

11/10/89

Dear Dean Gerbner,

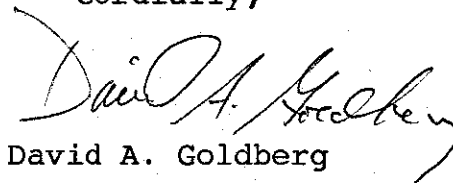
I am enclosing a recent statement from the Congressional Record which was submitted by Senator Jesse Helms. It outlines his "sex amendment" to the Television Violence Act in addition to comments from various interested senators.

As I conveyed to you in our phone conversation, this amendment is one of the primary reasons for the delay in passage of S.593, the Television Violence Act. I know you may want to stay abreast of the latest on this issue so I am including the phone number of Sen. Helms' office- (202)-224-6342.

I look forward to receiving your new study. It will be very helpful in Senator Simon's office, and I know it will be a major topic of discussion in the upcoming event at The Annenberg Washington Program.

Thank you for all your help.

Cordially,



David A. Goldberg

Senator Paul Simon
524 Dirksen Senate Office Bldg.
Washington, D.C. 20510

EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

Mr. MITCHELL. Mr. President, having previously consulted with the distinguished minority leader, I now ask unanimous consent that the Senate turn to the consideration of S. 593.

If I may add, Mr. President, before that consent request is acted upon, if it is approved, as I expect that it will be, that means we will be voting on this bill just prior to 5 p.m. and that there will be at least two votes that occur at approximately that time, either in connection with this bill alone or in connection with this bill and another resolution. So Senators should be aware that beginning around 5 p.m. this evening there will be two rollcall votes.

Now, Mr. President, I renew my unanimous consent request that the Senate now turn to the consideration of S. 593.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 593) to exempt certain activities from provisions of the antitrust laws.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

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

SEC. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to developing and disseminating voluntary guidelines designed to: *[(1)] alleviate the negative impact of violence in telecast material, [or (2)] alleviate*

the negative impact of illegal drug use in telecast.]

Sec. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 36 months after the date of enactment of this Act.

Sec. 4. This Act may be cited as the "Television Violence Act".

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

I would like to tell my colleagues how I became involved in this issue. I happened to check into a motel room, as you and I and other Members of this body do frequently, and I turned on the television. All of a sudden in front of me, in living color, someone was being sawed in half by a chain saw. I am old enough to know it was not real, but it bothered me that night.

I came back to Washington and I asked my staff to find any studies that might have been done on how violence on television affects 10- to 12-year-olds. It turned out there are nearly a thousand studies on televised violence, including about 85 very substantial studies. And the results are virtually unanimous, that we are really doing harm to our society.

Because I do not believe in Government censorship, I called the leaders of the television industry to my office and I said, "I don't want censorship, but I think we have to recognize we have a problem, and I would like you to do something about it voluntarily."

One of the network people in that meeting said:

We have a study that shows that television violence does not do any harm in our society.

I told them that they reminded me of the Tobacco Institute people who come into my office and say, we have research that shows that cigarettes do not do any harm.

We can no longer question the fact that televised violence causes harm in our society. The National Institute of Mental Health has said we have a problem. The Surgeon General of the United States has twice warned us that we have a problem. The American Academy of Pediatrics has warned us that we have a problem. The American Psychiatric Association, the American Psychological Association, the American Medical Association, the PTA—the list goes on.

The industry representative also told me that they couldn't get together to establish standards because it would violate antitrust laws. My answer was simply, let's get you an exemption from the antitrust laws so you can establish standards.

As a former journalist, I'm particularly concerned about protecting the rights guaranteed by the First Amendment. I contacted some of my friends in the civil liberties field to assure

myself that the bill wouldn't create constitutional problems.

They included Elmer Gertz, the leading civil libertarian in the State of Illinois, Professor Paul Gewirtz of Yale University Law School, and Professor Cass Sunstein of the Law School at the University of Chicago. They all told me they saw no civil liberties problems with this legislation.

So what my bill does, very simply, is grant an exemption from the antitrust laws so the various sectors of the television industry can get together and establish voluntary standards on the subject of televised violence.

This bill does not mandate any action by the industry. It does permit the industry to act together on this serious problem without having to worry about antitrust suits. I hope the industry will take advantage of the opportunity we are giving it. I urge them to take advantage of it.

This bill has passed the Senate twice. The House did not act on either occasion. I think this was due, at least in part, to the efforts of the industry.

I am pleased to say that this year there is a gradual shifting on the part of the industry. For example, the Association of Independent Television Stations endorsed the bill for the first time.

Some may say, why would the television industry be opposed to this? The answer, I regret to say, is a very simple one: violence on television pays. It is cheaper to attract viewers by having violence than by being more creative and being more responsible. But if we permit them to get together and they establish standards, then no one is going to have an edge over someone else on the amount of violence that appears on our television screens.

So my hope, Mr. President, is that we can pass this, and pass this quickly, and do a real service to the Nation.

Mr. KOHL. Mr. President, I want to commend the distinguished gentleman from Illinois [Mr. SIMON] for authoring this important legislation. I also want to say it was a pleasure to work with Senator HEFLIN and Senator DECONCINI on an amendment—added in committee—that I believe will help the television industry raise its powerful voice against illegal drugs.

For better or for worse, television is a major influence in our lives and our children's lives. More than 96 percent of American homes have at least one television set. The average youngster spends more time watching TV than in the classroom. Given the vast exposure of children to television, it's appropriate that we examine the consequences.

Unfortunately, the evidence strongly suggests that television violence has a harmful effect on viewers' attitudes and behavior. Studies of TV violence have been conducted by the National Institute of Mental Health, the American Psychological Association, and the Surgeon General of the United States,

among others. All have documented a causal link between TV violence, on the one hand, and aggressive and destructive behavior, on the other. The sad truth is that this linkage affects our children more than anyone else.

I applaud the television industry for its efforts in fighting the drug scourge. But I believe that television's occasional glamorization of drug use, like its depictions of violence, may have harmful consequences for our youth.

Broadcasters are justifiably reluctant to take joint action to curb these problems because of possible antitrust liability. Moreover, any attempt by the Federal Government to restrict the content of television programming would raise serious first amendment concerns.

But while there is no easy answer, I believe that the television violence act, as amended, would help broadcasters move toward their own solution. The bill would provide a narrowly drawn antitrust exemption to the television industry which would permit it to discuss and develop guidelines on television violence and illegal drug use. The measure, which does not prescribe what the voluntary guidelines should contain, also includes a 3-year sunset provision.

Our bill would simply place the responsibility for regulation where it ought to rest—on the shoulders of public-spirited broadcasters, cable operators, and producers. It would untie the broadcasting industry's hands so that it could help eliminate the harmful effects of violence and drug use on television.

Mr. HELMS. Mr. President, I fully agree with everything the distinguished Senator from Illinois said, and I commend him for taking the leadership on this bill, of which I am happy to be a cosponsor. As the Senator knows, I am going to offer an amendment to which he has no objection, on behalf of myself and Senator THURMOND.

First, let us address the issue of violence on television. It has steadily increased over the years, despite numerous studies which show that TV violence has a remarkably negative impact on children. The bill now pending will allow the television industry to get together and promulgate voluntary guidelines regarding violence on television without fear of violating antitrust laws. I might say to my friend from Illinois, that prior to running for the Senate in 1972, I made my living in the television business. Time and time again, I would refuse to accept scheduled network programming. We had a policy at our station to preview any suspect program, and on a number of occasions, we would not allow the use of our facilities to transmit that trash to the people in our viewing audience, which numbered about 2 million.

We received some protests, maybe four or five. But the majority of the people, in the hundreds upon hun-

dreds, let us know that they appreciated what we were doing.

This is what the Senator and those of us who are cosponsoring this bill have in mind for the television industry to do voluntarily—to take a look at violence and other aspects of television. I commend the Senator, and I am delighted to be a cosponsor with my neighbor on the fourth floor of the Dirksen building.

Mr. President, it is obvious that if the television industry is going to promulgate guidelines for violence—and I think they should—then the television industry should certainly consider guidelines for sexually explicit material which is flooding the television airwaves today. The amendment that I am going to offer momentarily adds sexually explicit material as another issue for which guidelines should be promulgated. I would advise our friends in the television industry to take this seriously. Because if they do not, we will be back. Either they are going to act responsibly on their own, or we will attempt to persuade them to act responsibly by whatever means may be necessary.

The amendment that I am about to offer is necessary in light of the recent deluge of explicitly sexual material on television. Let me say Mr. President, that I have been around the track a few times. I served 4 years in the Navy. I have seen a lot and I have heard a lot. But there have been many occasions in recent months when I have been watching television with Mrs. Helms, and I was embarrassed to be in the same room with her when the offerings of modern television came on the screen.

Other Americans, by the millions, feel the same way. Somewhere we have to draw the line. Even Planned Parenthood—and I emphasize even Planned Parenthood—conducted a study recently which revealed that the television networks broadcast 65,000 references to sexual conduct in one season—65,000 Mr. President. According to my calculation, this is 27 references per hour. I am sure that many of those references were done in what the networks may consider good taste. But the networks should take a look at it and see which are and which are not in good taste.

Do we want some examples, Mr. President? Let me give one. There was a scene in a movie called Favorite Son shown during prime time this past November on one of the networks. The scene depicted a young woman in bikini underclothes seducing a young man. She then asked him to tie her to the bed.

This is great family entertainment, Mr. President, bondage on prime time. That is how far they are going.

Another example is the prime time sitcom which showed a young woman in her underclothes from the back removing her bra. She then asked a stranger if he thought her boyfriend would like her better without her bra.

This program prompted a fine young woman named Terry Rakolta to complain to the sponsors of the show.

I do not know whether the Senator from Illinois has heard of Mrs. Rakolta or not, but she has been a one-woman crusade against this kind of trash on television. She has a lot of sponsors worried, and praise the Lord for her.

Mrs. Rakolta said:

I don't want my 8-year-old girl to think that the only way for her to impress men is for her to take off her clothes.

Mrs. Rakolta has done a tremendous job raising the American people's awareness of the problem sexually explicit material on television.

Obviously the networks have gone too far. Prime time has degenerated into sleaze time and the American people are fed up.

Mr. President, that is not just my opinion. A recent Gallup poll showed that 58 percent of adults, either frequently or occasionally, feel uncomfortable about the contents of the television programs they watch with their children. They most often object to sexually-explicit material. More so than violent programs—46 to 37 percent.

In any case, there is clear evidence that the American people feel that something must be done to reduce the level of this kind of material on television along with violence.

I ask unanimous consent, Mr. President, that the text of the Gallup poll be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, the airwaves belong to the public, and television networks are supposed to act in the public interest. Too often networks and the stations go for the bottom line—the dollar—often in conscious disregard to their responsibility to the public.

There are 42 million children in America, most of whom watch television daily. In fact, the average child watches approximately 30 hours of television a week. This flood of sex and violence is influencing our children and molding their behavior. How can they not have the impression that such activity is the norm?

Mr. President, studies show that television influences our children and it can have a harmful effect. Back in 1972, the Surgeon General's report concluded, "We know children imitate and learn from everything they see *** it would be extraordinary, indeed, if they did not imitate and learn from what they see on television."

Another researcher stated that "television entertainment is saturated with sexual lessons which are likely to have an impact on young viewers' sexual development."

I could cite many other studies which come to the same conclusion, but I think I made the point: We are raising a generation of children that are desensitized to violence and killing and who assume that sexual promiscuity and profanity are acceptable forms of behavior. The escalation of this kind of material on television is unquestionably contributing to the decline of traditional family values.

I will close by saying this—I do not claim to be any better than anybody else, certainly no more moral, but all of us have an obligation to stand up and fight for the preservation of family values. We become a part of what we condone, and if we remain silent, we become accomplices to the pollution of the minds of our children and the degeneration of our society.

Mr. President, we desperately need guidelines to reduce the level of sex and violence on television. If the networks do not voluntarily adopt guidelines, it will be difficult to keep the Government from coming in and doing the job for them—especially since the minds and morals of our children are at stake.

EXHIBIT 1

PARENTS DISTURBED BY TV CONTENT; MOST SEE GROWTH IN PROBLEMS
(By George Gallup, Jr)

PRINCETON, N.J.—Six in 10 parents who watch television with their children at least occasionally feel uncomfortable about the content of the programs they see. Sex and violence are the principal causes of distress, which parents react to by switching channels or turning off their sets.

A recent Gallup study of TV viewing also found a majority of parents feeling objectionable programming is more prevalent now than it was a year ago.

The sensitive issue of program content was given new prominence last month when a front-page article in the New York Times described a Michigan housewife's campaign to curb sex and violence on TV. Her letters of complaint reportedly convinced some major advertisers to remove their commercials from a popular TV show because of its sexually-oriented content.

Parents watch an average of 7.5 TV shows each week with their children under 18, the survey reveals. The incidence of parent-child viewing is higher among women (7.9 programs) than men (6.9). Heavier viewing also is reported by parents whose formal education ended at the high school level (9.1), those with annual family incomes of less than \$25,000 (9.5), and parents of school-age children (8.0).

About six parents in 10 (58%) either frequently (25%) or occasionally (33%) feel uncomfortable about the contents of the TV programs they watch with their children. Only one in six (17%) is never troubled while 25% seldom are.

Discomfort over program content tends to be slightly higher among heavier viewers; women, the less-educated and less-affluent, and parents of 6-to-17-year-old children.

Parents who sometimes feel uncomfortable about the shows they watch with their children most often object to sexually explicit suggestive episodes (46%), violence (37%), and obscene language or swearing (17%).

Their most common reactions to subject matter they consider objectionable are turning to a different program or channel (46%),

turning the set off (24%), or telling their children what should have been said or done (11%). Other responses cited are refusing to allow their children to watch the program in the future (5%) and expressing their disapproval (4%).

PROBLEM SEEN GROWING

More than half of parents who are uneasy about the TV programs they watch with their children think these occurrences are either much more frequent (17%) or somewhat more frequent (38%) than a year ago; 14% feel they are about the same. Only three in 10 believe there now is somewhat less (21%) or much less (9%) objectionable programming.

Following are the questions and key findings:

On the average about how many television programs do you watch with your children each week?

TV VIEWING WITH CHILDREN

	Average
Nationwide.....	7.5
Men.....	6.9
Women.....	7.9
18-29 years.....	7.6
30 and older.....	7.3
Attended college.....	5.5
No college.....	9.1
\$25,000 and over.....	6.8
Under \$25,000.....	9.5

Children's age:

Under 6.....	7.1
6-12.....	7.9
13-17.....	8.0

Parents who watch with their children (83% of parents with children under 18 living at home) were asked:

About how often would you say you feel uncomfortable about something in a television program that you are watching with your children? Would you say you frequently, occasionally, seldom or never feel uncomfortable?

FREQUENCY OF DISCOMFORT CAUSED BY TV

	Percent
Frequently.....	25
Occasionally.....	33
Seldom.....	25
Never.....	17
Total.....	100

What would you say is most likely to make you feel uncomfortable?

CAUSES OF DISCOMFORT

	Percent
Sex.....	46
Violence.....	37
Bad language.....	17
Other.....	6
Not sure.....	2
Total.....	108

* Adds to more than 100% due to multiple responses.

If you feel uncomfortable about something on a television program you are watching with your children, what, if anything, do you usually do about it?

ACTIONS TAKEN

	Percent
Switch channel, program.....	46
Turn TV off.....	24
Explain to children.....	11
Ban future viewing.....	5
Express disapproval.....	4
Other.....	6
Nothing, not sure.....	8
Total.....	104

* Adds to more than 100% due to multiple responses.

Compared to one year ago, how frequently would you say you feel uncomfortable with

the television programs you watch with your children?

TREND IN DISCOMFORT CAUSED BY TV CONTENT

	Percent
Much more frequently.....	17
Somewhat more frequently.....	38
About the same.....	14
Somewhat less frequently.....	21
Much less frequently.....	9
Not sure.....	1
Total.....	100

The findings are based on telephone interviews with 424 parents of children under 18, out of a total sample of 1,008 adults, 18 and older. The survey was conducted nationwide between Nov. 14 and Dec. 4, 1988 for The CBN Family Channel by The Gallup Organization. For results based on the subsample of parents, one can say with 95% confidence that the error attributable to sampling error and other random effects could be 5 percentage points in either direction.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls. This report conforms to the standards of disclosure of the National Council on Public Polls.

Mr. HELMS. Mr. President, I suggest that we proceed with the first committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

The first committee amendment was agreed to.

Mr. HELMS. Now the second committee amendment is pending?

The PRESIDING OFFICER. The Senator is correct. The Senator's amendment will apply to that amendment so it would be appropriate to take it up at this time.

AMENDMENT NO. 106

(Purpose: To encourage the promulgation of guidelines by persons in the television industry regarding sexually explicit material.)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. THURMOND, proposes an amendment numbered 106.

(1) on page 2, line 23, strike "or (2) alleviate the negative impact of illegal drug use in telecast material" and insert "(2) alleviate the negative impact of illegal drug use in telecast material" and (3) alleviate the negative impact of sexually explicit material in telecast material"

(2) on page 3, line 8, strike "Television Violence Act" and insert "Television Violence and Indecent Material Act".

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Mr. President, just a comment or two. One is we are not forcing anything on the television in-

dustry, but we are asking them to get their own house in order.

My colleague from North Carolina mentioned that children are watching a lot of violence and sexually explicit material. A University of Pennsylvania study shows the most violent hour on television is when the most children are watching in the evening. That is just not in the national interest. Somehow we have to be able to do something about it.

The Senator's amendment goes to an area where we have not had the large body of research showing harm done to society. There is no question in my mind that too often this material is in bad taste and tends to demean women. So I am personally going to be voting for the amendment. My guess is it will pass unanimously or nearly unanimously.

I might add, after this amendment is adopted, I think the agreement was we were only going to have two amendments: One is on CLAUDE PEPPER and then I assume, unless there is objection, we can pass the bill by voice vote.

The PRESIDING OFFICER. Does any other Senator desire to speak to the amendment? The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Just in closing on the bill itself, one of the people who testified before the Judiciary Committee on the bill was Captain Kangaroo, Robert Keeshan. He said,

We should be ever vigilant in protecting the rights of broadcasters, as the FCC has been, but we should be as vigorous in promoting responsibility on the part of broadcasters in meeting the needs of children.

If we fail our youth, we fail the future. In looking at commercial interests we sow the seeds of a bitter harvest and we shall all eat from that table. No bottom line, however healthy, is worth that price.

As a former participant in the television industry, my colleague from North Carolina knows the industry is always telling us if you buy 30 seconds worth of television, it is going to have a huge influence on the public. But how can they then say that and then come along and say, "Oh, if they show 23 minutes worth of violence every hour, it won't have any impact on the public." Well, there seems to be a slight inconsistency in that.

I think the reality, as all of us know, including the Presiding Officer—is that television shapes our society in powerful ways and there is no question that violence on television influences how young children view the world and themselves.

Television can appeal to the best in us or the worst in us. I want it to appeal to the best in us.

Mr. BINGAMAN. Mr. President, I rise today in support of S. 593. This bill, which would enable television broadcasters to collectively discuss reducing violence and illegal drug use on television without fear of breaking anti-trust laws, is long overdue, and I commend Senator SIMON for taking this initiative. I also think that Senator HELMS' amendment passed earlier,

which would allow broadcasters to discuss reduction of sexually explicit material, significantly strengthens the bill.

The facts concerning violence on television strongly support such legislation. According to the Nielson Co., children spend approximately 25 hours per week watching television. Although Saturday morning is most often identified as children's programming time, only a small amount of all children's viewing actually occurs during this period. The majority of children's viewing takes place during weekday early morning, late afternoon, and early evening hours. So, it is not only cartoons that broadcasters need to be concerned about, but a much wider array of programs. For example, many children watch music videos. They are very popular. Yet, content analyses of music videos indicate that 75 percent of concept music videos—those involving themes as opposed to a concert performance—contain sexually suggestive material. Fifty-six percent contain violent scenes, which often include acts committed against women.

The connection between televised violence and aggressive and destructive behavior in our children and in our society at large has by now been overwhelmingly demonstrated. This problem needs to be urgently addressed.

In closing, I hope that Senator SIMON's fine legislation will garner overwhelming support in the Congress. I hope that the Senate's action today will be followed by prompt House action as well. After this legislation becomes law, I can only hope that television broadcasters will promptly meet to discuss methods of reducing violence and illegal drug use and sexually explicit material on television.

Mr. BYRD. Mr. President, I am pleased that the Senate is considering today, legislation that would allow an antitrust exemption for television violence regulations. S. 593 enables the major television networks, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, and the Motion Picture Association of America, to participate in discussions that address the problem of TV violence.

Mr. President, American families are facing many crises. The problem of violence on television is reaching more and more of our children. The legislation before us today will allow the television community to develop voluntary guidelines to weaken the negative impact of violence on TV.

As a grandfather and a Senator I am concerned about the values of our young people. I am concerned for the young people whom I often see in West Virginia. I believe that we must work to reinforce the values that have given our Nation strength. I am appalled at the scenes of violence in today's media. Constant exposure to

needless and senseless violence undermines the sanctity of life, and disables us from distinguishing right from wrong. And, violence begets violence.

Allowing the TV industry to establish voluntary standards on TV violence will not end violence, but it will enable us to begin the step of reversing the illusion that violence is the way to solve problems.

Mr. President, the adoption of the amendment offered by the Senator from North Carolina [Mr. HELMS] strengthens this legislation. The Helms amendment will help the cause of protecting American families from sexual explicit viewing and curbing the negative impact of illegal drug use.

I commend the Senator from Illinois [Mr. SIMON] for his diligence on this issue. I strongly support his efforts and I urge the adoption of the legislation.

Mr. CHAFFEE. Mr. President, I am one of the original sponsors of the Television Violence Act, which grants a 3-year exemption from antitrust laws to the television industry. The sole purpose of this exemption is to allow the industry to develop standards to mitigate needless depictions of violence and illegal drug use on television. The Senate has unanimously approved similar legislation in the last two Congresses.

Many Americans, including myself, are concerned that televised displays of gratuitous violence contribute to destructive and aggressive behavior. Our concern focuses particularly on the effects of such portrayals on children. Numerous studies have concluded there is good reason to be concerned. For example, the American Psychiatric Association and the American Medical Association have stated that televised violence is a risk factor that threatens the health and welfare of young Americans. The American Academy of Pediatrics' Policy Statement on Children, Adolescents, and Television declares that repeated exposure to televised violence promotes an acceptance of aggressive behavior as the norm.

The problem of television violence does not easily lend itself to legislative remedies. Whenever Congress attempts to deal with issues involving artistic creativity, concerns about possible restrictions on free speech are understandably raised. In addition, those who represent the television industry believe they cannot act together on this issue due to the potential for antitrust liability.

This legislation addresses these obstacles by allowing television broadcasters, networks, programmers, and cable operators to engage in discussions aimed at developing voluntary standards to mitigate the negative effects of TV violence. They will be able to do so without the fear of running afoul of antitrust laws. It is important to note that this bill does not impose any regulations, restricting artistic ex-

pression or otherwise, on the television industry. Neither does it dictate any requirements with regard to the content of voluntary standards, nor create any criteria for those standards.

In conclusion, I would like to say that the need for this legislation is readily apparent. One need only turn on the TV to the evening news to hear about the increasing number of violent acts that are being committed by children of a seemingly younger and younger age. The proliferation of television programming containing meaningless violence or illegal drug use can only add to the mounting pressures that our young people must confront.

If I had my way, children would watch a lot less television in the first place and spend more time reading or participating in outdoor activities. Nonetheless, I believe this bill represents a realistic and reasonable approach to a growing problem. I urge my colleagues to join us again in approving this important legislation, with the hope that this Congress will go on to pave the way for a solution.

A BILL TO EXEMPT CERTAIN ACTIVITIES FROM PROVISIONS OF THE ANTI-TRUST LAWS

Mr. THURMOND. Mr. President, it is again my privilege to be a cosponsor of this bill with Senator SIMON and others of my distinguished colleagues. S. 593 grants a carefully limited anti-trust exemption to the television industry so that it can engage in joint discussions to develop and disseminate voluntary guidelines with the intention of alleviating the negative impact of televised violence, illegal drug use and sexually explicit material on children and adults.

Mr. President, there is no question that television programming which contains violence, illegal drug use, or sexually explicit material is a very serious concern, especially because of its impact on children. Our children are our most precious resource and we cannot afford to be oblivious to the influence which television has over them. There has been much testimony from a broad spectrum of researchers that there is a link between televised violence and individual behavior. Individuals may differ on the extent of the link, but very few, if any, disagree that there is some kind of causal connection. I also believe that such a link can be established as to illegal drug use and sexually explicit material.

Since television is such a pervasive part of our everyday life, and since it is so difficult to control the amount of television, or the kind of programs that are watched by our young people, I believe that there is a real need for this legislation. This is particularly true with respect to the televised depiction of illegal drug use as we witness the everyday occurrence of violence related to drugs. It is also true as to the gratuitous depiction of sexually offensive material on television.

Mr. President, let me remind my colleagues that this legislation does not mandate any kind of programming, guidelines, or censorship. It merely provides an antitrust exemption so that the television industry, including the cable television industry, if it chooses, can discuss ways, and develop guidelines, to alleviate the negative impact of violence, illegal drug use, and sexually explicit material on television. It is my hope that the industry will seriously consider this proposal and will take advantage of this opportunity.

I want to commend Senator SIMON for his perseverance in this regard, and also commend Senator HELMS for his amendment with regard to the sexually explicit material. And I urge all of my colleagues to support this legislation.

ANSWER BY JUDGE WALTER L. NIXON, JR.

The PRESIDING OFFICER. The Chair submits to the Senate for printing, in the Senate Journal, and in the CONGRESSIONAL RECORD, the answer by Judge Walter L. Nixon, Jr., to the articles of impeachment against Judge Nixon, pursuant to Senate Resolution 127, 101st Congress, 1st session, which answer was received, by the Secretary of the Senate, on May 31, 1989.

The material is as follows:

ROPE & GRAY,

Washington, DC, May 31, 1989.

Re Judge Nixon.

WALTER J. STEWART,
Secretary of the Senate, U.S. Senate,
Washington, DC.

DEAR MR. STEWART: I enclose Judge Nixon's Answer to the Articles of Impeachment.

Very truly yours,

DAVID OVERLOCK STEWART.

[In the Senate of the United States, Sitting
As a Court of Impeachment]

IN RE IMPEACHMENT OF JUDGE WALTER L.
NIXON, JR.

ANSWER TO ARTICLES OF IMPEACHMENT

Judge Walter L. Nixon, Jr. of the Southern District of Mississippi, through his undersigned counsel, answers the Articles of Impeachment exhibited by the House of Representatives:

ARTICLE I

Article I alleges that Judge Nixon knowingly made a material false or misleading statement to a federal grand jury in Hattiesburg, Mississippi, on July 18, 1984, to wit, that Forrest County District Attorney Paul Holmes never discussed the Drew Fairchild case with Judge Nixon.

Judge Nixon stated that his statement to the grand jury was, in fact, true and correct, and was not made with any intent to mislead, deceive, or give false testimony. Judge Nixon's only relevant conversation with Mr. Holmes concerned allegations by Wiley Fairchild that Mr. Holmes was blackmailing him, and there never was a discussion of the Drew Fairchild case between him and Mr. Holmes.

Judge Nixon states further that his responses to the prosecutor's questions on that and other occasions were framed by his understanding, based on the prosecutors' statements, that their investigation con-

cerned how Drew Fairchild's case was transferred from federal to state authorities; Judge Nixon had no knowledge of that transfer or how it occurred, never had any discussion or exchange with any individual on that subject until the investigation began, and understood questioning about the Drew Fairchild case to refer to that matter. Because this understanding also framed Judge Nixon's statements that are the subject of Impeachment Articles II and III, this paragraph of his Answer to Article I is hereby incorporated as part of the Answers to Articles II and III.

Judge Nixon states further that his conviction in court on this allegation was secured through the use of false and perjured testimony and by the suppression of exculpatory evidence, all in violation of basic fairness and the constitutional guarantee of Due Process of Law.

ARTICLE II

Article II alleges that Judge Nixon made material false or misleading statements to the grand jury on July 18, 1984, to wit, that he had nothing whatsoever officially or unofficially to do with the Drew Fairchild case in Federal court or state court, that he "never handled any part of it, never had a thing to do with it at all, and never talked to anyone, State or Federal, prosecutor or judge, in any way influence anybody" with respect to the Drew Fairchild case.

Judge Nixon states that the allegation in Article II unfairly excerpts and takes his testimony out of context, and that the statements he actually made to the grand jury were true and correct and were not made with any intent to mislead, deceive or give false testimony. Judge Nixon was never involved in the Drew Fairchild case in any court and never handled any part of it as a judge, which is the meaning of his unexcerpted grand jury testimony. The allegation that he falsely denied speaking to any official to "influence" them on the Drew Fairchild case evidently refers to his exchange with Forrest County District Attorney Paul Holmes about Wiley Fairchild's blackmail allegation. The evidence shows that Judge Nixon made no effort to so influence Mr. Holmes.

Judge Nixon states further that his conviction in court on an allegation similar to Article II was secured through the use of false and perjured testimony and by the suppression of exculpatory evidence, all in violation of basic fairness and the constitutional guarantee of Due Process of Law.

ARTICLE III

Article III alleges that Judge Nixon has, through fourteen enumerated statements, raised substantial doubt as to his judicial integrity, undermined confidence in the integrity and impartiality of the judiciary, betrayed the trust of the people of the United States, disobeyed the laws of the United States and brought disrepute on the Federal courts and the administration of justice by the Federal courts.

As a threshold matter, Judge Nixon denies that this allegation—except for the allegation that he disobeyed the laws of the United States—states an impeachable offense under the Constitution, and he will present a Motion to Dismiss those other aspects of Article III.

A. Article III(1)

This section alleges that Judge Nixon made seven material false or misleading statements when he voluntarily submitted to an interview by the United States Department of Justice on April 19, 1984. These statements include: