

#### Lesson 19: Social Studies: The Role of Government

**LESSON DESCRIPTION:** Students will become senators that are on the committee to review the "*Broadcast Decency Enforcement Act*". They will vote on the bill, discuss whether they agree with the final decision and write their own bill. They may want to have it mailed to their U.S. Senators or Representatives.

**FOCUS QUESTIONS:** What are the primary jobs of the three branches of our governments? What are some examples of "Checks and Balances" that ensure a balance of power between the three branches. How do these checks and balances work today to "promote the general welfare?" Are they influenced by "Big Business"?

#### **OBJECTIVES:** Students will:

- analyze current issues related to media by reviewing the Broadcast Decency Act of 2004.
- identify examples of how our Constitution's "Checks and Balances" are at work in this bill.
- discuss effectiveness of this bill and develop their own bill related to media.

#### **Core State Standards**

**CCSS.ELA-Literacy.SL.9-12.1** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9-12 topics, texts, and issues, building on others' ideas and expressing their own persuasively.

**CCSS.ELA-Literacy.WHST. 9-12.9** Draw evidence from informational texts to support analysis reflection, and research.

#### LENGTH OF LESSON

Two to four class periods lasting 50 minutes.

#### **MATERIALS NEEDED**

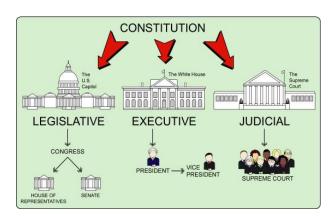
- HANDOUT 1: The 3 Branches of Government
- HANDOUT 2: Separation of Power
- HANDOUT 3: How The Three Branches Of Government Work Today (2 pgs.)
- HANDOUT 4: Analysis Of The Broadcast Decency Enforcement Act of 2004 (2 pgs.)
- HANDOUT 5: The Broadcast Decency Enforcement Act (3 pgs.)
- HANDOUT 6: How Would You Vote?
- HANDOUT 7: Write Your Own Bill
- Copy of cigarette ads at the end of lesson

Teacher's Note: Handouts 1, 2, 3 and 7 can be read to the students or made available on a computer, overhead, or document handler instead of making copies for each student.

#### **PROCEDURES**

## Activity 19.1: Review the three branches of our government and how they provide checks and balances.

Distribute <u>HANDOUT 1: The 3 Branches of Government</u>
 Guide a discussion about these two images and ask students how they represent our government. Tell students not to write on this handout yet.





2. Distribute <u>HANDOUT 2: Separation of Power</u>. Have students read the handout and use the information to write an explanation of each picture on <u>HANDOUT 1.</u> (You can also read the information on Handout 2 instead of giving each student their own copy or have it available on a document handler, computer, or overhead.)

# Activity 19.2: Students analyze how the three branches of Government promote the general Welfare of the American people using "cigarettes and smoking."

- 1. Distribute **HANDOUT 3: How the Three Branches of Government Work Today** (2 pgs.)
- 2. **Tell Students:** We're now going to see how the three branches of Government work today to promote the general Welfare of the American people. Cigarette use is the leading preventable cause of death in the United States. This handout includes a summary of events related to the history of cigarettes and smoking. If the event includes action by our government write the letters L, E, or J that represent the branch of Government on the line next to the event.
- 3. The teacher should read the handout directions. Ask for student volunteers to read the events. Students can fill out their Handout individually or with a partner. Solicit group discussion as they work on the activity. (To reduce copying you can also read the information on Handout 2 or have it available on the computer or document handler.)

4. Show students the copies of cigarette ads. They include both older ads as well as antismoking ads. Use these ads to generate discussion about the power of media.









## Activity 19.3: Students will become senators on the Commerce, Science, and Transportation Committee that reviews proposed legislation related to media violence.

1. **Tell Students:** You have been elected to the Senate and are on the Commerce, Science, and Transportation Committee. This Committee will review a proposed Congressional bill related to indecent and violent broadcasting. You will be working in teams to read the Congressional report which includes testimony that these Senators heard.

Give each student **HANDOUT 4: The Broadcast Decency Enforcement Act** (3 pages).

This is a summary of the Congressional report on the **Broadcast Decency Enforcement Act of 2004**. The teacher reads section 1 from **Background and Needs** to the whole class while students follow along and underline key points. Ask for volunteers to summarize that paragraph. Write their ideas on the board or computer. Work with the class to summarize that paragraph into 2 or 3 sentences.

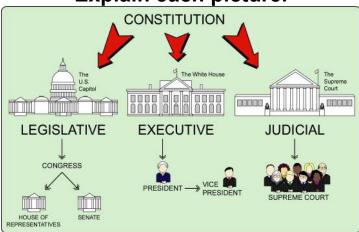
- 2. Give each student <u>HANDOUT 5: Analysis Of Broadcast Decency Enforcement Act.</u> Organize students into small groups. (4 to 6 students per group)
- 3. **Tell Students:** Each student should write a summary of Section 1 for Background and Needs. You can either use the class summary or create your own. You will finish this handout in your group. One student can read a section (in a quiet voice) while the other students in their group underline key points. Then as a group you should discuss and summarize each section. Each student will write a summary on their copy of <u>HANDOUT 5</u>. You can either use your group's summary or create your own.

## Activity 19.4: Students will work in their small groups to vote on the bill and then write their own bill addressing the national public policy issues related to media.

- 1. Give each team of students **HANDOUT 6: How Would You Vote?**.
- 2. Students read the proposed bill and as a team vote on each section.
- 3. Give each team of students **HANDOUT 7: Write Your Own Bill**. Read the introduction to the class: What happened in the end? Have students discuss the final bill and whether they believe it was effective.
- 4. **Tell Students:** Now that you've learned about the final bill each team should develop their own bill to address the problem of protecting children from indecent and violent broadcasting.
- 5. When all of the teams have finished writing their bill have one person from each team read their bill to the entire class.

#### **HANDOUT 1: The 3 Branches of Government**

### Explain each picture.





### **HANDOUT 2: Separation of Power**

The Constitution organizes our government into 3 different parts or branches to separate the powers of government.

**Legislative branch:** The legislative branch is called Congress and is divided into two parts or houses called the Senate and the House of Representatives. The legislative branch has the power to make laws. To make a new law, the majority of the members of the House of Representatives must vote for the bill. Then, a majority of the Senate must als o vote for the bill.

**Executive branch:** The President is the head of this branch and is given the power to enforce, or carry out, the laws made by Congress.

**Judicial branch**: This branch has the power to settle disagreements about what our laws mean. The Supreme Court is the highest court in this branch.

#### **Checks and Balances**

The founders also worked to balance the powers of government so that no one branch has so much power they can completely control the other branches. Each branch of government can check the power of the other branches.

**Executive branch:** The President can check the power of Congress by refusing to approve a bill it has passed. This is called veto.

**Legislative branch:** If the President has vetoed a bill, Congress may still approve the bill if two-thirds of Congress vote for the bill.

**Judicial branch:** The Supreme Court has the power to declare a law made by Congress unconstitutional and that Congress did not have the right to pass the law.

#### **HANDOUT 3: How The Three Branches Of Government Work Today (2 pgs.)**

When the Constitution was written, the Founders used an important idea: Government is the servant of the people. The beginning of the Constitution is the Preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, **promote the general Welfare** and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

How do the three branches of Government promote the general Welfare of the American people? Cigarette use is the leading preventable cause of death in the United States.

Read the summary of events related to the history of cigarettes and smoking. If the event includes action by our government write the following letters on the line next to the event:

**L = Legislative Branch or Congress** – Congress provides for the general Welfare by making **laws** that it thinks will help people.

**E = Executive Branch** – has the power to **enforce**, **or carry out**, the laws made by Congress. It includes the President and his Cabinet which includes departments responsible for enforcing our laws. Health and Human Services is the department that focuses on health issues.

**J = Judicial Branch** – This branch has the power to **judge** or settle disagreements about what our laws mean. The Supreme Court is the highest court in this branch.

#### History of Cigarettes, Smoking and Media

- 1492 Columbus receives Tobacco as gift.
- 1614 First sale of Virginia tobacco in England.
- **1794** The U.S. Congress passes the first federal tax on tobacco.
- **1898** Tennessee Supreme Court upholds a total ban on cigarettes, ruling they are "not legitimate commerce, being wholly noxious to health. Their use is always harmful."
  - 1901 3.5 billion cigarettes and 6 billion cigars are sold. Four in five men smoke.
- 1909 Baseball great H. Wagner orders American Tobacco take his picture off their cigarette packs, fearing it will lead children to smoke.
- 1921 RJ Reynolds spends \$8 million in advertising on Camel and begins the successful "I'd Walk a Mile for a Camel" ads and soon captures 45% of the market.
- 1927 Lucky Strike ads target women, urging them to "reach for a Lucky instead of a sweet." Female smoking triples. Lucky Strike has 38% of the market.



- 1938 A University study reports smokers don't live as long as nonsmokers.
- 1938 Cigarette ads now use actors dressed as doctors.
- 1950 Three studies provide powerful links between smoking and lung cancer.
  - More Doctors smoke Can
    than any other eigenette!

    Not the base assessmoke the can
    than any other eigenette!

    Not the base assessmoke the
    than any other eigenette!

    Not the base assessmoke the
    than any other eigenette!

    Not the base assessmoke the
    than any other eigenette!

    Not the base assessmoke the
    than any other eigenette!
- 1952 Kent introduces the 'Micronite' filter, which claim "offers the greatest health protection in cigarette history." It turns out to be made of asbestos.
  - 1963 Marlboro ads now use cowboys. Sales increased when cowboys were in ads.
  - 1968 Philip Morris introduces Virginia Slims with ads, "You've come a long way baby."
- **1971** TV cigarette advertising is banned.
- <u>1972</u> The Surgeon General's report became the first of a series of science-based reports to identify environmental tobacco smoke (ETS) as a health risk to nonsmokers.
  - 1973 Arizona became the first state to restrict smoking in a number of public places.
- 1987 Joe Camel ads begin. Four years later, the American Medical Association publishes two studies. One study finds that 91% of 6 year olds recognize Joe Camel. The other study finds that since the beginning of the Joe Camel ads in 1987, Camel's share of the under-18 illegal market rose from 1% to 33%, worth more than \$400 million.
  - 1988 After a 15 year decline, teenage smoking increases.
- **1988** Congress prohibited smoking on airline flights.
- 1989 During the 93-minute Marlboro Grand Prix, the Marlboro name appeared on TV 5,933 times. Sponsoring TV sports became one way to subvert 1971 ban on TV advertising.
- **1992** The Environmental Protection Agency (EPA) classified Environmental Tobacco Smoke or Second Hand Smoke as a "Group A" carcinogen, the most deadly.
- **1994** Mississippi sues tobacco industry for Medicaid costs for tobacco related illnesses.
- **1997** In response to pressure by Federal Trade Commission, RJ Reynolds abandons the "Joe Camel" campaign.
  - 1998 Camel, Winston and Kool introduce youth-oriented ads.
- <u>1998</u> The tobacco industry approved a 46-state Master Settlement Agreement, the largest settlement in history, totaling nearly **\$206** billion to be paid through the year **2025**
- **2002** CDC estimates smoking health and productivity costs reach \$150 billion a year. CDC estimates cost of smoking at \$3,391 a year per smoker due to smoking-related costs.

Taken from Tobacco.org Timeline CNN on the History of Cigarettes

#### **HANDOUT 4: The Broadcast Decency Enforcement Act** (3 pages)

#### 1. BACKGROUND AND NEEDS

Since the beginning of the Federal Communication Commission (FCC), Congress has been concerned with indecent and obscene material broadcast over the airwaves. Both the *Radio Act of 1927* and *The Communications Act of 1934* gave the agency the right to regulate obscene, indecent, and profane material. In 1948, Congress passed section 1464. `Whoever utters any obscene, indecent, or profane language by means of radio shall be fined under this title or imprisoned not more than two years, or both.'

The FCC is charged with enforcement and has rules prohibiting radio and TV stations from airing indecent material between 6 a.m. and 10 p.m. For those who violate the rules, the FCC may impose fines (up to \$27,500 for each violation) or revoke licenses for the airing of indecent material.

The increase in the number of indecency complaints shows the public's concern over the increase in indecent content on radio and television. The number of complaints increased from 111 in 2000 to over 2 million in 2003.

While the FCC has rules about indecent programs, it has not adopted similar rules to protect children from violent programs on TV. In 1996 a law required all TV sets made after January 1, 2000, to contain a 'V- Chip,' that lets parents block violent TV programs based on a program's rating. An April 2000 survey found only 3 % of all parents had ever used the V-Chip to block programs and 39 % of parents had never heard of the V- Chip.

The American Psychological Association (APA) reports that by the time a child leaves elementary school, he or she will have seen at least 8,000 murders and more than 100,000 other acts of violence on TV. Research has also shown that children who watch violence on TV may become more fearful of the world around them, and more likely to behave in aggressive or harmful ways toward others.

#### 2. INDECENCY REGULATION & COMMISSION ACTION

The FCC defines 'indecent speech' as language or material that describes offensive sexual or excretory activities at a time of day when children are likely to be in the audience.

Some critics argue that the current process doesn't work. These critics note that in 2003 the FCC received about 2,240,000 complaints concerning 375 radio and television programs, and issued only 3 fines.

Many critics have said that the fines are merely the `cost of doing business' for these large companies. Michael Copps stated: "a mere \$27,500 fine for each incident fails to send a message that the FCC is serious about enforcing the nation's indecency laws. The following chart compares the FCC's fines to the companies' revenues.

STATION OWNER	Clear Channel	Infinity	Entercom
FINES 2002	\$ 0	\$ 21,000	\$ 14,000
COMPANY REVENUE 2002	\$8,093,000,000 (Over 8 Billion)	\$ 24,600,000,000 (Over 24 Billion)	\$391,300,000 (Over 391 Million)

#### 3. IMPACT OF MEDIA VIOLENCE ON CHILDREN

The impact of media violence on children has been studied since motion pictures were created in the 1920s. As TV grew in the 1950s, it became the focus of media violence research. Between the late 1950s and early 1960s, several studies suggested a strong link between TV violence and youth aggression.

In 1969, the Surgeon General was asked to conduct a study on TV and behavior. The study, published in 1972, found that: (1) TV content is heavily saturated with violence; (2) children and adults are watching more television; and (3) there is evidence that, viewing violent TV programs increase the likelihood of aggressive behavior.

The Surgeon General's report increased concern and led to more studies, including a study released in 1975 by the Journal of American Medical Association. The study suggested that TV violence was having a deforming effect on children, resulting in abnormal child development, and increasing levels of aggressiveness. In response, the America Medical Association (AMA) passed a resolution declaring that television violence threatened the welfare of young Americans.

Since the release of the Surgeon General's report, a number of major medical and public health organizations have studied and supported the link between violent TV and violent behavior in children. In 1982, the National Institute of Mental Health produced a report, 'Television and Behavior: Ten Years of Science,' concluding that TV violence affects all children. After 10 more years of research, the agreement among most of the research community is that violence on television does lead to aggressive behavior by children and teenagers who watch the programs.

In 1992, Dr. Centerwall, conducted a study for the CDC on the murder rates in Africa, Canada, and the United States in relation to the introduction of television. In all three countries, he found that the murder rate doubled about 10 or 15 years after the introduction of television. Dr. Centerwall concludes that `long-term childhood exposure to TV is a causal factor behind one-half of the murders committed in the United States.

In June 2000, the nation's top health organizations, including the Academy of Pediatrics, the APA, and the AMA, issued a statement noting that: "Well over 1,000 studies--point overwhelmingly to a causal connection between media violence and aggressive behavior in some children. The conclusion of the health community, based on over 30 years of research, is that watching entertainment violence can lead to increases in aggressive attitudes, values and behavior, particularly in children. Its effects are measurable and long lasting."

Finally, in March 2003, the Committee heard testimony from Dr. Michael Rich, Director of the Center on Media and Children's Health at the Children's Hospital of Boston and Harvard Medical School, concerning neurobiological research and the impact of media violence on children. At that hearing, Dr. Rich testified that the correlation between violent media and aggressive behavior: is stronger than that of tobacco smoke and lung cancer.

Given this evidence many organizations have become alarmed by the increases in violent programs on TV. As noted earlier, the APA estimates that a child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school....

#### 4. PRIOR CONGRESSIONAL ACTION & SAFE HARBOR REGULATION

Congress has expressed concern about the amount of violence on TV since the 1950s. Studies showed that violent crime increased early in that decade, and some researchers believed that the spread of television was partly to blame. In response, Congress held hearings concerning violence in TV and its impact on children in 1952 and 1954. After the broadcast industry said they would regulate itself Congress chose not to act.

In the early 1960s, as a follow up to the earlier Senate hearings, President John F. Kennedy placed significant pressure on TV networks to reduce violence in their programs. However, the pressure yielded few results. More hearings were held after the release of the Surgeon General's report in the 1970s. In 1975, a report suggested that TV violence was having a deforming effect on children, resulting in abnormal child development, and increasing levels of physical aggressiveness. Despite the findings, little congressional action was taken.

In October 1993, the Committee held a hearing on TV violence to consider a variety of legislative proposals. Attorney General Janet Reno testified that the legislation before the Committee at that time, the Children's Protection from Violent Programming Act of 1993 (Hollings-Inouye), would be constitutional. First, the court found that `the Government has a compelling interest in supporting parental supervision of what children see and hear on the public airwaves.' The court cited *Ginsberg* v. *New York*, the court found that `the Government's own interest in the well-being of minors is compelling. A democratic society rests, for its continuation, upon the healthy, well-rounded growth of young people into full maturity as citizens.

#### 5. INDUSTRY SELF-REGULATION

The TV industry has been told to improve its programs by Congress for over 40 years....At many of these hearings, TV representatives testified that they were committed to making sure that their programs were safe for children. In 1972, the Surgeon General called for Congressional action, but this call was ignored after the broadcast industry reached an agreement with the FCC to restrict violent programs and programs unsuitable for children during the family hour. There is substantial evidence, however, that despite the promises of the TV industry, the amount of violence on television is far greater than the amount of violence in society and continues to increase. According to one study, since 1955, TV characters have been murdered at a rate one thousand times higher than real-world victims.

The reasons the TV industry shows violent programs are best illustrated by a quote from a memo giving directions to the writers of the program `Man Against Crime' on CBS in 1953: "It has been found that we keep audience interest best when our stories are concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come."

### **HANDOUT 5: Analysis Of The Broadcast Decency Enforcement Act of 2004** (2 pages)

Commerce, Science, and Transportation Committee: Broadcast Decency Enforcement Act
You are a Senator and a member of the Commerce, Science, and Transportation committee. Senator Brownback introduced legislation to increase penalties for violations by TV and radio for broadcasting obscene, indecent, and profane language. The legislation may also prohibit violent programs during hours children are likely to watch TV. Your committee will investigate and make recommendations to the full Senate.
1. Background and Needs
2. Indecency Regulation and Commission Enforcement Action

3. Impact of Media Violence on Children		
4. Prior Congress Action & Safe Harbor Regulation		
5. Industry Self-Regulation		

#### **HANDOUT 6: How Would You Vote?**

In 2004 Senator Brownback, sponsored the BROADCAST DECENCY ENFORCEMENT ACT. The purpose was to strengthen the enforcement (fines and licenses) available to the (FCC) to combat indecent, obscene, and profane material over the airwaves. The legislation is also intended to assess the technology tools (the V Chip) designed to block violent programs, and if necessary, prohibit violent programs during hours when children are likely to be watching TV.

What wa	as in the Bill? How would you vote?	
Section 102	Increase in Penalties for Obscene, Indecent, and Profane Broadcasts. This would increase maximum fines from \$27,500 to \$275,000 for the first violation.	
Section 105.	Voluntary Industry Code of Conduct Governing Family TV Viewing. The Committee encourages broadcast networks to develop `family viewing' programs for the 1st hour of prime time and preceding hour when the audience may contain children.	
Section 106	<b>Deadlines for Action on Complaints</b> . This gives the FCC 270 days to respond to any complaint received.	
TITLE II-	CHILDREN'S PROTECTION FROM VIOLENT PROGRAM	
Section 203	Assess the Effectiveness of Current Ratings System for Violence and Effectiveness of V-Chip. If the FCC finds the measures are ineffective, then the FCC shall prohibit violent video programs during the hours when children make up a large portion of the audience.	
Sec. 204.	<b>Unlawful Distribution</b> of Violent Video Programming that Is Not Rated for Violence and Therefore Is Not Blockable.	
Senator	Stevens offered an amendment to the original bill.	•
	Senator Stevens offered an amendment to require the FCC to begin mandatory license revocation against a licensee who has broadcast obscene, or indecent language on 3 or more occasions.	

#### **HANDOUT 7: Write Your Own Bill**

What happened in the end? The bill went through many changes and after it was passed by both the House of Representatives and the Senate, the bill was signed by President Bush on June 15, 2006 and became law. This is the final version:

An Act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

- 1. This Act may be cited as the `Broadcast Decency Enforcement Act of 2005'.
- 2. Increase In Penalties For Obscene, Indecent, And Profane Broadcasts.

(ii) determined by the Commission (1) to have broadcast obscene, indecent, or profane language, the amount of any penalty shall not exceed \$325,000 for each violation or each day of a continuing violation, except that the amount shall not exceed a total of \$3,000,000 for any single act or failure to act.

What does your team think of the 2005 final bill? Was it effective in prohibiting or even decreasing indecent and violent broadcasting?		
Now your team should write a bill to protect children from indecent and violent broadcasting.  TITLE:		
SPONSORED BY:		
SECTION 1:		
SECTION 2:		
SECTION 3:		



### Don't test one brand alone ... compare them all!

#### TRY THIS TEST!

Take a PHILIP MORRIS—and any other cigarette. Then, here's all you do:

- Light up either cigarette. Take a puff—don't inhale—and s-l-o-w-l-y let the smoke come through your nose.
- 2 Now do exactly the same thing with the other cigarette.

NOTICE THAT PHILIP MORRIS
IS DEFINITELY LESS IRRITATING,
DEFINITELY MILDER!

Unlike others, we never ask you to test our brand alone.

We say . . . compare PHILIP MORRIS . . . match
PHILIP MORRIS . . . judge PHILIP MORRIS against any
other cigarette! Then make your own choice! Remember

## **NO CIGARETTE HANGOVER**

means MORE SMOKING PLEASURE!

FOR PHILIP MORRIS

"I'm going to grow a hundred years old!"

... and possibly she may—for the amazing strides of medical science have added years to life expectancy

• It's a fact—a warm, wonderful fact—that this five-year-old child, or your own child, has a life expectancy almost a whole decade longer than was her mother's, and a good 18 to 20 years longer than that of her grandmother. Not only

the expectation of a longer life, but of a life by far healthier.

Thank medical science for that. Thank your doctor and thousands like him...toiling ceaselessly... that you and yours may enjoy a longer, better life.



According to a recent Nationwide survey:

## More Doctors smoke Camels

than any other cigarette!

NOT ONE but three outstanding independent research organizations conducted this survey. And they asked not just a few thousand, but 113,597, doctors from coast to coast to name the cigarette they themselves preferred to smoke.

Answers came in by the thousands...from general physicians, diagnosticians, surgeons, nose and throat specialists too. The most-named brand was Camel.

If you are not now smoking Camels, try them. Let your "T-Zone" tell you (see right).

R. J. Revnolds Tobacco Co., Winston-Salem, N. C.









