

A Defense of Media Monopoly

CLYDE WAYNE CREWS, JR.

Despite the Internet revolution, old-economy big media goliaths like Fox and Clear Channel and the hybrids of the old and new economies, such as AOL/Time Warner, continue their march across America's telecommunications landscape.¹ Such companies seek to consolidate and otherwise expand their reach, stirring up concerns about the implications for free speech and diversity of ideas.² Two developments, the recent stream of completed or proposed media and telecommunications mergers³ and the June 2003 controversial relaxation of Federal Communications Commission (FCC) media ownership regulations, have brought the issue to the forefront.

The FCC has been forced to grapple with media ownership issues due to court-ordered reviews of certain outdated ownership restrictions.⁴ In June 2003, after its most recent review, the FCC voted to relax some of these rules slightly,⁵ including the prohibition against a broadcast company from owning stations that reach more than 35 percent of the public. The FCC voted to allow a market reach of 45 percent. Other restrictions on the FCC agenda include those on local TV station ownership, radio/TV cross-ownership, newspaper/broadcast cross-ownership, and restrictions on local radio ownership.⁶ The FCC also removed a restriction on cross-ownership of TV stations

Wayne Crews (wcrews@cato.org) is the director of technology studies at the Cato Institute in Washington, D.C. He is the author of the Cato Institute's annual report, Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State. He is also co-editor of Copy Fights: The Future of Intellectual Property in the Information Age (2002), co-author of What's Yours Is Mine: Open Access and the Rise of Infrastructure Socialism (2003), and a contributor to The Half-Life of Policy Rationales: How New Technology Affects Old Policy Issues (N.Y. Univ. Press 2003).

and newspapers in a given market.⁷

The uproar was instantaneous and overwhelming. Protests erupted from every quarter, with seemingly universal agreement that media are too large, out of control, and monolithic.⁸ The rhetoric is often contradictory: the media are too liberal or too conservative, too censored or too libertine, too something-or-other. Such groups as the Consumers Union and the Media Access Project joined ranks with organizations on the opposite side of the spectrum, such as the Family Research Council and the National Rifle Association, to oppose deregulation and support government regulation of media ownership.⁹ The emergence of a motley coalition of antithetically opposed groups is revealing. When all of these different groups take issue with the media, the necessary implication is that overall media offerings are—well, diverse.

Nonetheless, Congress is now deeply immersed in an energetic campaign to wrestle media giants to the ground by opposing the FCC's proposed changes. Similarly, court challenges are under way to gut much of the FCC's limited attempts at deregulation.

Despite claims about the death of diversity, localism, democracy, and political participation through control in the hands of a few, proponents of mandatory ownership rules in fact advocate their own versions of media control and, ultimately, control of content and information. Thus, ironically, the groups favoring diversity are united in their rejection of consumer sovereignty in the marketplace and in favor of a real monopoly—government control.

What a waste of human energy, talent, time, and innovation. Ideas can never truly be bottled up by big media in a free society, but people have plenty to fear from an overweening government that believes it acceptable for politicians and bureaucrats to block or control media voices—even if they happen to be the big ones. Fundamentally, only government action, not big media

outlets, can obstruct citizens' access to information. An outrageous example of the former is China's current and largely unsuccessful attempt at centralized Internet control and censorship, which imposes considerable economic costs and has drawn the deserved attention of human rights activists.¹⁰

Information Cannot Be Monopolized

The most frequent justification offered for restricting media ownership is to prevent monopolization of viewpoints expressed in the media, i.e., to protect diversity in ideas.¹¹ But the media are merely conduits for information of every sort, and information cannot be monopolized where the government does not practice censorship. The media are an implementation of free speech, not its enemy. Although this article is not the venue for a treatise on the follies of antitrust law over the past century (that has of late found potential monopolies in pickles,¹² intense mints,¹³ and premium ice cream¹⁴), let it at least be offered for consideration that there is no such phenomenon as a media monopoly unanswerable to the rest of society, and to the economy potentially arrayed against the media, if it were to abuse its station in society.

Absent government censorship, there is no fundamental scarcity of information. More information can always be created, and in a free society, nobody can silence anybody else. The most that big media can do is refuse to share their megaphones and soapboxes, which is not a violation of anyone's rights. Real suppression requires governmental censorship, or the actual prohibition of the airing of alternative views.

Ironically, opponents of deregulation feel entitled to commandeer someone else's resources, to limit the size of someone else's soapbox. This action is the true violation of free speech and should concern the public. This effective constraint imposed upon another's property is regarded as acceptable, however, and even laudatory, as long as it is called

a “media ownership rule” and has the support of enough politicians.

It is extraordinarily difficult to create or maintain such a thing as a monopoly on information. This fact is rarely confronted, however. Rather, the charge of monopolization is used as an epithet, a hurled accusation, or a full-page ad with an unflattering picture of Rupert Murdoch, titled “This Man Wants to Control the News in America.”¹⁵ The reality, however, is that would-be monopolists of information would need a stranglehold on both infrastructure and content. That is, they would need to monopolize the hardware of both the wired or wireless networks of today and of those yet to be—along with the information that travels across them. This

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extraordinary situation does not exist and is highly unlikely in a free society. Media companies do not function in a market vacuum and cannot escape hostile competition. Media is a business, with upstream and downstream threats and pressures—disgruntled customers, programmers of content, authors, artists, advertisers, and hostile takeovers. Celebrities bolt. Sports leagues move to new networks. If reporters feel undue influence, they rebel and leave. They can even separate and form a separate newspaper, or join a competitor.

In grappling with the principle that information is not subject to scarcity and cannot be monopolized, it is instructive to contemplate the imaginary worst-case scenario of those who would regulate media ownership. Never mind that AOL/Time Warner has recently decided to ditch the AOL from its corporate name, due to disappointment with the venture. Instead, imagine that an insatiable AOL/Time Warner controlled every cable line in America. Then imagine that AOL/Time Warner were to proclaim that communism is the path to social justice, that the earth is flat and the center of the universe, and that the moon is made of green cheese. What then? Under the institu-

tion of a free press, Wall Street would simply fund new media companies to replace Time Warner or to compete against it. Advertisers, venture capitalists, programmers, disgruntled reporters, and consumers would flee to the new enterprise, taking their funding, talent, and attention with them. In short, the limitations imposed by the mobility of capital apply to unruly media.

Today, Not Yesterday, Is the Age of Media Diversity

If ever a justification existed for media ownership restrictions, the circumstances justifying those restrictions no longer exist. Media ownership rules were largely devised during the middle of the twentieth

century, from the 1940s to the 1970s, when the broadcast landscape, both nationally and locally, was drastically different.¹⁶

They emerged before the advent of thousand-channel cable television, satellite TV and radio, and, of course, the Internet and its broadcast capabilities of personal and organizational webpages, mailing lists, e-mail, weblogging, and peer-to-peer communications.

Channels provide 24x7 news, science, music, home improvement, weather, food, and sports programs; even individual sports like racing (SpeedVision) are available. The rise of mass media companies means that we no longer had to wait until Christmas to watch *It's a Wonderful Life* and allows Viacom's Nickelodeon to offer endless reruns of old shows. The full potential of satellite, Internet, and unused spectrum has been barely touched. Niche markets of the future will make possible self-created stations covering ever more obscure topics, such as a personalized field hockey channel on a continuous basis.¹⁷ Future broadband infrastructure ventures like fiber to the home could expand our options still further.

The dominance of Walter Cronkite and the Big Three networks has disappeared; today, not yesterday, is the age of diversity. Elvis may have left the building, but Matt Drudge is in the house.

Freedom of Speech, or Else

The notion of restricting media ownership is contrary to the concept of

democracy. Perhaps some future historian or New Age logician will be able to reconcile the claim to support democracy and choice, while simultaneously supporting centralized governmental control of the size and structure of private media outlets. From the standpoint of liberty, however, the two tenets are not reconcilable.

Without the FCC's recent rule change, it remains against U.S. law for a broadcast network owner to speak to 65 percent of the public via its stations.¹⁸ Rather, each remains limited to a maximum audience of 35 percent of the viewing public. Despite this explicit regulatory limitation, the advocates of free speech do not condemn this violation of the core principle of free speech, but want to keep the restrictions in place. Some, like CBS, NBC, and Fox, are already at the cap and will not be able to expand.

Big is not always bad, even when caps are breached. The FCC provides waivers to its rules for special circumstances, such as when a newspaper or broadcaster is about to go out of business.¹⁹ These exceptions are a tacit admission that scale can affect dissemination of speech in a positive way. The logical conclusion is that, if companies are not free to grow, they may be forced to fold (particularly in the smaller markets of the country), leaving consumers even fewer viewpoints from which to choose. We should not encourage a regime where waivers are special favors; all should be free to expand as market circumstances propel them. Pandering to politicians for permission to expand one's business is something, but it is not free speech.

Regulating media mergers is a violation of free speech, to say nothing of bad antitrust and communications policy. Such regulation is a needless and counterproductive declaration that people do not get to speak if their microphones are too big—a situation that will be remedied, if necessary, in the unforgiving marketplace of ideas. Of course, not everyone may like the end results of some collective market decisions, but ours is increasingly an age of “narrowcasting” rather than broadcasting, leaving less and less room to complain. Already the market preserves the old and valued while offering the new. With regard to news (as opposed to entertainment), markets are surely capable of providing unbiased and unfiltered information, as demonstrated by C-SPAN.

Media monopoly is not a valid threat to free speech or democratic values in a free society, and the scale and the scope of private media organizations are not appropriate targets of coercive public policy. Citizens remain forever free to establish new media outlets, and investors remain free to fund them. More emphatically, far from a threat to free speech, media consolidation is but one exercise of that freedom. Radio station owners have a right to boycott the Dixie Chicks.²⁰ If it is a dumb decision, it will not (and it did not) stick.²¹ Only governments can censor or prohibit free speech (or the emergence and funding of alternative views), and it is precisely such censorship that government engages in by establishing ownership rules. Government restrictions on ownership are themselves censorship, and a coercive impediment to speech and a threat to democracy and wide scale expression. No gaggle of politicians should ever threaten network owners over their legitimate, private, business decisions. That can be left to the marketplace.

The arguments against big media fail because they rest on the notion that capitalism and freedom are inimical to civil society and the diffusion of ideas and information, when they are, in fact, the prerequisites to such values. We cherish a free press, dissent, and debate because only governments can threaten these values. Free markets are required to maximize output, including that of true and useful information, the raw materials of democracy. No case can be made that we acquire and safeguard diversity, independence of voice, and democracy via government control of the microphone. Those values spring not from government coercion but from a separation between government and media. Just as religious freedom does not depend upon government controlling the reach of any faith, information diversity will flourish without the FCC.

Our government should not control who can own a printing press, or how many television stations or newspapers one entity can own, or the viewpoints of those outlets. Ownership rules need to be abolished, not merely relaxed. Citizens need not fear media monopoly; rather, every media mogul must live in fear of the power of consumer choice and the tyranny of the remote control or the angry country music fan. Long live the Dixie Chicks.

So Who Is the Greedy One?

The inclination of some academics and public servants to despise the commercial Internet and media grows tiresome. Not only do these critics often occupy a stance that is parasitic of the commerce they denounce—the nonprofit sector depends upon the private sector’s success, after all—but their notion of free speech perversely enshrines a political, rather than civil, view of communications and social interactions. Once the bromides of diversity, localism, and democracy are pierced, the proponents of ownership rules advocate government control of the flow of information. They hold a viewpoint that they want government to foster by manipulating the institutions of the free marketplace.

Some anticorporate advocates of so-called diversity and government control are getting a bit greedy in terms of new media development. Noncommercial interests already dominate the .org and .edu Internet domains, where nonprofit associations and colleges and universities largely reside. There was even a movement to ensure that noncommercial interests be represented in the .us domain.²² Governmental information is widely available, given that an entire top-level domain, .gov, is devoted to the goings-on of the federal government, and not subject to capture by private media.

Media Access Rules Harm All the Players

All media ownership constraints should be abolished, not merely to allow big media to concentrate, but also to preserve a marketplace in which upstarts can serve national and local markets unimpeded. If Viacom, Disney, and AOL are prevented from reaching half the country thanks to limitation rules, then so are others. If one’s concern is diversity of voices, rules that deliberately hamper incumbents cannot help but also impede potential competitors that might otherwise have seen clear to mounting a profitable challenge. Thus, ownership restrictions apply to potential new voices as well—and make their emergence less likely. The prospect of a large audience can be critical to an upstart’s decision to establish a new

network. The existence of many large voices can leave room for and even generate new demand for boutique voices. That is, a wealthy world with Home Depot can also be a world with Restoration Hardware, HGTV, and Bed, Bath and Beyond—to say nothing of thousands of sole proprietors. Rule relaxation can increase total wealth and options and even the opportunities for local control. If the possibility of a national reach is squelched, other opportunities also suffer.

The Case Against Localism

Another argument frequently offered by advocates of restrictions on media ownership is protection of local interests.²³ However, people were arguably constrained, not liberated, by locality, if today is compared to the era of Walter

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Cronkite and local newspapers. The demise of local programming may not always be inherently bad, especially if the local news is lousy, stilted, and prejudiced. In theory, the existence of *USA Today* does not necessarily contradict or threaten the church bulletin; yet people may, and often do, prefer national news. National news has helped spur an open society and added to opportunity, not subtracted, because national media often give a broad voice to local stories that resonate. With today’s online news, the scale is international and benefits people across the globe. Under the institution of a free press, the national/local dichotomy does not exist. Consumers decide what is important—be it local or foreign—and entrepreneurs cater to them.

In many instances, the decline of local media simply reflects the workings of the economic principle of comparative advantage, which can apply to media goods as well as to ordinary goods. It is often cheaper to consolidate newsgathering, and it may not make sense to do all reporting at the local level. Even so, local resources are quite powerful; after all, the local advertisers (and their customers) control the programming.

While opponents claim that cross-ownership restrictions enhance diversity, retaining the media restriction rule ironically could harm local offerings. An FCC survey found, in cases where the Commission had granted waivers for cross-ownership waivers for ownership, TV stations and local newspapers owned by the company, are providing ample local news coverage as well as opposing political views.²⁴ Sometimes, too, the argument for restrictions resembles a protectionist one: local fare is to be imposed by regulatory restrictions, regardless of people's demonstrated enjoyment of national fare like *USA Today*, cable news, and even National Public Radio. Many seem to

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be airing their gripes and preferences about media content rather than raising legitimate issues of free speech. For example, a frequent complaint is that modern radio programming consists of supposedly local disc jockeys who are actually broadcasting from across the country.²⁵ That may be a reasonable concern, but remote broadcasting and innovations like it do not rise to the level of violations of free speech and diversity.

Airwaves Are Not Public Resources

In the end, to rise above the media ownership squabble, we must let go of the folly that the airwaves are a limited public resource. This approach fosters regulatory impulses and can lead to artificial scarcity. The reality is that the media world is a cornucopia of possibilities, including the Internet, digital cable, and satellite television. The media avenues of tomorrow are yet to be created. When they are, they should not be regarded as public resources to be regulated by the government.

As the communications sector grows, the lost opportunities from over-regulation can be considerable. For example, an EchoStar/DirecTV combination—had the government allowed it²⁶—might have dominated its sector and its slice of the public airwaves (to

borrow the hand-wringing jargon of antitrust orthodoxy). But such a merger could also have heralded unprecedented competition to existing cable, broadcast, and even telephone services. Government intervention is not a good substitute for healthy market responses to such a merger, which would have included discipline from programmers, consumers, already-poised rivals, new entrants, and potential users of innovations such as improved Internet video-over fiber. As the result of government opposition, consumers never received the benefits of those responses.

In an environment in which the public has yet to embrace broadband Internet services and interactive television remains an unfulfilled promise, satellite may yet break through where cable and DSL have not. Thus, policy-makers can cause considerable damage when interfering with efforts by media companies and

networks to position themselves to meet the present and future needs of their customers. Satellite company mergers are just one element of a vast evolving marketplace that will increasingly put consumers in direct control of their viewing experiences. TiVo and ReplayTV, for example, are striking deals to incorporate their recording technologies into smarter satellite and cable set-top boxes.²⁷ Such innovations expand the possibilities for consumer choice, allowing the end user to serve as programmer and scheduler.

More experiments are necessary, and media companies may even require monopoly profits in order to give consumers needed services and to develop the airwaves. One example of the need for capital might be the use of high-speed fiber in individual houses and apartments. Neither cable nor DSL was designed specifically for future broadband Internet requirements. Installing fiber to the home would cost at least \$100 billion. The public airwaves notion clearly has no role to play there, if one seriously wants entrepreneurs to take up such risks. The regulatory mentality that seeks to mold the communications marketplace will simply discourage investment in crucial new facilities as well as the necessary production of content.

Conclusion

Turmoil in the media and Internet sectors provides ample reason and opportunity for rethinking interventionism. Debts, overcapacity, the dot-com collapse, price wars, and efforts to sustain growth create an urge to merge in today's shaky economy that should be allowed to play out, as resources are reallocated and arbitrary market straightjackets removed. The bandwidth cornucopia represented by wireless airwaves and fiber breakthroughs is barely tapped, and the peer-to-peer computing revolution still holds out the promise of making broadcasters out of many of us. Cyberspace and information are about as infinite as we choose to make them.

Even the AOL/Time Warner merger illustrates the fluidity of markets: Time Warner was the world's largest media company, and its flagship *Time* an eighty-year-old magazine. But it was purchased by fifteen-year-old AOL, a company still not old enough to buy beer, as the *Wall Street Journal* put it. Ill-considered ventures, when they do happen, are self-correcting. It remains to be seen whether the AOL/Time Warner merger will be a success, for example. The names have already been separated, and some media components might be split off next.

Policymakers thwart the natural progression of markets and do tremendous damage by placing regulatory hurdles in the way of companies that seek the economies of scale to offer ubiquitous communications network services. Forcibly restricting ownership arrangements helps ensure reluctance to expand networks and that service is restricted. Competitors and disgruntled groups should not be empowered to exploit the FCC bureaucracy to block market-driven deals.

The FCC's recent proposals for liberalization in media ownership, although the right step given today's realities, still represent not deregulation but continued micromanagement, and a magnet for political rent-seeking. Every major proposed media alliance must now continue pandering to Washington politicians, a colossal waste of resources and talent, and an open door to government control rather than market discipline. A genuine consumer-oriented strategy would be interested in phasing out the FCC and removing the government from the regulation of price, entry, and ownership regulation altogether.

If there is policymaking to be done with regard to media, it ought not target ownership structures and content. Instead, government's own regulatory policies that create artificial scarcity of bandwidth and spectrum should be reviewed, defined, and targeted for elimination; they can and do stand in the way of new voices. For example, if local flavor on, say, radio is a concern, then it clearly makes sense to remove regulations on small radio startups. Getting rid of regulations that artificially restrict bandwidth makes sense. If, instead, the intervention pursued by Congress would perpetuate the need for something called the Federal Communications Commission, we are taking the wrong path.

By definition, consumer advocates promote policies that benefit the intended users. Petitioning the FCC to reinstate media ownership rules is one thing, but it is quite another to do it under the guise of aiding consumers. Vast resources are needed to build the broadband networks of tomorrow and to create the increasingly narrowcasted content that consumers are demanding. Mergers and cross-ownership freedom, perhaps on an unprecedented scale, can be part of the market processes required to make them happen.

Endnotes

1. The notion that mainline media companies would not stand idly by as Internet media emerged was apparent long ago. See Amey Stone, *The Big Media Are Slow, But Hardly Out of the Race*, BUS. WK. ONLINE, Aug. 27, 1998, available at www.businessweek.com/1998/36/b3594014.htm.

2. An outspoken opponent of consolidation of late has been *New York Times* columnist William Safire. See William Safire, *Blocking a Big Media Power Grab*, INT'L HERALD TRIB., July 25, 2003, available at www.iht.com/articles/103023.html.

3. AOL/Time Warner is most notable. See Press Release, Fed. Trade Comm'n, FTC Approves AOL/Time Warner Merger, with Conditions (Dec. 14, 2000), available at www.ftc.gov/opa/2000/12/aol.htm. Other significant media-related mergers include Bell Atlantic's mergers with NYNEX and GTE and the merger between Qwest and US WEST. The proposed merger of DirecTV and EchoStar, which was rejected by the Federal Trade Commission, also received considerable attention. See Jay Wrolstad, *FCC Rejects EchoStar-DirecTV Merger*, WIRELESS NEWSFACTOR, Oct. 11, 2002, available at www.wirelessnewsfactor.com/

perl/story/19655.html. The proposed merger of WorldCom and Sprint also was blocked. See Press Release, Dep't of Justice, Justice Department Sues to Block WorldCom's Acquisition of Sprint (June 27, 2000), available at www.usdoj.gov/atr/public/press_releases/2000/5049.htm. Radio mergers also were notable. See, e.g., Cara B. DiPasquale, *Clear Channel Sued for Antitrust Violations*, ADAGE, June 12, 2002, available at www.adage.com/news.cms?newsId_35040.

4. See *Fox Television Stations, Inc. v. FCC*, 280 F.3d 1027, reh'g granted, 293 F.3d 537 (D.C. Cir. 2002) (addressing national television ownership); *Sinclair Broad. Group, Inc. v. FCC*, 284 F.3d 148 (D.C. Cir. 2002) (addressing local television ownership).

5. Press Release, Fed. Communications Comm'n, FCC Sets Limits on Media Concentration: Unprecedented Public Record Results in Enforceable and Balanced Broadcast Ownership Rules (June 2, 2003), available at www.fcc.gov/Daily_Releases/Daily_Business/2003/db0602/DOC-235047A1.pdf.

6. *Id.*

7. *Id.*

8. In response to the FCC action, for example, the Media Access Project claimed that "[d]emocracy took a hit today." See Press Release, Media Access Project, The Public's Law Firm at the FCC, Media Access Project, Reacts to FCC's June 2, 2003, Media Ownership Decision, (June 2, 2003), available at www.mediaaccess.org/programs/diversity/2JuneMAPPpressRel.pdf.

9. Frank Ahrens, *Unlikely Alliances Forged in Fight Over Media Rules*, WASH. POST, May 20, 2003, at E1. See also Christine Hall, *New Media Ownership Rules Continue to Split Conservatives*, CNSNEWS.COM, Aug. 22, 2003, available at www.cnsnews.com/Nation/archive/200308/NAT20030822b.html.

10. Mary Hennock, *The Cost of China's Web Censors*, BBC NEWS, Sept. 23, 2002, available at news.bbc.co.uk/2/hi/business/2264508.stm.

11. See Media Access Project press release, *supra* note 8. See also Center for Digital Democracy website, at www.democraticmedia.org/issues/mediaownership/index.php.

12. Press Release, Federal Trade Comm'n, Federal Trade Commission Votes to Challenge Hicks, Muse's Proposed Acquisition of Claussen Pickle Company (Oct. 22, 2002), available at www.ftc.gov/opa/2002/10/vlasic.htm.

13. Press Release, Federal Trade Comm'n, Federal Trade Commission Clears Acquisition of Nabisco by Philip Morris (Dec. 7, 2000), available at www.ftc.gov/opa/2000/12/nabisco.htm.

14. Kirkpatrick Stockton LLP, *FTC to*

Challenge Ice Cream Merger, KIRKPATRICK STOCKTON ANTITRUST LEGAL ALERT, Mar. 2003, available at www.kilpatrickstockton.com/publications/pubs.aspx.

15. Such full-page advertisements appeared in the *Washington Post* and the *New York Times*. See *Murdoch Labeled a Demon*, THE AGE, May 30, 2003, available at www.theage.com.au.

16. Michael K. Powell, Chair, Fed. Communications Comm'n, Remarks to the Media Institute (Mar. 27, 2003), available at www.mediainstitute.org/Speeches/powell_speech.html.

17. See MICHAEL LEWIS, NEXT 181 (2001).

18. See FCC Press Release, *supra* note 5.

19. E.g., see *FCC Chairman Defends Position Ahead of Media Rules Vote*, CNN.COM, May 28, 2003, available at www.cnn.com/2003/ALLPOLITICS/05/28/fcc.media/.

20. E.g., see *Dixie Chicks Boycott Starts*, MSNBC, Mar. 14, 2003, available at stacks.msnbc.com/local/wgal/a1532063.asp.

21. Richard Skanse, *Chicks Boycott Overblown*, ROLLING STONE, Mar. 19, 2003, available at <http://search.rollingstone.com/bin/search/?st=music&query=Dixie+Chicks§ion=news>.

22. See, e.g., NetAction, Comments on the Enhancement of the .us Domain Space, in response to the Request for Public Comment (from Nat'l Telecommunications and Information Admin.) (Docket No. 980212036-8172-03), Oct. 2, 1998, available at www.netaction.org/old/action/domains-ltr.html.

23. Letter from Consumers Union to members of the U.S. Senate (July 29, 2003), available at www.consumersunion.org/pub/core_telecom_and_utilities/000250.html.

24. David Pritchard, *Viewpoint Diversity in Cross-Owned Newspapers and Television Stations: A Study of News Coverage of the 2000 Presidential Campaign*, Sept. 2002 (prepared for the FCC Media Ownership Working Group), available at hraunfoss.fcc.gov/edocs_public/attach-match/DOC-226838A7.txt.

25. See Marc Allan, *Some Local Disc Jockeys Are Neither Live Nor Local: New Technology Has Saved Money, Cost Jobs*, POPCULTMEDIA, Jan. 17, 2002, available at www.polarity1.com/pcrr12.html.

26. Press Release, Dep't of Justice, Justice Department Files Suit to Block EchoStar's Acquisition of Hughes Electronics (Oct. 31, 2002), available at www.usdoj.gov/opa/pr/2002/October/02_at_631.htm.

27. See *Get Ready for Cable of the Future*, TECHTV, June 11, 2001, available at www.techtv.com/news/computing/story/0,24195,3331961,00.html.