

Chapter 3: The V-Chip and Ratings Systems in Broadcasting 2007 By Bonnie Jean Blackburn, Graduate Fellow

History of the V-Chip

The V-Chip was first conceived in 1989 by Tim Collings of Simon Fraser University in British Columbia.¹ Though the most credible studies do not support him, Collings believed there was a connection between video violence and violence in the real world.² At that time, non-standardized guidance warnings would air only sporadically before shows and there was no method in place to actually block viewing content. By 1991 Collings had developed a thumbnail-sized programmable television implant device that would allow individual viewers to block certain shows from airing. Collings called his device the “V-Chip”, which stands for “View Control,” although many people erroneously assume that the V stands for “violence” or “vulgarity.”³

Eventually, Collings assigned exclusive rights for the V-Chip to Tri-Vision Electronics, Inc.⁴ By early 1996, President Bill Clinton was advocating mandatory V-Chip installation in new television sets. Hopes were high that this “technology marvel”, as President Clinton termed it, would “enable everyone to have the benefits of the new developments coming out of the telecommunications revolution, [while giving] parents more control over the content of the programming to which their young children are exposed.”⁵ Clinton-appointed Federal Communications Commission (FCC) Chairman William Kennard called the V-Chip “a high-tech tool for parenting in a high-tech age.”⁶

Despite much controversy due to the threat of censorship, the V-Chip gained political momentum, eventually becoming a key feature of Section 551 in the FCC’s 1996 Telecommunications Act (“1996 Act”). In his January 23, 1996 State of the Union Address, President Clinton stated:

I call on Congress to pass the requirement for a V-Chip in TV sets so that parents can screen out programs they believe are inappropriate for their children. When parents control what their young children see, that is not censorship; that is enabling parents to assume more personal responsibility for their children's upbringing. And I urge them to do it. The V-Chip requirement is part of the important telecommunications

¹ *Inventor calls V-Chip a technological protection for the “unguarded soul”*, by Bruce Mason, July 4, 1996, in *Simon Fraser News*, Vol. 6, No. 5, indexed at sfu.ca/

² *Ibid.*, On December 5, 1989 14 female engineering students were massacred at École Polytechnique in Montreal. It was while watching news coverage of this event that Collings became inspired to develop the V-chip.

³ See v-chip.org/

⁴ *Metro firm buys rights to V-Chip*, by Robert Brehl, January 15, 1997, in *The Toronto Star*

⁵ *President Clinton, Remarks in a Roundtable Discussion With Families on Television Programming*, March 1, 1996, indexed at americanpresidency.org

⁶ *Parents Not Tuned To V-Chip New TV Device Arrives Unnoticed*, by Paul Farhi, August 14, 2007, *Washington Post*, p. 1.

bill now pending in this Congress. It has bipartisan support, and I urge you to pass it now.⁷

The bill did pass, and manufacturers and producers were told to conform to the request for V-Chip technology or it would be mandated. Manufacturers found they could implement the V-Chip quite simply by inserting a small bit of code within the preexisting closed captioning feature, leading to virtually no extra cost.⁸ Luckily for the FCC, “the V-Chip adds less than a dollar to the cost of the television set,”⁹ and the Consumer Electronics Manufacturer’s Association (CEMA), a subgroup of the Consumer Electronics Association (CEA), has been supportive.

History of the Ratings System

Meanwhile, regardless of government and CEA support, lack of a consistent content rating system threatened to render the V-Chip useless. In 1996 the U.S. Congress, aware of First Amendment prohibitions on the creation of mandatory content controls, appealed to the television broadcasting industry to establish a voluntary ratings system. Although the Government could not overtly mandate or control broadcaster ratings, the level of Governmental pressure on the television industry for this “voluntary” system was clearly evident in the language of Section 551 of the FCC’s 1996 Act, which included a requirement for “the Commission to determine whether video programming distributors (1) have established acceptable voluntary rules for rating video programming that contains sexual, violent or other indecent material about which parents should be informed before it is displayed to children and; (2) have agreed voluntarily to broadcast signals that contain such ratings.”¹⁰

Robert Wright, the CEO of NBC Television, immediately opposed the system on constitutional grounds. Robert Corn-Revere, a Washington D.C. lawyer who specializes in First Amendment and Communications issues, was one of many who argued that the V-Chip and ratings system requirements of section 551 were neither voluntary nor constitutional, as the ratings would be “imposed either by a government commission or by the industry under a government-compelled deadline.”¹¹ He further contended that if a television program ratings’ case went to trial, the same court arguments that have protected movies from “unbridled censorship” would apply to television shows.¹²

⁷ *Address Before a Joint Session of the Congress on the State of the Union*, President William J. Clinton, January 23, 1996, p. 22, indexed at americanpresidency.org

⁸ *Requiem for the V-Chip: A relic of the last battle over indecency on TV*, by Thomas Hazlett, February 13, 2004, slate.com

⁹ <http://www.fcc.gov/cgb/consumerfacts/vchip.html>

¹⁰ See fcc.gov Press Release 1998, nrcb8003

¹¹ “V” *Is Not for Voluntary*, by Robert Corn-Revere Retrieved August 3, 1995, 2007, p. 5, indexed at cato.org

¹² *Ibid.*

The industry responded with the creation of the rating system known as “TV Parental Guidelines” and the establishment of an Oversight Monitoring Board,¹³ of 24 members from television, cable, and program production industries, as well as some non-industry members from the advocacy community. Not to be out-administrated, in May 1999 FCC Chairman William Kennard appointed Gloria Tristani to head a new V-Chip Task Force to “take steps to see that the blocking technology is available and working in a timely manner.”¹⁴ In other words, the Task Force was charged with enforcing manufacturing deadlines for V-Chip installation as well as monitoring program distributors to make sure they were “actually encoding ratings information in conformance with the voluntary industry ratings system.”¹⁵ FCC Commissioner Harold Furchtgott-Roth had already stated,

By this Report & Order, the Commission fulfills its limited statutory role of determining that the industry's ratings rules are “acceptable,” section 551(1)(A), and that “distributors of video programming have . . . agreed voluntarily to broadcast signals that contain ratings,” section 551(1)(B). Under the Act, our involvement in programming ratings is now at an end. . . . This Order should not be interpreted as a basis for future governmental efforts to compel adherence to the industry guidelines at issue in this proceeding. Once the government becomes involved in pressuring distributors to take part in this program, the program of course ceases to be “voluntary” in any real sense of the word. Participation on pain of governmental penalty is simply not willing participation. And forced participation in content-based regulation of speech runs headlong into the First Amendment, as the drafters of section 551 realized.¹⁶

The FCC’s V-Chip Task Force agreed to take some responsibility for informing parents about the V-Chip and the new ratings system via product labeling requirements and media campaigns in magazines, newspapers, and television. The Task Force also pledged to do research on V-Chip usage and effectiveness.¹⁷

Explanation of the TV Parental Guidelines

In simplest terms, the TV Parental Guidelines divide shows into two main programming categories: 1) those solely for children—subdivided into shows for all children (TV-Y), and shows for children seven years or older (TV-Y7)—and 2) those for general audiences, striated into TV-G (General Audience), TV-PG (Parental Guidance Suggested), TV-14 (Parents Strongly Cautioned—especially for children

¹³ *Commission Finds Industry Video Programming Rating System Acceptable*, Report No. GN 98-3, p. 18 at fcc.gov

¹⁴ See fcc.gov News Releases 1999, nrnc9026

¹⁵ *Ibid.*

¹⁶ See fcc.gov News Releases 1998, nrbc8003

¹⁷ See fcc.gov News Releases 1999, nrnc9026

under age 14), and TV-MA (Mature Audience Only).¹⁸ Additional regulations are in place to determine which programming time slots are available for content with adult ratings. Television programs are rated by the content producers themselves, the broadcasters, or larger distribution entities.¹⁹ Content rating icons appear in the upper left-hand corner of the television screen for the first 15 seconds of every half hour of programming.²⁰ Various broadcasters, including many cable channels, may also include additional content designators by adding any of the following subratings:²¹

- E/I (Educational/Informational): for programs offering educational or informational content
- FV (Fantasy Violence): for programs geared toward children that contain mild fantasy violence
- MV (Mild Violence): for programs containing mild dramatic or comedic violence
- V (Violence): for programs containing intense violence
- D (Dialogue): for programs containing suggestive dialogue
- AC (Adult Content): for programs containing highly suggestive dialogue, innuendo, or adult themes
- AL (Adult Language): for programs containing coarse language
- GL (Graphic Language): for programs containing intense foul language
- BN (Brief Nudity): for programs containing scenes of nudity usually lasting two minutes or less
- N (Nudity): for programs containing scenes of full-frontal nudity shown for long durations
- S (Sex): for programs with mild to moderate sexual content
- SSC (Strong Sexual Content): for programs that contain a few or several scenes featuring sometimes graphic sexual acts
- RP (Rape): for programs that contain intense depiction of rape

Viewers use their remote control to follow a series of onscreen ratings menus to set up the programming controls; this includes creating a four-digit password, known as a parental lock code. The set up process need only be performed once—the settings remain in place regardless of television use until they are manually changed using the password. The V-Chip can block programs according to content ratings, date, time, and channel.²²

¹⁸ See Ratings at tvguidelines.org

¹⁹ See v-chip.org

²⁰ See Television content rating systems at wikipedia.org

²¹ *Ibid.*

²² See Programming the V-Chip at v-chip.org

Effectiveness of Ratings and the V-Chip

One difficulty with the ratings system is that each rating applies only to one individual program or episode and not necessarily to all episodes of a series.²³ Further, for all its fanfare, after ten years on the block the television rating system and V-Chip duo still seems not to have become very friendly with its neighbors. Advertisers, who are already feeling the pinch of digital video recorders that allow viewers to fast forward through their commercials, are unhappy about any system that potentially blocks viewers from the programs they are supporting. Then there are the U.S. broadcast and cable networks who are “voluntarily” burdened with the task of carefully affixing ratings to at least 3.6 million hours of new content produced annually.²⁴ Meanwhile, a majority of parents—for whom these systems were created—still don’t know what many of the ratings mean. In fact, as of October 2006 a Kaiser Family Foundation (KFF) survey reports:

Among parents who have children ages 2-6, only three in 10 can name any of the ratings used for children’s shows, including TV-G, or G, which means “general audience.” Only 11% know that the rating FV indicates [fantasy] violence..., while 9% think it means “family viewing.” Only 2% know that D stands for suggestive dialogue. And only 11% know that the rating EI means educational or informational programming. Among parents with any child ages 2-18, 61% know that TV-14 means the show may be inappropriate for children under age 14 and just over half (54%) know that TV-MA means for mature audiences.²⁵

And as for V-Chip use, parents are faring even worse. The KFF survey data reveals that:

One in six parents (16%) say they have ever used the V-Chip to block specific TV content – not a statistically significant change from 15% in 2004 (but up from 7% in 2001). Eight in 10 parents (82%) say they have purchased a new TV since January 2000, when the requirement that all TVs over 13” be equipped with a V-Chip went into effect. Among those parents, more than half (57%) are not aware that they have a V-Chip. Among parents who have a V-Chip and are aware of it, 46% say they have used it.²⁶

²³ *Ibid.*

²⁴ *How Much Information* 2003 Report, October 27, 2003, UC Berkeley's School of Information Management and Systems. Indexed at berkeley.edu

²⁵ *Parents Say They're Getting Control of Their Children's Exposure to Sex and Violence in the Media – Even Online But Concerns About Media Remain High, and Most Support Curbs on Television Content*, Rob Graham and Sarah Williams Kingsley, June 19, 2007, indexed at kff.org

²⁶ *Ibid.*

The FCC's Content Crackdown on Indecency and Violence

Even were parents to become chip-hip and ratings savvy, there may not be a lot of family friendly programming available to watch, especially for the more conservative element who have young children. Part of the FCC's 1996 Act included a requirement that in order for commercial broadcast stations to gain expedited license renewal, they must air three hours per week of E/I rated content specifically designed to educate and inform children 16 years of age or younger; that is three hours out of a potential 168, or <2% of their weekly programming, scheduled at times when children are most likely to be watching. Most stations comply with "The Three-Hour Rule", as it came to be known, but the majority does not offer much more than the minimum,²⁷ and here again parents are uninformed about the regulations.

One factor in this trend has come via the rising number of households with cable or satellite service. In 2003 J.D. Power and Associates announced that over three-fourths of surveyed households held cable or satellite subscriptions.²⁸ To the channel flipper, there is nothing in the viewing experience to demarcate where broadcast channels end and cable channels begin. The proliferation of cable and satellite television over the past decade seems to be influencing regulated broadcasting networks to air progressively more questionable content in order to compete with the more cutting edge shows produced on unregulated cable or satellite channels.

The apex of public outrage occurred in the Super Bowl XXXVIII halftime show when Janet Jackson's notorious "wardrobe malfunction" exposed her right breast to millions of viewers worldwide eliciting a record-breaking 200,000 complaints to the FCC, followed by half a million more in ensuing weeks.²⁹ The government eventually responded with the Broadcast Decency Enforcement Act of 2005 which allowed the FCC to increase broadcasting penalty fines tenfold—from \$32,500 to \$325,000 per incident—for airing content that violates FCC decency standards.³⁰ The four main television networks and over 800 affiliated stations are now suing the FCC to overturn a slew of indecency rulings they feel are inconsistent with previous FCC decisions. The suits have been filed in various federal courts throughout the country with outcomes pending.⁶⁰

Future Outlook for the FCC

An Annenberg report claims that nearly half of all families with children aged 2-17 now have "a television, a VCR, a computer, and a video game player in the home"³¹

²⁷ *Children and Television Media Policy*, Amy Jordan, February 28, 2003, The Annenberg Public Policy Center of the University of Pennsylvania, indexed at annenbergpublicpolicycenter.org

²⁸ See press release for Aug 25, 2003, indexed at jdpower.com/corporate/news/releases/

²⁹ See Super Bowl XXXVIII Halftime Show Controversy at wikipedia.org

³⁰ See FCC at wikipedia.org

³¹ *Despite Significant Changes to Media Home Environment, Parents Still Most Concerned about Kids' TV Watching: V-Chip Ratings and Three-Hour Rule, Not Doing Job In Helping Parents Guide Children's Viewing Habits*, by Lori Slass, June 26, 2000, the Annenberg Public Policy Center of the University of Pennsylvania, appcpenn.org

and family Internet subscriptions now outnumber newspaper subscriptions.³² The Pew Internet and American Life Project reports that 84% of American adults will be online by 2010.³³ There is little doubt that the Internet, which demonstrates far more interactive community-building capability than television, will become every bit as pervasive as television, ending what is left of the FCC's pervasiveness argument. The government is even assisting in spreading Internet ubiquity with its "E-Rate" program—another part of the 1996 Telecommunications Act that is charged with helping schools and libraries obtain "affordable telecommunications and Internet access" all across the U.S.³⁴

And as for the FCC's scarcity claims, we are marching towards a legislated transition to digital television—which by law will take effect nationwide on February 17, 2009³⁵—that will open up numerous broadcasting channels and allow a variety of new broadcasting options, including multiplexing, which allows multiple programs to stream on the same channel. Indeed, bandwidth capabilities have never been less scarce. And just as the amount of available broadcasting bandwidth is increasing for television, the increase of downloadable television options on the Internet threatens to one day eclipse television all together.³⁶ During the 2006-2007 programming season, the top four broadcasting networks—ABC, CBS, FOX, and NBC—collectively offered full episodes of well over 70 of their top shows online on demand at no cost, with many offering complete seasons.³⁷

Filtering and Privatization

Regardless of the FCC's lack of regulation in cyberspace, many parents have managed to find filtering options for home Internet use in numbers significantly higher than the numbers showing parental use of the V-Chip. The Kaiser Family Foundation suggests that the majority of parents monitor their children's online behavior visually, while 41% use additional filtering controls to block access to questionable websites and 39% read their children's email.³⁸ Elsewhere, a Pew Internet study revealed that over 12 million copies of filtering software are in use with over half of U.S. families who have online teens using some kind of filtering program.³⁹ Filtering technologies play an increasingly important role in the explosion of information happening today, where

³² *Ibid.*

³³ *Europe #1 in Per Capita Cell Phone Usage. USA Leads in PC and Internet Per Capita Use.* February 28, 2006, Computer Industry Almanac, Inc. Press Release, indexed at c-i-a.com

³⁴ See E-rate at wikipedia.org

³⁵ On Digital TV Migration: "In the United States, all U.S. television broadcasts will be exclusively digital as of February 17, 2009, by order of the Federal Communications Commission. This deadline was signed into law in early 2006. Furthermore, as of March 1, 2007, all new television sets that can receive signals over-the-air, including pocket-sized portable televisions, must include digital or HDTV tuners so they can receive digital broadcasts. The FCC has determined that an external tuning device can simply be added to non-digital televisions to lengthen their useful lifespan. Starting in 2008, the government will take requests from households for up to two coupons to reduce the price of some converter boxes by \$40." See Digital Television at wikipedia.org

³⁶ See *Download Your TV—The Current Options*, Neil Kjeldsen, May 22, 2006, indexed at techcrunch.com

³⁷ See abc.com, cbs.com, fox.com, nbc.com

³⁸ See Parents, Children, and Media, June 2007, indexed at kff.org

³⁹ *Do Web filters protect your child?* By Alorie Gilbert and Stefanie Olsen, January 24, 2006, CNETNews.com

five exabytes—which is the informational equivalent of the books in 37,000 new libraries the size of the Library of Congress—are being produced each year.⁴⁰ This means that ratings systems need to be privatized in order to accommodate variations in moral, ethnic, cultural, or religious norms.

The technology to privatize ratings in a manner that would allow various advocacy groups—the Parent Teacher Association (PTA), church groups, child developmental specialist groups, etc.—to create their own recommended ratings scales has existed as long as the V-Chip itself. In a privatized scenario parents would select a rating scale that aligned with their particular values and program their V-Chips accordingly. Digital TV will make this simpler than ever, but even back in 1995 CEA President Gary Shapiro affirmed, “there are a lot of ways parents could let their TVs be governed by a ratings service [of their] choice—telephone lines, microwave transmission, even using a computer disk received monthly in the mail.”⁴¹ Ironically, the FCC’s insistence on programming V-Chips into analog televisions less than a decade before that platform becomes legally obsolete will actually set back the already slow V-Chip adoption process considerably, leaving parents even more confused.⁴²

Solutions

Looking ahead, it is already clear that far from remembering the fundamental difference between offering technologies and mandating their use, the FCC seems bent on repeating history. And so do others. Senator Hilary Clinton announced her intention to legislate implementation of an improved V-Chip model that will cover new media technologies, such as cell phones and iPods.⁴³ Across the partisan divide, in a July 2007 town hall meeting in Iowa, Republican presidential candidate hopeful Mitt Romney announced that he wanted every computer to have similar controls.⁴⁴

These are not mere stump speeches intended to rally voter support. On August 2, 2007 the Senate Commerce Committee approved legislation asking the FCC to oversee the development of a new “Super V-Chip” that can block objectionable content in new media technologies.⁴⁵ This move was largely influenced by a February 2007 bill introduced by Senator Mark Pryor (D-AR) called the “Child Safe Viewing Act.”

Back when the original V-Chip legislation was being introduced, one of the House co-sponsors, Rep. Edward Markey (D-MA) announced, “People think this is Big Brother.

⁴⁰ *How Much Information 2003* Report, October 27, 2003, UC Berkeley’s School of Information Management and Systems. Indexed at berkeley.edu ALSO: For those who feel unproductive lately, the reports suggests that based on a worlds population of 6.3 billion, each person produces 800 MB of recorded information per year—which is equivalent to 30 feet of books, if it were stored on paper.

⁴¹ *Private Ratings—V-Chip*, Lewis M. Andrews, September 25, 1995 in *National Review*

⁴² *Ibid.*

⁴³ *Hilary Clinton Wants a V-Chip in Your iPod*, Adam Thierer, March 10, 2005, indexed at techliberation.com

⁴⁴ Governor Mitt Romney, July 29, 2007, Town Hall meeting in Ottumwa, Iowa broadcast on C-SPAN 2. Retrieved from *PrezVid—The YouTube Campaign 2008* under *Romney’s V-Chip for the Internet*, by Jeff Jarvis at prezvid.com

⁴⁵ *Senate Panel Backs Development of Super V-Chip*, August 2, 2007, Reuters/Hollywood Reporter

It's not. It's Big Father and Big Mother.”⁴⁶ And indeed, V-Chip 2.0 would have to be just that, as pundit Nate Anderson puts it, in order to act like “a human inside your TV set”,⁴⁷ as well as inside your computer, cell phone, iPod, and whatever other digital content devices we create next. Anderson adds, “Pryor's not actually suggesting any solutions. As he said in a statement, ‘My bill simply lights a fire under the FCC to take a fresh look at new options in the marketplace.’”⁴⁸

V-Gis, the new V-Chip

As part of the FCC-imposed migration from analog to digital television, legislation that went into effect on March 15, 2006 requires all newly manufactured electronics that are capable of transmitting a TV signal are required to employ digital tuner technology;⁴⁹ therefore, per the terms of the 1996 Act, a new non-analog version of the V-Chip must be installed as well.⁵⁰ Enter “V-gis™” (pronounced VEE'-jis), Tri-Vision's newest version of the V-Chip, which offers a programmable interface that can be adapted to a variety of rating systems.⁵¹ The original inventor, Tim Collings, created this second version as well, with an eye towards making it compatible with digital tuners in televisions, video recorders, set-top boxes, and computers with tuners built into the motherboard.⁵² In short, V-gis™ offers both the option of ratings privatization and/or the “Big Father/Big Mother” technology that have been previously outlined.

But now the FCC faces some new problems—ones it should have foreseen. The advent of the mandated digital migration will render the original analog V-Chip obsolete on February 17, 2009—perhaps right about the time most parents have finally learned how to use it. Parents who purchase newer sets or set-top boxes will receive the new technology, but others will be right back where the whole issue started. This issue pales in comparison to the even larger problem the FCC faces: that of answering charges from the consumer electronics manufacturers who feel that being legally required to purchase Colling's proprietary V-gis™ technology means they are being forced into supporting an FCC-sanctioned monopoly, the costs of which will then be transferred to consumers.⁵³

⁴⁶ *Chip Off the Block: V-Chip Legislation is Doubly Awful*, Nick Gillespie, November 1995, in Reason Online, p. 4, indexed at reason.com

⁴⁷ *New Bill Calls for All-Knowing, All-Seeing, Cross-Platform V-Chip*, Nate Anderson, August 3, 2007, indexed at arstechnica.com

⁴⁸ *Ibid.*

⁴⁹ *The Second Coming of the V-Chip*, by Tom Krazit, April 17, 2006, indexed at cnetnews.com

⁵⁰ The new V-Chip's key provision is buried inside of Part 15, Section 15.120 of the FCC's Final Ruling for the Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television. See *'V-Chip 2.0' Turns On In March*, by Bary Alyssa Johnson and Mark Hachman, February 23, 2006, indexed at pcmag.com

⁵¹ See trivision.com

⁵² “According to the FCC, the new V-Chip rules will apply to digital television receivers displaying images in a 16:9 ratio, with displays that are 7.8 inches or greater in height. V-Chip technology must also be included in all digital television receivers with integrated 4:3 displays measuring at least 13 inches diagonally. The rules will also apply to DTV tuners which are sold without an associated display.” *'V-Chip 2.0' Turns On In March*, by Bary Alyssa Johnson and Mark Hachman, February 23, 2006, indexed at pcmag.com

⁵³ *Ibid.*

Conclusion

Section 551 of the FCC's 2006 Telecommunications Act was, by analogy, tantamount to the government of the early 1990s requiring all computer manufacturers to build in some form of content filtering hardware technology, then pressuring all Internet service providers to voluntarily create and enforce content filters to work in conjunction with said hardware in a way that could be activated by parents to prevent children from surfing to sites with questionable content. In the analogy, these requirements would exist by law regardless of the age of the computer purchaser, his or her parenting status, and the intended use of the computer system. When viewed through the lens of cyberspace, the idea of this level of government involvement seems utterly ludicrous. After all, since the advent of the ISP, computer buyers have always had the choice to purchase Web-filtering software or download one of several freeware versions.

Always the cost in freedom must be measured against the potential benefit of any regulatory public policy. At this juncture there is clearly no justification for the FCC to tighten its regulatory grip in a broadcasting environment that is evolving so rapidly as to render old control methods obsolete. And the panic of parents trying to protect their children need not be stirred up *now*—the Internet is already here! The Internet represents the worst fears of those who would control the television industry: here is an increasingly ubiquitous global technology, with no hope of any effective centralized governing body, that far surpasses television in its range and access to limitless on demand broadcasting, that currently cloaks its savviest content producers in cyber-secrecy, and that increasingly funnels in content from every other medium—film, radio, television, print, music, even retail and gaming. Like a great sucking hydra, the indiscriminate Internet can hold it all and unless we wish to follow the regulatory leadership of countries like Cuba, Iran, North Korea, China, or Saudi Arabia,⁵⁴ no U.S. commission has authorization or power to regulate it without overturning the First Amendment. The Internet is the great test of the First Amendment. It is communication evolved, and there is no non-regressive way to stop it.

To appease viewers and advertisers, some suggest that sites will need to use more security measures—secure user accounts, for instance (provided that user age can be satisfactorily verified in some manner)—to permit access to certain content. Privatized filtering technology can address these concerns for those who elect to use them. Which brings us back to Annenberg researcher Amy Jordan's observation that low parental use of the V-Chip "may mean that the V-Chip is not for everyone."⁵⁵ Jack Balkin, Yale's Knight Professor of Constitutional Law and the First Amendment, summarizes the current situation:

⁵⁴ See Internet at wikipedia.org

⁵⁵ *Children and Television Media Policy*, Amy Jordan, February 28, 2003, The Annenberg Public Policy Center of the University of Pennsylvania, indexed at annenbergpublicpolicycenter.org

Calls for censorship (which exist at all times) arise most heatedly in moments of great cultural change and uncertainty. After all, where cultural mores are relatively stable, censorship can be achieved informally and without the constraints of law. But now we live in a time of cultural upheaval, caused by significant economic and technological changes as well as changes in mores. Not surprisingly, many people are especially anxious about these changes; they see the world they once knew slipping away. Like the drunk who searches for his keys near the lamppost because the light is better there, people tend to fix upon the mass media as the likely cause of cultural ills and regulation of the mass media as a likely solution.⁵⁶

So maybe what is needed is a reminder of whom the first three words of our U.S. Constitution actually refer to; maybe what is needed most is information that reminds “we the people” of how empowered we already are to create the protections and changes we seek in our environments. The very freedom that allows our mores to shift and change with the times and with our own individual perspectives on the world is gravely threatened by mass regulations that impose one standard over everyone. With regards to the media, it is high time for the government to limit its focus to providing quality information—not regulation—that parents and other individuals can use to make informed choices about what kind of filtering, if any, they wish to voluntarily purchase and install on their media devices. The government can certainly provide research information about warnings and best practices related to childhood exposure to certain content. The government can make recommendations to industries based on such research. But if the government is willing to self-characterize as “Big Father or Big Mother”, what does that make the rest of us? Thank you, but some of “we the people” feel we are already grown up.

⁵⁶ *Media Filters and the V-Chip*, by Jack M. Balkin, 1998, p. 19, indexed at yale.edu