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CLEAR CHANNEL
AND THE PUBLIC AIRWAVES

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INTRODUCTION

For a company with close ties to the Bush family, and a Wal-mart-like approach to culture, Clear Channel Communications has provided a surprising boost to the latest wave of a US media democratization movement. The media conglomerate's combination of shock jock programming, prowar

interventions and canned music, anticompetitive practices, and replacement of thousands of staff by computer-driven stations has helped to mobilize a wide range of groups who normally do not seek common cause. In the last four years, Clear Channel has faced legal challenges and public criticism from politicians in both houses of Congress; regulating agencies; every class of musician, concert promoter, radio staff, and station owner; and urban and rural communities of listeners.

At root in this unlikely coalition is the concern that Clear Channel and other large media conglomerates are killing radio; they are monster chains of mega-boom boxes drowning out the multiplicity of local music, information, and conversation that Americans have come to expect from their public airwaves. In this chapter, I begin by sketching the political, economic, and media landscape that led to the Clear Channel phenomenon. The campaigns targeting Clear Channel are only one manifestation of a larger movement to take back the public spectrum. I continue by discussing the campaigns, inside and outside the dial, to remake radio as the electronic equivalent of the backyard fence, the town concert and assembly hall, providing a vital connection for people in a democratic society.

THE FCC AND CORPORATE AMERICA

While Clear Channel is taking most of the heat, it is not the only radio firm to benefit by the latest wave of megamergers. Global conglomerates Viacom, through its subsidiary Infinity Radio, and Disney-ABC both rank in radio's top ten, operating primarily in the larger US urban centers, with Citadel and Cumulus Broadcasting in the smaller markets. Clear Channel and Infinity Radio together control one-third of all radio advertising revenue, and up to 90 percent in some markets.¹

All of them began to grow and restructure their media holdings during a conservative shift in communications regulation. During the 1980s, the Federal Communications Commission and Washington-based courts moved from the liberal focus on the "public service" responsibilities of broadcasters to an environment of "market rule" in which owners are not held accountable for their stewardship of the public airwaves.² Mark Fowler, President Reagan's appointee as chair of the FCC, was a firm free-marketer, and he began to remove the rules governing the structure (ownership and competition), programming content, and behavior (accountability to the public interest) of broadcasters as early as 1981.³ As radio historian Susan Douglas has written, "The new FCC was very good for corporate America."⁴

Ownership rules were increasingly relaxed. The caps, the allowable number of stations any one company could own, were raised and cross-ownership rules altered. This led to a major buying spree that took place in the late 1980s and continued into the early 1990s. Then, under the Clinton administration, but with the same “market” mantra, the Telecommunications Act of 1996 removed the forty-station national cap and allowed companies to own up to eight stations in large markets and five in small markets, up from the previous cap of two.⁵ After the act was passed, ten thousand radio stations, worth \$100 billion, were sold, with Clear Channel picking up the lion’s share of over twelve hundred.⁶ The resulting market consolidation was enormously profitable for the biggest players, making the industry lucrative again after a significant recession in the early 1990s. However, the immediate result was a loss of 30 percent, or eleven hundred station owners, many of whom operated small, locally oriented stations, with a disproportionate number being African American. As well, ten thousand radio-related jobs were cut, with many programmers replaced by syndicated talk shows and centrally produced music. Listeners began to notice the cookie-cutter sameness and an unprecedented number of commercials per hour.

Not all of these changes were due to the removal of ownership rules. Some were due to the lessening of rules governing content and broadcaster behavior. The public service paradigm, which Fowler overturned, had been based on the idea of a social contract, established since the first Communications Act of 1927, in which broadcasters paid a minimal amount to license the public’s airwaves in a local community, and in return, they promised to provide local programming in the “public interest, convenience, and necessity.” Instead, Fowler argued that the idea of the FCC as trustee of the public interest was passé and bad for consumers. His commission set about to remove several of the content rules, the most important of which was the Fairness Doctrine that had required broadcasters to “present issues of concern and controversy in their programming, guarantee access to stations by candidates for political office, and ensure that informational/editorial programming was aired with a degree of fairness and balance.”⁷ The “indecent” rules were maintained. Susan Douglas credits the ending of the Fairness Doctrine in 1987 as a contributing factor in the rapid growth of talk radio. For radio stations could then air conservative talk show hosts such as Rush Limbaugh and not be required to provide any balance to their assertions.

Ironically, the origins of contemporary talk radio, in fact, are owed to the progressive Pacifica Radio Network and the more liberal National Public Radio. Pacifica Radio’s founding mandate was to challenge the US military-

industrial complex by promoting debate among people of widely different political views. During the 1960s, programmers at KPFA-FM in Berkeley, and later at sister stations WBAI-FM in New York City and KPFK in Los Angeles, experimented with a range of call-in and free-form talk shows. During the 1970s, a small number of AM commercial stations tried out a more in-your-face version of the talk form, in part to retrieve listeners who were migrating to the better music sounds on FM. Then in 1978, National Public Radio successfully demonstrated the national broadcast of syndicated programming via satellite.⁸ Despite the ideological and fiscal hostility of the Reagan administration, NPR drew millions of listeners, largely because of their informational and talk-oriented programs.⁹ The format that had been developed on the progressive waves of Pacifica, and massaged on NPR, took off in the 1980s with radio deregulation, and the decline in network news, as audiences searched elsewhere for more in-depth understandings and perspectives.¹⁰

The Fowler FCC also eliminated many of the “behavior” rules. Stations were no longer required to regularly demonstrate their commitment to the public interest, since the licensing period was extended from every three years to every seven years. As well, the FCC abandoned the “ascertainment rules” in which broadcasters had been required to meet with community groups in their local broadcast areas to ascertain and provide programming for local concerns and interests. Finally, the requirements that stations bring their hiring practices in compliance with antidiscrimination policies were challenged in the courts.

A NEW MODEL OF CORPORATE MEDIA

Clear Channel grew from a small Texas radio chain during this shift to the market paradigm. In many respects, it epitomizes a new model of corporate media, with a consolidated global reach and few checks and balances set against its enormous power. Clear Channel now ranks among the top ten US global media conglomerates, with holdings across media industries, including more than 1,200 radio stations, 130 concert venues, as well as television stations, concert promotion companies, live theater, outdoor advertising, athlete management, film and TV production, and satellite radio in sixty-six countries. On the conglomerate’s Web site, it claims to reach over half of the overall adult US population and 75 percent of the nation’s people of Hispanic descent. Outside of the United States, it operates 135 concert venues and several hundred thousand outdoor displays—billboards; taxi

tops; mobile truck panels; bus, train, shopping mall, and airport displays; and assorted street furniture.

Clear Channel is most visible in the radio industry. By 2001, it controlled over twelve hundred stations in clusters in all sizes of markets throughout the country, sometimes exceeding the allowable FCC ownership cap of eight stations.¹¹ While only 11 percent of all stations, it reaches 27 percent of all radio listeners and makes a quarter of all US radio industry revenues. In thirty-seven of the top three hundred markets, its share ranges between 50 and 99 percent. The company's biggest impact has been in the smaller markets, where Clear Channel exerts its monopoly advantages in the interconnected music, radio, and advertising markets. Clear Channel's primary focus is advertisers, and its cross-media holdings allows it to offer cross-promotion over several different media. For example, the company can book acts in its clubs and concert stadiums and then promote them on its radio and television stations, billboards, taxi tops, and airport boards. In addition to these "cluster" campaigns across multiple media platforms, it can also offer specialized campaigns across geographic areas or station music formats.¹² Clear Channel's ownership clout also allows it to lower prices below what competing advertising agencies and radio stations can offer, forcing competitors out of business, or to sell to them.

Clear Channel has so streamlined and centralized operations, sales, and management that it is known in the industry as Cheap Channel. It has replaced live talent with computer technologies that automatically program several stations from one location and with prerecorded voice tracks and program elements.¹³ For example, millions of Americans in forty-eight cities listen to KISS-FM DJs Rick Dees and Sean Valentine chat about local news or promote concerts in local amphitheaters owned by Clear Channel. However, Rick and Sean were prerecorded in Los Angeles and cut and spliced. In the local KISS station down the street in Des Moines, or Jacksonville, board operators play the recorded elements for as little as six dollars per hour.¹⁴

While news programs were being cut during the early 1990s, Clear Channel has speeded up the process. Entire news teams have been replaced with taped feeds from CNN or other national agencies. This missing-in-action status became apparent on September 11, 2001, when the Pentagon was attacked and Clear Channel had no news team to cover it. Then in January 2002, there was a chemical spill in Minot, North Dakota, where Clear Channel owns all six radio stations, including the designated emergency broadcaster, KCJB. Yet no one responded to the call from Emergency Services because the station was on automatic, piping out a satellite feed. This

was not unusual since Clear Channel only employs one full-time news employee in Minot, who rips and reads the newscasts from state and national wire services.¹⁵ For the author of *Media Monopoly*, Ben Bagdikian, the Minot story “demonstrates the systemic negligence of the public interest throughout the country,” in which the people have been “robbed of their air-waves” and have lost local programming and accountability, a hallmark of US broadcasting.¹⁶

SHOCK JOCKS AND BELLICOSE PROGRAMMING

Besides cutting local programming, and the thousands of staff who once produced it, Clear Channel also added a whole stable of syndicated shock talk. Its subsidiary, Premiere Radio, broadcasts one hundred programs to seventy-eight hundred stations nationwide, reaching over 180 million listeners weekly. The brand features Rush Limbaugh, Michael Savage, Dr. Laura Schlessinger, and Michael Regan, among other conservative pundits, as well as a number of hosts whose specialty is “raunch.” Until recently, Premiere Radio also carried Howard Stern’s show on six stations but suspended it in early 2004. Stern, who is primarily broadcast on Clear Channel’s competitor, Viacom’s Infinity Radio, contends that he was not dropped because of his routinely obscene programming but instead because of his opposition to the Bush reelection.

Of course, Clear Channel has not come out of nowhere. Clear Channel has particularly close ties to the Bush family, contributing to George W. Bush’s private fortune and to his gubernatorial and presidential campaigns. Vice chairman of the company Texas billionaire Tom Hicks paid George Bush \$15 million for the Texas Rangers.¹⁷ In 1998, Lowry Mays, Clear Channel’s CEO, gave Bush’s gubernatorial campaign \$51,000, while his family members have donated \$160,000 to political action committees between 1999 and 2002.¹⁸ In return, Clear Channel can count on strong representation within the Bush administration. For example, Charles James represented Clear Channel’s bid for regulatory approval when it purchased AM/FM in 2000. He is the current antitrust chief in the Justice Department. The company’s newly opened Washington Office includes Andrew Levin, a former top aide to Democratic Representative John Dingell, and two former telecommunications aides, one from each major party.¹⁹ In the first year of operation, with the FCC ownership rules at stake, Clear Channel increased its lobbying expenditures more than tenfold, from \$68,675 to \$700,000.²⁰

While Clear Channel's connections to the Bush administration are now well known, it is perhaps the media conglomerate's brazen new-money challenge to the existing rules and norms of business and government that has made it such a lightning rod for criticism. While "old network" competitors, such as ABC-Disney, and CBS-Viacom (which owns Infinity Radio) pay lip service to their public service obligations to promote the public interest, Clear Channel expresses no ambiguity. CEO Lowry Mays is notorious for saying, "We are not in the business of providing music, news, or information" but of "selling advertising to customers."²¹

Such hubris has contributed to the swath of congressional investigations, antitrust investigations, employment-related disputes, and private law suits and complaints. In 2002, Salon reporter Eric Bohler investigated the allegations that Clear Channel was defying the FCC caps on station ownership and "parking" or "warehousing" stations that exceeded the caps. A competitor in New York said to him, "You can only own so many stations in a market. That's the spirit of the rule. Everybody else is playing by the spirit and Clear Channel is allowed to circumvent it. . . . How can they do this? What's it going to take to get the appropriate government agency to pay attention."²² As a result of these concerns, two Democratic Party representatives, Anthony Weiner of New York and Harold Berman of California, wrote to the Justice Department and the FCC. Partly in response, in 2002, the FCC sent one of the company's requests for another station purchase to a hearing, the first to deal with market-concentration issues in a radio station since 1969.²³

Known for its lengthy legal fights and contestative attitudes, it is perhaps no surprise that Clear Channel has played such a public role in supporting the war efforts of the Bush administration. Clear Channel's public position first became evident after 9/11 when a list was circulated to program directors of 158 songs to avoid, with such "offensive" songs as John Lennon's "Imagine," Cat Stevens' "Peace Train," and Paul Simon's "Bridge Over Troubled Water."²⁴ Three weeks later, on October 1, 2001, David Cook, better known as "Davey D," was fired from his position as Community Affairs Director at KMEL FM, in San Francisco, not long after he aired the Coup's Boots Riley's objections to the war and hosted Democratic Congresswoman Barbara Lee, the solitary dissenting voice in Congress against attacking Afghanistan.²⁵

In 2003, Clear Channel promoted prowar rallies around the country on its radio stations.²⁶ While denying direct involvement, the company admitted to assisting syndicated radio talk show host Glen Beck in organizing eighteen promilitary rallies in fourteen states, primarily in the south, cosponsoring and

promoting most of them on its stations and via its company Web site.²⁷ Roxanne Cordonier, a former radio personality at WMYI, in South Carolina, is suing Clear Channel, claiming she was belittled by colleagues on and off air for her opposition to the war, and forced to participate in prowar rallies.²⁸ Charles Goyette lost his prime afternoon drive time slot at KFYI-AM in Phoenix after opposing the war in Iraq and questioning the competency of Donald Rumsfeld on air. While Goyette has a well-drafted contract, protecting him from dismissal, he has been vilified and ridiculed by radio hosts at his own station, effectively shriveling his listener base. Clear Channel's attempts at censorship extended to musicians. During a concert of indie folkie Ani DiFranco, supporters had antiwar protest materials confiscated. The Dixie Chicks were cut from the program rotation after singer Natalie Maines told British fans that she was ashamed to be from the same state as President Bush.²⁹ (It is only fair to note that Cumulus Media also banned the Dixie Chicks.)³⁰

RECLAIMING THE SPECTRUM

Clear Channel's macho corporate business practices, and rude right-wing talk show hosts, have helped garner huge audiences. However, they have also helped galvanize a renewed campaign for free speech and corporate media accountability, remarkable in a media climate that no longer guarantees diversity in programming personnel or content. Challengers have taken on Clear Channel and the other corporate radio oligarchs on and off the radio dial. As well, the challengers have not just criticized but have worked to create new kinds of innovative radio programming, designed to meet the public interests of the multiplicity of communities who make up the American public. As Pete Tridish and Kate Coyer note in their chapter, the consolidation of ownership and the narrowing of radio programming has helped spur a movement for communities to establish their own independent low-power FM stations. Together with the growing network of campus and community stations, they have provided information and critiques of the problems of consolidated corporate media. They also have kept alive a diversity of voices in music, information, and public discussion, providing live examples of just what the public is missing in the homogenized network programs.

Another group of stations embroiled in the debate over Clear Channel, and the radio industry, have been the independent urban stations. These small commercial stations, often owned by African Americans and Hispanic Americans, have built up strong loyal followings by responding to their distinct

local communities and producing programming not heard anywhere else on the dial. San Francisco KBLX radio host Lesley Stoval has worked in several. “Radio is such a wonderful medium, it’s so personal, it’s one-on-one. . . . And especially in the minority community, it serves as a billboard; for Black radio, Latino radio, Asian radio, it’s a forum for the community. . . . But under consolidation, you can’t have that, because everything is *velveeta*.”³¹

Most of these stations have not been around very long. Until the 1970s, African Americans were systematically excluded from broadcast ownership in much of the United States. A decade earlier, after an extended civil rights media campaign initiated by the United Church of Christ, in Jackson, Mississippi, the FCC created measures to open up broadcast licenses to African Americans and others who had been systematically excluded.³² However, many of these independent stations and small chains went under during the wave of mergers, since they could not afford to compete for advertisers when Clear Channel, and other big networks, could offer cheaper cross-media packages, concert premiums, and higher salaries.³³ As William Saunders, who owns WPAL-AM in Charleston, South Carolina, told *Black Enterprise*, “Now we have people at urban stations that don’t know anyone in the community. [They] just play music and come up with new ways to make money.”³⁴ Several of the African American station owners have begun to fight back through public discussion, lawsuits, and political lobbying. The National Association of Black-Owned Broadcasters Incorporated (NABOB), brought these station owners’ concerns to Congress in a Senate Commerce Committee hearing on the radio industry in January 2003.

CALLING FOR COMMUNITY ACCOUNTABILITY

Another urban station taken over by Clear Channel was KMEL in San Francisco. KMEL called itself the “People’s Station” and had developed a strong and loyal following during the 1990s as a leading independent urban music station, launching several important political rappers and DJs. The station’s programs were often cutting-edge, engaging its young audience of color with fresh and local music, and talk programming that addressed the social issues of the hip-hop generation. KMEL was also very successful in the local market. After Clear Channel bought KMEL and its rival station in 1999, the conglomerate began to broadcast a shorter play list of no risk-taking tunes, removed the local community-driven music and talk programming, and replaced some of the DJs with digitally preprogrammed tapes.

When Davey D was fired from his position as community affairs director at KMEL FM, it catapulted him to the front of a community campaign to make KMEL and Clear Channel more accountable. Davey D had hosted the popular “*Street Soldiers*” program that was aimed at youths of color. He, somewhat reluctantly, began to speak out about the problems of Clear Channel and the larger problems of independent hip-hop artists trying to survive within the bottlenecks of the radio and music industries. In the last three years, he has toured the country, speaking to colleges and other groups. He has also expanded his own Web site, and helped start a new program for youth of color, *Hard Knock Radio*, on the Pacifica station KPFA.

At the same time, a number of groups from KMEL’s audience base, young people of color and their allies, formed the Community Coalition for Media Accountability. They approached the station, demanding redress for the firing of Davy and another popular host, the cutting of hip-hop programs of social issues, and the replacement of local music by preprogrammed “top hits.” They researched and published a content analysis of the programming. Their report, “Is KMEL the People’s Station? A Community Assessment of 106.1,” found that KMEL “routinely excludes the voices of youth organizers and local artists, neglects discussion of policy debates affecting youth and people of color, focuses disproportionately on crime and violence, and has no clear avenues for listeners to hold the station accountable.”³⁵ After many months, KMEL met with them and made some concessions, including the addition of a new local music program.³⁶ In addition, in June 2003, KMEL agreed to cohost a community forum, featuring young people talking about policy and community solutions to street violence with Let’s Get Free, one of the coalition partners.

MAKING CLEAR CHANNEL THE POSTER CHILD OF DEREGULATION

Another effective group of critics of Clear Channel, and the music and radio industries, has been the Washington-based Future of Music. In 2002 this non-profit advocacy group released “Radio Deregulation: Has It Served Citizens and Musicians?” which documents the way that radio’s oligopolies, interacting with the five-company recording industry, hurt both musicians and citizens. Four radio oligopolies control “almost every geographic market” and “virtually every music format,”³⁷ and program 80 to 100 percent of the radio charts with songs from the major labels. This “twin bottleneck” makes access

to the airwaves exceedingly difficult for musicians—and reduces choice for citizens.”³⁸

Future of Music wanted to effect change for the benefit of “middle-class” musicians and for citizens. Working with Washington advocates, the Media Access Project, the Center for Public Integrity, and the Recording Artists Coalition, the group successfully approached both the FCC and Congress. In late 2002 they presented their findings to the FCC, helping convince the two Democratic Party commissioners and some staff to conduct field hearings and to participate in media forums around the nation. With the support of other musicians organizations, AFTRA—the union that represents on-air talent—the American Federation of Musicians (AFM), the Recording Academy, Just Plain Folks, the Artists Empowerment Coalition, and the Recording Artists Coalition, Future of Music executive director Jenny Toomey testified before the influential Senate Commerce Committee, which is chaired by Republican Senator John McCain, on January 30, 2003.³⁹

Toomey and Future of Music contradicted many of the orthodoxies of the market paradigm, which had successfully ruled Washington media policy in the 1980s and 1990s. Using empirical data, they debunked one of the pillars of the market argument, that consolidation would benefit consumers. The radio industry had claimed that consolidation provided consumers an increase in the varieties of music formats. Future of Music pointed out that this apparent increase is the result of two related phenomena, with shared roots in consolidated ownership. While there were new formats, most were subclassifications of existing formats, such as adding Hot AC, Rock AC, Urban AC, Mix AC, Soft AC, Light AC, and Bright AC to Adult Contemporary (AC). The new subclassified formats did not necessarily feature a different set of songs, since there was an overlap of as much as 76 percent between formats.⁴⁰ In addition to this “faux-mat” variety, Future of Music argued that the networks had not used their increased resources to create more diversity for citizens and consumers, but instead routinely operated two or more stations with the same format in the same community.

At the congressional hearing, Democratic Senator Russ Feingold from Wisconsin, reinforced the arguments of Future of Music and their allies. Earlier, in 2002, Senator Feingold had introduced the “Competition in Radio and Concert Industries Act,” designed to help independent radio station owners, promoters, and consumers.⁴¹ He testified that many singers, musicians, and managers have told him that

play lists are no longer based on quality—subjective as that is—but are sold to the highest bidder instead. They told me how, in the past, if you couldn’t

get a DJ to play your song in Cleveland, perhaps you could try in Pittsburgh, and if the song was a hit in Pittsburgh, the Cleveland DJ would probably hear about it. . . . I am told [that] that doesn't happen anymore. It really can't. The same companies own stations in both markets. If they don't want to play a song, they don't—anywhere. Opportunities for artists to try their music somewhere else just doesn't exist [*sic*].⁴²

Both Future of Music and Senator Feingold also criticized Clear Channel's practice of "pay-for-play." After the first "payola" scandal in the late 1950s, in which recording companies paid radio stations directly for airplay, the practice was deemed illegal because of the unfair advantage it gave to the major labels over unrepresented artists or smaller independent companies.⁴³ However, pay-for-play works slightly differently. Rather than paying stations directly, record companies pay independent promoters called "indies," who in turn pay the stations to play certain songs. Musician and manager Don Henley told the Senate hearing that "as a result of this unprecedented consolidation, record labels must now hire independent promoters on an even grander scale to help convince radio networks and stations to play certain records."⁴⁴

In April 2003, after the Senate investigation and harsh criticism from within and outside the industry, Clear Channel publicly severed its deals with indies.⁴⁵ "Eliminating these relationships with middlemen," said Clear Channel Radio CEO John Hogan in a press release, "should alleviate legislators' concerns and provide opportunity for us to create better ways to market and promote music for all concerned. . . . Clear Channel Radio would begin working directly with the recording industry on specific group-wide contests, promotions, and marketing opportunities."⁴⁶

A joint statement in May 2003 from Future of Music and nine other groups in the music industry contends that Clear Channel's decision to abandon the "increasingly controversial practice of independent radio promotion does little to protect artists and the public from future forms of payola."⁴⁷ Instead, Clear Channel's new "group-wide" promotional strategy will "very likely program from a centralized location and focus on artists with group-wide, i.e., national, appeal at the expense of artists with local appeal. This practice ignores the FCC principle that individual radio stations in radio groups are licensed to serve local communities. Furthermore, this practice, if implemented, will continue to harm local artists, making it nearly impossible for them to use their local popularity to garner local airtime and denying even the most successful local artists legitimate access to a local audience."⁴⁸

As well, in May, *Airplay Monitor* reported "that the Clear Channel door

may not be completely closed, claiming that an independent promoter recently delivered his record to a Clear Channel station and got an add.⁴⁹ Two months after that, in July, the Department of Justice reported that one of two ongoing antitrust investigations “concerns allegations Clear Channel uses its market dominance to coerce recording artists into using its concert promotion business in return for better radio airplay.”⁵⁰

By 2003 there were several different challenges to Clear Channel across the country. In addition to those discussed above, in 2002 Democratic Representative Howard Berman of California had called for an investigation of Clear Channel’s use of third parties to park radio stations, in markets where they exceeded the FCC caps, and coercion of artists.⁵¹ The Department of Justice also instigated two antitrust investigations, one of which resulted in a consent decree that required Clear Channel to sell stations and interests in Lamar Broadcasting.⁵² In Florida, Clear Channel was fined \$80,000 by the attorney general, when its use of voice tracking misled listeners into thinking that a national contest was local.⁵³

RECREATING THE PUBLIC FORUM

At the same time as the spotlight was being focused on Clear Channel in Washington, the company was becoming a household name during the campaign to challenge the further FCC deregulation of corporate ownership. In the fall of 2002, FCC chair Michael Powell called for a review of the last rules governing media ownership, as required by the Telecommunications Act. After his refusal to hold more than one public hearing, ten citizens’ groups across the country organized their own. In the hearing in San Francisco, Clear Channel was evoked by speaker after speaker in front of FCC commissioner Jonathan Adelstein. They called on Adelstein to argue for greater accountability from the media, revoking licenses such as Clear Channel’s in order to return the airwaves to public use.⁵⁴

One of the key sets of players in expanding this public discussion of the role of the media were the noncommercial independent radio stations such as the Pacifica Network and campus and community stations on regular and low-powered FM and the Internet. For example, in the Bay Area, Pacifica Radio’s Berkeley station, KPFA, had been the primary source of record and analysis on the story. The station had featured two interview panels, broadcast the first public hearing in New York in January 2003, and was cocarrier of the live feed from San Francisco City Hall, with African American-owned

KPOO-FM. With a virtual embargo of the story by corporate broadcasters, KPFA was also the most trusted source of critical information and analysis for many in the audience.⁵⁵

On June 4, Commissioner Adelstein voted with his Democratic colleague, Michael Copps, against the new rules allowing more deregulation. However, as a result, hundreds of different groups from the entire political spectrum stepped up, lobbying their political representatives, contacting their local media, writing over two million comments to the FCC, and demonstrating in the street.⁵⁶ Finally, just before the date of the ruling, the corporate media began to cover the story. As Mark Cooper, from the Consumer Federation of America, has reported, the debate in Washington, and certainly in the mainstream press, has been to the Right of the US public, who have shown a growing concern about media concentration and its impact on programming since the first wave of corporate mergers and their regulatory approval via the Telecommunications Act of 1996.⁵⁷

The campaign continues, as several decisions are still pending in the courts. As well, no further deregulation was allowed in radio. In fact, using the Arbitron data as a new measurement of concentration, the FCC has rewritten the ownership caps. Eighty-two Clear Channel stations are no longer in compliance. Clear Channel will be required to divest of sixteen of them and also may be required to give up those stations where it “provides programming to or sells advertising on stations it does not own.”⁵⁸ Essential Information, a DC-based nonprofit organization started by Ralph Nader, filed a petition to the FCC, asking it to deny renewal to sixty-three of Clear Channel’s stations in Washington DC, Virginia, West Virginia, and Maryland.⁵⁹ The newly galvanized media reform campaign is also seizing the raised public profile of a new round of officially sponsored FCC hearings on localism to raise concerns with Clear Channel. At the first hearing in San Antonio, in January 2004, many of the five-hundred-plus in attendance focused their criticism on the hometown-based Clear Channel, raising placards saying “Clear Channel Blurts the Truth” and “We’re Not One Country under Clear Channel.”⁶⁰

CURRENT PROSPECTS

By the summer of 2003, the framing of the public debate finally shifted from lockstep agreement with the market paradigm’s celebration of consolidation to a more nuanced concern about the impact of too much centralized control

over media. At this writing, in the spring of 2004, there appeared to be a setback, as Congress and the FCC finally reacted to public concerns about the growth of “raunch” programming and fined Clear Channel \$775,000. While the public concern about the media has been temporarily reframed in a much narrower concern about obscenity, it will be difficult to push the critique of corporate media consolidation back in the bag, and influential Republican senator and media critic John McCain has already drawn a connection between consolidation and obscenity. It will also be difficult to stem the growing concerns and campaigns about corporate media accountability to the public interest. Clear Channel’s own public relations gesture, the “Responsible Broadcasting Initiative,” opens the window for initiatives such as the Community Coalition for Media Accountability in San Francisco.

Finally, the growing public awareness of the problems of Clear Channel in particular, and the more general crisis of radio, has spurred support for independent radio and for more diverse political and cultural programming. The recent opening of frequencies to low-power FM is giving a boost to traditional community-oriented radio and its cyber version on the Internet, as Tridish and Coyer discuss in their chapter. After a lengthy crisis in the 1990s, Pacifica Radio has come back with more new programming from undercovered communities and live specials featuring critical issues of both local and national import. While most of NPR’s network programming has moved from risky to safe, allowing few Left-of-center voices, local affiliate KALW-FM in San Francisco has filled in some of this gap with progressive talk programs such as Laura Flander’s *It’s Your Call*. A new venture, Air America, launched a twenty-four-hour Left-leaning radio network on March 31, 2004, to woo audience members from Rush Limbaugh and Clear Channel’s other right-wing hosts, starting full-time on stations in New York, Chicago, Los Angeles, and San Francisco, and through individual program sales on other stations and via satellite and the Internet.⁶¹ Air America’s strategic vision is to stretch the bounds of democratic discussion and the sound possibilities of the medium by featuring comedians Al Franken, Janeane Garofalo, and Lizz Winstead, as well as Public Enemy rapper Chuck D.

Clear Channel and the other radio conglomerates have severely shrunk what counts as acceptable talk and music inside narrower, more homogenized, and conservative boxes, from its visionary origins to foster democracy and peace by connecting people around the world. However, they have not been able to still the continuing public urge to use radio to form connections between the hearts and minds of listeners, artists, and commentators. The challenge will be to move the public awareness of Clear Channel and other

corporate conglomerates beyond the critique of bigness, to remake a vision of the airwaves, owned and operated by the people. With new digital technologies, the horizon has been raised, opening the available frequencies and possibilities to a wide diversity of groups, operating locally, nationally, and internationally.

NOTES

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5.

**Table 1: Local Radio Station Ownership Rules
According to the 1996 Telecom Act**

In a market with . . .	A single entity can control . . .
. . . 45 or more stations	. . . up to 8, no more than 5 in same band (AM or FM)
. . . 30–44 stations	. . . up to 7, no more than 4 in same band
. . . 15–29 stations	. . . up to 6, no more than 4 in same band
. . . 14 or fewer stations	. . . up to 5, no more than 3 in same band

Source: Peter Dicola and Kristin Thomson, *Radio Deregulation: Has It Served Citizens and Musicians?* Future of Music Coalition, November 18, 2002, <http://www.futureofmusic.org/images/FMCradiostudy.pdf>, p. 11.

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