

GETTING MEDIA RIGHT: A CALL TO ACTION
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Thank you, Bill Moyers. When I heard the good news that you were going to introduce me tonight, I wasn't just pleased—I was thrilled. No one stands higher in my pantheon of citizen heroes than you, and I can think of no journalist, contemporary or at any time across the annals of our past, who has contributed so much to democracy's dialogue. I also thank Dean Nick Lemann and the Columbia University School of Journalism for bringing us together this evening and for all the great things they do to prepare the next generation of America's sentinels at the gate. Finally, my gratitude goes to Steve Coll and the New America Foundation for helping sponsor this event and for the path-breaking research the Foundation conducts across an impressively wide gamut of public policy issues.

We gather in the good and noble cause of sustaining American journalism in what I consider its hour of grave peril. “What,” you say, “peril in a 500 channel universe? Peril when the touch of a search button delivers a veritable library of mankind's acquired knowledge to our various digitally-fueled devices? Peril when we can chat online with strangers on the other side of the planet as easily as our parents talked with their neighbors across the backyard fence?”

It's true there is much to celebrate. In fact, given what technology and innovation have wrought, this should be America's golden age of communications, news and information. Someone who is reading the New York Times on their iPad while watching live coverage from Afghanistan on their flatscreen HD TV might argue that the golden age is already reality. But the ecosystem is only as strong as its weakest link—and too many links are at the breaking point now. We should be riding on the cusp of an information and civic commons where anyone and everyone can engage, where bountiful news and information flow like water, where guaranteed openness trumps the threat of walled gardens, and where small “d” democracy is practiced on a town square paved with broadband bricks.

Alas, it is not thus. Our traditional media—newspapers, radio, television—have long since fallen victim to the excesses of a new Gilded Age. Media started earlier than most businesses down a suicidal road of hyper-speculation, creativity-stifling consolidation, and Wall Street pandering that gutted journalism's ranks and resources, cutting deep into the bone. What happened in media was prologue to the collapse of so many other industries and financial institutions. Even those station and newspaper owners who tried to resist—and there were many who wanted and still want nothing other than the chance to serve the public interest—came under often-irresistible pressure to cave. The ethos had changed; old ideals of stewardship were pushed aside and too often demolished; and the speculative fires burned on—at heavy and destructive cost to journalism, to the businesses themselves, and, most damaging of all, to our democracy.

Making it a perfect storm, this private sector debacle was aided and abetted by the public sector. This is the saddest part of the tale. The place where I work—the Federal Communications Commission—blessed it all, encouraged the consolidation mania, and went beyond even that to eviscerate just about every public interest responsibility that generations of reformers had fought for and won in radio and TV. One FCC Chairman summed up the agency’s attitude that there was nothing special about the media by saying, “a television set is nothing but a toaster with pictures.” So much for the people’s airwaves and for any semblance of concern for the fragile news and information infrastructure that is the lifeblood of society’s conversation with itself.

But “Wait!” you say, all this is talk of yesteryear—old Commissioner, old media and old technologies better consigned to the ash-heap of history. The Digital Age is upon us, we are assured, everything has changed, and our certain reward will be new and better media, more local news, enhanced global information, and a technology-fueled civic dialogue where all citizens are created equal.

Yet neither revolutions nor technologies come with guarantees, do they? One revolution creates a brave new nation that becomes democracy’s best hope; another visits terror and destruction. New technologies can restore a brain or save a heart; others put our planet in peril or threaten to obliterate us all. Making technologies and revolutions serve the common good is, in every important way, up to us.

In his masterful new book, *The Master Switch*, Tim Wu revisits generations of media technologies, elucidating how each one’s much-vaunted promise of unparalleled openness was eventually short-circuited—radio, film, TV and cable. And while he doesn’t believe the Internet is necessarily doomed to tread the same destructive path, surely we see signs that it could. Consolidation is already well-advanced and businesses clearly dream about on-ramps with tollbooths dotting the information highway. Arguments rage over the right to secretly manage and prioritize content and to favor the affluent few at the expense of the many. Increasingly, the private interests who design and control our Twenty-first century information infrastructure resemble those who seized the master switch of the last century’s communications networks.

Individual gatekeepers may change over time—tomorrow’s might not be today’s—but somehow the urge to be the keeper of the keys seems always to survive through generations of technology change. So it happened, as the doors were opened to the seemingly limitless prospects of the new media age, that public policy-makers once again became the willing accomplices of special interests. Indeed, the FCC spent the first eight years of the new century removing broadband from any meaningful public policy oversight, deregulating the telecom/cable duopoly, and blessing evermore competition-killing consolidations that narrowed consumer choice and inflated consumer bills. Other nations forged ahead of us in providing high-speed, value-laden broadband to their citizens. Perhaps one day we’ll catch up. Perhaps one day we will harvest the full value of the Internet as an information and civic commons—but that will require some altered private sector aspirations and dramatically different public policy. I believe that happy

outcome can come—but it is still years and lots of hard work away.

Meanwhile, we find ourselves in perilous transition. The news and information journalism we depended upon is fast-disappearing from old media and has not found the sustaining resources it requires in the new. **FACT:** We've lost 35,000 members of the news industry in the past three years. **FACT:** Hundreds of newspapers have closed their doors and, last year alone, 367 magazines went out of business. **FACT:** Twenty-seven states have no full-time reporter accredited to Capitol Hill. Statehouse coverage has been slashed by a third in the past six years. How's that for our ability to hold the powerful accountable? **FACT:** Chris Dodd recently remarked that at one point in his 30-year Senate career, 11 reporters covered his activities on a day-to-day basis. In 2010, there were none. **Fact:** More money by far, more than \$3 billion, was spent on political ads in the last election cycle than was spent on serious coverage of the issues that will determine the country's fate. **FACT:** The Annenberg School earlier this year released an in-depth report documenting that in the average 30 minute local news broadcast, less than 30 seconds is given over to cover hard local government news. If it bleeds it leads, but if it's democracy's life-blood, let it hemorrhage. **FACT:** Just this week, the Washington Independent, one of the really promising new media websites, folded. It could be just one of many if a sustainable model of financing is not found. **FACT:** Newspaper and broadcast newsrooms still provide the overwhelming bulk of the news citizens receive—whether they receive it in the paper, over the air, or online. Scholars of the trade tell us that 85% or 90%, perhaps even more, of the news people get online originates from these traditional sources. But there is less of it. And it is on this shrinking diet of news and information that we are forced to rely to guide America through troubled waters.

What can we do about it? Let's recognize, up-front, that it gets harder all the time. Putting on my historian's hat, I subscribe to the theory that times of change and reform alternate with times of inaction and reaction. We had years of reaction and then a window of opportunity opened a couple of years ago. It provided a time—no one knew how long it would last—for us to address and redress mistakes of the past and to put in place right away a few interim safeguards as we set about developing longer-term solutions. These “down-payments,” as I call them, are what I have come here to propose. I do not intend these as comprehensive fixes for what ails media old and new, but as ideas generated from having a front-row seat at the Commission for nearly a decade. My intent, rather, is to build some bridges to the future, some protections for what is still relevant in traditional news and information journalism—and couple these with safeguards to keep new media open and innovative and to prevent it from repeating the costly errors that short-circuited other generations of information infrastructure. I understand that what falls under the umbrella of the FCC's jurisdiction does not encompass the entirety of our broad and ever-expanding media ecosystem. But I believe that the FCC, by taking the kinds of action I am outlining here today, can play a vital role in catalyzing change and fostering a renewed commitment to serious news and journalism, with effects going far beyond the four corners of our traditional purview.

So here are a few mostly modest proposals to help media help democracy.

For traditional media that remains so critical to our news and information: The Federal Communications Commission should conduct a Public Value Test of every broadcast station at relicensing time—which should occur, I believe, every four years in lieu of the slam-dunk, no-questions-asked eight year renewals we dispense 100% of the time now. If a station passes the Public Value Test, it of course keeps the license it has earned to use the people’s airwaves. If not, it goes on probation for a year, renewable for an additional year if it demonstrates measurable progress. If the station fails again, give the license to someone who will use it to serve the public interest.

The FCC’s Public Value Test would include the following:

- (1) Meaningful Commitments to News and Public Affairs Programming.** These would be quantifiable and not involve issues of content interference. Increasing the human and financial resources going into news would be one way to benchmark progress. Producing more local civic affairs programming would be another. Our current children’s programming requirements—the one remnant of public interest requirements still on the books—helped enhance kids’ programming. Now it is time to put news and information front-and-center. At election time, there should be heightened expectations for debates and issues-oriented programming. Those stations attaining certain benchmarks of progress could qualify for expedited handling of their license renewals. This requirement would have, by the way, important spill-over effects in a media environment where many newspapers are owned by broadcast stations—although such cross-ownership is something I hope the Commission will put the brakes on.
- (2) Enhanced Disclosure.** Requiring information about what programs a station airs allows viewers to judge whether their local station should be subsidized with free spectrum privileges. It opens a window on a station’s performance. Right now the information we require on a station’s public file is laughable and, believe it or not, the FCC generally does not even look at these files at re-licensing time. The public, too, has a right to easy access to this information so that its input counts at relicensing time. And citizens should be able to see the files on the Internet without spending a day tracking down and traipsing to the studio to go through the time-consuming and awkward motions of requesting and reviewing it. An enhanced disclosure proceeding has been before the Commission for two years. It may require some minor reworking but there is no reason not to complete this proceeding in the next 90 days.
- (3) Political Advertising Disclosure.** When the accounting is completed, we will likely find that nearly \$3 billion was spent on media advertising in the recent campaign cycle. We the People have no idea who really paid for this political carpet-bombing. But we the people have a right to know who is bank-rolling these ads beyond some wholly uninformative and vapidly-named group that appears on the bottom of the screen to mask the special

interests it really represents. Both sides of the political spectrum are guilty of undemocratic sin here. The FCC worries, legitimately, about the dangers of placing a bottle of Coke or a tube of toothpaste on an entertainment program without disclosing who paid for the product's placement. Shouldn't we be even more concerned when unidentified groups with off-the-screen agendas attempt to buy election outcomes? I propose that the FCC quickly determine the extent of its current authority to compel release of what interests are paying for this flood of anonymous political advertising—and if we lack the tools we need to compel disclosure, let's go ask for them.

- (4) **Reflecting Diversity.** This is not the place for a disquisition on how poorly America's minorities, women and other diversity groups are faring on our broadcast media. The fact that people of color own only about 3.6% of full-power commercial television stations pretty much documents the shortfall. Diversity goes to how groups are depicted in the media—too often stereotyped and caricatured—and to what roles minorities and women have in owning and managing media companies. The FCC's Diversity Advisory Committee has spent years providing us with specific, targeted recommendations to correct this injustice. How sad it is that most of these recommendations have not been put to a Commission vote. It is time to right this awful wrong.
- (5) **Community Discovery.** The FCC, back when stations were locally-owned and the license holder walked the town's streets every day, required licensees to meet occasionally with their viewers and listeners to see if the programs being offered reflected the diverse interests and needs of the community. Nowadays, when stations are so often owned by mega companies and absentee owners hundreds or even thousands of miles away—frequently by private equity firms totally unschooled in public interest media—we no longer ask licensees to take the public pulse. Diversity of programming suffers, minorities are ignored, and local self-expression becomes the exception. Here's some good news: Community Discovery would not be difficult to do in this Internet age, when technology can so easily facilitate dialogue.
- (6) **Local and Independent Programming.** The goal here is more localism in our program diet, more local news and information, and a lot less streamed-in homogenization and monotonous nationalized music at the expense of local and regional talent. Homogenized music and entertainment from huge conglomerates constrains creativity, suppresses local talent, and detracts from the great tapestry of our nation's cultural diversity. We should be working toward a solution wherein a certain percentage of prime-time programming—I have suggested 25 percent—is locally or independently-produced. Public Service Announcements should also be more localized and more of them aired in prime-time, too. And PEG channels—public, educational and government programming—deserve first-class treatment if

we are to have a first class media.

- (7) **Public Safety.** Every station, as a condition of license, must have a detailed, approved plan to go immediately on-air when disaster—nature-made or man-made—strikes. Stations, like government, have a solemn duty to protect the safety of the people. Preferably a station should be always staffed; if there are times when that is not possible, perhaps there are technology tools now that can fill in the gap and make the coverage instantaneous.

These few criteria for a Public Value Test are neither excessive nor onerous. But they would get us back to the original licensing bargain between broadcasters and the people: in return for free use of airwaves that belong exclusively to the people, licensees agree to serve the public interest as good stewards of a precious national resource. Importantly, these proposals are for the most part actions the FCC can take on its own authority. We can make this down-payment on media democracy now. As the old question goes: If not now, when? If not us, who?

In the longer term, the Commission and Congress will need to examine rules governing the structure of media ownership and perhaps other parts of our enabling Telecommunications statute. I hope that as part of the dialogue leading up to possible legislative changes, the country will engage in a serious discussion about increasing support for public broadcasting—the jewel of our media landscape. There will be those who will rail and rant to keep such a discussion from even starting. But the sad reality is that in this country, we spend, per capita, per annum, \$1.42 supporting public media. In other democracies, citizens happily pay up to hundreds of dollars more than that. Public media enjoys high levels of public trust in our country, and investing in its future is investing in our future. It's a subject we should be able to discuss calmly and thoroughly.

Some will say that attempting to repair commercial broadcasting is a fool's errand. "Licensees will never agree," I am told, "so why not just hit them with a spectrum fee and put that money toward public news and media?" That has its temptations, I admit, but it also requires an act of Congress—and that's not the likeliest of outcomes just now. It further demands that if Congress would ever impose such fees—over strong industry objections, of course—that it must then direct the monies collected to broadcast purposes rather than to, say, reducing the deficit, building an interoperable broadband public safety network, or—even though we're told they are history—earmarking for various and sundry purposes. I would hesitate to predict that outcome!

As for new media, none among us can predict how it will look 5 or 10 or 20 years hence. But there are steps we can take now to avoid the mistakes that bedeviled earlier communications break-throughs and to help create an environment where the genius of this opportunity-creating technology can truly flourish:

- (1) **Guarantee Internet Freedom Now.** The on-ramps to the Internet must be open and accessible to all. If our national conversation is one day going to be

broadband-based, we all need to be there. Access denied is opportunity denied. So-called “managed services” and “paid priority” cannot be allowed to supplant the quality of the public Internet service available to us all. “Reasonable network management” practices must never be allowed to cloak competitive one-up-manship. And citizens are entitled to an official venue—the FCC—with access to the arcania of engineering data so we can determine whether, in a given case, it is reasonable for someone to be denied the full potential of the Internet and with power to put a stop to it if it is not. Internet Freedom also means guaranteeing openness in the wireless world as well as the wired. As people cut their wired connections, why would we deny them openness, accessibility and consumer protections in the wireless world? The implementation of such rights may need to vary a bit depending upon the technology platform—but the principle must stand. Internet freedom also means protecting consumers by implementing non-discrimination and transparency rules at the FCC. These rules must be put on the most solid possible legal foundation and be quickly and effectively enforceable. If this requires reclassifying advanced telecommunications as Title II telecommunications—and I continue to believe this is the best way to go—we should just do it and get it over with. To expect openness, transparency, non-discrimination and consumer protections to evolve from strictly private management of our nation’s critical information infrastructure is to expect what never was or ever will be.

- (2) **Encourage Broadband Competition.** Professor Benkler and others have thoroughly documented how other nations have used different pro-competition tools like network-sharing and structural separation rules to avoid dominance by one or two carriers. Recent FCCs were too quick to foreswear such tools. We should be developing contingency plans to curtail network and spectrum monopolies and duopolies.
- (3) **Push for Digital Literacy.** One of the best parts of the FCC’s National Broadband Plan is its advocacy for Digital and Media Literacy. We all need to know—especially our kids—how to use the liberating new tools of the Digital Age, and we all need to understand how these tools can help—or harm—us. I believe a worthy down-payment toward building this into our educational system is a K-12 online digital-media literacy curriculum, which local schools would be free to use or not. Many private and public entities have developed parts of such a curriculum. What we need now is a private-public partnership to get this up-and-running in the next two years. I am pleased that an inter-agency government team is now focusing on the new literacies, and I urge them to consider this proposal.

That’s my plan for action now. The proposals I have made are not something I think it would be nice for us, the FCC, to do. They are things we *must* do if we are serious about making the Commission what it was intended to be and what we should all want it to be—an honest-to-goodness consumer protection agency.

Ensuring that all citizens have access to worthy media, to the news and information our democratic dialogue requires, is not a new challenge for our country. Washington, Jefferson and Madison understood that their fledgling country's future depended upon an informed citizenry, and they found ways—notably a large postal subsidy for the national distribution of newspapers—to ensure the widest possible dissemination of news and information to fuel the nation's conversation with itself. Free broadcaster use of the airwaves was just a later iteration of this same public policy. Today the technologies are new, but our democratic challenge is exactly the same—to build an information infrastructure that serves the needs of the people. I frankly don't know of a greater need.

Meeting this democratic challenge requires democratic participation. Getting our media landscape right is not just the job of agencies, Congresses or Presidents. It's the job of all of us. Steep climb that it undoubtedly is, I, for one, do not despair. Yes, powerful interests spend billions of dollars to make sure the waters of truth don't flow on these issues. But real citizen action can counter that—even in this age when too few people wield inordinate and outlandish influence. It will take dreams, but we've dreamed before. It will take hard work, but we've worked hard before. I have seen citizen action work in my lifetime—even at the FCC! And our nation's long history testifies to generations of reformers, civil rights crusaders, women rights champions, Native Americans, consumer advocates, disabilities activists, unions, media rights defenders, committing to a cause, making a difference, and moving our country forward. It's never easy, that's for sure—just necessary. This is one of those necessary times. My challenge to each of you is to act like your democracy depends upon it. Because it does.

Thank you very much.