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**ESSAY:** THE **IDEAL V. THE REAL IN MEDIA LOCALISM: REGULATORY IMPLICATIONS**

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**LEXISNEXIS SUMMARY:**

*... Most research on the effects of media localism regulation starts and stops by linking the site of broadcast transmissions with content as evaluated at the level of program genre. ... Three decades after a community in Jackson, Mississippi, successfully challenged the license of a local television broadcaster on the grounds that its program content did not serve the community on matters of race, public concern about media localism has again come to the fore. ... This article examines the nature of the local community to which the notion of media localism applies as well as what actually happens at each stage of the process by which local television programming is produced, received and incorporated into community life. ... (Stories about suburban crime also have the highest production values, use the most expensive presentation modes, are longer, and are more likely to use neighborhood residents as sources--all characteristics of the news that encourage the most viewer attention and recall. ... The analyses offered here, based on what social scientists have learned about how local television broadcasting content is produced, the world to which media localism regulations apply, and the effects of regulations currently in place, tell us why that is so: The production of content by local television stations relies heavily on material produced elsewhere, often about other communities. ...*

**HIGHLIGHT:**

*Most research on the effects of media localism regulation starts and stops by linking the site of broadcast transmissions with content as evaluated at the level of program genre. But broadcasting is not created by transmission towers, the political and expressive nature of programs cannot be discerned by genre, and the effects of content cannot be understood by looking at content alone. To determine whether regulation is effective, policy analysts must look at what empirical research tells us about the ways in which local content is produced, the nature of that content, and the uses of local broadcasting by communities. A synthesis of this research reveals a significant gap between the conceptual ideal of community life as embedded in regulatory assumptions and the actual nature of communities, their decision-making processes, and the effects of local television broadcasting on community life and politics.*

**TEXT:**

[\*231] Three decades after a community in Jackson, Mississippi, successfully challenged the license of a local television broadcaster on the grounds that its program content did not serve the community on matters of race, <sup>n1</sup> public

concern about media localism has again come [\*232] to the fore.<sup>n2</sup> The Federal Communications Commission (FCC), too, is again addressing the issue for, as its 2004 Notice of Inquiry (NOI) on localism reminded us, maximizing participatory democracy at the local community level remains an important driver of communication policy. Just why this is so was articulated by the Supreme Court of the United States in 1943 when it supported the inclusion of localism among the values to be taken into account in evaluating whether the FCC is acting in the public interest:<sup>n3</sup> Localism is a necessity if diversity of content is to be achieved.<sup>n4</sup>

Throughout its history, the FCC has experimented with a variety of techniques for operationalizing the localism principle.<sup>n5</sup> These have included requiring local residence<sup>n6</sup> and local staffing<sup>n7</sup> by a broadcasting station, promoting micro-radio<sup>n8</sup> or low-power television<sup>n9</sup> stations as a way of offering local voices an opportunity to be heard, attention to cross-ownership,<sup>n10</sup> use of geographic zones in the allocation of [\*233] spectrum,<sup>n11</sup> non-entertainment program guidelines,<sup>n12</sup> and awarding "preference points" in license competitions to those stations that could demonstrate a commitment to integrating ownership and management.<sup>n13</sup> Because of the link between diversity and localism, at the same time that constraints on media concentration were relaxed in the Telecommunications Act of 1996, Congress also required the FCC to review the impact of that act on localism biannually.<sup>n14</sup>

Most research on the effects of media localism regulation starts and stops by linking the site of broadcast transmissions with content as evaluated at the level of program genre. But broadcasting is not created by transmission towers, the political and expressive nature of programs cannot be discerned by genre, and the effects of content cannot be understood by looking at content alone. Thus, research on the ways in which local content is produced, the nature of that content, and the uses of local broadcasting by communities--regardless of whether regulation is mentioned in the course of any given research project--is also pertinent. Indeed, examining what social scientists have learned in these areas is essential in an era in which the FCC has acknowledged that it must cope with so-called "legacy" laws and regulations developed for a technological environment quite different from the one to which policy currently applies.<sup>n15</sup> In localism, as in other areas, the FCC faces the problem of "transition policy"<sup>n16</sup>--the need to develop and adapt the law incrementally in response to qualitative changes in the regulatory subject and in the social environment within which the effects of regulation are experienced. Under such circumstances, using only current regulatory schemes as the analytical frame can obscure critically important facets of the policy problem.

This article, therefore, starts from the position that analysis of transition policy must begin, not with existing regulatory language, but, rather, with the social conditions and processes that are the ultimate regulatory concern.<sup>n17</sup> Doing so is necessary in order to close [\*234] three gaps: the theoretical gap between economic and non-economic approaches to communication policy,<sup>n18</sup> the technological gap between distinct rules and regulations for mass and interpersonal communication technologies that have now converged,<sup>n19</sup> and the policy process gap between communication research and policy-making.<sup>n20</sup>

Going through this process with media localism reveals another gap: the significant difference between the ideal underlying the regulatory principle and the real communities our policies address. Qualitative changes in the nature of society since the early twentieth century and in the nature of broadcasting over the last few decades weaken the validity of many of the assumptions that underlie contemporary regulatory approaches. These include such notions as the idea that the physical presence of a broadcasting station within a local community ensures that the station provides that community with a meaningful voice and that local communities continue to be the loci of important political decisions to which local TV discourse might contribute. This article examines the nature of the local community to which the notion of media localism applies as well as what actually happens at each stage of the process by which local television programming is produced, received and incorporated into community life. The goal is to provide a sociological foundation for bridging the gap between the ideal and the real when evaluating current approaches to operationalizing the localism principle in media regulation.

## THE LOCAL COMMUNITY

Localism is not unique to media policy but, rather, is a constitutionally based principle that has applications throughout U.S. law. The goal is the same as that of many others of constitutional status: to maximize the ability of citizens to effectively participate in decision-making about the conditions of their own lives.

Just as the definition of the "informed citizen" took very different forms at different points in U.S. history,<sup>n21</sup> however, so media localism [\*235] is meaningful only when placed within its actual social, political and technological contexts. Three types of local communities have appeared in U.S. history, highlighting shifts in the role of the media in response to changes in the nature of the communities themselves:

(1) During the formative years of political culture in the colonial and early American periods, information and communication technologies were key to the expression of political power by autonomous communities that were geographically separated, small in population, homogeneous, and built predominantly on face to face communications.

(2) By the early twentieth century, the media were considered important to local community life for neighborhoods and ethnic groups struggling to survive in large, impersonal, heterogeneous, urban environments in which much communication took place indirectly or within the context of very specialized interpersonal relationships only.

(3) In recent years, we have had to consider the local, and the role of the media *vis a vis* the local, in light of globalization processes and the growing importance of types of community that are not geographically based.

### ***Small and Autonomous Local Communities***

Colonial and early American experience with localism developed in geographically isolated communities with homogenous, small populations of individuals who interacted with each other in multiple dimensions of their lives. These are the kinds of relationships termed "primary" by social psychologists.<sup>n22</sup> Communication within these communities took place largely face to face; writing and the printing press were the technologies of mediated communication.

The colonial Committees of Correspondence provided a prototype of the role that community media might play in affecting larger political life.<sup>n23</sup> Using a combination of the printing press, the postal service, and face-to-face meetings, members of local communities discussed issues among themselves, and developed positions on those [\*236] political issues facing the colonies as a whole. The positions were then communicated to decision-makers at the regional and, ultimately, national levels. The political effectiveness of colonial local governance was acknowledged by the British, who tried to keep its development under control throughout the seventeenth century and failed.<sup>n24</sup> As the United States expanded west, communities marked the legal transition from being on the frontier to full membership in the polis at the point at which local governance replaced governance from afar,<sup>n25</sup> a transition that was almost always accompanied by the establishment of local newspapers and the telegraph offices that provided the network infrastructure of the time.

The tradition of local self-government seemed to be particularly appropriate for democratic governance among communities dispersed across the great distances of North America.<sup>n26</sup> It should not be surprising, therefore, that three principles in addition to the general mandate provided by the First Amendment<sup>n27</sup> in the Constitution support localism: The House of Representatives is designed to be demographically responsive to the diverse needs of disparate communities,<sup>n28</sup> and establishes a situation in which two-way communication between communities and their representatives is fundamental to the practice of democracy. The requirement to take a census establishes a statistical foundation for discerning the empirical nature of local communities as a basis for apportioning political representation and distributing resources.<sup>n29</sup> And the postal provision<sup>n30</sup> was included in the Constitution to ensure that the information infrastructure necessary for political representatives and their communities to communicate with each other was in place.

These early formative experiences generated a belief in localism that has been enduring, manifested in many dimensions of U.S. life,<sup>n31</sup> and so strong as to be described as romantic. Ideas about the relationship between media

and community life that developed during this [\*237] period provide the images that dominated when the FCC was formed and when the media localism principle was first enunciated and implemented, and even casual examination of the rhetoric used in debates over media localism shows that they continue to shape perceptions today. <sup>n32</sup> Even 200 years ago, however, this image of local communities differed from reality in at least two ways.

First, the notion that there is such a thing as purely local media was not empirically accurate even during the colonial period. While in Britain local and foreign news developed separately, it was among the innovations of the first newspaper in the American colonies, *Public Occurrences*, to print both local and foreign news together. <sup>n33</sup> News was regularly communicated across the expanding national space *via* personal letters and newspapers, distributed through the postal system and carried by travelers. From the mid-nineteenth century, the telegraph made it possible to form national organizations for the purpose of sharing news about one's local community. Thus, the distinctions among local, regional, national and global communities have never been bright lines. Small towns in rural Pennsylvania, for example, have preserved their local identity and personal relationships over hundreds of years, but exactly the same types of institutions are found in towns throughout the region, suggesting that the social system itself is regional, rather than local, in nature. <sup>n34</sup>

Second, the distinction between interpersonal and mass communication that became important once truly mass media came into being with the electrification of the printing press and the invention of broadcasting was not of focal importance during this early period. Separate provisions in the First Amendment to protect speech and assembly provide evidence that people of the period were aware that there was a difference between communicating one-on-one and in groups, but in practice interpersonal, small group and mass communication were intertwined in multiple ways, often using the same infrastructure and covered by the same laws.

### *Local Communities Within Industrial Cities*

In the early twentieth century some geographically isolated, small, homogenous communities still existed in which face-to-face conversations were the primary means of communication among community [\*238] members. The agrarian nature of early American life, however, was increasingly replaced by industrialized urban life. As John Dewey himself discussed, <sup>n35</sup> for a growing number of people, local communities were most likely to be neighborhood and/or ethnic groups struggling to retain a sense of communal identity within large urban conglomerations. Pressures on traditional community life were already evident, for most individuals were in contact with many people in the course of their daily lives but did not know those people well or communicate with them about more than a few matters.

In response to the experience of life in large cities, Dewey and other Chicago School thinkers emphasized the importance of community-based media for the survival of strong neighborhoods and immigrant communities. <sup>n36</sup> Faced with urban environments characterized as communities legally, spatially and economically but not in social, cultural and psychological terms, Dewey believed in the importance of local media because they filled social and psychological vacua. <sup>n37</sup> Local media kept individuals in touch with each other, and created a sense of community identity *via* self-expression. Community media were thus understood to facilitate local political involvement through support for a public sphere within which diverse views on matters affecting local conditions could be discussed. However, even in the early twentieth century, Dewey noted a disjuncture between popular notions of the role of local communities in political life and the realities of decision-making in a nation the size and complexity of the United States. <sup>n38</sup>

Interpersonal communication continued to be critical to the success of the mass media in sustenance of community life as this new way of conceptualizing media localism developed--but by the first decades of the twentieth century primary interpersonal relations [\*239] were being replaced by what sociologists describe as "secondary," or "thin," relationships, often involving only one aspect of daily life. <sup>n39</sup> While in primary relationships the same people are likely to be engaged with each other in the course of their spiritual, work, entertainment and other activities, secondary relationships most commonly involve one type of activity, whether at work, in leisure or within a spiritual community. Those who studied the effects of industrialization realized that when secondary relationships predominate, traditional local communities are often damaged or destroyed. Sociologists argued that newspapers had replaced interpersonal

communication as the key channels through which individuals become integrated with their communities, <sup>n40</sup> though face-to-face communication continued to be important. <sup>n41</sup>

### *Local Communities as Nodes Within a Global Society*

The process of globalization actually began in the mid-nineteenth century with the telegraph. (Within twenty years of the commercial introduction of the telegraph, the network reached around the world and the first international organization--what is now known as the International Telecommunications Union [ITU]--was created to deal with the cross-border aspects of this global network.) <sup>n42</sup> By the early twenty-first century, the effects of globalization across every type of social process and aspect of the technological infrastructure for communication have created a situation of scale disjuncture between community as experienced at the geographically local level, the spatial span of the effective public sphere, and the nature of decision-making loci. <sup>n43</sup> Pragmatically, this "interpenetrated globalization" <sup>n44</sup> --**[\*240]** what Robert W. Cox refers to as "scale dissonance" <sup>n45</sup> --makes it even more difficult to operationalize the localism principle today <sup>n46</sup> The legal problems this generates were recognized by the Supreme Court of the United States as early as 1974 when the possibility of using non-geographic definitions of community for use in obscenity cases was first raised, <sup>n47</sup> and discussion of the effects of globalization on production, content, reception and use now appears regularly in analysis of media localism. <sup>n48</sup>

Today several local governments--often in competition with each other--are likely to fall within the footprint of a single local broadcasting station. As the second section of this essay details, local broadcasting transmission stations are no longer stand-alone institutions in the way that the local printing presses were during the colonial period but are merely the localized faces of the global infrastructure. Marketing information is now much more likely to be collected at the individual level and grouped by affinity and demographics than by geographically-defined areas. The functions of our daily lives now take place across a number of locales; we often work within a space served by one local government, live in another, and engage in economic, and recreational and educational activities in yet other jurisdictions. This dispersal of activities across multiple communities has significant implications for the nature of local decision-making.

In sum, while local communities were geographically isolated with small homogenous populations in early U.S. history, and were more likely to be neighborhood and/or ethnic groups struggling to maintain their identities within large urban areas in the early twentieth century, today they are best characterized as deliberate efforts to articulate particular identities and carry out specific modes of action locally **[\*241]** within a global context. Economically, local environments are nodes, or "basing points," <sup>n49</sup> for global economic activity. Life in local communities is rarely determinative of global economic activity, but appreciation for the economic implications of local culture as the context of economic relations has grown. Marketers understand well that "the purchase of self-definition" key to consumption occurs locally. <sup>n50</sup> On the production side, however, truly localized economic activity today is relatively rare, appearing only when economic viability is rooted in assets neither available elsewhere nor easily created in places that lack them. <sup>n51</sup>

While primary and secondary interpersonal relationships characterized local communities in their ideal and early American forms, in today's real world what Craig Calhoun describes as "tertiary" and "quaternary" relationships now dominate. <sup>n52</sup> Tertiary relationships are mediated not only by technologies, but also by other individuals and organizations (for example, you know there is a chief executive officer of the company that produces the shoes you wear, but you aren't likely to know who that is and even less likely to ever communicate with that person). In quaternary relationships, exemplified most clearly by surveillance, only one participant is even aware that the relationship exists.

Within this context, geographically defined local communities can still be the site, the source, or the subject of political attention. They are likely to retain their political importance when community activities are of geographically wider importance and/or when knowledge of local conditions inspires political activity. (Environmental matters provide an example of a type of news subject that might be involved in either of these types of processes.) In turn, however, both the definition and political valence of local communities are now themselves the subjects of government policy.

The likelihood that consumers will choose to buy online rather than locally, for example, is highly sensitive to the level of local taxation, <sup>n53</sup> and what is described as a purely [\*242] economic process of flexible specialization is often, instead, the result of governmental intervention. <sup>n54</sup>

The community ideal that underlies media localism as a regulatory principle was shaped during the colonial and early American periods. Most of the history of media localism in broadcasting, however, has taken place in the real context of the twentieth century. The last major government inquiry into the performance of an entire community's local television stations (in 1962, in Chicago) <sup>n55</sup> raised questions still important today: What is the experience of locality in a large city? How are social identities created and understood in large and diverse communities? Is it even possible to think of a city as a single community and, if so, who has the authority to speak for its members? Given the complexity of these issues, how should a TV station best represent and serve the locale in its programming practices? Is local production of programming necessary and/or sufficient to foster local identity and support civic participation? <sup>n56</sup>

## EMPIRICAL RESEARCH ON LOCAL BROADCASTING

Under these circumstances, it is hard to say just what it is that makes a particular media outlet "local." National and international broadcasting corporations see a trend toward collocation of content and transmission capacity, as well as the use of global media to promote the survival of local community life. The availability of global media organizations in local communities, however, still depends largely on the number of local stations available, <sup>n57</sup> and supralocal news agencies such as Reuters and Havas pay the most attention to local news sources when they could also serve as information providers in areas such as economic, financial and commercial news. <sup>n58</sup> Where there is a clear community identity, local programming is more likely to be considered valuable as a means of combating the "cultural discount." <sup>n59</sup>

These are extraordinary conditions, however. Answers to questions on four elements of local TV news and public affairs programming bear directly on the types of regulatory interventions likely to [\*243] effectively operationalize the media localism principle for the majority of communities:

(1) *Production*: How is local television produced?

(2) *Content*: What is the content of local television news and public affairs programming?

(3) *Viewers*: Who watches local television news?

(4) *Impact on Decision Making*: What is the relationship between local television content and decision-making for local communities?

### ***Production***

Strong relationships between a television station and its local community can be economically productive because they help generate story ideas of genuine community interest, <sup>n60</sup> but several other economic forces restrict the extent to which localism is practiced during news manufacturing. Content assembly costs, limitations on staffing, ratings, input from consultants, pressure from advertisers, and the combination of a "technological imperative" with absorption in production values all affect news programming decisions of local TV stations. Huge salaries for news anchors and expensive technologies are the largest items in local TV station budgets.

### ***Assembly Costs***

Researchers distinguish between passive and active news discovery according to the extent to which reporters actually leave the newsroom and acquire information on their own. Active news discovery is more expensive, not only because of labor and resource costs, but also because of the growing need to provide physical security to reporters who increasingly have to worry about stalking. <sup>n61</sup> Only about one-third of the stories broadcast by local TV news stations

had a high assembly cost in the most recent research on this subject in the early 1990s. <sup>n62</sup> Very few stations actually produce their own news content, with non-local production even of local news. <sup>n63</sup> Since [\*244] local news helps define a market niche for local TV stations, <sup>n64</sup> the resources available to news departments generally increase as local newscast competition intensifies. <sup>n65</sup>

Even the most active news discovery, however, does not guarantee that the content presented will be of value for local decision-making, for this category also includes stories about fires, crime and accidents. <sup>n66</sup> Material acquired passively may appear to be produced by a local TV station because a local newscaster reads a script or does a voice-over to localize material produced by others, <sup>n67</sup> but presentation practices do not make the actual content local. Popular techniques for acquiring content passively include the use of video news releases, importation of content *via* network feeds or from content syndicators, reliance upon preplanned news events, and airing content produced voluntarily by viewers.

Video news releases have been common since the 1980s. Thousands are produced annually by groups that range from government agencies *to* transnational corporations. Such news releases are attractive to their producers because they cost less than advertising (even when free distribution to television stations is included in the calculation), and because audiences perceive information delivered within a newscast as more credible than advertising. Video news releases, however, are often misleading to viewers, since the material is usually presented and perceived by viewers as if it is actual reportage. <sup>n68</sup> Distribution practices can even deceive those in the newsroom, for the distinction between news and news releases is frequently lost when material arrives in a newsroom electronically. Analysts believe [\*245] that journalist embarrassment regarding the extent of reliance upon this public relations material leads to underreporting of the proportion of purported news that comes from such sources in surveys. <sup>n69</sup>

Another technique for lowering assembly costs is importing news from outside the local community by using content from network feeds or by buying content from a news syndicator. While both large and small communities import a fair amount of content, smaller markets--which still account for the greatest percentage of the U.S. population--not only devote less time to news but also import much more from outside, often supplanting genuine local news altogether. Even human interest and sensational stories are often imported. <sup>n70</sup>

New technologies make it possible to lower assembly costs by shifting production effort to members of the audience. Individuals with their own video cameras supply material to local TV stations just for the pleasure of seeing their own work on the air. Indeed, some stations even loan or give equipment to viewers in exchange for particular types of footage. <sup>n71</sup> Video blogs ("vlogs") and other video digitally produced and distributed by individuals *via* their mobile phones and other technologies, are becoming popular as a way for individuals to publish their own video footage, and are also being used as sources of imagery produced by non-employees who find themselves at the scene of disasters and other newsworthy events. <sup>n72</sup>

### *Staffing*

Local broadcast station staffing practices affect content when there are shifts in the types of people brought into the newsroom, a high proportion of salary resources go to just a few stars, and staff size is incommensurate with work load. As news has increasingly become a profit center for local TV stations, news content and the people who produce it have changed. <sup>n73</sup> Though there was some speculation [\*246] that this might be due to the development of different types of work roles, professional socialization and education continue to be important to the views of local TV journalists, <sup>n74</sup> with differences in practices across media largely due to the demands of the technologies upon which each medium is dependent. <sup>n75</sup>

It is rare for a print journalist to achieve celebrity status beyond the "chattering class," but stars are highly sought after by local television stations who provide large salaries in hopes of attracting those they believe will, in turn, attract an audience. This practice is promoted by consultants, but research shows that the higher the percentage of the budget spent on on-screen talent, the lower the station's quality scores. <sup>n76</sup> Since news quality translates into ratings, the result

is that highly paid on-screen talent actually lower ratings because there is concomitantly less to spend on reporters, editors, camera crews and producers.

There are other staffing differences between print and broadcast news organizations, including, notably, the demand that television stations cover the same news beats with far fewer personnel than their print competitors. In San Francisco, for example, a local TV news station has to cover the same news turf as *San Francisco Chronicle* with only 7% of the reporting staff. <sup>n77</sup> Since most reporters are required to produce more than a story a day, depth and care are impossible. <sup>n78</sup> Often stations are asked to increase their news production without any additional reporters or editors, with the inevitable result of yet greater dependence upon imported content, weather, sports and "happy chat." Editors report that even five to ten more reporters per station would make a big difference. <sup>n79</sup> One study of local stations found that those that hired more staff and gave them more time to report did significantly better in attracting and holding audiences, but the general trend is in the opposite direction. <sup>n80</sup> The problem is getting worse, with broadcasting newsroom staffs declining by [\*247] 33-57% since the mid-1980s, depending on which sector is being discussed. <sup>n81</sup>

### **Ratings**

In traditional print journalism, the news and business sides of the organization are kept separate and marketing concerns are considered anathema by reporters. In today's TV news, however, marketing is an accepted component of decision-making about content. <sup>n82</sup> Though breaking stories always draw top ratings, when possible stations plan "news" sufficiently in advance to allow time for the promotions department to develop an audience for particular stories. As local news ratings fall, this marketing concern becomes ever more influential. <sup>n83</sup>

Just *how* ratings affect programming, however, is changing along with shifts in research methods. Craig Allen argues that local television news content priorities have less to do with ratings demands *per se* than with the characteristics of the members of the audience as they became a part of the news production process *via* participation in ratings studies. <sup>n84</sup> News anchors become local public figures *via* in-person appearances because it is believed that doing so helps ratings. <sup>n85</sup> Promotional content takes up airtime for the same reason. <sup>n86</sup> Some believe that the introduction of the PeopleMeter altered the measurement of diversity in ways that may have subverted operationalization of that principle. <sup>n87</sup>

For decades, information about ratings was gathered during sweeps periods, and television programmers would organize their schedules to maximize audiences during those times. For the news, [\*248] this often meant saving investigative journalism for sweeps periods, when detailed stories could be presented in multi-part series that would bring viewers back repeatedly. Stations also traditionally spend the most on production values--the audio and video quality of programming--during sweeps periods. <sup>n88</sup> Recently, however, Nielsen has started gathering some data constantly, so the pressure to maximize audience is ongoing, and the motive for differentiating sweeps and non-sweeps programming is diminished in those communities in which the new techniques are being used. <sup>n89</sup> And data is now being gathered at the level of the individual viewer rather than the household, providing much more detailed information about just who is watching rather than just whether a particular television set is on. Stations, too, are beginning to collect information on viewer demographics and audience retention. <sup>n90</sup> These changes encourage advertisers--and, thus, content producers--to focus on particular demographic groups rather than communities as geographically defined.

Quality is defined by industry professionals and researchers as stories that are long enough to provide meaningful detail, well sourced, actively acquired, deal with big ideas and important issues, and include ordinary people as sources. <sup>n91</sup> Other criteria for quality include the extent to which an entire community is reflected in news content, breadth in topic range, ensuring that stories are presented from multiple points of view, use of a variety of appropriate sources, and relevance to the community. A five-year analysis of audience response to more than 30,000 stories concluded that quality defined in this way is still the most likely path to commercial success. Stations ranked high on quality also were the most successful at keeping or adding to their lead-in audience, and at drawing a youth audience. <sup>n92</sup> A study of

sixty markets found that a change in local TV stations' network affiliation did not affect program ratings unless there is also a change in news practices. <sup>n93</sup>

In another study, 63% of those interviewed say they'd watch a station committed to ideals that included more updating and less repetition (less consonance), a balance between positive and negative news, [\*249] coverage of real local issues, more respect for the intelligence of viewers, coverage of all of the day's news, and coverage of the entire viewing area. <sup>n94</sup> This is not, however, the type of content viewers get. Research on more than sixty local TV news stations in twenty cities found most stories to be superficial and reactive, what the group called "journalism on the run." <sup>n95</sup> Almost half of the stories were about commonplace events, fewer than 10% originated from local newsrooms, 43% of stories dealing with controversy involved only one side, and the stations generally did not do well in basic journalistic practices such as sourcing, getting both sides of the story, and thinking ahead. <sup>n96</sup> Some stations have experimented with programming designed to increase issue coverage and citizen involvement, in the belief or hope that success would serve both principles and ratings. When such experiments were limited to election periods, however, the results were minimal. <sup>n97</sup> Incorporating what these researchers refer to as "public journalism" practices throughout everything a local TV news staff does turns out to be much more successful than simply carrying out special projects. <sup>n98</sup>

### ***Consultants***

News consultants guide TV stations on every facet of their activities, from whom to hire and how those employees should dress to how to choose and write news stories. <sup>n99</sup> In recent years, consultants have emphasized news anchor friendliness, fast-paced formats, aesthetically eye-catching newscasts, and weather and crime content over politics. In order to keep stations coming back for more advice, however, the recommendations of consultants change over time; in the mid-1970s, for example, consultants urged local TV news stations to deemphasize local political coverage in favor of consumer reports. <sup>n100</sup>

[\*250] In the past, local TV stations in small markets listened to their communities <sup>n101</sup> and protected their decision-making autonomy, <sup>n102</sup> thereby resisting input from consultants, but that is no longer the case. By the mid-1980s, at least two-thirds of local TV newsrooms used them, <sup>n103</sup> and with conglomeration this trend has only increased. It should not be surprising that newsroom views on the role of consultants in local TV are affected by both work role and experience in the profession; those whose jobs required more attention to the business than the professional aspects of business are more likely to be positive about the contributions of consultants, as are those whose own jobs were due to input from consultants. <sup>n104</sup>

Though the advice of consultants has shaped what is referred to as conventional newsroom wisdom, that advice often does not correspond with audience responses to content as reflected in ratings. Curious as to why this might be so, Dave Iverson and Tom Rosenstiel analyzed the surveys used by consultants to reach their recommendations and found that while those research instruments included many detailed questions about consumer preferences and habits, the surveys usually included only one very general question about political matters: "How interested are you in news reports about issues and activities in government and politics?" <sup>n105</sup> Experimentation with audience responses to surveys that included questions about public affairs as detailed as those about consumption revealed that interest in a wide variety of specific issues was actually very high. Questions specifically asking about level of interest in news stories about what government can do to reduce health care costs, protect local public places from terrorism, or improve local schools all showed that more than two-thirds of respondents were keenly interested in seeing TV news of that kind, even though the general question used by consultants elicited only a 29% positive response. <sup>n106</sup> This research also suggested that the audience is more interested in the issues themselves and less in what politicians are doing.

### **[\*251] *Production values***

The technology-intensiveness of TV news makes the ultimate news product different from what it would be in print not only in delivery but in content. Assignment editors are keenly aware of visual considerations and often choose

stories on the basis of visual interest rather than according to traditional news values. <sup>n107</sup> Once local TV stations have invested a significant proportion of their budgets in expensive technologies, the desire to maximize the use of that equipment trumps long-established strategic routines for producing journalism such as reliance on the geographic beat, chronological phase structure, and particular types of institutionally-based sources are used. <sup>n108</sup> For artists and film producers, the notion of production values has to do with aesthetic values, but in television news, the concept has largely to do with quantity of use.

The result is often a tendency to "go live" even when there is no reason for doing so. The common "black hole" shot, in which a reporter stands in front of a dark building long after the activity being reported upon is over, is disparaged by reporters and viewers alike. A survey of journalists in more than 200 media markets concluded that the ability to gather news is seriously damaged when reporters must always work with a live camera unit. <sup>n109</sup> Reporters appear live 42% more than they do on tape, and live reports are considerably longer than taped reports--but half of all the live stories and 90% of those that linked a live person to a taped piece included no new information at all. <sup>n110</sup> Viewers report that they are interested in live news when it takes place from the scene of a story that is still unfolding but not otherwise, and they often feel that saying "live" is actually a bait and switch technique that results in coverage of unimportant matters in ways that are condescending to viewers.

These same technologies, however, can be used to shape content in such a way as to maximize the amount of information made available in usable forms to viewers--but though a great deal is known about how to design television news to maximize attention and recall, this knowledge is not being used by those who actually produce television news, an important explanation for the fact that media consumers don't learn much from broadcast news. Annie [\*252] Lang and her colleagues synthesized the results of many studies of audience responses to television news content and developed a set of rules that could be used in broadcast production to make local news stories easier for viewers to process and remember without making the content less attention-getting or less arousing. <sup>n111</sup> Lang suggests that the ability of TV messages to elicit high attention but low memory results from the fact that viewers are limited capacity processors and TV news stories often overload that capacity. <sup>n112</sup> Rules for news production that maximize opportunities for viewers to learn under such conditions include simplifying message structure to improve memory and comprehension, slowing the pace of complex messages, including short pauses following the presentation of complex or compelling information, matching audio and video information, presenting important information following--not before--negative images, being concrete in words and imagery, and using obviously chronological narratives. <sup>n113</sup> In a study comparing recall of information from stories already aired with recall on the same stories revised to adhere to these principles, Lang found that significantly more information was recalled when these production rules were followed. <sup>n114</sup>

### *Advertising*

One third of news directors at local TV stations surveyed in 2000 reported being pressured by station management to kill negative stories or to do positive ones about advertisers. <sup>n115</sup> The researchers who conducted the study report that two-thirds of stations now run sponsored news segments, many of which involve events or issues in which the sponsor has a commercial interest that may or may not be evident to viewers. <sup>n116</sup> The Indianapolis Motor Speedway, for example, insists that local TV stations use material shot and edited by the speedway rather than by television cameramen when they report on races, and in another city a local theme park asked for--and got--a [\*253] change in how the weather was reported so that it sounded more promising for outdoor activities. <sup>n117</sup>

### *Summary*

The location of a television station within a particular community encourages attention to the traditional news value of proximity and the selection of news stories according to how close their events are perceived to be to their viewers. Local presence reduces the cost of identifying stories of interest to members of that community. These factors, however, are weak compared to the desires to minimize news assembly costs, please advertisers, maximize the use of expensive equipment, and follow the advice of consultants. The combined effect is that while the ideal is that local news

production would be driven by the need for news in support of local decision-making, in the real world a large proportion of the content of these programs comes from other places and deals with matters that do not touch the community. As is discussed further below, the appearance of localization is often a cosmetic gloss over materials produced by others, elsewhere, about other people.

### *Content*

The FCC has gone back and forth on the question of whether media localism policies should focus on broadcasting capacity or content. It started with the former, surged towards a high water of interest in the latter several decades ago, and now has withdrawn to a great extent from an interest in either content or capacity.<sup>n118</sup> Even when content mandates are not explicit, however, the regulatory assumption remains that local TV stations will carry local news and public affairs programming, and the provision of such content remains an implicit expectation of localism policies because of its supposed importance for local decision-making relative to other types of programming. (The FCC's 1960 Programming Policy Statement<sup>n119</sup> listed fourteen types of public interest programs, several of which were listed ahead of news, including local self-expression, the use of local talent, programs for children, religious programming, and educational [\*254] programs.) Content diversity remains important today for antitrust purposes. Methodological issues, however, confound efforts to discern the extent to which local broadcasting news and public affairs content is truly local.

### *Diversity of Media Voices*

The number of local "media voices" is taken into account for evaluating antitrust issues in cross-ownership and duopoly. A recent study of the fifty largest U.S. TV markets, however, shows that local presence does *not* necessarily equal local content because a substantial number of stations do not regularly schedule either local news or public affairs programming.<sup>n120</sup> Such stations are, in effect, "silent voices" regarding local news and public affairs even though they are still designated local media voices for purposes of antitrust analysis.<sup>n121</sup> Other cross-market studies have confirmed these findings.<sup>n122</sup>

### *News*

Up to half of community members get all of their news about local and state government from television,<sup>n123</sup> but the amount of information available is decreasing and even government stories are often imported from outside of the market area.<sup>n124</sup> A review of studies conducted from the mid-1970s through the close of the twentieth century shows that the amount of local coverage by news stations has declined in both large and small market local TV stations over time.<sup>n125</sup> News directors and reporters believe that this has been a result of changes in newsroom management and a diminished commitment to local news on the part of stations. Local TV stations in smaller markets tend to provide less contextual information about government news than do stations in larger markets,<sup>n126</sup> and spot news tends to push government issues out of coverage altogether.<sup>n127</sup> Local television [\*255] tends to be less cynical regarding elections compared to network news and newspapers, but also contains the least substantive coverage of any of the media.<sup>n128</sup> At least one quarter of election coverage deals with competition among candidates rather than issues. Individual stories tend to be one-sided and imbalanced; despite this, as recently as fifteen years ago one would still see both sides of a story if one watched a station's news all day long,<sup>n129</sup> but today stations have become politically polarized, so that this is no longer the case.<sup>n130</sup>

Meanwhile, there has been significant growth in sensational and human interest coverage.<sup>n131</sup> Stories about sex and violence--sensational and human interest stories--fall into the news category even though such stories have been soundly rejected by the Radio-Television News Directors Association (RTNDA) code of ethics; these now run at about 30% of news content irrespective of market size.<sup>n132</sup> Locally produced public affairs programming often focuses on cultural or human interest stories that may be important to the identity of constituent groups within the community but contribute relatively little to the capacity for informed decision-making about matters that affect local conditions. Indeed, the emphasis on crime as a category of human interest stories fuels the tendency to use local governance

mechanisms to reify socioeconomic class differences rather than to promote fairness and equity in the distribution of resources. <sup>n133</sup>

The influence of cultural, economic, political and social factors in shaping local TV news is made vividly clear by the fact that in multilingual communities, coverage of local events yields different content depending upon the language of broadcasting. There are, for example, a number of differences in the portrayal of the same local community by English- and Spanish-language TV stations within the same market. Describing the content of the two types of stations as "separate but equal," Laurien Alexandre and Henrik Rehbinder noted that both relied on similar news values and had the same level of quality, averaged a similar number of stories produced through [\*256] and exhibited a similar level of enterprise, and drew over two-thirds of stories from low-assembly cost sources. <sup>n134</sup> Spanish-language stories, however, were more likely to cite three or more sources than were English stories, though they were five times as likely not to cite any sources. Spanish-language stories were longer, more likely to be populated by ordinary people, and more likely to cover international affairs and immigration issues. While crime stories were even more popular in Spanish than in English, the main figures in these stories were likely to be criminals or victims compared to the lawyers and law enforcement figures who dominate English-language crime stories in local news. Though the content of Spanish-language local TV news varied only slightly by owning company, it differed significantly by city, reflecting station responsiveness to their specific communities and their diverse demographics and histories. <sup>n135</sup>

### *Public affairs*

The decline in the amount of local information in local news broadcasts has been studied extensively, but there has been relatively little attention to the public affairs impact of non-news programming. Though it is common practice to lump news and public affairs programming together, the FCC distinguishes them conceptually well as empirically. News availability in local markets is affected by competitive conditions, but public affairs programming is not. <sup>n136</sup> Financial resources, broadcast frequency, and network affiliation also have no effect on the extent to which local TV stations broadcast public affairs material. Instead, the same question of assembly cost appears to be the most important factor; today, a high proportion of public affairs programming available from local TV stations has been imported from national syndicates. Thus, while public affairs programming is particularly responsive to station revenues, news content is affected in important ways by station ownership characteristics and the size of the market within which a station operates. <sup>n137</sup>

[\*257] Some of the drop in local television content regarding public issues and elections may also be due to changes in the nature of political communication itself. The professionalization of political advocacy has been particularly dramatic. <sup>n138</sup> Other trends currently of importance include a growth in competitive pressure, an increasingly anti-elitist populism, and changes in how people receive political information. <sup>n139</sup>

### *Sensational and Human Interest Stories*

The bulk of recent research on the effects of local television news on communities deals with stereotyping in the areas of crime and race. Crime is the number one topic (after the weather) on local television. <sup>n140</sup> The belief that crime stories are good for ratings is demonstrated by the popularity of their use during sweeps periods. One recent study of sixty-two major markets found an average of 40% of stories involved criminal violence; in one example, 50% of stories in a particular market were about crime. <sup>n141</sup> Violence-related crime stories tend to appear early in broadcasts and conflate violence and youth.

An average of 15 to 33% of crime stories--rising in some cases to as much as 66%--are imported from outside the market for a local television news station. <sup>n142</sup> Of course, when such stories come from outside a local community they give viewers a false impression of their own surroundings. There are other ways in which coverage of crime on local television news is misleading. Studies show that it gives a highly inaccurate picture of the real nature of crime and of its prevalence, <sup>n143</sup> presents incomplete pictures of important social problems, <sup>n144</sup> and overemphasizes violent crime. <sup>n145</sup> Most crime stories (89%) are episodic, placing both blame and possible problem solutions on the shoulders of

individuals rather than society at large. <sup>n146</sup> [\*258] Coverage of crime focuses on what happens in the suburbs, even though the crime rate in suburbs is generally one-half that of central urban areas. (Stories about suburban crime also have the highest production values, use the most expensive presentation modes, are longer, and are more likely to use neighborhood residents as sources--all characteristics of the news that encourage the most viewer attention and recall. <sup>n147</sup>)

Racial issues are distorted in local TV news in ways that significantly affect inter-group relations. <sup>n148</sup> African-Americans are greatly over-represented in TV news stories about poverty, for example, compared to their actual proportions among that socio-economic class. <sup>n149</sup> Blacks are much more often pictured than whites in stories about illicit drug use, despite the fact that there are far more whites using drugs than blacks. It is also misleading to suggest that blacks are only perpetrators of crime rather than also its victims. <sup>n150</sup> Robert Entman argues that the use of African-American newscasters and reporters not only is not sufficient to dispel the images created by news stories themselves, but also undercuts appreciation of discrimination problems when linked to news stories about blacks. <sup>n151</sup>

The Hispanic population is also misrepresented in local TV news, which generally portrays the population as young, addicted to drugs, and the cause of social disturbances. The primary news sources used for stories about Mexican-Americans are the police, followed by social service workers. <sup>n152</sup> Both blacks and Hispanics tend to be presented as particularly threatening when pictured as suspects in crime stories, and they are more likely to be presented as criminal suspects than as either victims or as positive role models. In communities with both black and Hispanic populations, these trends are more marked for the Hispanic population. <sup>n153</sup> While many believe that [\*259] women are also represented unfairly in much local TV news coverage, this is more likely to be problematic when the women involved are from racial and ethnic minority groups. <sup>n154</sup>

There is also concern about how both the elderly and the very young are portrayed by local television news. Local TV news producers may have positive attitudes toward the elderly, but this has not been translated into significant coverage of issues that affect the elderly or of policies that might address their problems. <sup>n155</sup> Indeed, the elderly are most likely to be portrayed in the news as victims of crime or scams. TV news depiction of youth often equates the young with violence while ignoring policy issues of great importance to children. <sup>n156</sup> By simultaneously misrepresenting factors surrounding issues such as teen pregnancy and poverty, such stories suggest that individuals are victimized by their particular circumstances rather than experiencing the effects of social policy. In general, health issues receive short shrift in the news unless they are the subject of vendor-produced video news releases. Local TV and radio were important as information sources after the bioterrorist anthrax attacks in fall of 2001 (though information from one's own doctor, obtained *via* interpersonal communication, was still the most trusted information source) <sup>n157</sup> --but only one out of 1,791 local TV news stories in a study from the late 1990s had an explicit public health frame. <sup>n158</sup>

### ***Methodological Issues***

Measures of the quantity of air time devoted to news and public affairs programming are deceptive for two additional reasons. First, there is a great deal of repetition of content--consonance--a factor that is deemed critical in determining how news shapes public opinion. Of course some consonance is explicable as the result of shared beats, sources and news values. Studies show, however, that there is little differentiation either within one local TV station's news content [\*260] through a single day or across stations and across days within a single community. <sup>n159</sup> Stories broadcast in common across multiple local TV stations can run as high as 50%. <sup>n160</sup> There are differences, however, across types of stories. The ratio of duplicated to unique stories is highest in the categories of fires-accidents-disasters, government-politics, crimes-courts and education; and the ratio of unique to duplicated stories is highest in human interest, economy-business, sports, and weather news. <sup>n161</sup>

A second methodological problem that affects the validity of evaluations of the extent of local news and public affairs programming derives from how content is categorized. Such material as game shows and travel programs are now included within the category of "factual" programming, even though they need not necessarily have any pertinence

to public affairs. <sup>n162</sup> Dominance of evening news by fires, crime and highway accidents makes it difficult to differentiate actual current events from the entertainment programming by which the news is surrounded. On the other hand, with the growth of television archives, made easier and easier with spreading use of digitization of television content, local TV stations are to some extent gaining an archival function vis a vis public records. <sup>n163</sup>

### *Summary*

Regulators who evaluate the diversity of voices available at the community level by number of stations and ownership assume an ideal world in which each station delivers locally useful news and public affairs, and in which each of those stations does so uniquely. In the real world, however, most local stations provide very little news or public affairs programming as understood in traditional terms, and a great deal of what is presented as local news content is either produced elsewhere or exacerbates rather than helps to resolve local problems. Methodologically, it is clear that evaluation of the contribution of local TV stations to a meaningful public sphere is ineffective [\*261] if it takes place at the level of genre, especially as genre definitions themselves become increasingly flexible or vague.

### *Viewers*

Though it has been a common perception that local television is the prime source of news for most people, <sup>n164</sup> the period during which that has been the case is relatively short--it was not until the mid-1970s that more people began to acquire the bulk of their news from television than of from print, and by the early twenty-first century it is clear that reliance upon television news is waning in favor of Internet-based news or an abandonment of the news altogether. <sup>n165</sup> Though some feared that those who rely upon the Internet for their news would selectively attend only to material that conformed with previously-held beliefs and positions on issues, a 2004 study showed that the Internet is broadening the range of points of view on candidates and key issues than users found available from other news sources, and most did *not* filter out ideas with which they did not agree. <sup>n166</sup> Still, in 1998 the Pew Center for People & the Press reported that the seventy-one million viewers across the United States tuned in to local TV newscasts (down from eighty million in 1990), which reached more citizens than the combined viewership of broadcast network nightly news programs. <sup>n167</sup>

A 2005 report from the Pew Research Center provides detail about the decline in viewership over time. <sup>n168</sup> Local TV news consumption has gone from 77% of those surveyed in 1993 to 59% in 2004. The audience for other traditional news sources declined over the same period, with the nightly network news audience falling from 60% share in 1993 to 34% in 2004, and newspaper readership dropping from 58% in 1993 to 42% in 2004. At the same time, however, consumption of online news (defined as reading the news online at least three days a week) went from 0 to 29%. <sup>n169</sup> Other studies support these findings. <sup>n170</sup> A national poll from 2001 reported that one quarter of adults [\*262] no longer watch any local newscast at all. About 40% of younger viewers avoid local news, and about half of younger viewers who do watch have no station allegiance. <sup>n171</sup>

The Pew study further showed that while major news events such as the attack on the World Trade Center slow the rate of loss of the mature adult news audience to some extent, they do not appear to have any impact on those who are younger. <sup>n172</sup> The percentage of Americans who learned about presidential candidates from the local TV news in 2004 was 6% lower than in 2000 (42% vs. 48%)--though only 29% of young people acquired this information from local news in 2004 compared to 42% in 2000. <sup>n173</sup> (Of those who watch local TV news, 38% reported being "conservative," 41% "moderate," 15% "liberal," and 6% "don't know") The Pew study also noted other trends: "Hybrid" news forms, combining hard news with opinion and entertainment, are increasingly the preferred format for acquiring information about public affairs for those who are younger. <sup>n174</sup> It is believed that this is in part because of the popularity of such late night programs as the *Jon Stewart Daily Show*. In part, however, it may also be a consequence of habits acquired from Web surfing: 77% of Internet users report that they find their news by running into it in the course of looking for other things. The cable news audience has become politically polarized, further stimulating the production of "niche" news. News consumption habits have changed--many fewer people allot a regular time for the news each day, instead preferring to "graze" for news all day long. Strikingly, 42% of Americans say they do not have the background to keep up with the news (50% of those with only a high school education). Perceptions of news credibility now differ along

political party lines (Republicans are more skeptical).<sup>n175</sup> Twenty years ago, only 16% of Americans said they could believe little or nothing of what they read in the daily paper, but in the most recent survey that was up to 45%. Results from surveys held by the National Opinion Research Center (NORC) show that confidence in the media has been falling much more precipitously since 1990 than in any other institution.<sup>n176</sup>

Other Pew studies have compared the relative amount of interest among viewers in various types of news content.<sup>n177</sup> Interest in crime [\*263] news remains high, but health news follows closely behind, while community news interests only about 25% of adults. The staples of various news programs--international news, financial affairs, and stories about government and politics--each spark strong interest from under 20% of the U.S. population, though gender, age and education make a difference.<sup>n178</sup> The two areas of religion and of science and technology are of interest to a slightly larger pool of people than classical serious news subjects, at about 20% apiece, though each to very different kinds of people.<sup>n179</sup> There is thus a "bifurcated" audience, with the most avid news viewers those who follow the news for its own sake; these people are four to five times more likely to express a strong interest in hard news than those who don't enjoy staying current with the news in general. It is for this reason that news content dictated by the most popular news subjects actually drives away core audiences; the most popular subjects may attract those interested in soft news, but these are not the people who are most interested in the news overall.

One of the most important ways that television content can influence political and economic decision-making is through the information it provides as inputs into decision-making and as factors shaping perceptual frames. When this is available, it is used: Environmental Defense Fund's environmental data showing the toxicities in one's own locale was very heavily used, with more than eleven million hits in its first year of operation.<sup>n180</sup> The ideal is that local TV broadcasting provides just such information for use by its local community; the real, however, is that local TV news provides very little information about the communities from which and to which they are broadcasting. That news which *is* presented creates distorted views of social groups and social issues, in ways likely to be exacerbated by the effects of entertainment programming. Thus even with the media localism policy, the market does not encourage broadcasting of information that enhances citizen knowledge in support of better-informed political participation. Many believe this situation presents a market failure deserving of government attention.<sup>n181</sup>

#### **[\*264] *Decision-Making Effects***

From the perspective of media localism as a regulatory principle, the goal for local TV broadcasting is to create and/or contribute to a vibrant public sphere through which members of the local community can effectively participate in decision-making about shared matters of public concern. There are two roles local TV broadcasters can play in this regard. The media function as a public sphere directly when all perspectives are expressed openly and without gatekeeping, content engages in the full complexities of issues of shared public concern, and producers of content explicitly perceive and present their messages as in conversation with each other. These conditions can be found in societies in which there are multiple media voices, each expressly presenting a specific partisan viewpoint with the expectation that those involved in political affairs will obtain their news from multiple sources before making up their own minds on political issues and candidates. It does not, however, characterize the situation for either print or broadcast media in the United States today.

More often, the mass media serve the public sphere indirectly through the provision of texts that express diverse viewpoints that, in turn, can serve as the orientational basis of face to face conversations in small and large groups with various relationships to actual decision-making. This was the model of the Committees of Correspondence, and of the classic New England town hall.<sup>n182</sup> In an ideal world, local TV broadcasts fill this role by contributing to political socialization, community integration, political decision-making, and economic decision-making.

#### ***Political Socialization***

If regulation of media localism took into account the entire "ecology" of a community's communication environment, meaning all of the information that is available from all sources, entertainment content as well as news

and public affairs would be taken into account. <sup>n183</sup> The political impact of television content derives from perceptions of realism, and that perception can be achieved in either entertainment or news programming. Political scientists, psychologists and sociologists [\*265] have long recognized that many types of activities not overtly or directly political, such as pursuing hobbies, can have a political socialization effect even when involvement is not intensive. <sup>n184</sup> Such programming is an important medium for what political scientists refer to as "mundane political culture," providing a means of exploring important political issues indirectly and affecting perceptions of social groups with political consequences. <sup>n185</sup> A growing body of research examines the political effects of entertainment programming, <sup>n186</sup> and increasingly public affairs programming is actually presented as entertainment. <sup>n187</sup> Dimensions through which the potential impact of television programs can be determined include attitudinal effects, cognitive effects, emotional involvement and salience. <sup>n188</sup> Some believe there is also a "trap effect" when popular comedies, dramas and films develop inertia in viewers who then watch news and public affairs. <sup>n189</sup>

[\*266] Political socialization by television begins very young <sup>n190</sup> but continues throughout life. <sup>n191</sup> A number of intervening variables, however, affect the extent to which the news actually influences political activity. Some are characteristics of viewers, such as gender and ethnicity. <sup>n192</sup> Others involve features of news story content, including accuracy <sup>n193</sup> and relevance to the central tasks of government. <sup>n194</sup> Still others involve how individual stories are structured, for episodic stories focused on events and suggest that responsibility for both the cause and solution of a problem lie with the individual involved, while thematic stories place incidents within a social context, leading to the perception that social institutions and government share responsibility for treating the problem. <sup>n195</sup> Genre differences can also be important. Because reinforcement of stereotypes is one of the most influential political effects of hard news, the coverage of crime, race and other marginalized groups receive more detailed attention below.

Though much local news is "soft," focusing on human interest stories rather than political issues, soft news is still not very popular compared to hard news and pure entertainment, and there is only limited evidence that viewers actually learn anything from soft news. <sup>n196</sup> Unfortunately there has been little research into the consequences of soft news for knowledge about political processes or on the perceptual and behavioral modeling effects of soft news. Political socialization and political knowledge are, of course, two different things--soft news, like entertainment, may have powerful socialization effects while not contributing to actual political knowledge or serving as motivators for engagement.

Of course a great deal of what local broadcasters offer is entertainment, rather than news. Although children's entertainment was included in the 1960 list of types of content considered public affairs by [\*267] the FCC, to date regulatory practice has not taken either children's or adult entertainment television into account in evaluating the extent to which the media localism principle is being satisfied.

### ***Community Integration***

Though we think of television as a mass medium, the influence of television is heavily mediated by social networks and social trust. The "community integration hypothesis" has long held that local media contribute to individuals' involvement in a community. <sup>n197</sup> The most important functions of the mass media in community integration often involve providing support for interpersonal communication, for the intertwining of interpersonal, group, and mass communication in development and sustenance of community are as important today as they were historically.

Media differ in their impact on community integration, though the extent and dimensions of this difference are likely to change across time and from culture to culture. A recent comparison of media in local and urban environments in the United States along the dimensions of social networks, social trust, and prosocial behavior found that while newspapers still have positive effects on community integration, television viewing in general has negative effects. <sup>n198</sup> Local TV news use is more likely to have positive effects in urban environments, while network TV news use has positive effects only in rural communities. A reciprocal relationship between social networks and social trust was found in rural environments, while the relationship is linear (from social networks to social trust) in the urban model. While Robert Putnam famously claimed that watching television inevitably damaged the quality of community life by taking

time away from group activities, <sup>n199</sup> empirical research suggests that the effects are differential; social capital may be negatively associated with general and entertainment television viewing, but positively associated with newspaper and TV news use. <sup>n200</sup> Other research has found TV [\*268] hard news use positively associated with civic engagement. <sup>n201</sup> There has been some experimentation with trying to encourage community involvement by highlighting individuals who so engage in television itself; one local TV station, for example, regularly featured older women involved in community welfare projects. <sup>n202</sup>

Crime news can actually work against community integration. While crime is consistently followed more closely than any general subject, interest falls with crime rates (from 41% in 1996 to 30% in 2000). <sup>n203</sup> Fear of crime, however, remains high, due largely to coverage of crime on local news; as much of 80% of a community's population report being personally afraid of being a crime victim. <sup>n204</sup> Franklin Gilliam and Shanto Iyengar suggest that news stories about crime are so popular because they meet the demand for action news, leading to narratives that focus on violence and that usually suggest that the perpetrators of violence are non-white males. <sup>n205</sup> In turn, however, inclusion of race in crime stories increases support for punitive approaches to crime and heightens negative attitudes about African-Americans among white (though not among black) viewers.

### ***Political Decision Making***

Despite the romantic ideal of local community decision making inherited from the American past, the actual purview of local governance mechanisms in the United States today is quite narrow, involving largely such matters as K-12 education and zoning. <sup>n206</sup> Local TV broadcasts are largely ineffective regarding enrichment of local political decision making not only because it does not provide content actually addressed to issues of concern, but also because of the fragmentation of local decision making and the mismatch between broadcasting footprint and political structures; there is generally little pass-through from decision making at the local level to the state, national and international levels; and decision making that does take place at the local level often serves to reinforce socio-economic divides [\*269] in ways that run counter to claimed policy goals of larger political units. This is also, unfortunately, a relatively underdeveloped area of research. Similarly, we know a lot about political agenda-setting by the media as it operates at the national level, but not at the local level, where at least some believe it operates quite differently. <sup>n207</sup>

Very little of what makes the worlds in which we live results from decision making in our own local communities. Though most studies of local autonomy and democracy fail to distinguish between the two terms, leading to the assumption that there is a bilateral relationship between the two in which changes in one are expected to inevitably lead to changes in the other. In reality, these two can operate quite separately. <sup>n208</sup> In practice, localism is much more successful at protecting certain interests--such as those involved in developing suburban land or citizens concerned about ensuring neighborhood homogeneity--than it is at promoting effective participatory democracy. <sup>n209</sup> Local TV stations might influence views concerning the desirability of equal funding in schools in the abstract, for example, but real support falls away quickly if there is any suggestion that resources will be diverted from one school district to another, or that local control of schools might be threatened. <sup>n210</sup> The research reported upon here makes clear that communication regulation has not been able to counteract these effects; indeed, even with regulation for media localism in place, local television stations often actively contribute to the most negative aspects of localism. Benjamin Gregg thus suggests development of an "enlightened localism" that would focus on horizontal community relations and inclusiveness, even in the interpretation and implementation of the law. <sup>n211</sup>

The fragmentary nature of contemporary localities, in which work is separated from the home, and ethnic and income groups are separated, has two consequences for the quality of local political activity. Many public issues are excluded from local debate, and private economic and social concerns will dominate the hierarchy of decision-making values in those areas in which local citizens do have opportunities [\*270] for meaningful input. Politics is framed in terms of "family territorially," with everyone concerned about protecting the family environment from any kind of encroachment, protecting the private from broader social concerns. The result is a local politics aimed at maintenance of class and ethnic homogeneity. Indeed, voters at the state level appear to behave more self-interestedly the more decision-making authority is brought closer to them. In the metropolitan regions of the United States, the fragmentation

of the polity into scores, if not hundreds, of separate jurisdictions creates a dynamic of oppression exercised by the "tyranny of the favored quarter," the high-growth suburbs that typically represent about one quarter of an entire region's population but have by far the largest share of a region's public infrastructure investments and job growth. Residents of these communities retain local power, but are able to avoid taking on any of the region's social service burdens. The degree of influence and subsidization of the favored quarter is completely hidden from public view, in part because the fragmented nature of governance reduces the ability of citizens to learn about what is going on regionally and information about the geographic allocation of public investments is not systematically collected or disclosed to the public. Recent concerns about terrorism have revealed ways in which the fragmentation of local decision making can cause vulnerabilities, suggesting the importance of building stronger regional institutions. <sup>n212</sup>

Fragmented local government structures promote so much competition that the fragmentation often threatens the fiscal health of communities. <sup>n213</sup> Changing relationships with the federal government have also convinced local authorities of the need to seek new avenues for revenues and resources. New bottom-up policy approaches since the 1970s give a more positive role for local authorities in economic regeneration through such techniques as science parks, innovation centers, and expanded opportunities for municipal interventions by venture capital. In the struggle to exert some control over local conditions, community-level fiscal authorities thus seek new relationships, often in the private sector, a process political scientists refer to as the "new localism." <sup>n214</sup> Tourism provides an example of an external [\*271] economic force that is dissolving urban politics into a plethora of public/private institutions that operate largely independently from the democratic institutions of local government--though they significantly influence local politics through campaign contributions and related efforts to garner support for the large-scale infrastructure projects needed for tourism and entertainment complexes to be successful. Mayors often forge alliances with these independent centers of power and bypass democratic processes. <sup>n215</sup> Doing so exemplifies "cosmopolitanism," the process through which elites in diverse communities have stronger relationships with each other than they do to the communities in which they live. A further trend in local governance that disrupts assumptions underlying the media localism principle is its professionalization and privatization through growing reliance on consultants to design the management of government functions. <sup>n216</sup>

### ***Economic Effects***

Local TV newscasts seem to have a positive economic effect for the broadcasting station. Local news broadcasts are by far the most important sources of local station revenues. <sup>n217</sup> The economic cost of ignoring the local community has long been demonstrated; Edward Adams and Gerald Baldasty, for example, argue that at the beginning of the twentieth century newspapers in the Scripps chain were almost always in a subordinate market position because of their heavy dependence on syndicated material and lack of commitment to local issues. <sup>n218</sup> Recent surveys show that covering local politics on local TV news is actually very good for ratings <sup>n219</sup> --despite the advice of consultants to the opposite effect.

The same advantages do not accrue to the communities themselves. Stories about such matters as the organization of the economy, the role of the government in regulating business, the relationship between control and ownership of production and the distribution of goods and services once produced, the size of business [\*272] profits, and the structure of the work place, are rarely, if ever, are covered by local TV stations. The small percentage of content that is devoted to economic matters is often either misleading or outright incorrect. <sup>n220</sup> Of course, since very little in the way of economic decision making actually takes place at the local level, a focus on locality can make it more difficult to see the dispersed forces that actually drive production processes. <sup>n221</sup>

### ***Summary***

The ideal is that local TV stations provide a genuine public sphere within which citizens may learn about and discuss shared issues of public concern in ways that will, in turn, influence policy making. Absent the existence of a connection between media content and ongoing, open, easily accessible venues for discourse among all citizens regarding issues of public concern that themselves produce outcomes that feed into policy making, however, the

expression of viewpoints through the media is merely that--expression. <sup>n222</sup> Certainly media messages, particularly if repetitive and simple in nature, can have an impact on individual political choice and behavior. Under contemporary conditions, in which local content is very much the product of pressures exerted by gatekeeping organizations that operate at the national level, the range of content diversity regarding public issues is not only small but dwindling. Because there is no connection between media content and actual decision-making venues, it cannot be said that local broadcast stations meaningfully either create or contribute to a functioning public sphere.

There are those who believe that local TV still plays or can play a political role in this environment, particularly if the notion of community can be rearticulated, <sup>n223</sup> but these analysts haven't said just how that might take place. Though there is renewed interest in local "participation" in government and "empowerment" motivated both by those on the political left and those on the political right, some cynically suggest that this offers an opportunity for national and transnational economic [\*273] actors to divert political energy away from the sites of greatest effectiveness. In sum, the results of research do not show that local TV broadcasting contributes to meaningful community integration or to effective local input into either political or economic decision making.

## REGULATORY IMPLICATIONS

Since passage of the Telecommunications Act of 1996, regulatory discussion of media localism has focused on matters of economic structure. According to some economists, media concentration should promote content diversity and media localism because corporations want to maximize the size of their combined audiences by having different types of content, <sup>n224</sup> economies of scale should generate excess funds that can then be used to improve the quality of local broadcasting, <sup>n225</sup> and deregulation relieves small organizations of the additional costs imposed by federal agency requirements. <sup>n226</sup> Research, however, has repeatedly demonstrated that content diversity <sup>n227</sup> and media localism <sup>n228</sup> are reduced when ownership concentration increases.

The analyses offered here, based on what social scientists have learned about how local television broadcasting content is produced, the world to which media localism regulations apply, and the effects of regulations currently in place, tell us why that is so: The production of content by local television stations relies heavily on material produced elsewhere, often about other communities. The content of news and public affairs programs rarely pertains to types of decisions about which local communities effectively make decisions and, conversely, often works against successful community integration. Viewership is declining, in part because of disappointment in the [\*274] news-intensivity of local television programming in the face of new options available in the Internet environment. The life activities of individuals and households commonly spread across multiple communities, and decision-making about each occurs at diverse levels of the governmental structure.

In sum, assumptions about the nature of communities upon which media localism regulation rests do not validly reflect the actual communities in which we live. Nor does a local distribution outlet for TV broadcasting ensure that content will actually be produced locally, directed at local community informational needs, or contribute in a positive way to the resolution of local problems. What does this mean for the effort to meaningfully operationalize the localism principle? Is the contemporary focus on economic structure sufficient to address the problem should the correct formula be found? Should broadcasting remain the focus of localism efforts?

No complete answer to operationalizing the localism principle for communications in the twenty-first century is currently visible, but questions can be raised about four pieces of what might contribute to a solution to this problem: (1) developing an alternative means of determining whether localism effectively exists, (2) recognizing the limits of media concentration among the many economic forces affecting content production processes, (3) exploring relationships with other laws and regulations that interact with the effects of media localism policies, and (4) experimenting with regulatory interventions into the development of other technological systems that can serve the same goals of providing information to and serving as a public sphere for effective local discussion of local issues.

### *Research Methods*

Current methods used to determine whether media localism exists include looking at ownership, where a station is physically located, and whether news and public affairs programming is offered. None of these, however, addresses the question of whether local broadcasting actually disseminates information on local matters about which decisions are made into which the local community can provide input or provides an opportunity for all voices on local issues to be heard. Detailed content analysis--already being used to determine the extent to which there is consonance (repetition) in news content across time periods and/or stations<sup>n229</sup>--is an additional tool that might be used.

[\*275] Fortunately, we have new methodological tools that make this type of analysis much more feasible, and much more affordable, than ever before. In the past, content analysis was an extremely labor intensive task that required achieving conceptual agreement on how to code content among coders who were likely to be dispersed geographically and who would be constantly new to the problem if ongoing analysis were undertaken. Today computer software exists that can map topics, referents and sources in stories, and even identify differences in viewpoint on issues discussed by more than one station automatically. This is still easiest with textual transcripts of the verbal portion of broadcasts, but the same types of tools for analysis of visual images are also under development. These types of analytical tools are commonly used by those who sell commodities (Amazon, for example, conducts this type of analysis on the texts of books it is selling) and by those who surveil digital communications out of concern about terrorist threats. Increasingly, they are also used by academic researchers to do more complex types of content analysis than they were able to do in the past. The same types of tools could be brought to bear to serve the media localism problem. There are of course limits to the kind of analyses that can be automated, though many researchers are finding that within those limits there is still a great deal of value that can be obtained.

The question of the acceptability of such an approach under the First Amendment must be addressed. While there is a long-standing preference for regulation that is content-neutral, the same mandate does not apply to research on the *effects* of regulation and the Fairness Doctrine was an example of content-sensitive regulation intended to promote the health of the public sphere that was considered acceptable on constitutional grounds.

### ***Media Concentration***

The problem of media localism remains intertwined with that of media concentration. Details of the production process explain why: Concentration introduces economies of scale that can facilitate the standardization of content across communities. It reduces the number of points at which pressure needs to be put by those who might be interested in shaping content, whether for political, economic or other reasons. And it reduces the extent of local commitments and the number and strength of local personal and professional relationships. Thus a sustained eye on media concentration is also important for the future of media localism.

This, too, has its limits, however. The same economic factors that affect the production processes of stations that are a part of a conglomerate [\*276] will also apply to those that are stand-alone or a part of smaller groupings. Recent developments suggest some open questions for researchers that might uncover alternative ways of assisting any local station in the affordable production of news that serves the informational and political needs of their communities. To what extent do or can new practices of participatory journalism and citizen journalism disperse economic support for local news throughout a community? In an environment in which news production practices have remained essentially the same despite the appearance of new technologies, is it possible that reconsidering production practices in light of current technological capacity might identify new ways of organizing news teams that is more economically sustainable for small local stations? The interface between news production teams and other sources of information about a local community still requires individual human effort to identify questions of interest and gather the information; might it be possible to develop interfaces onto governmental and other pertinent databases that might serve a newswire-like function for local broadcasters, reducing some of the labor involved in finding and developing stories?

### ***Policy Precession***

Some of the disappointments in local television news and public affairs programming are the result of laws and

regulations that have nothing to do with broadcasting or the FCC.

The phrase *policy precession* refers to interactions among the effects of diverse policies that affect the outcome or impact of any given law or regulation. The issue of access to information provides an example of how policy precession can affect media localism. In order to fully understand and discuss local issues, of course, there must be access to information about the empirical realities upon which those issues are based. Local communities are often appropriately concerned about problems of hazardous waste and environmental pollution. In recent years, however, it has become much more difficult to gain access to information about environmental matters because the White House has decided that this information might be of use to terrorists.<sup>n230</sup> Even should we achieve an environment in which regulation promoting media localism is wildly successful, therefore, it would still be impossible for local communities to meaningfully and thoroughly [\*277] understand and discuss local environmental matters. Just as scholars can become siloed within their disciplines, missing much research and theory that would be of use just across the border, so policymakers, advocates and activists often become narrowly focused on single issues. Policy precession is a common phenomenon, and those concerned about finding solutions to the media localism problem need to attend to the impact of other types of laws and regulations on the ability of local broadcasters to develop program content of importance and use to their local communities.

Early twentieth century discussions about media localism focused on community newspapers. At the FCC, the focus has largely been on broadcasting, but there are opportunities to promote the goals of media localism on the telecommunications side as well. Community wi-fi<sup>n231</sup> (wireless internet access) offers a very different approach to media localism by offering free access to the Internet to anyone within a community. Because citizens can then immediately report upon situations within their communities through both traditional and new types of distribution networks and content providers, support for community wi-fi could alter the economics of local news production in ways that are quite beneficial from the perspective of the goals of media localism. Incorporating such uses of personal technologies in media and technology literacy courses in the educational system could be considered an extension of civic education.

## CONCLUSIONS

The goals of media localism as a regulatory principle remain important, but there is a significant gap between the nature of local communities as idealized and as they actually are. The types of regulatory tools the FCC has been using to operationalize media localism may appear to be somewhat successful if the results are examined at the level of program genre. They have not been successful, however, if one examines the actual content of news and public affairs programs, a fact that is not surprising once one looks at the nature of local television production processes. While attention to media concentration should be sustained, development of alternative methods for conducting research on the extent to which localism has been achieved, attending to interactions between media localism regulations [\*278] and other laws and regulations that affect the nature of local broadcasting content, and including telecommunications technologies in the media localism mix can help us develop a suite of regulatory approaches to the problem that are appropriate for the environment in which we actually live.

### Legal Topics:

For related research and practice materials, see the following legal topics:  
 Communications Law  
 Ownership  
 Ownership Rules  
 Patent Law  
 Claims & Specifications  
 Claim Language  
 Multiplicity  
 Patent Law  
 Inequitable Conduct  
 General Overview

### FOOTNOTES:

n1 This effort involved a number of years of disagreement between the courts and the Federal Communications Commission, but is described as a success because, in the end, the license changed hands and because the struggle resulted in a highly significant court decision--*United Church of Christ v FCC*, 425 F.2d 543 (D.C. Cir. 1969)--acknowledging that communities have legal standing with the FCC regarding the content of local broadcasting. For a chronological description of the battle, see KAY MILLS, *CHANGING CHANNELS: THE CIVIL RIGHTS CASE THAT TRANSFORMED TELEVISION* (2004). For a detailed analysis of the conflict through the lenses of contemporary social theory, see STEVEN D. CLASSEN, *WATCHING JIM CROW: THE STRUGGLES OVER MISSISSIPPI TV 1955-1969* (2004).

n2 Public attention to media localism in recent years has been demonstrated by community-level efforts to protect citizens from so-called "toxic" broadcasting content. Lawrence K. Grossman, *Does Local TV News Need a National Nanny?*, COLUM. JOURNALISM REV, May/June 1998, at 33; the inclusion of media localism issues in the public interest movement devoted to fighting media concentration, Paul Cowling, *An Earthy Enigma: The Role of Localism in the Political, Cultural and Economic Dimensions of Media Ownership Regulation*, 27 HASTINGS COMM. & ENT. L. J. 255 (2005); and renewed scholarly attention to historical battles over the issue, Nathan Godfried, *Identity, Power, and Local Television: African Americans, Organized Labor and UHF-TV in Chicago, 1962-1968*, 22 HIST. J. FILM, RADIO & TELEVISION 117 (2002).

n3 *NBC v. United States*, 319 U.S. 190 (1943).

n4 A history of the linkage between diversity and localism is provided by Gregory M. Prindle, *No Competition: How Radio Consolidation has Diminished Diversity and Sacrificed Localism*, 14 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 279 (2003).

n5 An overview of the FCC's history in the area of localism can be found in PHILIP M. NAPOLI, *FOUNDATIONS OF COMMUNICATION POLICY: PRINCIPLES AND PROCESS IN THE REGULATION OF ELECTRONIC MEDIA* (2001).

n6 See, e.g., Policy Statement on Comparative Broadcast Hearings, 1 FCC. 2d 393 (1965).

n7 See David M. Silverman & David N. Tobenkin, *The FCC's Main Studio Rule: Achieving Little for Localism at a Great Cost to Broadcasters*, 53 FED. COMM. L. J. 469 (2001).

n8 See Michael J. Aguilar, *Micro Radio: A Small Step in the Return to Localism, Diversity, and Competitiveness in Broadcasting*, 65

BROOK. L. REV 1133 (1999).

n9 See Eric D. Berkowitz, *Low Power Television and the Doctrine of Localism: The Need to Reconcile a Medium with its Message*, 18 U. SAN FRANCISCO L. REV 505 (1984).

n10 See, e.g., Broadcast Ownership Rules, 47 C.F.R. pt. 73. These rules as they stand today combine decisions made in 1941 (the National TV Ownership Rule and the Local Radio Ownership Rule), 1946 (the Dual TV Network Rule), 1964 (the Local TV Multiple Ownership Rule), 1970 (the Radio/TV Cross-Ownership Restriction), and 1975 (the Newspaper/Broadcast Cross-Ownership Prohibition). In 2006 the FCC began a reconsideration of these rules.

n11 See Kristine Martens, *Restoring Localism to Broadcast Communications*, 14 DEPAUL-LCA J. ART & ENT. L. & POL'Y 285 (2004).

n12 See REPORT ON THE PUBLIC SERVICE RESPONSIBILITY OF BROADCAST LICENSEES ("Blue Book") (1946).

n13 See Martens, *supra* note 11, at 205.

n14 Section 202(h) of the Telecommunications Act of 1996.

n15 FCC Commissioner Susan Ness, Remarks before the Policy Summit of the Information Technology Association of America, Washington, D.C., Mar. 30, 1998.

n16 Sandra Braman, *Where has Media Policy Gone? Defining the Field in the Twenty-first Century*, 9 COMM. LAW & POL'Y 153, 164 (2004).

n17 *See id.* at 175-81.

n18 *See* Tim Brennan, *Integrating Communication Theory into Media Policy: An Economic Perspective*, 16 TELECOMM. POL'Y. 460 (1992); Robert M. Entman & Steven S. Wildman, *Reconciling Economic and Non-economic Perspectives on Media Policy: Transcending the "Marketplace of Ideas,"* 42 J. COMM. 5 (1992); Milton Mueller, *Why Communications Policy is Passing "Mass Communication" By: Political Economy as the Missing Link*, 12 CRITICAL STUD. IN MASS COMM. 457 (1995)

n19 *See* ITHIEL DE SOLA POOL, *TECHNOLOGIES OF FREEDOM* (1983).

n20 *See* COMMUNICATION RESEARCHERS AND POLICY-MAKING (Sandra Braman ed., 2003).

n21 *See* MICHAEL SCHUDSON, *THE GOOD CITIZEN: A HISTORY OF AMERICAN CIVIC LIFE* (1999).

n22 The foundational works for these ideas are CHARLES HORTON COOLEY, *HUMAN NATURE AND THE SOCIAL ORDER* (1902), and GEORGE HERBERT MEAD, *MIND, SELF, AND SOCIETY* (1934).

n23 *See* Richard D. Brown, *Early American Origins of the Information Age*, in *A NATION TRANSFORMED BY INFORMATION: HOW INFORMATION HAS SHAPED THE UNITED STATES FROM COLONIAL TIMES TO THE PRESENT* (Alfred D. Chandler & James W Cortada eds., 2000).

n24 *See* Bernard Bailyn, *Communications and Trade: The Atlantic in the Seventeenth Century*, 13 J. ECON. HIST. 378 (1953).

n25 *See* LAURENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 158 (2d ed., 1985).

n26 *See* ALFRED CHANDLER JR., *THE VISIBLE HAND* 39 (1979).

n27 Constitutional foundations for communication law and policy go far beyond the First Amendment. Twenty constitutional principles are discussed in SANDRA BRAMAN, *CHANGE OF STATE: INFORMATION, POLICY, AND POWER* (2006).

n28 U.S. CONST. art. 1, § 9.

n29 *Id.*

n30 U.S. CONST. art. 1, § 8, cl. 2.

n31 Even interest in local theater is higher in the United States than in other societies of the North. *See* LOREN KRUGER, *THE NATIONAL STAGE: THEATRE AND CULTURAL LEGITIMATION IN ENGLAND, FRANCE, AND AMERICA* (1992).

n32 *See* Cowling, *supra* note 2, at 263.

n33 *See* SIDNEY KOBRE, *THE DEVELOPMENTS OF THE COLONIAL NEWSPAPER* 14 (1944).

n34 *See* William W Downer, *Assimilation and Localism: Some Very Small Towns in Mass Society*, 68 *SOC. INQUIRY* 61 (1998).

n35 JOHN DEWEY: THE POLITICAL WRITINGS (Debra Morris & Ian Shapiro eds., 1933).

n36 The Chicago School, led by John Dewey, launched a highly influential stream of sociological theory and research based on pragmatic thought. These thinkers significantly shaped sociology in the United States, and the group included individuals responsible for the development of social psychology and other ideas important to the concept of the social construction of reality. Discussions of the contributions of John Dewey's work to the understanding of the functions of community media can be found in JAMES W CAREY, COMMUNICATION AS CULTURE: ESSAYS ON MEDIA AND SOCIETY (1989); DANIEL J. CZITROM, MEDIA AND THE AMERICAN MIND: FROM MORSE TO MCLUHAN(1982).

n37 *Id.*

n38 See Andrew Calabrese, *Why Localism? Communication Technology and the Shifting Scale of Political Community*, in COMMUNICATION AND COMMUNITY (G. Shepherd & E. Rothenbuhler eds., 2001).

n39 See *supra* note 22.

n40 A succinct review of the pertinent literature can be found in Keith R. Stamm, Arthur G. Emig & Michael B. Hesse, *The Contribution of Local Media to Community Involvement*, 74 JOURNALISM & MASS COMM. Q. 97 (1997). Theoretical arguments linking the effects of interpersonal and mass communication on community life and identity were synthesized by Peter L. Berger & Thomas Luckmann, THE SOCIAL CONSTRUCTION OF REALITY (1966).

n41 See Jay Rosen, *Making Journalism More Public*, 12 COMM. 267 (1991).

n42 See GEORGE ARTHUR CODDING JR., THE INTERNATIONAL TELECOMMUNICATIONS UNION: AN EXPERIMENT IN INTERNATIONAL COOPERATION 1-20 (1972).

n43 In one example of a political expression of this disjuncture, those in the anti-globalization movement attempt to connect globally with others who are also trying to improve things at the local level in their efforts to develop connections with decisions that affect their lives, developing relationships McLaren describes as "interlocal." Duncan McLaren, *From Seattle to Johannesburg: 'Anti-globalisation' or 'inter-localism'?*, 6 LOCAL ENV'T 389, 389-91 (2001).

n44 Sandra Braman, *Interpenetrated Globalization: Scaling, Power, and the Public Sphere*, in GLOBALIZATION, COMMUNICATION, AND TRANSNATIONAL CIVIL SOCIETY 32-34 (Sandra Braman & Annabelle Sreberny-Mohammadi eds., 1996).

n45 Robert W Cox, THE NEW REALISM: PERSPECTIVES ON MULTILATERALISM AND WORLD ORDER 9 (1997).

n46 Oddly enough, to date local media have been relatively neglected by researchers compared to transnational media. See Stuart Cunningham, Elizabeth Jacka & John Sinclair, *Global and Regional Dynamics of International Television Flows*, in ELECTRONIC EMPIRES: GLOBAL MEDIA AND LOCAL RESISTANCE 177 (Daya Kishan Thussu ed., 1998). In the longer run, however, the history of legal records suggests that global context should ultimately make the local more apparent, GEORGE S. GROSSMAN, LEGAL RESEARCH: HISTORICAL FOUNDATIONS OF THE ELECTRONIC AGE (1994).

n47 *Jenkins v. Georgia*, 418 U.S. 153 (1974).

n48 See, e.g., Tom Collins, *The Local Service Concept in Broadcasting: An Evaluation and Recommendation for Change*, 65 IOWA L. REV 553 (1980).

n49 Ash Amin, *Placing Globalization*, 14 THEORY, CULTURE & SOC'Y 123, 130 (1997).

n50 Richard Maxwell, *Out of Kindness and into Difference: The Value of Global Market Research*, 18 MEDIA, CULTURE & SOC. 105, 105 (1996).

n51 See MICHAEL STORPER, *THE REGIONAL WORLD: TERRITORIAL DEVELOPMENT IN A GLOBAL ECONOMY* 20 (1997).

n52 Craig Calhoun, *Indirect Relationships and Imagined Communities: Large-Scale Social Integration and the Transformation of Everyday Life*, in *SOCIAL THEORY FOR A CHANGING SOCIETY* 105-06 (Pierre Bourdieu & James Coleman eds., 1991).

n53 See Jeffrey R. Brown & Austan Goolsbee, *Does the Internet Make Markets More Competitive?*, NATIONAL BUREAU OF ECONOMIC RESEARCH WORKING PAPERS 7996 (2000).

n54 See David Hesmondhalgh, *Flexibility, Post-Fordism and the Music Industries*, 18 *MEDIA, CULTURE & SOC'Y* 469 (1996).

n55 See *supra* note 2.

n56 See Christopher Anderson & Michael Curtin, *Mapping the Ethereal City: Chicago Television, the FCC, and the Politics of Place*, 16 *Q. J. FILM & VIDEO* 289 (1999).

n57 See Colin Sparks, *Is there a Global Public Sphere?*, in *ELECTRONIC EMPIRES: GLOBAL MEDIA AND LOCAL RESISTANCE* 117 (Daya Kishan Thussu ed., 1998).

n58 See JEREMY TUNSTALL & MICHAEL PALMER, *MEDIA MOGULS* (1994).

n59 David Morley & Kevin Robins, *Spaces of Identity*, 30 *SCREEN* 10, 27-28 (1989).

n60 See David D. Kurpius, *Public Journalism and Commercial Local Television News: In Search of a Model*, 77 JOURNALISM & MASS COMM. Q. 340 (2000).

n61 See Mark Francis Cohen, *Obsession*, COLUM. JOURNALISM REV, Nov.-Dec. 2002, at 66.

n62 See Stephen Lacy & James M. Bernstein, *The Impact of Competition and Market Size on the Assembly Cost of Local Television News*, 19 MASS COMM. REV 41 (1992).

n63 See Loy A. Singleton & Steven C. Rockwell, *Silent Voices: Analyzing the FCC "Media Voices" Criteria Limiting Local Radio-Television Cross-Ownership*, 8 COMM. LAW & POL'Y 384 (2003).

n64 See David C. Coulson, Daniel Riffe, Stephen Lacy & Charles R. St. Cyr, *Erosion of Television Coverage of City Hall? Perceptions of TV Reporters on the Beat*, 78 JOURNALISM & MASS COMM. Q. 81 (2001).

n65 See Raymond Carroll & C.A. Tuggle, *The World Outside: Local TV News Treatment of Imported News*, 74 JOURNALISM & MASS COMM. Q. 123 (1997).

n66 See Raymond L. Carroll, *Market Size and TV News Values*, 66 JOURNALISM Q. 49 (1989).

n67 See William R. Davie & Jung-Sook Lee, *Sex, Violence, and Consonance/Differentiation: An Analysis of Local TV News Values*, 72 JOURNALISM & MASS COMM. Q. 128 (1995).

n68 This problem received national coverage in 2005 when it was discovered that the White House was engaging in this practice. David Barstow & Robin Stein, *The Message Machine: How the Government Makes News--Under Bush, a New Era of Prepackaged News*, N.Y.

TIMES, Sept. 3, 2006, *available at*

<http://select.nytimes.com/search/restricted/article?res=F50914FC3E580C708DDDA0894DD404482>. Misperceiving the nature of the news content that results is considered such a serious problem that it is being investigated by the FCC. See Janel Alania, *The "News" from the Feed Looks Like News Indeed: On Video News Releases, the FCC, and the Shortage of Truth in the Truth in Broadcasting Act of 2005*, 24 CARDOZO ARTS & ENT. LAW J. 229 (2006). Social scientists are studying the extent of deception generated by this practice. See John V Pavlik, *Disguised as News*, 36 TELEVISION Q. 17 (2006).

n69 See Lynne M. Sallot, Thomas M. Steinfatt & Michael B. Salwen, *Journalists' and Public Relations Practitioners' News Values: Perceptions and Cross-Perceptions*, 75 JOURNALISM & MASS COMM. Q. 366 (1998).

n70 See Carroll & Tuggle, *supra* note 65, at 129-31.

n71 Davie & Lee, for example, discuss this practice with street gangs. See *supra* note 67 at 134-36.

n72 See Simon Bucks, *Citizens as Journalists*, 43 TELEVISION 24 (2006). A new category for an Emmy award has been established for programs that include the use of material developed by non-employee individuals using personal digital technologies. See John Carey & Lawrence Greenberg, *And the Emmy Goes to ... A Mobisode?*, 36 TELEVISION Q. 3 (2006).

n73 See Lee B. Becker, *Print or Broadcast: How the Medium Influences the Reporter*, in INDIVIDUALS IN MASS MEDIA ORGANIZATIONS (James S. Ettema & D. Charles Whitney eds., 1982); Conrad Smith, *News Critics, Newswriters and Local Television News*, 65 JOURNALISM Q. 341 (1988); Conrad Smith & Lee B. Becker, *Comparison of Journalistic Values of Television Reporters and Producers*, 66 JOURNALISM Q. 793 (1989).

n74 See Dan Berkowitz, *Work Roles and News Selection in Local TV: Examining the Business-Journalism Dialectic*, 37 J. BROADCASTING & ELECTRONIC MEDIA 67 (1993).

n75 See Dan Berkowitz, *Assessing Forces in the Selection of Local Television News*, 35 J. BROADCASTING & ELECTRONIC MEDIA 245 (1991).

n76 See Berkowitz, *supra* note 74.

n77 See Deborah Potter, *The Body Count*, AMERICAN JOURNALISM REV, July/Aug. 2002, at 60.

n78 See TOM ROSENSTIEL, CARL GOTTLIEB & LEE ANN BRADY, LOCAL TV NEWS: WHAT WORKS, WHAT FLOPS, AND WHY 2 (1998).

n79 PEW RESEARCH CENTER, TRENDS 2005 52 (2005)

n80 Potter, *supra* note 77, at 60.

n81 *Id.*

n82 See Kurpius, *supra* note 60, at 351.

n83 See Atiba Pertilla & Todd Belt, *How Strong is the Case for Quality?*, COLUM. JOURNALISM REV., Nov./Dec. 2002, at 91.

n84 Craig Allen, *Discovering "Joe Six Pack" Content in Television News: The Hidden History of Audience Research, News Consultants, and the Warner Class Model*, 49 J. OF BROADCASTING & ELECTRONIC MEDIA 363 (2005).

n85 See Katherine A. Bradshaw, James C. Foust & Joseph E. Bernt, *Local Television News Anchors' Public Appearances*, 49 J. OF BROADCASTING & ELECTRONIC MEDIA 166 (2005).

n86 See Susan Tyler Eastman, Gregory D. Newton & Paul D. Bolls, *How Promotional Content Changes Ratings: The Impact of Appeals, Humor, and Presentation*, 31 J. OF APPLIED COMM. RES. 238 (2003).

n87 See Philip Napoli, *Audience Measurement and Media Policy: Audience Economics, the Diversity Principle, and the Local People Meter*, 10 COMM. LAW & POL'Y 349 (2005). The "local people meter," used by the Cabletelevision Advertising Bureau (CAB), is an electronic technique for electronically recording the viewing of all household members on a continuous basis.

n88 See Patrick Rogers, *Sweeping Away the Local TV News Series*, AM. JOURNALISM REV., Jan./Feb. 1998, at 12.

n89 See Neil Hickey, *TV: Hype Takes a Hit*, 43 COLUM. JOURNALISM REV., May/June 2004, at 6.

n90 See Pertilla & Belt, *supra* note 83, at 91.

n91 *Id.* at 91, 95.

n92 *Id.* at 92.

n93 Marianne Barrett, *The Relationship of Network Affiliation Change to Prime Time Program Ratings*, 43 J. BROADCASTING & ELECTRONIC MEDIA 98 (1999).

n94 Neil Hickey, *Chicago Experiment--Why It Failed*, COLUM. JOURNALISM REV., Feb. 2001, at 13.

n95 *Id.*

n96 ROSENSTIEL ET AL., *supra* note 78, at 1.

n97 See Laura Roselle, *Local Coverage of the 2000 Election in North Carolina*, 46 AM. BEHAV. SCI. 600 (2003).

n98 Contrast, for example, the stories told in Hickey, *supra* note 94, and in Kurpius, *supra* note 60.

n99 See C.A. Tuggle & Suzanne Huffman, *Live News Reporting: Professional Judgment or Technological Pressure?*, 43 J. BROADCASTING & ELECTRONIC MEDIA 492, 493 (2001).

n100 See Dan Berkowitz & Craig Allen, *Exploring Newsroom Views about Consultants on Local TV: The Effect of Work Roles and Socialization*, 40 J. BROADCASTING & ELECTRONIC MEDIA 447 (1996).

n101 See Raymond L. Carroll, *Content Values in TV News Programs in Small and Large Markets*, 62 JOURNALISM Q. 877 (1986).

n102 See M. D. Harmon, *Market Size and Local Television News Judgment*, 2 J. MEDIA ECON. 15 (1989).

n103 See C. Butler, *Consulting Firms and Stations Forming a More Potent Partnership*, JUNE VIEW 22 (1985).

n104 *See* Berkowitz & Allen, *supra* note 100, at 458.

n105 Dave Iverson & Tom Rosenstiel, *Local TV Eye-Opener: Politics Aren't Poison*, 25 AM. JOURNALISM REV. 18 (March 2003).

n106 *Id.* at 18.

n107 *See* Berkowitz, *supra* 75, at 70.

n108 *See* Berkowitz, *supra* 74.

n109 C.A. Tuggle, *Wagging the Dog: Technology and Local TV News*, COLUM. JOURNALISM REV, Mar./Apr. 2001, at 57.

n110 *Id.*

n111 Annie Lang, Deborah Potter & Maria Elizabeth Grabe, *Making News Memorable: Applying Theory to the Production of Local Television News*, 47 J. BROADCASTING & ELECTRONIC MEDIA 113 (2003).

n112 Annie Lang, *The Limited Capacity Model of Mediated Message Processing*, 50 J. COMM. 46 (2000).

n113 *Supra* n. 111.

n114 *Id.* at 121.

n115 Marion Just & Rosalind Levine, *Sponsor Interference*, COLUM. JOURNALISM REV., Nov./Dec. 2000, at 93.

n116 *Id.*

n117 *Id.*

n118 See Ronald Bishop & Ernest A. Hakanen, *In the Public Interest? The State of Local Television Programming Fifteen Years after Deregulation*, 26 J. OF COMM. INQUIRY 261 (2002).

n119 44 F.C.C. 2303 (1960).

n120 Singleton & Rockwell, *supra* note 63.

n121 *Id.*

n122 See Patricia Aufderheide, *Public Television and the Public Sphere*, 8 CRITICAL STUD. IN MASS COMM. 168, 169 (1991).

n123 See Sue Carter, Frederick Fico & Jocelyn A. McCabe, *Partisan and Structural Balance in Local Television Election Coverage*, 79 JOURNALISM & MASS COMM. Q. 41 (2002).

n124 See James M. Bernstein & Stephen Lacy, *Contextual Coverage of Government by Local Television News*, 69 JOURNALISM & MASS COMM. Q. 329 (1992).

n125 Coulson et al., *supra* note 64, at 81-83.

n126 See Kurpius, *supra* note 60, at 341.

n127 See PHYLLIS C. KANISS, MAKING LOCAL NEWS 119 (1991).

n128 See Marion Just, Ann Crigler & Tami Buhr, *Voice, Substance, and Cynicism in Presidential Campaign Media*, 16 POL. COMM. 25 (1999).

n129 See Carter, et al., *supra* note 123, at 49.

n130 See *supra* n. 77.

n131 See Karen L. Slattery & Ernest A. Hakanen, *Sensationalism Versus Public Affairs Content of Local TV News: Pennsylvania Revisited*, 38 J. BROADCASTING & ELECTRONIC MEDIA 205 (1994).

n132 See Harmon, *supra* 102, at 15-17.

n133 See Richard Briffault, *Our Localism: Part I--The Structure of Local Government Law*, 90 COLUM. L. REV. 1 (1990); Richard Briffault, *Our Localism: Part II--Localism and Legal Theory*, 90 COLUM. L. REV. 346 (1990).

n134 Laurien Alexandra & Henrik Reh binder, *Separate but Equal: Comparing Local News in English and Spanish*, COLUM. JOURNALISM REV, Nov./Dec. 2002, at 99.

n135 *Id.*

n136 See THOMAS C. SPAVINS, LORETTA DENISON, SCOTT ROBERTS & JANE FRENETTE, *THE MEASUREMENT OF LOCAL TELEVISION NEWS AND PUBLIC AFFAIRS PROGRAMS* (2002); Philip M. Napoli, *Market Conditions and Public Affairs Programming: Implications for Digital Television Policy*, 6 HARV. INT'L J. PRESS/POLITICS 15 (2001).

n137 See Philip M. Napoli, *Television Station Ownership Characteristics and News and Public Affairs Programming: An Expanded Analysis of FCC Data*, 6 INFO: J. POL'Y, REG. & STRATEGY FOR TELECOM., INFO. & MEDIA 112 (2004).

n138 See JAY G. BLUMLER & MICHAEL GUREVITCH, *THE CRISIS OF PUBLIC COMMUNICATION* (1995).

n139 See Jay G. Blumler & Dennis Kavanagh, *The Third Age of Political Communication: Influences and Features*, 16 POL. COMM. 209 (1999).

n140 See Andrew Kohut, *Balancing News Interests: The Great Juggling Act*, 40 COLUM. JOURNALISM REV., Jul./Aug. 2001, at 58.

n141 Hickey, *supra* note 89, at 6.

n142 See Coulson, *supra* note 64, at 81.

n143 See Lori Dorfman & Katie Woodruff, *The Roles of Speakers in Local Television News Stories on Youth and Violence*, 26 J. POPULAR FILM & TELEVISION 80 (1998).

n144 See Lori Dorfman, Katie Woodruff, Vivian Chavez & Lawrence Wallace, *Youth and Violence on Local California Television News*, 87 AM. J. PUB. HEALTH 311 (1997).

n145 See Franklin D. Gilliam Jr., Shanto Iyengar, Adam Simon & Oliver Wright, *Crime in Black and White: The Violent, Scary World of Local News*, 1 PRESS/POLITICS 6 (1995).

n146 LISA M. BUDZILOWICZ, FRAMING RESPONSIBILITY ON LOCAL TELEVISION NEWS 18 (2002).

n147 See Danilo Yanich, *Crime Creep: Urban and Suburban Crime on Local TV News*, 26 J. URB. AFF. 535 (2004).

n148 See Dorfman & Woodruff, *supra* note 143, at 80.

n149 See Martin Gilens, *Race and Poverty in America: Public Misperceptions and the American News Media*, 60 PUB. OPINION Q. 515 (1996).

n150 See David Jernigan & Lori Dorfman, *Visualizing America's Drug Problems: An Ethnographic Content Analysis of Illegal Drug Stories on the Nightly News*, 23 CONTEMP. DRUG PROBS. 169 (1996).

n151 Robert M. Entman, *Modern Racism and the Images of Blacks in Local Television News*, 7 CRITICAL STUD. IN MASS COMM. 332 (1990).

n152 See Raul Tovaes, *Influences on the Mexican American Youth Gang Discourse on Local Television News*, 11 HOWARD J. COMM. 229 (2000).

n153 See Ted Chiricos & Sarah Eschholz, *The Racial and Ethnic Typification of Crime and the Criminal Typification of Race and Ethnicity in Local Television News*, 39 J. RES. IN CRIME & DELINQUENCY 400 (2002).

n154 See Marian Meyers, *African American Women and Violence: Gender, Race, and Class in the News*, 21 CRITICAL STUD. IN MASS COMM. 95 (2004).

n155 See Michael L. Hilt & Jeremy H. Lipschultz, *Revising the Kogan Scale: A Test of Local Television News Producers' Attitudes toward Older Adults*, 25 EDUC. GERONTOLOGY 143 (1999).

n156 See DALE KUNKEL, *THE NEWS MEDIA'S PICTURE OF CHILDREN: A FIVE-YEAR UPDATE AND A FOCUS ON DIVERSITY* (1994); Dorfman & Woodruff, *supra* note 143, at 85; Dorfman et al., *supra* note 144, at 1312-15.

n157 William E. Pollard, *Public Perceptions of Information Sources Concerning Bioterrorism Before and After Anthrax Attacks: An Analysis of National Survey Data*, 8 J. OF HEALTH COMM. 93 (2003).

n158 See Dorfman et al., *supra* note 144, at 1314.

n159 See Tony Atwater, *Consonance in Local Television News*, 30 J. BROADCASTING & ELECTRONIC MEDIA 467, 469 (1986); Davie & Lee, *supra* note 67, at 128-30; Stephen & Bernstein, *supra* note 62, at 41.

n160 Atwater, *supra* n. 159.

n161 *Id.*

n162 See Suzanne Franks, *The World on the Box: International Issues in News and Factual Programmes*, 75 POL. Q. 425 (2004).

n163 See James H. Snider, *Converging Mass Media and Public Records Media: The Case of Government Access TV via the Internet*, 17 Soc. SCIENCE COMPUTER REV. 460 (1999).

n164 See, e.g., Hilt & Lipschultz, *supra* note 155, at 145.

n165 See John Dimmick, Yan Chen & Zhan Li, *Competition Between the Internet and Traditional News Media: The Gratification-Opportunities Niche Dimension*, 17 J. MEDIA ECON. 19 (2004); David Tewksbury, *What do Americans Really Want to Know? Tracking the Behavior of News Readers on the Internet*, 53 J. COMM. 694 (2003).

n166 JOHN HORRIGAN, KELLY GARRETT & PAUL RESNICK, *THE INTERNET AND DEMOCRATIC DEBATE* (2004).

n167 Yanich, *supra* note 147, at 537.

n168 PEW RESEARCH CENTER, TRENDS 2005 (2005).

n169 *Id.*

n170 *See* Hickey, *supra* n. 89, at 6.

n171 *Id.*

n172 Pew, *supra* note 168, at 40-56.

n173 *Id.*

n174 *Id.*

n175 *Id.*

n176 *Id.*

n177 *See* Kohut, *supra* note 140, at 58-59.

n178 *Id.*

n179 *Id.*

n180 ANNE FLORINI, SECRETS FOR SALE: HOW COMMERCIAL SATELLITE IMAGERY WILL CHANGE THE WORLD 31 (2000).

n181 Two versions of this common argument are offered by C. Edwin Baker, *The Media that Citizens Need*, 147 U. PENN. L. R. 317 (1998) and Philip M. Napoli, *Social Responsibility and Commercial Broadcast Television: An Assessment of Public Affairs Programming*, 3 INT'L J. ON MEDIA MGMT. 226 (2001).

n182 *See* Brown, *supra* note 23, at 45-46.

n183 *See* Lewis Friedland, *Communication, Community, and Democracy: Toward a Theory of the Communicatively Integrated Community*, 28 COMM. RES. 358 (2001).

n184 For a concise review of the most influential of traditional theories of power, *see* Marvin E. Olsen & Marvin N. Marger, *Theoretical Perspectives on Power*, in *POWER IN Modern Societies* 76-87 (Marvin E. Olsen & Marvin N. Marger eds., 1993).

n185 The concept of mundane political culture has been explicated by Richard M. Merelman, *The Mundane Experience of Political Culture*, 15 POL. COMM. 515 (1998). Marwan Kraidy is examining the role of mundane political culture as triggered by entertainment television in the Middle East. Marwan Kraidy, Presentation to the Center for Strategic and International Security Workshop on Information Technology, National Identity and Social Cohesion (Sept. 13, 2004, Washington, D.C.). For an exploration of the ways in which entertainment presents opportunities for self-reflexivity by making it possible for audiences to play with alternative consequences of situations, see Charmaine McEachern, *Comic Interventions: Passion and the Men's Movement in the Situation Comedy*, Home Improvement, 29 J. POPULAR CULTURE 181 (1996).

n186 Examples of studies looking at the political effects of specific entertainment programs include JOSH OZERSKY, ARCHIE BUNKER'S AMERICA: TV IN AN ERA OF CHANGE, 1968-1978 (2003); Christine Becker, "Glamor Girl Classed as TV Show Brain": *The Body and Mind of Faye Emerson*, 38 J. POPULAR CULTURE 242 (2004); Elfriede Fursich, *Packing Culture: The Potential and Limitations of Travel Programs on Global Television*, 50 COMM. Q. 204 (2002); Yuan Shu, *From Bruce Lee to Jackie Chan*, 31 J. POPULAR FILM & TELEVISION 50 (2003); Susan J. Hubert, *What's Wrong With This Picture? The Politics of Ellen's Coming Out Party*, 33 J. POPULAR CULTURE 31 (1999);

n187 Examples of studies examining the treatment of public affairs content as entertainment include Lauren Langman, *Suppose They Gave a Culture War and No One Came*, 46 AM. BEHAV. SCI. 501 (2002); Christo Lassiter, *TV or Not TV--That is the Question*, 86 J. CRIM. L. & CRIMINOLOGY 927 (1996); C. Danielle Vinson & John S. Ertter, *Entertainment or Education: How Do Media Cover the Courts'?*, 7 HARV. INT'L. J. PRESS/POLITICS 80 (2002); Sharyn Wizda, *Late Night with Al and Dubya*, 22 AM. JOURNALISM. REV., Nov. 2000, at 10.

n188 See Stanley Feldman & Lee Sigelman, *The Political Impact of Prime-Time Television: "The Day After,"* 47 J. POL. 556 (1985).

n189 See Klaus Schoenbach & Edmund Lauf, *Another Look at the "Trap" Effect of Television--And Beyond*, 16 INT'L. J. PUB. OPINION RES. 169 (2004); Klaus Schoenbach & Edmund Lauf, *The "Trap" Effect of Television and Its Competitors*, 29 COMM. RES. 564 (2002).

n190 See William E. Eveland Jr., Jack M. McLeod & Edward M. Horowitz, *Communication and Age in Childhood Political Socialization: An Interactive Model of Political Development*, 75 JOURNALISM & MASS COMM. Q. 699 (1998).

n191 See Charles K. Atkin & Walter Gantz, *Television News and Political Socialization*, 42 PUB. OPINION Q. 183 (2001).

n192 See Lynda Lee Kaid & Christina Holtz-Bacha, *Gender Reactions to TV Political Broadcasts*, 5 HARV. INT'L J. PRESS/POL. 17 (2000).

n193 See Gary Hanson & Stanley T. Wearden, *Measuring Newscast Accuracy: Applying a Newspaper Model to Television*, 81 JOURNALISM & MASS COMM. Q. 546 (2004).

n194 See Jay G. Blumler, *Origins of the Crisis of Communication for Citizenship*, 14 POL. COM. 395 (1997).

n195 See Shanto IYENGAR, *IS ANYONE RESPONSIBLE?: HOW TELEVISION FRAMES POLITICAL ISSUES* (1991).

n196 See Markus Prior, *Any Good News in Soft News? The Impact of Soft News Preference on Political Knowledge*, 20 POL. COMM. 149 (2003).

n197 The authors of one recent study claimed that using a more rigorous approach to measurement than was commonly relied upon in the past suggests that the extent of the contribution may have been overestimated. Keith R. Stamm & Arthur G. Emig, *The Contribution of Local Media to Community Involvement*, 74 JOURNALISM & MASS COMM. Q. 97 (1997). An alternative interpretation of this study's results could simply be that the role of traditional mass media in communities has weakened over time.

n198 See Christopher E. Beaudoin & Esther Thorson, *Social Capital in Rural and Urban Communities: Testing Differences in Media Effects and Models*, 81 JOURNALISM & MASS COMM. Q. 378 (2004).

n199 ROBERT PUTNAM, *BOWLING ALONE* (1999).

n200 See Beaudoin & Thorson, *supra* note 199, 387-94,.

n201 See Dhavan V Shah, Nojin Kwak & R. Lance Holbert, "Connecting" and "Disconnecting" with Civic Life: Patterns of Internet Use and the Production of Social Capital, 18 POL. COMM. 141 (2001).

n202 See Mary Tyrrell et al., *Older Women Helping Older Women: Employing Senior Workers in Community Research*, 86 AM. J. PUB. HEALTH 588 (1996).

n203 Kohut, *supra* note 140, at 58.

n204 Greg Braxton, *Ratings vs. Crime Rates*, L.A. TIMES, June 1, 1977, at B1.

n205 Franklin D. Gilliam Jr. & Shanto Iyengar, *Prime Suspects: The Influence of Local Television News on the Viewing Public*, 44 AM. J. POL. SCI. 560 (2000).

n206 See Briffault, *supra* note 133.

n207 See JOHN D.H. DOWNING, *INTERNATIONALIZING MEDIA THEORY: TRANSITION, POWER, CULTURE* (1996).

n208 See Lawrence Pratchett, *Local Autonomy, Local Democracy and the "New Localism,"* 52 POL. STUD. 358 (2004).

n209 See Briffault, *supra* n. 133.

n210 See Douglas S. Reed, *Not in my Schoolyard: Localism and Public Opposition to Funding Schools Equally*, 82 SOC. SCI. Q. 34 (2001).

n211 Benjamin Gregg, *The Law and Courts of Enlightened Localism*, 35 POLITY 283 (2002/2003).

n212 See Fred Dallmyr, *Lessons of September 11*, 19 THEORY, CULTURE & SOC'Y 137 (2002).

n213 See Glen Atkinson, *Developing Local Institutions: Lessons to be Learned from Regional Integration Experiences*, 33 J. ECON. ISSUES 335 (1999).

n214 Harry I. Chernotsky, *The Development of Local Foreign Policy Infrastructures: A Case Study of a Globalizing U.S. City*, Paper Presented to the American Political Science Association, Boston (Sept. 1998).

n215 See Peter Eisinger, *The Politics of Bread and Circuses*, 35 URB. AFF. REV. 316 (2000); Dennis R. Judd & Dick Simpson, *Reconstructing the Local State*, 46 AM. BEHAV. SCI. 1056 (2003).

n216 *Gurus in Government*, THE ECONOMIST, May 20, 1995, at 21-22.

n217 Hickey, *supra* note 89, at 6.

n218 Edward E. Adams & Gerald J. Baldasty, *Syndicated Service Dependence and a Lack of Commitment to Localism*, 78 JOURNALISM & MASS COMM. Q. 619 (2001).

n219 See ROSENSTIEL ET AL., *supra* note 78, at 1; Iverson & Rosenstiel, *supra* note 105, at 18-19.

n220 See BURTON YALE PINES & TIMOTHY LAMER, *OUT OF FOCUS: NETWORK TELEVISION AND THE AMERICAN ECONOMY* (1994).

n221 See Arjun Appadurai, *Disjuncture and Difference in the Global Cultural Economy*, 7 *THEORY, CULTURE & SOC'Y*. 295 (1990).

n222 See Sandra Braman, *The Limits of Diversity*, in *MEDIA DIVERSITY AND LOCALISM: MEANING AND METRICS* 139-50 (Philip M. Napoli ed., 2006).

n223 See Philip M. Napoli, *The Localism Principle Under Stress*, 2 *INFO* 573, 573; Gigi B. Sohn & Andrew Jay Schwartzman, *Broadcast Licensees and Localism: At Home in the "Communications Revolution,"* 47 *FED. COMM. L. J.* 383 (1994).

n224 See Benjamin J. Bates & Todd Chambers, *The Economic Basis for Radio Deregulation*, 12 *J. MEDIA ECON.* 19 (1999); Peter O. Steiner, *Program Patterns and Preferences, and the Workability of Competition in Radio Broadcasting*, 66 *Q.J. ECON.* 194 (1952).

n225 The corporate position on this is detailed in Prindle, *supra* note 4, at 320.

n226 See Sarah Elizabeth Leeper, *The Game of Radiopoly: An Antitrust Perspective of Consolidation in the Radio Industry*, 52 *FED. COMM. L.J.* 473 (2000).

n227 See, e.g., Patricia Aufderheide, *Public Television and the Public Sphere*, 8 CRITICAL STUD. IN MASS COMM. 168 (1991); Steven T. Berry & Joel Waldfogel, *Do Mergers Increase Product Variety? Evidence from Radio Broadcasting*, 116 Q.J. ECON. 1009 (2001); Michael Ortner, *Serving a Different Master: The Decline of Diversity and the Public Interest in American Radio in the Wake of the Telecommunications Act of 1996*, 22 HAMLINE J. PUB. L. & POL'Y 139 (2000).

n228 Ronald Bishop & Ernest A. Hakanen, *In the Public Interest? The State of Local Television Programming Fifteen Years after Deregulation*, 26 J. OF COMM. INQUIRY 261 (2002); Jill Howard, *Congress Errs in Deregulating Broadcast Ownership Caps: More Monopolies, Less Localism, Decreased Diversity and Violations of Equal Protection*, 5 COMM. LAW CONSPECTUS 269 (1997).

n229 See *supra* notes 92 and 156.

n230 See Richard Dahl, *Does Secrecy Equal Security? Limiting Access to Environmental Information*, in 112 ENV'L HEALTH PERSP. 104, at 104-107 (2004).

n231 See Christian Sandvig, *An Initial Assessment of Cooperative Action in Wi-Fi Networking*, 28 Telecom. Pol'y. 579 (2004).