

TO:
THE FEDERAL COMMUNICATIONS COMMISSION

FROM:
BRYAN ADAMSON,
ASSISTANT PROFESSOR OF LAW
SEATTLE UNIVERSITY SCHOOL OF LAW

CC: U.S. Senate Committee on Commerce, Science, & Transportation—
Subcommittee on Communications
The House Committee on Energy and Commerce
The Subcommittee on Telecommunications and the Internet
Congressional Black Caucus
The Honorable Maria Cantwell
The Honorable Bobby L. Rush
The Honorable Albert R. Wynn
The Honorable Stephanie Tubbs-Jones
The Honorable Dennis Kucinich
The Honorable Patricia Murray
The Honorable James McDermott

MARCH 26, 2003

STATEMENT AGAINST THE PROPOSED MEDIA CONSOLIDATION

I am strongly opposed to any relaxation of the cross-ownership regulations regarding the media. In fact, I believe that the current rules should be tightened. Congress, the Supreme Court, and the FCC Chairman have lost sight of the obligation to regulate the broadcast airwaves in the “**public** interest, convenience, and necessity.” In promoting private over larger public interest protections, the FCC Chairman and his supporters have sold their responsibilities to the highest bidder.

Relaxing media cross-ownership limits will undoubtedly lead to further consolidation, resulting in reduced consumer choice. On the rise will be consumer costs, cultural commodification, and the silencing of dissenting voices in our political life. This time of profound political and social upheaval, where the world is “Hotter Than July,” is a most unfortunate but illustrative one at which to recognize the deleterious impact further media consolidation would have on what we hear and see. This is especially so in light of the media’s center-stage role in presenting our tumult.

This question has been posed by the proponents of lifting the cross-ownership regulations: if there are hundreds of cable, internet, radio, satellite telecommunications options, why does it matter that Viacom, Clear Channel, Disney and AOL/Time Warner dominate the broadcast business? The premise upon which Chairman Powell and his supporters base their deregulation argument is rife with faulty assumptions and ignores vital facts.

- Government broadcast spectrum allocation was premised on the condition that the public were not to pay for the **right** to receive access to this public resource;
- 30% of American households **do not** have access to cable television;
- 46% of households **do not** have access to internet at the home;
- Internet, cable, print and satellite news, information and entertainment services are **subscription media**. The assertion that all should simply pay for media access demonstrates a brazen desire to abdicate government's responsibility to ensure citizens' right to spectrum resources;
- These so-called "bountiful" media options can only be accessed upon paying for expensive computer, satellite, or cable apparatuses. To ignore the fact that many people have to choose between food, shelter or clothing on a daily basis represents, at best, a complete antipathy towards the plight of the lower and middle classes;
- Economies of scale which might be enjoyed through more media consolidation will not necessarily mean more choice for consumers, nor will it mean a reduction of consumer costs for advertised goods. The likely result will be the few media conglomerates competing for the largest share of the most lucrative demographics through undifferentiated appeals, less investment in programming with "alternative appeal," and the increasing in advertising costs through unchecked media anti-competitive behavior—costs that will be passed on to consumers;
- To answer the loaded question: it matters that Viacom, Clear Channel, Disney, and AOL/Time Warner will be able to control more of what we see and hear, as well as what we don't see and hear. To proceed down this path will have devastating effects on our political, social, and cultural structure.

SOME POINTS TO CONSIDER

1. These changes must not go forward. A searching inquiry into the likely impact of further cross-ownership rules relaxation, and inevitable media consolidation must account for these structural damages:
 - a. Consumers' financial resources [NOT just how businesses "suffer" from the current regulatory scheme], and how media subscription prices and goods and services might rise with consolidation;
 - b. Anti-trust issues where media control not only more electronic, recording, communication and print sources, but also other visual medium such as billboards, movie theaters, and concert venues. Anyone proposing relaxing regulatory rules better be prepared to strengthen the FCC's, the FTC's and DOJ's anti-trust resources;
 - c. For a stark example in the doubtless rise of anti-competitive and illegal practices, go to Cleveland, Ohio and inquire about the turn of events

directly arising out of radio consolidation in that community. Speak with musicians, concert venue owners, concert promoters, and even the employees of a particular major radio station and concert venue owner. I've heard from a few of these people about how they have been threatened with radio play list blackouts, or denied future booking in that media conglomerate's concert venues. I've heard of this threat from one of its employees;

- d. The largest radio conglomerate reaches 25% of the country's populations and takes in 20% of advertising revenue. As a result, the major conglomerate enjoys an economy of scale, and offers advantageous advertising rates which discourage advertisers from seeking alternative outlets. Without the ability to sell advertising space and time at a competitive price, a critical stream of income is lost, the demise of local ownership of radio and broadcast outlets is all but a certainty;
 - e. Any remaining commitment to minority and female media ownership and voice will be effectively finished. With minority ownership and "diversity of viewpoint" support upended by Congress and the Supreme Court, there will be little to assure that media conglomerates will enable these historically oppressed groups or marginalized voices a meaningful stake in the media industry. Barriers to owning or controlling communications outlets where infrastructure costs remain high and are controlled by a few will likely grow exponentially;
 - f. The Fairness Doctrine has been abolished. Media conglomerates engage in unabashed curry of political favor, and some evince not even a pretense of political objectivity or social responsibility. The power of message and control of message will profoundly impact political life. See, e.g., Clear Channel and Pro War protests. Editorial, Paul Krugman, NYT, 3/25/03;
2. In terms of news, information, and entertainment substance, any further consolidation of media ownership will result in dissenting voices being choked off. And with that death, a rise in propagandistic, sycophantic aping of the dominant political, oligarchic, and cultural voices. We're already witnessing it:
- a. Censorship and bias. See, e.g., Clear Channel's sponsorship of anti-war rallies; Fox News—and Bill O'Reilly's hypocritical (and arguably racist) double standard with Ludacris and Ozzy Osbourne; the complete failure to offer searching inquiries into corporate wrongdoing of media owners, e.g., Fox's News Chief sending a "coaching" letter to the President of the United States;
 - b. The homogenization of news and entertainment. See, e.g., broadcast program "repurposing"; the same repackaging passed off as news or entertainment also occurs through cross-references between local print and

broadcast media as well; stories written within local television “news” tied into broadcast programs (E.g., a station promo: “After the ‘X-Files’, stick around for your local news to learn about a *real* ghost buster!”—and it wasn’t even February!);

- c. Public access and government-supported education media. It is unthinkable that those considering relaxation of the cross-ownership rules ignore context. Should the rules be relaxed, there must be some studied examination on public access requirements by broadcasters and programmers, and a renewed commitment by the government to support public education and information media;
- d. The continued stereotyping and commodification of particular cultures in entertainment and news. All minority groups are still lampooned, women fetishistically objectified; African-Americans, Asian-Americans, Hispanics and Latinos/as, gays and lesbians remain marginalized, misrepresented, or alternatively, commodified by perpetuating the worst stereotypes created about those groups. (Question: Which racial minority disproportionately figures into criminal news stories in most media markets?);
- e. Homogenization of music. See Any Company radio play lists as “Exhibit A;” See also MTV, BET, VHI/Viacom. As an African-American, I am also a lover of 60s-70s R & B, soul, and funk. Since 1996, my tastes have been relegated to an AM station in Seattle, and were bumped from a popular FM dial set in my former Cleveland home. Now, I stand on my head with an antenna between my toes to hear Harold Melvin and the Blue Notes on AM 1420.

Perhaps an amusing visual, but the fact is symptomatic of an underlying distress. The handful of conglomerates that control what we hear on radio has entrenched genres which alternatively marginalize “unfavored” genres (i.e., those irrelevant to the 18-49 demographic), or worse, exacerbates vicious stereotypes. Particularly, African-Americans are essentialized through songs and popular play list choices made by conglomerates: Black men only sing about how many women laid, bling-bling, or Escalades; Black women as either man-haters or gold-diggers. All are hyper sexualized. And the African-American gay or lesbian is simply either persona non grata, or the object of ridicule. A community of people with no love for each other. A community of people with no respect for each other. A community of people with mad love for material things. These are the inescapable lessons from the choices media conglomerates make, and the lessons they control.

Who “pimps” this image of African Americans? Record companies (which are and own media of course), as well as the radio and video

broadcast companies. In their pursuit of profit, these companies have heretofore demonstrated a reprehensible lack of important awareness of the power of stereotype, a deplorable lack of any meaningful concern for the need for counterbalancing the destructive images and substance they perpetuate.

I cannot ignore the fact that many African-Americans have benefited in some ways (rap “democratizing” music and the wealth it promises; financial successes which have trickled into our communities), and must bear some responsibility for these images. But rest assured, for every 50 Cent making a dollar from a dropped CD, a CEO is making *one million* dollars.

Less than one hundred fifty years ago, African Americans’ backs were broken, splayed open, and spirits taken for fruits that only Whites could enjoy. Certainly now, African-Americans have been able to grab a share of the fruits of our labor in the music industry. While the fruit we eat is noxious with words and images which demean, we’re constantly told we’re being “catered to” as a “valued” consumer. Further media consolidation ensures that we will come to accept the music which essentializes and degrades us because we will be *conditioned and told* to accept it, if for no other reason, lack of choice. We will buy the stereotype and swallow the lies. To spike the antebellum metaphor, “the Master’s in the slave house again.”

CONCLUSION

Do not get me wrong. I do not look to radio or television (nor print for that matter) and its few owners to *lead* any charge toward cultural enlightenment and understanding. Popular media tends years behind any social or cultural progression. As one media critic devastatingly put it, invoking the words of poet-musician-activist Gil-Scott Heron: “the revolution will not be televised.” What I fear most from further media consolidation is the further degradation of all marginalized groups, not only African American race and culture, through lost opportunity for those groups to control their narratives, their stories.

The government and the media (*because* of its First Amendment privileges) have an obligation to the public to ensure that dissident voices are heard, that political and economic power in the hands of a few is kept in check, and that the marginalized have an opportunity to participate in the media economy. The underlying rationale for relaxing cross-ownership rules is faulty. It fails to properly consider the economic, political, cultural, and social ramifications for citizens—and for the spectrum as a public resource—government actors are duty-bound to protect.

