CHAPTER TWO: VIOLENCE

In June, 1961, with 55 million television sets in use in 88 percent of all homes, Senator Thomas Dodd, chairman of the U.S. Senate Subcommittee to investigate Juvenile Delinquency of the Committee on the Judiciary, initiated what would eventually turn into a twenty year investigation which would try to establish the cause of crime and violence in society. Television action-adventure programming was considered a prime suspect, and the focus was on the impact of television programming on children.

The first of many confrontations was violent; at least, on the huge screen in the hearing room, where a

15-minute montage of car crashes, murders, and gunfire from television programs was shown to the attentive audience, including network executives, research experts, producers, educators, sociologists, and others summoned to testify.

Except for sporadic Congressional hearings in the 50s, conducted by Senator Estes Kefauver, the screening of excerpts of violent scenes from episodic television series, scenes taken out of context, trailers and promotional film, teasers all played sequentially before the audience in that hearing room almost four decades ago was the prologue of the continuing controversy today over the impact of television violence on children's behavior.

In his opening remarks, Senator Dodd said "... serious concern was expressed before this committee regarding the possible negative influence of an alleged overemphasis of crime and violence, and brutality in the

content of television programs being viewed by children in millions of American homes."[1]

Crime and violence were on the increase in major urban areas, and some citizens, clergymen, parents, PTA groups, sociologists, and experts in the crime control field charged that the excesses of brutality, violence, and sexual permissiveness shown on television contributed to the serious delinquency problem.

While programs containing violent depiction, primarily in prime time where large numbers of children watched, increased from 16.6 percent of total programming time to 50.6 percent in a given week,[2] the amount of programming also increased. Network executives were targeted as fostering increased violence by ordering more 'violence' in action adventure programming.

Programs which would appear remarkably tame in today's media environment were targeted as too violent.

Included were westerns, "Cheyenne," "Gunsmoke," "the Outlaws;" cop shows, the "Untouchables," "Naked City," "Route 66," and anthologies series, "Adventures in Paradise," "One Step Beyond," and "Twilight Zone." The cry was: Stop the violence! Not only was the battle line drawn on psychological and behavioral grounds, but on constitutional and policy issues as well.

Senator Dodd stated "when decisions regarding the major portion of the broadcasts which enter each home are concentrated in the hands of a few men at the head of each network, then we rightly look to their decisions and ask how well the public interest, which broadcasters are under duty to serve under the Federal Communications Act, is being served by a program schedule overloaded with "crime and violence".[3]

In response, network officials repeatedly expressed their concerns and fears that such inquiries about programming practices would endanger the exercise of First Amendment freedoms. Senator Dodd recognized the

dilemma while quoting the late Dr. Joseph Klapper, a research scientist in mass media, "if depictions of crime and violence have an unhealthy effect upon even one percent of the nation's children, it becomes socially important to inquire whether and how the situation can be rectified.[4] Dodd said "it is to this question that we turn our efforts". He added, "However, we must be cognizant all the while of the significance and importance of our actions whenever we inquire into mass media. We must realize that whatever the medium we attempt to evaluate - be it newspaper, the radio, television, or any other medium, we are dealing with the fundamental question in our democratic society of freedom of speech."

The niceties of debate aside, the Congressional inquiries had real-life consequences. In January, 1962, Oliver Treyz, president of ABC, lost his job after being called to explain why a "Bus Stop" episode got on the air. Tame by today's standards, "Bus Stop" epitomized the overload of crime and violence on television. In the

first episode of this series, Fabian, a young male singer popular with young viewers, made his debut as "Luke,"fast-talking, charming delinquent, accused of the brutal murder of a storekeeper. The prosecuting attorney's wife, an alcoholic, is the principal witness; her testimony eventually frees the young man, even though viewers had seen him commit the crime. A Television Code viewing report had indicated the need to edit portrayal of the murder, reduce use of a switch blade knife, eliminate vulgar language and implied salaciousness in Luke's whisper to a young lady. The ending, a murder-suicide, violated a Code prohibition.

The cross examination of Treyz and other ABC management caused embarrassment and pointed the finger of failed responsibility at the broadcaster. Treyz had to go. Rules and guidelines had to be written; practices had to change.

Treyz was not the only executive to suffer under the scrutiny of the Congressional hearings. After a

grueling session over the content of an episode of "Breaking Point," which dealt tangentially with the subject of homosexuality, Thomas Moore, then head of the program department at ABC, disappeared from his hotel room, roamed the streets of Washington for hours, and, in the early morning, transferred to another hotel, as if to rid himself of the punishment of trying to explain the realities of the highly competitive world of network television to a panel of Senators.

ABC, the youngest and least financially secure of the broadcast networks, used action adventure programming to draw young audiences.

In response to the public and government concerns about violence, the National Association of Broadcaster Television Code and Code Review Board (now defunct) struggled with the issue and promulgated standards. The Code Authority office began a monitoring system to review excessive and gratuitous violent depictions after the program had been telecast. All three networks fought prior review as a matter of principle against prior

restraint and considering the time element, negotiating changes and meeting a schedule date for telecast, economically unfeasible.

In 1964, again under the auspices of the subcommittee to investigate Juvenile Delinquency of the Senate Committee on the Judiciary, Senator Dodd held more hearings, and the same issue reappeared: television violence and its impact on the young. Statistically, the number of violent programs had increased, because many of the programs shown in the 1961-1962 season were being syndicated and replayed on independent networks and stations.

It didn't matter that the networks had established some restrictive guidelines, because the old programming was back on the air. The subtle, or not so subtle conclusion again was that irresponsible, profit-motivated, television executives were leading our young to increased aggressive behavior.

Action adventure programming was indeed in an up cycle, and producers were inching forward in the quantity and kind of violent depictions. Beginning with the brutal assassination of President John F. Kennedy in November, 1963, through the bloody violence of 1968, including the assassinations of Dr. Martin Luther King and Robert Kennedy, the news of the decade, increasingly dominated by the futile war in Vietnam, was itself violent.

But despite the realities of the headlines, it became increasingly politically correct for government officials, supported by academic encouragement, to indict television programming as the "carrier". What was lacking was some substantial evidence, research that could be put forth to prove television 'caused' violent behavior.

The hearings scene shifted in 1969 to the subcommittee on Communications of the Senate Committee on Commerce. This powerful committee had jurisdiction

over the appointments and financial allocations for the Federal Communication Commission. The FCC granted licenses and renewals to the owners of television stations and set standards for ownership. The subcommittee was chaired by a domineering, resolute and forceful senator from the state of Rhode Island, Joh. Pastore. The Pastore hearings brought the controversy over television and violence to a new level of intensity.

Later that year, 1969, the National Commission on The Causes and Prevention of Violence, created in June of 1968 and headed by Dr. Milton Eisenhower, issued a statement which concluded that violence on television encouraged real violence especially among children of poor, disoriented families.

After the hearings he conducted, Sen. Pastore wrote "to the Secretary of Health, Education and Welfare requesting "that he direct the Surgeon General of the U.S. to appoint a committee of distinguished men and

women from whatever professions and disciplines he deemed appropriate to conduct a study which would establish insofar as possible the effects, if any, violence on television has on children."[5]

The Surgeon General's Scientific Advisory Committee on Television and Social Behavior received a grant of $1,000,000 to review the literature, commission studies, and then report back to Pastore. Dr. Eli Rubenstein, Assistant Director for Extramural Programs and Behavioral Sciences of the National Institute of Mental Health, was appointed Vice Chairman, and the Surgeon General began to select twelve distinguished scientists to serve on the Committee.

The selection process itself became controversial, because the broadcast industry was invited to consult in the development of the research and was permitted to register objections to individual nominees. Several renowned academics in the fields of social behavior, child psychiatry, communications, and psychology were

omitted from the committee while two network representatives, the late Dr. Joseph Klapper, Director of Social Research, CBS, Inc. and Dr. Thomas Coffin, vice president in charge of research, NBC were included.

ABC decided not to exercise any objection to the nominees nor did we put forth a candidate. Everett Erlick, general counsel of ABC, wisely advised that ABC would be better off being able to accept or reject the report if we were not involved and instead worked with the NAB. I believed that would only put us in the position of having to accept whatever guidelines or recommendations might come forward without the ability to make our own independent evaluation. In the meantime, in February, 1969, we decided to conduct our own studies to give us a basis to create guidelines for the production of programs with violence.

Judgment day came on March 23, 1972, when network executives were summoned to the cavernous Senate hearing room, 5110 New Senate Office Building. Senator Pastore,

the Chairman, presided with the case presented by the very able counsel Nick Zapple. The Surgeon General and the Advisory Committee, led by Dr. Eli Rubenstein, were there to present the evidence.

Senator Pastore, a master of advocacy and prosecution, set the tone of the session. Quoting "an eminent psychiatrist writing on the subject of violence," he said, 'If the mass media seduce only one child each year to unfeeling, violent attitudes, and this child influences yearly only one other child, who in turn affects only one other, there would be in 20 years, 1,048,575 violence prone people." Using terms like "highly complex subject," "thoroughly scrutinized," vigorous examination," "couched in conservative cautious terms," he proceeded to lead the Surgeon General and members of the Committee who testified to the conclusion of television network culpability.

Despite the prosecutorial atmosphere of the hearings, the report itself came to more equivocal conclusions. The research found no positive effects of aggressive television, but that didn't concern the Surgeon General, Jesse L. Steinfeld who stated that his "professional response ... is that the broadcasters should be put on notice. The .... report indicates that televised violence, indeed, does have an adverse effect on certain members of our society."

Here is what he said: "While the committee report is carefully phrased and qualified in language acceptable to social scientists, it is clear to me that the causal relationship between televised violence and anti-social behavior is sufficient to warrant appropriate and immediate remedial action. The data on social phenomena such as television and violence and/or aggressive behavior will never be clear enough for all social scientists to agree on the formulation of a succinct statement of causality. But there comes a time

when the data is sufficient to justify action. That time has come."

With cautionary additions like "anti-social behavior existed in our society long before television appeared," and "we must be careful not to make television programming the whipping boy for all of society's ills," Pastore goaded Steinfeld into calling for action.

Pastore: "Now in very simple language, will you tell me if this report by the Advisory Committee contains <u>enough</u> evidence and states there is a casual effect?"

Steinfeld: "Yes, sir, Mr. Chairman, I think the Committee report contains sufficient data to justify action..."

And what <u>did</u> the five volume report state?

"...the data, while not wholly consistent or conclusive, do indicate that a modest relationship exists between the viewing of violence and aggressive behavior. The correlational evidence from surveys is amenable to either of two interpretations: that the viewing of violence causes the aggressive behavior or that both the viewing and the aggression are joint products of some other common source. Several findings of survey studies can be cited to sustain the hypotheses that viewing of violent television has a causal relation to aggressive behavior though neither individually nor collectively are the findings conclusive. They could also be explained by operation of a "third variable" related to pre-existing conditions.

"The experimental evidence does not suffer from the ambiguities that characterize the correlational data with regard to third variables, since children in the experiments are assigned in ways that attempt to control such variables. The experimental findings are weak in various other ways and not wholly consistent from one

study to another. Nevertheless, they provide suggestive evidence in favor of the interpretation that viewing violence on television is conducive to an increase in aggressive behavior, although it must be emphasized that the causal sequence is very likely applicable only to some children who are predisposed in this direction.

"Thus a preliminary and tentative indication of a causal relation between viewing violence on television and aggressive behavior: an indication that any such causal relation operates only on some children, who are predisposed to aggression, and in indication that it operates only in some environmental contexts."

So despite the conclusions of the report itself, Pastore had his victory and the finger of blame pointed straight toward broadcasters. The message was clear; the industry had to act. And that is precisely what happened.

At ABC our review procedures were enhanced, and our staff increased. I felt we needed some reasonable basis for continuing programs which contained depictions of violence and violent behavior. What we needed were guidelines with some social and psychological direction and substance.

The industry's actions and reactions in 1972 were part of a continuing response which had begun in late September, 1968, when representatives from the three television networks and the NAB research staff met with Dr. Melvin Heller and Dr. Samuel Polsky of Temple University to work out a consulting arrangement for the development of criteria for evaluation of television material.

The goal was to enable standards and practices editors, the censors, to distinguish between "beneficial" (cathartic) violence and "noxious" (gratuitous) violence that might stimulate anti-social behavior. Prior to the publication of the Surgeon

General's Report, the theory of "cathartic violence", the beneficial release of anger, aggression, hostility as an anti-violent factor was still considered viable.

The late Stockton Hellfrich, a former NBC continuity acceptance (the precursor of standards and practices) officer and then Director of the NAB Code Authority, the all-industry censorship or 'police' body had come across some writings of the Drs. Heller and Polsky and was aware of their work in forensic medicine.

Dr. Melvin Heller, trained at Yale Medical, outgoing, witty, bright and ambitious to enter this visible field, was professor of psychiatry, Director of Division of Forensic Psychiatry and Co-director Unit of Law and Psychiatry at Temple University. The late Dr. Samuel Polsky, everyone's Dad, analytical, expressive and so perfectly complimentary to Heller in style and character, was professor of law and medicine and Director of the Institute of Law and Health Sciences and Co-director of the Unit of Law and Psychiatry at Temple

University. Well-known in their respective fields, knowledgeable about current research, clinically and academically experienced, they were well suited to provide guidance for the networks. They would eventually become of value during the Pastore hearings.

At ABC, in the late 60s, we had not as yet decided we needed our own in house social research staff, which both CBS and NBC had. ABC was still losing money on the ABC Television Network and did not yet believe itself to be a full third network competitor, even though the world treated it as such.

I did, however, call upon Heller and Polsky to help us formulate some definitive guidelines in preparation for testimony before the Eisenhower Commission on Violence in 1968. We of course had general guidelines in place. We would prohibit the use of violence merely for the sake of violence. When a story line or plot development called for the use of force, it had to be reasonable related to plot development and character

delineation, and that the use of force as an appropriate means to an end is not to be emulated.

Our experts, Heller and Polsky, gave us some more tenets. They said that in reviewing the content of programs, a variety of factors had to considered. These included the make up of the television audience where some ten to 20 percent of the populace, could be considered immature and unstable in psychological terms. With this group certain program material is "indigestible", which meant certain steps should be taken which could temper possible negative behavior.

For example, they pointed out that humor and fantasy were effective "defusers" of violence. A program then on the air, the "Avengers," with the sexy Diana Riggs, used satire, humor, and wit to detoxify the violence. "Dark Shadows," with its horror, jeopardy, and graphic fear was made acceptable the more fantasy prevailed. The inclusion of commercials broke up the "noxious content" of programs like "The Invaders."

Of even greater importance was the inclusion of consequences. Showing the widow or orphan of the victim put violence in a negative context. Another important guideline was avoidance of demonstrations of 'how' violence occurred with more emphasis on the who. Unique demonstration were to be avoided; de-emphasize how to do it rather than who done it.

The movie "The Collector" was used to illustrate the need to avoid sadistic and erotic material. I had taken the film home one Saturday evening and shown it to my wife and two boys, then 12 and ten, (our six-year-old daughter was asleep), and a psychiatrist friend and his wife watched. The conclusion was: "Don't show that film!" I introduced a whole new lexicon of terms in the review process such as avoiding "inuring effects" and "dehumanization of character." Also that retribution should be used in context with other human consequences.

At that point, ABC continued its search for young viewers and became the leader in carrying prime time action programs with such adventure and western programs as "Grants," "Outcasts," "Big Valley" and "Will Sonnett," and in mystery and suspense, "N.Y.P.D.," Mod Squad", " Felony Squad"," The FBI"," Avenger" and "To Catch A Thief."[6] With this lineup, we knew we would be in the forefront of any Congressional hearings, and we also acted in anticipation of the Surgeon General's report.

In February, 1970, we decided to take a another step to enable us to manage programs with "violent" content with some sense of rationality and responsibility. We engaged Drs. Heller and Polsky to conduct independent clinical research on the effect of violent portrayals in television programs and children behavior. We funded Heller and Polsky over a five year period, at a cost of about $1,000,000.

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We also engaged Lieberman Research Inc. to conduct attitudinal studies with an electronic pounding platform, a device to measure pre-post changes in inclination toward aggression funded at about the same cost. The Leiberman study involved 10,000 children 8-13 years of age from a wide range of socio-economic backgrounds, mostly white with some black and Puerto Rican. The participants were from New York, New Jersey and Connecticut.

Drs. Heller and Polsky were advised to choose children who might be considered most vulnerable to televised violence, specifically emotionally impaired children, children from broken homes and youthful offenders imprisoned for crimes of violence. We felt if we only dealt with normal children we would be accused of stacking the deck. So we went for the vulnerable viewer.

These children and youthful offenders were shown cartoons, and programs like "The Flying Nun," with Sally

Fields which containing minimal violence,"The FBI," containing moderate violence, and "Combat" and "Felony Squad" containing maximal violence.

The research was to serve several purposes. We needed to give substance to our position when we had to testify before any Congressional Hearings. During the five years of research, we also kept Dr. Eli Rubenstein, vice chairman of the Surgeon General's investigation, informed of our findings and progress.

Before the various hearings, tough, grueling practice sessions were conducted by Jim McKenna and his staff of Washington attorneys under the no nonsense surveillance of Everett Erlick, general counsel of ABC. Erlick's mission to see that top management did not get any of the blame or criticism for its drive to be competitive with the other two networks. Neither Erlick nor the top ABC executives wanted a repeat of the Treyz or Moore disasters. The designated sacrificial lamb

would be the "gatekeeper" for failing to contain excessive violence in the production of programs.

For me personally and for the company, this made the research to set guidelines and standards most important. We wanted research to guide the standards to insure our appropriate handling of content and to have our armor ready for testimony.

It wasn't all about defense, however, because I also had an intellectual curiosity and a strong sense of ethics about the need to balance the commercial realities of television programming with our social responsibilities to the audience. In this atmosphere, I directed our efforts in an area new in the production of entertainment programs.

The playing field was changing both competitively and culturally. CBS shift its programming direction from a focus on a rural audience to competition with ABC for the young urban adults, ages 18-49. Under Fred

Silverman's direction, CBS introduced such programs an "All in the Family"and "Maude" and cancelled programs like "The Beverly Hillbillies."

In the fall of 1971, the new three hour rule took effect, which allowed the networks to program no more than three hours in prime time. ABC moved to shows most "relevant"to that young audience, programs like "Mod Squad" and "The Rookies,"and developed movies of the week with adult themes.[5]

Guidelines and standards, along with strong management support, gave Broadcast Standards and Practices, known not too affectionately to many as BS&P, a powerful weapon in the control of program content. The producers, including the Aaron Spellings, Quinn Martins, etc., would strive for new and inventive graphic displays and words, e.g. violence, but BS&P editors exercised a strong veto power. The review of program material for violent content, both as to its dramatic effect and its effect on the viewer, had never

been examined in such depth before nor would it ever again.

That volatile period of the late 60s and early 70s produced disruptive and unsettling social and political changes. It was against this backdrop of civil rights marches, protests over Vietnam, the war itself, the growth of feminism that television dealt with competitive pressures and the glare of national attention over its role in this confusing stew of changing mores and morals.

The broadcasting industry was itself divided by conflicts over television programming. On the one hand, ABC, often referred to as the fourth network in a three network universe, and its two well-established competitors depended upon their ability to attract a mass audience for advertisers. No viewers, no advertising dollars, no profits. In addition, the three networks competed among themselves for the strongest affiliate stations, and raids and trades were based on

programming success. ABC especially suffered from its lack of parity in the number of affiliates. All of this meant television programmers and producers, feeling protected by the First Amendment and driven by competitive pressures, weren't that concerned about social issues or Congressional pressure.

On the other hand, top management at all three networks and station owners were well aware of the realities of the FCC's review of ownership every three years (the period of the license now is eight years), especially in that era when special interest groups were vocal and volatile in their complaints during license renewal. Station owners were eager to avoid a costly and lengthy battle to protect their valuable properties. These concerns meant attention had to be paid to research and social scientists in order to respond to public and governmental pressures about program content.

During that critical period of change and confrontation, both within and without the broadcasting

industry, the research conducted for ABC by Drs. Heller and Polsky found that there were a number of changes in attitudes, fantasy and preoccupation with aggressive materials in response to exposure to violent television programs. Programs with more aggressive content produced more aggressive fantasies. Although they found no evidence that television played any part in motivating the subjects to perform criminal actions, some in the group of youthful offenders were consciously aware of acting out crime techniques they had previously seen "demonstrated on television".

The conclusion Drs. Heller and Polsky reached was that although television viewing did not appear to have any causative relationships to the criminality or violent actions of youthful offenders, there were indications that television can affect the "style" or technique of crimes they engaged in, providing a "format" or vehicle for the acting out of a crime. As Dr. Heller described it, one young man said he was not motivated to commit the crime by having watched a

television program, but he learned "how to" cut the burglar alarm wires, snipping both simultaneously, from watching television.

As an aside, and yet pertinent to the question of increased violence, was a comment to the effect that the tendency for violent relationships in these children was found to be rooted in early-life formative relationships and actual experiences of frustration, pain and deprivation rather than an exposure to television portrayed violence.

Despite the ambiguity in scientific empirical correlations, there was some evidence, and the pragmatic path was for the networks to do something. While ABC could not eliminate action adventure programs from our schedule, we could exercise a degree of care and limitation, which was my part of my continuing mission.

In network program scheduling meetings I constantly brought up the question of a diverse program schedule.

What percentage of the 25 prime time hours, prior to the fall of 1971, and 22 hours in the ensuing years, should be devoted to the genres of western, action adventure, detective/mystery? From 58 percent of ABC schedules in 1960, the category fell to 32 percent in 1972, where it remained for the rest of that decade.

In the standards area, we decided in the late 70s, early 80s that there had to be a more formal, objective, semi-scientific method of reviewing television program content. We sought a social science methodology to apply to our policy based decision making. While we had the policy statements, we needed a tool to aid the editor in making subjective evaluations concerning violent content. A 'measure' to help determine what to leave in and what to take out.

We wanted a system to identify, label and code violent program content. While a coding system did not eliminate the need for the editor to make specific judgment calls, it would help standardize the way in

which program content was evaluated, provide program producers with more stable guidelines, and give a standard baseline against which individual programs or episodes could be measured.

Dr. Heller with the aid of Dr. Alan Wurtzel and later Dr. Guy Lometti, both ABC staffers then in the Social Research Department, developed the Incident Classification and Analysis Form (ICAF). The ICAF system was based on the fact not all violence is the same, but varies depending upon the severity of the action and the context. The system analyzed (1) the type of violence, (i.e. a threat, assault, weapons assault, confinement, etc.) (2) the severity of the violence, i.e. no injury, minor injury, killing) (3) the victim and consequences of the violence, and (4) the overall context. Using these variables, in a weighted system of scoring, a number was produced which was measured against base line scores for an episode, which enabled the editor to identify excessive and gratuitous violence. The system gave the editor a method for a

more constructive analysis of the overall program acceptability.

Workshops were conducted for all BS&P editors to develop definitions, criteria and experience. Training sessions were held which not only educated editors in the use of the system but provided them with psychological and psychiatric examples of effect, viewer expectation and perception. These actions were a product of the ongoing hearings conducted by various Congressional committees during the years from 1972 to 1982.

The fall after Pastore's famous indictment, ABC was at the peak of its detective-action programming: "Rookies," "Mod Squad," "Streets of San Francisco," "the FBI" and "Kung-Fu, all successful in their time periods. Admonitions from Senator Pastore and social research aside, these programs could not to be cancelled.

Our response at ABC and within the industry was to conduct further studies when feasible, but all three networks mounted spirited defenses about the excessive use of laboratory findings to blame television for any and all social ills, especially violence. Occasionally, a real life incident would add a provocative impetus to the debate. I remember one incident most vividly.

On September 30, 1973, ABC ran "Fuzz,"starring Burt Reynolds, which had been shown nationwide in movie theaters. Produced with the cooperation of the Boston Police Department, the story primarily involved the pursuit of an extortionist by members of the City's 87th Precinct. Within the film, two sub-themes were treated: the entrapment of a rapist and an investigation of youths who doused derelicts with combustible fluids and set them on fire. Satire and comedy relief, mostly about the ineptness of the personnel assigned to the precinct, were interwoven into the story.

Under ABC's policies regarding gratuitous violence, objectionable language, and ethnic and racial disparagement, the department's two most experienced editors viewed and reviewed the film several times and directed 29 separate deletions totaling 306 feet of film. "Fuzz" was carefully screened and edited to remove gratuitous violence. The only scene which depicted a burning was preserved, in an abbreviated form, to show that the villain has been punished for the murders and other criminal acts.

Two days after the film was shown on the ABC Television Network, six youths in a suburb of Boston, after having beaten a young woman, reportedly a lesbian, burned her to death after forcing her to pour gasoline over herself. Although the criminals were never apprehended, nor was it ever established that the gang had seen the film, the Police Commissioner stated that the film might have contributed to the immolation.

In fact, from reports in the neighborhood, it appeared more like a vendetta against the white lesbian. The victim herself before her death told the police that the black youths had said to her "they don't want any whites here".

Although the press reports were imprecise, and substantially inaccurate, the criticism involved two scenes. In the first, a detective, dressed as a hobo, loiters in an alley to decoy the youths who have reportedly burned various derelicts. The ploy works, and the detective is accosted by the suspects.

In a series of three quick camera cuts, approximately five seconds, the detective is kicked, a match struck, almost imperceptibly, and the detective winds up lying in a pool of water. The only action in the scene involves the kick. If the derelict burning theme had not been established in earlier dialogue, it would not have been possible to determine what happened,

because the actual burning, 14 seconds, had been edited out.

In the second incident, which occurred in the film's final scene, the extortionist, wounded by police gun-fire, took refuge on a riverside dock. By chance, the two sadistic youths approach him, splash the inflammable liquid, and ignite it. On fire, the extortionist jumps in the river to extinguish the flames. The action in this scene covers approximately 15 seconds, having been reduced from the original which showed the extortionist aflame and screaming.

After the controversy, we rescreened the picture for both Dtrs. Heller and Polsky and Stockton Helffrich of the NAB, although the movie had been found compliant with the NAB Code. We followed suggestions made for additional editing before the movie was retelecast.

But "Fuzz" kept coming up in a number of hearings as an example of gratuitous violence that might have

caused criminal activity. No mentions were made of the edits and our efforts to eliminate "excessive violence."

Another headline-grabbing case occurred one year later. This one went to court and caused NBC officials great consternation. On September 10, 1974,at 8 p.m., NBC broadcast the made for television movie "Born Innocent". In the course of the two hour drama, female reformatory inmates appeared to assault a teenage girl sexually with a wooden rod.

Three days later in San Francisco, four teenage girls made a similar assault with an empty beverage bottle on a young woman. They told police that they had seen the television drama and had imitated the "rape" scene. The mother of the abused woman went to court charging the network and station with "wanton careless and negligent acts", with "willfully and intentionally" broadcasting the drama at a time when impressionable minors could see it and with acting "maliciously" and in reckless disregard of its possible results.

After many years of litigation, the U.S. Supreme Court in 1982 refused to review the case and let stand a 9th Circuit Court of Appeals decision. That decision cited Brandenberg vs. Ohio[7] that the first amendment principle of freedom of speech could not be overcome by an act of force or violation of law unless such action is directed to inciting or producing imminent lawless action and likely to incite or produce such action. The "speech" must intend to produce and be likely to produce imminent disorder in order to establish liability. A lower court decision also stated that the action was barred by the First Amendment and that the negligence cannot be invoked against a broadcaster.

That latter statement became a key argument in a debate I had with Ellis Rubin, counsel for Ronny Zamora. In another legal test of incitement by television, Ronny Zamora, a 15-year-old Florida boy charged with murder, defended himself by contending that years of watching

television violence had made him "involuntarily intoxicated" and was the cause of his actions.

The jury found him guilty and refused his defense. If they had not done so, the resulting litigation would have been awesome. It would have set a precedent for a principle of surrogate responsibility in place of individual accountability as well as casting a severe freeze on creative freedom. Not only would television and radio have been subject to liability, but newspapers and authors would be implicated if their fiction or fact were alleged to have induce one person to injure another.

Television, always a creature of changing trends and tastes in programming, decreased the number of programs with violent content in the middle 70s, but the violence began more reality-based, more anxiety-ridden. Hal Hinson in an article in The Washington Post, May 12, 1992, made this cogent comment.

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"In the late 60s and early 70s, there was a tidal shift in our national attitudes toward violence in movies. The "Gunsmoke" era good guys...bad guys... -- with the bad guys dutifully, bloodlessly falling over dead -- just wouldn't cut it anymore. Not with the footage from Vietnam and race riots on the evening news. Television-specifically, the major network news divisions set the agenda, and Hollywood (and I would add television) had to match it in kind and volume."

In the fall of 1975, ABC introduced "Starsky & Hutch" at 10 p.m. (which was moved to 9 p.m. in 1976) and later that season added "S.W.A.T." and "Baretta." These three programs attracted wide audiences and once again brought to center stage the debate as to the effect of violent portrayals on television and violence in society.

"S.W.A.T.," which stood for Special Weapons Attack Team, produced by Aaron Spelling and Len Goldberg, raised questions as to the appropriate use of force,

alternative measures to total fire power, and the implication of the use of shock troops in a police state. "Starsky and Hutch," also out of Aaron Spelling's shop, played with some wit and humor, but also brought the level of fire power up as did the non-conformist antics of Robert Blake's "Baretta." All came the season after the end of the long and bloody 'living room' war in Vietnam, which had brought so much violence to television.

Congress, the FCC, anti-war and anti violence advocates in our country again pressed for some reform in television programming. The industry would respond with what was called the "Family Viewing Hour", or "Family Viewing Policy," which is a story for a later chapter.

From my front-row view of these years of debate over violence, I've concluded that as long as our society produces crime, violence, and anti-social behavior, then the news or our dramas will contain

depictions of violence. Story-telling itself has always relied on conflict, mystery, and horror.

Violence is more pervasive and invasive in our entertainment than ever, and only, occasionally, does reality shock us into questioning the origins of real-life violence. To scapegoat the messenger for the ills of society or for creative efforts to shock, suspend, frighten, enlighten and entertain the audience will not diminish the social factors which foster violence, but that said, I believe the gatekeeper function remains a necessary one in television programming.

In looking at the literature over that long expanse of time and change, my conclusion, based primarily on statistical correlations, is that "excessive" violence on television influences aggressive behavior in certain children under certain circumstances.

It is also the case, as Dr. George Gerbner, a noted and vocal critic of television violence, has pointed

out that there is a desensitizing factor for those who watch a great deal of television. Certain viewers, women, the elderly, minorities and the poor who are depicted as routinely victimized in television programming overestimate aggression related dangers in their daily lives. Today, it has been generally accepted by the academic community that there is evidence that excessive violence on television leads to aggressive and violent behavior among children and teenagers.

Dr. Deborah Prothrow Stith, M.D. at the Harvard School of Public Health expressed the view of the impact of television violence by stating "I think that the impact of television violence is small on most of us, but its quite large on some of us..." And "I believe that it is a public health issue".

Dr. Dorothy Otnow Lewis, professor of psychiatry at New York University's School of Medicine theorizes that "people who commit violence suffer from a combination of

neuropsychiatric 'vulnerabilities': (manifested in specific learning disabilities, psychotic behavior, and/or abnormal electro encephalograms or actual epilepsy) in addition to having a history of severe abuse and/or family violence during childhood.[8]

Television, because of its unique place in the nation's living rooms, requires managers, programmers producers and editors to exercise a standard of reasonableness in programming content. A perfunctory Rating System is not sufficient nor is the installation of a V-Chip.

The amount and frequency of violent material is within the control of the broadcaster or cable operator. The quality and depth of character portrayal and plot delineation is within the control of the creator and producer. The expression, graphically or verbally, is within the purview of the reviewer. What is excessive or gratuitous changes with the storytelling. Context,

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consequences, humor, direction, and performance, all serve to determine how much is too much or how little is illusory.

Warnings, ratings, disclosures are devices to prepare an audience, but the broadcaster/cablecaster must accept his/her role in society as a responsible purveyor of programming that comes into the home. The parents must also exercise their responsibility and judgment about the types of violent programming acceptable for a child's eyes. The more the media universe expands the more complicated the task becomes, but it is no less urgent an issue now than it was four decades ago.