is in France.

Going on to Eastern Europe, we find a lower range, and somewhat lower frequency. Again especially in Czechoslovakia as in the other study. But as high as the western sample, for example, in Hungary.

Let me take a final example on the last page, page 12, Table 7, entitled "Percent of Fictional and Dramatic Characters Involved in Violence." You will note this is grouped in three echelons, United States, Western Europe and Eastern Europe.

The characters studied were teachers, students and other characters in the same films, television programs and popular magazine fiction. You will see there is some large number of fictional characters involved here. It is interesting and somewhat puzzling to note that 37 percent of all teachers in American popular fiction committed an act of violence. And 41 percent of all American teachers were subjected to violence. It seems that there were even more or a higher percentage victim missed than actually committing violence.

Among the students, 24 percent of all students portrayed committed and 31 percent were subjected to violence.

What about the other characters in the same stories or plays? Well, 28 percent committed a violent act and 41 percent of the others were victimized.

Going on to Western Europe, at least in these products of Western Europe culture, products in which teachers, students and schools are represented, the incidence of violence was somewhat lower and the incidence of victimization, which is a dimension I would like to call attention to, because it hasn't been dealt with adequately at least in today's discussion, the incidence of victimization in this vicarious world is also low.

Going on to Eastern Europe, you find that in popular cultural products of the Eastern European countries, the incidence is quite low: teachers, 5 percent committing a violent act, 7 percent subjected to violent acts; students are higher, 14 percent committing and 18 percent subjected to and the general level of other characters; other leading characters would be 12 percent committing and 13 percent, about the same, subjected to violent acts.

Well, to conclude these fragmentary findings from my own studies—and I regret to say they are the only ones of this kind of which I am aware—are but feeble examples of the kinds of contributions that regular, systematic and continuous mass media monitoring and analysis could make to the consideration of issues of public interest and of significance such as violence.

I would like to conclude, therefore, with a plea to use your great opportunity, as Professor Tannebaum has done in a similar connection, to recommend the establishment of what might be called a set of cultural indicators as part of a regular—

Judge Higginbotham: What type of indicators?

Dr. Gerbner: Cultural indicators, as part of a regular accounting program taking the pulse and the measurement of the state of our culture in certain significant dimensions that are of major public interest. And that each time a social issue erupts into the headlines and leads to Congressional investigation or to appointment of a commission such as this, a series of studies as commission and experts are summoned to contribute their views.

In some areas of knowledge, where there is a fairly steady and long-range effort to collect comparable data, this may be a reasonable procedure. But in the field of cultural studies, where you have to dip into the constantly flowing stream every time in order to come up with something of any significance, this procedure, research by crisis or by hysteria or by impossible deadlines and so on, leads to a sporadic effort, often hastily done, quickly forgotten, incapable of yielding the necessary, trend, long-range trend and cross-cultural information.

I submit that there is probably no area of social policy which is so widely debated and in which so much is decided for so many with so little systematic and reliable knowledge about the actual state of affairs as in the field of cultural production. Informed policy-making and interpretation of many types of the socially responsible require the background knowledge that would be provided by some such long-range systematic and comparative type of cultural indicators which would include measures of the representation of issues or aspects of life of vital public interest, such as violence, would take the pulse of our culture, issue periodic reports for the information of the

industry as well as of the public. As in fact we do in the demographic field, when we publish a census or in the economic field or in the health field and in formal schooling. But not in what might be the most vital to us all, that is, in the cultivation of the collective imagination and visions of life-values means an end to those means.

Thank you very much. This completes my statement.

Judge Higginbotham: Dean, thank you very much for you thoughtful statement, and to you and Dr. Tannebaum I want to personally apologize both for the weather and secondly, that I did have to step out on an emergency matter, and I did not hear your total presentation, but I will carefully read the transcript.

Judge McFarland?

Judge McFarland: I just want to thank you for making a wonderful presentation. I have no questions.

Judge Higginbotham: Mr. Jenner?

Mr. Jenner: Thank you, Mr. Chairman.

Dean, I wonder if you would share with me some reactions I have to your thoughtful paper, and stimulating as well.

I have the reaction as I listened to portions of your paper, early portions, that this new cultural media, segments of our whole culture, with its broadcasts throughout the world and having an instantaneous, relatively instantaneous effect on the viewers and confining it, to say, all parts of the country, on the evening broadcast at least, whether it has this phenomena by way of result: that unlike the period of our culture prior to television it calls for or stimulates relatively immediate response and inhibits, at least temporarily reflects, an assimilation of events or events being depicted.

Do you have any thoughts as to, first, assuming my premise is sound, whether this element of our culture now calling for immediate responses tends to bring about responses that are not leavened by judgment as we had before and would tend, because they are or would be in part emotional responses, or to some degree, affect the level of violence?

Dr. Gerbner: Well, I think you are raising a very significant and interesting question.

I am not prepared to believe that television, that it is inherent in television to call for a response on the part of each individual viewing it or that it is so different from day to day as to call for a different response moment by moment or hour by hour.

I do believe, however, that something that I think is very closely related to the issue you are raising is a very important one—what is inherent in the medium is the speed and the spread, its ability to simultaneously communicate to very large numbers of people who have no other—nothing else in common.

We have no other social or cultural associations with one another except that they are exposed to the same visions and representations of life. And they thereby share a common consciousness of what is going on in the nation, of what is going on in very small localities often—but projected on to a national and even global canvas.

So, on one hand, I think it is correct to say that a local formerly isolated or relatively isolated happening can become overnight a global event to which response can be evoked.

The corollary of that is that the decision time, not so much on the part of ordinary people, but on the part of those responsible for some official response or some policy, the decision time of social organizations has shrunk—has lessened. Our ability as decision-makers, as organizers, and as those responsible for policy is not what it used to be. Instantaneous decisions have to be made because the awareness of the event about which we have to decide is instantaneous and because such a decision is expected.

The shrinking of the social, corporate and governmental decision time I think has an extremely important social implication, but whether there is a comparable shrinkage of individual reaction or decision time is an issue I have not thought about.

Mr. Jenner: Thank you, sir. I have been thinking also as I have been mulling this over, and you stimulated me in this respect, about your remark that let us say the college age young men and women at the moment have come through a television culture and the first, relatively first generation that has, whereas those of us who are much older did not come through it.

It is an experience in our life as against a different background. And this phenomenon tends to condition the young at the moment to expect immediate response and to be frustrated and impatient when they do not receive an immediate response.

I was just thinking something in terms of a long-term effect and the contribution to the so-called generation gap.

Dr. Gerbner: I think the contribution to the so-called generation gap is a major one. Now the gap, such as it is, I think is created out of a change in the direction of the network of the flow of information, where it does not any longer come from merely the elders to the youngsters, from primarily the teachers to the pupils, primarily from any kind of a hierarchical social arrangement.

While that sometimes exists, superimposed on that is an entirely new network of information and communication, and the two networks clash and conflict and have not yet adjusted to one another.

The second significant phenomenon here is that the same influences affect all of us; that is, unlike in a much more highly differentiated culture or traditional culture, in which there are things that the young people do that as you grow up you don't do any more, there is so much today, especially in the field of television, that we all do and to which we are all exposed.

When we consider the question of how much do parents affect their children, this cannot be answered in isolation from the question of how much does television, for example, affect both parents and children in their dealing with one another.

To me this is an extremely significant question. And consideration of that question is necessary before we can answer the more conventional prior question, which is after all, don't parents have a greater influence over their children than television?

I think this is a faulty way of formulating the question to begin with; and the more appropriate way would be, how do parents deal with their children in a television era, which is a different manner of dealing?

I think it calls for different types of behavior than it did before. One of the differences is the difference in acculturation, creating the so-called generation gap.

Mr. Jenner: I am confident that the representatives of the news media who are present today and who will be here tomorrow will give very serious consideration to your very thoughtful remarks. I don't know if they have ever had the concept of television culture or not and the effect which the instantaneous presentation to the country at large has in the respects that you have noted.

I would like to make this observation, that when they do realize it, assuming they don't already, that these effects bring responsibility to the news media, the instantaneous presentations of the news media, and that they warrant very sober thought from the standpoint of the sociological effect of this media on the country at large and various segments of it. Thank you very much, Doctor.

Judge Higginbotham: Thank you.

Dr. Menninger: Dean Gerbner, I am distressed in the sense that I think you have presented to us what really is far more important than anything else we have heard today and that it comes as it does at the end of the day when fewer people may be able to pay as close attention to it.

I very much second some of the concerns of Mr. Jenner, to the degree to which responses are called forth before there is really the time for any kind of sifting to take place. If I can put it into a physiological example, we are well aware in the anatomy of the human being of automatic responses, and part of what has happened as the human being has developed is the great expansion of that part of our neurological system that allows us to hold or inhibit action and assess it and draw conclusions about it before moving ahead with some voluntary response.

But in crises we then move back more to automatic responses when there is less opportunity for reaction time. If you are in an automobile and about to have an accident, you may have some quick thinking, but you are reacting much more on an automatic basis with innate factors coming into play and many other elements.

And there is no question in my mind that television with its capacity to provide immediate communication and simultaneous response has a profound effect in the whole process of social action and reaction.

And I appreciate your emphasizing this and in effect reemphasizing it and pointing out how, as it does this, it does make history as well as record it.

Of course, we all have experienced that, whether it is in the nature of viewing the kinds of things that took place in conventions where a reporter goes to a person on the floor of the convention and says, we understand such and such a rumor, what do you

know about it? And the fellow says he doesn't know anything about it. This is the first I heard about it and so forth.

Dr. Gerbner: What do you think about it any way?

Dr. Menninger: Yes.

Mr. Jenner: If you had heard, what would you have said?

Dr. Menninger: Yes. So I want to very much salute your calling attention to that point. I think it does deserve very important reflection because of the implications it has.

And I salute you in your efforts to try and get people to look more at what is really being communicated. The fact is that we do a good job of screening out most of our communication, and it is only the little bit of the observable part of the iceberg that we really are aware of in terms of communications.

I think there is much for us to learn in terms of communications theory. And I just want to thank you for presenting this to us.

Dr. Gerbner: Thank you.

Judge Higginbotham: Congressman McCulloch.

Congressman McCulloch: No questions. Thank you.

Judge Higginbotham: Mr. Short?

Mr. Short: Mr. Chairman, I will not ask any questions, but I would like to thank publicly Dean Gerbner and his colleagues for the excellent work he is doing for the Commission in addition to his excellent testimony this afternoon.

And I winced, as I noticed Dr. Ball and Mr. Baker did, when he made reference to impossible deadlines, because that is exactly what we have placed on him and on his colleagues.

And we very much appreciate the fact that they are willing to go out of their way to such a great extent to accommodate the Commission.

Mr. Jenner: The good Dean would appreciate the fact that this is an example of immediate response.

Dr. Gerbner: And we are very glad to have the opportunity despite the difficulties involved, because we feel that it is not only a step in a significant direction from the point of view of the Commission's task and charge, but it is a step in a very significant direction for an academic organization studying communications and popular culture, and it is equally an opportunity for us to learn as it is to make whatever contribution we can to your task.

Judge Higginbotham: Mr. Baker.

Mr. Baker: I think we will just close by adding our thanks to those that have already been expressed.

Judge Higginbotham: Dean, I will show my appreciation in an even more material way. At the next board of trustees meeting, I will talk to the provost when the budget of your school is reviewed. I think we have covered all of the items today. I want to thank everyone for their contribution. And I would like for all of the distinguished social scientists to know that we have truly appreciated the quality of your contribution. And I want to reemphasize that to Dr. Klapper, who I think suffered the disadvantage of being an early witness and who had maximum cross examination.

The meeting is adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 5:45 p.m., the Commission was adjourned to reconvene at 10 a.m., on Thursday, October 17, 1968.)

MEDIA HEARINGS

II. Second Day of Hearings: October 17, 1968

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NATIONAL COMMISSION ON CAUSES AND PREVENTION OF VIOLENCE

NATIONAL COMMISSION OF CAUSES AND PREVENTION OF VIOLENCE

Room 1318
New Senate Office Building
Washington, D.C.
Thursday, 17 October 1968

The Commission was reconvened at 10 a.m., Dr. Milton S. Eisenhower, presiding.

Members Present

Dr. Milton S. Eisenhower, Chairman
Judge A. Leon Higginbotham, Jr., Vice Chairman
Ambassador Patricia Harris
Senator Philip A. Hart
Mr. Albert E. Jenner, Jr.
Congressman William M. McCulloch
Judge Ernest McFarland
Dr. W. Walter Menninger

PROCEEDINGS

Dr. Eisenhower: Mr. Barr.

Mr. Barr: Mr. Chairman, our first witness this morning is Professor Otto Larson, Professor of Sociology at the University of Washington. Dr. Larson is recognized throughout the United States as one of the leading authorities in the area of the social effects of mass communication. He is a member of another national commission, the Pornography Commission, and he is one of the principal consultants to the Media Task Force of this Commission.

STATEMENT OF PROFESSOR OTTO N. LARSON, DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF WASHINGTON

Dr. Larson: Mr. Chairman, Commissioners: your Commission has an exceedingly difficult task. The only other task that I know that matches it is the one that I have on the Obscenity and Pornography Commission. It takes a little nerve, I think, for me to come here and try to tell you something about violence when we have problems enough in our own area, but I find it from yesterday's experience a very useful opportunity. I hope I have learned something about how to ask probing and searching questions from what I witnessed from your table yesterday. And I appreciate the chance to come. I take courage in coming too because Dr. Wolfgang and Dr. Klapper, both of whom you are familiar with, are also on this other commission with me. The only difference between

the two commissions, or one of the major differences is we are going to have more time than you have. And I puzzle a little bit about that, because I think the subject matter is equally explosive, if not more so.

I am looking forward to the day when we will get the kind of testimony that we had yesterday. I am wondering if we will get it. I am wondering if we will get some research from the laboratory in the field of pornography in the form that we got about violence. But more about that.

I have been uneasy for some time with how social scientists have been approaching the question of the impact of mass communication on the enactment of violence in our society. And even after the brilliant testimony yesterday I still am a little uneasy about it. I have wondered, for example, whether we have been asking the right research questions. In these brief remarks today I hope to spell out the basis of my dissatisfaction and sketch some lines of approach that may be useful in gaining a fuller knowledge of how and why it is that violence is such a prominent feature of our social life. It just doesn't make sense to most concerned persons that television should be discussed by social scientists for having any part in the production of the form and levels of violence in contemporary life. These concerned persons base this judgment on the following elementary and largely uncontested observation: television content is heavily saturated with violent action and more and more people spend more and more time watching television. We can document, of course, and you heard documentation yesterday relevant to both of these observations.

I think we had additional testimony yesterday to suggest that not only are people spending more and more time with it, but it has a reality component, a believability, a credibility in certain sectors of the population that is significant. This fact, these facts seem like a compelling, set up a compelling learning situation. If models for violent behavior are repeatedly presented with few competing notions, and people, particularly children, repeatedly expose themselves to such materials, what could be a more favorable arrangement for learning about violence?

Isn't this the general situation for achieving effects that television works mightily to arrange for its own clients? How, then, the concerned person asks, can media operators argue that it works for advertising, public services as well as product commercials, and not for violence? Here, as we know, the mass media rely on the findings of social scientists to say that it isn't so. By and large the findings of survey and experimental research do not appear to sustain the common sense judgment, let alone the anguished cries of criticism made by concerned persons about media violence.

Thus survey research produces no evidence that mass media-depicted violence is a prime mover in producing violence or aggressive behavior, and laboratory studies merely suggest short-range possibilities along this line. As a result, media spokesmen are prone to conclude that their instruments by portraying models of violence, do not create violent action, but merely tend to reinforce those behavioral and attitude tendencies born of family, peer, and other influences in the community.

We heard an eloquent and I think excellent statement on the reinforcement principle yesterday. The one question that always haunts one is where does that material come from that is being reinforced? And, particularly, that is a pertinent question when we observe how early and how frequently children are being exposed to, as Dr. Gerbner called it, the curriculum of informal schooling in society.

It is my contention that the conception of the role of the mass media with respect to violence as implied both in the remarks of concerned citizens and defensive communicators, as well as in the research response of social scientists, has been much too narrow. It has been too narrow by its focus on the media as a source of models for direct imitative behavior by individuals. We must enlarge our concern to take in the possible contributions of the media to the arena of social norms, where all acts, including acts of violence, ultimately mature and take hold in society. What could the mass media portrayal of violence possibly do?

Implicit in most of the research thus far is the assumption that the major effect is to induce persons to engage in violent acts pretty much in the form that they see depicted in the mass media. But are there other messages in the plethora of beatings, knifings and shootings that daily may be seen on various scenes? I believe that there are. And those messages could shape the norms, both the formal and the informal rules, which set the conditions for the appropriate use of violence in society.

With respect to these general norms, how is violence portrayed in the media? Is violence prohibited, permitted, or encouraged? What type of violence? Under what condition? By answering these kinds of questions, first in terms of objective and systematic analysis of media content, and second in terms of audience perception, we can then begin to estimate the powers of the media to set the climate for real violent action.

Now I think it is probably an accurate reading of American history to state that we have all had a fairly flexible set of rules concerning when persons can employ violence. We have tolerated and indeed glorified a great deal of individual initiative with respect to using violence in our history. The mass media cannot be held responsible for the initiation or the early thrust of this American tradition. However, what about the norm-setting and the norm-reinforcing role of the mass media today? Does it make sense for the media to glorify traditional forms of violence and to innovate with new forms at a time in human history where social conditions would seem to call for more restrictions on the use of violence by individual and groups?

Now this is not to suggest that violence be abolished from the mass media. Violence can be treated in many ways, in many different value contexts. But before research could be helpful in suggesting what ways, the problem I think must be brought to the level of the possible effects of the mass media on molding and remolding the social norms about violence. This will, of course, require an examination of media content, along the lines that Dean Gerbner suggested, and it will also require an examination of audience perception of that content. More than that, we will need to know how else people know about violence. And what they know from other sources, because this may greatly determine what they experience from the mass media presentation of violence.

We have been operating in this connection in what we might call a standardless void. We know very little about how people come to experience violence. I will say a little more about that in a moment.

I think that the effects of the portrayal of violence in the mass media are much more pronounced than the social scientists have yet been able to demonstrate. But I think it works by a more varied set of mechanisms than those that have been explored so far. Before saying a little more about this line of inquiry, it may be useful to turn to a brief examination of the concept of violence in the simplest terms of how persons come to experience violence. What is meant by violence? How would it be useful for us to think about it if our goal is to link mass media portrayal of it to the social norms prohibiting or permitting or encouraging the actual expression of violence? The problem of effects must, I believe, be shaped up in these terms if social scientists are going to have anything useful to say to society.

So about the meaning of violence. Harm, injury, or destruction of some or all parts of the physical being can come about in many ways. For example, it can be self-inflicted, and when it results in total destruction, we call it suicide. It can happen when persons inadvertently stumble or make an error in coping with some aspects of their environment, and this results in what is often called an accident. It can happen when the forces of nature suddenly sweep in on a community and produce a natural disaster. It can happen when society sets up means for recruiting, training and dispatching organized units of men to use force in carrying out social and political policy. This we call police or military action. It can happen when one person attacks another with hand, fist, or weapon. Under some conditions it may simply be an exercise in discipline under parental authority. Under other conditions, where total destruction is involved, it may be classified as an act of homicide.

These are some of the ways that human beings can experience violence: when the concept of violence is limited to the elementary notion of harm or injury or destruction to the physical person. More comprehensive definitions of violence are possible, but this one presumably contains those elements that everyone agrees must be included in any definition of violence and certainly contains enough elements to give us a working definition for present purposes.

Now it is obvious that any of the above modes of violence can inflict great damage to a person and can be equally costly and painful for the person involved. However, the conditions under which the act of violence is experienced are important and do make a difference in how the act is evaluated and responded to.

So it is useful to ask other questions about how one might experience violence before we register some interest about how it is portrayed in the mass media. Since the conditions under which one might come to experience the act of violence are important for assessing that act, how should we think about these conditions?

One approach is to ask how does one confront an act of violence? Here two paths of experience are possible. One can be a participant in an act of violence or one can be an observer of the act.

If one is a participant, various role possibilities emerge. One can be the recipient of harm, injury or destruction, and thus be called the victim. One could be the initiator of the act and give but not receive harm and thus be called the attacker or the assailant or the aggressor. Or one could both give and receive harm as a participant without reference to how the act was initiated.

In any event, to say that one has been a participant in an act of violence is to open up another set of questions of possible importance in assessing the impact of mass media violence. For example, how was the act of violence initiated? By whom? How was the initiation of the act responded to? By whom? Was there retaliation? How was the act of violence terminated? Was there intervention?

These questions flow from thinking about experiencing violence as a participant and lead us both to narrowing our focus on violence while broadening our concern with it. That is, we narrow our focus to acts of social violence, wherein persons deliberately do physical harm to one another, excluding accidents and disasters and so forth where physical harm is also done. At the same time we begin to see that our concern with these acts must be extended from a conception of isolated incidents, where weapons are noted and bodies are counted to a conception of the act as a social process involving at least for necessity to analyze the elements of instigation, retaliation and termination.

In other words, if a person has been a participant or even an observer of an act of violence, we would now want to know what he has done or what he has seen relevant to how the act started, how it was responded to, and how it was ended.

One implication of this, or one question I would ask is could it be, for example, that the mass media provide many realistic models for initiating violence, but few for terminating it?

I would like to think in terms of both the mass media and in terms of real violence in the real world that we should be concerned not just with the label violence, but violence as a social act that has a beginning, a response, and a termination point. And particularly with respect to mass media models.

With respect to any one indictment or any one support of the manner in which the mass media portray violence, I think it is significant we analyze it at least in those three respects.

Now just as there are various ways of participating in acts of violence, so there are ways of observing, various ways of observing violence. A basic distinction is that between the direct and mediated form of observation. That is, one can observe firsthand on the scene where the action took place, and this would not necessarily imply participation. Thus one could observe a beating or a killing in the vicinity and at the time the act took place. One could also be an observer through the means of mass communication and thus be far removed in space but not necessarily in time from an actual incident.

To be an observer of mass-media violence is also to open up a whole new realm of experience. One can witness fantasy or fictional violence, which is totally free from the necessity of being located in a particular time and place dimension.

Now given the above conceptions, of, first, violence as a social act, and second, the ways in which one might experience violence, some additional empirical questions now emerge. How, in fact, do persons experience violence in American society? What elements in our population have participated in how many acts of violence? In what ways have they participated? And how is the experience of participation or direct observation of violence related to the way in which people observe, perceive, interpret, respond to, use, or are influenced by mass media violence?

When Dr. Klapper tells us that reinforcement is important, and tells us further that self-selection works, namely, that what we bring to the TV console is perhaps the

most important thing in determining what we take from it. I now say to you let us examine, therefore, what people bring to it, the experience of fictional violence in terms of real violence as a basis of prediction.

I think this last point is particularly important. I think it will help us clarify how the mass media affects social norms concerning violence in society. We will probably find a subcultural phenomenon; that is, the basic values expressed by the media on violence are not responded to or shared equally by all persons in society. I think that the divisions will follow experience lines. But what kind of experience, by whom? Do participants have less favorable attitudes toward media violence than observers? Are observers more responsive to counter norms of nonviolence from media sources than participants?

Clearly, to pursue the effects of media violence, we need to know more about how people have and do experience both real violence and the symbolic representations of it. And I am pleased to note that your task force has taken some steps to get some of the first real data on how people have experienced real violence and how that is related to their mass media use.

Let me conclude my statement here with a little different kind of point and perhaps what may first seem a distressing point to you. I would like to ask you to assume that all of the experts on the study of effects were in total agreement.

Now this is quite an assumption after what you have just heard and what you heard yesterday. I would like you to assume further their hard-gained evidence all pointed in the same direction and that direction was to establish the proposition that violence portrayed in the mass media causes real violence in the real world. That is the question that bugs everybody.

Let's assume that that is what all of the experts and all of the research added up to in terms of perfect knowledge at this point.

Now I would like to ask: would such a proposition make your task easier? My answer is that I think not. And why not? Basically because the decision about policy, about action, rests not only on the demonstration of effects as we have heard it described yesterday and even my slight amendment to it in the hope of new research. It rests not only on the demonstration of effects, but it is influenced by other facts and other values and other judgments. What other values?

For example, the fact that each form of mass communication has its own history, its own problem, its own unique mode of organization that may call for different modes of intervention if indeed any are called for.

Without attempting to elaborate at this point it is clear that the possibilities for influencing, let alone regulating, the form and frequency of violent content in newspapers, for example, would be quite different from that of affecting the content of television, or motion pictures. And those latter systems of mass communication are markedly different from each other too.

Furthermore, arching over all of these forms are broader societal values, custom and tradition that do conflict with many efforts to intervene with mass media operation. I mean, of course, the free press principle and the guarantees of the First Amendment.

Indeed, as much as we may come to dislike mass media violence, we may abhor censorship in any form even more. That has been the American tradition.

I am trying to make a very simple point: it is that the demonstrations of mass media effects does not automatically suggest solution.

As you listen to psychologists and sociologists and mass media practioners address the question of effect, I think it is terribly important to keep this limitation in mind. And it is easier to see it as a limitation if we only imagine that they were all in agreement, which, of course, they are not. In actuality, the question of what to do about mass media violence is instigated partly from a research base, and partly from the friction generated from the polar views expressed about research, such as those between Dr. Klapper and Dr. Berkowitz, but I think mainly from the contention that the problem of violence in contemporary society is so urgent we should move directly to measures of regulation and control instead of merely waiting for confirmed evidence about media effects.

Now we had, I think, eloquent testimony here yesterday concerning this point. I would only add—

Dr. Eisenhower: Would you mind repeating that: I missed part of that and it seemed to me important.

Dr. Larson: All right.

I am saying that the question of what to do about mass-media violence is instigated only partly from a research base, and only partly from the polar views that were expressed, the opposite views that were expressed in analyzing the research outcome. But I think it comes mainly from the contention that the problem of violence in our society is so urgent that we should move directly to measures of regulation and control instead of merely waiting for confirmed evidence about media effects.

This is a question of, as Ambassador Harris said yesterday, of bridging this gap with, what do we call it, conventional wisdom.

I think there is something else that can be said. I don't think that we should linger and wait for the resolution of the effect question, but I don't think we have to rely merely on common sense. I think we can also apply inquiry, judgment and research into how the mass media actually are operating, into the kinds of steps that they currently are taking and sometimes are compelled to take as a result of public interest and concern that is expressed in cyclical form.

I'm prepared to discuss—but perhaps in the interest of time I should hold back a bit—I'm prepared to discuss various measures of control that might be open or that have been suggested.

I can clearly label them now, and if you want to go into them, we can do so.

I am very much concerned about them and I know you must be, in attempting to deal with this question. The measures of intervention or of control that have been advocated tend actually to have three focal points: those centering on increased surveillance and classification of media material to facilitate individual selection of media contents and family regulations over exposure to the media, a kind of labeling process. Many voluntary associations now engage in this activity and provide their members ratings of various sorts. Indeed some sectors of the media industry do this; the motion picture industry has now come up with a new four-label, early-warning system.

There are many questions that can be raised about this focal point.

Another focal point of those measures advocated is that which emphasizes placing pressure or influencing the media to the end that they will exercise self-regulation over the presentation of violence content.

Now, this means, simply stated, that the industry taxes itself to police itself in accord with some codes or standards of practice.

As a sociologist sees it, self-regulation has evolved to sense the public taste and tolerance for media contents and to blunt the criticism of media performance. It places highly specific powers in the hands of the few to decide the limits of what the many shall experience through mass communications.

My only general observation is that this very important and, I think, somewhat unique American social invention, self-regulation, this mechanism merits thorough investigation by this Commission.

As I have written elsewhere and will be glad to elaborate upon, before this mechanism is discarded, either in the interest of absolute free expression or before it is brought under more stable and impartial auspices in the interests of controlling the flow of media violence, its workings in its present setting should be thoroughly explored and pondered.

And I hope today, since there are people here from the networks, they can enlighten you exactly on some of the features of this interesting mechanism of self-regulation, particularly as it has to do with the emergence and application of code and code material with respect to violence.

As a curious aside, I would say that the traditional role of the censor merely to delete things has been modified in some ways, as I understand the operation of these persons inside the networks, or inside of the industry. They often become the source for introducing the variety, for seeking new ways of expressing things. And I think we should not overlook that particular capacity.

There is, of course, a third focal point, and that has to do with direct government action to stop the flow of media violence. This alternative, of course, runs counter to

precedents in American law and custom. In the present case it probably boils down to this vexing question: should government measure out the quantity of violence that will be tolerated? And if so, how?

Well, there are both positive and negative aspects of this. There are ways in which the government could intervene. There are ways in which the machinery of government could be invoked, both directly and indirectly. But I think, in terms of our traditions, and indeed our laws, it is not a terribly viable option at the present time.

I have much more I could say about that, but I will not. I would simply like to say that I think this Commission has an extraordinary opportunity to become the instrument for keeping this question of violence and its effects in its broadest sense on the agenda for American society. I regret that it has such a short life, but I hope that during its life it will do some things that will keep this problem before us.

What are some of those things that might be done? First, I think that, or I hope you will be able to explore the possibility of setting up a continuing surveillance system, not only to inform the public, but to inform the mass media of their performance with respect to this particular kind of content.

And I mean by this not body counts or gun counts; I mean in the most sophisticated manner possible. I think a good expression of this was given yesterday by Dean Gerbner when he called for a system of cultural indicators; much as it is rather curious in our society, we keep better tab on rainfall, flying saucer sightings, pig iron production and many other things than we do on the kinds of material that are presented in this informal schooling apparatus called television, and in the other forms of mass media.

There is no technical reason why we could not have a continuing, systematic, objective, comparative surveillance of mass media contents to the benefit of both the media and of the audience. Some apparatus could be set up.

I could envision, for instance, a—I don't want to use the word "commission"—but some kind of institute for coordinating research that has support of both the industry and encouragement, if not support, from proper places in the government, located perhaps in the universities, where this research that you have been hearing so much about and which needs to be extended, will be extended, so we just don't operate in a cycle of passion in response to these things.

I would be glad to comment further on that. But I see one of the basic things that this Commission can do is to tell it as it is with respect to what we know, but more importantly, what we don't know, and instead of leaving that as a pessimistic picture, try to sketch some of the things we have been hearing about here, namely, the excitement of what we could know if we were to turn resources to it.

Thank you for your attention.

Dr. Eisenhower: Thank you. Judge McFarland, do you have questions?

Judge McFarland: Doctor, I take it from your paper that you recognize the danger of censorship, even if it were legal, leaving the legal aspects out.

Dr. Larson: Yes, I do.

Judge McFarland: So that leads us to one weapon which, don't you think, is the greatest weapon of all, and that is public opinion?

Dr. Larson: Well, I would accept that except I don't like to use the word "weapon" when we are trying to understand violence.

Judge McFarland: You don't like the word weapon in terms of violence. Give me a better word, and I will accept it.

Dr. Larson: All right. I will accept it in the sense that you stated it. Yes, indeed, the question becomes—

Judge McFarland: How you are going to mold public opinion?

Dr. Larson: How are you going to mobilize it, not only mobilize it, but sustain it, because fatigue sets in, new issue come along, and divert the attention, and after the Commission departs, the problem of violence will still be here in these forms.

The question is, unless we can set up a continuing mechanism; I believe that is the question, that is the problem.

Judge McFarland: And that is the reason you suggested some form of continuing study on it?

Dr. Larson: Yes, sir.

Judge McFarland: That is, we might get the thing solved today and it would be back with us tomorrow?

Dr. Larson: Yes, It certainly will; it would be in some other form, because problems change. I would say in this regard, sir, that we should not, I think, let the word "censorship" carry too big a burden or too big a fright. If we mean by censorship formal deletion of material prior to its presentation . . .

Judge McFarland: That's what I was referring to.

Dr. Larson: Yes. But we must recognize there are many different forms of intervention, many different forms of altering the material in mass media contents.

It is, after all, that mass media material doesn't grow on trees; it is a manufactured product where decisions are made that are influenced by many factors, including indeed public opinion.

Judge McFarland: The mass media, those dealing in that business, particularly I will say television people, they want to give the people what they want, isn't that right?

Dr. Larson: Yes, sir, I believe they use that statement quite frequently.

Judge McFarland: They use that statement. And personally I believe in that. Now, your approach; I want to compliment you on your approach; you have a practical approach, you recognize our problem here, and I think that your suggestions are worthwhile, and they are understandable.

Dr. Larson: Thank you.

Dr. Eisenhower: Mr. Jenner?

Mr. Jenner: Thank you, Mr. Chairman. Doctor, have you been directing your remarks primarily to the considered or organized program, as distinguished from current events, instantaneous broadcasts of an event that is taking place as distinguished from these documentaries or entertainment programs?

I had the impression that you were not directing your comments strictly to, or even generally to, the news, the broadcast of what is going on this moment. Am I wrong?

Dr. Larson: I think I was mainly concerned with the fictional forms. I believe some of the things I stated, however, would also hold for the, say, the news: the mass media sort of hold a mirror up to what is going on in society.

But if we examine carefully, and I think with due respect to the media, because this is a delicate and difficult task, what is news. It also involves judgment, decision, influences; it holds the angle of the mirror, as it were, and I know there is a great deal of reflection going on both inside and outside the mass media industry concerning the definition of news. How is it that these decisions are made in the manner in which they are, particularly with respect to such contents as violence? I believe we have some options. If the reliance is that we give the people what they want, I think that can be defended. They have some pretty good indicators that at least people tolerate what they get. The real question, however, is what if they were offered a different menu, would the diet change? This has not really been tested fully, for very practical reasons. And I think this Commission could be an instrument in many ways to opening up new options, new experiments in content presentation, new bases of support for that, and we could see then whether the people would want something else if the menu had a greater range.

I am very sympathetic with the practical, mass-media operators' problems. I try to understand how he works. But news is not a given thing. It is a definition; it is definition of a situation and they place definite definitions on the situation. It can be influenced.

I have always puzzled over why it is we have so many accidents and crime items in the newspapers, and they say this is because this is news. There is a great hurry between the various agencies of news gathering to count bodies and get the most. This is the way it has been. But need it be?

And, furthermore, if we had as good lines of communications into other news sources rather than merely to hospitals and police stations, would we begin to get a different flavor in the news? Schools of mass communication and journalism and so on, are beginning to ask this question. And I think we are going to see some real results from it.

So, I would say that you could say when you turn to the news business that the mass media do not have as many options. But when it comes to the fictional or the entertainment content, they have lots of options. And that is perhaps the major difference.

But I think they have more options in news than have yet been tested and explored.

Mr. Jenner: As a sort of intermediate, we have the fictional, the entertainment, or even the documentary, the depiction of a current event, and take for example, let us say, the Republican or Democratic Conventions recently, a program going on for hours, with one or two men themselves interpreting what they think they see and voicing their views and are on the air every minute, hour after hour, and they have to keep talking and express that particular view all of the time. You could use the word, a so-called pundit, who digests what he thinks is going on and then he feeds it to the public.

It occurred to me as I watched both of those conventions that the mass media represented by television could have presented some contrary pundits, expressing different points of view during the course of it. The Doctor just said one network did, but I did not happen to see it if it did. That is the sort of thing also that you have in mind? At least for experimentation.

Dr. Larson: I would encourage any of the varieties of representation that you make. I think my own judgment on what the networks did in the Convention would not quite square with this one image that you get.

Let me put it this way. The response to what the networks did has certainly been varied. We may have all sat and looked at the same picture, but we certainly did not all the same judgment. This is the perceptual aspect of this. And I do think that; I switched dials during that time; I saw that one network did program opposition, lively opposition of a sort, and other networks also at the close of the evening's activities gathered their correspondents around for an interchange in which different views were expressed. So there is some variety within that. And, of course, the follow-up is a very important thing. It is not just the events, but it is the discussion that comes afterwards. But I certainly think that it has tremendous potential, because most of us cannot learn about the conventions other than from that.

And it must be taken. It has a problem in credible responsibility. I think I could find more vulnerable points than that particular one personally with respect to this issue; particularly with respect to the portrayal of violence.

Perhaps (it is interesting to speculate) there happened to be an electricians' strike in Chicago. What might have happened, when you could have had live, on-the-scene street scenes? That would have been very interesting. I note that the media are concerned about this, because they are beginning to ask, shall we show every building that is burning and every crowd that is moving? And newspapers are asking this. In my own city, when we had disturbances in which 60 young people were arrested in the center part of the city—that was put on page 13 and played down, trying to cool it. There is a question here—some of us had a hard time finding out what was going on concerning major events in the heart of our own town. The question is how far do you go? They have a news obligation. Just how far do you go? That is a tough one.

Mr. Jenner: Yes, it is.

Thank you very much.

Dr. Menninger: Dr. Larson, I appreciate the opportunity to hear from you and also to have you represent, in effect, communications theorists and the like. You had shared with us your article on the social effects of mass communication. And there are certain elements in this that I am interested in with relation to what we have been talking about.

Again, when one talks about media, and I think all media, and you talk about mass communications, you pointed out that the flow of information is largely in one direction and yet in communications generally it is pointed out that an important part of the process is an alternate and reciprocal stimulation and response among participants, namely, message feed-back; what, in effect, we have here, where you present a message, is that we give you some feed-back, and there is an interchange.

In the process, in this interpersonal action here, you are able to correct any distortions which we have and we point out areas of difference and the like. This is not

so in the case of mass media, except with the letters to the editor which may come within the next week or the next month or what have you. I am wondering if you have any suggestions as to any way this problem can be more effectively dealt with? I must confess I was not able to get through your whole article, so you may have referred to it here, I am not sure, the article which was shared with us. But it seems to me this becomes a crucial problem, particularly when we talk about instantaneous broadcast, where there is not time to think through, where there is no opportunity for the individual on the receiving end of the tube or the newspaper or the radio to easily get some clarification of questions.

It may be more difficult in terms of television, because it is awfully hard for them to present in depth in the same way that you have an article you read in the newspaper. But most newspaper articles really do not do too much in-depth reporting, either.

Well, I won't go any further on that. I would be interested in your observations on this.

Dr. Larson: Yes. Dr. Menninger, I think you are quite right that the question of feed-back, the question of interaction in the mass communicative case, is critical if we really want to talk about this as communication.

Now, there are ways in which feed-back does now occur. Let's focus our attention on the television case. Television operators are of course sensitive to public response. They have their antenna out in various ways to see how things are going, these people who are engaged in self-regulation and code administration and so forth—

Dr. Menninger: To see how certain things are going.

Dr. Larson: Certain things are going; this is important. Certainly with their audience research, they focus mainly on numbers, those counts, because they want the quickest, and they know that is correlated with other things and they can make decisions on this, rather faithful decisions.

But they also try to sense the public mores in terms of their interest. Unfortunately, it is in terms of what is good for the medium only, exclusively; that is, when they have the people who are sensing this, and making deletions and so forth, they ask the question, will this keep us out of trouble? I do not believe they ask—however, you may inquire into this with them—in terms of the broader social concerns. If they do, I do not see any evidence of it. Maybe it is not their proper function.

Mr. Jenner: Or what serves the economic interests of the media.

Dr. Larson: Yes, that is correct.

That, I think, is their major concern. And it is a legitimate one in our society as it is set up.

Now, their mechanisms for sensing feed-back are responsive to selected publics, as you indicate. I have demonstrated that with my own students by something I won't do again, but I will mention it. A particular program was taken off a local station, one that I personally liked very much, and so I organized a small campaign to prove my point about select feed-back. It consisted of 50 letters, all hand-written, from various auspices, written by the students, and of a few phone calls. We got the program back on the air.

This is a day in which all kinds of tails can wag all kinds of dogs. And that is another illustration of it. Now, what concerns me about that is this: the mass media are particularly sensitive to certain select publics, and certain organized and articulate groups can and indeed do affect the contents of the mass media.

I have documented this in various ways.

In a way, I think the electronic media are particularly sensitive. They speak into a microphone or come out over a picture and they wonder if anybody is listening. So if someoody responds, they get terribly interested in the fact that there is a response. They are not quite that naive; they know how to discount form letters and lots of other things, but they are responsive to this. What we need, I think, is a feed-back system that will give us a more representative response of all, of the total public, or of special interest groups that are not being represented. I mean by this cultural minorities or culture taste minorities. And we do have that mechanism in terms of technology, I believe, in terms of public opinion polling or even audience research techniques that are currently being used. But they are being used mainly, as you indicate, for a numbers game.

They can be extended to this other thing. Fairly rapid feed-back on basic questions and values and tastes and, particularly, on exploring new kinds of content options I think could be gotten and therefore more of a plurality of tastes could be satisfied.

We have the technology now, I think, to insure a more representative feed-back than that which the mass media today is responsive to.

Dr. Menninger: Let me ask in a different tack, in terms of teaching communications and the like, one of the things—let me preface this by saying one of my concerns has to do with the question raised in part earlier by Mr. Jenner and which you discussed, the problem of defining news. I think you elaborated on it. I recall in my own experience working on a college newspaper when I always was impressed by how much news was being made by certain organizations until I reached that point in my operational function in the newspaper where I realized the person who was making a lot of that news was the reporter who wrote the story and the night editor who placed it in a certain place on the front page and the copyman who wrote the headline—all of these things were more in making that news than anything else.

The question is, how much radio morning broadcasts are occupied with so-and-so injured in an auto accident here and so-and-so injured in an auto accident there—so many things that are in effect a function of the newscaster or the editor of the news broadcast or the newspaper editors.

Now, obviously one of the answers to this is to try and get more of a professional awareness and sense of responsibility in the people who have to make these decisions. I am aware that there used to be and may still be a good deal of prejudice in much of the news media against university-trained journalist students, as though one had to come up through the proper schooling of cub reporter, et cetera. I don't know whether that is still true. But I am wondering whether you would care to comment at all on the degree to which you feel the media are truly moving in a direction of professional responsibility in this sense.

Dr. Larson: From my contact with schools of communication—I work closely and have students from those sources—I recognize the point that you made; that is, among professional journalists, there is still some sensitivity about academia. However, there is a growing sense of cooperation between both.

I think it is a two-way street. I know of programs; for instance, the Russell Sage Foundation has selected and encouraged and supported journalists and mass communicators in going back to school, and retraining in terms of behavioral sciences, for example.

I know of a program being sponsored by the Humanities Foundation where humanists, humanities professors and others are going into the newsroom. And I think this latter move is a very important one. It is not merely a matter of the sociologist and the professors and the others giving something to the mass media; they also can learn something from it.

I think we need to see each other and the way in which we operate. But there are growing signs of this kind of looking into each other's modes of operation, not only learning from each other and professionalization along these lines, beginning to explore what are some of the different ways of shaping the news, the excitement of research laboratories, the excitement of behavioral studies, but also how to phrase it, how to state it clearly and make it mean something.

So I see a number of signs along that line: in the training in the universities, yes; in the open facilities of some of the mass media for letting people come in and observe what is going on, learning their role and their problem. And, indeed, among the journalists and mass communicators themselves there is a continuing concern.

You can help that in some very important ways in your investigation of the role of these intermediate people, these gatekeepers—for instance, in the networks thing—by recognizing their work. They are in a very uncomfortable position, I think. They are, in a sense, agents of the public in the interests of the media.

I think by looking into their role and giving them some legitimacy from the public representatives, you may help professionalize their standing and make them more responsive to the general good.

Dr. Menninger: I want to ask one other question. When one talks in the area of—you were talking about your concern that the media are responsive to special interests sometimes and not always the broad public interest—in the area of violence some people have been concerned about the question of whether the people in government likewise

respond only to special interest or give special interests disproportionate attention as opposed to the broad general good.

There certainly was a lot of publicity and the like on the whole issue, for instance, of gun control, a great outcry on the part of the press and so forth and so on. And yet a lot of the public, I think, was left with the feeling that the special interests were much stronger than the general public.

I wondered how much you feel this is also a case, from your perspective, in dealing with the communications industry.

I am sure you are aware that there are accusations that Federal agencies and governmental bodies, whether in Congress or otherwise, are much more responsive to the pressures from the industry which, of course, is responsible for presenting facts before the public than they are to the interests of the general public.

Would you care to make an observation on that? I will give you the right to decline.

Dr. Larson: Well, that is a honey of a question.

Dr. Menninger: It is extremely relevant in terms of violence as well as other things.

Dr. Larson: I just don't know who the special interests are that are supporting violence, but I do know there is a general concern about it. I think you saw the film last night, didn't you, on Black America, something like this? To me there is a kind of parallel there. I am using this to think about your question, I suppose. But I want to be sure I make this point. When I saw that film, I saw some old movies that I saw as a youngster, Shirley Temple-type films and others, and I hadn't realized at the time when I saw those films the message that was there, but that I now see.

I hadn't realized how pervasive the stereotype on races was. Indeed, the Kerner Commission report I think sensitized many of us to how subtle, how all-pervading is this concept of white racism, to how deeply engrained it is and how it strikes all of us in some way.

I suspect that over the years we have in the same fashion a kind of pervasive penetration of notions about violence in our culture that are very subtle and very deep and nourished from many sources other than the mass media, but the mass media are here today in a very important way, I believe. And I think, therefore, rather than say there is a special interest group to which we could perhaps point the finger—it would be nice if we could with respect to violence—I think it is a broad cultural problem, nourished from many different sources. And the parallel would be: as with white racism or any form of racism, so with these negative aspects of violence.

It has very deep roots, and it doesn't represent pressures.

That is one response to your question. But it isn't quite the question you asked.

Dr. Eisenhower: Dr. Larson, our time is rapidly running out and I have a fairly complicated question to ask you which I think you can answer almost yes or no.

I put together in my mind a number of things that you have said. You expressed genuine concern about the time available to this Commission in the studying of a very complex problem. You indicated some of the things we know and emphasized the things we don't know. But you went on to express concern about the problem sufficiently that you felt, you said we need to keep this question on the agenda of American life, that there should be some system of surveillance, and you intimated the possibility of better self-regulation.

Out of all this I developed a notion that you might be thinking in terms of a continuing agency, private or government, with funds to see to it that appropriate and useful research is carried on to refine the answers, and that in the meantime this agency might perform a useful function in terms of surveillance.

As I say, I put many different remarks of yours together. Is that a correct interpretation?

Dr. Larson: Yes.

I am trying to make a very simple point: it is that the demonstration of mass media effects does not automatically suggest solution.

As you listen to psychologists and sociologists and mass media practitioners address the question of effect, I think it is terribly important to keep this limitation in mind. And it is easier to see it as a limitation if we only imagine that they were all in agreement, which, of course, they are not. In actuality, the question of what to do about mass media violence is instigated partly from a research base, and partly from the friction generated from the polar views expressed about research, such as those between Dr. Klapper and Dr. Berkowitz, but I think mainly from the contention that the problem

of violence in contemporary society is so urgent we should move directly to measures of regulation and control instead of merely waiting for confirmed evidence about media effects.

Now we had I think eloquent testimony here yesterday concerning this point, I would only add—

Dr. Eisenhower: Thank you. Congressman McCulloch, you came in late. Do you have questions to ask of Dr. Larson?

Congressman McCulloch: Mr. Chairman, no, I didn't hear enough of the testimony. That which I did hear, though, Mr. Chairman, leads me to believe that we may be of kindred spirit. I should like to talk to you at length about some of the questions that we should ask ourselves since the Doctor talked about government and Congress and the like and what we should ask industry, maybe based upon that very thing, this question of the late President Kennedy. And I won't take the time, because I wasn't here to hear all of the testimony.

Dr. Eisenhower: Mr. Barr?

Mr. Barr: We have no questions, Mr. Chairman.

Dr. Eisenhower: Dr. Baker?

Mr. Baker: No questions.

Dr. Eisenhower: Mr. Campbell, do you have a question?

Mr. Campbell: Yes, Mr. Chairman, I just have one question which I would like to follow up in a specific content: Dr. Larson's point about the effects of media violence being varied and complicated and his point that the media are one kind of school. I have heard a number of primary school teachers say that when children watch violent TV programs in the evening, that these children, especially the boys, are agitated, excited and keyed up the next day at school and that this excitement generated in the media school interferes with the learning process in the ordinary school and with what the teachers are trying to accomplish with the children in that school. And some of these teachers seemed to me to be quite experienced and perceptive. My question is, what is your opinion about the value and validity of this common-sense observation?

Dr. Larson: Well, I think that of the teachers I have talked to, I have found them on both sides, that is in support of your statement and in contest with your statement. However, I also would say that in the informal school, in the media school, it is possible to learn all kinds of things and there is some evidence, particularly in some work that I have in mind that I have been working on, the kind of vocabulary shifts one gets, the language that one learns. I am not so concerned about the criterion of excitement, things of this sort. I am concerned, as I tried to express, about what kind of rules are they learning about the appropriate use of violence or the use of violence. Because I don't think they are going to go and imitate directly this behavior, but they might over time get a certain definition of violence which, when confronted with a stress situation, coupled to an opportunity such as the availability of weapons, might lead to an overt act. It is the definition I am concerned about. And here I don't have any evidence. I have an impression that teachers would say that they might also be learning that. I would be more concerned with that than I would be about some emotion or agitation you expressed.

Dr. Eisenhower: Mr. Short?

Mr. Short: Could I follow up on that just a bit? I have had the impression at times that the formula for the presentation of violence in the media leads to the attribution of motives and of a sense of rationality associated with violence which is somewhat unrealistic. That is, it is always the bad guy with bad motives who does, who perpetrates the violence. This is not always true, of course. But I am wondering if you would comment on this question. Does the attribution of motives and rationality to acts of violence perhaps contribute to the unwitting involvement in acts of violence by some people who do not find in themselves the motives which they associate with violence? I have in mind such things, for example, as our studies of gang kids in Chicago. There are a lot of situational elements which produce violence. I am sure those kinds don't go into the fray with the motives that they associate with violence and which they sometimes get from the media.

Dr. Larson: Well, I want to make a brief answer. I will say yes. You have summarized it. I would agree with you. I would add one thing, however, this would require (to really trace this down) this requires not the notion of abolishing violence. . .

Mr. Short: Oh, no, I am not implying that.

Dr. Larson: In a sense I would advocate enriching the presentation of violence in the mass media.

Mr. Short: Precisely.

Dr. Larson: Letting it serve useful purposes, making it an important complex phenomenon. I would think this would require a great deal more than we now know. But I don't see how we could do any worse from what we are now doing, because from the content analysis I have made of violence, it is a most simple stereotyped model, and I can't possibly see it serving very much of a social good.

Mr. Short: That is exactly what I had in mind.

Dean Gerbner yesterday referred to the news as instant history, and some remarks have been made here about the selectivity involved in instant history. Perhaps you recall from Lincoln Stephens' autobiography (and some of the reporters in the audience may recall) Lincoln Stephens and Jay Grice once created a crime wave in New York City by their selective reporting of news relating to trials. I believe it was when Theodore Roosevelt was Police Commisioner.

Dr. Larson: Yes, selectivity takes place and there is no way to get around it; the question is how to open it up to a greater variety and make it more responsive to the kinds of issues we discussed here this morning.

Mr. Short: Thank you. I would simply like to acknowledge the fact that Dr. Larson has been enormously helpful to the staff.

Dr. Eisenhower: I want to thank you for not only being here today but for the help you have given us and for the written materials which we have. Thank you very much indeed.

Dr. Larson: Thank you. It was a pleasure.

Mr. Baker: Mr. Chairman, our next witness is Alfred Schneider, Vice President of ABC.

This gentleman is the man who is in charge of their Standards and Practices Department and is responsible for how violence is portrayed on ABC entertainment programming.

STATEMENT OF ALFRED R. SCHNEIDER, VICE PRESIDENT AND ASSISTANT TO THE EXECUTIVE VICE PRESIDENT, AMERICAN BROADCASTING COMPANY

Mr. Schneider: Mr. Chairman, distinguished members of this Commission:

My name is Alfred R. Schneider. I am a Vice President of the American Broadcasting Company and Assistant to the Executive Vice President of American Broadcasting Companies, Inc.

One of my responsibilities is to help formulate and to implement the American Broadcasting Company's policies and standards in relation to the acceptability of program and commercial material scheduled for broadcast over our facilities. As distinguished from what has been presented before this committee in terms of social research and behavior, we turn now to the practical application of standards and policies in determining the acceptability of program material for broadcast. The American Broadcasting Company's Department of Broadcast Standards and Practices reports to me.

At the outset, I would like to make a few general observations. First, the American Broadcasting Company supports the objectives of this Commission. Following the formation of the Commission, Mr. Leonard H. Goldenson, President of American Broadcasting Companies, Inc., pledged the full support and cooperation of our company in connection with the Commission's comprehensive review of violence in our society—its causes as well as its prevention.

The Commission's task is, unquestionably, a difficult one. Violence is not peculiar to the modern era. The history of the world is permeated with acts of violence of all kinds. Regrettably, resort to violence as a means by which people attempt to resolve conflict, is and has been a fact of life. Violence exists the world over, and it is by no means an exclusive characteristic of the United States. Violence, hostility and cruelty have always plagued the peoples of our world, and society has been searching continually for the causes of, and groping for the solution to, this problem.

This Commission was created in the wake of a series of shocking and senseless acts of violence. Within a few short years, President John F. Kennedy, Dr. Martin Luther King and Senator Robert F. Kennedy, were assassinated; violence has swept the ghettos of many of our urban centers; and disorders have erupted on the campuses of a number of our leading colleges and universities.

In the days following the assassination of Senator Kennedy, a deep sense of concern engulfed the nation. The unrest and upheaval of sizable segments of our population, the challenge to—and change of—the existing order—all characteristic of the period in which we live—focused attention on the acute problems of disorder and conflict, far too frequently expressed in terms of violence.

As a frustrated nation felt constrained to examine the climate in which these frightening events occurred, many sought quick and easy answers to what is generally acknowledged to be a complex question of what motivates people and nations to resort to force or violence in attempting to cope with life's conflicts and problems.

The media of mass communication is highly visible in modern society. Particularly in times of stress, the average person devotes considerable time and attention to the media in all its forms, but especially to television. Some critics of television were quick to blame the industry, attempting to assert a direct causal relationship between television programming and the increasing nationwide incidence of violence, rising crime rates and disrespect for our laws and civil authority. Some emphasized and alleged "corruptive" influence of television on children and youth. Others contended that television programming is conditioning our society to accept violence as a way of life. In short, an easy answer—which avoids the difficulties of a penetrating search—is to blame television for virtually all of the ills and weaknesses of our society.

However, we cannot accept this easy and superficial answer. To date, and to the best of our knowledge, the research and studies of the effects on viewers of the depiction of violence on television is not conclusive. Solely on the basis of the available body of research material, it seems unrealistic to us for anyone to suggest that all acts of violence be eliminated in the dramatic fare presented on television. The depiction of violence in situations of dramatic conflict for the expression of human conflict, hostility, anger, frustration or for the portrayal of enforcement of law and order is an appropriate subject for dramatic development. Television, no less than any other media or art form, should be capable of dealing realistically with social and human conflicts, and, in our opinion, it is the manner in which we present and treat these subjects that is significant.

However, even in the absence of conclusive evidence of a direct causal relationship between the depiction of violence on television and the commission of acts of violence, we, at ABC, in the exercise of our obligations to the public, are genuinely concerned.

Rather than exclude all themes which incorporate violence in their presentation, which would appear to us to be an unreasonable solution, we believe our proper role is to insure that producers adhere to our Company's long-standing policy prohibiting the use of unmotivated violence or the use of violence for the sake of violence.

In exercising this responsibility to the viewing public, the American Broadcasting Company's Department of Broadcast Standards and Practices follows a precise and detailed series of steps to assure that the programs presented over the ABC Television Network conform with the standards contained in the Television Code of the National Association of Broadcasters as well as with the policies of the American Broadcasting Company.

Briefly, I would like to outline these steps. ABC maintains a staff of editors in New York, Los Angeles and London to review and screen material intended for broadcast over our television network, except for news, news documentary, and sports events.

The Department of Broadcast Standards and Practices operates independently of the ABC Television Network so that there is in effect a system of "checks and balances" in determining the acceptability of program material. Thus, the ABC Television Network's Program Department's creative evaluations and considerations are kept wholly separate and apart from the processes by which Broadcast Standards and Practices reviews material as to its acceptability for broadcast.

Editors are trained and, when experienced and competent, are given the responsibility of applying the standards to each program scheduled for broadcast. Theirs is the challenging work of reviewing and commenting on material in a manner which, on the one hand, will permit and encourage genuine, artistic, and literary treatment of significant and controversial subjects which may involve adult themes while, on the other

hand, preserving the integrity of such programs and ensuring that the treatment and presentation are made in good taste on the basis of dramatic values.

Each entertainment program is reviewed by an editor in the Department of Broadcast Standards and Practices from the script stage through final production and editing. A report is prepared, often after discussion with colleagues and the supervisor in charge, indicating the acceptability or unacceptability of the script or any portion of the script as well as any appropriate revisions. This report is forwarded to the producer of the program. After discussion of the requested changes, revisions are submitted by the producer to the editor, who then issues an additional script review report. The editor then reviews a rough cut of the program which affords him the opportunity to request any necessary modifications prior to issuing a final report and prior to that film being approved for broadcast over our facilities.

The activities of the Department involve a great deal of time, daily conferences and discussion sessions between the Broadcast Standards and Practices editor and the producer, both of whom are seeking an acceptable program. The goal is to preserve creativity while preserving the Company's standards and policies.

As an example of the procedures outlined above, this Commission, at the request of its Media Task Force, has been furnished with a series of Broadcast Standards and Practices reports for three series, "The Avengers," "Felony Squad," and "Guns of Will Sonnett."

Under current practice, each broadcast season, prior to the commencement of production of any new program series, the American Broadcasting Company's policies and standards are reviewed with the producer and his staff for each program series.

All matters relating to program acceptability are carefully discussed and reviewed in detail. Where a particular series may involve the portrayal of violence, extensive discussions, participated in by our Director of Broadcast Standards and Practices, the Director of Broadcast Standards and Practices, West Coast Division, the editor assigned to the particular program series, and me, are held with the producer to ascertain the manner in which the producer intends to relate conflict to plot development and to discuss with the producer to insure that he fully understands our policies and standards in this regard.

In addition to the Broadcast Standards and Practices procedures described above, station management at all our affiliated stations, including our owned television stations, is provided with detailed information about each program prior to broadcast. Briefly, these procedures consist of the following:

(a) An advanced program advisory—a detailed written report of the content of each regularly scheduled prime-time entertainment and special program is prepared by an ABC program executive from the rough cut of each program. Subject to limitations of program deadlines, these reports are mailed to each station manager seven to ten days before airtime. A duplicate report is furnished to the NAB Code Authority. Copies of such advisories, pertaining to three programs selected by the Commission's Media Task force, have already been submitted.

(b) Regular program previews are scheduled, via closed circuit, for our affiliated television stations located across the country.

We use available closed-circuit time—approximately four to five hours per week—to preview, on a rotating basis, programs in our night-time schedule. Stations are advised in advance of the closed circuit schedule for a given month, and local station management has the prerogative of viewing these ABC programs prior to telecast with their associates, or with anyone else they may wish to have present. In this fashion, our affiliates have an opportunity to review for themselves the acceptability or non-acceptability of such program material prior to telecast.

(c) At annual meetings held for the management of our primary affiliated stations, program plans for the new season beginning the following September are presented.

Affiliate management reaction to our program plans is considered and we solicit suggestions for future programming at these meetings.

(d) Finally, program booklets about each program in our schedule, containing casting information and story outlines, are prepared and mailed to each station affiliated with the ABC Television Network well in advance of their presentation on the network.

The procedures outlined have been our regular practice over the years. When the shocking assassination of Senator Kennedy prompted us to reflect on the matters presently being considered by this Commission, we, of course, consistent with past

practice, canceled our regularly scheduled programming and special programs were broadcast in the days immediately following this tragic event.

Thereafter, our normal program schedule was not resumed until all programs had been reviewed as to appropriateness for the ensuing weeks and, where good taste indicated, substitute episodes were scheduled.

Furthermore, to reinforce our standards, on June 12, 1968, ABC issued the following memorandum to all film editors, to our Broadcast Standards and Practices Editors and to our owned radio and television stations, and I quote:

> You are, of course, aware of the Company's long-standing policy regarding that in carrying out your duties in reviewing scripts, rough cuts and final prints for air, you should prohibit the use of violence for the sake of violence. In this connection, you should give special attention to encourage the de-emphasis of acts of violence.
>
> While a story-line or plot development may call for the use of force . . . the amount, manner of portrayal and necessity for same should be commensurate with a standard of reasonableness and with due regard for the principle that violence, or the use of force as an appropriate means to an end, is not to be emulated.

The concern with the manner in which violence is depicted in television programming is not limited to the Department of Broadcast Standards and Practices—it is company-wide. As an example, Elton H. Rule, President of the ABC Television Network, sent a letter, similar in content to the memo distributed to editors, to every producer of every entertainment program appearing in this fall's schedule.

In addition, Mr. Rule, accompanied by Leonard Goldberg, Vice-President for Television Network Programming, personally went to London and Hollywood and devoted many days to meetings with the producers, directors and writers of programs scheduled for broadcast on our network. In these meetings, Mr. Rule and Mr. Goldberg stressed the importance of our long-standing policy concerning violence.

These producers were reminded that in their review of scripts, rough-cuts, and final prints for air, not only should they avoid the use of violence for the sake of violence, but they should give special attention to—and encourage—the de-emphasis of acts of violence.

Mr. Rule and Mr. Goldberg, or their associates, also previewed all the programs that had been filmed and went over all the scripts then in existence, whether in finished or outline form. As a result, in some instances, programs were revised, scenes were reshot, scripts were rewritten or rejected.

The Company's close scrutiny of its dramatic fare does not end with a review of the programs themselves, but also encompasses the so-called "teasers" at the start of any individual program, the "logo" which is repeated each week as a program identification, the advertisements, publicity and on-the-air promotion for these programs.

We wanted to be absolutely certain that no program in our schedule would be made singularly attractive because it included portrayal of the use of force. Every "teaser," "logo" and promotional announcement was reviewed and screened; several were rejected, modified or reshot because as originally prepared they tended to present out of context, certain action sequences of the program.

Similarly, to be certain our new programs were presented in the proper perspective to prospective viewers, our newspaper and magazine advertisements as well as our publicity photos and stories were carefully scrutinized. Our television network resisted flamboyancy or sensationalism wherever it dealt with violence in any form.

It has been and continues to be ABC's policy to emphasize justice in the American system of law enforcement and the maintenance of order, the solution of crimes and the apprehension of criminals, and to de-emphasize acts of violence.

We have four police-action drama series in our schedule this Fall. They deal with police and law enforcement agencies and stress the solution of, rather than the portrayal of, the crime. We believe that these programs help to combat disrespect for law and authority and assist the legally constituted police and law enforcement agencies in the performance of their duties.

In this connection, we were particularly gratified to receive a letter from Deputy Probation Officer, Mrs. Marilyn Cane, of the Probation Office of the County of Los Angeles, which related to the program series "MOD SQUAD." She reported that one of

her sixteen-year-old wards, who had twice been arrested for narcotics involvement, came to her office announcing she wished to beome an undercover agent for the Los Angeles Police Department. She was asked why and replied that she had been watching the previews for "MOD SQUAD" and thought that working for the police seemed to be a good idea.

Mrs. Cane then stated that the young girl is now cooperating with the Juvenile Narcotics detail and has provided them with much useful information.

Mrs. Cane concluded her letter by writing: "Mod Squad is to be congratulated for making law enforcement an alternative more attractive than law breaking. The medium is the message, and at least one of my charges has read it loud and clear."

Another statement, which also contributed to our sense of pride and accomplishment, was recently issued by New York City Mayor John V. Lindsay. Mayor Lindsay comments as follows with respect to "N.Y.P.D.," one of the programs in this season's schedule:

> N.Y.P.D., the New York-produced American Broadcasting Company series based on activities of the New York City Police Department, has been a powerful and constructive vehicle for the Police Department and its 33,000 men. It has shown the problems and complexities of police work in this modern day; it has backgrounded the social and economic structures within which the police must function.
>
> It has demonstrated law and order but more importantly it has demonstrated law and justice. We feel this series has been an important adjunct of the work of our Police Department and should be continued as long as possible.

Along the same lines, Mr. J. Edgar Hoover wrote to us in connection with our "F.B.I." series as follows:

> My associates and I are delighted that the program is not only a success from the standpoint of good entertainment, but that it is also serving to give the public a better understanding of the specific violations over which the FBI has jurisdiction, thus encouraging greater cooperation and enhancing the effectiveness of our investigations.
>
> Your network and the production staff have done an outstanding job and it has been a gratifying experience for us to participate with you in this television series.

In concluding my remarks, I should like to point out to this Commission that some acts of violence will be depicted on some ABC dramatic entertainment programs this season. Given the subject matter of some of the programs mentioned (FBI, NYPD, MOD SQUAD), it would be virtually impossible to deal with the inherent problems in a realistic manner without stories which involved violence.

However, I would also like to assure the Commission on behalf of ABC that every effort is being made—and will continue to be made—to insure that it is not the portrayal of useless, excessive force for its own sake—or violence that is included merely to attract audiences. We do not intend to exaggerate or prolong such incidents. We hope we will be successful in limiting the portrayal of acts of violence to instances where they are a natural and logical part of the story and where they advance dramatic development.

This Commission may be assured that we are concerned and expect to do our best to fulfill our responsibility as broadcasters.

I thank you for this opportunity to appear before you and express the views of the American Broadcasting Company.

Dr. Eisenhower: Thank you very much, Mr. Schneider.

I would like to just acknowledge that the very day this Commission was appointed I had a telegram from Mr. Goldenson and a telegram from Mr. Hagerty offering the full cooperation of the company. I know we have had it with our task force and with your appearance here today, and we are very appreciative.

Mr. Schneider: Thank you, sir.

Dr. Eisenhower: Congressman McCulloch?

Mr. McCulloch: Mr. Schneider, has your company or has the industry as an industry made a study of the causes of violence in America?

Mr. Schneider: Congressman McCulloch, we have not directly made a study. We have participated, as Dr. Klapper indicated yesterday, in the activities under Governor Ribicoff with Health, Education, and Welfare. We have tried to be current with the material that has been written about violence. Several of the papers that have been written are circulated to our editors who in their subjective judgment must be aware of what is happening not only in our society but what is being done in the schools and colleges in applying a subjective judgment to the acceptability of program material.

These are intelligent people; these are trained people, who must be aware of, as you and I, in determining what they will accept for broadcast, what is going on.

Mr. McCulloch: Has your group made a study of the reduction or I guess the impossible prevention of violence in this country?

Mr. Schneider: I don't know whether we have made a study of the prevention of violence, other than to be aware of—I know our research department is constantly aware of what is happening and what studies are being made outside of our company.

Mr. McCulloch: Asked in a different way, have you studied, and if you have studied, have you concluded how you might report the news of violence, looking towards its reduction or prevention?

Mr. Schneider: So far as reporting the news of violence, this is outside of the area of Standards and Practices. The Standards and Practices does not prescribe any rules for news reporting. This is within the province of Mr. Lower who is in charge of our news department and who has had discussions with Mr. Baker and who has cooperated with this Commission and will furnish whatever materials this Commission requires.

Mr. McCulloch: These decisions are then individual decisions of executive authority in the various companies?

Mr. Schneider: Yes, sir, they are.

Mr. McCulloch: I judge from some of the testimony that I heard yesterday that no final conclusions have been reached by the studies and by the papers and by the action which results from those studies and that action. Is that correct?

Mr. Schneider: I was in the hearing room yesterday and I came to the same conclusions, sir.

Mr. McCulloch: That is all, Mr. Chairman.

Dr. Eisenhower: Judge McFarland?

Judge McFarland: Dr. Larson mentioned a change of menu. You are changing the menu from time to time, are you not?

Mr. Schneider: Yes, Governor, each season we change the menu.

Judge McFarland: Sometimes you have to abandon the new menu?

Mr. Schneider: Yes, sir.

Judge McFarland: Now, in regard to your news, the criticism has been made—I say your news, I mean the news media, including the newspapers—that too much is played up, too many times an act of violence is played up rather than playing up the good features, for instance the youth and what they are accomplishing.

What would you have to say about that?

Mr. Schneider: Well, I would again say this is a matter which falls outside of the province of the Standards and Practices, Governor McFarland. However, I do know that Mr. Lower has prescribed certain standards by which the news reporters operate. These standards have been made available to the Commission. We have done documentaries in the area of youth. We spent a good deal of the summer exploring some of the problems in our documentary programs, and consistent with the fairness doctrine, I know that our news department operates under the policies of balanced programs.

Judge McFarland: That type of program is generally portrayed in the documentary, isn't it?

Mr. Schneider: Yes, sir, it is.

Judge McFarland: Then, of course, when some act happens, some place, some feel that maybe there shouldn't be too much emphasis put on an act of violence; it shouldn't be overemphasized. Have you given study to this, as to how much emphasis should be put on these matters?

The news of television must necessarily be selective, must it not, on account of the time element?

Mr. Schneider: Again, these are the questions that I know have been asked of Mr. Lower. Yes, they must be selective. My own personal opinion, sir, is that we have to report what is happening in this country. And, again, the reporters are using their judgment in determining what they see and what they report on their programs.

Judge McFarland: Thank you very much Mr. Schneider.

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1 OF 6

Dr. Eisenhower: Ambassador Harris, you slipped in so quietly I didn't realize you were here. Do you have questions?

Ambassador Harris: Thank you, Mr. Chairman.

One of my few quiet moments. I did have a chance to review your entire statement, Mr. Schneider, which I found very interesting and I was particularly pleased you dealt with a problem that concerns me, the problem of artistic integrity and creativity on the one hand as over and against our concern for not having too great an emphasis upon violence, on the other.

I think this makes this kind of inquiry very sensible, because of the high value I place on creative freedom and artistic integrity. I think you dealt with it very well here and it has been very helpful to us.

The question I want to ask which is related is whether in your judgment there ought to be any different standards applied to the broadcast of news by television than are applied to the dissemination of news through newspapers or through your sister medium of radio.

Mr. Schneider: I don't feel competent to answer that question, since the area in which you are talking is outside the area in which I operate. That area is in the area of journalistic rules and standards which come under the news department, which is independent of what I do. We do not review any of the news material. We do not set any standards or policies for the news material. That is left to that department of the company.

Ambassador Harris: I think we have some concern based upon facts that there is a quantum jump in the impact of visually reported news for television, that there is a question that I hope someone will address themselves to, whether we can or should impose different standards for this? And perhaps if you can't comment, perhaps someone else from your organization might do it, possibly in a written communication to us.

Mr. Schneider: I am certainly positive we can do that. I know we are in contact with Mr. Baker and can provide that information for you.

Ambassador Harris: Thank you, Mr. Chairman.

Dr. Eisenhower: Mr. Jenner?

Mr. Jenner: Thank you, Mr. Chairman.

I was concerned, on page 7 of your paper you state that ABC maintains a staff of editors to review and screen material intended for broadcast, except for news, news documentaries and sports events.

Do I properly interpret that to mean that you do not have any review or research procedures or standards with respect to news, news documentaries and sports events?

Mr. Schneider: No, sir. Perhaps I ought to make that a little more clear. The area in which I am competent to speak is what is called Continuity-Acceptance Editors, Standards and Practices, editors whose function is to review, censor, if you will, program material in the entertainment area. There are standards and there are policies for news, special events. documentaries, which are prepared independently of this code area,but are prepared by the news department and its determination in its role as to what it sees in the journalistic medium as distinguished from the entertainment medium.

Mr. Jenner: Thank you very much.

Literally taken this is certainly a distortion which you didn't intend. You are confining yourself to the areas to which you give your principal attention.

Mr. Schneider: Yes, sir.

Mr. Jenner: And you don't mean to suggest that the other areas are not receiving attention.

Mr. Schneider: I did not mean to suggest that at all.

Mr. Jenner: You mentioned several times, or at least once, your research department and research work by the network. That is a generalization. What is the nature of your research?

Mr. Schneider: There is a research department which answers directly to the television network. We can have that material and what their responsibilities and duties are, prepared and furnished to this Commission.

Generally it is determining viewer attention, what people are looking at, and I am not competent to really go into all of the roles that they perform, but we can certainly make that available to you.

Mr. Jenner: I was curious as to whether that research department went beyond

looking into what the average viewer would like to see or what entertains him and whether the research department goes into the question of perhaps the effect of the portrayal of violence on the social system and the responsibilities of television broadcasters, both national and local in this regard and the effect on the culture of the country.

Mr. Schneider: I do not know exactly what they do. I do know that we do not have an office of social research as CBS does. We look to the outside sources for that material.

But the research as well as others and ourselves are concerned with what is being done in this field.

Mr. Jenner: One other question. The Department of Broadcast Standards and Practices you say operates independently of the ABC television network. I take it that the department to which you refer is the department of the ABC television network itself, but it is not controlled by or is not a subdivision of some other department.

Mr. Schneider: No. Organizationally, the way it operates, the president of the television network reports directly to the executive vice president and the president of the company. The Department of Standards and Practices reports to me and I report independently to the executive vice president and the president of the company, so that the president of the television network cannot control my decisions and my judgments in determining what goes on the air. So we do have a system of checks and balances between the creative part of the company and the standards part of the company.

Mr. Jenner: Thank you.

Dr. Eisenhower: Dr. Menninger.

Dr. Menninger: I have three matters.

Were you here yesterday?

Mr. Schneider: Yes, Dr. Menninger, I was.

Dr. Menninger: Then you are alert to one of my concerns. It goes without saying that this whole issue of violence and the effects of the media are of utmost concern, and clearly at this moment the responsibility for the problem is in the hands of the industry, because Government is hands off. The industry, thus, has a responsibility of knowing the consequences of what they do in the same way that other people making products have to know about their products and possibly be liable for some of the adverse effects.

Yesterday I asked Dr. Klapper about just how much money CBS spent on research and he indicated his budget was $200,000. I have learned today the net sales of the Columbia Broadcasting System Incorporated and its subsidiaries was $904 million.

Now this may be an improper statement, but when you take the $200,000 against $900 million, that means that $2 out of every $9,000, or two-hundredths of one percent of the net sales was spent on research.

Do you have or could you give me any information as to ABC's commitment to research in terms of dollars versus the total ABC budget?

Mr. Schneider: Dr. Menninger, I heard your request yesterday and after I did, I contacted our research department and I know that they will be furnishing, as our company will, financial statements to this task force and that material will be made available. I do not have it at hand.

Dr. Menninger: Along with that of course I'm interested in Mr. Jenner's concern, namely, how much of that research is really the social research side—you indicated you don't have a division like that—but whether there is any commitment to that.

A second concern has to do—but first I would like to make an observation and ask for your comment—for much of these two days we have been concerned with the impact of violence in the media and particularly in television, and we have heard a lot with regard to the fact that we don't know what the impact of the media is. The implication of course is to minimize the fact that violence might actually result from viewing violence on television.

Now I am impressed, then, with this general view to have you report to us the little vignette of an individual in Los Angeles who had problems with narcotics, who viewed a television show and who reportedly had a positive result attributed to the television show.

Now I notice—I assume there is some satisfaction in the positive result—but one must assume, would you not, that if there are positive results like this, then there are likely also to be negative results?

Mr. Schneider: We can assume that there might or might not be, Dr. Menninger. The purpose . . .

Dr. Menninger: You are still hedging?

Mr. Schneider: The purpose of that illustration was not to make it as a measure of what is being done or not being done, but to report what one person told us about the effect of watching a program in the air.

Dr. Menninger: Well, I hope your are aware, and I'm sure you are in terms of formulating the statement, that placing it as you do in the statement communicates something to the effect that your are not unhappy to have reports like this.

Mr. Schneider: That is correct.

Dr. Menninger: But you wouldn't want to hear the opposite?

Mr. Schneider: We do hear the opposite. I have sat here yesterday and heard a good deal about the opposite.

Dr. Menninger: No, but I mean I didn't see an opppsite example cited in your text.

Mr. Schneider: No, sir, you did not.

Dr. Menninger: The final concern I have, and I thought Ambassador Harris might pick up on it because it was her concern yesterday, and it is related to this whole business of effect.

On page 6 you make the statement that the company's long-standing policy was prohibiting the use of unmotivated violence or the use of violence for the sake of violence. Again on page 14 you quoted the memorandum to the editors commenting to have regard for the principle that violence or the use of force as an appropriate means to an end is not to be emulated.

There has been some concern expressed about the fact that in many cases violence seems to be performed by the good guys and is thus used in what would seem to be an appropriate context. We have heard from some of the scientific investigators that there has been evidence to show that when, shall we say, non-violent means of conflict resolution are presented to children or the like, that they tend to learn from these too and presumably that is what happened in the case of the young girl viewing "Mod Squad," trying to find some other resolution to her struggle.

I want to present the question as to whether you would consider going further in your policy, that is, not just to lean toward the minimization of violence and the use of force as an appropriate means to an end, but the positive rather than the negative view, namely, the encouragement of non-violent means of conflict resolution and the like?

Mr. Schneider: I think the answer to that is yes, Dr. Menninger. As I indicated, each season we go out and sit with the producers of the programs and the very point that you are raising is one that we raise with them in the determination of how they will resolve conflict in action and dramatic programs in the hope that the emphasis will be on the decreasing of the type of direct violence that you are talking about, and finding other ways to resolve problem conflicts.

For example, there was a program called "Judd for the Defense" which was on on Friday nights at 10 o'clock. This program deals in the courtroom dramatic forum, if you will, and discussion between protagonists and antagonists of conflict and how conflict gets resolved and we hope that that portrays in a good way the positive ways in which problems and conflicts are resolved rather than with the fist play.

Dr. Menninger: I perk up on this because again we are talking about this particular matter of communications and how people interpret communications and what we are dealing with right now is in part my response to your communication to us. And what I pick up is the fact that in your statement of principle, appearing twice in your formal statement to us, it is couched in the negative without the added phrase of encouraging it. So I am glad to have the word from you that more is being done in terms of your actual work with the people preparing the shows.

But I hope you are aware how this comes about in terms of my understanding your communication on the basis of what you initially presented which isn't the full story apparently.

Mr. Schneider: I understand what you say and I appreciate your points.

Dr. Menninger: Thank you.

Dr. Eisenhower: Mr. Schneider, I want to ask you a question and before you answer, tell you why I ask it.

Do you have knowledge on the degree of violence in American mass media as compared to that in the mass media of other advanced countries?

Now in your opening statement you pointed out that historically all countries have had violence and that even today many countries are experiencing this. But let me point

out that all of the data we see show, first, that violence is ever so much more voluminous in the United States than in any other advanced country of the world.

If one selected just one type of violence, we have 90 times as many occurrences in that one as The Netherlands, 60 times as much as Japan, 40 times as much as Great Britain. Further, data from the Attorney General show that while there was a diminution in violence in this country down to about 1940, it has been increasing alarmingly since then.

For example, last year there were 250 acts of violence per 100,000 population according to the data from the Attorney General, double 1940, 86 percent above 1950, and even in the first six months of this year it is 27 percent above just the same period a year ago.

Now obviously this is due to manifold causes and it is going to take the wisdom of Solomon to feel that one has integrated all of the knowledge that we can bring together. And in order to bring this down to your field–and I realize you are discussing only the entertainment field–how does– I repeat the question then–the degree of violence in the entertainment aspects of American mass media compare to that of other advanced countries of the world?

Mr. Schneider: I am not aware of any statistics on that matter, Dr. Eisenhower. I did hear Dr. Gerbner last night and I understand he is in the process of researching and measuring this matter in many countries. I will be very interested to see what his statistics show.

Dr. Eisenhower: When you get the information, I would appreciate very much having a chance to see it.

Mr. Schneider: I believe Dr. Gerbner is going to be furnishing it.

Dr. Eisenhower: I don't mean to imply by my question there is any relevant connection, but I would like to have the facts.

Mr. Schneider: I understand Dr. Gerbner is furnishing this to the task force.

Dr. Eisenhower: Senator Hart, do you have any question?

Senator Hart:No questions.

Dr. Eisenhower: Mr. Baker?

Mr. Baker: I have just one thing I would like to focus upon briefly.

In applying the standards with ABC uses in deciding what goes in or what comes out or what is modified, the statement has been repeated that they shall not show violence for the sake of violence and excessive violence should be avoided. I was wondering if we could focus a little more on that, what is involved here, and in doing so I think there are at least three statements. I just thumbed through these documents which ABC submitted on the program series "The Avenger," and one of them says "Please do not detail or show closeup on the strangling of Mr. Rose." The second one I believe states "When the final struggle is on, his movements"–talking about a man who is having some problem with a boa constrictor–"his movements and facial expressions can only be approved after screening unless avoided for the most part."

How do you decide what goes in and what comes out? What is your standard?

Mr. Schneider: I believe that which you are reading from is a script report which the editor has prepared for the producer upon reading the script for the program. Following that report, it goes to the producer who will then review the script in terms of these questions, will sometimes sit with the editor and determine how, the manner in which he will photograph and handle the scene. The occasion may arise where he may be given the prerogative of shooting it two or three different ways and the final determination is made in that screening room in the application of the judgment, subjective judgment of the editor who is sitting there screening it, being aware of what our policy is and what he thinks is appropriate for broadcast.

Dr. Menninger: Are you going to ask, Mr. Baker, how this fits in line with some of the testimony we heard yesterday?

Mr. Baker: I wasn't going to ask that question but I thought it was relevant to that question.

Dr. Menninger: Good. I would like to see that addressed.

Mr. Baker: What I am trying to get though, you say subjective judgment, and is it just his visceral reaction to watching what goes on or does he have some criteria, or how is–you spoke of training in your speech–how is he trained?

Mr. Schneider: It is very difficult to give specific criteria in words to those actions which you ask. You have the general standard that you do not have unmotivated

violence; you do not have violence for the sake of violence, or sensationalism merely to attract an audience. You then must bring to that judgment the education, the matters you have read, the concern, the awareness of the public's feelings, questions of taste, the degree in which an act of violence may be portrayed or not portrayed, and this is a matter of an editor looking at a piece of film and determining to what extent you can portray that act of violence, whether it relates to the context of the program, how it relates to the context of the program, is it used for characterization, development of character or is it just thrown in to have an act of violence there.

Mr. Baker: You mentioned two things, the public's feeling and taste. In this regard when you say the public's feeling, is there an effort made to avoid frightening the public or horrifying them by what they see on the screen?

Mr. Schneider: I don't know if I can answer that question in those terms. I don't know whether an effort is made or not made to avoid horrifying or frightening–

Mr. Baker: Is that one of the criteria, to avoid that?

Mr. Schneider: It depends on the program. For example, when you deal with a program called "Land of the Giants" which is broadcast at 7:30 at night, and where you know there is a greater proportion of children in the audience, you will more likely exercise a greater degree of care in determining what goes into that program than you might in a program that is broadcast at 10:00 at night, where you know you have a predominant adult audience. This is the judgment which hopefully an intelligent aware person can bring to a creative product, so that he does not go in there and fight with the producer as to purely the standards, but takes into consideration the artistic and creative aspects of what the producer is trying to do with this special program.

Mr. Baker: I have no further questions, Dr. Eisenhower.

Mr. Jenner: May I inquire further, Mr. Chairman?

Dr. Eisenhower: Yes.

Mr. Jenner: Do you know whether the officials of ABC or yourself, as the case might be, have had appreciation of the factors and matters to which Dr. Gerbner called our attention yesterday in his fine paper?

Mr. Schneider: I believe Dr. Gerbner talked about the entire research and content of acts of violence and measuring the kinds of violence and that is the first I have known of his project in this connection.

Mr. Jenner: I wasn't thinking so much of Dr. Gerbner's project as such, but his calling attention to the fact of life that television has become; it is part of the teaching process of society in this country, that the present younger generation at college age now has come through a television generation as distinguished from adults, and they view and see things and react to things, accordingly, differently from the elders. Have you noticed any of that permeating the officials of ABC?

Mr. Schneider: I think we are aware in fact that our generation has grown up in watching television; I know my children have. I know I watch what they watch. I know that they have learned certain things. I also know that I was brought up in the radio days and also in early television, and I know that my parents brought to that experience what I hope I can bring to my children's experience.

Mr. Jenner: I am attempting to ask you these questions because of the sentence on page 22 of your report: "This Commission may be assured that we expect to do our best to fulfill our responsibilities as broadcasters." That is a fine general statement, but I was really inquiring as to what you thought your responsibilities were.

Mr. Schneider: I think our responsibilities are to be as concerned as we are, to participate and cooperate in deliberations of this Commission, and hopefully to learn from it as much as we can.

Mr. Jenner: Thank you.

Dr. Eisenhower: May I ask, Mr. Baker–pardon this interruption, Mr. Schneider–we are going to be pressed for time after lunch, so would it be suitable with you and Mr. Kasmire for him to present his formal testimony before lunch, postponing questioning until after lunch, and then I am quite certain that without too much pressure we can complete the testimony today before the Commission has an executive session.

I take it this would be agreeable with you. Is it with Mr. Kasmire?

Mr. Baker: Yes, I believe it is, sir.

Dr. Eisenhower: Well then, if other members of the Commission do not object, I think we will stop now and thank you very much, Mr. Schneider. We are counting on your continuing cooperation not only for furnishing the additional information which has been specified, but more questions later on as we proceed, and we possibly may want to have either a conference or a hearing on the news side if we can possibly find time.

Mr. Schneider: Thank you, Doctor.

Dr. Eisenhower: We will hear Mr. Kasmire at this time.

Mr. Baker: Our next witness will be Mr. Robert Kasmire, who occupies the same position in the NBC Television Network.

STATEMENT OF ROBERT D. KASMIRE, VICE PRESIDENT, NATIONAL BROADCASTING COMPANY, INC.

Mr. Kasmire: Mr. Chairman, members of the Commission: My name is Robert Kasmire. I am Vice President, Corporate Information, National Broadcasting Company, and I report directly to the President of NBC, Julian Goodman. NBC's Department of Standards and Practices, which administers NBC's Code of Broadcast Standards and assures that NBC's entertainment programs meet accepted standards of taste and propriety, is one of the areas for which I have executive responsibility.

We have had a number of helpful discussions with the staff of the Commission, looking forward to this appearance, and I will address myself today primarily to an area which those discussions indicated would be useful to the Commission. In addition, we have cooperated closely with the staff in providing considerable information about our operations to help the Commission make informed judgments on the important subject before it.

The National Broadcasting Company has long been concerned about the ways violence is reflected in our news and entertainment programming.

We welcome the opportunity to assist the President's Commission in whatever way we can. This attention to violence in the media is just one area of the Commission's concern, but we feel it is a significant one. It is significant because the mass media, especially television, have such an important place in American life.

We hope our appearance here can help to clear up some of the misunderstandings about what we in television do and how and why we do it.

We recognize the special concern that exists at this point in history. Violence is a subject very much in the minds of Americans. The two dreadful assassinations of 1968 have caused Americans to take a careful look at themselves. The past few months have also brought forth suggestions, based in varying degrees of thoughtfulness, that the media, especially television, are major contributors to violence and unrest.

We know that so long as broadcasting seeks to reflect the imperfect world around us, it will be subject to criticism for a variety of reasons. The criticism of television is not uniform, and it may be useful to categorize it in general terms. There are those at the extreme, for example, who accuse television of exhibiting violence consciously and malevolently, for profit or political effect. Others say that television fosters an insensitivity to violence, that in itself breeds violence. Still others may grant that violence on television is a legitimate reflection of reality, but insist that the public interest requires us to ignore that reality.

A good number of people are satisfied that television should be showing what it shows them, but they suggest the same things should not be shown to other people. Many parents are concerned about what their children are learning about the world from television. Some parents are more concerned about what other people's children are learning. Some people want us to show the gruesome aspects of the war in Vietnam but not the disorder in our streets. Some feel we should present scenes of rioting in American cities but not the scenes of battle in Southeast Asia.

Finally, there are those who are happy with television as entertainment but want us to play down any violence in the news, and their opposite numbers can accept reports on the violence of real life but feel it should be eliminated from fiction.

In short, television has a diverse and divided audience. Some viewers praise the very things others criticize. This will always be the case with a mass medium in a large, heterogeneous, free society.

It is also true that, in the minds of many observers, America has never in its history been divided by so many issues: Vietnam, unrest in the cities, the various expressions of social revolution–all of them issues involving violence. In our news coverage, almost any

conflict we report—no matter how fairly—is likely to arouse the resentment of partisans whose commitment makes them see the issue differently from the professional journalist. When this happens, the reporter, his organization and an entire news and entertainment medium are condemned on claims that they emphasize the bad and scant the good; that they are biased or opportunistic; that they contribute to the problems by reporting them or by just being present on the scene.

There is no doubt that television is, to a large degree, a mirror of our society. It is also a mirror of public attitudes and preferences. If conflict is a part of people's lives, then it is reasonable to expect that television will reflect the fact. And indeed conflict,—sometimes violent conflict—is embedded in history; it has plagued every society through the ages, and it has been a part of literature since man began to write. We provide a schedule that embraces news and information programming, and the various forms of entertainment. So we deal with conflict in two ways: the conflicts that are part of the world around us, and the conflicts that have always been the material of storytelling.

Entertainment programs involving conflict represent only a part of the NBC Television Network schedule, but they raise difficult considerations. Taste is involved to a great degree, and taste is a very personal thing. We don't believe it is sensible or realistic to demand that conflict be deleted from television drama, because to a large extent, drama is based on conflict.

In evaluating what part conflict does or should play in a program, it is not very helpful just to enumerate the acts of violence contained within a given story or a given period of time. On this sort of scale, everything from *Hamlet*, Act V, to "Little Red Riding Hood" would be suspect. Any night's television programming contains instances where scenes of conflict are used to underscore a non-violent or otherwise morally instructive point. We believe the context is all important in terms of effect on the viewer. Many of the surveys on this subject have neglected to acknowledge this distinction, but it has always been a consideration with us.

NBC first codified its program standards in 1934. We have revised them from time to time to meet new requirements and changing public attitudes. In the 1930s, NBC's radio code emphasized that NBC (and I quote) "in rejecting, insofar as possible, dramatic action that depends on crimes of violence for its effectiveness, believes that it is working in the best interest of the public"—end quote. Special caution was taken with sound effects to eliminate suggestions of morbidity in dramatic plots. With the advent of television, these precautions were extended to visual effects. We recognized the greater impact of the visual medium, and the resulting problems involved, so we sought to adapt and clarify our criteria regarding violence. Our present code of Broadcast Standards states this:

> "Violence should never be presented for its own sake, for shock effect or as an audience stimulant and should never be carried to excess. Depictions of violence can be justified as an expression of conflict only to the extent essential to the advancement of plot or the depiction of character."

Although this is a good general guide, it is not self-executing. It relies on individuals making individual judgments. We apply these judgments, daily and conscientiously, in two ways.

One is through the involvement of the NBC Program Department in the creative aspects of our entertainment schedule, most of which is provided by outside production companies. The other, which I'd like to outline in some detail, is the continuing scrutiny and evaluation of program material by our Department of Standards and Practices.

I ought to stress the independent nature of these two approaches. The NBC Program Department is part of the NBC Television Network Division, and the executive in charge of programming reports to the President of the network, who reports to the President of NBC. The Department of Standards and Practices reports to me, and, as I noted earlier, I report to the President of NBC. Thus, within NBC, two separate departments, in separate reporting lines, are responsible for maintaining program standards.

With the exception of news programs, which are the responsibility of NBC News, all broadcast material, regardless of source and including commercial announcements, is carefully examined by Broadcast Standards editors and, when appropriate, their supervisors, before it goes on the air.

This process begins with the outline of the program and proceeds by stages all the way to the final film print or videotape. Needless to say, our responsibility goes well

beyond the area of violence and includes every area with which a home audience would be concerned.

At present, the Standards and Practices Department consists of 37 people, located in New York, and Burbank, Calif. Each editor is assigned to one or more programs. Typically, in the first stage of surveillance, the program's producer submits the program outline to NBC—to the Program Department and the Standards and Practices Department. The Program people concern themselves primarily with creative and production matters; the Broadcast Standards' editor notes any points which might cause problems in any area of Broadcast Standards concern. He advises the producer of his judgments so that they may be observed when the program is cast in script form.

Next, the script is submitted and the same evaluation takes place. In particular, the editor scrutinizes every action scene to be sure it is necessary for plot or character development. His comments, cautions and directions are given to the producer in a formal report. Any points in which the producer may differ, from a creative point of view, and which cannot be resolved in discussion, are taken to the editor's supervisor for resolution.

In the next stage, the editor reviews the "shooting script"—the actual script to be used in the studio, the set or on the location. In a detailed report, he indicates any scene or dialogue which is unacceptable or which requires special care, and orders deletions or suggests alternate treatments.

Next, the editor or his counterpart in the Program Department is present on the set for the filming of any scenes that might raise questions of acceptability. This is a relatively new procedure, established last summer as a result of the intensified concerns about media violence, and I'd like to return to it later.

Then comes the screening of the first, edited version of the program. The Broadcast Standards' editor checks what has been put on film or tape against cautionary points he has made and the changes previously agreed upon. He also suggests any other changes which may be needed. Finally, the editor screens the finished product and only then is final approval granted.

This review is performed on all programs produced for television, whether by NBC or outside companies. In the case of live programs, of course, the effective review ends with the final rehearsal. In the case of feature films, which are produced originally for theatrical showing and later bought for television, any required editing must be done on the finished product. But for the vast majority of programs, we are able to have changes made at any time, from the outset of production to the final form.

We try to catch lapses as early as possible, to avoid having to make wholesale deletions in the finished product, or scrapping the program entirely—as sometimes happens. At every stage, but especially in the early stages, the cooperation of our program suppliers is highly important.

To make sure our standards are clear and to stress their importance, NBC's principal Program and Broadcast Standards executives hold annual meetings with our producers, in advance of each production season.

The task of the Broadcast Standards department is a sensitive one. Our people must recognize the valid areas for expression by creative people, yet exert an effective influence to assure that our standards are met. They are not infallible; they cannot speak for everyone; and in an era of rapid social change, their job becomes that much more difficult.

It is essential that they be sensitive to evolving *mores*, and the Standards and Practices Department maintains regular contact with various church, school and community groups, and professional and social organizations, such as the National Mental Health Association, the Child Welfare League and the American Medical Association. They see the mail that comes to NBC relating to their area. And they try to keep familiar with literature and research on the mass media.

It seems clear that public notions about conflict and violence in entertainment are far from uniform. A motion picture like "Bonnie and Clyde" is greeted with both outrage and acclaim. The research on the subject is far from conclusive. One of the problems, of course, is that looking at entertainment in a laboratory situation is not the same as looking at it in the living room. Very often, too, for the sake of convenience, researchers must lump all of the visual media together, without regard for the differences among them.

There is also the problem of finding a suitable measure of behavior that would

actually do harm to others. I think we all realize that children imitate what they see, and games of "cops and robbers" are not new to the American scene. There is a real question, however, whether this is the kind of violence with which society is concerned, or whether the rough-and-tumble games that children everywhere have always played may not be a healthy outlet for aggressive feelings. It is a question that is by no means resolved by the research to date.

I think it is clear that we need more research in this area. We need to have studies that reflect real-life viewing situations, with a minimum of experimental constraints, and we need to know whether the behavior we are measuring has a plausible relation to the sort of violence that prompted this Commission's investigation or the sort that is causing public concern.

Surveys among children tell us, in general, that delinquent behavior occurs no more often among heavy viewers of television than among light and non-viewers. Some suggest very strongly that it's not what a person reads or watches on television or in the movie houses that determines his behavior or personality; instead, his personality influences what he chooses to read or to watch on television or in the movies. We need to have experimental research that will substantiate or disprove these findings and provide us with guidelines that we do not have now.

This is not to say that television can regard the absence of precise knowledge in this area as a justification for relaxing in its responsibility. It cannot. On the contrary, we realize that reactions will differ from viewer to viewer, and what is acceptable in one home or community may be totally unwelcome in another. We've always sought to be realistic and reasonable in applying our standards and to be responsive to changes in public taste and acceptabiltiy.

To do this requires a continuing reappraisal of our standards and the procedures by which they are put into effect. Accordingly, last May—before the question become a matter of such intense public discussion--Walter Scott, NBC's Board Chairman, and Mr. Goodman made a special trip to NBC's Burbank, Calif. headquarters, which supervises the production of most NBC programs. They emphasized in meetings with NBC Program and Broadcast Standards personnel that NBC's program standards were to continue to be applied rigorously. That point was also stressed during this year's sessions the Program and Broadcast Standards executives held with outside program production companies.

This latter meeting was held the last week in May, prior to Senator Kennedy's assassination. This national tragedy sharpened the concern of many Americans about the roots of violence in our country. We shared that renewed concern.

When President Johnson appointed a Commission to investigate violence and its causes in America, we pledged to cooperate. Shortly thereafter, Mr. Goodman issued a directive asking Don Durgin, the President of the NBC Television Network and Raymond Welpott, the President of our Owned Television Stations Division, with their associates and the assistance of Broadcast Standards executives, to undertake a review of the procedures followed in applying our program standards. The purpose of this review was to see what we could do to refine and strengthen our procedures in this area of our responsibility—to do a good job better.

We made a general re-examination of the depiction of violent conflict under our existing standards. In New York and Hollywood, NBC program executives held further detailed discussions, to carry the point home to the people who supply the entertainment programming. They insisted not only that violence for its own sake is inconsistent with NBC policy, but also that pat solutions to conflict, even if dramatically justifiable, lend very little to a program's value. We are confident that our program suppliers are in full agreement with us on this point.

We also engaged as a consultant a member of the faculty of the University of Massachusetts—Simon O. Lesser, a lecturer in English literature, whose primary field of interest for many years has been the psychological implications of fiction. Mr. Lesser has done a considerable amount of study and writing in this field and has authored a book—*Fiction and the Unconscious*—which deals with the psychological influence of fiction on the reader or viewer. We felt that this sort of professional guidance would help our Program and Broadcast Standards people to refine their judgments in this area—to rely not merely on their good instincts but on carefully developed criteria as well.

Our consultant conducted two seminars for the Program and Broadcast Standards executives and staffs—one in New York and one in Burbank. These were discussions of the place of violence in fiction, in both historical and contemporary terms, and we are

developing from them a series of criteria by which we believe we can improve our evaluation of scenes that contain conflict or violence.

We also have strengthened the capability of our Program and Broadcast Standards operations to deal with the question of conflict in television programs. We did this by redefining the responsibilities of the program manager and the Broadcast Standards editor assigned to a given program. Under this system, the program manager, who is concerned principally with creative considerations, and the editor, who is the guardian of our standards of acceptability, share responsibility for scrutinizing scenes depicting violent conflict.

In effect, we doubled our surveillance in this area. We also expanded our Broadcast Standards department in Hollywood so that editors can be present on the set when action sequences are being filmed or taped. This is the procedure I alluded to before; it is a safeguard against lapses that can occur when the director, by his interpretation, gives a different tone to a scene than is indicated in the script. And it gives us options other than just eliminating the film sequence altogether.

This reappraisal continues to involve every aspect of our programming that falls under the responsibility of Broadcast Standards, including programs already completed; scripts and outlines for programs in production; the advertising and promotion of programs; and commercials.

At one end of the scale, the past few months have seen numerous revisions in the detail of finished programs, wherein fight scenes have been shortened; gunshots have been removed from the sound track, or scenes of violent death have been conveyed through the reactions of observers, rather than through direct action.

At the other end, we have scrapped entire program episodes, not because we thought they showed excessive violence, but out of regard for the heightened sensitivity of our audience. We have also turned down commercials which emphasized violence.

I should also mention feature films broadcast on television, for these present a different sort of problem. Since 1961, Broadcast Standards has reviewed approximately 585 motion pictures. Of these, 94 have been rejected, and 30 were declared unacceptable solely or principally because of violence or morbidity. As a part of our recent appraisal, we have rescreened many of the feature films already scheduled on the NBC Television Network, and we have made additional changes and deletions where we thought they were called for.

In the case of new programs, we have discouraged fight scenes as resolutions of program episodes. In one new program in particular, the 90-minute action series, "Name of the Game," the producers, with our encouragement, have imbued one of the major characters—the crusading head of a magazine publishing empire—with a specifically anti-violent philosophy. After the first two episodes were filmed in a new series about a private detective—"The Outsider"—it was determined that the leading character should not carry a gun.

I should emphasize that we do not regard these revisions as either temporary or our final word on the subject. They are part of a continuing, permanent reappraisal that has already affected our program development as far ahead as the 1969-70 season.

We have also given special consideration to the young audience and to children's programming. This has always been an area of sensitive concern, and our Broadcast Standards people maintain a liaison with child psychologists. We are aware that many parents are dismayed by the amount of television their children watch and that the old fears about the effects of radios, comic books and Saturday matinees have been displaced largely onto the television medium. The best indication we have is that children, like adults, bring their own conflicts to the medium, rather than take conflict from it.

And it seems that children who are attracted to conflict on television turn to conflict for escape, and some studies suggest that the likelihood of their committing acts of violence may be reduced, rather than increased, by portrayals of conflict.

Again, these are tentative conclusions. They do not absolve us in any way from vigilance and responsibility. The audience for many programs is an all-family audience, and we recognize the obligations implicit in this fact. Of course, it is not possible to program only with children in mind, so we must depend to some degree on parents to supervise their children's viewing. We are continuing our search for new children's programming that adults will applaud; it must also be programming that children will watch.

In summary, we are aware of the deep public concern on this matter; and, accordingly, we have strengthened our long-standing safeguards against sensation and excess, without compromising our function as a medium of information and creative expression. We will continue to exercise care and judgment, and we will continue to be responsive to inquiries on this question, in the hope that everyone may come to understand better the deep-rooted causes of individual and group violence in America.

Mr. Chairman, that concludes my formal statement, but with your permission, I would like to make a short addition.

The testimony the Commissioners have heard so far seems to confirm our own experience with research in this area. The complexity of the human behavior involved makes it very difficult to design projects that will yield valid results.

There are many conflicting points of view on the influence of the media on human behavior and there is no conclusive research on which appropriate guidelines for the media can be based.

I would like to suggest that the Commission can make an important contribution in this area by recommending a program under which sound, meaningful, research projects could be identified and carried forward. Broad participation in this program by all media would ensure that the results would have wide acceptance and avoid the stigma that sometimes attaches to research supported solely by the affected industry.

Research developed on such a basis would be a most valuable aid in approaching the very difficult problems the Commission has been directed to consider, and NBC would welcome such a program and would be glad to participate and pay its share of the costs.

Thank you very much.

Dr. Eisenhower: Thank you, very much. It will be convenient for you to come back at 2 o'clock?

Mr. Kasmire: Yes, sir.

Dr. Eisenhower: I think we will reserve our questions until that time. We will see you at two o'clock.

(Whereupon, at 12:50 p.m., the Commission was recessed, to reconvene at 2:00 p.m.)

AFTERNOON SESSION

Dr. Eisenhower: We have several other members of the Commission who will come in, but I think we will, in order to stick to our time schedule, begin.

Miss Harris.

Ambassador Harris: Thank you, Mr. Chairman.

I have two or three questions to address to Mr. Kasmire. I will address one to him that I suggested to him in the interim that I might.

You note two series on which you made a conscious decision to limit the degree of depiction of violence and you mentioned a series called "The Outsider," in which your main character does not carry a gun. I saw this for the first time last night, quite by accident and I was struck by the fact not of the absence of violence, but, in one scene, what I considered to be the unfortunate and rather tasteless use of violence by your main character, after a very sensual scene, against a woman character in which he tosses her off a bed and then throws her up against the sofa in order to elicit a response from her, indicating that she is in fact part of his opposition in the achievement of a goal he has. Now, it seems to me that this suggestion is that the way to get a two-timing woman to admit that she is not telling you the truth is to throw her on the floor and to throw her up against a sofa. Do you consider this a desirable depiction of human relations by television? Or would you care to comment on this description which I think you will agree is accurate from last night's show?

Mr. Kasmire: Yes, it is an excellent description of what was in the show last night, which I happened to see also. That was the first time I had seen that episode as well, since I do not see every episode that goes on the air.

The question I think is why was it there? I would answer that by saying that the incident, in our belief, advanced the plot, the fact that he elicited information from her was the key to the plot's moving forward, that the act was not inconsistent with the character of the protagonist himself, the type of private eye that he is, and that sort of action is fairly characteristic of the private eye adventure. And having made the judgment that there was a bona fide justification for this action, the question that is left to us is was the violence excessive.

Dr. Eisenhower: Was the violence what?

Mr. Kasmire: Was it excessive, was the scene too intense? And our judgment was it was not. I think that there is something very important about the fact that you are raising the question and it points up the subjectivity, the basis on which these judgments are made. And one other point, too, this was the way that the writer, producer, director, had elected, from the creative point of view, to make the point they wanted to make in the plot.

From there on out the judgment becomes a subjective type of judgment. In our view it was not improper, but quite clearly in yours it was.

Ambassador Harris: I think what distresses me about this, which is one example, is that in most of the shows of drama that I see, this is the way in which conflict is resolved. I almost never see a show in which an equally valid manner, the expression of disappointment in deceit, a suggestion that the relationship is to be terminated, the ways in which human beings in a less violent way often resolve this kind of conflict is seldom depicted, and I think what I am really suggesting by my question is that there is in my judgment an excessive use of violence to resolve conflict, which is something you talk about in your paper, a use of violence which is not to be found at other levels of true artistic exposition.

You mention *Hamlet. Hamlet* is a very violent play, if one looks at the last scene. But as you say, the violence is related to what goes before. But most of the plays are very non-violent and most of the scenes of Shakespeare which we remember are scenes in which there are other means of resolving conflict. Now what I am asking you is why is it that this particular medium in this kind of situation, in a majority of cases use violence as a means of resolving conflict? You agree with me there is a tremendous use of a violent act, from death to throwing somebody against a sofa on television to resolve conflict.

Mr. Kasmire: I agree with you, of course, that there is violence.

Ambassador Harris: Well, why?

Mr. Kasmire: May I clarify something, and that is, my reference to *Hamlet* in the statement was intended to indicate that counting of the number of deaths is not a meaningful measure particularly. We are dealing here with entertainment and we are dealing with popular forms of entertainment. And this entertainment has a certain positive value in itself, in that people turn to it for relaxation, for diversion, to refresh themselves to go back and face the world the next day and to engage in fantasies in a harmless fashion.

I do not know that I can answer you as to the question of why there is the degree that there is. I can say this: that it is certainly not a deliberate conscious effort, that each program is produced by itself and is considered as an entity, and that certainly we do not advocate, by any means, such pat solutions to problems. That is one of the reasons why we are trying to develop criteria that are much more specific for our broadcast standards and program people to work with in determining what is most desirable and acceptable in the expressions and resolutions of conflict.

Ambassador Harris: Is it perhaps that it is easier to reflect violence than it is to write good dialog and perhaps you take the line of least resistance in appealing to this tendency we all have to go soak our heads in television sometimes.

Mr. Kasmire: Unfortunately sometimes a writer will use it because it is an easy way to go.

Ambassador Harris: But would you suggest we would be wrong if we decided the reason there was so much is that it is generally easier to do this than to write a dialog and to create situations which are valid in terms of presenting alternative routes to the resolution of conflict?

Mr. Kasmire: I do not think that would be an untoward suggestion at all. I think it would be very helpful.

Ambassador Harris: Thank you very much.

Thank you, Mr. Chairman.

Dr. Eisenhower: Senator Hart?

Senator Hart: My question will reflect very probably the fact that I was absent yesterday. But on page 3 of your statement, sir, I note you describe the problem you have. But is there any—I am asking you whether you leave open a question of whether when, and talking about news coverage now, whether there is any dispute that the presence on the scene of television does contribute to the problem? The reason I ask

hat, you have a phrase here, "In our news coverage, any conflict we report, no matter ow fairly, gets us in trouble and when this happens the reporter and the entire medium e condemned on claims that they contributed to the problem by just being present." But don't you agree you do?

Mr. Kasmire: I think, sir, that there is a conflicting view on this subject. Some people believe very strongly that we do. We do not go all the way to say, "No, we do not." But we do have guidelines in our news operation that relate specifically to on-scene coverage, and a copy of these guidelines has been filed with the staff.

One of the cautions, if I may add, is that every effort should be made to camouflage the electronic equipment that is there covering the events, not to make it obvious and not to add to the scene with lights and heavy big equipment. We try to avoid that when we can.

Senator Hart: Why?

Mr. Kasmire: Because if our presence there does stimulate the activity, if it does, we do not want to run that risk.

Mr. Jenner: You do not want what? I did not hear the last three words. You do not want what?

Mr. Kasmire: To run the risk of stimulating the activity with our presence.

Senator Hart: Your experience has not indicated that by putting that rig up and turning the lights on you do not attract all sorts of people?

Mr. Kasmire: We attract people there, yes, sir.

Senator Hart: This does not go to the prudence or the appropriateness of your setting up and reporting it. I am just wondering why you seem to be so uncertain now as to whether on occasions you do not contribute to the problem by being there. It appears to me the news department should not shut down if you concede that.

Mr. Kasmire: I think, sir, it is an indication that NBC News is very, very sensitive to that fact, because it has incorporated in its guidelines that they should camouflage when they can.

Senator Hart: Wouldn't it be likely that you could reduce further—well, the politican would be much more comfortable if there weren't any newspapers, because it causes trouble. Everybody agrees with that; nonetheless we concede there should be newspapers. If you were to concede that by being on the scene you cause trouble, it does not mean you are surrendering the right to be there. But it would seem to me to be even more likely that in all of your activities you would perhaps be able to test new subject matter in a more satisfactory fashion. That is the only reason I was pushing on this.

Mr. Kasmire: I understand your reason for bringing it up, sir. There is another side of the coin on that: it is our responsibility to report what is going on.

Senator Hart: That is fine. That to me makes sense. Sure, we say sure we know if we set it up here we will get 15 fights right away, but then insist that is good, rather than pretending the fights would have occurred if you hadn't been there. That is all.

Ambassador Harris: Mr. Chairman, I do have one other question. I want to address the same question I addressed to the witness before, whether you believe any different standards ought to be applied to the reporting of news by television than are applied with respect to the reporting by newspapers or radio, that is, with respect to censorship, prejudgment, determination of contents by persons outside the reporting function?

Mr. Kasmire: No, Ambassador Harris. Our position has always been that we are a medium of journalism, that we should be subject to no more restrictions and no less restrictions than the other media of journalism and our performance should be directed by the judgment and integrity of the people who do the work.

Ambassador Harris: Do you think the reaction of people who want television coverage is any different, say, in degree than it was when there was no television? I am interested that before television, 20-some-odd years ago, when we got ready to picket, we always did it in terms of letting the newspapers know we might be there so they would cover it. Do you think there is a difference in this now, that your presence is what determines it, or the potential for your presence may determine the reaction of the people?

Mr. Kasmire: Yes, and in the same style that you have expressed it, people are looking for coverage and the electronic media are there to provide that.

Ambassador Harris: You can always hope, whether they get there or not.

Mr. Kasmire: Pardon me?

Ambassador Harris: You can always hope, whether they get there or not, so you escalate it to be sure they will come.

Mr. Kasmire: Yes, if I may say this, having been a newspaper reporter: I think this is the mid-twentieth century extension of the fellow making sure that the reporter is there and listening before he makes a statement.

Ambassador Harris: Thank you, Mr. Chairman.

Dr. Eisenhower: Judge McFarland.

Judge McFarland: Mr. Chairman, on account of the time, I will confine my questions to just one. I think it has been pretty well demonstrated here in these hearings that many of the questions are unanswered, many of the studies haven't yet answered those questions and that we need a continued study in this regard. I believe that, if I am correct, that the networks have been volunteering some kind of an organization to make a study and I am wondering what your network's attitude would be toward continuing such a study, probably in conjunction with some agency or at least reporting to some agency? If at these hearings we just make a report and the thing is dropped, why then a whole lot of this in regard to this media is lost. I would just like to have your comments on that.

Mr. Kasmire: Yes, sir. This was one of the considerations that motivated my comment this morning, that I thought the Commission could make an important contribution in this area by perhaps proposing proper research studies and research designs in this area.

Judge McFarland: You hope that we would propose that?

Mr. Kasmire: Yes, sir.

Judge McFarland: Thank you.

Dr. Eisenhower: Mr. Jenner.

Mr. Jenner: Thank you, Mr. Chairman. I very much appreciated your invitation as well as your testimony on the very subject on which you have just responded to Judge McFarland. I find this difficult only not to the same degree with your testimony as I did with respect to Mr. Schneider's, and this is perhaps unfair to both of you, because you are essentially entertainment-oriented as far as your work with your respective organizations is concerned, and I take it that the emphasis in your paper on the entertainment function of television is not to be construed to have us reach the conclusion that you are not devoting yourself to research with respect to the impact of instantaneous broadcast of events, the effect on the public. Is that correct?

Mr. Kasmire: Yes, sir. The focus on the entertainment portion of the schedule was worked out in prior consultation with the staff. The staff felt that this is how we could make the most important contribution.

Mr. Jenner: When you say on page 10 of your paper that we need to have studies that reflect real-life viewing situations with a minimal of experimental constraints, and we need to know whether the behavior we are measuring has a causal relation to the sort of violence this Commission is investigating and which is causing public concern. (What prompted the creation of this Commission happened to be a particular event, but it was much more deep-seated than that particular event.) Do you intend by your efforts of research and further study to include also the matter of the effect of violence or escalation, de-escalation, whatever it might be, that broadcasting the course of events as they occur or shortly after they occur?

Mr. Kasmire: I think that might properly be a subject that is studied, yes, sir.

Mr. Jenner: And that would include the effect that having television equipment on the scene might have on the level of violence, or the advance, to those who have a demonstration in mind, that television will be on the scene?

Mr. Kasmire: It is a question that thoughtful people raise seriously. I think it is a question that should be answered.

Mr. Jenner: Thank you, Mr. Chairman.

Dr. Eisenhower: Dr. Menninger.

Dr. Menninger: Mr. Kasmire, in one sense I have a number of questions to put you on the spot; and as Mr. Schneider I regret in a sense that you don't have representatives of NBC News to in effect respond to some of these questions about what kinds of safeguards there are in the same way. As I indicated in a question earlier, I am well aware from my own experience, at least at the college level in journalism, of the tremendous latitude in just what is news being decided by the reporter and by the editor and the degree to which there are additional professional safeguards on this when issues come up

and are so instantaneous they have to be reported instantly, and there isn't a chance to even in effect give it the careful kind of editing that may take place in the time it takes to put a newspaper to bed. Do you feel that continuity acceptance should have some responsibility in the area of news or does this put you too much on the spot?

Mr. Kasmire: No sir, it does not. I don't think the continuity acceptance department should have. I think this is a field that should properly be left to the professional news people, even as it is in the print medium.

Dr. Menninger: I have noticed at various times and indeed television may be in part conceived in the eye of the beholder. You at one point refer to it as a medium of entertainment and another time as a medium of journalism, and the question is to what extent do you have your cake and eat it too, or are all things? When one talks about the kind of thing that your office has to worry about I understand from someone else of another program, one which you referred to, the magazine format, in which there was an episode in which the primary focus was on the magazine editor's in effect entraping and getting a confession out of someone which the police couldn't do and we are going to be having hearings on the whole business of respect for the law and people taking the law into their own hands. I am wondering if when you are looking at programs with regard to violence you consider that aspect of it?

Mr. Kasmire: Yes, we do, sir.

Dr. Menninger: Do you know the program to which I refer? Maybe I can ask Mr. Short to elaborate on that. He is the one who saw it. I understand it was the episode a week ago in which this happened. But it sounded like an episode which didn't exactly encourage great respect for the law.

Mr. Short: This was the point, that I felt that your paper, necessarily, I suppose, because of the focus of this Commission, dealt with violence as such somewhat to the neglect of another very important aspect of our business, namely, attitudes towards the law and law enforcement. And the notion is very clearly communicated there that the law enforcement officials were inept and not capable of bringing this man to justice, but our charging magazine editor was able to do this. But he did so by a method which is illegal, that of entrapment. And I felt that this was something I did not wish to have communicated to my children.

Mr. Jenner: Nor to the average citizen either, apart from your children.

Mr. Short: Yes, sir.

Mr. Kasmire: The question you raise is a moral point. Obviously this was a part of the plot in this program and I don't mean to dodge away from that program, by pointing out that there are a number of other programs in which police operations are dealt with with reasonable realism, where authenticity is maintained in terms of the proper function and attitude, where the legalities of the situation are very precisely observed. So that it seems to me on balance there is far more in the television schedule that promotes law enforcement.

Dr. Menninger: One of the things that at least strikes me as quite a hooker is this: "violence justified to the extent essential to the advancement of plot or depiction of character." One can take a lot of poetic license with this, or what have you. Let me, not to neglect you in my concern about how much networks are oriented toward really looking at the problem by committing dollars and cents to it (if you have the information, well, and if you don't, I would hope you would get it to us), ask what the budget is of NBC for research and particularly the research of the impact of issues we are studying, either research directly or support of unbiased institutions for research, and how this compares with the total budget of NBC? Do you know that?

Mr. Kasmire: I don't have such figures at hand, Dr. Menninger, but I will see to it they are transmitted to the staff. If I may, I would like to make this point in that connection: the problem has not been one of budgets and amount of money spent or available. The problem has been in the area of finding the proper kinds of research, the type of study and what it would show us, and whether the research would be meaningful toward this end.

Dr. Menninger: In many areas, I think, it has been pretty well demonstrated that when the money is available qualified researchers will come in to help. Waiting for qualified researchers to appear before making money available doesn't usually work as well as the reverse.

Mr. Jenner: I would just observe a good many of them have responded to this Commission.

Dr. Menninger: One final comment. In materials which were forwarded to us was a copy of the article by Ulner Glueck and the comments by Sheldon Glueck on the identification of potential delinquents. I think this is excellent material and I urge all of my fellow Commissioners to carefully review. It does point to very important factors in early life. I note of course the general thrust of the circulation of that from the standpoint of the network was that "The major find"–I am quoting from the memo which you shared with the staff, which was in an internal memo in NBC–"The major finding of this report is that the old maxim 'like father like son' is still operative. The Gluecks have achieved an extraordinarily high degree of predictive efficacy, using only factors that are related to the child's in-home environment. In light of this I think it obvious that television can be no more than a very minor cause of juvenile delinquency and could possibly have significant cathartic effects." Would you want to comment on that?

Mr. Kasmire: Well, I am not a specialist in that area, Dr. Menninger. Was that our own research department?

Dr. Menninger: This was a memo to Dr. Thomas E. Coffin from James D. Clokey, dated September 27, 1968, NBC Department of Correspondence, subject, TV and Violence. The point I was interested in is that I don't want to demean–I am aware the press may take some of my questions as demeaning ones. I am aware of that in terms of reports of some of my questions yesterday. But I think it is important to keep things in perspective. And the question of how much the network tends to say, well, then we shouldn't worry about what our effect is because look here the real potent factor is what mom and dad did and so forth and so on. I am wondering if this attitude is something which you perceive as having some impact within the company?

Mr. Kasmire: No, sir. I don't believe–I am certain, as a matter of fact–that that attitude is not prevalent or present. I think what we are referring to here is a subordinate's expression to his superior, commenting on the report itself, not intended to be conclusive.

Dr. Menninger: Yes, I don't want that taken out of context. This is the way I understood it.

Mr. Kasmire: Yes. I do happen to know our head of research is very much interested in the Glueck study.

Dr. Menninger: I am deeply grateful that NBC picked it up and shared it with the Task Force and shared it with us, because I think Glueck's work needs to be carefully reviewed in relation to some of these problems.

That is all. Thank you.

Dr. Eisenhower: First of all, I want to thank you, not only for your appearance today, but for the continuing help that you and the other network companies are giving the task force and us.

I missed the testimony yesterday, but certainly you and Mr. Schneider have expressed genuine concern about the problem we are studying and I think we can take from your testimony that you are equally concerned about the possible effects which television may have upon the American attitude and American behavior.

Now, accepting that as true, I would like to ask what dictates your program choice? Because I'm under the impression that American television does carry a great deal more violence, that is, stories involving violence, than in other countries with which I am familiar, though I'm not sure of this.

But that is my impression.

Now, is it audience appeal that makes the decision or is it artistic and dramatic value, or is it both? What does lead to the decision to have as much drama with violence involved as we do have on American television?

Mr. Kasmire: Well, it is a combination of the factors that you have recited, Dr. Eisenhower; we are at best a mass medium, and it is a fact of life that our schedule must have broad public appeal. So in our program selection we try to choose programs that promise to have good production guidance, that will be well written, well acted, well directed, and will be effective and that will engage the audience and hopefully engage the audience in large numbers.

Within that general framework, we again try to present a schedule that has a diversity of programming in it, ranging all of the way from very light fiction to serious news documentaries, regular news, religious programs, and balanced in a way that everyone in the audience, no matter what his particular personal preference and tastes are, will find

something in the television schedule, hopefully on every single day, that will be rewarding to him.

We are not always successful in this. We choose programs that seem to have a great deal of potential for their appeal and the quality of their production, and these are sometimes disappointing to us, and they fail. They have to be replaced. We also feel under some compulsion to innovate to the extent we can, and we do; we try to experiment, try to bring new forms, or at least new dimensions to the existing forms, to the schedule.

But it is a very complicated process and because we are a commercially supported medium, it becomes all the more complicated.

Dr. Eisenhower: Mr. Baker?

Mr. Baker: I don't believe I have any questions. Thank you, Dr. Eisenhower.

Dr. Eisenhower: Dr. Ball?

Dr. Ball: No questions.

Dr. Eisenhower: Thank you very much indeed for your appearance here today, and for your help.

Mr. Kasmire: Thank you very much, sir.

Mr. Baker: Mr. Chairman, our next witness is Dr. Leo Bogart, who is the Executive Vice President and general manager of the Bureau of Advertising of the American Newspaper Publishers Association.

STATEMENT OF DR. LEO BOGART, EXECUTIVE VICE PRESIDENT AND GENERAL MANAGER, BUREAU OF ADVERTISING OF THE AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION.

Dr. Bogart: Thank you. I should start by saying three things:

First, I am speaking entirely for myself. I have cleared what I have to say with nobody, and

Secondly, that when I started to write what I'm going to say, I didn't know how it was going to turn out. I didn't start from any fixed preconceptions.

Thirdly, as the last speaker, inevitably much of what I have prepared has already been said, perhaps all of it.

But I think that this subject of violence in the mass media is a Pandora's Box. It opens up larger questions of taste and values in politics. I don't think it can be separated from any of these larger areas. And when we think of the influence of the media with respect to these big, broad subjects, we are concerned with cumulative effects of many individual small decisions made by media operators in response to a specific situation.

I think every one of the questions that has been directed to the broadcast industry spokesmen here reflects a particular script writer, a particular producer, a particular director, a particular actor—all interpreting their parts in individual ways and it always starts this way.

Now, at the same time these individual decisions may be based on considerations which are highly specific to the situation at the time they are made and yet which add up to a total pattern when they resemble similar decisions made by others.

I think that there is no society in the world in which, at least no advanced industrial society, in which violence is as infrequent in the popular culture as that of the Soviet Union, and that is deliberate, that is done by policies. And I think this essentially proposes the dilemma with which this Commission is confronted, because in a society like ours in which media content is not fixed by political authority, the relationship between media content and public taste or opinion is a chicken and egg relationship. Each is the creature of the other.

Insofar as all media are economic institutions dependent on public favor (either directly or indirectly) for their financial support, their content and direction must reflect public expectations, values and beliefs. But these same values are also shaped and governed by those to which the public is exposed in the mass media. If media content is wanting, whether in its level of violence, level of taste, level of political enlightenment, or level of intellectual expression, the defects must to some degree reflect public appetites freely expressed in the marketplace.

The single term, "the media," embraces a wide variety of sources of information and experience. They differ enormously in their character, organization, and social function.

It is very difficult to find any common denominator by which the various media can be compared across the board, except in terms of their success as economic entities.

Since at least one of the speakers yesterday dealt with audience size, I think it is important to stress that audience size is not, in my judgment, an indicator of the medium's influence or impact. As a measure, it may have no relationship at all to the intensity of the communications experience which takes place as the result of exposure. Nor does intensity in any sense relate to the amount of time which people spend with different media, since the rate and volume of information flow are quite different in broadcast, time-bound media than they are in print, which readers absorb selectively and at their own pace.

Those of you who are following what I'm saying now know very well they are several pages ahead of my voice.

The circulation of a newspaper or magazine and the number of viewers or listeners for a broadcast offer no sure criterion of meaningful communication. But neither are they necessarily an index of how successful the medium is as a business venture. Publications of identical circulation often vary widely in the amount of advertising they carry and in their profitability to their owners.

As brought out yesterday, exposure is self-selective as in all media. People turn to publications or programs which support their existing tastes and values rather than to those which threaten them by their strangeness. Below the level of conscious choice, they are self-selective with regard to the content to which they pay attention and remember. The eye and ear avoid the irrelevant; we focus on what is meaningful to us. Those who seek after sensation can find it, whether in the form of violence, sex or scatology.

Undoubtedly, some of what is wrong in the mass media—and I interpret the term very broadly—reflects deliberate and sinister manipulation. There is a comparative handful of clever individuals who set out to pander to low instincts by producing pornographic motion pictures, sadistic books, sensational newspaper headlines or brutal TV episodes.

Similarly, in defiance of the American tradition of separating editorial commentary from objective reporting, at all levels of the news media, there are individuals who consciously slant political content by words or pictures, by commission, omission, or emphasis.

But it is hard to argue that such instances of deliberate distortion characterize the media on the whole, and, given a diversity of information sources, it is generally understood that the dangers of censorship outweigh the evils of bias. The things that critics of the media dislike are generally faults that reflect the autonomous workings of the media system rather than the deliberate policies of media managements.

The rationale for introducing violence into the media is not dissimilar from the rationale for giving substantial media attention to unsavory figures from the political fringes. The media decision-maker feels he must respond to what the public wants, and he senses that the public wants drama, excitement, titillation; it wants its curiosity piqued.

The editor or program producer must somehow satisfy these interests, not merely because the economics of his job require the satisfaction of his audience, but because in human terms he needs their approving response as much as does the actor on the stage.

And the size of audience is very often his interpretation of that response.

I think it is essential to distinguish among various types of violence which may be depicted in the media. The most crucial distinction is that between the real violence that the news media deal in and the fantasy violence of the entertainment media. The news media deal in real violence. The entertainment media deal in imaginary or fantasy violence.

The real violence depicted in news media is frequently gratuitous, essentially inexplicable, whereas entertainment media normally deal with violence as a manifestation of character. Violence in the news is apt to be episodic in nature, since news reports must often describe events divorced from their known origins or consequences. Drama uses violence as a revelation of human frailties, motives, and conflicts rather than for its own sake.

Suspense and uncertainty are the very essence of drama, and dramatic violence in the entertainment media is used to build up and to heighten the excitement of the inevitable crises. The essence of dramatic tragedy, as Aristotle has told us, is that the hero's

downfall arises from a flaw in his character, or as the retribution for some earlier transgression on his part. So you can have faith or an impersonal force, which executes the purposes of the drama when human characters are inadequate to do so. On rare occasions, the violence of the real world fulfills the requirements of high drama when it strikes at real heroes with whom the public feels intimate and who, like the Kennedys or Martin Luther King, are known to have defied the gods and tempted fate.

For news to have an intense dramatic effect it is essential that there is a high degree of audience identity, either with the actor or with the victim; perhaps with both. The greater the number of participants the harder it is for any to achieve this kind of individual identity; the lower the dramatic charge, and therefore the less intense the emotional effect.

For violence to be dramatic and to create audience involvement, individual skill or individual motives must be apparent. You have to have something to identify with. The depiction of organized, impersonal violence, as in syndicate crime or in military affairs, no longer meets these criteria when it is presented in general terms. Violence abstracted, as in the case of casualty statistics in a press report, is a quite different phenomenon than violence depicted in a human-interest feature story which focuses on individual incidents of pathos or glory.

Violence wrought by nature, as in the case of accidents and disasters, does not for this very reason arouse the same feelings as violence between man and man.

As has been pointed out by Dr. Larson, violence carries a different meaning, in relationship between equals and unequals. When there is a decided underdog, violence serves no dramatic purpose unless the opportunity remains for the underdog to rebel and assert himself, or unless his spiritual triumph outweighs his worldly failure in the eyes of the spectators. Massacres and atrocities pack no particular wallop in the news media, but they often provide the background for drama by justifying the hero's vengeful nature.

Violence in drama creates a different type of audience excitation when it is socially sanctioned than when it is socially disapproved. Just to speak of violence in the abstract, without taking this motivation into account, I think is a mistake.

The depiction of a criminal act arouses a different response than an act of violence performed by a police officer discharging his duties.

I think when we talk about violence in entertainment, the most important single point to keep in mind is that anticipation or threat of violence may provoke more anxiety than the actual depiction of a violent act. In fact, dramatic violence in the mass media characteristically deals with threats and the evasive actions taken to overcome them, rather than with violent acts, expected or not. Any transgression of norms carries with it a potential for violence. There is a continuum between shoplifting, theft, and armed robbery.

It is not really possible to generalize intelligently about the kind of anxieties which are aroused by such familiar dramatic devices as the search, the chase, or the confrontation. For any such situation the response will depend on (1) the seriousness of the consequences, should the expected crisis occur, (2) the plausibility of the events for each individual spectator or reader, and (3) the degree to which the spectator can identify with the potential victims of violence.

The emotional response to violence is not merely a matter of subject matter but of technique. This is why content analyses can be so deceptive when they are handled simplistically. In the handling of words and visual images, technique can transform the depiction of the same event from one which produces horror or revulsion to one which creates fascination and empathy, with feelings of pity or triumph. Cinematic montage and musical accompaniment can be applied to dull ingredients in order to build tension to a high pitch. Technique can also reduce the unspeakable to the cold boredom of routine statistics. I don't know how we define technique; I don't know how we quote it in considering what is to be done. We all know that conflict is what makes news, what arouses public attention and concern. We know that any demagogue has the potential of becoming a celebrity if he stirs up enough activity, and this activity characteristically involves the threat of violence or incitement to violence as we have seen in this election campaign. Publicity is a commodity that can be exchanged for power, which is why it is very often paid for. Should mass media show a sense of responsibility by not reporting the angry words of would-be leaders in search of publicity? Should they show restraint by ignoring incidents of stress and turmoil? Should they avoid inflaming the feelings of a broad audience with reports of events which might otherwise represent the firsthand

experience of a limited few participants? Such policies would run head-on against not only the professional imperatives of the newsman, but his acute awareness of his own competition in a free information market.

In the tradition of the free press, it is the professional judgment of the newsman which determines what is important and what is unimportant, what is essential and what transgresses the bounds of common decency or good taste. The morbid consequences of violence are normally censored out of news content, in all media. Battlefield reporting does not normally include descriptions in word or film of the grisly consequences of combat. Photographs of the dead are normally selected or retouched to avoid the presentation of mangled limbs or frightful disfigurement. Systematized violence is rarely treated by the news media in colorful depth. By systematized violence I am talking about organized crime, for example. Crimes become interesting only when they involve an element of mystery, passion, ingenuity, or unusual complications. A mugging in an alley is not news unless it is made so by the identity of the victim or by the drama of its aftermath. Death on the battlefield, on the highway, or in a natural disaster is an even more routine matter.

The newsman's decision as to whether or how to report the violent, the base, and the politically eccentric must be made in the light of his responsibility to present a full picture of the significant events of the day. He suffers from an overabundance of choices. He can cover only a fraction of the potential stories; he can show on the air only one of the five or six scenes that are depicted before the producer or the monitor screen in covering a live event. The print man's imput from wire or picture services represents many times more material than he has space or time for. His choices on what to use and how to emphasize it must be made in great haste and often under great pressure.

It is important to stress that these conditions are the very opposite of those faced by the producer of mass entertainment, who suffers from a chronic shortage of material adequate to his highest aims. The entertainment impressario's activities are more purposeful in nature and more thoughtfully planned. He works against deadlines which are not nearly as tight as those faced by the producer of the daily newspaper or the daily newscast, and he usually has a much more involved procedure for involving other people in the collective judgments on script, casting, and direction which finally produce the finished product.

We know and it has been brought out here that the entertainment fare of television follows formulas which are well established in American popular culture and its past history. But an act of violence portrayed on a huge-sized screen in a darkened motion picture theater can hardly fail to represent a far more overwhelming experience for its viewers than the same scene will have when it is eventually replayed on the 16-inch TV picture tube, where people watch it in a familiar and secure setting, with the inevitable domestic distractions. To gauge the effects of a message on a given individual, we must not only understand its content, but what it means in a particular situation.

The experimental evidence regarding the effects of media violence on children's subsequent behavior is to me entirely convincing so far as it goes. I am not concerned about efforts of statistical significance when experiment after experiment points in the same direction. However, a great deal of experience in the measurement of media effects makes it abundantly clear that it is far easier to trace them in the pure experimental conditions of the laboratory than in the natural conditions of the field, where attention to the message is not heightened and focused as it can be in the laboratory, and where the pressure of competitive messages and activities comes into play. There is an enormous amount of evidence to support the statement I just made from the field of marketing and advertising where it is very easy to discover in a laboratory situation what a particular advertisement or commercial may accomplish and almost impossible to measure the effects of that same single message in the field at large, except on the basis of repeated and cumulative exposures over time.

In spite of the fact that communications effects are more attenuated when studied under natural field conditions, I know of no instance where laboratory effects are reversed in direction when they are studied in the field.

The inference to be drawn from this is that if exposure to violence increases the subsequent display of aggressive behavior among experimental subjects it tends to move people in the same direction under normal exposure. But there is no way that I know of to infer just what the level or intensity of that effect will be, relative to the laboratory effect. We know that it is apt to be different for different kinds of people, so one

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variable to be considered is the composition of the sample of subjects, compared with that of the true population. We know children will react differently than adults and different kinds of children will react differently. So the effect of a communication can't be judged except with reference to the susceptibilities of the audience. And here is where one of the real problems on the aftermath of mass media violence comes in. It may be just a very small number of those exposed who are going to show critical effects. If I can use the advertising analogy again, advertisers expose their message to vast numbers of people, knowing well that only a small handful are potential buyers, interested in the product offered. The individual who is looking for kicks of any kind can find them in the media by going out of his way. A small minority of disturbed or angry individuals may find stimulation in media depictions of violence, but if the media did not furnish them with models of violent behavior, it seems farfetched to suggest that no other models would be available.

It seems to me that in the discussion of media violence a disproportionate amount of attention has been given to the matter of direct imitation, in which the child learns specific aggressive techniques which he sees portrayed by media personalities, or learns the broader lesson that aggressive behavior represents a widely accepted form of social expression. The learning experience reflected in much of the experimental evidence represents a specific response to a specific message: I see a man shoot; I reach for a gun myself. But there is another kind of learning which may be much more important and which has had, I think, less of a place in the discussion, and that is whether the child is learning the lesson that the world is a wicked and hostile place in which one must aggressively protect oneself. This kind of learning effect is much harder to measure either in the laboratory or in the field, because it arises not out of exposure to any one communication—any one scene in the TV or movies or story in the newspaper, however provocative it might be of anger or anxiety—but out of cumulative exposure to many, many communications, each of which may leave only the most modest and unmeasurable residual trace.

The really great impact of media violence on our culture may arise mainly from this diffuse raising of the general public level of anxiety, rather than from individual acts of behavior in response to individual media episodes or instances. This broader range of effects is at the very least difficult, and perhaps even impossible, to measure.

Our areas of ignorance are in an understanding of the comparative orders of magnitude. What proportion of the emotional charge produced by a motion picture in a psychological laboratory is reproduced under normal conditions, in the cinema and on television? How do the tension-producing effects of fictionalized violence experienced through the mass media compare with the tensions aroused by reports of actual news events, or with the frustrations and irritations which people experience personally in the daily strain of coping with life in our crowded society?

The answers to these rhetorical questions are not independent of each other. The fantasy of fictional violence may be a solace and a release for those who have no direct means of coping with the demands of the boss or with the threat of racial strife or nuclear war. On the other hand, drama, even in the attenuated form it takes within the popular culture, is designed to produce an emotional effect, and dramatic violence may, therefore, arouse greater levels of tension than real by episodically presented scenes of war, rioting or disaster as they occur in the news.

There is a long-standing debate, and I think it came up in this last interchange a few moments ago, between those who argue the mass media provide this kind of vicarious relief from real-life anger and those who believe that they exacerbate its effects. It may well be that they can arouse both types of reaction from the same individuals at different times. But to keep matters in perspective, we must remember that people go to the media in large measure to pass the time, and not because they are driven either by a conscious drive for emotional catharsis or a lust for fierce sensation. For a normal individual, adult or child, mass entertainment is a low-key form of play, and the expectation of a conventional happy ending sets the mood within which he experiences the battles of cops and robbers, cowboys and Indians or perhaps even the sight of the hero throwing the woman across the sofa.

In its selection of media experiences, as with other commodities, the public always works from a limited range of options. Accessibility is the first condition. The analogy of UHF is perfectly clear. If you don't have the tuner you don't see the program. Most media exposure decisions are trivial decisions. People prefer to take what comes easy.

If violent content is available in movies, broadcasts, books, or publications, someone will watch or read it, simply because it is there, and many or most in the audience would not otherwise be impelled to seek it out if access to it were less convenient.

The matter of availability assumes particular importance if we assume, as we have every right to do, that media violence produces more harmful effects among children than among adults. The motion picture which attracts adult audiences in the theater is seen by the whole family when it is rebroadcast on TV.

Media content is not merely a reflection of public taste exercised freely with unlimited choice; it represents deliberate decisions made by media operators competing for audiences of maximum size and competing for them by the same ground rules.

Violence and sensation are devices that may be consciously used to boost audience interest and not for their own sake. In the heyday of yellow journalism the big headlines were the ammunition of the circulation wars, and the few occasional echoes of that era are to be found today only in highly competitive newspaper markets.

The violence reported in newspaper and magazine articles and photographs is—however filtered through editorial judgment—an account of actual events. My impression is that fictional violence in print today is confined to a handful of men's magazines and comic books whose circulation is a small part of the total magazine field and to the paperback books whose rapid growth, paralleling the growth of television, has virtually driven fiction out of the mass-circulation magazines.

The success of paperbacks with lurid covers and murderous plots obviously suggests that they meet a demand which the sedate commercial media do not satisfy. But that success is also due to the effective system of distribution which makes these books readily accessible not only to those who actively thirst for vicarious excitement, but to far larger numbers of people who simply have time on their hands and are looking for something to read.

The primary source of entertainment for the American people is not print but television. I am not sure that the level of violence in TV is really out of line with the rest of our culture, but there are many broadcasters who would agree that a permanent and uniform reduction in the level of violence is desirable. Fashions in TV program popularity vary widely from season to season, and this year the blood and guts school is definitely out. But the inevitable cycle is bound to revive public interest in what is sometimes called robust entertainment, and the pressures will build up again long after this Commission has submitted its report.

When we talk about program content, we have to start with the movies, because movies provide a growing proportion of it and particularly that part which is characterized by violence. Moreover, movies have been a strong influence on the format and content of original TV drama. Violence in American motion pictures was a strongly established feature long before the days of TV, and its incidence has probably not diminished in the subsequent years, even though movie-making style and subject matter have undergone many transformations. If violence has continued to rage in many motion pictures, it is because violence makes for excitement, and thus for good box office and not because it is valued by producers for its own sake.

When these same movies are broadcast on television, it is also for the simple reason that they may be counted on to yield substantial audiences, and thus to provide the advertisers who support the medium with maximum cost efficiency in diffusing their messages.

To the degree that their basic assumptions affect broadcasters' programming decisions, advertisers and their agencies bear a great responsibility for TV content. The basic assumption on which they operate is that the pressure of getting a message exposed to an individual is somehow in the long run in proportion to the amount of sales that exposed message will yield and, therefore, there is an emphasis on increasing the size of the exposed audience as much as possible. But the size of the total TV audience is relatively inelastic at any given time of day. What people watch on TV arises not merely from the broadcast's own inherent merits but from its timing and from the nature of its competition at that hour.

So here we come back to the diet and the menu problem raised this morning. Most of the TV time devoted to movies, it must be remembered, is not under the control of the networks, whose own codes and program clearance procedures are far more stringent than the informal standards set by individual stations. There is obviously wide leeway for

interpretation even within the framework of the NAB code, to which not all TV stations subscribe.

If the level of TV violence were reduced across the board, no one would be disadvantaged, but as long as each program decision is made individually, program line-ups would be bound to find a place for the so-called "action" shows which attract the male viewers whom advertisers particularly covet. Restrictions on violent content can, in my opinion, be maintained voluntarily for only a limited period of time before they are broken down by competitive pressures.

The only force which can change this, I believe, is the advertisers, who continue to wield great influence although they have relinquished direct control over 93 percent network programming in favor of "scatter plans" which give their commercials maximum dispersion. As you are aware, General Foods has expressed recently a strong company policy position against sponsorship of violent shows, and this is bound to have a major impact on program producers if other big advertisers follow suit and maintain such a policy over the long haul.

A relatively small number of network, agency, and advertiser executives exercise critical influence over the evening broadcasts that represent the major share of viewing time for dramatic programs. The 100 biggest advertisers spend 72 percent of all the TV dollars, the 10 biggest agencies spend 46 percent.

In my opinion, change will take place only if top corporate managements and top managements of the big advertising agencies are persuaded that change is required. I believe they can be persuaded by adequate evidence.

The strongest asset of this Commission in pursuing its objectives is the moral sense and professional pride of the people who operate our media. If cupidity or stupidity sometimes prevail over good judgment, there is still among them an overwhelming acceptance of the need to do what is right, and it is to this ethos that this Commission must in the final analysis appeal.

This imperative is even more critical in the area of news and public affairs than in the field of mass entertainment. If the presence of reporters and of TV cameramen provokes an unruly mob, if the reportage of a riot attracts new participants to the scene, more research on the subject will guide responsible newsmen in their handling of tense situations. But they cannot be told what to do. Regardless of the consequences, how can we afford any infringement of the right to report and even to emphasize violence as newsmen honestly observe it in the life of our time.

Who shall guard the guards?

Dr. Eisenhower: Congressman McCulloch?

Mr. McCulloch: No questions.

Dr. Eisenhower: Dr. Menninger?

Dr. Menninger: This is quite a summation and requires some thought. But there are a couple of points I would like to ask you in your role as more related to the newspapers and reporting area and that is your last observation of who shall guard the guards: how can we afford any infringement of the right to report?

On page 8 you refer to the tradition of the free press, that is, the professional judgment of the newsman which determines what is important and what is unimportant, what is essential and what transgresses the bounds of common decency or good taste.

I am a member of a profession that you are safeguarded from by the decision of the state which has established a board for licensure, that determines that I shall meet certain basic qualifications before I can practice medicine and surgery in any given state and in addition I have a professional association which has certain standards and also is so geared to respond to complaints against my practice with a professional inquiry by my peers, a grievance committee in the medical society and so forth.

As a professional, I feel these are obligations that I must respond to. I know that the Third Estate considers itself a profession but I am aware, as I mentioned earlier, that there has been a prejudice in the past against real educational requirements for members of the Third Estate, that is, prejudice against people who went to journalism school. Again, I don't know if this is still true; this was true when I was in college.

What are the definitions of the profession of the Third Estate—I am sorry, I beg your pardon, the Fourth Estate, my error—what are the qualifications by which the Fourth Estate can safeguard the public so that we can be sure that reporters and editors have some basic guidelines?

Dr. Bogart: I think if you look back at the history of the professions, there is a distinction between those which take other people's lives in their hands, like medicine or barbering, and those in which the. . . and that history and various others in which criteria are set for practice by the state and those in which no such unanimity of agreement exists as to what the code of interpersonal contact between practitioner and subject, patient, whatever he be, might be.

The individual professional associations, whether they are the associated press managing editors or the American society of number editors or other individual groups in the newspaper fields, are certainly concerned about individual infringements of ethics and are increasingly trying to cope both in committees and by research and in public discussion with such professional problems as those that have been raised by the violent events of recent years and particularly, for example, with the free press and fair trial issue.

I think, having been involved to a degree in the last few years with the attempts of some newer professions to define and establish exactly what their professional role is, I am particularly cognizant of the fact that a great many people practice in fields—for example, like marketing or public opinion research—and belong to professional associations merely on the basis of an expression of interest.

I think that what we have here is an evolving recognition of what professional duties and responsibilities are, and I think that a hearing like this and a report such as that of this Commission will undoubtedly act as a stimulus to newsmen to become more sensitive to their own responsibilities in very delicate areas, such as those you raised.

Dr. Menninger: Let me approach this in a little different way in two contexts.

Related to the concern, in effect, of a monopoly in many communities of a single newspaper, where indeed one may say that television and radio provide the competition, but one can't again have the opportunity to leisurely sit down and read and reread television reports and the like, that is, once the report is given, it is gone, and you can't hear it or look at it again to see if you really understood it.

Now I am aware from some visits I had with some black power leaders in a major metropolitan city that there was clearly a policy of the newspaper in that city—and it was a monopoly newspaper situation—to not cover, to, in effect, put their head in the sand with regard to a lot of the issues which concerned the blacks.

Now I made reference earlier: I am concerned, too, with the degree to which violence becomes a communication, and we talked before about how people use violence sometimes to call attention to themselves. It is almost in this country to the point that the only way some of the issues can be brought to the attention of the middle class, the people in responsible power in the community, who are the newspaper readers—I am talking about the business leaders and the like—about the only way to reach them is to have some kind of escalation, and a major factor contributing to this, in the opinion of the blacks, and some other responsible people in the community with whom I spoke, was the attitude of the newspaper and the degree to which there was biased reporting and omission. Now who was to guard the guards? That is the question.

Dr. Bogart: That is precisely the question. I don't know what the answer is to the problem you are posing. I think we are all aware of the fact that in an era where communications media are enormous enterprises, where the production of programming, the production of a daily newspaper or of a magazine is something that involves a large work force, tremendous capital and equipment, that there is a danger of concentration of media controls in the hands of a relatively small number of organizations.

Dr. Menninger: Would you agree there is a trend in that direction in this country with regard to the press?

Dr. Bogart: I think that there has been a trend in that direction with regard to the central city metropolitan press, the actual number of newspapers in the United States is exactly the same as it was 20 years ago. New papers have grown in the suburbs, as we know; competition in many major central cities is dying or has died with mergers due to economic reasons and for which advertising as well as labor costs are blamed in part.

Here we come back to a point I made in passing that I would like to re-emphasize, which is if you are talking about a shifting of balance in popular media tastes, new media like television coming along and about to be, in my judgement, transformed by new communications technology in the next 25 years, which will open up many more channels than we now have available, makes the choice much more selective on the part

of viewers; if we are at this moment going to consider what can be done to direct media content to a higher level of performance, to eliminate some of the things that have been brought to the attention of this Commission, then obviously I think you have to think of where the pressure can be applied most efficiently. And I don't refer here to government pressure, because I think that is intensely undesirable. I think the proper function of government institutions is to provide information upon which media operators can act, rather than to provide directives or controls.

Dr. Menninger: I just would like to emphasize this, because I think while we have spent the bulk of these two days talking about television, I have been very much impressed that when one talks about business leaders, the leaders in government and so forth, that most of these people, while they may pay a lot of attention to the news on television, will look for the information in printed news media, and this means there is a tremendous responsibility on newspapers and on news magazines to do an effective job of the in-depth presentation.

Dr. Bogart: Dr. Menninger, I think you are doing exactly what I said at the outset this problem entailed. I think the moment you start really thinking this problem through, you realize that the question of violence is just completely inseparable from larger political considerations, that you get down to the question of what is proper reportage and what is honest reportage and how do you get to the people who make key decisions.

In our American media system, people are not just exposed to one medium or another; most people are exposed to all major media in the course of an average day or week. It isn't just the opinion leaders who read the papers; four out of five people do in this country on any one day. Facing up to the question of what goes into the media in the area of violence means facing up to the question of what goes into them in general.

Dr. Menninger: Thank you.

Dr. Eisenhower: Mr. Jenner?

Mr. Jenner: I have no questions, thank you.

Dr. Eisenhower: Ambassador Harris?

Ambassador Harris: Mr. Chairman, I have two questions arising out of the presentation. One has to do with the last statement you made about the question of violence as it relates to reporting of news, the question of politics, taste, judgment.

Isn't it basically a question of reporting? If I have a seizure now and strike Mr. Jenner and the television cameras only show my hands striking Mr. Jenner, they have an apparent report of violence. But unless they show the entire episode, it is not in fact a reporting, it is such a selection of events that it is not a report.

Now isn't it—this is not politics, this is not taste, this is a question of the truthfulness of the report, is it not?

Dr. Bogart: I think this is, in some sense, comparable, to go back to Dr. Menninger's earlier statements, to the question of different physicians making different diagnoses on the same case. If you assume that they are all acting in a professional spirit, you might assume that the differences of opinion don't reflect necessarily a bias, but different professional judgments.

Ambassador Harris: But my profession has a method of oversight over Dr. Menninger's profession.

Now we don't think it is the best that exists, but we do hold him to a standard of care which he must demonstrate that he has exercised in the view of his peers or he must pay the damages that he has caused.

Now, what is the similar standard to which we can hold the reporting profession to make sure that they do their job properly, which is to report the event as it objectively happened?

Dr. Bogart: The standards you refer to are standards made by the members of that association and not standards that are set by any government edict.

Dr. Menninger: They are set by law.

Mr. Jenner: Also set by the public itself over a period of time. I don't think you have answered Ambassador Harris' question, sir.

Dr. Bogart: Well, I don't quite understand what you are driving at. If you are saying that different observers, different honest reporters will come up with different interpretations of events; if you are saying they are also dishonest or incompetent . . .

Ambassador Harris: This is not my question. I said there are finite dimensions, ascertainable dimensions of events which, if they are not shown in full, by the omission to show the full event so distort the character of the event that it is not true reporting.

I gave the worst kind of example, that my fist hits Mr. Jenner if I had a seizure and if the report is only of my fist hitting Mr. Jenner, and you say quite properly Mrs. Harris struck Mr. Jenner today—that is a distortion. And this happens so often on television.

My question is who shall—not only television, all news reporting—who shall be the objective determinant of the degree to which the reporting medium has in fact reported the full dimensions of the events?

Dr. Bogart: You mean who determines what objectivity is?

I think we would come to a pretty sad pass if we all agreed on that.

Ambassador Harris: I am not on the head of a pin today. Who determines whether the media have done the job of reporting the full event and whether they must devote more time to the reporting of the event? Should there be some external standard and who should provide it?

Dr. Bogart: I think there are several external standards that prevail. I think first of all, and the one that I think ultimately must prevail, is the sense on the part of the people who are doing a job that what they are doing is right, and in the public interest. I think, secondly, that the people who consume the media exercise through the market some degree of control over what is good and what is bad. And I don't think that we can discount public taste even though that public taste has been formed on the basis of past media exposures.

Thirdly, as I was trying to point out, the media are themselves products which are designed to appeal to the public in order to serve an advertising purpose. And I tried to indicate that a critical ingredient in the exercise of the informal kinds of social pressures which I briefly talked about are the people who make the advertising decisions. That gets us a long way from determining whether or not a particular newsman or a particular television news director has properly interpreted the particular photograph that was taken.

Ambassador Harris: You are talking about interpretation and I am talking about finite reports. We had one case which has been the subject of considerable discussion, of a refusal of one medium to report any aspect of certain kinds of activity.

Dr. Bogart: There are other sources of that information that filter through the life of that community, whether it is . . . if it happened to be a newspaper in that case, there are other newspapers on the outside coming in, there are news magazines reporting this, there are radio and television stations reporting it. If that isn't true in that community, it is a highly unique American community, indeed.

Ambassador Harris: I think it is a typical community. We think of New York and Washington. I will not pursue that any further.

One question you raised that I would never have had the nerve to raise in these hearings is the question of Aristotle and the standards of dramatic validity. If we used the test, accepting the unity of time, which is no longer relevant, isn't it true that the use of violence in 99 percent of television shows would not meet a single one of those tests?

Dr. Bogart: I brought in Aristotle not to be profound but because I think the roots of this go way back.

We talk about arousing these people's emotions, and this fellow a long time ago set down some of the ground-rules. I think the episode you were describing—I didn't see the program on which you had the discussion with the last witness—that episode represents, I think, one of the things that happens in popular culture, which is an attempt to preserve some of the superficial techniques of high drama within the framework of enormous constraints of both talent applied to the problem, time applied to the problem, and particularly time applied to its execution.

You mentioned *Hamlet.* In its uncut version that is quite a long play. When you try to get the same kind of exposition of plot, laying the groundwork, coming to the crisis and getting the resolution, all within a half hour minus commercial time, and several interruptions, it doesn't quite work out as Shakespeare might have done it.

Ambassador Harris: Thank you for your patience, Mr. Chairman.

Dr. Eisenhower: Judge?

Judge McFarland: Doctor, I am glad that Ambassador Harris is right-handed . . .

[Laughter]

Judge McFarland: And I am glad Mr. Jenner is on her right, because what she could have said was that Mr. Jenner reached over and slapped her before she hit him and the cameramen only took that part where she hit him. And that wouldn't be fair reporting. Does that make it any plainer, to get the slap in there?

Dr. Bogart: I would like to comment on this, because I would like to be constructive and not engage in a debate.

It seems to me if you accept my first premise, which is that we are not dealing, when we talk about people making these decisions, with ogres or monsters, but with people who are responding to immediate, very short-run decisions, and considerations. They want to get an audience. They want to arouse interest. They want to have fun. They want to do a good job. Including even the newsman reporting a very selective aspect of an event, taking one element of a situation as the lead for his story rather than any one of a half-dozen other elements, or taking one picture sequence rather than another picture sequence. To the degree that he is aware that not giving background, not giving the antecedents, not providing the full picture of motivation produce a distorted picture to his ultimate reader or viewer, to that extent I think he is going to do a better job.

We are back, then, partly, to the question of professional education, which Dr. Menninger has raised with several other witnesses, which is proceeding. There is an increasing effort on the part of communications arts and journalism schools to get the social sciences into the curriculum and to take newsmen out of working news situations and put them back to school for a year or so.

But apart from that, I think we are also back to the notion that Dr. Gerbner was expressing last night, that Dr. Larson was talking about this morning, which is the need of a mirror, the need of an accurate reflection on a continuing basis of what actually goes on.

We don't have, at the moment, an accurate picture of the number of episodes in news stories in which fragmented elements were shown, devoid of past history. We don't really know what kinds of violence occur in fiction versus the kinds of violence that occur in portrayals of reality. We don't know the extent to which this violence occur, say, in television on network versus local time, and in the news media in features versus spot news. We don't know the degree to which this takes place among equals or among unequals. We don't know the extent to which this is shown in depth and in full and in color and the extent to which it simply becomes a matter of reporting statistics.

To the extent that we had a continuing flow of solid information on the content to which perhaps people in the broadcast industry would look each week with as much anticipation and as much anxiety as they now await the rating pocket piece, we might get a better sense of professional responsibility pervading the operators in what I do consider to be a profession.

Dr. Eisenhower: Dr. Bogart, I am not sure the one question I have is not simply an extension of what we have been talking about. Our society gets more and more complex; the problems with which we feel and on which the people have to render judgments require more and more accurate information.

The one freedom that the people can't exercise for themselves is guaranteed to us in the Constitution and that is freedom of press. That is exercised for us. And yet in order that we can be good democratic citizens, we really need to understand every aspect of these issues.

I would like to do what I did this morning. I want to ask my question, and before you answer I want to give you a couple of examples. My question is: is conflict so responsive to the interests and tastes of the people that they don't really want to know the true substance that led to conflict and thus the reporters aren't interested in giving the facts?

Now, it happens I am very interested in Latin American affairs. In Mexico there have been the most vicious sort of riots, running up into the tens of thousands, I think at one time 100,000 people; people have been killed, hundreds have been killed. I assure you I have read every column I could get my hands on and I know all about the conflict, but I don't yet know what the conflict is about.

A year ago in Detroit there was a truckers' strike, property was destroyed, hundreds of people were injured, and I never was able to find out what the strike was about.

And you know, we even had a very interesting incident right before this Commission. The Attorney General of the United States and the head of the FBI on one day gave us a complete comprehensive picture of the totality of violence in the United States and the total testimony was given to the press. Buried deep down in that testimony was an apparent but not an actual conflict, and all of the stories in the press for columns dealt with what seemed to them to be an apparent conflict between two high officials.

Well, these three examples are enough.

To repeat my question: is the taste of the American people so conditioned to conflict itself that we can't get the real issues that lead to conflict accurately reported and fully reported?

Dr. Bogart: No. I think that there is a very long history in popular tastes which makes them what they are today. I am pessimistic about seeing them changed overnight. But I think they can be changed. And I think that involved in that change are several things. It is the upgrading of reporting standards—there is no quarrel about that. It is the awareness on the part of media operators of a vigilant public interest being expressed through the same channels which now exist, but perhaps backed up by more solid information. It is the availability of more channels through which information can flow to those who want it.

I think that the subject of the Public Broadcasting Corporation has not been raised today, but I think it is right at the heart of the whole question of television content, making available to at least a minority of the viewing public at least one additional viewing choice. Certainly, we would welcome more choices in print as well as in electronic media. And certainly, as I said earlier, the best hope I think we have is that the new communications technology of the next thirty or forty years will really make this channeling of more information and ideas available to more of our citizens.

Dr. Eisenhower: Thank you very much.

Mr. Baker?

Mr. Baker: I just have one question. I think it is clear and I think we would all agree that American journalism could serve one very important function in this country and that is to watch the government, to watch industry, to watch various groups and to report on them and tell the people what is going on.

But one of the difficulties which I have run across in the work we have been doing is finding out what is going on in the press. And the process by which news is selected is something which is summarized by saying "news judgment."

Can't we stop short of establishing some sort of guard and worrying about who is going to guard the guard and simply provide an institutional procedure for reviewing the functions of the press and to provide this with circulation, to provide it with publicity, as to what the press is doing and what they are not doing?

For example, the point raised by Dr. Menninger. There is some evidence that in a good many towns, at least five or six years ago, there were certain groups not regularly covered, except to the extent that they engaged in violence or the threat of violence. But as to their everyday activities, their everyday problems, this was by and large ignored by many newspapers.

Now, if there were some institution without sanctions, without ability to control content, but simply to criticize the press . . .

Dr. Bogart: There are institutions for criticizing the press. I don't . . .

Mr. Baker: Would you elaborate on them and what their effect is?

Dr. Bogart: I can't think of any group in this country that would express greater concern about a reduction in the number of channels of ideas available to people in a community than the body of professional newsmen, including newspaper publishers. If you talk about specific criticism, I think that journalists like the Columbia Journalism Review and Nieman Reports, who provide a professional agency within the newspaper field itself (and there are comparable professional journals of opinion in television as well) . . . but certainly as we look at all of the media, there is a great absence of the kind of criticism that we are accustomed to in the high arts. We are accustomed to getting a variety of good reviews of outstanding motion pictures, outstanding plays, musical events. We don't customarily get that same variety of serious criticism of the popular arts, and when we get it, it is very often too late; it is after the fact.

Mr. Baker: Let me just pursue this a little more. One of the things I think that has been fairly apparent, both here today and in some of the work we have done, is that one of the main ingredients of news judgment is conflict. What makes news to some extent is whether or not conflict is involved in the story. And there have been some studies, although they only touch on the edge of the question, as to what the other ingredients are. And this is something which seems to me to have been passed on from one generation of reporters to the next.

I think it is a question that is very important we get at, and I think it is a question which it is very important to the public to know about.

Dr. Bogart: I think it is hard to talk about any one set of rules being passed on by one generation of reporters to the next, because I think the standards of reporting have changed radically in recent years, and I think that under the impact of television reporting particularly the interpretive as opposed to the spot-reporting of news has received increasing attention, not only from working educators, but also in the journalism schools.

Dr. Menninger: Do you not think it is also important to recognize there is a distinction between the reporters on the line and the editors who are involved in what finally goes into papers?

Dr. Bogart: Yes, but you see it is not just a reporter writing a story and someone who stands as a barrier between him and the reader. It is a reporter calling a story in over the phone to a rewrite man who sends it through his desk and then other people filtering judgments and it may be going out over a press association wire to a regional or State editor and finally getting to the editor of the paper, who in turn decides where and how to play it. There are many, many people involved in this making of decisions and they are all made so rapidly that it is very hard to say here, at this particular point, is the place where critical control is exercised.

Dr. Eisenhower: Mr. Short?

Mr. Short: I don't believe so. Thank you. Except to acknowledge that Dr. Bogart and I worked together many years ago and we are delighted to have him here today.

Dr. Eisenhower: Thank you very much, Mr. Short.

I must say your formal testimony is so potent in meaning with every sentence, I for one want to take it home and study it with care. It is too much to digest in one short period.

Judge McFarland: Mr. Chairman, I don't want to ask any more questions, but I do want to thank the doctor for appearing.

Dr. Eisenhower: Yes. Thank you very much.

We stand adjourned.

(Whereupon, at 3:45 p.m., the Commission was recessed to reconvene at 10 a.m., Tuesday October 22, 1968.)

MEDIA HEARINGS

III. Third Day of Hearings: December 18, 1968

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NATIONAL COMMISSION ON CAUSES AND PREVENTION OF VIOLENCE

Room 1313
New Senate Office Building
Washington, D.C.

Wednesday, *18 December 1968*

The Commission was convened, pursuant to notice, at 9:05 a.m., Dr. Milton S. Eisenhower presiding.

Members Present

Dr. Milton S. Eisenhower
Judge A. Leon Higginbotham, Jr.
Congressman Hale Boggs
Ambassador Patricia Harris
Senator Philip A. Hart
Senator Roman Hruska
Mr. Leon Jaworski
Mr. Albert E. Jenner, Jr.
Congressman William M. McCulloch
Dr. W. Walter Menninger

Members of Media Task Force present:, Mr. Philip W. Tone, Mr. Robert K. Baker, Dr. Sandra J. Ball.

PROCEEDINGS

Dr. Eisenhower: Mr. Tone, I think we will begin. There are other Commissioners to come, but I think we should not delay.

Go ahead, Mr. Tone.

Mr. Tone: Mr. Chairman, Members of the Commission, our first witness is Mr. Robert MacNeil.

Mr. MacNeil, will you proceed with your statement?

STATEMENT OF ROBERT MACNEIL
BRITISH BROADCASTING COMPANY

Mr. MacNeil: Mr. Chairman, Members of the Commission. Like many people I have some ideas about how television may be implicated in the violence of American society. They are not, however, the result of any disciplined or systematic study of the question, so I offer them not with complete assurance but tentatively.

I am uneasy when people, especially in television and politics, speak with an air of certainty about this subject, not only because they have axes to grind, but because there seems to me to be so little useful evidence with which to support an argument.

My chief concern is that television spends most of its energies and talents depicting a mythological American (in which, incidentally, violence is sanctified) and relatively little energy and talent informing its captive mass audience about the real American. The television industry, which is defensive after Chicago, suggests that the millions are angry at the medium because it chronicles change and they don't like change. But has television really chronicled change, or has it merely chronicled the extreme manifestations of change: the confrontations, the violence, the conflicts, the physical denouements of conflicts which seethed a long time unnoticed?

I feel this is true. The other media may be equally guilty, but the potency of television–and the socioeconomic level and degree of sophistication of the people who depend on TV for information–make it more important.

There is another general question: when the chroniclers of television do arrive at a situation, do they give their audience a look long enough for comprehension?

I think they are like some ancient war photographer, opening the shutter just long enough to grasp the image of two armies locked in battle–a picture that tells little of why they came to fight.

My complaint is that television has become the chief instrument of journalism in this country, while playing that role peripherally and fleetingly. The medium remains overwhelmingly a machine for entertainment–if that is not stretching the meaning of that word–designed for one purpose: to deliver a responsive audience to advertisers.

The Television Code to which broadcasters subscribed in 1952 says in its preamble: "The revenues from advertising support the free, competitive American system of telecasting, and make available to the eyes and ears of the American people the finest programs of information, education, culture and entertainment."

Information–no doubt for some good public relations reason–comes first on the list. It does not come first on the air. In fact, news is often treated as expendable, the first department to suffer when profits decline.

Two-thirds of adult Americans now say they depend on television as the chief source of news. Yet the news budget of one major network last year represented only 6 per cent of that network's revenues. Before proceeding with a more detailed look at aspects of television's journalistic role which might be relevant to your inquiry, I would like to say a few words about the environment, the American scene today, which television must both reflect and affect.

I do not see violence confined to crime and the racial confrontation. It seems to be everywhere. There is violence implicit in the competitiveness and acquisitiveness of this culture economically. In a society where consumption is the purpose of life and where extreme success and extreme failure are common, aggression and desperation are observable responses. Organized compassion of a kind that might ease desperation is unpopular with a majority of Americans, as Mr. Nixon's victory to me indicates.

I believe that there is violence implicit–even caused by–a fundamental disrespect for individual rights prevalent and growing in this society.

It was strange to me that so few people remarked how totally alien to the spirit of the constitution, the rule of law and due process were the sentiments expressed by two of the most prominent men in this country this year–one the Mayor of Chicago, the other the Vice President-elect.

Mayor Daley said last April that his police should shoot to kill people they thought guilty of arson.

Governor Agnew told me in an interview–and repeated it elsewhere–that police, seeing anyone fleeing from the scene of a looting who would not stop, were entitled to shoot him, because they did not know whether he was a looter, a rapist, or whatever.

Both men were trained in the law, but these remarks totally distort the intentions of British and American law. They might also be interpreted as incitements to violence.

I believe there is considerable violence connected with the assumption–it seems to me a growing assumption–by the American policeman that he is entitled to be not only the apprehender of the suspects which the law makes him, but judge, jury and executioner as well.

One should sympathize with the police whose political leadership is not always inspired, and who are constantly being given new and difficult tasks. The fact remains

that the belligerence in keepers of the peace is self-defeating.

Morally one might argue, America breeds violence. Trivial gambling like the numbers racket and off-track betting are outlawed by puritanical laws but thrive and keep a section of the underworld and of the police engaged in permanent tension.

The drug trade is an even more serious cause of violence. Those who advocate the British solution of providing drugs legally to registered addicts do not get very far.

Americans in their private lives behave more violently than citizens of many civilized countries. The murder rate is very high, and that–according to the Justice Department–is due in good part to the cult of the gun.

And for the past several years the U.S. Government itself has been devoting approximately one-third of every tax dollar to the violent behavior in Vietnam.

So the society that television–among the other media–finds itself reflecting is a very violent society.

Unfortunately, as I see it, the majority response to the situation is an increasing conservatism and attitudes to law and order–as I have indicated–which seem likely to provoke violence rather than contain it, to override rights rather than protect them.

Even J. Edgar Hoover said recently that "justice is incidental to law and order," which is a strange sentiment coming from a man in his position.

The reaction of the student and youth movements to a society which so often seems more solicitous of property rights than human rights is not surprising. And I think it is refreshing. But as the youth movement grows and confronts the new attitudes to law and order and dissent, violence is probably there too.

How has television reflected this environment? Occasionally and sporadically, I believe, quite well. But it is important to realize how occasionally.

There is an outdoor theater in Finland where the audience revolves on a moving shell as the action moves from scene to scene around them. If that theater were American television, the audience would see a fantasyland throughout most of each revolution, with very short segments of reality in between. It would not be surprising if they confused the two.

I do not think the television viewer is as aware as we are of what is news and what is not. In any case, it is television's entire programming which shapes a viewer's thinking. Strictly in terms of the relative times involved, the hours he spends gazing through the huge picture window on unreality which television gives him are bound to have a bigger influence than the minutes spent at the tiny slit of a window which television gives on the real world.

Through the picture window he sees hour after hour a deeply satisfying and reassuring America unfold. Tidy wives in shirtwaist dresses are ecstatically domestic, children only playfully disobedient, husbands dynamic, all knots untied, all problems solved, and all criminals caught.

The characters in the entertainment packages seem to be moral and physical extensions of the characters in the commercials–only the commercials are usually made with more style and wit.

Apart from the waste–which I cannot stress too much–of using this marvelously influential medium preponderantly for escapism, the moral content of the escapist world is relevant.

Much attention has been devoted to the quality of violence on television. What seems even more important is the moral content in which it occurs. It is often violence approved and respected as a solution to human problems.

The adventure serials, the police serials, the westerns–sometimes seem like one long commercial for violence. Like cigarette commercials they say violence is fun, violence is a deeply satisfying outlet for your frustrations, violence is manly, violence gets you girls.

One measure of human progress is the extent to which aggression and violence have been civilized out of us, the extent to which we are conditioned from childhood to behave civilly without dangerous aggression with each other. In that sense these programs may be decivilizing, particularly when one considers the other important ingredient in their moral climate–the gun cult. The networks may be cutting down the number of blanks fired per episode, but the cherishing of guns goes on.

So, when the stage revolves, when the television viewer finds himself briefly confronting the realities of America, he comes fresh from a prolonged exposure to a seductively pleasant world in which it is not only manly but downright heroic to cut through the obstacles of life with fist and gun.

It is difficult for me to believe that a generation exposed to thousands upon thousands of hours of such material from infancy does not bring some residue from it to real life. Indeed, the simplistic view of the world it offers may have contributed to the burgeoning conservatism to which I've already referred.

What news and current affairs programming television does put on is often very good. Inspired by the pace-setting of the network news departments, the standards are improving throughout the industry.

The networks, particularly, do a skillful and responsible job of reporting the top of the news—the top of the news—and occasionally, very occasionally, they manage to produce a piece of trenchant journalism in a documentary. The CBS program, "Hunger in America," last summer is an example.

But even defenders of the industry—and Congress is the most important—say that it could do a great deal more. More of precisely what is not always clear.

Perhaps what they want more of is what Malcolm Muggeridge, British satirist, recently called "newzak," the bland, meaningless, sing-song recitation of second- or third-hand facts that pass for news on so much American air—radio and television.

More coverage of events like Chicago would presumably send more Congressmen scrambling after some form of censorship. More exposes of government dereliction like the Hunger story would not make the Executive Branch any happier.

The networks' Chicago coverage and the Hunger documentary were both examples of healthy journalistic activity, in my opinion. I would like to see a great deal more, and I think it will happen when the electronic journalists are able to throw off or ignore some of the pressures which now limit their journalistic freedom or cause them to behave unprofessionally.

Those pressures arise from inside the industry itself and from outside. The inside pressures are those of a commercial/mass advertising/mass entertainment medium which finds news a prestigious but costly and sometimes embarrassing diversion from its central task, which is to make money.

But outside pressures are public opinion and government, the latter being felt chiefly from right here—Capitol Hill—and which have resulted in an accommodation between Congress and the broadcasting industry which has been described as a "two-way umbilical cord." That is highly convenient for a large industry, neurotic about the possibility of any regulation which might limit its profit-making. It is not healthy for a journalistic medium whose chief function in a democracy is keeping a detached and skeptical eye on what the elected officials are up to.

The President of CBS News, Richard Slant, has reminded us in the current "Esquire" of a saying by Frank Simonds, the late editor of the *New York Sun:* "There is but one way for a newspaperman to look upon a politician and that is down."

It is very difficult, however, to look down on someone you are forced to cling to in an embrace of survival. The politician, especially a U.S. Representative who is in a perpetual state of campaigning, needs broadcasters because they command the most powerful access to his constituents.

As the former FCC Chairman, Newton Minow, put it: "There is probably no other constituent in his district who means more to a Congressman [than the broadcaster] and that may even include his wife."

"Under the circumstances," Minow added, "the Congressman is generally bound to heed the broadcaster's urging—and the message is transmitted loud and clear to the FCC through Congress."

A present FCC Commissioner in the Minow tradition, Nicholas Johnson, says: "the broadcasting industry dominates Congress," and that other giant pressure groups like "the AFL-CIO, the AMA, the chambers of commerce and General Motors are turned into pygmies by comparison."

So, informed people in Washington think it is very unlikely that the current rush here to investigate and question TV news is going to result in any concrete law or regulation. Some Congressmen in fact believe the networks are merely "crying wolf" to suggest it. That may be true at the network or corporate level, but the people in the news departments of the networks do genuinely feel persecuted and intimidated at the moment by the official attention to their behavior in Chicago and it is a worry which the exonerating passages of your Walker Report have only slightly eased.

This only dramatizes what has been the case for a long time. Congress obliges the industry by refusing to regulate it in any way seriously harmful to profits. The industry

obliges Congress by treating politicians delicately and deferentially in the news, by bowing occasionally to direct pressure and interference from Congressmen, by not treating politicians with the cold rigorous surveillance which newspapers at their best can do.

The news departments of the networks do not like it that way. Occasionally events like Chicago simply overtake the industry, and for while that puts the cat among the pigeons. But eventually the fluttering stops and a cosy *modus vivendi* is re-established.

The pressure and interference is even more direct from the White House, as I have tried to document in my book, but I have not time to discuss here. The point is simply that relations between broadcast journalists and politicians are unhealthy because an important journalistic instrument has evolved within a private industry operating on government franchise and under government regulation. It is entirely appropriate that broadcasting should be regulated. It is not appropriate that a medium of journalism should be. It violates the spirit of the first amendment, as broadcasters rightly argue. But they weaken their own case by confusing regulation of their profit-making activities with regulation of news. The industry's motive in crying censorship has been, in the words of Jerome Barron of the George Washington Law School, "not to maximize discussion but to maximize profits."

The motive of television's journalists is to maximize discussion, and they deserve the freedom to do so.

The motives of their bosses—the men who allocate the time and money for news—is not always that. I believe some way could be found to separate the two more completely, and that leads me to the question of pressures from inside the industry which limit television's effectiveness as a journalistic medium.

Ten years ago the late Edward E. Murrow said that broadcast news had grown up "as an incompatible combination of show business, advertising, and news." A decade later, although it has grown immensely in power and prestige, television journalism still combines those three ingredients, and the combination is still incompatible.

Events are forcing a change, but it is slow. First, prestige: television has a very low reputation among thoughtful people in this country—and deservedly. It has, as Charles Siepmann, an experienced observer of broadcasting, said recently, "gone money-mad."

But the industry is marginally sensitive to its bad reputation and keeps a skillful eye on the temperature and pressure of criticism, like a man watching a steam boiler. If it looks likely to burst and force the politicians to start meddling, broadcasters can throw in a touch of culture or a touch more of news as a safety valve.

News is the best prestige earner and has grown for that reason. It is a demonstration of operation in the public interest to which the industry is supposed to be legally committed under the Communications Act of 1934.

News—once located in the schedule—can also be profitable, and consequently there are on the networks news departments the same pressures of ratings and attractiveness to advertisers as there are on entertainment programs.

The people who make the fundamental decisions about news, how much will be carried, at what times, how much money will be spent on it, and even which personalities are acceptable on the air as commentators, are thus not newsmen at the networks but the men running the mass-advertising entertainment side of the industry. They have demonstrated often that they look upon news as another commodity which sells or does not sell, attracts audience, or does not. They believe that, like the other commodities which television purveys, news can be shaped, reworked and manipulated or even dropped. That is the attitude to the news service that two-thirds of American adults depend upon for their knowledge of the world.

Obviously, parts of television news have become so entrenched that they are almost sacrosanct, like the nightly network news programs—almost sacrosanct.

I think this exposition was necessary to explain the weaknesses of the news on television—because the weaknesses are, by and large, not the fault of the men who run the news departments or who appear on the air. It is the system which is culpable and should be changed.

Apart from the shortage of time devoted to news and current affairs (a glaring shortage in prime evening time), business pressures impose other limitations.

Newscasters are required to succeed as entertainers succeed—succeed by attracting the maximum audience. They have traditionally been chosen with emphasis on their good looks, resonant voices, pleasing manner and a way of combining assurance with

authority, rather than their intelligence, education, or abilities as journalists.

This is less true than it used to be, particularly in the network news departments, which have made great efforts to find serious journalists who are also pleasing on the air. But the standards are not uniform and are very low in some local stations.

From that cause flows a whole syndrome in television news which, at its worst, involves a handsome but empty-headed character with no news training, pontificating off the tele-prompter from a script someone else—or a wire service—has written on something he knows nothing about.

There are all gradations from this extreme in some local stations up to the top of the networks where the leading commentators are men of ability and wisdom.

But there is another weakness: emphasis on the manner of presentation de-emphasizes the matter, and as a result, television has been very slow to evolve professional standards of reporting.

Again there are gradations—from the "rip and read" local stations where a commercial announcer rips off the Associated Press five-minute summary and intones it over the airwaves, to the network news departments which employ reporters as good as any newspapermen.

Yet, even the networks have not found the inclination or the money to provide enough original reporting to qualify them as news-gathering organizations. They are still news-purveying organizations, heavily dependent on the wire services. I believe this isolates men in television too much from the world they are reporting. It may have been responsible for some of the surprise the top commentators registered at the police behavior in Chicago.

Dependence on the wire service produces other weaknesses. A man in an office reading a piece of paper knows only as much as the paper tells him. A reporter on the scene drinks in the entire atmosphere and a sense of an event which gives him the confidence to distill a few facts into a report.

Constant reliance on someone else's reporting gives you only a superficial understanding of what is going on. Even to report only the top of the news—as television does—requires you to know a great deal more than the top.

That is aggravated by another weakness—inadequate research and backgrounding in television which in turn produces a disinclination to analyze stories or, worse, produces irresponsible analysis not anchored in knowledge.

Beyond this difficulty in providing enough seasoned reporters to cover stories at first-hand is the star system on television and the related fee system, both of which derive from the entertainment side of the business.

Although there is some effort to get away from it, the fee system is still in force in network and local broadcasting, and works against sound journalism. It means that on top of an annual salary, a TV newsman receives fees for each appearance on the air. The best fees are attached to appearances in the studio, not out in the field.

The system discourages some individuals from spending time probing into a story when a slick surface treatment will do, and it encourages young men to aspire to be studio commentators—not reporters.

Since the fees mount up, television men make very good incomes while still very young. I have sometimes wondered whether that phenomenon did not further isolate them.

Men can become insulated from reality by the mores attending a rapid projection into the upper middle class through financial success. It puts a cocoon around them, reinforced by other factors, like the need to dress very conservatively on the air.

This is pure speculation, but I have noticed that some of them exist in a moral and intellectual vacuum—not reading books, not really looking at the world around them. I suspect that this prosperous existence kept many TV newsmen from any real contact with or understanding of the black revolution, and especially the student revolt, because the students are revolting against the values of a society this species of TV man thrives in.

Please be clear that I am not now talking about these TV correspondents who do go out and report, or those studio-based commentators who are intellectually curious. But there are many of the other kind, and they are passing their attitudes on to millions of people. This is all quite subtle, and it is an interesting area for research. Besides the networks news departments, the 600-odd television stations of the country nearly all have their own front men, and I suspect that many of them conform to this description.

It could have relevance to the manner in which violence is reported in news programs, or stimulated by news programs.

Possibly more directly relevant, however, is the way in which the same entertainment values influence the content of news programs. They do so in two ways: they keep controversial material off the air, and they shape what does go on the air.

The censorship of controversial subjects which might be damaging to network profits appears more in the choice of subjects for documentary treatment than in the short news programs. Documentaries, however, are the most crucial part of the television journalism, because they provide the mass audience with the only kind of programming about vital issues in depth.

There is abundant evidence that despite their protestations about plenty of hard-hitting documentaries, the networks consistently shy away from subjects which will be unpopular, either by failing to attract large ratings and thus sponsor interest, or by alienating some section of the community.

No one publishes a list of taboo subjects, but one discovers through the pore of corporate life what is acceptable and what isn't.

This does not normally affect regular news programs where show business values creep in, in the selection of stories by virtue of their excitement for the audience.

Television has a terror of what are called in the business "talking heads." The news programs at all levels are highly competitive and profitable. A few rating points make a big difference.

News programs which drop behind their competitors get a face-lift. "Talking heads"—that is, just pictures of people talking with no action—are dull. The assumption is that a whole program of talk would lose viewers. Also, television is a visual medium, so there is a constant search for good picture. And in that search, pictures of violence have played a bit part.

The network people say they are very aware of this charge and make efforts not just to run good action footage for its own sake. But they cannot escape the need for it. The weakness in all this is that violent footage—of the recent San Francisco student riots, for example—gets played without enough explanation. The violence is the story. That is what the commentator describes. The students attacked here, the police attacked the students. Dr. Hayakawa came and talked on a bullhorn.

I watched for several days, but did not get a satisfactory amount of information. The violence was the story, as it has too often been in the Vietnam war, to the exclusion of the political story, and as it has too often been in the urban-racial turmoil.

The Kerner Commission documented the way in which television—and the other media—had often ignored the festering ghettos until violence broke out, then covered the violence from the white side. Perhaps this had an effect on the attitudes of the adjacent white communities.

If the black revolution is depicted only as a violent revolution, it will make whites more fearful and more intransigent and simply breed more violence.

The industry is proud of its coverage of the civil rights movement, and justifiably, I think. The networks at least have unequivocally sided with the cause of Negro advance to equality. The fact remains that the attitudes of American whites have hardened in the last few years, not softened. Presumably television has in some way contributed to that, perhaps by showing white people too many fearful scenes of ghetto violence or racial confrontations. That is another area in which research would be productive.

There remains the question of television's behavior and effect at the scene of violence. I feel this has been so much discussed and analyzed since Chicago that everyone must be aware of two concerns, so let me deal with them briefly.

There is no doubt that the presence of cameras and even more TV lights can make crowd violence worse. The reasons I will leave to the psychologists. The same phenomenon can also accidentally start violence when there was none. I am sure there are incidents where this has happened, although I am not directly familiar with any. But I think the point has been driven home so well that the industry is thoroughly sensitive to it and has made considerable efforts to mitigate the effect. Network crews in fact had strict instructions on the use of cameras and lights in crowd situations *before* Chicago.

The other concern is that television crews have deliberately started violence or staged events. I have heard these charges, and some of them seemed well documented, although trivial—like a cameraman setting up protestors so Mrs. Johnson would have to walk around them.

But in all the conduct in television that I might regard as unprofessional behavior, this is one aspect I have never witnessed. Nor do I know anyone in authority in network television–especially in these sensitive days–who would tolerate it if discovered. It is not the major problem the public seems to think.

There are many other facets of this huge field that I could discuss, but let me come back to one or two general points in conclusion.

In a program I am preparing for the Public Broadcast Laboratory on television journalism to be shown this coming Sunday evening, there is a segment dealing with the British experience in these matters. And there are two very interesting statements made.

Stuart Hood, a former top executive in the British Broadcasting Corporation, now with commercial TV in Britain, says that television has a responsibility to "shake people out of complacency," that TV has "the right to disturb, but one has to know quite clearly why one is doing it . . . You've got to do it as part of a planned and programmed effort to arouse the conscience of the viewer–not simply do it sporadically . . . as a stimulus without an end result in sight."

In the same program the British Postmaster General, John Stonehouse, says: "We cannot censor the events for the viewing of the many to protect the sensibilities of the very few."

In this country that might be inverted to read: television cannot keep unpleasant reality from the few to protect the sensibilities of the many.

Stonehouse also says: "The hard realities of life cannot be disguised. If an individual installs a TV set in his home, he makes a conscious decision to participate."

I think those must be the guidelines for TV journalism here. They have to show what is going on–everything that is going on. By and large, they try to. But they could do much more to put it in an understandable context so that all the sudden and violent changes in American society do not appear so frightening, so threatening to so many Americans. They can do that with more time on the air for deeper analytical programs.

They will not do it as a result of meddling by Congress in the content of news programs. They are intimidated by the waves of intimidation that go down through the networks when that is even suggested.

Broadcast news has two enemies: politicians who want to interfere with it, and commercial interest in its own television industry who do not want it interfering with their profits. I cannot stand up to both simultaneously.

I think it is time for some discussion about a framework for formal recognition of journalism as an essential and necessary function of broadcasting, safely insulated from the more damaging pressures of show business television, compartmentalized, if necessary, in separate companies, and above all, free of government.

I think the best way to make this new and powerful form of journalism–the journalism of the future–both professional and responsible is to make it freer.

Americans who don't like things that are happening in this country, whether they are Congressmen, businessmen, the so-called Middle America, the so-called "Coalition against Change," will not stop the ferment by censoring television. They would do better to let it open up–expand rather than contract its coverage of the real world.

Broadcasting is the only instrument to create instant unity in this country. That was demonstrated on the weekend of President Kennedy's assassination. It should be encouraged to re-read its own code of good practice again and notice where the word "information" comes on the list.

Dr. Eisenhower: Thank you very much.

Mr. Tone: Thank you, Mr. Chairman.

Mr. MacNeil, let's begin with a few questions about television news practices. To what extent does the prospect of conflict and violence influence the initial assignment of reporters and camera crews to news events?

Mr. MacNeil: Well, it depends first on the news–the news evaluation that is attached to the incident by the people assigning the crews. Violence is not covered for its own sake. Television does not roam the country looking for violent incidents. If there is violence attached to what appears to be a legitimate news story, then it is covered. It is covered for the same reasons that newspapers or news magazines would cover it.

Mr. Tone: You don't feel that there is any particular search for action stories in television as compared with the print media?

Mr. MacNeil: Action has two meanings: action in a cinematographic sense means people moving and doing things; action perhaps in the sense which you're using the word may mean violence. Television news does look for action. It looks for visual ways of presenting news stories. It does not search for violence in itself. If there is violence, and that is legitimately part of the story, that is put on.

There may be irresponsible segments of the industry which do go looking for violence. I think one should say at the outset, because of the direction I think their questions will take, that, as I said in the statement, there are an infinite number of graduations of responsibility and professional conduct in this industry. The standards are highest for the most part at the network news departments because of the resources they devote to journalism and the quality of the people they can hire. It doesn't mean they have a monopoly on good standards. Some private stations are very professional as well. But there is every kind of conduct down to, I think, quite irresponsible journalistic conduct in those television states which devote the least resources to it.

So perhaps a search for violence, a presentation of violence for its own sake can occur where journalistic standards are weakest. To my knowledge it does not happen in the network news departments.

It is another question, however, when violent scenes are received in the news department whether they take priority over more pacific scenes in what is chosen to go on the air.

Mr. Tone: Let's stay for a moment with what happens in the field. When the camera gets to the scene of the news event, do conflict and action play a part in their determination of what is to be filmed? Do they try to get all the action and all the violence there is on the scene and leave it to the editor back in the studio to determine what should be filmed? Or what is the procedure?

Mr. MacNeil: They try and get the best visual representation of what is happening in front of them. If there is violence, they try and depict the worst of that violence. They try and not only depict that, but they try and get it. If they don't get it, they consider they have not covered that incident properly.

A network TV crew or cameraman, who is a very professional and experienced individual for the most part, does what you would do if you were a tourist in some country with an 8-mm. camera and suddenly some violence occurred. And if you had the courage to stay in the middle of it and wanted to bring back home the story of what really happened in that exciting moment, and if you had the skill and coolness of head to be able to expose your pictures properly and hold the camera steadily, which is very difficult, incidentally, you would be seeking exactly the scene that a professional news cameraman would be seeking in that incident.

Yes, they try and find the most extreme expressions of violence in a particular incident. They haven't covered it if they don't.

Mr. Tone: Then that film is brought back to the studio, and who does the editing of the film? Who decides what part of the film will stay?

Mr. MacNeil: Well, there are two different systems, and we are talking now about network practice. If there was a reporter or a field producer with the crew when the film was shot, then that individual follows the story through to completion. He sees all the film when it comes out of the processing. He decides which scenes will be selected to go on the air and instructs the film editor on how they should be put together. Then he writes the script that goes with it, and he delivers it on the air.

The other system is when a reporter did not accompany the crew. The film comes in from some incident. It is seen by a writer on a particular show, and he decides what scenes to show, and then he writes copy to go with it, which the commentator, the studio-based, studio-bound commentator, will ultimately read. And the question is the source of the information that goes into that script, and very often that is wire service copy.

Mr. Tone: In the editing process, can you tell us what standards are used and whether violence is one of the standards for selecting and editing the part of the film that will be shown in the news telecast?

Mr. MacNeil: That, again, depends on the sense of news judgment and journalistic professionalism and responsibility of the person doing the editing. An irresponsible person–and I don't see them existing at the network level at any rate–an irresponsible person would show violence for its own sake. A responsible person, who is a professional newsman, as is the current expression, shows violence that has some significance to the story, that seems to say something about the meaning of the event that took place.

Mr. Tone: We have talked about how the film of the particular event is edited. Will

you tell us something about how the whole news program is put together?

Mr. MacNeil: Well, again, let's confine it to the main network evening news programs. They have executive producers; under them, a producer, a staff of writers, a staff of film editors. The executive producer is responsible for drawing up what is variously called the rundown, the running order.

He keeps an eye on what is happening during the day, consults with his subordinates, and at three or four in the afternoon sits down with a piece of paper and allots the time to each story and decides in what position that story will run.

Now, as I said in my statement, television news is very competitive. It wants to keep audience. The audience is very big. The larger the audience, the more lucrative the program, the better the competitive position economically.

It is a rule of thumb in the business, and I think they are probably right about it, that you do not keep audience if your show is dull. Therefore, there is anxiety not to let the show be dull. There must be action in the show, action in the broader cinematographic sense, as opposed just to talking heads.

So the amount of action filmed in that broad sense, and I don't necessarily mean violent film, very often determines, with the placing of the commercials, the structure of the program, and particularly determines (although this may not be as important in television as it is in a newspaper headline) what is chosen as the lead for the story, the lead for the show, what is regarded as the top news story of the day.

And often as not, if there is a good action story again in that cinematographic sense and not necessarily in a violent sense, that will be the lead to the news, as opposed to a political story that just involves individuals talking. And they try and break up the structure of the program, ordering the elements to run in such a way that areas of talk will be relieved with areas of action.

Mr. Tone: Are some of the decisions which have to be made in making up the program referred to higher authority than the man who . . .

Mr. Jenner: Excuse me, Mr. Tone. Would you . . .

Dr. Eisenhower: We are having a little trouble . . .

Mr. Jenner: Picking up the end of your sentences.

Mr. Tone: I'm sorry.

Are some of the decisions which the man who makes up the program has to make referred by him to higher authority?

Mr. MacNeil: Very seldom. They might be if there were a particularly sensitive political story. If someone charged publicly the President with unbecoming conduct professionally or something, if somebody charged a Congressman with conflict of interests, there might be consultation on how that story was handled.

There are also occasions—there have been occasions in the Vietnam war coverage—when stories have been referred, to my knowledge, on matters of taste.

Mr. Tone: Do these matters of taste involve particularly gruesome scenes?

Mr. MacNeil: Yes. Television's coverage of the Vietnam war has been—well, to put it bluntly, has been censored by the networks on the grounds of taste.

And if I may expand on that for a moment, I think this is very interesting. The common assumption is that television has, by bringing this war into the homes of millions of Americans, for the first time brought war home to the ordinary people and by showing its horrors night after night, made it unbearable and thus turned the nation against the war.

One can argue that way. I suspect that there is another influence at work. Television has shown horrible scenes, it is true. It has by far not shown the most horrible scenes. Anybody who has had any experience with fighting and war knows that there are things that occur far more horrible than anything that comes onto the home screen.

I suspect that by thus taming the horror for the domestic audience, for the suppertime audience, that television may have contributed to a kind of pained tolerance of this war by making people think: "Well, that's bad, and that's the worst, perhaps that's the worst there is, and I can bear to look at it. Therefore, it is bearable, and the war is perhaps acceptable to me."

This is speculation. I don't know any way of supporting this. But it's a guess, and I think, therefore, the network censorship of the more violent scenes is important.

I can think of a particularly violent scene which I was involved in deciding whether to carry or not. We were preparing a Saturday network news program on NBC, and there was a film on an American Army sergeant cutting off the ear of a dead Viet Cong, a

practice which had become relatively common in some sections of the Army there. They picked up the habit from the Montagnards who regarded the ears as trophies. Seeing an American do it—well, seeing anybody do it, particularly in closeup, in color—was just a nauseating thing to watch. We argued for about half an hour whether we should carry it or not that evening, and it made me so angry that I thought in a way we should carry it just to stir the people up to the kinds of attitudes, the kinds of psychological changes that the war might be producing. But I didn't press the point, and in the end the question was referred to a higher authority in the news department, and he decided on the ground of taste not to carry it. It was interesting to me that six months later a CBS crew filmed a similar incident somewhere else in Vietnam that was carried on the Walter Cronkite news.

But there are many scenes of American troops in that kind of horrible distress that you can come across in a Tolstoy novel about the wars with Napoleon, but to depict visually in our culture would be regarded as violating tenets of taste, would not be acceptable.

Mr. Tone: I would like to ask you now, Mr. MacNeil, which of the weaknesses in television news you refer to are really inherent in the medium and can hardly be corrected? What about the time pressure—first the time pressure in the sense of the felt necessity of getting the story filmed and on the show that evening?

Mr. MacNeil: Well, that really isn't any different than the deadline pressure which operates on print journalists. It's a little more difficult logistically because you just don't have to come back in with some notes and type up a story and give it to the printers.

But there is not a printing lag in television. That mechanical part of the industry, that technological part of the industry, occurs at the scene rather than at the point of distribution.

So that is not much different than the deadline pressure on a news magazine or a deadline pressure on a newspaper. All journalists have to break off from running events at a certain time and say, "History stopped here for this deadline," and produce some brief account of it.

Mr. Tone: What about the time-limitation on the air-presentation? Isn't it true that it is a very real limitation on what television can do?

Mr. MacNeil: Yes, it is. I don't think it is necessarily inherent in the medium. More time is always available if the people who are running the business want to spend time on it.

There is more time devoted to news now than there was ten years ago. In 1965 the networks expanded their evening news programs from 15 minutes to half an hour. There is a lot of talk and movement in the industry towards an hour-long news program. At the moment that is considered unfeasible because the affiliated stations don't buy the idea. Ultimately, I think there will be an hour news program, maybe even longer.

Mr. Tone: But isn't there still a limit on audience patience for any particular news story?

Mr. MacNeil: That is the limitation that is inherent in the medium. A person is capable of receiving through his ears and eyes information at a very much faster rate than the rate at which a person can speak. Therefore, prolonged sessions of talk, unless they are accompanied by a very dynamic personality and with bold gestures and so on, become boring to people, and they cannot digest the same amount of information in that manner audibly as they could probably in print. That is inherently a difficulty in television, which is one of the reasons why television looks for action.

Mr. Tone: And that difficulty tends to discourage television from providing background and in-depth analysis of news stories? Is that right?

Mr. MacNeil: Yes. While the difficulty is inherent in the medium, it is not an insurmountable difficulty. More time can be devoted; more care can be given to backgrounding and analyzing stories. Some programs do it better than others.

Mr. Jenner: Excuse me. Each of you is tremendously interesting, and I am trying to drink in all your words. You are tending to drop your voice.

Dr. Eisenhower: Yes. Pull the microphone a little closer.

Mr. MacNeil: I will try to speak more directly into the microphone.

Mr. Tone: Would you compare, Mr. MacNeil, the news coverage on BBC with the news coverage in United States commercial television?

Mr. MacNeil: Yes. I think the important difference is that on British television, and not only the BBC, more time is devoted in prime time to longer programs of analysis and

commentary than is done here.

News bulletins, as such, are slightly shorter than they are here. They very much tend to be headline services, and many people in the business regard the network news programs here as superior in that light.

The programs here are better paced, more visual, more interesting, cover wider ground perhaps. But there is no provision here for the kind of news in depth and analytical programs that go on the BBC regularly.

For instance, there is on the BBC, at roughly ten o'clock every evening, a 40-minute program of current affairs. It does light stories, and it does serious stories, and it devotes 10 or 15 minutes to each of three or four stories a night.

There is the program that I work for on Monday evenings which has been on for 15 years, which is a serious, in-depth look at the important stories in the news and which receives each Monday night an audience between eight and ten million people, which in a country with a quarter the size of the population of this one is considered a very big audience for a serious program.

That's the difference.

Mr. Tone: How does the coverage of news by British commercial television compare with BBC's news coverage?

Mr. MacNeil: Quite favorably. It is interesting that they have now copied the American format for a half-hour evening news program. In fact, they came over here and studied the Huntley-Brinkley show and Walter Cronkite news for quite a while before they decided on what format they would use. And that is very much a replica of the shows we're familiar with over here.

But they also have three hours a week, that I know of, nationally on the network in prime time in the evenings devoted again to documentary or news analysis programs.

And it's interesting—I don't know how widely this is known—that the British television is not a network as such; the franchise is given to individual companies who are allowed to program for a proportion of the time in a week in a certain region.

News, however, is given to a *separate* company, which I think is a good thing. But that company's franchise was only renewed, when the licenses came up for renewal last year, on condition that it move into prime time with a half-hour news program. It's the kind of insistence that the regulatory agencies here have not found themselves able to make.

Mr. Tone: Can you comment on the British television coverage of the October demonstrations in London?

Mr. MacNeil: I can't, because I was here. I heard a lot about it, and I know some of the agonizing that went on behind the scenes there about their responsibilities in doing it, in covering it.

I know that the BBC—when I say I can't comment, I can't comment on what actually went on the air because I didn't see it. I know that the BBC—terribly aware that it might be inciting the more radical elements of the protest movement to provoke the police into violence simply by the presence of cameras and reaching a wider audience—decided not to cover it live but set up very elaborate camera coverage and then fed it in to a closed circuit studio for several hours and taped it all and watched it, and then put a summary on the air.

I don't know what philosophical conclusions they have come to. I know they are as concerned about the role of television in possibly provoking or stimulating violence in the streets as people are here.

Mr. Tone: I'd like to turn to another . . .

Mr. MacNeil: May I add, however, Mr. Tone . . .

Mr. Tone: Yes.

Mr. MacNeil: I think this is not understood always by Americans. The BBC is a publicly financed broadcasting organization. It is totally independent of government. It is a source of great annoyance to the Wilson Government at the moment, for instance, that the BBC is so independent. It is financed by a license which all users of television sets are required to buy each year. They are collected by the British Post Office and disbursed to the BBC.

But the BBC has earned and deserves a reputation for independence which is quite remarkable, and so any decision to take it easy with those demonstrations in October and to cover them on closed circuit and then consider what to put on the air was not made as a result of government or establishment pressure on the industry but of its own

sense of responsibilities.

Mr. Tone: In American coverage of minority movements, has there been in your opinion a tendency on the part of newsmen to cover the most aggressive speakers and to take the most violent lines in a speech or press conference? Or is that charge, that has been made, not well founded?

Mr. MacNeil: Well, I think it's like a lot of things: it's true and it's not true. Yes, sometimes the firebrands of the black revolution have been exposed more than the moderates have been, and the most extreme statements have been put on the air. And they have also been put in the headlines of the newspapers. They have also been printed in the magazines. And who is to say at a particular moment in the development of a story that the more extreme representative of a movement is less significant to the development of that movement than the moderate is?

Mr. Tone: Is the moderate as newsworthy as the more extreme leader?

Mr. MacNeil: He may be. It depends what he is saying. It depends the way the story—the flux of events at a particular time. I don't think you can accuse television or the other media of always exclusively looking for extremists and presenting extremists to the exclusion of moderates. Mr. Wilkins I suppose is the ultimate in moderation in the civil rights movement. He has been on the air endlessly.

Mr. Tone: Do you think the coverage of Mr. Wilkins by television has been as extensive as the coverage of the militants?

Mr. MacNeil: Mr. Wilkins and people like him have had as extensive coverage. He himself couldn't have been said to balance the coverage with militants. But this is just a subjective impression. I haven't made any mathematical analysis of the time devoted to these people. Perhaps it would be interesting to see that.

Mr. Tone: Mr. Chairman, I have no further questions.

Dr. Eisenhower: Before I call on the Commissioners, since you were on the subject, you did not ask Mr. MacNeil when you were comparing with Britain what their total treatment of violence in entertainment as well as news is, as compared to the American system.

Mr. MacNeil: Well, in Britain and in some of the European countries they have always regarded the violence, the violent content, of American entertainment programs—and that applies to movies as well as television—as a bit extreme for their taste. That was the element that was frequently censored out of American programs.

Mr. Jenner: Excuse me. You mean censored out when rebroadcast in England?

Mr. MacNeil: On a number of levels. In films for the movie theaters there is a British Board of Film Censors who literally cut scenes out when they were prolonged or sadistic or what they considered violence unconnnected with the development of the story—violence for its own sake.

There is another kind of censorship—that programs which the British anticipate buying and are therefore discussing with producers, may be—when it becomes known the British want a less violent content—made less violent.

But I should balance this by saying that doesn't seem to be the trend in Britain today. British entertainment television has produced programs of its own which are exceedingly and promiscuously violent. There is one of them that is showing here now. There is a prurient kind of violence involved in some of these British things which would be perhaps distasteful to more puritanical minds over here. There is no hard and fast rule about these things. Everybody—all mass audiences apparently like violence.

Dr. Eisenhower: You say all do like violence?

Mr. MacNeil: All—well, again, this is subjective observation.

Dr. Eisenhower: Do you have another question, Mr. Tone?

Mr. Tone: I had one question that related to this subject.

Dr. Eisenhower: All right.

Mr. Tone: Does BBC have a rule about the time when the more violent programs can be aired?

Mr. MacNeil: Yes. They have a nine o'clock rule before which programs—it's not only violence, it's programs with a frank sexual content, programs that deal with very distressing realities like mental illness, programs which on consideration they feel would be distressing to children—are not shown.

There is another practice there, and that is when scenes are coming up in a news film particularly which people might regard as distressing, the news reading or the announcer, whoever he may be, says "You are about to see scenes which some people may find

distasteful and unpleasant, and you may wish not to watch."

Dr. Eisenhower: Senator Hruska, do you have a question?

Senator Hruska: It would have been a little more helpful, Mr. Chairman, frankly if we had had an advance copy of this very erudite and very fine statement.

Perhaps the thinking processes of some of our Commission are a little more acute and perceptive and a little better than mine. But there is so much of merit in this statement that would require a little thought and drawing on other sources to round out questions; so I say, perhaps it might have been a little better if we had had these statements in advance for the purpose of being able to formulate intelligent questions.

I am going to make an extemporaneous try at one. I know I have the idea of what I want to ask, but I don't know whether I can get that over to you. I'm going to try. Now, during the course of your testimony, you start out with one of the assumptions you have that there are two outside pressures, someplace or other in your testimony.

Mr. MacNeil: I think, Senator, I said . . .

Senator Hruska: One is government, and one is the public opinion.

Mr. MacNeil: Yes.

Senator Hruska: Isn't that true?

Mr. MacNeil: Yes.

Senator Hruska: You go on a little further to criticize the fashion in which news is reported. You say that they, the men who determine what is acceptable on the air and what should be put on the air, believe that, like other commodities which television purveys, news can be shaped and reworked and manipulated and even dropped.

Mr. MacNeil: May I make an observation, Senator, before you go on?

Senator Hruska: Surely.

Mr. MacNeil: People I was referring to: there are the businessmen in the entertainment side of the industry– which is the preponderant part of the industry–who decide how much time and how much money will be devoted to news; I hope that I specifically excepted the people in the news departments from that charge, because I feel distinction must be made.

Television news is regarded as a commodity by the people who allocate the resources to it, who decide the budgets, the businessmen who run the industry and run it obviously for profit. The people in the news departments have a different attitude. They are professional.

Senator Hruska: Isn't that all part and parcel of the system?

Mr. MacNeil: Yes.

Senator Hruska: Yes. I don't know how you can say this ear doesn't work quite right but this one does, but it can't work quite right because the first one won't let it work right. Now, it's all part of your system; so your criticism must be directed to the whole works.

Mr. MacNeil: Yes, it is.

Senator Hruska: If you seek to insulate them one from the other, that's something else again.

However, you go on to say that there is no news training very often, and perhaps most of the time, that there is a pontificating off the teleprompter from a script someone else, maybe a wire service, has written on something he knows nothing about. And then you make your comment and your pitch for not enough original reporting, that they ought to have more original reporting.

I don't know too much about the news media, but I just wondered: after all, in newspapers, is the man who dictates the story that appears on the front page an original reporter?

Mr. Mac Neil: Sometimes . . .

Senator Hruska: Is he a man who goes out to Iran when there is a revolution there or when the Suez Canal is closed or when something happens in Hongkong? Does he go there and then come back and give to the public his original reporting? Or does he have to rely upon the reporting of someone else and then he pontificates from that in print instead of in oral words?

Mr. MacNeil: It depends on the newspaper, Senator.

Senator Hruska: Tell me where am I missing the beam on this thing?

Mr. MacNeil: Well, to begin with, the point I made about pontificating off a teleprompter was an example of one extreme of conduct at the lowest level of

journalistic responsibility and competence. It does not apply all the way through the industry, as I pointed out.

As to your other point, that depends on the newspaper. Good newspapers with a national circulation have large reporting staffs and originate a great bulk of their own material.

The network news departments compete in terms of prestige with these nationally reputed newspapers.

And my argument is that in terms of the money available in the industry and resources available to them they could go a lot farther in having more original reporting. So could many local stations.

Senator Hruska: Well, so what if they did? They would still pontificate from those they send out into the field and who send reports in, and they would read things they don't know anything about just as effectively or ineffectively as when they read from UPI or AP or anybody else. It's just a transfer from one source of pontification, one basis of pontification, to another.

Now, what's the point? What's the point of portraying to us a picture of a man who sits there and pontificates? You don't want him to pontificate from wire news service. You want him to pontificate from network news service. So what's the point?

Mr. MacNeil: I want him to pontificate from personal observation.

Senator Hruska: And just how does a man do that when he has to be in the studio somewhere between the hours of five and ten? And just when would he go out and personally observe things which are on a national basis or even on a basis other than purely local within a mile or two from his place? How does he do it? Just how does he do it? Anymore than a typesetter or a rewrite man. How does he go out and observe personally before he collects all the different points that he makes in a story? Or a typesetter when he sits and sets the type for the newspaper?

Mr. MacNeil: Well, I'll tell you how I think he should do it. I would like to see television getting away from the omniscient commentator, the man who only sits in the studio and gives the audience the impression that he knows everything about everything. It's fine to have him as a presenter, as a link man, but let the news organization have a staff of its own reporters who do go out and witness things personally and then come back in and let them do their own pontificating as a result of personal experience. ("Pontificating" is perhaps a careless choice of words. I was using a colored word to express an emotion.)

Congressman Boggs: Good word.

Mr. MacNeil: Thank you.

That is what I would like to see. I think that the broadcasting industry should now have matured beyond the rather naive position when it is necessary for the audience to invest in one individual all its trust and to feel that he knows everything about everything. Because, you see, not all members of the audience are all that sophisticated about current events. And I feel it is a weakness to have one man purporting to be omniscient, and that's what he does if it comes off the wire services.

Senator Hruska: Well, is there a difference between reporting and commentating and editorializing?

Mr. MacNeil: Oh, yes.

Senator Hruska: What composite would you have in the man who eventually gets before that television camera? What would he be? An editor? Or a commentator? Or a reporter? Just how do you get a man going out and making personal observation of a thing and then bringing back his impression of it, his interpretation of it? Now, is there a difference between that and reporting as we conceive of it in a general way?

Mr. MacNeil: Well, there are different styles of reporting. There is one style in which a man goes out and collects to the best of his ability what seems to be pure facts and comes back and arranges them to the formula order that is acceptable to the profession and presents them. There's another kind of man who goes out and absorbs the event through his own sensitivities and experience and personality and comes back and shapes it and delivers it that way as his personal view of the thing. I think there is room for both in the industry.

Senator Hruska: Well, there is. But in any one person, the one you want to send out into the field and get something and have an original reporting and then come before the camera, what do you want there before that camera?

Mr. MacNeil: My personal taste is for personalized reporting, because I think when

you know an individual, as an audience would after a short time, when you know what his biases are and know what his tastes are–there is a theory in communications–you are more likely to find a man credible if you know his interests.

Senator Hruska: How is the audience to know of his interests and bias? How is the audience consisting of 200 million people in this country to know the bias of a man before that camera?

Mr. MacNeil: It depends on how candid he is with them.

Senator Hruska: So he has to tell them in advance "Now, I'm going to fend for the police in Chicago. A policeman befriended me one time, and I feel kindly to them, and therefore I'm going to tell you some awfully nice things about those dastardly things policemen are supposed to have done"? Is that the kind of confession you want each of them to make each time before they telecast a story?

Mr. MacNeil: No. No. I think you and I know what personalized reporting is, Senator. It is filtering events through an individual consciousness, and the audience, the readership, whatever it is, becomes gradually aware of that man's likes and dislikes.

Senator Hruska: Well, now you are talking about . . .

Mr. MacNeil: But I'm not . . .

Senator Hruska: You're talking about an editor. But I would think that pretty true. And I imagine that most steady newspaper readers when they read the news–I have an idea–they look and expect something of a little different cast, as it were, than maybe the *Chicago Tribune* or the *Los Angeles Times.* That's easy. You can look for a newspaper. But when you turn on a television, you want news. Most people want news; they don't want editorialized commentary. They want news.

There are certainly two elements in there. And I'm afraid if one's bias is for personal comment, that may not be exactly what the public wants and expects.

Mr. MacNeil: Well–excuse me, Senator, you are taking it a bit further than I intended it to be–I think that there is room for both. There should be both factual reporting and there should be personalized reporting. And there should be frankly admitted commentary and editorializing as well.

Senator Hruska: Well, that's fine. We hope that the patience of the people will extend to a point where they can listen to one side at one time and the other side another time, but I would doubt it.

On another subject–and I will try to be brief, Mr. Chairman–referring to page 25 of your testimony, you suggest a little prescription there to have the type and function of broadcasting safely insulated from the more damaging pressures of show business television, compartmentalized, if necessary, in separate companies, and above all free of government.

To whom would they be bound–that type of special compartment? Would they have any discipline? Or could they come in–instead of being dressed Brooks Brothers style and with fairly well-groomed haircuts–could they come in there any old way they wanted to, not only in physical appearance but also with the junk that they might choose to express over the airways? Would they be bound to anybody free of government? They would be a government unto themselves, would they not?

Mr. MacNeil: They would be bound to the same people that newspapers are bound to, Senator, which is the American public.

Senator Hruska: Then we get back into the idea that a newspaper wants advertising, and it knows it can't have advertising unless it has a fairly well-disciplined news department. And the television companies have that same pecuniary money madness about them, and they know if they have a special compartment here that is free of government, they'd better conform to the advertising department or else they don't get big enough dividends to pay their fees and their salaries? Is that what you're trying to tell us?

Mr. MacNeil: No. The dependence of newspapers on advertising has not disqualified them from protection under the First Amendment from government control.

Senator Hruska: Is that true of TV?

Mr. MacNeil: No, it is not. The TV is a regulated industry. A lot of people would like it [free of government control] to be true of television.

Senator Hruska: All right. So there is a special compartment that you refer to as part of your prescription that would be subject only to the discipline of people for whom they work?

Mr. MacNeil: Yes. it would be practicing the traditional purpose and ideals of

journalism in this country, which is to be–in the cliché–the fourth estate.

Senator Hruska: It is possible with our system of licensing, the way we have it now, to free anybody on the air from government control?

Mr. MacNeil: I'm not sure how it would work, but I think that people should, before there is more interference with the journalistic operations of the industry, which, incidentally, now is "the" journalism of this country. (As I said, two-thirds of the adult people in this country depend on television for their information.) It is unhealthy that there should be a feeling of intimidation or contact with government, a susceptibility to pressure, to direct interference from members of Congress or other elected officials. It is unhealthy that there should be that influence on the major journalistic instruments in the country.

Senator Hruska: Well, the alternative is license then, isn't it? I mean complete . . .

Mr. MacNeil: Licensing in the sense of freedom.

Senator Hruska: License in that sense. Because if the government isn't going to do it, who is going to do it? Who is going to do it? And suppose something comes along that by the vast thinking of America is obnoxious and mean and obscene, and there is nothing you can do about it because they are specially compartmentalized beyond the control of government?

Mr. MacNeil: I don't think so. They would be dependent on advertisers and dependent on audience, Senator, the way newspapers are on circulation. And if newspapers or magazines habitually presented things obnoxious or obscene–

Senator Hruska: They don't have to get licenses.

Mr. MacNeil: This is the point I'm making. If they present things distasteful to their audience, genuinely distasteful to their audience, the circulation would drop. People would stop buying a newspaper or magazine. They will be governed by the marketplace for journalism.

Senator Hruska: Well, if you can devise some system of dispensing with the licenses that are granted every several years to all the TV Stations and still get a job done, will you put it on paper and submit it to us? I, for one, would be highly interested.

Mr. MacNeil: I'm not suggesting that I personally could do it. I would like for people who know a great deal more about it than . . .

Senator Hruska: Take all the freedom you want to and stay within–of course, we have the First Amendment. We still have the First Amendment. But beyond that, just take all your imagination and try to devise a scheme like that and then present it to people who ultimately have to put it on black and white on paper and make it work. If you can do that, favor us with that production, will you?

Mr. MacNeil: Yes. Well, if the Members of your Commission, Senator, and the eminent authorities you can draw on could apply themselves to an exceedingly difficult problem like that, they would produce, obviously, something far more interesting than I could. And I think it's something that people who command these resources should think about.

Senator Hruska: Well, I'm very glad you thought about it enough to draw it to our attention.

Mr. MacNeil: Thank you.

Congressman Boggs: Mr. Chairman . . .

Dr. Eisenhower: Congressman . . .

Congressman Boggs: Mr. MacNeil, I read with considerable interest an article you wrote I think a month or two ago which appeared in– *Harper's Magazine* was it?

Mr. MacNeil: It was part of a book, Congressman, yes.

Congressman Boggs: You were with the National Broadcasting Company?

Mr. MacNeil: Yes.

Congressman Boggs: For how long?

Mr. MacNeil: Seven years.

Congressman Boggs: In what capacity?

Mr. MacNeil: As a correspondent.

Congressman Boggs: Where were you located mostly?

Mr. MacNeil: In London, Washington, and New York.

Congressman Boggs: Was your experience with that company satisfactory?

Mr. MacNeil: Yes, it was very satisfactory, on the whole.

Congressman Boggs: Why did you leave?

Mr. MacNeil: Because I was offered a more interesting job elsewhere.

Congressman Boggs: In your article in *Harper's* you were very critical of the American television generally, and I read your statement this morning which is similarly critical. I wonder if you would give us, as best you can, the amount of time generally devoted to news on the average American television station on an average day.

Mr. MacNeil: I can't, quite frankly. I'd have to examine the schedules, and so on. It varies in different cities and according to what interest an individual station has in public service, as the FCC calls it. NBC News, for instance, says that its news department programs 25 per cent of network programming. That includes some programs like the "Today Show," which might or might not be considered news or journalism.

But then you have to decide how much of network programming goes on the local stations. How much does that 25 per cent represent in terms of a local station's time on the air? I know there have been—I'm trying to be frank. I don't know a simple answer.

Congressman Boggs: Excuse me. Is there any requirement that the local station carry a certain amount of national news?

Mr. MacNeil: No, that's up to negotiation, commercial negotiation, between the local station and the network.

Congressman Boggs: That means that a station that doesn't want to doesn't have to carry any?

Mr. MacNeil: They don't have to, but they find it highly profitable to do it.

Congressman Boggs: Is that the reason they carry it?

Mr. MacNeil: Yes, because it gives them local prestige. It ties them in with the national scene. The national programs are produced more professionally and interestingly than they could themselves.

And it is directly profitable, in that they are not involved in the great production costs but get a proportion of the advertising revenue from airing that program.

Congressman Boggs: I like the use of the word, "pontificates," that you used a moment ago. Would you be specific about some of the commentators who in your judgment pontificate?

Mr. MacNeil: I'm sorry, I can't hear you.

Congressman Boggs: I say would you be good enough to name some of them that you think pontificate?

Mr. MacNeil: I wouldn't like to, Congressman. I think when I used the word, "pontificating," as I said to Senator Hruska, I was using that as an example of the worst areas of the industry, not of the best. And I don't think it would serve any good purpose to single individuals out.

Congressman Boggs: Well, getting back to what Senator Hruska said, though, he mentioned the fact of filtering the news. I notice here on the "Hill" a crew comes out and takes a great many pictures. A member of the other body, as we call it, is interviewed at great length, and then maybe 30 seconds or something will appear, maybe just one sentence, that will be totally out of context with the entire meaning of what the Senator was trying to articulate. Who does all the editing here? Who makes these final judgments?

Mr. MacNeil: May I say that the public seems to have an image of Machiavellian individuals with scissors, dripping venom, cutting up news film.

Congressman Boggs: I don't. But obviously somebody does. It doesn't have to be a Machiavellian type.

Mr. MacNeil: Editing is two things. In the journalistic sense it is just abbreviating and selecting. In the cinematographic sense it is putting images together in juxtaposition so that they have a meaning of their own, that they develop a life of their own. So these two processes occur on television.

Congressman Boggs: But television is quite different from the written word. The way you present the man, the way he looks, the expression on his face, and the way the commentator reacts—all of these have meanings that most people understand.

Mr. MacNeil: Yes, a lot of those are more accidental than they are . . .

Congressman Boggs: It could be on the part of the person interviewed, but it's not entirely on the part of the person doing the interviewing.

Mr. MacNeil: I think both kinds of circumstances apply. But, basically, the editing of an interview which you may give in your office is done to select from that interview those parts of what you said which the person doing the reporting and the person

putting the show together consider new and significant and relevant to a point they may be making in the assembly of other statements.

Congressman Boggs: Now, of course, the main purpose of this inquiry is—I'd like to read back to the second paragraph of your statement and ask you to elaborate on it—I quote from you:

"My chief concern is that television spends most of its energies and talents depicting a mythological America (in which, incidentally, violence is sanctified) and relatively little energy and talent informing its captive mass audience about the real America."

Now, that is, I would say, quite an indictment of the industry.

Mr. MacNeil: Yes. It's not original with me.

Congressman Boggs: Well, would you . . .

Mr. MacNeil: My phrasing of it is. Well, I mean simply . . .

Congressman Boggs: Let's spell it out. They spell out an America that is not real?

Mr. MacNeil: That's in the entertainment programming.

Congressman Boggs: How much of it is entertainment? Ninety percent?

Mr. MacNeil: Well, in prime time it is . . .

Congressman Boggs: Ninety percent?

Mr. MacNeil: 90 to 95 percent entertainment.

Congressman Boggs: Exactly. So if it is in entertainment, then it is in 95 percent?

Mr. MacNeil: Yes. You have to distinguish between network programming, between prime time and other times of the day, between the kinds of audience that are available when news programs go on.

You can claim that you devote 26 percent of your network schedule to news, and that includes ten hours a week of the "Today Show," for instance, on NBC. The "Today Show" comes at a time of day when there is a relatively small audience of a few million people.

Congressman Boggs: Why do you think that television sanctifies violence, to use your expression?

Mr. MacNeil: Well, I explained that a little bit further on in the statement, that violence in the entertainment programming seems to me to occur within a moral context and in a climate of approval. It is violence approved and respected. It is violence as a means of solving human problems.

Congressman Boggs: In all programs?

Mr. MacNeil: Not exclusively in all programs, no.

Congressman Boggs: Why is violence necessary to sell telvision programs?

Mr. MacNeil: Well, I'm not a psychologist, and I'm not a sociologist, so my answer is just a guess really. I suppose that an appetite for violence, vicarious violence, is something basic to human psychology. There may be in violence a satisfying sublimation of one's own aggressive instinct. There may be just the sheer naked thrill of watching other people do violence to each other which has been part of civilization in one form or another as far back as we know, from the gladiatorial combats in Rome to the gladiatorial combats every Saturday afternoon on the football field.

Congressman Boggs: What impact do you think this has on the American public?

Mr. MacNeil: Well, I don't know.

Congressman Boggs: You must have some ideas about it.

Mr. MacNeil: I do, and I expressed those ideas. I said I thought it was very difficult to believe that prolonged exposure from childhood to this kind of acceptable violence did not leave a residue in the personality and outlook of an individual when he reaches maturity. That is, again, a guess. I don't have any scientific evidence of this. I just suppose that is true.

Congressman Boggs: Are you now with the BBC?

Mr. MacNeil: That's right. Yes.

Congressman Boggs: What is your capacity with them?

Mr. MacNeil: I'm a reporter.

Congressman Boggs: Have you made any analogous studies between the program of the American broadcasting companies, television companies, and the BBC respecting the subject of violence?

Mr. MacNeil: Are we talking news or entertainment?

Congressman Boggs: Both.

Mr. MacNeil: There is as much violence in the news programming there as there is here. It's part of the world today, and it's presented.

Congressman Boggs: I have watched BBC. They also don't spend a lot of time on the news programs.

Mr. MacNeil: No, but as I pointed out earlier to, I guess it was, Mr. Tone, they do spend a lot of time, relatively a lot of time on programs of discussion and analysis of current events. But news programs are short. The news bulletins are short. Probably they will become longer. The public seems to want longer ones.

Congressman Boggs: In your judgment, is there less or more editorializing in British news reporting?

Mr. MacNeil: In reporting of the news, there is about as much or as little as there is here. In other words, it is reported fairly straight. In the commenting of the news and the analysis of the news, however, there is a good deal of editorializing.

Congressman Boggs: Now, with respect to entertainment, what are the comparative findings?

Mr. MacNeil: As I commented to Dr. Eisenhower, there was traditionally in the British and Continental taste for mass entertainment a desire by the people who censored it to cut out scenes of violence. And America was known as the country that produced more violence in its entertainment. And, as I mentioned earlier, the film censors, for instance, in Britain, would frequently cut out scenes of violence which they thought extraneous or unnecessary or dangerous. Some films were just not shown. There was a particular film I had in mind, but I can't remember the name. It was just not shown in Britain—"The Wild Ones."

That, as I also said, is no longer as true as it was. The British seem to be developing their own taste for violence in television. But it is not as preponderant an ingredient of serial, packaged entertainment programs as it is here, and there is a great deal more variety on the air there. There are programs to appeal to a wider variety of tastes and not exclusively to that mass audience that may be attracted to programs, adventure programs, replete with violence.

Congressman Boggs: Just one further question, because I know there are many other witnesses and many other members of the Commission. Aside from your recommendation relative to the removal of governmental regulations, if you were in a position to program, let us say, an American television station, what changes would you make?

Mr. MacNeil: I would be operating under the same pressures that well-intentioned people in some stations now operate under, and no doubt . . .

Congressman Boggs: You are not saying that you can't make any changes?

Mr. MacNeil: No, I'm not. I'm just coming to that.

Congressman Boggs: Okay.

Mr. MacNeil: And I would probably find it as hard as they do to persuade the businessmen running the station to limit their profits by putting on more programming of the kind I would like, like news and current affairs programs that would appeal to a smaller audience, because inevitably they do.

For instance, when NBC puts on its Tuesday documentaries the audience falls by about half compared with what it would have if it were running a movie or something else. I'm really talking about CBS. When NBC has the same thing on Friday nights, as it did last year, the audience fell by about half.

So I would have to try and persuade whoever held the purse-strings that this was a valuable and socially valuable and creative and responsible thing to do—to accept a little less profit from the industry in order to perform what is a public service. That is what I would try to do.

Congressman Boggs: Let's say there are certain conflicts in what you are saying.

Mr. MacNeil: I'm sorry?

Congressman Boggs: I say there are conflicts in what you are saying, as I read you. In one sentence you say abolish government controls. Then the next sentence is: Well, if business pressures are so great coming from the private sector, you would still have to cater, so to speak . . .

Mr. MacNeil: I think in my statement, Mr. Boggs, I gave equal emphasis to both pressures.

Congressman Boggs: Well, thank you very much. I thank you, Mr. Chairman.

Judge Higginbothan: Commissioner Jenner.

Mr. Jenner: Thank you, Mr. Chairman.

First, may I say that I very much welcome your paper and have enjoyed and profited even more by the questioning and your direct responses to those questions, and I appreciate a viewpoint which comes from a level or place other than America, at the moment, to give me as a Commissioner some enlightenment which I may employ with all the other evidence we have been receiving and hope to receive.

Senator Hruska in the course of his questioning has dwelt upon the influence of advertising in the print media, which, in a difference of degree, would apply, to some extent at least, to television.

Mr. MacNeil: A considerable difference in degree.

Mr. Jenner: Yes. Would you develop that for me, that difference in degree?

Mr. MacNeil: Well, television is primarily an advertising medium nowadays. The programs are designed to attract audience to advertisers, to advertising. As you probably know, time is sold to advertisers at what is known as a "cost per thousand"—that is, the cost to the advertiser of having his message exposed to a thousand people. It is expressed in dollars per thousand. It is largely a machine to exhibit advertising and to attract the maximum influential consuming audience to that advertising. That is why the standard of programming is so abysmal. That is why it caters to such low common denominators in taste.

In newspapers, at least, it can be said that by tradition—although they obviously have to do well economically—by tradition they at least make the pretense that their chief function is to purvey information.

Mr. Jenner: Thank you. I would like to develop that a little more in a comparison of the two mass media.

It is my impression that the print medium attracts advertising, that the advertisers do not influence directly the print medium; but if the print medium has presented over a period of time, day in and day out, week in and week out, year in and year out, the broad range of communication that you have emphasized, advertisers are attracted to that newspaper because of its circulation based not on the advertising but upon the news content of the newspaper. The advertisers, though they disagree one or more with the overall, let us say, editorial policy of a particular newspaper, will employ the columns of that newspaper for the purpose of advertising.

From what you say, would you agree with me in greater or lesser degree up to this moment?

Mr. MacNeil: Yes, I do agree, except that one knows of instances where advertisers have influenced stories on newspapers. They are certainly not the rule, but they occur.

Mr. Jenner: I'm assuming that does occur. But in the overall or broad sense . . .

Mr. MacNeil: With the general thrust of what you are saying, yes, of course, I agree.

Mr. Jenner: The advertiser has little or no influence upon news content in the print medium, whereas I gathered it is your view from your experience and what you have said today that is at least somewhat less true of the television medium.

Mr. MacNeil: Yes. May I elaborate on that a little bit?

There are two kinds of influence that an advertiser could exert. One is an indirect influence, and the other is a direct one—say if he were sponsoring a particular program disagreeing with the content of the program. That occurs. It occurs on news documentaries. Sometimes a documentary will be prepared under a sponsorship arrangement, and the sponsor will withdraw at the last moment and it will go on unsponsored. That is not always the tragedy for the network that it might appear, because sponsorship of news documentaries never fully covers the cost of producing them, because they cannot charge the sponsor the full commercial rate for the time because the sponsor knows that the audience for a serious documentary is going to be lower.

At the same time, the network is not anxious to have the low rating included in the weekly averaging of its ratings—the weekly Nielsen as it's called—because that would give it a lower overall weekly rating and therefore affect the rates it could charge other sponsors generally. There is that kind of censorship.

There is the indirect kind of censorship which I think is more important, which limits the kind of subjects that the network will treat in the longer documentary treatment, which, as I said in the statement, is the most important part of television journalism,

because it allows the medium to overcome some of the inherent disadvantages of brevity and compression which Mr. Tone and I were discussing.

Now, if incidents occur such as I have mentioned, of sponsors dropping out from sponsorship of programs, then the next time a program is being suggested that might deal with a similar subject and therefore be unattractive to sponsors of that the network might feel would by its controversial nature alienate a sizable proportion of the audience—for instance, as a hypothetical example, one might say that a very realistic treatment of birth control on a national network might irritate a large proportion of the Catholics in the country—the networks, not wanting to alienate on behalf of its advertisers and on behalf of its business image and the reputation of such a large proportion of American consumers, might shy away and do shy away—they do shy away—from doing that kind of subject.

I don't know whether I'm accurate on the birth control one, but it's the kind of subject they shy away from doing. And that's the way advertisers influence.

Mr. Jenner: Now, in the newsprint medium it has or does present that issue. Newspapers, the great newspapers in the country, do present that issue. That does not entail a dropping off of circulation.

Now, what I'm trying to get at to help this Commission which has been called upon by the President of the United States to report to him on the causes and prevention of violence: if the television medium would present, despite the mere-time effect, business effect, the broader aspect as does the news media, let us say, over a period of time, would you say that that would not, then, when the public comes to accept the television medium as a reporter of events as it does newspapers . . .

Mr. MacNeil: Yes, I think that is quite right, and . . .

Mr. Jenner: . . . then the businessmen, the advertisers, would be less affected in their pocketbooks, because the public would turn to the television as it has to the print medium for . . .

Mr. MacNeil: I think that is the direction we are heading in. I think it's going to come. It may be helped by the impending availability of a multiplicity of channels either through cable television or other technical arrangements for UHF. A segmentation of the audience may produce, as it has in radio, a number of markets, all-news stations.

But I think it's important that not only the public come to regard television as importantly a medium of journalism, but that television come to regard itself as a medium of journalism and not just regard that a peripheral, prestige-earning function, marginally profitable, which they can point to when they come to Capitol Hill and protest about how they are operating in the public interest.

Mr. Jenner: One last question.

Mr. MacNeil: May I just add one sentence? Television has drifted into journalism out of entertainment and is discovering new things about it now. The people who are performing the journalism are professional journalists. The people, as I have been emphasizing, who hold the purse-strings are not. And they are just beginning to wake up to the idea that they have got a real medium of journalism here.

That's why I think it could be compartmentalized. And if it were serious in its intentions and relatively free of these business and other pressures—because there are going to be pressures on any news medium all the time—but at least to have the courage to stand up to the people originating the pressure, then the public will respect it. It can respect itself. And I am sure, and I agree with you, that it would receive advertising support.

Mr. Jenner: I think the additional point I had in mind has been brought out by the supplementation in the answer. Thank you. Thank you very much.

Judge Higginbothan: Ambassador Harris.

Ambassador Harris: Thank you, Mr. Chairman.

Mr. MacNeil, I'm glad you pointed to the fact that the journalistic side of television, like Topsy, just grew. From roller derbies to serious television is quite a jump, and quite a jump in a very short time.

In view of the responsibility of this Commission to make recommendations to the President and perhaps to the Congress, would you feel that there is merit in looking again at the standards for the initial grant of television licenses and looking at this in terms of a more realistic public service and news, journalistic component.

Mr. MacNeil: Yes, if you could ever get the Congress to support you in looking at such a thing. I doubt it would. But if it could be inspired to support such, either the

creation of more rigid standards or even to implement the intention of the present standards, the spirit of the present standards, I think it would be an exceedingly healthy thing.

Ambassador Harris: Despite the skepticism of the public, we are supposed to be part of the inspiration, and I gather you think this is a valid role for us to play.

Moving to the next step, once the standards are established for the grant of the license, and the license is in fact granted, would you indicate whether you believe there is any difference in the news and opinion role of television which would subject it to a different position under the First Amendment with respect to prior restraint than that which currently applies to other news media?

Mr. MacNeil: This question puzzles me very much. I don't know the answer to that. I am just not knowledgeable about all the factors affecting it.

Ambassador Harris: If you would try not to give a legal answer but to give a journalist's and public citizen's answer, can you think of any components that would put it in a different position from newspapers?

Mr. MacNeil: No, no components.

Ambassador Harris: And this would go to the question of content, content censorship, once the license had been granted, that there would no more be a permission for governmental prior restraint of the news function of television than of newspapers? That is your judgment?

Mr. MacNeil: Yes. This would have to be looked into. The rationale, now, for regulating broadcasting is that it is a monopoly franchise, a limited exploitation, an exploitation of a limited public resource. As that resource becomes less limited—and the industry now argues, for instance, that there is more competition between broadcasters or among broadcasters in many cities of the United States than there is among newspapers or between newspapers—I think the rationale for regulation might become less, regulation on a technical basis as far as spectrum allocation and so on goes.

Ambassador Harris: But is any of this relevant at all to the question of prior restraint of the content?

Mr. MacNeil: No.

Ambassador Harris: It seems to me that is quite a different problem. And don't we "fudge" the issue and make it more difficult for the public to discern the distinctions by lumping them together?

Mr. MacNeil: It is industry itself which fudges the issue. I quoted a very interesting article to read, one by Professor Jerome Barren of the George Washington Law School, in the *Harvard Law Review* about a year and a half ago, to which I referred briefly in my statement. And he accuses the industry very effectively, I think, of continually fudging this issue. It cries censorship and First Amendment violations when it means, "You're interfering with our ability to profit-maximize."

Ambassador Harris: Now, this is not the distinction I'm making. You're talking about potential censorship or involvement in content of the revenue-producing, entertainment side. I have a judgment that if "Fanny Hill" is protected by the First Amendment, perhaps some of the violence on television may have some of the same kind of protection.

Mr. MacNeil: I agree with you.

Ambassador Harris: I am talking about the prior restraint by the government of content of programming—the content of programming: certainly at the news level, which I think is clear, and potentially, perhaps, at the program level. Do you think that government can specify what may or may not go into programs on television? And if so, what are the distinctions which make the restraints of the First Amendment not applicable to television?

Mr. MacNeil: I do not think government can specify what goes into news programs. It is obviously difficult to draw a line between news programs and entertainment programs, and so probably if you exclude the one, you have to exclude the other from prior restraint or interference.

I have liked to think that there was a government role—at least there is now—in encouraging the industry to present more of a certain kind of programming, to devote more of its schedule (since it is using a public resource under franchise and certainly not suffering financially in the process) to programs, as I said, about the *real* America, to informational programs.

Ambassador Harris: Yes, but that's different from restraint. That's an encouragement, like a carrot rather than a stick.

Mr. MacNeil: I think that encouragement exists at the moment. There isn't much real pressure behind the encouragement.

Ambassador Harris: I have two areas of equal concern. I'm concerned about the time. On the question of the violent content or so-called entertainment, is it possible for us to talk about violence in the abstract? Don't we have to look at each program?

Mr. MacNeil: Well, I'd rather not be considered an authority on that. I give certain subjective views about entertainment programs, but they are not the result of any systematic study of them by me, and I'm not an authority on them. I think, probably, there are people you could better ask that question of.

Ambassador Harris: Just in doodling, listening to many things that have been going on, I put down my ideal of a dramatic series of *Hamlet*, which is not non-violent, *Oedipus Rex*, with eye-gauging, fratricide, suicide, and not to mention–

Mr. MacNeil: I thought about these when I was writing this piece, but I rationalized, excluding them on this ground: *Hamlet* represents an historical time and place in which that kind of violence was, if not common in the society, at least a regular part of the society. People fought each other with swords. Apparently people poisoned each other for thrones in *Hamlet.* People committed suicide in ancient Greece.

People do not, as a matter of normal American life, go around beating each other up with their fists or shooting each other–not in any kind of life that we regard as normal. Yes, there is a lot of shooting. Houston, Texas, provides a lot of gunshot victims which have helped, I gather, stimulate the heart transplant industry there. But it is not regarded as normal to American life for people to go around shooting each other. In Elizabethan times it was not abnormal for people to solve their quarrels by going at each other with swords. That is the distinction I think: When Shakespeare was putting on his plays in Elizabethan London, he was showing the mass of the people the way a lot of their betters behaved–at least their social betters behaved.

Ambassador Harris: I think your response indicates the concern I have about the norms that are asserted. I would differ violently with your judgment.

First of all, just at the beginning, a Danish prince is not normal, and I'm not sure the duelling at that level was the common experience of the London ragpicker, very frankly. But it seems to me that the responses that violence here is intimately related with character development–that goes far beyond the easy solution of a problem. I'm so concerned that if we speak loosely about eliminating violence from programming, from this and from that, we speak as though–as your responses suggested–violence is not a part of human experience.

Now, the question is: How do we put violence in perspective? Or should we? Or should we so "sanitize" our entertainment and our news media reporting by implication that we do not show what I believe to be in some instances a normal aspect of. . .

Mr. MacNeil: No, I don't think you can "sanitize" it, and I think there should be programs which allow–there should be programs which have–violence as a content.

Perhaps it would be more desirable to have a smaller proportion of the prime time television schedule devoted to adventure programs in which violence is such an important ingredient.

Ambassador Harris: I think one of the major artistic contributions, in my judgment, by television was "Requiem for a Heavyweight," which I understand was produced for television and then went on to become a movie, an excellent artistic depiction of an aspect, very real aspect, of American life, which I think is valid. But if we talk about violence being eliminated, here is one of the major artistic contributions of this medium that we might wash out by saying this is not valid.

Thank you, Mr. Chairman.

Judge Higginbotham: Thank you, Ambassador.

Dr. Menninger.

Dr. Menninger: Mr. MacNeil, you suffer that malady of being first, and thus we all unload various kinds of concerns that are pent up, and you are, thus, in a kind of spot of being "grilled." I'd like to restrict myself to one observation, and I will save some for the later folks who come by.

But I would like to particularly pick up on the point which you made which I think is relevant to the whole issue of violence; that is, this business of the kind of censoring out of the intensity of real violence, leaving perhaps a good deal of intensely violent

fantasy or fictional episodes or episodes which somehow are not related to the viewer, and they are removed by history or by being out in the old West or in some other way one can carefully protect oneself from saying, "Well, that's the way I feel. I enjoy it, but I'm not like that," but maybe the viewer vicariously enjoys it.

When you start to make reference then to the problem in news of how do you deal with what are clearly intensely violent clashes or violent behavior–whether it's a matter of taking as a trophy an ear of a dead Vietcong or the whole matter of how television deals with riotous situations–the problem is that emotion is a vital force in life. And so often in life we are busy undoing or making up for our impulsive outbursts and apologizing or somehow denying that we really did it. But that's what makes thing go. (The liveliest parts of our hearings oftentimes are those parts in which there is a little emotion.)

The question is: how do you think this medium is going to be able to deal with this? The question, for instance: if you show it like it really is, a lot of people–despite the fact, as you state and so we have heard from other witnesses, that such a tremendous percentage of people depend primarily on television for their view of the information of what is going on in the world–won't believe it.

The outcry, for instance, after the episodes in Chicago on what was covered on television. People won't believe what they saw, a good number, because they feel that that's distortion. They don't want to believe it.

I'm wondering whether you have further observations.

There is other evidence to make it clear that people are more violent toward people they don't know or towards situations that are removed. We can be much more violent about Vietnam, because we don't really know about it than we can against our neighbor, even though there are other kinds of observations about the incidence of violence there.

Mr. MacNeil: My observation would be, Dr. Menninger, that it is important for television to cover as much of everything as it can and try and place what violent outbreaks there are in our society, which it happens to witness and considers significant, in a political and social context, not just to present the violence but to present the whole thing, present the whole background of the situation.

I'm not sure that the phenomenon of the public losing a sense of credibility for television over Chicago is a permanent phenomenon. I say again: I just don't know enough about that. But I think that the solution is just to present more and present it in context and not to shy away from violence.

Obviously, there are going to be matters of taste involved, depending on the time of day you present something, whether children might be watching.

Newspapers have always censored the violence of war, for instance. They have always given–

Dr. Menninger: But they can't show the impact of war.

Mr. MacNeil: Yes, I know.

Dr. Menninger: The newspaper presents a still photograph of somebody clubbing somebody else, and it doesn't come across in the same way with the same kind of impact as seeing the action–

Mr. MacNeil: Yes, I know.

Dr. Menninger: And hearing the statement.

Mr. MacNeil: Yes.

Dr. Menninger: And it is a tremendous responsibility on this medium that conveys both sight and sound and that conveys it with such feeling, feeling that cannot be duplicated in the printed word without very superlative writing.

Mr. MacNeil: Yes.

May I just repeat and quote back at you this man on British television, Stuart Hood, who says you've got to present the unpleasant scenes as part of a planned and programmed effort to arouse the conscience of the viewer, not simply to do it sporadically as a stimulus without an end in sight. That's what I mean by placing it in a context.

You say that you have evidence that people can be more violent towards people they don't know. I think it's an essential part of journalism in these turbulent days in this country to let people know each other and to help them to know each other.

Dr. Menninger: I agree with you wholeheartedly. I do appreciate your observation too. But I feel we have taken too much of your time now. Thank you.

Judge Higginbotham: Congressman McCulloch.

Congressman McCulloch: I'm very pleased with your interesting and challenging statement, and I liked your modesty in your very first paragraph, because I am disturbed by some of the conclusions which you have carefully called "tentative."

Now, I suppose that, having once had a bit of teaching in the law, I might feel that lest I said something I would be estopped by silence.

I'm a little unhappy at your dim view of the Congress. Of course it isn't perfect, and it never has been perfect. And you know, I know of no organization and no individual which or who has been perfect for about two thousand years. The Congress, with all of its failures and with all of its prejudices, however, is a hardy institution. And, Scotsman that I am, I think I would be safe in wagering that it would be here after both you and I are gone.

Mr. MacNeil: May I make an observation, Congressman? I meant no disrespect, obviously, to the institution. I was merely suggesting that I thought that the relationship between Congress and broadcasters was unhealthy from a journalism point of view.

Congressman McCulloch: Yes, sir. And I expect to continue about that a minute.

I don't exactly remember very many incidents where individual Congressmen have insisted upon regulations or limitations in the telecasting field that were completely selfish, and I would be glad after you have left the stand if you would document some of these prejudiced approaches that Congress or a member of Congress has made.

You know, there devolves–and I don't like to deliver this lecture to you–but there devolves a duty upon Congress to take some interest in the activities of regulated industries, because they have a favored place in American life. They are shielded from the roughness of competition. They are assured of certain types of activity without competition that other activities are not shielded from. I make a distinction between newspapers and regulated, licensed industries, such as television and radio. I thought that ought to be on the record.

As I got your statement, I gathered that there was some inference of interference, improper interference, by the legislative department of the government in the television field, and that there were pressures which could not be withstood by television and perhaps radio, and there was intimidation by individuals or by the organization.

I would, if you could–and I'm saying this in a friendly manner because some of us are going to have to explain this point of view–it isn't in your record–ask if you would document this interference which has been hurtful to you, this pressure– I don't mean you; I mean to your industry–this pressure or this intimidation, either now or by documents supplied to us later on.

Mr. MacNeil: Yes. I would be happy to do that, Congressman. I published a book a couple of months ago into which I put all the evidence I thought adequate to present a case, and I would be happy to supply you with a copy of that.

Congressman McCulloch: I would be very glad, being a Scotsman, to have a copy of the book. I do not have it and haven't read it, I tell you very frankly.

I noticed that you referred to staged or planned or inspired events or pictures. I am very happy to note that you indicated, if I interpreted your statement right, that these were few indeed.

Mr. MacNeil: I believe that's true.

Congressman McCulloch: I believe there is a general feeling out in the Midwest, from where I come, that neither a good photographer for a newspaper or for television would pass up, if it could be arranged, occasionally a slim and trim ankle or a full-bosomed lovely lady.

Mr. MacNeil: I assume it depends on the sex of the photographer.

Congressman McCulloch: Well, it could. It might depend upon the sex of the person who determines what picture should go on the first page of the paper too.

And if you haven't been much in America in the last three or four years, you might have somebody review some of the front pages–the pictures of the various types of violence that we have had in the country.

I noticed your reference to Chicago. I claim no expertise in the Chicago affair of 3 or 4 months ago. I took it from your reference to the Chicago disorders that some Congressmen were voicing great dislike and great criticism of the showing of these disorders. Do you think they were of any great substance in view of what we read not only in the *Chicago Tribune* but in the *New York Times* and little newspapers as well?

Mr. MacNeil: I don't agree with criticisms of the coverage. I don't totally approve the networks' approach to conventions. I have personal views on how it might be improved, but that's irrelevant to the coverage of the violence, I think.

And I just don't agree with the criticisms. I don't think the networks were deliberately slanting the presentation of those events against Mayor Daley or against the police or in favor of the demonstrators. I just don't think they were being slanted.

Congressman McCulloch: Well, my . . .

Mr. MacNeil: Which is the main charge.

Congressman McCulloch: My intended thrust with the question was: I just didn't hear any great number of members of Congress–and I have been in Washington I think every week at least from one to three days since the conventions–I didn't hear much criticism. And the inference I took from your statement was critical of the views of Congressmen and that they would do something about it in such instances. Did you intend to mean that?

Mr. MacNeil: I'm afraid I did.

Congressman McCulloch: You're afraid you did?

Mr. MacNeil: I did intend it that way, yes. The network news department–well, the networks themselves–certainly feel a great weight of pressure and criticism from Washington at the moment. They feel it coming from the FCC and from Congress. Various people–Mr. Staggers, for instance, the Chairman of the Communications Subcommittee of the House–talked critically of the network behavior in Chicago and talked of holding hearings about it.

I believe the Walker Report has given him some second thoughts about that. I'm not exactly sure how far his second thoughts go. But he, as one, as a man in a position very influential in the industry, is one I was referring to.

Congressman McCulloch: Yes, but I should like to remind you there are approximately 580 members of Congress, and there could be almost as many opinions of important events in America among that group as there would be the same number of telecasters or storywriters in your field.

Mr. MacNeil: I also said in the statement, Congressman, that there was some suspicion on Capitol Hill that the networks were "crying wolf" about this.

Congressman McCulloch: Oh yes, and I'm very glad you mentioned that. If they have, I have not heard the wolf nor have I seen him.

And speaking for one member of Congress, I don't believe it would have much effect anyway. There are many forces at work on members of Congress, and sometimes, you know, those forces neutralize each other.

Ending as I began, it is a rather tough institution. And while it needs no brief from little me, it has served the American people rather well since 1789, hasn't it?

Mr. MacNeil: I'm sure it has.

Congressman McCulloch: Thank you.

Judge Higginbotham: Thank you, Congressman McCulloch. Mr. Jaworski.

Mr. Jaworski: Mr. MacNeil, I happen to be from Houston, Texas. It just hadn't fully dawned on me it was violence that was making such a great contribution to the outstanding surgical achievements that my friends DeBakey and Denton Cooley were performing.

Mr. MacNeil: I saw a television program–it happened to be a British television program–that showed a line of stretchers in the corridors of that hospital, all victims of gunshot wounds, on a particular evening. And two cases in particular were being looked on as possible heart donors. And that's where I drew the impression.

Mr. Jaworski: Surely that has happened in some instances, of course. Many of the hearts are transplanted from people who have died in accidents.

Mr. MacNeil: Yes, I'm sure.

Mr. Jaworski: Some of them as a result of disease other than the heart.

I want to ask you a question or two. This one is hypothetical, but suppose that television concentrated more on–I'm talking about programs, now, that children watch–stressing, lauding good citizinship, weaving principles of good citizenship into programs that might appeal to children. What is your thought about that, Mr. MacNeil? Don't you think that would have a helpful effect on youth crime?

Mr. MacNeil: Yes, I'm sure it would, but didactic programs of any kind, like didactic plays or novels, unless they are very skillfully contrived, have a way of not attracting people unless they contain the dramatic ingredients that children as well as adults find attractive. They have a kind of dusty Pollyanna quality about them which just doesn't pull audience. So if you had some genius who could inject suggestions for good citizenship as well as make its programs attractive and palatable, I'm sure that would be a worthwhile exercise.

Mr. Jaworski: I think your observation is valid. There is no need in having a program, if children aren't going to be interested in watching it. But it seems to me the industry should have enough resourcefulness to be able to apply that ingenuity of which you speak.

Mr. MacNeil: The ingenuity is there, Mr. Jaworski, in the industry, and it commands the talents of the country, and probably they are immense.

There was a time, as you know, when television in the '50's presented a much more varied schedule with a lot of original drama, and so on. These playwrights are now out of business or are having to look elsewhere for markets.

The talents are around the country if the broadcasters would find it profitable to apply them.

I saw a discussion on television last night between the girl, whose name I forget, who has these little hand-puppets, and she was discussing a children's program which she thought very imaginative which had been taken off the air because it was found to be unprofitable, and another one which she thought was inane and didn't want her children to watch, had been substituted.

Mr. Jaworski: Well, if something along that line could be developed so that it would really attract children on Saturdays and on Sundays when they are watching television particularly, it would seem to me that it would be a great thing, because we do have, as we know, a tremendous amount of crime among young people. Fifty percent of the major crimes, statistics tell us, are committed by those under age 18.

Mr. MacNeil: If I may make an observation about my own children, who are 9 to 11, the two older ones, they watched the diet of programming here up until a year ago, and found it sometimes exciting and sometimes not.

There are plenty of the programs you have been suggesting on British television, not lectures on good citizenship but interesting, absorbing programs for children, that are educational without being dull and at the same time don't have violence in them. My children find British television for children dull.

Mr. Jaworski: I wanted also to get your reaction to a matter that came to my attention lately. A well-known business executive made an address a month or so ago in which he recommended that industry withhold any advertising support to programs that depicted violence or were largely built around acts of violence—withhold that advertising support just prior to that program and following the program.

Has that come to your attention?

Mr. MacNeil: No, it hasn't. I think it would be expecting advertisers to be extraordinarily altruistic to do that.

But there is perhaps a little confusion there. Very little programming is now supported by direct sponsorship, and the advertisers, many of them, now take part in what is called the "scattered plan," in which they say: "We are prepared to spend half a million dollars on your air at a certain cost per thousand, and you deliver me so many kinds of viewers in the $8,000-to-$15,000 income bracket at certain times of the day." And the commercials are scattered through the schedule.

There is much less direct sponsor involvement with programs than there used to be. And so that would be a harder thing to introduce than it might have been ten years ago.

Mr. Jaworski: Your judgment is that would not be of much help for reasons that you mentioned?

Mr. MacNeil: Well, sponsors want audience. There are very few sponsors anyway who are directly concerned about the content of programs. There are a few well-known ones like the Xerox Corporation, for instance, which goes out of its way to sponsor particular programs.

But most of them are interested very coldly in getting a message effectively across, and they are not concerned with what programs the messages are adjacent to as long as those programs are attracting an audience that makes the investment worthwhile.

Dr. Menninger: In terms of clarification of that, I know of at least one major sponsor, and that's General Foods, who has long sanctioned a policy of just programming for family programming, and by that means it has generally eschewed violence programs. They have not felt that is what they want and the image they want to convey. There are some corporations, then, that do make a point of that kind of policy.

Mr. MacNeil: I wasn't aware of that policy of General Foods.

Mr. Jaworski: Thank you.

Judge Higginbotham: Senator Hart.

Senator Hart: I am going to protect myself, not for the same reason, but in the same fashion that Dr. Menninger did. I arrived late. I am a little gun-shy at asking questions, not knowing what has preceded me. I haven't even finished reading what I find is a most interesting paper.

If this question hasn't been asked specifically, let me try this one: you, I take it, are one of the few individuals who has worked both sides of the street, American and British television.

Mr. MacNeil: Yes sir.

Senator Hart: Have you described what differences you see, what distinctions there are between American and British newscasting in television?

Mr. MacNeil: Yes, I have.

Senator Hart: Listening to the questions and answers, I suppose there isn't any study, nor could one be developed, that would indicate whether the motive of a man who advances capital to a newspaper is different than the motive of a man who advances capital to television. I assume basically the motive is the same, for the same reason you put money into anything, isn't it?

Mr. MacNeil: I don't know, but I would assume so.

Senator Hart: All right. Well, if that's the case, and if crisis and conflict and discord and disruption are the profitable source for such an investment, then isn't the manager of the capital, the fellow to whom you entrust the money, sort of caught in just a basic economic trap?

Mr. MacNeil: Well . . .

Senator Hart: You can't justify to the people who advances you the capital a litmus test that dilutes the drama, can you?

Mr. MacNeil: Are you talking about news programs?

Senator Hart: Yes.

Mr. MacNeil: I infer from what you are saying that you think that broadcast news is deliberately putting on violence and discord, selecting it from the environment because . . .

Senator Hart: What is newsworthy about tranquillity?

Mr. MacNeil: Yes, I take the point. But that it is deliberately selecting these scenes from the environment in order to make the news programs—to attract audience to the news programs and therefore to make the sponsorship worthwhile.

Senator Hart: Well, isn't that the reason?

Mr. MacNeil: They do this, but they do not do it any more than journalists in other media select what is unusual, what is new, what is evidence of conflict in the society, which is the traditional definition of what news is.

Senator Hart: That is the reason I preceded my question with a comment that I supposed, I assumed, the motive, the economic motive in the advance of capital either to a newspaper or television was the same—that the treatment of discord and violence would be the same in the handling of the news in either media. And my question isn't, though it may sound it, critical. It's just . . .

Mr. MacNeil: My answer was . . .

Senator Hart: I know the press, and they, very like politicians, always assign the most laudable motives for their existence. But, you know, politicians are here to be elected and to serve—well, we hope. The papers are there to make money and television to make money, and hopefully, to serve. I hate to run ourselves around a circle in pretending there is much you can do about that unless you change human nature.

Mr. MacNeil: If it is one of the intentions and purposes of this Commission to re-examine the criteria of news and news judgment, that might serve a very useful purpose. I think you might have difficulty persuading the media to redefine what is a set of criteria evolved over, well, several hundred years now of what is interesting for people to read or see as news. It is what is new, what is fresh, what is unusual.

Senator Hart: Well, in one of your answers that I heard, you indicated that the influence of the advertiser in the printed media—is that the way you describe it—print media—on a story was less than the influence of that advertising dollar on TV.

Mr.MacNeil: I agreed with Mr. Jenner's general observation that that seemed to be the case.

Senator Hart: Well, what I am trying to find out is: how would you balance the influence of the advertiser's dollar on the print editorial expressions as distinguished from the news as against TV?

Mr. MacNeil: You mean editorials as such expressions of opinion?

Senator Hart: The printed editorial page.

Mr. MacNeil: I don't know enough about the newspaper side of it to give you a very definitive answer, but it is my impression that it is advertising pressure and the desire to remain competitive in the business world that has inhibited television from being more forthright in exercising an editorial function than it has been.

A relatively small proportion of the broadcasting stations of this country indulges in the freedom to editorialize on the air; especially during elections, very few do.

And there was a study which is available through the Television Information Office of what local stations, local broadcasters, felt about advertising pressure on their freedom to editorialize. It is quite interesting. I'm not sure I can summarize it from memory. But the general conclusion was that many felt inhibited from editorializing by their business connections.

Senator Hart: But it is not because of the licensed nature of television as against . . .

Mr. MacNeil: No, since 1949 the FCC has given broadcasters freedom to editorialize within the confines of the Fairness Doctrine—that if they express a point of view, they must give an opportunity to an opponent to express his contrary view.

Senator Hart: Is there any difference in terms of staging news between the network television news people and the local station news people?

Mr. MacNeil: Yes. We also discussed that a bit earlier.

Senator Hart: All right. That's all right.

Mr. MacNeil: And generally speaking . . .

Senator Hart: That's all right.

Mr. MacNeil: The networks have set the standards in the field, and the local stations have followed along, although that is not always true.

Senator Hart: Thank you, Mr. Chairman.

Judge Higginbotham: Mr. MacNeil, first of all, I want to thank you for your calm and thoughtful presentation. I want you to know that Dr. Eisenhower is most appreciative of your presentation. He regrets he had to leave on a personal matter during your presentation.

I have one line of questioning. In your book you speak of the influence of television on American politics, and you have been able to be a candid critic of the American television industry.

Mr. MacNeil: The criticism, I may say, was a relatively small proportion of a book that was supposed to be an investigation of the whole field of television and politics.

Judge Higginbotham: I used "critic" in its most constructive sense—that you have been able to make a candid personal analysis of the American television industry.

If you were still with any of the major American broadcasting companies and if you had written the way in which you have, if you had spoken the way in which you have, what do you anticipate your opportunities would be in the television industry? Would they be less than if you had remained a bit more silent in analyzing the industry with the appropriate critique you have made?

Mr. MacNeil: Well, no business corporation, large or small, likes to entertain and nourish critics—that is, critics who will go beyond a certain point—within its structure. I don't think that this phenomenon is exclusive to television.

Judge Higginbotham: My question was really one of ignorance. I gather when you compare the television industry with the rest of industry, you feel as if your employment opportunities would be less now than what they would have been if you had not written in the manner in which you have about the industry?

Mr. MacNeil: That may or may not be true. I just don't know. But people don't like to be criticized, even if the criticism is telling.

Judge Higginbotham: Maybe even more so then.

Well, I want to thank you very much for your important contribution.

Mr. MacNeil: Thank you.

Judge Higginbotham: Mr. Tone, do you have any further questions?

Mr. Tone: I have no further questions.

Judge Higginbotham: Thank you.

We will hear the next witness.

Mr. Tone: The next witness is Mr. Ben Bagdikian.

Judge Higginbotham: We are delighted to have you.

STATEMENT OF BEN H. BAGDIKIAN, FREELANCE MAGAZINE WRITER

Mr. Bagdikian: I would like to start by stating my bias against prior external restraint of news . . .

Judge Higginbotham: Excuse me. Could you keep your voice up? We have a little difficulty hearing you.

Mr. Jenner: Mr. Chairman, can we wait a moment while people are leaving? It is very difficult to hear.

Judge Higginbotham: We are pleased if they are going to leave hastily.

I think we will give it a try.

Mr. Bagdikian: I am opposed to prior external restraints of news, no matter how narrow or cynical it may be, and in a moment will explain why.

At the same time, I am not as pessimistic as some about the effectiveness of criticism, including criticism of the commercial exploitation of sex and violence in the news.

It is astonishing how many media operators want to make money by exploiting violence and at the same time want to be admired for it. Some of them receive our condemnation and sulk all the way to the bank. But the history of free expression in this country supports the therapy of informed criticism.

The problem is that we lack enough thoughtful analysis, and that is why this Commission can provide such an important public service without infringing upon the freedom of the press. After all, no matter what your final report says, the media are going to have the last word.

The basic reason that I am against prior restraint is, of course, the Bill of Rights, including the First Amendment, as the minimum requirements of a free society. But another reason is that so many non-journalists ask the news to be something it cannot and should not be.

I do not agree, for example, with those who say that the news is required to include more happy information than unhappy, or by reflex, balance violence with non-violence. I find fallacious the complaint that 1,000 children may reach school safely, but the news tells only of the one who is killed crossing the street. Society has a more urgent need to know about the one child killed than it does of the remainder. It needs to know causes and cures, and the mass media not concerned with breaking news must see the whole panorama of life. But first it needs to know its ills.

Neither do I agree that dramatizing conflict situations is necessarily arbitrary. Few of our social institutions are devoted to placid and satisfactory conditions, including most of government, this Commission, the League of Women Voters, the United States Chamber of Commerce, public libraries, and alas, my favorite baseball team, the Washington Senators. All are concerned with problems, conflict, change and the distinctive.

The press, especially, cannot be expected to be responsible for the spreading of happiness if things are not happy. One of its most important functions, though not the only one, is to act like the dye in a medical laboratory that concentrates in the diseased tissues.

For one thing, reporting of violence is one way to discover resolutions of violence. In 1960 there was a wave of swastika paintings and other desecrations on synagogues and Jewish temples in the United States. Some news organizations decided to suppress this news for fear it would stimulate imitations. Others reported the incidents. Afterward the Anti-Defamation League sponsored a study by David Caplovitz and Candace Rogers of the effects of publicity versus nonpublicity. They found that news coverage did tend to increase the incidents.

But they found something else. Where there was coverage of the incidents there was mobilization of community opinion to condemn such activities, and where there was no publicity there was no community reaction.

Caplovitz and Rogers concluded that the publicity and the reaction to it instructed a generation of citizens in that community on the true meaning and danger of anti-Semitism, forcing a great many people to consider the consequences and the social judgment of what had been for them, up to then, thoughtless practice and toleration of group hatred.

So we cannot expect a realistic and intelligent response to violence unless we know about the violence, and we must know about it while it is a live issue.

Having said that, it is necessary to say that there is some violence in the news for purely commercial, self-serving reasons with no redeeming benefit to society.

Where newspapers and television compete they tend to emphasize sex and violence more than where they do not. Where newspapers have different editions for home delivery and for street sales, the editions for street sales, which depend on eye-catching, are noticeably more devoted to violent news in big headlines.

Furthermore, though all publishers would say they act responsibly in reporting violence, it is obvious that publishers differ on where to draw the line.

In the winter of 1963 issue of *Journalism Quarterly*, Herbert Otto of the University of Utah reported on a study of sex and violence displayed on newsstands. Among his findings was that of the ten largest papers studied, the sexiest one had seven times more sex than the next highest, and the same paper had four times more violence in it—34 percent of total news content—than the second most violent paper. They cannot all be equally justified.

Between the socially justified reporting of violence and its commercial exploitation there is a large gray area where it is difficult to tell when significance stops and cynicism begins. One reason is that the decision often includes a mixture of both good and mean motives.

Another is that the most venal use is usually cloaked with high purpose. I suspect that this Commission has not been deluged with requests by news, periodical and broadcasting operators who want to testify that they use sex and violence solely because it makes money for them, but it is obvious that many do exactly that.

I don't exempt from the category of exploitation of violence for commercial profit those displaying what I think of as the "Dick Tracy syndrome," which is to include in every display of sadism a pious message that crime does not pay, or a solicitation to fight crime.

The overwhelming effect of these productions is to promote brutality, with or without legal sanction.

Furthermore, we now have a whole generation of youth, sophisticated in propaganda techniques, who see through this facade and have become cynical toward all law enforcement. They see that in comic strips and television serials the only difference in tactics and ethics between cop and crook is who has the badge, and this is often a disservice to law enforcement.

In my opinion, the reliance on violance under the guise of law enforcement in comic strips and on television has contributed to the widespread disrespect for law and law enforcement among the young.

Another reason it is not always easy to distinguish between proper and improper emphasis on violence is that using drama to fix attention can be good or bad.

The first requirement of communication is to get the listener to listen, and this can be done in legitimate ways or illegitimate, for good purposes or bad. This was understood by the prophet Jeremiah, as well as by William Randolph Hearst.

Because of these mixtures of motives it has been easy for the news media to perpetuate traditional practices in reporting sex and violence that are no longer relevant if, as a matter of fact, some of them ever were.

Serious journalists condemn the circulation wars of the 19th century in which Hearst, Pulitzer and others competed in real and imagined gore in order to sell papers.

Perhaps the most costly result has been that each succeeding generation of journalists has been educated by these practices and has come to accept an automatically high priority for sex, crime and violence as a professional standard of what is news, even though detached thought, and actual modern practice in many places will show that a great deal of violence is insignificant compared with other events occurring at the same time.

Sex and violence have other advantages in entering the news system, advantages unconnected with their social significance. The formula for deciding which items will become news and which will not is a complicated one that varies with time, place and circumstance.

But four elements are: the item's reliability in getting attention; its ease of discovery; the cost of covering it; and freedom from legal retaliation if it is printed. There are many other factors, but few professionals would deny the existence of these four.

Sex and violence are the sovereign prescription for fixing human attention, from the Old Testament to *Playboy*. This gives them an automatic pass for consideration as news.

Incidents of sex and violence are easy to discover. The police and courts are centralized collecting points for their criminal manifestations and are convenient one-step supermarkets for this kind of item.

Sex and violence are inexpensive commodities in the news. Not only are the police and courts supermarkets for such items but they are discount houses as well, in the sense that the police have a positive motivation to make this information available for a number of reasons, some constitutional, some bureaucratically self-serving. The courts, of course, are free to any who wish to listen.

And, finally, much of this is libel-free. Police blotters and the statements of police officials about crime used to be considered privileged, but news organizations are learning that they are not. But anything said in open court is libel-free and the criminal and divorce courts are rich sources for juicy material for which no one can sue.

These are not the only reasons that sex and violence get in the news, but these factors act as carrier waves to bring such items to editorial attention, and that is a crucial step in entering the news.

Let me illustrate how mindless some use of violence is, based almost entirely on its ease and low cost of coverage. If you have ever driven through the countryside on a Sunday afternoon with your car radio tuned to local stations, you may have heard on the news an avalanche of violent items from all over the world—automobile accidents, murders, rapes, and burned homes—reported with no apparent relevance to the region served by the radio station.

The reason you hear this is not because there is an unusual amount of violence on Sundays, because there is not. The reason is that the basic, local, news-collection system for this country is the local daily newspaper staff, and those political, economic and social items they report for their own paper that seem to be of regional or national interest are fed into the national wire systems which are distributed to thousands of newspapers and broadcasting stations. Even where the wire services have their own reporters, they are highly dependent for local news on the newspapers, and this system of local staffs operates 6½ days a week.

But with one exception, there are no Sunday afternoon papers in the United States. For all practical purposes the conventional army of reporters and editors is out of commission from 2 a.m. Sunday to 4 p.m. Sunday when they assemble again to start the Monday morning paper. So, during their absence on Sunday mornings, the national news system is fed by lonely Sunday morning sentinels who call every local and State police station in their telephone zone to collect what these stations have to offer, which of course are accidents, crimes and personal disasters. This is what fills the local Sunday air.

It is true that many non-violent news sources are quiet on Sunday, but this is true of Saturday when business and political offices also are closed. But the Saturday air is not bloody, because daily news staffs are at work on Saturday afternoon and Sunday morning editions, and providing a more varied diet. Sunday gore is one of those mindless habits that continues because it is cheap and easy to get.

Nevertheless, the quantity of routine sex and violence in the news is diminishing. The audience is increasingly educated and cosmopolitan. So are news staffs. Furthermore, with the less inhibited *mores* of the young, the amateurs are driving out the professionals.

Despite this reduction in the addiction to violence, two developments make the incidence of violence more important today than it was in past generations. One is the unprecedented quantity of people packed into urban areas, where their interaction makes for potential explosions. The other is the evolution of our mass media into great centralized systems that reach instantly into every household, bringing to the individual information about the large, complicated environment that he cannot personally see. Thus, for the first time, a densely packed population discovers the same thing at the same time, and that is often something disturbing.

If 1,000 people get angry at different times, or 1,000 people get angry in different places, this produces a less explosive reaction than 1,000 people getting angry at the same time in the same place.

In 1910 our daily news system consisted of 2,200 daily papers, and the total circulation on which one man could impose his decision was something like 4 million and this spread over many cities in papers appearing at various times.

Today, two men sitting in network control booths can, with a flick of a switch, put the same picture before 100 million people.

Some critics look at this and ask that our news system be forced to remove some of its disturbing information because it goes so quickly to so many people. But I think this would be dangerous. Precisely because people are packed together in interdependent masses, precisely because they cannot be in personal contact with most of their environment, and precisely because their social reactions to events are capable of exploding so quickly, they need the most accurate and speedy notification they can get of trouble in their environment.

The standard is not whether the news is disturbing, but whether it is significant. Some of the most inflammatory speech and behavior should be known and known quickly. Some need not be. But this judgment ought to be left to the man who must take responsibility for what he prints and broadcasts. He cannot judge this widely if he is merely a technician, uninformed and uninterested in the basic working of society.

More informed men and women are entering the news business all the time, but not fast enough to cope with the speed and force of modern events.

I think this situation is aggravated by a relative shortage of mass media outlets and the inability of individuals and new citizen-groups to argue their case for access to these outlets.

Great corporations, government agencies, and well-financed organizations can spend large amounts of money and hire experts to get peaceful access to the news media, and they do exactly this. The individual or the amateur citizen-group has no such money or expertise, and when their words go unnoticed, they are tempted to turn to more melodramatic acts that they know the mass media will recognize.

Today, to be effective in social action, you must have access to mass communications, and, lacking money and power to compete with more practiced groups, the new group often turns to physical force and violent confrontation.

But I would like to say it is not just the news system, the formal news system, that tells us of violence. The urban telephone network, portable transmitters and receivers, the whole paraphernalia of modern communications spreads the word, within countries and between countries, whether it is from Oakland, California, or Prague, or the tightly controlled dictatorship of China.

Today, to silence the news is not to silence the fact; it merely surrounds the fact with uncertainty and rumor. One way or another, through the news or not, acts of individual and social violence are quickly spread and inserted into the lives of millions.

In a fast-reacting world of penetrating communications, don't we have to ask ourselves whether we can tolerate the same levels of violence that we once could? Wasn't most violence in the past a local infection, but isn't it now an almost automatic global epidemic?

We won't stop modern communications, as the totalitarian states have discovered. If any act of violence anywhere becomes knowable everywhere, we will either become totally insensitive to brutality, which means a retreat from civilization, or we will be forced to reduce real violence by education that makes clear how self-defeating it is.

So, I would like to conclude by going beyond any comment on printed news, because I don't think we can understand the impact of news of any kind without seeing it in the content of all mass communications.

It takes about 10 years for a child to learn to read well, during which time he is accumulating real-life experience against which to measure the validity of what he reads. But he begins to absorb the lessons of television before he can read, write or walk.

Most of what he sees, and most of what adults see, is not the news, but fiction, entertainment and advertisements. To a profound degree, television lays down the foundation of what that child will expect of himself and of others, and what constitutes the standards of society.

And the most obvious impact of his television viewing is violence, aggression and sadism, from the standard diet of Westerns, mysteries, and cops-and-robbers. This becomes his most pervasive view of life from the time he learns how to focus his eyes.

I don't see how we can think intelligently about violence in the news without considering at the same time the fantasy violence in non-news that comes out of the same outlet.

It is one thing to present news of real violence to an audience that before and after sees in its non-news programming a view of the human personality and of society in

which there is an important place for ideas, compassion, altruism and the full range of human potential.

It is quite another thing if the news of real violence is surrounded by non-news programming telling the viewer that what the news presents as pathology is in fact the whole picture of human existence. The news is forced to report real events as they occur; non-news is not. The news is a small period of public viewing; non-news is not.

It is as though we delivered our children to someone who took them away for four or five hours of every day in their formative years to watch police interrogations, gangsters beating enemies, spies performing fatal brain surgery, and assorted daily demonstrations in how to kill and maim, interrupted from time to time by a group of actors doing caricatures of the silliest kind of adult behavior.

Does anyone seriously contend that after five or ten years of this that the child's view of life is not influenced? Or that, whatever the news, violence or a daily recital of the Twenty-third Psalm, that the news can overcome the hours of daily indoctrination by non-news?

The news must report all significant events as they occur and as human beings decide on significance at that instant. As I have said, many of these decisions are bad and influenced by archaic standards, but granting that, and given the pressures under which the news is compiled, it is ironic to me that most national news packages, printed and broadcast, present a broader view of life than the non-news in its prime hours.

The non-news parts of the mass media do not have the limitations of the news. They have time to think and experiment. They have the entire history of man from which to draw. They have access to the imagination and knowledge of the best talents of our time to display the full range of human behavior, and to present prominently and regularly what is possible and laudable in the human spirit. Yet they fail, and the reason is that this great potential resource is moved by one overriding discipline: to collect the largest possible single audience for the purpose of selling the largest possible quantity of goods at the lowest possible cost of getting attention.

That is an almost automatic formula for sex and violence, which are the cheapest and easiest collectors of audience. It may be effective merchandising, but it is an appalling way to educate a whole civilization.

Judge Higginbotham: Thank you very, very much.

I gather by our precedent, Mr. Tone, you would ask questions first.

I think I should say for the record the reason why Dr. Eisenhower had to leave is because of a personal tragedy in his family. His brother Earl in Phoenix, Arizona, unfortunately died a couple of hours ago, so he had to leave because of that. I know that he would have liked to have been here to have heard the testimony of all the witnesses.

So that someone who cannot follow in his shoes must be the acting Chairman. But we still have able counsel, so you will save us, Mr. Tone.

Mr. Tone: Mr. Bagdikian, when violence is one element of an event, does the existence of violence make it more difficult to report the whole event in a balanced way?

Mr. Bagdikian: Yes, I'm sure it does, for a number of reasons. First of all is that news is under constant time pressure so that at any given time there is a limitation on the number of elements that can be reported. The violence is frequently, first of all, the most interesting thing to the eye. It is the most dramatic manifestation of whatever is going on at the time. And, therefore, this gives it a kind of primary priority on getting reported. And violence is a physical act which is sometimes ongoing so that the observer would find it hard in just basic human emotions and hard in good reporting to abandon the observation of this before it has ceased. So, yes, I think for many reasons, some of which I think are sound, violence does tend to dominate any situation, and therefore has increased priority in getting into the news.

Now, when you remove the time pressure and you remove, let's say, a shortage of observers, you begin to get more background and more placement in context of what this violence means.

Mr. Tone: What does a reporter do to attempt to achieve a balanced news report in the time available to him? What should he do?

Mr. Jenner: Mr. Tone, what was your question?

Mr. Tone: The question was: what should the reporter do to attempt to achieve a more balanced news report in an incident in which violence plays a part and is therefore naturally likely to be magnified?

Mr. Bagdikian: Well, if you assume a single observer, single reporter, looking at a

single scene, and that he is the reader's delegate on that scene, I think the most fundamental answer I can make to that question is that he ought to, before that time, have an interest in and a comprehension of the society or the social phenomenon that he is observing at that moment. Because he is obligated, as he is, and as I think he ought to be, to report what he is seeing as speedily as he can, it is too late for him to read a book, to talk to informed people on the subject, to take a sabbatical to attend a university, to do all of these things by which men inform themselves. At that moment he has to bring to bear his total comprehension on what he is observing, and I think this is the soundest way we produce better reporting. So that in its simplest form, a single observer reporting what he sees at once, he should have at that moment in his own understanding some background to understand what he is seeing.

Mr. Tone: What can the rewrite man and the editor do to assist?

Mr. Bagdikian: Well, the pattern of reporters calling back facts to some central source, to a rewrite man or an editor, varies greatly from organization to organization and from situation to situation. But the rewrite man and the editor each contribute some understanding or lack of understanding.

The rewrite man and the editor can add to what the observer at the scene is telling him—other material which puts it in context, which tends to interpret it, which compares it with other events which may be relevant, and which therefore can provide a larger base against which to put this single event. And there is a very great variety in the quality of people who do this, but the good organizations do exactly that.

Mr. Tone: If the news story the reporter is covering is one that involves violence or conflict, do you think the reporter should do anything to "sanitize" his story or edit out or take out some of the violence and conflict?

Mr. Bagdikian: I do not.

Mr. Tone: Do you think the editor should under any circumstances?

Mr. Bagdikian: Yes, under some circumstances I think he should, but I think these circumstances are rare.

I personally regard as perilous the idea that we should tell the professional journalist that he should distort what he sees because he thinks the public ought not to know about it.

Now, I can conceive that along the way at very special times somebody might decide that this was true. I think during the Cuban missile crisis that it was supportable in ethics and journalism and every other way that certain kinds of information were not told for a brief period of time.

Mr. Tone: Is it possible to avoid giving an item emphasis and yet not distort it? Is that a middle ground that might be followed?

Mr. Bagdikian: Yes, but that's a matter of personal judgment, because delay does tend to be tantamount to suppression.

Mr. Tone: What about first page versus some later page of the paper?

Mr. Bagdikian: Well, I think this is the most common and usable way to prevent either a misunderstanding or a true understanding which will produce clear and present danger.

And I have known situations in which editors were confronted with one of these rare instances that I have talked about in which I think there was a clear and present danger, and I think the most responsible action in that case was not to suppress the news but to put it in the inside of the paper instead of page 1 and to put it in a less rather than a more inflammatory style.

But I think that's still a dangerous doctrine, because if we accept that as the responsibility of journalists, they cease to be journalists and become social managers. And I think we would get far more mischief if that happened than we get today.

Mr. Tone: Your criterion of newsworthiness, which you call social significance, is that applicable to crime news? Doesn't crime news have some special standing that seems to get it attention without social significance?

Mr. Bagdikian: Yes, I think so. I think that crime news does have social significance, but I think a great deal of crime news, maybe most of it, is reported out of a kind of traditional compulsion because it's easy to get and because they have always gotten it, and it is not all equally significant. So I think this is applicable to crime news.

Mr. Tone: Mr. Chairman, I would like to leave some time for the Commissioners to ask questions before lunch, so I will stop.

Judge Higginbotham: Always feel free, Mr. Tone, when we have finished, if you have further questions you would like to ask, to do that.

I think we have a pattern where we alternate from side to side. We will start with you this time, Senator Hart.

Senator Hart: This is not my first time to benefit from testimony of this witness. Again I want to thank you today.

Mr. Bagdikian: Thank you, sir.

Senator Hart: The only comment I have is that it heightens—assuming what I have said, the economic trap makes it a little doubtful that there will be much difference in the treatment of violence in any of the media, and, as you point out, it may be undesirable to attempt to influence it anyway—it just heightens the desirability—particularly given the enormous influence on the developing child that you cite of television—that Congress and the public aggressively support non-commercial television or educational television, whatever you call it.

If the economic pressure is such that even in the non-news you are still going to measure it pretty largely by how salable it is, then the constructive alternative would appear to be a very determined, consistent support for the non-commerical media.

Mr. Bagdikian: Senator, I would make one comment on your saying that it is an economic trap. In some ways it is, but I would point out it is usually a very tender trap, and, secondly, that while on strictly economic terms—that is, how can you collect the biggest audience the cheapest way—it's perfectly true that if you accept that assumption, it is a trap, because then you are almost inevitably forced into sex and violence.

But I think it does some good to point out to those who apparently find it quite compatible to live in this trap that it may be a trap in another way.

I can remember in the late '30's and during the '40's there being a great deal of public agitation about the nature of movies, that they were generally cheap, they were generally devoted to sex and violence or inanity, and, there were cries for better-quality movies. And the movie industry said, "Our audience is voting at the box-office because they go to the movies, and they can always decide not to go."

And that's what the television industry says: "People can always turn off that set."

And that is true. But I think it may be worthwhile to point out that what the movie industry said was true, and it was true right until the point that a new development brought a competitor, and then people abandoned the movies and that industry collapsed.

I might say about the early days of television, which seemed to be devoted mostly to Howdy-Doody and Milton Berle, that while these are not my idea of the pinnacle of human culture, they were quite different from what the movies are producing, and, as a matter of fact, they are quite different from what the prime-time television fare is today.

So while it is a kind of trap, if you accept this assumption, my personal feeling is that it is to the great self-interest of the television industry to do some soul-searching about some other way to get out of this trap.

Senator Hart: Thank you very much.

Judge Higginbotham: Mr. Jaworski.

Mr. Jaworski: Thank you, Mr. Chairman.

First let me express my almost total admiration for the splendid presentation made.

You spoke of the cynicism of youth toward law enforcement. I know this is a rather broad question, but I'm interested in having you summarize, if you would be good enough to do it, just what you attribute this to.

Mr. Bagdikian: Well, Mr. Jaworski, I really don't—I, of course, don't pretend to be a psychiatrist or a sociologist; or if I pretend to, I admit I am not.

Mr. Jaworski: That's why I'd like you to answer the question, because we have our good friends here on our staff and on the Commission. We have Dr. Menninger and we have our good friends back here who are experts in sociology. But I'd like to have your view if I may.

Mr. Bagdikian: Well, very well. I will, with those disqualifications.

My own feeling is that the real existence of violence in the environment today, while very much influenced by our mass media, does not come primarily from the mass media. The mass media colors how people look at life, and I think that's very important. But I think the reason we are having more violence in, let's say, 1963 to 1968 than we did before, even though before we had the mass media, is that our institutions are sluggish in the face of rapid social change.

And those institutions include everything, not just the mass media, but government,

police departments, the way cities are organized, and they simply became inappropriate for the needs and desires of people as they live today.

And we are in the process of making this kind of adjustment, and this means that inevitably there will be some violence.

Now, again, I think that peoples' attitude toward these problems and how they personally behave in the face of them is much influenced by how they are educated and what the values of society are and what the mass media does to this education and these values.

But I personally think it would be tragic if this country came to believe that the sources of tension today do not lie with our basic institutions, because I think they do.

I think these institutions are capable of adaptation, and they always have been. And one reason why I think it is terribly important that we report things as honestly and directly as we can, no matter how unpleasant, is that the whole idea of democracy is that if you know what the truth is that you will act intelligently.

And the minute we begin to contaminate the communication system by anesthetizing our information, for whatever reason, I think we cripple our ability to survive our need for change.

Mr. Jaworski: I'm wondering if you feel, as I happen to, for instance, that some of the examples that the elders are setting these days for our young people are very deleterious so far as attitude toward law enforcement is concerned.

For instance, I get terribly concerned over leaders of teachers' groups who defy court orders that teachers return to the classroom, to try to teach good citizenship to the children.

What about that? Do you have any views?

This is just an isolated example that I have taken out of historical events of the last few years. But we have had various leaders defy court orders time and again, and we have had Governors shout their defiance of court decrees, and so on. How do you feel that this affects the attitude of the child, the young person, toward law enforcement?

Mr. Bagdikian: Well, Mr. Jaworski, I covered some of the racial conflict in the South after the Supreme Court decision of 1954, and I think that it was extremely influential that men of authority—Governors, chiefs of police, mayors, superintendents of schools, some of the most outstanding symbols of authority—openly defied and encouraged defiance of the courts, of law, and, as a matter of fact, of fundamental decency.

And I find it ironic that some of these same people are the ones crying most for law and order today.

So while this is off the subject of journalism, I must say that as a journalist I was appalled then, as I am now, with the double standard which many adults and figures of authority set up. And I find it a little more comprehensible that the younger generation is somewhat cynical about the calls for law and order by some of these same people.

Mr. Jaworski: You have helped me very much. Thank you, sir.

Judge Higginbotham: Thank you.

Dr. Menninger: Mr. Bagdikian, I have concern about a couple of observations which you have made in this thoughtful summary.

The scientist in me reacts to your formulation to explain why the violence on Sunday afternoon or the reporting of it. It is a fascinating explanation, but that doesn't answer for me that there might not be a real increase in the amount of violence on Sunday afternoons if we don't have the same kinds of outlets for our aggressive activity in work on the weekends.

One of the challenges of our society is to figure out other ways we can let out that aggression when we cut down the number of hours of work, work being the major outlet.

So I think one can subject your discussion to a logical test and raise some questions.

I am more concerned with this intense expression which you make, in effect castigating the industry and the non-news programming and the degree to which you feel it has an impact on children.

You are aware, of course, there is great dispute about just what the impact is. I think you overlook the capacity, which all healthy people develop, to distinguish between reality and fantasy. Now, we all have limits on how well we do this, but there is an important distinction between watching some kind of violent activity on our television and then seeing or experiencing a parent's discipline of the child, which may be overly so, or encountering episodes in life which really have an impact.

The lessons that have the greatest impact are ones that are associated with feelings and that hurt us directly.

And I think one can't say that the impact of this television is going to be more significant than the impact of the real people in the lives of the children that are growing up.

And I think your statement tends to imply that, tends to make the television the "bogeyman." I'm wondering if this is what you really mean.

Mr. Bagdikian: Well, I agree with you that it is very hard to show objectively that someone committed an act of violence because he saw violence portrayed on television.

But I guess I would have two answers to that, Dr. Menninger, though it is presumptuous, especially considering who is asking me the question.

Dr. Menninger: Let me clarify. It is a fantasy that people have that psychiatrists and sociologists have the answer, and it's a fantasy that a good number of psychiatrists and sociologists have.

Go ahead.

Mr. Bagdikian: The first thing I have to say has to do, at least, with the claims of the operators of television. On the one hand, they solicit and receive about two-and-a-half billion dollars a year in advertising revenues, based solely on their claim that they can change human behavior. If that is not true, if they cannot influence human behavior, then the whole economic basis of television has collapsed. If they cannot make people buy brand A instead of brand B or buy item C that never existed before, then they have no effect on human behavior. But there goes their argument for advertising.

Now, they can prove that it does have this effect. They have test markets, widely separated markets with the same economic and social characteristics, and they put a certain kind of advertising in one and not in the other, and the one where they utilize the advertising has a very significant increase in people deciding to buy what has been advertised.

And then these same people will say, "But when we show people that resolution of human differences by shooting, strangulation, beating, and so forth, this doesn't affect human behavior."

It seems to me they really can't have it both ways.

Now, I will grant that in one case they are selling soap, cigarettes, automobiles, and in another they are talking about fundamental human relations. But I find it very difficult to believe that there is not some kind of transference.

And, secondly, some figures I have seen on viewing by economic and educational levels make it quite clear that the lower the economic and educational level, the greater the amount of viewing and—

Mr. Jenner: The greater amount of what?

Mr. Bagdikian: The greater amount of television viewing and—that if you look at what the viewing consists of—they are largely young children looking at largely violent programming.

While I agree that this is a fantasy world that is being projected and that this may have some therapeutic effects in inner working out of hostility, it seems to me as you get to the lower economic and educational levels the significance of violence in their personal life becomes much more important. Therefore, the slum child, who lives in a pretty violent environment, has much less difference between his personal life and this fantasy he sees on television, which seems to confirm the violence in his environment rather than offer an alternative.

So while I recognize that there are differences on this effect, I wonder if this does not have some meaning.

Dr. Menninger: I think your point is very well taken in the way that the media like to use that going both ways. They want to use it to sell advertising, but they want to use it to deny that they are influencing people in other areas.

Let me ask, then, about another aspect of your statement. This has to do with the part of your statement on page 11 where you talk about the need for the judgment regarding whether news is significant, or what have you, should it be left to the men who must take responsibility for what they print and broadcast. This I think is related to the question that we as a Commission have been addressing in one way or another a good bit, the idea of who shall guard the guards.

And if the press and the news reporters become one of the guardians of the freedom that we hold so terribly important, then how do we get assurance; how do we, the

public, get assurance that these people will be responsible, will have the qualifications, will meet certain standards which will justify their being in such an important position of the public trust? This is something that is exceedingly complicated, as the competition diminishes in this area; I mean where there are one-newspaper communities or where that becomes less of a factor.

And I wonder if you could comment on that.

Mr. Bagdikian: Well, in the early part of my statement, I said that I thought that the best answer was systematic, careful, critical analysis of mass media performance, which we do not have today.

Now, I don't think that a continuing governmental body is the best way to do this. This is putting aside FCC regulation of broadcasting which I think has opportunities here.

In all frankness, while I find much of the decision-making by journalists and by journalistic corporations on news and certainly mass media programming faulty, I really don't trust courts and legislatures to do it better, not because they are wicked but because they, too, have a special point of view.

And I really do think that the press is, in a phrase that has been used before, a fourth branch of government. I think this gives it great responsibilities, but I think it is necessary that it not become the first, second, or third branch of government.

So my answer would be that what we ought to do is to support more systematic study. Ad hoc groups like this Commission can have a great effect, because regardless of the cries of pain which inevitably are heard from the mass media when anybody critizes them, they resist noisily and then quietly change very often.

So I am not as pessimistic about that.

I agree that there is no assurance that this will happen, but I am afraid that lack of assurance is part of democracy.

But I don't feel that we are powerless either. So I think that informed, systematic criticism will help.

Now, on the business of whether the FCC is properly regulating content, I would not like to see, and I don't think many members of the FCC really want to see, a government agency telling the networks that on such-and-such an hour you have to put on such-and-such a program.

I find it a very workable compromise that the FFC says that a station should study its community for community wants and needs and should then take some cognizance of this in its programming, and that it should recognize an obligation to do public service programming. That's in the statute.

Now, the fact is if the FCC ever got so presumptuous as to ask a station what they did about this, as two members of the FCC did in Oklahoma recently, the hysterical response would have been quite surprising to the Congressmen who first passed that statute and as a matter of fact, to the broadcasting industry on the initial passage of the Communications Act, which not only agreed to it but volunteered that this was one of their most important activities.

So I think that it's not an infringement on freedom if the FCC says, "We think you should do this, and all we are asking you is to tell us what you have done to fulfill the statutory requirements for your license, not as to specific content, but what you have done to find out what your community needs and then what you program."

This has the possibility of very serious government intrusion in content, but this has not occurred. As a matter of fact, quite the opposite has occurred. There has been blatant disregard of the rules and blatant violation of the Fairness Doctrine, but there has never yet been a television license lifted.

So that, for all the cries of the industry, there has never been any punishment.

Dr. Menninger: Which some citizens are at least distressed about sometimes.

Mr. Bagdikian: Right.

Dr. Menninger: Thank you.

Judge Higginbotham: Ambassador Harris.

Ambassador Harris: It's a pleasure to have the privilege of your insights today, Mr. Bagdikian.

I want to go directly to something you have just said, the question of punishment for failure to program.

So you mean that before the expiration of the license there should be a decision to take the license? Or does this go to renewal at the specified renewal date?

Mr. Bagdikian: I think both. I think at renewal that it's proper to ask practical questions, practical in the sense they mean something and practical in the ability or reasonable power of the licensees to answer the question, to give some evidence of why they should have this license again and why maybe somebody else couldn't do a better service and still make money.

The fact is that license renewal is an automatic process. So that for all practical purposes it has very little meaning in terms of fulfilling obligations for public service.

I don't see it as antithetical to freedom of expression that during the course of a license, if there is a serious charge--if there is a charge of a specific violation of let's say Fairness Doctrine--that a station should be answerable.

There was a station in Jackson, Mississippi, which refused to sell political advertising to a candidate for Congress because he was black. Well, I don't see that it is improper for the FCC to say, "You're obligated by statute to make yourself available on some fair basis to political candidates." I wouldn't see it as an infringement on freedom if this station, having accepted these terms of holding the license, lost its license.

Now, the fact is it did not lose its license.

But I think that the proper way to do that is to hold a local hearing and to see what the feeling of the community is. At the very least, it seems to me, that when the renewal comes up, at least other competitors for this license can make a showing of what they would do and are prepared to do; and if the licensees fail, at termination of their license, put the license up again. None of this really happens.

Barring that, since a television license costs something like $50 a year and television stations sell for from $6 million to $20 million a year, obviously that piece of paper is worth a great deal of money, and if this is a money game and not a public education game, then I would prefer that the license be put up to the highest bidder and the Government could get some benefit or somebody could get some benefit from this.

And my proposal would be that the Government not get the benefit but that there be an independent body covering a wide range of national and community concerns which would in fact do a continuing study of the mass media, that it would have no statutory power, that it could not force any newspaper or broadcasting station to print or broadcast anything it did not want, but which would study complaints and study performance and that this would be supported by a percentage of these license fees which would come when the economic competitors for those licenses bid for them.

Ambassador Harris: I agree with everything you say about the application for license or renewal of license.

The revocation of a license which has not run its course, would you agree, ought to be permitted only upon bases clearly spelled out in the granting agreement?

Mr. Bagdikian: Yes. I think it ought to be a gross and clear violation rather than a disagreement with the interpretation of this.

Now, obviously there is no very clear line, but I agree that, barring that, then the time for action is at the expiration of the license.

Ambassador Harris: How would you suggest statutes handle this kind of situation--statutes or practice, Mr. Bagdikian? I am informed that a certain station, a southern station, refused to carry the CBS interview with Mr. Justice Black, a matter of considerable interest to some of us, some of us who are teachers, some of us who are just citizens. I'm sure there were people in that community interested in this public service activity.

What kind of response ought there to be, or should there be any, to this kind of refusal?

Mr. Bagdikian: I don't think that it is a good idea for government or a licensing body to tell any mass medium that it must carry any particular program.

And while I am in favor of the principle of maximizing the openness of our mass media, I do not want to take away from each operator the judgment at any one time, even though this judgment frequently is either self-serving or against the public interest in the eyes of many.

I would have been very happy if the Justice Black interview were played all over the country by every station, but I would not want to force them to carry it.

I would much prefer that when that station's license came up that there was a hearing in that community and people could express themselves. But I would not want to act against such a station or against a newspaper for its failure to publish or broadcast a specific piece of information.

Ambassador Harris: Suppose the community agreed with that decision, Mr. Bagdikian, but in terms of the generalized national goals of open discourse this were raised by somebody, let's say, at the national level? Would this be a matter that the community gentlemen ought to govern on or ought there to be broader community concern here?

Mr. Bagdikian: It is not a near process. It would not be that a community would be dissatisfied and therefore had the power to create its own outlet, because this takes money.

But again I would raise the model of what happened to the movie industry when television came along. People had a choice after years of voting, seeming to vote, in favor of what they got, and then in a very short period of time they abandoned it immediately.

We are on the verge of very profound technological changes which could seriously affect the number of mass media outlets available to the public, and my feeling is that as the public becomes dissatisfied with what they get, or as significant parts of the public become dissatisfied, they will then take advantage of new developments to support new sources of information and new kinds of media.

And I think that will happen, and I think that for this reason, if for no other, the present operators of the media should be much more careful than they are about the needs of all parts of their public.

Ambassador Harris: And you are suggesting the rapid increase of competition for the attention of the viewers, certainly. Would you extend this into the written media?

Mr. Bagdikian: I'm referring to new ways of broadcasting and maybe new ways of printing that will bring new channels to the public. And, therefore, audiences which now feel they are not getting what they want or need may have choices they don't have right now. I think that they will probably support public policy which will encourage the development of such new channels.

Ambassador Harris: May I ask you one final question, on the form of television news?

You presented news as generalized concern without too much of a distinction between the form of television news and the form of newspaper news. Do you agree that the two are significantly different and that the element of television news that makes it so significant is that it is by and large pictorial, cinematographic, rather than the spoken word?

Mr. Bagdikian: Yes. Both that it is pictorial and the fact that it is often, in fact or vicariously, a direct view of what is going on rather than somebody else's interpretation of what went on. So I think, yes; inherently it is more dramatic than any printed form.

Ambassador Harris: Do you believe that there ought to be more of what another witness called I think "head talk"—that is, the spoken report of news as opposed to the visual presentation of news?

Mr. Bagdikian: Well, I don't object to people in television using all the imagination they can to make the news as clear and interesting as possible without distorting the news.

And I think it's true that if you say, "We're going to have nothing but head talk," that's an easy way out, but it's also a temptation for distortion.

So I don't have a simple answer. I think it's useful communication to see things as they are and not just talked about. But I think it's arbitrary to assume that you must never have people talking when you don't have a good graphic picture of their doing something instead. Frequently, what a man says is much more important than what he does with his body at any particular moment.

Ambassador Harris: I don't have the hesitancy of forming a judgment. It seems to me that the pictorialization of the news makes it much more useful in forming independent opinion and judgment than to have someone say, "This is what I saw and this is what happened." And for that reason I think there is a significant difference between television news at its best and newspapers at their best, because one can project themselves into this situation. This may be one reason why we have such a concern with television.

Thank you, Mr. Chairman.

Judge Higginbotham: Thank you, Ambassador.

Commissioner Jenner, we certainly don't want to cut you short, but we are going to adjourn at approximately 12:45. So if you could start your series of questioning, we will pick up the rest at the end of the luncheon, people, if that is agreeable with you.

Mr. Jenner: Did you have in mind, Mr. Chairman, that Mr. Bagdikian would return after lunch?

Judge Higginbotham: Would you be willing to return? I had assumed you would.

Mr. Bagdikian: I would if you wish.

Mr. Jenner: May I suggest, then Mr. Chairman—

Judge Higginbotham: You prefer to wait?

Mr. Jenner: We might adjourn?

Judge Higginbotham: Why don't we adjourn, and we will start at 1:45.

(Whereupon, at 12:43 p.m., the hearing was recessed, to be reconvened at 1:45 p.m. this date)

AFTERNOON SESSION

Chairman Higginbotham: Mr. Jenner.

Mr. Jenner: Thank you, Mr. Chairman. Thank you, also Mr. Bagdikian. I profited from your remarks last Friday night as well as during the course this morning.

I have a little trouble with the discourse between you and Dr. Menninger of your ready use and his ready use of the word, "fantasy"; and what I thought was the acceptance on your part of what I felt was the thrust of his comments—that is, that the fictionalization of a past event is to be taken as fantasy; and, therefore, since it is a depiction in relation to a past event, there was some difference of opinion on your part and Dr. Menninger's part as to the overall effect of that fantasy portrayal on children and even adults.

When I read your paragraph on page 14, it seemed to me that you were not talking about fantasy when you said: "It is as though we delivered our children to someone who took them away for four or five hours of every day in their formative years to watch police interrogations, gangsters beating enemies, spies performing fatal brain surgery, and assorted daily demonstrations in how to kill and main, interrupted from time to time by a group of actors doing caricatures of the silliest kind of adult behavior." My judgment is that the depiction, let's say, of—well, there is one program, F B I something. I don't know the name of it—in which the viewer is told at the outset that there is about to be portrayed an actual incident on the part of the FBI, of its part in disclosing or solving a crime or apprehending one who does a crime; that there is not to be fantasy, that is, a purported portrayal of something that had actually taken place in near time, not back in history of the wild west or back in the time of Hamlet and Shakespeare. That, to me, is not fantasy.

Were you including in your use of the word, "fantasy," that sort of thing?

Mr. Bagdikian: Yes, I was, Mr. Jenner. I was using it as a very large category for all things that did not purport to be news or real events. It includes entertainment, fiction, advertising. . .

Dr. Menninger: Let me clarify, Mr. Jenner. Well, go ahead.

Mr. Bagdikian: I might add, the reason I refer to it as "fantasy" is really because one of the landmark studies in the effect of television on our children was done by Wilbur Schramm and others in the early 50's, and their conclusion, at that time, was that most of what children absorb from television was in the area of fantasy in the sense that it was a category of perception which they understood in a way not to be real life, not purported to be a real event, and so I used that word rather loosely.

Mr. Jenner: I take it, sir, that in your paragraph on page 14, which I have read, that you are of the view that the depiction of the sort of thing I have now related to you, with any degree of regularity and the viewing thereof by young adults or by children, does, in fact, have an effect upon them?

Mr. Bagdikian: I hesitate to disagree with the authority I respect very much, Dr. Menninger, but it is my common sense that tells me that this much exposure to this consistent kind of portrayal of human activity must not be without effect. I cannot prove it, although there are some scientific studies, sociological and psychiatric studies, which say it does have an effect. But my own personal opinion is that it does.

Mr. Jenner: I would like to approach you on the. . .

Dr. Menninger: Let me, for the record—I don't want to say it does not have effect. It is just in terms of the relative importance of the effect that I would differ.

Mr. Jenner: Well, I would not engage in a discussion with you, Doctor. I do not mean what you mean by relative importance of the effect.

May I go to another subject? In your interchange with Ambassador Harris, you observed as your view that if a local television station or stations, as the case might be, declined to permit use of its facilities for the broadcasting of–I think Ambassador Harris used the Justice Black broadcast of recent date–that what you would recommend is that there be a community hearing. And I am puzzled about what kind of hearing that would be, let's say, in a community consisting of three and a half million people as against a community, let's say, in one down in Mississippi of relatively few people, as compared to at least three and a half million.

Mr. Bagdikian: There is, at present, statutory provision and support by the Court of Appeals that any time someone in the community believes that a broadcasting station in that community is not dealing fairly with portions of the community–that has not permitted reasonable and equitable access to advertising, for example–that they may complain to the FCC and may, if they wish, call for a hearing on whether or not this has violated the terms of the license. That is a standard provision and that is what I meant.

I do not mean that if some local television outlet chose not to pick up something from the network that this should jeopardize his license, because I think he ought to retain that kind of judgment, but if–and this is true right now–if anyone in the community believes that there is a pattern of unfair discrimination or violation of the terms of the license, he may call for a hearing. That is what I was referring to.

Mr. Jenner: Thank you very much. That is all I have, Mr. Chairman.

Chairman Higginbotham: Congressman McCulloch, did you have anything?

Mr. McCulloch: No. I regret that I was not able to hear the testimony. I might ask this question, and I am embarrassed to ask it: you found no fault with the right of such a citizen as you have just talked about to complain of the injuries which he thinks he and his community have suffered for not an equal and fair treatment under the law?

Mr. Bagdikian: I am sorry, sir. I didn't hear the question.

Mr. McCulloch: Well, as I understood the conversation or the questioning immediately before I began, it was about the right of a citizen to complain about coverage that did not meet the alleged needs of a person or a community. You have no objection to such a provision, have you?

Mr. Bagdikian: Of a hearing on the licensee?

Mr. McCulloch: Yes

Mr. Bagdikian: No. I think that is part of the law right now.

Mr. McCulloch: You have no objection to it?

Mr. Bagdikian: No, I have no objection to it.

Mr. McCulloch: I wanted to get the record straight because of my misunderstanding.

Chairman Higginbotham: Any other Commissioners have any further questions?

Mr. Bagdikian, I would like to ask you, on page 6, you point out that "... actual modern practice in many places, will show that a great deal of violence is insignificant compared with other events occuring at the same time." Do you have any specific examples which you would like to cite for the record? The inclusion on the basis of your experience is fine. If you had some specific examples it might be helpful.

Mr. Bagdikian: Well, I think more helpful, possibly, than a specific example is to say simply that every news editor every day compares each item he gets with all the others to see which ones he thinks are important or which he will display, and this means that a public event on a day on which not many other things are happening will get more attention than a public event in which there are a great many other things happening, and I think this is necessarily so.

The incidence of significant events probably is not equal in all days, so no one item can be guaranteed a fixed place in a hierarchy of what is news and my point about news of violence is that, traditionally, it has had a very high priority almost regardless of anything else that happened, without the kind of comparison with other non-violent news that is customarily made with more conventional news.

If you are a PTA and you are going to have a meeting over some controversy in your PTA and you take it to the editor, he will probably say: "Well, we will do the best we can, but it depends on what other news there is that day and how much space we have."

If you have a murder, that is probably going to take priority position, no matter what, and sometimes that will be justified on the basis of its significance and sometimes it won't because at the same time there will be other things that are far more significant.

Chairman Higginbotham: I certainly can agree with your generalization. I was really trying to coordinate your second page and your sixth page. On the second page you talked about that, of course, the death of one child is more important than the fact that 1,000 went safely to school, and then when you get on the sixth page you talk about the problem that there are other events which are apparently of more significance than the events of violence.

If you had any examples, or any reporters had any examples of items which were excluded by the news desk or by the media in contrast to those which were included and which you think should have gotten less priority, it would be much more helpful for us than to deal with the abstraction, and that is why I raised the question.

Mr. Bagdikian: Judge Higginbotham, my problem with that is all of us who have been in the news business have had that happen so many times on so many days, it is hard to select one out of the total and because I think it is a legitimate part of the process. I could, with some thought, probably come up with an example that would clarify that, but I think it is a common and necessary part of the process.

Chairman Higginbotham: Since we are supposed to start out without assumptions which are irrevocable, if you have got an example, if you would just drop me a note or phone me I would be very interested in what you are thinking.

Mr. Bagdikian: I would be happy to.

Chairman Higginbotham: I have no further questions. I think your statement is written with the style and precision that is good for all of us.

Mr. Tone, do you have any further questions?

Mr. Tone: I have no further questions.

Chairman Higginbotham: Thank you very much.

Mr. Tone: Mr. Chairman, Mr. Norman E. Isaacs.

Chairman Higginbotham: Mr. Isaacs, we are delighted to have you here. I understand that you do not have a written prepared statement, and we are most appreciative of your making the sacrifice to come.

Mr. Jenner: This never fazes a newspaperman, let alone Mr. Isaacs.

PRESENTATION OF MR. NORMAN E. ISAACS, NEWSPAPERMAN

Mr. Isaacs: I apologize for not having a statement. I did try to put together a few notes on the airplane this morning to give me a little more cohesion.

I think the reason I am here, Mr. Chairman, is because I am a critic of my own profession. I think I would be less than candid if I did not concede at the very start that the views I hold are an anathema to most of the members of the Establishment group in American journalism. In that, I include television as well as the press.

Mr. Jenner: Do you include radio, also?

Mr. Isaacs: Yes, I would, Mr. Jenner. I certainly would.

I think there are a whole series of points I would like to make. Mr. Bagdikian, I thought, covered the field very well, indeed.

In the context of your study, I think you have to look at the basic stance of the communications media. My whole challenge to it has been based on the fact that all too often I do not think it is based on a sense of public responsibility. I think competitive pressures have had something to do with this.

I think the effects on the public of careless or irresponsible or sensationalized coverage have all contributed to public unrest and to a public distortion of the values.

I think that in more recent years the media has gotten itself involved to where it helps create incidents. If it does not help create them, it is often guilty of escalating them.

Chairman Higginbotham: Which media are you referring to, sir?

Mr. Isaacs: All of them. I think you know, I suppose, that a professor at the University of Chicago named Daniel Boorstin, who examined all this in a book, came to the conclusion that we were dealing largely all too often in a what he called pseudo event, which is purely manufactured news.

Mr. Jenner: Do you include fantasy in that?

Mr. Isaacs: Well, I suppose I could under certain circumstances, Mr. Jenner, when I see some of these T.V. shows, yes. Yes, I can see that.

When you get around to distortion of coverage, I think the distortion of our coverage of such people as Rap Brown and Stokeley Carmichael has already been documented. I think the most vivid example of the media's interference in news centered at the time of Lee Harvey Oswald's murder. We were not the guilty parties, we of the press, but we were accessories because if it had not been for the pressures of the big names of newspapering, of television, of radio, the Dallas Police Department would never have moved that man in public.

I participated in this past weekend in a group of discussions held by the task force of this Commission and in all of these discussions, one thing became perfectly evident. No matter what medium we were representing, everyone was concerned with the same thing, and that is a massive credibility gap toward the press. The public does not believe us. I am sure you have heard of the consternation of the networks about the public response to the Chicago television coverage. They were absolutely astonished by the depth of the public response, which indicated the public did not believe what they saw.

Newspapers all over the country are having this same problem right now and it does not matter whether they are liberal newspapers or middle-of-the-road newspapers or conservative newspapers. We have come around full circle to where people cannot believe what they read and also cannot believe what they see or hear.

I attribute a good deal of this to our own behavior. I think the public, for the first time, is seeing some of our reporters' and photographers' boorishness and aggressive characteristics in full view, and they do not like what they see.

I have discovered, as I did this past weekend, that there is an amazing defensiveness on the part of the communications industry.

Mr. Jenner: Would you identify this past weekend? I know to what you are referring, but some of the other Commissioners do not.

Mr. Isaacs: Well, the defensiveness consists in the argument that what we are doing is perfectly all right.

Mr. Jenner: No, I mean the conference.

Mr. Isaacs: Well, the conference was called by the task force. I believe there were from 45 to 47 people from around the country here. There was a representative of NBC-TV, one from CBS, ABC. There were individual station owners and managers. There were some news directors. There were newspaper editors, from newspapers large and small. There were some police officers and there were some critics of the press and critics and observers. These 45 to 47 people were divided into panels and these panels sat around and discussed these things.

As I got this picture out of each one of these panels, it was the same thing. They were more concerned about the credibility gap and with blaming someone else for it and at the end of this conference I blew my stack, Mr. Chairman. I said some of the things I have been saying for years. It gets to be almost psychotic, this defense mechanism we show. We are never wrong, never. Almost everybody else is wrong.

What we need desperately is a lifting of our standards. Our ethical standards need raising. Our technical standards need raising—all our standards.

We have improved a great deal. I do not want to mislead you about that. The difficulty, as I think Mr. Bagdikian pointed out, is that we have not kept pace with exploding nature of the American society.

Some few publishers around the country—precious few—have instituted local press councils. There is desperate need for a national press council, but almost no hope of getting one—almost none.

You know, the British have a press council. But it took a great many years for the government of Britain to force this into being because the newspaper proprietors in Britain just resisted it with everything at their command. And the British have more means of forcing this kind of issue because there is no First Amendment protection in Britain.

In this country, I cannot see the Congress moving in on the First Amendment. It would be unthinkable and I would disagree with it, too.

Senator Hart: I wonder, those who are not in the media, if we could have a definition of press council?

Mr. Isaacs: The press council, sir, in Great Britain, consists of a nationally recognized agency with an independent chairman and an independent secretary, but in which there are publisher representatives and editor representatives and in which any person may bring a complaint and get a hearing if it is justified. If the Commission finds

against a publication, the publication is required to print the condemnation of its own behavior.

This is the opposite view of access, you see. I could go into the British experience if you wish, Senator, but this is, in essence, what it is doing.

The local press councils in the United States are operated somewhat differently, but nevertheless, to the same effect, where people get a chance to air their criticisms against the newspaper either in the sense of omission or commission.

Mr. Jenner: The local press councils, however, are not government oriented. They are voluntary, are they not?

Mr. Isaacs: I oppose government orientation in this. I prefer to have all local or state officials kept away from this. It operates much better if you have citizen control.

Now, in terms of your work, there are certain needs for journalism in this country. There is a desperate need, as I have said, for the lifting of standards. Our police reporting in the United States in dreadful.

Mr. Jenner: Dreadful?

Mr. Isaacs: Dreadful. There have been a great many criticisms about it. I made a full dress speech about it at Northwestern University a few years ago in which I told them the straight truth about it; I was hooted at by a lot of people, but it was true.

Ramsey Clark, as Attorney General, made the same points and pleaded with the press to rectify it. We have not. We are making very slow progress on this.

Mr. Jenner: Mr. Isaacs, that is a generalization about the police reporting being dreadful. Would you give us—could you favor us with an example or two of what you mean?

Mr. Isaacs: Yes. Most of the old-line police reporting in this country, Mr. Jenner, is done by unlettered, former copyboys, whose function it is to read the police blotter, to copy down correctly the names, the addresses, and ages of the people, and to either phone or teletype this to the office where it gets written by what we know of as a rewrite man. They do no original reporting as a rule. There are a few exceptions. It is because of the neglect of the newspaper editors. These gentlemen have become PIO's for the police department.

Mr. Jenner: Are what?

Mr. Isaacs: Public Information Officers for the police department are what they turn out to be. If a newspaper wants some decent reporting out of its police station, it assigns a special reporter to go down there and do the necessary investigative work. Otherwise, it is not going to get this kind of reporting.

I think this is generally true around the United States. It is one of the sins of newspapering. This is why I say it is bad.

Our court reporting in most places is equally bad. Howard James, of *The Christian Science Monitor,* examined this thoroughly last year and wrote a book called "Crisis in the Courts," which most of you, I would hope, have read, because it was a pretty savage indictment of the way our courts are run. He won a Pulitzer Prize for this piece of investigation and he richly deserved it. But this goes on. Very rarely do newspapers try to examine the operation of their courts.

I think we need, also, an understanding between the press and the Bar. This ridiculous argument that has gone on for the last couple of years over the Reardon Committee's work is another case of what I call defensiveness on the part of the press. I, too, disagree with Judge Reardon on a couple of the points in the thing, but it is, in the main, a perfectly magnificent piece of work. Mr. Jenner served on that Reardon Committee and I have great admiration for most of the things he did.

Mr. Jenner: I did not serve on the Reardon Committee. I served on the Canon 35 Committee.

Mr. Isaacs: I am sorry. But the Reardon Committee did a magnificent piece of work in most of the areas and on only two major parts can newspapermen properly disagree. To accuse Judge Reardon of trying to undermine the press's freedom in this country is part of the hypocrisy with which we go through our business.

From your point of view, another of the things we have got to realize is that mob coverage has to end. These are those scenes where we come in gang forms with more reporters than there are participants. This is what I call mob coverage and we ought to learn sooner or later that we would be far better off relying on the standard press services to cover for us and that we do not need all these reporters present at every event.

Every time you have a big trial you have this business going on where there are 130 requests for seats. What for? We are going to get perfectly adequate coverage from all of the press services plus the supplemental wires and the big newspapers. We all get these services.

Mr. Jenner: Doesn't television do some pooling?

Mr. Isaacs: There ought to be pooling, intelligent pooling, so that every newspaper of any size, and every television station won't have to participate. We had it during the War in critical points.

Mr. Jenner: We have a City News Bureau in Chicago, which is a universal or general news-gathering agency, which is used by all four of the metropolitan papers. Is that what you have in mind to some extent?

Mr. Isaacs: This is a pretty good example of how newspaper coverage is pooled. For years they have pooled their election coverage and they are pooling even more now. They see nothing wrong with that, where it saves them money.

Chairman Higginbotham: Mr. Isaacs, would it be better for you—and we want to accomodate you—for you to first present your statement and then for the Commissioners to question you?

Mr. Isaacs: I have very little more. I appreciate it.

I think that what we need, also, is an acceptance, generally, by all the media of what I call the principle of equity. That is, having made a mistake, that we act to correct that error in pretty much the same position or given the same general importance that we have the original story and that it would be done gracefully. I think we are going to have to accept the idea that we need responsible restraint in the coverage of crime and violence.

As for television, I am still astonished that television has not moved forward with a crash program to develop small, relatively unobstrusive cameras. And further, a willingness to eliminate color shooting of events of violence until such a time as they have proper equipment, because it is perfectly apparent that bright lights influence an event.

This is strongly denied by television and yet when you get them down in the privacy of the barroom and start to talk about this, they admit it.

Most government agencies and commissions have been reluctant to criticize the press except by some individuals, apparently for fear of retaliation and counterattack; and I can assure you, the bark is much worse than the bite, Mr. Chairman. I would love to see a federal commission to study the behavior of all the news media. The news media is never going to do it for itself and it is only when a skilled group of commissioners representing all of the citizens of the United States can bring attention to this, will all the arms of journalism shape up and start to raise their standards.

I think I have said all I need to say at this point.

Chairman Higginbotham: Well, Mr. Isaacs, I want to thank you very much. We will start with you, Mr. Jaworski.

Mr. Jaworski: Thank you, Mr. Chairman.

Mr. Isaacs, thank you for the views that you have expressed here, which interest me greatly. I am just wondering how you were ever elected President of the Associated Press Managing Editors Association.

Mr. Isaacs: Well, this is one of the great mysteries of my life, too.

Mr. Jaworski: It is certainly mystifying to me.

Mr. Isaacs: There are many cracks made about me living dangerously and I have all my life. Some of my many ideas, sir, turn out to be successful and I suppose this is why I get by. But I will say this seriously: I do speak for a lot more than just one dissident. There are a great many newspapermen in this country who share my views.

I can say that and say that plainly, because I am in an ownership which supports me. If you have a newspaper owner who is willing to have standards raised or wants standards raised and does not mind having an editor who says these things, you can say it. I regret that others of my colleagues cannot say it. Perhaps it is one reason that they elect me to office in these various organizations, because I am free to say them.

Mr. Jaworski: It is certainly refreshing to hear your statements. Your objective and constructive references to the Reardon Report, for instance; yet here were newspapers all over the country editorially condemning the Reardon Report and raising cain about some paragraphs. And to have you say that you find— although you have some difference of opinion about one or two things—the subject in the main you find a good

report and a helpful report. It is certainly very refreshing and I want to compliment you on having the courage to say it.

Mr. Isaacs: Thank you. We have in my State a Press-Bar committee, State Press-Bar Council. I serve as its chairman. We have a very fine record of getting along with the Bar. We understand each other.

Mr. Jaworski: I was interested in another comment of yours. All your comments were interesting, but particularly your reference to the fact that Lee Oswald would not have met the violent death that befell him when it was the fact that the Dallas Police Department yielding to pressure which moved him under circumstances that enabled Ruby to shoot him. I wonder if you would mind telling me why it is that public officials—I have beliefs of my own and my own answer to this question, but I would like the record to show what your views are as to why the public believes the pressure of these. . .

Mr. Isaacs: I have thought about it a great deal ever since that episode. Like others in the calling, I share a sense of guilt about our mass behavior at that time. It is pretty hard, even though I have no regard at all for what the Dallas Police Department did.

I think it was cowardly and stupid. Yet here was a relatively small city police chief being besieged by the biggest names in the communications industry, big byline names, and people whose faces are seen on television, and undoubtedly, long-distance telephone calls from the network presidents, and all this pressure on him, and the newspapers saying, "You just can't do it that way. We have got to do it this way." I can understand him surrendering. I do not approve of it, frankly. If I had been the Chief, I would have told them: "Go to hell. This is a prisoner and he is charged with the murder of the President of the United States and I am going to take care to see that he gets put away properly and I do not need your help." It is the way I run my newspaper. I do not see why he cannot run his department that way.

Mr. Jaworski: The point you are really making, as I see it, is that the news media must realize that it is in the position to exert pressure and for that reason it must discipline itself and must use it wisely. Is this what you are really saying?

Mr. Isaacs: Yes. You know, in 1947—I have it in here in my bag—in 1947 there was a Hutchins Commission Report that was set up by money, oddly enough, from Henry Luce at the time, "A Free and Responsible Press." I started to get abused in 1947 because I thought this was a great document. I still think it is a great document. If they would only pay attention to it. Because all of the things that you gentlemen are talking about are contained in here, pointing to our social responsibility and talking about what we have to do.

One of the statements in there is: "The press itself is always one of the chief agents in destroying or in building the bases of its own significance." This is our credibility gap today. We have helped destroy it and yet you take this up with publishers and they will say: "This is a bunch of nonsense." I say the fellows who are practicing nonsense are the publishers and they are going to pay for it.

Mr. Jaworski: I appreciate very much your forthright statement. Thank you, Mr. Chairman.

Chairman Higginbotham: Mr. Tone, I owe you an apology. Our procedure has been in the past to call on the counsel first. I should have called on you. I will call on you now if you don't mind, Senator Hart, and then the rest of the Commissioners may question.

Mr. Tone: I would be perfectly happy to have the Commissioners complete their questions, Judge, and then perhaps I wouldn't have so many.

Chairman Higginbotham: Yours are always of value, as my colleagues' are of great value.

Senator Hart: Mr. Isaacs, thanks very much, really. I know in the time limitation you cannot develop fully why, in your judgment, we believe less now of what we read than we assume grandfather did, but what basically has created the problem?

Mr. Isaacs: Incompetence, basically. We have permitted incompetence.

If I may, I will tell you this little story. We have in our area, like they have in many other cities what is called "The Newspaper in the Classroom Program." This is in collaboration with the university and these are where schoolteachers come for credit for two weeks to be exposed to how they can use the newspaper in the classroom to help them in current events and in various forms of teaching.

For instance, you have a little boy who is backward in mathematics or in doing percentage figures. You can use baseball box scores to get his attention. And there are a whole lot of things.

The essence of the program, of course, is essentially selfish, the preservation of the newspaper, and I see nothing wrong with this as long as it is not inappropriate.

I have made a practice of coming to see these teachers and facing them. I don't make a speech. I just answer their questions. A few years ago, I faced these teachers and I was doing what I felt was a first-rate promotional job, and one of the teachers said, "Mr. Isaacs, I love *The Courier Journal*. I think it is a great newspaper and I believe everything you said about it, but it is a funny thing. I have only had personally to deal with about five stories that I have ever been close to, and all five were wrong." I said, "In what way?" She said, "Well, either the date was wrong or the place of the meeting was wrong or the name of the organization was wrong or they had the wrong name of the speaker or something like that. It wasn't major, but something was wrong." And I stopped and looked at her for a minute and I said, "You want to know something, ma'am? Almost every story that I have ever been personally associated with has also been wrong."

Now, this is a minor point, but you see what I am building up to. We cannot go on in this kind of way and expect people to believe what we do.

Now, you have the same thing on television. The television boys won't like this, but it is true. People sit at home watching these reporters on television and at a national convention where they will say, "Senator Hart, are you going to support Senator Kennedy?" And Senator Hart says, "Well, I didn't know Senator Kennedy was a candidate yet." "Well, are you going to support him if he is a candidate?" And you say, "Well, I don't know yet." And he'll say, "You mean you are opposed to him?" And you say, "I didn't say anything like that." And you go on with this and by the time they are through with Senator Hart and they go over to see Congressman Boggs and they say, "Senator Hart says that under certain conditions he may support Senator Kennedy." And at this point the viewer sits out there and says, "He's a damn liar." This is the whole thing we go through.

Now, this is the point I am making.

Congressman Boggs: Completely accurate coverage.

Mr. Isaacs: That's right. You in Washington have the advantage of having a superb press corps. They make mistakes, too, but not nearly at the same level that they do back in the hinterland. Washington papers have the habit of robbing us of the best people and we rob the others.

Congressman Boggs: You left out one thing in your chronology. They will show Congressman Boggs and then they will show whoever the other fellow was contributing, but they won't tell the other fellow they have talked to Congressman Boggs.

Mr. Isaacs: You are not playing the game through. You are being un-American. Do I explain it well enough?

Congressman Boggs: You certainly do.

Senator Hart: This press council, seriously; do I understand you to say that in Kentucky or in Louisville you do operate such a press council?

Mr. Isaacs: No. We offered. I guess ten years ago our owner made a speech nationally that we would love to see a press council in Louisville. I volunteered to help set one up. We were hoping that perhaps the university president would seize on the thing. Nobody would take it. So after a couple of years—a couple of years ago—I seized on a piece in *The New York Times* by Abe Raskin. A. H. Raskin was on the editorial board for the *Times*. Abe wrote a perfectly great piece in the magazine in which he said every newspaper ought to have its own ombudsman. So I thought it was a great idea so I started this. It has been wonderful for us.

Abe wrote me a letter and said he wished *The New York Times* would pay as much attention to him as I did. It has been very useful for us and we have a very high level man doing it. He struggles with it all the time and we find out a lot about the errors we carry this way.

Senator Hart: Surely, it would have that effect.

Mr. Isaacs: A lot of it is trivial but we do arrive at some pretty interesting things where we have done things very badly and we try to make amends very quickly.

Senator Hart: Last question. Sir, is the Louisville *Courier Journal* property owned by interests that also own television?

Mr. Isaacs: Yes, sir.

Senator Hart: You are not the best witness because you have been critical of the press.

Mr. Isaacs: Also critical of television.

Senator Hart: I would say the fact that you have criticized television does not make the case that I had in mind.

Mr. Isaacs: *The Courier-Journal* tried to sell its television a number of years ago and the FCC declined to permit it to on the grounds of its public service record. It had made a deal to sell the television station on the basis that the newspaper should not be in the media because television was an entertainment media. Anyway, the FCC declined to accept it.

Senator Hart: I am sure others could.

Mr. Isaacs: I do not want to say we are perfect because I tell you we are not by a long shot, but we do own it. We ought to kiss the Commission.

Chairman Higginbotham: Thank you, Senator.

Congressman Boggs.

Congressman Boggs: Thank you very much. I was very much impressed by the statement—I did not hear it in full—and your response to the interrogation.

I understand journalism. I worked with the newspapers for a while and my recollection is that we thought of a textbook. I think at that time it was called maybe the Missouri School of Journalism. My recollection also is that about the first paragraph in the book was that "Dog bites man, no news. Man bites dog, news."

Now, it seems to me that that philosophy, unfortunately, permeates the whole field of the news media; namely, that the only news is negative, that there is no need for positive developments. So it is great news when somebody shoots it up, but it is not news when a community lives in peace.

Now, there is great news where you have great racial tension but no news where you have good racial relations.

This, in my judgment, is the fundamental reason for—I think you used the expression—"credibility gap" with respect to the news media. What do you recommend as the answer to this problem?

Mr. Isaacs: What I recommend is not likely to be followed, but I will say it is going to change eventually with this new young crop of journalists. Ben Bagdikian came very close to putting his finger on it this morning, but I would go beyond Ben. While I am devoted to him, he is much too polite for my tastes.

We are living in journalism on handed-down wisdom as to what is news, and I challenge that whole concept. So many editors have this idea that they have a sort of list. You know, it is almost like putting out the *Reader's Digest* by formula method. You have got to have one of this and one of that and one of the other thing. It is a bunch of nonsense—successful for them.

As far as news is concerned, if you start putting down, the number one interest of the people is money. Number two is sex. Three are kids and four is something else and so forth. Ergo, you get a Dr. Sheppard charged with murder and you have news. You have got money, suburbs, sex. You have got the whole thing. It is a big story, according to the old-fashioned formula.

I question whether this is true. I do not think it has relevance or pertinence in today's society.

Congressman Boggs: Some newspapers have demonstrated your point, *The Christian Science Monitor.*

Mr. Isaacs: That is right. As a matter of fact, my own newspaper demonstrates this point. It is minor, but we covered the Sheppard case with about this much [indicating], way back on page 35 or something. I never had anybody say that we didn't cover the murder story. I never had a complaint. Nobody beat my door down saying I was doing anything wrong. But we were trying to carry constructive news.

Now, you cannot blame reporters. There is a tendency, I have often detected, on the part of members of the Congressional establishment or the Executive establishment to, sort of, put the blame on the reporters. The blame belongs on the editors at home.

Congressman Boggs: May I quote you?

Mr. Isaacs: You may quote me all the way.

Congressman Boggs: Your observation about this case leads me to question you about the electronic transmission. In your reference to the Sheppard murder case and

the reference to the fact that it was blown up way out of any news value that it had, I have been very interested in the comments that we have had of my staff and elsewhere about the incidents in Chicago. I have seen very little comment on the amount of national television coverage that was given to the people who came to Chicago several weeks before the Convention, by well-known commentators.

I saw paid advertisements, for instance, on television every night and people who made all kinds of dire threats day in and day out. Now, obviously, that is bound to have some impact. If it didn't why would a tobacco company pay—how many dollars per minute to get a minute on national television? Would you mind commenting on that?

Mr. Isaacs: You are talking about the commercial aspect of it?

Congressman Boggs: No, sir. I am talking about the impact of taking an instance such as that and playing it over and over again on national television.

Mr. Isaacs: This is their news judgment. I disagree with it, but nevertheless. . .

Congressman Boggs: Why do you disagree with it?

Mr. Isaacs: Now, my criticism of Chicago--I was not at Chicago. . .

Congressman Boggs: I was.

Mr. Isaacs: But we had a number of people there and I have talked to all of them and they thought that they agreed with the—in the main—with the thrust of the Walker Report that the police got out of hand. But they complained that there was extreme provocation and that this provocation was not shown.

Now, the print media did cover the provocation, or a lot of them did, and a lot of them did it fairly well. I think television is caught in this business of running for figures. We have criticized this chasing after rating figures but this is how they make their living.

Senator Hart this morning was raising the question of economics. I feel sorry for these characters. The newspaper does not have this pressure. The newspaper is absolutely independent of this in today's society. We do not have to sell a single extra newspaper. We try not to sell papers on the streets in most of the cities of the country. Television is caught in this terrible bind where if they do not get the ratings they are gone.

Congressman Boggs: Let me see if I can follow you through on that. That means they do anything to get the rating?

Mr. Isaacs: I am afraid they do. I am afraid they do.

Congressman Boggs: That is quite a statement.

Mr. Isaacs: You say "anything." They are competing. I have worked in a competitive city, Congressman, and the journalism I practiced under competition was often pretty lousy. I was under the greatest of pressure from my competition, which was a good newspaper, and yet both our standards were lower. We were always chasing after the customer. When you do not have to chase after the customer your standards can go up.

I wish that somebody in television might try this test run and see what would happen, but they show no signs of doing it because they get—they have had this terrible experience, you know. At one point they dropped Walter Cronkite, who is one of the ablest men in the field and then came back the next year because the ratings had not quite satisfied them. It is ring around the rosy. I wish they were not in it. I think they would do a lot better job if they were not in this wild competition for the advertising buck. That is what it is.

Congressman Boggs: Thank you very much. I would like to pursue this but I know that many other members of the Commission want to ask questions.

Chairman Higginbotham: Commissioner Jenner.

Mr. Jenner: Thank you, Mr. Chairman. And thank you, Mr. Isaacs.

I wonder if—tragic though it may have been—or it actually was—the shooting of Oswald on a Sunday afternoon— because he was being transferred in broad daylight so that television and other news media might better depict him rather than at 4 o'clock in the morning as was originally scheduled—there has not been some element of gain in the instance of the assassination of Dr. Martin Luther King, Jr., and of Senator Robert Kennedy in that the news media, radio, television and the printed media have acted much more responsibly in those two instances than was done with respect to the Oswald incident in Dallas?

That is, in this free society of ours, the public—as a result of the events in Dallas on Friday and Sunday 5 years ago—did bring home to the news media—the listening, seeing and the reading—the revulsion of society as a whole or the news reader as a whole, of that sort of thing and that some progress has been made?

Mr. Isaacs: [Shakes head.]

Mr. Jenner: You do not think so?

Mr. Isaacs: I think progress has been made by the Bench. You have not been reading the amount of fulmination in the trade press about the rules laid down in the Sirhan case and in the case of this chap who is being held on charges of murdering Martin Luther King. The press is still in a state of great agitation over these restrictions.

Mr. Jenner: It happens that I have read a great deal of that because the Reardon Report included the discussion held in the House of Representatives in January. I was a 1-year member of the House and I also served as a member of the Canon 35 Committee which had the problem of the admission of television and radios into the courtroom. May I refer to that for a moment?

When our Committee filed our special report on Canon 35, in which we voiced the judgment which the House delegates approved, that the television camera and the radio microphones should not be admitted to the courtroom, among my newspaper friends I received very little dissent on that score. Among my television broadcasting friends there was a great defense of their position.

When the Reardon Report came along and the debates in Chicago just a year ago next February, there was immediately complete defensive attitudes on the part of the print media. It is a normal thing, I assume, to defend their position, but it was inconsistent with our reaction toward the report of the special committee dealing with Canon 35.

Mr. Isaacs: Are you asking me to defend the inconsistency? I won't. I will tell you, Mr. Jenner, I have been complaining about this for years. Some of my closest editor friends will get up and denounce Canon 35 all over the place, saying we ought to have cameras in the courtroom. You have heard all this guff about the new equipment we have with which you can take the whole record without destroying the decorum of the court and you should see this new equipment when the American Society of Newspaper Editors meets in Washington. We are practically knocked down by this battery of photographers who are shoving and climbing over everybody to get a picture. What kind of nonsense is this? If the new equipment is available, why don't they use it?

Don't ask a newspaper editor ever to be consistent. Now, Canon 35 is a perfectly valid exercise of judicial restraint.

Mr. Jenner: I am glad to hear you say that. That Committee worked for three solid years.

Mr. Isaacs: I have been a newspaperman, you know, for 40 years and I cannot say that I have ever been damaged by not being able to take a picture in a courtroom. As long as we have access to that courtroom we are all right. I would be for it if we did actually develop equipment that we could prove would not injure the decorum of that court and was satisfactory with the judge; then I will fight for it. But until we learn to behave, I am not going to lift a finger.

Mr. Jenner: Thank you, Mr. Chairman.

Chairman Higginbotham: Ambassador Harris.

Ambassador Harris: Thank you. Mr. Isaacs, you said a number of things I hope in your statement that were hyperbolic rather than assertions of fact. Do you really believe that the reason people discount what newspapers say in certain instances is because of other instances they have found them to be unreliable or is it perhaps because as to that which they choose to disbelieve that is too uncomfortable to accept?

Let me give you some instances from the black experience. There is disbelief that blacks are discriminated against, although the newspapers across the country say this is the case. There is disbelief that blacks have inadequate employment, inadequate housing, although newspapers report this regularly. Newspapers also report high illegitimacy among blacks and high crime rates. This is universally believed by the same people who disbelieve the other facts which you report. Now, how do you explain the fact that they believe the illegitimacy figures but disbelieve the housing figures?

Mr. Isaacs: I'm not sure that the whole statement you made I could accept as totally valid. I accept parts of it.

Ambassador Harris: You tell me which you accept as invalid. I obviously accept the whole thing as valid. You tell me which parts of my statement are invalid.

Mr. Isaacs: There are some publications which have reported faithfully and accurately all of these areas which you are touching on, but their influence is no greater than that part of the community or no less. I will grant you that there is a tendency on

the part of all human beings to read emotionally. They want to read first only that which they agree with or which agrees with their prejudices and disbelieve that which goes against them, and yet I am not totally convinced that this is so. This would have to be demonstrated to me over a well-studied and well-documented record.

You have all manner of readers in the newspaper—talking about the good newspapers—they are not very well posted; but there are signals through a newspaper in which you pick it up and you read those things which you want to read which are important to you. It may have Mr. Reston's name on it or it may have some other person's name, and you find what you want to read and so does the other person find what he wants to read, whether it be comic strips or crossword puzzles.

When you get down to sociological data I am not so sure that there is any factual relationship between this kind of reporting. I know your reporting can be very important, for instance, on this relationship of illegitimacy.

Ambassador Harris: I am not talking about relationship. I am talking about facts reported by newspapers with statistical data. There are the data which demonstrate the unavailability of housing to certain minority groups, the number of housing units available, conditions of housing units, employment figures, unemployment figures, income levels comparative—the same kind of statistical data in terms of describing those phenomena that one finds in describing the phenomenon of illegitimacy and crime. One section is universally believed by liberals, conservatives and reactionaries in the United States. The other data are not believed, even though they are reported by the same media.

I ask you is it because, as you have said, the media are wrong, or because there is a selective acceptance of fact in terms of what people wish to have brought home to them?

You make a very serious assertion that people reject certain information, not because of their own biases, not because of what they bring to what may be objective reporting, but because of a judgment they have made based upon past experience with the media about the reliability of the media.

Now, I am trying to test that because I find—I have some questions about it.

Mr. Isaacs: Once upon a time, the same things were true about newspapers, 30, 40 years ago, and yet they were widely accepted because of a great faith in the printed word. I do not find that same faith in the printed word today about anything.

Now, it would be interesting to test at this task force hearing this week. The reporter there from *The Miami Herald,* who reported a very interesting piece of work that was done by *The Herald.* She herself had done this study. There was great unrest about so-called block-busting and what happened to prices when Negroes moved into a certain area. She went into the records to find out what had happened to these price values and found out that either they had remained stable or had actually risen in price. *The Miami Herald* is very proud of this and I think they have a right to be because this is a good piece of constructive journalistic examination of a situation that affects a lot of people.

I assume that a lot of people read that and believed it and this calmed down the area. I assume this. I assume a lot of people did not read it and I would assume a lot of people would not believe it partly because of prejudice but also because of a great distrust of the printed word these days.

I used to get furious over this statement that has been made over the years: that you can't believe anything you read in the papers. In my old age, I have come to understand why people say it and how much truth there is to it and it bothers me.

I have spent my life in this business. I happen to love it. I think it is the greatest calling a man can undertake. I am very sincere and very passionate about it and I hate to see the thing debased. I hate to see it not grow, and I am scared that unless we editors do something about our standards that we are just going to throw away something that we spent our lives working to build.

Now, you are getting into a lot of sociological questions which may be absolutely right, but one of the things that bothers me most is that I think we would have a lot more influence if we were right about more things than we are so that more people would have faith in the printed word.

Ambassador Harris: I have a feeling that this may be a subject of investigation of the degree to which the papers challenge basic, accepted facts and the degree to which they did not, but let's move on to another area. We clearly will not reach agreement on that.

You raised a question about the nature of coverage. You called it mob coverage. This does raise some problems of competitive advantage, but much more important than this,

the public's right to know from a variety of perspectives. I assume that you would agree that newspaper reporters are not fudgable, that one newspaper reporter is not the same as another, and that it makes a difference who writes the story.

Now, how do we deal with that concern of newspapers which have, let us say, well—the James Reston reporting and newspapers who for a variety of reasons may send one of your police reporters. Should we have a pool kind of arrangement or should we provide for as much as possible for each?

Mr. Isaacs: We have already accepted pool reporting, although most newspaper editors deny it.

Ambassador Harris: You may have but I am concerned about me, the reader.

Mr. Isaacs: But they already have, you see. For instance, in a newspaper like mine—and mine is not unusual—we not only get the Associated Press, we also get the New York Times Service. We get the Washington Post, Los Angeles Times Service. We get the Chicago Daily News Service. Now, when we elect to print a story from one of those reporters, are we not accepting the pool idea?

Ambassador Harris: Suppose you choose to send your own man? I have seen so many wire service reports repeated in ten different newspapers on the same day that I have the sense that I do not get the news.

Now, what do I do about my right to have a broader coverage of the events so that I can discern the error that may have been in the first reporter's report? Isn't that a valid concern?

Mr. Isaacs: Yes, it is, but I don't know how we are going to tackle that except that what we do now is what so many papers do—they have these whole series of reports and they check them all carefully to see that one blended report—they blend these reports to make sure they touch all the basics.

They are pooling now. The big criticism, though, that I was making, is that we had it at the time of Khruschchev's visit, you remember, which was a disgrace. They practically tore up a Los Angeles food market. There were more photographers and reporters there than anybody else. They took the place apart.

We had it at the time of the Pope's visit to the Holy Land. That was a disgrace.

There is no reason under the sun why, if they have a trial in Memphis, the Louisville *Courier Journal* will have to send a reporter to cover that trial. I want to know why? We are going to have *The New York Times.* We are going to have *The Washington Post.* We are going to have all these basics coming to us. I will trust these people. In certain cases, we already pool very selectively. If there is coverage of the Supreme Court of the United States coming out of this city, I will tell you right now my paper will pick the report of one of two men, either Jack McKenzie of *The Washington Post* or Fred Graham of *The New York Times.* They both come in. In our view, they are both reliable men. We have a high admiration for them and I do not intend to have the Supreme Court covered by an inexperienced reporter of mine.

Ambassador Harris: I would just ask one question. How much of this has to do with the selection of who is to cover or is it the question of decorum of the people covered? If you have 100 people covering it, is there such a thing as basic decorum which is demanded, which means that somebody may be in the back and never get to the front? Is that the way we ought to go at it rather than some kind of arbitrary decision that there will be one, two, or three? That there will be a certain basic decorum?

Mr. Isaacs: I think the certain basic decorum idea is one I would accept most readily.

Ambassador Harris: So if you have 1,000 people in a 200-room courtroom, first of all, you can only let in 200; and secondly, once they get in, they behave a certain way?

Mr. Isaacs: That is right. This has always been true and there is where the judges fail. If somebody in the courtroom starts to misbehave, the judge has a perfect right to throw him out.

Ambassador Harris: We do not tell you how many people you can send down from Louisville.

Mr. Isaacs: No. I do not care.

Chairman Higginbotham: Dr. Menninger.

Dr. Menninger: I have a feeling, Mr. Isaacs, as others have commented, you are most atypical.

Mr. Isaacs: Yes, I would buy that.

Dr. Menninger: In one sense, I wonder if we are doing right by hearing you and whether we should not hear the other side in other ways; but maybe we will get that.

One area that I am concerned about has to do with the degree to which violence is sometimes used by people as a means to communicate their message when they feel there is no other way they can get visibility or they can get attention; and I am wondering about this in part with relation to the increasing trend, because of presumably economic factors, of one newspaper communicating this. There may sometimes be two newspaper communities but both under the same management. And then you get, as in my home community that has not only both the morning and evening newspaper under the same management but also has the major long-standing television and one of the radio stations all under the same management. Now, they certainly compete with one another; and yet one always wants to have questions if there is the same management ultimately owning it, or the same owner, but not necessarily the same management.

You indicated that standards go up when there is no competition. It is my impression that there may be communities where standards do not necessarily go up; indeed, they can be a little more lax in their performance without the competition.

The question is, should we be concerned about monopoly? And what is the role—I mean, in our society we presume—we call upon the Federal Government to pay attention to monopoly in business interests, although you find this very careful legal distinction in athletics that sports is not a business and therefore it is not subject to antitrust. A lot of simple citizens like myself think that is a distinction that may be hard to make when they start moving a baseball team from one city to another because it isn't making enough money.

Now, what about the press? How does it keep its umbrella of freedom when it starts getting in this kind of situation?

Mr. Isaacs: Well, as I am sure you know, I operate a monopoly, morning, evening and Sunday. There is no inherent virtue in monopoly. All I was trying to say was that the absence of competition permits a raising of standards.

Dr. Menninger: With an enlightened management.

Mr. Isaacs: With an enlightened management. . . With an enlightened ownership. I just want to stress that, because every newspaper property that I know of is a reflection of its ownership. It has to be. And ownership gets the kind of management it wants.

Now, when you have that, you can have higher standards and you can take a community and lead it to higher goals. It works, but I am not going to get into defending monopoly because I do not think there is any real basic inherent virtue in it.

Dr. Menninger: Do you think there are situations in your awareness where it is detrimental to the community?

Mr. Isaacs: Yes, sir.

Dr. Menninger: What do you think the community should be able to do about it?

Mr. Isaacs: Unfortunately, under the economic laws of today, there is nothing the community can do about it, because the amount of money it takes to begin a newspaper gets up in the millions at a very fast rate.

I will put it in the simplest of terms so you can understand it. In the city of Louisville, I suppose—just off the top of my head—it would take $25 million just to equip a newspaper plant and get a staff going to operate a newspaper in competition with us, and they had better have another $25 million to just see them through the first year.

At the same time, I would have to say to them, "You don't think we are going to be sitting around looking out the window that year you are operating?" I do not think there is a prayer. This happens no matter what the political attitude of the newspaper. The economics have got to change and I think there is a great growth toward suburban papers, but this not what you are after. You are after a different view.

There are some cities where newspaper ownership has different editorial policies in its morning and evening paper. I think this is just an outright lie in a way, because you do not know what the ownership thinks.

Now, in our situation, we have only one policy because I know of no way to cut us down the middle. We are only one kind of people.

Dr. Menninger: Are you aware of any new technology that may affect this whole problem of the economics?

Mr. Isaacs: The only technology that I think is coming will come out of the electronic media where eventually it will come in a sort of punchout form into the home. This is the only technology that I know of that might be the real competition for the present day newspaper. This is some time off, though.

Dr. Menninger: Finally, are you aware of any situations yourself, where in a newspaper-monopoly community there is deliberate obscuring of news from certain segments of the community, whether the black community or others, where the owner does not want that information given coverage?

Mr. Isaacs: Yes. Well, I cannot speak as of today or last week or last month. The news does not catch up to me that rapidly. Yes, I have known—and I suppose I could say I do know—of situations where the management policies in this regard smell to high heaven.

Dr. Menninger: Would you be willing to opine that such a circumstance contributes to violence because those segments of the community have no other way to gain expression?

Mr. Isaacs: Sure.

Dr. Menninger: Thank you.

Chairman Higginbotham: Congressman McCulloch.

Congressman McCulloch: Thank you, Mr. Chairman. Mr. Isaacs, I have thoroughly enjoyed your apparently frank, courageous and objective viewpoint, both in the statement and in answer to questions.

Mr. Isaacs: Thank you.

Congressman McCulloch: And if I could say this, Mr. Chairman, I would like to say that in the words of somebody else, the positive can be accentuated, and I would be hopeful that there would be many people in America that could read at their leisure your entire statement and the answers to the questions.

Mr. Isaacs: Thank you, sir.

Chairman Higginbotham: Thank you. Mr. Isaacs, I share in the commendation. This is the National Commission on the Causes and Prevention of Violence and not the National Commission on the Problems of Journalism, and I would like to focus some of my questions on the causes and prevention of violence and the disrespect for law in that context.

You say you have your ombudsman. Has that had any causal effect in having a diminution of the level of violence in your community? It may be ideal from a journalistic standpoint, but can you say it has decreased the disrespect for law or has decreased the level of violence?

Mr. Isaacs: No, I cannot specifically. The whole purpose of the ombudsman is to be the lightning rod for this access to the press which so many people in a large community do not have. We have had a few episodes of protest about things we have not done or overlooked which have had to do with the "have-not" part of the community; and having moved in on those things as a result of the complaint, we may have—underline "may"—*may* have taken out some of this steam. I cannot assert that we did. It is useful in the fact that we have learned a great deal about our own community. This is where it has been most useful because, like other people, we do not know enough about our own community, particularly the "have-not" sections.

For instance, there is one area which is totally black which we did not know, until one of these complaints came in, that there was not a grocery store for a mile-and-a-half from the heart of that section, and once we got into this we discovered other things, such as miserable bus service—the kind of thing that helped Watts explode. Now, we were able to follow through on those things.

So we did learn more about the community and I suppose this focus on those grievances took away some measure of what might have erupted into violence; but I cannot say with any assurance it did, no.

Chairman Higginbotham: It would be my hunch from my experience that it did not hurt and it probably helped in reducing the level because it created the possibility of a change of the system in a non-violent method, thereby giving access.

In the beginning, you stated that it has been well-documented about Rap Brown and Stokeley Carmichael. Then your words sort of trailed away and it was not clear to me what had been well-docume and what you were referring to in relation to this Commission's responsibilities.

Mr. Isaacs: Excuse me just a second while I consult with counsel here.

Chairman Higginbotham: I will give you gentlemen a 3-minute consultation if it would help you.

Mr. Isaacs: Thank you.

Mr. Isaacs: Mr. Chairman, I am sorry. I thought I had this material here and I looked through some of the material which the task force has given me and it is not directly concerned with that particular episode about Rap Brown, but there are others in here which I think you ought to have which the task force says they are going to provide you with, some of this documentation on other cases.

Chairman Higginbotham: Is there some impression from counsel that we should not explore this?

Mr. Isaacs: No.

Mr. Tone: Mr. Chairman, I think to the extent that Mr. Isaacs is relying on material supplied by the task force, we will be glad to check the material and supply you with the reference, if that is satisfactory.

Chairman Higginbotham: Well, I don't consider it our responsibility to call on you, Mr. Isaacs, to interpret the task force materials, because we have communication with them. But I am wondering whether outside of material which our task force has, what you meant? Whether you were willing to go on the public record, if counsel thinks it is appropriate, to say what was and what was not well documented as to Rap Brown and Stokeley Carmichael? I will leave that to Mr. Tone's judgment as to whether we should explore it because I do not know what your conference was about—or Mr. Baker.

Mr. Baker: The only thing that I was—the only thing I want to make clear, the material we sent Mr. Isaacs was from the conference last week and not for his testimony here today.

Mr. Tone: The material referred to was a collection of some publications which were gathered for the conference last week and was the source.

Chairman Higginbotham: Unless you explore this, Mr. Tone, I will not explore it now. You have the option when I finish my questioning of Mr. Isaacs.

Mr. Isaacs, there is sort of a syllogism which may very well go like this, in terms of black and white relationship: individuals have rational prejudices which are "unjustifiable" and then they anticipate a confrontation on the basis of their prejudice and not the fact, and then they are inclined to over-react to the operative fact that they over-react in terms of prejudice.

More specifically, a white person raised in the community assumes that blacks are more violent than what they are and so, therefore, when this white policeman or this white storekeeper has a confrontation with the black, he may very well assume that it is going to be more violent and that he over-reacts or a whole series of policy decisions are made on certain assumptions of violence which are not factually accurate.

Now, if that syllogism is justifiable, as I believe it is, and it could cut across other groups (but I used black and white as an example), would you say that the newspapers of this country which identify defendants charged with crime as Negro without putting the picture—when they do not identify Roman Catholics or Jews or Indians or Italians—contribute to the level of violence in this country or increase the possibility of prejudice in this country? And if they contribute to prejudice, maybe that may be related to violence?

Mr. Isaacs: Certainly, they contribute to prejudice.

Chairman Higginbotham: By the identification?

Mr. Isaacs: By the identification. It shows you how far behind the times I am. Your question surprises me because suddenly it struck me that there must be some papers which still identify.

Chairman Higginbotham: Many.

Mr. Isaacs: In the South?

Chairman Higginbotham: In the North.

Mr. Isaacs: In the North? Newspapers of general circulation?

Chairman Higginbotham: General newspapers of major circulation.

Mr. Jenner: Judge, where there is an element of identification involved, I think that is done. Turning to the Chicago newspapers, I must say that recently—and I do not mean just the last few weeks—there is not an identification with the use of the word black or negro or any other word, but where—as an example, this weekend—there was a $150,000 bank robbery out in Juliet, a suburb of Chicago, and the question was informing the community of the identification. The reports stated in each instance that the two men were white, in order to assist apprehension.

Chairman Higginbotham: Before we get to Mr. Jenner's question, which raises certain inferences which I will meet later, can you answer my question?

Mr. Isaacs: My answer is that the normal high standard of journalism practice calls for no identification by race or religion or any other form unless it is pertinent to a story. In other words, the fact that a man has an automobile accident or there is an altercation after an automobile accident, it is of no concern to the newspaper whether one is black and one is white, unless there is some other pertinency to it that does not apply there.

However, if one man escapes and there is an identification of this man, he is either black or white, this, then, becomes pertinent.

Chairman Higginbotham: May we just explore that in terms of what its impact is, because we are looking at all these items in terms of impact.

I gather you would concede that after a man has been arrested so that you no longer have a problem of apprehension, that the reference to race is of no value?

Mr. Isaacs: Unnecessary.

Chairman Higginbotham: And that the reference to race could be harmful in terms of affecting adversely the level of prejudice in the community?

Mr. Isaacs: It could also lead to violence if it stirred up the black community to a point where a number of people wanted to come downtown to protest.

Chairman Higginbotham: Now, the separate issue which Mr. Jenner raises, in all respect to my good friend Mr. Jenner, I do not use the Chicago newspapers. There are prototypes beyond the Chicago newspapers so that I was making reference to papers which do it.

When you have a community, let us say, in Philadelphia—where you are at the identification stage and you have a community of 650,000 or 700,000 Negroes and there is one crime committed—are you able to make any judgment as to how often the newspaper designation of race, from your experience, has been the factor in causing the person to be apprehended?

Mr. Isaacs: No. I am trying to think of anybody who has ever been arrested as a result of any newspaper description and I am having a terrible time. I cannot remember.

Chairman Higginbotham: All right. Now, if the rationale—and I am sorry I have to go over the whole reasoning process so I can end up at the conclusion—if the rationale is that the newspapers are really concerned about identification shouldn't they say more things about whether a man is bald or not, whether he wears eyeglasses or not, what his height is? But when you have a description, the robbers were Negroes, period, is that journalism at its best if the reason why the reference is made is to aid in the apprehension?

Mr. Isaacs: No. I have always been opposed to this. I have one episode that goes back a good many years. I suppose the reason I remember this episode is because it reflects credit on me.

Chairman Higginbotham: Well, there are many episodes that reflect credit on you.

Mr. Isaacs: Dr. Menninger would understand that statement. Years ago, when I was in St. Louis, there was a reported holdup of a guard transferring money from some store, a substantial sum of money, eight or nine thousand dollars, and the opposition newspaper which was then identifying by race referred to the man's description as a Negro. Since my paper was not referring to race, we did not carry the designation as Negro. It was just a man of 40 years of age or so. It turned out a week later that the guard himself confessed that he had personally arranged with a friend to take the money off him and there was no holdup.

So I received pats on the back for not having misidentified a Negro. My competition should have learned a lesson that it is very dangerous to take anybody's word for who is being arrested. They did not. I am sorry people still hold this identification because I happen to agree with you.

Unless it is pertinent, it does not matter what a man's religion is or what his race is or what anything else is. It is what effect he has on the news when he has it.

Now, if the picture is in there, the picture can tell you if this is of any value. For instance, a Negro athlete will show up in a photograph as a black man. You do not have to designate it in the story as saying he is a great Negro athlete, which I think is a little condescending. He is a great athlete whether he is black or white.

I agree with you up and down the line.

Chairman Higginbotham: Could I change the context from the race issue? Part of your thesis—and I think I am following up in a different route what Ambassador Harris started about the distrust of the printed word and I am talking in a non-racial

context—when I speak on college campuses, and I get to about seven or eight a year—there is distrust. period; there is distrust of the church, distrust of the public officials, distrust of the President. There is a presumption, I gather, of evilness, and you have got to prove yourself good, where perhaps in my generation in college—I am 40 years old—I thought at least the ground was level and there was not a presumption one way or the other.

I am wondering whether you are not looking at it too microscopically. Is not the distrust of the printed word more than a distrust of journalism or television, but more that we have a society which each day is questioning more of our basic assumptions throughout religion, sex, and many other things?

Mr. Isaacs: I think you have got an excellent point and I would admit that I look at it through a very narrow set of prisms because this is what my whole function in society is; I am dissatisfied with the way it is going and I do not see it moving enough.

But, you see, my generation is guilty of one terrible sin: it promised too much and delivered too little. I do not blame the kids for looking at us crosseyed. I do not blame them a bit. I think we doublecrossed them. We should not have promised so much. Remember that old saying, "Always deliver more than you promise." I think that is where we are in trouble. I find it with the kids, too. I buy your thinking.

Chairman Higginbotham: Are there any other questions by any Commissioners?

Senator Hart: I am a little uncomfortable lest somebody later, in reading this record, say "Why didn't you raise the newspaper practices in Detroit with respect to racial identification?" And I would ask, Mr. Chairman, that we include in the record at this point an explanation from the Detroit press.

It is my impression that in the recent past one of our metropolitan newspapers has, for reasons that were persuasive to it, resumed the practice of identifying someone involved in assault, theft, vandalism, as black. Now, if I am wrong in this, there will be nothing in the record at this point. If I am right, we will have an explanation of the reasons that persuaded that publisher to resume the practice.

Mr. Isaacs: I am sorry to hear it. There have been pressures from a number of people for this kind of identification. The normal newspaper editor rejects this out of hand. It is the same thing I said about the police chief. It is our newspaper and we are going to decide how it is printed and how it is edited.

Chairman Higginbotham: Any other Commissioners?

Senator Hart: Any newspaper editor who has resumed such practice, I assume, has his reasons and the Commission would be glad to receive them. Is that right?

Chairman Higginbotham: Yes, I am certain we will.

Ambassador Harris: Mr. Chairman, there is a practice which I have perceived recently of identifying rape victims by race, not by name, but where the victim is white or the rapist black.

This has occurred in at least one Washington newspaper within the last couple of months. I cannot remember the exact occasion, but this does occur here. Now, there is no identification problem here, obviously, we know. But I just think the record ought to reflect that.

Mr. Isaacs: I am curious as to whether this is one of those little police stories that just follows the police record or is it an actual case of rape? You know, newspapermen are cynics at heart, and they learn at a very tender age that what the young woman says is rape, the doctor says was not. I don't know.

Ambassador Harris: I do not see the relevance of that to the report, very frankly.

Mr. Isaacs: I do not see why—the relevance is this: I wonder why the newspaper is still accepting this kind of bland police report without checking.

Chairman Higginbotham: Mr. Tone.

Mr. Tone: May I have one minute, Mr. Chairman?

Chairman Higginbotham: Certainly.

Mr. Isaacs: If I could find that part that I was referring to that had to do with the Rap Brown-Stokeley Carmichael thing, which I am sure I have someplace in my scattered file, I am going to send it to you.

Chairman Higginbotham: Thank you.

Mr. Tone: All my questions have been anticipated, Mr. Chairman.

Chairman Higginbotham: But not as precisely as yours would have been.

Mr. Tone: Perhaps.

Chairman Higginbotham: For which we apologize.

Thank you very much. Your contribution has been of major importance and our questioning is a tribute to your capacity to accelerate our interest in this problem.

Mr. Isaacs: Thank you very much. I am glad to be here.

Mr. Tone: The next witness is Mr. John F. Dille, Jr.

Chairman Higginbotham: We are delighted to have you.

PRESENTATION OF MR. JOHN F. DILLE, JR.

Mr Dille: Thank you Mr. Chairman.

Mr. Chairman and members of the Commission:

My name is John F. Dille, Jr. I am President of the Communicana Group, an umbrella name for three Indiana corporations. We operate two UHF television stations: one, the NBC affiliate in Fort Wayne; the other, the ABC affiliate in South Bend-Elkhart. We have AM and FM radio stations in Fort Wayne, and AM and FM radio stations in Elkhart, Indiana—all NBC affiliates. We also publish *The Elkhart Truth*, a daily, except Sunday, newspaper. I served two terms as Chairman of the Joint Boards of Directors of the National Association of Broadcasters and two terms as Chairman of the Board of Governors of the ABC Television Affiliates Association. I am a member of the American Society of Newspaper Editors. I am a graduate of the University of Chicago with a Master of Arts degree in social science and communication.

During my active experience in the mass media, which spans more than three decades, daily newspapers have been substantially reduced in number but have sustained progressive upgrading of performance in the public interest. Widely held, earlier fear of the consequences of reduced competition and numerically-diminished voices has been more than allayed by responsible, balanced performance and the advent of electronic media.

Electronic media, on the other hand, have proliferated and have continued to grow in numbers. In comparatively recent years thay have had to make an accelerated transition from an essentially entertainment genesis to a role of social significance as important instruments of information in our society. In view of the demands they have made upon themselves and which society has made upon them, it is my conviction that they deserve praise much more than castigation for the degree of success they have achieved in this difficult transition.

All of this is not to say that criticism is not deserved or needed. Indeed, constructive criticism must help guide and bring about improvement and changes in this or any other form of activity with social responsibility.

I shall return to this line of thought, but, first, I would like to describe some of the considerations in operating the newspaper and broadcasting stations at the local level.

In the newspaper, of course, we have total content-control. Our objective in our newspaper is to provide all that a reader needs to be a well-informed citizen if he does not seek out any other element of the mass media. We currently average 32 to 36 pages per edition on a daily, except Sunday, basis. The Associated Press and United Press International provide us with international, national, and state news. We supplement state and area coverage with our own staff personnel. Throughout our multicounty circulation area, we deploy our own permanent staff personnel from time to time as well as using the conventional stringer system.

In broadcasting we have and accept total responsibility for what we broadcast, although we have absolute content-control only over that programming which we originate. In the nature of the business we cannot have control over network programming, although we can and do exercise influence prior to new programming seasons and after programs go on the air. Well in advance of each new season the networks give extensive information and pilots of new programs at affiliate meetings and via closed circuit. This is also done from time to time as program changes are made during the year.

With the exception of a very few hours per week, we carry all network programming as scheduled. We carry network news, documentaries, special events and other public service programming without exception. When we do pre-empt network programming it is with the intent of carrying it on a delayed broadcast with the network's permission.

In addition to network programming, we purchase syndicated programs and feature films. Although largely entertainment, some of the syndicated product is part

entertainment and part informational, such as an excellent travel series which we carry. Purchasing most of this programming through a national organization of which we are a member aids in screening for suitability for broadcast. Nevertheless, our film director screens every episode and every film before it goes on the air.

The area of information, news and editorial is frequently sensitive. Often judgment on news and commentary must be made immediately. In the case of on-the-scene reporting or commentary, the electronic media have a problem which newspapers are spared. There is a built-in protection in that written material, of necessity, goes through processing stages before reaching the public. A reporter, however up-tight he may get in the process of gathering a story, usually has time to unwind by the time he finishes writing the story or finishes calling it in to a rewrite man. Even if he does not, the copy must go through someone else's hands who has not been at the scene and who, therefore, can be more objective as he edits the copy. Not always so with the man on the air. Frequently, he must react as the event is in progress or early in the wake of its conclusion. This calls for calm performance resulting from training and experience. Yet the immediacy of the electronic media is dynamic and valuable, and as the body of experience grows, so does the quality of the on-the-air personnel.

In each of our two markets, the broadcasting information, news and editorial function come under the daily operating responsibility of a news director. In one market, he is a man who has been in broadcasting since 1945, news director at our station since 1956, has run for public office and is active in numerous civic organizations. In the other, he is a man who has two degrees in political science, has been an instructor at Indiana University and St. Mary's College in South Bend, a press aide to a United States Senator, and has won national headliner and American Political Science Association awards for reporting. We deem each of these men qualified to make value judgments on news coverage and its handling. If he is in doubt about an item, it is kept off the air until approved for later broadcast by the Vice President-General Manager of the station involved. Beyond these men are the Executive Vice President and President of the Communicana Group. The Executive Vice President is a Phi Beta Kappa graduate of the University of Illinois, a law graduate of George Washington University and had five years' experience with the FBI before entering broadcasting.

There are three key persons involved in newspaper news and editorial judgment below the publisher. General management is in the hands of an associate publisher who was an Ernie Pyle scholar and editor-in-chief of *The Daily Student* at the Indiana University School of Journalism. The managing editor was also editor-in-chief of *The Daily Student* and is a graduate of Indiana University's School of Journalism. The third man is the editor of the editorial page, whose entire time is devoted exclusively to that page. He is a graduate of the Medill School of Journalism at Northwestern University, with both bachelor's and master's degrees.

In both newspaper and broadcasting media we have placed emphasis upon bringing to our news staff young people with talent and promise. Some have had experience before joining us, some are just out of journalism school and a few have not been in the mass media before but demonstrate adaptability for newswork.

Although the news staff in newspaper and broadcasting are physically separated and separately directed, planning liaison frequently occurs for the purposes of better serving the public. Exchange of information among the individuals comprising the staff of both kinds of media frequently permits one to develop leads and better background information from ideas offered by the other.

Let me now narrow my scope to criticisms of broadcasting.

The critics charge us with excesses of violence in two areas: the violence of the fiction and the violence of the journalism it presents. I have a dual confession to make: first, violence is rife in each of these areas; second, I do not know in either case when it becomes excessive.

While ours has been from its beginning a violent society, this criticism assumes that our common goal is the elimination of violence—in our country and the world. I accept this assumption.

How, given this goal, can or should mass communication (particularly broadcasting and more particularly, television) contribute positively to the goal of negating violence in our lives?

The programming we present, both fiction and non-fiction, inescapably contains violent acts or events. Violence in our lives is a reality.

For our journalists to shun violence would be to tell it like it isn't, not like it is. An informed electorate—the central goal of a free press—is not achievable unless reality is exposed. How can our people exercise their sovereign rights without knowledge of the conditions that threaten our peace and security? That the people are sovereign is the political philosophy underlining our constitutional system—and the people cannot control government if the information they get is managed or controlled by government to any significant degree.

Considering attempts to control or limit the presentation of violence by mass media raises some fundamental questions. One, on which this Commission has heard eminent scholars, but as far as I know remains unresolved: does exposure to violence lead to more or less violence or does it lead to social change which would tend to eliminate violence?

Can progressive change in our society take place except with some degree of violence? I have an impression of history that some degree of violence preceded almost every social change in the past, whether we now consider the consequences of the changes good or bad.

We can look back and conclude that some of the violent acts in history have contributed significantly to what we call progress. But I have heard no historical philosopher claim he is so sure of the elements of historical development that he can take all existing elements, eliminate some, and put our future upon a kind of time-table to the millennium.

I must, at least, confess that we, as mass media, lack the capacity to make such historical predictions. At the same time we reject any assumption that history will proceed to its ends regardless of what we do.

Our primary duty must be to expose reality. That is our moral duty. The duty to make moral judgments about and condemn acts of violence, which we do, is secondary.

We can agree that violence is morally bad. But is it morally bad to expose violence? More precisely, is it morally bad to fail to expose it?

It has been argued that our exposure of violence is germinal, that it creates more violence, that violence grows in the light we cast on it. Others argue that if we do not expose it, violence will grow—that, like fungus, its most hospitable environment is darkness.

Who is right? Who will give us the undeniable and inevitable results of our exposure or nonexposure of violence? We of the media do not possess these divine qualities. We have yet to find who does.

Our course must be to throw light on things good and bad. Often, it will be on the bad. If we are to be an instrument of social change, we must portray the bad which cries out for change. If the people or the government won't change, we have at least done our duty and history will make its judgments.

I must say that at the same time I express these convictions, I appreciate that the times and the circumstances lead many to feel a need for a critical examination of the mass media to clarify the relationship to violence, if any, and other factors in our society.

It would not be unreasonable to infer from what I have said up to this point that I feel all is well in news media performance. I would modify this inference only somewhat. I believe the performance is creditable under extraordinarily difficult circumstances, that it is constantly improving, that it knows it has a long way to go and intends to move steadily forward.

How one judges mass media performance depends upon the standards one personally adopts as a basis for judgment. Journalistic standards set up by non-journalists will almost always be at odds with those adopted by journalists. This is an inherent and an inevitable conflict. It can also be expected that journalists would refuse to recognize externally-adopted standards as binding or guiding. Consequently, they would have little effect upon the performance unless they were adopted as law and sanctions for violations imposed. Here the First Amendment and its underlying philosophy stand as a bar. From time to time the Public Commission idea, or modification of it, is revived for current consideration. Some recent discussion has led me to wonder whether this concept might be more adaptable now and might possibly succeed now where it has failed in the past. We recall the 1947 recommendation of the Commission on Freedom of the Press—that an agency be established to appraise and report annually upon the performance of the press. Britain tried the British Press Council and failed in 1949 and tried again in 1962 with the Royal Commission of the Press.

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2 OF 6

Reports on experiments with local press councils are available. The Radio and Television News Directors Association, RTNDA, had in the last few years established a grievance procedure coupled with its Code of Ethics, under which any responsible person or organization may file a grievance for review by the procedure. It is my understanding that it has been relatively inactive for lack of grievances filed.

In recent weeks, a proposal has been made by the Honorable Lee Loevinger, until recently a member of the Federal Communications Commission, to the National Association of Broadcasters. It proposes a National Broadcasting Council on Fairness and Accuracy in Reporting. It would extend down to state association levels and perhaps local levels. It would function like a professional grievance committee and probably consist of a panel mixing broadcasters and others.

It is my conclusion, assuming that sanctions are not available, that no such efforts will help guide or direct improvement of the mass media as much as self-appraisal among the journalists themselves. I believe most mass media men are impressed and influenced most by the judgment of their peers.

There is much more of this kind of activity going on now than is generally realized, and I believe the greatest hope lies in fostering and encouraging more of it.

Mr. McCulloch: Thank you very much, Mr. Dille. Now, would Committee Counsel wish to question our witness?

Mr. Tone: Thank you, Mr. Chairman.

Mr. Dille, I believe you said you were active in the Association of ABC Television affiliates?

Mr. Dille: Yes, sir.

Mr. Tone: Would you tell us what that organization is?

Mr. Dille: Yes, sir. That organization—and each of the networks has one like it—is an association composed of most—I doubt if it is entirely all—but certainly the vast majority of affiliates of that network and this is true of each of them.

Mr. Tone: And you belong, also, to the NBC Affiliates Association?

Mr. Dille: Yes, sir.

Mr. Tone: Do those organizations deal at arm's length with the networks? Do they resolve differences between affiliates with the networks?

Mr. Dille: Yes, sir. They act as a liasion committee. In the case of ABC, it is called the Board of Governors of the Affiliates. In the case of NBC it is called the Board of Delegates, and CBS may call it the Affiliates Committee. They meet with the network officials on a two or three times a year established basis and have frequent contact all during the year, but individual affiliates may record with these members of the committee any problems they have or matters they want explored and then the committee takes it up with the network executives.

Mr. Tone: Are most matters that are negotiated between the affiliate and the network handled through the organization or are they handled directly with the network, or can you generalize about that?

Mr. Dille: Well, only to the extent that individual affiliates are free to, and in numerous instances do, contact the networks direct. But smaller affiliates who may be a little less vigorous or feel a little less free to call network executives in New York, have as a mechanism the Affiliates Board which can act for them.

Mr. Tone: Have either of these affiliates associations in your experience taken up with the network any complaints the affiliates may have had about network programming?

Mr. Dille: Frequently. Frequently.

Mr. Tone: Has violence or excessive violence in entertainment programming been a subject of such discussions?

Mr. Dille: Yes, it has. In answer to that, I think that I would observe—when it comes to a question of an affiliate deciding, because he has the ultimate responsibility for what goes on the air, as to whether or not he will discontinue a program—that he would take this up individually with the network rather than using the instrument of the affiliates association.

Mr. Tone: Under what circumstances would the problem of violence—or has the problem of violence been taken up through the Association?

Mr. Dille: In meetings where broad and general discussions of all kinds of programming—probably principally on the entertainment side—the Affiliates Committee, speaking for their membership, have addressed themselves to the network as to what

their plans are for upcoming programs or seasons or whether they intend to make modifications in programs now on the air which some affiliates have felt are questionable in terms of violence or in terms of sex or in terms of adverse impact upon children, particularly in the case of programming in hours where children are exposed and on Saturday mornings where there are all kinds of cartoons and films.

Mr. Tone: Has the voice of the affiliates association been effective in causing the networks to make changes in their programming plans, in your experience?

Mr. Dille: Yes, sir. I would consider it definitely effective. It can hardly be effective for immediate change of, let's say, dropping a program. It can be effective for early modification on those episodes, for example, which are not yet completed and produced. But in terms of a longer term policy and philosophy, it is distinctly effective.

Mr. Tone: Are the affiliates consulted through their organization about plans for the following year's programming?

Mr. Dille: Yes.

Mr. Tone: And in particular, about the violent content of such programming?

Mr. Dille: Well, before the beginning of any new programming year (frequently in the spring preceding and then closer to air time for new fall programming), an extensive program is provided to the affiliates by the network showing pilot films, giving story lines, all kinds of information about the program anticipated. Then during the year there are fairly frequent closed circuits which may be for the purpose of exposing changes in programming or, if substantial questions have been raised, there will be a closed-circuit treating with the question raised by the affiliate.

Mr. Tone: What proportion of your daily programming are you able to prescreen? I am referring now to network programming.

Mr. Dille: We do not and cannot, on a day-by-day basis.

Mr. Tone: You do prescreen when there is to be a change in programming or a new show?

Mr. Dille: Prescreening is principally limited to pilots to give the story-line theme which will enable affiliates to speculate at least on whether it is the kind of plot and theme which could conceivably be something to keep an eye on.

Mr. Tone: Does your local station in Elkhart, South Bend, or the one in Fort Wayne produce and show local documentaries dealing with community problems requiring solution?

Mr. Dille: Yes, within the obvious budget limitations of markets of our size, we do. We do not do these on a regular basis, but we do them from time to time and have done them on a number of public-service issues.

Mr. Tone: Are you able to find sponsors for such programs?

Mr. Dille: On a limited basis. This is certainly not the kind of high-rating program which most conventional sponsors would hope to have return-invested dollar, but there are occasionally sponsors of an institutional goodwill nature. Sometimes they are the utility companies; sometimes they are banks; that kind of institution which as a public service is willing to pay the price of advertising, their own return being whatever goodwill accrues to their name being attached to it.

Mr. Tone: Some of the motion pictures shown on television which have originally been exhibited in motion picture theaters are furnished by the networks, are they not?

Mr. Dille: Certainly, motion picture film is furnished by the networks. I do not know the extent to which it may be film which has previously been shown in public exhibition and theaters. This has tended to be diminished. Much of the film product today has been developed for television and then may later go to the theater.

Mr. Tone: I am thinking of such things as "Saturday Night at the Movies."

Mr. Dille: Many of those are new products, but if you are thinking about some of the famous films of the past which do still come back, of course it is true that they have, in most cases, been shown in public theatres before.

Mr. Tone: The networks do furnish some motion pictures as part of their network programming?

Mr. Dille: Yes, sir. It is a big field today. All of them do.

Mr. Tone: Do you also show pictures in non-network time which you procure individually?

Mr. Dille: Yes, sir.

Mr. Tone: So you select—you, rather than the network—some of the films that are shown on your television station?

Mr. Dille: Yes.

Mr. Tone: And on what basis is that selection made?

Mr. Dille: Well, as I indicated in my prepared remarks, almost all—in fact, I think literally all—of our entertainment programming, meaning feature film and what we call the off-network, half-hour series and that kind of thing, whether they be action or comedy or this travel series I mentioned—are purchased through an agency in New York of which we are a member, and that agency does a pretty thorough screening—a thorough, not pretty thorough—screening job and also provides us with more than adequate story lines and description of what the film or syndicated half-hour would be.

Then, in addition, as I say, we screen them before they go on.

Mr. Tone: It is correct to say, is it not, that the decision as to part of the entertainment material in the form of movie films shown on local television stations is made by the local station rather than the network?

Mr. Dille: Correct.

Mr. Tone: Mr. Chairman, I have no further questions at this time.

Chairman Higginbotham: Fine. Mr. Congressman McCulloch.

Mr. McCulloch: I am very glad to listen to my neighbor.

Mr. Dille: Thank you, sir.

Mr. McCulloch: I might say, that I can be sure you probably concluded that now, but I think your coverage in Northern Indiana and Western Ohio is very good.

Did you originate that system of editorial telecasting and broadcasting in that part of the United States—editorials?

Mr. Dille: Sir, if you are asking, were we the first to editorialize, I don't know that I could claim that. I really don't know the answer to it. We were early among stations which editorialized.

Mr. McCulloch: Did that prove satisfactory, generally, in your communities in both states?

Mr. Dille: Certainly, it is very satisfying to us as a matter of performance. To the extent that we get response on that kind of programming from the audience, we are gratified with their reactions. I suspect we don't garner very large audiences with editorials.

Mr. McCulloch: Do you have substantial criticism from viewers and listeners of your treatment or non-treatment of violence?

Mr. Dille: No, sir. I would say that is quite limited. Unfortunately so. We would welcome more knowledge of how the community feels. We are much more apt to hear, unfortunately, about some praise or criticism of entertainment programming, that we took something off when they wished we had left it on or failed to put something on they heard was carried on some other station—that sort of thing.

Mr. McCulloch: Do your friends and associates tend to discuss the merits and demerits of your broadcasting and telecasting when they are with you in person?

Mr. Dille: In a social context?

Mr. McCulloch: In a social context.

Mr. Dille: Yes, sir, and usually critical.

Mr. McCulloch: Is that helpful?

Mr. Dille: I don't view it as being particularly helpful. Occasionally, of course, someone will, in a social context, make a thoughtful and reflective and perceptive observation. More often than not, it is rather idle talk and usually of a needling variety.

Mr. McCulloch: But you do find occasionally some kernels of goodness even as do members of Congress when they have their social contacts with broadcasters and the like, do you not?

Mr. Dille: Yes, sir, that is correct. And I might add, that we do from time to time initiate inquiry ourselves because then we can ask them in a purposeful way and at a time and place where we would hope to elicit a thoughtful and purposeful response.

Mr. McCulloch: I believe that is all.

Chairman Higginbotham: Thank you, Congressman. Dr. Menninger.

Dr. Menninger: Mr. Dille, part of our concern as we have progressed in our deliberations in our hearings on violence is the recognition that some people would like to see the answers all decided in Washington and more money appropriated and so forth and so on. Many of the answers have got to come at the local level. I think one of the things that is important for us to have is the perspective of the individual who at the local level is in a position of great influence, and that is, the position such as you and the communication facilities which you are related to—or are related to you.

I am not sure that I perceive the sense of what you feel is the responsibility at the local level, except in a kind of a very general way. I wonder if you would care to elaborate on that at all?

Mr. Dille: I will be glad to try. You are thinking of what we perceive to be our responsibility because we are the operators of elements of the mass media at the local level?

Dr. Menninger: And in neurology we think of the fact that there is one nerve cell that we find the final common pathway, and that is no matter what else goes on up here [indicating], if you are going to move your arm it all has to go through one nerve that stimulates the muscle to make it move.

In so many ways, for most the people in this country, the local station or the local local paper becomes a very important final common pathway for news and information; thus, it can be ultimately of great influence in terms of how a locality responds and the degree of violence and so forth that it may effect.

This is why I focus on that. What you see as the responsibility of your final common pathway?

Mr. Dille: All right, sir. We certainly consider our responsibility. Now, I am mixing newspaper, radio and television together here, but I will separate them at any point you prefer. We feel naturally obligated in terms of the news and information function of providing within our limitations as full, as fair and as accurate reporting as we can, for the local and area coverage. Now, obviously, we depend upon national agencies for anything beyond the scope of our area.

We cannot ignore the entertainment function, and in that respect we feel that our obligation is to adhere to the provisions of the Code of the National Association of Broadcasters, to which we subscribe and faithfully adhere, in terms of, again, to the best of our abilities of exercising judgment and good taste, suitability for the audience at the time which the program is scheduled; and that sort of responsibility, we accept and we think we discharge faithfully.

I might add, Doctor, I would hope that there is no impression that we have all the voices in the community because the South Bend-Elkhart market is a three-station market, meaning it is fully served by all three stations and, of course, has a great deal of enterprise and zeal created by the competition among and between the three, and at the local level. Although we are the only newspaper in Elkhart, we are 27,000 circulation, and we have 18 miles away a paper of 130,000 circulation; so if we did not do what we believe to be an excellent job, they would invade more heavily than they do.

Is that responsive to your question?

Dr. Menninger: Yes. Let me ask you, if I could, to add to this; that is, do you have any advice to us, or suggestions as we approach this problem of the causes and prevention of violence? We are aware that a major task in the subject is education, in public education, about what some of the facts are, and the like. Whatever we come up with, we will only go so far in some respects as it is seen, heard, read, what-have-you. The question is, as we consider how much needs to be done on local levels, what can you advise us in trying to communicate to the locality?

Let me put it another way. I come from a community of 125,000 people. Aside from an occasional issue that has come up and which may be related to the fact that I come from the community and am involved with the Violence Commission, I think most of the citizens have no idea that there's much going on, if anything.

How do we educate people about the whole business that we are engaged in, and what is the responsibility of the smaller station?

Mr. Dille: When you say, how do we communicate, you are speaking of the Commission, itself?

Dr. Menninger: Yes, that is one question. What could we do that would make you feel—gee, this is something that the community of Elkhart-South Bend should be very much aware of and that we should put on a priority level of our coverage, our attention and so forth, you know, at the very highest level?

Of course, one way we can do that is to invite you here, and I would assume that your stations are going to pay some attention to the fact that you are here before us.

Mr. Dille: I am not at all sure of that.

Senator Hart: Doctor, if you would yield. Would you be more sure if we engaged ourselves in violence and discord and disruption that you would get—that it would be a reason for reporting it?

Mr. Dille: I am sure you want a serious answer to that, Senator.

Senator Hart: I do. I think it is an obvious question, but I have yet to get a solid answer.

Mr. Dille: I think the answer is yes.

Dr. Menninger: If one of us were to come down and engage in a little physical altercation, we would make the front page of the Elkhart paper?

Mr. Dille: Yes, sir.

Congressman McCulloch: Might I interrupt to say, even if we engage in considerable shouting?

Dr. Menninger: We should talk louder maybe. This is part of our concern.

Mr. Dille: Well, I think short of such drastic measures as have been suggested, at least as hypothetical possibilities, I do not know what your plans are, for example, for the release of systematic reports of what you are doing and with whom you are speaking and what your conclusions when you are ready to express them are.

Dr. Menninger: I don't know that we know the answer to that question.

Mr. Dille: I think probably the Commission work is too new and you have not reached the point of planned briefing of the press, but certainly that has got to be one significant and important way to tell the public, and I would hope certainly and believe it would be true—that the mass media in general would welcome this and would give it prominent display. I see no reason why they would not.

Dr. Menninger: Again, to take up a specific, this question of what somehow reaches the public about what is going on here. Your careful observations and the observations of those who preceded you here today and will follow you tomorrow and the next day, there is a lot of material and obviously it fills books of testimony and it is not something that any paper, or even less, any news broadcast can cover in its entirety, so the question is, what gets picked up?

It is the area of news judgment, but it so often appears to be a matter of conflict. I am not sure—I do not get the feeling—that in news judgment there is a sense, as much a sense, of what the public ought to know as I think the press feels is so.

Mr. Dille: If I understand it correctly, Doctor, I am not sure I share that.

Dr. Menninger: What gets picked up here is one Commissioner walks out of a hearing and that—or that there was some shouting back and forth, that there was some conflict and some emotion. So at times, to a degree there is a loss of what are some of the most significant contributions or significant information conveyed by the witness.

Mr. Dille: If I may suggest it, I think that may be a premature conclusion. I think you are early enough in the activities of the Commission that there perhaps has not yet—and remember now, I speak from Indiana, and in this respect we are dependent upon wire services and those agencies which we are members of or subscribe to—and I am not sure there has developed a concept in some of their minds of your plans and thinking. Up to this time, perhaps, they feel dependent upon you in your wisdom—and I mean that—to inform them. This is a very august body. They may feel presumptuous in trying to come to a central point which speaks for the Commission. Perhaps up to this time they have only the recourse of singling you out individually.

Now, if you have a system whereby you are expressing collectively what is going on, and they are not paying attention to that, I would be very much surprised.

Dr. Menninger: Let me ask you a question on a different aspect. We have heard a lot about economics, and Mr. Tone was asking a little bit relevant to that. The question is, at least for our edification, where do you put the role of economics in journalism, whether it is electronic or newsprint media? How much does this become a crucial factor in assessing how the operations go?

Mr. Dille: In terms of public service programs and news and documentaries and that type of thing?

Dr. Menninger: The whole thing.

Mr. Dille: Obviously, we start with the premise that all—or almost all of us—are in the private sector and are in a profit-seeking, free enterprise.

Dr. Menninger: It is no sin to make money.

Mr. Dille: Correct. It may be a sin to keep more of it than you can satisfy your conscience with and I speak seriously now of plowing it back in. But there are many of us in the mass media who believe in plowing it back in. While I have to concede a few months to Uncle Norm Isaacs, I have been in it a long time, too; and I think he would agree with me that most mass media—men in management and at the executive levels—believe that their best road to long-term maximizing of profits is by delivering the product and to do that you have got to spend the money in the news, the editorial, the documentary, the special-effort side.

If it would be of interest, I can tell you the percentage of our budget that we devote to that kind of activity.

Dr. Menninger: Let me put it in another way. The communications, American Telephone and Telegraph and the like, are limited by federal regulation.

Mr. Dille: Yes, sir.

Dr. Menninger: In the degree of profit that they may have, they are very carefully regulated. I am not aware if there is any kind of limitation like this on any radio or television or the like.

Mr. Dille: No, sir, praise be.

Dr. Menninger: The question is, what is the profit? Can you give us an idea of what the profit range would be?

Mr. Dille: Of what it is among stations?

Dr. Menninger: Yes. What I am thinking about, you know AT&T in most states is regulated at 6 percent or 7 percent profit margin. There is a limit to how much they can make.

Now, this is not true in other areas, but . . .

Mr. Dille: No, sir. It is just not true in private business. I would hope that you are not extending the principle of public utility concept to the broadcasting business just because it does come under a federal regulatory agency.

Dr. Menninger: No. I am far-ranging here and just trying to think of other models in which there is public service.

Mr. Dille: The range in broadcasting profits in station operations is a very wide one, and if I may for just a moment comment, it is frequently misunderstood when those who want to be critics of broadcasting talk about tremendous profit figures, 40 percent, 45 percent, 38 percent—things of that kind. That may be true in a limited number of circumstances but most stations are in much more modest positions.

It is commonly known that the owned and operated stations of the network make a great deal of money if you isolate that as an operation. But it also provides the money which the network spends and they spend great quantities of it which they could not generate in and of their own operation which rebounds to our benefit as affiliates and, therefore, to the benefit of the audiences we serve.

Dr. Menninger: You were going to quote some figures. You were going to make some reference to some figures.

Mr. Dille: To budget allocation. For example, in the news departments of our WSJV television station at South Bend-Elkhart and our radio station, the combined program departmental expense spent on local news represents 23.3 percent of our program department budget.

Dr. Menninger: One final question as we talk about economics. I was previously critical of the major networks in terms of the amount of money they spend in research to know what they are really doing; in effect, that if you are dispensing a product you know what that product is going to really accomplish. I am sure they spend a lot of money determining whether advertising is effective, but the question is whether they have any idea of the other impact of what they do? Do you have any opinion about that? What is the responsibility of the industry to have some awareness of the impact of what it does and what kind of commitment it should make to studying this?

Mr. Dille: I suspect my competence in responding to that question is quite limited, speaking as I do from the field. How to attach the price tag to it? I would not know. There is no question that not only is research important to be done by broadcasters, whether they be networks or the National Association of Broadcasters, which is the collective unit for all of us out across the country, but also that great quantities are spent, and this would not be hard to ascertain. I must say, the networks in and of their own efforts spend large quantities of money, and in addition are the most prime of targets for solicitation by all kinds of other bodies, educational, broadcasting and otherwise for contributions to research funds, which one way or another, I think, are spent generally wisely and helpfully. Sometimes there is duplication which hopefully would be avoided, but I do think it is done constructively.

Dr. Menninger: Thank you.

Mr. Dille: Thank you.

Chairman Higginbotham: Mr. Jenner.

Mr. Jenner: Thank you, Mr. Chairman. Mr. Dille and I have been friends for many years, and I must report to the Commission that he has been a long-time splendid client of mine.

Mr. Dille, I do have some inquiries that your testimony brought to my mind. Do you have any conception at the moment, or any view, as to whether since the assassination of Martin Luther King, whether there has been less or more portrayals of violence on television? I say generally, first, and I will follow that by asking you if you have any knowledge of that in respect to your station?

Mr. Dille: I am not sure I understand, for one thing Mr. Jenner, the selection of that specific event or day as a time of departure. I, frankly, would have a hard time measuring what we have carried before or since to get a comparative value.

Mr. Jenner: Have you ever made any effort to ascertain that, either from your position as Chairman of the Broadcasting Association or as the owner and operator of a television station?

Mr. Dille: As to whether or not there has been more or less carriage of violence in broadcasting since the assassination of Dr. King?

Mr. Jenner: Well, may I put it this way. Maybe that is too narrow a span. Let's use since 1964 to give you a broader span of time.

Mr. Dille: You are speaking largely of news or commentary or documentaries or that kind of programming? Or would you conceive of this as maybe being related to entertainment, too?

Mr. Jenner: I would like to separate it into commercial broadcasting, which I understand to be in large part entertainment. I don't know how you divide your industry. I want to exclude news broadcasting for the moment.

Mr. Dille: I fear I would be hardput to answer that. Certainly one specific answer is that we have not attempted to measure that. That doesn't mean it hasn't been tried. I don't know who has tried to measure it and I am not sure that I would see a motivation for measuring it. Of course, I am talking about news and documentaries. I never thought of it in connection with entertainment; for that sort of programming where violence occurs, violence is carried and violence is reported and that may generate documentaries or may generate commentaries on it. This could conceivably increase the amount carried in the wake of any major violent tragic event of the kind you cite.

Am I being responsive? I am not sure, really, whether I understand what you are driving at, Mr. Jenner.

Mr. Jenner: I don't think you are and it is probably my fault.

I am directing myself primarily to that portion of your statement in which you say—and to which everybody would agree—"Our primary duty must be to expose reality. That is our moral duty. The duty to make moral judgments about and condemn acts of violence, which we do, is secondary." It is that thrust to which I am directing my attention.

Taking the areas of exposure by television, other than news broadcasting, what do you do, either in terms of Elkhart in your television stations or in terms of your broader concepts, to expose reality insofar as entertainment programs are concerned?

Mr. Dille: In other words, the function of self-criticism on the air to the public of the programming which we carry?

Mr. Jenner: No, sir. I was trying to find out that portion of your discipline to which you are directing this comment in your talk to us. "Our primary duty must be to expose reality." Are you referring to news broadcasting?

Mr. Dille: Yes, sir, I am referring to news.

Mr. Jenner: And that does not include entertainment broadcasts?

Mr. Dille: Correct. I am referring to the reporting aspect.

Mr. Jenner: Thank you. Now, you are an ABC and NBC affiliate?

Mr. Dille: Yes, sir.

Mr. Jenner: Do your stations carry "The Avengers"? That is ABC.

Mr. Dille: Yes, sir. Perhaps it would be simpler to answer it this way. We are currently clearing for all but approximately three hours per week on both networks.

Mr. Jenner: Whatever they broadcast, then, those two networks, except for approximately three hours a week you broadcast?

Mr. Dille: Yes, sir.

Mr. Jenner: You have reported in your statement that there is some prescreening in the sense that there is consultation between the networks, ABC and NBC in your instance, and the local outlets as to the contents of programs. Does this include discussions with you as to what the content of "The Avengers" is going to be?

Mr. Dille: It certainly would prior to the advent of that program being carried on the network. Beyond advent we, of course, are on a *post facto* basis as far as criticism of the network or query to the network as to whether—if we don't like incidents in a given program all we can do is protest after the fact. Periodically, we do get and can upon request get story lines or guides, and occasionally there are closed circuits, but there is simply no way that we have access to prescreening, nor could the network possibly physically provide it, of all the programming.

I might cite an instance we have with one station. We have two programs under challenge with the network now, one of which we have told them we would drop if the story lines or incidents involved are not modified or limited.

Mr. Jenner: Without identifying the network or the programs that you have now mentioned, what is the nature of the acts and your aversion?

Mr. Dille: One is one of the typical police kind of dramatic action programs. I cannot tell you of my own knowledge what specific incident or incidents have occurred in that program which we deem—

Mr. Jenner: Bad taste?

Mr. Dille: Well, yes—but violence. In other words, excessive use of violence to carry the story line, more than was needed to satisfy the story.

Mr. Jenner: There were two of those instances?

Mr. Dille: One is the police-type program. The other is—I must confess, I don't watch it—but as I understand it, it gets into some kind of monster concepts which we have felt have gone beyond reasonable acceptability.

Mr. Jenner: Does an affiliate, Mr. Dille, have the opportunity under the system that prevails to say, "Well, we will take 'x' program," but while still adhering to your product as an affiliate of the national broadcaster, "We will not take some other program?"

Mr. Dille: Yes, sir. We not only have the right, as I said in my prepared remarks, but we have and we accept the full responsibility because we are the licensee and we have got to be responsive under that license and we are just as responsible for what we carry from the network as we are our own product, so we are very sensitive and jealous of this prerogative. We have a right to pre-empt any time.

Mr. Jenner: In what pre-emption or selection do you engage insofar as network broadcasting of news is concerned?

Mr. Dille: What have we done? We have not pre-empted anything.

Mr. Jenner: Do any of the local outlets?

Mr. Dille: Pardon me for interrupting. The decision to pre-empt presupposes a reason, and we have no advance knowledge of what a news program is going to carry.

Mr. Jenner: I see. But you do with respect to documentaries?

Mr. Dille: Well, we would have—yes, we would have advance knowledge. There would be advance outlines and general content description and that kind of thing, yes, sir.

Mr. Jenner: In your prescreening of entertainment, including movies, you don't see those in advance? It is more a subsequent thing?

Mr. Dille: When I spoke of screening, I was speaking of those which we locally originate. In other words, we buy and broadcast. We do not prescreen the network offerings.

Mr. Jenner: It is a fact, is it not, that the profit motive—perfectly understandable, I am sure—does effect—well, I will put it this way, in the way of a question: does the profit motive affect the selection by local outlets of the fare served and tendered by the network?

Mr. Dille: Certainly, but I want a chance to qualify that.

Mr. Jenner: All right.

Mr. Dille: Certainly, because you obviously seek that programming which will attract the maximum audience because that is where you gain the more attractive advertising revenue. So you do seek, under the profit motive, the most attractive you can get, limited only by the bounds to which you adhere in terms of, let's say, your own code or the code of the National Association of Broadcasters in terms of judgment and good taste and so on.

Mr. Jenner: If the fare currently, at some period of time, a year or an era, whatever it might be, is high in terms of violence, do you obtain a greater audience because of the acceptance of the violence or interest in violence: then you as a local outlet would accept those programs? Is that fair?

Mr. Dille: Mr. Jenner, the only thing that worries me about it is I am not sure that I have before me a perfect, clear concept of what violence is acceptable and what is not.

For example, I am one of the greatest fans in this land for anything that has got cowboys and especially Indians in it, and some of them get pretty violent, but I do not consider them as undesirable and they are frequently very high rated. I would buy them and I would broadcast them.

Mr. Jenner: Do you make a distinction between entertainment programs which could be described as fantasy as against entertainment programs that become more realistic, though?

Mr. Dille: Are you talking about entertainment; that is, fantasy, not just fiction?

Mr. Jenner: I don't know, semantically in this context, the difference between fantasy and fiction.

Mr. Dille: May I ask you to repeat the question?

Mr. Jenner: Do you classify Westerns as fantasy and therefore would have no effect upon the viewers insofar as their acceptance of violence is concerned?

Mr. Dille: Well, again, I am not sure I know the distinction that clearly between fantasy and fiction. I would not normally think of it as fiction.

Mr. Jenner: In that concept, do you take fiction as something other than acceptance of reality on the part of the viewer?

Mr. Dille: Well, sir, you are taking me into some philosophical problems here, because it seems to me entirely conceivable that fiction at times is more real than, let's say, non-fiction, or in some cases even reporting; because at least the writer can put it in a context where the complete pattern is available and sometimes in reporting and similar activities by the limitation of time it is hard to get a complete balance and mix and you may wind up with excerpts that give less of an impression than a full text—if I am making any sense at all or if I am being responsive—

Mr. Jenner: Do you, as the operator of your local outlets, have a sensitivity as to broadcast times of entertainment programs that do involve violence?

Mr. Dille: Yes, sir.

Mr. Jenner: I have in mind children or teenage viewer times.

Mr. Dille: Yes, sir. We do have a clear concern and sensitivity about it, and we do our best to act upon it. I do not know that any of us knows what the hour-habits of young people are these days or when you carry it [violence] to completely avoid them, but we are sensitive to it and we do try to program accordingly.

Mr. Jenner: Thank you, Mr. Dille; and thank you, Mr. Chairman.

Chairman Higginbotham: Thank you. Senator Hart.

Senator Hart: I have no questions. I enjoyed the discussion very much.

In order that it not be misunderstood or sought to be used in a fashion that I am sure you did not intend it, on page 7 of your statement, you comment on something that is really very basic to this whole area. In that second paragraph you say, "We can agree that violence is morally bad." We spent a lot of time today on a lot of other things, but I think nothing is more sensitive. We could attract a lot of attention to it. I do not want my silence to be construed as necessarily agreeing with that statement.

Mr. Dille: Did you want me to respond to that, Senator? I am not sure I understand.

Senator Hart: I am not sure that I am ready to buy the proposition that all violence is morally bad. Do you believe it is?

Mr. Dille: When you put the word "all" in, then I think I might have to back off a little. I did not have "all" in and I must confess—

Senator Hart: How are we to read it?

Mr. Dille: I must confess, I may have fallen into my own trap. I just said to Mr. Jenner that violence is violence, and I am not sure I understand how to sort out the kinds or the types and whether or not they are of adverse impact because I said earlier that there has been violence in our history which I have indicated seems to have contributed to progress, so I don't think I can answer that.

Senator Hart: Could I attempt to read something into it and then see if you would buy this? I am just sure I am not buying that.

Mr. Dille: All right, sir.

Senator Hart: Social progress has resulted in some cases from violence, or violence has contributed to social progress. Chains have been removed from slaves' legs by violence. In areas such as that, would you agree that violence is not morally bad?

Mr. Dille: Yes, sir. I am sure that I could maneuver this semantically to perhaps come up with a better interpretation, but I have no disagreement at all with what you have said.

Senator Hart: Fine.

Chairman Higginbotham: I want to thank you, Mr. Dille. You are making an important contribution when you come from the great State of Indiana to give us further enlightenment out of our confusion here in Washington.

Mr. Jenner: Could I ask another question?

Chairman Higginbotham: You certainly may.

Mr. Jenner: In your general responses, is this typical of television and radio stations around the country?

Mr. Dille: Well, of course, I would like to think that we are way out in front of the whole parade, but I must, in fairness, say that while I don't know that I can call it typical, but there are substantial numbers of our opposite numbers who, in my opinion, perform very well and probably as well as and in some cases better than we do, if that answers your question.

Mr. Jenner: I have the impression as you sit there, that you are fairly content with the television industry's performance.

Mr. Dille: I touched upon that, and I thought after I followed my friend Norman Isaacs that I would really be set up for the target today and that in the context I would probably appear to be much more complacent and satisfied than I intended to convey. What I really was trying to convey was out of the welter of criticism I feel that the transgressors, who are few, have been responsible in a sense for the castigation of a whole industry; that we have got a great deal to learn but that we are learning it and the only thing that could be done better is to somehow speed up the process and I don't know the answers as to how to do that other than what I have suggested, which is within our own industry as to accelerate and increase the frequency of the kind of self-criticism and appraisal we do, and we do a lot of this.

Dr. Menninger: One might say that you are subject to the same degree of people picking up on the negative more than on the positive, that the same criticism that is given to you.

Mr. Dille: Thank you.

Chairman Higginbotham: Mr. Tone?

Mr. Tone: Nothing further, Mr. Chairman.

Chairman Higginbotham: The hearing is adjourned until tomorrow at nine.

(Whereupon, the hearing was adjourned at 5 p.m.)

MEDIA HEARINGS

IV. Fourth Day of Hearings: December 19, 1968

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NATIONAL COMMISSION ON CAUSES AND PREVENTION OF VIOLENCE

Room 1318
New Senate Office Building
Washington, D. C.

Thursday, 19 December 1968

The Commission was reconvened, pursuant to recess, at 9:03 a.m., Judge A. Leon Higginbotham, Jr., Vice Chairman, presiding.

Members Present

Judge A. Leon Higginbotham, Jr.
Congressman Hale Boggs
Ambassador Patricia Harris
Senator Philip A. Hart
Senator Roman Hruska
Mr. Leon Jaworski
Mr. Albert E. Jenner, Jr.
Congressman William M. McCulloch
Judge Ernest W. McFarland
Dr. W. Walter Menninger

Members of Media Task Force Present: Mr. Philip W. Tone, Mr. Robert K. Baker.

PROCEEDINGS

Judge Higginbotham: The hearing will come to order. Mr. Tone

Mr. Tone: Mr. Chairman, Members of the Commission, the first witness this morning is Mr. Jack Valenti.

Judge Higginbotham: Delighted to have you, Mr. Valenti.

STATEMENT OF JACK VALENTI, PRESIDENT, MOTION PICTURE ASSOCIATION OF AMERICA

Mr. Valenti: Thank you, Mr. Chairman.

As you know, I represent, as President of the Motion Picture Association, the foremost producing and distributing companies in the world. I have attached to my statement the companies that I represent.

I want this Commission to know that we have supported it in its objectives from the very outset. When the President appointed this Commission, I sent him a telegram confirming our support and offering whatever assistance and aid and information that we were capable of giving.

My opening statement will be as brief as possible, and then, of course, I would be pleased to submit to questions from this Commission.

May I divide my comment into four parts. First, I would like to talk about what is the role of industry in the dramatic arena, because I think this is essential to the whole aspect of the motion picture and depiction of the movie image on the screen.

As you are aware and as we are, there are many disagreements today on the subject of violence. People say there is too much violence in the society and more than there used to be; there is disagreement about whether there is more violence in movies today than there was.

And there is disagreement among laymen as well as social scientists about the effect that violence in the media has, particularly on children.

The problem of violence was one of the principal matters that occupied my attention when I first became president of this Association. It is only one, I might say, because it's only one part of the human condition.

But I recognized immediately, from May 1966 when I became president of the MPAA, that for the filmmaker the treatment of violence in scenes and incidents of a story that he is trying to tell really involves the whole fundamental issue of the responsibility of the artist, the creative artist, not only toward his art but toward the society in which he lives.

And I think that as you talk to filmmakers you know that this issue confronts them almost in everything that they do. The question that confronts the artist is: How much is too much?

I have said on many occasions that what is important is for the creative man to be honest in his portrayals, to tell the story as he thinks it ought to be told. But the question is always: When does the balance tip from violence which is honest to portrayals which are excessive and overweighted with violence? In short, the whole question is: Where does one draw the line?

And I might interject here to the Members of this honorable Commission that the next question is: Is there a man or an assembly or a group that is so divinely inspired that they can make those kinds of final judgments for others?

Almost everything I have said as president of the Association has been based on the theme that the screen must be free if it is going to flourish. There is no way to have a flourishing creativity in this land if you are going to put fetters on the creative man.

But I have also said that this freedom must be responsible—must be responsible—lest liberty becomes license.

I have said that to creative people countless times as I have tried to establish a rapport between what I am trying to do and the creative man in both Hollywood and New York and all over this country. Because this theme poses—and I think you must understand as I do—the artist and the ethical and the moral distinction between what a creative man must have for his art and what he must demand of himself. It is a mingling of inspiration and imagination and discipline.

That sounds a little esoteric and far-fetched, but it's really true to the responsible man of integrity who is creating motion pictures. Because even for this man, the conscientious man, this gray line—and that's all I can call it—the line between what is enough and what is too much—is so extraordinarily difficult to measure. It is so shadowy and dimly lit that it's very difficult to measure.

So that the essential point becomes not the inclusion of violence or the quantity of it or the nature of it but really how it is treated, how it is handled.

I don't have to tell you—I think it's almost a cliché to say—that throughout the whole history of drama, violence is a common ingredient. That goes without saying. The very nature of drama is conflict. New plays and old plays, ancient chants, litanies, the epic poems, and traditional literature of practically every country and civilization that you can name are rooted in violence because man's whole existence has been a story of conflict.

And I might add that we know, even to this very hour, that all civilizations have been alternately horrified and fascinated by death and violence. I didn't make it that way. That's the way it is.

So it's my judgment that violence should not be presented as a way of life—not at all—but for what it truly is, one of the facets in the complex fabric of the human condition.

Now, let me go to my second point. It is: What is the motion picture industry doing

to fulfill its obligation of responsibility to the society in which it lives? I'm going to trace this for you very briefly. Since 1927 we have had codes, guides for producers, voluntary guides. And in 1930 we adopted the so-called Production Code, now very famous, which was a self-regulatory rubric through which producers, directors and writers in a voluntary way tried to regulate themselves. This Code has been updated from time to time to change with the *mores* and the customs of the society, because all *mores* and customs change. And in 1966 we reaffirmed and we strengthened the Production Code, and indeed five of the 11 tenets, as it were, deal with violence. I won't detail them for you now, but I have attached them to my statement so that at your leisure when you are checking testimony you may choose to read them.

The Production Code is operated separately but in tandem with an Advertising Code which does the same thing.

We try to avoid what we call a cumulative over-emphasis on sex and violence which are the two great facets of the human condition.

We recognize that sometimes incidents standing alone are quite permissible, but once they are allowed to accumulate they become almost intolerable. We understand this. And both in our Advertising Code and in our Production Code we are constantly trying to deal with this as we have been dealing with it for over 30 years.

There are objections; some say: "Well, that's very fine, Mr. Valenti, but you're dealing with it in general terms, and you're dependent on the subjective views of those people who are managing this Code."

The answer is that's very true, because the very nature of what we are doing is subjective. And I don't believe that you can base a decision as to whether a particular portrayal of violence is detailed or protracted or excessive on the number of killings or the number of blows or how many grams of blood were spilled.

The very nature of the problem makes it absolutely imperative that you deal with it, not numerically or quantitatively but subjectively or qualitatively. And these are the kinds of decisions, frail decisions, human decisions, that are made under this voluntary code by people who are vastly experienced, not only in the appraisal of motion pictures but also in this very tenuous and sensitive relationship between the creative man and his monitor. It is a very difficult relationship.

The people on the Production Code operation are literate people, skilled people. While I would be the first to say that their judgments are no better or no worse than anyone else's, they are rooted in a better kind of experience.

Now, in addition to the Code, we have taken several other steps in dealing with the portrayal of violence. This spring, immediately following the tragic murder of Senator Kennedy, Louis Nizer, General Counsel of this Association, and I traveled to Hollywood and called a special meeting with all heads of studios, with directors, writers and actors, with producers. We urged upon them increased restraint and heightened responsibility in portraying violence.

The response was very heartening. Later on, more than 350 producers, writers, directors and actors signed an open pledge that they would forego scripts which had anything to do with aimless cruelty and senseless brutality. It is a voluntary act, of course, but I think its does testify to the accountability of creative people about their own responsibilities.

Now let me say a word about audiences. It has always been a great cliche in the motion picture business, that there was a single common denominator, a single audience, and that films were made for the 14-year-old level. You have heard that before. If this ever was true, it certainly isn't today.

The popular media, I don't have to tell you, produce a veritable tidal wave of products that almost drowns this country. Motion pictures do not appeal to a single audience. There is no mass audience today. The mass audience, in my judgment, just doesn't exist, if it ever did.

Today, we must understand the following: Films explore more deeply into the human condition than they ever did before. A substantial number of films coming into this country are foreign in origin. There is a new breed of filmmaker. And mark you well this new filmmaker, because he's an extraordinary fellow. He's young. He's sensitive. He's dedicated. He's reaching out for new dimensions of expression. And he is not bound—not bound—by the conventions of a conformist past. I happen to think that's good. Moreover, this new style in filmmaking is matched by a new audience. It is seeking new fulfillment. Its members are better educated.

In the past two years, I personally have been on more than 20 campuses. I have talked at great length and subjected myself to all kinds of probing questions from this young generation. The college people have made films of their own. It's their "thing."

Let me tell you one thing that we did. Last year we conducted a nationwide, in-depth survey to probe the mind and the heart of the American moviegoer. We found two significant things. Two things, most profound in my judgment, most significant, I want to tell you about.

One was that one of the sturdiest correlations that we found was between interest in moviegoing and education. High standard of living also had something to do with this, but the correlation that was unbroken was this: The higher the education, the greater the interest in movies and the more frequently people went to movies. The lower the education, the less interest there was in movies, and the less frequently people went to the movies. For example, we found of all people over 16 with less than a high school education, about 40% never, never go to a movie. But of all people with more than a high school education only 18 percent never go to a movie. And note the reverse data. Of all the people with more than a high school education, more than 39 percent go to the movies once a month or more. The surveys shows that there is this correlation between education and perceptiveness.

Conscious of these findings and of the fact that the kind of society we live in today is different from the kind of society we used to live in, for the first time in the history of the motion picture industry we have developed a plan of rating films for audience suitability. It is a voluntary film rating system developed with the active assistance of theater owners and creative people and distributors and producers.

Its dominant, preeminent, overriding concern is for children. This is a rating system for parents and families. Films are rated not on their excellence or lack of it, not on their excitement or lack of it, but whether or not the content of the film is suitable for children.

Mind you, we are not playing God, and we may make errors. But within the frailty of our compass of judgment, we are making these decisions based on whether or not the material is suitable for children.

Participating with the Motion Picture Association are the National Association of Theater Owners, representing more than ten thousand of the approximately thirteen thousand theaters in this country, and the Independent Film Importers and Distributors of America, who import many of the foreign films exhibited in this country. We announced this plan on October 7th.

I've been in this industry two and a half years so I don't claim vast experience. However, I am told, and do in part believe, that never in the history of this industry has any enterprise gained such near unanimity of support from all phases of frequently antagonistic fragments of the industry as has this new plan. This is very heartening.

May I briefly explain the plan for I must say I'm proud of an industry that could bring such a plan into being.

After November 1, all films released to the public will carry a rating.

The first rating is "G"—suggested for general audiences. That rating means a parent may send his child in to that picture. There is no objectionable material in the film. However, this doesn't necessarily mean it is a children's film, because some of the most powerful and profoundly significant films of this generation would be "G" films. One of the classic examples of such a film that, would surely have been a "G," had it been rated is "Man For All Seasons," the great story of Sir Thomas More and the irreconcilable conflict of conscience between Sir Thomas More and his king.

The second rating is "M" suggested for mature audiences, mature young people, with parental discretion advised. What we're saying to a mother or father here is: "Look, don't take your child in to see this picture until you know more about it. For it may be—just may be—unsuitable for your child. There are no restrictions, but we want you to know more about it."

The third category is "R"—meaning restricted. Here for the first time there are restrictions on the audience. Children under 16, unless accompanied by a parent or an adult guardian, are barred from such pictures. These are adult films. However, there may be some adult films that a parent would want his child to see. The parent may want to go with his child so they can discuss it afterwards together.

I can name a number of films of this nature that carry a message for young people but the parent ought to be there with him.

The final category is "X," in which we say that this picture should not be shown to any child under 16 regardless of who accompanies him.

For the first time parents have an instant informational guide, which will be very helpful to them.

Now a parent need not go into a theater blind and unknowledgeable about the picture. Now he has some kind of a guide.

I have attached to my statement—

Congressman McCulloch: Mr. Chairman, I should like to interrupt the witness to inquire how that guide may be acquired by the interested parents.

Mr. Valenti: All right. That's a good question.

Congressman McCulloch: I thought it should be told right here.

Mr. Valenti: Yes, sir, Mr. Congressman. It may be acquired several ways:

Number 1, all ads for pictures will carry the symbols—a "G," an "M," an "R," or an "X." The larger the ad the larger the symbol. Such ads also carry a descriptive phrase of what the symbol means.

Number 2, in all broadcast and newspaper advertising the symbols or the characterizations are to be shown.

Number 3, cooperating exhibitors will carry in their box-office and in lobby displays the rating of the picture that is on at that particular time, so that when you purchase your ticket it hits you full in the face.

Number 4, I have sent to every daily and weekly newspaper in this country a mat, and a reproduction proof, of the Movie Audience Guide Legend. We are asking editors and publishers to publish this guide each day on the entertainment page as a public service to their readers.

In addition, through a variety of communications, we make known these ratings. Also we're asking film critics as part of their review to state what the Code and Rating Administration symbol is.

Obviously, Mr. McCulloch, this won't work out one hundred per cent perfect. Communication is at best a sketchy enterprise. We know this. But we are doing the best we can to make this kind of audience guide available to parents, because that's what the *sine qua non* of the whole thing is—to make it known.

Congressman McCulloch: Available and understandable.

Mr. Valenti: Yes sir.

Congressman McCulloch: I find it so difficult, with so many initials in all of our lives, government and business, to remember what some of these symbols mean. And I'm sure that it is as difficult if not more difficult for some parents to remember the meaning of those symbols.

Mr. Valenti: We are a nation drowning in initials. Mr. Congressman, and I'm acutely aware of it. However there are practical limits to which you can go.

For example, the reason we use symbols is that in small newspaper ads it is literally and practically impossible to put a long legend in. We are trying to do our best, even though we know that what we are doing is subject to a great many voids and vacancies.

But I believe that over a period of time the symbols and what they stand for will become known. I have said to critics of this plan: "Don't judge this program on a one or two months basis. Judge it on at least a year's operation." I believe by that time those symbols will have become known to people who go to movies, just as other symbols become widely known.

I agree with you. I think this is a terrible problem. It's one we are very sensitive about. It's one that is not easily solved. But we are doing the best that we can.

While we're on this, let me just answer one question that is frequently asked of me—Will this work? Will this system work?

I tell you in all honesty—maybe it's because I have given the last 6 months of my life to this—I believe it will. I think there are four questions about the success of this plan, and I want to discuss them quite candidly and honestly with you.

Number 1, are we going to rate these pictures fairly? Are we really going to be honest in the rating of pictures? I have told our Code and Rating Administration staff: "Look, above all, be fair, be honest. Do what you think is right. Call them as you see them. But shut out from your mind the critics and the shouters and all of those who peer over your shoulder. Rate these pictures fairly." Now, I hope and believe we'll do that.

Number 2, how responsible are the filmmakers? If filmmakers say, "Anything goes, and to hell with it, and the wraps are off, and here we go," we're going to be in trouble. I don't mind telling you that.

I think the filmmaker has to remember that discipline and restraint are part of the definition of true artistry and that therefore he must practice restraint.

It is my judgment that responsible filmmakers in this country, with whom I have been in contact, intend to do just this, but it would be dishonest to tell you that there won't be fringe operators on the periphery who are going to try to make a buck out of this thing. Of course there will be. But that's true in all professions and all enterprises, and even in families.

The third question is how well will these ratings be enforced at the box office? I place my faith in the vast majority of responsible theater owners in this country. I place my faith and my hope in them, because I believe they will do it. They have told me that they will do it and I believe they will do it.

I have personally talked to more than 75 of the owners of the leading exhibitor chains in this country, probably representing 4,000 to 5,000 theaters, probably representing 80 to 85 percent of box office. These leaders of this industry have all told me that they will support and implement this program.

And, finally, how cooperative are the parents of this land? If the parents abandon their responsibility for the conduct of their child, it is very difficult for the motion picture industry to make up for that parental lack of responsibility.

Now for my third major point: Is the depiction of violence on the screen provably harmful to people, to children particularly? I'm not an expert. But what I have read tells me that the evidence is not conclusive. As we examine the writings of the last 40 years of social scientists and others who are experienced observers, the best that can be said is that the opinions are ambivalent in intent . . . and contradictory and the differences among social scientists reach imposing levels. I am sure that you ladies and gentlemen, as you have examined the literature know that I'm not speaking in hyperbole. If there is one conclusion that appears to be warranted, it is simply this: Most authorities are reluctant to conclude that the portrayal of violence in motion pictures results in harmful social behavior. That's one conclusion that I think is warranted.

Now, one of the things that makes it clear why experimentation in this area is so hard to design, hard to construct, is that it is morally unacceptable to induce delinquency experimentally in a child. It's wrong to do it. And it's the most serious barrier to experimentation.

There are additional reservations that I have about research in this area. I will list them very quickly:

First, fears that motion pictures may set off real-life acts of aggression, many times are based on very little solid evidence. Most of the time it's case-histories of maladjusted people who are under treatment and this is not a valid kind of conclusion.

Second, alleged acts of aggression that happen in laboratory experiments are said to be brought on by what scientists call artificially induced preconditions. Therefore one begins to doubt the relationship to a real-life reaction in a live theater.

Number 3, very little is known of the effects in long-range behavior. In my personal judgment that is one of the key weaknesses in that whole scheme of social research.

And fourth, most clinical opinions are too heavily dependent on the deviant, the disturbed, the already mentally-disfigured child.

You will find that the literature is filled with statements that well-adjusted children in a well-adjusted home life can't be harmed by anything shown on a motion picture screen.

The overwhelming evidence shows that the root causes of behavior are developed in the early years of the child and are primarily environmental, physical and psychological, arising out of home and family life. This is a truth I'd stake my being on because I believe it.

Finally, you have a right to ask "Well, all that is very fine, but what are your plans to be alert to the newest developments in the search for new social knowledge?"

First, I have been in consultation with an eminent social scientist on the West Coast, and I am concluding a similar arrangement with one on the East Coast, so that I can keep abreast of the latest developments in this rather fuzzily defined field.

Secondly, I have recently appointed to the Code and Rating Administration a woman who brings with her a very strong background in child psychology, family relations and the behavioral sciences.

Basically, our approach to the problem is not to wait for scientific demonstration that some lurid depiction of violence is harmful to children. It may very well be, ladies

and gentlemen, that this will never be proven. But my common sense tells me that the depiction of extreme violence or anything in the extreme is simply offensive to normal sensibilities. I don't need a scientist to tell me that. Whether or not it causes juvenile or adult delinquency, it's just offensive, and I am against it.

Therefore, if I had to pick a watchword, it would be "moderation." Our whole Code, all of our voluntary programs are based on that principle. "Nothing in excess," said the sign over the Delphic Oracle, and I think that ancient maxim is a good one here—moderation.

I plan to use whatever prestige and persuasive powers are inherent in my office to make certain that this kind of an attitude prevails, knowing full well nothing will ever be perfect.

There are things that we are doing. We are assessing public reaction to our pictures through the mail. We constantly monitor that. We have a community relations department which is headed by an extremely skillful woman. She and her staff move around this country talking to groups, getting the grass-roots reaction. And I don't have to tell Senator Hart and Congressman McCulloch and Senator McFarland about grass-roots reaction: they know that better than I.

Judge Higginbotham: And Senator Hruska.

Mr. Valenti: Excuse me. And Senator Hruska. Of all things. Excuse me, Senator.

Senator Hart: His roots are so solid he doesn't have to worry about them. [Laughter]

Mr. Valenti: He's so firmly fixed that he's forever.

And from these sources we learn how people are reacting to movies. That's important to us.

We publish a paper called "Film Reports" that I would like to tell you about. We have had it for many years. The Association sponsors it, and pays for it, but we don't manage it, or edit it, or control it.

The representatives of ten outstanding national civic and religious organizations in this country appraise films and write capsule summaries. Their report goes out to every daily newspaper, every public library, every theater, over 35,000 educators, community leaders and interested individuals who are in a position to share its contents with large segments of the population. We have been doing this for some years as part, Mr. Congressman, of our desire to inform people.

We are now starting a bulletin——

Congressman McCulloch: Mr. Chairman——

Judge Higginbotham: Excuse me. Mr. Congressman McCulloch.

Congressman McCulloch: He may of course finish his statement. I didn't mean to interrupt that sentence. But I was going to ask how do you select these people who are supposed to make an independent judgment in this interest not of the industry but of the country, of the children, of the people who will finally act, you hope, on that decision? How do you select them? Who are they?

Mr. Valenti: Mr. Congressman, that's a very good question. I have here the biographical sketches of all of our people. I'm sure you don't want me to detail those films but I do want to answer your question as forthrightly as I can.

There is no college, no university, no set of standards by which such people are selected. We stress the following criteria:

Number 1, education. Good education.

Number 2, people who have been in the motion picture business a long time with special emphasis on picture appraisals and monitoring.

The average tenure of the people on our Code and Rating administration is over 15 years. Many of them have been in this operation for many more years.

The man who is taking over on January 2, who is sitting in this audience today, Mr. Eugene Dougherty, joined the Production Code Staff in 1941, and since that time has been engaged in looking at motion pictures, discussing motion pictures, talking with creative people, assessing public reaction. I don't know what determines an expert. I can say he's been in this business a long time and is a knowledgeable man.

Other people in this Code operation have a similar accoutrement of knowledge and experience. We have just hired a 27-year-old lawyer who has been in the motion picture industry for two years. It's very fashionable nowadays to get the young attitude and you can't trust anybody over 30, et cetera, so at least we can trust him for three years. He's 27. [Laughter] We also have hired a woman with a Ph.D. in child psychology.

I don't know all the answers, Mr. Congressman. We are picking people with integrity, people with knowledge, who bring both common sense and educational background to bear. There are no other criteria.

Congressman McCulloch: Are all these people now connected with the industry and are they all paid by your Association or by industry?

Mr. Valenti: This Code and Rating Administration reports to one man—me. And the salaries of this group are paid out of the fees received for reviewing pictures. When a film is submitted to the Code and Rating Administration, a fee usually based on the budget of the picture is paid. And the Code Staff is responsible only to the President of the Motion Picture Association. No one else can.

We are going to publish a bulletin, in which we will apprise creative people of new developments in the social sciences. I believe that such a publication will be very helpful to let them know about various experiments going on, the latest findings and reports printed.

All of these things are done with the hope of diminishing the total impact of violence on the movie screen. All of it is rooted in voluntarism, which we think is the only principle that ought to be invoked. It is the only method that can produce effective results.

Within this principle of voluntarism I want this Commission to know that I'm going to employ all of my powers to make sure that reason and restraint will govern the portrayal of violence in motion pictures.

As an individual, I am deeply offended by any extreme act of brutality whether in a motion picture or in the society in which I live.

That is the end of my statement.

Judge Higginbotham: Thank you very, very much, Mr. Valenti.

Mr. Tone.

Mr. Tone: Thank you, Mr. Chairman.

Mr. Valenti, are all motion picture distributors also members of the Motion Picture Association?

Mr. Valenti: Not all. No sir. Those that are members of the Association I will read to you:

Allied Artists Pictures Corporation, Avco Embassy, Columbia Pictures, Metro-Goldwyn-Mayer, Paramount Pictures, Twentieth Century-Fox, United Artists, Universal Pictures, Warner Brothers-Seven Arts. These nine companies distribute probably 90 percent of box-office admissions in this country.

There are literally hundreds of distributors. Some of them are small. Some are not so small. There are several, three or four, large distributors who are not members of our Association. But I think it's fair to say at this hour in history that this Association represents the majority of motion pictures distributed in this country.

Mr. Tone: Are there motion picture producer members of the Association also?

Mr. Valenti: Yes, but in a different class of membership. We have several classes. But, to be practical about it, the answer is this is an association of distributors who also produce or participate in production.

Mr. Tone: As I understand it, all members of the Association are pledged to cooperate in the new rating plan? Is that correct?

Mr. Valenti: That is true. That is very true.

Mr. Tone: There is also an association of exhibitors?

Mr. Valenti: That is true.

Mr. Tone: And that has also taken its position in support of the new rating plan?

Mr. Valenti: Yes, The National Association of Theater Owners.

Mr. Tone: Now, have the individual members of that association pledged their support?

Mr. Valenti: I have to answer this way: Not every individual theater owner in the land has pledged me his cooperation. I do know that I have personally gotten pledges from the executive heads of approximately 75 theater chains in this country, representing some 5,000 theaters.

Each State has its own branch of the National Association of Theater Owners, and these branches have in conclave assembled around this country each affirming their pledge of cooperation with this plan.

I'm going to make an intelligent guess that about 80 to 85 per cent of all the theater-owners in this country will operate with the purview of this plan.

Mr. Tone: Have some indicated that they would not go along?

Mr. Valenti: Yes. One owner of a chain of 62 theaters, Mr. Walter Reade, of New York, has indicated that he disapproves of it because he does not think it will work. I have had several conversations with Mr. Reade. I have just returned from a trip to Europe, and I understand from the trade press that in those of his theaters where he is playing pictures by distributors cooperating with the plan he will also cooperate. With respect to pictures that he produces himself, however, he does not intend to cooperate with the plan.

Mr. Tone: There is an International Film Importers and Distributors?

Mr. Valenti: That is true.

Mr. Tone: That organization has also stated its support of the plan?

Mr. Valenti: That is true.

Mr. Tone: Its individual members are not, however, pledged to support the plan?

Mr. Valenti: Well, to the extent that the governors of IFIDA, as it's called, pledged its support, they are. The Board is composed of those individual members who distribute a significant number of foreign films exhibited in America that are not distributed by MPAA members.

So, in a sense, while I don't know that any of them have signed individual pledge cards, we have enough personal endorsements written by the organization to warrant the belief that the overwhelming majority of pictures distributed by members of this organization will be involved in the plan.

Mr. Tone: What percentage of box office receipts do the foreign importers represent?

Mr. Valenti: I'm sorry to say that in our country such figures are hard to come by. By experience and estimate we would say that they would represent no more than 10 percent of the box office gross of this country.

Mr. Tone: Are the Westerns that are now being made abroad imported by the foreign importers' group, or are they imported by American distributors?

Mr. Valenti: It depends. A good many of them are imported by members of our organization.

Mr. Tone: Those that are imported by members of your organization would be subject to the Code?

Mr. Valenti: Yes.

Mr. Tone: You have been with the MPAA since early in 1966 I believe?

Mr. Valenti: May 1966.

Mr. Tone: You were not with the Association at the time the 1956 Code was adopted?

Mr. Valenti: No.

Mr. Tone: You are familiar with that Code I assume?

Mr. Valenti: Yes sir.

Mr. Tone: Will you agree with me that when the members of MPAA adopted the 1966 Code they subscribed to this view: That motion pictures do have an effect on the moral standards and conduct of those who watch them, especially juveniles? Is that a fair statement?

Mr. Valenti: I'm not aware of such a statement.

Mr. Tone: Well, let's see whether I inferred too much. The 1956 Code does say under the heading "Particular Applications": "Crime shall never be presented in such a way as to throw sympathy with the crime as against law and justice or to inspire others with a desire for imitation."

It says: "Methods of crime shall not be explicitly presented or detailed in a manner calculated to glamorize crime or inspire imitation."

It says, under the heading "Reasons Supporting the Code": "The moral importance of entertainment is something which has been universally recognized. It enters intimately into the lives of men and women and affects them closely. It occupies their minds and affections during leisure hours and ultimately touches the whole of their lives. A man may be judged by his standard of entertainment as easily as by his standard of work. So correct entertainment raises the whole standard of the nation; wrong entertainment lowers the whole living conditions and moral ideals of the race."

Then it says (and this is the last passage I will read): "Hence, the important objective must be to avoid the hardening of the arteries, especially of those who are young and impressionable, to the thought and fact of crime. People can become accustomed even to murder, cruelty, brutality and repellant crimes if these are too frequently repeated."

Would you not say that the author of those statements believed that motion pictures could influence the conduct of the people who watch the pictures?

Mr. Valenti: Yes, I do. As a matter of fact, we have gone beyond that 1956 Code, way beyond it. Because we have now instituted something that the 1956 Code didn't have.

That philosophy was related to a public feeling that anyone could go to any picture in this country. But today, for the first time, we are excluding children. We are excluding children from pictures we think are unsuitable for them. So I would say we have gone beyond the concept set by that statement.

Mr. Tone: I'm at the moment speaking only of the philosophy of the 1956 Code. And I recall your statement at the time the Code was announced in October, which I think is similar to your statement today: "There is no valid evidence at this time that proves movies have anything to do with antisocial behavior." Would you not say that that statement represents some change in viewpoint from the statement of principles in the 1956 Code? And if it does, I'm interested in how the motion picture industry's thinking has changed on that subject. What have the–

Mr. Valenti: Well, the principal change has been that the Association has a new president. Administrations may change and points of view–if indeed this is a change in point of view. That is a judgment.

I bear no responsibility for the 1956 Code, any more than the incoming President who bears responsibility for our nation would bear total responsibility for carrying forward something that his predecessor did–as long as it doesn't violate a principle.

I truly believe that I have made the philosophy stronger by bringing it into an active program. To me this is far more important. It is well to say words, but I believe that to translate these words into an active program shows progress. That's why we have taken a philosophy and hardened it into an active program that keeps children under 16 out of certain movies. That in my judgment, Mr. Tone, is an advance. That's keeping in step with the changing *mores* and customs of a society and taking that which was first rooted in philosophy and constructing a living, breathing program through our new film rating system.

Mr. Tone: One more question before we get to the rating system specifically.

You stated the children who are not disturbed, normal children who come from normal homes, are not likely to be affected by anything they see. Do you believe that motion picture producers have an obligation with respect to disturbed children or children who because of some problem or other could be affected by the amount of violence they see? Or do you believe that the advantages of creative freedom outweigh any obligation to such a small minority? What are your views?

Mr. Valenti: Mr. Counsel, my answer to that is quite obviously we can't make pictures at the level of the disturbed child.As Mr. Justice Marshall said in his 1968 decision, that would turn movies into a wasteland. We would make what he called inane movies. And I surely would agree with that. There is no rational person in the motion picture industry who would even suggest that we should make pictures aimed at the level of the disturbed child. You simply can't do it. Anymore than you would write all books or portray all of life itself at this level.

Mr. Tone: The 1956 Code pamphlet we referred to a few minutes ago also spoke of the difficulty of confining motion pictures to certain selected groups. Has the nature of motion picture exhibition changed somewhat since that code was written?

Mr. Valenti: In 1956?

Mr. Tone: Yes. Are there new theaters that do show specialized types of films? Will you comment on that?

Mr. Valenti: Yes sir. I certainly will.

Generally speaking, the answer to your question is yes. There are so-called art theaters now which show foreign movies, avant-garde movies, movies aimed at rather esoteric tastes, much as you have a literature, a certain kind of pop art, or modern art that finds its audience in a smaller, more selective group.

Within the vastly expanded variety of education and choice available today there is a much wider selectivity. I think this is true, not only in motion pictures but also in household products, home design, books, clothing, choices of travel, et cetera.

As a result, we have specialized movies, what they call *de l'arte,* where the director or author of a film creates *cinema verite* by improvising with script. A lot of young educated people like this sort of thing. The great mass audience does not.

As a result, a kind of theater has grown the trade calls the "art house"–200 to 400 seats, playing offbeat movies; "off-beat" in the sense that they are of a kind and nature much like the philosophical book that seeks a small not a large audience.

Mr. Tone: Do you contemplate the "X" pictures would be shown largely in these art houses? Or do you think they will be shown in some general admission or general theaters?

Mr. Valenti: I want to be perfectly candid and honest about this. Number one, I don't know; I would be guessing. No living man can tell you about the future of "X" pictures.

Number 2, if the picture is an excellently made, artistic picture which goes beyond the dimly lit boundaries we have set and it becomes an "X" picture, I daresay it will draw an audience.

For the most part however, I think "X" pictures will not draw a large audience because I think the audiences are far more sophisticated today, and have a resistance to hokum and fakery that they didn't have a decade ago.

I agree with Voltaire who said: "If I write a play that's a bad play, nobody will see it. And if I write a book that's a bad book, nobody will read it." I think the Voltairean philosophy could be applied to an "X" picture. If it's really a good picture, it will draw an audience and it will play at a fairly good theatre. If it's a bad picture, it will receive scant notice by the public. That's as far as I can go, and I'm being as honest as I know how.

Mr. Tone: One more question about the 1956 Code. It also says: "The practice of using a general theater and limiting its patronage during the showing of a certain film to adults only is not completely satisfactory and is only partially effective." The Code doesn't say why that's so. Would you say that there is still some merit in that statement? Or have conditions changed?

Mr. Valenti: Excuse me. Would you just read that first sentence to me again?

Mr. Tone: Yes. Let me show it to you: "The practice of using a general theater and limiting its patronage during the showing of a film to adults only is not completely satisfactory and is only partially effective."

Mr. Valenti: In 1956 under my predecessor it was the policy of the Association to oppose statutory classification of films and we are still opposed. Today, the Association, under its new president, has expanded its voluntary code to now embrace a voluntary rating system. We have taken the lead in establishing this as policy. Therefore, that sentence is applicable to the policy of the Association in 1956, but it's not applicable to our new rating system. I think it is perfectly right that a theater showing a particular picture today, say an "R" picture, could limit its patronage by excluding children under 16 from seeing the film. I find that not only legitimate. I find that quite sensible.

Mr. Tone: Parents will have to make a judgment about whether to allow their children to see the pictures that are rated "M" or "R"? Is that correct?

Mr. Valenti: Yes, in a sense it is. With an "R" their child cannot go into the movie unless they accompany him. So it is their judgment that prevails.

Mr. Tone: And presumably they should also decide whether to allow the child to see an "M" picture? That's the purpose of the "M" rating?

Mr. Valenti: Yes, Our philosophy is rooted in and based on this principle. The parent is the final and supreme arbiter of the conduct of his child and the school and church have secondary responsibility.

I think that it is at the heart's core of the social life of this democracy that the family continues to be the undergirding strength of the country. Therefore, I think it's perfectly plausible that we should root our philosophy in that principle.

Mr. Tone: How can the parent learn enough about an "M" or an "R" picture without seeing it himself to judge whether his child should see the picture?

Mr. Valenti: The same way he learns about books his child ought to read. I'm sure he doesn't read every history book or every book that he puts in front of his child. He doesn't cross-examine every friend the child has. But I think he makes judgments about these matters. There are many, many avenues of information available to the concerned parent.

If the parent is unconcerned, I cannot see how motion pictures or any other communication medium can be held responsible.

But, as I just told Congressman McCulloch, you can read the critics, you can read our Film Reports, you can ask your neighbor, you can check at the box office to find out

what kind of film is playing, if you care. But if you don't care, we could have headlines placed before you every hour on the hour and you wouldn't read them.

So all I can tell you is we are trying to emphasize the philosophy that the parent must judge. We are putting the onus of this judgment on the parent where it belongs.

I say this because I would resent it if you, sir, told me what my children ought to see or read, just as you would properly resent it if I should tell your children what they ought to read or see. I will judge for my children because I care. You care too and therefore you will judge for your children. And it is on that rostrum that we place our case.

Mr. Tone: Turning to another subject, Mr. Valenti, do you anticipate that many movies being released today will be shown on television several years from now?

Mr. Valenti: Yes.

Mr. Tone: Will those include some "M," "R," and "X" movies?

Mr. Valenti: Well, I can't answer that question, because I have no authority over the buying by TV of the motion pictures. The relationship between the members of the Motion Picture Association and the television industry is one of manufacturer and buyer. The 43 hours of television programming created by our members are created with the buyer's taste in mind. We conform to the buyer's prescriptions.

The answer to your question therefore, is that it depends on what the television networks and individual stations choose to buy.

Mr. Tone: There is no plan, assuming there could be any plan, for restricting the showing on television of films in the "M," "R," or "X" categories? Is that correct?

Mr. Valenti: You mean from the standpoint of the Motion Picture Association?

Mr. Tone: Yes.

Mr. Valenti: No, sir. I think it would be impertinent of us to lay down criteria and measuring sticks for those in the television industry to live by, just as I would sorely resent their laying down measuring sticks for us to live by for films made for theatrical exhibition.

Mr. Tone: But there is no agreement among producers not to sell "X" pictures for television later on?

Judge Higginbotham: Excuse me, Mr. Tone. Dr. Menninger was trying to get your attention.

Dr. Menninger: I think you may be asking the question. Because I am concerned when you talk about a buyer-seller relationship. The seller always has the option not to sell certain products, does he not?

Mr. Valenti: Yes sir. Of course.

Dr. Menninger: I just wanted to make sure that was brought out.

Mr. Valenti: Absolutely.

Dr. Menninger: But if you felt a product should not be sold and should not be viewed, you could withhold selling?

Mr. Valenti: Yes sir. You're absolutely right. The seller doesn't have to sell.

Mr. Tone: Even if a producer's film is one which he expects will fall in the "X" category, he still is under an obligation to comply with the Production Code with respect to that picture, is he not?

Mr. Valenti: The "X" picture does not carry a Code Seal and lies beyond the pale of the Production Codes.

Mr. Tone: The producer is not required to follow the Code at all in the case of an "X" picture?

Mr. Valenti: May I speak for a moment on the procedure?

Mr. Tone: Please.

Mr. Valenti: A producer submits his film to the Code and Rating Administration. Let's assume the Administration representative then says to the producer: "Mr. Tone, this is an 'X' picture the way we view it. We are going to give it an 'X' rating." More than likely the producer will say, "Well, look, I don't want an 'X'. I don't want it that restrictive. I want at least an 'R' because I want parents to have the option of bringing their children if they wish."

The administrator will say, "Well, if you will do the following, if you will cut this scene, if you will diminish that scene, if you will take out that, if you will change this, if you will do all of that. we think then we could give you and 'R'."

This kind of negotiation goes on every day in the Code and Rating Administration. At the end of the discussion the producer may say, "Well, all right. Let me take it back for editorial revision."

He goes back to the cutting room, and when he resubmits his film, the Code people may say: "You did everything, but you didn't diminish this scene. Therefore, we still have to give you an 'X'."

Here, the producer has to make his judgments. Finally he says, "All right. I'll take that scene out." And they give him an "R" rating.

That is the procedure generally. It is a series of meetings between creative men and the Code and Rating Administration.

Mr. Tone: But there will be some "X" pictures made by members of the Association and released as "X" pictures?

Mr. Valenti: The answer, reluctantly, is yes.

Mr. Tone: With respect to those pictures, isn't the producer under the same standards for production that apply to all pictures, such as religion shall not be demeaned, excessive cruelty to animals shall not be shown?

Mr. Valenti: These standards apply to pictures that are rated "G"' "M," and "R" and thus carry the Production Code seal of approval. But an "X" picture has moved beyond these standard. It's no longer within the Code purview.

An "X" category had to be included in the system in order to get the highest kind of cooperation with the new rating system. We are trying to bring in everybody, because if pictures go out without a rating the public won't know what kind of pictures they are. We want to rate them all so the parent will know.

The plan recognizes there may be independent distributors who may say, "I do not subject myself to any authoritarian group, Congress, Code and Rating Administration, PTA–I don't believe in them." Our response in effect is in our country you can do that. But if you don't submit your picture to the Code and Rating Administration, to the theaters, the exhibitors will ask for a rating before they will exhibit your film. Without a rating they may automatically apply the severest rating, which is 'X'. In other words, if you don't submit your picture for Code ratings, you may automatically get an 'X' rating.

We had made the "X" an out-of-bounds category. The "X" picture is not a Production Code-Approved picture. We say that an "X" picture is adult and therefore children under 16 cannot see it.

You must also remember that under the laws of the land anybody can make a motion picture, and if he can find a hall he can exhibit it–as long as he doesn't run afoul of the hard-core pornography laws. with which the lawyers on this Commission and you, Mr. Counsel, are fully acquainted.

Incidentally, this brings to mind the latest opinion on "I am Curious Yellow," the Swedish film which was refused entry by the Customs Bureau in this country. A lower court jury held it to be obscene. The case went to the Court of Appeals which said it is not obscene. This picture––

Judge Higginbotham: By a two-to-one vote.

Mr. Valenti: Yes, by a two-to-one vote. That's right. I think Judge Lombard was the dissenting justice. At any rate, that picture now is available to be shown. It's obviously not a Code-approved picture, but if it goes to any exhibitor participating in our plan, he automatically marks it "X" so that every parent in the country will understand what that picture is. That is the only way we know how to do it. Admittedly complex, admittedly not perfect, but when you are trying to encompass a wide variety of disparate producers and distributors, you must perforce make some necessary compromise, and that is one that we made.

Mr. Tone: Are you saying that as a practical matter these standards for production have no application to "X" pictures even though the "X" pictures are made by members of the Association?

Mr. Valenti: In practical terms, no. That is not exactly true, particularly with members of our Association. But essentially, if I had to give you a yes or no answer, the answer would be no. They do not apply because they lie beyond the pale. There may be three or four or five "X" pictures a year that won't be seen by the Code and Rating Administration–because of the refusal to submit them but the pictures must carry an "X" rating for exhibition.

Mr. Tone: How do the Motion Picture Association of America's standards for production compare with standards in foreign countries, Mr. Valenti? Can you comment on that?

Mr. Valenti: Well, they vary greatly, Mr. Counsel. In some countries, political movies are the ones most censurable. In the 72 more developed countries of the world, 69 have government censorship ranging from tight and severe to cursory. West Germany, Japan, and the United States are the three countries in the world that today do not have government or statutory censorship of movies.

Mr. Tone: Is it fair to say that American pictures have more–that American picture makers have more latitude with respect to showing violence than most foreign producers?

Mr. Valenti: No, that is not true at all. For example, they are very tough on violence. In some of the totalitarian countries they are very, very tough on violence. They don't want to give any of their subjects any ideas, I suppose. At any rate, they are very tough.

Mr. Tone: They are very tough on violence in most foreign countries, are they not?

Mr. Valenti: Not most. I wouldn't say that. I would say that the Eastern European countries, those countries authoritarian in nature, are very tough on violence. The United Kingdom is fairly severe on violence, but not overly severe. Fairly severe. That's the way I would catalog it from memory.

Mr. Tone: Have complaints from foreign sources about violence in American films that are exported come to your attention?

Mr. Valenti: The only person in the world that I have had any dialogue with at all on this whole subject is Mr. John Trevelyan of the United Kingdom.

Mr. Tone: Have you discussed violence with him? The attitude of the British on violence in American pictures?

Mr. Valenti: He's most concerned about pictures dealing with drugs, pictures dealing with young motorcycle gangs. I would say those are the two portrayals in films which most concern him. We have talked about two pictures that have to do with violence which he discussed with me prior to discussing them with the producer.

Mr. Tone: You spoke of the problem of advertisements of pictures.

Mr. Valenti: Yes sir.

Mr. Tone: Is there any procedure for screening or reviewing advertisements?

Mr. Valenti: Yes sir. We have a director of our Advertising Code in New York who monitors the ads of all our member companies with great scrutiny. And under the new rating plan, anybody who submits their picture to the Code and Rating Administration must also submit his advertising.

Mr. Tone: Are there sanctions for violation of the Advertising Code? Suppose he submits it and it isn't satisfactory and he won't accept your recommendation?

Mr. Valenti: Our member companies have voluntarily agreed to an appeal procedure in which I become the final arbiter.

Mr. Tone: I have no further questions, Mr. Chairman.

Judge Higginbotham: Thank you very much, Mr. Tone.

You called my distinguished colleague on the right "Senator." He comes with the perfect synthesis as executive, judicial and legislative, having been a Governor, a Senator and now a Justice on the Arizona Supreme Court.

Justice McFarland.

Judge McFarland: Thank you, Mr. Chairman.

Mr. Valenti, I want to personally thank you for appearing before this Commission and for a comprehensive explanation. I want to commend you for your recognition and understanding of this problem that is confronting not only this Commission but the entire nation.

You vividly described this voluntary system which includes the rating system. I was going to ask you why you thought it would work, but you asked yourself that question.

Now I will ask you a second question: Is there in your judgment any alternative to this kind of a voluntary system?

Mr. Valenti: Well, Senator, I think your own record in Congress bespeaks your great feeling for the rules of a democratic society and your reluctance to allow government to intrude on the rights of its citizens.

There is only one alternative, in my judgment. There are some people in America who have no patience or tolerance for the workings of a democratic society, and they would have the government intrude by law to control motion pictures in the belief that this is the way to control violence.

As a humble citizen of this land, I don't think there is any delusion so slippery or any act more perilous than the intrusion of the government into making such judgments for the communications media. Of course, I would hope that all thoughtful citizens would be opposed to that alternative.

The question that needs to be asked is: Can censorship cure the portrayal of violence in the media? That's the question everybody must ask. Some people would answer yes. I would have a larger question. I would ask: Can censorship curb violence in the society? I think it's a truism that movies are not beacons but rather mirrors of society. They don't lead; they follow the already established course.

That leads to another question and that is: How much is too much violence, Senator? How do you determine that?

And, then, the really tough question to be asked is: Who would make these judgments? Who would appoint them or who would anoint them? And by what omniscient or divine authority would they claim accurate judgment?

This is the crux. The more I get involved in even voluntary rating of pictures, the more convinced I am of the lunacy and the absurdity of governmental involvement in making such cultural judgments.

I promise you, ladies and gentlemen, all you have to do is read two leading critics and you will find one saying, "This is wonderful," another saying "It's pornography," and one saying, "This is the great moral play of our time," another saying, "It's cheap violence."

Who's right? This is the thing that causes me the greatest concern–knowing we are frail humans and yet we are making these difficult–even impossible–judgments. We do the best that we can. What's important is that it's voluntary.

Senator, I can only state this as my answer to your question regarding alternatives, which obviously must concern anybody looking at the problem: What we are doing now is not quite to our liking. What else can we do? It is a tormented question that is both attractive and repulsive to different people.

I find sanction by law in this field odious beyond measure because, as I say, just trying to rate films voluntarily emphasizes how impossible it is to do.

Judge McFarland: Thank you very kindly.

You stated that you were dependent, of course, on others to make this system work, and particularly I am sure that is true as to the theaters and the patrons.

Now, as to the theaters, you say some children are excluded.

Mr. Valenti: Yes, sir.

Judge McFarland: That is, below a certain age, they are excluded. You are dependent upon the theater to exclude them?

Mr. Valenti: Yes, sir.

Judge McFarland: And if they don't, then children are not excluded?

Mr. Valenti: Yes sir.

Judge McFarland: Do you find any theaters that refuse to go along with that?

Mr. Valenti: As I said earlier in a question asked by the counsel, out of, say, the 74 or 75 largest exhibitor chains, only one operator has publicly stated his disapproval of this plan and his reluctance to go along with it. He has since, however, modified his stand considerably.

I have found no responsible exhibitor with, for example, more than ten theaters–and most theaters are owned in groups–who has not said he will not voluntarily go along with this plan. But there may be some, Senator. I'm not saying that there are not. I'm just unaware of them. And I think I would be aware of anybody of any substance in this country who was not going along with this plan.

Judge McFarland: Well, there is one other thing that you touched on in this plan and what it takes to make it work. You said that you just had to depend upon parents not to abandon their responsibility as parents. Now, Mr. Valenti, that to me is one of the big things that is confronting not just your industry but the whole nation today.

I say, and I think statistics will back me up, most of the youth today in the teenage group who are committing crime are neglected children and do not have a proper home. Now, what can you do and what can the people do to bridge that gap? What educational program can you put on? Have you given thought to that?

It's not your responsibility, maybe, but it seems to me that here is a responsibility that rests with all of us. We've got to do more than see that the motion picture industry doesn't do the things that will create violence; we've got to educate the people along the lines that will help them keep from falling, the boys and girls, into these pitfalls.

Mr. Valenti: Senator, as a citizen, as a former government employee, I am deeply disturbed about that, and it's something that for more than three years of my life when I worked for the government concerned me then as it does now.

I have no ready answers. The questions are very tortuous. They go to the very heart of the system that we are trying to preserve and nourish. I don't have an answer. The motion picture industry as an enterprise, I must say, is not to my knowledge involved in large-scale education in this particular area. The answer is no, we're not doing that.

The rating system was born out of a concern to keep the child out of certain movies, even if the parent doesn't know where his child is. To that extent we are waging a small war, as it were, against delinquency. But I must say I have no ready answer to this very difficult question that you pose. It's fair to say that this problem is larger than the motion picture industry, indeed perhaps as large as society itself.

Judge McFarland: I recognize that, Mr. Valenti. I didn't say it's your problem. It's the problem of everyone.

Now, I'll have to admit my ignorance in not having seen this picture, "Bonnie and Clyde," but I am told that it is replete with violence. How do you justify the amount of violence, if my information is correct, in that picture?

Mr. Valenti: Well, Senator, you are one of the few people in this country who seem not to have seen that picture, because it has gained wide audience.

Judge McFarland: A lot of them have.

Mr. Valenti: However, you bring out what I think is a legitimate question, and I will speak to that briefly. This picture, more than any other, I think, illuminates the great dichotomy of opinion that so bedevils this whole subject of rating films.

For example, I was being confirmed by the Senate in another job on the Corporation for Public Broadcasting, and a distinguished Senator of the United States Senate took me to task on this picture. I will give you the same answer that I gave him, because I think it is germane, and it is simply this:

A number of people did think "Bonnie and Clyde" was a picture of extreme violence with a tendency to cause people to think kindly of bandits and robbers and hoodlums. And, as Congressman Boggs knows, I came from that part of the world, and as a young boy, I knew about Bonnie and Clyde, and I must say my great hero was not Bonnie or Clyde, but Frank Hamer, who doesn't come out too well in the picture.

But, on the other hand, may I point out something to you that you may not know? This picture, so disfigured by a number of critics, was chosen by the National Catholic Office for Motion Pictures as the best mature picture of 1967, they called it a "great morality play."

I have said to some of my critics when they talk about "Bonnie and Clyde": "Well, you've got to determine who you're going to follow, those people who criticize 'Bonnie and Clyde,' or the Catholics who are probably the most indefatigable monitors of the motion picture screen and whose integrity is almost impeccable."

There is a good example of a great and prestigious group in America, beyond personal gain, that says this is a great motion picture. And there are others who say it's extremely violent. And I must also add that the Catholic Church is also a great critic of senseless violence on the screen, more than almost any other group that I know. I go along with the National Catholic Office of Motion Pictures. I think I would follow their judgment in this particular case.

Judge McFarland: Well, thank you very kindly. I must not take up more time. I know my colleagues have questions. But again I want to express my appreciation and say to you it's nice to see you and visit you even across the table.

Mr. Valenti: Thank you, Senator.

Judge McFarland: Although you have just been in your present position two and a half years, you certainly have the understanding of the problems confronting the motion picture industry as though you have been there for a much longer period.

Mr. Valenti: Thank you, Senator.

Judge Higginbotham: I would hate to think, Mr. Valenti, what a survey would show if we took a survey on this Commission as to how many have seen "Bonnie and Clyde." [Laughter.]

Congressman Boggs.

Congressman Boggs: Mr. Chairman, I did see "Bonnie and Clyde," and the distinguished Justice anticipated some of my questions.

I might say that I am a great admirer of the witness. I have known him for many years and have been very closely associated with him. I am very happy to see him in his job. I think he does a very difficult and trying job.

But I was interested in the responses about "Bonnie and Clyde." I might tell him that we had a murder in my town committed by an 18-year-old boy who had come out of "Bonnie and Clyde" one hour before. He killed a young man who was running a drive-in grocery store. And it was just a senseless murder. Now, whether or not what he saw in "Bonnie and Clyde" had any impact on the murder, I don't know. But I know that what I say to you is a fact—that he saw this movie which glorifies violence.

Those "Bonnie and Clyde" characters lived in my State. They were reprehensible criminals. There was nothing about them that was commendable. They killed in cold blood, as the movie depicts.

I was also interested in your comment about the Catholic Church. I happen to be a Catholic, and it's anything but a monolithic organization.

Now, what was the name of this Catholic organization?

Mr. Valenti: The National Catholic Office for Motion Pictures. It is the successor of the Legion of Decency. The name was changed a few years ago.

Congressman Boggs: Well, of course, it speaks for itself. There are about 50 million Catholics in the United States. It doesn't speak for me. And when it rates a movie, it rates it. That's their business or its business, and I would like to see the basis for this allegorical rating of this movie, which I saw and which I consider the personification of violence for profit.

Mr. Valenti: I was only passing along something which, of course, is public knowledge, Mr. Congressman, which is the fact that the Catholic Church through its National Catholic Office on Motion Pictures does monitor movies.

Congressman Boggs: Well, I don't know who speaks for the Catholic Church these days, from Paul on down, so——

Mr. Valenti: Well, there's——

Congressman Boggs: I'm surprised you credit this type of omnipotence to a Catholic organization. Some people even question the Pope's infallibility these days.

Mr. Valenti: Mr. Congressman, as a Catholic I will involve myself in almost any answer to any question, but you are now near the edge of the precipice as far as I'm concerned. I'm withdrawing from the conversation at this point.

Congressman Boggs: The only reason I raise the question is that I don't really believe that this is justification for the movie.

Mr. Valenti: No. What I was pointing out——

Congressman Boggs: And my next question is that I noticed—I read your statement. I didn't hear your statement, but it is a very fine statement. I commend you on it. And I can assure you that I share your fear of censorship. But oftentimes what brings on repressive measures is abuse.

And I read the Code here on page 4 of your statement where you set out five basic standards of the eleven. You say:

"The basic dignity and value of human life shall be respected and upheld." That certainly isn't true in that movie.

"Restraint shall be exercised in portraying the taking of life." God knows it isn't true in that one.

"Evil, sin, crime and wrongdoing shall not be justified." Well, I don't know what that means.

"Special restraint shall be exercised in portraying criminal or anti-social activities in which minors participate or are involved."

"Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse shall not be presented." That's the essence of that movie.

Now, I presume that your whole emphasis is upon self-policing. What happens when the self-policing doesn't work? You used the word "responsible operators." I understand that word perfectly. The average responsible citizen is not a criminal. We don't pass laws to deal with him. We finally get into the business of regulation and law passing and law enforcement because of the irresponsible. So what do you do about the irresponsible in your voluntary code?

Mr. Valenti: Well, again, Mr. Congressman, I must go back. I yield to no man in my affection and respect for you.

Congressman Boggs: Our affection is quite mutual. We are talking about a subject, not our personal relationships.

Mr. Valenti: That's right. That's why what I'm going to say has nothing to do with you, but it has to do with a state of mind or a philosophy, and that is this:

I cited the National Catholic Office on Motion Pictures not because it is omnipotent or all-powerful or has the last word. I only cite it to show, to illuminate this great gulf in opinions.

Now, I know what you say——

Congressman Boggs: Now let me interrupt you right there, because that organization–its usual function is to classify sex. Do you go along on their classifications in that respect?

Mr. Valenti: I don't agree with the National Catholic Office on a lot of things.

Congressman Boggs: Okay.

Mr. Valenti: I'm not even saying I agree with them here, Mr. Congressman. I am merely pointing out a state of facts–that there is a difference of opinion.

There were a great many critics in America, a great many clergymen–whose opinions I have read–who praise "Bonnie and Clyde," saying that this is a picture of our time. Again, I'm not saying they are right or wrong. I just want to illuminate that when we are dealing in this very soggy ground of passing a cultural judgment–

Congressman Boggs: Oh, I understand the point you're making. As a matter of fact, one of the distinguished members of our Commission, our distinguished Ambassador and a distinguished law professor today, yesterday made this very point when she talked about a play such as *Hamlet.* And there are many others.

But I think there is a great difference between *Hamlet,* which does portray political conditions existing in Denmark and England at that time, as compared to something that has nothing to do except with two criminals who incidentally happened to live in my State.

We have all kinds. We go the whole gamut of violence, legal, illegal, responsible, irresponsible. You name it; we've got it.

But to compare this with, you know, a morality play, I must say that I find it hard for me to make that jump. Maybe there is just something wrong with my thinking.

Mr. Valenti: No, there's nothing wrong with your thinking. I'm not going to say wrong or right with your judgment, Mr. Congressman. It is a fact of life that people do disagree on art.

They hooted the Impressionists when they first came on the scene. Van Gogh couldn't sell a painting. Eighteen of Shakespeare's thirty-seven plays have to do with violence. The fact that Shakespeare wrote the play doesn't make it history–for example, *Richard III,* which is obviously wrong.

Therefore, you have these great differences, this dichotomy or judgment. That's all I'm saying–that no one is either right or wrong. It's what you believe that makes it so.

Congressman Boggs: Well, of course, this is true, you know, in all elements of society. In certain Moslem countries it's completely legal to have up to four wives, maybe more than that if you can support them. And you might believe that that's fine, but in this country it's not legal.

I mean what you're talking about, as I read it, is a type of relative violence. Now, that may or may not be so. I'm very interested in the philosophical dissertation which you give, and it denotes your very wide knowledge which I have always respected.

Let me ask this other question about that movie. How did it do at the box-office?

Mr. Valenti: Very well.

Congressman Boggs: Very well?

That's all Mr. Chairman.

Judge Higginbotham: You know, Mr. Valenti, being chairman of this distinguished Commission, we have no precedent. Normally if it's a legislative committee you would call on individuals in terms of their seniority. If it is a judicial committee, you can. If it's an appellate court, you have those standards. I gather the first two or three who asked the first two or three questions are like the football team which has the good luck to receive the ball. And for my colleagues who may wonder why they haven't been called on prior, I am trying to give each one a different time to be the first one to question a witness.

Now we will start with Congressman McCulloch.

Congressman McCulloch: Thank you, Mr. Chairman.

I have no hesitancy in saying that I didn't see the picture, so therefore I have no opinion, and I express no prejudice.

Judge Higginbotham: If I could interject, I have taken a survey, and on this very learned, relevant Commission, two of the nine have seen it.

Ambassador Harris: And are equally divided in their opinions.

Congressman McCulloch: Maybe that's part of the great tradition of America.

Congressman Boggs: The non-seer is entitled to know a lot more about it than the seers I understand. [Laughter.]

Congressman McCulloch: I have been impressed by your presentation this morning. I agree with it in major parts. But I cannot refrain from saying that, as much as I dislike government regulations, I have supported government regulation of business of various kinds when those in that business should have long since, before the Congress was forced to act, acted effectively themselves.

Of course, I know it is much easier to lay down the guidelines on antitrust legislation, and that is difficult enough, too.

But if I could express a friendly warning, I would like to say that I would like to see you and your group implement this code of regulations which ordinarily reads pretty well.

Now, Mr. Chairman, I should like to ask if there are sanctions authorized in this code of regulations by your organization.

Mr. Valenti: No sanctions other than the sanction of a responsible corporation negating a pledge, failing to live up to its word. The kind of sanction that sometimes is more powerful than law. But is there a sanction, penalty of any kind? The answer is no.

Congressman McCulloch: Well, you know, it has been the history of mankind, as I read it, that the greed for gold sometimes prostitutes the mind of that person from the benefits which he might be the factor in bringing about. And that's the reason that I ask this question. I think perhaps it was touched on in part by my colleague in the House in describing the picture which he saw and which he apparently carefully exorcised, but I haven't had that opportunity.

I should like to say in this very difficult field that I hope not only the moving picture industry but also all the mass media of informing and entertaining the public would police themselves as they would have other activities and other organizations policed in America. It would, therefore, result in a happy day for us who are in Congress when we could thoroughly and dependably conclude that regulation wasn't necessary.

Through the years, it appears to me, many of us have been given to pious statements of responsibility directed to virtue, but in a good many instances we fail to follow those pious declarations. And almost without exception, and within your experience–and this is said in a friendly manner because I have great respect for you–in your time you have seen great organizations in this country who did just that but failed to act and later found themselves in what they sometimes speak of as straitjackets of legal regulation.

I am glad of the commencement that you have made, and I hope it will be implemented.

Mr. Valenti: Mr. Congressman, I appreciate that. I would like to say in response to your statement that I cannot quarrel with it in any sense and that if the day comes when I find that what I am trying to do is falling on deaf ears and results in an empty response, I am going to give up this job, because I do not choose to preside over any kind of an organization that is a paper tiger or is not doing something worthy to advance the cause of my country. I feel that very strongly, and I say that to you in this public meeting.

Congressman McCulloch: Well, Mr. Chairman, I knew that was exactly how you felt and have been feeling, but I take this forum in speaking through you or over you to those corporations and individuals who finally make up the rules of conduct by which your great organization will be governed.

Mr. Valenti: Thank you, Mr. Congressman.

Judge Higginbotham: Dr. Menninger.

Dr. Menninger: Mr. Valenti, I appreciate being able to get the view of what the Motion Picture Association is attempting to do through the Code. I feel in a bit of a bind in that I think it is important to recognize when an industry makes such efforts on its own. But I have another concern, and in part it is reflected by our observation on page 3 with regard to presentation of violence and your spontaneous comment that that's the

way it is, and your later reference to the fact that movies are a mirror, not a beacon, and the explanation is that's the way it has always been, that there has always been violence in drama, violence in life, and so what? Well, I think it's a very important "so what" kind of question.

The first question is: Do you feel that's the way things ought to be? Should violence continue? Should we see it as it is and recognize, well, that's the way it's always going to be? Or should we seek something better?

Mr. Valenti: Dr. Menninger, if I left the impression with you that that was my opinion, I was most inarticulate, and I ask the apology of this group, because I believe precisely the opposite.

I tried to state facts as they exist. No one disputes there is violence in the society. I tried to say: What are we doing to search out the reasons for violence and how to cure them?

I also said that in the absence of scientific information—and I don't want to wait for scientific information—I agree that violence in the society, raw, senseless, mindless, malicious violence, is wrong and it ought to be rooted out.

I do not have any answers, and I pray that the social scientists, maybe the psychiatrists, and the psychologists, may be able to come up with substantive, verifiable evidence that will say to motion picture producers, to families, to policemen, to television, to writers and to all who are involved: "This is the answer, and this is what you ought to do."

In the absence of that, we are trying in our own halting, frail way to do the one thing we think we ought to do, and that is to restrict the showing of certain movies for children.

Now, there is no way to keep a man from writing a book or painting a picture or putting something on television or putting something in a newspaper or making a motion picture that doesn't violate a law. And so no one has enough power to tell everybody with an 8 mm. or 16 mm. or 36 mm. camera what he can do.

But in the absence of that kind of an authoritarian control, which I oppose, we are for the first time in the history of the business imposing on our industry a very difficult and sometimes complex apparatus which is designed to keep children out of certain movies.

Now, I think that's a step forward, Dr. Menninger.

Dr. Menninger: I agree. I think my concern is that I have a feeling that in this emphasis on negative sanction—I don't mean sanction in the concept as just used but a negative approach, that we will keep certain people out—that somehow I feel an important point is being missed. And I think it is a point that clearly you do feel a responsibility to better the world, and I think responsible executives in the industry do. But we have talked before about, for instance, the responsibility to show the positive side. Films can be a profound educational device.

Now, it is interesting, again, of course, how you and other members of the media come with a kind of defensive stance, and maybe it's this environment. In other contexts I kind of protest this hearing method as a pursuit of knowledge, as the best way of getting knowledge. But that's the scientist in me that protests that.

But my concern is that we know that films are used in education. I remember being a film projector operator in high school and the tremendous use of films and the degree to which there is genuine understanding of the use of this medium.

To what degree, then, does the industry feel a responsibility to move forward in a strongly positive direction of encouraging and really somehow providing special benefits to producers who would develop films that would show nonviolent resolution of conflict, who would show in other ways the way we would like this world to be, and who would go beyond just saying, "Well, I'm just going to show the world as it is, not how it ought to be"?

And my concern is what steps—again granting that it shouldn't be the responsibility of government but should be the responsibility of concerned citizens and concerned businessmen and executives—the great problem in many areas, the great problem for the major industries to have to be somehow forced by the government to take cognizance that there are crises in our cities and there are other things, to get people to focus on the problems that seem to be contributing to the violence.

And I think there is a genuine concern, and I think not improper, that the major motive in developing a film like "Bonnie and Clyde" is to make money and it is for the

aggrandizement of the people in that business. At least I really would wonder if the producers were thinking, "This will be a wonderful moral play."

Mr. Valenti: Well, again, I didn't go into all the great things I think movies are doing because I thought that would be rather self-serving. There are pictures that are not violent, that are not full of sex, which are being patronized greatly by movie audiences in this country.

Dr. Menninger: Would you—

Mr. Valenti: "Guess Who's Coming to Dinner," for example, I think is a great motion picture of our time, showing the great, marvelous way that people can live together. "Man for All Seasons" is another. "Lion in Winter," just out, is a great motion picture. There are children's pictures like "The White Colt," "Chitty-Chitty Bang-Bang," and "Oliver," which is just out. All of these pictures are fantastically well done, beautiful motion pictures which will endure.

But when you are producing 300 to 400 pictures a year, over 3,000 pictures throughout the world each year, obviously some will be trashy, inept, incompetent, licentious, salacious, violent, you name it. In every profession you are going to have the same kind of variety of outpouring.

Dr. Menninger: Granted. Granted. But what, for instance, is the Motion Picture Association doing to encourage the further development of those kinds of films?

Mr. Valenti: Well, I will answer this way: in almost every public utterance that I make—and perhaps I speak on the wind—I make one point. If I can send you several volumes of my speeches, you will find one thread going like a golden stream, I hope, throughout. It is a plea for excellence, the pursuit of excellence. I have urged people to make more pictures on great moments in American and, indeed, world history. History is replete with great drama that can exalt people.

I mentioned on page 6 of my statement of one positive effort I made. After the murder of Senator Kennedy, I had long meetings with producers, writers, and directors in which we discussed at great length what we could do as a creative force to help lift the level of quality in the motion picture world.

I don't suggest that any of this has had an instant response or that it has changed the face, shape and form of the motion picture industry. But insofar as I am personally concerned, and insofar as I have had conversation with and any kind of influence on the creative people in this country, the direction and the course that I would choose to take in this industry is well known.

I also know that there are a number of new executives as well as creative people who share my opinion. I would like to send you, Dr. Menninger, within the next week, a list of motion pictures that I think would meet the kind of sturdy criterion you lay down, pictures that are non-violent, non-sex, non-anything that is in aberration from the norm, pictures that have an uplifting quality about them.

There are literally hundreds of such pictures. I would like some of them to be made known to you.

Chitty Chitty Bang Bang
Hellfighters
The Shoes of The Fisherman
Dr. Coppelius
Finian's Rainbow
The Lion In Winter (nistorical)
Paper Lion
Yellow Submarine
Funny Girl
The Horse In The Gray Flannei Suit
Thunderbirds are Go
With Six You Get Egg Roll
Charley
Hot Millions
Star!
The Pink Jungle
Project X
The Seventh Continent
Never A Dull Moment
Countdown

The Odd Couple
What's So Bad About Feeling Good?
The Shakiest Gun In The West
A Challenge For Robin Hood
Heidi
The One And Only Genuine Original Family Band
2001: A Space Odyssey
Blackbeard's Ghost
High, Wild and Free
Where Angels Go–Trouble Follows
The Young Girls of Rochefort
Half a Sixpence
Grand Slam
The Ballad Of Josie
Doctor Doolittle
Festival
Fitzwilly
Guess Who's Coming To Dinner
A Man For All Seasons
Monkeys Go Home!
The Adventures Of Bullwhip Griffin
First To Fight
Brighty of The Grand Canyon
Thoroughly Modern Millie
The Gnome-Mobile
The Perils of Pauline
Enter Laughing
The Happiest Millionaire
Young Americans
Charlie The Lonesome Cougar
The Jungle Book
A Thousand Clowns
The Flight Of The Phoenix
The Ugly Dachshund
Born Free
And Now Miguel
The Russians Are Coming, The Russians Are Coming
Fantastic Voyage
Walk, Don't Run
The Fighting Prince of Donegal
Namu, The Killer Whale
Follow Me, Boys
That Darn Cat
Those Magnificent Men In Their Flying Machines
Git!
Mister Moses
World Without Sun
Those Calloways
Rhino!
The Unsinkable Molly Brown
Mary Poppins

All I am saying is that I think our progress may be slow but our direction is up. We are on an ascent here. And I do believe that the advent of a new, educated audience and a new kind of receptivity and sensitivity on the part of creative people will in the long run be beneficial to this industry. I can't make any accurate prediction, but I believe that.

Dr. Menninger: Now, toward this end of the more positive direction and impact, you raise the same questions, and I must confess that I get distressed. Everybody looks to the social scientist for the answer. And we haven't got that magic yet.

But the question of research, of trying to know what is the impact of the product, I have raised this question with a number of other people who have come before us. I get a little distressed, as I did with a representative from one network who spent 90 percent of his testimony shooting down research in this area that has been attempted by scientists, researchers, as carefully as they can. And, indeed, I agreed with many of the observations. But it distresses me when somebody has to come and spend 90 percent of his time tearing down the research without saying what he is doing.

I am delighted that you have indicated a lot of positive things that you are doing. But can you be more specific, as is my wont, as to just how much is the economic commitment of the Motion Picture Association or the motion picture producers to research in knowing what is the impact of their product?

How much are they committing in terms of dollars to support these "independent objective research studies" to which you make reference on page 12? Is there any real commitment in terms of a significant part of their budget where they say: "We will give to scientists, we will make available in a non-tainted way which will help support getting the answers so we know how can we achieve the positive and how can we minimize the negative"?

Mr. Valenti: The first answer to your question is that we are not investing in research and that is a deliberate decision on our part. I take the attitude that if we were to make a grant for research and if it happened to come out "favorable"–I don't know what "favorable" is, to be honest with you–but if it came out favorable, there would be, rightly or wrongly, a taint.

I have talked to some people about a particular social scientist, and the answer came back from the most eminent, who said, "Oh, well, he's the House social scientist. You don't want to listen to him."

I think that if we did that it would be called tainted. Therefore, I determined not to go into it that way. I determined to try to apprise myself of all that was going on in the field. As I told you I believe I have gotten a good summary.

I would have no objection to committing the Motion Picture Association to a "media pool," if the work could be done on a totally objective basis, totally separated from any kind of taint, so that the most responsible men in the pertinent field could do the job unhampered and uninfluenced. I would be a part of that, and I would commit the industry to it based on the three following questions:

What is the extent of the research?
Who is going to do it?
What is it going to cost?

After looking at these three questions, I can tell you I would commit this industry.

Dr. Menninger: Well, that's good to hear. Let me then pick up on one aspect, and this has to do with your references on page 10 and 11, about the concern, the reaction of maladjusted people is not a valid basis for judgment and the comment: "the literature is filled with statements that well-adjusted children in a reasonably stable home atmosphere cannot be harmed by motion pictures."

The literature may be filled with such statements, but I think most parents have experienced times when their children, after having seen a movie that has been discomforting, have had trouble sleeping for several nights.

There are stages of development in children, particularly in the years perhaps from six to ten, when they have a lot of fears, and these fears can be accentuated by what they view.

And I think the other point that I would want to make is that it's perfectly clear that everybody has their breaking point, that there is no one who is so impermeable that he may not be affected by certain events.

Now, related to this, is there any evidence that fewer films which would not be categorized as "X" or "R" are being produced since the idea of the Code has been implemented than before that?

Mr. Valenti: I can give you some figures if you would like to have them. Of the 115 films which have been rated under this new system, 22 percent are "R" and 4 percent are "X." The rest are "G" and "M."

Dr. Menninger: So better than one out of four––

Mr. Valenti: Yes.

Dr. Menninger: Are in that restricted category?

Mr. Valenti: That's what it is as of now. I cannot tell you what it is going to be next year.

Dr. Menninger: The question is: Has anybody done a comparable study of a comparable number of films a year ago or two years ago to show whether, since the idea of the Code has come about, producers are actually changing in the way they are preparing films?

Mr. Valenti: Dr. Menninger, that is almost administratively impossible to do. That means you have got to go back and look at each picture to give it a rating.

One reason why we didn't go back in time and rate all pictures now on exhibition is that it's administratively impossible to do.

Dr. Menninger: Well, I think you can understand why I asked the question. That is, one of your objectives–I assume that's implicit, even though you say–your major objective is just to educate parents. I would hope one of the objectives is to provide this kind of quiet sanction––

Mr. Valenti: That's true.

Dr. Menninger: On producers––

Mr. Valenti: That's very true.

Dr. Menninger: So they will not produce as many films that would be objectionable in a sense.

Mr. Valenti: That's true. That's an objective.

Dr. Menninger: Now, the question is: As a scientist I say how do you test it, where you have to know the before and after? And it would seem to me fairly easy in the position of the Motion Picture Association to get hold of the films and to screen them through the same censors and the same process and ask people to say how they would rate this film.

Mr. Valenti: May I point out, it would be more practical and more beneficial to do that from the time we really started, say, to do an assessment for the last six months, and go forward and do another in June, another in December of next year,another in June, so that we keep a running tabulation of what is going on now and in the future, rather than to go back before we began this program.

Dr. Menninger: But that won't tell you what the impact of the Code has been in the full sense that I am interested in. I mean my research interest would make me go at it a different way.

Mr. Valenti: I would certainly bow to your knowledge on this.

Dr. Menninger: One final question: Is there any assurance that there will be a sufficient number of "G" films? As the father of six children, I am keenly aware of the pressures of my children to go on an outing to the movie, and it's great fun. I kind of regret that it looks like these hearings are going to make me miss a benefit opening in our community of "Dr. Doolittle," which the kids have been looking forward to for over a year and wondering why 60 miles away it could be in Kansas City a year ago and it takes a year to come to Topeka.

But recognizing the number of children and the number of occasions–and I'm sure you have seen the cartoons where somebody is looking down a movie column and all there are are the "R" films or "A" films or what have you. You know. Is there any assurance that the industry is going to recognize that market and produce films that will allow a ready opportunity for children to see good movies?

Mr. Valenti: Dr. Menninger, the great shortage today is not of children's films but of children's audiences. The audience is the one that is in short supply, unhappily.

While I do not have the figures in front of me, too often a number of the so-called children's films have found themselves playing to almost empty theaters.

While you will go to "Dr. Doolittle," a lot of other people will say, "Why don't you have a family film?" and when the family film comes to town, these people are not at the theater.

I have said on innumerable occasions the best way I know to get the kind of pictures you want played in your town is to patronize those pictures you want to see played. There is a great gulf between the word and the act, and that moment of truth when you go to the point of sale at the box-office is not enacted often enough to warrant greater production of children's films.

You mentioned the profit motive. It is true that 99 percent of the people who make pictures are not in it for altruistic motives any more than a man who sells steel or ball-bearings or even practices medicine is in his field simply because the welfare of mankind is his only objective.

Judge Higginbotham: You wouldn't apply that to the law though, would you? [Laughter]

Mr. Valenti: I leave the law out, because there are more lawyers on this Commission than other professions. [Laughter.]

I think it is a fair assertion that most people in our society are trying to earn some money. So that if a man plans to make a picture that nobody is going to see, the chances are the bank won't loan him the money in the first place. So he will make a picture he thinks people will want to see.

My only comment, Dr. Menninger, is I could not agree with you more. You are saying things that I have said on public platforms. You are saying things that I have said in private conversations with producers, and I will continue to say them. But I am hard-pressed when I look at the box-office figures of a number of so-called children's films that do not do well.

I would like to join with you in a society for the increase in audiences for children's films, and I will be glad to serve as your vice chairman.

Dr. Menninger: We might run into trouble with the population control people. [Laughter.] Thank you very much.

Mr. Valenti: Thank you.

Judge Higginbotham: If you will bear with us, Mr. Valenti, while the Court Reporter changes paper, you might like a two-minute break yourself.

(Brief break.)

Judge Higginbotham: Mr. Valenti, I think we should announce–and it's grossly unfair to my distinguished colleagues who have not had the chance to question Mr. Valenti–that he does have a serious plane problem. What is the latest you could leave, Mr. Valenti?

Mr. Valenti: As long as I am on my way by 11:45, Judge, I think that would be fine. I have a one o'clock plane to catch at Dulles.

Judge Higginbotham: Very Well.

Ambassador Harris.

Ambassador Harris: Mr. Valenti, I'm happy to have you with us this morning. I want to ask you a question. Do you believe a movie about an illegitimate child starved by dishonest public servants, who later becomes the ward of a dirty old man who sends him into a life of crime, who is later befriended by a woman of easy virtue who is killed by her lover, who is subsequently killed, is an appropriate film to be made today?

Mr. Valenti: I'd like to catch my plane right now, if I may. [Laughter.]

Madam Ambassador, the way you outlined that script, if I were the head of a motion picture company, I don't know that I'd want to fool with it.

Ambassador Harris: The difficulty is in the description and in the eye of the beholder, because if one looks objectively at the film I saw last night entitled "Oliver," based upon a book that we would all agree is a classic, *Oliver Twist*, that is exactly the way it would be described.

Now, interestingly enough, I am infinitely more disturbed–was infinitely more disturbed–by "Oliver" last night, because I have a higher sensitivity to exploited, hungry orphans than I do to criminals.

Now, I'm one of the people who saw "Bonnie and Clyde," which convinced me that [Jack Slocum] has a very good statement–each man to his own taste and judgment–because I too found "Bonnie and Clyde" a morality play, very disturbing, but one which said something to me about the nature of even hardened criminals of this sort that I think is very important all of us look at.

This does not mean that I think Congressman Boggs is wrong. I think Congressman Boggs has a point of view which is quite valid. But I don't think I ought to be deprived of the morality play that I perceive in this artistic venture, whatever may have been its genesis–the wish for profit or the wish to exploit violence artistically, as the Greeks did superbly, and as Shakespeare did superbly for a valid artistic point.

Is there any way, really, in which we can deal with the substance of films from outside the filmmakers' studio without getting involved in making a judgment between validity of Congressman Boggs' taste and the validity of my taste? Is there any way of getting around to making a clear choice of that sort, which means either you deprive Congressman Boggs of the right to have his taste prevail, or you deprive me? Is there any alternative?

Congressman Boggs: You mentioned my name. I think you make a very valid point. I believe the problem gets to this: Who gets the morality impact? I think you must be pretty well intellectually trained and have a fine intellect, as you have.

The young man I was referring to in my town, however, didn't have that. He didn't have that capacity. To him it was crime and violence for profit. And apparently he was obviously a disoriented person who undoubtedly had psychiatric problems. The net effect of it was that he went out and killed someone.

Now, the effect on you was: Well, this portrays society as it is and that it ought to be portrayed, and it shows the result of violence, and so on. I can well understand that approach.

Ambassador Harris: But the question really goes to the problem of what is the role in dealing with artistic media, which I think the movies kind of lucked into being. I don't think it was necessarily intended. But it so happened. Is there any way we can deal with this except by having a judgment made by the consumer *en masse* about whether this is what he wants? Is there any other basis?

Mr. Valenti: Madam Ambassador, there are several ways. As I pointed out earlier, we are making films today for a wide selection of audiences. Jean-Luc Godard appeals to certain groups of people but not the mass audience, whereas Jerry Lewis may appeal to a mass audience looking for something else.

The first point is that we have different theaters. You can tell sometimes by the theater—it only plays a certain kind of film.

Number 2, you must read, you must know what the critics are saying. You must know what is being said in the current press about the movie.

Ambassador Harris: May I interrupt? Wasn't "Bonnie and Clyde" widely shown not in the art houses but in the traditional houses for showing?

Mr. Valenti: Oh, yes. I include "Bonnie and Clyde" as a "mass audience" picture—"mass" not in the ordinary sense. It is a widely popular picture.

There is no way to deal with the problem directly unless one chooses to make pictures aimed only for the disturbed youngster, aimed for the lowest common denominator audience. I don't have to tell this distinguished group what would happen to the level of art in the community, how all art, including movies would cease to flourish. Art would become totally stagnant, and it would soon disappear.

The attempt we have made, Madam Ambassador, with our rating system is, at least, to try to tell families what is in that picture vis-a-vis their children, so they don't wander into a theater without any knowledge whatsoever.

I think you are in a very difficult position when you try to make films that would exclude adults.

Now, the question was brought up: What do you do about a film that triggers a disturbed youngster? Well, anything might trigger such a person. You have to isolate him from life I suppose. He may see something happen on a street corner. He may read something in a book. Somebody may speak harshly to him and he is triggered. So I find that not at all an argument for not making pictures that might trigger him.

To answer your question, I don't know of any way in a democratic society in which you can segregate pictures. I think the very fact you do have controversy about motion pictures is an indication of the interest, the hidden interest, that we find in it now.

Ambassador Harris: To pursue this question of the audience, you undercut what was going to be one of my statements—that the movie industry, movie theaters are probably the second-largest babysitting organizations in the country. Apparently, I just haven't been going to the right movies. Because it has been my impression that on Saturday afternoon and on Sunday afternoon large numbers of children do go to the movies without their parents.

Now, there has been a practice in some suburban areas—in this area, very few—in which at the matinee performances there are movies which are directed to this audience.

Now, is that not an approach which is responsible and does not leave us in the position of saying to the parents, "Check to see what is at the movie on Saturday and Sunday when your children will want to go"? Isn't there an obligation on the part of the producer, the distributor and the exhibitor to make certain that when he's likely to have a children's audience he does not have a film to which children ought not be admitted? Or do you feel that a good enough job has been done on this?

Mr. Valenti: As a matter of fact, the answer is no. This is one of the places I must say that a part of the movie industry, the exhibitor's part of it, is indictable. And I will say

that in all candor to you.

It's one in which I hope we can do a better job. And I have had many discussions with the exhibitors and with some of the members of my own organization to try to work out some plan whereby on Saturday afternoons, say from noon to three o'clock, there will be shown at a theater, not the picture that is playing regularly, but another one that is directed toward children and from which children would derive some pleasure.

Ambassador Harris: But, again, this is a very limited period. Again, maybe my experience is not typical. But it is from noon until dinnertime that I have seen large numbers of children queuing up, and I just wonder if this should not be recognized and if we would not diminish the demand for a general dilution of the content of films if at the point we would have children we had films suitable for children and when we know by experience there are large numbers of children.

On weekends I just don't know. I have to agree with you, because if I don't want to see "The Fox," et cetera, on weekends, I sometimes have difficulty myself.

Mr. Valenti: This is, of course, a problem of distribution and marketing. Each distributor, of course, has his own plan of marketing a picture. I am really not competent to judge the efficacy of each of these programs.

I do know that what you point out is a sensitive subject under discussion now. I don't know that such programs should extend into the dinner hour. In today's society motion picture-going is a weekend experience. Friday, Saturday, and Sunday are when the exhibitor does his best business. If you are going to ask him to show a children's picture all day Saturday, you are going to take away one-third of his adult business. Whether or not he would choose to do that is entirely up to the exhibitor, because he is in total command of his theater. But certainly not showing children's pictures on Saturday morning and Saturday afternoon is I think a legitimate cause for both complaint and for further planning and discussion.

Ambassador Harris: And isn't there a relationship between high admission cost and small juvenile audiences today? Aren't the rates terribly high for middle-income and lower-income families?

Mr. Valenti: I know that tickets to the theater today cost more than they did 10 years ago, of course, you could almost say the same for almost any other item that is on sale today.

I do hear complaints about it, but there is another side to the story. The theater man's expenses have gone up. And I don't have to tell members of the Congress about the inflationary spiral. Everyone knows about it. So that there is something to be said on both sides of the issue. There are special children's prices of course.

Ambassador Harris: That's all I'm talking about. I think we adults pay the freight. But where there are six children in the family and it's a dollar for the film, the tendency is to say, "Look at Captain Marvel on television. I don't have the money." Can you really be sure that there is not a market? Isn't it that there is not a market at this cost for children?

Mr. Valenti: That could well be, Madam Ambassador. Unhappily, I cannot provide instant action. That falls within the purview of the individual theater owner. He sets his prices. I have no authority, persuasive or otherwise. It's a question of each theater owner in his community setting his own price. I think your point is well taken on it.

Ambassador Harris: Thank you very much, Mr. Valenti.

Thank you, Mr. Chairman.

Judge Higginbotham: Mr. Valenti, we talked about the industry's capacity for self-restraint. I present to you, my very learned colleagues, the problem of self-restraint so that other, equally-distinguished colleagues have an opportunity. If that be true, it would take approximately eight minutes per colleague, and I will take one minute. Commissioner Jenner.

Mr. Jenner: Thank you, Mr. Chairman.

Mr. Valenti, this may be a doubtful comment, but I listened to your presentation, and as a lawyer it's one of the best reply arguments I've heard to an opponent who had not yet made a statement. [Laughter.]

I wish to yield to my colleagues very rapidly.

You have a mass audience. The movies that are shown, you realize, and your industry realizes, are going to have an effect on the viewer. Do you agree with me on that?

Mr. Valenti: I'm not sure that I agree with you, Mr. Jenner. I'd like to know what

you mean by "effect."

Mr. Jenner: Well, if they are children, as you have indicated, it would be preferable, all other things considered, that children not view violence but that they view things that in your concept, in your society, in your Code are acceptable for their viewing.

Mr. Valenti: Yes.

Mr. Jenner: You must necessarily conclude before you reach this Code and you publish the Code that the movies that are being shown have some effect on the people who look at them.

Mr. Valenti: I have said, Mr. Jenner, that I don't know whether they have a specific effect or not. The evidence is not there. But I have said publicly that in the absence of that evidence, as a precautionary measure, we are going to take this step.

Mr. Jenner: You emphasized, also, that we must not interfere with the artist's freedom to produce what he thinks is something of artistic character and presentable to society. But the profit motive also is an element, is it not, even to the artist?

Mr. Valenti: Yes sir. I would say that there is a profit motive involved. But I would also say that a great many responsible creators want to make money but they do not choose to make money with something they think is inferior to the quality standards they want.

Mr. Jenner: Would you say that on the whole the profit motive—on the whole, day in and day out, year in and year out——

Mr. Valenti: Yes, sir.

Mr. Jenner: Is the test?

Mr. Valenti: Yes, sir.

Mr. Jenner: Because if the film can't be sold so that the theater owner can meet his expenses and make a profit, then there's no purpose in producing it.

Mr. Valenti: There's a profit motive, Mr. Jenner, but it is not the only motive any more than all lawyers are merely out to make money. Here you are giving your time to this Commission because you believe in your country and you're doing it at great sacrifice. I would assume you would accord the same kind of respect and integrity to moviemakers. I would say it's on that same level.

Mr. Jenner: All right. I would accept that.

Now, Mr. Chairman, I have just one other question.

I am concerned about TV productions. Does your Association have anything to do with the distribution of movies for selection and distribution to the TV people for showing on TV?

Mr. Valenti: Yes, sir, in two categories. A number of our companies make movies specifically tailored for television. In other words, such films are shown first on television, and then they may be sent abroad for foreign distribution. That is one category. And it may be 20, 30, 40 pictures a year. There is another category in which we make pictures that show in theaters first, and then are sold to television for viewing perhaps two, three, four, or five years later.

Mr. Jenner: I see. All right.

Thank you, Mr. Chairman.

Thank you, Mr. Valenti.

Judge Higginbotham: Commissioner Jaworski.

Mr. Jaworski: Thank you, Mr. Chairman.

First let me say that I have known the witness since he was a student at the university. He's not an old man by any means, but that goes back quite a few years. And I can vouch for his complete dedication to whatever task he undertakes.

I think the progress that has been made up to the present time I have no doubt is due largely to his own resourcefulness and his ingenuity, and, of course, his devotion.

But I want to say this to you, Jack: I think that of all the things you've done—you have served the community, you have served the State, the nation in high places—I think that you have the greatest opportunity that you have ever had to serve this nation in a way that will help meet the crime situation today, our number one domestic problem.

And I think through the position you occupy that you could make a greater contribution to your fellow citizens, to society, than you have been able to make in any other category, any other position in which you have served.

And as I hear what you have had to say today, I think you have made progress, but I think there is still much more progress to be made.

What I would like to know is how much arm-twisting did you have to engage in in

order to get this particular rating program adopted?

Mr. Valenti: You know, Colonel, in Washington arm-twisting is a word in some odium right now. [Laughter.]

Mr. Jaworski: I don't think it's in odium particularly. I think you learned under a great master. [Laughter.]

Mr. Valenti: I must be candid with this Commission and say that I did put to use a great many lessons that I learned under the tutelage of my former employer.

Yes, there was. I don't know if you would call it "arm-twisting," but in the motion picture industry, as I have said, there are many fragments, disparate groups, sometimes mutually antagonistic. It took a great deal of conferring to bring this rating system into being, but I must say that when I broached the chief executives of my member companies, of the Motion Picture Association, on this plan, I had surprisingly little opposition.

There was questioning, of course, about the way we would go about it. But to my delight and to my surprise there was an almost instant agreement on the general philosophy. It became then, a question of bringing aboard all the other elements in the industry—the creative people, the exhibitors, the independent producer-distributors. I did that in a series of face-to-face meetings which lasted approximately eight months.

It was not easy, but there was never any die-hard, herculean opposition to it.

Mr. Jaworski: Of course, you see, it occurs to me that perhaps this Commission can even be of assistance to you in your doing a still better job than you have done along this line. There may be findings; there may be recommendations that would be of great help to you. It may be the very support you need in order to make more progress.

Let me tell you how I visualize this matter. You spoke of the home and the obligation of parents. And, of course, I agree with you a hundred percent. I know the kind of home you came up in. I know how your parents disciplined you, because I know your father and mother both.

The home isn't discharging its duties any longer. If I have learned anything in the last few years that I have served in various capacities on this crime problem, I know that we can't look to the home anymore as we used to.

We can't look to the church. It can help, but it hasn't helped enough. And today I think the church is failing more than it ever has before. And I am a strong believer in the church, and, as you know, my father was a minister.

The schools can't do it. They are already overburdened and are not doing it.

So we have got to go back and try to get all the help that can possibly be obtained from every institution, and that means including the motion picture industry.

And though it is true, as you point out, where the primary responsibility and the secondary responsibility, as you put it, remain—it's there—the fact also remains that the very fact that the home is failing, that the church isn't doing the job, that the schools can't do it, means that the motion picture industry, among others, assume greater responsibility.

And this is why I think it is so terribly important that everything be done along these lines. And I think you were very helpful in making it clear that although you have doubts that the violent portrayal, for instance, actually contributes to crime, the point is we must not run the risk of permitting them to do that, not the way the situation is now, as I see it.

So that I come back to the belief, as I do with the television industry, that there is much that can be done by these two industries. The statistics are staggering on how many children devote their time in hours over the weekend to television. I know this is true. And they are going to movies too. So there is a great responsibility. All I say is it is a responsibility that today, with 50 percent of our major crime being committed by the youth under the age of 18, that has to be discharged by every institution.

I am glad you are there. I don't want to hear you talk in terms of resignation. I think you have a great job to do and I, for one, hope that you will continue to strive to do it. And I hope this Commission will help you.

Thank you for being with us today.

Mr. Valenti: Thank you, Colonel. Thank you very much.

Judge Higginbotham: Senator Hart.

Senator Hart: I'm looking at the clock, and I am very grateful that we have had a chance to hear Mr. Valenti.

The czars in other businesses by threatening resignation have been able to influence

for better the practices even in sports. So don't restrain always the threat of resignation.

Mr. Jenner: Don't go too far, though.

Senator Hart: The exchange between Congressman Boggs and the Ambassador reminded me that one of the problems that you are going to have with your Code is this credibility gap. But to the extent that I look over the green sheet and see movies that I have seen and took my children to see and find that I wasn't supposed to, I don't agree.

Congressman Boggs: I don't either.

Senator Hart: It goes to the thing yesterday, an editor saying there's a credibility gap. I talked to some people, and they liked the newspapers, but when we asked them how reliable they were, they said, "Well, as a matter of fact, every time I read a story that I knew because I was there and involved, I found mistakes in it." It damages the acceptance of the press.

So, too, I hope that in your assignment of grades—I'm sure in your assignment of grades—that you will try to avoid what so many of these pure, "good-book" literature people always get hung up with. They go chasing off after marginal cases. As a consequence, the sensitive people in the community don't sign up. They waste their effort.

There's plenty of gross perversion, hard-core pornography kicking around in all of these areas where you can enlist the public support if you zero in on something that anybody, excepting the fellow eligible for institutionalization, would agree ought not to be available to anybody.

Secondly, I congratulate you on zeroing in on the child. Clearly the First Amendment gives you strong support here in the line of cases that Mr. Justice Fortas made such significant contribution in developing. You are on sound ground there.

And I, last, would say that you must feel sometimes, when we tell you what you should do, what the producer must do—we tell him what he should do—like the politician. We say: "The producer should produce good movies, clean movies. We don't promise to make the box-office, but because our instincts are unsound, our character weak does not excuse you. You should rise to a higher level. You be courageous and put out good stuff."(And there will always be a bankruptcy lawyer around.)

Just like the politician. If we get up and say the unmet needs in housing and education and this, that and the other thing are enormous, that we are not meeting them, that it will cost more money, we can't short-change one to do another. That's what we are supposed to say. But we always have our fingers crossed as to whether political survival is possible if we do say it.

And that's really the hangup for Hollywood, I'm sure. It's our fault basically that we haven't the wit selectively to vote at the box-office and haven't the wit selectively to find the public official who is willing to speak heartily in support of it to permit him to survive.

So if you find some of your producer members sort of mad at the theme we always strike, I can understand it. We are not going to refrain from telling him to do better than we are willing to do ourselves, but that's the hard truth, I think.

Mr. Valenti: Thank you, sir.

Judge Higginbotham: Senator Hruska.

Senator Hruska: You referred to censorship as existing within some 69 countries, and there were three countries that didn't have censorship, West Germany, England and—

Mr. Valenti: West Germany, Japan and the U.S. do not have censorship of movies.

Senator Hruska: Yes, censorship of movies. You referred to it. Suppose we assume that violence in movies is offensive and it is unacceptable and that it is highly objectionable, highly detrimental and against public policy to have it and either the state or the state legislative bodies or national legislative bodies will enact a law imposing censorship and requiring certain standards –I don't know how the devil they will describe them or define them or how they will enforce them.

But suppose they do that? What about its constitutionality? What about its acceptability? I say that advisedly because we have had in the field of the pornographic film—the film that has so much of the lewd and obscene and sex activity and scenes in nudity—we have had efforts to block that out. And we have also had court rulings which say wait a minute, you can't quite do that.

The results have been kind of shocking to people. Now, what about when we say—the same objections were raised to that type of film. They are offensive, detrimental, they should be against public policy, they are reprehensible, they are unacceptable. We will

legislate against them. They aren't permitted to do it.

Have your experts given any consideration to that feature of it? Because I think whatever we might like to do and whatever we would try to favor the American nation with, I don't think that we are going to be allowed to junk the U.S. Constitution just because we think it is better than what the Constitution provides. So I wonder, have you had any research made on that? Have you any thoughts or comments?

Mr. Valenti: I certainly have, Senator. Until somebody unravels the First Amendment, precisely what you say is true. We are unable to interpose our own personal view into a matter which concerns the Constitution itself.

The Association and I are on record as being totally opposed to the intrusion of the government through the sanction of the law into this field of making cultural judgments.

This is our unequivocal position. Our lawyers have fought these cases in a number of courts—municipal, state and federal—over the past two decades. We will continue to fight them. As a matter of fact, our last encounter was January of 1968 when the Dallas Classification Case was before the Supreme Court. This is our view about statutory censorship. The question you also ask is: What if research turns up some new evidence that we don't have? We will have to examine it and see how it fits in with the Constitutional precedents that, thank God, exist in this country.

But at the moment, at this point in time in history, we would be unalterably opposed to any erosion of the First Amendment particularly the free press clause under which motion pictures are protected as a part of communications.

Senator Hruska: I wouldn't want to be defeatist about this, but I would like to be realistic about it. I think most people would. I would not want to make any predictions as to what the outcome of legislation in this field would be if some national policy were defined and then some sanctions would be applied or some prohibitions made.

But I, with my very limited reading of the discussions and of the opinions – would forecast a great deal of difficulty getting away from the thrust of the First Amendment.

I would just find all kinds of difficulty. But that is, of course, for the courts to decide. That is the forum, if we get into the business, of legislating on a national basis. If there will be further efforts made on a state basis—I have only one other brief question. In this little—before I get into that, that leaves out of the picture entirely how such a censorship would be exercised. You have already touched on that because that is a cultural judgment.

Mr. Hart sitting on that Board would probably differ with Mr. Hruska and with a lot of other people. I don't think we can have two hundred million people or even one hundred million people on that board. It wouldn't fit. It wouldn't be practical.

We would all have to see the picture first and then vote.

Judge Higginbotham: I don't want to cut you off because your comments are always so relevant, but we do have a time problem. I don't know whether you have been alerted to that.

Senator Hruska: Are there other questioners?

Judge Higginbotham: No.

Senator Hruska: May I have one and a half minutes to ask the witness about page 2 of his description on the National Voluntary Film Rating Program: Companies not members of MPAA who don't choose to submit their pictures to the administration will automatically self-apply the "X" rating to those pictures?

Mr. Valenti: Yes.

Senator Hruska: They don't have to put anything on, do they? Is there any law that would require them to put "X" on that film?

Mr. Valenti: No law, Senator, but if the distributor sought exhibition time for his picture, he would find that the vast majority of theater owners are pledged to this program and one part of their pledge is that they will not play pictures without ratings. Therefore, if he wants to get playing time he must automatically apply the "X" rating.

Mr. Jenner: Do the TV people also apply that?

Mr. Valenti: Television?

Mr. Jenner: Yes.

Mr. Valenti: Well, this rating system has nothing to do with television, Mr. Jenner.

Mr. Jenner: You said in answer to one of my questions that your group produced and distributed movies to the networks or other TV people.

Mr. Valenti: Yes. If we make a movie specifically for television, we work within the specifications of the National Association of Broadcasting Code. That code tells us what

television will and will not accept for films made for television.

Judge Higginbotham: I don't want to give you the obligation to answer one person, but I think we should give Senator Hruska the opportunity to finish.

Senator Hruska: This is very pertinent because I presume TV people, technically or not, are exhibitors. The TV is an exhibitor, isn't it? Not in the language of the trade, but, by golly, they exhibit films.

Mr. Valenti: Yes, that is true. TV is the biggest exhibitor in the world—55 million television sets. But again two things: We are making pictures primarily for theaters. There is our audience. We are making them secondarily for television. When films are sold or leased to television, it becomes a matter between the buyer, the TV network, and the seller, the producer-distributor.

How they work it out is entirely up to them. As you may know, there have been no such meetings yet with them on the operation of our rating system because this code operation only went into effect on November 1.

Sooner or later there will probably be some meetings between networks and movie companies at which the purchase of movies will be considered. At that point the networks will have to determine what movies they want to buy.

Senator Hruska: Thank you, Mr. Chairman.

Judge Higginbotham: Thank you, Senator. Do you have three minutes? One minute for accommodation? Two minutes for questions?

Mr. Valenti: I am grateful for this opportunity. I have come voluntarily and I am delighted to appear. I just want to say one thing: It is the intent of this industry, as some of you gentlemen and ladies recognized, to try to lift the level of quality and excellence of films so that the people of this country will be the beneficiaries.

I am quite sensitive to Colonel Jaworski's remarks about which he and I have talked on other occasions. I am quite sensitive to his suggestions. I believe we have an obligation which we are trying to fulfill. It is very difficult to carry out our obligation because of differences of opinion, differences of judgment, and the difference as to whether a portrayal is too much or too little in a picture.

I can tell this Commission that your report will receive the most diligent kind of careful scrutiny and that I welcome suggestions from the Commission as to how we can further strengthen what we are trying to do.

Judge Higginbotham: Could I ask you one question? A prior Commission which was looking at the level of violence in our society, the Commission on Civil Disorders, known as the Riot Commission or the Kerner Commission Report, pointed out that there was in many ways a direct correlation between the riots in our cities and what they called racism.

I know where you stand in your extraordinary commitment to equal justice; but as I look at your standard, you say that word or symbol contemptuous of racial, religious or national groups shall not be used so as to incite bigotry or hatred.

While that is an extraordinary negative prohibition, do you envision coming out with some positive guidelines so that the level of prejudice and hatred will have a diminuation and not to look at it that it will not be merely accentuated?

Mr. Valenti: The best evidence I can give you, Judge, is something that goes beyond words again. These are acts. In the last year and a half, the number of black people serving before and behind the camera in our industries has increased so dramatically as to be astonishing.

In my last talk before the NAACP convention in Beverly Hills a few months ago I found great agreement that what we had done in the motion picture industry was demonstrably effective. We are greatly proud of the people who had been concerned about this lack of employment.

Judge Higginbotham: I would like to have the opportunity to discuss it more with you.

Thank you very much.

Your contribution has been of major dimensions, and I hope you catch your plane in time.

Congressman Boggs: May I join that? I think the gentleman made a fine contribution. Wonderful.

Thank you very much.

Judge Higginbotham: Call the next witness, please?

Mr. Tone: Yes. Chairman Hyde.

Judge Higginbotham: Chairman Hyde, I know you have been waiting most patiently since 9 o'clock and I want to thank you for your patience. It is merely because of our concern in this important field that we have kept you waiting, but we welcome your comments.

Mr. Hyde: Chairman Higginbotham, I am pleased to be as cooperative as I can in all matters of interest to the Committee. I found the morning's proceedings very interesting, as a matter of fact.

Judge Higginbotham: Thank you.

Can you talk as loud as you can? We have a little movement.

Mr. Jenner: If you pull the mike up closer it will help.

STATEMENT OF ROSEL HYDE, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Mr. Hyde: It is a pleasure to be here this morning and to continue to offer the cooperation of the FCC in the very difficult assignment which you have been called upon to consider.

In our letter of June 12, 1968, to the Commission we sought to set forth some pertinent Commission policy considerations relating to the complex matters raised in your letter of October 3, 1968. That letter thus represents my statement to the Commission and rather than go over the same material, I shall make some very brief comments and then endeavor to answer your questions.

First, as we stated in our letter of June 12, 1968, to Chairman Eisenhower, the FCC is concerned about the issue raised that the continuous depiction of violence in television programming—as well as in other media—has contributed to a popular acceptance of violence as a more or less normal part of our life. However, as to the FCC's authority to impose sanctions to eliminate portrayals of violence in entertainment programs, any sanction imposed by the FCC upon the basis that particular program content was likely to have harmful effects would raise, as a general matter, serious questions under the Constitution and Section 326 of the Communications Act, which prohibits censorship of broadcast matter by the Commission. We have also stressed that the licensee should be aware of the problem posed by his portrayal of violence, that he should take it into account in his programming judgments, and that continuing study-efforts in this area are clearly appropriate.

Turning to the more general issue raised by your letter of October 3, 1968, I believe that the two key concepts to our regulating policies are access and diversity. As set forth in our letter, we seek to promote access by the public to the broadcast medium, through such policies as local contacts and surveys and the fairness doctrine. The latter, for example, constitutes a long established and clear effort to maintain radio and television as media of free speech.

As to diversity, we also have placed our faith in the philosophy so aptly stated by Judge Learned Hand as to news but applicable to all programming material:

> The newspaper industry serves one of the most vital of all general interests: the dissemination of news from as many different sources, and with as many different facets and colors as is possible. That interest is closely akin to, if indeed it is not the same as, the interest protected by the First Amendment; it presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be folly; but we have staked upon it our all.

To this end, we have evolved and are still evolving multiple ownership and allied diversification policies. More important, we sought to increase both the number and type of "broadcast" outlets serving the public. Here, I would cite particularly the following:

The Commission's UHF policies, designed to obtain scores of new broadcast outlets.

The Commission's support of non-commercial educational television with, for example, reservations of channels for non-commercial educational TV and assistance in securing free inter-connection benefits to the Public Broadcasting Corporation. We vigorously supported the creation of the Corporation and now urge appropriate permanent financing of the Corporation. In this area of non-commercial TV, we would stress not only the additional outlets to be

gained, but the difference in type—the greater freedom of the non-commercial broadcaster to experiment.

The Commission's authorization just last Friday, of over-the-air pay-TV, in an effort to obtain further diversity.

The Commission's cable television proposals, also issued last Friday. I would point particularly to the proposed requirement that CATV systems serve as an additional local outlet by originating, on its own, by allocating channels to governmental entities such as the educational system, or on a common carrier basis to interested persons or institutions.

We envisage the availability of additional channels through CATV technology of the opening up of a great many more sources of information than have previously been available.

The CATV system can here contribute uniquely in two respects—one, because it has the potential of so many channels into the home—18 to 24 in the large cities, and two, because it can be established in areas which don't have sufficient population to support a TV station. Further, even in large cities, there is the potential of cable television programming directed to specific areas such as a particular ghetto area.

The foregoing is just a skeletal mention of some highlights. But it does suffice to show that we have a goal and a plan to achieve the goal. We seek to create, by policies such as listed above, a communications environment where the American people can be both richly and diversely entertained and informed—particularly as to the problems confronting the nation and the possible choices to meet those problems. I do not, of course, say that our plan has been as successful as we might wish or that it is certain of complete success. But it is, I believe, reasonably and effectively directed to the achievement of the goal.

That completes my statement. I did call attention to the letter we previously submitted. I should be pleased to endeavor to respond to your questions.

Judge Higginbotham: Thank you very much.

Senator Hart?

Senator Hart: No, thanks, Mr. Chairman. The Chairman and I have had visits on television in "Concentration" and other settings and I won't pursue that. I welcome him this morning. Thank you.

Mr. Hyde: Thank you.

Judge Higginbotham: Mr. Jaworski.

Mr. Jaworski: I have only this question. I appreciate your statement very much. I am wondering, and I am not sure that this is an entirely fair question for you to determine but are you yourself interested in any legislation or proposing any legislation that you think will help the situation?

Mr. Hyde: We are not at this stage proposing any regulation directly to the problem you are examining. We are in full sympathy with your examination of the possible effect of mass media on social behavior. We think such an examination would be a very constructive and healthy thing to undertake. We hope by examining the possible effects that you can call attention to improvements that can be made. We hope that your examination will help to educate both the public and operators as to their duties. We will be watching with great interest the conclusions you will make from your studies.

Mr. Jaworski: Thank you very much.

Thank you, Mr. Chairman.

Judge Higginbotham: Commissioner Jenner?

Mr. Jenner: Thank you, Mr. Chairman.

Would you tell me for the purposes of this record the tests that the FCC applies as against or with respect to an applicant for a channel, a license?

Mr. Hyde: The Act requires us to examine the applicant as to his legal, financial and other qualifications. Of course we make this examination with care. The Commission has developed a licensing system under which we call upon the applicant, who, after all, is the one who must design the program, to study the community and make proposals to us in the light of the information that is developed by his examination. We are always concerned that his plans look toward the development of a program directed to the benefit of the public rather than an arrogation of facilities for his own private interest.

We do have some other regulation policies which I think are very helpful in seeing to it that the channels are used in the public interest. Prominent in these would, of course, be the fairness doctrine which requires that any licensee who broadcasts a controversial

matter of public importance provide appropriate opportunity for the broadcast of other views on the same subject. Congress, too, as you know, has provided for equal opportunity for candidates for political offices.

Mr. Jenner: Would you tell me if you obtain or demand reassurances or statements from those applicants as to what they will do or intend to do in these areas of which you have now spoken before you grant a license?

Mr. Hyde: We require an applicant to make a full statement of what his plan of operation will be.

Mr. Jenner: Could you give me a typical assurance that you seek apart from finances? I am talking now about public interest. The fairness doctrine. Public benefit.

Mr. Hyde: Well, typically, they will report that they have interviewed and discussed the needs of the community with the community leaders from different aspects of community life. Typically, they will tell us what they will do in certain areas of public concern. Typically, they would announce their adherence to the policies enunciated by the Commission. These are very serious representations because every licensee must apply for a renewal of license in at least three years time.

Mr. Jenner: Mr. Chairman, my line of questioning was eventually directed toward the point which you have now raised.

Mr. Hyde: I supposed it was.

Mr. Jenner: When an application is made for renewal of license, what, if anything, does the FCC do to determine whether the licensee has lived up to the promises given to the FCC when the license was granted or the demands in the statute set by Congress to accord this operator the privilege of having one of the few channels?

Mr. Hyde: All applications will be examined against the representations that were made when the last previous license was issued. There will also be a check made of complaints that have been made regarding the operation of the station. Licensees or applicants are required to submit what is called a composite week. After the fact, after the dates of concern, the Commission requires a report on programming for certain days which will be days of the past at the time the licensee gets notice of them. This is one exhibit that is required, but the basic examination is to compare performance with promises.

Mr. Jenner: Do you keep the—do members of your staff do sampling currently as to the performance of a license?

Mr. Hyde: We don't monitor program content for the purposes of studying their operation. We will, on occasion, when there is complaint of the possible violation of law, monitor; we may monitor to determine the technical characteristics and adherence to logging rules and such matters, in particular cases.

Mr. Jenner: Mr. Chairman, if—and I pose this only hypothetically—if it should appear to you—that is, to the Commission—that a particular outfit has its program-content heavily weighted in the matter of violence of the character talked about this morning by Mr. Valenti and implied in the questions of the Commission, what, if anything, does the FCC do as to an applicant who seeks to renew his license?

Mr. Hyde: I don't have a precedent which I could recall. There has been no instance where we had such a complaint or charges. Hence, there is no ruling I could refer to at this time.

I would tell you, sir, that we, under the—I won't call it limitations; I will call it—under the policy directives of Section 326 of the Act, we would be very, very careful about licensing actions or regulatory actions which would have—which would be contrary to the free speech policy of the Act and the Constitution.

Mr. Jenner: The Congress has set a fair standard, which you have indicated. A station granted a license is to operate this facility accorded to that licensee by the public to operate the station in the public interest. The fairness doctrine and other factors you have indicated. Now, if that station is being operated against the public interest with a level of exposure of violence that would effect that community adversely or national or network television effect the country adversely, I don't see any constitutional prohibition against your denying renewal of that license.

Mr. Hyde: There is a case that might shed some light known as the Richards case, where there was evidence that a licensee had given directions to distort the news. So even though this was a sensitive area, there had been evidence in information submitted to the Commission that directions had been given by responsible authorities of the station not to give news as such but actually to distort it. The Commission did hold an investigation.

I suppose that if there were evidences that—or some anti-social or for reasons of their own—a licensee was undertaking a pattern of operation which was designed to impose violence as such for the sake of violence on the public, there would be a case under those circumstances.

Of course you are asking me a question in the abstract. This is the sort of thing we would best discuss in terms of a specific case.

Mr. Jenner: I appreciate that but I must pose these things in terms of hypotheticals to sharpen the issue in my discussion with you. I don't mean to suggest that by the fact that I am using hypotheticals that this sort of thing has not and is not in fact occurring today.

I am a little bit disturbed by your remark or comment that your Commission as such appears—please correct me if I am wrong—appears to wait for complaints rather than that you currently examine program content and that sort of thing.

Mr. Hyde: Frankly, our total personnel of the Commission is 1,477. With these resources we allocate the spectrum to various needs. We license 30-to 40,000 stations a month in all services. We undertake the regulation of telephone and telegraph and cable with respect to the interstate-international aspects. We do not wait for complaints before we are interested in operations. We do examine with care every renewal license application. The fact that a renewal may be issued without the Commission requiring some change in operation should not be construed to mean it has been automatically renewed. Such is not the case at all.

I would be concerned, Commissioner, that there would be serious censorship implications if the Government undertook a comprehensive monitoring of all program transmissions.

Mr. Jenner: My question, Mr. Chairman, assumes that a channel is broadcasting against the public interest.

Mr. Hyde: Sir, I would urge upon you—well let me restate it this way. The Act does say that the Commission may issue a license on a finding that public interest, convenience and necessity will be served by that operation. Congress at the same time gives us the guideline in Section 326. It tells the Commission to make this public interest finding, of course, in the light of all expressions of public policy. I find the Constitution of the United States just about the most important expression of national public policy that you could think of.

Mr. Jenner: I share that feeling.

Mr. Hyde: So the fact that we must license a station to serve the public interest, convenience and necessity, and the fact that an argument is often invoked that it is using publicly owned channels—these are not the reasons why we should disregard the overall national policy as expressed in the First Amendment.

Mr. Jenner: But the overall national policy, Mr. Chairman, may I suggest, is not licensed.

Mr. Hyde: That is right. I agree with you.

Mr. Jenner: Thank you very much.

Mr. Hyde: Thank you.

Ambassador Harris: Chairman Hyde, I apologize for having been absent when you made your statement. I am torn between my extravagant admiration and brevity in my regret in having missed it but I thank you for giving us of your wisdom. I have no questions.

Judge Higginbotham: Dr. Menninger.

Dr. Menninger: Mr. Chairman, Chairman Hyde, I must preface my remarks by saying I have no idea about legal aspects. I approach this whole topic in one sense with the hat of a citizen who watches the media and who gets frustrated when a show he wants to see isn't shown or gets furious when some other show is shown, etc., and then figures out how can I get a response from the station or why can't it respect what I want to see like everyone else. The questions that I have are related in part to this. That is, the citizen's access, recognizing that it is one thing to have the right to stand up on a soap box in the city park where you may or may not be heard by a few passersby and it is another to have control of an instrument by which you are immediately influencing the thinking of a vast number of people.

The first thing that I can perceive my lawyer-colleague struggling with is how you balance the constitutional safeguards of the First Amendment with the fact that the use of airwaves and this public medium requires some limitations and how

you then balance the Federal interest and Federal supervision with the great wish for local autonomy and freedom. All of these are conflicts and are moot points.

One question: Has a television licensee ever had his license revoked by the FCC?

Mr. Hyde: There have been a number of oral broadcast stations to be deleted. Give me one moment on the TV question.

To the best of my information there has not been a TV renewal refused on a program issue.

Dr. Menninger: There have been owner issues?

Mr. Hyde: There have been some difficulties about the procedures under which licenses were issued and there have been some TV stations deleted, yes. None which are relevant to the question you addressed to me.

Dr. Menninger: But there have been some radio stations that have lost it.

Mr. Hyde: Yes.

Dr. Menninger: The reason I asked this question in part stems from an issue of limitation of behavior by instituting controls for punishment of violation of behavior. That is, though a Federal agency like the FCC might be given the power to revoke a license, if it never does so the definite implication is that greater license is permitted and the inevitable potential is there for people to disregard it. Do you see any manifestation of that?

Mr. Hyde: No, sir. I would not say that a rule must involve some capital punishment incidence in order to be an effective rule.

Dr. Menninger: I don't want to be in favor of capital punishment, please. I do feel it is important that there be—let me put it this way—I can't believe, with my knowledge of human behavior and human beings, that there have not been significant violations. So the question is: What is done about it?

Mr. Hyde: There have been some significant violations, and we do have such sanctions as fines for violations of rules. We have cease and desist powers. I can tell you that the main critic of the TV, of course, is the public, and the stations are under constant examination by the public as a whole and also by their competitors, wherever they operate. A letter of reprimand is a very serious sanction. We have had occasion to issue those.

Dr. Menninger: Again, my concern is, that if a law theoretically is not enforced, then people will tend to violate it. I want some reassurance as a member of the public that the law is enforced because again I am concerned—you point out you haven't got the personnel to really review and I wonder how—

Mr. Hyde: I wouldn't want my statement on the limitations of our resources to be taken as the basis of our policy. Actually, this would be impractical for us to maintain a constant surveillance over the programs of 7,000 stations; but, I urge upon you, it would not be good public policy to do so if we had the resources.

Dr. Menninger: If I may ask questions from another angle, I have read of supposed criticism that the whole Federal attitude toward the media is very much effected by political influence. Now, we have had testimony to some extent implying this. A concern is that somehow Congress or the like has a need to work through these stations.

Mr. Hyde: I would deny that our licensing policy is effected one iota by political considerations. I would call attention to the statements I made in my brief statement that we would rather put our faith in diversity and competition—diversity not only in numbers of stations in particular classes but in kinds of classes. We have proceeded vigorously toward the establishment of effective non-commercial education stations because they would operate from a different financial basis. It could give an entirely different type of service for the alternate choice of the public.

We have proceeded rather vigorously to see the establishment of independent programming on CATV, which gives the promise of multiple channels, and we last week have issued rules which look toward the establishment of subscription TV. This was another form of communications, another type of diversity.

Dr. Menninger: Well I certainly want to support your efforts.

Mr. Hyde: I mention this rule-making, particularly for the purpose of indicating we are not disposed to take our actions according to what might be the political or industry viewpoint. In both instances the rulings that Commissions have made have been vigorously opposed.

Dr. Menninger: Thank you very much.

Judge Higginbotham: Judge McFarland.

Judge McFarland: Chairman Hyde, we have been in this business for many years in one way or another, and I want to say that I consider Chairman Hyde to be an outstanding Chairman of the Federal Communications Commission, and he has served well and faithfully for many, many years on that Commission. I have been happy to work with him while I was in the U.S. Senate and, as a matter of fact, I think he got a little pleasure—we worked out some legislation and I think he got a little pleasure—in sending me what they dubbed as the McFarland letter when we made application for the license for a television station in Phoenix.

So I wish that you had the time—I can't commend you too highly and congratulate you for the many years of faithful work that you have done. I do think that—I do wish that you had the time to outline more in detail just what the Commission does do in regard to rules and regulations in the running of the television station. You might, if you care, comment on this: To what extent do the television stations follow those rules and regulations?

Mr. Hyde: I believe that the compliance with rules is very good indeed, but I should be very glad to check our records on this and give you a further statement. I think that perhaps I ought to do this because I certainly would not want to leave the impression that there is any laxity in this business on our part.

Judge McFarland: I think, possibly, it would be beneficial. I don't know whether the Commission would want to place it in the record or not, but one of these applications for renewal which has to set forth the percentage of the programming that had been devoted to public service, to news and to the various things and you, before any renewal is made—why, your staff checks that and sees whether they have conformed to the rules and whether they have conformed to the suggestions of the Communications Commission—and also they have to advertise on television that their application is pending and if anyone wants to complain, why, they have the opportunity to do so.

There are so many things you haven't had the time—

Mr. Jenner: Does that apply to applications for renewals?

Judge McFarland: Yes.

Mr. Hyde: I would like to mention in case you don't, that this was ne of the requirements of the McFarland bill, which I thought was a very, very constructive policy.

Judge McFarland: Thank you. We thought we improved the law and then I had to live up to it. This is a requirement for renewal, and every station I think, would hesitate a long time if it didn't put in its pro rata time for news and this and that and the other. These fellows here check these things very carefully, I can assure you of that. I will testify for that.

Mr. Hyde: There is opportunity, also, for public check because the stations must keep a copy available at their stations.

Judge McFarland: A copy of the application must be in the station where it can be reviewed by any member of the public?

Mr. Hyde: Yes, Judge McFarland. I think it might be helpful to the Committee, certainly relevant to your question, if we could supply a typical renewal license application.

Judge McFarland: That is what I thought the Commission might be interested in.

Judge Higginbotham: I think we would.

Judge McFarland: Thank you very kindly.

Judge Higginbotham: Senator Hart?

Senator Hart: No, thank you.

Mr. Jaworski: Nothing further.

Judge Higginbotham: Before I turn you over to the always-precise questioning of our counsel, one of your predecessors referred to the TV broadcasting policies by using the language "vast wasteland," or words to that effect. Mr. Minow. I don't know whether you agreed with his categorization at that time but if you did, what is the quality of the programming now? Do you see any significant change, particularly on the aspects of sex and violence in the nation?

Mr. Hyde: I think I would invoke the principle mentioned earlier that what you see is in the eye of the beholder but I don't want to pass this serious question off on just that answer. I would like to discuss it in more detail.

Judge Higginbotham: He was not talking merely as a beholder. He was talking as Chairman of the Commission which you so ably serve.

Mr. Hyde: I would say whether a program is good or bad is a matter of subjective judgment with the beholder of course or the listener. I didn't disagree with the idea that

a Chairman of the Commission should—let me say I would not say that a Chairman shouldn't needle them on their performance. There is certainly room for improvement. There always will be. I have seen some analyses of TV and radio programming which show large percentages of time given to news and information. When a network has as much as 25 to 28 percent of its time invested in news and information, then notwithstanding what I thought about the cultural quality of some of the programs which didn't seem to meet my taste or interest, I still would be reluctant to characterize them seriously. I am talking, not for the purpose of needling, but seriously as a vast wasteland.

Judge Higginbotham: So you disagree with the categorization which was used by Chairman Minow.

Mr. Hyde: I think this was intended to needle the industry. I think Chairman Minow would agree with me there are many valuable elements in the total broadcast service.

Judge Higginbotham: Whatever the intent may have been, what do you see as the trend since the time he made that statement? I mean you have these thousands of renewal applications.

Mr. Hyde: There has been an increase in the amount of time given to news. I have seen analyses which indicate this. I think there is an increased interest in what are called documentaries and special shows. I believe, sir, that with the increasing number of stations coming on, that you will see increased efforts to meet particular audience interest, which would not be feasible when there are so few stations that each one has to try to have something for everyone. I think you will see more specialization by stations and I think you will see more programming directed to particular classes of society. I am thinking about ethnic groups and educational levels. I see increased diversity and more choices available to the public.

Judge Higginbotham: Mr. Tone?

Mr. Tone: Is there anything, Chairman Hyde, that the Federal Communications Commission can do to lower the level of violence in entertainment programming?

Mr. Hyde: I would be interested in looking at any rules that you or anyone else proposes the FCC undertake to regulate against violence which we could apply without doing violence to the First Amendment and which would not be repressive and which would not bring untoward results. I would like to see someone draw a regulation which would serve the national interest in the sense that it does not inhibit communications but which at the same time would achieve the results which you apparently want in respect to eliminating undue violence.

Mr. Jenner: Mr. Chairman, I am a little more interested in—the thrust of Mr. Tone's question was, as I recall it—what if anything do you think the Federal Communications Commission can do? And your response was that you would welcome suggestions from us. What we would like to have from you is your suggestion.

Mr. Hyde: I have already stated my view that I don't see how we can adopt a regulation which would put a limit on violence as it occurs in the news or in drama without violating the principles of the First Amendment and Section 326, but I do think it is responsive for me to say that I would be interested if someone else has a way of accomplishing that purpose.

Mr. Jenner: If Mr. Tone will permit me, I would like to know from you what the Federal Communications Commission has done, if anything, in acquainting itself with the level of violence depicted on the television airways of the country and if you have investigated it, what has been the result and have you formed any thoughts as to what might be done, assuming the level of violence is high?

Mr. Hyde: We have not undertaken any study to determine whether or not the level of violence exceeds some particular norm. We have not.

Mr. Jenner: My apologies to you, Mr. Tone.

Mr. Tone: I have no further questions, Mr. Chairman.

Senator Hart: Mr. Chairman, on this point, perhaps it would be in the form of a memorandum—maybe some of my lawyer colleagues here know the answer. Forgetting what Congress has done with respect to the area that you may perform in, I am going to the First Amendment. Is it your judgment that a television licensee enjoys the same First protection rights as a newspaper?

Mr. Hyde: The television station or any broadcast station is subject to some regulatory attention beyond what a newspaper is. There is no such thing as the fairness doctrine in the area of the press, as you know. Here is a distinction. There is no

requirement–

Senator Hart: I have in mind the business of whether the TV licensing can assert the same right to public without any clearance--prior restraint–is that doctrine available to a licensee?

Mr. Hyde: I would say it is and I would say it is in the public interest for that to be so.

Senator Hart: If a finding was made that violence on television had adverse consequences in the national community, if Congress was to make such a finding, I take it your position is that notwithstanding such a finding there could be no pre-clearance–

Mr. Hyde: We would wish to discuss this in terms of a particular case of course but I can see the possibility that you might have a collision or a confrontation of public policy which encourages the widest possible discussion of points of view and the concern that there might be too much violence portrayed in the exercise of free agency or freedom of speech. I think the Constitution would have to prevail.

Senator Hart: Even if Congress made such finding of violence and reported in the press, the press would be able to go ahead. I am trying to find out about the same right in television.

Mr. Hyde: About something like conspiracy and an avowed purpose to portray violence as such, something that would warrant the Commission to proceed, give it a basis to proceed without having it appear it was indulging in sheer censorship, I think we could do nothing about it.

Senator Hart: Thank you.

Mr. Jenner: I am sorry that I appear to be asking most of the questions but I am very concerned about this.

Judge Higginbotham: Please do.

Mr. Jenner: Is it your concept, Mr. Chairman, that the public interest provision in the statute, public interest, convenience and necessity, normal doctrine applied to those who are granted monopolies by the Congress–preferably so–*i* don't use the word "monopoly" in an invidious sense, but is that the limit as far as television is concerned? To the fairness doctrine?

Mr. Hyde: No. I mentioned that as only one situation where you have a difference as relates to newspapers. Section 315, requiring equal opportunity for political candidates, is another. I believe newspapers are required to identify sponsors of advertising. This is so, of course, in television and radio. The Commission has also, as a matter of policy and to carry out the public interest requirements, imposed upon the licensee the need to survey his community, identify its needs, determine by survey what he can do that will respond to those needs. These are differences as between broadcasting and newspapers.

Mr. Jenner: Thank you.

Judge Higginbotham: Thank you.

Any further questions by any of my colleagues?

Mr. Tone?

Mr. Tone: No.

Judge Higginbotham: Thank you very much, Mr. Chairman.

Mr. Tone, I guess it would be appropriate for us to adjourn until 1:45.

(Whereupon, at 12:40 p.m., the Commission was recessed, to reconvene at 1:45 p.m., this same day.)

AFTERNOON SESSION (1:50 p.m.)

Judge Higginbotham: I am sorry, I didn't want to rush any commissioners but it is getting late.

Mr. Tone: The first witness this afternoon is Dr. Lawrence Kubie

Dr. Kubie?

Judge Higginbotham: Dr. Kubie, we are delighted to have you.

STATEMENT OF LAWRENCE S. KUBIE, M.D. BALTIMORE, MARYLAND, PSYCHIATRIST

Dr. Kubie: It is a privilege to be here.

Judge Higginbotham: Can you bring the microphone closer? The acoustics aren't too good.

Dr. Kubie: I am always afraid of bellowing into a microphone. If I mumble into it, please tell me.

I don't suppose there is any problem more important than this that you are facing. What I can contribute to it, I don't know, but I can at least try.

I come with a background of between 35 and 40 years of clinical work with people who have all manners of psychological illnesses: sometimes the things we call "neuroses" and "psychoses:" some of them are overt, outspoken criminals; some with masked criminal trends.

The advantage of an experience of this kind is that you see the whole, broad cultural spread of the problem. You see the opportunity to compare black and white, and also to compare shades of gray, the intermixture of neuroses, other illnesses and criminality. You don't get just the one or the other. This gives us a broad basis for our approach to the problem.

There is both an advantage and also a disadvantage in the experience I bring. Mine has been built up slowly over these years by the patient, microscopic examination of individuals and I personally believe that this is the foundation on which one has to build an understanding of the problem. Ultimately, the individual disturbance has to be understood in terms of the total social setting and in terms of group action as it occurs, particularly in these days of increasingly-prevalent mass media.

I have not had experience exclusively with the individual because in connection with various studies made for the Air Force, various studies made for the ground forces, studies of the Merchant Marine, both before and during the last war, studies in connection with some penological investigations, there has been an opportunity to expand my own experience beyond the study of the individual to the study of the individual as he behaves in groups and group influences on individual behavior.

This is by way of personal introduction to say what small right I have to try and share my thoughts about this problem with you. Maybe I could say something else. Before I got involved in medicine and psychiatry, I had spent my early years determined to be a lawyer. I was going to be a Congressman. I was going to spend my time entirely in economics and government. I majored in those at college and I was a little more than half-way through before I decided if I was going to understand anything about this I better learn something about myself. The way to do that was to go into medicine to study psychiatry where you have to look at yourself whether you want to or not. And nobody really wants to. There was shift from a legal preoccupation to psychiatric.

Many years went by and my oldest son went to the same place to study medicine and psychiatry, and he ended up a government lawyer. This was fine for me. I had a feeling that I was having a double existence. My own and his together. So this interest and concern goes way back and they antedate my concern in psychiatry and psychoanalysis and neurology and so on.

My background training was up at Cambridge. Then came my medical training at the Johns Hopkins Medical School and a whole series of other training experiences in research, and in teaching because I have taught in a great many places.

Now I think that should be sufficient as an introduction.

Dr. Menninger: If we could get the sound turned up. It is very hard to hear.

Can we get the control turned up?

Mr. Jenner: I heard about 10 percent of what the Doctor said and only in bits and parts.

Judge Higginbotham: I will assume you will not be saluting if you raise your hand when you can't hear. Let me know and I will talk louder.

Dr. Kubie: I am just getting over a bout with the Hong Kong flu and I think that also influences the clarity with which I can speak so don't hesitate to tell me if you can't hear me.

Judge Higginbotham: Why don't you continue and see how it works out.

Dr. Menninger: Do you want to test the microphone?

Dr. Kubie: It doesn't seem to be turned on at all, as a matter of fact.

How is this? No better?

Dr. Menninger: We still can't hear you.

Dr. Kubie: I don't think the mike is out. I have been keeping my voice low because I was afraid I would be booming at you. I am sorry.

Judge Higginbotham: Mr. Tone, is your microphone connected? If you will try yours–

Mr. Tone: Let's change places.

Dr. Kubie: All right.

Is this better? No?

Testing, one, two, three.

Judge Higginbotham: Well, talk as loud as you can, Doctor.

Dr. Kubie: Don't be embarrassed about this. The last time I ran into this difficulty was at Caltech.

Mr. Tone: Is this microphone any better than the Doctor's? No?

Mr. Jenner: Is there a switch on it?

Mr. Tone: There is.

Dr. Kubie: How is this now?

Mr. Jenner: All we had to do was turn the microphone on.

Dr. Kubie: We tried that before. It didn't work.

Shall I repeat anything I said or is that unnecessary?

Judge Higginbotham: No.

For those in the audience the Doctor gave his extraordinary background having gone to Harvard, his son going to Harvard, having graduated from Johns Hopkins.

Thank you, Doctor.

Dr. Kubie: Well, Mr. Tone asked me to read the prepared statement. I will read this perfectly happily.

I would appreciate it if there are any points not clear as I go along or about which you disagree that you not hesitate to interrupt and challenge me. If I start mumbling, challenge me on that also.

On April 24, 1967, I had the privilege of testifying before the select Subcommittee on Education of the Committee on Education and Labor of the House. I spoke in support of H.R. 2525, a bill the purpose of which was to create a committee for the study of obscenity and pornography. As I now review all of the testimony before that committee, I find that without prior consultation most of those who testified included in their discussions of pornography its relationship to crime in general. It was quite evident there is a general feeling that these two are inseparable.

I did the same thing. I did this, also, and deliberately, because of my conviction that they are in fact so closely interrelated that to talk of one without the other is unrealistic. Indeed, I had hoped to persuade the committee to study the two together. I pointed out that in different forms and in varying degrees every media under discussion portrayed "diseased and uncontrolled sexual behavior, bodily mutilation, torture, hate and destruction."

Although there was a good deal of overlapping among the prepared statements and in the transcripts of testimony, all agree that childhood concern with the vulnerability of the body is universal, even among children who have not themselves known bodily danger, injury and want, i.e. among children who are brought up in loving and privileged circumstances. When you do not supply a child with a toy gun or toy sword, he will pick up a twig and play that this is a gun or a sword or a "death-ray machine." And even if you do not stimulate him with crudely violent stories via TV, the movies, the stage, the comics and radio, even before he can read to himself these tales are read to him by teachers, parents or older children in the forms of myths and fairy tales and even in the Bible. Later he sees it in drama and literature, whether this is Shakespeare or Mickey Spillane.

So we are not exaggerating when we say that these volcanic forces are in all of us, almost from birth on. And why? Well, for many reasons.

First of all, it is not easy to be small in stature in a world of giants; yet, we make this no easier when we misuse the media to stimulate precocious demands for power and for sexual gratification. When the media portray a way of life in which the only way for an adolescent to pretend to be a grownup is by committing sexual assaults and by drawing blood, this implies that the only way of measuring himself against the adult world is through violence and sex. He comes to feel that to be kind and compassionate is to be a sissy.

As I was driving here I went by a group of young adolescents. The window was open. I was going slowly. I said, "Hi." One said, "I didn't ask you to greet me." They have lost the capacity to recognize a friendly impulse. Consequently, they strive towards sexual and physical violence during a period in life when they are especially vulnerable to obsessional and compulsive excesses, i.e., neurotic excesses, over which they have little or no control.

We must never forget that it is healthy for the young person to stand up to us, provided that he does this under his own clearheaded control; provided he can turn it on or off when he wants to. It is only when the rebelliousness of youth becomes involuntary and automatic, guided by unconscious neurotic goals, that it becomes destructive both for that individual and the the community. This is what is happening today; and to this the media contribute their share. By their vivid portrayal of criminal violence, they create an aura of permissiveness towards it. Over permissiveness is not to be laid at the door of overcompassionate cops or courts. This is an evil spawned by the so-called entertainment industry. We must help them find a way to instruct about the seamy side of human nature without goading it on.

There was an era when the chain of command was respected in human life, not only as an exercise of irresponsible power and authority by the adult over youth—although it could of course be distorted and misused to this end— but also as a profound learning experience. It used to be said that we learn to give commands by learning to take commands. This seems to have been forgotten. Certainly, it is no longer regarded as one of the most valuable and irreplaceable of all learning experiences. Instead we have inflated the healthy impatience and defiance of a normal adolescence into neurotic uncontrollable defiance for its own sake.

Of course, every media plays into this and increases it. But they do not operate alone. Here again it would be fallacious to pick out one set of forces apart from all others, because this leads to the fantasy that if we control one the others will disappear automatically. Instead we must recognize the concurrent influence of every other distorting influence in our culture. This fact forces me to a detour. First among those concurrent distorting influences I would place the twin evils of population explosion and population density. Experimental work in the laboratory and also observations on animals in nature indicate that if you crowd peaceful animals closer and closer together, a point comes at which they become cannibals, and eat one another. When real estate interests are allowed to make more and more money by crowding more and more hapless human beings on the head of a pin, they are cannibalizing our society and our culture.

If we complacently accept such overcrowding and if we fail to accept the moral necessity to restrict the right to breed, we will breed only for a holocaust of mutual destruction. The media do not create this; but they accelerate the pace in this direction giving us less time to find any solutions as they turn the power to destroy over to the least mature elements in our population, i.e., to those who are most blindly and compulsively driven, most noisy and clamorous in their demands for immediate gratification of the need for raw sex and raw murder. This is why the social order in earlier centuries could tolerate sex and murder in ancient legend and fairy tales; yet it can no longer tolerate it in dime novels, in comic strips, in comic books, in newspapers, in movies and plays—not if we hope to survive.

I can say only a few more words about this. Although an interest in sex and violence is deeply rooted in us from infancy on, portraying them incites them to more immediate and more violent expression. Different people can be incited in different ways and to different degrees, but for no one does this type of portrayal serve as an escape valve. Portraying it does not blow off steam, but increases the head of steam.

Consequently, if we allow anyone to make money or to gain power by portraying violence in these ways (and God knows they sell well), we reward him for inciting to crimes which lead to destruction. Consequently, we must find methods for controlling the media; but these methods themselves must be controllable. That is the way we must find methods by which to hold responsible those who exercise such controls. The process of censoring itself must be made flexible and sensitive to control, and responsible for its use of its power. This, in fact, is the essence of democracy, i.e., power wielded responsibly not weakness. We must hold those who wield power responsible promptly and without delay. The techniques by which to do this are a matter with which I am not competent to deal. Of course it is easier said than done; but it is essential for an effective approach to this problem. We can no longer side-step the necessity of finding methods to control the irresponsible misuse of the power to do damage for the sake of private gain; and also to hold responsible for their use of power those who exercise controls over this.

When war in all its worst details can be brought into the living room where the whole family from grandparents to infants sit around and "enjoy" it, the adults are giving it their tacit approval. What effect do we expect this to have on children, who always want to go out and do what the grown-ups do? Nor can we forget St. Augustine who pointed

out that the so-called innocence of childhood is due not to the purity of their hearts but to the weakness of their limbs. Instead, we put weapons in their hands. This is the seed we have sown; and this is the crop that we now are reaping. Our young people are doing what we have taught them to do in this overcrowded world. And we should be ashamed.

Judge Higginbotham: Thank you very much, Doctor.

Mr. Tone?

Mr. Tone: Doctor, the Commission has been told by other learned authority that it has never been demonstrated that viewing portrayals of violence has an effect on viewers. What do you say as to this?

Dr. Kubie: Well, I remember my old professor of pharmacology at Hopkins used to say some people kid themselves that they are scientists by counting the number of bricks in the wall of a building. There are some things you observe with precision, clarity and understanding much more easily than you can count. It is more difficult to measure effects than to observe them. The effects of viewing on youngsters is observable in terms of their sleep, dreams, physiological state, vulnerability to illness (i.e. morbidity) and in terms of their behavior. I should add this is not the first time that the entertainment industries have been challenged to set about the task of measuring these effects. Many years back, I addressed a group on psychiatry in the films and begged the industry at that time to set up its own research agency to study the effects of what they were doing. Like so many common-sense ideas it didn't receive common sense or effective response. This is an indirect way of answering your question.

There have been some studies of this. There is a woman psychologist in England—I think her name was Himmelweit—who made a study of this. There is a group at Columbia who brought out a book in 1943 called *The People Look at Television* of which Gary Steiner was the main author but it was a group study and there have been other preliminary studies and steps in this direction.

I don't hesitate to take an unqualified dogmatic position on this even in the absence of counting dreams but based on the opportunity to see what happens day by day in the study of human beings who come for help.

Mr. Tone: Doctor, you have spoken of the media generally. What can you say about the relative impact of printed material, comic books, television, motion pictures on violence in society? Can you rate them in any way?

Dr. Kubie: Yes, I think so, Many physiological studies have been made about what happens to people while they are viewing. The more closely you can create an artificial facsimile of an event the greater the trouble. Thus, if you can bring to life on the screen the action, the expression, the sound, the color—the color of blood—plus every single element in the experience, except the smell of it and the personal involvement through pain, you have come close to making the individual live that experience. They can do this only in a very pallid way in his imagination, when he is reading or looking at a dime novel.

Mr. Tone: Can you distinguish between violence depicted in a contemporary setting and violence shown in a period piece, such as a western, in connection with the effect of the portrayal of violence on the viewer?

Dr. Kubie: That is an interesting question with interesting collateral aspects. When you say period piece, I do not think of westerns as period pieces. I think of the swashbuckling films that deal with previous centuries. If something is happening in a way extremely alien from anything you are living in, you can sit back, observe it, be titillated by it, a bit excited, but you don't really cross that dividing line between yourself and what you are looking at. You never lose the boundary between yourself and the outside world, so that people can have a certain amount of emotional response to it without becoming too closely identified with it. The closer it is to the representation of our own lives as we live it, the closer it is to the representation of our city streets as they are today, the more deeply it is going to stir up the child and the adult. So that the impact will be that much greater.

I think putting it into another century in a very different culture is a way of putting a cushion between the observer and what he is observing.

Mr. Tone: In assessing the effect of violence on viewers, can you distinguish between portrayed violence which is essential to the development of a dramatic plot and violence which is not?

Dr. Kubie: I have to reverse that. Somebody devises a plot and usually when you study this carefully, you find that he devised the plot for the sake of portraying the violence. It isn't that the violence was necessary to the plot, the plot becomes the excuse for the violence.

Ambassador Harris: Would you say that this is the case with *Hamlet?* Would that statement apply to *Hamlet,* that the creator devised the plot in order to have the very substantial violence that is to be found in that play?

Dr. Kubie: What a lovely question! I don't know how to answer that.

Ambassador Harris: But it is your characterization that I am dealing with. You said that if someone gives you the plot which has violence in it you will find that the plot has been devised for the violence and not the other way around, so I am giving you a specific plot and asking you to apply your own standard.

Dr. Kubie: I don't object to the question at all. It is touchy, though, because it is so hard to have the presumption to say that maybe Shakespeare was playing tricks, too, just like Tennessee Williams and lots of other friends. But I think it is probably true. To say that one sets out to do that consciously and deliberately in cold blood is another matter. We do lots of things without quite knowing how or why we do them. We are not sure to what extent this is a deliberate plan. If one had an opportunity to work with the writer and retrace the steps by which he came to put his play or novel together—

Ambassador Harris: Would *Macbeth* be possible without the violence? Any part of *Macbeth* be possible without the violence?

Dr. Kubie: I will go a step—may I answer you by taking a collateral line? Let's take, if you will, the whole story. The story of the eternal triangle: the father, the mother, the child. This is such a subtle drama as worked out in human life that the intrusion of melodramatic violence destroys it. The more violence, the less universally applicable. I think that is really what is happening, also. A story of confused loves and lusts and yearnings and rivalries is obscured by the violence, not illuminated by it. I think melodrama is the most self-destroying form of literature.

Congressman Boggs: The Ambassador will force me to go back and read *Hamlet* again. I haven't read it in 20 years, but I have to go back and read it again. He must have been one helluva guy. [Laughter.]

Mr. Jenner: Apart from that isn't it conceivable that as of the time that *Hamlet* and *Macbeth* and what not were written that the author at that time shaped the plot in terms of violence deliberately? Whereas the perspective we now use in reading *Hamlet,* given the lessening of its effect in the passage of time and regarding it as a great piece of art, that the comparison you have been asked to make is one that can't be made in the light and context of what you are saying but rather, if it is possible for you to take yourself back to Shakespeare and the social problems of that time, that the author could have been using a method to affect people as of that time and not have in mind that it would be at large affecting people in 1968?

Dr. Kubie: I think that is a very valid comment. One also wonders about the whole climate of life in those days. The acceptance of violence was once an inevitable part of life which we have struggled away from over the centuries and now are drifting back into.

Mr. Jaworski: To complicate the situation even further, there is rather substantial authority, and I am certain my fellow commissioners have heard about this, to the effect there was no William Shakespeare at all. [Laughter.]

So we don't know who the author was of these particular pieces of literature we admire so much. It may have been someone engaged in violence.

Dr. Kubie: I was thinking of that but decided not to go into it. I was in enough trouble as it was.

Mr. Tone: Doctor, what do you think of the catharsis theory?

Dr. Kubie: I think it is a hoax. Honestly, I think it is a hoax.

Dr. Menninger: Would you define that for the benefit of those who are not entirely sure of what you are referring to, Dr. Kubie?

Dr. Kubie: Well, the idea is that explosive behavior itself or the reliving of explosive behavior in any form, discharges and unburdens the individual of the pressure of some pent up energy. If this were true, all such behavior would be self-healing. But it is only a metaphor. I believe a very incorrect figure of speech or allegory. The assumption behind it is of course, that there is a pile up of a certain kind of energy which is earmarked for some kind of destructive behavior, either murderous or sexual, and that if you then act it out, sing it out, play it out in a play, that you are relieving yourself of it. It doesn't work that way. In the first place, we are machines in certain ways, but we are more like

computers than machines discharging steam. The catharsis is based on an erroneous concept of how the human nervous system works, i.e., the idea that we are working, producing machines that pile up energy which must be discharged. This metaphor is false. The very idea of building up energy and discharging it through the presentation of violence or sexual behavior is nonsense. Actually here is where common sense helps us. Anybody knows that the presentation of an erotically attractive young woman excites kids. We get a little bored or inured to this as the years go on, but we don't need to go in the lab to measure just how much the excitement is. The effect is excitement and is not discharged.

The same things happens when you show violence. People get excited inside. They start getting butterflies and shake a little bit and put their heads in their hands and get night terrors that night. Is there evidence of discharge? It is a misleading theory.

Mr. Tone: Doctor, does sanitizing violence in a motion picture or television portrayal help? By that I mean not showing the body rolling all the way down the hill or reducing the number of shots fired or otherwise leaving something to the imagination, does that make its effect on the viewer less harmful?

Dr. Kubie: If I tried to answer that, I would be really sticking my neck out. That can be tested but I don't think anybody has actually subjected that to objective tests. It could be done easily. It would be one of the simpler experiments to make. I can't answer that. I could guess. I could express preconceptions about it but I don't think they would be terribly valuable.

Mr. Tone: Give us your opinion as long as you have gone this far. We will note it could be a subject for tests.

Dr. Kubie: All right. It would depend on how far along one has gone picturing a chain of circumstances. Certainly, if one cuts off early, then the whole sequence of events, the imagination fantasy and the feelings which are related to the fantasy would not really get going. If you wait long enough until you are sort of coming almost to the final act of violence or sexual activity, then just cutting it off is frustrating and increases the effect. The truest analogy would be *coitus interruptus.* It doesn't cut off anything at all. The impulses and needs remain just as violent and as strong.

Mr. Jenner: Might it not heighten it?

Dr. Kubie: It might, certainly. So that kind of sanitizing is again fooling ourselves.

Mr. Tone: Turning to another subject, what is your opinion as to the effect, if any, of the media on the growth of the gang phenomenon?

Dr. Kubie: Now you touch, I think, on one of the most important and painful and most difficult of all the problems that confront us. In the first place, gangs are initially a function of population increase and population density. The more people you have going together, the more they are bound to have cliques, all kinds of activities, not only crime. In kids, where there is a weakness in dealing with the adult world anyhow, of course they will try and form gangs because they feel stronger that way. The question is how does the media influence that? In the first place, they give a kind of permissive approval to the gang. They become something like a guerilla army, but an army. The leaders are those people they envy and respect and fear. This is a kind of envy and respect which are polluted by fear. Here again the general impact is to give a gang very much the status of a guerilla army in our whole culture.

A responsibility for encouraging this definitely ought to be laid at the door of the mass media, because they haven't taken a responsible role toward this.

Mr. Tone: One more question: What difference does age make in terms of the effect of media portrayals of violence?

Dr. Kubie: A great deal. We certainly have a great deal of information about this. I am sure that we all know that early in life the child's ability to distinguish between reality and fantasy is not well developed. He doesn't quite know whether he is fantasying something or dreaming something or whether it is really happening. He often is confused when he wakens from a nightmare. That is why he gets out of bed and runs into his parents' room. He still can't get anchored back into reality again. If the ordinary technical skills of modern mass media portray events to that child with a kind of similitude almost indistinguishable from the reality of life itself, he gets very disturbed. This can happen to a child spontaneously in dreams. It can happen to children spontaneously in delirious states. This is why dreams and delirious states sometimes precipitate children into major psychological illness. Their realization of the boundary line has been impaired.

The media can do that too, the more skillful, the more dangerous they become. If this whole skillful technique were used in different ways, it could be health-giving and very preventive. It could become a part of public health instead of a threat to it. The earlier the child, the younger the child, the more vulnerable he is to this, and this starts accumulating over the years and influences his whole growth process.

Mr. Tone: I have no further questions, Mr. Chairman.

Judge Higginbotham: Thank you.

As a matter of professional courtesy I will call on Dr. Menninger first. [Laughter.]

Dr. Menninger: When you were talking about the catharsis theory, I was thinking of a business executive whom I was talking to last week who was describing watching a football game, and theoretically that kind of violence is something that is supposed to help people relieve feelings of violence. The problem was when the New York Giants lost he got up, kicked over the television set and a few other things and he realized afterward it didn't exactly serve that purpose for him.

The first thing I am interested in is the impact of how you would compare the impact of comic books on children, recognizing that they serve a major role in a certain segment of population. That is, the use of comic books is much more prevalent in certain areas where there are more non-readers or people with less reading ability than where there are people who perhaps have less resources, not just in terms of money but the parents may not provide as effective a supervision over what they read. I wonder if you would comment on that.

Dr. Kubie: I have a few fragmentary impressions.

In the first place I think back to my childhood. The comic book of those days, the dime novel–nickel novel–were curious little things as we now have a chance to look back at them. They were funny, flat, badly drawn and badly colored. What was a crime was pushing over a peddler's cart, stealing an apple, throwing a brick through a window. Nothing like what we accept as a criteria of crime in childhood today. The child's own imagination had really to do all the work, there was so little on the page itself. Those kind of comic books began to disappear. Moreover, many of them were really comic. Foxy grandpa and the little Nemo stories, they were adventure stories. They were nothing comparable to what is still called a comic book or comic strip and which has nothing to do with the way the term was used originally. Why? Because they went into competition with stronger drink; and the goal, as always, is a larger advertising public. So other media do it "better" with more violence. What we are still calling comic books is now straight pornography and much of it extremely distorted and perverse kinds of sadistic pornography. It is sexual behavior in a setting of the Spanish Inquisition: the torture machines; people on the rack at the same time they are being subjected to sexual activities. Fortunately, this can't be shown on mass media but comic books like this are still sold in shabby little stores and back streets.

As a matter of fact, I was trying to get some over in Baltimore to illustrate my point yesterday, but I couldn't. So the whole picture of what we are calling the "comic" today has nothing to do with what was called a comic strip or comic magazine 20 or 40 years ago. It is now infinitely more distorted psychologically. It is much sicker than even the worst of what goes on in the movies and on TV. Now the fact still remains there is a difference between the impact of these two ways of presentation.

Dr. Menninger: Have you observed the Saturday morning television comics which are presented primarily for children?

Dr. Kubie: I have heard a lot about them but I haven't seen them. Sorry.

But here is an example of the sort of thing I mean. I don't know whether you can see this. It is a beheaded woman–I take it that it is a woman. It is a kind of bisexual figure, though it has breasts, bleeding, strapped down with metal handcuffs. There are cuts and injuries and stitched up spots around the legs, and so on. This particular cover doesn't show the interwoven sexual behavior but you can link the two together.

Judge Higginbotham: Just for the record, I am wondering if you can just describe how these comic books were chosen? I believe they were chosen by the staff, weren't they?

Mr. Tone: Mr. Baker will answer that question.

Mr. Baker: We simply requested that the Catholic charities' representatives in the various cities go into the ghettos and find some comic books, a sampling of what they could buy there, and these were some of the ones sent in to us by them. This particular instance, these two books, I believe the individual who purchased them for us went into

the ghettos in Newark and asked two children, one 7 and one 8, where they could buy comic books. They directed them to the store where they purchased these comics.

Ambassador Harris: Were there any Dennis the Menace comic books in those stores and did you get any of those?

Mr. Baker: This just came in today and we asked for some kind of reading on what kinds of other things there were there, but we haven't had a chance to look at it yet.

Dr. Kubie: I could throw some additional light on that. I go back to the years when I was still in practice and I had patients, young people, adolescents who were struggling desperately to solve some very complicated problems of their own and in certain streets they had a battle with themselves whether or not to go in, *not* to buy a drink but to buy a comic book, one of these. When we had a sufficiently stable working relationship they would bring them to me. I had quite a collection.

Over some years there was a noticeable change going on. They were getting more and more distorted and perverse and sicker all the time. I have been out of practice for ten years. I am sure the process of change still goes on, but I haven't had a chance to observe them in these last 10 years.

Dr. Menninger: Would you care to make an observation on the—if you could make some estimate—on what you feel the influence of this kind of exposure, whether comic books or other kinds of violence, how it is going to affect the people that see it. We heard earlier from the head of the motion picture association that they don't see it as justifiable to be concerned about the maladjusted person who will react in such a way as to become violent after seeing this or seeing a movie. They have to be concerned about the average, presumably well-adjusted individual.

What is the impact in your mind on most of us who think we are average and well adjusted of this kind of document.

Dr. Kubie: I would agree with one small fragment of what your moving picture man said. I don't think that many people who weren't close to the border anyhow would be actually precipitated into actions of this kind.

Judge Higginbotham: How many people in this country would you say are close to the border?

Dr. Kubie: The border of perverse behavior? I have no statistics on it. There are many. But what I was going to say is the much more important group is the group that is struggling with all kinds of hidden and buried and masked impulses of this kind. This is where these magazines do an enormous amount of harm. On this I can talk with authority because I have been struggling to heal people of that kind and have seen what happens to them when they are exposed to this. It is very much like trying to cure an alcoholic woman whose husband is constantly trying to get her drunk. Very comparable to that.

Mr. Baker: Mr. Chairman, there is one question which I would like to put which is relevant to yours.

Dr. Klapper, who appeared before us earlier, in one of his writings stated that if violence on television, for example, had an adverse effect on as small as one percent of the children viewing this violence that he believed that something should be done about it. Do you think the group is as small as one percent or as large as one percent?

Dr. Kubie: What constitutes average will make the difference in statistics here and also who constitutes your criterion of an adverse effect. If this criterion is that a child would go out and do likewise, this is a totally inadequate criterion. Other things are important beside what crime any child is led to commit: e.g., what influence he has on other children. What influence will this same comic or movie have on the emotional development of the many children who resist this tendency, but whose thoughts, fantasies, feelings are absorbed into the battle with it?

If we observe only the children who become disturbed and come for treatment, we deal with a weighted sample which gives us some evidence but you have to use it with some caution when applying it to the whole culture.

Dr. Menninger: Thank you very much.

Judge Higginbotham: Ambassador Harris?

Ambassador Harris: Dr. Kubie, I am concerned about a number of things in your paper. I think we all share your concern that society not contribute to the exacerbation of emotional difficulties already suffered. You make the statement in your paper on page 4 and if I summarized the lead into the statement improperly, correct me: That because of the problems of more than society, crowding, etc., this is why a social order

which in centuries past could tolerate sex and murder in ancient legend and fairy tales can no longer tolerate it in dime novels, comic strips, comic books, in its newspapers, in movies and plays—not if we hope to survive.

May I start at the end of your series? Plays. Are you suggesting that we can't tolerate in the plays that we present, in the theatres of New York, in the regional theatres around the country, stories such as the one I understand is playing in New York, to great reviews, *Boys in the Band*, because it deals with what we like to call sexual deviation? It is a play about homosexuals. Are you saying we can't tolerate that play?

Dr. Kubie: The challenge to me is a fair one but it is a challenge more to my hasty presentation of my meaning rather than to my meaning itself. I am not quarreling here. I am trying to clarify.

There is at present of course an enormous effort to try to establish the fact that deviant forms of sexual behavior have no serious psychological or social consequences; indeed, they may even have certain advantages. So there are groups who are defending the homosexual and the lesbian because of these hypothetical advantages.

Ambassador Harris: We don't have to get into that issue to deal with the question of whether or not we can deal with what is a reality in our society, regardless of whether it is good or bad.

I am asking, whether without dealing with this issue at all, whether this is something—assuming we decide it is terribly bad and opposed to the essential values of our social system—that we should deny people the right to see?

Dr. Kubie: The point I was coming to is this: I am sure you know as well as I do you have contact with people of the theatre—how many of them are themselves suffering from disturbances in this whole area of life. What they do, then, is try to protect their own position, to make capital of their weaknesses. In many subtle ways they try to impose through the media, impose on the culture an atmosphere of permissiveness and, even more, of encouragement. I hold this to be as wrong a misuse of mass media as it would be to whip up hostile bias as a justification of police attacks. But an atmosphere of encouraging permissiveness is not the only alternative to police action—the setting of traps for people, imprisonment. I am talking about the basic responsibility of the mass media to facilitate normal development as opposed to abnormal development in a culture. Therefore, I ask what influence that has on our culture, especially where the culture is crowded. Where, on the other hand, people are living more widely scattered, where they have more of an opportunity to establish their own criteria, the effects of the so-called cultural media are less on that culture than they are today. That is what I had in mind: that space itself makes it much easier for people to explore without the risk of doing damage (i.e., for the writer to explore all varieties of human experience) than it is today. I would say that you have to find some ways in which people themselves can establish their own criteria in deciding whether what they do is culturally destructive or creative.

Ambassador Harris: Isn't that where we were this morning? A taste judgment which will differ between and among different groups of people—

Dr. Kubie: I don't think the issue of sickness and health is a taste judgment, whether it is measles, pneumonia or psychological adjustments.

Ambassador Harris: Then comes a question of what you do before you decide whether it is a sickness or whether it is the we treat it in

Dr. Kubie: I can give you that simply if you want me to. Any form of behavior which we are sufficiently free to choose, which we can turn on and off, remains within the realm of normality. The moment it becomes something automatic, that we can't control, it is a sign of illness, even if it is drinking a glass of water or eating a ham sandwich. It has passed beyond the border of normality when it loses the freedom to change. It is that simple and precise. And this is a true criterion of normality as illness in all activity, including sexual activity.

Ambassador Harris: Oh, I will adopt your distinction. Is it not a role of art perhaps to help us make the judgment about the very nature of the phenomenon we are looking at?

Dr. Kubie: My protest is that instead of making clear judgments, it obscures them and muddies the issues so as to defend as normal things which are sick.

Ambassador Harris: Who will make that decision? Do we leave that, then, to the competition of ideas, those who feel as you do, that perhaps the *Boys in the Band* might be a bad idea and someone who feels as I do, that it is better to have *Boys in the Band*, which deals directly with homosexuality, than a distortion—as has been suggested with

two or three plays in which what appeared to be a heterosexual relationship was really an attempt to portray with heterosexual characters a homosexual conflict?

Is it the competition of ideas that must make the decision of whether we can tolerate this in the areas of movies and plays or must there be a censorship of taste, a censorship imposed from outside?

Dr. Kubie: Would you bring up the question of censorship in this area——

Ambassador Harris: You bring it up when you say society can't tolerate. You must say to me how it expresses its inability to tolerate. This is the question you beg.

Dr. Kubie: That is another matter. To survive, we will have to become less tolerant rather than more tolerant, but I don't think the next step is to establish censorship because I don't know what the technique should be. I just think we are so afraid of the idea of censorship; we haven't allowed ourselves to think about it, about different kinds and ways and degrees.

I could give you a criterion. How many people who needed treatment and who could have been helped by treatment (people always are afraid of treatment in this area) have been fortified in their resistance to be treated and in their reluctance by confused drama and confused books which make sickness attractive? This happens all the time. When I was still in practice, I was constantly being insulted by people who desperately needed help but had read a book by people who influenced them into thinking that this is not something they should seek treatment for.

Ambassador Harris: You are suggesting perhaps that our educational approach to people's ability to judge when they have a problem is not an appropriate one. I would suggest we should not mention the area of art and psychiatric treatment too closely together in our analysis.

Dr. Kubie: I don't understand that.

Ambassador Harris: You suggested that one of the problems with some artistic materials is that certain people reading them are confused about their relevance to their problem. Now this may be true but that does not go to the overall artistic merit as it relates to normal—and I use that term with great hesitation—or to non-disturbed people, and I wonder if we make a standard based upon the inability of people who come for help, who need help to come for it or on the basis of some artistic merit.

Dr. Kubie: Well, I am afraid that is going to get us awfully far from the central theme, but I can tell you one thing—I would like to discuss it with you at length any time—but I would say one thing here: I think any culture, to survive, has to have the capacity to change and the only criterion of change that I know is the *capacity to go on changing.* Anything which increases the freedom of change increases the capacity for growth. Anthing which restricts it and limits it and imprisons it is in the end destructive, and this pinpoints the limitation of some so-called artistic value.

I don't know how to tie this practically. I don't like the idea of censorship any more than you do, but somebody must face up to the fact that we are having a great many potentially-fine people become imprisoned by the mass media's distorted attitudes toward major unsolved problems in human development.

Ambassador Harris: Thank you very much.

Judge Higginbotham: Commissioner Jenner?

Mr. Jenner: Whether *The Boys in the Band* could teach us lessons with respect to homosexuality or not—I haven't seen the play and I state this by hearsay—to have men running about a stage nude is, to my way of thinking, not bringing home to the populace the problems of homosexuality, but affecting the populace as to general promiscuity and the acceptance thereof, when adults will permit that sort of portrayal of a social problem—if it is a social problem.

Now, you have stimulated me to inquire of you: first, may I say I do not expect you, Doctor, to be voicing opinions to this Commission as to cures. I welcome your suggestions with respect to causes and problems. I take it that the level of what is fantasy to, let us say, an age group of 8 to 16 or 18, is something different from what fantasy is to an adult, and assuming an adult is 24 and up, and the effect upon viewers in those age groups of the depiction of violence, sex, or otherwise, is different, is it not?

Dr. Kubie: Yes.

Mr. Jenner: Is that the message in part that you are seeking to bring to us?

Dr. Kubie: Yes. I believe fantasy and a sense of reality—for instance, sleep-walking of various kinds is more prevalent in children than adults. The dream goes over into that

kind of partial action more readily in the child than adults. Lots of people have a fantasy about suicide and about stealing who never in their lives will carry it into action. One very important problem is: What are the factors which determine this critical move between fantasy and action?

Mr. Jenner: If the adults, who, at considerable expense and investment of capital, prepare movies, television programs and that sort of thing for viewing by children, whether they be four or five years of age or up to some other, should they not be giving thought to the fact that the showing on a mass basis of violence, of excessive sex and that sort of thing, for depiction during prime hours when age groups in the children and very young adult—they should have some responsibility voluntarily not to be showing, or at least to be materially alleviating that which they show?

Dr. Kubie: You know, it occurs to me, that probably everybody in this room when he was a child, knew that in a drawer in his father's or mother's bureau, there was a book hidden under some clothes which he wasn't supposed to read. He got hold of it and looked at the pictures.

But it was a serious book. The text was complicated. He couldn't always understand it. The drawings weren't very vivid, but it was a secret little escape from the parental censor. It didn't amount to very much.

Today it's right out in the middle of the living room on the TV with everybody looking at it. It's amazing to me how young these kids become electronic engineers and can make the TV work if their motivation is strong enough.

The accessibility is so much greater that the problem of how to manage accessibility has become enormous. The kids upstairs know what the parents are looking at in the next room. The parents are in a bad strategic position to impose a censorship on what they enjoy. The technicalities of the problem are very great.

Mr. Jenner: Doctor, I have only one more question. A learned and experienced witness yesterday testified, and I will read his testimony:

> It takes about ten years for a child to learn to read well during which time he is accumulating real life experiences against which to measure the validity of what he reads, but he begins to absorb the lessons of television before he can read or write or walk. Most of what he sees and most of what adults see is not the news, but fiction, entertainment and advertisements. To a profound degree, television lays down the foundation of what that child will expect of himself and of others and what constitutes the standards of our society, and the most obvious impact of this television viewing is violence, aggression and sadism. From the standard diet of westerns, mysteries and cops and robbers, this becomes the most pervasive view of life from the time he learns how to focus his eyes.

Would you agree with that statement?

Dr. Kubie: Every word.

Mr. Jenner: Thank you.

Judge Higginbotham: Mr. Jaworski?

Mr. Jaworski: Thank you. Doctor, without engaging in blandishments, I would say that one of your experience and eminence doesn't need the cooperation, necessarily, but I am very interested in knowing how many leading psychiatrists in the country agree with the major views you expressed here? I assume there is the American College of Psychiatry, probably. Certainly you have your institutes and your meetings at which some of these subjects, I gather, are being discussed. Can you help us? To what extent is there agreement among leading psychiatrists on the major views you expressed here today?

Dr. Kubie: I wish I could give you statistics. I can't. I don't have any idea. We are a contentious lot, you know, and have all kinds of disagreements on all kinds of issues. Some technical and theoretical and some practical. It would be hard for me to say whether on this specific issue most of us would agree or disagree.

I think we find substantial agreement, but also in certain groupings, we find a few who cling to this fantasy, as a protective value. There are a few who would maintain that position although it has been seriously challenged and criticized within the profession.

Quantitatively, I just can't tell you.

Mr. Jaworski: Do you know whether or not either the movie industry or television industry has consulted outstanding psychiatrists in the country on the subject?

Dr. Kubie: I don't know.

Mr. Jaworski: Have you been consulted?

Dr. Kubie: No.

Mr. Jaworski: I get back to Mr. Tone's original question of you; that is, the statements that you make here, a man of your experience, are bound to be tremendously alarming to the members of this Commission. Certainly to me.

I wonder how the television industry or movie industry can say there is such an inconclusive situtation when we just don't know. It hasn't been proved. Of course, I don't know what it takes to prove it, to begin with. What interests me is why the views of those who have expertise, those who have special competence on this subject, why those views are not sought and paid some attention to.

Two things on my mind. One is, it seems to me, a perfectly fair challenge to them. If they want proof they are not doing harm, why haven't they set up an independent expert group outside of the industry to make long-run, longitudinal studies? They would have to be studies over a period of 15 or 20 or 25 years, if they are so confident the result would come out the way they would like to see it.

Do you know if any studies are in progress?

Dr. Kubie: The last that I know of is—the results were published in 1942. This was the one which did have the backing and cooperation of—it's the one which has the results embodied in this book here. There are many others.

But there has been no sustained, consistent, long-term study which the solution to this problem really needs.

I know a quite eminent New York lawyer called me up and asked me if I would be the expert in a case of the small communities around Kennedy Airport against some of the major airlines. He represented the airlines. The towns complained that noisy planes coming in very low, late at night, and early morning, were waking babies and small kids. He said, "We would like you to come in as an expert to testify that it doesn't do them any harm, that it's good for them." I said, "That's a very interesting idea. I would love to testify. I would be happy to. But on one condition." He asked, "What is the condition?" I said, "That I will be retained by *both* sides."

There was a long silence and then a rather dry voice said, "That's a very interesting idea, too."

Mr. Jaworski: Well, you have been very helpful, I'm sure. Thank you, sir.

Mr. Tone: Commissioner Jaworski, the book Dr. Kubie referred to with respect to the studies and the results of the studies, states as follows:

> The present study provides no direct evidence on the effects of television on children. Our information refers entirely to parents' beliefs, attitudes, and behavior with respect to the television set vis-a-vis the child.

So the book doesn't provide the answer.

Mr. Jaworski: Thank you.

Dr. Kubie: Could I mention, Mr. Chairman, that my friend and colleague has an extraordinarily interesting article. It's called "New Violence and the New Psychiatry," by Karl Menninger, in this last issue of this bulletin. An interesting and moving piece, it bears directly on this.

I received in the mail yesterday a book also, by a group of scientists called "Alternatives to Violence." This is a group of 20 articles by specialists of various kinds.

A great deal of material is coming up but none is really testing the very critical issue on which we have to focus.

Judge Higginbotham: Senator Hart?

Senator Hart: Doctor, I think I understand, but would appreciate your making clear; is it your judgment that violence, all forms of violence, not just criminal violence or the portrayal of violence, not merely criminal violence, affects adversely the viewer, particularly the child?

Are you taking a position that sweeping?

Dr. Kubie: It frightens me a bit to say so, but I believe I have to.

Senator Hart: That was my impression, listening to you.

Dr. Kubie: That is such a broad statement, it makes me wonder whether I have a right to make such a statement. If I have to choose, I would choose in that direction.

Mr. Jenner: It's more likely than not, in your judgment?

Dr. Kubie: Yes.

Senator Hart: Without attempting to set up one psychiatrist against another, you mentioned Dr. Karl Menninger. In one piece of his, "Man and His Environment," he says by looking at violence perhaps some of our violence is diminished, although it's fair to say that he does not share completely your notion that the concept of blowing off steam is not a valid point.

Dr. Kubie: I will answer right off the top of my head on this. We can't pretend for a moment that we are measuring instruments. We are expressing feelings we have. The feelings are part of what we have observed in our experience and lives and practice.

Karl is a wonderful human being, and is full of warmth and affection, and fiery components as well, as everybody who knows him well knows, and he is also a great optimist. This is just a temperamental difference between us. It doesn't prove which of us is right. Probably, on alternate Mondays we change places.

Senator Hart: I will make a confession as a layman, who needs your vote against all censorship proposals, including that Commission you testified to about a few years ago, I do believe, nonetheless even at my age, but certainly when a boy is 14 or 15, there is an effect, a very substantial effect when he is exposed to a very lurid sexual portrayal, unless he is unhealthy, there is a consequence.

The hooker—maybe the reason why we all tend to reject your point of view of violence and lurid sex affecting us adversely—is that the alternative to permitting the portrayal is even more offensive. I don't know what kind of society we would have if we had no portrayal of violence and no portrayal of sex. The medium to prevent it in any event would be giving you a freedom to determine for me what I should see or do. This is part of our hangup.

Dr. Kubie: I agree. This is part of the problem. I would like to throw in two comments. People are different. To make a sweeping generalization that the mass media would have the same effect on everyone would be very wrong. I think of some of the cases I dealt with who were terrified out of all normal aggressiveness by the portrayal of extremes of violence on the TV and movies.

So as they are getting to a particularly vulnerable point in their lives, they couldn't be aggressive when they should have been. Others will be stimulated by the very same film or program to excessive violence.

It becomes impossible to predict for all. But I would ask you, as law-makers, is it not possible to conceive the possibility of developing a kind of responsible instrument of—I don't like the word "censorship", but I won't duck it—by which you, in the first place, can inform the people, (not only one individual) how to evaluate a study and then impose the kind of censorship which can be evaluated and re-evaluated and is never permanent and unalterable?

It seems to me a flexible instrument of some kind is not beyond the power of the imagination.

Senator Hart: I hope you would not volunteer to serve on that screening board, because from your answer to the broad questions—that violence, even lawful violence, portrayed, has an adverse effect—might persuade you to deny all of us those Sunday afternoons of violence that Dr. Menninger was talking about, pro football. And I would vigorously oppose that.

I think that is a healthy effect. I have no proof. That is all. Thank you.

Judge Higginbotham: Thank you. Judge McFarland?

Judge McFarland: No questions. Thank you.

Judge Higginbotham: Doctor, you mentioned a very interesting symposium, a book you have, *Alternatives to Violence,* and as I recall the last article in that most intriguing book was written by Arnold Toynbee. Toynbee makes a statement somewhere around the first paragraph, and I haven't seen it for some time, so I may be off, that the number one item on mankind's crowded agenda is to find alternatives to violence. Do you agree with his statement that that must be the number one item on our agenda as a nation?

Dr. Kubie: It throws me back to William James. It's the same problem. I don't know anything more important.

Judge Higginbotham: Thank you. Congressman Boggs?

Congressman Boggs: Maybe just one question. Maybe two. Am I correct in summarizing your testimony to the effect that it's your feeling after many years of study that the emphasis on violence in the films and television has had a very bad effect upon this country? Is that a fair statement?

Dr. Kubie: My answer is yes. I would like to put it in larger frame. I think the whole tendency of the entertainment industry is to turn us into spectators.

Congressman Boggs: Now, further elaborating on the very profound question asked by our Chairman, is it not so that the whole thrust of humanity, since we have been civilized people, has been towards a rule of the law which denies violence? Say, if you steal something, rather than the rule of an eye for an eye and a tooth for a tooth, is that correct?

Dr. Kubie: Yes.

Congressman Boggs: That's all. Thank you, Mr. Chairman.

Dr. Menninger: If I may ask one more question, which is not strictly related to this, but I would like to take advantage of your presence. One of the great concerns of people today seems to be the fear of an assault to the degree to which there is great anxiety about going out onto the street for fear that one will be attacked by a stranger, even though the statistics indicate that there are many more assaults within the home, and so forth.

Still, the prevalent fear that people have is not the fear that somehow they are going to be getting into an argument with their spouse and have something develop from that.

Do you have any thoughts about that, and the degree to which the media might contribute to that fear or might also be able to do things to alleviate that fear?

It's a fear that is disproportionate in terms of the statistics, and yet it's quite prevalent and is usually the first question that people ask when they feel that violence is increasing, because they see more robbery or more assault or something else in the papers or in the news broadcasts.

Do you have any thoughts about coping with that kind of fear?

Dr. Kubie: I think to have any right to any opinion on that I would have to have a much better picture of to what extent the media portrays intramural or extramural violence, intramural or extramural assault, and the way of portraying it.

I could conceive of their having a profound effect, but I don't have the data on which to base an opinion.

Judge Higginbotham: Thank you. Congressman, did you have any questions?

Mr. McCulloch: No.

Judge Higginbotham: Any questions, Mr. Baker?

Mr. Baker: No, sir.

Judge Higginbotham: Thank you very much.

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Mr. Baker: Our next witness will be Commissioner Nicholas Johnson from the Federal Communications Commission.

Judge Higginbotham: Commissioner, we want to thank you very much for your appearance, and your good reputation has preceded your appearance and we are delighted to hear from you.

STATEMENT OF COMMISSIONER NICHOLAS JOHNSON, FEDERAL COMMUNICATIONS COMMISSION

Mr. Johnson: Thank you very much.

You undoubtedly will have another opportunity to consider my reputation tomorrow, as I understand from your witness schedule.

This is a long statement. I don't propose to read it all to you, but I would like to hit some of the highlights.

The Kerner Commission report had no more than found its way to the coffee tables of white suburbia before this nation was torn apart once again--this time with the agonizing, heart wrenching sorrow accompanying the assassinations of two beloved and controversial leaders, Dr. Martin Luther King and Senator Robert F. Kennedy. Once again a crisis, once again national attention, once again a commission–this time yours. And as you have searched about for the causes of violence in our land, you, too, have inevitably had to confront the evidence of the implications of the mass media, just as the Kerner Commission did.

I think it is time we asked: How many more crises do we have to undergo before we begin to understand the impact of television upon all the attitudes and events and behavior in our society?

Congressman Boggs: Are you reading from your statement or ad-libbing?

Mr. Johnson: I am at this moment reading.

Congressman Boggs: What page?

Mr. Johnson: Page 6.

How many more such crises can America withstand and survive as a nation united? Are we going to have to wait for dramatic upturns in the number and rates of high school dropouts, broken families, disintegrating universities, illegitimate children, mental illness, crime, alienated blacks and young people, alcholism, suicide rates and drug consumption? Must we blindly go on establishing national commissions to study each new crisis of social behavior as if it were a unique symptom unrelated to the cause of the last? Well, I hope not.

Now, of course, no one would suggest that television is the only influence in our society. I don't suggest that. But I do hope this Commission will possess both the perception and the courage to say what is by now so obvious to many of the best students of American society in the 1960's. There is a common ingredient in a great many of the social ills that are troubling Americans so deeply today. It is the impact of television upon our attitudes and behavior as a people. We ought to know much more about it than we do. That is the principal thrust of the statement I have prepared for you today. One cannot understand violence in America without understanding the impact of television programming upon that violence. But one cannot understand the impact of television programming upon violence without coming to grips with the ways in which television influences virtually all of our attitudes and behavior.

Now whenever we talk about the impact of television the industry spokesmen are likely to respond with three favorite big myths.

The first is: We just give the people what they want.

The second: Entertainment programming doesn't have any impact on people.

The third: We report the news. If it's news we put it on; if it's not we don't.

Now, let's take a look at this matter of serving public taste, what the people want.

Television programming follows a classic triopoly pattern. By that I mean the pattern followed in any industry that is dominated by three corporations. It is a pattern of imitation, of restricted choice, of elaborate corporate strategies and reliance on the tried and true.

Stan Opotowsky has observed, "TV is all the same . . . even . . . in New York, too often the viewer's only real choice is 'off' and 'on'."

Now, shouting exhortations at this edifice is a poor substitute for some structural changes–and I have some proposals I want to share with you.

Congressman Boggs: What page are you on now?

Mr. Johnson: Page 13.

Congressman Boggs: Can you indicate--

Mr. Johnson: If you would like for me to indicate the pages as I go along, I will do so.

Congressman Boggs: Yes. You have a fine statement. I want to follow it closely.

Mr. Johnson: Now let's address this question of the lack of impact of entertainment programming.

You will recall when Dean Gerbner was here from the Annenberg School he said that television has profoundly affected what we call the process of socialization, the process by which members of our species become human.

I share Dean Gerbner's sense of television's impact upon our society. Many spokesmen for the broadcasting establishment don't. I would like to anticipate their rebuttal.

The argument they try to make—that television programming has no impact on the audience—is, I think, one of their most difficult arguments. In the first place, they run up against the internal contradiction that television is sustained by advertising.

It is able to attract something like $2.5 billion a year from American industry on the assertion that it is the advertising medium with the greatest impact.

Judge Higginbotham: When I read through your statement I was most intrigued with this figure.

What is your source that the revenue, advertising revenue, is $2.5 billion for the television industry?

Mr. Johnson: They are quite proud of these figures and they are readily available. These are also collected by the Federal Communications Commission.

American industry responded in 1952 with $300 million worth of television advertising. As a result of that experience, by 1956 it had tripled its investment, a mere four years later, to $900 million a year. By 1964 it doubled once again, from $900 million to $1.8 billion. And, as I indicated earlier, I would estimate this year it would run around $2.5 billion.

Professor Galbraith, in *The New Industrial State*, says: "The industrial system is profoundly dependent upon commercial television and could not exist in its present form without it... [Radio and television are] the prime instruments for the management of consumer demand."

So I say television salesmen can't have it both ways. They cannot point with pride to the power of their medium to affect the attitudes and behavior associated with product selection and consumption, and then take the position that everything else has no impact whatsoever on attitudes and behavior [p. 17.]

Television affects our lives in many ways and many of them are unrelated to program content. Dr. Appell of Brooklyn College reports studies she has done disclosing some 60 percent of the families interviewed changed their sleep patterns because of television.

Congressman Boggs: What page?

Mr. Johnson: 17, middle of the page.

Some 55 percent changed their eating schedules. 78 percent report they use television as an electronic babysitter. Water system engineers have to build city water supply systems to accommodate the drop in water pressure that is occasioned by the toilet flushing during the television commercials. Medical doctors are encountering what they call "TV spine" and "TV eyes," and some of you may recall nine months after the blackout in New York City the birth rate in that community increased substantially. [Laughter.]

Now the San Francisco State President, the general semanticist, Dr. S. I. Hayakawa, has observed and commented upon television snatching children from their parents for some 22,000 hours before they are 18 years of age, thus giving them no experience in influencing behavior and being influenced in return, and he asks: "Is there any connection between this fact and the sudden appearance of an enormous number of young people who find it difficult or impossible to relate to anybody, and therefore drop out?"

In the programming itself, even a casual mention can affect viewers' attitudes and behavior. After Rowan and Martin's "Laugh-In" used the expression, "Look that up in your *Funk and Wagnalls*," the dictionary had to go into extra printings to satisfy a 20 percent rise in sales, and we are all familiar with the "sock it to me" expression that they also contributed to our country.

Politicians evidently think television is fairly influential. Most of them are now reporting expenditures in excess of 50 percent of their total campaign budgets going to radio and television time, and many advertising agencies are advising candidates to spend all their money on television spots.

When Bradley Greenberg of Michigan State was before you, he talked about the ways

in which television is used as an instructional medium. Not educational television, but commercial television. I quote him:

> Eleven of the reasons for watching television dealt with the ways in which T.V. was used to learn things—about one's self and about the outside world.

Knowing this, as I think by now all television executives must, I think society is going to hold them to extremely high standards of responsibility.

We learn from television. What? I think we are all capable of drawing our own conclusions. Here are some of mine:

What is success? I think television tells you that success is something that comes quickly and easily. It usually comes from the purchase of a product, say a mouthwash or a deodorant. It's not something that requires years of rigorous study and training.

How about conflict resolution? What do you do when you have disputes with people? You use force, violence, destroy the "enemy." You see that on news programs and entertainment programs. You don't try to become a good listener. You don't try to understand and cooperate and compromise. You don't work at the hard, practical politics of evolving a community consensus. It's much simpler than that.

What do you do if, perchance, someone throws other than roses in your hedonistic path? Well, then you look for "fast, fast, fast relief," which you get from a pill—a headache remedy, a stomach settler, a tranquilizer, a pep pill, or "the pill." You smoke a cigarette, have a drink, get high on pot, or try some more potent drugs. You get a divorce or run away. And if, "by the time you get to Phoenix," you still haven't any relief, you just say, "Hi ho hey hey," and begin straight-away chewing your little troubles away.

But does anybody try to work at a solution or assume that perhaps part of the responsibility lies with himself? Or attempt to improve his capacity to deal with life's problems? No, I say what are these network executives doing? What is this America they are building? What conceivable defense is there for the imposition of such standards upon 200 million Americans? What right have they to tear down every night what the American people are spending $52 billion a year to build up every day through their school system?

Why do we permit this greedy striving for ever-increasing profits by three corporations? Because they are giving the people what they want? Nonsense.

If you remember when Mr. Greenberg was here, he talked about some studies of public opinion, and of political leaders, what people thought about television. I quote him again:

> The substance of the complaints was what the public and leaders spontaneously described as the over abundance of sex and violence.

Former Senator William Benton put it well. I quote him:

> I can only ask if this wasteland is indeed what the American people want, is it all they want? Is it all they want of television? Is it all they are entitled to? Are not these dwellers of the wasteland the same Americans who have taxed themselves to create a vast educational system? Are they not the same who have established an admirable system of justice, created a network of churches? When they turn their T.V. knobs, do they not, by the millions, have interests broader than the entertainment which is so complacently theirs?

Well, poor old Charles Sopkin decided to take Fred Friendly up on the challenge, and sat down to watch, as he subsequently titled his book, *Seven Glorious Days and Seven Fun-Filled Nights* of New York City television on all channels. It was an heroic undertaking for which we can all be grateful to him. He concluded: "Television is dreadful. Make no mistake about that. I naively expected that the ratio would run three to one in favor of trash. It turned out to be closer to a hundred to one."

Given the great unfulfilled needs that television could serve in this country and is not, given the great evil that the evidence tends to suggest it is presently doing, one can share the judgment of the late Senator Kennedy that television's performance is, in a word,

"unacceptable." The popular outrage and crises for reform are warranted. They must be heeded.

Now, let me say a word about news. We want free journalism. Nobody questions that. At the same time, I think neither of us need feel under any compulsion to avoid any comment whatsoever on the subject.

Let me say this: Free journalism need not function as irresponsible journalism, completely free of check, comment or criticism from professional critics, a concerned public and responsible officials. Journalists can alter what subjects they report and how they report them–and they do. They can do this in response to a sense of professional responsibility. They often have. I ask no more; we should expect no less.

Now let me say just a word about the impact of television programming on violence in our society.

As you can tell by now, the principal thrust of my position is that television programming-commercials and entertainment, as well as news and public affairs–is one of the most important influences on all attitudes and behavior throughout our society. To the extent that television "reflects" society, it is but a reflection of an image that has earlier appeared upon its screen. This is a perspective that I believe necessary to an understanding of the impact of television upon violence.

On this subject, it is obviously the findings and assertions of the scientific community–not mine–that are most relevant to your inquiry. But you have a lot of evidence before you.

The Christian Science Monitor has done a great job for all of us in keeping us up-to-date on what does not appear to be a decreasing number of incidents of violence, and, [at the bottom of p.30] in spite of the industry's protestations that they do not use violence for its own sake, the Dodd Subcommittee investigation turned up rather revealing memoranda to the contrary. An independent producer was asked to, and I quote, "inject an 'adequate' diet of violence into scripts," overriding, it might be noted, the protests of advertisers. Another network official wrote, "I like the idea of sadism." Still another was advised by memorandum: "In accordance with your request, spectacular accidents and violence scenes of the 1930-36 years have been requested from all known sources of stock footages. You will be advised as material arrives." Another, "Give me sex and action." Several shows were criticized as being a "far cry" from top management's order to deliver "broads, bosoms, and fun." A producer testified, "I was told to put sex and violence in my show."

Well, I say, no wonder that committee concluded its deliberations with the observation that the networks "clearly pursued a deliberate policy of emphasizing sex, violence and brutality on the dramatic shows."

I would think we could at least share Dr. Bill Schramm's judgment, and I am quoting [p. 32]:

> We are taking a needless chance with our children's welfare by permitting them to see such a parade of violence across our picture tubes. It is a chance we need not take. It is a danger to which we need not expose our children any more than we need expose them to tetanus, or bacteria from unpasteurized milk.

Now a word about censorship. We have heard a great deal from the broadcasting establishment about censorship. Broadcasters are concerned about your inquiry. They are even more panicked at the prospect of the FCC awakening from its slumber.

Unfortunately, I think the broadcasters' arguments are born of such a blend of mammon and mythology as to do a disservice to their own position, and I will try to restate some of it here.

There are many court decisions and statutes and government regulations that affect speech in ways designed to serve other social ends, and these are appropriately considered not to violate the letter or the spirit of the First Amendment [p. 35].

Like the young boy who cried "Wolf," the broadcasting establishment has shouted so loud and so often that any statutes or regulations relating to their industry violate the First Amendment that they are not likely to be believed if, someday, a real threat does come along.

Now I want to summarize this next bit. It involves an experience of Former FCC Chairman Bill Henry's in which he proposed we put some limitations on the number of commercials and use the industry's own standards for doing so. It produced tremendous

outrage, and The House of Representatives passed a bill saying the FCC could do no such thing, as a result of N.A.B. (Nat'l Assoc. of Broadcasters) pressure.

At the same time, Pacifica's California stations–which make an attempt to exercise the rights accorded under the First Amendment–had their license renewals pending [p. 3]. And yet not one commercial broadcaster felt obliged to make his views known to the Federal Communications Commission.

What irony that, once again, this very month, the FCC is delaying the renewal of Pacifica's California stations while it investigates a complaint of an allegedly obscene record reportedly once played in the wee morning hours on the Los Angeles Pacifica station (and widely played on commercial stations throughout the country, it should be noted.) For this is not a complaint filed by a listener, but one raised for the first time by the editors of *Broadcasting*–a weekly trade paper that editorializes self-righteously about the First Amendment whenever its industry's profits seem threatened.

As Bill Henry told the NAB:

> When you display more interest in defending your freedom to suffocate the public with commercials than in upholding your freedom to provide provocative variety–when you cry 'censorship' and call for faith in the founding fathers' wisdom only to protect your balance sheet . . . you tarnish the ideals enshrined in the Constitution. . .

I think investigation and public disclosure quite useful and appropriate. But I do not believe that the FCC should revoke the license of a television station because of its coverage of a political convention, a war, a riot, or a government official. With all the admiration I have for Secretary Orville Freeman, I do not believe he–or I–should be able to prevent CBS' showing of "Hunger in America." I do believe that some independent entity should be making program evaluations, and that they should be expert, candid, hard-hitting, and generally available to the American people.

But governmental power is not the only–or even the most important–threat to the freedom of speech of the broadcasting industry. Economic, corporate power over free speech is today, in my opinion, an even greater limitation than those feared by the drafters of the Bill of Rights. All Americans have felt the oppression of corporate censorship.

For years the tobacco and broadcasting lobbies succeeded in censoring from the airwaves virtually any discussion of the impact of cigarette smoking on cancer and heart disease. How many wives and children who are today left without a head of the household might have been spared had cigarette-smoking television viewers been told the facts?

The same can be said for the 50,000 people slaughtered every year on the nation's highways from unsafe automobiles, and the 160,000 coal miners in this country with black lung disease. Stations prevent them from finding out about it.

What form of censorship stills the angry voices of Watts from the television screens of white America until the message finally bursts forth in flames of violence that we have been ill-prepared to understand? Why have the blacks–struggling with concepts of "black power" and "black capitalism"–received little or no inkling from television of the tremendous potential open to them in the cooperative movement?

It was almost ten years ago that President Eisenhower warned of the power of a growing "military-industrial complex" in our land. And yet the censorship of the broadcasting establishment–many members of which are major defense contractors–has successfully down-played that issue for the American people. I do not charge abuse. But is there not a *potential* for censorship in turning over the reporting of one of the major issues before our country–the Vietnam War–to broadcasters who are subsidiaries of corporations that are profiting from the prolongation of that very war?

How has the budget of the space program been affected by having its activities reported by corporations profiting from NASA contracts?

Concern about the impact upon our democratic form of government of the rising cost of political campaigning has come from every quarter. Yet well over half the costs are for broadcast time. The broadcasters' insistence upon ever-higher profits for "free" speech is another form of censorship–as is their occasional refusal to carry even paid informational spot announcements about local ballot propositions.

There are many forms of actual and potential censorship in broadcasting. A good many of them are self-imposed. I deplore them all. The problem is serious. But I do

believe that any fair, impartial evaluation would have to conclude that your commission and mine are not the principal threats to free speech in America today.

Now, I have some proposals for you. I will go through them fairly fast.

Judge Higginbotham: Commissioner Johnson, this is an extremely important field. It may be the nub of our analysis, and we will give you whatever time to speak, and our Commission, whatever time they desire to question you, so don't feel rushed, please.

Mr. Johnson: I appreciate that. Number 1: *Public Broadcasting* [p. 46]. I think it is crucial that the Public Broadcasting Corporation be adequately funded and, in accordance with the terms of the Carnegie study, in such a manner as to be independent of the Government.

Number 2: Citizen Participation. We have more and more of this at the FCC. I think the trend will continue. I think it is basically healthy for listeners and viewers to be able to participate in the Commission's proceedings. It creates the reality as well as the illusion that it is possible to do something to make our seemingly–intractable institutions respond to popular will, that you *can* fight city hall.

Number 3: *Public Service Time* [p. 49]. We could require a number of things that would result in more public service programming on television. We could require that a given proportion of gross income be invested in such programming. We could require that each network provide a given proportion of its time to public service programming, and the stations would have similar standards.

For example, we could say that each of the three networks is required to provide a single hour of such programming Monday through Saturday, between seven and ten p.m., on a staggered basis, as a result of which at any moment in this segment of prime time, viewers would have a choice of something other than the advertiser-supported, lowest common-denominator programming.

Number 4: *Program Diversity and Ownership.*

Much of what the FCC does–as our Chairman, Rosel Hyde, told you earlier today–is directed toward trying to increase diversity in programming, although I question the effectiveness of what is done in carrying out some pronouncements that seem more appealing on their face than they are in actuality. But the theory, at least, is that the greater the diversity, the greater the opportunity for choice, the greater are the limited odds that something of quality actually will be put on the air.

In the largest markets we require, for example, that if the same man owns an AM and FM station he can only program with the same programming 50 percent of the time. We have under consideration a proposal that networks could not own 50 percent or more of this programming, thus opening the market to independent programmers. Westinghouse proposed, and we put out for public comment, a suggestion that would limit the amount of prime time programming any affiliate could take from a single network.

Obviously, even the joint ownership of properties in the same community decreases diversity, and that is an area in which I have been particularly concerned.

Number 5: *Professionalism*. Quoting from Harry Skornia [at the bottom of p. 55]:

> "In news and public affairs particularly the fact that there is no national academic standard prequisite to practice, and that neither the names of the schools from which newsmen graduate, nor their diplomas or degrees--if indeed they are even considered necessary to employment–represent any definitive standard of intellectual accomplishment, morality, character qualification, or even technical skill, is disturbing if not shocking."

Number 6: *Programming Liability*. This is a somewhat original suggestion, a little provocative, and yet something that I think we ought to begin talking about.

We found that tort liability has been a very effective remedy in many other areas of the law. Product liability has resulted in quality control, quality manufacturing, a great deal more concern on the part of manufacturers for the safety and efficacy of their products.

No one before has suggested the application of such standards to television programming. Perhaps it is about time at least we talk about it. The television set manufacturer is legally liable for any physical damage he does from radiation from the set. Why should the network be free of responsibility for the psychic harm done by what *it* radiates from the set?

To state the extreme case, suppose a psychiatrist testified that a child's mental illness was directly traceable to a particular show that he watched regularly. Suppose further that numerous children were affected in this way and that the network knew the

program would likely produce that result. Is legal liability out of the question in such a case? I think not. If there is not a legal liability, I think we can all agree there is at least a moral responsibility of substantial proportions.

But liability has been an effective instrument of reform in other areas of the law in the past, and it warrants examination here.

Number 7: *Public Access to Television.* The sense of alienation on the part of many groups in our country–not just the blacks and young people–is growing. The polls only this week reported an upsurge once again. I think there is some correlation between those who share this sense of alienation and those who are excluded from participation in television. Today the right to petition one's government, which is guaranteed by the First Amendment, becomes in fact a need to petition one's media, most often television. [At the bottom of page 58].

I think one observation that you can make, one conclusion you can draw, is that television *is* responsible for violence to the extent that it insists upon violence from those who seek access to television, those who want to share legitimate grievances with their fellow citizens. People with something they just must say are going to do whatever is necessary to be heard. What is necessary to be heard is what the gatekeepers of our television channels define as necessary, and in large measure they have defined violence as necessary.

Professor Barron has argued in the *Harvard Law Review* that the First Amendment today needs a new look. It must mean something more than the right to go out and establish one's own multi-million dollar television station or network or newspaper. There must be a public right of access to the mass media. This is an idea about which I think we are going to hear a great deal more.

The remainder of my statement [from pp. 60 to 70] deals with what I think is perhaps one of the most significant things that I have to suggest to you, and one of the most significant things that you can perhaps do after your hearings are closed and you need to formulate some proposals. This is not my idea. It's an old idea. It belongs to a great many very distinguished Americans preceding me.

One of the most noteworthy exponents of this proposal for some kind of private commission or institute to study broadcasting–was that of the Hutchins Commission, the Commission on the Freedom of the Press, in 1948, set up, incidentally, with money from Henry Luce. It took a look at our mass media at that time and recommended "the establishment of a new and independent agency to appraise and report annually upon the performance of the press."

Earlier this year the Kerner Commission recommended, among other things, the establishment of an Institute of Urban Communications, again on a nonprofit basis, with responsibility to, among other things, "review press and television coverage of riot and racial news and publicly award praise and blame."

In between these two proposals, similar ideas have come from a range of individuals, including Professor Lasswell, former Senator William Benton, Jack Gould, Harry Ashmore, Professor William Rivers, Chairman Oren Harris of the House Committee on Interstate and Foreign Commerce, even CBS President Frank Stanton at one point proposed a comparable idea that would have involved industry funding.

Dr. Otto Larson appeared before you, you recall, and he too called for an institute to conduct a continuing systematic objective comparative surveillance of mass media contents.

We now have a group in this country headed by Tom Hoving, called the National Citizens Committee for Broadcasting, interested in the Public Broadcasting Corporation's future. It could be this group will develop in this direction.

It is an idea that has been proposed by many people. It's an idea, I think, whose time has come. I hope we will see action on it.

Now the form that this can take, the details, have been spelled out by many others, and I won't repeat them here, but a few general characteristics are worth mentioning. Most proponents agree that the organization ought to be completely free from any suggestion of either governmental or industry influence or domination. Funding probably ought to come from foundations and private sources. I think it would have to be on the order of $1 million to $10 million a year, a relatively modest sum by standards of government agencies. But it will need to be sufficient to provide a substantial number of professional people.

The kinds of things that it would end up doing would, of course, be a function of the

people who staffed it, but these kinds of suggestions have been proposed: analysis and evaluation of broadcasting standards; grievance machinery; economic structure of the media; employment practices; effectiveness of Government agencies like the FCC; development of standards and programs for improving community-broadcaster relations; provision of training; use of research contracts to do the kind of research that you find often is not available now; stimulation of public interest programming through grants and awards; and the singling out of broadcaster commendation or criticism.

Powers? Well, obviously, it has to have the authority to publicize its findings and conclusions, because that is its principle enforcement mechanism. It ought to have the authority to request data and reports from Government agencies which, as Senator Hart knows from his experience, and I know from mine as a Commissioner, is not always easy to do. It becomes even more difficult for private citizens.

Also it ought to have authority to appear as an advocate for the public interest before relevant agencies, and presumably would prepare something in the nature of an annual report as well as periodic reports from time to time.

Well, I'm hoping that this idea, which has appealed to a great many distinguished Americans over a great many years, will appeal to you as well, as it does to me, and that you will include it in your recommendations.

The American people are calling for very meaningful response to the corporate arrogance that posts a high wood fence around the television business and paints "Keep Out" on one side and "First Amendment" on the other.

Arthur Schlesinger wrote a little book on Violence. He says in it, in discussing what he calls "televiolence":

> No rational person wants to reestablish a reign of censorship or mobilize new Legions of Decency. Yet society retains a certain right of self-defense.

That is what we are talking about. We do retain a certain right of self-defense. The people are looking to you to exercise it. I think that one useful way in which you could do so would be to recommend the creation of a non-governmental, non-industry, Citizens Commission on Broadcasting.

Well, you have been very patient, and I appreciate that, and I am very pleased to be able to be here with you and thank you for your attention. I would be happy to answer any questions you may have.

Judge Higginbotham: We really are delighted to have your very, very careful statement which you have prepared.

I don't know whether Mr. Bundy was accurate when he said the FCC's performance was a national scandal. I believe those were his words if I quoted him accurately.

Mr. Johnson: Yes, you have quoted him accurately. The phrase is "a National scandal." I think it is very accurate.

Judge Higginbotham: Be that as it may, I wasn't going to get involved in the accuracy of it but on the age old question as to whether men make institutions or institutions make men.

I am confident that your participation in the FCC can change it's position, if it is a national scandal, to one of great hope for America.

I am delighted--I have been reminded by Congressman Boggs, I started on the left last time so I will start on the right this time.

Congressman Boggs: Thank you, Mr. Chairman.

First, Mr. Chairman, let me commend Commissioner Johnson. I have known the Commissioner for a great many years. I consider him one of the really dedicated public officials in this country. He has a sense of public service that is unequaled. He is totally honest. He is brilliant and he is objective. Unfortunately, we don't have quite as many of these kind of people as we need in public service. I hope he will be in public service for many years to come in any capacity in which he desires to serve.

Mr. Johnson: I share that hope for you, sir, and thank you for those kind words.

Congressmen Boggs: I have quite a few questions to ask.

First, do you have available the profits that the three networks made over a period of years? Let's say the last four years.

Mr. Johnson: We do have those figures. I believe they are, however, not reported publicly except as a total.

Congressmen Boggs: Do you have the total?

Mr. Johnson: I don't have it with me, I am sorry. The revenue of the industry last year was on the order of $3 billion.

Congressman Boggs: The profits?

Mr. Johnson: No, sir. The gross.

Congressman Boggs: Now--

Mr. Johnson: The profits run about 100 percent return on tangible investment annually.

Congressman Boggs: Let me state my question in a general fashion and you can answer it generally. During the past four years, let's say, have profits increased annually or decreased?

Mr. Johnson: Yes, they have increased regularly.

Congressman Boggs: Substantially?

Mr. Johnson: Yes, sir, Mr. Boggs.

Congressman Boggs: You will make those figures available for the record?

Mr. Johnson: Yes, I would be happy to do that.

Congressman Boggs: I was much impressed with our first witness yesterday, Mr. MacNeil, who obviously was a very able man and excellent writer and a man of great perception; but he dwelt at some length on censorship and he left me with conflicting feelings in that he advocated the complete removal of government from the field of electronic communication and then, when members of the Commission asked him how would you have some type of regulation, if that be the proper word, he was at a loss because he said the pressures came from the advertisers and as long as those pressures came the owners would do what the advertisers wanted. I am quoting him.

I don't know whether he is right or wrong. But it has been my impression, after having sat in the Congress for over a quarter of a century, that the regulations that exist are very, very limited and there is no censorship.

Am I right or wrong?

Mr. Johnson: You are correct.

Congressman Boggs: I want you to elaborate.

Do you or any member of your Commission or the Commission acting en bloc have any right of censorship of any kind against any television station, any radio station or any network?

Mr. Johnson: The Act expressly provides we do not have the power to censor. The Act also expressly provides, however, a number of areas in which the Commission is to act with regard to matters that involve programming.

Congressman Boggs: Well, spell it out, please.

Mr. Johnson: For example, the Fairness Doctrine, Section 315–

Congressman Boggs: That is spelled out in the Act.

Mr. Johnson: Yes.

Congressman Boggs: But that is not censorship.

Mr. Johnson: No. The "equal opportunity" doctrine, that is not censorship. The requirement that the source of sponsorship for paid announcements be made to the public is not censorship in my judgment. The prohibitions against false and misleading advertising are not censorship. Prohibitions against lotteries and frauds I don't believe are censorship. There are a great many things the FCC does, appropriately does, that do involve programming. The maintenance of logs requirement involves a recording of programming with the presumption the FCC will examine it, or may.

Mr. Jenner: Maintenance of the log?

Mr. Johnson: Yes, sir. Logs. Program logs. They are very sketchy, incidentally, and for some never-disclosed reason not made available for public inspection. But they are nonetheless maintained and record with some accuracy the commercials that are run in order to assure compensation in event of conflict later.

Congressman Boggs: Now, is it not a fact that the analogy that is made so frequently in trying to compare the electronic medium with the printed word with respect to the First Amendment falls short in one great respect? That is, that the air ways, the devices–my technical expressions may not be adequate–

Mr. Johnson: You are doing very well.

Congressman Boggs: But there must be some agency that would assign frequencies. Otherwise there would be utter pandemonium, would there not, in radio and television broadcasts?

Mr. Johnson: That is correct.

Two principles are involved here. One is, you must have regulation because there is a limited resource.

Congressman Boggs: It is also a public resource.

Mr. Johnson: Yes.

So for the same reason that if you want to graze cattle on public lands out west you have to pay the Federal Government; you have to pay the people to use their property here. If you want to drill for oil on federal lands, you have to pay to use that public property. The theory was that when someone used the public property, the airwaves, that they would return to the public a public benefit. Indeed, this was a view that was also held by the National Association of Broadcasters at the time, although it has long since been cast aside.

Congressman Boggs: It was held because they needed regulation?

Mr. Johnson: That is correct. The regulations asked for–

Congressman Boggs: I remember the early days of radio when there was no regulation and there was utter pandemonium. You couldn't get a radio station because of some other radio station interfering with you.

Mr. Johnson: That is right. Regulation was requested by the industry as a result of radio conferences held by that great spokesman for the New Left, Herbert Hoover, when serving as Secretary of Commerce. [Laughter.] The National Association of Broadcasters testified when this legislation was introduced: "It is the manifest duty of the licensing authority in passing upon applications for licenses or the renewal thereof to determine whether or not the applicant is rendering or can render an adequate public service. Such service necessarily includes broadcasting of a considerable proportion of programs devoted to education, religion, labor, agricultural and similar activities concerned with human betterment." That was the undertaking, the understanding, at the time of the Communications Act.

Congressman Boggs: Now I heard somebody pontificate to us on programs, decry censorship and regulation. Why suddenly this terrible outcry against censorship that you say doesn't exist at all? What accounts for this?

Mr. Johnson: Well, as I indicated, I think the great fear of the industry has demonstrably been more directed to a concern about a regulation that would affect profits than it is really directed at a regulation that would affect their opportunity to utilize the powers under the First Amendment. They have been very quick to censor themselves. They have been very slow to come to the defense of those who wished to exercise First Amendment freedoms in broadcasting. They have been most in evidence when questions arose that might involve impingement upon this 100 percent rate of return.

Congressman Boggs: Now in your main statement, I shall inquire of the television executives when they come here tomorrow quoting you, you state substantially that for years, despite studies made by the U.S. Public Health Service, by independent medical agencies and others, showing the direct connection between cigarette smoking and cancer and the impact upon life and death, that this type of thing was kept off of television.

Do you stand on that statement?

Mr. Johnson: Yes. I think the American people were not told what they had a right to be told and what the networks had an obligation to tell them. I think the best evidence of that––

Congressman Boggs: Why weren't they told?

Mr. Johnson: I will leave your witnesses tomorrow to answer that question.

Congressman Boggs: What is your theory?

Mr. Johnson: My theory is that they are considerably more concerned about any possible encroachment upon corporate prerogatives than they are about getting information out.

The thing I would cite is that when there was a threat of legislation that would have abolished cigarette smoking on television, the response of the FCC was to say, "The Fairness Doctrine requires you also to put on anti-cigarette smoking commercials and announcements. You don't have to take off the cigarette smoking commercials," we said, "All you have to do is one out of every three times let the folks have the other side

of the story, and let them know there are things associated with cigarette smoking other than fun and football and good times." That was violently opposed by the industry. It was not enough that we permitted them to hang on to the $300 million a year they get from the cancer lobby.

Congressman Boggs: What?

Mr. Johnson: The tobacco industry. Excuse me. [Laughter.]

But they didn't even want to assume the very modest obligation that the FCC had offered as an alternative to legislation prohibiting cigarette advertising. Had their response to that been a little more humane, they would be in a little better position today to argue their dedication to getting this kind of information out.

The same thing goes for auto safety; the same thing goes for black lung disease. There are stations in coal mining states where no compensation is provided to coal miners for black lung disease, who refused to run programs that have been offered them on black lung. The suspicion is that this is because of either actual pressure or feared pressure from coal mining companies. These men are going down into the mines. They are breathing this coal dust. The owners are not willing to pay the $3 a day, or whatever it costs, to give these men a mask with fresh air in it. Obviously, if you are breathing coal dust, it is going in your lungs; and if it does so long enough, they disintegrate; and after your lungs disintegrate you suffocate and die. This is a disease that is now apparently being suffered by virtually everybody who is a coal miner. Yet there are stations in coal mining states that refuse to let that information out.

Judge Higginbotham: Could you send us documentation on that?

Mr. Johnson: Yes.

Judge Higginbotham: Thank you.

Congressman Boggs: You have no doubt that television has an impact on American life do you?

Mr. Johnson: Excuse me, I didn't hear that.

Congressman Boggs: You have no doubt that it has an impact on American life, do you?

Mr. Johnson: No, sir, I don't.

Congressman Boggs: Did you use a figure that–did I see 22,000 hours of children––

Mr. Johnson: There are many ways of expressing this figure. The average man between 29 and the age of 65 will spend some 3,000, 24-hour days watching television, roughly nine years of his life. The average child before entering kindergarten will have received more hours of instruction from television than he will receive instruction in a college classroom getting a BA degree. Dr. Hayakawa's figure was 22,000 hours before the age of 18. The television set is now supposed to be running some 5 hours 45 minutes in the average American home every day. Most children get more stimulation from television than the school teacher and church combined.

Congressman Boggs: Are you familiar with the organization headed by the distinguished former Director of Prisons in our country, Dr. Bennett?

Mr. Johnson: I am aware of the fact he heads such an organization, yes.

Congressman Boggs: I was hoping he would testify here but apparently he is not. He heads an organization–I saw a recent publication. I have it here in my hand. It says "Better Radio and Television."

You have seen this, haven't you? "Violence Still Dominates TV." This is dated summer 1968. " Networks bombard children with brutality. Make game of crime."

Mr. Chairman, I would like to make this part of the record at this time.

Dr. Menninger: This is a letter in our notebooks.

Judge Higginbotham: We will make it a part of the record. Any commissioner who desires to have a letter exhibited as part of the record can do so.

Congressman Boggs: He served with distinction as Director of Federal Prisons and is one of the most humane men I have ever known. He probably did more to improve the quality of federal prisons and to attempt to rehabilitate people who ran into difficulties of one kind or another than any man who ever headed that post. So I would think that his studies would be objective.

Now how much does it cost to buy a minute on prime television on, let us say, NBC at the time of an NFL-AFL football game?

Mr. Johnson: $60,000 to $70,000 a minute but your witnesses tomorrow can give you more precise information. It varies with the point in the schedule.

Congressman Boggs: I asked the question because obviously it must have some impact; otherwise, they wouldn't pay that kind of money.

Mr. Johnson: One would assume.

Congressman Boggs: I noticed your reference to politicians. I would say that I have come through a campaign just a month or so ago that was a very vigorous campaign; and if my campaign committee hadn't been able to raise a very substantial sum of money for television, I can assure you I wouldn't be sitting here today. I fully appreciate the impact of the medium. In my judgment it is the most important thing in politics today, barring anything and everything.

Now having said that, would it be possible for your organization, for the FCC, to get for me, if not for this Commission, the total amount of time devoted by the three networks for three weeks prior to the Chicago Convention to the statements made by men like Dillinger, Davis, Rubin and others saying that there will be violence at the convention? Would that be possible?

Mr. Johnson: I would be happy to try although I should say my record of getting information from the networks is not very good. I once endeavored to find out from them which of their affiliates had run their nationally-distributed documentaries–facts which, I assumed, since they were shown over public television stations, were probably matters in the public domain. I was told that this was unwarranted interference in their First Amendment rights. Thus, I would have to go to TV Guide to try to find out. But I am willing to make the effort, Congressman.

Congressman Boggs: I watch these programs rather diligently and there was scarcely a night that they weren't on for a considerable period of time, one or the other, either Mr. Rubin or Davis or Mr. Dillinger or that pig; he had a lot of time on national television, and I would like to have those figures because I have read this Walker report and while I find it a fine chronology of events––

Judge Higginbotham: Excuse me, I certainly would never want to intrude on your clear prerogatives which you have.

It is my impression that in the questioning of witnesses today and tomorrow that we were going to use care so that we would not take a position as a Commission as a whole on the Walker report at this time since we haven't had–

Congressman Boggs: I am just asking a question of this witness.

Judge Higginbotham: All right.

Congressman Boggs: I am taking no position at all. I am just trying to get some information.

I have read this report very carefully and I find it has a very fine chronology of events of Chicago. I was there all through these. But I find no reference really to the amount of time that national television devoted to–I am talking about prior to the convention, not during the convention, prior to the convention. I can see a similar situation arising now because these same people–Mr. Dillinger, Mr. Rubin, the others whose names I mentioned–were mentioned very prominently in the press here yesterday saying that they plan to have a counter-inauguration in Washington come January 20 and that they would bring people in from all over the U.S. to have their own inauguration. I don't know who they are going to inaugurate. One fellow said they would inaugurate the pig.

I am curious about whether or not NBC and CBS and ABC are going to give the same coverage to their inauguration that they gave to the events prior to Chicago. And if it is not out of order I would request that somebody at the FCC just make a law, not monetary, just make a law and see how much time is devoted to these in connection with the inauguration of the pig. Schedule him January 20. Because in reading the Walker report, I am unable to get that information.

I was in Chicago and I was there as a witness. I was chairman of the Democratic Platform Committee. I saw what happened. I won't make any comments at this time in that respect. But at the proper time I will.

One final question: The references you make in your statement quoting corporate executives about violence where you say sex it up–what page is that on?

Mr. Johnson: 31.

Congressman Boggs: Do you vouch for the accuracy of those statements?

Mr. Johnson: Those are from the interim report of the Dodd subcommittee, Congressman Boggs. I presume those are accurate.

Congressman Boggs: They come from an official Congressional Record.

Mr. Johnson: Yes, sir.

Congressman Boggs: Finally, one question about our own activities here in Congress.

In your judgment, have we done enough–I supported very, very strongly public broadcasting, the act we passed last year. I think this is one of the great fields that need developing–in your judgment, have we done enough in that area and enough in the field of educational TV? Those two fields?

Mr. Johnson: We have done nowhere nearly enough.

I recently returned from Japan where, among other things, I was studying NHK their equivalent of the public broadcasting corporation. NHK has studio facilities that are far superior to those of any commercial network in this country. They have not one but two nation-wide television networks; not one but three nation-wide radio networks. They have a management-information reporting system there that a high executive of a major American computer manufacturer characterizes as having software five years ahead of anything any corporation in the U.S. has. They exist in competition with commercial broadcasting. And the Japanese people, through a fee on sets, not through taxes, are supporting NHK with an amount of money, as a proportion of their gross national product, that would require $2 billion a year in the U.S.

Congressman Boggs: How much are we supporting?

Mr. Johnson: $90 million. That is everything.

Of course, you know the Public Broadcasting Corporation had a tough time getting $5 million or $8 million.

Congressman Boggs: We had a tough time passing Congress, as you well know, never mind getting money for it.

Mr. Chairman, you have been very generous. Thank you.

Judge Higginbotham: Thank you.

Senator Hart?

Senator Hart: I enjoyed very much the exchange Congressman Boggs had. I think that was right on the target.

I think I have perhaps two questions. I would preface it by saying that from the first time I became aware of the presence of this witness in this city that I became conscious also of his ability and willingness to follow the facts, whether he be cheered or jeered.

As Congressman Boggs said, there are not enough around like you, and I hope you do stay a long time.

Mr. Johnson: Thank you very much.

Senator Hart: It would be my assumption that you would be one of the early leavers.

Congressman Boggs: I hope not.

Mr. Johnson: I am operating under a seven-year term, so I am in until '73, which is more than the President Elect can say. [Laughter]

Senator Hart: There is great hope.

In our relationships we have exchanged views that perhaps clearly are not directly relevant to our record here, our charge, but on which I would like to make some comment.

One of the problems in our economy is the cost of entering into almost anything that is significant, but in the case of television, people are conscious, I think, of the enormous cost of not anything for a new competitive source, but in television, you have the cost of entering. Not only do you have enough money to go into business, but they will let you go into business.

I refer to your comment on page 65, where you say that this Council that you are suggesting is a very sensible proposal, the Citizen's Commission. You say that this Commission should, among other things, do this: "Analysis of the economic structure of the meeting. The impact of economic concentration or other ownership patterns in the media should be an intensive continuing concern of the Institute." Well, I say it should be an intensive continuing concern of the FCC and it isn't.

Mr. Johnson: I think that is correct.

Senator Hart: Your chairman and I had an exchange on this in another setting.

Mr. Johnson: Yes, I recall.

Senator Hart: I just think you can say all you want about the First Amendment, but the statute that establishes the FCC, I think, without any question gives the Commission

jurisdiction to make judgement with respect to competitive aspects in this business, including the joint ownership which you have, and the 20 major markets where you have newspaper-TV tie-ups, that any prudent man would say this Commission should be making inquiry about it and evaluation of it.

I know if you would–

Mr. Jenner: When you say this Commission, you mean FCC?

Senator Hart: Yes.

I am glad about that seven-year term.

Now, I quarrel with you on one thing here, if I read it right.

Page 38–this, again, is a small-board, local, parochial interest. You say that you don't think the Commission should get into the question of potential conflict of interest between a news communicator or pontificator and the public in terms of suggesting or requiring disclosure.

Mr. Johnson: As you know, as a practical matter I am firmly on record as suggesting the contrary.

Senator Hart: Clarify this statement here in the first paragraph of 38.

In an opinion involving the indifference to a newsman's conflict of interest by–et cetera–I join the statement of my colleagues insofar as they urge this Commission should constantly be on guard against actions of government–et cetera.

Do I read that to be an excerpt from an opinion which held that the Commission need not or should not require a filing, for example, with you, of the economic interests of major news–

Mr. Johnson: The case to which you refer involved the total insensitivity of RCA management to very fundamental principles of conflict of interest involving Chet Huntley, who, on numerous occasions, while holding interests in cattle, meat and meat-processing businesses, used the resources of NBC Radio to editorialize and support positions which tended to serve the economic interests of himself and his business colleagues.

I was quite concerned that the Commission felt no desire to do anything but send NBC what we call in the FCC "a nasty letter," and wrote a rather lengthy opinion on that occasion characterizing the problems of conflict of interest, and their seriousness, making the point that if RCA doesn't care about conflict of interest in terms of serving personal economic interest of a commentator, why then assume it will be more conscious of the conflict of interest problems involving corporate interest when RCA gets, for example, 18 percent of its income from the Defense Department, in NBC coverage of the war, or NBC coverage of the space program when RCA profits from contracts with NASA.

Needless to say, this was not heralded with wild acclaim either at the FCC or within broadcasting establishment. It is a matter, I think that is quite serious, and one intimately related to the point you raised earlier about ownership.

One of the problems is that as we blithely go on putting the FCC's imprimatur on the swallowing up of mass media by large conglomerates, the amount of economic conflict of interest that arises is just increasing exponentially. The motive, the instinct, to want to use one's mass media subsidiary as a part of the advertising, public information, public relations operations of the holding company, of the conglomerate, is a very strong motive. We saw this in the ABC-ITT case, where ITT was attempting to influence the press coverage of a hearing in which the issue was whether ITT would ever attempt to influence the coverage of ABC. And, as I wrote there, it is very difficult to believe that a company that would go out of the way to influence a media it didn't own, would feel under any greater compunction not to influence media it did own.

We can even put an economic value on this. Someone, for example, tells the story in which Boss Tweed of New York offered the N.Y. Times $5 million to kill a single story–which the Times turned down. If it was worth $5 million to kill a story 50 years ago, it certainly is worth $500 million today to own a network.

You don't have to have many instances where you are trying to get a story across to the American people or kill a story, in order to promote your own corporate economic interest in order to justify a $500 million investment that will return 100 percent profit every year.

So, I think this is a real problem and I welcome your interest in it.

Senator Hart: I am glad to get clarification. I read it the other way.

I recall very early in the country Meat Inspection Act, writing your Chairman and

questioning why there was not consideration being given to disclosure.

I thought you were taking a position that this would not be the role of the Commission.

It seems to me that the argument for disclosure by public officials is that these economic interests may effect his judgement, but in any event, the public should be able to evaluate both his voice and his vote against his interests.

I have made such disclosure annually although not required, in the very early time I have been here. And my voice, God knows, is a lot less influential, reaches far fewer homes, affects far fewer judgement, than anybody on the 7 o'clock national newscast.

I guess it is in the ratio of one million to one, and if they want to lecture me about making disclosure, which I have done, it is not out of order for us to say to those fellows, how about you? You talk to a lot more people than we do.

Mr. Johnson: I think that's right.

Senator Hart: Having sided with the Commissioner against the network, let me say, although Hale Boggs left–

Judge Higginbotham: He is coming back.

Senator Hart: We were talking about why television doesn't do more about alerting us to cancer because of cigarettes, and the automobile safety problem, and the black lung conditions.

Television, though a semi-public, at least a licensed industry, is private and properly acknowledges that its basic goal is profit.

Congress has a much higher responsibility and duty with respect to alerting people about the hazards of cigarettes, and doing something about automobile safety and black lung than any private institution, and history will not regard our conduct as very heroic here in the Congress.

We subsidized tobacco for a lot longer than we did anything about putting anything on the label of the product, and we did that in very casual, sort of hard-to-read, and it-wouldn't-frighten-you-if-you-do fashion.

We are perhaps semi-stopped from pointing a finger at television for its failure. Our responsibility in this area is clearly much higher. We have yet to meet it.

Thank you.

Judge Higginbotham: Thank you.

Mr. Jaworski?

Mr. Jaworski: First I should like to join, too, in words of praise of your thought-provoking and informative statement. I think it was heartening–certainly it is to me-to find a public official ready to speak as forcefully as you have on the subject.

We have made references to the First Amendment, and others who have appeared here today have made references to it; but I suppose that you agree that once it is established, that what is going on now is inimical to the public interest, that the First Amendment would not stand in the way of appropriate legislation–

Mr. Johnson: It would depend on the character of that legislation, Mr. Jaworski. I pray, frankly, that there will be some response from big television.

I think we could try to make distinctions between a medium as powerful as one of the three networks and the programming of a mere station or single newspaper or something of that sort, but that is a bit of lawyering in which I would prefer not to be involved.

Mr. Jaworski: Let me undertake to approach this a different way. We do know there are some limitations to the First Amendment. The classic example, for instance, is the one that has been written in the law books and was cited rather recently, and that is, that it doesn't give one the right to start up and call fire, and put everything in pandemonium. It doesn't have that right.

There are certainly many other limitations that have been upheld by our Supreme Court. It is not to say I am not a very, very firm believer in the First Amendment. I certainly don't want to weaken it in many respects.

But, once a matter becomes one where public policy is involved and public interest is involved and if it develops, for instance, that real harm is being done to society and as a result of a depiction of these many acts of violence, what is your judgement? Do you feel the First Amendment will stand in the way, or would you rather not address yourself?

Mr. Johnson: It would depend on the nature of the legislation.

I recall the year I was with Judge Brown in Houston. I think you were responsible for helping to bring to town a great seminar on the First Amendment, among other Constitutional liberties. The year following that I spent with Justice Black, and I share many of his views even more firmly than before I went with him, on the importance of the First Amendment in our society.

You are quite right that there are many areas in which legislation is passed, quite appropriately, that indirectly affect speech. For example, one couldn't run a sound truck through the streets at 3 o'clock in the morning. We don't view that as an impingement on free speech. The city may require, when you hand out leaflets, that you have somebody there to sweep them up when thrown on the street, or pay for the sweeping, or, that you must hold meetings in particularly-designated public places. All of these are inhibitions on speech, but I would note that none go to the content of that speech with the exception, perhaps, of the commercial area, in false and misleading advertising which we generally have had no difficulty in regulating, and then you point to the "fire in the crowded theater" situation. There are some precedents for regulating speech that would raise a clear and present danger of violence, and one might very well make the argument, "What better case could we have for that than what we see on television screen?" But, I must say, I would side with those who would be very cautious in proposing any legislation or governmental action that would prohibit, as a matter of law, a particular idea being expressed.

Mr. Jaworski: I would feel that way about it, too. In the first place, the case has to be made clear. You point out there certainly is potential danger and I certainly share your view that the very fact that there appears to be potential danger, that is a correct statement and then certainly the matter ought to be gone into in much greater depth and the answer must be found. I think this is the thrust, one of the main thrusts which you presented and that is why I am so mystified that greater efforts haven't been made to find the answer.

Mr. Johnson: Yes. There is no question in my mind that if a drug manufacturer has the responsibility to know about the impact of his product on the user before he is permitted to market it, then the television program manufacturer obviously, it seems to me, has the same responsibility.

This is most clearly illustrated with those people walking along holding transister radios with the ear plug in the ear. Everybody else is sitting with their eyes focused on this screen. If someone would propose that every evening you wanted to put electrodes upon the skulls of half of the American population and feed electronic energy into the brain that would realign the brain cells and affect the thinking and imagery and sense of values and so forth of the American people, I think we would be a long time approving that proposal. I think that that does carry with it an extraordinarily high responsibility.

I think the network executives simply can't come in here and say, "Gee, we don't know what the impact is," any more than a drug manufacturer can come in and say, "I didn't know what the impact of that drug would be." It is your business to know. If you don't know, you are responsible in dollar damages for the harm you did to the fellow; punitive damages as well. I think at least as high a standard, and I would say a higher standard, ought to be imposed upon television people.

Mr. Jaworski: That interested me very much. You are suggesting that perhaps there would be liability in court upon a showing being made that a child had some injury as a result of the picture on the part of the network. I could conceive of an expert like the gentleman we had before us today, renowned at his profession, Dr. Kubie, testifying in a case as he stated to us today in support of the injury to that child. It hadn't occurred to me there might be cases brought in court to recover damages for that injury. It suggests something that may hold a lot of importance because this may be one way once it is established that these—there may be one way of controlling it because we know what hits the pocketbook is usually heard.

Mr. Johnson: That is right. I think it is unfortunate but true, we might as well face up to it, what generally produces a response on the part of the businessman is the pocketbook.

This is true in industrial safety. So long as you consume arms and legs and eyes in the manufacturing process and not pay for them, there is no incentive to industrial safety. As soon as you had to pay for bodies that were maimed and consumed in the manufacturing process, the same way you paid for any other raw material, then there

was an economic incentive to try to keep people's fingers out of the machinery and protect their eyes and protect their lives. That is what is going on in the coal mines now. It is much cheaper to let these men die in the mines either from accidents or black lung than it is to protect them because there are no damages awarded. As soon as it became necessary to pay, then safety followed.

We may find the same unfortunate fact here. As soon as the television network executives begin to have to pay for the damage they are doing to the American people, then perhaps, at long last, we have reached them with a language that they understand.

Mr. Jaworski: You have been very helpful. Thank you.

Judge McFarland: Mr. Jenner?

Senator Hart: I just wanted to follow that issue of liability for injury, negligent infliction, I suppose, of mental distress by the television industry. Would you recommend that this be left to the slow evolution on the common law or would you suggest that this Commission go on record as recommending the establishment by statute of liability assuming that there is jurisdiction equal to the regulatory jurisdiction?

Mr. Johnson: Yes, I would think that could also be done, and in the part of the statement I didn't read I alluded to that possibility.

Senator Hart: The statutory liability as opposed to common law.

Mr. Johnson: Yes.

Senator Hart: Thank you.

Mr. Jenner: I would like to pursue that a little bit. I think we are all quite conscious of the development, really a common law development, of product liability in the last, say, ten years. Now, throughout the country is the rule of absolute liability; whereas ten to fifteen years ago, there were few states, very few, who applied the doctrine of affluent liability. Ten years to fifteen years is a short space of time. If your normal legal processes in the development by—I am using common law not in the sense of the whole common law but a development of law—that here in this area the development of that which you speak in combination with legislation and the legislation I have in mind only is workmen's compensation legislation, of which I was reminded when you spoke about producers of goods and manufacturers of goods having to pay for human consumption that developed to enable them to make the product which they sold. So don't we have here, really, a combination of the development of common lawsuit, the rule of law, plus a recognition, if the recognition comes from the public and can convey to Congressmen like the one man on this Commission and others in the Congress, to explore the possibilities of legislation and thereby a combination of both.

Mr. Johnson: Yes, sir.

Mr. Jenner: Chairman Hyde testified this morning, and I want to avoid repetition—before I go on I want to say this also, sir, that some of us particularly here as far as the duty of this Commission is concerned to investigate the causes and the prevention of violence—it got into economics and monopoly and that sort of thing. I welcomed hearing it.

To get into what I was interested in this morning and which you touched on once or twice—as I gather, your central theme, to which I accommodate—is that the broadcasters are using essentially public property when they employ the airwaves, limited as they are presently in our present development of that science and, therefore, in using public property they are to use that public property to the extent of within the limits that the public that owns that property will permit it to be used in the public interest.

Mr. Johnson: Yes, sir.

Mr. Jenner: And that is a distinction between the printed media, for example, and the electronic medium.

Mr. Johnson: Yes, sir, although even with regard to print media there are some requirements. The post office, for example, regulates with regard to the quantity of commercial announcements, if I may use that expression, that may be contained in printed material that still gets the benefit of lower postal rates.

Mr. Jenner: There, again, you have the element of some measure of use of public facility, a facility supplied or paid for by the public taxpayers generally. I asked Chairman Hyde this morning what the tests were applied by your commission, first, in the granting of the license; and, secondly, to competitors for a particular channel; and then, thirdly, after 3 years of experience, what the tests were as to the renewal of that license. Then, what was done in the meantime to determine by your commission the performance of the licensee of his promises, if I may call it such, either enclosed by

Congress and others to your commission in influencing their granting the license, and I have the impression—maybe an unfortunate one that is notvalid—but I had the impression from Chairman Hyde's testimony that substantially nothing was done in the interim period unless a complaint was made and it reminded me of county attorneys and state attorneys, U.S. attorneys and other law enforcement officers often saying, bring in the evidence and we will prosecute.

Now, for this record, I would like to have your statement as a member of the Commission, one, what are the statutory requirements for the granting of a license? Do they differ when you seek—when it is sought to renew that license? What does your Commission do in the meantime to determine whether the initial basis of issuing the license has been complied with?

Mr. Johnson: Mr. Jenner, I would say that your understanding is unfortunate but that it is not inaccurate. If one were looking for a word to describe what the FCC does I think you are quite right, "nothing" is the word that would immediately spring to one's lips. Most people acquire stations today not through the comparative hearing process in which the comparative merits of two or more applicants are contested but, rather, quite simply, by the purchase of a station in the market.

Mr. Jenner: Doesn't he have to get a license if he buys a station already—

Mr. Johnson: Yes. What is called, the "assignment and transfer" must be approved. But the standards applied here are not those of the comparative hearing. The standards are, rather essentially, "has anyone complained?"

When the license renewal comes up, I suppose the closet analogy would be that of the seven commissioners volunteering to referee a boxing match. The applicant comes and jumps in the ring, spars around for three minutes, and is proclaimed the winner by this adversary process, and is awarded another license renewal. There are 7,350 stations in this country. Their licenses come up for renewal every three years, about 2,500 a year. The number that are not renewed is decidely, statistically insignificant. We not only do not do any investigation on our own—

Mr. Jenner: Do you have on the top of your head the figure of nonrenewals?

Mr. Johnson: As I say they are statistically insignificant. It doesn't really make any difference what they are—half a dozen or so.

Mr. Jenner: Small. That little?

Mr. Johnson: Yes. It is a pretty big event, you know, if a license ever gets turned down. It is generally for an offense, say antenna tower painting. We feel strongly about that at the Commission. We impose high fines for failure to paint antenna towers. But programming is not viewed with quite that much interest, by and large. We not only don't do investigations on our own, but it is not even the case that we necessarily go ahead and prosecute—like your district attorney—if someone brings us the evidence. We get fifty or sixty thousand complaints a year of one kind or another. We have three investigators. They travel in pairs. Their responsibility is the U.S. The number of these that can be investigated is somewhat less than it might be with what one would call more rigorous investigation in pursuit of complaints. I would say that on the whole your understanding is quite accurate.

Mr. Jenner: You mentioned this afternoon, I wanted to get away from politics, so I will put this to you: You remarked there has been a refusal of television stations and radio stations in an area or areas of this country to broadcast programs dealing with black lung disease?

Mr. Johnson: Yes, sir.

Mr. Jenner: Now, what does your Commission do or what has it done with respect to this matter? Obviously, this is, I would say, against the public interest.

Mr. Johnson: Yes, I would say.

Mr. Jenner: And the statute enjoins you to grant or withdraw in the case of renewals, operators who are conducting the use of public property against the public interest?

Mr. Johnson: In the particular instance you cite, in fairness to the Commission, I should say that the full Commission hasn't had an opportunity to vote upon it.

There was one case where it was believed that a station was practicing racist programming. The license renewal was protested by representatives of the local community and by the United Church of Christ. The Commission's initial response was to proclaim that they were not even parties, which required them to appeal that decision to the U.S. Court of Appeals for the District of Columbia, which promptly reversed the decision and said, "Yes, they have standing as parties." They went through a license

renewal hearing. The FCC promptly granted the license renewal over a few dissents, and the matter is back before the Court. The fairness ruling on cigarette smoking, for another example, was pushed through the Commission. The Commission has since refused to enforce it. So I think its record is not particularly commendable in those instances where there has been an outside private party come in and try to prosecute the matter.

Mr. Jenner: What research, if any, does the Commission undertake, or has it undertaken, in the area of the effect of television and radio broadcasting on the levels of violence in the United States?

Mr. Johnson: Clearly none, but I think to understand the depth of nothingness, one must comprehend that there is no official mechanism within the FCC for gathering the slightest bit of information about what is going out over radio and television. The Federal Trade Commission has people who watch television because they watch the commercials. We don't have anybody watching television. We don't officially subscribe to or do anything with the *TV Guide*, as far as I know. Basically, the attitude of the Commission is that it really is not particularly interested in programming in any respect, and therefore obviously does not——

Mr. Jenner: One last thing. On page 55 of your excellent statement, you quote here from Harry Skorina, the thrust of that quote is that neither the names of the schools from which newsmen graduate, nor their diplomas or degrees—if indeed they are even considered necessary to employment—represent any definitive standard of intellectual accomplishment, morality, character qualification, or even technical skill.

We had a witness yesterday, a former chairman of the National Association of Broadcasters, himself an eminent graduate of the University of Illinois, who in telling us about the personnel of some three television stations plus an FM and AM radio station operator, told us about the degrees they had, their experience, and what fine men they had. I asked him, whether the quality of his staff that he related was typical of other broadcasting organizations throughout the country, and he stated that in his opinion it was. Now I take it your view differs from his in that respect?

Mr. Johnson: Well, yes. My view differs from his in that respect. But I was making a different point. My point is not that there are not qualified people operating in the broadcasting business. I think no one would make such an assertion. There are some extraordinarily competent people in this industry. My point is, rather, that there are no professional standards. There are no minimal requirements that someone must meet in order to come into the business.

Mr. Jenner: If you have quality people, they will make those standards, won't they, just by the normal—just being human beings? Educated, concerned——

Mr. Johnson: Yes. The marketplace will make those standards. That is to say, if you are willing to pay evening commentators $100,000 to $300,000 a year, you do have your pick of some fairly able people, presumably. But these kinds of salaries are not paid throughout the industry, and I would say we really can put the networks in a separate category. Addressing ourselves to the bottom 50 percent of these 7,350 stations, I think that the professional standards applied in fact are essentially non-existent.

Mr. Jenner: Thank you very much. I enjoyed your comments, as I have many others, and every day I become a different person.

Thank you.

Judge Higginbotham: Ambassador Harris?

Ambassador Harris: I have just one question. You indicated and Chairman Hyde indicated this morning that you don't investigate program content as such for the purposes of renewal or the purpose of granting a license. Is that a correct assessment?

Mr. Johnson: In general, but I should qualify it to give you a completely full understanding. There are a number of investigations now going on—a charge that WBBM in Chicago staged a "POT" party on television, for example. Charges that are brought to the attention of FCC will at least evoke from the Commission a letter to the station or network involved asking for some explanation of this. That is the typical response to a complaint. We did write the letter to NBC with regard to Chet Huntley's conflict of interest. We have written NBC also with regard to some shows from Los Angeles that seemed not to be as candid as they might with regard to the participants. So we do occasionally, at least, send a letter, get involved in that sense, or actually send an investigator.

Ambassador Harris: The New Republic of December 21, 1968, suggests that the FCC has an investigator, and I quote, "like Mr. Merlin Smith" looking into the consequences

or some aspects of the "Hungry USA" program. He suggests that part of the purpose of this investigation, which he lumps with other investigations, is to intimidate those who are presenting fact not to present uncomfortable facts. This is in an article by Robert Cole and Harry Hughes. Now, would you care to comment on that assertion about the FCC?

Mr. Johnson: I think, as I recall that piece, he also refers to another organization—that goes by the letters FBI—being involved.

Ambassador Harris: That is the title of the article. On page 13 he says agents of the FBI and Mr. Whitten's committee, such as Joe Scully and Carl Benton, have been all over, as have investigators from the Federal Communications Commission, like Mr. Merlin Smith.

Mr. Johnson: My own position on that, included within my statement, is that I think it's perfectly appropriate for the FCC to investigate complaints that come to it from the public. But, as I indicated, I think it would be inappropriate for Secretary Freeman or for the FCC, to rule that CBS could not show that program "Hunger in America." But if there are charges that factual inaccuracies were used, or news was staged or distorted, or a conflict of interest was involved, then I think it's perfectly appropriate for the FCC to examine that. When it comes to the question of whether you are actually going to fail to renew a license because of what amounts to the content of a program, then, as I indicated, I have deep difficulties with that. But in terms of investigations, public disclosure, inquiries, attempts to bring the attention of network executives to these problems, I don't view that as a problem.

Ambassador Harris: The reason I raised this question is that I share the concern myself that national standards have some kind of effect upon the media in terms of taste and judgment, but I find the suggestion of intimidation here one that is very frightening. The suggestion that the investigatory process is being used by not just a particular agency, but by your regulatory agency, for purposes of intimidation, is this suggestion one that we ought to ignore?

Mr. Johnson: I don't think you should ignore anything, necessarily. My own view would be, however, knowing the present majority of the FCC as I do, that it is highly unlikely they will intimidate anybody or that that would be their motivation in conducting an examination of this kind.

Ambassador Harris: We give power not to a set of commissioners, but to a commission, so we must take into consideration the implications of the potential power. Is that correct? Whatever it may be?

Mr. Johnson: I find it difficult to disagree with that, as a generalization.

Ambassador Harris: Thank you.

Judge Higginbotham: Dr. Menninger.

Dr. Menninger: It is fascinating to find a kindred soul, and I was delighted to hear a number of the things which you picked up on which struck me as we have gone through these hearings, the question of professionalism and the question of the media knowing about its product, et cetera.

I gather you are a lawyer.

Mr. Johnson: Yes, sir.

Dr. Menninger: As a point of information, did you have some particular relationship with communications before you were appointed as a Commissioner?

Mr. Johnson: No, sir, nor did I have any relation with the maritime industry when the President appointed me Maritime Administrator.

Dr. Menninger: Again, for my own information as to the qualifications of the background training of the other commissioners on the FCC, are they mostly lawyers?

Mr. Johnson: Yes, sir.

Dr. Menninger: I ask this question, again in part, as to what do you feel should be the qualifications of the person who is appointed to the FCC?

Mr. Johnson: Well, my concept of qualifications is really very modest. I think a man ought to have an IQ of 105 or better. I think he ought to have the capacity to read full-length books and reports. I think he ought to take his job responsibly, seriously. I think he ought to believe that the rational process is at least relevant to decision-making—one ingredient of the decision-making process. I think he ought to have enough sense of self-security to know that he can always get a job elsewhere at an equivalent or greater salary, and thus he is not dependent upon getting a job in the industry he regulates or getting a reappointment in order to continue to live in the style

to which he has become accustomed. With those qualifications out of the way, I am prepared to deal with almost any political ideology provided the man believes that rational discourse is relevant, and takes the job seriously, and is willing to sit down and talk about the problems before us.

Dr. Menninger: What do you think is the role of scientific consultants to the FCC?

Mr. Johnson: There is almost none. I think that is a tragedy.

Dr. Menninger: You say there is not now, but I gather you believe there should be?

Mr. Johnson: Yes, sir. I make an effort as an individual to try to contact representatives of various disciplines and social sciences because I think it is relevant to what we are doing not only in matters of broadcasting but also, believe it or not, in matters of telephone rate-making theory. I think the social implications of communications policy in this country are among the most significant issues before us and one of those most completely ignored.

Dr. Menninger: I have one other comment that you made. I admire the objectives which you have outlined and the obvious challenge that you face. I gather you have been on the Commission about a year.

Mr. Johnson: Two and a half years.

Dr. Menninger: I am sorry. I am interested in the degree to which you find less acceptance from your colleagues because of your outspoken criticism.

Mr. Johnson: Well, I don't think of myself as criticising them particularly. I am sure that they——

Dr. Menninger: I would doubt very much that they would react to——

Mr. Johnson: That may very well be. I presume that they are honorable men who are doing what they think is the best thing to be done. We happen to disagree on what that is.

I think the Chairman, at least, has been remarkably tolerant of this diversity of views. He has never made any effort to muzzle me in any way. He has given me an opportunity to ask my questions in hearings, write what I wanted to write and so forth. I appreciate that.

I would hope that I have made good friends among my colleagues, and that they maintain an awareness that a difference of view is not only permissible but ought to be encouraged. That that was one of the reasons why we set this thing up as a multi-man, seven-man bipartisan commission— because we did want debate and discussion.

I am reminded of Mr. Sloan's story about General Motors. A meeting was called, and after five minutes of discussion everbody nodded agreement, and he said, "Gentlemen, I see we are all in agreement on this. Perhaps we should go back to our offices and meet next week after we have a firmer grasp of the problem."

These are difficult questions. I think differences of view are indispensible.

Dr. Menninger: Keep up the good work.

Mr. Johnson: Thank you.

Judge Higginbotham: Congressman McCulloch.

Mr. McCulloch: I shall take but a minute or two.

I would like to say that in my opinion your statement and your answers to questions have been courageous, thought-provoking, challenging and bold. I am glad that there are still young people in the government who remember either in word or remember in deed that old couplet that I was taught a good many years ago that new occasions teach new duties, yet time makes some ancient duties good, and we must be always in the struggle onward and upward. And we are in that field in this varied hearing, and the problem is before this Commission.

I am glad for your fresh, courageous, new approach. Thank you.

Mr. Johnson: Thank you.

Judge Higginbotham: Judge McFarland.

Judge McFarland: Owing to the lateness of the hour, Mr. Commissioner, I will only ask two very short questions.

You spoke of the public interest programs of requiring a certain amount of prime time. Would you require the networks to be on simultaneously so the people would have to listen to a public interest program during that time, or would you permit them to stagger it between certain——

Mr. Johnson: No, sir. I expressly said I would have them stagger it. That is to say, from seven to eight one of the networks would have the show on. From eight to nine another would. From nine to ten another would. At any given hour during those hours

of prime time—when the bulk of the audience is collected, 50 percent of the American people are watching—85 percent of the audience is watching the networks. They would have a choice between two commercial, lowest-common-denominator-type of entertainment programming and one program that would be something else.

Judge McFarland: Now, the next question I wanted to ask: You spoke of the cost of campaigns. That is a tremendous problem. I, for one, don't want to see our nation get to where only the rich can run for office or go through it supported by the rich, and television is one of the big problems. And, of course, I don't suppose we would want to follow Vietnam, but I happened to be over there during the last campaign that they had when they were making their campaign. And what they did, they just alloted a certain amount of time to each candidate for President and Vice President, and that was it. Of course, it was a government station. They alloted a certain amount of time. I believe it was a half hour, to the group of candidates for the Senate. And that was it.

Now, what would you think if we just required the stations, and the networks to allot a certain amount of time for nothing to the candidates for President and not allow any more advertising. Just make that——

Mr. Johnson: I think something along that line is a very commendable suggestion. I certainly share your concern that ours has become a nation in which only the rich and those supported by the rich, as you aptly phrased it, are able to seek public office. There was a marvelous exchange between the late Senator Robert Kennedy and Walter Cronkite on this subject on a show once, you may recall. Walter Cronkite asked why Sen. Kennedy spent so much money in Indiana. And Senator Kennedy said, "Well, the reason we spent so much money is because the newspapers wouldn't carry anything about us, and we had to buy time on television. If we didn't have to buy time on television, we wouldn't have to spend so much money. And I am glad you asked me that question. Are you glad you asked me that question?"

This is a very serious problem. Many people are concerned about the rising cost of campaigns. When you look at the cost of the campaigns, it is radio and television time. If you can solve the radio and television time problem, the bumper stickers will take care of themselves. For this country to have to confront the question of how we are going to raise the money out of the public treasury to pay the broadcasters who are profiting from the use of public property in order that we can transact the most fundamental business of public interest—namely, the discussion of our political affairs in this country—seems to me to be a high form of tragi-comedy, and I think it is most regrettable. And I do think we ought to give much more serious attention to the proposal that you have just made for making time available at free or reduced rates for some serious discussion of political issues, and not just the short little 30-second singing jingles as if we were going to select our candidates the same way we select our toothpaste. I am not sure we will get much better candidates than we get toothpaste if that is the procedure we continue to follow.

Judge McFarland: I don't know if I would want to say it was a proposal, but I thought it was worthwhile to throw it out and see what you thought about it. Of course, it would have to be worked out by other candidates up and down the line and it would, of course, have to be reasonable; but it does seem to me, as you say, it is a subject we should give careful thought to because the cost of election is becoming so great that it is becoming difficult if a man is qualified in every respect and hasn't gone out in the field and made a lot of money, he might make the best President of all running or the best candidate otherwise for government office, but he won't have the money to run.

And we want the best. Thank you very kindly.

Mr. Johnson: Thank you.

Judge Higginbotham: Mr. Baker.

Mr. Jenner: Could I——

There was an inference in the interchange that Senator Kennedy was deprived of the opportunity to bring his message to the people of Indiana because there was not available to him the columns of the printed media. Therefore, he had to spend money to bring that message by way of the electronic media. But what Senator Kennedy, God love him, was attempting to bring to the people of Indiana was his views, his side of various public questions, political and otherwise.

He could have used the columns of the newspapers, could he not, by way of paying for messages and advertising, if he labelled it as such, to bring that message to those who wished to read and could absorb more by reading than by listening?

He wasn't deprived of the newspaper avenue. You didn't mean to imply that, did you?

Mr. Johnson: That was not the thrust of my observation. I would want to refer to the transcript of that dialog between Walter Cronkite and Robert Kennedy in order to get it precisely, but that was neither the thrust of his observation nor of mine, No, sir.

Mr. Jenner: Thank you.

Judge Higginbotham: Mr. Baker.

Mr. Baker: One point I think was passed over. Mr. Jenner and yourself discussed what the FCC does between the time promises are made and the time that a license comes up for renewal. What is done prior to renewal with regard to determining whether the station has complied with its earlier representations as to the kind of program service it would perform?

Mr. Johnson: Well, at the present time, so far as I can determine, there is very little done that is at least brought to the attention of the Commissioners. We get only the most cursory review. Any additional research we want to do, we have to do on our own. We are simply presented a list of stations whose licenses are about to be renewed by the staff. I raised this matter of "promise versus performance," and I hope the staff will bring it to our attention.

Mr. Menninger: If you accept the promise, is there some obligation on your part to see the promise performed?

Mr. Johnson: I would think so.

Mr. Jenner: Then why don't you do it?

Mr. Johnson: Because I am one of seven men, and what you need to do to function in the FCC is walk around the corridors until you can count up to four, which I had difficulty doing. [Laughter.]

Judge Higginbotham: Any further questions?

Dr. Menninger: Do you get past one?

Mr. Johnson: Yes.

Senator Hart: A very practical point, though: You don't have enough personnel if all seven agreed to do it, do you?

Mr. Johnson: That is another problem. Unfortunately it has remained hypothetical.

Mr. Jenner: You have only, do I understand correctly, three investigators for the entire U.S.?

Mr. Johnson: At the last time I checked that was the figure. And I would want to inquire again before confirming that that was the present state of affairs.

Mr. Jenner: It hasn't been materially increased at any rate?

Mr. Johnson: I would say no, sir, Mr. Jenner.

Judge Higginbotham: Commissioner Johnson, my brilliant and perceptive colleagues have raised all of the questions more ably than I would. It is not because of a lack of esteem that I refrain from questioning you.

Thank you very much.

We will take a 5-minute break before the next witness.

(Recess.)

Mr. Tone: Ready to proceed, Mr. Chairman?

Judge Higginbotham: Very well.

Mr. Tone: I would like to call James Casey.

Shall I proceed?

Judge Higginbotham: Yes, sir.

Mr. Tone: Will you state your name?

STATEMENT OF JAMES J. CASEY, ASSISTANT U.S. ATTORNEY, NORTHERN DISTRICT OF ILLINOIS

Mr. Casey: James J. Casey.

Mr. Tone: And your address.

Mr. Casey: 7416 South Luella, Chicago.

Mr. Tone: And are you Assistant U.S. Attorney for the Northern District of Illinois?

Mr. Casey: I am.

Mr. Tone: How long have you held that position?

Mr. Casey: Since 1962.

Mr. Tone: Were you present in Lincoln Park in Chicago on the night of August 25, 1968?

Mr. Casey: I was.

Mr. Tone: Can you tell us where you were?

Mr. Casey: At approximately 9 o'clock I was in the south end of Lincoln Park just to the east of Stockton Drive down a slopey hill.

Ambassador Harris: What park?

Mr. Casey: Lincoln Park.

Mr. Jenner: 9 o'clock in the evening?

Mr. Casey: Yes, sir.

Mr. Tone: And when you were in that location, did you see any particular event which you have previously reported to me?

Mr. Casey: Yes, sir, I did.

Mr. Tone: Will you describe where you were in relation to the event you saw?

Mr. Casey: The event I saw was between me and Stockton Drive. I would say several hundred, maybe 50 feet west of me and maybe 50 feet to the east of Stockton Drive. I was maybe a hundred feet into the park.

Mr. Jenner: Is Stockton Drive in the park?

Mr. Casey: Stockton Drive runs—yes, sir, right along north and south through the park at the west side.

Mr. Tone: Was it dark?

Mr. Casey: It was.

Mr. Tone: Was there any source of illumination?

Mr. Casey: Yes. There were several bonfires in the area, and there were several squad cars in the area with their headlights on.

Mr. Tone: Will you describe the event?

Mr. Casey: I saw an individual lying on the grass with two young ladies leaning over him dressed in white medical smocks. I saw an individual filming him holding a shoulder camera with a half arch on the left shoulder. They were filming the individual on the ground being treated by the two young ladies.

There was another individual standing to the cameraman's right, holding a large equipment box as I would describe it. After a few minutes, the cameraman stopped filming. The lights he was using were turned off. The individual he was filming stood up. They all had a very brief conversation and at that point the police came through the park in a short line and I was moved in another direction.

Mr. Tone: How many men were associated with the filming did you say?

Mr. Casey: I saw two.

Mr. Tone: One had the camera and one had the lights?

Mr. Casey: That is correct.

Mr. Tone: Did any one of the men have any identification of any kind or identifying marks or symbols on his clothing or equipment?

Mr. Casey. On the equipment box I did see what I identified as the CBS trademark—the "eye" that you see on television.

Mr. Tone: How were the men dressed?

Mr. Casey: The gentleman with the camera was dressed in a suit. The other individual was dressed in a short vinyl, hip-length jacket, dark color. The individual doing the filming was wearing a suit.

Mr. Tone: Did either have helmets?

Mr. Casey: Yes, sir. The one with the vinyl jacket had a helmet on.

Mr. Tone: Did either have armbands?

Mr. Casey: I saw what I thought was a badge; during a period of time the Chicago police had an identification badge, and I saw something I thought resembled that although I was not close enough to read it.

Mr. Tone: Can you describe the man who had been prone on the ground and who stood up?

Mr. Casey: Yes, sir. He had long, almost shoulder-length hair. He was wearing like an Indian blanket with a hole in it, pulled over his head and resting on his shoulders. He had a mustache and beard.

Mr. Tone: When he stood up, did he have any bandages on him at any place?

Mr. Casey: I didn't see any, no, sir.

Mr. Tone: Did he appear to be injured in any way?

Mr. Casey: He didn't.

Mr. Tone: Would you describe the girls?

Mr. Tone: I only remember one. She was blonde and had very long hair and was wearing rimless glasses. Relatively tall, I would say.

Mr. Tone: Did both girls have white smocks on?

Mr. Casey: Yes, sir, they did.

Mr. Tone: How long were the smocks?

Mr. Casey: About dress length.

Mr. Tone: I believe that is all, Mr. Chairman.

Judge Higginbotham: Thank you.

Judge McFarland?

Judge McFarland: I have no questions.

Judge Higginbotham: Dr. Menninger?

Dr. Menninger: May I suggest a question of how you happened to be in Lincoln Park at that time?

Mr. Casey: Pardon me?

Dr. Menninger: How did you happen to be in Lincoln Park at that time on that occasion?

Mr. Casey: I was assigned there through my office.

Dr. Menninger: What was your reaction to what you saw?

Mr. Casey: This incident?

Dr. Menninger: Yes.

Mr. Casey: I thought I had seen what I thought was the filming of a person injured who was not injured. That was my reaction.

Dr. Menninger: And you drew some conclusions from that. Did you have a reaction to that?

Mr. Casey: A personal reaction?

Dr. Menninger: Yes.

Mr. Casey: You mean a personal reaction, did I like it or not?

Dr. Menninger: Yes.

Mr. Casey: I thought they were filming something that was not authentic.

Dr. Menninger: Would you care to go beyond that in terms of what you felt was the meaning of this?

Mr. Casey: No, sir.

Dr. Menninger: At the time, what was the emotional tenor of what was going on? Was this something, as you perceived it, that people were sort of methodically going about, or did there seem to be certain emotional tenseness going on?

Mr. Casey: Certainly, sir, in this situation it was emotionally tense, yes. I only saw this one particular incident. I don't know if the people were methodically doing it or not.

Dr. Menninger: Did it seem as though this was a kind of spontaneous thing, as you came upon it, or would you draw any conclusions in terms of your own reaction to it?

Mr. Casey: As I stated, my reaction is that I thought I was seeing something being filmed that was not authentic. I don't know what else to say to you about my reaction.

Dr. Menninger: Did it make you angry?

Mr. Casey: It didn't make me angry, no, sir.

Dr. Menninger: You weren't incensed about what seemed to be misleading if it were to appear?

Mr. Casey: No, sir. I thought it was dishonest. I was not incensed.

Dr. Menninger: You indicated this was the only such incident you saw.

Mr. Casey: Yes, sir.

Dr. Menninger: I gather you spent a lot of time in that area as part of your formal assignment. In other words, you moved around quite a bit and spent a number of hours in context with other things going on.

Mr. Casey: I didn't [illegible] event like that, no, sir.

Dr. Menninger: You [illegible] aware of others?

Mr. Casey: Pardon?

Dr. Menninger: You are aware of others?

Mr. Casey: I have been told of other events, yes, sir.

Dr. Menninger: How many of them?

Mr. Casey: Two others that I know of offhand.

Dr. Menninger: So you know of what would be presumably a total of three.
Mr. Casey: Yes, sir.
Dr. Menninger: Over a period of how many days?
Mr. Casey: Five days, I presume. Sunday through Thursday.
Dr. Menninger: Involving thousands of people and a great many individuals?
Mr. Casey: There were a great many people there, yes, sir.
Dr. Menninger: I have no further questions.
Judge Higginbotham: Ambassador Harris.
Ambassador Harris: Thank you.
Let me see if I can reconstruct what you said to us: When you arrived upon the scene, the filming was taking place, is that correct?
Mr. Casey: When I first saw it, yes.
Ambassador Harris: How long had you been there when you first became aware of this?
Mr. Casey: How long had I been in the park?
Ambassador Harris: How long had you been on the spot from which you witnessed this film?
Mr. Casey: Well, see, I was moving and I looked over and saw it and I stopped and so I don't know—I just got there.
Ambassador Harris: It was in progress when you became aware of it?
Mr. Casey: Yes, sir.
Ambassador Harris: You didn't see anyone prepare the persons and put them in the positions in which you saw them?
Mr. Casey: I didn't.
Ambassador Harris: May I ask how long you—how long this event took place?
Mr. Casey: Less than six minutes.
Ambassador Harris: Were you able to see the young man after the television lights went off and he stood up?
Mr. Casey: Yes.
Ambassador Harris: You could see him clearly by the light of the bonfires?
Mr. Casey: Yes, sir.
Ambassador Harris: And I think you said the lights of the squad cars?
Mr. Casey: Yes, sir.
Ambassador Harris: Are you prepared to say he showed no evidence of any kind of illness, abrasions, etc.?
Mr. Casey: I am only prepared to say as I said, I didn't see any—he didn't appear to be hurt to me.
Ambassador Harris: What did it appear that the two young women were doing while he was lying on the ground?
Mr. Casey: They appeared to be working at him.
Ambassador Harris: In what way?
Mr. Casey: With their hands. I couldn't see that clearly.
Ambassador Harris: Touching what portion of his body? What were they doing?
Mr. Casey: They were leaning over his chest. They were on their knees and leaning over him.
Ambassador Harris: They were kneeling on the ground. They weren't just standing.
Mr. Casey: Yes.
Ambassador Harris: So it gave you the impression of nurses taking care of someone in difficulty?
Mr. Casey: That is right.
Ambassador Harris: Would you consider as a lawyer, I am asking you this—would you as a lawyer consider what you saw probative of responsibility for setting a scene beyond; by a preponderance of the evidence on the basis of what you saw, would you be prepared to say that somebody staged this scene?
Mr. Casey: Solely on the basis of what I saw? I would say it could be probative, depending upon, I suppose, what you consider probative.
Ambassador Harris: I am asking you as one lawyer to another whether if you were in a court of law with a civil case and you were required by a preponderance of the evidence only to indicate responsibility for setting this scene, would you consider what you saw and your testimony of it probative of what we are really—

Mr. Casey: I would consider it, I think, probative. I don't know whether I would consider it determinative.
Dr. Menninger: Could you define the term for this poor non-lawyer on the Commission?
Ambassador Harris: Whether you think the weight is more on the side of it having been staged than it is suggesting that something else could have happened. That the weight is equal that it was a real event and the staged event.
Mr. Casey: I would say that what I saw, to me, would cause me to inquire and perhaps receive an explanation.
Ambassador Harris: Did you do that?
Mr. Casey: No. I couldn't.
Ambassador Harris: Have you at any time asked about the event and the camera crew, whether they did in fact stage this event?
Mr. Tone: Are you addressing that question to me?
Mr. Casey: No, to me.
Ambassador Harris: I was addressing it to the witness, but I would be delighted to transfer it.
Mr. Tone: I am sorry, you were looking at me and I didn't want to ignore the question.
Mr. Casey: It is difficult to answer. At the present time, there is a Grand Jury being conducted.
Ambassador Harris: If this is a matter we should not go into beyond this—
Mr. Casey: I would hesitate to answer that particular question.
Ambassador Harris: Is this a matter before the Grand Jury? If it is I will cease all questions.
Mr. Casey: No, ma'am. This particular incident is not, but there are other incidents directly -
Ambassador Harris: I am asking about this incident?
Mr. Casey: Did I inquire?
Ambassador Harris: Did you ask to see these—
Mr. Casey: No, ma'am, I didn't.
Ambassador Harris: So you have never gone beyond what you saw that night.
Mr. Casey: That is right.
Ambassador Harris: You never asked them for an explanation?
Mr. Casey: That is right.
Ambassador Harris: Have you gone beyond this, Mr. Tone, to ask CBS for an explanation?
Mr. Tone: I have made inquiries of CBS, and they are, I am advised, looking into the matter. I advised CBS of what the witness' testimony would be some days ago.
Ambassador Harris: This was the only incident you witnessed personally?
Mr. Casey: That is right.
Judge Higginbotham: Commissioner Jenner.
Mr. Jenner: Thank you, Mr. Chairman.
Apart from the esoteric question of your deciding what the preponderance of evidence might be, as I gathered your testimony in stating the fact from which we may form a judgment as to what the preponderance is rather than you, the witness, forming one, you saw this event which you described and summarized as being an event which you judged was not authentic.
Mr. Casey: Yes, sir.
Mr. Jenner: Those were your words. I gather from the use of the expression, "not authentic," that you mean it was something other than spontaneous.
Mr. Casey: That is right.
Mr. Jenner: That it was something that was—I don't want to use the word staged—at least simulated?
Mr. Casey: Yes.
Mr. Jenner: Vis-a-vis those who were taking the scene.
Mr. Casey: Yes, sir.
Mr. Jenner: If you have a recollection, after the young man arose, when the lights were turned off, he arose immediately?
Mr. Casey: That is right.
Mr. Jenner: Did he converse with the two young ladies?

Mr. Casey: No, sir.
Mr. Jenner: Did he move off promptly?
Mr. Casey: No, sir. The man had conversed with the gentleman that filmed the scene and the gentleman standing next to him.
Mr. Jenner: He arose after the lights were turned off.
Mr. Casey: Yes.
Mr. Jenner: Promptly.
Mr. Casey: Yes.
Mr. Jenner: When he arose, he then engaged in conversation with the two men—one who had been taking the picture of the scene, and what was the second man?
Mr. Casey: The other man was carrying lights and an equipment bag.
Mr. Jenner: The light man?
Mr. Casey: Yes, sir.
Mr. Jenner: Did he walk over to the camera man and the light man, or did they walk over to him, or were they that much separated that they needed to walk to—
Mr. Casey: When he stood up, I would say that when he stood up he was close to them; that is, not to say anyone walked to anybody. They were all there.
Mr. Jenner: He evidenced no distress when he walked up to them and engaged in conversation with the light man and the camera man?
Mr. Casey: No, sir.
Mr. Jenner: And you came upon the scene in the performance of your duties as an Assistant U.S. Attorney for the Northern District of Illinois?
Mr. Casey: I did.
Mr. Jenner: I have no further questions.
Judge Higginbotham: Thank you.
Mr. Jaworski.
Mr. Jaworski: Thank you, Mr. Chairman.

I can't resist. It won't take but half a minute to tell you about it, the classic example they give of lawyers asking one question too many on cross-examination. But this particular story is about the man whose client was charged with mayhem and the prosecuting witness, the chief witness for the prosecution, all he testified to was that they had been on the ground struggling and the charge specified he bit off his ear but there hadn't been any testimony to that effect except that he was down on the ground in a position to bite it off.

So the defense counsel had just one more question, as we lawyers always have. He said, "By the way," he said, "did you see him do anything else on that occasion?" He said, "Yes, I saw him spit out an ear as he got up." [Laughter.]

So since I am not in a position here of counsel defending a client, I want to ask you just this one more question: Is there anything you saw on that occasion that you haven't told us about?
Mr. Casey: About this particular incident?
Mr. Jaworski: Yes, sir.
Mr. Casey: No, sir.
Mr. Jaworski: Did you hear any conversation? You told about seeing the conversation. Could you understand any words that were said?
Mr. Casey: No.
Mr. Jaworski: What was said?
Mr. Casey: No, I didn't.
Mr. Jaworski: Thank you.
Senator Hart: I won't ask any question except if you feel free to do it, either tell me that my impression is correct or incorrect. From what you tell me, I have this tentative conclusion: That just as kids play nurse and patient but nobody is sick and nobody is really hurt, what you saw that night was nurse and patient but the patient wasn't hurt and the nurses weren't nurses and the thing was a game because you were there after the lights went out and saw the guy get up and saw he wasn't hurt. That is the significance.

What I would have seen nationally, if that had been projected up to the time of the cutoff, would have been a very real scene of somebody that was hurt and being treated.
Mr. Casey: That was my impression.
Senator Hart: The significant thing is you were there after the lights went off; you saw the guy get up.
Mr. Casey: Yes, sir.

Senator Hart: Thank you.
Judge McFarland: May I ask one question?
Judge Higginbotham: Surely.
Judge McFarland: Have you observed Columbia's pictures?
Mr. Casey: Pardon me?
Judge McFarland: CBS, their pictures. Have you seen this film on the screen?
Mr. Casey: Of this incident?
Judge McFarland: Yes.
Mr. Casey: No.
Mr. Tone: I think I should add, Judge, that members of the Commission staff, with the cooperation of CBS, reviewed the CBS film that was shown over the air and we didn't find this incident.
Judge McFarland: You didn't find this incident.
Mr. Tone: No, sir.
Ambassador Harris: One question. Would the appearance of the young man have been consistent with his having fainted and having recovered from a fainting spell, in your judgment?
Mr. Casey: No, ma'am, I don't think so.
Ambassador Harris: Why not?
Mr. Casey: Because he didn't appear to require any assistance when he stood up. Anyone standing up immediately after fainting would require some assistance.
Judge Higginbotham: Mr. Casey, apparently you thought, after you had observed this instance, that it was of significance to you as an observer?
Mr. Casey: Yes, sir.
Judge Higginbotham: Did you prepare a written memorandum on this event after you saw it?
Mr. Casey: Yes, sir.
Judge Higginbotham: Do you have a copy of that written memorandum with you?
Mr. Casey: I don't. Mr. Tone might.
Judge Higginbotham: Do you have a copy?
Mr. Tone: I do.
Judge Higginbotham: Before I look at it, when did you prepare the written memorandum, Mr. Casey?
Mr. Casey: On August 30.
Judge Higginbotham: Was that the same date as you saw it?
Mr. Casey: No, sir.
Judge Higginbotham: Is it your recollection that your written memorandum was prepared at a time when your recollection would have been better than it is now, some months after the event?
Mr. Casey: Yes, sir.
Judge Higginbotham: May I see the memorandum, please?
Mr. Tone: Would the Chairman permit me to excerpt from the memorandum the portion that relates to this event?
Judge Higginbotham: Yes, sir.
Mr. Tone: And later furnish the memorandum?
Judge Higginbotham: I can't question him without seeing the memorandum.
Mr. Tone: Then will you permit me a minute to do the excerpting?
Judge Higginbotham: Surely.

Mr. Tone and Mr. Casey, since I feel so strongly about not going into any matters which are before the Grand Jury, I personally agreed to the questioning of Mr. Casey with the precise understanding that he would be testifying on matters which weren't before the Grand Jury and which he didn't contemplate going before the Grand Jury; so before I look at this statement which I understand is supposed to be an excerpt of all of the written memoranda which Mr. Casey prepared on this matter, I want to make sure that my understanding is still accurate?

Is it accurate?
Mr. Casey: Yes.
Mr. Tone: It is.
Judge Higginbotham: Have you seen this description which our very able counsel, Mr. Tone, has written out?
Mr. Casey: Yes.

Judge Higginbotham: Do you agree that this two-sentence document contains the total description as you prepared it in written memoranda about what you observed on Sunday, August 25?

Mr. Tone: Judge, will you excuse me?

He saw me write—he was watching me write it. I am not sure he watched all of it. May I let him compare it?

Judge Higginbotham: Surely.

Mr. Casey: Yes, it is, Judge.

Judge Higginbotham: Thank you.

I don't want to give you too much exercise. We have been overworking you and in my opinion, you have been doing a superb job. We are grateful for your willingness to take on this important public service.

Now, Mr. Casey, how far were you in feet from the point where the cameraman was, when you first observed this incident?

Mr. Casey: I would say about 50 to 75 feet.

Judge Higginbotham: 75 feet?

Mr. Casey: 50 to 75 feet.

Judge Higginbotham: How far was the cameraman from the person who was on the ground?

Mr. Casey: He was almost on top of him.

Judge Higginbotham: Pardon me?

Mr. Casey: He was almost on top of him. He was standing over him.

Judge Higginbotham: So they were just a couple of feet away or a few feet away at most?

Mr. Casey: That's right.

Judge Higginbotham: From the distance where you were observing this event, am I correct in understanding that you could not hear what was being said?

Mr. Casey: That's right.

Judge Higginbotham: Are you familiar enough with TV cameras to know whether the camera equipment which was being utilized would record sound as well as the event?

Mr. Casey: I am not familiar enough to say.

Judge Higginbotham: But at any rate, you couldn't tell us from you vantage point of any conversation whatsoever, which you could hear during the minutes in which this event took place?

Mr. Casey: That's right, Judge.

Judge Higginbotham: You said there was a bonfire. I gather there was nothing unusual about bonfires on that event, because there were bonfires in many places?

Mr. Casey: I would say there were bonfires all over the area that night.

Judge Higginbotham: From a distance of 75 feet, were you able to describe the dimensions of the bandage?

Mr. Casey: The dimensions?

No, sir. It appeared to me to be one of these large equipment boxes with a handle on it.

Judge Higginbotham: Not the equipment box.

Did you say that someone was bandaging—

Mr. Casey: Oh, bandaging?

No, sir, I didn't.

Judge Higginbotham: Well, let me approach it a different way: From your point, 75 feet away, how many people were near the camerman?

Mr. Casey: There were people milling all over.

Judge Higginbotham: So there were people in between you and the camerman?

Mr. Casey: At times, yes, sir.

Judge Higginbotham: And I will call the person, the victim, was on the ground?

Mr. Casey: Yes.

Judge Higginbotham: And there were people standing up between you and the victim?

Mr. Casey: At times, yes, sir.

Judge Higginbotham: And can you describe at all, whether a bandage was or was not placed on the victim while the victim was on the ground?

Mr. Casey: No.

Judge Higginbotham: Can you describe, in view of the fact that people were standing in the area, what was being done to the person who was on the ground?

Mr. Casey: No, Judge. As I said, I only saw two people leaning over him. I couldn't answer what they were doing.

Judge Higginbotham: Would it be a fair summary—from 75 feet away you saw someone with a television camera and someone with lights with people in between you and someone on the ground and two girls with white uniforms and then they got up? Is that a fair description of what you saw?

Mr. Casey: Yes, sir.

Judge Higginbotham: So you don't know whether anyone did or didn't place a bandage on the person who was on the ground?

Mr. Casey: That's right.

Judge Higginbotham: And you don't know whether anyone in this incident was attempting or acting as if they were attempting to give medical care?

Mr. Casey: Judge, I assumed they were.

Judge Higginbotham: Not what you assumed. I appreciate, Mr. Casey, certainly, your prerogative as an experienced investigator to make assumptions; but I would like to make my fact-finding on what you saw and not what you assumed.

What did you see? Did you see anyone acting as if they were giving the person medical care, such as massaging them or holding their head, or treating someone who was in distress?

Mr. Casey: Judge, you say acting as if. That is how I thought they were acting, yes, sir.

Judge Higginbotham: What were they doing to the person?

Mr. Casey: I saw two apparently—medical individuals on their hands and knees leaning over someone on the ground. I assumed they were giving medical aid. I can't tell you any particular thing they did with their hands, in order to substantiate that.

Judge Higginbotham: Did you see their hands touch his body?

Mr. Casey: No, sir, I didn't.

Judge Higginbotham: So you saw two people on the ground who were close to a person who was on the ground, who later got up, and the two persons got up?

Mr. Casey: Yes.

Judge Higginbotham: Factually, that is what you saw?

Mr. Casey: Yes, sir.

Judge Higginbotham: On the basis of that, you assumed that they were portraying "an event which was not authentic"?

Mr. Casey: I assumed it from one other fact: The two individuals laying over him had white medical smocks on, which is what gave the character to me.

Judge Higginbotham: Thank you, Mr. Casey. You have been very helpful.

Mr. Jaworski: Can I ask a question?

Mr. Jenner: I have some questions also.

Judge Higginbotham: Dr. Menninger, Mr. Jenner and Commissioner Jaworski.

Dr. Menninger: I just wanted to make a couple of observations from a medical standpoint, medical and psychiatric standpoint. You indicated that you actually detailed your memorandum of what happened—August 30? When did this happen? How many days was this after the event?

Mr. Casey: That I wrote it out?

Dr. Menninger: Yes.

Mr. Casey: Five.

Dr. Menninger: Now, I gather that there was a great deal going on there in the park that night?

Mr. Casey: Yes, sir.

Dr. Menninger: The point I would make is that there is a good deal of scientific evidence on recall. We know that, one, if something is not recorded within the first 30 minutes after being experienced, where there is a series of events happening, that recall falls off to a significant degree.

Mr. Jenner: I disagree with that.

Judge Higginbotham: We will have to let each person express their opinion.

Dr. Menninger: Similarly, there is a good deal of evidence that with a maelstrom of events, there is a considerable potential to get things confused. Do you feel that didn't happen in your case?

CONTINUED

3 OF 6

Mr. Casey: Doctor, during the whole series of events during the convention, I did take notes as I went along. From these notes I prepared this document. I destroyed the notes after I incorporated them into the document.

Dr. Menninger: I see.

The other thing is that I am not entirely sure in terms of the light situation. You talk of bonfires. Of course, bright lights that were presumably used by this film crew—there is a question of dark adaptation after bright lights.

Were you exposed to the lights yourself at all?

Mr. Casey: No, sir.

Dr. Menninger: Was there any impairment to your vision?

Mr. Casey: No. They weren't directly in my eyes.

Dr. Menninger: All right.

Judge Higginbotham: Mr. Jenner?

Mr. Jenner: Mr. Casey, did the young man on the ground have a shirt on?

Mr. Casey: Sir, he had on a—what do you call it—blanket—

Ambassador Harris: Serape.

Mr. Casey: Thank you.

Mr. Jenner: He also had a knee-length coat, did you say?

Mr. Casey: No.

Mr. Jenner: The girls had the knee-length smocks?

Mr. Casey: Yes.

Mr. Jenner: Did you have any trouble at all in recording visually this event from the position which you occupied at the time?

Mr. Casey: I don't understand the question.

Mr. Jenner: Were you able to see it?

Mr. Casey: Yes, sir.

Mr. Jenner: You have no doubt about your having seen it?

Mr. Casey: No, sir.

Mr. Jenner: Was the serape over the shoulders of the individual and bound over his torso?

Mr. Casey: Yes.

Mr. Jenner: You saw no bandage?

Mr. Casey: No, sir.

Mr. Jenner: You made no reference to any bandage in your notes, or in the memorandum which has been handed to Judge Higginbotham?

Mr. Casey: I don't think I did.

Judge Higginbotham: Incidentally, this report is available to all our colleagues.

Mr. Casey: No, sir, I didn't.

Mr. Jenner: I think that is all.

Judge Higginbotham: Thank you.

Commissioner Jaworski?

Mr. Jaworski: I am interested in what particular branch of the U.S. Attorney's Office you serve?

Mr. Casey: Organized crime.

Mr. Jaworski: So that you have had considerable experience investigating and prosecuting, I assume?

Mr. Casey: Yes, sir.

Mr. Jaworski: Well, I think that is important to the inquiry before us here.

I assume, then, that you have been asked a number of questions about what you didn't see, as opposed to what you saw.

Forgetting about what you didn't see, what you did see caused you to think the whole thing was fishy?

Mr. Casey: That's right.

Mr. Jaworski: All right.

Thank you.

Mr. Tone: Mr. Chairman—

Ambassador Harris: In your judgment, how deep is this room? From here to the back door—from this door to the back door?

Mr. Casey: 100 feet.

Ambassador Harris: I have no sense of spacial relationship myself. I asked my colleague. He estimated 40 feet to 50 feet.

Mr. Jenner: Your colleague happens to be wrong.

Ambassador Harris: Then you would say you were the distance from this door to about the center of the press table? If you estimate this to be half—to be 100 feet—you would be the distance from this door to the center of the room—is that correct?

Mr. Casey: I would say closer to the first row of chairs back there.

Judge Higginbotham: To the lady in the orange dress—is that where you refer to?

Mr. Casey: No, this girl back here.

Ambassador Harris: The lady in the navy blue?

Mr. Casey: Yes, about three-quarters of the distance.

Mr. Jenner: The pretty blond lady?

Mr. Casey: Yes.

Ambassador Harris: That would be from the door.

From where you are would be, approximately, from where you are to the back door, from where you are sitting now, from there to the back door?

Mr. Casey: Yes.

Ambassador Harris: You were that close?

Mr. Casey: Yes.

Mr. Tone: I have one or two other questions, Judge?

Mr. Tone: Mr. Casey, did you stand in one place during the entire time you observed the scene, or did you move?

Mr. Casey: No, sir, I moved.

Mr. Tone: And did you move closer to the scene or farther away?

Mr. Casey: Sir, I tried to get over to the scene.

Mr. Tone: How close did you get to it?

Mr. Casey: Maybe 25 feet.

Mr. Tone: What was happening at the time you reached the 25-foot point?

Mr. Casey: The police had formed a short skirmish line and I got caught. I was in front of it.

Mr. Tone: I don't want to get into anything else that happened, but was that the end of the scene so far as you observed it, when you got to within 25 feet?

Mr. Casey: I went in another direction.

Mr. Tone: Was it correct that your observation took place between a span of 75 feet and 25 feet as you approached the scene?

Mr. Casey: No, sir.

Most of it occurred in the 75-foot area, because I didn't start to move over until after I saw the individual stand up. So it was almost over by the time I started to move closer.

Mr. Tone: That is all.

Judge Higginbotham: Thank you very much, Mr. Casey.

I know it is much easier for an able lawyer like you to ask questions than to answer them.

You answered them well.

My extensive questioning should not be considered to be impugning your view. It is not intended. I have high esteem for you. I just wanted to get the facts.

Mr. Casey: Thank you, Judge.

Judge Higginbotham: Call your next witness, please.

Mr. Tone: Mr. Thomas A. Foran.

Will you state your name?

STATEMENT OF THOMAS A. FORAN, U.S. ATTORNEY, NORTHERN DISTRICT OF ILLINOIS

Mr. Foran: My name is Thomas A. Foran.

Mr. Tone: And your address?

Mr. Foran: I live at 6156 North Knox Avenue, Chicago, Illinois.

Mr. Tone: Are you a U.S. attorney for the Northern District of Illinois?

Mr. Foran: I am.

Mr. Tone: How long have you held that position?

Mr. Foran: I was appointed interim U.S. attorney March 14, 1968, and appointed by the President with the advise and consent of the Senate on June 6, 1968.

Mr. Tone: On Monday afternoon, August 26, were you in the area of the Logan Statue near Michigan Avenue in Chicago, Illinois?

Mr. Foran: Yes, I was.

Mr. Tone: What were you doing there?

Mr. Foran: As a part of my duties and the duties of my assistants in the course of the convention, we were on the street and had been for some time and were to continue to be there for some time.

Mr. Tone: Did you observe a scene which I asked you about on that afternoon?

Mr. Foran: Yes, I did.

Mr. Tone: Where, precisely, did the scene occur?

Mr. Foran: The scene occurred between the Logan Statue and the sidewalk running north and south on the eastside of Michigan Avenue. I would estimate it is about 50 feet east of the sidewalk and about 150 feet, 200 feet west from the statue. It was also just north of the walk leading up to the statue.

Mr. Tone: Were you alone?

Mr. Foran: I am not sure, Mr. Tone. Ordinarily, I would have assistants with me; but, oftentimes, we would be separated in the crowd for a short period of time. I can't recall any particular one of the assistants being with me.

Mr. Tone: You have given us the description of where the event took place, I believe.

Mr. Foran: Yes, sir.

Mr. Tone: Where were you when you first saw it?

Mr. Foran: I was on the walk leading up to the statue, so I was approximately 50 to 75 feet away from the event.

Mr. Tone: Which direction was the event from where you were?

Mr. Foran: It would have been northwest from where I was standing.

Mr. Tone: Will you tell the Commission what you saw?

Mr. Foran: When I first saw it, there was a man sitting on the ground with his back against a tree. He was well dressed, in sport clothes. He had a jacket on, light colored jacket. Darker suit. There was a group of three men, one of whom had a television camera with one of those shoulder bars on it on the shoulder. There were two other men with him who were apparently assisting him. I started then to walk over toward the scene.

Mr. Tone: You say the man was sitting at the base of a tree.

Which way was he facing?

Mr. Foran: Facing toward Michigan Avenue to the west.

Mr. Tone: Did he have anything in his lap?

Mr. Foran: Yes, He had a large gauze pad. I didn't see this until I got closer to the scene. I would say it was eight inches by eight inches.

Mr. Tone: Can you add in any way to your description of the gauze pad?

Mr. Foran: Well, it had on it, at each of the corners, it had a streamer of gauze so that there were four kinds of streamers of gauze coming out from the center piece itself.

Mr. Tone: And can you—will you complete your description of what you saw?

Mr. Foran: As I walked over toward the scene, the three men, one of whom had the camera, the other one had a large kind of bag—that is the only way to describe it. It looks something like a diaper bag; it was square and had a material cover on it. The man with the camera was dressed in a jacket, kind of a quilted jacket as if it had a quilted lining with a belt. He had a helmet on; it was darker colored than the jacket.

The other two men had blue jackets on, both of which had shoulder patch insignias on their shoulders. The first man who had the camera didn't have the same color jacket as the other two, but he had an arm band.

As I walked over toward the scene, these men were talking together. They then moved back a little. The third man had some sort of electronic device in his hand. I don't know if it was a light or what it was, but it might have been a two-way radio. They started to shoot with the camera, and the man sitting at the base of the tree put the bandage up to the left side of his face and they shot for a while, and he took his hand away from his face and put the bandage back down in his lap. That was about the time that I arrived immediately there, and I said something to them, something in the nature of, "What are you up to? What is going on here? Isn't there enough trouble without your making more trouble?"

The man with the camera and the other two men walked off to the west toward Michigan Avenue. The man at the base of the tree got up and said something vulgar to me and walked off to the north.

Mr. Tone: You say the jackets had an insignia on them?

Mr. Foran: Yes.

Mr. Tone: What insignia was it?

Mr. Foran: The eye logo of CBS.

Mr. Tone: Can you give us a physical description of the three men beyond what you have already given us?

Mr. Foran: The man with the camera was, I estimate, about 5' 7" or 5' 8", husky, in his 30's. One of the other men was about the same height but slender. The other man was at least noticeably taller than the other two. The guy with the camera was husky—175, 180 even, though he was pretty short.

Mr. Tone: Can you give us any description of the man with the bandage beyond what you have already given us?

Mr. Foran: Well, when he got up he was a good size—of course everybody looks pretty good size to me because I am only 5' 7". He must have been 5' 10", 185, I guess in his late 30's. He had a tie on; and when I said a jacket, I meant a regular coat jacket. He had a normal hair cut, kind of a dark brown hair, not black but dark brown.

Mr. Tone: When he made the remark to you and walked away, did he take the bandage with him or leave it?

Mr. Foran: I really can't recall. I know he was carrying it down at the side and I don't know if he threw it on the ground or stuck it in his pocket or what he did with it. There were a lot of people around, and I didn't stay there any longer or make any more out of it.

Mr. Tone: Did the man with the bandage have any marks, cuts or abrasions on his person?

Mr. Foran: None that I saw.

Mr. Tone: Did he appear to you to be injured in any way?

Mr. Foran: No, sir, he didn't.

Mr. Tone: About what time of the afternoon did this occur?

Mr. Foran: I estimated it was about 4:30. It might have been a quarter to five—4:30 to a quarter to five.

Mr. Tone: Were you also in Chicago near Michigan Avenue on Wednesday night, August 27, 1968?

Mr. Foran: Yes, sir, I was but I think the incident you are going to ask me about occurred on August 28.

Mr. Tone: I am sorry. You are right.

Where did the incident to which you just referred take place?

It occurred about a half block north of Balboa in the center of Michigan Avenue. About 8:30 in the evening.

Mr. Tone: And precisely where did it occur with reference to the street and the sidewalk?

Mr. Foran: It was right in the middle of Michigan Avenue, perhaps a little to the west side of the street, but it was almost in the center of the street.

Mr. Tone: Can you tell me what building along Michigan it was near or in front of?

Mr. Foran: Well, directly across Balboa from the Hilton Hotel is the Blackstone Hotel and it runs about 150 feet north facing on Michigan, and this occurred maybe 50 feet north of the north wall of the Blackstone but out in the middle of the street.

Mr. Tone: Where were you when you saw the incident?

Mr. Foran: I was in the street, in Michigan, over toward the westside of the street.

Mr. Tone: How far were you from the event?

Mr. Foran: About as far as from here to the chairman.

Mr. Tone: Tell us what you saw.

Mr. Foran: Well, the crowd that had been moving north on Michigan had lighted some trash and thrown it into the streets and a man kicked it together into a pile and added some other trash to it. He walked around picking up pieces of paper and added them to the pile. Then he brought a cardboard sign, a big sign, it must have been two feet, two and a half feet wide, a foot and a half deep, which said, "Welcome to Chicago." It was torn across the bottom.

He knelt down next to the fire and he lit the sign on the fire. He was kneeling facing east, looking toward the north where a group of photographers, I would say 12 to 14 of them, formed a kind of semicircle; and when he got the sign lit, he gave a regular signal to start shooting and then they all started shooting.

You could hear the cameras whirring and some of them would walk in closer to the fire and back off away from the fire. There were some of them who just had regular cameras, but some of them had movie cameras.

Mr. Tone: Did any of the 12 or 14 men besides the man who lit the fire assist in assembling the fuel?

Mr. Foran: Not that I recall, Mr. Tone.

Mr. Tone: Can you describe in any more detail the 12 or 14 men who were standing around the fire photographing it, taking pictures of it?

Mr. Foran: Well, they were generally, by Wednesday night, most of them had helmets on and they had jackets and press credentials of various kinds. I didn't—there was a lot going on and I didn't stay. I went on because the crowd was moving away.

Mr. Tone: Did you notice any lights?

Mr. Foran: Yes.

Mr. Tone: That is—

Mr. Foran: Yes, there were bright, shiny lights shining on the scene.

I remember that the man who started it was a husky guy, again dressed in sport clothes but well dressed and had a—I think he had a—camera around his neck. He had press credentials on. He had the one they had at the convention around his neck, and he had something on his coat. He also was carrying a box or a briefcase or something of that nature.

Mr. Tone: Did anyone in the group of 12 or 14 men have motion picture cameras?

Mr. Foran: Yes, sir, they did. I remember, because I remember hearing the whir of the cameras. There was a very definite—there were a lot of them.

Mr. Tone: Did any of the men you observed, 12 or 14, or the one who lit the fire, have any insignia that you recognized?

Mr. Foran: Not that I could state with certainty, sir, no.

Mr. Tone: I have marked for an exhibit a photograph with a sheet stapled to it. The sheet says, in par, small paper fire on Michigan Avenue.

I show you the photograph and ask you whether you recognize the scene it depicts.

Mr. Foran: Yes, sir, I do. That is the man who lit it and he is in the process of lighting it.

Mr. Tone: Does that look like the scene you saw at the time?

Mr. Foran: That is the scene.

Mr. Tone: I have marked on the reverse side for Exhibit 2 another photograph, also with two pieces of paper clipped to it and it has among other things the words, "Burning Sign," on the back and I ask you whether you recognize that?

Mr. Foran: Yes, sir, that is it. It is a closeup shot of the fire itself, but you can see the "Welcome to Chicago" sign. You can see that it was torn in the same place the one the man was lighting was torn. It was the same one.

Mr. Tone: And I show you a document marked for an Exhibit 3 which also has a paper clip to it and it has the figure 2 encircled on the back among other identifying marks, and I ask you whether you recognize that.

Mr. Foran: Yes, sir. That occurred while the sign was burning. You can see the sign and the fire. The police were going into the crowd that was north of this fire, bringing out individuals, and you can see three of the policemen bringing in individuals past the fire, and you can also——

Mr. Tone: I want to limit, if I may, Mr. Foran, our attention to the matter of the fire and not any of the other conditions not related to the fire.

Are these three pictures fair and accurate pictures of what they purport to show?

Mr. Foran: Yes, sir, they are.

Mr. Tone: Did you say—I am not sure we covered this—was Mr. Nash with you during the time you observed this?

Mr. Foran: Yes, sir. You can see Mr. Nash in one of those pictures.

Mr. Tone: This is in Foran Exhibit 3 for identification.

Mr. Foran: Yes. The man standing immediately to the right of the policeman; on the right is Michael Nash, who is the Assistant Chief of my Appeals Division.

Mr. Tone: Was he with you throughout the time you saw this event?

Mr. Foran: Yes, sir, on the street together at that time.

Mr. Tone: No further questions.

Judge Higginbotham: All right. Thank you.

I have come to the conclusion that it is grossly unfair to either start on the left or the right. I will start from the middle.

Commissioner Jenner?

Mr. Jenner: Thank you, Mr. Chairman.

Mr. Foran, have you now told us everything you can recall presently about the event? If not, would you please relate anything in addition that comes to your recollection not stimulated by Mr. Tone's questioning.

Mr. Foran: Mr. Jenner, limiting it to the very framework of the event itself, I think I have. I wouldn't want to broaden the circumstances at all because it gets into an area that I think involves a grand jury investigation that I am conducting and I don't think I can talk about it.

Mr. Tone: If I may say so, I advised the witness, in speaking to him about coming here, that we would not get into matter that was involved in a grand jury investigation.

Judge Higginbotham: Thank you.

Mr. Jenner: When Mr. Casey testified, the Chairman expressed the view of the entire Commission. We don't desire by actual design or otherwise to make any inquiry of you or Mr. Casey into a matter that may be under consideration or is presently under consideration by the grand jury. In great part we will be depending on you to help us in that respect. But this particular situation is not a matter under investigation by the grand jury as I understand it.

Mr. Foran: It is not.

Mr. Jenner: No further questions.

Judge Higginbotham: One of the great trial lawyers, not only of Texas but of the nation, will be the next one to question you. Mr. Jaworski.

Mr. Jaworski: As the evening progresses, you get much more generous and lavish. You are always very kind and thoughtful and compassionate—I think you have given very graphic descriptions of both events—but did you hear anything at all that was said in the first event, the one related to the—you did mention he spoke an obscene word when he left you but could you understand anything that was said or spoken between him and the movie operators?

Mr. Foran: No, sir, I could not honestly state I recall any of their conversation.

Mr. Jaworski: Were there some words spoken so far as you could tell?

Mr. Foran: They looked like they were talking. The noise level was very high at the time. If you wanted to be heard at any distance, you had to shout.

Mr. Jaworski: I was wondering whether you heard somebody give some instructions? Didn't he have a megaphone instructing on a scenario or anything like that?

Mr. Foran: No, sir.

Mr. Jaworski: Thank you.

Judge Higginbotham: Senator Hart?

Senator Hart: Thank you very much. I think I understand.

Judge Higginbotham: Ambassador Harris?

Ambassador Harris: First, I wanted to say there had been some measurements taken, I am told, in the room. It is approximately 51 feet for whatever that may be worth.

Mr. Jenner: Were they taken inside the room or outside?

Ambassador Harris: I don't know.

Mr. Jenner: I thought it might be pertinent to whether they were taken inside the room or outside.

Ambassador Harris: I do want to raise some questions about what we could reasonbly infer from the facts you had given to us and whether there is but one inference and whether other inferences equally could flow from what you had said to us. With respect to the first incident, I gather the young man was in the park. Was this in—the park across the street—Grant Park?

Mr. Foran: Yes, he was in a portion of Grant Park, yes.

Ambassador Harris: Sitting under a tree. As you approached him, you saw the television cameras taking pictures of him, or did they begin to take pictures after you first—

Mr. Foran: They began to take pictures as he put the bandage up to his head. Before that, they appeared to be having some kind of conversation.

Ambassador Harris: When you first spied them, it was just a group of cameramen and a person sitting on the ground holding a conversation, is that correct?

Mr. Foran: Yes. He had this bandage in his lap because he was sitting on the ground.

Ambassador Harris: And you were coming from in front of them as you—

Mr. Foran: From the back and the side because I had been up closer to the statue and I was coming down from there. There had been some things going on there.

Ambassador Harris: Was the bandage on your side or the other side; that is, on the side from which you were coming or on the side away from you?

Mr. Foran: He was on the side away from me, but primarily he was off at an angle about 45 degrees when I first saw him. The tree was out here and he was in front of the tree so I could see the side–

Ambassador Harris: Were you facing him or behind him?

Mr. Foran: I was coming down–let me see if I can describe it: Assuming the walk went straight toward the door, he would be in the approximate angle to me that Senator Hart is.

Ambassador Harris: So it was more from the front than from the rear?

Mr. Foran: Well, if Senator Hart was turned around facing that wall.

Ambassador Harris: Were you able to ascertain whether perhaps he had a swollen jaw, or an abcessed tooth?

Mr. Foran: No.

Ambassador Harris: You weren't able to see that?

Mr. Foran: No.

Ambassador Harris: Were you able to see whether there was any abrasion on the side to which he put the so-called bandage?

Mr. Foran: I was much closer to him than I am to you by the time–I was almost as close as this when he turned around and walked away. I saw no indication of any injury on him at all.

Ambassador Harris: No abrasion, no swelling, no indication of any kind of physical trauma?

Mr. Foran: That is right.

Ambassador Harris: You would be prepared to say so far as you could say there was nothing?

Mr. Foran: Nothing.

Ambassador Harris: I just wanted to be a bit flippant and ask if his name were Linus and if that were his security blanket–

Mr. Foran: I felt like I needed one at the time. [Laughter.]

Ambassador Harris: But you didn't–one important question: You didn't hear any encouragement from the cameramen; you didn't yourself hear them say do this or do that?

Mr. Foran: No.

Ambassador Harris: You didn't see them place the subject, the man, in the position in which you originally saw him?

Mr. Foran: No, I didn't.

Ambassador Harris: You saw only the conversation and the filming, the placing of the bandage to the face and the rising of the young man walking?

Mr. Foran: Yes, and the departure of all of them.

Ambassador Harris: You saw no staging of persons in the sense that a director put people in their places?

Mr. Foran: No, I didn't.

Ambassador Harris: Now with respect to the incident on which we have the photograph, August 28–

Mr. Foran: Wednesday, yes.

Ambassador Harris: In the evening on the middle of Michigan Avenue in Chicago, I must say, sounds very interesting when you describe bonfires in the middle of Michigan Avenue. (I spent a good deal of my life in Chicago.) You didn't say that the reporter started the fires in the street. You said that the fires had been started by somebody else.

Mr. Foran: There were burning pieces of trash in the street. At least my estimate was that they had been caused by trash baskets that are set at regular intervals along the curb having been set afire and then kicked into the street. There were a number of trash baskets in the street. When I saw this man, he was kicking some of those flaming pieces of paper and picking up other pieces of paper that weren't involved and assembling them into a pile.

Ambassador Harris: These were papers already in the street. He was just pulling them together and adding the–

Mr. Foran: Yes, I would say he added to an already-existing fire.

Ambassador Harris: With respect to the sign, "Welcome to Chicago," as I see the photograph, despite the fact it was characterized in the examination as his setting it on fire, it consisted of his dropping the sign into the fire as you suggested he dropped other pieces–

Mr. Foran: He didn't really. He actually had some trouble getting it started and he tipped it up on end to get it going, and that looks to me like it is before it got started but he tipped it up. He had some trouble getting it going. It was cardboard and I remember seeing–

Ambassador Harris: He dropped it on the fire?

Mr. Foran: After it started to burn along the edges, he put it right on top of the fire.

Ambassador Harris: Did you see any other incidents which you believe were efforts to create a scene which would distort the perception of reality which the viewers might seek?

Mr. Foran: Not that I could testify to with any certainty, no.

Ambassador Harris: So you saw these two scenes of what could be judged to be staged activity. Now the second one, the bonfire, was created by media people, is that correct?

Mr. Foran: It certainly appeared that way to me.

Ambassador Harris: You saw him drop the sign, whatever that meant?

Mr. Foran: Yes.

Ambassador Harris: But with respect to the young man, this is also consistent with the young man seeing the television people and saying–with the bandage–that that is consistent with the young man himself deciding to exploit the presence of the television cameras?

Mr. Foran: Well, except that they were standing there when he had the bandage in his lap and they were standing facing him, about from here to the table, and he was sitting there and they apparently were having a conversation.

Ambassador Harris: Do you believe it is consistent, then, with his having exploited the presence of the camera upon his own?

Mr. Foran: It appeared to me that they were operating together.

Ambassador Harris: But do you believe you could not come to a conclusion that he decided himself to take advantage of the presence of the cameras and put on this–

Mr. Foran: The scene didn't appear that way to me, Miss Ambassador. I just don't think that is what it was from what I saw.

Ambassador Harris: Have you seen any news of either of these incidents in any of the media presentations–newspaper, television, or *March of Time* and such?

Mr. Foran: No, but–I didn't look at any television that week at all. I was in it once in awhile, but I never did get a chance to look at any.

Ambassador Harris: Because I think we should deal with this–Mr. Tone. have you seen in your investigation any reproduction of the two events described by Mr. Foran in any of the media?

Mr. Tone: I have not seen them. In the case of the first incident, I advised CBS of the incident and they have looked through their film, both what was shown on the air and uptakes, and so far I am advised they have not located any such film. In the case of the second incident, we didn't know where to look. I have not myself seen the scene, but we are still pursuing that and hope to complete that search in the near future.

Ambassador Harris: Is it fair to say at this moment we don't have any evidence of the use of any of the films, either Mr. Foran's incident or Mr. Casey's incident? Just publication.

Mr. Tone: That is correct. As of the present time that is correct.

Ambassador Harris: Thank you very much.

Mr. Jenner: May I make an inquiry?

Judge Higginbotham: Certainly.

Mr. Jenner: Do you have another set of these photographs that you can give Mr. Foran? I want to ask him a question.

Mr. Tone: I believe I don't have.

Mr. Jenner: Would you take these, then? I wish to direct the witness' attention to Foran Exhibit 1. Do you have that?

Mr. Foran: Yes.

Mr. Jenner: Mr. Foran, I notice what appears to be a rectangular object hung on either string or chain around the neck, hanging down like a pendant on the gentleman who had

the cigarette in his mouth, and is holding the sign, apparently attempting to ignite it.

Do you see that object?

Mr. Foran: Yes.

Mr. Jenner: Did the press men, whether printed media or other media, have press identifications of that character?

Mr. Foran: Yes, sir, they did. Those are the kind they had to get into the amphitheatre. Those are the famous cards that you stuck into the machine to see if a light went on.

Mr. Jenner: Now, to the right of that object, there appears to be also a rectangular object, but much darker. It would appear to me, from looking at it, to be a camera.

Mr. Foran: My recollection of this man was that he had a camera on a strap, Mr. Jenner. I think that's it. It's hard to see, but I think that is the same thing.

Mr. Jenner: Thank you.

Judge Higginbotham: Any other questions by my colleagues?

Dr. Menninger: Yes.

Mr. Jenner: By the way, let me ask if the gentleman in the photograph, is he familiar to you?

Mr. Foran: No.

Dr. Menninger: I just want to ask questions from a little different vein, and then it's the degree to which, what the emotional tenor was of the first incident you describe, whether this seemed to be a matter-of-fact kind of operation or whether it was something with high feeling;

Mr. Foran: Well, it was immediately after the young man had been taken down off the statue by the police and there was a crowd of several thousand people around.

Dr. Menninger: Would you say the crowd that was around was largely sympathetic toward the person who had been pulled down—was there a feeling that maybe the press might want to do something sympathetic toward the demonstration?

Mr. Foran: The crowd itself was certainly sympathetic toward the young man who came off the statue, but there were also a lot of police around and I don't think they were very sympathetic.

Dr. Menninger: My concern is in terms of the degree to which the emotional nature can tend to distort what is perceived. There is good evidence that emotions sometimes have a greater impact, are a greater determinant of what we see, than what we actually—what we perceive as opposed to what we actually see. May I ask you what your emotional tenor was at that time?

Mr. Foran: I would say primarily unhappy, Doctor.

Dr. Menninger: Did you feel angry about what was going on?

Mr. Foran: Irritated more than anything else. I was irritated by seeing it. There had been a lot of trouble and I was irritated.

Dr. Menninger: I gather from the words that you used you were clearly upset at what appeared to be some kind of staged or misrepresentation of reality?

Mr. Foran: I would say exactly that. Exactly.

Dr. Menninger: In the second event, were the feelings the same? Obviously, that was a time of high tension.

Mr. Foran: I would say, no. It was as you say, immediately after a very definite event. I remember my comment to Nash. I said, "That looks like the opening shot for a T.V. program."

Dr. Menninger: Do you think this was a reflection of what might have been resentment of the people photographing this toward, say, Chicago? Their own indictment? Their waving back?

Mr. Foran: Possibly, Doctor. But it's very difficult to express my full feeling without going into a number of matters that I saw that I can't discuss.

Dr. Menninger: Can you say anything about what appeared to be the emotion of the individual setting or pulling this together and the people who were taking the pictures of it?

Mr. Foran: They had their back to the action. The crowd itself was north of them, about—better than a half block away.

Dr. Menninger: You didn't hear any saying, "Go to it."

Mr. Foran: Well, the man here was, it appeared to me, I don't know the signals or anything, but it appeared to me he said, "Okay, now shoot."

Dr. Menninger: Kind of like a director saying something?

Mr. Foran: Yes.

Dr. Menninger: Not kind of a gleeful—

Mr. Foran: Oh, no, there wasn't anybody gleeful around.

Dr. Menninger: This seemed more like a matter-of-fact TV opening—as you said, somebody setting up the opening?

Mr. Foran: Yes. There wasn't anything funny about it. Nobody was joking.

Dr. Menninger: Thank you.

Judge Higginbotham: Do any of my other colleagues have any questions? Mr. Foran, if I take more than five minutes I give you full authority to get up and walk out. I know it has been a long day.

I have heard, and I would believe it, knowing you, that during the week of the convention that you were busy 16, 17 hours a day.

Mr. Foran: That's right.

Judge Higginbotham: So that during, say, that 8-day period before the convention, a little afterward, you probably put in 16 to 18 hours each day for a period of eight days. Is that a fair statement?

Mr. Foran: Yes, sir.

Judge Higginbotham: So that would mean that out of 130 to 140 hours of this, did you see any events of this type other than these two?

Mr. Foran: None that I could discuss, Judge. What I mean is—this event didn't—these events had no results. Some of the other situations that I saw did have results. I feel that I am under some obligation not to discuss them.

Judge Higginbotham: I had a lot of questions, but I either have to question a witness completely or not at all. I presume you prepared written memoranda on these two events?

Mr. Foran: On these two? Yes.

Judge Higginbotham: At your convenience, Mr. Tone, you can just let them be available for the Commissioners. I won't question you further since it appears as if there is some limitation under what I could adequately question you.

Thank you very much.

Mr. Tone?

Mr. Tone: No further questions.

Judge Higginbotham: Thank you. Meeting is adjourned.

Senator Hart: Mr. Chairman, I see a colleague who is unhappy. We can resolve this up to a point by asking if any of the other events which you observed, which you can't comment on, involved what some might describe as staged television.

Mr. Foran: I wouldn't call them staged, no sir.

Judge Higginbotham: That is what I was referring to, only.

Mr. Foran: Excuse me, Judge.

Judge Higginbotham: I was referring solely to events which were somewhat like staged events. Out of 130 to 140 hours you would say, you say, while on duty, less than 10 minutes of events which you could call staged events?

Mr. Foran: That's correct.

Judge Higginbotham: You don't know whether any of the ten minutes was literally used on television or in the newspapers?

Mr. Foran: I don't know.

Judge Higginbotham: It was not called to your attention directly that any of these were utilized?

Mr. Foran: No.

Judge Higginbotham: Thank you very much.

Meeting is adjourned.

(Whereupon, at 7:20 p.m., the meeting was adjourned, to be reconvened at 9 a.m., Friday, December 20, 1968.)

MEDIA HEARINGS

V. Fifth Day of Hearings: December 20, 1968

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NATIONAL COMMISSION ON CAUSES AND PREVENTION OF VIOLENCE

Room 1318,
New Senate Office Building,
Washington, D.C.

Friday, *20 December 1968*

The Commission was reconvened, pursuant to recess, at 9:10 a.m., Judge A. Leon Higginbotham, Jr., Vice Chairman, presiding.

Members Present

Judge A. Leon Higginbotham, Jr.
Congressman Hale Boggs
Ambassador Patricia Harris
Senator Philip A. Hart
Senator Roman Hruska
Mr. Leon Jaworski
Mr. Albert E. Jenner, Jr.,
Dr. W. Walter Menninger
Judge Ernest W. McFarland

PROCEEDINGS

Mr. Tone: We are ready to proceed, Mr. Chairman. Mr. Goldenson and Mr. Lower are here.

Judge Higginbotham: Any time you are ready, Mr. Tone.

Mr. Tone: We are ready to proceed. This is Mr. Goldenson.

Judge Higginbotham: Delighted to have you.

STATEMENT OF LEONARD GOLDENSON, PRESIDENT, AMERICAN BROADCASTING COMPANIES, INC.

Mr. Goldenson: Mr. Chairman and members of the Commission, I am Leonard Goldenson, President of American Broadcasting Companies, Inc., I am happy to respond to your invitation to appear today.

I understand from the Commission's staff memorandum of December 10, addressed to the three television networks, that today's hearing will focus primarily on the news functions of the networks. Therefore, I will direct my remarks to the general function we perceive for our News Department, and Mr. Elmer Lower, President of ABC News, will describe to the Commission in further detail how our News Department fulfills that function.

The primary role of a broadcast News Department is to report significant domestic and foreign events as they occur and as they are. Its secondary role is to interpret those events and place them in their proper historical and social perspectives. Both of these roles include the obligation to tell it "like it is," to report and interpret events accurately and objectively, candidly and fearlessly.

I am sure that ABC's News Department will continue to meet these obligations and responsibilities with the same professional competence it has consistently demonstrated

in the past. It appears that some individuals (though certainly not on this Commission) would welcome the opportunity to substitute their judgment for ours in relation to the content of controversial news stories. A small minority even suggests that governmental agencies should have the right and duty to regulate the flow of information from the broadcasting media.

In my opinion, we are presently reaping the harvest of having laid it on the line at a time when many Americans are reluctant to accept the images reflected by the mirror we have held up to our society. Many facets of our society are presently in turmoil. Racial discord, urban stagnation, political assassinations, student rebellion, a war unpopular with a significant proportion of the population, are all facts of contemporary life whether some amongst us choose to recognize them or not.

The fabric of our society today is subject to unrelenting stress. Challenge to the existing order is constant. Changes are rapid in our electronic era. Yet, many refuse to face the unpleasant realities concerning many aspects of life in America today. They would prefer to nurture and perpetuate the illusion that all is well.

The television networks have received the brunt of the criticism being directed against news media, which may be understandable when we realize that television journalism has reached maturity at a most difficult time in the nation's and the world's history. Some critics have claimed that by continually emphasizing the war in Vietnam, television news departments "condition" the American people to accept war and bloodshed as a part of our modern way of life.

Others contend that broadcasters are over-exposing the militants and extremists, thus encouraging those who seek to foment racial and civil strife. Still others argue that we should emphasize the "good things" and play down developments and events which, on occasion, place our society, or a high public official, or a particular city, a region or even our nation, in an unfavorable light.

I, for one, am convinced that we have acquitted ourselves with distinction. I am also convinced, for example, that television, with its incisive visual portrayal of events, has contributed immeasurably to public understanding and knowledge of the great issues of our times. In my judgment, television news reports have been principally responsible for the increasing public understanding of the morality involved in the civil rights struggle and of the nature of the dissent against past Vietnam policy. Without television, without our deliberate presentation of all points of view on these two major issues, I am sure that civil rights and the Vietnam issue, to name only two, would never have been able to achieve such widespread public discussion.

When controversial events occur, when events are inherently inflammatory and when people identify passionately with one side of an issue or the other, there will inevitably be criticism of news coverage. This has always been the case, for, invariably, people bring their own preconceptions to reports of these events and, quite naturally, reach their own conclusions with respect to them. This means to me that the criticism being directed against television journalism is a testimonial to the fact that we have come of age—we have stimulated the public to consider the implications of controversial events. This is a noteworthy achievement, even if some ultimately reject these implications because they are unpleasant, or difficult to resolve, or inconsistent with their own basic attitudes or conclusions.

At ABC, we welcome responsible criticism of our news endeavors, for it assists us in evaluating our performance. However, we reject any attempt to abridge the freedom of our News Department to report the news as we see it. The responsibility for news presentation cannot be delegated and we cannot yield to intimidation from any quarter, even though as broadcasters we are a licensed industry.

Freedom of the press and the First Amendment are not empty phrases. In these days of unrest they are basic principles which bear constant repetition. A free press is a necessary and vital protection for the public, not merely for those who disseminate the news.

It is inconceivable to me that there could be one set of ground rules for the print media and another for broadcast journalism. The same historical and philosophical imperatives which dictated a free and constitutionally protected press in this country, must apply with equal force to broadcast journalism.

We are not infallible and we do not claim perfection in our news presentation—though we strive hard for it. The right of free speech which must be preserved for all news media, includes the right to be wrong on occasion. That is the price we must pay to preserve a free press and free speech in America. And, in my opinion, that price for that bulwark is cheap indeed.

In short, so long as we at ABC gather, report and interpret the news, we have a continuing obligation to reflect accurately and impartially the world around us. We can do no less. We must tell it—we must show it—like it is—despite the admonitions of some critics who wish us to do otherwise. To close our eyes to the realities of our time and attempt to substitute a bland and Pollyanna point of view in our news and public affairs programming would be the greatest disservice we could render to the American public, to ourselves and to our democratic form of government.

Thank you, Mr. Chairman, for the opportunity to make this statement to the distinguished members of this Commission.

Mr. Lower will now give his statement, with your permission.

Judge Higginbotham: Very well. We would be delighted to hear from him.

STATEMENT OF ELMER LOWER, PRESIDENT, ABC NEWS

Mr. Lower: Mr. Chairman, and distinguished members of this Commission:

I am happy to respond to your invitation to discuss the operation and practices of ABC News. As President of ABC News, I have the responsibility for supervising the operation of a worldwide news organization which provides a comprehensive news service to our television network and to our four radio network services. Our daily dissemination of news consists of eighty radio reports, the half-hour Monday-through-Friday television report, and a 15-minute late night newscast on Saturday and Sunday. Our newscasts are carried by approximately 1,000 radio affiliates and 128 television affiliates. Further, we provide a daily electronic news syndication service to our television affiliates which enables them to include in their own news programs, coverage of international and national stories.

In addition to our staff for the daily newscasts, we have a Special Events unit whose responsibility it is to cover the fast-breaking, unanticipated major stories such as a national tragedy, and also to prepare for and cover the major scheduled events of the day, such as space shots, political conventions and elections. Right now, this unit is preparing for the Apollo 8 launch scheduled for tomorrow morning, which will, we hope, successfully show pictures from the first manned orbit of the moon on Christmas Eve; and simultaneously, the unit is also making the final preparations for the coverage of the inauguration of President Nixon.

In a similar case of electronic diversity, this unit covered Apollo 7 while gearing for our Election Night coverage, which involved coordinating the efforts of over 5,500 people around the country.

In this electronic era, we must have the ability to react instantaneously to fast-breaking news stories wherever they occur. To insure this capability, ABC maintains 8 bureaus abroad as well as 7 domestic offices. We have a regularly-employed staff in this country and around the world of over 550 people which includes our correspondents, film cameramen, editors, soundmen, technicians and executives who furnish the backup and support necessary to keep this operation going.

In addition to coverage of hard news, we also prepare a wide range of in-depth documentary programs for which ABC News has won many major awards. Important social issues must be explored and a cross-section of responsible opinion presented. For example, this past summer we broadcast "Time for Americans," a series of searching programs devoted to the subject of race relations.

We have also tried to expose our viewers to other peoples and to other nations in our documentary offerings. Our 4-hour composite study of the continent of Africa, which was originally presented in September 1967 and subsequently rerun on our network, was an unprecedented television undertaking. This program was also offered over the facilities of educational television, and it is currently in circulation in serialized form in schools and universities throughout the country.

Other samples of our documentary programs of this type are "Red China, "Year of the Gun," "The Legacy of Rome," "The Soviet Woman," and "Hemingway's Spain." We have also produced the award-winning children's program, "Discovery," which deals with various parts of the world and their peoples, but on a level which maintains the interest of our younger viewers. We believe that through these presentations we afford our viewers, both adults and children, greater insight into the heritage, ways of life, needs and aspirations of the diverse peoples of the world—with a better understanding of all

people.

In my career of 36 years in various fields of journalism, I've been associated with many different kinds of stories. I've covered wars, economic chaos, moments of great happiness and all the other incidents which one expects to read or hear about daily and which is called news.

My job—or should I say the job of my organization—is to cover all the news—the good and the bad, the daily problems and developments of life in our times, the unusual and the out of the ordinary.

Admittedly, even in today's hectic world, we assume that tranquility is the norm. When this tranquility is disturbed, our responsibility is to report that disturbance. It is how, not whether the disturbance is reported, that tests our skill as journalists. Not to report a legitimate story—controversial or not—is an abdication of responsibility.

Part of the journalist's skill is giving the appropriate amount of space or time to a story. We have heard recently—as I'm sure the members of this Commission have—that too much emphasis is given in the news to violence.

Therefore, I had our staff prepare a study of an entire year's news coverage, from September 1, 1967 to August 30, 1968, in order to determine just what it was that we were broadcasting on ABC News.

Ninety-one percent of the material which we broadcast dealt with various subjects which had nothing whatever to do with violence. Only 9 percent of all news we broadcast consisted of stories which were even remotely associated with violence. And even with the 9 percent, the actual presentation of violent acts on the air was rare, very rare.

I should like also to point to our coverage of the Democratic Convention and the surrounding events: Only 1.1 percent of the total coverage was devoted to film or tape of the disorders involving the police and dissenters.

Mr. Goldenson in his remarks indicated that our assignment is to tell it like it is. Telling it like it is means more than just allotting the appropriate amount of time to a story.

It also means putting the story into perspective. For instance, and again talking about Chicago, it would mean telling the whole story—the various levels of conflict as well as the context in which the violence occurred and the steps taken to deal with it. For example, the people who regularly watch ABC News know that provocative statements were made prior to the Convention.

The whole story of the Convention was not only what happened between August 26 and 29, but rather all the incidents leading up to Chicago. Part was the continuing story of dissent against the war in Vietnam and against established institutions.

We covered the dissent movement before Chicago, we covered the preparations for Chicago, and today we continue to cover the activities and opinions of dissenters. But we also cover, and to a much greater extent, the activities and views of the majority.

Achieving and maintaining fairness and balance are the continuing responsibility of the television journalist, whatever the story. Violence is only one of the ways in which conflict manifest itself. Conflict is not just the clash on the street; it is also the clash of ideas and emotions.

I don't think anyone seriously questions the fairness of our coverage of the clash of ideas in Chicago. What is disputed about our coverage of Chicago is whether the facts about the violence in the streets were accurately reported to the American public—the facts about the provocation and the facts about the police reaction to the provocation.

Having now personally rescreened all of our coverage of Chicago, I am convinced that, viewing our whole report, there is no question that it was fair and balanced.

One may ask what steps do we take to insure that violence, such as the violence in Chicago, is covered accurately and in perspective. The answer is that we hire competent editors to review the material before it is broadcast. We then instruct both as to the standards we expect to be applied to stories involving violence.

Let me quote from a July 10, 1967 memo of William Sheehan—a veteran newsman himself and presently our Vice President and Director of Television News—directed to the staff of ABC News, and I quote:

> Describe the nature and extent of the problem with precision. We don't want to give the impression the whole city is aflame just because someone has started a bonfire.
>
> We must know the reasons for the trouble insofar as they are discernible. This requires some follow-up reporting after the initial trouble. Talk to civil rights' leaders, merchants and residents in the area who were not directly involved in the disturbance. If the issue that triggered the problem is not clear, let us say so.
>
> The police are not the sole source in stories of this kind. Neither are those on the street leading the demonstration. It may be stating the obvious, but I feel it's worth repeating: ABC News wants nothing to do with staged stories. If you miss an element, don't ask for a repeat.

And that is the end of the quote from Mr. Sheehan's memo.

We have also instructed our film cameramen to be judicious in their use of lights at night; and we have used unmarked cars where we have felt it best not to advertise the presence of our mobile crews in a particular neighborhood. Also, we don't send live electronic units into riot areas.

It has been suggested that the very presence of newsmen at the scene of a riot either disrupts police efforts to control the rioters or influences the rioters or the police to act differently than if newsmen were not there. This much is true about the charge: In many instances the police have treated newsmen as if they were troublemakers. We are not on the scene to disrupt; we are only there to cover the story.

In a sense, we are an extension of the public, exercising on its behalf its right to be informed. If the police would recognize this fact, and take into account the presence of newsmen in their riot control planning, there might be fewer incidents. And it should be noted here that in many instances there have been discussions by local authorities and mass media in anticipation of public disturbances. These have resulted, when they have been held, in an understanding of mutual problems and, therefore, less friction.

Since it is now a recognized fact that more people in the country receive their diet of news from television than from newspapers, we should be in effect depriving the public of information if we arbitrarily deleted stories.

There should not be a dual standard of what is permissible in newspapers and on television. Just as our Constitution has been construed as a flexible organic document and has grown with our nation, so must the specific concept of freedom of the press embodied in the First Amendment grow to meet the media expansion and innovations of the last third of the 20th century.

If the American people look to us for news, we would quickly lose our credibility if we did not give it to them. This does not mean that we are not sensitive to the audiences who watch our programs.

We know that our news coverage goes into millions of homes during the dinner hour. But as professional electronic journalists, we take these factors into consideration in *how* the news is presented, not *what* stories should be reported.

Thank you, Mr. Chairman, that concludes my statement.

Judge Higginbotham: We want to thank each of you for your statements.

And Mr. Tone, the Committee's able counsel, will ask the first questions.

Mr. Tone: Thank you, Mr. Chairman.

Mr. Lower, if I may address a few questions to you first.

How was violence defined for purposes of the news survey you described in your paper? Do you recall?

Mr. Lower: Well, I think any physical clash.

Mr. Jenner: Any what, sir?

Mr. Lower: Any physical clash.

Mr. Jenner: That is person-to-person?

Mr. *Lower:* Well, I think when two groups came together, whether they actually exchanged blows or what. That is a little imprecise there.

Mr. Tone: Is there any merit, Mr. Lower, to the statement that television, by reason of the very nature of the medium, in that it is a visual medium, has a need for action in its news programming?

Mr. Lower: I do not think so, sir.

Mr. Tone: Is there some feeling on the part of television news people that there can be too much of people talking and too little of actual shots of events?

Mr. Lower: I think there may have been, sir, in the early days of television—maybe in 1948. But I think television news has long since outgrown that. In the present format that we use on our evening news at ABC, as a matter of fact, we have more talk than ever at the present time.

Mr. Tone: Do you regard as well-founded the statement that the existence of star newscasters and the felt-need for sponsorship and, therefore, audience-appeal tend to create an entertainment ethic in television news?

Mr. Lower: I have never felt that way. I have felt that our first job was to report the news. I think, to get people to watch the news and listen to it, it has to be interesting. And I think that is a challenge to us.

Mr. Tone: What effect do the pressures of broadcast stories particularly have, if they have any effect on television's ability to present balanced and accurate news reports? Is there a difference between the opportunity television has to evaluate and to provide background for a story as compared with the printed news medium?

Mr. Lower: Well, I started out in 1933 working on a daily newspaper and with press associations, and I have never felt that when I switched to television 16 years ago that the element of speed was any greater in television than it was for working for press associations or daily newspapers.

Of course, I worked for newspapers when they were a lot more competitive than they are today and when they had a lot more editions.

Mr. Tone: Turning to another subject, does the presence of lights and cameras tend to cause a crowd to put on a performance for the benefit of the camera?

Mr. Lower: Not necessarily. But I suppose it has on occasion.

Mr. Tone: On the occasions when the news people feel that it has that effect, will you comment on their responsibility and what they ought to do to avoid stimulating the crowd by their presence and the presence of their equipment?

Mr. Lower: Well, I think I have indicated some of that, by saying that we don't put lights on at night, which may draw crowds. In the daytime, of course, you don't have the lights. We have taken to driving in unmarked cars so as not to attract people. We don't go cruising through areas just looking for trouble any more. That has long since been abandoned.

And generally the camera crews are not supposed to act in a flamboyant manner. I mean that is their job. Actually, I don't think they go out looking for trouble.

Mr. Tone: When the reporter and the television crew feel that the action of the crowd has been stimulated in part by the presence of television coverage, should the reporter's interpretation to that effect be conveyed to the television audience in part by the reporting of the event?

Mr. Lower: Well, in the first instance, I would say, sir, that he should tell the desk and the editor and the producer of that, and it probably shouldn't go on the air at all.

But if under some circumstances–which I can't imagine–it did get on the air, yes, he should say that in his report.

Mr. Tone: If, for some reason or other the event, despite that, has news significance that you feel justified in reporting, there should be an explanation of that in your report on the air?

Mr. Lower: Absolutely.

Mr. Tone: What is your opinion, Mr. Lower, of the system of compensating reporters partly on the basis of time on the air?

Mr. Lower: I don't like the system, and we are getting away from it.

Mr. Tone: ABC is getting away from it?

Mr. Lower: Yes. And my competitors can speak for themselves, but my general understanding of conditions in the industry is that the "P" system, as it is called, is one that we are all trying to get away from.

Mr. Tone: Do you feel that the–what do you think the disadvantages of the "P" system are?

Mr. Lower: I think it tends to aim the man more at broadcasting on the air rather than covering a story.

Mr. Tone: Is it possible that in aiming at broadcasting on the air that the reporter would select events that have more dramatic value, in the hope that they would get on the air?

Mr. Lower: I have never found that to be the case.

Mr. Tone: Have law enforcement officers–turning to another subject–in your experience, interfered with news coverage of violent events? And if so, how much of a problem has this been?

Mr. Lower: Well, to answer the first part of the question, the answer is yes in various places. How much of a problem it has been quantitatively is rather difficult to state, but it does crop up from time to time, and we fight against it.

Mr. Tone: What can the reporter do when he encounters this on the scene in covering an event?

Mr. Lower: Well, if it is an individual policeman who tries to keep you from covering something, why, you can go to his immediate superior or you can work your way up to the Chief of Police to appeal the decision.

Mr. Tone: And if you feel that it is more than an individual policeman, what could be done?

Mr. Lower: Well––

Mr. Tone: What is it he does? Does the reporter seek help from his superiors then?

Mr. Lower: In most cases, if you can't get the chief of police to agree with you and change the conditions, you have about lost your court of last appeal. And the only other recourse we have is occasionally some of us make speeches about this and hope that we may change the climate in some places where we are restrained.

Mr. Tone: Does ABC have a policy concerning live coverage in your files?

Mr. Lower: Yes, I believe I stated that.

Mr. Tone: I think you did state that. Can you comment on the reason for this policy?

Mr. Lower: Well, I think the reason is that in live coverage of group violence, it is impossible to edit this. I mean you are putting something on the air which is an event of raw violence. And there is no chance to edit it at all.

The second thing–the second point–is that large mobile trucks in areas, I think, may tend to–the kind of live broadcast mobile trucks may tend to–attract a larger crowd.

Mr. Tone: Is there any feeling that the live coverage of the group violence would tend to stimulate violence to a greater extent than the delayed coverage? I mean stimulate other violence on the part of viewers who have seen the television report and who might––

Mr. Lower: I don't, sir, think there has been enough of it for anybody to know. But I can–for the purposes of discussion–I can see that there is that possibility.

Mr. Tone: Do you have any policy on identifying the locations of the disturbance in these cases? Again, we are speaking of coverage of group violence.

Mr. Lower: I don't think we have a written policy on this; but, actually, in the case of the network news organization, this is something that seldom–I don't think it has ever come up, because by the end of the day, when we come on with the network news, the actual location, to say that something is occuring at 12th and Grant, would not be important, nationally, to us.

Mr. Tone: So, that is really a problem of the local stations rather than the network news?

Mr. Lower: Yes, it is. And speaking for the ABC-owned stations, I think they are very careful about this in the communities in which they operate.

Mr. Tone: Mr. Goldenson, your statement was addressed primarily to news. But I would like to ask you a few questions about entertainment programs.

Mr. Goldenson: Yes.

Mr. Tone: Are there significant differences in the cost of producing programming in which, generally speaking, conflicts are resolved by violent as against nonviolent programs?

Mr. Goldenson: I don't think so.

Mr. Tone: You don't think that is a factor in choosing between programs having violent content and nonviolent content?

Mr. Goldenson: No.

Mr. Tone: How does the production of action and adventure-entertainment programming compare with the cost of documentaries? Is it possible to generalize about that?

Mr. Goldenson: Well, in the case of action-adventure programming, I would say that it depends on what star-values are involved. That could make it much more expensive than documentaries, although we have had many documentaries that are much more expensive than action-adventure. So I don't think you can generalize.

Mr. Tone: From your experience and your research at ABC, can you say whether there is a decrease in the audience when programming at a particular time is switched from that having a violent content to programming having a nonviolent content?

Mr. Goldenson: No, I don't think you could.

Mr. Tone: Can you tell me how much ABC has spent on research covering the effect of television on the content to viewers?

Mr. Goldenson: I don't think we have spent a large sum. Our research department and our standards of practice have attempted to keep abreast of all research that does go on in the field, and they attempt to interpret it for our people. We have always been of the opinion that, within our own company, if we were to do research that it would be suspect because of the lack of objectivity. And for that reason, what Mr. Snyder said to this Commission I agree with—that we would feel if this Commission, in its judgment, were to determine that certain objective research could be done in this field, we certainly would be prepared to contribute our part to that research, because then it would take it out of the element of subjective research and make it more objective, which we are entirely in favor of.

Mr. Tone: There have been efforts on the part of the television industry—and I assume ABC—to reduce the amount of violence in entertainment programming since the assassination of Dr. King and Senator Robert Kennedy, have there not?

Mr. Goldenson: There has.

Mr. Tone: Will you tell me why this was done—speaking for ABC?

Mr. Goldenson; Right. I think we, as a matter of policy, felt that the public was overly sensitive to the problem of violence as a result of the assassination of Martin Luther King and Robert Kennedy. And because of that oversensitivity, we felt we had to be overly sensitive ourselves in this area to review, even more dramatically than we otherwise would, all of our programming very carefully. Although we have attempted to stress, for a number of years—I think going back to the early Sixties—in a directive that we issued, that violence for violence's sake or unmitigated violence should never occur in any of our subjects.

Congressman Boggs: I wonder if counsel would yield right at that point?

Mr. Tone: Yes, Congressman Boggs.

Congressman Boggs: You are familiar with the *Christian Science Monitor?*

Mr. Goldenson: Yes.

Congressman Boggs: *The Christian Science Monitor* reported in October of 1968—that is, two months ago. I quote directly: "Staff members of this newspaper watched 74-½ hours of evening programs during the first week of the new season and during that time recorded 254 incidents of violence, including threats, and 71 murders, killings and suicides.

"The results were almost unchanged from a survey conducted by this newspaper last July"—which was 1967, before the assassination of Dr. King and Senator Kennedy—"which counted 210 incidents and 81 killings in 78-½ hours of television."

One network, ABC, provided in one evening 46 incidents and 11 killings. This included an episode from "The Avengers," which *The Monitor* described as follows: "A trio of Monitor staffers tried to keep track of the vengeful proceedings and finally agreed there were 22 violent incidents, including 5 methodical murders and one additional killing. "The Avengers'" plot wound around a former British army officer who took revenge against six of his former army fellows," *The Christian Science Monitor* says. "He methodically kills most of them by snake bite, gunshot, fright and other means. During the morbid workings of the plot, various people are battered with a large ashtray, nearly guillotined, choloroformed, abducted, nearly buried alive, fed knockout drops and smashed against a tree."

I would like to see some contradictory data. Would you give me the hours as *The Christian Science Monitor* has done?

I also have in front of me *Better Radio and Television* for 1968—"Violence in Television." It is edited by Mr. Bennett, the former director of the bureau system. "Violence in television. How deeply does it permeate program broadcasting daily into 50 million homes." I won't read it all. It says: "What has been the result of the public outrage against TV violence expressed since the assassinations of Robert F. Kennedy and Martin Luther King? Will any violent forces be strong enough and well organized enough to effect permanent fundamental reforms? To a large degree, the National Association of Better Broadcasting can provide documented answers to the first two questions. One month to the day following the death of Robert Kennedy, ten NABB monitors began a week long survey of programs emphasizing crime and violence, televised by the seven VHF stations in Los Angeles. From July 6 to July 12 these monitors tabulated 390

murder attempts, tried on individuals, for 143 hours of crime and so on."

And they conclude that not only has there been no decrease but, if anything, there has been an increase. And it also goes ahead and lists all the programs, including the ones that were carried on your network for children, such as "Fantastic Hour," "Spiderman," "King Kong" and others.

Now, you can go ahead and reply to the counsel's question. But, according to *The Christian Science Monitor,* and according to Better Radio and Television, your reply is totally inadequate and inaccurate and, according to them, untrue.

Mr. Goldenson: In response to that, after the Robert Kennedy-Martin Luther King, I know of my own knowledge that Mr. Elton Rule, who is head of our TV network, and Leonard Goldberg, who is the head of our programming of the TV network, went to Hollywood and went to London, where these programs are produced, sat down with the producers and the directors of the respective programs and the program suppliers, and outlined to them that we wanted to——

Congressman Boggs: I am not interested in that. I am interested in the facts. What are the answers to these?

Mr. Goldenson: I would like to answer for the specific night that you mentioned.

Congressman Boggs: Not the specific night—the period. Let's take the period from the assassination of Robert Kennedy and Martin Luther King and compare the incidences of murder, rape, mayhem, sadism, masochism, in that period compared to six months prior to that.

Mr. Goldenson: I would be delighted to get that for you.

Congressman Boggs: The evidence that I have, as a member of the Commission, shows that there has been no change at all.

Mr. Goldenson: That is not based—that is not based on any information that I have, because I have talked to the head of our network and our programming people, and their statement to me is that it has been corrected and that there has been a diminution of this type of programming.

Congressman Boggs: Well, that is your statement. I would like to see some documentation of your statement, because what I have before me I consider documentation.

Mr Goldenson: We shall be glad to furnish it.

Congressman Boggs: Thank you. Go ahead, Mr. Counsel.

Mr. Tone: Mr. Goldenson, on that same subject, information in the possession of the Commission's staff, based on samplings of prime-time programming, believed to be representative, indicates that although the average number of violent encounters per hour had decreased between 1967 and the fall of 1968, from 8.5 per hour to 6.3 violent encounters per hour on ABC, the percentage of all programming containing violence had actually increased from over 88 percent to almost 91 percent.

Congressman Boggs: For what period of time? I didn't hear you, Mr. Counsel.

Mr. Tone: This period, Congressman, is from the year—from a sampling in the fall of 1967 to a sampling that was taken in the fall of 1968.

Congressman Boggs: That was after the assassination of these two distinguished Americans?

Mr. Tone: Yes. The '67 was before and the '68 was after.

Congressman Boggs: I understand.

Mr. Tone: And the indication was that the number of violent encounters per hour had been reduced from 8.5 to 6.3. But the percentage of all programs containing violence had increased slightly from 88.5 percent to 90.9 percent.

Now, assuming these figures to be accurate, Mr. Goldenson, are you satisfied with this amount of violence in ABC programming?

Mr. Goldenson: Well, we are attempting to achieve balance, and I have personally gone over the program development for the fall of 1969. As a sample, of the 30 projects that are in development, I think only one program is in the adventure field. All others are nonadventure. So the indications are that our network is following a directive to try to correct this.

Now, of course, we do attempt at all times to achieve balance in our programming, because adventure is a part of our way of life. But I do think that our network is attempting to correct this and be sensitive to the public taste in that respect, based on the program development which I have just outlined.

Congressman Boggs: You described these as adventure programs. Is that your teminology?

Mr. Goldenson: Yes.

Congressman Boggs: I understand.

Mr. Tone: I would like to talk for a minute about the Saturday morning cartoon programs, which are aimed at audiences of children.

Mr. Goldenson: Yes.

Mr. Tone: The survey information of the staff commission indicates that in 1967, 100 percent of these programs contained acts of violence and that in 1968 the same percentage, 100 percent, contained acts of violence, speaking now of the NBC programming on Saturday morning.

Dr. Menninger: ABC.

Mr. Tone: Excuse me. I meant ABC programming on Saturday morning. How do you feel about this violent content of these Saturday morning childrens programs?

Mr. Goldenson: Well, I think our program department has also advised me, that with respect to that, that they are tending to change that concept. As an example, I know they have committed for one new series, as a sample, which is pure comedy. One is "Smokey the Bear," a series which they are doing in collaboration with the U. S. Department of Agriculture, and the other is "Mother Mice," a contemporary version of the cat and mouse rivalry, and these are things that they are attempting to correct.

I think that our people feel that they have attempted to stay away from violence in these cartoons. And they feel that, even though some of them are action-adventure, even there they perhaps ought to avoid action-adventure if there is going to be a misinterpretation of violence.

Mr. Tone: A survey figure, based on a sampling, shows that in these cartoons the average number of violent encounters per hour has increased from the fall of '67 to the fall of '68 from 15.6 violent encounters per hour to 17.3 violent encounters per hour. That would indicate that they are not succeeding in getting away from emphasis on violence in those programs, would it not?

Mr. Goldenson: Well, if those figures are correct, that would be so. But based on the type of programming they are contracting for, for the future, it would seem that they are.

Mr. Tone: Now, when a particular adventure series has been run on ABC, does ABC commonly make a syndicated sale of the series to network affiliated and independent stations for rerun purposes?

Mr. Goldenson: Basically, most of these cartoon series are not owned by ABC. We may have a small equity ownership in them, but we do not handle the syndication, no, sir.

Mr. Tone: What about non-cartoon adventure-mystery programming—are those sold for reruns on a syndicated basis?

Mr. Goldenson: We have, in a few instances, the ownership of them. But I think you would find in 95 percent of the cases they are owned by outside producers and they syndicate this themselves, even though we may have an equity interest in them.

Mr. Tone: So is it correct to say that in 95 percent of the cases ABC does not have control over the resale or syndication of these for rerun purposes?

Mr. Goldenson: That is correct.

Mr. Tone: I think I will conclude my questioning at this point, Mr. Chairman.

Judge Higginbotham: Thank you, Mr. Tone.

We are trying to give different Commissioners the opportunity to carry the ball first. I will call on Mr. Jaworski for these witnesses first.

Mr. Jaworski: I am not sure which of you gentlemen would want to answer the questions that I want to propound to you.

Judge McFarland: Maybe neither one will.

Mr. Jaworski: I think that maybe both of them will want to. Be that as it may, I want to say, first, that I have followed your statements with great interest. But, to me, it was rather singular that you commented so very much upon your duty to bring the news to the public; but I noticed I found a complete absence of any comments on the matters that Mr. Tone examined you about—and that is the programming depicting violence. And I am sure that you do recollect that there is a great responsibility on the part of your industry to determine what the effect, if any, this has upon the minds of your viewers, upon the behavior of your viewers. I am sure you would agree with that, don't you?

Mr. Goldenson: Yes.

Mr. Jaworski: Well, now, then I must say that the fact that you state to us that you have done very little research along this line is somewhat surprising.

Mr. Goldenson: I didn't say that. I said that our people have kept abreast of all research that has been done in this field.

Mr. Jaworski: But what have you done yourself?

Mr. Goldenson: Only that. Because we have felt that we would be subject to criticism of whatever research we did, because of the subjectivity of our research as against objectivity. And that is why we are prepared, and would be prepared at any time, for an outside source to do research where objectivity would be insured and the public would be aware that it is objective research.

Mr. Jaworski: By implication, you have almost admitted, you see, that you have a feeling that your viewer is affected by these programs. because—excuse me a minute—because you have told us that you have changed your policy in at least a couple of respects. You have reduced some of the programs relating to violence, have you not? Is that what you say?

Mr. Goldenson: No, I don't think that is true. I merely said that because of the oversensitivity of the public, to this whole area of violence, as a result of the assassination of Martin Luther King and Senator Kennedy, that the public was oversensitive and, therefore, we had to be overly sensitive to the public's taste.

Now, these things change. As time goes on, this may also change too. But basically, we wanted to be, and must be, overly sensitive to the public's taste.

Mr. Jaworski: All right, sir. Now, I will have you determine whether this oversensitivity is well-founded, whether it is warranted or not?

Mr. Goldenson: All the research that we have seen is inconclusive. We have seen research pro and con, and I believe that on every bit of research that has been done, it is, so far, inconclusive as to the result of violence on television.

Mr. Jaworski: We heard that from some of the gentlemen who appeared here a few weeks ago—the inconclusiveness of the research. I want to follow that just a moment or two with you, because we have heard testimony of some very eminent gentlemen—psychiatrists and others who are well informed—who tell that they fear that these depictions of violence do have an effect on the behavior of some viewers, a substantial number of viewers.

Have you undertaken to consult any of these men? Have you consulted any psychiatrists or any sociologists on this?

Mr. Goldenson: As I said, I think our people have kept abreast of any reports that are made by such people in this field, and have studied them carefully. As to whether they have personally talked to them, I cannot answer.

Mr. Jaworski: The point I am trying to make, sir, is that certainly there is a great responsibility on the part of your media to bring the news, and bring it accurately, to the American public. No one will argue with that.

But I have to tell you that I was somewhat concerned about what was shown, with respect to determining just what the effect of violence programs are, particularly on our young people. This is a matter of great alarm to the American public. You know our polls show that the greatest problem, domestically, in the minds of the American people is crime and violence. It seems to me that an industry such as yours owes a tremendous responsibility to the public, and your paper points to the tremendous influence you do have. But there is commensurate to that tremendous influence, also a great responsibility related to being certain that no harm was being done. You will agree with that, won't you?

Mr. Goldenson: I agree.

Mr. Jaworski: Well, if I may suggest to you, the one conclusion I draw from what I have heard so far from the gentlemen who have appeared before us, and also from what you gentlemen tell us, is that you have not gone into the subject in the depth to which it should be gone into for the purpose of determining the possibilities of danger and harm, especially to the youth of our nation?

Mr. Goldenson: I can only repeat what I have said before, that—

Mr. Jaworski: It would be ever so heartening if we heard someone say that substantial measures have been set up for the purpose of conducting a real intensive and persuasive

research into that question. But we thank you for being here and for telling us your position.

I thank you, Mr. Chairman.

Judge Higginbotham: Dr. Menninger.

Dr. Menninger: Mr. Goldenson and Mr. Lower, first I would like to express my appreciation that you are here. Thank you and the other network executives who have come before us, knowing that we have a lot of questions about the role of the media on this subject of violence; and knowing you are under the gun, so to speak.

Judge Higginbotham: Unload it. [Laughter.]

Dr. Menninger: I gather that you are aware of the thrust of the testimony and the questions at the earlier hearings which we had with regard to the media and where there was more focusing on your program. Presumably, you are aware that I have been concerned all along with the question that Mr. Tone raised and also which Mr. Jaworski raised in terms of your responsibility to know the impact of your product and to try and get specific about dollars or percent of budget which happen to be committed to research.

Now, am I to understand that you do no research on the impact of your commercial side?

Mr. Goldenson: This is something that our standards of practices review—every commercial.

Dr. Menninger: I don't mean that. I mean it is my understanding that either the advertising industry or the television industry spends a lot of money to make sure that they know how many homes television gets into.

Mr. Goldenson: Yes.

Dr. Menninger: And to somehow justify to the advertiser that it is worth his money to invest in television?

Mr. Goldenson: That is correct.

Dr. Menninger: But that the money is not spent in terms of determining what the psychological effects are but in determining the commercial effect.

You are aware, of course, that drug companies, the pharmaceutical industry, no matter how much they have been under the gun by certain segments of society, are clearly involved for a profit but have only been able to do so by investing tremendous research in the products which they are selling. They are obligated to know the impact of what they are selling. And they have managed to commit sizeable amounts of their budget for research and involve responsible scientists of the highest integrity without subjecting those findings to the question of taint.

Now, is there some reason you feel that your industry cannot practice the same thing?

Mr. Goldenson: Well, I think that in our case, when you are dealing with public opinions and—

Dr. Menninger: I don't believe your microphone is on, sir. I think that it is hard for some of us to hear.

Mr. Goldenson: I simply said that I think we would be suspect where we are dealing with public taste, public opinion, and things of this kind, and I merely wanted to repeat that we have tried to keep abreast and have examined every type of research that is done.

Dr. Menninger: I know.

Mr. Goldenson: And the only reason I say that I think we would be suspect, I think we are quite different in that respect than the drug company.

Dr. Menninger: Well, I am aware of that. I am not sure I agree with your conclusion on that. And that may be a place where we will have to differ. May I ask you what the percentage of time—do you know the figures of either the percentage of time or budget committed to news, programming of news and public events, as opposed to entertainment?

Mr. Goldenson: On ABC?

Dr. Menninger: Yes.

Mr. Goldenson: Well, our budget for news last year was approximately $29 million in television.

Dr. Menninger: That is out of a total budget of what?

Mr. Goldenson: And I would estimate that, our total budget on sports, which include the Olympics last year, must have been close to $40 million.

Dr. Menninger: And entertainment?

Mr. Goldenson: And entertainment, I would think would probably come in around $140,000.

Dr. Menninger: Now, is that with everything within your total budget? Is your total budget then $210 million?

Mr. Goldenson: I would think, roughly, in that area. I may be wrong about a few percent.

Dr. Menninger: There is one other question I would like to raise. It is my understanding that in your efforts to get a larger share of the market several years ago, there was a major shift in ABC programming which involved the incorporation of a great number of violence and adventure shows. Am I incorrect in this assumption?

Mr. Goldenson: I believe that in some years, before 1961, there may have been an overbalance of action-adventure types of shows, and after that, the shows were brought into balance. This is due, lots of times, to your program development. We spend, say, $4 million or more each year on program development.

As I explained before, for the fall of '69, I think there were 30 projects in development, of which only one is in the adventure field. A number of these are comedies.

Dr. Menninger: Is there ordinarily a 2-year lag? What is the lag time in terms of bringing about change?

Mr. Goldenson: It is about 18 months.

Dr. Menninger: So that really for the impact of change to be measured, you feel that one can't measure it 3 months after the assassination of Senator Kennedy? It has to be a year or two years later?

Mr. Goldenson: There is about an 18 month lag.

Dr. Menninger: What is the highest-rated program on ABC?

Mr. Goldenson: I would say "Bewitched."

Mr. Jenner: "Bewitched"?

Mr. Goldenson: "Betwitched," with Elizabeth Montgomery, and the second is "The FBI."

Dr. Menninger: Have you watched your Saturday morning cartoons?

Mr. Goldenson: I have in the past, yes. [Laughter.]

Congressman Boggs: How long ago?

Mr. Goldenson: I said at the beginning of the season.

Congressman Boggs: How long would that be?

Mr. Goldenson: That is usually when a week opens the season, I usually watch all shows.

Congressman Boggs: When would that be, how long ago?

Mr. Goldenson: That would be toward the end of September.

Dr. Menninger: Also I would like to compliment you on Joey Bishop. I think that is a good addition to your lineup.

Mr. Goldenson: Thank you.

Judge Higginbotham: Ambassador Harris?

Ambassador Harris: Thank you, Mr. Chairman.

Mr. Goldenson, because I and my fellow commissioners are going to be saying all kinds of things with implications and negative criticism, I want to begin by agreeing with your statement on page 4, about the critical role of the television industry and its news reporting in increasing understanding, public understanding, in areas of great concern to this country.

And to make it clear that certainly as for me—and I suspect for all my fellow commissioners—highlighting the problems is not a denial of the very substantial virtues that we see.

Now, having said that, I want to return to the question of the proportion of violence in the entertainment side of television so that I can be absolutely clear.

Is it your judgment that there is too high a proportion of the violent resolution of problems in television drama today? Or are you satisfied with the proportion of violence?

Mr. Goldenson: I would say that we are attempting at all times to have balanced programming, to have a certain portion of adventure, a certain portion of comedy, a certain portion of variety, a certain portion of drama.

In our adventure programs, some of them have overtones of what we consider a

certain amount of public service. We carry "The FBI" on Sunday night.

Now, some people may interpret that as violence. But it is not violence for violence's sake. It is a way of life that, in the capturing of criminals, certain moves have to be made which bring violence into play, which is in furtherance of the plot. This is true of "The New York Police Department," which also has an overtone of public service. And, therefore, I feel that we have attempted to obtain balance in our programming.

This is subject to two interpretations, perhaps. Some people may regard the fact that in capturing a criminal it is violence, but that is a way of life. And that is why I feel that our programming is balanced, and we attempt to keep it balanced.

Ambassador Harris: I understand your response in essence to be that it is your judgment that there is not a disproportionate amount of violence in television drama and, as you call it, adventure today.

Is that your response?

Mr. Goldenson: My response is that it may get out of balance from time to time if it is not watched carefully.

Ambassador Harris: But I am asking you about today.

Mr. Goldenson: I think we are attempting, and are accomplishing, a balance of our programming, yes.

Ambassador Harris: All right. I think it is very important that that be clear. Because this Commission has to make a judgment about the responsibility of the media in making judgments internally about the proportion of violence that exists. And the statement—at today's level, a violent resolution of problems is not too high—is one that I think is of great significance.

In response to a question from counsel, you denied that there was any cost element in the use of violence in the resolution of problems in dramatic presentation.

Mr. Goldenson: I was asked the question as to whether it is more costly to produce programs with violence as against non-violence.

Ambassador Harris: Well, let me turn the question around and ask you if it is more costly to provide programs in which problems are resolved by nonviolence.

Mr. Goldenson: As I said, I don't think there is a variance in cost.

Ambassador Harris: Well, let me examine that. In order to have a non-violent resolution of problems with something other than fists, guns, or knives readily available, the chances are that you must write conversation or devise creative situations.

Is that not the case, that the alternative to the use of these guns, fists and knives is to make conversation, in the writing of conversation, in adventure situations? Is that not true?

Mr. Goldenson: Yes.

Ambassador Harris: Does it not cost more to get writers who can do that creatively?

Mr. Goldenson: I hope that we have the best writers on adventure series as on all series, so I don't hink that makes a difference, really.

Ambassador Harris: Well, then, what is the reason for the failure to use other means of resolving conflict in television drama? We have some figures that show a high resolution, a number of conflict situations resolved by throwing the heroine back on the sofa and hitting her over the head or knocking someone down.

Now, why, if it does not cost you any more, do you not resolve these by conversations, by creative alternatives?

Mr. Goldenson: I think the answer to that is that if, in a given plot, anything that is done that is in furtherance of that plot, and the violence isn't for violence's sake or unmotivated, this is done by the writer because he feels that it is in furtherance of the plot.

Ambassador Harris: So that it is more creative to have someone hit in the jaw than it is to have a conversation with them.

Mr. Goldenson: Well, that may or may not be in a given case. I can't answer the question specifically. But I think in both cases I would assume that we have the best writers possible on all shows.

Ambassador Harris: You make life a little difficult for some of us who would like to preserve the wit of a show like "The Avengers," wit being infinitely in shorter supply than violence. But you would make it necessary for us to address ourselves to the violence of the event just because there is no alternative to violence, either there or elsewhere.

And I would submit that the use of violence as a means of resolving a problem is the

only means on television, very frankly, other than Samantha's twitched nose—which also is dangerous in conjunction with violence—as the only other way to resolve a problem, if we had no realistic models for conflict resolution.

I want to turn to the question of news coverage, if I may.

Did I understand you to say that you no longer have simultaneous electronic transmission of group violence?

Mr. Lower: I think, Mrs. Harris, the question was: Do we send mobile electronic units into civil rights areas for instantaneous broadcasts? And the answer was no. As a matter of fact, at ABC I can't remember that we ever did. The last time I can remember anything of this happening was perhaps in Watts several years ago.

Ambassador Harris: Do you have any kind of pictorial coverage at all—that is motion picture coverage?

Mr. Lower: Yes. Film coverage, like we are doing here today.

Ambassador Harris: I mean in the area during the time, quiet.

Mr. Lower: Not simultaneous, no.

Ambassador Harris: No, not simultaneously, but that is recorded for delay transmission?

Mr. Lower: Yes.

Ambassador Harris: I just wanted to clarify that. You say in your statement—well, I don't have the exact place—that you do not go into an area to be disruptive.

Mr. Lower: Yes.

Ambassador Harris: I have been very concerned about the decorum of the reporting fraternity in the situations in which I have seen it.

Do you believe that you could improve the behavior of cameramen and others who are associated with reportage so that there is not the pushing and shoving within and of itself that creates an element of hysteria? Do you believe that you might make a contribution in decorum?

Mr. Lower: Mrs. Harris, I have been in the news business 36 years before television ever existed, and the same conditions existed.

Ambassador Harris: Well, I agree with you. I am not asking——

Mr. Lower: If you ask if I can improve it, I hope I can encourage the ABC news people—and I have done it—to behave with decorum, as you say. It is a competitive business.

Ambassador Harris: But this is a question, it seems to me, we need address ourselves to: Whether the presence of the media changes not only the difficult situations but also those which do not at the beginning have an element of crisis? I agree, I have almost been knocked down by a still camera—not interested in me but I think interested in somebody else. I believe this happens to everybody.

The query I have is whether the news reporting media ought themselves to so change the situation, whether it be a riot or a Presidential speech, that it is no longer the same as it was, and sent there pushing and shoving in order to get their story.

Do you think this is relevant, the question of decorum?

Mr. Lower: Is it relevant to the creation—

Ambassador Harris: To the issue we are considering here, the role of the news media in changing objective situations, creating situations of stress and strain?

Mr. Lower: Well, I am not sure that the fact that reporters and cameramen push each other around to obtain a better position has a relation to violence. I don't know—if that is the point you are making.

Ambassador Harris: I don't think I understand your response.

Mr. Lower: I thought your point was that the news media, including reporters, still cameramen and film cameramen, create undecorous situations by pushing and shoving each other when a great group of them appear at the scene. And I thought you were asking me: Does this contribute to, or affect in any way, a situation which is either violent or potentially violent? And my answer was I do not know that it has an effect on it.

Ambassador Harris: All right. It is not that they just push each other around. I might say they push any stranger who gets in the way. I just had raised this question because I feel it must be relevant.

Thank you very much, Mr. Goldenson and Mr. Lower.

Judge Higginbotham: Thank you my distinguished and able friend.

Ambassador Harris was making reference to the newsmen other than those in the hearing. I should say that.

[Laughter.]

The reporters or the TV people have been very cooperative here, and I would recommend they all get a 20 percent raise. [Laughter.]

Judge McFarland?

Judge McFarland: Mr. Chairman, you talked about working under a gun, even though it isn't loaded. I am kind of working under a gun here, so I better make mine short. I am trying to get away on a plane this evening, and if I don't make my questions short I won't make it. So I am going to confine my questions to one, because the others are covering the field very thoroughly.

I want to, first, thank Mr. Goldenson and Mr. Lower for appearing here and for giving us this information and the benefit of their views on these various subjects.

The question that I wanted to ask is in regard to the inference that was made of the influence of the advertiser on the news. Probably this would be better in your field, Mr. Lower.

Have you any instance or has there been any instance in which an advertiser has refused to advertise on the news or quit advertising on the news because of the content of the news as you gave it?

Mr. Lower: Judge McFarland, if there are, I wouldn't know of any, because it wouldn't come to my attention. I never know what the schedule of advertising is in the ABC evening news.

Judge McFarland: Well, I meant, of course, because solely of the content, not individual. I can understand where some advertisers would choose one individual if they liked his style or something, but probably he might just cancel out without saying anything to anyone.

Mr. Lower: I personally do not know of an instance where an advertiser has withdrawn his commercials from the ABC evening news because of something in the news that he did not like.

Judge McFarland: Well, has it been your policy, then, just to put the news on and hope that it would be bought by the public, is that fair?

Mr. Lower: Our policy is to put the news on without regard to the commercials in it.

Judge McFarland: Well, thank you kindly.

I will pass.

Judge Higginbotham: Congressman Boggs?

Congressman Boggs: Thank you, Mr. Chairman.

Mr. Chairman, we have had some very distinguished witnesses who have preceded these witnesses, and I would like to refer just briefly to some of the things they have said and see whether or not these gentlemen have any comments to make with respect thereto.

One of our first witnesses was Mr. MacNeil, who was associated with the National Broadcasting Company and is now with the British Broadcasting Company—British BBC, British Broadcasting Corporation.

In his very opening statement, the second paragraph, he said this, and I quote: "My chief concern is that television spends most of its energies and talents depicting a mythological America"—I guess those are those adventure series you are talking about—"(in which, incidentally, violence is sanctified) and relatively little energy and talent informing its captive mass audience about the real America."

What is your comment on that statement?

Mr. Goldenson: I think this, that as to the mythical characters in entertainment, I think that a distinction must be drawn between adventure and drama.

Congressman Boggs: Between adventure and drama?

Mr. Goldenson: Yes. Adventure type of programming and drama.

Congressman Boggs: Tell me the difference. You mean there is a difference between *Hamlet* and something else?

Mr. Goldenson: Well, no. I am talking about plays, as such, that may be portrayed on television, as contrasted with a series that is of continuing character each week, an adventurous type of series.

In connection with this, my opinion is that whether you go in for dramatic types of things, violence may be involved just as much as in the adventure series, but because they

may be classical things, violence is not considered violence perhaps in the same category as the adventure series.

Congressman Boggs: I don't quite understand you. You mean murder is different?

Mr. Goldenson: No. I mean that, because the play or the book that has become a classic in literature and has been well known to the teachers and the school children of this country, it is treated somewhat differently, even though violence may be involved in these particular classical, dramatic presentations. So I just merely want to say I draw a distinction there.

My own feeling is that, basically, in your series there are some that do have the overtones of public service, as I indicated before.

Congressman Boggs: You mentioned one having to do with "FBI." Would you mention another one?

Mr. Goldenson: And "The New York Police Department." "The New York Police Department" is taken out of the files of the New York Police Department.

Congressman Boggs: What other items?

Mr. Goldenson: "Mod Squad," which is taken out of the files of the Los Angeles Police.

Congressman Boggs: How much time does this take on your network?

Mr. Goldenson: In connection with "FBI," it is an hour each week. "Mod Squad" is an hour each week. "New York Police" is a half hour each week.

Congressman Boggs: This is what you describe as public service ones?

Mr. Goldenson: No. Not at all. I say that this is an adventure series that does have some overtones.

Congressman Boggs: I understand. I am reading you very well. Go ahead. [Laughter.]

Mr. Goldenson: I think a distinction also has to be drawn in connection with your so-called public service types of presentation, where you deal realistically with your problems of today, which may involve narcotics, and which may involve many civil rights problems; they are presented in a very stark, realistic manner. And the public, I believe, has, must have those presented in a very stark manner in order to bring them to their attention. But they are objective because there are attempts to present them on both sides.

Congressman Boggs: Let me go ahead here.

One of the FCC commissioners yesterday, before this Commission, said this—and I must say it is a rather serious indictment of your industry—and I quote, he said: "In spite of the industry's protestations that they do not use violence for its own sake"—for its own sake—"the Dodd investigation turned up some rather revealing memoranda to the contrary. An independent producer was asked"—it is on page 31 of Commissioner Johnson's statement yesterday—'to inject an adequate diet of violence into scripts' [overriding sponsor's objections to excessive violence]. Another network official wrote, 'I like the idea of sadism.' Still another was advised by memorandum: 'In accordance with your request, spectacular accidents and violence scenes of the 1930-36 years have been requested from all known sources of stock footages. You will be advised as material arrives.' 'Give me sex and action,' demanded one executive. Several shows were criticized as being 'a far cry' from the top management's order to deliver 'broads, bosoms, and fun.' A producer testified, 'I was told to put sex and violence in my show.' "

You never have written any such things, have you?

Mr. Goldenson: No.

Congressman Boggs: What do you think about those examples?

Mr. Goldenson: Well, I believe if it is done just for that particular reason and is not in furtherance of a plot, I would think—

Congressman Boggs: Not in furtherance of what?

Mr. Goldenson: Not in furtherance of a plot.

Congressman Boggs: A plot? What do you mean by plot?

Mr. Goldenson: I mean I would think that if there is something in the plot that would indicate that—

Congressman Boggs: You are talking about a political plot, or what?

Mr. Goldenson: No, a plot of a particular program. I would think it would be definitely wrong.

Congressman Boggs: You mean if this is done just because it had a plot or was an adventure series, it would be all right?

Mr. Goldenson: Not at all.

Congressman Boggs: That is what you said.

Mr. Goldenson: I said that I think if there is something in furtherance of a plot, it might be judged in that aroma. But I would think basically, it is wrong.

Congressman Boggs: Another witness before this Commission, Ben H. Bagdikian, a very distinguished man, an academician, a writer and journalist, said this–referring to children now–one of the distinguished members of our Commission, Dr. Menninger, I was pleased to learn, I think yesterday, that he has six children and I am sure he knows some things I am talking about. I have grandchildren, and I watch them.

I'm quoting: "It takes about 10 years for a child to learn to read well"–I am quoting directly from his statement, page 13–"during which time he is accumulating real-life experience against which to measure the validity of what he reads. But he begins to absorb the lessons of television before he can read, write or walk. Most of what he sees, and most of what adults see, is not the news, but fiction,"–maybe, as you say, adventure–"entertainment and advertisements. To a profound degree, television lays down the foundation of what that child will expect of himself and of others, and what constitutes the standards of society. And the most obvious impact of his television viewing is violence, aggression and sadism, from the standard diet of westerns, mysteries, and cops-and-robbers. This becomes his most pervasive view of life from the time he learns how to focus his eyes.

"I don't see how we can think intelligently about violence in the news without considering at the same time the fantasy violence in non-news that comes out of the same outlet."

Would you like to make any comment on that?

Mr. Goldenson: I think, without any question, that television does have a tremendous impact, in the sense of time consumed by young people. I feel that lots of times in the case of children–I know in the case of my own children, where it came to school work and things like that, they couldn't watch television because they had to do their school work. Well, sometimes these things are regulated by parents–and should be regulated by parents.

Congressman Boggs: Is that why you scheduled these violent cartoons on Saturday morning?

Mr. Goldenson: Well, I hope that there is no violence in our cartoons, at least I hope there is not.

Congressman Boggs: Well, I again refer to–

Dr. Menninger: Any what? Did you say you had watched–

Mr. Goldenson: What is that?

Dr. Menninger: You said you hoped there is no violence in your cartoons, but I thought you told me–

Mr. Goldenson: I said I hoped there would not be any violence in our cartoons.

Congressman Boggs: You told me you just watched one a year.

Dr. Menninger: Because there is violence.

Congressman Boggs: You said you watched one a year.

Mr. Goldenson: I do. I watched the beginning of the season.

Congressman Boggs: I understand, but you have a different one each Saturday you understand.

Mr. Goldenson: Yes.

Congressman Boggs: You don't have the same one each Saturday?

Mr. Goldenson: No, absolutely.

Congressman Boggs: But you don't watch it.

Mr. Goldenson: No. But our people do.

Congressman Boggs: Well, you are pretty wise.

The *Better Radio and Television* publication lists the following programs on your channels on Saturday morning: They are "Fantastic Hour."

Are you acquainted with that?

Mr. Goldenson: Yes.

Congressman Boggs: *Better Radio and Television* gives this analysis of it: "Heavy combat between large forces, bombs, fire and guns, from the Santa Barbara factory. 'Fantastic Hour' has super power, a man can change his shape. A girl can become invisible. A young man turns into flame. A scaly monster has fantastic strength.

"Spiderman–sadism."

Now, that fits into that directive there, about what a fellow said, "I want some sadism"–sadism. Sadism is a strange type of adventure, you know.

What is sadism? Can you explain that to me?

Mr. Goldenson: Well, I would think that sadism would be interpreted as–

Congressman Boggs: It is bleeding for pleasure.

Mr. Goldenson: Yes, I would think so.

Congressman Boggs: "Sadism. Grotesque heroes and villians, female criminals. Backgrounds and characters designed to frighten small-fry viewers. Action always revolves around violent crime. In the survey-week episode there were about a dozen violent attempts to murder Spiderman, pure evil and ugly animation.

'Journey to the Center of the Earth,' 'King Kong.' "

I won't read all of this.

You don't watch any of these?

Mr. Goldenson: I said at the beginning of the season I see every one of them.

Congressman Boggs: You watch one.

Mr. Goldenson: Yes.

Congressman Boggs: I watch a lot of them. It's the only way I can see my grandchildren. [Laughter.]

Now, I want to get back to the document I quoted from a minute ago, on page 14.

"It is as though we delivered our children to someone who took them away for four or five hours of every day in their formative years to watch police interrogations, gangsters beating enemies, spies performing fatal brain surgery, and assorted daily demonstrations in how to kill and maim, interrupted from time to time by a group of actors doing caricatures of the silliest kind of adult behavior. Does anyone seriously contend," asks the author, "that after five or ten years of this that the child's view of life is not influenced? Or that, whatever the news, violence or a daily recital of the Twenty-Third Psalm, that the news can alter or overcome the hours of daily indoctrination by non-news?"

What is your comment on that?

Mr. Goldenson: Well, I think that, as many research people have indicated in reports that have been presented, that the normal child has not been affected because of the teachings of the home, and also right from wrong, as is demonstrated in these things that I think it has been indicated that a subnormal child may be affected.

Congressman Boggs: Teaching of the home? How much time do you think a busy parent can give a child? What was the number of hours that we had here?

Judge Higginbotham: I think the data we received was between 4-½ to 5 hours in the lower income groups, and I think it was 18,000 to 22,000 hours before the child was 18 years old.

Congressman Boggs: As a matter of fact, here in Washington, both of them, an average couple, have to work in order to make a living and television becomes a built-in babysitter. And what do you mean overcome it? You mean it is so bad that somebody has got to overcome it?

Mr. Goldenson: No, I said the research that had been presented in some instances indicates that the normal child is not affected, but in the cases of subnormal children that they very well may be, I think, as some of the research that has been presented here.

Congressman Boggs: Well, now, I got some research conducted for this Commission by a mass media survey–a very responsible organization–and I will just read you some of the questions. It was a very thorough survey, made all over this country, and that is why this hearing was delayed.

"How do you feel about the amount of violence portrayed in television programs today?"–not including news programs, I am not mentioning news programs–"Do you think that there is too much, a reasonable amount or very little violence? Adults: Males, 59 percent, too much; Females, 63 percent, too much. Apart from the amount of violence, do you generally approve or disapprove of the kind of violence that is portrayed on TV? Disapproved: Males, 63 percent; Females, 70 percent.

"Now I would like to get your judgment on some questions concerning the possible effects of television violence. How likely is it that TV violence plays a part in making America a violent society? Likely: 37 percent; possible: 38 percent; unlikely: only 20 percent; likely plus possible: 75 percent. And that is what the American people think about your programs.

"Next question. Makes people insensitive to real acts of violence that they hear about or see? Likely: 32 percent,"–I remember the case of the girl who died on the streets in New York and yelled for help and nobody came–"possible: 28 percent; likely and possible: 60 percent."

Incidentally, this poll was conducted among adults.

"Triggers violent acts from people who are maladjusted or mentally unstable? Likely: 52 percent; possible: 34 percent; likely plus possible: 86 percent."

Now, Dr. Menninger can tell you the number of people who are maladjusted and mentally unstable.

What would that percentage be, Doctor, in the population;

Dr. Menninger: You are getting into an area of much controversy, whether you take it–

Congressman Boggs: Well, just a guess.

Dr. Menninger: I would say the potential is, if you take people who need to go into a hospital, is 10 percent.

Congressman Boggs: So this could have that effect of 86 percent, according to this survey, upon 10 percent of the population and 10 percent of 200 million is 20 million people.

Mr. Goldenson: May I ask. These questions were asked at random of people, is that it? I am not quite sure I understand you.

Congressman Boggs: This survey was made like all surveys were made.

Will you explain the technique, please, Mr. Tone?

Mr. Tone: Yes, Congressman. It was made by professional survey makers, based upon what we understand to be scientific principles of poll-taking with due account given to geographic areas and income groups and other relevant factors. So it was not a random survey.

Congressman Boggs: Thank you very much. I don't want to go on with all the rest of it. It may be made a part of the record. I will just go to summary and interpretation:

"Most American adults think that TV portrays a violence that has some effect. Most think it's likely or possible, that TV portrayals of violence have a negative effect upon other persons by making them insensitive to real acts of violence, triggering acts of violence from the maladjusters, contributing to make America a violent society."

Now, I would be the last person on earth to advocate any kind of censorship. I notice in all of these statements there is something about censorship. I happen to be a member of Congress, and have been for a long time, and I can assure you that I have as much respect of the First Amendment as any human being. And I would certainly not vote for censorship in any form or type. But I would suggest to you, sir, that your description of adventure might very well be causing serious problems to your industry.

I have no further line of examination.

Mr. Goldenson: Mr. Congressman Boggs, I would merely like to repeat what I said–

Judge Higginbotham: Mr. Goldenson, even when my distinguished colleagues end up with a conclusion–which obviously they have given thought to–I want you to feel that you have the option to reply, if you desire.

Mr. Goldenson: I merely wanted to reply that for the reasons that you have stated and for the reasons that members of the Commission have stated, and because I don't think there has been any conclusive evidence adduced from all of the research that has been available so far, that we as a company are prepared, as I stated at the beginning, to support any research objectively that can be done scientifically, so that this Commission might come to a conclusion. This is a sound form of research.

Congressman Boggs: May I ask you a question?

What research are you doing? Have you hired an independent, non-biased, objective organization like the Gallop organization or the one that we hired to make research for the American Broadcasting Company? I am not talking about sales.

Mr. Goldenson: You are talking about a poll of people. I am talking about research on audience reactions and impact of our programs on people.

Congressman Boggs: What do you think I gave you a minute ago?

Mr. Goldenson: Yes. I am simply saying we are prepared––

Congressman Boggs: To do what?

Mr. Goldenson: We are prepared to support, and will support–if this Commission can objectively set forth standards under which research could be done–we are prepared to

join and contribute whatever is necessary to be done in research that takes place as to the impact of any programs of any nature that appear on television to the public.

Congressman Boggs: May I interpret that remark by meaning that you feel that you, as one of the great networks, have no responsibility yourself?

Mr. Goldenson: Oh, yes, we definitely do.

Congressman Boggs: Well, what is it?

Mr. Goldenson: But I feel research should be done from an objective standpoint and one that the public would be satisfied is being done objectively, rather than that which is directly financed by our particular company.

Congressman Boggs: Well, my dear friend, what do you think I just gave you? Do you think that was unobjective? It was made by this Commission.

Will you please describe the organization that made it, Mr. Counsel, and what its reputation is?

Mr. Tone: The Lewis Harris organization, Congressman.

Congressman Boggs: Well, is that considered objective?

Mr. Goldenson: That is purely a poll of individuals. But it does not get to the basic research that I am suggesting. That is merely a poll.

Congressman Boggs: We have had before this Commission psychiatrists, journalists, and a host of others in the last several days, many of whom have spent many years doing research on this subject, as well as a representative of the government agency directly responsible, none of whom have anything good to say for you.

Mr. Goldenson: Well, I merely repeat what I said.

Congressman Boggs: Well, thank you very much.

Judge Higginbotham: Is there anything else you would like to say, sir?

Mr. Goldenson: No.

Judge Higginbotham: Senator Hart, Commissioners Jenner and Jaworski?

Senator Hart: I think the program here could allocate some time for the next two networks and not just ABC. I just want to say that, not to be overlooked in the excitement of the crisis and conflict that we produce, is the aspect in your statement–or the comment in your statement–to which I subscribe to–well, it is some place here. You make the point that included in the First Amendment right is the right to make mistakes. And as sensitive as your industry is, particularly in view of the licensing, you nonetheless asserted the right to stand up and to say, "We have a right to make mistakes." That is the real essence of the First Amendment. Not just the right to tell each other what to do, but to agree on what we disagree on, on occasions. This is not to indicate that I am satisfied with television either.

I fail to understand your influence in television on family life and the development of the young people. I fail to understand. If you have any comment, I would welcome it. This Commission has been counseled that it would be desirable to establish a citizens commission or institute that would, among other things–forgetting the details of financing, and so on–conduct a continuing, systematic, objective, comparative survey of the mass media content, reviewing the process and substance of voluntary standards, giving priority to the evaluation of such standards as those providing for a limitation on violence in entertainment programming, standards for avoiding minority stereotype entertainment programming, those of conduct and treatment during and treatment of social disorders and standards for the classification programming of material designed to afford parents the opportunity to select appropriate viewing material for their children; the creation and evaluation of programming standards; the monitoring and evaluation of broadcasting; the evaluation of media grievance machinery; analysis of the economic structure of the media; analysis of the media employment practices; evaluation of the effectiveness of government agencies charged with media related responsibilities; development of standards and programs for improving community broadcaster relationships; provision of training and early critical social significance.

I indicate in my question I would like the reaction of the NBC and CBS also to this concept.

First, are you familiar with the proposal and, second, do you have a position on it?

Mr. Goldenson: I am familiar with it. Insofar as we are concerned, we feel that we have the obligation as broadcasters to make a determination as to what is shown on the air. And this is a commitment we get and must get as a licensee. We are prepared at all times to listen and take seriously the criticisms that may be made, constructive or

otherwise, or that may be outlined by any commission and certainly to consider very seriously.

Senator Hart: May I suggest, Mr. Chairman, that Mr. Goldenson have an opportunity to read the proposal that was presented first by Dr. Otto Larson, and yesterday by Commissioner Johnson? And file for this record the specific, explicit response to those specific proposals? In my book it has much promise to it, and I think it would not be fair to hold you to the answer that you were required to make off the cuff, so to speak.

One last comment, and it is addressed to you but also to those who follow you.

Why in heaven's name does television dance around and suggest that there is some uncertainty as to whether the presence of a television camera has any effect on the scene and the story and the action?

To me, my own experience leads me inescapably to the conclusion that when those things move in, everybody acts differently–beginning with me, not just because I am a politician and want to look as good as I can, but because I am a human being, and it is to me ridiculous to hem and haw about this. I sit up and try and sound my G's and I hope I resist the temptation to ask curved ball questions when the cameras are here but ignore them when they are not. I am not sure I always resist that temptation, but I know–and I think I am normal–that that camera influences me enormously. Why don't you admit it? It doesn't follow that you shouldn't take the camera to a riot in order to enable you more effectively and wisely to plan what you are doing.

Mr. Lower: Senator, if I may reply to that.

Often the people who ask the question single out television. I would tend to agree if you would enlarge–or those who speak to this would say the presence of all the mass media have effect on people who are doing something.

Senator Hart: That doesn't support television's reluctance to acknowledge the influence that the camera has. I accept the proposition that the print media influence is enormous–the still camera also. If we lived without any neighbors, our conduct probably would be different if there wasn't a neighbor. I mean just to me, I would be more comfortable if I heard the television people say, "Sure, we know that this thing is dynamite"–because it is–instead of saying, "Well, we are not sure whether it affects this thing, but in case it does we now move in unmarked cars."

Thank you, Mr. Chairman.

Judge Higginbotham: Thank you, Senator.

Commissioner Jenner?

Mr. Jenner: Thank you, Mr. Chairman.

Judge Higginbotham: Commissioner Jenner?

Mr. Jenner: Thank you, Mr. Chairman.

Mr. Goldenson and Mr. Lower, we commenced in a seeking light. I think I speak for my colleagues–and I know for myself–that we appreciate your being here and giving us your views directly, and particularly am I impressed that you have responded to the questions.

I am troubled by one or two things. The expression was used, "captive audience." I assume that meant–or at least it means to me–that television outlets are limited. The airwaves–what do you call them?

Mr. Goldenson: Channels.

Mr. Jenner: Channels. Thank you. They are limited. One witness yesterday described the channels as public property, with which I would personally agree.

Now, in order for your office–may I inquire if ABC owns some outlets itself? It does, does it not?

Mr. Goldenson: You mean television stations?

Mr. Jenner: Yes.

Mr. Goldenson: Five.

Mr. Jenner: Now, when you applied for and obtained licenses to operate your five outlets, you made some representations to the Federal Communications Commission, did you not?

Mr. Goldenson: That is true.

Mr. Jenner: In order to obtain the privilege accorded by the public of affording you the opportunity to use this property consisting of a channel?

Mr. Goldenson: Yes.

Mr. Jenner: Among the considerations was fairness of presentation, equal

opportunity, and disclosure of sponsorship; in the case of advertising, I believe, that you would avoid false and misleading advertising on our outlets, and that there would be no lotteries and fraud in the way of advertising or in your programs, as such, and that you would operate your outlets in the public interest.

Now, you have used this expression; you have said: "There is no conclusive evidence." That is the expression you used, "No conclusive evidence of the effect of the television programming."

I will limit myself to the entertainment field, or to the field other than news broadcasting, that has adverse effect, a greater or lesser degree, from the use of violence upon individuals who watch in the various age groups–children, young adults, and the older people. Are you suggesting, Mr. Goldenson, that you, of the broadcasting industry will await the occasion when it is positively demonstrated that lives have been warped and destroyed and adversely affected, that it can be book and page before you will undertake to change your programs?

Mr. Goldenson: I think I have stated that our people have definitely taken steps to correct any programs that have an overexaggerated amount of violence that wasn't in furtherance of a plot and was violence for violence' sake.

And they have taken great caution to correct that which involves adventure.

Secondly, I have stated that in our program development–and there is a 10-month lag, as was indicated by the Assistant Chairman- in the program development, of the 30 programs that are being developed for the fall of 1969, 29 of them are in areas other than adventure, which would not involve anything–only one was an adventure series.

So that I would like to make the statement once again that steps are being taken, have been taken, and will be taken by our network to correct anything that might exist at the present time.

Mr. Jenner: Well, if you will pardon me, Mr. Goldenson, I don't think you have answered my question. You said, "We do not have any conclusive evidence . . ."–*conclusive* is the word--–

Mr. Goldenson: That's right.

Mr. Jenner: "That the television broadcasting programming end of it has any effect adversely on the viewers."

Now, I want to know what do you mean? When will you reach the point that you regard as conclusive evidence of an adverse effect that will induce you to modify your programming?

Mr. Goldenson: Well, insofar as we can see, and have been able to determine at the present time, there is no conflict between experts that have made studies in this field without any conclusive evidence to this point–as to the impact, pro or con, with respect to various types of programming. Therefore, I would say that as soon as we feel that there is definite conclusive evidence, naturally, we will make such changes as are necessary.

Mr. Jenner: In the use of the words, "conclusive evidence," are you excluding the opinion of eminent sociologists?

Mr. Goldenson: Not a bit. We are including all of it.

Mr. Jenner: Or psychiatrists?

Mr. Goldenson: Not a bit. We are including them. But for every one or two psychiatrists that may have presented themselves here, there are others who have a conflicting point of view. That is all I'm saying; that it's not conclusive.

Mr. Jenner: And, therefore, since it's not conclusive, you are not going to do anything about it?

Mr. Goldenson: I didn't say that. I said we have taken steps, as I indicated before, to correct–awaiting such conclusions–the nature of the programs we have in development.

Congressman Boggs: I don't want to interrupt my distinguished colleague, but my recollection of your answer was that you weren't going to do anything. You were going to wait for some third party to do it.

Mr. Goldenson: No, Congressman Boggs.

Congressman Boggs: That was in response to his question.

Mr. Goldenson: Congressman Boggs, I think I said, in response to your question and also--–

Congressman Boggs: He asked the exact question.

Mr. Goldenson: Exactly. And I said we are taking steps in all of our program development. Of the 30 new programs that are in the process of development, most of

which will be ready for the fall of '69, of those programs, 29 are in the non-adventure field, and concern themselves in an area where no violence under any circumstances would be involved.

And so we are taking and have taken steps immediately to correct it. But there is a 10-month lag in the development of programming. I think I responded to you.

Congressman Boggs: Wait just a minute. I don't want to take Mr. Jenner's time, but I want to understand your answer again.

Now, you said you were taking steps to correct, or to look at, 30 programs. And then you said that of the 30, 29 of them had nothing to do with violence?

Mr. Goldenson: Nothing to do with adventure or violence.

Congressman Boggs: That means only one of your violence operations is being looked at?

Mr. Goldenson: No, I said one of them is in the adventure field.

Congressman Boggs: So only one, is that right?

Mr. Goldenson: That doesn't say that there is violence in that. I don't indicate that by my answer.

Congressman Boggs: Well, no. Your answer leaves me puzzled. Are you saying that out of the 30 that you are examining, none of them have anything to do with violence?

Mr. Goldenson: In the development, exactly, in the development. Programs that will be forthcoming and available to go on the air by the fall of 1969.

Congressman Boggs: Does that mean that the ones that do have to do with violence or, as you call them, adventure, are not being looked at at all?

Mr. Goldenson: Of course, I think I made that statement, Congressman Boggs, that from the moment of the assassination of Martin Luther King and Senator Kennedy, that the head of our network and the head of our program people sat down with all of the program suppliers of the programs that are now on the air and went over program by program, to correct any possibility of violence that would be of a nature that would be out of the ordinary, and could be avoided.

Congressman Boggs: I made the point also that an independent survey showed that nothing has happened so far.

Mr. Goldenson: Well, and I said we will furnish you the information as you requested it.

Congressman Boggs: Right. Excuse me.

Mr. Jenner: It is difficult, of course, to answer completely and fully questions which raise matters for the first time, and I very much appreciate that you are going to give consideration to the request of Senator Hart and Congressman Boggs, and you will furnish the Commission with material.

In looking to other sources, as you have related to us, have you looked at the second survey report of *The Christian Science Monitor* which says of you: "A six-weeks tabulation by this newspaper of prime-time TV entertainment shows has found that 'The Avengers'"–that's your program, is it not?

Mr. Goldenson: It is.

Mr. Jenner: That originates in Britain?

Mr. Goldenson: That is made in Britain.

Mr. Jenner: This survey shows "The Avengers" contains more incidents or threats of violence than any other network program aired during the period.

"'The Avengers,' an ABC crime-spy series, narrowly edged out a CBS western, 'Wild, Wild, West,' on the basis of comparative figures. A tabulation was made by staff members of this newspaper, who carefully recorded each violent incident and threat of violence as it was shown. Every evening network show which accentuates violence was logged at least four times during the period September 23 through November 3, 1968."

Among the survey's major findings of the 20 shows of the highest violence count, eight were on ABC, six were on NBC, and six on CBS. I'm assuming, sir, from your testimony and your response to Congressman Boggs's questions, that among the reassessment that you are taking for your future programming that you have these statistics in mind?

Mr. Goldenson: Absolutely.

Mr. Jenner: Now, I was a little bit troubled by another word that you used. You said, if I recall you correctly, that with the advent of the tragedy of the assassination of Martin Luther King and, equally, Senator Robert F. Kennedy, the public became–and I use your words–"oversensitive to violence."

Mr. Goldenson: That is correct.

Mr. Jenner: Now, I'm disturbed by what you mean by "oversensitive to violence." Did those two events bring home to the public the fact, as an alternative to your word of "oversensitive," brought home to them that there was too much violence, awaken them to view television, newspapers and everything else of an accommodation of society's permissiveness to violence?

Mr. Goldenson: I think, that without any question, that it crystallized that state of events that existed, not only this assassination but a war that existed, an unpopular war, and having riots in the streets. I think there was backlash as far as riots are concerned. I think there were many things that occurred as a result of that in the public's mind.

And it did create a change of thinking on the part of the public.

Mr. Jenner: Well, then, you did not mean to imply, or to have us infer, from your use of the word "oversensitive" that there was not some merit to the public's concern about violence?

Mr. Goldenson: Oh, not at all.

Mr. Jenner: Thank you, Mr. Chairman.

Ambassador Harris: Senator Hruska?

Senator Hruska: I have no questions.

Mr. Jenner: "Madame" Chairman.

Ambassador Harris: Does anyone else have additional questions? Do you have any more questions, Mr. Tone?

Mr. Tone: No more questions, Madame Chairman.

Ambassador Harris: Thank you very much, Mr. Goldenson and Mr. Lower.

Mr. Goldenson: Thank you very much.

Ambassador Harris: We will now take a 5-minute recess and then return.

(Recess.)

Judge Higginbotham: Mr. Baker, you can introduce the distinguished witnesses and Mr. Tone will take up when he comes in. Could we have it a little quiet, please.

Mr. Baker: Our next witnesses are Dr. Frank Stanton and Mr. Richard Salant from CBS.

Judge Higginbotham: Delighted to have you, Dr. Stanton.

STATEMENT OF DR. FRANK STANTON, PRESIDENT, COLUMBIA BROADCASTING SYSTEM, INC.

Mr. Stanton: Thank you, Mr. Chairman.

Mr. Chairman, members of the Commission, on the day that President Johnson charged this body to begin its inquiry into the causes and prevention of domestic violence, I sent Dr. Eisenhower a telegram in which I stated: "C B S shares the President's concern as to the possible effect of the content of television entertainment programs upon the nature of our society," and pledged on behalf of CBS "to participate actively, fully and responsibly in whatever improvements can be brought about."

I believe we have demonstrated–to this Commission and to the nation at large–that CBS is deeply aware of its responsibilities in this regard. The president of the CBS Television Network Division, Thomas H. Dawson, and the senior vice president for programs, Michael Dann, began an immediate–and continuing–round of conferences with writers, producers and directors on both coasts to effect a de-emphasis of violence in programs then in production and planned for the future. William Tankersley, vice president in charge of Program Practices for the CBS Television Network, has submitted a written statement to the Commission, outlining the policies and practices employed to achieve a significant reduction in the amount of violence in the network's entertainment programming. Mr. Tankersley is here today and available to answer any questions you might have concerning that effort. You have heard direct testimony from Dr. Joseph Klapper, director of the Office of Social Research, CBS/Broadcast Group; Dr. Klapper discussed the available social research covering media depiction of violence.

What I would like to do here today–in response to your invitation–is to add some general observations on the depiction of violence in television programming, and then try to answer specific questions that you might have.

I would underscore at the outset that my telegram to Dr. Eisenhower referred specifically to entertainment. It did not refer to news. While we are open to questions concerning the techniques of news gathering, we believe it inappropriate for this

Commission or any other governmental body to raise questions involving news judgment. We consider, and we hope that you will agree, that the question of news judgment–the decisions concerning which stories to cover, what portions of an event to report, what to include and what to exclude in shaping the final broadcast–is constitutionally protected from government surveillance or regulation. The First Amendment is explicit. "Congress," it says, "shall make no law . . . abridging the freedom of speech, or of the press. . . ." This gives us not only the right to report the news as we see it, but also the even more profound constitutional right to be wrong. The press serves its paramount social end only when it is free from intimidation, and from any consideration of special interest, governmental or otherwise. And television, the major source of news for most of the people, must be considered part of that press which is protected under the First Amendment.

I do not suggest that the line between the forbidden and the permissible governmental inquiry is clear or easy to draw. I say only that it is imperative for both you and us to remain aware of, and sensitive to, the fundamental free press issues which present themselves here. As I stated on another occasion, every journalist is responsible to the public, for there is no role more vital in a free society than that of informing the people–fully, freely, and without accountability to anyone except the people. A nation uninformed is a nation in trouble. Our sense of uncompromisable urgency about this mission must never desert us. Thus, we must consider with great care the implications and dangers raised by any governmental inquiry into news judgment. With this in mind, I hope that this Commission will ponder with the utmost seriousness, raising any questions which infringe this most basic constitutional right of a free press, and which touch upon this vital area of news judgment.

We turn now to entertainment programming: The problem of the use of violence, as this Commission well knows, is very complex; no two people are likely to agree on the same solution to it. Some claim that there is too much violence on television; some say that there should be none at all. I cannot agree. Throughout history, violence has had a prominent place in art, drama and literature. Within the broad limits of good taste, we want to be realistic, dramatic and interesting–and we should not arbitrarily exclude any legitimate theatrical device. But we draw the line on scripts which use violence for its own sake, and not for reasons of dramatic unity or value.

It is our constant effort to find the right course between what is appropriate and what inappropriate for the air–in regard to violence as in regard to all the other matters of taste and judgment that come into play in determining our program structure. The process involves many people, many talents and many points of view. There is, of course, the basic creative effort, which our program executives follow from concept to outline to script to rough-cut film or tape. And there is the parallel review procedure, charged to the CBS Television Network Program Practices Department, which determines that all broadcast efforts come up to standard on programming policies, including those on violence. The process continues until the end. Before a program is finally cleared for air, both sides–the creative and the critical–stand back to judge the fitness of the final version, with special attention to its broader impact as to taste and the portrayal of violence.

Each program series develops its own unique nature and character. Thus, action-drama such as "Mission: Impossible" depends far more on characterization and the suspense of its exotic plots than on the depiction of violence. "Gunsmoke," which could well be described as a morality play set in the old West, glorifies the frontier virtues and presents a strong law-enforcement image. (Theatrical films present another set of considerations: The CBS Television Network has no hand in their production. We do not purchase rights to such films unless we are convinced that they are suitable–or can be made suitable through editing–for the television audience.)

With these considerations in mind, we at CBS do not believe that action-adventure plays a disproportionate role in the CBS Television Network schedule. I would hope that we could all agree, in fact, that arbitrarily to ban all action-adventure from the air would violate the basic imperatives of art and be inconsistent with the reality that such programs strive for.

Entirely different considerations are involved in the reporting of news. The function of news is to report what happens, honestly and faithfully. Unfortunately, some news is of a violent nature. When it is, we cannot sanitize the facts. Over the last few years, some critics have complained that television is bringing the horrors of Vietnam too vividly into the American home, and that we are reporting facts too painful for the public to know.

Much of this is understandable. The human face of war is never pleasant to look upon, and its stark reality is far more unsettling in the living room on Elm Street than it could ever be on the battlefield. But the fact is that the responsibility for the decisions made in Washington and culminating on a battlefield 10,000 miles away begin and end in that living room. Because that final responsibility rests with the people, they must have the facts–the bad news as well as the good, the unpleasant as well as the pleasant.

In covering violence–abroad or at home–CBS news personnel make every effort to avoid overplaying and sensationalizing the news. As an example of this, I would like to quote from a May 1967 directive from Richard S. Salant, president of CBS News, to all CBS News personnel, here and overseas, including correspondents, producers and camera crews. This directive was issued after much discussion within the CBS News Division and in anticipation of disorders in the summer of 1967:

> The important thing is to let all our people know that we are not pressing our field producers and our correspondents to overrun a story or to come up with the most vivid and dramatic pictures of violence. I don't want anybody to think that we are pressing them to do anything which their conscience on the spot tells them is wrong. We are not. We and our producers in New York must bear a heavy burden of making sure that our reporting is responsible, penetrating and not controlled by a desire for the most vivid pictures–when those pictures may not represent the true situation.

Mr. Salant is here today at your request, to try to answer questions concerning CBS News.

After the urban disorders that rocked the country last year, many critics accused television of inflaming and sometimes escalating the riots by the mere act of reporting them. This past spring, however, President Johnson's National Advisory Commission on Civil Disorders substantially vindicated the broadcasters' coverage of these events. Without considering the appropriateness of a governmental Commission's examination of the press, we note that the Commission, after comprehensive investigation, found that all of the media "made a real effort to give a balanced, factual account" of the disorders and were no more a cause of the riots than they are a cause of anything else they report.

It is clear that television must not pander to a taste for violence. It is equally true that television–if it is to serve as a medium of popular culture and of news and information–must reflect the often violent and disjointed character of the contemporary world. I pledge to you that we, as responsible broadcasters, will continue our efforts to keep the depiction of violence within the limits of prudence and reasonableness.

Judge Higginbotham: Thank you.

Mr. Tone?

Mr. Tone: Mr. Chairman, I don't know how to handle our limitation on microphones. Shall I try without one?

Judge Higginbotham: Your voice seems to carry. Suppose we try it that way.

Mr. Tone: Very well.

Dr. Stanton, you have made the point that the news judgment of television journalism, like that of newspaper journalism, is protected from surveillance or censorship by the First Amendment and that television journalism has the right to report the news as it sees it, including the right to be wrong.

Would you not also agree that this Commission has the right to inquire and the people have the right to know what you are doing in the process of gathering the news, what judgments you use, and the other questions that relate to how you get the news so that they can evaluate your reports of the news?

Mr. Stanton: It seems to me that the question is on both sides of the issue of the First Amendment. I am not here to pick a fight. I come in the spirit of cooperation, and I will be glad to answer, and I am sure my colleague, Mr. Salant, will be glad to answer, questions having to do with the news gathering process. But not in the area of judgments.

If I remember your question right I believe you said, have you not the right to inquire into the way we make our judgments? This is where I think we cross the line right off in the very first question on the First Amendment. We will set forth the things that we think are entirely proper and don't cross the line into news judgments, but I don't see how we can have our cake and eat it too.

It seems to me if you get into the field of how do we make our judgments that you have crossed that line.

Mr. Tone: Perhaps there is more theoretical than actual difference between us, Dr. Stanton. I have no intention of picking a fight either and I didn't mean to suggest that with my question.

Mr. Stanton: And I am not trying to give anybody a lecture, and I am not a constitutional lawyer. Perhaps the most practical thing is to go on with the questions and I will put up a finger if I think there is something that troubles me, or I will nudge you and you nudge me, and perhaps we can get on.

We want to help and answer as many questions as we can.

Mr. Tone: Let's try it on that basis.

May I ask you, and I would also like Mr. Salant to comment, if he has additional comments to make, your view of whether the extent to which conflict and violence are criteria of news value? If they are, what are other criteria?

Mr. Stanton: I think that this is a proper question for the head of CBS News.

PRESENTATION OF RICHARD SALANT, PRESIDENT, CBS NEWS

Mr. Salant: The basic criterion in all judgments starts with the assignments down through the final editing is newsworthiness.

Judge Higginbotham: With all the sound specialists and engineers we have, could we possibly get two microphones which work? [Laughter.]

Mr. Jenner: Would you start over?

Mr. Salant: I don't remember how I started, so I better.

The basic criterion is not violence or any other single issue. It is newsworthiness. Is it significant in terms of national or international news? The same thing is true on the local level among the local stations. It may or may not involve violence. That is a gratuitous fact. If it does involve violence, it is part of the story and must be covered well and in that context. We don't go out looking for violence.

Mr. Tone: Do you feel that the comment that has been made that television, because it is a visual medium, has a need for action, is a valid comment, Mr. Salant?

Mr. Salant: I think there are those who believe that. I happen to be almost eccentric on it. I have a list of a series of memoranda and directives I issued to my people over the years in which I have emphasized time and time again, and so have my colleagues, that very often a word is worth a thousand pictures.

I think that there are times when we are dealing with ideas, with analysis, with context, where there will be no pictures and pictures will be a distraction. Our people I think are fully aware how strongly I feel that they don't have to accompany them with pictures.

You will find a big debate in the industry. There is an editorial in the current issue of *"Life"* or a television editorial down at the bottom on the new wave of documentary, which argues strenuously that there is nothing worse than talking heads—I would refer to Justice Black on that point.

Mr. Tone: Is there any effort, Mr. Salant, or Dr. Stanton, if you would care to comment, in making up a television news program to have a certain amount of action to go along with the talking heads or is the choice of the program and the balance of the program dictated pretty much by the news you feel is significant?

Mr. Salant: The choice is dictated by the importance of the news, its newsworthiness. If there are pictures that help tell the story, that is all to the good. If there are not, the story won't be skipped. The important thing, though, is that if you don't have pictures, the man who is talking has to be a professional, he must give you insights, he must have something to say.

Mr. Tone: Is time a limitation on the extent of the insights and the background that a man talking can give, Mr. Salant?

Mr. Salant: Did you mean time to prepare before the deadline?

Mr. Tone: That is to say—as compared with the newspaper story.

Mr. Salant: Yes. Our news hole is a good deal smaller than a newspapers news hole so there must be compression. That is the problem that I take as my number one problem internally. This is something we are discussing always. We will have more time some day.

Mr. Tone: Apart from whether you were limited in any way on time, do you feel that the patience of the listener is a built-in limitation on the visual and oral medium?

Mr. Salant: Well, I suppose so, but there are limits to which you take that into consideration. The important thing to remember is the distinction between our medium and the print medium, not in the limitation of time and the patience of the listener but

in the luxury that print gives to its consumer, the reader, of being selective. He can pick up his paper and go to whatever interests him most. The sports, stock market, funny pages, page one, the editorial or the coverage of the Violence Commission hearings. He can read the first paragraph and then go on. He can't do that with television in our broadcast news. If he wants to see what is in it he must stay with us the entire time. This does affect the judgments in putting it together; it affects the pace. But that is no different from writing things in an interesting way. It is our own peculiar cross to bear.

Mr. Tone: Dr. Stanton, do you have a comment you would like to make?

Mr. Stanton: I would support everything Mr. Salant said, but there is one footnote I would like to make. Frequently, on the evening news, the lead story will not be a picture story. It will be a talking head story. The best documentation I can give you is the fact that if you determine the lead story up in terms of talk and not pictures—I am talking about film or remote location pictures—this indicates that we are not playing with the picture story first.

Mr. Salant: I would remind you that it is our evening news that has Eric Sevareid on it most of the nights. He is as good a talking head as you can get.

Mr. Tone: I have a particular question addressed particularly to Mr. Salant.

You have stated at least to CBS news personnel that disturbing events like demonstrations and riots may be shaped to some extent or another by the mass medium, including television. That is a simple fact of journalistic life.

Would you tell the Commission what you believe, in view of that fact, what you believe to be the obligation of journalism in covering events, and particularly television journalism, in covering events in which the presence of the camera may make a difference?

Mr. Salant: Let me back up on that and perhaps kill two birds with one stone, which is the wrong image here, and say that you won't find a hem or haw out of me on the question of the effect in one way or another of the presence of cameras.

As Senator Hart said, I think it is also true to a lesser extent with the presence of reporters because cameras are more conspicuous than pad-and-pencil reporters. I behave myself, everybody behaves themselves, differently when somebody is around taking down what they are saying. You have the same influence on me. This is a fact we must live with.

The important thing in our end of the business is to realize this. It is something that we have talked about, we have written about. When we have time late in the evening we debate among ourselves and we worry about it.

I have written a number of times, and I have made public statements, and I have written to my staff, that we have to be as inconspicuous as possible. We have a budget to work on new devices, lights and smaller cameras—I don't know how much good that will do. But our people must be aware that there is this effect in reporting. They must take it into account.

As early as 1963, when I first came across the problem concretely, I issued a memorandum which has been re-issued in several forms since, including just before Chicago, that any time a correspondent in the field who is in charge feels that the presence of the camera is creating or aggrevating or continuing disorder, which but for the presence [of the camera] would die down or disappear, his job is to cap the camera and get out of there. We have done that.

Mr. Tone: I might say that memorandum was furnished to the Commission by CBS counsel.

Mr. Salant: This goes all the way back to 1963 because this is one that worries us. The answer isn't [that we] don't cover these things, as Senator Hart said, because otherwise if we didn't cover all things or people in one way or another which we affect, you would have a diet of natural disasters.

Senator Hart: If I could interrupt first to thank you for what you said—I agree with your last point because I don't want to be misunderstood. All I am suggesting is that we deal with dynamite in a certain way. We don't outlaw it. We recognize the enormous potential for good and bad. We treat it. We plan to treat it with respect, acknowledging that potential.

The reason I was speaking as I did was that if the cameras were treated by you who control them against the acknowledgement that they can do this, then that is the best we can hope for. That is good.

Senator Hruska: May I make an observation and ask a question in this particular—if I got to do it later it would be hard to recreate these same thoughts that have been

expressed.

The canons of the American Bar Association prohibit cameras in courtrooms during the course of a trial. I am sure it is not because violence is there. Because generally they have very proper decorum. Yet it does spring from the very thing Mr. Hart has tried to comment on here earlier. There is an impact and an effect which is considered bad by lawyers like Mr. Jenner here who served on that ethics committee and they decided no cameras.

Now would you like to comment on that rule?

Also in connection with—whatever connection it might have on the subject Mr. Hart brought out?

Mr. Salant: Actually that predates television. It goes back to the Lindbergh trial. I think it was the result of radio—

Mr. Jenner: You are misinformed. The special Canon 35 Committee came along a long, long time after the Lindbergh trial.

Mr. Salant: Didn't the ABA prohibition against microphones, at least, or broadcasters in courtrooms date from the Lindbergh trial? You are the expert. Whatever it is, I think——

Mr. Jaworski: May I make this comment?

Judge Higginbotham: Yes. We have all experts here. [Laughter.]

Mr. Jaworski: I think we can put the issue to rest readily. As you probably recall, a year or two ago, the U.S. Supreme Court in the Billie Sol Estes case held that presence of TV cameras in the courtroom during the trial denied him due process of law. It was held up by a five to four decision. We have a U.S. Supreme Court that said as far as that particular case was concerned the presence of the cameras denied him due process of law.

Mr. Jenner: Could I say this and have the record straight? It is true that the initial consideration with respect to Canon 35 was stimulated in part by the Lindbergh trial course of events but under your stimulation, I mean your industry, a special committee of the American Bar Association was appointed to reconsider Canon 35 in the light of your arguments especially bottomed on the premise that you could have cameras in the courtroom and microphones in the courtroom and you would be so discrete that the presence of—physical presence would not necessarily be noted.

You concluded or urged upon us that that fact should permit television cameras to be present and the special Canon 35 Committee concluded that that was only part of the story. That the issue and problem of knowing the presence of cameras in the courtroom and broadcasting generally to the public would so affect the court, distinguished as every judge is, the lawyers, the witnesses and in jury cases the jury.

Mr. Salant: My own feeling, I might get some dissent from my boss here, is that we would be much better off if we concentrated our efforts to get cameras in other places where they are not now allowed—into legislative hearings and into appellate courts where there is no question of witnesses, no question of jury, where questions are very sophisticated and where there are able lawyers. I think it would be a great thing for the country.

In the whole issue in Brown against Board of Education in 1954, the desegregation issue, the public would better have understood what it was about. They would have understood it wasn't the Supreme Court suddenly deciding it was a good thing to do. If the public had been able to participate by radio and television in listening to that historic argument, that would have been good. I don't think that jury trials are the place, though, to argue about access.

Judge Higginbotham: I don't want to make a ruling of relevance. I could never overrule any of my colleagues. But I think the Canon 35 point is not the major reason why we called you. I hope we can focus on some of the more basic problems of our inquiry.

Mr. Salant: Perhaps we could discuss this later.

Mr. Stanton: I have another footnote to make to my colleague's comment. If this hearing had been held 10 years ago these television cameras would not have been in the room. I think that as we learn how to use this medium—and by using it I mean living with it and adjusting to it—I think that the public will be much better served.

I believe that television is the first thing that has happened in the governmental process to take government back to the people. We had been moving further and further to a centralized government. Now you can look in on this hearing in Fort Wayne,

Indiana and see what is happening. You couldn't do that 10 years ago. One hundred years ago you did it at a town meeting.

It is all a matter of learning how to use it. We have to get better skills and better tools. People have to accept the fact that this is the world in which we live.

Senator Hart: Fort Wayne sees what your news judgment permits them to see. That is another problem. That is a separate problem.

Mr. Salant: Fort Wayne sees what the AP and UPI judgment is when it reads the newspapers.

Mr. Jenner: They don't have a captive audience, do they?

Mr. Salant: Yes. Much more than we have. You will find more radio and television stations in the town than newspapers.

Ambassador Harris: That includes you, doesn't it? AP and UPI includes you. You use the television industry. Use is the product of these institutions.

Mr. Salant: To a much more limited extent than Mr. MacNeil indicated the other day.

Mr. Jenner: Did I misunderstand you? I thought you said that the news print media had a captive audience. Is that what you said?

Mr. Salant: No. I said in some communities it has more of a captive audience than we do. I am talking about newspapers. There are many, many more one newspaper towns and two newspaper towns than there are one television towns and two television towns.

Mr. Jenner: What about wire services?

Mr. Salant: They can't be seen or read in the town unless they get into a newspaper.

Judge Higginbotham: Mr. Tone?

Mr. Tone: Does CBS, Mr. Salant, have a policy about live coverage of group violence?

Mr. Salant: Yes.

If I can restate that, we do have a policy. We have a policy about live coverage of disorders and potential disorders.

Mr. Tone: What is the policy?

Mr. Salant: The policy is that we will not provide such live coverage except in extraordinary circumstances. I hate to make these statements too flat because you can't tell what the situation will be. I had a flat prohibition. But I realized in Chicago the demonstrations were so much a part of the convention which we were covering live that had we had the capability, had there not been the strike, we would have covered portions of that, and I think quite properly, live but normally the answer is no; normally, I don't think live coverage is wise.

Mr. Tone: Do you have a policy about the use of lights?

Mr. Salant: Yes.

Mr. Tone: Is that a flexible policy or flat policy?

Mr. Salant: It is a flexible policy because we found again a flat prohibition didn't work. There are circumstances, as the Walker report indicates, where the presence of lights may be beneficial.

One of the curious things, if you look at the film in Chicago, in Grant Park or Lincoln Park, is that you will find there are city fire engines and city police with great big spotlights so that you can't say no in all circumstances.

Our rule now is—it is a very flexible policy—that the man in charge, who is a professional experienced correspondent, shall make the decision and when in doubt, don't.

Mr. Tone: Do you believe there is basis for the assertion that television has tended to give more coverage to the extremist minority leader than the moderate minority leader?

Mr. Salant: No, I don't really. I think it only seems that way because the extremist irritates so many people that when you see him once you think you have seen him a thousand times. We made a study in the four weeks of the long, hot summer, the climax of the long, hot summer in 1967, to see how—whom we had on, how many times. If you put—there are always difficulties of definition but we placed militants on one side and the moderates, public officials and so on, on the other side. The figures came to 10 appearances for the militant. Sixty-five for the other side. I am worried about that imbalance.

Mr. Tone: Dr. Stanton, turning to the subject of entertainment, I will ask you a question you have heard earlier this morning, if you were here: Are there significant differences in the cost of producing violent programming as opposed to non-violent entertainment programming?

Mr. Stanton: I would not say significant differences. There are other factors that

create the bulk of the cost, and the difference between a violent production and a non-violent production does not make that much difference in the total price of the program series.

Mr. Tone: Do you feel that the point Ambassador Harris made about the need for ingenuity and creativity on the part of writers to solve conflicts by non-violent means requires more expensive talent?

Mr. Stanton: Not necessarily more expensive talent. I think it requires a different talent—one more difficult to come by. It is a goal we strive for all the time. It does no good just to use violence to settle an argument unless it has to be a part of that particular plot. I had no diffculty with the point that Ambassador Harris made. It does take more ingenuity but that is what we are here for and what our creative people are striving for constantly. I think we have more of it now than we had before.

Mr. Tone: I am interested in your comment about the possible shortage of talent in writing. Is that—could that be a reason for the amount of violence and the amount of action programming as compared with non-violent programming?

Mr. Stanton: I am not sure that I am experienced enough, in that area, to answer that question.

I would not think that that is the only answer to the question. But let's face it, the thing we are shortest of is writers, and when you look at the cost of writing in creative work and television, you recognize how important and how rare it is. But I suppose everybody in this room faces this same problem whether it is preparing a report or preparing a script.

Writing is a very difficult skill and I am sorry to say that I think not enough attention is being paid to it in our schools.

Mr. Tone: From your, that is, CBS, experience, and research, can you say whether there has been a decrease in the audience when you change programming at a particular time from violent programming to non-violent programming?

Mr. Stanton: That depends on too many things. It depends on the program that has been on the air before a program change is made. It depends upon the competition at the time or whether there are changes there. I think it would be unwise to generalize that you automatically suffer when you go from a violent series to a non-violent series.

After all, we have but six action-adventure series in our nightime schedule, a relatively short number, and we have done pretty well competitively in terms of circulation. I think that in itself would be a denial of the fact that violence is the answer to getting circulation.

Congressman Boggs: What is your Saturday morning schedule?

Mr. Stanton: Children's programs.

Congressman Boggs: Children's programs?

Mr. Stanton: For the most part.

Congressman Boggs: I will examine you further on that.

Mr. Tone: Dr. Stanton, can you tell us how much CBS has spent on research covering the effects of television on the conduct of viewers?

Mr. Stanton: If I were to answer that question the way you ask it I would have to give a very large figure. Are you addressing yourself to the violence question itself?

Mr. Tone: I am limiting my question to the violence question and it was perhaps too broadly framed. I mean the kind of research that would indicate whether watching violence in a visual medium has some effect on the tendency of viewers to engage in violence?

Mr. Stanton: I believe you had the testimony of Dr. Klapper, who is the director of our social research activities in the CBS Broadcast Group.

Dr. Menninger: If I may, I have been looking over the testimony and when I asked Dr. Klapper the question of what of the gross amount of money in the media, Dr. Klapper said he was incompetent to answer that question.

Congressman Boggs: Is he a paid employee of your firm?

Mr. Stanton: He is. He is a social scientist we brought into the company for this very purpose.

Congressman Boggs: But he is on your payroll.

Mr. Stanton: Yes. We were trying to get the best information we could on how to proceed in terms of that kind of research and Dr. Klapper had done more in the field than anyone else we could identify. So we asked him to come inside and help us conduct that kind of research.

Congressman Boggs: You heard the figures I read this morning vary as to what Dr. Klapper had to say, Dr. Stanton, with that of many other witnesses?

Mr. Stanton: I didn't understand what you said.

Congressman Boggs: We had many other witnesses before the Commission since then who have taken an entirely different point of view.

Mr. Stanton: I am not suprised at that. I don't think you would get agreement among any group of professionals, necessarily.

Congressman Boggs: I will wait my turn to examine the witness.

Mr. Stanton: The answer I want to give you doesn't concern how much we are spending now, but how much we are willing to spend if we can find the methodology to put money behind. I come out of the research field. As a graduate student I worked on movie research and the effect that movies had on children in dreams; back in the early thirties. I am not very proud of that work because the methodology wasn't worth the paper the reports were written on. And that is the problem here. It isn't an unwillingness on the part of the industry to underwrite the research. It is the fact that no one in the 30-odd years I have been in the business has come up with a technique or methodology that would let you get a fix on this impact.

Congressman Boggs: How long have you had somebody working on this? When did you hire Dr. Klapper?

Mr. Stanton: I can get you the figure. I would say 10 years.

Congressman Boggs: When did you hire Dr. Klapper?

Mr. Stanton: At that time. He by the way—

Congressman Boggs: ABC apparently has nobody. How about NBC?

Mr. Stanton: I guess this is because of my upbringing. I came out of research so naturally I turned to the social sciences for help. In addition to what we are doing internally, we also participate in two industry committees. One involves people from HEW and the other involves the Dean of the School of Public Communications at Boston University, Dr. Wiebe. These are people from the outside. We have given them every encouragement—every funding they have asked for—to come up with methodology. The field is very elusive, and it doesn't do any good to spend a lot of money and come up with data somebody can punch his fingers through.

We are not letting up on our efforts at all, but it is not a question of money. It is a question of finding the methodology.

Mr. Tone: Will you provide us with information as to how much has been spent by CBS?

Mr. Stanton: Surely.

Dr. Menninger: In relation to the total budget so that one gets the perspective of what kind of commitment has been made in terms of total budget.

Mr. Stanton: I can give it to you in terms of the total published figures but I would decline to give it to you in terms of the television network figures.

Congressman Boggs: I think he is talking about CBS. I don't think the figures have any validity unless it had reference to what you spent on everything else.

Judge Higginbotham: If you will yield, suppose we do it this way: Suppose you give an answer as detailed as you can. If we conclude it isn't adequate we will have to exercise our remedies and you will have to exercise yourself. But to the extent that we can have cooperation, we will be pleased.

If you are concerned about confidentiality, I can assure you that we can handle this in a manner so that you will not be disclosing to your competitors your secrets.

Mr. Stanton: I will give you a prompt and informative answer. I will be glad to.

Senator Hart: When you say your total budget, Dr. Stanton, you mean total budget for radio or all of the activities of CBS?

Mr. Stanton: My response was that I would give you the dollar figures for research and the published figures on the company. We do not break out the figures on our individual broadcast divisions. But it seems to me that your judgment can be made in terms of the kind of job you can buy with that kind of money, not in terms of percentage of total sales or total profits.

I do not quite agree with the point you raised, Dr. Menninger, about the drug business. There you have rich traditions and techniques for evaluation. But we haven't been able to come up with the same lab procedures in the social sciences that Lilly and other companies have been able to develop in the pharmaceutical field. I wish we could.

There is no reluctance on our part to spend the money. It is just that we do not have the technology.

Mr. Jaworski: What I was wondering about, Dr. Stanton, this information, this data you have been asked for and which you have agreed to furnish, do you file that with the Federal Communications Commission?

Mr. Stanton: Yes.

Mr. Jaworski: You have filed it.

Mr. Stanton: Yes.

Mr. Jaworski: Any other place?

Mr. Stanton: That is the only place.

Mr. Jaworski: It would be treated entirely confidential by this body as it would by the Federal Communications division. Don't you think you might like to let us have that?

Mr. Stanton: Yes, except that I must say that I do not have the same confidence in the confidentiality of a temporary commission as I do in the confidentiality and experience we had with the FCC. Even there it is weak on occasions.

Mr. Jaworski: They have many employees who have access to it. In any event, would you give consideration to it?

Mr. Stanton: I will.

Judge Higginbotham: Mr. Tone?

Mr. Tone: Dr. Stanton, CBS has made efforts, I believe it said, to reduce the amount of violence in entertainment programming since the assassinations of Dr. King and Senator Robert Kennedy last spring; is that correct?

Mr. Stanton: It is.

Mr. Tone: Will you tell us the reason for that?

Mr. Stanton: The reason was that we did not want to overlook any opportunity to minimize violence on television even though we had no evidence, and this is an old saw here, that there was any causal relationship between the violence on the screen and violence in real life. On the off chance that there could be some relationship, we wanted to redouble our efforts—and these weren't started just at this particular time—but we wanted to redouble our efforts to make sure that nothing had gotten into the script or onto the screen that didn't belong there in terms of plot development and that couldn't be handled in a different fashion without doing damage to the particular story.

Judge Higginbotham: Mr. Tone, would you yield to the commissioners—may of them are writing notes and you are such an expert on this, anything which they miss, if you would then pick it up at the end, would that be agreeable by you?

Mr. Tone: It certainly would.

Judge Higginbotham: Ambassador Harris.

Ambassador Harris: Dr. Stanton, on page 2 you make some comments about the propriety of an investigation by governmental bodies including this Commission into matters of news judgment. Raising the First Amendment problem about which I have considerable concern and sympathy for the position of the media, does your reluctance for outside oversight in the sense of investigation of news judgment extend to non-governmental non-legislative bodies?

Mr. Stanton: No. I have no inhibition about sitting down and talking with others in our industry or professionals in journalism. What concerns me is the fact that we are meeting in this building and you are a governmental agency appointed by the President. As the FCC is appointed.

Ambassador Harris: Let us strike out the appointment because I am interested in substance and relationship and not necessarily in—you have skillfully limited the group with whom you would wish to share such access to professionals and persons in the business. What about private citizens concerned about the intent and purpose of the First Amendment which is not to protect the media but to protect the people's right to know? What about nonprofessionals who are concerned about the access of the people to the news? Would you as the representative of one of the news media object to the recommendation for the establishment of such a group and the consequent establishment of such a group with no governmental relationship, no leave power, but completely the power of oversight as representative of the public?

Mr. Stanton: This is a question I would want to give more thought to than I can at this particular time. I think we are not too far apart, but I would like to supply a memorandum on my attitude to that particular question.

I have no hesitation in sitting down with professionals. I may have some reservations about the oversight committee that you are talking about. I don't want to say no to it and I don't want to say yes to it too quickly. If I may I will supply that.

Ambassador Harris: I would appreciate that very much.

Mr. Jenner: Would Ambassador Harris permit me a question?

Judge Higginbotham: You will have to ask Ambassador Harris.

Mr. Jenner: The group you have in mind I assume would be also a group without sanction.

Ambassador Harris: Yes. No power whatsoever to exercise prior or post restraint upon the content of the news, the content of opinion, but there is a group such as this which comments upon the political process. It was headed, as I recall, by Mr. Charles Taft, a group which as a representative of private citizens concerned about the political process comments about its operation.

Mr. Stanton: The trouble is——

Ambassador Harris: A bad example probably but——

Mr. Stanton: That there is an FCC sitting out in the wings that could pick up the findings of a Taft committee and apply them against the broadcast process.

Ambassador Harris: But that is a different problem, isn't it? It is one of the potential consequences of having public opinion made manifest that certain public institutions may react, but it is not a necessary consequence, is it?

Mr. Stanton: It is not.

Ambassador Harris: What I am concerned with is little steps for little feet in dealing with a rather major problem. I must say that I have considerable sympathy in view of the First Amendment that the Congress shall make no law and in view of the inhibitions about government entering into the question of judgment, but I was surprised to discover that Mr. Salant, and by implication, apparently has permitted a kind of entry into news judgment by what I would judge to be a rather surprising acceptance of the notion of what I have learned the day before yesterday is called talking heads may in some way be superior to or greater evidence of news objectivity than the pictorial presentation of the event itself.

You said in response to a question, Mr. Salant, that frequently your news programs open with talking heads and then you referred to the closure by Mr. Eric Sevareid as evidence of your good faith and good judgment in dealing with the news. Do you believe that talking heads are superior to the pictorialization of the event reported? Are you telling us that?

Mr. Salant: No, indeed. What I was addressing myself to through you and through this Commission was Mr. MacNeil.

Ambassador Harris: But you made a value judgment, or at least I inferred a value judgment which is picked up by some others that——

Mr. Salant: What I should have said is that—you should write things out first. These are basic questions and very difficult questions. When I get fired I will write a book about it. [Laughter.]

Ambassador Harris: We can't decide whether to wish you well or ill, then. [Laughter.]

Mr. Salant: What I was trying to say, I will try it again, is that we have no insistence that a story will not go on just because it doesn't have pictures. There is a time and a place and a circumstance where a talking head—a phrase I don't like at all—is a better way of transmitting a news story than either inadequate pictures or no pictures and if you don't have pictures you certainly want to tell the story anyhow.

Ambassador Harris: But I want to understand this. Is it that you use the talk because you don't have pictures or is it that you do believe that pictures are superior to telling the story?

Mr. Salant: If you have a story where you have pictures that accurately reflect the story and tell the story better than words, then by all means use the pictures. Actually I think in almost every case, it isn't an either or situation. I believe strongly that very often the picture must be accompanied by a correspondent who was there, a correspondent's narration so he can put the picture into context and tell about its significance, where it was, what it was, what it means. I am thinking particularly of Vietnam. You could see those patrol actions and the helicopters until you are blue in the face and they don't mean a thing unless they are put in context of what kind of action

or why and after they cleared that area what is the likelihood of what will happen afterwards.

Ambassador Harris: But the picture–I have a point in all this–but I think one of the reasons you have some of the negative responses to photographs is that people can make judgments of both the event and the comment about the event. If you say 15 men mobbed two other men and it turns out that there are only two men talking to two other men it is obvious that the report is wrong. If there is only a talking head one never knows.

I want to be sure we are not suggesting that it is bad to have pictures of violence or anything else––

Mr. Salant: No, I don't. We have complete agreement. If you can get them and they are accurate, yes, it is better to have pictures. That is our business.

On the television side, I should say I want to protect radio–my other divisional customer. Words are all right there.

Ambassador Harris: I was subjected to 2 years of European television news coverage with a great deal of talking and I must say that as between the photographs and the talking, I have some problems. Let us turn from news to the question of entertainment. I was reviewing, Dr. Stanton, my discussion with Dr. Klapper and I don't want to repeat any of that but I was concerned about the notion that came from Dr. Klapper's material and yours that we have inadequate data about the effect of violence. This has been represented throughout these hearings. Therefore we can make no conclusions about the use of violence, especially as it affects children. Now we make quite the contrary–therefore we can't make the conclusion that we must remove it at least from the place where it may harm children. We make quite the reverse judgment as to drugs. We don't give drugs ordinarily until we are reasonably certain that there is no adverse effect. Now why do we not use the same approach where there is the suggestion that violence may do damage to children of not permitting access until we prove that there is no damage?

Mr. Stanton: The first thing I would say in response to that statement is that you have the long sweep of history in which you had violence in many other art forms before you had television so that you, as against drugs and the application of some of the more sophisticated drugs that have come into our society in a relatively recent time. We have grown up with violence. We haven't grown up with drugs to the same extent, if you will.

I think that the question is a proper one. It is one that we certainly have given a lot of consideration to. We are not persuaded that a moderate amount of violence used in moderation, if you will, in the broadcast where it is used–and I saw you shaking your head before when I said what I did about cutting back on it––

Ambassador Harris: Of course in moderation is one of those phrases that takes us all down the garden path of understanding or misunderstanding. That is the issue, whether it is in fact used in moderation, but go ahead.

Mr. Stanton: Yes, I suppose it is a question of how much is enough. We have obviously made that judgment, and we think we have approximately the right application at the present time. But if you look at the short history of television you will see cycles in programming. You will see cycles in books. You will see cycles in Broadway. You will certainly see cycles in Hollywood. Certain things are in vogue and then go out of vogue and the wheel turns. I think the same thing will happen with the violence trend, totally apart from what happened in the assassinations and the violence that we had in our streets. But this is not the place to argue that point.

All I am saying is that there are trends within all of these art forms that come and go. All we are making sure of is that (1) we do not increase violence until we know more about it, and (2) we are going to try to decrease it without turning it off completely. We think that would be unrealistic.

Ambassador Harris: Thank you, Dr. Stanton.

Dr. Stanton, I hope we can hope for an early turn to a Shapespeare trend and perhaps back to a Rod Sterling trend.

Mr. Stanton: If you recall Rod Sterling, my dear Ambassador, the "Twilight Zone" wasn't exactly a drawing room comedy.

Ambassador Harris: I am not anti-violence. You forget I am in favor of proportion, Dr. Stanton. I am trying to protect ABC's "Avengers" and your "Wild, Wild West."

Mr. Stanton: I withdraw my comment. As you go out the door may I say that Shapespeare will be on the CBS Television Network in February. [Laughter.]

Judge Hitgginbotham: Senator Hruska, would you yield to Mr. Jaworski who must catch a plane?

Senator Hruska: Certainly.

Mr. Jaworski: Thank you very much. I appreciate the indulgence that you, Mr. Chairman, and the others of my colleagues are extending to me.

I do have this observation to make first to you gentlemen, that one can't help but appreciate the frankness of your candor but it makes me regret very much that you will not discuss with us one area of this matter. You have a reticence to it. I am talking about the news gathering. I believe we could benefit greatly from it. But I want to ask you this hypothetical question: Suppose it was determined as an actual fact that the constant depiction of violence in news gathering was inimical to the public interest because it had actually been shown that it spawned crime and violence in large proportions, would you still invoke the First Amendment and say we don't need to go into this issue and don't want to go into it?

Mr. Salant: No, sir. I am prepared to answer that. I guess I have advice from my counsel that I shouldn't. This is a very elusive area and as a newsman I want to draw the line perhaps too far in the way of the First Amendment because it is the only way we will ever get it settled. The great undecided area, I think on the First Amendment is, to what extent it applies to us at all. Everybody says it does, but some say it applies to us less than to others. So I am tempted professionally to be very stiffnecked about it but your hypothetical question was put so pleasantly that I am tempted to answer it and I think I will by saying that if you accept that as purely hypothetical, and I don't think it could ever be established, but I would still say that it is the job of news to report that which is news. I think the First Amendment has put a priority on the importance of the right of the people to know, and if you exclude from your normal news judgment a whole area of legitimate news happenings because reporting the truth is likely to cause some effects, then you are in serious trouble. I would say then as a hypothetical academic issue, I would argue most vigorously that there never should be anything excluded from news if it is legitimate news.

Mr. Jaworski: In answering that I am sure you do have in mind that there have been limitations placed by our Supreme Court on the guarantees under the First Amendment. You can't just say that a person can say anything he wants to, that person can report anything he wants to. What I am talking about is, for instance, a classic example was cited the other day, where one of our very fine justices of the past said it doesn't permit one to get up in a theater and cause a disturbance, holler fire and have people running in every direction. There are some limitations on the First Amendment.

What I am saying to you is this: Suppose we get into a situation where, not likely, but where it is absolutely shown to your satisfaction and to the satisfaction of every reasonable person that the reporting of such news is, as I say, an actual spawning ground for the development of crime and violence; what I am saying is, would you not feel, with the public interest being as seriously affected, with this being your great problem in this nation, would you still feel this matter should not be gone into for the purpose of determining what should be done?

Mr. Salant: I find this difficult to deal with because you ask me to accept an assumption that I don't think can possibly come about.

Mr. Jaworski: To be fair, in the testimony we heard I recall no distinction being drawn. What they were talking about was depiction of violence. Whether it was as a result of a news story or some fictional play.

Mr. Salant: That news––

Mr. Jaworski: Well, the depiction of violence.

Mr. Salant: I am talking about news. Not entertainment. There is a different value to news–I better not finish that sentence. [Laughter.]

Mr. Jaworski: To be fair, the testimony we heard I recall no distinction being drawn. What they were talking about was depiction of violence. Whether it was as a result of a news story or some fictional play.

Mr. Salant: I think the societal values of telling what is happening overrides concern–not to make a flat rule except in the most extraordinary situations that require you to tell what is happening so the public can know, can get at the root causes–if, for example, somebody should contend, with a great deal of persuasion that reporting on

riots is contagious and causes riots–a thing which the Kerner Commission backed away from; it didn't say that, but suppose it had been something like that--I think it is important to tell it because if it isn't told, this nation will not get to work on solving the problems. Nothing is happening.

Mr. Jaworski: Let me say this to you: I hope very much that at least you will open up and discuss this issue not only with this body but also with any other body that looks into it. I think that you can say what you want to about the situation, but this is of such gravity that certainly the matter of just discussing how you go about reporting it is something that you ought not to insulate yourself from.

I am sorry I have to go. I appreciate you gentlemen appearing here, as my colleagues do, and I am grateful to you, Senator, for letting me take this place.

Thank you.

Judge Higginbotham: Senator Hruska.

Senator Hruska: Mr. Stanton, with regard to the material you have on page 2 of your statement in which you say that news judgment is constitiutionally protected from government surveillance or regulation, you observe further that the First Amendment is explicit and then you say that television must be considered part of that which is protected under the First Amendment. My question is this: Do you think the protection of the First Amendment goes to the protection of the continued right to use television at all, considering that television, in the view of many, is public property?

Judge Higginbotham: I think he means the wave lengths. You mean the wave lengths are public property.

Senator Hruska: The channels are public property. The means whereby they can function as television because if the channels are taken away I don't imagine that equipment will be worth very much, is it?

Mr. Stanton: No. You have put your finger on the place where we always get hung up in these discussions. This is part of the difficulty. I wish there were some way, I wish I had the wisdom to guide us through in answering the question you have raised. Because you are quite right. We can have all the free speech in the world, but if we don't have the transmitter we are out of business. So the licensing process has to be considered here. We haven't–I have not been able to come up with a formula that protects that situation. I tell myself and my colleagues that we have to continue to conduct ourselves as though we are a free press and hope that we will build for television the same tradition that has been built for the print media.

Senator Hruska: With that in the background, isn't that the safeguard against the occurrence into fact of the hypothetical situation presented by Mr. Jaworski a bit ago? The awareness that if the situation gets so extreme and gets so flagrant that the public will say, through their elected representatives or otherwise, let's take these things away. We don't want them around. Now that possibility and the existence of it, isn't that in itself a discipline which would naturally be borne in mind by those who are conferred the right to use these wave lengths, these channels to see that they don't abuse them to a point where they might be taken away?

Mr. Stanton: I agree with you 100 percent. We are responsible to the people and we have to keep that in mind. We keep it in mind constantly. I would much rather be responsible to the people than to a small commission. I am not making any invidious comparisons here. The point I am trying to make is that I think our obligation is to serve the man in the street, the people as a whole. We have to take that under consideration with everything we do.

Judge Higginbotham: If you would yield, this is the first time I asked anyone to yield this year. When you say you are responsible to the people, who speaks for the people? If commissions can't speak for the people, if government can't speak for the people, what institution is there which speaks for the people and can express to you their concern?

Mr. Stanton: The most sensitive thing we follow is what the people do in terms of watching us or listening to us. If we are not serving the people they will turn away from us because ours is not the only source of information and, in most communities, it isn't the only television channel.

Judge Higginbotham: If I may follow that, and this will be my last question, Senator, if the choice of the people will be three programs of the same level, one of which is satisfactory, do the people really have a choice other than to turn the set on or off? And since many would prefer to have baby sitting than no baby sitting, they may be inclined

to leave the set on. So would you suggest any institution or person, that, if you don't want to deal with government, if you don't want to deal with FCC, will speak for the people in our society?

Mr. Stanton: I don't think you have to have someone speak for the people. If that situation happened–and in the first place I think it is very seldom in the schedule where that is true–but if that were to happen and the people didn't turn their sets on we would be very sensitive to that. But in addition to that, they can speak to their local station and the stations speak to us. They can speak to us in the mail. We do surveys to find out their objections and how they feel about our programming. We don't turn our backs on the people and make empty phrases about the people telling us. We make it a two-way street to find out what they think about us. In each community where we own stations and where we are licensed we don't sit in an ivory tower and say "This is what the people shall have." We go out in the street and talk to the people to find out whether they are getting a program service from us that they find satisfying their needs and interests. That is an obligation that we have, and if we have the kind of freedrom I want, there is an obligation on the other side to make sure we are doing the job. This goes for news as well as entertainment.

Judge Higginbotham: Thank you, Dr. Stanton.

Thank you, Senator. I appreciate your yielding.

Senator Hruska: I gather what you are saying that there is a distinction between being responsible to people and being responsible to government or to any part of formal government?

Mr. Stanton: Yes, sir, very decidedly in my opinion.

Senator Hruska: That is part of the free market, isn't it?

Mr. Stanton: It is.

Senator Hruska: The principle of a free market.

Mr. Stanton: Yes, sir.

Senator Hruska: And there is the element of competition, Dr. Stanton, and I hope it will assert itself a little bit now so that we do get it, particularly in this field.

Those are all the questions I have, Mr. Chairman.

Judge Higginbotham: Thank you.

Commissioner Jenner, could you please use the microphone?

Mr. Jenner: Dr. Stanton, I have drawn this inference on my own account from your testimony and that of Mr. Goldenson and your associate, that you gentlemen do concede and realize that what is depicted on the channels does have an effect on the viewer. Setting apart for the moment the nature, character, level or what not, it does have an effect?

Mr. Stanton: Yes, I have to say yes although I think you have to be more definitive as you go on.

Mr. Jenner: I think I will become more definitive. I wanted to reach at least a rock bottom basis with you. There is advertising necessarily on the channels and that advertising is your principal source of income which you earn on your invested capital, is that correct?

Mr. Stanton: That is correct.

Mr. Jenner: That advertising is sought and paid for by advertisers because they conceive, and concede, that the advertising has an effect upon the viewers to whom it is directed?

Mr. Stanton: I agree.

Mr. Jenner: So that then you would agree with me, would you, that that which is broadcast has a different level of effect depending upon, I will take the first classification, age groups who are watching?

Mr. Stanton: Yes.

Mr. Jenner: Depending of course upon the nature and character of what is being broadcast?

Mr. Stanton: That is why I hesitated. Yes.

Mr. Jenner: Would I be able to take you one step further–this is in the abstract, sir–I don't want you to think I am all inclusive because this is a very difficult problem–that the depiction of violence has an effect upon the viewer?

Mr. Stanton: It may or may not have. This is the question we don't have the answer to.

Mr. Jenner: Well, I have trouble with that response.

Mr. Stanton: I am not surprised that you do. I have trouble with trying to get to the bottom line as far as the question you put is concerned. But in advertising you are talking about moving someone to buy a product where the decision is of little real consequence. When I was teaching in graduate school we did some experimental work with hypnosis, and we couldn't get anybody to do anything under hypnosis that they wouldn't do under waking conditions, except that they did it more easily under hypnosis. But if they had a strong set against it, my hypnotic efforts didn't make any difference. I am not getting into hypnosis here as far as television is concerned, or any subliminal effects or anything of that kind, but I am saying there are some things of no consequence, really, as to whether you buy Grade A or B. That is a choice of no real consequence in your everyday life. But in regard to a violent act, and if you have experinece, long or short, in a society where violence is abhored, as it is in the family situation, then I think you can't change somebody that easily by seeing a picture in the theater, by reading a book or by seeing a television program.

Mr. Jenner: I am afraid you are attempting to anticipate my ultimate question. [Laughter.]

Mr. Stanton: Forgive me. [Laughter.]

Mr. Jenner: The level at which I am at the moment is only—would you concede that the depiction of violence over a channel would have an effect on the viewer?

Mr. Stanton: Yes. I believe I said it may or may not depending upon the viewer and depending upon the stimulus.

Mr. Jenner: I find in your present answer a complete contradiction.

Mr. Stanton: Sir, I am not trying to play a game and I am not trying to be ambivalent here.

Mr. Jenner: I have only the impression you are being utterly, completely candid and in entire good faith and that you are trying to be very helpful, as you have been. I am not trying to obtain from you an ultimate conclusion that violence should not be depicted on the channel. Far from it. That isn't my direction. If the depiction of violence does have an effect, as I think we all must concede, then we must examine into the question, must we not, of the volume of the depiction. If it comes hour after hour, unexplained, let us say—I have in mind for example my work as senior counsel of the Warren Commission, and one of my assignments was the life and background of Lee Harvey Oswald, and the motive for that assassination and whether there was conspiracy. I reached the conclusion, when I completed extensive work into inquiring into the life and background of Lee Harvey Oswald, that one of the major difficulties with him was in that one year when he left the high school in New Orleans and went to the libraries in Lafayette Square and read the heavy tomes and texts without guidance and explanation, that he acquired much of the philosophy, dangerous though it was, and he didn't know it was dangerous; and I keep coming back as I sit in this Commission to the young people, especially those in the slum and ghetto areas, the disadvantaged young, who do not have the guidance of the family which you emphasize and with which I agree, that they sit before that television screen and see a depicted scene of violence—assuming this now—violence over and over again and have one impression: My parents are permitting me to see this; there are adults who produced this; society must countenance this, or approve in some fashion the showing of violence to me. Therefore it has an effect upon that viewer.

Mr. Stanton: Doesn't your question assume that there is no statement on that particular program that violence is wrong? Take "Gunsmoke," for example, with law enforcement. The child couldn't look at that without seeing the consequences of that violence.

Mr. Jenner: Well, I think that you are assuming, and I am not saying your assumption is totally invalid by any means whatsoever, that that child has the comprehension to say to himself that looking at Gunsmoke has a good therapeutic story you tell rather than the narrow one that you solve conflicts by the gun and by the fist and by the knife, as it may be.

Mr. Stanton: If the child is not able to make the distinction on the law enforcement side of that particular series, then I am not sure that I could go along with you and say that we are talking about a relatively normal—in broad brackets—child, because then he has no point in his social environment, and I think that children, even in the

circumstances you describe, understand what the law is all about. Perhaps not in its fine points, but they certainly understand law enforcement.

Mr. Jenner: Doctor, I do want to say this: This is a very complicated thing and it is not television alone, even assuming, if I may assume, that television does play a part. This Commission is faced in its assignment to inquire into the causes and prevention of violence in America. This—the mass media—happens to be an element or feature in society that must be considered with a good many other elements of society itself.

Mr. Stanton: I agree.

Mr. Jenner: I am especially encouraged by your testimony that you have been giving. You have brought to it your scientific background and your research background and you are concerned. With you as president, your whole network must be.

Mr. Stanton: Thank you.

Judge Higginbotham: Senator Hart?

Senator Hart: Gentlemen, thank you for, I think, a very helpful, profitable exchange, and your willingness to engage in it.

As I indicated, Doctor, I would appreciate from CBS your reaction—not now, necessarily—to the suggestion of some citizens that the——

Mr. Stanton: I will supply such a statement for you.

Senator Hart: And have in mind the possibility that that might provide a device, Dr. Stanton, free of Government, to which the public, might, with a measure of confidence, appeal, and where you too, without the inhibitions attached to Congressional or other hearings, discuss, describe, review the news selections including your answer with respect to that.

Down here, I have commented—I think it relates perhaps most acutely to television, but it's not a rarity in any economic undertaking, that anybody who is in business has to avoid getting into an economic bind, and let me make the escape as immediately available. I don't believe profit is a bad word. But really, there on page 3 you talk at the bottom, "It is our constant effort to find the right course between what is appropriate and what is inappropriate for the air in regard to violence."

And you say that before a program is finally cleared for air, bodies, the creative and critic, stand back to judge the fitness of the final version.

To what extent is the judgment as to the fitness of the final version a reflection of what you think every television set owner will do with his button when he sees it? Isn't it almost the ultimate judgment?

Mr. Stanton: First of all, Senator Hart, we are a mass medium so we must think in terms of the public as a whole when we make that decision.

Senator Hart: Why? Because you have to think of your responsibility to your capital investors?

Mr. Stanton: Not at all.

Senator Hart: You don't?

Mr. Stanton: I'm not turning my back on the stockholder, but I'm saying we can't do anything for the stockholder unless we do something for the people we try to serve.

Senator Hart: Make the people you try to serve happier with whatever the guy likes, not whether his judgment is sound.

Mr. Stanton: Not whether his judgment is sound. We can't get so far ahead of the troops that we lose them. Our job isn't to follow. It's to lead. We have things in our schedule that——

Senator Hart: I know. I know that lots of buttons turn off on your best products. I know. It's unfortunate. The criticism is to be directed at those of us who turn the button off.

But because you already had that experience, don't you really have to figure we have to figure 10 percent for the good stuff, the kind of thing we would produce if man was really intelligent and rational, but I have an annual meeting coming up and I have to figure out the 90 percent of my time the stuff that won't turn the buttons off.

Isn't that really the critical judgment?

Mr. Stanton: There is a balance in that critical judgment, but I'm not prepared to say it's a 10/90 situation. About 20 percent of our schedule is news and public affairs. Then we have entertainment. We have sports. But in the entertainment side not all the entertainment is selected for the purpose of getting the maximum audience. We select some of our entertainment specials and some of our entertainment in an effort to lead

and give people some variety to choose among, because frequently the complaint is made that they have no choice.

Well, our job is partly to give them that choice. Frequently, when you give them the choice, you don't receive the maximum in terms of circulation response. You can't do that through your entire schedule or, to be absolutely candid, you won't go to your stockholders' meeting. We couldn't survive. We couldn't maintain the kind of news organization we maintain in both radio and television if we didn't have profits on the entertainment side.

Senator Hart: Well, I think it——

Mr. Stanton: It's a mix.

Senator Hart: Don't misunderstand me. I'm trying to get a little——

Mr. Stanton: What I'm saying is that every program——

Senator Hart: This is a very interesting discussion we are having.

Mr. Stanton: I don't quarrel with the discussion at all. I'm saying that not every decision is made on the basis of maximum circulation. Other considerations are involved when those program decisions are made.

Senator Hart: I'm sure of that. I am equally sure that most decisions are based primarily on maximum circulation. If I was an investor in any one of these outfits, that would be my assumption when I invested.

Mr. Stanton: But leaving the investment aside, sir, there are——

Senator Hart: I don't see how you can leave that aside.

Mr. Stanton: You can in certain instances.

Senator Hart: But in the majority of cases that is the overriding factor.

Mr. Stanton: I'm sorry. I'm not talking about certain instances in our schedule. There are certain broadcasters who do own their stations lock, stock and barrel. No stockholders. If they want to do something, they can do it. But they are not serving their market or their people, it seems to me, if they are not trying to serve most of the people most of the time, whether they own it themselves or have shareholders.

Senator Hart: Do you think the first protection right is available to that fellow who owns it lock, stock and barrel and is irresponsible as you can imagine in terms of what he elects to carry and reject?

Mr. Stanton: You pose a difficult hypothetical situation, because I can't think of any of those, but I would have to answer in the affirmative.

Senator Hart: I thought you said it could be.

Mr. Stanton: I didn't mean when I said it could be that this is bad. There are some individually owned stations where the profit motive doesn't have to be shared with outside shareholders. He can make the decision to take the financial beating, if there is one involved, himself. That's not bad.

Senator Hart: I think the record will show——

Mr. Stanton: I want to be sure the record is straight. I think what you're asking is whether the First Amendment should apply to that man as well as the other one. I say yes.

Senator Hart: Well, this is the kind of thing the Commission I am sure will shift around when we sit down to think about this.

Mr. Salant, I think you said "We don't go out looking for violence." Let me repeat again my appreciation, and I think the public's appreciation, of the restraint that you have established based on the admission that these things do affect our conduct, but you say you don't go out looking for violence.

And then, shortly afterwards, you said, "But ours is a little different than the newspaper. The newspaper fellow can shift around at his will and select . . . " and so on. "We have to keep our viewer with us."

This gets back to the basic thing. Most viewers are not interested in training, really, are they?

Mr. Salant: They keep on writing in and saying, "Why can't we have nothing but good news and more peace and so on."

Senator Hart: I'm testing the soundness of the proposition that——

Mr. Salant: I think you put two separate points together and came up with an assumption that I didn't intend. I was trying in the second part to make the point that we do have special problems putting our electronic newspaper together, different from print, because we set the pace for our readers where the reader of the newspaper can set his own pace. We must take this into account.

This was in response to Ambassador Harris' question of whether there might not be a fatigue factor if we stayed with a story too long. Excuse me, that was Mr. Jaworski.

I didn't mean to say that—I didn't mean to let that lead up to the total conclusion that our job is to keep the viewer with us, because there are a great many things we do that we wouldn't do if we felt that our only job were to keep the viewer with us.

We just hope to attract some people that come to look at the kinds of things we are doing, and not necessarily the converted ones. I think our great contribution is when somebody comes across us by accident and doesn't have an interest in the problems of hunger in America, but gets there by accident and stays. So you can inch ahead; it's going to be an inching process.

Senator Hart: There are many things. Thank you very much.

Judge Higginbotham: Let me say to the witnesses, I'm very insensitive to all constitutional prohibitions, one of which is cruel and unusual punishment. I have some real concern about how long we should subject you to being questioned without a break, so Dr. Menninger will question you and I am advising Congressman Boggs and Judge McFarland we will take our luncheon break, but if you could take one for about a half hour—this is important for us to learn from you and not punish you physically, so we will take a half hour break after Dr. Menninger.

I'm not rushing you, Dr. Menninger, at all.

Dr. Menninger: Don't worry.

This is an awful difficult situation and I respect the position you're in, and I think a bit about what I would like to take up has to do with the fact that much of our time is spent in picking up negatives, in criticizing one or another aspect or deficiency of what we see, and maybe not recognizing a number of the positives.

And it is clear, as you indicated, that CBS leads in a number of ways in some of the public service programs that you have done. And as a citizen, I very much appreciate this.

I have been looking over some of the discussion I had with Dr. Klapper when he was before this group, and one of the things that struck me very much at that time was his statement that despite the fact, as it came out, despite the fact that violence has been a concern in this country for a good while, it was only after the assassinations this year, the two assassinations, that he reported that they sat—CBS sat down and "devoted ourselves to trying to figure out what it would take to mount a major research policy in the area, that it hadn't been an area of priority prior to this time."

I would like to comment with regard to your reference to the fact that there were not good research methodologies, designs, and the like, available.

Mr. Stanton: I hesitate to interrupt when we are trying to get out to lunch, but I was not aware that Dr. Klapper made that statement. Indeed, if he did, I think there is some error in the transcript or in his understanding.

I can testify in the first person that we had made efforts to mount serious methodological studies long before the assassinations in 1967.

Dr. Menninger: Well, he quite specifically said that it hadn't been given priority research, no, in response to my question that it hadn't been given that attention before the upsurge of recent violence, so if there is that correction for the record, let it be so stated.

Mr. Stanton: I would like to correct it, and I will speak with Dr. Klapper when I get to New York. [Laughter.]

Dr. Menninger: I can't help but recognize that the Director of Research of your network seems to not know something that the President knows, and that kind of discrepancy doesn't sit well on my record.

But so be it.

Mr. Stanton: He is not the only director of research, and he is not the director of research for the network.

Dr. Menninger: All right. Social science research, or whatever is his province. You placed some emphasis in the last paragraph of your statement, as did Mr. Valenti in talking about motion pictures yesterday, that seems to justify the use of violence because that's the way it has been in history, that's the way it is in drama, and so forth.

Part of my interest is not that we just deal with the responsibility of the communications media to tell it like it is, but also a responsibility, which I'm sure you also respect, to tell it like it ought to be.

That is, to have some idea of what are some objectives that are desirable. There are no qualms on the part of mass communications to influence customers to buy cars and cigarettes and detergent.

I'm assuming that there should, likewise, be no qualms to help work toward peace and toward human brotherhood. I'm assuming that that is a natural point. To focus just on violence, I would like to quote some remarks of a Los Angeles psychiatrist, Dr. Judd Marmor, who was talking about the problems of warlessness and what do we do if we try to get rid of war, recognizing that that is the epitome of violence, and his reference that war games and toys often serve as outlets for aggressive feelings, and that the same thing applies to violence on television.

The oft-heard defense that such violence is merely a mirror of what goes on in the child's unconscious anyway, and healthy, well-adjusted children are not adversely affected by it.

But Dr. Marmor observes that this fails to pose the problem in proper perspective. That is, that there is nothing in the human conscious which instinctively endows it with the knowledge of civilized techniques of torture and killing. I'm quoting:

> To teach children such techniques via our mass communications media is not only to indoctrinate them in methods of brutality, but also to progressively desensitize them to the spectacle of human death and violence.

This, it seems to me, is a much more serious problem from the standpoint of society than whether or not such forms of "entertainment" do or don't cause emotional disturbance in some children.

If the organized killing of men is to be rendered obsolete, it is not enough to pay lip service to non-violence in terms of our religious mores when so many other aspects of our social fabric condone or even glorify such killing. I quote:

> To be consistent every element in the adulteration process which shapes our perceptions and our goals should reinforce the value systems of non-violence beginning in early childhood, and continuing throughout life.

Would you care to comment on that?

Mr. Stanton: I would say first that there are other distinguished people in this field who would not agree with him.

Dr. Menninger: In what way?

Mr. Stanton: I can't give you the citations here, but I can get them for you.

Dr. Menninger: Disagree in what way?

Mr. Stanton: Disagree that this depiction of violence has the effect that he has set forth in the statement that you just read. But more fundamental to my comment than that is the fact that I don't see our role, as purveyors of news and the gatherers of news, as one in which we try to establish value judgments and goals.

Dr. Menninger: I'm going beyond just news. I'm going to your responsibilities.

Mr. Stanton: I'm starting with the news. I don't see ourselves as the preacher or the teacher. I don't see ourselves in any of those roles.

Dr. Menninger: You don't see yourselves as the teacher?

Mr. Stanton: That's correct. I'm talking news now. I think--

Dr. Menninger: Even as news you're not a teacher?

Mr. Stanton: Not in the sense that I think he talks about.

Mr. Jenner: Do you editorialize in connection with your news?

Mr. Stanton: No. We do have editorials on our company-owned stations, but not on the network.

Dr. Menninger: One could say sometimes news analysis comes awfully close to editorials.

Mr. Stanton: I agree. One man's analysis may be another man's editorial. This is, again, one of those lines that can be elusive. We have the policy of non-editorializing in our news. If we didn't have the policy we might have more of what you just described.

But I don't see ourselves in our news activities as a teacher. I'm not saying television can't be used as a teaching instrument. I'm talking about news. I would rule out anything in the news area, because a lot of people, as Dick Salant said a minute ago, write in and say, "Why don't you give us nothing but good news." I get letters from serious-minded people, well-intentioned people, saying, "Lay off any reporting of any violence, any riots, any confrontations, for a year and everything will go away."

Well, you can't do that. If you are going to have any credibility you can't start playing that kind of super-God role.

Now, on the entertainment side, I think we do some of the things that are talked about in that statement. I think we do open up better values to many people. I think in some of the things we have done--not all by no means, and I'm never satisfied with what we have done last week or today--but in some of our efforts we try to lead by exposing people to new opportunities for visual and auditory enrichment in their lives.

Dr. Menninger: Let me, with regard to news, let me first comment that it is a human reaction that when people won't discuss something they have something to hide.

Now, that may or may not be the case. I think one of the principles of the free and open society is that there be exposure of conflict in the issues, so I too have concerns about the limitations that you state in terms of your willingness to talk about things.

I am the one non-lawyer sitting here today. I come here as a citizen who, in a sense, feels that I'm not going to deny myself the privilege to raise a question regarding news judgment.

I had some journalistic experience in college and I have a lot of criticism to lay on news judgment as a citizen, but I would like to take a little separate issue and ask if you would comment on it, because I raised again this same question with Dr. Klapper.

You sometimes wonder about where can the media be tied in as clearly a precipitating influence in bringing about a riot. The example that seems most specific to me was in effect of what happened after the death of Martin Luther King, because while the media was not responsible in the sense of causing it, as other specific incidents or as the incident itself might be considered a cause, it was the immediate communication of that incident that was followed throughout this country in many localities by violence of an entirely different sort; by riots that police couldn't cope with because they were all over the place, by disturbed citizens who then had had their emotions built up and responded to them.

Now, I'm not asking that the TV or radio should not report the news. The question I ask is that when mass communications instantaneously can prompt such a reaction, one can't deny that the communications has had something to do with what takes place; and, therefore, what do you think is the media's responsibility? What can the media do in the public good for the social order in trying to cope better with that kind of problem?

Mr. Stanton: If we had that experience to live through again--God forbid that we do--I wouldn't do anything different than we did at the time.

Dr. Menninger: Have you really examined what took place at the time, Dr. Stanton? Has there been a careful assessment of anybody, by saying this is what happened, so that, as you say, if you lived through it again, your--

Mr. Stanton: Dr. Menninger, are you asking me if there has been an assessment of reactions?

Dr. Menninger: No. You said if you would do it again, you would do it the same. As you make that statement, is that based on the fact that you carefully examined what was done by the network and--

Mr. Stanton: I saw every minute of it. It seems to me that the response to the--that what you're describing isn't a response to the medium. The medium was simply a means of transmission. If you hadn't had this means of transmission, you would have had some other means of transmission, and unless you were prepared to wipe out all means of communication from one part of the country to another, I don't see how you could achieve the thing I think is implicit in your question.

It seems to me that whenever you have a problem such as you had at that time--or, for that matter, in connection with any news event--the most important thing to do is get the word out as widespread and as fast as possible. If you don't, you will have something else happening. You will have rumors. You will have leaks. You don't know where to stop this thing.

So the only policy that has guided me--my North Star in my job--is to have as much information as possible. I think this is the only solution in an open society. I don't think you can begin to hold back.

In my opinion, the problem that created the conditions that you described came about because of what happened to Martin Luther King, not because television or newspapers or radio reported what happened.

Dr. Menninger: I think it would be important to go back before the death of Martin Luther King, if one would talk about what really caused that, but that is another issue.

Mr. Salant: Let me add, perhaps we are getting into something else. Communications are imperative. Otherwise you get distortions. But the question of whether we or any other communications medium properly performed these functions in having dealt with the issues which made the death possible, so to speak, or created an atmosphere where the death occurred, and the death triggered the kind of violent reactions that it did, then I would say yes, that is what we have been doing.

We have been trying to do it over the years in documentary after documentary in dealing with such things as "the Tenement," bringing home to people what it is like to live in a black slum in Chicago, or four nights in a row, documentaries at ten o'clock each night on the cities and how that is—then through the summer we wiped our Tuesday night ten o'clock schedule clean to do "Black America," eight broadcasts on various aspects.

Why? Hopefully so somebody would do something about it. That's the answer, rather than not transmitting the facts.

Dr. Menninger: Again, I don't want to be in a position of saying the answer is that you don't transmit the fact, but the question is—clearly in our urban society, in our tightly knit, in our increasingly closely bound society, where communications of this sort can cause tremendous repercussions—the question is: What is the social responsibility of every one of us, of citizens, of media transmitting it, of law enforcement authorities, and so forth?

That is what we are struggling with in this Commission. I'm asking you, what is the responsibility?

Mr. Salant: I would suggest in news—I can speak only for news—the most dangerous thing, one of the most dangerous things we can get into in a democratic society is for the people who are responsible for news to impose some deistic judgment on what is good or bad for the people. Who will decide?

Dr. Menninger: I can only say there comes a point when one makes a filter process anyway. Your news directors are deciding which item will lead off the news broadcast. You are deciding which items will you interrupt regular programming to make a bulletin. You are making judgments.

Now, this, you feel, is something that can't be challenged. The fact is, as a specialist studying emotions, I'm aware that emotional factors may often be more important than the rational, conscious, psychological, judgmental factors in making those decisions, as much as you may like to feel otherwise, and I think the question is what kind of safeguards do we then have. It's the same question we have been struggling with in other ways over who should guard the guards.

Mr. Salant: It comes down to people. The most rational way of going at this, the greatest safeguard—if you believe that an informed society is the one that can best cope with these problems, and that is, I think, what democracy stands for—is that the people who make those judgments are professional and decent human beings; professional journalists.

Dr. Menninger: Part of what we have been concerned about is how are we assured those people are professionals and properly trained? We don't have the same kind of safeguards, except the public market, in that regard, as we do in other professions.

Mr. Salant: I don't think you have a problem on that. I don't think we in the broadcast news have a problem on that. I think the degree of professionalism as journalists is very high.

Dr. Menninger: Let me make one last observation and respond to Dr. Stanton's hypnosis research.

One of the things that there is considerable evidence for is that hypnosis or subliminal effects are consequential when they are consistent with an underlying wish or impulse in an individual.

The study of trying to get people to buy more popcorn in the movie theatre once traded on the point at which people get hungry. It is clear that many people, all of us, are fascinated and impelled at times to commit violence. We may abhor it on one side, but it remains one of the most fascinating subjects.

You stimulate interest in sex by showing little teasers of sex. The same thing can be assumed to be true of violence. I think in terms of the question you raise, people can't be compelled to do things they don't want to do, that is correct; but there is within all of us this same pressure at times for violence, and I don't think that then your

considerations about the impact of entertainment and the whole gamut of programming should discount that.

Mr. Stanton: It seems to me the key phrase you used was "assumed to be." If we could get the hard facts on that particular point, I would be delighted to sit down and work with anybody on it.

Dr. Menninger: Well, to make one final comment, I am not sure I mentioned it before, one of the things we have been aware of in mental health is that you make the money available and competent researchers will move into the field, but if you sit back and wait for somebody else to move it—you see? What we are impressed with is that everybody says we are waiting for some competent researchers.

Mr. Stanton: That is not what we are doing, and it doesn't necessarily follow. There are many fields in which foundations are willing to give money and yet the scientists aren't coming from the universities to work in them.

We are doing more than that. We are going into the social science departments to interest young graduate students in doing research of this kind.

Dr. Menninger: I hadn't heard of that part of your effort, Dr. Stanton, but I'm aware—Mr. Valenti was telling us yesterday that they aren't committing money to it, and it seemed like nobody—everybody is waiting for somebody else to take the first step.

I am pleased if you are moving in that direction. Thank you, Mr. Chairman.

Judge Higginbotham: Well, Dr. Stanton and Mr. Salant, I want to thank you.

Why don't we take a 45-minute lunch break and we will start at 2:15.

(Whereupon, at 1:30 p.m., the Commission was recessed, to reconvene at 2:15 p.m., this same day.)

Judge Higginbotham: Dr. Stanton and Mr. Salant, do you have your breath?

Mr. Stanton: Yes.

Mr. Salant: Not much but breath.

Judge Higginbotham: The next Commissioner will be Congressman Boggs on the questioning.

Congressman Boggs: Thank you very much, Mr. Chairman.

Doctor, you are very kind to come here. I have several questions to ask. I trust you realize that my questions are asked, as were the other members' of this Commission, for the purpose of seeking information. I fully appreciate the tremendous value and importance of the television medium. In my judgment there has been no more significant development in this country in my lifetime. As to the continued expansion, I saw yesterday where a new satellite was launched which would increase international transmission of news and entertainment. But there are some aspects about it that give me great concern and I noticed each time we go into these subjects people say we just haven't had sufficient occasion to judge the impact. Now I think you have grown up. I know that as with everything in life, there must be innovation, experimentation and growth. But I don't accept the premise any more that this is an infant industry and one must be patient. As a matter of fact, I think your gross last year exceeded near $4 billion, which would indicate it is a very substantial operation to say the least. Now you were kind to indicate to this Commission at the time of its formation and shortly after the assassination of Senator Kennedy—I quote a message attributed to you, sir: "CBS will cooperate with the President's Commission in every possible way. We believe, however, that it may take a considerable length of time to determine whether there is a causal relationship between the functional portrayal of violence in the mass media and any increase of actual violence in American life."

Now, Doctor, unfortunately that is not the first time you ever said that, nor is it the first time your predecessor said it as head of CBS. As a matter of fact, the same statement was made by the former president of CBS before the Kefauver committee in 1954. Well, you shake your head. I will be very happy to produce it for you. And again in——

Mr. Stanton: I was the head of CBS in 1954 and I did not testify.

Mr. Jenner: Harold Fellows, I think you have in mind.

Congressman Boggs: Well, I stand corrected.

Mr. Stanton: No matter, but I didn't want to have any misunderstanding.

Congressman Boggs: How long have you been head of CBS?

Mr. Stanton: Since 1946.

Congressman Boggs: Yes. Harold Fellows made the statement. He was present chairman of the board of the National Association of Radio and Television Broadcasters.

Again in 1961 before Senator Dodd's committee–incidentally, Senator Dodd said this at that time, he observed in 1954:

> When Senator Kefauver presided over these hearings, representatives of the various networks alleged at the conclusion of those hearings that the programming was bad. He said it ought to be approved and assured Senator Kefauver it would be improved. Ten years later, 1964, we hear and observe it is 100 percent worse.

That is a direct quote from hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary of the U.S. Senate, 88th Congress, part 16, page 3730.

Now, in 1961, when the former Governor of Florida, a very distinguished man, Governor Collins, was head of NATB, or was the executive director or whatever his job was, he said this: "Soon the television code review board undertook a pilot study of new attitudes to determine the feasibility of a broader study, but about that time the Columbia Broadcasting System announced it was engaged in sponsoring a survey which, while broader, would cover essentially the same ground. In view of this overlapping, NAB deferred to CBS." Now this was in 1961. That is seven years ago. "In order that the larger survey could go ahead in preference to the narrow inquiry which NAB had initiated. It is anticipated that the CBS project will be completed by the end of this summer, 1961, and that a final report will be published before the end of this year."

I have never seen that report. Was it published?

Mr. Stanton: Yes. I can't give you the precise date but it was published in hard covers, I believe, in 1962.

Congressman Boggs: What was concluded?

Mr. Stanton: There were many–I can't give you the conclusions off the top of my head. I will be glad to send you a copy of the document.

Congressman Boggs: Did it have any impact on the problem that the committee was addressing itself to?

Mr. Stanton: That study, sir, was not done in response to the committee's stimulation. That study had been started long before that committee started its deliberation. We engaged Gary Steiner of the University of Chicago to head the project, but it was done under the general supervision of the Bureau of Applied Social Research at Columbia University.

Congressman Boggs: My notes show the study referred to what was finally published–I have not seen it–in 1963. Governor Collins said it would be available at the end of 1961. It appeared in book form. The author, as you noted, is Gary Steiner. Title: *The People Look at Television.* Is that the title?

Mr. Stanton: Yes.

Congressman Boggs: Although there are several references to violence in the book, pages 81, 82, 80–about five or six althogether, maybe ten–the author states–this was 1963–this is what makes this time element so interesting. "If the 1954 decision of the Supreme Court about all deliberate speed resulted in, you know, the worst kind of no speed, if you ever want to see something that has been studied and nothing done, this is it. The study provides no direct evidence on the effects of television on children." This was a direct quote from the author. Our information refers entirely to parents beliefs, attitudes and behavior with respect to the television set vis-a-vis the child. This study is the result of the promise made in 1954, nine years later, by Mr. Fellows. There was a study which Mr. Arbor stated would make a significant contribution to knowledge in the area of effects of violent portrayals on children. It took almost nine years and this was the sole result.

Would you care to coment on that?

Mr. Stanton: Yes. Mr. Fellows did not promise that study. This was a study we did on our own. It had nothing to do with the NAB. I had been identified with two similar studies in the days of radio called "The People Look at Radio." One of those two was done by NAB at the time I served as chairman of the NAB Research Committee. It had long been my dream that we would do the same thing, on a very systemmatic basis, in television.

Congressman Boggs: It is a long dream, Doctor, if you forgive me for saying so.

Mr. Stanton: It would not have been worth anything unless done by competent people. It took us some time to interest––

Congressman Boggs: It hasn't been done yet.

Mr. Stanton: We are talking of two different studies.

Congressman Boggs: I am talking now about conclusions. Because you––

Mr. Stanton: If you look in the Steiner book you will find conclusions in it. We are talking about two different kinds of studies.

Congressman Boggs: Wait a minute now. Maybe we are talking about different studies, but I want to get at what I am driving at–whether or not you come to any conclusion. In your main statement this morning, page 3, second paragraph, turning now to entertainment programming–now this is what, December 20, 1968. "The problem of the use of violence as this Commission well knows is very complex." Well, that is a profound statement. No two people are likely to agree on the same solution to this. But we have had more than two people here before this Commission who agreed we are saturated with it in television, that is for sure. Some claim that there is too much violence on television. Some say that there should be none at all. I can't agree. I don't know what you agree with, whether it is too much or none at all.

Mr. Stanton: I don't agree with either one.

Congressman Boggs: So you come to no conclusions?

Mr. Stanton: As between those two propositions, I don't agree with either one.

Congressman Boggs: Well, you don't really say what you agree with. What do you agree with?

Mr. Stanton: I prefer to live by my actions and not my words.

Congressman Boggs: Then you say that throughout history violence had a prominent place in art, drama and literature. Again I say that is a very profound statement. In citing violence on TV you come to two programs you have. One is "Mission: Impossible." And "Gunsmoke." I watched "Gunsmoke" many times. It is a good program. It is all right because the good guy always wins and he uses justice even handedly. He doesn't use sadism and the other things. And he is a law enforcement officer. Quite a guy, Marshall Dillon, incidentally. Now back to these studies that continue to go on. This is the "studiest" thing that ever happened with no results. In the 1961 hearing the defense of the networks again was that the sceintific evidence was inconclusive. That is what you said this morning. You said it was inconclusive. The question of additional research arose in this context. Question: Dr. Wilbur Shram, director of the Stanford Institute of Communications Research, and a recognized expert in the field of behavioral research, stated in testimony before the subcommittee that the amount of extremely violent programs which we have on TV at the present time is just too dangerous to go on.

That was in 1961. In light of this situation has the NAB sponsored or taken part in any research in this area? Does it plan any such activity in the future? In response Governor Collins replied we are moving significantly in this area now. At a meeting of our Joint Radio and Television Board of Directors last week approval was given to proceed with the initial planning of the NAB research and training center in association with one of the leading universities of the nation. Comprehensive and concentrated research projects on a massive scale conducted by the best professional resources in the social science, managed under impartial and scientific auspices. NAB, I feel, will be glad to join with others in underwriting the cost of a comprehensive study of this kind. And so on.

Well, they way I read it is that you testified before that same committee in 1961–I just had the committees wrong–and the date, I admit was wrong–it was 1961 and not 1954–in which you confirm Mr. Collins' statement and said as follows: "We have already told NAB that we wanted to participate in industry-wide research of this kind. But I believe," you said, "that even the NAB study should be a part of a much broader study that gets at all of the forces rather than just television because other influences affect juvenile delinquency."

I agree with that completely. Now the best I can ascertain here is that a study group was created, Joint Committee For Research On Television and Children. Is that the proper name of it? Set up by the NAB.

Mr. Stanton: I can't confirm that as the proper title.

Congressman Boggs: Well, the staff has done research on that. Is that the correct name?

Mr. Baker: So far as I know, yes, sir.

Congressman Boggs: Nothing happened–this was set up, but nothing happened, Dr. Stanton. But in 1964 the committee got together again.

At that time the report came out from the research on television, Joint Committee on Research on Television for Children, NAB, executive vice president of NBC was

quoted as saying, "I think that all of us are looking forward to the work of the joint committee and are counting heavily upon having some definitive work come out of that Committee."

At that point Senator Dodd reminded him, "Two years have elapsed. Now this is 1964." The networks are going to conduct with HEW, I believe it is, but I never heard of anything going on. What have they done?"

Mr. Scott replied, "I have asked the same question, Senator, because I wondered why there hadn't been more in the way of results up to this point. I have been reminded by people who are working very actively and closely with the committee that is appropriate to bear in mind the work of scholars frequently sets up its own pace."

Boy, I will say that is for sure. "And that time may be the price we must pay for meaningful results." I just wonder how much time. As the fellow says, how long? How long, Mr. Chairman? How long? As I understand it, they have had work done by very large numbers of competent scholars in the field of social science and so on, all of this gobbledy gook. As of June 1968, 6 years after its formation, the Commission has conducted only three studies relevant to the problems of the effect of media portrayal of violence, according to the best information this Committee can get. Study by Seymour Feshbach. He has done some early work tending to show how viewing violence provided a vicarious release and thus leasened the likelihood that viewers of violence would engage in actual violence.

That is the coliseum theory. Throw a guy to the lions and you won't go out and do it yourself. The study is not yet complete. Not yet complete. 1968. 1954, June. 1968. Today we ask for a new study.

As Dr. Stanton says, the problem of the use of violence as this Commission well knows is very complex. Now we get to Dr. Klapper who I understand is one of your employees. We are going to receive copies of drafts and the back up data.

The second study is a literature survey by Dr. Ruth Harhey which was essentially the basis of Dr. Klapper's testimony before this Commission. The aim of that paper was purely negative. To criticize the work of others which tended to show deleterious effects from viewing violence, you know, like the cigarette business.

There is a third study on the effects of repetition; but the contractor didn't fulfill his obligation, and the study never came to fruition.

In view of all these promises, it is safe to say that not much has come of the promises in 1961 and 1964. In 1961, in opening the hearing Senator Dodd pointed out that in 1954 the monitoring study shows 16.6 percent of the total programming time during the so-called prime viewing hours was devoted to programs which had a violent format.

In 1961 that flew to 56.6 percent. And today it is just as high if not higher.

Now I am no student of the impact of these things, but I think there are some things that are relevant. How much does it cost to buy one minute of time on the Columbia Broadcasting system when you broadcast an NFL Football game on Sunday afternoon?

Mr. Stanton: It depends on the game–say, $50,000, $60,000.

Congressman Boggs: Well, now would an advertiser pay $60,000 if he didn't think he was having an impact?

Mr. Stanton: Not at all.

Congressman Boggs: How much did the supporters of President Nixon spend at CBS in the last campaign? All the various committees?

Mr. Stanton: I have no idea.

Congressman Boggs: Would you make that available, please?

Mr. Stanton: Certainly.

Congressman Boggs: How much did the supporters of Vice President Humphrey spend?

Mr. Stanton: I will make the figures available, but I don't have them in my head.

Congressman Boggs: I want the figures on Humphrey, Wallace and Nixon. And I just don't want the Republican National Committee and the Democratic National Committee. I want all the other committees that buy television time in order to get around the Corrupt Practices Act. Will you make that available, please?

Mr. Stanton: Certainly.

Congressman Boggs: Would you say it was a substantial sum of money?

Mr. Stanton: I would.

Congressman Boggs: Why do you think they spend that money?

Mr. Stanton: Because it is an effective medium to reach people.

Congressman Boggs: Well, now why is television effective in reaching people and advertising and political campaigns and is not effective when it shows sadism, masochism, murder, mayhem and rape?

Mr. Stanton: I didn't say it wasn't.

Congressman Boggs: What do you say?

Mr. Stanton: I said at this particular point in time we simply don't know.

Congressman Boggs: You have been studying it since 1954.

Mr. Stanton: I beg to differ with you on that point. I want to say one other thing. When I promised to do *The People Look At Television,* I delivered. I didn't quibble on that.

Congressman Boggs: There has been no delivery on this matter from any network, including your own.

Mr. Stanton: I want to repeat what I said this morning even though I might take your time.

Congressman Boggs: I have all the time in the world. I intend to use it.

Judge Higinbotham: Not all of the time. [Laughter.]

Mr. Stanton: What I said was that we will finance the research––

Congressman Boggs: When? You financed one in 1961?

Mr. Stanton: We are talking about two entirely different studies. I simply have to make the record clear on that. Don't confuse a public opinion study with the kind of study I am talking about.

Congressman Boggs: This is a new study.

Mr. Stanton: What is a new study?

Congressman Boggs: The one you are proposing now.

Mr. Stanton: I am not proposing a study now. The reason I am not proposing a study now is that I wouldn't know how to spend $1 million for it or $10 million for it. Because we don't have the methodology. If you will tell me how to do it, I will make a commitment to you right now: I will go out and do it. But I need your help to tell me how to do it.

Congressman Boggs: You know, I think this is an amazing admission from you, sir. To begin with, you have a distinguished academic background, which all of us respect and admire.

Number 2, you are in a medium that you know has an impact, and the fact that you would make such a statement to me is astonishing.

Mr. Stanton: I will have to let the record stand because I can't say anything more about it.

Congressman Boggs: You have no personal opinion at all.

Mr. Stanton: No personal opinion about what?

Congressman Boggs: The constant subjection, first of children, to violent scenes that have no connection with morality, that portray murder and mayhem and sadism simply to portray them–

Mr. Stanton: Let's take it easy. Let's be sure we are talking about the schedule of the CBS Television Network. We don't have sadism in the television network schedule.

Congressman Boggs: Well––

Mr. Stanton: We have six programs in prime time that have––

Dr. Menninger: "Wild Wild West" does.

Mr. Stanton: Then your definition is different than ours, and I will take that under consideration. And I correct what I said in the light of what Dr. Menninger said.

Congressman Boggs: He is a pretty good authority.

I would like to call to your attention the following cartoons that you show on Saturday morning. By the way, what is a minute of time costing on Saturday morning at 10 o'clock on CBS?

Mr. Stanton: I can get it for you, but I would say about $15,000.

Congressman Boggs: One minute.

Mr. Stanton: That's right.

Congressman Boggs: One of those cartoons.

Mr. Stanton: I think for the purpose of accuracy, I would ask you to let me supply that for the record because I want to be precise.

Congressman Boggs: Certainly. I would appreciate it very much. I would expect you to be accurate. You always are.

I call to your attention the following—do you watch these programs?

Mr. Stanton: I see them from time to time. I don't spend every Saturday at the television set.

Congressman Boggs: But you have seen them?

Mr. Stanton: Yes.

Congressman Boggs: You have seen "Moby Dick" and the "Mighty Mightor"?

Mr. Stanton: I have.

Congressman Boggs: "The Space Ghost"?

Mr. Stanton: No.

Congressman Boggs: It is one of your programs?

Mr. Stanton: I don't think it is any more.

Congressman Boggs: Why did you stop it?

Mr. Stanton: We made a number of changes on Saturday morning. We have taken out four of the cartoon strips in the early morning as part of our program of changing our mix on Saturday morning.

Congressman Boggs: Why did you do that?

Mr. Stanton: Everybody was having the same thing, and we thought we would provide an alternative diet for one thing.

Congressman Boggs: Do you still show "Shazzan"?

Mr. Stanton: Yes.

Congressman Boggs: "The Herculids"?

Mr. Stanton: Yes, that is still on.

Congressman Boggs: "Frankenstein Jr." and "The Impossibles"?

Mr. Stanton: Not on our schedule.

Congressman Boggs: No more?

Mr. Stanton: Never was.

Congressman Boggs: So listed here. Somebody made a mistake.

Mr. Stanton: I may be mistaken, but I don't believe it was on the schedule.

Do they say anything there about "Captain Kangaroo"?

Congressman Boggs: No, not a word. Is that a good one?

Mr. Stanton: Do you know it?

Congressman Boggs: I think it is good that you have—it seems to me there is a general theme that floats through most of these cartoons. Again, I must say that I am—unfortunately not having the knowledge of Dr. Menninger. I wish I did. But the kind of violence that prevails, the so-called good guy can do anything.

The fellow is bad, he [the good guy] can do anything to him. There is no sense of justice of all. Now, I would think that the average child really has sense enough to put this down as mythology. These are not real people. Just as he is able to read *Grimm's Fairy Tales* and other things. But when he sees this fellow being able to beat up someone at will because he decided that he is sad, then here I think you absolutely give an impression of society that is tremendously dangerous.

I know with my own grandchildren that they react much more violently to something like "Lassie," which I consider a fine program; but that is real and when they see a wolf attack Lassie, they see the wolf coming after Lassie, they don't want anything to happen to Lassie. They are much more inclined to dismiss the cartoon, I will grant that. That is what little knowledge I have of it.

The Christian Science Monitor made quite a study of this subject. On July 25 of this year they published a very comprehensive article entitled—well I have it.

I will make it available for the record. "Violence Dominates Summertime TV." *McCall's* Magazine, in its July issue, and in its August issue, published a documented, two-page editorial which called upon its millions of women readers, the constituents, to take aggressive action against the continuance of TV violence.

On July 12 and 13 *McCall's* held a 2-day conference of representatives of women's organizations to organize a national campaign against the portrayal of crime and brutality on television. I am told that Mr. Jerry Paris, he is a producer or something, isn't he? Who is he? He bought a full-page ad in the trade publication to announce he wouldn't supply his talents to the production of any motion picture of TV programs which exploit the public appetite for violence in entertainment, and he said, "Create a climate for murder."

The *TV Guide* said in its July 13-19 issue:

Violence is no longer seen as a crime against society, something to be avoided.

Children's shows must share the blame. "The Three Stooges," for example, depict grown men hitting one another without provocation, poking one another in the eyes without injury. Cartoons show cuddly little animals blowing each other up, pushing each other over cliffs, coming out as good as new. These antics are as bad if not worse than adult entertainment because they show no harmful effect from violent acts.

It is very puzzling to me that we should have these distinguished journalists and psychologists who have been before this Commission all saying the same thing—I cited here this morning (and you may have been in the room) the statement of a former NBC reporter in which he—

Judge Higginbotham: Robert MacNeil.

Congressman Boggs: In which he said, "My chief concern is that television spends most of its energy and talents depicting a mythological America, in which violence is sanctified and relatively little energy and talent informing its captive [mass audience about the real America]. He said some other things too. I don't know MacNeil, but I must say he certainly doesn't like his colleagues.

He talked about—a direct quote—"TV news at its worst involving a handsome but emptyhanded character," et cetera et cetera—"from a script someone else wrote or has written on something he knows nothing about." That is what Mr. MacNeil said.

I quoted from Professor Dicken—Mr. Isaacs was here, a distinguished journalist from *The St. Louis Courier Journal,* an officer in the Association of Editors, and he said this: "The only thing the networks were interested in was their ratings."

I give you a direct quote as reported in *The New York Times* yesterday, December 19, Vice President, Executive Editor of *The Louisville Courier Journal:* "They are running for ratings. I feel sorry for those characters. The newspapers don't have to. But television is caught in a terrible bind. They will do anything to get a rating. I am afraid they do."

Why does television have this kind of image?

Mr. Stanton: If I were wise enough to answer that question, sir, I submit I probably wouldn't be sitting before you today. I have no defense for Mr. Isaacs' opinions.

I would point out, however, that it is easier to run a newspaper where you have no competition than it is where you do have competition.

Congressman Boggs: Do you mean by that that what he said about ratings is true?

Mr. Stanton: In large measure. We try to appeal, as I said this morning, to most of the people most of the time.

It does no good to go on the air with something people won't look at. You can't take the New York State Ballet Theater and shove it down people's throats. But you can introduce segments of it on "The Ed Sullivan Show" and begin to give people some appreciation for that kind of programming. But you just don't go out willy-nilly and say, "This is what you will take and you can't have anything else." Before you can begin to move information, you have to have an audience.

But this isn't true with all of our schedule, because if it were we wouldn't have some of the things in the schedule we have. We wouldn't put Horowitz on again on Christmas Day.

Congressman Boggs: Put what on?

Mr. Stanton: Horowitz.

Congressman Boggs: What is that? [Laughter.]

Mr. Stanton: Vladimir Horowitz is a distinguished pianist.

Congressman Boggs: See, I am very ignorant.

Mr. Stanton: I am not so sure you would like the program.

Congressman Boggs: I may have. I like pianists. You put so few on I never have the opportunity to listen.

Mr. Stanton: We will expose you to him because we think you ought to know this is what is going on in some part of this country.

Congressman Boggs: I think it would help.

Mr. Stanton: But it will not get the rating that we could get with something else. Now, if we just did it for ratings, we wouldn't put Horowitz on, would we?

Congressman Boggs: I don't know. I asked you. I am told on Sunday next that the educational channels are carrying the program—devoting 2 hours to investigation of TV news reporting. I will watch that program with great interest.

Mr. Stanton: One of your witnesses here at this table will appear on that broadcast.

Congressman Boggs: One or two other questions, Doctor. You have been very kind and patient. I thank you very much.

The U.S. Attorney for the Northern District of Illinois was before this Commission yesterday and he said that news cameramen affect pictures in Chicago. I don't know whether he said CBS or not; but did you do that?

Mr. Stanton: We did not. But he did say it.

Congressman Boggs: That is a serious charge for a U.S. Attorney to make.

Mr. Stanton: We think it is one of the most serious charges that has ever been made.

Congressman Boggs: Have you ever bugged a confidential meeting?

Mr. Stanton: What?

Congressman Boggs: Have you ever bugged a confidential meeting?

Mr. Stanton: No, sir.

Congressman Boggs: Would you approve of such a thing?

Mr. Stanton: No, sir.

Congressman Boggs: In your interpretation of the First Amendment you don't consider yourself above the law, do you?

Mr. Stanton: No, sir.

Congressman Boggs: That is all.

Judge Higginbotham: Judge McFarland?

Judge McFarland: I think this field has been pretty well covered, Dr. Stanton. I will try not to use over two minutes here.

First I would like to express my appreciation to you, Dr. Stanton, and Mr. Salant, for being here. It seems like old times to be in a hearing here with you, and this question and answer session is nothing new to you. You were doing it a long time ago.

I think the field has been pretty well covered. There was just one thing that I wanted to emphasize, maybe a little bit. You say that you have a right to exercise your judgment in regard to the news that goes on the air?

Mr. Stanton: Yes, sir.

Judge McFarland: But that carries with it, Dr. Stanton, the responsibility of seeing that it is done fairly and impartially?

Mr. Stanton: Absolutely.

Judge McFarland: Now, some would charge—I'm not making that charge, but I'm talking about some of the things that are said—some would charge; they say, "Well you have a right to exercise your judgment, but that if you intentionally slant that news, then you are not exercising your judgment."

I'm sure you would agree with that?

Mr. Stanton: I would.

Judge McFarland: So it carries with it a great responsibility. I know that you recognize that responsibility because you send out newsmen, if they are influenced, a camera, a television may make or ruin a man just by the way they take the pictures. I would presume you agree with that?

Mr. Stanton: I would.

Judge McFarland: So your responsibility, the responsibility of the television is very great indeed, because you can take a man by the way he sits or something he does and that may be the end of him. But one picture would not really portray, really, what had happened.

Mr. Stanton: No. But I think the example you're citing is an example in the extreme, because the chances are that the public has other opportunities to see that individual. Certainly if he is a public leader, he is exposed more than once, and the public would have an opportunity to judge him over a broader period of time than just on the basis of one unfortunate slip.

Judge McFarland: I wanted to emphasize that responsibility. Now, there is one thing that is said, and some people claim, that you report too much the acts of violence and not sufficient of events that are character building. That charge, I'm sure you heard many times, and one of the examples that you hear it—one of the places you hear it, I'm not trying to—I say you, I don't mean you—the industry, but one of the things they would say—take an act of violence, a protest at a university, the process is such that it becomes violent and so some would say that you emphasize that by publishing that, but you don't pick out the great good and spend sufficient time in reporting the good things, the things that are building character, that are done by that university. Now, there must be a balance there, and you can comment on that or not.

Mr. Stanton: I think there is a balance. I think there is another side to that particular point. I think that one of the things that the Commission ought to do—and perhaps you already have or the staff perhaps has done it—is to take the leading news broadcasts that are made across the country on the networks and judge them for what their content is, and how that balance is handled.

Take the question that you raised regarding violence. I think perhaps Mr. Salant may have given you the figures this morning, but we took a month, did we not—

Mr. Salant: Yes. I have the figures. We took a month, or four weeks, November 1, and this was just done yesterday, and was done hastily, we took all the stories we dealt with in the evening news with Walter Cronkite, which would be 20 broadcasts. Every story which in any way could relate to violence we marked as dealing with violence, even to a story about a little girl who had been kidnapped, and the only part of the story we covered was the safe return home with her teddy bear in her arms. Since that was related to kidnapping, as violence, we included that.

That would also include all Vietnam coverage other than the series being done on pacification, and that was the period of the San Francisco State College eruption, which is still going on, and taking the entire time devoted to news in those 20 broadcasts as our universe, these stories in any way related to violence came to 9.9 percent.

Congressman Boggs: I wonder if you would yield a minute? In that connection, I wonder if you would be good enough, seeing as you made that kind of compilation, to provide for the record the number of minutes from August 15 through August 27, I think was the first day of the Democratic Convention, that you put on your nationwide news programs Mr. David Dellinger, Mr. Jerry Rubin, Mr. Abbie Hoffman. Rennie Davis, Tom Hayden, Paul Krassner. Thank you.

Mr. Salant: I do have a figure that isn't immediately related to that. You might be interested in knowing that of the 38 hours that we were on the air covering the convention itself——

Congressman Boggs: I'm not talking about the convention. I'm talking about private—if you want to divide it up, if you want to break it down after the convention, fine. What I'm interested in is private.

Mr. Salant: I did want to point out, because of——

Congressman Boggs: I'm interested in August 15 to August 27.

Mr. Salant: During the entire convention period——

Congressman Boggs: I would appreciate the supplemental information as well.

Judge Higginbotham: Excuse me. If you wanted to, for our edification, give us your findings, you have the option to give those now and to submit to us what Congressman Boggs—I gathered you wanted to give those now?

Mr. Salant: I wanted to put the question of violence during the convention period into the context, because it's something we have done a great deal of post mortem analysis after the convention, as we must with everything we do, to see how we could do better the next time.

Congressman Boggs: You were about to give the Judge——

Mr. Salant: In connection with that, we were on the air over 38 hours in covering the convention itself. Of those 38 hours, less than 32 minutes was spent on the demonstrations. That is a little bit more than 1 percent.

Congressman Boggs: I didn't really ask for that information. I asked prior to the convention.

Mr. Jenner: May I inquire of you, Congressman Boggs, are you limiting your inquiry for information to the number of times and the amount of time that these——

Congressman Boggs: I want the number of times as well as the amount of time.

Mr. Jenner: Only when these specific persons were depicted and speaking, or also to include——

Congressman Boggs: You can elaborate if you would like.

Mr. Stanton: I would like to suggest we make the analysis that Congressman Boggs wants us to make, but there were other personalities on at that time and I think we ought to give you the complete rundown.

Congressman Boggs: I'm particularly interested in these personalities for a variety of reasons. They announced a day or two ago they are coming here to have a counter-inauguration in Washington, and it might be well, too, that you document at that time the amount of time you give to the counter-inauguration. I would like to see that too.

In the future. That is things to come.

Senator Hart: I would like reactions from several—shouldn't you run that?

Mr. Stanton: Yes.

Congressman Boggs: I'm just asking.

Senator Hart: Will they be lynched if they do, or lynched if they don't?

Mr. Salant: Either way. I read my mail. It goes either way.

Mr. Stanton: We get it from both sides. That is when we know we are down the middle.

Congressman Boggs: I expressed my editorial opinion.

Judge Higginbotham: Suppose we leave it this way. Gentlemen, since we are attempting to make an inquiry into the truth: certainly if any Commissioner asks you to supply data, I presume that you will try, but data can be partial. And this, because it is partial, does not give you the totality of the spectrum. I will grant you the option to add anything to put it in the appropriate perspective which you deem relevant, 'though we may not interpret it the same.

I know my good friend, Congressman Boggs, would agree to that.

Congressman Boggs: Positively.

Judge Higginbotham: Judge McFarland, I really think has been very patient.

Judge McFarland: That's all right. I just had one other little thought.

I just wanted to say, Mr. Stanton, that personally I feel that we owe a duty—I say all of us,—not only to see that we don't do anything that brings about violence, but we owe a duty to try to do the things that will cause less violence, even though we don't bring it out, and I think this is particularly true in regard to television. I feel that television owes a duty to help eliminate violence in the future, not just—not just do things that won't bring it about, but do things that will help eliminate it.

I'm sure you will agree with that. I hope you will.

Mr. Stanton: With the caveat I expressed this morning, that that applies not to the news side but to the entertainment side.

I think we have, as Mr. Salant pointed out this morning, on the news side, the obligation to do more than report. I think we have the obligation to expose issues to the people. But I think if we try to put a different light on the news then I think we are going to destroy the credibility of the medium.

Congressman Boggs: I agree with you totally.

Judge McFarland: Thank you very kindly. I won't take any more time. It's nice to have been able to be here with you again.

Judge Higginbotham: Did you want to add something, Commissioner Jenner?

Mr. Jenner: Mr. Chairman, I wanted to ask Dr. Stanton, with respect to the series of events of which Congressman Boggs inquired of you, mentioning the 1954 period, and the quotes being tendered to you, I had in mind this morning submitting to you, or having the staff submit to you, a memorandum of that sequence of events and inquiring of you of your willingness to reflect on the matter, because it does go back to 1954, if you will favor us with an observation.

Mr. Stanton: I certainly shall.

Mr. Jenner: Thank you. One other thing, Doctor, you are a scholar. I don't happen to be. I'm a lawyer. But what has bothered me a little bit about your reference to methodology, wouldn't it be of some profit to employ whatever methodology there is now, particularly gathering together scientists, sociologists of differing views—you said there are several who feel different from those who have testified before us—by the way, I should say we have papers expressing the contrary views—and have such a group study and submit—a public group, not government-oriented, no—

Mr. Stanton: That idea has a lot to recommend it, and perhaps that might be something we could do as a first step to try to break this logjam on methodology.

Mr. Jenner: Thank you.

Judge Higginbotham: Thank you.

Dr. Stanton, if I were asked what have been the four most basic issues in the last decade, I would say, race, peace, poverty and violence, or the other side of the coin, violence toward the dignity of man.

I think I owe it to you to say this: As I assess our country as to where it is now, I believe that we have improved the possibility of solving our race problems, our peace problems and our poverty much more so because we have the television medium than

what we would have if we had not, so that I'm willing to admit the reality that I have to take the good with what some may call the bad, as to the problem of escalated violence.

So as I proceed to question you on only one of those four components—

Congressman Boggs: I don't want to interrupt you, but so the record will be abundantly clear, I would like to associate myself with everything you said. I don't want it to appear here for one moment that I'm not completely aware of the magificent affirmative contribution television has made to this country, particularly Dr. Stanton. The Doctor may not know it, but I'm one of his admirers. [Laughter.]

Dr. Stanton: Thank you. I had some difficulty at times this afternoon [laughter]—

Congressman Boggs: That's all.

Judge McFarland: I think we could all testify to that.

Judge Higginbotham: I am certain that my colleagues agree, but I'm trying to put this in some perspective in the questions which I am about to ask you on the term violence.

I believe it was General MacArthur who said old soldiers never die, they just fade away. The brutal truth is that Commissions die and during that period of 1954, the T.V. industry does not fade away. It has gone up from $300 million in advertising revenues in 1952 to $2.5 billion now.

For that reason, I'm going to ask you some very specific questions about some former commissions, because these commissions' findings may very well fade away, and I would be interested in what your personal views, or CBS's views may be.

The first commission which I would like to start with would be what is sometimes referred to as the Kerner Commission Report, or the Report of the National Advisory Commission on Civil Disorders. In the final report, which is 212 to 213—most people have the New York Times edition, but I'm using the large one—they talk about an institute of urban communications as a very essential institution for the solving of many of these problems and creating the methodology.

Are you familiar with these recommendations?

Mr. Stanton: I am.

Judge Higginbotham: Do you agree that there should be an institute of urban communications in the manner in which they have proposed it?

Mr. Stanton: I am not wholly in sympathy with that particular proposal, but I think it is incumbent upon the media, and I'm talking here about television, to either go in that direction or find something we think is superior to that plan.

We have had discussions about it. We think there are some things we would like to question, but we are not turning our back on the Kerner Commission recommendation.

Judge Higginbotham: It think it is extremely important, sir.

Ambassador Harris asked you some questions. I'm not trying to dictate to you by the nature of my questioning as to what the alternatives, or the better alternatives would be, but I would be most appreciative of a carefully written, thoughtful response as to these precise recommendations, what you assess their deficiency to be and what you think would be the better alternatives.

Mr. Stanton: You shall have it.

Judge Higginbotham: What happens is that one commission after another makes findings and then they just fade away. Often. Excuse me, would you like to reply to that?

Mr. Salant: On the question of the Kerner report I do want to tell you very briefly what my division, what I did about it. The moment it came out I had it reproduced in a number equal to the number in our entire organization. I had it distributed to everybody in the news organization with instructions, with the statement that it should serve to stimulate dialogue among us in the CBS News division and to examine as conscientiously as is humanly possible and determine what we ought to be doing better in these areas and what we are not doing that we should be doing.

Judge Higginbotham: I am delighted. I think all of us on this Commission are veterans of former commissions which were supposed to say the last word and the last word ends up with dust on it and nothing being done. I was on a commission to fulfill these rights, which you may be familiar with, which was supposed to give the last word on race relations, and an awful lot of dust ended on it in the archives.

Mr. Salant: Don't despair. It was the Poughkeepsie conference of the Kerner Commission in November that led me to do "Of Black America."

Judge Higginbotham: I was going to particularly commend you on that and I don't want to be guilty of partiality because it is my view that all of the networks have done less than is reasonable on the violence but it is my understanding that the surveys indicate that CBS has less violence than the other two from studies which have been made.

Congressman Boggs: I might mention, forgive me, I meant to say this in my examination. CBS had a 25 percent decline in the number of violent programs shown in prime time. I commend you for it.

Judge Higginbotham: Now I would appreciate, because I think it is extremely important, one of the most–I think he called it at times provocative on some of his suggestions, one of the broadest analyses which I heard since I have been here was the statement by Commissioner Nicholas Johnson. It is an extensive document of––

Mr. Stanton: About 70 pages, isn't it?

Judge Higginbotham: Seventy pages and I would be personally grateful if you would reply to that document as a whole and its recommendations. I think it raises some very basic issues, and I think it might be helpful in our seeing a view which may not be the same as his, or to be able to analyze his. In his statement, and I will only go over small segments at a time so that you can react precisely to those, and I am bearing in mind what independence the combined advertising revenues of 2.5 billion dollars for this year–he says if the advertising content has prompted children to this much action, and he is talking about children's impact on their parents buying products, and he gives other examples about how the sleeping habits of America have changed because of TV, to put it now in context, if the advertising content prompted the children to this much action could it be that the crime and violence content directly interspersed with this advertising material didn't influence their motivation at all? Dr. Stanton, I am not certain of your answer. Is it your answer that it is your judgment that the crime and violence content "didn't influence their motivation at all"?

Mr. Stanton: I think it is too strong to say anything as finally as that. The two things I think I can say is that we feel–or we wouldn't have them on–that they do not have a negative influence. But I have to couple with that the further statement that I couldn't prove it to you, nor, at the moment do I think anyone could prove it to me either way, and that is why I was drawing, as I did earlier, on research.

Judge Higginbotham: Doctor, in the 22 years I think you have been at CBS, don't you make many, many judgments of major policy significance where at the board of directors table there is no precise proof one way or the other that you have to operate some time partially by, if not the preponderance of the evidence, what appears to be in your mind the better way of evidence even though you recognize you don't have conclusive answers?

Mr. Stanton: No question about it. Indeed, it is on that basis that we have done some of the things that we have done. But I would always like to have more conclusive evidence. You were generous enough to say we had less of the violent type series on the air than others. I think that even in those that are classified as action-adventure, if studied carefully, it would indicate the violence is different now than it was a year ago and I think it would be different a year from now than it is today. Someone this morning raised the question of Mr. Goldenson about the lead time on getting a program schedule together–about the fact that the only way you could react immediately to doing something about it, in the summertime, when this really came to the surface in a very violent form, would be almost to wipe that part of the schedule completely clean. It takes some time to produce new programming. The programs we have on this fall are different as a result of what we did in the summer, but the programs we have on in the spring and next fall will be still more different–in the right direction, I hope.

Judge Higginbotham: All right. Thank you. My good friend, Congressman Boggs, went back over very extensive history, and because his statement was so extensive, and I say this with highest esteem to him, I didn't get the impression which portions of his extensive statement you were answering, so I want to apologize for going over some old ground, but it should only take a couple of minutes.

On page 30, Commissioner Johnson says the following: "Throughout the years, network firms have been quick to promise reform but slow to deliver. After the 1954 hearings they acknowledged the programming ought to be improved and promised it would be. Ten years later the Dodd committee found it was worse. A study was promised in 1954 by the NAB. It was referred to again in 1961 by CBS. It was finally

produced nine years later in 1963. But it contains little or nothing about the impact of violent programming on children; in spite of renewed promises, nothing more has been heard from them. Violence continues." Do you agree or disagree with that as an accurate statement?

Mr. Stanton: I disagree with it because I think that the study that was delivered by us, as purely a voluntary independent study, was not conceived as a study of children nor was it conceived as a study of the question of violence. This was a broad study and if you haven't seen a copy I think it would be worth scanning. I don't think it deserves a lot of time now because time has gone on. But this probed a lot of different areas and was not designed to be either a study of children nor was it designed to get to the bottom question or to the bottom answer on this question of violence. This was a public opinion survey and I don't think you probe the effect or the impact of violence by ringing doorbells and asking people questions. I think this takes much more in-depth work than you get by that technique. But I think we made good on the part we talked about. I am embarrassed–and I referred to it this morning–about the fact that the industry committee, which is not purely broadcasting but involved representation from HEW and other outside organizations, fell apart. We financed our share. Others did their share. Some of the money is still left. It has been a very dormant organization. We tried to stimulate it through Dr. Klapper. We have been unsuccessful in doing so.

I have no doubt that as a result of these hearings this will be given more stimulation. In fact, I promise you that it will.

Judge Higginbotham: I want to apologize for going over some of the matters which my good friend Congressman Boggs covered but I want to focus on a few other aspects which he went into in part. I now would say that personally I would find it appreciative–I would find it of help and I would be appreciative–if the document which I hope our counsel will make available for you, which was prepared by the National Association for Better Broadcasting, is really evaluated with great care and given as I hope you will, a thoughtful response. The charge which concerns me most–this isn't of CBS per se but of the industry, appears on page 2. After reviewing the tragedy of Robert Kennedy's death, it says that although the total volume in hours of crime and violence programming on the networks is about the same as it was a year ago, from 7:30 p.m. to 9:00 p.m., when child audiences are the highest, the total is almost exactly the same. There are fewer hours of the very serious crime programming in the 10 to 11 p.m. time period due in part to the increased number of films now being televised. Films featuring violence are not covered in this report due to the varying content of these films from week to week. I think this is a very important statement for analysis.

Mr. Stanton: What was the date of that particular study?

Judge Higginbotham: This letter is dated November 7, 1968. Apparently, and counsel can correct me, the statement was prepared in 1968 so that it is a study in the fall of 1968. Am I correct, Mr. Baker?

Mr. Baker: The NAB statement? Yes, sir.

Judge Higginbotham: Let me go on one final line. I have so many notes here. I find it intriguing in our question in which you say you will not go into news judgment matters, and then you tell us data that which always appears to be favorable to you and then–

Mr. Stanton: Well, as Mr. Salant said earlier today, it is a temptation to answer these things and we haven't been giving you only the good answers.

Judge Higginbotham: All of those which you have quoted in terms of your coverage appear to me to be most favorable. But I didn't quite understand one thing he was saying. I made a note on it. On his analysis of how much time they gave to the militants and how much time they gave to others, what did you mean by that? How do you define militants? Who are they? Specifically, what do they represent? How many do they represent?

Mr. Salant: I didn't mean to indicate that it was time. It was number of appearances. I took it out of a letter from Dr. Stanton to Senator Scott.

Mr. Stanton: I will provide it for you if you like.

Judge Higginbotham: I would really appreciate your commenting on that in somewhat greater detail because we are left with the impression that you gentlemen don't want us to probe in the field, and then you give us very, very favorable statistics in your behalf.

Mr. Stanton: Let me respond to that because I don't want any misunderstanding. We operate on the basis that anything we put on the air we are perfectly willing to talk

about in terms of describing it. We would not want to go back and say to you—or have you ask us, rather—why we did this rather than that. But we are perfectly willing to talk about what is in the public domain, so to speak, so that an analysis of content is in that direction. That is what we are doing in this particular case.

Judge Higginbotham: Could I get your reply on this——

Mr. Stanton: Yes.

Mr. Salant: I have it right here.

Judge Higginbotham: What was your answer? I had speed reading; but without having to go through the whole document, what was your answer on militant appearances and apparently those who were nonmilitant?

Mr. Salant: Moderate and public officials on the issues.

Judge Higginbotham: Who were the militants and who were the moderates?

Mr. Salant: Listed in the letter.

Mr. Stanton: On page 2, if you can scan that. You will discover that in the course of a year that some of these may have changed classification. [Laughter.]

Ambassador Harris: Militant to moderate or moderate to militant?

Mr. Stanton: Both ways, in the case of one example.

Judge Higginbotham: I will talk to you gentlemen at a separate time as to whether I agree with your evaluations of militants and moderates, but that is not the reason why you are here. I have no further questions.

Dr. Menninger: Let me just comment, because it occurred to me you made the reference to "Captain Kangaroo." I believe CBS is now the only network carrying this kind of live children's show on a network basis and it is something that is very much to your credit, and I think that with all the other contrasts of violence and a lot of the trash that is on for kids, that is something that you ought to have as a feather in your cap.

Mr. Tone: Nothing further, Mr. Chairman.

Judge Higginbotham: Thank you, gentlemen. I can see while you are in favor of public hearings. I do think we would more effectively probe the problem if we had a closed hearing on this. I think timewise we would have moved much faster, but I am delighted—

Mr. Stanton: It occurred to both of us this morning that if we could have been sitting in a room just talking we might have covered more ground and had a faster meeting of the minds on some of these issues.

Mr. Jenner: You are so right.

Ambassador Harris: May I suggest that I am not decided. I don't want to go on record as saying that the closed hearing is necessarily more efficient than the open one because of some other implications involved. Thank you.

Judge Higginbotham: Thank you, gentlemen.

Judge Higginbotham: Mr. Tone?

Mr. Tone: The first witness, Mr. Chairman, will be Mr. Julian Goodman of NBC.

Judge Higginbotham: Delighted to have you. Won't you proceed.

STATEMENT OF JULIAN GOODMAN, PRESIDENT, NATIONAL BROADCASTING COMPANY

Mr. Goodman: Thank you.

My name is Julian Goodman. I am President of the National Broadcasting Company. With me are Reuven Frank, President of NBC News, and Don Durgin, President of the NBC Television Network.

On October 17, Robert Kasmire, NBC's Vice President, Corporate Information, testified before you and outlined NBC's policies and practices relating to the depiction of conflict in the dramatic programs in NBC's schedule and our methods of controlling and minimizing violence.

This is a subject that has concerned us for a long time, and I believe we have been careful and responsible in dealing with this aspect of fiction and drama.

Last May, for example, NBC Chairman Walter Scott and I met with our Program and Broadcast Standards personnel at NBC's Burbank, California, headquarters, where most of our entertainment programs are produced. We emphasized our concern that NBC's standards of program acceptability be applied rigorously. Our Program and Broadcast Standards' executives in turn conveyed our concern to the independent producers who supply entertainment programs and series to us. This was done in their annual meetings with each producing organization before the start of production for the new season.

The tragedy of Senator Kennedy's assassination increased our concern, and on June

14, 1968, I directed the appropriate NBC executives to undertake a further review of our program standards.

I asked them to see whether we could refine and strengthen our procedures for dealing with the portrayal of violence in our entertainment programming. I have attached to my statement copies of this directive and Mr. Durgin's response to it, dated July 2, 1968. I hope all of you will have an opportunity later to review these documents, since I believe they illustrate the seriousness of our approach to the problem.

On the whole, I believe we have been realistic and responsive to public tastes and attitudes in applying our standards and in shaping our program schedule. I think there is an important example of this in the sensitive area of programming provided specifically for children.

As part of a continuing effort to improve children's programs, NBC is revising its Saturday morning schedule in a move away from the familiar action cartoons. Starting next month, we will replace two cartoon shows with a filmed series on animal life; they are called "Untamed World," and "Storybook Squares," which is a children's version of an adult game show.

Any discussion of the effect on human behavior of the depiction of violence in television programs inevitably turns to research in the field. In several congressional hearings on television and violence, NBC has urged objective research, keyed particularly to the influence of television on children. We have suggested that the research should be broad-based, that it should be conducted under the direction of, or jointly with, foundations or other non-industry organizations to avoid any charge of biased results. We have offered to cooperate with other affected groups to support such projects, including paying our fair share of the cost.

For a variety of reasons, it has not been possible to initiate a large-scale research program of this type. A good start was made in 1963 with the organization of the Joint Committee for Research on Television and Children. The Joint Committee is made up of representatives of the three networks, the National Association of Broadcasters, the Foundation for Character Education, and the Department of Health, Education, and Welfare. Its chairman is a member of the faculty of Boston University.

In June 1963, the Committee invited more than 4,000 social scientists to submit proposals for specific research projects in the area. Two dozen projects were proposed to the Committee in detail and evaluated by a special, consulting panel. Four proposals that seemed most promising were selected to be underwritten. Only two materialized. One of these, conducted by Dr. Seymour Feshbach, is a study of the actual television viewing of two groups of adolescent boys--including underprivileged and non-white youths. Their behavior was observed and measured before, during and after a six-week period. One group watched action programming, and the other saw more placid fare.

Our own research people feel it is the most valid research in this area to date, because it measures real-life television exposure and real-life aggressive behavior. I understand Dr. Feshbach has delivered a summary of the results to the Commission, although his final report will not be completed until early next year. The Joint Committee hopes to be able to repeat this type of research with other children in other areas to double-check the validity of the present findings.

I have discussed with Dr. Thomas E. Coffin, NBC's Vice President in Charge of Research, and others how the Committee can do more. Financing does not seem to be a problem, since no project has been abandoned because of a lack of money, and no call for funds from the broadcasting industry has gone unanswered. Changes in the Committee organization could be helpful. There has been no paid staff and no executive director, and each member has been a volunteer, whose principal occupation has been something other than the work of the Committee.

Such difficulties, and the problem of identifying worthwhile projects, prompted NBC to suggest in October that this Commission could make a significant contribution "by recommending a program under which sound, meaningful, research projects could be identified and carried forward." We stated that NBC would be glad to participate and pay its share of the cost of such a program.

Violence in news programs presents completely different considerations.

This year—the most tense and most tragic in recent history—has brought sharpened attention to the role of television news in a time of national trouble. The very presence in our offices of representatives of your Commission, of a congressional committee, and of the Department of Justice has raised to us their unspoken questions: Was your news judgment right? Did you cover everything we think you should have covered? Did you

leave out something, which, if included, might have satisfied your critics?

Our own answer to those questions is that what we have done throughout this terrible year—covering the assassination and funerals of Martin Luther King and Robert Kennedy, the Conventions, the Election, the civil disorders, the war in Vietnam, crime in the streets and dissent among the people—has been done with objectivity and restraint, with careful adherence to the standards and traditions of professional journalism. There are those who do not think this is so, particularly in connection with the Democratic Convention in Chicago. Multiple inquiries are under way on our coverage of that event.

Your representatives and other investigators have looked at film we used and film we did not use—in effect, have reviewed the television reporter's work product. This unusual intrusion into a journalist's working materials has raised the gravest doubts in our minds and has given us the uneasy feeling that there has been an infringement of the basic rights that are guaranteed all free Americans by the First Amendment to the Constitution.

What disturbs us is that the actions aimed against us, on several fronts, are absolutely opposed to all we have learned since childhood about the role of a free press in a democratic society.

I think Reuven Frank put it very well in a recent article in *TV Guide* magazine when he said:

> If you tell a medium of journalism what to put in and what to leave out, even if you know in your own heart you are promoting the public welfare, even if most people agree with you, then you are changing journalism as it exists in America. Whatever you call it, censorship is censorship, and all censorship is aimed not at the transmitter but at the receiver."

The conflicts that broadcast newsmen report and analyze often involve intense controversy, intense emotions and intense individual and group commitments. Our country is sharply divided on many critical issues, and foremost among them are the war in Vietnam and the expressions of social unrest in communities across the nation. Both involve violence.

It has long been a fact of life, for the journalist, that those who do not like what they read or hear or see are apt to condemn him and his medium for distorting truth. And it is an easy step from there to suggesting that the reporter and the medium contribute to problems by reporting them.

In short, the medium is blamed for the message. And, currently, because television is so highly visible among all the media it, not surprisingly, has been singled out for attention. Some feel it is time for restraints and restrictions on television news in the belief that it contributes to national discontent. They suggest that curbs on the news media are in order.

We do not believe that suppression of information is the answer to anything. Many of us at NBC have been in the news business all our lives, and we have never learned to withhold news gracefully. If conflict and violence play an important part in our world, our nation and our communities, we feel we have a responsibility to show things as they are.

Withholding information will not help solve any of the problems involved. It is our job to increase public understanding, to report the facts as we find them, fairly and impartially, and with as full a perception as possible.

Television has an important role in reporting civil disturbances, and that is to tell the story accurately and wisely. With this in mind, NBC News has periodically reissued to all members of its staff a list of guidelines for riot coverage. I am attaching to my statement the most recently issued version of these guidelines, as they were transmitted to NBC News personnel in June of this year.

Our reporters are instructed, for example, to describe a disturbance as a "riot" or as "racial" only after it has been designated as such by responsible officials; to use camouflaged, unmarked vehicles and equipment and concealment whenever possible; to check all rumors and estimates of damage and crowd size with the proper authorities; to avoid reports about "crowds gathering" in possible trouble spots; to avoid mention of how homemade weapons are constructed; to avoid persons or groups making obvious plays for attention; and to report as early and completely as possible the background of the disturbance and the views of individuals and organizations on what caused the outbreak.

Needless to say, our newsmen are also instructed not to reenact, simulate, dramatize, stage or aid a demonstration of any kind. If we are told in advance that a demonstration will occur, and are asked what is the best time for us, we have no opinion. If a riot occurs, we try to cover it, but under no circumstances do we try to make it happen.

No set of guidelines is infallible, and no code can substitute for the judgment of individual newsmen. We believe, however, that we are guarding successfully against any form of sensationalism.

Conflict has news value. The disagreements of people and disagreements of nations are news. But I do not think that in reporting these things television has contributed to divisiveness in our society any more than any other medium of fact and opinion. This nation has had many historical periods in which opinions among its people were polarized. The Revolutionary War was such a period. Certainly the Civil War. The early years of the labor movement were marked by violence. There were race riots in our cities in the early 1940's. All before the advent of television.

After the ghetto riots of 1967, it was suggested that coverage of civil disorder be restricted by government authority. We disagreed with that—any responsible news organization would—and we were gratified to see that the National Advisory Commission on Civil Disorders took the same view. Its report to the President said this:

> We believe that it would be imprudent and even dangerous to downplay coverage in the hope that censored reporting of inflammatory incidents somehow will diminish violence. Once a disturbance occurs, the word will spread independently of newspapers and television. To attempt to ignore these events or portray them as something other than what they are can only diminish confidence in the media and increase the effectiveness of those who monger rumors and the fears of those who listen.

It is NBC's purpose as a medium of communication to entertain and inform the public. As a mass medium, we serve the whole of society, not any one segment of it. Our entertainment programming aims at increasing public enjoyment; our news coverage aims to amplify public understanding of events.

We try to do the best job we can in both dimensions of our service, and I believe that our record demonstrates care, thoughtfulness, and responsibility.

That is my statement, Mr. Chairman. Thank you.

Judge Higginbotham: Thank you. Did any of your other colleagures want to present a statement at this time?

Mr. Goodman: No, sir.

Judge Higginbotham: I believe Commissioner Jenner has a plane problem so we will call on him first.

Mr. Jenner: I have very few questions.

You have been here during the day and heard the comments. You referred, as well as Dr. Stanton, to your research concerns, and efforts that you would take in the direction. I asked Dr. Stanton if he submitted a resume of the course of events respecting the 1954 proceeding, and I wonder if you would favor the Commission with a comment.

Do you have an observation with respect to my personal trouble that even though methodology may not be the best in the world at the moment that you might welcome, as Dr. Stanton did eventually, accepting the tools that are present in the way of learned human beings and other sources and see if we can get something sponsored by all three great networks, which are mass media that are furnishing information and news and entertainment to the people?

Mr. Goodman: As I said, we are not too pleased ourselves with the rapidity of our progress or lack of it in this field. That might be one method of carrying it forward.

Mr. Jenner: Thank you very much.

Judge Higginbotham: Dr. Menninger has the next plane problem as I understand it.

Dr. Menninger: There was some question whether we would make it home for Christmas earlier in the afternoon.

Judge Higginbotham: I had the same question about myself.

Dr. Menninger: Let me first say that I am not sure whether I should disqualify myself for an old conflict of interest. While I was going to medical school, my wife helped to support me by working in the office of program analysis at NBC; so I do have a certain bias there, but I will try not to let it show.

Mr. Jenner: In what direction?

Mr. Goodman: Favorably, I hope.

Dr. Menninger: Also, I have been waiting for this opportunity. There are many of my friends who might not agree with me. We have been talking about children's programming, and I am aware that NBC recently came under a great deal of criticism on the part of some people who were unhappy with one particular children's program that started on time—I am sure you know I refer to "Heidi"—and the conflict of all of the pro football fans who were distressed in that last minute of play. There was a lot of action out in Oakland.

Let me say with four of my children pointing all day toward that one show, I am really pleased that some fellow in the switching box decided with the voiceless, voteless children of this country and while I should say I wasn't watching the game so I probably wouldn't react the same way if I had been, I still do admire that and respect that and do respect the recognition that children are important. I was keenly aware of that because not only were four of my children pointing all day toward that one show, talking about it and anticipating it, but also I know a good number of other children and some of my nieces and nephews were likewise thinking about it, so that while you were certainly in a tough spot at that point, or your representatives were in the switching box—I know you weren't [laughter]—but I think it is well that somebody give them credit because there aren't many people who speak up for the kids in this country.

I also point out, though, one of the real problems, and I think this is one of the things that the television network has to cope with; that is, the degree to which, in this day and age, we find it so much easier to have our impulses gratified and then get so angry when we are frustrated by what really is an inconsequential event in life. If one were to measure the important events in life, that one comes pretty small on the scale in all of history and yet the amount of emotional reaction which was so intense, how many fuses it blew out in the NBC switchboard and the like all across the country, I think it is another thing that perhaps we have been talking about the impact of television and the degree to which it can provoke violence, and I am sure that NBC was the recipient of a lot of violent thoughts at that moment on the part of a great many people. How many went ahead and carried it out into action beyond calling and shouting a few epithets, I am not sure. Maybe you could elaborate.

Let me say on a serious aspect, we have heard some testimony here when we talk about the problem of conflict of interest and the problem of intervention of government or public agencies or the like and what happens in television, you, as one other major network, have a much larger corporate parent—a parent corporation which might well be assumed to have some very intense interests in a number of areas of society and which might or might not be happy with the full and complete exposure of what takes place, at least of some things that take place.

I am also aware, and I remember when I was in New York going to medical school that one could always count that General Sarnoff's speeches would be well reported on the NBC stations, whether or not they were really newsworthy and that is where we get into news judgment and that is something else again.

I think I would honestly say that one might well say that is an example of where news judgment is certainly colored by a corporate relationship, because I can't honestly believe that many of the things that, with all due respect to the head of the Radio Corporation of America, what he would say were that much more significant than a lot of things other people were saying at the same time.

I wonder if you would care to comment on the degree to which you experience not necessarily pressure in a direct way, because I doubt if they could do that and get away with it, but the obvious, if you pardon the expression, subliminal pressure of being part of a larger corporation.

Mr. Goodman: I find that the subliminal pressure, if it is there at all, Dr. Menninger, is not at all harmful to our progress in the field of both entertainment and news in television.

I am in my 24th year with NBC. I won't ask you what year you went to medical school. But I can assure you that in all the time I have been with NBC most of that time in the news business, and I think Mr. Frank will also attest that there has been no outside pressure in any way to influence news or the free expression of news of any kind on the air. I dare say I will have less time on the Huntley-Brinkley program than Robert MacNeil did the other day. I find there really is a complete separation.

Dr. Menninger: That is because you are too late. We made you miss the show. [Laughter.] Excuse me.

Mr. Goodman: There is no harmful pressure from our having a large company as a parent. Does that answer your questions?

Dr. Menninger: Do you recognize there are others who might contest that? At least, it is my impression that we had some people who are not so sure that—that is, for instance, perhaps you, in your position, are quite strong enough to stand up to it, but is the fellow three echelons down going to be quite so independent or is he going to start thinking in his mind, gee, my news judgment should reflect the fact that NBC and RCA are related, etc.

Mr. Goodman: He doesn't experience it. Let Mr. Frank answer that question.

Mr. Frank: I think I can answer it helpfully, I hope.

Up until 3 years ago I was three echelons down and much more, and in the previous, roughly 16 years I was associated only with the production of news programs. I got into management by a series of accidents.

I can assure you that we never got that kind of pressure directly or inferentially. As a matter of fact, if anything, one tends in these cases to lean over backwards, and I can remember a long time ago when I was associated—when I was the news writer on the John Cameron Swazey program, ignoring a speech by General Sarnoff which had a new word in it I had never seen before,—intercontinental ballistic missile—this might be a reflection of my professional competence, but I said it was another handout from upstairs and threw it away. They didn't even call it ICBM in those days; they called it IBM.

We judge stories from RCA—and I am talking now directly about my experience in programs as a producer of the Huntley-Brinkley Report for 9 years—would we use it if it were a GE story? We tend not to use too many business stories in general television news programs and we use very few RCA stories.

I think it is true to say if there were some violently negative story about RCA we would probably ask for judgment, and the judgment I would give if the question came to me would be: Would you use it if it were GE?

Dr. Menninger: If I may then ask in one other area, we have been talking about the whole impact of violence and the degree to which the considerable amount of violence on television does have its underlying effect of conditioning people or at least making them not quite so—I am not sure how to put it—let me cite one example I didn't quote earlier.

We had a psychiatrist who spoke with us in our hearings on individual violence, of his interviews with some murderers in which one proceeded to describe to him the appalling experience he had when he found out when he actually murdered somebody that it was a lot messier than it looked on television and it was a lot more appalling to him and it is as if he had seen it a lot on television but felt the emotion just wasn't there and then when he did commit the murder, now it is as if—had he experienced it in that context, on television or otherwise, he might have found better control of the impulse finally when he did commit the murder.

It is this kind of thing that I think a number of us are concerned about and I am wondering, Dr. Stanton was reluctant to make any commitment or personal opinion beyond a very careful hedge. Would you do any differently or would you care to express your opinion on this issue that we have been referring to?

Mr. Goodman: What commitment, Dr. Menninger?

Dr. Menninger: Again, the fact that the use of violence is justified because that is the way it is, because that is the way it has been in history and that we shouldn't feel any compulsion as long as it is part of the plot and so forth and so on to control the amount of violence displayed in our television program.

Mr. Goodman: First of all, I think you are addressing the question to—to me?

Dr. Menninger: To both of you. I am thinking of whole television programming, mostly entertainmet but both really.

Mr. Goodman: Speaking of the television programming, I feel, first of all, that the steps we have taken voluntarily and out of our personal concern, as I enumerated in my statement, going back to last May, have brought to what we consider a very minimized extent any scenes of conflict within the NBC schedule in the entertainment field. I feel in news that the way we do it now is the right way to do it. I know there are those who say that perhaps we should do more in terms of putting violence on to show, as in the

case you have cited, how terrible it is and I know there are those who say we should do less in such things as the Vietnam war scenes. I think the balance that we have struck now after careful thought is the proper one.

Dr. Menninger: Are you willing to acknowledge that the potency of the showing of violence on television can be as great as the potency of commercials on television?

Mr. Goodman: I certainly think there is a vast difference in the kind of impact one has as opposed to the other.

Dr. Menninger: Both go quite to the heart of human functioning, namely, stimulating impulse expression.

Mr. Goodman: But in the commercial we are consciously trying to persuade someone to do something and in a scene of conflict, there is no depiction there which says this is good. Just to the contrary. I am sorry Mr. Jaworski isn't here. There are some programs we have, while they do have action, have police action—"Dragnet," "Adam-12," "Ironside," and they come out in the end against violence, even though they may have during their hour or half hour, scenes or conflict and direct confrontation.

Dr. Menninger: Are you aware that there is a point of view, and I think rightly, that as long as there is legitimate violence used by the forces of law and order there will always be some disturbed people who feel they have a right to usurp that for their own ends.

Mr. Goodman: As we have said about the research, I feel we don't yet have enough complete research from enough qualified resources to justify that conclusion.

Dr. Menninger: We, of course, have gone into that. The last question is, of course, when we talk about research, can you give us a dollar and cents figure or percentage figure of NBC commitment to research in terms of our total budget?

Mr. Goodman: I believe—

Judge Higginbotham: Not market research.

Dr. Menninger: Again in this particular area, I am thinking about research on violence and research on the impact on the viewer of what you are projecting.

Mr. Goodman: I know the area you mean. I believe we have filed a letter with the Commission's staff showing that NBC allocated approximately $60,000 in 1969 specifically for this purpose. I think we also filed some figures which can be related, in confidence.

Dr. Menninger: Let me say in response to that I am aware you filed a letter. While I, of course, have some concerns about the total amount in respect to the total volume of the problem, I do respect the fact that you are the only network that has given us that information thus far in terms of that letter. Am I correct, Mr. Tone?

Mr. Tone: That is correct.

Dr. Menninger: Thank you very much.

Judge Higginbotham: Senator Hart, will you yield to Congressman Boggs?

Senator Hart: I was going to suggest it.

Judge Higginbotham: Ambassador Harris, will you yield?

Ambassador Harris: Certainly.

Congressman Boggs: Thank you. As a matter of fact, I am taking a plane down to Cape Kennedy where I must say the networks do now and have done a magnificent job of reporting one of the great scientific developments of mankind.

My questions are not intended to be critical of this medium.

Senator Hart: As long as I yielded to you can I interrupt you?

Congressman Boggs: Yes, sir.

Senator Hart: I would like to make a point, Mr. Chairman, that is really very peripheral; yet it is part of the thing you are living with. You will dramatize on Saturday, we hope, the networks will bring into our living room, we hope, a dramatic sweep through space.

Congressman Boggs: That is right. I just mentioned that. [Laughter.]

Senator Hart: Yes. That is the reason I am interrupting you. I want to mention something else. You probably won't fix any dollar figure on how much we have spent to put three men around the Moon but because television is so basic a device that even poor people in America have it, and on Christmas morning there are going to be a lot of homes who saw the men go around the Moon that wouldn't see much of Santa Claus, and that can contribute to violence just as much in the long haul as this "Who Shot John?" kind of thing we are talking about.

I am not sure I should; it just strikes me. It demonstrates again that there are often unthought of contributions to violence that come through television which are not the responsibility of television. Society should be just as excited on Christmas finding out how many thousands of kids don't get anything as celebrating what you will be showing. Those kids may grow a scar, as we put it, or be ready to throw a bomb.

Congressman Boggs: Senator, I don't know whether it was NBC or CBS but one of them had a very good program a few days ago on the subject you are talking about—hunger.

Senator Hart: This was, I think, CBS.

Congressman Boggs: Excellent program.

Senator Hart: Got in a lot of trouble about it, too. I think it contributed more to the creation of the special select committee which sat Tuesday, Wednesday and Thursday of this week, on which I was supposed to be sitting, than anything else. Yet CBS caught hell because they put on that show. But I welcome a chance to thank them for doing it.

Congressman Boggs: Again, however, I would say that this is an event of great magnitude. Television does a fantastic job of covering it, as it does so many others.

Now I just have a few questions.

I presume you gentlemen have been in the room and I have asked questions of the other network—the question of the news management gives me some concern. I know that censorship is something that is totally reprehensible to any—how much management do you exercise.

To kind of carry on Dr. Menninger's statement, suppose you had a speech that was not too complimentary to Mr. Sarnoff. Would that get about the same place as his speech would get?

Mr. Goodman: I must admit on occasions like that our tendency is to give it probably more than others do. We like to think of ourselves as responsibile newsmen. I think you will find that our record shows that and bears us out.

Congressman Boggs: Let me ask you another question.

Television is such a remarkable medium that, as somebody said here, the picture, the expression, the look on one's face, so many side effects have as much impact as what is said—you will admit that, won't you?

Mr. Goodman: No, sir.

Congressman Boggs: You won't?

Mr. Goodman: No, sir.

Congressman Boggs: Well I think in the business I am in, it is true. Maybe not in your business.

Dr. Menninger: I think a good deal of research points to that as a great communication factor, too.

Mr. Jenner: That is so in the trial of cases.

Congressman Boggs: It is certainly true in the trial of cases. You look at the judge—I watch your "Today" show every day. I am sorry you don't have it on Saturday and Sunday. Several days ago, Mr. Hugh Downs had two former convicts on his program. I thought you did quite well. But to make some statements that were obviously offensive to the people in charge of the penal system in New York State and the program of rehabilitation of people who have been convicted, one of them comes to my mind immediately. One fellow made reference to the fact that in Arkansas they discovered bodies of inmates. He said, well in Sing Sing, why, they just let them stay there and didn't even pick them up. I imagine the odor would get them after a while.

Well, today, two people were on the show. With all due respect to my friend, Hugh Downs, his attitude toward these people was so totally different from his attitude towards the other two. It was, well, you are just here by sufferance—you know; it was an attitude on his part of total hostility, really.

Now I don't know whether you should do anything—I wouldn't suggest you do anything about that—but I would not think that my reaction was unique. I saw somebody else who saw the program—did you see the program, Doctor? Did you have the same reaction? Now what about that?

Mr. Goodman: Well I believe it was—

Congressman Boggs: I have no interest in the program as such.

Mr. Goodman: I believe it was Mr. Jenner the other day who said in these hearings—I may have been mistaken—that objectivity like truth frequently is in the eye of the

beholder. I saw both those same excerpts on the "Today" show and didn't have the same feeling.

Congressman Boggs: I had a very fine law school professor who carried that theory to its ultimate. He said everything in life was subjective. So my reaction may have been entirely subjective, but apparently it was shared by at least one other distinguished member of this Commission, Dr. Menninger. As a matter of fact on that program, there is constant editorializing. Is that a news program or what is it?

Mr. Goodman: News and information program on which we have occasional segments of entertainment, like the cellist today, but it is not intended editorializing.

Congressman Boggs: You don't think Mr. Downs editorializes?

Mr. Goodman: I don't remember a recent incident where he did.

Congressman Boggs: Well I disagree with you for whatever it may be worth, but that might be entirely subjective. I guess he has every right to do so. I am not critical of it.

Mr. Goodman: We don't editorialize as a matter of policy on the "Today" show, which is one of the many responsibllities of Mr. Frank in NBC news. It is the policy of NBC news not to editorialize on the program.

Dr. Menninger: As a regular viewer of that show, I would agree with Congressman Boggs that Mr. Downs quite often makes quite clear how he feels about things.

Congressman Boggs: Almost every day.

Dr. Menninger: Whether you don't call that editorializing, and I don't necessarily say it is bad, because oftentimes I agree with him–

Mr. Jenner: It is bad if you don't agree?

Dr. Menninger: Maybe. But it is clear he is in a very potent position in that regard.

Congressman Boggs: I think any objective person who watches the program as regularly as I do would come to the conclusion that he editorializes regularly.

Again, I am not being critical of that, just as Dr. Menninger is not critical of it, but the idea that it does have an impact is something that is bound to have an enormous impact.

In your main statement, you said some things that I found very comforting. Namely, that you are reviewing programming–I am talking about the field of entertainment–and that you had actually changed some of them, particularly your Saturday programs in the field of cartoons, and I would hope that after all these years you would not subscribe to what Dr. Stanton said; namely, that there would be no method known to him whereby it could be determined the impact of the showing of entertainment of constant programs emphasizing senseless violence. Would you think that that is impossible to establish?

Mr. Goodman: I believe the way Dr. Stanton characterized it was that the methodology has not yet been developed.

Congressman Boggs: You recall–I think you were in the room–that I went through the steps that had been attempted, very reasonably, here in Congress, to do this, either in or out of government, and I indicated that as of today nothing had been done. Does this indicate that nothing ever will be done?

Mr. Goodman: No, sir. We have indicated in my statement that we think some progress may be visible in the study by Dr. Feshbach when it is completed. We think, we have hope that other things will be done.

We have also a feeling that what we have done so far has reduced the scenes of conflict in our entertainment program to a state where we feel, with the state of research as we now know it, that we are acting responsibly with what we have on the air now.

Congressman Boggs: I think that is a very fair statement. I want to get back just a moment to news commentators. I don't want to leave the impression that I think that most of your news people–as a matter of fact Mr. Downs is not a newsman, is he?

Mr. Goodman: I think he would not be characterized basically as a newsman; but he is very knowledgeable in many fields and qualified to do the job he does very well.

Congressman Boggs: I would say most of your commentators I find very objective. You have Ray Scherer on that program now. I think he is one of the great television reporters in this country.

In the gathering of news and in the dissemination of news, and in your interpretation of the First Amendment, you do not feel that because you are a great news gathering organization that you are above the law, do you?

Mr. Goodman: No, sir . . .

Congressman Boggs: Just one other question.

I asked Dr. Stanton to supply for the record a number of times the amount of time that his network gave from August 15 through August 27, prior to the Convention, to Mr. Dellinger, Rubin, Hoffman, Krassner, Davis and Tom Hayden. Would you do the same thing, please?

Mr. Goodman: We will do the same. We don't have the information with us. We will supply it.

Senator Hart: I have a conflict of interest and I shall not ask you a thing about Chicago.

Do you remember the kindness you gave me?

Mr. Goodman: I remember it very well.

Senator Hart: Not extending that on the record will make it more mysterious than ever. I was in pursuit of a facility and could not find it, and had found private facilities made available by NBC, which I'm sure were cleaner and nicer. [Laughter.]

Senator Hart: I ask you for the first time, of the three networks, only because I forgot to ask ABC and CBS–only obliquely is it relevant to this hearing–the business of the influence that the nationally famous news commentator has on affecting the judgment of millions of people. A sentence from him, an opinion voiced by him, a statement that a practice goes on, is much more apt to persuade the people of this country that such is true, than if a member of Congress says the same thing.

Now, most newsmen insist that Members of Congress should disclose their outside financial interests. We have never gotten around to doing it as a matter of law. I think we should. Let me make clear, I do disclose. The theory is that the constituency can evaluate my vote, my voice, my opinion, if they want to; they can read in, figure in, whatever the outside economic circumstances might be.

But my voice and opinion, as I say, influence far fewer people. Why, with the news media so anxious that we disclose, why is not that same suggestion made with respect to these voices over their own?

Mr. Goodman: As you know, we have recently instituted, though not entirely of our own volition, a system whereby not only our news people on the air, but the responsible editors, file with the senior executives of NBC news management and others a statement of their financial condition so that that will be known, and so that a potential conflict of interest can be detected in advance.

I wouldn't be prepared to go beyond that at this time in view of the fact that it's not widely done by others. I agree these men certainly do have a broad national impact and I think it is one that they recognize–I think they recognize their responsibility. I think they could only earn the right to do what they do if they had exercised that responsibility over the years, as I believe they have.

Senator Hart: I have had that feeling with respect to the public officials, that it is not the rule that the outside economic interest affects them, but having the question raised creates greater public confidence if disclosure is made.

I think the same theory might apply, acknowledging the figure is not going to be influenced, but it would nonetheless create great public confidence.

I congratulate you for whatever reason in doing it. I'm not suggesting that politicians have created the inspiration on their own. But who is the fellow that is reporting the news? John Cameron Swazey, I thought, was telling me what it is, but I meet Mr. Frank and he was writing it. Do I hear you right?

Mr. Frank: No commentator on a program like that could do it all by himself. It's a group effort, essentially. Even in what he does not write, he has the ultimate right of censorship, because if he doesn't say it, it won't get on. This is true throughout the industry.

Senator Hart: This question was raised a couple of days ago. I had no intention of raising it until you made that remark. It reminded me that there is something to this. Perhaps, on occasion, the man we regard as a news figure more properly could be described as a man with magnificent diction and good personality who can read what is given him.

Mr. Frank: I can speak only to NBC practice in that. We do not, to my knowledge, have anybody doing any news casting, which is the basic presentation of a wide spectrum of news on a given day, who is not in our opinion professionally qualified. He has to have those other things also, if we are lucky.

Senator Hart: I agree. Each of yours has the other qualifications.

Mr. Goodman, you conclude your paper with the statement, and we heard it often, and I'm sure it's true:

> It is NBC's purpose as a medium of communication to entertain and inform the public. As a mass medium we serve the whole of society, and not any one segment of it. Our entertainment program, et cetera . . . .

Now, I think, I'm sure every member of the Commission feels this way; none of us, even though our questions may have suggested the contrary, feels that the government should write the ticket on what your news—some little footnotes on that—but basically, nobody is laying the glove on that.

But with respect to entertainment, if public enjoyment is largely of violence, if that is the most tasty dish, and if when screened on TV, research does indicate that it causes community damage, what should we do about it?

Now, you are in pursuit of that mass public, because, among other things, proving that you have the large mass of the public enables you to produce the revenue; but along comes a solid research document that says that type of programming causes damage.

Is the First Amendment to be read as prohibiting the FCC from saying you shall schedule no such program or not schedule it before eleven at night? Or do you say, either that it would be unconstitutional or undesirable, we will discipline ourselves; and then have in mind the fact that one network may continue with violence; and, given that assumption I made, it begins to catch up with you.

Would you be able to explain to your owners why you don't go for violence? If the law didn't let you go, it would be another thing to go into it and explain that another fellow shouldn't be doing it, but we won't—I don't know what research would prove, but let's assume it shows clearly that this is bad—bad, immediately, for society. Now, what do you do?

Mr. Goodman: Well, there are a lot of assumptions woven into your question.

Senator Hart: But the basic one is that it is bad.

Mr. Goodman: I don't want to overuse the word, "responsible," but we are responsible citizens. We are proud of the way we operate our business and our network thus far.

In such an eventuality as you suggest, we will meet it in a responsible way at the time in the light of the evidence and research that we have. I think it's very difficult to classify and categorize programs as being a violent type. I think the true test comes in the way that we exercise and execute our own standards, which we think are proper ones, and which we have so far, I believe, executed with responsibility. Forgive me for using the word again.

Senator Hart: As I did with our earlier witnesses, I would hope you could give us in writing your reaction to this concept discussed yesterday by Commissioner Johnson and earlier of a citizen's committee.

Mr. Goodman: I would be glad to do that.

Senator Hart: And because I raised it with the others, this question of do you agree that the presence of the camera causes the trouble, creates a story, changes the character of a story, particularly as it relates to crowds and violence? Are you now willing to agree that the presence of the camera does, or very often does, have that effect?

Mr. Goodman: I not only am now, but have always been willing to agree that the presence of a camera does cause, as you mentioned this morning, each one of us to act differently in its presence. You only have to look at people at the ball game waving at the camera to see that. I don't think one can adduce from that necessarily that the presence of a camera becomes harmful and spreads violence.

I'm keeping my colleagues too quiet here. Maybe Mr. Frank would like to respond to that as head of news.

Mr. Frank: I certainly agreed with your statement as you made it this morning, Senator. Since this morning you have added "causes trouble."

Senator Hart: What did I say this morning?

Mr. Frank: The presence of representatives of the media—this is not exclusive to television or people carrying cameras—always will generate some reaction, especially among those people whose primary aim is to seek attention, who feel they have been barred from attention.

Senator Hart: I don't know what I said this morning, Mr. Frank. I know what I said now.

Let me tell you why I came in here today, intending to ask that. It goes back to testimony Mr. Kasmire gave this committee a couple of months ago, and I said to him, "In your statement I note you describe a problem you have. I imagine you would leave open a question of whether there is any dispute that the presence on the scene of television does contribute to the problem"—maybe that's the word—"and the reason I ask you that, you have a phrase here"—and then I excerpted a quote. Now, this is your Mr. Kasmire: "In our news coverage any conflict we report, no matter how fairly, gets us in trouble." True enough. "And when this happens, the reporter and photography men earmarking them are claimed to contribute to the problem by being just present." I said, "Don't you agree by being just present you contribute to it?" He couldn't buy that. That is what sent me down this road.

Mr. Frank: We are, at a late hour, in danger of starting a philosophical discussion. I think you are talking about two things.

The presence of a reporter will always cause a reaction. In my earlier days in this business and in other media I have been assigned to a county courthouse of a medium sized county. When a couple of reporters from a couple of papers walked in the lawyers changed. When I say "changed," I mean there was total change.

Ambassador Harris: May I interrupt, because this has been bothering me ever since my good friend, Senator Hart, first raised it.

So you don't say more than you need to say or ought to say. It is not the presence of the camera, is it, so much as the awareness of the presence of the camera, the awareness of the presence of the media, the awareness.

If in some way you avoid awareness, you have a different problem. So you don't really mean when the reporter is there something happens. It's when people are aware that he is there or may be there.

Mr. Frank: I agree wholeheartedly.

Senator Hart: I think I was trying to suggest that that should be understood when I said that if you realize it has this consequence, then you will arrange, you will program, you will handle, as I said earlier, you will recognize that it has a dynamite element to it.

But I am satisfied that my impression and the impression of all mankind, in the presence of that and the press, does affect all of us, including the crowd that assembles which brings the cameras.

As long as you people share that common experience—well, thank you.

Judge Higginbotham: Thank you.

Ambassador Harris.

Ambassador Harris: I want to go back to this question of the valid attention of the public to some aspects of media performance.

Again, I am concerned that what needs to be said be said and that the limitations that need to be set be set, but that we not go beyond it by intention or by accident.

You say on page five, Mr. Goodman, in effect, that you are very disturbed by the look at films used and films not used; that we, this Commission, have reviewed the television reporter's work product. And you suggest, without saying more about the viewing or its purpose, that this is an invasion or some smack of invasion of your First Amendment rights. Are you saying that no public agency has the right to investigate your work product for evidence of fraudulent behavior after you have done with it what you choose?

Mr. Goodman: I don't believe fraudulent behavior is what is at stake here.

Ambassador Harris: No. I wish, if you would, answer that question, then we can deal with some of the other things. But would you agree that a public body could—without infringing your First Amendment rights, where there was probable cause to believe there was fraudulent behavior—look to your work product to see whether this was true?

Mr. Goodman: If there was fraudulent behavior, in which breaking the law was indicated, certainly I think that would be justified under the law of the country.

Ambassador Harris: Let us suppose there was no law specifically forbidding the conduct which the investigators believed perpetrated a fraud, i.e., a misrepresentation of the facts with an intent to mislead those who saw the misrepresentation.

Would you say an investigation of the product for that purpose would be an infringement of your First Amendment rights?

Mr. Goodman: I don't believe I am enough of a lawyer to answer your question correctly.

Ambassador Harris: I am asking you not as a lawyer but as a representative of the medium because you raised the issue here for me.

Mr. Goodman: I don't understand how there could be fraudulent behavior without a law being–without breaking the law.

Ambassador Harris: Let me define it. Let me say that what may be suspected is that there has been a deliberate misrepresentation of a fact, deliberate for the purpose of misleading the public to believe that something took place which didn't take place, a creation, a fictionalized account of something which in fact didn't take place but which you have led the public to believe took place.

Do you believe an investigation of your work product to ascertain whether that in fact existed, that fictionalized account of reality, is an invasion of your First Amendment rights?

Mr. Goodman: Yes under the terms you just outlined, yes.

Ambassador Harris: I must say I find that––

Mr. Goodman: May I go on and expand my answer?

Ambassador Harris: Yes.

Mr. Goodman: What disturbs me here is that what I really think you are talking about is a matter of questioning news judgment. Who is to say that behavior is fraudulent or will mislead the public?

Ambassador Harris: I tried something, I hope precisely. The creation of a scene which never took place, staging persons who didn't do the act which the film would indicate was done. It is fiction. It didn't take place. But it is portrayed as reality. Now that is all I am talking about. Nothing bigger than that. Those are the perimeters of the hypothetical.

Mr. Goodman: My answer remains as it was. I do think, however, that we are talking about matters of judgment. The thing that disturbs me, and I would think perhaps it would disturb members of the Commission, is that what we really are talking about is looking at the film we didn't use as well as the films we used, that we are putting one person's judgment against another as to what should have been or what should not have been on the air.

I think that is a dangerous area–there is a danger of invading the First Amendment and my rights under the First Amendment.

Ambassador Harris: May I say there has been an inference created, certainly an implication and from which I could reasonably infer, that at some point some media representatives created some film.

Now, if a government agency, one given responsibility for regulation, believes there is such a thing taking place, do you want this Commission to believe this shouldn't be investigated in terms of checking to see whether such exists?

Mr. Goodman: Yes.

Ambassador Harris: I think you raise some problems for me because I would think that was the sort of thing you would not justify, would you?

Mr. Goodman: I wouldn't justify fraudulent behavior.

Ambassador Harris: But you would hide it?

Mr. Goodman: I didn't say that.

Ambassador Harris: If it can't be investigated by an outside agency, it can be hidden for all time from public view, can it not?

Mr. Goodman: It conceivably could be, but we would not do it. I think we have earned our rights under the First Amendment by the operation of a qualified professional news organization throughout the years. And I think we are entitled to the same protection under the First Amendment of the Constitution that all members of the press are entitled to.

Judge Higginbotham: If the Ambassador would yield, do you think the fabric of mankind, which is employed by your industry, is different than the fabric of mankind in banking and industry and the law and medicine?

For there is hardly a field, sir, where after investigation some fraud has not been found. Judges have been disbarred. Physicians have been disbarred or have lost their license. Corporate executives have gone to jail. Is there any reason why you feel so confident of your industry that you can say to us without batting an eye that we wouldn't do it?

Mr. Goodman: I am not holding ourselves up above those other professions you name, Mr. Chairman. I am simply saying that if we are, if we open up–

Judge Higginbotham: You are, at least, as fallible as the rest of mankind. Do you concede that much?

Mr. Goodman: Yes, sir.

Judge Higginbotham: If the rest of mankind finds it appropriate in some instances to ascertain whether there has been error, why should you be exempt, Mr. Goodman?

Mr. Goodman: In all those other cases you mentioned, isn't there a set of circumstances where there is a suspicion that a law has been violated?

Judge Higginbotham: There may or may not be originally a suspicion that a law has been violated. You know, I am not a TV man, and you aren't a lawyer, so I am not expecting you to answer in the jargon as by a brilliant colleague, a professional, professor of constitutional law, but we can talk about mankind and there have been investigations by bodies to ascertain whether there should be a change, whether there should be additional regulation, whether there should be something done on the way in which the FCC approaches its renewals. If you put up this barrier that you can't be probed, how can we ascertain whether anything should be done by the public for the future?

Mr. Goodman: I am only saying, Mr. Chairman, that if we set up a condition where members of the press, and I include us, have their working materials investigated, open to investigation, that there is a grave danger that it would go beyond what you are talking about and get into a question of the control of news by an outside force from which I believe we are protected.

Ambassador Harris: I always warn my students against imaginary horribles because we can always extend anything to its logical conclusion, in which case we are all dead and there is no longer a problem. But you don't suggest, do you, that the news media should be free from the laws of libel?

Mr. Goodman: I have not suggested that.

Ambassador Harris: But that means an investigation, does it not, into the product, the work product of the reporter?

Mr. Goodman: I don't believe it does.

Ambassador Harris: How on earth does one prove libel? Somebody has to look at it and make a judgment of whether it falls within the restrictions which make one responsible for libel.

Mr. Goodman. I think we are talking about several different things.

Ambassador Harris: We are talking about the amenability of your profession––

Dr. Menninger: Can I ask a point of information? If one were to talk in terms of libel of the press, you wouldn't in terms of the legal decision examine anything but what actually was printed, would you? You wouldn't look at the copy room floor to look at the stories that were cut out, that weren't printed?

Ambassador Harris: I think that is true.

Dr. Menninger: My understanding of your question– he was talking about looking at out-takes, as well as what was published–may be a source of misunderstanding.

Ambassador Harris: Let me say that his statement went to both film used and film not used. Is your primary concern the film that was not used?

Mr. Goodman: My total concern. I have no objection to releasing that which appeared on the air. My concern is film not used on the air.

Ambassador Harris: I must say your statement is not clear on that matter.

Mr. Goodman: I can't tell you how much I regret that, because I wrote it myself. [Laughter.]

And I do appreciate Dr. Menninger's intervention there to clarify this. I think he is every bit as good a lawyer as he is a psychiatrist.

Dr. Menninger: I can tell you I have some of the best education any lawyer can have. [Laughter]

Mr. Goodman: I had a good one myself in the last few minutes.

Ambassador Harris: I am willing to make this distinction, without saying that it is not possible to look at the totality of the operation of the reporter because, I think, we are looking to the role played by the reporter, his camera, his presence in the incitement to behave which otherwise, might not take place, and when there is evidence of fraud or creation of scenes from which other activity may be generated. It would seem to me that it is legitimate, as it was legitimate, for there to be an investigation of material which has not been used, because we are dealing with more than what has gone on the air.

Now, as I say, as one who is deeply concerned about the prior restraint aspects of all consideration of news generation, prior restraint implicit in looking at something after it is done, I think it is very important to be sure that your insistance upon immunity does not go so far that the valid immunity is discounted too.

I want to raise one other question. This one bothered me. I have another question involving the dialog about the "Today" show. Again I believe the First Amendment is not to protect you. I couldn't care less, frankly, about the news media and their protection. It is to protect me and my right to know and everybody else's right to know and to be engaged. Now, it worries me that you seem to not wish to defend the statement of opinion, clear opinion, by people on television. Do you really think it is bad for Mr. Downs to state his opinion if he states his opinion as opinion?

Mr. Goodman: We simply do not, as NBC News, we do not, as a policy, believe in editorializing, in advocacy of one side or another. We believe we report the news; and we interpret, analyze it, and try to give meaning to it with all the background we can. But to advocate simply is not our policy.

Now, other stations do have that policy, with the encouragement of the Federal Communications Commission; some stations do editorialize. We simply do not.

Ambassador Harris: By your narrow definition of editorialize, you introduce a credibility gap (if you will excuse the coining of a new phrase), because some people's meaning is other people's opinion–an editorial–and isn't it true that the minute you go into more than a bare description and go into interpretation, you have moved into something called editorializing and should you apologize for that or instead should you simply make it clear when you are doing what?

Mr. Goodman: I think we are in a matter of semantics here.

Ambassador Harris: See, people disagree about whether you are editorializing.

Mr. Goodman: That is true. Because what an editorial is has a different definition in the eyes of different people.

Ambassador Harris: One further question, one I have been wanting to ask all day long is: Why do I have to make a decision about whether I will watch NBC News or CBS News if it is a question of access and the public's right to know?

Why can't I turn from one channel to the other at different times? Why are you, instead of informing me, competing for my attention with CBS? I wanted to ask CBS this too but––

Mr. Goodman: I think my answer is approximately the same as theirs. I don't know whether you know or not, it all depends upon where you are. In different cities you can see both of them. Each one is fed twice nightly, once at 6:30 and one at 7:00 o'clock. It just depends upon the scheduling in each city according to its other scheduling need.

Some of the stations precede Huntley-Brinkley with an hour of local news and it is just simply a matter of local scheduling. I would have to tell you, though, that we are in one of the most highly competitive fields in the world, in the field of news and the role of television for that matter, and competition could very well be at the base of some of the decisions. Competition, I think, is good.

Ambassador Harris: Competition as a shill, is that it? Competition so that your advertisers will have my attention, not so that you can inform me.

Mr. Goodman: No, competition to inform you. I think the progress that has been made in television news in the past 20 years, fewer years than that, less time than that, is absolutely tremendous. I think a chart of how it grew will show you that competitior alone has created a condition that brings more news to you on all three networks.

Ambassador Harris: Thank you very much.

Sentor Hart: You will be glad I asked this. When I came in here, I didn't know what the answer would be.

Robert MacNeil testified before this Commission two days ago and was sharply critical of many aspects of the TV news policies and practices. He had been at one time an NBC news figure. Now, when a politician leaves the party and starts to blow the whistle on this party, that is very newsworthy. Is the same news judgment made with respect to a figure like Robert MacNeil leaving the party––

Mr. Goodman: News judgment in what respect?

Senator Hart: Did you or did you not put on your newscast that evening the clip of MacNeil?

Mr. Goodman: Extensively, yes, sir.

Senator Hart: This was my understanding. I was going to ask you––

Mr. Goodman: I am glad you asked. Mr. Frank reminded me that so did CBS.

Judge Higginbotham: Any other questions by my colleagues? Mr. Goodman, as I look over my notes it would take me 2½ hours to question you. But I believe there comes a point at which the brain can't absorb what the seat can't endure, and I would really be most appreciative of your purchasing a copy of the transcript and answering as precisely as you can each of the questions which I presented to Dr. Stanton. I am quite serious about those.

I would like for you to feel, when leaving, that you were not invited here to be lectured to. You were invited here for what perhaps is our most solemn and difficult obligation, an inquiry into the truth and an effort to find rational solutions for a democratic society. It is within that context that I pose the questioning of my Commissioners.

Do you have any questions?

Mr. Tone: I have no questions.

Judge Higginbotham: Thank you. Meeting adjourned.

(Whereupon, at 5 p.m., the Commission was adjourned.)

MEDIA HEARINGS

VI. Appendixes: Prepared Statement, Letters and Responses, and Memos

MEDIA HEARINGS

Appendixes

TELEVISION AND VIOLENCE: PERSPECTIVES AND PROPOSALS

*By Nicholas Johnson**

Introduction: Government by Crisis

John Gardner has characterized as perceptively as anyone the process of which this Commission on Violence is a part. With your permission I would like to read a brief passage from his little book called *Self-Renewal.*

> The Paul Revere story is a very inadequate guide to action in a complex modern society. It was all too wonderfully simple. He saw danger, he sounded the alarm, and people really did wake up. In a big, busy society the modern Paul Revere is not even heard in the hubbub of voices. When he sounds the alarm no one answers. If he persists, people put him down as a controversial character. Then someday an incident occurs that confirms his warnings. The citizen who had refused to listen to the warnings now rushes to the window, puts his head out, nightcap and all, and cries, 'Why doesn't somebody tell me these things?'
>
> At that point the citizen is ready to support some new solutions, and wise innovators will take advantage of that fact. A man working on a new air-traffic control technique said recently, 'I haven't perfected it yet, but it wouldn't be accepted today anyway because people aren't worried enough. Within the next two years there will be another spectacular air disaster that will focus the public mind on this problem. That will be my deadline and my opportunity.'

The same thing can be said, of course, for the "air disaster" represented by the chemicals and soot that fill the air—and our lungs. It also applies to the air pollution problem which is ours today: radio and television.

The academicians, research scientists and critics have been telling us for years of television's impact upon the attitudes and behavior of those who watch it. They cite very persuasive statistics to indicate that television's influence has affected, in one way or another, virtually every phenomenon in our present day society.

There are 60 million homes in the United States and over 95 percent of them are equipped with a television set. (More than 25 percent have two or more sets.) In the average home that set is turned on some 5 hours 45 minutes a day. The average male viewer, between his 2d and 65th year, will watch television for over 3,000 entire days—roughly 9 full years of his life. During the average weekday winter evening nearly

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*A Statement of FCC Commissioner Nicholas Johnson, prepared at the invitation of the National Commission on the Causes and Prevention of Violence, for presentation Thursday, December 19, 1968.

half of the American people are to be found silently seated with fixed gaze upon a phosphorescent screen, experiencing the sensation of its radiation upon the retina of the eye.

Americans receive decidedly more of their "education" from television than from the 19th-century institutions we call elementary and high schools. By the time the average child enters kindergarten he has already spent more hours learning about his world from television than the hours he would spend in a college classroom earning a B.A. degree.

So the problem is not that the modern-day Paul Reveres have not warned us, or even that they have not told us what to do. The problem is similar to that described by John Gardner's air-traffic controller: "Today even the most potent innovator is unlikely to be effective unless his work coincides with a crisis or series of crises which puts people in a mood to accept innovation."

We have by now experienced television's own form of "air disaster" in a series of crises.

During 1966 and 1967 there was a dramatic upsurge in the amount of rioting and demonstrations in our cities. As Pat Moynihan reminded us all in the NBC Special, "Summer 1967: What We Learned," "We have no business acting surprised at all this. The signs that it was coming were unmistakable." The signs had been reported by those who had been observing, studying and writing about the plight of black Americans. But these modern-day Paul Reveres were either not heard or were put down as "controversial characters." So the crises came, captured our attention, and put us in a mood to listen. The Kerner Commission was established, conducted a thorough-going investigation, and wrote a thoughtful and persuasive report. In this report the Commissioners found it necessary to devote an entire chapter to the mass media. They found themselves confronted at every turn with evidence of the implications of the mass media in a nation wracked with civil disorders. There was not only the matter of the relationship between the reporting of incidents and subsequent action. They also discovered a shocking lack of communication and understanding between blacks and whites in this country. As they put it, "the communications media, ironically, have failed to communicate." But Dr. Martin Luther King had told us very much the same thing: "Lacking sufficient access to television, publications and broad forums, Negroes have had to write their most persuasive essays with the blunt pen of marching ranks."

The Kerner Commission report had no more than found its way to the coffee tables of white suburbia before this nation was torn apart once again—this time with the agonizing, heartwrenching sorrow accompanying the assassinations of two beloved, and controversial leaders, Dr. Martin Luther King and Senator Robert F. Kennedy. Once again a crisis, once again national attention, once again a commission—this time yours. And as you have searched about for the causes of violence in our land you, too, have inevitably had to confront the evidence of the implications of the mass media. And you have discovered in the literature, as Dr. Albert Bandura, Professor of Psychology at Stanford University, has recently said,

> It has been shown that if people are exposed to televised aggression they not only learn aggressive patterns of behavior, but they also retain them over a long period of time. There is no longer any need to equivocate about whether televised stimulation produces learning effects. It can serve as an effective tutor.

But it has taken another crisis to make us listen.

You were not even permitted to conclude your deliberations and issue your report before the third in this recent series of crises hit the American people. It was, of course, the confrontation at Chicago and the Democratic National Convention. This has been the subject of the report submitted to you by Daniel Walker, "Rights in Conflict." In this instance the mass media were not only implicated in the confrontation, they were an active party. (In the words of the Walker Report, "What 'the whole world was watching,' after all, was not a confrontation but the picture of a confrontation, to some extent directed by a generation that has grown up with television and learned how to use it.") Subsequently television was the target for an outpouring of public criticism. But once again we find that we have not been without forewarnings of the impact of corporate television upon the process of politics and the subject matter and method of news reporting—to cite but two books from this year, Harry Skornia's *Television and the*

News, and Robert MacNeil's *The People Machine* (a study that gives special attention to the involvement of television in the American political process.)

How many more crises must we undergo before we begin to understand the impact of television upon *all* the attitudes and events in our society? How many more such crises can America withstand and survive as a nation united? Are we going to have to wait for dramatic upturns in the number and rates of high school dropouts, broken families, disintegrating universities, illegitimate children, mental illness, crime, alienated blacks and young people, alcoholism, suicide rates and drug consumption? Must we blindly go on establishing national commissions to study each new crisis of social behavior as if it were a unique symptom unrelated to the cause of the last? I hope not.

Of course, no one would suggest that television is the *only* influence in our society. But I hope that this Commission will possess both the perception and the courage to say what is by now so obvious to many of the best students of American society in the 1960's. There *is* a common ingredient in a great many of the social ills that are troubling Americans so deeply today—the impact of television upon our attitudes and behavior as a people—and we ought to know much more about it then we do. And that is the principal thrust of the statement I have prepared for you today. One cannot understand violence in America without understanding the impact of television programming upon that violence. But one cannot understand the impact of television programming upon violence without coming to grips with the ways in which television influences virtually all of our attitudes and behavior.

When we speak of television's influence we may be referring to one of four factors. (1) The impact of television watching (without regard to program content) upon the way we spend our time, and so forth. (2) The impact of television programming upon our attitudes and behavior. (3) The ways in which television is "used" by groups seeking "news" coverage; its creation of and effect upon events actually or potentially portrayed on television. (4) The results of abuses by television: serving economic self-interests, self-censorship, staging of events, and so forth. With these distinctions in mind let's examine the industry's arguments.

TELEVISION'S IMPACT AND THE INDUSTRY'S BIG MYTH TECHNIQUE

Whenever the question arises of the impact of television programming upon the attitudes and behavior of the audience, industry spokesmen are likely to respond with variants of three big myths. (1) We just give the people what they want. The "public interest" is what interests the public. The viewer must be selective, just as he would be in selecting magazines. He gets to choose from the great variety of television programming we offer. He can always turn off the set. (2) Entertainment programming doesn't have any "impact" upon people. It's just entertainment. We can't be educational all the time. (3) We report the news. If it's news we put it on; if it's not we don't. It's as simple as that. We can't be deciding what to put on the news or not based upon its impact upon public opinion or national values. We can't be held responsible if someone sees something on television and goes out and does the same thing.

1. The Myth of Serving Public Taste

Regulation of broadcasting was begun at the Federal level under two basic premises. One was that without regulation users could not allocate frequencies among themselves. The other premise was that the spectrum was a limited resource, owned by the public, and that its use was to be permitted under license to private users. These private users, given the right to use a public resource that was valuable, were expected to return public benefits—their use of the resource was to be in the "public interest." When faced with competing applicants for use of the spectrum the FCC, an arm of the Congress, was to choose the one who would best serve the public interest.

In the early history of the Federal Communications Commission there was a lot of discussion of how broadcasting was not to be used just for private gain, of the public benefits beyond priviate profit that were to be achieved, and of the great things that broadcasting might accomplish. A clear assumption, made explicitly and implicitly throughout all this discussion was that a broadcast license, issued on a temporary basis

without ownership rights, was not to be used to maximize the profits of the user. Even the National Association of Broadcasters testified before Congress:

> It is the manifest duty of the licensing authority in passing upon applications for licenses or the renewal thereof, to determine whether or not the applicant is rendering or can render an adequate public service. Such service necessarily includes broadcasting of a considerable proportion of programs devoted to education, religion, labor, agricultural, and similar activities concerned with human betterment.

(This was long before McGeorge Bundy would be driven to observe, "I am sorry that the men who run commercial broadcasting have come to think of it as an 'industry' when it is necessarily so much more . . .") A bargain was struck between the public (to be represented by the FCC) and the private broadcasters. Private parties would get the monopoly right to use the spectrum, but in return would agree to provide public benefits in the form of programming services that would do more than just generate the most revenue.

We have come a long way since those days. It is useful to remember the hopes and ideals expressed at the beginnings of this industry. But it should be clear that the performance of the broadcasting industry is quite different from what the drafters of the Communications Act might have expected.

By and large broadcasting today is run by corporations which have a virtual lease in perpetuity on the right to broadcast. These corporations are like all other businesses, they are interested in maximizing their profits. The value of their business, including the right to broadcast, is directly related to the profits the business returns. And this value is realizable in a virtually free market for the sale of established stations. This is not to be viewed as a hostile judgment of these men and corporations. America has been served well by the profit motive in a competitive system. It does suggest, however, that the system today is different from that envisioned by those who molded the present regulatory framework.

But we must examine the economic incentives as well. Broadcasters act to gain as large an audience as possible—and the audience is attracted by the broadcasters' programming. Programming is chosen for number of people it can command. Its selection need not reflect the intensity of the audience's approval, or what the audience would be willing to pay for the programming. In fact, the incentive to get the largest audience regardless of good taste has on occasion driven the networks to arrogant indifference to "what the public wants." The Dodd Committee Report refers to an incident in which an independent testing organization conducted an advance audience reaction test of an episode of a series show for a network. Of the men, women and children tested, 97 percent believed there was too much emphasis on sex, and 75 percent felt the show was unsuitable for children. The network ignored the findings, and televised the episode.

The concentrated ownership of the national television market and its effect on programming is clear. The dominant impact of the three networks on programming is apparent for first-run programming and syndication alike, since much of syndication is network reruns. Roughly 85 percent of the prime time audience watches the networks. Each network is trying for its slice of that 85 percent and for most purposes that audience is viewed as homogenous—one person counts the same as another in the ratings. Thus no programming will be shown by the networks unless aimed at the whole audience, and each network strives to gain no less than one-third of the audience.

Television programming follows a classic triopoly pattern—imitation, restricted choice, elaborate corporate strategies, and reliance on the "tried and true." As Stan Opotowsky has observed, "TV is all the same . . . Even . . . in New York, too often the viewer's only real choice is 'off' and 'on' "—a judgment sustained by Charles Sopkin's report of an heroic week of watching TV in New York ("Seven Glorious Days, Seven Fun-Filled Nights"). To say that this is what the audience "wants" in any meaningful sense is either utter nonsense or unbelievable naivete. There are many analytical problems with the shibboleth that television "gives the people what they want." One of the most obvious is that the market is so structured that only a few can work at "giving the people what they want"—and oligopoly is a notoriously poor substitute for competition when it comes to providing anything but what the vast majority will 'cept" without widespread revolution.

This is not to suggest that stations and networks engage exclusively in profit-maximizing behavior—only that this is the predominant component of their business motivation. And, I repeat, I am not now passing moral judgment on this behavior. I am simply pointing out that this is the system we have created, and that it is significantly different from the one that was envisioned thirty years ago.

Stations and networks sometimes do engage in programming that is not the most profitable available to them. Thus, Justice Black was permitted to speak to some 10 million Americans earlier this month on CBS. The concern of CBS was not only whether its relatively low programming costs were covered by the commercial revenue from that program (there were 8 products or services advertised), but the "opportunity cost" in the form of *additional* return CBS might have obtained from regular programming aimed at a larger audience. (It is also concerned about losing audience on the shows to follow, since there is some viewer carry over from program to program—another force that has precluded advertisers from sponsoring public service shows of their own choosing, even when they are willing to pay handsomely for the opportunity.) Of course, there are many responsible individuals, associated with stations and networks alike, who realize the great power of this medium for good and who try to use it. The point is simply that each of them is limited by the functioning of the system—a system that doesn't allow significant deviation from the goal of profit maximizing. Some have left commercial broadcasting because of that constraint.

It should be clear why attempts to affect the quality of programming have often focused on changing the rules of the system. Shouting exhortations at an edifice is a poor substitute for some structural changes. Proposals have been designed to open up the program procurement process, to restructure the affiliate-network relationship, to increase the number of TV stations, and to make rules concerning the types of programming to be presented. Educational broadcasting—as well as the potential of subscription television and cable television—are fundamental responses to the functioning of the present commercial system.

2. The Myth of Lack of Impact

When Dean George Gerbner of the Annenberg School testified before you he said:

> In only two decades of massive national existence television has transformed the political life of the nation, has changed the daily habits of our people, has moulded the style of the generation, made overnight global phenomena out of local happenings, redirected the flow of information and values from traditional channels into centralized networks reaching into every home. In other words it has profoundly affected what we call the process of socialization, the process by which members of our species become human.

He continued:

> The analysis of mass media is the study of the curriculum of this new schooling. As with any curriculum study, it will not necessarily tell you what people do with what they learn, but it will tell you what assumptions, what issues, what items of information, what aspects of life, what values, goals, and means occupy their time and animate their imagination.

I share Dean Gerbner's sense of television's impact upon our society. Many spokesmen for the broadcasting establishment, however, do not. And so I would like to anticipate their rebuttal with a little more discussion of the matter.

The argument that television entertainment programming has no impact upon the audience is one of the most difficult for the broadcasting industry to advance. In the first place, it is internally self-contradictory.

Television is sustained by advertising. It is able to attract something like $2.5 billion annually from advertisers on the assertion that it is the advertising medium with the greatest impact. And it has, in large measure, delivered on this assertion. At least there are merchandisers, like the president of Alberto Culver—who has relied almost exclusively on television advertising and has seen his sales climb from $1.5 million in

1956 to $80 million in 1964–who are willing to say that "the investment will virtually always return a disproportionately large profit." The manufacturer of the bottled liquid cleaner "Lestoil" undertook a $9 million television advertising program and watched his sales go from 150,000 bottles annually to 100 million in 3 years–in competition with Procter and Gamble, Lever Brothers, Colgate, and others. The Dreyfus Fund went from assets of $95 million in 1959 to $1.1 billion in 1965 and concluded, "TV works for us." American industry generally has supported such a philosophy with investments in television advertising increasing from $300 million in 1952 to $900 million in 1956 to $1.8 billion in 1964 to on the order of $2.5 billion this year. Professor John Kenneth Galbraith, in the course of creating and surveying *The New Industrial State,* observes: "The industrial system is profoundly dependent upon commercial television and could not exist in its present from without it . . . [Radio and television are] the prime instruments for the management of consumer demand."

The point of all this was well made by the sociologist, Dr. Peter P. Lejins. He describes four studies of the impact upon adult buying of advertising directed at children. Most showed that on the order of 90 percent of the adults surveyed were asked by children to buy products, and that the child influenced the buying decision in 60 to 75 percent of those instances. He observes, "If the advertising content has prompted the children to this much action, could it be that the crime and violence content, directly interspersed with this advertising material, did not influence their motivation at all?" There is, of course, much stronger evidence than this of the influence of violence in television programming upon the aggressive behavior of children which I will discuss later. My point for now, however, is that television's salesmen cannot have it both ways. They cannot point with pride to the power of their medium to affect the attitudes and behavior associated with product selection and consumption, and then take the position that everything else on television has no impact whatsoever upon attitudes and behavior.

The evidence of the impact of television advertising upon human attitudes and behavior tends to be confirmed by the growing reliance upon visual materials in education and propaganda. Films and television material are being ever more widely used throughout out schools and colleges, and in industrial and military training. Studies tend to support assertions of their effectiveness. We appropriate on the order of $200 million annually for the United States Information Agency on the theory that its activities do have an impact upon the attitudes of the people of the world about the United States. Presumably those who go to the expense and effort to "jam" the programming of the Voice of America and Radio Free Europe share this view.

Nor is our evidence of commercial television's influence limited to the advertising. Whatever one may understand Marshall McLuhan to be saying by the expression "the medium is the message," it is clear that television has affected our lives in ways unrelated to its program content. Brooklyn College sociologist, Dr. Clara T. Appell, reports that of the families she has studied 60 percent have changed their sleep patterns because of television, 55 percent have changed their eating schedules, and 78 percent report they use television as an "electronic babysitter." Water system engineers must build city water supply systems to accommodate the drop in water pressure occasioned by the toilet flushing during television commercials. Medical doctors are encountering what they call "TV spine" and "TV eyes." Psychiatrist Dr. Eugene D. Glynn expresses concern about television's ". . . schizoid-fostering aspects," and the fact that "it smothers contact, really inhibiting inter-personal exchange." General semanticist and San Francisco State President, Dr. S. I. Hayakawa asks, "Is there any connection between this fact [television's snatching children from their parents for 22,000 hours before they are 18, giving them little 'experience in influencing behavior and being influenced in return'] and the sudden appearance . . . of an enormous number of young people . . . who find it difficult or impossible to relate to anybody–and therefore drop out?"

A casual mention on television can affect viewers attitudes and behavior. After Rowan and Martin's "Laugh-In" used the expression, "Look that up in your Funk and Wagnalls," the dictionary had to go into extra printings to satisfy a 20 percent rise in sales. When television's Daniel Boon, Fess Parker, started wearing coonskin caps, so did millions of American boys. The sales of Batman capes and accessories are another example. Television establishes national speech patterns and eliminates dialects, not only in this country but around the world–"Tokyo Japanese" is now becoming the standard throughout Japan. New words and expressions are firmly implanted in our national vocabulary from television programs–such as Rowan and Martin's "Sock it to me," or

Don Adams' "Sorry about that, Chief." Television can also be used to encourage reading. The morning after Alexander King appeared on the late-night Jack Parr show his new book, *Mine Enemy Grows Older,* was sold out all over the country. When overtly "educational" Continental Classroom atomic age physics course began on network television 13,000 textbooks were sold the first week.

Politicians evidently think television is influential. Most spend over half of their campaign budgets on radio and television time, and some advertising agencies advise that virtually all expenditures should go into television time. When Sig Mickelson was President of CBS News he commented on "television's ability to create national figures almost overnight . . ."–a phenomenon which by now we have all witnessed.

The soap operas have been found to be especially influential. Harry F. Waters recently did a piece in *Newsweek* on the soap operas. He estimates they have a loyal following of about 18 million viewers, and contribute much of the networks' $325 million daytime revenue:

> Judging from the mail, the intensity of the
> audience's involvement with the soap folk
> easily equals anything recorded in radio days.
> . . . It may even provide an educational
> experience. Agnes Nixon, a refreshingly
> thoughtful writer who has been manufacturing
> soaps for fourteen years, likes to point out
> that episodes concerning alcoholism, adoption
> and breast cancer have drawn many grateful
> letters from those with similar problems.

Seizing upon this fact, educators in Denver and Los Angeles have used the soap opera format to beam hard, factual information about jobs, education, health care, and so forth, into the ghetto areas of their cities. The Denver educators' soap received one of the highest daytime ratings in the market. There is, of course, no reason to believe the prime-time evening series shows have any less impact.

Indeed, as Bradley S. Greenberg of Michigan State reported to you, "40 percent of the poor black children and 30 percent of the poor white children (compared with 15 percent of the middleclass white youngsters) were ardent believers of the true-to-life nature of the television content." And he went on to further underline the "educational" impact of all television:

> Eleven of the reasons for watching television dealt with the ways in which TV was used to learn things–about one's self and about the outside world. This was easy learning. This is the school-of-life notion–watching TV to learn a lot without working hard, to get to know all about people in all walks of life, because the programs give lessons for life, because TV shows what life is really like, to learn from the mistakes of others, etc. The lowerclass children are more dependent on television than any other mass medium to teach these things. They have fewer alternative sources of information about middle-class society, for example, and therefore no competing or contridictory information. My only caveat here is that we do not know what information is obtained through informal sources. Research is practically nonexistent on the question of interpersonal communication systems of the poor. Thus, the young people learn about the society that they do not regularly observe or come in direct contact with through television programs–and they believe that this is what life is all about.

Knowing these things, as by now all television executives must, society is going to hold them to extremely high standards of responsibility.

What do we learn about life from television? Watch it for yourself, and draw your own conclusions. Here are some of my own. We learn from commercials that gainful employment is not necessary to high income. How rare it is to see a character in a commercial who appears to be employed. We learn that the single measure of happiness and personal satisfaction is consumption–conspicuous when possible. Few characters in televisionland seem to derive much pleasure from the use of finely developed skills in the pursuit of excellence, or from service to others. "Success" comes from the purchase of a product–a mouthwash or deodorant, say–not from years of rigorous study and training. How do you resolve conflicts? By force, by violence, by destroying "the enemy." Not by

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4 OF 6

being a good listener, by understanding or cooperation and compromise, by attempting to evolve a community consensus. Who are television's leaders, its heros, its stars? No educators, representatives of minority groups, the physically handicapped, the humble and the modest, or those who give their lives to the service of others. They are the physically attractive, glib, and wealthy. What is to be derived from a relationship between man and woman? The self-gratification of sexual intercourse and little else–whatever the marital bonds may or may not be. What do you do when life throws other than roses in your hedonistic path? You get "fast, fast, fast" relief from a pill–a headache remedy, a stomach settler, a tranquilizer, a pep pill, or "the pill." You smoke a cigarette, have a drink, or get high on pot or more potent drugs. You get a divorce or run away from home. Or you "chew your little troubles away." But try to "work at" a solution, assume part of the fault lies with yourself, or attempt to improve your capacity to deal with life's problems? Never.

What are these network executives doing? What is the America they are building? What conceivable defense is there for the imposition of such standards, and travail upon 200 million Americans? What right have they to tear down every night what the American people are spending $52 billion a year to build up every day through their school system–just to serve the greedy striving for ever-increasing profits by three corporations? Giving the people what they want? Nonsense. Recall once again Mr. Greenberg's reference to studies of opinion of the general public, and community leaders, in two communities–even prior to the assassinations of Dr. King and Senator Kennedy.

> The substance of the complaints was what the public and leaders spontaneously described as the over abundance of sex and violence. The leaders commented about raw violence, the glorification of promiscuity.
>
> Program after program either depicts or implies that immorality, disobedience to established law and order, divorce, etc., are the accepted social standards of the day.
>
> The public has similar comments:
>
> " . . . too much on drugs and violence."
>
> "All the sex pictures on TV. . . "
>
> "Too much violence for children to watch."
>
> Fully one-fourth to one-third of all the objections dealt with either sex or violence, from both the public and its leaders. The viewer perceived sensual content in advertising, in children's programs, and in adult programs, apparently in too large a dosage to be conscionable.

No, I think we must listen to William Benton:

> I can only ask, if this alleged "wasteland" is indeed what the American people want, is it *all* they want of television? . . . [I]s it all they are entitled to. . . .[A]re not . . . these dwellers of the wasteland . . . the same Americans who have taxed themselves to create a vast educational system . . . are they not the same who have established an admirable system of justice, created a network of churches . . . when they turn their TV knobs, do they not by the millions have interests broader than the entertainment which is so complacently theirs? . . . I think the American people should expect that the greatest single instrument of human communications ever developed must make its due contribution to human security and human advancement. . . . A high common denominator distinguishes our people–as well as a low one–and both denominators apply to the same men, women and youngsters. Television has crystallized into the low road. . . .

Indeed, it has. Charles Sopkin concluded his *Seven Glorious Days, Seven Fun-Filled Nights* of watching New York City's television with the observation: "[Television] *is* dreadful, make no mistake about that. If I did not convey that feeling throughout this book, then I have failed rather badly. I naively expected that the radio would run three to one in favor of trash. It turned out to be closer to a hundred to one."

Given the great unfulfilled needs that television could serve in this country and is not, given the great evil that the evidence tends to suggest it is presently doing, one can share the judgment of the late Senator Kennedy that television's performance is, in a word, "unacceptable." The popular outrage and crises for reform are warranted. They must be heeded. If they are not, I fear for popular remedies that will be unfortunate from everyone's point of view. Responsible broadcasters know what must be done. I pray they will get on with the task. I conclude this statement with some proposals to help them do what they know is right.

3. The Myth of "News"

News and public affairs is, by common agreement, American television's finest contribution. The men who run it are generally professional, able, honorable and hard-working. To the extent the American people know what's going on in the world much of the credit must go to the networks' news teams. It's a tough and often thankless job. Eric Sevareid has said of trying to do network news that the ultimate sensation is that of being eaten to death by ducks. These may have fought a good many battles for all of us–with network management, advertisers, government officials, and news sources generally. We are thankful. And, by and large, I think we ought to stay out of their business–with the exception, perhaps, of providing them protection from physical assault. I would not for a moment suggest that either your Commission, or mine, ought to be providing standards for what is reported as "news." At the same time, I think that neither of us need feel under compulsion to avoid any comment whatsoever on the subject. And the point of my particular observation is simple, and its explanation brief.

Whenever one begins discussing the violence quotient in televised news the broadcasting establishment (far more often than the thoughtful newsmen themselves) is apt to come out with something about the First Amendment and journalistic integrity. The suggestion is made that there is a socially desirable, professionally agreed-upon definition of "news"–known only to those who manage television stations and networks–which is automatically applied, and that any efforts to be reflective about it might contribute to the collapse of the Republic.

My view is simply that this is nonsense, and that the slightest investigation of the product of journalism will demonstrate it to be such. As Robert Kintner once wrote, "But every reporter knows that when you write the first word you make an editorial judgment." "Education" does not become news until the *New York Times* sets up a special Sunday section on it. Whether and how "television" is reported as news in *Newsweek* depends in part upon what they call the sections of the magazine–and those headings change. The same is true of "science" or "medicine." We do not get much meaningful reporting about the federal budget, the choices it represents and the processes by which they were made. We could get more simply because an editor or a newsman took an interest in the matter–as the Smothers Brothers did, in their own way, last Sunday. The "news" used to be, for whatever reason, more "all white" than it now tends to be.

These changes have not come about through government edict. They *have* been influenced by government concern and investigation–as an example, the Kerner Commission's report about the practices of the news media and race relations.

I would agree with Reuven Frank's statement in the current *TV Guide* that we benefit from living in a nation with "free journalism," which he defines as "the system under which the reporter demands access to facts and events for no other reason than that he is who he is, and his argument is always accepted." I want the check of the news media upon government officials–including myself. But I do not believe–and he does not suggest–that free journalism need function as irresponsible journalism, completely free of check, comment or criticism from professional critics, a concerned public and responsible officials. Journalists can alter what subjects they report and how they report them–and they do. They can do this in response to a sense of professional responsibility. They often have. I ask no more; we should expect no less.

THE IMPACT OF TELEVISION PROGRAMMING ON VIOLENCE

The principal thrust of my position is that television programming—commercials, entertainment, and public affairs—is one of the most important influences on all attitudes and behavior throughout our society. To the extent that television "reflects" society, it is but a reflection of an image that has earlier appeared upon its screen. This is a perspective that I believe necessary to an understanding of the impact of television upon violence. It is an understanding that prompts one to reevaluate the most appropriate mission and focus of this Commission, and those that inevitably will follow.

There is not much point in my simply repeating the evidence that has accumulated in the literature and been brought to your attention. It is, after all, the findings and assertions of the scientific community on this point—not mine—that are most relevant to your inquiry.

The Interim Report of the Dodd Committee in 1965 concluded:

> [I]t is clear that television, whose impact on the public mind is equal to or greater than that of any other medium, is a factor in molding the character, attitudes, and behavior patterns of America's young people. Further, it is the subcommittee's view that the excessive amount of televised crime, violence, and brutality can and does contribute to the development of attitudes and actions in many young people which pave the way for delinquent behavior.

This was back in the days when we investigated "juvenile delinquency." And the subcommittee bearing that name had been brought to the need to study the amount of violence in television programming as early as 1954. Subsequently, it concluded, "If the 1954 findings suggested the need for . . . a closer look at television programming as it relates to delinquency, the 1961 monitoring reports were shocking by comparison." By 1964 it concluded, "the extent to which violence and related activities are depicted on television today has not changed substantially from what it was in 1961 . . . ."

Nor have things changed much today. *The Christian Science Monitor* reported in October 1968:

> Staff members of this newspaper watched 74½ hours of evening programs during the first week of the new season, and during that time recorded 254 incidents of violence including threats, and 71 murders, killings, and suicides.
>
> The results were almost unchanged from a survey conducted by this newspaper last July which counted 210 incidents and 81 killings in 78½ hours of television.

One network, ABC, provided in one evening 46 incidents and 11 killings. This included an episode from "The Avengers," which *the Monitor* described:

> A trio of *Monitor* staffers tried to keep track of the vengeful proceedings and finally agreed there werw 22 violent incidents, including five methodical murders and one additional killing.

The plot involves an Army officer's revenge against six of his fellows:

> He methodically kills most of them by snake bite, gunshot, fright, and other means.
>
> During the morbid workings of the plot, various people are battered with a large ashtray, nearly guillotined, chloroformed, abducted, nearly buried alive, fed knockout out drinks, and smashed against a tree.
>
> Finally, the bad fellow is killed by a steel card which hits his chest.

Another network, NBC, devoted 56 percent of its schedule to such programs, and provided throughout the week an incident of violence every 14.2 minutes, and a killing

every 45 minutes. This continued level of violent incidents occurred, it should be noted, *after* the two assassinations of 1968 and while network officials were proudly proclaiming their new efforts to remove scenes of violence from the 1968-69 series shows. (A *Monitor* followup this week reports no decline in violence, and provides additional analysis of individual programs.)

Throughout the years network officials have been quick to promise reform, but slow to deliver. After the 1954 hearings they acknowledged the programming ought to be improved, and promised it would be. Ten years later the Dodd Committee found it was worse. A study was promised in 1954 by the NAB. It was referred to again in 1961 by CBS. It was finally produced—9 years late—in 1963, but contained little or nothing about the impact of violent programming on children. In spite of renewed promises, nothing more has been heard from the industry. Violence continues.

In spite of the industry's protestations that they do not use violence for its own sake, the Dodd investigation turned up some rather revealing memoranda to the contrary. An independent producer was asked to "inject an 'adequate' diet of violence into scripts" (overriding a sponsor's objections to excessive violence). Another network official wrote, "I like the idea of sadism." Still another was advised by memorandum: "In accordance with your request, spectacular accidents and violence scenes of the 1930-36 years have been requested from all known sources of stock footages. You will be advised as material arrives." "Give me sex and action," demanded one executive. Several shows were criticized as being "a far cry" from top management's order to deliver "broads, bosoms, and fun." A producer testified, "I was told to put sex and violence in my show." No wonder the Committee concluded that the networks "clearly pursued a deliberate policy of emphasizing sex, violence and brutality on [their] dramatic shows."

You have the scientific evidence before you regarding the relationship between violence on television and violent behavior, especially of underprivileged children. You and your staff are fully capable of evaluating it. You know of the violence content of today's television programming. You also have heard, or will hear, the explanations of the network officials for this behavior on their part. We can at least conclude that the potential of television to do harm is great, and that it may be doing considerable harm. I would think we could at least share Dr. Wilbur Schramm's judgment:

> [W]e are taking a needless chance with our children's welfare by permitting them to see such a parade of violence across our picture tubes. It is a chance we need not take. It is a danger to which we need not expose our children any more than we need expose them to tetanus, or bacteria from unpasteurized milk.

And, if you conclude that a causal relationship has been established, and is well known to the broadcasters, then I am afraid we must come closer to Dr. Peter P. Lejins' moral judgment that "[there is little] difference between the drug peddler who is seducing a juvenile into this horrible vice and the producer of a movie or a TV story which is as damaging to the spirit of the youngster." Much rests on your judgment in this regard, and I wish you well.

CENSORSHIP

We have heard a great deal from the broadcasting establishment about "censorship." Broadcasters are concerned about your inquiry. They are even more panicked at the prospect of the FCC awakening from its slumber. Unfortunately, the broadcasters' arguments are born of such a blend of mammon and mythology as to do disservice to their own position. Because the issue is an important one, however, I should like to attempt a restatement.

The First Amendment expressly provides that "Congress shall make no law . . . abridging the freedom of speech . . . . " And Congress provided in 1934 in section 326 of the Communications Act (the Act establishing the Federal Communications Commission) that "Nothing . . . shall be understood or construed to give the Commission the power of censorship . . . " (Although the same section went on to give the Commission authority to prohibit any "obscene, indecent, or profane language.") The commitment to freedom of speech runs deep in our history and our law.

It is a commitment I personally hold with a fervor molded by years of study and a year as law clerk to Justice Hugo L. Black. As a public official, I welcome the mass media as a check upon government. And should the occasion arise when I felt the FCC was granting or withholding access to broadcasting licenses based upon the political, economic or social ideology of the licensee (or the content of his programming) I would help lead the broadcasters' parade of protest.

But I do not believe it is "censorship" for Congress to provide that a broadcast licensee must accord "equal opportunities" to all competing candidates for public office once one is allowed the use of his station (the "equal time" rule), or to require that "broadcasters . . . afford reasonable opportunity for the discussion of conflicting views on issues of public importance" (the "fairness doctrine"). Nor is it censorship for the Commission to conclude that the Congressional mandate that licensees operate in the "public interest" (Sect. 307) requires that they "take the necessary steps to inform themselves of the real needs and interests of the areas they serve and to provide programming which in fact constitutes a diligent effort, in good faith, to provide for those needs and interests" (as it did in its Programming Policy Statement of July 29, 1960). Nor do I believe Congress violated the constitutional prohibitions against censorship when it authorized the FCC to require stations to keep "records of programs" (Sect. 303 (j)), or that the FCC did so when it required all broadcasters to announce publicly the source of payment for paid messages and programming (e.g., 47 C.F.R. S 73. 119).

The examples could be multiplied almost without end–regulation of lotteries, false and misleading advertising, and so forth. But the point has been made. There are many court decisions, statutes and government regulations that affect speech in ways designed to serve other desirable social ends that are, appropriately, not held to violate the letter or the spirit of the First Amendment. Like the young boy who cried "Wolf!" the broadcasting establishment has shouted so loud and so often that *any* statutes or regulations relating to their industry violate the First Amendment, that they are not likely to be believed if, someday, a real threat does come along.

Moreover, the occasions broadcasters choose to protest government action leave one with the uncomfortable feeling that they are more concerned with profitable speech than with free speech. FCC Chairman E. William Henry pointed up the contrast most neatly in a speech to the National Association of Broadcasters in 1964. Chairman Henry had proposed that the FCC regulate the maximum number of commercials per hour consistent with "the public interest" by adopting a Commission rule *using the industry's own standards* as enunciated in the NAB Code of Good Practice. A proposal that, from anyone else, would have provoked editorial blasts of "FCC Sellout to Broadcasters," produced for Bill Henry a legislative effort by the NAB that it still considers its finest hour. High in the saddle on its "First Amendment Free Speech" steed, the National Association of Broadcasters galloped up the Hill and produced, in record time, action by the entire House of Representatives of the United States Congress designed to prohibit, as a matter of law, the FCC doing any such thing (H.R. 8316). In relating the story later, Chairman Henry pointed out to the broadcasters that there was another issue before the FCC at the same time that really did involve the First Amendment. The licenses of the three Pacifica Foundation radio stations had been in deferred status for three years. The Foundation is financially supported by listeners' contributions and "membership" fees, and provides programming in New York City, and in Berkeley and Los Angeles, California. The programs are unique and controversial–by design. They represent subjects and points of view not heard in the somewhat blander and safer fare offered by conventional commercial stations. They create a devoted and appreciative audience. They also create an emotionally-involved group of opponents. The Commission had received complaints about the stations charging everything from obscenity to Communist leanings. And, as Chairman Henry put it, "When a regulatory agency is called upon to handle allegedly obscene Communists, it indeed has a hot potato on its hands." The case was something of a *cause celebre*, and was certainly well known throughout the industry. The Commission was slow to act on the license renewals, and the outcome was not at all clear. As it turned out, the FCC screwed up its courage and renewed the licenses. But the fact remains that there was, for a considerable period of time, an imminent danger that a broadcaster really would lose his license because of the political, economic or social ideology of his programs. "Where," asked Chairman Henry of the

commercial broadcasters, were the "state association delegations . . . letters . . . lawyers and their *amicus* briefs . . . and ringing speeches"? For, he reported *"not one commercial broadcaster felt obliged to make his views known to the Federal Communications Commission"!*

What irony that, this very month, the FCC is once again delaying the renewal of Pacifica's California stations while it investigates a complaint of an allegedly obscene record reportedly once played in the wee morning hours on the Los Angeles Pacifica station (and widely played on commercial stations throughout the country, it should be noted). **For this is not a complaint filed by a listener, but one raised for the first time by the editors of *Broadcasting*–a weekly trade paper that editorializes self-righteously about the First Amendment whenever its industry's profits seem threatened.**

As Bill Henry told the NAB, "when you display more interest in defending your freedom to suffocate the public with commercials than in upholding your freedom to provide provocative variety–when you cry 'censorship,' and call for faith in the founding fathers' wisdom only to protect your balance sheet . . . you tarnish the ideals enshrined in the Constitution . . . . " It is unfortunate that the broadcasting industry has so demeaned the First Amendment coin by word and deed. For all right-thinking Americans abhor censorship, want to encourage the freest possible expression of views, and want to avoid artificial barriers to their dissemination.

At least I think my own position is fairly clear. Suppose the FCC was about to order a national network to produce news film that was taken by its cameramen but not used over the air–what are called "outtakes" in the trade. I would urge my colleagues that we not do so as a matter of propriety. A small point perhaps, but I am pleased the Commission has not voted to pursue such a request. In an opinion involving the indifference to a newsman's conflict of interest by the management of another national network, I wrote, "I enthusiastically join the statements [of my colleagues of the majority] insofar as they urge that this commission should constantly be on guard against actions of government–especially this agency–that might impede 'robust, wide open debate' or 'aggressive news coverage and commentary.' "

I share Arthur Schlesinger, Jr.'s judgment that the people retain "a certain right of self defense" from the mass media. And if corporate arrogance and intransigence become intolerable I am prepared to reassess the issue. But in general, and for now, I would prefer occasional abuses by a responsible broadcasting industry, capable of reform, to license revocations for irresponsibility.

I think investigation and public disclosure quite useful and appropriate. But I do not believe that the FCC should revoke the license of a television station because of its coverage of a political convention, a war, a riot, or a government official. With all the admiration I have for Secretary Orville Freeman, I do not believe he–or I–should be able to prevent CBS' showing of "Hunger in America." I do believe that some independent expert entity should be making program evaluations, and that they should be expert, candid, hard hitting, and generally available to the American people. I do not believe the FCC should deny license renewals to network-owned stations because those networks used excessive violence in action dramas, children's cartoons, and other programming in an effort to secure greater audiences. Nor do I believe the FCC should take action against stations which show movies that large segments of the populace find objectionable–movies that have been cleared by the courts for showing in theaters. But I believe some independent entity should investigate and report the impact of radio and television entertainment programming, should criticize what the broadcasting establishment is doing, and should make its views known to the American people.

I am prepared to reevaluate my present position. But I now believe that networks do not tighten fraud procedures on game shows out of fear of the FCC; it is from the fear of adverse public opinion and the economic impact of that opinion. The same is probably true when networks attempt to control the conflicts of interest of their commentators. Broadcasters made reforms after the quiz show scandals, and the revelations concerning payola and plugola, not out of fear of Congress or the FCC but from the realization that the economic health of their industry depends upon public trust. If the public receives believable information that news is deliberately slanted, or programming has deleterious effects, I hope and believe that broadcasters will necessarily move to correct it.

This is not to say the FCC is without power to act in the area of broadcaster conduct and program content. We require stations to announce if they have received money or other consideration for the presentation of programming. A station must make available

equal facilities and opportunities to opposing candidates. We have taken action against stations for sponsoring fraudulent contests over the air. The Federal Trade Commission acts against false and misleading advertising. The Communications Act prohibits obscenity, although this is a matter I believe we might be hard pressed to defend in court. We have held that licensees must make known any corporate conflicts of interest in their handling of programming matters. It is less clear whether we could take positive punitive action against a station for fraud in the presentation of news. That does not mean we should not investigate such a matter–and in public hearings. I would see nothing wrong with the FCC using its powers of compelling disclosure to insure that the public learns about fraud, corporate censorship, or falsehood in media practices that are protected by the First Amendment. The penalty would be the same as when any private figure criticized the media: the effect of public opinion. No institution in our society should be immune from that kind of criticism.

But governmental power is not the only–or even the most important–threat to the freedom of speech of the broadcasting industry. Economic, corporate power over free speech is today, in my opinion, an even greater limitation than those feared by the drafters of the Bill of Rights. All Americans have felt the oppression of corporate censorship.

- For years the tobacco and broadcasting lobbies succeeded in censoring from the airwaves virtually any discussion of the impact of cigarette smoking on cancer and heart disease. How many wives and children who are today left without a head of the household might have been spared had cigarette-smoking television viewers been told the facts?

- Until recently the auto and broadcasting industries succeeded in propagandizing the view that auto safety was just a matter of 'that little nut that holds the wheel'–in short,, the driver's fault. The industry and the networks were able to censor from radio and television any meaningful discussion of the manufacturers' responsibility for 50,000 deaths a year from unsafe automobiles until Congressional investigations and the print media made it too embarrassing to avoid any longer.

- Coal mining disasters are reported as human interest stories–after the fact. Butby what reasoning can broadcasters and cable systems in coal mining states justify censoring from their coal miners' screen programs about 'black lung' disease? For this is a disease that doctors say produces a form of gradual strangulation, in some degree, in virtually all of our nation's 160,000 coal miners who are exposed to coal dust without compressed air masks.

- And what form of censorship produces a broadcasting industry in which only six of 7,350 radio and television stations are owned by blacks? What form of censorship stills the angry voices of Watts from the television screens of white America until the message finally bursts forth in flames of violence we have been ill-prepared to understand? Why have the blacks–struggling with concepts of 'black power' and 'black capitalism'–received little or no inkling from television of the tremendous potential open to them in the cooperative movement?

- It was almost ten years ago that President Eisenhower warned of the power of a growing 'military-industrial complex' in our land. And yet the censorship of the broadcasting establishment--many members of which are major defense contractors–has successfully down-played that issue for the American people. I do not charge abuse. But is there not a potential for censorship in turning over the reporting of one of the major issues before our country--the Vietnam War–to broadcasters who are subsidiaries of corporations that are profiting from the prolongation of that very war? How has the budget of the space program been affected by having its activities reported by corporations profiting from NASA contracts?

- Concern about the impact upon our democratic form of government of the rising cost of political campaigning has come from every quarter. Yet well over half the costs are for broadcast time. The broadcasters' insistence upon ever-higher profits for 'free' speech is another from of censorship- as is their occasional refusal to carry even paid informational spot announcements about local ballot propositions.

There are many forms of actual and potential censorship in broadcasting. A good many of them are self-imposed. I deplore them all. The problem is serious. But I do believe that any fair, impartial evaluation would have to conclude that your Commission and mine are not the principal threats to free speech in America today.

PROPOSALS

There have been efforts to 'investigate' and 'study' television and radio since their beginnings. There have been uncounted words written in books, articles and speeches about broadcasting's ills. The question, as always, is 'what do we do about it?'

What we propose depends in great part upon what we think will alter men's behavior. My own view is that a meaningful reform must be premised upon its capacity to be carried out by self-serving men of average intelligence. To dream schemes of institutions that will only function when men are angels is futile. This is not to say that the world is not populated with a significant number of very decent guys who are willing to risk future and fortune to do 'the right thing'; only that you cannot count on one of them being in all the right places at all the necessary times. Indeed, there are even some who question whether one can pass moral judgement on a man who simply finds himself carried along by the system of incentives–rewards and punishments–of his institutional environment. To some extent, that's what Fred Friendly's book, *Due to Circumstances Beyond Our Control,* is all about. It is not enough to wish that networks were being run by men who would televise Senate hearings instead of a rerun of "I Love Lucy." For such a wish requires them to refund pocketed profits to advertisers and give away for free time already sold–in an institutional environment in which their performance, their "success," is measured almost exclusively in terms of how much they can increase profits.

The history of industrial safety is illustrative. There were efforts at moral suasion throughout the Nineteenth and early Twentieth Centuries–all to little effect. The real turning point in industrial safety came when plaintiffs' awards in law suits, workmen's compensation schemes, and insurance premiums, rose to a level that made it more profitable to protect human arms, legs and eyes than to continue to pay for the quantity consumed in the manufacturing process.

It is in this sense that I concluded, early in my term as an FCC Commissioner, that speeches by me about the 'vast wasteland' would not have much lasting effect upon the contribution of radio and television to the quality of American life. What is needed are institutional realignments.

Let me make abundantly clear that the kind of realignments I am talking about are evolutionary rather than revolutionary. Indeed, the process of adaptation and self-renewal is, in my view, the essence of conservatism. There *are* forces of revolution and alienation abroad in our land. There are those who preach that our system cannot work, that it cannot adapt fast enough, and that our institutions must be destroyed–government, universities, corporations, and so forth.

I am not among them. I want to conserve our institutions. But I believe they can only be conserved by evolution and adaptation to changed conditions and needs. Those who practice corporate arrogance and preach the haughty disdain of legitimate demands for popular participation are the real handmaidens of revolution in this country today.

In my view, government regulation of business seeks to make the free private enterprise system work better, not to stifle it. It seeks a relationship between government and business such that legitimate public demands and needs and interests will be met by institutional adaptation within the private sector–not by nationalization. As McGeorge Bundy has said, "more effective government, at every level, is the friend and not the enemy of the strength and freedom of our economic system as a whole." The American industrial system was strengthened, not stifled, when corporations began paying a fair market price for the human beings consumed in the manufacturing process.

The very purpose of the antitrust laws is to encourage competition, and establish some ground rules for its perpetuation. The food and drug industry is made more profitable and popularly acceptable, by laws that prohibit profiting from products that produce disease and death. Laws requiring fair employment opportunities for Americans of all races do not hamper big business—they produce more potential customers and reduce the corporate tax burden to sustain the unemployed. We can argue about the details of such proposals in this country—and we do—but I think we can all agree that what we are trying to do is make the American system work better. In the process, we also make it competitively possible for basically decent men to do the right thing. Shareholders may expect corporate officials to maximize profits, but they do not expect them to violate the law.

Let us, in this light, examine some of the proposals that have been made to alter slightly the system of institutional pressures within the broadcasting industry in ways designed to improve its total contribution to our society.

1. Public Broadcasting

There are a number of sources of public broadcasting today: National Educational Television's programming and occasional networking service, National Educational Radio, the Public Broadcasting Laboratory's Sunday evening show, the Eastern Educational Network, the programming of now some 150 stations throughout the country, and so forth. The Public Broadcasting Corporation is just beginning. The National Foundations on the Arts and Humanities have provided some financial support already. The Ford Foundation has, of course, been by all odds the most significant source of support for public broadcasting over the years. This programming is significant in a number of ways. It is, first of all, an available alternative when and where it is available. A few people listen, and watch, and are enriched. In view of the relatively small audiences, however, public broadcasting's principal value must be measured today in terms of its impact upon commercial television. This has been significant. It is a professional training ground for all of the various jobs in commercial broadcasting. It is a source of programming ideas, public affairs issues, and technical innovations. It is commercial broadcasting's graduate school, its farm club, its underground press, its research and development laboratory.

It is a $90 million tail (or, perhaps I should say, head) on the $3 billion dog of commercial broadcasting that, when it can move the animal, can have a tremendous impact upon our nation with very little investment. As McGeorge Bundy has said, "Twenty years of experience have made it very plain indeed that commercial TV alone cannot do for the American public what mixed systems—public and private—are offering to other countries, notably Great Britain and Japan." The Japanese people have chosen to fund their equivalent of our Public Broadcasting Corporation (NHK) at a proportion of their gross national product that would be equivalent to $2 billion a year in this country. They are richer for it. The United States is now on the threshold of finding out whether it can muster the national will to do as well. I think that it is crucial that the Public Broadcasting Corporation be adequately funded, and, in line with the Carnegie study, in such a manner as to be independent of the government. Such an effort would be a classic example of an institutional change that could benefit everyone affected by broadcasting far more than its costs—and harm no one.

2. Citizen Participation

A statesman has been defined as a man who stands upright, due to equal pressure on all sides. It is, in this sense, that the Federal Communications Commission is made up of statesmen. Mr. Bundy has said of the FCC that, "its weakness is a national scandal. . . ." But it is not true that the Commission just responds to pressure from the broadcasting industry. It responds to pressure from anybody. Increasingly, citizens all around the country are learning that the FCC's adversary process will only work if they will make it work. For you can only make an adversary process work if you have adversaries.

The typical station's license renewal proceeding goes like this. The FCC gathers at ringside and offers to referee. At the sound of the bell the licensee jumps in the ring and begins shadow boxing. At the end of three minutes he is proclaimed the winner by the FCC majority, found to have been serving the public interest in his community, and given a three-year license renewal.

Members of the public are learning how to make this a more meaningful contest. In Seattle, a voluntary citizens-media council has brought interested parties together to improve coverage of the black community. (The general concept of local broadcasting councils has worked in other countries and might well be tried here.) Negroes in Jackson, Mississippi, along with the United Church of Christ, are challenging in court the FCC's renewal of the license of station WLBT' John Banzhaf, who established the "fairness doctrine" requirement that broadcasters inform their audiences about the harmful effects of cigarette smoking, is contesting the license renewals of stations which have not complied. Labor unions are contesting the license renewals of stations which do not fairly present labor's story. Citizens in Chicago, Seattle, and Atlanta are, independently, protesting changes in the programming format of their favorite local stations from classic music to something more popular—and profitable. A number of organizations are fighting the renewal of license for a station that broadcasts a surfeit of what they consider right-wing hate programming. Other groups are protesting childrens programming, violence on television, and the absence of meaningful local service programming. (As one group of young blacks' picket signs put it, "Soul Music is Not Enough.") Needless to say, I am not expressing a view on the merits of these cases. But I believe this trend is going to continue. And I think that it is, in most cases, basically healthy for listeners and viewers to be able to participate in the Commission's proceedings. It creates the reality, as well as the illusion, that it is possible to "do something" to make our seemingly intractable institutions respond to popular will, that you *can* fight city hall. It removes the pressure for revolutionary action that otherwise heats up without escape like infection in a boil. Finally, it should be welcomed by the vast majority of American broadcasters who are responsible, involved with their community, and who are already making efforts to obtain more audience interest in their stations' programming.

3. Public Service Time

Businessmen who would like to perform a public service that does not maximize immediate profits often have difficulty convincing their shareholders they should do so unless their competition undertakes a similar burden. Take the safety record of commercial aviation, for example. It would be competitively difficult for a single airline to establish and follow the kind of maintenance and safety standards imposed by the FAA and CAB. There would always be a competitor who, by taking a few more risks, could cut costs, reduce rates and attract customers.

By having industry-wide standards enforced by a government agency, however, everyone is competitively equal—and everyone benefits from an industry-wide reputation that builds confidence in airline transportation. Because of the almost total absence of programming standards from the FCC, the broadcasting industry is at a substantial disadvantage. It becomes competitively difficult for a single network to put very much news and public affairs in prime time, to increase its financial commitment to public service, or to broadcast programming without commercial sponsorship—so long as the other two can continue to maximize profits. Competitive position as well as profits are involved. The FCC owes the industry—and the public—the assist that only government, with its antitrust immunity, can provide: the establishment of standards that will create for the industry the opportunity to more often do its best.

Such standards could take a number of forms. We could require that a given proportion of gross income be invested in programming. We could require that each network provide a given proportion of its prime time, each evening or each week, to public service programming; stations could have similar standards, especially for local programming. (For example, each of the three networks could be required to provide a single hour of such programming Monday through Saturday between 7:00 and 10:00 p.m. on a staggered basis. Thus, at any moment of this segment of prime time, viewers would have a choice of something other than advertiser supported, lowest-common-denominator programming.) We could require that, for some programs, there be no commercial interruption. We could set standards for the size of the news staff, or news budget, as a proportion of gross income. Such standards could, of course,

be worked out with the networks and station owners, for—as with the commercial airlines' safety record—it is the responsible, professional elements in the industry that ultimately have the most gain from such proposals.

4. Program Diversity and Ownership Standards

Many of the FCC's policies in the broadcasting field are premised upon the assumption that the more independently owned broadcasting outlets the better. That is, minority tastes will be better served, and programming quality improved, by increasing the number of sources of broadcast programming. There has never been a thorough-going effort to find out if this theory has worked out in fact, and thus each of us must judge for himself. But todays 7,350 operating radio and television stations do represent about a ten-fold increase over the number of broadcast outlets in the 1920's and 1930's. This has come about through the addition of relatively lower-power, daytime-only, local AM radio stations, the wholly new FM radio service, and television—first VHF and then UHF Cable television—which now serves some 2 million homes—has the potential of bringing 20 or more television signals into the home (compared with the four or five signals in most major markets today). Additional individual choice is provided by services that do not involve broadcasting. Music can be obtained from phonograph records and audio tapes. The sale of tape recorders is up markedly, including stereo tape players for automobiles, and there is widespread taping of music from radio stations for subsequent personal use. Films have always been available, but have been expensive and difficult to operate; now the prospect of video cameras, tape recorders, and video disc and tape recordings opens up a whole new consumer market.

Diversity in broadcast programming is also affected by FCC rules regarding programming practices. In the largest 100 markets the FCC requires that jointly-owned AM-FM stations not duplicate programming more than 50% of the time. The Commission has under consideration a proposal that would limit a network's ownership interest to a maximum of 50% of the networked programming. We have put out for comments the Westinghouse proposal to limit the amount of prime time programming that any affiliate can take from one network. Of course, the mere joint ownership of broadcast properties in the same market decreases the likelihood of diversity in programming. And the FCC has also proposed a rule that no single owner can hold a license to more than one full-time facility in a single market—which the Justice Department believes should be expanded to take account of newspaper ownership. (The limits now are five VHF, two UHF, seven AM, and seven FM stations for a single owner. No commonly owned TV signals may overlap, nor AM nor FM, but a TV plus AM plus in a single community.) To the extent that diversity of signals, programming, and ownership has led to greater audience choice, service to minority tastes, and improved quality such efforts are to be encouraged.

5. Professionalism

Members of the radio and television industry like to think of themselves as members of a profession. No one would question that there are, within the industry, individuals with impressive records of academic training, and participation in programming that represents a high sense of responsibility, creativity, and technical standards. The fact remains, however, that most of the ingredients one associates with a profession are not to be found in broadcasting. There are no academic standards. There are no professional qualifying examinations. There are no moral or character standards. There are no professional associations. There is no procedure for processing public grievances addressed to one of the members. A lawyer, by contrast, must hold college and law degrees from accredited institutions. He also must be found to be academically qualified by examiners from the legal profession. He must meet character qualifications; the courts before which he appears must first "admit" him to practice—after satisfying themselves as to his qualifications. He belongs to a "bar association" which may be a requirement to practice. Grievances filed against him are evaluated by a "grievance committee" against the standards of professional "canons of ethics" and prior decisions interpreting those cannons. Similar qualities are associated with doctors, dentists, engineers, architects, accountants, and so forth.

Or consider for a moment the rigors of qualifying as a third grade teacher. The applicant must have a college degree from a school of education. She must be qualified under standards established by the state for a teachers' certificate. She must meet the standards of the local school board. She must have spent some time as a "practice teacher." She may continue to take in-service training. She must meet these standards because she is going to spend time with a group of perhaps 25 children for a few hours a day for a few months out of the year. She will be giving them ideas, information, opinions, attitudes, and behavior patterns that must hold them in good stead throughout life. We don't want to trust their minds to any but the most skillful and responsible of hands. Contrast these concerns and standards, if you will, with those we associate with broadcasters, with their access to *millions* of young minds for far more hours every week. As Harry Skornia has said, "Although broadcasting is one of the most powerful forces shaping social values and behavior, broadcast staffs and management in the United States generally have no specific professional standards to meet. . . ." There are exceptions. But of the NAB Code Skornia says, 'A document so vaguely worded, so defensive, and so flagrantly violated, can hardly be seriously considered a real code of either ethics or practices.' He believes that the mass media 'should be entrusted only to professionals, who study their effects as carefully as new drug manufacturers are expected to test new drugs before putting them on the market.' News is, of course, a special concern: "It must be recognized that news, like medicine or education, is too important to be entrusted to people without proper qualifications." Let me hasten to make clear that I do not urge that the FCC is the most appropriate agency to establish such professional standards, or to engage in licensing. But I do urge that the American people have the right to expect professional standards from those who instruct millions of young people Saturday morning that are at least as high as those it imposes upon the teachers who instruct a classroom of 25 on Monday morning. And I share Harry Skornia's concern:

> In news and public affairs, particularly, the fact that there is no national academic standard prerequisite to practice, and that neither the names of the schools from which newsmen graduate, nor their diplomas or degrees—if indeed they are even considered necessary to employment—represent any definitive standard of intellectual accomplishment, morality, character qualification, or even technical skill, is disturbing if not shocking.

Such standards and procedures of professionalism, were they to be adopted, would represent another example of a modest institutional restructuring that should be fully acceptable to the responsible elements of the broadcasting industry as well as of great benefit to the public.

6. Programming Liability

Legal liability for a monetary damage award has often proven to be an effective spur to reform. Manufacturers' concern for the safety and suitability of their products has undoubtedly been enhanced by the "product liability" standards that have been laid down by the courts. It is simply too expensive to try to run a manufacturing business with the threat of suits from injured customers. The same principle has applied to industrial safety practices. Safety procedures and equipment that once seemed "too expensive" appear much more reasonable when balanced against adequate plaintiffs' awards for injuries and death. Perhaps the networks' concern about the quality and impact of their programming could be intensified in this way, either by principles of liability found in the common law or from new legislation. I appreciate that this is a provocative suggestion, that it could sometimes raise First Amendment problems, and that proof of causation would be difficult. Nonetheless, I think it is an idea we should begin discussing.

Most products are warranted as safe for the purposes for which intended. Why not the televised product? A drug manufacturer must do sufficient experimentation to prove the efficacy and harmless nature of his product before offering it to the public. Why not the television company? Why shouldn't the broadcaster bear a measure of any tobacco manufacturer's liability to the widow of a lung cancer victim for failing to tell her

husband the whole truth about the impact of cigarette smoking? Many states recognize "psychic" or emotional injury. (For example, bill collectors may be liable for harassing innocent debtors.) Why shouldn't a television network be liable for the psychic harm it does millions of young children who watch the Saturday morning "children's programs"? The television set manufacturer is legally liable for physical damage done by radiation from the set? Why should the network be free of responsibility for the psychic harm done by what it radiates from the set. To state the extreme case, suppose a psychiatrist would testify that a child's mental illness was directly traceable to a particular show watched regularly. And suppose, further, that numerous other children were affected in this way—and that the network knew the program would likely produce that result. Is legal liability out of the question? If there is not legal liability for the fate of millions, is there not at least a moral responsibility that is even greater? Legal liability has been an effective instrument of reform in the past, and is at least worth examination as a means of improving the most extreme instances of injurious programming.

7. Public's Access to Television

We are living in an age in which television has become confused in a crazy way with reality. If it's not on the tube it hasn't happened. And if you—or those with whom you can identify—are not on the tube, you don't exist. Only this week a Harris poll reports that a sense of alienation is growing among many Americans—principally, it seems to me, those who are excluded from participation in television. The right to petition one's government, guaranteed in the First Amendment of the Bill of Rights, has become the need to petition one's media—usually television. That's how you change things. That's how you communicate with your fellow citizens. We've discovered that a riot is a form of communication.

Robert Conot tells us of the Watts youth who said, "All we wants is that we get our story told, and get it told right! What we do last night, maybe it wasn't right. But ain't nobody come down here and listened to us before." The Kerner Commission Report spoke of a mass media that "repeatedly, if unconsciously, reflects the biases, the paternalism, the indifference of white America." Daniel Walker quoted Yippie leader Abbie Hoffman to you: "You got a TV set? That's a jungle. . . .We get on that tube. . .we get information out, and our information is heavy, and it sticks, and it's exciting, it's alive. . . . " Among the most popular newspaper features today are the letters to the editor and "Action Line" columns. "Call-in" radio shows are riding a crest of popularity. Blacks are becoming more conscious of the fact that all but six of the 7,350 broadcasting stations in this country are owned by whites. Alienated young people, who have been shut out from access to the establishment media, are doing a thriving business (economically and aesthetically) in "underground" newspapers, films, and television.

There are a number of conclusions one can draw from observations like these. One is that we might as well face up to the fact that television *is* responsible for violence to the extent it insists upon action from those with legitimate grievances to share with their fellow citizens. People with something they must say will do whatever is necessary to be heard. What is necessary is what the gatekeepers of our television channels define as necessary.

Another conclusion is that we probably ought to be giving more thought to principles of public right of access to television. The FCC's "fairness doctrine" is, of course, designed and administered in ways which seek to serve this need in part. But it is inadequate. Professor Barron has argued in the Harvard Law Review that in order to breathe life into First Amendment freedoms today they must mean something more than the right to establish one's own multi-million-dollar TV station, network or newspaper—there must be a public "right" of access to the mass media. Television networks and stations today retain a very tight control over who uses their facilities—even to the point of requiring Xerox to set up its own "network" to show some of its more creative documentaries. The only public access comes during news programs and interview shows when, of course, the outsiders are carefully screened.

It is in part this control which has required the necessity of establishing the rather expensive duplicate facilities represented by 150 educational television stations. Corporations have made contributions to help sustain educational broadcasting. But some have also used commercial television to bring the same kind of programming to the

American people—Xerox, Hallmark, AT&T, Union Carbide, to name but a few. It is the means chosen by the National Geographic Society. If we are to limit the surfeit of advertiser-supported, network entertainment programming during prime-time, perhaps we should consider a rule making a proportion of this time available for non-commercial programming of an educational, scientific, or cultural nature paid for by foundations or similar institutions. Such time would then be available to them as a matter of right, rather than as a matter of sufferance from the networks. The FCC has recently proposed a similar principle with regard to cable television systems—that extra channels be made available on a common carrier basis for lease to those who wish to distribute programming, the costs for which may be relatively low.

8. Citizens Commission on Broadcasting

Twenty-two years ago, with the leadership of Robert M. Hutchins and the funding of Henry R. Luce, the "Commission on the Freedom of the Press" took a look at our mass media at that time and recommended "the establishment of a new and independent agency to appraise and report annually upon the performance of the press."

Earlier this year the National Advisory Commission on Civil Disorders (the Kerner Commission) recommended among other things, the establishment of an "Institute of Urban Communication on a private, non-profit basis" with the responsibility to "review press and television coverage of riot and racial news and publicly award praise and blame."

In between, similar suggestions have come from such distinguished citizens and students of the mass media as Professor Harold Lasswell, former Senator William Benton (who proposed a National Citizens Advisory Board for Radio and Television to the Senate, along with Senators John W. Bricker, Leverett Saltonstall, and Lester C. Hunt in 1951), Jack Gould of *The New York Times*, Harry S. Ashmore (now of the Center for the Study of Democratic Institutions), and Professor William Rivers of the Institute of Communication Research at Stanford. Representative Oren Harris, when Chairman of the House Committee on Interstate and Foreign Commerce, proposed a similar idea—as did CBS President Frank Stanton (although his proposal was for industry funding). Dr. Otto Larson, who testified before you, called for an "institute" to conduct "continuing, systematic, objective comparative surveillance of mass media contents . . . ." Tom Hoving's National Citizens Committee for Broadcasting could develop in this direction. (Even former FCC Commissioner Loevinger has recently urged the industry to establish its own "American Broadcasting Council on Fairness and Accuracy in Reporting.")

What form should such a citizen's commission or institute take? Others have spoken to the details and I will not attempt to repeat all of the proposals here. A few general characteristics, however, seem to run throughout.

Although there may be some appropriate ways to funnel some federal or industry funds to such an institute, I believe that most proponents would agree that the organization ought to be completely free from any suggestion of government or industry influence. It may already be impossible, in this day and age, to isolate any institution from the overpowering political pressures of Big Television. But the institute should, at least, not draw its membership or employees from either government or broadcasting.

Funding should come from foundation and other private sources and would probably have to be in the $1 to $10 million a year range. There is a certain "critical mass" of individuals necessary to undertake an effort of this kind in terms of the quality and range of professionals, and sheer quantity of work involved. This is somewhere between 50 and 200 professional people. To the extent projects are contracted out to others, or training programs are undertaken, that would, of course, require additional funding. Federal funding might be possible through the National Science Foundation, the National Institutes of Health and of Mental Health, the National Foundations on the Arts and Humanities, the Public Broadcasting Corporation, or the Department of Health, Education and Welfare. But I would assume that government and industry funding combined should not exceed, say, 30 percent of the annual operating budget and that it would be far more desirable, if possible, to do without it altogether.

What would such a Citizens Commission or Institute do? There would be, of course, a wide range of potential activities that would evolve with the interests of the participants. But the following may be illustrative.

a. The Analysis and Evaluation of Broadcasting Standards

The processes and substance of voluntary standards, both internal and industry-wide, could be subjected to intense, continuing Institute scrutiny. The Institute might be expected to give priority to evaluation of such standards as those providing for limitations on violence in entertainment programming, standards for avoiding minority stereotyping in entertainment programming, codes of conduct during and treatment of social disorders, and standards for the classification of program materials designed to afford parents the opportunity to select appropriate viewing material for their children. This task could be limited to preexisting codes and standards, or could undertake the development of new criteria (without, of course, enforcement powers).

b. The Creation and Evaluation of Programming Standards

The Institute could particularize standards of public interest programming. We presently have very little in the way of "social indicators" for evaluating broadcast programming and its impact. For example, the Institute could develop guidelines for identifying those social, economic or political issues which merit surveillance by the media, as well as guidelines for the quantity and quality of time to be given significant controversial public issues. The Institute could serve an important need by developing recommended minimum standards for the staffing and equipping of broadcast media news bureaus and editorial departments.

c. The Monitoring and Evaluation of Broadcasting

In monitoring the media, the Institute could determine the degree of adherence to standards, as well as measuring the extent to which broadcasters meet the commitment to provide specified amounts of public interest programming which they have made in their license applications to the FCC. The monitoring function might also include the conduct of Institute-directed audience surveys in order to check upon the accuracy, integrity and relevance of the broadcast rating services.

d. The Evaluation of Media Grievance Machinery

The Institute might well contribute to the development of workable procedures to ensure access to the media for significant dissident groups. The responsiveness of the media to complaints and requests for the opportunity to present alternative views on public issues could be monitored and evaluated by the Institute. To the extent that the industry undertakes to develop professional grievance machinery, such as Broadcasting Councils, the Institute could contribute to their development and effectiveness by evaluating the industry's responsiveness.

e. Analysis of the Economic Structure of the Media

The impact of economic concentration or other ownership patterns in the media should be an intensive, continuing concern of the Institute. The Institute can also perform a valuable service by focusing public attention on the effect of advertising in determining program selection and content.

f. Analysis of Media Employment Practices

As the Kerner Commission and others have observed, the quality of reporting on minority group problems is directly related to the extent to which Negro and other minority group members are employed in substantive broadcasting capacities. The Institute could monitor practices and trends in employment.

g. The Evaluation of the Effectiveness of Government Agencies Charged with Media Related Responsibilities

Many of the current deficiencies in media performance can be traced in part to the lack of vigor with which such agencies as the FCC have carried out their present responsibilities. The fact that the FCC has never revoked a license for the failure of the licensee to undertake adequate public service broadcasting suggests that the "public interest" standard—so vigorously articulated—has been less than rigorously implemented. The sporadic attention paid to mergers affecting the media gives little confidence that a diversity of editorial comment will continue to exist in even our major cities.

h. Development of Standards and Programs for Improving Community-Broadcaster Relations

In the view of the Kerner Commission, "the Institute could undertake the task of stimulating community action," and "could serve as a clearing house for an exchange of experiences in this field [police-press relations]."

i. The Provision of Training in Areas of Critical Social Significance

The Institute could be authorized to conduct or to fund programs for the training of Negro and other minority group journalists, as well as for the training of non-minority group members in techniques for reporting on minorities and on social, economic and environmental problems generally.

j. Research Contracts, and the Stimulation of Public Interest Programming Through Grants and Awards

The Institute's impact should not be limited to the negative sanctions of critical evaluation and condemnation. To the extent that its resources permit, the Institute could engage in affirmative programs to stimulate public interest programming through grants. Such grants may be particularly appropriate for local media projects which may lie beyond the resources of local commercial broadcasters to perform without financial assistance. Such grants would complement the programs contemplated for the Public Broadcasting Corporation to aid non-profit broadcasters. In addition, the Institute might appropriately develop a program of awards for outstanding public interest programming—awards which could be designed to maximize the competition for prestige which is evidently a strong motivating force within some segments of the industry. The grant programs undertaken by the Institute might include funding of an urban affairs news service, as suggested by the Kerner Commission, to focus on social issues which are of limited interest to the major networks and wire services.

Now, what powers should an Institute have to carry out such a formidable array of functions? Certain minimal powers seem apparent.

(1) Authority to Publicize its Findings and Conclusions

The Institute would be expected to seek the widest possible dissemination of its statements and reports. While the Institute should be authorized, if the occasion necessitates, to purchase media time or space for the publication of its findings, the media would normally be expected to provide adequate coverage for Institute releases.

(2) Authority to Request Data and Reports through Government Agencies

The Institute should be able to obtain, through FCC processes, broadcast information which it deems relevant to its tasks, but which it cannot obtain voluntarily. Similarly,

the Institute should have access to relevant economic data. The Institute could cooperate with the Equal Employment Opportunities Commission in obtaining information on hiring and task assignment practices.

(3) Authority to Appear as Advocate for the Public Interest

While the Institute would have no regulatory authority, it is essential that its findings be widely circulated—not only through publicity, but also through advocacy in all appropriate forums. Thus the Institute should be authorized to appear before the FCC to speak on standards-setting, licensing, relicensing, and other issues relevant to its purpose; to appear before antitrust agencies to comment on the impact of economic concentration of media performance; to appear before Fair Employment Practices Commissions and the Equal Employment Opportunities Commission to discuss issues relating to the employment of minorities in substantive roles; and to appear before Congress to testify on proposed legislation and related inquiries.

(4) Annual Report

Finally, to provide a check on its own activities, as well as a formalized occasion for evaluation of the overall performance and trends within broadcasting, the Institute should annually prepare and to present to the public—and the President, and the Congress—a comprehensive report detailing its activities and rendering its judgment.

I am hopeful that this idea, which has appealed to so many distinguished Americans, will appeal to you as well—as it does to to me—and that you will include it in your recommendations. I am also hopeful that the recommendation will be acted upon by foundations, universities, and public groups.

The American people are calling for some meaningful response to the corporate arrogance that posts a high wood fence around the television business with "Keep Out!" written on one side and "First Amendment" on the other. As Arthur Schlesinger, Jr., has observed in his book on *Violence:*

> No rational person wants to reestablish a reign of censorship or mobilize new Legions of Decency. . . . Yet society retains a certain right of self-defense.

We do retain a right of self-defense. The people are looking to you to exercise it. One useful way in which you could do so would be to recommend the creation of a non-governmental, non-industry Citizens Commission on Broadcasting.

January 9, 1969

The Honorable Hale Boggs
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Boggs:

During my testimony before the National Commission on the Causes and Prevention of Violence you asked that certain information be supplied. I am happy to comply with that request.

At page 3 of the transcript you requested data on the revenue and profits of the networks. The enclosed table is drawn from public notices and annual reports of the FCC.

Sincerely,

Nicholas Johnson, Commissioner.

Enclosure

Revenue and Income Statistics

Three television networks (including owned and operated stations)
Four radio networks (including owned and operated stations)

	Revenue			Income before federal taxes		
	Radio	TV	Total	Radio	TV	Total
1967	N.A.	1216.6	N.A.	N.A.	160.1	N.A.
1966	79.4	1166.3	1245.7	3.6	186.8	192.4
1965	74.4	1023.8	1098.2	3.0	161.6	164.6
1964	71.1	928.7	999.8	4.3	156.5	160.8
1963	69.0	820.3	889.3	5.9	136.2	142.1
1962	64.0	754.2	818.2	2.2	111.4	113.6
1961	61.5	675.3	736.8	.2	87.0	87.2
1960	63.0	640.7	703.7	*(3.0)	95.2	92.2
1959	60.4	576.1	636.5	(4.5)	87.9	83.4
1958	64.5	516.7	581.2	(4.9)	77.0	72.1
1957	68.0	467.9	535.9	(1.4)	70.7	69.3

* ( )—indicate deficit,
N.A.—not available.

Federal Communications Commission

Janauary 9, 1969.

Judge A. Leon Higginbotham
Member
National Commission on the Causes and Prevention of Violence
726 Jackson Place, N.W.
Washington, D.C. 20506

Dear Judge Higginbotham: During my testimony to the National Commission on the Causes and Prevention of Violence you requested at transcript page 10 documentation concerning the presentation of material on "black lung" disease. I am enclosing a copy of a letter to me which provides information concerning this matter. Dr. Buff is a public member of the West Virginia Pollution Control Commission and a nationally known expert on "black lung" disease.

Sincerely,
Nicholas Johnson, Commissioner.

Enclosure

I.E. Buff, M.D.
December 31, 1968.

Mr. Nicholas Johnson, Commissioner
Federal Communication Commission
Vashington, D.C. 20554

Dear Mr. Johnson: On November 9, 1968, we presented a "Black Lung" program on WHTN–TV. This program was produced by this station at no cost to us, and it was, sir, I feel, a Public Service. There was, however, pressure on the station because the time of viewing was changed from 7:30 P.M. to 10:00 P.M. without giving prior notice.

On the night of November 9, 1968, the program was received without any difficulty in the Kentucky area, but there was a partial Black Out in the coal mining communities of West Virginia. While this may have been accidental, it is certainly peculiar that all the

cable stations in the state would have the same trouble on the same night at the same time and that all would return Channel 13 to the air at approximately the same time.

We definitely feel here that the debilitating disease, Pneumoconiosis, should be publicized to the miners so that they really know what they are facing. This is, sir, a Public Service, and I feel that this type of Censorship of the Television media by Private Interests is atrocious.

I might add that following this episode it was very difficult for us to get any coverage on Black Lung as an Educational Program on the remaining two stations–WCHS-TV and WSAZ-TV. But, with all fairness to these stations, I must say that within the last ten days they have been very co-operative and have changed their attitude.

Any help that you can give us to erase the stigma, "Coal mining is hazardous and when people die or develop 'Black Lung' this is inevitable." We do not accept this creed, sir.

Sincerely yours,
I.E. Buff, M.D.

Federal Communications Commission
May 12, 1969.

Dr. Frank Stanton
President
Columbia Broadcasting System, Inc.
51 West 52d Street
New York, N.Y. 10019

Dear Dr. Stanton: Thank you for sharing your paper [March 22, 1969]* to the Violence Commission with me.

While I do not want to prolong this discussion, I must confess that I found your response rather disappointing. In light of your *own* proposal for a media institute (to be funded by the *industry*, however), I had hoped your remarks would have been more constructive. Instead of analysis and consideration of the media's role in our society, however, your comments were confined primarily to the argument that the media should be without any check whatsoever by critical public scrutiny. There are, therefore, a few points I would like to reiterate.

You quote my statement that a media institute "could develop guidelines for identifying those social, economic or political issues which merit surveillance by the media, as well as guidelines for the quantity and quality of time to be given significant controversial issues." You then make the leap to the non sequitur: "Journalists, in short, would be told what issues to cover and how." (page 3.) I must assume your position is that any individual or institution whose function is to evaluate the performance of the media "tells" journalists what issues to cover and how. But would they be told what issues to cover and how any more than they are today "told" such things by radio and television critics in *TV Guide* or the daily newspapers? What is your view toward the regular columns of such noted media critics as Jack Gould of *The New York Times* or Lawrence Laurent of *The Washington Post?* Why do you feel no threat from a media institute funded by the radio and television industry, but feel such a threat from a similar institute with independent or foundation funding?

Surely I made clear my view that a media institute would not have any powers not already available to media reporters, radio and television critics, or private citizens. Its only impact upon the media would be that of criticism. I must conclude, therefore, it is precisely this that you seem to fear. Indeed, your "any-criticism-is-evil" attitude, I believe, makes a private institute particularly appropriate.

You leave the impression that the mass media today has no need for institutional checks on its power, or that the present checks are adequate. I believe you are wrong, and that the lack of regular institutional criticism of the performance of the mass media accounts, in large measure, for many of our problems in this pluralistic society. Institutional checks and criticism of *all* elements of power is a fundamental tenet in our society. Yet it was this aversion to being subjected to criticism and evaluation that led to the hysterical reaction of the media to the Hutchins Commission proposals more than 20 years ago.

*See p. 452, Frank Stanton to Robert K. Baker.

Nor do I accept the idea that somehow the numbers of mass media outlets provide effective criticism of mass media performance. Different segments of the mass media are notoriously reluctant to criticize each other, and all too often there is a symbiotic relationship between mass media entities one would hope were journalistically independent.

Recent times have seen a growing awareness of the need for criticism and evaluation of the mass media. The comments and evaluation of the Kerner Commission in Chapter 15 of its report; the reports of the Equal Employment Opportunity Commission on the shocking situation in television networks' hiring practices; the networks' cutback on violence in programming achieved only *after* the assassination of Dr. Martin Luther King, Jr. and Senator Robert Kennedy despite repeated warnings on the impact of television violence; the widespread criticism of the Chicago convention coverage and other instances charging "staging;" and the disturbing insensitivity to the feelings of minorities in the presentation of programs (lack of black faces, ridicule in commercials of Mexican-Americans)–all are instances where corrective action came only after sustained public outcry. It is this experience that recommends some type of media evaluation institution which has now been proposed by so many thoughtful observers. Neither you nor I want it to be provided by government. It *must* be provided by someone–and, I would contend, someone other than the industry. I am sorry you could not offer your support to the idea of an institute independent of government. It was intended as a constructive ladder for the industry to use in extricating itself from a hole I believe you have now succeeded in digging even deeper.

Sincerely,
Nicholas Johnson, Commissioner

January 3, 1969

Memorandum to ABC, CBS and NBC

The attached memorandum covers a number of points to which you might wish to respond. The first two pages of the original are omitted.

I would emphasize that the attached memorandum has neither been accepted nor rejected in whole or in part by either the Commission or the Media Task Force staff.

Robert K. Baker, *Co-director, Media Task Force.*

What follows is a brief review of the record of the networks in the area of entertainment programming. Generally, the broadcast industry has met the threat, real or imagined, of government intervention or regulation of the portrayal of violence with the argument that there is no evidence fictional violence does any harm, but that we are concerned and are going to promote research aimed at answering the question.

In 1954, Harold E. Fellows, President and Chairman of the Board of the National Association of Radio and Television Broadcasters (now the National Assocation of Broadcasters), while testifying before the Senate Subcommittee investigating juvenile delinquency advised the Committee that the NAB intended to undertake a survey of the impact of television programming on children. Such a survey was never done. Testifying before the same subcommittee (Senator Dodd, Chairman) on June 19, 1961, Leroy Collins, then President of the NAB, explained their failure to follow through in these terms: "Soon [after the representation made by Mr. Fellows], the television code review board undertook a pilot study 'viewer attitudes' to determine the feasibility of a broader study, but about that time the Columbia Broadcasting System announced it was engaged in sponsoring a survey which, while broader, would cover essentially the same ground. In view of this overlapping of inquiry, NAB deferred to CBS in order that the larger survey could go ahead in preference to the narrower inquiry which the NAB had initiated. It is anticipated that the CBS project will be completed by the end of this summer [1961] and that a final report will be published before the end of this year."

In referring to the CBS study during his testimony before the Senate Subcommittee in 1961, James T. Aubrey, then President of the CBS network stated "among the areas covered in this study is the effect of television on children. We hope it will make a significant contribution to knowledge in this field."

The study referred to by Mr. Collins and Mr. Aubrey was finally published in 1963. It appears in book form. The author is Gary Steiner and the title is "The People Look at Television." On page 82 the author expressly states: "The present study provides no direct evidence on the effects of television on children. Our information refers entirely to *parents'* beliefs, attitudes, and behavior with respect to the television set vis-a-vis the child." So far as the staff can discern, this is the only research resulting from the promises made in 1954 and 1961.

During the 1961 hearings the industry again urged that the scientific evidence was inconclusive. The question of additional research arose in the context of a question of additional research arose in the context of a question to Mr. Leroy Collins, then chairman of the NAB:

> Question: Dr. Wilbur L. Schramm, Director of the Stanford Institute of Communications Research, and a recognized expert in the field of behavioral research, stated in testimony before the subcommittee that the amount of extremely violent programs which we have on TV at the present time is just too dangerous to go on. In light of this situation, has the NAB sponsored or taken part in any research in this area? Does it plan any such activity in the future?

In response, Mr. Collins said:

> . . . we are moving significantly in this area now. At a meeting of our joint radio and television board of directors last week approval was given to proceed with the intial planning of an NAB research and training center in association with one of the leading universities in the nation.

He went on to say that what was needed is a–

> comprehensive and concentrated research project on a massive scale, conducted by the best professional resources in the social sciences and managed under impartial auspices.

With respect to financing of such an institution Mr. Collins stated:

> The NAB, I feel, will be glad to join with others in underwriting the cost of a comprehensive study of this kind. Since I received the Chairman's letter on this point on Friday, I have consulted with representatives of the networks, and I feel confident that they would be willing to participate in the financing of such a continuing research project.

With respect to network financial participation on future research Dr. Gary asked Mr. Aubrey of CBS: ". . . inasmuch as you are familiar with the industry do you think it conceivable that the networks and possibly the advertisers might jointly underwrite the all important research which we need to know to answer many of the questions which you have been asked here?" Mr. Aubrey replied: "I can assure you that CBS does feel that way and that we do intend to continue to be interested in research to solve the problem with which we are faced as we have in the past." On the same subject Dr. Frank Stanton told the committee: "We have already told the NAB that we wanted to participate in an industry wide research of this kind, but I believe that even the NAB's study should be a part of a much broader study that gets at all of the forces rather than just television because other influences affect juvenile delinquency."

In 1962 a research group, the Joint Committee for Research on Television and Children, was formed. In 1964 Senator Dodd held another set of hearings to determine whether network performance had improved since 1961. In response to a question about research since the 1961 hearings which tended to show that fictional portrayals of violence might have an adverse effect on viewers, Walter D. Scott, Executive Vice President and now chairman of the Board of NBC responded that he was not yet convinced that media portrayals of violence had a deleterious effect on children and then

went on to refer to the work of the Joint Committee: "I think that all of us are looking forward to the work of the Joint Committee and counting heavily upon having some definitive work come out of that committee." Senator Dodd then pointed out "Now, two years have elapsed and I know we have heard before about this study that the networks are going to conduct with HEW, I believe it is, but I never hear of anything going on. What have they done, actually?" Mr. Scott replied "I have asked the same question, Senator, because I have wondered why there has not been more in the way of results up to this point. I have been reminded by our people who are working very actively and closely with the Committee that it is appropriate to bear in mind that the work of scholars frequently sets its own pace and that time may be the price that we must pay for meaningful results." He continued: "As I understand it, they have had work done by a very large number of competent scholars in the field of social sciences. I understand that there have been something like one hundred separate projects that have been studied, that these have been narrowed down, that they are now at the stage of being ready to go ahead with, I believe, either five or six specific projects, out of which they hope to get some meaningful answers."

So far as the staff has been able to determine, some six and one half years after the formation of the joint committee only one report has been published by the Joint Committee and that was a paper by Dr. Ruth Hartly, the basis for Dr. Klapper's testimony before this Commission. The Joint Committee has commissioned only three papers. The second is a study by Seymour Feshbach designed to prove the cartharsis hypothesis. The third was a study of the effects of repetition. On this last paper the contractor has apparently abandoned the project.

After the Assassination of Dr. King and Senator Kennedy and the formation of this Commission, Dr. Stanton said: "CBS will cooperate [with the commission] in every possible way. We believe, however, that it may take a considerable length of time to determine whether there is a causal relationship between the fictional portrayal of violence in the mass media and any increase of actual violence in American life."

The basic question you and the other Commissioners must ask is whether we can continue to proceed at the present pace in seeking an answer to this problem.

In his 1961 hearing Senator Dodd observed that in 1954 "when Senator Kefauver presided over these hearings, representatives of the various networks acknowledged at the conclusion of those hearings that the programming was bad, said it ought to be improved, and assured Senator Kefauver that it would be improved. Ten years later, (1964) we hear and observe it is 100 percent worse." (Hearings before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, U. S. Senate, 88th Cong, 2d sess., Part 16, p. 3730.)

In his opening statement in the 1961 hearings, Senator Dodd pointed out that in 1954 their monitoring study showed that 16.6 percent of the total programming time during the so-called prime viewing hours was devoted to programs with a violent format. In 1961 this percentage had grown to 50.6 percent in the selected week. He also pointed out that the week averaged slightly over 50 percent. He also cited the studies of the National Association for Better Radio and Television which found that during the week of May 3, 1958, in Los Angeles, the National Broadcasting Company featured 500 percent more killings than during a similar week six years previous in 1952. (1637)

He continued:

> During the hearings in 1955 the late Mr. Harold Fellows, President of the National Association of Broadcasters, urged that the television code written and administered by broadcasters through a television code review board represented a "set of minimum principles for the programming and advertising which, while not limiting in any sense the area for creative thought, does establish guide posts for good taste and good judgment. (1637). He went on to say that in the television code and code review board the broadcasters had the machinery to act quickly and effectively in a manner that would justify the federal government's confidence in broadcasters who regulate themselves. Mr. Fellows remarks were seconded by the Vice Presidents of CBS and NBC respectively. At the 1955 hearings Mr. Fellows reported four specific steps contemplated by the National Association of Broadcasters: (1) stepping up their juvenile responsibility program. (2) broadening the monitoring operation.

(3) undertaking a pilot research study of attitudes toward television. (4) enlarging the code staff. Senator Dodd in commenting upon these four specifics noted "even the recommendations of this committee took cognizance of the industry's expressed desire and need to regulate itself. The committee went further and urged an expanded research program both within and without the industry, into the effects of mass media on children's behavior. We encourage the National Association of Broadcasters in its efforts to enlarge the number of its subscribers, and we encourage the expansion of listeners groups.

Yet in the five years that have elapsed since those hearings, we find that the number of shows containing violence has dramatically increased."

On July 30, 1964, Senator Dodd called a second set of hearings to review what had happended since the hearings in 1961. Referring to the 1954 hearings and the promises of network officials that programming quality would be improved, Senator Dodd observed: "Ten years later, we hear and observe that it is 100 percent worse. We heard at the conclusion of our hearings in 1962 that the representatives of the industry felt, well, "we'll wait a while, this will all die down, and then we'll go along and do as we please." So we decided that on our part that we would wait a little while, too . . . " (1964 hearings, p. 3731.)

Senator Dodd continued:

> Although most executives asserted repeatedly that we have no scientific proof regarding the harmful effects of film violence, some of them gave assurance that network research departments were keeping abreast of new findings in this field and would take these findings into consideration in future programs schedules.
>
> Because of this indication of a willingness to cooperate and because of the predictions that violence would be reduced, we have thus far refrained from introducing remedial legislation, which is one of the alternatives we have considered to assure the operation of the television industry in the best interests of the public.

Senator Dodd continued:

> (3731) we find that with the exception of the one network, CBS, very little improvement is evident. Not only did we fail to see an appreciable reduction of violence in new shows, but we also found that the most violent shows of the 1961-62 season have been syndicated and are now being reshown on independent networks and stations.

The findings of the subcommittee in 1964 showed that in Washington, D. C., in 1961, 50 percent of prime time programming was devoted to programs featuring violence, and in 1964 the percentage was 48.8 percent. In New York City in 1961, 44.5 percent of prime time programming fell into the violence category, while in 1964 the percentage was 46.4 percent. In Chicago, Illinois, in 1961, 49.4 percent of prime time programming fell into the violence category, while in 1964, the percentage was 50.5 percent. In Los Angeles, California, in 1961 50 percent of the prime time programming fell into the violence category, while in 1964 the percentage was 41.4 percent. In commenting upon these statistics, Senator Dodd noted: "Moreover, when we confine our analysis to the three major networks, we find that the percentage of films in prime time featuring violence is substantially higher." (55.3 percent on ABC, 55.1 percent on NBC, and 26.5 percent on CBS.) "As I said, CBS has materially reduced its programming of this type. Senator Dodd then went on to note that much of the programming which has been examined in 1960 was now being rerun on independent stations. In summarizing, he stated: "I do not believe these developments demonstrate the increased concern and cooperation we were led to expect at the conclusion of the hearings in 1962, and I do not believe they augur well for the future."

There is testimony from at least one network official that the reduction of violence on television does not have an adverse affect on the company's P&L Statement. In the 1964 hearings, noting that CBS had significantly reduced the amount of time devoted to

action programming, Senator Dodd asked James T. Aubrey, President of the CBS network whether CBS had been hurt in terms of audience appeal. Mr. Aubrey's reply was negative. Senator Dodd asked whether CBS had received any complaints from the public or from advertisers because they had not had enough violence. Mr. Aubrey replied "No." Senator Dodd asked whether the recent program content hurt the ratings of his shows. Mr. Aubrey replied "No." (1964 hearings, p. 3851.)

Unkept promises are not unique to the area of violence in the media. Here are some additional examples:

In 1934, Mr. Paley testified in opposition to proposals to allocate certain frequencies on the radio spectrum to educational and other non-profit institutions. In his testimony, Mr. Paley showed how the commercial stations and networks could and would serve the needs of education. He pointed out that only some 30 percent of CBS' time was commercial. Almost 70 percent was reserved for such public services as education. Congressmen listening took this as a promise that CBS would continue to provide education with the facilities it needed. The less than five percent of CBS time which is now devoted to bona fide noncommercial educational programs and granted to educational institutions indicates how well a promise which helped prevent education from getting its own allocations has been kept. (Wm S. Paley, "Radio as a Cultural Force," remarks, October 17, 1934 before the FCC and its inquiry into proposals to allot fixed percentages of the nations radio facilities to noncommercial broadcasting. Brochure, New York, CBS, 1934.)

In appealing to the FCC for the right of broadcasters to editorialize, Dr. Frank Stanton said: "In the event we are given the right to editorialize on the air, we expect that the primary responsibility for preparing CBS editorials would be placed with a special editorial staff disassociated from the regular news department . . . We decided that a period of time similar to that used for our own editorials would provide the most satisfactory balance for opposing views. This would amount to a radio counterpart to a letters-to-the-editor column in the newspaper." (Frank Stanton, "The Right of Radio to Editorialize" March 1, 1948. Brochure, New York, CBS, 1948.) CBS was given the right to editorialze. So far as can be discerned, the editorial staff Dr. Stanton promised seems not to exist. Most of the editorials CBS has broadcast since 1949 when this rule was revised, seemed to have been only disguised efforts to serve its own rather than the public interest; viz., they were against pay television and equal time requirements for political broadcast and in favor of other issues in which CBS itself has heavy financial stakes. (It should be noted that CBS is now involved in litigation and is on record favoring repeal of the fairness doctrine as unconstitutional.)

January 28, 1969.

Mr. Leonard H. Goldenson
President
American Broadcasting Companies, Inc.
1330 Avenue of the Americas
New York, New York 10019

Dear Mr. Goldenson: Please accept the thanks of the Commission and the Media Task Force staff for appearing before the Commission on December 20th. It was very useful for the Commission to have the opportunity to discuss with you their many concerns with respect to network television practices.

During the course of the hearings the Commissioners raised a number of questions to which you or Mr. Lower agreed to respond in writing. They include the following:

> 1. At page 30 Congressman Boggs asked about the level of violent incidents in ABC television programming, "Let's take the period from the assassination of Robert Kennedy and Martin Luther King and compare the incidents of murder, rape, mayhem, sadism, masochism and that period and six months prior to that." Mr. Goldenson replied, "I would be delighted to get that for you."

2. At page 75, Senator Hart requests a written response to the Media Institute proposals made first by Dr. Otto Larson and by Commissioner Johnson, "An explicit response to these specific proposals."

In addition the following information would be useful: At page 12 of Mr. Lower's testimony he refers to a study of ABC of news programming between September 1, 1967 to August 30, 1968 in which it was found that 91% of the material broadcast on news shows had nothing whatever to do with violence. If we are to use this in the report, it will be necessary for us to have the back-up on this study. Particularly important would be the standards by which it was determined whether a story had anything to do with violence, the names of the news programs involved, and the method (checking transcripts, tapes, or films) by which the determination was made. Enclosed you will find a memorandum relating to past television industry responses to the need for research on the effects of media portrayals of violence on viewers and the responses of various members of the industry to assertions that there was too much violence on television. You may wish to respond to this memorandum. CBS was specifically requested to respond.

Finally, I hope that ABC will feel free to make any additional submissions to the Commission which they feel would clarify questions raised during the hearings or on other matters which you deem relevant to our inquiry. Mr. Hagerty has a copy of the outline of the scope of our inquiry which has not changed in any significant way since it was submitted to him.

Your response will be sent to the Commissioners and be made a permanent part of the record.

Thank you.

Robert K. Baker,
Co-director
Media Task Force.

Enclosures

cc: Mark Roth

January 28, 1969

Mr. Robert K. Baker
Co-Director, Media Task Force
National Commission on the Causes and
Prevention of Violence
726 Jackson Place NW.
Washington, D.C. 20506

Dear Mr. Baker: Enclosed herewith are 25 copies of a memorandum dated January 22, 1969, entitled "Status Report ABC-TV Network Entertainment Schedule." It is respectfully requested that this memorandum be associated with the testimony of Leonard H. Goldenson, President of American Broadcasting Companies, Inc., Elmer W. Lower, President of ABC News, and Alfred Schneider, Vice President of American Broadcasting Company, and that copies be provided to members of the Commission.

Very truly yours,
James A. McKenna, Jr.,
Attorney for American Broadcasting Companies, Inc.

February 20, 1969.

Robert K. Baker, Esq.
Co-director, Media Task Force
National Commission on the Causes
and Prevention of Violence
726 Jackson Place NW.
Washington, D.C. 20506

Dear Mr. Baker: The following shall constitute ABC's response to your letter of January 8, 1969, addressed to Mr. Leonard H. Goldenson, President of American Broadcasting Companies, Inc., concerning those questions asked during the course of Mr. Goldenson's and Mr. Lower's appearance before the Commission on December 20th in relation to which it was indicated that the Company would subsequently furnish its reply in writing.

With respect to the question directed to the level of violent incidents in ABC programming in the period between the assassination of Reverend Martin Luther King, Jr. and the assassination of Senator Robert F. Kennedy as compared with the sixth month period prior thereto, please be advised that we do not maintain records of the number of violent incidents which occur during the programs presented over the facilities of our television network. Although ABC's Department of Broadcast Standards and Practices reviews each entertainment program scheduled for telecast on our network prior to broadcast to ensure that they comply with all existing Company policies, including our long standing policy prohibiting the portrayal of violence for the sake of violence, we have not maintained a catalogue of the violent incidents occurring in our programs. Consequently, without investing additional staff and a substantial amount of time in re-reviewing each and every program telecast over our network during the lengthy period in question, which does not appear to us to be a practical alternative at this time, we cannot respond to this question in precisely the terms posed.

We do, however, believe we can demonstrate that the level of violent incidents in ABC television programming has been reduced substantially since the assassination of Reverend Martin Luther King. In November, 1967, the ABC Television Network's regular prime time schedule (exclusive of feature films which vary in subject matter from week to week) contained 15 "Action-Adventure" series, series in which the likelihood that violence will be portrayed is greatest. In November 1968, following by only a brief period of time the assassinations of Reverend King and Senator Kennedy, there were 12 "Action-Adventure" series in the network's regular prime time schedule after excluding feature motion pictures. By February 1969, the number of "Action-Adventure" series in our evening schedule had been reduced to 10. In addition, the memorandum dated January 22, 1969, entitled "Status Report ABC-TV Network Entertainment Schedule," copies of which were previously provided to the Commission, clearly documents the direction in which the ABC Television Network is moving and indicates that the level of violent incidents will continue to decrease in ABC's 1969 fall schedule.

Less than a year has elapsed since the assassination of Martin Luther King. In this brief period of time, despite the fact that network program scheduling operates on advance commitments of approximately 18 months for film programs, ABC has reduced significantly the amount and intensity of violence portrayed in programs presented over its television network.

With respect to the analysis by Dean Gerbner of Violence in ABC Programs for 1968, the conclusion that 90.9% of our 1968 prime time TV network program schedule was violent is completely unwarranted, since our schedule for 1968 contained such one-hour programs as "The Lawrence Welk Show," "Hollywood Palace," and "That's Life," as well as a number of game shows and comedy programs, which, taken together, comprised approximately 40% of our total 1968 prime time schedule. Since these programs under any objective standard could hardly be classified as having "violent" content, we of course do not believe the 90.9% figure referred to above should have any real significance to the Commission. Likewise, we believe the underlying computations

leading to the conclusion in Dean Gerber's analysis that 100% of our 1968 comedy programs contained violence could not have been made on an objective basis, and should similarly be disregarded in any final evaluation the Commission may make.

With respect to Dr. Otto Larson's and Commissioner Nicholas Johnson's proposals for a Media Institute, the Commission may be assured that ABC's management has been and continues to be attentive to responsible criticism. However, we would offer the following general observations in relation to the proposals for a Media Institute or Citizens Commission.

1. The broadcasting industry should be entirely divorced from any such organization and, for obvious reasons, it would be ill-advised for the industry to participate in funding its operations.

2. ABC would oppose investing such an Institure or Commission with any quasi-governmental powers. The Federal Communications Commission has the responsibility for regulating the broadcasting industry and the only proper role for a Media Institute is a private one as a member of the public.

3. While ABC would welcome the programming suggestions of a Media Institute and afford them every reasonable consideration, it should be made abundantly clear that the responsibility for determining what should or should not be broadcast remains exclusively that of the station licensee, a responsibility which is non-delegable.

In conclusion, functioning as an extension of the public, we believe that a Media Institute or Citizens Commission could perform a number of useful roles, some as suggested by Commissioner Johnson, which would assist the broadcaster in responding to the needs and interests of the public.

We appreciate this opportunity to have our responses to the foregoing questions made a permanent part of the record.

Very truly yours,
Mark D. Roth.

STATUS REPORT
ABC-TV NETWORK ENTERTAINMENT SCHEDULE

January 22, 1969.

Following the assassination of Martin Luther King and Robert Kennedy, ABC management became aware of a substantial change in the emotional climate in the county regarding the portrayal of incidents of violence on television. At that time, management directed a complete re-examination of its television network entertainment program policies. The following steps were taken:

1. At the direction of Mr. Leonard H. Goldenson, President of American Broadcasting Companies, Inc., a memorandum was sent to all editors of the ABC Department of Standards and Practices, who are responsible for the review of all scripts, rough cuts and final prints for air of our television entertainment programming. This memorandum reiterated ABC's long standing policy to "prohibit the use of violence for the sake of violence" and to "give special attention to encourage the de-emphasis of acts of violence."

2. A similar memorandum in letter form was sent by Elton Rule, President of the ABC Television Network, to every producer of every entertainment program appearing on our then new fall (1968-69) schedule. As a result, in some instances programs were revised, scenes were reshot, scripts were rewritten and some episodes were rejected.

3. Careful scrutiny was made of all network "teasers" and "promos." In addition, the ABC Publicity Department eliminated the use of photographs for newspaper use which featured menacing uses of firearms or other instruments of destruction.

4. In our police and law enforcement programs, like "The F.B.I.", "NYPD" and "Mod Squad" (which may continue on our schedule in the 1969-70 schedule) we stressed the solution of, rather than the portrayal of, the crime. By doing so, we believe we are combatting disrespect for law authority and are helping the legally constituted police and law enforcement agencies in the performance of their duties.

5. In ABC's Saturday and Sunday morning programming especially for children, new cartoon programs were contracted for and others were placed in development. Already committed for the 1969 season are a cartoon series on "Smokey the Bear" with approval of the U.S. Department of Interior; and a cartoon series to be produced by Hanna-Barbera. Each program in the latter series will contain three segments, two entitled "Motor Mouse," the traditional cat and mouse comedy done with both now fully mechanized; and the third segment will be "It's the Wolf," a spoof of the wolf-lamb-sheep dog triangle.

Upon the formation by President Johnson of the National Commission on the Causes and Prevention of Violence, Mr. Goldenson pledged to Dr. Milton Eisenhower, Committee Chairman, ABC's support and cooperation. He also directed ABC executives to be available to the Commission's staff. Several ABC executives have testified before the Commission and information was furnished the Commission's staff, as requested.

ABC's corporate and television network management were and are attentive to responsible criticism and, as responsible broadcasters, have and will continue to review very carefully all our programming. But it must be recognized that network program scheduling operates on advance contractual commitments of from 6 months for live programs, to 18 months for film programs, prior to air date. Consequently, changes in program policy are not immediately apparent unless the new programming starting in February 1969 and September 1969 is examined.

Furthermore, value judgments relating to the content of entertainment programs must be differentiated from those relating to our news and public affairs programming. Our ABC News Department has the responsibility to report and interpret events as they occur—both the good and the bad—the active and the passive. ABC News, with the complete support of ABC management, rejects any suggestion that different standards of news reporting should apply to print and electronic journalism, as guaranteed by the First Amendment to the Constitution.

Second Season Programming (February 1969)

Five new primetime entertainment programs will be added to the ABC schedule starting in February. Designed to appeal to viewers of the young generation, none of these new programs is in the action-adventure category. They are:

1. "Turn-on"—Wednesday, 8:30 to 9 p.m.—a comedy-satire series with emphasis on new dimensions in audio and visual effects, using blackouts and comedy skits concerning important topics.
2. "What's It All About, World?"—Thursday, 9:00-10:00 p.m.—a satirical review, based on and related to contemporary life in 1969.
3. "This Is Tom Jones"—Friday, 7:30-8:30 p.m.—a London-based program featuring Tom Jones, the Welsh singing star, a variety musical program featuring American and European performers.
4. "The Generation Gap"—Friday, 8:30-9:00 p.m.—a game show featuring two panels of contestants—teenagers vs. adults over 30, trying to guess the opposing side's knowledgeability about fads, fashions, names and historical events.
5. "Let's Make a Deal"—Friday, 9:00-9:30 p.m.—an audience participation game.

These five new programs replace six programs which were on our schedule from October 1968 to February 1969. The cancelled programs are:

1. "Peyton Place II"—Wednesday, 8:30-9:00 p.m.
2. "Ugliest Girl in Town"—Thursday, 7:30-8:00 p.m.
3. "Journey to the Unknown"—Thursday, 9:30-10:30 p.m.

4. "Operation: Entertainment"–Friday, 7:30-8:30 p.m.
5. "Felony Squad"–Friday, 8:30-9:00 p.m.
6. "The Don Rickles Show"–Friday, 9:00-9:30 p.m.

Development Planning and the Fall Season–1969-70

Final program selections for next fall have not yet been made. The schedule will be set early in March. At this time, therefore, it is not possible to present the full ABC entertainment schedule for next season. But a list of programs in development clearly indicates the direction in which the ABC Television Network is moving.

Primetime programming.–In addition to the five new programs starting in February and already referred to, a listing of programs currently under development for the 1969-70 schedule includes only one potential program in the so-called action-adventure category. These projects from which the new programs to start in September 1969 will be selected are as follows:

"The Brady Bunch"–A half-hour family situation comedy.
"The Courtship of Eddie's Father"–A half-hour situation comedy based on the feature film of the same name.
"Dead of Night"–An hour long taped dramatic series based on the adventures of a "ghost-detective."
"A Guide to the Married Man"–A half-hour situation comedy based on the feature film of the same name.
"Holly Golightly"–A half-hour situation comedy based on the main character from the feature film "Breakfast at Tiffany's."
"Justice For All"–A half-hour family contemporary situation comedy.
"The Lennon Sisters Show"–A musical variety hour featuring the Lennon Sisters and Jimmy Durante.
"Love, American Style"–An hour contemporary comedy.
"Mad Mad Money"–A half-hour game show featuring a hidden camera technique.
"Marcus Welby, M.D."–An hour dramatic series based on a doctor who is a general practioner.
"Movie of the Week"–A weekly 90-minute series of motion pictures made specifically for television.
"Mr. Deeds Goes to Town"–A half-hour situation comedy based on the feature film of the same name.
"Nanny Will Do"–A half-hour situation comedy. 12/9/ss,
(18 to 23) who are marooned on an island.
"The New People"–An hour dramatic series based on a group of young people (18 to 23).
"Room 222"–A half-hour comedy about a Negro high school teacher and his students.
"The Survivors"–An hour dramatic series based on Harold Robbins' characters.
"Under the Yum Yum Tree"–An hour contemporary comedy.
"The Young Lawyers"–An hour dramatic series based on a group of young law students getting their first opportunity at courtroom practice.

Daytime weekend children's programming.–The Saturday and Sunday morning cartoon programs for children also will reflect prior development planning for the 1969-70 schedule.

Current financial commitments require ABC to continue four programs presently in the schedule through the 1969-70 schedule. They are "Adventures of Gulliver," "Fantastic Voyage," "Fantastic Four," and "Spiderman."

In addition to the two new cartoon programs already committed for the 1969-70 schedule–"Smokey the Bear," and Hanna-Barbera's "Motor Mouse," and "It's the Wolf,"–three programs now on the schedule are planned to be renewed. They are "Casper," "Linus the Lionhearted," and "Bullwinkle."

New programs in development, from which the schedule will be rounded out, are as follows:

"Nashville Cats"–An hour program containing six segments in each presentation–two "Motor Mouse" segments; "It's the Wolf;" "Around the World in 79 Days"–a comedy version of the Jules Verne story; a singing segment of the "Nashville Cats" and a segment devoted to new projects.
"Hardy Boys"–Cartoon versions of the classic mystery stories that have delighted youngsters for over 30 years.
"Sky Hawks"–Adventures of a group of youngsters who belong to a flying school.
"Speedy & Daffy"–Comedy cartoons about a mouse and a duck.
A half-hour program combining "Hawkear"–Ludicrous stories about an early American scout with super-sensitive ears; "Lars the Lionhearted"–Comedy escapades of a group of Norsemen; and "Captain Cutlass"–A foul-up pirate who spoofs all the Errol Flynn movies.
"The Mad Tea Party"–One-liners, jokes and sight gags featuring the characters from Alice in Wonderland.
"Hot Wheels"–Adventures of a group of teenagers who have formed an auto club. Each program will incorporate a safety suggestion for drivers and/or pedestrians.

From a review of the above summary, it should be clear that the ABC Network management has implemented its directive to de-emphasize the portrayal of violence in its new entertainment program schedule, which directive was instituted approximately one year ago.

ABC News,
February 28, 1969

THE ABC TELEVISION NETWORK SCHEDULE FOR 1969-70

The ABC Television Network schedule for 1969-70–highlighted by a widely restructured weeknight program line-up and a returning roster of longtime weekend hits–was announced today by Elton H. Rule, President of ABC-TV.

Twelve new program series, most of them the product of ABC-TV's own program development, will be introduced this fall, Mr. Rule said. There will be a completely new look to Monday and Friday nights and substantial revisions on the three other week nights. Of particular note is the break from established time period patterns with the introduction on Monday night of two adjacent 45-minute series.

"The 1969-70 ABC schedule is the direct outgrowth of more than a year of intensive program planning and development," Mr. Rule said. "In this past year, some 30 different program projects have been nurtured by our Program Department as prospective series for the fall of 1969. Narrowing these projects down to definite entries has been a difficult assignment, but in doing so we believe we have come up with a schedule that has great balance and universal appeal as well as a strong contemporary look. It is a schedule that provides freshness and change-of-pace both in program content and competitive positioning."

The 1969-70 ABC-TV nighttime schedule follows:

	Sunday
7:00	"Land of the Giants" (Returning)
8:00	"The FBI" (Returning)
9:00	"The ABC Sunday Night Movie" (Returning)
	Monday
7:30	"The Music Scene" (New Program)
8:15	"The New People" (New Program)
9:00	"Harold Robbins' the Survivors" (New Program)
10:00	"Love–American Style" (New Program)
	Tuesday
7:30	"Mod Squad" (Returning)

4. "Operation: Entertainment"–Friday, 7:30-8:30 p.m.
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10:00	"Love–American Style" (New Program)
	Tuesday
7:30	"Mod Squad" (Returning)

8:30	"Movie of the Week" (New Program)
10:00	"Marcus Welby, M.D." (New Program)
	Wednesday
7:30	"The Flying Nun" (New Time Priod)
8:00	"The Courtship of Eddie's Father" (New Program)
8:30	"Room Two Twenty-two" (New Program)
9:00	"The ABC Wednesday Night Movie" (Returning)
	Thursday
7:30	"The Ghost and Mrs. Muir" (New To ABC-TV)
8:00	"That Girl" (Returning)
8:30	"Bewitched" (Returning)
,9:00	"This Is Tom Jones" (New Time Period)
10:00	"It takes a Thief" (New Time Period)
	Friday
7:30	"Let's Make a Deal" (New Time Period)
8:00	"The Brady Bunch" (New Program)
8:30	"Mr. Deeds Goes to Town" (New Program)
9:00	"Here Come the Brides" (New Time Period)
10:00	"Jimmy Durante Presents the Lennon Sisters" (New Program)
	Saturday
7:30	"The Dating Game" (Returning)
8:00	"The Newlywed Game" (Returning)
8:30	"The Lawrence Welk Show" (Returning)
9:30	"The Hollywood Palace" (Returning)

The following is a synopsis of the new programs being added to the ABC-TV prime-time lineup:

"The Music Scene" (Mondays, 7:30-8:15 p.m.) is the first of two back-to-back 45-minute programs on ABC-TV that are distinct yet provide 90 minutes of exciting, contemporary entertainment. "The Music Scene" will take viewers on a weekly spin through the world of hit records. The series will employ the exclusive services of Billboard magazine in announcing the artists whose records are topping the charts in every major popular category including Long Playing Records, Country-and-Western, Rhythm and Blues, Easy Listening and Comedy Albums. A West Coast comedy troupe, "The Committee", will serve as host and guide for the series. Highlight of the series each week will be a performance of the top record by a major recording artist. Producers of the series are Tommy Smothers and Ken Fritz.

"The New People" (Mondays, 8:15-9 p.m.) is ABC's second 45-minute program with a contemporary style and appeal. This adventure series is set on an isolated island in the South Pacific where a plane load of young Americans on a cultural tour to Southeast Asia are stranded when their aircraft crashes. The group contains a broad cross-section of today's American youth with youngsters from every level of society. The deserted island was the site of an atomic test years before and is thus supplied with food and makeshift housing. How the young people survive in a society of their own making is the focus of this series. Aaron Spelling is producing for Thomas/Spelling Productions and Rod Serling, recognized as the foremost television writer of our time, who created the concept and who will contribute to the series' production.

"Harold Robbins' The Survivors" (Mondays, 9-10 p.m.) will star Lana Turner and George Hamilton in the most ambitious television film series ever attempted. Conceived by Harold Robbins, whose novels have made him the best selling author of all time, the hour series will capture the excitement and flavor of his famous novels "The Carpetbaggers" and "The Adventurers." The series will depart from traditional form in that each week's hour will correspond in structure to a chapter in a novel. And each weekly program will tell a story while also advancing the plot of the larger narrative. The

scope of the series will include New York, London, the Riviera, Tokyo and Switzerland. Gordon Oliver is producing the series for Universal.

"Love–American Style" (Mondays, 10-11 p.m.) is a romantic comedy which stars love–love among the young, love set in the city, the small towns, the resort or on the campus. This one-hour contemporary program will contain separate love stories within each program–two, three or perhaps four separate segments–with connective vignettes between each segment. The program will feature an array of bright young people but one continuing character: a large brass bed. Executive producers for the series are Arnold Margolin and James Parker for Paramount.

"Movie of the Week" (Tuesdays, 8:30-10 p.m.) will combine the finest production talent and biggest box-office stars in a weekly 90-minute feature program that will provide a new creative form for the medium. Filmed exclusively for television, the series falls between the traditional one-hour program and two-hour theatrical feature. The leading film production companies will supply programming for the series as will major independent producers.

"Marcus Welby, M.D." (Tuesdays, 10-11 p.m.) returns Robert Young to prime time television. For many years the distinguished star of "Father Knows Best," Robert Young will portray a general practitioner of the old school who is tough, practical, who believes in treating the whole patient and not merely the illness. His brash, young assistant, played by James Brolin, (who makes house calls on a motorcycle) is the product of a more sophisticated medical world. The series is the story of two doctors, of two different generations with two distinct attitudes but who complement each other in their practice of medicine. Executive producer of the series for Universal is David Victor who produced "Dr. Kildare."

"The Courtship of Eddie's Father" (Wednesdays, 8-8:30 p.m.) is a half-hour situation comedy series starring a young widower, his six-year-old son and a Japanese housekeeper. In the series, the widower, played by Bill Bixby, finds himself in the middle of this in-family triangle as his young son, played by Brandon Cruz, romantically involves his father with a seemingly endless supply of prospective brides. The delightful Miyoshi Umeki returns to television as the housekeeper. The series is produced by James Komack for MGM-TV.

"Room Two Twenty-Two" (Wednesdays, 8:30-9 p.m.) is the story of Pete Dixon, who teaches American History in Room 222 at Walt Whitman High School. His integrated world–the black and white students in his class, the black and white adults in his life, the poverty, the problems and the humor of life–is the basis of this comedy-drama series. Pete Dixon, who is a Negro, is played by Lloyd Haynes and the woman he loves, an attractive Negro counselor named Liz McIntyre, is played by Denise Nichols. Other principals in the series are Karen Valentine, who plays a white, wide-eyed student teacher, and Michael Constantine, as the school principal whose shrewd humor deflates many an explosive situation. The series is produced by 20th Century-Fox.

"The Ghost and Mrs. Muir" (Thursdays, 7:30-8 p.m.) is the comedy story of a young widow and her two children who move into an old seacoast house which is still occupied by the original owner, a 19th century sea captain. The widow, played by Hope Lange, and her family develop a friendship with the deceased sea captain, played by Edward Mulhare. This human-ghost series provides unpredictable comedy-adventure for all-age viewers. The series is produced by 20th Century-Fox Television.

"The Brady Bunch" (Fridays, 8-8:30 p.m.) is a half-hour family comedy which co-stars Robert Reed as the widower with three sons who marries Florence Henderson, a widow with three daughters. This "Instant" family is in turn joined by a testy maid, played by Ann B. Davis, plus a wooly dog and wily cat (played by a wooly dog and wily cat). When all 11 move under one roof, the result is a television series about a bunch that is wild, wooly and unpredictable. Sherwood Schwartz produces this series for Paramount.

"Mr. Deeds Goes to Town" (Fridays, 8:30-9 p.m.) will bring to the television screen Longfellow Deeds, a multi-millionaire who lives in the complex, penthouse world of big business but who remains a simple, fire-engine chasing man who would prefer to live quietly playing his tuba and publishing his weekly newspaper in Mandrake Falls. Monte Markham, the highly versatile actor who played the dual role in ABC's "The Second Hundred Years" portrays Deeds. Pat Harrington, Jr. plays Deeds' cynical, hard-bitten unscrupulous uncle who created the Deeds fortune. The series is from Screen Gems with Harry Ackerman as executive producer.

"Jimmy Durante Presents the Lennon Sisters" (Fridays, 10-11 p.m.) is a contemporary comedy-variety hour that will showcase the very popular Lennon Sisters who have grown up before the television audience as regulars for many years on "The Lawrence Welk Show." The Program will feature their versatile adult talents with the many styles of pop, rock'n'roll and country-and-western music and with the unique comedy of Mr. James C. Durante. The series will be under the executive production of Harold Cohen for Kukoff and Harris Productions.

January 7, 1969.

Mr. Julian Goodman
President
National Broadcasting Company, Inc.
30 Rockefeller Plaza
New York, N.Y. 10020

Dear Mr. Goodman: Please accept the thanks of the Commission and the Media Task Force staff for appearing before the Commission on December 20th. It was very useful for the Commission to have the opportunity to discuss with you their many concerns with respect to network television practices.

During the course of the hearings the Commissioners raised a number of questions to which you or Mr. Frank agreed to respond in writing. They include the following:

1. The record of the television networks with respect to supporting research on the effects of media portrayals of violence on viewers and the record of the industry with respect to self-regulation of media violence as set forth in the enclosed memorandum.

2. The number of times and the duration of each appearance NBC broadcast the words or portrayals of David Dellinger, Jerry Rubin, Abbie Hoffman, Rennie Davis, Tom Hayden, and Peter Cresswell between August 15 and August 27, 1968. In addition you may wish to submit additional information such as that referred to during the colloquy on pages 192-195 involving Dr. Stanton.

3. Senator Hart requested that you respond to the proposal for a national media institute as proposed by Commissioner Nicholas Johnson in the prepared statement he submitted to the Commission.

4. Judge Higginbotham requested that you respond to the questions he propounded to Dr. Stanton and Mr. Salant. In addition, I hope that NBC will feel free to make any additional submissions to the Commission which they feel would clarify questions raised during the hearings or on other matters which you deem relevant to our inquiry which has not changed in any significant way since it was submitted to him.

Your response will be sent to the Commissioners and be made a permanent part of the record of this Commission.

Thank you.

Very truly yours,

Robert K. Baker,
Co-director, *Media Task Force.*

February 25, 1969,

Dr. Milton S. Eisenhower, Chairman
National Commission on the Causes
and Prevention of Violence
726 Jackson Place, N.W.
Washington, D.C. 20506

Dear Dr. Eisenhower: During the appearance of Julian Goodman, President of the National Broadcasting Company, before the National Commission on the Causes and Prevention of Violence, Judge Higginbotham requested on behalf of the Commission that NBC comment upon a proposal for the establishment of a National Media Institute which would concern itself with broadcast news and entertainment programming. NBC was also asked for certain other information relating to research and programming. A subsequent letter from Mr. Robert K. Baker, Co-director, Media Task Force, confirms the Commission's interest in obtaining NBC's comments on these subjects.

At Mr. Goodman's request, I am pleased to forward to you and other members of the Commission the NBC comment on the proposal for a National Media Institute. The additional information requested of us is also being supplied herewith in two statements, one dealing with research and programming, and the other with our television coverage of certain named persons.

I would like to note that our discussion with the Commission and its staff has tended to deal with "entertainment programming" on the one hand or "hard news" coverage on the other. There is, however, a broad spectrum of informational and cultural programming presented on both the NBC Television and NBC Radio Networks and much of this programming falls somewhere in between the "hard news" and the "entertainment" fare to which the Commission has addressed itself. The Commission may find it helpful, in considering the proposals before it for a National Media Institute, to bear in mind the many facets of the total broadcast service received by viewers and listeners throughout the country. As an indication of the type of public affairs programming available on the two NBC networks we are attaching a compilation, prepared for other purposes, of our 1967 record of performance.

In addition, the five television and six radio stations owned by NBC, as well as the approximately 650 television and 5100 radio stations throughout the nation, originate many excellent programs designed to serve the needs of their own communities. Responsible broadcast station owners all across the nation could provide you with comparable documentation of their own efforts to provide a meaningful service to their communities.

Cordially,

Corydon B. Dunham.

PROPOSALS FOR A NATIONAL MEDIA INSTITUTE— A COMMENT BY THE NATIONAL BROADCASTING COMPANY

The National Commission on the Causes and Prevention of Violence has asked NBC to comment on proposals for the establishment of a National Media Institute which would concern itself with the nature and quality of television programming. In general terms, the Institute would evaluate television news and entertainment. The purpose, according to the proposals, would be to educate, stimulate and guide public opinion. The Institute's special concern would be the proper and useful coverage of civil disorders, violence and social unrest.

Introductory

The formation by individuals of private associations to pursue a wide variety of public ends—social, political, philanthropical and educational—is distinctly American tradition. Many such private groups have been organized and many of them do concern themselves, either wholly or in substantial part, with radio and television news and

entertainment programming. We welcome their interest in the uses and potentialities of broadcasting, because we are no less concerned.

It is quite a different thing, however, for a special tribunal to formulate national broadcast and press policy. We oppose the formation of any governmentally sponsored body as an arbiter of press coverage of news events or of taste and propriety in entertainment programming. We also oppose the endorsement or even the seeming endorsement of any one group in our society as the preeminent or elite voice in these matters.

On any analysis there is something abhorrent in the establishment of a single citizens' panel, however distinguished and well intended its members, to act as arbiter of taste and opinion for the American people. For these reasons, and because of the more particularized objections set out below, we oppose the proposals for a National Media Institute as inconsistent with the basic tenets of any free and open society and the constitutional guarantees of our own society.

The National Media Institute As Censor

The various proposals for a media Institute are similar in their insistence that the organization would be "... independent ..."—that is, not formally an agency of the government. All the proposals, however, have a certain resemblance: in every case, the proposed Institute would enjoy a special distinction and prestige by reason of its official sponsorship. Even if unintended, the impression would be created of an influence of uncertain dimension in government itself. And there seems little doubt that the effect would be government regulation achieved under official pressure however much ascribed to the workings of a "private" group.

The specter of government would always be in the offing, inevitable affecting the media subjected to Institute surveillance. This can readily be seen. Among the specific items suggested for Institute action are "codes of conduct during and treatment of social disorders"; evaluation of the public interest standards as to "significant controversial public issues," and whether and how much air time to be devoted to them; standards as to "violence," "minority stereotyping," etc.; and as well, monitoring for compliance.

It would be impossible for such surveillance to be exercised without creating an atmosphere harmful to freedom of speech and of the press and to the clash of opinions which helps to illuminate the truth. This conclusion is valid even if the duties of the Institute are ostensibly to be limited to criticism and evaluation of programming for the edification of the general public.

Our History and Traditions Condemn Such Censorship

Social edification and betterment have always been the objectives of proposals to monitor and oversee the reporting of news and the content of entertainment. At earlier periods of history the suppression of free expression in the name of the education or the welfare of the masses was common enough. There should be need for only the briefest reminder that the liberties for expression we enjoy, and which are so much a part of our own tradition, were forged in a crucible of suppression.

In the England of William III, just before the start of our colonization, nothing could be published without the prior issuance of a license. Consequently, the entire country had only one newspaper, and its content was rigorously restricted. Each scant issue was reviewed by a government official before publication. The reason for the requirement, Macaulay tells us, was the belief then current "that religion and morality stood in need of the protection.... ". (2 Macaulay, *History of England,* pp. 503-04, Longmans Green & Company, 1889) The standard of that censor for the public good led to the near suppression of Milton's "Paradise Lost," while giving ready approval to Sir George Etherege's bawdy theatre piece, "She Would If She Could."

Opposition to the licensing law increased and finally prevailed. Following its expiration in 1695, the law was not re-enacted. A new era began: newspapers sprang up, and a tradition of free expression began to build.

Our own founders believed the English tradition to be inadequate even with the gains which had been made. Consciously and intentionally, they drew the First Amendment to

the Constitution to provide an explicit guarantee of free expression and a guarantee broader than was to be found in the English inheritance.

The Supreme Court, in the words of Mr. Justice Black, has summarized the spirit of the times in which the freedom of the press evolved and was guaranteed: "Ratified as it was while the memory of many oppressive English restrictions on the enumerated liberties was still fresh, the First Amendment cannot reasonably be taken as approving prevalent English practices."

> On the contrary, the only conclusion supported by history is that the unqualified prohibitions laid down by the framers were intended to give liberty of the press, as to the other liberties, the broadest scope that could be countenanced in an orderly society. [*Bridges* v. *California,* 314 U.S. 252, 265 (1941).]

The men who drew this country's charter of free expression did so with a lively awareness that it is the freedom of the press that helps generate the spark of controversy and that this must be protected and nourished even if the press does not always behave with propriety, or as we wish it did. Jefferson complained that Federalist newspapers were filled with "falsehoods, calumnies, and audacities," (Letter to Volney, 1802) George Washington complained about newspaper accounts that were often contradictory and bewildering. Franklin noted that the press unfairly accused its critics of enmity to press freedom. John Marshall, too, complained that "... this liberty [of the press]is often carried to excess, that it has sometimes degenerated into licentiousness . . .." [II Beveredge, *The Life of John Marshall,* pp. 329, 330 (1919).]

But these excesses were viewed, in the words of Marshall as" . . . a calamity incident to the nature of liberty." (*Ibid.*) Freedom of the press was held so dear in that time that its defenders were quick to respond, justifying even licentiousness:

> Perhaps it is an evil inseparable from the good with which it is allied; perhaps it is a shoot which cannot be stripped from the stalk, without wounding vitally the plant from which it is torn. (*Ibid.*)

Private and Quasi-Official Censorship

Censorship is not less so because it is exercised by a group that does not overtly claim government status or sanction. Private associations which have some claim to a general endorsement by society have demonstrated their ability to regulate the media in the past. In a classic of its kind, the Rev. Sydney Smith spoke out against the evils of such private censorship and the difficulty of expressing opposition to authoritarian groups whose intentions are to protect the public from media content thought by them to be harmful. Referring to the Society for the Suppression of Vice, then powerful in England, he said:

> A society, that holds out as its object the suppression of vice, must at first sight conciliate the favor of every respectable person; and he who objects to an institution calculated apparently to do so much good, is bound to give very clear and satisfactory reasons for his dissent from so popular an opinion. We certainly have, for a long time, had doubts of its utility; and now think ourselves called upon to state the grounds of our distrust. (*Smith's Works,* p. 131, Longman, Green, Longman, and Roberts, 1860.)

The Rev. Smith expressed many objections to the Society's impact, noting that it was impossible "to keep such societies within any kind of bounds." As one example of the Society's method of suppression, the author quoted from the Committee's own report on the mass media of the day:

> Your Committee have good reasons for believing, that the circulation of their notices among the printsellers, warning them against the sale or exhibition of indecent representations, has produced, and continues to produce, the best effects.

The Society viewed the growth of circulating libraries with apprehension:

> . . . however useful they may be, in a variety of respects, to the easy and general diffusion of knowledge, are extremely injurious to morals and religion, by the indiscriminate admission which they give to works of a prurient and immoral nature. . . . But your Committee being convinced that their attention ought to be directed to those institutions which possess such powerful and numerous means of poisoning the minds of young persons, and especially of the female youth, have therefore begun to make some endeavors towards their better regulation. (Statement of the Proceedings for 1804, pp. 11, 12.)

The beliefs that motivated the Society are by no means as outdated as the language in which it is phrased. Attempts to carry on in the tradition illustrated by the Society continue. In this country, extra-legal censors have sought to suppress communication of ideas on almost every conceivable ground:

> . . . the ones most often resorted to are that the particular publication is obscene, or incites adolescents to crime.
>
> Other reasons which have been advanced are that the material objected to
>
> is pro-Communist,
>
> is favorable
>
> to the United Nations,
>
> opposes segregation,
>
> deals with the subject of liquor,
>
> treats Christmas in a "pagan" manner,
>
> implies that "federal control has become necessary,"
>
> treats certain individuals or groups unfavorably,
>
> fosters intolerance of particular races or religious,
>
> offends local pride, or
>
> criticizes the policies of a friendly nation.
>
> Publications have also been objected to on doctrinal grounds, or because of the unpopularity of the author or his philosophy. [Note, Extralegal Censorship of Literature, 33 *N.Y.U. Law Review,* 989, 989-91 (1958).]

One of the leading scholars in the field, Professor Chafee, commented on proposals to improve contemporary mass media through quasi-official pressure exerted by private groups: ". . . we shall not solve the problem of quality by vesting coercive powers in private groups rather than in government officials," He took particular care to note that the evils of suppression are not avoided by the use of private pressure groups. Quite the contrary:

> The tyranny of irresponsible organizations may be as deleterious to the life of the spirit as the tyranny of the state, and perhaps more so. * * * The solution of the problem of quality does not lie in changing the source of coercion but in getting away from the whole idea of coercion. (*Op. cit.*, pp. 713-14.)

In 1956 the State of Rhode Island created the Rhode Island Commission to Encourage Morality in Youth. The objectives of the Commission, which are similar to some of the objectives motivating the proposed commission for broadcasting, was to educate the public concerning obscene books, and to investigate and recommend legal action. The Commission had no subpoena or enforcement power. Its activities consisted primarily of circulating lists of objectionable books to distributors and retailers and demanding cooperation.

The Supreme Court held the Commission's activities–both those which were authorized and those which exceeded its authority-violated the First and Fourteenth Amendments.

The Court stated it was looking "through form to the substance" and it held that the "informal sanctions" of persuasion and intimidation violate the Constitution no less for being "informal." Indeed, the informality of the sanctions may itself be far more pernicious than overt attempts to censor which are readily recognized as offensive in our society. Under "informal censorship," material may be suppressed by a private group without any hearing and even without a decision which can later be reviewed to determine whether any protective principles have been violated:

> Herein lies the vice of the system.** The Commission's practice provides no safeguards whatever against the suppression of non-obscene, and therefore constitutionally protected, matter. It is a form of regulation that creates hazards to protected freedom markedly greater than those that attend reliance upon the criminal law." *(Bantam Books, Inc. v. Sullivan,* 372 U.S.58, 69-70.)

The Institute's Threats to Freedoms of Speech and Press

Broadcast programming deals with a great variety of topics in addition to the controversial topics covered as part of hard news. (For a brief description of public affairs programming by NBC during the course of a single recent year, see "1967 News, Informational and Cultural Network Programming" submitted herewith.)

NBC has received critical letters–approving as well as adverse–on virtually every topic touched upon: obscenity, crime, religion, discrimination, drinking or other vice, communism, the United Nations, segregation, foreign nations, federal controls, ethnic groups, and so on. The other television and radio networks and the approximately 600 television broadcast stations and 5100 radio stations no doubt have received similar communications from their audiences about their programming.

To interpose a body, such as the proposed Institute, between the public and the broadcaster would be undesirable quite apart from censorship considerations. It would be contrary to the basic and practical precept that responsibility should be coupled with authority. For inherent in this proposal is a tendency to divide responsibility from authority. The Institute is to be the approved tribunal to evaluate media offerings and to hear individual's criticisms. Presumably it is to form judgments as to the validity of criticisms, and advise the public of its judgments. Thus, the public is encouraged to look to the Institute for redress, but the Institute is not empowered, in theory at least, to take any action. Authority for programming would still rest with the broadcasters. Self-interest and a sense of responsibility make for more than adequate sensitivity to viewer reactions.

Some years ago a British Royal Commission was appointed to inquire into the broadcasting industry there. British television had been subjected to criticism almost indistinguishable from that voiced by Institute proponents here. A consumer group, similar to the proposed Institute, was urged as the solution. The British Commission concluded, for many of the same reasons that we urge, that such a group would do far more harm than good. This conclusion was reached even in the absence of our constitutional guarantees against infringement of free speech and free press. (Report of Committee of Broadcasting, 1960.)

There are, as we have noted, traditions as well as constitutional guarantees in this country of both protection and nourishment for freedom of speech and press. Transcending individual interest in those freedoms is that of keeping the general public informed, particularly on controversial issues. So there is a special urgency in guarding the freedom of the press against encroachment. The government, all who wield power in its name, and others in positions of responsibility, have traditionally been subject to the scrutiny of a free, strong, and independent press in this country.

Yet coercion of the press is implicit in the very purposes of the Institute: to control, in some way, what is broadcast and to suppress by public condemnation or other means, programming or practices which the Institute determines to be undesirable. Inherent in all such proposals is the erosive tendency that has alarmed constitutional experts such as Professor Chafee. He warned:

> Every new governmental activity in relation to the communication of news and ideas, however laudable its purpose, tends to undermine this tradition and render further activities easier. Therefore, no proposal for governmental action should be judged in isolation. It must be considered in relation to other possible state controls over the press, which have not yet been suggested. (Z. Chafee, *Government and Mass Communication,* p. 477, Archon Books, 1965.)

This warning is underscored by this Commission's actions, undertaking a new measure of surveillance of broadcast journalism. Typically, film coverage of a news event is footage which may include background scenes, side stories, minutiae or irrelevant details. Part of broadcast news judgment is the selection of those films that help convey the story accurately, in the depth appropriate for the medium, the particular program and so forth. This Commission has sought and obtained for its review the material that was broadcast and, as well, the material not broadcast—in effect to review and question news judgment. This is another erosion in the freedom of the press. That such a project has society's improvement as its objective gives no comfort or reassurance to a free press. At a time when pressures are created which prompt threats of this kind it becomes all the more important to resist them.

Could a National Media Institute comment on the great variety of controversial subjects without injecting into the free flow of ideas a voice so official, so supposedly impartial and so prestigious as to drown out others who hold a different view? By virtue of its prestige, its sponsorship and perhaps its powers, would not the Institute tend to overshadow and obscure other groups with the same or conflicting views?

The predominant stature of the Institute would also tend to discourage the formation and activity of other groups. It would be, in short, an authoritarian body, by nature repressive of public participation in a free and vigorous conflict of ideas. It was precisely this kind of repression which the First Amendment was designed to forestall. For these reasons, the Supreme Court has stressed that freedom of speech and of the press are "protected not only against heavy-handed frontal attack, but also from being stifled by more subtle Government interference." [*Bates* v. *Little Rock,* 361 U.S. 516, 523 (1960).]

The proposed Institute would interfere with the free functioning of the press in several other ways. The creation of adverse public opinion is in itself a form of intimidation. This indirect effect is not likely to be the only one. The Institute would doubtless pursue its inquiry beyond mere monitoring of news programs. The result could well be an attempt to subject the press to an unprecedented inquisition.

Reporters could be asked why one story was covered rather than another; why certain elements were reported or emphasized rather than others; why certain elements were omitted rahter than others; why pictures were or were not used; why one picture, rather than another was used, and so on endlessly. These questions relate to matters of independent journalistic judgment. But could such an Institute ignore the social problems and concerns that prompted its creation? Would it not necessarily judge news coverage against a view of social welfare rather than against journalism's obligation to report what happens? Must it not then exhort the press to ignore or distort news in order to serve some object thought to be a social good at a given moment, such as social tranquility or contentment?

Anticipation of these possibilities cannot fail to have a dampening effect, inhibiting broadcasters in the exercise of valid news and other programming judgment. Pressure of this sort from a quasi-official body or purported national custodian would be a threat to the free press of the most insidious and pernicious sort. As the Supreme Court pointed out in the *Bantam Books* case, *supra,* "It is characteristic of the freedoms of expression in general that they are vulnerable to gravely damaging yet barely visible encroachments" (p.66).

While it is the concept of such an Institute which must condemn it from the outset, it should also be noted that the likelihood of error by such a group, even if it attempts to judge news coverage by journalists' standards, is a real one. There is no way that the staff of such an Institute could have adequate first hand knowledge of the myriad events that underlie and comprise responsible news reporting. Yet the proposal under consideration would entrust that group with appraising the balance and propriety of news coverage and its accuracy. And these judgments in turn are seemingly to be the basis on which the Institute is to guide and mold public reaction to broadcast journalism's reports on such events.

Some of the proposals for a National Media Institute or Commission embody elements which make them particularly dangerous to fundamental freedoms of our democratic society. One variation on the basic proposal for the establishment of such a group is the proposal that the Institute be funded with public revenues. This introduces another avenue for governmental news management and subtle censorship. This would be true even if such funds were not directly appropriated, but channeled through the mechanism of a public foundation.

If the proposed Commission is given any federal funds, then a further dimension is added to its regulatory power. The Commission and its staff will want to continue in their jobs and have increasing financial support. The lack of government favor could quickly dry up private sources of funds. Should the government threaten to withhold its funds, the results would be more immediate. Would the Institute have any choice but to bend accordingly?

With a blueprint for its activities as amorphous as the Institute's guidelines and objectives, it would be almost impossible to determine at any given moment whether its evaluations or other activities or those of a particular group within the staff were motivated by a disinterested and objective analysis of what was needed or by some unexpressed and hidden purpose to advance or suppress a particular viewpoint.

One proposal for a National Institute would also provide the substance of government subpoena power, again, not directly, but rather via the cooperation of the FCC or other governmental bodies. To the extent that the proposed Institute is provided with the substance of subpoena power or other tools of inquisition or investigation, the threat of infringement on First Amendment rights becomes more clear and more dangerous.

Such a proposal for the grant of these powers is to be compared with constitutional learning. That urges that there should be no inquisition at all. As Justice Frankfurter observed in *Sweezy* v. *New Hampshire,* 354 U'S' 234 (l957) (concurring opinion), "In the political realm, as in the academic, thought and action are presumptively immune from inquisition by political authority."

The fallibility or infallibility of the press is not the issue. From the outset, First Amendment liberties included freedom to err. The reason, as valid today as it was then, is that

> The only security of all is in a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary to keep the waters pure. (Thomas Jefferson, Letter to Marquis de LaFayette 1823.)

The demarcation between "the abuse and the wholesome use of the press" must be left to "the public judgment" rather than entrusted to the "magistrate" (T. Jefferson, Letter to Pictet,1803).

The issue here is not whether society has laws adequate to deal with obscenity, or libel or invasion of privacy; it is rather whether we should have an Institute to conduct surveillance of media content generally and to do something about it.

Our opposition to an inquisition is not from fear of the facts. We believe the broadcast press to be essentially responsible and fair. Various groups, whose composition ranges from eminent laymen to professional experts, already abound to judge media performance and educate and assist the public. At the professional end of the spectrum there are also numerous publications and organizations. But, above all, our form of government rests on the proposition that the public is its own best expert. And this really is the point. Everyone speaks his views about broadcasting.

Conclusion

If history teaches anything, it teaches that the use of the power of government to control men's minds does not cure, but only creates social evils. It is this learning which led our forefathers to fight for and cherish freedom of speech and press. We urge upon this Commission the proposition that its efforts should be bent to sustain and protect the freedom of the broadcast press.

If the liberties on which our society thrives are to be preserved, vigilance must be exercised not by the press alone but by the public and government as well. The challenge today to find rational solutions for a democratic society is as it was when this democratic society was founded—as the Federalist Papers [No. 84 (Hamilton)] put it:

> What signifies a declaration, that the liberty of the press shall be inviolably preserved? What is the liberty of the press? Who can give it any definition which would not leave the utmost latitude for evasion? I hold it to be impracticable; and from this I infer, that its security, whatever fine demaracations may be inserted in any constitution respecting it, must altogether depend on public opinion, and on the general spirit of the people and of the government.

NATIONAL BROADCASTING COMPANY COMMENT ON RESEARCH AND PROGRAMMING

We have been asked to comment on certain issues as set out in the letter of Mr. Robert K. Baker, dated January 7, 1969: "the record of television networks with respect to supporting research on the effects of media portrayals of violence on viewers and the record of the industry with respect to self-regulation of media violence as set forth in the enclosed memorandum."

The Memoranda

Two memoranda, overlapping in content, were enclosed in Mr. Baker's letter, and we shall address ourselves to both, first as to research and then as to media content. The memoranda contend, in brief, that broadcasters have been promising through the years to delete excessive violence from their programming. The memos argue that the broadcasters have never followed through and that promises were made in bad faith.

Introductory

An assumption implicit throughout both memoranda is that television has a substantial impact on viewer behavior and attitudes. As the Progress Report of this Commission remarks, it is "easy" to explain the commission of a crime by an individual as a re-enactment of media violence that he had seen. But, as the Report goes on to state, "we are learning, however, that the problem of effects of media is not this simple" (p. A-38). Studies, like those of Sheldon and Eleanor Glueck analyzing 400 traits and factors that might affect the development of children, indicate that television depiction of violence is not even a significant contributing factor to crime and violence in real life.

Studies of media influence on other behavior tend to substantiate that conclusion. The consensus of such students of media impact as Elmo Roper and Paul Lazarsfeld, is that television's influence on political attitudes, for example, has been over-emphasized.

First, television is only one, and apparently not the most influential, of the mass media. But more importantly, the evidence suggests to them that the source of political view is "... very often by interaction of neighbor on neighbor without any apparent influence of the mass media." [Katz & Lazarsfeld, *Personal Influence*, p. XV (Glencoe, Ill.: Free Press, 1955).]

Proceeding from erroneous assumptions as to television's impact obviously leads to unfair criticism of the industry. That, however, is not the pressing danger. It is, as Donal McNamara, head of the American Society of Criminology, has pointed out that "such misconceptions and mistaken explanations are dangerous because a wrong diagnosis leads to incorrect and inadequate remedies."

A Perspective for Research

Although the question concerning the record of research is put in factual terms, it seems, nevertheless, to express disappointment and criticism. We have also been disappointed by the unimpressive progress of research. As a responsible communications medium we are vitally concerned with our impact and influence on our audience. We have, as the memoranda report, urged the need for research and offered to contribute to the cost. We need and want to know a great deal more than is now known about the relation of television and radio to human motivations, attitudes and behavior.

Hopes and needs, however, are inadequate measurements of research efforts to date. When viewed in proper context, the results demonstrate a start in the right direction.

The folly and vices of mankind go back to earliest recorded history. For almost as long, man has been studying the causes and effects of his own behavior, trying to understand human motivation so that humanity coould realize its highest potential. Unfortunately, it is generally agreed that we have only begun to scratch the surface of this enormously complex subject, even as to causes that long antedate television.

The Joint Committee

Nevertheless, criticism often focuses on the broadcasting industry in the claim that it has been apathetic and is thus to blame that research has not progressed more satisfactorily or rapidly. This criticism is reflected in the tenor of the untitled memorandum attached to Mr. Baker's letter of January 7, 1969, hereinafter referred to as "Memo."

It will be recalled that the Joint Committee for Research on Television and Children was formed in 1962 as the result of industry and government concern about television's influence on human behavior. In addition to financial support, NBC has participated in the Committee's work and to the extent possible tried to speed its progress. But, as Mr. Scott, the Chairman of NBC, stated to the Subcommittee to Investigate Juvenile Delinquency in the United States (Dodd Committee) in 1964, greater speed is not always possible, because "The work of scholars frequently sets its own pace and that time may be the price that we must pay for meaningful results" (Memo, p.7). Nevertheless, the Joint Committee has produced results that are probably more relevant to the question of the impact of broadcasting on human behavior than the work of any other individual or agency that has addressed the question.

The history of the Committee and its efforts are pertinent to any discussion of research relating to television's effects and influences. The Joint Committee is made up of representatives of the three networks, the National Association of Broadcasters, the Foundation for Character Education and the Department of Health, Education and Welfare.* Its chairman is a member of the faculty of Boston University. Mr. Goodman has described for this Commission how—

> In June, 1963 the Committee invited more than 4,000 social scientists to submit proposals for specific research projects in the area. Two dozen projects were proposed to the Committee in detail and evaluated by a special consulting panel. Four proposals that seemed most promising were selected to be underwritten. Only two materialized. (December 20 Transcript, p. 215.)

Joint Committee Results

One of the projects sponsored by the Committee, which is now in the final stages of completion, will contribute greatly to our understanding. This study, conducted by Dr. Seymour Feshbach, is based on the actual television viewing of two groups of adolescent boys—including underprivileged and non-white youths. Their behavior was observed and

*It should be noted that the greatest support for the Joint Committee has come from the industry, both in terms of funding and in attendance by broadcasting representatives at Committee meetings. HEW has not contributed at all to financing the Committee's work, and has rarely been represented at Committee meetings.

measured before, during and after a six-week period. One group watched action programming, and the other saw more placid fare" (D. 20, p. 215).

Contrary to suggestion, this study was not "designed to prove the catharsis hypothesis" (Memo, p. 8), although that would be a legitimate scientific undertaking. The proposal submitted by Dr. Feshbach and accepted by the Committee was to study "TV's effect on aggressive behavior." And, as remarked by Mr. Goodman, "Our own research people feel it is the most valid research in this area to date, because it measures real-life television exposure and real-life aggressive behavior. I understand Dr. Feshbach has delivered a summary of the results to the Commission, although his final report will not be completed until early next year. The Joint Committee hopes to be able to repeat this type of research with other children in other areas to double check the validity of the present findings." *(Ibid.)*

Problems and Recommendations

NBC has not regarded this encouraging progress as ground for complacency. As indicated to the Commission earlier by Mr. Goodman, Dr. Thomas E. Coffin, NBC's Vice President in Charge of Research, and others have been exploring how the Committee can do more. From these discussions a suggestion of possible future research has emerged. In brief, it would attempt a real-life study to measure the influence of television in the context of other influences over an extended period of time. It proposes a way around the time barrier that has effectively discouraged the longitudinal study generally recognized to be necessary. The suggestion is to use "overlapping cohorts," that is to telescope time by using overlapping age groups having similar characteristics and subjected to similar experience. This study would build on the work of Sheldon and Eleanor Glueck, who developed certain diagnostic scales which would be employed. While financing may become a problem as more ambitious projects are conceived, it has not been one to date. Mr. Goodman has told the Commission, however, that other problems did exist which impeded progress. For example, there is the form of the organization of the Committee. "There has been no paid staff and no executive director, and each member has been a volunteer, whose principal occupation has been something other than the work of the Committee" (D. 20, p. 216).

Such difficulties, and the problem of identifying worthwhile projects, prompted NBC to suggest in October and to reiterate in December that "this Commission could make a significant contribution by recommending a program under which sound, meaningful, research projects could be identified and carried forward." (*Op. cit.*, pp. 215-16.) We stated then, and reiterate now "that NBC would be glad to participate and pay its share of cost of such a program." (*Ibid.*) We think that the Joint Committee, despite its handicaps, also has an important potential. We shall continue our participation and support.

Self-Regulation of Violence

The second part of the question is concerned with programming and asks what we have done to eliminate "excessive" violence.

As Mr. Kasmire (NBC's Vice President, Corporate Information) has stated to this Commission

> criticism of television is not uniform .... There are those at the extreme, for example, who accuse television of exhibiting violence consciously and malevolently, for profit or political effect. Others say that television fosters an insensitivity to violence that in itself breeds violence. Still others may grant that violence on television is a legitimate reflection of reality, but insist that the public interest requires us to ignore that reality.
>
> A good number of people are satisfied that television should be showing what it shows them, but they suggest the same things should not be shown to other people. Many parents are concerned about what their children are learning about the world from television. Some parents are more concerned about what other people's children are learning. Some people want us to show the gruesome aspects of the war in Vietnam but not the disorder in our streets. Some feel we should present scenes of rioting in American cities but not the scenes of battle in Southeast Asia.
>
> Finally, there are those who are happy with television as enterainment but want us to play down any violence in the news, and their opposite numbers can accept reports on the violence of real life but feel it should be eliminated from fiction.
>
> In short, television has a diverse and divided audience. Some viewers praise the very things others criticize. This will always be the case with a mass medium in a large, heterogenous, free society. (October 17, 1968. Transcript, pp. 1605-06, hereinafter O. 17.)

NBC Procedures and Practices

While there is no universally acclaimed standard, we have taken what we believe to be reasonable safeguards to assure that our programming does not contain excessive violence. Part of the effort that goes into achieving this result was described by Mr. Goodman in his appearance before the Commission.

> Last May, for example NBC Chairman Walter Scott and I met with our Program and Broadcast Standards personnel at NBC's Burbank, California, headquarters, where most of our entertainment programs are produced. We emphasized our concern that NBC's standards of program acceptability be applied rigorously. Our Program and Broadcast Standards executives in turn conveyed our concern to the independent producers who supply entertainment programs and series to us. This was done in their annual meeting with each producing organization before production for the new season began.
>
> The tragedy of Senator Kennedy's assassination increased our concern, and on June 14, 1968, I directed the appropriate NBC executives to undertake a further review of our program standards.
>
> I asked them to see whether we could refine and strengthen our procedures for dealing with the portrayal of violence in our entertainment programming. I have attached to my statement copies of this directive and Dr. Durgin's response to it, dated July 2, 1968. I hope all of your will have an opportunity later to review these documents, since I believe they illustrate the seriousness of our approach to the problem. (D. 20, pp. 212-13)

Presentation of news also involves violence, but obviously raises issues of truth and significance which are at least as important as taste. NBC's views were stated by Mr. Goodman:

> We do not believe that suppression of information is the answer to anything. Many of us at NBC have been in the news business all our lives, and we have never learned to withold news gracefully. If conflict and violence play an important part in our world, our nation and our communities, we feel we have a responsibility to show things as they are.
>
> Withholding information will not help solve any of the problems involved. It is our job to increase public understanding, to report the facts as we find them, fairly and impartially, and with as full a perception as possible. (D. 20, pp. 219-20.)

Programming Impact

In response to events such as the assassinations of Senator Kennedy and Rev. Dr. King and to the changes in public attitude resulting from them, NBC has made substantial programming changes. The schedule has been modified. Program control has been tightened.

Four action/adventure cartoons were dropped—two in September and two in January—from NBC's Saturday morning schedule for children. These have been replaced by game shows, informational programs (animal and nature studies), instructional and musical/variety segments. NBC News recently formed a new department to produce

science and adventure programs for the early evening schedule when young people are most likely to be viewing.

The independent producing organizations that supply NBC dramatic programs have been reminded of our long-standing policy to eliminate scenes of violence unless they contribute to plot or characterization, and writers for NBC have been asked to establish dramatic conflict in other than violent terms wherever possible.

The Standard of Extra-Industry Criticism

The National Association for Better Broadcasting is one of the most vocal of television's critics. We do not believe that it is necessarily the most responsible or representative. For example, the National Association for Better Broadcasting memorandum attached to Mr. Baker's letter states:

> The super-violent Saturday animated cartoon programs, which dominate the hours each week and are most directly aired to attract child audiences, are still scheduled by all three networks in undiminished volume and intensity of violent action. . . . These programs are . . . (NBC) Super Six, Top Cat, Underdog, Birdman/Galaxy Trio, Super President . . . . There is much violence in other Saturday cartoon shows; the above are the most excessively violent and most frightening to child viewers.

We concede that there is room for differences of opinion about the merits of these programs. "Top Cat," for example, may not be everybody's idea of high humor, even for the elementary school set. But we question the Association's characterization of these programs as "super-violent"—or that child viewers would find them frightening. Untold numbers of children have grown up with cartoon fare and have delighted in it. In any event, "Birdman/Galaxy Trio" and "Super President" are no longer on the network schedule. "Top Cat" and "Super Six" will not reappear in the NBC fall schedule.

Still another reason for criticism is that it stems from the fallacious theory of the "body count." We do not keep a running count of instances of violence because we think it clear that this is not meaningful criteria. Westerns, such as NBC's "Virginian" or "Daniel Boone," may depict battles between Indians and early settlers, drawn from historical events, showing many people being hurt or killed. The "bodycount" base for criticism assumes that any depiction of killing or injury is deleterious, when in fact "any night's television programming contains instances where scenes of conflict are used to underscore a non-violent or otherwise morally instructive point." (O. 17, p. 1608.) Even such violence is permissible, by NBC's standards, only if necessary to the characterization, plot or theme of the program.

NBC Programming

We recognize that as a mass medium we must, by definition, appeal to a broad public. Hence, Mr. Kasmire explained, "we try to choose programs that promise to have good production guidance, that will be well written, well acted, well directed and will be effective and that will engage the audience and hopefully engage the audience in large numbers.

> Within that general framework, we again try to present a schedule that has a diversity of programming in it, ranging all the way from very light fiction to serious news documentaries, regular news, religious programs, and balanced in a way that everyone in the audience, no matter what his particular personnal preference and tastes are, will find something in the television schedule, hopefully on every single day, that will be rewarding to him. (O. 17, pp. 1640-41.)

Programs which typically contain violence, e.g., adventures and mysteries, are a very small portion of NBC programming. The attention focused on these programs, however, tends to obscure other programming that in fact occupies by far the larger portion of the NBC schedule. A great majority of our entertainment program consists of variety shows,

audience participation shows, situation comedies and the like which present no violence problem whatever.

NBC programs have brought into the living room and lives of viewers an intimate knowledge of persons, places and events that they might well never have heard of otherwise. The scope of the horizons opened by our programs can be glimpsed from a review of NBC network programming of news, informational, and cultural subjects. NBC's most recent analysis of those categories for the year 1967, "1967 News, Informational and Cultural Network Programming" has been submitted herewith. It is representative of NBC's programming both in the years before and in the years since.

National Broadcasting Company Network and WMAQ

Television Exposure of Designated Persons

NBC has been asked to supply "The number of times and the duration of each appearance NBC broadcast the words or portrayals of David Dellinger, Jerry Rubin, Abbie Hoffman, Rennie Davis, Tom Hayden and Peter Cresswell between August 15 and August 27, 1968."

Those named were given exposure by NBC Network Television in the period indicated for a total of 1 minute and 16 seconds. The exposure on WMAQ-TV (local television) in the period indicated totaled 12 minutes and 24 seconds. The details of this coverage, time, context, and so forth, are set forth in the attached Schedule.

Schedule

Appearance by:

David Dellinger, National Mobilization to End the war in Vietnam
Jerry Rubin, Youth International Party
Abbie Hoffman, Youth International Party
Rennie Davis, National Mobilization to End the War in Vietnam
Tom Hayden, Students for Democratic Society
Paul Krasner, Publisher-Editor *The Realist*

Date	NBC Television Network [National]	WMAQ-TV, Chicago [Local]
Aug. 15, 1968	None	None
Aug. 16, 1968	None	1:36 minutes
Aug. 17, 1968	None	:30 minutes
Aug. 18, 1968	None	None
Aug. 19, 1968	None	None
Aug. 20, 1968	None	1:36 minutes
Aug. 21, 1968	None	:56 minutes
Aug. 22, 1968	None	1:08 minutes
Aug. 23, 1968	:30 minutes	:32 minutes
Aug. 24, 1968	None	2:12 minutes
Aug. 25, 1968	:20 minutes	1:00 minutes
Aug. 26, 1968	:26 minutes	2:08 minutes
Aug. 27, 1968	None	46 minutes

NEWS, INFORMATIONAL AND CULTURAL NETWORK PROGRAMMING, 1967

It has been observed, by people inside and outside the broadcasting industry, that commercial television and radio comprise the broadest, most effective, most accepted

educational force in this country. In a sense, all television is "news," all of it "culture," for one of the most profound effects of television itself has been to liberate information from the categories by which it has been traditionally bound. But there are certain kinds of programming which everyone can agree belong under the headings of news, informational or cultural presentations. The efforts of the National Broadcasting Company in these areas during the calendar year 1967 are described and cataloged in the following pages.

The NBC Television Network

On the NBC Television Network, where the NBC News Department accounts for more than 25 percent of all programming, news and cultural presentations totaled more than 1035 hours in 1967.

Regular News Programs

In 1967, NBC News programs presenting hard-news coverage included "The Huntley-Brinkley Report" (30 minutes, Monday through Friday), "Today" (2 hours, Monday through Friday), "The Frank McGee Sunday Report" (30 minutes, Sundays), "The Scherer-MacNeil Report" (30 minutes, Saturdays, Jan. 7-May 13), "The Frank McGee Saturday Report" (30 minutes, Saturdays, May 20-Dec. 30) and the NBC News five-minute weekday reports (975 in all). As the following pages indicate, the first three of these programs also offered features, interviews and other segments of special informational or cultural interest.

"Today" (2 hours, Monday through Friday)

In 16 years on the air, "Today" has presented more hours of news, interviews and special features than any other network television program. Its basic purpose is to report to viewers everything of importance or interest that is going on in the world. In 1967, for example, "Today" presented 145 regular editions of its "Vietnam Report," amounting to more than 12 hours of intensive reporting on Vietnam– above and beyond the Vietnam coverage in its hard-mews segments.

In addition to presenting 25 minutes of hard news every weekday morning (1,000 newscasts annually), the program covers in depth all aspects of national and international life–the worlds of art, literature, the theater, sports and fashion.

An important "Today" feature is the one-hour or two-hour special. These documentaries are presented on the average of one every week, and included, during 1967, the following programs, all within the regular "Today" time-slot:

"A Breath of Death" (Jan. 6): A two-hour special on the problems of air pollution and their possible solutions.

"Women: The Discriminated Against Majority" (Jan. 10): A two-hour survey of woman's changing role in American society.

"The Pill" (Feb. 3): A two-hour special on birth control pills.

"W.C. Fields" (Feb. 16): A one-hour look at the great comedian.

"Laurel and Hardy" (Mar. 3): A two-hour study of the comedy team.

"Toscanini Remembered" (Mar.24): A two-hour tribute on the 100th anniversary of the conductor's birth.

"Abortion" (Mar. 28): A one-hour examination of abortion and abortion laws.

"Mystic, Connecticut" (Mar.29)*

"A Morning with Comden and Green" (March 30*)

"The Tyranny of the Teenager" (March 31)*

"Colonial Williamsburg" (April 3)*

"Today in the Virgin Islands" (April 4)*

"Today in the Virgin Islands (Part 2)" (April 5)*

"Today in Greece" (April 6)*

"Today in Hollywood" (April 7)*

"Today in Greece (Part 2)" (April 10)*

"San Diego" (April 24, 26-28, May 1): Five days of two-hour remote tapings exploring the sights, sounds and spirit of San Diego.

"Magic on a Monday Morning" (May 15): A two-hour special on magic and magicians.

"The New York Stock Exchange" (May 17): A one-hour examination of the nature and workings of the N'Y' Stock Exchange on the 175th anniversary of its founding.

"Biltmore Castle" (June 2): A one-hour report on the Asheville, N.C., art museum built by George Vanderbilt.

"Joy in Mudville" (June 9): A two-hour special on baseball.

"A Lincoln Center Festival" (June 12): A two-hour tribute to the New York cultural center.

"Richard Rodgers '65" (June 28): A two-hour salute to the composer on his 65th birthday.

"The Muppets" (July 5): A two-hour performance of films and songs.

"Expo 67" (July 17 and 18): A pair of two-hour remotes from the Montreal exposition.

"Teenage Marriage: Dream or Disaster?" (Aug. 22): Two-hour documentary.

"Shakespeare in the Summer" (Aug. 25): A two-hour compendium of performances.

"The Day the World Changed" (Oct. 5): A ninety-minute special probing the changes Sputnik has brought since its launching in 1957.

"Hippies" (Oct. 20): A one-hour look at American youth subculture.

"Marijuana: Is This Trip Necessary?" (Nov. 3): A two-hour special on the spreading usage of marijuana.

"The Russian Revolution: What It's Meant to the U.S." (Nov. 7): A two-hour special on the 50th anniversary of the Russian Revolution.

"School and Students" (Nov 20): A two-hour examination of the American educational system.

"The Eternal Hope" (Nov. 29): A two-hour tribute to Bob Hope.

"Christmas at the Cloisters" (Dec. 25): A two-hour musical exploration, with the New York Pro Musica.

***Special two-hour repeats aired during the AFTRA strike.**

In 1967, the "Today" unit ventured for the first time into evening programming, with a full-hour portrait of Britain (Jan. 8, 6:30-7:30 p.m.) and a special nighttime edition of its documentary on "The Pill" (April 30, 6:30-7:30 p.m.). While producing these and the other long specials listed above, the program also found time for a number of shorter features, ranging in length from 10 to 20 minutes, on the following subjects:

Blindness

Drug Addiction

Harrison Salisbury's Visit to Hanoi

The Unwed Mother

The Federal Budget

A Lincoln Memorial

Culturally Deprived Students in Baltimore

Hell's Angels

Crime Control

Paul Klee

Andrew Wyeth

Leonardo Da Vinci

John Glenn

Vietnamese Poetry

The Voice of America

Migrant Workers

New York's East Village

Pollution from Automobiles/The Electric Car

Jacob Epstein

Foster Grandparents

Combat Stress

Child Models

Art Forgeries

Convict Rehabilitation

Spanish Harlem

Medical Aid in Lower California

Films by Teenagers

Antiques and Art

The National Debt

Taxis and Taxi Drivers

The Handicapped

Martin Luther King

MARS: Military Affiliate Radio System

The Congressional Medal of Honor

Disturbed Children

Dwight Eisenhower

Sheep Shearing

The Polaris

The Changing Eskimos

Smoking and Cancer

Guadalcanal

French Canadian Separatism

The WAVES

Joan Baez

Anguilla

Motorcycle Safety

Mt. Fuji

Labor Unions

Teenyboppers

A British Family in New York

The Last Voyage of the Queen Mary

The Pratt School

The Sitar

The Concerned Photographer

RH Disease

Operation T-Square

Psychic Phenomena

Plastic Surgery

Operation Bootstrap (Watts)

Debutantes

The Advancement of Science

"Today" is perhaps best known for its interviews with prominent people in government and the arts, many of whom make their initial television appearance on the program. In 1967, "Today" welcomed 439 guests and guest performers in several broad fields of accomplishment (listed in order of appearance):

Government and Business

James Verenberg, Executive Director of National Crime Commission
Sen. Fred R. Harris (D-Okla)
Sen. William Proxmire (D-Wis)
Rep. Lionel Van Deerlin (D-Calif)
Vice President Hubert Humphrey
Sen. Maureen Neuberger (D-Oreg)
Sen. Robert Kennedy (D-NY)
Secretary of State Dean Rusk
Henry Cabot Lodge, former Ambassador to Vietnam
Sen. Howard Baker (R-Tenn)
Gen. Emmett O'Donnell, head of the USO
Sen. Henry Jackson (D-Wash)
Sen. Mark Hatfield (R-Oreg)
Sen. J. W. Fulbright (D-Ark)
Dr. James Goddard, Commissioner of the FDA
Sol Linowitz. U.S. Ambassador to OAS
Gen. Maxwell Taylor, Special Advisor to President Johnson
Rep. Wright Patman (D-Tex)
Sen. Edward Brooke (R-Mass)
Ramsey Clark, U.S. Attorney General
Nicholas Katzenbach, Assistant Secretary of State
Emperor Haile Selassie of Ethiopia
Sen. James Pearson (R-Kansas)
Alan Boyd, Secretary of Transportation
Alexander Kerensky, former Prime Minister of Russia
Sen. Charles Percy (R-Ill)
Sen. Gaylord Nelson (D-Wis)
Rep. Robert Taft, Jr. (R-Ohio)
Sen. Edward Kennedy (D-Mass)
Sen. Edmund Muskie (D-Maine)
Sen. Warren Magnuson (D-Wash)
Sargent Shriver, Director of OEO
Robert Ball, Commissioner of Social Security
Sen. Robert Griffin (R-Mich)
Dr. Ralph Bunche, Undersecretary for Special Political Affairs, U.N.
Sen. John Stennis (D-Miss)
Rep. Olin Teague (D-Tex)
Rep. Edward Gurney (R-Fla)
Lawrence O'Brien, U.S. Postmaster General
Rep. James Scheuer (D-NY)
Gov. Warren Hearnes (D-Mo)
Thanat Khoman, Foreign Minister of Thailand
Arthur Goldberg, U.S. Ambassador to U.N.
Sen. Mike Mansfield (D-Mont)
Gov. Nelson Rockefeller (R-NY)
Sen. George Aiken (R-Vt)
Sen. Wayne Morse (D-Oreg)

Sen. Russell Long (D-La)
Rep. Albert Quie (R-Minn)
Rep. John Brademas (D-Ind)
H. L. Hunt
David Lilienthal, Presidential assistant, author ("Management: A Humanist Art")
Lowell Bridwell, Federal Highway Commissioner
Rep. Thomas Curtis (R-Mo)
Rep. Hale Boggs (D-La)
Abraham Harman, Israeli ambassador to U.S.
Gov. John Love (R-Colo)
William O. Douglas, Supreme Court Associate Justice
Sen. John Sherman Cooper (R-Ky)
Sen. John Sparkman (D-Ala)
Abba Eban, Israeli Foreign Minister
Sen. Frank Church (D-Idaho)
Sen. Albert Gore (D-Tenn)
Alexander Trowbridge, Secretary of Commerce
King Hussein of Jordan
Rep. William Cramer (R-Fla)
Rep. Richard Schweiker (R-Pa)
Dwight Eisenhower
Sen. Clifford Case (R-NJ)
Whitney Young, Director of Urban League
Jack Valenti, President of Motion Picture Association of America
Sen. Mike Monroney (D-Okla)
Sen. Stuart Symington (D-Mo)
Rep. Charles Goodell (R-NY)
Rep. James O'Hara (D-Mich)
Rep. John Conyers (D-Mich)
Chief Adebo, Nigerian ambassador to U.N.
Rep. George Mahon (D-Tex)
Glenn Seaborg, Chairman of Atomic Energy Commission
Henry Fowler, Secretary of the Treasury
Georges Bidault, former Premier of France
Sen. Joseph Clark (D-Pa)
Sen. John Tower (R-Tex)
Rep. Fred Schwengel (R-Iowa)
Vu Van Thai, former South Vietnamese Ambassador to U.S.
Theodore Kheel, labor mediator
Gardner Ackley, Chairman, Council of Economic Advisers
Paul Douglas, former Senator from Illinois
Morarji Desai, Deputy Prime Minister of India
Marilyn Bender, author ("The Beautiful People")
Gen. John McConnell, A.F. Chief of Staff
Corneliu Manescu, President of U.N. General Assembly
Fernando Eleta, Foreign Minister of Panama
Gen. Lauris Norstad, former head of NATO
Averell Harriman, U.S. Ambassador-at-Large
Sen. Charles Percy (R-Ill)
Rep. Paul Findley (R-Ill)
Sen. Carl Hayden (d.Ariz)
Thanat Khoman, Foreign Minister of Thailand
Maurice Edelman, Member of Parliament, author ("Shark Island")
Paul Dixon, Chairman of FTC
Capt. Eddie Rickenbacker
Gen. Matthew Ridgway, author ("The Korean War")
Dr. Okoi Arikpo, Nigerian Foreign Minister
Gov. William Guy (D-N. Dak)
Gov. John Volpe (R-Mass)

Gov. John Connally (D-Tex)
Lord Caradon, Ambassador from United Kingdom to U.N.
Rep. Otis Pike (D-NY)
Mayor John Lindsay of New York City
Ellsworth Bunker, U.S. Ambassador to South Vietnam
Betty Furness, Special Assistant to the President on Consumer Affairs
Gov. George Romney (R-Mich)
Rep. Al Ullman (D-Oreg)
Sen. Jacob Javits (R-NY)
Moray McLaren, Scottish Politician
Gov. James Rhodes (R-Ohio)
Rep. John Moss (D-Calif)
Sen. Peter Dominick (R-Colo)
Rep. Melvin Laird (R-Wis)
Clare Booth Luce, stateswoman, author
Richard Graham, Director of the Teacher Corps
Rep. Gerald Ford (R-Mich)

Literature and Journalism

Neil Simon, playwright ("The Star Spangled Girl")
Frank Elli, author ("Riot")
Kenneth Tynan, critic
Norman Cousins, editor
Betty Friedan, Author ("The Feminine Mystique")
Mackinlay Kantor, Author ("Andersonville")
Studs Terkel, author ("Division Street: America")
Cornelia Otis Skinner, author ("Madame Sarah")
Harrison Salisbury, journalist
Richard Lamparski, author ("Whatever Happened To . . . ")
Jan Yoors, author ("The Gypsies")
John Gunther, Author ("Inside Sourth America")
Barbara Garson, playwright ("Macbird")
Hunter Thompson, author ("Hell's Angels")
Thomas Hayden, author ("The Other Side")
Marquis Childs, Journalist
Dick Schaap, journalist, author ("Turned On")
Philip Wylie, author
Amos Elan, author ("Journey Through a Haunted Land")
Ulick O'Connor, author, barrister
Johanna Johnston, author ("Mrs. Satan")
Charles Bartlett, author ("Facing the Brink")
Edward Weintal, author ("Facing the Brink")
Telford Taylor, author ("The Breaking Wave")
Smith Simpson, author ("Anatomy of the State Department")
Madeline Gray, author ("The Normal Woman")
Norman Zierold, author ("Little Charlie Ross")
Erskine Caldwell, author
Gore Vidal, author
Ladislas Farago, author ("Broken Seal")
Walter Kerr, critic, author ("Tragedy and Comedy")
Lyn Tornabene, author ("I Passed as A Teenager")
Erica Wallach, author ("Light at Midnight")
Piri Thomas, author ("Down These Mean Streets")
Stephen and Barbara Rosenfeld, authors ("Return From Red Square")
Robin Moore, author ("The Country Team")
David Loth, author ("Crime in the Suburbs")
Roger Hilsman, author and government adviser
H. Allen Smith, humorist

Donald Duncan, author ("The New Legions")
Gemady Shishkin, Foreign Editor, TASS
Vikeintey Matveev, Chief Political Observer, IZVESTIA
Birgitta Linner, author ("Sex and Society in Sweden")
Philip Crowe, author-conservationist ("The Empty Ark")
Frank Harvey, journalist, author ("Air War Vietnam")
Isaac Asimov, biochemist, author (science fiction)
Geoffrey Hellman, author ("The Smithsonian, Octopus on the Mall")
Martin Mayer, author ("The Lawyers")
Mickey Spillane, author
James Michener, author
Dennis Bloodworth journalist, author ("The Chinese Looking Glass")
Charles Jackson, author ("A Second-hand Life")
Leonard Sloane, Journalist, author ("The Great Merchants")
Walter Lord, author ("Incredible Victory")
Jeanne Lowe, author ("Cities in a Race with Time")
John Fairchild, publisher of Women's Wear Daily
Robert Conot, journalist, author ("Rivers of Blood, Years of Darkness")
Robert Massie, author ("Nicholas and Alexandra")
Sue Kaufman, author ("Diary of a Mad Housewife")
William Craig, historian, author ("The Fall of Japan")
Ira Levin, playwright ("Dr. Cook's Garden")
Henry Misrock, author ("The Miskeeanza")
John Hughes, journalist, author (Indonesian Upheaval")
Cleveland Amory, author
Joan Colebrook, journalist, author ("Cross of Lassitude")
David Kahn, author ("The Codebreakers")
Clive Barnes, critic
Norman Mailer, author
Allen Spraggett, journalist, author ("The Unexplained")
Mrs. Krishna Nehru Hutheesing, author ("We Nehrus")
Catherine Marshall, author ("Christy")
Euell Gibbons ("The Beachcombers Handbook")
Eugene Lyons, journalist
Sir Richard Jackson, former President of Interpol, author ("Occupied with Crime")
George Eells, author ("The Life That Late He Led")
C.P. Snow, author, scientist
Pamela Hansford Johnson, wife of C. P. Snow, author
Daniel Cohen, journalist, author ("Myths of the Space Age")
Tom Stoppard, playwright ("Rosencrantz and Guildenstern are Dead")
Dean Jennings, reporter, author ("We Only Kill Each Other")
William Taubman, author ("View from Lenin Hills")
Malcolm Braly, author ("On The Yard")
Irving Shulman, author ("Valentino")
Lillian Hellman, playwright
Marshall Davidson, journalist, author ("The American Heritage History of Colonial Antiques")
Leon Uris, author ("Topaz")
Murray Kempton, journalist, author
Anne Lincoln, former secretary to John Kennedy
Marianne Moore, poet
Edward Albee, playwright ("Everything in the Garden")
Bosley Crowther, critic
Louis Lomax, author ("Thailand: The War That Is and The War That Will Be")
I. F. Stone, journalist, author ("In a Time of Torment")
Ishbell Ross, author ("Taste in America")
James Young, author ("The Medical Messiahs")
Rumer Godden, author ("The Kitchen Madonna")

Appendixes

Harry Golden, author
Willie Morris, editor, author ("North Toward Home")
Truman Capote, author
Frank Conroy, author ("Stop Time")
Craig Claiborne, food editor ("Guide to Dining Out in NY")
Jonathan Kozol, author ("Death at An Early Age")

The Visual Arts

Mary Quant, designer
Peter Hurd, painter
Leon Lefton, sculptor
Anni Albers, painter
Peter Brook, film director
Andrew Wyeth, painter
Elia Kazan, film director and author
Otto Preminger, film director-producer
Ted De Grazia, painter
Yousuf Karsh, photographer
Mario Cooper, watercolorist
Mervyn LeRoy, film director/producer
Thomas Hoving, museum director
Joseph Mankiewicz, film director/producer
Esther Davis, sculptor-painter
Jo Mielziner, set designer
Gene Saks, director
Raanan Lurie, artist/soldier
Bill Mauldin, cartoonist
Walt Kelly, cartoonist
Richard Lester, film director
Jonathan Kenworthy, sculptor
Joshua Logan, director
Dong Kingman, artist
Peter Glenville, producer-director
Francois Baschet, sculptor
Stanley Kramer, producer-director
Bradford & Fabian Bachrach, photographers
Joseph Schneider, photographer

Science and Education

Dr. William Howells, Professor of Anthropology at Harvard University
Dr. Bruno Bettelheim, psychiatrist
Arthur Schlesinger, Jr.
Edwin O. Reischauer, Professor of Asian Affairs at Harvard
Dr. Benjamin Spock, physician and author
Dr. Lewis January, President, American Heart Association
John Scopes (Defendant in the Dayton, Tenn., "monkey trial")
Staughton Lynd, Professor of History, Yale ("The Other Side")
Dr. Ashley Montague, cultural anthropologist
Dr. Myrtle Ruel, sociologist
Dr. Benjamin Fine, educator
Dr. Eugene Shoemaker, astrogeologist
Dr. James Conant, educator-author
Dr. Millard Roberts, educator
Dr. Roger Peterson, naturalist
Lord Moran, physician/author
Grover Loening, aviation pioneer
Dr. Harlow Shapley, astronomer
Arthur Clarke, space expert and science fiction writer

Dr. Nancy Roman, astronomer
Dr. Richard Burack, physician and author ("The Handbook of Prescription Drugs")
Dr. Herbert Stein, economist
Dr. Haim Ginott, psychologist and author ("Parent and Child")
Harry Howard, Professor of Middle East Studies, American University
Robert Brass, inventor and computer scientist
Robert Jastrow, space scientist, author ("Red Giants and White Dwarfs")
John Galbraith, economist, National Chairman of ADA
Dr. Elliot Liebow, author ("Tally's Corner")
Dr. Stanley Gitlow, medical educator
Dr. Daniel Sugarman, psychologist
Dr. Stephen Graubard Professor of History at Brown
Dr. John Spiegel, social scientist
Father John Culkin, educator
Braulie Alonso, President, National Education Association
Daniel Moynihan, social scientist
Dr. Milton Halpern, Chief Medical Examiner, N.Y. State
Dr. Asenath Petrie, author ("Individuality in Pain and Suffering")
Francis Keppel, educator
Frederick Whitehouse, psychologist
Dr. John Lilly, author ("The Mind of the Dolphin, a Non-Human Intelligence")
Dr. Arnold Beisser, psychiatrist, author ("The Madness in Sports")
George Kennan, political scientist, former ambassador to USSR
Dr. David Rutstein, physician, author ("The Coming Revolution in Medicine")
Dr. Leon Saul, psychiatrist, author ("Fidelity and Infidelity")
Mortimer Adler, educator
Dr. Alice Kandell, psychologist
Dr. Nathan Ackerman, psychiatrist
Dr. Kenneth Clark, psychologist, author ("Dark Ghetto")
Dr. Lou Page, astronomer ("The Evolution of Stars")
Dr. Christiaan Barnard, cardiologist

The Performing Arts

Anthony Perkins, actor
Ruggiero Ricci, concert violinist*
Hildegarde, singer*
Margaret Rutherford, actress
Sir Laurence Olivier, actor
Helen Hayes, actress
Hume Cronyn, actor
Jessica Tandy, actress
Michael Flanders & Donald Swann, theatrical performers*
James Mason, actor
Modern Jazz Quartet*
Miriam Makeba, singer*
Norman Wisdom, actor
Erroll Garner, pianist*
Sarah Churchill, actress
Lynn Redgrave, actress
Yves Montand, actor
Billy Eckstine, singer*
Carolyn Hester, singer*
William Redfield, actor
Joel Grey, actor

***Performed on the program.**

Shirley Knight, actress
Leon Bibb, singer*
Juilliard String Quartet*
Robert Morse, actor
Sidney Chaplin, actor
Judy Garland, actress-singer
Patricia Neal, actress
Ursula Andress, actress
William Attwood, author-journalist ("The Reds and the Blacks")
Alfred Wallenstein, symphony conductor
Stiller & Meara, comedy team*
Groucho Marx, comedian
Peter Bull, actor
Fredd Wayne, actor
Constance Towers, singer*
Robert Morley, actor
Joseph Szigeti, violinist (author, "With Strings Attached")
Arthur Fiedler, conductor
Gene Kelly, actor/director
Mel Ferrer, actor
Felicia Sanders, singer*
Paul Anka, singer*
Frank Sinatra, Jr. singer*
Addiss & Crofut, folksingers*
William Schuman, composer, President of Lincoln Center
Anna Moffo, soprano*
Gunther Schuller, composer
Judith Raskin, opera singer*
Peter Ustinov, actor, author, director, playwright ("The Unknown Soldier and His Wife")
The cast of "You're A Good Man, Charlie Brown," off-B'way play*
Hayley Mills, actress
Arthur Prysock, singer*
Florence Henderson, singer-actress*
Martha Wright, singer-actress
Alfred Drake, singer-actor
Agnes DeMille, choreographer
The Newport Jazz Festival All Stars*
Godfrey Cambridge, comedian-actor
The Muppets*
The Beers Family, folksingers*
Earl Wrightson, singer*
Spanky and Our Gang, singing group*
Dame Edith Evans, actress
The New Christy Minstrels*
Cesar Romero, actor
Stan Getz*
Carl Reiner, actor/writer/director
Kirk Douglas, actor
Celeste Holm, actress
Duke Ellington*
Joan Baez, singer*
Ginny Tiu and Company, musicians*
Henry Fonda, actor
Maria Tucci, actress
Joseph Papp, producer
Claire Bloom, actress
Sylvia Syms, singer*

***Performed on the program.**

Steve Allen, comedian
Buffy Ste. Marie, folksinger*
Leslie Bricusse, composer
Rubin Mitchell Trio*
Sandler & Young, singers*
Bob & Ray, comedians*
Lee Marvin, actor
Eli Wallach, actor
Marvin Gaye and Tammi Terrell, singers*
Joseph Stein, composer, Sheldon Harnick, lyricist ("Fiddler on the Roof")
Serendipity Singers*
Willie the Lion Smith, pianist*
Moscow Circus*
Evelyn Keyes, actress
Susan Watson, actress, singer*
Anne Baxter, actress
David Allen, singer*
Elmer Bernstein, composer, pianist*
Sandra Dee, actress
Bobby Short Trio*
Costanza Cucarro, soprano*
Anker Buch, violinist*
Michael MacLiammoir, actor*
Bing Crosby
Bob Hope
Al Hirt, musician*
Alec McGowen, actor
Juan Serrano, guitarist*
Allan Jones, singer*
Carol Lawrence, singer*
Chad Mitchell, singer*
Ida Kaminska, actress
Jack Gilford, actor*
Odetta, folksinger*
Pro Musica, instrumental ensemble*

Other Guests

Muhammad Ali
Bishop Harold Perry, of New Orleans
John Glenn, astronaut
Edmund Bacon, city planner (author, "Design of Cities")
Louis Nizer, attorney
Bishop James Pike, theologian
Constantinos Doxiadis, city planner
Rev. Leon Sullivan, Chairman of the Board of Opportunities Industrialization Center
Rev. Dr. Martin Luther King, Jr.
Chief Red Fox of the Sioux Indian Tribe
Lou Harris, pollster, author ("Black and White")
Mrs. Medgar Evers
Mrs. Ruth Dayan
Father James Kavanaugh, author ("A Modern Priest Looks at his Outdated Church")
Ted Fagin, U.N. interpreter
Gen. Elad Peled, Israeli army officer
Svetlana Alliluyeva, daughter of Joseph Stalin

*Performed on the program.

Don Luce, former Director for International Voluntary Services in Vietnam
The Group Image, communications company
Timothy Leary, LSD prophet
Robert Marx, explorer, author ("Pirate Port")
Sir Edmund Hillary, explorer
Mrs. Hubert Humphrey

"The Huntley-Brinkley Report" (30 minutes, Monday through Friday)

In addition to hard-news coverage, "The Huntley-Brinkley Report" presented 63 "magazine segments" of two to six minutes each, detailing the following stories:

Jan.	13	"Peter Hurd and the LBJ Portrait"
Jan.	17	"Auto Safety"
Feb.	1	"Germans Jews"
		"Thai Pilots at Ft. Walters, Texas"
Feb.	3	"An Interview with King Faisal"
Feb.	6	"Kangaroos Adapt to Music in Sydney"
		"Ohio Welfare, 1"
Feb.	8	"Washington Welfare"
Feb.	13	"Indian Elections"
		"L.A. Smog Devices"
Feb.	14	"David Siqueiros"
Feb.	16	"Indian Elections"
Feb.	20	"Expo 67"
Feb.	22	"An Indian Family"
		"Habitat"
Feb.	23	"Indonesian Power Struggle"
Feb.	28	"Indonesian Economy"
Mar.	1	"Louisville Open Housing"
Mar.	2	"British Drug Addiction"
Mar.	6	"The California Economy"
		"Michigan Synagogue"
Mar.	7	"California Schools"
		"Hunting Elks in Yellowstone"
Mar.	8	"Detroit Hospital"
Mar.	10	"Arab Railroad"
Mar.	15	"NPD Party"
Mar.	16	"The Mexican Quints"
Mar.	20	"Grosse Point Integration"
Mar.	24	"Passion Play"
Mar.	31	"British Money"
		"Chicago Politics"
Apr.	18	"Nigeria: Gowon"
		"Israel: Recession"
Apr.	21	"German Elections"
Apr.	25	"Nigeria"
May	1	"Basques in Spain"
May	9	"Social Worker"
May	12	"Liverpool Cathedral"
May	16	"Dutch Catholics"
May	17	"Italian Art Exhibition"
May	18	"West Virginia Coal"
May	19	"Famine in India"
May	25	"Alabama Black Belt"
May	30	"Croton Bands"
June	1	"New Boeing 747"
June	14	"Biafra"
June	15	"The L.A. Police Dept."
June	16	"South Carolina Feed Stamps"

June	27	"Boston Health Center–OEO"
June	28	"Taiwan Book & Record Pirates"
June	30	"Republican Governors Conference"
July	1	"Texas Farm Workers"
July	6	"Governor Kirk"
July	7	"Macao Decay"
July	11	"Armour Meat Packing"
July	18	"Cambridge Peace Fair"
Aug.	2	"Mississippi Politics"
Aug.	11	"Picasso Sculpture in Chicago"
Aug.	14	"Florence: Reconstruction Troubles"
Aug.	15	"Florence: Restoration Techniques"
Aug.	16	"Florence: Ghiberti Doors"
Aug.	18	"Viet Amputees"
Aug.	24	"Congo Mercenaries"
Sept.	6	"Castro's Guerilla War in Boliva"
Sept.	12	"Siberian Science Town"
Sept.	22	"Lady Bird Johnson's Cultural Tour of Midwest"
Sept.	25	"Boston Primary"
Sept.	27	"Cleveland Politics"
Oct.	6	"Screaming Teachers"
Oct.	11	"Hochhuth's 'The Soldiers' "

"The Frank McGee Sunday Report"
(30 minutes, weekly)

Like its Saturday counterpart, this program has instituted news reporting by satellite on a regular basis. From 10 to 16 minutes of every edition is given over to a single subject, as described in the following list:

Jan.	1	"Draft Dodgers"
Jan.	8	"The U.S. and Latin American military governments"
Jan.	22	"Busing in the Boston Schools"
Jan.	29	"A New Panama Canal"
Feb.	5	"Red Power: The Quiet Revolution on our Indian Reservations"
Feb.	12	"Spain's Changing Society"
Feb.	19	"Pacific Air Routes"
Mar.	5	"The French Elections"
Mar.	12	"A Profile of Jim Garrison"
Mar.	19	"Rochester Job Dispute"
Mar.	26	"Vietnam Land Reform"
Apr.	2	"Honolulu Consumer Boycott"
Apr.	9	"Johnson's Latin American Trip: A Preview"
Apr.	16	"The West German Right Wing"
Apr.	23	"Pilgrimage to Mecca"
Apr.	30	"A Profile of Rep. John Conyers"
May	7	"A Profile of Martin Luther King"
May	14	"British Housing"
May	21	"A Profile of Franz-Josef Strauss"
May	28	"Politics in Idaho"
June	4	"Unemployment in Cleveland"
June	18	"The Middle East Crisis"
June	25	"Sweden's Underground Defense System"
July	2	"Haight-Ashbury"
July	9	"The Huks"
July	16	"ARVN"
Aug.	13	"Slavery Around The World"
Aug.	20	"Soka Gakkai"

Aug.	27	"The South Vietnamese Elections"
Sept.	10	"The Korean DMZ Fence"
Nov.	5	"Finland's 50th Anniversary of Independence"
Dec.	24	"Siberia"

"Meet the Press"
(30 minutes, weekly, television and radio)

"Meet the Press," which recently celebrated its 20th anniversary on the NBC Television Network, and its 23rd season on radio, has long been acknowledged as one of television's most authoritative and influential public affairs programs. Normally a thirty-minute program, it expanded to one-hour on six occasions in 1967, and once–in interviewing the members of President Johnson's Crime Commission–to ninety minutes. Following is a complete list of the guests who appeared on "Meet the Press" during 1967.

Special Editions

Jan.	15 (1-hour)	Sen. Charles Percy (R-Ill) Sen. Howard Baker (R-Tenn) Sen. Edward Brooke (R-Mass) Sen. Cliff Hansen (R-Wyo) Sen. Mark Hatfield (R-Ore)
Feb.	12 (1-hour)	William Manchester, author ("Death of a President")
Feb.	19 (1½-hour)	Nicholas Katzenbach, Undersecretary of State Prof. James Vorenberg, Professor of Law at Harvard Thomas Cahill, Chief of Police, San Francisco Whitney Young, Jr., Executive Director of the National Urban League Mrs. Robert Stuart, President, League of Women Voters Herbert Wechsler, Professor of Law at Columbia
Feb.	26 (1-hour)	Sen. Joseph Clark (D-Pa) Sen. Henry Jackson (D-Wash) Sam Brown, National Student Association Dennis Shaul, former President of NSA Robert Amory, Jr., former Deputy Director for Intelligence, CIA
April	2 (1-hour)	George Ball, former Undersecretary of State (Live in color from Paris, London, Washington, D.C., via satellite)
May	28 (1-hour)	Harry Ashmore, Deputy Chairman of Pacem in Terris II Convocation Chester Ronning, sinologist and diplomat Olof Palme, Minister of Communications, Sweden Sen. J.W. Fulbright (D-Ark) Marian Dobrosielski, Counselor to Foreign Minister of Poland

		Prince Jean de Broglie, Member of French National Assembly Sir Geoffrey de Freitas, Member of British Parliament (Live in color via satellite from Geneva, site of Pacem in Terris II Convocation, and Washington, D.C.)
June	18 (1-hour)	Mayor Neal Blaisdell, Honolulu Mayor John Lindsay, NYC Mayor Glenn Hearn, Huntsville, Ala. Mayor Henry Maier, Milwaukee Mayor Louie Welch, Houston Mayor Joseph Barr, Pittsburgh (Taped in Honolulu, site of 1967 Mayors Conference)
Nov.	19 (1-hour)	Ellsworth Bunker, U.S. Ambassador to South Vietnam Gen. William Westmoreland, Commander of U.S. forces in Vietnam

Regular Editions

Jan.	1	Sen. Abraham Ribicoff (D-Conn) Rep. Gerald Ford (R-Mich)
Jan.	8	Rep. Melvin Laird (R-Wis) Sen. J.W. Fulbright (D-Ark)
Jan.	22	Bui Diem, South Vietnamese Ambassador to U.S.
Jan.	29	Sen. William Proximire (D-Wisc) Bill Moyers, publisher of Newsday
Feb.	5	Gen. Earle Wheeler, Chairman, Joint Chiefs of Staff
Feb.	19	David Ben-gurion, former Prime Minister of Israel
Feb.	26	Charles Weltner, Deputy Chairman, Democratic National Committee
March	5	Gen. Anastasio Someza, President of Nicaragua (then President-elect)
March	12	Sargent Shriver, Director, Office of Economic Opportunity
March	19	Sen. Peter Dominick William Attwood, Editor-in-Chief, Cowles Publications
March	26	Dean, Rusk, Secretary of State
April	2	George Wallace, former Governor of Alabama
April	9	Rep. Mendel Rivers (D-SC)
April	16	Gov. Lester Maddox (D-GA)
April	23	C.K. Yen, Vice President and Premier, Republic of China
April	30	Capt. Walter Schirra, astronaut
May	7	Col. Frank Borman, astronaut
May	14	Lt. Col. Thomas Stafford, astronaut
May	21	Cyrus Vance, Deputy Secretary of Defense
May	28	John Galbraith, professor of economics, Harvard, Chairman, ADA
June	4	Harold Holt, (late) Prime Minister of Australia
June	11	Abba Eban, Israeli Foreign Minister
June	25	

July	2	Lord Caradon, permanent representative of United Kingdom to U.N.
July	9	Walt Rostow, special assistant to President Johnson for National Security Affairs
July	16	Roy Wilkins, Executive Secretary, NAACP
July	23	Sen. Albert Gore (D-Tenn)
July	30	Mayor Jerome Cavanagh, Detroit
Aug.	6	Sen. Robert Kennedy (D-NY)
Aug.	13	Dr. Martin Luther King, Jr., President, Southern Christian Leadership Conference
Aug.	20	Chancellor Kurt Kiesinger of Germany
Aug.	27	William Bundy, Assistant Secretary of State
Sept.	3	Harold Howe II, U.S. Commissioner of Education
Sept.	10	Lt. Gen. Nguyen Van Thieu, President of South Vietnam
Sept.	17	Henry Cabot Lodge, Ambassador-at-Large
Sept.	24	Walter Reuther, President, United Auto Workers
Oct.	1	Hans Tabor, Ambassador of Denamrk to U.N.
Oct.	8	Betty Furness, Special Assistant to the President on Consumer Affairs
Oct.	15	Gov. George Romney (R-Mich)
Oct.	22	Sen. Mike Mansfield (D-Mont)
Nov.	5	George Kennan, Institute for Advanced Study, Princeton
Nov.	12	Lt. Gen. James Gavin
Nov.	26	Hubert Humphrey, Vice President of U.S.
Dec.	3	Allard Lowenstein, Co-chairman of National Conference of Concerned Democrats
Dec.	10	Gov. John Love (R-Colo) Gov. John Chafee (R-RI)
Dec.	17	Sen. Fred Harris (D-Okla) Sen. Edward Brooke (R-Mass)
Dec.	24	John Gardner, Secretary of Health, Education and Welfare
Dec.	31	Mayor John Lindsay, New York City

News and Cultural Specials

In this category come three major types of broadcasts. First, there are those specials planned in advance of air date and telecast in time slots set aside on alternate weeks for news: 6:30-7:30 p.m., Sundays, and (as of September 15) 10-11 p.m., Fridays. Second, there are those new specials planned in advance but pre-empting regular entertainment programming. Finally, there are the "instant specials", planned and executed at a moment's notice and telecast on a pre-emptive basis.

Regularly Scheduled Documentaries

Jan. 8, 6:30-7:30 p.m.: "Today in Britain": The first one-hour evening edition of "Today," excerpting features and interviews taped in England during the program's December 1966 visit.

Jan. 22, 6:30-7:30 p.m.: "Thoroughbred": The life of a race horse, from birth to first stake race.

Feb. 5, 6:30-7:30 p.m.: "Bravo Piscasso!": A tribute to Pablo Picasso on his 85th birthday, including guided tours through Picasso exhibitions in Paris and Dallas-Ft. Worth, and the first international art auction held via satellite.

Feb. 19, 6:30-7:30 p.m.: "Indonesia: The Troubled Victory": Last in the three-part series, "The Battle for Asia," examining U.S. involvement in Southeast Asia.
Mar. 19, 6:30-7:30 p.m.: "NBC News Inquiry: Whose Right to Bear Arms?": An examination of the uses, abuses and control of firearms in the U.S.
Apr. 16, 6:30-7:30 p.m.: "The View from Europe:" An examination of the changing European attitudes toward the United States.
Apr. 30, 6:30-7:30 p.m.: "The Pill": A special program on the birth control pill, produced by the "Today" unit.
May 7, 6:30-7:30 p.m.: "Michelangelo: The Last Giant" (Part One): The early years of the great Renaissance genius.
May 21, 6:30-7:30 p.m.: "The Conversation with Averell Harriman": An informal, wide-ranging discussion with the 75-year-old elder statesman.
June 4, 6:30-7:30 p.m.: "Michelangelo: The Last Giant": Part II of a study of Michelangelo's art and life.
June 11, 6:30-7:30 p.m.: "After Civil Rights, Black Power": An examination of the varieties of black power, from moderate to militant.
Aug. 6, 6:30-7:30 p.m.: "The Documentaries of Ted Yates": A tribute to Ted Yates, NBC News producer killed during the Israeli-Arab war.
Sept. 15, 10-11 p.m.: "Summer '67: What We Learned": An examination of the causes and results of Negro rioting in American cities.
Sept. 29, 10-11 p.m.: "American Profile: Our Endangered Wildlife": First of a series of eight "American Profile" specials. An investigation of American birds and animals in danger of extinction and the measures being taken to preserve them.
Oct. 6, 10-11 p.m.: "Raymond Burr Visits Vietnam": A filmed journey with the actor, recording his impressions.
Oct. 20, 10-11 p.m.: "American Profile: Canada Faces the Future": A study of Canada and its mosaic structure.
Oct. 27, 10-11 p.m.: "Justice for All?": An examination of the legal problems encountered by the rural, urban and migrant poor.
Nov. 10, 10-11 p.m.: "Just A Year to Go": A "Huntley-Brinkley Special Report" on the principal Presidential candidates and the issues confronting the nation.
Nov. 17, 10-11 p.m.: "American Profile: The National Gallery of Art": A survey of the great masterpieces housed in the youngest of the world's great public art galleries.
Dec. 1, 10-11 p.m.: "Same Mud, Same Blood": A study of the Negro soldier in Vietnam.
Dec. 8, 10-11 p.m.: "American Profile: The Forgotten Peninsula": A look at Mexico's Baja California with author and naturalist Joseph Wood Krutch.
Dec. 22, 10-11 p.m.: "Alamein: A Monty Memoir": A recollection of the decisive battle of El Alamein, with Field Marshall Bernard Montgomery.

Pre-emptive Specials Planned in Advance

Jan. 5, 7:30-8:30 p.m.*: "Laos: The Forgotten War": Part two of a three-part series, "The Battle for Asia." A documentary look at the ground and air war in Laos.
Jan. 13, 10-11 p.m.: "The Island Called Ellis": A Project XX documentary on American immigration.
Jan. 29, 10-11 p.m.: "The Royal Palaces of Britain": A filmed tour of Britain's six royal palaces, comprising a comprehensive view of the British monarchy from King Henry VIII to Elizabeth II.
Mar. 16, 7:30-8:30 p.m.: "End of the Trail": A Project XX documentary on the life of the Great Plains Indians during the peak period of Westward expansion.
Mar. 27, 10-11 p.m.: "Leningrad": The history of Leningrad from the beginning of the 18th century to the present.
Apr. 5, 10-11 p.m.: "NBC News Inquiry: Crossroads in Space": A study of the origin, development and present status of the national Aeronautics and Space Administration.
Apr. 30, 5-5:30 p.m.: "Law Day, U.S.A.": A discussion of the rise in crime and the possible remedies.
May 8, 10-11 p.m.: "The Pursuit of Pleasure": An exploration of America's new "fun morality".
May 26, 10-11 p.m.: "The American Image": America as seen through the eyes of its artists.

June 7, 9-10 p.m.: "Expo Observed": A tour and critical evaluation of Expo 67, with Edwin Newman.
June 19, 8-9 p.m.: "The JFK Conspiracy: The Case of Jim Garrison": A full report on the legal proceedings and methods of New Orleans District Attorney Jim Garrison.
June 21, 9-10 p.m.: "The Learning Process": An examination of the problems and innovations in American education.
July 3, 9:30-10 p.m.: "American Landmark: Lexington-Concord": A recollection of the events that touched off the American Revolution.
July 5, 9-10 p.m.: "The Loyal Opposition": An analysis of the Republican Party one year before the 1968 nominating convention.
July 11, 11 p.m.-12 midnight; July 31, 8-9 p.m.: "Khruschev in Exile: His Opinions and Revelations": Exclusive films of the former Soviet premier in retirement.
July 15, 8-8:30 p.m.: "Jim Garrison's Response": An appearance by New Orleans District Attorney Jim Garrison to reply to the NBC News Program, "The JFK Conspiracy: The Case of Jim Garrison." Time made available by NBC News; program prepared by Mr. Garrison.
July 19, 9-10 p.m.: "The Aviation Revolution": The problems currently confronting the commercial aviation industry.
July 23, 6-7:30 p.m.: "Israel: Victory or Else . . . ": A study of the six-day Israeli-Arab war.
Aug. 9, 9-10 p.m.: "Siberia: A Day in Irkutsk": A look at life in this part of the Soviet Union.
Aug. 17, 7:30-9:30 p.m.: "An Evening at Tanglewood": A complete Berkshire Festival concert by the Boston Symphony, Erich Leinsdorf conducting.
Nov. 7, 11:30-11:45 p.m.: "Election Night '67": A special report on election results in three American cities where race relations dominated the campaign: Cleveland, Gary and Boston.
Dec. 3, 10-11 p.m.: "America and Americans": A dramatic visualization of the John Steinbeck book.
Dec. 19, 10-11 p.m.: "A Conversation with the President": An informal discussion with correspondents from the three networks.

Instant Specials

Jan. 15, 2-2:30 p.m.: "The China Crisis": An examination of the power struggles within Red China.
Jan. 19, 11:30 p.m.-12:07 a.m.: "State of the Union: A Republican Appraisal": Coverage of Rep. Gerald Ford's speech on defense and domestic issues and Sen. Everett Dirksen's speech on foreign affairs.
Jan. 28, 12:30-1:30 p.m.: "Death of the Astronauts": Films of the three astronauts taken before their tragic death on January 27.
Jan. 30, 8:30-9 p.m.: "The China Crisis": Latest reports on Red China's internal turmoil.
Mar. 14, 8:30-9 p.m.: "Assassination Conspiracy?": A special report on the preliminary hearing called by New Orleans District Attorney Jim Garrison in his investigation of the Kennedy assassination.
Apr. 15, 8-8:30 p.m.: "Manana is Now": A wrap-up report on the Punta Del Este conference attended by President Johnson and Latin American leaders.
Apr. 22, 12:30-1 p.m.: "The Illinois Tornadoes": A special report on the Tornadoes that ripped through Chicago and Northern Illinois on April 21.
May 29, 8-9 p.m.: "World Crisis in the Middle East": A special report on latest developments.
June 4, 4-5:30 p.m.: "The Search for Peace": Taped highlights of speeches and deliverations at the four-day Pacem In Terris convocation held in Geneva, May 28-31.
June 5, 10:06-10:30 p.m.; 11:30 p.m.-12 midnight: "War in the Middle East": A summary of the day's events at the U.N. and in the Middle East. 11:30 p.m.-12 midnight: "The war in the Middle East": A summary of the day's activity in the U.N.
June 23, 9:30-10 p.m.: "Summit Meeting at Glassboro": A summary of the events surrounding the meeting between President Johnson and Premier Kosygin.
July 24, 1-1:21 a.m.: A special report on the riots in Detroit and New York's Spanish Harlem.

July 30, 4:30-5:30 p.m.: "National Day of Prayer": Filmed highlights of church services held across the country.
Dec. 9, 5-5:30 p.m.: "Candlelight and Crossed Swords: The White House Wedding": A special report on the wedding of Lynda Bird Johnson to Capt. Charles Robb.
Dec. 31, 4-5 p.m.: "A Conversation with Dr. Christian Barnard": A discussion by the first physician to perform a human heart transplant operation.

Coverage of Special Events

The Middle East Crisis

May 24 (10:48 a.m.-1 p.m.): Live coverage of the U.N. Security Council emergency session called to discuss the deepening Middle East crisis.
(4-6 p.m.) Continuing live coverage from the U.N.
May 25: Live coverage of U Thant's arrival at Kennedy Airport from Cairo.
May 28 (11:30-11:40 p.m.): Taped highlight's of U.A.R. President Nasser's news conference, transmitted by satellite.
May 29 (3:26-7:14 p.m.): Live coverage from the U.N. of Middle East crisis.
May 30 (3:26–5:30p.m.): Live coverage from the U.N. of Middle East crisis.
May 31 (3:30-6: p.m.): Live coverage from the U.N. of Middle East crisis.
June 2 (4:30-5:04 p.m.): Live color coverage of Prime Minister Harold Wilson's press conference following his four-hour meeting with President Johnson on the Middle East crisis.
June 3 (10:41 a.m.-12 noon): Live coverage from the U.N. of the Middle East crisis; (12:47-1 p.m.): Continuing coverage from the U.N. Security Council; (1:30-2:23 p.m.): Continuing coverage from the U.N. Security Council.
June 5 (9:30-11:32 a.m.): Continuing coverage of developments in the Middle East and the U.N. Security Council deliberations on the Arab-Israeli war, which broke out this morning. (Between 12 noon and 9:20 p.m.): 13 special reports on the Middle East war, totaling 21 minutes.
June 6 (11 a.m.-4 p.m.): Eight bulletin reports on war developments totaling 18 minutes (Bulletin reporting continued throughout crisis.) (7:08-11:30 p.m.): Continuing coverage of U.N. deliberations on the Middle East war.
June 7 (1:10-1:55 p.m.): Continuing coverage of U.N. deliberations on the Middle East war. (2:28-4 p.m.): Continuing coverage of U.N. deliberations on the Middle East war.
June 8 (2:51-5:30 p.m.): Continuing coverage of U.N. deliberations on the Middle East war.
June 9 (12:30-4:30 p.m.): Continuing coverage of U.N. deliberations on the Middle East war. (7:21-11:00 p.m.): Continuing coverage of U.N. deliberations on the Middle East war.
June 10 (4:51-11:14 a.m.): Continuing coverage of U.N. deliberations on the Middle East war. (12 noon-2:53 a.m.): 12 bulletin reports on Middle East crisis.
June 11 (11:40 a.m.-3:18 a.m.): Eight bulletin reports on Middle East war, totaling 50 minutes.
June 13-June 16: Continuing special coverage of Arab-Israeli war.
June 16-June 18: Special coverage of Soviet Premier Kosygin's visit to New York.
June 19 (10:30 a.m.-1:30 p.m.): Continuing coverage of U.N. deliberations on the Middle East war.
June 20 (10:47-12 noon): Continuing coverage of U.N. deliberations on the Middle East war.
June 21 (11 a.m.-12:09 p.m.): Continuing coverage of U.N. deliberations on the Middle East war.
June 22 (11:42 a.m.-12:10 p.m.): Continuing coverage of U.N. deliberations on the Middle East war.
June 26 (3:14-3:43 p.m.): Live coverage of address by King Hussein of Jordan before the U.N. General Assembly. (4:29-5:17 p.m.): Live coverage of address by Israeli Foreign Minister Abba Eban before the U.N. General Assembly.

Presidential Addresses and Press Conferences

Jan. 10 (9:20-11:07 p.m.): Live, color coverage of President Johnson's State of the Union address.
Feb. 2 (3-3:30 p.m.): Live coverage of President Johnson's press conference.
March 9 (3:30-4:04 p.m.): Live, color coverage of President Johnson's news conference.
March 15 (1-1:36 p.m.): Live coverage of President Johnson's address on Vietnam before the Tennessee Legislature.
June 19 (9:30-10:25 a.m.): Live coverage of President Johnson's address on the Middle East crisis before the Foreign Policy Conference.
July 24 (11:55 p.m.-12:06 a.m.): Live coverage of President Johnson's address to the nation regarding the Detroit riots and the dispatching of Federal troops.
July 27 (10:30-11 p.m.): Live, color coverage of President Johnson's White House address on the rioting.
August 18 (3-3:35 p.m.): Live color coverage of President Johnson's news conference.
Sept. 14 (12:47-1:13 p.m.): Live coverage of President Johnson's address on crime before the International Association of Police Chiefs.
Sept. 29 (9:30-10 p.m.): Live coverage of President Johnson's major policy address on Vietnam before the National Legislative Conference in San Antonio.
Nov. 17 (11-11:41 a.m.): Live coverage of President Johnson's press conference.

Space Coverage

January 27 (9:30-10 p.m.): A special report on the death of the three American astronauts, Virgil Grissom, Edward White and Roger Chaffee. (12:30-1 a.m.) A special report on the death of the three American astronauts, Virgil Grissom, Edward White and Roger Chaffee.
January 28 (10:46-11:11 a.m.): Live coverage of the first official news briefing by NASA regarding the death of astronauts.
January 30 (10-10:25 a.m.): Live coverage of ceremonies at Cape Kennedy before the bodies of astronauts Grissom, White and Chaffee were flown to Washington, D.C.
January 31 (9-9:47 a.m.): Live, color coverage of the burial of astronaut Virgil Grissom at Arlington National Cemetery. (3-3:30 p.m.) Filmed and taped segments of the burials of astronauts Grissom and Chaffee at Arlington National Cemetery and astronaut White at West Point.
April 19: Special bulletins and pictures of Surveyor 3's Lunar photographic mission.

Other Special Event Coverage

Jan. 19 (11:30-12:07 a.m.): A Republican appraisal of President Johnson's State of the Union message.
Feb. 9 (9-10:25 a.m.): Live coverage of Secretary of State Dean Rusk's news conference.
Feb. 14 (4-4:11 p.m.): Live coverage, via satellite, of Prime Minister Harold Wilson's television report on his week-long meetings with Soviet Premier Kosygin.
April 10 (10-10:25 a.m.): Live coverage of the White House ceremonies at which President Johnson and government officials welcomed Vice President Humphrey on his return from Europe.
April 15 (5:20-5:30 p.m.): Live and filmed reports of the anti-war march from Central Park, New York, to the United Nations.
April 21: Exclusive live coverage of Svetlana Alliluyeva's arrival in the U.S.
April 24 (2-3 p.m.): Live color coverage of Gen. William Westmoreland's address and news conference at the 67th Annual Associated Press Luncheon, New York.
April 25 (7-10:25 a.m.): Live, film and tape coverage, via satellite, of the funeral of former German Chancellor Konrad Adenauer.
April 26 (2:07-3:01 p.m.): Live, color coverage from the Hotel Plaza, New York, of Svetlana Alliluyeva's press conference.
April 28 (12:30-1:30 p.m.): Live color coverage of Gen. Westmoreland's address before a Joint Session of Congress.

May 13 (6-9:36 a.m.): Live coverage, via satellite, of Pope Paul VI's pilgrimage to the Fatima Shrine. (5:21-5:30 p.m.) A special report on the pro-Vietnam war parade in New York City. (8-8:30 p.m.) A wrap-up report of Pope Paul's Fatima Pilgrimage.
May 27 (11:30 a.m.-12:30 p.m.): Live coverage of the launching of the aircraft carrier "John F. Kennedy."
June 23 (Between 9:51 and 5:25 p.m.): Special coverage of the meeting of President Johnson and Soviet Premier Kosygin at Glassboro, New Jersey. Total time: 1 hr, 26 min.
(3:49-4 p.m.): Coverage of Sen. Thomas Dodd's press conference following his censure by Senate colleagues.
June 25 (12:25-1:44 p.m., 2:45-3 p.m., 6:34-7 p.m., 8-9:30 p.m.): Live coverage of second Glassboro meeting.
June 26 (11:26-11:44 a.m.): Live coverage of Premier Kosygin's departure from Kennedy Airport to Havana.
November 4 (Between 2:43 a.m. and 4 p.m.): 13 special reports on Pope Paul VI, who underwent prostate surgery. Total time: ten minutes.
November 7 (Between 8:20 p.m. and 3:25 a.m.): special reports, totaling 40 minutes, on election night developments across the country.

Drama and Music

In this section are included the presentations of the "Hallmark Hall of Fame," now in its 17th season, and the "Bell Telephone Hour," veteran of 28 broadcasting years, as well as a number of dramatic and musical specials. Not appearing on this list, but wothy of note, are the musical segments of NBC's regular entertainment and variety programs, such as "The Kraft Music Hall" and "The Tonight Show," and productions of topical or special dramatic interest on NBC anthology series like "The Chrysler Theatre" and "The Danny Thomas Hour."

"Hallmark Hall of Fame" (90 minutes/2 hours)

"Abe Lincoln in Illinois": Starring Jason Robards, Jr., and Kate Reid. Robert Hartung adapted Robert E. Sherwood's Pulitzer Prize-winning play.
"Anastasia": Starring Lynn Fontanne (her first appearance in a production without her husband, Alfred Lunt) and Julie Harris. Guy Bolton translated Marcelle Maurette's original drama.
"Soldier in Love": Starring Jean Simmons, Claire Bloom, Keith Mitchell, Basil Rathbone and Roy Poole. An historical drama by Jerome Ross.
"A Bell for Adano": Starring John Forsythe, Murray Hamilton, Vito Scotti and Kathleen Widdoes. A drama by Roger Hirson based on the John Hersey novel and Broadway play by Paul Soborn.
"Saint Joan": Starring Genevieve Bujold, Theodore Bikel, James Daly, Maurice Evans, Leo Genn, Raymond Massey and Roddy McDowall. A two-hour adaptation of the George Bernard Shaw classic.

"Bell Telephone Hour" (60 minutes)

"First Ladies of the Opera": With Birgit Nilsson, Leontyne Price, Joan Sutherland and Renata Tebaldi.
"The Sounds and Sights of San Francisco": With the San Francisco Symphony (Joseph Krips, conductor); Patricia Michaelian, pianist; The San Francisco Ballet; Peggy & Milton Salkind, pianist The San Francisco Opera, and the Jefferson Airplane.
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"An Easter Greeting: Excerpts from Handel's Messiah": Performed by the Mormon Tabernacle Choir.
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Mar. 19, 8:30-10 p.m.: *'Annie Get Your Gun"* A revised version of the 1946 Broadway hit, recently revived at New York's Lincoln Center, starring Ethel Merman as Annie Oakley.
April 8, 9-11 p.m.; Sept. 7 7:30-9'30 p.m.: *"Damn Yankees"* A television adaptation of the Broadway musical comedy, starring Lee Remick, Phil Silvers, Jim Backus, Fran Allison and Ray Middleton.
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"The Questions": A first drama by novelist John Hawkes.
"We Interrupt This Season": An irreverent lampoon of television, in sketches, music and dance.
"A Young American in Paris": A fictional documentary produced by George Vicas.

May 13 (6-9:36 a.m.): Live coverage, via satellite, of Pope Paul VI's pilgrimage to the Fatima Shrine. (5:21-5:30 p.m.) A special report on the pro-Vietnam war parade in New York City. (8-8:30 p.m.) A wrap-up report of Pope Paul's Fatima Pilgrimage.

May 27 (11:30 a.m.-12:30 p.m.): Live coverage of the launching of the aircraft carrier "John F. Kennedy."

June 23 (Between 9:51 and 5:25 p.m.): Special coverage of the meeting of President Johnson and Soviet Premier Kosygin at Glassboro, New Jersey. Total time: 1 hr, 26 min.

(3:49-4 p.m.): Coverage of Sen. Thomas Dodd's press conference following his censure by Senate colleagues.

June 25 (12:25-1:44 p.m., 2:45-3 p.m., 6:34-7 p.m., 8-9:30 p.m.): Live coverage of second Glassboro meeting.

June 26 (11:26-11:44 a.m.): Live coverage of Premier Kosygin's departure from Kennedy Airport to Havana.

November 4 (Between 2:43 a.m. and 4 p.m.): 13 special reports on Pope Paul VI, who underwent prostate surgery. Total time: ten minutes.

November 7 (Between 8:20 p.m. and 3:25 a.m.): special reports, totaling 40 minutes, on election night developments across the country.

Drama and Music

In this section are included the presentations of the "Hallmark Hall of Fame," now in its 17th season, and the "Bell Telephone Hour," veteran of 28 broadcasting years, as well as a number of dramatic and musical specials. Not appearing on this list, but wothy of note, are the musical segments of NBC's regular entertainment and variety programs, such as "The Kraft Music Hall" and "The Tonight Show," and productions of topical or special dramatic interest on NBC anthology series like "The Chrysler Theatre" and "The Danny Thomas Hour."

"Hallmark Hall of Fame" (90 minutes/2 hours)

"Abe Lincoln in Illinois": Starring Jason Robards, Jr., and Kate Reid. Robert Hartung adapted Robert E. Sherwood's Pulitzer Prize-winning play.

"Anastasia": Starring Lynn Fontanne (her first appearance in a production without her husband, Alfred Lunt) and Julie Harris. Guy Bolton translated Marcelle Maurette's original drama.

"Soldier in Love": Starring Jean Simmons, Claire Bloom, Keith Mitchell, Basil Rathbone and Roy Poole. An historical drama by Jerome Ross.

"A Bell for Adano": Starring John Forsythe, Murray Hamilton, Vito Scotti and Kathleen Widdoes. A drama by Roger Hirson based on the John Hersey novel and Broadway play by Paul Soborn.

"Saint Joan": Starring Genevieve Bujold, Theodore Bikel, James Daly, Maurice Evans, Leo Genn, Raymond Massey and Roddy McDowall. A two-hour adaptation of the George Bernard Shaw classic.

"Bell Telephone Hour" (60 minutes)

"First Ladies of the Opera": With Birgit Nilsson, Leontyne Price, Joan Sutherland and Renata Tebaldi.

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"We Interrupt This Season": An irreverent lampoon of television, in sketches, music and dance.

"A Young American in Paris": A fictional documentary produced by George Vicas.

"Movies in the Now Generation": An examination of films being produced and directed by student film makers around the world.

"NBC Children's Theatre" (60 minutes)

A regular presentation of the NBC News Public Affairs Department, "NBC Children's Theatre" presented the following specials in 1967:

"Rabbit Hill": A color dramatization of Robert Lawson's prize-winning children's book, described and filmed from the point of view of the live animal protagonists.

"A Boston Pops Concert for Children": Arthur Fiedler conducting the Boston Pops Orchestra in selections from Saint-Saens' "Carnival of the Animals" and Benjamin Britten's "Young Person's Guide to the Orchestra."

"Animal Secrets" (30 minutes)

Dr. Loren C. Eisley, Professor of Anthropology and the History of Science at the University of Pennsylvania, hosts this series, currently telecast early Sunday evenings. In 1967, "Animal Secrets" provided school children, their parents and their teachers with eleven different close-up views of the world of living creatures. The programs (all of which were repeated at least once):

"The Mind of Man": An examination of the human brain, its differences from the brains of lower animals, its development in the individual, its achievements over the course of human history.

"Care of the Young": An examination of how animals tend their young, contrasting the prolonged dependency of the human with the shorter infancy of the lower animals.

"The Rhythm of the Universe": An exploration of the various mechanisms by which different animals and plants "know" what time of day or night it is.

"Search to Survive": A study of biological adaptations and evolution (from the origin of life to man).

"Life on Other Planets": A survey of the kinds of living things we are searching for on other planets and conditions elsewhere in our solar system that might support life as we know it.

"To Live on the Land": The adaptations required of animals who evolved from sea creatures to land creatures.

"The Primates": A study of monkeys, apes and baboons, and what their behavior reveals about human behavior.

"Ecology": An exploration of the relationship of organisms with each other and with their environment.

"Biological Clocks": The rhythms of organic life.

"Mind and Hand" The evolution of the human brain and hands.

"Levels of Learning": An exploration of the learning process: how it takes place, its limitations, species differences.

"Mutual of Omaha's Wild Kingdom" (30 minutes, weekly)

This well-known series, which recently began its sixth season on the NBC Television Network, explores the remaining wildernesses of our world, imparting lessons in conservation as well as animal behavior. Marlin Perkins, Director of the St. Louis Zoological Gardens, is host, assisted by Jim Fowler, International explorer-naturalist. The 1967 expeditions:

"Land of the Falcon": A visit to Wyoming in search of eagles and falcons.

"Adelie of Antarctica": The life cycle of the penguin.

"Bears of the High Country": A journey to Montana & Wyoming.

"Bundu Rescue": An expedition to Rhodesia.

"Winter Comes to Yellowstone": A look at the wildlife of Yellowstone National Park—roaming free, uninhibited by tourists.

"Raccoon Valley": A trip to Utah to film a mother raccoon and her three youngsters.

"Where the Crocodile is King": A journey to the Lundi River and Chipinda pools of Rhodesia.

"Chacma Country" (Part I): The "dog-faced baboon" in his natural environment—the Cape of Good Hope Nature Reserve.

"El Tigre": The tracking of a jaguar in Mexico.

"Survival of the Wild": A look at conservation programs in Rhodesia, South Africa and the Gulf of California.

"Expedition Geronimo: Sharks, seals and an octupus in the Pacific.

"Tale of the Fox": A trip to Wisconsin to observe a vixen fox and her three pups.

"Swampwater Safari": An exploration of the Everglades to investigate seasonal drought and flood conditions.

"Exploring Jaguar Country": A follow-up to the jaguar hunt shown in "El Tigre."

"The Smithsonian" (30 minutes)

An educational series for young people, "The Smithsonian" drew upon the vast resources of the Smithsonian Institution and originated from its museums or research centers. The programs (all of which were re-broadcast at least once):

"The Secret of Life": An examination of how scientists of the Smithsonian's Biology Laboratory study the effect of sunlight on living things.

"American Folk Art": Folk art, as shown in paintings, carvings and sewing by self-taught artists and artisans.

"A Million Years of Man": The science of physical anthropology.

"Catlin and the Indians": A look at the life and work of George Catlin, the American artist who dedicated his life to painting American Indians.

"Expedition": The globe-trotting activities of Smithsonian scientists. Places visited: Nepal (to collect birds), Mexico (to study Aztec ruins), the Bering Sea (to study Eskimo art).

"The Systematic Scientist": Taxonomy—the science of biological classification.

"The Flight of the Spirit of St. Louis and Friendship 7": A contrast between two historic flights.

"Dem Dry Bones": The science of osteology and the use of bones in reconstructing natural history.

"The World Around Us": A program on ecology, the science of organic interrelationships.

"I Pledge Allegiance": An examination of the American traditions of free speech and the questions of loyalty and allegiance.

"Our Vanishing Lands": An illustration of the changes in the American landscape over the past century, with emphasis on the urgent need for conservation.

"The Sky Is Falling": The origin and composition of meteorites and their application to space research.

"G-E College Bowl" (30 minutes, weekly)

This intercollegiate question-and answer contest, which began its 10th season on television this past fall, played host to 37 colleges and universities during 1967. Three schools succeeded in winning five contests in a row and were therefore retired as undefeated College Bowl champions: the University of Texas, the University of Colorado and Barnard College.

Religious Programs

The NBC Television Religious Program, during a 52-week annual schedule (Sundays, 1:30-2 p.m. NYT) is on view 24 times as "Frontiers of Faith" (in cooperation with the National Council of Churches) 16 times as "The Catholic Hour" (with the National Council of Catholic Men), eight times as "The Eternal Light" (with the Jewish Theological Seminary of America), twice as "The Southern Baptist Hour" (with the Southern Baptist Convention), once as "I Believe" (with the Lutheran Church-Missouri Synod), and once as "Faith and the Bible" (with the American Council of Christian Churches). In addition, the NBC Television Religious Program unit produces ten specials

every year, usually an hour long, all in color, and telecast outside the regular weekly time period.

Jan. 1: "Of Bricks, Shovels and Words" (Southern Baptist Hour)
Jan. 8-Jan. 28: "The Church and War": A four-part series tracing the development of Christian thought on peace and war (The Catholic Hour).
Feb. 5-Feb. 26: "The Church and Society": A four-part series on developing nations, technology, international order, political power and freedom (Frontiers of Faith).
March 5-March 25: "The Holy Seasons": A four-part series on the liturgical customs that have developed around Passover/Easter and Shevuous/Pentecost (Frontiers of Faith).
April 2-April 23: "The Church: Yesterday, Today and Tomorrow": A four-part series on schism and ecumenicism in the Church, from the period of the Reformation to the present day (Frontiers of Faith).
April 30: "The Crisis in Christian Communications": A program on missionary religion (Southern Baptist Hour).
May 7-May 28: "The Struggle": A four-part series of dramatic presentations drawn from the writings of such authors as Elie Wiesel, Samuel Beckett, Arthur Koestler, Martin Buber, Albert Camus and Teilhard de Chardin (The Catholic Hour).
June 4-July 23: "The Church and the Ages of Man": An eight-part sociological study of the generations (Frontiers of Faith).
July 30: "Faith and the Bible": The annual presentation of the American Council of Christian Churches.
Aug. 6-Aug. 27: "Christians and the World": A four-part series of interviews and panel discussions taped in various European locations (The Catholic Hour).
Sept. 3-Sept. 24: "An Interview With . . . ": A four-part interview series. Guests: the Archbishop of Canterbury, Dr. Eugene Carson Blake, Archbishop George Hakin, Robert McAfee Brown (Frontiers of Faith).
Oct. 1: "I Believe": The annual presentation of the Lutheran Church Missouri Synod.
Oct. 15-Oct. 29: "No Intermission," "Many Roads to Damascus," "The Sisters": Three original dramas concerning the church in transition (The Catholic Hour).
Nov. 5-Dec. 24: An eight-week series (The Eternal Light). The programs: "Expo 67 Pavilion of Judaism: A View of the Ages" (documentary) "The Book and the Window" (drama based on the life of Israel Friedlander) "A Conversation with Sol Linowitz" "The Labor of Thy Hands" (dramatic readings from Bible) "Life and Livelihood in the Bible" (discussion "The Power of the Tongue" (dramatic tribute to Eliezer Ben-Yehudah) "The World of Rembrandt") cultural documentary—"The Legacy of Anne Frank" (documentary film).
Dec. 31: "Zarethan": An archeological study of Tel es Sa'ideyeh in the Jordan Valley, believed to be the site of Biblical city of Zarethan (Southern Baptist Hour).

Specials

Jan. 22: "A Bad Day for the Marchers": A drama of political conflict within a seminary (The Catholic Hour).
Mar. 12: "The Vine": The life of Christ, recreated at ancient sites in the Holy Land, with people of the area portraying the Lord and His disciples (Southern Baptist Hour).
April 23: "The Law and the Prophets": Marvels of the Old Testament told through masterpieces of religious art. Third in the Project XX trilogy.
April 23: "How Far Away, How Long Ago": A drama based on a story by 1966 Nobel Prize winner S. Y. Agnon (Eternal Light).
Sept. 18: Special observance of Rosh Hashanah and Yom Kippur (Eternal Light).
Oct. 1: "The Temptation of Reb Yisroel": A drama by Morton Wishengrad, in observance of High Holy Days (Eternal Light).
Dec. 24: "The Unvanquished": A drama by Joseph Mindel recreating the events at the Citadel of Masada in 73 A.D. (Eternal Light).

CBS Letter of Responses

Columbia Broadcasting System, Inc.,
December 27, 1968.

The Honorable Milton S. Eisenhower
12 Bishops Road
Baltimore, Maryland 21218

Dear Dr. Eisenhower: Several times during our appearance before the National Commission on the Causes and Prevention of Violence, references were made to a study of the television audience which CBS caused to be made. This study was proposed in a talk I made before the National Association of Radio and Television Broadcasters in 1955.

Five years elapsed before interviewers went into the field. Part of the time was spent in trying to identify and interest the directors of the study; part of the time was devoted to the design of the study and the pretest of the extensive interview schedules.

The volume which accompanies this note, "The People Look At Television," was published officially on February 25, 1963, by Alfred A. Knopf and reports the results of this two-year study. I will not attempt to give you any highlights; the book speaks for itself. The technique and questionnaire as well as Dr. Steiner's analyses are all set out in his report.

Four points about the study may be of interest:

1. "The average interview lasted about two hours, . . . " (p. 9)

2. "The field work was conducted by two organizations: The National Opinion Research Center at the University of Chicago and Elmo Roper and Associates. Each was to provide an independently selected and administered national sample of 1250." (p. 7)

3. The planning, analysis and reporting were conducted under the supervision of the Bureau of Applied Social Research, Columbia University, Dr. Bernard Berelson, Director. The late Gary A. Steiner, of the University of Chicago, directed the study and prepared the report.

4. The cost to CBS of underwriting the study and publication was in excess of $200,000.

I believe you will find it worth your time. With all good wishes.

Sincerely,

Frank Stanton, *President.*

January 6, 1969,

Dr. Frank Stanton
President
Columbia Broadcasting Systems, Inc.
51 W. 52nd Street
New York, New York 10019

Dear Dr. Stanton: Please accept the thanks of the Commission and the Media Task Force staff for appearing before the Commission on December 20th. It was very useful for the Commission to have the opportunity to discuss with you their many concerns with respect to network television practices.

During the course of the hearings the Commissioners raised a number of questions to which you or Mr. Salant agreed to provide written responses. They include the following:

1. At page 115 you agreed to provide information on how much money has been spent by CBS for research on the possible effects of violent portrayals of viewers. Breakdowns by year would be most useful. Dr. Menninger requested that this be related to the total CBS network budget. You agreed to provide it in terms of total published figures. Judge Higginbotham suggested it would be adequate for purposes of this request to give as detailed an answer as you can, leaving the Commission free to pursue whatever remedies were appropriate if the information was not adequate.

2. On page 120 Ambassador Harris inquired whether your reluctance to permit surveillance of your news functions would extend to non-governmental, non-legislative bodies. On page 121 you stated that you don't see how it would be done but would supply an answer to the question. If you conclude that surveillance of your news functions by such an organization would be acceptable it would be helpful for you to indicate the kinds of inquiries it might be authorized to make, e.g., determination of whether particular stories were covered "accurately" or in a "balanced" way, whether traditional news values as employed by network personnel result in format which tends to heighten anxiety levels, staged events, guidelines for covering civil disorders, police-press relations, values of newsmen which determine which stories are "significant." It would also be useful to know what kind of information you think such an organization might legitimately request from the networks, e.g., scripts of past news programs and documentaries, films of broadcast programs, take-outs.

3. On page 143 you agreed to supply a statement of your response to the proposals made by Dr. Larson and Commissioner Johnson for a media institute. Although you may not have a copy of Dr. Larson's testimony, Commissioner Johnson's proposal encompasses all that Dr. Larson suggests and accordingly it would be adequate if you reply to Commissioner Johnson's proposal.

4. On pages 176-177 you agreed to supply figures on the amount of money spent by supporters of Messrs. Nixon, Humphrey, and Wallace for broadcast time on CBS during the campaign. Congressman Boggs made it clear that he would like the expenditures by all the various committees backing these candidates.

5. On pages 192-195 there was a colloquy during which you agreed or volunteered to supply the following information: (1) The number of minutes and number of times between August 15 and August 27 that CBS broadcast statements or activities on a nationwide news program of David Dellinger, Jerry Rubin, Abby Hoffman, Rennie Davis, Tom Hayden and Paul Creswell; (2) The number of hours during the convention which CBS devoted to covering the convention proceedings and the number of minutes which were devoted to broadcasting the demonstrations outside the convention; (3) The number of times which other personalities (your term) appeared between August 15 and August 27 and the number of minutes devoted to each. In accordance with Judge Higginbotham's statement on page 195 you should, of course, feel free to supply any additional information which you regard as necessary to provide perspective.

6. On page 199-200 Judge Higginbotham raises the question of the Kerner Commission's recommendation for an urban communications institute. You responded that you were not wholly in sympathy with that particular proposal, but did feel that it was incumbent upon the industry to "either go in that direction or find something we think is superior to that p[illegible]." You agreed to provide a "carefully written, thoughtful response as to these precise recommendations, what you assess their deficiency to be and what you think would be the better alternatives."

7. On pages 206-207 Judge Higginbotham requests that you respond to the

National Association for Better Broadcasting document dated November 7, 1968. A copy of that document is enclosed.

8. In addition you may wish to respond to the enclosed memorandum and respond to the points raised therein.

In addition there are two points in the record which deserve clarification. At page 115 you refer to two industry committees in which CBS participates. The first is described as involving people from HEW and the second as involving the head of the Communications Department at Boston University. Could you provide us with the name and chief executive officer of these two committees? On pages 191-192 you refer to a study of 20 Walter Cronkite broadcasts during the month of November in which it was found that only 9.9% of the stories related to violence in any way. Could we have copies of the supporting materials for this study, particularly the definition of violence?

In addition, I hope that CBS will feel free to make any additional submissions to the Commission which they feel would clarify questions raised during the hearings or on other matters which you deem relevant to our inquiry. Mr. Evans has a copy of the outline of the scope of our inquiry which has not changed in any significant way since it was submitted to him.

Your response will be sent to the Commissioners and be made a permanent part of the record of this Commission. Thank you.

Very truly yours,

Robert K. Baker.
Co-director, Media Task Force

Columbia Broadcasting System, Inc.
February 3, 1969.

Robert K. Baker, Esquire
National Commission on the Causes
and Prevention of Violence
726 Jackson Place, N.W.
Washington, D.C. 20506

Dear Mr. Baker: In your January 6 letter you requested responses to certain questions addressed to Dr. Stanton and Mr. Salant during their recent appearance before the National Commission on the Causes and Prevention of Violence. While we are still in the process of preparing our responses to a number of the questions raised, set forth below is our response to paragraphs 4 and 5 of your letter as well as the matter raised on page 3 of your letter concerning Mr. Salant's testimony on the percentage of violent stories broadcast on "The CBS Evening News With Walter Cronkite."

1. In response to paragraph 4 of your letter, during the 1968 general election campaign, our most current records reveal the following total expenditures on behalf of President Nixon, former Vice President Humphrey and Mr. Wallace by all committees on the CBS Owned radio and television stations and the CBS radio and television networks:

Humphrey: $1,084,608; *Nixon:* $2,241,287; *Wallace:* $310,105

2. With respect to paragraph 5 of your letter, please see the attached Schedule A which sets forth the relevant information regarding this three-part question.

3. In connection with Mr. Salant's testimony concerning a review of "The CBS Evening News With Walter Cronkite" to determine the percentage of news stories involving violence over a four-week period commencing November 18, 1968, you asked how we defined "violence" for this survey. In tabulating "violent" news stories, we sought to include news stories involving military conflict, racial violence and

demonstrations, or which were directly related in time to a crime or violent incident. Enclosed for your information is a list of stories selected from the Cronkite transcripts as possibly relating to violence which Mr. Salant utilized in reaching the percentage in question. Those stories which bear a checkmark were counted as violent by Mr. Salant; the others were excluded by him. As you will note from the right-hand corner of the list in question, Mr. Salant's estimate of 9.9% is based on a tabulation of 43:30 minutes for stories related to violence out of a total of 445 minutes of total news time on 20 Cronkite broadcasts (excluding commercials and other non-news material). Upon our retabulating this material, it would appear that the actual percentage of stories relating to violence is approximately 9.3%, based on a total of 42:35 minutes of stories relating to violence out of a more accurate total of approximately 460 minutes of total news stories for this period.

We will send you the remaining material as soon as possible.

Very truly yours,

Robert V. Evans,
Vice President and General Counsel.

Schedule A

Set forth below is an alphabetical list of the names of persons who appeared on the weeknight evening series "The CBS Evening News With Walter Cronkite" during the period August 15 to August 23, 1968* to discuss the Democratic National Convention and the various protest movements relating to the Convention. Included is the date and a short description of each appearance and the time of each appearance. If an individual appeared more than once, the appearances are listed separately. An asterisk appears next to the names of persons listed in paragraph 5 of Mr. Baker's January 6, 1969 letter.

Name	*Date*	*Description of Appearances*	*Time*
John Bailey	8/15	Discussed Convention arrangements	31 seconds
Representative Hale Boggs	8/21	Discussed Soviet invasion of Czechoslovakia	39 seconds
	8/22	Presiding at Platform Committee hearing	2 seconds
Daniel Brink	8/20	Discussed the composition of the Washington delegation before the Credentials Committee	35 seconds
Mrs. Betty Bullard	8/21	Discussed Credentials Committee decision on Mississippi delegation	22 seconds
Representative Hugh Carey	8/16	Discussed citizen meeting concerning proposals for Democratic platform	17 seconds
Hodding Carter III	8/19	Discussed the composition of the Mississippi delegation before the Credentials Committee	22 seconds
Charles Clark	8/19	Discussed the composition of the Mississippi delegation	42 seconds

		before the Credentials Committee	
Governor Connally . . .	8/22	Appeared before Democratic Platform Committee to discuss Vietnam	1 minute, 28 sec.
John Criswell	8/15	Democratic Convention Executive Director—discussed Convention arrangements	25 seconds
Mayor Richard Daley . .	8/16	Discussed President Johnson's record	1 minute, 27 sec.
	8/22	Discussed the diverse views of groups coming to Chicago	44 seconds
*Rennie Davis	8/20	Discussed security arrangements in Chicago	34 seconds
	8/22	Discussed use of Soldier's Field by demonstrators	17 seconds
Will Davis	8/21	Discussed composition of Texas delegation pending before the Credentials Committee	28 seconds
Brigadier General Richard Dunn	8/23	Discussed National Guard's preparation for handling demonstrations	40 seconds
Frank Erwin	8/23	Appeared before the Rules Committee to discuss the unit rule	1 minute, 3 sec.
Charles Evers	8/19	Discussed the composition of the Mississippi delegation before the Credentials Committee	33 seconds
Senator William Fulbright	8/20	Appeared before Platform Committee hearing	17 seconds
Richard Goodwin	8/19	Discussed Vietnam platform plank	31 seconds
Curtis Graves	8/21	Discussed Credentials Committee decision involving Mississippi delegation	40 seconds
Roger Hilsman	8/16	Testified on Vietnam issue at citizen meeting to discuss proposals for Democratic platform	29 seconds
	8/19	Discussed Vietnam plank before Platform Committee	17 seconds

*Abbie Hoffman	8/22	Discussed Yippie movement	26 seconds
Vice President Hubert Humphrey	8/15	Campaigned in New Jersey	1 minute, 25 sec.
	8/19	Excerpt from speech closing nomination bid	2 minutes, 3 sec.
Senator Edward Kennedy	8/21	Discussed Vietnam policy	2 minutes, 23 sec.
Carl Maxey	8/20	Discussed the composition of the Washington delegation before the Credentials Committee	34 seconds
Senator Eugene McCarthy	8/16	Speech before political rally	55 seconds
Thomas McCarthy	8/20	Discussed the composition of the Washington delegation before the Credentials Committee	49 seconds
Senator George McGovern	8/20	Discussed Vietnam plank before Platform Committee	51 seconds
Steven Mitchell	8/15	Discussed Convention arrangements	50 seconds
Senator Walter Mondale	8/15	Discussed Vice President Humphrey's record on human rights	55 seconds
Senator Edmund Muskie	8/19	Discussed Vietnam plank before Platform Committee	1 min, 9 sec.
Joseph Rauh	8/15	Discussed Vice President Humphrey's position on Georgia delegation	32 seconds
Mrs. Beulah Sanders	8/22	An angry welfare recipient appeared before Democratic Platform Committee	48 seconds
Theodore Sorensen	8/20	Discussed Vice President Humphrey's position on Vietnam	29 seconds
Unidentified witnesses	8/16	Testified at citizen meeting to discuss proposals for Democratic Platform	1 minute, 17 sec.
Unidentified demonstrators	8/20	Shown practicing for demonstrations in connection with the forthcoming convention	42 seconds

CBS NEWS WASH

CBS NEWS NY
URGENT DELIVERY IMMED

ATTN–JIM SNYDER
FROM–SOCOLOW
PLS CALL SOCOLOW RE DISPOSITION OF TIXXX THIS LIST.

THE EVENOXXX EVENING NEWS WITH WALTER CRONKITE NOV 18
NOV 18–68 NEAR TUNG BUC, SVNM. THRELKELD ON SGT. PETE SMITHS SPECIAL FORCES UNIT WITH SMITH. VTR *2.25*
NOV. 20 WASH.–HERMAN ON FAMILY VISITING ROBERT KENNEDYS GRAVE WITH DR. TRAVEL INTERVIEWED. WASH. 2.15
NOV 20 NEAR CAMBODIAN BORDER–WEBSTER ON FIRST AIR CAVALRY IN ACTION WITH OFFICER INTERVIEWED. VTR *2.35*
NOV 21 SAN FRAN.–PAT OBRIEN (KPIX) ON RACIAL VIOLENCE AT SAN FRAN. STATE' VTR *1.05*
NOV 22 SAN FRAN.–DRINKWATER ON PLANE CRASH WITH SURVIVORS INTERVIEWED. VTR *2.48*
NOV 22 JERUSALEM–CRONKITE VO FILM OF TERRORIST EXPLOSION WHICH KILLED ELEVEN. VTR *1.27*
NOV 22 ARLINGTON CEMETERY–HART ON SENATOR TED KENNEDY AND OTHERS VISIT KENNEDY GRAVES. 1.05 WASH.
NOV–22 DALLAS–RUDD ON DALLAS FIVE YEARS LATER WITH PRINCIPAL FIGURES INTERVIEWED VTR 5.05
NOV 25 NEW ORLEANS–LARRY MAISEL (WWL-TV) ON SAFE RECOVERY OF KIDNAPPED GIRL WITH BRENDAS MOTHER. VTR *1.25*
NOV 25 PHUONGLUK, SVNAM–THRELKELD ON SVNAMESE SWEEP INTO FORMERLY FORBIDDEN TERRITORY WITH U S OFFICER INTERVIEWED. VTR 3.20
NOV 26 LONG BINH–ROMSON ON VULCAN SUPER GATTLING–GUN. VTR *1.35*
NOV 26 NO. VIETNAM–COLLINGWOOD NARRATES ROGER PIC FILM OF NORTH VIETNAM AXXXPANHANDLE. VTR 5.52 PART 1
NOV 27 NEAR CAMBODIAN BORDER–SYVERTSEN ON ALLIED ASSAULT ON ENEMY MOUNTAIN STRONGHOLD WITH US OFFICER SEEN AND HEARD. VTR *2.58*
NOV 29 NORTH VIETNAM–COLLINGWOOD NARRATES ROGER PIC FILM OF BRIDGE DAMAGE IN NVN PANHANDLE. VTR 2.40 PART 2
DEC. 2 1968 BROOKLYN–CRONKITE VO FILM OF POLICE VS. DEMONSTRATORS AT JHS 271 *VTR .28 SECONDS*.
DEC 2 SAN FRAN.–STOUT ON REOPENING OF SAN FRAN. STATE COLLEGE WITH DR. HAYAKAWA AND DEMONSTRATORS SEEN AND HEARD. VTR *2.05*
DEC 3 SAN FRAN–STOUT ON WORST RIOTING YET AT SAN FRAN. STATE WITH PARTICIPANTS SEEN AND HEARD. VTR *2.05*
DEC 3 NEAR CAMBODIAN BORDER–WEBSTER ON FIRST AIR CAVELRY SWEEK WITH GI SEEN AND HEARD. VTR *2.30*
DEC 3 NORTH VIETNAM–COLLINGWOOD NARRATES ROGER PIC FILM, PART 3 VTR 2.57
DEC 4 NEAR DMZ–SARGENT REPORTS ON SPOTTER PLANE HELPING NEW JERSEY BOMB ENEMY TARGETS WITH SPOTTER PILOTS INTERVIEWED' VTR *3.47*
DEC 5 SAN FRAN.–STOUT ON RENEWED TROUBLE AT S F STATE WITH HAY KAWA AND REBEL LEADER SEEN AND HEARD. VTR *3.05*
DEC 6 DRINKWATER ON CONGRESSIONS FAILING TO EASE TENSION AT S F STATE WITH HAYAKAWA AND PROFESSOR MCCLATHHY. VTR *1.58*1.25
DEC 11 SAN FRAN.–LAURENCE ON CONTINUING TROUBLE AT S F STATE CONFRONTATION SEEN AND HEARD. VTR *1.42*
DEC 12 MIAMI–DEAN ON LATEST HIJACK VICTIMS BACK FROM HAVANA WITH STEWARDESS, PILOT SALEMAN AND TEX RITTER INTERVIEWED. VTR *3.05*

DEC 13 DMZ FIRE BASE–WEBSTER ON ARTILLERY DUELLING IN WESTERN DMZ WITH LT WILLIAMSON AND GENERAL DAVIS. VTR *4.07*
END IT ACKN
OK YOUR BELL WORKS FINE

YES ILL TEL THAT TO MR SALANT TKU

Columbia Broadcasting System, Inc.,
March 22, 1969.

Mr. Robert K. Baker
Co-Director, Media Task Force
National Commission on the Causes
and Prevention of Violence
726 Jackson Place, N. W.
Washington, D.C. 10506

Dear Mr. Baker: You have asked for my views on a number of proposals to review and criticize the operation and impact of the mass media–proposals which share the hope of discovering, if they can, the best paths for those media to travel. That objective is common with our own.

Review and criticism–of public problems and policies–are, of course, the duty of the media themselves. The high value we in America place on these activities, and on factual reporting and social comment, is reflected in their protection from government interference by the First Amendment. The question raised by the oversight proposals now before the National Commission on the Causes and Prevention of Violence is whether they would impede or advance the media in those roles.

This letter examines the recommendations for a Media Institute (suggested by Commissioner Nicholas C. Johnson of the Federal Communications Commission) and an Institute of Urban Communications (proposed by the Kerner Commission, the National Advisory Commission on Civil Disorders). It also discusses the comments on media oversight made before your Commission by Dr. Otto N. Larson of the University of Washington and by Ambassador Patricia Harris.

Commissioner Johnson's plan for a Media Institute is at once the most limited and most ambitious of the oversight proposals under discussion. The jurisdiction of the Institute would be limited to broadcasting but, as the Commissioner has observed, it would carry on "a formidable array of functions." It would review and judge the program content, economic structure and operations of broadcasting, and it would conduct a wide variety of action programs to carry out its policies and recommendations.

Commissioner Johnson has said that the Media Institute "ought to be completely free from any government or industry influence" and have "no regulatory authority" of its own. Yet it might, in his concept, make partial use of government and industry funds, and it clearly would make use of governmental power. Via the established regulatory agencies, the Institute would have special access to privileged information about broadcasters. It "should be authorized to appear" as a special advocate before the Congress, the FCC, state and local fair employment practices commissions, the Equal Employment Opportunity Commission and other regulatory agencies. By way of "rendering its judgment" on "the overall performance" of broadcasting, it would make an annual report to the public, the President and the Congress. The Media Institute would use these powers to pressure radio and television stations into adhering to specific "standards of public interest programming," deciding which subjects "merit" special attention and what air time should be devoted to each.

Unlike the Media Institute, the Institute on Urban Communications (IUC) proposed by the Kerner Commission would be funded only by private sources. And whereas the Media Institute would focus exclusively on broadcasting, the Institute on Urban

Communications would examine all the media–praising and criticizing their treatment of riots and racial issues. In addition, the IUC would fight employment discrimination in the communications industry; it would educate and place Negro journalists, and it would promote urban affairs education for all journalists.

The suggestion of Dr. Larson is for an institute which would perform "continuing systematic objective comparative surveillance of mass media contents." You have suggested that Dr. Larson's recommendations are encompassed by Commissioner Johnson's, and that I might cover the former in commenting on the latter. In fact, there is a world of difference between the two. Dr. Larson takes the position that "much as we may come to dislike mass media violence, we may abhor censorship in any form even more." He avoids assumptions about what new research will show. He is not committed to any particular action program. He recognizes that the problems of violence go beyond the broadcast band. Whereas Commissioner Johnson is interested in surveillance of radio and television alone, Dr. Larson proposes to evaluate the performance and impact of all the media–and to prevent "a cycle of passion in response to these things."

How would these various forms of oversight influence the quantity and quality of public criticism? The answer goes to the role of the journalist in America. Traditionally, good reporters perform their work without reference to its impact on public policy. Their role is valued not because they are committed to particular policies or issues, but because they are not. They are free agents.

The Media Institute proposal of Commissioner Johnson is out of line with this tradition. The Commissioner suggests that "we presently have very little in the way of 'social indicators' for evaluating news and public affairs programming and its impact," and that the Institute "could particularize standards of public interest programming." Under this plan, a private agency with special standing before the government would pass on broadcast news and public affairs judgments. The Institute "could develop guidelines for identifying those social, economic or political issues which merit surveillance by the media, as well as guidelines for the quantity and quality of time to be given significant controversial issues." Journalists, in short, would be told what issues to cover and how.

In an important respect, Commissioner Johnson's plan resembles an earlier oversight proposal cited in his own. More than 20 years ago, the Commission on the Freedom of the Press chaired by Robert Hutchins recommended a "new and independent agency" which, unlike the Johnson Institute, would have had no formal links with the government. But, like the Media Institute, it would have served as a vehicle for promoting particular public policies. The agency advocated by the Hutchins group was to reflect "the ambitions of the American people for its press . . . for the purpose of comparing the accomplishments of the press with the aspirations which the people have for it."

The Hutchins proposal confused the "ambitions" and "aspirations" of the public with the responsibilities of the media. Similarly, Commissioner Johnson's plan would impose the policy-maker's obligations on the journalists's. His Institute would have formal relations with the makers of government policy–the Congress and the President. I cannot help wonder whether it would stimulate news coverage favoring policies which seem popular but prove wrong. Well within memory, many Americans–including many government leaders–were committed to perpetuating the second-class status of their black fellow citizens. What would have been the "guidelines" of the Media Institute for covering the passing of the old segregationist order? Would they have been the same in the North and South? How would Negro-oriented media have been advised? Would the "guidelines" have promoted stories favorable to integration? To segregation? Would the Institute have practiced consensus politics, encouraging some of each?

Like all news organizations, CBS News has had ample experience with critics who neither recognize nor respect the obligations of the journalist. Several years ago, the British Broadcasting Corporation was to broadcast "CBS REPORTS: Harvest of Shame," which portrayed the working and living conditions of migrant workers in this country, and which was recognized then and later as a valid and valuable journalistic effort. A

CONTINUED

5 OF 6

United States Senator condemned CBS for making it available overseas. He said that many of the migrants shown were Negroes; that the film fit "easily into the false picture of the position of Negroes in American society which our nation's enemies are bending every effort to create throughout the world"; that it conveyed the impression that America exploited its agricultural workers; and that it was "incomprehensible" that CBS "could, for a few pieces of silver, permit this malicious and false slander against our nation to be presented abroad." The Senator's premise, essentially, was that CBS should have been committed to government policies—in this case to foreign information policy—and that this commitment took precedence over that of the journalist to the facts.

Currently, it is acknowledged that the press, including the broadcast press, has played a significant role in the domestic dialogue on the Vietnam war. We may or may not agree with some of the coverage of that war. But I for one would not be content to see the Vietnam coverage of CBS News—or of other broadcasting or publishing concerns—either validated or corrected by "guidelines" from any single, central source, especially not one with official standing. It is pertinent to recall President Kennedy's remark that had *The New York Times* printed all it knew about the Bay of Pigs invasion before the fact, it "would have saved us from a colossal mistake."

I cannot avoid the conclusion that the Johnson Media Institute would undermine the constitutional protection from government interference which the First Amendment affords the media. It would operate in a constitutional no-man's-land. It would possess governmental privilege and power without being either an acknowledged part of the government or responsive to government or public. It would be a private institution, but the regulatory agencies, the Congress and the Executive would be prone to shape its policies. And among broadcasters, it would throw a large shadow—one particularly ominous to smaller radio and television licensees who might be tempted to cover "recommended" issues at the expense of others. Inevitably, some would respond to real or imagined pressure to support official policies.

The Institute of Urban Communications proposed by the Kerner Commission, much like the Johnson Media Institute, would erect a private screen behind which the government could censor in safety. The IUC "would have neither governmental ties nor governmental authority." But this assurance is contradicted in the next paragraph of the Commission's proposal:

> The Institute would be charged in the first instance, with general responsibility for carrying out the media recommendations of the [Kerner] Commission . . .

The Kerner Commission was the creation of the President who named its members; it had no life except as a federal instrumentality. As the acknowledged offspring of one federal entity, the IUC would enjoy special relations with others—first among them the FCC, with its life-and-death power over the broadcast press.

The dual public-private role envisaged for the IUC is apparent in the Kerner Commission's strategy for improving police-press relations. The Commission noted that "if reliance is placed exclusively on local initiative we can predict that in many places . . . our recommended steps will not be taken." On the other hand, "pressures from the federal government for action along the lines proposed would be suspect, probably, by both the press and local officials." The Kerner Commission solved this problem by delegating to the IUC chores which would be either impolitic or forbidden to official federal agencies. Being private, the IUC "could undertake the task of stimulating community action in line with the Commission's recommendations without arousing local hostility and suspicion." The Kerner Commission apparently felt that the IUC could be relied upon to do its bidding; the latter could hardly be considered independent of the former.

While I have misgivings about the Kerner Commission proposal, I am keenly aware that it addresses genuine and critical problems. I must, for instance, agree that "full integration of Negroes into the journalistic profession is imperative in its own right."

The question, however, is not whether wrongs have existed, but how to right them. Just as black journalists must not be forced to specialize in "the problem," so "the black experience" is not the only dimension to good coverage of the ghetto. Indeed, the best reporting is unencumbered by a "special viewpoint"—a principle which the IUC proposal implicitly denies. DeToqueville was an unlikely choice as a reporter on life in frontier America. CBS News producer Martin Carr and *New York Times* reporter Homer Bigart—although both are adequately nourished—have each completed valuable studies of hunger in America.

The proposal for urban affairs training by the IUC raises a related problem. One cannot deny that "the press must have all of the intellectual resources and background to give adequate coverage to the city and the ghetto." But to furnish this training through a single, centralized institution is inconsistent with the role of the press in a free society—particularly when the institution is charged by a Presidential commission. A number of broadcasters and publishers, CBS among them, contribute toward graduate and mid-career training for reporters. All of us need to extend our efforts in this area, but not through monolithic institution.

The IUC would also review "coverage of riot and racial news and publicly award praise and blame." Under what criteria? Would it praise reporting which departs materially from the recommendations of the Kerner Commission? What would it say about the exposure of the black "Durham Mafia" which was charged with robbing the New York City Poverty Program? About coverage of racial and religious slander exchanged between New York's blacks and Jews?

The IUC would establish an urban affairs news service with "its own specially trained reporters"—and, one must fear, its own preconceptions about urban problems and policies. (Commissioner Johnson makes a similar proposal; his Media Institute would finance an urban affairs news service to cover social issues "of limited interest to the major networks and wire services.")

The trouble with these recommendations is that if they are appropriate for the reporting of urban affairs, they are appropriate for every other area of journalism. Each is based on a view of the press which suggests that space news should be covered by reporters who have completed courses in national space exploration policy outlined by a NASA advisory commission—or medicine by journalists trained under auspices of the National Institutes of Health. *Ad infinitum*.

The IUC would be susceptible to the temptation to stimulate news coverage to support its own social prescriptions. It would promote what it considers socially desirable journalism. But the desirability of one kind of journalism against another is not a legitimate concern for the *alter ego* of a Presidential commission. And the presumption of free journalism is simply that it is socially desirable for people to be informed.

My grave concern about media surveillance by a single, central agency goes beyond the government links proposed for the Media Institute and the IUC. Effective surveillance would, by definition, influence news judgments made by the media. Effective non-governmental surveillance—no less than official censorship—would tend to split responsibilities which are inherently indivisible. The press cannot share the responsibility for news judgement and still succeed in its role.

I am attracted by the premise of the Hutchins Commission (even though I could not accept its recommendation of a single central oversight agency) that "the press must be free for the development of its own conceptions of service and achievement" and for contributing "to the Maintenance and development of a free society." This is not to say that newspapers or broadcasters should be free of external influence and criticism. I also believe the Hutchins group was on the right track in observing:

> A free press is free of compulsions from whatever source, governmental or social, external or internal. From compulsions, not from pressures, except in a moribund society empty of contending forces and beliefs. These pressures, however, if they are

persistent and distorting—as financial, clerical, popular, institutional pressures may become—approach compulsions; and something is then lost from effective freedom which the press and its public must unite to restore.

Today, the media—and especially television—are in fact the target of criticism of unprecedented variety and volume. More than 2,000 publications cover some phase of television. The major daily newspapers, the wire services, the weekly news magazines and the journals of opinion all regularly criticize broadcast programs and comment on the economics of broadcasting and on other aspects of the industry. Radio and television journalism is regularly analyzed at some of the country's leading academic institutions. Private citizens' organizations review our performance. So do the journals of other professions. And so do the White House, the Congress, the judiciary and the FCC.

Broadcasting's recent record in handling the sensitive problems of race illustrates how responsive the media can be to external criticism and influence. I do not mean to suggest that broadcasters have yet done all they can or should to erase prejudice and erase tensions or to integrate their staffs. But the problems of race are ones on which broadcasting has come a great distance in a remarkably short time*—*and in response to a variety of influences*.

Integration of commercials, growing depth in on-air relationships between whites and blacks, increasing use of blacks in on-air news assignments: these changes are helping to change the country's image of itself. They are not the work of a single private or government overseer, but of a confluence of events and forces: the racial confrontation itself; the efforts of civil rights groups; of federal, state and local agencies, and of broadcasters. They are a good example of interaction between the broadcast media and the world they portray, influence and are influenced by. We do not point with pride to these changes, but we are confident they will prove irreversible.

I also want to make clear my view of the possibilities discussed by Ambassador Harris. Mrs. Harris, while noting her "considerable concern and sympathy for the position of the media" on the First Amendment, is interested in the possibility of "outside oversight" by "non-governmental, non-legislative bodies" without legal power. Of course, we cannot and do not object to such studies of our operations, provided they are private in fact and in law. When the critics are private, no question arises as to the inquiries they might, in Ambassador Harris' words, be "authorized to make," for they need no authorization. Our basic concern is that criticism be diverse, responsible and truly private.

We have much the same feeling about the proposal of Dr. Larson. We agree with him on the need for additional information about the impact of broadcasting. His proposal for objective study would serve that need. Institutes for coordinating research could be established "in the universities." They would preserve the objectivity and diversity of existing media research; they could add to, extend and coordinate that research.

To what degree are we willing to cooperate with outside analysts of radio and television? The answer must depend on the circumstances and the information requested. Your Commission is well aware that we, like other news media, consider it wholly inappropriate to grant outsiders access to material in the nature of reporter's notes, whether written, filmed or recorded. But we honor reasonable requests by responsible private persons and organizations for copies of as-broadcast material.

***In 1963, seven Negroes appeared in continuing roles in seven of 34 prime-time entertainment programs on the CBS Television Network. Last year, 19 appeared in 12 out of 29 prime-time programs. In addition, in 1968, Negroes appeared regularly in four of CBS's 13 weekday programs, where none had appeared in 1963. In 1963, 1,122 Negroes made individual entertainment appearances on the television network. In 1968, 2,024 appeared.**

CBS's efforts to recruit non-whites date back to 1951. However, recent progress has been particularly striking. Nearly eight percent of the staff of the CBS News Division now consists of non-whites—up from 4.2 percent in 1963. Company-wide, non-whites now account for more than 10 percent of all CBS employees—up from 3.0 percent in 1963.

I would like to elaborate one last point. I feel there is a fundamental misconception—illustrated by the choice of the word "surveillance" in the Media Institute Proposal—which permeates both that proposal and, to a lesser extent, that of the Kerner Commission. "Surveillance" is more than "oversight." It is "close supervision; now, usually, constant guard; close watch; as, a suspected person under police *surveillance*."* The word aptly describes the conduct of the government toward the press in Greece or Spain or, even more pertinently, Czechoslovakia, where the press is suspect of fostering liberty and freedom. "Surveillance" is not a happy choise to describe the relationship of the government of the United States of of any quasi-public institution—or even of a highly influential private institution—with any part of the American press.

Surveillance poses especially grave dangers to radio and television. If broadcasting is the most important communications medium in the country, it is also the one which most needs protection from interference by the government. Yet, ironically, broadcasting has matured under circumstances which have denied it such immunity. Where the publisher enjoys absolute protection from the government, the broadcaster does not. Because he is licensed, the broadcaster and his vital functions are exposed to official authority and political power. The system under which the broadcaster operates makes the punishment for officially determined wrong-doing *capital* punishment—the extinction of his business life.

Even if there were philosophical merit to the idea of central oversight, we would have to evaluate the specific surveillance proposals before the National Commission on the Causes and Prevention of Violence in the light of this special vulnerability. Official coercion—perhaps intangible, but inevitable—would be the effect of a chosen instrument of surveillance.

Would central surveillance be acceptable if broadcasting were as protected as print from government interference? The question is hypothetical, to say the least: once it is established that licensing cannot be used as a lever to regulate broadcast content; once licensing is disentangled from broadcast journalism; once Congress and the Commission place broadcasting on a par with the print media; once these millenia arrive, central surveillance may be less dangerous. But not yet.

It is in part because of the broadcaster's special vulnerability that we find even "self-censorship" conducted by industry organizations unacceptable. CBS has historically denied to the Television Code Authority of the National Association of Broadcasters the right to prescreen any television entertainment program at will and to determine, prior to broadcast, whether our programs violate the NAB Television Code. I recently informed the Chairman of the Subcommittee on Communications of the Senate Commerce Committee of my judgment that, "As individual communications enterprises, we can maintain our independence before the government. As a monolithic group committed to homogeneous standards and speaking with one voice, we could not." In sum, CBS believes that the responsibility for evaluating and judging programs, like the responsibility for creating and transmitting them, must not be centralized within the industry or outside it. (I am submitting my letter to Senator Pastore as a supplement to this statement.)

While the free press is essential to democracy, the impulse to check it is endemic; the more the press exercises its freedom, the greater the temptation to restrain it. Proposals for oversight by one central source promise efficiency and impact which diverse criticism from multiple sources cannot guarantee.

But there is a serious question whether the recurrence of attempts to scrutinize the media reflects the merits of the surveillance idea—or a disposition to lay to the media troubles which no amount of surveillance will solve. In 1947, the Hutchins Commission complained about the inadequacy of the press to the issues of that day in the same breath in which it referred to the uncertainties of the new industrial and international

***Webster's New International Dictionary, Second Edition, Unabridged.**

age. Twenty years later, a growing division between blacks and whites brought the Kerner Commission into being. Most recently, the Eisenhower Commission was formed because of uncertainty about the causes and prevention of new forms of violence.

CBS accepts its responsibility to examine and re-examine its own programs with the utmost rigor. We are also solid in our conviction that broadcasting needs more–and more searching–criticism. But censorship by others is another matter. Reporter Tom Wicker wrote recently that "those who would censor violence on television–either by industry self-regulation or Government regulation . . . are deluding themselves; to seek the causes of violence in modern life in television programs is to put one's head in the sand, to deny the truth of man's nature and to seek a culprit to explain problems one does not wish to face."

Proposals to oversee the media acquire a veneer of legitimacy when the media themselves join in efforts to meet the "aspirations" of the public or, as in Commissioner Johnson's proposal, if the media agreed to particular "standards of public interest programming." My own harsh conclusion is that the media must have nothing to do with any review which is committed to particular public goals or policies. Policy commitments cripple the critic, no matter his field. Seventy-nine years ago, when George Bernard Shaw learned about "a proposal to form a critics' club," he responded:

> A critic should not belong to a club at all. He should not know anybody: his hand should be against every man, and every man against his . . . Critics are, from the social or clubable point of view, veritable fiends. They can only fit themselves for other people's clubs by allowing themselves to be corrupted by kindly feelings foreign to the purposes of the art . . .

This is a concept of the critic–and of the media–which I respectfully commend to your Commission.

With all good wishes.

Sincerely,

Frank Stanton, *President*.

Columbia Broadcasting System, Inc.,

March 22, 1969.

The Honorable John O. Pastore
United States Senate
Washington, D. C. 10510

Dear Mr. Chairman: Last week you asked CBS to reconsider whether we would participate in an arrangement whereby the three nationwide commercial television networks would grant to the Code Authority of the National Association of Broadcasters the right to prescreen any television entertainment program at will, and to determine prior to broadcast whether such program violates the NAB Television Code. My hours during the last week, and those of my associates, have been occupied with little beside your proposal. We have reexamined the CBS position as searchingly as we know how.

In making this reexamination, I am perhaps as aware as anyone in broadcasting that the last thing you intend is to bridle or inhibit broadcast journalism, and that in your mind the program review you propose would not abrogate the proper responsibilities and prerogatives of the broadcaster. I share your concern about the many manifestations of social instability in the country today. And I agree with your conviction that the performance of the media cannot be separated from these manifestations. Like you I realize that when the going gets rough, there is a tendency, as at present, to be rough on the media, particularly on radio and television, which alone are licensed by the government.

In this context the expeditious course for CBS–certainly the more cautious course–would be to accommodate your view and accede to your proposal. I say this out of respect for your position, and in full knowledge of the many difficulties which the industry presently faces. But in the final analysis, we have decided that we cannot–and in the public interest should not–accede to a proposal which would centralize in the Television Code Authority staff of the National Association of Broadcasters, an industry trade association, responsibility as the single final arbiter of network television entertainment that the American people would be permitted to see.

Because the proposal for such a centralized censorship authority has, in our view, brought the television medium to a grave–even a historic–moment, we do not take this decision lightly. It has the concurrence and support of the Board of Directors of Columbia Broadcasting System, Inc., which was convened in a special meeting last Thursday(20) to consider this question. It also has the concurrence and support of the CBS Television Network Affiliates Advisory Board, with whom we met today.

The Federal Communications Act places upon each broadcast licensee–including the network companies in their capacities as licensees of the stations they own–a responsibility to operate in the public interest. That responsibility is not delegable. Consultation from within and without the industry is not only welcome; in the case of CBS, it must be sought. We insist that our station and network executives actively pursue such advice including regular consultation with the NAB Code Authority. But the ultimate responsibility must be ours–ours and that of the individual affiliated stations who decide to grant or withhold clearance of our programs. To permit our affiliated stations to exercise their responsibility, it has long been our practice to prescreen for them by closed circuit, on virtually a daily basis, programs–in their entirety–of particular interest. These programs include those which, in the Network's opinion, are sufficiently controversial in content to justify previewing, as well as programs which the affiliate has specifically requested for preview.

It could be argued that prior program review by the NAB Code Authority would be just that–outside consultation, and unobjectionable so long as it stops short of external control. But you know how exposed the broadcaster is to government influence and authority. It is because broadcasters are licensed by the Federal government and accountable to it that your proposal cannot be viewed as outside consultation.

Were CBS to share the responsibility for its program decisions with the National Association of Broadcasters, it would only be a matter of time before the government would go to the Code Authority about our performance–initially to inquire, then to urge. This would spell the beginning of the end of our independence. Ultimately, a member of the FCC–or a committee chairman less restrained than you–would *insist*. As individual communications enterprises, we can maintain our independence before the government. As a monolithic group committed to homogeneous standards and speaking with one voice, we could not.

The prescreening proposal would in fact inevitably subject broadcasters to controls over content which the government is prohibited from applying directly by the First Amendment and by Section 326 of the Federal Communications Act. Indeed, the direct authority which the "czars" of sports and movies have enjoyed in their otherwise unregulated fields is miniscule compared to the indirect power which a television "czar" would wield over stations which, being licensed, would be peculiarly responsive to his standards and edicts. Theatrical motion pictures could still reach theatres though denied a code seal. But if the Television Code Authority, having requested a preview screening of a network program, should determine that it was violative of the Code–and if then the Code Director so advised all of that network's affiliated stations who are Code members of his judgment–those stations would not be likely to clear such a program for broadcast. For they would know that such clearances might ultimately be given decisive weight in license renewal proceedings.

We must therefore insist that responsibility for evaluating and judging programs–like the responsibility for creating and transmitting them–cannot be centralized. In our

society the determination of taste and propriety as to television programs must be pluralistic. A single last word would be harmful, indeed dangerous. At times, as you point out, industry "czars" in such fields as baseball and motion pictures have been considered highly effective monitors. But broadcasting is not baseball and it is much more than motion pictures. It is vital communications medium of unprecedented importance and one which is regulated—but not as to particular program content—by the Federal government.

None of this is to say that CBS does not share your concern with program standards and practices. Our own program standards, and the staff and organization which we devote to translating our standards into practice, are a measure of our concern. Indeed, throughout the broadcasting industry, the standards of CBS are known to be at least as rigorous, if not more so, than those of the National Association of Broadcasters. Moreover, CBS maintains a substantially larger Program Practices staff—in order to apply its standards to the program output of a single network—than the NAB Code Authority does in order to monitor the production of three networks, numerous syndicators and hundreds of stations. In this connection, we would welcome an opportunity to review for the Subcommittee's benefit the scope and detailed operating procedures of our Program Practices operation.

Presumably, the Code Authority would reorganize and restaff in order to carry out your proposal. But it must be understood that even a larger NAB staff would be effective only if it participated—as our Program Practices staff does—at every step of the television production process. The ultimate effect of the prescreening proposal would then be to inject the NAB into the planning, writing, filming and editing of all television network programs. In a medium which is expected to be all things to all people regardless of age, upbringing or education, the line separating propriety from creativity is thin at best. An outside agency wielding the blue pencil would throttle the creative impulses which are essential to the continuing improvement of television. The creators of our programs need encouragement and stimulation—not the reverse. A television "czar" with formal review authority would weaken the medium—not strengthen it. It is not just my prerogatives, and those of my colleagues, which are at stake. We must not hobble the opportunity for people now in the ranks, and of the next generations, to bring about innovative progress in the performance of the medium.

If there is one thing I hope this letter evinces, it is that we have given your proposal the most sincere and thorough examination. Having done that, I would be neither gracious nor fair if I failed to acknowledge that in the present environment the Subcommittee has already done much both to ensure conscientious and responsible broadcast regulation, and to remind broadcasters of their responsibilities.

Mindful of this, I would be doing an injustice to the intent of your proposal if I did not now assure you on several counts: that we will intensify our efforts to improve the program standards of the CBS Television Network; that we will be responsive to the issues you have raised; and that we will most assuredly consult and advise with the Code Authority of the National Association of Broadcasters. Finally, we will continue our long-standing practice of closed-circuit prescreening for our affiliates, programs which in our judgment present any substantial question of Code interpretation, so as to permit them to exercise to the fullest extent their responsibilities as broadcast licensees.

With all good wishes.

Sincerely,

Frank Stanton, *President*.

Columbia Broadcasting System, Inc.,
April 7, 1969.

Mr. Robert K. Baker
Co-director
Media Task Force
National Commission on the Causes
and Prevention of Violence
726 Jackson Place, N.W.
Washington, D.C. 20506

Dear Mr. Baker: Set forth below is additional information relating to the requests contained in your January 6, 1969 letter.

In response to paragraph 1 of your letter relating to research expenditures by CBS on possible effects of television on viewers, please see Schedule I attached hereto. While Dr. Stanton declined to give figures for the total budget of the CBS Television Network, he did agree that total published CBS figures were available. As you know, on October 10, 1968, we furnished such published figures to the Commission in the CBS Annual Reports to Shareholders for the years 1960 through 1967.

In paragraph 7 of your letter you requested our comments on a memorandum prepared by the National Association for Better Broadcasting on the networks' performance regarding the issue of violence in entertainment programming. The efforts of CBS to deemphasize violence in its entertainment programming have been spelled out in Mr. Tankersley's December 11, 1968 letter to the Commission and by Dr. Stanton in his December 20, 1968 testimony before the Commission. We believe that these efforts have been effective. Because the National Association for Better Broadcasting places great emphasis in its memorandum on numerical counts of violent incidents, it might be helpful for us to explain that our Program Practices Department counts all violent occurrences in stories but does not count separate acts of violence within those occurrences. Thus, if a story included at one point a barroom brawl, later a single blow encounter between two adversaries, and finally a cowboy-outlaw gunfight, our Program Practices editor's report would indicate that the story contained three violent incidents. Counting individual blows in the barroom fight and each shot in the cowboy-outlaw skirmish could, of course, produce a count in excess of the three incidents listed in our total.

We would emphasize, however, that the mere counting of violent incidents, however defined, is only partially effective as an evaluative device; in our view qualitative appraisal, including severity and context, is of much greater significance.

We reject NABB's allegation that Mr. Tankersley revealed a lack of respect for the views of the General Federation of Women's Clubs in his remarks at a National Academy of Television Arts and Sciences panel discussion on violence. Mr. Tankersley's remarks were in no way intended to deprecate that respected organization. We value the advice of responsible professional and public service organizations and often seek counsel in both program and advertising matters from organizations with recognized competence in the area of concern. At the same time we cannot delegate our basic responsibility to anyone, and final decisions must always be ours.

In connection with the NABB's discussion of domestic syndicated programming, we believe it important to stress that decisions involving scheduling and time of broadcast are entirely within the province of the local station. Further, much syndicated program material is handled by independent distributors who have no connection with network organizations. Indeed, since January of 1967, CBS Enterprises, Inc., which syndicates television programs, has released only seven program series domestically—"Mighty Mouse" [Cartoon] (February 1967); "Password" (July 1967); "I Love Lucy" (September 1967); "What's My Line" [New] (September 1968); "Candid Camera" (January 1969); "The Dick Van Dyke show" (January 1969); and "The Game-Game Show" (February 1969). In selecting programs for syndication, CBS Enterprises seeks programs which would have broad audience acceptability and which meet standards of good taste; one factor that has led CBS Enterprises to decline programs has been the portrayal of violence in a manner CBS Enterprises considered to be unacceptable.

In paragraph 8 of your letter you refer to an enclosed portion of a memorandum—whose authorship is not revealed—which purports to establish that the networks have made "unkept promises" in connection with research on the effects of violence and otherwise; you suggest that we may wish to respond. We do not believe it necessary to comment in detail on this memorandum since much of it deals with issues already covered by Dr. Klapper and Dr. Stanton in their testimony before the Commission. Before offering the following brief comments, we want to make clear that we take sharp issue with the manner in which our positions have been unfairly characterized in this memorandum.

CBS has never minimized the difficulties of obtaining meaningful data on the effects of violence. A great deal of effort has been expended by the Joint Committee for Research on Television and Children since its organization in 1962; in addition CBS has unilaterally expended significant amounts in research on the effects of television on viewers, as reflected in Schedule I of this letter. That no one has to date come up with methodology adequate to measure accurately the effects on viewers of media depictions of violence is not attributable either to "unkept network promises" or to a lack of research money.

As to the reference in the memorandum to Mr. Paley's 1934 statement, "Radio as a Cultural Force", a reading Mr. Paley's statement is sufficient to demonstrate that the memorandum is grossly inaccurate and unfair.

In discussing the question of editorializing, the author of the memorandum is apparently unaware that the CBS Owned radio and television stations have for some years vigorously editorialized on important public issues. For example, in 1968 the CBS Owned stations broadcast 1,965 editorials. Our stations do maintain separate editorial departments which are independent of the stations' news departments. We may add that editorial positions are determined by the local Station Managers.

With respect to the discussion on page 115 of the transcript relating to "two industry committees," we believe further clarification is necessary. In fact, only one such industry committee exists, the Joint Committee referred to above. The Chairman is presently Dr. Gerhart Wiebe, Dean of the School of Public Communications at Boston University, and the Committee includes a member from HEW.

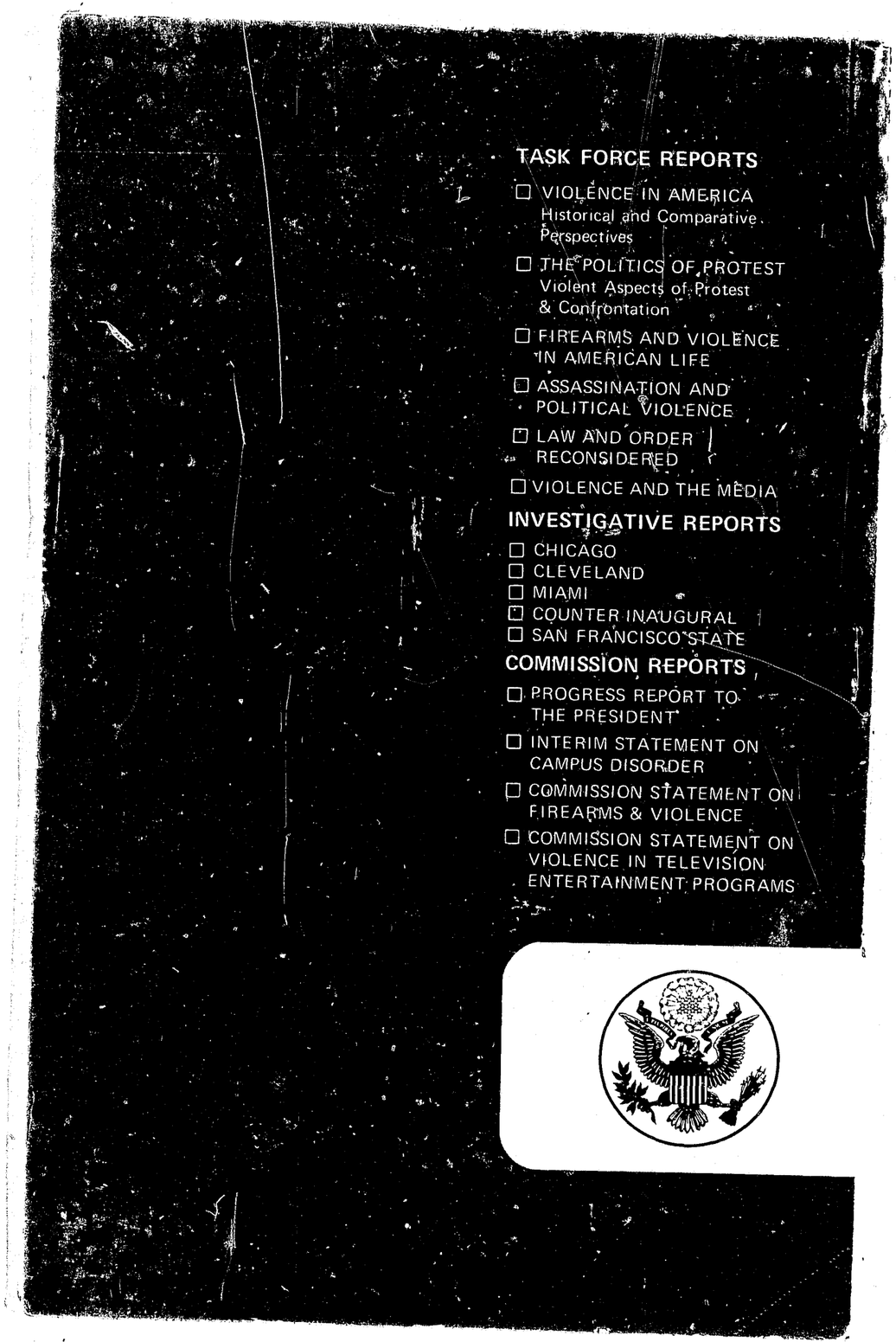
Very truly yours,
Robert V. Evans,
Vice President and General Counsel.

SCHEDULE I—CBS
Office of Social Research
Expenditures From 1962 to Present

At CBS, research on the effects of witnessing media depictions of violence has been centered in the Office of Social Research ("OSR"). OSR, which was founded in the summer of 1962, was created to provide CBS with a component to pursue research on the social role and social effects of mass communication—in particular, broadcasting. The major portion of OSR work is performed by its own staff and regular consultants (about two thirds of total expenditures), but a substantial amount (about one third of total expenditures) is paid out in fees and grants to commercial and academic research agencies and individual researchers.

Since 1962, OSR has expended approximately $720,000* in carrying out its responsibilities. Of this sum, approximately $154,000 is attributable to research on the

***The figures set forth herein are based on an exhaustive review of available files and include payments to persons or agencies outside CBS as well as allocation of "in-house" expenses based on an estimate of staff time devoted to OSR research activities. We are unable to derive a meaningful yearly breakdown from presently available information in our files.**



effects of witnessing media depictions of violence, including public attitudes on the subject. This research has involved developing and maintaing intimate familiarity with all methods and studies pertaining to the subject, evaluating such studies and seeking to develop methodologies more adquate to the question. In addition to research on the subject of violence, OSR has spent approximately $532,000 on other basic and applied research which deals with the function, role or effects of broadcasting. Approximately $45,000 of OSR's budget has been devoted to pure commerical research. This latter activity has been limited to advising other research components of CBS and, occasionally, pursuing research involving special technical or methodological problems.

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