



A Project of the USC Annenberg School and the University of Wisconsin

Testimony of Martin Kaplan

Associate Dean, USC Annenberg School for Communication

Research Professor

Director, The Norman Lear Center

FCC Media Ownership Hearing

University of Southern California

August 31, 2006

Lear Center Local News Archive (www.localnewsarchive.org)

USC Annenberg School for Communication

3502 Watt Way

Los Angeles, CA 90089-0281

Thank you, Rep. Solis and Rep. Watson, and all the groups sponsoring today's event. I especially want to thank Commissioners Copps and Adelstein for their leadership. You may be the minority on the FCC, but on the topic of the public interest, you speak for the American majority.

In the first sentence of its Notice, the FCC majority seeks comment on "whether the media ownership rules are 'necessary in the public interest.'"

If the FCC majority actually meant that, surely it would not have failed to *define* the public interest obligations of digital broadcasters – which it has, ignoring repeated requests from its own Consumer Advisory Committee.

If the FCC majority truly cared about the public interest, surely it would not have stalled its own proceeding on localism – which it has, ignoring a mountain of testimony on the disappearance of local voices and local issues from local news.

If the FCC majority really were a watchdog of the public interest, surely it would not have needed the Third Circuit to slap them for ignoring the Minority Media and Telecommunications Council's proposals to promote diversity in broadcast ownership – which that Court did, in the *Prometheus* decision. And it must be just a coincidence that this Administration's Commerce Department has refused to update its six-year-old data on minority media ownership.

The point I want to emphasize today is this: The Third Circuit caught the FCC majority with its empirical pants down. It criticized them for what amounts to faith-based regulation. We have yet to see whether the FCC majority will commission solid, independent studies as part of this proceeding. But we do know they failed to gather hard data in the past. That's why the Third Circuit took them to the woodshed – for their magical thinking about the magic of the marketplace.

Since 1998, my colleagues and I have been collecting evidence about public affairs coverage on local tv news. We have analyzed campaign stories on tens of thousands of hours of broadcasts. In the absence of a meaningful FCC requirement for stations to make their programming available to the public for scrutiny, our data set (which can be found at www.localnewsarchive.org) is the largest – and essentially the only – source

of evidence of what the nation's broadcasters do, and don't, to fulfill the public interest obligations they promise when they get their licenses.

As anyone who has actually watched local tv news knows, it is a profoundly depressing picture. With some valiant and praiseworthy exceptions, station owners have decided that their most-watched broadcast real estate should shun substantive public affairs coverage in favor of crime, scandal, accidental injury, happy-talk, network entertainment cross-promotion, plus a virtually inexhaustible supply of minutes sold in exchange for billions of dollars of paid political ads.

The Lear Center's studies are part of the FCC's public record, and part of the *Congressional Record*, but apparently they make no difference to the FCC majority or its Big Media constituents.

Last week, the *Los Angeles Times*, in an editorial asking the FCC to drop all limits on newspaper owners like *Times* owner Tribune from also owning television stations in their markets, as Tribune does in LA, this sentence appeared: "Studies show that those broadcasters that do operate local newspapers through waivers or exemptions offer more news and public affairs programs, on average, than competitors that don't."

But if you read the FCC "study" that editorial alludes to, you will discover that not *one single minute* of television programming was actually watched by the report's authors. And you will find that the measures of what their study calls news "quality" are actually Nielsen ratings during sweeps week stunts, trade association prizes, and an awards competition in which not one single entry was judged good enough to win a first place.

As it turns out, in 2000 my colleagues and I studied the same period covered by that FCC report. The FCC study examined a week of local news; we examined a month. They didn't watch the news; we did. It was a year when the broadcast industry itself was on record promising a voluntary five minutes of "candidate-centered discourse" a night in the month before the election. We logged every second of it, watching more than six hours of programming a night on each of 74 stations in 58 markets – 39 of whose owners also owned newspapers.

And what did we find? Only *one* station out of 74 hit the five-minute mark. And only *one* owner of both newspapers and tv stations did better

than the miserable 74 seconds of candidate-centered discourse that turned out to be the national average. The 11 other owners of papers and stations, accounting for 32 of the stations in our sample, did worse than the national mean. No wonder the FCC majority and Big Media prefer their own studies.

This summer, Commissioner Adelstein, in his dissent from the FCC's notice, emphasized how "urgent" the Commission's need is for "research papers and reports which provide professional and objective information." And Commissioner Copps, in his dissent, said this: "If the FCC contracts for independent, well-funded studies... instead of buying a few half-hearted, time-crunched papers that slide into the record without comment," then you'll know "the difference between a fig leaf and a real commitment to the public interest."

Today's unofficial hearing, supported by the FCC minority, *does* represent such a real commitment. It remains to be seen whether the FCC majority will persist in wearing no clothes.

#