

September 13, 2000

Testimony of Senator Joe Lieberman
Senate Commerce Committee
Hearing on the Marketing of Violence to Children

Mr. Chairman, I want to thank you for providing me the opportunity to participate in this important hearing today. I am particularly pleased to see that you, Mr. Chairman, are not only healthy but as shy and retiring as usual. You have been a principled and steadfast advocate for America's families, and I am sure they feel good knowing you are in full fighting form.

We are here today to talk about the threat of violence to our country, and in particular the troubling way that the entertainment media are promoting and selling adult-rated products to our children. But we are also talking on a broader level about the thread of values that connects us as a nation, and the growing concern about the impact the popular culture is having on our moral fabric. That connection is critical to understanding what's at stake here, and I want to take a few moments to discuss it.

As you know Mr. Chairman, this conversation has been reverberating around the country for the last several years. There is widespread anxiety that our common values are deteriorating, that our standards of decency and civility and safety are eroding, that our families are weakening, and, as a result, that our quality of life is suffering. Many of us in public office, in fact many members of this Committee, have tried to give voice to these concerns, in particular to the complaints of parents who feel locked in a losing competition with the culture to raise their children.

Then came Columbine, a psychic breaking point for so many of the American people. It was a warning that the culture of carnage surrounding our children may have gone too far, and that the romanticized and sanitized visions of violence our children are being bombarded with by the media had become part of a toxic mix turning some of them into killers. So we pleaded with the leaders of the entertainment industry to join us at the table, along with parents, the gun industry,

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and many other groups involved in this problem, and work with us to reduce the risk of another student rampage and help us fight the larger problem of youth violence.

The report released by the FTC this week indicates just how far we still have to go. Rather than helping to shoulder some of the growing burden on parents, according to the FTC, the entertainment industry too often has chosen to go behind their back, targeting the sale of violent, adult-rated products directly to children. In fact, the FTC found dozens of smoking guns about smoking guns, internal marketing plans which show conclusively that the movie, music, and video game industries were purposely cutting out the middle mom and dad and routinely, aggressively, and intentionally marketing these violent, harmful products to young audiences.

This practice is deceptive, it is outrageous, and it must stop. The leaders of these industries have to realize that they cannot tell parents that these products are inappropriate for their kids and then turn around and market them to their kids. That makes a mockery of the ratings systems that parents depend on to make the right decisions for their children. It greatly decreases the effectiveness of these warnings. And it greatly increases the odds that children will be exposed to materials that hundreds of studies have conclusively shown can be harmful to them.

That is why, in response to the FTC report, Vice President Gore and I have demanded an immediate ceasefire in the marketing of adult-rated products to children. And it is why we have challenged the entertainment industry to develop their own uniform codes of responsibility to enforce this policy, just as the FTC has recommended, with real, self-enforced sanctions for offending companies. The video game industry has such a code, and last year the game makers agreed to strengthen it and step up its enforcement. While it has not worked as well as it should, it is a strong step in the right direction, and the game makers deserve credit for taking it. We should expect no less of the music industry, which recently announced some encouraging changes in its parental advisory program, and of the movie industry.

I am hopeful that these entertainment industries will respond responsibly to the FTC's findings. But I must say I am deeply disappointed by the failure of the movie studios to produce even one witness here today. The FTC report raises serious questions, and this Committee – not to mention America's parents -- deserve serious answers, not distant excuses.

Vice President Gore and I believe that vigorous self-regulation is the best solution to this problem, and we hope these entertainment industries step up to the plate in the next six months. The Walt Disney Company did just that yesterday, issuing a strong statement that it would incorporate the FTC's major recommendations into its marketing policies, and I want to thank and commend them for it.

But if these industries fail to act, and if they market adult-rated products to kids in violation of their own standards, then they must be held accountable. Specifically, if the FTC has the proper authority, it should move swiftly to bring actions under its false and deceptive advertising rules. If the FTC finds those rules do not apply to this unique circumstance, then we should introduce

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new narrowly-tailored legislation to augment the FTC's authority, with the understanding that it has been fully consistent with the First Amendment, and in no way regulate or restrict the underlying content of the movies, music, or video games. We are focusing on how they market, not what they make.

The FTC report also talks about where they sell, and the critical role retailers must play in protecting children from harm. The FTC investigation found that movie theaters and retail outlets, at best, haphazardly enforce the age-based ratings, and often do nothing at all – an undercover sting revealed that kids aged 13-16 were successful in buying M-rated games and records with the explicit lyrics label 85 percent of the time.

That kind of laxity is unacceptable. Just as the FTC has done, we must challenge the retailers to adopt a tough, enforceable, voluntary code of responsibility prohibiting the sale of adult-rated products to children, complete with real, self-enforced sanctions for offending businesses. Kmart, Wal-mart, and Target just recently made a commitment to enforce exactly this kind of policy for violent M-rated video games, as had Toys-R-Us previously. I applaud those companies for lending parents a helping hand and setting a high standard of corporate citizenship, and I would urge the rest of the industry to follow their principled lead.

All of these constructive steps won't ultimately be effective, though, if parents are not engaged. That is a critical point that many in the industry emphasize, and they're right. We have been working to give parents empowering tools to help them fulfill what we all agree is their primary responsibility to protect their children from harm – the V-chip, rating systems, a wide array of Internet blocking and filtering technologies. This FTC report recommends several worthwhile ways to make those tools more useful, from investing more in educating parents, providing better ratings with more information, and fully disclosing the reasons for those ratings in the ads and on the packaging. But they will not be useful if they're not used, which is why we have to challenge parents to do more to monitor their children's media diets.

In the end, Mr. Chairman, what we are asking for today is not censorship, but simply better citizenship, especially from these major entertainment companies that shape our culture. These same companies contribute so much to our culture, our economy, and to the American experience. They make so many wonderful products that entertain, educate, and elevate us as a people. But they are also contributing to some serious national troubles, and we need their cooperation to if we are to make things better.

The FTC report and we here today on both sides of the aisle are saying to Hollywood: Work with us and America's parents. Provide them good information to make good judgements. And help us meet our shared obligation to protect our children and our country from harm.

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