Chapter 5

Five

THE SELLING OF KIDS AS CONSUMERS

I was reaching for a cup for my then two-year-old daughter Carly when she yelled, “No, Daddy, no!” She pointed her chubby finger at the shelf where she saw her favorite plastic cup, branded with a picture of her favorite Teletubbies character, and said, ‘Po!” That moment, I recognized, was the end of Carly’s babyhood and the beginning of her new lifelong career as a “consumer cadet,”[177] as marketing expert James McNeal dubs tittle shoppers-in-training. She wasn’t even out of diapers yet. Yet Carly not only could easily tell Po apart from the other rotund Teletubbies—Laa-Laa, Dipsy, and Tinky Winky—but she had emotionally bonded with the character and its commercial tie-in products. She and the Teletubbies brand had, as McNeal puts it, “become good friends.”[178]

I’ve got nothing seriously against the ***Teletubbies*** from a purely content point of view. It’s an okay show, and we used to let Carly watch it *on* videotapes once a week. But the program does bother me—a lot—for a couple of other reasons. First of all, it’s aimed at children as young as one, the very first show targeted to an audience of **infants.** That by itself *is troubling*, especially when the American Academy of Pediatrics urges parents to keep kids away from television until the age of two.

The other thing that troubles me about *Teletubbies* is that it is a blatantly commercial program. Developed in Britain, the series had already spawned a line of best-selling tie-in toys and merchandise in that country before it debuted in this country in 1998. Teletubbies dolls, pajamas, bedsheets, books, and games have flooded toy stores, marketed by Ragdoll Productions and its U.S. licensing and merchandising parmer, itsy bitsy Entertainment. This retailing push, aimed at least indirectly at kids who are crawling and toddling, has really lowered the bar on children’s marketing, but some plainly see it as a profitable opportunity. “The one-to-two-year-old niche hasn’t been filled very well,” pointed out Carol Lowenstein, head of the product licensing company Character World. Teletubbies, she added enthusiastically, is the first brand “to come along for this age group on a very large scale, with not only the programming, but all the spin-off products and other marketing elements that will come out of that license.””’’ What’s next, one TV critic quipped, “The In Utero Channel?” Where do we draw the line when it comes to marketing to kids?

But **just** as troubling as this toddler assault is the fact that our own public broadcaster has to play this merchandising game in the first place. *Teletubbies* was brought to the United States by none other than the originally noncommercial Public Broadcasting System. But Norway considered the show so mercenary that it refused to **air** the series. The country’s preschool programming head, Ada Haug, called it the most marketing-focused children’s show that she had ever seen. And at an international children’s television conference that **I** attended a few years ago in London, Alice Cahn, then the head of PBS’s children’s programming, was actually booed by other attendees for agreeing to pick up the show. But that didn’t stop PBS, which felt it needed the merchandising-related windfall from *Teletubbies* in the face of persistent budget cuts from the **U.S.** Congress. As usual, money talks in media, and Congress essentially told PBS that it had better start selling.

Thirty years ago, public funds made up 70 percent of the budget for public broadcasting, as they should. By 1998, however, Congress in its infinite wisdom had slashed that percentage down to 11 percent.[180] As a result, since 1990, PBS has had to turn to merchandising to help plug the gap, hawking products tied to characters on ***Barney & Friends,*** *Shining Time Station,* and *Lamb Chap's* ***Play-Along.*** But *Teletubbies* is a much bigger play than any of these other ventures. Even though the more than two hundred Barney products raked in $500 million in sales in 1993 alone, PBS only received a small fraction of those product licensing fees, most of which went to the producers and marketing companies. The *Teletubbies* deal is a much richer one for PBS, which gets a cut of merchandise and video sales as well as fees from licensing.'" The big question we should all be asking is why our nation's only *public* broadcaster is forced to behave in the same mercenary manner as the commercial broadcast networks, which are owned by big conglomerates.

LITTLE KIDS IN THE CROSSHAIRS

It's pretty clear that the goal of this multinational, sophisticated marketing scheme is not to benefit young children—who shouldn't be watching a lot of TV anyway—but to sell products and enrich the network, manufacturers, and producers. Disturbingly, the target of this huge, manipulative campaign are kids like my then two-year-old daughter Carly. The aim was to encourage her attachment to the TV characters so that she'd ask for the licensed products. And of course, we permitted it—to a limited extent—because like most parents, we found it hard to resist our toddler's pleas and the pleasure she so clearly derived from her Po cup, a *Teletubbies* board book, and a stuffed Po doll that giggles when you push its stomach. Our baby daughter was already brand-aware, like millions of her peers in the cine-to-five-year-old demographic segment. Michael Cohen, a psychologist and one of the nation's leading experts in kids' media, confesses that he's uncomfortable with this. ''This is an area that **has** changed radically over the last decade," he says. "Ten years ago, two-to-five-year-olds did not have that intensity of affinity for licensed, branded characters. It's an emotional relationship with the character, whether it's Po or Winnie the Pooh. My concern is that if you use those beloved characters to sell things directly to children, it's unfair and manipulative. You shouldn't do it. That's really clear.''

I'd go even further. To me, the idea of fostering the emotional attachment of little children in order to sell them things is not just manipulative, it's exploitative and morally unethical. But in the media business today, that's been the rule, not the exception, for nearly twenty years. Probably the worst chapter *in* the history of children's television was written during the 1980s' deregulation spree. **As** commented on earlier, the ending of broadcasting restrictions unleashed a wave of sexual content designed to grab viewer attention in the ramped-up race for ratings and advertising. What was even more scandalous is what happened to kids' television. Deregulation knocked down the barriers that separated sponsors of TV programs from producers. As a result, a huge crop of animated children's shows hit the air with the explicit purpose of hawking tie-in toys. Toy companies actually funded and helped develop the shows as direct advertising vehicles for their products. From *The Smurfs* and ***Stmwberry Shortcake*** to ***GI*** *Joe,* the *Transformers, He-Man, GoBots,* and *ThunderCats,*[182] these "kiddiemercial" cartoons promoted toys and an endless range of tie-in products and "collectibles." The formula was so successful that it was copied by movie studios such as Disney, whose animated features became increasingly linked to elaborate and extensive merchandising campaigns. Once again, the targets of these powerfid marketing campaigns were not sophisticated adults—who, one can presume, are able to tell when they are being exploited—but little kids under the age of eight.

Deregulation, in effect, "allowed the marketplace to determine the definition of children's programming," based on economics, not the public interest, contends Norma Odom Pecora, telecommunications professor at the University of Ohio.[183] She points to the Care Bears **as** a prime example of the scope and power of these market-driven shows. The Kenner toy company introduced the Care Bears toy line in **1983,** with nine collectible characters including Birthday Bear, Friend Bear, Wise Bear, Tender-Heart Bear, and Good Luck Bear. At the same time, it produced and sponsored a Care Bears television special. Soon after, *The Care Bears* miniseries debuted, along with the Care Bear Cousins toy line—and *The Care Bears Movie.* From stuffed animals to backpacks and even kids' cough medicine, Care Bears products were pitched relentlessly to little kids using the huge, manipulative power of the media.[184]

"Children are in the crosshairs of advertising and marketing," says Gary Ruskin, the head of the consumer group Commercial Alert. Advertisers, he adds, "see children as economic resources to be exploited like timber and bauxite."[185] Make no mistake about it—there's nothing benign about techniques for marketing to kids. They're specifically designed to prey on children's natural weaknesses and vulnerabilities As Nancy Shalek, the president of a Los Angeles ad agency, explained, "Advertising at its best is making people feel that without their product, you're a loser. Kids are very sensitive to that," she observes. "If you tell them to buy something, they are resistant. But if you tell them that they'll be a dork if they don't, you've got their attention. You open up emotional vulnerability, and it's very easy to do with kids because they're the most emotionally vulnerable."[186]

There is something so ethically objectionable about this predatory practice that sixty psychologists and psychiatrists sent a letter urging the American Psychological Association to discourage its members from providing their consulting services to advertisers. As one signer, psychology professor Timothy Kramer, explained, child marketers are not just selling Barbies and Nikes and jeans to vulnerable kids; they're selling "a set of messages that say to the child that what's important in life is buying things." In fact, he notes, the truth of the matter is just the opposite. Research shows that materialistic individuals suffer more depression, have poorer relationships, and use more drugs, alcohol, and tobacco than other people.[187]

CONSUMER CULTURE

It's true that commercialism has just about always been a part of children's media in this country. Back in the mid-1950s, for example, there was an early children's television show, *Winky Dink and You,* that encouraged kids to buy Winky Dink kits enabling them to color in cartoon characters on the TV screen and add other elements to the program's animation. Commercials during the show, delivered by host Jack Barry, pitched the kits directly to the kids. "Of course, you can watch the program without a kit," Barry admitted to his TV audience of children, "but you can't really be a part of the program without 'em. And you can't have the fun that the other boys and girls who have their Winky Dink kits do have," he **said,** before instructing them where to send their money for the kits. Other products in those days, from Mickey Mouse watches to Davy Crockett coonskin caps, sold millions thanks to their links to popular television shows and movies.[188] In the 1980s, however, the scale and scope of these tactics grew spectacularly when the FCC relaxed policies forbidding broadcasters to air shows that were too closely linked to merchandised products. "It used to be that toys were an outgrowth of a television show, but now it's all part of one gigantic marketing scheme," observed Kathryn Montgomery, who heads the Center for Media Education. Thanks to deregulation of the airwaves in the 1980s, Saturday morning television, in effect, became "nothing more than program-length toy advertisements."[189]

The *Mighty Morphin Power Rangers* is one of the most notorious examples of this genre. Produced by Saban Entertainment and aired on Fox Television, *Power Rangers* is a live-action show about a band of teenagers who turn into kicking, fighting superheroes battling evil forces from outer space. The show is linked to a fortune in licensed merchandise worldwide, including action figures, videos, CD-ROMs, and a feature movie, all funneling to the children's media empire of Haim Saban, who is profiled in chapter 7. However, the show is also selling violence along with commercial products. According to a number of early-childhood specialists, *Power Rangers* is the most violent television show ever created for young children, featuring an array of two hundred violent acts per hour. After watching a single episode, kids in one study committed seven times the number of aggressive acts as kids who did not watch the show. Canada deemed the program so violent that its broadcasters stopped airing it in the mid-1990s. Canadian kids, though, are still able to see the show on American television channels.

Margaret Loesch, a widely respected programmer who was then president of Fox Children's Network, tried to defend the program at the time of its initial airing. "We are trying to present fantasy," she said. "We drive home the point that this is not real, and we tell children not to play karate at home."[190] But despite her best intentions, my opinion is that the Saban-Fox machine was flexing a vast amount of marketing muscle to shake down kids, with very little sense of responsibility for the messages it was sending. It was the perfect exercise of the free market. The *only* problem, as psychologist Mike Cohen points out, is that the free-market model breaks down once you're dealing with kids, because they do not possess an adult level of maturity and judgment. "We're talking about kids," he says. "They need nurturing, they need to be cared for, and they need guidance." What they're getting, in the case of shows like ***Power Rangers,*** is a cheaply produced, often irresponsible show designed for the enrichment of its marketing partners. As usual, when the free market wins, kids lose. But in the world of media, some adults can and do get richly rewarded for their skill in manipulating children.

DEMOGRAPHIC DREAM

What's fueling this marketing mania and rising consumerism? The increase in the number of children in the audience—and in their disposable income. In 1998, four-to-twelve-year-olds were responsible for some $27 billion in discretionary spending—about four times the amount they spent a decade earlier.[191] Even more important, they directly or indirectly influenced some $500 billion in spending by their parents, up from $5 billion in the 1960s and

$50 billion in 1984.[192] Children, marketing guru James McNeal declares, are "consumers in training"; each year, some four million of these "rookie" shoppers enter America's marketplace for the first time, "freshly socialized into the consumer role by parents, with help from educators and business."[193] When marketers think about children, he advises, "they should think of KIDS—Keepers of Infinite Dollars"—whose income has been growing 10 to 20 percent a year, ***much*** faster than that of their parents.[194]

The media hasn't missed *this* lesson. Today, marketers spend **$3** billion a year on advertising targeted to kids, some twenty times the amount they spent a decade ago.[195] And since the 1980s, when kids' product-linked TV programs began proliferating in the newly deregulated marketplace, shows have been segmented to targeted micro markets—from the one-to-two-year-old audience of *Teletubbies* and two-to-five-year-old fans of *Barney* to the six-to-eight-year-olds, nine-to-twelve-year-old "tweens," and teens.[196] I see this increasingly aggressive niche marketing every day as we evaluate properties at JP Kids. As media industries target younger and younger kids, small children all over the world, even preschoolers, are increasingly assaulted by commercial pitches. What's so disturbing about this, as McNeal himself admits, is that "kids are the most unsophisticated of all consumers; they have the least and therefore want the most. Consequently, they are in a perfect position to be taken."

That's especially true in the age of accelerating corporate mergers. As a result of vertical integration, a company such as Disney, as we've seen, owns not only its movie studios, theme parks, and cable TV channels like the Disney Channel, ABC Family, and ESPN, but also a consumer-products division as well as the broadcast network ABC. All of these interests combine to present potent cross-marketing opportunities, amplifying the marketing punch of Disney products. When a Disney movie opens, the company saturates the market with related merchandise, from key chains and sunglasses to backpacks and toys for McDonald's Happy Meals. Disney will even push its movies and merchandise in thinly disguised "documentaries" on ABC, which, according to Disney chairman and

CEO Michael Eisner in a recent shareholder letter, "provides a promotional platform for all of Disney." Its movie *The Lion King* earned over $1 billion in licensing revenues, and Eisner characterizes the company's consumer-products division as an "immense" business. All of this leads noted film critic Janet Maslin to ask, "Have the characters in a film's story been created for dramatically legitimate reasons, or are we merely watching a prospective action figure with a pulse?"[197] Certainly, Disney is not alone in the multimedia merchandising game. In 2000, retailers sold some $7.6 billion worth of toys and video games based on movie and television characters.[198] In 1997 Time Warner raked in over $6 billion in licensed merchandise.[199] George Lucas's *Star Wars* movies, of course, have also been worth a gold mine in licensed products. Thanks to a lucrative licensing deal with Hasbro Toys, Lucas had earned back the $115 million he spent on his film The Phantom Menace before the film ever opened in theaters. Most recently, *Hurry* Potter—a terrific book series and, in my opinion, an excellent film—has been Hollywood's latest licensing cash cow. Indeed, Warner Brothers began planning its wave of licensed products related to the movie in January 2000, nearly two years before *Harry* Potter *and* the ***Sorcerer's Stone*** premiered in theaters in November 2001.[200]

The result for kids—and the parents whose spending they influence–is a tidal wave of media-linked merchandise that's virtually impossible to ignore and which is, in effect, commercializing many aspects of children's daily life, from eating (promotional toys at fast-food restaurants) to bedtime stories (tie-in books) and sleep (character-covered bed sheets and comforters). Never before, one critic wrote, have the stories that adults told kids been so shamelessly "stilted and unsupple, and ultimately self-serving." It's even affecting the quality of play. In one marketing study, five- and six-year-old children were at first only moderately interested in a line of prehistoric "stone people" toys—until they watched *The Flintstones* movie. All of a sudden, the kids gave the toys names and personalities, all scripted by Hollywood. They were engrossed, repeating scenes from the film and imitating the voices, dialogues, and interactions of the movie characters.[201] The most significant worry with this type of play is that kids are bypassing their own imaginations, substituting prepackaged, commercial characters and story lines for their own creative efforts. As one mother put it, "a generic doll can be a cowgirl one day and an underwater explorer the next, but Pocahontas will always be Pocohantas." Not only is the media the storyteller, but it's also supplanting and perhaps inhibiting the ability of children to tell stories of their own.[202]

Carole Stoller, a kindergarten teacher in Colorado, sees the effects of this intense commercialism in her classroom. "Twenty years ago, for show-and-tell," she.noted, "children were bringing interesting things from home. Parents were a little more involved in picking it out. Maybe a piece of petrified wood that they'd picked up on a special trip, or pictures from travels. Show-and-tell sessions now," however, "are things they've seen on TV, action figures from the movies, stuff they get from McDonald's and Burger King." Even when they draw pictures, she adds, "intertwined with it will be advertised products, especially around Christmastime." If the child draws a picture of Goldilocks and the Three Bears, for example, chances are that they'll be sitting around playing Nintendo.[203]

There is, of course, another price that kids and parents pay for this wall-to-wall media consumer culture. It's the "gimme factor," and it's the principle that child marketers prize above all. "My girls see a toy they recognize from television and movies, and right away they're asking for it. If their friends have it, they want it even more," one mother complains. James McNeal has even quantified the influence of "little naggers." Children aged five to twelve, he reports, "make around fifteen requests in a typical visit to a shopping setting with parents, around five requests a day at home, and on a vacation approximately ten requests a day—in all, around three thousand product/service requests a year."[204] This "pester power" is much sought-after by marketers, whose conferences actually include such sessions as "The Fine Art of Nagging."[205] Indeed, toy company executives now speak of a category **of** low-priced "shut-up toys"—

inexpensive products that parents can buy to keep their kids from pestering them in stores.

Three-through-seven-year-olds, especially, tend to "want it all," according to youth-marketing expert Dan Acuff; they love to accumulate stuff—and thanks to the fact that their "critical/logical/rational mind is not yet fully developed," they're easy targets for consumer messages.[206] Evidently, many parents are also easy targets for the "gimmes"—especially in two-income families, sales experts point out, where Mom and Dad feel guilty about not spending a lot of time with their kids and lavish extra money and presents on them instead. As child-development expert T. Berry Brazelton puts it, "We are in a very permissive era today in parenting. Parents are so busy and away so much, that it's easy to give in to the 'I want' syndrome."[207] All of this adds up to a cultural environment that seems far too often to he all about "stuff." What we have today, Mike Cohen observes, are "generations of kids who are very materially oriented. They feel entitled to these things. Even more, they actually feel troubled and anxious if they don't have them. And they don't understand that 98 percent of the world doesn't live this way."

It's true: kids in this country are growing up so surrounded by consumer messages—hustling them to buy, own, and accumulate—that they're not even aware of the level of commercial noise. It's only when, and if, they experience its absence that it all sinks in. I remember when a seventeen-year-old girl I know came home after spending a summer volunteering in a little village in *Costa* Rica. She walked into her room and stared for an hour or so at the huge quantities of stuff that she had somehow managed to acquire—clothing, CDs, books, drawers full of random junk, old toys—things that she never used or looked at more than once a year, if that. She told me that she felt disgusted. For the first time, she understood that none of this stuff was necessary or even helpful for a happy life. She had lived richly for nearly two months without it, and her village friends would never have been able to conceive of having so many possessions—the majority of which, frankly, were pretty useless. Of

course, within a few months, my young friend was hack in full teenage consumer gear, accumulating as much as ever. It's a powerful drive that is taught, literally, in the cradle and reinforced every day and everywhere kids turn. It is perhaps my single biggest concern with my own children.

Material World

The commercializing effects of media culture have been dramatically demonstrated in remote regions where television, for example, has only recently been introduced. In a fascinating account, Todd Lewan *of* the Associated Press documented the transformation of the Cwich'in Indian tribe in Arctic Village, Alaska, after a tribal council member brought the tribe's first TV—a black-and-white Zenith—into the village in 1980. Within fours years, the village had video games, a satellite dish, and a VCR. Since then, the tribe has abandoned much of its ancestral culture, based on hunting caribou, in favor of instant coffee, bubblegum, Nike sneakers, M&M's, microwave ovens, and Bart Simpson.

"The TV teaches greed," observed Sarah James, a Cwich'in artist. "It shows our people a world that is not ours. It makes us wish we were something else." One family's home, Lewan reported—a 480-square-foot plywood A-frame—was equipped with three television sets, two VCRs, and a Sony PlayStation. The parents put a television in their son's room so he could watch his TV shows while he played video games. Now, they said, the boy has a regular routine when he comes home from school—he eats, plays Nintendo for a couple hours, watches TV, then watches a video movie and goes to bed. It's been difficult for native stories and traditions to compete with a medium *so* seductive and powerful that, as one forty-three-year-old Gwich'in recalled, "I wanted to watch it and watch it and watch it. . . When I went out in the country to hunt," he acknowledged, "all I could hear was the TV in my head."[208]

ON-LINE AND OUT OF CONTROL

As media has rushed onto the Internet frontier, so have the hordes of children's marketers. In 1996 the Center for Media Education released a groundbreaking study, "Web of Deception," which highlighted the growing use of Web sites to capture the loyalty and spending power of the "lucrative cyberkid category." The study revealed two disturbing trends: the invasion of children's privacy through the solicitation of personal information and the tracking of on-line computer use; and the exploitation of vulnerable youngsters through new, deceptive forms of advertising. By offering kids free T-shirts and other gifts if they filled out on-line surveys about themselves, marketers hoped to accrue enough personal information to "microtarget" individual children. Moreover, by using popular product "spokescharacters," such as Tony the Tiger, in interactive games and other advertising tools, companies were blurring the line between advertising and play. The Internet "is a mechanism for advertisers that is unprecedented:' noted the director of Saatchi and Saatchi Interactive. "There's probably no other product or service . . . that is like it in terms of capturing kids' interest."[209]

Targeting children as young as four, on-line advertisers were grabbing kids' attention and getting them to disclose a range of personal information. An FCC survey of 212 Web sites found that 96 percent asked for children's e-mail addresses, 74 percent asked their name, 49 percent requested their mailing address, 46 percent solicited their age and birth date, and others collected information on their gender, phone number, and interests. Such disclosures were often required when a child wanted to enter a contest, join in chat, play an interactive game, or even gain access to a Web site. But

kids don't understand the privacy implications of these disclosures, and they're easy victims for these marketing techniques.

On the *Batman Forever* Web site, for example, kids as "good citizens of the Web," were urged to "help Commissioner Gordon" with the "Gotham Census"—in reality a survey that pinpointed kids' buying habits and video preferences.[210] Other sites have used sophisticated tracking technology that records kids' on-line activities. After children register at many of these sites, they begin to receive unsolicited marketing e-mail messages, promoting product contests and other purchasing incentives."' These deceptive and intrusive sales pitches are like the junk e-mails that adults receive, except that they specifically target vulnerable children. As Marc Rothenberg, director of the Electronic Privacy Information Center, explained, "Instead of doing a commercial that's roughly targeted at boys five to seven, which is a lot of the advertising on Saturday morning TV, now you're targeting a particular boy, who has a particular interest in a particular program. . . whose parents have a certain income. . . . We've never really existed before in an information environment where the TV could reach out to your child and say, 'Bob, wouldn't you like to have this new action figure, just like in the movie you saw last week?' "

As a result of these marketing abuses, Congress passed the Children's Online Privacy Protection Act (COPPA) in 1998, and its restrictions went into effect in April 2000. COPPA requires sites that gather personal information from kids to have a clear link to a privacy policy, revealing what information they collect and how they use that data. Parents have the right to review their child's personal information and to ask that no further data be collected from their child. COPPA was a good start, but truthfully, I'm critical of certain aspects of the legislation. The government jumped into the dot-com arena without fully understanding the implications of what it was legislating. Strict compliance, as it turns out, can be very expensive and burdensome, and COPPA was one of the factors that led to the disappearance of virtually all of the positive and educational kids' Web sites.

Still, Congress's concerns were **real,** and there's been little change in the percentage of kids' sites that solicit this type of data—85.6 percent in 2001 compared to 89 percent in 1998.[212] Typical, in some respects, is CapnCrunch.com, a site whose motto, perhaps fittingly, is "online and out of control." Kids have to register to use the site, supplying data on their state, gender, age group (including the age category "5, 6, 7"), and favorite Cap'n Crunch flavor. They're invited to share the e-mail addresses of friends by sending them electronic greeting cards and their scores in on-line games. Clicking on an icon produces a questionnaire that asks kids to name their favorite song on the radio and favorite movie star and reveal what they do when they get home from school. Ail of this is useful marketing information for consumer products companies.

On some sites, such as KidsCom, which explicitly gathers consumer data from children, parents now have to agree in writing before their kids can participate in surveys that "help other companies learn about kids." Although Circle 1 Network, the owner of KidsCom, has the stated mission of giving "kids a voice in the world and to each other through a variety of engaging activity," that voice may be of most interest to its corporate clients. It's clear that even though COPPA has imposed some restraints on on-line marketers, they still see the Jntemet as a new way to extract information from kids and develop their loyalty to consumer brands and characters. As long as there's a way to make money from children, overly commercialized Web sites will make the most of it, even while staying technically within the legal boundaries. Childhood media experts and advocates need to pay a lot more attention to on-line marketing to kids as well as the COPPA regulations themselves. We need to help this new medium live up to its extraordinary potential for enriching children's lives, instead of allowing it to be another tool to commercially exploit them.

COMMERCIAL CARPET BOMBING

No wonder that, in our culture, where kids are so steeped in commercial media, a teenager in San Francisco admitted that she can't

imagine a world without marketing and advertising. "I've grown up," she said, "surrounded by television and radio commercials and billboards. I know that 'Where's the beef?' is a slogan that belongs to Wendy's and that 'I love what you do for me' belongs to Toyota. ***Sesame Street,"*** she adds, "was even brought to me by the letter K."[213]

Teens also know that, to a great extent, their self-images and expectations are molded by the commercial media. "They set the images that we have to live up to," said one eighteen-year-old, "whether it's a physical image or lifestyle–being beautiful or having a gorgeous home and perfect kids. Magazines talk about the perfect diet plan and show pictures of people with perfect legs and stomachs, and at the same time run articles about how girls should be comfortable with the way they look. You can recognize how the media's selling to you," she said, "but you still buy into it." The messages can be overwhelming, confounding, and at least for some teens, disillusioning. "For really the first time in a decade or so, from my experience," says University of Illinois communications professor Robert McChesney, "we've seen young people, not just college students, having a real concern that their entire culture is this commercial laboratory."[214]

Tweens and teens, in particular, are targets of the media's marketing juggernaut. Known as Generation Y, they command a hefty slice of discretionary spending, about $140 billion a year,[215] and they're rich prey for consumer marketers. The number of teens will grow 7 percent by 2010 to a record 33.9 million,[216] and, as parents of teenagers know, they're avid consumers. According to the International Council of Shopping Centers, teens go to malls fifty-four times a year and spend an hour and a half there every time—compared to all shoppers, who go to malls thirty-nine times a year and spend only seventy-five minutes there each visit.[217]

With no worries about rent, mortgages, and health insurance and plenty of spending money from allowances and part-time jobs, teens are great accumulators, and their shifting likes and dislikes are studied in detail by clothing and footwear manufacturers; health, beauty, cosmetic, and fragrance companies; movie studios, music companies, ad agencies; and the sports and electronics industries.[218] Today, MTV's programming president, Brian Graden, declares, “you have the most marketed group of teens and young adults ever in the history of the world.”[219] The whole point of marketers' relationship with teens, McChesney reminds us, “is to turn them upside down and shake all the money out of their pockets.”””

Teenagers have been a prime commercial target since the years after World War II, when consumer-goods companies began recognizing the buying power of this growing demographic group, flush with their allowances and part-time jobs. By 1956, there were 13 million teens in the United States, and their spending, by the end of the decade, had reached $10 billion.[221] As *Life* magazine commented in 1959, “What Depression-bred parents may still think of as luxuries are looked on as necessities by their offspring.”[222] Teen magazines, thriving on this advertising market, flourished in the fifties, selling Clearasil, soft drinks, and snacks. A teenage girl, promised ***Seventeen*** magazine, “won't take no for an answer when she sees what she wants in *Seventeen*.”[223] Today, there are some 30 million teenagers, the most since their parents' baby boom generation shattered the demographic records. And, more than ever, they are hotly pursued and closely studied by marketers seeking to spot teen trends and turn them into profits. There's even a name for teen-trend scouts hired by corporations. They're called “cool hunters,” and they prowl teenage social network—from ravers and skaters to hip-hoppers and goths—in search of adolescents who start and spread new trends.

“Cool is valuable to marketers,” notes *The New Yorker* writer Malcolm Gladwell, and to uncover it, cool hunters cultivate a network of thousands of kids. In the case of the cool-hunting consulting firm Look-Look, five hundred of those teens are corporate correspondents, equipped with laptops and digital cameras, who, like foreign correspondents, file regular dispatches from the exotic landscape of youth culture.[224] In fact, teens are to many companies “like Africa” in the nineteenth century, McChesney says. “They look at the teen market as part of this massive empire that they're

colonizing.” To put it bluntly, he states, “it's all about commercializing the whole teen experience, making youth culture a commercial entity that's packaged and sold to people. . . . And it has worked.”

Media producers, too, have turned the spotlight on the lucrative teen market, tailoring TV shows, movies, and music to the taste of thirteen-to-nineteen-year-olds. It's a marketing target they rediscovered in the mid-1990s, when Kevin Williamson wrote the teen slasher movie *Scream*, which grossed $103 million. ***Scream*** spawned a slew of profitable copycat flicks, including ***Urban Legend*** and *Z Know What You Did Last Summer,* as well as many in other genres aimed at adolescent dollars, including ***Cruel Intentions, Road Trip, American Pie,*** and ***American Pie*** 2. Meanwhile, TV jumped on the teenage bandwagon, with series such as ***Party of Five, Dawson's Creek, Felicity, Popular,*** and *Roswell*.[225] Advertisers climbed on too—Procter & Gamble, in fact, was a coproducer of the television shows ***Clueless, Sabrina, the Teenage Witch,*** and ***Real TV***[226]—while the music industry catered to the teen craze with the Spice Girls, Hanson, the Backstreet Boys, and Britney Spears. MTV, especially, retooled its marketing research to hit a bull's-eye with its demographic group of sixteen-to-twenty-eight-year-olds. People in that age group, notes author John Seabrook, “haven't quite made up their minds yet about which brands they are going to spend the rest of their lives buying. And there's a certain amount of research which suggests that, if you get a young person at that age when their minds are still unformed commercially, you can brand them, as it were, and then have their allegiance for the rest of their consuming lifetimes.”[227]

Hit with a ratings slump around 1997, the music video network immersed itself in market research—not just your standard surveys and focus groups, but detailed, anthropological, ethnographic studies of its youth audience, a third of which is under the age of eighteen.[228] As teen marketing executive Rob Stone explained, “If you don't understand and recognize what they're thinking, what they're feeling, and then be able to take that and come up with a really precise message that you're trying to reach these kids with in their teens, you're going to lose. You're absolutely going to lose."[229] To cultivate that valuable relationship with young viewers, marketers at MTV go to extraordinary lengths. Researchers "rifle through their closets. We go through their music collections. We go to nightclubs with them," explains the network's strategy and planning senior vice president Todd Cunningham. "We shut the door in their bedrooms and talk to them about issues that they feel are really important to them. We talk with them about what it's like to date today; what it's like dealing with their parents; what things stress them out the most. . . . We have them show us their favorite clothing outfits, what they wear to parties, some things from their photo albums and things that really mean something to them."[230]

What do they do with *all* of this intimate personal information? It's captured on video, edited, set to music, and presented to senior corporate executives. The purpose, Cunningham says, is to get MTV "in the hearts and minds of the viewers."[231] But more truthfully speaking, the purpose is to get into their wallets and pockets. The name of one of these MTV studies, "Sources of Gold," speaks volumes about the network's real objective. The definition of MTV's bond with teens, Cunningham reflects, is "a great brand relationship." The goal is to get teens to see the network and its products as "my brand," an emotional "extension of themselves."[232]

READING, WRITING, AND RETAILING

The reach of child marketers is extending into every possible "habitat," including the formerly commercial-free environment of the schoolyard. According to a September 2000 report by the US. General Accounting Office, companies are exploiting schools as a marketing arena more blatantly and extensively than ever. By targeting the 55 million American kids under age eighteen[233] in the captive environment of schools, they can get more bang for their advertising buck. Outside of schools, teens are exposed to three thousand ads every day. "It's hard for a company to cut through the

clutter with its message," says Kathleen Williamson, marketing professor at the University of Houston–Clear Lake. But in the school setting, she explains, where there are relatively few marketing messages competing for the youngsters' attention, consumer messages can be much more potent and effective.[234]

The prize for many marketers is worth the effort. Teens spend some $90 billion on food and drink a year[235] and considerably more on footwear and clothes.[236] As a result, as schools have tried to cope with shrinking budgets, companies have jumped at opportunities to exchange equipment and cash for commercial promotions. More and more children are seeing their schools turned into massive ads and billboards for snacks, soft drinks, and consumer products. The roof of one school in Texas was painted with the Dr Pepper logo, and around the country, yellow school buses are plastered with ads for Burger King, Wendy's, Kmart, Old Navy, Speedo bathing suits, and 7Up. Computer mousepads, daily planners, gym banners, scoreboards, classrooms, and hallways are all coveted advertising space.

Hungry for cash, some schools even serve as sales forces for their commercial sponsors. In Colorado Springs, for example, School District 11 helped solve the problem of underfunding by turning its schools into marketing tools for more than three dozen corporate partners. The district's deal with Coke was especially enticing, promising it $8.4 million over ten years, provided the district met a commitment to sell seventy thousand cases of Coke products annually.=' To help meet the target, its contract administrator sent a letter to district principals urging them to do their best to push Coke sales. "If 35,493 staff and students," he wrote, "bought one Coke product every other day for a school year (176 days), we would double (130,141) the required quota needed." When a school official aggressively sells "liquid candy" to students—who are increasingly at risk for a variety of obesity-related problems—something is seriously out of whack. As John Hawk, a Colorado Springs social studies teacher commented, "Students and teachers need basic training on how to deal with the corporate invasion of every aspect of life.

Schools used to be the one safe haven where kids weren't exposed to a constant barrage of advertising. Now even that's gone."[238]

The media, of course, is part of this onslaught on schools. Publisher McGraw-Hill and more than a dozen other publishers attracted widespread criticism in 1999 for textbooks that were filled with images of consumer products and references to brands including Nike shoes, Oreo cookies, Cocoa Frosted Flakes, Barbie dolls, and Sony PlayStation. Although publishers stated that they received no payment for the product mentions[239]—claiming that they were only trying to make the textbooks "meaningful" to students[240]—they gratuitously promoted commercialization in the schools?"

Perhaps the biggest media lightning rod in this debate has been Channel One, a company founded in 1989 to bring kid-friendly newscasts into the schools. It's actually an effort that, on balance, I support. Channel One wires schools with satellite dishes, classroom television sets, and VCRs and delivers a daily ten-minute broadcast, along with two minutes of commercials by sponsors such as Mars candy, Clearasil, Polaroid, Gatorade, Pepsi, and McDonald's. The ads have attracted a flood of criticism from consumer groups, but a former executive vice president of Channel One—now owned by Primedia—compared the company's business model to that of newspapers and commercial television. "To provide this international coverage, we are advertising-based," he said, "just like the ***Houston Chronicle*** or any other news service."

I personally think that Channel One is worth it. Most kids don't read the newspaper or watch television news, and Channel One gives them consistently high-quality information about the issues in the world around them. The company's reporting on the AIDS virus, for example, earned Channel One a Peabody Award. I'm certainly no defender of commercialism in the schools, and I wish that Channel One did not have to resort to advertisements to fund its efforts. But the fact is that our public schools are so desperately underfunded that they cannot pay for quality, informative current events programming. That to me is a far bigger threat to schools and our kids' education than a couple of minutes of ads that they know to expect on Channel One.

Less tolerable, however, is the use of media in schools to conduct subtle "stealth" marketing to kids. One company that was harshly criticized for this practice was ZapMe! Corporation of San Ramon, California. ZapMe! offered to wire every participating school with a $90,000 computer lab, each containing fifteen Compaq PCs, a laser printer, and roof-mounted satellite Internet connections, plus installation, training, and support. In exchange, schools promised ZapMe! that the computers would be used at least four hours a day, and students using the equipment would see commercial ads floating on the bottom-left-hand corner of the company's computer screens. ZapMe! also collected user profiles of the students, including their ages, genders, and ZIP codes, enabling sponsors to "document up-to-the-minute data on the efficiency and effectiveness" of their ads.[242] According to the ZapMe! contracts, the company intended "to monitor the network and compile statistics and demographics with regard to the habits, viewing preferences, and other nonpersonal information about the network's users."[243] By December 2000, ZapMe! had wired 2,300 schools in forty-five states, with some 2 million students in its user network. But it had also run into a major backlash from those concerned about commercial inroads into the schools. ZapMe!'s on-line ads alarmed critics and consumer activists. Ralph Nader called ZapMe! a "corporate predator," declaring that schools do not exist to conduct surveillance on behalf of the corporate marketers of the world."" The criticism took a toll. Although ZapMe! went public in October 1999,[245] it was essentially out of business a year and a half later as a result of poor publicity, financial losses, and declining stock price.[246]

The lesson of ZapMe! is that we can stop the marketers at the gates and influence the targeting of consumer messages to kids—provided that we recognize the powerful commercial manipulations of the media. We don't have to take it. In countries such as Sweden, Norway, Greece, and Ireland, for example, there are strict rules governing television advertising to children. In this country, as we will see, all the political clout has been on the side of advertisers.

Some twenty years ago, when the Federal Trade Commssion's staff wanted to ban advertising to **kids,** Congress barred the agency from issuing those regulations and rescinded much of the FTC's authority. But advertisers can be sensitive to public pressure. The power of parents and other advocates for children lies in understanding advertisers' marketing agenda when it comes to kids and letting them know, loudly, when we've had enough.

Chapter 6

Six

THE POLITICS OF MEDIA AND KIDS

"We neglect discussion of moral responsibility by converting the public interest into an economic abstraction, and we use the First Amendment to stop debate rather than to enhance it, thus reducing our first freedom to the logical equivalent of a suicide pact."'"

—Newton Minow, former chairman of the Federal Communications Commission

If you stop and think for a moment about the extraordinary influence that the media has on people's lives—most of all on the lives of children—it is obvious that this influence is a matter of great public interest and concern. And as we've seen, how media intersects with violence, sexuality, commercialism, and basic values is an issue that affects every person and every family's life in our society—an issue that literally cries out for governmental leadership and responsible policies. This is the kind of issue that government has played a role in shaping since the founding of our country, generally exerting a moderating, regulatory influence on behalf of broader public interests.

Yet when you look at government's role vis-a-vis the media, particularly in the last fifteen to twenty years, you see an almost complete abdication of leadership, a near total absence of any real responsibility for the public interest. You also see politicians supporting the needs of private media concerns over those of the broader public, whom they were purportedly elected to represent. It's the classic old fairy-tale scenario; the fox is guarding the chicken coop. In this updated version, the government officials who are supposed to be protecting the public's interest have, for all intents and purposes, been deep in the pockets of the large media and telecommunications companies they are supposed to be regulating.

The bottom line for kids is pretty simple and pretty sad. Our political leaders have largely abandoned the youngest and most needy Americans because of the overwhelming lure of money and media influence. The big losers in this equation are America's families. So bow did it come to be this way and what can we do to change it?

Before we explore the current status of politics and the media in these first years of the twenty-first century, it's important to know how our national media policies originated. It was in the 1930s, when radio broadcasting first emerged and began to reach large numbers of Americans, that the government took on a more important role in shaping the media's influence on our society. The first major law designed to govern broadcasting was the Communications Act of 1934, written when Franklin Roosevelt was president. This critical law set up a system to give broadcasters the free and exclusive use of various broadcast channels. However, there was one major provision attached to this free gift of publicly owned property. The landmark 1934 law explicitly required that broadcasters serve the "public interest, convenience, and necessity." This very same legislation also established the Federal Communications Commission (the FCC) to oversee these new communications and broadcast channels and develop policies to govern their proper usage. Along with Congress and the president, the FCC is responsible for representing the public's interest in most **key media** issues.

THE INSIDE STORY ON THE FCC

The Federal Communications Commission is perhaps the most powerful yet least-known government agency in our entire nation. This low-profile regulatory body shapes the country's approach to all major forms of media and telecommunications policy and wields enormous power on a host of issues that affect our daily lives. Among its numerous responsibilities, the FCC has the power to

- grant (and take away) broadcast licenses from television and radio stations
- regulate any political speech in the U.S. involving the media
- ensure a diversity of media viewpoints
- approve mergers like that of AOL–Time Warner and Viacom-CBS, which now dominate our media's economic structure
- regulate the cable television industry
- ensure good service and reasonable rates for all cable subscribers nationwide
- regulate **all** wire communications, such as telephones, so as to ensure that consumers have rapid and efficient service at reasonable rates
- manage all domestic regulations of wireless devices, such as cellular phones, pagers, beepers, and two-way radios
- define and regulate "indecency"
- control the amount of advertising on various media outlets
- regulate much of the development of the Internet
- and finally, as we will see, to develop rules and regulations to promote **quality** media for children and families in the United States

In short, the FCC is perhaps the one government body that most affects the everyday life of all Americans. Why? Because ours is a communication-driven society, and we consume enormous amounts of media, Most of us use telephones, television, radio, and the Internet. As the primary policy-making body overseeing all of these areas, the FCC is the one government agency that has a dramatic effect on what we can see and hear on a daily basis. So, you might be asking yourself, why do we know so little about the FCC, and what is the structure of this very powerful agency?

While the FCC technically reports to Congress, which authorized its existence in the Communications Act of 1934, the current president and his political party by and large control it, making it a very political body. There are only five FCC commissioners, and these are five powerful although fairly anonymous people. Typically two are Democrat; **two** are Republican; and the fifth and most important is the chairman, who is appointed by the current president. The structure of the commission makes the chairman the key power player *in* all these crucial government actions. The chairman is the chief executive officer of the agency and has a direct reporting relationship with the staff of the FCC, consisting of a couple of thousand people The other four commissioners have very small staffs, so generally it is the chairman who dominates and puts major issues and decisions to the other commissioners for an up-or-down vote. Thus, for your and my purposes, it is the chairman of the FCC, appointed by the current president, who wields the greatest clout in this incredibly powerful but little known agency (and to whom you ought to address your phone calls, e-mails, and letters when you finish reading this book and see what the FCC is currently doing—or not doing—on your behalf).

Every day, the FCC commissioners make hugely important judgments that affect our daily lives. They are supposed to be acting as our public representatives, and they are supposed to be protecting the public interest against the monopoly powers of the media giants. But they do very little to fulfill this mandate—a problem rooted in the origins of the FCC in 1934 and the nature of our current political system.

The most knowledgeable person I know about the history and actual workings of government and the media industry is a remarkable gentleman and lawyer from Chicago named Newton Minow. Minow is a true American hero—successful lawyer, successful businessman, respected civic leader, and, most notably for the purpose of this book, the chairman of the FCC under President John F. Kennedy. He not only chaired the FCC for two years in the 1960s, but he also coined the famous phrase "vast wasteland" when referring to television in a famous speech to broadcast executives in 1961. That phrase, "vast wasteland," became our first enduring sound bite about the modern age of television, and unfortunately it remains far too accurate a description of the medium today.

Since stepping down as FCC chairman, Minow has remained an important figure and lawyer in media and government circles, serving on the boards of several major media companies such as CBS and the Tribune Company and continuing to emphasize the media's public-interest responsibilities. Today, he is nearly seventy-five years old, a compactly built, white-haired grandfather and a commanding presence. He is perhaps most proud of his three daughters and three wonderful grandkids, and he still sees media as a huge influence in the lives of every American child. Newt was a great friend and adviser to me when I was running Children Now, and he continues as an adviser and inspiration to JP Kids. He is also the author of an excellent book on kids and television, ***Abandoned in the Wasteland*** which was published in 1995 and gives a thorough history of the U.S. government's role in media.

As he frequently points out, the Communications Act of 1934 caused problems that continue to this day. Nobody in Congress ever defined what the phrase "public interest" was supposed to mean in 1934, and it remains vague even now, some seventy years later. The term "public interest" had previously been used in regulating the American railroad industry and telephone services—businesses that, like media, had a huge impact on the public. But these companies, which, like broadcasters, had been given public assets for free, were defined as public utilities and thus subject to extensive rate and public-service regulation. Unfortunately, the 1934 Communications Act did not hold broadcasters to be public utilities, so the media industry got the best of all possible bargains. They received all the benefits of a public utility monopoly, but none of the specific rate or public-service obligations. What a deal! The broadcasters got the exclusive, free use of the publicly owned airwaves without any specific, clear definition of their public-interest responsibilities. As Newt Minow says, the media "had the quid. . . without the quo." And so it remains today.

From the point of view of American children and families, the 1934 Communications Act and its almost seventy-year life span have been a disaster. Because Congress never defined "public interest" or imposed specific requirements, broadcasters and other media entities have gotten a largely free ride, at your and my and every American taxpayer's expense. In the absence of such specific requirements, Congress, the courts, and the FCC have struggled to define the media's public-interest responsibilities. And, as we will see, it's been largely a free-market free-for-all for much of the past twenty years. Why? Because politicians, who are supposed to regulate the media on behalf of you and me and the kids of America, have basically been in the hip pockets of the industry that they are specifically empowered to monitor and regulate.

Since the early 1920s, media companies have, in fact, believed that the term "public interest" can best be defined in the language of dollars and cents. However, until the past two or three decades, that market-driven attitude (some might call it a "greed is good" philosophy) was balanced against a different view, held by government leaders and citizens groups, that "public interest" involved meaningful social responsibilities. Since our government gave the publicly owned radio and television airwaves to broadcasters for free, the public interest actually requires media companies to make a variety of pro-social efforts and to consider the needs of their audience and the broader society as much as their own profit margins. This kind of public-interest reasoning is especially important where children are concerned.

As we all know, children don't have the same set of skills and level of judgment as adults, certainly not until they reach their mid-teens at the earliest. But America has largely abandoned the interests of our kids and families when it comes to policies and regulations affecting media. Instead, it has left the media to the largely selfish interests of the marketplace and the service of corporate priorities. And, left to the mandates of quarterly profits and the marketplace alone, children and families will receive very bad service or none at all. That's been the story behind kids, media, and politics in the United States for nearly seventy years.

No other Western industrialized nation has so willingly allowed the educational and developmental needs of its kids to be exploited in the pursuit of profit as we have. No other democratic country has so willingly allowed its children to be seen as "markets for commercial gain" and ignored their moral, intellectual, and social growth as we have. How and why could we have been so shortsighted and motivated by greed over other values? Once again, it's instructive to look back at the history of media and politics in this country to see how we got here in the first place.

WE USED TO DO BETTER

Media companies, and their broadcast divisions in particular, used to acknowledge that their exclusive and free use of the public *air*waves (remember, it is ***publicly*** *owned* property) gave them unique access to America's children and youth. And with that unique and free access to our kids' intellectual, moral, and social development came a clear set of moral and social responsibilities and obligations. Both politicians and media leaders understood and honored this concept. During the twenty or so years following World War II, the TV set was actually seen as a positive agent of **family** unity.[248] Television was viewed **as** a wonderful new way to bring families together, and the programming and promotion of this medium followed suit. Large manufacturers like RCA promoted this family-friendly theme throughout the 1950s, as they sought to make this new mass medium an essential consumer appliance?"

During the 1950s, programmers offered a range of quality kids' offerings. At a time when Dr. Spock and *Reader's **Digest*** were offering parents regular advice on child-rearing practices, media companies made programs such as *Captain Kangaroo, Howdy Doody,* ***Lucky Pup,*** and *Kukla, Fran and Ollie* into longstanding children's classics. In 1951, for example, the broadcast networks' weekly schedules included twenty-seven hours of such family-friendly fare, most of which were broadcast after school and in the early evening. In addition, local stations developed their own kids' programs, many of them encouraging art, drawing, puppeting, or other positive activities for kids. Even such unabashedly commercial programs as the Walt Disney Company's ***Mickey Mouse Club*** **and** *Disneyland*—which were clearly designed to promote the theme park and various Disney merchandise—had a wealth of pro-social themes and won an Emmy Award as well as a Peabody Award for educational value.[250] During this time, America recognized that the media's influence on children, especially the impact of television, was something that needed leadership from politicians and media companies alike,

Industry Used to Take the Lead

The National Association of Broadcasters (NAB) is the principal lobbying and policy group representing the needs of television and radio broadcasters. I have seen their influence and power since my early days as a child advocate at Children Now. In fact, I have worked with the NAB staff and its president. Eddie Fritts, on several occasions over the years. They are as cordial and smooth as most Washington lobbyists. Make no mistake about their mission, however. Their sole purpose is to promote the needs and interests of broadcasters. which almost

always means their financial needs. And the NAB is very effective indeed, often at the direct expense of kids and families.

Back in 1952, however, the NAB recognized the nascent concerns about the impact of television on America's children and families and issued a standards and practices code. This code would remain largely intact for nearly thirty years, up until the disastrous deregulation era of the 1980s. More important, this early NAB ***code*** included an entire section on children's programming. The words of the code seem ironic in this day and age, particularly coming from the industry's leading lobby group:

> Television and all who participate in it are jointly accountable to the American public for respect for the special needs of children, for community responsibility, for the advancement of education and culture, for the acceptability of the program materials chosen, for decency and decorum in production, and for propriety in advertising. This responsibility . . . can be discharged only through the highest standards of respect for the American home, applied to every moment of every program presented by television.[251]

Once American industry succeeded in putting television sets into the majority of American homes, however, broadcasters began to lessen their special programming efforts directed at kids and instead focused on creating programs that would sell products for advertisers. As a result, the late afternoon and early evening hours (4:00 P.M. to 7:00 P.M.) on television no longer featured as many quality kids programs. Instead, local broadcasters featured reruns of cop shows or sitcoms and frequently dumped higher quality but more expensive children's shows for cheaper, low-quality cartoons. The race to the world as we know it today was on.

The 1960s and 1970s may not have seen such an emphasis on quality kids and family media as the 1950s did, but throughout this period, there were a number **of** positive public-interest developments for media in general and for the kids and family audience in particular.[252] The 1970s, for example, saw the rise of numerous public challenges to television licensees, as increasing numbers of citizen viewers became disaffected with media practices and programs. The FCC intervened in a number of cases, and by the mid-1970s, this critically important regulatory body actually published standards governing negotiations between citizen groups and broadcasters.[253] Public advocacy organizations recognized that their views were part of the public-interest standards to be applied to various media entities, and up through the 1970s their voices were clearly heard and acted upon by government and industry officials alike.

THE MEDIA INDUSTRY CRIES CENSOR

Supreme Court Justice Potter Stewart once observed that we confuse the right to do something with whether it is the right thing to do.[254] When it comes to children and the media industry, Justice Stewart could not have been more right.

There is nothing that makes me angrier about the way that the media industry and many of their political allies respond to issues concerning kids and quality media than their persistent and intentional mischaracterization of the First Amendment. As a longtime advocate of civil rights and civil liberties, I am sick of the bogus cries of "censorship, censorship" from the media world. Moreover, I am offended by the repeated efforts to use our legitimate constitutional guarantees of free speech and press as an excuse to exploit children rather than as a means for serving and protecting them.

In fact, the First Amendment is for liberal media executives what the Second Amendment is for right-wing conservatives and the National Rifle Association. In each case, they have twisted a vague constitutional provision—in the case of the Second Amendment, the phrase referring to a "militia's right to bear arms"—dressed it in misleading garb, and told the public and political leaders, "you have -- right to regulate us."

Time and again, media leaders defend their profit-driven motives and actions by falsely hiding behind their First Amendment rights. Practically without exception, anybody who gets up and questions television, radio, or Internet content is shouted down as a censor. Rather than seriously examining how to improve the quality of television or Internet or radio content for kids, our leaders argue to a meaningless stalemate about broadcasters' rights and government censorship. I am amazed at the way even the most progressive media industry thinkers as well as their political allies blatantly misuse the First Amendment as it pertains to kids. I wholeheartedly support the First Amendment and its guarantees of freedom of speech, press, and religious conviction. I teach courses on civil liberties to hundreds of students at Stanford University each year, and I always remind them to cherish and protect this first freedom of ours. The First Amendment is romantic. It is aspirational. Its guarantees suggest a world in which people can speak freely and equally to one another and to society at large. It is without doubt the basis of much of the freedom we enjoy in our great democracy.

But the First Amendment is not absolute. And it is simply not (and never has been) true that any and all regulations to improve media for kids and to limit specific types of content in certain situations are unconstitutional under the First Amendment. The blanket censorship argument so frequently trotted out by spokespeople for large media interests—that any efforts to promote positive media for kids or to limit their exposure to harmful messages equals government censorship—is a cruel and dishonest joke. Let's take a closer look at the constitutional facts

Any reasonable analysis of the historical and legal treatment applied to children's issues in American constitutional jurisprudence makes clear that we view children and youth differently from adults in our society. Dozens of Supreme Court cases make it abundantly clear that children have a special status under our Constitution and that they accordingly receive special protections and societal care. In the context of the First Amendment, whether we are talking about school newspapers or access to dial-a-porn services, kids are treated differently. American courts have repeatedly held, for example, that the government can require certain magazines on open newsstands to be sold in brown paper wrappers. The government can zone certain kinds of stores away from residential neighborhoods. The government can forbid radio and television shows from broadcasting indecent material until after 10:00 P.M., when most kids are or ought to be in bed. None of these government actions are inconsistent with the First Amendment. And reasonable steps to use the airwaves in a specific, concrete way to provide public-interest programs for kids are also permitted by the First Amendment. Put simply, children are legally a special class of people, and they are entitled to special protections under the U.S. Constitution.

There are two main ways in which government can act as a positive regulatory force. The *first* method I'll call ***enhancement of media speech.*** Enhancement regulation has been repeatedly upheld by our nation's courts under the First Amendment, because they recognize that the scarcity of certain publicly owned assets (such as broadcast licenses) allows government to require certain types of media behavior on behalf of the public interest. Into this category fall such examples as the 1990 Children's Television Act and the constitutionally sound but now politically defunct Fairness Doctrine, which long guaranteed equal time for opposing political viewpoints. This concept, formally introduced into FCC regulations in 1949, goes to the heart of the notion that the nation's airwaves are public property and can thus be regulated by our government in the public interest. The Fairness Doctrine was actually pretty simple and logical. In essence, it required that broadcasters (a) offer reasonable time (i.e., use of the public airwaves) for the discussion of important public issues, and (b) present both sides of an issue fairly and provide airtime for opposing points of view. After the Fairness Doctrine was written into law by the FCC in 1949, it was upheld by Congress in 1959 and ultimately upheld by the U.S. Supreme Court in 1969, in the celebrated case of ***Red Lion Broadcasting v. The Federal Communications Commission.***[255]

The Fairness Doctrine is perhaps the most dramatic and effective example of our government's involvement in programming since the advent of broadcast television. Not surprisingly, the media industry hated it and tried to get rid of it almost from the beginning.[256] The controversy came to a head in 1969 in the aforementioned ***Red Lion*** case, which involved a Pennsylvania radio station that aired a regular "Christian Crusade" series. On one occasion, the program attacked the author of a book critical of former Arizona senator Barry Goldwater (the radio program called the author "a shirker, a liar, and a communist"). To nobody's surprise, the author asked the station for the right to respond to these accusations under the FCC's Fairness Doctrine and personal-attack rules. When the station refused, the author appealed to the FCC, which found in his favor. That decision was appealed all the way to the U.S. Supreme Court, which handed down its landmark decision supporting the FCC and the constitutionality of the Faimess Doctrine in 1969.

Writing for a unanimous Supreme Court, Justice Byron White reviewed the entire history of the Radio and Communications Act and concluded that "as far as the First Amendment is concerned," the technological limitations of broadcasting impose special obligations on broadcasters who use the public airwaves for free:

> A license permits broadcasting, but the licensee has no constitutional right to be the one who holds the license or to monopolize a radio frequency to the exclusion of his fellow citizens. There is nothing in the First Amendment which prevents the government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or judiciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves. . . . It is the right of the viewers and listeners, not the right of broadcasters, which is paramount.[257]

This unanimous U.S. Supreme Court decision affirms that government has the power to regulate proactively and enhance various forms of media, (e.g., broadcasting), especially where public property (the airwaves) has been given away for free to licensees. This type of enhancement regulation is clearly constitutional under the First Amendment in the political and public issues arena and equally valid when related to children and family media issues as well.

This very same legal and political framework applies to positive government actions designed to improve or enhance the quality and amount of positive media for kids. The First Amendment says, "Congress shall make no law abridging freedom of speech and the press." In contrast, the same First Amendment says, "Congress shall make no law respecting the establishment of religion." The difference between the words "respecting" and "abridging" is generally understood to mean that government can't do anything to help or hurt religion, whereas it *can* help or enhance speech and media content. This distinction is exuemely important to the whole area of kids and media, as well as the role that government can and should play on behalf of America's children and families.

The Children's Television Act (CTA) is a good example of this concept. In 1990, Congress passed the Act over President George Bush's veto and intense opposition from his many friends and political allies in the media industry, led by the NAB. Big media interests publicly challenged the CTA on the grounds that it was unconstitutional because it told broadcasters what to do. The broadcasters cried "censorship," just as they always do, and as usual they said it violated their hallowed First Amendment rights. And, as usual, their challenge was bogus and rejected by the courts.

It is very important to remember that the US. Supreme Court has consistently upheld a variety of government efforts to positively enhance and improve media in the public interest. One example is the Public Broadcasting Service (PBS), which carries many different kinds of kids, arts, and documentary programs that are in the public interest and that commercial media interests often fail to fund. Government funding of PBS is clearly constitutional,

although conservatives like Newt Gingrich and Tom DeLay made careers out of trying to cut PBS's budget.

Under the same constitutional reasoning, numerous examples of pro-kids legislation by Congress, the president, or the FCC are all clearly constitutional. The bottom line is simple: The media industry opposes government efforts to promote and enhance media on behalf of kids or the broader public interest because they wish to protect their self-interested pursuit of profits, not lofty constitutional principles.

The *second* type of constitutionally permitted rules and regulations on behalf of children are what legal scholars call *"Treasonable time, place, and manner restrictions."* In certain cases, government and society in general can actually *restrict* certain types of media or speech that have unique accessibility to children. Our history is full of examples of this form of First Amendment-sanctioned regulation on behalf of kids. They range from laws that regulate billboards and soundtracks to a variety of government restrictions on the location of X-rated movie theaters. A *famous* test of this principle was the famous *Pacifica*[258] case involving comedian George Carlin and his comedy monologue "Filthy Words," recorded on his album *Occupation: Foole.*

The *Pacifica* case is another clear example of how government can and should regulate the media on behalf of kids, while *still* protecting First Amendment freedoms. In the early 1970s, George Carlin's "Filthy Words" monologue[259] was broadcast during the middle of the day on a New York radio station owned by the Pacifica Foundation. A father driving in the car with his son complained about the fact that his fifteen-year-old boy heard it and that the dirty language offended him. The father's complaint went to the FCC, which ruled that in the future, if those kinds of words were used again during the day, they would fine the Pacifica radio station. The case subsequently went all the way up to the U.S. Supreme Court on appeal. The Supreme Court majority upheld the FCC's action and said that the FCC could continue to fine the radio station for playing those words because broadcasters had to take special care not to air material that might offend or shock children. As the majority opinion said, "Of all the forms of communication, broadcasting bas the most limited First Amendment protection," because it extends "into the privacy of the home and is uniquely accessible to children." Thus, the Supreme Court ruled that indecent programming over the airwaves, while not entirely prohibited, could indeed be constitutionally restricted to hours during which kids were unlikely to hear or see it.

The Pacifica station and the dissenting justices argued that the words were not obscene and that they were protected speech, which could not be regulated by the FCC. And you might even agree that the routine wasn't really vulgar but rather a form of political satire. However, the U.S. Supreme Court still held that it was constitutional to fine, punish, and restrict the speech of the station because it was important to protect children who would be in the audience.

Over the years, there have been a number of cases in which the FCC has used its power to restrict certain types of offensive speech and punish those who use them, including the controversial radio personality Howard Stem, among others. In recent years there have also been a series of cases, collectively known by the name of *Action for Children's Television,* in which U.S. courts examined whether the FCC could find ways to protect kids while permitting adults to have access to certain media. The decisions in these cases represent a careful balancing act. The courts have usually upheld FCC restrictions on radio or television content during times of day or evening when kids are likely to be in the audience, up until 10:00 or 1 1:00 P.M. in most cases.

It is true that some respected First Amendment scholars argue against these "reasonable time, place, and manner" restrictions, but the bottom line is clear: the courts have affirmed that government may restrict various forms of media in instances where large numbers of children may be watching or listening. The real question, then, is why our elected government leaders don't do more to protect kids from damaging content, as they are able to do under the law. The answer, once again, is money, politics, and the enormous power of media business interests.

It's important to note, however, that there have been different

rulings depending on the medium involved. For example, pay cabl channels such as HBO or even "adult" channels such as Spice car legally air offensive content. But that's because adults have to sigr up and pay for those channels, and the courts have held that parent: can (or should) control that access because they have the credi cards to pay for it. The same goes for 900 numbers that people car call to get phone sex. The key factor is the type of media anc whether it has "unique accessibility to children."

ACTIVISM FOR CHILDREN'S MEDIA

To help prod government into working for positive children': media, a number of citizens groups have emerged over the last few decades. In 1968, for example, the pioneering group Action fo Children's Television (ACT) first began challenging exploitative practices in kids' programming. This advocacy group was startec by five mothers from Boston, most notably the longtime children'! television activist Peggy Charren, who were alarmed by the stead diet of violence and commercials that they saw creeping into children's programming. ACT first lobbied successfully for a specia children's unit within the FCC and then began fighting to reduci the extraordinary number of deceptive commercials aired during children's programs and condemning the overall lack of quality ir children's media. Their efforts received a big boost in 1972 witl the announcement by the U.S. surgeon general that there was a clear lirk between television violence and aggressive behavior ir kids. As a result of this announcement, the government actuall responded with concrete action. First, the FCC and governmen officials forced broadcasters and their lobbying voice, the NAB, to reduce the number of advertising minutes in children's weekenc television from 16 minutes per hour to the 9.5-minute limi observed in prime time. The NAB and the broadcasters also agreec to reduce the number and type of commercials in weekday kids programs as well. These actions show clearly how advocacy groups and government can force positive changes in the world of children's media.[260]

In 1975, FCC Chairman Richard Wiley (who had been appointed by Republican President Nixon) prodded the major networks to set aside the first two hours of prime time for "family viewing time." The purpose of this "family hour" was to create a safe haven for kids and younger viewers and was another response to the surgeon general's study on violence and television. Unfortunately, the policy meant that a number of mature programs such as *M*A*S*H* and *All in the Family* were pushed to later hours of prime time, and shortly thereafter, the Writers Guild of America sued the FCC on behalf of writers and producers, saying that family-viewing time violated their rights of free expression. The writers won the lawsuit, forcing the FCC to abandon the formal "family hour" policy and leaving it up to the networks to provide this "safe haven" voluntarily.[261]

The activism of the FCC and groups like ACT in the late 1960s and most of the 1970s shows how government and citizens can effectively work together on behalf of children. But unfortunately, much of the story of the past twenty years in children's media has been dominated by weak-kneed politicians who sold off the interests of American kids and families to the highest bidder or, more accurately, the largest campaign donor

The 1980s were basically a disaster for concerned parents, teachers, and everyone else who cares about media's impact on children. Indeed, those years mark a watershed in the growth of vast media conglomerates in our society and the abandonment of government's regulatory power over the media interests that shape our lives and society in so many ways. In 1981, a new political administration took over in Washington. For the free-market, supply-side economists of the Reagan administration, deregulation was a consuming passion. This ideological commitment to free-market ideals, unfettered by the balancing hand of government, shaped all forms of social and economic policy, affecting everything from airlines to environmental protection and health care.

Perhaps no industry was more affected by this deregulation fever than the media companies. And their champion in this headlong rush to free-market ideology was none other than the chairman of the FCC himself, Mark Fowler, who was appointed to this role in 1981 by President Ronald Reagan. I have never met Mark Fowler, but colleagues of mine who know him say he is a cordial, pleasant man, though something of a conservative ideologue. But however pleasant he may be personally, his tenure as FCC chairman was a disaster for America's kids and families. For Chairman Fowler, the only kind of regulation that was legitimate came from the market itself, and he made this clear to gleeful industry executives from his earliest days in office. In the *Texas Law Review* in 1982, he characterized the role of broadcasters in our society:

> The perception of broadcasters as community trustees should be replaced by a view of broadcasters as marketplace participants. Communications policy should be directed towards maximizing the services the public desires. Instead of defining public demand and specifying categories of programming to serve this demand, the Commission should rely on the broadcasters' ability to determine the wants of their audiences through normal mechanisms of the marketplace. The public's interest, then, defines the public interest. And in light of the First Amendment's heavy presumption against content control, the Commission should refrain from insinuating itself into program decisions made by licensees.[262]

The FCC chairman and his ideological compatriots were saying that the free market rules all, and that public interest and civic responsibility all take a distant backseat to profits and markets. Responding to the inconvenient fact that the public owns the airwaves, Chairman Fowler suggested that maybe the government should have auctioned off the airspace back in the 1930s, but that such a move would be far too disruptive now. So Fowler proposed giving the broadcasters "squatters rights" in their assigned frequency. In effect, said the public's chief media regulator and "advocate" during the Reagan era, broadcasters should be free to renew their licenses without any concerns about challenges. Moreover, since they owned the airwaves now, they should be free to sell their licenses to whomever they wished, whenever they wanted. Incredibly, the publicly owned airwaves were now being called the private property of media companies by the public official whose sworn duty was to regulate and speak on behalf of the public's inter-

The end result of this ideologically driven deregulation policy was devastatingly swift. It transformed broadcasting virtually overnight from a public trust into one of the hottest businesses on Wall Street. The media industry had a field day, rapidly dismantling or abandoning many of the positive features for which the public had admired them most—quality news divisions, children's programming, and even standards-and-practices departments. The number of commercials and infomercials increased. More important for kids and families, broadcasters adopted the now familiar "anything-goes" policy in programming. The media landscape has never been the same since.[264]

DEREGULATION FRENZY

Mark Fowler came to his job as FCC chairman with one principal objective: to deregulate the media and communications industries and let market forces rule. Fowler's FCC believed that the marketplace would serve children and families. In fact, that very same marketplace quickly drove quality children's programming off the air.

As part of its deregulation agenda, Fowler's FCC withdrew regulations that required broadcast stations to air "educational and informational" programs. The results were immediate and predictable. In 1980, the three major networks were airing more than eleven hours each week of such quality kids' programs as

Schoolhouse Rock and *In the News.* By 1983, however, such programming had dropped to four and a half hours per week, and all after-school programs were eliminated. A year later, CBS dumped *Captain Kangaroo,* the well-known educational program that had served more than two generations of children. That was the last weekday morning offering for youngsters on a commercial broadcast network. By 1990, the average number of network educational programs had dropped to fewer than two per week.[265]

At the very same time as quality children's programming was disappearing, toy-based television programs for children suddenly boomed. These programs, funded largely by toy manufacturers themselves, went from about thirteen in 1980 to more than seventy in 1987. This was another result of FCC deregulation. Not only had the government dropped the requirement for commercial networks to air informational and educational programs for children, it had also repealed the limits on commercial time. By 1987, kids saw some 40,000 commercials on television each year, double the number they were exposed to in the late 1970s; 80 percent of these advertisements were for toys, cereals, candy, and fast food. The time given to war-based cartoons jumped from about one and a half hours per week to twenty-seven hours, and the sale of war-related toys increased in an equally dramatic fashion. In a mind-boggling decision, the FCC ruled in 1985 that these toy-based TV programs were now by definition in "the public interest" on the basis of their phenomenal sales success.'"

In a world where profits and dollars ruled all, advocates for children and families were simply shut out. Efforts to continue the strides made in the late 1960s and 1970s were ignored and abandoned. In fact, in December 1983, when the FCC was forced by a federal court to continue the previous era's rulemaking regarding children's programming, Chairman Fowler issued a report saying there was no need for further action on kids' programming practices. With Congress and the president turning an equally blind eye to this outrage, it was left to FCC Commissioner Henry M. Rivera to offer a dissent to this disgraceful report:

> I wish I had the eloquence of Marc Antony for this eulogy. Our federal children's television policy commitment deserves no less at *this*, its interment. Make no mistake—this is a funeral and my colleagues have here written the epitaph of the FCC's involvement in children's television. . . . The majority has dishonored our most treasured national asset—children. It has set the notion of enforceable children's programming obligations on a flaming pyre, adrift from federal concern, in the hope that the concept will be consumed in its entirety and never return to the FCC's shores.[267]

Let's be very clear here. Every time you as a parent or citizen are disgusted by what you see on television or hear on the radio or View in a video game, remember where it all started to go downhill. It began with these contemptuous, misguided policies that deregulated media in the 1980s. Remember that name, Mark Fowler. Remember how the Reagan administration sold kids and families down the river. Remember that our national values and many long-standing traditions of public interest and civic responsibility were totally sullied by greed and a mad rush for profits for a few. And children, who have never been and will never be protected by a free-market ideology, came out on the bottom of the heap. Remember *this* lesson as you watch the current Bush administration and current FCC chairman, Michael Powell, pursue many of these same misguided policies at our national expense.

As I sit here in California, having watched an absurd state energy crisis unfold that led to rolling blackouts, frequent power outages, and the bankruptcy of our utilities, I see the same ill-conceived ideas that drove the disastrous policies of the FCC in the 1980s. The current energy crisis and much of the Enron scandal were created by a blind, ideological commitment to deregulation and free markets, which leads to a world where a few are the winners (those who get rich quick) and the rest of us are clearly losers. The reality of the deregulation movement has been felt far and wide, and one of its most eloquent observers is industry veteran Bill Baker. Now president of WNET, the public television station in New York City, Baker spent many years as a top-level broadcast executive, working for Westinghouse Broadcasting, among others. He also wrote an excellent book on television called ***Down The Tube,*** which I highly recommend to anyone interested in a more in-depth look at this topic. As he says,

> For media companies, the rules have changed. There is now no reason to do anything but achieve the bottom line, because there's no potential pressure on you from the government or any other entity to do more than that. At least before the 1980s you had to pay lip service to keep your license, so you had to display some concern about what you were broadcasting, because you knew in some fairly soft way you were going to be measured on service to the community. Now the concept of public service is really a non-concept. The only measure that matters is ratings because they translate immediately to the bottom line. There is no governmental entity that is asking the right questions anymore. The only audience that matters is your shareholders. And that's why there's great fear among media industry veterans that the children's television arena is going to get even worse. And that television programming in general is going to get worse.[268]

By the way, Bill Baker made these comments to me before anyone had ever heard of ***Temptation Island, Jackass,*** or ***Who Wants w Marry a Multi-Millionaire?***

So where did the mass deregulation of the media industry in the 1980s leave us? And why are Bill Baker and other experienced media players so pessimistic about the future—particularly government's role and responsibility in the area of kids and family media? The fact is, the 1980s changed the rules so fundamentally that even after a decade of some earnest attempts to right the ship and restore some sense of responsibility and obligation, we're still in an environment where money rules all.

SOME SIGNS OF PROGRESS

Nevertheless, there was some good news about kids and media over the past ten years or so. In 1990, Congress actually did something about the abysmal quality of children's television. Outraged by the abandonment of children by the Republican-led FCC and pressured by groups like Action for Children's Television, Congress passed the Children's Television Act (CTA). Although a number of politicians, most of whom had done next to nothing, tried to take credit, the CTA is actually a fairly simple and minimal piece of legislation and hardly a great triumph. Henry Geller, the former FCC general counsel who helped draft it, called it a "stopgap" effort and admitted that it was an insufficient response to the powerful economic forces acting against quality kids programming. The CTA requires broadcasters (not cable channels) to air **an** unspecified amount of "educational and informational" programming, but it makes no provisions for when these programs should air and how long these programs should be. However, the CTA still represented the first time that Congress specifically recognized kids as a special audience and that TV has the power to "assist children to learn important information, skills, values, and behavior." The law required the FCC to consider the extent to which broadcasters had served the educational and informational needs of children when reviewing the broadcasters' license renewal applications—but that was about the extent of Congress's grand pronouncement. It was left to the FCC to determine exactly what this new law actually meant and issue regulations for its enforcement. Thus, it was squarely in the hands of the FCC to determine whether this tiny but positive first step would actually have some teeth in it.

At first, broadcasters ignored the law. A famous study by the Washington-based lobby group the Center for Media Education revealed that those kid-friendly media executives at television stations throughout America were claiming that cartoons like *The Jetsons* and The *Flintstones* and old episodes of Leave *It* w *Beaver* qualified as "educational" programming for license renewal purposes. It would be comical if it weren't true. Moreover, the few good programs that really were educational and informational—not counting the ones on PBS like ***Sesame*** Street, Ghostwriter, or Mister *Rogers' Neighborhood*—were being shown at 5:30 A.M. by a lot of stations, when no one, including children, would be watching.

Unfortunately for the profit-obsessed media industry and the powerful broadcast lobby in particular, President Bill Clinton appointed an intelligent activist, Reed Hundt, to be his first chairman of the FCC. This may have been bad news for the media barons, but it was good news for millions of American parents and the small group of kids' advocates—including my organization, Children Now—who cared about children's media issues. Once Reed Hundt came on board as chairman of the FCC, things changed very quickly. Blessed with confidence and a sharp intellect, this media-savvy lawyer was never intimidated by the corporate media chieftains. I often thought that he delighted in taking them on intellectually and bluntly challenging their free-market viewpoints. Hundt was just as smart as the media barons were, and unlike them, he was driven by a real sense ofmission and public-interest responsibility. He also recognized the power that he could potentially wield on behalf of American citizens. He decided, among other things, to make children's media a top priority during his term. And he made it clear to industry players and advocates alike that he was actually going to put some muscle behind this vague Children's Television Act that Congress had passed in 1990.

The FCC began developing a process for implementing the Children's Television Act and held public hearings about how the rules would be enforced. The hearings were a real eye-opener for me. My friends from the Children's Television Workshop (now called Sesame Workshop) brought Elmo to testify. Longtime advocates such as Newt Minow and Peggy Charren spoke eloquently about past traditions and responsibilities. Newer groups like Children Now and the Center for Media Education argued for the need to improve kids' programming and documented past abuses. Nickelodeon president Geraldine Laybourne came and talked about the success of her kids' cable network and spoke out in support of the new rules, even though cable networks were not subject to them.

Finally, it was the broadcasters' turn, and what I remember most is that they were uncomfortably defensive. We were **all** sitting in a semicircle around a wooden conference table in a stately old Washington hearing room, like one of those wood-paneled congressional hearing rooms you see on television. The five FCC commissioners were up on a dais looking somewhat like judges as all these broadcast media titans became red-faced and stammered away, one after another. They all had a little story to tell about some wonderful little community program they had supported or some local kids' program they had experimented with. And they all kept talking about how their network or station group was "deeply committed to the future of our nation's children." But after all was said and done, their conclusions were always the same: "We don't make enough money at kids' programming, particularly if it has to have some semblance of educational value."

Tellingly, the media barons ***didn't*** say they couldn't make ***good*** money by providing quality kids programming. How could they make that claim sitting in the same room with the creators of Sesame Street (a multibillion-dollar franchise) and the president of the enormously profitable Nickelodeon? No, the broadcast executives merely said they couldn't make *as much* money by creating quality kids programs as they could by, say, running daily episodes of ***Jerry Springer*** or creating violent, noneducational cartoons like ***Power Rangers.***

There followed many months of memos and commentaries and briefs, but in the end, Reed Hundt and the FCC held pretty firm against the profit-obsessed pleas of the media industry and instituted a requirement that every broadcast station in America air a minimum of ***three hours*** of "educational and informational" programming ***per week.*** (That's right . . . the broadcasters were kicking and screaming about ***three hours per week,*** not three hours per *day.)* In addition, the FCC said that the broadcast networks and individual stations couldn't air these programs at 2:00 A.M. or 5:30 A.M.

They actually had to air them between the hours of 7:00 A.M. and 10:00 P.M. Moreover, the FCC even went so far as to try to define the elements of what the Children's Television Act meant by "educational and informational programming," since it was clear that the broadcasters were confused if they were trying to pass off ***The Jetsons*** and ***Leave it to Beaver*** as "educational." Finally, the FCC rules included proposals to better inform parents and the public about the shows that broadcasters air to fulfill their CTA obligations.

By the way, it took nearly three years for these rules and regulations to be finalized, and, as you will see in a minute, they are fairly easy for broadcasters to finesse. But the Children's Television Act is still a good example of how our government can positively shape media programming and practices for kids, and how Congress and the FCC should use the powers that they have as the public's elected and appointed representatives.

Now, how have the FCC regulations played out in practice? Well, it's a mixed bag. But there **is** absolutely no question that these rules-combined with the effective use of the bully pulpit by Reed Hundt and his successor as chairman, Bill Kennard, as well as the then president, Bill Clinton—have had a genuine impact on kids' television in the U.S., despite the fact that at the same time there was massive industry consolidation and huge cutbacks by U.S. media companies in their budgets for children's television.

The impact of the FCC regulations, which are known within the industry as the "three-hour rule," depends on which network and/or broadcast station we're looking at. Obviously, PBS airs more than three hours per week of educational and informational programming for kids—about ten times more! As for the other networks, there are a couple of bright spots. CBS now airs programs developed by Nick Jr. (the preschool block of Nickelodeon) in order to fulfill its obligations to kids' educational and informational needs. We should all have some serious concerns about the Viacom-CBS merger, but this isn't one of them. **As** we'll see later in the book, Nickelodeon and Nick Jr. are run by terrific, kid-oriented executives, Herb Scannell and Brown Johnson, respectively. Johnson and her team have developed a number of pioneering, successful new shows—Blue's *Clues* being perhaps the most notable—and all of them are built on a solid foundation of learning curriculum and positive values. Even though, as a cable network, Nickelodeon is not required to meet the FCC three-hour-per-week requirement, the Nick people have long been committed to kids and education. The Nick Jr. shows that now air on CBS (a broadcast network) are quite good and clearly within the better spirit of the FCC mandate. So, while all concerned parents should he very troubled by the overall consolidation trend typified by the Viacom-CBS merger, the Nick Jr. programs are good news for kids' programming on CBS.

The second broadcast network that has made somewhat of a commitment to the new FCC regulations on kids' programming is ABC, which is also part of another huge media corporation, the Walt Disney Company. Once again, while I have very grave reservations about this merger-and-consolidation trend and its broader impact on kids' media, the Disney executives, led by Anne Sweeney and Rich Ross, have done a pretty good job in helping ABC meet its three-hour programming requirement by helping to oversee the programs for ABC's Saturday morning lineup.

But the other networks . . . where do I begin? Since my day job is as chairman of a kids' educational media company, which produces programming for these big distribution companies, I should probably choose my words carefully. But the truth is pretty simple: The other major networks aren't really committed to the spirit of the FCC regulations. They just get by with the least possible effort and expense they can. Remember the cynical Fox executives who proposed using sports promos to meet the FCC requirements? Basically, the media companies view these regulations as a money loser (or to be exact, less of a moneymaker) for them. So most of them either air cheap and tired old reruns of shows like *The Magic School Bus* (Fox Kids), or they create new cheap programming like *Histeria* (Kids WB), or they air six different versions of the same silly teen-angst drama or comedy (NBC, which is now leasing its teen block to the Discovery Channel).

To he honest, however, the FCC hasn't enforced the act very stringently, which is a big part of the problem, and the current Mike Powell-led commission has done nothing for kids' TV. But as I look hack over the years since the regulations were finally passed, over the industry's strenuous and repeated objection, I have to say that they have definitely had a positive and measurable impact. Industry executives now know they have some vague obligation to the children and families out there. In a world where the drumbeat of profit, profit, and more profit wipes out all but the loudest of intrusions, the FCC regulations for the Children's Television Act symbolize a legal responsibility, however minimal, that they cannot fully ignore. After a number of years of complete failure to do anything meaningful with the public airwaves on behalf of kids, that's not too had. And if they try to skirt the regulations or fulfill them in the least expensive and least imaginative way, at least the regulations are on the books.

Now, if the FCC would only *deny* a few license reapplications on the basis of failure to comply with the kids' programming requests, that would really make a difference. But the FCC license-renewal rules were changed as part of the Telecommunications Act of 1996, making it much harder for citizens' groups or anyone else to challenge licenses. Former FCC Chairman Bill Kennard has characterized this as a "serious error" that in effect gives broadcasters a free ride. License denial would really hit large media companies where it hurts, but to do so would take political courage that we've seen very little of in Washington.

BACK TO THE BAD OLD DAYS?

Now that President Bush has appointed Secretary of State Colin Powell's son, Michael Powell, as the FCC chairman, I fear, however, that whatever progress chairmen Hundt and Kennard made on behalf of kids will now be lost. Indeed, the early signs are frightening and signal a fundamental shift in telecommunications policy.

Mike Powell's first speeches as FCC chairman called for a major new focus on deregulation. Criticizing the various public interests of his Democratic predecessors, Chairman Powell called for a loosening of restraints and regulations on the media industry. Sounding a lot like the old Reagan-era mantra, "What's good for big business is good for America," the Powell-led FCC has already begun to dismantle critical elements of our regulatory systems. For example, in April 2001 the FCC approved changes that allow the huge Viacom corporation to own both the CBS and UPN broadcast networks simultaneously. As the *Wall Street Journal* said at the time, "the FCC has shown increasing willingness to abandon long-held regulations designed to prevent cable and broadcasting companies from growing too large."[269] The FCC seems to be encouraging massive consolidation in the satellite, cable, and wireless industries as well.

Recently, the FCC has begun reviewing rules that ban TV broadcasters from owning stations that reach more than 35 percent of the nation's population. It is also planning to loosen or repeal twenty-six-year-old regulations that prevent companies from controlling broadcast stations and newspapers in the same market. Moreover, the FCC under Powell seems likely to abandon long-standing regulations that forbid giant media conglomerates from owning both a cable system and a broadcast television station in the same market. And Chairman Powell said recently that broadcasters alone should regulate violence on television, dismissing any role for government in this process.

Certain elected officials—most notably Senator Ernest Hollings of South Carolina, who heads the Commerce Committee—have been sharply critical of the Bush administration and the Powell-led FCC for abandoning these historic safeguards. Indeed, at a hearing before his committee in summer 2001, Senator Hollings accused Chairman Powell of failing to fulfill his duty to apply the law in the best interest of the public. In an interview for this book, Senator Joseph Lieberman, too, repeatedly criticized the current FCC's failure to use its legitimate enforcement powers on behalf of America's children and families and hoped that more parents, voters, and concerned advocates would pressure the FCC and their elected representatives to reverse this troubling trend.

As we have seen before, this "free market rules all" approach will be a disaster for consumers and families. In supporting the profit-driven motives of a handful of media giants, the current FCC is basically undoing sixty years of policy dedicated to the principle that multiple sources of news and information provide crucial protections in our democracy. These misguided decisions are already reducing the diversity of entertainment and news available to the viewing and listening public. In addition, smaller companies as well as talented, creative people with new programming ideas for kids, or a different perspective on an issue, will have a much tougher time getting their content on the air. How can this possibly be good for anyone except a small handful of wealthy media barons and their shareholders? The rest of us will end up with less quality and diversity of voices in what we see and hear. And the reason, as usual, is colored green.

Chapter 10

Ten

PROTECTING THE PUBLIC INTEREST

"This instrument can teach, it can illuminate; yes, and it can even inspire. But it can do so only to the extent that humans are determined to use it to those ends. Otherwise it is merely lights and wires in a box."

— Edward R. Murrow, famed broadcast journalist

Today, we stand at a crossroads in terms of government support for quality media and regulation of the industry's most pernicious excesses. Although much of the 1990s was spent undoing the damage of the mindless, "anything goes" ideology of the 1980s, we also witnessed in the last decade an alarming, unprecedented rise in massive media consolidations. Nonetheless, in the past ten years, we saw some notable improvements in the areas of children and family media, largely under the leadership of the two activist FCC chairmen, Reed Hundt and Bill Kennard. It's worth taking a brief look back at those accomplishments before outlining a twenty-first-century agenda. In addition to the bipartisan passage in 1990 (over George Bush's veto) of the Children's Television Act—and the enforcement teeth added during FCC rule-making proceedings—the bipartisan passage of V-Chip legislation in the mid-1990s marked another step forward for families and the public interest.

The 1990s also saw a well-coordinated public and government outcry against the surge of violent images that had proliferated across so many media platforms. That effort brought concrete results, particularly in the area of media violence. When the **Fox** network and Haim Saban are forced to defend ***Power Rangers*** on a regular basis, and Time Warner's top management succumbs to pressure and sells the company's stake in the gangsta-rap business, you are seeing progress.

Similarly, FCC Chairman Kennard, joined by advocacy groups such as the NAACP and Children Now, forced the media industry at least to acknowledge its sorry record of minority ownership, characters, and themes in prime-time programming. With an increasing drumbeat of government pressure, we saw most American schools wired for the Internet, with the strong involvement of a number of leading technology firms such as Sun Microsystems and Hewlett Packard. We also saw limits on the number of commercials in kids' TV, and politicians on both sides of the aisle at least made children's safety and privacy concerns an important if poorly legislated issue in the early regulation of the Internet.

Finally, we saw the Federal government and various states sue Microsoft on antitrust grounds. This represented virtually the first major antitrust action against the huge oligopoly forces that have come to dominate the media and technology spheres in recent years, an important victory for consumers and industry competition. In sum, the 1990s showed that the government's balancing hand can protect the public interest in a media environment ruled by the marketplace.

PUTTING PROGRESS IN JEOPARDY

Unfortunately, the current Bush administration is already unwisely abandoning these safeguards. In fact, not since the Reagan administration's wholesale reversals of regulatory policies have the scales tipped so dramatically in favor of big business, according to lobbyists on both sides of these issues. Which leads, of course, to the FCC and its approach under President Bush and its new chairman, Michael Powell.

I've met Mike Powell. He seems like a pleasant guy. But parents and families in America should be downright scared by Mike Powell's agenda at the FCC. One of the first things he did as the commission's chairman was to change the rules so that America's largest broadcasters, cable companies, and megacorporations could grow even bigger and dominate new markets. As reported in *The Wall Street Journal* and *The New York Times,* Powell departed radically from more than sixty years of policy and began relaxing long-standing restrictions on media companies that want to own multiple distribution outlets in major population markets. He justified his deregulation scheme by talking at length about the important free speech rights of corporations. "In a marked departure from decades of Supreme Court opinions on the subject," the *Times* reported in a front page story, "the agency (FCC) has become significantly more sympathetic to the free speech rights of corporations and more skeptical of the role of government in promoting diversity in mass media. Consumer groups say the regulations that are being rolled back have been crucial instruments for promoting a diversity of viewpoints in the news and entertainment business."[317]

Why does this matter? First, government is the only protection that children and consumers have against big business. The ownership restrictions have been vital to ensuring that the American public has access to news, programming, and information reflecting many different tastes and different viewpoints. That's what free speech is all about. But now, thanks to Chairman Powell and others, we have a cartel-like group—similar to OPEC—dominated by just a handful of owners with increasingly common interests, even as American society is growing ever more diverse. This is deeply troubling in terms of kids and media and the diversity of viewpoints and programming choices.

But just as disturbing are Powell's early pronouncements about the glories of deregulation:

> I do not believe deregulation is like dessert you serve after people have fed on their vegetables and is a reward for the creation of competition. I believe that deregulation is instead a critical ingredient to facilitating competition, not something to be handed out after there is a substantial number of players in the market.[318]

Why should American parents be scared when they hear such statements from the chairman of the FCC? Because the last time the FCC had such a deregulatory ideology running its efforts was during the *disastrous* 1980s under Mark Fowler and the Reagan administration. What did kids and families get from them? A vast proliferation of sex, violence, and unchecked commercialism in all forms of media. Thirty-minute toy-based commercials masquerading as TV cartoons. The worst kids' programming ever, with virtually no redeeming qualities—exactly what an unchecked, deregulated free-market ideology always offers children. If that's the kind of "leadership" we can expect from Chairman Powell and his colleagues, all of us have great cause for concern.

TEN STEPS THAT GOVERNMENT SHOULD TAKE

Since the new Bush administration and the Mike Powell–led FCC seem bent on further deregulating the media, Congress and respected leaders like Senators Joseph Lieberman, John McCain, and Ernest Hollings need to stand firm to protect the interests of American children and families. Massive consolidation has returned us to an environment in which only a handful of giant corporations dominate the media. As a result, our government needs to play a far more activist, regulatory role, as it did in the 1950s, 1960s, and 1970s when only three major networks controlled the television landscape. Here are ten proposals that, if enacted by our national government, would go a long way to making the media a far more positive force in our society. Some of these ideas are controversial, and some may seem politically unfeasible. But all are eminently achievable over time—provided we have the public will and political leadership that all meaningful progress in this area requires.

1. Break up the Big Media Companies

You heard it right. It's the single best step our society could take, and only government has the power to do it. I'm by no means alone in this opinion. Recently, one of the most powerful and influential figures in the global children's media world said to me, "If you truly care about kids, the number one solution is to break up the huge vertically integrated corporations that control virtually all media that children see or hear, including the corporation I work for."

Now, remember, this person (who understandably declined to be quoted by name) is someone who has profited very handsomely from media mergers. But his answer was unflinching and dead-on. These behemoths care only about building the next generation of consumers, not the next generation of minds. Only by breaking them down into smaller pieces can we restore some semblance of public interest and direct public accountability to the media environment.

The fact is, the biggest problems with the media today are rooted in the current structure of the marketplace. And the only institution in our society that has the power to change this structure fundamentally is government. The federal government and, in certain cases, state governments have the power and responsibility to regulate commerce. You may *think* that I've really lost my marbles, but we need to start a national conversation about this. Change won't happen overnight—it may take twenty years-hut in terms of positive social goals, it's sort of like the moon landing. We have to start aiming for it now. And some courageous and visionary public figures have to start telling it like it is, even if they are terrified of its impact on their media-funded political campaigns.

We could start, perhaps, by asking media conglomerates to divest those business **units** that directly distribute and create content for kids and teens. We should also set up marketplace rules that balance pure profit objectives with those of the public interest. If this country truly cares about kids, we need to start envisioning a media landscape in which it's not just five or six companies controlling everything. This is the number one solution to this long-term challenge, whose importance will loom ever larger in the media/information environment of this new century.

2. Establish a Major Public Fund for Quality Kids' Media Content

As chairman of one of the only serious, independent kids' educational media companies in the United States, I can tell you firsthand: high-quality, educational content is expensive to produce. In TV terms alone, one half-hour episode can cost between $250,000 and $500,000. The subsidiaries of the huge vertically integrated media companies, with their obsessive focus on profits, will not foot the bill for budgets like that. But if you can bring these companies thirteen or twenty-six episodes that are at least half funded or more from other sources, they would much more likely be interested. Where would that kind of funding for high-quality content come from? Why, the same place that virtually every other Western industrialized nation goes to when it wants to encourage the production of good programming for kids—the government.

In fact, most other countries support and subsidize various forms of quality content for kids, particularly television, because they believe it's in society's interest to make children's media better. What does the United States—the media capital of the world—do in its infinite, free-market wisdom? **Virtually** nothing. We do have PBS and the Corporation for Public Broadcasting, but unfortunately, they're overstretched and underfunded, and PBS recently leased its

Saturday morning lineup to a Canadian company (which, of course, uses Canadian government subsidies to create programming—and profits). We also have the National Endowment for Children's Educational Television, funded by Congress in the early nineties to the minuscule tune of **82–3** million. What a joke! If spent wisely, that money might fund a grand total of five or six episodes of one series, one time. Our government spends more on one hog farm in Iowa than we do on the entire national budget for kids' educational media.

So here's what to do. Commit at least $500 million ***per year*** for ten years to fund educational media for kids and families. That's $5 billion over ten years—less than the Bush administration's anticipated tax-cut benefits for Bill Gates and Paul Allen alone. Take most of that money and use it to fund high-quality kids' content for TV, the Internet, computer games, and other media. The greatest need, by far, is for funding of content and production. But reserve 5 percent a year ($25 million) for research and training to help grow a new generation of media professionals committed to creating high-quality educational content across all media platforms. Once again, this idea just requires a little political will, a little leadership, and, by current standards, a relatively small amount of funds.

3. Just "DO IT" for the Internet and Digital Age

While we're on the subject of money, let's get serious about the Internet and the emerging digital age. As I've said throughout the book, the Internet and other interactive media and technology have the potential to reshape our entire educational system and the way our kids learn and grow. With such unique potential for kids and learning, it would be a shame if we screw them up the way we did TV. The Internet should not be developed with a singular focus on the highest profit margins and lowest-common-denominator content. And much as I respect the new media leaders, like the guys at

Yahoo! and AOL's Steve Case, this should be led at the highest governmental levels

Recently, a group of leading media experts—including such luminaries as the former president of NBC News and PBS, Lawrence Grossman, and former FCC Chairman Newt Minow—proposed the creation of the Digital Opportunity Investment Trust (DO IT). This nonprofit, nongovernmental agency would be charged with transforming our educational system for the digital age, unlocking the potential of the Internet and other new informational technologies for education in the broadest sense. Like the National Institutes of Health and the National Science Foundation, DO IT would disperse funds to stimulate research, learning, and national progress in this critical area.

This new digital initiative would

- fund new models and techniques to train teachers in the best uses of new information technologies in the classroom
- digitize America's collected memory stored in our nation's universities, libraries, and museums, making these materials available for use at school, home, or work
- create new voice-sensitive computer programs to teach language skills to fourth graders and new immigrants
- develop computer programs to measure the learning progress of individual students so teachers can adjust their methods to the specific needs and abilities of each child

DO IT would be financed by revenues earned from investing the $18 billion of anticipated revenues received from the recently mandated FCC auctions of unused radio spectrum.[319] This parallels the historic use of revenues from the sale of public lands—the Morrill Act—which helped finance public education in every new state and created the great system of land-grant colleges in the 1860s. Instead of just giving the spectrum away for free to corporations—our historic blunder in the digital spectrum gift to TV broadcasters—DO

IT would put those auction funds to use for all Americans, especially kids. Congress should ensure its passage.

4. Adopt the Canadian Model for Funding Quality Kids' TV

While America leaves kids' TV to the profit-obsessed ethos of the marketplace, other countries, from Canada to Australia and many of those in Europe, subsidize the creation of high-quality content with enormously successful results. Indeed, these government efforts have worked so well that Canadian and European production companies now dominate the world when it comes to quality kids' TV. Americans lead only in toy- and merchandising-based products. As I've mentioned, PBS, our nation's public broadcaster, recently leased its entire Saturday morning kids' block to a Toronto-based company, Nelvana. As a result, much of what,your kids see on your U.S.-taxpayer-funded national public broadcasting system (not to mention on Nickelodeon, Disney, Fox, and other networks) was created and produced in other countries. It's an absurd situation, but it would easily be corrected if the United States would adopt the vastly superior Canadian model.

Here's how it works: the Canadian government, led by its version of the FCC (the CRTC), invests in the creation of high-quality kids' programming through simple tax credits and tax subsidies. As a result, it costs nearly 30 percent less to create the same quality TV show for kids in Canada than in the United States. Producers there receive tax credits and other targeted, market-based incentives for developing quality kids' content.

The US. government provides billions of dollars in tax credits, subsidies, and other incentives to everybody from hog farmers to oil producers, but we do nothing for kids' media. After September 11, 2001, our government bailed out the airline industry. It's time to recognize that our children are worth an investment too—a relatively tiny one at that, compared to other taxpayer-funded efforts.

The model is right there in plain view. Congress and the president should adopt the Canadian system and help make far more high-quality children's programming possible.

5. Support PBS with Adequate Funding and Leadership

America does have a public broadcasting system. It's called **PBS,** and though it's chronically underfunded and overly complex (consisting of a national network as well as hundreds of independent local stations), it delivers by far the best educational, arts, and cultural fare on American television. Much of the best content for kids is available only on your PBS station, shows such as *Sesame Street, Reeding Rainbow,* ***Arthur,*** *Dragon Tales,* even *Barney.* Most parents know that they can trust their kids to PBS. It also funds a terrific kids' Internet site—PBSKids.org—and provides numerous educational and cultural benefits to communities and families across the nation.

So why don't we fund and support PBS more consistently and generously? Because it doesn't have any of the lobbying power of the huge, commercially driven broadcasters and media companies, and because **PBS** is often used as a political football by self-serving Washington politicians. Congress should set its partisan point-scoring aside when it comes to quality kids' programming. When you look at other countries, you realize how pathetic our national support for PBS truly is. In recent years, federal spending for public broadcasting has been about $1 a year per person in the U.S., while Japan spent about $17 per person, Canada $32 per person, and Great Britain $38 per person. In Britain, in fact, every household pays an annual "broadcast license fee" (recently, about $122) to support the BBC's excellent assortment of kids', cultural, and educational programming. Similarly, in recent years, households in Japan and Sweden paid at least $294 and $185 respectively.[320]

Even though Britain has about one-fifth of our population, it commits almost forty times the amount we do to public broadcasting. Why not, for example, impose an excise fee (say, $10) on the purchase of every TV set, which would go into a trust fund for noncommercial broadcasting? It's way past time for our government to step up to the plate and deliver some real results and decent funding for PBS.

6. Adopt Media-Literacy Curricula in All Schools

Since our children are growing up in a media-saturated environment, they need critical-thinking skills to better process all those images and messages they receive. So let's make media literacy part of the American school curriculum now. The models are already there. The know-how, skill set, and tools already exist. All we need is the public will and the leadership of our educational establishment.

And we need to start teaching media literacy early. By the time children are in second or third grade, they've already been bombarded with inappropriately violent, sexualized, and commercial images and messages. Media literacy, in effect, is a vital complement to parental guidance and judgment.

In the previous chapter, I recommended that the media industry, on a voluntary basis, should set up a major fund or a tax to finance media-literacy programs in schools and homes nationwide. But if the companies are slow to move, our government and Department of Education should step in, appropriate the funds, and levy a tax on the media conglomerates. We shouldn't wait any longer. Our children are already being "educated" by the "other parent" for five or six hours every day. Let's teach them how to make the best sense of those messages.

7. The FCC Should Assert Its Enforcement Powers and Revoke Some Licenses

Congress, the FCC, and the Federal Trade Commission (FTC) have significant constitutional and statutory authority when it

comes to regulating media. As Senator Joe Lieberman said in an interview for this book, "The critically important place to start is with the FCC. They have so much power to make media better for children, and they have the proper statutory authority." The problem is they rarely use it, and it's about time that changed. Remember, a broadcast license is a privilege, not a right, and broadcasters go through a license renewal process every few years. These are publicly owned airwaves, and the FCC has the power to grant and renew licenses at its discretion. Unfortunately, as part of the 1996 Telecommunications Act, Congress "defanged" the FCC's license renewal process. Bowing to the broadcast lobby again, they made it virtually impossible for citizens' groups to challenge licenses during the renewal process and gave broadcasters a ludicrous safe haven from public accountability.

Congress should reverse this error, and the FCC should refuse to renew the licenses of the worst abusers. The commission should clearly spell out in advance the criteria for getting and keeping a television and radio broadcast license and tell those who protest it, "Take it or leave it. There are ten thousand other businesses that want this license." If the FCC used its statutory enforcement power, defined clear public-interest criteria for all licensees, and pulled a couple of licenses in a well-publicized manner, I can assure you that you'd see much better compliance with the Children's Television Act and other public-interest obligations. The impact would be incalculable in the long term.

Similarly, the Federal Trade Commission recently came out with an exhaustive study documenting how movie studios intentionally market inappropriate content to underage kids. This is a violation of the law, and the FTC has the power to enforce that law by means including fines. I urge the FTC to hit the violators where it hurts with huge fines—say $100 million and upward—for major, repeat violations. I promise you that the entire movie industry would sit up, take notice, and reflect a whole lot more on its public-interest responsibilities and the law.

8. Provide Incentives for a Positive Family-Viewing Period

Back in the 1970s, the "family hour" was a voluntary agreement by the broadcast networks not to show content that was "inappropriate" for family viewing during the **first** two hours of prime time. There are certain First Amendment limits on what the government can mandate in this regard, hut it certainly can take steps to encourage broadcasters to return to that voluntary standard.

I urge that Congress and the FCC develop an incentive system that would provide tax and other monetary incentives to broadcast and nonpay cable networks to use the first two hours of prime time, at least five nights a week, to provide programming that is enriching and educational for kids and families. The sticky issue, of course, is defining the words "enriching" and "educational" and deciding who should define them, but we faced the same challenge fairly successfully with the Children's Television Act. Following the CTA's model, I recommend that the FCC be charged with responsibility for defining those terms and setting some clear guidelines for their enforcement.

9. Enact Major Campaign-Finance Reform

As former Democratic senator and presidential candidate Bill Bradley put it, "Today's political campaigns function as collection agencies for broadcasters. You simply transfer money from contributors to television stations." We need to change that corrupt system, and we can.

I propose that we follow the British model for political campaign advertising, which prohibits the sale of broadcast time for political commercials. Each candidate and each party is allocated a certain amount of free airtime, and they figure out how to use it. Our government has the power to enact similar rules, and we, the public, own the airwaves. The problem, as usual, is **finding** the political will.

An important first step was the passage of the McCain-Feingold campaign finance reform bill, but the real solution is to use the publicly owned airwaves to provide free airtime to all candidates and parties.

10. **Use** the Bully Pulpit to Shame, Threaten, and Cajole

Our political leaders have enormous power to use the bully pulpit to influence behavior in our society, and President Clinton used it particularly well. Even though he was at times criticized for cozying **up** to Hollywood and the media industry, he effectively used the power of his office to shame and cajole the media bigwigs on a number of important issues. And he was very effective at times. Without his leadership, we would never have had the Children's Television Act or the V-Chip or a number of other voluntary industry efforts to curb some of the worst excesses. For example, President Clinton held meetings with top Hollywood and media executives to urge more responsible programming and a toning down of violence. He held a much-publicized "Prime-Time Summit" in 1996, which brought broadcast and cable TV executives to the White House to discuss sex and violence; it was there that the industry leaders announced their plans to develop the new television ratings system.

The fact is, shame works very well with media leaders, as does jawboning. Praise for good efforts also makes a huge difference because it rewards positive behavior. And it's not just the president who has this power. Senators, representatives, the FCC chairman, and the other commissioners have it too, and they should use it a lot more than they do.

IT'S TIME FOR NEW LEADERSHIP

If our government officials, both elected and appointed, fail to act as our representatives—to respond to the needs of our kids and families—then they fail in the most fundamental way. We have seen the abandonment of children's media concerns before, with disastrous results. So what do we do if the free-market ideologues take over the reins of power and bow low at the altars of big business and "shareholder values"? We get angry, and we hold them accountable. Most important, we get off our behinds and do something about it. Social change often starts from below, when people have the vision and the motivation to take action and to demand accountability. That's what the next chapter is all about.

Ten Steps That Government Should Take

1. Break up the big media companies.
2. Establish a major public fund for quality kids' media content.
3. lust "DO IT" for the Internet and digital age.
4. Adopt the Canadian model for funding quality kids' TV.
5. Support PBS with adequate funding and leadership.
6. Adopt media-literacy curricula in all schools.
7. The FCC should assert its enforcement powers and revoke some licenses.
8. Provide incentives for a positive family-viewing period.
9. Enact major campaign-finance reform.
10. Use the bully pulpit to shame, threaten, and cajole.