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May 30, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

Re: Notice of Ex Parte Presentation
MB Docket No. 02-277; MM Docket Nos. 01-235, 01-317, 00-244

Dear Ms. Dortch:

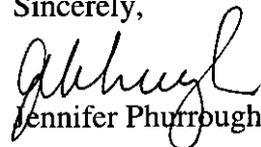
On April 28, 2003, Commissioner Michael J. Copps attended a forum at the University of Southern California, Center for Communication Law and Policy to discuss FCC media ownership issues. Please submit the attached transcript onto the official records of dockets MB 02-277, MM 01-235, 01-317 and 00-244. Panelists who spoke at the forum included:

Rep. Xavier Becerra, U.S. House of Representatives, California
Christopher Yoo, Associate Professor, Vanderbilt University
William Blinn, Writer/Producer
Darnell Hunt, Professor of Sociology, UCLA
Jerry Isenberg, Professor, USC School of Cinema
David Kissinger, President, Universal Television Productions
Mark Pedowitz, Executive Vice President, ABC Entertainment Television
John Taplin, Chairman and CEO, Intertainer
John Connolly, National President, AFTRA
Jay Harris, Founding Director, The Center for the Study of Journalism and Democracy
Marty Kaplan, Associate Dean, USC Annenberg School for Communication
Jay Levine, President, Share with Other LA
Shaun Sheehan, Vice President, Tribune Co.
Val Zavala, Vice President, News & Public Affairs, KCET

In addition, representatives of citizens were present to ask questions and voice their opinions.

Pursuant to section 1.1206(b)(2) of the Commission's rules, this letter is being filed with your office.

Sincerely,


Jennifer Phurrough

1 **MS. ORTIZ:** And the videotape will be submitted to the FCC
2 as part of its official record in this proceeding. It will
3 also be provided on the web as a delayed webcast.

4 In choosing the panelists we tried to keep in mind two of
5 the commission's goals: Diversity and localism. Certainly the
6 speakers invited represented those goals. And although a
7 number of the people who were invited could not attend for some
8 very good reasons, a number of people from the entertainment
9 industry are -- are now facing sweeps, which is an important
10 industry objective for them, and also the networks in just a
11 few days will be unveiling their new series and are preparing
12 for that. We were really happy to get the people that have
13 made the time to attend this event.

14 Everyone here has one goal, which is to discuss these
15 issues in a full and open and honest a manner as possible. And
16 I know that we all share the goal of providing a comfortable
17 and respectful environment for the diversity of perspectives
18 that will be presented here today. You each have received
19 pamphlet as you walked in with the agenda, a description of the
20 six ownership rules that are currently being considered by the
21 Federal Communications Commission, a description of the Center
22 for Communication Law and Policy, and biographical information
23 on each of the panelists and speakers who will be here today.

24 There is one -- there was also an addendum with two
25 additional panelists who were added as of Friday when

1 there's -- they were able to free up their schedules to attend
2 this event, and then we had a very welcome surprise
3 announcement this morning that yet another panelist for whom we
4 do not have biographical information to pass out will be
5 joining us via video conferencing. In fact, Marty, are you
6 there? I think Marty may be there already.

7 **MR. KAPLAN:** Yes, I am Sandra. Thank you.

8 **MS. ORTIZ:** Hi Marty. So, please -- we're going to
9 keep -- we're going to keep introductions to a minimum here
10 because you do have the biographical information before you and
11 we have a lot to cover here today. There -- the agenda -- if
12 you look through the agenda you will notice that there are two
13 breaks. They may need to be shortened from the 15 minutes that
14 we have there since we did have so many panelists who were able
15 to attend. If we have time, we would welcome written questions
16 from all of you. I will have students on -- around in the --
17 in the room taking those questions on note cards and if we have
18 time at the end of the panels, we'll certainly pose those
19 questions to the panelists.

20 We also have a public comment period at the end of the
21 event starting at about 12:45. The sign-up list is at the
22 registration desk for those of you who are interested in
23 signing up. We're going to ask you to keep those comments as
24 brief as possible to allow as many people to speak as possible
25 and try to keep them to about three minutes.

1 There's also MCLE credit available for those of you who
2 are interested in that. And that's available at the sign-up
3 desk as well. Just get those -- those papers there. And there
4 are restrooms -- a number of restrooms throughout the
5 facilities. Women's restroom right outside this room. A men's
6 restroom directly up the elevator and a number of others. So
7 if you have any questions about how to find the restrooms,
8 please just ask.

9 I'd like now to introduce the commissioners and other
10 speakers that we have for the introduction this morning. First
11 of all I'd like to introduce Commissioner Michael Copps, one of
12 the two democratic appointees to the FCC. Commissioner Copps
13 and Commissioner Adelstein, who is joining us by video
14 conferencing, are the two commissioners who have most
15 diligently traveled across the country attending
16 community-sponsored events like this and calling tirelessly for
17 a more informed public discussion of these issues prior to any
18 rule making.

19 I thank both commissioners for attending and for their
20 efforts on behalf of the public.

21 Commissioner Copps, would you like to join me up here?

22 **COMMISSIONER COPPS:** Thank you and good morning. I
23 appreciate your -- your nice words there about my -- my
24 efforts. You don't always get nice introductions like that. I
25 was out in the middle west last week giving a talk and I think

1 the person who introduced me was trying to be nice enough about
2 it, but he said, "Now we're going to hear the real dope from
3 Washington." There might be some folks in the audience who
4 share that evaluation. I don't know.

5 Thanks for inviting me to participate in this forum. And
6 more importantly thanks to the Annenberg School and Geoff Cowan
7 and everybody who worked so hard to put this together. And
8 particular thanks to you, Sandra Ortiz, for struggling against
9 the absolutely Herculean odds and blizzards on President's Day
10 and everything else you had to contend with to put this
11 together.

12 I also want to recognize the presence here this morning of
13 my friend and a great public servant, Representative Xavier
14 Becerra, who represents the 31st District of California. He's
15 been a champion on so many issues, including media ownership
16 and media diversity. Thank you, sir, for -- for being with us.

17 I'm not a person much given to hyperbole, I don't think.
18 But I believe that apart from matters of war and peace that are
19 front and center in our national attention right now, no
20 meeting taking place anywhere in America today is tackling
21 issues as important to the future of our country as this one
22 right here.

23 At the FCC we are racing towards a critically important
24 vote on whether to keep or modify or scrap many of our media
25 concentration protections. And these rules, as Sandra said,

1 are -- are laid out for you in your material so I won't go
2 through them here. They are important. Some will say, what's
3 so earth-shaking about them? What's important about it is that
4 there's a potential here to remake our entire media landscape
5 for better or for worse, for many, many years to come. The
6 stakes are enormous. There's no way around it. We're talking
7 about fundamental values and democratic virtues. Things like
8 localism, diversity, competition, maintaining a multiplicity of
9 voices and choices that sustain the marketplace of ideas and
10 undergird our precious system of democracy. And those are not
11 abstractions. They go to what kinds of entertainment and
12 information we and our children will be watching and hearing.
13 This is about everything we see and hear and read through the
14 media because at stake is how TV, radio and newspapers and even
15 the Internet are going to look, the role that they're going to
16 be playing in each and every one of our lives and who's going
17 to be controlling them and for what purposes. That's pretty
18 important stuff.

19 And here's my concern. We are on the verge of
20 dramatically altering our nation's media landscape without the
21 kind of national dialogue and debate that these issues so
22 clearly merit. Thirty-five days are all that's left if
23 Chairman Powell continues to insist that the role be called on
24 June 2nd.

25 So in just over a month, we will have voted on this.

1 Changed the rules. Reconfigured the media landscape and told
2 the world, "Sorry, there's no opportunity or time for public
3 comment on what we just put into place." Right after that I
4 think you can prepare to see a veritable gold rush of media
5 company buying and selling. That's what the Wall Street
6 Journal referenced just the other day in exactly those terms.
7 And I'm told of one merger and acquisition firm that's going
8 around the cities calling media companies saying, "We would
9 like to be your broker." Well, maybe that's what merger and
10 acquisition firms are supposed to do. I just wonder who's
11 going to be America's broker in all of this. And somehow I had
12 the quaint idea that maybe the FCC was supposed to -- supposed
13 to pay some attention from that perspective.

14 Three-quarters of the American people, the Pew research
15 people tell us, don't even know this is taking place. They
16 haven't been told by the Commission. They haven't been told
17 like by media. This is like a state secret. And it's amazing.
18 We're going to have a substantially changed system in place
19 before most people even know it's up for grabs. And up for
20 grabs is the right term because I travel around the country
21 holding my own hearings and attending forums like these. I
22 hear about deals in the making. Like newspaper and broadcast
23 cross-ownership agreements where the terms are already decided,
24 the deal is done, the agreement is written, the signature
25 blocks are there. All they're waiting on is the Commission to

1 vote on June 2nd.

2 One problem with all this is that just 35 days out, we
3 don't have a draft proposal to look at. We don't know what
4 we'll be voting on yet. At least I, speaking as one
5 commissioner, don't know what we're going to be voting on. We
6 don't have the details. We don't even have the broad
7 configuration of what the new system will be. And when the
8 proposal is finally put on the table, it's going to say, "Eyes
9 only. Don't circulate this outside the Commission." So we're
10 not going to tee it up for public comment or expert analysis
11 before we vote. This is the way the Commission usually does
12 business, we're told. But I submit this is too important to be
13 treated on a business-as-usual basis.

14 Thirty-five days out we still lack understanding of what
15 the consequences, intended and unintended, of this new regimen
16 will be. So we don't know where we're going, we haven't
17 studied very well where we've been. Put those two things
18 together and you have a sure-fire recipe for disaster. So let
19 me lay out a few principles for this proceeding over the next
20 35 days.

21 First, I think we ought to start with the premise that
22 it's not anybody, any company's property we're talking about.
23 It's the people's property we're dealing with. We're not
24 talking about airwaves that a broadcaster or a company owns.
25 We're talking about public airwaves and how they should be used

1 to advance the interest of the American people. No company has
2 a God-given right to use these airwaves for strictly commercial
3 purposes. Yes, they can be run as a business. That's a
4 decision this country took a long, long time ago, but it's a
5 very special business. It was when those rules were first put
6 out. It is today. Because licensees granted the right
7 temporarily to use these airwaves are using public property for
8 primarily public purposes in behalf of the public interest.

9 The Supreme Court laid out the direction for us long ago
10 when it wrote, "It is the purpose of the First Amendment to
11 preserve an uninhibited marketplace of ideas in which truth
12 will ultimately prevail rather than to countenance
13 monopolization of that market, whether it be by the government
14 itself or a private licensee." If we began each debate in the
15 FCC in that context, we'd do a much better job as a commission.

16 Second, we need to address all of the broad range of
17 issues that have been raised in this proceeding. Some say this
18 is just an ordinary examination of our rules, finagling with a
19 few numbers. We do this every two years. Don't get excited.
20 Don't worry about it. Let's not kid ourselves. This is the
21 granddaddy of all reviews. It's going to set where the next
22 review's go for several years, and it goes to the heart and
23 soul of how the media is going to look for years to come. We
24 have opened up virtually all of our rules that shape the media
25 landscape.

1 So when this item does come our way, I hope it will deal
2 with these issues expansively, answer all the questions that we
3 initially raised in the proceeding that we put out last
4 September and respond to the many questions that we didn't
5 raise but public commentators raise, questions deserving of
6 answers.

7 Certainly we shouldn't narrow -- limit ourselves to the
8 narrow question of whether to scrap or significantly modify
9 limits. Some parties have addressed a need to require more
10 independent programming in our airwaves so that a few
11 conglomerates do not control all of the creative entertainment
12 that we see. I believe that these proposals should receive the
13 serious attention they deserve in our decision.

14 For years we limited both horizontal or distributional
15 consolidation as well as vertical or production concentration.
16 Then we loosened the vertical. Now we're loosening the
17 horizontal further. Let's look instead for some sort of an
18 arrangement where there's a little sense of balance.

19 Others have suggested the need for an effective license
20 renewal process, under which the Commission would once again
21 actually consider the matter in which a station has served the
22 public interest when it comes up to renew its license. We used
23 to do that years ago, but the system has evolved, I think
24 unfortunately, into one of basically of postcard license
25 renewal. Unless there is a major complaint against a station,

1 the license is almost automatically renewed.

2 A real honest to goodness license renewal process,
3 predicated on advancing the public interest, might do more for
4 broadcasting than all these other rules put together. And if
5 it's properly designed, it could avoid micro management on a
6 day-to-day basis in favor of a comprehensive look at how a
7 station has discharged its public responsibilities over the
8 term of its license.

9 I hope we will at least talk about this. On a little
10 different level, another issue I hope the item addresses is the
11 so-called UHF discount. In this modern TV world with digital
12 coming our way, is there still good reason count a UHF station
13 as only half a VHF station in terms of audience reach? Any
14 audience reach cap is immediately breached when a station can
15 reach a 100,000 people but only has to count half of them.

16 My point is that this is the time to look and focus
17 broadly and comprehensively. That's what we were told where we
18 were going. Now I want to see an item proves it, and I will be
19 disappointed if when we see these proposals these kinds of
20 issues are not broached and addressed and this decision becomes
21 an aeroconstruct or a litmus test that reflects only somebody's
22 rush to eliminate the existing constraints on excess media
23 consolidation. If on the other hand we take a balanced
24 measured approach, engage in fact finding and open-minded
25 discussion, I believe the Commission could reach something

1 resembling a consensus. And how much better it would be to
2 have a 5-0 vote on such a great question rather than another
3 3-2 vote that encourages litigation and confusion more than it
4 brings clarity and direction. That's a result that would be
5 good for the Commission. More importantly, good for the
6 country. When the issues go to the very heart of our American
7 democracy, the American people deserve no less.

8 Third, if we change our rules, we should do so in a manner
9 that affords us the opportunity to analyze the impact of
10 increasing consolidation before the genie is let out of the
11 bottle. Radical reform can produce negative consequences that
12 would be difficult to fix. I've already mentioned the feeding
13 frenzy of consolidation that some say will follow relaxation of
14 our rules. Suppose for a moment that we vote on June 2nd to
15 eliminate or significantly loosen these rules. And suppose
16 just for the sake of argument, no matter what side of the issue
17 you're on, suppose that turns out to have been a mistake. How
18 do you put that genie back in the bottle? And the simple
19 answer is you won't, because you can't.

20 Before we plunge ahead to remake the media landscape, we
21 need to better understand the current media landscape and the
22 implications of eliminating concentration protections. I was
23 going to talk a little bit about radio, but I think other
24 people will do that here. I think many people in this audience
25 are familiar with the consequences, perhaps unintended to some

1 extent, of consolidation that followed the 1996 act and the
2 relaxation of our FCC rules and now we have one company owning
3 over 1,200 radio stations. We have lots of studies like the
4 Future of Music Coalition study finding an homogenization of
5 entertainment and music that gets airtime. We have a lot of
6 testimony on what this does to local news, public information,
7 community affairs and all of that. We need to learn from that
8 experience. There are so many answers that we just don't have
9 and just as importantly, there are so many questions that we
10 have not teed up.

11 What are the likely affects of further consolidation
12 going forward? If they're going to come with a new audience
13 cap, 40, 45, 50, 55, I don't know, 75 percent. I have no idea
14 what it's going to be. I think the Court's going to want to
15 know where we got that figure. Why don't we tee some of these
16 figures up and try to build some models and get some
17 perspective on what they're going to -- to mean?

18 What are the affects on small business? And particularly
19 on advertisers. Small advertisers trying to do business in a
20 consolidated media market. What are the possible affects on
21 our children? Where children doesn't appear one time, I don't
22 believe, in the item that we teed up dealing with this last
23 September, but some have suggested since then that there's a
24 correlation between the rising tide of violent and indecent
25 programming on the airwaves and the rising tide of media

1 consolidation. I do not know the answer to that question, if
2 there's a relationship, a causal relationship, a correlation.
3 But I do know this. I think we should at least ask the
4 question before we plunge ahead, and we should at least try to
5 amass some little basket of empirical evidence and information
6 before we vote.

7 What affects do technological changes have on the
8 ownership debate? We're in the midst of this big transition to
9 digital television a lot of people in this room are
10 instrumental in. Doesn't it change the terms of -- of the
11 media landscape if a station all of a sudden has the ability to
12 multi-cast five or six different channels? What does that do
13 to the competitive landscape in a media market? Shouldn't we
14 factor that in somehow into what we're considering? Why aren't
15 we?

16 What does further consolidation means -- mean in terms of
17 providing Hispanic Americans, and African Americans, and Asian
18 Pacific Americans, and Native Americans, and other groups the
19 kinds of programs and access and viewpoint diversity and career
20 opportunities and even advertising information that they need?
21 America's strength is after all its diversity. America
22 succeeds in the 21st century not in spite of our diversity but
23 because of our diversity. It's not a challenge to be overcome.
24 It is our greatest strength. And our media need to reflect
25 that diversity and they need to nourish that diversity. And it

1 doesn't take any rocket science to understand that changing the
2 rules of media consolidation is likely to have some affects,
3 perhaps profound affects, on different groups. We'd better try
4 to understand that before we change the rules instead of
5 creating a huge mess that we might not be able to fix after we
6 change them.

7 So we need to get this right. If we don't have an
8 adequate record, and we don't, we shouldn't hesitate to get
9 more evidence. Why let some artificial deadline prevent us
10 from obtaining adequate evidence to make an informed decision?
11 For example, if we're going to adopt some complicated new
12 formula for measuring diversity, we should provide the public
13 an opportunity to comment before it is adopted. It seems to me
14 that if we took a couple of months to do that to circulate such
15 ideas and to get comment, they'd have a much better chance of
16 withstanding court scrutiny when -- when you go to -- go to
17 court, because then you'll have a set of numbers that has -- at
18 least has seen the light of day and had some chance to be
19 commented on.

20 Some accuse me of delay. I reject that charge. I went
21 into this last year believing that the Commission, if the
22 Commission really worked at it, got around the country, looking
23 at the problem, collecting data, really reaching out, that we
24 would have had a shot at building an adequate record for a
25 timely vote this year. And I've tried to do that. And my

1 friend, Commissioner Adelstein, has tried to do that. And we
2 have been traveling across the country to hold hearings and
3 attend forums such as this one today from Los Angeles and
4 Seattle to Burlington, Vermont. From Chicago to Durham, North
5 Carolina. San Francisco, where Commissioner Adelstein was over
6 the weekend. Everywhere we've been, we've learned new facts.
7 Everywhere we've been, we've gotten new granular information.
8 Everywhere we've been, we've gotten new perspectives. And
9 we've come to understand how important this issue is to the
10 American people. And I have seen a truly sobering outpouring
11 of concern wherever we have gone. People don't have any
12 trouble understanding this issue. It's not that complicated.
13 There are huge questions that people understand that go to
14 their rights as citizens and rights as consumers both. If more
15 people knew, if the Commission did its job of public outreach,
16 and if big media, especially the television networks, which
17 have done such an absolutely dreadful job, atrocious job, in
18 covering this issue, if more people knew what was going on, I
19 think you would see an outpouring and a grassroots issue in
20 this country like we haven't seen in a long, long time.

21 I know this forum will add to our knowledge and provide us
22 with additional perspectives. But one final thought for those
23 of you who are interested in this issue. Don't let it end
24 here. You cannot allow that. You have to take what you learn
25 today, share it with others, do your part, and do even more

1 than your part to encourage the fullest possible national
2 discussion of these issues in the few weeks that remain.
3 Thirty-five days and counting down before Chairman Powell
4 closes the discussion and forces the vote.

5 As an FCC Commissioner, I have a duty to encourage this
6 kind of discussion and to build a record, but I think as
7 American citizens each person in this room does too.

8 Thank you very much for your attention.

9 **MS. ORTIZ:** Thank you, Commissioner Copps. That was
10 really -- makes this whole event worthwhile for us.

11 I'd like now to introduce Commissioner Jonathan Adelstein,
12 who is joining us from Washington, D.C., having just returned
13 from an event like this in San Francisco as mentioned by
14 Commissioner Copps. Commissioner Adelstein has been traveling
15 across the country also attending similar events in just the
16 five months since he has been confirmed. He has added his
17 voice to the call for public discussion and media coverage of
18 the issues related to this rule-making process. Commissioner
19 Adelstein.

20 **COMMISSIONER ADELSTEIN:** First I'd like to commend my --
21 my colleague, Commissioner Copps, for an incredibly principled
22 statement today, for an incredibly visionary statement and a
23 comprehensive one. I'd like to be a little more brief and I
24 wish I could be with you there today, but urgent business here
25 in Washington prevented me from doing that. And I want to

1 thank USC and Sandra Ortiz for your tenacity in getting this
2 rescheduled. It's well worth doing. It's critical that we do
3 this.

4 As you mentioned, I just came back from San Francisco City
5 Hall where I attended a similar hearing on Saturday that was
6 sponsored by USF and Stanford and Berkeley. And I want to
7 report to Southern California what we heard from your neighbors
8 to the north.

9 Hundreds of people took time from a beautiful Saturday to
10 attend that event, and they were lined up outside the hallway
11 for hours to get in. Now not one member of the public said
12 they want to see their media become more concentrated. They
13 said they believe the airwaves belong to the public and
14 demanded the FCC watch out for their interests, ahead of the
15 interests of the media giants in this country. And I replied
16 to them that such a charge, as I understood it, was our duty
17 under the law.

18 People said they were alarmed that they haven't heard
19 about this. They're mortified by the direction that it's
20 taking and they want to know what they can do about it. Well,
21 I relate to them the sad truth that we're rushing headlong
22 towards June 2nd when Chairman Powell is determined to finalize
23 these new rules. To me it's like going straight to the Super
24 Bowl without even having begun the regular season.

25 They wondered why the national media haven't covered this

1 story. I think the Saturday event itself might have been a
2 good case study in why they didn't. Two public radio stations
3 came by to broadcast the entire hearing live, but there was no
4 mention of it on commercial radio. And only one television
5 station showed up to cover it. KRON TV, which happens to be an
6 independent station that's not affiliated with any network. I
7 wonder why that is that none of the networks showed up. This
8 is as important of an issue as any other that this country
9 faces apart from war and peace, but the network media aren't
10 covering it.

11 I'm beginning to wonder if the media is incapable of
12 covering itself in this county. There's growing evidence from
13 the coverage of this very issue that ownership clearly affects
14 what gets covered. It's not just what you hear, it's what you
15 don't hear. Now when the history of this is written, and
16 Commissioner Cops and I are historians by training, this may
17 well go down as one of the most disgraceful chapters in the
18 history of American journalism. If the press doesn't own up to
19 what's happening now, they certainly won't in the future when
20 the big companies get even bigger by swallowing up their
21 competitors. Journalists will find themselves even more
22 intimidated in the future as fewer owners gain even more power.
23 Those who risk their careers by reporting the truth, whether or
24 not it's convenient for their owners, will find even fewer
25 competitive options for employment. If the free press doesn't

1 stand up for the free press, it's already lost its independence
2 and it will only get worse.

3 Now, if we at the FCC make the tragic mistake of allowing
4 too much further media consolidation, we won't be able to undo
5 it. Once companies merge the FCC never asks them to unmerge.
6 You can't put the toothpaste back in the tube. The FCC can
7 unalterably change the face of the American media for
8 generations to come.

9 Now, our chairman, Michael Powell, has vowed that nothing
10 will stop the agency from overhauling these rules by June 2nd.
11 He even dismissed a bipartisan request from Congress for more
12 time, including requests from your own senator, Senator Barbara
13 Boxer. He also dismissed a similar request from the
14 Congressional Hispanic Caucus, which is concerned about the
15 impact of increasing media consolidation on the Latino
16 community, as well they should be. And they're well
17 represented today by Congressman Becerra, who will be
18 participating in just a few minutes.

19 The chairman casts aside these congressional requests,
20 saying he'll go for it full-steam ahead, despite these mounting
21 concerns. So June 2nd will become the defining moment for
22 America's media ownership rules. I think it's critical for us
23 here at the FCC to hear more from Congress and from the public
24 before then, as Commissioner Copps so eloquently stated. But
25 it's tough for them to comment on this with any precision when

1 they have no specifics about what the FCC's proposing. Now,
2 since the FCC's charged with serving the public interest, it
3 should never be afraid of public comment. It only strengthens
4 the ultimate product and it helps us avoid some of the
5 unintended consequences that my colleague discussed.

6 On an issue of this magnitude, the FCC has a legal and a
7 moral obligation to provide the public with more specific
8 details before sealing it into federal regulations. That's
9 why, as a backstop, I recently asked the chairman to alert the
10 public to at least the broad outlines of what we're planning to
11 do, to do that in an open forum. I even suggested we could
12 hold such a public briefing very soon to accommodate his
13 June 2nd timeframe despite the fact I think that that timeframe
14 is too truncated and it's a rush to judgment. Even this would
15 go a long way toward helping the public understand what's
16 happening within the confined walls of the FCC. But sadly, he
17 rejected my proposal along with the others.

18 I've got to ask, what's the rush to make major changes
19 now? I think that we can make changes that are good changes.
20 I think we can work towards a consensus, as Commissioner Capps
21 indicated. We should focus on putting a workable structure in
22 place, one that can survive scrutiny by the courts. And I
23 think that that could be enhanced if we were to have more
24 public comment and that over time we can adjust the levels to
25 allow for greater consolidation after we've proven that the

1 initial levels didn't hurt the public. The law requires the
2 FCC to review these rules anyway every two years, so why not
3 start with a conservative step and then consider greater
4 loosening in the future as we learn more about the impact of
5 consolidation on the vital public interest principles of
6 localism and diversity.

7 Now, those of you in L.A. well know about newspaper magnet
8 William Randolph Hearst. He understood the key power of local
9 news outlets. When asked why he preferred concentrating on
10 newspapers with a limited regional appeal rather than spending
11 more energy on motion pictures, which he was also involved
12 with, knowing that they had a worldwide audience, he replied
13 very pithily. He said, "I thought of it, but I decided against
14 it because you can -- **[SPEAKER CUT OFF HERE]**

15 **MS. ORTIZ:** Well, we lost him, but we're going to get him
16 back. In the meantime, I think we will move on in the interest
17 of time to our next speaker and see if Commissioner Adelstein
18 can join us after that once we get a connection reestablished.
19 So now I'd like to introduce Representative Xavier Becerra, who
20 is a ten-year veteran of the House of Representatives.

21 Representative Becerra, who is Xavier to me since we've
22 been personal friends and law school classmates, is a member of
23 the Congressional Hispanic Caucus and currently serves as the
24 chairman of the Hispanic Caucus's telecommunications and
25 technology taskforce among his other duties in Washington.

1 Xavier.

2 **CONGRESSMAN BECERRA:** I still want to hear the punch line.
3 He was getting -- he was getting going. Good morning, and let
4 me begin by thanking Sandra Ortiz. It is sort of like a
5 reunion here to see Sandra and very proud to see what she has
6 been able to do here at USC, and I hope that she continues to
7 shed light on some of these important issues and thank you very
8 much for ensuring that Los Angeles did have a -- a hearing here
9 to discuss this very, very important issue of media ownership.
10 To USC, for recognizing the importance of this issue and
11 providing the forum, I want to say thank you as well. And
12 to -- by the way, Robin Kaufman was great and thank you Sandra,
13 for her assistance as well in making this happen. And to
14 Commissioner Copps, who I know has championed these issues far
15 before we had notice that there would be a review of media
16 ownership rules, and to Commissioner Adelstein, who's taken
17 this task on since day one when he first was sworn in. I know
18 it was a task just to get him onto the FCC as he went through
19 the process of getting him Senate confirmation, so I'm pleased
20 that the two of you have participated. I wish we could say
21 that we had all of the members of the Commission here today
22 because it is so very important. In fact, it would've been
23 great just to have them participate in a handful of these as a
24 majority of the Commission. But since we don't have a
25 majority, we're certainly lucky enough to have two of the five

1 members of the Commission with us participating and offering
2 their words as well.

3 I want to just focus on a few things because I know that
4 you have experts here. You have excellent panelists to -- to
5 make presentations. I'd like to just, for the record, mention
6 a few of the points that many of my colleagues and I have been
7 working on in Washington, D.C. First and foremost of course,
8 the -- the public owns the airwaves. We all know that. And it
9 was Congress that created the FCC to give it the opportunities
10 to help manage those airwaves for the public's benefit. I hope
11 that my colleagues and I will be prepared to act as well, based
12 on what the FCC does or doesn't do, in trying to protect the
13 public's interest with regard to those airwaves and perhaps
14 we'll have to undertake a review of the FCC if we don't find
15 that the FCC is willing to undertake a thorough and
16 comprehensive review of these media ownership rules on its own
17 and give the public an opportunity to provide input as well.

18 This seems like a runaway train. We have right now a
19 little bit more than a month to review these rules, yet we're
20 reviewing them in isolation because we're not being provided by
21 the Communications Commission the opportunity to know what they
22 think. What the Commission thinks before it decides to issue
23 its final rules, which seems to be working backwards. And for
24 many of us it's of great concern. Many of us in Congress,
25 Senate and House have expressed in writing our desire to have

1 proposed rules issued prior to any final rules being enacted by
2 the FCC, and we'd like to have an opportunity for full public
3 comment, not just for members of Congress but for the public in
4 general on those proposed rules before they become final.

5 But it seems as well that we have a hear-no-evil,
6 see-no-evil attitude by those who could communicate the
7 information to us, and there, by that I mean, as I think both
8 chairmen just mentioned, are our media outlets. Our -- our
9 major media outlets, I believe, have done a dramatically poor
10 job of getting the information out there. And unfortunately,
11 you talk about hear-no-evil and see-no-evil, that can't be an
12 excuse because they're the ones that produce what we hear and
13 what we see.

14 So I hope that this will be a clarion call for the media,
15 all the media, to come forward and help the public have a
16 better understanding of what is occurring over the next several
17 weeks. And I hope longer than just the five or so six weeks
18 that we have left before comment is to close and rules will be
19 issued.

20 I want to mention a couple of other things. Diversity.
21 It seems to me as we talk about diversity ownership within the
22 media universe, we forget perhaps the most common meaning of
23 the word diversity in America these days. And to me diversity
24 within the media would also include our ethnic and racial
25 diversity so that -- and of course gender diversity -- so that