

United States Senate

WASHINGTON, DC 20510

EXPLANATION OF SIMON THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 2323 TO GRANT AN ANTI-TRUST EXEMPTION TO THE TELEVISION INDUSTRY

The amendment in the nature of a substitute more clearly defines those in the television industry who qualify for the exemption, clarifies the actions that may be taken and tightens up the boycott provisions.

Since the June 20th hearing on S. 2323, I have received many comments and suggestions from the industry. In response to their concerns, section one is changed to include all facets of the television industry, from producer to broadcaster. The producers of programs will be represented by the president of the Motion Picture Association whose members represent a large number of the producers for television as well as for theater. The producers of the programs need to have input and participate in any negotiations which have a direct impact on what they produce.

I have also included the president of the National Association of Broadcasters in order to fairly balance the interests of the industry. The National Cable Television Association's counterpart is the National Association of Broadcasters.

Section two is changed to directly explain that the intent of the bill is to allow the industry to discuss and enact voluntary guidelines regarding the negative impact of television violence.

Section three clarifies the boycott language.

There is wide-spread support for the original bill. The cosponsors are Chairman Thurmond and Senators Heflin, Metzenbaum, Denton and DeConcini.

Organizations who endorsed the original bill include the American Academy of Pediatrics, the American Psychological Association, the Institute for Mental Health Initiatives and the National PTA.

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AMENDMENT NO. ___

Calendar No. ___

Purpose: To exempt certain activities from provisions of the antitrust laws.

IN THE SENATE OF THE UNITED STATES--99th Cong., 2d Sess.

S. 2323

To exempt certain activities from provisions of the antitrust laws.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment In the Nature of a Substitute intended to be proposed by Mr. Simon

Viz:

- 1 Strike out all after the enacting clause and insert in
- 2 lieu thereof the following:
- 3 That (a) actions specified in section 2 shall be exempt from
- 4 certain provisions of the antitrust laws of the United
- 5 States.
- 6 (b) For purposes of this Act--
- 7 (1) "antitrust laws" has the meaning given such
- 8 term in the first section of the Clayton Act, and the
- 9 Federal Trade Commission Act;
- 10 (2) "person in the television industry" means a
- 11 person who is the chief executive officer of a television
- 12 network or of an entity which produces programming for
- 13 television distribution, including theatrical motion

1 pictures, and the presidents of the National Cable
2 Television Association, the Association of Independent
3 Television Stations, Inc., the National Association of
4 Broadcasters and the Motion Picture Association of
5 America, or their designees; and

6 (3) "telecast" means any program broadcast by a
7 broadcast station or transmitted by a cable system.

8 Sec. 2. The antitrust laws shall not apply to any joint
9 discussion, consideration, review, action, or agreement by or
10 among persons in the television industry pursuant to the
11 development and dissemination of voluntary guidelines
12 designed to alleviate the negative impact of violence in
13 telecast material.

14 Sec. 3. The exemption provided in section 2 shall not
15 apply to any joint understanding, action, or agreement which
16 results in a boycott.

99TH CONGRESS
2D SESSION

S. 2323

To exempt certain activities from provisions of the antitrust laws.

IN THE SENATE OF THE UNITED STATES

APRIL 17 (legislative day, APRIL 8), 1986

Mr. SIMON (for himself, Mr. THURMOND, Mr. METZENBAUM, Mr. DENTON, Mr. DECONCINI, and Mr. HEFLIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To exempt certain activities from provisions of the antitrust laws.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) actions specified in section 2 shall be exempt from
4 certain provisions of the antitrust laws of the United States.

5 (b) For purposes of this Act—

6 (1) “antitrust laws” has the meaning given such
7 term in the first section of the Clayton Act, and the
8 Federal Trade Commission Act;

9 (2) “broadcast station” means a television broad-
10 cast station or a cable system;

1 (3) "person in the television broadcasting indus-
2 try" means a person who is the chief executive officer
3 of a television network, and the presidents of the Na-
4 tional Cable Television Association and the Association
5 of Independent Television Stations, Inc., or their desig-
6 nees; and

7 (4) "television broadcast" means any program
8 broadcast by a broadcast station.

9 SEC. 2. The antitrust laws shall not apply to any joint
10 agreement by or among persons in the television broadcast-
11 ing industry, or to any joint action in reviewing, considering,
12 evaluating, or taking action with respect to any television
13 broadcast or any material intended for any television broad-
14 cast if the purpose of such agreement or action is to deter-
15 mine or alleviate the negative impact, if any, of violence in
16 such television broadcast material.

17 SEC. 3. The exemption provided in section 2 shall not
18 apply to any joint agreement, understanding, or action which
19 is intended to result in a boycott of any other person in such
20 industry.

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United States Senate

WASHINGTON, DC 20510

BACKGROUND/BACKGROUND/BACKGROUND/BACKGROUND
BACKGROUND BACKGROUND
BACKGROUND: TELEVISION VIOLENCE BACKGROUND
BACKGROUND BACKGROUND
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Office of U.S. Senator Paul Simon

Illinois

ALMANAC.
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ALMANAC. More than 96 percent of American homes have at least one television set. Television is a major source of information and influence in children's lives. The average child spends more time watching television than in the classroom. • • • According to the Nielsen Index the average American child watches 18,000 television murders before he or she graduates from high school. • • • An average child between the ages of 2 and 11 now views 27.3 hours of television per week. By age 16, he or she has watched over 20,000 hours of television.

RESEARCH.
RESEARCH.
RESEARCH. The report of the U.S. Attorney General's Task Force on Family Violence concludes that "evidence is becoming overwhelming that, just as witnessing violence in the home may contribute to normal adults and children learning and acting out violent behavior, violence on television...may contribute to the same result."

Drs. Leonard Eron and Rowell Huesman of the University of Illinois-Chicago and other researchers have found that children with aggressive tendencies tend to watch violent programs and are more likely to believe that TV violence mirrors real life.

In 1982, Surgeon General C. Everett Koop reported there is a causal correlation between viewing violence and aggressive behavior. The National Institute of Mental Health, which had examined the issue for the Surgeon General, provided testimony before the Senate Subcommittee on Juvenile Justice in 1984 that a "sizable number of studies did support the inference that there was a causal connection between the viewing of televised violence and later aggressive behaviors."

Research has shown three possible effects of viewing television violence: (1) Children may become less sensitive to the pain and suffering of others; (2) They may be more fearful of the world around them; and (3) They may be more likely to behave in an aggressive or harmful way toward others. -- John P. Murray and Barbara Lonnberg, "Violence on TV: Do Children Learn From It?"

The American Academy of Pediatrics' Policy Statement on Children, Adolescents, and Television finds that "repeated exposure to televised violence promotes a proclivity to violence and a passive response to its practice." -- June, 1985.

"In one study, children who had watched a violent television program were found to be more likely to hurt another child than

(MORE)

were those who had watched a nonviolent program. In non-laboratory settings, children have injured themselves by imitating behaviors viewed on TV. Another study suggested that children may learn to perceive aggressive behavior as normal and acceptable." • • • "Other studies have shown that these findings persist even when factors such as family background are taken into account. In a study of 158 elementary school children from a middle-class suburb, children who watched more violent television programs were rated by their teachers as less cooperative, less successful in interpersonal relationships and less happy; these findings were statistically significant regardless of the children's age, sex, social class, IQ or parents' television viewing habits." -- H. James Holroyd, M.D., Pediatrics, Feb., 1985.

"...35 young men between the ages of 8 to 31 years have killed themselves playing Russian Roulette while imitating a scene from the movie, 'The Deer Hunter,' which they had seen on television." • • • "...the pain of victims and anguish of relatives are rarely portrayed. Thus, the child learns that violence may be a quick and easy solution to conflicts while being deprived of any opportunity to feel empathy for the victim." -- Robert Wharton, M.D, and Frederick Mandell, M.D., Pediatrics, June, 1985.

"In a comprehensive review of the research literature on television content, Signorielli and colleagues concluded that consistently high levels of violence and aggression have been reported in studies of television programming, regardless of the measures used to define or assess violence. They reported that children's television programs are six times as violent as adults' television programs." • • • "Dozens of laboratory studies have consistently demonstrated that children imitate the violence that they have just watched on television." • • • "Despite psychologists' suggestions in the 1950's that watching television violence has a cathartic effect, and thus reduces viewers' aggressive behavior, there are no data from recent years to support that theory." • • • "A special opportunity to assess the impact of televised violence in a community setting occurred with the introduction of television in a small Canadian community that had never had access to television before. The results demonstrated that verbal and physical aggression increased among primary school children in this community after television became available." • • • "One of the few studies that contradicts these findings was conducted by researchers at the National Broadcasting Company. They found the relationship between viewing television violence and aggressive behavior several years later became insignificant when social class was controlled. The study had several important limitations. First, children's aggressive behavior was defined strictly to include only 'physical or verbal acts intended or known in advance to cause injuries to others' and did not include rough play or other unintended aggressive behavior." -- Diana M. Zuckerman, Ph.D., and Barry S. Zuckerman, M.D., Pediatrics.

"American viewers have more access to violent television programming than the citizens of several other nations (Canada, England, Australia, New Zealand, Japan, West Germany and Spain) monitored by the International Coalition on Television. According to TV monitoring by the 88-country coalition, the United States also has the dubious distinction of exporting programs which account for 65 percent of all the violence shown on Canadian, English, Australian and New Zealand television." -- American Family Physician, April 1984.

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