

 **01hr_AC-CF_ab196_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

Present: (7) Representatives Kestell, Lippert, Bies, Grothman, Jeskewitz,
Miller and Sinicki.
Absent: (1) Representative Coggs.

Moved by Representative Grothman, seconded by Representative Jeskewitz, that
Assembly Bill 196 be recommended for passage.

Ayes: (5) Representatives Kestell, Lippert, Bies, Grothman and Jeskewitz.
Noes: (2) Representatives Miller and Sinicki.
Absent: (1) Representative Coggs.

PASSAGE RECOMMENDED, Ayes 5, Noes 2, Absent 1 (Had Representative Coggs
been present, his vote would have been No)

Dave Matzen
Committee Clerk

Vote Record

Assembly - Committee on Children and Families

Date: 4-25-01

Bill Number: AB 196

Moved by: Rep. Grothman

Seconded by: Rep. Jeskewitz

Motion: passage

Committee Member

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Steve Kestell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. MaryAnn Lippert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Garey Bies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input type="checkbox"/>	<input checked="" type="checkbox"/> <small>WOULD HAVE BEEN</small>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Christine Sinicki	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>2</u>	<u>1</u>	<u> </u>

Motion Carried

Motion Failed

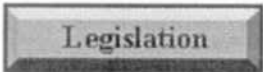
History of Assembly Bill 196

ASSEMBLY BILL 196

An Act to amend 43.30 (1); and to create 43.30 (4) of the statutes; relating to: the disclosure of public library records. (FE)
2001

- 03-13. A. Introduced by Representatives Albers, Miller, Kestell, Grothman, Jeskewitz, Ott, Leibham, Powers, Hahn, Vrakas, Gronemus, Petrowski, Nass, Pettis, Krawczyk, Stone, Gundrum and Owens; cosponsored by Senators Roessler, S. Fitzgerald, Lazich, Farrow, A. Lasee and Schultz.
- 03-13. A. Read first time and referred to committee on Personal Privacy 139
- 03-28. A. Fiscal estimate received.
- 03-30. A. Withdrawn from committee on Personal Privacy and referred to committee on Children and Families pursuant to Assembly Rule 42 (3)(c) 179
- 04-12. A. Public hearing held.

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State of Wisconsin Department of Public Instruction

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John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

Testimony on AB 196 Before the Assembly Committee on Children and Families April 12, 2001

Mr. Chairperson and members of the committee, my name is Larry Nix and I am director of the Public Library Development Team at the Department of Public Instruction. This team administers state and federal aid to public libraries and public library systems and provides consulting assistance to libraries. My staff and I have dealt with a number of questions relating to s. 43.30 of the Wisconsin Statutes since its enactment twenty years ago. The Department is testifying for information in regard to AB 196.

Privacy of library use is an important concept in library service. If library users felt that information about the materials that they borrowed from the library would be shared with others, their use of the library would be greatly curtailed. That is why the Wisconsin legislature chose to enact s. 43.30 of the Wisconsin Statutes and why most other state legislatures across the country have enacted similar legislation.

In enacting and modifying s. 43.30, the legislature chose not to limit privacy of library use by age. This decision has created both philosophical and logistical issues for libraries and their users.

An important philosophical issue for consideration by this committee is whether enactment of the change proposed by AB 196 would cause some young people to avoid seeking reliable information at the public library which could assist them in dealing with personal or family problems of a significant nature. These problems might include a family member who is alcoholic or has a mental illness or is an abusive parent. Many librarians, especially those who work most directly with young people, feel that the proposed change in AB 196 would inhibit use of libraries by some young people.

Most of the logistical problems for libraries relate to use of the library by very young children. A library card has become a symbol of growth and learning as well as a mechanism for borrowing library materials. Even though a parent could easily borrow materials for their young children using the parent's card, it is often important to the child and the parent for the child to have their own library card. When children are too young to take full responsibility for the timely return of their own library materials, parents sometimes need to know what materials are checked out on the child's library card. Under the current s. 43.30, a library cannot legally release that information directly to the parent without the child's consent. When very young children are involved, this doesn't seem reasonable, and this situation can create a public relations problem for the library.

Libraries, however, have worked out a variety of solutions for dealing with this problem. Also, more and more libraries are becoming automated and a parent can simply use the child's library card to access information electronically about the materials the child has checked out.

There is a more complex issue when older young people are involved. This issue involves internal family relationships and trust. Whether AB 196 would contribute positively or negatively to this issue is something the committee will have to consider.

One possible alternative to AB 196 would be to add language to s. 43.30 that would enable public library boards to adopt a policy allowing the release of information to parents or guardians of children. This would leave the decision as to how to approach this difficult issue in the hands of the body that already must deal with other issues relating to the use of the library and its collections.

Thank you for the opportunity to testify today on AB 196. I would be happy to answer any questions that the committee might have.

Larry T. Nix, Director of Public Library Development
608 266-7270; larry.nix@dpi.state.wi.us



Testimony to the
Assembly Children and Families Committee
regarding AB 196 (Disclosure of public library records)
Thursday, April 12, 2001

Dear Representative Kestell and other members of the Committee,

My name is Paul Nelson. I am the Director of the Middleton Public Library, a position I have held for the past 15 years. I also serve as Chair of the Library Development & Legislation Committee of the Wisconsin Library Association. At this time, WLA has not taken an official position on AB196.

Speaking for myself then as both a parent and a librarian, I am sympathetic to the issue that this legislation addresses: the legal and moral duty of parents to support, maintain, and care for their minor children. However, I am concerned about the bill's overly broad nature.

A number of public libraries in the state have used the "persons authorized by the individual to inspect such records" clause of 43.30(1) to provide some flexibility in responding to requests from parents regarding what their children have checked out of the library. According to Middleton's City Attorney, "If the [library card] application contained language authorizing the minor to disclose information in the circulation records to the child's parents, and the application was signed by the child, it would appear to me to comply with the letter of the statute." (*Letter to Library Director Paul Nelson dated June 30, 2000.*) He did, however, note that such a policy might be viewed as controversial.

Such a reaction has not occurred in Rhinelander. The circulation policy of the Rhinelander District Library states that records will be made available to "the legal parents or guardian of a minor patron." Patrons with overdue materials, for example, "forfeit a portion of their privacy, as the library reserves the right to induce return of Library materials through expedient and established policies....In cases where the patron is a minor, responsibility for overdue materials shifts to the parent or legal guardian and notification of overdue material, fines and fees will be made to the parents as well as to the child."

At Middleton, we formerly struggled with requests made by patrons to pick up family member's library materials that had been sent to us from other libraries, "holds" as they are called in the library vernacular. A brief explanation of the privacy provision in chapter 43 of the Wisconsin State Statutes was frequently taken as an irrational response from library staff as far as the requestor was concerned.

(MORE)

“But I’m picking this up for my wife,” more than one patron sputtered, his face reddening in frustration.

These encounters were not pleasant ones.

I share this story as an example of how we provided some flexibility to Middleton’s circulation policy. Patrons can now opt to fill out a “holds pickup authorization” form.

The first paragraph of the form reads: *We understand the library’s policy for protecting the privacy of its users and its responsibility for protecting library materials. We authorize the library to allow the listed patrons to pick up each others holds at any LINK library. We understand that the person checking out materials must present his/her own valid library card and that this person will be responsible for the materials he/she has checked out on that card.*

Agreeing parties must then sign the form, which has provided a happy solution to what was an irksome problem for everyone concerned.

The point I wish to make here is that there are local solutions that should first be considered before a one-size-fits-all legislative approach is taken. Parents who feel that they have a right to know what their children have checked out of the library should first address this concern with the local library board. Board members could be asked to consider a provision similar to that which is found in the circulation policy of the Rhinelander District Library. In addition, many libraries now provide parents the ability to access their children’s circulation records remotely, via a home computer or the telephone. Although they are not yet available at any Wisconsin public library, family library cards will be an option within the next few years.

Colleagues have also expressed the concerned that non-custodial parents of minor children may take advantage of the overly broad nature of AB196 to obtain personal as well as circulation information that could put certain children at risk.

Thank you for the opportunity to present this testimony. As I previously mentioned, it reflects my own thoughts and should not be construed as official WLA policy. I do think it’s fair to say, though, that it probably reflects the general position of the WLA membership.



Sharon Duke: Assembly Bill 196 April 12, 2001

My family became interested in this library privacy issue in January of this year, when my son, Tyler, made an innocent call to the Antigo library. We found that since my 10-year-old daughter had been the cardholder checking out the family's books, I, her mother, could not be told what books she'd checked out. I found this both frustrating and threatening. With a little research, we discovered that this wasn't just a local policy, but actually a state law. It is currently illegal in Wisconsin for a librarian to disclose to parents what their children check out at the library.

Many of the librarians I spoke with do not like the current law, as it puts the librarian in the uncomfortable position of being an adversary to the family. This is inappropriate and unnecessary. Tyler and I spoke to our local library board, telling them of this new legislation. Many were greatly relieved. Several have since written to both Senator Breske and Representative Friske in favor of it, but wondering why it only includes children under 16.

As we researched all this, I was trying to pinpoint what it was that bothers me so much. What is the real issue here? I really was shocked to find out that a very basic understanding of family dynamics had been legally and quietly removed. It must be understood, in the making of our laws that parents are expected to act in the best interest of their children.

The current law undermines parents' ability to protect and direct their children. We parents are responsible for them and have a fundamental right and the responsibility to direct their upbringing and education. The library is an important resource in that education. But if parents can't have access to a child's library records, the library becomes a danger zone, not the garden of delight it used to be.

The current law legitimizes secrecy and rebellion. Even the fact that this new bill only concerns those children under 16 misses the point. Children need the counsel, direction and protection of their parents. Most parents of younger children will know what their children have checked out. But it's easier for the older teens to check out items without their parents' knowledge. Many of the topics these privacy laws are "protecting" are the very issues these teens need to be discussing with their parents, or avoiding completely, if they knew their parents would disapprove. I would suggest that at a time in our country's history when we're encouraging parents to know what their children are up to, that we allow parents access to their children's library records, even up to the age of 18. It's easy to see how this tendency toward privacy could go easily from library records, to school records to medical records, until parents are stripped completely of their ability to legally protect their children.

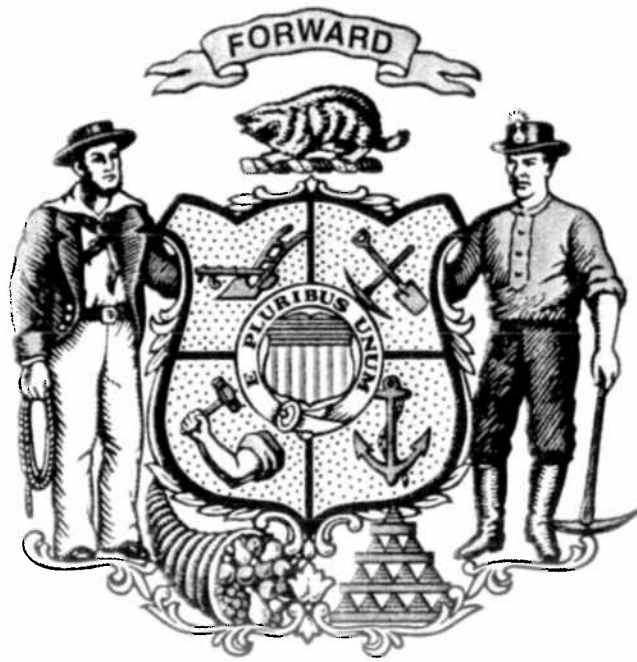
Hello, my name is Tyler Duke and I'm 13 years old.
I'd like to speak in favor of this bill.

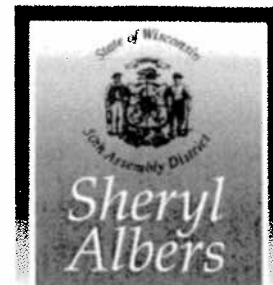
Earlier this year, I called the Antigo Library to find out the title of a book that we had misplaced. The librarian said that since the book had been checked out on my sister's card they couldn't tell me the title. I asked the librarian if she could tell my mom. The librarian said they were not supposed to tell even the parents.

Mom & I found out that this was not only a local policy, but also an American Library Association policy and a State Law.

We e-mailed our senator about this issue. The very same day, he received the LRB draft of this bill. Mom and I spoke to the Antigo Library Board about this new bill. Most of the people we've talked to about it have been in favor and are surprised to see that it says "under 16 years of age." I believe that it should be 18 since 16-17 yr. olds are still under their parent's care.

I hope you will vote in favor of this bill. Is there any way you can change it to read – "Under 18"?





**2001 Assembly Bill 196 – Parental Access to Children’s Library Records
Testimony of State Representative Sheryl K. Albers before the Assembly Committee
on Children and Families**

April 12, 2001

Thank you, Chairman Kestell, for the opportunity to discuss AB 196, a child protection bill that I believe is necessary for Wisconsin.

We expect a great deal from our parents in society, and all of us who have children understand the challenges that come with them. The ability to know what our children are reading, learning, listening to, watching on television, and downloading from the internet is of great importance if we are to protect them from harmful materials and guide them appropriately.

Unfortunately, current law stops public libraries cold from working with parents to effectively provide and monitor educational resources for children. Librarians are strictly forbidden from disclosing the library records of minors to their parents – even if the librarian knows that the materials or services used may be harmful to the child’s welfare.

In my district, this came to light when David and Jean Hertler found out – by accident – that David’s son was checking out “Parental Advisory Explicit Content” CD’s through the library’s “link” system – a network that allows people to borrow library materials from any of the linked locations. When he approached the community’s public library board, they explained to him that they do not carry

such CD's. They also informed him, however, that current Wisconsin law forbids them from divulging information relating to children's library activities – even if the children are obtaining explicit materials from another library within the link.

This law belies common sense. Parents in Wisconsin have the right to obtain information about the instruction their children receive in our schools. They have the right to review medical records and make decisions regarding the physical health of their children. They can decide what type of movies their children see, what toys they play with, and who they play with. They decide where they visit, what they watch on television, and what books they buy. With all of this knowledge, and combined with effective communication with teachers, ministers, and mentors, they provide the best possible upbringing for their child. It's now time to link parents and librarians together to safeguard our children from harmful materials.

I find it incredulous that a parent of a child who commits suicide, or takes a gun to school to shoot other children, might find out all too late that he was checking out books on suicide or murder months before the tragedy. Under current law, even if a mom or dad – knowing that their child is experiencing depression or anger – goes to the library and asks what type of materials he is obtaining, the librarian cannot disclose the information.

Some people will likely argue that unfettered access to all types of materials for all ages of children will benefit our society. I have heard from one library official who believes that we should continue to allow access by 9 year-olds to materials their parents believe is not appropriate. In other words, if a 9 year-old wants information through a book or the internet dealing with sadomasochism, they should get it, even if the parents don't want their child reading about this disgusting practice. This frightens me, because it shows an utter lack of respect for parents, pitting them

against our librarians. I don't want to have to send warnings out to my district warning residents against sending their children to the local library.

I drafted this legislation after receiving guidance from a public librarian in my district. It allows parents to request and receive information on the library activities of their children under the age of 16. It does not ask, nor require, librarians to take affirmative steps to notify parents of what children are checking out or using. AB 196 will foster a cooperative relationship between parent and librarians, and help our parents meet the responsibilities we as a society hold them to. Most importantly, it will protect our children from harmful or age-inappropriate materials.

Thank you, Mr. Chairman, along with Representatives Miller, Grothman and Jeskewitz, for your cosponsorship of this legislation. I hope that all of the members of this committee will join with me in supporting this legislation.

END



Assembly Republican Majority Bill Summary

Date: May 3, 2001

AB 196: Disclosure of Public Library Records

Relating to: the disclosure of all public library records used by a child under the age of 16 to a parent or guardian.

By Representatives Albers, Miller, Kestell, Grothman, Jeskewitz, Ott, Leibham, Powers, Hahn, Vrakas, Gronemus, Petrowski, Nass, Pettis, Krawczyk, Stone, Gundrum and Owens; cosponsored by Senators Roessler, S. Fitzgerald, Lazich, Farrow, A. Lasee and Schultz.

BACKGROUND

Under current law, with certain exceptions, a library supported by public funds is prohibited from disclosing library records that indicate the identity of any individual who borrows or uses the library's resources.

SUMMARY OF AB 196

Assembly Bill 196 allows parental access to children's library records at a library supported by public funds. The bill allows a parent or guardian of a child under the age of 16 to request the disclosure of all library records relating to the use of the library's documents, materials, resources, or services by the child.

FISCAL EFFECT

A fiscal estimate prepared by the Department of Administration states that AB 196 would have no state fiscal effect. On the local level, an increase in costs was listed as indeterminable.

A fiscal estimate prepared by the Department of Public Instruction states that public libraries would incur increased costs related to staff time in producing records of a child's library use for a parent or guardian who makes a request. Since it is unknown how many requests would be made, these costs are indeterminate.

PROS

1. AB 196 focuses on the right of a parent or guardian to request and receive information on the library activities of a child under the age of 16.
2. AB 196 allows for parental knowledge of any potentially harmful material to ~~the~~ child.
3. Eliminates the liability issue for librarians disclosing library records of minors to parents or guardians.

CONS

1. AB 196 may discourage or inhibit young people from using a library's resources.

May 3, 2001
AB 196, page 2

SUPPORTERS

Representative Sheryl Albers, author; Senator Carol Roessler, Senate lead co-author.

Representative Mike Powers, 80th Assembly District; Marvin Munyon, Family Research Forum; Scott Southworth, Representative Alber's office; Joseph van der Brand, Richland Center; Sharon and Tyler Duke, Bryant; David and Jean Hertler, Cazenovia; Theresa McLaughlin, Cazenovia; Priscilla Carlson, Lone Rock.

OPPOSITION

No one testified or registered against this bill.

HISTORY

Assembly Bill 196 was introduced on March 13, 2001, and referred to the committee on Personal Privacy. On March 30, 2001, it was withdrawn and referred to the Assembly Committee on Children and Families. A public hearing was held on April 12, 2001. An executive session was held on April 25, 2001. The Committee voted 5-3 to recommend passage of AB 196 [(Rep. Kestell, Lippert, Bies, Jeskewitz and Grothman voting yes, Rep. Coggs, Sinicki and Miller voting no)]

CONTACT: Dave Matzen, Representative Kestell's office



AB222



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 *Rep. Tom Riner (KY)
 *Sen. Sheila Roberge (NH)
 *Rep. Larry Roberts (OK)
 *Sen. Richard Roeding (KY)
 *Rep. Sam Rohrer (PA)
 Rep. Twyla Roman (OH)
 Rep. T.J. Rooney (PA)
 *Rep. Alan Sanborn (MI)

*Rep. Marc Shulman (MI)
 Rep. Lorraine Seratti (WI)
 Rep. John Shields (TX)
 Sen. Dale Shugars (MI)
 *Rep. Hopper Smith (OK)
 *Sen. Tommie Smith (GA)
 *Rep. Tommy Smith (GA)
 *Rep. Robert Snelling (GA)
 *Rep. Loren Soft (MT)
 *Rep. Barbara Staggs (OK)
 *Sen. Charles Starr (OR)
 *Asmb. Tony Strickland (CA)
 *Rep. Scott Suder (WI)
 *Rep. John Sullivan (OK)
 Rep. Leonard Sullivan (OK)
 *Rep. Susan Tabor (MI)
 Rep. Robert Talton (TX)
 *Rep. Bill Taylor (OH)
 Rep. David Trahan (ME)
 Rep. Russ Treadwell (ME)
 Rep. Daniel Tripp (SC)
 Rep. Jerry Vander Roest (MI)

*Rep. James Van Fossen (IA)
 *Rep. Gerald Van Woerkom (MI)
 *Rep. Ray Vaughn (OK)
 *Rep. Steve Vear (MI)
 Rep. Joanne Voorhees (MI)
 Rep. Daniel Vrakas (WI)
 Rep. Paul Waterhouse (ME)
 *Rep. Dan Webb (OK)
 *Rep. G.E. West (TX)
 Rep. Carol Weston (ME)
 *Sen. Jack Westwood (KY)
 *Sen. Richard White (MS)
 *Sen. Kathleen Wilcoxson (OK)
 *Rep. John Willamowski (OH)
 *Rep. Susan Winchester (OK)
 Rep. Arlene Wohlgemuth (TX)
 *Rep. Robert Worthen (OK)
 *Rep. John Wright (OK)
 Rep. Ron Young (OH)
 *Sen. Joseph Zarelli (WA)

Political - International

***Hon. Kevin Andrews**
 Member of Parliament, Australia

***Hon. Eric Lowther**
 Member of Parliament, Canada

***Hon. Reed Elley**
 Member of Parliament, Canada

Hon. Anastasia Moser
 Member of Parliament, Bulgaria

Hon. Jason Kenney
 Member of Parliament, Canada

***Hon. Maurice Vellacott**
 Member of Parliament, Canada

Dr. Julian Lewis
 Member of Parliament, United Kingdom

***Hon. Elsie Wayne**
 Member of Parliament, Canada

Other Leaders

Dr. William B. Allen
 Director, VA Council of Higher Education (1998-99)
 Chairman, U.S. Commission on Civil Rights (1988-89)

Hon. Robert B. Carleson
 U.S. Commissioner of Welfare (1973-75)

***Pat Boone**
 Singer, Songwriter

Hon. Kay C. James
 Sect'y, VA Dept. of Health and Human Resources (1994-96)
 Ass't Sect'y, U.S. Dept. of Health and Human Services
 (1989-91)

Dr. Otis Bowen
 Sect'y, U.S. Dept. of Health and Human Services (1985-89)

***Nicole Johnson**
 Miss America 1999

L. Brent Bozell III
 Chairman, Media Research Center

Hon. Edwin Meese III
 Attorney General of the United States (1985-89)

***Michael Medved**
Film Critic, National Radio Host

***Hon. Roy S. Moore**
Circuit Judge, State of Alabama

***Beth Nimmo**
Mother of Columbine victim Rachel Joy Scott

Hon. Paul Pressler
Justice, Texas Court of Appeals (1978-93)

Hon. Robert W. Sweet, Jr.
Director, Office of Juvenile Justice & Delinquency
Prevention, U.S. Dept. of Justice (1990-92)

Dr. C. Delores Tucker
President, Nat'l Political Congress of Black Women

Grassroots Organizations

60 Plus Association
Alabama Citizens for Truth
Alabama Family Alliance
Alliance for Traditional Marriage
American Assoc. of Christian Schools
American Civil Rights Union
American Coalition for Life
The American Conservative
American Conservative Media Network
American Family Association
American Family Assoc. of Alabama
American Family Assoc. of Arkansas
American Family Assoc. of California
American Family Assoc. of Colorado
American Family Assoc. of Indiana
American Family Assoc. of Kentucky
American Family Assoc. of Michigan
American Family Assoc. of Missouri
American Family Assoc. of New Jersey
American Family Assoc. of New York
American Family Assoc. of Ohio
American Family Assoc. of Oregon
American Family Assoc. of Texas
American Family Defense Coalition
American Focus
American Freedom Crusade
Americans for the Right to Life
Americans United for the Unity of Church
and State
Americans for Voluntary School Prayer
Arizona Christian Coalition
Arizona Conservative Union
Arizona Eagle Forum
Arkansas Family Council
Arkansas Rifle & Pistol Association
Association of Christian Schools Int'l
Californians for Family Values
Campaign for Working Families
Catholic Alliance
Catholic Campaign for America
Catholic Diocese of Peoria, Illinois

Catholic League for Religious & Civil Rights
The Center for Arizona Policy
Center for Faith and Freedom
Center for Reclaiming America
The Christian Civic League of Maine
Christian Coalition
Christian Coalition of Alabama
Christian Coalition of California
Christian Coalition of Connecticut
Christian Coalition of Florida
Christian Coalition of Georgia
Christian Coalition of Hawaii
Christian Coalition of Indiana
Christian Coalition of Iowa
Christian Coalition of Maine
Christian Coalition of Massachusetts
Christian Coalition of Montana
Christian Coalition of New York
Christian Coalition of North Carolina
Christian Coalition of Ohio
Christian Coalition of Pennsylvania
Christian Coalition of Rhode Island
Christian Film & Television Commission
Christian Home Educators of Kentucky
Christian Legal Defense
Christian Schools of Vermont
Citizens for Community Values
Citizens for Excellence in Education
Citizens for God and Country
Citizens for Law & Order
Citizens for the Protection of Children
Citizens for Traditional Values
Coalition Against Pornography
Coalition of American Veterans
Coalition on Urban Renewal & Education
Coalitions for America
Colorado Assoc. of Christian Schools
Concerned Women for America
Constitution Party of New Hampshire
Coral Ridge Ministries
Delaware Family Foundation

Delaware Home Education Association
Direct Legislation League
Eagle Forum
Eagle Forum of Alabama
Eagle Forum of Arkansas
Eagle Forum of California
Eagle Forum of Colorado
Eagle Forum of Delaware
Eagle Forum of Florida
Eagle Forum of Georgia
Eagle Forum of Hawaii
Eagle Forum of Idaho
Eagle Forum of Illinois
Eagle Forum of Indiana
Eagle Forum of Louisiana
Eagle Forum of Massachusetts
Eagle Forum of Michigan
Eagle Forum of Minnesota
Eagle Forum of Mississippi
Eagle Forum of Ohio
Eagle Forum of Rhode Island
Eagle Forum of South Carolina
Eagle Forum of Utah
Enough Is Enough
Ethan Allen Institute
The Family Foundation of Kentucky
The Family Foundation of Virginia
Family Friendly Libraries
Family Policy Network
Family Protection Lobby
Family Research Council
Family Research Institute of Wisconsin
Family Taxpayers Network
Fellowship of Christian Athletes
First Principles, Inc.
Florida Sports Shooting Association
Focus on the Family
Free Congress Foundation
Freedom Alliance
Garden State Assoc. of Christian Schools
Gateway Rifle & Pistol Club
Georgia Assoc. of Christian Schools
Georgia Family Council
Hawaii Republican Assembly
Hispanic American Business Association
Home School Legal Defense Association
Human Life Alliance of Minnesota
Idaho Christian Coalition
Idaho Family Forum
Illinois Assoc. of Christian Schools
Illinois Citizens for Life
Illinois Family Institute
Illinois Right to Life Committee
Independent Women's Forum
Indiana Conservative Union
Indiana Family Institute

Institute for Media Education
Institute for Youth Development
International Assoc. of Computer
Professionals
Iowa Family Policy Center
Jews for Morality
John Hagee Ministries
Justice for Homicide Victims
Justice for Murder Victims
Kansans for Life
Kansas Conservative Union
Kansas Eagle Forum
Kent County (MI) Bd. Of Commissioners
Lake County Christian Coalition
League of American Families
League of Catholic Voters
Legacy Christian School
Liberty Counsel
Life Advocacy Alliance
Life Coalition International
Life Decisions International
Life Issues Institute
Lincoln Caucus
Maine Grassroots Coalition
Maryland Assoc. of Christian Schools
Maryland Conservative Caucus
Memory of Victims Everywhere
Michigan Assoc. of Christian Schools
Michigan Christian Coalition
Michigan Decency Action Council
Michigan Family Forum
Minnesota Christian Coalition
Minnesota Family Council
Mississippi American Family Assoc.
Mississippi Christian Coalition
Mississippi Family Council
Missouri Assoc. of Christian Schools
Missouri Christian Coalition
Missouri Eagle Forum
Morality Action Committee
Morality in Media
National Abstinence Clearinghouse
National Assoc. for Neighborhood Schools
National Assoc. of Christian Educators
National Assoc. of Evangelicals
National Center for the Preservation of
Traditional American Family Values
National Center for Public Policy Research
National Clergy Council
National Education Taskforce
National Family Legal Foundation
National Federation of Republican Assemblies
National Institute of Family and Life
Advocates
National Legal Foundation

National Parents Commission
National Religious Broadcasters
Nebraska Republican Assembly
Nevada Christian Coalition
Nevada Eagle Forum
Nevada Policy Research Institute
New Jersey Christian Coalition
New Jersey Citizens for Tax Reform
New Jersey Family Policy Council
New York Eagle Forum
North Carolina Christian School Association
North Carolina Family Policy Council
North Dakota Christian Coalition
North Dakota Family Alliance
Of the People
Oklahoma Christian Coalition
Oklahoma Family Policy Council
Oklahomans for Children & Families
Old Dominion Assoc. of Church Schools
Open Door Baptist Church (VA)
Oregon Center for Family Policy
Oregon Christian Coalition
Organized Victims of Violent Crime
Parents In Control
Parents of Murdered Children
Parents' Music Resource Center Int'l
Parents' Rights Coalition
Parents Television Council
Pennsylvania Rifle & Pistol Association
Plymouth Rock Foundation
Prairie Pro-Life
Pro-Life Action League
Pro-Life America
Pro-Life Educational Fund, Inc.
Protective Parents Research Network
Regain American Heritage Foundation

Religious Freedom Coalition
The Religious Roundtable
Rhode Island State Right to Life Comm.
RSVP America
Save America's Youth
Seniors Coalition
South Carolina Policy Education Foundation
South Dakota Christian Coalition
South Dakota Family Policy Council
Southern Baptist Convention, Ethics &
Religious Liberty Comm'n
Strategic Policies Institute
Students for America
Tabernacle Baptist Church (GA)
Taking Back America Ministries
Tennessee Christian Coalition
Tennessee Eagle Forum
Texas Christian Coalition
Texas Eagle Forum
Texas Journal
Texas Public Policy Foundation
Texas Right to Life Committee
Toward Tradition
Tradition, Family, Property, Inc.
Traditional Values Coalition
*Tropical Sunrooms, Inc. (Canada)
United Conservatives of Ohio
United Seniors Association
Urban Family Council
Utah Republican Assembly
Virginia Eagle Forum
WallBuilders
Wisconsin Eagle Forum
Wisconsin Information Network
Wisconsin State Sovereignty Coalition
Women for Responsible Legislation

“There Is a Virus Loose Within Our Culture”: An Honest Look at Music’s Impact

By
Thomas L. Jipping¹

After two teenagers killed twelve of their peers, a teacher, and themselves at Columbine High School in Littleton, Colorado, Governor Bill Owens said that “there is a virus loose within our culture.”² The effort to identify that virus is properly focusing on visually powerful elements of youth culture such as television, movies, and video games.³ This report addresses whether non-visual media such as popular music are also part of this cultural virus that can help lead some young people to violence.

Five days after the massacre, on NBC’s *Meet the Press*, host Tim Russert reported that the Littleton killers idolized shock-rocker Marilyn Manson,⁴ described by even the music press as an “ultra-violent satanic rock monstrosity.”⁵ They were not alone. Kip Kinkel, who murdered his parents and two students in Springfield, Oregon, consumed Manson’s message.⁶ Andrew Wurst, who killed a teacher at an eighth-grade dance in Edinboro, Pennsylvania, was nicknamed “Satan” because he “was a fan of rocker Marilyn Manson and his dark music.”⁷ Luke Woodham, who murdered his parents and a classmate in Pearl, Mississippi, was a fan of Manson’s “nihilistic” lyrics.⁸

This pattern includes other violent youths whose plans were foiled. A Leesburg, Virginia, boy suspended for making threats against students who mocked his work was fascinated with Marilyn Manson.⁹ Five Wisconsin teenagers who had planned “a bloodbath at their school in revenge for being teased” consumed Manson’s message.¹⁰

Some claim this is all just a coincidence. Perhaps, but a series of parallels suggests a more concrete connection. The first is the parallel between the facts of these cases, the motivation of the killers, and the themes in the music they consumed. According to media reports, these boys all killed out of hatred for, or revenge against, those who had offended, harassed, or persecuted them. Luke Woodham, for example, had said that “the world has wronged me.”¹¹

Consider what their idol Marilyn Manson told them to do about it:

*The big bully try to stick his finger in my chest, try to tell me, tell me he's the best. But I don't really give a good god*amn cause I got my lunchbox and I'm armed real well....Next motherf*cker gonna get my metal....Pow pow pow, pow pow pow, pow pow pow, pow pow pow....I wanna grow up so no one f*cks with me¹²*

*But your selective judgements and goodguy badges don't mean a fu*k to me. I throw a little fit. I slit my teenage wrist....Get your gunn, get your gunn¹³*

*I hate the hater, I'd rape the raper*¹⁴

*There's no time to discriminate, hate every mother f*cker that's in your way*¹⁵

*There is no cure for what is killing me, I'm on my way down; I've looked ahead and saw a world that's dead, I guess I am too; I'm on my way down, I'd like to take you with me*¹⁶

*I'll make everyone pay and you will see...The boy that you loved is the monster you fear*¹⁷

*When you are suffering know that I have betrayed you*¹⁸

*Shoot here and the world gets smaller; Shoot shoot shoot motherf*cker!*¹⁹

*Live like a teenage christ; I'm a saint, got a date with suicide*²⁰

*I'm dying, I hope you're dying too*²¹

*I'm gonna hate you tomorrow because you make me hate you today*²²

The second parallel is the message Manson himself says he tries to promote. Ordained in the Church of Satan,²³ Manson has said that “[Church of Satan founder Anton] LaVey along with Nietzsche and [British Satanist Aleistair] Crowley have all been great influences on the way that I think.”²⁴ In a foreword to the book *Satan Speaks*, Manson wrote that “Anton LaVey was the most righteous man I’ve ever known.”

On CNN’s *The American Edge* program, Manson explained his message: “God is dead, you are your own god. It's a lot about self preservation.... It's the part of you that no longer has hope in mankind. And you realize that you are the only thing you believe in.” Manson has compared Christians to Nazis²⁵ and insists that “hate is just as healthy and worthwhile as love.”²⁶ This message contributes to the situation Vice President Al Gore described at a Littleton memorial service on April 25, 1999: “Too many young people place too little value on human life.”

The third parallel is Manson’s own life, which looks similar to those who consume and act on his message. In one interview, he described it this way: “Then I had to go to public school and they would always kick my ass.... So I didn't end up having a lot of friends and music was the only thing I had to enjoy. So I got into [heavy metal rock bands] Kiss, Black Sabbath and things like that.”²⁷

While Marilyn Manson alone is not the problem, his brand of music promotes violence more aggressively than ever. Indeed, Manson’s own response to the Littleton massacre raises the issue to be addressed here. Television or even religion may cause youth violence, he says,²⁸ but music plays no role whatsoever. In fact, he claims that he is actually a

victim when he asserts that the media “has unfairly scapegoated the music industry... and has speculated – with no basis in truth – that artists like myself are in some way [sic] to blame.”²⁹

Unfortunately, it appears that the music industry’s only response to this cultural crisis is simply to deny that its products have any effect on anyone. On the June 29, 1999, edition of CNN’s *Showbiz Today* program, for example, musician Billy Joel dismissed as “absurd” the idea that music influences violent behavior. Elton John put it more bluntly: “It has nothing to do with the musical content or the lyrics whatsoever. [That idea is] absolute rubbish.”

No one, of course, argues that popular music is the sole cause of youth violence. Something as complex as human behavior does not have a sole cause. The question is not whether popular music is the **exclusive cause** of youth violence (something no one seriously argues), but whether there is any “basis in truth” for the proposition that some popular music makes a real **contribution** to youth violence (something only the music industry denies).

The affirmative answer to this question rests on three pillars. First, media such as television and music are very powerful influences on attitudes and behavior. Second, popular music in an even more powerful influence on young people. Third, some of the most popular music today promotes destructive behavior such as violence and drug use.

Effective prescriptions require accurate diagnoses. Whether the solution involves parental involvement, public policy, pressure on recording companies or retailers to change their practices, or all of these and more, the effort must be informed by a comprehensive understanding of the problem.

I. The Power of Visual Media

“The link between media violence and real life violence has been proven by science time and again.”³⁰

“...as much as 15-20% of violence in society can be attributed to the influence of media violence....”³¹

A. Television

For decades, dozens of groups³² have documented that, in the words of columnist William Raspberry, “television violence begets real-world violence.”³³

Other experts agree:

- Speaking at the Harvard University School of Public Health, Professor Leonard Eron concluded that “a recent summary of 200 studies published through 1990... offers convincing evidence that the observation of violence, as seen in standard everyday television entertainment, does affect the aggressive behavior of the viewer.”³⁴

- One writer reviewed the evidence and reported that “more than 1000 studies since 1955 have linked media violence and aggressive behavior.”³⁵
- One study found that “exposure to television is etiologically related to approximately one half of the homicides committed in the United States.”³⁶
- A television network’s own study concluded two decades ago that more than one-fourth of young violent offenders had consciously imitated crime techniques learned from television.³⁷
- Even the television industry now admits that television violence is connected to real-world violence.³⁸
- “Several unique studies have documented that when exposed to violence in the media, children and adolescents are more likely to engage in aggressive or antisocial behavior.”³⁹
- The American Academy of Pediatrics has concluded: “The vast majority of studies conclude that there is a cause-and-effect relationship between media violence and real-life violence. This link is undeniable and uncontestable.”⁴⁰

The television industry claims that it reflects what people already wish to consume but does not influence them.⁴¹ Contrary evidence exists. A group of European and American researchers found, for example, that “the data *across nations* support the conclusion that viewing televised violence leads to aggressive behaviour and not *vice versa*.”⁴²

After one Michigan first-grader shot and killed another in March 2000, *Newsweek* suggested ways that parents can help protect kids from violence. These include: “Monitor what your kids watch on TV and in the movies.”⁴³ Long before that incident, however, public opinion polls reflected a growing concern that that media violence leads to real-world violence.

- **1990:** Gallup poll finds that 63% believe television shows depicting crime and violence encourage crime.⁴⁴
- **1993:** *Los Angeles Times* poll finds that 79% believe that media violence “contributes to violence in real life.”⁴⁵
- **1994:** Poll finds that 91% believe that “media mayhem contributes to real-life violence.”⁴⁶
- **1995:** Poll finds that 95% are concerned about sex and violence on television.⁴⁷

B. Music Videos

Research into the effect of consuming violent music videos has confirmed the same conclusions. In the mid-1980s, more than 50% of the popular music videos shown on Music Television (MTV) included episodes of violence.⁴⁸ There is every reason to believe that, like popular music,⁴⁹ the content of music videos has since become even more violent.

One early study found evidence for "the potentially powerful influence of popular music and MTV on young people, especially with regard to attitudes toward violence and premarital sex."⁵⁰ Research shows that consuming violent music videos is associated with more aggressive attitudes even in older college students.⁵¹ Other studies have concluded that exposure has "a considerable influence on adolescents' attitudes about and acceptance of [problem] behaviors."⁵² This effect is "subtle, cumulative, and insidious."⁵³

II. The Power of Music

*"music...has power for evil or for good."*⁵⁴

A. People in General

These words from Dr. Howard Hanson, director of the Eastman School of Music, more than fifty-five years ago remain true today. Individuals know this by intuition and experience. From a little jingle that sells tons of coffee to tunes that make the commute tolerable, from the aerobics class to the movies, music has a profound influence on everyone. Aristotle believed that music has the power to shape character, and Lenin said that "one quick way to destroy a society is through its music."

In September 1985, the U.S. Senate Commerce Committee held hearings on the impact of popular music. Dr. Joseph Steussy, professor of music history at the University of Texas, explained that research confirms intuition and experience.

In the twentieth century, especially in the last four decades, tons of research has been done on the interrelationship of music and human behavior.... [M]usic affects human behavior. It affects our moods, our attitudes, our emotions, and our behavior.⁵⁵

Research has demonstrated the power of music to alter moods.⁵⁶ In fact, listening to music is the most popular way to relieve stress in the entire world.⁵⁷ As the profession of music therapy grows, hospitals find that music enhances the healing process.⁵⁸ Pharmacologist Dr. Arram Goldstein of Stanford University found that 96% of people get their biggest thrills from music.⁵⁹ Researcher Anne Rosenfeld put it well, describing the power of music as "a miracle akin to that of language.... But music is more than a language."⁶⁰

B. Young People in Particular

Music is even more influential for young people than for adults.⁶¹ Child psychologist Dr. David Elkind writes that “music can influence young people as much as any visual media.”⁶² Child and adolescent psychiatrist Dr. Robert Demski identifies music as one of the two most powerful influences on youth.⁶³ “In 1989, the American Medical Association released a report that concluded that **music is a greater influence in the life of a teen-ager than television.**”⁶⁴ Teenagers consider musicians as heroes far more than even athletes⁶⁵ and rate music ahead of religion and books as factors that greatly influence their generation.⁶⁶

1. Factors enhancing impact

One reason for this influence is the sheer amount of time young people listen to popular music. “Teenagers name music listening as their most preferred non-school activity.”⁶⁷ Studies show that teenagers “listen to an estimated 10,500 hours of rock music between the seventh and 12th grades alone – just 500 hours less than the total time they spend in school over 12 years.”⁶⁸ Two other researchers more recently confirmed that “the average teenager listens to 10,500 hours of rock music during the years between the 7th and 12th grades, and **music surpasses television as an influence in teenagers’ lives.**”⁶⁹ Other estimates are similar. One writer in a popular periodical stated that “the average teenager listens to rock music four hours a day,”⁷⁰ while a researcher for the Library of Congress concluded that “many teenagers listen to rock music for at least four to six hours per day.”⁷¹

The technology of audio consumption enhances music’s influence. While individuals can only view movies, television, or videos in certain places, they can take music with them virtually anywhere. Ever-smaller players for cassette tapes or compact disks increase the time young people can consume their favorite music and their isolation from supervision.⁷² In addition, using headphones creates an exclusionary condition, shutting out everything else and significantly enhancing the impact of whatever message the music carries.⁷³

The music industry, like the television industry, claims that it reflects life and existing behavior but does not influence them. In a commentary written for *Billboard* magazine, Hilary Rosen, president of the Recording Industry Association of America, argues that “lyrics, in essence, exhibit the action – they don’t cause it... [M]usic cannot cause action.”⁷⁴ Already defiant or rebellious young people may indeed prefer music with such themes.⁷⁵ Yet research already shows that television, which is actually more consonant with existing mainstream behavior and values, is not such a one-way street.⁷⁶ The claim, then, that popular music which dwells much more on the rebellion and turbulence of youth counterculture⁷⁷ only reflects and does not influence is highly dubious.

An analysis of the heavy metal subculture observes of the lyrics that “these are not everyday topics of discussion at the family dinner table.”⁷⁸ Its “preoccupation with the dark side of life”⁷⁹ that even its apologists admit “is by no means healthy,”⁸⁰ is as much editorial as

it is news. Indeed, "one of the most important reasons cited by adolescents for seeking exposure to popular music is to learn about their social world."⁸¹ As Dr. Sheila Davis, adjunct professor of lyric writing at New York University, puts it, the result is that songs "are more than mere mirrors of society; they are a potent force in the shaping of it.... [P]opular songs provide the primary 'equipment for living' for America's youth."⁸²

2. Evidence of impact

Research on music's effects is limited in what it can discover. Professor Harry Clor has observed that "there are good reasons for believing that the great questions of cause and effect in human affairs will not be finally resolved for us with scientific certitude."⁸³ Professor James Q. Wilson similarly notes: "The irony is that social science may be weakest in detecting the broadest and most fundamental changes in human values, precisely because they are broad and fundamental."⁸⁴

Research does, however, "confirm what many Americans already know on the basis of intuition."⁸⁵ First, music affects basic moods, attitudes and values. Research has shown, for example, that listening to "uplifting" music can have positive effects on adolescents' physiological and biochemical state.⁸⁶ "Dr. T.L. Tashjian, chair of the department of psychiatry at Mount Sinai Hospital in Philadelphia, has found significant effects of rock music on the formation of values and worldview among children."⁸⁷ Consumers of music with harmful themes are more approving of antisocial behaviors and attitudes.⁸⁸

Second, as Professor Steussy testified, "music affects behavior." Rock music consumption, for example, "correlates with increasing discomfort in family situations, a preference for friends over family, and poor academic performance."⁸⁹

Third, and perhaps most disturbing, consumers of negative or destructive messages listen and internalize them more than consumers of more neutral messages.

- One study acknowledged that "[f]ans of rock music containing potentially negative themes (i.e., suicide, homicide, and satanic themes) were more likely to report that they knew all of the words to their favorite songs and that the lyrics were important to their experience of the music."⁹⁰
- Professor Hannelore Wass and her colleagues similarly found that fans of heavy metal music know the words better and actually agree with the words more than fans of general rock music.⁹¹ She concluded that her findings "seem to dispel the notion advanced by the recording industry that teenagers are only interested in the sound of music, don't know the lyrics, and listen strictly for fun."⁹²

Two researchers concluded that the effects of consuming popular music "are likely to be related to the kinds of themes contained in the lyrics and the frequency with which they are consumed."⁹³ Since fans of music with more negative themes listen to that music more,⁹⁴ there is a solid basis for concern that some popular music may contribute to youth violence.

3. Concern about impact

Expressing concerns about music similar to their earlier warnings about television violence, leading medical associations have responded to what intuition, experience, and research demonstrate. The American Academy of Pediatrics has said that rock music contributes to “new morbidities” in young people including depression, suicide, and homicide.⁹⁵ Certainly this conclusion is not, as Marilyn Manson has charged, merely “unfairly scapegoating the music industry.”

Similarly, the American Medical Association has voiced concern about “the possible impact of destructive themes depicted in certain types of popular rock music. The vivid depiction of drug and alcohol use, suicide, violence, demonology, sexual exploitation, racism and bigotry could be harmful to some young people.”⁹⁶ Clearly the AMA was not, as Hilary Rosen claimed, simply “blaming music for society’s ills.”

These concerns indeed have a real-life basis. “Dr. Paul King, medical director of the adolescent program at Charter Lakeside Hospital in Memphis, said...that 80 percent of the teenagers he treats have listened to heavy metal rock music several hours a day.”⁹⁷ In fact, some treatment facilities for troubled youth have banned heavy metal music.⁹⁸ “The National Education Association estimates that many of the 5000 teenage suicides each year are linked to depression fueled by fatalistic music and lyrics.”⁹⁹ Long before the recent string of shootings at public schools, certain kinds of popular music had been implicated in many suicides and other crimes of violence by teenagers¹⁰⁰ and even younger children.¹⁰¹

Public opinion parallels experience and research. Two different 1995 surveys, for example, found that more teenagers than adults believe popular music encourages antisocial behavior.¹⁰² A *Newsweek* analysis named popular music lyrics as one of the factors contributing to the “culture of aggression.”¹⁰³ A 1999 survey found that two-thirds of America’s teens believe that violence in television and music “is partly responsible for crimes like the Littleton shootings.”¹⁰⁴ The Institute for Youth Development recently found that teenagers are concerned about the possible negative effects of popular music. “They felt the repetition of the message reinforces the idea that it’s okay to use drugs or have casual sex.”¹⁰⁵

III. The Message of Music

*“consecrating violent terror”*¹⁰⁶

*“an uncritical mirror to fantasy power trips of violence”*¹⁰⁷

The evidence demonstrates that this is an issue of harm, not taste. Two conclusions are inescapable regarding rock and rap music, the most popular genres of music among young people today. First, negative or destructive themes are now the rule rather than the exception. Second, popular music stylizes or validates these destructive and harmful messages.

A. No Longer the Exception

Negative or harmful messages, though once the exception, are now the rule. The American Academy of Pediatrics has concluded that “[r]ock music has undergone dramatic changes since its introduction 30 years ago and is an issue of vital interest and concern for parents and pediatricians.”¹⁰⁸ While 25% of the top-selling recordings in 1990 were hard rock or heavy metal releases,¹⁰⁹ by 1995 only 10 of the 40 most popular CDs were free of profanity or lyrics dealing with drugs, violence and sex.¹¹⁰ “[R]ock music has grown increasingly angry and misogynist over the past decade.”¹¹¹

Similarly, rap music has since the early 1980s taken on “a harder-edged lyrical content”¹¹² and the late 1980s “saw the full emergence of the gangsta style.”¹¹³ One definitive history of rap says that “the so-called gangsta genre of rap” is now “the leading music genre in hip hop.”¹¹⁴ Music critic Leonard Pitts describes this rap style as the “the sound of unredeemed violence and unrelieved ugliness.”¹¹⁵

The music industry simply ignores all the evidence of harm – including intuition, experience, and research – and claims that this is all about differences in musical tastes. Marilyn Manson argues that Elvis “was subjected to the same age-old argument, scrutiny, and prejudice.”¹¹⁶ Elvis never glorified violence or urged young people to seek revenge. The truth is that what makes today’s popular music different is the greatest source of concern: its advocacy of violence and other destructive behavior.

In his song “School Days,” Chuck Berry once sang of teaching the Golden Rule and of students studying hard and hoping to pass. In their song “School Daze,” the group W.A.S.P. (We Are Sexual Perverts) depicts the classroom as a “juvenile jail,” a “blackboard jungle,” and a “homework hellhouse.” Liberal columnist Ellen Goodman observes that “[r]ock lyrics have turned from ‘I can’t get no satisfaction’ to ‘I’m going to force you at gunpoint to eat me alive.’”¹¹⁷

One music critic noted that the music industry makes money by exploiting “teen angst: isolation, insecurity, hopelessness and roiling sexuality.”¹¹⁸ Doing so has taken popular music far from its beginnings. He writes: “So we have come this far on the scale of what’s popular but offensive: from two teen-agers’ falling asleep together... to a young girl’s helping her father dump her murdered mother’s body in a lake... a leap so long that the editor of the music industry’s largest magazine is scolding record company executives and nearly calling for a boycott of the album.”¹¹⁹

Professor Steussy opined in 1985 that “even if we must conclude that the difference is merely one of degree, we must conclude that the degree of difference is so great as to be a different in kind.”¹²⁰ Perhaps the most significant development in the music world since that conclusion is the rise and popularity of artists such as Marilyn Manson. Better evidence would be difficult to find.

B. Stylizing and Validating the Message

I. Violence

As Dr. Paul King, who is also clinical assistant professor of child and adolescent psychiatry at the University of Tennessee, describes it: "The message of heavy metal is that there is a higher power in control of the world and that power is violence – often violence presided over by Satan."¹²¹

Dwight Silverman, a writer for the *San Antonio Light*, may have put his finger on it best when he wrote, 'Heavy metal rock 'n' roll is a different beast from the music that ruled the late '60s and early '70s, the music that was supposed to bring a generation together. Heavy metal is mean-spirited music. In it, women are abused, parents are objects of derision and scorn and violence, education is a foolish waste of time. Rock 'n' roll always has been a music of rebellion and frustration, but never of hatred.'¹²²

There is indeed a "new emphasis on violence"¹²³ in this form of popular music. One women's magazine concluded that "in addition to the typical teen themes of fast cars, pretty girls and social change, many heavy metal groups **dwell on** topics such as Satanism, drug abuse, violence and rape."¹²⁴

Concerned parents and citizens, however, must not only observe the existence of this new and destructive element in popular music, but they must also understand how it influences young people. Various descriptions of this destructive trend in popular music emphasize the nature of the problem. *Woman's World* magazine said that heavy metal groups do not simply refer to violence, but "dwell on" violence. *Time* magazine put it another way: "Rock music has become a dominant – and potentially destructive – part of teenage culture. Lyrics, album covers and music videos, particularly in the rock genre called heavy metal, **romanticize** bondage, sexual assaults and murder."¹²⁵

Writing about the 1991 Lollapalooza Festival, a tour of seven heavy metal and hard rock bands, one reporter observed: "The fans had congregated, however, for nine hours of howling, bawling, shouting and wailing...and they yelled affirmation when Trent Reznor of Nine Inch Nails groaned, 'I hate everybody!'..."¹²⁶ Perhaps not surprisingly, Reznor produced several of Marilyn Manson's albums, and Manson has called him "the person I respect the most."¹²⁷

Professor Carl Raschke describes how heavy metal music molds as well as mirrors:

Heavy metal does not mirror the violent so much as it artistically **stylizes, aggrandizes, beautifies**, weaves a spell of enchantment around what would otherwise be lesser and ordinary violent behavior...Heavy metal is a true aesthetics of violence. It is a metaphysics. It is the tactic of **consecrating** violent terror, of **divinizing** it.¹²⁸

Gangsta rap also promotes violence. One reviewer has called N.W.A. founding member Ice Cube's platinum 1991 album *Death Certificate* an "exercise in rap brutality."¹²⁹ An album by The Geto Boys includes a song titled "Mind of a Lunatic" that contains "elements of necrophilia, murder, and other violent acts."¹³⁰ This musical style molds as well as mirrors its consumers in the same way as heavy metal. One editorial writer put it this way:

The most effective rejoinder comes from Mike Davis's "City of Quartz," a history of Los Angeles, where gangster rap was born. "In supposedly stripping bare the reality of the streets, 'telling it like it is,'" Mr. Davis writes, "they also offer an uncritical mirror to fantasy power trips of violence, sexism and greed." Rappers, take note: The key phrase is "uncritical mirror." The music "plays" at rape and murder in a way that **celebrates** them.¹³¹

A television news report, a *National Enquirer* article, a Sunday sermon, or a shock-rock band might all address violence. Yet they would do so very differently, with very different effects. Popular music, which provides "the primary 'equipment for living' for America's youth"¹³² for the reasons discussed in this report, dwells on, romanticizes, stylizes, beautifies, consecrates, divinizes, and celebrates violence. The results are predictable.

2. Drugs

The Doobie Brothers once tried to conceal the fact that their band was named after marijuana.¹³³ The implicit, however, has today become the explicit.

- Relapse Records recently released an entire album titled *Smoking Songs* which its promotional ads say "is a collection of unique renditions...dealing with marijuana culture and the many virtues of the weed!"
- Capricorn Records dedicated a portion of proceeds from its album *Hempilation* to the National Organization for the Reform of Marijuana Laws.¹³⁴
- At least 45 bands endorse legalizing marijuana.¹³⁵

The Office of National Drug Control Policy recently analyzed 1000 songs from various musical styles and found more of them referred to illegal drugs than referred to alcohol.¹³⁶ Just as popular music is an "uncritical mirror" that "celebrates" violence, this study found that 81% of the lyrics referring to drug use "failed to depict any consequences of that use."¹³⁷

While illegal drugs were associated with wealth in 20% of the songs, with sexual activity in 30% of the songs, and with crime in 20% of the songs, anti-use statements were found in only 6%, and refusal to use drugs was found in just 2%.¹³⁸ This finding echoed earlier research. A 1994 University of Michigan study concluded that "[g]lamorization in the music industry has been an important determinant" of increased drug use by teenagers.¹³⁹

Rap music has followed the same trend.

- On his 1991 album *Cool Hand Loc*, former gang member Tone Loc glorifies marijuana in the song “Mean Green.”
- The popular rap group Cypress Hill advocates legalizing marijuana.¹⁴⁰ Songs on their platinum 1993 *Black Sunday* album include “Legalize It”, “Hits From the Bong”, and “I Wanna Get High.”¹⁴¹ In 1995, the group recorded the song “Roll It Up, Light It Up, Smoke It Up” for a motion picture soundtrack.
- Rapper Too Short’s 1992 album *Shorty The Pimp* contains “unequivocal advocacy of prostitution and drug use.”¹⁴² That album went gold the year it was released.
- Boogie’s album *Under Da Influence*, with a marijuana leaf on the cover, includes songs such as “Money and Da High”, “What’s Up Wit Da Puff”, and “Rehab.”
- One commentator notes that other musicians advocating drug use include Chris Barron of the group Spin Doctors; “Rap wizard Dr. Dre named his album ‘The Chronic’ after a type of marijuana.... Other rappers endorsing marijuana include the Goats and Total Devastation, whose songs include ‘Hemp Hemp Hurrah,’ ‘Hemp Rally’ and ‘Many Clouds of Smoke.’”¹⁴³

C. What’s In a Name?

A recent survey found that “a lot of parents simply don’t know what’s out there and would rightfully be intimidated at the prospect of having to screen (much less purchase) potentially controversial recordings.”¹⁴⁴ No wonder, if these names of just a few readily available groups reflect their message:

Abhorer	Brainsick	Dead F*cking Last	Fermenting Innards
Accursed	Cannibal Corpse	Deadicated	Fleshcrawl
Accuser	Carcass	Death	Foetus
Agony Column	Cemetery	Death Angel	Forbidden
Altar	Charlie Manson	Deceased	Forced Entry
Amnesia	Christian Death	Deicide	Freak House
Anathema	Circle Jerks	Demolition	Freak of Nature
Annihilator	Convulse	Demon	Gang Green
Anthrax	Coroner	Demonic Christ	Gas Huffer
Apocrypha	Coven	Destruction	Germ
Asphyx	Cradle of Filth	Devastation	Goats Head
Atheist	Cramps	Dissection	Godflesh
Atrocity	The Creeps	Dying Fetus	Gorefest
Atrophy	Crisis	Earthcorpse	Gospel of the Horns
Autopsy	Cryptic Slaughter	Embalmer	Grave
Axe	The Cult	Entombed	Grave Chum
Biohazard	Cycle Sluts From Hell	Epidemic	Grave Digger
Bitch	Dad’s Porno Mag	Excrement	Grim Reaper
Bitter End	Damrage	The Exploited	Groinchurn
Black Sabbath	The Damned	Extreme	Grope
Blood Feast	Dark Angel	Eyehategod	Guillotine
Blue Murder	Dark Funeral	The Fallen	Guttad

Heathen	Mordred	Pusshead	The Throbs
Helloween	Morgoth	Rage	Thus Defiled
Heretix	Morphine	Rancid	Torch
The Horde of	Mortal Sin	Repulsion	Total Chaos
Torment	Mortuary Drape	Rigor Mortis	Turmoil
House of Freaks	Napalm Death	Ritual	Ultimate Revenge
Hypocrisy	Natas	Rotting Christ	Unleashed
Ignorance	Necrophobic	Scorn	Vampire Rodents
Illdisposed	Neurosis	Seance	Vandal
Incantation	Nuns With Guns	Septic Flesh	Vandals
Infernal Majesty	Obituary	7 Year Bitch	Venom
Internal Bleeding	Oblivion	Sick	Vicious Circle
Intruder	Old Skull	Sickness	Vicious Delite
Kill for Thrills	Onslaught	Six Feet Under	Vicious Rumors
Legion of Death	Overdose	Skid Row	Vile
Life of Agony	Overkill	Skrew	Violence
Living Sacrifice	Overthrow	Slaughter	Violent Burning
Lizzy Borden	Paingod	Slayer	Warlock
Lobotomy	Panic	Social Distortion	Warrior Soul
Lunatic Gods	Parade of Losers	Sodom	Wasted Youth
Malevolent Creation	Pariah	Stalker	Weapon of Choice
Malice	Pestilence	Stress	Whiplash
Massacre	Pist-On	Suffocation	White Trash
Megadeth	Poison	Suicidal Tendencies	White Zombie
Mental Hippie Blood	Porno for Pyros	Suicide Kings	Whitesnake
Merauder	Prick	Suicide Circus	Wildside
Mock	Prime Evil	Swingin' Thing	Wrath Child
Molest	Psycho Circus	Terrorizer	Wrecking Crew
Monstrosity	Psychotica	Testicular Momentum	
Morbid Angel	Psycho Drama	Thrasher	

IV. Conclusion

As America strives to help young people, everything that influences and shapes their values, attitudes, and behavior requires scrutiny. This certainly includes powerful visual media. While nearly every American home with children has a VCR, cable television, or video game equipment,¹⁴⁵ parental supervision and household rules about television viewing are steadily declining.¹⁴⁶ Though music is an even more powerful influence, the music industry denies any role in this cultural crisis. The evidence demonstrates, however, that some popular music contributes to youth violence. After the Littleton massacre, CBS President Leslie Moonves said that "anyone who thinks the media has nothing to do with this is an idiot."¹⁴⁷ Indeed, Americans' top choice for effectively stopping school violence is reducing violence in popular entertainment.¹⁴⁸

In 1956, the *New York Times* called rock music "a communicable disease."¹⁴⁹ Today, some popular music is part of the cultural virus that can help lead some young people to violence. The debate is not about taste, it is about harm. As one writer put it:

So people consume rage as entertainment; they plunk their money down, turn up the volume, and shout themselves hoarse.... For a little while, it feels like actual power – until – the music stops.¹⁵⁰

Or until the killing starts.

NOTES

¹ Director, Center for Law & Democracy, Free Congress Research & Education Foundation. The author serves on the staff of one long-term rehabilitation facility for at-risk youth and on the advisory board of another; and has been a consultant to the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

² Quoted in Price, "Colorado Governor Blames Shootings on Cultural 'Virus'," *Washington Times*, April 25, 1999, at C7.

³ See Roman, "Clinton Urged to Lean on Films, TV," *Washington Times*, April 29, 1999, at A4; Sammon, "President Urges Producers To End Violence In Films," *Washington Times*, May 16, 1999, at C2; Harris, "Clinton Challenges Hollywood On Violence," *Washington Post*, May 16, 1999, at A4; Cain, "Clinton Targets Video Violence," *Washington Times*, June 2, 1999, at A1; Harris & Waxman, "Clinton Says SFTC to Study Marketing of Violence," *Washington Post*, June 2, 1999, at A1.

⁴ See also "Patterns of Violence," *Time*, May 31, 1999, at 37; Finn, "A Culture of Overkill," *Kansas City Star*, April 24, 1999.

⁵ "Ginger Fish (Drum Throne of Death) - Marilyn Manson's Punching Bag," *DRUM!* (Feb/March 1997).

⁶ Tims & Meehan, "The Shooting: Methodical Violence Leaves 4 Dead, 22 Hurt," *The Oregonian*, May 22, 1998. See also "Patterns of Violence," *supra* note 4, at 37.

⁷ Becker, "Expert: Threats Can't Be Ignored; Warnings Preceded School Shootings," *Cincinnati Enquirer*, April 27, 1998.

⁸ Egan, "Killing Sprees At Nation's Schools Share Number of Common Traits," *State Journal-Register*, June 14, 1998. See also "Patterns of Violence," *supra* note 4, at 36.

⁹ Sheppard, "Note Nets School Suspension," *Washington Times*, May 30, 1998.

¹⁰ "Wisconsin: Plotters Wanted Revenge," *Dayton Daily News*, November 18, 1998. Thomas Solomon, who shot six students in Conyers, Georgia, and Mitchell Johnson, who helped kill five and wound 10 in Jonesboro, Arkansas, listed to violent rap music by artists such as Tupac Shakur. See Firestone, "A Boy With An Affinity Briefs," *Chicago Sun-Times*, June 17, 1998; Associated Press, "Entertainment Briefs," *Chicago Sun-Times*, June 17, 1998; "Patterns of Violence," *supra* note 4, at 37.

¹¹ Quoted on CBS, "48 Hours," broadcast on The Learning Channel, April 27, 1999.

¹² "Lunchbox," *Portrait of an American Family* (1994).

¹³ "Get Your Gunn," *Portrait of an American Family* (1994).

¹⁴ "Irresponsible Hate Anthem," *Antichrist Superstar* (1996).

¹⁵ "The Beautiful People," *Antichrist Superstar* (1996).

¹⁶ "Minute of Decay," *Antichrist Superstar* (1996).

¹⁷ "Man That You Fear" on *Antichrist Superstar* (1996).

¹⁸ "Antichrist Superstar," on *Antichrist Superstar* (1996).

¹⁹ "The Reflecting God," on *Antichrist Superstar* (1996).

²⁰ "Long Hard Road Out of Hell," non-album track.

²¹ "Apple of Sodom," non-album track.

²² "The Suck for Your Solution," non-album track.

²³ See Bardin, "Marilyn Manson - the Misfit," *Details* (December 1996).

²⁴ Quoted in Zogbi, "Marilyn Manson - A Controversial Conversation With the Irreverent Reverend," *Metal Edge* (July 1996).

²⁵ Interview, *Alternative Press* (October 1996).

²⁶ Quoted in Bardin, *supra* note 23.

²⁷ Interview, *Blast!* (May 1996).

²⁸ Manson, "Columbine: Whose Fault Is It?," *RollingStone.com* (May 28, 1999).

²⁹ Quoted in "Marilyn Manson Postpones U.S. Tour Dates," *MTV News Gallery*, April 28, 1999.

³⁰ American Medical Association, "Advocacy & Communications," September 6, 1996, at 1.

³¹ Strasburger, "Children, Adolescents, and Television: A Call for Physician Action," 166 *The Western Journal of Medicine* 353 (1997).

³² See Clark, "TV Violence," *CQ Researcher*, March 26, 1993, at 175. These include the National Commission on the Causes and Prevention of Violence (1969: television contributes to society's violence problem); the U.S. Surgeon General (1972: television violence linked to aggressive behavior); American

Medical Association (1976: television is an "environmental hazard"); National Institute of Mental Health (1982: a clear consensus links television violence and aggression); Attorney General's Task Force on Family Violence (1984: overwhelming evidence linking television and real violence); American Academy of Pediatrics (1984: television may promote aggression); and American Psychological Association (1985: research links television and real violence; 1992: research linking television and real violence is ignored).

³³ Raspberry, "Cut the Act," *Washington Post*, January 28, 1994, at A23.

³⁴ *The Problem of Media Violence and Children's Behavior* (New York: Harry Frank Guggenheim Foundation, 1993), at 1. A recent comprehensive study of children's media use concluded: "Literally hundreds of empirical studies conducted over the past half century leave little doubt that, given exposure, media content can and does influence youngsters' beliefs, attitudes, and behaviors." Roberts et al., *Kids & Media @ the New Millennium* (Kaiser Family Foundation, November 1999), at 1.

³⁵ Johnson, "Pulling the Plug on Television's Sex and Violence," *Detroit News*, June 2, 1995, at A10. See also Johnson, "Exposure to On-Screen Violence Harms Our Children," *Detroit News*, January 8, 1993, at A8.

³⁶ Centerwall, "Exposure to Television As a Risk Factor for Violence," 129 *American Journal of Epidemiology* 643,651 (1989). See also Centerwall, "Television and Violence: The Scale of the Problem and Where to Go From Here," 267 *JAMA* 3059,3061 (1992).

³⁷ Heller & Polsky, *Studies in Violence and Television* (New York, NY: ABC, 1976). This study was cited in a full-page ad sponsored by the Parents Television Council appearing in the *Washington Post*, October 17, 1999, at B6. See also Centerwall, "Television and Violence," *supra* note 36, at 3059.

³⁸ See Rosenfeld, "Warning: TV Violence Is Harmful, Networks Concede," *Washington Post*, July 1, 1993, at A1.

³⁹ Strasburger, "Make Love Not War: Violence and Weapon Carrying in Music Videos," 151 *Archives of Pediatrics & Adolescent Medicine* 441 (1997).

⁴⁰ American Academy of Pediatrics, "Media Violence," 95 *Pediatrics* 949 (1995).

⁴¹ This self-serving claim is suspect on its face. The overwhelming majority of teenagers like, respect, and get along with their parents, believe their parents really care about them, and believe they can talk to, confide in, and share experiences with their parents. Horatio Alger Association of Distinguished Americans, *The State of Our Nation's Youth 1999-2000* (1999), at 35. By a margin of more than 3-to-1, teenagers would pick a family member as their principal role model. *Id.* at 36; see also Billups, "Most Teen-Agers Rate Parents No. 1," *Washington Times*, August 11, 1999, at A6. Eighty percent of teenagers rely on their parents for guidance on decisions or problems. See *The Shell Poll* (August 25, 1999). The picture is the same for so-called "tweens," kids between the ages of 8 and 14, who consider parents their most important influences. See Springen, Figueroa & Joseph-Goteiner, "The Truth About Tweens," *Newsweek*, October 18, 1999, at 72. In stark contrast to this reality, however, less than 15% of prime time television shows feature a father as a recurring character and most of these are portrayed as uninvolved, incompetent, or both. See "NFI Issues Report on Fatherhood and TV," *Fatherhood Today* (Spring 1999), at 1. Television clearly does not reflect or mirror reality at all and may have seriously negative effects because, for many children, "the fatherhood portrayals they see on television will serve as their primary means of understanding what a good father is and does." National Fatherhood Initiative, *Fatherhood & TV* (March 1999), at 1.

⁴² Wartella, "Media and Problem Behaviours in Young People," in *Psychosocial Disorders in Young People: Time Trends and Their Causes* (London: Wiley, 1995), at 308 (emphasis in original).

⁴³ "Kids and Guns: What Parents Can Do," *Newsweek*, March 13, 2000, at 33.

⁴⁴ See Clark, *supra* note 32, at 168.

⁴⁵ "79 Percent in Poll Believe TV Violence Spurs Real Mayhem," *Washington Post*, December 19, 1993, at A12.

⁴⁶ Guttman, "A Kinder, Gentler Hollywood," *U.S. News & World Report*, May 9, 1994, at 38.

⁴⁷ Olmsted & Anders, "Turned Off," *USA Weekend*, June 2-4, 1995, at 5. Young people themselves hold similar views. A 1995 survey, for example, found that 62% of young people (and 76% of boys) between the ages of 10 and 16 think that sex on television influences kids to have sex when they are too young. *Sending Signals: Kids Speak Out About Values in the Media* (Children Now, 1995), at 4.

⁴⁸ Sherman & Dominick, "Violence and Sex in Music Videos: TV and Rock 'n' Roll," 36 *Journal of Communication* 79 (1986); Baxter et al., "A Content Analysis of Music Videos," 29 *Journal of Broadcasting and Electronic Media* 333 (1985). See also American Academy of Pediatrics, "Sexuality, Contraception, and the Media," 95 *Pediatrics* 298 (1995).

⁴⁹ See *infra* notes 104-118 and accompanying text.

- ⁵⁰ Greeson & Williams, "Social Implications of Music Videos for Youth: An Analysis of the Content and Effects of MTV," 19 *Youth & Society* 177,187 (1986).
- ⁵¹ Peterson & Pfost, "Influence of Rock Videos on Attitudes of Violence Against Women," 64 *Psychology Reporter* 319 (1989).
- ⁵² DuRant et al., "Violence and Weapon Carrying in Music Videos: A Content Analysis," 151 *Archives of Pediatrics & Adolescent Medicine* 443 (1997).
- ⁵³ Strasburger, *supra* note 39.
- ⁵⁴ Hanson, "A Musician's Point of View Toward Emotional Expression," 99 *American Journal of Psychiatry* 317,317 (1942).
- ⁵⁵ *Record Labeling*, Hearing Before the Senate Committee on Commerce, Science and Transportation, 99th Congress, 1st Session, September 19, 1985, at 119.
- ⁵⁶ See Mornhinweg, "Effects of Music Preference and Selection on Stress Reduction," 10 *Journal of Holistic Nursing* 101 (1992). Though disclaiming any conclusion about causation, a recent comprehensive study of children's media use found that "less contented children report substantially more media exposure," including music. Roberts et al., *supra* note 34, at 68.
- ⁵⁷ "Music Is World's No.1 Stress Buster, Roper Starch 30-Country Study Shows" (August 1999), posted at www.ropersinter.net. See also "Music Favorite Method to Relax, Lessen Stress," *Washington Times*, August 18, 1999, at A7.
- ⁵⁸ Melani, "Musical Medicine," *Washington Times*, February 20, 2000, at D1.
- ⁵⁹ Goldstein, "Thrills in Reponse to Music and Other Stimuli," 8 *Physiological Psychology* 126-29 (1980).
- ⁶⁰ Rosenfeld, "Music, the Beautiful Disturber," *Psychology Today* (December 1985), at 48.
- ⁶¹ Nearly 50% more teenagers than adults rate listening to music as their favorite way to relieve stress. See "Music Is World's No.1 Stress Buster," *supra* note 57.
- ⁶² D. Elkind, *The Hurried Child* (London: Addison-Wesley, 1981), at 88.
- ⁶³ Demski, "Music, Advertising, and Teenagers," *American Academy of Child & Adolescent Psychiatry Newsletter* (Spring 1988), at 17.
- ⁶⁴ B. Hatterette & R. Showers, *Don't Touch That Dial: The Impact of Media on Children & The Family* (Lafayette, LA: Huntington House, 1993), at 142 (emphasis added).
- ⁶⁵ Data from a Louis Harris poll of 2000 kids in grades 7-12. See *TV, etc.* (March/April 1990), at 2.
- ⁶⁶ *The Religious Life of Young Americans* (Princeton, NJ: The George H. Gallup International Institute, 1992), at 11.
- ⁶⁷ Roberts et al., *Substance Use in Popular Movies and Music* (Washington, D.C.: Office of National Drug Control Policy & Dept. of Health and Human Services, 1999), at 6.
- ⁶⁸ Powell, "What Entertainers Are Doing to Your Kids," *U.S. News & World Report*, October 28, 1985, at 46. See also American Medical Association, "Facts About Media Violence," September 6, 1996, at 2.
- ⁶⁹ Brown & Hendee, "Adolescents and Their Music: Insights Into the Health of Adolescents," *Journal of the American Medical Association*, September 22, 1989 (emphasis added).
- ⁷⁰ Mann, "How Shock Rock Harms Our Kids," *Readers' Digest* (July 1988).
- ⁷¹ Cooper, "Media Entertainment Sex and Violence: Impact on Society, Especially Children," *CRS Report for Congress* (Washington, D.C.: Congressional Research Service, 1986), at 21. See also Senate Committee on the Judiciary, *Children, Violence, and the Media* (September 14, 1999), at 6. While the average time spent watching television each day increases 37% from early childhood to the teen years, the time listening to CDs and tapes increases 324%. Roberts et al., *supra* note 34, at 20 (Table 8-A). In addition, "for most children most of the time, radio is a music medium." *Id.* at 37. The average time spent listening to the radio each day increases 171% between early childhood and the teen years. *Id.* at 20 (Table 8-A). While television decreases as a proportion of an individual's "total media budget" from early childhood to the teen years, audio media's (that is, music's) proportion doubles. *Id.* at 25 (Table 9-A).
- ⁷² See Roberts et al., *supra* note 34, at 2 ("the new media appear to have given today's kids a great deal more autonomy in their media selection, and a great deal more freedom from adult supervision of or comment about the message they receive than in even the very recent past.").
- ⁷³ *Record Labeling*, *supra* note 55, at 124.
- ⁷⁴ Rosen, "Are We Asking the Right Questions?," commentary posted on the Internet at www.RIAA.com.
- ⁷⁵ See, e.g., Bleich, Zillmann & Weaver, "Enjoyment and Consumption of Defiant Rock Music as a Function of Adolescent Rebelliousness," 35 *Journal of Broadcasting & Electronic Media* 351 (1991).
- ⁷⁶ See *supra* note 42 and accompanying text.
- ⁷⁷ Larson & Kubey, "Television and Music: Contrasting Media in Adolescent Life," 15 *Youth & Society* 13 (1983).

- ⁷⁸ Gross, "Heavy Metal Music: A New Subculture in American Society," 24 *Journal of Popular Culture* 110,123 (1990).
- ⁷⁹ *Id.*
- ⁸⁰ *Id.* at 129.
- ⁸¹ Hansen & Hansen, "Constructing Personality and Social Reality Through Music: Individual Differences Among Fans of Punk and Heavy Metal Music," 35 *Journal of Broadcasting & Electronic Media* 335,336 (1991).
- ⁸² Davis, "Pop Lyrics: A Mirror and a Molder of Society," *Et Cetera* (Summer 1985), at 168.
- ⁸³ Clor, "Science, Eros and the Law: A Critique of the Obscenity Commission Report," 10 *Duquesne Law Review* 63,69 (1971).
- ⁸⁴ Wilson, "Violence, Pornography and Social Science," *The Public Interest* (Winter 1971), at 58 (emphasis in original).
- ⁸⁵ Centerwall, "Television and Violence," *supra* note 36, at 3060.
- ⁸⁶ See Field et al., "Music Shifts Frontal EEG in Depressed Adolescents," 33 *Adolescence* 109 (1998).
- ⁸⁷ C. Raschke, *Painted Black* (New York: Harper & Row, 1990), at 175.
- ⁸⁸ Hansen & Hansen, *supra* note 81, at 337; Hansen & Hansen, "Rock Music Videos and Antisocial Behavior," 11 *Basic and Applied Social Psychology* 357 (1990).
- ⁸⁹ B. Hattemer & R. Showers, *supra* note 64, at 142.
- ⁹⁰ Hansen & Hansen, "Schematic Information Processing of Heavy Metal Lyrics," 18 *Communication Research* 373,374 (1991).
- ⁹¹ Wass et al., "Adolescents' Interest In and Views of Destructive Themes in Rock Music," 19 *Omega* 177 (1988-89).
- ⁹² *Id.* At 185.
- ⁹³ Hansen & Hansen, *supra* note 90, at 406.
- ⁹⁴ Wass et al., *supra* note 91.
- ⁹⁵ Statement of the American Academy of Pediatrics, in *The Influence of Media on Adolescents* (Arlington, VA: Parents' Music Resource Center), at 1.
- ⁹⁶ American Medical Association, *Report of the Council on Scientific Affairs* (Report E), adopted at 1990 AMA House of Delegates Annual Meeting, at 3.
- ⁹⁷ Brosnan, "Mrs. Gore's Advice to Parents Carries a Parental Advisory," *Memphis Commercial Appeal*, April 18, 1987.
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