

**Map**  
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## Democratic Media Legal Project

Strategic Planning Conference - San Francisco  
October 27-28, 2000

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DMLProject, San Francisco, Oct. 28, 2000  
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# Democratic Media Legal Project

To: Project Conferees

October 22, 2000

A message from George Gerbner  
founder of the Cultural Environment Movement and  
Dean Emeritus, Annenberg School of Communications,  
University of Pennsylvania

## **TELLING STORIES vs. SELLING STORIES** **A Rationale for the Legal Challenge to Media Monopoly**

Most of what we know, or think we know, we have never personally experienced. We live in a world erected by the stories we hear and see and tell.

Stories socialize us into roles of gender, age, class, vocation and lifestyle, and offer models of conformity or targets for rebellion. They weave the seamless web of the cultural environment that cultivates most of what we think, what we do, and how we conduct our affairs.

Stories reveal how things work and illuminate the all-important but invisible relationships and hidden dynamics of life. They make perceivable the invisible and the hidden. Fairy tales, novels, plays, comics, cartoons, and other forms of creative imagination and imagery are the basic building blocks of human understanding. They show complex causality by presenting imaginary action in total situations, coming to some conclusion that has a moral purpose and a social function. You don't have to believe the "facts" of Little Red Riding Hood to grasp the notion that big bad "wolves" victimize old women and trick little girls -- a lesson in gender roles, fear, and power.

Stories sometimes tell us what to do. These kind of stories clinch the lessons and turn them into action. They typically present a valued objective and offer a product, service, candidate, institution or action to help or to gratify a perceived need or attain a perceived goal.

The lessons of fictitious Little Red Riding Hoods and their realistic sequels, prominent in everyday news and entertainment, not only teach lessons of vulnerability, mistrust and dependence, but also help sell burglar alarms, more jails and executions promised to enhance security (which they rarely do), and in other ways to adjust to a structure of power.

Ideally different kinds of stories check and balance each other. But in a commercially driven culture there is a coherent cultural environment whose overall function is to provide a hospitable and effective context for stories that sell.

With the coming of the electronic age, that cultural environment is increasingly monopolized, homogenized, and globalized.

We must then look at the historic course of our journey to see why media monopoly requires a legal challenge.

**Democratic Media Legal Project**

**Strategic**

**Planning**

**Conference**

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**Social Time**

*Informal Gathering with Refreshments*

**Friday**

**October 27, 2000**

**6:00 - 8:00 pm**

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**Facilitated Planning Program**

**Saturday**

**October 28, 2000**

**9:00 am - 4:30 pm**

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**Unitarian Universalist Center**

**1187 Franklin Street**

**San Francisco**

**California**

# Democratic Media Legal Project

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October 28, 2000  
Conference on  
Strategic Planning

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## PRELIMINARY AGENDA & INFORMATIONAL PACKET

- 8:30 am      Gathering Time and Coffee Service
- 9:00 am      "Setting the Stage"  
- Introducing the Dem. Media Legal Project
- 10:00 am     Developing The Environmental Picture
- 11:00 am     Present and Future Opportunities:  
- a. Legal Research and Program  
- b. Infrastructure and Organization  
- c. Development and Fundraising
- Noon          Brainstorming: Ideas and Group Reports
- 12:30 pm     Luncheon and Board Gathering
- 1:30 pm      Opportunities:  
- Goals and Objectives
- 2:30 pm      Implementation and Tasks Ahead
- 3:30 pm      Taking the Next Steps for Action
- 4:30 pm      Adjournment of Planning Session

A Brief Business Meeting follows  
with the Board's Working Brunch Sunday at  
Cathedral Hill Hotel at 9:30 - 10:30 am.

All Participants Welcome

“There are rights which it is useless  
to surrender to the government and  
which governments have always  
found ways to invade.

These are the rights of thinking  
and publishing our thoughts  
by speaking or writing;  
to the right of free commerce;  
the right of personal freedom.”

--- Thomas Jefferson

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*A Grant Affiliated Project of the Media Alliance of San Francisco*



*Members of the Alliance for Community Media rally to kick off the Campaign for Media conference in Portland last July.*

<http://development.civicnet.org/comtechreview/>

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# Democratic Media Legal Project

## Our Vision

Our society and cultural environment are at risk when only 6 global media corporations dominate the electronic and print media on which we depend as individuals, families, citizens and communities to function as a free society.

When Ben Bagdikian, former dean of the Graduate School of Journalism at University of California, Berkeley wrote his groundbreaking book, **The Media Monopoly** in 1983, he identified **50** multi-national corporations at that time which dominated all print, broadcast and entertainment media in the United States. In Bagdikian's latest edition - published April 2000 - **the number of dominate media companies has dropped to 6.**

Our legal analysis shows that the Constitution was directed to creating a government democratic in its conception and operation. The First Amendment, and in fact, the whole structure and language of the Constitution exists to accomplish this purpose. The Federalist Papers and the writings of the authors of the Constitution reflects the self-governance view and the fundamental role of the First Amendment. At the present time, the media system in the United States, based almost entirely on commercial advertising, fails to meet the test, allowing as it does, only the narrowest of ideas and information to be available to the body politic.

We are concerned that provisions of the federal laws and regulations controlling broadcast communications, now the dominate form of public information, have perpetuated a commercially controlled system of television and radio broadcasting controlling the flow of vital news, information and political discourse in the United States. The increased concentration of ownership and control of publicly licensed broadcasting outlets allowed by the **Telecommunications Act of 1996** has further limited the diversity of viewpoints and representation of interests of minority groups which are vital to the functioning of democracy in our form of constitutional government.

## Our Mission

The principle aim of the legal action will be to lead to structural changes which can transform the landscape of the publicly owned airwaves so that our system of broadcasting conforms and operates within the constitutional goals on which our democracy depends.

## Our Project's History

In January 1998, the Cultural Environment Movement lead by Dr. George Gerbner convened a special session with lawyers, professionals, academics and activists to discuss the alarming increase in concentration of media outlets allowed by recently enacted 1996 Telecommunication Act. Prior to this, Attorney Peter Franck authored an important paper challenging the constitutional basis for a commercially based system itself.

Independently, Unitarian Universalists for a Just Economic Community (UUJEC), affiliated with the Unitarian Universalist Association began to study this issue by bringing in speakers and program materials to their denomination's national and regional conventions. Speakers included: **Ben Bagdikian**, author, *The Media Monopoly* (Beacon Press); **Prof. Robt. W. McChesney**, author, *Rich Media, Poor Democracy* (Illinois, 1999); *Telecommunication, Mass Media and Democracy* (Oxford, 1993); and **Dr. George Gerbner**, Bell Atlantic Professor of Communications, Temple University and Dean Emeritus, Annenberg School of Communication, Univ. of Pennsylvania.

At several conferences over the last two years a concensus has emerged that the legal project we have proposed is a fundamental componet for challenging the anti-democratic broadcasting landscaping in our country today.

Earlier this year (2000), informational and support meetings with prospective attorneys have been held in San Francisco, Los Angeles and Chicago.

With the help of the National Lawyers Guild Committee on Democratic Communications, and the National Coalition of Concerned Legal Professionals, as well as Chicago Media Watch, the basis for a experienced legal team has been formed. Leaders are: Peter Franck, San Francisco based attorney specializing in communication and cultural affairs law, and Jonathan Lubell, a First Amendment litigation attorney based in NY.

Joining us, thus far, in our commitment to battle the giveaway of the public airwaves with a strong constitutional legal challenge have been leaders from the following groups:

**Alliance for Democracy;**  
**Association of Independent Video and Filmmakers;**  
**Chicago Media Watch;**  
**Citizens for Independent Public Broadcasting;**  
**Civil Rights Forum on Communications;**  
**Council of Secular Humanists;**  
**Cultural Environment Movement;**  
**Media Alliance (of San Francisco);**  
**National Coalition of Concerned Legal Professionals;**  
**National Lawyers Guild Center on Democratic Communications;**  
**Program on Corporations, Law and Democracy (POCLAD);**  
**Unitarian Universalists for a Just Economic Community, among others.**

## Our Organization

**Peter Franck**, Director of the NLG's Center for Democratic Communications is serving as our Project Legal Director. We have the commitment of noted First Amendment attorney **Jonathan Lubell**, Esq. of Morrison, Cohen, Singer and Weinstein, New York, NY to be the litigation counsel in filing the initial complaint.

Assistance in legal research will be sought from prospective law school programs which specialize in Communications Law, as well as experienced attorneys willing to assist our case work. Development of the initial complaint and filing in Federal Court is anticipated to take place before June 2001.

**Henry Kroll** is serving as the Project Administrator to begin the organizational development of the Legal Project along with an initial Governing Board.

To date, those serving as The Governing Board of the Democratic Media Legal Project are the following individuals (August 2000):

- |                     |   |
|---------------------|---|
| Dorothy Kidd,       | Professor of Media Studies,<br>University of San Francisco; Independent<br>Radio and Television Producer; Representative,<br>Campaign for Press and Broadcast Freedom                       |
| Dan Fiske,          | Publisher, Veritas Magazine, and West Coast Liaison for<br>National Coalition of Concerned Legal Professionals  |
| Peter Franck, Esq., | Attorney at Law, and Chair, National Lawyers Guild<br>Center on Democratic Communications; and<br>former, Chair of Pacifica Foundation  |
| Andrea Buffa,       | Executive Director, The Media Alliance;   |
| George Gerbner,     | Bell Atlantic Prof. of Communications, Temple Univ.<br>Dean Emeritus, Annenberg School of Communication<br>Founder, Cultural Environment Movement   |
| DeeDee Halleck,     | Professor of Communications, Univ. of California, San Diego<br>Founder, Paper Tiger Television, Film and Video Producer,<br>Board member Association of Independent Video and<br>Filmmakers |
| Allen Korn, Esq.    | Attorney, Berchenko and Korn<br>Member, National Lawyers Guild Center on Demo. Comm.  |
| Henry Kroll,        | President, Western Government Supply, Inc. and<br>former member, Board of Directors, KQED, Inc.   |
| Rev. Paul Sawyer,   | Minister, Throop Memorial Church, Pasadena CA<br>Founding member, UUUJEC (Unitarian Universalists for<br>a Just Economic Community)   |

## Our Governance

The Governing Board will set policy and approve the work plan of the legal team undertaking the preparation of the legal brief. It is expected that additional individuals will join the Project's Governing Board.

It is anticipated that remunerated individuals such as Henry Kroll, our Project Administrator and Peter Franck, Legal Director will serve *ex-officio* as non-voting members of the Governing Board which will meet quarterly starting in January 2001.

Standard committees shall be established to conduct the business of the organization and to raise funds for its on-going work.

One or more Advisory Panels will be established to assist with the developing work of the Project. Now in formation, the initial Advisory Panel members include:

Ben Bagdikian, Dean Emeritus, Graduate School of Journalism, University of California, Berkeley

Nolan Bowie\*, Attorney at Law, Professor, John F. Kennedy School of Government  
Harvard University, Cambridge, Massachusetts

Liane Casten, President, Chicago Media Watch, Chicago, IL

Daniel Schechter\*, founder and President, GLOBALVISION, Inc. and MEDIACHANNEL  
internet news site. Author, The More You Watch. The Less You Know.

Dr. Nancy Snow\*, Professor of Political Science, New England College,  
State Chair, Common Cause, New Hampshire

\* Confirmation Pending

## Our Funding

The **Democratic Media Legal Project** became an affiliated grantee with the San Francisco based **Media Alliance** in June 2000 upon receipt of an initial grant from a individual donor of \$57,000. The Media Alliance is a 501(c) 3 tax-exempt charitable trust.

The Media Alliance is a highly regarded nationally known organization of journalists, writers, photographers and other media workers dedicated to fostering a genuine diversity of media voices and perspectives, holding the media accountable for their impact on society and protecting freedom of speech. The Media Alliance shall act as Fiscal Transfer Agent of the Project and receive 5% of all amounts paid to the grantee for administering its restricted fund and project's money, unless and until the Project itself seeks status as a free-standing 501(c)3 organization.

As a multi-year legal project, on-going funds will needed to continue the legal program through the process of appeals and motions. Projections of these costs are from \$50,000 to \$100,000 for Year 2001, and Year 2002, as well. Utilizing the Initial Filing Documents, The Project Administrator and the Project Board will create a program utilizing direct mail, electronic communications, and other means to reach significant prospective donors, activists, organizations, foundations and concerned corporations to support the necessary on-going funding to sustain this groundbreaking legal endeavor as a necessary element in the Media Democracy struggle.

**Our Preliminary Budget, (as projected, June 2000).**

	<u>July - Dec. 2000</u>	<u>Jan - Dec. 2001</u>	<u>Jan. - Dec. 2002</u>
<b><u>Staff</u></b>			
Project Administrator @\$2,500 / month	\$ 15,000	\$ 30,000	\$ 35,000
<b><u>Program Activity</u></b>			
Legal Research and Brief Preparation	\$ 20,000	\$ 50,000	\$ 55,000
<b><u>Communications and Publications</u></b>			
Website and Internet Development	\$ 2,500	\$ 1,500	\$ 2,000
Brochure/Flier	\$ 1,000	\$ 500	\$ 1,000
Press Release Service	\$ 1,500	\$ 2,000	\$ 2,500
<b><u>Support Services</u></b>			
Fundraising Services	\$ 2,500	\$ 10,000	\$ 15,000
Printing & Copying	\$ 2,000	\$ 6,000	\$ 6,500
Travel (legal team)	\$ 4,000	\$ 5,000	\$ 6,000
Office Rental	\$ 1,600	\$ 3,500	\$ 4,000
Phone & FAX	\$ 2,000	\$ 5,000	\$ 6,000
Postage	\$ 1,000	\$ 2,500	\$ 3,000
Fed. Express	\$ 250	\$ 500	\$ 500
Checking Account	\$ 350	\$ 120	\$ 130
Bookkeeping	\$ 250	\$ 600	\$ 720
Transfer Agency	\$ 2,800	-----**	-----**
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	\$ 56,000	\$ 117,220	\$ 137,350

Project will incorporate as California Corporation and seek Tax Exempt IRS Status as a 501(c) 3 organization in 2001 thereby eliminating this budget item.

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