

Democratic Media Legal Project

Administrative Office

Democratic Media Legal Project
3450 Geary Blvd. Suite 208
San Francisco, CA 94118
Tel: (415) 387 9190
Fax: (415) 387 9140
email: wgskroll@igc.org

Mr. Peter Buckley
10 Fern Canyon Road
Mill Valley, CA 94941

7 March 2001

Dear Mr. Buckley:

We are very grateful for the generous support during the 2000 calendar year .
Your contribution is enabling our project to proceed with legal research and development
of our mission . The funding was instrumental in conducting the strategic
planning conference we held in October 2000.

The Democratic Media Legal Project is an affiliated grant project of:

Media Alliance
814 Mission Street, Suite 205
San Francisco, CA 94103.

Contributions of financial in support of the Democratic Media Project are tax deductible.
Media Alliance operates as a tax exempt 501(c)3 organization with EIN identification
number of: 94-256-3400.

Your contribution for Calendar Year 2000 totaled 735 shares of ALLERGAN Corp. which
we received on July 1, 2000.

Thank you very much for your support and interest in our endeavors to support a movement
for Media Democracy.

Very truly yours,

Henry Kroll
Project Administrator

cc: Dr. George Gerbner ✓
Dean Emeritus

Tracy Rosenberg
Media Alliance

Democratic Media Legal Project

3450 Geary Blvd., Suite 208
San Francisco, California 94118
415.387.9190 Fax 415.387.9140
e-mail: wgskroll@igc.org

IS DEMOCRACY POSSIBLE WHEN JUST A FEW GLOBAL CORPORATIONS DOMINATE THE PUBLIC'S AIRWAVES ?

FACT: The Telecommunications Act of 1996 has allowed a very few number of commercial broadcasters to exclusively dominate our publicly owned airwaves.

FACT: Our virtual "media monopoly" has drastically limited the diversity of viewpoints we hear as citizens, while presenting a characterized view of society which under-represents women, minority groups, and working people, among others in our culture.

FACT: A corporate oligarchy, backed by federal law, now controls the flow of vital news, information and political discourse in the United States.

Our mission: To bring about, by means of the legal process, the governance of the publicly owned airwaves in accordance with democratic ideals and the United States Constitution.

The Democratic Media Legal Project [DMLP] is building the support for a legal challenge to the corporate domination of our media system.

Attorneys, paralegals, researchers, fundraisers and publicists needed.

Democratic Media Legal Project

3450 Geary Blvd., Suite 208
San Francisco, CA 94118
tel. (415) 387 - 9190
fx. (415) 387 - 9140
wgskroll@igc.org

DMLP is a project of the Media Alliance - A California Nonprofit Corporation.
Donations are Tax Deductible per IRS Sect. 501(c)3.

VERDICT

Verdict is the official publication of National Coalition of Concerned Legal Professionals, covering the legal consequences flowing from complex systemic problems in our communities. *Verdict* is a forum promoting involvement by legal professionals and others active in or searching for legal and organizational solutions to the problems facing our low-income communities.

A unique publication on the national scene, *Verdict* provides articles and insight into the volatile concerns of the day, affecting 99% of the U.S. population who are served by only 5% of the attorneys in the country.

Verdict takes positions and provides analysis; it tells those in and around the legal profession how they can fight for equal justice.

As with CCLP, the staff of *Verdict* is composed of those of proven commitment to equal access to the law; *Verdict*, like CCLP, is all volunteer. *Verdict* needs the volunteer assistance of writers, graphic artists, cartoonists and photographers.

If you have a submission, or wish to accept an assignment, please write to the editor.

Verdict is published four times a year. To obtain a media kit or to sponsor *Verdict* as a means of supporting CCLP's efforts, write to *Verdict*. The suggested donation for *Verdict* subscribers is \$30. Bulk rates are available upon request.

Verdict does no independent investigation or reporting. The opinions and factual assertions contained in articles are those of the authors alone.

Publishers: Daniel H. Fiske, Michele Hays

Managing Editor: Rory McGahan

Sponsorship Coordinator: Amanda Reid

Art Director: Peter McDonnell

Production Manager Susan Prensky

Publication Consultant: David Laventhol

Contributors: Joelle Fraser,

Stephen R. LaCheen, Esq.,

Michael Z. Letwin, Esq.,

Jonathan W. Lubell, Esq.

Illustrators: Joe Belvedere, Paul Conrad,

Chris Leib, Chris Marrinan,

Peter McDonnell, Tom Meyer,

Elena Rodriguez

Photographers: Phil Frank, Patrick Yough

Production: Karlton Bembry, Rebecca Blake,

Francis Chin, Yvonne Ferraro,

Corey Jackson, Tammy Miller-Isaacs,

Gabrielle Napolitano-Swift, Sky Speaker

In This Issue...



The Fourth Estate Beyond the Rule of Law.....3

Jonathan W. Lubell, Esq.

With the recent federal approval of the largest media merger in history, between Time-Warner and America Online (AOL), the massive consolidation of media into fewer and fewer hands has advanced, aided and abetted by the Federal Telecommunications Act of 1996. In this article, one of the nation's top experts on the First Amendment and libel asks whether today's "freedom of speech" serves the interests of truth, or only greater profits. In such a context, the notion of "equality" with respect to freedom of speech between an entity as ubiquitous as Time-Warner/AOL and the modern day equivalent of Tom Paine does not promote criticism and rational thought, but diminishes it. The principle of an independent press must be organized and fought for by all those who can see the handwriting on the wall.

An American Seduction: Portrait of a Prison Town11

Joelle Fraser

When the town of Susanville, California received its second prison, local citizens were promised economic "development." What they got was something else instead. When a town's business is dehumanizing others, how do you keep it inside the walls?

Union Busting in the '90's27

Michael Z. Letwin, Esq.

This second and concluding part of Michael Letwin's history of New York City's Association of Legal Aid Attorneys, the first significant union of attorneys in the nation, describes the union's 1994 strike. Broken by New York City Mayor Rudolph Giuliani, the strike and its aftermath was a blow to the overburdened and underfunded attorneys, and the constitutional rights of their clients, as well.

Bailing Out47

Stephen R. LaCheen, Esq.

A young attorney learned some forty years ago that, although the right to reasonable bail pending trial is protected by the Bill of Rights, its shape looked a little different in midnight applications to magistrates' homes when the wheels of justice sometimes needed a little greasing to run. Today, on the other hand, unreasonably high bail is used as an instrument of social policy for direct and indirect 'preventive detention.'

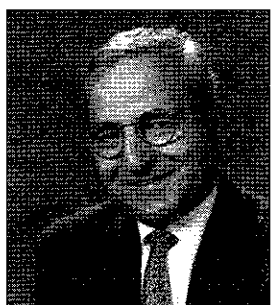
Cover Illustration: *Verdict's cover illustration is by Chris Marrinan. Mr. Marrinan attended both the California College of Arts and Crafts and the Academy of Art College in San Francisco. He later graduated from the Academy with a B.F.A. in illustration. Mr. Marrinan works as a freelance illustrator and a comic book artist. Mr. Marrinan has exhibited his work at the Auburn Arts Gallery, where he also teaches art classes to young people.*



Illustration by Chris Marrinan

THE FOURTH ESTATE BEYOND THE RULE OF LAW

by Jonathan W. Lubell, Esq.



*Editor's Note: In 1964, when the Supreme Court of the United States decided *New York Times v. Sullivan*, which sought to protect media defendants from claims of libel in matters involving public officials, scholars and publicists alike seemed confident that a basic principle of liberty of criticism had been secured for every American.*

Since that time, the principles promoted in *Sullivan* have been undermined by its application in the context of a media whose role in society has changed radically.

Economic events, coupled with their recognition in the law, have turned *Sullivan* — and the conception of “freedom of speech” as an absolute — into a sword, rather than a shield, wielded by those who control the media financially or possess easy access to the media. Truly, freedom of the dollar is a great deal more accurate a description of the condition than freedom of speech.

In the 1960s, the media realistically portrayed the war in Vietnam, whose images inspired a majority of the world's population to demand its cessation. President Nixon took up one of their slogans and “brought the boys home.”

Thirty years later, Americans were barraged with sanitized selections of the Persian Gulf War, consisting of coverage of two Pentagon “briefings” a day, and promotional footage of successful “smart bomb” drops. Most of the media was content, as prodded and censored by National Security agents, to broadcast government press releases in lieu of news, in their search for scandal, shock value, sex, and — behind it all — sales.

This phenomena of the dollar reigning supreme over the media as a vehicle of truth and freedom of speech has had devastating effects most recently in our nation. Alternative radio on both the east and west coasts has been censored by those holding the purse strings. In December of 2000, WBAI employees and volunteers in New York were confronted with a lockout while protesting the actions of their parent station, Pacifica, which had given the station manager, program

manager and union steward an ultimatum to accept jobs at the station's headquarters in Washington D.C. or be terminated. As the station, attempting to provide an alternative to the established media, often was left leaning — as most recently exhibited when they replayed the speech by Fidel Castro at Manhattan's Upper West Side's Riverside Church near Harlem — they found themselves in contradiction to the edict of the Corporation for Public Broadcasting, which mandated the lessening of roles of local advisory boards. Pacifica delivered a similar reprimand to its Berkeley affiliate KPFA in March of 1999, when Pacifica fired the station's general manager, and protests broke out. Pacifica then fired or censored other employees for speaking out against the termination.

In his article, Mr. Lubell touches on the role played by the media in the recent Presidential elections. Of primary importance is what was left unsaid by the media about the unprecedented act of the U.S. Supreme Court overriding state law to pick the President of the United States who was NOT elected by the popular vote. If this had happened in Haiti, the U.S. media would have called it a coup d'etat. Instead, on U.S. TV channels, George W. Bush was instantly transformed into the “President-Elect.”

1. Introduction

It is appropriate that we take a look at the media in a magazine which focuses on the law and its impact on people's lives. The public's perception of the judicial system and the “rule of law” is principally determined by the media. How the system functions, what its interests are, its essential nature — neutral, or class- and race-based — and the distinction between administering the law and securing justice, are all major questions to which, for the vast majority of the people, only one institution gives the answers — the media. Media activities also raise fundamental issues regarding the unique existence of one of America's most powerful and influential privately-owned, yet least accountable industries, and the role of the First Amendment's free speech guarantee in allowing the corporate media to overwhelm the basic principles of democracy. Here, focus is on the media themselves in the belief that knowing what we are dealing with will certainly help in finding the wisest and most effective ways of assuring that their powers are used in the fundamental interests of society. The focus is on the media as it exists today.

The landscape of 1735 when John Peter Zenger was charged with raising sedition for publishing harsh criticism of the New York colonial governor, and of 1787

*Throughout his legal career, Jonathan W. Lubell (LL.B., Harvard Law School, magna cum laude) has been involved with First Amendment issues and the media. He has a nationally recognized practice representing plaintiffs in defamation suits. He was the successful attorney in the U.S. Supreme Court decision in *Herbert v. Lando* — the seminal case on discovery in libel suits. His clients have ranged from major corporations to business leaders, celebrities, physicians, attorneys and political figures. Mr. Lubell also has been actively involved in some of the leading litigation involving the copyright laws, housing discrimination, equal educational activities and the Freedom of Information Act. He is a former president of the National Lawyers Guild, New York City chapter, attorney for National Task Force for Cointelpro Litigation & Research and a Commissioner of the Citizens Commission on Human Rights Intl.*

when the first U.S. Congress adopted the Bill of Rights and of 1798-1801 when there was widespread opposition to the Alien and Sedition Acts, provided the soil that gave growth to the law's concern for protecting the media. Whether the transformation of that media into its present overwhelming position in our society requires a re-evaluation of the law's role is, ultimately, the question that faces society today.

2. Members of the Media Industry

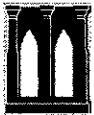
With the technological advances in the Twentieth Century, communications now embrace much more than the classic media industry of print (newspapers, magazines, books), radio, television and cable. Recognizing that the most modern developments in telecommunications will change many of the ways communications are sent out and are received, it is nevertheless not unreasonable to assume that as long as the relationships to wealth and power remain unchanged the question of who are the media, their significance in molding people's perceptions and their power in society and in relation to America's system of laws, will bear the same answer. In fact, it appears that technology will only increase the control and power of the wealthiest corporations as reflected in the merger of the world's largest Internet Service Provider, America Online, Inc., with the

world's largest media company, Time Warner. The result is a media company valued at an unprecedented \$350 billion.

In considering the media it is important to recognize that the media's control in shaping society's "reality," that is, how the population views people and events, is not only affected by members of the media directly — an editorial, a reporter's account of a event, a television commentator — but also by those who the media permit to use their telecommunication facilities. Thus, we get information from politicians, celebrities, talk show hosts, entertainers, professors, so-called specialists and experts all selected to be aired by the media by those who control the media. With the notoriety that follows, these people have in many cases viewed themselves as associate members of the media community. Their critical analysis of the media will be, and has been, diluted.

3. Who are the Media?

In this society, where the wealth of the country is concentrated in the owners of property through the major corporations, it is not surprising that these owners would assure that the communications industry is on their side. There are two major ways this has been accomplished. First, the largest corporate interests have taken as part of their business activities the communications



BRIDGE SERVICE CORP.

277 BROADWAY, SUITE 510, NEW YORK, NY 10007
800-225-2736 • FAX 888-267-8680

Nationwide Public Records Services

- UCC Research
- Federal Tax Lien Research
- State Tax Lien Research
- Judgment Research
- Civil Litigation Research
- UCC Recordations

Nationwide Corporate Services

- Corporate Status Research
- Document Retrieval
- Document Preparation
- Document Recordation
- Statutory Representation

Nationwide Real Estate Services

- Real Estate Research
- Present Owner & Lien Status
- Document Recordation

Is Democracy Possible When Only a Few Global Corporations Dominate the Public's Airwaves?

FACT: The increasing concentration by only a few broadcast operators on the publicly owned airwaves allowed by the Telecommunications Act of 1996 has limited the diversity of viewpoints and the representation of minority groups in our society.

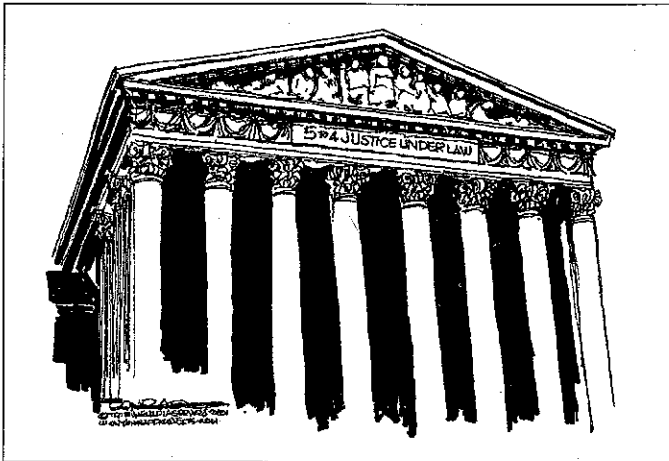
FACT: A media monopoly, backed by federal law, now controls the flow of vital news, information and political discourse in the United States.

The Democratic Media Legal Project is building the support for a legal challenge to the corporate domination of our media system.

Attorneys, paralegals, researchers, fundraisers and publicists needed. Donations and gifts are tax deductible.

Democratic Media Legal Project

3450 Geary Blvd., Suite 208, San Francisco, CA 94118
wgskroll@gjgc.org • (415) 387-9190



Reprinted with permission. Paul Conrad. Tribune Media Services 2000.

industry. Henry Ford's old statement about unions — "if you can't beat them, join them" has been given a new modern twist "if you want to control them — buy them out and become them." Second, some of the media companies have expanded, merged and become significant producers of related communication products. Today we have the media industry controlled by six of the largest, most powerful capital formations in the world: Time Warner, Disney (ABC), Viacom (CBS and Westinghouse), News Corp., Bertelsmann and General Electric (NBC). All of these six are listed in *Fortune Magazine's* 1999 Global 500 of the largest corporations in the world, with annual media revenues greater than the next 20 media firms combined. The breadth and depth of the media operations of these corporations are illustrated by a brief description of their holdings.

Time Warner: Television Networks and Cable - Warner Bros., HBO, CNN, CNN International, CNN/Sports Illustrated, TBS Superstation, TNT, CNN Headline News, and many others; Print Media - *Time*,

Fortune, Life, Sports Illustrated, Vibes, People, and at least 15 other magazines; Book Publishing - Little Brown & Co., Warner Books, Book of the Month Club; Motion Pictures - Warner Bros.

Disney: Television Networks and Cable - ABC, Disney Channel, A&E, Lifetime Network, ESPN, 10 network news programs, 12 TV stations, 11 newspapers, 1,400 retail stores featuring many of its television, motion picture and print products. Disney's control reflects the ability of a mega-mix-media corporation to define the culture of a whole segment of society. As stated by Ben H. Bagdikian in his seminal work "The Media Monopoly:"

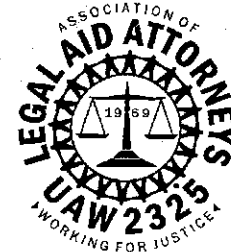
The problem is a system that permits a single corporation to have such overwhelming power, not just over the media marketplace but over youth culture in the United States and globally. That power is so concentrated, ubiquitous, and artful that, to a degree unmatched in former mixtures of entertainment, it dilutes influence from family, schooling, and other sources that are grounded in real-life experience weakening their ability to guide growing generations. (6th ed. p. xx)

Viacom: Motion pictures - Paramount Pictures; Television Networks and Cable - CBS, MTV, VH, Nickelodeon, TV Land Showtime UPN, 18 U.S. television stations, over 400 stations carrying CBS News; Book Publishing - Simon and Schuster, Pocket Books; Related Operations - Blockbuster Video rental, five theme parks, a widespread movie theater empire outside of the United States.

Richard S. Neubarth
ATTORNEY AND COUNSELOR
AT LAW

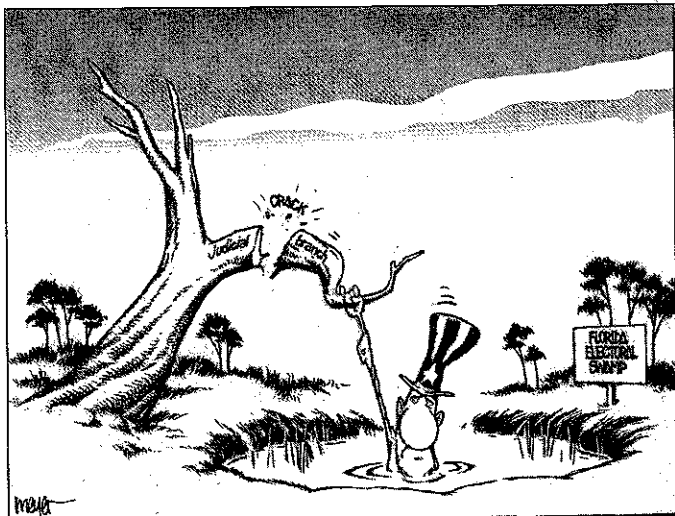
*Congratulations
on publishing this issue
of Verdict magazine.*

233 BROADWAY, SUITE 830
NEW YORK, NEW YORK 10279
212-346-7777



NYC Legal Aid Attorneys salute
Verdict

Michael Letwin, President
George Albro, Secretary-Treasurer
Charlotte Hitchcock, Recording Secretary



Cartoon by Thomas Meyer/San Francisco Chronicle

News Corp.: Motion Pictures - Twentieth Century Fox; Television Network and Cable - Fox Television Network, 22 television stations, FX cable network, Fox News channel; Book Publishing - Harper Collins; Print Media - over 130 daily newspapers including *New York Post*, *The Times* (of London), *Boston Herald*, 23 magazines including *TV*, *Seventeen*, *New York Magazine*, 70% of Australia's newspaper circulation.

Bertelsmann: Print Media - Random House, Knopf Pantheon Crown Fawcett, Ballantine, Vintage, Anchor, Bantam Doubleday, Dell and Delacorte, barnesandnoble.com (50% intr.).

General Electric (NBC): Television Network and Cable - NBC Network, 9 television stations, 15 cable facilities, numerous television programs purporting to present the news and its analysis including: "The Today Show," "Weekend Today," "Meet the Press," "NBC Nightly News with Tom Brokaw," "Nightline," "NBC News at Sunrise."

4. The Media Industry's Particular Relationship to Political Life

Another feature of the corporate media is its *close, intimate relationship* with the political industry — peopled by politicians, government officials, retired statesmen and similar characters. Over the years, items have surfaced illustrating this relationship; for example:

- George and Barbara Bush stopping by and being videotaped at a media dinner party at the home of the Washington bureau chief of the *Wall Street Journal* and his wife, who was then part of the *MacNeil Lehrer News Hour*;
- The reporter who covered Congress for NBC was living with Alan Greenspan, Chairman of the Federal Reserve Bank;
- George Will preparing Ronald Reagan for one of his debates with Jimmy Carter and then reviewing Reagan's performance the next day in Will's *Washington Post* column;
- The Fox broadcast, which initially credited George W. Bush with winning the State of Florida in the 2000 election, originated with a newscaster who was a relative of George W. and his brother Jeb, Governor of Florida.

The impact of the media's control of information and of the public's perception of events and individuals make the media a powerful force in the political life of the country. Ben Bagdikian has written:

'Market dominant' corporations in the mass media have dominant influence over the public's news, information, public ideas, popular culture and political attitudes. The same corporations exert considerable influence within the government precisely

ACCESS INFORMATION SERVICES, Inc.

Document Research, Retrieval & Filing

- **Nationwide services available including...**
 UCC Forms Preparation, Filing & Searches
 Tax, Lien & Judgment Searches
 Court Research & Retrieval in all Federal & State Courts
 Corporate Document Filing & Retrieval
 Obtain Good Standing / Existence Certificates
 Verification of the Availability of a Corporate Name
- **Personalized & hassle-free service**
 1773 Western Ave. • PO Box 3709 • Albany, NY 12203
 (800) 388-1598 • Fax (800) 388-1599

FRANCISCO J. RODRIGUEZ, ESQ.

Goldsmith Richman
 Levinson & Harz, L.L.P.

201-363-1122

*Practice limited to Medical Malpractice
 and claims against the Federal Government*

SALUTES CCLP AND THE WORK THEY DO

because they influence their audience's perception of public life including perceptions of politics and politicians as they appear — or do not appear — in the media. (6th ed., p. 5).

5. Information Presented and Knowledge Controlled by the Media

The media have a pervasive interest in controlling and presenting information so that they further strengthen their hold on America's wealth. Thus, the life styles of the wealthy and rich are to be admired, sought after and enjoyed vicariously. Cultures, other than that of the rich rulers — the white, male, Anglo-Saxon — are to be ignored or denigrated. Sometimes, a piece of information or culture comes through the media that does not reflect the corporate power. But it is only a sliver and never enough to rock the boat of fantasies and lies spread by the corporate media. Think of this:

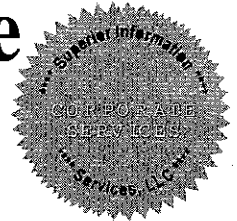
- For the past election year, the media hyped the debates between the two corporate parties, Democrats and Republicans — while accepting as a given that no other parties — in particular, the Green Party — were worthy of serious public notice.

Further, the media's deliberate construction of a false positive picture of those debates when their issuelessness and ineptness were obvious, reflected a major function of the media to construct false images.

- What has been the media's response to the UN report finding the U.S. and other Western countries as having contributed to the genocide in Rwanda? This international crime against humanity involving the death of hundreds of thousands of Africans was not something that the corporate media wanted to inform the American public about.
- In one county in Mississippi, 30 inmates recently died in prison by hanging. No one has been charged. In fact, this event has drawn virtually no media attention. Was the event not newsworthy or was the reporting of the particular facts not in the interest of those who owned the media? The answer can easily be found by asking what the media would have done if the deaths had occurred in a Cuban prison or a Zimbabwean prison.

Interestingly, the tension between a virtually immunized press and the goal of having the public obtain the truth through a diversity of news and views has been recognized from the beginning of the First Amendment. In 1819, Thomas Jefferson, one of the great advocates of a free press, wrote that he now only read one newspaper, the *Richmond Enquirer*, adding that he read "chiefly the

We Have Your Corporate Services



→ SOLUTION.

- Incorporation and LLC Organization Value
- Packages - Includes Name Availability, Document Prep, and Corporate Kit
- Corporate Document Filing and Retrieval Services
- Document Preparation Services
- National Registered Agent Services
- Corporate Kits
- NJ Corporate Retrieval Services ONLINE
- Forms, Outlines and Precedent Materials
- UCC Retrieval Services
- UCC Filing Services
- International Services
- All Services also Available NATIONWIDE

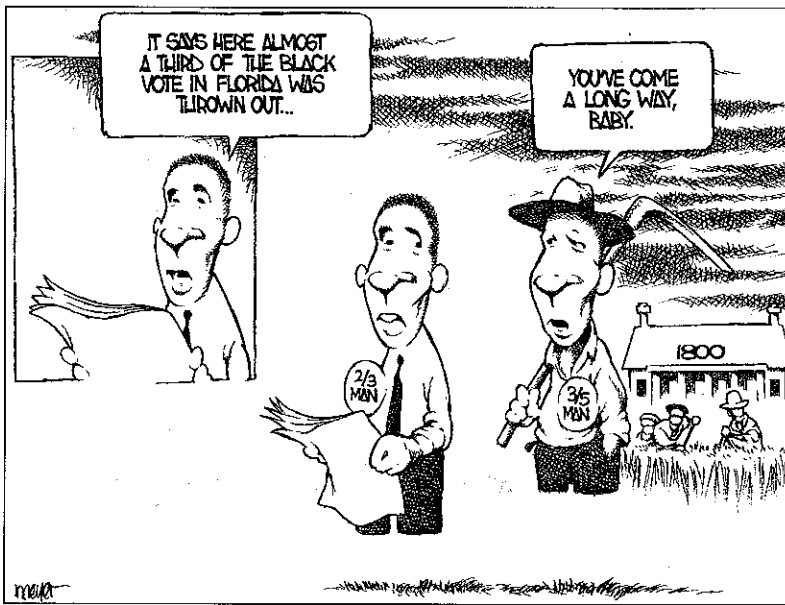
PERSONAL SERVICE EXCELLENCE
AT AN AFFORDABLE PRICE.

Call today
800.848.0489



Superior is affiliated with
National Registered
Agents, Inc. (NRAI)

www.superiorinfo.com
Superior
INFORMATION SERVICES L.L.C.



Cartoon by Thomas Meyer/San Francisco Chronicle

advertisements for they contain the only truth to be relied on in a newspaper."

6. Conclusion

What all of this means in the first place is we need to understand who and what the media are whenever we receive information from them. Be skeptical; it is a pretty sound assumption that what you hear, read or see is never presented by a neutral or unbiased media. Watch for the media to use a cover for what they report. Thus, for example, in Nigeria the media will present as a priority the issue of whether there is "democracy," while ignoring the real issue of Nigeria — the robbery of its oil resources accompanied by human deaths and environmental disasters as exemplified by the activities of Shell Oil.

The recently concluded contest for the presidency of the United States may well create a crisis in two of the fundamental illusions that the media have so strongly fostered. First, and most directly reflecting the connection between the corporate media and the law, is the generally accepted premise that the rules of law and in

particular, its foremost proclaimers, the U.S. Supreme Court, are objective and neutral keys which the people may rely upon in resolving conflict.

Second, is the illusion that the system of ruling practiced in the United States is both wisely democratic and superior to all other political systems. This, too, impinges on the view of the law — the Constitution, the electoral system and the separation of the judiciary from the political system. The presidential contest reflected an important maxim — as the power and image of the law became involved with matters of which the public are, at least to some degree, knowledgeable — the media will seek to rescue the law from exposure.

The crucial place of the media in society means several things for the law:

1. What should be done to make the media more accountable to the public in communicating diverse views and information contrary to the images the corporate media have created?

2. How can the media be made more accountable and the public better informed while preserving the essence of the free press protected by the First Amendment?

In today's world, the First Amendment has, in fact, been used to protect and conceal the corporate take over of the media. This, in turn, has been reflected in two concrete matters:

(a) The battle on campaign financing. This is a *media* issue because campaign financing became of major importance with TV. Television is a crucial campaign weapon and it costs lots of money to obtain television time. The media do not want to have any regulation or control of campaign expenditures because it (1) would reduce their revenues and (2) would reduce the power of the wealthy in these political campaigns. This is of personal concern to the owners of the corporate media and their related companies who are members of the family of the wealthy.

By 1997, for example, the average compensation of the CEOs of General Electric, Viacom, Disney, Time Warner, Universal Studios, *The New York Times*, CBS, *Times-Mirror*, Comcast, Cox, TCI, AT&T, Tribune Company, the *Washington Post* and Gannett was approximately \$4,500,000.

Steven B. Shapiro, Esq.

supports CCLP's fight for principles

11 PARK PLACE • SUITE 910 • NEW YORK, NY 10007-2801
(212) 571-6653 • (212) 315-0518 • TELECOPIER (212) 956-4767

•••

26 EAST SUMMIT STREET • PO BOX 8109
SOMERVILLE, NJ 08876-8109
(908) 722-4043 • TELECOPIER (908) 231-1717
INTERNET: SBS@COMPUSERVE.COM

201 434-6141 (Tel)
201 434-6138 (Fax)
decurry9@aol.com

Dee Curry
Poet Artist



A group that strongly supports the media's opposition to any significant regulation of campaign financing is the First Amendment advocates who believe that the First Amendment is an absolute guarantee that cannot be restricted by government. (Perhaps the most respectable and vocal member of this group is the A.C.L.U.) Since political activity — such as political contributions — has been treated as an aspect of free speech under the First Amendment, it cannot be restricted by statute or regulation. In reality, freedom of speech under the First Amendment is being used to secure the control by the wealthy of the political-electoral process. In short, the First Amendment is being used to undermine the possibility of securing genuine public participation in the U.S. electoral process. As explained by Professor Robert O. McChesney:

The top one percent of the population owns one-half of the financial wealth, while the bottom 80 percent has around six percent. The top one percent of the population receives nearly 20 percent of U.S. income while the bottom 80 percent of the population divvies up around 45 percent of U.S. income. Letting people spend as much money as they want is simply letting people at the top buy their ways out of a genuine democracy with a level playing field. ("The New Theology of the First Amendment: Class Privilege Over Democracy," Monthly Review, March 1998, reprinted Guild Practitioner, Fall 1999, p 222).

(b) Another current area where the media are involved with the law is the Telecommunications Act of 1996. There, the Act provides for allocation of what is

known as the broadcast spectrum by the FCC free of charge. The Act permits, and allocation has resulted in, a broader and greater control of the spectrum by the current owners of the media. The Act allows the FCC to double the spectrum allocated to current television broadcasting — those corporate monsters which have already swallowed up the industry. In short, the control of the content of information by the corporate media giants will be greatly increased. Specifically, the allocation scheme will take spectrum licenses away from a group of small broadcasters called Low Power Television (LPTV). These stations serve small geographic areas — nearly 90% of the non-white owned TV stations are Low Power Television. They serve diverse ethnic communities — in many languages. In December of 2000, five independent studies ordered by the FCC were released. They highlighted the increasing difficulties confronted by non-whites and women in the media industry and the further substantial narrowing of diverse viewpoints since the Telecommunications Act of 1998. The studies found businesses owned by non-whites and women were less likely to win wireless licenses in FCC auctions, that they were less likely to have their applications for debt financing approved, and that non-whites paid higher interest rates on their loans. Not surprisingly, the study found that non-whites who were being increasingly excluded from the media were more likely to air diverse programming and newscasts and hire a broader range of on-air personalities.

There is much more to this subject of media control and the relationship to the law, but for now: be skeptical, challenge the media coverage — both news and culture. Recognize that there have been fundamental structural and operational changes in the world of media communications which challenge the role to be played by the law and, in particular, the First Amendment. ✎

Meticulous Research

Call Us Today so we can supply you with relevant information to help you make conclusions, better decisions and validate strategies.



800-475-9808

www.mktdirections.com

To work towards the amendment of the Three Strikes law, call **Families to Amend California's Three Strikes (FACTS)** at their statewide office:
(323) 298-0510

For a copy of *Catholic Striker*, a newsletter about Three Strikes legislation, send a SASE to Orange County Catholic Worker:

316 Cypress Street, Santa Ana, CA 92701

Sponsorship provided by Orange County Catholic Worker



Illustration by Elena Rodriguez