

Media Access Project



Protecting the public's First Amendment right to speak and to hear information from a diversity of sources on the electronic media of today and tomorrow.

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President's Letter

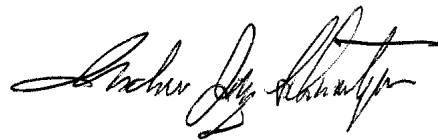
The year 2004 may be MAP's most successful year since its founding. Indeed, despite an adverse political and judicial climate, MAP is gaining extraordinary ground—and enjoying levels of public recognition that equal the esteem it has earned within the public-interest advocacy community. Still, MAP knows that its constituents can anticipate greater challenges for which MAP is often their sole defender.

The most visible of MAP's cases was the landmark ruling in *Prometheus Radio Project v. FCC*, which reversed the FCC's effort to lift limits on broadcast ownership rules. This effort involved hundreds of hours in preparation by MAP attorneys and staff, review of thousands of pages of legal arguments and evidence, and coordinating with numerous co-counsel and allied public interest groups.

All this work paid off with a fantastic victory for the public interest against the forces of media consolidation. The court found the FCC had failed to justify further relaxation of the ownership rules, issued an order keeping the old rules in place, and remanded the matter back to the FCC. Although the FCC can try again to relax the rules, it will face stiff resistance from MAP and its allies.

MAP did experience one important and bittersweet loss — the departure of Deputy Director, Cheryl A. Leanza, who accepted a position with the National League of Cities in November. Our sense of loss is tempered by the realization that MAP will continue to work closely with her. MAP deeply appreciates her six years of distinguished service.

I am proud of the high quality work of MAP's administrative and professional staff and the law students who serve as MAP's interns. I doubt any other public interest law firms in the country provide as much "bang for the buck" as MAP. I encourage everyone to help support this work.



Andrew Jay Schwartzman
President and CEO

MAP's Mission

MAP was created to protect the public's First Amendment right to speak and to hear information from a diversity of sources in the electronic media of today and tomorrow. Exposure to genuinely diverse views, and empowering all citizens and local communities to speak in their own voices about the issues relevant to themselves, forms the bedrock of democratic society as the necessary first step in creating an informed and engaged citizenry.

MAP's Goals

Creating Opportunities for New Voices

- Ensuring non-discrimination and open access for both users and speakers on broadband internet facilities.
- Working for the full implementation of the FCC's Fairness Doctrine and related policies ensuring access for divergent points of view and alternative artistic perspectives.
- Promoting policies for deployment of the internet and other advanced telecommunications networks, including cable and direct broadcast satellites to all communities equally.

Advocating Diversity in Media Ownership

- Strengthening the enforcement of laws and FCC rules promoting minority and female ownership in broadcasting, cable TV and telecommunications.
- Encouraging competition and content diversity in telecommunications services.

Championing the Public Interest

- Ensuring that broadcasters fulfill their legal obligation to promote civic discourse and democracy locally and nationally.



About MAP

MAP is the *de facto* “general counsel” for public interest groups which lack the specialized technical and regulatory staff necessary to follow complex telecommunications issues on a day-to-day basis. Because of MAP’s proven record as a nonpartisan expert interested only in protecting the public’s right to information and exposure to diverse points of view; MAP has the trust of its clients, the ear of policymakers, and the respect of its adversaries.

Despite its small size and limited resources, MAP’s talented staff, reputation for integrity and knowledge of the telecommunications legal culture enables it to go toe-to-toe with the nation’s largest law firms. MAP’s attorneys are considered leaders in their field and their expertise is frequently sought by Congress, academia and the media. Its President and CEO, Andrew Jay Schwartzman has been named as one of the 2004 “*Scientific American 50*” leaders in science and technology.

History of MAP

MAP emerged from one of the most important cases of the civil rights movement. In 1966, the United Church of Christ (UCC) challenged the FCC’s renewal of a Jackson, Mississippi television station license. Despite a large African-American presence in the local community, the station refused to cover the civil rights movement or provide any programming of interest to minority communities. By contrast, segregationist views were given considerable airtime and portrayed in a favorable light. UCC argued before the court that, under the public interest standard, a local station must serve the interests of the entire viewing community. The court agreed with UCC. As a result, viewers gained the right

to participate in license renewal hearings and hold broadcasters accountable for providing adequate service to the community.

In 1972, lawyers concerned with promoting public accountability and social justice in the media formed the Media Access Project (MAP). In the thirty-three years following, MAP has represented citizens in license renewal hearings, civil rights organizations, environmental organizations, and civil liberties and citizens groups before the FCC and in the courts on issues of general media policy. Always, however, MAP’s focus has remained unchanged – promoting the rights of the public to participate in the democratic process.



“ Media Access Project is “considered by some... dollar-for-dollar the best run public interest group in Washington.” ”

— *National Journal*

MAP's Strategy

MAP relies on three strategies to build an open electronic media that is accountable to the public and accessible to all. These three strategies hold the key to breaking the ever-growing stranglehold of a few giant corporations on the information which is the very oxygen of democracy.

Direct Representation

For more than 30 years, MAP has represented local and national organizations before the FCC, the federal courts, and the halls of Congress. MAP's structure uniquely positions it to help the broader public interest community influence media and telecom policy, and to serve as a strategist and convener within the community. MAP directly represents media reform organizations, civil rights groups, consumer organizations, religious organizations concerned with social justice, and associations of independent media producers, at the FCC and in the federal courts. This function includes more than drafting legal comments and briefs. MAP "walks the halls" at the FCC and Congress to counter the arguments of industry lobbyists, find industry allies and sympathetic policymakers, and discover what new opportunities or challenges exist for media reform.

Educating and Empowering Local Groups and the Public

MAP works to educate others in the tools of advocacy, and to keep national and local groups informed on

developments in Washington, D.C. Most citizens and organizations do not become quite as involved in advocacy, but MAP works to give them the tools to participate in the process. MAP's nearly 35-year institutional history makes it an unmatched resource for other organizations with specific problems and concerns. MAP also publishes materials explaining what is at stake in the regulatory process and instructing citizens on how they can participate.

Convening Coalitions Around Issues

No single organization can hope to prevent media consolidation or promote opportunities for independent voices on its own. MAP therefore works to bring an ever-expanding pool of organizations into the public policy sphere, either directly as clients or as coalition partners. Recent coalitions have included associations of independent content producers, citizen's organizations, local media organizations, consumer organizations, Washington-centered organizations, progressive religious organizations and community wireless organizations.



Prometheus Radio Project v. FCC

373 F.3d 372, (3d Cir. 2004)

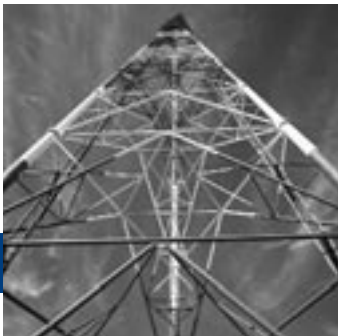
MAP's victorious appeal of the Federal Communications Commission's June, 2003 decision, which would have substantially repealed most limits on broadcast ownership, marked an important turning point in the public interest community's decades-long effort to protect the public's right to have access to information.

MAP served as lead counsel in the case. Joined by attorneys and students from Georgetown Law Center's Institute for Public Representation, MAP sought and obtained a stay which blocked the FCC from implementing its planned amendments and then successfully argued the main appeal.

The decision of the United States Court of Appeals for the Third Circuit was issued on June 24, 2004. The Court ruled the FCC had applied the wrong legal standard and that the agency did not have a sound factual basis for its conclusions. At the same time, the panel decisively rejected a series of appeals filed by major broadcasters and their trade associations; in which the industry groups had contended the FCC's deregulation had not gone far enough.

It is hard to overstate the importance of this decision. Not only did it direct the FCC to revisit its ownership rules under a different and a much more favorable legal standard, but it also recognized the importance of the public's role in the process. Indeed, the opinion reprimands the FCC for failing to take into account the intensity and breadth of public concern with media consolidation.

The decision has important precedential effect in its interpretation of the 1996 Telecommunications Act and for public interest law in general. Indeed, within months of its issuance, several dozen law review articles discussing its holdings were published. Beyond the specific rejection of the FCC's reasoning, the most important aspect of the decision is its rejection of the claim that the periodic regulatory reviews mandated by the 1996 Act establish what adherents called a "presumption in favor of deregulation." This dramatically changes the way in which the FCC must act in the new proceedings directed by the court.



Prometheus Radio Project v. FCC

“This is a big, big win for diversity. The court recognized that debate and democratic values are more important than letting big media corporations grow bigger.”

— Andrew Jay Schwartzman, quoted in *Washington Post*

Creating Opportunities for New Voices

Low barriers to entry and the broad accessibility of the Internet medium have allowed people to make information available throughout the world, and to organize communities across vast distances. MAP works with many other organizations to preserve and advocate for FCC rules and broadcaster initiatives that promote diversity in our media and improve the accessibility of media technologies. MAP uses the regulatory process to circumvent existing corporate media and create new opportunities for communities and individuals to speak in their own voices.

Low Power FM Radio

A Low Power FM (LPFM) radio station gives a local community a non-commercial radio voice all its own. These stations occupy unused channels on the FM dial between full power stations and transmit local music programming, local news and community affairs, and local religious programming a distance of 2-5 miles. In 1999 and 2000, MAP helped create rules that would have allowed thousands of these stations on the air. Unfortunately, after intense lobbying by full power broadcasters afraid of competition, Congress scaled back the number of possible LPFM stations to a few hundred.

2004

Since the beginning of this initiative, MAP has advocated for expanded access to Low Power Radio. In 2004, MAP finally persuaded the FCC to release an independent

technical report proving that restoring the old low power radio rules would not cause interference to full power stations. MAP worked with Senator John McCain's (R-AZ) staff to create a bill that would restore the old rules. The bill cleared the Senate Committee, but full power broadcasters blocked the bill from coming to a vote before the full Senate.

Upcoming

MAP will continue to provide legal support and advice to LPFM broadcasters and supporters trying to convince Congress to restore the old FCC rules and create opportunities for thousands of new stations. MAP will also continue to pressure the FCC to find new ways to improve the LPFM service within the bounds of Congressional restrictions.



“A free and vibrant media, full of diverse and competing voices, is the lifeblood of America’s democracy and culture.”

— *From The Media Bill of Rights*

Community Internet/Shared Spectrum

Advances in “shared spectrum” technology have made it possible for activists, organizations and volunteers to build community wireless networks that provide broadband internet technology without expensive access fees. Communities, including cities like Philadelphia, have begun to create “wifi clouds” that bring educational and economic opportunities to all segments of the population, including poor and low income individuals who were previously economically excluded from broadband access. Furthermore, with streaming media, “podcasting” and Voice Over Internet Protocol (VOIP), every community network using shared spectrum becomes its own local radio station, phone company, and source of news on community affairs.

Unfortunately, the FCC only allows spectrum sharing on a narrow range of frequencies. As these frequencies become full, the FCC must open up new spaces on the public airwaves to this exciting form of new public media.

2004

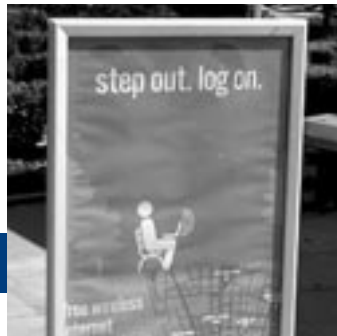
MAP provided the only legal representation for community wireless at the FCC. MAP worked with a number of media reform allies to push the FCC to

recognize the importance of community wireless and change antiquated rules on radio frequency management to reflect new technologies. MAP has met stiff resistance from cell phone companies and television broadcasters seeking to keep access to the public airwaves exclusively licensed to a few private companies.

In addition, cable and telephone companies that have enjoyed a monopoly on residential broadband began a campaign to make it illegal for local governments or state governments to build their own community internets. In late 2004, MAP worked with community activists to save the Philadelphia community internet project from a state law that would have prevented the city from bringing cheap broadband to its poorest residents.

Upcoming

MAP will be serving as a resource to the community wireless movement to persuade Washington policymakers to make more spectrum available for community wireless internet access. MAP will also work to stop any state or federal law that would prevent a local government from building its own community network.



Advocating Diversity in Media Ownership

As a public resource, the media should reflect the people it serves. However, in the name of deregulation, the FCC has allowed the media industry to consolidate into a handful of powerful corporate gatekeepers. By advocating rules that limit the power of these existing media companies and challenging specific mergers that would concentrate the industry even further, MAP fights to keep the media marketplace diverse and democratic.

Cable Ownership

Cable ownership limitations regulate the amount of programming a cable company can own and the percentage share of subscribers it can service. Because the FCC has refused to impose a limit, a handful of companies have obtained a monopoly in the cable and paid-television markets, allowing them to arbitrarily raise prices, lower the quality of service, and control content.

2004

MAP has been fighting to ensure that the FCC adopts and adheres to more stringent cable ownership limitations. In particular, MAP has opposed specific mergers between cable companies on the grounds that such combinations of industry giants would place significant power to shape the public debate in the hands of those willing to abuse it for their own ends.

Upcoming

At the FCC and before federal antitrust agencies, MAP will work vigorously to oppose the proposed Comcast/Time Warner/Adelphia merger, and other mergers that create media “gate keepers.”



Broadcast Ownership

As a result of weakened rules that foster production of independent news and entertainment, the number of genuinely independent media sources has dramatically. Today, only a limited number of rules remain that prevent any person or company from owning all of the media outlets in a small or medium sized city or from owning media outlets that blanket the country. Broadcast media industry giants have taken advantage of this environment and bought up or forced out many independent media sources. Without stringent rules or viable competition, the owners of these consolidated media companies have incredible control over the information that the public receives and their ability to access it. Further, local governments and communities lose the means to communicate about local issues and interests.



2004

MAP's victory on June 24, 2004 in the U.S. Court of Appeals for the Third Circuit in *Prometheus Radio Project v. FCC* marks one of the most significant legal victories against media consolidation and represents a culmination of more than two years of work before the FCC and the Court of Appeals. The *Prometheus* Court threw out the FCC's attempt to deregulate media ownership and kept the older, more stringent rules in place. The court directed the FCC to go back to the drawing board to devise rules that take into account the needs of the public.

Upcoming

MAP will continue to work with the broad coalition of independent content producers, labor unions, citizens groups, consumer groups, and others as the FCC reconsiders its previous decision to eliminate most remaining ownership rules.

“ The quality of democratic self-governance depends on having a well-informed electorate exposed to a diversity of issues and ideas, especially at the local level. We rely on over-the-air broadcasting and daily newspapers for the information we use in picking our mayors and city councils. ”

— Andrew Jay Schwartzman, quoted in *Associated Press*

Championing the Public Interest

Only a few of the many thousands of people who would like to operate radio or television stations receive a license to do so. If unregulated, these few licensees could become the ultimate gatekeepers of what does and does not get seen and heard on the public airwaves. In recent decades, the FCC has removed the substantive requirements to cover real news in a neutral manner or provide opportunities for opposing points of view. Without these requirements, broadcasters have been allowed to cripple the public's access to reliable and accurate information about their local communities and their government. MAP has been fighting to hold licensees accountable for creating programming that is neutral, diverse, and relevant to local communities.

Local Service by Local Broadcasters

In recent years, the FCC has eliminated many of the rules requiring radio and television broadcasters to serve their local communities. Abuses by broadcasters have shown the wisdom of restoring the old rules that require them to cover community issues, offer minority-oriented programming, and produce news that is neutral and unaffiliated with corporate owners.

2004

With broadcasters poised to convert to digital television, MAP has once again taken up the challenge of pushing for media reform. MAP provided legal counsel to the

Public Interest Public Airwaves Coalition, a collaborative of more than 20 media reform organizations seeking to define public interest obligations for television broadcasters in the 21st century. MAP also worked with organizations participating in the FCC's inquiry into whether local television and radio broadcasters adequately serve their local communities.

Upcoming

MAP will continue to assist organizations filing oppositions to the renewal of television and radio licenses where these licensees offer little or no local programming or otherwise fail to serve their local communities.



“The widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public.”

— *Associated Press v. United States*, 1945

Equal Time for Political Candidates and Sponsorship Identification

The “reasonable access” and “equal time” laws give political candidates a legal right to use the broadcast airwaves, so they may speak to their fellow citizens and ask for their vote. More importantly, they ensure that members of the public have unfettered access to candidates’ speeches so that they can make intelligent choices at the ballot box. Federal law also requires sponsors of political advertising (or any advertising) to properly identify themselves.

2004

MAP was busier than ever this election year, fighting to ensure that the public was receiving accurate information. A closely contested and acrimonious Presidential race, struggle for control of the U.S. House and Senate, competitive state elections, and controversial state ballot initiatives led some partisan broadcasters to try to use their radio and television clout unfairly. MAP worked with numerous non-partisan organizations to ensure that federal laws on access to the airwaves and sponsorship identification were observed.

Upcoming

MAP will continue its work to ensure that broadcasters and cable operators advance the democratic process by giving all political candidates equal opportunities to communicate with the electorate.

Election Year Battles

- MAP assisted an Oregon organization in a successful complaint to the FCC about advertisements on a ballot issue that failed to disclose their true sponsorship.
- MAP provided legal strategy and guidance to a coalition that stopped Sinclair Broadcasting Group’s broadcast of a one sided “documentary” highly critical of Democratic candidate John Kerry without giving Kerry a chance to respond.
- MAP assisted local groups in stopping Pappas Broadcasting from giving free broadcasting time to some state candidates without giving free time to their opponents.



Financial Statement

As of December 31, 2004

Revenue

| | |
|---------------------------------|------------|
| Interest and Dividends | \$ 3,206 |
| Client Fees | \$ 97,530 |
| Foundations | \$ 655,000 |
| Corporate and Individual Donors | \$ 149,273 |
| Miscellaneous | \$ 16,634 |

TOTAL \$ 921,643

Expenses

| | |
|-------------------------------|------------|
| Salaries and Related Benefits | \$ 427,966 |
| Rent | \$ 86,168 |
| Insurance | \$ 5,374 |
| Library | \$ 682 |
| Office and Postage | \$ 8,687 |
| Printing and Duplicating | \$ 3,641 |
| Telephone | \$ 15,507 |
| Professional Fees | \$ 212,893 |
| Reception and Meetings | \$ 4,478 |
| Travel | \$ 7,532 |
| Miscellaneous | \$ 10,907 |
| Depreciation | \$ 9,839 |

TOTAL \$ 793,674

Balance \$ 132,447

2004



Andrew Jay Schwartzman is the President and CEO of Media Access Project (MAP). He has directed the organization since June, 1978.

In recognition of his service as chief counsel in the public interest community's challenge to the FCC's June, 2003 media ownership deregulation decision, *The Scientific American* honored Mr. Schwartzman as one of the nation's 50 leaders in technology for 2004.

Mr. Schwartzman was the Law and Regulation Contributor to *Les Brown's Encyclopedia of Television*, and is the author of the telecommunications chapter in the *Encyclopedia of the Consumer Movement*. His work has been published in major legal and general journals, including *Variety*, *Electronic Media*, *The Washington Post*, *COMM/ENT Law Journal* and *The ABA Journal*. He has been a frequent guest on television and radio programs such as *The Today Show*, *Nightline*, *CNN's Reliable Sources*, network evening newscasts, and *All Things Considered*.

Mr. Schwartzman is the 1994 recipient of the United Church of Christ Office of Communication's Everett C.

Parker Award and the 2004 recipient of the Media Matters Life Achievement Award.

After graduating from the University of Pennsylvania in 1968, and its law school in 1971, Schwartzman was staff counsel to the Office of Communication of the United Church of Christ. From 1974 until he took his current position, Schwartzman worked for the U.S. Department of Energy and predecessor agencies.

Harold Feld, MAP's Senior Vice President, joined MAP in August 1999 after practicing communications, internet, and energy law at Covington & Burling. Mr. Feld served as co-chair of the Federal Communications Bar Association's Online Committee, and has written numerous articles on internet law and communications policy for trade publications and legal journals. Mr. Feld won the 2000 Burton Award for excellence in writing by a nonacademic. Mr. Feld graduated magna cum laude from Princeton University in 1989, and magna cum laude from Boston University Law School in 1993. Mr. Feld clerked for the Hon. John M. Ferren of the District of Columbia Court of Appeals.



MAP's attorneys also supervise law student interns each semester. In recent years, MAP has had interns from Harvard, UCLA, Stanford, New York University, University of Pennsylvania, and other institutions. The internship is an integral part of MAP's program, enhancing the delivery of services as well as creating a cadre of attorneys sensitive to the concerns of public interest law.

MAP's Board of Directors

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Founder, Action for Children's Television
Activist, policy advocate

Henry Geller

Former Assistant Secretary of Commerce
Former FCC General Counsel and former Assistant Secretary for Communications and Information and Administrator of the National Telecommunications and Information Administration, U.S. Department of Commerce

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Jorge Reina Schement

Professor of Communications and Information Policy and Co-Director for the Institute for Information Policy.

Jonah Seiger

Founding Partner,
Connections Media, LLC

Roanne Shaddox Robinson (Secretary)

Jefferson Data Strategies
Former Chief of Staff of the National Telecommunications and Information Administration, U.S. Department of Commerce, industry expert, and advocate for American Indians on telecommunications issues.

Andrew Jay Schwartzman

President and CEO, Media Access Project



Donate to MAP

For more than thirty years, MAP has worked to promote the public's right to speak and to hear information from diverse sources. In a wide array of media issues, MAP has provided legal representation for citizen and consumer groups and grassroots organizations.

As a non-profit public interest law firm, MAP does not generally charge its clients legal fees. Nor does MAP get large donations from industry donors. While MAP spends vastly less than our industry counterparts, MAP relies primarily on donations from citizens and on grants from private foundations to remain effective and vital. Without this support we receive from the public, much of MAP's most important work could not proceed.

MAP has accomplished a lot, but the battle is not over. More fights in court and at the FCC are coming up. Please show your support in the most powerful way possible, by sending a contribution. Even a small donation can make a big difference.

Visit our website at www.mediaaccess.org to make your donation online, or send your check or money order to:

**Media Access Project
1625 K Street NW, Suite 1000
Washington, DC 20006
202.232.4300**

Even a small donation can make a big difference.

“It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee.”

— *Red Lion Broadcasting Co. v. FCC, 1969*

Acknowledgements

MAP Support Staff

Paula Galloway
Jennifer Howard
Rebecca Weaver-Gill
Amy Zalud

MAP Interns

Nadia Abadir
Audrey Priolo
Jacqueline Vitak

Georgetown Law Center Institute for Public Representation

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Manan Janik
Cheryl A. Leanza
Connie Chic Smith
Jennifer Spalding, Park Graphics
Michael Weiser

Generously Donated Pictures

Hope Hall, Champaign-Urbana Community Wireless Network

Page 2, left and center; page 6, left; page 7, right; page 8, right; page 9, right; page 16, left.

Free Press

Page 2, right.

NYC Wireless

Page 7, center; page 14, center; page 16, right.

Prometheus Radio Project

Page 3, left; page 4, left, center and right; page 6, right; page 7, left; page 8, left and center; page 9, left and center; page 10, left and right; page 14, left and right.







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