

Critics Vow to Fight 'Clear-Channelization' of Television

June 3rd, 2003

By Jeff Johnson

CNSNews.com Congressional Bureau Chief

Capitol Hill (CNSNews.com) - Critics of new Federal Communications Commission rules allowing greater consolidation in broadcast media ownership vowed Monday to fight the changes both in the courts and in Congress. But supporters of the new rules argued that Congress and the federal courts are responsible for forcing the commission to alter its rules.

Political activist Rev. Jesse Jackson called the FCC rollback on cross-ownership limits "a major blow to democracy."

"We must now seek from our Congress and from our courts rescue from this decision," Jackson said, "which is not in the best interest of the broad base of the American people."

Rep. Diane Watson (D-Calif.) also referred to Monday's vote as "the beginning of a downward slide for democracy in America.

"I am afraid for our society," Watson complained. "We have cut off the voices of the little people, the majority of Americans."

Rep. Jan Schakowsky (D-Ill.) believes the FCC decision is "very dangerous to our democracy" and vowed to support legislation to overturn the new rules.

"It is the obligation of the Federal Communications Commission to protect diversity, localism and competition," Schakowsky said. "Instead, what we got through this order was uniformity, centralism and concentration."

Brent Bozell, founder and president of the [Parents Television Council](#), warned in a statement that the FCC had "opened a Pandora's Box of indecency and violence" that would permeate broadcasting.

"Already, the airwaves are full of raunchy programming produced by the New York-based mega-corporations that have little or no understanding of, or interest in community standards.

The FCC just voted to make it worse," said Bozell, who is also president of the Media Research Center and **CNSNews.com**. "Chairman Powell and his Republican colleagues stood shoulder to shoulder with a handful of these corporations against the American people."

The [changes](#) Bozell opposes will allow:

- A company or network to own two television stations in markets with five or more stations, but only one of those stations can be among the top four in ratings;
- A company or network to own three television stations in markets with 18 or more stations, but only one of those stations can be among the top four in ratings;
- A company or network to own television stations reaching as much as 45 percent (up from 35 percent) of U.S. TV households (Critics charge the real number is 90 percent when including actual versus FCC-adjusted UHF viewer counts);
- Limited cross-ownership among television, radio and newspapers in markets with between 4 and 8 television stations; and
- Unlimited newspaper-broadcast cross-ownership and television-radio cross-ownership in markets with nine or more television stations.

Republican commission member Kathleen Abernathy argued that the new regulations balance the public interest with the changing financial challenges of broadcast owners.

"Democracy and civic discourse were not dead in America when there were only three to four [television] stations in most markets in the 1960s and 1970s, and they will surely not be dead in this century when there are, at a minimum, four to six independent broadcasters in most markets, plus hundreds of cable channels and unlimited Internet voices," she said during the commission's meeting Monday.

Abernathy noted that the courts, to which Jackson is threatening to appeal, have struck down every broadcast television ownership restriction the FCC has enacted since 1996.

"Each time, the courts found the FCC had failed to justify the limits it continued to place on broadcast ownership," she said. "The federal court opinions specifically tell me that any restrictions we place on ownership must be based on concrete evidence, not on fear and speculation about hypothetical media monopolies intent on exercising some type of Vulcan mind control over the American people."

But Commissioner Jonathan Adelstein, a Democrat, argued that the FCC's Republican majority [overreacted](#)

to both congressional and federal court mandates.

"Congress and the courts forced a massive review. They did not force massive deregulation. We had a choice," he said. "The courts required us to justify our rules, not to gut them or replace them with pale substitutes.

"Certainly, the media markets have changed, and our rules must keep pace. But the majority chose to go much further than Congress or the courts required," Adelstein continued. "They chose to pursue gratuitous deregulation."

Democratic commission member Michael Copps urged his fellow commissioners to look at the recent history of radio to see what could happen to broadcast television.

"Radio deregulation gives us powerful and relevant lessons," Copps said, recalling the passage of legislation in 1996 that greatly eased restrictions on radio station ownership.

"We saw a 34 percent reduction in the number of radio station owners," he recalled. "Diversity of programming suffered ...editorial opinion polarized. Competition in many towns became non-existent as a few companies bought up virtually every station in the market.

"This experience should terrify us as we consider visiting upon television and newspapers what we have inflicted upon radio," Copps continued. 'Clear Channelization' of the rest of the American media will harm our country."

Before the 1996 law was passed, Clear Channel Communications owned fewer than 200 radio stations nationwide. The chain - by far the largest in the U.S. - now owns more than 1,200 radio stations and controls an estimated three-fourths of the country's popular music concert business.

Congress to question commissioners Wednesday

At a press conference following the vote, Adelstein suggested that his colleagues who supported the relaxed ownership limits might not be celebrating for long.

"I think the public's going to respond to what happened here. They're going to continue to make their voices heard, and they're going to try to change this outcome," he predicted. "There are higher authorities than the FCC - there's the Congress and the courts - and they can reverse anything that we did here today."

Sen. John McCain, (R-Ariz.) will hold the fifth in a series of hearings on the issue Wednesday in the Senate Commerce Committee, which he chairs.

"I continue to be disturbed by the statistic frequently cited in these hearings that five companies control 85 percent of our media sources," McCain reportedly told the *Dallas Morning News*.

McCain has not publicly stated his support, however, for legislation to counter the new rules.

But Representatives Watson and Schakowsky both expressed their intention to act swiftly to undo the results of the vote.

"I'm going to tell you that I'm sure my colleagues are going to join in the fight," Watson said.

She promised that lawmakers opposed to the new rules would work with Adelstein and Copps to craft legislation that would address the mandates of previous court decisions while still promoting viewpoint and ownership diversity in the media.

Schakowsky explained that her opposition to the new rules comes from having personally been a victim of the unintended consequences of media consolidation.

"I recorded an advertisement to draw people to a March 16th rally in order for them to be able to voice their opposition to the war in Iraq," she explained. "The Clear Channel stations in the Chicago area would not carry that paid advertisement."

In all, more than 150 member of Congress contacted the FCC to express their opposition to the changes as they were reported in the press. One of the factors that angered opponents of the new rules is that copies of the final language were not made available - even to the Democratic members of the commission - until late last week.

As the FCC's most vocal opponent of the proposals, Copps urged the more than 750,000 citizens who contacted the FCC opposing the new rules to shift their attention now to Congress.

"You have made a difference," he said. "And if you stay the course now, the chances have improved that we can yet settle this issue of who will control our media and for what purposes and to resolve it in favor of airwaves of, by and for the people of this great country."