



Written by [Raven Clabough](#) on December 7, 2010

FCC Commissioner's Proposal Provokes Lawmaker's Anger

Despite the public backlash against “net neutrality” and the “Fairness Doctrine,” the Left and the federal government continue to push for the Federal Communications Commission (FCC) to grab further control of news programming. In a speech at the Columbia University School of Journalism, FCC Commissioner Michael Copps indicated his intent to impose a “public values test” and change relicensing requirements to every four years instead of the current eight years.



He said, “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.”

In his speech, Copps outlined the following seven areas addressed in the Public Value Test:

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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. Stations meeting certain benchmarks of progress would qualify for “expedited handling of their license renewals.” He said he hopes the FCC will “put the brakes” on cross-ownership of newspapers and broadcast stations.
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 the FCC requires in a station’s public file is laughable, he said, and the FCC generally does not even look at these files at relicensing time. The public has a right to easy access to this information so that its input counts at relicensing time. Citizens should be able to see stations’ public files on the Internet, and he called for the completion of “enhanced disclosure” in the next 90 days.
3. **Political Advertising Disclosure** — 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, he said. 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 — People of color own only about 3.6% of full-power commercial television stations. But he also said diversity encompasses how groups are depicted in the media — too often stereotyped and caricatured, he said — and 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.

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 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.

Copps' proposal is about control, as it makes the renewal of a broadcaster's license virtually reliant upon proof that the broadcaster is meeting a prospective set of federal regulations. And he who makes the rules decides on content and appropriateness. For example, the "diversity" requirements complain of groups "too often stereotyped and caricatured," so the FCC would like to straighten that out. Since white heterosexual men are routinely portrayed by the media as mindless buffoons who think with parts of their anatomy just over or under their belts (think *According to Jim* and *Everyone Loves Raymond*), will there be a requirement to add intelligent, poetry-uttering farmers to broadcast channels? Hardly. More likely it will be determined that zealous feminists and homosexuals are under-represented and unfairly characterized as bitchy and effeminate.

Also, the FCC wants to mandate "local self-expression" through requiring the use of "local talent" to



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meet the "needs of the community" because, obviously, the station owners are morons. I wonder what the owners of the show *American Idol* think about that judgment. It pays its judges millions of dollars per year and does massive advertising campaigns to build up name recognition of singers and to get consumers' input into whether or not singers are viable in the marketplace, and Copps hints that he wants Uncle Jed out back playing the harmonica and spoons so that locals get a little local flavor. Again, who gets to decide who goes on air?

[The Hill](#) writes, "[Copps] said outlets should be mandated to do the following: prove they have made a meaningful commitment to public affairs and news programming, prove they are committed to diversity programming (for instance, by showing that they depict women and minorities), report more to the government about which shows they plan to air, require greater disclosure about who funds political ads and devote 25 percent of their prime-time coverage to local news. The regulations would apply to all news outlets operating on the public airwaves."

Some lawmakers are prepared to stand up to the FCC's power-grabs, including Texas Republican Representative Joe Barton, who recently wrote a [letter](#) to Commissioner Copps criticizing Copps' proposal that broadcasters should be subject to a new "public values test" every four years.

"I hope ... that you do not mean to suggest that it is the job of the federal government, through the FCC, to determine the content that is available for Americans to consume," Barton wrote.

He asked Copps if "five commissioners can do a better job of ensuring that Americans have access to wide diversity of content and viewpoints than Americans can themselves by expressing their preferences ... in the vigorously competitive marketplace."

Barton also posed the following questions to Copps:

1. Do you believe the FCC should reinstate the Fairness Doctrine?
2. Is your Public Value Test meant to bring back the ascertainment rules, or something similar?

Barton asserted, "Although your concern for providing American citizens information they need to 'make intelligent decisions about the full direction of their country' may stem from the very best of intentions, increasing the federal government's role in the composition of the information Americans have at their disposal — in an information marketplace that is bigger and more easily accessible than ever before — is unwise policy and raises serious questions of constitutionality."

Barton currently awaits a response to his letter.

Photo of Jed Clampett, character on the Beverly Hillbillies: AP Images



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