

## Kim Mattos

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**From:** Ruth Milkman  
**Sent:** Monday, July 21, 2014 8:17 AM  
**To:** Kim Mattos  
**Subject:** FW: Letter to Chairman Wheeler  
**Attachments:** FCC Letter CIN Study Dec 20 2013.pdf

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**From:** Lynch, Josh (Fischer) [<mailto:Josh.Lynch@fischer.senate.gov>]  
**Sent:** Friday, December 20, 2013 10:02 AM  
**To:** Ruth Milkman; Patrick Halley  
**Cc:** Colwell, Robin (Scott)  
**Subject:** Letter to Chairman Wheeler

Ruth and Patrick:

Attached is a letter sent today to FCC Chairman Tom Wheeler from Senators Deb Fischer and Tim Scott.

Please let me know if you have any questions.

Best,  
Josh Lynch

*Office of US Senator Deb Fischer*  
*383 Russell Senate Office*  
[josh.lynych@fischer.senate.gov](mailto:josh.lynych@fischer.senate.gov)  
*(202) 224-6551*

# United States Senate

WASHINGTON, DC 20510

December 20, 2013

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our opposition to the Federal Communications Commission's (FCC) continued defense of the Multi-Market Study of Critical Information Needs (CIN Study). This proposed 2014 field test includes a qualitative media analysis that is inconsistent with the First Amendment, and could lead to the FCC exerting undue federal government influence over our private news journalism industry. Americans cherish the First Amendment and they expect their government to protect free speech, not restrain it.

In a House hearing this month, it was confirmed that a consulting group, Social Solutions International (SSI), had been working with the FCC on plans to survey news organizations and their employees. At that hearing you asserted these efforts were not an attempt to "influence the media." However, we remain concerned that the proposed CIN Study sets a bad precedent for government involvement and research into general news practices and decision-making.

Former FCC Commissioner Robert McDowell has argued this proposal wrongly inserts the government into areas of editorial discretion. Some of the questions proposed within the CIN Study appear irrelevant and run counter to the Commission's mandate to serve our constituents. Additionally, it is unclear why the scope of the proposed CIN Study has been limited to Columbia, South Carolina. The original proposal would have included multiple markets, diverse in size and geographic location, and the FCC's rationale for focusing its questioning exclusively on Columbia news organizations has not been explained.

We hope you would agree that no agency of the federal government should interfere or play referee with Americans' Constitutionally-guaranteed right to free speech. For these reasons, we urge you to work with your colleagues at the Commission to ensure the Fairness Doctrine that was fully repealed in 2011 does not come back under a new guise.

The Commission's role is not to question private journalistic standards and practices. Instead of spending scarce federal dollars on an endeavor that has been referred to as the "Fairness Doctrine 2.0," the Commission should instead focus its efforts on addressing the American people's top priority – facilitating access to advanced communications services within the confines of its statutory authority. Thank you for your attention and consideration to this matter.

Sincerely,



Deb Fischer  
United States Senator



Tim Scott  
United States Senator

## Kim Mattos

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**From:** Ruth Milkman  
**Sent:** Monday, July 21, 2014 8:17 AM  
**To:** Kim Mattos  
**Subject:** FW: Letter from the Energy and Commerce Committee  
**Attachments:** 121013 FCC CIN letter.pdf

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**From:** Capiak, Megan [<mailto:Megan.Capiak@mail.house.gov>]  
**Sent:** Tuesday, December 10, 2013 2:47 PM  
**To:** Patrick Halley; Ruth Milkman  
**Subject:** Letter from the Energy and Commerce Committee

Hello,

Please find attached a letter from the Energy and Commerce Committee to the Honorable Wheeler on the topic of the CIN Study.

A copy of the letter was also placed in standard mail.

Please respond "yes" once you have received this e-mail.

Thanks,  
Megan

**Megan Capiak**  
House Energy and Commerce Committee  
202-225-2927

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

December 10, 2013

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20515

Dear Chairman Wheeler:

Last Congress, after more than 60 years, the FCC finally removed the “Fairness Doctrine” from the Code of Federal Regulations. Over the course of its time on the books, FCC Chairmen and Commissioners have acknowledged that it was an intrusion by the FCC into the freedoms of speech and the press that could not be supported by law. Given the widespread calls for the Commission to respect the First Amendment and stay out of the editorial decisions of reporters and broadcasters, we were shocked to see that the FCC is putting itself back in the business of attempting to control the political speech of journalists. It is wrong, it is unconstitutional, and we urge you to put a stop to this most recent attempt to engage the FCC as the “news police.”

On November 1, the Federal Communications Commission issued a Public Notice announcing a field test for the Research Design of a “Multi-Market Study of Critical Information Needs” (the “CIN Study”).<sup>1</sup> The proposed design for the CIN Study<sup>2</sup> shows a startling disregard for not only the bedrock constitutional principles that prevent government intrusion into the press and other news media, but also for the lessons learned by the Commission’s experience with the Fairness Doctrine. Although the Commission’s stated reason for the report is to inform the Commission in taking deregulatory action to lower “market entry barriers for entrepreneurs and other small businesses,”<sup>3</sup> it is hard to read this and see it for anything other than what it is: Fairness Doctrine 2.0.

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<sup>1</sup> *The Office of Communications Business Opportunities Announces Market for Critical Information Needs Research Field Test*, MB Docket No. 12-30, Public Notice, DA 13-2126, rel. Nov. 1, 2013.

<sup>2</sup> *Office of Communications Business Opportunities Announces Release of Critical Information Needs Research Design*, Public Notice, DA 13-1214, rel. May 24, 2013, attaching “Research Design for the Multi-Market Study of Critical Information Needs: Final Research Design,” prepared by Social Solutions International, Inc., Apr. 2013, at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-13-1214A2.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-1214A2.pdf) (last checked Nov. 5, 2013) (“CIN Study Design”).

<sup>3</sup> 47 U.S.C. § 257.

The study plans to undertake a “Qualitative Analysis of Providers,” which appears to seek information on how all local news outlets – whether regulated by the FCC or not – select and prioritize news coverage. As laid out in the study design, the study intends to “ascertain the process by which stories are selected, station priorities (for content, production quality, and populations served), perceived station bias, perceived percent of news dedicated to each of the eight CINs, and perceived responsiveness to underserved populations.”<sup>4</sup> Specifically, the study plans to ask journalists, station owners, and corporate media group owners about their news philosophy, what factors influence story selection, and whether and why story ideas are rejected in the newsroom.

The Commission is not a research institution but rather a government entity with authority to regulate some of the targets of the CIN Study. The Commission has no business probing the news media’s editorial judgment and expertise, nor does it have any business in prescribing a set diet of “critical information.” These goals are plainly inappropriate and are at bottom an incursion by the government into the constitutionally protected operations of the professional news media.

Beyond the fact that many of the goals of the study are inappropriate, we are equally concerned by the Commission’s failure to state an adequate statutory basis for its action. The Commission has not offered any legitimate justification for how a study of the “critical information needs” of communities directly contributes to its statutory duties, *i.e.*, to review the impact of law on market entry barriers for entrepreneurs and other small businesses.

Finally, we are also interested in how the Commission reached its determination that the scope of the proposed study should be limited to Columbia, SC. The original scope of the study would have covered multiple markets of varying sizes, but ultimately the FCC decided to focus its initial efforts in just one city. Below, we seek answers as to the Commission’s rationale for this decision.

In order to shed light on how the Commission reached the decision that the CIN Study, at a cost to taxpayers of \$900,000, would be resources well spent,<sup>5</sup> and also to understand how it furthers the Commission’s statutory goal of “identifying and eliminating... market entry barriers for entrepreneurs and other small businesses” under Section 257, we request that you respond to each of the questions below by January 10<sup>th</sup> and before proceeding further with any field test of the study design:

1. How does the statutory language of Section 257 support the Commission’s contention that it has authority to question the news media about editorial discretion and the content it chooses to produce?
2. What other purposes or proceedings are the CIN Study designed to serve? If the CIN Study is intended to serve other purposes or proceedings, detail the statutory provisions that authorize such an undertaking and how the study will be used to further them.

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<sup>4</sup> CIN Study Design at 12.

<sup>5</sup> Make, Jonathan, “FCC, Having Spent \$209,000 on Barriers-to-Entry Preliminaries, May Spend \$918,000 for Research,” *Communications Daily*, May 29, 2013, at 2-3.

3. What steps are being taken to ensure that the CIN Study respects the First Amendment rights of the news media to speak, and audiences to receive, information unfettered by direct or indirect intrusion by the government?
4. How, if at all, will the CIN Study results be used in the Commission's quadrennial media ownership proceeding?
5. How will the results of the CIN Study be applied practically? Does the Commission expect to offer governmental endorsement of the results and recommendations from the study? Will the results and recommendations for news coverage be further incorporated into regulation of broadcast journalism?
6. The press has reported that the Commission expects to spend north of \$900,000 for the full study. Does that include design and implementation of the field test? If not, how much money has been allocated to the field test, and how will the field test impact the cost of later phases of the full study?
7. How do the changes to the study design respond to the public comments made in May 2013? Detail the considerations that informed the changes to the study design as well as the considerations that drove the selection of Columbia, SC as the appropriate field test site.

The First Amendment to the U.S. Constitution is the beacon of freedom that makes the United States unique among the world's nations. We urge you to take immediate steps to suspend this effort and find ways that are consistent with the Communications Act and the Constitution to serve the Commission's statutory responsibilities. If you have any questions, please contact David Redl or Grace Koh with the Committee on Energy and Commerce at (202) 225-2927.

Sincerely,



Fred Upton  
Chairman

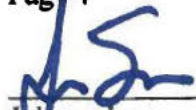
Greg Walden  
Chairman  
Subcommittee on Communications & Technology



Joe Barton  
Chairman Emeritus



Marsha Blackburn  
Vice Chair

  
\_\_\_\_\_  
John Miller

  
\_\_\_\_\_  
Lee T. M.

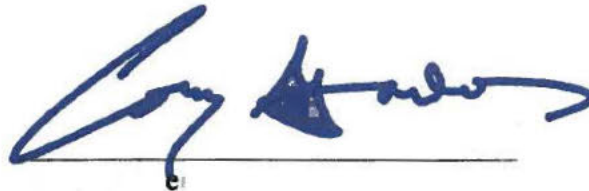
  
\_\_\_\_\_  
Bill R.

  
\_\_\_\_\_  
Steve Galise

  
\_\_\_\_\_  
Robert E. Jatta

  
\_\_\_\_\_  
Leonard

  
\_\_\_\_\_  
Matt Guthrie

  
\_\_\_\_\_  
Cory Anderson

  
\_\_\_\_\_  
Mickey P. Pompeo  
Mickey P. Pompeo

  
\_\_\_\_\_  
Alan M.

  
\_\_\_\_\_  
Bob Long

  
\_\_\_\_\_  
Renee J. Ellis

- cc: The Honorable Henry A. Waxman, Ranking Member  
The Honorable Anna Eshoo, Ranking Member, Subcommittee on Communications & Technology  
Commissioner Mignon Clyburn, FCC  
Commissioner Jessica Rosenworcel, FCC  
Commissioner Ajit Pai, FCC  
Commissioner Michael O'Rielly, FCC

SUSAN M. COLLINS  
MAINE

413 DIRKSEN SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1904  
(202) 224-2523  
(202) 224-2693 (FAX)

# United States Senate

WASHINGTON, DC 20510-1904

COMMITTEES:  
SPECIAL COMMITTEE  
ON AGING,  
RANKING MEMBER  
APPROPRIATIONS  
SELECT COMMITTEE  
ON INTELLIGENCE

February 25, 2014

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC, 20554

Dear Chairman Wheeler:

I am writing to express my concern about the Commission's proposed "Multi-Market Study of Critical Information Needs" (CIN). While I am pleased that your office has chosen to temporarily suspend this study, I am deeply troubled that the Commission would even contemplate such actions in the first place.

As I understand it, under the CIN as originally proposed, FCC representatives would have interviewed journalists, anchors, and producers about the stories they choose to cover, and the manner in which those stories were reported. As FCC Commissioner Ajit Pai noted in a recent *Wall Street Journal* article, the FCC would have been engaged in questioning news station personnel about their "news philosophy," and about editorial discretion and decision-making. Given the fact that the FCC is also tasked with evaluating broadcast license applications, it is not a stretch to imagine that newsrooms would seek to choose and present stories in a manner that the Commission deems "appropriate."

I cannot recall a regulatory proposal more offensive to the principles of the First Amendment. A free press is central to American liberties, and allowing the executive branch to attempt to influence the news the public receives is chilling and completely unacceptable.

I recognize that your office has chosen to temporarily suspend the CIN and to revise the survey. I urge the Commission to abandon this approach altogether to ensure the Commission takes no steps to impede the First Amendment rights of news organizations or other Americans under any guise.

Sincerely,



Susan M. Collins  
United States Senator

cc: Mignon Clyburn, Commissioner  
cc: Jessica Rosenworcel, Commissioner  
cc: Ajit Pai, Commissioner  
cc: Michael O'Rielly, Commissioner



**From:** [Sara Morris](#)  
**To:** [Sagar Doshi](#)  
**Subject:** RE: Could you mail the e-copy of the CIN follow up response, please?  
**Date:** Wednesday, May 21, 2014 4:06:17 PM

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Oh..... 😊 thanks. Again.

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**From:** Sagar Doshi  
**Sent:** Wednesday, May 21, 2014 3:58 PM  
**To:** Sara Morris  
**Subject:** RE: Could you mail the e-copy of the CIN follow up response, please?

Hahahaha I'm so sorry! Didn't mean for you to do extra work. Minor misunderstanding:

I sent this email to Alethea at your request during hearing prep last week. Wasn't totally sure why you had wanted it, but it had something to do with correcting the typo. It's all done now, though, I believe.

Sagar

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**From:** Sara Morris  
**Sent:** Wednesday, May 21, 2014 3:54 PM  
**To:** Sagar Doshi  
**Subject:** RE: Could you mail the e-copy of the CIN follow up response, please?

Sagar, just saw this. Is this what you were looking for?

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**From:** Alethea Lewis  
**Sent:** Friday, May 16, 2014 2:07 PM  
**To:** Sagar Doshi  
**Cc:** Sara Morris  
**Subject:** RE: Could you mail the e-copy of the CIN follow up response, please?

Here is the complete mail merged letters.

**- Alethea**

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**From:** Sagar Doshi  
**Sent:** Friday, May 16, 2014 2:04 PM  
**To:** Alethea Lewis  
**Cc:** Sara Morris  
**Subject:** Could you mail the e-copy of the CIN follow up response, please?

Thanks!

**From:** (b) (6)  
**To:** [Neil Grace](#)  
**Subject:** RE: Do you have the full copy of this? I'm not authorized for the B&C site  
**Date:** Tuesday, March 04, 2014 10:38:43 AM

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Thanks

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**From:** Neil Grace  
**Sent:** Tuesday, March 04, 2014 9:05 AM  
**To:** (b) (6)  
**Subject:** Re: Do you have the full copy of this? I'm not authorized for the B&C site

Here's the full piece.

Pai's Bully Pulpit Grab Leads to Pushback

A media flurry after FCC commissioner's op-ed and appearances helps put brakes on agency study  
3/03/2014 11:00:00 PM Eastern

By: John Eggerton

#### WHY THIS MATTERS

Commissioner Ajit Pai, aligned with broadcasters on media ownership and other issues, could prove to be a valued ally.

FCC chairman Tom Wheeler has used his "bully pulpit" powers to get broadcasters and cable operators to commit to improving their closed captions and wireless companies to agree to cellphone unlocking. But he has the ability to back that "speak softly"—and sometimes loudly, as with cellphones— approach with agenda items and FCC bureau actions.

Meanwhile, FCC commissioner Ajit Pai has managed to parlay his own bully pulpit into one of the highest profiles for a minority commissioner in recent memory, including appearances on cable news networks and headlines generated in major newspapers.

Pai recently has been heralded in some quarters as something of a First Amendment savior. This came in the wake of the FCC modifying a study of the critical information needs of communities that would have asked media outlets how and why they covered news stories. Wheeler initially said he was changing the methodology; then the FCC later put out a statement that the Columbia, S.C., test market for the study would not be up and running until that methodology was changed, and that neither it nor any other market studies would poll journalists or media owners about their news coverage.

The study methodology was put out for comment under the watch of then-acting chairman Mignon Clyburn, who last week defended it, saying she would never try to shape the news or chill speech.

Pai had been skeptical, and critical, of the study from the outset, particularly the questions it was asking about coverage decisions made by journalists. But he did not control the agenda; at the time, Clyburn did. And, being a supporter of the study, she scheduled the pilot.

If Pai's efforts helped bring about the recent pushback, he had help. House Republicans urged Wheeler to respond to questions about the study, which they also feared was an effort to micromanage news coverage under the guise of studying the impact of media ownership on diversity.

But Pai's February op-ed piece in *The Wall Street Journal*, followed by his appearances on Fox News and CNN, were followed soon after by an announcement out of the FCC that the study would not poll journalists or station owners.

Pai's op-ed also prompted a Fox News reporter to ask about the study at the daily White House briefing. In response, press secretary Jay Carney suggested the reporter "go ask the FCC."

A USA Today story last week also appeared to

confirm the connection: "Who knows what would have happened if an FCC commissioner who opposed the study, Ajit Pai, hadn't gone public with a *Wall Street Journal* op-ed? That's what galvanized the flurry of attention that doomed the ill-advised initiative."

Pai's immediate predecessor, Robert McDowell, who made getting rid of the Fairness Doctrine and warning about international efforts to manage the Internet key issues, knows a little something about getting attention without having the gavel.

"Minority commissioners have a tremendous platform to highlight issues and shape the agenda through speeches and op-eds," McDowell, now a Hudson Institute visiting scholar, told B&C. "That's because members of Congress and the news media like conflict, and therefore pay attention to some of these actions, which can be quite effective in shaping a policy debate and eventually producing results."

#### INFORMATION PLEASE

The FCC's process reform report, which chairman Tom Wheeler says should be put into action, includes a request for groups filing comments in FCC dockets to make the kind of disclosures that Hill Democrats were pressing the FCC to seek from groups buying political ads.

The report advises the FCC's office of general counsel to draft an order recommending the agency adopt rules that groups filing comments have to identify who is backing them. The issue of who is the "real party in interest" in such proceedings was teed up in a 2011 notice of proposed rulemaking.

"Disclosure of the real party-in-interest behind FCC filings would help the agency, other parties and the public evaluate the credibility of factual and policy arguments by knowing who is making them," the report advised. "It would also increase public confidence in our decisionmaking process by making clear that the Commission is aware of the source of the arguments before it. Such rules would allow all interested members of the public, not just industry insiders, to know who is attempting to influence the agency's decision-making process."

From: Neil Grace

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Neil Derek Grace  
Federal Communications Commission  
(o) 202-418-0506 (m) 202-413-4959  
[neil.grace@fcc.gov](mailto:neil.grace@fcc.gov)

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**From:** (b) (6)  
**Sent:** Tuesday, March 04, 2014 08:34 AM  
**To:** Neil Grace  
**Subject:** Do you have the full copy of this? I'm not authorized for the B&C site

**BROADCASTING & CABLE: PAI'S BULLY PULPIT GRAB LEADS TO PUSHBACK\***

By John Eggerton, Broadcasting & Cable

FCC chairman Tom Wheeler has used his “bully pulpit” powers to get broadcasters and cable operators to commit to improving their closed captions and wireless companies to agree to cellphone unlocking. But he has the ability to back that “speak softly”—and sometimes loudly, as with cellphones—approach with agenda items and FCC bureau actions.

Meanwhile, FCC commissioner Ajit Pai has managed to parlay his own bully pulpit into one of the highest profiles for a minority commissioner in recent memory, including appearances on cable news networks and headlines generated in major newspapers.

Pai recently has been heralded in some quarters as something of a First Amendment savior. This came in the wake of the FCC modifying a study of the critical information needs of communities that would have asked media outlets how and why they covered news stories. Wheeler initially said he was changing the methodology; then the FCC later put out a statement that the Columbia, S.C., test market for the study would not be up and running until that methodology was changed, and that neither it nor any other market studies would poll journalists or media owners about their news coverage.

## Gigi Sohn

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**From:** Sara Morris  
**Sent:** Monday, March 10, 2014 9:31 PM  
**To:** Ruth Milkman; Maria Kirby; Gigi Sohn; Jonathan Sallet; Shannon Gilson  
**Subject:** Fw: Checking in on CIN  
**Attachments:** 13-1216MI.pdf

Redl is back asking for responses to q's in the Upton-Walden ltr (see below, and I've attached the original incoming for your convenience).

Can we discuss tomorrow? (b) (5)

Sara

Sara W. Morris  
Director  
Office of Legislative Affairs  
Federal Communications Commission  
(202) 418-0095 (direct)  
(202) 418-1900 (main)  
(202) 905-9860 (mobile)  
[sara.morris@fcc.gov](mailto:sara.morris@fcc.gov)

---

**From:** Redl, David [<mailto:David.Redl@mail.house.gov>]  
**Sent:** Monday, March 10, 2014 07:13 PM  
**To:** Lori Maarbjerg; Sara Morris  
**Cc:** Baum, Ray <[Ray.Baum@mail.house.gov](mailto:Ray.Baum@mail.house.gov)>; Koh, Grace <[Grace.Koh@mail.house.gov](mailto:Grace.Koh@mail.house.gov)>  
**Subject:** Checking in on CIN

Lori and Sara,

When we last spoke on this, I asked when the Commission was going to respond to Chairmen Upton and Walden's letter, as it asks a number of questions that have not been answered by Chairman Wheeler's public statements. Can you give me an idea of when that will be forthcoming?

Thanks,  
David

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**David Redl**  
**Chief Counsel · Communications and Technology**  
U.S. House Committee on Energy and Commerce  
2125 Rayburn HOB · (202) 225-2927



## Gigi Sohn

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**From:** Gigi Sohn  
**Sent:** Friday, February 28, 2014 11:08 AM  
**To:** Ruth Milkman; Philip Verveer; Shannon Gilson; Sara Morris  
**Cc:** Maria Kirby  
**Subject:** Opinion piece on CIN from one of the Annenberg Scholars

Defends us for pulling part of the study

<http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/02/28/the-real-story-behind-the-fccs-study-of-newsrooms/>

**Gigi Sohn**

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**From:** Sara Morris  
**Sent:** Tuesday, February 25, 2014 6:24 PM  
**To:** (b) (6); Ruth Milkman; Gigi Sohn; Maria Kirby; Shannon Gilson; Neil Grace; Mark Wigfield; Philip Verveer; Jonathan Sallet  
**Cc:** Lori Maarbjerg; David Toomey  
**Subject:** Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech  
**Attachments:** Senate Republicans ltr on CIN (2-25-14).pdf

More incoming. This one from led by Sen. Blunt and signed by every Republican member of the Senate.

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*[Please Click Here To View This Press Release Online](#)*



**For Immediate Release**  
February 25, 2014

**Contact:** Press Office, (202) 224-1403



## **Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech**

*Senators Condemn Serious FCC Overreach, Demand Transparency For American People*

**WASHINGTON, D.C.** – U.S. Senator Roy Blunt (Mo.) led a letter co-signed by all of his Republican Senate colleagues today calling on the Federal Communications Commission (FCC) to explain it's inappropriate attempts to impact the editorial decisions in newsrooms nationwide.

In recent weeks, Americans learned that the FCC was attempting to move forward with a Multi-Market Study of Critical Information Needs (CIN Study), which posed highly inappropriate questions of news editors about how they select stories, station bias, and even about their "news philosophy." After the study received national condemnation, FCC Chairman Tom Wheeler suspended the study last Friday and indicated that the survey would be subsequently "revised."

**"It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications," the Senators wrote. "We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse."**

*To read the entire letter, please see below or [click here](#).*

February 25, 2014

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our grave concerns regarding the Federal Communications Commission's (FCC) defunct Multi-Market Study of Critical Information Needs ("CIN Study").

It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications. It is even more troubling that a Commission spokesperson attempted to justify the CIN Study as a report on barriers to entry for entrepreneurs and small businesses in the communications marketplace – particularly when consumers are free to obtain news and information from a vibrant diversity of sources, including multiple broadcast outlets, print media, cable networks, and the Internet.

The CIN Study, as it was originally envisioned, sought to collect information on the process by which stories are selected and even asked about "news philosophy." Such questions are wholly unacceptable and alarming because they invite government intrusion into editorial decisions. While we are relieved the Commission appears to have halted the CIN Study, it is nevertheless troubling the Commission was on schedule to begin using a study that grossly intrudes on the First Amendment as early as this spring. Indeed, it was not until the CIN Study received national headlines and earned broad condemnation that the Commission took steps to remedy a problem that should have never occurred in the first place.

We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.

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## Gigi Sohn

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**From:** Sara Morris  
**Sent:** Tuesday, February 25, 2014 12:58 PM  
**To:** Ruth Milkman; Maria Kirby; Gigi Sohn; Shannon Gilson; Neil Grace; Mark Wigfield  
**Cc:** Lori Maarbjerg  
**Subject:** Fw: Letter to Chairman Wheeler  
**Attachments:** 2014-02-25 Collins Letter to FCC Chairman Wheeler.pdf

Ltr from Senator Collins re CIN study. .

Sara W. Morris  
Director  
Office of Legislative Affairs  
Federal Communications Commission  
(202) 418-0095 (direct)  
(202) 418-1900 (main)  
(202) 905-9860 (mobile)  
[sara.morris@fcc.gov](mailto:sara.morris@fcc.gov)

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**From:** Netram, Chris (Collins) [[mailto:Chris\\_Netram@collins.senate.gov](mailto:Chris_Netram@collins.senate.gov)]  
**Sent:** Tuesday, February 25, 2014 12:07 PM  
**To:** Sara Morris  
**Subject:** Letter to Chairman Wheeler

Sara – as discussed, attached is Sen. Collins’ letter to Chairman Wheeler. We look forward to the Chairman’s response. Please let me know if you have any questions. My direct line is (b) (6).

Best Regards,

Chris

Chris Netram  
Tax Counsel and Budget Advisor  
U.S. Senator Susan Collins

Office: 202-224-2523  
Email: [chris\\_netram@collins.senate.gov](mailto:chris_netram@collins.senate.gov)

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## Gigi Sohn

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**From:** Shannon Gilson  
**Sent:** Tuesday, February 25, 2014 12:41 PM  
**To:** Sara Morris; Maria Kirby; Gigi Sohn; Ruth Milkman; Lori Maarbjerg  
**Cc:** Neil Grace; Mark Wigfield  
**Subject:** FW: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

FYI. (b) (5)

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**From:** Alex Byers [mailto:abyers@politico.com]  
**Sent:** Tuesday, February 25, 2014 12:38 PM  
**To:** Shannon Gilson  
**Subject:** FW: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

Hey Shannon – This just went out. Do you know if you guys will have comment?

Thanks,  
Alex

--  
Alex Byers  
Tech reporter  
POLITICO  
202.695.2083  
[@byersalex](mailto:abyersalex)

\*\*please note new number, rings both work and cell phones

---

**From:** Energy and Commerce News [mailto:EnergyandCommerceNews@ECREP.housecommunications.gov]  
**Sent:** Tuesday, February 25, 2014 12:32 PM  
**To:** Alex Byers  
**Subject:** Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study



## COMMITTEE ON ENERGY AND COMMERCE

Chairman Fred Upton  
113th Congress

FOR IMMEDIATE RELEASE  
February 25, 2014

CONTACT: Press Office  
(202) 226-4972

**Committee Working on Bill to Protect the First Amendment,  
Eradicate Chilling FCC Study**

## **Walden Announces Hearing, Legislation In Works to Ensure FCC Stays Out of the Newsroom and Respects the Freedom of the Press**

**WASHINGTON, DC** – House Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today announced that the Energy and Commerce Committee will pursue legislative solutions to take the Federal Communications Commission's Critical Information Needs (CIN) study off the books. The study, which was first announced last summer, originally included the questioning of journalists and other news professionals regarding their decision-making processes and news philosophy. While Chairman Wheeler has indicated that the study will be changed, he has yet to adequately answer the questions contained in the committee's December 10, 2013 letter. The Communications and Technology Subcommittee plans to hold a hearing and introduce legislation to stop the study.

"The very existence of this CIN study is an affront to the First Amendment and should have never been proposed in the first place. As someone with a journalism degree, I was alarmed from the moment I saw it, which is why we wrote to Chairman Wheeler in December to urge him to stop the study. To date, Chairman Wheeler has insisted upon only making small tweaks, and what he has proposed to do isn't enough. The study should be eradicated completely," said Walden. "The potential for violation of the First Amendment is exceptionally egregious, but it is also concerning that the commission believes it can prescribe what 'critical information needs' are in communities across the country."

Walden continued, "It took nearly 25 years to get the Fairness Doctrine off the books once it had been 'eliminated' in 1987, and we will do whatever it takes to ensure this study or any other effort by the government to control the output of America's newsrooms never sees the light of day."

In December, full committee Chairman Fred Upton (R-MI), and every Republican member of the Communications and Technology Subcommittee wrote to Chairman Wheeler urging him to suspend the study. Upon the FCC's response to the December letter, Upton and Walden expressed concern that the study still left room for First Amendment violations. Members cited similar concerns with respect to the original Fairness Doctrine and committee leaders urged then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was eliminated in August 2011.

Additional information about the upcoming hearing will be posted here as it is available.

###

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This email was sent to [abvers@politico.com](mailto:abvers@politico.com) using GovDelivery, on behalf of: House Committee on Energy and Commerce · 2125 Rayburn House Office Building, Washington, DC 20515

## Gigi Sohn

---

**From:** Daniel Margolis  
**Sent:** Friday, February 21, 2014 5:45 PM  
**To:** Gigi Sohn; Shannon Gilson; Maria Kirby; Ruth Milkman  
**Subject:** RE: Question regarding Suspension of CIN Study

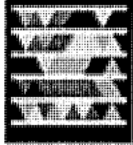
(b) (5)

Daniel J. Margolis  
Attorney Advisor, Office of Communications Business Opportunities  
Federal Communications Commission  
202.418.1377 (direct)  
202.418.0235 (facsimile)  
[daniel.margolis@fcc.gov](mailto:daniel.margolis@fcc.gov)

flashcode



00113101



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\*\*\* Non-Public: For Internal Use Only \*\*\*

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**From:** Gigi Sohn  
**Sent:** Friday, February 21, 2014 5:44 PM  
**To:** Daniel Margolis; Shannon Gilson; Maria Kirby; Ruth Milkman  
**Subject:** Re: Question regarding Suspension of CIN Study

(b) (5)

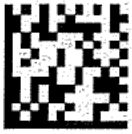
---

**From:** Daniel Margolis  
**Sent:** Friday, February 21, 2014 05:36 PM  
**To:** Shannon Gilson; Maria Kirby; Ruth Milkman; Gigi Sohn  
**Subject:** RE: Question regarding Suspension of CIN Study

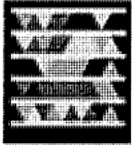
(b) (5)

Daniel J. Margolis  
Attorney Advisor, Office of Communications Business Opportunities  
Federal Communications Commission  
202.418.1377 (direct)  
202.418.0235 (facsimile)  
[daniel.margolis@fcc.gov](mailto:daniel.margolis@fcc.gov)

flashcode



caribca



Click either barcode for additional information on how to obtain a tag reader for your smartphone.

\*\*\* Non-Public: For Internal Use Only \*\*\*

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**From:** Shannon Gilson  
**Sent:** Friday, February 21, 2014 5:35 PM  
**To:** Maria Kirby; Ruth Milkman; Gigi Sohn; Daniel Margolis  
**Subject:** FW: Question regarding Suspension of CIN Study

(b) (5)

**From:** Laura Ryan [mailto:lryan@nationaljournal.com]  
**Sent:** Friday, February 21, 2014 5:21 PM  
**To:** Shannon Gilson  
**Subject:** Re: Question regarding Suspension of CIN Study

Hi Shannon,

Thanks for calling me. Appreciate the update. I am about to update my story, but I don't want to add to my confusion. Can you verify that the following statement is correct?

The FCC announced Friday that it will no longer ask the media or journalists to participate in its study, a move that was welcomed by Pai. The FCC will still proceed with the second part of the controversial study—designed by the research firm Social Solutions International—that aims to understand the "critical information needs" of communities. This will involve polling a sampling of residents about how they consume the news in Columbia, S.C., the pilot location for the study. The pilot will take place after a new study has been designed.

Thank you!  
Laura Ryan

On Fri, Feb 21, 2014 at 4:14 PM, Shannon Gilson <Shannon.Gilson@fcc.gov> wrote:

<http://www.fcc.gov/document/setting-record-straight-about-draft-study>

**From:** Laura Ryan [mailto:lryan@nationaljournal.com]  
**Sent:** Friday, February 21, 2014 4:00 PM  
**To:** Shannon Gilson  
**Subject:** Question regarding Suspension of CIN Study

Hi Shannon -

I just saw Pai's statement on the suspension of the CIN study. Can you provide me with more details? When and why was this decided? What will the next steps be, if any?

Thanks!

Laura Ryan

--

Laura Ryan

Staff Correspondent

Tech Policy

*National Journal*

O: 202.266.7219

C: 650.492.1149

--

Laura Ryan

Staff Correspondent

Tech Policy

*National Journal*

O: 202.266.7219

C: 650.492.1149

## Gigi Sohn

---

**From:** Shannon Gilson  
**Sent:** Friday, February 21, 2014 5:12 PM  
**To:** Jonathan Sallet; Ruth Milkman; Gigi Sohn  
**Cc:** Mark Wigfield  
**Subject:** Some coverage

(b) (5)



### **The Hill: FCC pulls plug on press study**

**By Julian Hattem**

<http://thehill.com/blogs/hillicon-valley/technology/198943-fcc-kills-contested-press-study#ixzz2tzp6M000>

The Federal Communications Commission (FCC) is pulling the plug on a controversial study that critics warned would have threatened the First Amendment right to freedom of the press.

A spokeswoman with the commission said on Friday that a pilot version of the study would be suspended and redesigned so that journalists would not have to answer the FCC's questions about their work.

"To be clear, media owners and journalists will no longer be asked to participate in the Columbia, S.C., pilot study," Shannon Gilson said in a statement.

"The pilot will not be undertaken until a new study design is final. Any subsequent market studies conducted by the FCC, if determined necessary, will not seek participation from or include questions for media owners, news directors or reporters."

The study on "critical information needs" had sparked concern from the public, especially Republicans, who said it seemed like an attempt to control journalists' speech.

The pilot study would have asked journalists about their "news philosophy" and the way that they selected stories.

FCC Chairman Tom Wheeler has said that the commission never intended to muzzle journalists.

Nevertheless, he "agreed that survey questions in the study directed toward media outlet managers, news directors, and reporters overstepped the bounds of what is required," Gilson said on Friday.

Republican members of Congress worried that the FCC was trying to revive the Fairness Doctrine, which required that news outlets cover controversial subjects from both points of view. The doctrine was abandoned in 1987 and formally taken off the FCC's books in 2011.

Ajit Pai, a Republican member of the FCC, wrote an op-ed last week worrying that the effort would "thrust the federal government into newsrooms across the country."

He cheered the FCC's change in course on Friday.

"This is an important victory for the First Amendment," he said in a statement. "And it would not have been possible without the American people making their voices heard. I will remain vigilant that any future initiatives not infringe on our constitutional freedoms."

Under the law, the FCC needs to periodically report to Congress outlining barriers that can make it hard for some small media businesses to get into the market.

**B&C: FCC Suspends Critical Information Needs Pilot Study**

**Will change methodology and will not ask questions of journalists or owners**

**2/21/2014 03:22:00 PM Eastern**

**By: John Eggerton**

**<http://www.broadcastingcable.com/news/washington/fcc-suspends-critical-information-needs-pilot-study/129333>**

The FCC has suspended its Critical Information Needs (CIN) pilot study in Columbia, S.C., until it has corrected its methodology per concerns that some of the questions were inappropriate, and says it will no longer ask any questions of media owners or journalists.

The study has come under fire, fueled by commissioner Ajit Pai's op ed in the Wall Street Journal this week taking issue with it.

In fact, according to an excerpt from the transcript of the daily press briefing with White House spokesman Jay Carney Friday, the study came up in a question from Fox's Wendell Goler.

Carney deferred to the FCC, but pointed out that it was an independent agency and he urged Goler to talk to the FCC.

"[I]n the course of FCC review and public comment, concerns were raised that some of the questions may not have been appropriate," said FCC spokesperson Shannon Gilson in a statement posted on the FCC web site. "Chairman Wheeler agreed that survey questions in the study directed toward media outlet managers, news directors, and reporters overstepped the bounds of what is required. Last week, chairman Wheeler informed lawmakers that the commission has no intention of regulating political or other speech of journalists or broadcasters and would be modifying the draft study. Yesterday, the chairman directed that those questions be removed entirely.

"To be clear, media owners and journalists will no longer be asked to participate in the Columbia, S.C. pilot study. The pilot will not be undertaken until a new study design is final. Any subsequent market studies conducted by the FCC, if determined necessary, will not seek participation from or include questions for media owners, news directors or reporters."

"I welcome today's announcement that the FCC has suspended its 'Multi-Market Study of Critical Information Needs,' or CIN study," said Pai in response to the announcement. "This study would have thrust the federal government into newsrooms across the country, somewhere it just doesn't belong."

"The Commission has now recognized that no study by the federal government, now or in the future, should involve asking questions to media owners, news directors, or reporters about their practices. This is an important victory for the First Amendment. And it would not have been possible without the American people making their voices heard. I will remain vigilant that any future initiatives not infringe on our constitutional freedoms."

The study pre-dated Wheeler's tenure, and was billed back in 2012 as a way to gauge the impact of media ownership on diversity. But when the methodology was outlined late last year—the study was to begin this spring—concerns were raised about the questions it planned to pose to reporters about how and why they covered stories.

**FOX NEWS: FCC backs off newsroom survey plan**

**Published February 21, 2014FoxNews.comFacebook560 Twitter288 Gplus24**

**<http://www.foxnews.com/politics/2014/02/21/fcc-backs-off-newsroom-survey-plan/>**

The Federal Communications Commission announced Friday that it was putting on hold a controversial study of American newsrooms, after complaints from Republican lawmakers and media groups that the project was too intrusive.

FCC spokeswoman Shannon Gilson said Chairman Tom Wheeler agreed with critics that some of the study's proposed questions for reporters and news directors "overstepped the bounds of what is required."

The agency announced that a proposed pilot study in South Carolina will now be shelved, at least until a "new study design" is finalized. But the agency made clear that this and any future studies will not involve interviews with "media owners, news directors or reporters."



## Gigi Sohn

---

**From:** Gigi Sohn  
**Sent:** Friday, February 21, 2014 4:20 PM  
**To:** 'Gabriel Rottman'  
**Subject:** RE: CIN study

Thanks!

---

**From:** Gabriel Rottman [<mailto:grottman@aclu.org>]  
**Sent:** Friday, February 21, 2014 4:14 PM  
**To:** Gigi Sohn  
**Subject:** RE: CIN study

Gigi -- here's the ACLU's blog. It doesn't link to the packet. I figured it was more important to get it up as quickly as possible. I'll tweet it with the fcc link.

<https://www.aclu.org/blog/free-speech/relax-its-not-thought-police>

Thanks,

Gabe

---

**From:** Gigi Sohn <[Gigi.Sohn@fcc.gov](mailto:Gigi.Sohn@fcc.gov)>  
**Sent:** Friday, February 21, 2014 3:49 PM  
**To:** Todd O'Boyle ([TOBoyle@commoncause.org](mailto:TOBoyle@commoncause.org)); [cleanza@alhmail.com](mailto:cleanza@alhmail.com); [yu@civilrights.org](mailto:yu@civilrights.org);  
(b) (6); Angela Campbell; Angela Campbell (b) (6)); Gabriel Rottman; (b) (6); [ernest.wilson@usc.edu](mailto:ernest.wilson@usc.edu); [lfriedla@wisc.edu](mailto:lfriedla@wisc.edu)  
**Subject:** CIN study

All -

Thanks for all of your help defending the CIN study. Here is the statement we put out today saying that the FCC would not be asking any questions having to do with editorial discretion or news philosophy. <http://www.fcc.gov/document/setting-record-straight-about-draft-study>. Contrary to what Commissioner Pai is tweeting, the study will move forward without those questions. The study is not "suspended." Please help us correct the record.

I'm happy to answer any questions/concerns you might have. Best, Gigi

## Gigi Sohn

---

**From:** Corrine Yu <Yu@civilrights.org>  
**Sent:** Friday, February 21, 2014 11:20 AM  
**To:** Gabriel Rottman; cleanza@alhmail.com; Maria Kirby; Angela Campbell  
**Cc:** Gigi Sohn  
**Subject:** RE: CIN Call this morning

Sorry, I can't, but Gabe from ACLU co-chairs the Leadership Conference media/telecommunications task force, so we'll be well represented.

Corrine Yu  
Managing Policy Director  
The Leadership Conference  
202.466.5670 - Phone

---

**From:** Gabriel Rottman [<mailto:grottman@aclu.org>]  
**Sent:** Friday, February 21, 2014 11:17 AM  
**To:** [cleanza@alhmail.com](mailto:cleanza@alhmail.com); Maria Kirby; Angela Campbell; Corrine Yu  
**Cc:** Gigi Sohn  
**Subject:** RE: CIN Call this morning

I'll make myself available for a call.

---

**From:** [cleanza@alhmail.com](mailto:cleanza@alhmail.com) [<mailto:cleanza@alhmail.com>]  
**Sent:** Friday, February 21, 2014 11:14 AM  
**To:** Maria Kirby; Angela Campbell; Corrine Yu; Gabriel Rottman  
**Cc:** Gigi Sohn  
**Subject:** RE: CIN Call this morning

Best time for me would be now for the next 30 minutes.

--  
Cheryl A. Leanza  
President  
A Learned Hand, LLC  
Media Policy Consulting for the Non-Profit Sector  
[@Cleanza](#) on Twitter  
[www.alearnedhand.com](http://www.alearnedhand.com)  
202-904-2168 (o)  
202-841-6033 (c)

---

**From:** Maria Kirby [<mailto:Maria.Kirby@fcc.gov>]  
**Sent:** Friday, February 21, 2014 11:11 AM  
**To:** [cleanza@alhmail.com](mailto:cleanza@alhmail.com); Angela Campbell; Corrine Yu; Gabe Rottman  
**Cc:** Gigi Sohn  
**Subject:** RE: CIN Call this morning

Can those who are available do a 12 noon call?

+ Gigi

---

**From:** [cleanza@alhmail.com](mailto:cleanza@alhmail.com) [mailto:[cleanza@alhmail.com](mailto:cleanza@alhmail.com)]  
**Sent:** Friday, February 21, 2014 11:09 AM  
**To:** Angela Campbell; Maria Kirby; Corrine Yu; Gabe Rottman  
**Subject:** RE: CIN Call this morning

Hi guys –

I'm very swamped this morning. I am cc'ing Corrine and Gabe, who I know are also swamped but possibly able to help.

Cheryl

--  
Cheryl A. Leanza  
President  
A Learned Hand, LLC  
Media Policy Consulting for the Non-Profit Sector  
[@Cleanza](#) on Twitter  
[www.alearnedhand.com](http://www.alearnedhand.com)  
202-904-2168 (o)  
202-841-6033 (c)

**From:** (b) (6) [mailto:(b) (6)] **On Behalf Of** Angela Campbell  
**Sent:** Friday, February 21, 2014 11:03 AM  
**To:** Maria Kirby  
**Cc:** [cleanza@alhmail.com](mailto:cleanza@alhmail.com)  
**Subject:** Re: CIN Call this morning

I am available anytime except 1:30 to 3. Angela

On Fri, Feb 21, 2014 at 10:44 AM, Maria Kirby <[Maria.Kirby@fcc.gov](mailto:Maria.Kirby@fcc.gov)> wrote:

Can you all pull together a few of the people who work on CIN for a call this morning or early afternoon? We're getting hit hard by this on the right and we're going to need a few folks front and center who can help push back.

--  
Professor Angela J. Campbell  
Institute for Public Representation  
Georgetown Law  
600 New Jersey Ave. N.W.  
Washington, D.C. 20001  
202-662-9541

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transmission and its attachments without reading or saving in any manner.

Thank you.

## Gigi Sohn

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**From:** Deanna Stephens  
**Sent:** Friday, February 21, 2014 10:25 AM  
**To:** Shannon Gilson; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

**InsideRadio** @InsideRadio 14m

FCC chair Tom Wheeler pledges revisions to **newsroom** study that conservatives says has Fairness Doctrine overtones. [.shar.es/F7ChO](http://shar.es/F7ChO)

**Ajit Pai** @AjitPaiFCC 11h

Thanks to @gretawire for discussing w/ me the @FCC's proposed "CIN" study. Government doesn't belong in the **newsroom**. [.video.foxnews.com/v/323380732900](http://video.foxnews.com/v/323380732900).....

**David Burge** @iowahawkblog 21m

WaPo: "Proposed **FCC Newsroom** Study Sparks Conservative Outcry" alt headline: "Proposed **FCC Newsroom** Study Sparks No Liberal Outcry"

**PJ Media** @PJMedia\_com 25m

FCC Commissioner: 'The Devil Is in the Details' on **Newsroom** Spying Study [.bit.ly/1dYhoNQ](http://bit.ly/1dYhoNQ) #tcot

**Jerome Corsi** @jerome\_corsi 35m

Leftist "research" firm picked to run #Obama **FCC newsroom** probe [.bit.ly/1bRFHOu](http://bit.ly/1bRFHOu) Partisan Obama tramples once more on First Amendment

**PJ Media** @PJMedia\_com 40m

House Committee Probing **FCC Newsroom** Snooping Plans [.bit.ly/1mhEYqT](http://bit.ly/1mhEYqT) #tcot

**Bob Gaskin** @BobG231 50m

The FCC Wades Into the **Newsroom** to take note of what is being said. Folks we're losing it. [.on.wsj.com/1eOSKio](http://on.wsj.com/1eOSKio)

**Byron York** @ByronYork 1h

FCC trial run of new **newsroom** survey just happens to be in Rep. Clyburn's district. SC journalists, get ready to answer questions!

**John Hayward** @Doc\_0 1h

Not only is the idea of **FCC** political officers in newsrooms creepy, it's a textbook example of "agency creep." [.humanevents.com/2014/02/20/pol](http://humanevents.com/2014/02/20/pol).....

**Todd Kincannon** @Todd\_\_Kincannon 1h

"So are you really gonna run that anti-Obama story? Be a shame if the IRS found a little problem with your taxes." - **FCC Newsroom** Patrolman

**Larry Elder** @larryelder 4h

"**FCC Wades Into the Newsroom**: Why Is The Agency Studying 'Perceived Station Bias' And Asking About Coverage Choices? [online.wsj.com/news/articles/.....](http://online.wsj.com/news/articles/.....)

**Breitbart News** @BreitbartNews 7h

**FCC Commissioner**: 'Government Doesn't Have a Place in the **Newsroom**': [bit.ly/1mgDZqN](http://bit.ly/1mgDZqN)

**Ajit Pai** @AjitPaiFCC 11h

Thanks to @gretawire for discussing w/ me the @FCC's proposed "CIN" study. Government doesn't belong in the **newsroom**. [video.foxnews.com/v/323380732900.....](http://video.foxnews.com/v/323380732900.....)

**Jordan Sekulow** @JordanSekulow 11h

"@FoxNews: **FCC commissioner**: Agency needs to realize 'the government has no place in **newsroom**' [fxn.ws/1gOTpkO](http://fxn.ws/1gOTpkO) via @foxnewspolitics"

**WND News** @worldnetdaily 12h

Here's back story on **FCC's newsroom**-policing agenda Former Obama 'diversity czar,' Hugo Chavez fan has published plan [fb.me/11NiGyVmU](http://fb.me/11NiGyVmU)

**WND News** @worldnetdaily 14h

'Mission-driven' firm to run **FCC newsroom** probe Seeking 'positive change' in effort to influence story selection [fb.me/106lFG6VV](http://fb.me/106lFG6VV)

**National Review** @NROcorner 14h

Krauthammer's Take: **FCC Newsroom** Study Latest 'Trample on What Rights are Remaining' [natl.re/1bqWjw9](http://natl.re/1bqWjw9)

**Mediaite** @Mediaite 14h

**FCC Commissioner** Speaks Out On Fox: 'Government Doesn't Have a Place in the **Newsroom**' [bit.ly/1fgd4el](http://bit.ly/1fgd4el) (VIDEO)

**Katy Bachman** @KatyontheHill 15h

.@AjitPaiFCC: "the govt. has no place in the **newsroom**" #FCC

**Katy Bachman** @KatyontheHill 18h

Is #FCC backing off study of **newsroom** editorial? @adweek UPDATE [adweek.com/news/press/fcc.....](http://adweek.com/news/press/fcc.....)

**ACLJ** @ACLJ 17h

Echoes of the #IRS in the #FCC Snooping Scandal [aclj.org/free-speech-2/.....](http://aclj.org/free-speech-2/.....) Extreme level of government intrusion into private activity

**IrritatedWoman™** @irritatedwoman 42m

It's Talk Show Radio the FCC is REALLY After - Dress **newsroom monitors** of the Obama Regime's FCC in jackbo... [ow.ly/2E59R6](http://ow.ly/2E59R6)

**Razor** @hale\_razor 13h

Obama knows nothing of **FCC monitors** in the **newsroom**, but MSM is POSITIVE Walker and Christie mastermind all activities of their staffers.

---

**From:** Shannon Gilson  
**Sent:** Friday, February 21, 2014 9:16 AM  
**To:** Deanna Stephens; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** Re: FOX (not CNN) story on CIN Study

Can we get a read on twitter traffic?

---

**From:** Deanna Stephens  
**Sent:** Thursday, February 20, 2014 01:52 PM  
**To:** Shannon Gilson; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

Articles:

<http://news.investors.com/ibd-editorials/021314-690050-fcc-newsroom-plan-all-about-controlling-the-free-press.htm>

Top Tweets:

**Federalist Society** @FedSoc · 1m

FCC Commissioner Ajit Pai: **The FCC Wades Into the Newsroom** @fcc .on.wsj.com/1eO8pKv

**Ophidian Pilot** @ophidianpilot 17m

Obama's News Police – WH Pushes **FCC** To Install **Newsroom** Spies – Attack On First Amendment  
.bit.ly/1eYsj5l via @terresamonroe

**Fox Nation** @foxnation 21m

Big Government's Reach Knows Know Bounds? **FCC** Survey Sparks Fears of Big Brother in the **Newsroom** -  
Fox Nation .bit.ly/1jLIWpY

**Jay Sekulow** @JaySekulow 1h

Is #Obama trying to kill a **free** press? .aclj.org/free-speech-2/..... **FCC** to monitor newsrooms deciding what  
public "needs" to hear? via @FoxNews

---

**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 1:47 PM  
**To:** Deanna Stephens; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

Can we get an update? Thanks!

---

**From:** Deanna Stephens  
**Sent:** Thursday, February 20, 2014 12:38 PM  
**To:** Shannon Gilson; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

Seeing some tweets point to Tumblr & even Pinterest. Also getting messages on our Facebook page

Twitter:

**Washington Examiner** @dcexaminer 2h

Will journalists tell the FCC it's none of its business how they cover the news? .washex.am/1gKTbuY

**Washington Examiner** @dcexaminer 1h

Tapscott: Why now is the FCC reinventing its discredited Fairness Doctrine wheel? .washex.am/1mvTdvN

**The Internet** @Based\_Internet 1h

The US government is now placing "FCC monitors" in every newsroom, radio talk show, etc. to make sure that... .tumblr.co/Z\_WFyw17\_Vfnj

**WRKO** @WRKO680 1h

AUDIO: Government monitors in the newsroom? .dlvr.it/4zKYn0

**aussie** @BELIMBLA4 10m

FCC Plan For Newsroom Monitors Sparks Constitutional Concern - Wake Up America - America's Newsroom .pinterest.com/pin/5060217081.....

Facebook: [www.facebook.com/fcc](http://www.facebook.com/fcc) \* See Recent posts by others

•  
• Barbara O'Donnell

**The Obama controlled Government continues to impose it's agenda on our Constitutional Rights. Now the FCC is due to infest news rooms and somehow dictate what kind of news gets reported. I don't think so. They have no right to do this and #SenRandPaul #SenMikeLeeand #SenTedCruz better do something about this.**

**<http://online.wsj.com/news/articles/SB10001424052702304680904579366903828260732>**

Bruce Atkinson

**The FCC has no right to control the news media by placing monitors in news organizations. This is a direct affront by the corrupt administration to control the dissemination of information to the public. The FCC has no need or right to control free speech in America. Proceed with this idiotic, criminal attack on the constitution and risk the consequences!**

o  
o Barbara O'Donnell likes this.

**Barbara O'Donnell** Sen.Rand Paul, Sen. Ted Cruz and Sen Mike Lee to bring suit to the Supreme Court.

**Bruce Atkinson** Where the \*\* ll are the rest of our representatives?



Bruce Atkinson

**The FCC has no right to control the news media by placing monitors in news organizations. This is a direct affront by the corrupt administration to control the dissemination of information to the public. The FCC has no need or right to control free speech in America. Proceed with this idiotic, criminal attack on the constitution and risk the consequences!**



Polk County Republicans Of Iowa

**A Federal Communications Commission study would involve researchers asking news companies for justification of publishing articles and stories.**

FCC official, others warn agency study could stifle freedom of the press

**Diana Garner** No. No. No. Stay out of newsrooms. Are we Russia or China now? What are you thinking? The FCC should be shut down!

**Barbara O'Donnell** Are you going to stand there and spy on Maddow, Matthews, Schultz and Sharpton and ask them why they race bait so much or are you more concerned about FOX NEWS ? This is bullshit. Defunding this org is a must paid by surcharges of the public for phone service

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**From:** Deanna Stephens

**Sent:** Thursday, February 20, 2014 12:22 PM

**To:** Shannon Gilson; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace

**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn

**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

**Jay Sekulow** @JaySekulow 15m

Is #Obama trying to kill a free press? [aclj.org/free-speech-2/](http://aclj.org/free-speech-2/)..... **FCC** to monitor newsrooms deciding what public "needs" to hear? via @FoxNews

**I am John Galt!** @dhrxsol1234 10m

[Before #Election2014] **The FCC** Wades Into the Newsroom [on.wsj.com/1eOSKio](http://on.wsj.com/1eOSKio) #tcot #tgdn / and per IRS Censorship on **Free Speech**...

**Shannon Bream** @ShannonBream 30m

**FCC:** "no intention of regulating political or other speech of journalists" via proposed plan w **newsroom** investigators [ow.ly/tPiL](http://ow.ly/tPiL)

**Larry Elder** @larryelder 43m

"**The FCC** Wades Into the **Newsroom**--Why Is Agency Studying 'Perceived Station Bias,' Asking About Coverage Choices?" [online.wsj.com/news/articles/](http://online.wsj.com/news/articles/).....

**Chuck Nellis** @ChuckNellis 1h

We own rights of freedom of the press & freedom of speech! Stand against this America! \*\* FCC Wades Into the Newsroom .on.wsj.com/1eOSKio

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**From:** Deanna Stephens  
**Sent:** Thursday, February 20, 2014 12:08 PM  
**To:** Shannon Gilson; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

**Articles now getting attention:**

- <http://www.foxnews.com/politics/2014/02/20/fcc-official-others-warn-agency-study-would-squash-news-media-1st-amendment/>
- <http://nation.foxnews.com/2014/02/20/big-governments-reach-knows-know-bounds-fcc-survey-sparks-fears-big-brother-newsroom>
- <http://online.wsj.com/news/articles/SB10001424052702304680904579366903828260732>

**Top tweets:**

**Fox Nation** @foxnation 2h  
FCC Survey Sparks Fears of Big Brother in the **Newsroom** .bit.ly/1jLIWpY #BigBrotherWatching

**Michael Graham** @IAMMGraham 3h  
I'd like to welcome everyone in the media just discovering the "#FCC in the newsroom" story we covered last week: .michaelgraham.com/dear-fcc-its-n.....

**Brian Ahier** @ahier 9h  
The **FCC** Wades Into the **Newsroom** .on.wsj.com/1i08uDh Alarming editorial from @AjitPaiFCC

**PewResearch Journo** @pewjournalism Feb 18  
NBC bringing Bode Miller to tears and the **FCC** revamping TV **newsroom** study. More in today's Daily Briefing: .pewrsr.ch/1jNMewi

**Congressional Tweets**

**Rep. Scott Rigell** @RepScottRigell 50m  
Gov't monitors in the **newsroom**? Administration now sets sights on freedom of the press. #Orwellian .tinyurl.com/nhl14e8

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**From:** Deanna Stephens  
**Sent:** Thursday, February 20, 2014 11:58 AM  
**To:** Shannon Gilson; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

Drudge links to WSJ Op Ed from Commissioner Pai

# The FCC Wades Into the Newsroom

## Why is the agency studying 'perceived station bias' and asking about coverage choices?

By  
AJIT PAI  
Feb. 10, 2014 7:26 p.m. ET

News organizations often disagree about what Americans need to know. MSNBC, for example, apparently believes that traffic in Fort Lee, N.J., is the crisis of our time. Fox News, on the other hand, chooses to cover the September 2012 attacks on the U.S. diplomatic compound in Benghazi more heavily than other networks. The American people, for their part, disagree about what they want to watch.

But everyone should agree on this: The government has no place pressuring media organizations into covering certain stories.

Unfortunately, the Federal Communications Commission, where I am a commissioner, does not agree. Last May the FCC proposed an initiative to thrust the federal government into newsrooms across the country. With its "Multi-Market Study of Critical Information Needs," or CIN, the agency plans to send researchers to grill reporters, editors and station owners about how they decide which stories to run. A field test in Columbia, S.C., is scheduled to begin this spring.

The purpose of the CIN, according to the FCC, is to ferret out information from television and radio broadcasters about "the process by which stories are selected" and how often stations cover "critical information needs," along with "perceived station bias" and "perceived responsiveness to underserved populations."

How does the FCC plan to dig up all that information? First, the agency selected eight categories of "critical information" such as the "environment" and "economic opportunities," that it believes local newscasters should cover. It plans to ask station managers, news directors, journalists, television anchors and on-air reporters to tell the government about their "news philosophy" and how the station ensures that the community gets critical information.

The FCC also wants to wade into office politics. One question for reporters is: "Have you ever suggested coverage of what you consider a story with critical information for your customers that was rejected by management?" Follow-up questions ask for specifics about how editorial discretion is exercised, as well as the reasoning behind the decisions.

Participation in the Critical Information Needs study is voluntary—in theory. Unlike the opinion surveys that Americans see on a daily basis and either answer or not, as they wish, the FCC's queries may be hard for the broadcasters to ignore. They would be out of business without an FCC license, which must be renewed every eight years.

This is not the first time the agency has meddled in news coverage. Before Critical Information Needs, there was the FCC's now-defunct Fairness Doctrine, which began in 1949 and required equal time for contrasting viewpoints on controversial issues. Though the Fairness Doctrine ostensibly aimed to increase the diversity of thought on the airwaves, many stations simply chose to ignore controversial topics altogether, rather than air unwanted content that might cause listeners to change the channel.

The Fairness Doctrine was controversial and led to lawsuits throughout the 1960s and '70s that argued it infringed upon the freedom of the press. The FCC finally stopped enforcing the policy in 1987, acknowledging that it did not serve the public interest. In 2011 the agency officially took it off the books. But the demise of the Fairness Doctrine has not deterred proponents of newsroom policing, and the CIN study is a first step down the same dangerous path.

The FCC says the study is merely an objective fact-finding mission. The results will inform a report that the FCC must submit to Congress every three years on eliminating barriers to entry for entrepreneurs and small businesses in the communications industry.

This claim is peculiar. How can the news judgments made by editors and station managers impede small businesses from entering the broadcast industry? And why does the CIN study include newspapers when the FCC has no authority to regulate print media?

Should all stations follow MSNBC's example and cut away from a discussion with a former congresswoman about the National Security Agency's collection of phone records to offer live coverage of Justin Bieber's bond hearing? As a consumer of news, I have an opinion. But my opinion shouldn't matter more than anyone else's merely because I happen to work at the FCC.

*Mr. Pai is a commissioner of the Federal Communications Commission.*

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**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 11:56 AM  
**To:** Deanna Stephens; Maria Kirby; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** Re: FOX (not CNN) story on CIN Study

This is now top of Drudge. Can someone send around that text (can't from my bb). Deanna, can you do another pass.

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**From:** Deanna Stephens  
**Sent:** Thursday, February 20, 2014 11:13 AM  
**To:** Maria Kirby; Shannon Gilson; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

- [http://www.theblaze.com/stories/2014/02/19/obama-administrations-plan-to-study-newsrooms-is-drawing-plenty-of-public-opposition/?utm\\_source=twitter&utm\\_medium=story&utm\\_campaign=ShareButtons](http://www.theblaze.com/stories/2014/02/19/obama-administrations-plan-to-study-newsrooms-is-drawing-plenty-of-public-opposition/?utm_source=twitter&utm_medium=story&utm_campaign=ShareButtons)
- <http://www.youtube.com/watch?v=XJ31Jx9ZILg&feature=youtu.be&a>
- <http://aclj.org/free-speech-2/why-is-obama-administration-putting-government-monitors-in-newsrooms>

- [http://www.americanthinker.com/blog/2014/02/feds to snoop in newsrooms what could go wrong.html#ixzz2tsGQeYLS](http://www.americanthinker.com/blog/2014/02/feds_to_snoop_in_newsrooms_what_could_go_wrong.html#ixzz2tsGQeYLS)
- <http://www.foxnews.com/politics/2014/02/20/fcc-official-others-warn-agency-study-would-squash-news-media-1st-amendment/>

**Below are tweets with highest influence:**

**Steven Laboe** @slaboe 3h

@FCC Wants to SPY on NEWSROOMS! @KatiePavlich on #KellyFile [VID] @megynkelly #tcot #teaparty #fw #1A .

**John Nolte** @NolteNC 3m

If Bush Admin suggested FCC **newsroom monitors**, media would abuse Godwin's Law like a step-child. Obama gets a pass **in** order to protect him.

**ACLJ** @ACLJ 23h

The Obama Admin is seeking to put monitors in every major media outlet in US .bit.ly/1kXiywQ Sign petition: stop #Obama #FCC monitors

I'll keep an eye on traffic and email if I see traffic pick up or additional news stories being added to the mix.

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**From:** Maria Kirby  
**Sent:** Thursday, February 20, 2014 10:42 AM  
**To:** Shannon Gilson; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** Re: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 10:38 AM  
**To:** Lori Maarbjerg; Sara Morris; Maria Kirby; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

Plus others. Deanna/Brittany, (b) (5)

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**From:** Lori Maarbjerg  
**Sent:** Thursday, February 20, 2014 10:37 AM  
**To:** Sara Morris; Shannon Gilson; Maria Kirby; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Sara Morris  
**Sent:** Thursday, February 20, 2014 10:36 AM

**To:** Lori Maarbjerg; Shannon Gilson; Maria Kirby; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Lori Maarbjerg  
**Sent:** Thursday, February 20, 2014 10:35 AM  
**To:** Shannon Gilson; Maria Kirby; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 10:32 AM  
**To:** Lori Maarbjerg; Maria Kirby; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Lori Maarbjerg  
**Sent:** Thursday, February 20, 2014 10:32 AM  
**To:** Shannon Gilson; Maria Kirby; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 10:30 AM  
**To:** Maria Kirby; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Lori Maarbjerg; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

Thanks. Plus Meribeth. (b) (5)

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**From:** Maria Kirby  
**Sent:** Thursday, February 20, 2014 10:28 AM  
**To:** Sara Morris; Shannon Gilson; Neil Grace  
**Cc:** Jim Balaguer; Lori Maarbjerg  
**Subject:** RE: FOX (not CNN) story on CIN Study

The ACLU post came across my feed on Tues.

## Why is the Obama Administration Putting Government Monitors in Newsrooms?

The Obama Administration's Federal Communication Commission (FCC) is poised to place government monitors in newsrooms across the country in an absurdly draconian attempt to intimidate and control the media.

Before you dismiss this assertion as utterly preposterous (we all know how that turned out when the Tea Party complained that it was being targeted by the IRS), this bombshell of an accusation comes from an actual FCC Commissioner.

FCC Commissioner Ajit Pai reveals a brand new Obama Administration program that he fears could be used in "pressuring media organizations into covering certain stories."

As Commissioner Pai explains in the Wall Street Journal:

Last May the FCC proposed an initiative to thrust the federal government into newsrooms across the country. With its "Multi-Market Study of Critical Information Needs," or CIN, the agency plans to send researchers to *grill reporters, editors and station owners about how they decide which stories to run*. A field test in Columbia, S.C., is scheduled to begin this spring.

The purpose of the CIN, according to the FCC, is to ferret out information from television and radio broadcasters about "the process by which stories are selected" and how often stations cover "critical information needs," along with "perceived station bias" and "perceived responsiveness to underserved populations."

In fact, the FCC is now expanding the bounds of regulatory powers to include newspapers, which it has absolutely no authority over, in its new government monitoring program.

The FCC has apparently already selected eight categories of "critical information" "that it believes local newscasters should cover."

That's right, the Obama Administration has developed a formula of what *it believes* the free press should cover, and it is going to send government monitors into newsrooms across America to stand over the shoulders of the press as they make editorial decisions.

This poses a monumental danger to constitutionally protected free speech and freedom of the press.

Every major repressive regime of the modern era has begun with an attempt to control and intimidate the press.

As Thomas Jefferson so eloquently said, "our liberty depends on the freedom of the press, and that cannot be limited without being lost."

The federal government has absolutely no business determining what stories should and should not be run, what is critical for the American public and what is not, whether it perceives a bias, and whose interests are and are not being served by the free press.

It's an unconscionable assault on our free society.

Imagine a government monitor telling Fox News it needed to cover stories in the same way as MSNBC or Al Jazeera. Imagine an Obama Administration official walking in to the editorial board of the Wall Street Journal and telling it that the American public would be better served if it is stopped reporting on the IRS scandal or maybe that reporting on ObamaCare "glitches" is driving down enrollment.

It's hard to imagine anything more brazenly Orwellian than government monitors in newsrooms.

Is it any wonder that the U.S. now ranks 46th in the world for freedom of the press? Reporters Without Borders called America's precipitous drop of 13 places in its recent global rankings "one of the most significant declines" in freedom of the press in the world.

Freedom of the press is proudly extolled in the First Amendment, yet our nation now barely makes the top fifty for media freedom.

We cannot allow the unfathomable encroachment on our free speech and freedom of the press to continue.

We've seen, and defeated, this kind of attempt to squelch free speech before in the likes of the Fairness Doctrine and the Grassroots Lobbying Bill (incidentally one of my first projects at the ACLJ). Each one of these euphemistically named government programs is nothing more than an underhanded attempt to circumvent the Constitution and limit free speech – speech that the government finds inconvenient. They're equally unconstitutional, and they each must be defeated.

Join the ACLJ as we take a stand. [Sign the ACLJ's Petition to Stop the Obama FCC's Free Speech Monitors.](#)

[This article is crossposted on Red State.](#)

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**From:** Sara Morris  
**Sent:** Thursday, February 20, 2014 10:27 AM  
**To:** Shannon Gilson; Neil Grace; Maria Kirby  
**Cc:** Jim Balaguer; Lori Maarbjerg  
**Subject:** RE: FOX (not CNN) story on CIN Study

Sorry – it was Fox, not CNN.

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**From:** Sara Morris  
**Sent:** Thursday, February 20, 2014 10:26 AM  
**To:** Shannon Gilson; Neil Grace; Maria Kirby  
**Cc:** Jim Balaguer; Lori Maarbjerg  
**Subject:** CNN story on CIN Study

CNN just ran a story. We're looking to see if there's a link on their website. (b) (5)

Sara W. Morris  
Acting Director  
Office of Legislative Affairs  
Federal Communications Commission  
(202) 418-1900 (main)  
(202) 418-0095 (direct)  
(202) 905-9860 (mobile)  
[sara.morris@fcc.gov](mailto:sara.morris@fcc.gov)



## Gigi Sohn

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**From:** Meribeth McCarrick  
**Sent:** Thursday, February 20, 2014 12:52 PM  
**To:** Daniel Alvarez; Deborah Ridley; Diane Cornell; Gigi Sohn; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson; (b) (6)  
**Subject:** CIN Coverage  
**Attachments:** CIN Study - Coverage 022014 (3).docx

Attached is a document with the coverage so far. I added hill and media tweets in the appropriate category. I placed all the other tweets social media has been gathering for us at the bottom (not sure who most of the people are.....). thx

\*\*\*\*\*

### CIN STUDY – ROUNDUP

#### HILL

##### **REP RIGELL**

Rep. Scott Rigell @RepScottRigell: Gov't monitors in the newsroom? Administration now sets sights on freedom of the press. #Orwellian <http://tinyurl.com/nhll4e8>

##### **REPS UPTON & WALDEN: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection**

WASHINGTON, DC – House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today commented on the FCC's response to the committee's December 10, 2013, letter regarding the commission's Critical Information Needs (CIN) study. In December, committee leaders, along with every Republican member of the Communications and Technology Subcommittee, wrote to FCC Chairman Tom Wheeler urging him to suspend the CIN study which included provisions for FCC funded agents to question the editorial decisions of journalists, producers, and other news professionals.

"We are pleased to see Chairman Wheeler recognizes the gravity of our concerns and has accordingly made progress toward ensuring that First Amendment protections remain in place for journalists," said Upton and Walden. "Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms. The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

Former FCC Commissioner Robert McDowell similarly expressed concern that the CIN study raises questions about government interference in the newsroom. On Fox News yesterday, he asked, "How much government coercion might there be with all of this? Is the government trying to ultimately dictate speech and dictate how journalists are supposed to do their jobs? And it doesn't matter what your political stripe might be, that's just not a good idea, especially when you have such a competitive communications landscape." Watch the full interview here.

<https://www.youtube.com/watch?v=fzca4mjbHCl&feature=youtu.be>

Upton and Walden cited similar free speech concerns with respect to the original Fairness Doctrine in urging then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was eliminated in August 2011.

#### NEWS

##### **WASHINGTON EXAMINER**

Washington Examiner @dcexaminer :Will journalists tell the FCC it's none of its business how they cover the news?  
<http://washex.am/1gKTbuY>

Washington Examiner @dcexaminer :Tapscott: Why now is the FCC reinventing its discredited Fairness Doctrine wheel?  
<http://washex.am/1mvTdvN>

## FOX NEWS

Fox Nation @foxnation: FCC Survey Sparks Fears of Big Brother in the Newsroom  
<http://bit.ly/1jLIWpY> #BigBrotherWatching

Jay Sekulow @JaySekulow 15m

Is #Obama trying to kill a free press? <http://aclj.org/free-speech-2/is-obama-trying-to-kill-a-free-press> ... FCC to monitor newsrooms deciding what public "needs" to hear? via @FoxNews

**Fox News.com: Critics want FCC media study thrown on 'trash heap,' skeptical of changes**  
**Published February 20, 2014**

<http://www.foxnews.com/politics/2014/02/20/critics-want-fcc-media-study-thrown-on-trash-heap-skeptical-changes/>

Critics of a proposed Federal Communications Commission study that would send researchers into newsrooms across America say the new chairman's vow to tweak the plan doesn't go far enough -- with one leading media group calling on the agency to scrap the study entirely.

"Where it really needs to go is onto the trash heap," Mike Cavender, director of the Radio Television Digital News Association, said in a statement.

The FCC drew the ire of free-press advocates and lawmakers after proposing a "[study of critical information needs](#)," which one dissenting commissioner said would let researchers "grill reporters, editors and station owners about how they decide which stories to run."

GOP lawmakers warned the program essentially would become the "Fairness Doctrine 2.0," in reference to a long-abandoned policy requiring broadcasters to provide what was deemed balanced coverage of major issues.

After being pressed by Republican lawmakers on the House Energy and Commerce Committee, Chairman Tom Wheeler said in a Feb. 14 letter that his agency "has no intention of regulating political or other speech of journalists or broadcasters" through this study.

Wheeler pledged to work with the contractor to "adapt the study" in response to concerns that have been raised.

Republicans on Thursday praised Wheeler for recognizing "the gravity of our concerns" -- but urged him to go further.

"Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms," committee Chairman Fred Upton, R-Mich., and Rep. Greg Walden, R-Ore., said in a statement.

"The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

Cavender was unsparing in his criticism of what he called an "ill-conceived study." He said that regardless of the agency's motives, "even the concept of a study like this is enough to chill every journalist and every station which prides itself on journalistic independence.

"Why does the FCC need this information and what possible use can it be to the regulatory body that impacts every broadcast station in this country? We think it's clearly an overreach by the Commission," he said. "... The FCC should scrap the entire idea and leave any concerns about news coverage to the professionals in the newsroom -- not the regulators in Washington."

One agency commissioner, Ajit Pai, originally raised concerns about the review in a Wall Street Journal op-ed piece.

The research would include questions about the process by which stories are selected and on how often stations cover "critical information needs" and would be posed through voluntary surveys.

However, Pai warned that those inquiries "may be hard for the broadcasters to ignore. They would be out of business without an FCC license."

The new project also would include newspaper and Internet content and is expected to start this spring with a field test in Columbia, S.C.

**B&C: Wheeler: FCC Won't Regulate Journalist's Speech**

**Tells Hill he is working on changes to Critical Needs Study to address concerns**

**2/20/2014 11:10:00 AM Eastern**

**By: John Eggerton**

<http://www.broadcastingcable.com/news/washington/wheeler-fcc-wont-regulate-journalists-speech/129286>

FCC chairman Tom Wheeler has told the chairman of the House Energy & Commerce Committee that the FCC "has no intention of regulating political or other speech of journalists or broadcasters" via its Multi-Market Study of Critical Information Needs, but says he is working on changes to the study to address those concerns.

That came in a letter to House E&C chair Fred Upton (R-Mich.), in response to a letter from the committee's Republican leadership and members asking the chairman to suspend the study since it included provisions for "FCC funded agents to question the editorial decisions of journalists, producers, and other news professionals."

They saw that as the FCC putting itself back in the business of controlling political speech, the "back" being a reference to the former Fairness Doctrine requirement that broadcasters seek out opposing viewpoints on issues of importance. Wheeler indicated that changes would be coming, but that that might change the cost of the study. He also pointed out that the study was launched to fulfill the FCC's statutory mandate to "identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services."

The FCC has also been instructed by a federal appeals court to better justify initiatives to promote that diversity.

"My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to [that] mandate," Wheeler wrote. "While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available."

The Republican leadership want those details to include that the study will stay away from newsroom decisionmaking. "We are pleased to see chairman Wheeler recognizes the gravity of our concerns and has accordingly made progress toward ensuring that First Amendment protections remain in place for journalists," said Upton and Communications Subcommittee chairman Greg Walden (R-Ore.) of Wheeler's response. "Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms. The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

**The Hill: February 20, 2014, 11:06 am**

**FCC: 'No intention' of muzzling press**

**By Julian Hattem**

<http://thehill.com/blogs/hillicon-valley/technology/198799-fcc-no-intention-of-regulating-journalism>

The Federal Communications Commissions (FCC) is trying to reassure House Republicans that it has no plans to restrict the freedom of the press.

In a letter released Thursday, FCC Chairman Tom Wheeler told Republican leaders of the House Energy and Commerce Committee that his commission "has no intention of regulating political or other speech of journalists or broadcasters."

Wheeler defended new FCC research as the first step toward pinpointing "market barriers" that may make affect the "diversity of media voices."

Republicans expressed concern that the FCC's study was an attempt "to control the political speech of journalists" by reviving the Fairness Doctrine, now-extinct rules that required radio and TV broadcasters to air opposing viewpoints on major issues.

Ajit Pai, a Republican commissioner at the FCC, raised alarms about the study.

In an op-ed in The Wall Street Journal last week, Pai said that the effort would “thrust the federal government into newsrooms across the country.”

The FCC killed the Fairness Doctrine in 1987 and formally erased it from the books in 2011.

The agency's new study will focus on how “critical information needs” are reported.

In a field test scheduled this spring, the FCC is planning to ask journalists and station owners in Columbia, S.C. about their philosophy for covering the news and the way they select stories.

In his op-ed, Pai worried that broadcast journalists would feel pressured to participate, since they depend on the FCC’s licenses to operate.

House Republicans weren’t entirely soothed by Wheeler’s letter.

In a statement, Energy and Commerce Chairmen Fred Upton (R-Mich.) and Rep. Greg Walden (R-Ore.), head of the Communications and Technology subcommittee, said “it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms.”

“The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency.”

The FCC is required by law to study ways to eliminate barriers that may prevent some outlets from getting off the ground.

Previous studies in the past have looked at the history of broadcast license applications and the way minority and women-owned companies participate in spectrum auctions, among other issues.

**FOX News.com: Critics want FCC media study thrown on ‘trash heap,’ skeptical of changes**

**Published February 20, 2014**

**<http://www.foxnews.com/politics/2014/02/20/critics-want-fcc-media-study-thrown-on-trash-heap-skeptical-changes/>**

Critics of a proposed Federal Communications Commission study that would send researchers into newsrooms across America say the new chairman's vow to tweak the plan doesn't go far enough -- with one leading media group calling on the agency to scrap the study entirely.

"Where it really needs to go is onto the trash heap," Mike Cavender, director of the Radio Television Digital News Association, said in a statement.

The FCC drew the ire of free-press advocates and lawmakers after proposing a "study of critical information needs," which one dissenting commissioner said would let researchers "grill reporters, editors and station owners about how they decide which stories to run."

GOP lawmakers warned the program essentially would become the "Fairness Doctrine 2.0," in reference to a long-abandoned policy requiring broadcasters to provide what was deemed balanced coverage of major issues.

After being pressed by Republican lawmakers on the House Energy and Commerce Committee, Chairman Tom Wheeler said in a Feb. 14 letter that his agency "has no intention of regulating political or other speech of journalists or broadcasters" through this study.

Wheeler pledged to work with the contractor to "adapt the study" in response to concerns that have been raised.

Republicans on Thursday praised Wheeler for recognizing "the gravity of our concerns" -- but urged him to go further.

"Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms," committee Chairman Fred Upton, R-Mich., and Rep. Greg Walden, R-Ore., said in a statement.

"The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

Cavender was unsparing in his criticism of what he called an "ill-conceived study." He said that regardless of the agency's motives, "even the concept of a study like this is enough to chill every journalist and every station which prides itself on journalistic independence."

"Why does the FCC need this information and what possible use can it be to the regulatory body that impacts every broadcast station in this country? We think it's clearly an overreach by the Commission," he said. "... The FCC should scrap the entire idea and leave any concerns about news coverage to the professionals in the newsroom-not the regulators in Washington."

One agency commissioner, Ajit Pai, originally raised concerns about the review in a Wall Street Journal op-ed piece.

The research would include questions about the process by which stories are selected and on how often stations cover "critical information needs" and would be posed through voluntary surveys.

However, Pai warned that those inquiries "may be hard for the broadcasters to ignore. They would be out of business without an FCC license."

The new project also would include newspaper and Internet content and is expected to start this spring with a field test in Columbia, S.C.

**Washington Examiner: OPINION: Will journalists tell the FCC it's none of its business how they cover the news?**

**BY MARK TAPSCOTT | FEBRUARY 20, 2014 AT 9:06 AM**

[http://washingtonexaminer.com/will-journalists-tell-the-fcc-its-none-of-its-business-how-they-cover-the-news/article/2544309?custom\\_click=rss&utm\\_source=twitterfeed&utm\\_medium=twitter](http://washingtonexaminer.com/will-journalists-tell-the-fcc-its-none-of-its-business-how-they-cover-the-news/article/2544309?custom_click=rss&utm_source=twitterfeed&utm_medium=twitter)

Back in the dark ages when there was only three national broadcast news networks, the FCC...

Lots of bad things happen when a constitutionally-limited national government is transformed into a Nanny State Leviathan.

But one of the worst is when federal bureaucrats — apparently convinced that the rest of us are too stupid to figure it out for ourselves — decide to conduct a "Multi-Market Study of Critical Information Needs."

What that means is, as FCC Commissioner Ajit Pai wrote recently in The Wall Street Journal, the bureaucrats will:

"Ferret out information from television and radio broadcasters about 'the process by which stories are selected' and how often stations cover 'critical information needs,' along with 'perceived station bias' and 'perceived responsiveness to underserved populations.'"

Fairness Doctrine is back

Sign Up for the Morning Examiner newsletter!

If any of that menu sounds familiar to older readers, it should because it's a summary of what the FCC used to do with its Fairness Doctrine.

Back in the dark ages when there was only three national broadcast news networks, the FCC exercised suffocating control over how the news was presented via its power to regulate broadcasting licenses.

President Ronald Reagan terminated the Fairness Doctrine in 1987 because it had been used by presidents of both political parties as a weapon against perceived enemies in the media.

None of their business

Why now is the FCC reinventing its discredited Fairness Doctrine wheel? Pai notes the official rationale is "eliminating barriers to entry for entrepreneurs and small businesses in the communications industry."

If that's so, one of the questions to be asked of newspaper reporters is whether they've ever suggested stories on "critical information" that were rejected by editors?

That question exposes what's really going on here: The FCC bureaucrats can't bear to know that somebody, somewhere in this country can cover the news without being told how by the nannies in Washington.

Fox News' Greta Van Susteren said Wednesday evening that she believes every media outlet should tell the FCC that how they cover the news is "none of its business."

Whether the rest of the media have as much backbone and common sense as Van Susteren will be revealed in coming months.

### **FOX News.com: Is Obama trying to kill a free press?**

**By Jay Sekulow Published February 20, 2014**

<http://www.foxnews.com/opinion/2014/02/20/is-obama-trying-to-kill-free-press/>

President Barack Obama waves to reporters as he walks on the South Lawn of the White House in Washington, Friday, Feb. 14, 2014, before boarding the Marine One helicopter to travel to the Democratic House members retreat in Cambridge, Md. (AP Photo/Charles Dharapak) (AP2014)

The FCC is launching a new study, taking upon itself the task of deciding what news the public "needs" to hear, versus the news the public wants to hear. The agency will conduct a "General Population Survey" that will "measure community members' actual and perceived critical information needs."

Got that? What you think (perceive) you need to know is different from what the government says you need to know.

Next, the FCC will send monitors to newsrooms across the country who will ask questions regarding the "philosophy" of the newsroom, inquire about possible conflicts between reporters and their bosses, and even determine how much influence each individual has in deciding what to report.

Does that kind of government inquiry sound familiar? Are we not less than a year removed from an IRS apology for inquiring about the internal workings of conservative groups?

Last week, FCC Commissioner Ajit Pai, who believes the government has no role in how a certain story is covered, disclosed in a Wall Street Journal Op-Ed the existence of the new FCC plan that will ostensibly "study" how media organizations report the news.

Here's Mr. Pai:

Last May the FCC proposed an initiative to thrust the federal government into newsrooms across the country. With its "Multi-Market Study of Critical Information Needs," or CIN, the agency plans to send researchers to grill reporters, editors and station owners about how they decide which stories to run. A field test in Columbia, S.C., is scheduled to begin this spring.

The purpose of the CIN, according to the FCC, is to ferret out information from television and radio broadcasters about "the process by which stories are selected" and how often stations cover "critical information needs," along with "perceived station bias" and "perceived responsiveness to underserved populations."

The news was jarring, so I downloaded the FCC's "Research Design" and read it for myself.

How reassuring that the federal government is devising new ways to violate the privacy of reporters, editors and their employers.

What I found was even more disturbing than what Mr. Pai reports.

If radio and television stations resist coughing up confidential employee data (including demographic information) to aid the FCC monitors, the study also (on pages 10 and 11) provides helpful "strategies" for obtaining information -- even when employers and their Human Resources departments refuse to cooperate.

How reassuring that the federal government is devising new ways to violate the privacy of reporters, editors and their employers -- all to make sure news outlets are providing Americans with the news the Obama administration says they "need."

The roadmap to censorship is clear. Expect this study to show that some news organizations are failing to cover the "right" stories -- thus failing to give the people what they "need."

Then, the FCC -- which owns the airwaves -- will propose to swoop in and fix the "market failure" by making sure that Americans learn what they "need" to learn -- regardless of their own preferences.

And what does the FCC prioritize? If its list is any indication, it prioritizes the "environment" far above the "weather," while war news barely makes the list.

So I suppose when storms are brewing it's more important that I learn about carbon credits than where a tornado might touch down? And just don't you worry about what's happening in our war against jihadists.

Given the Obama administration's consistent and publicly-expressed loathing for Fox News, expect to see the news lineup the Obama administration says America needs to look a lot more like MSNBC's nonstop coverage of climate change and "bridgegate" than Fox's rightful focus on lost American lives in Benghazi.

From its inception, the Obama administration has proven that it's not only intolerant of critics, but that it will use the full power of an increasingly partisan bureaucracy to intimidate Americans and rein in dissent. The administration turned the IRS on the Tea Party, it unleashed the Department of Justice on wayward reporters, and now the FCC is preparing to snoop into America's television and radio studios.

In an era of divided government, it's sometimes difficult to stop Obama administration excess, but this call to action should be easy: Under no circumstances should the House of Representatives allocate even a single dime of taxpayer money to authorize or empower government monitors in any newsroom in America.

The free press is at stake.

**FOX News.com: Why the FCC should keep its nose out of TV newsrooms**

**Howard Kurtz February 20, 2014**

<http://www.foxnews.com/politics/2014/02/20/why-fcc-should-keep-its-nose-out-tv-newsrooms/>

What on earth is the FCC thinking?

The last thing we need is the government mucking around with news content.

The title of this Big Brother-ish effort by the Federal Communications Commission sounds innocuous enough: "Multi-Market Study of Critical Information Needs." But it's a Trojan horse that puts federal officials in the newsroom, precisely where they shouldn't be.

Don't take my word for it. The FCC says it wants to examine "the process by which stories are selected," as well as "perceived station bias" and "perceived responsiveness to underserved populations."

Perceived station bias? Are you kidding me? Government bureaucrats are going to decide whether a newsroom is being fair?

Keep in mind that the commission has the power to renew or reject broadcast television licenses. During Watergate, Richard Nixon's FCC challenged two TV licenses of stations owned by the Washington Post. So mere information gathering can become a little more serious, given that enormous clout.

As FCC Commissioner Ajit Pai notes in a Wall Street Journal op-ed, the commission "plans to ask station managers, news directors, journalists, television anchors and on-air reporters to tell the government about their 'news philosophy' and how the station ensures that the community gets critical information." The first test is slated for this spring in Columbia, S.C.

I know that television stations are licensed in the public interest. It's fair for the FCC to examine how much news a station offers, as opposed to lucrative game shows and syndicated reruns. But the content of that news ought to be off-limits.

The Fairness Doctrine, which once required TV and radio stations to offer equal time for opposing points of view, is no more, and good riddance (since it discouraged stations from taking a stand on much of anything). The Obama administration swears it's not coming back.

How, then, to explain this incursion into the substance of journalism, which seems utterly at odds with the notion of a free and unfettered press?

Now some of the commentary about this is overheated, with talk of an FCC "thought police" and so on. The effort is beginning in a single city. But already there are signs that the commission is backing off.

Adweek reports that "controversial" sections of the study will be "revisited" under new chairman Tom Wheeler. An FCC official told the publication that the agency "has no intention of interfering in the coverage and editorial choices that journalists make. We're closely reviewing the proposed research design to determine if an alternative approach is merited."

The FCC should keep its alternative approaches to itself, as even the posing of these questions carries an intimidation factor. The government has no business meddling in how journalism is practiced. And if George W. Bush's FCC had tried this, it would be a front-page story.

I can haz NewsToons?



I'm all about social media. And HLN is conducting an interesting experiment in rebranding itself as a social media network.

But do these shows, described in a release as being in development, strike anyone as strange?

Keywords—A game show of search and tag trivia for internet addicts.

I Can Haz NewsToons—Finally, a place on TV for social media's best satire cartoons.

One.Click.Away—The untold stories behind the online classifieds

Vacation Hunters—One tweet, two vacation teams, one amazing vacation.

Videocracy—Hosts and a team of panelists comment on the stories and the people creating the shared content we're all talking about.

#What'sYourFomo—This app will collect your list of FOMO's (Fear Of Missing Out) and guarantees that you never miss a thing.

One thing that's clear from this slate: the former Headline News is out of the news business. Whether it can build a different business by tapping into the likes of Facebook and Twitter remains to be seen.

**FOX News.com: FCC official, others warn agency study could stifle freedom of the press**

**Published February 20, 2014**

[http://www.foxnews.com/politics/2014/02/20/fcc-official-others-warn-agency-study-would-squash-news-media-1st-amendment/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+foxnews%2Fpolitics+%28Internal+-+Politics+-+Text%29](http://www.foxnews.com/politics/2014/02/20/fcc-official-others-warn-agency-study-would-squash-news-media-1st-amendment/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+foxnews%2Fpolitics+%28Internal+-+Politics+-+Text%29)

An Obama administration plan that would get researchers into newsrooms across the country is sparking concern among congressional Republicans and conservative groups.

The purpose of the proposed Federal Communications Commission study is to "identify and understand the critical information needs of the American public, with special emphasis on vulnerable-disadvantaged populations," according to the agency.

However, one agency commissioner, Ajit Pai, said in a Wall Street Journal op-ed piece Wednesday that the May 2013 proposal would allow researchers to "grill reporters, editors and station owners about how they decide which stories to run."

He also said he feared the study might stifle the freedom of the press.

"The American people, for their part, disagree about what they want to watch," wrote Pai, appointed to the FCC's five-member commission in May 2012 by President Obama. "But everyone should agree on this: The government has no place pressuring media organizations into covering certain stories."

The agency declined to comment. But watchdog groups immediately responded to Pai's concerns.

"The FCC seems unable to keep its hands off the news media for any extended period of time," Jeffrey Eisenach, a visiting scholar at the American Enterprise Institute, told FoxNews.com.

"It's the same generic concern of needing a news nanny to make sure we're all well informed," he added. "The same people who are concerned about the NSA spying on Americans ought to be concerned about this."

The research will include questions about the process by which stories are selected and on how often stations cover "critical information needs" and will be posed through voluntary surveys.

However, Pai remains wary.

"Participation is voluntary—in theory," he wrote. But "the FCC's queries may be hard for the broadcasters to ignore. They would be out of business without an FCC license."

Several months ago, the GOP-led House Committee on Energy and Commerce said the proposed field study showed "startling disregard" for the news media's freedom and urged agency Commissioner Tom Wheeler to suspend the effort.

"Given the widespread calls for the commission to respect the First Amendment and stay out of the editorial decisions of reporters and broadcasters, we were shocked to see that the FCC is putting itself back in the business of attempting to control the political speech of journalists," committee leaders wrote in their December 2013 letter. "It is wrong, it is unconstitutional, and we urge you to put a stop to this."

Pai and Eisenach also argued the proposal could lead to the revival of the agency's 1949 Fairness Doctrine, which resulted in lawsuits throughout the 1960s and '70s.

The agency stopped enforcing the policy in the late 1980s, and then-FCC Chairman Julius Genachowski eliminated it in August 2011.

The new project also will include newspaper and Internet content and is expected to start this spring with a field test in Columbia, S.C.

"This is an extremely troubling and dangerous development that represents the latest in an ongoing assault on the Constitution by the Obama administration," said Jay Sekulow, chief counsel for the American Center for Law and Justice. "The federal government has no place attempting to control the media, using the unconstitutional actions of repressive regimes to squelch free speech."

**Washington Times: White House to sniff out newsrooms: 'Troubling and dangerous development'**

By Cheryl K. Chumley-The Washington Times Thursday, February 20, 2014

<http://www.washingtontimes.com/news/2014/feb/20/white-house-sniff-out-newsrooms-troubling-and-dang/#ixzz2tsXTc3eL>

The Obama administration is pushing forward with a Federal Communications Commission project that would send the nose of government researchers in newsrooms across the country — and First Amendment advocates want to know why.

The touted purpose of the plan is to "identify and understand the critical information needs of the American public, with special emphasis on vulnerable-disadvantaged populations," the FCC said, Fox News reported.

But at least one FCC commissioner, Ajit Pai, wrote an op-ed piece for the Wall Street Journal that suggested the notion was more aimed at giving government entities the ability to "grill reporters, editors and station owners about how they decide which stories to run."

Mr. Pai continued: "Everyone should agree on this: The government has no place pressuring media organizations into covering certain stories."

First Amendment and government watchdog organizations were quick to agree.

“The FCC seems unable to keep its hands off the news media for any extended period of time,” said Jeffrey Eisenach, a visiting scholar with The American Enterprise Institute, to Fox News. “It’s the same generic concern of needing a news nanny to make sure we’re all well informed.”

Among the questions to be studied: How news organizations select stories, and frequency with which broadcast outlets report on “critical information needs,” Fox News reported.

The surveys will be voluntary — but Mr. Pai said the definition of voluntary can be rather subjective.

“Participation is voluntary — in theory,” he wrote, in his op-ed to the Wall Street Journal. “[But] the FCC’s queries may be hard for the broadcasters to ignore. They would be out of business without an FCC license.”

The project is reportedly due to kick off this spring in Columbia, S.C.

“This is an extremely troubling and dangerous development that represents the latest in an ongoing assault on the Constitution by the Obama administration,” said Jay Sekulow, the chief counsel for the American Center for Law and Justice, in Fox News. “The federal government has no place attempting to control the media, using the unconstitutional actions of repressive regimes to squelch free speech.”

#### **KFBK News: FCC Study Could Limit Freedom of the Press**

Posted Thursday, February 20th 2014 @ 11am

<http://www.kfbk.com/articles/kfbk-news-461777/fcc-study-could-limit-freedom-of-12086053/#ixzz2tsoEliBf>

The Federal Communications Commission is launching a study that some warn could limit freedom of the press.

Former FCC Commissioner Robert McDowell says it may limit journalists.

"How much government coercion might there be with all of this? Is the government trying to ultimately dictate speech and dictate how journalists are supposed to do their jobs?"

The FCC says the study aims to "identify and understand the critical information needs of the American public, with special emphasis on vulnerable-disadvantaged populations."

However, current FCC commissioner Ajit Pai said a "Wall Street Journal" op-ed Wednesday that the study could allow researchers to "grill reporters, editors, and station owners about how they decide which stories to run."

The study will include newspaper and Internet content and is scheduled to begin this spring in Columbia, South Carolina.

#### **The Blaze: Obama Administration’s Plan to Study Newsrooms Is Drawing Plenty of Public Opposition**

Feb. 19, 2014 5:30pm Fred Lucas

<http://www.theblaze.com/stories/2014/02/19/obama-administrations-plan-to-study-newsrooms-is-drawing-plenty-of-public-opposition/>

A plan by the Federal Communications Commission to study how news organizations select stories has prompted about 10,000 people to sign a petition demanding: “no government monitors in newsrooms.”

That’s according to the American Center for Law and Justice, which announced the petition Wednesday and said it reached that number within the first two hours.

## Obama Administrations Plan to Study Newsrooms Is Drawing Plenty of Public Opposition

AP

The FCC announced a Multi-Market Study of Critical Information Needs last year, saying that it wanted to understand the process of which stories are selected, station priorities, content production, populations served, perceived station bias and perceived percent of news dedicated to each of the “critical information needs” in a community, Fox News reported.

But Jay Sekulow, chief counsel of the ACLU, a conservative legal group, said he worries it could be used to intimidate certain news organizations into covering issues that government officials feel are important.

“This is an extremely troubling and dangerous development that represents the latest in an ongoing assault on the Constitution by the Obama administration,” Sekulow said in a statement. “We have seen a corrupt IRS unleashed on conservatives. We have seen an imperial president bypass Congress and change the law with executive orders.”

The FCC only has jurisdiction over the broadcast industry, not over cable news or print publications. Networks, local stations and most radio stations would be subject to evaluation.

“Now we see the heavy hand of the Obama administration poised to interfere with the First Amendment rights of journalists,” Sekulow said. “It’s clear that the Obama administration is only interested in utilizing intimidation tactics – at the expense of Americans and the Constitution. The federal government has no place attempting to control the media, using the unconstitutional actions of repressive regimes to squelch free speech.”

An FCC representative did not respond to a request for comment from TheBlaze.

The objectives for the research, released publicly on May 28, 2013, are to “collect data to inform: the access (or potential barriers) to [critical information needs] as identified by the FCC; the media that makes up media ecologies (i.e., what media is actually included in that ecology; ownership of that market; what specific type of content dominates those media ecologies; what is the flow of information within the ecology, etc); the use of and interaction between media that makes media ecologies (i.e., how do different layers of the ecology interact to provide for CINs; how do individuals of diverse neighborhoods/communities differ in terms of access to CINs); validate data collection tools/templates and protocols; demonstrate high internal validity and reliability of measured constructs.”

The Obama administration has already come under scrutiny for its treatment of the press.

The group Reporters Without Borders ranked the United States 46th in the world for press freedom, citing the governments investigations into various newsrooms in national security cases.

“The trial and conviction of Private Bradley Manning and the pursuit of NSA analyst Edward Snowden were warnings to all those thinking of assisting in the disclosure of sensitive information that would clearly be in the public interest,” the international journalists report stated.

“U.S. journalists were stunned by the Department of Justice’s seizure of Associated Press phone records without warning in order to identify the source of a CIA leak,” the report continued. “It served as a reminder of the urgent need for a ‘shield law’ to protect the confidentiality of journalists’ sources at the federal level.”

**FOX News.com: 'The Kelly File': FCC proposes initiative to 'study' how journalists operate**

**Published February 19, 2014**

**<http://www.foxnews.com/on-air/the-kelly-file/transcript/2014/02/20/fcc-proposes-initiative-study-how-journalists-operate>**

This is a rush transcript from "The Kelly File," February 19, 2014. This copy may not be in its final form and may be updated.

MEGYN KELLY, HOST: Developing tonight, angry reaction is building from a variety of groups over what is said to be a new plan from the Obama administration to monitor America's newsrooms. And not in a way that you monitor it from home on the couch, a much more invasive way. And Shannon Bream reports from Washington -- Shannon.

SHANNON BREAM, FOX NEWS CORRESPONDENT: Well, Megyn, the Federal Communications Commission or FCC, wants to send investigators into televisions and radio stations to ask questions like this -- "What is the news philosophy of this station? Who decides which stories are covered?"

Well, the stated purpose of what is being called the multi-market study of critical information needs is to determine how media outlets make editorial decisions and how much time they're spending on several key topics the FCC is concerned about, like the environment.

News of this proposed project so unnerved a group of House Republicans that they sent FCC Chairman Tom Wheeler a letter saying the proposal shows a quote, "Startling disregard for the bedrock constitutional principles that prevent government intrusion into the press," adding, "The Commission has no business probing the news media's editorial judgment and expertise."

Attorney Jay Sekulow, who represents dozens of conservatives targeted by the IRS, says he sees a disturbing pattern.

(BEGIN VIDEO CLIP)

JAY SEKULOW, AMERICAN CENTER FOR LAW AND JUSTICE: It is very reminiscent of the kind of questions that were asked of my clients in the IRS matter that is currently in federal court. Same kind of questioning process of content, determination on point of view. And I think this government, this administration, is bent on aiming and targeting those they don't like, and this is another way to do it. This time it is the FCC.

(END VIDEO CLIP)

BREAM: The study was conceived under the previous head of the FCC. There are reports the current chairman is considering tweaking it. Megyn.

KELLY: We'll look forward to that. Shannon, thank you. My next guest is calling this creepy. Katie Pavlich is the news editor at Townhall.com. I mean, we had all these debate about the Fairness Doctrine. Is this basically the Fairness Doctrine in other clothing?

KATIE PAVLICH, TOWNHALL.COM NEWS EDITOR: You know what, Megyn? I don't understand, you know, why the Obama administration has not understood this idea that when the Department of Justice monitored the phone line of journalists and their parents, by the way, that was not enough to them. Now they want to send investigators into newsrooms all over the country whether it is broadcast or prints. They have no business sending those people into our newsrooms. How we gather news is none of the government's business. And this is not about the FCC getting people the information that they, quote, "need" as they claim. This is about controlling what people say and this is about intimidating the news through the, you know --

KELLY: What kind of crazy talk is that?

PAVLICH: -- whatever they call the navigators.

KELLY: What kind of crazy talk is this? I mean, they're saying oh, and now we're going to take a second look at it. Whose brain child was this in the first place? And it gives you a window, does it not, Katie, into the window that they're thinking.

PAVLICH: Oh, absolutely, and I just think it is such an asinine concept that the government, government bureaucrats are now going to be appointed to come in and monitor, you know, professional editors, reporters, and decide the best way for them to gather news as if they don't know what they're doing. And then to try and shift the focus from certain stories to others, I mean, why is it that we need someone like that to come in at the picture?

KELLY: Yes, let me guess. We've heard enough about ObamaCare, we can move on from that story now. I mean, how would it actually work? Somebody is going to sit there, you know, in our news meeting and tell me and my executive producer that you should not lead with that. "This story over here at how, you know, we think we're doing so great, that is what the people need to hear."

PAVLICH: You know, Megyn, you are just not covering what the people need. Right? But, you know, on another point here it is really important to point out that we live in an era, the year is 2014, where we have more access to information than we've ever had in the history of mankind. And now the government is coming in through this, you know, so-called regulation in wanting to say that they need to cater to the needs of people who are maybe being under-served by the news? We have more news outlets in this country and in the world than we've ever had, serving many different kinds of communities, many different kinds of people, many different kinds of, you know, exactly outlets.

KELLY: Yes.

PAVLICH: You know, catering to different, you know, whatever. Anything you want to know about any kind of news is out there. So it is, you know, none of their business to even inquire about how news editors and reporters gather the news stories and decide on what they're reporting inside their newsrooms.

KELLY: Katie, good to see you, let's hope it's true that they are reconsidering and it wouldn't happen.

PAVLICH: Good to see you, too.

**FOX News.com: 'The Kelly File' looks at the FCC's proposal to study newsrooms**

**Published February 19, 2014**

**<http://www.foxnews.com/politics/2014/02/19/kelly-file-looks-at-fcc-proposal-to-study-newsrooms/>**

A Federal Communications Commission proposal to "study" how the news media operates by placing researchers in newsrooms, "The Kelly File" reported on Wednesday.

"It's very reminiscent of the kinds of questions that were asked of my clients in the IRS matter that is currently in federal court," said Jay Sekulow of the American Center for Law and Justice. "Same kind of questioning process of content, determination on point of view, and I think this government, this administration is bent on aiming and targeting those they don't like."

Katie Pavlich, the news editor of Townhall.com, wondered why the Obama administration didn't learn following the fallout over the Justice Department's wiretapping of Associated Press journalists.

"Now, they want to send investigators into newsrooms all over the country," she said. "This is about controlling what people say, and this is about intimidating the news."

Pavlich agreed with host Megyn Kelly's assertion that the proposal provides a window into "how the FCC is thinking" when it comes to an independent press.

"We live in an era ... when we have access to more information than in the history of mankind," Pavlich said. "It's none of (the FCC's) business to even inquire about how news editors and reporters gather their news stories and decide what they're reporting inside their news rooms."

## **The Inquisitr: FCC Planning Government Monitoring Of American Newsrooms**

**FCC government monitoring**

**<http://www.inquisitr.com/1139997/fcc-planning-government-monitoring-of-news-regulations/#ARqmar8Roulz5lsp.99>**

Freedom of the press may soon be a thing of the past in America. The Federal Communication Commission (FCC) is launching a pilot program which involves government monitoring of what goes on in newsrooms around the nation. If the apparent attempt to control and intimidate journalists is successful, 2014 will be forever known as the year the First Amendment died. The FCC controls the broadcasting licenses of all television and radio media outlets.

The FCC is also now attempting to expand its regulatory bounds to include newspapers, according to ACLJ. Print media does not broadcast and has never in the history of the United States been overseen in any way by the Federal Communications Commission – until now. Newspapers may also be included in the new government monitoring of news program.

The stated purpose of the government news monitoring program is to unearth information from radio, newspaper, and television broadcasters about the “process by which stories are selected and how often stations cover critical information needs,” according to the FCC. The federal government agency will also be reviewing “perceived station bias” and “perceived responsiveness to underserved” populations.

The FCC has also reportedly already selected eight specific categories of “critical information” that the governmental entity believes local news organizations should cover. Yes, you absolutely read that last startling and infuriating sentence correctly, the federal government via the Obama administration has taken upon itself to put its boot on the neck of the free press and dictate what news should be shared with the public.

FCC Commissioner Ajit Pai acknowledged that the latest Obama administration initiative could be used to “pressure media organizations into covering certain stories.” Pai had this to say about the freedom of the press issue during an interview with the Wall Street Journal:

“Last May the FCC proposed an initiative to thrust the federal government into newsrooms across the country. With its Multi-Market Study of Critical Information Needs, or CIN, the agency plans to send researchers to grill reporters, editors and station owners about how they decide which stories to run. A field test in Columbia, S.C., is scheduled to begin this spring.”

The government monitoring program, if initiated as written, stomps on the constitutionally protected freedom of the press and free speech rights. As Thomas Jefferson once aptly stated, “Our liberty depends on the freedom of the press, and that cannot be limited without being lost.” America, the nation founded upon individual freedoms, currently ranks on 46th (out of 180) on the World Press Freedom Index.

## **Mediate: FCC Commissioner Warns of Agency’s Plan to Monitor Newsrooms**

**by Josh Feldman | 8:44 pm, February 19th, 2014**

**<http://www.mediaite.com/online/fcc-commissioner-warns-of-agency%E2%80%99s-plan-to-monitor-newsrooms/>**

An FCC commissioner is warning people about an agency study that would bring government monitors into newsrooms and inspect issues like the amount of time spent on the “critical information needs” of Americans in news content.

FCC Commissioner Ajit Pai wrote an op-ed in the Wall Street Journal bringing people’s attention to this study, saying “the government has no place pressuring media organizations into covering certain stories.” And while participation is technically voluntary, ignoring them would not be a wise decision for any news outlet that wants an FCC license.

The study itself, laid out last year [PDF], is meant to “understand the critical information needs (CINs) of the American public). One of the issues addressed in the study is how these CINs are framed, and whether said framing does enough do give viewers the full context of the story.

There are also a number of questions that they pose in the study to news managers and staffers, including the following:

What is the news philosophy of the station?

How do you define critical information that the community needs?

Who decides which stories are covered?

Have you ever suggested coverage of what you consider a story with critical information for your customers (viewers, listeners, readers) that was rejected by management?

### **OTHER TWEETS**

ACLU @ACLU : The Obama Admin is seeking to put monitors in every major media outlet in US <http://bit.ly/1kXiywQ> Sign petition: stop #Obama #FCC monitors

PewResearch Journo @pewjournalism :NBC bringing Bode Miller to tears and the FCC revamping TV newsroom study. More in today's Daily Briefing: <http://pewrsr.ch/1jNMewi>

The Internet @Based\_ :The US government is now placing “FCC monitors” in every newsroom, radio talk show, etc. to make sure that... [http://tumblr.co/Z\\_WFyw17\\_Vfnj](http://tumblr.co/Z_WFyw17_Vfnj)

WRKO @WRKO680: AUDIO: Government monitors in the newsroom? <http://dlvr.it/4zKYn0>

aussie @BELIMBLA4 :FCC Plan For Newsroom Monitors Sparks Constitutional Concern - Wake Up America - America's Newsroom <http://pinterest.com/pin/506021708103961143/> ...

I am John Galt!! @dhrxsol1234: [Before #Election2014] The FCC Wades Into the Newsroom <http://on.wsj.com/1eOSKio> #tcot #tgd / and per IRS Censorship on Free Speech...

Shannon Bream @ShannonBream : FCC: "no intention of regulating political or other speech of journalists" via proposed plan w newsroom investigators <http://ow.ly/tPiIL>

Larry Elder @larryelder : "The FCC Wades Into the Newsroom--Why Is Agency Studying 'Perceived Station Bias,' Asking About Coverage Choices?" <http://online.wsj.com/news/articles/SB10001424052702304680904579366903828260732> ...

Chuck Nellis @ChuckNellis : We own rights of freedom of the press & freedom of speech! Stand against this America! \*\* FCC Wades Into the Newsroom <http://on.wsj.com/1eOSKio>

Michael Graham @IAMMGraham : I'd like to welcome everyone in the media just discovering the "#FCC in the newsroom" story we covered last week: <http://michaelgraham.com/dear-fcc-its-none-of-your-god-business/> ...

Brian Ahier @ahier : The FCC Wades Into the Newsroom <http://on.wsj.com/1l08uDh> Alarming editorial from @AjitPaiFCC

Steven Laboe @slaboe: @FCC Wants to SPY on NEWSROOMS! @KatiePavlich on #KellyFile [VID] @megynkelly #tcot #teaparty #fw #1A <http://>

John Nolte @NolteNC: If Bush Admin suggested FCC newsroom monitors, media would abuse Godwin's Law like a step-child. Obama gets a pass in order to protect him.



## Gigi Sohn

---

**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 11:55 AM  
**To:** Ruth Milkman  
**Cc:** Gigi Sohn; Sara Morris; Maria Kirby  
**Subject:** Re: FOX (not CNN) story on CIN Study

This is now top of Drudge.

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**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 11:45 AM  
**To:** Ruth Milkman  
**Cc:** Gigi Sohn; Sara Morris; Maria Kirby  
**Subject:** Re: FOX (not CNN) story on CIN Study

Rough transcript of one segment:

FNC 02/20/2014 10:15:26 AM: ...>> we told you about the plan to send government monitors into newsrooms across the country as the fcc wants to find out how newsrooms operate and things such as what stories they chose to run. it is sparking outrage across the country with defenders of the first amendment. the american center for law and justice stating this: jordan secular is here and he is the executive director of for the law and justice center. >> thanks for having me. >> explain what the plan is. >> this came out last may. this fcc idea. but here is the problem and why we are talking about it now. the title sound mundane like it isn't a big deal. it sounds like something the fcc would do. they give all of the licensing. it is called the research design for the multi market study of critical needs. it is a 73 page study on how you would do the report. but when you look into what it this does is it sends government researchers and we are calling them monitors, into newsroom and not just broadcast television and radio, but they want oversight into the newspapers, to ask questions like how do you come up with the stories. they want to ask reporters if their editors let them run what they want and to see if there is a perceived station bias. and the fcc is ready to do this starting in south carolina but because of the public outcry we got a little pushback and the fcc says they are reconsidering >> they are saying the questions not mandatory, right? >> reporter: well here is the thing this. it isn't like they are sending students over to this and if you say no that is okay. they give your license as a broadcaster and every eight years, every broadcaster at the local level, has to get an ufc license. they only last eight years. the fcc's job is supposed to be are people able, small businesses, able to get into the news business if they want to. they are gnaw supposed to look and see if it content of the news is something they like. they put together the eight categories of sin and one of the top is the environment. if you look back at the obama administration and center for progress, they have been complaining about lack of coverage on climate change. so this is no surprise. weather is one of the lowest. >> fascinating and frightening in a lot of ways. how often do the monitors want to spend time in the newsroom >> reporter:. >> reporter: the difference news stations in south carolina haven't heard from the fcc. there has been a statement on they are reconsidering whether they can redesign or scrap the field model all together. this isn't just a day or two. this is a serious time commit. \$900,000 study into newsroom and that is only focusing on getting this manual put together and columbia, south carolina. >> good at printing manual, the government that is, huh? >>> a super bowl champion ..

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**From:** Ruth Milkman  
**Sent:** Thursday, February 20, 2014 11:37 AM  
**To:** Shannon Gilson  
**Cc:** Gigi Sohn; Sara Morris; Maria Kirby

**Subject:** RE: FOX (not CNN) story on CIN Study

Ok. (b) (5)

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**To:** Ruth Milkman  
**Cc:** Gigi Sohn; Sara Morris; Maria Kirby  
**Subject:** Fw: FOX (not CNN) story on CIN Study

FYI. (b) (5)

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**Sent:** Thursday, February 20, 2014 11:13 AM  
**To:** Maria Kirby; Shannon Gilson; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
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(b) (5)

- [http://www.theblaze.com/stories/2014/02/19/obama-administrations-plan-to-study-newsrooms-is-drawing-plenty-of-public-opposition/?utm\\_source=twitter&utm\\_medium=story&utm\\_campaign=ShareButtons](http://www.theblaze.com/stories/2014/02/19/obama-administrations-plan-to-study-newsrooms-is-drawing-plenty-of-public-opposition/?utm_source=twitter&utm_medium=story&utm_campaign=ShareButtons)
- <http://www.youtube.com/watch?v=XJ31Jx9ZlIg&feature=youtu.be&a>
- <http://aclj.org/free-speech-2/why-is-obama-administration-putting-government-monitors-in-newsrooms>
- [http://www.americanthinker.com/blog/2014/02/feds\\_to\\_snoop\\_in\\_newsrooms\\_what\\_could\\_go\\_wrong.html#ixzz2tsGQeYLS](http://www.americanthinker.com/blog/2014/02/feds_to_snoop_in_newsrooms_what_could_go_wrong.html#ixzz2tsGQeYLS)
- <http://www.foxnews.com/politics/2014/02/20/fcc-official-others-warn-agency-study-would-squash-news-media-1st-amendment/>

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**Sent:** Thursday, February 20, 2014 10:42 AM

**To:** Shannon Gilson; Lori Maarbjerg; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** Re: FOX (not CNN) story on CIN Study

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**Sent:** Thursday, February 20, 2014 10:38 AM  
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**Cc:** Jim Balaguer; Meribeth McCarrick; socialmedia; Gigi Sohn  
**Subject:** RE: FOX (not CNN) story on CIN Study

Plus others. (b) (5)

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**Sent:** Thursday, February 20, 2014 10:35 AM  
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**Cc:** Jim Balaguer; Meribeth McCarrick  
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(b) (5)

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**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 10:32 AM  
**To:** Lori Maarbjerg; Maria Kirby; Sara Morris; Neil Grace  
**Cc:** Jim Balaguer; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

(b) (5)

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**Cc:** Jim Balaguer; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

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**Cc:** Jim Balaguer; Lori Maarbjerg; Meribeth McCarrick  
**Subject:** RE: FOX (not CNN) story on CIN Study

Thanks. Plus Meribeth. (b) (5)

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**Sent:** Thursday, February 20, 2014 10:28 AM  
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**Cc:** Jim Balaguer; Lori Maarbjerg  
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## **Why is the Obama Administration Putting Government Monitors in Newsrooms?**

The Obama Administration's Federal Communication Commission (FCC) is poised to place government monitors in newsrooms across the country in an absurdly draconian attempt to intimidate and control the media.

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This poses a monumental danger to constitutionally protected free speech and freedom of the press.

Every major repressive regime of the modern era has begun with an attempt to control and intimidate the press.

As Thomas Jefferson so eloquently said, "our liberty depends on the freedom of the press, and that cannot be limited without being lost."

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It’s an unconscionable assault on our free society.

Imagine a government monitor telling Fox News it needed to cover stories in the same way as MSNBC or Al Jazeera. Imagine an Obama Administration official walking in to the editorial board of the Wall Street Journal and telling it that the American public would be better served if it is stopped reporting on the IRS scandal or maybe that reporting on ObamaCare “glitches” is driving down enrollment.

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Is it any wonder that the U.S. now ranks 46th in the world for freedom of the press? Reporters Without Borders called America’s precipitous drop of 13 places in its recent global rankings “one of the most significant declines” in freedom of the press in the world.

Freedom of the press is proudly extolled in the First Amendment, yet our nation now barely makes the top fifty for media freedom.

We cannot allow the unfathomable encroachment on our free speech and freedom of the press to continue.

We’ve seen, and defeated, this kind of attempt to squelch free speech before in the likes of the Fairness Doctrine and the Grassroots Lobbying Bill (incidentally one of my first projects at the ACLJ). Each one of these euphemistically named government programs is nothing more than an underhanded attempt to circumvent the Constitution and limit free speech – speech that the government finds inconvenient. They’re equally unconstitutional, and they each must be defeated.

Join the ACLJ as we take a stand. [Sign the ACLJ’s Petition to Stop the Obama FCC’s Free Speech Monitors.](#)

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**Sent:** Thursday, February 20, 2014 10:27 AM  
**To:** Shannon Gilson; Neil Grace; Maria Kirby  
**Cc:** Jim Balaguer; Lori Maarbjerg  
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**Sent:** Thursday, February 20, 2014 10:26 AM  
**To:** Shannon Gilson; Neil Grace; Maria Kirby  
**Cc:** Jim Balaguer; Lori Maarbjerg  
**Subject:** CNN story on CIN Study

CNN just ran a story. We're looking to see if there's a link on their website. (b) (5)

Sara W. Morris  
Acting Director  
Office of Legislative Affairs  
Federal Communications Commission  
(202) 418-1900 (main)  
(202) 418-0095 (direct)  
(202) 905-9860 (mobile)  
[sara.morris@fcc.gov](mailto:sara.morris@fcc.gov)

## Gigi Sohn

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**From:** Shannon Gilson  
**Sent:** Thursday, February 20, 2014 11:42 AM  
**To:** Gigi Sohn  
**Subject:** Re: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Gigi Sohn  
**Sent:** Thursday, February 20, 2014 11:41 AM  
**To:** Shannon Gilson  
**Subject:** Fw: FOX (not CNN) story on CIN Study

(b) (5)

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**From:** Ruth Milkman  
**Sent:** Thursday, February 20, 2014 11:37 AM  
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**Sent:** Thursday, February 20, 2014 11:29 AM  
**To:** Ruth Milkman  
**Cc:** Gigi Sohn; Sara Morris; Maria Kirby  
**Subject:** Fw: FOX (not CNN) story on CIN Study

FYI (b) (5)

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- <http://www.youtube.com/watch?v=XJ31Jx9ZILg&feature=youtu.be&a>
- <http://aclj.org/free-speech-2/why-is-obama-administration-putting-government-monitors-in-newsrooms>
- [http://www.americanthinker.com/blog/2014/02/feds\\_to\\_snoop\\_in\\_newsrooms\\_what\\_could\\_go\\_wrong.html#ixzz2tsGQeYLS](http://www.americanthinker.com/blog/2014/02/feds_to_snoop_in_newsrooms_what_could_go_wrong.html#ixzz2tsGQeYLS)
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Sara W. Morris  
Acting Director  
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## Gigi Sohn

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**From:** Ruth Milkman  
**Sent:** Monday, February 17, 2014 5:12 PM  
**To:** Mark Wigfield; Shannon Gilson; Maria Kirby; Sara Morris; Neil Grace; Gigi Sohn; Diane Cornell; Thomas Reed; Daniel Margolis  
**Subject:** RE: Response to Letter Re: Critical Information Needs (CIN) Study

Nice job Mark

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**From:** Mark Wigfield  
**Sent:** Monday, February 17, 2014 3:57 PM  
**To:** Ruth Milkman; Shannon Gilson; Maria Kirby; Sara Morris; Neil Grace; Gigi Sohn; Diane Cornell; Thomas Reed; Daniel Margolis  
**Subject:** RE: Response to Letter Re: Critical Information Needs (CIN) Study

**Here is the CJR story;** (b) (5)

**03:30 PM - February 17, 2014**

[http://www.cjr.org/united\\_states\\_project/fcc\\_revamps\\_controversial\\_study\\_of\\_tv\\_newsrooms.php?page=all](http://www.cjr.org/united_states_project/fcc_revamps_controversial_study_of_tv_newsrooms.php?page=all)

### **FCC revamps controversial study of TV newsrooms**

Local stations in South Carolina test market still waiting to hear from federal government  
By [Corey Hutchins](#)

Charleston, SC — As the Federal Communications Commission revamps a controversial study that has been slammed by critics as an inappropriate government intrusion into news media, broadcast newsrooms in its test market of Columbia, SC, still haven't heard directly from the agency about its plan.

At issue is the Multi-Market Study of Critical Information Needs (CIN), initiated under the FCC's former leadership. The study aims to gauge news consumers' access to "critical information" in six local markets, along with any negative impact from "barriers to entry" facing news producers in those markets. The commission chose Columbia as the test market in November because of its medium size, racial and ethnic diversity, and the nearby journalism school at the University of South Carolina.

According to a research design document dated April 2013, parts of the study would involve taking a census of newspaper, radio, broadcast, and web coverage in a given market, along with surveying and interviewing local residents about their "critical information needs."

But it's another part of the study that has prompted critics to invoke images of FCC officials parachuting into local newsrooms to influence coverage decisions. The design calls for the FCC to interview management and staff at broadcast outlets in order

to ascertain the process by which stories are selected, station priorities (for content, production quality, and populations served), perceived station bias, perceived percent of news dedicated to each of the eight CINS, and perceived responsiveness to underserved populations.

Suggested questions directed to station managers in the voluntary interviews include, “What is the news philosophy of the station?” and “How much does community input influence news coverage decisions?” One of the FCC’s own members, Ajit Pai, who was appointed in 2012 by President Obama, panned the study in a recent *Wall-Street Journal* op-ed. That followed a December letter sent by 16 congressional Republicans to the new chairman, Tom Wheeler, urging him to stop what they called an “attempt to engage the FCC as the ‘news police.’”

The FCC is now responding to concerns by adjusting the study’s design under the direction of Wheeler, who became chairman in November. An FCC spokesman told CJR, “The Commission has no intention of interfering in the coverage and editorial choices that journalists make. We reviewed the research design carefully and plan to adapt the study where appropriate.” The course change was reported last week by *AdWeek* and *National Journal*.

Even as the controversy around the study design unfolds, stations in Columbia have heard nothing directly from the FCC—not surprising, because the study design and required approval from the federal Office of Management and Budget haven’t been finalized yet. In December Richard O’Dell, president and general manager of the CBS affiliate WLTX, told me he’d read about the CIN in media reports but hadn’t heard from anyone at the commission. That’s still the case two months later. “Absolutely nothing,” he wrote in an email on Friday.

Donita Todd, station manager of Columbia’s NBC affiliate WIS, had a similar story. “All I know is that they have received strong push-back from NAB (the National Association of Broadcasters), station group owners, and dissension within the FCC commissioners themselves,” she told me.

In their critique of the study, Republicans in Congress evoked the Fairness Doctrine, a defunct mandate that required FCC-regulated entities to offer contrasting viewpoints in coverage of important controversial issues. The FCC stopped enforcing the Fairness Doctrine in 1987, though some conservative critics and politicians regularly warn of its revival. The FCC’s Pai offered the same warning in his WSJ op-ed, writing that “proponents of newsroom policing” are “not deterred,” and that the new study is “a first step down the same dangerous path.”

Steven Waldman, a senior advisor to former FCC Chairman Julius Genachowski (and a contributor to CJR), told me in December that concerns that the planned study amounts to “Fairness Doctrine 2.0” were “completely and utterly made up.”

Waldman was the chief author of a 2011 FCC report looking at the information needs of communities and operations of the news media. The 464-page report did make reference to the Fairness Doctrine—by calling on the FCC to eliminate its last vestiges, as Genachowski did in 2011.

Another possible explanation for the study’s initial design and its focus on underserved populations and “barriers to entry” might be the ongoing wave of consolidation in local television—for which watchdog groups have faulted the FCC—and a decline in African American ownership of broadcast stations. The commission is also required to periodically report to Congress on proposals to reduce barriers to entry in the news industry. Still, if the FCC were to actually question local broadcasters about their “news philosophy,” it likely would encounter more pushback—and not just from the broadcasters.

“I’m not crazy about the federal government questioning reporters and editors about their news judgments,” said Bill Rogers, director of the South Carolina Press Association, which represents the state’s daily and weekly newspapers.

Rogers added: “What is the relevance of news decisions as to whether small businesses can enter the broadcast industry? Viewers evaluate coverage for content and fairness, and the marketplace responds accordingly.”

For the time being, broadcasters in South Carolina are waiting to see what they ultimately hear from the FCC, once the study design is finalized. As WLTX’s O’Dell put it to me: “This is a strange one.”