

Committee Name:

**Senate Committee – Privacy, Electronic Commerce and Financial Institutions
(SC-PECFI)**

Appointments

01hr_SC-PECFI_Appoint_pt00

Clearinghouse Rules

01hr_SC-PECFI_CRule_01-

Committee Hearings

01hr_SC-PECFI_CH_pt00

Committee Reports

01hr_SC-PECFI_CR_pt00

Executive Sessions

01hr_SC-PECFI_ES_pt00

Hearing Records

01hr_ab0196

01hr_sb0000

Misc.

01hr_SC-PECFI_Misc_pt01

Record of Committee Proceedings

01hr_SC-PECFI_RCP_pt00

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 21 2002

BILL NO. AB 186

OR
SUBJECT Library Records

Sharon Duke
(NAME)

N5640 Springbrook Rd.
(Street Address or Route Number)

Bryant WI 54418
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 21, 2002

BILL NO. AB 196

OR
SUBJECT Library Records

Tyler Duke
(NAME)

N5640 Springbrook Rd.
(Street Address or Route Number)

Bryant WI 54418
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-21-02

BILL NO. AB 196

OR
SUBJECT _____

Paul Nelson
(NAME)

1720 Mayflower Dr.
(Street Address or Route Number)

Middleton, 53562
(City and Zip Code)

Wisconsin Library Assn
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-21-02

BILL NO. RE AB 196

OR
SUBJECT Library

Evily Matthews
(NAME)

11851 Maggers Rd
(Street Address or Route Number)

New Holstein 53061
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/21/02

BILL NO. AB 196

OR
SUBJECT Library records

Larry T. Nix
(NAME)

(Street Address or Route Number)

(City and Zip Code)

Dept. of Public Instruction
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 21 Feb 02

BILL NO. AB 196

OR
SUBJECT _____

Rep. Sheryl K. Albers
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-21-02

BILL NO. AB196

OR

SUBJECT _____

Kristen Anderson
(NAME)

(Street Address or Route Number)

La Crosse
(City and Zip Code)

Winding River Lib. System
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

testimony attached
Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY.**

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-21-02

BILL NO. AB 196

OR

SUBJECT _____

Heather Eldred
(NAME)

(Street Address or Route Number)

Wausau
(City and Zip Code)

Wis. Valley Lib Service
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

testimony attached
Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY.**

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/21/02

BILL NO. AB196

OR

SUBJECT _____

Senator Carol Roessler
(NAME)

130 South
(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY.**

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/21/02
BILL NO. AB 196
OR
SUBJECT _____

Rep. Mike Powers
(NAME)
P.O. Box 8953
(Street Address or Route Number)
Madison 53708
(City and Zip Code)
80th Assembly Dist.
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-21-02
BILL NO. AB 196
OR
SUBJECT _____

Steve Kenworthy
(NAME)
106 N. Stevens St.
(Street Address or Route Number)
Rhineland 54501
(City and Zip Code)
Rhineland Dist Lib
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
testimony attached
Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-21-02
BILL NO. AB 196
OR
SUBJECT _____

Peg Brodeson
(NAME)
(Street Address or Route Number)
Beloit
(City and Zip Code)
Beloit Public Library
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Testimony attached
Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Rhineland District Library

106 North Stevens Street
Rhineland, Wisconsin 54501

(715) 365-1070 Adult Dept.
(715) 365-1050 Children's Dept.
(715) 365-1076 FAX

**Testimony to the Senate Committee on Privacy, Electronic Commerce
and Financial Institutions regarding AB196 (Disclosure of public
library records)
Thursday, February 21, 2002**

My name is Steve Kenworthy and I am the Director of the Rhineland District Library. I wish to comment on AB196 which concerns itself with parental access to their children's library circulation records. There is no clear consensus among library professionals concerning this issue. The conflict comes from a librarian's desire to allow anyone and everyone the same right to freedom and privacy in what information they access and our self-proclaimed standard that only parents have the right to decide what is appropriate for their (and only their) children to read or view.

Rhineland District Library has a policy which reads: "Patron and circulation records are kept in confidence. Information contained in these records will be made available only to...the legal parents or guardian of a minor patron." Hence, RDL's policy is already in line with the spirit, if not also the letter, of the proposed legislation. However, I firmly believe that this is a local issue and should be decided by library boards of trustees and not mandated by legislation. This legislation is a wolf in sheep's clothing which, if passed, takes the first step down a slippery slope that could have serious negative consequences on a person's privacy and confidentiality.

Another concern with this legislation is that its overly broad language opens it to possible abuse. Consider a hypothetical situation where a non-custodial parent uses this law to obtain the address and phone number of offspring which the court has denied because of the potential for harm and abuse. This legislation puts the public library in a precarious position and erodes the trust we strive so hard to establish with our constituencies.

I strongly urge opposition to this piece of legislation. Thank you.

Laundrie, Julie

From: Templeton, Carrie
Sent: Tuesday, January 22, 2002 8:45 AM
To: Laundrie, Julie
Subject: FW: Hearing request for A.B. 196

*Carrie Templeton
Office of Senator Jon Erpenbach
27th District*

-----Original Message-----

From: Tom and Sharon Duke [mailto:dukefam@newnorth.net]
Sent: Saturday, January 19, 2002 1:15 PM
To: Sen.Erpenbach@legis.state.wi.us
Subject: Hearing request for A.B. 196

Dear Senator Erpenbach,

I am writing to encourage you to schedule a public hearing concerning A.B.196, a library privacy bill. My son, Tyler, and I spoke last year in the Assembly's hearing and would like to see this bill keep moving forward and become a law in Wisconsin. If it would be helpful for one or both of us to speak to the senate committee, we would be glad to come down to Madison.

Thank you for your consideration of this request.

Sincerely,
Sharon Duke
5640 Springbrook Rd.
Bryant, WI 54418
715-623-6442
dukefam@newnorth.net



Richland Center Fellowship

26700 Fellowship Lane
Richland Center, Wisconsin 53581
608-647-7226

JAN 18 2002

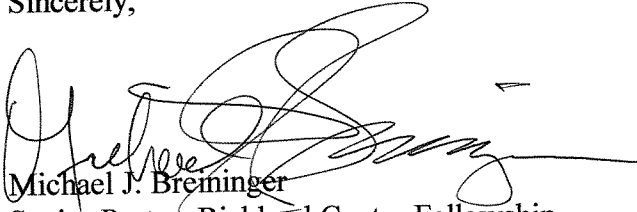
January 17, 2002

Senator Erpenbach
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Erpenbach,

I am writing to you today to urge you to hold a public hearing on AB 196. I hope that you will be able to recommend this bill to the full Senate for passage.

Sincerely,



Michael J. Breninger
Senior Pastor, Richland Center Fellowship



Carol Roessler
STATE SENATOR

January 23, 2002

Senator Jon Erpenbach, Chair
Senate Committee on Privacy, Electronic Commerce and Financial Institutions
8 South State Capitol
Madison, WI 53703

Dear Senator Erpenbach:

I am writing to request that a public hearing be held on Assembly Bill 196, which allows parents to obtain information on the library activities of their children age 15 or younger.

Under current law, parents may not receive any information on the type of materials that their children are acquiring through the library. This legislation has been drafted to change this law because children have been checking out adult material, including "Parental Advisory Explicit Content" CD's, through the library's "link" system. The fact that a child can obtain these kinds of material through our public libraries, without the knowledge of their parents, can be harmful to the child.

AB 196 allows librarians to divulge information that may be beneficial to parents, but it does not require librarians to inform parents of their children's activities. This bill, which will protect children from dangerous or inappropriate material, won bipartisan support in the Assembly last year, with a 77-17 vote.

Your immediate attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Carol".

CAROL ROESSLER
State Senator
18th Senate District

CR/ses/ErpenbachAB196

**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.

"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 concern 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.



Middleton Public Library • 7425 Hubbard Avenue • Middleton, WI 53562
Paul Nelson, Director • 608/831-5564

MAY 25 2001

May 23, 2001

The Honorable Jon Erpenbach
P.O. Box 7882
Madison, WI 53707-7882

Dear Jon,

The Assembly recently passed AB196 by a surprisingly wide margin. Members of the Wisconsin Library Association didn't lobby against it as hard as we probably should have since it seemed a foregone conclusion that it would pass. It has now been referred to the Senate committee that you chair.

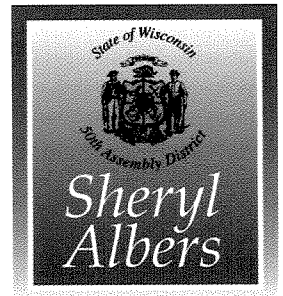
I've attached a copy of my testimony to the Assembly Children and Families Committee, which provides some background information and summarizes WLA's objections. Larry Nix, Director of Public Library Development for the Division of Libraries, Technology & Community Learning within DPI, also provided testimony. I can obtain a copy of that if you'd like.

The bottom line is that we feel this bill is much too broad. Having wide-open access might put certain children at risk. And as you can see from my testimony, technology has provided parents with other, more convenient options for keeping track of what their children have checked out of the library. One of our compromise positions is to limit requests from parents and guardians to overdue library materials, but our first choice, of course, is not to see this bill enacted.

Thank you for your consideration on this issue.

Sincerely yours,

Paul Nelson
Library Director



To: Senator Jon Erpenbach, Chair
Senate Committee on Privacy, Electronic Commerce and Financial Institutions

From: Representative Sheryl K. Albers

Date: January 10, 2002

Subject: 2001 Assembly Bill 196 – Parental Access to Library Records of Children Under Age 15

Senator Erpenbach:

I write to request a public hearing by, and the ultimate concurrence of, the Senate Committee on Privacy, Electronic Commerce and Financial Institutions for 2001 AB 196. I introduced this legislation, along with members of both the Assembly and Senate, after receiving disturbing information from constituents requesting my support.

David and Jean Hertler, from Cazenovia, Wisconsin, 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 libraries from divulging information relating to children’s library activities – even if the children are obtaining explicit materials from another library within the link.**

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.

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.

I drafted this legislation after receiving guidance from a public librarian in my district. **AB 196 allows parents to request and receive information on the library activities of their children age 15 or younger (16 and 17 year olds may continue to check out materials confidentially). It does not ask, nor require, librarians to take affirmative steps to notify parents of what children are checking out or using, however.** 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.

Senator Erpenbach, 77 members of the Assembly voted in favor of this legislation last spring. I have worked with you in the past to pass legislation that would help protect the safety of workers at Mendota Mental Health Institute. I know you as someone concerned about the welfare of the people of Wisconsin. I ask that you will join with me now and help pass this legislation as soon as possible. **Of course, if you have any suggestions or ideas on how to improve the bill to better protect our children, please know that I am more than willing to talk with you or your staff further.**

Thank you, and best wishes. I look forward to hearing from you!

Laundrie, Julie

From: Templeton, Carrie
Sent: Friday, January 18, 2002 1:50 PM
To: Laundrie, Julie
Subject: FW: A.B. 196

Carrie Templeton
Office of Senator Jon Erpenbach
27th District

-----Original Message-----

From: Tom and Sharon Duke [mailto:dukefam@newnorth.net]
Sent: Friday, January 18, 2002 1:43 PM
To: Sen.Erpenbach
Subject: Re: A.B. 196

Dear Senator Erpenbach,
Here is my address and phone number:

Tyler Duke
N5640 Springbrook rd.
Bryant, WI 54418

(715) 623-6442

dukefam@newnorth.net

Laundrie, Julie

From: Knutson, Tryg
Sent: Friday, January 18, 2002 1:43 PM
To: Laundrie, Julie
Subject: FW: A.B. 196

-----Original Message-----

From: Tom and Sharon Duke [mailto:dukefam@newnorth.net]
Sent: Friday, January 18, 2002 1:29 PM
To: Sen.Erpenbach@legis.state.wi.us
Subject: A.B. 196

Friday, January 18, 2002

Dear Senator Erpenbach,

I am a 14 year old who is interested in the Library bill, AB 196. Last year I called the library and asked the title of a book that was overdue. The librarian said that she couldn't tell me the title since the book was checked out on my sister's card. My Mom asked also, but she too was turned down. The librarian said that there was a *Privacy Law* that prevented the parents from knowing the library records of their children! We were upset to learn of that, and spoke to the Library Board about it. We contacted our State Representative and Senator, and they encouraged us to speak at the Assembly's public hearing about it.

So now, I would encourage you to go ahead and support this bill. It is very important to a family's health and protection.

Hopefully I will be able to come to the senate's hearing.

Respectfully yours,

Tyler Duke

Laundrie, Julie

From: Knutson, Tryg
Sent: Friday, January 18, 2002 1:43 PM
To: Laundrie, Julie
Subject: FW: A.B. 196

-----Original Message-----

From: Tom and Sharon Duke [mailto:dukefam@newnorth.net]
Sent: Friday, January 18, 2002 1:29 PM
To: Sen.Erpenbach@legis.state.wi.us
Subject: A.B. 196

Friday, January 18, 2002

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Hopefully I will be able to come to the senate's hearing.

Respectfully yours,

Tyler Duke

Testimony for The Senate Committee on Privacy, Electronic Commerce and Financial Institutions on February 21, 2002

RE: AB-196, Disclosure of Public Library Records

AB 196 addresses an area that can create difficulties in the public library depending on family dynamics. Public libraries cannot and have no desire to act as parents. Public libraries exist to provide the information an individual seeks. Minors have rights to access library resources and are assured full confidentiality in their use of the library along with every library user.

I am unsure that this change in the current law is needed. This issue seem to be about how well parents communicate with their children. If they want to know what a child is reading, ask the child. Is this about the possibility that a child might explore an issue that a parent doesn't want her to? Everyone, children included, need to learn to think critically. Everyone needs to learn to weigh various points of view against each other and then decide what makes sense to them. It opens up a great chance to have parents and children talking about issues that matter to a child.

If the idea behind the change in the law is that parents need to find out what topics matter to a child and to open a dialogue with the child, great. But, if it is to take away a fifteen year old's right to explore ideas, not so great.

One practical side, the library does not retain a history of use, so the items that could be revealed would only be those currently checked out to the child. I would agree that if materials are overdue or lost, it makes sense to be able to tell parents what the titles are since the parents are responsible for them.

However, as so often happens in nature when we introduce "fixes", there are often unintended consequences that are worse. Be sure that this change is the best thing for everyone, including children.

Peg Bredeson
Library Director
Beloit Public Library

February 21, 2002

To: Members of the Senate Committee on Privacy, Electronic Commerce and Financial Institutions

From: Heather Eldred, Director, Wisconsin Valley Library Service

RE: AB 196 -- Disclosure of Public Library Records

My name is Heather Eldred. I am the Director of the Wisconsin Valley Library Service, a position I have held for the past 29 years.

I fully understand a parent's frustration when they learn that their child has overdue or lost library materials... is billed for them... and then is told that the library won't tell them the titles of those lost/damaged articles. However, I am very concerned that the passage of AB 196 seriously threatens a child's hard-won right to privacy.

If you feel you must support his bill, please consider limiting parental/guardian access to only the titles of lost/damaged/overdue materials... and limit access to legal guardians and custodial parent/s. In other words, at least protect the child's right to privacy if the child obeys the library rules and doesn't lose or damage materials.

The main issue or concern here should be to find an acceptable way to "prove" to those who have to pay the bill that the child really is responsible for the loss, damage, etc.

If access to library records were limited to just the situations where materials need to be returned or paid for, then kids who abide by library rules would still regain their right to privacy.

I also see a potential problem with non-custodial parents using the 'freedom of access to a child's reading records' idea in a bill like AB 196 to try to track down kids in certain situations and using the library as a vehicle for that search...

Please vote against this bill as being overly broad. If you cannot do that, at least limit the coverage of this bill to only allowing custodial parents/guardians to know the specific titles of materials that are lost/damaged/overdue -- not the entire reading access of the minor in question.

Thank-you for your consideration.

Rhinelanders District Library

106 North Stevens Street
Rhinelanders, Wisconsin 54501

(715) 365-1070 Adult Dept.
(715) 365-1050 Children's Dept.
(715) 365-1076 FAX

Testimony to the Senate Committee on Privacy, Electronic Commerce and Financial Institutions regarding AB196 (Disclosure of public library records) Thursday, February 21, 2002

My name is Steve Kenworthy and I am the Director of the Rhinelanders District Library. I wish to comment on AB196 which concerns itself with parental access to their children's library circulation records. There is no clear consensus among library professionals concerning this issue. The conflict comes from a librarian's desire to allow anyone and everyone the same right to freedom and privacy in what information they access and our self-proclaimed standard that only parents have the right to decide what is appropriate for their (and only their) children to read or view.

Rhinelanders District Library has a policy which reads: "Patron and circulation records are kept in confidence. Information contained in these records will be made available only to...the legal parents or guardian of a minor patron." Hence, RDL's policy is already in line with the spirit, if not also the letter, of the proposed legislation. However, I firmly believe that this is a local issue and should be decided by library boards of trustees and not mandated by legislation. This legislation is a wolf in sheep's clothing which, if passed, takes the first step down a slippery slope that could have serious negative consequences on a person's privacy and confidentiality.

Another concern with this legislation is that its overly broad language opens it to possible abuse. Consider a hypothetical situation where a non-custodial parent uses this law to obtain the address and phone number of offspring which the court has denied because of the potential for harm and abuse. This legislation puts the public library in a precarious position and erodes the trust we strive so hard to establish with our constituencies.

I strongly urge opposition to this piece of legislation. Thank you.



State of Wisconsin Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

Elizabeth Burmaster
State Superintendent

Testimony on AB 196 Before the Senate Committee on Privacy, Electronic Commerce and Financial Institutions February 21, 2002

Senator Erpenbach 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 public libraries. The Department is testifying for information in regard to AB 196.

Wisconsin's public libraries contain more than 20 million books, videos, sound recordings, and other items. These items were selected by trained librarians based on a materials selection policy adopted by the local library board of trustees. In a typical year public libraries lend almost 47 million items to the people of Wisconsin. More than 16 million of these items are lent to children or their parents. Overwhelmingly, these items meet the needs of the child or adult who borrowed them.

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 over twenty years ago 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 policy issues and procedural issues for libraries and their users.

An important public policy 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 procedural 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.

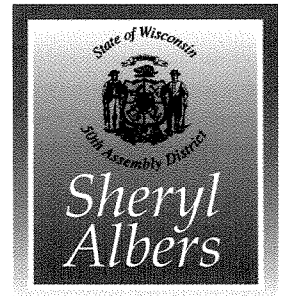
Libraries, however, have worked out a variety of solutions for dealing with this problem. Also, more and more libraries are becoming automated and a parent can simply use the child's library card to access information electronically about the materials the child has checked out and when those materials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

There is a more complex issue when older young people are involved. This issue relates more to internal family relationships than to library policies and procedures. Whether changing AB 196 would contribute positively or negatively to these relationships is something the committee will need to determine.

One possible alternative to AB 196 would be to add language to s. 43.30 that would enable individual public library boards to adopt policies governing 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. Such a policy could specify the age of the child for which the policy would apply.

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



2001 Assembly Bill 196 – Parental Access to Children’s Library Records
Testimony of State Representative Sheryl K. Albers before the Senate Committee on
Privacy, Electronic Commerce and Financial Institutions
February 21, 2002

Thank you, Chairman Erpenbach, for the opportunity to discuss AB 196, a child protection bill that I believe 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 children 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 Mr. Hertler 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 – as David's son did – 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. This oversight, combined with effective communication with teachers, ministers, mentors, and others involved in the life of their children, provides their children with the best possible upbringing. 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. Likewise, how frustrating it must be for a concerned librarian, who wants desperately to communicate with a parent requesting information about their child's library activities, to effectively have a gag placed in their mouths. I'm certain that we have honorable librarians out there who are forced to break the law day after day as concerned parents ask about their children. Rather than invoke a draconian and dangerous law in order to stand silently when the welfare of a child is at stake, they provide concerned parents with important information that allow the parents to provide appropriate guidance.

Some people argue that unfettered access to all types of materials for all ages of children will benefit our society. One library official actually wrote me a letter promoting the idea of allowing 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, gives no credit to our librarians, and pits both parents and librarians *against* each other. I certainly 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 if children read or check out age-inappropriate materials. Rather, it allows parents to receive information upon request, fostering a cooperative relationship between parents and librarians. This, in turn, will 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.

AB 196 passed the Assembly on an overwhelming bipartisan vote of 77-17. I would expect the same level of support in this house, and hope that you will quickly take executive action on AB 196 and bring it to the floor of the Senate.

Thank you, Senator Fitzgerald, for your cosponsorship of AB 196. Thank you, Senator Erpenbach, for the opportunity to testify on behalf of AB 196. Best wishes to each of you on the committee, and I will be happy to answer any questions.

END

February 21, 2002

To: Members of the Senate Committee on Privacy, Electronic Commerce and Financial Institutions

From: Heather Eldred, Director, Wisconsin Valley Library Service

RE: AB 196 -- Disclosure of Public Library Records

My name is Heather Eldred. I am the Director of the Wisconsin Valley Library Service, a position I have held for the past 29 years.

I fully understand a parent's frustration when they learn that their child has overdue or lost library materials...is billed for them...and then is told that the library won't tell them the titles of those lost/damaged articles. However, I am very concerned that the passage of AB 196 seriously threatens a child's hard-won right to privacy.

If you feel you must support his bill, please consider limiting parental/guardian access to only the titles of lost/damaged/overdue materials... and limit access to legal guardians and custodial parent/s. In other words, at least protect the child's right to privacy if the child obeys the library rules and doesn't lose or damage materials.

The main issue or concern here should be to find an acceptable way to "prove" to those who have to pay the bill that the child really is responsible for the loss, damage, etc.

If access to library records were limited to just the situations where materials need to be returned or paid for, then kids who abide by library rules would still regain their right to privacy.

I also see a potential problem with non-custodial parents using the 'freedom of access to a child's reading records' idea in a bill like AB 196 to try to track down kids in certain situations and using the library as a vehicle for that search...

Please vote against this bill as being overly broad. If you cannot do that, at least limit the coverage of this bill to only allowing custodial parents/guardians to know the specific titles of materials that are lost/damaged/overdue -- not the entire reading access of the minor in question.

Thank-you for your consideration.



Middleton Public Library • 7425 Hubbard Avenue • Middleton, WI 53562
Paul Nelson, Director • 608/831-5564

**Testimony to the
Senate Committee on Privacy, Electronic Commerce and
Financial Institutions
regarding AB 196 (Disclosure of public library records)
Thursday, February 21, 2002**

Dear Senator Erpenbach 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 16 years. I also serve as Chair of the Library Development & Legislation Committee of the Wisconsin Library Association. Since WLA has not taken a formal position on AB196 at this time, I will share with you my personal perspectives, which I feel correspond very closely to the majority of the association's members.

As a parent of 14- and 11-year-old boys, 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 especially 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 [*my emphasis*] 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 Rhineland. The circulation policy of the Rhineland District Library simply states that records will be made available to "the legal parents or guardian of a minor patron".

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.

“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 other’s 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.

Thank you for the opportunity to present this testimony.

**Testimony to the Senate Committee on
Privacy, Electronic Commerce and Financial
Institutions
regarding
AB 196 (Disclosure of public library records)
Thursday, February 21, 2002**

Dear Senator Erpenbach and other members of the Committee,

Some people might wonder, "What is the big deal if parents know what their children have checked out of the library? Actually, shouldn't parents know what their children have checked out?" Perhaps, in an ideal world they would. In an ideal world, parents bring their children of all ages to the library. They look at books and materials together and decide what will fit their information needs. They peruse the shelves discussing reading levels, authority of the author, detail of information needed etc. In an ideal world, every child feels comfortable going to his or her parent and has a parent available to ask questions of. To continue on with this fantasy, perhaps the child/teen/young adult even discusses what they have read with their parents over dinner later that week. Wouldn't it be nice if every child in the State of Wisconsin had this opportunity? Wouldn't it be nice if every child in Wisconsin had this family? Unfortunately, this isn't always or even often the case.

What is more often the case is that young teenagers come to Wisconsin's public libraries looking for information they are afraid, unsure, embarrassed or unable to ask their parents about. They have questions about their sexuality including how to avoid pregnancy and disease. They wonder about family member's illnesses, including alcoholism, drug addiction and mental illness. Many of them just want some confirmation that what they are going through in adolescence is "normal".

Do we really want to take away the right to access reliable, up to date information from these young people? All that we would be doing by passing this law is closing the door on access to the confidential information that young people so desperately want and need. So for those who would rather their parents not know what type of information they are looking for, we leave them with the mis-information sources of their peers. We leave them with what other 12, 13, 14 and 15 year olds know about drugs, love, sex, religion, and the weather. If this law changes, I will be very sorry for our young teens and the libraries that will fail them.

Kristen R. Anderson
Programming and Continuing Education Consultant
Winding Rivers Library System

Rhinelanders District Library

106 North Stevens Street
Rhinelanders, Wisconsin 54501

(715) 365-1070 Adult Dept.
(715) 365-1050 Children's Dept.
(715) 365-1076 FAX

Testimony to the Senate Committee on Privacy, Electronic Commerce and Financial Institutions regarding AB196 (Disclosure of public library records) Thursday, February 21, 2002

My name is Steve Kenworthy and I am the Director of the Rhinelanders District Library. I wish to comment on AB196 which concerns itself with parental access to their children's library circulation records. There is no clear consensus among library professionals concerning this issue. The conflict comes from a librarian's desire to allow anyone and everyone the same right to freedom and privacy in what information they access and our self-proclaimed standard that only parents have the right to decide what is appropriate for their (and only their) children to read or view.

Rhinelanders District Library has a policy which reads: "Patron and circulation records are kept in confidence. Information contained in these records will be made available only to...the legal parents or guardian of a minor patron." Hence, RDL's policy is already in line with the spirit, if not also the letter, of the proposed legislation. However, I firmly believe that this is a local issue and should be decided by library boards of trustees and not mandated by legislation. This legislation is a wolf in sheep's clothing which, if passed, takes the first step down a slippery slope that could have serious negative consequences on a person's privacy and confidentiality.

Another concern with this legislation is that its overly broad language opens it to possible abuse. Consider a hypothetical situation where a non-custodial parent uses this law to obtain the address and phone number of offspring which the court has denied because of the potential for harm and abuse. This legislation puts the public library in a precarious position and erodes the trust we strive so hard to establish with our constituencies.

I strongly urge opposition to this piece of legislation. Thank you.

2-22-02

FEB 25 2002

Dear Sen. Erpenbach,


Thank you for holding the public hearing for AB196, at which I was able to be present. Among other issues, the one of possible child abuse came up. I mentioned that if there were such a possibility--ie, of a child victim attempting to find help in the library (quite far-fetched in the first place)-- that the child would be unlikely to ask the librarian (another adult) for help in finding materials. You commented that my kids are able to get what they wanted from the library, which is true, but in my reply to your comment, I omitted a very pertinent fact: my children *do* get what they want, *because they DO ask the librarians for help*. They're always asking for assistance!

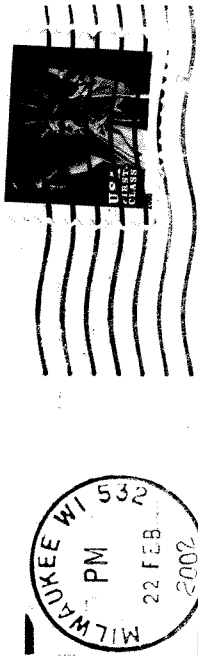
You also mentioned the possibility of investigating different libraries' rules statewide. This indeed could be interesting. As was noted in the meeting, one library already appears to be implementing waivers for children to sign when they get their cards. However, as I pointed out, it appears that our (then) head librarian in Kiel was circumventing the clear intention of the law by her insistence that my daughter couldn't write a note giving me access to her records. I am a *person* and my daughter's note would be *authorization*; therefore, if the Manitowoc library rules really are so stringent as this librarian made out, they are, in fact, attempting to abrogate what is already on the statute book (regarding "persons authorized by the individual"). If other libraries also have such rules, it simply magnifies the need for AB 196 to be passed, as these libraries would be opposing their rules to the law. If, in fact, there are no libraries with such stringent rules, and the librarians are only *telling* parents they have no rights in any case whatever, then this is all the more reason for AB 196 to be passed. (Who are these librarians, to be putting themselves above the law?) In either case, by restoring to parents rights that are universally recognized elsewhere (eg, in healthcare, banking, etc.), AB196 would help clear things up, and enable parents properly to exercise their responsibility.

Thank you for consideration of my comments, and, once again, thank you for holding the public hearing.

Yours sincerely,




Ms. Emily Matthews
11851 Meggers Rd.
New Holstein, WI 53061



Senator E. Spenbach
P.O. Box 7882
Madison, WI 53707

53707+7882 

JAN 22 2002

David and Jean Hertler

33575 Blair Valley Lane

Cazenovia, WI 53924

608-983-2449

jean_hertler@yahoo.com

January 16, 2002

Senator Jon Erpenbach
P. O. Box 7882
Madison, WI 53707

Re: Public Hearing for AB 196

Dear Senator Erpenbach:

We write to you to formally request that you hold a public hearing on Assembly Bill 196 (Library Bill) and pass the bill out of your committee with a recommendation to the full Senate to pass the bill.

We wish to bring to your attention a matter of very great importance, not only to us, but which concerns citizens at large. It concerns Wisconsin State Statute 43.30 regarding the Library Bill of Rights and confidentiality of library records of minors.

In April, 2000, we attended a Reedsburg Public Library Board meeting in order to discuss David's then 13-year old son ordering through the Library's Link system, audio CD's with a "Parental Advisory Explicit Content" warning displayed on the CD cover. As a homeschooling family (the mentioned son being an exception), we have primarily patronized the Reedsburg Public Library. Twice since the beginning of that winter, Jean "happened" to learn of our son's Link orders. Both times, the items were mixed-in with her on-hold Link items. Making inquiry of the librarian, Jean learned that the Library has a "Kids Rights" rule, where parents are deprived knowledge of any of their child's library activity, inclusive of ordering immoral materials such as what our son ordered through the Link system.

In the Board meeting, we applauded the directors for not having Parental Advisory Explicit Content materials in-house. However, there are other libraries within the South Central Library System, Link participants, who do. We were told that because of state law, we have no authority to parent our son's library activities within Link. We learned about Wisconsin State Statute 43.30 and its interpretation by the Division for Libraries and Community Learning: this statute "applies to people of all ages and it clearly states

that public library records are confidential and may not be disclosed except as stated."

After hearing Tom Jippings, Director of the Center for Law & Democracy of the Free Congress Research & Education Foundation, speak on the radio just a few days before, this Foundation was obliging by providing a copy of Mr. Jippings report, "There's a Virus Loose in Our Culture," by facsimile to the Library board members. The findings of the research and report of the affect of heavy metal music, such as what our son obtained through the Library, is shocking, if not paralyzing. The research has shown the link between our nation's multiple school shootings and parental slayings, to children who are listening to this type of hate "music." The research is substantial, as well as credible; the report comes endorsed by several significant citizens and organizations. In fact, we ask that you would consider contacting the Free Congress Foundation to become an endorser of this report.

Senator Erpenbach, for the sake of our children, in effort to prevent moral decay and preserving what morality still exists in our society, for the good of our nation and above all, being accountable before Almighty God, we ask that you work diligently to amend this state statue. We believe that we all have a civil and moral responsibility to change this state statue. We look forward to your response and action taken in this regard.

Respectfully,


David C. Hertler


Jean Hertler

Enclosure

cc: Representative Sheryl K. Albers



**The Free Congress
Foundation**

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

by
Thomas L. Jipping, M.A., J.D.

October 1999
Second Printing

Endorsements

(* indicates new to second printing)

Religious

***Dr. David Bouler**

Pastor, Highland Park Baptist Church (Chattanooga, TN)
Host Pastor, Southwide Baptist Fellowship

Rabbi Samuel Dresner

Professor of Philosophy
Jewish Theological Seminary of America

Dr. Jerry Falwell

Pastor, Thomas Road Baptist Church
(Lynchburg, Virginia)

Dr. E. Brandt Gustavson

President, National Religious Broadcasters

Dr. John Hagee

Pastor, Cornerstone Church (San Antonio, Texas)

Rabbi Abraham Hecht

President, Rabbinical Alliance of America

Rabbi William Handler

Board of Directors, Jews for Morality

Dr. D. James Kennedy

Senior Minister, Coral Ridge Presbyterian Church
(Ft. Lauderdale, Florida)

***Dr. Beverly LaHaye**

Chairman, Concerned Women for America

***Dr. Tim LaHaye**

President, Family Life Seminars

Rabbi Daniel Lapin

President, Toward Tradition

***Dr. Richard Lee**

Pastor, First Redeemer Church (Atlanta, GA)

Rabbi Yehuda Levin

Spokesman
Union of Orthodox Rabbis of the U.S. and Canada

Rabbi Isaac Levy

Chairman, Jews for Morality

***Marlin Maddoux**

President, International Christian Media
President, USA Radio Network

***Dr. James Merritt**

Pastor, First Baptist Church (Snellville, GA)

His Eminence, Metropolitan NICHOLAS

Primate, Carpatho-Russian Orthodox Christian Church

***Dr. David Noebel**

President, Summit Ministries

His Eminence, John Cardinal O'Connor

Archbishop of New York

Dr. Paige Patterson

President, Southeastern Baptist Theological Seminary
President, Southern Baptist Convention

His Eminence, Metropolitan PHILIP

Primate
Antiochian Orthodox Chr. Archdiocese of N. America

Dr. Adrian Rogers

Pastor, Bellevue Baptist Church (Memphis, Tennessee)

Rabbi Mayer Schiller

Instructor of Talmud, Yeshiva University High School

Rev. Louis Sheldon

Chairman, Traditional Values Coalition

***Dr. Charles Stanley**

Pastor, First Baptist Church (Atlanta, Georgia)
Former President, Southern Baptist Convention

His Grace, Bishop VSEVOLOD

Ukrainian Orthodox Church
Ecumenical Patriarchate of Constantinople

***Dr. Rick Warren**

Pastor, Saddleback Church (Lake Forest, CA)

Political - Federal

Sen. Sam Brownback (KS)
Sen. Jim Bunning (KY)
Sen. Jesse Helms (NC)
Sen. Kay Bailey Hutchison (TX)

Sen. James Inhofe (OK)
*Sen. Joseph Lieberman (CT)
Sen. Bob Smith (NH)

Rep. Robert Aderholt (AL)
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*Rep. Helen Chenoweth (ID)
Rep. Tom DeLay (TX)
*Rep. Jay Dickey (AR)

Rep. Ralph Hall (TX)
Rep. Ernest Istook (OK)
Rep. Steve Largent (OK)
Rep. Joe Pitts (PA)
Rep. Tom Tancredo (CO)
Rep. Todd Tiahrt (KS)

Political - State

Governor Mike Huckabee (AR)

Author, Kids Who Kill: Confronting Our Culture of Violence

*Rep. Sheryl Albers (WI)
*Asmb. Steve Baldwin (CA)
*Rep. Randy Ball (FL)
*Del. Richard Black (VA)
*Rep. Mike Campbell (ME)
*Rep. Patricia Clancy (OH)
*Sen. Stan Clark (KS)
*Rep. Harold Clough (ME)
*Rep. Mabel Desmond (ME)
*Sen. Gary Drzewiecki (WI)
*Sen. Joanne Emmons (MI)
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*Sen. Joel Gougeon (MI)
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*Sen. Pete Knight (CA)
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*Rep. Adam Mack (ME)
*Rep. Lois Snowe Mello (ME)
*Sen. Dick Monteith (CA)
*Sen. Alex Mooney (MD)
*Sen. Bill Morrow (CA)
*Sen. Howard Nielson (UT)
*Rep. Carol Owens (WI)
*Asmb. Bob Pacheco (CA)

*Sen. Eileen Qutub (OR)
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*Rep. T.J. Rooney (PA)
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*Rep. Leonard Sullivan (OK)
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*Rep. Daniel Tripp (SC)
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*Rep. Daniel Vrakas (WI)
*Rep. Paul Waterhouse (ME)
*Rep. Carol Weston (ME)
*Rep. Arlene Wohlgenuth (TX)
*Rep. Ron Young (OH)

Political - International

***Hon. Jason Kenney**

Member of Parliament, Canada

***Dr. Julian Lewis**

Member of Parliament, United Kingdom

***Hon. Anastasia Moser**

Member of Parliament, Bulgaria

Other Leaders

***Dr. William B. Allen**

Director, Virginia Council of Higher Educ. (1998-99)
Chairman, U.S. Commission on Civil Rights (1988-89)

***Dr. Otis Bowen**

Secretary,
U.S. Dept. of Health and Human Services (1985-89)

***L. Brent Bozell III**

Chairman, Media Research Center

***Hon. Robert B. Carleson**

U.S. Commissioner of Welfare (1973-75)

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)

Hon. Edwin Meese III

Attorney General of the United States (1985-89)

***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
 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 someway [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

Public opinion polls reflect the same conclusion that media violence leads to real-world violence. In fact, concern about this problem has steadily increased.

- **1990:** Gallup poll finds that 63% believe television shows depicting crime and violence encourage crime.⁴³
- **1993:** *Los Angeles Times* poll finds that 79% believe that media violence “contributes to violence in real life.”⁴⁴
- **1994:** Poll finds that 91% believe that “media mayhem contributes to real-life violence.”⁴⁵
- **1995:** Poll finds that 95% are concerned about sex and violence on television.⁴⁶

B. Music Videos

Research into the effect of consuming violent music videos, which contain both visual and audio elements, 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.⁴⁷ There is every reason to believe that, like popular music,⁴⁸ the content of music videos has since become even more violent.

One of the earliest studies on this medium 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.”⁴⁹ Research shows that consuming violent music videos is associated with more aggressive attitudes even in older college students.⁵⁰ Other studies have concluded that exposure has “a considerable influence on adolescents’ attitudes about and acceptance of [problem] behaviors.”⁵¹ This effect is “subtle, cumulative, and insidious.”⁵²

II. The Power of Music

“music...has power for evil or for good.”⁵³

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, concluding that

music affects behavior. This simple fact has been known intuitively for centuries.... 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. It affects us psychologically and physiologically.⁵⁴

Research has demonstrated the power of music to alter moods.⁵⁵ Pharmacologist Dr. Arram Goldstein of Stanford University found that 96% of people get their biggest thrills from music.⁵⁶ 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.”⁵⁷

B. Young People in Particular

Music is even more influential for young people than for adults. Child psychologist Dr. David Elkind writes that “music can influence young people as much as any visual media.”⁵⁸ Child and adolescent psychiatrist Dr. Robert Demski identifies music as one of the two most powerful influences on youth.⁵⁹ “In 1989, the American Medical Association released a report that concluded that **music is a greater influence in the life of a teenager than television.**”⁶⁰ Teenagers consider musicians as heroes far more than even athletes⁶¹ and rate music ahead of religion and books as factors that greatly influence their generation.⁶²

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.”⁶³ 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.”⁶⁴ 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.**”⁶⁵ Other estimates are similar. One writer in a popular periodical stated that “the average teenager listens to rock music four hours a day,”⁶⁶ 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.”⁶⁷

The technology of audio consumption also makes music a more potent 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 amount of time young people can consume their favorite music. In addition, using headphones creates an exclusionary condition, shutting out everything else and significantly enhancing the impact of whatever message the music carries.⁶⁸

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.”⁶⁹ Already defiant or rebellious young people may indeed prefer music with such themes.⁷⁰ Yet research already shows that television, which is actually more consonant with existing mainstream behavior and values, is not such a one-way street.⁷¹ The claim, then, that popular music which dwells much more on the rebellion and turbulence of youth counterculture⁷² 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.”⁷³ Its “preoccupation with the dark side of life”⁷⁴ that even its apologists admit “is by no means healthy,”⁷⁵ 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.”⁷⁶ 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.”⁷⁷

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.”⁷⁸ 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.”⁷⁹

Research does, however, “confirm what many Americans already know on the basis of intuition.”⁸⁰ 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.⁸¹ “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.”⁸² Consumers of music with harmful themes are more approving of antisocial behaviors and attitudes.⁸³

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.”⁸⁴

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.”⁸⁵
- 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.⁸⁶ 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.”⁸⁷

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.”⁸⁸ Since fans of music with more negative themes listen to that music more,⁸⁹ 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.⁹⁰ 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.”⁹¹ 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.”⁹² In fact, some treatment facilities for troubled youth have banned heavy metal music.⁹³ “The National Education Association estimates that many of the 5000 teenage suicides each year are linked to depression fueled by fatalistic music and lyrics.”⁹⁴ 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 teenagers⁹⁵ and even younger children.⁹⁶

Not surprisingly, public opinion parallels experience and research. Two different 1995 surveys, for example, found that more teenagers than adults believe popular music encourages antisocial behavior.⁹⁷ A *Newsweek* analysis named popular music lyrics as one of the factors contributing to the “culture of aggression.”⁹⁸ 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.”⁹⁹

III. The Message of Music

*“consecrating violent terror”*¹⁰⁰

*“an uncritical mirror to fantasy power trips of violence”*¹⁰¹

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.”¹⁰² While 25% of the top-selling recordings in 1990 were hard rock or heavy metal releases,¹⁰³ by 1995 only 10 of the 40 most popular CDs were free of profanity or lyrics dealing with drugs, violence and sex.¹⁰⁴

Similarly, rap music has since the early 1980s taken on “a harder-edged lyrical content”¹⁰⁵ and the late 1980s “saw the full emergence of the gangsta style.”¹⁰⁶ One definitive history of rap says that “the so-called gangsta genre of rap” is now “the leading music genre in hip hop.”¹⁰⁷ Music critic Leonard Pitts describes this rap style as the “the sound of unredeemed violence and unrelieved ugliness.”¹⁰⁸

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.”¹⁰⁹ 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.’”¹¹⁰

One music critic noted that the music industry makes money by exploiting “teen angst: isolation, insecurity, hopelessness and roiling sexuality.”¹¹¹ 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.”¹¹²

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.”¹¹³ 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

1. 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.”¹¹⁴

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.’¹¹⁵

There is indeed a “new emphasis on violence”¹¹⁶ 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.”¹¹⁷

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.”¹¹⁸

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!’....”¹¹⁹ Perhaps not surprisingly, Reznor produced several of Marilyn Manson’s albums, and Manson has called him “the person I respect the most.”¹²⁰

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.¹²¹

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."¹²² An album by The Geto Boys includes a song titled "Mind of a Lunatic" that contains "elements of necrophilia, murder, and other violent acts."¹²³ 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.¹²⁴

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"¹²⁵ 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.¹²⁶ 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.¹²⁷
- At least 45 bands endorse legalizing marijuana.¹²⁸

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.¹²⁹ 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."¹³⁰

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%.¹³¹ 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.¹³²

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.¹³³ Songs on their platinum 1993 *Black Sunday* album include “Legalize It”, “Hits From the Bong”, and “I Wanna Get High.”¹³⁴ 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.”¹³⁵ 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.’”¹³⁶

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.”¹³⁷ 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	Germes
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	Damnage	The Exploited	Groinchurn
Black Sabbath	The Damned	Extreme	Grope
Blood Feast	Dark Angel	Eyehategod	Guillotine
Blue Murder	Dark Funeral	The Fallen	Gutted

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

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,¹³⁸ parental supervision and household rules about television viewing are steadily declining.¹³⁹ 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.”¹⁴⁰ Indeed, Americans’ top choice for effectively stopping school violence is reducing violence in popular entertainment.¹⁴¹

In 1956, the *New York Times* called rock music “a communicable disease.”¹⁴² 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.¹⁴³

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.

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

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

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

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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).

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³⁴ *The Problem of Media Violence and Children's Behavior* (New York: Harry Frank Guggenheim Foundation, 1993), 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.

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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 *Journal* newspaper, April 27, 1999, at A8. 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).

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