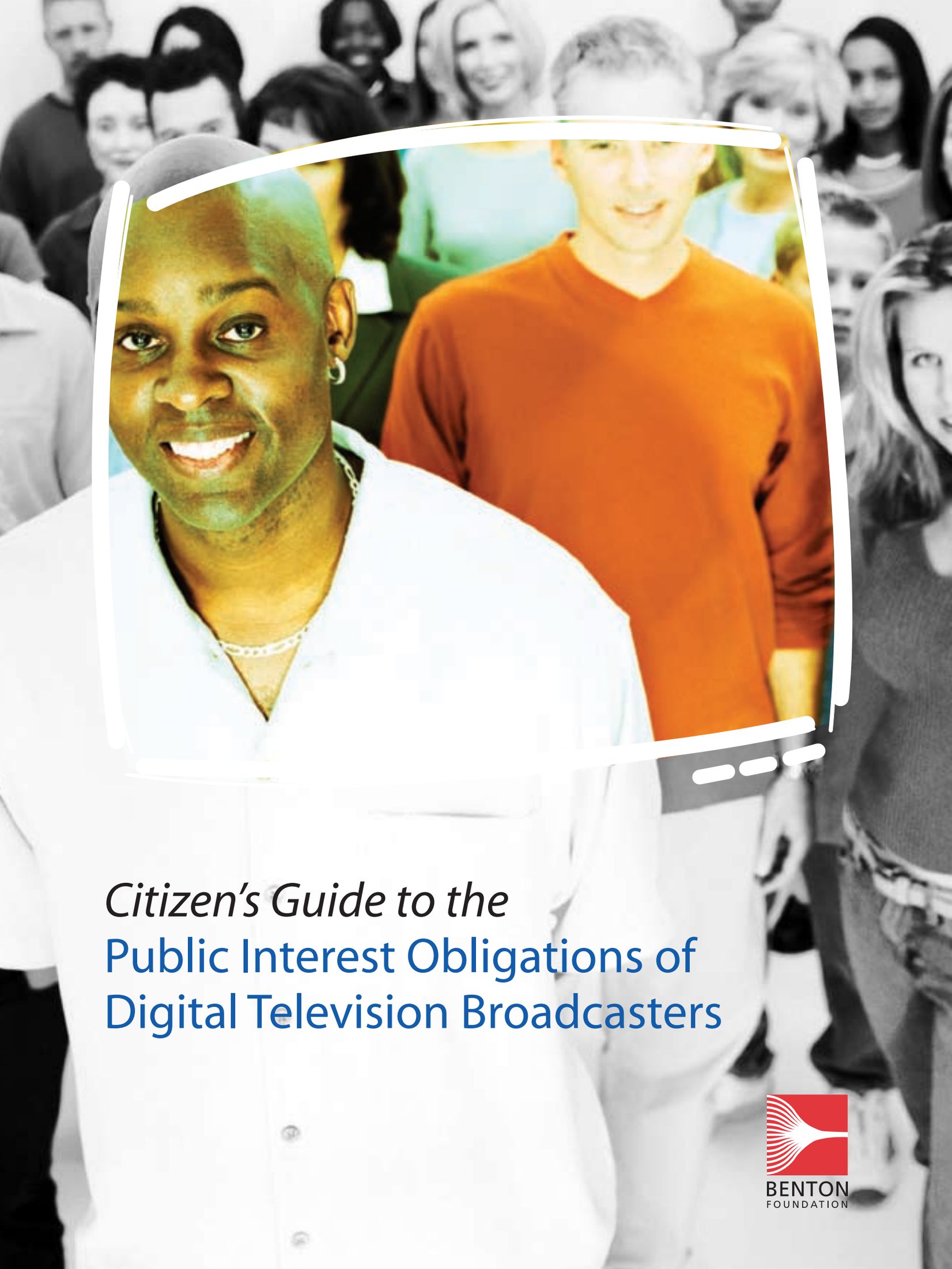

Citizen's Guide to the Public Interest Obligations of Digital Television Broadcasters

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The Benton Foundation works to advance a public interest vision and policy alternatives for the digital age and to demonstrate the value of communications for solving social problems.

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And acknowledgments would not be complete without recognizing the Media Access Project for their decades-long defense of public interest obligations – when few cared.

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Preface

The nation's 1,600 television stations are converting from traditional analog technology to a digital television format. Digital television (DTV) is a new, more efficient technology for transmitting and receiving broadcast television signals. Digital signals are superior to analog (traditional TV) signals because of their greater accuracy, versatility, efficiency, and interoperability with other electronic media. Because digital signals can carry more information, they can mean more channels, clearer pictures, better sounds, and advanced new functionality.

All of us own the airwaves that broadcasters use to provide both analog and digital TV signals. Broadcasters have been given this special privilege - a license - for free, and in return are required by law to serve the public's needs. Under the Telecommunications Act of 1996, the amount of spectrum given to television station owners was doubled. The policy rationale for this was to enable them to convert their signals from an analog to a digital format. When at least 85% of households in a broadcasting market can receive digital signals, the spectrum currently used for analog channels is to be returned to the government for public safety uses, with some spectrum to be auctioned off to the highest bidder and other spectrum used for unlicensed purposes. Digital television makes broadcasting more competitive and valuable in the market, and should enable broadcasters to better serve basic public needs.

A primary policy rationale for the transition to digital television is high-definition television, or HDTV. This transmission standard contains up to six times more data than conventional television signals and at least twice the picture resolution, making HDTV images substantially more vivid and engaging, and enhanced by five discrete channels of CD-quality audio.

The move to DTV technology can also significantly expand the number of channels stations can simultaneously broadcast. Instead of sending an HDTV signal, a broadcast station can send as many as six digital "standard-definition television" (SDTV) signals. Although SDTV images are not as sharp as HDTV, they are superior to existing television images. This "multicasting" capacity could allow broadcasters to compete with other multi-channel media such as cable and direct broadcast satellite systems.

Digital TV also enables interactive services through additional data streams that can be delivered to the consumer. Digital television signals can be picked up by both digital televisions and computers and can make broadcasters into "datacasters." The data capacity of DTV makes possible services such as subscription television programming, computer software distribution, teletext, and interactive services, including revenue-producing offerings such as stock prices, sports scores, classified advertising, paging services, "zoned" news reports, advertising targeted to specific television sets, "time-shifted" video programming, and closed-circuit television.

But DTV can offer more than better pictures, more channels, and niche services.

Consumers deserve to know how broadcasters will serve their day-to-day television needs – healthy programming for children, healthy programming for our democracy, healthy programming for our communities, and as much information about the TV that comes into our living rooms as the food that comes into our kitchens.

The Public Interest Standard in Television Broadcasting

Public interest groups are now asking regulators to more clearly spell out what broadcasters should be doing to benefit the public in return for the use of the public's airwaves. As the nation transitions to digital television, we must decide whether our newest television technologies can support our oldest and most time-honored values of democracy, diversity, localism, and education. It is time to put the remote control back into the public's hands and once again give the public greater control over the children they raise, the kind of democracy they participate in, and the security they deserve.

The State of Television Today

Television has never played a more important role in our lives. It is our primary source of news and entertainment.[1] But today's television is too often out of touch with today's realities: parent's struggling to find educational programming for their children, voters struggling to find basic coverage of campaigns and elections so vital to our democracy, and minorities too often having difficulty finding programming reflective of their lives. In each case, broadcasters have too often lost touch with the needs of the people who own the airwaves.

Broadcasters have an obligation to serve the public's interests, not just their own commercial interests.[2] The government provides broadcasters free and exclusive access to a portion of the public airwaves – "spectrum" – for broadcasting. These profitable licenses come in exchange for broadcasters' commitment to serve the "public interest, convenience, or necessity." These basic obligations, called *public interest obligations*, are critical tools designed to ensure that television is at least partially grounded in today's reality.

Americans are absorbing more mass media than ever. By 2007 the average American will spend 3,874 hours per year, or more than 7 hours per day, with major consumer media – up 21% since 1977.[3]

Public interest obligations (PIOs) are about whether:

- Our children can turn on a television and find truly educational content
- We can be active and intelligent participants in our democracy with sufficient civic programming before elections
- The voices and views on our airwaves reflect the diversity of our country
- Our televisions can keep us alert and informed in national and local emergencies
- People who are sight- or hearing-impaired can access all of TV's educational, informational, and entertainment programming

In fact, existing laws and regulations affirmatively require broadcasters to serve the public in these ways. However, we are not in a golden age of television. Over many years, the public interest standard has been slowly eroded by broadcasters who do not take these obligations seriously and by policymakers who do not realize how deeply Americans care about these issues.[4]

- In 1981, broadcasters abandoned their voluntary code of conduct, which had established programming and advertising standards through industry self-regulation.
- In 1981, the Federal Communications Commission (FCC) created a "postcard renewal process," throwing aside a more detailed review of whether broadcasters are meeting their obligations.
- In 1984, the FCC eliminated the ascertainment requirements whereby broadcasters had to reach out to the public, determine local community needs, address those needs through their programming, and defend those choices in their license renewal process.
- In 1987, the FCC repealed provisions of the Fairness Doctrine, which required broadcasters to provide reasonable opportunities for contrasting and dissenting views on controversial topics.
- In 1996, Congress passed a t
munications deregulation b
allows further consolidation
and television markets.
- In 2003, the FCC eliminated
range of media concentratio
tions, allowing a single com
own eight radio stations, th
sion stations, the only daily
per, the dominant cable TV
and the largest Internet Ser
Provider in a single commu
effectively allows media co
ates to control TV stations t
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most important question of a

How will Congress the FCC get seriou about holding broad accountable for serv the public?

In June of 2003, a decision by
FCC relaxed time-honored m
safeguards on media owners
consolidation.[5] It opened the
a fundamental reshaping of t
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The debate surrounding the d
sparked an unprecedented ou
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media in America.[6] Americans
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to serve the needs of the public, in return for exclusive use of the public's airwaves.

The 2003 FCC decision on media ownership suggests that the FCC no longer cares what citizens want in return for broadcasters' use of their spectrum. The decision may have led broadcasters to believe they can focus more on their commercial interests without protecting the public interest. Therefore, the transition from analog to digital television does not just represent a technological change, but an important opportunity to reassess whether the public's airwaves are being used to meet the public's needs.

The Transition To Digital

In the last five years, broadcasters have been given new airwaves (again for free) for digital programming. The FCC has remained silent on how broadcasters should serve the public interest with their increased digital capacity. As broadcasters transition to digital television and the sharper images that it delivers, it is time for policymakers to provide a clearer picture for how broadcasters can meet their obligations in the digital age.

And while regulators have yet to determine what the prescription will be, what's at stake in this debate is television's role in impacting the needs of our children, the health of our democracy, the diversity of our nation, and our preparedness for homeland security.

Proposed Solutions

Over seven years ago, the Presidential Advisory Committee on Public Interest Obligations of Digital Television Broadcasters (PIAC) examined the longstanding social compact between broadcasters and the American people and made a series of landmark recommendations on what public interest responsibilities should accompany the broadcasters' receipt of digital television licenses.[7] However, seven years later the FCC has yet to act on those recommendations.

Likewise in September 2004, a bipartisan majority of the Senate Commerce Committee directed the FCC to adopt minimum quantitative guidelines for local public affairs and electoral programs, locally produced programs, and independently produced programs.[8] But, the FCC has yet to take meaningful action in response.

Although the FCC recently decided on how digital broadcasters' obligations to children should be met on digital channels,[9] it also needs to address how the transition to digital television will benefit citizens' local, civic, and electoral needs. A powerful alliance of public policy groups, media activists, and grassroots organizers – the Public Interest, Public Airwaves Coalition – has presented the FCC a proposal to help ensure broadcasters:

- Air a minimum of three hours per week of local, civic, or electoral affairs programming on the most-watched channel they operate.
- Promote the FCC's often-stated goal of diverse viewpoints and voices on television by ensuring that independent producers provide a minimum of 25 percent of their most-watched channel's prime-time schedule.
- Tell the public how they are serving the interests of their audiences by making this information available in a standardized format, not only at the station, but posted on the station's own web site.

To achieve these goals, parents, voters, community leaders, activists, and concerned citizens need to pick up the television policy remote control. Change the tune coming from policymakers in Washington. Demand reality-based public interest obligations that can help make a difference in your life.

Examples of Existing Public Interest Obligations:[10]

In the current analog television world, the list of major public interest obligations includes:

- an unspecified amount of local programming
- three hours per week of educational/informational shows for children
- participation in the V-chip ratings system
- restrictions on indecent programming while children are likely to be watching
- limits on all tobacco advertising and the amounts of ads during children's shows
- special access and rates for appearances by political candidates
- the right of citizens and groups to defend themselves if they have been attacked on air
- accessibility for the sight- and hearing-impaired.

Organizations representing millions of Americans have put forward the Bill of Citizens' Media Rights (www.citizensmedia rights.com) to foster a free and vibrant media, full of diverse and competing voices. The full text of the Bill is presented in the back of this report.

Putting the Remote Control Back into the Hands of Parents

How Children Can Benefit from the Digital TV Transition

Exposure to educational television has been shown to have positive effects on the social, intellectual, and educational development of children.[1] Is it possible to find truly educational content on broadcast television?

The State of Television Today

While family may be the most important influence in a child's life, television is not far behind. The DTV transition is coming at a time when children of all ages are heavy media consumers. Television is like having a third parent in the home — competing vigorously for our children's hearts and minds. Television can inform, entertain, and teach. However, some of what TV teaches may not be the things we want our child to learn.

Today, parents are struggling to ensure that their children have the education and skills they need to compete and win in the 21st century economy. But for many parents television is a cause for concern.

- Children watch an average of 25 hours a week of television.[2]
- Children spend more time watching television than any other activity except sleeping.[3]
- Children spend four times as much time each week watching television as doing homework.[4]
- By the time a child graduates from high school, she will have watched 8,000 simulated murders and seen hundreds of thousands of commercials.[5]
- Studies show that TV viewing may lead to more aggressive behavior and less physical activity.[6]
- Aggressive product advertising has created children's shows that the FCC considers program-length commercials.[7]

In order to give parents greater control over the television programs viewed by their children, Congress in 1996 created the V-chip system, which includes the design of a rating system in tandem with technology built into TV sets that would enable parents to screen out programs containing sexual, violent, or other indecent material.[8]

Today, to win expedited license renewal approval, a television licensee must provide a minimum of three hours per week of educational and informational programs that "further the positive development" of children 16 years of age and younger.[9]

The Transition to Digital

In September 2004, the FCC unanimously issued new rules to extend children's television rules to digital television.[10] The rules help ensure that children have access to at least three hours per week of educational television programming in digital format and that parents are able to identify educational shows. This rulemaking constitutes a critical albeit small victory for children that will help increase the impact and decrease the dangers of digital technology.

- **Ensuring Three Hours Per Week of Positive Children's Programming Per Channel**
  The FCC order requires broadcasters that use their multicasting capacity to provide the equivalent of three hours of children's programming on each full-time non-subscription channel, resulting in up to 18 hours of children's programming per week per broadcaster.
- **Giving Parents Better Tools to Make Choices for Their Children**
  The FCC order requires both analog and digital broadcasters to identify core children's programming by displaying the symbol E/I (for educational/informational) throughout the program — helping provide parents with better information. Advocates have encouraged the FCC and broadcasters to do even more, for example by ensuring that, with the click of a mouse, parents can learn more about a program and why a program is rated in a certain way.
- **Continuing Protections for Children from Aggressive Advertising**
  Given children's unique vulnerability to commercial persuasion and the unprecedented levels of commercialism on television, the FCC took an important first step in addressing invasive marketing practices, but stopped short of banning interactive advertising.

Proposed Solutions

For the FCC's new rules to be meaningful, they have to be enforced — and parents play a key role in this enforcement. Commercial TV stations must make and retain Children's Television Programming Reports identifying the educational and informational programming for children aired by the station. You can also view each station's reports on the FCC's web site at http://www.fcc.gov/mb/policy/kidstv.html. If parents do not agree that the programming offered by a station is educational or informational, they can file a complaint with the FCC by contacting its Enforcement Bureau.[12]

Media reform activists are stepping forward to challenge the licenses of broadcasters who fail to serve the educational needs of children. After reviewing the children's television reports filed by Washington, DC, television stations with the assistance of children's television expert Dr. Dale Kunkel, a Professor in the Department of Communication of the University of Arizona, the Office of Communication of the United Church of Christ and the Center for Digital Democracy asked the FCC to deny the license renewal applications of two television broadcasters serving the area for failure to serve the educational needs of children.[13]

The groups faulted the stations' programming for failing to meet four of the FCC's six requirements for children's educational programming: 1) the programs were not specifically designed for children, 2) they were not specifically designed to educate, 3) they were not regularly scheduled, and 4) they were not identified on air as educational programming. Some programming not only lacked any significant educational purposes, but contained an anti-social message. As Dr. Kunkel explains, "a program that includes one violent attack after another cannot seriously be said to teach children to 'get along with others' as WDCA claims." One of the questions raised by the two groups: How is teaching children anti-social behavior in their best interest?

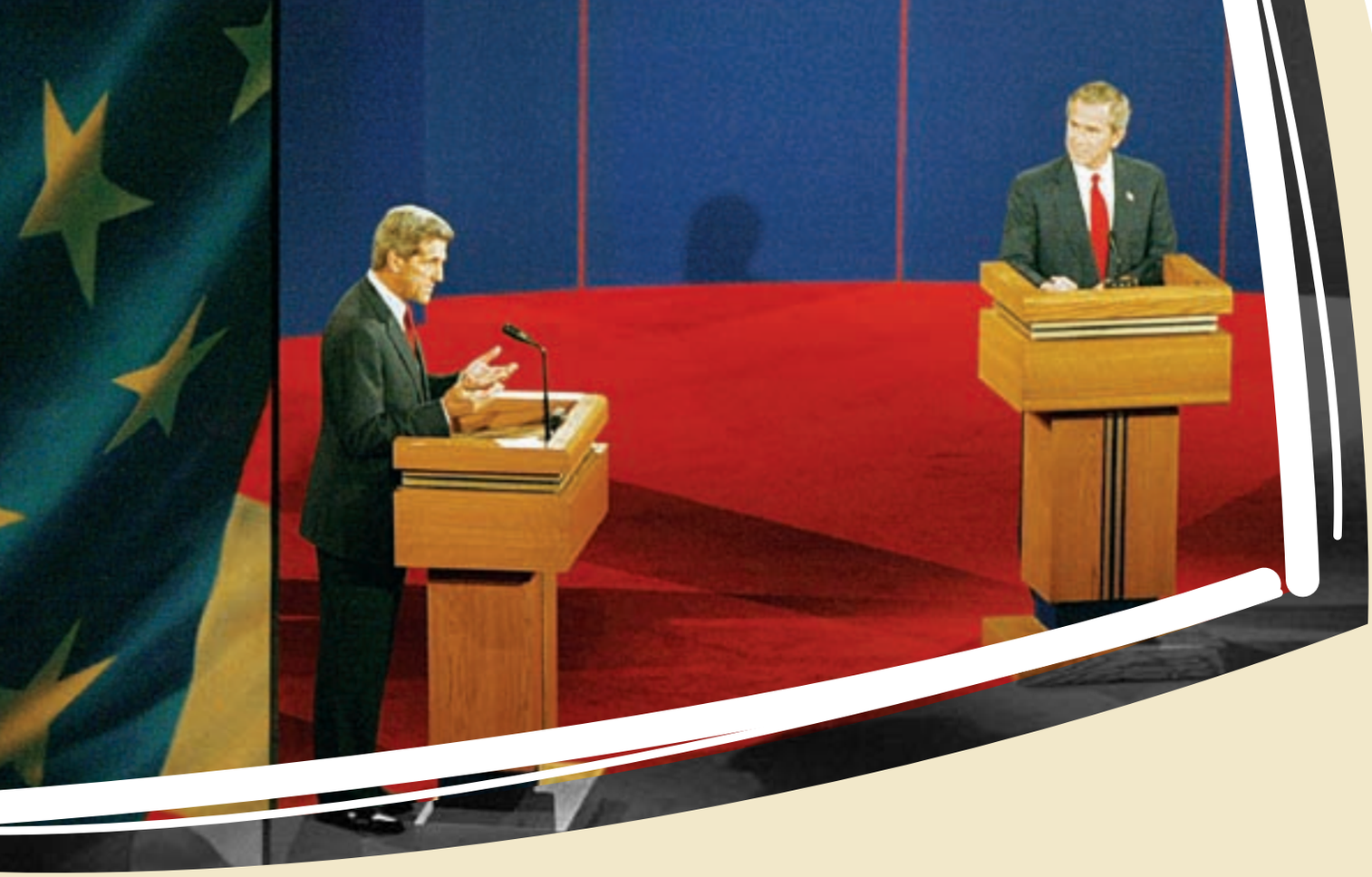
Parents in viewing areas in other parts of the country may have similar questions — and the FCC expects you to take action to bring questionable programming to its attention.

This section used as a primary resource the Children Now Spring 2004 newsletter "Digital Television: Sharpening the Focus on Children," available online at www.childrennow.org and offering a more detailed analysis of the issue.

Three Steps to Improve Children's TV:

- Find out how your broadcasters are serving your children.
- Make sure your broadcasters know you care – and let the FCC know if they don't.
- See how tools like the V-Chip, program listings, and web sites can help informed viewing.

All television is educational television. The question is: what is it teaching? ~Nicholas Johnson, FCC Commissioner, 1966–1973 [11]



Will America's Democracy Get Covered?

Putting Democracy Back in the Hands of Viewers & Voters

Television can deliver our most important reality show – our democracy. It can mobilize, not just pacify; inform, not just placate; involve the public as problem solvers, not simply as spectators; and elevate, rather than obscure, public discourse.

The State of Television Today

Today, broadcasters are required to afford "reasonable access" to legally qualified candidates for federal elected office to their facilities, or to "permit purchase of reasonable amounts of time."[1] No doubt candidates can buy lots of air time, as voters in swing states well know. But what about news coverage of candidates and issues of importance to voters? Voters are too often being left in the dark, and our democracy is being left in a lurch.

- Voters are relying on local television news to help them make election decisions.[2]
- In the 2002 election, over half of the evening local newscasts contained no campaign coverage at all in the seven weeks leading up to the election.[3]
- Coverage of Congressional, state, and local issues is even worse. Less than one-half of one percent of programming is devoted to local public affairs.[4]
- From 1996 to 2000, coverage of the Presidential race on the network evening news dropped by one-third.[5]
- The average Presidential candidate sound bite fell from 43 seconds in 1968 to just 8-9 seconds in 2004.[6]
- By one estimate, many Americans likely saw more prime-time entertainment on a single night

than they saw election coverage during the entire campaign.[7]

The Transition to Digital

Digital television, with its capacity for multicasting, provides an opportunity for broadcasters to better meet citizen needs for public information because it can provide more information on more simultaneous channels. As we transition to digital, policymakers have an opportunity to reinforce our democracy by establishing meaningful public interest obligations for digital broadcasters that can keep the public informed, the electorate engaged, and our democracy intact. We live in a democracy that thrives only when people are educated and knowledgeable about the critical public issues they confront.

Some broadcasters are already stepping up to the plate. The Liberty Corporation announced that its 15 television stations would provide free airtime to candidates in significant state and local races.[8] During the 2000 and 2002 election cycles, Hearst-Argyle stations broadcast a cumulative 200 hours of political news.[9] But other broadcasters are failing our democracy, decreasing or ceasing the airing of local news programming.[10]

Proposed Solutions

In September 2004, a bipartisan majority of the Senate Commerce Committee directed the FCC to adopt minimum quantitative guidelines for local public affairs and electoral programs, locally produced programs, and independently produced programs.[11] But, the FCC has yet to take action in response.

The Public Interest, Public Airwaves (PIPA) Coalition has offered the FCC a proposal that would strengthen the public interest standard in relation to civic affairs and elections. Under the plan, broadcasters would receive expedited license renewal if they air a minimum of three hours per week – at least half of which would air in or near prime time – of local, civic, or electoral affairs programming on the most-watched channel they operate. In the six weeks prior to a general election, at least two hours of the three-hour minimum would have to be local electoral affairs programming.

In the 108th Congress, Rep. Maurice Hinchey (NY-22) introduced legislation that would reinstate the Fairness Doctrine and require broadcasters to afford reasonable opportunity for the discussion of conflicting views on issues of public importance. In the 109th Congress, Rep. Louise Slaughter (NY-28) and others are drafting the Fairness and Accountability in Broadcasting Act to ensure more balanced coverage of elections and issues of importance.

Government should never decide which views we can and cannot hear. But it is fully consistent with the First Amendment, and indeed promotes First Amendment values, for the public to be exposed to a wide range of views on issues of public concern.

> A popular government without popular information, or the means of acquiring it, is but a prologue to a farce, or a tragedy, or perhaps both. ~James Madison, 1822[12]

Steps for Improving Coverage of Civic Affairs:

- Tell the FCC you want it to set concrete and measurable minimum public interest standards for broadcasters.
- Tell your local broadcasters you want more coverage of local, civic, or electoral affairs.

The Public Interest, Public Airwaves (PIPA) Coalition is an alliance of public interest groups, media activists, and grassroots organizers. In Spring 2004, it announced a broad-based campaign urging the FCC to hold the nation's commercial broadcasters to a more responsible standard of public service. See www.pipac.info.

Ensuring that Television Serves the Full Spectrum of America

Voices & Views on the Airwaves Could Reflect the Country's Diversity

Since television's inception, diversity has been an important goal, whether it is through programming, hiring, news, or discourse. By representing the widest range of information, opinion, and entertainment – including programming that meets the needs of minorities and other underserved populations – television becomes more valuable to us all.

The State of Television Today

Historically, some groups have been left behind or ignored in media. For example, many of the nation's broadcasting licenses were given away in the 1940s and 1950s when women and people of color were unlikely to obtain a license. The legacy of this mistake is still seen today: While people of color constitute over 30% of America, they own only 4.2% of the nation's radio stations and around 1.5% of TV stations.[1]

Today, an individual entrepreneur might be able to become a media owner by purchasing a single radio or television station. But, as media businesses grow larger, it is more difficult to raise the financial capital necessary to purchase a media company. This decreases the likelihood that women and people of color can become media owners.

As ownership by women and people of color shrinks and the nation becomes

more diverse, studies have shown that our nation's prime-time programming is becoming more homogenous.

- Forty percent of American youth ages 19 and under are children of color, yet few of the faces they see on television represent their race or cultural heritage.[2]
- Though females slightly outnumber males in the real world, prime-time television continues to present a world that is overwhelmingly male.[3]
- People of color too often appear in programming as only caricatures.[4]
- Nearly half of Middle Eastern characters on TV (46%) are criminals.[5]

What does all this teach our children? Television not only fails to accurately reflect the world in which people live, but it also sends a message that some groups of people are more valued by society and more worthy of attention than others.

In an ideal world, rules to ensure diversity would be unnecessary – serving minorities and others should make business sense to broadcasters.

- African-American households watch 75 hours of television per week – an amount well above any other ethnic group, according to Nielsen Media Research.[6]
- African-American households' buying power of $687 billion a year should add up to an attractive target for broadcasters.[7]
- Likewise the Hispanic market is one of the fastest growing markets in the U.S. with a combined annual purchasing power of about $500 billion – hardly a market that broadcasters can ignore.[8]

However, consumer advocates have found that marketplace forces are not ensuring greater program diversity. In the wake of growing media concentration and consolidation, there are signs that program diversity may be decreasing. Whether someone reads a story on Microsoft's news site on the Internet (MSNBC.com), or hears it from Brian Williams on NBC's broadcast network news (NBC), or on the cable news channel (MSNBC), the same producer and reporter likely produced the same story. Despite a greater diversity of outlets, the diversity of viewpoints and voices appears to be narrowing, not expanding.

In 2004, a circuit court rejected the FCC's attempts to relax its media ownership rules on grounds of their potential negative impact on diversity.[9] And the Administration has decided not to appeal that ruling.[10] The FCC must now decide how it will revise its rules while protecting diversity. It will need your input.

The Transition to Digital

Digital broadcast technology facilitates innovation in the use of digital channels for multiplexed, multi-channel programming. A multi-channel digital broadcasting model could include program streams that are "narrowcasts" aimed at distinct audiences, including minority groups and other underserved communities. Multiplexing could also create new opportunities for minority entrepreneurship through channel-leasing agreements, partnerships, and other creative business arrangements. Additionally, digital TV's enhanced audio capability could facilitate increased use of foreign language audio tracks to expand the usefulness and entertainment value of broadcast programming for minority communities.

Proposed Solutions

At a time when new spectrum is delivering a broader palette of colors and a greater diversity of programs to television screens, broadcasters have an opportunity to bring a broader range of community voices – representing the full gamut of American viewpoints, background, and ethnic diversity that makes America America. Ensuring that television looks more like America ensures broadcasters can reach the broadest audiences and makes television fundamentally more valuable.

Steps for Enhancing Diversity:

- Tell the FCC you want it to protect media diversity as it revises its media ownership rules.
- Tell your local broadcaster you want more locally produced and independent programming.

In December 2004, the FCC's Advisory Committee on Diversity for Communications in the Digital Age adopted a wide range of recommendations aimed at promoting opportunities for minorities and women in telecommunications and related industries.[11] The Committee expressed its strong belief that tax-based incentives and media property sales would open opportunities for socially and economically disadvantaged persons, including minorities and women.

There are several ways to increase diversity in the media workforce – including offering tax certificate programs, requiring diversity audits, creating incentives within FCC ownership and licensing rules, and providing auction credits to companies that do business with diverse entities.

Today, there are far more people of color, disabled people, seniors, and poor people in the real world than we see on television. Government-imposed station ownership limits, policies encouraging station ownership by minorities, and monitoring of hiring practices remain necessary counterbalances to market forces.

In order to ensure a greater diversity of viewpoints, the Public Airwaves, Public Interest Coalition (see previous section) recently asked federal regulators to adopt guidelines that would promote independently produced programming during prime-time hours. In addition, the Coalition suggested that TV stations be encouraged to run locally produced independent programming.

How Obligations Are Making a Difference in People's Lives Today

Emergency Services & Disability Access

As regulators consider how broadcasters can meet community needs in a digital future, it's helpful to look at how implemented public obligations can succeed, and how they already play a role in our daily lives.

The State of Television in Emergencies

Public interest obligations play a critical role, in fact a life-saving role, in the lives of Americans and the safety of our nation. In part because these obligations require broadcasters to serve local community needs, television today provides timely and effective emergency warnings that save lives, reduce property losses, and speed economic recovery.

Local stations report threatening weather, cover live unfolding events, and deliver the Emergency Alert System (EAS) to living rooms across the country.[1] Images of television reporters braving storms have become almost comical clichés, but for people in communities facing both natural and man-made emergencies, broadcast outlets often serve as the main link to the information and instructions they need to ride out the situation safely.

Fortunately, broadcasters have always taken seriously their fundamental public interest responsibility to warn viewers about impending natural disasters and to keep them informed about disaster-related events. In order to better protect children in an emergency, broadcasters are also now implementing the AMBER Plan in which they use the EAS to alert the public of serious child abduction cases.[2]

But the world has changed since 9/11 and our homeland security needs have changed with it. The Emergency Alert System, as FCC Chairman Powell has said, "has fallen into disarray and needs major reform."[3] Even during the 9/11 attacks, the EAS was not activated.[4]

The Transition to Digital and EAS

Digital broadcast technology provides many new and innovative ways to transmit warnings to people at risk, including ways to warn individuals who have hearing and vision disabilities, and even to pinpoint specific households or neighborhoods at risk. Digital TV sets could even be programmed to automatically turn on and deliver warning messages in at-risk areas. According to the U.S. Geological Survey's Working Group on Natural Disaster Information Systems, most of these innovations will require minimal use of the spectrum available to digital broadcasters.[5] To determine the most effective means to transmit important information, broadcasters and appropriate emergency communications specialists and manufacturers should be working together to craft a new EAS for the digital age.

Proposed Solutions for EAS

The FCC has before it the beginnings of a plan to revamp the EAS and fix defects exposed by the 9/11 terrorist attacks and recent local disasters.[6] The Commission now has an opportunity to transform the Emergency Alert System from a Cold War relic into a digital-age defense against terrorist attacks and other catastrophes.

The goals of an improved EAS would be to:

- Give the public better information about pending storms, toxic threats, and medical emergencies by relaying local alerts via an always-on digital version of today's system.
- Deliver evacuation routes in a local disaster using interactive digital television links.
- Converge with other systems to deliver warnings and wake-up calls via the Internet, cell phones, or other wireless devices.
- Provide a warning system that works even when the TV is turned off – any device, anytime, anywhere.

The State of Television for the Disability Community

Another example of public interest obligations making a difference comes from the disability community. Federal law mandates that broadcast and cable programming be fully accessible through the provision of closed captioning – a transcription of the audio portion of a TV program.[7]

Between January 1, 2004, and December 31, 2005, television broadcast stations must provide at least an average of 1350 hours of captioned video programming and, as of January 1, 2006, and thereafter, 100 percent of the stations' new video programming must be provided with captions. In addition, television broadcast stations that are affiliated with any television network must pass through video description when the network provides it and the station has the technical capability necessary to do so.[8] (Video description is the insertion of verbal descriptions about the setting and action in a program.)

Here are a few examples of how these services are already making a difference in people's lives:

- For 28 million Americans who are deaf or hard of hearing, closed captions provide a critical link to news, information, education, and entertainment, enabling these individuals to be part of the civic and cultural mainstream of our society.[9]
- For individuals whose native language is not English, English captions are used to improve comprehension and fluency.[10]
- For children, studies have shown that captions have helped children learn to read and have improved literacy skills.[11]
- For many others, closed captioning allows them to watch TV in restaurants, bars, fitness centers, or other public places where it is hard to listen.

In July 2000, the FCC adopted rules to ensure that the visually impaired can more effectively benefit from television by requiring that a certain amount of programming contain video description.[12] However, just two years later, a federal court struck down the rules.[13] Nonetheless, some broadcasters continue to provide video description in their programming – and more should do the same.

The Transition to Digital for the Disabled

The obligation to provide captioning access should and will continue into the digital era. Digital technology will open new avenues to enhance and expand captioning access.

- The ability to alter the size of captions will enable visually impaired viewers to see both captions and other text appearing on a television screen.
- Captioning on public service announcements, public affairs programming, and political programming can provide greater access to additional critical programming.
- Video description technology provides a way to let people who are blind or have low vision know what is happening on screen.

Are Broadcasters Meeting Your Needs?

Disclosure is the Key to Public Accountability

Television stations have an essential public interest obligation to provide the public with information about how they are serving the community's interests. But too often we don't have access to basic information that would let us know if broadcasters are making the grade.

The State of Television Today

Broadcasters already disclose their financial statements to investors and their political contributions to voters. They also should fully disclose their public interest programming to viewers. Holding broadcasters accountable for their current requirements is as important as food labeling.

Some valuable information is currently made available about broadcasters' public interest performance. For example, all television broadcasters must prepare and place in their public file reports on their children's programming and how they are serving their communities.[1]

- Public files can be used to investigate if stations are living up to their obligations. For example, stations have listed programs like a Star Trek-like cartoon and a reality show modeled after "Survivor" as educational and informational.
- These reports can be used by community members and civic leaders to grade a television station's performance when its broadcast license comes up for renewal.

- Broadcasters argue for self-regulation as the solution. However, even effective self-regulation by the broadcast industry requires adequate information be made available to the public about what a local broadcaster is doing.
- Broadcasters are no longer required to perform public "ascertainments" to determine community needs.[2] A public file is an essential way for a community to hold local broadcasters accountable.

But public reporting can be improved.

- The requirement for listing programs that serve the community is so vague that many television stations list everything and anything as qualifying.[3]
- Interested and concerned community members must visit the television station headquarters to view the information, a process that may be intimidating, inaccessible, or inconvenient for working families.

The Transition to Digital

The FCC's children's educational television web site (http://www.fcc.gov/parents/) is used to access information about children's educational programs that are aired on TV stations in local communities throughout the country. The site offers parents a convenient way to both find what stations are serving their children best and track what stations in their area are doing to serve children.

Since the FCC relies so heavily on the public in enforcement of its children's TV and indecency rules, making public disclosure information available online can help citizens do their part in preserving and strengthening free, over-the-air television.

Proposed Solutions

In 1998, a blue-ribbon Presidential panel composed of both broadcasters and advocates developed several key recommendations that would provide enhanced disclosures of broadcasters' public interest programming and activities.[4] In its final report, the panel argued that "greater availability of relevant information will increase awareness and promote continuing dialogue between digital television broadcasters and their communities and provide an important self-audit to the broadcasters."[5]

Seven years later, federal regulators have still not implemented the panel's recommendations, which would require TV stations to:

- file quarterly reports disclosing how they have met their obligation to air programming responsive to the community;
- use a standardized disclosure form that is clear and coherent, such as check-off forms that can reduce administrative burdens and be easily understood by the public;
- report on how often they air newscasts, local and national public affairs programming, political/civic discourse, programming for underserved communities, other local programming, and public service announcements, as well as closed captioning for the hearing-impaired and video description for the vision-impaired; and
- report on such public interest programming via the Internet.

Television station owners say that reporting their public interest performance electronically is unduly burdensome. But disclosure can be an important opportunity for broadcasters to tell their viewers about the good things they are doing. Shouldn't television station owners be thrilled to share this information? It's a chance to advertise their own good work.

However, broadcasters have balked at other attempts to make information about their operations public. For example, regulators require stations to file annual employment reports with the ethnic and gender breakdown of their work forces. Broadcasters have asked regulators to keep that information confidential fearing the public will use the data to induce changes in their hiring patterns.[6]

Disclosure would not impose new programming requirements nor would the standardized form alter broadcasters' editorial discretion. New disclosure guidelines would serve to make reporting consistent with modern means of accessing information. And to ease the burden of making files available electronically, regulators might only require that stations post the files that are most helpful to the public and merely provide links to information available on a government web site. Any reasonable and moderate burden placed on broadcasters is far outweighed by the benefits to the public and the lessening of current burdens placed on the public in accessing this information today.

Public interest advocates are encouraging regulators to recognize that disclosure of public interest activity is required for adequate accountability to the public.

Press reports in the summer of 2004 indicated that the FCC was poised to act on new disclosure requirements by the end of the year. For whatever reason, the FCC has yet to act. With the right decision, we should expect as much information about the TV that comes into our living rooms as the food that comes into our kitchens.

Thanks to Angela J. Campbell at the Institute for Public Representation at Georgetown University Law Center and to Adam Clayton Powell III at the University of Southern California Annenberg Local News Initiative for their reviews and input.

Steps for Improving Disclosure:

- Tell the FCC you want broadcasters to disclose the ways they comply with their public interest obligations, ascertain their community's needs, and create programming that serves those needs.
- Tell your local broadcasters you want to know how they are meeting your needs.

Why Public Interest Obligations Are Important for Broadcasters

Making TV More Valuable

The FCC determined while reviewing media ownership rules that all voices in the vast media world of TV, radio, newspapers, cable, satellite, and newspapers do not speak with the same volume. Broadcast TV is not just another voice in the crowd – it is dominant. Recognizing this role, public interest obligations are important to broadcasters both as good corporate citizens and good business.

Making Good Corporate Citizens

During the Reagan Administration, the then-chairman of the FCC declared that television "is just another appliance…a toaster with pictures."[1] But if television were a mere toaster, then perhaps our country's most time-honored broadcast values of competition, diversity, localism, and democracy might all be toast.

Television is not just an appliance. Because of the speed and immediacy of television, broadcasters perform a public forum function with immense power to influence public opinion and affect elections. TV is a window onto our world and a mirror of our society. It is our society's primary source of infor-

mation. And local TV news is used even more than national news by citizens. What we see and hear helps inform what we think and believe. Research shows that television points out not only what issues people should think about, but also what to think about those issues – something no toaster has ever achieved.

The question today is how to create the opportunity for television to do better. America has the best broadcasting system in the world because of – not in spite of – the regulatory scheme established by our nation's communications laws, which promote diversity of program and viewpoints.[2]

Making Good Business Sense

As broadcasters say, they are in the business of competing for the most eyeballs – the most viewers. Competition is growing for those eyeballs. The Internet, computers, Blackberrys, Gameboys, and a host of other gadgets are competing with the TV as the central device in a person's life. So wouldn't it make sense that broadcasters would want to reach the greatest number of viewers with content that is not peripheral but central to their lives? Ironically, that is what public interest obligations encourage broadcasters to achieve – reach a greater diversity of viewers and become more central in their lives. Broadcasting is a business, in fact a very profitable business. Quality news, information, and an informed public can be a cornerstone for a thriving economy – and a valuable broadcast business.

In return for serving the public, broadcasters enjoy a variety of government-ensured benefits including[3]:

- Free, exclusive use of a valuable but scarce public spectrum – including many billions of dollars worth of additional spectrum to convert to digital.
- Legal protection against anyone else who seeks to compete in their market or broadcast over their licensed frequencies.
- Federal preemption of local zoning and environmental regulations in order to make sure that stations' transmission towers can be erected and send signals to viewers.
- Free carriage of programming on local cable systems for which other programmers pay millions.

These are rights that newspapers and cable operators don't get. In exchange, broadcasters have special obligations that newspapers and cable operators don't have, like serving the public interest.

As long-time commercial broadcaster James "Jim" F. Goodmon, President and CEO of Capitol Broadcasting, puts it, "The broadcast company is fulfilling a contract between itself as the user of a public asset and the public body that owns the asset. As with all contracts, both parties to the agreement need to know exactly the responsibilities that they have to each other. With minimum standards spelled out, there is no question. As a broadcaster, I would like to know what is expected of me in serving the public interest. Required minimum standards and a voluntary code provide the benefit of certainty to broadcasters. I like to know what the rules are."[4]

Making TV More Valuable

Rather than embracing their public obligations, too often broadcasters argue that they already serve the public interest. In fact one broadcaster-sponsored study found that in 2003 local broadcasters contributed a supposed $9.6 billion worth of community service – made up largely of public service announcements ($7.3 billion) and station fundraisers for charitable causes ($2.1 billion).[5] While being a good corporate citizen by raising money for charities is certainly commendable, it is not the same as airing programming that meets the needs of local communities – the responsibility broadcasters accept when they receive their free licenses to use the public's airwaves.

If broadcasting is continually seen as just a business like the toaster business, a short-sighted focus on narrow, profitable market segments may prevail. The result will be less and less programming that benefits the broadest segments of society. And TV could soon be seen as just a big box filled with yesterday's technology.

> TV is a window onto our world and a mirror into our society. It is society's primary source of information.

When broadcasters embrace their roles as journalists and protectors and proponents of the public interest, we benefit far beyond what TV stations can recover in advertising – people are engaged as citizens; government power is checked; waste and fraud are exposed; and we can value our televisions as much as broadcasters value our well-being.

Putting It in Context

The Next Debates

Now a new and more diverse set of critical debates looms on the horizon. When combined with the public interest obligations and media ownership decisions, the outcome of these debates will have breathtaking consequences for the future of media in America. Increasing media concentration and the policies that ignore public interest obligations threaten to exclude and silence voices and choices critical to an informed and participatory democracy. At the same time, there are an emerging set of issues that could – if harnessed, defined, and championed – help stem the trend toward greater concentration and fewer media obligations by giving consumers more open communications choices and more diverse media voices.

These emerging policy debates have the potential to give power and freedom back to the individual through a more open media policy.

Policymakers must address a number of key questions to shape this future:

1. **Jumpstarting Wireless Broadband Opportunity.** How can Congress accelerate the digital television transition, freeing up valuable public spectrum while also maximizing public benefits by ensuring a) that no one is left behind in the transition, b) that at least a portion of auction proceeds are used to benefit public interest media, and c) that the public benefits through an expansion of unlicensed wireless spectrum?

2. **Expanding Consumer Media Choices.** How will Congress use the power of competition and consumer choice to improve media choices and voices – will it expand consumer choice and competition on all platforms?

3. **Giving Communities New Radio Voices.** Will community groups be allowed to benefit from new low-power FM radio stations that enable them to reach out to their own communities via ordinary radio signals within a three-to-seven mile diameter?

4. **Allowing Consumers to Get the Media They Choose.** Should consumers continue to be forced to purchase cable channels they don't want, or should they be allowed to openly pick and choose the content they want?

5. **Extending the Openness of the Internet into the Broadband World.** What will prevent media concentration and consolidation from being extended to the Internet and the digital realm if open networks are allowed to be replaced with closed networks or rule changes allow bottleneck control over the voices and choices that consumers have access to? Will consumers continue to be allowed to openly connect any device, application, or service to their networks?

6. **Expanding the Frontiers of Public Media.** At a time when the public needs open and independent sources of news, information, and programming, how will public broadcasting be funded over the long run? And how will noncommercial stations make the transition to the digital age?

These are a few of the critical questions that will shape our media future and determine how, when, and if the public benefits from communications policy choices. Because never has there been so much at stake for the public in media policy, the public has an opportunity to get involved by preserving, protecting, and strengthening the public space in our nation's media environment.

As new technology innovations unlock new potential, policymakers must not loose sight of the goal on the horizon – ensuring that America's media choices serve the public's growing and very real needs.

These emerging poolicy debates have the potential to give power and freedom back to the individual through a more open media policy.

How Congress has Ensured that Other Media Also Serve the Public Interest:

- **Direct Broadcast Satellite** providers must reserve four percent of their channel capacity exclusively for noncommercial programming of an educational or informational nature.[1]
- **Telephone** providers must pay into, and can also get paid from, a universal service system that ensures rural Americans, the poor, schools, and libraries can get affordable access to telecommunications.[2]
- **Cable** providers are required to set aside channel capacity for local public, educational, and governmental (PEG) access programming, but the amount of local programming is not federally mandated.[3]

Getting Involved

At the dawn of the digital television age, federal policymakers have a fresh opportunity to create meaningful public interest obligations for broadcasters. To date, broadcasters have argued that self-regulation and voluntary actions would be more than sufficient for them to meet these goals – but time has shown it's not enough.

We deserve to know how broadcasters will serve our day-to-day television needs and to know as much about the TV that comes into our living rooms as the food that comes into our kitchens.

To achieve these goals, parents, voters, community leaders, activists, and concerned citizens need to pick up the television policy remote. It takes writing letters, picking up the phone, and letting policymakers know that you want reality-based public interest obligations that can help make a difference in your lives. Public engagement in the debates can change the tune coming from policymakers in Washington.

Twelve Ways to Get Involved

1. Become an informed advocate by reading and signing onto the Bill of Citizens' Media Rights (www.citizensmediarights.org).

2. Get involved through leading organizations that enable you to learn more about the issues and take action as appropriate: • Public Interest, Public Airwaves Coalition (www.pipac.info) • Common Cause (www.commoncause.org) • Free Press (www.freepress.net) • HearUsNow.org (www.hearusnow.org)

3. Keep up to date on emerging policy developments by subscribing to Benton Foundation Communications-related Headlines, a free online daily news summary.

4. Tell the FCC you want them to set concrete and measurable minimum public interest standards for broadcasters.

5. Find out how your broadcasters are serving your children; make sure they know you care – and let the FCC know if they don't.

6. Take advantage of the V-Chip, program listings, and web sites to enrich the programming your children are viewing.

7. Tell your local broadcasters you want more coverage of local, civic, and electoral affairs.

8. Tell your local broadcasters you want more diverse, locally produced, and independent programming.

9. Tell the FCC you want it to protect media diversity as it revises media ownership rules.

10. Tell your local broadcasters you want to know how they are meeting your needs.

11. Tell the FCC you want broadcasters to disclose the ways they comply with their public interest obligations, ascertain their community's needs, and create programming that serves those needs.

12. Contact the resources below and on the next page to stay informed and get the tools you need for taking action in your community.

Resources on Tap

Alliance for Better Campaigns
www.bettercampaigns.org

The Alliance is a public interest group that seeks to improve elections by promoting campaigns in which the most useful information reaches the greatest number of citizens in the most engaging ways. It believes that broadcasters can and must use the publicly owned airwaves to revitalize our democracy. The Alliance is now part of the Campaign Legal Center.

Alliance for Community Media
www.alliancecm.org

Representing over 1,000 Public, Educational and Governmental (PEG) access organizations and community media centers throughout the country, ACM is committed to assuring everyone's access to electronic media. The Alliance advances this goal through public education, a progressive legislative and regulatory agenda, coalition building, and grassroots organizing.

Benton Foundation
www.benton.org

The mission of the Benton Foundation is to articulate a public interest vision for the digital age and to demonstrate the value of communications for solving social problems. It offers Communications-related Headlines, a free daily online news summary service that covers industry developments, policy debates, and other communications-related news events.

Campaign Legal Center
www.campaignlegalcenter.org

The Campaign Legal Center is a nonpartisan, nonprofit organization that works in the areas of campaign finance, communications, and government ethics.

Center for Creative Voices in Media
www.creativevoices.us/

The Center for Creative Voices in Media is dedicated to preserving in America's media the original, independent, and diverse creative voices that enrich our nation's culture and safeguard its democracy.

Center for Digital Democracy
www.democraticmedia.org

The Center for Digital Democracy is committed to preserving the openness and diversity of the Internet in the broadband era, and to realizing the full potential of digital communications through the development and encouragement of noncommercial, public interest programming.

Center for International Media Action
www.mediaactioncenter.org

CIMA is a nonprofit organization created to strengthen connections among grassroots organizers, public interest advocates, activists, and researchers focused on media policy and social justice. It offers a directory of hundreds of organizations that took action to stop FCC deregulation of media ownership.

Center for Public Integrity
www.publicintegrity.org

The Center for Public Integrity is a nonprofit, nonpartisan organization that conducts investigative research and reporting on public policy issues in the United States and around the world.

Chicago Media Action
www.chicagomediaaction.org

CMA is an activist group dedicated to analyzing and broadening Chicago's mainstream media and to building Chicago's independent media.

Children Now
www.childrennow.org

Children Now is an independent, nonpartisan research and action organization dedicated to assuring that children grow up in economically secure families, where parents can go to work confident that their children are supported by quality health coverage, a positive media environment, a good early education, and safe, enriching activities to do after school.

Common Cause
www.commoncause.org

Common Cause is a nonpartisan, nonprofit advocacy organization founded as a vehicle for citizens to make their voices heard in the political process, to hold their elected leaders accountable to the public interest, and to ensure that the media meets its obligations to serve the public. Its Media and Democracy Program is working to ensure that the media meets its obligations to serve the public by promoting diversity, accessibility, and accountability among media corporations and the government agencies that regulate the media.

Consumer Federation of America
www.consumerfed.org

CFA provides consumers a voice in decisions that affect their lives, including work on pro-consumer policy issues and disseminating information on consumer issues to the public and the media, as well as to policymakers and other public interest advocates.

Consumers Union
www.consumersunion.org

CU, publisher of Consumer Reports, is an independent, nonprofit testing and information organization serving only consumers. CU is a comprehensive source for unbiased advice about products and services, personal finance, health and nutrition, and other consumer concerns. CU has produced a new web site, HearUsNow.org, to inform and activate consumers on media, communications, and technology issues.

Fairness & Accuracy in Reporting
www.fair.org

FAIR is a national media watch group working to invigorate the First Amendment by advocating for greater diversity in the press and by scrutinizing media practices that

marginalize public interest, minority, and dissenting viewpoints.

Federal Communications Commission
www.fcc.gov

The FCC is an independent United States government agency, directly responsible to Congress. The FCC is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable. The FCC's jurisdiction covers the 50 states, the District of Columbia, and U.S. possessions.

Free Press
www.freepress.net

Free Press is a national nonpartisan organization working to increase informed public participation in crucial media policy debates, and to generate policies that will produce a more competitive and public interest-oriented media system with a strong nonprofit and noncommercial sector. Its site has a host of information and activist tools.

HearUsNow.org
www.hearusnow.org

A project of Consumers Union, HearUsNow.org empowers consumers to fight for better and more affordable telephone, cable and Internet services or equipment by focusing on major media, technology and communications issues and emphasizing local stories. The site helps explain these increasingly complex issues and the connections between the issues, underscores what's at stake, and offers ways to make improvements.

Institute for Public Representation at Georgetown University
www.law.georgetown.edu/clinics/ipr

IPR is a public interest law firm and clinical education program. IPR attorneys act as counsel for groups and individuals who are unable to obtain effective legal representation on matters that have a significant impact on issues of broad public importance including communications law, environmental law, civil rights, and general public interest matters. They have worked with Media Access Project to prevent the FCC's media ownership rules from being enforced.

Kaiser Family Foundation
www.kff.org

The Henry J. Kaiser Family Foundation is a nonprofit, private operating foundation focusing on the major health care issues facing the nation. It acts as an independent voice and source of facts and analysis for policymakers, the media, the health care community, and the general public.

Leadership Conference on Civil Rights
www.civilrights.org

LCCR, a civil rights coalition of over 180 national organizations, has coordinated the national legislative campaign on behalf of every major civil rights law since 1957. Among its priorities is advancing media diversity.

Media Access Project
www.mediaaccess.org

MAP is a thirty-year-old nonprofit public interest telecommunications law firm that promotes the public's First Amendment right to hear and be heard on the electronic media of today and tomorrow. MAP's attorneys successfully asked the U.S. Court of Appeals for the Third Circuit to throw out the FCC's media ownership rules on behalf of its client, the Philadelphia-based Prometheus Radio Project.

Media Alliance
www.media-alliance.org

Media Alliance is a 28-year-old media resource and advocacy center for media workers, nonprofit organizations, and social justice activists. Their mission is excellence, ethics, diversity, and accountability in all aspects of the media in the interests of peace, justice, and social responsibility.

MediaChannel
www.mediachannel.org

MediaChannel.org is a nonprofit, public interest web site dedicated to global media issues. MediaChannel offers news, reports, and commentary from an international network of media issues organizations and publications, as well as original features from contributors and staff.

Media Tank
www.mediatank.org

Media Tank promotes media literacy, policy education, and a vibrant local media culture through community workshops, lectures, screenings, forums, national organizing and speaking engagements, and resource materials.

Minority Media and Telecommunications Council
www.mmtconline.org

MMTC is a national nonprofit organization dedicated to promoting and preserving equal opportunity and civil rights in the mass media and telecommunications industries.

National Alliance for Media Arts and Culture
www.namac.org

NAMAC is a national association of nonprofit organizations and individuals committed to furthering the media arts: film, video, audio, and digital.

National Association of Broadcasters
www.nab.org

The NAB is a trade association that promotes and protects local broadcast radio and television stations' interests in Washington and around the world. NAB is the broadcaster's voice before Congress, federal agencies, and the courts.

National Institute on Media and the Family
www.mediafamily.org

The National Institute on Media and the Family examines the impact of electronic media on families and works to he
and communities watch what kids

New America Foundation
www.newamerica.net

The New America Foundation is ar
dent, nonpartisan, nonprofit publi
institute that brings promising ne
and new ideas to the fore of the na
public discourse through research
and conferences.

Newspaper Guild/Communicati
Workers of America (CWA)
www.newsguild.org

The Guild/CWA is primarily a medi
whose 34,000 members are divers
occupations, but who share the vie
the best working conditions are ac
people who have a say in their wo
including working conditions, star
journalism, and ethics of the indus

Office of Communication of the
United Church of Christ
www.ucc.org/ocinc

As an outgrowth of the United Chu
Christ's historic commitment to civ
OC, Inc. was incorporated in 1959 t
cate on behalf of those who had b
torically excluded from the media,
people of color and women.

Parents Television Council
www.parentstv.org

The Parents Television Council is a
grassroots organization that works
that children are not constantly ass
by sex, violence, and profanity on
and in other media.

Prometheus Radio Project
www.prometheusradio.org

The Prometheus Radio Project is n
profit association dedicated to the
ratization of the airwaves through
liferation of non-commercial, com
based, micropower radio stations.

Public Interest, Public Airwaves
www.pipac.info

The PIPA Coalition is an alliance of
policy groups, media activists, and
roots organizers that are active in t
ing fight against media consolidat
deregulation. It offers a grassroots
for a nationwide campaign to enco
local citizens to hold their commu
broadcasters to a higher standard
service, particularly when it comes
tion coverage.

Reclaim the Media
www.reclaimthemedia.org

Reclaim the Media is a coalition of
dent journalists, media activists, a
munity organizers in the Pacific No
promoting press freedom and com
media access as prerequisites for a
ing democracy.

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Section VIII: Context

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Bill of Media Rights

www.citizensmediarights.org

Preamble

A free and vibrant media, full of diverse and competing voices, is the lifeblood of America's democracy and culture, as well as an engine of growth for its economy.

Yet, in recent years, massive and unprecedented corporate consolidation has dangerously contracted the number of voices in our nation's media. While some argue we live in an age of unprecedented diversity in media, the reality is that the vast majority of America's news and entertainment is now commercially-produced, delivered, and controlled by a handful of giant media conglomerates seeking to minimize competition and maximize corporate profits rather than maximize competition and promote the public interest.

According to the Supreme Court, the First Amendment protects the American public's right to "an uninhibited marketplace of ideas in which truth will prevail" and "suitable access to social, political, esthetic, moral and other ideas and experiences." Moreover, it is "the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

But too often, our nation's policymakers favor media conglomerates' commercial interests over the public's Constitutional rights, placing America's democracy, culture, and economy at risk. Instead, guided by the principles that follow, policymakers must ensure that the Constitutional rights of present and future generations to freely express themselves in the media, and to access the free expression of others, using the technologies of today and tomorrow, are always "paramount."

We ask you to join the broad coalition of consumer, public interest, media reform, labor and other groups representing millions of Americans in proposing the following Bill of Citizens' Media Rights.

Media That Provide "An Uninhibited Marketplace of Ideas"

The American public has a right to:

- Journalism that fully informs the public, is independent of the government and acts as its watchdog, and protects journalists who dissent from their employers.
- Newspapers, television and radio stations, cable and satellite systems, and broadcast and cable networks operated by multiple, diverse, and independent owners that compete vigorously and employ a diverse workforce.
- Radio and television programming produced by independent creators that is original, challenging, controversial, and diverse.
- Programming, stories, and speech produced by communities and citizens.
- Internet service provided by multiple, independent providers who compete vigorously and offer access to the entire Internet over a broadband connection, with freedom to attach within the home any device to the net connection and run any application.
- Public broadcasting insulated from political and commercial interests that is well-funded and especially serves communities underserved by privately-owned broadcasters.
- Regulatory policies emphasizing media education and citizen empowerment, not government censorship, as the best ways to avoid unwanted content.

Media That Use The Public's Airwaves To Serve The Public Interest

The American public has a right to:

- Electoral and civic, children's, educational, independently produced, local and community programming, as well as programming that serves Americans with disabilities and underserved communities.
- Media that reflect the presence and voices of people of color, women, labor, immigrants, Americans with disabilities, and other communities often underrepresented.
- Maximum access and opportunity to use the public airwaves and spectrum.
- Meaningful participation in government media policy, including disclosure of the ways broadcasters comply with their public interest obligations, ascertain their community's needs, and create programming to serve those needs.

Media That Reflect And Respond To Their Local Communities

The American public has a right to:

- Television and radio stations that are locally owned and operated, reflective of and responsible to the diverse communities they serve, and able to respond quickly to local emergencies.
- Well-funded local public access channels and community radio, including low-power FM radio stations.
- Universal, affordable Internet access for news, education, and government information, so that all citizens can better participate in our democracy and culture.
- Frequent, rigorous license and franchise renewal processes for local broadcasters and cable operators that meaningfully include the public.

Conclusion

These principles are not meant to be all-inclusive. Rather, they illustrate an American media structure that is the American public's present and future right under the Constitution of the United States.

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