

**A Statement and Suggestions Concerning Clear Channel, Talk Radio
And the Public Interest Obligation in Broadcasting
to the Community of Sacramento**

from

Sacramento Media Group, Occupy Sacramento and Media Action Center

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Radio transmits over a limited number of frequencies in the air. As the airwaves are deemed public property, and as the number of available frequencies on the airwaves are physically scarce, those business persons choosing to go into broadcasting make a deal with the local community in exchange for a license from the Federal Communications Commission (FCC) to be in the broadcasting business: every radio licensee is required by the FCC to serve the "public interest, convenience, and necessity." According to the FCC, "This means that it must air programming that is responsive to the needs and problems of its local community of license."⁽¹⁾ This in essence creates a private/public partnership between broadcasters and the public they serve.

We representatives of the Sacramento Media Group, the Media Action Center and Occupy Sacramento welcome any opportunity to meet with Clear Channel management to discuss ways we believe Clear Channel can attract an unserved audience and more fully serve its public interest obligation to the local community, especially in a presidential election year.

We appreciate the many daily hours of actual news which is produced and aired on KFBK, and we believe that KFBK, in that regard, does serve the public interest. However, we believe the "talk" programming choices currently airing on KFBK, KGBY, and KSTE are doing a grave disservice to the public.

Currently, Clear Channel's KFBK, in its key Monday-through-Friday timeslots, airs 50 hours of political talk radio which supports the "conservative" point of view. The simulcast of KFBK on KGBY means another of our limited local frequencies is airing 50 hours every week of conservative political opinion on talk radio.⁽²⁾ In addition, Clear Channel's KSTE airs an additional 90 hours of political talk, again reflecting ONLY the "conservative" point of view.⁽³⁾

This means that stations licensed to Clear Channel, the market leader in Sacramento and the largest radio corporation in the United States, are airing 190 hours of pro-conservative political views in the community of Sacramento, without airing any alternative political viewpoint. This gross imbalance is damaging to our democracy, and needs to be corrected in the interest of serving the entire public interest.

After our public files inspection action in December, Clear Channel General Manager Jeff Holden was quoted in the *Sacramento Bee* as saying that, "The listeners get to vote with ratings." The article further quotes Michael Harrison, publisher of radio trade publication *Talkers Magazine*: "While stations using the radio waves are obliged to operate in the public interest, the old notion of three minutes for the Republican candidate, three minutes for the Democrat, is no longer in play. Fairness is not guaranteed by the First Amendment -- freedom from government censorship is." ⁽⁴⁾

This has been a standard line coming from the radio industry (and it's so often repeated on "conservative" talk radio stations that it is generally accepted as fact.) However, this meme belies the Supreme Court decision that "The First Amendment is relevant to public broadcasting, but it is the right of the viewing and listening public, and not the right of the broadcasters which is paramount." Perhaps more importantly, the Supreme Court ruled that "The First Amendment does not protect private censorship by broadcasters who are licensed by the Government to use a scarce resource which is denied to others." ⁽⁵⁾

In essence, if Clear Channel Communications continues to air talk radio with only a "conservative" political viewpoint, it is violating the First Amendment rights of every member of the community who does not share those views, since it is engaging in "private censorship" of political views.

The radio industry also pretends that their only obligation is to air programs which receive the highest ratings. However, nowhere does it say in the Communications Act that stations are licensed to "serve their shareholders." If a station can serve the entire public interest and turn a profit at the same time, that's great. If, however, they cannot, they need to relinquish the license to someone else who can. That's the deal broadcasters made, and we all need to remember it – and make broadcasters keep their end of the deal.

It would appear, however, that there are sound business reasons why Clear Channel may wish to program alternative political viewpoints. Ratings throughout the nation of "conservative" talk radio are plummeting, as evidenced by Clear Channel's own ratings in Sacramento: According to Arbitron, the 50,000 watt KFBK station ratings dropped from an 8 rating last summer to its current 4.4; the 50,000 watt KGBY FM dropped from a 3 to 2.3 after its recent programming change; and the 21,400 watt KSTE ratings now rests at a mere 1.9. ⁽⁶⁾ (It is relevant to note that KSAC, the tiny 1,000 watt progressive stand alone station which once aired progressive programming, which enjoyed none of the economies of scale that favors Clear Channel, was pulling a 1.4 rating before it went off the air, and the trend showed ratings were steadily rising. How would an alternative political talk format do, ratings-wise, on a 20,000 or 50,000 watt local Sacramento station? Nobody knows, because nobody has tried.)

Therefore, in the interest of developing a continuing conversation between Clear Channel management and the public of Sacramento which it serves, we make the following suggestions for consideration and discussion, especially in this presidential election year.

Would Clear Channel be willing to:

- rebalance its current 190 to 0 ratio (of national "conservative" political talk radio to national alternative political talk) to 95 to 95? Perhaps program KGBY with alternative political talk shows that skew to Clear Channel's coveted younger demographic?
- add local alternative political talk programming? Have at least at least 50% local alternative political talk shows on KFBK and on KSTE, which currently has only limited local programming? Perhaps have a longer local program on KFBK co-hosted by John McGinness and someone of an opposing viewpoint? Perhaps dedicate KGBY-FM to locally focused programs?
- limit talk programs to 2 hours each to free up time for offering a more diverse programming lineup?
- include more "educational" talk shows that air multiple viewpoints on issues?
- during this election year, host political debates of candidates running for local Congressional, state legislative, and city council seats?
- clearly delineate which programs are "news" and which are "talk" (opinion?)
- offer fact-checking of statements made by talk radio hosts?
- offer fact-checking of third party campaign ads?
- communicate with "citizens' feedback groups" to truly assess the interests of the community of Sacramento?

We look forward to your responses and further discussion of these issues. Our primary contact for additional information is Sue Wilson at (209)245-6724 or sue@mediaactioncenter.net.

Respectfully submitted,

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Attachment: Citations

Citations

- (1) Federal Communications Commission, THE PUBLIC AND BROADCASTING: How to Get the Most Service from Your Local Station, page 6:
"In exchange for obtaining a valuable license to operate a broadcast station using the public airwaves, each radio and television licensee is required by law to operate its station in the "public interest, convenience and necessity." This means that it must air programming that is responsive to the needs and problems of its local community of license."
- (2) program schedule KSTE <http://www.kste.com/pages/programschedule.html>
- (3) program schedule KFBK: <http://www.kfbk.com/pages/schedule.html>
- (4) <http://www.sacbee.com/2011/12/13/v-wireless/4118338/sacramento-drops-charges-against.html>
- (5) From: Red Lion Broadcasting Co., Inc. v. Federal Communications Commission
SUPREME COURT OF THE UNITED STATES, June 9, 1969
 - (a) The First Amendment is relevant to public broadcasting, but it is the right of the viewing and listening public, and not the right of the broadcasters, which is paramount.
 - (b) The First Amendment does not protect private censorship by broadcasters who are licensed by the Government to use a scarce resource which is denied to others.
- (6) http://www.arbitron.com/home/ratings_topline.htm