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**The FCC's "Future of Media" Project:
"Let Them Eat Broccoli"**

by

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In 1973 sociologist Daniel Bell characterized the emerging “post-industrial society” as an “information society.” The neologism quickly caught on, and pundits everywhere were soon declaring that we had entered an “information age” in which information technologies and services were transforming every aspect of modern life. In 1977 a study by Marc Porat, published by the Department of Commerce, purported to show with facts and figures that more than half the Gross National Product (it would now be Gross Domestic Product) could be attributed to information services and products. The claim was based on a somewhat artful redefinition of the national books of account, but that’s a detail.

Among those who trafficked in sociological trends few then doubted that the trend was in the direction forecast by Bell and measured by Porat. Fast forward forty-odd years; still newer information technologies — personal computers, satellite, broadband, mobile wireless, smart telephones and, not least, the Internet — unquestionably have made the production, distribution and consumption of information the dominant activity of modern societies around the planet.

To most observers this “new” (after forty years it is a stretch to call it new) information age is benign. “The future is friendly” is the motto of TELUS, Canada’s second largest telecommunications company. Well, maybe not entirely: there’s always a dark side. Many people understandably worry about loss of privacy and other destructive uses of information; information is not an unalloyed good. But given the

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exponential growth in the amount of information, from exponentially increasing sources, it is arresting to hear it suggested that we don't have *enough* information. Not enough? How many terabytes can we consume in a day and still leave time for sleep? What are we missing?

That is what the Federal Communications Commission wants to know. In January of this year the federal agency announced a new "Future of Media" project to explore whether Americans are getting enough, or at least enough of the right stuff:

As the nation's expert agency involved in media and communications policies, the FCC has begun an examination of the future of media and the information needs of communities in a digital age. The objective of this review is to assess whether all Americans have access to vibrant, diverse sources of news and information that will enable them to enrich their lives, their communities and our democracy.

It is hard to know how to describe this undertaking. It is not a rulemaking proceeding; no rules are proposed. It is not even denominated an "inquiry," which the Commission sometimes initiates as a kind of warm up exercise looking towards a possible future rulemaking proceeding. The Commission announces that this new "project" will produce a report, but a report to whom and to what purpose is not very clear. The scope of the project is, to say the least, broad. The Commission's public notice announcing the endeavor lists some 41 questions seeking information about, well, information (call it "meta-information"). The questions cover a wide swath, but in case it is not wide enough, the FCC concludes by asking question 42: "what questions have we failed to ask that we should?"

My answer to that last question is: "Why are *you* asking all these questions?"

To be sure some of the specific questions relate to electronic media that are regulated by the Commission; some indeed are implicated by on-going regulatory proceedings (such as the as the rulemaking proceedings on broadcast localism, on multiple ownership rules, on broadband services, to name a few of the more prominent). That might answer the relevance question. But it doesn't answer the obvious question about what purpose is served having redundant inquiries chasing the same question. If the FCC thinks local broadcasters should provide more local programming (a dubious proposition, but that's a subject for another day), surely the localism proceeding is quite capable of addressing that issue without generating a grand inquiry into the information needs of citizens.

More remarkable are the questions that have no link to the agency's regulatory responsibilities. The FCC's claim to be the "nation's expert agency involved in media and communications policies" should prompt some lifted eyebrows. It reflects the same conceit that produced the agency's extraordinary concept of "ancillary jurisdiction" under which it has asserted authority to roam beyond the specific terms of the Communications Act to address issues it deemed to be connected to "interstate communications by wire or radio." A recent decision by the court of appeals on the subject of net neutrality put some limits on that concept as concerns regulatory rules. Unfortunately, it did not limit the Commission's ability to conduct free-roving inquiries unsupported by regulatory authority. Thus, the Commission's public notice includes

questions about newspaper journalism, postal subsidies, and the role of schools and libraries. The inclusion of these subjects seems to be predicated on the notion that, to borrow a phrase from the Knight Commission report (which apparently provided some of the inspiration for the FCC's review), it's all part of the "information ecology." Call it information Gaia.

The Commission expresses particular distress about the threatened loss of "accountability journalism, particularly local accountability journalism." Others have expressed the same concern, usually tying it to the decline of daily newspapers. The decline of the print media, and particularly the daily newspaper, has been the subject of public lament for decades. To date no one has come up with a solution to this problem. Maybe we should subsidize newspapers? On the other hand, if we value newspaper journalism as a means of keeping government in line — per the "accountability journalism" function — maybe it's not such a good idea to make journalists wards of the government.

Alternatively we could bring a predatory pricing suit against Craigslist for providing classified advertising at zero price. And blogs, maybe they should be similarly penalized for providing free competition to journalists (unless, of course, the blogs are written by properly-certified journalists). And finally, if nothing can be done to save the print media, we will just have to direct the electronic media to fill the "gap" left by their demise (whatever that gap is defined to be). More mandates for commercial broadcasters, more public funding for non-commercial broadcasters, and maybe even special funding to support "public" content on the internet.

The "save-the-daily-newspaper" quest that animates much of this type of handwringing is a fool's errand. Maybe we shall have to say goodbye to the newspaper as we know it. That will be sad; print is a convenient delivery medium. Of course, there are the forests to consider — this part of the "information ecology" is at odds with environmental ecology — but let's put that aside. The real issue here is not what we lose or save in natural resources, but what we lose or gain in terms of the information function, and there is no reason this has to be eternally associated with one kind of delivery technology. The print media, newspapers most notably, have traditionally performed two important functions, one is gathering information and the other is editing it to make it understandable and digestible. If these are important functions — and they are — why should we assume that they will disappear simply because of a technological change in the delivery function?

As to promoting alternative (electronic) media, I suppose you could say this is at least *broadly* within the Commission's jurisdiction, but that still begs the question of purpose: what are we supposed to be promoting and why? How did the FCC's original mandate to manage a resource scarcity problem get twisted into a mandate to manage abundance? The FCC's public notice implies what it has explicitly said in its localism proceeding: We have an information gap between what the public needs and what it is receiving, particularly in regard to information about local communities. The evidence of that gap is thinner than the naked eye can perceive. The FCC has discovered that some local television broadcast stations are providing little if any local programming. That might constitute a gap if it were shown that other broadcast stations in their market — *or other media* — were not providing local content. The FCC offered no evidence that this is the case.

Back to the information-age mantra: Americans today have access to more sources of information by orders of magnitude than they did a scant decade ago, thanks to the availability of multi-channel cable and satellite, the Internet and the literally countless content providers that feed these delivery systems. The FCC appears to believe nevertheless that it is not the right kind of information. The people just aren't getting enough of the right stuff in their information diet — stuff like local news and entertainment, educational programs, and not least “accountability journalism” programs that keep government agents in line (including the FCC?). If that is true, it is probably because the people don't want it, but what people want isn't the FCC's concern; the production function it prefers is one determined not by what they want but what they *need*. A number of years ago one wag coined the perfect phrase for this needful thing: “broccoli television.”

With apologies to the ghost of Marie Antoinette, if the people want cake, "let them eat broccoli."

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