

# Chip Off the Block

By Nick Gillespie

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## V-Chip legislation is doubly awful.

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LET'S HEAR IT FOR THE "V-CHIP"—a small device that viewers can use to block unwanted television programs from reaching the screen. Most government "solutions" tend to fail because they are either flawed in theory or botched in practice. But the V-Chip is a rare instance of government efficiency: It is both repellent as a concept and doomed to real-world failure.

And, like so much misguided legislation, it's not going away. As part of telecommunications reform, both the House and the Senate passed V-Chip legislation by wide margins; there is little doubt that the V-Chip will be part of the final bill presented to President Clinton, who has declared his unwavering support.

House and Senate versions of the bill would make it mandatory for all new TV sets 13 inches or larger to have V-Chip circuitry installed—raising the price of a set by as much as \$50. Parents, say legislators, could then program the chip to block out unwanted cable and broadcast programs based on a ratings system yet to be developed. The ratings system, which is technically only recommended by the pending legislation, would address issues of violence, sex, and language.

The V-Chip is repulsive on moral grounds. Its proponents often refer to it as the "choice chip," even as it strips consumers of a very basic option: not to buy a TV without a V-Chip. In an unironic homage to George Orwell, one of the House co-sponsors, Rep. Edward Markey (D-Mass.), told the press, "People think this is Big Brother. It's not. It's Big Father and Big Mother."

Markey and his like-minded colleagues seem not to realize that it isn't the familial relationship in Orwell's phrase

that bothers people—it's the "Big," the removal of individuals from the decision-making process.

Although V-Chip boosters dismiss charges of censorship, there's no question that the legislation is intended to use governmental muscle to change what people watch. "You know what," Markey told the *Los Angeles Times*, "this does have the potential of changing the economics of producing programming." "If advertisers know that a good chunk of the market might tune out programming because it has objectionable content, you might see better programming being produced," said Sen. Kent Conrad (D-N.D.), the sponsor of the Senate bill. Of course, Conrad's idea is equally true in a V-Chipless world.

THE PRACTICAL MATTERS SURROUNDING the V-Chip are just as muddled:

- TV manufacturers estimate that it would be decades before every set in use in the country had a V-Chip in it—not counting sets smaller than 13 inches. Of course, if parents are that concerned, there are already about 20 models of TV sets or control devices currently on the market that let viewers screen out particular programs, channels, and time slots.

- Any ratings system for television would be virtually impossible to maintain. The Motion Picture Association of America, the organization that rates movies, handles between 200 and 400 films annually, roughly 600 hours of material.

By comparison, a single 24-hour-a-day broadcast channel airs almost 9,000 hours of programming a year. Even assuming that reruns make up half of that total, that's still about 4,500 hours per channel. Ratings proponents say that news programs should be exempt, even though such fare often contains many of the most violent and disturbing images displayed on TV. What's more, it's not clear what would qualify as news: *60 Minutes*? *Court*

*TV*? *Hard Copy*? All could make a good case—and all broadcast more than their share of violence, sex, and adult language.

- And what about reruns? "You can't expose kids to 100,000 acts of violence and 8,000 murders by the time they're 12 and not expect it to have an effect," says Conrad. If the problem is violence per se, then old shows must be blocked as well as current ones. And that doesn't just mean shows like *The Untouchables*, either. Virtually every episode of the golden-age favorite *The Honeymooners*, for example, includes explicit references to spousal abuse ("One of these days, Alice—pow! Right in the kisser!"). Add reruns into the mix—as the logic of V-Chip legislation demands—and raters will have to deal with a backlog of hundreds of thousands of hours of old programming. And what about commercials? They should be rated, as well, since they employ images of sex and violence.

- Who will devise the ratings? Congressmen have reiterated that the government will not be involved in actually rating programs. But what will happen if senators and representatives don't agree with the ratings? Or if consumers don't find them a reliable guide? Will the ratings be subtle enough to tell the difference between, say, *Roots* (a TV landmark as violent as it was educational) and *Walker, Texas Ranger* (a show as violent as it is, well, violent)? Because the chip is relatively unsophisticated, it is highly unlikely.

- Who will program the chip? Let's ignore for the moment that there's no good evidence that TV turns kids bad. It stands to reason that children most likely to be affected negatively by TV are precisely those living in environments least likely to contain parents who would decide what their children should be watching in the first place.

Such problems point to the likely outcome if the V-Chip passes: TV sets will be made more expensive to accommodate an ineffective potential ratings system that will have little or no effect on its targeted audience. Indeed, let's hear it for government efficiency. ♦

## We, Spy

By Brian Doherty

### The ruinous effects of outlawing technologies

**T**HE FEDERAL GOVERNMENT'S RECENT crackdown on "spy stores" that sell such wares as tie tacks, smoke detectors, and teddy bears containing video cameras, spray cans that temporarily make envelopes transparent, and other surveillance paraphernalia, could be cheered as a blow for the right to privacy. After all, many of those items' primary use seems to be to peep in on people without their consent or knowledge.

But this crackdown, which most recently led to indictment for executives of the Spy Factory Inc. chain, doesn't mean government is concerned about making sure no one can ever invade our privacy—any more than gun control is about making sure no one can threaten or attack us with guns, or proposed "Clipper Chip" technology is about preserving the integrity of private communications. All three are about government abrogating to itself monopolies on spying, on guns, and on the ability to decode computer messages.

A recent Nexis search pointed this out vividly; while a search on "spy shop" for the past couple of months produced mostly a variety of (very brief) stories about government raids, one story from the Ft. Lauderdale *Sun-Sentinel* was a very long magazine piece about a crime-busting unit down in Broward County. I was hoping this would be a lengthy account of the actual procedure leading to some spy store bust.

Instead, it was a paean to the wonder of the cops' ability to bust up gambling and drug rings (note the nature of the crimes)...using equipment bought at a spy store! These items are a great boon to law-enforcement efforts against victimless crimes, where sneakiness is necessary.

But ordinary citizens could never need them, could they?

The United States has many laws targeting objects merely because of their alleged utility in committing crimes (guns, spy technology, computer encryption programs, drug paraphernalia) or the potential danger they can pose to the user (drugs and guns again). Automobiles, of course, fall into both categories, and to a far greater degree than most of the targeted items. So why does no one seriously advocate banning cars?

The very idea sounds silly, of course. We all know cars have a plethora of perfectly innocent and practically indispensable everyday uses that make banning them ridiculous. There's a wide social consensus that cars are OK. But that consensus took a while to develop, and is historically contingent.

**W**HAT IF, RECOGNIZING THE MANY USES cars had for criminals (transportation of contraband, quick getaways) and the severe damage to the existing social fabric cars represented, the government had chosen to ban or strictly regulate them in their early days—while keeping many cars for the government's own use, of course?

We would be living in a very different world today, as is easy to imagine. The development of engine technology and materials science are just two areas that would undoubtedly have been stymied without the impetus of the needs of car manufacturers. I doubt many would prefer living in a world without cars and the benefits, both direct and indirect, they have brought us.

But lawmakers, and much of the public, find that their imagination fails them when they accept laws against guns, drugs and drug paraphernalia, and spy stores. They can't imagine, or recognize, perfectly legitimate interests in using such

items—or at least in making sure the government isn't the only one who can use them. (And it has a vivid history of misusing all of them.) And, of course, neither those who support such laws against objects qua objects nor those who oppose the laws can recognize what we *won't* get if we impose legal penalties on the sale of items. Banning such sales is particularly dangerous when it's an entire technology—miniaturized recording devices—whose distribution is targeted.

Raiding spy stores and hobbling cipher technology merely because of these new inventions' unfamiliarity (or the desire to protect government turf) can only have pernicious effects, halting advances in such technologies. That bodes ill for the people who could potentially profit from making or selling such items, as well as all the customers who want them and now can't get them.

A recent *New York Times* story on spy store products (which doesn't mention the government's crackdown until the next-to-last column) relates many here-and-now examples of people using such technologies in ways that may strike some of us as rude or even slightly scuzzy—but that may seem perfectly understandable to others.

Some people, for instance, looked in on their nannies to see how they really take care of the children. In another instance, one man tried to assuage his suspicions that roommates were breaking into his room. (The suspicions unfortunately were correct.)

Those are only quotidian examples that already exist; the potential benefits of eavesdropping technology, cipher technology, or any other kind of technology, cannot be known beforehand.

You can never do just one thing, a lesson that lawmakers never seem to learn from experience. And the law of unintended consequences for nipping technological innovations in the bud is sure to stymie unforeseeable benefits. It's one thing to have laws targeting acts that hurt people. It's quite another to target products and innovations merely because they might.