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Statement on the Family ...
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Television addresses

Statement
on the
FAMILY
VIEWING
POLICY
of the
TELEVISION
NETWORKS

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Administrative Board

United States
Catholic Conference

September 10, 1975

**Statement
on the introduction of the
"Family Viewing" period
during prime-time by the
television networks**

**Administrative Board
United States Catholic Conference**

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I. Introduction

With the 1975 Fall season the three television networks have introduced their new policy of a "Family Viewing" period during prime-time programming hours.

In summary, the following guidelines will be observed by the networks. The first hour of network entertainment programming in prime-time and the immediately preceding hour are to be set aside as a "Family Viewing" period. Secondly, in the occasional case when an entertainment program broadcast during the "Family Viewing" period contains material which may be unsuitable for viewing by younger family members, a "viewer advisory" will be broadcast in audio and video form. Moreover, viewer advisories will also be employed during the later evening hours for any program containing material that might be disturbing to significant portions of the viewing audience. Finally, broadcasters will endeavor to inform publishers of television program listings of those programs that will contain "advisories." A responsible use of "advisories" in promotional material is also urged upon broadcasters.

This new network policy on family viewing is the result of conversations that the Chair-

man of the Federal Communications Commission had with network leaders in the early part of this year. The results of those negotiations were made public by the Commission in its "Report on the Broadcast of Violent, Indecent and Obscene Material" on February 19, 1975 (FCC 75-202,30159). The report, which was in response to Congressional directives on the subject, addresses the "specific positive action taken and planned by the Commission to protect children from excessive programming of violence and obscenity." The acceptance by the Commission of the "Family Viewing" concept constitutes the major element of this plan.

II. Presuppositions

Before evaluating this "Family Viewing" policy we wish to outline certain presuppositions which the United States Catholic Conference views as important and relevant to the question at hand.

(1) In our society today television is the single most formative influence in shaping people's attitudes and values. It is not only the power the medium itself possesses that supports this proposition. Of even greater significance is the cumulative effect upon an individual of his daily television experiences, frequently passive and uncritical, from early childhood until the evening of life. By the time they have completed high school, most children have spent more hours before a television set than they have in the classroom. The average adult also spends considerable time each day viewing television.

(2) Unquestionably, therefore, the experience of television is both an *ordinary* and *integral* part of American *home life* today. Hence it follows that any evaluation of the role that television plays in the American experience must focus on the actualities, first, of substantial daily viewing by the aver-

age American, and secondly, of the home environment in which the viewing is experienced. We are not dealing then with the occasional entertainment experience that a child or adult may have by going out of the home to see a movie. Much less are we dealing with the even rarer entertainment experience of a nightclub show.

(3) The Church respects the enormous potential that television has: for education; for providing full and accurate information so essential to enlightened public opinion; for building understanding and community among men and nations; for preserving and, indeed, creating art; for providing entertainment and relaxation that re-create the human spirit and emotions.

In the face of this enormous potential broadcasters cannot view themselves as merely entertainers or technicians. Because social communications are so central to modern life the vocation of a broadcaster is a calling of high honor—and of heavy responsibility. The broadcaster, more than others, helps to shape the very ethos of the world in which we live.

(4) It should be noted as well that American broadcasters' responsibilities go far beyond the frontiers reached by their signals. They have a global responsibility because they belong to an industry that has established American international leadership in the technology, the content, and the style of contemporary mass communications. One example is enlightening: during 1974, of 1707 film entertainment programs shown on Brazilian television 1267 programs were of American origin; only ten were Brazilian productions. American broadcasters cannot therefore take a parochial or narrowly nationalistic view of their responsibilities. They must be increasingly sensitive to the cultural and moral imperatives of societies

other than our own. The American people, sharing as they do a collective responsibility in our interdependent world, have every right and duty to protest whenever broadcasters may manifest indifference or insensitivity to the needs of their sisters and brothers across the world. In a word, the question of the broadcast of violent, indecent and obscene material has to be viewed from an international as well as a domestic perspective.

III. USCC Evaluation of the "Family Viewing" Policy

At the very outset of our evaluation of the FCC acceptance of the "Family Viewing" policy it seems important to state that if our opinion of the Commission's recommendations must be largely negative, it is not because we have failed to appreciate the most difficult task of the Commissioners.

The FCC report (page 3) quite rightly observes that "administrative actions regulating violent and sexual material must be reconciled with constitutional and statutory limitations on the Commission's authority to regulate program content." Not only do we support this observation but we would oppose any recommendation that would call for the direct involvement by government in the content area of programming. Section 326 of the Communications Act specifically prohibits the Commission from exercising the power of censorship. This prohibition must be maintained.

Opposition to *direct* governmental involvement in program content, however, does not call in question the role required of the Commission by the same Communications Act, namely, that it ensure that broadcast licensees operate in a manner consistent with the public interest. The *Red Lion* decision of the Supreme Court explicitly reminded broadcasters that they are "public trustees" with

fiduciary responsibilities to their communities. We strongly support the Commission's policy that program service in the public interest is an essential part of every licensee's obligation.

Nor again, by opposing *direct* involvement by government, do we intend to cast any doubt on the obligation that Congress has to legislate effectively against the broadcast of violent, obscene or indecent material. Specifically, we support the Commission's legislative proposal that Congress amend Section 1464 of Title 18, United States Code, in order to remove the present uncertainty of the Commission as to whether it has statutory authority to proceed against the video depiction of obscene or indecent material. (*Report*, page 9).

In the light of the constraints placed on it by the Constitution and Section 326 of the Communications Act, the Commission understandably notes that it "walks a tightrope between saying too much and saying too little" when applying the public interest standard to programming. In the present instance, the Commission decided that "regulatory action to limit violent and sexually-oriented programming which is neither obscene nor indecent is less desirable than effective self-regulation." (*Report*, page 3). Hence the Chairman of the Commission met with broadcast industry leadership in the hope that he might "serve as a catalyst for the achievement of meaningful self-regulatory reform."

Although the effort of the Chairman is commendable, our judgment is that the results are unacceptable. Our reasons are as follows:

- (1) *Self-regulation must be open, accountable and cooperative.*

The United States Catholic Conference has been, is and will continue to be firmly committed to the principle of voluntary self-regulation for all the communications media. We therefore share the Commission's conviction that broadcast self-regulation is the basic solution to the problems at hand. However, we strongly disagree with the Commission's apparent conviction that a few modifications in the status quo will enable the networks to achieve "meaningful self-regulatory reform" in the area of broadcast entertainment.

Self-regulation is not a unilateral activity performed behind closed doors by a few powerful individuals at the top. Self-regulation, to deserve the name, is an *open, accountable and cooperative* process, involving both broadcasters and the public they serve.

We are far from convinced that broadcast management is genuinely *open* to dialogue with the public or accountable to it. The very corporate structure of the networks, for example, is such a forbidding and complicated maze that it appears designed to guarantee that, insulated from public scrutiny, top management may, without fear of challenge or other encumbrance, pursue the uniquely important goal of maximizing profits. And yet, of all the communications media, broadcasting should be the one most open to dialogue with the public precisely because the airwaves belong to the public and broadcasters are public trustees with fiduciary responsibilities to their communities. The polished rhetoric of industry public relations releases is not dialogue but self-serving monologue. In spite of good intentions, the series of closed meetings which the Chairman of the Commission held with the inner circle of network top management strikes us as having little to do with openness to public

dialogue or public accountability. Even worse, it can only serve in effect to strengthen the claims currently being made by some broadcasters that the public does not really own the airwaves.

Neither will the quality of openness and accountability characterize industry self-regulation as long as the public is without ready access to reliable advance information about broadcast entertainment programming. This need for information is not satisfied by industry-generated publicity releases or advisories. Books, plays, records, movies, circuses, exhibits of all manner are also the object of publicity and promotion, but before buying, the interested consumer has critical evaluations of the product available to guide his or her choice. Since, apart from summer repeats, broadcast entertainment is essentially a one-time presentation, reliable advance program information would only be possible were networks and local stations to adopt and implement a policy of prescreening *all* entertainment programs for critical review. We are aware, of course, that the "rating-game" approach to television entertainment effectively precludes even the consideration of any prescreening policy that might, in effect, serve to restrict potential audiences. Without it the broadcast industry cannot justly claim to be open and accountable to the public it claims to serve. One might have expected that the Chairman of the Commission would have seen this as an important question to have posed to network top management.

Self-regulation is also a *cooperative* activity that should involve every local broadcaster. A frequent complaint of the local broadcaster is that he is rarely consulted or otherwise actively involved by the networks in the decision-making process with regard to network entertainment programming. To

the best of our knowledge top network management did not invite the *prior* counsel of their affiliate stations on the subject of whether there ought to be a family-viewing period during prime time. Neither are we aware that the Commission sought the opinion of the affiliates in the matter. If the decision has been unilaterally taken by the networks and accepted by the Commission, it may be because, were it left to local affiliate management, who alone must bear the ultimate responsibility to the public, many of them might have rejected the idea on the grounds that their prime-time audience is a family audience. At the very least, they might have demanded stricter and more precise standards.

Self-regulation also involves *cooperation* on the part of the *viewing public*. No system will succeed unless it enjoys public confidence and support. Part of our complaint is that neither the networks nor the Commission made any effort to consult the public on whether it was indeed prepared to accept the introduction of a distinction between family-type and adult programming and, if so, under what conditions. We seriously doubt that the average parent would or should find it reasonable to insist that older children be excluded from watching television in their own home after certain time periods. By what mandate or legal title, parents might rightfully demand, can the Commission and the networks unilaterally decide that henceforth minor children are entitled to enjoy only a limited access to evening television entertainment? A more than lurking suspicion remains that the audience for prime-time television is after all not the general American public but older teenagers, young adults and the affluent who have the money to spend on the products advertised. In short, children, the poor and the aged are to be disfranchised. How all of this relates to

high-sounding network appeals to creativity and First Amendment guarantees or is to be reconciled with serving the public interest is difficult to perceive.

(2) *Commercialism—Core Problem*

And so we come to what must be acknowledged as the core obstacle to effective self-regulation in the broadcast industry—its complete domination by commercial interests. What American commercial television is all about is not primarily either information or entertainment, neither news nor culture. Its primary objective is to create a meeting place for consumers and advertisers. American television is essentially concerned with the sale of consumers to advertisers.

As long as this equation controls programming decisions, especially during prime-time when network competition is keenest, the central concern of broadcast management has to be to air that type of program which will deliver the greatest possible audience. And what kind of programming is this? Look at the record. Do we find serious dramatic works or programs that might challenge viewers to confront disturbing social issues or documentaries that might open American minds and hearts to understanding and compassion for the powerless at home and abroad? What has the average American viewer of prime-time entertainment programming learned about the global village, the interdependent world in which we are said to live—about Africa, Latin America, Asia, Oceania? The record will reveal that network management programming decisions have much more to do with appealing to the alleged lowest common denominator of audience interest,—smart comedy, crime, violence and sex. Were the record otherwise, the Commission would never have been mandated by Congress to undertake its study.

(3) *Lessons Learned From Motion Picture Code and Rating Program*

On page five of the Commission's Report it is stated that "the Chairman raised the possibility of the adoption of a rating system similar to that used in the motion picture industry." We believe that some sobering conclusions might have emerged for the members of the Commission had they reflected on what has happened to American motion pictures since October 7, 1968, when the Motion Picture Association of America (MPAA), first announced the details of its new and expanded plan of movie-industry self-regulation.

The MPAA plan bore the title "The Motion Picture Code and Rating Program." We wish to emphasize that it was a *code* as well as a rating program. At the top of the document appears a section entitled "Declaration of Principles of the Code of Self-Regulation of the Motion Picture Association." A few excerpts from this section are of interest:

"This Code is designed to keep in close harmony with the mores, culture, the moral sense and change in our society.

"The objectives of the Code are:

1. To encourage artistic expression by expanding creative freedom; and
2. To assure that the freedom which encourages the artist remains responsible and sensitive to the standards of the larger society."

"We believe self-restraint, self-regulation, to be in the American tradition. The results of self-discipline are always imperfect because that is the nature of all things mortal. But this Code, and its administration, will make clear that freedom of expression does not mean toleration of license.

“The test of self-restraint—the rule of reason—lies in the treatment of a subject for the screen.”

Under the second section of the MPAA document which is entitled “Standards for Production” there are eleven standards enunciated which will determine whether a motion picture will qualify for a Code Seal of approval. Those standards read as follows:

—The basic dignity and value of human life shall be respected and upheld. Restraint shall be exercised in portraying the taking of life.

—Evil, sin, crime and wrong-doing shall not be justified.

—Special restraint shall be exercised in portraying criminal or anti-social activities in which minors participate or are involved.

—Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse shall not be presented.

—Indecent or undue exposure of the human body shall not be presented.

—Illicit sex relationships shall not be justified. Intimate sex scenes violating common standards of decency shall not be portrayed.

—Restraint and care shall be exercised in presentations dealing with sex aberrations.

—Obscene speech, gestures or movements shall not be presented.

—Undue profanity shall not be permitted.

—Religion shall not be demeaned.

—Words or symbols contemptuous of racial, religious or national groups

shall not be used so as to incite bigotry or hatred.

—Excessive cruelty to animals shall not be portrayed and animals shall not be treated inhumanely.”

The Motion Picture Code and Rating Program envisioned two distinct questions for its administration. The first question pertained to these Standards for Production; if the submitted motion picture conformed to the standards, it would be issued a Code Seal of Approval. If it did not qualify for a code seal, it could only be rated (X). For a Code-approved film a second question was then to be applied, namely, which of the first three ratings (G, M, or R) were to be applied.

The United States Catholic Conference and the National Council of Churches endorsed in principle this MPAA program “as being consistent with the rights and obligations of free speech and artistic expression, as well as with the duty of parents and society to safeguard the young in their growth to responsible adulthood.” The Churches “relying on the good faith of the industry” gave “genuine and full support to this plan” and urged “its conscientious implementation on every level of production, distribution, and exhibition.”

The Churches maintained their support of the MPAA plan for over two and a half years. Finally, on May 18, 1971, after a detailed statement of concern published a year previously, the Churches, because they could no longer in good conscience be party to a charade, withdrew their support.

How could a plan which had been welcomed with genuine enthusiasm only two and a half years previously have failed so miserably? The best of motivation and the highest good faith could not stand up to the pressures of commercial competition. Within a

few short weeks of the introduction of the Code and Rating Plan, there began to emerge an attitude on the part of some film producers that "now that the kids are protected, anything goes." And in no short order, almost everything did go—including the standards for production, which, as noted previously, were to determine whether films qualified for the Code Seal of Approval. Although the MPAA has not formally advised the public, the Code is officially dead. All that remains is the rating aspect of the original plan.

One result of all this is that the theatrical motion picture as such has become a lost experience for the majority of Americans. For the industry, in spite of the occasional box-office successes that keep some of the Hollywood glitter going, the loss of the general audience has resulted in serious financial reverses for many producers and exhibitors across the industry. Perhaps, the worst consequence of all for American society is that too many of the creative community of producers, writers, directors and actors have been replaced by hacks whose artistic perception is limited to "exploit-the-audience-with-sex-and-violence."

Our purpose in this review is not to focus on the problems of the motion picture industry but to raise the question of why a reasonable person would be expected to accord greater confidence to effective self-regulation by the television networks than to the MPAA. To the credit of the MPAA it has involved itself in broad consultation with representatives of the public before introducing its Code and Rating Program and continued to collaborate with them in an effort to make the program work. Again, the film industry prescreens its product for public review and takes its chances at the box-office. As already noted, the broadcast in-

dustry's self-regulation is a closed shop and, short of the risk of challenge at license renewal time, is not otherwise accountable to the public. In fact, the networks do not even have to face that risk—except in the narrow area of their owned and operated stations.

We have no confidence that once the commercial broadcast industry as presently constituted is permitted without challenge to introduce what is in effect a rating system for programming, the identical excesses that have occurred in the motion picture medium will not be visited upon the American public—but this time not at the local theater but in the American home. In making this judgment we are not limiting our concern to the pressures of commercial competition presently experienced by the networks. We are also looking down the road when the networks will have to face the added competition from pay-television, video-cassettes, video-discs, and whatever else technological genius may develop.

(4) *Greater Handicaps for Parents and Family Life*

We have placed great emphasis upon television's role in American family life. We do not think that it is possible to exaggerate the centrality and importance of this role, especially at a time in our history when the very structure of family life is seriously threatened. We, therefore, commend the Commission when it states (Report, pages 7-8):

“Parents, in our view, have—and should retain—the primary responsibility for their children's well-being. This traditional and revered principle . . . has been adversely affected by the corrosive processes of technological and social change in twentieth-century American life. Nevertheless, we believe that it deserves continuing affirmation.”

“Television . . . also has some responsibilities in this area. . . . The Commission has sought to remind broadcasters of their responsibility to provide some measure of support to concerned parents.”

However, we must also seriously fault the Commission for then making recommendations which, in the light of our foregoing observations, will only serve to create even greater handicaps for parents as they struggle not only to assure the well-being of their children, but also to preserve family life which is so essential to the well-being of this or any nation.

(5) *Specific Criticism of “Family Viewing” Plan*

Although it may seem unnecessary to comment on the specific recommendations that the FCC Report has proposed for the Fall 1975 television season, we will do so anyway with the understanding, however, that these criticisms are secondary to our already stated core concerns.

(a) Inspection of the report reveals that the 7:00-9:00 p.m. “Family Viewing” period, which appears to have been the initial FCC objective, will hold only in fact for the Eastern and Western time zones. For the Midwest it will mean a 6:00-8:00 p.m. period and for the Rocky Mountain time zone 5:00-7:00 p.m. Why? The Commission lamely acknowledges that the networks had informed it that “a standard based on a 9:00 p.m. local time would require prohibitively expensive separate program transmissions to each time zone.” This concession to commercial considerations is incredible. It hardly demonstrates an honest commitment by the networks to American parents.

(b) The use of the so-called “advisory warnings,” the second point in the FCC proposals, is an equally incredible concession.

“Viewer advisories,” the Report states, “will be broadcast in audio and video form *in the occasional case* when an entertainment program broadcast *during the “Family Viewing” period* contains material which may be unsuitable for viewing by younger family members.” (Emphasis added.) Not only does this “advisory warning” concession open the door to abuse in order to attract larger audiences; there is something far more disturbing about it. It leads to the obvious conclusion that neither the Commission nor the networks are single-minded about keeping the “Family Viewing” period inviolate.

(c) The combination of “viewer advisories” and the “advance notice” to be given about such advisories clearly implies that a television *rating system*, almost as developed as that of the motion picture industry, is about to be foisted upon the American public without, however, it being candidly identified as a rating system and, of course, without any previous public debate as to the merits of same.

(d) Granted the advisory or rating system proposal, who is going to be making the necessary judgments as to material “which may be unsuitable for viewing by younger family members” or concerning programs, “in the later evening hours,” which “contain material that might be disturbing to significant portions of the viewing audience?” The Commission report makes much of the “subjectivity” of these matters. But even if artistic and moral considerations were actually as subjective as the approach of the Commission would imply, there is no reason to conclude, as the Commission does in fact conclude, that such decisions must be left to the networks. This, of course, touches on the basic issue: despite the fervent rhetoric of the FCC report, the networks continue to be answerable to no one but themselves. In

some respects the report of the Commission is an insult to the public's intelligence and inescapably lends credence to the suspicion that the main function of the FCC is after all to act as a buffer between the networks and public accountability.

(e) An integral part of the Commission's plan involves the incorporation of the "Family Viewing" period concept and the advisory warnings into the Television Code of the National Association of Broadcasters. It appears unnecessary to observe that the NAB as presently constituted has been neither organized for, nor is it capable of, taking on any serious representation role for the public interest. The NAB is a trade organization whose function is to argue for the interests of its members before the government and the public. Moreover, since no more than 60 percent of all stations belong to this voluntary organization, NAB cannot even speak for the entire industry. Nor, in fact, can it effectively discipline its members who choose not to abide by its Standards and Practices rules. Finally, the FCC has not yet secured agreement of the independent television stations to support the NAB TV Code's incorporation of "Family Viewing" despite the fact that the NAB voted to give independents a waiver on restrictions against sex and violence until September, 1977, for any programs under contract since last April.

IV. Conclusions

For all the reasons set forth in this statement the United States Catholic Conference finds the proposals contained in the FCC's report to be unacceptable. Our principal reason is that those proposals stand or fall upon effective self-regulation by the broadcast industry.

Effective self-regulation has to be an open, accountable, and cooperative process. Our judgment is that to date the networks have

not demonstrated a commitment to such a process. Moreover, we seriously question whether such a commitment is even possible for the networks as long as no industry effort is undertaken to reduce the impact of commercial pressures upon their program decision-making.

In this connection, the "rating game" must be addressed specifically. A basic weakness of commercial broadcasting is that management is incapable of exercising responsible freedom in the program decision-making process because they are trapped in a rating thralldom.

If ratings objectively identified the needs of the public, they would be a true service both to broadcasters and the public they are to serve. We doubt anyone can make a case in favor of the rating organizations that would prove them to be providing a constructive service to the medium or the public. We, therefore, recommend that Congress investigate the program rating services which appear to exercise an inordinate influence upon television programming and which have thus far successfully resisted public scrutiny.

As for the broadcast industry we strongly urge all broadcast licensees, whether network affiliates or independents, whether members of the NAB or not, to reflect anew upon their responsibilities to the public they are licensed to serve and to examine how well they are meeting those responsibilities. We fully appreciate that service to the community by commercial broadcasters cannot be delivered without a profitable operation. Yet the profit motive can never justify programming that debases rather than builds community.

As for the viewing public, it must respond and demonstrate to local station management that it cares and is ready to work with management for the achievement of a pro-

gram schedule that serves the community's needs. In particular, we encourage our Catholic people, under the leadership of their bishops and pastors, to take an active and affirmative role in working with their fellow citizens, especially on an interfaith basis, in pursuit of the same objectives. Neither networks nor advertisers, neither Hollywood nor government can influence station managers who have their communities strongly behind them.

For its part, the Federal Communications Commission must demonstrate that it is more concerned about how well the public interest is served by commercial broadcasters than how well it serves the interests of commercial broadcasters. In particular, a scrupulous enforcement of the spirit as well as the letter of the community ascertainment requirement is essential.

Moreover, recent efforts either to exempt certain broadcasters from the requirement to ascertain community problems or to reduce the requirements for others must be resisted by the Commission. The Commission must also fully support the right of the public to challenge license renewals. This requires that communities have access to all necessary information and be afforded adequate time to exercise the right to challenge.

Finally, the business community has a special responsibility for the quality of commercial broadcasting. It is their advertising dollars that either enhance or debase the medium. If all advertisers had been as sensitive to the broadcast needs of the American public, especially of the family, as some have been, this statement might not be necessary.

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