



June 12, 2007

The Honorable Kevin J. Martin
Commissioner
Federal Communications Commission
445 - 12th Street, SW, Room 8B201
Washington, DC 20554

Dear Commissioner Martin:

On behalf of an alliance of Midwest civic and public interest groups, we are writing to express our increasing alarm about the inadequacy of local television news coverage of elections, government and public affairs in this region. The enclosed documents, drawing heavily on data collected and analyzed by the University of Wisconsin NewsLab since September 2006, reveal a serious failure by broadcasters in Illinois, Michigan, Minnesota, Ohio and Wisconsin to fulfill their most basic obligation to the public—their obligation to encourage and promote informed citizen participation in our civic and political life. These five states happen to be the focus of our reform work, but we recognize that the problem we raise is a much broader one.

The results of these studies have convinced us that the Federal Communications Commission must take steps soon to clarify, strengthen and effectively enforce broadcasters' public interest obligations. With the deadline looming for completion of the analog-to-digital transition, it is urgent that the Commission finally confronts and resolves this critically important issue in its rulemaking for the transition.

As for the enclosed documents, one sets out our shared views about the “democratic” costs stemming from local broadcasters' paltry news coverage of elections and government; this statement also highlights the policy and regulatory proposals we believe would help rectify a condition that, absent the Commission's timely intervention, will almost certainly worsen. The second report summarizes in considerable detail the UW NewsLab's findings and includes supporting data broken down by region, market, and station. We believe the data adds up to a compelling case for action by the Commission.

We want to encourage the Commission to hold public hearings in the Midwest in order to hear first hand the views of elected officials, community activists, business and labor leaders, educators and ordinary citizens whose impatience with both the scarcity and content of public affairs news coverage is palpable. The signatories of this letter and the organizations we represent stand ready to assist the Commission's staff in organizing such public proceedings.

Finally, we wish to point out that our concern about the quality of political news coverage is just one part of a much larger commitment by our organizations to strengthen democratic systems and practices in this region. Our comprehensive state-level approaches to reform seek to address numerous shortcomings in the political process – including the influence of money in politics; questions about the impartiality of elected judges; the way in which legislative districts are drawn; and the continued need to promote open and transparent government. Local TV news coverage is just one of many such shortcomings in our political process, but its importance cannot and should not be underestimated.

We will contact your office in the near future to explore opportunities for conducting one or more hearings in the Midwest.

Sincerely,

Cynthia Canary
Executive Director
Illinois Campaign for Political Reform
Chicago, IL

C. Scott Cooper
Director
Take Action Minnesota Education Fund
Minneapolis, MN

Patricia Donath
League of Women Voters of Michigan
Lansing, MI

Brian Imus
State Director
Illinois PIRG
Chicago, IL

Mike McCabe
Executive Director
Wisconsin Democracy Campaign
Madison, WI

Kent Redfield
Director
Sunshine Project
Springfield, IL

Catherine Turcer
Legislative Director
Ohio Citizen Action Education Fund
Columbus, OH

Jerolyn Barbee
Executive Director
League of Women Voters of Ohio
Columbus, OH

John Chamberlin
Chair
Common Cause Michigan
Lansing, MI

Todd Dietterle
Chair
Common Cause Illinois
Chicago, IL

Jay Heck
Executive Director
Common Cause Wisconsin
Madison, WI

Andrea Kaminski
Executive Director
League of Women Voters of Wisconsin
Madison, WI

Terry Pastika
Executive Director
Citizen Advocacy Center
Elmhurst, IL

Rich Robinson
Executive Director
Michigan Campaign Finance Network
Lansing, MI

Bill Woods
Chair
Common Cause Ohio
Columbus, OH

Al Sharp
Executive Director
Protestants for the Common Good
Chicago, IL



June 12, 2007

**A STATEMENT SUBMITTED TO THE FEDERAL COMMUNICATIONS
COMMISSION ON LOCAL TV NEWS AND BROADCASTERS'
PUBLIC INTEREST OBLIGATIONS**

As representatives of a Midwest-based network of civic and public interest organizations, we want to call your attention to a recent series of studies documenting serious shortcomings in local television news coverage of elections, government and public affairs in our region. The studies, we believe, demonstrate that the region's broadcasters are failing to provide citizens sufficient information to promote informed participation in civic and political life. We urge the Federal Communications Commission to respond by taking steps to reassert, define, and set standards for broadcasters' public interest obligations, and to do this now, as we prepare to enter the digital age.

Background

Our organizations, as a group, are committed to strengthening the region's political systems. We favor reforms that we believe will lead to more honest, fair, transparent, and accountable government; more efficient, reliable and competitive elections; and new and expanded opportunities for citizens to participate in civic and political affairs. While our reform agendas vary, most address state-level campaign finance, election, and redistricting problems as well as government ethics, lobbying regulation, and judicial selection and conduct. Our work in general stems from a shared conviction and an abundance of evidence that our democracy is not operating anywhere near full capacity. Our specific views about the importance of an informed citizenry are in keeping with an established American tradition, perhaps best summarized by the U.S. Supreme Court's observation in *Garrison v. Louisiana* that "speech concerning public affairs is more than self-expression; it is the essence of self-government."

Due to its reach, influence and statutory obligations, local television news, in particular, has a special responsibility to inform voters at election time about the backgrounds, experiences, qualifications, and policy views of candidates for public office. Between elections, it has a duty to help citizens make sense out of governmental issues and decisions that will impact their lives and communities. Local television news is an especially important source of such information,

because so many people rely on it. According to the Pew Center for the People & the Press surveys, almost six in ten Americans (59 percent) watch local news regularly, and more than three in four (76 percent) say that television news is their chief source of election information.

To evaluate the extent to which our citizens are getting the information they need from local television news, we draw on data assembled by the University of Wisconsin-Madison's NewsLab. Directed by political science professor Ken Goldstein, the UW NewsLab is a state-of-the-art facility that has the infrastructure and capacity to capture, clip, code, analyze and archive any media in any market—domestic or international—in real time. Since September 2006, the UW NewsLab has systematically monitored and evaluated local television news coverage of elections and government. Under the auspices of the Midwest News Index (MNI), an initiative directed by Dr. Goldstein and funded by the Joyce Foundation of Chicago, the UW NewsLab has assembled a large and representative sample of early and late-evening local newscasts on ABC, CBS, Fox and NBC affiliates in nine markets in Illinois (Chicago and Springfield), Michigan (Detroit and Lansing), Minnesota (Minneapolis-St. Paul), Ohio (Cleveland and Columbus), and Wisconsin (Milwaukee and Madison). The study's scale and duration make it truly unique.

The Midwest News Index tracked and analyzed the volume and content of local TV election news coverage from Labor Day to Election Day 2006; and more recently it has tracked news coverage of federal, state and local government from January 1 through March 31, 2007, providing the first systematic analysis of local TV political news outside of an election period.

We want to highlight and comment on three key findings from the MNI studies completed to date. The data for these findings are presented in greater detail in the accompanying report.

Finding 1: *Between the traditional Labor Day kickoff of the 2006 election season and October 6, television stations in nine Midwest markets devoted an average of 36 seconds to election coverage during the typical 30-minute local news broadcast. By contrast, the typical early- and late-evening local news broadcast contained more than 10 minutes of advertising, over seven minutes of sports and weather, and almost two and a half minutes of crime stories.*

Finding 2: *During the final month leading up to last November's elections (October 7-November 6), local television news viewers in nine Midwest markets received considerably more information about campaigns from paid political advertisements than from actual news coverage. The UW NewsLab's analysis of local newscasts in seven markets revealed that nearly four and a-half minutes of paid political ads aired during the typical 30-minute broadcast compared with an average of one minute and 43 seconds of election news coverage.*

Finding 3: *During the first quarter of 2007, the 36 Midwest stations monitored by the UW NewsLab dedicated just one minute and 35 seconds to **government news** during a typical 30-minute news broadcast. In contrast, five times more airtime was spent on "sports and weather." Crime stories, averaging 2 minutes 13 seconds, also trumped government coverage as did "teasers, bumpers, and intros" at nearly 2 minutes.*

The findings reveal a retreat from responsibility by local television stations.

This region's five state governments have annual budgets ranging between \$27 and \$53 billion. During the period covered by the UW NewsLab's latest analysis, our governors and state legislatures have been wrestling with issues which, regardless of how they are eventually resolved, will affect our communities for years to come: tax reform, utility rates, health care, school finance, public transportation, environmental protection, cable deregulation, and political reform. These are not trivial matters or easy-to-tell stories; making sense of them cannot possibly be managed in one minute and 35 second bits.

As Dr. Goldstein observes: "Although local TV news is the greatest source of news information for most Americans, scholarly studies have consistently shown that citizens learn little from these broadcasts. The results from this study show why." According to Goldstein, "there must be significant substantive content for learning to take place. This study, consistent with previous studies conducted at UW NewsLab, shows that there is relatively little coverage of campaigns and elections on local news, and when coverage does occur, it tends to focus on horserace and strategy frames."

Making matters worse, real election news last fall was eclipsed by paid political ads, many outlandish and mostly negative, that demeaned the political process, contributed to rising campaign costs, and generated enormous profits for broadcasters. For millions of voters, these ads became the primary source of information on candidates and issues leading up to the election; yet paid political ads are no substitute for in-depth and balanced political news coverage.

The paucity of coverage of state government is not limited to broadcast: only about 500 reporters are currently assigned fulltime to the nation's 50 statehouses. As a practical matter, there is only so much ten reporters per state, representing all forms of media, can possibly do. If many citizens, including those who consider themselves attentive and generally informed, have little idea about what is actually happening in their state capitals and even fewer clues about how they can be heard on matters of interest and concern to them, it is not hard to understand why.

A 2006 opinion poll conducted by the firm of Belden Russonello & Stewart found that 88 percent of 2,000 Midwest voters felt that if they had more information about how government works, they could keep it more accountable. And these citizens have reason to worry. In contrast to the 500 reporters stationed in statehouses, there are 40,000 registered state-level lobbyists in this country—five lobbyists for every state legislator. For those who work to promote private interests, lack of media is a blessing—but not so, as history has repeatedly made clear, for voters and taxpayers.

We recognize that broadcasters question the validity and fairness of analyses like those conducted by the UW NewsLab. They complain that such studies do not take into account early morning local newscasts or non-primetime public affairs programs, and they argue that not enough credit is given for stations' non-programming efforts to serve the community, such as public service announcements. Others complain that increasing electoral and civic news

coverage will drive down ratings, reduce profits, and encourage viewers to flee to other venues. We have little sympathy for these criticisms. There is no evidence that morning local news is doing an appreciably better or even a comparable job to evening newscasts in reporting on elections and government. Regular early Saturday or Sunday morning 30-minute public affairs programs, cited by broadcasters, draw relatively small audiences that consist primarily of people who follow politics and government fairly closely. Moreover and for reasons having little to do with their interest in public affairs, most people do not watch television on weekend mornings. And, of course, it is hard to buy the argument that winning the ratings game should override all other considerations, including serving the public interest.

A Time to Act

The paucity of political and government news coverage in the Midwest documented by the MNI studies reveals an equally distressing failure by the Federal Communications Commission to regulate broadcasting in accordance with the “public interest, convenience, or necessity,” a principle first enshrined in the Radio Act of 1927 and later in the Communications Act of 1934. This regulatory mandate recognizes that the airwaves—also known as spectrum—are, like our national parks, the property of the American people. Spectrum is an asset worth hundreds of billions of dollars, and thanks to digital technology its value is growing. Because broadcasters licensed by the FCC are granted free access to the airwaves, they accept certain obligations to serve the public—obligations which one commentator has called “compensation to the public for use of the public airwaves.” It’s the FCC’s responsibility to define those obligations and to see that broadcasters honor them.

Although the public interest principle has often suffered over the past 80 years from vagueness, lax enforcement, and fierce industry resistance to nearly all standards, the mandate is still in place. Indeed, the “public interest” part of the mandate was invoked no less than 40 times in the Telecommunications Act of 1996, the last major overhaul of the nation’s communications laws. However, broadcasters have waged an effective battle against clear and quantifiable programming requirements. In recent years, owing more to political muscle than to the First Amendment concerns, they have generally prevailed. As a result, most public interest obligations—including those pertaining to civic and electoral programming—are largely undefined, unverifiable, and unenforceable.

The transition from analog to digital broadcasting, which Congress has directed be completed by February 2009, offers the FCC a splendid opportunity to breathe new life, meaning, and clarity into broadcasters’ public interest obligations. But that opportunity may be squandered unless the rulemaking process initiated by the Commission more than a decade ago on this issue is jump-started once again and finally brought through to completion. And that opportunity certainly will be missed if the Commission does not prevail upon licensed broadcasters to use some part of their vastly expanded programming capacity to provide citizens with increased opportunities to become more informed about—and involved in—local civic affairs and elections.

We strongly recommend that the Commission revisit the proposal submitted three years ago by a group of public interest groups with expertise in communications policy, including Common Cause, the Campaign Legal Center, New America Foundation, Media Access Project, and Center

for Digital Democracy. Despite the passage of time and several subsequent revisions of the document, *Public Interest Obligations Proposed Processing Guidelines* represents a good starting point for addressing this challenge; it is a reasonable and workable framework for defining meaningful public interest requirements. (The full document can be found at <http://www.campaignlegalcenter.org/attachments/1591.pdf>). We strongly endorse three recommendations offered up by these organizations.

- *Licensed broadcasters should be required to air a minimum of three hours per week of qualifying local civic or electoral affairs programming on the most-watched (primary) channels they control or operate. Such programming should air between 6:00 a.m. and 11:35 p.m., with at least 50 percent of that programming being aired weekdays between 6:00 a.m. and 9:00 a.m. and 5:00 p.m. and 11:35 p.m. (The most watched channel denotes the FCC-required free over-the-air standard channel which, like its analog predecessor, provides entertainment, sports, local and national news, election results, weather advisories, access for candidates, and public interest programming.)*
- *To the extent that licensed broadcasters multicast additional free over-the-air programming streams, they should be required to air an amount of qualifying local civic or electoral affairs programming on those channels equal to three hours per week per channel or three percent of the aggregate number of hours broadcast between 6:00 a.m. and 11:35 p.m. per week, whichever is less.*
- *In the 30 days prior to a primary election for federal, state and/or local public office and 60 days prior to a general election for federal, state and/or local public office, at least two hours of the three-hour minimum should be devoted to local electoral affairs programming, aired between the hours of 6:00 a.m. and 9:00 a.m. and 5:00 p.m. and 11:35 p.m. on the licensee's most watched channel.*

Our definition of what would qualify as *civic programming* includes broadcast statements and interviews with elected and appointed officials and experts on policy issues of importance to the community; government meetings and legislative sessions; conferences featuring elected officials; and community-based discussions of civic concerns and issues. *Electoral programming* would include candidate debates, interviews, and statements as well as substantive discussions of ballot measures. Programming that focuses on the “horserace” aspects of an election—on which candidates are “up” or “down” in the polls or raising the most or fewest campaign contributions—should not qualify as electoral programming—nor, obviously, should paid political ads.

Compliance with such standards will only occur if digital broadcasters are required to report periodically and in some detail how they are serving the public interest. That is unlikely to happen until the FCC approval of license renewals becomes contingent on stations documenting their efforts in this regard. “It is not unreasonable,” Dr. Goldstein and his co-authors pointed out in a 2007 *Stanford Law and Policy Review* article, “to suggest that as they formulate public policy, both the Congress and the FCC would be better served if timely, reliable, detailed and accessible disclosure of the content of local stations’ programming were a requirement of the

renewal of those stations' licenses." Currently, stations are not required to maintain data about news program content, and as a consequence, the authors note, "scholars, industry analysts, media reformers: any constituency wishing to examine the public interest content of local television news is required," as in the case of the UW NewsLab, "to secure independent funding in order to collect and analyze such data."¹ Without higher standards and increased disclosure, station accountability to citizens and communities will remain as elusive as ever.

In a perfect world, we would prefer that broadcasters took voluntary steps to improve their civic and electoral programming. Unfortunately, past efforts to encourage such volunteerism have produced very few positive or lasting changes. As the age of digital television closes in, broadcasters deserve to know what will be expected of them in the future, and the public deserves to know whether its critical informational needs will be met.

If the Federal Communications Commission continues to sidestep its duty to define the public interest obligations and disclosure rules for digital television broadcasters, the result, we fear, will be more of the same, but on a vaster scale—more 1 minute 35 second local TV news reports on government, more "horserace" than issue stories, and more political ads than news reports about candidates' qualifications and policy positions.

It could also mean more license renewal challenges. Anemic news coverage of the 2004 local and state elections prompted civic and community groups in early 2006 to formally request that the Commission deny the license renewal applications for Chicago and Milwaukee television stations; the matter is still pending. Without clearer and enforceable broadcasting standards, the digital television era could usher in many more such challenges in the years ahead, a prospect the Commission can easily avoid by finally exercising its authority in this area.

In conclusion, we want the Commission to understand that our organizations are on a mission to strengthen and protect democratic institutions and practices in this region. In recent years our states have been rocked by high-profile political corruption investigations, convictions, and jail sentences; a stratospheric rise in campaign costs; growing concerns about the reliability of election results; brazen interest group assaults on the independence of our state courts; and a decline in competitive elections. As a result, public confidence in the integrity of government and the political process is slipping; a 2006 survey of Midwesterners found, for example, that nearly half trusted their state government to do what is right "only some of the time" while another 15 percent said they "almost never" trust state government. Although our efforts over the years have produced a number of significant policy breakthroughs, the truth is that there's more to be done than our organizations can ever hope to accomplish alone. It's time local television broadcasters stepped up to the plate and did their duty to inform citizens so all of us can participate more effectively in our democracy. And it's time the Federal Communications Commission reminded stations that local television news has a role that none of the rest of us can play in realizing the vision, promise and exciting possibilities of government of, by and for the people.

¹ Erika Franklin Fowler, Kenneth M. Goldstein, Matthew Hale, and Martin Kaplan. "Does Local News Measure Up?" *Stanford Law & Policy Review*, Vol. 18:377-398 (2007).