



The Media  
Democracy Agenda  
The Strategy and Legacy of  
Federal Communications  
Commissioner Michael J. Copps

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You must be the  
change you want  
to see in the world

Mignon L. Clyburn, Michael J. Copps

## Foreword

Among the hundreds of people waiting to visit Mahatma Gandhi one day was a mother who sought help in battling her son's obsession with eating sugar. When it was their turn in line, instead of immediately counseling the boy, Gandhi asked the pair to come back in two weeks.

Following a two-hour wait on the day of their return, the anxious mother repeated her request. Gandhi promptly spoke with her son and the boy agreed to work on breaking his sugar fixation.

The mother expressed her gratitude, of course, but remained puzzled as to why Gandhi refused to counsel her son during their first visit. His response, for me, represents one of the most teachable moments in world history.

Gandhi shared that he could not initially talk to the boy about his sugar habit because Gandhi himself was eating sugar at that time. How could he legitimately speak to her son about not eating sugar, Gandhi reportedly asked, if he had yet to 'take the journey himself'?

This powerful lesson, from an encounter many years ago and thousands of miles away, aligns so well with my belief that the best advice comes from people who themselves have walked the path one is about to take.

This report appraises the strategies and priorities of one of the Federal Communications Commission's most consequential members, a commissioner who sought to change the agency by making it more accountable to the American people.

Sworn in on May 31, 2001, FCC Commissioner Michael J. Copps's regulatory journey would span two terms including a stint as acting chairman during the first half of 2009. His bold vision for "a more democratic media system" led to the establishment of "The Media Democracy Agenda" – a "reformist contract" between the public, media corporations, and the government. It demanded accountability and keenly focused on the critical role of our nation's broadcasters – those "first informers" awarded free use of valuable commercial spectrum in exchange for "serving the public interest."

That agenda also challenged the commission, which is responsible for the integrity of U.S. broadcast systems, to use the instruments in its regulatory toolbox – namely policy – to safeguard the public interest, respond when there are market failures, and be open and transparent to the citizens it serves. The agenda highlighted the media’s responsibility “in holding the powerful accountable, informing democracy’s dialogue,” and reflecting the core values and rich diversity of their local communities of license. Most notably, the agenda called for the public to be included in the decision-making process. This “reformist agenda” set off a regulatory sea change inside and outside of the agency.

But for a few exceptions, the agency that regulates a sector responsible for more than one-sixth of our nation’s economy, was very adept at flying below the public’s radar. Very few American citizens knew or paid attention to what the FCC did – that is until Commissioner Copps took “the FCC to the people.” He lit the flames that sparked a nationwide, grassroots-organizing movement which educated, enlightened, and inspired us about the power and importance of our (tele)communications platforms. People began to focus more on the agency’s policy agenda and flocked to the more than 50 meetings and hearings on media ownership and the perils of concentrated power. Soon, the “college professor turned regulatory protector of the public interest” became a grassroots rock star. His fight against media ownership consolidation took hold and difficult concepts that often confused the public were made plain because Commissioner Copps spoke in relatable terms about critical communications issues. With awareness came a growing popularity for his positions; not only were the inside-the-Beltway and FCC insiders annoyed, more than a few corporate feathers were ruffled.

I often say that “the FCC is one of the most important agencies no one has ever heard of.” Well, of course, until there is a wardrobe malfunction during the Super Bowl or someone uses vulgar or profane language over the airwaves. However, way before social media enabled millions to reach, motivate, and even bypass legacy outlets that often ignore voices with contrary positions, there was Commissioner Michael J. Copps, “master organizer and coalition builder,” sounding the alarm about media ownership consolidation, rallying thousands at town halls, dissenting against issues out-of-sync with the public interest, and educating the previously uninformed and powerless. By opening the FCC process to the public, Commissioner Copps helped make possible the public’s participation in our ongoing Net Neutrality debate.

Commissioner Copps frowned on regulators who succumbed to being insular in their decision-making. His unwavering support for those seeking to level the playing field continues to inspire. While I often saw myself as being a “voice for the voiceless” during my nearly nine years of service on the FCC, I must say that much of my daily inspiration and boosts of courage needed to fight the often-lonely battles for diversity, inclusion, digital equity, and more, came directly from the strategic playbook of my favorite regulatory professor.

This report rightly affirms that “Michael J. Copps was a great dissenter and public interest defender.” But for any person or group on their own journey to level the playing field, become more relatable as a communicator, or leave the world better than they found it, this report is one of the best primers available to learn best practices and honor a person who continues to reimagine and fight for democratized principles.

– Mignon L. Clyburn  
*FCC Commissioner, 2009–2018*



# The Media Democracy Agenda The Strategy and Legacy of Federal Communications Commissioner Michael J. Copps

by Victor Pickard and Pawel Popiel  
*Annenberg School for Communication, University of Pennsylvania*

## Introduction

This report, part history and part strategy playbook, examines the tactics and policy priorities of former-Commissioner Michael J. Copps during his 10 years at the Federal Communications Commission. An analysis of Commissioner Copps’s tenure, his political strategies, and his legacy is a timely endeavor, both for its historical importance and for its contemporary relevance. As a commissioner in the minority during the George W. Bush presidency, Commissioner Copps was remarkably effective in leading a progressive policy program at the FCC – one that helped galvanize a larger media reform movement that remains active today.

The report also fleshes out the core democratic principles that undergirded Commissioner Copps’s commitment to democratizing the media system. These included media diversity, public-service journalism, transparency in political advertising, and an open Internet. Drawing from three case studies of his major policy initiatives, the report sheds light on the specific tactics and strategies Commissioner Copps deployed during his time at the FCC. By providing an account of such a “usable past,” this report aims to help chart a path toward actualizing a more democratic media system. To situate Commissioner Copps’s tenure within a larger historical trajectory, the following section provides background of the FCC and its often-forgotten progressive policy traditions.

## Historical Context

The Federal Communications Commission was established by the Communications Act of 1934, which served as its founding charter and the blueprint for its regulatory power over core communication systems, including telephony and broadcast media.<sup>1</sup> Drawing from the Radio Act of 1927 that established the Federal Radio Commission, the Communications Act gave the FCC the authority to regulate communication systems according to the “public interest, convenience and necessity.” While its approach to the telecommunications industry was somewhat more aggressive, the Commission remained largely non-confrontational in its interactions with commercial broadcasters during its earliest years.

From its beginning, the FCC faced several regulatory quandaries, including the task of granting licenses to broadcasters according to vague public-interest criteria. Programming regulation was especially a thorny terrain: the FCC was forbidden by the Communications Act to censor content and public-interest standards provided little guidance. Any attempt to clarify regulatory guidelines faced aggressive push back from the commercial broadcast industry. With broadcasters often accusing the FCC of paternalism and violating their First Amendment rights, these power struggles usually hinged on the question of government’s proper role in media regulation.

Despite its New Deal origins, the FCC did not initially launch a reformist agenda. The agency lacked the zeal that characterized other New Deal regulatory bodies, and President Franklin D. Roosevelt did not devote much attention to it during the FCC’s early years. Many of the first FCC appointments were uninspiring, described years later in *Newsweek* as “political hacks and has-beens who were content to draw their paychecks.”<sup>2</sup> Moreover, FDR’s cozy relationship with broadcasters may have encouraged complacency toward the increasingly-concentrated industry and commercialized medium. Recalling the FCC’s close ties to media corporations, the inveterate media reformer Everett Parker quipped that of the seven-person agency, “four commissioners were vetted by AT&T and three by broadcasters.”<sup>3</sup> Indeed, a degree of “regulatory capture”—when federal agencies act in concert with, or at the behest of, the industries they purportedly regulate—accurately characterizes much of the FCC’s behavior, then and now.



Despite this historic tendency to accommodate corporate power, an alternative tradition of FCC reformism also emerged, albeit one that was often sporadic and besieged. This tradition first manifested in the early 1940s. As newspapers rapidly bought up radio stations, FDR saw in this growing media consolidation a threat to democracy and a political challenge to his New Deal agenda. With these concerns in mind, he appointed to the FCC’s helm James Lawrence (Larry) Fly, an anti-monopoly crusader and a progressive Texan who had a reputation of relishing a good fight.<sup>4</sup>

Under Fly’s leadership, the FCC aggressively confronted media monopolies and defended public-interest principles while facing considerable political opposition. Fly, along with another southern progressive,

Clifford Durr, initiated a nearly decade-long progressive orientation for American media policy at the FCC. This early series of FCC policy battles—in many ways the New Deal’s last stand—was snuffed out by the late 1940s after years of red-baiting that equated public-interest regulation with socialism.

Nonetheless, reformers would periodically re-emerge over subsequent decades, including a thin line of progressive commissioners who unabashedly advanced a media democracy agenda at the FCC. In addition to Fly and Durr, this lineage includes commissioners such as Frieda Hennock, Newton Minow, Nicholas Johnson, Gloria Tristani, Jonathan Adelstein, and, most recently, Mignon Clyburn and Jessica Rosenworcel. Commissioner Copps’ policy activism can be located firmly within this longer historical tradition at the FCC; a lineage dedicated to public engagement and skepticism toward corporate power.

In a special forum published in *The Nation*, Copps approvingly invoked FCC Chairman Larry Fly as a “card-carrying New Deal trustbuster.”<sup>5</sup> He contrasted Fly’s reformist tradition with the market fundamentalist approach that emerged during the Reagan-era at the FCC under the leadership of Chairman Mark Fowler. Fowler viewed media products and institutions as if they were simple commodities, describing television as nothing more than a “toaster with pictures.” Copps elevated a very different vision of what the proper role of media—as well as the role of government—should be within a democratic society. But it would require grassroots movements to actualize this vision. He concluded his call to action by declaring “The struggle for media democracy is uphill but winnable.”<sup>6</sup>

If Michael J. Copps’s progressive sensibility was rare at the Commission, the fact that he is an important exception to the much-lamented revolving door phenomenon makes him stand out even more. Already operative in the 1940s, this shuffling of personnel between the federal government and large corporations remains a standard practice to this day. One analysis by the media reform organization Free Press found that of the 27 commissioners and chairs who served on the FCC between 1980 and 2018, at least 23 had gone to work for corporations in the industries they previously regulated.<sup>7</sup> Some cases have been quite blatant, like when former-Commissioner Meredith Atwell Baker left the FCC to become a Comcast-NBC lobbyist not long after voting to approve those companies’ mega-merger. Similarly, former-FCC Chairman Michael Powell now heads the cable industry’s top lobbying firm, NCTA. It is also noteworthy that current FCC Chairman Ajit Pai, well-known for his corporate-friendly policymaking, is a former attorney for Verizon.

The FCC’s revolving door attests to the Commission’s capture by corporate interests, which for decades often have had an outsized influence on media and telecommunications policy. This regulatory capture—which also affects other areas of government—gradually leads to a “discursive capture,” yielding master narratives that systematically write off alternative policy options like enforcing public-interest obligations, subsidizing public media, and trust-busting corporate monopolies.<sup>8</sup> Such regulatory retreat—in recent decades often referred to as “deregulation”—contributes to a pervasive and systemic market failure that characterizes much of our contemporary media system.

Given his efforts to take a stand against this status quo and to expand the space for alternative policy ideas, Commissioner Copps’s FCC tenure provides a timely and necessary case study from which we can glean lessons for our current era and beyond. A serious look at this legacy can help broaden our imagination about what is possible in progressive policymaking. This legacy can provide seeds for a long-term media democracy agenda.

## Biographical Background

Originally from Milwaukee, Wisconsin, Michael J. Copps moved to South Carolina with his family in 1959. When he was in his early teens, he recalls growing interested in politics and political life. He started writing letters to senators and getting their autographs and pictures. Having decided that he wanted to go into politics, Copps attended Wofford College in Spartanburg, where he received his B.A. in 1963.<sup>9</sup> Following his undergraduate studies, he intended to go to law school as a pathway to politics and Washington, D.C.<sup>10</sup> However, during his time at Wofford he discovered a passion for history and chose to pursue a doctorate in American history at the University of North Carolina at Chapel Hill.<sup>11</sup>

Studying American history would have an impact on Copps's approach to his later work at the Federal Communications Commission. As a graduate student, he considered how the Founding Fathers emphasized the necessity of building out public infrastructure, investing in public goods, and supporting a robust press. This early training impressed upon him the importance of government's responsibility for investing in, and managing, common resources. And his ability to adopt a historical perspective on media policy would prove to be a valuable skill.

After receiving his Ph.D. in 1967, he spent three years teaching U.S. history at Loyola College in New Orleans.<sup>12</sup> His passion for history and its lessons would inform many of the motivations and rationales for his policy decisions during his time at the FCC. Interpreting the FCC's public-interest mandate through a historical lens provided a normative foundation that often put him at odds with his Republican colleagues, who argued against FCC intervention in media markets.<sup>13</sup>



Ernest "Fritz" Hollings

His political career effectively began in 1970—a turbulent time in D.C., with the Vietnam War raging on—when he was hired to assist Senator Ernest "Fritz" Hollings, a centrist Democrat from South Carolina who served from 1966 to 2005.<sup>14</sup> Copps, who had recently been engaged, told his soon-to-be-wife Beth, "Don't worry, this is just passing. I just have to get this out of my system. And we'll return to the groves of academia in a few years."<sup>15</sup> Copps left his teaching position at Loyola and the couple moved to Washington, D.C., where Copps worked for Hollings as a researcher and a writer.<sup>16</sup> Despite his assurances to Beth, the couple stayed in D.C. Copps soon became Hollings's chief of staff and they worked together for 15 years, becoming close friends.

Hollings admired Copps's intelligence ("I was glad to have somebody that erudite"<sup>17</sup>), although he immediately brushed away Copps's academic analysis of politics. Hollings had strong opinions and was not afraid to share them, including his staunch opposition to media consolidation. To this day,

Copps credits Hollings in part for his own outspokenness on issues he cares about.<sup>18</sup> Copps learned a lot about politics from Hollings. The senator saw educating the public as an integral part of holding public office, which he demonstrated by writing newsletters to his constituents, informing them of his political

positions and the rationale behind them. While some disagreed with Senator Hollings, they admired his honesty, which, according to Copps, gave him his credibility.<sup>19</sup> Copps himself would later adopt a similar form of public accountability in his own battles over media ownership during his time at the FCC.

In 1985, Copps left his position with Hollings and went into the private sector, which included working as a lobbyist for Collins & Aikman, a Fortune 500 company, and then for the American Meat Institute, a trade association.<sup>20</sup> During this time, Copps became an effective lobbyist by honing his skills at crafting persuasive messages for the public. These experiences also taught him about the power of special interest groups.<sup>21</sup>

Copps soon craved a return to the public sector, which he did in 1993 after Bill Clinton was elected president. He first served as deputy assistant secretary at the Department of Commerce. Then, in 1998, he was appointed Assistant Secretary for Trade Development at the Department of Commerce, where he stayed until the end of the Clinton administration.<sup>22</sup> During his tenure, he contributed to stronger public-private sector partnerships that sought to expand global market access and share for American industry, including the burgeoning area of information and communications technologies.<sup>23</sup>

At the end of the Clinton presidency, Copps began the search for a new position. He learned from Senator Hollings of an impending vacancy at the FCC. As the chair of the Senate Commerce Committee, which oversees the FCC, Hollings was well-positioned to help Copps apply for the job. Copps recalls:

[W]e went down and talked to Senator [Tom] Daschle, who was the leader at the time, to get a Democratic sign-off. The way it worked was, even if there was a Republican president, if there was a Democratic seat on an independent commission, the Republican president would let the Senate Democrats propose potential nominees.<sup>24</sup>

Daschle approached President Bush and recommended Copps for the position.<sup>25</sup> Bush nominated him, and Copps was sworn in as a Democratic commissioner on May 31, 2001. He served there for two terms, until December 31, 2011, with a stint as Acting FCC Chairman from January 22, 2009 to June 28, 2009.<sup>26</sup>

Copps took to the job immediately, galvanized by a sense of freedom he felt at the Commission:

The best thing about it is the independence that comes with the job and that's the first time I'd ever had it. There aren't too many jobs like that in government where you don't report really to anybody but yourself. You can say the wrong thing and get yourself in trouble, but it's different when you're speaking for yourself rather than for the Secretary of Commerce and you say something wrong. That's really valuable, that independence. It just makes it a unique job, a powerful job, and really an enjoyable job.<sup>27</sup>

Copps's independence and his approach to the job was guided by democratic principles that ultimately defined his tenure at the FCC. In the following section, we examine and discuss these principles.

Commissioner Mike Copps and I worked hand in hand to promote media democracy at the FCC, in town halls and other public events around the country, and working directly with the media industry that the FCC oversees. At every turn, Mike Copps expressed his conscience, and what he believed was right for the country, with no fear or favor. He took as gospel the charge in the Communications Act to work on behalf of the public interest, not the interests of the industries we regulated. Some criticize the FCC for too often acting like a captured agency, but Mike Copps was captured by nothing but what he believed to be in the best interests of the American people. In hour after hour of public testimony in field hearings we held together across the country, we maintained rapt attention because we so strongly believed we were hearing the voices of those we were committed to serving. His unwavering commitment to media democracy and social justice left a mark so strong that it helped catapult new organizations and a whole social movement that persists to this day, and is nurtured by his continued support since he left office.

Jonathan Adelstein, FCC Commissioner, 2002–2009

## Democratic Principles

First and foremost, Michael J. Copps believes that a diverse and open media system—one dictated by public and not corporate interests—is vital to a healthy democratic society. Copps recognized that the increasing wave of media “deregulation” and consolidation ran counter to this vision. This negative trend picked up force under President Ronald Reagan but continued largely unabated during the Clinton administration with policy interventions such as the Telecommunications Act of 1996, which was the first major amendment to the Communications Act of 1934. Although this deregulatory paradigm went largely unquestioned at the time, Copps believed it was undermining the democratic potential of society’s communications systems and infrastructures.

In contrast to this deregulatory paradigm, several core democratic principles came to define Commissioner Copps’s tenure at the FCC, guiding his approach to major policy issues like growing media ownership concentration, weakening public-interest journalism, and the battles over net neutrality. The principles are: 1) increasing the diversity of media ownership to better represent diverse communities, 2) ensuring that public engagement should play a strong role when defining the public interest, and 3) opposing corporate influence on political processes. Copps understood at a visceral level the corrosive effect that unmitigated commercial forces could have on the democratic potentials of media. He reflected this understanding when he stated:

A diverse and open media system is vital to a healthy democratic society.

As my own hero, Franklin Delano Roosevelt, put it in a letter to Joseph Pulitzer, “I have always been firmly persuaded that our newspapers cannot be edited in the interests of the general public from the counting room.” So, too, for broadcast journalism. This is not to say that good journalism is incompatible with making a profit—I believe that both interests can and must be balanced. But when TV and radio stations are no longer required by law to serve their local communities, and are owned by huge national corporations, viewers and listeners have become the products that broadcasters sell to advertisers.<sup>28</sup>

Having observed the diminishing ownership of local radio among communities of color, he saw growing media ownership consolidation as a threat to localism, to a diversity of voices and views, and to a strong, accountable press. In particular, Copps was committed to diversifying media ownership to better serve the communication and information needs of diverse communities. Mainstream commercial media’s failure to adequately represent all the people it is licensed to serve was a recurring critique leveled by Copps and fellow Commissioner Jonathan Adelstein, both of whom formed a progressive minority at the FCC from 2002-2009.

At a September 2007 FCC hearing on Chicago’s South Side, Adelstein, sharing the stage with Commissioner Copps, told an audience of 800 that, despite Chicago being one of the most diverse communities in America:

Ownership of media outlets looks nothing like the people they are licensed to serve. It is outrageous that Chicago, with all its diversity, has the lowest proportion of minority radio ownership of the nation's 22 largest markets. Roughly two-thirds of the people in the city are black and Hispanic, and over half are women. But they collectively own just six percent of TV and radio stations in the Chicago market.<sup>29</sup>

A driving force behind this critique, undergirding all of Commissioner Copps's policy positions, is the belief that the "public interest" is a first order principle worth defending. Shortly after joining the FCC, he stated that "the public interest is my lodestar as I wrestle with all the many issues coming before the Commission."<sup>30</sup> Although Republican Commissioners such as Michael Powell would often dismiss the idea as hopelessly vague, for Copps, the principle is far from an empty concept:

Some question the relevance of the public-interest standard. "It can't be quantified," they say. Or "It's never really defined." Or "It's just abstract theory devoid of real-world application." ... Well, many of life's good things aren't quantifiable; most are not defined for all time; and many of them, like "public interest," can be abused, no question about that. But they are no less real for all of that.<sup>31</sup>

Copps sees the public interest as something distinct from that which primarily serves commercial interests. These commercial interests should be "thoroughly considered and vetted by those agencies that regulate"<sup>32</sup> according to ideals inscribed in the Communications Act like universal service and competition. Copps articulates a robust vision of competition by invoking the democratic notion of a marketplace of ideas:

It is in this marketplace where the values of a democratic society can best be exchanged. For each American to benefit from the marketplace of ideas, there must be a diversity of sources of programming available in each community. Not just a variety of stations and formats, because variety and diversity are not the same thing, but diversity of ownership and diversity of programming reflecting the increasing diversity of our society. An informed citizenry, cognizant of the complexity and diversity of opinions on the issues of the day, is part and parcel of the public interest. And part and parcel of that informed citizenry are localism and the avoidance of excessive market power.<sup>33</sup>

However, he warns that if the market fails to sustain a rich marketplace of ideas, regulators have the duty to intervene: "Where market failures persist or develop, however, we must respond with clear and enforceable rules tailored to serve the public interest."<sup>34</sup> At the same time, he believes that regulatory agencies serve the public interest more broadly only when they are "open, transparent and predictable."<sup>35</sup>

Copps also believes that public engagement should play a strong role when defining the public interest. For Copps, this principle applies to all key media policy issues. For instance, in an essay on the threat media ownership consolidation poses for broadcast journalism, he writes:

Building a media environment that truly reflects and truly nourishes our diversity and democracy may be our nation’s greatest calling now, because, without that, all the other huge issues we confront won’t receive the kind of true journalistic scrutiny they need if they are to find satisfactory resolution. The best way to do this is together—the public as well as the private sector, stakeholders as well as stockholders. But, for heaven’s sake, let’s get away from all the endless, mind-numbing prattle about how this is somehow a question of regulation versus deregulation, or of being for or against business. This is about the *people’s business*, about citizens acting together.<sup>36</sup> [emphasis in original]

Following in the footsteps of FCC commissioners like Clifford Durr and Nicholas Johnson, who sought to open up the Commission to the public, Copps and Adelstein organized both formal and informal gatherings and events across the country.<sup>37</sup> Operating on a small budget and a demanding time schedule, they organized numerous public forums on a range of issues — from the FCC’s relaxation of broadcast ownership caps in 2003, to subsequent media and telecommunications mergers, to the transition to digital TV.

Between February 2003 and the end of his FCC tenure in December 2011, Copps organized scores of such public hearings and community meetings.<sup>38</sup> Through these encounters, Copps and Adelstein learned about the impact of various policies like media ownership deregulation on different communities. The meetings not only helped forge public opinion about these issues, but also sought to increase policymaking legitimacy and accountability by involving the public in typically sealed-off and technocratic processes. Copps and Adelstein embraced the potential of a grassroots approach to impacting media policy outcomes. The grassroots organizing that emerged in 2003 in opposition to relaxing media ownership rules in many ways set the stage for later policy battles around intellectual property laws and net neutrality.<sup>39</sup>

Diverse media ownership better represents diverse communities.

Copps’s democratic approach to soliciting policy input took seriously the “public” in the public interest at a time when commercial broadband access and other communication technologies emerged. As Copps put it:

I’ve had a lot of interesting jobs in Washington, but that was one of the best jobs in government, being a Federal Communications Commissioner, because you’re exposed to all these edge-of-the-envelope issues at a time when technology is just exploding and the Internet and broadband coming center-stage in our lives. You’re right in the middle of it as a commissioner, making decisions in all these worlds. So, you meet innovators, business people, stakeholders of every type, and, of course, the public-at-large—everybody who’s involved in these issues.<sup>40</sup>

It was this last group—the public-at-large—that Copps treated as his most important constituency.

Mike Copps is a man of unerring integrity. He brought that steely commitment to principle to the FCC with an authentic passion that cut through the heavy cloud of procedure, politics, and personal ambition that so often deflect even the most well-meaning of commissioners from the path of genuine public service. He was probably the most effective minority commissioner in history. He did that by taking a sleepy agency that few Americans had ever heard about and turned its business into a constant public hearing about the integrity of democracy and the future of technology and society. He put the bright line of public scrutiny on the big issues of media consolidation, net neutrality, and affordable Internet access. For a time, in large part thanks to him, the Commission escaped its modern reputation as a captured agency and industry referee and actually listened to real people.<sup>41</sup>

Ben Scott, Chairman of the Board, Free Press

## A Media Democracy Agenda

Throughout his time at the FCC, Michael J. Copps articulated and fought for what he called a “Media Democracy Agenda.” This reformist project would require a new social contract between media corporations, government, and the public.<sup>42</sup> Copps proposed this new bargain at a January 2007 media reform conference in Memphis, which had over 2,500 people in attendance. This “New American Media Contract” declared that “We, the American people, have given broadcasters free use of the nation’s most valuable spectrum, and we expect something in return.”<sup>43</sup> Copps defined this contract according to five rights: “media that strengthens our democracy; local stations that are actually local; media that looks and sounds like America; news that isn’t canned and radio playlists that aren’t for sale; and programming that isn’t so damned bad so damned often.”<sup>44</sup>

Linking media and democracy was central to Copps’s media reform activism.<sup>45</sup>

I think [Copps’s] efforts succeeded in alerting a large swath of the American people to the importance of the media ecosystem. I think more than any other single public servant, he created, encouraged, nurtured, and inspired the reforms out there that became part of political campaigns and a part of citizens’ concerns. ... I think he had a profound impact on our civic dialog around media and democracy.<sup>46</sup>

Bill Moyers, Journalist and Political Commentator

Much of Copps’s media democracy agenda meshes with social democracy.<sup>47</sup> This paradigm privileges a media system’s public service mission over profit imperatives. Emphasizing social benefits over property rights, it assesses a media system according to whether it benefits *all* of society rather than how it enhances individual freedoms and profits for a relative few, and usually at the expense of the already most-marginalized communities. It also assumes that positive freedoms (e.g., freedom *to* access high-quality information) should be valued as much as negative freedoms (e.g., freedom *from* government intrusion), and universal rights are championed as much as individual consumer rights.<sup>48</sup> Thus, it values society’s collective rights—shared among diverse publics, audiences, and communities—at least as much as the individual freedoms most cherished within libertarianism and classical liberalism.

In articulating this larger media democracy agenda, Copps recognizes that diverse sources of information are the lifeblood of democracy:

A democracy runs on information. Information is how we make intelligent decisions about our future and how we hold the powerful accountable. Deprive citizens of relevant, accurate, and timely information and you deprive them of their ability to govern themselves. Indeed, if you look at the three core values of our media policy from time immemorial—localism, diversity and competition—they are really aimed at a single goal: to ensure that the American people have access to a wide range of information on issues of public concern. We're in trouble on this score. Two decades of mindless deregulation—only briefly interrupted—topped off by a veritable tsunami of consolidation across not just communications, but most business sectors, have succeeded in bringing our economy low and endangering the essential civic dialogue on which democracy depends. I've said it before but I'll say it again: we are skating perilously close to depriving our fellow citizens of the depth and breadth of information they need to make intelligent choices about their future. Newsrooms decimated. Beat reporters laid off. Newspapers literally shrinking before our eyes. Infotainment. Sensationalism. Cable news mud-wrestling. Homogenized play-lists. You all know the bill of particulars. ... All that consolidation and mindless deregulation, rather than reviving the news business, condemned us to less real news, less serious political coverage, less diversity of opinion, less minority and female ownership, less investigative journalism and fewer jobs for journalists.<sup>49</sup>

A media democracy approach legitimizes public policy that begins with the question of whether a policy is good or just, as opposed to whether it is merely profitable or efficient. Moreover, this orientation accepts that media systems are especially susceptible to various kinds of “market failure” in which the private sector offers inadequate support.<sup>50</sup> The paradigm emphasizes that communication services and infrastructures are too vital to be dependent on the mercy of market fluctuations. A more optimal arrangement calls for a mixed system of private and public institutions, with the latter often requiring special protections. This approach thereby seeks to reinforce civil society's foundations by promoting public investments in critical infrastructures like public media and broadband access.

Copps consistently adhered to this media democracy agenda throughout his time at the FCC. While such aims may seem uncontroversial, pursuing them often placed him in the minority of the Commission on many issues, most clearly in his sustained resistance against growing media ownership concentration, which he saw as a grave threat to democracy. Consequently, when the Republican-led FCC announced it was going to loosen media ownership restrictions, Copps became an often-lonely voice at the FCC, actively fighting against the pro-corporate “deregulation” in support of the public interest.

There are many policy initiatives and efforts that highlight Commissioner Copps's tactics and democratic principles in action. To bring this media democracy agenda into focus, we have selected three exemplary case studies: media ownership, public service journalism, and net neutrality.

## Media Ownership

The fight against media ownership consolidation was a central concern during Copps's FCC tenure. His approach to waging that fight not only demonstrates his staunch commitment to core democratic values but also exemplifies his tactical style. Particularly, Copps's approach illustrates his continuous articulation and defense of a robust notion of the public interest while constantly engaging the public—especially groups he refers to as “non-traditional stakeholders” such as communities of color, low-income groups, and other marginalized communities. Commissioner Copps consistently reached out to these groups for input on key policy issues that directly impacted them.<sup>51</sup>

An important antecedent to these media ownership battles was the Telecommunications Act of 1996. This legislation deregulated the telecommunications and media sectors to, at least in theory, stimulate competition. Around the time of its passage, there was a general optimism about emerging tech markets, particularly those connected to the diffusion of the commercial Internet. However, by 2001 this heady exuberance about the “dot com” sector subsided somewhat with the bursting of the tech bubble, which sent ripples through the entire economy. Instead of the competition that proponents of the Telecommunications Act promised, the law spurred on a merger-mania and unprecedented ownership consolidation, particularly in the radio industry where large companies like Clear Channel bought up scores of local stations. The Republican agenda under the Bush administration was to deregulate various sectors, including media and telecommunications, and Republican FCC commissioners were appointed to advance this objective. Michael Powell, who joined the FCC under the Clinton administration, became the new chairman, with Kevin J. Martin and Kathleen Abernathy filling the other Republican seats.

Michael J. Copps was appointed commissioner in 2001, joining Commissioner Gloria Tristani in the Democratic minority at the FCC. When Tristani, who was appointed in 1997, stepped down in September 2001, Copps became the only Democrat at the FCC, with the second Democratic seat remaining vacant until December 2002.

As both a Democrat and a historian among lawyers, Copps viewed policy matters through a different prism than his Republican counterparts. He quickly found himself at odds with Chairman Powell, whose deregulatory fervor appealed to the Bush administration. Copps and Powell clashed over media ownership consolidation, and Commissioner Copps was forced to take a stance on the issue early on:

I think the first time [then-FCC Chairman] Michael Powell asked me to do anything, it was to approve a media consolidation deal. I think it was a Fox and Chris-Craft merger, and he really wanted to have my vote for that. ... I didn't go along ... but I realized right then this was going to be a big issue going forward. As a



historian, I had some knowledge of, and interest in, and worry about, how our democracy was doing. Were we making intelligent decisions? Was journalism surviving? ... Were media truly serving the people?<sup>52</sup>

In addition to concerns about the future of journalism, Copps also worried about ownership consolidation translating into a dangerous accumulation of market power by media giants. For instance, after casting the sole dissenting vote to a merger between Comcast and AT&T Broadband in 2002, he said:

The sheer economic power created by this mega-combination, and the opportunities for abuse that would accompany it, outweigh the very limited public-interest benefits that either the Applicants or the majority find here.<sup>53</sup>

Such considerations set Copps apart from his Republican colleagues. Instead of engaging with pressing social problems, the latter sought to limit the FCC's role in regulating media and telecommunication markets, which followed the Bush administration's broader deregulatory agenda. Although Chairman Powell said he shared Copps's concern about the media ownership concentration that wiped out local radio,<sup>54</sup> he did not imagine the problem arising in other media markets. For Powell and for his fellow Republican commissioners, media markets were sufficiently competitive and diverse thanks to a growing Internet sector and a satellite TV duopoly.<sup>55</sup> As the commissioners' positions on ownership regulation crystallized, Copps found himself in conflict with his Republican counterparts after just a few months on the job.

In late 2001, Powell initiated a study of the FCC's media ownership rules in preparation for the agency's biennial review in September 2002. Mandated by the Telecommunications Act of 1996, the purpose of the review was to spur deregulation by identifying purportedly outdated or unnecessary regulations that should be updated or eliminated. When September arrived, the FCC announced the review of six media ownership rules, among them a ban on newspaper and broadcast station cross-ownership, as well as regulatory caps on local and national TV station ownership by a single company.<sup>56</sup> These rules prevented companies from owning more than two TV stations in large cities and one station in smaller markets. The ownership caps prevented a single entity from owning TV stations with a reach of more than 35 percent of the population, which was itself a significant increase of where it had stood in previous years.<sup>57</sup>

The media lobbies, whose interests favored eliminating ownership restrictions, provided significant input into the debates over what rules should be cut.<sup>58</sup> The FCC held more than 70 closed-door meetings with corporate representatives after the review of the ownership rules was announced, including with Fox's Rupert Murdoch, Viacom's Mel Karmazin, and Disney executives. Additionally, the agency's decision-making drew heavily on industry-provided data to inform its analysis.<sup>59</sup>

Copps, whose questions about the social and political impact of such deregulatory reforms remained unanswered, recognized the insularity and air of inevitability with which the Republican commissioners approached the biennial review:

I could see that unless something was done, this was going to be an inside-the-Beltway, business-as-usual operation. The Big Media guys would come by

and present their beautifully wrapped-and-bound petitions and pleadings to the commission, and we wouldn't hear from too many other people, people who were going to be affected by the loss of a local station or the closing of a newsroom and the firing of journalists and all.<sup>60</sup>

Indeed, with support from the Republican Congress, the White House, and his fellow FCC Commissioners Abernathy and Martin, Powell proposed to eliminate these rules, and raise the national ownership cap to 45 percent.<sup>61</sup> In Powell's view, which echoed those of the National Association of Broadcasters and media conglomerates, the diffusion of cable, Internet, and satellite undermined the rationale for media ownership caps, bringing about competition that guaranteed viewpoint diversity. Moreover, he argued that ownership restrictions made it more difficult for broadcasters to compete with cable and the Internet, jeopardizing over-the-air stations' ability to continue to offer free TV channels to the public.<sup>62</sup> Facilitating media mergers, and thus operational flexibility, would not only enable larger media companies to continue to provide free, over-the-air television, but also to increase their investment in local news in line with the FCC's emphasis on localism.<sup>63</sup>

Although they would sometimes clash on other issues, Powell found a stalwart supporter in Kevin Martin, a former counsel to the Bush campaign who advised then-candidate Bush on telecommunications issues,<sup>64</sup> and who opposed the TV-newspaper cross-ownership ban in particular. As Martin argued, echoing Powell, "the media landscape has changed,"<sup>65</sup> and therefore, the rule was no longer necessary. Ultimately, operating with narrow criteria for what constitutes a competitive and diverse market, Powell swept away concerns that eliminating the rules would result in greater ownership concentration.<sup>66</sup>

Copps acknowledged that consolidation in broadcasting facilitated bigger profit margins, potentially saving some stations from shuttering. But he did not believe that enabling further ownership consolidation would inevitably benefit the public interest. The ownership rules were bound up in questions about the future of "localism, diversity, competition, and the multiplicity of voices and choices that undergirds our American democracy,"<sup>67</sup> he argued, and their review should not be rushed. He also believed this process should strictly adhere to the FCC's mandate – the public-interest standard:

Some still argue that "public interest" shouldn't count for much in our ownership reviews, and that this is just about picking a number and letting business build up to the limit. ... [N]one of us embraces the concept that the public interest means anything other than the traditional Commission public-interest standard. ... [W]e should change our media ownership rules only if real evidence demonstrates that the public interest continues to be served by doing so.<sup>68</sup>

In contrast to this steadfast belief in a democratic principle, commercial broadcasters and their allies argued that the "public interest" was largely meaningless. This position was exemplified by an infamous comment that Michael Powell made in a 1998 speech. Powell described waiting up all night after he first became an FCC commissioner for the "angel of the public interest" to finally teach him the meaning of the phrase, but she never visited him, suggesting that the concept was vacuous.<sup>69</sup> And as long as the concept remained ill-defined, it was difficult to defend.

Nonetheless, while some lobbyists and corporate representatives argued the Telecommunications Act required the FCC to eliminate the ownership regulations, Commissioner Copps vehemently disagreed and stood by his guns. If empirical evidence revealed they served the public interest – if a rationale for keeping them could be provided – the rules should be kept, he argued.

Deploying these arguments, Copps’s main intervention was to expand the scope of the FCC’s inquiry. To examine whether increased ownership consolidation served the public interest meant talking to the public. Rather than accept the elimination of the rules as a foregone conclusion, he argued that “[w]e need as many stakeholders as we can find to take part in this proceeding. I want to hear more from industry, from labor, from consumers, from academe, from artists and entertainers, from anybody who has a stake in how this is resolved.”<sup>70</sup>

Indeed, alongside Copps’s continued resistance at the FCC, an opposition was brewing.<sup>71</sup> Many observers viewed Powell’s claims as little more than justifications for profit-driven media consolidation. A growing coalition composed of a wide range of constituencies, including media advocacy organizations, activist

In the face of virtually-insurmountable odds to upend the elimination of media ownership rules, Commissioner Copps launched a whistle stop tour across the country that galvanized bipartisan opposition that helped limit media deregulation. His heroic and sustained leadership serves as a guiding example for everyone who seeks to preserve a diverse and democratic marketplace of ideas.

Gene Kimmelman, President and CEO, Public Knowledge

groups, and even trade associations and conservative interest groups, argued that while cable, Internet, and satellite outlets were growing, Powell conveniently ignored that the content they distributed was produced and owned by only a few media corporations. This concentration in media markets threatened, they argued, rather than encouraged viewpoint diversity and localism. Contrary to Powell’s arguments, media corporations would have incentives to merge in pursuit of economic efficiencies instead of increasing investment in local news and investigative journalism.<sup>72</sup>

In December 2002, Jonathan Adelstein filled the remaining Democratic seat on the FCC. Like Copps, Adelstein was a historian by training who came to the Commission after serving as an aide to Senator Tom Daschle (D-SD), advising the senator on telecommunications, among other issues.<sup>73</sup> Powell attempted to

persuade Adelstein to support his deregulatory agenda, but the commissioner aligned with Copps instead, expressing concerns about the potentially negative consequences of eliminating the media ownership rules.<sup>74</sup>

With the fresh memory of local stations hollowed out by consolidation in the radio industry, Copps, Adelstein, and media activists argued for prioritizing diversity, localism, and the public interest over media giants' profits. They were also concerned that the media ownership rules review process would be confined to discussions between industry lobbyists and receptive regulators, and that the resulting rules would negatively impact democratic discourse.<sup>75</sup> In response, Copps and Adelstein sought to draw the public into the process by holding hearings on the media ownership debate. Since the rule review would have public ramifications, the move was intended to open the conversation up and tilt the balance of power away from the dominant contributors to this debate, namely industry representatives. Copps had already met with a bipartisan mix of public-interest groups and other stakeholders, which started to attract attention to the issue. But he wanted to expand the discussion even further by having the FCC hold official public town halls as part of the rule review process itself.

At first, the idea seemed too radical. Many insiders assumed that Copps simply did not understand how the agency typically conducted policymaking in which experts dictated the parameters of debate.<sup>76</sup> Powell dismissed Copps's outreach as a "19th-century whistle-stop tour,"<sup>77</sup> claiming it was unnecessary since the public could submit comments to the FCC electronically and the agency had already received 13,000 of these specifically pertaining to media ownership. But Commissioners Adelstein, Copps, and even Martin eventually argued that, given the weight of the policy issue, holding more public hearings would be beneficial. Copps said, "We can't pretend everyone reads the Federal Register or has lobbyists to make their voice heard at the FCC. We have a responsibility to reach out."<sup>78</sup> By January 2003, even the Senate Commerce Committee, which provides Congressional oversight of the agency, expressed concern that Powell was proceeding to make changes to ownership rules without significant input from the public or Congress.<sup>79</sup>

Caving to pressure, Powell agreed to hold an official FCC hearing in Richmond, VA, in late February 2003. Meanwhile, Copps had capitalized on this opening, and pushed for another public meeting on media ownership at Columbia University's Law School in New York City. Although not an official FCC event like the upcoming Richmond hearing, Powell felt compelled to attend, joining the other four commissioners. Members of public-interest groups, think tanks, and trade associations made up the bulk of the audience – far outnumbering media industry representatives – and they expressed anxiety about media ownership consolidation.<sup>80</sup> Powell stated his position: "The rule falls unless otherwise justified. The court said we want empirical justification for the rules or we'll eliminate it."<sup>81</sup>

A month later, at the Richmond hearing – the only other such event Powell would attend<sup>82</sup> – Copps drove home the vital importance of conducting these discussions within a public forum:

[N]o issue pending before the Federal Communications Commission is so important as the decision on whether to eliminate or significantly change our media concentration protections. ... [W]hat we decide will have a formative influence on how our media will look for many years to come. I believe that fundamental values and democratic virtues are at stake – things like localism, diversity, competition and maintaining the multiplicity of voices and choices

that undergird our precious marketplace of ideas and that sustain American democracy.<sup>83</sup>

He acknowledged media companies' arguments about the economies of scale and efficiencies facilitated by ownership consolidation, but cautioned against sacrificing the public interest for profit. Copps warned that radio served as a portent of what could happen if the ownership rules were relaxed – in just seven years, news content and source diversity had declined, with programming “removed from listeners and their communities.”<sup>84</sup>

Copps unflinchingly argued for the necessity of holding such meetings. First, they served as crucial public input to a governmental agency charged with considering the public interest:

[O]ur first goal in coming to Richmond is to talk with members of this community and state and to tap local expertise to help us make the right decisions and have a record of factual depth and granularity that the courts will accept in reviewing what we do.<sup>85</sup>

A second, related reason was to raise awareness:

We need to hear from stakeholders of every stripe – and, when we're dealing with the media, which is so central to our lives and our democracy, every American is a stakeholder. One thing's for sure – each of us is going to be living with the results of these decisions for a long time.<sup>86</sup>

Although Powell would not provide them with additional funds, Copps and Adelstein used their own limited travel budgets to hold numerous meetings on media ownership all across the country.<sup>87</sup> Some of these gatherings were relatively small affairs, but most were well-attended events in places like Seattle, Philadelphia, Burlington, Atlanta, and San Francisco.<sup>88</sup> These town halls would become Copps's trademark and a crucial strategy in galvanizing the public on media policy issues. At these community events, Copps introduced important policy issues, explained why they mattered for people's everyday lives, and then listened to the public express their concerns. As his former colleagues who joined him on these trips recall, he was remarkably adept at stripping away technocratic language from issues like cross-ownership regulations, thereby effectively communicating the high stakes involved in these policy decisions for his audience. For instance, at an event held at the University of Southern California in April 2003, he spoke about the values of localism, diversity, and a competitive marketplace of ideas:

Abstractions? I don't think so. These concepts go to the core of what kinds of entertainment and information we and our children will be watching and hearing. This is about everything we hear and see and read through the media, because at stake is how TV, radio, newspapers and even the Internet are going to look, what role they are going to be playing in each and every one of our lives, and who is going to be controlling them and for what purposes.<sup>89</sup>

He contested the FCC's definitions of content diversity and competition, challenging the idea that the media markets were competitive.<sup>90</sup> And when the public learned what the FCC majority's plans were, concerned citizens voiced strong opposition. People speaking out at the town halls typically would recount stories about losing local broadcasters, journalists, and independent programming in their communities because of ownership consolidation.<sup>91</sup> Copps often would stay late into the night at these events, sometimes past 1:00 a.m., so that he could hear from everyone who had something to say.

By gathering authentic stories about how media ownership consolidation had diminished local reporting, the number of journalists, and quality news programming,<sup>92</sup> the meetings served as a valuable communications tool for media reformers. However, one challenge that Copps and Adelstein faced was inadequate press coverage of their outreach and of the issue of media ownership more broadly. As Commissioner Copps described it, "The press started paying a little attention, although the media ownership issue was never adequately covered by the media because it was their ox that was going to be gored if I and the public-interest groups got our way."<sup>93</sup> The lack of coverage in advance of the meetings jeopardized turnout as well as the strategic value of holding the public events.

In an era before the ubiquity and widespread adoption of social media, such lack of news coverage was especially problematic in areas where there were no independent or local media. Copps's concern about media consolidation's negative effect on public discourse was driven home one day when he visited an editor at a major newspaper. While waiting to meet with her, he picked up a copy of that day's newspaper and saw an editorial in opposition to big oil. When the editor came out to greet him, he introduced himself and said he wanted to persuade her to run a similar editorial that targeted big media. She looked at him, shook her head and said that she enjoyed complete editorial freedom on all topics except one: media ownership.

And here I was, a sitting commissioner of the FCC. I was amazed that somebody would tell me that, admit it, generally. I almost fell through the floor when I heard that statement. So that just brought home to me what I had experienced, going around the country ... "We can't go there, because the big media company says we can't go there."<sup>94</sup>

While traditional news outlets were not eager to cover public opposition to eliminating the rules that their owners wanted to scrap, Adelstein and Copps cultivated a diverse grassroots network of activists and organizations who often deployed their own alternative media. This constellation of advocacy groups included both public-interest organizations (e.g. Consumer Federation of America, Media Access Project, and Free Press) and conservative groups (including religious ones and even, for a time, the National Rifle Association) united in their opposition to media ownership consolidation.<sup>95</sup> Copps found:

Our network did a pretty good job of getting news out to the communities we went into. Where there was independent and local media, they would publish it. Where there was just big media, conglomerated media, they wouldn't say a thing usually. Maybe there'd be a short mention that we were coming to town or had been in town, but there was no real coverage. But the grassroot [sic] networks worked.<sup>96</sup>

These networks expanded as Copps and Adelstein began to receive requests from community and public-interest groups to organize such hearings. Advocacy groups like the Benton Foundation and the Center for Digital Democracy assisted in these efforts.<sup>97</sup> Two things quickly became apparent. The first was that average members of the public, once involved in the policy discussions, cared deeply about the issue of media ownership consolidation. The second was that most people vehemently opposed any relaxation of media ownership rules.

The events held by Copps and Adelstein, along with the outreach and support of their grassroots networks, mobilized swaths of the public, with many writing to the FCC as well as to Congress to voice their opposition.<sup>98</sup> The influx of emails opposing ownership-rule relaxation caused the FCC's email server to crash. All told, 3 million Americans would contact the FCC on this subject in an immense public outcry.<sup>99</sup>

When Powell scheduled the vote on the rules for June 2, 2003, he had not made official or public the proposed changes he was considering despite growing bipartisan pressure and requests from Copps and Adelstein. Consequently, neither the general public nor the Democratic commissioners could provide feedback on the proposed regulation. Former FCC Chairman Reed Hundt criticized this maneuver at the time: "It leaps out that Chairman Powell is disrespectful of public sentiment."<sup>100</sup> When Powell finally released the proposed changes three weeks before the scheduled vote—the legally-required minimum notice—the 200-page document confirmed what Copps and Adelstein suspected. The proposed rules would eliminate the ban on broadcast and newspaper cross-ownership, allow companies to own up to three stations in the largest markets, and raise the TV ownership cap from 35 to 45 percent of the total U.S. population reached.<sup>101</sup>

With their worst fears realized and public input mostly sidelined from the review process, Copps and Adelstein requested a month's delay of the vote, a traditionally granted commissioner's right. Powell, supported by Commissioners Abernathy and Martin, turned down the request. "This isn't like wine. It doesn't get better with age,"<sup>102</sup> he said. Copps responded, "The chairman's decision not to make these proposals public, nor even to grant a short delay in voting, runs roughshod over the requests of the American people."<sup>103</sup> Following the announcement, demonstrations took place in 14 cities to oppose the elimination of the existing ownership rules.<sup>104</sup>

On June 2, Copps criticized Powell's decisions in his dissent:

The FCC is not, of course, a public opinion survey agency. Nor should we make our decisions by weighing the letters, cards and e-mails "for" and the letters, cards and emails "against" and awarding the victory to the side that tips the scale. But even this independent agency is part of our democratic system of government. And when there is such an overwhelming response on the part of the American people and their representatives in Congress assembled, we ought to take notice. Here the right call is to take these proposals, put them out for comment and then – only then – call the vote. Plausible arguments have been put forward that the letter of the

Three million people wrote to the FCC in opposition to loosening media ownership rules.

Administrative Procedure Act requires this. Other legal experts demur. I do know this: the spirit underlying notice and comment is that important proposed changes need to be seen and vetted before they are voted. Today we vote before we vet.<sup>105</sup>

Copps's dissent also distilled the essence of what was at stake by framing it as a contest between two starkly opposed visions. The first represented:

a reaffirmation of America's commitment to local control of our media, diversity in news and editorial viewpoint, and the importance of competition. This path beckons us to update our rules to account for technological and marketplace changes, but without abandoning core values going to the heart of what the media mean in our country. On this path we also reaffirm that FCC licensees have been given very special privileges and that they have very special responsibilities to serve the public interest.<sup>106</sup>

The second choice was a capitulation to corporate power "over our news, information and entertainment." Under this vision, according to Copps, "we treat the media like any other big business, trusting that in the unforgiving environment of the market, the public interest will somehow magically trump the urge to build power and profit for a privileged few."<sup>107</sup>

Copps's framing captured how the FCC's deregulatory impulses undermined the policymaking process, as well as the agency's independence. By privileging industry lobbyists' input over the public's, the FCC failed in its duty to safeguard the media system's public-interest obligations.

Copps described the FCC's 3-2 party line vote in favor of eliminating the ownership rules as "radical deregulation" of the media sector.<sup>108</sup> In his dissent, he questioned the rationale behind the decision:

Why does any corporate interest need to own three stations in any city, other than to enjoy the 40-50 percent profit margins most consolidated stations are racking up? What public interest, what diversity, does that serve? ... What new competition is enabled by encouraging the newspaper monopoly and the broadcasting oligopoly to combine? This decision further allows the already massive television networks to buy up even more local TV stations, so that they control up to an unbelievable 80 or 90 percent of the national television audience. Where are the blessings of localism, diversity and competition here? I see centralization, not localism; I see uniformity, not diversity; I see monopoly and oligopoly, not competition.<sup>109</sup>

FCC Commissioner Kathleen Abernathy brushed aside these concerns as little more than "fear and speculation about hypothetical media monopolies intent on exercising some type of Vulcan mind control over the American people."<sup>110</sup> Powell, despite significant public opposition, said that eliminating the cross-

ownership rules was “critically important to a vibrant democracy.”<sup>111</sup> Copps, however, called the outcome a “pyrrhic victory.”<sup>112</sup> His experiences engaging the public revealed the power of grassroots mobilization, which his Republican colleagues underestimated and dismissed:

In these times when many issues divide us, groups from right to left, Republicans and Democrats, concerned parents and creative artists, religious leaders, civil rights activists, and labor organizations have united to fight together on this issue. ...The media concentration debate will never be the same. This Commission faces a far more informed and involved citizenry. The obscurity of this issue that many have relied upon in the past, where only a few dozen inside-the-Beltway lobbyists understood this issue, is gone forever.<sup>113</sup>

Indeed, public opposition to media ownership concentration, galvanized and harnessed by Copps and Adelstein, gained more momentum throughout the year during what media scholar and Free Press co-founder Robert McChesney called the “uprising of 2003.”<sup>114</sup> Driven by a growing national media reform movement, Senate and House committees voted to overturn the rules that same year.<sup>115</sup> Moreover, lawyers at the Media Access Project and Georgetown Law’s Institute for Public Representation sued the FCC on behalf of the Prometheus Radio Project, a Philadelphia-based community radio advocacy organization, for failing to legally justify raising ownership caps from 35 to 45 percent. On September 4, 2003, the day the rules were to go into effect, the United States Court of Appeals for the Third Circuit in Philadelphia stayed them as the case proceeded, and would rule against the FCC in mid-2004, partly because the FCC was so dismissive toward public sentiment.<sup>116</sup>

Powell expressed his frustration at the series of decisions that undermined his work on the biennial review: “Basically, people ran an outside political campaign against the commission. I’ve never seen that in six years.”<sup>117</sup> The rules would be blocked again – when his successor, Kevin Martin, proposed a slightly-revised version in 2006 and public-interest groups, including Free Press, again sued – limiting the elimination of the cross-ownership ban to twenty of the largest markets.<sup>118</sup>

Unsurprisingly, Copps saw the role of the public and the outcomes differently from that of many Republican politicians and industry representatives. The grassroots movement he helped mobilize was essential to contesting the taken-for-granted influence of special interests on the policy process.<sup>119</sup> One of his former staffers recalls a TV reporter who came to the FCC in the aftermath of the 2003 vote to investigate the public reaction to the media ownership debates. The staffer took the reporter with a cameraman to the FCC mail room. They stopped in the hallway, which was lined with hundreds of postal boxes, each filled to the brim with letters and post cards labeled as related to the media ownership hearing.<sup>120</sup> In the short run, this public outpouring had the concrete effect of slowing down Powell’s deregulatory agenda. For the long-term, it would also provide a blueprint for future media policy battles such as those against online anti-piracy laws<sup>121</sup> and the merger of Comcast-Time Warner Cable, as well as the ongoing fight for net neutrality.

Copps’s efforts on media ownership reform were one of the defining features of his FCC tenure. In many ways, media ownership concerns subsume or intersect with other policy problems, from greater media ownership by, and representation of, people of color to the future of public interest-oriented journalism.

Copps viewed both source and content diversity as essential elements of the country’s democratic culture and an important mechanism for the dispersal of political power. He argued that “every time you consolidate, you lose a local voice, you lose an element of localism, you lose coverage of the—of a community’s ethnic diversity and its cultural diversity. ... Diversity of ownership and diversity of viewpoint, I think, go hand in hand.”<sup>122</sup>

For Copps, media ownership consolidation was, and continues to be, a civil rights issue. He argued that ownership mattered because “America’s strength is, after all, its diversity. ... And our media need to reflect this diversity and to nourish it.”<sup>123</sup> He pointed to the asymmetry between the number of people of color in the U.S. and the demographics of television station ownership, predominantly white, as resulting in a cultural skew.<sup>124</sup> During his tenure at the FCC, Copps tried to address these problems by throwing his full support behind countless proposals to address the lack of representation of, and ownership by, communities of color. These included preferential FCC licensing to marginalized or disadvantaged people and organizations, creating what he called a special FCC Civil Rights branch to ensure civil rights statute compliance, and instituting affirmative action in media company workplaces.<sup>125</sup> However, the FCC did not pursue any of these initiatives.



Michael J. Copps, Rev. Jesse Jackson

In 2006, FCC Chairman Kevin Martin, who succeeded Powell, initiated another review of the media ownership rules. Facing political pressure, Martin broke from his predecessor to commit to hold full public hearings across the country, which was a significant shift. During these hearings, organizations like the Rainbow/PUSH coalition framed the glaring lack of ownership by communities of color as a core civil rights issue. No mention of civil rights appeared in the FCC’s final order – except in Copps’s dissent.<sup>126</sup> However, when Copps served as acting chair, the FCC made efforts to improve data collection on the state of broadcast ownership by women and communities of color, among other initiatives.<sup>127</sup>

Media ownership consolidation also represents one of the major threats to public service journalism, which Copps views as paramount to a functioning democratic society.

When large media companies buy up newspapers, they prioritize economic efficiency over news quality, often downsizing newsrooms. As Copps put it:

The first thing [media CEOs] think is, “How do we impress Wall Street now? Where do we cut?” And the first place they cut is the newsroom. We’ve had, across this country, hundreds of newsrooms shuttered, thousands of reporters who are walking the streets in search of a job, rather than walking the beats in search of stories. And the consequence of that is, I think, a dramatically dumbed down civic dialogue.<sup>128</sup>

Ultimately, he worries about the impact of that impoverished civic dialogue, coupled with a poorly informed public, on the future of democratic governance:

I really do believe that this is perhaps a central issue that we face as a society right now. How do you have a sufficiently-informed electorate, that you could make intelligent decisions for the future of the country? And it was just dumbed down, the democratic dialogue, so much. We've just run through our [2016] presidential election that was of, by, and for big media. It was a reality show [media companies] made billions of dollars on. ... And I think we're at the point where the democracy cannot tolerate any more of that.<sup>129</sup>

Copps remains skeptical about the rhetoric of greater competition accompanying the explosion of “new media,” finding little evidence that digital media companies challenge existing ownership, management, and employment diversity patterns. He is also skeptical of arguments about new digital media revitalizing journalism. Instead, he sees little original news content produced on online platforms, which seem to siphon their content from newsrooms and profit at their expense. He notes that major online news sites often belong to those who also own major offline media companies.<sup>130</sup>

Despite public engagement on the issue, the FCC ultimately did little to address media ownership consolidation throughout his tenure – though it did largely hold the line on preventing the ownership rules from being further weakened or jettisoned altogether, which arguably is itself a significant victory. Nonetheless, Copps views the agency as largely complicit in facilitating media ownership concentration, “endors[ing] just about every merger and transaction that has come before it.”<sup>131</sup> This perspective challenges the notion of deregulation as limiting the role of the state. Instead, Copps argues that the expansion of incumbent companies’ influence in the media sector and the growing journalism crisis are the product of “proactive government policymaking.”<sup>132</sup> These policy interventions reflected the triumph of corporate power and a willful abdication of the FCC’s responsibility to regulate in the public interest.

During his years at the FCC, Copps was often the lone dissenter. In 2009, in the first year of the Obama administration, Comcast announced its plans to buy NBC Universal in what would become a hotly-contested transaction. Despite strong grassroots opposition, the FCC’s Democratic majority, headed by Chairman Julius Genachowski, sided with its Republican minority to support the merger. Copps vehemently opposed the transaction because it combined ownership of both content and distribution channels, raising concerns about potential abuse of market power;<sup>133</sup> concerns that were also at the heart of the net neutrality debate and common carriage regulation dating back to the FCC’s origins. His requests, including imposing stricter programming rules as a condition of the merger, were ultimately rejected.<sup>134</sup> The FCC voted 4-1 to approve the merger, with Copps casting what he considers his proudest dissenting vote.<sup>135</sup>

For Copps, the current media landscape reflects a pattern he observed throughout his FCC tenure: “TV stations are hot commodities in the wake of the Supreme Court’s infamous *Citizens United* decision freeing up billions of Super PAC and dark money dollars that flow down by the billions to broadcast and cable operators each election cycle.”<sup>136</sup> He points out that nearly 300 stations were sold for \$8 billion in 2013 – a 367 percent increase from 2012 – and the FCC continues to be too eager in approving media mergers.<sup>137</sup>

Michael J. Copps is an extraordinary public servant. During his time at the Federal Communications Commission he became the voice of the public interest and the conscience for communications policy in Washington. He called attention to media consolidation, net neutrality, and broadband equity before so many others. He understood the power of competition, localism, and diversity in our communications policy and fought tooth and nail to ensure that these values were given a voice in everything the agency sought to do.

My time as his advisor—the causes he took on, the decency with which he treated both friend and foe, and the ability to take small policy choices and place them in a broader historical context—informs my work today. His model remains the gold standard and it's his voice I hear in my ear whenever I think about both the opportunities and challenges of the digital age.

Jessica Rosenworcel, FCC Commissioner, 2012–

Copps's emphasis on the political and cultural consequences of growing media ownership concentration remains more relevant than ever. This policy orientation also sets him apart from many other FCC commissioners and staff, who tend to view policy issues as technocratic challenges to be resolved through economic cost-benefit analysis.<sup>138</sup> During Copps's tenure, his opponents often viewed his broad interpretation of the "public interest" as irrelevant, if not at odds with the innovations within the media and telecommunications sectors, and purported Internet-driven disruptions.<sup>139</sup> They criticized his disregard for economic analysis as a rejection of an important dimension of policymaking.<sup>140</sup> Nonetheless, as a minority commissioner, Copps was remarkably effective in drawing attention to the dimensions of media policy that a strictly legal, technocratic, or economic approach often overlooks. His approach clearly resonated with members of the public and helped draw diverse constituencies into important policymaking debates. Ultimately, Commissioner Copps did a tremendous service by raising awareness about the dangers of media ownership consolidation.

## Public Service Journalism

Overlapping with his concerns about concentrated ownership constricting the range of views and voices in the news media, much of Michael J. Copps's FCC tenure focused on protecting and improving the integrity of the broader news media system, particularly local, international, and investigative news coverage. He was especially concerned about the economic threats to public service journalism. His commitment to addressing the ongoing journalism crisis is noteworthy for several reasons.

First, Commissioner Copps challenged the notion that emerging digital technologies would save journalism and advance its democratic norms without the guidance of sound public policy. He dismissed the technocratic assumption that the FCC had little to offer in terms of policy protections for journalism. He argued that it was in fact the Commission's duty



to recognize the market's limitations in supporting journalism. Second, he consulted with a wide range of media scholars—including media historians, sociologists, and law professors—about potential policy approaches to the journalism crisis, ranging from public subsidies to meaningful public-interest obligations. And finally, Copps proposed his own creative policy ideas, many of which went far beyond what was then being considered by policymakers and assumed to be politically possible.

This unique orientation is in part due to Commissioner Copps's attention to history. Both his concerns about media's democratic potential, and his trust in policy as a tool for helping media attain that potential, were grounded in history. He saw clearly that any media system is both constrained and enabled by larger political and economic structures—including profit motives, public policies, and commercial pressures—that government must manage in a democratic manner.

Copps brought this all-too-rare perspective to bear on a worsening journalism crisis that continues to this day. Since 2000, the newspaper industry has seen its work force reduced by more than 60 percent.<sup>141</sup> Copps witnessed the journalism crisis erupt into full view in 2008-2009 toward the end of his time at the FCC. He was among the few policymakers who understood the severity of the crisis and its structural nature, and he urgently tried to steer policy discussions toward addressing this major social problem.

For example, in early 2009, the layoffs of journalists and the shuttering of newsrooms were becoming an increasingly frequent occurrence and receiving considerable media attention.<sup>142</sup> Against this backdrop, Commissioner Copps, who was then interim chair, helped initiate a discussion at the FCC that would later become a study on the state of American news media aimed specifically at addressing the journalism crisis. Commissioner Copps was sympathetic to an aggressive public policy program for addressing the structural crisis of commercial news media, and expectations for this report were high, especially among the public-interest community in Washington, D.C.

This concern would eventually lead to a months-long, expansive study on the future of journalism. By the time the study was actualized, the more industry-friendly Chairman Julius Genachowski had taken over the helm of the agency. Chairman Genachowski commissioned Steven Waldman, former editor of *The Washington Monthly* and co-founder of *Beliefnet*, to author the report.<sup>143</sup>

Copps, like many media reformers, had high hopes for what the report might find and recommend. At a talk at the University of Southern California Annenberg School for Communication and Journalism, he laid out these expectations:

The one item we have been promised is a long-delayed Commission report that will assess the media landscape and the information needs of communities. A lot of us here today have been assessing the media landscape and the information needs of communities for a lot of years, Annenberg in the vanguard. What I hope this report delivers are hard-hitting action recommendations that can be implemented before the end of this year. A report falling short of that will have failed the public interest.<sup>144</sup>

Waldman initiated a “listening tour,” meeting with various scholars and practitioners, to eventually produce a truly impressive report. However, although it was remarkably comprehensive and put forth an empirically well-grounded and incisive critique, the report ultimately pulled punches and ruled out significant policy intervention from the start: “In crafting recommendations, this report started with the overriding premise that the First Amendment circumscribes the role government can play in improving local news. Beyond that, sound policy would recognize that government is simply not the main player in this drama.”<sup>145</sup>

In many ways, the report’s omissions provide a contrast between two competing visions of the role of regulation in the American media system. One, the position promoted by most Republicans and many Democrats, is a *laissez-faire* position that sees the market as the best arbiter for democratic communication. A second school of thought, the position espoused by Commissioner Copps, as well as much of the broader media reform movement, views government as a protector of the public interest in the face of exclusively profit-focused market conditions.

While the report did recommend some small-bore proposals such as tax breaks for media institutions, its policy recommendations were anemic. The report declared: “Most of the solutions to today’s media problems will be found by entrepreneurs, reporters, and creative citizens, not legislators or agencies. Government cannot ‘save journalism.’ Indeed, the media landscape is evolving so rapidly that heavy-handed regulatory intervention dictating media company behavior could backfire, distorting markets in unhelpful ways.”<sup>146</sup>

With a light regulatory touch, the report argued, “government can make it easier for citizens, communities and reporters—in both the for-profit and nonprofit sectors—to themselves create new information systems and forms of sustainable journalism.”<sup>147</sup>

The report later cautioned that a study about the media crafted by a government agency “could be met with suspicion” since it is the media’s job to examine government, and not the other way around.<sup>148</sup> However, this disclaimer glosses over the long history of the American government’s affirmative role in maintaining the necessary infrastructures for a healthy news media system, ranging from postal subsidies to incubating what would become the Internet.<sup>149</sup>

While remaining generous toward the report’s findings and overall diagnosis of what was wrong with American journalism, Commissioner Copps saw a huge missed opportunity.<sup>150</sup> He wished “it had focused a little attention on what proactively reform-minded FCCs, like the ones we had back in the 1940s, can do when they put their minds—and a majority vote—to it.”<sup>151</sup> Instead, Copps found the massive report unable to answer a crucial question about how to address the journalism crisis. “And it is here,” Copps argued, “that I find myself not just underwhelmed but sorely disappointed by the timidity of the recommendations, given the breadth of the immediate problems the Report itself tees up.”<sup>152</sup>

“It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas.”

The Waldman Report came out during a shifting political context. The Tea Party had suddenly ascended amidst the growing backlash against the Obama administration, causing a general libertarian turn in policy discourse. Given the increasingly politically-charged environment and an impending election, many who debated potential policy responses to the journalism crisis felt “it would be best to move gingerly and speak softly around such topics,” according to Copps.<sup>153</sup> But he believed that this position was erroneous:

As both historian and long-time public servant, I hearken back to a different approach, founded in the belief that educating and informing our citizens is the surest pathway to preserving and extending our democratic experiment.<sup>154</sup>

Despite the common assumption that the FCC can do little for journalism because it lacks regulatory authority over print media—and most media content in general—Copps presented a bold counter-narrative based on a longer historical view of the journalism crisis. In a significant speech at the New America Foundation, he laid out a clear distinction about the role of government support for a healthy news media system, noting that:

There are two schools of thought on what role government should play in providing the infrastructure to inform our citizens. One school would say let's leave this important task up to the free market and deregulate the entities that serve this purpose. This school has been in charge of the classroom for most of the past 30 years. We have been through an ongoing orgy of private sector consolidation with a few mega-media companies buying up small, independent broadcast stations and newspapers and then downsizing—and often shuttering—newsrooms and firing journalists in order to pay the huge debts these merger transactions always entail. The private sector found a willing accomplice in an FCC that was only too happy to bless it all and encourage even more, almost never saying “No” to whatever merger the financial wizards could conjure up. To make things even worse, successive iterations of FCCs vanquished from the books most of the public-interest rules and guidelines that could have imposed some discipline on broadcasting run rampant.<sup>155</sup>

Copps sought to recover a lost public-interest tradition at the FCC, one that had not seen a critical mass at the Commission since the 1940s.<sup>156</sup> In doing so, he challenged the First Amendment absolutism often adopted by those who saw little role for government to combat market failure and protect the Fourth Estate. Drawing on his own historical knowledge, he argued that “the advocates of the hands-off approach begin and end their argument with the First Amendment which, according to them, grants a monopoly privilege to those who can afford to make use of the airwaves.”

In contrast, Copps invoked the founders of the American Republic and the authors of the First Amendment. He argued that they saw the government provision of postal roads and subsidized delivery of newspapers as a “perfectly legitimate public policy.”<sup>157</sup> According to Copps, this same commitment to positive freedoms guaranteed by government-supported infrastructure also guided regulations such as licensing only those broadcasters who serve the public interest. Copps also cited the Supreme Court's 1969 *Red Lion* decision, which articulated that “It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas.”<sup>158</sup> Conceding that the First Amendment was inherently contentious, Copps averred that “neither do advocates of media reform need to cower in the corner when the Do-Nothings try to shout us down.”<sup>159</sup>

This vision of positive rights, namely rights to essential public services like a robust media system that empowers a democratic society, was a cornerstone of the second school of thought about government that assumed that:

[T]here is a role for government in general and the Federal Communications Commission in particular ... to ensure that the public's spectrum is put to the public purpose of informing democracy's dialogue. Under this theory, a license to broadcast is a privilege, not a God-given right, and the privilege of keeping that license depends upon the caliber of trusteeship a station delivers.<sup>160</sup>

After systematically cataloguing the evidence that attested to commercial journalism's structural crisis, Copps was clear that nothing less than democracy was at stake. He concluded: "That is why I feel so strongly about these issues. And that is why I intend to keep pushing, pushing, pushing in the months and, if need be, the years, ahead. Let's work together to keep the public-interest bargain alive."<sup>161</sup>

Copps also saw an important role for the FCC to reconsider broadcast media in light of the journalism crisis. In a speech at the Columbia University Graduate School of Journalism, he argued for a "Public Values Test," which, like the blueprint for public-interest broadcasting laid out in the FCC's unimplemented 1940s-era Blue Book,<sup>162</sup> defined substantive public-interest criteria that broadcasters must satisfy to maintain their licenses. These included a requirement to renew their licenses every four years instead of the current standard of eight, and a commitment to public affairs, localism, and independent programming. If radio or television stations were to fail in upholding these expectations, their owners would lose their license to operate on the public airwaves.

Like the FCC's Blue Book before it, Copps's public values test did not succeed in defining a new social contract for broadcasters. Nor did he reframe the debate about public-policy responses to the journalism crisis. Nonetheless, the public values test stands testament to an alternative vision that counters market fundamentalism and articulates a social-democratic role for media based on informing and enriching society. It also sees a central purpose for government to help keep commercial excesses in check while promoting public service media.

After leaving the FCC, Copps continued to advocate for a progressive policy approach to the journalism crisis. He clearly framed this approach based on a historical understanding of the crisis, perhaps best articulated in a report that he wrote for the Shorenstein Center.<sup>163</sup> In this report, he underscored that government had a vital role to play in addressing threats facing journalism. He also made clear that Internet policy and the future of journalism should be considered together—especially protections such as net neutrality—since universal access to an open Internet was a prerequisite for successful digital journalism.

Most importantly, Copps understands that a news media system dedicated to public service can survive only if government commits via policy to protect and nurture the necessary political and economic structures that such journalism requires. He also recognizes that the unfettered market cannot always provide for such democratic infrastructures.

Bill Moyers describes Copps as a "lone wolf" when it comes to being "concerned about broadcasting and newspapers." As a prominent journalist himself, Moyers sees Copps as the only person "who's any public figure, who's been as prescient in his analysis of where these trends [are] going,"<sup>164</sup> including the increasing commercialism of the media system. He recalls that Commissioner Copps always understood that at the heart of the journalism crisis was a crisis of resources. If journalists cannot earn enough to support themselves, to make an actual livelihood, then the Fourth Estate will collapse.<sup>165</sup> Copps sees clearly that without this vital infrastructure, the core aims of the media democracy agenda—a rich and diverse news media and an informed populace—can never be realized.

## Net Neutrality

Attaining and defending an open and widely-accessible Internet was a central concern for Commissioner Copps during his time at the FCC. He was a tireless advocate for numerous issues related to broadband access, from bridging the digital divide<sup>166</sup> to protecting the open Internet, also known as “net neutrality.” Along with media ownership and public service journalism, net neutrality became one of the central policy battles of Copps’s FCC tenure—a battle that continues to this day.

Democracy absolutely depends on open communication. And it is threatened when those communications channels are not under democratic control. Specific hazards and harms—gatekeeping, censorship, surveillance, propaganda, low-quality information, lack of interconnection, and unfair pricing—emerge when ownership and control of communications is concentrated in too few hands. This is why the open Internet and nondiscrimination are such important safeguards within the broader framework of media democracy.

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Some historical context is necessary to understand the controversy surrounding net neutrality. The Communications Act of 1934 created the FCC to regulate interstate and foreign communications services as well as to oversee the regulatory standards for different categories of those services, which fall under different titles of the Communications Act. Title II covered traditional telephone service, defined as “common carriers,” which are charged with performing specific duties. In the definition of common carriers, we see the roots of net neutrality in the context of our modern broadband services. For example:

- All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful. (Section 201(b))<sup>167</sup>
- It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage. (Section 202(a))<sup>168</sup>

Early home Internet access subscribers paid for Internet services that ran over their traditional telephone line. The Title II regulation of telephone service then provided net neutrality protections before they were known as such. As long as the FCC classified this transmission element of Internet access as a “telecommunications service,” the FCC had regulatory authority under Title II of the Act. This empowered the agency to protect net neutrality by preventing telephone service providers from engaging in any blocking, throttling, and paid prioritization of content.

However, in 2002, then-FCC Chairman Michael Powell made the controversial decision to treat cable modem Internet access as an “information service.” Information services fall under Title I of the

Communications Act, which does not include the strict consumer protections of Title II. Thus, this decision left the FCC with few regulatory tools to protect cable broadband consumers.

In the 3-1 vote, Copps was the lone dissent, offering sober and prescient criticism about the dangers of failing to regulate America's communications infrastructure:

Today we take a gigantic leap down the road of removing core communications services from the statutory frameworks established by Congress, substituting our own judgment for that of Congress and playing a game of regulatory musical chairs by moving technologies and services from one statutory definition to another.<sup>169</sup>

Copps felt that such a hastily-decided rulemaking was ill-founded:

Last month I remarked that in our Wireline Broadband proceeding, we were out-driving the range of our headlights. Today I think we are out-flying the range of our most advanced radar.<sup>170</sup>

He cautioned:

How America deploys broadband is the central infrastructure challenge our country faces. It is a public policy matter of enormous implications. How we get it done affects not only how many megabytes of information our computers can download, but what kinds of options consumers will be able to choose from, what kinds of protections they will have against misguided or fraudulent business practices, and what kinds of opportunities will be available to those in our society who do not share fully in our general prosperity.<sup>171</sup>

The cable industry celebrated the decision while public-interest advocates roundly condemned it.<sup>172</sup>

By the following year, Copps had sharpened his critique. In addition to the many threats created by the loss of Internet consumer protections, he underscored the glaring contradictions in the arguments against such protections:

Many in industry and government prescribe closing off Internet openness a cure for telecom's ills. They claim that all they are doing is "letting the market reign supreme," and "deregulating," deploying the rhetoric of Libertarianism to serve their agenda.<sup>173</sup>

Copps noted a central flaw to the libertarian position:

They are fond of railing against picking winners and losers when they are in fact picking winners and losers themselves.... I believe that if the Commission's present

mind-set is fully implemented, we will look back, shake our heads and wonder whatever happened to that open, dynamic and liberating Internet that once we knew. “What promise it held,” we’ll say. If that happens, history won’t forgive us. Nor should it.<sup>174</sup>

Just six months after Copps made that argument, the United States Court of Appeals for the Ninth Circuit ruled to vacate the FCC’s classification of cable broadband service.<sup>175</sup> However, this decision later was overturned in 2005 by a 6-3 Supreme Court decision, which included a scathing dissent from Justice Scalia, in the case of *National Cable & Telecommunications Association v. Brand X Internet Services*. This decision upheld the FCC’s discretion in classifying cable modem Internet service as an “information service.”<sup>176</sup> Following the *Brand X* decision, the FCC also reclassified Internet service provided over phone networks, including DSL, as an “information service.” These decisions only fueled ongoing struggles between reformers who continued to fight for open Internet protections and ISPs, which typically have argued that net neutrality is an onerous regulation that will reduce revenues and harm innovation.

Despite the Supreme Court’s *Brand X* decision to uphold the FCC’s earlier classification, Commissioner Copps never gave up fighting to regain open Internet protections. After significant effort, he eventually convinced his colleagues to adopt the FCC “Internet Policy Statement” that upheld the basic rights of Internet end-users to access lawful content, run applications and services, connect devices to the network, and benefit from competition among different content and service providers.<sup>177</sup> Copps recognized that this was “at a minimum,” unenforceable, and largely symbolic—which would prove to be all-too-true in a subsequent case against Comcast—but the policy statement nonetheless provided discursive support for stronger net neutrality principles.<sup>178</sup>

The net neutrality fight would come to define one of his major struggles throughout his time at the FCC and beyond. Copps, like many media reformers, drew inspiration from scholars – such as Lawrence Lessig, Tim Wu, and Barbara van Schewick – to inform and define the terms of the net neutrality debate.<sup>179</sup> For instance, he placed a prominent emphasis on non-discrimination against content, drawing attention to net neutrality’s First Amendment implications, and acknowledged the Internet’s growing centrality to everyday social and political life.

In general, Copps believed that society must treat broadband Internet access service as a public good that should be protected from monopolies’ commercial imperatives and the whims of the unfettered market. This position clashed with that of the Republican FCC commissioners, who saw net neutrality protections as, at best, unnecessary and, at worst, a heavy-handed government intrusion into the free marketplace. Former-FCC Commissioner Robert McDowell articulated the latter stance in a *Washington Post* op-ed, blasting the pro-net neutrality argument. He asserted that “engineers, not politicians or bureaucrats, should solve engineering problems.”<sup>180</sup>

Commissioner Copps’s more social-democratic orientation stood in stark contrast to the market fundamentalist and technocratic logics that both parties largely adopted to varying degrees. Indeed, even when in the Democratic majority, Commissioner Copps sometimes opposed then-Chairman Genachowski’s positions.

These differences came to the fore in 2010 when the FCC was sent back to the drawing board in devising net neutrality protections. After Comcast was caught throttling its subscribers’ traffic in 2007, the FCC, under

then-Chairman Kevin Martin, penalized the company the following year. However, Comcast appealed the decision and, in 2010, the U.S. Court of Appeals for the District of Columbia Circuit overturned the FCC's Comcast ruling, saying the agency lacked "any statutorily mandated responsibility" to enforce network neutrality rules under Title I.<sup>181</sup>

Shortly after this decision, Genachowski tried to write net neutrality rules under the less stringent Title I. Copps disagreed with this move, calling for stronger protections. He argued that net neutrality "rules must be put on the most solid possible legal foundation and be quickly and effectively enforceable. If this requires reclassifying advanced telecommunications as a Title II telecommunications . . . we should just do it and get it over with."<sup>182</sup>

When the FCC voted to adopt the "Open Internet Order" under its limited Title I authority, Copps argued:

Frankly, I would have preferred plain and simple Title II reclassification through a declaratory ruling and limited, targeted forbearance—wiping the slate clean of all question marks. The quicker we can bring some sense of surety and stability to the present confusion emanating from the Comcast court decision, the better off consumers—and industry, too—will be.<sup>183</sup>

Even though relying on Title I authority rendered the regulation legally vulnerable, Copps ultimately did back the chairman. Although some activists at the time felt that he should not give the decisive vote on such an inherently-flawed and weak measure, Copps demonstrated that he was not above compromise when he believed pragmatic politics called for it. In his concurring statement, he indicated that this decision, despite its "timidity," was an important first step. "On numerous fronts in the Open Internet Order before us today, the Commission is taking strides forward."<sup>184</sup> However, he also cautioned:

Allowing gigantic corporations—in many cases, monopoly or duopoly broadband Internet access service providers—to exercise unfettered control over Americans' access to the Internet not only creates risks to technological innovation and economic growth, but it poses a real threat to freedom of speech and the future of our democracy. Increasingly our national conversation, our source for news and information, our knowledge of one another, will depend upon the Internet. Our future town square will be paved with broadband bricks. It must be accessible to all—not handed over to a handful of gatekeepers who can control our access.<sup>185</sup>

In January 2014, the U.S. Court of Appeals for the D.C. Circuit Court again thwarted the FCC when it threw out most of the 2010 Open Internet Order. The Court ruled that the portions it vacated had attempted to impose common carrier obligations on broadband Internet access service providers contrary to their Title I classification under the Communications Act.<sup>186</sup> The D.C. Circuit Court declared that the FCC lacked the necessary regulatory authority under Title I, leaving the FCC, as Commissioner Copps had suggested all along, with few viable options other than reclassifying the broadband Internet access service as a "telecommunications service," which would allow the Commission to apply Title II consumer protections.

In 2015, the FCC, under Chairman Tom Wheeler, finally did what Copps had been calling for—and what few had predicted was possible just months before—and reclassified broadband Internet access service as a telecommunications service, subject to common carrier rules. This decision, made possible by years of tremendous grassroots organizing and public protest, was later upheld by the D.C. Circuit Court.<sup>187</sup> Copps, who had long left the Commission by the time the FCC finally passed the rules, called the net neutrality decision “the biggest FCC vote ever.”<sup>188</sup>

Copps would remain engaged with the issue long afterwards, trying to harness the energy from the net neutrality victory to advance other progressive Internet policy reforms. More recently, he has again joined the fight for net neutrality—this time as part of the ongoing resistance against current FCC Chairman Pai’s decision to repeal net neutrality protections.

Commissioner Copps continues to base the argument for an open Internet on the principles of non-discrimination of online content and equal access to information. He unwaveringly argues that open Internet access is no longer a luxury, but an absolute necessity on which democracy itself depends. And poll after poll suggests that his pro-net neutrality positions are shared by an overwhelming majority of Americans of all political stripes.

## Strategic and Tactical Lessons

While Commissioner Copps’s efforts did not necessarily result in immediate policy victories, they challenged the balance of power in FCC policymaking by reshaping the debate and facilitating public participation. The legacies of his FCC tenure included raising awareness about media ownership concentration, the crisis of public-interest journalism, and the importance of net neutrality, as well as providing a blueprint for public engagement across a wide range of media policy issues. How did he, as a minority commissioner, achieve such remarkable effectiveness?

Copps was a master strategist and coalition builder, which, when combined with the grassroots organizing of dozens of advocacy groups and thousands of activists across the country, helped foment and mobilize a national media reform movement. He was also an eloquent writer and speaker, which greatly extended his public and bipartisan outreach. This approach also enabled him to reframe policy issues and sometimes even set the policy agenda as a minority commissioner. In general, Copps’s strategies and tactics were informed by a deep historical knowledge and a principled belief in affirmative governance on behalf of the public interest.

## History Matters

Copps’s background as a historian informed his approach to policymaking in subtle and significant ways. It allowed him to frame policy issues like media consolidation and net neutrality in broader democratic terms that extended beyond the FCC’s traditional technocratic analysis. He drew from this historical knowledge to understand antecedents, potential alternatives, and forgotten lessons. Most of all, this historical perspective reveals that today’s media system does not represent a natural evolution. The system is not inevitable and it is not democratically determined. Rather, this system is the direct result of previous

policy battles, where particular—too often, commercial—interests win out over others. However, this historical knowledge also offers hope. Because history shows that our media system is subject to ongoing struggle, we know that it can always be changed through sustained activism and public engagement.

Copps's historian's sensibility also encouraged a longer-term view of policy discussions; a consideration of not only the structural roots of the problems in question, but also regulatory decisions' long-term consequences well into the future.<sup>189</sup> For example, in the media ownership debates, while the Republican majority sought to relax the ownership rules to facilitate greater consolidation, Copps rightly drew attention to concerns about a greater market imprint on programming and democratic discourse. In particular, he referred to the historical case study of what happened within the radio industry when its ownership became concentrated. Historical knowledge also informed his position on net neutrality: Copps did not decry common carriage regulation as outdated but rather saw it as a necessary safeguard against problems that often plague media systems, a regulation that has stood the test of time. Ultimately, this historical perspective allowed him to identify larger structural patterns and perils that other regulators often overlooked.

Aside from his understanding of key policy issues encountered during his tenure, Copps's historical background also informed his view of his role as an FCC commissioner. Perhaps owing to his interest in the New Deal era, he believed in the notion that government could serve progressive aims. Moreover, as one of his colleagues put it, he believed “the institution's role supersedes the individual's role.”<sup>190</sup> He was committed to the idea of being a “public servant,” a term he took seriously. He therefore saw his responsibility to the public as paramount and remained committed to defending the public interest despite immense political pressures. Equally significant, he believed that FCC commissioners must actually regulate to fulfill their responsibilities to the public.<sup>191</sup>

## The Public as Stakeholder

Following in the footsteps of Clifford Durr, Nicholas Johnson, and other progressive commissioners, Copps brought the FCC to the public and the public to the FCC. In addition to revitalizing and re-imagining the political boundaries of policy, this public engagement strategy was effective for other reasons. For Copps, the public interest represented the stakes of those whose voices were often absent from policy debates.<sup>192</sup> Accordingly, he engaged broad constituencies in policy discussions. Among these, he valued input and participation from groups he termed “non-traditional stakeholders,”<sup>193</sup> namely communities typically excluded from policymaking. These included civil rights groups, Native Americans, people with disabilities, and other marginalized communities. By approaching these groups, Copps sought to expand the pool of legitimate stakeholders and participants in media policy decisions, with the assumption that this would also ultimately broaden the range of voices and views represented within our media and improve newsroom diversity.<sup>194</sup>

Copps brought  
the FCC to the  
public and the  
public to the FCC.

Copps also actively engaged with a wide range of academics and drew fresh ideas and best practices from their research. For example, Copps and his staff were influenced by Tim Wu and Lawrence Lessig's work

Michael J. Copps was so effective because he had a moral and small-d democratic vision about how he should do his job. Before he got to the FCC, it was a place where you talked about the public but never talked with them. He believed public service should start with actually going out in public -- an almost radical idea at the FCC. In doing so, he pushed the workings of this essential but obscure agency into public view. The popular awareness, engagement, and historic victories that have followed would have been impossible without his leadership and willingness to work with public-interest groups and give the public's views equal or greater weight than those of the industries the FCC is supposed to regulate. He broke down the walls hiding what the FCC was actually doing and along the way expanded Washington's narrow view of what's possible.

Craig Aaron, President and CEO, Free Press

on Internet policy.<sup>195</sup> This openness to scholarly input not only reveals Copps's intellectual curiosity, but also his desire to advance data-driven and empirically rigorous approaches to policy problems. Regular consultations with leading academics also evidenced how Copps was able to marshal some of the best critical thinkers on structural inequalities in media systems.

Copps also worked closely with public-interest advocates in DC and activists across the country. In turn, he would help raise these advocacy organizations' profile by promoting their work and ideas.<sup>196</sup> More generally, his outreach sought to challenge the insular way of thinking about policy problems by regulators who often relied more on industry reports, *ex parte* letters,<sup>197</sup> and other sources of information about ongoing policy proceedings.

In addition to broadening the policymaking sphere of debate, the public meetings and town halls that Copps helped organize also served a tactical purpose. Fostering public engagement allowed him to build broad-based support for his policy stances, which made it more difficult for his opponents to ignore him. Thus, cultivating public attention and support for particular policy issues enabled him to shape the FCC's agenda as a minority commissioner.<sup>198</sup>

Ultimately, by building coalitions with media advocacy organizations, civil rights groups, marginalized communities, conservative groups, and academics, Copps forged a community of support for a progressive policy agenda. He was able to leverage this network to stay informed about policy matters and to supplement his limited resources as a minority commissioner.<sup>199</sup> His grassroots allies aided him in organizing town halls, providing alternative sources of news and strategic communications, and mobilizing the public on various policy issues.

Copps's opponents criticized his public engagement as a form of populist politics that undermined the independence of the policymaking process. However, this critique ignores the influence that industry wields over the FCC's policy process, and the many barriers that impede public input. This power imbalance is precisely what Copps sought to correct through his public outreach efforts. He strongly believed citizens should be able to hold powerful institutions—whether corporations or government—accountable to the public.<sup>200</sup>

“No matter what your first issue is, media reform needs to be your second issue.”

In trying to expand media policy beyond the realm of specialists and technocrats, Copps repeated the mantra first coined by FCC Commissioner Nicholas Johnson: “No matter what your first issue is, media reform needs to be your second issue.”<sup>201</sup> Copps saw the FCC not as a specialized agency, but one that dealt with issues that affected everyone.<sup>202</sup> He did his best to normalize this commitment to public outreach within the Commission. Midway through his tenure, meetings with the public became a staple at the FCC. All five commissioners would meet and negotiate the location of the public meetings, with Copps usually pushing for places with at-risk or marginalized stakeholders. This reimagining of the policymaking process is one of his greatest legacies.<sup>203</sup>

## A Great Public Communicator

Commissioner Copps democratized policymaking by opening the FCC up to the public via town hall meetings across the country. Copps's remarkable skills at oratory made him particularly well-suited to perform this task. As one of his former aides said about the media consolidation battles, "I think if we had those great strategies and we didn't have Mike Copps as the guy doing it, we would have failed."<sup>204</sup> As those who know him point out, and as many of his speeches and statements attest, he was an outstanding communicator and an incisive writer. He could translate complex policy issues and their import to the public, avoiding "coded regulatory language."<sup>205</sup> A likely imprint of his background as a teacher, his public speeches at town hall meetings came across as relatable lectures, revealing how policy issues, from ownership concentration to net neutrality, could impact people's everyday lives.<sup>206</sup> For instance, he brought tangibility to the economic effects of media consolidation by talking about the loss of local news and fewer diverse news sources. Drawing on his academic training, he also stressed historical context while applying it to contemporary problems. He emphasized the political and democratic dimensions of legal and economic debates, and he popularized media policy deliberations by drawing attention to their connection with the growing corporate influence on American politics.

These maneuvers were effective because, as many of his colleagues attest, Copps was always well-informed on policy issues. He also had an intense work ethic, came early to the office, and asked dozens of questions during his staff meetings to familiarize himself with policy developments. He benefited immensely from his ability to surround himself with intelligent staff. He wanted to understand the substantive and nitty-gritty details of thorny policy issues. For example, one former staff member recalls going through indecency complaints with Copps. "We would have to watch tapes in his office. ... Some of them were not TV. Some of them were on radio. There were some rap lyrics ... and we had to look up what the terms were. I would have to explain to him what they meant. [laughter] That was always difficult."<sup>207</sup>

Copps also actively listened to the public, treating town halls not just as public relations or coalition-building exercises, but also as evidence-gathering. The testimonies of community members, journalists, and independent broadcasters, among others, served as a qualitative counterpoint to the traditional econometric market studies at the FCC. They grounded policy terms like "diversity" and "localism" in the observable experiences of people who worked in, and interacted with the products of, these media markets.

Although Copps was the most left-leaning FCC commissioner throughout his tenure, he chose his issues strategically and, when possible, sought bipartisan support.<sup>208</sup> And while he actively tried to educate and persuade others to his side, he was not above compromise. This openness allowed him to occasionally succeed at reaching across the aisle not just to Republican commissioners like Kevin Martin or Robert McDowell, but also to conservative groups like the National Rifle Association, even if such alliances often did not last very long. His ability to prioritize policy issues to build broad support was also a key component of his success as a minority commissioner.<sup>209</sup> This political intelligence entailed a realism about the limits of what he could accomplish within the then Republican-dominated political landscape, and he pushed those limits vigorously.

Despite these noble efforts at bipartisanship, Copps often was unable to overcome the partisan divide within the FCC, especially since the Republican majority frequently voted as a bloc. He was sometimes sidelined by his FCC colleagues, who criticized him for dismissing the input of the industries that the FCC regulates. Copps's attempts to challenge the status quo and diminish industry's considerable influence on

policy sometimes invited charges from his adversaries that he was too populist and held outdated views about government regulation. It was precisely these views, however, that resonated broadly with the public. By pushing against standard procedures at the FCC, Commissioner Copps was often “the voice in the wilderness,” Bill Moyers observed.<sup>210</sup> Nonetheless, Copps left “a mark on our understanding of our media ecosystem and the consequences for democracy.”<sup>211</sup>

## The Commissioner’s Legacy

Copps’s iconoclasm was both a great strength and an occasional limitation. On the one hand, Copps’s law-school-trained colleagues viewed his activism and policy positions with skepticism, if not outright disdain. At the same time, his background as a historian, his unique approach to media policy, and his ability to effectively engage the public made him well-positioned to challenge the FCC’s business-as-usual, industry-friendly policymaking.

For Copps, policy was a legitimate tool for safeguarding the public interest, a term he took to heart. Like his political forbears, the New Dealers, he was not afraid of using government to reach progressive social ends. As a great public communicator, he reframed technocratic debates and rendered them accessible and relevant to everyone. This not only stimulated civic engagement in media reform efforts, but also opened the FCC to a broader range of voices, significantly expanding the conversation about key policy issues, from media ownership concentration to net neutrality.

Commissioner Copps did not always please his supporters. For example, he at times advocated for decency standards and content regulations, or otherwise made compromises, that upset some progressive activists. There were those among his allies who had hoped that while he was interim chair he would exploit the fleeting opportunity at the helm to aggressively push through a reformist wish list. On the other hand, the broad consensus on Copps’s relatively brief time as acting FCC chair was that he performed the job with great distinction, calling upon leadership and administrative skills beyond those he had needed in his prior role as a commissioner. In particular, he inherited a messy and botched effort to implement the national digital TV transition, which he was able to rectify. Copps used a limited budget to conduct a public education campaign and ensure that converter boxes were up and running by the transition date. He also dealt with a host of issues around the complicated spectrum repacking process.<sup>212</sup> Despite these challenges, Copps achieved a great deal during his brief time as FCC chair and, as always, engaged the public.

During his many years at the FCC, Copps was seen as a progressive stalwart who remained connected to a diverse range of civic groups and communities within and outside Washington, D.C. He was always highly regarded as a reliable voice for defending the public interest. And, above all, he was viewed by many as an independent, and highly principled, policymaker. As an FCC commissioner, Copps consistently embraced that independence, actively fighting for democratizing media, which often put him at odds not just with the very industries the FCC oversees, but also his Republican—and sometimes also Democratic—colleagues.

Upon his exit from the Commission, Copps did not try to arrange a lucrative position in the private sector. His lack of concern about his next appointment and his belief in his mission freed Copps to be outspoken much like his mentor, Senator Hollings. He was dedicated to his public-interest role at the FCC regardless of whether his political popularity – and job prospects – waxed or waned.<sup>213</sup>

As a member of the minority party for most of his tenure, Copps was remarkably successful in keeping a more social-democratic, public-interest vision of media alive at the FCC. This vision helped guide and sustain a growing media reform movement; a movement that, like all activist projects, required effective counter-narratives to the status quo. Commissioner Copps had an innate skill of weaving those narratives and disseminating them among diverse constituencies.

Informed by a deep understanding of U.S. history and inspired by progressive heroes like President Franklin Delano Roosevelt,<sup>214</sup> Commissioner Copps took a broader view of the American media system, one that carefully considered media's normative role in a democratic society. He had a knack for linking average Americans' everyday experiences—as well as the injustices that many disadvantaged groups regularly face—to the “big picture” political economy of their media system. By connecting these dots, he provided people with the analytical tools with which they could affect meaningful change.

Michael J. Copps's approach to media policy rested on an unwavering dedication to core democratic principles and shrewd political strategizing that harnessed the power of public engagement. One of Commissioner Copps's most important innovations was reimagining the role of the public in media governance. Copps sought to democratize the process by holding a series of lively town hall meetings across the country. These meetings often focused on policy issues about which significant segments of the public cared deeply, but that the Republican commissioners (as well as the news media) often ignored.

Ultimately, instead of expecting the public to come to the FCC, Copps brought the FCC to the public. Such imagination, and the will and skill to realize it, serves as a powerful reminder that committed public servants can bring about progressive change. When driven by, and coordinating with, grassroots social movements, progressive policymakers can help affect meaningful and lasting reform. Copps embodied this inside / outside theory for social change that relied on media activism from above and below.<sup>215</sup> Copps not only reflected the democratic aims of a larger media reform movement; he helped to inform it and give it voice within the corridors of power.

Michael J. Copps was a great dissenter and public-interest defender. It is this legacy for which he will be remembered. And it is this commitment that we so desperately need from all our public servants today.



## The Struggle Continues

The fight for media democracy—to which Commissioner Cops has dedicated much of his professional life—is ongoing. Cops himself has continued to advocate passionately for the policy positions that he championed as FCC commissioner. He has done so at various positions, including as a Special Advisor to Common Cause and as a board member of Free Press and Public Knowledge.

But the fight for media democracy is also our fight. Net neutrality, media ownership concentration, the future of public service journalism—and the larger struggle for creating a media system that reflects the depth and breadth of the diverse communities it is meant to serve—are all vital issues that still challenge us today. The vision for a more democratic system will not perish. Learning from earlier media reformers, we honor their struggle by continuing it. This is something we all must do. Nothing less than democracy is at stake.

## A Note on Methods

This report draws on an extensive analysis of archival material and interviews with people closely familiar with former Commissioner Michael J. Copps. The archival materials comprise news coverage of the issues presented in the report, including the FCC's 2002 Biennial Regulatory Review, the net neutrality debates, and conversations around journalism reforms. We conducted interviews in February and March 2018 with former staffers and colleagues of Michael J. Copps and with Michael J. Copps himself. Several close associates were also contacted for statements via email. Some of the interviewees requested anonymity and therefore their interviews serve as only background information. The interview questions focused on how Copps approached his job as FCC commissioner, from day-to-day interactions to larger policy initiatives. The authors also inquired about strategies and tactics the commissioner employed in his most memorable policy initiatives and in dealing with the Republican majority. These discussions also inevitably involved questions about the significant constraints that he faced and how he sought to cope with them.

Collectively, these interviews provide the basis of this report, along with careful readings of the Commissioner's many public speeches and writings, including blog posts, articles, and reports. These texts provide insights into some of the most pressing issues facing our media system. For context, the report supplements this analysis with previous scholarship, especially an earlier [interview](#) by Bill Kirkpatrick published in the *International Journal of Communication*, as well as other secondary sources on relevant policy issues. The report also draws on previous historical research conducted by Victor Pickard for his [book](#) *America's Battle for Media Democracy*.

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