

# Whatever Happened to Local News?: The “Vast Wasteland” Reconsidered

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Though the speech and phrase were then only six years old, I remember first reading Newton Minow’s already classic remarks while taking Telford Taylor’s class on communication law at Yale Law School in 1967. Along with several of his other major addresses, it had been published three years earlier in a volume called *Equal Time: The Private Broadcasters and the Public Interest*.<sup>1</sup> From that day forward, I, like so many other students of communication law, have been influenced deeply by Minow’s concept of the responsibility of broadcasters and of the role of the Federal Communications Commission (“FCC”) and the public interest.

When the speech was delivered in 1961, and for the next fifteen years or so, most Americans assumed that the essential rules of the broadcasting industry were fixed in stone. The only truly effective means of transmission in those years were radio and television. While there were weak stations on the hard-to-receive UHF band, the only truly competitive signals were those on VHF. Cable, as it began to develop, was designed only to deliver television to viewers in areas that broadcast signals could not reach easily. Most markets could only accommodate three or four VHF stations, one of which generally was reserved for what was then known as educational television. The Lord, technology, and the FCC, it seemed, had conspired to

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1. Newton N. Minow, Television and the Public Interest, Speech Before the National Association of Broadcasters (May 9, 1961) [hereinafter Vast Wasteland Speech], in NEWTON N. MINOW, EQUAL TIME: THE PRIVATE BROADCASTER AND THE PUBLIC INTEREST 48 (Lawrence Laurent ed., 1964).

decree that there could only be three major commercial television networks.

To his great credit, Chairman Minow, unlike many of his contemporaries, foresaw the potential impact of technology. He anticipated the advent of pay TV (which today might be roughly translated as HBO or Showtime), of improved and increased UHF, and of satellites. He also predicted that the day would come when there would be twice as many channels, twice as many networks, and “enough stations to offer service to all parts of the public.”<sup>2</sup> Yet he could not predict other advances, such as cable, digital television signals, DIRECTV, broadband, the Internet, and even devices such as VCR machines and TiVo—all of which, combined, have created far more diversity—and a much, much vaster landscape than he could ever have imagined.

In some respects, the choices available to viewers today are far richer than those in the early days of JFK’s New Frontier. There are many more hours of public-service programming thanks to outlets such as C-SPAN, Discovery Channel, The History Channel, and the all-news networks. Programming on HBO (even if it is not TV) is remarkably inventive and there are those who argue as Charles McGrath did a few years back in the *New York Times Magazine* that, for television drama, thanks to such shows as *NYPD Blue*, *ER*, and *Law & Order*, we are in a “golden age” of television.<sup>3</sup> While there are many who believe that the quality of children’s programming on commercial television remains disgraceful (and arguably in violation of the Children’s Television Act of 1990<sup>4</sup>), there are now a number of superb children’s programs on public television and on cable.

But there are areas where the landscape is, in important respects, worse than ever. One of the most disturbing trends is the decline and even absence in many communities of serious local news and public affairs. In his speech, Chairman Minow noted the importance of local programming as well as the risk that it would decline or disappear. He pointed out to the assembled broadcasters, “[e]very one of you serves an area which has local needs—as to local elections, controversial issues, local news, local talent,”<sup>5</sup> but he remained

deeply concerned with concentration of power in the hands of the networks. As a result, too many local stations have foregone any efforts at local programming, with little use of live talent and local

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2. Vast Wasteland Speech, *supra* note 1.

3. Charles McGrath, *The Triumph of the Prime-Time Novel*, N.Y. TIMES MAG., Oct. 22, 1995, at 52.

4. Pub. L. No. 101-437, 104 Stat. 996 (codified as amended in scattered sections of 47 U.S.C.).

5. Vast Wasteland Speech, *supra* note 1.

service. Too many local stations operate with one hand on the network switch and the other on a projector loaded with old movies. We want the individual stations to be free to meet their legal responsibilities to serve their communities.<sup>6</sup>

In some important respects, the state of local programming has become even worse than Chairman Minow could have envisioned. While one might argue that more national public-service programming and more programs for children are being supplied by national distribution services, it is axiomatic that no such claim can be made for local programming. Yet the FCC's requirement that all stations carry local programming has been removed, and some stations have eliminated their local news operations altogether. According to a recent study by the Media Access Project and the Benton Foundation, twenty-five percent of broadcast stations do not offer local news or public-affairs programming.<sup>7</sup>

Part of the decline may be attributable to the forces of concentration of ownership that Minow warned about: changes in the requirements, patterns, and nature of station ownership. Years ago, the FCC favored applications by local station owners who could be expected to have a deep concern and knowledge about the people, problems, and events in their region. But that preference has been eliminated and the connection with local people and events has evaporated as stations have been absorbed by conglomerates that have no direct connection with the communities they serve.<sup>8</sup>

The coverage of local political campaigns offers a striking case in point. A study of television news coverage of the campaign for governor of California in 1974, for example, showed that in the months prior to the general election, TV stations devoted 2.3% of their news time to the campaign.<sup>9</sup> Dr. Martin Kaplan and Matthew Hale of the USC Annenberg School conducted a roughly comparable study twenty-four years later and found that stations only devoted 0.45% of their news time to coverage of the 1998 campaign—roughly one-fifth the percentage of time devoted to

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6. Vast Wasteland Speech, *supra* note 1.

7. MEDIA ACCESS PROJECT & BENTON FOUND., WHAT'S LOCAL ABOUT LOCAL BROADCASTING? (Apr. 1998), *available at* <http://www.benton.org/Television/whatslocal.html>.

8. LEONARD DOWNIE JR. & ROBERT G. KAISER, THE NEWS ABOUT THE NEWS: AMERICAN JOURNALISM IN PERIL 10 (2002).

9. MARY ELLEN LEARY, PHANTOM POLITICS: CAMPAIGNING IN CALIFORNIA 48-49 (1977).

politics a quarter of a century earlier.<sup>10</sup> Perhaps that result should have been anticipated. By the end of the 1970s, almost every station in the state of California had closed down its news bureau in Sacramento, the capital of the most populous state in the union.<sup>11</sup>

Similarly, remarkably little time was devoted to local political coverage in 2000. In 1998, a presidential commission chaired by CBS President Leslie Moonves and political scientist Norman Ornstein proposed that “[t]he television broadcasting industry should voluntarily provide 5 minutes each night for candidate-centered discourse in the thirty days before an election.”<sup>12</sup> Coverage of campaigns at all levels of government was to be included in that goal. While there were some success stories, a study of seventy-four broadcasting stations in fifty-eight markets by the USC Annenberg School found that the average amount of time devoted to such coverage during the fall 2000 campaign (the coverage of *all* campaigns, from mayoral to congressional to gubernatorial to presidential) was about seventy-four seconds per night.<sup>13</sup> One might wonder how citizens, who get most of their information from television, can learn about candidates, campaigns, and issues. The answer, to a very large extent, is from political advertising. Based on data compiled by the Campaign Media Analysis Group, the Alliance for Better Campaigns reported that during the 2000 campaign, candidates spent at least \$807 million on television advertising in the top 100 markets.<sup>14</sup>

The same pattern prevailed in the elections held in the fall of 2002. Another USC Annenberg School study, supervised by Dr. Kaplan in partnership with the University of Wisconsin, examined 4850 half-hour local news broadcasts in the nation’s fifty largest markets from mid-September to mid-October 2002. The study found that only about one-third of the newscasts carried any campaign coverage, while two-thirds of the

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10. MARTIN KAPLAN & MATTHEW L. HALE, TELEVISION NEWS COVERAGE OF THE 1998 CALIFORNIA GUBERNATORIAL ELECTION 4 (Inst. of Governmental Studies, Univ. of Cal., Berkeley, Working Paper No. 2000-6), *available at* <http://www.igs.berkeley.edu/publications/workingpapers/WP2000-6.pdf> (last visited Feb. 26, 2003).

11. Carl Ingram, *TV Network for State Government Urged*, L.A. TIMES, Aug. 29, 1989, at 20.

12. ADVISORY COMM. ON PUB. INTEREST OBLIGATIONS OF DIGITAL TV BRDCSTS., CHARTING THE DIGITAL BROADCASTING FUTURE 56 (Dec. 18, 1998), *available at* <http://www.ntia.doc.gov/pubintadvcom/piacreport.pdf>.

13. MARTIN KAPLAN & MATTHEW HALE, THE NORMAN LEAR CTR. CAMPAIGN MEDIA MONITORING PROJECT, LOCAL TV COVERAGE OF THE 2000 GENERAL ELECTION 3 (Feb. 2001), *available at* <http://www.learcenter.org/pdf/campaignnews.PDF>.

14. *Record Political Ad Spending on Television Tops \$1 Billion*, POL. STANDARD, Nov.-Dec. 2002, *available at* <http://www.bettercampaigns.org/standard/display.php?StoryID=270> [hereinafter *Political Spending*].

programs carried political advertising. Overall, voters turning to the most popular television newscast in their area were more than four times more likely to see a political advertisement than they were to see a news story about a political candidate.<sup>15</sup> As local news coverage continued to decline, political advertising continued to grow. For the year 2002, the amount spent on political advertising in the top 100 markets increased by about twenty percent, to \$995.5 million, even without a presidential election.<sup>16</sup>

The absence of local news, especially when replaced by political ads, has serious consequences for politics and civic engagement. Research demonstrates that political advertisements, which are often overwhelmingly negative, have the effect of depressing turnout—a result that is intended, at least sometimes, by political strategists.<sup>17</sup> In describing the Republicans' campaign strategy in the 2002 California gubernatorial election, for example, GOP political strategist Sean Walsh explained: "What we had to do [with our advertising] was try and hurt [Gray Davis] as badly as possible, get Democrats to not show up in great numbers [and] hope Republicans didn't defect."<sup>18</sup> Sadly, it would seem that at least some of the disillusionment and alienation of voters—and the record low turnout for elections—can be traced to the decline of local political coverage combined with the increase in political attack advertisements.

Last year, two leading *Washington Post* editors described the decline of local news in a thoroughly researched book called *The News About the News*. They concluded:

Americans who depend on local television news get little meaningful information—much less in-depth explanations or exposés—on what is going on in the world around them. Instead, they get a distorted caricature of their communities, a daily drama of crime, accidents, traffic tie-ups, stormy weather and other calamities, leavened by cheerful video of photogenic events like parades, charity walks and county fairs. Morning, evening or late at night, they can watch scenes that may resemble real life but actually depict a world that only exists on their television screens.<sup>19</sup>

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15. Press Release, Lear Center Local News Archive, Political Ads Dominate Local TV News Coverage (Nov. 1, 2002), available at <http://www.localnewsarchive.org/pdf/LCLNA110102.pdf>.

16. *Political Spending*, *supra* note 14.

17. STEPHEN ANSOLABEHERE & SHANTO IYENGAR, GOING NEGATIVE: HOW ATTACK ADS SHRINK AND POLARIZE THE ELECTORATE 112 (1995).

18. Sean Walsh, Remarks at Communicating the Campaign: The 2002 Governor's Race, A Candid Conversation about the Messages, the Messengers, and the Media, at 43:31-43:40 (Nov. 7, 2002), video available at <http://ascweb.usc.edu/asc.php?pageID=110&story=131>.

19. DOWNIE & KAISER, *supra* note 8, at 172.

Ironically, the authors noted, the quality of local news has been declining during the decades when local news has become the most important profit center for many broadcasters.

Chairman Minow ended his “Vast Wasteland” speech by calling on his audience to “put the people’s airwaves to the service of the people” and to “help prepare a generation for great decisions.”<sup>20</sup> During the years since then, the FCC systematically has lost or discarded its legal authority to make that great goal a reality. Meanwhile, at the local level at least, that important call to civic education has gone unheeded—and the vast landscape is bleaker than ever.

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20. Vast Wasteland Speech, *supra* note 1.