

How did American broadcasting differ from England?

American broadcasting differed from broadcasting in European countries such as England, where programming is paid for by the government via a tax on televisions. American broadcasting, practically from the start, has relied on advertising.

Why was government regulation of airwaves first needed?

Spectrum was turning to chaos.

The Act of 1927 regulated the airwaves. Why was government hesitant to pass such a law?

Unsure of its constitutionality; concerned that regulating the airwaves broke the First Amendment. Wary of unnecessary meddling.

On the other hand, some parties argued that regulation *boosted* First Amendment rights. This argument compares the regulation of radio to regulation of highways. What happens when you have no traffic rules and no street lights? No one can drive safely, and it would take much longer to get wherever you'd want to go.

Or you could unregulated radio to a crowded room where everyone shouts and no one can hear anything. In theory at least, regulation is to serve the greater good—and to *maximize* speech.

To justify the legislation, Congress had to make serving the public interest its goal.

What is the Federal Communications Commission (FCC)? [Before 1934, the FRC]

The government agency in charge of regulating the airwaves. Also administering the public interest standard.

What was public interest standard?

- A loosely defined idea that the general audience's interests should come before broadcasters' interests'
- Government legislation said airwaves are a utility, like water, telephone lines or electricity. They belong to the public. When it came to licenses, preferences would be given to those stations that best served listeners, not broadcasters

What type of things were suggested as serving the public interest?

Originally, vaguely defined as serving audiences over broadcasters. In 1946, FCC said:

- Unsponsored, noncommercial programming
- Local live programs
- Programming devoted to discussion of local public issues
- Elimination of advertising excess

Today, you need a license to broadcast, but not to publish a magazine. Why is that? Why are print and broadcasting regulated differently?

Based on early legislation, which states that spectrum space is a finite resource. Everyone can't run their own radio station because the spectrum is limited. But anyone can start a publication, provided they have enough money.

Why was the public interest standard considered important to its advocates?

- Further democracy; democracy can't work unless people are informed; more and more people are turning to broadcasting (immigrants, non-literate), so we should provide tools to let them know what's going on in the world
- Minimize advertising abuses
- Encourage diverse programming, airing of controversial views. Concern that having all stations operating to maximize profit would create homogeneity. Compare to having different denominations of Christianity run all the radio stations. Or different labor unions. Market isn't going to support certain types of content so we should make sure that messages that aren't particularly profitable get out there....
- Make broadcasters accountable

What happened to the public interest standard in the 1980s?

With the deregulation instituted by the Reagan administration, it rapidly gave way to the marketplace model.

FAIRNESS DOCTRINE

What was the Fairness Doctrine? What was it intended to do? How was it supposed to work? If a radio station ran a program about how public schools should be racially segregated, what would happen? If a talk show host went on the air and attacked Mayor Bloomberg, what then?

FCC codified 1948 & 1949. Lasted until 1987.

Why did the Fairness Doctrine say licensee had to offer the right to respond for free?

Because some people wouldn't be able to pay

Why did broadcasters oppose the Fairness Doctrine?

- It cost them money to offer the "opposing viewpoint" free airtime.
- Said it abridged their free speech.
- Made it impossibly cumbersome to schedule programming.

What were other problems with the Fairness Doctrine?

- Who decides what's controversial? Christian Scientists would consider every medical show on TV controversial. So does that mean that, since *ER* is on every week, the Christian Scientists should get their own show?

Amish — oppose the use of technology.

Atheism has been viewed as a similarly fringe, "obviously evil," perspective. Do we want government deciding what's fair?

- Is racism controversial? If a TV talk show has bell hooks on talking about racism, does that mean they need to have a racist come on to balance it?

- If some teenager on *Dawson's Creek* makes out with someone, should the pro-abstinence lobby be able to get up and say, "You need to have characters that practice abstinence, too?"
- *The Simpsons'* episode parodying life in Brazil: "Homer gets kidnapped by a taxi driver while Lisa goes searching for a poor child she sponsored at 'the Orphanage of the Filthy Angels.' Family members get mauled by monkeys on Copacabana Beach. Bart gets hooked on a racy children's show called 'Teleboobies.' The Simpsons also learn a new Brazilian dance, a successor to the steamy lambada—the penetrada." (WP, 4/16/02)

What were the unintended effects of the Fairness Doctrine?

Pretend you're a broadcaster. If every time you ran something controversial, you had to give free time to some group, what would you do?

Less risk-taking, less controversial programming

What is the marketplace model?

Says that the companies should be allowed to operate freely and shouldn't be regulated by the government.

- The best judge of the public interest was the broadcasting industry.
- F. Stanton: "Whatever the public chooses to watch is by definition in the public interest."

What are the advantages of market model, according to Powell?

- The market "lets consumers choose the products and services they want—which is their right as free citizens."
- It breeds entrepreneurs—giving an opportunity for someone with a good idea the chance to build a business and acquire wealth and opportunity. Helps make USA great.
- Helps innovation. Innovators know they have the prospect of reaping great rewards (if they take great risks) and consumers get the benefits of new products and services.
- It allows market forces to calibrate pricing to meet supply and demand. Consumers get the most cost-efficient prices and enjoy the benefits of business efficiencies..... The result for consumers is better, more cutting edge products, at lower prices.

Powell's examples: cell phones and lots of cable channels

Also (Powell doesn't mention): no direct government interference on speech

Problems with Michael Powell's argument?

What he says about innovation and entrepreneurship is true, but what if there's a monopoly? He's assuming that there are few barriers of entry, that if government just leaves the market alone, everything will work.

CD prices: \$18.99

It's all but impossible to launch your own TV station; to compete with a company that has some \$200 billion assets.

Most of Powell's arguments benefit people as CONSUMERS. But how does it affect their access to, say, voter information?

What is the effect of the market model on media diversity? If radio is owned by broadcasters whose sole concern is to make money, what is radio content like?

- favors content that promotes consumption and disfavors content that hampers it.
- homogenizing effect (arguable)

How do fans of the marketplace model feel about the public interest standard? Why?

How do Bagdikian and McChesney feel about the marketplace model?

Oppose it; the public interest—not corporate interests—should be paramount.

KEY QUESTIONS

What are the arguments for regulating in the “public interest”?

How does this compare with the arguments put forward by those who support a “free market” approach to mass media policy?

Who do you think has the better argument?

Are mass media democratic? Why or why not?

YES, SAY BROADCASTERS :

- a) Because people choose what they want to watch; whatever most of the public watches is by definition in the public interest. People “vote” with their eyeballs.
- b) Critics are elitist, patronizing, and anti-pleasure; they think their tastes are the best, but who are they to decide what other people watch?

NO, SAY THEIR CRITICS:

- a) They are owned by a handful of giant corporations and therefore reflect the interests of big business and the government
- b) They are not diverse. Although people from all walks of life consume mass media, their interests are not all represented. How many people could afford to run a commercial (estimated: \$300,000 to \$ 1 million)? Also recall how broadcasters censor spots.
- c) the fact that whatever the most people want to watch wins is itself false (as we saw in the first unit); many choices aren't available;

Media don't “give people what they want,” they “give the majority of the public what they seem most disposed to [profitably] consume.”