

**NLWJC - Kagan**

**DPC - Box 006 - Folder 010**

**Campaign Finance Reform - Free  
TV**

▶ Paul J. Weinstein Jr.  
12/10/98 02:19:17 PM  
.....

Record Type: Record

To: Jim Kohlenberger/OVP @ OVP, Audrey Choi/OVP @ OVP, Lisa M. Brown/OVP @ OVP  
cc: Michael Waldman/WHO/EOP, Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
Subject: Revised Press Paper On PIAC



PIACPR.W This includes my edits. Have have toughened the paper up somewhat. My edits are in ***bold italic***. Please review. Also, what is the opinion regarding whether this statement should be from VPOTUS or POTUS? Please advise.

**VICE PRESIDENT GORE ADDRESSES  
NEXT STEPS TO BRING  
TELEVISION INTO THE DIGITAL AGE.**

WASHINGTON -- Vice President Gore today outlined a series of important next steps that will bring television into the digital era -- enhancing consumer choice and serving the public interest, ***and challenged the broadcasting industry to follow through on the commitments made in the report in the next year.***

In its report submitted today, the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters took critical new steps in defining the public interest in the digital era. ***For the first time, a committee of broadcasters, public interest groups, and other interested representatives*** set forth a code of minimum public interest requirements that all broadcasters should adopt. The 22-member committee also unanimously recommended that broadcasters voluntarily provide free air time for political discourse. In addition, the committee recommended mandatory disclosure of public interest activities and improved service to underserved communities, including minorities and individuals with disabilities.

"The Committee's recommendations clearly recognize the great public interest and great potential public benefits that can be achieved as we bring television into the digital era," said Vice President Gore. ***"The President and I believe*** we must make the most of the vast new capabilities of digital television so that we realize its full potential to educate, enlighten, and enrich public discourse," he said.

The Vice President issued a series of challenges to build on and implement the Committee's recommendations:

- **Call on Broadcasters to Implement Recommendation:** Broadcasters should commit voluntarily to include at least five minutes nightly of free time for political candidates starting 30 days before an election. ***The FCC should monitor industry compliance and should determine if there is a (or take steps to insure?) satisfactory fulfillment of this commitment before the next general election in 2000.***
- **Call on the FCC to Develop Mandatory Minimum Standards When Necessary.** The FCC should monitor broadcaster's compliance with their voluntary commitments ***over the next year and*** to develop mandatory minimum standards if necessary. The minimum standards would cover obligations such as closed-captioning, public service announcements, public affairs programming, educational and instructional programming and mandatory Free TV Time;

- **Call on Congress to Fund Our Requests to Move Public Broadcasting in the Digital Age.** Congress should give public broadcasters the funds they need to move into the digital age. Last year Congress gave only \$15 million of the \$50 million requested to help public broadcasters make the transition to digital technology;
- **Make Best Use of New Digital Technologies.** Broadcasters and manufacturers should hold a dialogue on how to use new innovative technologies to improve disaster warnings, ensure the v-chip works, and enhance closed captioning and disability access to digital television.

Campaign finance -  
free TV

DRAFT DRAFT DRAFT = = = EMBARGOED UNTIL 12:00 P.M. DECEMBER 18,  
1998

**Statement by Vice President Al Gore  
on Bringing Television into the Digital Era**

Today, as we bring television into the digital age, we stand at the brink of a great new opportunity. Digital broadcasting presents unprecedented capabilities to entertain our families, educate our children, enlighten our communities, and enrich our nation's public discourse. As with all great opportunities, there are also great responsibilities -- in this case, to make wise use of the public resource of our nation's airwaves.

I would like to thank each of the members of the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters, especially co-chairs Norman Ornstein and Leslie Moonves, for their careful consideration of broadcasters' obligations to the public.

I am encouraged by the Committee's clear recognition of broadcasters' public interest obligations. I urge broadcasters to commit to the practices recommended by consensus by the Committee-- particularly the recommendation to air voluntarily five minutes nightly of free time for political candidates for the 30 days prior to an election. A prompt, broad and deep commitment by broadcasters to this and other recommendations would be a strong signal of their willingness to respond to public interest needs as we enter the digital age. I encourage the FCC to work with broadcasters to achieve that goal.

If broadcasters choose to reject the call for free time on a voluntary basis, we believe the Federal Communications Commission will have a duty to take appropriate action. For its part, Congress ought to help us move forward on this issue on a bipartisan basis -- and not continue to threaten the FCC with further legislative reprisals to tie its hands in this area.

The President and I continue to believe strongly that there should be mandatory, universal free time for candidate centered discourse. It is unfortunate that the opposition from a few members prevented the Committee from adopting such a recommendation unanimously.

The Committee rightly recommends that broadcasters seize the opportunity of digital television to enhance diversity. More needs to be done. I continue to be concerned that minorities have not participated fully in the growing opportunities in broadcasting. I believe we must work towards the day when the voices and views on our airwaves reflect the diversity of our country.

I encourage broadcasters and manufacturers to hold a dialogue on how to use new innovative technologies to improve disaster warnings, ensure the v-chip works, and enhance closed captioning and access to digital television for people with disabilities.

Working together, we can and should make the advent of digital television a boon for the American public.

Campaign finance -  
Free TV.

▶ Paul J. Weinstein Jr.  
10/08/98 10:54:07 AM  
.....

Record Type: Record

To: Michael Deich/OMB/EOP, Charles E. Kieffer/OMB/EOP, Peter G. Jacoby/WHO/EOP, Martha Foley/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: Free TV Time Rider

It is my understanding that the language below appeared late last night as a possible rider on Commerce, State, Justice or the Omnibus CR. This language would prohibit the FCC from issuing a notice of rulemaking on free air time for candidates for public office. This language is unacceptable. The President promised that the FCC would establish a system of free air time in his 1998 state of the union. He also threatened to veto similar language last spring.

I have conferred with the Vice President's office and we agree that this language remains unacceptable to the Administration and that it should be placed on such a list.

"That none of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the FCC to impose or enforce any obligation on radio and television broadcasters with respect to the use of broadcasting stations by candidates for elective office that was not in effect as of January 1, 1998."

Message Copied To:

Jim Kohlenberger/OVP @ OVP  
David W. Beier/OVP @ OVP  
Lisa A. Gaisford/OMB/EOP  
Lisa M. Brown/OVP @ OVP  
Morley A. Winograd/OVP @ OVP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Michael Waldman/WHO/EOP

▶ Paul J. Weinstein Jr.  
07/01/98 11:40:49 AM

.....

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Rahm I. Emanuel/WHO/EOP, Michael Waldman/WHO/EOP

cc: Michelle Crisci/WHO/EOP

Subject: Free TV Time

The purpose of the memorandum is to get your guidance on a possible voluntary agreement with the broadcasters on free TV time for candidates. Over the last couple of weeks, we have been in discussions with Norm Ornstein of the American Enterprise Institute (AEI) regarding a voluntary agreement with the broadcasters on free TV time. It has become clear, from our discussions, that what is now achievable is considerably less than when the idea for the President's Commission on the Responsibilities of Broadcasters in the Digital Age (Moonves-Ornstein Commission) was first proposed. The broadcasters have become increasingly entrenched. They no longer view action on free TV time by the Federal Communications Commission (FCC) as a real possibility and they are confident that there is a strong anti-free TV time faction in Congress that will prevent any legislative solutions. Finally, they do not feel any public pressure for free TV time.

Our leverage, at this point, lies within the Moonves-Ornstein Commission itself. Ornstein still has a majority of members that he can call upon to support a final report. Ornstein has told the broadcasters that he is prepared to push through a majority report that would include a scathing critique of the broadcasters unless they can reach a compromise. He continues to work towards a consensus proposal, the core of which would be the creation of a new, voluntary "Code of Conduct". Included in the "Code" would be a requirement that broadcasters provide 5 minutes of free air time each night from every broadcaster over the last thirty days of an election. The broadcasters would decide the format and which candidates have access to the air time. However, we have convinced Ornstein that it is important to insure that as many candidates have access to the time and that the time be used for candidate-centered discourse. The five minutes do not have to be aired en bloc, but would have to be broadcast between 5:00 pm and 11:30 pm.

There are three ways to enforce this agreement. First, get the National Association of Broadcasters to recognize that stations must meet the "Code" and reprimand those that don't. Second, would be to require disclosure from all broadcasters on how they are meeting their "Code" obligations. Third, the FCC could consider how broadcasters are fulfilling their "Code" obligations when reviewing requests for license renewals. This last piece would require a rulemaking by the FCC.

It has become evident that the other elements of Ornstein's consensus proposal, and our ideas of free TV time, are not going anywhere. For example, the broadcasters have shown no interest in our idea of providing a minute of free time for every two minutes purchased, even if it were exchanged, as Ornstein has suggested, for a repeal of the "lowest unit rate" requirement. It is also unlikely that broadcasters would agree to implement this agreement before the 1998 election, because they fear Republican retribution.

Without much leverage and, in my view, with few prospects for an improved environment on the broadcasting front anytime soon, I would recommend that we work through Ornstein in trying to secure an agreement on the 30 days piece sometime after the election. In light of the failure of Congress to once again act on campaign finance reform, such an agreement will appear to be a more significant accomplishment than it is in reality. However, there is an argument for holding off on an agreement until we, and the FCC are in a stronger political position.

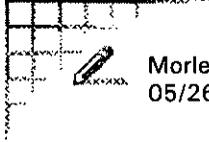
Please advise.

In addition, Ornstein wants the Gore Commission to recommend to Congress that it repeal the "lowest unit rate" and put in its place a new law which would provide any candidate who buys 2 minutes of air time with an additional minute of air time.

Finally, there is a proposal to create an additional digital, PBS-like channel which would provide air time for public interest broadcasting including candidate info shows, etc.

There are three problems with this proposal. First, the 5 minutes per night of air time will not have any significant impact on reducing the cost of campaign advertising. A candidate will be lucky to get one or two minutes in the final month of free air time. Second, removing the lowest unit rate requirement requires congressional approval. Finally, it is unlikely a large majority of Americans would watch campaign commercials on a PBS-like station.

We are working with Congressional and public interest groups to place pressure on the Gore Commission and to try to change the focus of the debate to one which talks about how television can help reduce the high cost of campaigning. I will keep you posted.



Morley A. Winograd @ OVP  
05/26/98 01:01:09 PM

Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: CFR and Commissioners

Paul:

I spoke with Mr. Deckerd today of BELO. He is open to our two concepts but beleives it would be wrong to try and get that entire commission to agree on a very specific proposal. He thinks if the broadcasters or more precisely the networks took the lead on the two ideas and signaled their willingness to implement them without the commission writing the details, that it would provide the best way for the Commission to reach consensus.

He also spent a good deal of time pushing his educational, interactive TV proposal. Since it is useful in a variety of other policy arenas, eg. bilingual Education, I told him to send a written statement on it to me and I would continue to talk to him about how we might make the idea come alive. Wanted to leave an opportunity for further conversation as we move down the road with him.

I think we should take advantage of the Cong. recess to organize our plans for both House debate and next Commission meeting this week. I will have Jen try and find a mutually acceptable time this Friday for everyone.

Morley

Message Copied To:

---

william p. marshall/who/eop  
david w. beier/ovp @ ovp  
michael waldman/who/eop  
jim kohlenberger/ovp @ ovp  
charles w. burson/ovp @ ovp  
lisa m. brown/ovp @ ovp  
ron klain/ovp @ ovp  
bruce n. reed/opd/eop  
elena kagan/opd/eop  
michelle crisci/who/eop  
laura k. capps/who/eop

▶ Paul J. Weinstein Jr.  
05/20/98 02:20:40 PM  
.....

Record Type: Record

To: Morley A. Winograd/OVP @ OVP  
cc: See the distribution list at the bottom of this message  
Subject: Re: CFR and Commissioners 

This morning I talked with Norm Ornstein about approaching the broadcasters on the Gore Commission. Ornstein was supportive of our talking with them. He thinks Diller is on board, but agrees we should at least make a courtesy call to tell him where the Administration stands. They two key broadcasters he wants us to approach are:

Robert Dechard of BELO (Dallas TX)  
(214-977-8277)

Harold Crump of Hubbard Broadcasting (St. Paul MN)  
(612-646-5555)

Key points to make on the call are:

1. Emphasize how important an issue free time is for the President and the Vice President;
2. Express the Administration's general support for the Ornstein compromise (although we may want changes on some of the details). Indicate our view that a credible free time package must include something like the five minute per night and 2 for 1 concepts;
3. Offer to have further discussions if they want. This will help keep the door open.

I believe you know how to reach Diller.

Message Copied To:

William P. Marshall/WHO/EOP  
david w. beier/ovp @ ovp  
Michael Waldman/WHO/EOP  
jim kohlenberger/ovp @ ovp  
charles w. burson/ovp @ ovp  
lisa m. brown/ovp @ ovp  
Ron Klain/OVP @ OVP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Michelle Crisci/WHO/EOP  
Laura K. Capps/WHO/EOP

Campaign Finance -  
Free TV

Paul J. Weinstein Jr. 04/20/98 05:54:14 PM

---

Record Type: Record

To: Michael Waldman/WHO/EOP, Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Laura K. Capps/WHO/EOP, Michelle Crisci/WHO/EOP, Peter G. Jacoby/WHO/EOP  
Subject: Update On Gore Commission and Free TV

I talked with Norm Ornstein and several others involved with the Gore Commission on Public Interest Broadcasting. Here is the current status:

Ornstein believes he can get a free television compromise among the commission members which would provide 5 minutes of free air time from each broadcaster over each night the last month of a national campaign. This is approximately 1 hour and 30 minutes per broadcaster. It is not clear what the format would be (debate, interview, or statement from a candidate). This is basically the same idea Paul Taylor has put forth to all the major networks for the upcoming election cycle.

In addition, Ornstein wants the Gore Commission to recommend to Congress that it repeal the "lowest unit rate" and put in its place a new law which would provide any candidate who buys 2 minutes of air time with an additional minute of air time.

Finally, there is a proposal to create an additional digital, PBS-like channel which would provide air time for public interest broadcasting including candidate info shows, etc.

There are three problems with this proposal. First, the 5 minutes per night of air time will not have any significant impact on reducing the cost of campaign advertising. A candidate will be lucky to get one or two minutes in the final month of free air time. Second, removing the lowest unit rate requirement requires congressional approval. Finally, it is unlikely a large majority of Americans would watch campaign commercials on a PBS-like station.

We are working with Congressional and public interest groups to place pressure on the Gore Commission and to try to change the focus of the debate to one which talks about how television can help reduce the high cost of campaigning. I will keep you posted.

Paul J. Weinstein Jr. 04/27/98 01:12:57 PM

---

Record Type: Record

To: Morley A. Winograd/OVP @ OVP, Michael Waldman/WHO/EOP, Peter G. Jacoby/WHO/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Conversation with Norm Ornstein

Lisa, Bill and I talked with Norm Ornstein who outlined in more detail his draft consensus proposal on public interest broadcasting. His proposal would do the following:

1. Re-establish the Broadcasters' Code of Conduct, but make it stronger than before. The broadcasters claim they do \$7 billion in public interest broadcasting. Ornstein wants them to increase that number to \$10 billion as a baseline.

This proposal would require Justice and the FTC not to go overboard on anti-trust issues, which killed the old Code.

2. When the broadcasters go to multiplex, they would be required to either create their own public interest/educational channel or turn a channel over for public interest broadcasting. Unlike cable public access channels, broadcasters would help insure that these channels are interesting and workable by providing the resources to operate them.

3. Each broadcast station would be required to provide 5 minutes of free air time per night (6:00 pm to 11:30 pm) over the last 30 days of an election for candidate discourse. At least 3 minutes of the free time must be broadcast consecutively. Under Ornstein's proposal, local stations would decide which candidates have access to the free air time. Stations would also design the format for the air time (commercials, interviews, mini-debates). This proposal would be implemented either as an FCC mandate or as part of the Code of Conduct. If voluntary, the FCC would announce that no broadcast licenses would be renewed unless the station could justify why it did not meet the Code of Conduct (currently the presumption is for automatic renewal).

We told Ornstein that we thought this proposal moved the debate in the right direction. However, we let him know we had some concerns about giving the broadcasters too much control over format (interviews instead of candidate messages) and candidate access. We also expressed concern that the proposal should not only improve the quality of candidate debate but must also reduce the cost of campaigns.

4. Challenge Congress to replace "lowest unit rate cost" with a system that would provide one minute of free time for every two minutes purchased. Under Ornstein's proposal, the state parties would control the free time, not the candidates.

We advised Ornstein that we had concerns with the parties controlling the free time and that we wanted to cap the amount of free time that any one candidate could accumulate in order to prevent wealthy candidates from cornering the market. In addition, we told him that we did not like the idea of turning this issue over to the Congress, which would not act on his recommendations.

5. Education Station -- Ornstein wants to repack all the analog spectrum and take some of the monies from the auction to create an analog educational channel. The channel would be bid out to community groups or universities.

Campaign Finance -  
Free TV

April 6, 1998

Chairman William E. Kennard  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Chairman Kennard:

I am writing to commend you for your efforts on behalf of establishing a system of free television time for federal candidates. As you know, I believe that free television is a critical to reforming our campaign finance system.

I share your determination to achieve a workable system of free and reduced broadcast time and I want to commend you on your stated intention to work with the Congress, broadcasters, reform groups, and the American people to develop a consensus on this difficult but important issue. The ideas that will evolve from this process will build a better democracy for all our citizens.

Sincerely,

William Jefferson Clinton

campaign  
finance - free TV

Paul J. Weinstein Jr. 04/02/98 05:32:21 PM

---

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

Subject: Free Television Assignments

1. Call Ornstein - Lisa Brown and William Marshall
2. Write letter to Kennard from POTUS that the Chairman can insert into his NAB speech -- Paul Weinstein.
3. Call Larry Irving and ask him to address NAB conference and raise free television issue -- Paul Weinstein and Jim Kohlenberger.
4. Have Bruce Reed call Kennard and thank him for his help -- Paul Weinstein
5. Get dinner meeting on April 13th with Moonves and Ornstein set up with Rahm -- Michael Waldman and Paul Weinstein
6. Prepare plan for April 14th meeting of Gore Commission -- William Marshall and Lisa Brown.
7. Draft letter from POTUS and/or VPOTUS for May 14th FCC Commissioners meeting on the NOI -- Paul Weinstein, Morley Winograd.
8. Talk with Lieberman, Durbin, and Torricelli staff about sending bipartisan letter to FCC on free tv for May 14th FCC Commissioners meeting -- Peter Jacoby and Paul Weinstein.
9. Talk with reform groups about their sending a letter on May 14th to the Commission -- Paul Weinstein.
10. Talk with Kennard about NAB speech -- Tom Freedman.

Message Sent To:

---

Michael Waldman/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
William P. Marshall/WHO/EOP  
Morley A. Winograd/OVP @ OVP  
Charles Konigsberg/OMB/EOP  
Charles W. Burson/OVP @ OVP  
Lisa M. Brown/OVP @ OVP  
Laura K. Capps/WHO/EOP  
Thomas L. Freedman/OPD/EOP

Paul J. Weinstein Jr. 03/19/98 03:16:42 PM

---

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: FREE TV TIME

## OVERVIEW

Despite our victory this past week in getting Republicans to remove the free television prohibition from the supplemental appropriations, we are still faced with the real prospect of additional amendments prohibiting free television being placed on the IMF supplemental appropriations bill or on the Commerce, State, Justice appropriations next month. If we are going to strike a deal, Peter believes the time is now. We have developed a compromise proposal but we need to know if you want us to pursue negotiations with McCain and the Republicans or should we continue to fight all attempts to delay or eliminate the Federal Communications Commission (FCC) ability to go forward this Spring with a rulemaking.

## COMPROMISE PROPOSAL

The compromise proposal we developed yesterday would do the following:

1. Prohibit the FCC from beginning a rulemaking until March 1 of 1999 to insure that the rules would not impact the 1998 elections. This would provide Congress with time to use the appropriations process next year to prevent the rulemaking.
2. Allow the FCC to start its Notice of Inquiry (NOI) on free television time immediately. The FCC would be required to finish the NOI by December 31, 1998 and report their findings to Congress no later than January 15, 1999. This would allow for the Gore Commission to complete its work and report to the FCC. It would also give Congress time to digest the FCC's direction on free television time before the beginning of the rulemaking.
3. As part of the NOI, the FCC would conduct a study of its legal authority to establish a free television system. This is to appease Senator Hollings, who is mad at the FCC for a variety of reasons, and who is convinced the FCC does not have this authority. The FCC would use the study to build its legal arguments in case the free television system is challenged in court.
4. (Possible Addendum) Develop some legislative mechanism that would allow opponents of the rule to strike it by a simple majority in the Senate. This would give Republicans a greater comfort level in their ability to prevent a free television time rule with which they are not comfortable. However, the President could still veto their prohibition legislation.

While this compromise allows the FCC to go forward and gives us time to develop the substance of a free television proposal, the President could be subject to criticism from the elite media and reform groups for delaying the timetable from moving ahead this year. (On the other hand, it could have been possible for the FCC to enact rules that would effect the 1998 elections under any circumstances so the delay is one of perception and not one of practical effect.) In addition, the compromise places a lot of importance on the Gore Commission and its ability to

broker an agreement among broadcasters and reformers. We are not convinced that the ingredients for such a compromise exist or that the Gore Commission is strong enough to develop one. However, if the broadcasters can be brought on board, then Republicans would find themselves isolated next year when the rulemaking begins.

These issues raise the question of whether we should continue to hold our ground and ask the FCC to move ahead with the rulemaking next month. Not compromising would allow the President to take the high ground and would force the Republicans to vote on record against free television time. Unfortunately, we are not certain that we can hold all the Democrats on this issue, in particular Hollings and Inouye. However, we might be able to pick up Roth and Thompson. Nevertheless, this would be a tough vote to win since Republicans are terrified by the thought of three Democrat Commissioners at the FCC controlling campaign finance reform. In addition, the FCC has been roundly criticized on this issue and is concerned about how Congress will handle the FCC's appropriation.

Peter Jacoby is meeting with McCain's staff tomorrow. Therefore, we need to know ASAP if you want us to pursue a compromise strategy or a stay-the-course strategy.

#### DECISION

----- Compromise Strategy

----- Stay-the-Course Strategy

----- Discuss Further

#### Message Copied To:

---

Michael Waldman/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
Morley A. Winograd/OVP @ OVP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP

Campaign finance - free TV

Paul J. Weinstein Jr. 03/17/98 10:53:34 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
Subject: Free TV Time

Many of you may be aware of this info already, but Senator Stevens has decided not to offer the amendment on free television time. My understanding from the senior staff meeting (Waldman can confirm), is that we are not to gloat in the press, because this victory is only temporary. McCain and Lott agreed to pull the issue for now, but they are ready to put it onto to other appropriations bills or the separate IMF supplemental if we cannot come to an agreement.

We are meeting with FCC Chief of Staff John Nakahata tomorrow to discuss options to present to McCain and the Republicans. Kennard is testifying on Thursday in front of Hollings so we need to discuss his statement before the Committee as well.

The meeting will take place in my office (214) at 11:30 am. It will run one hour.

I will prepare an agenda for the meeting. Sorry for the short notice.

Message Sent To:

Morley A. Winograd/OVP @ OVP  
Michael Waldman/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
Michelle Crisci/WHO/EOP  
Lisa M. Brown/OVP @ OVP  
William P. Marshall/WHO/EOP  
Thomas L. Freedman/OPD/EOP  
Charles W. Burson/OVP @ OVP



● Paul J. Weinstein Jr.

03/06/98 10:37:48 AM

Record Type: Record

To: Michael Waldman/WHO/EOP, Morley A. Winograd/OVP @ OVP, Peter G. Jacoby/WHO/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Free TV Petition

Here are the requests we asked for from yesterday's meeting:

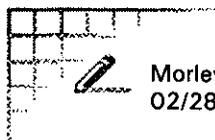
1. A VP event on campaign finance reform. Since it is possible that the McCain-Burns amendment may go much further than free tv and restrict the FCC from doing any rulemakings on broadcaster public interest, the speech could focus on corporate responsibility/welfare as well as CFR. (Morley can you work on this?)
2. Lining up Daschle and getting a whip count (Peter is already working on this).
3. Talking to Ed Boards (Michael is working this).
4. Get to Byrd. We may be able to convince Byrd that using the appropriation as a vehicle to restrict the FCC is bad congressional oversight. (Peter).
5. Torricelli Letter. Apparently Torricelli may be working on a letter. Peter, if you want I can work with his staff on the letter.

The bad news of the day -- apparently McCain and Burns are going to add the amendment in committee instead of on the floor. This would take place next week. Therefore the timeline has advanced considerably.

Message Copied To:

---

Rahm I. Emanuel/WHO/EOP  
Michelle Crisci/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Lisa M. Brown/OVP @ OVP  
William P. Marshall/WHO/EOP  
Eli G. Attie/OVP @ OVP



Morley A. Winograd @ OVP  
02/28/98 04:13:07 PM

Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP  
cc: See the distribution list at the bottom of this message  
bcc:  
Subject: Re: Free TV Petition

Paul:  
Should it be topic one at our THURSDAY at 4 CFR meeting? We need to discuss FEC and House strategy as well.  
Morley  
Paul J. Weinstein Jr. @ EOP 02/27/98 02:39:12 PM



● Paul J. Weinstein Jr. @ EOP 02/27/98 02:39:12 PM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP @ EOP, Michael Waldman/WHO/EOP @ EOP, Bruce N. Reed/OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Free TV Petition

Update:

It is my understanding that Common Cause and Paul Taylor, as well as several other groups, have told the FCC that there are NOT enough votes in the Senate to prevent McCain's Amendment to prohibit the FCC from establishing a Free TV time system for Federal candidates. As a result the FCC is thinking of alternative strategies. These include moving from a Notice of Rulemaking to a Notice of Inquiry (just hold hearings and release a study) to developing some alternative ways to improve debate on the public airwaves. This includes requiring greater third party disclosure for TV campaign advertisements.

Obviously this is of great concern. The FCC is considering pulling back because they don't want a majority of the Senate on record against their doing Free TV. I think we need to meet to discuss this issue and how we want to respond.

Message Copied To: \_\_\_\_\_

Camp Finance - Free TV



● Paul J. Weinstein Jr.

03/04/98 01:33:09 PM

Record Type: Record

To: Morley A. Winograd/OVP @ OVP, Michael Waldman/WHO/EOP, Peter G. Jacoby/WHO/EOP  
cc: Bruce N. Reed/OPD/EOP, Rahm I. Emanuel/WHO/EOP, Elena Kagan/OPD/EOP, Michelle  
Crisci/WHO/EOP  
Subject: Thursday's CFR Meeting

Jamie Days and Karen Kornbluch (?) from the FCC are coming over for the beginning of tomorrow's meeting on CFR to update us on free tv time. They can do this because the rulemaking process is not open. I hope this is OK with you three, but I believe it is very important.

Second, Senator Roth has endorsed the President's petition on free tv time and the FCC is meeting with Jeffords and Thompson as well. Yes, there is still hope.



● Paul J. Weinstein Jr.

02/10/98 11:11:39 AM

Record Type: Record

To: Charles E. Kieffer/OMB/EOP, Peter G. Jacoby/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: Free TV Time and Rider on Supplemental Appropriations Bill

There are strong indications that McCain may offer a rider to the supplemental appropriations bill on the IMF. This rider would prohibit the Federal Communications Commission from spending funds on the President's request to do a rulemaking on providing free TV time to candidates for Federal office. A rider of this kind on the supplemental would be a major problem. We need to have a conversation about what kind of threats (veto or otherwise) the administration would announce regarding the free TV rider.

Message Copied To:

Alice E. Shuffield/OMB/EOP  
William P. Marshall/WHO/EOP  
Michael Waldman/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Donald H. Gips/OVP @ OVP  
Jim Kohlenberger/OVP @ OVP

campaign finance - Free TV

January 28, 1998

Chairman William E. Kennard  
Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Gloria Tristani  
Commissioner Michael Powell  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Chairman Kennard and Commissioners:

Last night in the State of the Union Address I called upon the Federal Communications Commission (FCC) to act to require media outlets to provide candidates with free and discounted airtime for campaign advertising. Free and discounted time will reduce the need for more campaign money, and will allow candidates to spend less time fundraising and more time addressing the concerns of our country.

Spending in congressional campaigns has risen sixfold in the last two decades, more than three times the rate of inflation, and spending on television is the primary reason. In 1972, candidates spent \$25 million for political ads; in 1996, they spent \$400 million. The evidence at the beginning of this election year is that the cost of media spending by candidates for public office will continue to spiral upwards. The time has come to free our democracy from the grip of big money.

The dawning of the digital age of broadcasting makes now the right time to update broadcasters' public interest obligation. Broadcasters have been loaned an additional channel worth tens of billions of dollars for free. The FCC must ensure that broadcasters, given the opportunity to benefit from their use of a valuable public resource, use this public resource to strengthen our democracy.

Free and discounted television time can make our most powerfully effective medium a powerful force for expanding democracy in the information age. I call upon the Commission to develop policies, as soon as possible, which ensure that broadcasters provide free and discounted airtime for candidates to educate voters.

Sincerely,



Paul J. Weinstein Jr.

01/27/98 11:07:09 AM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP

cc: See the distribution list at the bottom of this message

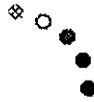
Subject: Free TV Petition

In the SOTU, the President will say he will ask the FCC to provide free tv time to candidates for Federal office. Do we need to have the letter to the FCC ready tonight or will we be issuing the request sometime in the next couple of weeks?

Please advise.

Message Copied To:

Michelle Crisci/WHO/EOP  
Michael Waldman/WHO/EOP  
Thomas L. Freedman/OPD/EOP  
Bruce N. Reed/OPD/EOP  
Donald H. Gips/OVP @ OVP  
Jim Kohlenberger/OVP @ OVP  
Elena Kagan/OPD/EOP  
William P. Marshall/WHO/EOP



● Paul J. Weinstein Jr.

02/11/98 02:16:04 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: McCain Rider On Free TV Time

The following is McCain's language to prohibit the FCC from providing free TV time to candidates for Federal office. This language is very broad, it goes way beyond free TV. One good thing about this amendment, as Peter Jacoby points out, is that it presumes the FCC has the authority to establish a free TV system.

The language reads as follows:

"No amount appropriated under this or any other Act may be used by the Federal Communications Commission to impose or enforce any obligation on radio and television broadcasters with respect to the use of broadcasting stations by candidates for elective office that was not specifically required by statute as of January 1, 1998."

Message Sent To:

Michael Waldman/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
Donald H. Gips/OVP @ OVP  
Jim Kohlenberger/OVP @ OVP  
William P. Marshall/WHO/EOP

Message Copied To:

Rahm I. Emanuel/WHO/EOP  
Michelle Crisci/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Morley A. Winograd/OVP @ OVP

*Obama:  
These will  
out take  
-PPW*

THE WHITE HOUSE  
Office of the Press Secretary

For Immediate Release

February 5, 1998

TEXT OF A LETTER FROM THE PRESIDENT  
TO THE CHAIRMAN AND THE OTHER MEMBERS OF  
THE FEDERAL COMMUNICATIONS COMMISSION

February 5, 1998

Dear Chairman Kennard:

In my State of the Union Address I called upon the Federal Communications Commission (FCC) to act to require media outlets to provide candidates with free and discounted airtime for campaign advertising. Free and discounted time will reduce the need for more campaign money, and will allow candidates to spend less time fundraising and more time addressing the concerns of our country.

Spending on congressional campaigns has risen six-fold in the last two decades, more than three times the rate of inflation, and spending on television is the primary reason. In 1970 expenditures on television advertising in congressional campaigns totaled \$50 million. In 1996 that number had risen to \$400 million. The evidence at the beginning of this election year is that the cost of media spending by candidates for public office will continue to spiral upward. We must address the reason for the explosion in campaign costs.

The dawning of the digital age of broadcasting makes it imperative that we update broadcasters' public interest obligation. Broadcasters have been loaned an additional channel worth billions of dollars for free. The FCC must ensure that broadcasters, given the opportunity to benefit from their use of a valuable public resource, use this public resource to strengthen our democracy.

Free and discounted television time can make our most powerfully effective medium a powerful force for expanding democracy in the information age. I call upon the Commission to develop policies, as soon as possible, which ensure that broadcasters provide free and discounted airtime for candidates to educate voters.

Sincerely,

WILLIAM J. CLINTON

###

January 2

THE WHITE HOUSE

Rahm, Bruce, Dr. Michael,  
Clerk -

I saw this article over vacation.  
Excellent argument for sending  
Free TV petition to  
Fcc.



PAUL J. WEINSTEIN JR.  
SPECIAL ASSISTANT TO THE PRESIDENT  
AND CHIEF OF STAFF  
DOMESTIC POLICY COUNCIL

THE WHITE HOUSE

(202) 456-5377  
FAX (202) 456-7028

# Campaign finance bill shows TV's clout

## Networks help scuttle free ads

By Michael Kranish  
GLOBE STAFF

WASHINGTON - In the annals of lobbying, 1997 could go down as the year the television industry swallowed Congress.

All year, the television networks broadcast stories about political fund-raising and the need to reform the campaign finance system. But the real story, some members of Congress say, is that the television lobby racked up one success after another as it helped strangle a campaign reform bill.

The result is that when Congress takes up a proposal to reform the campaign system in January, the most discussed idea of 1997 - free television time for political ads - will not be included in the legislation. Such a proposal could have cost the television industry millions of dollars.

Moreover, the television networks, which regularly air Washington stories in features such as "The Fleecing of America" and "It's Your Money," walked away this year with what some consider the biggest give-away in recent congressional history. The industry won rights to as much as \$70 billion worth of the digital broadcast spectrum, killing efforts to require the "payment" of free air time. The digital spectrum is necessary for broadcasting signals from

FUND-RAISING, Page A27

# The Boston

THURSDAY, DECEMBER 24

# Globe

YULE GLIDE FEELIN

Today: Rain; 45

Tomorrow: Some sun; 40-4

High tide: 7:37 a.m., 8:06 p.

Full report: Page B10

# TV's clout seen in campaign finance bill

## ■ FUND-RAISING

Continued from Page A1

high-definition television.

"I have never seen an industry as successful as the broadcasters have been," said Senator John McCain, the Arizona Republican and co-sponsor of a campaign finance bill. It was McCain who dropped his proposal requiring free TV for candidates after other members of Congress succumbed to the industry's lobbying blitz.

Earlier this year, Paul Taylor, a former Washington Post reporter who became executive director of the Free TV for Straight Talk Coalition, got reams of publicity for his proposal to force the networks to provide time for free political ads as part of campaign reform. But the defeat of free air time has gotten far less publicity, probably because it occurred in a private deal in the fall between McCain and Senate Majority Leader Trent Lott, a friend of National Association of Broadcasters president Edward Fritts.

Taylor said he is not surprised the idea was killed on Capitol Hill.

Still, with all the controversy about campaign finance, McCain hoped that he could gain support for a reform bill that relied on free television time. But Senate Majority Leader Lott refused to schedule a vote on the bill, partly because he objected to the air time provision. Finally, McCain dropped the proposal for free television time in exchange for an agreement from Lott to have a vote on the rest of the bill by early March.

"The broadcasters carry the message of the politician," McCain said, explaining why so many members of Congress side with the industry. "I have never been threatened by a broadcaster and I never will be. But it is an unstated, unspoken message always in the room."

Paul La Camera, the president and general manager of Boston's WCVB-TV, is one of dozens of television executives who came to Washington, this year to present the industry's case on issues such as the

digital spectrum.

La Camera, who spoke with Senator John Kerry, Representative Edward Markey and other Massachusetts members, said McCain's comment is nonsense. Though La Camera said the station's news director reports to him, he said he would never suggest that news coverage be altered according to whether a member of Congress supports or opposes the industry.

"It's outrageous," La Camera said. "If I tried to do that, it would be immediately exposed."

Markey recently helped arrange for La Camera's appointment on a White House advisory panel that will make recommendations to Clinton and Vice President Al Gore on how to deal with the digital spectrum and proposals for free political air time.

Markey, noting that he has battled the broadcast industry on issues such as the V-chip and requirements for more children's programming, said he has never felt cowed by the

industry. He sided with the industry in favoring the giveaway of the digital spectrum in exchange for the return of the existing spectrum, but opposed the industry by backing free air time.

"In all my experience in taking on the broadcasting industry, I have been sent a very clear message: 'Vote your conscience and you won't be punished.'" He also noted that he is lobbied by newspaper executives but does not think those executives tell reporters to slant their coverage of him.

Peggy Charren, a children's television advocate whom Markey also helped put on the White House advisory panel, said Markey deserves credit for fighting the broadcast industry to require children's programming. Still, Charren, who has worked on the issue since 1970, added: "Broadcasters are the last people you want to make unhappy if you want to stay in Congress."

One of the dirty little secrets here is that broadcasters offer free air time in terms of free debates but are often turned down," said Dennis Wharton, a spokesman for the National Association of Broadcasters. As for the value of more free air time, Wharton said: "We question whether Americans want more negative attack ads."

Advocates for free air time argue that the best way to reform the campaign finance system is to cut out the major cost: television advertising. If networks provided free air time, the reasoning went, then there wouldn't be as much need to raise millions of dollars from questionable sources.

Moreover, these advocates said, the television industry owes a debt to the public in exchange for the right to use the airwaves. The advocates felt there was no better time to make this case than during 1997, when the federal government for the first time was deciding how to handle the newly available digital spectrum. That spectrum, which can carry the forthcoming high-definition television signal, has been valued at \$12 billion to \$70 billion.

But the effort to make the networks pay already had been dealt a blow in 1996, when Representative Barney Frank, Democrat of Newton, proposed a bill last year requiring the industry to buy the digital spectrum. The measure failed by a vote of 408-16, which Frank attributed to his colleagues' fear of retribution from the industry. It was one of 163 bills for free air time that have failed since 1960, analysts said.

standable instinct of members of Congress for self-preservation," Taylor said. "Anything that levels the playing field is pro-challenger and not something that members of Congress want. On top of that, you have one of the most powerful industries in Washington that has an economic interest against free air time."

The explanations for the broadcasting industry's power are the usual ones in Washington: influence and money. Television is usually the most important element of a politician's reelection effort. McCain said members of Congress are cowed facing an industry that can make or break their careers.

The industry also makes sizable campaign contributions. The National Association of Broadcasters, along with the owners of the four major networks, contributed an estimated \$4.1 million to candidates and the political parties in the last election cycle. The money flow continued during the first eleven months of this year, with the groups giving \$902,144.

This calculation can only be presented with some caveats. The number may be high because the four companies that own the major commercial television networks - Disney (ABC), News Corp. (Fox), General Electric (NBC) and Westinghouse (CBS) - also own nontelevision enterprises that have an interest before Congress. But the number might be low because this does not include money contributed by many cable networks and local stations.

Perhaps most significantly, the National Association of Broadcasters - acting on behalf of most television station owners - has spent far more on lobbying than it has contributing to the members of Congress. Lobbying registration forms and campaign contribution reports examined by the Boston Globe show that while the NAB political action committee contributed \$137,902 during the first 11 months of this year, it spent \$2.3 million on lobbying in just the first six months.

Campaign Finance -  
Free TV



● Paul J. Weinstein Jr.

01/06/98 06:40:08 PM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: FCC Free Broadcast Time Petition

It is my understanding that the FCC is prepared to be petitioned by the President on Free TV time and that they will place the petition on a fast track schedule by skipping the Notice of Inquiry procedure and go directly to a Notice of Proposed Rulemaking.

Message Copied To:

Bruce N. Reed/OPD/EOP  
Michael Waldman/WHO/EOP  
Elena Kagan/OPD/EOP  
Peter G. Jacoby/WHO/EOP  
Morley A. Winograd/OVP @ OVP  
Thomas L. Freedman/OPD/EOP

Camp Finance - Free TV



Paul J. Weinstein Jr.

11/05/97 03:39:05 PM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP, Bruce N. Reed/OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Petition on Free and Discounted Broadcast Time

I have talked it over with the VP's office and we would like to recommend that we send a petition to the Federal Communications Commission (FCC) on free and discounted broadcast time. The VP is going to briefly touch upon the issue in his swearing in of the new FCC Commissioners on Thursday but this should be followed up by a petition from POTUS to the new chairman shortly thereafter, maybe right before the first meeting with the new Commissioners.

We will have a draft for you both next week. Please advise.

Message Copied To:

---

Michael Waldman/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
William P. Marshall/WHO/EOP  
Jim Kohlenberger/OVP @ OVP  
Elena Kagan/OPD/EOP

Paul - What ever  
happened to this?  
Elena

Camp Finance - Free TV



Paul J. Weinstein Jr.

11/05/97 03:39:05 PM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP, Bruce N. Reed/OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Petition on Free and Discounted Broadcast Time

I have talked it over with the VP's office and we would like to recommend that we send a petition to the Federal Communications Commission (FCC) on free and discounted broadcast time. The VP is going to briefly touch upon the issue in his swearing in of the new FCC Commissioners on Thursday but this should be followed up by a petition from POTUS to the new chairman shortly thereafter, maybe right before the first meeting with the new Commissioners.

We will have a draft for you both next week. Please advise.

Message Copied To:

Michael Waldman/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
William P. Marshall/WHO/EOP  
Jim Kohlenberger/OVP @ OVP  
Elena Kagan/OPD/EOP

*Elena:  
We are doing this  
Friday. VP office  
I talked, but  
Rahm faced this  
on Nov 4. VP  
office was worried  
about how stories in  
Broadcast Press.  
-TJW*

*Paul - What ever  
happened to this?  
Elena*



Paul J. Weinstein Jr.

10/30/97 04:49:57 PM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP, Michael Waldman/WHO/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Peter G. Jacoby/WHO/EOP

Subject: FCC and Free Broadcast Time

Next week the FCC will be swearing in their new Commissioners. As a result, the Chairman of the FCC will finally have a working majority (which obviously favors the Administration).

My understanding is that there is considerable interest at the FCC in doing something concerning free and discounted broadcast time.

Next week the VP is swearing in the new Commissioners. I have talked with Eli Attie and Jim Kohlenberger about including in the VP's speech a challenge to the FCC regarding free time. However, they are a little tentative about being aggressive on this issue because of some bad editorials in the broadcast press. I think any pressure you can put on the VP staff would help insure strong language in his speech on free and discounted broadcast time.

Campaign finance -  
free TV



● Paul J. Weinstein Jr.

09/23/97 12:06:15 PM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP, Peter G. Jacoby/WHO/EOP, Michael Waldman/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: FCC Commissioner Timetable

Hearings are expected on the four commissioners either on the 30th of September or October 1st. They expect a vote two weeks later. This would allow the FCC to promulgate proposed Free TV rules sometime in December. Final rules would be issued sometime in late Spring or early summer.

Message Copied To:

---

William P. Marshall/WHO/EOP  
Laura K. Capps/WHO/EOP  
Michelle Crisci/WHO/EOP  
Thomas D. Janenda/WHO/EOP  
Elena Kagan/OPD/EOP

FILE  
Campaign Finance -  
Free TV

WHITE HOUSE STAFFING MEMORANDUM

Pow/ek -  
what's the  
message?  
BR

DATE: 3/7 ACTION/CONCURRENCE/COMMENT DUE BY: 3/8

SUBJECT: Proposed actions for "Free TV" conference

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOWLES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
PODESTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RUFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MATHEWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RAINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REED 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ECHAVESTE	<input type="checkbox"/>	<input type="checkbox"/>	LEWIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YELLEN	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	STREETT	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	SPERLING	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	HAWLEY	<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RADD	<input type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
BERGER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please advise

RESPONSE:

THE WHITE HOUSE  
WASHINGTON

87 MAR 8 PM 8:29

March 6, 1997

MEMORANDUM TO THE PRESIDENT AND THE VICE PRESIDENT

FROM:

KATHLEEN WALLMAN *KW*  
MICHAEL WALDMAN *MW*

SUBJECT:

THE PRESIDENT'S SPEECH AT FREE TV CONFERENCE

On Tuesday, March 11, the President will address the "Free TV for Straight Talk Coalition" on the subject of free TV for federal candidates. The speech will reiterate our support for free TV and for campaign finance reform.

**We recommend that the President use the occasion to announce support for a new public interest obligation on digital television broadcasters – a requirement for free TV that could be done by the FCC without waiting for campaign finance reform legislation.**

This could be accomplished by requiring that broadcasters who are granted digital licenses, as a part of their public interest requirement, to provide up to \$1 billion in total broadcast time annually. We recommend that the President name a prominent champion of this approach as the head of a new commission to study the public interest obligation of digital broadcasters and urge the commission's careful attention to this idea.

**I. BACKGROUND**

The FCC is now debating whether digital broadcasters should have any additional public interest obligations beyond those expected of today's analog broadcasters.

- Reed Hundt argues that because broadcasters are being given enormous new capacity for free, it seems reasonable to expect the digital broadcasters to adhere to higher public interest obligations than analog broadcasters are subject to today.
- Broadcasters, by contrast, resist additional requirements, arguing that it would be wrong to impose any new obligations on an industry that has not taken shape yet.

The debate over what the obligations ought to be threatened to slow the timing of the transition to digital broadcast. To avoid a stalemate, on February 5, the Vice President announced that the President would form a special group to study what the obligations ought to be and report back to the President within one year. The announcement emphasized that, in the meantime, the President wished the FCC to move expeditiously on the other steps needed to make the transition to digital broadcasting.

## II. THE PROPOSED ANNOUNCEMENT NEXT WEEK

We propose that the President make a three-part announcement:

### A. Support for free time

**Announce support for a new public interest obligation, so that digital broadcasters would be required to provide free broadcast time to qualifying candidates.** Such a requirement, if adopted by the FCC, would achieve a major goal of political reform, without waiting for campaign reform legislation.

- The details of how such a requirement would work would be up to this study group. Reed Hundt has proposed that digital broadcasters collectively be required to provide free time or its cash equivalent value totaling \$1 billion for each two-year election cycle. The time and money would then be pooled in a “bank,” and could be redeemed by federal candidates with vouchers issued to them, perhaps by the FEC.
- The speech and presentation of the proposal would stress that the free TV requirement would be consistent with McCain-Feingold, and does not substitute for the need to pass comprehensive campaign finance reform. We believe that moving forward by executive action will actually help build support for free TV, as well as showing seriousness.
- **Senator McCain has concerns about this proposal because he believes it will make it harder to attract other Republicans to support McCain-Feingold and will make it harder for broadcasters to accept the free TV provisions already in the bill. We are continuing to explore this issue with him and his staff.**

### B. Head of advisory panel

**The President could announce that he and the Vice-President have selected the head of the group whose formation was announced on February 5, and that the panel will report back to the Vice-President.** The study group likely will need to be constituted as a committee under the Federal Advisory Committee Act. We cannot prejudge the outcome of the deliberations of this advisory committee. However, we can make our intentions clear by appointing a well-known supporter of free TV time for candidates.

The leading candidate to head the group appears to be Newton Minow, former Chairman of the FCC, who has been a leading advocate of improving the ways in which broadcasting serves the public interest. Other names that have been suggested are Kathleen Hall Jamieson, head of the Annenberg School of Communications, Walter Cronkite, who is co-chair of the free TV coalition; and Charlie Firestone, head of the Aspen Institute. A formal decision memorandum concerning this selection will come from Bob Nash.

### **C. Challenge to broadcasters**

**The President, in his remarks, could challenge the broadcasters to voluntarily provide free time to candidates, as Barry Diller has already urged.**

- The Vice-President could explore whether other networks would be willing to join Diller's support of free time.
- A challenge would easily fit into the speech. It could be accompanied by praise for the broadcasters for providing free time to presidential candidates during the 1996 campaign.
- Again we would have to make sure that this is presented in a way that reinforces, rather than undercuts, McCain-Feingold.

### **III. RECOMMENDATIONS**

- 1. That the President announce his support for free TV time as a component of digital broadcasters' "public interest" obligation.**

Approve       Disapprove       Discuss further

- 2. That the President and Vice-President announce the new head of the study group, presumably someone who supports this expanded "public interest" approach.**

Approve       Disapprove       Discuss further

- 3. That the President, in his remarks, challenge the broadcasters to voluntarily provide free time to candidates.**

Approve       Disapprove       Discuss further