STATEMENT OF
COMMISSIONER MICHAEL J. COPPS

Re: *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations* and *Extension of the Filing Requirement for Children's Television Programming Report (FCC Form 398)*, MB Docket Nos. 00-168 and 00-44

One of the of the FCC-centric recommendations emanating from the Waldman Report on *The Information Needs of Communities* is to "Emphasize Online Disclosure as a Pillar of FCC Media Policy." So it is fitting that we have a disclosure item before us today.

The history of this proceeding goes back many, many years, but I will refrain from revisiting the full saga this morning, riveting though it is. To make the long story very short, the FCC in 1981 ended its requirement for broadcasters to keep a program log and to ascertain what were the programming and issues interests of their communities of service. The decision was premised upon a straight-forward, if rather narrow-minded, cost-benefit analysis. Those were some of the nadir years for public interest premises at the Commission—and that's putting it mildly. Rather, in an effort to deregulate at any cost, those Commissions made it ever more difficult for citizens not only to seek redress for poor station performance, but even to unearth the facts about what broadcasters were in fact doing. Concerned citizens had to go to a lot more trouble just to see a station's file, and even when they got to it, avenues of redress were closed off because so many of the public interest responsibilities of the stations had been eliminated by the FCC. I believe it is the responsibility of this Commission to move forward on both these fronts: (1) to provide for fuller and more adequate disclosure, and (2) to breathe life and meaning back into public interest responsibilities and guidelines. I have been pushing for action on both these fronts since I arrived here ten years ago. And, purely as an aside, there is still plenty of oxygen in my lungs that I will dedicate to breathing life into these critical issues going forward.

Many others have spoken up in favor of fuller disclosure and strengthened Commission oversight. These include the public interest community, President Clinton and Vice President Gore's Advisory Committee, Members of Congress, concerned broadcasters, and millions of citizens across the land. We are not trying to bring back yesterday, but to forge reasonable Twenty-first century expectations for Twenty-first century broadcasting. As Lyndon Johnson put it more eloquently, "Yesterday is not ours to recover, but tomorrow is ours to win or lose." So I hope that we can start down the road now of winning that tomorrow, late in the day though it is.

The Further Notice we are embarking upon holds promise. It proposes that television broadcasters move their public files online, to a site hosted by the FCC, which I hope will be searchable and aggregative and therefore offer real opportunity for comparative analysis and wide public understanding. Without that kind of searchability,

online disclosure would be small improvement over having the file kept in the broadcast station's basement.

What we are moving online is in large measure the same information available in the current station files. We urgently need to consider expanding the range of required reporting. Too often the files are spare to the point of uselessness. And, indeed, a Notice of Inquiry currently on circulation tees up such issues. I hope that we complete this proceeding expeditiously so we can move on to common-sense rules responsive to the information needs of these communities.

There were some valid points made by broadcasters in regards to Form 355 and I have often remarked on the desirability of making some alterations to the Form and then getting on with the job. I had hoped that would be a far less time-consuming process than the one we have actually endured over the last few years—yes, I said years.

Instead we are for the most part starting over. The substantive action we take today is to vacate the previous Report and Order instead of looking for ways to revise our earlier work and expedite its completion. The Report and Order being vacated has been held in limbo for three years. I do hope we move beyond the NOI stage with dispatch, given this is a problem of the highest public interest priority. We just don't have more years to consider this, and I believe other Commission vehicles would have allowed us to travel a far quicker route.

Disclosure is sunlight and an important means to important ends. But I repeat what I said at the time of the release of the Waldman Report: ***Disclosure is a means to an end—not an end in itself***. Making information accessible to the public, prerequisite that it is, serves the public interest only if there are consequences when the files disclose station shortfalls. So we have to ask ourselves what the public is able to do with the disclosed information. Bring a complaint? Based on what? Have a hearing designated? Have a more serious license renewal? It was interesting to me that in the conversation that resulted from Form 355 some broadcasters were willing to provide the information—but only if it would be anonymous—and with assurances that their licenses would not be affected. While many broadcasters work hard to serve the public, it would appear there are some who need to read the public interest bargain one more time. If disclosure brings to light behaviors that require redress, I'm for having redress on the books.

I happily acknowledge the additional requirement to include pay-for-play and shared services as information that the broadcasters need to put online. While I would be even more pleased if we made a decision that shared services are an end run around our media ownership rules, I do believe this information will nevertheless be revealing.

Lastly, I note that we propose moving the stations' existing political files online. This, too, will be revealing—but not as revealing as it could be. I believe citizens are entitled to more information about the political ads that bombard them at election time and, nowadays it seems, almost all the time. The Supreme Court articulated in its *Citizens United* decision that transparency is a vital counter-balance to the perceived influence of corporations in the campaign process. Opaque and misleading information

is not what democracy thrives on. We are not well-served when those who are attempting to manipulate our political dialogue and determine election outcomes can disguise themselves and hide behind misleading names. If a group calling itself "Citizens for Purple Mountain Majesties" is in reality the mouthpiece of a special interest that is refusing to clean up a toxic dump or is pouring pollution into the Great Lakes, don't citizens have a right—yes, I said "a right"—to know that? Open government can only exist where people and groups trying to determine elections stand up and tell us who they are. That's not happening often enough. The fissures in our democracy will continue to widen if anonymous money retains its unchecked influence in our elections. So I would hope the Commission would find its way to using the authority it has to require fuller sponsorship identification of the interests bank-rolling so many of the ads we all watch all the time.

When the roll is called I will vote to approve and move ahead with this item, hopeful that my colleagues will work with dispatch to advance wider disclosure proceedings in the months ahead. I thank the Bureau for bringing up this item and I especially want to recognize the hard work that our public interest community did to emphasize both the importance and the urgency of public disclosure for the public interest.