

## Whose Freedom of Speech Is It Anyway?\*

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I've been asked to comment on Freedom of Speech issues that are confronting us in the U.S. today. Many people have noted that corporate interests control what gets discussed in the media, and one place where this is obvious is the controversy over the media's effects on children. Research shows that violent television, movies, videogames, and even commercials can produce serious harmful effects on children, such as promoting violent behaviors and inducing intense anxieties. Parents need this information so they can make informed choices about their children's viewing, but the media use their corporate power to censor information that might damage their profits. At the same time, these corporations raise First Amendment concerns when solutions that might help parents are proposed. Here are a few recent examples of what I'm talking about:

1. In 1997, I participated in a taping of *The Leeza Show*. On that show, parents were highly critical of the TV industry's new age-based rating system that was supposed to help them block harmful content using a device called the V-chip. NBC, which opposed making changes in the rating system, refused to let that program air. And five years later, they still have not gone along with the compromise that the other stations adopted.
2. After the National Institute on Media and the Family released a list of the 10 most violent video games, they were sued by the manufacturer of one of the games on the list. Although the lawsuit was eventually dropped, the costly process caused the organization's liability insurance to double, and they were subsequently lucky to get any insurance at all.
3. The Center for Successful Parenting produced a documentary on the effects of media violence for Court TV, a cable channel that is owned by Time-Warner. Before the program could air, the producers were told to remove the mention of Time-Warner's products. They were also required to include remarks by lobbyist Jack Valenti, who claimed that the research showing harmful effects was inconclusive.

These are just a few of many examples of corporate interests using their muscle to restrict the free flow of information to parents. They say that it's up to parents, not the media, to raise their children. But they make harmful products, which come into our homes automatically through television, they market them to children too young to use them safely, and they try to keep parents in the dark about their effects.

A sensible solution is to require media producers to accurately label their programming. The media interests say that this is the start down a slippery slope toward censorship. But we require food labels so people don't have to eat something to find out they're allergic to it. We even require clothing manufacturers to label their products so our colors won't run and our garments won't shrink.

Because the media are so pervasive and parents can't be constantly present in their children's lives, parents need tools to help them enact their decisions about what's healthy or unhealthy for their children. The V-chip is one possible solution, but it won't work without accurate, informative ratings, and it can't be used by the majority of parents, who have yet to hear about it because it gets so little publicity. Did *you* know that since January 2000, all new TV's except very small ones are required by law to have the V-chip?

Newer tools that might help parents are being fought by the industry. A video recorder called Replay TV allows parents to skip commercials - which are becoming more violent and edgier all the time. The entertainment industries have sued Replay TV for encouraging what they call copyright infringement. Other new products involve software that can create "tamer" versions of movies according to parents' preferences. Recent news reports suggest that legal action against these products is also forthcoming.

Other attempts at parental empowerment are also being fought. The city of Indianapolis, recognizing that many young people go shopping without their parents, enacted a videogame ordinance. It required the owners of videogame arcades to label games featuring graphic violence or strong sexual content and to prohibit children under 18 from playing them without parental consent. The videogame industry sued, and the Court declared the law an unconstitutional infringement of freedom of speech. Similar ordinances in other communities are also facing challenge.

Censorship is not the answer. But the pattern here is that the First Amendment is aggressively used to protect commercial interests at the same time that the free speech rights of child advocates are stifled. We are fortunate in Madison to be the home of the National Telemedia Council, the nation's oldest media literacy organization, and I'm optimistic that through parent education and media literacy, we can help our children lead healthier lives. However, to do this, we all need equal access to freedom of speech.

\*A shortened version of these remarks appeared in the *Wisconsin State Journal*, October 17, 2002.

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