

Before the FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of 2002 Biennial Regulatory Review -
Review of the Commission's Broadcast Ownership Rules
and Other Rules Adopted Pursuant to Section 202
of the Telecommunications Act of 1996,
Notice of Proposed Rulemaking,
MM Docket No. 02-277, (rel. Sept. 23, 2002)

To: The Secretary, FCC Commissioners, and Chief, Media Bureau

I am writing to you regarding Docket No. 02-277, The Biennial Review of
the FCC's broadcast media ownership rules.

I do not believe that the studies commissioned by the FCC accurately
demonstrate the negative affects media deregulation and consolidation have
had on media diversity.

I am against the FCC's move to further deregulate media ownership
across broadcast, cable and print media platforms. I am also against the
FCC's pending move to deregulate media ownership across all media
platforms, including internet and wireless platforms. I am against the
FCC's various moves towards such deregulation because, contrary to
media industry assertions, deregulation does not stimulate media
competition or increase the number of informed viewpoints that contribute
to the overall public debate over important public issues.

In fact, recent history since the passage of the Telecommunications Act of
1996 has clearly shown that deregulation of media ownership leads to
concentration of ownership across media platforms; an increasing
uniformity of editorial and reportorial opinion on issues of public
importance; and an increasing omission of important, historically
significant, hard news items in deference to this increasingly
monopolistic editorial and reportorial uniformity. Such uniformity limits
the focus of daily news generation to a comparatively small number of news
items designated by fewer and fewer "gatekeepers"; as being
both ratings-worthy and non-threatening to their various multi-corporate
interests and, surviving this phalanx of conflicting or potentially
conflicting interests, as somehow broadcast-worthy as
information-entertainment. In the skewed news priorities of contemporary
American network news, where advertising ratings and hundreds of
multi-corporate issues of political self-interest take precedence,
legitimate newsworthiness has taken last priority and is obviously of
least consideration.

The critical factor increasingly disregarded in this era of media
super-mergers and uniformity of editorial and reportorial viewpoint is the
public interest--and the media industry's fiduciary responsibility
to use the public's media spectrums in a manner that is commensurate
with the wider public interest. Neither the media corporations, nor their
lobbyists inside or outside of the FCC have demonstrated how their
pro-deregulation agenda serves the public interest in any manner
whatsoever. Having failed that, the FCC should immediately halt further
deregulation; should review its previous failures regarding deregulation
and pursue new regulations to support true news media diversity of
viewpoints that are transmittable via old and new methods of mass

communication, including more government-subsidized, citizen access media platforms that encourage participation in civil government, civil rights, civic pride and civic improvements.

The traditional journalistic purpose of the Fourth Estate in a democratic republic is to adequately inform the electorate so that its members can make well-informed decisions in the voting booth; such that those decisions will enhance and preserve the existence of that electorate's democratic republic. That is but one journalistic purpose served by a more diverse and therefore more truly competitive news media. There are also the news profession's obligations (as a sub-set of its journalistic responsibilities to inform the electorate of its political choices) to call the wealthy and powerful to account for their abuses of power and privilege over the poor and otherwise defenseless. This component of a responsible news media is referred to as social justice. Famous newspaper editor H.L. Mencken summed up this responsibility on the part of the news media thusly, "The purpose of journalism is to afflict the comfortable and to comfort the afflicted." However, the increasingly concentrated media giants that control American news focus increasingly on the cross-marketing of various spurious entertainment news bites (for the betterment of their sundry, related, corporate bottom lines) to the exclusion of more legitimate news of broader public interest whether political, moral or ethical.

Perhaps the single most crucial responsibility of a truly diverse news media regarding the public interest is for the news media to act as monitors on the centers of power, and not merely as mouthpieces repeating the unquestioned assertions of the nation's rulers in order to curry favor and reportorial/network access to the nation's political elite. In this and all the above-described journalistic obligations to serve the public interest the existing news industry in America is increasingly failing and failing miserably. Neither the FCC nor the media corporations themselves have offered any convincing evidence otherwise.

The single most offensive example of the corporate news media's over-concentrated eagerness to uniformly repeat and amplify, unquestioned, a sitting president's dubiously selfish policies occurred earlier this year regarding the Senate debate over President Bush's request that Congress transfer its traditional war powers to his singular control. This national tragedy was commonly referred to by the news networks as the President's War Powers Resolution. The primary argument against this historically unprecedented presidential power grab was a Constitutional one, and, as such, it should have been the primary argument exposed to the public via network news coverage, when, in fact, it received little or no coverage at all. The giants of the American news media focused instead on the various whispering campaigns being floated by this or that Republican faction of the current Bush Administration as to how and when the U.S. would go to war.

Why was the Constitutional argument against this resolution so important and so deserving of broad network news coverage? Because the President, every member of Congress and every member of the armed forces of the United States swears an oath to protect and defend the Constitution of the United States of America; not the temporary presidency of any one president, nor the ephemeral popularity of any

politician; and because the Constitution's authors vested the war powers of the United States in the Legislative Branch and not the Executive. Regarding the question of war powers, the Constitution's authors gave those powers outright to Congress for sound and compelling reasons of personal experience. Those men, our nation's founding fathers, had lived under a monarch whose government had taxed them without representation in its Parliament in order to help that monarch pay for public (and secret) foreign wars that did not economically benefit the American colonies, but enriched a small elite class of British mercantilists and aristocrats surrounding the monarch himself. The founding fathers did not want the American people to suffer the rule of a tyrant who could repeatedly plunge the nation into wars of personal ambition; for personal enrichment; or for the selfish increase of personal power at the expense of American blood and commonwealth; so they deliberately vested the war powers in the branch of government that was most representative of the broadest number of the American people; the Congress.

By all but ignoring this crucial Constitutional argument against the President's War Powers Resolution; in favor of partisan political war gossip, the news media conglomerates participated in a massive deception of the American people and a dangerous deprivation of one of their most important and fundamental rights in representative government. These so-called news entities; deliberately and uniformly hid the truth of the Constitutional argument against this spurious War Powers Resolution; from the American people; and they have yet to explain why. Now the war powers have been transferred to the Executive Branch; on trust; that they will not be abused. This very notion runs contrary to the careful system of political checks and balances that the founding fathers intended should be at the heart of American government.

The current presidential administration in the United States is now both court appointed and a de facto military tyranny. It wields war powers with supreme executive indifference to the war powers clause of the Constitution. It is no longer a matter of whether or not President Bush's war aims will violate the Constitution, but the degree to which they will do so. The corporate media, along with its strange bedfellows in both the Democratic and Republican parties, delivered this travesty into quiet existence. The corporate media should be held accountable for the possibly irreversible damage that this unequalled example of their utter faithlessness with the American people has now set into motion.

For the sheer scale of this deliberate mass media omission of coverage of a major Constitutional transfer of power (that will inevitably lead to a Constitutional crisis if it is not repealed), the news media industry should not only be denied more capacity to concentrate ownership across media platforms, but should be re-regulated with the public interest made paramount in their operations by law and strict law enforcement, and the news media industry should be forced to provide equal numbers of media platforms and frequencies of citizen access to mass communications with equal potential audience size to those of the commercial corporate media interests. To further reward the avarice, corruption and spreading editorial and reportorial uniformity of the media consortiums with still more deregulation would only reveal the FCC as a multi-corporate lap-dog and a betrayer of the public interest on a grand scale that stands in

stark contrast to its original purpose to provide competent government oversight of the fiduciary trust relationship between FCC broadcast license holders and the public (regarding the public's airwaves). That trust has already been severely broken, and the FCC and media conglomerates are now making a mockery of even the memory of that original trust relationship.

In conclusion, I support the FCC's plan to hold a public hearing on this matter in Richmond, VA in February 2003. I strongly encourage the Commission to hold similar hearings in all parts of the country. I think it is important for the FCC to not only consider the points of view of those with financial interests in this issue, but also those with social or civic interests. With the serious impact these rule changes will have on our democracy, it is incumbent on the Commission to take the time to review these issues more thoroughly and allow the American people to have a meaningful say in the process.

Sincerely,

William S. Crutcher