

May 29, 2003

# NIGHTLINE AND THE FCC DEBATE THAT NEVER WAS

**M**ichael Powell was a no-show. That's all you have to know. The chairman of the Federal Communications Commission has not only refused to postpone the Commission's June 2 vote on further deregulation of the media industry, not only refused to reveal the precise details of what is to be voted on, not only declined to have more public hearings, he now refuses to even debate the issue on Nightline. Ted Koppel reported his last minute withdrawal from the program last night in that matter-of-fact tone of his, but with evident disappointment. Powell, like his father and the President he serves, prefers to dictate rather than discuss. When the UN Security Council wouldn't go along with US policy, the US pulled out and went its own way. The "messy" democracy that Secretary of Defense Rumsfeld approves of in Iraq has no place in America. The "Powell Doctrine" on the battlefield is to fight with overwhelming power or not at all. The "Powell Doctrine" on media is to avoid all fights and impose your will.

## WITH LITTLE OR NO DEBATE

**PERHAPS** Powell read the way that Nightline was framing the issue in its daily what's on tonight email. Reflecting the concerns of many who work in media, the show's producers are worried – not just by the FCC action but the fact that it has received so little coverage. Here's part of how they set up the issue: "With little to no public debate, the Federal Communications Commis-

sion is poised to approve a massive rewriting of the rules governing ownership of television stations and other media. What's at stake? Should you be worried? A lot of people, from the National Rifle Association to the National Organization for Women, think you should be concerned. Very concerned.

"Have you noticed that radio stations sound more and more alike these days? They seem to be operating from the same song lists. Well, that's because many of them are. Seven years ago the FCC loosened the restrictions on the number of radio stations that a corporation may own, and today there are 30% fewer radio station owners. One such owner, Clear Channel, grew from 43 stations to nearly 1200 stations in that time. Fewer independently owned radio stations equals more homogenous sounding radio."

## THE CHAIRMAN SPEAKS

**NIGHTLINE** did have a sound bite from Powell the younger. It showed him justifying his "reforms" in the name of "updating" media rules. They were made, he said before cable came on the scene. Old and out of date, was the claim. Besides, look at all the diversity we have. Interestingly, The New York Times today in a convoluted editorial revealing, among other things that "The New York Times company has been lobbying for" some of the changes Powell favors, titled the editorial "Updating media restraints." Even a self-interested party, the Times does favor preserving regu-

lations that the Bush Administration wants to dump.

That does not mean the Times is on any kind of a crusade here. Far from it. The story is treated as a business matter and buried, as it was yesterday on the business section even as opposition to the rule changes grow. This is not unusual. Let's go back, shall we to July, 1996. The Congress was debating the Telecommunications Reform Act, which was being sold as a way to insure more competition. It resulted, as everyone admits in more consolidation and market monopoly.

### FLASHBACK TO A NIGHT OF INFAMY 1996

**THE** New York Times was there all right, in the middle of the night, to speak with Congresswoman Marcy Katur from Ohio who explained: "Here we are, in the middle of the night, considering the most sweeping rewrite of communications legislation in the last half century." Ed Markey of Massachusetts said the proposed act will "make Citizen Kane look like an underachiever," before he went on to vote for it. "Which ever side wins," commented Robert Defazio of Oregon, "it will be done in the dark of the night because it involves real money." The report ended with Representative Katur's anguished conclusion. "I feel sorry for America tonight." The New York Times noted, "No one took issue with her." Where did the Times play this revealing encounter. On Page 1? Hell no! On page D-4 of the Business section. Few TV programs reported on this nocturnal moment.

### MONEYLINE, NOT NIGHTLINE

**POWELL** seems to agree that all of this is primarily a business deal, since he did show up on CNN's Moneyline, but not on Nightline, where he

was to be interviewed along with media exec Barry Diller, who fears the demise of all independent media, and his critic on the Commission Johathan Adelstein. Powell preferred a more controllable one-on-one forum.

### HERE IS PART OF THE MONEYLINE DISCOURSE:

**"DOBBS:** Let me ask, first of all, the furor that has built up here in recent weeks and months over these proposals to deregulate, have you been caught by surprise?

**POWELL:** No, I'm actually not surprised at all. I think that media issues naturally spark the interest of a broad cross-section of American citizens. They are correct to suggest that the proper media foundations and the right regulatory framework for the regulation of that media industry is important to the marketplace of ideas. So the interest doesn't surprise me. And I think that that's healthy. It doesn't change the difficult task that we have before us, which Congress directed us to complete, which is to make very specific judgments about the specific rules and do so in a manner that sustains judicial review.

**DOBBS:** As you know, the Commerce Committee focused on that and somewhat expressing considerable concern about these actions that are being taken. But Mr. Chairman, let me ask you this. One public hearing, there has been no official promulgation of these changes that you're seeking to put into effect on June 2. Why not?

**POWELL:** First of all, because I don't think that is an accurate representation of the proceeding. This proceeding has gone on for 18 months. And in a way that an administrative agency operates, we have put notices of proposed rulemakings, we have solicited public comment. If we hadn't

solicited public comment, you wouldn't have the visuals of the hundreds of pages of note cards and letters that we've received on the proceeding. I think we have been very open in public. I think we have received an extraordinary amount of public comment. I will say it's more than I've seen in the six years that I've been on the commission on any issue. But I do think that it's our responsibility not to govern by polls and surveys, it's our responsibility to make a decision when the record is complete. I believe the record is complete. I believe that we have a substantial record that includes public comment. And I think it's time to act on that record."

### **YOU CAN FAX THE POWER**

**SO**, yes, the issue is getting some coverage now. And who knows, it may not be too late to let your voices be heard. As John Nichols of Free Press explained to a hearing on Thursday, carried last night on CSPAN, many media organizations, journalists groups and unions are calling on their members to speak out. Here's part of what the Communications Workers are telling their members:

"Currently, only six companies own 75% of all cable and broadcast TV networks, plus movie and TV studios, satellite services, and radio stations. Imagine how difficult it will be for unions to negotiate contracts when these companies own it all!

"Congress has a duty to guard against monopoly power. The FCC has a duty to protect the public interest. But the FCC is allowing the public airwaves to be co-opted by giant media corporations, some with distinct political agendas. And they are doing this behind closed doors.

"Take Action to protect your interests. Click on <http://www.unionvoice.org/campaign/fcc>. This

website will send faxes to the FCC commissioners and your representatives in Congress demanding that the FCC open their decision to congressional and public scrutiny."

### **MEDIA FORUMS – IN ATLANTA AND AT THE UN**

**A WEEK** ago, there was a people's hearing on these issues, attended by two Democratic FCC commissioners but no Republican ones or the Chairman. John Sugg of Creative Loafing, the alternative weekly in Atlanta writes: "Despite desperate efforts by Big Media to hide what's happening and to asphyxiate debate, The People thronged the hearing, which was cobbled together by Creative Loafing, WRFG 89.3 FM and a ragtag band of citizens and media activists. Doctors and professors, lawyers and little old ladies in sneakers, mechanics and unemployed workers, students, laborers and a gent from 'old Europe' who said that continent was sadly watching as American democracy hit the rocks. A 17-year-old girl from the inner city came because "I had to do something" to voice opposition to the awful media climate in America."

Yesterday I spoke at a media forum at the UN along with my former boss Reese Schoenfeld, the real founder and first president of CNN. He was as uncomfortable with my passions now as he was back in the news network's start up year, but he seems to have moved into the media critics camp, denouncing the US embeds in Iraq as "lap dogs." While still protective of The New York Times, he was on fire in his condemnation of a press corps which seems to have abandoned the search for truth. The head of the UN correspondents Association was bitterly critical of the US decision to demand the ouster of an Iraqi correspondent

before the war without ever making clear the basis of the complaint against him. He was told that if he was to appeal deportation, he would have to do so from inside an immigration prison. He decided to take his chances in Baghdad. This was the first time this ever happened to a journalist at the UN since the organization was formed 55 years ago.

### CONFIDENCE IN MEDIA SLIPS

**THE** audience at the forum was filled with questions like, why doesn't the media cover nuclear weapons in the US. etc etc. Dissatisfaction was rife. This corresponds to some newly published figures. Check this out and weep or act: "Public confidence in the media, already low, continues to slip, with only 36% believing news outlets get the facts straight, says a USA Today/CNN/Gallup poll."

Writing in the Toronto Star in Canada, Linda McQuaig, a Toronto-based author and political commentator says the eroding respect for the press reflects the role the US media is playing. She indicts "media docility" and says it "has allowed the Bush administration to go largely unchallenged as it adopts the mantle of an imperial presidency. Some of the administration's most rabid hawks have even come close to realizing their dream – implementing the ultra-elitist ideas of an obscure political philosopher named Leo Strauss.

"There's been a buzz recently over reports that Strauss, who shaped the neoconservative revolution from his post at the University of Chicago, is lionized by (among others) Deputy Defense Secretary Paul Wolfowitz, widely seen as the architect of Washington's post-9/11 strategy.

"Media accounts have focused on Strauss's

advocacy of strong leadership, devoting less attention to his anti-democratic leanings. Central to the Straussian vision is a docile citizenry, kept uninformed and easy to manipulate through perpetual fear of external attack. "Deception of the citizens by those in power is critical," explains Shadia Drury, a University of Calgary political scientist and author of Leo Strauss.

### CRITICS ARE CRITICIZED

**HER** criticisms seem to be inciting reactions in the US. She says she had a letter from Chris Hill, business development vice-president for Showtime Digital Media in California. This media industry genius writes: "Please do us all a favor and take a long walk off a short pier, you spineless, leftist, Canadian — (expletive for female genitalia)."

"In a less coarsely worded attempt to shut down public debate, historian Michael Bliss vehemently denounced the Star's Michele Landsberg for even posing questions in her column that any normally curious person (let alone a historian) would want answered, like: How come the world's best military was unable to do anything about hijacked airplanes flying over its territory for more than an hour on Sept. 11?

"Some people seem to be hoping we'll all feel too cowed to ask any questions, other than how the president manages to look so rugged and handsome in his uniform. How does he do it?"

### DONAHUE DENOUNCED

**BACK** in the good 'ole USA, former TV host Phil Donahue, cancelled by MSNBC was given the same treatment received recently by NY Times reporter Chris Hedges and heckled during a graduation address at North Carolina University. The chancellor of the University, Mary Anne Fox criti-

cized the content of Donahue's remarks which she found insufficiently inspirational.

Over at The New York Times, I want media reports that they are 'preparing to make a correction to its massive front-page correction regarding Jayson Blair.' Meanwhile, another Times reporter Rick Bragg, a Pulitzer Prize-winning author has resigned; he had been criticized for using an intern/freelancer's research. He had initially called his suspension unfair.

### **BLAIR IN BASRA**

**WHILE** members of Parliament were denouncing Blair for misleading the British public on the Weapons of Mass Destruction issue, the Prime Minister (or prime poodle as his critics tag him) turned up in Basra today to 'thank' the British troops and have a look around. He was dressed casually but was met on the tarmac by US administrator Paul Bremer in a blue power suit. The British PM visited a local school where the children cheered on cue as they probably had when Saddam used to drop by. Another US soldier was killed in the still unpacified land.

Robert Fisk of the Independent adds: "That was yesterday's little toll of violence – not counting the Muslim woman who approached American troops with a hand grenade in each hand, was shot before she could throw the first and then, as she tried to hurl her second grenade from the ground, was finally killed by the Americans. Isn't it time we called this a resistance war in Iraq?"

### **WHY BAGHDAD FELL**

**HERE'S** an interesting twist: the Arab newspaper Al Hayat quoting the San Francisco Chronicle on a story from Iraq. It is a fascinating one: "For the first time, Iraqi soldiers have revealed the

details of the fall of the Iraqi capital Baghdad, explaining why the American troops entered it without meeting any resistance. One of the main reasons is that Qusay, the youngest son of former Iraqi President Saddam Hussein, issued a number of orders during the last days of the war, which resulted in the death of the Iraqi Republican Guards' elite outside the city. This enraged the military leaders, who decided to return home calmly, and let the city fall at the hands of the invading troops.

"The American newspaper San Francisco Chronicle conducted interviews with more than 12 Iraqi soldiers, in a report published yesterday. Some of these soldiers have not yet surrendered to the American troops and are still in hiding. They maintained that Qusay, whose father appointed as leader of the armed forces despite his total lack of military skills, issued orders that pushed thousands of soldiers, mainly the Hammurabi division attached to the Republican Guard, to open regions outside Baghdad, thus coming under strong American air strikes that killed most of them. These orders, which are believed to have been approved by Saddam himself, confused the leaders and turned the capital into an open city stripped of defensive forces, thereby paving the way for American forces."

While Tony B. is taking his victory strut in Iraq, The Guardian is reporting "The BBC is refusing to cut footage of the dead bodies of two British soldiers from a controversial documentary about the Iraq war despite an extraordinary intervention from Tony Blair. The Prime Minister stepped into the row after the BBC defied calls from the Ministry of Defense and the families of the two men – staff sergeant Simon Cullingworth and sapper Luke Allsopp – to remove the pictures. Mr. Blair is under-

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## **MEDIA DIARY** DANNY SCHECHTER

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stood to have written personally to Allsopp's widow and Alison Cullingworth, offering his support for a ban on footage of the two men in a BBC2 Correspondent film about the Arab TV station al-Jazeera . . . . BBC has refused to alter the film, which will be screened as planned on Sunday. It was postponed for a month because the original screening date coincided with the soldiers' funerals."

Finally this a.m, we have rock star Bob Geldof resurfacing in Ethiopia where he praised President Bush, perhaps as a way to flatter him to help suffering people there. PLUSNEWS reports: "The singer and third-world campaigner, now on his first official visit to Ethiopia since Live Aid in 1985,

said the AIDS virus was crippling the impoverished country and urged the population to stand up and acknowledge the scale of the crisis.

"The situation here is catastrophic," he said, pointing out that HIV/AIDS, together with massive debt and poor trade terms, were debilitating the country's ability to fight drought. "This is really the equivalent of what the bubonic plague did in Europe. It is devastating. You and your economies cannot support this."

"He is looking to western governments to come up with a "Marshall Plan for Africa," with each of them pledging 0.16 percent of their GDP towards it."

