

Woodrow Wilson School
Fall Term, 2001

WWS 401a
Stanley N. Katz and Steven J. Tepper

**Communications, Decency and Children: Government's Role in Protecting Youth
from Violence and Pornography**

Tuesdays, 7:30-10 p.m.

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General Approach of the PTF:

Since the nineteenth century, there has been widespread debate about the potential harmful influence of unregulated cultural expression – from dime novels, to radio, television, and the Internet – on the health and welfare of children. This debate has frequently produced both private and public policy responses to the perceived problem. This ongoing historic debate has reached a new level of intensity with the passage of the recent Children's Internet Protection Act, which requires libraries and public schools across the nation to install "filter technologies" on computers in order to prevent youth from accessing pornography and other allegedly harmful materials. Those who support the Act argue that the government has a responsibility to step in and protect children from the dangers of obscene and violent materials distributed through the Web. On the other side, the American Civil Liberties Union, and proponents of free expression, argue that the Act undermines the First Amendment and the rights of citizens to both express themselves freely and to access the ideas and expression of others. But not all of the controversies involve state action: the policy dilemma is also reflected in the recent decision of Yahoo.com, under pressure, to remove pornographic Web sites (and advertising) from its portal. Such decisions also affect the public interest.

This Task Force will examine current evidence regarding the relationship between media consumption and its potentially harmful affects on youth. We look closely at the debate over pornography and free speech. And, we will examine at recent attempts by the government to regulate content – from V-chip technologies to voluntary rating systems to the recent Children's Internet Protection Act. . Participants in the task force will develop recommendations for how the First Amendment rights of citizens can be balanced with government's interest in protecting youth. Recommendations will be presented to the U.S. Senate Committee on Commerce, Science and Transportation.

PTF Procedures:

The Policy Task Force will meet every Tuesday evening for discussion sessions. Limited reading assignments (mainly from materials on reserve in the Woodrow Wilson School Library) will be made for the first few weeks in order to orient members of the Task Force to general background on gun control and the Second Amendment. These assignments are, however, exemplary, and you are encouraged to read on their own for fuller information and deeper understanding. Several outside experts will also visit the Task force, presenting the points of view of their organizations. They will further inform you, but you must take into account their personal and institutional biases.

The most important work you will do this term is the research you undertake for your own JP. I hope that each of you will make a proposal to us for a paper topic before the end of the third week of term. We will negotiate individual topics and the range of topics for the group, to be sure that most important bases are touched by one student or another. But of course each of you will also work, along with either of us and the Senior Commissioner, on the Task Force report. This will be a joint effort, led by the Senior Commissioner, that will take up much of our time at the end of term. Class discussions will be crucial not only to your own progress, but to that of the PTF as a whole. You will be graded on your performance in all of these activities, but we will give primary attention to your JP.

As you will see from the schedule below, we will spend the first few weeks reading and talking our way into the subject. For the next several weeks the emphasis will be on researching (and then drafting) your JP. Each of you will then make an oral presentation of your draft to the Task Force, and set about revising it – a task that will probably take you into the Winter Recess. The last phase of the PTF will be trying to work out a common policy recommendation as the basis for the Task Force report.

A word to the wise: Each of you must formulate a precise question to be answered as the basis of your JP. It is essential that the policy question you address be well thought out before you begin your final research. The entire paper should be a concise, well-organized response to the policy question. The final paper should be no longer than 25 pages (a rule strictly enforced, since we will stop reading after page 25). Remember Dr. Johnson's response when asked why his most recent book was so long: "It would have been shorter if I had had more time." Less is more in writing an essay, but less is more difficult than more.

Finally, we will establish a web page for the PTF, using the Courseinfo software supported by the University. This will contain the information in this syllabus, and other material posted later in the term. It will also be the vehicle for our PTF listserve. We encourage general discussion on the listserv. We are always available for individual queries and discussions personally or by e-mail. Neither of us hold regular office hours, but our doors are typically open (428 and 429), and you should feel free to stop by at any time, including weekends. We can also make individual appointments with you.

September 18

Week 1: Course and Issue Background. An overview of the course and course mechanics. This session will review some of the "hot button" issues related to violence and sexual material on television, radio, video games and the Internet – including some of the arguments for and against government regulation of these media. Possible research topics for the semester will also be discussed.

Readings

Heins, Marjorie. 2001. Not in Front of the Children. Introduction, pp 4-14.

Senate Hearings, 83rd Congress. 1954. Juvenile Delinquency (comic books). Excerpts from hearings before the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary. April 21, 22, and June 4, 1954. Washington: Government Printing Office.

American Civil Liberties Union. 1997. "Fahrenheit 451.2: Is Cyberspace Burning? How Rating and Blocking Proposals May Torch Free Speech on the Internet." In Filters and Freedom 2.0: Free Speech Perspectives on Internet Content Controls. Washington: The Electronic Privacy Information Center.

Press Release: "Brownback Hosts Forum on the Impact of Explicit Entertainment on Children." July 26, 2001."

Sanders, Edmund. 2001. "Children's Online File Swapping Often Yields Porn, Report Says." *Los Angeles Times*, July 28, 2001.

Kaiser Family Foundation. 2001. "Sex on TV2. Executive Summary." published at www.kff.org.

Rosenbaum, David. E. 2001. "Protecting Children, Tempting Pandora." *New York Times*, June 27, 2001. E1.

Lieberman, Joe. 2001. Opening Statement. Senate Government Affairs Committee: Rating Entertainment. July 25, 2001.

September 25

Week 2: The Current Crisis. Readings and lectures for this week will focus on the scope of the problem – the extent of harmful materials (indecent and violence) on the Internet, television, radio, compact discs and video games. We will look at government and social science reports as well as issue briefs.

Readings:

Commission on Child Online Protection (COPA) – *Report to Congress*. October, 20 2000.

Jost, Kenneth. 1997. *Children's Television*. Congressional Quarterly Researcher. v7, n31. 721-744.

Jost, Kenneth. 2001. *Libraries and the Internet*. Congressional Quarterly Researcher, v11, n21. 465-488.

Finkelhor, David et al. 2000. *Online Victimization: A Report on the Nation's Youth*. National Center for Missing and Exploited Children. – Introduction and Chapter 5, pp 33-37.

Federman, Joel, ed. 1998. *National Television Violence Study*, Volume 3. 1998. Executive Summary.

October 2

Week 3: Legislation and the First Amendment. We will review recent and current public policies aimed at protecting children from harm on television, music recordings and the Internet. We will read brief overviews of existing and proposed public policies – The Communications Decency Act (1996); the 1996 Telecommunications Act, Section 551; the Child Online Protection Act (COPA-1998); The Children's On-line Privacy Protection Act (COPPA, 2000); Children's Internet Protection Act (CIPA 2000); The Media Marketing Accountability Act. In reviewing these policies, we will pay special attention to the balance of First Amendment Rights with the government's interest in protecting minors.

Readings:

Heins, Marjorie. 2001. Not in Front of the Children. Chapters 4, 5, and 7, pp 89-136, pp 158-179.

Legislative Summaries – excerpts from existing and proposed legislation.

Stone, Sahara. 2001. "Child Online Protection Act: The Problem of Contemporary Community Standards on the World Wide Web." *Media Law and Policy*. New York Law School: New York. V9, No. 2.

Marshall, Joshua M. 1998. "Will Free Speech Get Tangled in the Net?" *The American Prospect* 9, Issue 36. January 1, 1998.

Middleton, Kent, et al. 1997. The Law of Public Communications. Chapter 8: Obscenity. pp 347 –370. White Plains, NY: Longman Publishers.

Gloria Tristani. 2000. "On Children and Television." Keynote address: Annenberg Public Policy Center's 5th Annual Conference on Children and the Media. June 26, 2000.

Lipschultz, Jeremy H. 1999. "Broadcast Versus Print Models of Free Expression." in Free Expression in the Age of the Internet: Social and Legal Boundaries. Boulder: Westview.

Worth, Robert. 2001. "Are 'fake' pornographic images protected by First Amendment?" *New York Times*, July 15, 2001, section 14WC.

October 9

Week 4: Media Effects and Harm. This session will explore the current body of evidence that supports the claim that exposure to violent or pornographic images can be harmful to children. The session will also provide a critical assessment of the media effects literature.

Readings:

Heins, Marjorie. 2001. Not in Front of the Children. Chapter 10, pp 228-253

Mitchell, K. and D. Finkelhor and J. Wolak. 2000. "Risk Factors for the Impact of Online Sexual Solicitation of Youth." *Journal of the American Medical Association*, June 20, 2001 – v 285, no. 23: 3011-3014,

Busman and Anderson. 2001. "Media Violence and the American Public: Scientific Fact Versus Media Misinformation." *American Psychologist* 56, 6//7: 477-489.

Cantor, Joanne. 2001. "Another form of Media Censorship: Keeping Parents in the Dark." In Violence and the Media: An Exploration of Cause, Effect and the First Amendment. Arlington, VA: First Amendment Center.

Jenkins, Henry. 2000. "Lessons from Littleton: What Congress Doesn't Want to Hear About Youth and Media." *Independent School*, Winter 2000.

Congressional Public Health Summit. 2000. Joint Statement on the Impact of Entertainment Violence on Children. July 26, 200.

October 16

Week 5: Proposed Policy Alternatives: Labels, Filters, Chips and PICS.

Empowering the Consumer. This session will discuss the use and development of filters-- the most popular policy alternative to the problem of finding a middle ground between free speech and government regulation of "obscenity" and "violence" in the media. How do filters work? What is the PICS system and how wide spread is its use? Can the government mandate labeling? How prevalent is the use of current V-chip technology? What are the arguments against the use of labels? We will discuss the policy implications of a private, voluntary system versus a public, mandatory one. The

session will also address how the current Children's Internet Protection Act (the filtering legislation) changes the direction of public policy?

Readings:

Heins, Marjorie. Not in Front of the Children. Chapter 8, pp 180-200.

Sliverman, Daniel. 2001. "Censorship High." Salon.com. 6/26/2001.

"Brownback Testifies at Ratings Hearing." Press Release, Senator Brownback, July 25, 2001.

Lessig, Lawrence. 1998. "What Things Regulate Speech: CDA 2.0 vs. Filtering." Report to the COPA Commission.

Rutenberg, Jim. 2001. "Survey Shows Few Parents Use TV V-Chip to Limit Children's Viewing." *New York Times*, July 25, 2001.

Funk, Jeanne et al. 1999. "Rating Electronic Games: Violence is in the eye of the beholder." *Youth and Society*, v30, n3: 283-312.

Draft JPs due

October 23

Week 6: Proposed Policy Alternatives: Holding the Producers Accountable. This session will focus on ways in which the production and distribution of "harmful" materials might be restricted by various public policies. Tackling the problem "upstream" (production)– rather than "downstream" (consumption). The session will focus primarily on the pending Media Marketing Accountability Act. We will also discuss attempts to prosecute on-line distributors of "obscene" materials.

Readings:

Federal Trade Commission. 2000. "Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries." September 2000.

Fall Break: October 30

November 6

Week7: General Discussion

November 13

Week 8: Student Oral Presentations

November 20

Week 9: Student Oral Presentations

November 27

Week 10: General discussion of PTF Group Report and Recommendations

December 4

Week 11: Continuing Discussion of Group Report

December 11

Week 12: Final Decisions on Group Report