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FCC Media Ownership Hearing
University of Southern California
August 31, 2006
Thank you, Rep. Solis and Rep. Watson, and all the groups sponsoring today’s event. I especially want to thank Commissioners Copps and Adelstein for their leadership. You may be the minority on the FCC, but on the topic of the public interest, you speak for the American majority.

In the first sentence of its Notice, the FCC majority seeks comment on “whether the media ownership rules are ‘necessary in the public interest.’”

If the FCC majority actually meant that, surely it would not have failed to define the public interest obligations of digital broadcasters – which it has, ignoring repeated requests from its own Consumer Advisory Committee.

If the FCC majority truly cared about the public interest, surely it would not have stalled its own proceeding on localism – which it has, ignoring a mountain of testimony on the disappearance of local voices and local issues from local news.

If the FCC majority really were a watchdog of the public interest, surely it would not have needed the Third Circuit to slap them for ignoring the Minority Media and Telecommunications Council’s proposals to promote diversity in broadcast ownership – which that Court did, in the Prometheus decision. And it must be just a coincidence that this Administration’s Commerce Department has refused to update its six-year-old data on minority media ownership.

The point I want to emphasize today is this: The Third Circuit caught the FCC majority with its empirical pants down. It criticized them for what amounts to faith-based regulation. We have yet to see whether the FCC majority will commission solid, independent studies as part of this proceeding. But we do know they failed to gather hard data in the past. That’s why the Third Circuit took them to the woodshed – for their magical thinking about the magic of the marketplace.

Since 1998, my colleagues and I have been collecting evidence about public affairs coverage on local tv news. We have analyzed campaign stories on tens of thousands of hours of broadcasts. In the absence of a meaningful FCC requirement for stations to make their programming available to the public for scrutiny, our data set (which can be found at www.localnewsarchive.org) is the largest – and essentially the only – source
of evidence of what the nation’s broadcasters do, and don’t, to fulfill the 
public interest obligations they promise when they get their licenses.

As anyone who has actually watched local tv news knows, it is a 
profoundly depressing picture. With some valiant and praiseworthy 
exceptions, station owners have decided that their most-watched broadcast 
real estate should shun substantive public affairs coverage in favor of crime, 
scandal, accidental injury, happy-talk, network entertainment cross-
promotion, plus a virtually inexhaustible supply of minutes sold in exchange 
for billions of dollars of paid political ads.

The Lear Center’s studies are part of the FCC’s public record, and 
part of the Congressional Record, but apparently they make no difference to 
the FCC majority or its Big Media constituents.

Last week, the Los Angeles Times, in an editorial asking the FCC to 
drop all limits on newspaper owners like Times owner Tribune from also 
owning television stations in their markets, as Tribune does in LA, this 
sentence appeared: “Studies show that those broadcasters that do operate 
local newspapers through waivers or exemptions offer more news and public 
affairs programs, on average, than competitors that don’t.”

But if you read the FCC “study” that editorial alludes to, you will 
discover that not one single minute of television programming was actually 
watched by the report’s authors. And you will find that the measures of 
what their study calls news “quality” are actually Nielsen ratings during 
sweeps week stunts, trade association prizes, and an awards competition in 
which not one single entry was judged good enough to win a first place.

As it turns out, in 2000 my colleagues and I studied the same period 
covered by that FCC report. The FCC study examined a week of local 
news; we examined a month. They didn’t watch the news; we did. It was a 
year when the broadcast industry itself was on record promising a voluntary 
five minutes of “candidate-centered discourse” a night in the month before 
the election. We logged every second of it, watching more than six hours of 
programming a night on each of 74 stations in 58 markets – 39 of whose 
owners also owned newspapers.

And what did we find? Only one station out of 74 hit the five-minute 
mark. And only one owner of both newspapers and tv stations did better
than the miserable 74 seconds of candidate-centered discourse that turned out to be the national average. The 11 other owners of papers and stations, accounting for 32 of the stations in our sample, did worse than the national mean. No wonder the FCC majority and Big Media prefer their own studies.

This summer, Commissioner Adelstein, in his dissent from the FCC’s notice, emphasized how “urgent” the Commission’s need is for “research papers and reports which provide professional and objective information.” And Commissioner Copps, in his dissent, said this: “If the FCC contracts for independent, well-funded studies… instead of buying a few half-hearted, time-crunched papers that slide into the record without comment,” then you’ll know “the difference between a fig leaf and a real commitment to the public interest.”

Today’s unofficial hearing, supported by the FCC minority, does represent such a real commitment. It remains to be seen whether the FCC majority will persist in wearing no clothes.

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