

POSTED
F 1/18/07

2007 JAN 16 A 11:14

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RE: Application of Citicaster Licenses, LLP
for Consent to Transfer Control of Entity
Holding Broadcast Station License

06-226

FCC File No. 20061212AVS

BTCH

PETITION TO DENY CONSENT FOR TRANSFER OF CONTROL
OR TO IMPOSE ADDITIONAL CONDITIONS
IN THE EVENT THAT CONSENT IS GRANTED

Lead Application: KABQ-FM
Santa Fe NM
Facility ID 53652

Respectfully submitted,

Geoffrey M. Young
454 Kimberly Place
Lexington, KY 40503
(859) 278-4966
gyoung4@isp.com

Date: January 2, 2007
cc: General Manager (WLAP) WBUL, WMXL, Mix94, 2601 Nicholasville Rd.,
Lexington KY 40503

630-AM the station I listen to

No. of Copies rec'd 0
List ABCDE

I. Introduction

Citicaster Licenses, LLP has submitted an application for Consent to Transfer Control of Entity Holding Broadcast Station License, FCC File No. 20061212AVS, that includes Clear Channel Communications Inc. of San Antonio, Texas, the owner of 1,150 radio stations in the US. According to Robert Gavin of the Boston Globe, two large investment firms, Thomas H. Lee Partners LP and Bain Capital Partners LLC, wish to buy the nation's biggest radio broadcaster for an estimated \$19 billion. "The deal, among the biggest of its kind in US history, will take publicly traded Clear Channel into private ownership. The Bain-Lee group also acquires Clear Channel's billboard advertising affiliate, which accounted for 40 percent of the company's revenue in 2005. Meanwhile, Clear Channel will sell 448 small-market radio stations...The properties to be sold account for less than 10 percent of Clear Channel's revenue, which totaled \$6.6 billion in 2005, the company said." ["Two Hub firms to purchase nationwide radio giant," November 17, 2006]

Pursuant to the Communications Act of 1934, as amended, the FCC may approve this transaction only if the public interest will be served. The following comments make a prima facie case that the actions of Clear Channel Communications and its owner, Citicaster Licenses, LLP, are, in general, antithetical to the public interest at present, and that the proposed transaction will do nothing to correct this problem and may in fact make it worse. The application should be denied in its entirety. If, however, the FCC decides to allow the transaction, it should impose certain binding conditions, specified below, designed to reduce the amount of damage to the public interest that Clear Channel is presently doing.

II. Transfer from publicly-traded corporation to private ownership reduces disclosure

Robert Gavin's article continues as follows: "Bain and Lee are among the most active buyout firms in the world, and have raised billions of dollars in recent years from investors seeking higher returns than the stock market has delivered. Last year, for example, they teamed up with Carlyle Group of Washington to buy the parent of Dunkin' Donuts for \$2.4 billion. They also are considered possible bidders for Tribune Co., according to published reports. Bain Capital, cofounded by Mitt Romney in 1984, before he became governor of Massachusetts, has participated in buyouts of major consumer brands such as Toys "R" Us, Burger King, and Domino's Pizza."

Mitt Romney is a Republican candidate for President in 2008, and he may wish to have some connection to or influence over a major radio empire that could support his candidacy. In addition, the Carlyle Group has major influence within the current administration via James Baker 3rd and George H.W. Bush, the former president and a former employee of Carlyle. The Carlyle Group has made vast profits from the arms buildup associated with the War in Iraq, and therefore would be expected to oppose an end to the war.

According to Wikipedia, "Privately held companies generally have fewer or lesser reporting requirements for transparency, via annual reports, etc. than do publicly traded companies." This means that the proposed transfer of the Clear Channel media empire will reduce the amount of information available to the public concerning its financial dealings. This increased level of secrecy is not in the public interest, especially in view of the possible connections to Mitt Romney and the Carlyle Group as outlined above.

III. Radio station ownership is massively concentrated and politically biased now

As a result of the 1996 Telecommunications Act, Clear Channel went from owning fewer than 50 radio stations to owning more than 1,200 stations nationwide. The fact that they will own "only" approximately 700 if this transaction is allowed is a small step in the right direction, but they will be keeping the largest ones and selling off those that produce the least revenue (Ibid.). 700 radio stations owned by one privately-held company is still far too much unaccountable media concentration.

More important than the number of stations owned is the fact that they spew forth an unrelievedly and uniformly right-wing ideology, hour after hour, day after day, week after week, month after month, and year after year.

The on-air schedule for my own local Clear Channel station of the "News Radio" format, WLAP, AM-630, Lexington, Kentucky, is a perfect example of this bias. Every weekday from 9 am to noon they feature news/talk radio hosted by Mike McConnell, who operates out of Cincinnati, Ohio. He is extremely right-wing, and like most talk radio hosts, makes sure that he gets the first and last word (and quite a few words in between) when discussing political issues. His particular targets include the environmental movement – he is a global warming critic and often hosts authors of scientific-sounding arguments that contradict the vast majority of climate and environmental scientists – and "illegal immigrants." On January 2, 2007, for example, he spewed forth a series of anecdotes about illegal immigrants who have committed violent crimes against American citizens. According to Robert J. Sampson, however, a professor of sociology at Harvard, higher numbers of recent immigrants are correlated with lower crime rates, including violent crimes. ["Open Doors Don't Invite Criminals, New York Times, published: March 11, 2006] McConnell's anecdotes about "illegals," endlessly repeated and embellished, contradict the social science data and are designed to raise the public's level of irrational fear and hatred of foreigners, especially Hispanics and Muslims.

Every weekday from noon to 3 pm, WLAP allows Rush Limbaugh to indoctrinate tens of thousands of listeners in the Lexington area alone (many millions nationwide) into his right-wing version of the world. I monitored his show on January 1, 2007 from noon to 1:00 pm and have no reason to doubt that it was a representative sample of his world-view.

Political Content of the Rush Limbaugh Show:

The Democrats, who are now in the majority in Congress, want to get us out of Iraq and destroy the US military once and for all. 1 minute.

Intermittent Explosive Disorder (IED, road rage). Should be called the “Kennedy Syndrome.” Used to be called “bad temper.” Now it’s an excuse, a “medical syndrome,” that allows you to say your bad behavior is not your fault. Wacko leftist groups have too much time, think only of themselves. Our ancestors had hard lives, no time to worry about syndromes. Ridicules psychiatry. Moral relativists grant more people exemption from Personal Responsibility for their own actions. Can I sue my parents for bad genes? 8 minutes.

US may provide some nuclear technology to Iran. “I predicted this.” Chicoms, Russkies trying to get tight with Iranians. Could be a good alternative to our taking out Iran’s nuke facilities, but Jimmy Carter’s deal with North Korea led to their building nuclear weapons. 3 minutes.

Bush’s approval rating up modestly, now 36%. “Parallel to other presidents at this time in their terms.” 3 minutes.

Ridicules report that GOP stole 170,000 votes in Ohio. Robert Kennedy’s real motive is to attack Ken Blackwell, a black Republican. 3 minutes.

Caller mentions IED; Rush hammers issue of personal responsibility, discipline; “It’s all Bush’s and America’s fault” (liberals claim). 5 minutes.

Goes back to his own archives. June 29, 1994, Rush’s TV show. 14 Commandments of the Religious Left: Self-esteem. Recycle. Don’t criticize liberals. Anita Hill. Honor thy mother. Shalt not kill except abortion. Adultery. Shalt not steal except... Shalt not bear false witness except... Shalt not covet unless you are a victim. Hide truth about yourself. Always blame others. 5 minutes.

Caller theorizes (without evidence or basis) that a pregnant Planned Parenthood staffer mentioned in a news report wanted an abortion because she was actually bearing someone else’s child other than her husband’s. Rush likes caller’s theory, but eventually concludes he was confusing details from two different stories. Rush wants to tell a joke, but can’t tell it on the air because of the language. Plan B is equivalent to abortion. 5 minutes.

Caller questions ADD, Rush agrees, ridicules psychiatry again. Rush claims it is possible to get any behavior labeled a medical “syndrome” by doing a study on it. 4 minutes.

“Life begins at conception,” so the Plan B pill is abortion. 3 minutes.

24-year-old caller has listened to Rush since age 6, now studying meteorology. “Global warming is a myth.” Environmentalists want to reduce our freedom. “It is impossible to believe that we are capable of destroying what we didn’t create... Patently absurd... Environmentalist movement is anticapitalist and anti-religious, anti-creation, anti-God...” 6 minutes.

I have several comments about this data.

A) This type of summary needs to be included in the Issues List kept by every radio station that airs political news/talk radio shows. It doesn’t necessarily need to be this detailed nor contain time estimates, but a list of the political topics mentioned and the host’s position on each topic is essential information for the public. When I visited the offices of WLAP in Lexington, the only shows mentioned in their Issues List were those covered by their public affairs shows. WLAP airs its public affairs show from 7 am to 8 am on Sunday morning, i.e., some of the least popular air time they could find. By determining the agenda of topics they bring up and constantly inserting their own opinions, talk radio hosts convey far more political content to far more people than the public affairs shows could ever hope to do. To fail to summarize the political issues discussed for many hours each day on political news/talk radio shows is a clear violation of the FCC regulations that specify what information must appear in every station’s Public Inspection File.

B) The tone Rush maintained during the entire hour was one of resentment, ridicule, and barely suppressed anger. Nearly every word he said was a form of put-down against one favorite target or another. He efficiently and effectively stoked his listeners’ anger and contempt against Democrats, the Kennedys, leftists, psychiatrists, social scientists, moral relativists, lawyers who bring frivolous lawsuits, Iran, Jimmy Carter, liberals, the religious left, Bill Clinton, people who believe abortion should be legal, elitists, Planned Parenthood, nonreligious people, people who believe global warming is a serious issue, and environmentalists in general. There might have been a few additional targets in there that he hit in a drive-by manner. Even someone who wasn’t listening closely would absorb the strong emotional undercurrent of resentment against liberals and everything they stand for. His list of targets for ridicule and hostility doesn’t change much over the years, as demonstrated by the archived snippet from his own 1994 TV show.

C) The idea that Democrats want to destroy the US military once and for all goes beyond political spin into the realm of falsehood and slander. No Democrat has ever said he or she wants to destroy the US military. Many Democrats want to make it more effective, some want it to get larger, and some want to reduce its budget to free up resources for other social purposes. For Rush to accuse “the Democrats” in this way is to deliberately imply that all Democrats are traitors to their country. His charge is incendiary and blatantly false; this type of language corrupts public discourse in this country and damages the public interest.

D) Rush repeatedly shielded the Bush Administration and its policies from criticism. He minimized the President's unpopularity. Instead of considering the possibility that the GOP might have stolen votes in Ohio, he made a personal attack against the messenger, Robert Kennedy.

E) He repeatedly ridiculed science, particularly the social sciences and psychiatry. His claim that it is possible to get any behavior labeled a medical "syndrome" by doing a study on it is factually false; the social sciences and medical professions apply detailed, rigorous screening methodologies before allowing proposed new diseases and syndromes to enter the diagnostic handbooks.

F) Rush's vehement statements about abortion reflect his own religious beliefs, and are therefore beyond debate. To him, those with other religious beliefs on certain topics are simply wrong or immoral.

G) The hour's final spiel on the environmental movement was completely illogical; one would need to read an actual transcript to appreciate how incoherent it was. Although there was no logical connection between each sentence and the next, Rush's overall message was crystal clear: Environmentalists are against religion and capitalism, and secretly want to harm us regular Americans because they hate God, freedom, and the American Way. Such accusations constitute baseless slander. Millions of environmentalists are devoutly religious, and many are motivated by a desire to preserve God's creation. Most environmentalists also support the free market system and want to see it operate more efficiently by taking account of costs that are typically dumped by certain industries onto the general public.

Continuing through WLAP's schedule, from 3 pm to 6 pm every weekday they run Ferrell Wellman's "Sound Off" talk radio show. Based on my personal experience calling in to his show, he is another pro-war right-winger. At least he is based locally and has a slightly less vicious personality than Mike McConnell and Rush Limbaugh.

John Gibson's talk radio show runs from 8 pm to 10 pm. He is yet another right-winger who has stated on the air that religions other than his own brand of Christianity are "wrong."

The late-night hours are hosted by George Noory, who talks mainly about UFOs, alien abductions, and the paranormal. I am unable to imagine how this can contribute to the public interest in a positive way.

Weekends feature more of the right-wing Mike McConnell, the right-wing Glenn Beck, "The Best of Rush Limbaugh" for three hours, the business-oriented Wall Street Journal show, a three-hour replay of Mike McConnell, and the right-wing Drudge Report.

To summarize, WLAP devotes vast stretches of air time – approximately 11 hours a day during the heaviest listening times – to pushing right-wing views and the politics of

resentment, to the virtual exclusion of left-wing or even middle-of-the-road views. In the rare event that a left-wing caller gets to say a sentence or two that challenges the right-wing world view, they are quickly cut off and sometimes ridiculed afterwards by the right-wing host.

The radio empire that has been carefully built up by Clear Channel over the past decade has been consciously and intentionally turned into a key element in a vast, right-wing media echo chamber than has no counterpart on the left. In Lexington, the other commercial radio stations are almost as right-wing as those owned by Clear Channel. Several cater to Christian listeners and push gospel music and a right-wing political world view. The NPR stations can be considered conservative to middle-of-the-road; they virtually never question fundamental societal assumptions such as whether the US had the legal or moral right to invade Iraq. Whenever the US gets involved in a new shooting war, the public radio stations can be depended on to lurch from center-right to far-right and act as "National Patriotic Radio" outlets. The only left-wing radio voice in Lexington is heard on a tiny, low-power station for five hours a week. WRFL ("Radio Free Lexington"), the music-oriented station run by students at the University of Kentucky, airs the nationally-syndicated show, "Democracy Now" by Amy Goodman, one day late (probably to reduce the cost), from 9 am to 10 am every weekday morning. Other key parts of the right-wing echo chamber are the entire Fox TV "News" empire, CNN, and many of the talking-head political debate shows where the panelists range from somewhat conservative to virulently right-wing.

Since the abandonment of the Fairness Doctrine, the media in this country have been driven ever rightward by corporate forces. The situation has now reached an extreme condition in which the public interest is not being served. The American public is now seriously uninformed and, worse, misinformed about political reality. Millions of Americans still believe that Saddam Hussein had an active nuclear weapons program and gave material aid to the terrorists who attacked this country on 9-11. Only a small percentage of Americans have been informed that the US invasion of Iraq violated the UN Charter and other international laws against aggression, which is a fact well-known to most of the world's people. Very few Americans are aware that the Military Commissions Act empowered the President to name anyone he feels is a threat to our national security an "enemy combatant," arrest them without warning, lock them up, and use harsh methods (i.e., torture) to interrogate them, without any recourse to due process or the court system. The right-wing echo chamber is partly responsible for this abysmal state of affairs, and the FCC bears some responsibility for allowing it to happen.

IV. Proposed Remedies

The fundamental problem is that our commercial radio empires, of which Clear Channel is the most extreme example, air nothing but the right-wing world view for hours and hours and hours, every day of the year. This situation is contrary to the public interest and must be ended.

A) The most effective remedy would be for the FCC to block the proposed transfer of Clear Channel until it changes the political balance of its news/talk radio shows in the manner described below.

B) If the proposed transfer is allowed to go through, strict conditions must be placed on the corporation's future operation. Because I am totally committed to freedom of speech, I am not proposing that the right-wing world view be banned from the airwaves. What urgently needs to happen, however, is that the nation's airwaves must be opened up to moderate and left-wing perspectives as well. Using the Lexington market as an example, WLAP's 11 hours a day of virulent right-wing news/talk radio programming would be changed to three hours a day of virulent right-wing news/talk radio, four hours a day of moderate news/talk radio, and four hours a day of sharply critical left-wing news/talk radio. The number of hours allotted to each type is intended to compensate for the many years during which only the virulent right-wing perspective was heard.

Not only would the public interest be well-served by allowing the perspectives of millions of additional people to be heard, it would make radio programming much more controversial and interesting. Listenership would go up, and many more people would get personally involved. At present, millions of Americans have just stopped listening to commercial news/talk radio because they hear nothing but the same old whining, resentful, angry, factually inaccurate, right-wing drivel all the time.

C) Finally, summaries of all of the political issues discussed on political news/talk radio shows, as well as the position taken by the host, must be included in every station's Public Inspection File.