



**NEW AMERICA**  
FOUNDATION

September 26, 2006

Marjorie Heins  
Brennan Center for Justice at NYU School of Law  
Free Expression Policy Project  
161 Avenue of the Americas, 12th Floor  
New York, NY 10013

Dear Marjorie,

Thank you for your insightful [critique](#) of our “[Beyond Censorship](#)” conference and the report we produced on the topic. It is constructive commentary like yours that helps make sure we are rigorous, honest, and informed/inclusive of all viewpoints. (FYI, we plan to post a link to your commentary on our web page for the Beyond Censorship event.)

I agree wholeheartedly with many of your points. First of all (and I agree that the language may have sounded otherwise), we did not mean to suggest that there is a definitive cause/effect relationship between exposure to sexual or violent content and adverse developmental impacts. “Sex” and “violence” are indeed reductive terms, and many studies that purport negative associations are likely flawed. In retrospect, I wish we had included a quote from our event by David Kleeman, who I think offered the most nuance and the closest to the “skeptical voice” you lamented was not included on our panel. He said:

*“Content matters...Spotlighting quality content is difficult... There are benefits from watching a moderate amount of educational TV, as demonstrated by recent studies on shows like Sesame Street and Between the Lions...Marking programs as ‘educational’ helps, but is incomplete...Children want and deserve the same variety that adults expect, and that includes quality entertainment...”*

*“Nor is quality a function of what’s not present. There are worthless programs out there that are free of violence, sex or low humor, and there are outstanding programs where those things are included, but with care. Quality derives from a combination of production values, good storytelling, and understanding one’s audience, but most of all, quality is defined by the recipient: the individual child’s needs, interests, values, and abilities. Context matters as well. Early studies of television violence created an arbitrary definition of violence and tallied instances. Current best practices account for content: Is the violence attractive? Is it rewarded? Is it portrayed as funny or*

*heroic? Are there consequences? Sexual content is similar. Studies found that carefully crafted sexual scenes helped girls counsel a friend, or say no to unwanted advances themselves.”*

Perhaps the only assumption we intended to make going into the conference was that encouraging media literacy among parents and children is a paramount goal, and that well-informed and involved parents are the best judge of what is positive or objectionable content for their young children. As you know, we organized the event in the context of FCC and Congressional efforts to censor and fine "indecent" content—creating government standards—and with FCC Commissioners Copps and Tate in attendance, we thought that an emphasis on *voluntary*, technology-based alternatives was the emerging mainstream point of contrast.

Admittedly, some of the terminology we used in our report were abstractions; for example, we did not mean to suggest that there are “good” and “bad” media, as judged by absolute standards. Rather, those terms were used as shorthand for what individual *parents* determine as appropriate/exceptional or inappropriate/undesirable for their kids. We probably should have indicated that, and will henceforth be more sensitive of the rhetoric we use and how it may or may not further constructive discourse.

I'd also like to point out that New America was not endorsing any of the regulatory or technological options presented at our roundtable. We were simply trying to provide a broad survey and honest assessment of policy and technological solutions that are currently on the table to empower parents to block out *what they feel* is inappropriate or identify *what they feel* is positive, enriching content. While the panelists were given time for an honest discussion of the pros/cons of various solutions, we were working with a tight schedule, and perhaps should have allotted more time for critiques, from both panel members and the audience. While several panel members were in favor of blocking and filtering technologies, New America was certainly not endorsing broad content blocking or filtering as preferred solutions, rather than presenting them as available options open for debate. In retrospect, I fully acknowledge that we did not include any vocal critics *against* filtering and blocking technologies, especially in regards to Internet content. While we made every effort to put together an informative and diverse panel, given that this topic is not our core issue area, we freely admit that we may have made some unintentional omissions of certain perspectives in the debate. Unfortunately, we only recently became aware of your highly informative study on the flaws of Internet content filtering systems. Had we been aware of it prior to organizing the debate, we would certainly have sought out your perspective.

I believe that if any “consensus” emerged during the debate, it was that helping parents identify content that they would deem positive for their children, while exceedingly difficult, is far preferable to any blocking or filtering systems. Where blocking and filtering systems exist, it is important for tools to be flexible, intelligent, context-aware, and created by organizations that do not have a particular political agenda. As for your criticism of TiVo's KidZone technology, I find it somewhat unfair. The KidZone system is a tool to help parents identify content that they deem positive for their children, by

allowing them to pick from a *variety* of content-monitoring organizations. While the conservative Parents Television Council is among those groups, there are other groups included whose recommendations reflect vastly different values. The technology gives parents the option of picking any organization or none at all—PTC’s recommendations are not imposed upon anyone against their will. It is up to parents to research and identify those groups whose values most closely match their own. (Our use of the word “trusted” did not mean to imply that the organizations in question are trusted by all, just by those segments of parents whose values match the organization.) Rather than dismiss the TiVo’s technology, perhaps we should all encourage TiVo to partner with an even more diverse slate of organizations—or better yet, create an “open-access” system in which any organization or individual can upload his or her recommendations to the system.

Finally, I’d just like to note that at New America, we continue to put our primary emphasis on promoting policies that encourage affordable, ubiquitous access to the Internet for all, and the creation of quality independent and noncommercial media of all kinds. Last year, we helped PBS lead a high-profile “Digital Future Initiative” to envision ways for the nation’s public service media system to better leverage new technologies to meet pressing public needs—and to achieve substantial, sustainable, politically-independent resources to make that future possible. As you well know, we also continue to fight for public interest obligations for commercial broadcasters in the digital age, something that we’ve collaborated on in the past. We look forward to continuing to work with The Brennan Center on this and other goals.

Best wishes,

Naveen Lakshminpathy  
Michael Calabrese

New America Foundation

P.S. We love honest criticism and appreciate the opportunity to engage in dialogue about our writings, research, policy proposals, and other activities. We happened to encounter your commentary while searching for something else on your website. In the future, please let us know if you have any questions and concerns about our work, and forward us a link to any commentary!