Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Cross-Ownership of Broadcast Stations and Newspapers	)	MM Docket No. 01-235
	)	
Newspaper/Radio Cross-Ownership Waiver Policy	)	MM Docket No. 96-197
	)	

To the Commission:

REPLY COMMENTS OF THE JOURNAL BROADCAST CORPORATION

Journal Broadcast Corporation ("Journal"), pursuant to Section 1.415 of the Commission's Rules, hereby submits reply comments in response to the above-captioned Notice of Proposed Rulemaking, which contemplates the elimination or revision of the Commission's newspaper-broadcast cross-ownership ban. 1/

In 1975, the Commission asserted that it had to prohibit the common ownership of a community's newspaper and of any broadcast station serving that community in order to protect viewpoint diversity in a local media market. But recent research, first published after the comment deadline in this proceeding, shows that even commonly owned media outlets in the same local market demonstrate significant viewpoint diversity.

1/ *In the Matter of Cross-Ownership of Broadcast Station and Newspapers; Newspaper/Radio Cross-Ownership Waiver Policy,* Order and Notice of Proposed Rule Making, MM Docket Nos. 01-235 & 96-197 (released September 20, 2001) (the "Notice"). As a subsequent order extended the reply comment deadline until February 15, 2002, *see* DA No. 01-2918 (released December 14, 2001), these reply comments are timely filed.

A study in the December 2001 issue of the Federal Communications Law Journal examined three grandfathered broadcast-newspaper combinations, including Journal's ownership of a Milwaukee newspaper, television station and a news radio station. 2/ The study evaluated to what extent each media outlet in the three grandfathered combinations published or aired materials in its coverage of the 2000 presidential campaign that would tend to cause a voter to favor President Bush or Vice President Gore. The study also differentiated among aspects of each outlet's coverage, including separate analyses for a newspaper's editorials, staff opinions, letters to the editor, and news stories, and for a radio station's news and talk segments.

The study determined that common ownership did not result in a common viewpoint. According to the study, in each market, the commonly-owned newspaper's coverage accorded the candidates treatment different than at least one of the combination's same-market broadcast properties. In Milwaukee, according to the study, Journal's newspaper's coverage was more favorable to Gore, while the newscasts on Journal's television and news radio station were more favorable to Bush. Overall, the study concluded, "[Journal's] properties in Milwaukee provided a wide diversity of opinions." 3/

What the study did not say, but what its findings also demonstrate, is why newspaper-broadcast combinations, in practice, are no more likely to present a common viewpoint than independently owned broadcast stations. Whoever owns a

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2/ *See* David Pritchard, *A Tale of Three Cities: "Diverse and Antagonistic" Information in Situations of Local Newspaper/Broadcast Cross-Ownership*, 54 Fed. Comm. L. J. 31 (2001). *See* attached. Journal's second Milwaukee radio station, which has a music format, was not included in the study.

3/ *Id.* at 49.

media outlet, especially one like a newspaper or television station that seeks to serve an entire local market, risks losing a significant subset of customers if that outlet regularly provides unbalanced coverage. In addition, a party with several types of media outlets in the same market has powerful incentives to diversify the viewpoints expressed through its outlets, as the market niche which craves one-sided coverage is i) likely to be a small minority in the market; ii) unlikely to be as valuable to advertisers as a combination that can reach several consumer segments; and iii) very unlikely to be reading a newspaper, watching television, and listening to the radio simultaneously.

In fact, the findings of the study and Journal's own experience demonstrate that newspaper publishers in general value viewpoint diversity independent of Commission requirements. The study determined that each of the three newspapers studied incorporated a diversity of opinions within its own pages; a newspaper's news stories, editorials, staff and syndicated columns and published letters to the editor all presented differing views, which is a result consistent with each newspaper's effort to present balanced coverage. The findings also are consistent with an ethic commonly associated with local newspapers: to serve as *the* leading community forum, which necessitates a representative range of viewpoints. Moreover, although the Commission rules currently do not require any structural separation by grandfathered newspaper-broadcast combinations, Journal nonetheless maintains separate editorial staffs for their print and broadcast operations in order to facilitate diverse views throughout its outlets' content.

Most important, the study's findings are entirely inconsistent with the primary justification for the cross-ownership ban: that common ownership results in the

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expression of a single, monolithic viewpoint. If that justification were true, then there should have been a consistent slant among each combination's media outlets in favor of one presidential candidate. There was not. If it were true, there should have been a single viewpoint expressed by the newspaper's reporters, its editorial staff, its staff opinion columns, and the letters to the editor and syndicated columns the newspaper chose to run. There was not. Instead, much as a newspaper's various sections incorporate a broad range of views, the three grandfathered newspaper-broadcast combinations provided a "wide diversity of opinions."

CONCLUSION

Milwaukee is not a small market. It is the 33rd-ranked television market the nation with 12 television stations, and the 31st-ranked radio market, with 34 commercial radio stations. Yet, Journal still is not permitted to acquire additional radio stations while its competitors are taking advantage of the relaxation of nearly every other local broadcast ownership rule to gain efficiencies of scale. The Commission should end this disparate treatment of newspaper owners with regard to local broadcast ownership, especially given the long history of publicly beneficial programming provided by broadcast stations owned by newspaper publishers.

In view of the foregoing, Journal respectfully urges the Commission to eliminate the newspaper-broadcast cross-ownership ban.

Respectfully submitted,

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Dated: February 14, 2002

A Tale of Three Cities: "Diverse and Antagonistic" Information in Situations of Local Newspaper/Broadcast Cross-Ownership

David Pritchard*

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I. INTRODUCTION

For more than half a century, a fundamental principle of communications policy in the United States has been that the "widest

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possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public . . . ."[1] The Federal Communications Commission ("FCC") routinely relies on this principle as a basis for its actions,[2] and the Supreme Court of the United States has used it to support rulings in a variety of contexts related to media and communication.[3]

Few scholars or policy makers would question the assertion that the marketplace of ideas, a notion at the very core of modern conceptions of democracy, benefits from the "widest possible dissemination of information from diverse and antagonistic sources." Many question, however, whether current FCC policies intended to foster diversity of news and views in the content of the mass media actually do so. Nowhere is this issue raised more starkly than with respect to the Commission's controversial 1975 rule that prohibited the common ownership of a daily newspaper and a broadcast station in the same market.[4]

The rule was based on two related assumptions. The first assumption is what the FCC calls "source diversity," meaning that diversity of ownership of media outlets inevitably leads to content diversity which in turn leads to a wide dissemination of diverse and antagonistic information.

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1. *See* Philip M. Napoli, *Deconstructing the Diversity Principle*, 49 J. COMM. 7 (1999). The "diverse and antagonistic sources" phrase comes from Associated Press v. United States, 326 U.S. 1, 20 (1945).

2. *See, e.g.*, 1998 Biennial Reg. Review: Review of the Commission's Brdcst. Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, *Biennial Review Rpt.*, 15 F.C.C.R. 11058, para. 80, 20 Comm. Reg. (P & F) 882 (2000) [hereinafter *Biennial Review Rpt.*].

3. The Court has relied on this principle to hold that the First Amendment does not prohibit antitrust action against publishers who are restraining trade in news, Associated Press, 326 U.S. at 20; to declare that expressions of opinion which are disseminated as paid advertisements have the same level of constitutional protection that they would have if they were disseminated without payment, New York Times Co. v. Sullivan, 376 U.S. 254, 266 (1964); to invalidate a federal statute which placed limits on certain expenditures on behalf of candidates for federal elective offices, Buckley v. Valeo, 424 U.S. 1, 23 (1975); to overturn a municipal ordinance that limited contributions to committees formed to support or oppose ballot measures, Citizens Against Rent Control/Coalition for Fair Housing v. Berkeley, 454 U.S. 290, 300 (1981); to uphold minority preference policies with regard to applications for new broadcast licenses, Metro Brdcst. v. FCC, 497 U.S. 547, 600 (1990), *overruled by* Adarand Constructors, Inc. v. Pena, 515 U.S. 200, 227 (replacing the *Metro Broadcasting* standard of intermediate scrutiny with strict scrutiny); to prohibit discriminatory taxation among members of the same medium, Leathers v. Medlock, 499 U.S. 439 (1991); and to uphold "must-carry" rules for cable television systems, Turner Brdcst. Sys. v. FCC (I), 512 U.S. 622 (1994), *aff'd*, Turner Brdcst. Sys. v. FCC (II), 520 U.S. 180 (1997).

4. Amendment of Sections 73.34, 73.240, and 73.636 Comm'n Rules Relating to Multiple Ownership of Std., FM, and TV Brdcst. Stations, *Second Report and Order*, 50 F.C.C.2d 1046, 32 Rad. Reg.2d (P & F) 954 (1975) [hereinafter *Second Report & Order*].

The second assumption is that a single owner of a daily newspaper and one or more broadcast stations in a given market will not likely provide diversity of news and information. In late spring of 2000, the Commission renewed its support for the prohibition of local newspaper/broadcast cross-ownership.[5] The Commission reiterated its belief that diversity of ownership promotes diversity of viewpoints, quoting with approval its 1975 statement that "it is unrealistic to expect true diversity from a commonly owned station-newspaper combination."[6] The Commission offered no empirical evidence to support its view that it is unrealistic for newspapers and broadcast stations under common ownership to provide a meaningful diversity of viewpoints.

This Article represents an attempt to help fill that empirical gap. It reports the results of a study concerning diversity of information and viewpoints regarding the 2000 presidential campaign within cross-owned newspaper/broadcast combinations in three large American cities: Chicago, Dallas, and Milwaukee. When it established the regulation prohibiting cross-ownership in 1975, the FCC permitted most existing newspaper/broadcast combinations to continue, including the three studied here. In sharp contradiction to the historical assumptions of the FCC, this study found substantial diversity in the news and commentary offered by each of the three newspaper/broadcast combinations.

The following portion of this Article provides a brief background of policies relating to newspaper/broadcast cross-ownership in the United States. The Article then explains the context of the study and the methods used to gather data before offering the results for each market under study. The Article concludes with a summary and recommendations.

II. BACKGROUND

Concern about newspaper/broadcast cross-ownership has existed since the early days of broadcast regulation in the United States.[7] The issue came up in the 1920s during congressional debate over the Radio Act of 1927,[8] though more because some members of Congress feared that the promotional power of radio might give newspapers that owned a station an unfair advantage over competing newspapers than because of any concern

5. *Biennial Review Rpt.*, *supra* note 2, para. 88.

6. *Id.* para. 80.

7. For excellent overviews of the policy history of newspaper/broadcast cross-ownership in the United States, see Daniel W. Toohey, *Newspaper Ownership of Broadcast Facilities*, 20 FED. COMM. B.J. 44 (1966); Lorna H. Veraldi, *Carpooling on the Information Superhighway: The Case for Newspaper-Television Cross-Ownership*, 8 ST. THOMAS L. REV. 349 (1996).

8. 47 U.S.C. §§ 81-121 (repealed 1934).

about viewpoint diversity.[9] The Great Depression of the 1930s caused major changes in the economics of the American media. Newspaper competition in many cities declined at a time when many surviving newspapers expanded into radio broadcasting, leading to a growing concern that concentration of ownership would dilute viewpoint diversity. The FCC was not unaware of the concern. Dissenting in a 1936 licensing decision, Commissioner Irvin Stewart urged the Commission to deal directly with the question of whether the public interest was served by newspaper/broadcast cross-ownership in a given community.[10] Two years later, the Commission based a decision in favor of an applicant without other media interests, and against a newspaper corporation, on the principle that new ownership would provide new viewpoints.[11] A study of newspaper/broadcast cross-ownership by the FCC's Engineering Department in 1938 concluded that there was so much variety in newspaper/radio combinations that no general rule against cross-ownership was justified.[12]

Three years after the Engineering Department's recommendation, however, the Commission announced that it would consider whether to limit newspaper ownership of broadcast stations.[13] Newspaper interests protested the rulemaking proceeding, arguing that the Commission lacked the authority to regulate the activities of newspapers.[14] After a powerful newspaper publisher refused to testify at Commission hearings, the Court of Appeals for the District of Columbia ordered him to appear. The court declared in dicta, however, that the Commission could not prohibit newspaper publishers, as a class, from receiving licenses to operate broadcast stations.[15] In early 1944, the Commission ended the proceedings without adopting any rules prohibiting cross-ownership.[16]

It was not until the era of television that the issue of newspaper/broadcast cross-ownership returned to the Commission's agenda, due to a political context that is beyond the scope of this Article.[17]

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9. *See* Toohey, *supra* note 7, at 44 (noting the difficulties in deciding how to distribute radio stations).

10. United States Brdcst. Corp., 2 F.C.C. 208, 241 (1936) (Comm'r Stewart, dissenting).

11. Port Huron Brdcst. Co., 5 F.C.C. 177, 182 (1938).

12. Christopher H. Sterling, *Newspaper Ownership of Broadcast Stations, 1920-68*, 46 JOURNALISM Q. 227, 230-31 (1969).

13. Toohey, *supra* note 7, at 48 (citing Order No. 79, FCC Mimeo No. 48496, Mar. 20, 1941).

14. *Id.* at 48.

15. Stahlman v. FCC, 126 F.2d 124, 127 (D.C. Cir. 1942).

16. Toohey, *supra* note 7, at 49.

17. For details about this context, *see* Veraldi, *supra* note 7, at 350.

Spurred on by its Antitrust Division, the Commission adopted the current prohibition of local cross-ownership of daily newspapers and broadcast stations in 1975.[18] The Commission concluded that the Communications Act provided statutory authority to issue the rules,[19] and that the rules were valid under the First and Fifth Amendments.[20]

More surprising was that the Commission adopted the rule even though it acknowledged that research regarding the effect of ownership on content was inconclusive.[21] Studies submitted to the Commission showed that the presumption of a link between media ownership and diversity of news content rested on a shaky empirical foundation. A 1974 Rand Corporation review of existing research funded by the National Science Foundation concluded: "Analysis of prior studies indicates that media cross-ownership or group ownership plays a minor role, if any, in influencing the content of daily newspapers, radio, and television stations."[22] The authors of the review added that the "evidence has not shown that group or cross-media owners influence their media outlets or otherwise behave differently from other media owners."[23] With respect specifically to local cross-ownership, the authors noted in a related report: "The evidence on the effects of media cross-ownership supports neither allegations of substantial harm nor those of substantial public benefits from newspaper-television combinations."[24]

Despite the inconclusive empirical record, the FCC noted that "ownership carries with it the power to select, to edit, and to choose the methods, manner and emphasis of presentation . . . ."[25] The Commission concluded: "[I]t is unrealistic to expect true diversity from a commonly owned station-newspaper combination."[26] Accordingly, the Commission adopted a rule prohibiting individuals or corporations that owned daily newspapers from receiving licenses to operate broadcast stations in the same market.[27] The Commission decided to allow the continuation of

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18. *Second Report & Order*, *supra* note 4. For details about the role of the Antitrust Division, see Veraldi, *supra* note 7, at 357-60.

19. *Second Report & Order*, *supra* note 4, para. 9.

20. *Id.* paras. 16-17.

21. *Id.* para. 97.

22. WALTER S. BAER ET AL., CONCENTRATION OF MASS MEDIA OWNERSHIP: ASSESSING THE STATE OF CURRENT KNOWLEDGE 121 (1974).

23. *Id.* at 143.

24. WALTER S. BAER ET AL., NEWSPAPER-TELEVISION STATION CROSS-OWNERSHIP: OPTIONS FOR FEDERAL ACTION 39 (1974).

25. *Second Report & Order*, *supra* note 4, para. 14.

26. *Id.* para. 111.

27. *See id.* para. 101.

existing cross-owned combinations in all but the most egregious cases.[28]

Media interests challenged the rule in court, but the Supreme Court unanimously upheld the FCC's prohibition of future newspaper/broadcast cross-ownership.[29] The Court apparently was not troubled that empirical studies had failed to demonstrate a link between patterns of media ownership and media content: "[N]otwithstanding the inconclusiveness of the rulemaking record, the Commission acted rationally in finding that diversification of ownership would enhance the possibility of achieving greater diversity of viewpoints."[30]

Two decades later, the Telecommunications Act of 1996 required the FCC to review all of its broadcast ownership rules every two years, beginning in 1998, and to repeal ownership restrictions that could not be shown to serve a clear public interest objective.[31] In May 2000, the Commission completed the first required biennial review of the newspaper/broadcast cross-ownership rule by concluding that the rule should, as a general matter, be retained on the grounds that diversity of media ownership in a community would lead to a greater diversity of viewpoints.[32] The Commission acknowledged vast changes in media technologies and markets since the rule was adopted in 1975 but said that the rule continued to foster viewpoint diversity, an important public policy goal.[33] The Commission cited no empirical research to support its view that common media ownership leads to reduced viewpoint diversity. Indeed, by the mid-1990s most empirical research suggested the opposite—that ownership has little if any measurable impact on content.[34]

Ignoring the available research, the Commission expressed doubt that commonly owned news organizations could provide reasonable diversity of viewpoints. "[W]ithout a diversity of ownership or editors, there would be no real diversity of viewpoints."[35] The Commission acknowledged that

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28. *Id.* para. 112.

29. FCC v. Nat'l Citizens Comm. for Brdcst., 436 U.S. 775 (1978).

30. *Id.* at 796.

31. Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(f), 110 Stat. 56, 111 (codified at 47 U.S.C. § 161 (Supp. V 1999)).

32. *Biennial Review Rpt.*, *supra* note 2, para. 88.

33. *Id.* paras. 89-93.

34. *See, e.g.*, STANLEY M. BESEN & LELAND L. JOHNSON, REGULATION OF MEDIA OWNERSHIP BY THE FEDERAL COMMUNICATIONS COMMISSION: AN ASSESSMENT 29 (1984); John C. Busterna, *Television Station Ownership Effects on Programming and Idea Diversity: Baseline Data*, 1 J. MEDIA ECON. 63 (1988); Benjamin M. Compaine, *The Impact of Ownership on Content: Does It Matter?* 13 CARDOZO ARTS & ENT. L.J. 755-80 (1995).

35. FCC News Release, *FCC Issues Brdcst. Ownership Biennial Review Rpt.; Will Begin RM on Dual Network, Radio Mkt. Definition, Experimental Station and Newspaper/Broadcast Cross-Ownership*, May 30, 2000, *at* http://www.fcc.gov/

there might be communities where the ban on newspaper/broadcast cross-ownership was not necessary to protect the public interest; some markets might be so large and have such a competitive, diverse marketplace of ideas that a newspaper/broadcast combination might be permissible.[36] Even that statement, however, reflected the FCC's continued belief that the viewpoints a news organization publishes or broadcasts reflect the interests of its owners.

III. THE STUDY

As noted earlier, a vigorous marketplace of ideas is at the core of modern conceptions of democracy. Especially in election campaigns, when citizens choose their political leaders, democracy is best served when the media disseminates "diverse and antagonistic" news and viewpoints about the issues and candidates. This study focuses on whether cross-owned newspapers and broadcast stations in three major American cities provided their communities with "diverse and antagonistic" news and viewpoints during the final weeks of the 2000 presidential campaign. Put in another way, the study searched for evidence of a consistent slant in news and opinion about the campaign in each of the three sets of media properties.

If ever the owners of a media corporation wished to slant news about a national political campaign, the 2000 presidential campaign—and especially the increasingly suspenseful final few weeks before November 7, Election Day—offered an excellent set of conditions for such influence. First, the two major party candidates for President had different views on media cross-ownership, an issue of major importance to many media corporations. The new President would have the power to make appointments to the FCC, which was split on the issue of cross-ownership. If Republican candidate George W. Bush won the Presidency, he was expected by some to appoint FCC commissioners who would favor abolishing the restrictions on cross-ownership. If Democratic candidate Al Gore became President, some expected him to appoint FCC commissioners more favorable to maintaining the restrictions on cross-ownership.[37]

Second, the presidential race was neck-and-neck in at least a dozen important states as the campaign neared its end. A coordinated slant in the campaign coverage of a powerful news organization in any of these states might have influenced swing voters whose choices can make the difference

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DailyReleases/Daily_Business/2000/db0530/nrmm0028.html.

36. *See id.*

37. Stephen Labaton, *Presidential Election Could Alter Shape of Tribune-Times Mirror* Deal, N.Y. TIMES, Mar. 19, 2000, at C1. *See also* Chris Powell, *The Courant's Curious Endorsement*, PROVIDENCE JOURNAL-BULLETIN, Nov. 2, 2000, at B6.

in the U.S. electoral system.

Third, broadcasters had more legal freedom to cover the 2000 presidential campaign than any other campaign in recent memory. Early in the fall, the FCC announced that it would suspend, on a trial basis, two long-standing rules that broadcasters claimed inhibited robust journalism.[38] The first rule, the Personal Attack Rule, required broadcasters to notify and provide free reply time to anyone whose honesty, character, or integrity had been attacked during non-news programming.[39] The second rule, the Political Editorial Rule, required broadcasters to notify and provide free reply time to opponents of any political candidate the station endorsed as well as to any candidate the station opposed in an editorial.[40] Soon after the FCC action, and less than four weeks before election day, the Court of Appeals for the District of Columbia ruled that both the Personal Attack Rule and the Political Editorial Rule, which had been in effect since 1967, violated the First Amendment.[41]

Taken together, these three factors created favorable conditions for the owners of regionally and nationally powerful media corporations to attempt to influence news content, if they wished to do so. The three corporations under study all favored repeal of the newspaper/broadcast cross-ownership rule, an outcome that was much more likely if Bush won. Each of the three corporations is very influential in its state. This is especially true in Illinois and Wisconsin, where the media corporations under study have statewide influence and where the outcome of the vote for President in 2000 was expected to be very close.[42] In addition, for the first time in decades, news and viewpoints broadcast by television and radio stations were not constrained by the Personal Attack and Political Editorial rules.

A. *Method*

Did information and opinion about the presidential campaign in cross-owned media in Chicago, Dallas, and Milwaukee have a coordinated or consistent slant, and if so, did the slant reflect the media corporation's interest? These were the key research questions for the study.

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38. Stephen Labaton, *In Test, FCC Lifts Requirement on Broadcasting Political Replies*, N.Y. TIMES, Oct. 5, 2000, at A1.

39. 47 C.F.R. § 73.123 (1967).

40. 47 C.F.R. § 73.123(c) (1967).

41. Radio-TV News Dirs. Assoc. v. FCC, 229 F.3d 269 (D.C. Cir. 2000).

42. Scott Fornek, *Candidates are Neck and Neck in Illinois*, CHI. SUN-TIMES, Sept. 10, 2000, at 22; David Broder, *Variety of Factors Make Wisconsin Site of Hard Fight*, WASH. POST, Oct. 9, 2000, at A4; R.W. Apple, Jr., *An Enclave of Undecideds Stays a Campaign Battleground in a Swing State*, N.Y. TIMES, Oct. 16, 2000, at A25.

The initial challenge was to come up with a measurable definition of "slant." As suggested above, the FCC historically has assumed that diverse ownership (what it calls diverse "sources") will lead to diverse information. Media scholars often have assumed that news organizations will produce a diversity of viewpoints if their reporters gather information from a diverse group of people or organizations (called "sources" by journalists).[43]

The study described here, in contrast, took a more direct approach to the question of "diverse and antagonistic" news and viewpoints. Coders were instructed to code the "slant" of a published or broadcast item about the presidential campaign from the point of view of a hypothetical "interested but undecided" voter. If coders judged an item to be likely to make such a voter more inclined to vote for Gore than for Bush (or for a third-party candidate), then the item was coded as "favorable to Gore." If an item was likely to make a voter more inclined to vote for Bush, then it was coded as "favorable to Bush." Items that favored third-party candidates, items that were equally flattering or unflattering to Bush and Gore, and items about polls and campaign strategy were coded as "neutral." The study coded all kinds of nonadvertising content that might reflect a news organization's slant and that might influence potential voters. In other words, in addition to evaluating the slant of traditional news stories and editorials, the study also evaluated the slant of editorial cartoons, staff-written opinion columns other than editorials, syndicated opinion columns, guest opinion essays, letters submitted by readers, and free-standing photographs.[44]

The coders evaluated news and comment about the presidential campaign in cross-owned media properties in Chicago (the *Chicago Tribune*, WGN-TV, WGN-AM), Dallas (the *Morning News*, WFAA-TV), and Milwaukee (the *Journal Sentinel*, WTMJ-TV, and WTMJ-AM) for the last fifteen days of the campaign (i.e., from Monday, October 23, 2000, through Monday, November 6, 2000). Standard content analysis procedures were used.[45]

Data included 708 newspaper items totaling almost 17,000 column

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43. *See, e.g.*, William R. Davie & Jung-Sook Lee, *Television News Technology: Do More Sources Mean Less Diversity*? 37 J. BRDCST. & ELEC. MEDIA 453 (1993) (investigating the link between multiple sources and diversity of news); Tawnya Adkins-Covert et al., *News in My Backyard: Media and Democracy in an "All American" City*, 41 SOC. Q. 227 (2000) (researching whether local news coverage provides a marketplace of ideas sufficient to hold government and public organizations accountable).

44. Coding was done by the Author of this Article and by an ideologically diverse group of students in a graduate seminar on politics and the media taught by the Author. Presidential preferences among the coders were equally split between Bush and Gore.

45. For an excellent introduction to content analysis, see EARL BABBIE, THE PRACTICE OF SOCIAL RESEARCH 310-19 (8th ed. 1998).

inches (more than a quarter mile) as well as almost four hours of television content about the campaign broadcast during the last major local newscast of each day. Members of the research team coded all items about the presidential campaign reported in the last major television newscasts of each day (the hour-long newscast at 9:00 P.M. on WGN-TV and the thirty-minute newscasts at 10:00 P.M. on WFAA-TV and WTMJ-TV) and in selected radio shows. Specifically, all items about the campaign on two brief afternoon drive-time radio newscasts (the 5:00 P.M. newscast on WGN-AM and the 6:00 P.M. newscast on WTMJ-AM) as well as on WGN-AM's fifteen-minute 11:00 P.M. newscast were coded. Due to the vigorously partisan nature of political talk radio, news and comment about the presidential campaign on two locally hosted, overtly conservative call-in shows on WTMJ-AM in Milwaukee were coded.[46] More than half of the items were coded by two members of the research team to ensure reliability. The two coders initially agreed on the slant of an item about 93% of the time, indicating a high degree of reliability. Discrepancies were resolved through discussion, often involving a third member of the research team.[47]

For each category of news content, a coefficient of "slant" was computed. The slant coefficient could vary from -100 (which would indicate that all items in a given category favored Gore, none were neutral, and none favored Bush) to +100 (which would indicate that all items in a given category favored Bush, none were neutral, and none favored Gore). Coefficients based both on the number and length of items in a given category were calculated. The coefficients reported in the results section and the associated tables represent the average of these two slant coefficients.[48]

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46. All items about the presidential campaign broadcast on WTMJ-AM from 9:00 A.M. to 10:00 A.M., from 11:00 A.M. to noon, and from noon to 1:00 P.M. Monday through Friday were coded. The other radio station in the study, WGN-AM in Chicago, did not broadcast politically oriented talk shows during the campaign.

47. The research was conducted in Milwaukee, where the Chicago and Milwaukee newspapers were readily available in stores or by home subscription. The Dallas newspaper is not sold in Milwaukee, so copies of the *Morning News* were purchased via mail. The Chicago broadcast stations under study were readily available in Milwaukee. WGN-TV is broadcast on local cable systems in the Milwaukee area, and WGN-AM's signal is quite strong in Milwaukee. Dallas television is not available over the air or on cable in Milwaukee, but WFAA-TV puts the full news content of its nightly 10:00 P.M. newscast on the Internet.

48. The formula for computing the slant coefficient for the number of items is ((G+(N*2)+(B*3))/(G+N+B)-2)*100, where G is the number of pro-Gore items in a category, N is the number of neutral items in a category, and B is the number of pro-Bush items in a category. The slant coefficient for length of an item can be computed using the same formula, but substituting the total length of items for the total number of items.

The results reveal the direction and magnitude of "slant" not only for each news organization under study during the crucial final two weeks of the campaign, but also for each kind of item the news organizations published or broadcast. The more different the "slants" within commonly owned news organizations, the stronger the evidence that cross-owned newspapers and broadcast stations actually can and do provide "diverse and antagonistic" news and viewpoints.

B. Results

1. Results: Chicago

Chicago, the third largest television market in the United States with approximately 3.2 million households, was chosen for this study for several reasons. First, it is the home of the Tribune Company, an aggressively expanding multimedia corporation that publishes the *Chicago Tribune* and owns WGN-TV and WGN-AM in Chicago. The *Tribune* has a daily circulation of about 650,000 copies and a Sunday circulation of about 1,000,000 copies.[49] WGN-TV, Chicago's largest independent television station, also is a station of nationwide importance because most cable systems in the United States carry it.[50] WGN-AM is generally the highest-rated radio station in Chicago.[51] It features news and talk programs with high-profile program hosts.

In March 2000, the Tribune Company purchased Times Mirror, owner of a number of major newspapers (e.g., *The Los Angeles Times*, *Newsday*, *The Baltimore Sun*) and about twenty magazines (e.g., *Field and Stream*, *Popular Science*) for about $8 billion.[52] The acquisition gave the Tribune Company jointly owned media properties in several markets, including New York (*Newsday* and WPIX-TV) and Los Angeles (*The Times* and KTLA-TV) in addition to its existing cross-ownerships in Chicago and south Florida (*The Ft. Lauderdale Sun-Sentinel* and Miami's WBZL-TV). The Tribune Company also owns television stations in Philadelphia, Boston, Dallas, Denver, Atlanta, Houston, Seattle, and Washington, D.C.; two local cable systems (including one in Chicago); and

49. Tim Jones, *Newspaper Circulation Figures Drop Slightly*, CHI. TRIB., Oct. 31, 2000, § 3, at 3.

50. *Tribune Company 2000 Annual Report*, *at* http://www.tribune.com/report2000/tc2000ar02.html (last visited Oct. 11, 2001).

51. *Inside Radio* report of ratings, *at* http://insideradio.com/ratings/index.html (last visited Oct. 11, 2001).

52. Rick Rommell, *Tribune Co. Deal Creates Powerhouse; $8 Billion Plan to Buy Times Mirror Sets up Coast-to-Coast Force in Newspapers, TV*, MILWAUKEE JOURNAL-SENTINEL, Mar. 14, 2000, at 1A.

the Chicago Cubs baseball team.[53]

The Tribune Company has been aggressive in favoring relaxation, if not outright repeal, of the FCC's ban on local cross-ownership. It unsuccessfully challenged the ban in federal court,[54] and it has openly lobbied for changes that would enable it to keep the cross-owned combinations created by its acquisition of Times Mirror.[55] Unless the rule is changed, the Tribune Company will have to sell either its newspaper or its television station in markets such as New York and Los Angeles before the television stations apply for license renewals in a few years.

The *Chicago Tribune*, WGN-TV, and WGN-AM are the most powerful news organizations in Illinois, which was expected to be a major battleground state in the 2000 presidential election.[56] On October 29, the *Tribune*, traditionally a Republican newspaper, surprised no one by giving a strong editorial endorsement to Republican presidential candidate George Bush.[57] The Tribune Company's broadcast stations made no endorsement. The *Tribune*'s endorsement was not enough to put Illinois and its twenty-two electoral votes in the Republican column, however. Democratic candidate Al Gore won Illinois with 55% of the popular vote, compared to Bush's 43%.[58]

Material selected by the *Tribune*'s editorial page staff was solidly pro-Bush, as Table 1 shows. During the period under study, there were six editorials (three neutral and three pro-Bush) and eight syndicated columns (four neutral and four pro-Bush). Twenty editorial cartoons were published, with two pro-Gore, thirteen neutral, and five pro-Bush. The slant coefficient for this material was +31.31.

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53. Alicia C. Shepard, *Tribune's Big Deal*, 22 AM. JOURNALISM REV. 22 (2000).

54. Tribune Co. v. FCC, 133 F.3d 61 (D.C. Cir. 1998).

55. Press Release, Tribune News, Fuller Urges Congress to Relax Cross-Ownership Rules (Oct. 5, 1999) *at* http://www.tribune.com/tribunenews/10-5-99/fcc.htm.

56. *See* Fornek, *Candidates Are Neck and Neck in Illinois*, *supra* note 42.

57. *George W. Bush For President*, CHI. TRIB., Oct. 29, 2000, § 1, at 16.

58. Federal Elections Commission, 2000 Presidential General Election Results, *at* http://www.fec.gov/pubrec/fe2000/2000presge.htm#IL (last visited Oct. 11, 2001).

TABLE 1. *Slant of content, by category, of Tribune Company Chicago news organizations during the final two weeks of the 2000 presidential campaign.*

	Slant coefficient
CHICAGO TRIBUNE:	
News stories (n=85)	-7.86
Staff opinion columns (n=25)	-22.24
Editorials, syndicated columns, cartoons (n=34)	+31.31
Letters to the editor, guest opinions (n=80)	-5.94
Overall (n=224)	-3.57
WGN-TV:	
Newscast stories (n=52)	+0.01
WGN-AM:	
Newscast stories (n=77)	-6.53

Note: Coefficients close to zero represent neutral coverage. Negative coefficients represent coverage that favored Al Gore. Positive coefficients represent coverage that favored George W. Bush. The greater the number of items in a given category, the more meaningful are relatively small coefficients (i.e., those between -5 and +5).

Although management's strong preference for Bush was clearly reflected in editorials and in material selected by the editorial page staff, no other category of news or comment in the *Tribune* favored Bush. Overall, the eighty-five news stories had a slight pro-Gore slant (-7.86), probably reflecting the slant of the news in the last two weeks of the campaign, which featured revelations about Bush's drunk-driving arrest in the mid-1970s and Gore's successes on the campaign trail. The *Tribune* features a number of opinion columns written by staff members. The twenty-five such columns during the period studied had a strong pro-Gore slant (-22.24). Submissions from readers (i.e., letters to the editor and guest columns) had a slight pro-Gore slant (-5.94). The combined slant of all 224 items published in the *Tribune* was -3.57, slightly pro-Gore. Overall, WGN-TV's campaign coverage in its 9:00 P.M. newscast was very balanced. The newscast carried fifty-two stories about the campaign; the slant coefficient was +0.01. WGN-AM's coverage at 5:00 P.M. and 11:00 P.M. had a slight pro-Gore slant (-6.53).

Results such as these do not support the view that the Tribune

Company's views had much influence other than on the editorial page of the *Tribune*.

2. Results: Dallas

Dallas is the seventh largest television market in the United States, with approximately two million households.[59] Its dominant sources of news and information are the *Dallas Morning News*, a newspaper with a daily circulation of approximately 500,000 and a Sunday circulation of approximately 800,000,[60] and WFAA-TV, an ABC network affiliate. Both are owned by the A. H. Belo Corporation.

Like the Tribune Company, the Belo Corporation owns a widespread media empire. Its holdings include the Dallas newspaper and television station in addition to several smaller daily newspapers in Texas, Kentucky, California, and Rhode Island; and eighteen television stations, several of which are in major markets (Houston, Seattle, and Phoenix).[61]

With the *Morning News*, a couple of smaller daily papers, and television stations in Dallas, Houston, and San Antonio that reach more than 60% of the households in Texas, Belo is a powerful media presence in the Lone Star State. Unlike the Tribune Company, Belo has not been at the forefront of lobbying efforts against the FCC's cross-ownership rule.

On October 22, 2000, the *Morning News* endorsed George W. Bush for President.[62] No one ever doubted whom the newspaper would endorse, for it had not endorsed a Democrat for President—not even 1964 incumbent President Lyndon Johnson, a native Texan—in years. None of Belo's broadcast properties endorsed a candidate for President. Bush, the incumbent Governor of Texas, would win the state's thirty-two electoral votes. The race was not close; Bush took 59% of the popular vote in Texas, and Gore took 38%.[63]

Dallas is one of the most conservative large cities in the United States, and the content of the *Morning News* reflected the local political culture. Table 2 depicts the results.

The newspaper ran nine editorials about the presidential campaign; three were neutral, and six were pro-Bush. The slant coefficient for the

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59. Nielsen Media Research Local Universe Estimates for the 2001-2002 Broadcast Season, *at* http://www.nielsenmedia.com/dmas.html (last visited Oct. 11, 2001).

60. *See* Jones, *Newspaper Circulation Figures Drop Slightly*, *supra* note 49.

61. Information about Belo's holdings is available at www.belo.com (last visited Oct. 11, 2001).

62. *George W. Bush—He's the Man to Restore Integrity to the White House*, DALLAS MORNING NEWS, Oct. 22, 2001, at 2J.

63. Federal Elections Commission, *supra* note 58.

editorials was +66.67. Editorial cartoons also had a strong pro-Bush slant, but syndicated columns tended to favor Gore. Overall, material selected by the editorial page staff of the *Morning News* was clearly pro-Bush (+11.92, a figure that would have been more than +30 if syndicated columns had been excluded).

TABLE 2. *Slant of content, by category, of A.H. Belo Dallas news organizations during the final two weeks of the 2000 presidential campaign.*

	Slant coefficient
DALLAS MORNING NEWS:	
News stories (n=111)	+6.73
Staff opinion columns (n=14)	+40.35
Editorials, syndicated columns, cartoons (n=40)	+11.92
Letters to the editor, guest opinions (n=79)	-9.77
Overall (n=224)	+6.55
WFAA-TV:	
Newscast stories (n=60)	-0.03

Note: Coefficients close to zero represent neutral coverage. Negative coefficients represent coverage that favored Al Gore. Positive coefficients represent coverage that favored George W. Bush. The greater the number of items in a given category, the more meaningful are relatively small coefficients (i.e., those between -5 and +5).

In Chicago, opinion columns written by staff members tended to be pro-Gore. In Dallas, however, such columns tended to be strongly pro-Bush (+40.35 for the fourteen columns). The 111 news stories the *Morning News* published about the campaign also favored Bush, but not strongly (+6.73). The slant of the letters to the editor and guest opinions published in the *Morning News* was clearly pro-Gore. Meanwhile, coverage of the campaign by WFAA-TV was almost perfectly balanced, as was the case with WGN-TV in Chicago. The coefficient for WFAA-TV's coverage was -0.03.

The campaign news in the Belo properties was more conservative than in the Tribune Company's properties in Chicago. Stories, editorials, and columns written by *Morning News* staff members tended to be especially pro-Bush. However, the newspaper also published substantial amounts of material by nonstaff members that tended to be favorable to

Gore. The slant of the seventy-one letters to the editor, for example, was -5.81. The slant of the seventeen syndicated columns was -23.44; that of the eight guest opinions was -21.64. Viewpoint diversity at the *Morning News* came mostly from the newspaper's willingness to publish material by outsiders.

3. Results: Milwaukee

The third media market at issue in this study was Milwaukee, the thirty-third largest television market in the United States, with approximately 815,000 households.[64] Milwaukee is by far the largest city in Wisconsin. It has been called the most concentrated major media market in the United States.[65] Milwaukee's dominant sources of news and information are media properties owned by Journal Communications, Inc.: the *Milwaukee Journal Sentinel*, the only daily newspaper published in Milwaukee; WTMJ-TV, a highly rated television station with a long tradition of news excellence; WTMJ-AM, a news and talk radio station with a strong conservative point of view; WKTI-FM, a station featuring adult contemporary music; and more than twenty weekly newspapers serving the suburbs that surround Milwaukee.

In addition to its Milwaukee properties, Journal Communications owns television stations in Nevada, Michigan, and California; thirty-four radio stations in seven small or medium-sized markets around the country; and a number of relatively small printing, information, and telecommunications businesses.[66] The company has avoided pushing for changes in the FCC's cross-ownership policy, largely because recent loosening of FCC rules about the number of radio stations a company can own in a given market has given the company ample opportunity to expand.[67]

The *Journal Sentinel* resulted from a 1995 merger between the *Milwaukee Sentinel*, a morning daily, and the *Milwaukee Journal*, an afternoon daily. Both newspapers were owned by Journal Communications, which bought the *Sentinel* in 1962.[68] Under the ownership of Journal

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64. Nielsen Media Research, *supra* note 59.

65. Robert W. McChesney, *Media Concentration: Why It Is a Problem, and What We Can Do About It*, Presentation to the Society of Professional Journalists—Marquette Univ., Nov. 10, 1997.

66. Details of the company's holdings can be found at http://www.jc.com (last visited Oct. 12, 2001).

67. Rich Kirchen, *Tribune Co. Challenges Cross-Ownership Regulations*, BUS. J., Mar. 27, 1998, *available at* http://milwaukee.bcentral.com/milwaukee/stories/1998/03/30/newscolumn2.html.

68. Details of the company's history can be found at http://www.jc.com/history.shtml

Communications, the *Sentinel* always endorsed Republican candidates for President. The *Journal*, a traditionally liberal newspaper, endorsed Democrats for President in every election between 1960 and 1995, with the exception of 1972, when it endorsed no one.[69] That two newspapers owned by the same company consistently took such different stands over a thirty-five-year period strongly suggests that common ownership does not inevitably result in common viewpoints.

In 1996, the newly merged *Journal Sentinel* endorsed Republican Bob Dole for President in an editorial that reflected a split on the newspaper's editorial board, most of whom favored Democratic incumbent Bill Clinton. A majority of the editorial board favored endorsing Gore in the 2000 campaign, but others strongly favored Bush.[70] The result was a stalemate and a decision to endorse no candidate for President.

The difficulty the newspaper had in deciding between the two major party candidates reflected the difficulty the Wisconsin electorate had in choosing a clear winner. When all the votes had been counted, Gore won Wisconsin's eleven electoral votes by less than 6,000 votes out of more than 2.6 million votes cast.[71]

Journal Communications owns the properties that give Milwaukee the reputation of being the most concentrated major media market in the United States. The high level of local concentration did not prevent the Journal Communications media from offering a tremendous diversity of opinions, as Table 3 shows.

(last visited Oct. 12, 2001).

69. *The Milwaukee Journal's Action of Presidential Elections*, document in the personal files of David Behrendt, former editorial page editor of the Milwaukee Journal.

70. Personal communication from a *Journal Sentinel* editorial writer who requested anonymity.

71. Federal Elections Commission, *supra* note 58.

TABLE 3. *Slant of content, by category, of Journal Communications Milwaukee news organizations during the final two weeks of the 2000 presidential campaign.*

	Slant coefficient
MILWAUKEE JOURNAL SENTINEL:	
News stories (n=127)	-12.08
Staff opinion columns (n=7)	-3.01
Editorials, syndicated columns, cartoons (n=46)	-9.35
Letters to the editor, guest opinions (n=60)	+9.18
Overall (n=240)	-8.15
WTMJ-TV:	
Newscast stories (n=86)	+5.05
WTMJ-AM:	
Newscast stories (n=33)	+29.30
Talk radio segments (n=200)	+83.61

Note: Coefficients close to zero represent neutral coverage. Negative coefficients represent coverage that favored Al Gore. Positive coefficients represent coverage that favored George W. Bush. The greater the number of items in a given category, the more meaningful are relatively small coefficients (i.e., those between -10 and +10).

Despite a long editorial explaining its decision to endorse neither candidate, the material selected by the editorial page staff still had a pro-Gore slant (-9.35). Staff opinion columns were slightly pro-Gore (-3.01), while daily news coverage was solidly pro-Gore (-12.08 for 127 stories).

In Chicago and Dallas, material submitted by readers (letters to the editor and guest opinion pieces) tended to favor the candidate other than the one favored by the editorial page. The same phenomenon occurred in Milwaukee, where the *Journal Sentinel*'s editorial stances favored Gore and submissions by readers favored Bush (+9.18).

Campaign coverage by the television stations in Chicago and Dallas was essentially neutral. In Milwaukee, campaign coverage on the 10:00 P.M. newscast had a slight pro-Bush slant (+5.05). Coverage by the radio station was strongly pro-Bush, even during newscasts. The slant coefficient for the 6:00 P.M. newscast was +29.30. The slant for the political talk radio shows that fill several hours of airtime each day was an incredible +83.61.

In many ways, the political talk shows on WTMJ-AM amounted to little more than unpaid propaganda for the Bush campaign. Program hosts even played advertisements favoring Bush or opposing Gore as news material, justifying the practice by saying that they wanted to comment on the ads.

Overall, the Journal Communications properties in Milwaukee provided a wide diversity of opinions. The newspaper had a clear pro-Gore slant, the radio station a very strong pro-Bush slant, and the television station a slight pro-Bush slant.

IV. CONCLUSIONS

The study found no evidence of ownership influence on, or control of, news coverage of the 2000 presidential campaign in cross-owned media properties in Chicago, Dallas, and Milwaukee. Different newsrooms did things differently, sometimes favoring Bush, sometimes favoring Gore, and often favoring neither. Editorial pages carried not only management's opinion but also many other opinions, including a substantial number of letters, guest columns, and syndicated columns that offered readers a range of viewpoints. The slant of campaign coverage broadcast by a company's radio and television stations tended to differ from the slant of news published by the company's newspaper. The difference was especially pronounced in Milwaukee, a more concentrated media market than either Chicago or Dallas. All in all, the results of the study found a wealth of "diverse and antagonistic" information in situations of newspaper/broadcast cross-ownership.

In other words, the evidence does not support the fears of those who claim that common ownership of newspaper and broadcast stations in a community inevitably leads to a narrowing, whether intentional or unintentional, of the range of news and opinions in the community.[72] To be sure, the range of news and opinions that the present study uncovered was not as broad as it might have been. News about third party candidates was not given the same attention as was news about Bush and Gore; most third party candidates other than Ralph Nader and Pat Buchanan were not mentioned at all. Nor, for better or worse, was there much discussion of issues that were not raised by the candidates themselves.

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72. *See, e.g.*, Ronald J. Krotoszynski, Jr. & A. Richard M. Blaiklock, *Enhancing the Spectrum: Media Power, Democracy, and the Marketplace of Ideas*, 2000 U. ILL. L. REV. 813, 859 ("If a single person controlled virtually all mass media outlets within the community, he would enjoy a near-perfect discretion to censor those materials, viewpoints, and programs that he deemed offensive or subversive of his interests."). *See also* BEN H. BAGDIKIAN, THE MEDIA MONOPOLY 217 (4th ed. 1992) (a third of U.S. newspaper editors claimed they would not feel free to publish a story damaging to the corporations that owned their newspapers).

At issue in the study, however, was not the quality of campaign coverage in cross-owned media, but rather whether commonly owned media took a common slant on the campaign. The results show that they did not. Rather, the range of viewpoints in the campaign coverage of the cross-owned media under study reflected the range of viewpoints discussed by the leading candidates for the Presidency. In other words, cross-owned newspapers and broadcast stations covered the campaign in the way that mainstream American news organizations typically cover political campaigns.[73] Whatever the deficiencies of the news coverage of Campaign 2000, they did not seem to be the result of cross-ownership.

This result should surprise no one. By and large, American news organizations are the property of fairly large corporations—in some cases, extremely large corporations—that have extensive media holdings.[74] Such corporations are part of the economic and political mainstream in the United States. In many ways, for better or for worse, they define the mainstream. Whether a corporation owns both a newspaper and a broadcast station in a given community or whether it owns only one media property in each of many communities, it is unreasonable to expect corporate media to paint outside the lines of the mainstream. Cross-ownership does not make the difference; rather, ownership by large and increasingly diversified corporations does.

It is also important to keep in mind that journalists are not mindless automatons. Although their work is standardized and routinized to an extent, strong professional norms of autonomy exist in newsrooms across the United States.[75] Any attempt by ownership to influence the slant of political news would certainly be resisted and even revealed by journalists.

After the bruising campaign in 2000, George W. Bush became the 43rd President of the United States. He appointed a new FCC chair, Michael Powell, who favors continued deregulation of media corporations, including the abolition of the prohibition on newspaper/broadcast cross-ownership.[76]

On September 13, 2001, the FCC unanimously approved a Notice of

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73. *See generally* DORIS A. GRABER, MEDIA POWER IN POLITICS (4th ed. 2000).

74. *See generally* BENJAMIN M. COMPAINE & DOUGLAS GOMERY, WHO OWNS THE MEDIA? COMPETITION AND CONCENTRATION IN THE MASS MEDIA INDUSTRY 481-93 (3rd ed. 2000).

75. DAVID H. WEAVER & G. CLEVELAND WILHOIT, THE AMERICAN JOURNALIST IN THE 1990S 62-63 (1996) (indicating that most American journalists feel they have almost complete freedom to select which stories to work on and to decide which aspects of the story should be emphasized).

76. *See, e.g.*, Stephen Labaton, *Media Companies Succeed in Easing Ownership Limits*, N.Y. TIMES, Apr. 16, 2001, at A1.

Proposed Rulemaking that posed a wide variety of questions.[77] Specifically, the Commission invited submissions of empirical data that will assist the Commission in determining whether and to what extent it should revise the rule that bans local newspaper/broadcast cross-ownership.[78] The Commission expressed special interest in evidence about existing newspaper/broadcast combinations (e.g., those that were grandfathered at the time of the adoption of the rule in 1975, as well as the four permanent waivers to the rule granted by the Commission since 1975).[79] The Commission said: "We urge commenters to provide specific information about the effects that these combinations have had in their markets."[80]

This Article examined whether three existing newspaper/broadcast combinations in major markets provided information about the 2000 presidential campaign from "diverse and antagonistic sources." The results show clearly that they did provide a wide range of diverse information. In other words, the Commission's historical assumption that media ownership inevitably shapes the news to suit its own interests may no longer be true (if it ever was).

The September 2001 Notice of Proposed Rulemaking demonstrated the Commission's interest in solid empirical evidence about newspaper/broadcast combinations. The evidence of the study reported in this Article suggests that the prohibition on newspaper/broadcast cross-ownership has outlived its usefulness.

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77. Cross-Ownership of Brdcst. Stations and Newspapers, *Notice of Proposed Rulemaking*, MM Docket No. 01-235, FCC 01-262 (Sept. 13, 2001) [hereinafter *Notice*].

78. *Id.* para. 1.

79. Kortes Commun., Inc., *Memorandum Opinion & Order*, 15 F.C.C.R. 11846 (2000) (allowing co-ownership of newspaper and AM station, based on the fact that the station was financially troubled and might go off the air, and was a small participant in the market); Columbia Montour Brdcst. Co., *Memorandum Opinion & Order*, 13 F.C.C.R. 13007 (1998) (allowing co-ownership of newspaper and small AM station, based on the fact that the station was financially troubled and could not be sold, and was a small participant in a competitive, diverse market); Fox TV Stations, Inc., *Declaratory Ruling*, 9 F.C.C.R. 5341 (1993) (allowing co-ownership of newspaper and TV station in large market, based on the fact that the station was reacquiring the newspaper such that the combination did not constitute a new ownership pattern, and the newspaper might not be financially viable on its own), *aff'd sub nom.* Metropolitan Council of NAACP Branches v. FCC, 46 F.3d 1154 (D.C. Cir. 1995); Field Commun. Corp., 65 F.C.C.2d 959 (1977) (allowing co-ownership of two newspapers and a TV station, based on the fact that the newspapers were reacquiring the TV station such that the combination did not constitute a new ownership pattern, and the TV station had only recently become financially viable).

80. *Notice*, *supra* note 77, para. 1.