

NEW York Times - Senate Votes to Repeal Media Rules

Published: June 23, 2004

By STEPHEN LABATON

WASHINGTON, June 22 - The Senate voted on Tuesday to repeal rules adopted by the Federal Communications Commission that make it easier for the nation's largest media conglomerates to expand and enter new markets.

The rules, approved last June by a divided F.C.C., largely removed previous ownership restrictions on media companies. They struck down the rule that in most markets had prevented one company from owning both a newspaper and a television or radio station in the same city. In the largest markets, the new rules also enabled a company to own as many as three television stations, eight radio stations and a cable operator. And they allowed the largest television networks to buy more affiliated stations, although Congress later rolled back that provision.

The new rules have already been blocked temporarily by the United States Court of Appeals for the Third Circuit in Philadelphia, which is considering a challenge.

By a voice vote, the Senate approved a provision to repeal the rules and restore tougher restrictions. Supporters of the effort said that the Senate's decision provided them with a backstop in case the appeals court did not rule in their favor. But the legislation still faces formidable political obstacles - a similar measure was dropped from a different bill this year after encountering stiff resistance from both the Bush administration and Republican leaders in the House, which would need to reconcile the latest measure in a conference committee.

"I'm not predicting any greater or lesser success than last time," Senator Byron Dorgan, Democrat of North Dakota, said in an interview after the vote. Mr. Dorgan is a co-sponsor of the measure with Senator Olympia J. Snowe, Republican of Maine.

"The president and the speaker of the House are determined to protect these rules," Mr. Dorgan said. "I am simply pounding away at this and trying at every opportunity I can to roll the rules back."

"Last June, the F.C.C. performed one of the most complete cave-ins to corporate interests against the public interest in the history of the country," he added. "When the number of people and corporations who control what 293 million Americans see and hear in the media shrinks to just a relative handful, democracy suffers."

In a separate measure sponsored by Senator Sam Brownback, Republican of Kansas, the Senate voted 99 to 1 to raise the maximum penalties for broadcasters that violate federal decency standards. The provision includes a tenfold increase in maximum fines for each violation, to \$275,000 from \$27,500. The lone dissenter was Senator John B. Breaux, Democrat of Louisiana, who has been a consistent ally of the broadcasters.

A third provision, approved by a voice vote, directed the F.C.C. to study the effectiveness of the V-chip in controlling how much violence children watch on television.

That measure, sponsored by Senator Ernest F. Hollings, Democrat of South Carolina, directed the commission to ban violent programming during hours children most watch television if the commission's study found that the V-chip was not effective.

The provisions were applauded by parents' organizations and other groups concerned about violence and sex on television and were criticized by the broadcasters.

The Parents Television Council said the provisions took a "crucial step forward in the fight to return common-sense decency standards to broadcast media."

Edward O. Fritts, president of the National Association of Broadcasters, said the industry's own efforts to police itself were "far more preferable to government regulation when dealing with programming issues."

"We also believe that most Americans would acknowledge that broadcast programming is considerably less explicit in terms of violence and sexual content than that which is routinely found on cable and satellite channels," Mr. Fritts said.

The measures approved on Tuesday were attached to a Defense Department authorization bill and are the latest attempt by Republicans and Democrats in the Senate to overturn the deregulation of the media ownership rules.

The authorization bill is expected to be adopted soon and will then proceed to a House-Senate conference committee for the lawmakers to iron out the differences with the House version. The House bill also raises the fines for indecent programs but includes no amendment on the media ownership rules.

The media ownership rules, which have been supported by many of the biggest broadcasters and newspaper publishers, provoked widespread opposition from a coalition of consumer, civil rights, labor and religious organizations. The effort to overturn them began as soon as the F.C.C. adopted them last June.

The architect of the new rules, Michael K. Powell, the chairman of the F.C.C., has said they are vital in light of a series of court opinions questioning the old rules and a marketplace where consumers can subscribe to cable and satellite television services with hundreds of channels and delve into the limitless offerings of the Internet.

But critics have said that a small handful of companies dominate the programming on the airwaves and that consolidation in the industry has led to a decline in the diversity of voices and coverage of local news and community events.

They have also drawn a connection between the growth of the media conglomerates and declining programming standards.

Last year, a similar provision blocking the new ownership rules was attached by Congress to a spending bill, but it was largely stripped out of the measure this year after the White House threatened to veto it.

As a compromise that enabled final passage of that measure, the White House and Congress agreed to a narrower provision that rolled back one important element of the media rules.

The 2003 rules gave television networks the ability to grow to reach 45 percent of the national audience with their local affiliate stations from the previous limit of 35 percent. But in the compromise that was reached between the White House and the lawmakers who were critical of the rules, the legislation lowered that cap to about 39 percent, which is the current reach of CBS, owned by [Viacom](#), and Fox, owned by the [News Corporation](#).