

MEDIA CONCENTRATION: A CASE OF POWER, EGO, AND GREED CONFRONTING OUR SENSIBILITIES

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In sharing a preliminary draft of this paper with a colleague I highly respect, Mr. Kenneth Komoski said that the motivation behind media concentration is not just greed, it is also power and ego.

Mark Cooper presents us with, perhaps, the most thoroughly documented case concerning the many reasons the U.S. media ill-serves our public and our country.¹ If Cooper left a single stone unturned, I am unable to think of one. Cooper provides a viewpoint that analyzes our epoch with respect to the history of the world. The book tackles the subject of media ownership from various angles including the community, legal, and economic perspectives. Cooper's writings are so wide-ranging that someone must take the book and turn it into thousands of sound bites.

I say this, both out of respect for his work and to symbolize the way in which we Americans wish to receive information. Lacking the time to read a 330-page book, frightfully few will read and comprehend Cooper's messages. Therefore, it is my wish that the Consumer

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1. See Mark Cooper, *Media Ownership and Democracy in the Digital Information Age: Promoting Diversity with First Amendment Principles and Market Structure Analysis* (2003), at <http://cyberlaw.stanford.edu/blogs/cooper/archives/mediabooke.pdf> (on file with the American University Law Review) (providing a critical commentary on the current state of mass media in America as viewed from a public policy perspective).

Federation of America, where Cooper serves as the Research Director, will consider the task incomplete. However, as Leon Festinger taught us, people with strong ideological leanings tend to pre-filter information, and, therefore, read or listen only to those who say what is included in their belief system.²

Critics of media concentration, such as Cooper, address both the need for political discourse and the need to foster and serve diversity. It is well known that media owners favor homogeneity due to the economies of scale obtained by serving a homogeneous market. While profit, greed, and ego remain the driving forces, it is not clear that the primary media owners believe their conduct is wrong. In fact, media owners often argue that they provide benefits to society by serving non-diverse interests. The owners reason that the public demands a level of program quality that, in dollars spent per second, is best served by spreading the cost of such programming out over the widest number of viewers or listeners.

What, then, is the essential value of diversity? If we are a melting pot, then why care? How could media allow both cultural preservation and assimilation? How controlled or free should such a media be? Alvin Toffler addressed these issues, arguing that the only stable factor in our culture is change itself.³ This statement, of course, is a conundrum. There is nothing inherently stable about change. Historians point to the “fall of Rome” as a vivid example of how a particular culture can both rise and fall. This issue leads to the central question of how will the U.S. prevent “a fall” and when do we know we “have arrived?”

I suspect media owners truly believe that the “exploratory phase” of our democracy is over and done with, provided that these owners actually contemplate such history. Notably, we started with what our founding fathers believed bested England and the rest of Europe. We struggled through the Bill of Rights and added sixteen additional Constitutional Amendments. Aren't we done yet? This question is at the heart of both the question of media concentration, and what this nation intends to become.

I must interject that, as a writer about this society and its technologies, it is difficult to separate my own values from those

2. See LEON FESTINGER, *A THEORY OF COGNITIVE DISSONANCE* 260 (1957) (stating that there is a basic human drive toward maintaining consistency with one's own opinions and values).

3. See ALVIN TOFFLER, *FUTURE SHOCK* 379 (1970) (arguing that rapid changes in society today are detrimental to our culture and suggests that society must slow the fast pace of change in order to preserve society as whole).

values that will make a cultural continuity. Generation upon generation simply understood what defined their culture, and passed this information on to future generations. What is the relationship between cultural transmission and civic discourse? How will a concentrated media transmit cultural values? What cultural values will be transmitted?

One resounding warning stated by Cooper is the potential loss of watchdog abilities as a result of increased media concentration and the resulting “look the other way” mentality.⁴ As much as we try to look the other way, we have just witnessed a massive period of greed. Whether labeled Enron or Putnam Investments, we see that power corrupts, and absolute power corrupts absolutely. Our forefathers understood corruption enough to separate the federal government’s powers in order to provide a watchdog effect over governance. However, we have yet to devise any system, other than imprisonment and throwing away the key, to prevent abuses and crimes in other sectors. Indeed, the current prison population is at an all time high in proportion to the total U.S. population. One out of every 143 U.S. residents resided in prison last year, constituting twenty-two percent of the total world imprisonment.⁵ While we recognize and codify illegal or unfair acts, the inventiveness of those requiring censoring changes and evolves, keeping ahead of various forms of enforcement. Will a society ever evolve that does not need sufficient diversity to counteract that portion of the population who either abuse power or simply abuse others?

H.G. Wells struggled with this very question in his 1923 utopian novel, *Men Like Gods*.⁶ Wells transported folks of varying integrity to a planet in a parallel universe. The reader is introduced to a society, which is like our own, only it has evolved for another thousand years. Wells’ visitors to this alternative universe stand out like odd ducks. Mr. Barnstaple investigates this new world, trying to find fault with it.⁷ Have they degenerated into homogeneity? Have they lost interest in learning? How do they settle differences? In short, Wells portrays a stable society, but not one devoid of variety. Wells portrays the society he wished to live in, and one that contrasted with the rough

4. See COOPER, *supra* note 1, at 79 (arguing that allowing media conglomeration reduces the watchdog role newspapers play over broadcasters and thus undermines the vigorous exchange of viewpoints).

5. WIKIPEDIA FREE ENCYCLOPEDIA, UNITED STATES PRISON POPULATION (2003), at http://www.en2.wikipedia.org/wiki/United_States_prison_population (on file with the American University Law Review).

6. H.G. WELLS, *MEN LIKE GODS* (Leisure Books 1970) (1923).

7. See generally *id.*

and tumble world of London in the 20th century. Is our society very much different from the one Wells wished to escape from? My guess is that our society is worse than the one Wells desired to escape.

The ultimate question remains, where are we as a society? I suggest we are in a backwater. The consumption mentality is wreaking havoc with the earth's resources. Specifically, this materiality is rapidly depleting oil resources. Hubbert's curve indicates that the availability of oil will fall, and while the Curve's peak of oil "production" did not peak in the year suggested, it clearly indicates that production will peak relatively quickly.⁸ Why focus on oil for enlightenment in our state of society? Oddly, many American values are driven by the supply of oil. Notably, jet planes consume many gallons per minute of jet fuel. Further, the current political administration will find any reason to invade an oil rich country and will mostly ignore countries without oil, such as North Korea. The current abundance of oil is so intermixed with our materialist values, that whether the concern involves the TV series *24* (sponsored by Ford, without commercial interruption, in the first episode) or the constant belief that a better society is always created by an ever growing Gross Domestic Product, consumption reigns supreme. More than half our drivers buy vehicles that make no ecological sense, either from the standpoint of gas efficiency or their ability to turn corners without worrying they'll flip over. This society is content to roll back environmental laws, and forget that the Chinese yuan is artificially pegged to the U.S. dollar, thus giving away the majority of U.S. manufacturing jobs.

Do news shows provide us information regarding these matters of planet compatibility? They cannot and will not when the advertising base is built upon economic growth. Is economic growth the god of all times? It is not, but it is a historical accident of this period in time. Admittedly, the availability of new jobs produced by this accident causes even the most liberal to embrace it, but how do we find a balance between "American values" and an "American economy?" Do we allow our values to shape our economy or should we allow our economic structure to determine our values?

The societal value of diversity is often treated as a given commodity. Certainly, new immigrants and other segments of our society have a set of unique experiences that create different media

8. See HUBBERT PEAK OF OIL PRODUCTION, EXPERTS: M. KING HUBBERT, at <http://www.hubbertypeak.com/hubberty> (last visited Feb. 12, 2004) (on file with the American University Law Review) (noting that while Hubbert's predications initially proved inaccurate, they have subsequently accurately predicted the declining amount of oil reserves).

needs than those who consider themselves to be “mainstream” Americans. But, is our current period of diluting diversity too monolith in a transitory time? Since there are economies of scale, should diversity be eliminated as quickly as possible? These issues represent our year-to-year concerns, but the lack of diversity also affects the future of America and the human race.

While some values are happenstance, and might, or might not be served by the media, the core values are not subjective. I wish to convey a message to the media moguls that it is as unwise to stifle diversity of thought as it is to stifle genetic diversity. Our society is unstable. It cannot persist in its current form, and it is not an example for the rest of the world, with the possible exception for our position on “human rights.” It took hundreds of generations to create successful, ongoing stable cultures, and every U.S. citizen maintains the vestiges of these cultures. We should not homogenize these people since their values will soon be needed.

We must also ask ourselves how pliable we are as a culture. The herd instinct is well documented, but do viewers not exercise some degree of self-consciousness and self-respect? Are the majority of Americans simply unable to see the manipulation and the pandering? Are they so overworked that they only have the mind for senseless blather?⁹ Is there not a two-way street? If the pandering becomes so debasing, why don't the viewers vote with their feet or their TV remote controls?

Cooper notes that the desire to engage viewers' attention “drives the media towards exaggeration and emotionalism at the expense of analysis.”¹⁰ Cooper also identifies four types of news that are ideally suited to engaging the viewer's attention. Specifically, Cooper notes that celebrity personalities appeal; scandal attracts attention; “horse race and hoopla” provides constant updating of “who is ahead;” and verbal duels, often one-sided, attract audiences more than reasoned argument.¹¹

We have television shows that make fun of fundamental human weaknesses of fear, and the desire to be loved. If some people are

9. See JULIE B. SCHOR, *THE OVERWORKED AMERICAN: THE UNEXPECTED DECLINE OF LEISURE* 159 (1992) (explaining that the leisure time in American society is often wasted in front of the T.V. and providing that this may be a result of the fact that work is too demanding).

10. See COOPER, *supra* note 1, at 87 (noting that by producing programs desired to attract viewers' attention, the media often fails to add substantive intellectual content).

11. See *id.* at 95 (arguing that these practices damage both journalism and politics by increasing the value of marketability over the actual storyline).

convinced to perform stupid actions on “real TV,” why shouldn’t we be amused by their idiocy? Further, is voyeurism acceptable? Why not? Let’s watch and be entertained by others’ discomfort, awkwardness, and misfortune. Let’s build a community that allows a kind of perverted satisfaction at having escaped the very misfortunes we watch on our television screens, rather than one that celebrates our good news and success.

There is public viewer-supported television. However, the viewing audience ranges only from a one to three percent share of the marketplace.¹² This leaves ninety-seven to ninety-nine percent of the market watching something else. Why? The creators of programming, whether news or entertainment, have skillfully discovered how to pique interest by producing a skillful mix of part voyeurism, part thrill, and part amusing verbal banter.

Just as plain food chips are now coated with irresistible flavorings, the masters of media spend billions of dollars sorting out every inch of Nielsen ratings in order to produce additional profits by corresponding content to the audience ratings. This practice goes back well over thirty years. Milton Rokeach provides a basis for the creators of both advertisements and media to appeal to viewers by aiming signals at basic drives such as sex, prowess, and food.¹³

Curiously the supporters of the early science of persuasion were, in this case, the National Science Foundation and the School of Labor and Industrial Relations at Michigan State University.¹⁴ Why are otherwise pro-good-society organizations funding research that makes it possible for media owners and advertisers to own the American people? It was not Rokeach’s intention to provide the cookbook for the dumbing down of Americans. Rokeach’s interests were scholarly. However, Rokeach informed “Madison Avenue,” in exquisite detail, how values and attitudes are shaped and can be aligned.

Ultimately, the First Amendment works both ways. On one hand, it fosters civil discourse; on the other, we find plans for building an atomic bomb on the Internet. By not condoning repressive societies, but recognizing that suppression of various forms of free speech

12. *Id.* at 212-15.

13. *See* MILTON ROKEACH, BELIEFS, ATTITUDES, AND VALUES: A THEORY OF ORGANIZATION AND CHANGE 135-36 n.4 (Jossey-Bass, Inc. 1976) (1968) (citing H.C. Kelman, Social Influence and Personal Belief: A Theoretical and Experimental Approach to the Study of Behavior Change (1958) (unpublished manuscript) for the proposition that the attitude of an individual toward an object depends on aligning a series of values and beliefs).

14. *See id.* at xiii (thanking the National Science Foundation and the School of Labor and Industrial Relations at Michigan State University for supporting the author’s study).

might be required by a certain kind of social structure, we find ourselves boxed in by the very First Amendment that might help us assist the public with refining its viewing taste. If such a view appears offensive to one's ears, one only needs to acknowledge that we outlaw pornography when it has no redeeming value. Notably, legislators currently struggle with those opposing the Children's Internet Protection Act passed in 2000.¹⁵ Additionally, we have a further curbed society via the USA PATRIOT Act of 2001 in order to confront terrorism.¹⁶

In fact, American corporations have grown wise about how to manipulate the First Amendment in their own favor. Libertarian Martin H. Redish provides extensive detail regarding the ways in which corporations thwart the public via the First Amendment.¹⁷ Cooper also dramatically documents that news continues to be primarily conveyed by television and newspapers, despite the broad reach of the Internet.¹⁸ While some of this is related to stature, ego, and greed, much of it is related to the efficacious structure that media moguls have control of, and how those structures add value to information.

Robert Taylor enumerates twenty-four value-added functions that the editorial process, which he views as a necessary step before public consumption, brings to a piece of information.¹⁹ For example, some readers question the accuracy of information gleaned from web pages. Therefore, Taylor's twenty-fourth "value-added" function of sources speaks to "validity" or "quality."²⁰ Additionally, there are value-added processes involving Access, Accuracy, Browsing, Closeness to Problem, Comprehensiveness, Cost-Saving, Currency, Flexibility, Formatting, Interfacing, Mediation, Orienting, Linkage,

15. Children's Internet Protection Act, 20 U.S.C. § 7001 (2000).

16. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, 115 Stat. 272 (2001).

17. MARTIN H. REDISH, MONEY TALKS: SPEECH, ECONOMIC POWER AND THE VALUES OF DEMOCRACY I (2001).

18. COOPER, *supra* note 1, at 3-4.

19. See CURTISS W. PRIEST, THE CHARACTER OF INFORMATION, REPORT TO U.S. CONGRESS OFFICE OF TECHNOLOGY ASSESSMENT 32 (1985), at http://www.eff.org/Misc/Organizations/CITS/Reports/cits_nii_framework_ota.report (on file with the American University Law Review) (citing Robert Taylor, *Value-Added Processes in Document Based Systems: Abstracting and Indexing Services*, in 4 INFORMATION SERVICES AND USE 127-46 (1984) for the proposition that abstracting and indexing do not alter input and ultimately benefit consumers by making consumer's choices easier).

20. See *id.* at 34 (noting that quality is "the value added when the system provides signals about the degree to which data or information presented to users can be judged as sound").

Ordering, Physical Accessibility, Precision, Reliability, Selectivity, Simplicity, Stimulatory, and Time-Saving.²¹

The bottom line is that while the Internet provides “many voices,” there is still a mighty function performed by other trusted and frequented sources. Today, Google catalogues 3,307,998,701 web pages.²² When a user is faced with 3,307,998,701 web pages, even carefully constructed searches, using both boolean ANDs and ORs and asking that words be adjacent, can yield thousands of web pages. Further, while a site such as Google has an excellent search engine, there is still considerable noise. Notably, Taylor’s value-added function “Precision,” which “enables a user in finding exactly what he wants,”²³ is the function that still eludes the consumer.

The general word for these functions is “filtering.” Why do I carefully read both the *New York Times* and the *Boston Globe*? The general reason is that I trust these sources to provide me with highly filtered, and thus highly trustworthy and significant information. However, does this filtering remove the “localism”? In response to this concern, the *Boston Globe* began to produce local news by dividing Greater Boston into regions. As a result my Sunday newspaper is relevant to issues in my community, since I receive the “North” edition of that section. However, does this edition, which must cover about a dozen cities and towns north of Boston, provide me with enough news to cancel my subscription to the *Melrose Free Press*? The answer is clearly no. If I wish to be involved in Melrose, and fully participate, I must subscribe to the local paper.

What of television? Does it serve my local, informational needs? Cooper provides statistics that indicate that my Public Educational and Governmental channels (“PEG”) are watched by very few.²⁴ In addition to PEG, Boston is gifted with a program by Channel 5, with one “prime-time” slot. While others are watching *Entertainment Tonight* or *Extra*, we are treated to programming hosted by Peter Mehegan and Mary Richardson, from 7:30-8:00 PM. The program looks at historical sites, restaurants, and events in the Boston area. How does this program survive opposite a show that boasts that it is “the most watched entertainment show in the world?” Perhaps the Pew Foundation might fund a study, just to answer this question.

21. *Id.* at 33-34.

22. This was Google self-reported figure. That number was this year revised to 4,285,199,774. See <http://www.google.com> (last visited Apr.19, 2004).

23. *Id.*

24. See COOPER, *supra* note 1, at 212-15 (noting that public television and local broadcasts attract only one to three percent of the market place).

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In review, our society is in a protracted, transitory period. During this period both the First Amendment and civil discourse are vital. What we wish to avoid, via corporate influences, is the “Disneyfication” of society. If the moguls have their way, people will simply become puppets on a string. They will, as in the Truman Show,²⁵ be artificially cut off from life. They will live in a hell of repeating the same behavior, year after year, while providing revenues to the media owners.

This cannot and should not be our future. While we, as a society, may not precisely know where we wish to go, we do not need and cannot trust the concentrated media to guide us.

25. The Truman Show (Paramount Pictures 1998).